

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman  
Dr. Michael F. Kennedy  
Dr. Richard E. Wardwell

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

(Indian Point Nuclear Generating Units 2 and 3)

Docket Nos. 50-247-LR and 50-286-LR

ASLBP No. 07-858-03-LR-BD01

November 14, 2012

ORDER

(Scheduling the Continuation of the Hearing on Contention NYS-37)

On October 18, 2012, the Board was notified that Mr. Peter Bradford, one of the State of New York's (New York's) witnesses on Contention NYS-37, was unavailable to testify for medical reasons.<sup>1</sup> On October 22, 2012, the parties informed the Board that they had reached consensus on how best to proceed with the evidentiary hearing on Contention NYS-37.<sup>2</sup> The parties suggested that the preferable course was to hold the hearing on that contention on October 24, 2012 with all witnesses except Mr. Bradford<sup>3</sup> and to hold a shorter session with Mr. Bradford, and all other witnesses, at some date prior to December 10, 2012 at NRC Headquarters in Rockville, Maryland.<sup>4</sup>

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<sup>1</sup> Tr. at 2317-18.

<sup>2</sup> Id. at 2539.

<sup>3</sup> Id.

<sup>4</sup> Id. See also id. at 2541-43.

On November 6, 2012, the Board was informed that New York, the NRC Staff, Entergy Nuclear Operations, Inc., and their Contention NYS-37 witnesses would be available on November 28, 2012.<sup>5</sup> Accordingly, the Board will hold an evidentiary hearing on the remaining issues in Contention NYS-37 on November 28, 2012. The hearing will commence at 9:00 A.M. in the Atomic Safety and Licensing Board Hearing Room, located in the Two White Flint Building of NRC Headquarters in Rockville, Maryland.

Any party planning to attend this session must provide the full name of each member of its party to Carter Thurman, Law Clerk to the Atomic Safety and Licensing Board, at carter.thurman@nrc.gov by November 20, 2012 to ensure all visitors are registered in the NRC's visitor database. Any party to the proceeding wishing to participate by speaking Bridgeline should contact Carter Thurman, Law Clerk to the Atomic Safety and Licensing Board, at (301) 415-6622 or carter.thurman@nrc.gov by noon on November 26, 2012 to obtain the conference telephone number and passcode. Members of the public who wish to listen into this session via non-speaking Bridgeline can call in at 1-800-779-9011, passcode 7457807.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
November 14, 2012

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<sup>5</sup> See e-mail from John Sipos, Assistant Attorney General, New York State Attorney General's Office, to Lawrence McDade, Atomic Safety and Licensing Board; Michael Kennedy, Atomic Safety and Licensing Board; Richard Wardwell, Atomic Safety and Licensing Board; Shelbie Lewman, Judicial Law Clerk, Atomic Safety and Licensing Board; Anne Siarnacki, Judicial Law Clerk, Atomic Safety and Licensing Board; Carter Thurman, Judicial Law Clerk, Atomic Safety and Licensing Board (cc: Service List) (Nov. 6, 2012 11:49 AM EST).

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(Indian Point Nuclear Generating, )  
Units 2 and 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (Scheduling the Continuation of the Hearing on Contention NYS-37) have been served upon the following persons by Electronic Information Exchange.

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Dated at Rockville, Maryland  
this 14th day of November 2012

[Original signed by Brian Newell \_\_\_\_\_]  
Office of the Secretary of the Commission