

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 April 17, 2013
---	--

**ENTERGY’S MOTION FOR EXTENSION OF TIME
TO FILE COMBINED ANSWER AND REPLIES**

Pursuant to 10 C.F.R. § 2.323(a) and Section G.4 of the Board’s Scheduling Order of July 1, 2010, Applicant Entergy Nuclear Operations, Inc. (“Entergy”) respectfully requests a two-week extension of time, until May 6, 2013, to file its combined answer and replies regarding Coastal Zone Management Act (CZMA) issues. On April 11, 2013, the Board entered an Order granting Entergy’s motions for (1) leave to file replies to certain arguments in the answers of New York State and Riverkeeper to Entergy’s Motion for Declaratory Order, and (2) a one-week extension of time to file its answer to New York’s Cross-Motion for Declaratory Order. The Board’s Order requires Entergy to file a “combined answer and replies in a single filing on April 22, 2013.”¹

There is “appropriate cause” to grant Entergy an additional two weeks to file its combined answer and replies because the papers filed by New York and Riverkeeper raise new issues requiring further investigation and attach numerous documents requiring careful review and consideration. Although Entergy initially anticipated that the one-week extension to April

¹ Order (Granting Entergy’s Motion for an Extension of Time and for Leave to File Replies) 2 (Apr. 11, 2013).

22nd would be sufficient, Entergy has now determined that additional time is needed to fully investigate and respond. Moreover, Entergy's request for a further extension of two weeks, like the one week already granted, is *de minimus* in comparison to the three extensions of time totaling nearly eight months that the Board granted the other parties for answering Entergy's Motion for Declaratory Order. For all these reasons, "appropriate cause" exists to grant Entergy an additional two weeks to file its combined answer and replies.²

In accordance with 10 C.F.R. § 2.323(b), counsel for Entergy has consulted with counsel for New York, Riverkeeper, Clearwater, and the NRC Staff. Staff counsel does not oppose this motion, and counsel for Clearwater takes no position. Counsel for New York opposes the motion on the grounds that New York's Cross-Motion for a Declaratory Order does not need a response, and New York and Riverkeeper's answers to Entergy's Motion for Declaratory Order do not raise any new issues. Riverkeeper opposes the motion for the same reasons that it opposed Entergy's motions for leave to file replies to New York and Riverkeeper's answers.

² Scheduling Order 7 (July 1, 2010).

Dated: April 17, 2013

Richard A. Meserve
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
(202) 662-6000
(202) 662-6291 fax

Kathryn M. Sutton
Paul M. Bessette
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004-2541
(202) 739-3000
(202) 739-3001 fax

Respectfully submitted,

Executed in accord with 10 C.F.R. § 2.304(d)

Bobby R. Burchfield
Matthew M. Leland
Clint A. Carpenter
MCDERMOTT WILL & EMERY LLP
500 North Capitol Street, NW
Washington, DC 20001
(202) 756-8000
(202) 756-8087 fax

William B. Glew, Jr.
William Dennis
ENERGY SERVICES, INC.
440 Hamilton Avenue
White Plains, NY 10601
(914) 272-3360

Counsel for Entergy Nuclear Operations, Inc.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of))	Docket Nos. 50-247-LR and
))	50-286-LR
ENTERGY NUCLEAR OPERATIONS, INC.))	
(Indian Point Nuclear Generating Units 2 and 3)))	
))	April 17, 2013

MOTION CERTIFICATION

I certify that I have made a sincere effort to contact the other parties in this proceeding, to explain to them the factual and legal issues raised in these motions, and to resolve those issues, and I certify that my efforts have been partially unsuccessful. As set forth above:

- The NRC Staff do not oppose this motion.
- Clearwater takes no position on this motions.
- New York opposes the motion on the grounds that New York’s Cross-Motion for a Declaratory Order does not need a response, and New York and Riverkeeper’s answers to Entergy’s Motion for Declaratory Order do not raise any new issues.
- Riverkeeper opposes the motion for the same reasons that it opposed Entergy’s motions for leave to file replies to Riverkeeper and New York’s answers.

Executed in accord with 10 C.F.R. § 2.304(d)

Matthew M. Leland
MCDERMOTT WILL & EMERY LLP
500 North Capitol Street, NW
Washington, DC 20001
(202) 756-8000
(202) 756-8087 fax

Counsel for Entergy Nuclear Operations, Inc.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of))	Docket Nos. 50-247-LR and
))	50-286-LR
ENTERGY NUCLEAR OPERATIONS, INC.))	
(Indian Point Nuclear Generating Units 2 and 3)))	
))	April 17, 2013

CERTIFICATE OF SERVICE

I certify that on April 17, 2013, copies of the foregoing Motion for Extension of Time were served electronically via the Electronic Information Exchange on the following recipients:

Administrative Judge
Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: Lawrence.McDade@nrc.gov)

Administrative Judge
Dr. Michael F. Kennedy
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: Michael.Kennedy@nrc.gov)

Administrative Judge
Dr. Richard E. Wardwell
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: Richard.Wardwell@nrc.gov)

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: hearingdocket@nrc.gov)

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-7H4M
Washington, DC 20555-0001
(E-mail: ocaamail.resource@nrc.gov)

Shelby Lewman, Law Clerk
Anne Siarnacki, Law Clerk
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: shelbie.lewman@nrc.gov)
(E-mail: Anne.Siarnacki@nrc.gov)

Sherwin E. Turk, Esq.
Edward L. Williamson, Esq.
Beth N. Mizuno, Esq.
David E. Roth, Esq.
Brian G. Harris, Esq.
Mary B. Spencer, Esq.
Anita Ghosh, Esq.
Brian Newell, Paralegal
Office of the General Counsel
Mail Stop: O-15D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: Sherwin.Turk@nrc.gov)
(E-mail: Edward.Williamson@nrc.gov)
(E-mail: Beth.Mizuno@nrc.gov)
(E-mail: David.Roth@nrc.gov)
(E-mail: Brian.Harris@nrc.gov)
(E-mail: Mary.Spencer@nrc.gov)
(E-mail: Anita.Ghosh@nrc.gov)
(E-mail: Brian.Newell@nrc.gov)

Manna Jo Greene
Karla Raimundi
Hudson River Sloop Clearwater, Inc.
724 Wolcott Ave.
Beacon, NY 12508
(E-mail: mannajo@clearwater.org)
(E-mail: karla@clearwater.org)
(E-mail: stephenfiller@gmail.com)

John J. Sipos, Esq.
Charlie Donaldson Esq.
Assistant Attorneys General
Office of the Attorney General
of the State of New York
The Capitol
Albany, NY 12224-0341
(E-mail: John.Sipos@ag.ny.gov)
(E-mail: Charlie.Donaldson@ag.ny.gov)

Melissa-Jean Rotini, Esq.
Assistant County Attorney
Office of Robert F. Meehan, Esq.
Westchester County Attorney
148 Martine Avenue, 6th Floor
White Plains, NY 10601
(E-mail: MJR1@westchestergov.com)

Daniel Riesel, Esq.
Victoria Shiah Treanor, Esq.
Sive, Paget & Riesel, P.C.
460 Park Avenue
New York, NY 10022
(E-mail: driesel@sprlaw.com)
(E-mail: vshiah@sprlaw.com)

John Louis Parker, Esq.
Office of General Counsel, Region 3
NYS Dept. of Environmental Conservation
21 S. Putt Corners Road
New Paltz, New York 12561-1620
(E-mail: jlparker@gw.dec.state.ny.us)

Michael J. Delaney, Esq.
Vice President -Energy Department
New York City Economic Development
Corporation (NYCDEC)
110 William Street New York, NY 10038
mdelaney@nycedc.com

Phillip Musegaas, Esq.
Deborah Brancato, Esq.
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562
(E-mail: phillip@riverkeeper.org)
(E-mail: dbrancato@riverkeeper.org)

Robert D. Snook, Esq.
Assistant Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
(E-mail: Robert.Snook@po.state.ct.us)

Sean Murray, Mayor
Kevin Hay, Village Administrator
Village of Buchanan
Municipal Building
236 Tate Avenue
Buchanan, NY 10511-1298
(E-mail: smurray@villageofbuchanan.com)
(E-mail:
Administrator@villageofbuchanan.com)

Janice A. Dean, Esq.
Teresa Manzi
Assistant Attorney General
Office of the Attorney General
of the State of New York
120 Broadway, 26th Floor
New York, New York 10271
(E-mail: Janice.Dean@ag.ny.gov)
(E-mail: Teresa.Manzi@ag.ny.gov)

Signed (electronically) by Clint A. Carpenter

Clint A. Carpenter
MCDERMOTT WILL & EMERY LLP
500 North Capitol Street, NW
Washington, DC 20001
(202) 756-8000
(202) 756-8087 fax