

**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

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In re: Docket Nos. 50-247-LR; 50-286-LR

License Renewal Application Submitted by ASLBP No. 07-858-03-LR-BD01

Entergy Nuclear Indian Point 2, LLC, DPR-26, DPR-64
Entergy Nuclear Indian Point 3, LLC, and
Entergy Nuclear Operations, Inc. July 1, 2013
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**STATE OF NEW YORK'S
SUBMISSION REGARDING SCHEDULE IN REPOSE TO
ATOMIC SAFETY AND LICENSING BOARD'S JUNE 12, 2013 ORDER**

Office of the Attorney General
for the State of New York
The Capitol
State Street
Albany, New York 12224

The State of New York respectfully makes this submission in response to the Atomic Safety and Licensing Board's June 12, 2013 Order. *Entergy Nuclear Operations, Inc.* (Indian Point, Units 2 and 3), Order (Granting New York's Motions, Denying Clearwater's Motion, and Denying CZMA Motions) at 5 (June 12, 2013) (unpublished) (ML13163A233).

On Friday, June 28, 2013, the NRC Staff published a notice in the Federal Register that the NRC Staff released the final version of its supplemental review pursuant to the National Environmental Policy Act (NEPA) of environmental impacts related to the renewal of the operating licenses for the Indian Point power reactors, which are located 24 miles north of New York City. 78 Fed. Reg. 39018-19 (June 28, 2013). The review is entitled NUREG-1437, Supp. 38, Vol. 4 "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Indian Point Nuclear Generating Units Nos. 2 and 3" (Final Report Supplemental Report and Comment Responses) ML13162A616.¹

Staff initiated the supplemental review back in early 2012. 77 Fed. Reg. 16278 (Mar. 20, 2012). The State of New York submitted comments at different occasions during the Staff's environmental review.

In its June 12, 2013 order, the Atomic Safety and Licensing Board requested that the parties inform the Board whether 30 days would be sufficient time to file motions for new and amended contentions concerning the environmental impact statement. *Entergy Nuclear Operations, Inc.* (Indian Point, Units 2 and 3), Order at 5. The Board also requested that the parties submit the filings 10 days after the publication of the environmental impact statement. *Id.*; *see also* Tr. 4539 (June 10, 2013).

¹ In its current format, the supplemental environmental impact statement appearing at ADAMS accession number ML13162A616 contains redlined and highlighted text.

The State of New York has begun to review and will continue to review the Staff's supplemental environmental impact statement concerning the requested renewal of the operating licenses for the Indian Point Unit 2 and Indian Point Unit 3 facilities for an additional twenty years. The State is also reviewing other documents recently released by the NRC Staff including, but not limited to, documents posted by Staff on June 25 concerning the "Waste Confidence" rulemaking that is taking place following *New York v. NRC*, 681 F.3d 471 (D.C. Cir. 2012). Attorneys for the State and potential experts have previously-scheduled business or vacation trips out of state or overseas during late June, as well as July and August 2013. At this time, the State has tentatively determined that it will seek permission to file new or amended contentions concerning the Staff's environmental impact statement. The State, however, does not believe that 30 days will provide the State with sufficient time in which to prepare and file motions concerning new and amended contentions. The State respectfully requests that it be provided with 90 days to prepare the required motion and proffered contention(s). Should the State's views or understanding change, the State will inform the Atomic Safety and Licensing Board and the parties.

Respectfully submitted,

Signed (electronically) by

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July 1, 2013

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NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2013, copies of the accompanying State of New York Submission in Response to the Atomic Safety and Licensing Board's June 12, 2013 Order were served electronically via the Electronic Information Exchange on the following recipients:

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