

December 12, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO "STATE OF NEW YORK MOTION TO REOPEN THE
RECORD AND FOR RECONSIDERATION ON CONTENTION NYS-12C"

Pursuant to 10 C.F.R. § 2.323(a), the NRC Staff ("Staff") hereby requests an extension of time of six days, until December 23, 2013, to respond to "State of New York Motion to Reopen the Record and for Reconsideration on Contention NYS-12C" ("Motion"), filed by the State of New York ("New York") on Saturday, December 7, 2013. In support of this request, the Staff states as follows:

1. New York's Motion requests that the Atomic Safety and Licensing Board ("Board") reopen the evidentiary record on Contention NYS-12C and reconsider its Partial Initial Decision ("PID") of November 27, 2013.¹ In support of its Motion, New York proffered information concerning a Severe Accident Mitigation Alternatives ("SAMA") analysis that was conducted by the Staff in connection with its recently published "Consequence Study of a Beyond-Design Basis Earthquake Affecting the Spent Fuel Pool for a Mark I Boiling Water Reactor."² According to New York, this information warrants a different outcome in the Board's

¹ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3, LBP-13-13, 78 NRC ___, ___ (Nov. 27, 2013), slip op. at 260-293.

² See Motion, Attachments 3, 6 and 7.

resolution of Contention NYS-12C, concerning the SAMA analysis that was conducted by Entergy Nuclear Operations, Inc. (“Entergy” or “Applicant”) and evaluated by the Staff in its Final Supplemental Environmental Impact Statement (“FSEIS”) in this proceeding.

2. The Staff’s initial review of New York’s Motion leads it to conclude that the Motion is wholly without merit, and that it should be denied for failing to satisfy the requirements of 10 C.F.R. §§ 2.236 and 2.323(e).

3. Pursuant to 10 C.F.R. § 2.323(c), answers to New York’s Motion are due ten (10) days after the filing thereof, *i.e.*, on or before Tuesday, December 17, 2013.

4. The Staff has commenced preparation of its answer to New York’s motion, and has determined that it will require additional time to complete and file its answer. Specifically, (a) New York’s Motion will require additional discussion between Staff Counsel and members of the Staff, of the Motion and materials cited by New York therein, (b) New York’s filing of its Motion on a Saturday effectively eliminated 2 days from the time available to the Staff to prepare its answer, and (c) due to various scheduled and unscheduled absences from the office by Staff Counsel and members of the Staff, the Staff will be unable to complete and file its answer within the 10-day period specified in 10 C.F.R. § 2.223(c). In particular, the Staff has determined that it will require an additional period of four business days, until December 23, 2013, to complete and file its answer to New York’s Motion.

5. The Staff submits that the instant request for an extension of time for filing its answer to New York’s Motion is reasonable under the circumstances described above, and will not cause hardship for any party or substantial delay in the proceeding.

6. In accordance with 10 C.F.R. § 2.223(b), Staff Counsel has contacted Counsel for New York, Entergy, Riverkeeper, Inc. (“Riverkeeper”), and Hudson River Sloop Clearwater, Inc. (“Clearwater”). Counsel for New York, Clearwater and Riverkeeper have authorized the

Staff to state that they do not oppose the Staff's request; Counsel for Entergy has similarly stated that Entergy does not oppose the Staff's request, but requests, in the event that the Board approves this extension request, that Entergy be afforded the same extension of time for the filing of its answer to New York's Motion, to establish a consistent filing date. Counsel for New York has stated that New York does not oppose Entergy's request.

WHEREFORE, the Staff respectfully requests that the Staff and Entergy be afforded an extension of time, until December 23, 2013, in which to file their answers to New York's motion to reopen and reconsider.

Respectfully submitted,

Signed Electronically by

Sherwin E. Turk
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Dated at Rockville, Maryland
this 12th day of December 2013

CERTIFICATION OF COUNSEL

Pursuant to 10 C.F.R. § 2.323(b), the undersigned attorney hereby certifies that he has made a sincere effort to contact all of the other parties to this proceeding to resolve the issues raised in its Motion, and that his efforts to resolve this issue have been successful, as set forth above.

Signed Electronically by

Sherwin E. Turk
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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (as revised), I hereby certify that copies of the foregoing "NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO 'STATE OF NEW YORK MOTION TO REOPEN THE RECORD AND FOR RECONSIDERATION ON CONTENTION NYS-12C,'" dated December 12, 2013, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above- captioned proceeding, this 12th day of December, 2013.

/Signed (electronically) by/

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