

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

ENERGY 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

December 9, 2014

REVISED SCHEDULING ORDER

I. Background

Supplement 2 to the Safety Evaluation Report Related to the License Renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3 (“SSER 2”) was issued on November 6, 2014, and became available to all of the parties on November 10, 2014. Thereafter, in a letter to this Board dated December 2, 2014,¹ the parties to this proceeding asked that we extend the deadline for submitting new and amended contentions arising from SSER 2 from December 10, 2014² to February 9, 2015.³ The Parties also requested that the deadline for dispositive motions arising from SSER 2 should be the same as the deadline for new or amended contentions, consistent with the existing scheduling orders.⁴

¹ Letter Re: Views of the Parties Regarding Proposed Track 2 Hearing Schedule at 1-2 (Dec. 2, 2014).

² See Licensing Board Scheduling Order at 6, 11 (July 1, 2010) (unpublished) (“2010 Scheduling Order”); Licensing Board Amended Scheduling Order, at 2-3 (June 7, 2011) (unpublished) (“Amended Scheduling Order”) (collectively, “scheduling orders”).

³ Letter Re: Views of the Parties Regarding Proposed Track 2 Hearing Schedule at 2 (Dec. 2, 2014).

⁴ Id.

Revisions to Track 2 Hearing Schedule

In response to the Parties' requests, and the publication of SSER 2, the Board makes the following changes to the Indian Point Track 2 Hearing Schedule.

1. The deadline for the submission of new or amended contentions arising from the publication of SSER 2 shall be February 9, 2015.
2. If no new or amended contentions are filed, Motions for the Summary Disposition of the Tack 2 safety contentions (NYS 25, NYS 26B, and NYS 38) must be filed no later than March 1, 2015. If new or amended contentions are filed, all such Motions for Summary Disposition shall be filed within twenty (20) days of the Boards ruling on the admissibility of those new or amended contentions.
3. The trigger date for further submissions shall be February 9, 2015, if no new or amended contentions are submitted or, if such contentions are submitted, the trigger date shall be the date of the Boards ruling on the admissibility of those new or amended contentions. The filing of motions for summary disposition will not alter the trigger date.
4. No later than sixty (60) days after the trigger date, the Intervenor shall file new or revised written statements of position, written testimony with supporting affidavits, and exhibits. These submissions shall be made on a contention-by-contention basis, consistent with 10 C.F.R. § 2.1207(a)(1).
5. No later than sixty (60) days after service of the materials submitted under numeral 4, Entergy and the NRC Staff may file new or revised statements of position, written testimony with supporting affidavits, and exhibits. These submissions shall also be made on a contention-by-contention basis, consistent with 10 C.F.R. § 2.1207(a)(2).
6. The Intervenors may, but need not, submit revised statements of position and rebuttal testimony with supporting affidavits, and exhibits in response to the

materials submitted by Entergy and/or the NRC Staff. If they choose to do so, they shall notify all parties of their intention no later than ten (10) days after the service of the materials submitted by Entergy and the NRC Staff under numeral 5, and must submit their revised statement of position and rebuttal testimony no later than thirty (30) days after the service of the materials under numeral 5.

7. Parties must file motions to strike within ten (10) days after each filing deadline.
8. No later than thirty (30) days after service of the last materials submitted under numeral 5, or, if applicable, numeral 6, all parties may file proposed questions for the Board to consider propounding to the direct or rebuttal witnesses, pursuant to 10 C.F.R. § 2.1207(a)(3)(i) and (ii).
9. No later than thirty (30) days after service of the last materials submitted under numeral 5 or, if applicable, numeral 6, all parties shall file any motions or requests to permit that party to conduct cross-examination of a specified witness or witnesses, together with the associated cross-examination plan(s), pursuant to 10 C.F.R. § 2.1204(b).

All other deadlines remain unchanged from the prior scheduling orders.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 9, 2014

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NUCLEAR REGULATORY COMMISSION

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) and 50-286-LR
(Indian Point Nuclear Generating,)
Units 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **REVISED SCHEDULING ORDER** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Brian Newell]
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Dated at Rockville, Maryland
this 9th day of December, 2014