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August 21, 2002

Michael C. Farrar, Chair  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
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Dr. Richard F. Cole  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
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Dr. Charles N. Kelber  
Administrative Judge  
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**Re:    **Entergy Nuclear Indian Point 2, LLC, and  
Entergy Nuclear Operations, Inc.  
(Indian Point Nuclear Generating Unit No. 2)  
Docket No. 50-247-OLA****

Dear Administrative Judges:

The purpose of this letter is to inform the Licensing Board that Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Operations, Inc. (collectively, "Entergy") does not intend to submit written filings in this proceeding prior to the scheduled August 27, 2002, prehearing conference.

As the Licensing Board is aware, Petitioner Riverkeeper, Inc. ("Riverkeeper") failed to supplement its petitions to intervene and propose contentions by the August 12, 2002, deadline set forth in a July 17, 2002, Licensing Board order.<sup>1</sup> Instead, Riverkeeper informed the

<sup>1</sup> See "Memorandum and Order (Setting Date for Prehearing Conference and Schedule for Amending Petition and Filing Contentions)" (July 17, 2002) at 3. That Order also stated

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Licensing Board and parties to the proceeding, by letter dated August 13, 2002, that it "is relying on the contentions outlined in its amended petition for intervention dated April 30, 2002."<sup>2</sup>

On August 14, 2002, both Entergy and the NRC Staff filed motions to terminate the proceeding.<sup>3</sup> On August 15, 2002, the Licensing Board denied Entergy's and the NRC Staff's motions, and instructed Riverkeeper to "have in the other parties' and our hands a thorough, written response" to those motions by 3:00 p.m. on August 22, 2002.<sup>4</sup>

Accordingly, given the impending response by Riverkeeper and the Licensing Board's direction that "a key matter for argument at the conference [is] whether Riverkeeper's prior filings present a valid contention cognizable under the Commission's Rules of Practice,"<sup>5</sup> Entergy does not intend to file any further written answer to Riverkeeper's "contentions" by the Licensing Board's earlier-stated August 22, 2002, deadline. Instead, Entergy will offer argument at the August 27, 2002, prehearing conference regarding the sufficiency of Riverkeeper's late-filed petition to intervene.

Sincerely,



L. Michael Rafky  
Counsel for Entergy Nuclear Indian Point 2,  
LLC, and Entergy Nuclear Operations, Inc.

cc: Service List

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that answers to proposed contentions were to be filed by Entergy and the Nuclear Regulatory Commission ("NRC") Staff by 5:00 p.m. on August 22, 2002.

<sup>2</sup> Letter from K. Coplan to Judge M. Farrar, re: "Indian Point Nuclear Generating Station Unit 2, Docket No. 50-247-OLA" (Aug. 13, 2002) at 1.

<sup>3</sup> See "Entergy Motion to Dismiss Proceeding on an Expedited Basis" (Aug. 14, 2002); "NRC Staff's Motion to Terminate the Proceeding and Request for Expedited Consideration" (Aug. 14, 2002).

<sup>4</sup> "Order (Re Motions for Expedited Rulings)" (Aug. 15, 2002) at 2.

<sup>5</sup> *Id.*