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GENERAL COUNSEL

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

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RULEMAKINGS AND  
ADJUDICATIONS STAFF

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Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Charles N. Kelber  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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Dr. Richard F. Cole  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
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:

This letter is to inform the Board of the Staff's approach for addressing the issues remaining in this proceeding. In light of the Board's August 15, 2002, Order (Re Motions for Expedited Rulings), the Staff does not intend to file an answer to contentions by the August 22, 2002, deadline set by the Board in its August 2, 2002, Public Notice of Prehearing Conference. However, the Staff will respond to any arguments regarding the status of Riverkeeper's petition and the sufficiency of its filings in this case at the August 27, 2002, prehearing conference.

In an August 13, 2002, letter to the Board, Riverkeeper decided to rest on its previous filings in this case rather than file any contentions to supplement its April 30, 2002, amended petition for intervention.<sup>1</sup> Both the Staff and Entergy responded with motions to terminate the proceeding on August 14, 2002.<sup>2</sup> In its August 15, 2002, Order, the Board gave Riverkeeper until 3:00 p.m. August 22, 2002, to respond to the Staff and Entergy motions, noting that the issue of whether Riverkeeper's prior filings serve as cognizable contentions will be a key focus of the prehearing conference.<sup>3</sup> In the Staff's view, this direction from the Board indicates that any issues regarding the sufficiency of Riverkeeper's filings under the standards of 10 C.F.R. § 2.714 will be argued at

<sup>1</sup> See Letter from Karl S. Coplan to Michael Farrar, "Re: Indian Point Nuclear Generating Station Unit 2, Docket No. 50-247-OLA," (August 13, 2002).

<sup>2</sup> See "NRC Staff's Motion to Terminate the Proceeding and Request for Expedited Consideration," (August 14, 2002); "Entergy Motion to Dismiss Proceeding on an Expedited Basis," (August 14, 2002).

<sup>3</sup> See Order (Re Motions for Expedited Rulings) at 2.

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the August 27, 2002, prehearing conference, and that further written pleadings from the Staff on this issue are not necessary. Consequently, the Staff does not intend to file an answer to contentions by the August 22, 2002, deadline, but will respond to arguments regarding the sufficiency of Riverkeeper's petition for intervention and subsequent filings at the August 27, 2002, prehearing conference, unless directed by the Board to do otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared K. Heck", written in a cursive style.

Jared K. Heck  
Counsel for NRC Staff

cc: Service list