

November 28, 2007 (11:39am)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:
Lawrence G. McDade, Chair
Dr. Richard E. Wardwell
Dr. Kaye D. Lathrop

In the Matter of)	Docket Nos. 50-247-LR and 50-286-LR
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	ASLBP No. 07-858-03-LR-BD01
)	
(Indian Point Nuclear Generating Units 2 and 3))	November 28, 2007
_____)	

**ENTERGY NUCLEAR OPERATIONS, INC. ANSWER IN OPPOSITION TO
EXTENSION REQUEST BY WESTCHESTER COUNTY**

Entergy Nuclear Operations, Inc. ("Entergy"), in the above-captioned matter, hereby opposes the request for a 30-day extension in which to file an *amicus curiae* brief, filed by letter dated November 27, 2007, by Justin D. Pruyne, Esq., Assistant County Attorney, on behalf of Westchester County.

On October 1, 2007, the Commission extended the deadline to file a Petition to Intervene and Request for Hearing in this license renewal proceeding by an additional 60 days, from October 1, 2007, to November 30, 2007. *See* 72 Fed. Reg. 55,834. On November 7, 2007, petitioner Friends United for Sustainable Energy ("FUSE") requested an additional extension based upon the recent, limited unavailability of the NRC's Agencywide Document Access and Management System ("ADAMS") and also requested that the Commission extend the deadline until 60 days after the NRC responds to FUSE's pending

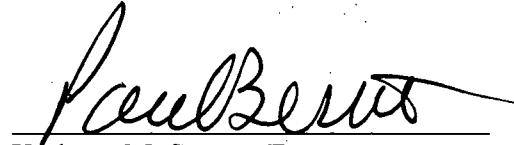
requests under the Freedom of Information Act ("FOIA"). By Order dated November 16, 2007, the Commission granted FUSE a 10-day extension to file a Petition to Intervene and Request for Hearing, setting FUSE's new filing deadline on December 10, 2007. Order at 1 (November 16, 2007) (unpublished). The Commission reasoned that 10 days is sufficient time for FUSE to supplement any Petition to Intervene and Request for Hearing in light of the ADAMS interruption. *Id.* The Commission also directed that future requests for extensions of time in this matter be referred to the Atomic Safety and Licensing Board ("Board") established in this proceeding. *Id.*

Entergy believes that no extension is warranted as Westchester County, like all prospective petitioners, has already been given ample time in which to respond to the Commission's notice of opportunity to seek to intervene, including the additional 60 days (for a total of 120 days). Westchester County's request fails to advance any substantive reason why any additional period in which to present its position is needed.¹ In fact, Westchester County does not even suggest that it may have been impacted by the unavailability of ADAMS.

¹ For that matter, it is unclear from Westchester County's request just what the nature of its prospective participation might be.

For the reasons set forth above, Entergy opposes Westchester County's extension request for filing an *amicus curiae* brief in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathryn M. Sutton", written over a horizontal line.

Kathryn M. Sutton, Esq.

Paul M. Bessette, Esq.

Martin J. O'Neill, Esq.

MORGAN, LEWIS & BOCKIUS, LLP

1111 Pennsylvania Avenue, N.W.

Washington, DC 20004

Phone: (202) 739-5738

E-mail: ksutton@morganlewis.com

E-mail: pbessette@morganlewis.com

E-mail: martin.o'neill@morganlewis.com

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CERTIFICATE OF SERVICE

I hereby certify that copies of "ENTERGY NUCLEAR OPERATIONS, INC. ANSWER IN OPPOSITION TO EXTENSION REQUEST BY WESTCHESTER COUNTY" were served this 28th day of November 2007 upon the persons listed below, by first class mail and e-mail as shown below.

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: ocaamail@nrc.gov)

Administrative Judge
Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: lgm1@nrc.gov)

Administrative Judge
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: rew@nrc.gov)

Administrative Judge
Kaye D. Lathrop
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: kdl2@nrc.gov)

Office of the Secretary *
Attn: Docketing and Service
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: hearingdocket@nrc.gov)

Susan H. Shapiro, Esq.
21 Perlman Drive
Spring Valley, NY 10077
(E-mail: Palisadesart@aol.com
mbs@ourrocklandoffice.com)

Michael J. Delaney
Vice President – Energy
New York City
Economic Development Corporation
110 William Street
New York, NY 10038
(E-mail: mdelaney@nycedc.com)

Sherwood Martinelli
Friends United for Sustainable Energy USA, Inc.
351 Dykman Street
Peckskill, NY 19566
(E-mail: roycepenstinger@aol.com)

Manna Jo Greene
Environmental Director
Hudson River Sloop Clearwater
112 Market Street
Poughkeepsie, NY 12601
(E-mail: mannajo@clearwater.org)

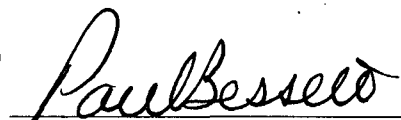
* Original and 2 copies

Sherwin E. Turk, Esq.
Lloyd B. Subin, Esq.
Beth N. Mizuno, Esq.
Office of the General Counsel
Mail Stop – O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: set@nrc.gov)
(E-mail: lbs3@nrc.gov)
(E-mail: bnm1@nrc.gov)

Arthur J. Kremer, Chairman
New York AREA
347 Fifth Avenue, Suite 508
New York, NY 10016
(E-mail: kremer@area-alliance.org)

Zachary S. Khan
Law Clerk
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: zxk1@nrc.gov)

Justin D. Pruyne, Esq.
Assistant County Attorney, Litigation Bureau
of Counsel to Charlene M. Indelicato, Esq.
Westchester County Attorney
148 Martine Avenue, 6th Floor
White Plains, NY 10601
(E-mail: jdp3@westchestergov.com)


Paul M. Bessette