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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

February 28, 2008 (3:00pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

February 28, 2008

Office of the Secretary of the Commission
United States Nuclear Regulatory Commission
One White Flint North, 16th Floor
11555 Rockville Pike
Rockville, MD 20852-2738

Attention: Rulemaking and Adjudications Staff

Re: Indian Point Nuclear Power Station: Application to Renew Operating Licenses
Nos. DPR-26 and DPR-64 for an Additional 20-Year Period
(ASLBP No. 07-858-03-LR-BD01)

Dear Sir/Madam:

Enclosed please find petitioners' Joint Motion to Adopt Procedures for Contention
Admissibility Hearing in the above-referenced matter, along with a Certificate of Service.

Please feel to contact me if you have any questions.

Respectfully submitted,

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cc: service list

TEMPLATE = SECY-037

SECY-02

UNITED STATES
NUCLEAR REGULATORY COMMISSION

-----X
In re:

License Renewal Application Submitted by

Entergy Nuclear Indian Point 2, LLC,
Entergy Nuclear Indian Point 3, LLC, and
Entergy Nuclear Operations, Inc.

Docket Nos. 50-247-LR and 50-286-LR

ASLBP No. 07-858-03-LR-BD01

DPR-26, DPR-64

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**JOINT MOTION TO ADOPT
PROCEDURES FOR CONTENTION
ADMISSIBILITY HEARING**

Pursuant to 10 C.F.R. § 2.319(g) petitioners New York State, Riverkeeper, Inc.

("Riverkeeper"), Attorney General Richard Blumenthal on behalf of the State of Connecticut ("Connecticut"), Westchester County, the Town of Cortlandt, Hudson River Sloop Clearwater, Inc. ("Clearwater"), and Connecticut Residents Opposed to Relicensing of Indian Point ("CRORIP") respectfully request the Board adopt the following procedures for the hearings scheduled for the week of March 10, 2008 regarding the admission of parties and contentions in the above-entitled case. The purpose of this proposal is to provide structure for the petitioners/parties to better prepare for the hearings. This proposal does not seek to specify the time allotted to any particular party or issue or to in anyway limit the discretion of the Board to determine the content of the hearing or pose questions.

In light of the number of petitioners/parties, issues, and contentions involved, the undersigned respectfully submit that it would be helpful for the Board and the participants if a

process were established for the division of the time allotted to the petitioners/parties in advance of the hearing. To that end the undersigned propose the following:

1. No oral presentation would be required on the admission of any petitioner on the basis of standing, unless, of course, the Board indicated otherwise.

2. Each petitioner would separately present its argument for admission of its contentions, grouping similar contentions it presented as it deems appropriate and advising the Board and other participants of its proposed grouping of contentions for oral presentations in writing no later than March 6, 2008. Oral responses to the initial presentation of each petitioner would follow a petitioner's presentation on each contention or each group of contentions. A reply by the proponent would follow the opponents' response.

Movants respectively suggest that such a petitioner-by-petitioner process will promote a more orderly and deliberate presentation of arguments by the various petitioners. Likewise, the suggested process may promote an orderly presentation by Staff, which does not oppose specific contentions proposed by certain petitioners. Movants further suggest that such process is consistent with the organization that Staff and Entergy employed in their answers and that the State of New York and other petitioners followed in their replies. The suggested process also may provide a means to ameliorate the effects of any scheduling conflicts.


3. Regardless of how the hearing is organized, in order to assure that the petitioners have sufficient time to respond to the oral presentations of the oppositions, an equal amount of time should be assigned to those who are the proponents and those who are the opponents as to each group of contentions and each contention which is not part of a group. The Board would decide how much time should be devoted to each grouping and each contention not part of a group.

The Staff, which does not oppose some contentions but does oppose others, would be aligned with the other proponents or opponents as the case may be and would share in the time allotted to that side of the contention with which the Staff supports.

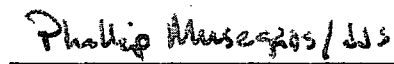
4. As with all motions, proponents of contentions would go first and last. Proponents could decide how to divide the time between opening and reply and the order of their presentations. Opponents similarly could decide the order in which they would speak within the time allotted for opposition.

5. The Board would decide at the oral argument if additional argument time is justified on any matter beyond the time assigned by the Board in advance.


Respectfully submitted,
February 28, 2008



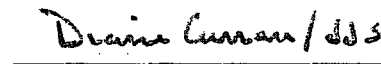
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CERTIFICATION

On behalf of the movants, Assistant Attorney General John Sipos, certifies pursuant to 10 C.F.R. § 2.323(b) that the movants have made a sincere effort to contact other parties in the proceeding and to resolve the issues raised in the motion. Specifically, I contacted attorneys or representatives for the petitioners who remain in this proceeding as well as counsel for Entergy and NRC Staff to obtain their agreement to this motion and proposed hearing process. Representatives of Connecticut, Westchester, Cortlandt, Riverkeeper, Clearwater, and CRORIP agreed to the motion and asked to join as movants.

Counsel for the Staff stated that the Staff prefers the approach stated in Mr. Turk's letter to the Licensing Board of February 27, 2008, in which contentions would be presented in groups according to the issues raised, but that the Staff would be amenable to whichever approach the Board deems to be most appropriate and useful for its deliberations.

Counsel for Entergy took no position on the request, but noted that Entergy's position is set forth in its February 19, 2008 letter to the Licensing Board.

Counsel for Westchester Citizens Action Network ("WestCAN") does not oppose the motion and notes the unavailability of WestCAN counsel during the week of March 10, 2008.

John J. Sipos
February 28, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In re:

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ASLBP No. 07-858-03-LR-BD01

DPR-26, DPR-64
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CERTIFICATE OF SERVICE

Pursuant to 28 U.S.C. § 1746 Teresa Fountain hereby declares:

I am over 18 years old and am an employee in the New York State Office of the Attorney General.

On February 28, 2008, I served copies of a Joint Motion to Adopt Procedures for Contention Admissibility Hearing upon the following persons at the following addresses by depositing true copies thereof, properly enclosed in a sealed, postpaid wrapper, in the Office of the Attorney General's Mail Room for delivery to the Capitol Station Post Office in the City of Albany, New York, a depository under the exclusive care and custody of the United States Post Office Department:

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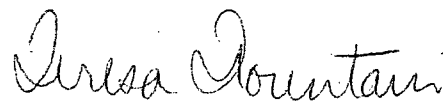
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In addition, copies of the documents were sent to the e-mail addresses listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

this 28th day of February 2008
Albany, New York



Teresa Fountain