

RAS-E-8



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

RICHARD L. BRODSKY  
Assemblyman 92<sup>ND</sup> District

Westchester County

DOCKETED  
USNRC

CHAIRMAN  
Committee on  
Corporations, Authorities  
and Commissions

March 3, 2008 (11:53am)

OFFICE OF SECRETARY  
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February 26, 2008

Lawrence G. McDade, Chair  
Atomic Safety and Licensing Board  
Mail Stop—T-3 F23  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852-2738

Dr. Kaye Lathrop  
Administrative Judge  
Atomic Safety and Licensing Board  
190 Cedar Lane E.  
Ridgway, CO 81432

Richard E. Wardell  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop—T-3 F23  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852-2738

Re: License Renewal Application submitted by Entergy Indian Point Unit 2, LLC, Entergy Indian Point Unit 3, LLC, and Entergy Nuclear Operations, Inc. for Indian Point Nuclear Generating Station, Unit 2 and 3

**Docket Nos. 50-247-LR/50-286-LR; ASLB No. 07-858-03-LR-BD01**

Dear Administrative Judges:

Petitioners Westchester Citizen's Awareness Network (WestCAN), Rockland County Conservation Association, Inc. (RCCA), Public Health and Sustainable Energy (PHASE), Sierra Club - Atlantic Chapter (Sierra Club), and New York State Assemblyman Richard L. Brodsky (hereinafter "Petitioners") submit this letter in response to Entergy's letter dated February 19, 2008 concerning the hearing to take place the week of March 10, 2008 in the above referenced proceeding. Petitioners reiterate that Susan Sharpiro, Esq. or Richard Brodsky, Esq. are not available the week of March 10, 2008, as stated by letter dated January 30, 2008.

TEMPLATE = SECY-043

SECY-02

Petitioners do not oppose Entergy's suggestion to group contentions that are the same to assist the Board. However, Petitioners strongly oppose Entergy's suggestion that oral argument is not warranted for certain contentions. Petitioners will be prepared to answer the Board's questions concerning any of Petitioners contentions.

Furthermore, Petitioners vigorously oppose Entergy's request that a single representative to present an argument on common proposed contentions. Pursuant to 10 C.F.R. § 2.316 "the Commission or the presiding officer may order any parties in a proceeding who have substantially the same interest that may be affected by the proceeding and who raise substantially the same questions, to consolidate their presentation of evidence, cross-examination, briefs, proposed findings of fact, and conclusions of law and argument. However, it may not order any consolidation that would prejudice the rights of any party." Consolidation would prejudice the rights of all the Petitioners because the petitioners have proposed independent and detailed contentions that are based on different theories and supported by different experts. Petitioners' have a right to fully participate in the oral argument. Moreover the petitioners represent different groups which have different interests. Petitioners should not be required to speak to issues raised by other petitioners. Nor should one representative speak on another's specific contention and which may bind other petitioners. Subsequently, Petitioners should not be denied the right to present their specific contention. Petitioners respectfully ask the Board to deny Entergy's suggestion for the designation of a single representative to present consolidated arguments on behalf of several, differing petitioners.

Petitioners further respectfully request that the Board to order the service list names to be served in future filings since several parties' petitions to intervene have been denied and new names have appeared on the service list without notice. Pursuant to 10 C.F.R. § 2.304(e) Petitioners further request that the Board specify that only one copy must be mailed to each address on the service list even though multiple recipients are listed at the same address.

Finally, Petitioners object to Entergy's informal suggestions to the Board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sarah L. Wagner", with a long horizontal flourish extending to the right.

Sarah L. Wagner

cc: service list

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
ENTERGY NUCLEAR OPERATIONS, INC. ) Docket Nos. 50-247/286-LR  
 ) ASLBP No. 07-853-03-LR-BD01  
(Indian Point Nuclear Generating) )  
Units 2 and 3) )  
 )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing letter dated February 26, 2008, have been served upon the following by electronic mail where an email address is provided and first class mail as shown below, this 26th day of February, 2008:

Lawrence G. McDade, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
E-mail: [LGM1@nrc.gov](mailto:LGM1@nrc.gov)

Office of Commission Appellate Adjudication  
U. S. Nuclear Regulatory Commission  
Mail Stop: O-16G4  
Washington, D.C. 20555-0001  
Email: [OCAAMAIL@nrc.gov](mailto:OCAAMAIL@nrc.gov)

Dr. Richard E. Wardwell  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
E-mail: [REW@nrc.gov](mailto:REW@nrc.gov)

Office of the Secretary  
Attn: Rulemaking and Adjudications Staff  
Mail Stop: O-16G4  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Email: [HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov)

Dr. Kaye D. Lathrop  
Atomic Safety and Licensing Board Panel  
190 Cedar Lane E.  
Ridgeway, CO 81432  
E-mail: [KDL2@nrc.gov](mailto:KDL2@nrc.gov)

Zachary S. Kahn, Law Clerk  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Email: [ZXK1@nrc.gov](mailto:ZXK1@nrc.gov)

Atomic Safety and Licensing Board Panel  
U. S. Nuclear Regulatory Commission  
Mail Stop – T-3 F23  
Washington, D.C. 20555-0001

William C. Dennis, Esq.  
 Assistant General Counsel  
 Entergy Nuclear Operations, Inc.  
 440 Hamilton Avenue  
 White Plains, NY 10601  
 Email: [wdennis@entergy.com](mailto:wdennis@entergy.com)

Kathryn M. Sutton, Esq.  
 Paul M. Bessette, Esq.  
 Martin J. O'Neill, Esq.  
 Morgan, Lewis & Bockius, LLP  
 1111 Pennsylvania Avenue, NW  
 Washington, D.C. 20004  
 E-mail: [ksutton@morganlewis.com](mailto:ksutton@morganlewis.com)  
 E-mail: [pbessette@morganlewis.com](mailto:pbessette@morganlewis.com)  
 E-mail: [martin.o'neill@morganlewis.com](mailto:martin.o'neill@morganlewis.com)

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

John LeKay  
 FUSE USA  
 351 Dyckman Street  
 Peekskill, NY 10566  
 E-mail: [fuse\\_usa@yahoo.com](mailto:fuse_usa@yahoo.com)

Arthur J. Kremer, Chairman  
 New York Affordable Reliable Electricity  
 Alliance (AREA)  
 347 Fifth Avenue, Suite 508  
 New York, NY 10016  
 E-mail: [ajkremer@rmfp.com](mailto:ajkremer@rmfp.com)  
[kremer@area-alliance.org](mailto:kremer@area-alliance.org)

Diane Curran, Esq.  
 Harmon, Curran, Spielberg & Eisenberg, LLP  
 1726 M Street, NW, Suite 600  
 Washington, D.C. 20036

Manna Jo Greene  
 Hudson River Sloop Clearwater, Inc.  
 112 Little Market Street  
 Poughkeepsie, NY 12601  
 Email: [Mannaio@clearwater.org](mailto:Mannaio@clearwater.org)

Justin D. Pruyne, Esq.  
 Assistant County Attorney  
 Office of the Westchester County Attorney  
 148 Martine Avenue, 6<sup>th</sup> Floor  
 White Plains, NY 10601  
 E-mail: [jdp3@westchestergov.com](mailto:jdp3@westchestergov.com)

Daniel E. O'Neill, Mayor  
 James Seirmarco, M.S.  
 Village of Buchanan  
 Municipal Building  
 Buchanan, NY 10511-1298  
 E-mail: [vob@bestweb.net](mailto:vob@bestweb.net)

John J. Sipos, Esq.  
 Charlie Donaldson, Esq.  
 Assistants Attorney General  
 New York State Department of Law  
 Environmental Protection Bureau  
 The Capitol  
 Albany, NY 12224  
 E-mail: [john.sipos@oag.state.ny.us](mailto:john.sipos@oag.state.ny.us)

Joan Leary Matthews, Esq.  
 Senior Attorney for Special Projects  
 New York State Department of  
 Environmental Conservation  
 Office of the General Counsel  
 625 Broadway, 14<sup>th</sup> Floor  
 Albany, NY 12233-1500  
 E-mail: [jmatthe@gw.dec.state.ny.us](mailto:jmatthe@gw.dec.state.ny.us)

E-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

Robert Snook, Esq.  
Office of the Attorney General  
State of Connecticut  
55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120  
E-mail: [robert.snook@po.state.ct.us](mailto:robert.snook@po.state.ct.us)

Daniel Riesel, Esq.  
Thomas F. Wood, Esq.  
Ms. Jessica Steinberg, J.D.  
Sive, Paget & Riesel, P.C.  
460 Park Avenue  
New York, NY 10022  
E-mail: [driese@sprlaw.com](mailto:driese@sprlaw.com)  
[jsteinberg@sprlaw.com](mailto:jsteinberg@sprlaw.com)

Ms. Nancy Burtop  
147 Cross Highway  
Redding Ridge, CT 06876  
E-mail: [nancyburtonct@aol.com](mailto:nancyburtonct@aol.com)

Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Washington, D.C. 20555  
E-mail: [kimberly.sexton@nrc.gov](mailto:kimberly.sexton@nrc.gov)  
[Sherwin.turk@nrc.gov](mailto:Sherwin.turk@nrc.gov)  
[christopher.chandler@nrc.gov](mailto:christopher.chandler@nrc.gov)

Office of the Secretary  
U.S. Nuclear Regulatory  
Sixteenth Floor  
One Flint North,  
11555 Rockville Pike  
Rockville, Maryland 20852

Victor Tafur, Esq.  
Phillip Musegaas, Esq.  
Riverkeeper, Inc.  
828 South Broadway  
Tarrytown, NY 10591  
E-mail: [phillip@riverkeeper.org](mailto:phillip@riverkeeper.org)  
[vtafur@riverkeeper.org](mailto:vtafur@riverkeeper.org)

Elise N. Zoli, Esq.  
Goodwin Procter, LLP  
Exchange Place  
53 State Street  
Boston, MA 02109  
E-mail: [ezoli@goodwinprocter.com](mailto:ezoli@goodwinprocter.com)

Janice A. Dean  
Assistant Attorney General  
Office of the Attorney General  
120 Broadway, 26<sup>th</sup> Floor  
New York, NY 10271  
E-mail: [janice.dean@oag.state.ny.us](mailto:janice.dean@oag.state.ny.us)



Sarah L. Wagner, Esq.