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USNRC

Alexander B. Grannis
Commissioner

March 17, 2008 (4:36pm)

March 17, 2008

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Re: License Renewal Application submitted by
Entergy Indian Point Unit 2, LLC, Entergy Indian Point Unit 3, LLC,
Entergy Nuclear Operations, Inc.
for Indian Point Nuclear Generating Station, Unit 2 and Unit 3
Docket Nos. 50-247-LR/50-286-LR; ASLBP No. 07-858-03-LR-BD01

Dear Administrative Judges:

The State of New York submits this letter pursuant to the Board's directives on the first two days of oral argument in the above captioned matter, held on March 10-11, 2008, in White Plains, New York. Specifically, the Board requested the State to inform it as to when the State would respond to two specific matters, and to provide citations regarding a third issue. These responses are set forth below.

1. The State's response to Entergy's License Renewal Application (LRA) Amendment, dated January 22, 2008 (posted on ADAMS on February 6, 2008 - ML#080290659)

This LRA Amendment addresses New York State's Contention Number 26 (Metal Fatigue). The State respectfully requests that it be permitted to file a revised contention by April 7, 2008.

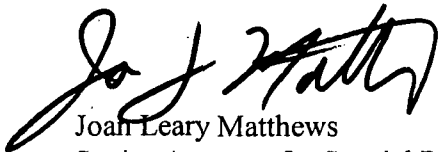
2. The State's response to NRC Staff's change in position at oral argument to New York State Contention Numbers 30 and 31

At oral argument on March 11, 2008, NRC Staff withdrew its position that New York State Contention Numbers 30 and 31 presented litigable issues. The State respectfully requests that it be permitted to respond to this change in NRC Staff position by March 31, 2008.

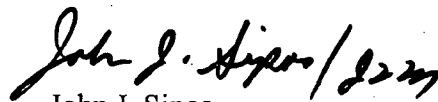
3. Citations to Sandia Site Restoration Report re: fission particles

During the second day of the hearing, Judge Lathrop inquired about citation(s) in the Sandia Site Restoration Report (SAND96-0957) relating to fission particles in the context of nuclear reactors. See (Draft) Transcript of March 11, 2008 Proceedings at pp. 275-76. In response, the State of New York refers to Appendix E (Survey of Literature on Decontamination) and in particular to the discussion of the difficulties encountered in the clean up of small-sized fission particles at Appendix E-9 to E-12 (discussing relatively low decontamination factors ("DF"), the Chernobyl reactor incident, and literature, e.g., Sandalls, *Removal of Radiocaesium From Urban Surfaces Contaminates as the Result of a Nuclear Accident*, AERE-R12355, Harwell Laboratory (1987), Howarth and Sandalls, *Decontamination and Reclamation of Agricultural Land Following a Nuclear Accident*, AERE-R12666, Harwell Laboratory (1987), Brown et al., *The Effectiveness of Various Decontamination Techniques for Reducing External Radiation Doses to People Living in an Urban Environment*, EUR 11408 EN (1988), Roed and Sandalls, *Decontamination in the Urban Area*, EUR 13013/1 EN (1990)). New York also refers to the discussions appearing at pp. 2-9 to 2-10 and 5-7 to 5-8 of the Sandia Report.

Respectfully submitted,



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

ENTERGY NUCLEAR INDIAN POINT 2, LLC,
ENTERGY NUCLEAR INDIAN POINT 3, LLC, and
ENTERGY NUCLEAR OPERATIONS, INC.

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

INDIAN POINT NUCLEAR GENERATING UNITS 2 & 3

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

Regarding the Renewal of Facility Operating Licenses
No. DPR-26 and No. DPR-64 for an Additional 20-year Period

CERTIFICATE OF SERVICE

I certify that on March 17, 2008, copies of the foregoing letter from the State of New York to the Atomic Safety and Licensing Board were served on the following persons by regular first class mail and e-mail:

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