



E-39

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

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

Westchester County

CHAIRMAN  
Committee on  
Corporations, Authorities  
and Commissions

March 25, 2008

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

Re: Indian Point License Renewal, Docket No. 50-247/286-LR

To Whom It May Concern:

Enclosed please find 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 Reply Brief in response to the Atomic Safety and Licensing Board Order of March 21, 2008.

Sincerely,

Sarah L. Wagner  
Co-counsel for Petitioners WestCAN et. al.

TEMPLATE-021

SECY-02

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
(Indian Point Nuclear Generating)	)	
Units 2 and 3)	)	ASLBP No. 07-853-03-LR-BD01
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of **Petitioners' WestCAN et. al reply to the Atomic and Safety Licensing Board Order of March 25, 2008** has been served to the addresses below to the following by electronically and by first class mail on 25th day of March, 2008:

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Washington, D.C. 20555-0001  
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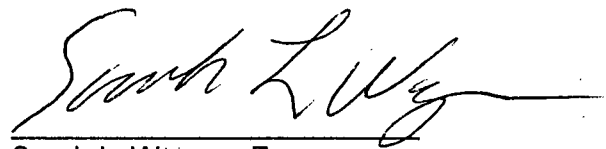
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Sarah L. Wagner, Esq.

\* Original and two copies

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

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

In the Matter of	)	Docket Nos. 50-247 and
	)	59-286-LR
ENTERGY NUCLEAR	)	
OPERATIONS, INC.	)	
(Indian Point Nuclear Generating	)	
Units 2 and 3)	)	March 25, 2008

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**PETITIONERS' WESTCAN ET. AL. REPLY TO THE ATOMIC SAFETY AND  
LICENSING BOARD ORDER OF MARCH 24, 2008**

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On March 7, 2008, the Atomic Safety and Licensing Board (hereinafter "ASLB" or "Board") electronically served an Order requiring a response from the NRC Staff Counsel and Petitioners' WestCAN et. al. The NRC Staff (hereinafter "Staff") served their response electronically on March 18, 2008; a paper copy was received by Petitioners on March 21, 2008. Petitioners' electronically served a two part email response to all parties. A hard copy was mailed to the Office of the Secretary and the NRC Staff Counsel on Friday, March 21, 2008. The electronically served response was provided in two emails and included within the response were Exhibits A through I as well as a table of contents. The paper copy was identical.

Petitioners' WestCAN et. al. served a table of contents, Exhibit H and Exhibit I on March 21, 2008- both electronically and by mail to particular parties. There is only one file for the March 21, 2008 submission entitled "3.21.08 TABLE OF CONTENTS". (See Attachment 1 & 3). Exhibits H and I were also served on March 21st. (See Attachment 2, 4, & 5). Additionally,

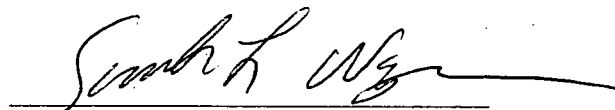
Petitioners' hard copy mailings sent to the Office of the Secretary and Office of Counsel at the NRC both contained the table of contents and a copy of Exhibits H and I.

As a courtesy, the response was re-sent as a zipped file on March 21, 2008 because several emails were returned as undeliverable and Zachary S. Kahn, Law Clerk for the ASLB, had requested a zipped file. The zipped file was intended to be identical in every way to what was filed on March 21, 2008. The zipped file was sent as a courtesy copy to all parties and included an explanation as to its contents. However, the zipped file inadvertently did not contain Exhibit H. Exhibits H and I and the Table of Contents were electronically submitted to all parties on March 21, 2008. (See Attachments 1-5).

Pursuant to the ASLB Order of March 24, 2008, Petitioners are annexing the following documents that are a part of the March 21, 2008 Reply of Petitioners: (i) the table of contents (resubmitted herein as Attachment 1), (ii) the DHL receipts (submitted as Exhibit H and resubmitted herein as Attachment 2), (iii) parts one and two of Petitioners electronic service of all documents submitted as Petitioners' March 21, 2008 response, (Attachments 3 & 4), and (iv) Exhibit I, an email from Sherwin Turk, Esq. on February 15, 2008 (submitted as Exhibit I and resubmitted herein as Attachment 5).

Dated: March 25, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sarah L. Wagner", written over a horizontal line.

Sarah L. Wagner  
Co-counsel for Petitioner WestCAN et. al

**TABLE OF ATTACHMENTS**

**March 24, 2008**

ATTACHMENT 1- 3.21.08 TABLE OF CONTENTS

ATTACHMENT 2- 3.21.08 Exhibit H- DHL receipts

ATTACHMENT 3- Part 1 of Petitioners' email containing  
3.21.08 submission

ATTACHMENT 4- Part 2 of Petitioners' email containing  
3.21.08 submission

ATTACHMENT 5- Exhibit I- February 15, 2008 email  
from Sherwin Turk, Esq.

# Attachment 1



## **TABLE OF CONTENTS**

- Exhibit A- Copy of the Document identified as WestCAN's Reply Sent to Staff Counsel via e-mail at 12:00 a.m. on February 16, 2008.
- Exhibit B- Copy of the e-mail banner identifying to whom the 12:00 a.m., on February 16, 2008 submission was sent.
- Exhibit C- Copy of the e-mail banner identifying to whom the 12:53 a.m., on February 16, 2008 submission was sent.
- Exhibit D- Copy of Cover Letter sent to the Members of the Board with WestCAN's Reply Brief with exhibits paper copy.
- Exhibit E- Copy of Cover Letter sent to the Members of the Board and active parties contained with the CD-ROM including WestCAN's Reply Brief and exhibits.
- Exhibit F- Redline version of WestCAN's Reply Brief and exhibits Highlighting the differences between the 12:00 a.m. compared to the 12:53 a.m. , paper copy, and CD-ROM submissions.
- Exhibit G- Revised Second Certificate of Service for WestCAN's Reply Brief and exhibits.
- Exhibit H- DHL receipts
- Exhibit I- February 15, 2008 email from Sherwin Turk, Esq.

# Attachment 2

# EXHIBIT H

Exhibit

1 Sender Account Number		Preprint Format No.		3 Payment Sender will be billed unless marked otherwise		Origin	
FROM (Company) M. SHAPIRO / Sarah Wagner				Bill to:			
Street Address				Receiver 3rd Party			
City		State ZIP CODE (Required)		Paid in Advance		Check No. Amount	
Sent by (Name/Dept)		Phone (Required)		Billing Reference (will appear on invoice)			
2 TO (Company) PLEASE PRINT NEATLY				4 1 of Pkgs 5 Weight (LBS)		7 Packaging One for Express Envelope	
Street Address Office of the Secretary				Special Instructions			
11545 Rockville Pike				Saturday Delivery		Hold	
City Rockville		State ZIP CODE (Required) MD 20852		Extrn charge		Not available for all services and locations	
Attention: (Name/Dept) Policy & Administration		Phone (Required) 301 371 2100		Lab Pack Service			
Description Documents				Shipment Valuation			
Sender's Signature		Date 2/3/08		Shipment Value Protection		No. \$	
DHL Signature		Date		Payment Details (Credit Card)			
				Type		Expires	
				Auth.			

SENDER'S COPY

1 Sender Account Number		Preprint Format No.		3 Payment Sender will be billed unless marked otherwise		Origin	
FROM (Company) M. SHAPIRO / Sarah Wagner				Bill to:			
Street Address				Receiver 3rd Party			
City		State ZIP CODE (Required)		Paid in Advance		Check No. Amount	
Sent by (Name/Dept)		Phone (Required)		Billing Reference (will appear on invoice)			
2 TO (Company) PLEASE PRINT NEATLY				4 1 of Pkgs 5 Weight (LBS)		7 Packaging One for Express Envelope	
Street Address Office of the Secretary				Special Instructions			
11545 Rockville Pike				Saturday Delivery		Hold	
City Rockville		State ZIP CODE (Required) MD 20852		Extrn charge		Not available for all services and locations	
Attention: (Name/Dept) Policy & Administration		Phone (Required)		Lab Pack Service			
Description Documents				Shipment Valuation			
Sender's Signature		Date		Shipment Value Protection		No. \$	
DHL Signature		Date		Payment Details (Credit Card)			
				Type		Expires	
				Auth.			

**FOR SHIPMENTS WITHIN U.S. ONLY**

Sender Account Number: 53769120947

Preprint Form No.:

FROM (Company): SARAH Wagner

Street Address:

City:

State:

ZIP CODE (Required):

Sent by (Name):

Date:

DHL Signature:

Date:

TO (Company): PLEASE PRINT NEATLY

Street Address: Office of the Secretary

City: Rockville

State: MD

ZIP CODE (Required): 20852

Attention: (Name/Dept): K. Sutton / P. D. Scott / M. O'Neill

Description: Documents

Special Instructions:

Payment:

Origin:

Waybill Number: 53769120947

Service Type:

Next Day 10:30

Next Day 12:00

Next Day 3:00

DHL

DHL Worldwide Express, Inc.

1300 South Pine Island Road

Plantation, FL 33324

1 800 Call-DHL

**FOR SHIPMENTS WITHIN U.S. ONLY**

Sender Account Number: 53769121442

Preprint Form No.:

FROM (Company): M. Shapiro

Street Address: SARAH Wagner

City:

State:

ZIP CODE (Required):

Sent by (Name):

Date:

DHL Signature:

Date:

TO (Company): PLEASE PRINT NEATLY

Street Address: K. Sutton / P. D. Scott / M. O'Neill

City: Washington, DC

State: DC

ZIP CODE (Required): 20004

Attention: (Name/Dept):

Description: Documents

Special Instructions:

Payment:

Origin:

Waybill Number: 53769121442

Service Type:

Next Day 10:30

Next Day 12:00

Next Day 3:00

DHL

DHL Worldwide Express, Inc.

1300 South Pine Island Road

Plantation, FL 33324

1 800 Call-DHL

**FOR SHIPMENTS WITHIN U.S. ONLY**  
PLEASE TYPE OR PRINT

Sender Account Number: \_\_\_\_\_ Preprint Format No: \_\_\_\_\_

FROM (Company): M. SHAPIRO  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP CODE (Required): \_\_\_\_\_  
Country: \_\_\_\_\_

TO (Company): SHERWIN TORE  
Street Address: \_\_\_\_\_  
City: WASHINGTON DC State: DC ZIP CODE (Required): 20555  
Attention: SHERWIN TORE  
Description: Documents

3 Payment: Sender will be billed unless marked otherwise. Bill to: ☐ Receiver 3rd Party ☐ Paid in Advance ☐ Bill Reference (will appear on invoice)

4 Service Type: ☒ Next Day 10:30 ☐ Next Day 12:00 ☐ Next Day 3:00

5 Special Instructions: ☐ Saturday Delivery ☐ Hold at DHL ☐ Lab Pack Service

6 Shipment Value: \$ \_\_\_\_\_  
7 Shipment Details (Credit Card): No. \_\_\_\_\_ Type \_\_\_\_\_

Sender's Signature: [Signature] Date: 2/15/08  
DHL Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Waybill Number: 61491770944

**DHL**  
Worldwide Express, Inc.  
1200 South Pine Island Road  
Plantation, FL 33324  
1-800-GO-DHL

**FOR SHIPMENTS WITHIN U.S. ONLY**  
PLEASE TYPE OR PRINT

Sender Account Number: \_\_\_\_\_ Preprint Format No: \_\_\_\_\_

FROM (Company): M. SHAPIRO / SARAH WAGNER  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP CODE (Required): \_\_\_\_\_  
Country: \_\_\_\_\_

TO (Company): SHERWIN TORE  
Street Address: \_\_\_\_\_  
City: WASHINGTON DC State: DC ZIP CODE (Required): 20555  
Attention: SHERWIN TORE  
Description: Documents

3 Payment: Sender will be billed unless marked otherwise. Bill to: ☐ Receiver 3rd Party ☐ Paid in Advance ☐ Bill Reference (will appear on invoice)

4 Service Type: ☒ Next Day 10:30 ☐ Next Day 12:00 ☐ Next Day 3:00

5 Special Instructions: ☐ Saturday Delivery ☐ Hold at DHL ☐ Lab Pack Service

6 Shipment Value: \$ \_\_\_\_\_  
7 Shipment Details (Credit Card): No. \_\_\_\_\_ Type \_\_\_\_\_

Sender's Signature: [Signature] Date: 2/15/08  
DHL Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Waybill Number: 6149177084X

**DHL**  
Worldwide Express, Inc.  
1200 South Pine Island Road  
Plantation, FL 33324  
1-800-GO-DHL

# Attachment 3



Sarah Wagner <sarahwagneresq@gmail.com>

---

## FW: WestCAN's Reply to the ASLB Order 3.7.08

1 message

Ulrich Witte <ulrich@ulrichwitte.com>

Mon, Mar 24, 2008 at 4:51 PM

To: Sarah Wagner <sarahwagneresq@gmail.com>

---

**From:** Sarah Wagner [mailto:sarahwagneresq@gmail.com]

**Sent:** Friday, March 21, 2008 4:44 PM

**To:** LGM1@nrc.gov; OCAAMAIL@nrc.gov; OCAAMAIL Resource; hearingdocket@nrc.gov; Hearing Docket; REW@nrc.gov; KDL2@nrc.gov; zzk1@nrc.gov; Dennis, William; Greene, Manna; Pruyne, Justin; Sutton, Kathryn; Bessette, Paul; O'Neill, Martin; Delaney, Michael; LeKay, John; Kremer, Arthur; Kremer(2), Arthur; O'Neill, Daniel; Sipos, John; Joan Matthews; Curran, Diane; Snook, Robert; Musegaas, Phillip; Tafur, Victor; Riesel, Daniel; Steinberg, Jessica; Burton, Nancy; Zoli, Elise; janice.dean@oag.state.ny.us; mylan.Denerstein@oag.state.ny.us; Kimberly.Sexton@nrc.gov; Sherwin Turk; Christopher.Chandler@nrc.gov; Beth.Mizuno@nrc.gov; David.Roth@nrc.gov; lloyd.subin@nrc.gov; Parker, John Louis; Richard Brodsky; Ulrich Witte; palisadesart@aol.com

**Subject:** WestCAN's Reply to the ASLB Order 3.7.08

Re: Indian Point License Renewal, Docket No. 50-247/286-LR

To Whom It May Concern:

Attached please find 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 Reply Brief in response to the Atomic Safety and Licensing Board Order of March 7, 2008. Paper copies are only being sent to the Office of the Secretary, as required by the ASLB Order of February 1, 2008, and a second paper copy is being mailed to the Office of Counsel for the NRC Staff.

I will be sending two email.s to include all the exhibits. If you cannot open any of the attachments, please contact me.

Sincerely,


Sarah L. Wagner



Legal Counsel for Assemblyman  
Richard L. Brodsky  
L.O.B. Room 422  
Albany, N.Y. 12248  
518-455-5753

---


**5 attachments**

 **3.21.08. COS.pdf**  
42K

 **3.21.08 TABLE OF CONTENTS.pdf**  
14K

 **3.21.08 REPLY TO ASLB ORDER3.7.08.pdf**  
53K

 **3.21.08 Exhibit A Word copy of WestCAN\_Reply\_Brief\_Final\_2[1].15.08..pdf**  
475K

 **3.21.08 Exhibit B Email with Adobe copy of Reply\_Brief\_Final\_2[1].15.08..pdf**  
68K

---

# Attachment 4

---



Sarah Wagner &lt;sarahwagneresq@gmail.com&gt;

## Part 2 WestCAN's Reply to ASLB Order 3.7.08

16 messages

Sarah Wagner &lt;sarahwagneresq@gmail.com&gt;

Fri, Mar 21, 2008 at 4:49 PM

To: LGM1@nrc.gov, OCAAMAIL@nrc.gov, OCAAMAIL Resource <OCAAMAIL.Resource@nrc.gov>, REW@nrc.gov, KDL2@nrc.gov, zxk1@nrc.gov, "hearingdocket@nrc.gov" <HearingDocket@nrc.gov>, Hearing Docket <Hearing.Docket@nrc.gov>, Ulrich Witte <ulrich@ulrichwitte.com>, "palisadesart@aol.com" <Palisadesart@aol.com>, Richard Brodsky <richardbrodsky@msn.com>, "Dennis, William" <wdennis@entergy.com>, "Greene, Manna" <mannajo@clearwater.org>, "Pruyne, Justin" <jdp3@westchestergov.com>, "Sutton, Kathryn" <ksutton@morganlewis.com>, "Bessette, Paul" <pbessette@morganlewis.com>, "O'Neill, Martin" <martin.o'neill@morganlewis.com>, "Delaney, Michael" <mdelaney@nycedc.com>, "O'Neill, Daniel" <vob@bestweb.net>, "LeKay, John" <fuse\_usa@yahoo.com>, "Kremer, Arthur" <ajkremer@rmfpc.com>, "Kremer(2), Arthur" <kremer@area-alliance.org>, "Sipos, John" <John.Sipos@oag.state.ny.us>, Joan Matthews <jlmatthe@gw.dec.state.ny.us>, "Snook, Robert" <robert.snook@po.state.ct.us>, "Curran, Diane" <dcurran@harmoncurran.com>, "Musegaas, Phillip" <phillip@riverkeeper.org>, "Tafur, Victor" <vtafur@riverkeeper.org>, "Riesel, Daniel" <driesel@sprlaw.com>, "Steinberg, Jessica" <jsteinberg@sprlaw.com>, "Burton, Nancy" <NancyBurtonCT@aol.com>, "Zoli, Elise" <ezoli@goodwinprocter.com>, janice.dean@oag.state.ny.us, mylan.Denerstein@oag.state.ny.us, Kimberly.Sexton@nrc.gov, Sherwin Turk <Sherwin.Turk@nrc.gov>, Christopher.Chandler@nrc.gov, Beth.Mizuno@nrc.gov, David.Roth@nrc.gov, lloyd.subin@nrc.gov, "Parker, John Louis" <jlparker@gw.dec.state.ny.us>, Marcia Carpentier <marcia.Carpentier@nrc.gov>

Re: Indian Point License Renewal, Docket No. 50-247/286-LR

To Whom It May Concern:

Attached please find 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 Reply Brief in response to the Atomic Safety and Licensing Board Order of March 7, 2008. Paper copies are only being sent to the Office of the Secretary, as required by the ASLB Order of February 1, 2008, and a second paper copy is being mailed to the Office of Counsel for the NRC Staff.

I will be sending two emails to include all the exhibits. If you cannot open any of the attachments, please contact me.

Sincerely,







--  
 Sarah L. Wagner  
 Legal Counsel for Assemblyman  
 Richard L. Brodsky  
 L.O.B. Room 422  
 Albany, N.Y. 12248  
 518-455-5753

### 8 attachments

3.21.08 Exhibit C- Email 12\_53 am 2.156.08.pdf  
21K

3.21.08 Exhibit D\_Cover letter February 15 hardcopy transmittal[1].pdf  
1055K

3.21.08 Exhibit E\_cover letter CD-ROM table of contents and exhibits.pdf

-  1245K
-  3.21.08 Exhibit F Part 1 REDLINED OCUMENT.pdf  
557K
-  3.21.08 Exhibit F Part 2 WORD DOCUMENT.pdf  
173K
-  3.21.08\_ Exhibit G\_ WESTCAN REVISED 2ND CERT OF SERVICE 3.7.08.pdf  
58K
-  3.21.08 - Exhibit H WestCAN receipts.doc  
4761K
-  3.21.08 Exhibit I Email from Atty Turk 2.15.08.pdf  
43K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Fri, Mar 21, 2008 at 4:50 PM

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[Christopher.Chandler@nrc.gov](mailto:Christopher.Chandler@nrc.gov)

Technical details of permanent failure:

PERM\_FAILURE: SMTP Error (state 16): 552 #5.3.4 message size exceeds limit

----- Original message -----

Received: by 10.140.128.11 with SMTP id a11mr1617506rvd.232.1206132582453;

Fri, 21 Mar 2008 13:49:42 -0700 (PDT)

Received: by 10.140.141.13 with HTTP; Fri, 21 Mar 2008 13:49:39 -0700 (PDT)

Message-ID: <983c61eb0803211349s6638a4bcj681cbf5de354666@mail.gmail.com>

Date: Fri, 21 Mar 2008 16:49:39 -0400

From: "Sarah Wagner" <sarahwagneresq@gmail.com>

To: [LG1@nrc.gov](mailto:LG1@nrc.gov), [OCAAMAIL@nrc.gov](mailto:OCAAMAIL@nrc.gov),

"OCAAMAIL Resource" <[OCAAMAIL.Resource@nrc.gov](mailto:OCAAMAIL.Resource@nrc.gov)>, [REW@nrc.gov](mailto:REW@nrc.gov),

[KDL2@nrc.gov](mailto:KDL2@nrc.gov), [zxk1@nrc.gov](mailto:zxk1@nrc.gov),

"[hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)" <[HearingDocket@nrc.gov](mailto:HearingDocket@nrc.gov)>,

"Hearing Docket" <[Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov)>,

"Ulrich Witte" <[ulrich@ulrichwitte.com](mailto:ulrich@ulrichwitte.com)>,

"palisadesart@aol.com" <[Palisadesart@aol.com](mailto:Palisadesart@aol.com)>,

"Richard Brodsky" <[richardbrodsky@msn.com](mailto:richardbrodsky@msn.com)>,

"Dennis, William" <[wdennis@entergy.com](mailto:wdennis@entergy.com)>,

"Greene, Manna" <[mannajo@clearwater.org](mailto:mannajo@clearwater.org)>,

"Pruyne, Justin" <[jdp3@westchestergov.com](mailto:jdp3@westchestergov.com)>,

"Sutton, Kathryn" <[ksutton@morganlewis.com](mailto:ksutton@morganlewis.com)>,

"Bessette, Paul" <[pbessette@morganlewis.com](mailto:pbessette@morganlewis.com)>,

"O'Neill, Martin" <[martin.o'neill@morganlewis.com](mailto:martin.o'neill@morganlewis.com)>,

"Delaney, Michael" <[mdelaney@nycedc.com](mailto:mdelaney@nycedc.com)>,

"O'Neill, Daniel" <[vob@bestweb.net](mailto:vob@bestweb.net)>,

"LeKay, John" <[fuse\\_usa@yahoo.com](mailto:fuse_usa@yahoo.com)>,

"Kremer, Arthur" <[ajkremer@rmfpc.com](mailto:ajkremer@rmfpc.com)>,

"Kremer(2), Arthur" <[kremer@area-alliance.org](mailto:kremer@area-alliance.org)>,

"Sipos, John" <[John.Sipos@oag.state.ny.us](mailto:John.Sipos@oag.state.ny.us)>,

"Joan Matthews" <[jlmatthe@gw.dec.state.ny.us](mailto:jlmatthe@gw.dec.state.ny.us)>,

"Snook, Robert" <[robert.snook@po.state.ct.us](mailto:robert.snook@po.state.ct.us)>,

"Curran, Diane" <[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)>,

"Musegaas, Phillip" <phillip@riverkeeper.org>,  
 "Tafur, Victor" <vtafur@riverkeeper.org>,  
 "Riesel, Daniel" <driesel@sprlaw.com>,  
 "Steinberg, Jessica" <jsteinberg@sprlaw.com>,  
 "Burton, Nancy" <NancyBurtonCT@aol.com>,  
 "Zoli, Elise" <ezoli@goodwinprocter.com>,  
 janice.dean@oag.state.ny.us, mylan.Denerstein@oag.state.ny.us,  
 Kimberly.Sexton@nrc.gov, "Sherwin Turk" <Sherwin.Turk@nrc.gov>,  
 Christopher.Chandler@nrc.gov, Beth.Mizuno@nrc.gov,  
 David.Roth@nrc.gov, lloyd.subin@nrc.gov,  
 "Parker, John Louis" <jlparker@gw.dec.state.ny.us>,  
 "Marcia Carpentier" <marcia.Carpentier@nrc.gov>

Subject: Part 2 WestCAN's Reply to ASLB Order 3.7.08

MIME-Version: 1.0

Content-Type: multipart/mixed;

boundary="-----\_Part\_1282\_4828291.1206132581826"

-----\_Part\_1282\_4828291.1206132581826

Content-Type: multipart/alternative;

boundary="-----\_Part\_1283\_2540291.1206132581827"

-----\_Part\_1283\_2540291.1206132581827

Content-Type: text/plain; charset=ISO-8859-1

Content-Transfer-Encoding: 7bit

Content-Disposition: inline

Re: Indian Point License Renewal, Docket No. 50-247/286-LR

----- Message truncated -----

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**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

Fri, Mar 21, 2008 at 4:50 PM

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

HearingDocket@nrc.gov

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

Fri, Mar 21, 2008 at 4:50 PM

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

Hearing.Docket@nrc.gov

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

Fri, Mar 21, 2008 at 4:50 PM

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[marcia.Carpentier@nrc.gov](mailto:marcia.Carpentier@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

**Fri, Mar 21, 2008 at 4:50 PM**

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[David.Roth@nrc.gov](mailto:David.Roth@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

**Fri, Mar 21, 2008 at 4:51 PM**

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[REW@nrc.gov](mailto:REW@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

**Fri, Mar 21, 2008 at 4:51 PM**

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[KDL2@nrc.gov](mailto:KDL2@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

**Fri, Mar 21, 2008 at 4:51 PM**

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[Sherwin.Turk@nrc.gov](mailto:Sherwin.Turk@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

**Fri, Mar 21, 2008 at 4:51 PM**

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[OCAAMAIL@nrc.gov](mailto:OCAAMAIL@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: sarahwagneresq@gmail.com

Fri, Mar 21, 2008 at 4:51 PM

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[lloyd.subin@nrc.gov](mailto:lloyd.subin@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: sarahwagneresq@gmail.com

Fri, Mar 21, 2008 at 4:51 PM

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[LGM1@nrc.gov](mailto:LGM1@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: sarahwagneresq@gmail.com

Fri, Mar 21, 2008 at 4:51 PM

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[Beth.Mizuno@nrc.gov](mailto:Beth.Mizuno@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: sarahwagneresq@gmail.com

Fri, Mar 21, 2008 at 4:51 PM

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[Kimberly.Sexton@nrc.gov](mailto:Kimberly.Sexton@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: sarahwagneresq@gmail.com

Fri, Mar 21, 2008 at 4:51 PM

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[zxk1@nrc.gov](mailto:zxk1@nrc.gov)

[Quoted text hidden]

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

Fri, Mar 21, 2008 at 4:51 PM

To: sarahwagneresq@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

[OCAAMAIL.Resource@nrc.gov](mailto:OCAAMAIL.Resource@nrc.gov)

[Quoted text hidden]

---



# Attachment 5

----- Forwarded message -----

From: **Sherwin Turk** <[Sherwin.Turk@nrc.gov](mailto:Sherwin.Turk@nrc.gov)>

Date: Feb 15, 2008 3:37 PM

Subject: RE: WestCAN et al. Answer served 2.11.08

To: "[Palisadesart@aol.com](mailto:Palisadesart@aol.com)" <[Palisadesart@aol.com](mailto:Palisadesart@aol.com)>, Richard Brodsky <[richardbrodsky@msn.com](mailto:richardbrodsky@msn.com)>, Sarah Wagner <[sarahwagneresq@gmail.com](mailto:sarahwagneresq@gmail.com)>

Cc: "[pbessette@morganlewis.com](mailto:pbessette@morganlewis.com)" <[pbessette@morganlewis.com](mailto:pbessette@morganlewis.com)>, "[martin.o'neill@morganlewis.com](mailto:martin.o'neill@morganlewis.com)" <[martin.o'neill@morganlewis.com](mailto:martin.o'neill@morganlewis.com)>, "[ksutton@morganlewis.com](mailto:ksutton@morganlewis.com)" <[ksutton@morganlewis.com](mailto:ksutton@morganlewis.com)>

Ms. Wagner -

This afternoon, we received the paper copy of your February 11 filing. For future reference, I've been informed that the NRC Staff's server can accept incoming messages up to 10 megabytes. Your transmittal of Feb. 11, at 12 megabytes, exceeded that limit, probably because it contained many scanned pages. Please keep this limit in mind when making E-mail transmissions to the NRC in the future.

Also, I received Mr. O'Neill's response to your E-mail message of yesterday afternoon, regarding your interest in an extension of time for filing your reply to Entergy's (and the Staff's) 1/22/08 responses to your petition to intervene. Based on his responses, it appears that the documents listed in your E-mail were either cited in your petition or are publicly available; also, you've already been granted a one-week extension of time to file your replies, and you don't provide any reason to support an extension of time to reply to the staff's response of 1/22/08. I would therefore oppose an extension of time for the filing of your replies.

Sincerely,

Sherwin Turk

**From:** [Palisadesart@aol.com](mailto:Palisadesart@aol.com) [mailto:[Palisadesart@aol.com](mailto:Palisadesart@aol.com)]

**Sent:** Friday, February 15, 2008 12:32 PM

**To:** Sherwin Turk; Sherwin Turk; Christopher Chandler; Beth Mizuno; Bo Pham; Brian Newell; David Roth; Kimberly Sexton; Lloyd Subin; [pbessette@morganlewis.com](mailto:pbessette@morganlewis.com); [NancyBurtonCT@aol.com](mailto:NancyBurtonCT@aol.com); [curran@harmoncurran.com](mailto:curran@harmoncurran.com); [mdelaney@nycedc.com](mailto:mdelaney@nycedc.com); [wdennis@entergy.com](mailto:wdennis@entergy.com); [mannajo@clearwater.org](mailto:mannajo@clearwater.org); Hearing Docket; Kaye Lathrop; [kremer@areaalliance.org](mailto:kremer@areaalliance.org); [ajkremer@rmfpc.com](mailto:ajkremer@rmfpc.com); Lawrence McDade; [fuse\\_usa@yahoo.com](mailto:fuse_usa@yahoo.com); [jlmattie@gw.dec.state.ny.us](mailto:jlmattie@gw.dec.state.ny.us); [phillip@riverkeeper.org](mailto:phillip@riverkeeper.org); [vob@bestweb.net](mailto:vob@bestweb.net); [martin.oneill@morganlewis.com](mailto:martin.oneill@morganlewis.com); [jdp3@westchestergov.com](mailto:jdp3@westchestergov.com); Richard Wardwell; [driesel@sprlaw.com](mailto:driesel@sprlaw.com); [John.Sipos@oag.state.ny.us](mailto:John.Sipos@oag.state.ny.us); [jsteinberg@sprlaw.com](mailto:jsteinberg@sprlaw.com); [ksutton@morganlewis.com](mailto:ksutton@morganlewis.com); [vtafur@riverkeeper.org](mailto:vtafur@riverkeeper.org); Zachary Kahn; [ezoli@goodwinprocter.com](mailto:ezoli@goodwinprocter.com); [janice.dean@oag.state.ny.us](mailto:janice.dean@oag.state.ny.us); [Palisadesart@aol.com](mailto:Palisadesart@aol.com); OCAAMAIL Resource; [richardbrodsky@msn.com](mailto:richardbrodsky@msn.com); [ulrich@ulrichwitte.com](mailto:ulrich@ulrichwitte.com); [sarahwagneresq@gmail.com](mailto:sarahwagneresq@gmail.com)

**Subject:** Fwd: WestCAN et al. Answer served 2.11.08