

RAS E-45



RICHARD L. BRODSKY
Assemblyman 92ND District

Westchester County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

DOCKETED
USNRC

April 1, 2008 (8:00am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

CHAIRMAN
Committee on
Corporations, Authorities
and Commissions

March 31, 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:

We write to bring to your attention the decision of the Atomic Safety and Licensing Board Panel (ASLB) canceling oral arguments for Petitioners over the admissibility of contentions in the license renewal of Indian Point's nuclear reactors. This decision undermines

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the very reasoning for holding public hearings – to ensure the concerns of interested parties and individuals are heard and considered.

Petitioners WestCAN, Sierra Club, RCCA, PHASE and Assemblyman Richard Brodsky (“WestCAN”) have submitted numerous unique contentions or contention with different arguments and/or support for its contentions. WestCAN is the only Intervenor who was not given an opportunity for oral argument to address the admissibility of their contentions.

On April 7, 2008 ASLB initially scheduled oral argument for the ASLB to direct questions to the attorneys representing WestCAN, the NRC Staff, and Entergy in order to determine if these contentions are admissible. Yet on March 25, 2008 the ASLB no longer had any questions for WestCAN. Consequently, we seek clarification of the following concerning the Order.

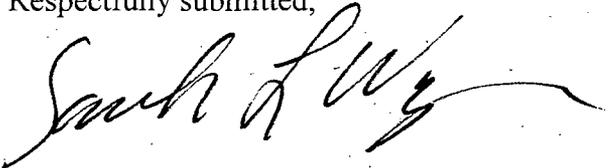
- Please explain when, from whom, and what information the ASLB obtained and used that rendered its earlier decision to accept oral testimony “would not be materially assisted by oral argument.”
- Why was the April 1, 2008 hearing for WestCAN never placed on the ASLB calendar?
- Did the ASLB decision rest in part or full on issues related to scheduling conflicts that prevented WestCAN from participating in the admissibility hearings on March 10-12, 2008?

This decision cast serious doubts about the commitment of the Atomic Safety and Licensing Board Panel and the Nuclear Regulatory Commission to an open and public

process for considering Entergy's license renewal application for Indian Point.

Therefore, we request that the ASLB immediately schedule a hearing to be held in Westchester County on WestCAN's contentions, with all appropriate public and official notice, including sufficient microphones and audio equipment to accommodate public participation.

Respectfully submitted,

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

Sarah L. Wagner

cc: Senator Hillary Clinton
Senator Charles Schumer
Congressman John Hall
Congressman Eliot Engel
Congresswoman Nita Lowey
Congressman Maurice Hinchey
Attorney General Andrew Cuomo
Assistant Attorney General John Sipos
Assemblywoman Ellen Jaffee
Roy Hawkens - NRC - ASLB

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 to the ASLB from Petitioners' WestCAN et. al dated March 31, 2008, has been served upon the following by electronically as shown to the address below, this 31st day of March, 2008. Hard copies have been mailed to the ASLBP members and the Office of the Secretary per the ASLB Order of February 1, 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

Office of Commission Appellate Adjudication
U. S. Nuclear Regulatory Commission
Mail Stop: O-16G4
Washington, D.C. 20555-0001
Email: 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

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

Dr. Kaye D. Lathrop
Atomic Safety and Licensing Board Panel
190 Cedar Lane E.
Ridgeway, CO 81432
E-mail: 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

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

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
 E-mail: pbessette@morganlewis.com
 E-mail: 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

John LeKay
 FUSE USA
 351 Dyckman Street
 Peekskill, NY 10566
 E-mail: 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
kremer@area-alliance.org

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

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

Justin D. Pruyne, Esq.
 Assistant County Attorney
 Office of the Westchester County Attorney
 148 Martine Avenue, 6th Floor
 White Plains, NY 10601
 E-mail: 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

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

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

Washington, D.C. 20036

E-mail: 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

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

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: driesel@sprlaw.com
jsteinberg@sprlaw.com

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

Ms. Nancy Burton
147 Cross Highway
Redding Ridge, CT 06876
E-mail: nancyburtonct@aol.com

Janice A. Dean, Esq.
Assistant Attorney General
Office of the Attorney General
120 Broadway, 26th Floor
New York, NY 10271
E-mail: janice.dean@oag.state.ny.us

Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Washington, D.C. 20555
E-mail: kimberly.sexton@nrc.gov
Sherwin.turk@nrc.gov
christopher.chandler@nrc.gov
Beth.Mizuno@nrc.gov
David.Roth@nrc.gov
Lloyd.Subin@nrc.gov

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

Mylan L. Denerstein
Executive Deputy Attorney General
Office of the N.Y. Attorney General
120 Broadway, 25th floor
New York, New York 10271
E-mail: Mylan.Denerstein@oag.state.ny.us

John Louis Parker, Esq.
Regional Attorney
Office of General Counsel, Region 3
NYS Dep't of Env't'l Conservation
21 S. Putt Corners Road
New Paltz, New York 12561-1620
jlparker@gov.dec.state.ny.us

Marcia Carpentier, Law Clerk
Atomic Safety and Licensing Board
Mail Stop: T-3 E2B
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Marcia.Carpentier@nrc.gov

Sarah L. Wagner, Esq.

* Original and two copies