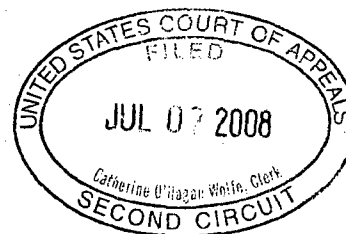


United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of July, two thousand eight,

Present:

Hon. José A. Cabranes,
Hon. Barrington D. Parker,
Hon. Reena Raggi,
Circuit Judges.



Richard L. Brodsky, *et al.*,

Petitioners,

v.

08-1454-ag

United States Nuclear Regulatory Commission,

Respondent,

Entergy Nuclear Operations, Inc.,

Intervenor.

Respondent moves to dismiss the petition for review, insofar as it challenges the exemption granted to the Intervenor, as untimely. Respondent also moves for summary denial of the petition for review, insofar as it challenges Respondent's denial of Petitioners' request for a hearing. Upon due consideration, it is hereby ORDERED that the motion is REFERRED to the merits panel. The

Clerk shall enter a scheduling order on an expedited schedule.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: 