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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY LICENSING BOARD

In re:	
	Docket Nos. 50-247-LR and 50-286-LR
License Renewal Application Submitted by	
	ASLBP No. 07-858-03-LR-BD01
Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, and Entergy Nuclear Operations, Inc.	DPR-26, DPR-64
	July 15, 2008

UNOPPOSED MOTION TO CLARIFY TIME TO REPLY TO ENTERGY'S RESPONSE TO THE STATE OF NEW YORK'S MOTION

Pursuant to 10 C.F.R. § 2.323, the State of New York moves for clarification of the timing of a reply to Entergy's response to the State of New York's motion to preserve documents.

CONSULTATION WITH PARTIES PURSUANT TO 10 C.F.R. § 2.323

Prior to filing this motion, on Monday, July 14, 2008, Assistant Attorney General Janice A. Dean contacted Paul Bessette, Esq., counsel to Entergy, and Sherwin Turk, Esq., counsel to the NRC Staff, and inquired whether Entergy or NRC Staff objected to a motion to clarify the timeline for the State's reply in this matter. Both Mr. Bessette and Mr. Turk expressed no opposition to this motion to clarify.

BACKGROUND ON THIS ISSUE

On June 30, 2008, the State of New York served on all parties a motion to preserve documents. State of New York, Motion to Preserve All NRC Staff Notes and Working Papers Pursuant to 10 C.F.R. § 2.336(b)(3) (June 30, 2008). On July 3, 2008, the Board issued an Order

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directing NRC Staff to brief several issues. Order Directing Briefing in Response to New York's Motion to Preserve Working Papers (July 3, 2008). This Order requested that Entergy respond to the State's motion "on or before the date the NRC Staff's response is due." ASLB Order Directing Briefing in Response to New York's Motion to Preserve Working Papers (July 3, 2008), at n2. At the time of the Board's July 3 Order, both NRC Staff and Entergy were to respond by July 10. The July 3 Order also granted other parties the right to respond, "no later than seven days after the NRC Staff's and Entergy's responses are filed." Id.

On July 9, 2008, NRC Staff submitted an unopposed motion for an extension of time in which to file its response. NRC Staff's Unopposed Request for an Extension of Time to Respond to the State of New York's Motion to Preserve All NRC Staff Notes and Working Papers and the Licensing Board's Related Order of July 3, 2008 (July 9, 2008). On July 10, 2008, the Board granted NRC Staff's motion, and granted the State until July 30 to respond to Staff's motion. Order, Granting the NRC Staff's Unopposed Motion for Extension of Time (July 10, 2008). Also on July 10, Entergy served its Answer opposing the State's motion. Answer of Entergy Nuclear Operations, Inc., Opposing State of New York's Motion to Preserve NRC Staff Working Papers (July 10, 2008).

THE ISSUE

The Board's July 3, 2008, Order allowed the State of New York to reply to NRC Staff and Entergy's responses within seven days of Staff and Entergy's filings. Since Entergy has responded by the original date (July 10) and Staff has been granted an extension until July 21, 2008, it is not clear if the Board seeks two separate replies from the State of New York and any other petitioner, one due within seven days of Entergy's filing and one within seven days of

Staff's filing, or if one unified filing submitted within seven days of Staff's filing would meet the Board's expectations.

The State of New York respectfully suggests that one unified reply filing from each of the petitioners would serve judicial and administrative efficiency in this matter. The State of New York therefore seeks clarification on the Board's expectations regarding the date for filing replies to Entergy's response to the State of New York's motion. The State of New York would prefer to file a single reply, on July 30, 2008, to both NRC Staff and Entergy's response to the State's motion.

New York, New York
July 15, 2008

Respectfully submitted,

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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)	)	

DECLARATION OF SERVICE

Pursuant to 28 U.S.C. §1746, Janice A. Dean hereby declares upon penalty of perjury that:

1. I am over 18 years old and am an employee of the Office of the Attorney General for the State of New York, counsel for the petitioner State of New York.

2. On July 15, 2008, I forwarded the attached motion to clarify time to reply to the following judges, law clerk, offices, organizations, attorneys, and/or petitioners at the e-mail and street addresses that follow.

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Executed on:

July 15, 2008
New York, New York

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