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DOCKETED
USNRC

July 28, 2008 (1:36pm)

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July 28, 2008

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Washington, D.C. 20555-0001

Dr. Kaye D. Lathrop
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Dr. Richard E. Wardwell
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Washington, D.C. 20555-0001

In the Matter of
Entergy Nuclear Operations, Inc.
(Indian Point Nuclear Generating Units 2 and 3)
Docket Nos. 50-247-LR/50-286-LR

Dear Administrative Judges:

On Friday, July 18, 2008, at 10:06 pm, counsel for Entergy Nuclear Operations, Inc. ("Entergy") received an e-mail from Susan Shapiro, counsel for joint petitioners Westchester Citizen's Awareness Network ("WestCAN"), Rockland County Conservation Association, Public Health and Sustainable Energy, Sierra Club-Atlantic Chapter, and Assemblyman Richard Brodsky (collectively, "WestCAN"). That e-mail forwarded an electronic copy of a Supplemental Petition, filed pursuant to 10 C.F.R. § 2.309, in which WestCAN proffers a late-filed contention asserting that

TEMPLATE = SECY-043

DS03

Atomic Safety and Licensing Board Panel
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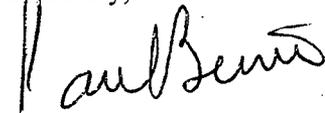
Morgan Lewis
COUNSELORS AT LAW

Entergy must address, in its license renewal application, radio frequency interference caused by microwatt electronic devices.¹

Counsel for Entergy was unable to open the electronic copy of Exhibit 4 to the Supplemental Petition, and on Monday, July 21, promptly notified Ms. Shapiro of this fact by e-mail. In her response, Ms. Shapiro indicated that she had sent a hard copy of the Supplemental Petition to counsel for Entergy. Counsel for Entergy received that hard copy on July 21, 2008. Notably, the hard copy included an additional exhibit (Exhibit 5), which was not included as an attachment to WestCAN's July 18 electronic filing.²

Entergy thus did not receive a complete copy of WestCAN's Supplemental Petition until July 21, 2008. Accordingly, unless directed otherwise by the Board, Entergy intends to file its answer to the Supplemental Petition no later than Friday, August 15, 2008 (*i.e.*, 25 days after service of the complete hard copy on July 21, 2008), in accordance with 10 C.F.R. § 2.309(h)(1). Entergy is not requesting that the Board take any particular action at this juncture.

Sincerely,



Kathryn M. Sutton
Paul M. Bessette
Martin J. O'Neill

Counsel for Entergy Nuclear Operations, Inc.

cc: Service List
William Dennis, Assistant General Counsel
Entergy Nuclear Operations, Inc.

¹ See "Supplemental Intervenor Petition by Westchester Citizen's Awareness Network (WestCAN), Rockland County Conservation Association (RCCA), Public Health and Sustainable Energy (PHASE), Sierra Club-Atlantic Chapter (Sierra Club), and Assemblyman Richard Brodsky," dated July 18, 2008.

² Entergy notes that WestCAN's July 16, 2008, letter concerning WestCAN's Proposed Contention 15 also involved a procedural irregularity. Both the letter and associated certificate of service are dated July 11, 2008. WestCAN, however, did not actually serve the letter until July 16, 2008.

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

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

In the Matter of)	Docket Nos. 50-247-LR and 50-286-LR
ENTERGY NUCLEAR OPERATIONS, INC.)	ASLBP No. 07-858-03-LR-BD01
(Indian Point Nuclear Generating Units 2 and 3))	
)	July 28, 2008

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter from counsel for Entergy Nuclear Operations, Inc. to the Atomic Safety and Licensing Board, dated July 28, 2008, was served this 28th day of July, 2008 upon the persons listed below, by first class mail and e-mail as shown below. The letter relates to the recent service of a Supplemental Petition by WestCAN and other joint petitioners and the date by which Entergy will file an answer to the Supplemental Petition.

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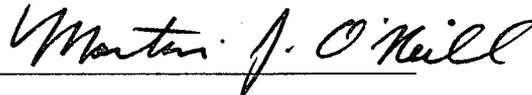
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* Original and 2 copies



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