UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

OFFICE OF THE
GENERAL COUNSEL

August 11, 2008

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U.S. Nuclear Regulatory Commission
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In the Matter of
ENTERGY NUCLEAR OPERATIONS, INC.
(Indian Point Nuclear Generating Units 2 and 3)
Docket Nos. 50-247-LR/286-LR

Dear Administrative Judges:

This is to inform you that unless directed otherwise, the NRC Staff intends to file on or before August 15, 2008, its response to the "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 ("Supplemental Petition").

In this regard, the Staff notes that Staff Counsel received the Supplemental Petition by E-mail from Susan Shapiro, Esq. at 10:26 PM on July 18, 2008, along with Exhibits 1, 2 and 3 thereto. The E-mail message from Ms. Shapiro also attached an "Exhibit 4"; that exhibit, however, could not be opened electronically by Staff Counsel. Thereafter, on July 21, 2008, the Staff received a copy of a letter from Ms. Shapiro to the Office of the Secretary, dated July 19, 2008 – which transmitted what appears to be a paper copy of the Supplemental Petition[1] along with five exhibits thereto (the three exhibits which had been transmitted by E-mail on July 18 -- as well as Exhibits 4 and 5, which had not been transmitted in Ms. Shapiro's E-mail of July 18).

[1] The paper copy of the Supplemental Petition included, for the first time, a "Table of Contents"; the Staff did not receive a table of contents in the electronic transmission of July 18, 2008.

In accordance with 10 C.F.R. §§ 2.306(b)(2)-(3) and 2.309(h)(1), the Staff is required to respond to the Supplemental Petition with 25 days after service thereof (plus 2 days where service of the document is accomplished by express mail). Accordingly, the Staff intends to file its response to the Supplemental Petition on or before August 15, 2008.

The Staff notes that the Applicant has reported similar difficulties with its receipt of the complete Supplemental Petition, and has stated its intention to respond to the Supplemental Petition by August 15, 2008, unless directed otherwise by the Licensing Board. *See* letter from Kathryn M. Sutton, *et al.* to the Licensing Board, dated July 28, 2008, at 2.

Thank you for your consideration.

Sincerely,

Sherwin E. Turk
Counsel for the NRC Staff

cc: Service List