



OFFICE OF THE  
GENERAL COUNSEL

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

February 5, 2009

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Administrative Judge  
Atomic Safety and Licensing Board  
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:

The NRC Staff ("Staff") has received the Atomic Safety and Licensing Board's ("Board") "Memorandum and Order (Summarizing Pre-Hearing Conference)," of February 4, 2009 ("Order"). In this regard, we wish to note the following:

1. As directed by the Board (Tr. 757-58; see Order at 1), the Staff has initiated communications with the other parties and participating governmental entities to ascertain whether they wish to adopt the NRC's electronic filing system in this proceeding. I regret that our initial communication was somewhat delayed, as I had hoped to receive the transcript of the Prehearing Conference before initiating those discussions; on February 2, 2009, however, I sent an E-mail message to the parties and participating governmental entities, requesting that they review the applicable regulations and guidance documents and provide their views to me by the end of the week. I hope to hear from them in the next two days, and will report back to the Board on the results of our communications on February 9, 2009, as requested.

2. In order to avoid any misunderstanding, I wish to note that the Board's Order incorrectly summarizes one of my statements during the Pre-Hearing Conference, concerning Staff communications. The Order recites that "[t]he NRC Staff stated that it tries to provide advanced notice to the parties on the Technical Staff Service List of any meetings or *telephone*

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*calls* between the NRC Staff and Entergy . . . .” Order at 6; emphasis added. More correctly, as I stated during the Pre-Hearing Conference, the Staff tries to provide advance notice of meetings to persons on the Staff’s technical service list, but does not provide advance notice of its telephone communications with the Applicant. See Tr. 819. As the Board correctly noted, summaries of both the meetings and the telephone calls will be placed in the hearing file. See Tr. 819; Order at 6.

Thank you for your consideration of these matters.

Respectfully submitted,



Sherwin E. Turk  
Counsel for NRC Staff

cc: Service List