

RAS E-385

August 13, 2010 (8:30 a.m.)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION  
ON PETITIONS SEEKING INTERLOCUTORY REVIEW OF LBP-10-13

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In re:	Docket Nos. 50-247-LR; 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  August 12, 2010

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**THE STATE OF NEW YORK'S REQUEST  
FOR ORAL ARGUMENT ON THE MERITS OF ENTERGY AND STAFF'S APPEAL  
SHOULD THE COMMISSION ACCEPT INTERLOCUTORY REVIEW**

The Commissioners currently have before them two Petitions for interlocutory review of the Atomic Safety and Licensing Board's June 30, 2010 Order admitting portions of New York State Contentions 35 and 36 concerning Severe Accident Mitigation Alternatives.<sup>1</sup> On July 15, 2010, NRC Staff and Entergy each filed Petitions<sup>2</sup> seeking interlocutory review of portions of the ASLB's June 30, 2010 Order. The States of New York and Connecticut filed an Answer to these Petitions on July 26, 2010.<sup>3</sup> NRC Staff and Entergy each filed their Replies on August 2, 2010.<sup>4</sup>

<sup>1</sup> *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), LBP-10-13, Memorandum and Order (Ruling on the Admissibility of New York's New and Amended Contentions 12B, 16B, 35, and 36) (June 30, 2010).

<sup>2</sup> NRC Staff's Petition for Interlocutory Review of the Atomic Safety and Licensing Board's Decision Admitting New York State Contentions 35 and 36 on Severe Accident Mitigation Alternatives; Applicant's Petition for Interlocutory Review of LBP-10-13.

<sup>3</sup> The State of New York's and State of Connecticut's Combined Reply to Entergy and NRC Staff Petitions for Interlocutory Review of the Atomic Safety and Licensing Board's Decision Admitting the State of New York's Contentions 35 and 36 (LBP-10-13).

<sup>4</sup> NRC Staff's Reply to State of New York's and State of Connecticut's Answer to Entergy's and NRC Staff's Petitions for Interlocutory Review of LBP-10-13; Applicant's Reply to the State of New York's and the State of Connecticut's Combined Reply to Entergy and NRC Staff Petitions for Interlocutory Review of LBP-10-13.

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While the State of New York does not believe that the Petitions raise issues of such significance that the extraordinary interlocutory review procedure should be invoked, should the Commission find that the procedural conditions of 10 C.F.R. § 2.341(f)(2)(i), (ii) have been met for interlocutory review, the State of New York respectfully requests that the Commission allow oral argument before the Commissioners concerning the merits of the appeal pursuant to 10 C.F.R. § 2.343 prior to any decision on the merits.

As a courtesy, counsel for the State advised counsel for Entergy and NRC Staff of the State's intent to file this request.

Respectfully submitted,



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Dated: August 12, 2010

**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE COMMISSION**

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In re: Docket Nos. 50-247-LR; 50-286-LR  
  
License Renewal Application Submitted by ASLBP No. 07-858-03-LR-BD01  
  
Entergy Nuclear Indian Point 2, LLC, DPR-26, DPR-64  
Entergy Nuclear Indian Point 3, LLC, and  
Entergy Nuclear Operations, Inc. August 12, 2010  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2010, copies of the State of New York's "Request For Oral Argument on the Merits of Entergy and Staff's Appeal Should the Commission Accept Interlocutory Review" was served upon the following persons via U.S. Mail and e-mail at the following addresses:

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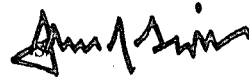
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Dated at Albany, New York  
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