



OFFICE OF THE
GENERAL COUNSEL

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

June 30, 2011

Lawrence G. McDade, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Administrative Judge
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U.S. Nuclear Regulatory Commission
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In the Matter of
ENERGY NUCLEAR OPERATIONS, INC.
(Indian Point Nuclear Generating Unit Nos. 2 and 3)
Docket Nos. 50-247-LR/286-LR

Dear Administrative Judges:

During the prehearing conference held on June 6, 2011, the Atomic Safety and Licensing Board ("Board") requested that Counsel for the NRC Staff ("Staff") poll the other parties to this proceeding to determine whether they would favor, or oppose, adoption of the NRC's electronic filing procedures in lieu of the filing and service procedures that are currently used in this proceeding. See Tr. at 974. The Board directed the Staff to advise the Board of the parties' positions within 30 days, *i.e.*, by July 6, 2011. *Id.* See Amended Scheduling Order (June 7, 2011), at 4.

In accordance with the Board's request, Counsel for the Staff has communicated with the other parties and interested governmental entities regarding this matter. All of the parties in this proceeding (Entergy Nuclear Operations, Inc., the State of New York, Riverkeeper, Inc., Hudson River Sloop Clearwater, Inc., and the Staff) state that they favor converting to the electronic filing procedures set out in 10 C.F.R. §§ 2.302, 2.304 and 2.305, in lieu of the current filing and service procedures. In addition, Counsel for the State of Connecticut, Westchester County, the City of New York, and the Town of Cortlandt state that they do not object to conversion to the electronic filing procedures. No view has been expressed as yet by the Village of Buchanan – although the Board's Order of June 7, 2011 explicitly "encourage[d]" it to participate in the parties' discussions (Amended Scheduling Order, at 3 n.7), and Staff Counsel

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Judge Wardwell

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thrice invited it to participate in the parties' discussions and/or to express its views on this matter. Counsel for the Staff will advise the Board by July 6, 2011, as to whether the Village of Buchanan has stated its position on this matter.

Assuming that EIE procedures are adopted in this proceeding, the parties suggest that conversion to the electronic filing procedures occur on September 1, 2011, to allow time for the parties to obtain the necessary digital IDs and to acclimate themselves to the new procedures. In addition, if possible, the parties would like to begin using the electronic procedures on a trial basis during the months of July and August, along with the current filing and service procedures, to allow them to gain experience with the new procedures before those procedures go into effect. The parties are willing to participate in a telephone conference call with the Board to discuss these matters further, should the Board find that such a call is appropriate or warranted.

Sincerely,

A handwritten signature in black ink that reads "Sherwin E. Turk". The signature is written in a cursive style with a long, sweeping underline.

Sherwin E. Turk
Counsel for NRC Staff

cc: Service List