May 3, 2013

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

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

NRC STAFF'S REPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW ON NEW YORK STATE CONTENTIONS NYS-17, NYS-17A, and NYS-17B (REAL ESTATE VALUES)

INTRODUCTION

In accordance with 10 C.F.R. § 2.1209 and the Atomic Safety and Licensing Board's Orders,[1] proposed findings of fact and conclusions of law concerning New York State Contentions NYS-17, NYS-17A, and NYS-17B (Real Estate Values) ("Contention NYS-17B") were timely filed by Entergy Nuclear Operations, Inc ("Entergy," or the "Applicant"),[2] the State of New York ("New York"),[3] and the NRC Staff ("Staff")[4] on March 22, 2013. Pursuant to the Licensing Board's Order of February 28, 2013, the Staff herewith files its reply to the Applicant's

[1] *See* (1) Scheduling Order (July 1, 2010), at 19; (2) Order (Scheduling Post-Hearing Matters and Ruling on Motions to File Additional Exhibits) (Jan. 15, 2013) at 1; and (3) Order (Granting Parties' Joint Motion for Alteration of Filing Schedule) (Feb. 28, 2013).

[2] Entergy's Proposed Findings of Fact and Conclusions of Law for Contention NYS-17B (Property Values), dated March 22, 2013 ("Entergy PF" or "Entergy's proposed findings"). The Staff has reviewed Entergy's proposed findings and has determined that a detailed reply thereto is not required. In this regard, the Staff has concluded that the Applicant's findings concerning Contention NYS-17 are not inconsistent with the Staff's findings, and any important substantive differences between the Staff's and Applicant's respective views of the evidence are reflected in their proposed findings of fact and conclusions of law filed on March 22, 2013.

[3] State of New York's Proposed Findings of Fact and Conclusions of Law Regarding Contention NYS-17B, dated March 22, 2013 ("NYS PF" or "New York's proposed findings").

[4] NRC Staff's Proposed Findings of Fact and Conclusions of Law Part 7: Contentions NYS-17, NYS-17A and NYS-17B (Real Estate Values), dated March 22, 2013 ("Staff PF" or "Staff's proposed findings").

and New York's proposed findings of fact and conclusions of law concerning Contention NYS-17B.[5]

REPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW

7.169 We do not agree with New York that the Staff is "sweeping negative evidence under the proverbial rug." NYS PF ¶¶ 36, 46, and 216. Because New York did not identify the negative evidence to which it alluded, we have searched its proposed findings and have determined that it was likely referring to its assertions in NYS PF ¶¶ 104 and 105: evidence that some home buyers may have decided not to purchase properties near the Indian Point plant because of the existence of the plant and the view of one realtor who opined that more development would have occurred in the absence of Indian Point.

7.170 With respect to the substance of the charge, we note that the negative evidence that New York relied upon consisted of minority views that the Staff obtained in its case study of Indian Point; the majority view was to the contrary: "Local realtors agree that housing values in communities neighboring the plant have not been deflated because of the presence of Indian Point. Homes in the immediate area are moderately priced and are currently selling very fast on the market."[6]

7.171 In support of its proposed findings, New York cited and quoted from the discussion of the impacts of license renewal on housing marketability in Appendix C of the GEIS. The statements that New York pulled from the GEIS appendix run counter to the GEIS's conclusion and constituted minority opinions.[7] Nevertheless, these statements were published in the GEIS appendix. Rather than sweep these negative statements under the rug, the Staff

[5] The paragraph numbering system in these Reply Findings follows the numbering system utilized in the NRC Staff's proposed findings. Thus Staff Reply Finding ¶ 7.169 should be read to follow ¶ 168 in the Staff's proposed findings.

[6] Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437(May 1996) ("GEIS"), Appendix C, (Ex. NYS000131G) at C-83 through 84.

[7] *Id.* at C-82 through C-85.

published them, with the result that they were available to New York to cite and quote. Accordingly, we cannot sustain NYS PF ¶¶ 36, 46, and 216.

7.172 In NYS PF ¶¶ 41, 214, 215, and 220, New York asserts that the FSEIS is deficient for failing to quantify the impact of license renewal or the no-action alternative on land values. In support of its position, New York quotes the regulation in 10 C.F.R. § 51.71(d), "[a] draft EIS must 'to the fullest extent practicable, quantify the various factors considered.'" However, the regulation also provides: "To the extent that there are important qualitative considerations or factors that cannot be quantified, these considerations or factors will be discussed in qualitative terms." 10 C.F.R. § 51.71(d).

7.173 We find that the Staff's reliance on qualitative information in the 2005 Levitan Report[8] was consistent with 10 C.F.R. § 51.71(d). New York has not asserted that the Staff failed to address a quantitative report or that there were more recent or more on-point qualitative studies available when the Staff wrote the FSEIS or its precursor, the Draft Supplemental Environmental Impact Statement.[9] While New York has, in this proceeding, proffered several studies by its witness, Dr. Sheppard, those studies suffer from numerous flaws, which have been identified and discussed by the Staff and Entergy.[10] In any event, the Staff was not required to commission the kinds of quantitative studies undertaken by Dr. Sheppard for New York or Dr. Tolley for Entergy; the Staff's environmental impact statement was never meant to be a research paper.[11] Accordingly, we reject NYS PF ¶¶ 41, 214, 215, and 220.

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[8] *Indian Point Retirement Options, Replacement Generation, Decommissioning/Spent Fuel Issues, and Local Economic/Rate Impacts* (June 9, 2005) ("Levitan Report") (Ex. NYS000056).

[9] Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38, Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3 (December 2008) ("DSEIS") (Ex. NYS000132A through D).

[10] Staff PF ¶¶ 7.111-135; Entergy PF ¶¶ 130-236.

[11] *Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-10-22, 72 NRC 202, 208 (2010).

7.174 New York is correct that the Staff may not rely on "post hoc analyses conducted by the applicant's witnesses[.]" NYS PF ¶ 49. However, the Staff has not done so. The Staff's FSEIS will stand or fall on its own merits. As a matter of fact, the Staff could not have relied on the analyses proffered by Applicant witness Dr. Tolley as those analyses were not completed until after the FSEIS issued. The Staff issued the FSEIS in December 2010. Dr. Tolley's report is dated March 2012.[12] Dr. Tolley's report was filed 15 months after the FSEIS was issued. Accordingly, the FSEIS could not have relied on it.

7.175 We agree with New York that the GEIS provides definitions of the significance of a nuclear power plant's impact on the desirability of housing located close to the plant during the period of license renewal and that the GEIS states that a large impact may result "if a sustained and substantial drop in housing value occurs because of the house's proximity to the plant."[13] NYS PF ¶ 45. We note, however, that the GEIS concludes that "only small impacts to housing value and marketability are projected" as a result of license renewal.[14] The only potential impact on housing marketability that the GEIS found is the impact of refueling, maintenance, and refurbishment workers' demands for housing in low population areas or areas where growth control measures that limit housing are in effect.[15]

7.176 In its proposed findings, New York misapprehends the public comment process. NYS PF ¶¶ 97 and 98. New York suggests that the Staff should have changed its analysis based on comments New York and other commenters submitted on the DSEIS. This is incorrect. While the Staff must respond to comments on the DSEIS and may change its analyses based on comments submitted, this is just one of the options available to the Staff and

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[12] Property Value Effect of Indian Point License Renewal (March 2012) ("Tolley Report") (Ex. ENT000144) at 1.

[13] GEIS (Ex. NYS000131B) at 4-102.

[14] *Id.* at 4-103.

[15] *Id.*

identified in the regulation in 10 C.F.R. § 51.91(a)(1). The regulation does not, as New York suggests, require the Staff to change its analysis in response to comments. In NYS PF ¶¶ 97 and 98, New York quoted the Staff's responses to three comments. We find that those quoted responses fully address the comments and that nothing further was required of the Staff. Accordingly we cannot sustain NYS PF ¶¶ 97 and 98 and for similar reasons, we reject NYS PF ¶ 221.

7.177 We find that New York erroneously asserts that Appendix C of the GEIS related **only** to the impacts of refurbishment and that, since Contention NYS-17B raised no issue regarding refurbishment, Appendix C was "irrelevant" to a discussion of the impacts of license renewal on offsite property values. NYS PF ¶ 99. Contrary to New York, refurbishment is one of the aspects of license renewal. "License renewal actions may include associated refurbishment actions that provide for safe and economic operation during the period of extended operation."[16] Appendix C states, "License renewal for a commercial nuclear power plant will involve two time periods: the refurbishment period and the license renewal term."[17] Also contrary to New York, Appendix C addresses **both** the impacts of refurbishment and the impacts of operation during the license renewal term.[18] Because Appendix C discusses the impacts of operations as well as the impacts of refurbishment, we do not find Appendix C irrelevant to our discussion of the impacts of license renewal. Accordingly, we reject NYS PF ¶ 99 as an incorrect reading of the GEIS and its Appendix C.

7.178 In its proposed finding at NYS PF ¶ 102, New York appears to be arguing that the GEIS should have evaluated "all reasonable alternatives" and suggests that GEIS did not evaluate those alternatives. We reject this argument on procedural grounds and also because it

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[16] FSEIS (Ex. NYS000133B) at 3-1.

[17] GEIS Appendix C (Ex. NYS000131F) at C-15.

[18] *Id.* at C-82 through 84 and C-89 through 90.

is contrary to evidence that New York, itself, submitted on the record. Contrary to any suggestion by New York, the GEIS **does** contain an analysis of the impacts of alternatives to license renewal.[19] The FSEIS, as well, contains an analysis of the impacts associated with alternatives.[20] Both documents were submitted by New York as exhibits and bear New York exhibit number prefixes. The proposed finding is thus factually incorrect. Also, this is the first time New York has raised the issue of the analysis of alternatives in this contention. To the extent that it attempts to expand the scope of Contention NYS-17B by way of this new argument, raised at this late date, this proposed finding must be rejected.[21]

7.179 We reject NYS PF ¶ 109 on the grounds that it inaccurately summarizes the testimony of Entergy witness Dr. Tolley. Dr. Tolley did not testify that housing values experienced a gradual **increase** with increasing distance from Indian Point; he testified that housing values experienced a **decline** with increasing distance from Indian Point.[22]

7.180 We find that the Staff's determination on the issue of property values was not conclusory or deficient on its face. The Staff's explained the rationale for its conclusions and its conclusions were supported by a third party study.[23] The Staff relief on the Levitan Report, a study commissioned by Westchester County and the Westchester Public Utility Service Agency,

[19] GEIS (NYS000131D and E) at 8-1 through 45.

[20] FSEIS (Ex. NYS000133C) at 8-1 through 73.

[21] *Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-12-01, 75 NRC 39, 55-56 (2012) (footnotes omitted). *Accord, Southern Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), CLI-10-05, 71 NRC 90, 100-05 (2010); *Duke Energy Corp*. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2), CLI-02-28, 56 NRC 373, 380-81, 386 (2002);Order (Granting in Part and Denying in Part Applicant's *Motions in Limine*)" (Mar. 6, 2012), slip op. at 3-4, *citing, inter alia, Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-10-11, 71 NRC 287, 309 (2010).

[22] Tolley Report (Ex. NYS000144) at 20-22.

[23] FSEIS (Ex. NYS000133C) at 8-24 through 25.

to explore the various impacts associated with the retirement of Indian Point, including the economic impacts of retirement.[24] Accordingly, we reject NYS PF ¶ 118.

7.181 In NYS PF ¶ 176, New York asserts that "[t]he real significance of a potentially 'missed' disamenity is that it means Dr. Sheppard's estimate of IPEC's impact on property values is, if anything, too low." We disagree: the real significance of a potentially missed disamenity is that the decrease in property values that Dr. Sheppard attributes to Indian Point may actually be the result of some other factor, and not properly attributable to Indian Point.

7.182 New York is incorrect when it asserts that the Staff failed to consider the impact of Indian Point on housing and failed to consider the impact of the no-action alternative on housing. NYS PF ¶ 211. In the FSEIS, the Staff considered the impact of Indian Point license renewal on housing and found that the impact would be no different than that currently being experienced.[25] Also, in the FSEIS, the Staff discussed the impact of the no-action alternative on housing.[26] The Staff stated that the no-action alternative may result in increased property values and increased property tax revenues, but that the net effect could not be determined. The Staff also discussed the effect that the loss of Indian Point revenue would have on local jurisdictions. Thus, NYS PF ¶ 211 is not supported by evidence and must be rejected.

7.183 We note here that the regulations issued by the Council on Environmental Quality are not applicable to the NRC. As the Commission has made clear, the NRC looks to the regulations of the Council on Environmental Quality ("CEQ") for guidance.[27] However, it is the NRC's long-standing policy that, as an independent regulatory agency, it is not bound by CEQ's NEPA regulations that would have a substantive impact on the way in which the

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[24] Levitan Report (Ex. NYS0000056) at 0002 through 0004.

[25] GEIS (Ex. NYS000131D through E) at 8-1 through 45.

[26] FSEIS (Ex. NYS000133C) at 8-1 through 73.

[27] *Pacific Gas and Electric Co*. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI-11-11, 74 NRC 427, 443-44 (2011); *see also* 10 C.F.R. § 51.10(a).

Commission performs its functions.[28] New York's proposed findings and conclusions of law that assert or imply that CEQ regulations govern the Staff's environmental review are, therefore, erroneous. For this reason, we cannot sustain NYS PF ¶¶ 30, 44, 35, 36, 115, 117, 223, 228, and 238.

7.184 New York contends that a deficient FSEIS cannot be cured by submissions during the adjudicatory hearing and that the appropriate remedy for a deficient Environmental Impact Statement is for the Board to remand the matter to the NRC Staff to re-analyze site-specific environmental impacts and prepare a supplemental EIS.[29] Entergy, on the other hand, asserts that after the Board considers the entire record of this proceeding, the FSEIS will be "deemed supplemented" by the Board's decisions on NEPA contentions and by any subsequent Commission decision.[30] For the reasons stated below, we find that the FSEIS will be "deemed supplemented" by this adjudicatory decision and by any subsequent Commission decision in this proceeding.

7.185 New York contends that the Commission's deliberate elimination of an earlier regulation, 10 C.F.R. § 51.52(b)(3),[31] permitting licensing boards to "modify the content" of an EIS precludes "post hoc supplementation by the Board . . . to cure deficiencies in the challenged FSEIS."[32] However, as Entergy notes, the Commission and licensing boards have routinely followed the process of supplementing EIS conclusions in reactor licensing and other

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[28] *Id.*

[29] NYS PF ¶¶ 222-240

[30] Entergy PF ¶¶ 86-97.

[31] "An initial decision . . . may include findings and conclusions which affirm or modify the content of the final environmental impact statement prepared by the staff. To the extent that findings and conclusions different from those in the final environmental statement prepared by the staff are reached, the statement will be deemed modified to that extent and the initial decision will be distributed as provided in § 51.26(c)."

[32] NYS PF ¶ 222, *see also* NYS PF ¶ 225, 229.

proceedings through adjudicatory decisions to remedy an otherwise deficient EIS, not only in recent decisions, but also in cases dating back decades.[33]

7.186 Moreover, the Appeal Board in *Limerick* explicitly addressed this issue and found that 10 C.F.R. § 51.102 essentially replaced the provision in section 51.52 such that amendment of an environmental statement by the adjudicatory hearing record and subsequent licensing board decision is entirely proper under NRC regulations and court precedent.[34] Further, the Appeal Board noted,

> We need not decide which regulation controls, for section 51.102 serves the same purpose as its differently worded predecessor, section 51.52(b)(3). LEA's argument is therefore without merit. Section 51.102(a) states that '[a] Commission decision on any action for which a final environmental impact statement has been prepared shall be accompanied by or include a concise public record of decision.' Generally, that record is to be prepared by the staff. 10 C.F.R. § 51.102(b). When an adjudicatory hearing is held on the action, however, the initial decision of the [Licensing Board] . . . will constitute the record of decision. An initial or final decision constituting the record of decision will be distributed as provided in § 51.93. 10 C.F.R. § 51.102(c). Section 51.103 describes the contents of the 'record of decision,' noting that it may incorporate by reference any material in the final environmental statement. On its face, 10 C.F.R. § 51.102 thus merges the FES with any relevant licensing board decision to form the complete environmental record of decision—just as former section 51.52(b)(3) did. But even under

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[33] Entergy PF ¶¶ 87-90, citing *Entergy Nuclear Generation Co*. (Pilgrim Nuclear Power Station), CLI-12-01, 75 NRC 39, 61 (2012) (citing *La. Energy Servs., L.P.* (Nat'l Enrichment Facility), CLI-05-28, 62 NRC 721, 731 (2005)); *Pac. Gas & Elec. Co.* (Diablo Canyon Power Plant Indep. Spent Fuel Storage Installation), CLI-08-26, 68 NRC 509, 526 (2008); *Dominion Nuclear N. Anna, LLC* (Early Site Permit for North Anna ESP Site), CLI-07-27, 66 NRC 215, 230 (2007) ("But *our own* examination of the entire administrative record leads us to conclude that the Staff's underlying review was sufficiently detailed to qualify as "reasonable" and a "hard look" under NEPA — even if the Staff's description of that review in the FEIS was not. Our explanation below provides an additional detailed discussion as part of the record on the alternative site review. We direct the Staff to include a similar level of detail in future FEIS analyses of alternative sites.") (emphasis in original); *Hydro Res., Inc.* (P.O. Box 15910, Rio Rancho, NM 87174), CLI-01-04, 53 NRC 31, 53 (2001) ("[T]he Presiding Officer's incorporation into LBP-99-30 of a staff affidavit on costs and benefits also does not require FEIS supplementation . . . in an adjudicatory hearing, to the extent that any environmental findings by the Presiding Officer (or the Commission) differ from those in the FEIS, the FEIS is deemed modified by the decision."); *Phila. Elec. Co.* (Limerick Generating Station, Units 1 & 2), ALAB–819, 22 NRC 681, 705-07 (1985), *aff'd in part and review otherwise declined*, CLI–86–5, 23 NRC 125 (1986), *remanded in part on other grounds sub nom. Limerick Ecology Action, Inc. v. NRC*, 869 F.2d 719 (3d Cir. 1989); *Niagara Mohawk Power Corp.* (Nine Mile Point Nuclear Station, Unit 2), ALAB-264, 1 NRC 347 (1975); *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-09-7, 69 NRC 613, 733 (2009).

[34] *Limerick*, ALAB, 22 NRC at 705-07.

> the stricter construction of section 51.102 urged by LEA, nothing in it precludes modification of an FES by licensing board decision.[35]

7.187 New York contends, however, that to the extent the *Limerick* decision suggests that a licensing board may supplement an EIS, it is inconsistent with 10 C.F.R. § 51.102(c) in that section 51.102 does not contain any provision for the incorporation of testimony or exhibits in an adjudicatory hearing.[36] We disagree. As the Commission has explicitly stated, "[t]he adjudicatory record and Board decision (and . . . any Commission appellate decisions) become, in effect, part of the FEIS."[37] Moreover, we agree with Entergy that 10 C.F.R. § 51.102 governs the resolution of environmental issues following an adjudicatory hearing and requires the Board to consider the adjudicatory record as a whole when evaluating the environmental impacts of the proposed action, to supplement the FSEIS as necessary, and to modify the NEPA analysis and conclusions, if necessary.[38]

7.188 New York also contends that supplementation of the FSEIS through an adjudicatory hearing "is inconsistent with federal regulations that emphasize the importance of the EIS itself, as well as the public's right to review and participate in the process.[39] New York further asserts that materials prepared after the FSEIS, such as studies and memoranda, are not a substitute for supplementation and recirculation for public comment.[40] However, as Entergy notes, the Commission has uniformly rejected this argument and has found that, "the hearing process itself allows for additional and more rigorous public scrutiny of the

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[35] *Id*. at 706.

[36] NYS PF ¶¶ 235-36.

[37] *Hydro Res.*, CLI-01-04, 53 NRC at 53 (citing *La. Energy Servs.* (Claiborne Enrichment Center), CLI-98-3, 47 NRC 77, 89 (1998)).

[38] Entergy PF ¶ 90.

[39] NYS PF ¶¶ 222, 228-29.

[40] *Id.* at ¶¶ 228-29.

[environmental impact statement] than does the usual circulation for comment."[41] Moreover, as Entergy notes, the cases New York relied on regarding subsequent studies and memoranda have been previously considered and distinguished by the NRC Appeal Boards.[42]

7.189 Additionally, New York asserts that the NRC Staff is bound by 10 C.F.R. § 51.92, which requires that the Staff prepare a supplemental EIS when there are substantial changes to the proposed action or new and significant information.[43] We find New York's argument unconvincing given that the Commission has repeatedly authorized the supplementation of the FSEIS through the adjudicatory record despite the existence of section 51.92.[44] Moreover, we agree with Entergy's assertion that New York's argument would essentially give no effect to section 51.102(c) governing the resolution of environmental issues following an adjudicatory hearing.[45]

7.190 Finally, New York asserts that federal courts have consistently recognized that under NEPA, the remedy to cure a deficient EIS is to remand the proceeding to the administrative agency to re-initiate the EIS process.[46] However, as New York itself acknowledges, few federal agencies have internal administrative procedures like the NRC's for adjudicating or appealing NEPA issues.[47] Nevertheless, multiple federal courts of appeals

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[41] Entergy PF ¶ 91 n.307 citing *Hydro Res.*, CLI-01-04, 53 NRC at 53 (quoting *Limerick*, ALAB-819, 22 NRC at 707).

[42] Entergy PF ¶¶ 94-96.

[43] NYS PF ¶¶ 222, 228-230.

[44] *Supra* n.33. *See also* Entergy PF ¶ 93.

[45] Entergy PF ¶ 93.

[46] NYS PF ¶¶ 228-230.

[47] NYS PF ¶ 231. New York refers to the Interior Board of Land Appeals (within the Department of Interior) as an example of an administrative board requiring a formal supplement to an EIS. *Id.* In contrast, Entergy notes that agencies such as the Federal Energy Regulatory Commission ("FERC") have allowed supplementation through public hearings. Entergy PF ¶ 91, citing *Pacific Alaska LNG Co.*, 9 FERC ¶ 61,334, 61,709 ("the CEQ General Counsel suggests that the matter should also be considered in the FEIS because the Commission proceeding does not provide the broad public review and comment required by NEPA. We disagree. Our final decision will address this issue in detail, based on the record in

have consistently upheld the NRC's practice of supplementing environmental impact statements through the adjudicatory process. Accordingly, for the reasons described above, we find that the FSEIS will be "deemed supplemented" by the Board's decision in this proceeding and by any subsequent Commission decision.

Respectfully submitted

/Signed Electronically by/
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Dated at Rockville, Maryland
this 3rd day of May 2013

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the proceeding. All interested parties have had an opportunity to contribute to that record, and our decision will therefore be based on full information. This procedure fully comports with the letter and spirit of NEPA.") (citing *Aberdeen & Rockfish R.R. v. SCRAP,* 422 U.S. 289, 320-21 (1975); *Citizens For Safe Power, Inc. v. NRC*, 582 F.2d 87 (1st Cir. 1978)).

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(Indian Point Nuclear Generating Units 2 and 3)	)	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (as revised), I hereby certify that copies of the foregoing "NRC STAFF'S REPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW ON NEW YORK STATE CONTENTIONS NYS-17, NYS-17A, AND NYS-17B (REAL ESTATE VALUES)," dated May 3, 2013, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding, this 3rd day of May, 2013.

/Signed (electronically) by/
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