

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket Nos. 50-247-LR and
ENTERGY NUCLEAR OPERATIONS, INC.)	50-286-LR
(Indian Point Nuclear Generating Units 2 and 3))	
	June 20, 2013

**ENTERGY’S MOTION FOR LEAVE TO FILE, AND
TO REQUEST THE ADMISSION OF, HEARING EXHIBIT ENT000608**

In accordance with 10 C.F.R. § 2.323(a), and the Atomic Safety and Licensing Board’s (“Board”) Order dated June 12, 2013,¹ Entergy Nuclear Operations, Inc. (“Entergy”) seeks leave to file Entergy communication NL-13-075,² in its entirety, as additional hearing exhibit ENT000608, and requests that the Board admit ENT000608 into evidence. In addition, Entergy is filing a revised exhibit list (ENTR13001) that reflects the submission of this exhibit.

Good cause has been shown for the admission of this exhibit into evidence.³ In admitting an excerpt from NL-13-075 as exhibit NYS000476 in connection with Contention NYS-16B, the Board stated that “if Entergy submits NL-13-075 in its entirety as ENT000608 it will be admitted upon receipt.”⁴

Pursuant to 10 C.F.R. § 2.323(b), counsel for Entergy consulted with the other parties’ counsel concerning this Motion. The NRC Staff does not oppose Entergy’s Motion.

¹ See Licensing Board Order (Granting New York’s Motions, Denying Clearwater’s Motion, and Denying CZMA Motions) at 2 (June 12, 2013) (unpublished) (“June 12 Order”).

² See NL-13-075, Letter from F. Dacimo, Vice President, Indian Point Energy Center, to NRC Document Control Desk, License Renewal Application – Completed Engineering Project Cost Estimates for SAMAs Previously Identified as Potentially Cost-Beneficial (May 6, 2013).

³ See Entergy’s Answer Opposing State of New York Motion Seeking Leave to File an Additional Exhibit and Supplemental Findings of Fact and Conclusions of Law on Contention NYS-16B at 5 n.21 (May 28, 2013) (stating that admitting NL-13-075 in its entirety would provide appropriate factual and legal context for the two-page table excerpted by New York State in exhibit NYS000476.).

⁴ June 12 Order at 2.

Riverkeeper and Clearwater take no position on the Motion. New York State continues to object to the submission and admission of the entirety of Entergy communication NL-13-075 as an exhibit concerning Contention NYS-16 for the reasons stated in the State's answer filed on June 6, 2013 and discussed during the June 10, 2013 conference call;⁵ the State reserves the right to pursue those objections in this proceeding. However, given the text of the Board's June 12, 2013 Order, the State does not intend to submit additional opposition arguments to the Board on this point at this time assuming that other parties do not submit additional arguments.

Respectfully submitted,

Executed in accord with 10 C.F.R. § 2.304(d)

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Counsel for Entergy Nuclear Operations, Inc.

Dated in Washington, D.C.
this 20th day of June 2013

⁵ See State of New York's Answer to Entergy's Request for Leave to File an Additional Exhibit and Supplemental Proposed Findings of Fact and Conclusions of Law In Response to New York's Supplemental Proposed Findings of Fact and Conclusions of Law on Contention NYS-16B at 2-5 (June 6, 2013); Official Transcript of Proceedings, Indian Point Nuclear Generating Units 2 & 3 at 4525-27 (June 10, 2013).

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MOTION CERTIFICATION

Pursuant to 10 C.F.R. § 2.323(b), counsel for Entergy certifies that he made a sincere effort to contact the other parties in this proceeding, to explain to them the factual and legal issues raised in this Motion, and to resolve those issues, and he certifies that the views of the other parties are appropriately reflected in the Motion.

Executed in accord with 10 C.F.R. § 2.304(d)

Signed (electronically) by Martin J. O'Neill

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I hereby certify that, on this date, a copy of “Entergy’s Motion for Leave to File, and to Request the Admission of, Hearing Exhibit ENT000608” was served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding.

Signed (electronically) by Lance A. Escher

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