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DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

July 18, 2016

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Michael F. Kennedy
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Re: Indian Point Nuclear Generating Station, Unit 2 and Unit 3
Docket Nos. 50-247-LR/50-286-LR; ASLBP No. 07-858-03-LR-BD01

Dear Administrative Judges:

The State of New York writes to inform the Board of a recent development that may be relevant to the Board's consideration of the State's pending scheduling motion for waiver and contention filings. Today various petitioners in the consolidated matter *State of New York v. United States Nuclear Regulatory Commission*, D.C. Cir. No. 14-1210 (consolidated with 14-1212, 14-1216, and 14-1217) filed a Petition for Rehearing En Banc to the United States Court of Appeals for the District of Columbia (PACER ECF Document #1625110). The petition seeks rehearing *en banc* of the petitions for judicial review of the U.S. Nuclear Regulatory Commission's Continued Spent Fuel Storage Rule and Generic Environmental Impact Statement. Consistent with the D.C. Circuit's order and rules, the mandate has not yet issued.

Respectfully submitted,

Signed (electronically) by

John J. Sipos
Assistant Attorney General

cc: All individuals, parties, or NRC offices on the EIE Service List

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD

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In re: Docket Nos. 50-247-LR and 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. July 18, 2016
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CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2016, the State of New York's letter was served electronically via the NRC's Electronic Information Exchange public submission portal and directed to the following recipients:

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Signed (electronically) by

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Dated at Albany, New York
this 18th day of July 2016