

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

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In the Matter of	)	
	)	
Entergy Nuclear Operations, Inc.	)	Docket Nos
(Indian Point Nuclear Generating	)	50-247-LR
Station Units 2 and 3)	)	and 50-286-LR
	)	
	)	March 19, 2009

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**HUDSON RIVER SLOOP CLEARWATER INC.’S MOTION  
FOR LEAVE TO FILE A NEW CONTENTION  
REGARDING ENVIRONMENTAL IMPACTS AND PUBLIC HEALTH  
IMPACTS OF INDIAN POINT ON THE HUDSON WATER  
AS A SOURCE OF DRINKING WATER SUPPLY**

Pursuant to 10 C.F.R. § 2.309(f)(2), Hudson River Sloop Clearwater, Inc. (“Clearwater”) hereby moves the Atomic Safety and Licensing Board (“ASLB”) for leave to file the attached new contention that:

The Environmental Report submitted by Entergy and Supplement 38 to Generic Environmental Impact Statement for License Renewal for Nuclear Plants, Regarding Indian Point Generating Units 2 and 3 (hereinafter referred to as “DSEIS”) issued by the NRC Staff on December 22, 2008 fail to satisfy the requirements of NEPA, 42 U.S.C. §4332 *et seq.*, and NRC regulations implementing NEPA, because the ER and DSEIS do not assess the impacts of the license renewal on drinking water quality and drinking water degradation as it relates to the use of the Hudson River as a source of drinking water.

This contention is based on a decision issued by the New York State Department of Environmental Conservation (“DEC”) to assume lead agency status in the petition filed by United Water New York to an application to build a desalination plant that will extract water from the Hudson River to be used as a source of municipal drinking water for Rockland County.

As discussed in the attached statement of Clearwater's contention, Entergy and the NRC Staff must assess the impacts upon the Hudson River as a source of drinking water in making their environmental assessments. National Environmental Policy Act ("NEPA") requires a "hard-look" at such issues that have an environmental impact and threaten public health because of that impact. Clearwater may submit this contention as of right.

In the event that the ASLB determines that Clearwater does not have the right to submit its contention, Clearwater asks that the ASLB consider and grant this motion. Clearwater satisfies the criteria for the filing of new a contention, because the contention is based on newly available information released by the DEC that is materially different from any previously available document, and because the motion is timely Clearwater is submitting the motion within 30 days of learning of the issuance of the DEC letter.

In conformance with 10 C.F.R. § 2.323(b), and as discussed in Certification of consultation, Clearwater has contacted counsel for the NRC Staff and Entergy in a sincere attempt to resolve the issues raised by this motion. Counsel for Entergy stated that Entergy believed that seeking leave of the ALSB to file the attached petition was a request and not a petition requiring consultation and reserved the right to respond to Clearwater's contentions. Counsel for agreed with the position taken by Entergy.

Respectfully submitted,

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Manna Jo Greene  
Environmental Director  
Hudson River Sloop Clearwater, Inc.  
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Poughkeepsie, NY 12601  
845 454-7673 x 113

**CERTIFICATION PURSUANT TO 10 C.F.R. § 2.323(b)**

Pursuant to 10 C.F.R. § 2.323(b), I certify that on September 5, 2008, Clearwater contacted counsel for Entergy and the NRC Staff in a sincere attempt to resolve the issues raised by this motion. Counsel for Entergy stated that Entergy believed that seeking leave of the ALSB to file the attached petition was a request and not a petition requiring consultation and reserved the right to respond to Clearwater's contentions. Counsel for agreed with the position taken by Entergy.

*Manna Jo Greene*

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Manna Jo Greene  
March 19, 2009