

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judge:

Charles Bechhoefer,  
Presiding Officer

In the Matter of

POWER AUTHORITY OF THE STATE OF  
NEW YORK and ENTERGY NUCLEAR  
FITZPATRICK LLC, ENTERGY NUCLEAR  
INDIAN POINT 3 LLC, and ENTERGY  
NUCLEAR OPERATIONS, INC.

(James A. FitzPatrick Nuclear Power Plant  
and Indian Point Nuclear Generating Unit  
No. 3)

Docket Nos. 50-333-LT  
and 50-286-LT  
(consolidated)

ASLBP No. 01-785-02-LT

April 11, 2001

SUPPLEMENTAL CERTIFICATION OF RECORD TO COMMISSION

This proceeding is subject to the procedural requirements set forth in 10 C.F.R. Part 2, Subpart M—"Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications" (10 C.F.R. §§ 2.1300-2.1331). On April 5, 2001, the Presiding Officer, in accordance with 10 C.F.R. § 2.1320(b)(3) and the instructions of the Commission set forth in CLI-00-22, 52 NRC 266 (2000), certified the record of this proceeding, commencing with the issuance of CLI-00-22, to the Commission for its final decision. Those instructions spelled out, inter alia, that, following the holding by the Presiding Officer of an oral hearing (held in this proceeding on March 13-14, 2001, in White Plains, New York), and after receipt of the parties' final statements of position (see 10 C.F.R. § 2.1322(c)), the Presiding Officer, without ruling or recommending a ruling on any issues, will certify the completed hearing record to the Commission for its issuance of a final decision.

Subsequent to the foregoing certification, the Presiding Officer was served with an additional document, CAN's "ERRATA NOTICE for its Final Written Statement of Position on Issues Nos. 2 and 3." This document was filed on April 10, 2001. Although this filing appears not to provide any substantive changes to the previously-certified statement of position, further certification of this document is appropriate in order to provide the Commission with a complete record of this hearing. This document is a record of the consolidated docket numbers 50-333-LT and 50-286-LT.

In addition, the Presiding Officer hereby corrects the previous certification by changing one of the transcript corrections of the proprietary hearing sessions (document numbered 84 in the earlier certification): on p. 319 (not p. 320, as previously listed), line 20, change "testimony even" to "testimony that even."

Finally, the Presiding Officer hereby adds ADAMS Accession Numbers to documents previously certified (numbers that were not available at the time of the earlier certification).

<u>Description</u>	<u>Document Date</u>	<u>Docket Date</u>	<u>ADAMS Accession No.</u>
79. NYPA/Entergy Companies' Final Statement of Position (Non-Proprietary Version)	4/3/01	4/5/01	ML010960529
80. NYPA/Entergy Companies' Final Statement of Position (Proprietary Version)	4/3/01	4/5/01	*ML010960500
81. [CAN's] Final Written Statement of Position on Issues Nos. 2 and 3	4/3/01	4/5/01	ML010960451 (trans. letter)
82. Proposed Transcript Corrections of NYPA/Entergy Cos.	4/3/01	4/5/01	ML010960512
83. Transcript Corrections of Presiding Officer (Non-Proprietary Hearing Session)	4/5/01	4/5/01	ML010960145
84. Transcript Corrections of Presiding Officer (Proprietary Hearing Sessions)	4/5/01	4/5/01	ML010960160
85. Presiding Officer Certification of Record to Commission	4/5/01	4/5/01	ML010950574

<u>Description</u>	<u>Document</u> <u>Date</u>	<u>Docket</u> <u>Date</u>	<u>ADAMS</u> <u>Accession No.</u>
86. ERRATA NOTICE, [CAN's] Final Written Statement of Position on Issues Nos. 2 and 3	4/10/01		
87. Presiding Officer Supplemental Certification of Record to Commission	4/11/01		

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Charles Bechhoefer, Presiding Officer  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
April 11, 2001

[Copies of this Supplemental Certification have been transmitted this date by e-mail to counsel for each of the parties as well as the NRC Staff.]

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
POWER AUTHORITY OF THE STATE OF	)	
NEW YORK, ET AL.	)	
	)	Docket Nos. 50-333-LT and
(James A. FitzPatrick Nuclear Power Plant	)	50-286-LT
and Indian Point Nuclear Generating	)	(consolidated)
Unit No. 3)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB SUPPLEMENTAL CERTIFICATION OF RECORD TO COMMISSION have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Charles Bechhoefer, Presiding Officer  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Steven R. Hom, Esquire  
Angela B. Coggins, Esquire  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Gerald C. Goldstein, Esquire  
Arthur T. Cambouris, Esquire  
David E. Blabey, Esquire  
The Power Authority of the State of New York  
123 Main Street  
White Plains, NY 10601

Timothy L. Judson  
CNY-Citizens Awareness Network  
140 Bassett St.  
Syracuse, NY 13210

Stewart M. Glass, Esquire  
Senior Assistant County Attorney  
Westchester County  
Dept. of Law, Room 600  
148 Martine Avenue  
White Plains, NY 10601

Docket Nos. 50-333-LT and 50-286-LT  
(consolidated)  
LB SUPPLEMENTAL CERTIFICATION OF  
RECORD TO THE COMMISSION

Joseph R. Egan, Esquire  
Egan & Associates, P.C.  
1500 K Street, NW  
Suite 200  
Washington, DC 20005

Thomas F. Wood, Esquire  
Town of Cortlandt  
153 Albany Post Road  
Buchanan, NY 10511

Jay E. Silberg, Esquire  
Matias F. Travieso-Diaz, Esquire  
Shaw Pittman  
2300 N Street, NW  
Washington, DC 20037-1128

Douglas E. Levanway, Esquire  
Wise, Carter, Child and Caraway  
401 E. Capitol St., Suite 600  
P.O. Box 651  
Jackson, MS 39205-0651

George E. Sansoucy, P.E.  
260 Ten Rod Road  
Rochester, NH 03867

John Valentino, Esquire  
Green & Seifter  
One Lincoln Center, 9<sup>th</sup> Floor  
Syracuse, NY 13202

Nancy T. Bocassi  
Hendrick Hudson School District  
61 Trolley Road  
Montrose, NY 10548

Deborah Katz, Executive Director  
Citizens Awareness Network  
P O Box 83  
Shelburne Falls, MA 01370

John M. Fulton, Esquire  
Entergy  
600 Rocky Hill Road  
Plymouth, MA 02360

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 12<sup>th</sup> day of April 2001