



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 1, 2002

OFFICE OF THE
GENERAL COUNSEL

Annette Vietti-Cook
Secretary
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

DOCKETED
USNRC

April 1, 2002 (3:30PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of
ENTERGY NUCLEAR OPERATIONS, INC.
Indian Point Nuclear Generating Unit No. 2
Facility Operating License DPR-26
Docket No. 50-247

Dear Ms. Vietti-Cook:

On March 29, 2002, the Office of the General Counsel, Reactor Programs Division, received the petition for leave to intervene and request for a hearing filed by the Pace Environmental Litigation Clinic, Inc., on behalf of Riverkeeper, Inc., from the Office of the Secretary. The petition was dated March 18, 2002. The *Federal Register* notice to which this petition to intervene relates expressly provides that copies of the petition are to be served on the Office of the General Counsel. See Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations, 66 Fed. Reg. 44,162 (2001). There is no certificate of service attached to the petition to indicate whether the Office of the General Counsel was served. The Office of the General Counsel has not, however, received a copy of the filing from the Petitioner as of this date.

Pursuant to 10 C.F.R. § 2.714(c), the Nuclear Regulatory Commission staff (Staff) has fifteen days from the date of service to file an answer to a petition for leave to intervene. An additional five days are added when a petition is served by mail. 10 C.F.R. § 2.710. Due to the lack of any indication of service on the Office of the General Counsel, the Staff considers its time for responding to this petition to run from the date the petition was received, March 29, 2002. Accordingly, the Staff will respond to the petition for leave to intervene by April 18, 2002, unless directed otherwise.

Sincerely,

Janice E. Moore
Assistant General Counsel
for Reactor Programs

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