

October 2, 2007 (12:38pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**THE UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION**

Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Units Nos.
2 & 3, Application for Hearing Regarding
Renewal of Facility Operating License Nos.
DPR-26 and DPR-64 for Additional 20-year
Period

Docket Nos. 50-247 and 50-286

**PETITION FOR LEAVE TO INTERVENE AND STATEMENT
OF INTEREST OF THE CITY OF NEW YORK**

The City of New York (“New York City” or “City”) hereby submits this Petition to Intervene in response to the filing of an Application for Operating License Renewal (“Application”) for Indian Point Nuclear Generating Units 2 and 3 by Entergy Nuclear Operations, Inc. (“Entergy”) that is currently pending before the Nuclear Regulatory Commission (“Commission”).

On August 1, 2007, the Commission issued in the Federal Register (Volume 72, Number 147, pp. 42134-42135) a Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing in the above-captioned matter. Said Application was submitted by Entergy on April 23, 2007, and supplemented on May 3 and June 21, 2007, pursuant to 10 C.F.R. Part 54.

In support of the request for intervention, New York City states as follows:

NOTICES AND COMMUNICATIONS

All correspondence, pleadings, and other communications regarding this proceeding should be addressed to:

Michael J. Delaney, Esq.
Vice President – Energy Department
New York City Economic Development Corporation
110 William Street
New York, NY 10038
Telephone: (212) 312-3787
Facsimile: (212) 312-3915
E-mail: mdelaney@nycedc.com

PETITION TO INTERVENE AND INTEREST OF NEW YORK CITY

The City seeks to intervene in this proceeding on its own behalf and on behalf of its residents and businesses that consume electricity. New York City has some eight million residents, is a paramount world financial and commercial center, and has innumerable industrial, commercial, and retail entities in its jurisdiction. To an even greater extent than most urban areas in the nation, New York City is highly dependent on electricity for transportation and other critical energy needs. In addition, ratepayers in the City bear the burden of the highest electricity prices in the continental United States. The ultimate determination of the Commission in this nuclear relicensing matter, and in addressing the attendant issues associated therewith, will have ramifications that will affect the welfare of all New Yorkers, potentially including their safety, as well as the issue of vitally needed energy services at a reasonably affordable cost.

CONTENTIONS OF THE CITY OF NEW YORK

While the nuclear power generating stations for which relicensure is under consideration by the Commission are not physically located within the confines of New York City within the meaning of Section 2.309 (d)(2), the northern border of the Bronx County portion of the City is well within the recognized ingestion planning zone, which can extend up to 50 miles from a radiological source. Moreover, the City's eight million residents depend to a great extent on food sources and particularly on water sources (drawn directly from such reservoirs as Croton and Kensico) that are found within

the 10-mile exposure zone that is recognized as a critical focus of emergency planning by the Commission, as well as many such food and water sources located in the more expansive ingestion planning zone.

Therefore, the City has a clear interest in potential public health and safety issues associated with the issue of relicensure, notably in ensuring the safety of its food and water supplies. In addition, there is a continued need for the provision of lower-cost electric power to residential and commercial customers in New York City. Any decision on relicensing – or the imposition of license conditions – will affect the operation of Indian Point 2 and 3 in a manner that can be expected to have a lasting impact on ratepayers and citizens in the City.

The City thus seeks to intervene in this proceeding on behalf of all its electricity customers, whose interests will not otherwise be represented. The Commission's ruling in the instant matter will likely affect the overall electricity market in New York, and thus will ultimately have a material impact on the cost and reliability of the energy serving New York City's electricity consumers. Accordingly, under 10 C.F.R. § 2.309, the City has interests that will be directly affected by the outcome of this proceeding. The City therefore asks that the Commission grant its motion to intervene both as of right and as a discretionary matter, and that the City be made a party to this proceeding. No other person or entity adequately represents the interests of City and its electricity customers. Participation by New York City and in this matter is thus clearly in the public interest, and should be permitted.

CONCLUSION

For all the foregoing reasons, the City requests that the Commission approve the intervention of the City of New York in this proceeding, in order to fully address the direct and cognizable concerns expressed herein.

Dated: October 1, 2007

Respectfully Submitted,

Michael J. Delaney

Michael J. Delaney, Esq.

NYCEDC

110 William Street

New York, NY 10038

212-312-3787

mdelaney@nycedc.com

CERTIFICATION OF SERVICE

I hereby certify that I have caused the foregoing document to be sent by electronic mail or first-class mail to all parties on the service list for this proceeding as compiled by the Commission.

October 1, 2007

/s/ Michael J Delaney
Michael J. Delaney, Esq.
NYCEDC
110 William Street
New York, NY 10038
212-312-3787
mdelaney@nycedc.com

From: "Michael Delaney" <mdelaney@nycedc.com>
To: "HEARINGDOCKET@nrc.gov" <'HEARINGDOCKET@nrc.gov'>
Date: Tue, Oct 2, 2007 12:38 PM
Subject: Petition for Leave to Intervene by City of New York in NRC Docket Nos. 50-247, 50-286 - Erratum Correction

Please find attached a corrected Petition for lntervention by the City of New York in NRC Docket Nos. 50-247, 50-286. The document previously accepted for filing on September 30 by the Commission contained an inadvertent error, which is corrected herewith; service of correction on parties will be made as well. Thank you.

MICHAEL DELANEY | VICE PRESIDENT-ENERGY
New York City Economic Development Corporation

110 William Street * New York, NY 10038 * www.nycedc.com
<blocked::http://www.nycedc.com/>
mdelaney@nycedc.com <mailto:M@nycedc.com> * w.
212.312.3787 * f. 212.312.3915

CC: "OGCMailCenter@nrc.gov" <'OGCMailCenter@nrc.gov'>