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USNRC



November 27, 2007 (10:02am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Andrew J. Spano  
County Executive

Office of the County Attorney

Charlene M. Indelicato  
County Attorney

November 27, 2007

*By overnight courier, first class mail  
and electronic mail to [chairman@nrc.gov](mailto:chairman@nrc.gov):*  
Honorable Dale E. Klein, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

*By overnight courier, first class mail  
and electronic mail to [lgm1@nrc.gov](mailto:lgm1@nrc.gov):*  
Honorable Lawrence G. McDade, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

*By overnight courier, first class mail, electronic  
mail to [secretary@nrc.gov](mailto:secretary@nrc.gov) and facsimile to (301) 415-1101:*  
Honorable Anne L. Vietti-Cook, Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Re: In the Matter of Entergy Nuclear Operations, Inc.  
Indian Point Nuclear Generating Plant Units 2 and 3  
U.S. Nuclear Regulatory Commission Docket Nos. 50-247/286-LR**

Dear Chairman Klein, Chairman McDade and Secretary Vietti-Cook:

As indicated in 72 Federal Register 55834, the date for interested parties to intervene in the Point license renewal proceeding concerning the Indian Point Nuclear Generating Facility ("Indian Point") was extended by the United States Nuclear Regulatory Commission ("USNRC") to November 30, 2007. Westchester County hereby respectfully requests a thirty (30) day extension to submit an *amicus curiae* brief in the proceeding to on or before Monday, December 31, 2007.<sup>1</sup>

<sup>1</sup> Pursuant to 10 CFR §§ 2.309 and 304, Westchester County hereby designates the following single representative for purposes of this proceeding and any submissions in connection therewith: Office of the Westchester County Attorney, 148 Martine Avenue, 6<sup>th</sup> Floor, White Plains, New York 10601 [Attn: Justin D. Pruyne, Assistant County Attorney] (914) 995-5102 (phone); (914) 995-3132 (fax); [jdp3@westchestergov.com](mailto:jdp3@westchestergov.com) (electronic mail).

Michaelian Office Building  
148 Martine Avenue, 6th Floor  
White Plains, New York 10601

Telephone: (914)995-2660 Website: [westchestergov.com](http://westchestergov.com)

TEMPLATE - SECY - 037

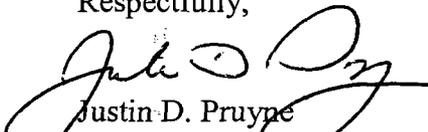
SECY-02

Under 10 CFR § 2.309, good cause exists to entertain Westchester County's request for an extension. Indian Point is located wholly within the territorial boundaries of Westchester County, a municipality and governmental subdivision of the State of New York. As such, Westchester County meets the standing requirements promulgated under 10 CFR § 2.309 (d) (2). As a first responder and host county to Indian Point, Westchester County is vitally concerned with the safety and security of its residents in the event that the operating license(s) are renewed. Participation by Westchester County will broaden the issues to be considered by the USNRC and lead to the creation of a sound record in this proceeding, in that local government will have an opportunity to voice its concerns on key relicensing matters. Such concerns include potential issues regarding emergency preparedness, response and evacuation, age-related degradation of plant systems, spent fuel storage and disposal and other environmental concerns. Accordingly, any order(s) which may be entered in this proceeding, particularly a determination to renew Indian Point 2 and 3's operating licenses for additional twenty (20) year terms, will have long ranging effects on the interests of Westchester County and its residents.

It is anticipated that many of Westchester County's interests in the relicensing process may be represented by the State of New York in this proceeding. The Westchester County Board of Legislators recently approved an Act authorizing this Office to file an *amicus curiae* brief in support of the State's contentions concerning relicensing. Notwithstanding the foregoing, there are no other available means of insuring that Westchester County's interests will be protected, short of approving the instant request. Moreover, it appears that at least one other potential party to the relicensing proceeding (Friends United for Sustainable Energy) has sought and received a similar extension.

Thank you in advance for your consideration of this request. Please advise whether this request has been granted by contacting me at (914) 995-5102 or by electronic mail to [jdp3@westchester.gov](mailto:jdp3@westchester.gov) at your earliest possible convenience.

Respectfully,

  
Justin D. Pruyn  
Assistant County Attorney

Enclosure: Certificate of Service  
Copies with enclosure provided to:  
Office of the General Counsel, USNRC  
Rulemaking and Adjudications Staff, Office of the Secretary, USNRC [Rockville, MD]  
Rulemaking and Adjudications Staff, Office of the Secretary, USNRC [Washington, D.C.]  
Office of Commission Appellate Adjudication, USNRC  
Hon. Richard E. Wardwell, Atomic Safety and Licensing Board Panel, USNRC  
Hon. Kaye D. Lathrop, Atomic Safety and Licensing Board Panel, USNRC  
Assistant General Counsel, Entergy Nuclear Operations, Inc  
Susan H. Shapiro, Esq., Attorney for FUSE, WestCAN, RCCA and PHASE  
Michael J. Delaney, Esq., New York City Economic Development Corporation  
Chairman Arthur J. Kremer, The New York Affordable Reliable Electricity Alliance  
Morgan, Lewis & Bockius LLP

THE UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

-----X  
In the matter of  
ENTERGY NUCLEAR OPERATIONS, INC.

NRC Docket Nos:  
50-247/286-LR

Indian Point Nuclear Generating Plant,  
Units 2 and 3.  
-----X

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 2.302(b) and §§ 2.305(b) and (f), I hereby certify that copies of the foregoing request for extension have been served upon the following parties by the following means:

Honorable Dale E. Klein, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
*[By overnight courier, first class mail  
and electronic mail to chairman@nrc.gov]*

Honorable Lawrence G. McDade, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
*[By overnight courier, first class mail  
and electronic mail to lgm1@nrc.gov]*

Honorable Anne L. Vietti-Cook, Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemaking and Adjudications Staff  
*[By overnight courier, first class mail, electronic  
mail to secretary@nrc.gov and facsimile to (301) 415-1101]*

Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
*[By overnight courier, first class mail, electronic mail to ogcmailcenter@nrc.gov,  
set@nrc.gov, lbs3@nrc.gov, bnm1@nrc.gov, and facsimile to (301) 415-3725]*

Office of the Secretary  
Sixteenth Floor  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 10852  
Attention: Rulemaking and Adjudications Staff  
*[By overnight courier and first class mail]*

Office of the Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemaking and Adjudications Staff  
*[By overnight courier, first class mail, electronic mail to  
hearingdocket@nrc.gov and facsimile to (301) 415-1101]*

Office of Commission Appellate Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
*[By overnight courier, first class mail  
and electronic mail to ocaamail@nrc.gov]*

Richard E. Wardwell, Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
*[By overnight courier, first class mail  
and electronic mail to rew@nrc.gov]*

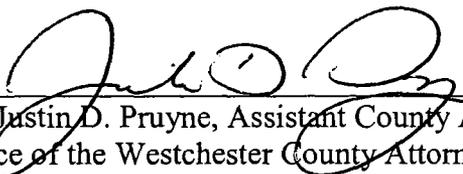
Kaye D. Lathrop, Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
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*[By overnight courier, first class mail  
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440 Hamilton Avenue  
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*[By overnight courier and first class mail]*

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Spring Valley, New York 10977  
*[By overnight courier, first class mail  
and electronic mail to fuseusa@yahoo.com]*

Michael J. Delaney, Esq.  
Vice President – Energy Department  
New York City Economic Development Corporation  
110 William Street  
New York, New York 10038  
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and electronic mail to mdelaney@nycedc.com]*

Chairman Arthur J. Kremer  
The New York Affordable Reliable Electricity Alliance  
347 Fifth Avenue, Suite 508  
New York, New York 10016  
*[By overnight courier, first class mail  
and electronic mail to kremer@area-alliance.org]*  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
*[By overnight courier, and electronic mail to martin.o'neill@morganlewis.com;  
ksutton@morganlewis.com; pbessette@morganlewis.com;  
mlemoncelli@morganlewis.com; cadams@morganlewis.com]*

  
By: Justin D. Pruyne, Assistant County Attorney  
Office of the Westchester County Attorney

Dated at White Plains, New York this 27<sup>th</sup> Day of November, 2007