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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:
Lawrence G. McDade, Chairman
Dr. Richard E. Wardwell
Dr. Kaye D. Lathrop

Entergy Nuclear Operations, Inc.)
Indian Point Nuclear Generating Units Nos.) Docket Nos. 50-247 and 50-286
2 & 3, Application for Hearing Regarding)
Renewal of Facility Operating License Nos.) ASLBP No. 07-858-03-LR-BD01
DPR-26 and DPR-64 for Additional 20-year)
Period) November 29, 2007

**AMENDED 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 an Amended 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"). An Atomic Safety and Licensing Board Panel ("ASLBP") was established by the Commission on October 18, 2007 to preside over this proceeding.

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.

TEMPLATE-SELY-037

SELY-02

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

NOTICES AND COMMUNICATIONS

All correspondence, pleadings, and other communications made to the City of New York regarding this proceeding should be addressed to:

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PETITION TO INTERVENE AND INTEREST OF NEW YORK CITY

The City of New York seeks to intervene in this proceeding on its own behalf and on behalf of its residents and businesses that consume electricity. The Energy Department of the New York City Economic Development Corporation serves as the principal energy policy adviser to the City of New York, and is authorized to act on the City's behalf for the purposes of this proceeding.

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 and the ASLBP in this matter are not physically located within the confines of New York City within the meaning of 10 C.F.R 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. Indeed, most if not all of the physical limits of New York City fall within that radius.

In addition, the City's eight million residents depend to a great extent on food sources and particularly on water sources (the latter drawn directly from reservoirs such as Croton) that are themselves located within the 10-mile exposure zone that is recognized as a critical focus of emergency planning by the Commission. Moreover, many of the food and water sources on which the City depends are located within the more expansive ingestion planning zone.

Therefore, the City has a clear and direct 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. The City itself as a governmental entity receives energy commodity supply from the New York State Power Authority ("NYPA") pursuant to a long-term contract through the year 2017, or well beyond the expiration of the current licensure periods for Indian Point Generating Units Nos. 2 and 3. NYPA has a long term commodity supply contract with Entergy, and thereby obtains electric power for New York City from the Indian Point plants, among other sources.

Any decision on relicensing – or the imposition of operating 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 on all residents and businesses 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. Any determinations made in the instant matter by the ASLBP and Commission will likely affect the overall electricity market in New York, and thus will 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 and ASLBP approve the intervention of the City of New York in this proceeding, in order to fully address the direct and cognizable interests of the City.

Dated: November 29, 2007

Respectfully Submitted,

/s/ Michael J. Delaney

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CERTIFICATE OF SERVICE

I, Michael J. Delaney, hereby certify that, pursuant to the provisions of 10 C.F.R §§ 2.302 and 2.305, I have on November 29, 2007 caused the foregoing document to be sent by prepaid first-class U.S. Mail and by electronic mail to all parties listed below for this proceeding:

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<u>Period</u>)	

NOTICE OF APPEARANCE

Michael J. Delaney, acting pursuant to 10 C.F.R. §2.314(b) hereby gives notice of appearance on behalf of the City of New York. The undersigned is a member in good standing of the State Bars of California, Missouri, New Jersey and New York, and is authorized to act on behalf of the City of New York in this matter.

November 29, 2007

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