

RAS 14829



DOCKETED
USNRC

December 26, 2007 (11:45am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

ANDREW M. CUOMO
ATTORNEY GENERAL

December 21, 2007

Office of the Secretary of the Commission
United States Nuclear Regulatory Commission
One White Flint North, 16th Floor
11555 Rockville Pike
Rockville, MD 20852-2738

Attention: Rulemaking and Adjudications Staff

Re: Indian Point Nuclear Generating Unit Nos. 2 and 3: Renewal of Operating License
Nos. DPR-26 and DPR-64 for an Additional 20-Year Period
(ASLBP No. 07-858-03-LR-BD01)

Dear Sir/Madam:

The State of New York, a petitioner in the above referenced proceeding, has learned that an exhibit referenced in a supporting declaration was inadvertently omitted from the State's November 30, 2007 submission. In addition, six exhibits to the same declaration contained incorrect cross-referencing exhibit letters. To rectify this matter, the State is providing the ASLB and other petitioners a compact disk containing the missing exhibit along with the other exhibits referenced in the declaration. The State already has forwarded the missing exhibit to Entergy's and NRC's counsel.

Specifically, on December 19, 2007, counsel for NRC Staff, Sherwin Turk, notified the State of New York that an exhibit referenced in the Declaration of DEC Biologist Roy Jacobson was not included in the compact disk of exhibits accompanying his declaration that was submitted on November 30. The document (referenced as Exhibit G to the Jacobson Declaration) is a June 2003 report on Hudson River aquatic issues that was prepared by ASA Analysis and Communication, Inc. on behalf of Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC ("ASA 2003 Response"). Upon receipt of Mr. Turk's communication, we reviewed the compact disk and determined that Mr. Turk was correct and that the disk contained only 9 exhibits (instead of 10). We then forwarded to NRC counsel and counsel for Entergy a pdf version of the ASA 2003 Response document.

TEMPLATE = SECY-037

SECY 02

Upon further review, it appears that November 30 compact disk containing the Jacobson exhibits also mislabeled Exhibits D through J as Exhibits E through L. An accurate reference list of exhibits was contained in the Jacobson Declaration at p. 19, "List of Exhibits."

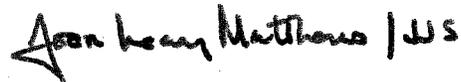
To remedy this, the State of New York is submitting a corrected compact disk for the Jacobson Declaration. The accompanying disk includes all 10 exhibits referred to in the Jacobson Declaration. Specifically, the corrected disk includes Exhibits A through J, and it includes the ASA 2003 Response document as Exhibit G.

New York respectfully requests that corrected compact disk of the Jacobson Declaration be added to the docket in this proceeding. We regret any inconvenience to the Commission, the Board, or the parties.

Respectfully submitted,



John J. Sipos
Assistant Attorney General
Office of the Attorney General



Joan Leary Matthews
Senior Counsel for Special Projects
Department of Environmental Conservation

enclosure: corrected compact disk

cc: attached service list

Declaration of Service

Pursuant to 28 U.S.C. §1746, I hereby declare upon penalty of perjury that on December 21, 2007, I served the attached letter and corrected compact disk of exhibits by placing a true and correct copy thereof in a Federal Express pre-paid envelopes directed to the following judges, law clerk, entities, attorneys, and/or petitioners at the following addresses and depositing those envelopes in a Federal Express drop box located at 146 State Street in Albany, New York:

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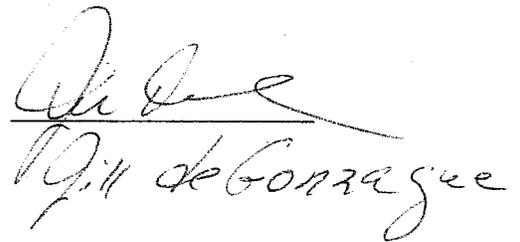
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Executed on:

December 21, 2007
Albany, New York


Bill deGonzague