

September 8, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
ENTERGY NUCLEAR OPERATIONS, INC.) Docket Nos. 50-247-LR/286-LR
)
(Indian Point Nuclear Generating)
Units 2 and 3))

NRC STAFF'S RESPONSE TO THE CITY OF NEW YORK'S
REQUEST TO PARTICIPATE AS AN INTERESTED GOVERNMENTAL BODY

The NRC Staff ("Staff") herein responds to the "Request of the City of New York for an Opportunity to Participate as an Interested Government Body in Proceeding and Hearing on Relicensing of Indian Point Units 2 and 3" ("Request"), filed by the New York City Economic Development Corporation ("NYCEDC") on behalf of the City of New York ("City") on August 27, 2008. For the reasons set forth below, the Staff does not oppose the City's request for leave to participate in this proceeding as an interested governmental entity, pursuant to 10 C.F.R. § 2.715(c).

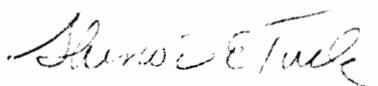
In its Request, the City of New York states that a large portion of its population is located between 31 and 50 miles from the Indian Point site. Request at 5. The City observes that the Licensing Board had previously denied its petition to intervene but had indicated that its decision was "without prejudice" to a request by the City to participate herein as an interested governmental body under 10 C.F.R. § 2.715(c). *Id.* at 2; see "Memorandum and Order (Denying the City of New York's Petition for Leave to Intervene," dated December 12, 2007, at 9. The City describes its energy, economic and environmental interests in the proceeding, and states that it seeks to participate in the litigation of three environmental contentions:

NYS Contention 9 (energy conservation as part of the no action alternative), NYS Contention 16 (SAMA air dispersion model), and Clearwater Contention EC-3 (environmental justice).

Request at 3-6. Further, the City designates its representative in this proceeding, as Michael J. Delaney, Director of Regulatory Affairs, Energy Department, NYCEDC. *Id.* at 3.

The City of New York appears to satisfy the requirements of 10 C.F.R. § 2.315(c). Accordingly, the NRC Staff does not oppose New York City's participation as an interested governmental entity in this proceeding, subject to the requirements of the Rules of Practice in 10 C.F.R. Part 2 and all existing and future Orders that may be issued by the Licensing Board and the Commission governing the conduct of this proceeding.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sherwin E. Turk".

Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, MD
this 8th day of September 2008

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S RESPONSE TO THE CITY OF NEW YORK'S REQUEST TO PARTICIPATE AS AN INTERESTED GOVERNMENTAL BODY," dated September 8, 2008, have been served upon the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 8th day of September, 2008:

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