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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of:	)	
	)	
Tennessee Valley Authority	)	Docket Nos. 50-327-LA
	)	50-328-LA
	)	50-390-LA
(Sequoyah Nuclear Plant, Units 1 and 2, and Watts Bar Nuclear Plant, Unit 1)	)	
	)	

TENNESSEE VALLEY AUTHORITY'S ANSWER TO REQUEST FOR A HEARING AND PETITION TO INTERVENE OF BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

I. INTRODUCTION

In accordance with 10 C.F.R. § 2.714(c), Tennessee Valley Authority ("TVA"), applicant in the above-captioned matter, hereby files its answer to the request for hearing and petition for leave to intervene ("Petition") filed on January 16, 2002, by the Blue Ridge Environmental Defense League (hereinafter, "Petitioner" or "BREDL"). The Petition responds to the Notices of Opportunity for a Hearing ("Notices") published in the *Federal Register* on December 17, 2001, for the Sequoyah Nuclear Plant, Units 1 and 2 ("SQN") and Watts Bar Nuclear Plant, Unit 1 ("WBN"), concerning TVA's proposed amendments to the SQN and WBN operating licenses.[1] As discussed below, the Petitioner has not satisfied the Commission's

[1] *See* "Tennessee Valley Authority; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing," 66 Fed. Reg. 65,000 and 66 Fed. Reg. 65,005 (Dec. 17, 2001).

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requirements for standing to intervene with respect to this matter. Therefore, under 10 C.F.R. § 2.714, the Petition must be denied.[2]

II. BACKGROUND

A. The Approval at Issue

The license amendment requests ("LARs") at issue, first submitted to the NRC on August 20 and September 21, 2001 for WBN and SQN, respectively, concern proposed changes to the plants' Technical Specifications that would allow incore irradiation services for DOE. These changes would allow TVA to insert tritium-producing burnable absorber rods ("TPBARs") into the WBN and SQN reactor cores to support DOE in maintaining its tritium inventory for national defense purposes.[3] In the LARs, TVA proposes to insert up to approximately 2,300 TPBARs per reactor. The TPBARs neither contain fissile material nor replace normal reactor fuel, and because the TPBARs will not adversely affect reactor neutronic or thermal-hydraulic performance, their presence in the core would not have a significant effect upon the probability

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2 For purposes of analysis, we are treating BREDL's Petition as being timely served on the licensee, even though that is not the case. The Notices required, *inter alia*, that a copy of the requests to intervene be sent to the TVA Office of the General Counsel in Knoxville, Tennessee, by January 16, 2002. 66 Fed. Reg. at 65,005, 65,010. While e-mail "service" was timely made, TVA received its hard copy (the formal service copy) on January 24, 2002, in a letter postmarked January 18, 2002 — two days after the deadline specified in the Notices. The Notices specified that "[n]ontimely filings of petitions ... will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 C.F.R. 2.714(a)(1)(i)–(v) and 2.714(d)." 66 Fed. Reg. at 65,005, 65,010. Petitioner has made no attempt to address these late-filing factors.

3 The TPBARs absorb neutrons and are similar to (and would replace) normal burnable neutron absorber rods that serve to shape neutron flux in the core. They contain no fissile material and will be installed in fuel assemblies where burnable absorber rods are normally placed in selected fuel assemblies. 66 Fed. Reg. at 65,000-01, 65,006.

or consequences of previously analyzed accidents, including fuel handling accidents. The NRC in the *Federal Register* notices has made a proposed determination that the amendment requests involve no significant hazards considerations, pursuant to 10 C.F.R. § 50.92.

Under the interagency agreement between DOE and TVA with respect to the irradiation services to be provided, TVA's responsibilities are limited to irradiation of the TPBARs during reactor operation, consolidating the TPBARs into containers and shipping casks provided by DOE, and loading the casks on DOE-furnished transport for removal by DOE.[4] The Technical Specification changes at issue in the LARs do not involve the transport and subsequent storage, processing, and use of the TPBARs by DOE.

B. NRC Standing Requirements

It is fundamental that any entity requesting a hearing or seeking to intervene in a Commission proceeding must demonstrate standing to do so. The Commission's regulations in 10 C.F.R. § 2.714(a)(2) provide that a petition to intervene, among other things, "shall set forth with particularity the interest of the petitioner in the proceeding, [and] how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors set forth in [§ 2.714(d)(1)]." Pursuant to 10 C.F.R. § 2.714(d)(1), in ruling on a petition for leave to intervene, the Atomic Safety and Licensing Board ("Licensing Board") is to consider:

> (i) The nature of the petitioner's right to be made a party to the proceeding.

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[4] Interagency Agreement No. DE-AI02-00DP00315 between the United States Department of Energy and the Tennessee Valley Authority for Irradiation Services (Jan. 1, 2000).

(ii) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.

(iii) The possible effect of any order that may be entered in the proceeding on the petitioner's interest.

Finally, a petition for leave to intervene must set forth "the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene." 10 C.F.R. § 2.714(a)(2).

In determining whether a petitioner has established the requisite interest, the Commission traditionally has applied contemporaneous judicial concepts of standing. *See, e.g., Gulf States Utils. Co.* (River Bend Station, Unit 1), CLI-94-10, 40 NRC 43, 47 (1994). The Commission has further determined that to satisfy the standing requirements of 10 C.F.R. § 2.714, a petitioner must demonstrate that:

1. it has suffered a distinct and palpable harm that constitutes injury-in-fact within the zone of interests arguably protected by the governing statute;

2. the injury can fairly be traced to the challenged action; and

3. the injury is likely to be redressed by a favorable decision.

Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 323 (1999); *Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 and 2), CLI-99-4, 49 NRC 185, 188 (1999); *Yankee Atomic Elec. Co.* (Yankee Nuclear Power Station), CLI-96-1, 43 NRC 1, 6 (1996); *Georgia Inst. of Tech.* (Georgia Tech Research Reactor), CLI-95-12, 42 NRC 111, 115 (1995); *Cleveland Elec. Illuminating Co.* (Perry Nuclear Power Plant, Unit 1), CLI-93-21, 38 NRC 87, 92 (1993); *see also Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992). In particular, with respect to the alleged "injury-in-fact," the Commission has held that it

is incumbent upon the petitioner to allege some "plausible chain of causation" from the licensing action at issue to the alleged injury that would or could be redressed in the proceeding. *Zion*, CLI-99-4, 49 NRC at 192 (1999). Such injury may be actual or threatened. *Kelley v. Selin*, 42 F.3d 1501, 1508 (6th Cir. 1995), *cert. denied*, 515 U.S. 1159 (1995). The injury, however, must be "concrete and particularized" and "actual or imminent, not 'conjectural' or 'hypothetical.'" *Lujan*, 504 U.S. at 560 (citations omitted). Additionally, the claimed injury suffered by a petitioner must fall within the "zone of interests" sought to be protected by the Atomic Energy Act ("AEA") or the National Environmental Policy Act ("NEPA"). *Duke Energy Corp.* (McGuire Nuclear Station, Units 1 and 2, Catawba Nuclear Station, Units 1 and 2), LBP-02-04, __ NRC __, slip op. at 7 (Jan. 24, 2002); *Metro. Edison Co.* (Three Mile Island Nuclear Station, Unit 1), CLI-85-2, 21 NRC 282, 316 (1985).

Thus, a petitioner must have a "real stake" in the outcome of the proceeding to establish an injury-in-fact for standing. While this stake need not be a "substantial" one, it must be "actual," "direct," or "genuine." *Houston Lighting and Power Co.* (South Texas Project, Units 1 and 2), LBP-79-10, 9 NRC 439, 447-48, *aff'd*, ALAB-549, 9 NRC 644 (1979). A mere academic interest in the outcome of a proceeding or an interest in the litigation is insufficient to confer standing; the petitioner must allege some injury that will occur as a result of the action taken. *Puget Sound Power and Light Co.* (Skagit/Hanford Nuclear Power Project, Units 1 and 2), LBP-82-74, 16 NRC 981, 983 (1982) (*citing Allied-Gen. Nuclear Serv.* (Barnwell Fuel Receiving and Storage Station), ALAB-328, 3 NRC 420, 422 (1976)); *Puget Sound Power & Light Co.* (Skagit/Hanford Nuclear Power Project, Units 1 and 2), LBP-82-26, 15 NRC 742, 743

(1982). Herein, Petitioner has failed to demonstrate any more than an academic interest and therefore has failed to show standing. The Petition should be dismissed.

III. DISCUSSION

A. Petitioner Has Not Established Standing

As recited in *Private Fuel Storage*, CLI-99-10, 49 NRC at 323, there are two routes by which an organization can attempt to demonstrate standing in an NRC hearing. First, it can assert injury to organizational interests and demonstrate that these interests are protected by the Atomic Energy Act. *See, e.g., Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), ALAB-952, 33 NRC 521, 528-30 (1991). Second, an organization can base standing on the interests of individuals that it represents. *See, e.g. Georgia Inst. of Tech.* (Georgia Tech Research Reactor, Atlanta, Georgia), CLI-95-12, 42 NRC 111, 115 (1995). To derive representational standing from an individual, an organization must identify at least one member (by name and address) and provide some "concrete indication" that the member has authorized the organization to represent him or her in the proceeding. In addition, the petition must demonstrate the standing of that individual assessed against the standards recited above. *See, e.g., Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), LBP-87-7, 25 NRC 116, 118 (1987).

Here, BREDL appears to assert representational standing based on the interests of one identified member, Mr. Donald J. Moniak. In addition, BREDL may be asserting the interests of the organization itself (organizational standing). Specifically, BREDL first asserts that because of the proximity (within 25 miles) of Mr. Moniak's residence to DOE's Savannah River Site ("SRS"), one of its members will be affected by:

- the risks of an accident during the transporting of tritium rods from TVA to SRS that results in large quantities of tritium being dispersed to the atmosphere; and

- the risks of an accident during the processing of these tritium rods that results in large quantities of tritium being dispersed to our environment.

Petition at 2. Second, BREDL asserts that either Mr. Moniak, BREDL's unnamed members, and perhaps the organization itself, will be injured because:

- the LAR involves the unnecessary production of tritium for nuclear weapons using federal taxpayer funds;

- the LAR increases the risk of an accident and, through the Price-Anderson Act, BREDL's membership would be liable for the costs incurred due to any severe accidents at any nuclear power plant; and

- tritium production is a threat to the common security of the United States.

Petition at 3. As discussed below, Petitioner has failed to demonstrate either representational or organizational standing. Accordingly, BREDL should not be admitted to participate in this proceeding.

1. Petitioner Has Not Demonstrated that Mr. Moniak Will Suffer a Distinct and Palpable Harm that Constitutes An Injury-In-Fact

With regard to his own interests as a BREDL member, Mr. Moniak asserts that he will be affected by the risk of accidents during the transportation of TPBARs from SQN and/or WBN to SRS, as well as during tritium processing *at SRS* — both of which activities purportedly will "result in large quantities of tritium being dispersed" to the environment. Petition at 2. Such broad assertions, without more, do not demonstrate the requisite injury-in-fact. *See Int'l Uranium (USA) Corp.* (White Mesa Uranium Mill), CLI-98-6, 47 NRC 116, 117 (1998) (a petitioner must show an injury that is "distinct and palpable, particular and concrete, as opposed to being conjectural or hypothetical") (*citing Steel Co. v. Citizens for a Better Env't.*, 523 U.S. 83

(1998); *Warth v. Seldin*, 422 U.S. 490, 501, 508, 509 (1975); *Sequoyah Fuels Corp.* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 72 (1994)). Mr. Moniak's alleged interests constitute nothing more than hypothesis and conjecture.

Furthermore, with respect to the requirement for an injury-in-fact, neither BREDL nor Mr. Moniak can base standing on any presumption that would follow from some geographical proximity to WBN or SQN.[5] Mr. Moniak, the only named BREDL member, resides in Aiken, South Carolina (Petition at 2), more than 225 miles from the location of the activities actually to be authorized by the amendments at issue (*i.e.*, the SQN and WBN reactor cores).[6] It is clear, therefore, that the Petitioner has no plausible chance of being affected by offsite consequences purportedly resulting from the activities to be authorized by the proposed license amendments at WBN or SQN.

Mr. Moniak asserts that he will be affected by the risk of accidents during the transportation of TPBARs to SRS and their processing at SRS, which is located 25 miles from his residence in Aiken, South Carolina. Petition at 2. However, TVA is not seeking license amendments applicable to SRS, nor does it control those activities in any way. The transportation of TPBARs to SRS, and their processing at SRS, do not fall within the scope of the LARs; these activities are the responsibility of DOE and, therefore, are not at issue in this

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5 The NRC has recognized a presumption of injury in fact based on residence within 50 miles of a nuclear plant with respect to applications for construction permits, operating licenses, and license amendments where the amendment has a significant potential for offsite consequence. *See, e.g., Florida Power & Light Co.* (St. Lucie Nuclear Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 329 (1989); *see also Sequoyah Fuels,* CLI-94-12, 40 NRC at 75 n.22. Here, there has been no showing whatsoever that the LARs create the potential for offsite consequences around SQN or WBN.

6 WBN is located near Spring City, Tennessee, and SQN is located near Soddy-Daisy,

NRC proceeding.[7] Petitioners have not shown an injury that can be traced to this proceeding. *Compare Zion,* CLI-99-4, 49 NRC at 192-93.

Transportation of TPBARs to SRS from SQN and WBN was also specifically considered in the DOE Tritium Environmental Impact Statement ("DOE Tritium EIS").[8] BREDL had opportunities to raise any concerns about TPBAR transportation and tritium processing during the public participation process associated with the DOE Tritium EIS. Specifically, on January 21, 1998, DOE published in the *Federal Register* a notice of intent to prepare the DOE Tritium EIS. 63 Fed. Reg. 3097 (Jan. 21, 1998). Therein, DOE invited public comment on the tritium production proposal. Subsequent to this notice, DOE held public scoping meetings in Rainsville, Alabama, on February 24, 1998, and in Evensville, Tennessee, on February 26, 1998. The 700 comments received both orally and in writing at these meetings, as well as via letters, fax, the Internet, or telephone line during the public comment period, were

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Tennessee.

7 As discussed above, the TVA LARs encompass only irradiation services and packaging of the TPBARs in containers provided by DOE for pick-up by DOE at the WBN and SQN sites. This is established by the interagency agreement between DOE and TVA.

8 *See Final Environmental Impact Statement for the Production of Tritium in a Commercial Light Water Reactor* (DOE/EIS-0288) (March 1999). "Tritium production at either Watts Bar 1, Sequoyah 1, or Sequoyah 2 would necessitate additional transportation to and from the reactor plants. Most of the additional transportation would involve nonradiological materials. *Impacts would be limited to toxic vehicle emissions and traffic fatalities.*" DOE Tritium EIS, at S-37 (emphasis added). *See also* DOE Tritium EIS, Chapter 5.2.8, "Transportation of TPBARs," at 5-105, for a detailed discussion of tritium transportation impacts.

reviewed by DOE for consideration in preparing the DOE Tritium EIS. The Petitioner did not participate in this scoping process, despite the opportunity to do so.[9]

Furthermore, Petitioner continued to forego participating in the DOE process even after completion of the EIS scoping activities. Specifically, in August 1998, DOE issued the Draft Tritium EIS. During the subsequent 60-day comment period, public hearings were held in North Augusta, South Carolina (near Mr. Moniak's residence); Rainsville, Alabama; and Evensville, Tennessee.[10] A total of 1,030 public comments were received on the draft DOE Tritium EIS.[11] Neither Mr. Moniak nor BREDL, however, participated in this round of public comments. *See supra* note 9.

Moreover, with respect to transportation and processing activities associated with SRS, the Petitioner fails to define any chain of causation linking those activities with the LAR on the one hand and radiation injuries on the other. Licensing Boards have declined to find that the mere increase in the traffic of low-level radioactive material on a highway near the petitioner's residence, without more, constitutes an injury traceable to a license amendment that primarily affects a power plant site hundreds of miles away. *Int'l Uranium (USA) Corp.*, (Source Material License Amendment License No. SVA-1358) CLI-01-18, 54 NRC 27, 31-32 (2001); *see also Northern States Power Co.* (Pathfinder Atomic Plant), LBP-90-3, 31 NRC 40 (1990). Also, analogously, the Commission declined to find standing for an organization with respect to an

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9 *See* DOE Tritium EIS, Chapter 1, "Public Comment Process," Table 1-5, "Index of Commenters."

10 At DOE's request, an additional public meeting was held in Evensville on December 14, 1998, after the 60-day public comment period closed.

11 DOE Tritium EIS, Chapter 1, "Public Comment Process," at 1-6.

NRC decommissioning proceeding based on alleged injuries to individuals who lived near the proposed waste disposal site rather than near the reactor at issue. *Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-94-3, 39 NRC 95, 102 n.10 (1994).

In sum, BREDL has not shown a palpable injury-in-fact fairly traceable to the LARs at issue. Residence near SRS is inadequate for this purpose. Standing therefore cannot be found on this basis.

2. Other Asserted Interests of BREDL and its Members Are Not Distinct and Exceed the Zone of Interests Protected in This Proceeding

With regard to other interests asserted in the Petition, whether considered to be Mr. Moniak's individual interests or BREDL's organizational interests, no cognizable injury-in-fact exists. The Petitioner proffers only three sweeping, general assertions. Petition at 3. First, BREDL complains that the proposed amendments "would involve an unnecessary and massive expenditure of taxpayer funds." *Id.* While no basis is offered for this "generalized grievance," it is in any event a grievance that would be shared in substantially equal measure by all or a large class of citizens. Therefore, it does not result in a distinct and palpable harm sufficient to support BREDL's standing in this proceeding. *Metro. Edison Co.* (Three Mile Island Nuclear Station, Unit No. 1), CLI-83-25, 18 NRC 327, 333 (1983) (*citing Transnuclear Inc.* (Ten Applications for Low-Enriched Uranium Exports to EURATOM Member Nations), CLI-77-24, 6 NRC 525, 531 (1977).

Second, BREDL claims another financial-based interest in the proceeding, which it admits is common to "all American taxpayers." Petition at 3. Specifically, asserting that the proposed amendments purportedly increase the risk of an accident, BREDL claims that the potential liability of its membership for severe accidents is escalated due to the liability limits of

the Price-Anderson Act. *Id.* Again, no link to accidents at WBN or SQN is offered. In any event, however, by its very terms, this purported interest is not particularized. BREDL itself acknowledges that it is shared by "all American taxpayers." *Id.* Thus, pursuant to *Metro. TMI*, this too is a generalized taxpayer grievance that does not result in distinct and palpable harm to BREDL sufficient to confer standing. *TMI Edison*, 18 NRC at 333.

Moreover, none of the Petitioner's assertions of economic injury falls within the zone of interests arguably protected by the governing statute, the AEA.

> The AEA concentrates on the licensing and regulation of nuclear materials for the purpose of protecting public health and safety and the common defense and security. The appropriate party to raise safety objections about a specific licensing action is the party who, because of the licensing, may face some radiological harm (or the party who seeks the license). As such, it has long been our practice as an agency to reject standing for petitioners asserting a bare economic injury, unlinked to any radiological harm.

Int'l Uranium (USA) Corp. (Receipt of Material from Tonawanda, New York), CLI-98-23, 48 NRC 259, 265 (1998). *See also Virginia Elec. & Power Co.* (North Anna Power Station, Units 1 and 2), ALAB-342, 4 NRC 98, 105-06 (1976). BREDL cannot base either organizational or representational standing on assertions of unnecessary use of federal taxpayer funds or alleged increases in Price-Anderson taxpayer liability.

Finally, BREDL asserts that its members are affected "because tritium production is a threat to the common security of the United States." Petition at 3. Like the two preceding claims, this too is an insufficient basis for organizational standing. BREDL expressly states that this purported risk is "worldwide" in scope — yet another "generalized grievance" insufficient to establish that BREDL relies on a particularized injury. *TMI*, 18 NRC at 333. Each of BREDL's concerns falls short of demonstrating any distinct and palpable harm as a result of the proposed

amendment. *Int'l Uranium (USA) Corp.* (Receipt of Additional Material from Tonawanda, New York), LBP-99-8, 49 NRC 131, 133 (1999).

Furthermore, with respect to the purported threat to the common security of the United States, the Commission has rejected similar claims in the past, noting that a petitioner would have to demonstrate that the activity in question risked a result "inimical to the common defense and security" that "would arise as a *direct* result" of the license amendments in question (emphasis in original). *Curators of the Univ. of Missouri*, CLI-95-1, 41 NRC 71, 163-66 (1995) (*citing United States Dep't of Energy* (Clinch River Breeder Reactor Plant), CLI-82-23, 16 NRC 412 (1982), *rev'd and remanded per curiam on other grounds sub nom. Natural Resources Def. Council v. NRC*, 695 F.2d 623 (D.C. Cir. 1982) (Commission rejected proposition that plutonium-producing breeder reactor would increase threat of nuclear war and nuclear proliferation)). BREDL has failed to meet this standard. Therefore, its identification of a "threat to the common security of the United States" is overly broad and lacks the requisite direct nexus to the LARs.

In sum, the broad taxpayer and security interests raised by BREDL are also inadequate to establish standing. These interests are neither distinct and palpable, nor traceable to the LARs, nor within the zone of interests protected by the AEA.

3. Petitioner Has Not Demonstrated an Injury That is Likely to be Redressed by a Favorable Decision

The Petitioner also has failed to demonstrate that its asserted injuries are likely to be redressed by a favorable decision in this proceeding. As discussed above, Petitioner's claims regarding transportation are outside the scope of this proceeding. Furthermore, in the Record of Decision for the "Final Programmatic Environmental Impact Statement for Tritium Supply and

Recycling" (60 Fed. Reg. 63,878 (1995)), DOE decided to pursue a dual-track approach on the two most promising tritium-supply alternatives: (1) either to initiate purchase of an existing commercial reactor (operating or partially complete) or to obtain irradiation services from a commercial operator with an option to purchase the reactor for conversion to a defense facility; and (2) to design, build, and test critical components of an accelerator system for tritium production. DOE concluded that a tritium extraction facility was to be constructed at SRS and selected SRS as the location for an accelerator, should one be built. *Id.* Consequently, even if tritium were not produced at SQN or WBN, it likely would be produced by accelerator at SRS. In that case, the Petitioner's concerns about the production of tritium at SRS would not be redressed. Furthermore, as set forth in the DOE Tritium EIS, DOE's action is sanctioned by United States law and treaty obligations, including those concerned with nuclear nonproliferation. *See* DOE Tritium EIS, (DOE/EIS-0288) (March 1999), at pp. S-14 - S-15. This simply is not the proper forum in which to challenge DOE's legal obligations and TVA's resulting tritium-related activities.

B. Petitioner Has Failed to Identify an Aspect Within the Scope of the Proceeding

10 C.F.R. § 2.714(a)(2) also requires a petitioner to identify the "specific aspect or aspects of the subject matter of the proceeding" as to which it wishes to intervene. The purpose of this requirement is not to judge the admissibility of the issues, but to determine whether the petitioner specifies "proper aspects" for the proceeding. *Consumers Power Co.* (Midland Plant, Units 1 and 2), LBP-78-27, 8 NRC 275, 278 (1978). The requirement is satisfied by identifying "general potential effects of the licensing action or areas of concern" within the scope of the

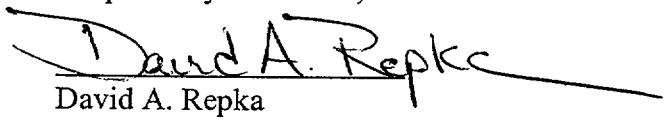
proceeding. *Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), LBP-90-6, 31 NRC 85, 89 (1990).

The Petition is devoid of any information regarding the aspects of the LARs on which BREDL wishes to intervene. Those matters identified exceed the scope of the LARs. As the Commission has held, "[t]he burden of setting forth a clear and coherent argument for standing and intervention is on the petitioner." *Zion*, CLI-99-4, 49 NRC at 194. Thus, neither the Licensing Board, TVA, nor the NRC Staff is required to look to Petitioner's assertions to try to divine an aspect not advanced by Petitioner itself. *Id.*

IV. CONCLUSION

For reasons set forth above, Petitioner's request for a hearing and petition for leave to intervene in this proceeding should be denied.

Respectfully submitted,



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Dated in Washington, D.C.
this 28th day of January 2002

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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(Sequoyah Nuclear Plant, Units 1 and 2, and	)	
Watts Bar Nuclear Plant, Unit 1)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "TENNESSEE VALLEY AUTHORITY'S ANSWER TO REQUEST FOR A HEARING AND PETITION TO INTERVENE OF JEANNINE HONICKER," "TENNESSEE VALLEY AUTHORITY'S ANSWER TO REQUEST FOR A HEARING AND PETITION TO INTERVENE OF BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE," and a "NOTICE OF APPEARANCE" for Edward J. Vigluicci, Harriet A. Cooper, David A. Repka, and Kathryn M. Sutton in the captioned proceeding, have been served on the following by deposit in the United States mail, first class, this 28th day of January 2002. Additional e-mail service has been made this same day as shown below.

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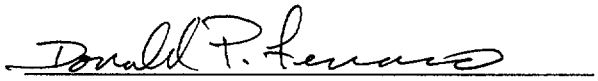

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