

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
ENTERGY NUCLEAR INDIAN POINT 2,)	Docket No. 50-247-OLA
LLC, and ENTERGY NUCLEAR)	
OPERATIONS, INC.)	
)	
(Indian Point Nuclear Generating Unit No. 2;)	
Facility Operating License DPR-26))	

NRC STAFF'S RESPONSE TO RIVERKEEPER, INC.'S PETITION FOR LEAVE TO
INTERVENE AND REQUEST FOR A HEARING

INTRODUCTION

Pursuant to 10 C.F.R. § 2.714(c), the staff of the Nuclear Regulatory Commission (Staff) hereby files its response to "Section 2.714 Petition for Leave to Intervene and Request for a Hearing", submitted by Riverkeeper, Inc., (Riverkeeper or Petitioner) dated March 18, 2002. For the reasons set forth below, Riverkeeper's petition for intervention and request for a hearing should be denied.

BACKGROUND

On July 13, 2001, Consolidated Edison Company of New York(ConEd)¹, the holder of the operating license for Indian Point Nuclear Generating Unit No. 2(IP2) applied for a license amendment to make a one-time change to Technical Specification Surveillance Requirement 4.4.A.3 to revise the frequency of the containment integrated leak rate test (ILRT, Type A test) from at least once per 10 years to once per 15 years. The Commission published a notice of proposed

¹ The transfer of the IP2 operating license from ConEd to Entergy Nuclear Indian Point 2, LLC/ Entergy Nuclear Operations, Inc.(Entergy), was approved on August 27, 2001. 66 FR 46034. The IP2 license was amended to reflect the transfer on September 6, 2001. 66 FR 55007.

no significant hazards consideration determination and opportunity for hearing on ConEd's license amendment request on August 22, 2001. The notice set September 21, 2001, as the deadline for filing petitions for intervention. See 66 Fed. Reg. 44,161 (2001). Neither Petitioner nor any other member of the public either filed a request for a hearing or submitted comments on the Staff's proposed no significant hazards determination.

On March 18, 2002, approximately 6 months after the deadline for filing petitions for intervention, Riverkeeper filed the instant petition. See Section 2.714 Petition For Leave To Intervene And Request For A Hearing (Petition).

DISCUSSION

In its petition Riverkeeper seeks consideration of its late filed petition and alleges that it meets the legal criteria for late petitions. Riverkeeper does not directly address standing, but rather claims that it has a substantial interest in the proceedings and should be permitted to intervene. The Staff treats Riverkeeper's claim of substantial interest as an assertion of standing to intervene or, in the alternative, a request for discretionary intervention.

A. Legal Standards for Late-Filed Petitions

The factors to be considered when determining whether a late-filed petition should be granted are set forth in 10 C.F.R. § 2.714(a)(1)(i)-(v). *Sacramento Municipal Utility Dist. (Rancho Seco Nuclear Generating Station)*, CLI-93-12, 37 NRC 355, 363 (1993). The five factors are:

- (i) Good cause, if any, for failure to file on time;
- (ii) The availability of other means whereby the petitioner's interest will be protected;
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record;
- (iv) The extent to which the petitioner's interest will be represented by existing parties;
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

10 C.F.R. § 2.714(a)(1). The burden of proof is on the petitioner, and the petitioner is obliged to affirmatively address the five lateness factors in its petition, and to demonstrate that a balancing of the five factors warrants overlooking the petition's lateness. *Boston Edison Co.* (Pilgrim Nuclear Power Station), ALAB-816, 22 NRC 461, 466 n.22 (1985). Further, the Commission can summarily reject a petition which fails to address the five factors or the standing requirements set forth in 10 C.F.R. § 2.714(d)(1). *Texas Utilities Elec. Co.* (Comanche Peak Steam Elec. Station, Unit 2), CLI-93-11, 37 NRC 251, 255 (1993).

Although the regulations call for a balancing test, it has long been held that where a petitioner fails to show good cause for filing late, the other four factors must weigh heavily in its favor in order for its petition to be granted. See, e.g., *State of New Jersey* (Department of Law and Public Safety's Requests Dated October 8, 1993), CLI-93-25, 38 NRC 289, 296 (1993). In evaluating the five lateness factors, two factors -- the availability of other means to protect the petitioner's interest and the ability of other parties to represent the petitioner's interest -- are less important than the other factors, and are therefore entitled to less weight. *Texas Utilities Elec. Co.* (Comanche Peak Steam Elec. Station, Units 1 and 2), CLI-92-12, 36 NRC 62, 74 (1992). With respect to the third factor (the potential contribution to the development of a sound record), the petitioner is obliged to "set out with as much particularity as possible the precise issues it plans to cover, identify its potential witnesses, and summarize their proposed testimony." *Commonwealth Edison Co.* (Braidwood Nuclear Power Station, Units 1 and 2), CLI-86-8, 23 NRC 241, 246 (1986), quoting *Mississippi Power and Light Co.* (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-704, 16 NRC 1725, 1730 (1982). In addition to showing that a balancing of the five factors favors intervention, a petitioner must also meet the requirements for setting forth a valid contention. 10 C.F.R. § 2.714(d)(2).

B. Riverkeeper Has Not Met the Requirements for Late-Filed Intervention.

1. *Riverkeeper Has Not Demonstrated Good Cause for Failure to File on Time.*

The Staff believes that a balance of the five factors does not favor consideration of Riverkeeper's late-filed intervention petition. Riverkeeper states that the Federal Register notice did not disclose the rusted areas in the steel lining of the dome, and that the presence of rust in the dome did not become public knowledge until February 2002.² See Petition at 2-3. Riverkeeper states that neither Petitioner nor NRC was aware of the rust problem until February 2002. *Id.* Riverkeeper's statement, to the extent that it refers to the Staff's awareness of this issue, is incorrect. The information was publicly available as early as the Spring of 2000.

The NRC integrated inspection report covering February-April 2000 reviewed licensee actions to investigate and evaluate degradation in the containment liner. See NRC Integrated Inspection Report 05000247/2000-003 at 9.³ The inspection found that the corrosion occurred because moisture barrier seals were missing or deteriorated, which allowed extended wetting of the liner with borated water. The report listed certain corrective actions which the licensee was undertaking such as restoring damaged moisture seals and repairing concrete, restoring liner protection in the area of greatest corrosion, and planning for future inspections to monitor the rate of corrosion. *Id.* Con Edison submitted a letter to the NRC dated April 2, 2001 giving the results of their 2000 Refueling Outage Inservice Inspection. The third attachment to this letter described the results of containment inspections, which specifically discussed the corrosion on the

² Petitioner states "At the time NRC made its proposed determination in favor of ConEdison's application. . ." From this statement the Staff believes that Petitioner may have misunderstood what the Staff was proposing in its Federal Register notice. The Staff has not in fact made any proposed determination in favor of the license amendment application. The Staff made a proposed no significant hazards consideration determination. See 66 Fed. Reg. 44,161 (2001). The proposed no significant hazards consideration should not be construed as a proposed determination in favor of the application.

³ The portion of the Inspection Report that discusses the degradation of the containment liner is attached hereto as Exhibit (Ex.) 1.

containment liner.⁴ The amendment application refers to the April 2, 2001 letter, which discussed the containment liner degradation, for the results of the 2000 outage containment inspections. Letter from James S. Baumstark, Vice President, ConEd, to NRC, Subject: *Indian Point 2 License Amendment Request: Containment Integrated Leakage Rate Testing Frequency*, July 13, 2001 (Application). In addition, in reviewing the amendment application, the Staff has sent two Requests for Additional Information (RAI's) to the Licensee. The first RAI, sent Oct. 4, 2001, asked the licensee to describe any areas that have been identified as requiring augmented inspections due to corroded liner plate and describe how the degraded containment areas have been addressed in the licensee's risk assessment.⁵ The second RAI, sent Feb. 5, 2002 asked the licensee to provide the basis for not performing an ILRT before August 2002 to ensure the leak tightness of the "as is" containment with the areas of degradation observed at IP2.⁶

Good cause for the petitioner's late filing is the first, and most important element of 2.714(a)(1). See *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-00-2, 51 NRC 77, 79 (2000). In addressing the good-cause factor, a petitioner must explain not only why it failed to file within the time required, but also why it did not file as soon thereafter as possible. *Westinghouse Electric Corporation* (Nuclear Fuel Export License for Czech Republic - Temelin Nuclear Power Plants), CLI-94-7, 39 NRC 322, 329 (1994). The availability of new

⁴ Letter from Alan Blind, Vice President, ConEd, to NRC, Subject: *2000 Refueling Outage Inservice Inspection (ISI) Program Summary Report- Second Outage, Second Period, Third Interval*, April 2, 2001. The letter and third attachment to the letter are attached hereto as Ex. 2.

⁵ Letter from Patrick Milano, Senior Project Manager, NRC, to Michael Kansler, Vice President Entergy, Subject: *Indian Point Nuclear Generating Unit No. 2- Request For Additional Information Regarding One-Time Extension of Containment Integrated Leakage Rate Test Frequency (TAC NO. MB2414)*, October 4, 2001. The Oct. 4 RAI is attached hereto as Ex. 3.

⁶ Letter from Patrick Milano, Senior Project Manager, NRC, to Michael Kansler, Vice President Entergy, Subject: *Indian Point Nuclear Generating Unit No. 2- Request For Additional Information Regarding One-Time Extension of Containment Integrated Leakage Rate Test Frequency (TAC NO. MB2414)*, February 5, 2002. The Feb. 5 RAI is attached hereto as Ex. 4.

information may provide good cause for late intervention. The test is when the information became available and when the petitioner reasonably should have become aware of the information. The petitioner must establish that 1) the information is new and could not have been presented earlier, and 2) the petitioner acted promptly after learning of the new information. *Comanche Peak*, CLI-92-12, 36 NRC at 69-73 (1992); *Texas Utilities Electric Co.* (Comanche Peak Steam Electric Station, Unit 2), CLI-93-4, 37 NRC 156, 164-65 (1993). A licensing board will not accept a petitioner's claim of excuse for late intervention where the petitioner failed to uncover and apply publicly available information in a timely manner. See *Florida Power and Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), LBP-90-5, 31 NRC 73, 79 (1990), *aff'd*, ALAB-950, 33 NRC 492, 495-96 (1991); *Kansas Gas & Electric Co.* (Wolf Creek Generating Station, Unit 1), LBP-84-17, 19 NRC 878, 886-887 (1984), *citing Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), LBP-83-42, 18 NRC 112, 117, *aff'd* ALAB-743, 18 NRC 38 (1983). The instant petitioner failed to establish either that the information was new and could not have been presented earlier or that it acted promptly after learning of the new information.

The petitioner alleges that it believes that the information about the degradation in the containment liner at IP2 was new. Petitioner relies on a news article titled "Indian Point 2's rusted lining causes concern" dated Feb. 15, 2002. Presumably Petitioner was also aware of the RAI issued by the Staff on February 5, 2002 referring to the degradation in the containment liner, as both representatives of Riverkeeper and Riverkeeper's counsel, Pace Environmental Litigation Clinic, are on the Feb. 5 RAI service list. Ex. 4. As previously mentioned, the degradation in the containment liner was discussed in the NRC Inspection Report in May, 2000. Ex. 1. The April 2, 2001 letter from Con Edison to the NRC giving the results of the 2000 refueling outage inservice inspection discussed the corrosion in the containment liner. Ex. 2.⁷ The first RAI, sent Oct. 4,

⁷This letter was specifically cited in Con Edison's amendment application at issue as a (continued...)

2001, asked the licensee to describe any areas that had been identified as requiring augmented inspections due to corroded liner plate and describe how the degraded containment areas had been addressed in the licensee's risk assessment. Ex. 3. All of these documents were, and continue to be, publicly available on ADAMS.⁸ The publicly available Oct. 4, 2001 RAI specifically discussed the containment liner degradation in the context of the instant amendment application. In light of the above, Petitioner's claim that it was unaware of the information does not excuse its failure to uncover this publicly available information. *See Wolf Creek*, LBP-84-17, 19 NRC at 886 (1984). The Petitioner has failed to demonstrate that the information is new and could not have been presented earlier. *See Comanche Peak*, CLI-92-12, 36 NRC at 69-73 (1992). This factor weighs against granting the untimely petition.

2. *The Availability Of Other Means For Protecting Petitioner's Interests.*

Petitioner states that there are no other means for Petitioner to protect its interest because there is no other party in the proceeding that seeks to require the licensee to immediately conduct leakage tests in the containment dome at IP2. Petition at 3. This factor may weigh in favor of the petitioner. However the Staff notes that this factor is less important than other factors and, therefore, entitled to less weight. *See Comanche Peak*, CLI-92-12, 36 NRC at 74 (1992).

3. *Riverkeeper's Participation Will Not Assist In Developing A Sound Record.*

The Petitioner claims that it will provide independent engineering analysis showing the significance of the rust in the containment dome and the importance of performing the containment

⁷(...continued)
reference for the results of inspection of the containment liner.

⁸The ADAMS accession numbers are as follows:
Feb. 5, 2002 RAI
Oct. 4, 2001 RAI
Spring 2000 Inspection Report
Apr. 2, 2001 Inservice Inspection Program Summary
License Amendment Application

Accession No. ML020360045
Accession No. ML012730014
Accession No. ML003915736
Accession No. ML010950015
Accession No. ML011980205

integrated leak rate test immediately to determine whether the containment structure has been compromised. Petitioner states that it will provide expert testimony that will provide more detail with respect to the specifics of the risk of rust in the dome and the importance of the ten-year integrated leak rate tests in an aging facility. Petition at 3-4. In order to demonstrate that a petitioner's participation may reasonably be expected to assist in developing a sound record, the petitioner should set out with as much particularity as possible the precise issues it plans to cover, identify its prospective witnesses, and summarize their proposed testimony. *See generally South Carolina Electric and Gas Co.* (Virgil C. Summer Nuclear Station, Unit 1), ALAB-642, 13 NRC 881, 894 (1981), *aff'd sub nom. Fairfield United Action v. Nuclear Regulatory Commission*, 679 F.2d 261 (D.C. Cir. 1982); *Detroit Edison Co.* (Greenwood Energy Center, Units 2 and 3), ALAB-476, 7 NRC 759, 764 (1978). The only thing Petitioner has set out is that it will show the significance of rust in the containment dome. Petitioner has not set out the precise issues or identified its prospective witnesses. There is no reason to grant an inexcusably late intervention petition unless there is cause to believe that the petitioner not only proposes to raise at least one substantial safety or environmental issue, but it is also able to make a worthwhile contribution on it. *Washington Public Power Supply System* (WPPSS Nuclear Project No. 3), ALAB-747, 18 NRC 1167, 1180-1181 (1983). As Petitioner has not shown how its participation will assist in developing the record, this factor weighs against granting the untimely petition.

4. *Riverkeeper's Interest Will Not Be Represented By Other Parties.*

Petitioner states that there are no other intervenors in this case and, therefore, there are no other parties who can or will represent Petitioner's interests. This factor may weigh in favor of Petitioner. However the Staff notes that this factor is less important than the other factors and, therefore, entitled to less weight. *Comanche Peak*, CLI-92-12, 36 NRC at 74 (1992).

5. *Riverkeeper's Participation Will Broaden the Issues and Unduly Delay the Proceeding.*

Petitioner asserts that its participation will not unduly delay the proceeding beyond the current timetable. Petition at 4. When there is no pending proceeding, as in the instant case, the potential for delay if the petition is granted weighs heavily against petitioner because granting the request will result in the establishment of an entirely new formal proceeding, not just the alteration of an already established hearing schedule. *See Comanche Peak*, CLI-93-4, 37 NRC at 167 (1993). This factor weighs against consideration of the untimely petition.

In conclusion, the Staff believes that the five factors weigh against consideration of Riverkeeper's late-filed petition.

C. Legal Requirements for Intervention

It is fundamental that any person who requests a hearing or seeks to intervene in a Commission proceeding must demonstrate that it has standing to do so. Section 189a(1) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2239(a) (AEA), provides:

In any proceeding under this Act, for the granting... of any license.... the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.

The Commission's regulations in 10 C.F.R. § 2.714(a)(2) provide that a petition to intervene, *inter alia*, "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),⁹ in ruling on a petition for leave to intervene, the presiding officer or licensing board is to consider:

⁹ Due to an unfortunate error recently discovered by the Staff, the latest revision of 10 C.F.R. § 2.714(d) omitted (d)(1) and (d)(2).

1. The nature of the petitioner's right under the Act to be made a party to the proceeding.
2. The nature and extent of the petitioner's property, financial, or other interest in the proceeding.
3. The possible effect of any order that may be entered in the proceeding on the petitioner's interest.

Finally, a petition to intervene must set forth "the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene," 10 C.F.R. § 2.714(a)(2); and a petitioner must advance at least one admissible contention in order to be permitted to intervene in a proceeding. 10 C.F.R. § 2.714(b).

In determining whether a petitioner has established the requisite interest, the Commission has traditionally applied contemporaneous judicial concepts of standing. *See, e.g., Private Fuel Storage, L.L.C.*, (Independent Spent Fuel Storage Installation), CLI-98-13, 48 NRC 26, 30 (1998). In order to establish standing, a petitioner must show that the proposed action will cause injury in fact to the petitioner's interest and the injury is arguably within the zone of interests protected by statutes governing the proceeding. *See e.g., Portland General Electric Co.* (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610, 613 (1976). In Commission proceedings, the injury must fall within the zone of interests sought to be protected by the Atomic Energy Act or the National Environmental Policy Act. *Quivira Mining Co.* (Ambrosia Lake Facility, Grants, New Mexico), CLI-98-11, 48 NRC 1, 6 (1998).

To establish injury in fact and standing, the petitioner must establish (a) that it personally has suffered or will suffer a distinct and palpable harm that constitutes injury in fact; (b) that the injury can fairly be traced to the challenged action; and (c) that the injury is likely to be redressed by a favorable decision in the proceeding. *Bennett v. Spear*, 520 U.S. 154, 167 (1997). The injury must be concrete and particularized, actual and imminent, as opposed to being conjectural or hypothetical. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992); *International Uranium (USA) Corp.* (White Mesa Uranium Mill), CLI-98-6, 47 NRC 116, 117 (1998). A determination that the injury is fairly traceable to the challenged action does not depend "on whether the cause of the

injury flows directly from the challenged action, but whether the chain of causation is plausible.” *Sequoyah Fuels Corp. and General Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 75 (1994). It must be likely, rather than speculative, that a favorable decision will redress the injury. *Lujan*, 504 U.S. at 561; *Sequoyah Fuels*, CLI-94-12, 40 NRC at 71-72 (1994).

In order for an organization to establish standing, it must either demonstrate standing based on the interest of the petitioning organization itself, or it may derive standing based on the interest of one or more individual members who have authorized the organization to represent them. An organization seeking to intervene in its own right must demonstrate palpable injury in fact to its organizational interests that is within the zone of interests protected by the AEA or the National Environmental Policy Act. *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), ALAB-952, 33 NRC 521, 529 (1991). Where the organization relies upon the interests of its members, it must show that: (1) the members possess standing in their own right; (2) the interest sought to be protected is germane to the organization’s purpose; and (3) neither the claim asserted nor the relief requested requires the participation of an individual member in the litigation. *PFS*, CLI-98-13, 48 NRC at 30-31 (1998). In addition, the organization must demonstrate that at least one member has authorized it to represent him or her in the proceeding. *Id.* at 31.

C. Riverkeeper Has Not Demonstrated Standing To Intervene As Of Right.

1. *Riverkeeper Has Not Demonstrated Standing In Its Own Right.*

In its petition, Riverkeeper has failed to demonstrate that it has injury in fact sufficient to establish standing in its own right or through the standing of its members. It is not clear from the petition what injury Riverkeeper claims is the basis for its standing. Riverkeeper has not demonstrated that it, as an entity, will suffer a distinct and palpable harm as a result of the proposed amendment. A mere interest in a problem is insufficient, by itself, to establish standing. *Sierra Club v. Morton*, 405 U.S. 727, 739 (1972).

2. *Riverkeeper Has Not Demonstrated Representational Standing.*

Riverkeeper has failed to establish that it has representational standing through one or more of its members. Where an organization asserts a right to represent the interests of its members, judicial concepts of standing require a showing that: (1) its members would otherwise have standing to sue in their own right; (2) the interests that the organization seeks to protect are germane to its purpose; and (3) neither the claim asserted nor the relief requested requires an individual member to participate in the organization's lawsuit. Longstanding NRC practice also requires an organization to demonstrate that at least one of its members has authorized it to represent the member's interests. *Private Fuel Storage, L.L.C.*, (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 323 (1999). An organization must identify at least one member by name and address. *Northern States Power Co.* (Monticello Nuclear Generating Plant; Prairie Island Nuclear Generating Plant, Units 1 & 2; Prairie Island Independent Spent Fuel Storage Installation), CLI-00-14, 52 NRC 37, 47 (2000). The Petition simply states that many members live and work within a ten-mile radius of the Indian Point Nuclear Generating Facility Unit No. 2. It fails to identify any members by name and address or to demonstrate that any member has authorized it to represent the member's interest. Without more specificity a vague statement that many members live and work within a ten-mile radius is insufficient to establish representational standing.

3. *Traceability Of The Injury*

Riverkeeper asserts that the presence of rust in the dome indicates there may be a leak in the lining. Failure to identify such a leak would defer required repair measures, increasing the safety risks. Petition at 5. Riverkeeper has not articulated a particularized injury. Without a particularized injury the Staff cannot determine whether the injury they allege is fairly traceable to the proposed action.

4. *Redressability*

Riverkeeper seeks to intervene to compel NRC to deny the proposed amendment and require immediate integrated leak rate testing in the containment dome. Riverkeeper appears to allege that its injury would be redressed by denial of the amendment as that would lead to pressure testing this summer, thereby leading to earlier discovery of any potential containment problems. Without agreeing with the assertions of Riverkeeper, the Staff does agree that Riverkeeper's alleged injury could be redressed in an adjudicatory proceeding.

E. Legal Standards Governing Discretionary Intervention

Where a petitioner has not demonstrated that it is entitled to intervene in a proceeding as a matter of right, it may, nevertheless, be admitted as a party to the proceeding at the discretion of the Licensing Board. The Commission has set forth the following factors for consideration of discretionary intervention:

(e) Weighing in favor of allowing intervention --

- (1) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.
- (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest.

(b) Weighing against allowing intervention--

- (1) The availability of other means whereby petitioner's interest will be protected.
- (2) the extent to which the petitioner's interest will be represented by existing parties.
- (3) The extent to which petitioner's participation will inappropriately broaden or delay the proceeding.

Pebble Springs, CLI-76-27, 4 NRC at 616 (1976). Factors one, four, five and six are basically the same as the last four factors of the late-filed petition standard, which are set forth above. 10 C.F.R. § 2.714(a)(1). In the discretionary intervention analysis, however, the first factor, the ability to

assist in developing a sound record, is accorded primary consideration. *Pebble Springs*, CLI-76-27, 4 NRC at 617 (1976). In this regard, a petitioner should show that it has specific knowledge of the matters in dispute. *PFS*, CLI-98-13, 48 NRC at 35 (1998). And, as stated previously, a petitioner should identify its proposed witnesses and summarize their testimony. See *Virgil Summer*, ALAB-642, 13 NRC at 894 (1981). The Petitioner has solely made a vague statement that Petitioner's members' safety is at issue and that a radiological emergency would substantially decrease property values in surrounding towns and villages. Petition at 5. These vague statements do not justify discretionary intervention.

Conclusion

Riverkeeper has failed to meet the standards set forth in 10 C.F.R. § 2.714(a)(1)(i)-(v) for consideration of late filed petitions. Furthermore Riverkeeper has failed to demonstrate that it has standing to intervene in these proceedings. For these reasons the petition to intervene should be denied.

Respectfully Submitted



Sara E. Brock
Counsel for NRC Staff

Dated at Rockville, MD
this 16th day of April, 2002.