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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	
Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Operations, Inc.	)	Docket No. 50-247-OLA
	)	ASLBP No. 02-798-01-OLA
(Indian Point Nuclear Generating Unit No. 2)	)	

ENTERGY NUCLEAR INDIAN POINT 2, LLC, AND ENTERGY NUCLEAR OPERATIONS, INC. ANSWER TO RIVERKEEPER, INC. AMENDED PETITION FOR LEAVE TO INTERVENE AND REQUEST FOR A HEARING

I. INTRODUCTION

Pursuant to 10 C.F.R. § 2.714(c), Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Operations, Inc. (collectively, "Entergy") hereby answer the Amended Petition for Leave to Intervene and Request for Hearing ("Amended Petition") filed on April 30, 2002, by Riverkeeper, Inc. ("Riverkeeper"). Riverkeeper submitted its Amended Petition in accordance with 10 C.F.R. § 2.714(a)(3), which provides that a petitioner may amend its intervention petition at any time up to fifteen days prior to the first prehearing conference.[1] The Amended Petition attempts to cure the significant defects contained in Riverkeeper's original petition to intervene and request for hearing ("Petition").

Riverkeeper's Petition and Amended Petition both relate to the July 13, 2001, application of Consolidated Edison Company of New York, Inc. (since succeeded by Entergy) to make a one-time change to Technical Specifications ("TS") Surveillance Requirement 4.4.A.3 to revise the frequency for the Type A containment integrated leak rate test ("ILRT") from at least

[1] An Atomic Safety and Licensing Board was established in this proceeding by Order dated April 12, 2002. The first prehearing conference has not yet been scheduled.

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once per ten years to once per fifteen years. The license amendment application was noticed in the *Federal Register* on August 22, 2001. *See* Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing; Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York, 66 Fed. Reg. 44,161, 44,165 (Aug. 22, 2001). Requests for hearing with respect to issuance of this amendment were due by September 21, 2001.

Riverkeeper filed its original, untimely petition to intervene six months later, on March 20, 2002.[2] Entergy answered the intervention petition on April 4, 2002, and the NRC Staff filed its answer on April 16, 2002.[3] Both Entergy and the Staff oppose the Petition based upon Riverkeeper's failure to demonstrate that (1) its late-filed request should be granted based upon a balancing of the factors set forth in 10 C.F.R. § 2.714(a)(1)(i)-(v); and (2) it meets the standing requirements set forth in 10 C.F.R. §§ 2.714(a)(2) and 2.714(d). In its Amended Petition,[4] Riverkeeper unsuccessfully attempts to cure the defects highlighted by Entergy and the Staff in their respective answers. For the reasons set forth below, the Petition, as amended, should be denied.

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2 *See* "Section 2.714 Petition for Leave to Intervene and Request for a Hearing," March 20, 2002.

3 *See* "Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Operations, Inc. Answer to Riverkeeper, Inc. Petition for Leave to Intervene and Request for Hearing," April 4, 2002 ("Entergy Answer"); "NRC Staff's Response to Riverkeeper, Inc.'s Petition for Leave to Intervene and Request for a Hearing," April 16, 2002.

4 Riverkeeper apparently notified the Board, in a letter dated April 23, 2002, that it intended to submit an amended petition to intervene. Some, but not all, members of the service list in this proceeding received this notification. Entergy requests that, henceforth, *all* communications to the Board — or to another party — with respect to this proceeding be provided to the service list in its entirety.

II. ARGUMENT

A. The Petition, As Amended, Still Fails to Meet the Standards of 10 C.F.R. § 2.714(a)(1) for a Late-Filed Petition

Pursuant to 10 C.F.R. § 2.714(a)(1), nontimely filings will not be entertained by the Commission absent a determination that a petition and/or hearing request should be granted based upon a balancing of five factors:

> (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; and
>
> (v) the extent to which petitioner's participation will broaden the issues or delay the proceeding.

Entergy herein reiterates the arguments set forth in its Answer with respect to Riverkeeper's failure to meet the criteria for late filing. *See* Entergy Answer at § III.A.1-3. As discussed below, the additional information set forth in the Amended Petition is insufficient to cure the deficiencies in Riverkeeper's Petition.

1. The Amended Petition Does Not Demonstrate Good Cause for Failure to Timely File

The NRC has stated that the "good cause" criterion is the most important when considering a late-filed petition. *See Commonwealth Edison Co.* (Braidwood Nuclear Power Station, Units 1 & 2), CLI-86-8, 23 NRC 241, 244 (1986). Riverkeeper's Amended Petition contains no information supporting a finding of good cause in this case. The crux of Riverkeeper's argument, in both the Petition and the Amended Petition, is that good cause exists

because the license amendment application at issue did not discuss "the rust in the dome," and, thus, "neither Petitioner nor NRC [was] aware of the problem until February 2002." Amended Pet. at 4.

With respect to the NRC, as discussed in the Entergy Answer (at § III.A.1), Riverkeeper's assertion is patently incorrect. Quite simply, a May 16, 2000, NRC report discussing an inspection that took place February 29, 2000, through April 1, 2000, indicated that the NRC was cognizant of the issue as early as Spring 2000.[5] Discussion of the issue has continued through 2001 and 2002, and the NRC has made all appropriate documents available to the public in a timely manner.[6]

Riverkeeper's apparent difficulty in obtaining publicly-available documents with respect to the issue simply does not provide a basis for a finding of good cause. As indicated in the Entergy Answer, 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. *Kan. Gas & Elec. Co.* (Wolf Creek Generating Station, Unit No. 1), LBP-84-17, 19 NRC 878, 886-87 (1984); *cf. Commonwealth Edison Co.* (Braidwood Nuclear Power Station, Units 1 & 2), LBP-85-11, 21 NRC 609, 628-29 (1985), *rev'd & remanded on other grounds*,

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5 The July 13, 2001, license amendment request references (at 7) examinations of the containment that were conducted during the 2000 outage. The application states that '[o]nly minor discrepancies not affecting containment were found." The application then goes on to reference the summary of the results of the 2000 outage examinations, in a letter to the NRC dated April 2, 2001. Any member of the public that was interested in containment integrity issues was, thus, referred to the publicly available April 2, 2001, document, which discusses the issue in detail.

6 Riverkeeper apparently became aware of the situation at IP2 through a February 15, 2002, news article in the *Journal News*. *See* Pet. at 2 n.1. The appearance of a newspaper article is not sufficient grounds for the late-filing of a contention about matters that have been known for a long time. *Cleveland Elec. Illuminating Co.* (Perry Nuclear Power Plant, Units 1 & 2), LBP-82-11, 15 NRC 348 (1982).

CLI-86-8, 23 NRC 241 (1986)(an intervenor cannot establish good cause for filing a late contention when the information on which the contention is based was publicly available several months prior to the filing of the contention). Riverkeeper complains about difficulties in dealing with NRC's Agencywide Documents Access and Management System ("ADAMS"). Amended Pet. at 3-4. However, this is not a matter for which any relief can be granted in this proceeding,[7] and has no nexus whatsoever to the license amendment request at issue. In sum, Riverkeeper is lacking good cause for its extreme tardiness.

2. *Riverkeeper Has Not Demonstrated that Its Participation May Reasonably Be Expected to Assist in Developing a Sound Record*

When addressing this criterion, an intervenor should specify the precise issues it plans to cover, identify its prospective witnesses, and summarize their proposed testimony. *Braidwood*, CLI-86-8, 23 NRC at 246. In its Amended Petition, Riverkeeper states that it will provide "the independent engineering analysis" of Dr. Christian Meyer, a professor of civil engineering at Columbia University. Amended Pet. at 5. With respect to his testimony, Riverkeeper states as follows: "[Dr. Meyer's] qualitative assessment will show the significance of the rust in the containment dome and the importance of immediately performing the containment integrate [sic] leak rate test to determine whether the containment structure has been compromised." Amended Pet. at 5.

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[7] Riverkeeper indicates that, without ADAMS accession numbers, information in ADAMS "remains virtually hidden, especially to a lay person not familiar with the intricacies of the ADAMS database." Amended Pet. at 3-4. While the ADAMS system is not without flaws, it is the responsibility of the individual seeking information to become acquainted with the system, and to seek assistance in using it — or in obtaining documents otherwise — from the NRC's Public Document Room. In addition, the Freedom of Information Act process, of which the Petitioner has availed itself, provides another avenue for obtaining pertinent documents.

Further examination of information provided by Dr. Meyer, however, indicates that his participation will not assist in development of a sound record in the proceeding. Attachment C to the Amended Petition is a letter from Dr. Meyer to counsel for Riverkeeper, providing a qualitative assessment of documentation identifying the corrosion at IP2. The letter exemplifies why Dr. Meyer's testimony will be unhelpful in this proceeding.

For example, in addressing the means by which corrosion damage "can impair the integrity of the liner" (*see* Amended Pet. at 5) Dr. Meyer points out: "Corrosion reduces the stress-resisting material, thereby increasing the stress in the remaining steel. For the depth of corrosion mentioned in the documentation provided, this source of stress increase appears to be of no major concern." Here, Dr. Meyer's qualitative analysis is consistent with Entergy's position in this proceeding, and thus does not contribute additional insight to the record.

More importantly, however, is Dr. Meyer's own statement that he is not the proper expert for this proceeding. In the Amended Petition (at 5), Riverkeeper states that it "expects that expert testimony will provide further detail *with respect to the specifics of the risk of rust in the containment dome* and the importance of the ten-year integrate [sic] leak rate tests." (Emphasis added.) Dr. Meyer, in turn, points out that "[Corrosion] can cause cracks in the containment liner during a pressure test (or an actual loss of coolant accident), thereby jeopardizing its leak tightness. *In order to quantify this threat, an expert in metal fracture and corrosion could perform a detailed analysis to determine the probability of the liner losing its leak tightness.*" (Emphasis added.)

Dr. Meyer makes clear that he is not the expert to perform such an analysis. He points out that "corrosion damage has also the potential of causing embrittlement of the surrounding sound steel, depending on the specific metallurgical makeup of the steel and

corrosion products. *Since I am not a metallurgist, I cannot further characterize the potential consequences of such embrittlement.*" (Emphasis added.) The Amended Petition does not identify a metallurgist to address "the specifics of the risk of rust in the containment dome." Because Dr. Meyer's qualitative analysis is of extremely limited value in this proceeding, Riverkeeper has plainly failed to demonstrate how it can assist in the development of a sound record in this proceeding.[8]

Accordingly, upon balancing the factors in 10 C.F.R. § 2.714(a)(1), the Board should reject the late-filed Petition, as amended.[9]

B. Riverkeeper Has Not Established Standing to Intervene

The standards Riverkeeper must meet to establish its standing to intervene in this proceeding are laid out in detail in the Entergy Answer. For reasons of economy, they are not restated here. *See* Entergy Answer, § III.B. As a general matter, to establish standing, a petitioner must assert an actual or threatened, concrete and particularized injury, *i.e.*, an injury in fact, that is fairly traceable to the challenged action and likely to be redressed by a favorable

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8 Dr. Meyer also states that, "Depending on the detailed geometric nature of the corrosion pattern, it can create stress concentrations in the surrounding sound steel, which could be significant." Without passing on the merits of this statement, Dr. Meyer does not posit what he will add in this proceeding with respect to this issue, or even whether he intends to provide expert testimony to demonstrate whether safety significant stress concentrations are present at IP2. Without more, this statement is not sufficient to demonstrate that his testimony will contribute to the development of a sound record in this proceeding.

9 With respect to the second, fourth, and fifth factors, the Amended Petition provides no additional information of note; Entergy therefore re-emphasizes the arguments made in its Answer on these points. With respect to the fifth factor, Riverkeeper is plainly attempting to improperly broaden the issues in the proceeding (*see* the discussion *infra* with respect to representation of the Puentes), and the petitioner's participation will clearly delay the proceeding in a way it would not have had the petition been timely. While the second and fourth factors weigh somewhat in favor of the Petitioner, these factors are not entitled to as much weight as the other three. *See Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), LBP-83-42, 18 NRC 112, 118 (1983).

decision. The injury also must be to an interest arguably within the zone of interests protected by the statutes governing NRC proceedings: the Atomic Energy Act of 1954, as amended, and/or the National Environmental Policy Act. Because Riverkeeper has failed to assert a concrete, particularized injury fairly traceable to the license amendment at issue, it has not demonstrated standing in this proceeding, and the Petition, as amended, should be denied.

1. Riverkeeper Has Not Established Standing As of Right

a. Riverkeeper Has Not Established Representational Standing

As a general matter, Entergy herein reiterates the arguments made in its April 4 answer with respect to Riverkeeper's standing. Riverkeeper provides some additional information in its Amended Petition, apparently in support of representational standing, but does not cure the defects contained in the Petition. Specifically, the Petitioner identifies three individuals that it claims are members of Riverkeeper that have authorized the Petitioner to represent their interests in this proceeding.[10] However, the claims made with respect to these individuals fall well short of the demonstration required to show standing.

With respect to the first individual, Lisa Mechaley, the Amended Petition states merely that "Ms. Mechaley is concerned with the health and safety consequences of a potential release of radiation from IP2." Amended Pet. at 7. As an initial matter, this statement does not

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[10] It is well established that an organization seeking to obtain standing in a representative capacity must demonstrate that a member has, in fact, authorized the representation. *Houston Lighting & Power Co.* (South Texas Project, Units 1 & 2), LBP-79-10, 9 NRC 439, 444, *aff'd*, ALAB-549, 9 NRC 644 (1979). The preferred method for such a showing is an affidavit. *See Power Auth. of N.Y.* (James A. FitzPatrick Nuclear Power Plant & Indian Point Nuclear Generating Unit No. 3), CLI-00-22, 52 NRC 266, 293 (2000). Riverkeeper, however, fails to provide *any* documentation — in the form of affidavits or otherwise — setting forth its members' interest in the proceeding, and authorizing the representation. For this reason alone, the Amended Petition fails to cure the defects in the original Petition relating to representational standing.

demonstrate an injury which is "concrete and particularized." As discussed in the Entergy Answer, broad, vague assertions, without more, do not demonstrate the requisite injury-in-fact. *See Int'l Uranium Corp.* (White Mesa Uranium Mill), CLI-98-6, 47 NRC 116, 117-18 (1998). Moreover, there is no connection drawn between the license amendment at issue and *any* injury. Where a petitioner provides no nexus between the injury claimed and the proposed licensing activity, the claim of injury is purely speculative and legally insufficient to establish standing. *See N. States Power Co.* (Pathfinder Atomic Plant), LBP-90-3, 31 NRC 40, 43 (1990). Here, the Petitioner appears to make a tenuous assumption that some undescribed accident will result from the contemplated license amendment,[11] and that an unspecified injury *might* occur. At bottom, Ms. Mechaley's "concern" is insufficient to constitute an injury-in-fact fairly traceable to the instant license amendment. The purported injury is neither concrete nor particularized, but rather is purely hypothetical in nature.

The same defects are present with respect to the other individuals discussed in the petition, the Puentes. Riverkeeper makes the bare assertion that "the Puentes are concerned about *any* offsite release" because "the recent report of a new study linking infant death rates to nuclear power plants alarms them." Amended Pet. at 7 (emphasis in original). First, a generalized "concern" is not a distinct and palpable harm sufficient to support standing. As discussed above, the petitioner must particularize a specific *injury* that will result from the license amendment, and simply does not do so here. Second, it is equally clear that the hypothetical "concern" raised by the Amended Petition cannot be fairly traced to the proposed license amendment. Indeed, the Puentes' issue does not relate in any way to the license

[11] To be sure, Ms. Mechaley's stated concern relates to a release "from IP2," without reference the proposed license amendment.

amendment request; rather, the Petitioner cites to an unspecified study, mentioned in a newspaper article, ostensibly showing that "infant death rates downwind of eight American nuclear power plants dropped significantly after they were shut down."[12] Amended Pet., Att. D.

To demonstrate standing, there must be a causal link between the injury and the licensing activity at issue. Petitioners have not demonstrated how the referenced "study" specifically relates to the change in frequency of ILRT at IP2. In sum, concerns related to this study are unrelated to the license amendment at issue, and are thus beyond the scope of this proceeding and cannot be redressed therein. *Cf. Commonwealth Edison Co.* (Zion Station, Units 1 & 2), ALAB-616, 12 NRC 419, 426 (1980) (in a license amendment proceeding, a contention must fall within the scope of issues set out in the *Federal Register* notice of opportunity for hearing). In the absence of any showing of injury related to the proposed license amendment, Petitioner has not shown that the Puentes satisfy the requirements for standing in this proceeding.

Overall, because its efforts to demonstrate representational standing are insufficient to meet NRC requirements, the Petition should be denied.[13]

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[12] As a general matter, if the Petitioner proposes to rely on such a study as a basis for a contention, it should be noted that where an expert witness offers opinions based on science, the testimony should both rest on a reliable foundation and be relevant to the issues in question. *See generally Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *Tuf Racing Prods., Inc. v. American Suzuki Motor Corp.*, 223 F.3d 585, 591 (7th Cir. 2000)("The principle of *Daubert* is merely that if an expert witness is to offer an opinion based on science, it must be real science, not junk science"). This principle applies with respect to the Federal Rules of Evidence, to which the Commission frequently refers for guidance. *See S. Calif. Edison Co.* (San Onofre Nuclear Generating Station, Units 2 & 3), ALAB-717, 17 NRC 346, 365 n.32 (1983).

[13] Apart from its discussion of the interests and "concerns" of specific members of Riverkeeper, the Petitioner states that it has established injury-in-fact that can be traced to the license amendment request because "a pressure test would assure the integrity of IP2's dome." Amended Pet. at 8. Riverkeeper also states, "The presence of rust in the containment dome indicates there may be a leak in the dome's steel lining . . . . Failure to identify such a leak will defer required repair measures, greatly increasing the safety risks to Petitioner's members. Failure to pass its pressure test will demonstrate an increased

b. Riverkeeper Has Not Established Standing by Virtue of Proximity to the Facility

In its Amended Petition, Riverkeeper contends that standing as of right can be based on the "proximity presumption," because two of its members live two miles from IP2. Specifically, Petitioner cites *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 & 4), LBP-01-6, 53 NRC 138, 146 (2001) for the following proposition:

> *In certain types of proceedings*, the agency has recognized a proximity or geographical presumption that presumes a petitioner has standing to intervene without the need specifically to plead injury, causation, and redressability if the petitioner lives within, or otherwise has frequent contacts with, the zone of possible harm from the nuclear reactor or other source of radioactivity.

(Emphasis added.) As noted in the Entergy Answer, residence within 50 miles of a nuclear reactor has been sufficient to confer standing in construction permit and operating license proceedings, as well as license renewal proceedings such as *Turkey Point*. However, distance alone is not necessarily sufficient to confer standing in other types of proceedings, particularly license amendment proceedings such as this. Rather, in a license amendment proceeding, a petitioner cannot simply base standing upon residence near the plant, unless the proposed action "quite 'obvious[ly]' entails an increased potential for offsite consequences." *Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 & 2), CLI-99-4, 49 NRC 185, 191 (1999), *pet. for review denied sub nom. Dienethal v. United States Nuclear Regulatory Comm'n*, 203 F.3d 52

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likelihood of a radiological release into the human environment." Amended Pet. at 11. These statements, while appealing on the surface, improperly oversimplify the issue. The Petitioner has not demonstrated a causal link between the license amendment request — a one-time TS change to revise the frequency for one type of ILRT — and any credible accident sequence that would result in an accident with offsite consequences that could cause any injury to Petitioner's organization or its members. Without such a nexus, Petitioner does not make the requisite showing.

(D.C. Cir. 2000); *see Fla. Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 & 2), CLI-89-21, 30 NRC 325, 330 (1989).

Riverkeeper states that "there is an obvious potential that Petitioner's individual members would be affected by any offsite consequences of a radiological release stemming from the degraded containment area." Amended Pet. at 9. Such a statement does not address the Commission's requirement. Riverkeeper has not demonstrated that *the license amendment at issue here* — a one-time revision to the frequency of ILRT — *presents an obvious potential for offsite consequences*. Riverkeeper does not even begin to articulate how such a revision to the frequency of leak rate testing *could* directly result in an accident that *could* have offsite environmental consequences. Indeed, even assuming that the license amendment somehow presents the potential for offsite environmental consequences, that potential is not at all obvious. Because the residence presumption is unavailable to Riverkeeper to establish its standing, it must allege a specific "injury in fact" that will result from the action taken. Because, as discussed above, it has failed to do so, the Petition should be denied.

C. Riverkeeper Has Not Demonstrated Any Basis for Discretionary Intervention

As noted above, under normal judicial and NRC standing concepts, the Petition would fail. In addition to its arguments for standing as of right, Riverkeeper claims it has met the requirements for discretionary intervention. Amended Pet. at 9-10. For discretionary intervention to be appropriate, however, there would need to be some demonstration as to (1) how the Petitioner's participation might reasonably be expected to assist in developing a sound record; (2) the extent of the Petitioner's interests in the proceeding; and (3) the possible effect of an order in the proceeding on that interest. *See Portland Gen. Elec. Co.* (Pebble Springs Nuclear Plant, Units 1 & 2), CLI-76-27, 4 NRC 610, 16 (1976). In particular, the first factor, the ability

to assist in developing a sound record, is accorded the most weight. *Id.* at 617; *see Private Fuel Storage LLC* (Independent Spent Fuel Storage Installation), CLI-98-13, 47 NRC 26, 34-35 (1998). Riverkeeper contends that the testimony of its proffered expert will assist in developing a sound record. As discussed above, however, the Petitioner has plainly failed to demonstrate that Dr. Meyer's testimony will contribute in any way to the development of a record on relevant issues in this proceeding. This factor outweighs the other *Pebble Springs* factors,[14] and Riverkeeper's request for discretionary intervention should be denied.

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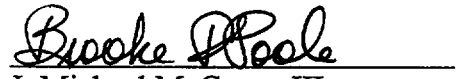
[14] Any interests Petitioner has in this proceeding are adequately protected through existing NRC Staff inspection and enforcement activities, as well as its review of the license amendment request. In addition, Petitioners have the right to challenge such NRC oversight via the processes provided by 10 C.F.R. §§ 2.206 and 2.802.

III. CONCLUSION

For the reasons set forth above, Riverkeeper's Amended Petition fails to cure the fatal defects contained in the Petition, and, thus, the Petition for leave to intervene in this proceeding should be denied.

Respectfully submitted,



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Dated in Washington, D.C.
This 15th day of May, 2002

May 15, 2002

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	
Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Operations, Inc.	)	Docket No. 50-247-OLA
	)	ASLBP No. 02-798-01-OLA
(Indian Point Nuclear Generating Unit No. 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "ENTERGY NUCLEAR INDIAN POINT 2, LLC, AND ENTERGY NUCLEAR OPERATIONS, INC. ANSWER TO RIVERKEEPER, INC. AMENDED PETITION FOR LEAVE TO INTERVENE AND REQUEST A HEARING" and a "NOTICE OF APPEARANCE" for Brooke D. Poole in the captioned proceeding, have been served on the following by deposit in the United States mail, first class, this 15th day of May 2002. Additional e-mail service has been made this same day as shown below.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

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Brooke D. Poole
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Counsel for Entergy Nuclear Indian Point 2, LLC
And Entergy Nuclear Operations, Inc.

Dated at Washington, District of Columbia
this 15th day of May 2002