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August 21, 2002

Via DHL Overnight Courier & E-mail

DOCKETED
USNRC

Michael Farrar, Chairman
Administrative Judge
Nuclear Regulatory Commission
Atomic Licensing and Safety Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

October 4, 2002 (11:03AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: Indian Point Nuclear Generating Station Unit 2, Docket No. 50-247-OLA

Dear Judge Farrar:

I am enclosing for filing a Notice Withdrawing Petition to Intervene in the above referenced docket number on behalf of Riverkeeper, Inc.

We are dismayed at the NRC's decision to grant Entergy's request for a five year deferral of the containment integrate leak test procedure before the prehearing conference, and remain highly concerned NRC's review of the potential problem has been inadequate. Nonetheless, Riverkeeper is withdrawing its petition to intervene due to a lack of time and resources to effectively participate in the proceeding. We have been unable, despite diligent efforts within the time provided, to locate necessary additional expert testimony to pursue the issue of the adequacy of Entergy's and NRC Staff's claimed showing of lack of risk in extending the schedule for the containment integrate leak test procedure. Rather than draw out these proceedings further in the absence of such testimony, Riverkeeper is electing to withdraw its petition for intervention.

Riverkeeper would like to thank the Atomic Licensing and Safety Board Panel for the seriousness with which it considered Riverkeeper's petition, and the

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opportunities provided to supplement the petition. Unfortunately, with limited time and resources, Riverkeeper believes the most responsible thing for it to do at this point is to withdraw its petition for intervention.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl S. Coplan', written in a cursive style.

Karl S. Coplan

cc (US Mail and e-mail): Attached Service List

August 21, 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) Docket No. 50-247-OLA
Entergy Nuclear Operations, Inc.)
)
(Indian Point Nuclear Generating Unit No. 2))
)

RIVERKEEPER NOTICE OF WITHDRAWAL OF PETITION TO INTERVENE

Whereas, on March 18, 2002, Riverkeeper, Inc. filed a petition seeking to intervene in this proceeding to amend the operating license for Indian Point Nuclear Generating Unit No. 2 to defer the conduct of the Containment Integrate Leak Test Procedure by five years; and

Whereas, on April 30, 2002, Riverkeeper, Inc. filed an amended petition seeking to supplement its March 18, 2002 petition in order to respond to challenges to Riverkeeper's intervention filed by Entergy and Nuclear Regulatory Commission Staff, including the statement of Riverkeeper's engineering consultant, Dr. Christian Meyer; and

Whereas, on July 17, 2002, the Atomic Licensing and Safety Board issued a prehearing conference notice and procedural order, which noted the "self-expressed limitations contained in the April 29 letter from petitioner's expert, Dr. Christian Meyer," and established a deadline of August 12, 2002 for Riverkeeper to supplement its petition to address these limitations; and


Whereas, despite diligent efforts, Riverkeeper has been unable in the time provided to locate suitable expert testimony to supplement Dr. Meyer's analysis; and

Whereas, the Nuclear Regulatory Commission has subsequently, on August 5, 2002, prior to the conduct of the prehearing conference scheduled in this matter, issued the amendment sought by Entergy, and released an analysis by Nuclear Regulatory Commission staff of the impacts of corrosion found in the Indian Point 2 steel containment liner on the risks posed by a five year deferral of the Containment Integrate Leak Test;

Whereas, Riverkeeper has determined that because of limits on its resources it would not be useful to pursue this petition for intervention further,

NOW THEREFORE Riverkeeper hereby withdraws its Petition for Intervention dated March 18, 2002 and its Amended Petition for Intervention dated April 30, 2002 in this proceeding, and consents to the issuance of the amendment by Nuclear Regulatory Commission staff issued on August 5, 2002, without further proceedings.

Dated: White Plains, N.Y.
August 21, 2002



Karl S. Coplan, Esq.

Pace Environmental Litigation Clinic, Inc.
78 North Broadway
White Plains, NY 10603
(914) 422-4343

Attorneys for Petitioner Riverkeeper, Inc.

Certificate of Service

I hereby certify, under penalty of perjury, that on August 21, 2002, I caused a true copy of the foregoing Notice of Withdrawal of Petition to Intervene to be delivered to the attached service list.



Adrian Mark Baron
Face Environmental Litigation Clinic
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Service List

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