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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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PRM-51-10

Hon. Dale E. Klein,  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20005

Hon. Edward McGaffigan, Jr.,  
U.S. Nuclear Regulatory Commission  
Washington, DC 20005

✓ Hon. Jeffrey S. Merrifield,  
U.S. Nuclear Regulatory Commission  
Washington, DC 20005

Hon. Gregory B. Jaczko,  
U.S. Nuclear Regulatory Commission  
Washington, DC 20005

Hon. Peter B. Lyons  
U.S. Nuclear Regulatory Commission  
Washington, DC 20005

Re: Massachusetts Attorney General's Petition for Rulemaking to Amend  
10 C.F.R. Part 51 (Aug. 25, 2006)

Dear Chairman Klein and Commissioners McGaffigan, Merrifield, Jaczko, and Lyons:

On August 25, 2006, the Massachusetts Attorney General filed a Petition for Rulemaking to amend 10 C.F.R. Part 51 because of information asserted to be new and significant and alleged to show that the determination made in the Generic Environmental Impact Statement for Renewal of Nuclear Power Plant Licenses – that "the likelihood of a fuel-cladding fire is highly remote" – is incorrect. The Petition's claims of new and significant information parallel those made by the Massachusetts Attorney General in the license renewal proceedings for the Vermont Yankee and Pilgrim Nuclear Power Stations (Docket Nos. 50-271-LR and 50-293-LR) and the Petition relies on and incorporates the contention and the supporting materials filed by the Massachusetts Attorney General in those proceedings. For completeness, Entergy wishes to direct the Commission's attention to Entergy's answers and brief in those proceedings (to which the Massachusetts Attorney General has replied) which explain why the Massachusetts Attorney General's

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information is neither new nor significant. See Entergy's Answer to the Massachusetts Attorney General's Request for a Hearing, Petition for Leave to Intervene, and Petition for Backfit Order (June 22, 2006) (ML061790134 at 14-25, Pilgrim; ML 061780616 at 13-25 Vermont Yankee); "Entergy's Brief on New and Significant Information in Response to Licensing Board Order of July 14, 2006" (July 21, 2006) (ML062080589 at 11-24, Pilgrim).

The Massachusetts Attorney General's Rulemaking Petition requests (at 3) that the Commission "withhold any decision to renew the operating licenses for the Pilgrim and Vermont Yankee nuclear power plants until the requested rulemaking has been completed and until the NRC has completed" the related NEPA process that may be required by any amended rule. Entergy notes that the NRC Staff has tentatively scheduled issuance of the renewed licenses for both plants, if approved, by November 27, 2007 (if no hearing is granted) and by July 27, 2008 (if a hearing is granted). See [www.nrc.gov/reactors/operating/licensing/renewal/applications/vermont-yankee.html](http://www.nrc.gov/reactors/operating/licensing/renewal/applications/vermont-yankee.html); [www.nrc.gov/reactors/operating/licensing/renewal/applications/pilgrim.html](http://www.nrc.gov/reactors/operating/licensing/renewal/applications/pilgrim.html). While disagreeing with the Attorney General's request to withhold license renewal pending the completion of any rulemaking, Entergy respectfully asks that the Commission act on and resolve the rulemaking petition by November 2007 in order to avoid any potential for delay in the renewal of the Vermont Yankee and Pilgrim licenses.

Entergy reserves the right to provide additional comments on whether new and significant information exists and whether issuance of the renewed licenses should be withheld pending completion of any rulemaking if and when the Commission publishes the Petition for public comment.

Sincerely,



David R. Lewis  
Counsel for Entergy

cc: Service Lists for Pilgrim and Vermont Yankee License Renewal Proceedings

Certificate of Service

I certify that copies of the foregoing letter to Chairman Klein and Commissioners McGaffigan, Merrifield, Jaczko and Lyons from David R. Lewis dated August 30, 2006, were served on the Atomic Safety and Licensing Board and the counsel and other representatives of the parties to the Pilgrim and Vermont Yankee licensing renewal proceedings listed below by deposit in the U.S. mail, first class, postage prepaid, this 30<sup>th</sup> day of August, 2006.

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