



## **BACKGROUND AND EXECUTIVE SUMMARY**

On October 16, 2006, the Board issued an order on Petitions to Intervene and Contentions of the Massachusetts Attorney General (“Mass. AG”) and Pilgrim Watch (“PW”).

The Board ruled that two of PW’s five contentions are admissible at hearing. (See discussion below.)

The Board found that both the Mass. AG and PW have standing, but only PW presented admissible contentions. Because the Board found that the Mass. AG did not present admissible contentions, it was not granted party status. The Board stated that the Mass. AG may file another petition, depending on developments in its Petition for Rulemaking to amend the NRC’s regulations regarding the Generic Environmental Impact Statement or any other developments that have bearing on its contention. The Board ruled that the Town may participate as an interested local governmental body under 10 C.F.R. § 2.315(c), and the Town was required to notify the Board as to which contentions in which it would participate. It is the Town’s intent to participate with respect to all admissible contentions, as set forth below:

1. The Aging Management program proposed in the Pilgrim Application for license renewal is inadequate with regard to aging management of buried pipes and tanks that contain radioactively contaminated water, because *inter alia*, it does not provide for monitoring wells that would detect leakage.
2. Applicant’s Severe Accident Mitigation Alternatives (“SAMA”) analysis for the Pilgrim plant is deficient in that the input data concerning (1) evacuation times, (2) economic consequences, and (3) meteorological patterns are incorrect, resulting in incorrect conclusions about the costs versus benefits of possible mitigation alternatives thus requiring further analysis.

## DISCUSSION

### **A. PW Contention No. 1—Aging Management Plan’s Leak Inspection Provisions**

PW asserted that the Aging Management Plan does not adequately provide for inspection of the integrity of buried pipes and tanks and monitoring for leaks of radioactive water. PW argued that Entergy should use monitoring wells for early detection of leaks.

The Board found this contention generally admissible. The contention was found to be within the scope of the proceeding, with the caveat that not all pipes and tanks are part of the aging management plan, and therefore not all relevant issues will be open to discussion at the hearing. Additionally, the Board allowed the contention based on its findings that PW adequately supported the contention and that it is “material” to the proceeding, as required by NRC regulations.

### **B. PW Contention No. 3—Radiological and Economic Consequences of a Severe Accident**

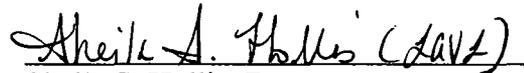
PW contended that Entergy’s Environmental Report is inadequate because the SAMA analysis fails to take into account the true radiological and economic consequences of a severe accident. PW asserted that Entergy’s use of probabilistic modeling underestimates the effects of a severe accident and that the data used in the modeling is inaccurate.

The Board found this contention to be generally admissible. The Board deemed the SAMA to be within the scope of the proceeding, found that PW offered a sufficient explanation of the basis for its contention, and found that PW presented a genuine dispute on a material issue of law or fact. The Board stated that it would allow PW’s contention because PW has challenged the data Entergy used in its SAMA analysis, and not the emergency plan itself. The Board stated that the contention is admissible under National Environmental Policy Act because the data at issue is used to calculate health and safety consequences of a severe accident, which is an environmental issue.

**CONCLUSION**

For the reasons previously stated by Plymouth in these proceedings, the Town will participate as an affected local community with respect to the contentions deemed admissible in these proceedings.

Respectfully submitted,



Sheila S. Hollis, Esq.  
Duane Morris LLP  
Attorneys for Town of Plymouth

Pursuant to 10 C.F.R. § 2.304(e), the following are designated as the persons on whom service of the pleadings and other papers in this proceeding should be made:

Mark D. Sylvia  
Town Manager  
Town Manager's Office  
11 Lincoln Street  
Plymouth, MA 02360  
Tel: (508) 747-1620 x104  
Fax: (508) 830-4140  
[msylvia@townhall.plymouth.ma.us](mailto:msylvia@townhall.plymouth.ma.us)

Sheila S. Hollis  
Duane Morris LLP  
1667 K Street, N.W.  
Suite 700  
Washington, DC 20006-1608  
Tel: (202) 776-7810  
Fax: (202) 776-7801  
[sshollis@duanemorris.com](mailto:sshollis@duanemorris.com)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing document have been served upon the following persons or entities by electronic mail and by U.S. mail, first class, postage pre-paid.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Ann Marshall Young, Chair  
Mail Stop T-3 F23  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Administrative Judge  
Richard F. Cole  
Mail Stop T-3 F23  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Administrative Judge  
Paul B. Abramson  
Atomic Safety and Licensing Board Panel  
Mail Stop – T -3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dianne Curran, Esq.  
Harmon Curran, Spielberg & Eisenberg, L.L.P.  
1726 M Street, N.W., Suite 600  
Washington, D.C. 20036

Susan L. Uttal, Esq.  
Marian L. Zobler, Esq.  
Mail Stop – O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Matthew Brock, Assistant Attorney General  
Environmental Protection Division  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Terence A. Burke, Esq.  
Entergy Nuclear  
1340 Echelon Parkway  
Mail Stop M-ECH-62  
Jackson, MS 39213

Molly H. Bartlett, Esq.  
52 Crooked Lane  
Duxbury, MA 02332

David R. Lewis, Esq.  
Paul Gaulkler  
Pillsbury, Winthrop, Shaw, Pittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Mary E. Lampert  
Director  
Pilgrim Watch  
148 Washington Street  
Duxbury, MA 02332

Mark D. Sylvia  
Town Manager  
Town Manager's Office  
11 Lincoln Street  
Plymouth, MA 02360

Sheila S. Hollis (LAW)  
Sheila S. Hollis, Esq.  
Duane Morris LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006-1608  
Tel: 202-776-7810  
Fax: 202-776-7801  
[sshollis@duanemorris.com](mailto:sshollis@duanemorris.com)

Dated: November 6, 2006