

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 02/21/08

SERVED 02/21/08

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Paul B. Abramson
Dr. Richard F. Cole

In the Matter of:

ENTERGY NUCLEAR GENERATION
COMPANY AND ENTERGY NUCLEAR
OPERATIONS, INC.
(Pilgrim Nuclear Power Station)

Docket No. 50-293-LR

ASLBP No. 06-848-02-LR

February 21, 2008

ORDER and NOTICE

(Regarding Hearing, Limited Appearance Session, and Additional Questions for Parties)

1. In this Order and Notice, the Licensing Board, first, hereby notifies all parties in this proceeding, involving Entergy Nuclear Operations, Inc.'s Application to renew its operating license for the Pilgrim Nuclear Power Station for an additional 20-year period and Intervenor Pilgrim Watch's challenge of certain aspects of the Application's aging management program,¹ that the oral hearing in the proceeding will be held on Thursday, April 10, 2008. The hearing will commence at 9:00 a.m., at the Radisson Hotel, 180 Water Street in Plymouth, Massachusetts.

2. The Board further hereby gives notice that, in accordance with 10 C.F.R. § 2.315(a), the Board will entertain oral limited appearance statements from members of the public in connection with this proceeding on the evening of April 9, 2008, as specified below.

¹ We note that the Town of Plymouth, Massachusetts, where the Pilgrim plant is located, is also participating in this proceeding as an interested local governmental body, pursuant to 10 C.F.R. § 2.315(c).

3. Finally, the Board also poses the following questions to the parties, to be responded to no later than March 6, 2008, with the parties' prefiled written rebuttal testimony:²

a. In follow-up to the Board's questions of January 31, 2008,³ we direct the Licensee to address the following fundamental question regarding the Condensate Storage System ("CSS"): How large of a leak can the CSS withstand before its ability to satisfy its intended safety function is challenged, and how small of a leak is certain to be detected? The other parties may reply to this inquiry to the extent of their capability to do so.

b. With regard to corrosion-induced small leaks that might grow rapidly into large enough leaks to challenge the ability of the CSS to satisfy its intended safety function, the parties shall provide, to the extent of their capability, concise and specific technical testimony addressing the reasonably expected growth in leakage rate over times ranging from at least four hours to three days.

c. Additionally, the Board directs Pilgrim Watch, in and/or with its rebuttal testimony, to provide specific citations to the testimony of its (or any other party's) experts and to exhibits, as relevant, for each of the statements made in its Statement of Position of January 29, 2008, and in any additional statements.

² Because the Licensing Board did not issue these questions on February 18 as previously stated in the Order of December 19, 2007, the parties are permitted a corresponding additional period to file these responses and rebuttal testimony.

³ Licensing Board Order (Board Questions for the NRC Staff and Applicant) at 2 (Jan. 31, 2008) (unpublished).

LIMITED APPEARANCE STATEMENT SESSION

a. Date, Time, and Location of Oral Limited Appearance Statement Session

The session will be held on the following date at the specified location and time:

DATE: April 9, 2008
TIME: 6:30-8:30 p.m. EDT
LOCATION: Radisson Hotel
180 Water Street
Plymouth, Massachusetts 02360

b. Participation Guidelines for Oral Limited Appearance Statements

Members of the public will be permitted in this session to make short oral statements of five (5) minutes or less on their positions on matters of concern relating to this proceeding. Although these statements do not constitute testimony or evidence in the proceeding, they nonetheless may assist the Board and/or the parties in their consideration of the issues.

Oral limited appearance statements will be entertained during the hours specified above, or such lesser time as necessary to accommodate all speakers who are present.⁴ If all scheduled and unscheduled speakers present at the session have spoken prior to the scheduled time to end the session, the Board may conclude the session before that time. In addition, if there is an unusually large group of persons wishing to speak, the time permitted for each speaker may be limited to a period of less than five (5) minutes, in order to allow all interested persons an opportunity to speak.

⁴ Members of the public who plan to attend the limited appearance session are advised that security measures may be employed at the entrance to the facility, including searches of hand-carried items such as briefcases, backpacks, packages, etc. In addition, although signs no larger than 18" by 18" will be permitted, they may not be waved, attached to sticks, held up, or moved about in the room. See Procedures for Providing Security Support for NRC Public Meetings/Hearings, 66 Fed. Reg. 31,719 (June 12, 2001).

c. Submitting a Request to Make an Oral Limited Appearance Statement

Persons wishing to make an oral statement who have submitted a timely written request as specified below and who are present when their names are called will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must be mailed, faxed, or sent by e-mail so as to be received by 5:00 P.M. EDT on Friday, April 4, 2008.

Written requests to make an oral statement should be submitted to:

Mail: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-1101 (verification (301) 415-1966)

E-mail: hearingdocket@nrc.gov

In addition, using the same method of service, a copy of the written request to make an oral statement must be sent to the Chair of this Licensing Board as follows:

Mail: Administrative Judge Ann Marshall Young
c/o: Johanna Thibault, Esq., Law Clerk
Atomic Safety and Licensing Board Panel
Mail Stop T-3 A2A
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-5599 (verification (301) 415-6094)

Email: Johanna.Thibault@nrc.gov

d. Submitted Written Limited Appearance Statements

A written limited appearance statement may be submitted to the Board regarding this proceeding at any time, either in lieu of or in addition to any oral statement. Such statements should be sent to the Office of the Secretary using the methods prescribed above, with a copy to the Licensing Board Chair.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/
Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

/RA/
Dr. Paul B. Abramson
ADMINISTRATIVE JUDGE

/RA/
Dr. Richard F. Cole
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 21, 2008⁵

⁵ Copies of this Order and Notice were sent this date by Internet e-mail transmission to all counsel and representatives for the parties.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ENTERGY NUCLEAR GENERATION CO.)
AND)
ENTERGY NUCLEAR OPERATIONS, INC.) Docket No. 50-293-LR
)
)
(Pilgrim Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER AND NOTICE (REGARDING HEARING, LIMITED APPEARANCE SESSION, AND ADDITIONAL QUESTIONS FOR PARTIES) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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

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Ann Marshall Young, Chair
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Docket No. 50-293-LR
LB ORDER AND NOTICE (REGARDING HEARING, LIMITED
APPEARANCE SESSION, AND ADDITIONAL QUESTIONS FOR
PARTIES)

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Jackson, MS 39213

Chief Kevin M. Nord
Fire Chief & Director Duxbury Emergency
Management Agency
668 Tremont Street
Duxbury, MA 02332

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 21st day of February 2008