

June 4, 2008

Mr. Scott H. Strauss
Spiegel & McDiarmid, LLP
1333 New Hampshire Ave., NW
Washington, DC 20036

Dear Mr. Strauss:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter addressed to the Executive Director for Operations, R. William Borchardt, dated May 14, 2008. In your letter, on behalf of the Utility Workers Union of America, Local 369 (Local 369) and President Gary P. Sullivan, you stated that you were filing a petition pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206. You requested that the NRC shut down Pilgrim Nuclear Power Station (PNPS) in the event of a work stoppage by Local 369 Union employees because the Pilgrim strike contingency plan is inadequate in that the intended replacement workers would not be capable of operating the plant safely. You also requested that the NRC maintain PNPS in a shutdown condition "unless and until" the Local 369 employees returned to work at the plant. Your letter was referred to the Office of Nuclear Reactor Regulation (NRR) for consideration pursuant to 10 CFR 2.206.

On May 20, 2008, the Petition Review Board initially considered your petition request under 10 CFR 2.206. Although you provided facts to support your claim that replacement workers might not be capable of safely operating the plant, ultimately your concern was mooted by subsequent events. Your concern never materialized because a new 4-year contract agreement between union workers and management at PNPS was ratified on May 23, 2008, and averted a strike. Accordingly, the Petition Review Board has determined that your petition request does not meet the criteria for consideration under 10 CFR 2.206 because it did not set forth facts to constitute a basis for the requested action, as the presumed fact of a strike never materialized. Nonetheless, the NRC staff plans to evaluate and address the concerns you raised in your petition request via subsequent correspondence in the near future.

S. Stauss

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Thank you for your interest in these matters.

Sincerely,

/RA/

Ho K. Nieh, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

S. Stauss

- 2 -

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Sincerely,

/RA/

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Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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