

January 21, 2010 (11:35AM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

BEFORE THE U.S. NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
Entergy Nuclear Generation Co. and	)	
Entergy Nuclear Operations, Inc.	)	Docket No. 50-293-LR
	)	
	)	ASLBP No. 06-848-02-LR
(Pilgrim Nuclear Power Station)	)	

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**PILGRIM WATCH NOTICE TO COMMISSION REGARDING NEW AND  
SIGNIFICANT INFORMATION PERTAINING TO PILGRIM WATCH'S  
PETITION FOR REVIEW OF LBP- 06-848**

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Mary Lampert  
 Pilgrim Watch, pro se  
 148 Washington Street  
 Duxbury, MA 02332  
 January 21, 2010

Corrected cover page, from Before the Atomic Safety Licensing Board to BEFORE THE U.S.

NUCLEAR REGULATORY COMMISSION

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
Entergy Nuclear Generation Co. and	)	
Entergy Nuclear Operations, Inc.	)	Docket No. 50-293-LR
	)	
(Pilgrim Nuclear Power Station)	)	ASLBP No. 06-848-02-LR

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SIGNIFICANT INFORMATION PERTAINING TO PILGRIM WATCH'S  
PETITION FOR REVIEW OF LBP- 06-848**

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Duxbury, MA 02332  
January 21, 2010

**PILGRIM WATCH'S NOTICE TO COMMISSION REGARDING NEW  
INFORMATION PERTAINING TO PILGRIM WATCH'S PETITION  
FOR REVIEW OF LBP- 06-848**

On November 12, 2008, Pilgrim Watch filed with the Commission *Pilgrim Watch's Petition for Review of LBP- 06-848, LBP-07-13, LBP-06-23 and the Interlocutory Decisions in The Pilgrim Nuclear Power Station Proceeding.*

On December 2, 2009, the NRC staff issued SECY-09-0174, a copy is available on NRC website.<sup>1</sup> SECY-09-0174 is directly pertinent to Pilgrim Watch's petition, but it could not have been cited in Pilgrim Watch's petition. Pilgrim Watch's position stated that the Board's decision regarding the scope of issues before it in a license renewal proceeding was erroneous.

In short, ASLB's interlocutory decisions held that that the only thing that matters about such buried pipes and tanks in a license renewal proceeding is whether the leaks are so great as to permit a design base failure. The ASLB refused to permit Pilgrim Watch to include within scope a number of the key ways in which the Aging Management Program (AMP) did not provide reasonable assurance that radioactive or other leakage from buried pipes and tanks would comply with the current licensing basis ("CLB") during license renewal.

In SECY-09-0174, at 3, the staff reviewed current regulations and reached a conclusion diametrically opposed to that of the ASLB. According to the Staff,

With regard to buried piping, the goals of current regulations are to ensure that the piping is able to perform its intended safety function by supplying sufficient fluid flow and *to maintain inadvertent releases below licensee's technical specifications or other applicable limits.* (Italics added)

On pages 6 and 7, the staff says:

The license renewal rule requires applicants for license renewal to demonstrate that for each applicable structure, system, or component, the effects of aging will be adequately managed so that the intended

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<sup>1</sup> <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2009/secy2009-0174/2009-0174scy.pdf>

functions *will be maintained consistent with the current licensing basis* for the period of extended operation. (pg. 6, italics added)

Conclusions: With regard to buried piping, the goals of current regulations are to ensure that the piping is able to perform its intended safety function by supplying sufficient fluid flow *and to maintain inadvertent releases below licensee's technical specifications or other applicable limits which apply at the site boundary.* (pg 7, italics added)

Thus, SECY-09-0174 makes clear that the ASLB was incorrect in concluding that the only thing that matters about buried pipes and tanks was that are so great as to permit a design base failure.

Thanking you for the opportunity to draw your attention to this significant staff document issued after Pilgrim Watch filed its petition.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Lampert". The signature is written in black ink and is positioned above the typed name.

Mary Lampert  
Pilgrim Watch, pro se  
148 Washington Street  
Duxbury, MA 02332  
January 21, 2010

**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**  
**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of

Docket # 50-293-LR

Entergy Corporation

Pilgrim Nuclear Power Station

License Renewal Application

January 21, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that the following was served January 21, 2010 Pilgrim Watch Notice to Commission Regarding Pilgrim Watch's Petition for Review of LBP-08-22, LBP-07-13, LBP-06-23 And Interlocutory Decisions

Secretary of the Commission  
Attn: Rulemakings and Adjudications  
Staff  
Mail Stop 0-16 C1  
United States Nuclear Regulatory  
Commission [2 copies]

Administrative Judge  
Ann Marshall Young, Chair  
Atomic Safety and Licensing Board  
Mail Stop – T-3 F23  
US NRC  
Washington, DC 20555-0001

Ch. Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Paul B. Abramson  
Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
US NRC  
Washington, DC 20555-0001

Hon. Dale E. Kline  
Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Richard F. Cole  
Atomic Safety and Licensing Board  
Mail Stop –T-3-F23  
US NRC  
Washington, DC 20555-0001

Hon. Kristine L. Svinicki  
Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Office of Commission Appellate  
Adjudication  
Mail Stop 0-16 C1  
United States Nuclear Regulatory  
Commission  
Washington, DC 20555-0001

Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
United States Nuclear Regulatory  
Commission  
Washington, DC 20555-0001

Susan L. Uttal, Esq.  
Marcia Simon, Esq.  
Andrea Jones, Esq.  
David Roth, Esq.  
United States Nuclear Regulatory  
Commission  
Washington, DC 20555-0001

Office of General Counsel  
Mail Stop - O-15 D21  
United States Nuclear Regulatory  
Commission  
Washington, DC 20555-0001

Paul A. Gaukler, Esq.  
David R. Lewis, Esq.  
Pillsbury, Winthrop, Shaw, Pittman,  
LLP  
2300 N Street, N.W.  
Washington, DC 20037-1138

Martha Coakley, Attorney General  
Matthew Brock, Assistant Attorney  
General Commonwealth of  
Massachusetts  
Office of Attorney General  
One Ashburton Place  
Boston, MA 02108

Ms. Melissa Arrighi  
Office Town Manager, Town of  
Plymouth  
11 Lincoln Street  
Plymouth MA 02360

Sheila Slocum Hollis, Esq.  
Town of Plymouth MA  
Duane Morris, LLP  
505 9<sup>th</sup> Street, N.W. 1000  
Washington D.C. 20004-2166

Richard R. MacDonald  
Town Manager, Town of Duxbury  
878 Tremont Street  
Duxbury, MA 02332

Fire Chief & Director DEMA,  
Town of Duxbury  
688 Tremont Street  
P.O. Box 2824  
Duxbury, MA 02331

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



Mary Lampert  
Pilgrim Watch, pro se  
148 Washington St.  
Duxbury, MA 02332

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