

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

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

May 4, 2010

ORDER
(Regarding Agenda for Telephone Conference Call)

In preparation for the telephone conference to be held in the above-referenced matter at 1:00 p.m. May 4, 2010, the Board hereby informs the parties of the following agenda:

1. Representation of Intervenors by counsel – Will Intervenors have counsel to represent them in the remainder of this proceeding?
2. Utilization of NRC's EIE system – Do the parties wish to begin using the EIE system?
3. Experts the parties expect at this point to use in the hearing on remand.
4. Definition of issue(s) for hearing – The Board proposes the following as a starting point for discussion of the issue(s) in the conference:

Broadly stated, the issue is:

Whether the Pilgrim SAMA analysis resulted in erroneous conclusions on SAMAs found or not found to be cost-beneficial to implement. *See Entergy Nuclear Generation Co. and Entergy Nuclear Operations Inc.* (Pilgrim Nuclear Power Station) CLI-10-11, 71 NRC __, __ (slip op. at 37) (March 26, 2010).

More specifically, the issue is:

Whether the Pilgrim SAMA analysis's meteorological modeling using the straight-line Gaussian plume dispersion model is adequate, *see id.* at 14, 18, 21-28, when adequacy is defined by whether alternative modeling as argued by Pilgrim Watch would cause any additional SAMAs to become cost-beneficial when examined using median results from probabilistic analyses performed using such alternative modeling in comparison to the current results using the Gaussian plume dispersion model, *see id.* at 38-39, by virtue of having a material impact on the economic cost issues originally raised by Intervenor Pilgrim Watch, as defined and limited by the Commission in CLI-10-11, *see id.* at 36-37.

Because the Commission in CLI-10-11 stated that Pilgrim Watch's arguments on evacuation speed and timing, etc., are not up for further hearing, *see id.* at 35, this is not an issue on remand (notwithstanding the general statement at 27, which appears to be negated by the more specific Commission statements at 34-35).

5. Discovery –
 - a. Pilgrim Watch's request for information;
 - b. Sharing of information prior to hearing;
 - c. Time required for discovery.
6. Schedule for hearing.
7. Any additional relevant matters not included above.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
May 4, 2010¹

¹ Copies of this Order were provided to all parties and/or representatives for parties by e-mail transmission on this date.

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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (REGARDING AGENDA FOR TELEPHONE CONFERENCE CALL) have been served upon the following persons by U.S. mail, first class, or through NRC internal mail.

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 4th day of April 2010.