

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

November 23, 2010

ORDER

(Ruling on Timeliness of Mean Consequence Issue)

On August 27, 2010, the Commission directed the Board to consider whether Pilgrim Watch timely raised the issue regarding the reasonableness of “the NRC practice for SAMA analysis to utilize mean consequence values, which results in an averaging of potential consequences,” and if so, to consider that matter.<sup>1</sup> On September 23, 2010 the Board directed parties to brief the issue,<sup>2</sup> and on October 26, 2010 a majority of the Board asked for expert affidavits to support the legal briefing.<sup>3</sup> On November 22, 2010, all the pleadings and affidavits had been submitted. The majority of the Board finds that the mean consequence values issue

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<sup>1</sup> Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), CLI-10-22, 72 NRC \_\_, \_\_ (slip op. at 8 n.34) (Mar. 26, 2010).

<sup>2</sup> Licensing Board Order (Confirming Matters Addressed at September 15, 2010, Telephone Conference) (Sept. 23, 2010) (unpublished).

<sup>3</sup> Licensing Board Order (Questions from Board Majority Regarding the Mechanics of Computing “Mean Consequences” in SAMA Analyses) (Oct. 26, 2010) (unpublished).

was not timely raised and therefore the issue will not be entertained by the Board during the evidentiary hearing on Contention 3.

This Order is being issued to enable the parties to properly prepare their prefiled testimony for the upcoming evidentiary hearing on Contention 3 according to the time-line previously established by the Board, and to conserve resources in that preparation. The Board will issue a follow-up Order setting forth our analysis of the timeliness issue in due course.

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD

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Dr. Paul B. Abramson  
ADMINISTRATIVE JUDGE

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Dr. Richard F. Cole  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
November 23, 2010<sup>4</sup>

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<sup>4</sup> Copies of this Order were provided to all parties and/or representatives for parties by e-mail transmission on this date.

**Separate Statement of Judge Ann Marshall Young**

At this point, my views of this issue remain as I expressed them in my Separate Statement of October 26, 2010, such that I do not join my colleagues in this Order. I may provide additional clarification when the Board majority is ready to issue its more detailed analysis of the issue.

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 ORDER (RULING ON TIMELINESS OF MEAN CONSEQUENCE ISSUE) have been served upon the following persons by U.S. mail, first class, or through NRC internal mail.

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Docket No. 50-293-LR  
ORDER (RULING ON TIMELINESS OF MEAN CONSEQUENCE ISSUE)

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[Original signed by Nancy Greathead]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 23<sup>rd</sup> day of November 2010