

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

December 2, 2010

**PILGRIM WATCH MEMORANDUM REGARDING SAMA REMAND HEARING**

Pilgrim Watch will not present any new evidence at the upcoming SAMA Remand Hearing, for the reasons discussed below. We will rely solely on what is presently of record.

1. On September 23, 2010, the Board ordered (Order Confirming Matters Addressed at September 15, 2010, Telephone Conference) that the hearing on Contention 3 “will be bifurcated to the following extent (*Italics the Board’s; underlining Pilgrim Watch’s*):

If the Board decides in favor of Intervenors on the primary and threshold issue of *whether the meteorological modeling in the Pilgrim SAMA analysis is adequate and reasonable to satisfy NEPA, and whether accounting for the meteorological patterns/issues of concern to Pilgrim Watch could, on its own, credibly alter the Pilgrim SAMA analysis conclusions on which SAMAs are cost-beneficial to implement* (hereinafter referred to as “the meteorological modeling issues”), the hearing will proceed to consideration of whether, and the extent to which, additional issues as set forth below will be heard.

Further, in analyzing the meteorological modeling issues and all appropriate evidence thereon, the Board will, if it finds they were timely raised, consider whether Pilgrim Watch’s concerns about the NRC’s practice of using mean consequence values in SAMA analyses, resulting in an averaging of potential

consequences (hereinafter referred to as “averaging practice concerns”) could bring into question the reasonableness of this NRC practice and affect the Board’s findings and conclusions of the meteorological modeling issues.

(September 23 Order, pp 1-2)

2. Two months later, on November 23, 2010, a majority of the Board found “that the mean consequences values issue was not timely raised and therefore the issue will not be entertained by the Board during the evidentiary hearing on Contention 3. “ (November 23 Order, pp., 1-2)

3. As a result of the November 23 Order limiting the evidence that will be entertained during the evidentiary hearing on Contention 3, at that hearing Pilgrim Watch will not be able to prove that, as required by the September 23 Order, “*the meteorological patterns/issues of concern to Pilgrim Watch could, on its own, credibly alter the Pilgrim SAMA analysis conclusions on which SAMAs are cost-beneficial to implement.*” (Italics the Board’s; underlining Pilgrim Watch’s)

4. Further, under its September 23 Order, even if Pilgrim Watch did prove that meteorological issues, on their own and without any consideration of the averaging issue would credibly alter Entergy’s Pilgrim SAMA analysis, the Board then would only “consider whether and the extent to which certain issues the Commission indicated (in CLI-10-11) might be open for adjudication should be adjudicated.” And even if the Board were to take this second step, it seems clear that the only issues it might find were “indicated” by the Commission would include evacuation matters (CLI-10-11, Pg., 35, n. 136) and economic cost matters (Id, Pgs., 36-37), and that these would be drastically limited. In the Board’s Order of September 2, that Board had

already decided that the evacuation matters were those identified at CLI-10-11, Pg., 35, n. 136 (where the Commission said that “evacuation matters” could be considered only “to the extent ... that the Board’s conclusions on meteorological modeling may have a material impact on or otherwise materially call into question the evacuation timing inputs used in the analysis), and at pages 36-37 of CLI 10-11 (where the Commission said that “economic costs” were limited “to the extent that the Board’s merits on the adequacy of the meteorological modeling may have a material impact on the economic cost matters raised and admitted as part of Contention 3”; At page 29, the CLI says that “Contention 3 as pled” only challenged “the loss of economic revenue in Plymouth County.” (Id, Pg. 29).

5. However, at page 31 of CLI-10-11, the Commission said that the “specific business related bases ... proffered by Pilgrim Watch” more broadly included “economic infrastructure and tourism.” (Id., Pg, 31) In view of this potential inconsistency, Pilgrim Watch filed Motions for Clarification to the Board and Commission to determine precisely what “economic consequences”, i.e., economic costs, will be within scope; more precisely were key cost issues such as clean-up costs be on the table, or would Pilgrim Watch be limited to evidence about crumbs such as the number of tourists expected in downtown Plymouth? Both the Board and the Commission refused even to consider Pilgrim Watch’s clarification motion. It is now clear that the Board will not deviate from its September 2 Order, and will not consider evidence of the real costs of off-site consequence in the areas likely to be impacted

6.. For all of these reasons, it is apparent that for Pilgrim Watch to prepare additional materials for the remand hearing would be a “fool’s errand” and a waste of limited resources.

7. Pilgrim Watch does preserve and reserve its rights to appeal any Board Remand Hearing decision on grounds that the Board's Orders of September 23 and November were wrong. It also preserves and reserves its right to appeal, at the appropriate time, the Commission's previous decision rejecting Pilgrim Watch's Contentions 1 and 2, its previous decision relating to Contention 3, and any decision that the Commission may in the future make with respect to Contention 3.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mary Lampert", with a large, sweeping flourish at the end.

Mary Lampert

Pilgrim Watch, pro se

148 Washington Street

Duxbury, MA 02332

**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

December 2, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that the *Pilgrim Watch's Memorandum Regarding SAMA Remand Hearing* was filed December 2, 2010 in the above captioned proceeding to the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class.

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

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

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

Office of Commission Appellate  
Adjudication  
Mail Stop 0-16 C1  
United States 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

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

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate  
Adjudication  
Mail Stop: 0-16C1  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of General Counsel  
Mail Stop: 0-15 D21  
Washington DC 20555-0001  
Susan L. Uttal, Esq.  
Andrea Jones, Esq.  
Brian Harris, Esq.  
Michael Dreher, Esq.  
Brian Newell, Paralegal

U.S. Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Mail Stop: 011-F1  
Washington, DC 20555-0001

Lisa Regner, Project Mgr. Plant Lic.  
Branch 1-1, Operator Reactor Licensing  
Washington, DC 20555-0001

Paul A. Gaukler, Esq.  
David R. Lewis, Esq.  
Jason B. Parker, Esq.  
Pillsbury, Winthrop, Shaw, Pittman,  
LLP - 2300 N Street, N. W.  
Washington, DC 20037-1128

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

Mark Stankiewicz  
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

Katherine Tucker, Esq.  
Law Clerk, Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike, Mail Stop T3-E2a  
Rockville, MD 20852



Mary Lampert  
Pilgrim Watch, pro se  
148 Washington St.,  
Duxbury, MA 02332  
December 2, 2010