

To: Leeds, NRR
Ref. 620110108

February 4, 2011

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Via Mail: Office of Secretary
Via Email hearingdocket@nrc.gov

cys: EDO
DEDMRT
DEDR
DEDCM
AO
R1
OGC
Mensch
Scott
Wittick, OEDO

RE: SUPPLEMENTAL FILING REQUESTING TELECONFERENCE CALL TO DISCUSS PRB'S JANUARY 4, 2011 DECISION TO HOLD IN ABEYANCE PILGRIM WATCH'S 2.206 PETITION -INACCESSIBLE CABLES

On February 2, 2011, Pilgrim Watch filed *Pilgrim Watch Request Regarding PRB's Decision To Hold Pilgrim Watch's 2.206 Petition Concerns Related To Inaccessible Cables In Abeyance (January 4, 2011)*; today we add a supplement that provides additional information.

Background: Pilgrim Watch filed under 10 CFR 2.206 *Pilgrim Watch 2.206 Petition Regarding Inadequacy of Entergy's Management of Non-Environmentally Qualified Inaccessible Cables & Wiring at Pilgrim Station*; July 19, 2010 and a Supplement, August 6, 2010. We were subsequently informed that the petition was accepted and would be placed on the Federal Register.

In the interim Pilgrim Watch, a party to the Pilgrim license renewal adjudication procedure filed a Request for a New Hearing-Inaccessible Non-EQ Cables¹ (December 13, 2010).

We were informed by NRC Project Manager Richard Guzman that the PRB, convened to consider our 2.206 Petition, determined (January 4, 2011) that due to Pilgrim Watch's 12/13/10 filing of a license renewal contention on Inaccessible Non-EQ cables, that Pilgrim Watch's 2.206

¹ Pilgrim Watch Request New Hearing – Inaccessible Non-EQ Cables (December 13, 2010); Pilgrim Watch Request New hearing- Inaccessible Non-EQ Cables (January 31, 2011)

Template: EDO-001

ERIDS: EDO-01

petition concerns related to inaccessible cables will be held in abeyance until an outcome of the contention is made under the Pilgrim license renewal hearing process.

Discussion: We have reviewed NRC Directive [2.206] Handbook 8.11 and at Part III (C)(1), we find that, “The staff will review a petition under the requirements of 10 CFR 2.206 if the request meets all of the following criteria: (a)...[third bullet] There is no NRC proceeding in which the petitioner is or could be a party and through which the petitioner’s concerns could be addressed...” However, Pilgrim Watch now avers, the issue raised in its 2.206 petition is a current operational issue, not addressable in the Pilgrim license renewal proceeding, simply because it is not within the scope of license renewal proceedings.² It is however clearly within the scope of the 10 CFR 2.206 process.³

Pilgrim Watch believes that there is a very clear distinction between current operating issues of the plant that occur before Pilgrim’s 40th birthday, a present safety concern, and Pilgrim Watch’s contentions^[1] that deal only with the content of the Pilgrim License Renewal Application (“LRA”); in particular, the sufficiency of the proposed Aging Management Program (“AMP”) going forward from 2012 to 2032.

^[1] Pilgrim Watch Request New Hearing-Inaccessible Non-EQ Cables, December 13, 2010; Pilgrim Watch New Hearing-Inaccessible Non-EQ Cables, January 31, 2011

² The scope of the proceedings and as a consequence the scope of the contentions that may be admitted is limited by the nature of the application and pertinent NRC Commission’s Regulations. For example, with respect to license renewal, under the governing regulations of 10 CFR Part 54, the review of license renewal applications is confined to matters relevant to the extended period of operation requested by the applicant. The safety review is limited to the plant systems, structures and components (as delineated in 10 CFR 54.4) that will require an aging management review for the period of extended operation or are subject to an evaluation of time-limited aging-analyses. See 10 CFR 54.21(a) and (c).

Contentions pertaining to issues dealing with the current operating license, including the USFAR, are not within the scope of license review. .. (Entergy Nuclear Operations, Inc. (Indian Point, Units 2 and 3), LBP-08-13, 68 NRC 43, 73 (2008) The proper vehicle to challenge the adequacy of the UFSAR would be a Section 2.206 petition, not a challenge of the license renewal. Entergy Nuclear Operations, Inc. ((Indian Point, Units 2 and 3), LBP-08-13, 68 NRC 43, 73 (2008)

³ A petitioner may file a petition for Staff enforcement pursuant to 10 CFR 2.206 if it is concerned about current safety issues, citing Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), CLI-00-21, 52 NRC 151, 169n.14(2000)

In summary, we understand that the 2.206 process is meant to address present safety concerns; and the license renewal adjudication process is limited to addressing future safety concerns, specifically the adequacy of the LRA regarding aging management of in-scope systems, structures, and components. Pilgrim Watch believes it would be appropriate to have, and now respectfully requests, a teleconference with the PRB to discuss this distinction.

The second issue of concern is that Pilgrim Watch cannot find any rule that states that Intervenor in the license renewal process must give up their right of redress on current operating hazards. If there is such a rule, we would appreciate your providing a copy or citation to us.

In addition attached are Pilgrim Watch's Requests for New Hearings (December 2010 and January 2011) to the Atomic Safety Licensing Board. The information in both requests provides updated information that pertains not only to aging management going forward but also to current operating issues. The filings are available on the EHD.

We appreciate your concern on this important safety issue and look forward to your response.

Respectfully Submitted,

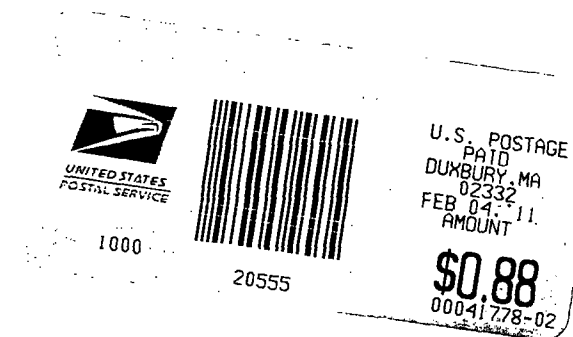


Mary Lampert
Pilgrim Watch, Director
148 Washington Street
Duxbury, MA 02332
781-934-0389
Mary.lampert@comcast.net



Rebecca Chin
Town of Duxbury Nuclear Advisory Committee
31 Deerpath Trail North
Duxbury, MA 02332
781-837-0009

Pilgrim watch
148 Washington Street
Duxbury, MA 02332



Office of The Secretary
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0002