

April 22, 2011

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board Panel

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

**ENTERGY’S OBJECTION TO PILGRIM WATCH’S  
POST-HEARING MEMORANDA AND OTHER UNAUTHORIZED FILINGS**

Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. (collectively “Entergy”) hereby object to Pilgrim Watch’s successive, improper filings. Since the oral argument in Plymouth on March 9, 2011, Pilgrim Watch has filed four post-hearing memoranda.<sup>1</sup> These submissions are improper attempts to have the Board consider new information or assertions without any attempt to meet the standards for motions in 10 C.F.R. § 2.323, including the consultation requirements. Pilgrim Watch has also filed an impermissible reply to the answers to one of these requests, without any request for leave required by 10 C.F.R. § 2.323(c).<sup>2</sup> Entergy objects to Pilgrim Watch’s continual unauthorized filings and disregard for the rules of practice. See Detroit Edison Co. (Enrico Fermi Atomic Plant, Unit 2), ALAB-469, 7 N.R.C. 470, 471 (1978) (unauthorized filing may be disregarded); Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units 1 and 2), LBP-76-10, 3 N.R.C. 209, 211 (1976) (“The Board dislikes the gratuitous filing of unauthorized pleadings *extra* the Rules of Practice”).

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<sup>1</sup> Pilgrim Watch Memorandum Regarding Fukushima (March 12, 2011); Pilgrim Watch’s Post Hearing Memorandum (March 28, 2011); Pilgrim Watch Memorandum – Entergy’s Incorrect and Misleading Information Regarding Proven Tests to Detect Cable Insulation Degradation (April 11, 2011); Pilgrim Watch Memorandum – Entergy’s Incorrect and Misleading Information Regarding Proven Tests to Detect Cable Insulation Degradation – Video Supplement (April 12, 2011).

<sup>2</sup> Pilgrim Watch Answer to Entergy’s and NRC Staff’s Reply to Pilgrim Watch Post-Hearing Memorandum Filed April 7, 2011 (April 11, 2011).

Entergy also objects to the inaccurate allegations in these submissions. For example, in its April 11, 2011 Memorandum, Pilgrim Watch states, “the Joint Committees asked Entergy’s panel if there were proven tests to assess submerged electric cable degradation at Pilgrim Station.” This question was not asked. In the same memorandum, Pilgrim Watch states:

Mr. S.J. Bethay, Director Nuclear Safety Assurance Pilgrim Station, responded for Entergy’s panel. He testified that there were no proven commercially available tests to detect cable insulation degradation; but when they became available, Pilgrim would use them. (Emphasis added)

Emphasis in original. Mr. Bethay did not make this statement.<sup>3</sup>

In Pilgrim Watch’s April 12, 2011 Memorandum, Pilgrim Watch refers the Board to an archived video recording of the presentations before these Massachusetts Joint Committees, which it now claims only “supports that there are no proven commercially available tests for cable insulation degradation currently available.” Even this attempt by Pilgrim Watch to recast its previous misstatements is inaccurate. Mr. Bethay, who was discussing one type of test called a megger test, stated that it “tests insulation capability” and “tells you what’s its condition right now.” Thus, his presentation in fact supports the existence of a test capable of detecting cable insulation degradation. Mr. Bethay did observe that this test is “not necessarily a good predictor” [of future degradation] and that “there are new types of tests being developed to be more predictive and identify what’s the long term effects of this.” That “better” tests are being developed does not imply that there are no proven commercially available tests for cable insulation degradation.

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<sup>3</sup> Pilgrim Watch also asserts that Entergy’s panel included Rick Smith (Entergy’s President, Wholesale Commodity Business). That statement too is inaccurate.

Respectfully Submitted,

/Signed electronically by:/

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Dated: April 22, 2011

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CERTIFICATE OF SERVICE

I hereby certify that copies of “Entergy’s Objection to Pilgrim Watch Post-Hearing Memoranda and Other Unauthorized Filings,” dated April 22, 2011, was provided to the Electronic Information Exchange for service on the individuals below, this 22<sup>nd</sup> day of April, 2011.

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