



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 13, 2012

Ms. Mary Lampert  
Pilgrim Watch, Director  
148 Washington Street  
Duxbury, MA 02332

Dear Ms. Lampert:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your petition dated May 16, 2012, which you filed under 10 CFR 2.206.<sup>1</sup> You filed your petition on behalf of four organizations: Pilgrim Watch, Jones River Watershed, Pilgrim Coalition, and Freeze Pilgrim. In your petition, you state that ". . . a 2.206 petition [i]s the only means available to our members to address safety concerns over the present contract negotiations between Entergy Nuclear Operations Inc., and U.W.U.A. local 369." You have since supplemented your petition with several additional letters.<sup>2</sup>

In your petition, you request that the NRC require Entergy Nuclear Operation, Inc. (Entergy) to cease operations at Pilgrim Nuclear Power Station (PNPS) during contract negotiations due to the threat to public safety caused by the lockout of its non-essential workers and a likely strike. As the basis for your request, you stated, in part, that (1) the plant cannot be operated safely by replacement workers; (2) human performance will be degraded if substitute workers are used to replace those on strike; and (3) a negative work environment will exist from a lack of cooperation by Entergy with its workers; all of which would place an unacceptable risk to the public and the environment.

On May 21, 2012, the petition manager contacted you to discuss the 10 CFR 2.206 process and to offer you an opportunity to address the NRC's petition review board (PRB) prior to making its initial recommendation. On May 21, 2011, you accepted the opportunity to address the PRB via a teleconference. On May 31, 2012, you provided information to the PRB as further explanation and support for the May 16, 2012, petition. A copy of the transcript is available in ADAMS under Accession No. ML121570127.

The PRB met on May 24, 2012 to discuss your petition and denied the request for immediate action to shutdown PNPS, on the basis that the licensee's strike contingency plan was reviewed by the NRC, and it was determined that the plan was acceptable for demonstrating that the plant will continue to operate safely. There were no immediate safety concerns identified in the plan that (1) would affect the health and safety of the public and (2) would warrant an immediate shutdown. The petition manager informed you of this decision on May 29, 2012.

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<sup>1</sup> Your petition is available from the NRC's Agencywide Documents Access and Management System (ADAMS) in the public Electronic Reading Room on the NRC Web site at <http://www.nrc.gov/reading-rm/adams.htm> under ADAMS Accession Nos. ML12138A179.

<sup>2</sup> May 18, 2012 (ML121770041); June 6, 2012 (ML121600441); June 8, 2012 (ML12165A580); June 12, 2012 (ML12166A348); June 13, 2012 (ML12167A222); June 16, 2012 (ML12170B022); June 17, 2012 (ML12170B021); June 20, 2012 (ML12173A202); and June 25, 2012 (ML12178A072)

M. Lampert

- 2 -

On June 20, 2012, the PRB reconvened to evaluate your petition, as supplemented, including the additional information provided in the teleconference on May 31, 2012. In accordance with Management Directive (MD) 8.11, which describes the 10 CFR 2.206 process, the PRB made an initial recommendation that your petition did not meet the criteria for review consideration under 10 CFR 2.206 on the basis that you did not set forth sufficient facts which constitute a basis for your requested actions.

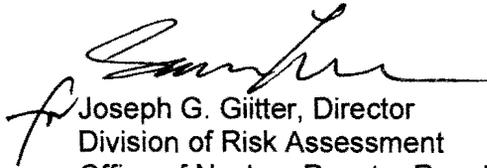
Although you asserted that PNPS could not be safely operated by replacement workers in the event of a strike, you did not provide any facts beyond bare assertion to support your conclusion that there is a clear threat presented to public health and safety as a result of the intended plant staffing plans by Entergy. Ultimately, your concerns about safe operation of the plant by replacement workers during a strike or lockout did not materialize because a new four year contract agreement between union workers and management at PNPS was ratified on July 8, 2012.

In early June 2012, the NRC implemented Region I Policy No. 37/1030, "NRC Preparations for Potential Licensee Strike," which directs NRC personnel to implement Inspection Procedure (IP) 92709, "Licensee Strike Contingency Plans." This IP requires that inspectors "confirm that site staffing will be sufficient and qualified to implement the site emergency plan," and also to "verify that the emergency communication equipment and the Emergency Notification System, where applicable, are available and operable." The Pilgrim resident inspector staff and the regional emergency preparedness (EP) specialists conducted these reviews in advance of the labor action at Pilgrim. Entergy constructed a contingency emergency response organization (ERO) that maintained an adequate ERO shift rotation, composed of trained and qualified individuals capable of adequately implementing all aspects of the Pilgrim Emergency Plan, including security. In addition to the above inspection, the resident inspector staff, supplemented with regional inspectors, verified and observed the qualifications of the on shift SROs, the qualifications and training of the replacement workers, and inspected the staffing for the security force and its ability to respond to a threat. The NRC has concluded that during the lockout, Pilgrim remained staffed with trained, qualified, and experienced individuals.

On June 25, 2012, the petition manager informed you of the PRB's initial recommendation and offered you a second chance to address the PRB, which you declined. The PRB's final recommendation is to reject this petition for review as you have not provided sufficient facts to constitute a basis for the requested enforcement actions.

Thank you for your interest in these matters.

Sincerely,

  
Joseph G. Giitter, Director  
Division of Risk Assessment  
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: Distribution via Listserv

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/ra/

Joseph G. Gitter, Director  
Division of Risk Assessment  
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: Distribution via Listserv

DISTRIBUTION: G20120327/EDATS: OEDO-2012-0282

See next page

ADAMS Accession Nos:

Package: ML122120274; Incoming: ML12138A179; Letter: ML122120286 \*Concurrence via e-mail

OFFICE	LPL1-1/PM	LPL1-1/LA	R1/BC*	OGC*	LPL1-1/BC	D/DRA
NAME	RGuzman	KGoldstein	RBellamy (JeBoer)	MClark	GWilson	JGitter (Slee for)
DATE	7/30/12	7/31/12	7/30/12	8/2/12	8/7/12	8/13/12

OFFICIAL RECORD COPY

Letter to Mary Lampert from Joseph Giitter dated August 13, 2012.

SUBJECT: 2.206 PETITION RE: LABOR DISPUTE FOR PILGRIM NUCLEAR POWER STATION

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