

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



-----X

BOSTON EDISON COMPANY  
PILGRIM NUCLEAR POWER STATION

Docket No. 50-293

Consideration of Approval of Transfer of  
Facility Operating License and  
Materials License and  
Issuance of Conforming Amendment

-----X

PETITION OF LOCAL 369 AND LOCAL 387,  
UTILITY WORKERS UNION OF AMERICA, AFL-CIO  
FOR LEAVE TO INTERVENE AND REQUEST A HEARING

Pursuant to 10 CFR Part 2, specifically Section 2.1306, Locals 369 and 387, Utility Workers Union of America, AFL-CIO ("Local Unions" collectively or "Local 369" and "Local 387") hereby petition for leave to intervene and request a hearing on the Commission's consideration of the issuance of an order under 10CFR 50.80 approving the transfer of the Facility Operating License No. DPR-35 for the Pilgrim Nuclear Power Station ("Pilgrim Station") from Boston Edison Company ("Boston Edison") to Entergy Nuclear Generating Company ("Entergy").

In support of this petition, the Local Unions state:

1. Local 369 is the collective bargaining agent for approximately 1250 production and maintenance employees of Boston Edison. Approximately 200 of these employees, including licensed operators, work at Pilgrim Station. Local

369 has an office and place of business at 120 Bay State Drive, Braintree, MA 02184, telephone number (781) 848-3740. Local 369 and Boston Edison are parties to a collective bargaining agreement effective from May 16, 1994 through May 15, 2000.

2. Local 387 is the collective bargaining agent for approximately 850 clerical, professional and technical employees of Boston Edison. Approximately 175 of these employees work at Pilgrim Station. Local 387 has an office and place of business at 110 West Squantum Street, Suite 28, Quincy, MA 02171, telephone number (617) 770-1900. Local 387 and Boston Edison are parties to a collective bargaining agreement effective from May 16, 1994 through May 15, 2000.

3. The employees represented by the Local Unions are directly and immediately impacted by the proposed transfer of the Facility License in that the conditions of employment thereunder, including the wages, pensions, and benefits, are critical to their continued employment at Pilgrim Station.

4. Many members of the Local Unions live in the communities surrounding Pilgrim Station and are therefore impacted as citizens and taxpayers as well.

5. The collective bargaining agreements between Boston Edison and the Local Unions contain all of the terms and conditions of employment for employees at Pilgrim Station, including their wages, pensions, benefits, seniority, no lay off guarantees and other such provisions. These terms and conditions of employment, which are secured through May 15, 2000, have

provided stability to the work force at Pilgrim Station that is greater than the industry norm. In contrast to the common practice in the nuclear industry, that employees often work in many different nuclear plants during the course of their careers, the Pilgrim Station employees have largely remained at the station for many years. In fact, the average length of service is approximately 16 years. The licensed operator complement has remained at Pilgrim Station for an average of approximately 14 years.

6. When the Local Unions were advised by Boston Edison that it was contemplating a sale of Pilgrim Station, they requested that Boston Edison obligate the bidders to agree to assume the parties' collective bargaining agreements, similar to what it had done with the bidders for its divested fossil generation stations. Boston Edison declined to do so.

7. After it was announced that Entergy was the accepted bidder, the Local Unions renewed their request to Boston Edison and made a request of Entergy that Entergy assume the collective bargaining agreements. Neither Boston Edison nor Entergy agreed that Entergy would assume the collective bargaining agreements.

8. Thereafter, the Local Unions and Entergy commenced negotiations for successor collective bargaining agreements. As of the date of submission of this petition, negotiations are ongoing but the Local Unions have concerns that the parties will not readily reach agreement.

9. There are a number of outstanding issues on which the parties are far apart. They include employee cost and benefits under the health care policies,

the ability of employees to chose lump sum pensions, continuation of the no lay off protection and requests by the Entergy for material changes in job specifications and work practices.

10. Local 369 has been advised by a number of its members assigned to Pilgrim Station, primarily the licensed operators, and Local 387 has been advised by a number of professional and technical staff, that they can not commit to becoming employees of Entergy while the contractual issues remain unresolved. The areas of dispute, outlined in paragraph 9, create major and materials changes in employee work lives and retirement options. The operators and other staff have voiced their reluctance to transfer their employment under these circumstances.

11. The licensed operators and other staff intend to exercise their contractual rights to retain employment with Boston Edison at one of its other facilities rather than work at Pilgrim Station for Entergy, unless and until the contractual differences are resolved and collective bargaining agreements between Locals 369 and 387 and Entergy are executed. (Attached hereto as Exhibit A is the petition signed by licensed operators indicating their intention to remain with Boston Edison absent a satisfactory collective bargaining agreement. The Local Unions have been advised that similar petitions from other employees are forthcoming.)

12. Under the collective bargaining agreement, the employees have the right to remain in other jobs at Boston Edison and retain their rate of pay as licensed operators or the classification they now hold. While most operators

would prefer to remain as licensed operators (and other staff would prefer to stay at Pilgrim Station), they will not chose to do so when the choice means a reduction in health care and related benefits, no continuing guarantee against lay off and the loss of the right to take one's pension as a lump sum amount.<sup>1</sup>

13. If the licensed operators exercise their rights to bump back to other positions at Boston Edison, Entergy will have an insufficient number of qualified, experienced operators to operate the Pilgrim Station.

14. Although there are a number of senior (management) licensed operators at Pilgrim Station, they have extremely limited actual operating experience. Most of them have rarely been "at the controls" at Pilgrim. The large majority of the management staff has never performed any manipulations of the controls, other than the minimum required when first obtaining their initial license.

15. These senior licensed operators have never performed field operations. The reliance on these operators to staff the control room and run the station will present an unsafe and unacceptable operation of Pilgrim Station. It is likely to place an intolerable strain on the operation department and lead to excessive work hours which increases the risk of operational errors.

---

<sup>1 1</sup> Local 369 has filed grievances (197 in total) on behalf of each employee, alleging his/her contractual right to "bump back" and remain with Boston Edison rather than remain as an employee at Pilgrim Station for Entergy. Local 369 is confident that these grievances have merit, is prepared to take all of them to arbitration, if necessary, and is confident that it will prevail in arbitration. The Local recognizes that Boson Edison may take a contrary position, forcing Local 369 and Boston Edison to proceed to arbitration. Should that occur, the process may take months, or even years, which will keep uncertain the employment status of employees for an extended period of time, well beyond the proposed license transfer date.

16. If other staff elect to exercise their rights to remain with Boston Edison, it will cause staff shortages and other problems that will significantly impact the operations at Pilgrim Station.

17. The lack of experienced, qualified operators and the reduction in other staff will cause serious and potentially risky conditions at Pilgrim Station, making it extremely difficult for Entergy to run the plant in a safe, economical and efficient manner.

18. Approval of the license transfer to Entergy prior to the execution of the collective bargaining agreements and assurances that sufficient numbers of licensed operators intend to continue their employment at Pilgrim Station will jeopardize the continued reasonable assurance of public health and safety as well as the health and safety of the other individuals employed at Pilgrim Station.

19. The Local Unions assert that the issue of maintaining qualified, experienced licensed operators and other staff at Pilgrim Station is squarely within the scope of the proceeding on the license transfer application and relevant to the findings the Commission must make to grant the application for license transfer.

20. The anticipated significant losses of critical personnel that appear likely at this time must be factored into the license transfer decision. Without the assurance in advance of the license transfer that Entergy will retain critical plant personnel, the Commission should, at a minimum, delay the license transfer.

21. The Local Unions request that the Commission hold a hearing on the proposed license transfer so that they can present evidence and argument demonstrating that the proposed license transfer, without assurances of sufficient qualified, experienced licensed operators and other staff, presents an unacceptable safety and health risk to the public, the surrounding communities and to employees.

22. The Local Unions assert that the proposed license transfer, as outlined in the application, is inconsistent with applicable provisions of law, regulations, and orders issued by the Commission.

Therefore Local 369 and Local 387 respectfully request that they be given leave to intervene and that a hearing be scheduled on the Commission's consideration to approve the transfer of the Facility Operating License for the Pilgrim Nuclear Power Station.

Respectfully submitted,

Local 369 and Local 387, Utility  
Workers Union of America, AFL-CIO

By their attorneys,

Handwritten signature of Joanne F. Goldstein in cursive, with the initials 'KS' written at the end of the signature.

Joanne F. Goldstein, Esq.  
30 Mill Street  
Newton Centre, MA 02459  
(617) 969-2555  
(617) 332-4776 (Fax)  
Goldmjj@AOL.com (e-mail)



Burton E. Rosenthal, Esq.  
Segal, Roitman & Coleman  
11 Beacon Street, Suite 500  
Boston, MA 02108  
(617) 742-0208  
(617) 742-2187 (Fax)  
mail@segal-roitman.com (e-mail)

February 16, 1999

Certificate of Service

I hereby certify that a copy of the foregoing Petition of Local 369 and Local 387, Utility Workers of America, AFL-CIO, for Leave to Intervene and Request a Hearing was served by facsimile and first class mail, postage prepaid, this 16th day of February, 1999 to the following:

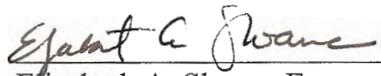
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff  
(fax: 301-415-1101)

General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(fax: 301-415-3725)

John M. Fulton, Esq.  
Asst. General Counsel  
Boston Edison Co.  
800 Boylston Street  
Boston, MA 02199-8003  
(fax: 617-424-2733)

Jay E. Silberg, Esq.  
(counsel for Boston Edison)  
Shaw, Pitman, Potts & Trowbridge  
2300 N. Street, NW  
Washington, DC 20037-1128  
(fax: 202-663-8007)

Douglas Levanway, Esq.  
(counsel for Entergy)  
Wise, Carter, Childs and Caraway  
PO Box 651  
Jackson, Mississippi 39205-0651  
(fax: 601-968-5519)

 2/16/99  
Elizabeth A. Sloane, Esq.  
Segal, Roitman & Coleman  
11 Beacon Street, Suite 500  
Boston, MA 02108

Patrick Carney, President  
Local 369  
120 Bay State Drive  
Braintree, MA 02184

Dear President Carney:

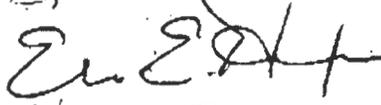
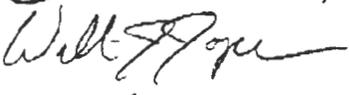
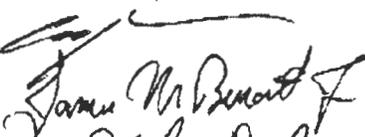
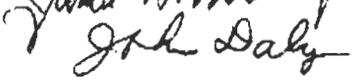
The undersigned, all licensed operators at Pilgrim Station, would like to advise the Local that we intend to exercise our rights to remain with Boston Edison when the plant is sold to Entergy because of Entergy's unwillingness to accept our contract and provide the same terms and conditions of the employment as we had with Boston Edison.

We are especially upset over the refusal of Entergy to continue the lump sum pensions. A lot of employees at Pilgrim are beginning to approach retirement age and want to have the lump sum option available to them. Also, the proposed elimination of the no lay off clause, Entergy's request for sweeping changes in job specs and work assignments, especially during overhauls, and the increases in health care costs, all suggests that we are better off as Edison employees.

We recognize that our decision to stay with Boston Edison may affect the continued operation of Pilgrim since the senior operators do not have the experience or skills to operate the control room. However, since many of us had made the decision to stay at Pilgrim and not go to other nuclear plant earlier in our careers, we have settled in this area. We need to protect our families and our futures and do not believe we can do so unless there is a contract with Entergy.

We request that the Local continue to make all efforts to reach agreement with Entergy and appreciate all of the union's work on our behalf. We also request that the Local intervene at the NRC proceeding on the license transfer so these issues can be brought to the NRC's attention when it considers the license transfer.

Thank you for your continued support of the employees at Pilgrim.

	Michael E Jones	OP-10909-1
	Edward M. Macedo, Jr.	OP 11041
	KEVIN P. O'Rourke	OP 11042
	Richard Gray	OP 10907-1
	Richard H. Sherman	OP- 10523-1
	Eric E. Hinxman	OP- 10519-1
	William Joyce	OP- 11285
	James Benoit	OP- 11284
	John DALY	OP- 11200
		OP- 10430-2

Patrick Carney, President  
Local 369  
120 Bay State Drive  
Braintree, MA 02184

Dear President Carney:

The undersigned, all licensed operators at Pilgrim Station, would like to advise the Local that we intend to exercise our rights to remain with Boston Edison when the plant is sold to Entergy because of Entergy's unwillingness to accept our contract and provide the same terms and conditions of the employment as we had with Boston Edison.

We are especially upset over the refusal of Entergy to continue the lump sum pensions. A lot of employees at Pilgrim are beginning to approach retirement age and want to have the lump sum option available to them. Also, the proposed elimination of the no lay off clause, Entergy's request for sweeping changes in job specs and work assignments, especially during overhauls, and the increases in health care costs, all suggests that we are better off as Edison employees.

We recognize that our decision to stay with Boston Edison may affect the continued operation of Pilgrim since the senior operators do not have the experience or skills to operate the control room. However, since many of us had made the decision to stay at Pilgrim and not go to other nuclear plant earlier in our careers, we have settled in this area. We need to protect our families and our futures and do not believe we can do so unless there is a contract with Entergy.

We request that the Local continue to make all efforts to reach agreement with Entergy and appreciate all of the union's work on our behalf. We also request that the Local intervene at the NRC proceeding on the license transfer so these issues can be brought to the NRC's attention when it considers the license transfer.

Thank you for your continued support of the employees at Pilgrim.

<i>Ronald C. German</i>	Ronald C. German	OP-10659-1
<i>David W. Prosell</i>	DAVID W. PROSELL	OP-10431-2
<i>Michael J. McDowell</i>	MICHAEL J. McDOWELL	OP 10911-1
<i>David Leonard</i>	DAVID LEONARD	OP 10984
<i>Mark Noonan</i>	Mark Noonan	OP 10985
<i>John W. Conlon</i>	John W Conlon	OP 11040
<i>Stephen C. Power</i>	STEPHEN C POWER	OP 6328-2
<i>Richard T. Lawless</i>	RICHARD T. LAWLESS	OP 10520-1
<i>John H. Byron Jr.</i>	John H. Byron Jr.	OP-10906-1

Patrick Carney, President  
Local 369  
120 Bay State Drive  
Braintree, MA 02184

Dear President Carney:

The undersigned, all licensed operators at Pilgrim Station, would like to advise the Local that we intend to exercise our rights to remain with Boston Edison when the plant is sold to Entergy because of Entergy's unwillingness to accept our contract and provide the same terms and conditions of the employment as we had with Boston Edison.

We are especially upset over the refusal of Entergy to continue the lump sum pensions. A lot of employees at Pilgrim are beginning to approach retirement age and want to have the lump sum option available to them. Also, the proposed elimination of the no lay off clause, Entergy's request for sweeping changes in job specs and work assignments, especially during overhauls, and the increases in health care costs, all suggests that we are better off as Edison employees.

We recognize that our decision to stay with Boston Edison may affect the continued operation of Pilgrim since the senior operators do not have the experience or skills to operate the control room. However, since many of us had made the decision to stay at Pilgrim and not go to other nuclear plant earlier in our careers, we have settled in this area. We need to protect our families and our futures and do not believe we can do so unless there is a contract with Entergy.

We request that the Local continue to make all efforts to reach agreement with Entergy and appreciate all of the union's work on our behalf. We also request that the Local intervene at the NRC proceeding on the license transfer so these issues can be brought to the NRC's attention when it considers the license transfer.

Thank you for your continued support of the employees at Pilgrim.

<i>Michael G. Keogh</i>	Michael G. Keogh	OP-10989
<i>John Baribero</i>	John Baribero	OP-10905-1
<i>Christopher P. Kerins</i>	Christopher P. Kerins	OP-10910-1
<i>K. Medeiros</i>	KEVIN J. MEDEIROS	OP-11045
<i>George F. Hults Jr</i>	George F. Hults Jr	OP-11287
<i>John W. O'Brien</i>	John W. O'Brien	OP-11286

SEGAL, ROITMAN & COLEMAN

COUNSELLORS AT LAW  
11 BEACON STREET  
SUITE 500  
BOSTON, MASSACHUSETTS 02108

ROBERT M. SEGAL  
DONALD J. SIEGEL  
PAUL F. KELLY  
IRA SILLS  
MARY THOMAS SULLIVAN\*  
SHELLEY B. KROLL  
BURTON E. ROSENTHAL  
ANNE R. SILLS  
ELIZABETH ARIENTI SLOANE  
EMILY GOLDMAN

Member of the  
New Hampshire and  
Massachusetts Bar

OF COUNSEL  
RICHARD W. COLEMAN  
HAROLD B. ROITMAN  
JOANNE F. GOLDSTEIN  
KATHRYN S. SHEA  
JOSEPH P. MCKENNA, JR.  
PAUL S. HOROVITZ

February 16, 1999

John C. Hoyle, Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attn: Rulemakings and Adjudications

Re: Boston Edison Company  
Pilgrim Nuclear Power Station  
Docket No. 50-293

Dear Secretary Hoyle:

Enclosed for filing please find the Petition of Local 369 and Local 387, Utility Workers of America, AFL-CIO, for Leave to Intervene and Request a Hearing. A copy of the Petition was forwarded by facsimile transmission earlier today.

Thank you for your attention to this matter.

Very truly yours,



Burton E. Rosenthal

cc: Service List (w/encl.)

BER/9301/pilr/nrc-covr.doc