

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE NUCLEAR REGULATORY COMMISSION

In the Matter of

Pilgrim 50-293-EA

Entergy's Request for Extension to Comply

With NRC Order EA-13-109, Pilgrim Station

April 5, 2017

**STATUS OF DECISION ON PETITIONERS REQUEST FOR HEARING REGARDING
ENTERGYS REQUEST FOR EXTENSION TO COMPLY WITH NRC ORDER EA-13-
109**

Pilgrim Watch and Co-Petitioners filed Petitioners' Request for Hearing Regarding Entergy's Request for Extension to Comply with NRC Order EA-13-109 on September 7, 2016

On February 17, 2017 Petitioners asked about the status of NRC's decision on Petitioner's Request for Hearing Regarding Entergy's Request for Extension to Comply with NRC Order EA-13-109. NRC failed to reply to that request so we ask once more.

Despite the requirement in 10 CFR § 2.309 *Hearing requests, petitions to intervene, requirements for standing, and contentions, Section(j) Decision on request/petition*¹ that "the presiding officer

¹ § 2.309 (j) *Decision on request/petition*. (1) In all proceedings other than a proceeding under § 52.103 of this chapter, the presiding officer shall issue a decision on each request for hearing or petition to intervene within 45 days of the conclusion of the initial pre-hearing conference or, if no pre-hearing conference is conducted, within 45 days after the filing of answers and replies under paragraph (i) of this section. With respect to a request to admit amended or new contentions, the presiding officer shall issue a decision on each such request within 45 days of the conclusion of any pre-hearing conference that may be conducted regarding the proposed amended or new contentions or, if no pre-hearing conference is conducted, within 45 days after the filing of answers and replies, if any. In the event the presiding officer cannot issue a decision within 45 days, the presiding officer shall issue a notice advising the Commission and the parties, and the notice shall include the expected date of when the decision will issue.

shall issue a decision on each request for hearing ... within 45 days after the filing of answers and replies under paragraph (i) of this section” we have received no response. The forty-five days expired almost five months ago, on November 25, 2016. We request the required response, including an explanation of the delay, a statement of when NRC will issue its decision, and a decision.

For your convenience, the following documents were filed.

1. Entergy’s Request for Extension to implement Phase 1 (severe accident capable wetwell venting system) was filed June 24, 2016 but not placed on Adams until July 13, 2016.
2. Pilgrim Watch & Co-Petitioners Request for Hearing Regarding Entergy’s Request for Extension to Comply with NRC Order Ea-13-109, Section IV Requirements Regarding Implementation of Phase 1 And Phase 2 Severe Accident Capable Vents for Pilgrim Nuclear Power Station (September 7, 2016)
3. NRC Staff’s Response to Pilgrim Watch & Co-Petitioners’ Request For Hearing (October 3, 2016)
4. Entergy’s Answer Opposing Request for Hearing Regarding Pilgrim and Ea-13-109 (October 3, 2016)
5. Petitioners’ Response to NRC Staff’s and Entergy’s Opposition to Petitioners’ Request For Hearing Regarding Entergy’s Request For Extension To Comply With NRC Order Ea-13-109 (October 11, 2016)

The clock for a decision started on October 11, 2016. Forty-five days expired on November 25, 2016, and some one hundred and thirty- eight more days have passed since. We look forward to your response.

Respectfully submitted by Pilgrim Watch on behalf of Co-Petitioners,

Signed (electronically) by
Mary Lampert
Pilgrim Watch, Director
148 Washington Street, Duxbury, MA 02332
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April 5, 2017

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (revised), I hereby certify that copies of the foregoing STATUS OF DECISION ON PETITIONERS' REQUEST FOR HEARING REGARDING ENTERGY'S REQUEST FOR EXTENSION TO COMPLY WITH NRC ORDER EA-13-109 dated April 5, 2017 have been filed through the Electronic Information Exchange, the NRC's E-Filing System, in the above-captioned proceeding, on April 5, 2017.

(Signed (electronically) by,
Mary Lampert
Pilgrim Watch, Director
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April 5, 2017