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**Ron Gaston**  
Director, Nuclear Licensing

10 CFR 2.202

2.19.036

May 13, 2019

ATTN: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Request for Rescission of Confirmatory Order Modifying Licenses with  
Regard to Alternative Dispute Resolution Commitments (EA-17-132 and  
EA-17-153)

Pilgrim Nuclear Power Station  
NRC Docket No. 50-293  
Renewed Facility Operating License No. DPR-35

- References:
- 1) Confirmatory Order, NRC Inspection Report 05000416/2017014, and NRC Investigation Reports 4-2016-004 and 4-2017-021, (ADAMS Accession No. ML18072A191), dated March 12, 2018
  - 2) Entergy letter to U. S. Nuclear Regulatory Commission (NRC), "Notification of Permanent Cessation of Power Operations," (ADAMS Accession No. ML15328A053), dated November 10, 2015

On March 12, 2018, the U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order (EA-17-132 and EA-17-153) to the power reactor facilities owned and operated by Entergy (Entergy Nuclear Operations, Inc. and Entergy Operations Inc.) as a result of an alternative dispute resolution mediation session. The specific requirements of the Order are contained in Reference 1.

In Reference 2, Entergy notified the NRC of plans to permanently shut down and cease operation of the Pilgrim Nuclear Power Station (PNPS) no later than June 1, 2019.

The purpose of this letter is to request rescission of the Order for PNPS upon docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel. The enclosure to this letter provides the good cause and justification for this request.

This letter contains no new regulatory commitments.

If you have any questions or require additional information, please contact me at (601) 368-5138.

I declare under penalty of perjury, the foregoing is true and correct. Executed on May 13, 2019.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ron Gaston", with a long horizontal flourish extending to the right.

Ron Gaston

RWG/pjm

Enclosure: Request for Rescission of Confirmatory Order Modifying Licenses with Regard to Alternative Dispute Resolution Commitments (EA-17-132 and EA-17-153)

cc: NRC Region I Regional Administrator  
NRC Region IV Regional Administrator  
NRC Senior Resident Inspector - Pilgrim  
NRC Project Manager - Pilgrim

**Enclosure**

**2.19.036**

**Request for Rescission of Confirmatory Order Modifying Licenses with Regard to  
Alternative Dispute Resolution Commitments (EA-17-132 and EA-17-153)**

**(2 Pages)**

## **Request for Rescission of Confirmatory Order Modifying Licenses with Regard to Alternative Dispute Resolution Commitments (EA-17-132 and EA-17-153)**

### **I. Proposed Order Rescission**

On March 12, 2018, the U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order (EA-17-132 and EA-17-153) to the power reactor facilities owned and operated by Entergy (Entergy Nuclear Operations, Inc. and Entergy Operations Inc.) as a result of an alternative dispute resolution mediation session. The Order documented commitments made as part of the settlement agreement between Entergy and the NRC concerning several violations of NRC requirements at the Grand Gulf Nuclear Station. As part of that Order, Entergy committed to take fleet wide actions to address the causes for why previous actions taken regarding willful misconduct were not effective. The actions put in place to address these causes include integrity audits for a number of activities that are applicable to operating reactors as both a method of detection and deterrence for this type of behavior.

In Reference 2, Entergy notified the NRC of plans to permanently shut down and cease operation of the Pilgrim Nuclear Power Station (PNPS) no later than June 1, 2019. In accordance with Section V of the Order, Entergy hereby submits a request that the Confirmatory Order be rescinded for PNPS upon docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

### **II. Basis for the Rescission Request**

Section V of the Order provides the Region IV Regional Administrator the authority to relax or rescind any conditions of the Order upon demonstration by Entergy of good cause.

By letter dated November 10, 2015 (Reference 2) Entergy notified NRC of plans to permanently shut down the PNPS and cease operation no later than June 1, 2019.

In Section IV of the Confirmatory Order, NRC concluded that its concerns regarding the violations that occurred at Grand Gulf and other Entergy sites could be resolved through the issuance of the Order based on the Entergy commitments contained therein. These commitments were also deemed necessary so that public health and safety could be reasonably assured. The Order was made effective upon issuance and modified the operating licenses for each Entergy station that was operating at that time to include those commitments, administrative items and considerations for future enforcement actions.

In accordance with 10 CFR 50.82(a)(2), Termination of License; upon docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel. After these certifications are submitted, many of the regulatory requirements associated with operating reactors will no longer be applicable. Accordingly, the commitments imposed by the Order deemed necessary for operating reactors will no longer be applicable. Therefore, the basis for this Order will no longer apply to PNPS.

### **III. Conclusion**

Upon docketing the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the 10 CFR Part 50 license will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel. Many of the regulatory requirements applicable to operating reactors will no longer be applicable at that time. Accordingly, the commitments imposed by the Order deemed necessary for operating reactors will no longer be applicable. The Order was issued and made effective immediately for those Entergy stations that were operating at that time. After PNPS is no longer authorized to operate the reactor, the need for the Order at PNPS will no longer exist.

Additionally, after PNPS is permanently shut down and the reactor permanently defueled, many of the regulated activities associated with the Order will permanently cease and the basis for the Order will no longer apply. These factors demonstrate good cause to support Entergy's request that the Order be rescinded in its entirety for PNPS upon docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

Based on the above, the Regional Administrator for NRC Region IV is requested to rescind the Confirmatory Order (EA-17-132 and EA-17-153) for PNPS upon docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

### **IV. References**

- 1) Confirmatory Order, NRC Inspection Report 05000416/2017014, and NRC Investigation Reports 4-2016-004 and 4-2017-021, (ADAMS Accession No. ML18072A191), dated March 12, 2018
- 2) Entergy letter to U. S. Nuclear Regulatory Commission (NRC), "Notification of Permanent Cessation of Power Operations," (ADAMS Accession No. ML15328A053), dated November 10, 2015