

From: Gaston, Ronald William <rgasto1@entergy.com>
Sent: Monday, August 19, 2019 11:11 AM
To: Hay, Michael <Michael.Hay@nrc.gov>
Subject: [External_Sender] Pilgrim Confirmatory Order Rescission/Withdrawal

Mike,

I just left a voice mail on this topic. I had previously discussed the comments discussed regarding the Sections of the Enforcement Manual that needed to be discussed (2.7.8.C.1,4, and 5). Their proposed wording for these sections is included below for discussion purposes. I would like to talk with you to see if additional information is needed to complete the request. Give me a call when you get a chance. Thanks.

Acceptable level of quality and safety

Since issuance of the Confirmatory Order for Grand Gulf, Pilgrim completed a substantial number of commitments from the Confirmatory Action Letter associated with the station's entry into Column 4 of the NRC Action Matrix. On March 4, 2019, returned Pilgrim to Column 1 of the Regulatory Oversight Process. This was a result of numerous NRC inspections that demonstrated that Pilgrim was operating safely and had adequately addressed previous safety culture concerns.

Additionally, Pilgrim has been completing the required actions of the Grand Gulf Confirmatory Order and achieving acceptable results. Lastly, Pilgrim maintains an appropriate audit schedule in accordance with PNPS Quality Assurance Program Manual that continues to independently assess performance of the station. This audit program will help ensure the appropriate level of quality is maintained. As such, the Order is not required to maintain an acceptable level of quality and safety at Pilgrim.

Underlying purpose

Many of the regulatory requirements applicable to operating reactors are no longer applicable to Pilgrim in the permanently defueled condition. Accordingly, the commitments imposed by the Order deemed necessary for operating reactors are no longer applicable to meet the underlying purpose of the Order. The Order was issued and made effective immediately for those Entergy stations that were operating at that time. Since Pilgrim is no longer authorized to operate the reactor, the need for the Order no longer exists.

Material circumstance change

After the Order was issued, Pilgrim permanently ceased operations. The regulations in 10 CFR 50.82(a)(1) specify that once the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel are made, the 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel. Pilgrim made these certifications in a letter dated June 10, 2019. In addition, after these certifications are submitted, many of the regulatory requirements associated with operating reactors are no longer applicable. Accordingly, the commitments imposed by the Order deemed necessary for operating reactors are no longer applicable. This constitutes a material circumstance change. Therefore, the basis for this Order no longer apply to Pilgrim.

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