



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

August 2, 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 letter dated July 19, 2010, and your supplemental letter dated August 6, 2010, regarding Entergy Nuclear Operation, Inc.'s (Entergy or the licensee) management of nonenvironmentally qualified inaccessible cables and wiring at Pilgrim Nuclear Power Station. Your letters are 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.html> under ADAMS Accession Nos. ML102020275 and ML102210411, respectively. In accordance with Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the NRC has processed your letters, as supplemented, as a petition for enforcement action under Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for Action under This Subpart," and assigned the petition to the NRC's Office of Nuclear Reactor Regulation.

On December 13, 2010, you requested a hearing on a contention related to Entergy's management of inaccessible cables in the Pilgrim license renewal proceeding. The Petition Review Board (PRB) met on January 4, 2011, and determined that, due to your December 13, 2010, hearing request, your 10 CFR 2.206 petition concerns related to inaccessible cables would be held in abeyance until final disposition of the issues was reached in the Pilgrim license renewal adjudicatory proceeding, consistent with MD 8.11 (Criteria for Petition Evaluation). The NRC informed you of this determination in a letter dated February 23, 2011 (ADAMS Accession No. ML103400692). Following the issuance of Pilgrim's renewed license on May 29, 2012, the PRB reconvened on June 5, 2012, and made the recommendation to place your petition back in the 10 CFR 2.206 process and accept your petition, in part, for NRC staff review. The PRB petition manager, Mr. Richard Guzman, informed you of this decision on June 6, 2012.

Your July 19, 2010, petition, as supplemented by letter dated August 6, 2010, requested that the NRC take the following actions:

- (1) Issue a demand for information order requiring that Entergy demonstrate that all inaccessible cables at Pilgrim are capable of performing their required function, be it safety- or nonsafety-related.
- (2) Certify that the location, age, and repair history of all cables (accessible and inaccessible) have been identified.
- (3) Ensure that the licensee monitors all cables before continued operation to demonstrate that the cables can perform their design functions.

- (4) Ensure that the licensee incorporates in its monitoring program, at a minimum, recommendations for certain aging management guidelines and NRC generic guidance.
- (5) Commit to verifying, during the license renewal period, Entergy's implementation through routine baseline inspections.
- (6) Commit to a timely upgrade of the regulatory guidance for maintaining cable qualification and the verification that the cables can perform their design functions.

As the basis for your request related to the licensee's management of submerged electrical wires and cables at Pilgrim, you stated that compliance with the NRC's regulations is intended to provide reasonable assurance that an electrical wire failure will neither initiate an accident nor make an accident more severe. You also stated that Pilgrim has a long history of cables being submerged and/or wetted with no verification of the long-term operability that provides reasonable assurance of continued operation of these cables.

On July 28, 2010, you requested an opportunity to address the PRB before its initial meeting to provide supplemental information for the PRB's consideration. By teleconference on August 9, 2010, you provided information to the PRB as further explanation and support for the July 19, 2010, petition. A copy of the transcript is available in ADAMS under Accession No. ML102290198.

The PRB considered your petition, including all supplemental information provided as previously described, and made a final recommendation to accept, in part, your petition for review. The following specific issues and concerns from your July 19, 2010, petition, as supplemented during the teleconferences, meet the criteria for review under 10 CFR 2.206.

- (1) NRC regulations require that plant owners ensure that electrical wiring is qualified to perform in the environmental conditions experienced during normal operation and during accidents. Pilgrim has no program today as required by NRC regulations to ensure operability of the submerged and/or wetted wires.
- (2) Most electrical cables at Pilgrim have been exposed to significant moisture over the 40 years since initial construction. The wires and possibly the connections and splices inside conduits are designed to operate properly only in a dry environment and are not designed to operate in a moist or wet environment; thus, there is no assurance that these electrical cables will not fail if wet or submerged or previously exposed to moisture.
- (3) Wires degrade with age, and the oldest wires are the most susceptible to degradation. Pilgrim is one of the oldest operating commercial reactors in the country, and the majority of the conduits and wires at Pilgrim were installed during the initial construction. There are no existing methods to ensure operability, short of visual inspection and/or replacement with cables designed to operate in a wet or submerged environment.
- (4) As identified in several pertinent sections of Pilgrim's license renewal application and the safety evaluation report, Pilgrim's aging management program, for the period 2012-2032, is insufficient and does not provide the public with reasonable assurance.

M. Lampert

- 3 -

As required by 10 CFR 2.206, the NRC will act on your petition within a reasonable time. Mr. Richard Guzman has been assigned as the petition manager for your petition. He can be reached at 301-415-1030. I have enclosed for your information a copy of the notice that the NRC is filing with the Office of the Federal Register for publication. I have also enclosed for your information a copy of the brochure NUREG/BR-0200, Revision 5, "Public Petition Process," dated February 1, 2003, prepared by the NRC's Office of Public Affairs.

Sincerely,

A handwritten signature in black ink, appearing to read "E. J. Leeds", written in a cursive style.

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket No. 50-293

Enclosures:

1. *Federal Register* Notice
2. NUREG/BR-0200

cc w/encl: Distribution via Listserv

Enclosure 1

Federal Register Notice

Request for Action under

10 CFR 2.206

ADAMS Accession No. ML103430336

NUCLEAR REGULATORY COMMISSION

ENTERGY NUCLEAR OPERATIONS, INC.

PILGRIM NUCLEAR POWER STATION

DOCKET NO. 50-293

[NRC-2010-0xxx]

LICENSE NO. DPR-35

RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by petition dated July 19, 2010, as supplemented by letter dated August 6, 2010, Ms. Mary Lampert (the Petitioner) has requested that pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for Action under this Subpart," the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Pilgrim Nuclear Power Station (Pilgrim). The Petitioner requested that the NRC take the following actions: (1) issue a Demand for Information Order requiring that Entergy Nuclear Operations, Inc. (Entergy or the licensee) demonstrate that all inaccessible cables at Pilgrim are capable of performing their required function, be it safety- or nonsafety-related, (2) certify that the location, age, and repair history of all cables (accessible and inaccessible) have been identified, (3) ensure that the licensee monitors all cables before continued operation to demonstrate that the cables can perform their design functions, (4) ensure that the licensee incorporates in its monitoring program, at a minimum, recommendations for certain aging management guidelines and NRC generic guidance, (5) commit to verifying, during the license renewal period, Entergy's implementation through routine baseline inspections, and (6) commit to a timely upgrade of the regulatory guidance for maintaining cable qualification and the verification that the cables can perform their design functions.

The NRC's Petition Review Board initially met on November 4, 2010, and later reconvened on June 4, 2012, considered the petition, including all supplemental information provided as previously described, and made a final recommendation to accept the petition for review, in part. The following specific issues and concerns identified in the July 19, 2010, petition and/or supplemented during the teleconferences meet the criteria for review under 10 CFR 2.206, and are being accepted for review:

- (1) NRC regulations require that plant owners ensure that electrical wiring is qualified to perform in the environmental conditions experienced during normal operation and during accidents. Pilgrim has no program today as required by NRC regulations to ensure operability of the submerged and/or wetted wires.
- (2) Most electrical cables at Pilgrim have been exposed to significant moisture over the past 40 years since initial construction. The wires and possibly the connections and splices inside conduits are designed to operate properly only in a dry environment and not designed to operate in a moist or wet environment; thus, there is no assurance that they will not fail if wet or submerged or previously exposed to moisture.
- (3) Wires degrade with age, and the oldest wires are the most susceptible to degradation. Pilgrim is one of the oldest operating commercial reactors in the country, and the majority of the conduits and wires at Pilgrim were installed during the initial construction. There are no existing methods to ensure operability, short of visual inspection and/or replacement with cables designed to operate in a wet or submerged environment.
- (4) As identified in several pertinent sections of Pilgrim's license renewal application and the safety evaluation report, Pilgrim's aging management program, for the period 2012–2032, is insufficient and does not provide the public with reasonable assurance.

The NRC is treating the request under 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As

provided by 10 CFR 2.206, the NRC will take appropriate action on this petition within a reasonable time.

A copy of the petition is available to the public 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.html> under ADAMS Accession No. ML102020275, and are available for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

Dated at Rockville, Maryland this 2th day of August 2012.

FOR THE NUCLEAR REGULATORY COMMISSION.

A handwritten signature in black ink, appearing to read "Eric J. Leeds", is written over a horizontal line.

Eric J. Leeds, Director,
Office of Nuclear Reactor Regulation.

Enclosure 2

NUREG/BR-0200

Public Petition Process

ADAMS Accession No. ML050900248

PUBLIC PETITION PROCESS

Introduction

The U.S. Nuclear Regulatory Commission (NRC) was established in 1975 to protect public health and safety in the civilian use of nuclear power and materials in the United States. As part of its responsibilities, NRC assesses all potential health and safety issues related to licensed activities and encourages members of the public to bring safety issues to its attention.

Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) describes the petition process—the primary mechanism for the public to request enforcement action by NRC in a public process.* This process permits anyone to petition NRC to take enforcement action related to NRC licensees or licensed activities. Depending on the results of its evaluation, NRC could modify, suspend, or revoke an NRC-issued license or take any other appropriate enforcement action to resolve a problem. Requests that raise health and safety issues without requesting enforcement action are reviewed by means other than the 2.206 process.

In its effort to improve public confidence, the NRC periodically reassesses the 2.206 petition process to enhance its effectiveness, timeliness and credibility. As part of these reassessments, the NRC seeks feedback from petitioners and other stakeholders through public meetings and workshops, surveys and *Federal Register* notices, as well as from its own staff experience. Specific improvements to the 2.206 process resulting from these initiatives include:

- Offering petitioners two opportunities to discuss the petition with the NRC's petition review board (PRB). The first is to allow the petitioner to provide elaboration and clarification of the petition

*The NRC also has an allegation process in which individuals who raise potential safety concerns for NRC review are afforded a degree of protection of their identity. Other processes for public involvement are listed at the end of this pamphlet.

before the PRB meets to discuss the petition. The second opportunity comes after the PRB has discussed the merits of the petition and allows the petitioner to comment on the PRB's recommendations regarding acceptance of the petition and any requests for immediate action.

- Offering an opportunity for a staff-petitioner-licensee meeting to discuss the details of the issue during the course of the review.
- Providing better, more frequent communications between the staff and petitioner throughout the process.
- Providing copies of all pertinent petition-related correspondence and other documents to the petitioners.
- Providing a copy of the proposed director's decision on the petition, both to the petitioner and the affected licensee for comments, and considering such comments before issuing the decision in final form.

The Petition Process

The 2.206 process provides a simple, effective mechanism for anyone to request enforcement action and obtain NRC's prompt, thorough, and objective evaluation of underlying safety issues. It is separate and distinct from the processes for rulemaking and licensing, although they too allow the public to raise safety concerns to NRC.

Under the 2.206 process, the petitioner submits a request in writing to NRC's Executive Director for Operations, identifying the affected licensee or licensed activity, the requested enforcement action to be taken, and the facts the petitioner believes provide sufficient grounds for NRC to take enforcement action. Unsupported assertions of "safety problems," general opposition to nuclear power, or identification of safety issues without seeking enforcement action are not considered sufficient grounds for consideration as a 2.206 petition.

After receiving a request, NRC determines whether the request qualifies as a 2.206 petition. If the request is accepted for review as a 2.206 petition, the NRC sends an acknowledgment letter to the petitioner and a copy to the appropriate licensee and publishes a notice in the *Federal Register*. If the request is not accepted, NRC notifies the petitioner of its decision and indicates that the petitioner's underlying safety concerns will be considered outside the 2.206 process.

On the basis of an evaluation of the petition, the appropriate office director issues a decision and, if warranted, NRC takes appropriate enforcement action. Throughout the evaluation process, NRC sends copies of all pertinent correspondence to the petitioner and the affected licensee. NRC places all related correspondence in its Public Document Room (PDR) in Rockville, Maryland, and in the agency document control system. However, the agency withholds information that would compromise an investigation or ongoing enforcement action relating to issues in the petition. The NRC also sends the petitioner other information such as pertinent generic letters and bulletins.

The NRC notifies the petitioner of the petition's status every 60 days, or more frequently if a significant action occurs. Monthly updates on all pending 2.206 petitions are available on NRC's web site at <http://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/index.html>, and in the PDR.

Petition Technical Review Meeting

A petition technical review meeting serves not only as a source of potentially valuable information for NRC to evaluate a 2.206 petition, but also affords the petitioner substantive involvement in the review and decision-making process through direct discussions with NRC and the licensee. Such a meeting will be held whenever the staff believes that it would be beneficial to the review of the petition. Note that the meeting can be offered at any time during NRC's review of a petition and is open to public observation.

Director's Decision

The NRC's official response to a 2.206 petition is a written decision by the director of the appropriate office that addresses the concerns raised in the petition. The agency's goal is to issue a proposed decision for comment within 120 days from the date of the acknowledgment letter. However, additional time may be needed to conduct an investigation, complete an inspection, or analyze particularly complex technical issues. If the goal is not met, the NRC staff will promptly inform the petitioner of a schedule change.

The director's decision includes the professional staff's evaluation of all pertinent information from the petition, correspondence with the petitioner and the licensee, information from any meeting, results of any investigation or inspection, and any other documents related to petition issues. Following resolution of any comments received on the proposed decision, the director's decision is provided to the petitioner and the licensee, and is posted to NRC's web site and made available in the PDR. A notice of availability is published in the *Federal Register*.

Director's decisions may be issued as follows:

- A decision granting a petition, in full, explains the basis for the decision and grants the action requested in the petition (e.g., NRC issuing an order to modify, suspend, or revoke a license).
- A decision denying a petition, in full, provides the reason for the denial and discusses all matters raised in the petition.
- A decision granting a petition, in part, in cases where the NRC decides not to grant the action requested, but takes other appropriate enforcement action or directs the licensee to take certain actions that address the identified safety concerns.
- A partial director's decision may be issued by the NRC in cases where some of the issues associated with the petition can be completed promptly but significant schedule delays are anticipated before

resolution of the entire petition. A final director's decision is issued at the conclusion of the effort.

The Commission will not entertain requests for review of a director's decision. However, on its own, it may review a decision within 25 calendar days.

NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," contains more detailed information on citizen petitions. For a free copy of the directive, write to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082, or call 202-512-1800.

Electronic Access

Those parts of the monthly status report on 2.206 petitions that are not of a sensitive nature, as well as recently issued director's decisions, and Management Directive 8.11, are placed on the NRC's web site at <http://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/index.html> and in the agency's Public Document Room.

Other Processes for Public Involvement

In addition to the 2.206 petition process, NRC has several other ways that permit the public to express concerns on matters related to the NRC's regulatory activities.

- The NRC's *allegation process* affords individuals who raise safety concerns a degree of protection of their identity.
- Under the provisions of 10 CFR 2.802, NRC provides an opportunity for the public to petition the agency for a *rulemaking*.
- The NRC's *licensing process* offers members of the public, who are specifically affected by a licensing action, an opportunity to formally participate in licensing proceedings. This process

applies not only to the initial licensing actions but also to license amendments and other activities such as decommissioning and license renewals.

- For major regulatory actions involving preparation of environmental impact statements, NRC offers separate opportunities for public participation in its *environmental proceedings*.
- The public can attend a number of *meetings* including open Commission and staff meetings, periodic media briefings by Regional Administrators, and special meetings held near affected facilities to inform local communities and respond to their questions.

More information on these activities can be found in NRC's pamphlet entitled, "Public Involvement in the Nuclear Regulatory Process," NUREG/BR-0215.

Office of Public Affairs
U. S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
Telephone 301-415-8200 or
1-800-368-5642

NUREG/BR-0200, Rev. 5
February 2003

M. Lampert

- 3 -

As required by 10 CFR 2.206, the NRC will act on your petition within a reasonable time. Mr. Richard Guzman has been assigned as the petition manager for your petition. He can be reached at 301-415-1030. I have enclosed for your information a copy of the notice that the NRC is filing with the Office of the Federal Register for publication. I have also enclosed for your information a copy of the brochure NUREG/BR-0200, Revision 5, "Public Petition Process," dated February 1, 2003, prepared by the NRC's Office of Public Affairs.

Sincerely,

/ra/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket No. 50-293

Enclosures:

1. *Federal Register* Notice
2. NUREG/BR-0200

cc w/encl: Distribution via Listserv

DISTRIBUTION: G20100454/EDATS: OEDO-2010-0589

See next page

ADAMS Accession Nos:

Package: ML122120005

Incoming: ML102020275

Letter: ML121910227; Federal Register Notice: ML103430336

NUREG/BR-0200: ML050900248

*Concurrence via e-mail

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NAME	MLemoncelli	MCheok	MEvans (LLund for)	ELeeds	
DATE	7/18/12	7/19/12	7/26/12	8/2/12	

OFFICIAL RECORD COPY

Letter to Mary Lampert from Eric Leeds dated August 2, 2012.

SUBJECT: 2.206 PETITION FOR PILGRIM NUCLEAR POWER STATION

DISTRIBUTION: G20100454/EDATS: OEDO-2010-0589

PUBLIC

LPL1-1 R/F

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