

August 15, 2012

The Honorable Robert L. Hedlund  
Assistant Minority Leader  
Massachusetts Senate  
State House  
Boston, Massachusetts 02133

Dear Mr. Hedlund:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letters of February 8 and May 2, 2012, stating your concerns about the safety of Pilgrim Nuclear Power Station (Pilgrim) and requesting that the NRC suspend further action on its license renewal application. Specifically, you expressed concerns with the emergency planning zone (EPZ) and the spent fuel pool.

Regarding emergency planning, the Commission has defined a plume exposure pathway EPZ as an area of approximately 10 miles in radius and an ingestion pathway EPZ as an area of approximately 50 miles in radius around each nuclear power plant. The EPZ size and configuration may vary in relation to local emergency response needs and capabilities as affected by such conditions as demography, topography, land characteristics, access routes, and jurisdictional boundaries. Each U.S. nuclear power plant has site-specific, predetermined protective actions in place for the 10-mile EPZ. In case of a potential release of radioactive materials, these protective actions will avoid or reduce doses to the public. It is the NRC's expectation that strategies for expanding protective actions beyond the 10-mile EPZ will be implemented, if conditions warrant. All nuclear power plants practice these plans and strategies in biennial exercises. Periodically, the NRC and the Federal Emergency Management Agency (FEMA) also assess these plans and strategies (FEMA by providing oversight of offsite response plans; the NRC by reviewing and approving onsite plans). The NRC staff has conducted several studies that support the agency's basis for concluding that the existing emergency preparedness framework and regulations provide reasonable assurance of adequate protection of public health and safety in the event of an emergency at a nuclear power plant. NRC documents related to emergency planning can be found at <http://www.nrc.gov/about-nrc/emerg-preparedness/regs-guidance-comm.html>.

Regarding spent fuel storage, the licensee has twice redesigned the storage capability of Pilgrim's spent fuel pool to safely accommodate a larger amount of spent fuel than was originally intended. The NRC granted approval of these redesigns as license amendments after rigorous safety reviews and inspections. The expansion and redesign of the spent fuel pools is not unique to Pilgrim. The NRC has reviewed these types of requests for several nuclear power plants and has thoroughly evaluated the requests to ensure the increased amount of nuclear material in the spent fuel pools would not pose a risk to public health and safety.

Since the March 2011 events at Fukushima Dai-ichi nuclear plant in Japan, the NRC has worked diligently to understand and act upon lessons learned. In March 2011, the NRC established a senior level agency near-term task force (Task Force) to conduct a methodical and systematic review of NRC processes and regulations to determine whether the agency should make additional improvements to our regulatory system. The Task Force submitted its report and recommendations to the Commission in July 2011. In October 2011, the staff provided its proposed plan of action and prioritization of the Task Force recommendations. The NRC has already begun applying the lessons learned; the agency has issued orders and has requested additional information from licensees for further consideration.

The staff's October 2011 paper also included the recommendations related to lessons learned from the Fukushima Dai-ichi events beyond those identified in the Task Force report. Among the additional issues identified by the staff as having a nexus to the Fukushima events, but not included in the Task Force report, were the basis for the EPZ and whether expedited transfer of spent fuel to dry casks is warranted. The staff recommended that these issues be reviewed as longer-term activities to determine whether any enhancements to existing strategies are warranted. During this process, if it is determined that the Commission's regulations should be further examined and potentially revised, the agency will promptly undertake such an examination.

With regard to your request that the NRC suspend further action on the application for renewal of the Pilgrim license until all additional safety measures are considered and implemented, the Task Force concluded that continued operation and licensing activities do not pose an imminent risk to public health and safety. The NRC has well-established processes for imposing any new requirements necessary to protect public health and safety and the common defense and security. Even for the licenses that the NRC issues before completing its review, any new Fukushima-driven requirements can be imposed later, if necessary, to protect the public health and safety. Moving forward with our decisions and proceedings will have no effect on the NRC's ability to implement necessary rule or policy changes that might come out of our review of the Fukushima Dai-ichi events. Therefore, the Commission concluded that the NRC did not need to delay its decision regarding the Pilgrim license renewal application. The Commission in May 2012 approved the NRC staff's recommendation to authorize the Director of the Office of Nuclear Reactor Regulation to renew Pilgrim's operating license once he made the appropriate safety and environmental findings. The Director made those findings and issued the license on May 29, 2012.

We appreciate hearing your views and thank you for your interest in this matter.

Sincerely,

**/RA/**

Allison M. Macfarlane