



CHAIRMAN

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

October 20, 2016

The Honorable Edward J. Markey  
United States Senate  
Washington, DC 20510

Dear Senator Markey:

I am responding to your letter of September 21, 2016, in which you urge the Commission to reject a request from Entergy Nuclear Operations, Inc. for an extension of time to comply with NRC order EA-13-109 for the Pilgrim Nuclear Power Station. EA-13-109 relates to the installation of reliable hardened containment vents.

The Commission also recently received a request from Pilgrim Watch, on behalf of itself and a number of other groups, asking that the Commission hold a hearing on Entergy's extension request. The agency has not yet resolved Entergy's extension request or Pilgrim Watch's request to hold a hearing. For these reasons, we cannot fully respond to your letter at this time. We will keep you apprised of any significant agency actions on these matters.

Please feel free to contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776, if you have any questions.

Sincerely,

A handwritten signature in blue ink, which appears to read "Stephen Burns", is written over the typed name. The signature is stylized with a large, looping initial 'S' and a trailing flourish.

Stephen G. Burns

**Identical letter sent to:**

The Honorable Edward J. Markey  
United States Senate  
Washington, DC 20510

The Honorable Elizabeth Warren  
United States Senate  
Washington, DC 20510

The Honorable William R. Keating  
United States House of Representatives  
Washington, DC 20515

The Honorable Niki Tsongas  
United States House of Representatives  
Washington, DC 20515

The Honorable James P. McGovern  
United States House of Representatives  
Washington, DC 20515

The Honorable Michael E. Capuano  
United States House of Representatives  
Washington, DC 20515

The Honorable Stephen F. Lynch  
United States House of Representatives  
Washington, DC 20515

The Honorable Joseph P. Kennedy, III  
United States House of Representatives  
Washington, DC 20515

The Honorable Richard E. Neal  
United States House of Representatives  
Washington, DC 20515

The Honorable Katherine Clark  
United States House of Representatives  
Washington, DC 20515

The Honorable Seth Moulton  
United States House of Representatives  
Washington, DC 20515



# Congress of the United States

Washington, DC 20510

September 21, 2016

The Honorable Stephen G. Burns  
Chairman  
Nuclear Regulatory Commission (NRC)  
Rockville, MD 20852

Dear Chairman Burns:

We write to urge the Commission to reject Entergy's request for an extension to comply with the post-Fukushima requirement to install hardened containment vents capable of operating under severe accident conditions at the Pilgrim Nuclear Power Station in Plymouth, MA. Entergy's request for an extension until December 31, 2019 would effectively exempt Pilgrim from NRC's requirement, as the reactor will be permanently shutting down no later than June 1, 2019. When Entergy announced its intention to cease operations at Pilgrim, the NRC stated that the closure "will not relieve [Entergy] of the responsibility of running that plant as safely as possible until the end of its life."<sup>1</sup> If approved, Entergy's proposal would run directly counter to that responsibility, as it would increase the risk of a containment failure and a catastrophic radioactive release in the event of a terrorist attack or severe accident.

Following the March 11, 2011 earthquake and tsunami that knocked out power at the Fukushima Daiichi nuclear power plant, cooling at the reactors failed and there was a dangerous build-up of hydrogen gas and steam. Under such circumstances, venting the containment can reduce pressure and mitigate the risk of a hydrogen explosion. However, if vents are not hardened and capable of operating in the event of a severe accident, they may become damaged, increasing the likelihood that containment fails and radioactive material is released into the environment. This is precisely what occurred at Fukushima, where vents became inoperable due to the loss of onsite power, resulting in a containment breach and release of radioactive material.

This experience led the Fukushima Near-Term Task Force — a group of experts with unparalleled experience in nuclear safety — to conclude that "a reliable hardened wetwell vent in BWR facilities with Mark I and Mark II containment designs would have a significantly [sic] safety benefit."<sup>2</sup> To fulfill the Task Force's recommendation, the Commission voted in March 2012 to require all operators of Mark I and Mark II boiling water reactors (BWRs) like Pilgrim — the same type of reactor as the ones that melted down in Fukushima — to install hardened containment vents. In June 2013, the Commission issued order EA-13-109, which further required that such vents be capable of operating under severe accident conditions. As the NRC stated, the Fukushima nuclear accident "reinforced the importance of reliable operation of containment vents for plants with Mark I and Mark II containments."<sup>3</sup> By installing such vents, U.S. reactor operators would mitigate a significant risk to public safety.

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<sup>1</sup> <http://www.capecodtimes.com/article/20151013/NEWS/151019754>

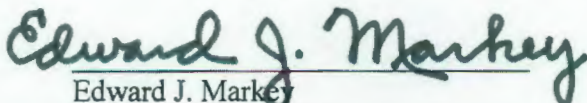
<sup>2</sup> Nuclear Regulatory Commission, "The Near-Term Task Force Review of Insights from the Fukushima Dai-Ichi Accident," July 12, 2011, p. 41

<sup>3</sup> <http://www.nrc.gov/docs/ML1314/ML13143A321.pdf>

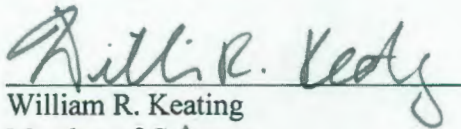
Doing so is particularly important at Pilgrim, which the NRC has listed in "Column 4," the least safe of its operating reactor ratings. Pilgrim's poor safety record was one of the reasons why the entire Massachusetts Congressional delegation wrote to you in October 2015 requesting that the Commission ensure Pilgrim receives the utmost attention to safety and security for the remaining period of its operation.

In keeping with that goal, we once again urge you to reject Entergy's efforts to reduce safety requirements at Pilgrim. Notwithstanding its intention to shut down the plant, Entergy has a paramount responsibility to minimize the risk of catastrophic accidents similar to the one that occurred at Fukushima. Exempting Pilgrim from the NRC's safety requirements would allow Entergy to abdicate that responsibility, unjustifiably exposing Massachusetts communities to danger.

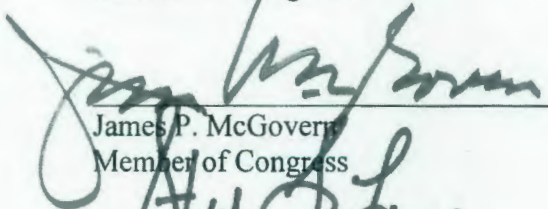
Sincerely,



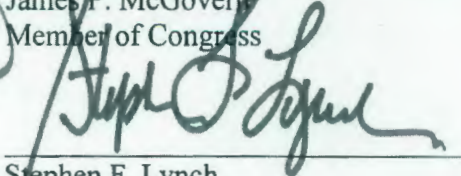
Edward J. Markey  
United States Senator



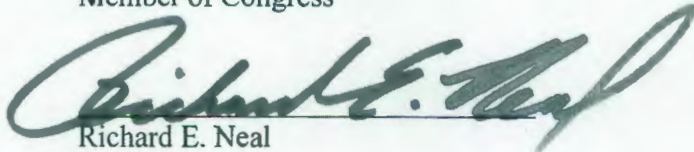
William R. Keating  
Member of Congress



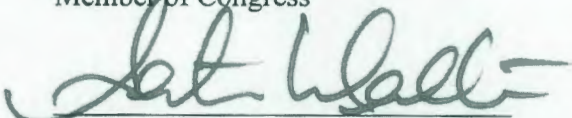
James P. McGovern  
Member of Congress



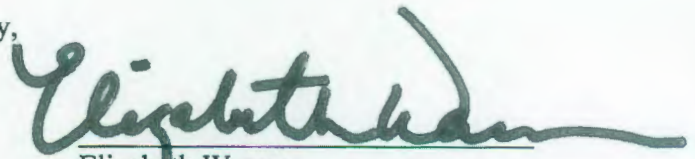
Stephen F. Lynch  
Member of Congress



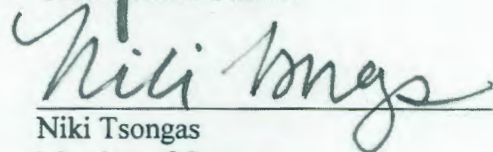
Richard E. Neal  
Member of Congress



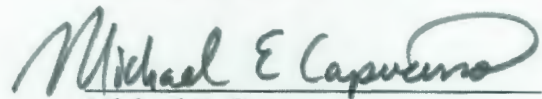
Seth Moulton  
Member of Congress



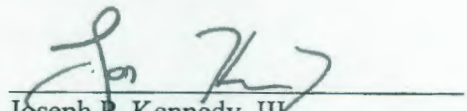
Elizabeth Warren  
United States Senator



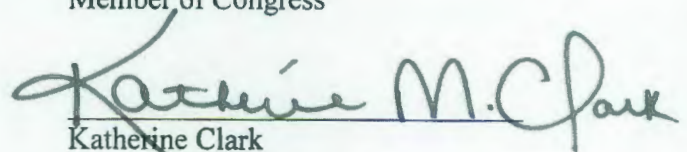
Niki Tsongas  
Member of Congress



Michael E. Capuano  
Member of Congress



Joseph P. Kennedy, III  
Member of Congress



Katherine Clark  
Member of Congress



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
ENTERGY NUCLEAR GENERATION & )  
ENTERGY NUCLEAR OPERATIONS, INC. )  
(Pilgrim Nuclear Power Station) )

Docket No. 50-293-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **LETTER FROM THE CHAIRMAN TO SENATOR EDWARD J. MARKEY, ET AL.** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Clara Sola ]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
This 25<sup>th</sup> day of October, 2016