

THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON 02133-1053

January 22, 2019

The Honorable Kristine L. Svinicki, Chair  
Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Svinicki:

We, a bipartisan group of federal, state and local elected officials representing the Commonwealth of Massachusetts, are writing in response to our recent meeting with officials representing the Nuclear Regulatory Commission (NRC) about the Post-Shutdown Decommissioning Activities Report (PSDAR) for Pilgrim Nuclear Power Station (Pilgrim) in Plymouth, Massachusetts. We appreciated the opportunity to sit down and discuss our concerns with the NRC but due to the constraints of time we were left with concerns about the pending license transfer for Pilgrim and the upcoming decommissioning process.

We understand that decommissioning is an expensive process and thus have concerns that the Nuclear Decommissioning Trust Fund (NDT) for Pilgrim may not be able to adequately fund both short term and long term decommissioning requirements. The PSDAR indicates that as of October 31, 2018 the NDT has a balance of \$1.05 billion while simultaneously estimating that the actual cost projected in 2018 dollars will be approximately \$1.134 billion. Based upon these figures, we are concerned that there are currently insufficient funds to complete decommissioning even assuming relatively low cost overruns and stable performance of the stock market. One of the NRC representatives at our recent meeting explained that the level of funding necessary is based on a formula which includes a 2% level of anticipated growth throughout the life of decommissioning, which he explained would more than adequately fund all necessary expenses.

We would like to have more detailed information on this formula and the actual cost of the various elements of decommissioning. We would also like to have an idea of the timeline of the process and the assurance that there is enough time for the NDT to increase to the level of funding needed during the process. As was discussed during the meeting, the decommissioning process can move from SAFSTOR to DECON at various times during the process. We therefore ask you to include how and when levels of funding would fluctuate during these periods as well as what particular events would precipitate the process moving from SAFSTOR to DECON and the reverse.

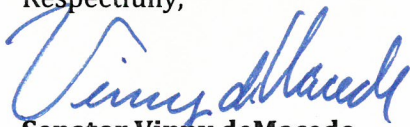
A second and equally important concern we have is the ability to hold the licensee responsible for any costs in the decommissioning process if for any reason the NDT is not fully able to cover these costs. We ask that you cite the regulations which would hold the licensee responsible and that you provide legal citations which would also hold the licensee responsible.

In addition, because there has been no decommissioning undertaken with a transfer of license, we would like to better understand how the process and regulations differ, if at all, should the NRC approve the transfer of license from Entergy to HOLTEC. As was mentioned by several legislators, both State and Federal, during the meeting, there is serious concern about the ability of HOLTEC as an LLC to step away from providing their own funding should a shortfall in the NDT develop, leaving the community and the Commonwealth with an unfinished decommissioning and no accountable organization for its completion and funding.

Lastly, we have questions about site restoration as a component of the decommissioning process. It was stated during the meeting that site restoration is not part of the NRC requirement for a complete decommissioning. Until January 15, we had been under the impression that it was part of completing the process. NRC's own materials state that a licensee cannot terminate the license until site restoration is complete. To further confuse the issue, an NRC representative said that Holtec's request for approval for the transfer of license included a \$40M commitment to site restoration. We would like clarity on whether or not this is enforceable if it is part of the agreement the NRC approves for transfer of license. We would also ask that you determine whether \$40M is an adequate amount of money to actually restore the site.

Thank you again for your willingness to work with us on these critical and urgent issues. We look forward to working together in the best interests of our constituents to ensure that Pilgrim can be decommissioned and the site restored in the most thorough, most safe, and most efficient way possible. Please do not hesitate to contact should you have any questions.

Respectfully,



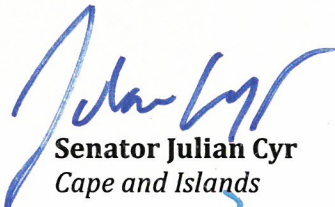
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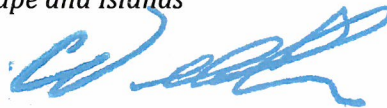
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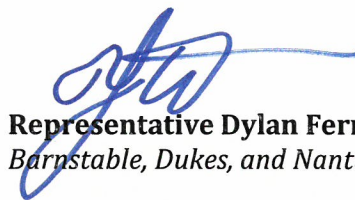
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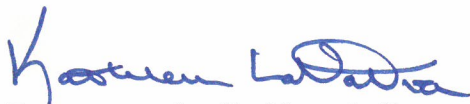
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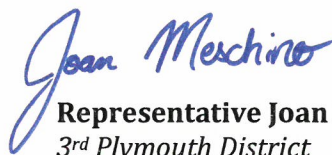
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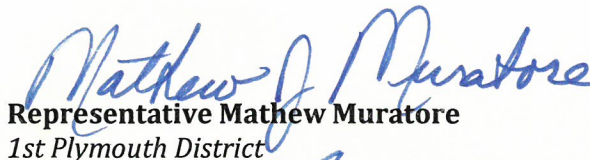
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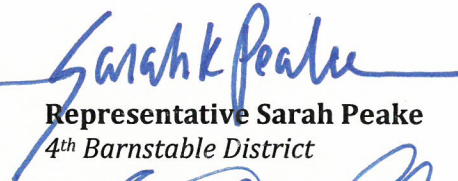
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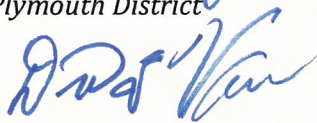
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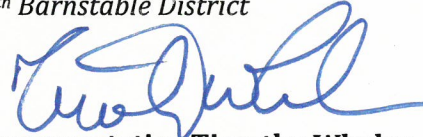
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**Representative Sarah Peake**  
*4<sup>th</sup> Barnstable District*



**Representative David Vieira**  
*3<sup>rd</sup> Barnstable District*



**Representative Timothy Whelan**  
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