



SECRETARY

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

February 28, 2019

The Honorable Vinny deMacedo  
The General Court of Massachusetts  
State House  
Boston, MA 02133-1053

Dear Senator deMacedo:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of January 22, 2019, to Chairman Svinicki regarding your recent meeting with officials representing the NRC about the Post-Shutdown Decommissioning Activities Report for Pilgrim Nuclear Power Station (Pilgrim) in Plymouth, Massachusetts, as it pertains to the pending license transfer of the plant and the upcoming decommissioning process. Your letter requests information pertinent to these matters.

The NRC is reviewing an application filed by Entergy Nuclear Operations, Inc. (ENOI) received on November 16, 2018. The application seeks NRC approval of the direct and indirect transfers of Renewed Facility Operating License No. DPR-35 for Pilgrim as well as the general license for Pilgrim Independent Spent Fuel Storage Installation, collectively the Licenses. ENOI on behalf of itself and Entergy Nuclear Generation Company, Holtec International (Holtec), and Holtec Decommissioning International, LLC (HDI) requests that the NRC consent to (1) the indirect transfer of control of the Licenses to Holtec; and (2) the direct transfer of ENOI's operating authority to HDI. The NRC is also considering amending the renewed facility operating license for administrative purposes to reflect the proposed transfer.

On February 20, 2019, the NRC received requests to intervene and for a hearing on the license transfer/amendment application of the Pilgrim plant. Because this application for the Pilgrim Station is now the subject of a current adjudication, the Commission must remain impartial during the pendency of the proceeding. Due to the nature of the Commission's adjudicatory role, I trust that you will understand that it would be inappropriate at this time for the Chairman to discuss or comment on issues involved in this matter.

A copy of your letter and this response will be served on the participants in the Pilgrim license transfer/amendment proceeding.

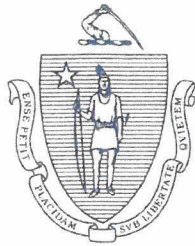
Sincerely,

A handwritten signature in blue ink, which appears to read "Annette L. Vietti-Cook", is written over a horizontal line.

Annette L. Vietti-Cook

cc: See attached list

cc: Pilgrim Service List  
Senator Julian Cyr  
Senator Patrick O'Connor  
Representative Kathleen LaNatra  
Representative Joan Meschino  
Representative Mathew Muratore  
Representative William Crocker  
Representative Sarah Peake  
Representative Josh Cutler  
Representative David Vieira  
Representative Dylan Fernandes  
Representative Timothy Whelan



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.

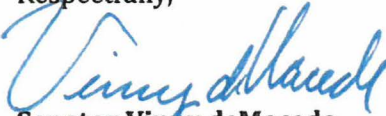


In addition, because there has been no decommissioning undertaken with a transfer of license, we would like to better understand how the process and regulations differ, if at all, should the NRC approve the transfer of license from Entergy to HOLTEC. As was mentioned by several legislators, both State 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,




**Senator Vinny deMacedo**  
*Plymouth and Barnstable*



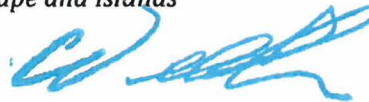
**Senator Patrick O'Connor**  
*Plymouth and Norfolk*



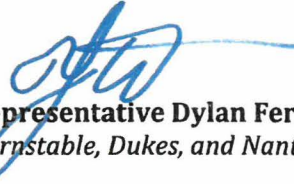
**Representative Josh Cutler**  
*6<sup>th</sup> Plymouth District*



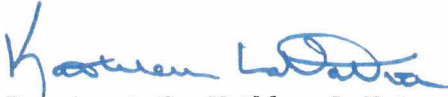
**Senator Julian Cyr**  
*Cape and Islands*



**Representative William Crocker**  
*2nd Barnstable District*



**Representative Dylan Fernandes**  
*Barnstable, Dukes, and Nantucket District*



**Representative Kathleen LaNatra**  
*12<sup>th</sup> Plymouth District*



**Representative Joan Meschino**  
*3<sup>rd</sup> Plymouth District*



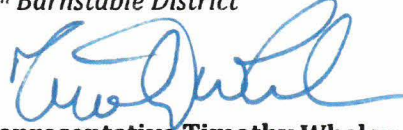
**Representative Mathew Muratore**  
*1<sup>st</sup> Plymouth District*



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



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



**Representative Timothy Whelan**  
*1<sup>st</sup> Barnstable District*

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

|                                 |   |                                   |
|---------------------------------|---|-----------------------------------|
| In the Matter of                | ) |                                   |
|                                 | ) |                                   |
| ENTERGY NUCLEAR OPERATINS, INC. | ) | Docket Nos. 50-293 and 72-1044 LT |
|                                 | ) |                                   |
| (Pilgrim Nuclear Power Station  | ) |                                   |

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Letter from Commission Secretary Annette Vietti-Cook to Senator Vinny deMacedo, et al.** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate Adjudication  
Mail Stop: O-16B33  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop: O-16B33  
Washington, DC 20555-0001  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E. Roy Hawken, Chairman  
E-mail: [Roy.Hawken@nrc.gov](mailto:Roy.Hawken@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop - O-14A44  
Washington, DC 20555-0001  
Tison A. Campbell, Esq.  
Kayla J. Gamin, Esq.  
Anita G. Naber, Esq.  
David E. Roth, Esq.  
Eric A. Ruesch, Esq.  
Rebecca A. Susko, Esq.  
Jeremy L. Wachutka  
E-mail: [Tison.Campbell@nrc.gov](mailto:Tison.Campbell@nrc.gov)  
[Kayla.Gamin@nrc.gov](mailto:Kayla.Gamin@nrc.gov)  
[Anita.Naber@nrc.gov](mailto:Anita.Naber@nrc.gov)  
[David.Roth@nrc.gov](mailto:David.Roth@nrc.gov)  
[Eric.Ruesch@nrc.gov](mailto:Eric.Ruesch@nrc.gov)  
[Rebecca.Susko@nrc.gov](mailto:Rebecca.Susko@nrc.gov)  
[Jeremy.Wachutka@nrc.gov](mailto:Jeremy.Wachutka@nrc.gov)

Entergy Services, Inc.  
101 Constitution Ave., NW  
Suite 200 East  
Washington, DC 20001  
Susan H. Raimo  
E-mail: [sraimo@entergy.com](mailto:sraimo@entergy.com)

Pilgrim Nuclear Power Station Docket Nos. 50-293 and 72-1044 LT

**Letter from Commission Secretary Annette Vietti-Cook to Senator Vinny deMacedo, et al.**

Balch & Bingham LLP  
1710 Sixth Avenue North  
Birmingham, AL 35203-2015  
Peter R. LeJeune, Esq.  
Alan D. Lovett, Esq.,  
E-mail: [plejeune@balch.com](mailto:plejeune@balch.com)  
[alovett@balch.com](mailto:alovett@balch.com)

Pillsbury Winthrop Shaw Pittman LLP  
1200 Seventeenth Street, NW  
Washington, DC 20036  
David R. Lewis, Esq.  
E-mail: [David.Lewis@pillsburylaw.com](mailto:David.Lewis@pillsburylaw.com)

Pilgrim Watch  
F148 Washington Street  
Duxbury, MA 02332  
Mary Lampert, Director  
E-mail: [Mary.Lampert@comcast.net](mailto:Mary.Lampert@comcast.net)

Counsel for the Commonwealth of  
Massachusetts:  
Energy and Environmental Bureau  
Office of the Attorney General  
One Ashburton Place, 18<sup>th</sup> Floor  
Boston, Massachusetts 02108  
Joseph Dorfler, Esq.  
Seth Schofield, Esq.  
E-mail: [Joseph.Dorfler@state.ma.gov](mailto:Joseph.Dorfler@state.ma.gov)  
[Seth.Schofield@mass.gov](mailto:Seth.Schofield@mass.gov)

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

Dated at Rockville, Maryland,  
this 28<sup>th</sup> day of February, 2019