

From: Phillips, Samantha (CDA) <samantha.phillips@state.ma.us>
Sent: Thursday, November 21, 2019 5:09 PM
To: Wall, Scott
Cc: Tifft, Doug; Schofield, Seth (AGO); Dorfler, Joseph (AGO); Paskvan, Liam (AGO); Kim, Tori (ENV)
Subject: [External_Sender] RE: RE: For Your Comments - Commonwealth of Massachusetts - Pilgrim License Amendment Request
Attachments: MEMA Response to PNPS License Amendment_11212019.pdf

Mr. Wall,

The attached letter provides my comments and concerns pertaining the license amendment request. Please contact me with questions.

Thank you,

Sam Phillips

Samantha C. Phillips

Director
Massachusetts Emergency Management Agency
400 Worcester Road
Framingham, MA 01702
508-820-2010 (Office)
508-820-2000 (24/7 Communications Center)

From: Wall, Scott [mailto:Scott.Wall@nrc.gov]
Sent: Wednesday, November 06, 2019 9:56 AM
To: Phillips, Samantha (CDA) <Samantha.Phillips@mass.gov>
Cc: Tifft, Doug <Doug.Tifft@nrc.gov>
Subject: RE: RE: For Your Comments - Commonwealth of Massachusetts - Pilgrim License Amendment Request

Dear Ms. Phillips:

Attached are the incoming documents that provide details regarding the license amendment application:

- August 1, 2018 Application (ML18218A173)
- August 1, 2018 Attachment 1 (ML18218A174)
- November 8, 2018 Supplement (ML18317A058)
- November 8, 2018 Attachment 1 (ML18317A059)

Very Respectfully,
Scott P. Wall, LSS BB, BSP
Senior Project Manager
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

301.415.2855
Scott.Wall@nrc.gov

From: Phillips, Samantha (CDA) <samantha.phillips@state.ma.us>
Sent: Wednesday, November 06, 2019 9:16 AM
To: Wall, Scott <Scott.Wall@nrc.gov>
Cc: Tifft, Doug <Doug.Tifft@nrc.gov>
Subject: [External_Sender] RE: For Your Comments - Commonwealth of Massachusetts - Pilgrim License Amendment Request

Can you provide me the attachments referenced in the letter?

Samantha C. Phillips
Director
Massachusetts Emergency Management Agency
400 Worcester Road
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From: Wall, Scott [<mailto:Scott.Wall@nrc.gov>]
Sent: Tuesday, November 05, 2019 4:25 PM
To: Phillips, Samantha (CDA) <Samantha.Phillips@mass.gov>
Cc: Tifft, Doug <Doug.Tifft@nrc.gov>
Subject: For Your Comments - Commonwealth of Massachusetts - Pilgrim License Amendment Request

Dear Ms. Phillips:

By application dated August 1, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18218A173), as supplemented by letter dated November 8, 2018 (ADAMS Accession No. ML18317A058), Entergy Nuclear Operations, Inc. (ENOI), requested changes to the site emergency plan and emergency action level (EAL) scheme for the Pilgrim Nuclear Power Station (Pilgrim). The proposed amendment would revise the Pilgrim Emergency Plan, referred to as the permanently defueled emergency plan (PDEP), and the Pilgrim EAL scheme.

By Order dated August 22, 2019 (ADAMS Accession No. ML19170A265), the NRC staff approved, in part, the direct transfer of the Pilgrim Renewed Facility Operating License (RFOL) No. DPR-35 to Holtec Decommissioning International, LLC (HDI, or the licensee). Additionally, on August 22, 2019, HDI informed the NRC (ADAMS Accession No. ML19234A357) that:

“HDI will assume responsibility for all ongoing NRC regulatory actions and reviews currently underway for Pilgrim Nuclear Power Station. HDI respectfully requests NRC continuation of these regulatory actions and reviews.”

On August 26, 2019, ENOI informed the NRC that the transaction closed on August 26, 2019 (ADAMS Accession No. ML19239A037). On August 27, 2019 (ADAMS Accession No. ML19235A050), the NRC staff issued Amendment No. 249 to Renewed Facility Operating License No. DPR-35 for Pilgrim. Accordingly, HDI is now the licensee for decommissioning operations at Pilgrim.

If the Commonwealth of Massachusetts has comments on this license amendment request, please e-mail me your comments by the close of business on November 21, 2019, to support potential issuance after the 21st.

Thank you

Scott P. Wall, LSS BB, BSP

Senior Project Manager

Division of Operating Reactor Licensing

Office of Nuclear Reactor Regulation

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Email Number: 324

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Subject: [External_Sender] RE: RE: For Your Comments - Commonwealth of Massachusetts - Pilgrim License Amendment Request
Sent Date: 11/21/2019 5:09:13 PM
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From: Phillips, Samantha (CDA)

Created By: samantha.phillips@state.ma.us

Recipients:

"Tift, Doug" <Doug.Tift@nrc.gov>
Tracking Status: None
"Schofield, Seth (AGO)" <seth.schofield@state.ma.us>
Tracking Status: None
"Dorfler, Joseph (AGO)" <joseph.dorfler@state.ma.us>
Tracking Status: None
"Paskvan, Liam (AGO)" <liam.paskvan@state.ma.us>
Tracking Status: None
"Kim, Tori (ENV)" <tori.kim@state.ma.us>
Tracking Status: None
"Wall, Scott" <Scott.Wall@nrc.gov>
Tracking Status: None

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Sensitivity: Normal
Expiration Date:



**THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

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Samantha C. Phillips
Director

November 21, 2019

By Electronic Mail

Scott P. Wall, Senior Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Scott.Wall@nrc.gov

**Subj: Pilgrim Nuclear Power Station, Emergency Planning Related License
Amendment**

Dear Mr. Wall:

The Massachusetts Emergency Management Agency (MEMA) submits this letter on behalf of the Commonwealth of Massachusetts (Commonwealth) in response to your November 6, 2019 e-mail inviting the Commonwealth to submit comments on Entergy Nuclear Operations, Inc.'s application for emergency-planning and preparedness related amendments to the Pilgrim Nuclear Power Station's (PNPS) operating license. These comments also concern the Commissioners' approval of SECY-19-0078 on November 4, 2019.¹ As described more fully below, the Commonwealth objects to the elimination of existing emergency planning and preparedness requirements before all spent nuclear fuel is transferred to Pilgrim Independent Spent Fuel Storage Installation (ISFSI). In short, MEMA does not believe that implementation of Comprehensive Emergency Management Program (All-Hazards Planning) and eliminating the existing 10-mile emergency planning zone (EPZ) at Pilgrim is appropriate or justified.

¹ *Request By Entergy Nuclear Operations Inc. For Exemptions From Certain Emergency Planning Requirements For The Pilgrim Nuclear Power Station.*

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365 East Street
Tewksbury, MA 01876
Tel: 978-328-1500 Fax: 978-851-8218

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The NRC's proposed action presumes State and local responders' ability to provide necessary assistance to PNPS personnel and, at the same time, work to evacuate Massachusetts citizens from the 10-mile zone around PNPS in the event of an actual radiological emergency at the plant after the EPZ and other emergency preparedness requirements are eliminated. Consistent with the analysis provided to NRC staff by the Federal Emergency Management Agency (FEMA), such an assumption is at minimum, "open to question."² In light of the great extent to which PNPS will continue to rely on State and local responders even after the April 1, 2020 exemption effective date (Effective Date) and the limited training such individuals will receive, NRC's assumption is not only questionable, but in fact incorrect, and MEMA does not believe that it will be able to effectuate the measures on which the NRC's assumption is based in the absence of the current emergency planning requirements for PNPS.

1. All-Hazards Planning Fails To Adequately Protect The Public.

The Commonwealth's overriding interest at PNPS is to maintain public safety. All-Hazards Planning fails to provide adequate protections to the public and imposes an unreasonable and dangerous burden on State and local resources in responding to potential public safety and emergency situations at PNPS.

While the type and probability of public safety risks at a nuclear power station evolve, and reflect whether the plant is active or inactive, a nuclear power station undergoing decommissioning and deconstruction nonetheless presents substantial and complex risks to the public safety, especially during the period when spent nuclear fuel remains in the spent fuel pool. Best practices require enhanced planning, preparedness, and community coordination to address the complex risks posed by sensitive critical infrastructure, hazardous substances and materials, and disaster events, including radiological fires. Accordingly, the Commonwealth agrees with Commissioner Baran that a more strenuous planning protocol is appropriate for PNPS to provide "defense in depth to protect the public," including dedicated radiological emergency planning and a 10-mile EPZ until all spent fuel is placed in dry-cask storage.³ All-Hazards Planning may complement this recommended and more comprehensive planning level, but it cannot substitute for it.

All-Hazards Planning also places an inappropriate and undue burden on local communities nearby PNPS. For many years after the Effective Date, State and local agencies will be required to maintain significant and hazardous responsibilities to ensure public safety and disaster response at PNPS. Such essential obligations include developing and, as necessary, implementing a wide-scale evacuation and sheltering program.

The NRC's proposed action will also shift substantial responsibility to State and local agencies for events that occur at PNPS. Subsequent to the Effective Date, PNPS will reduce on-site resources and personnel. The Commonwealth is deeply concerned that such a reduction in on-site personnel will result in reliance on State and local off-site personnel to address hazardous and potentially catastrophic events at PNPS, such as spent fuel uncovering, fires affecting radioactive materials, and construction accidents, including wall collapse. Such reliance is wholly improper, particularly given that off-site resources will receive less training on such issues and no guaranteed financial support to maintain emergency response capabilities after the Effective Date.

² Letter from Michael S. Casey, to Michael Scott 2 (Feb. 20, 2019) (ADAMS Accession No. ML19057A234).

³ Commissioner Baran's Comments on SECY-19-0078 at 3 (ADAMS Accession No. ML19308A034).

During PNPS's operation, State and local authorities shared the on- and off-site obligations summarized above with the facility's owner. The NRC's holding unfairly shifts this heavy burden of responsibility to the public agencies alone. The NRC's ruling will result in both substantial additional expense for State and local responders and, most importantly, increased risk to the public.

2. The NRC's Proposed Action Is Based On Knowledge Of The Practices And Policies Of PNPS's Prior Owner, not Holtec.

The NRC's proposed action relies on HDI's stated commitment to assume "ongoing NRC regulatory actions and reviews currently underway at Pilgrim."⁴ While the Commonwealth, as you know, continues to dispute the decision to transfer PNPS's license to Holtec and nothing in this letter should be taken as acquiescing in that decision, Holtec's written assumption of ENOI's obligations provides no assurance that Holtec, a newcomer to nuclear power plant operations, maintenance, decommissioning, and emergency planning, among other things, can or will fulfill such commitments. In fact, the NRC's prior analysis focuses exclusively on ENOI's practices and procedures and makes no evaluation of whether the same reliance can be placed on Holtec or HDI.

PNPS's acquisition by Holtec, a company with limited experience of nuclear plant operation and maintenance, poses new challenges for NRC evaluation of the requested license amendment. In past cases, NRC knowledge of a licensee served as an important basis for evaluating a request by that licensee, including within the emergency-planning context. Here, however, Holtec and HDI, unlike Entergy, have no experience with emergency planning and response. Yet, the NRC's prior safety evaluation relied, in part, on that very experience combined with Entergy's existing procedures and protocols, and the NRC has not put in place any mechanism to ensure that Holtec and HDI *actually* adopt those procedures and do not change them at some point in the future.⁵ Without that knowledge, NRC lacks a sufficient basis to eliminate the emergency planning requirements for PNPS, including the 10-mile EPZ, before the spent nuclear fuel is transferred to the ISFSI even if it were otherwise appropriate (which, for the reasons described above, it is not).

Thank you for your consideration.

Sincerely,



Samantha C. Phillips
Director
Massachusetts Emergency Management Agency

⁴ Letter from Brian R. Sullivan and Pamela B. Cowan, to NRC 2 (Aug. 22, 2019) (ADAMS Accession No. 19234AA357).

⁵ While it would not resolve the Commonwealth's central concern, at a minimum, if the NRC does not reverse course, it should require Holtec and HDI to affirmatively seek NRC approval of any future changes to existing emergency planning procedures and policies.