

June 22, 2015

Governor Charles Baker
State House
Boston MA
Via Mail & Email

To The Honorable Charles Baker:

The January 27, 2015 winter storm Juno resulted in significant problems at Pilgrim Nuclear Power Station. The storm itself caused a Loss of the Offsite Power (LOOP) that is required to operate Pilgrim's safety systems, and this was followed by numerous equipment and operator failures at the reactor.¹

The potential that Pilgrim's problem would endanger the public were then magnified by FEMA and MEMA. You met with MEMA, and we assume also FEMA, officials at Framingham, and, surrounded by MEMA personnel, announced a travel ban and the reasons for it. (See Attachment B to the enclosed 2.206 Petition to the U.S. Nuclear Regulatory Commission ("NRC")). According to the NRC, FEMA and MEMA nonetheless informed the NRC that the state was capable of implementing its emergency plan, including evacuation; and also falsely told the NRC that they had reached this conclusion based on consultations with emergency management agencies within the Emergency Planning Zone. (See Attachment A to the enclosed 2.206 Petition). The travel ban was apparently never mentioned.

Someone – MEMA, FEMA or the NRC – is not telling the truth.

MEMA and FEMA knew the state was not "capable of implementing their emergency plan, including evacuation."

We know of no "consultations" between MEMA and FEMA and the towns within the 10 mile EPZ to determine their readiness to evacuate. Duxbury's Emergency Management Director was not contacted by either MEMA or FEMA. Had either agency contacted him, he would have told them that evacuation was impossible. (See enclosed 2.206 Petition to NRC)

There are only two possibilities - The NRC is misrepresenting what MEMA and FEMA told it, or MEMA and FEMA told the NRC what was simply not true. In either event, none of the responsible agencies, MEMA, FEMA or NRC could have properly concluded that the State

¹ Subject: Pilgrim Nuclear Power Station – NRC Special Inspection Report 05000293/2015007; and Preliminary White Finding, May 27,2015

was capable of implementing their emergency plan, including evacuation.

The indisputable facts lead to the following conclusions:

1. In winter storm conditions, Pilgrim's emergency plans do not and cannot ensure that adequate protective actions are in place to protect the health and safety of the public. To believe otherwise would be to ignore reality, and instead pretend that the public health and safety is protected based on patently false information from FEMA and MEMA. To provide reasonable assurance in winter storm conditions Pilgrim Station's license must be amended to require shutdown, as a precautionary measure, when safety systems are unreliable and evacuation is impossible.

We ask that your office request that the NRC make that license amendment and, in the interim, ask NRC to require a precautionary closure of Pilgrim Station when a severe storm is predicted and certainly when such a storm is here and ongoing. The Juno event proved conclusively that evacuation is not possible in a severe storm. Severe storms are not a one-time event. Storms are increasing in frequency and severity due to climate change; history has shown that Pilgrim's switchyard is vulnerable to failures during storms and successful corrective actions are yet to be devised.

2. The NRC relies on FEMA and MEMA to provide reasonable assurance that the State's plan, including the availability of evacuation routes, protects public health and safety. The information FEMA and MEMA provide to the NRC must accurately reflect reality. We want assurance that your office is taking appropriate measures to make certain that future reports of both MEMA and FEMA are accurate and truthful.
3. You are responsible for telling the NRC whether the Commonwealth has approved Pilgrim's Radiological Emergency Plan and Procedures. In doing so, the Governor's office relies on MEMA and FEMA assurances; they in turn ask the Emergency Planning Zone communities to sign that they have reviewed and approved their radiological emergency plans.. Those assurances and your actions must reflect reality. What MEMA and FEMA told the NRC during Juno did not. What other false or incomplete assurances have been provided to the Governor's Office. Have you been told, for example, that the Town of Duxbury has refused to approve our Radiological Plan and Procedures for many years because they do not provide reasonable assurance? MEMA and Entergy refuse to make the necessary changes. Are you

aware that every town on Cape Cod voted to close Pilgrim because there was no “Escape from the Cape” – no plan to protect the population from exposure via inhalation although they are at risk?

4. We see no basis for your office or the public to assume that FEMA’s and MEMA’s false reports during Juno’s storm are an isolated event. At present, there is no reason for anyone near Pilgrim (including all those on Cape Cod) to assume that either the Commonwealth’s or NRC’s determination that Pilgrim’s Radiological Emergency Plans provide adequate protective actions to protect the health and safety of the public.

WHAT SHOULD BE DONE

We respectfully request that your office:

1. Investigate the failure of FEMA and MEMA to provide correct information relative to evacuation during Juno; and take all steps necessary to insure that FEMA, MEMA and Entergy recognize the importance of providing complete and accurate information on Radiological Emergency Plans and Procedures, and will do so in the future.
2. Hold meetings with the real stakeholders - local EPZ emergency management directors, public officials, and citizens - to determine the actual status of radiological emergency plans and procedures for impacted communities, both within and outside the current 10-mile Emergency Planning Zones. There is no reason to expect that Entergy, the NRC, MEMA, or FEMA will ever give you a realistic assessment.
3. Consider supporting pending legislation pertaining to radiological emergency planning - H.1898, H.1899, H.2020, H. 2030, H.2031, and H.2167. Testimony in support of the bills will follow.
4. Request the NRC to send a team to Pilgrim and itself reevaluate the adequacy of the plan and procedures, in consultation with the local emergency management directors, department heads, and public because FEMA’s and MEMA’s assessments have been shown to be untrustworthy. A number of Massachusetts citizens have already done so, but this is important and we need your support.

In the early 1990’s under Chairman Carr the NRC sent such a team to Pilgrim and itself reviewed the adequacy of Pilgrim’s plans and procedures. Only by doing so again, as

part of its “special” Pilgrim reviews and inspections, can NRC perform its duty to ensure adequate protective actions are in place to protect the health and safety of the public.

5. Contact the NRC and reinforce Massachusetts citizens’ attached Petition asking the NRC to require, by agreement or amendment of its operating license, that Pilgrim make a precautionary shut down when severe weather conditions are forecast or present. In the interim, request NRC to shut Pilgrim down as a precautionary measure based on meteorological predictions of severe storms.
6. Reinforce Massachusetts citizens’ attached request to the NRC to amend its May 27, 2015 Inspection Report to explicitly state that during Juno there was no reasonable assurance that the State was capable of implementing their emergency plan, including evacuation. This is important and should be part of the official NRC record.

Conclusion

According to MEMA's Nuclear Preparedness Department (NPD) webpage, MEMA is responsible for overseeing planning, training, equipment and exercises to support a radiological emergency response for the Massachusetts population within the 10-mile Emergency Planning Zones (EPZs) around nuclear power stations and planning for the 50-mile ingestion pathway.

MEMA’s mission is to ensure adequate protective actions are in place to protect the health and safety of the public and to advise the Governor whether to approve the plans. Adequate protective measures were not in place during winter storm Juno. FEMA and MEMA provided false information to NRC saying that adequate plans were in place; and because FEMA and MEMA showed that their assessments cannot be trusted, the Commonwealth through your office, and separately the NRC, must conduct a thorough review of Pilgrim’s Radiological Emergency Plan and Procedures, with input from real stakeholders, to determine whether adequate protective measures are in place.

Respectfully submitted on June 22, 2015,

Mary Lampert
Pilgrim Watch, Director
148 Washington Street - Duxbury, MA 02332
Tel 781-934-0389/ Email: mary.lampert@comcast.net

William Maurer
Cape Downwinders
140 Gifford Street -Falmouth, MA 02540
Tel. 508-548-6221/Email: wmmaurer@comcast.net

Diane Turco
Cape Downwinders
157 Long Road -Harwich, MA 02645
Tel 508-776-3132/Email: tturco@comcast.net

Rebecca Chin
Co-Chair Town of Duxbury Nuclear Advisory Committee
31 Deerpath Trail, North-Duxbury, MA 02332
Tel. 781-837-0009/Email: rebeccajchin@hotmail.com

ATTACHMENT

June 11, 2015

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
By Mail & Email: NrcExecSec@nrc.gov

CORRECTION

With apologies, please correct the title of the attached Petition by substituting in the title “Town of Duxbury Nuclear Advisory Committee” in place of “The Town of Duxbury Nuclear Matters Committee” in the following petition filed this morning.

Thank you,

Mary Lampert
Pilgrim Watch
Town of Duxbury Nuclear Advisory Committee

June 11, 2015

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
By Mail & Email: NrcExecSec@nrc.gov

**PILGRIM WATCH, CAPE DOWNWINDERS AND THE TOWN OF DUXBURY
NUCLEAR MATTERS COMMITTEE 2.206 PETITION TO MODIFY, SUSPEND, OR
TAKE ANY OTHER ACTION TO THE OPERATING LICENSE OF PILGRIM
STATION UNTIL THE NRC CAN PROVIDE REASONABLE ASSURANCE THAT
ADEQUATE PROTECTIVE MEASURES BASED ON ACCURATE INFORMATION
CAN AND WILL BE TAKEN TO SATISFY THE NRC'S OBLIGATION TO PROTECT
PUBLIC HEALTH & SAFETY**

I. INTRODUCTION

Pursuant to §2.206 of Title 10 the Code of Federal Regulations, Pilgrim Watch (Hereafter “PW”) and Cape Downwinders (Hereinafter “CD), on behalf of their members, and the Town of Duxbury Nuclear Advisory Committee (Hereinafter “DNAC”) request that the Nuclear Regulatory Commission (NRC) institute a proceeding to modify, suspend or take any other action² as may be proper and necessary relative to the operating license of Pilgrim Station and the NRC’s reliance on third-party information in order that the NRC can provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Pilgrim Station.

During the January 27, 2015 winter storm Juno that resulted in a LOOP followed by equipment and operator failures at Pilgrim,³ FEMA and MEMA falsely informed the NRC that there was

² NRC Enforcement actions include: notices of violation, civil penalties, orders, notice of nonconformance, confirmatory action letters, letters of reprimand, and demand for action.

³ Subject: Pilgrim Nuclear Power Station – NRC Special Inspection Report 05000293/2015007; and Preliminary White Finding, May 27,2015

reasonable assurance that the state was capable of implementing its emergency plan, including evacuation.

The NRC relied on this false information. Because it did so, the NRC, on which ultimate responsibility rests, was not able to perform its mission to ensure adequate protective actions are in place to protect the health and safety of the public in the event of a radiological emergency.

In fact there was no reasonable assurance of “the availability of evacuation routes ... adequate for protecting the public health and safety” during the storm event.

The NRC has already determined that Pilgrim is a troubled plant that requires far more supervision and inspection. To be able correctly to determine whether Pilgrim’s Radiological Emergency Plan and Procedures provide reasonable assurance, particularly in severe weather or in the event of yet another Pilgrim personnel or equipment failure, NRC needs to send its own team to Pilgrim to reevaluate the adequacy of Pilgrim’s plans and procedures, in consultation with the local emergency management directors, department heads, and public – not simply with Entergy, FEMA and MEMA.

II. STATEMENT OF PETITIONERS’ INTEREST

Petitioners Pilgrim Watch and Cape Downwinders are environmental, public health and safety organizations with members who are concerned that current NRC emergency planning requirements are not adequate to protect their health and safety in the event of an accident at the plant. Pilgrim Watch (“PW”) is located at 148 Washington Street, Duxbury, Massachusetts, 02332. Duxbury is within the Pilgrim 10-mile EPZ. Its membership extends throughout the Commonwealth. Cape Downwinders’ membership extends throughout the Commonwealth with

the majority of its members on Cape Cod. Cape Cod is connected to the mainland by two bridges, closed to outgoing traffic in a radiological emergency. Often it is downwind from Pilgrim Station. The Town of Duxbury Nuclear Advisory Committee is appointed by the Duxbury Board of Selectmen to review radiological emergency plans and procedures and other issues at Pilgrim that impact the town. Duxbury is in the Pilgrim EPZ.

III. FACTS IN SUPPORT OF THE PETITION

A. Agency Roles and Responsibilities in Emergency Planning:⁴

A key component of the NRC's mission is to ensure that adequate protective actions are in place to protect the health and safety of the public. Protective actions are taken to avoid or reduce radiation dose and are sometimes referred to as protective measures. FEMA's (DHS) role and responsibility is to evaluate if nuclear plant offsite emergency plans are adequate to protect public health and safety for NRC's review in order for NRC to ensure adequate protective actions are in place. State and local governments implement appropriate protective actions for the public during a nuclear power plant radiological emergency.

The NRC relies on the Federal Emergency Management Agency (FEMA or DHS) and the Massachusetts Emergency Management Agency (MEMA) "to provide a reasonable assurance finding that the State's plan, including the availability of evacuation routes, is adequate for protecting the public health and safety," particularly if there is "a potential challenge to the offsite infrastructure within the 10 mile emergency planning zone (EPZ)" in a "severe weather event." (Email of March 30, 2015 from Cheryl Khan to Diane Turco, Attachment 1)

⁴ See <http://www.nrc.gov/about-nrc/emerg-preparedness/protect-public.html>

B. NRC , FEMA and MEMA Failures of Responsibility

In a February 2, 2015 letter to the NRC, Cape Downwinders, Pilgrim Coalition, Cape Cod Bay Watch and Concerned Neighbors of Pilgrim requested that Pilgrim be kept shut down during a severe winter storm due to an inability to implement emergency response plans, if needed, during events such as the January, 2015 winter storm.

Carol Khan, an NRC Senior Project Engineer, responded to that letter on March 30, 2015 (Attachment 1). Ms. Khan's response shows that FEMA and Massachusetts Emergency Management Agency (MEMA) provided the NRC with false statements assuring NRC that there was reasonable assurance that the state was capable of implementing its emergency plan, including evacuation, based upon their consultation with emergency management agencies within the 10 mile EPZ. Specifically Ms. Khan said at 2 (email attached) that:

During the recent Massachusetts snow storms, the NRC was in continuous contact with FEMA and the Massachusetts Emergency Management Agency (MEMA). In consultation with town emergency management agencies within the 10 mile EPZ, the State and FEMA provided the NRC a reasonable assurance finding that the State was capable of implementing their emergency plan, including evacuation.

The indisputable fact is that there was no such direct "consultation" to determine the town's readiness, and that MEMA knew the state was not "capable of implementing their emergency plan, including evacuation." A state-wide travel ban was in effect. As shown by Attachment B, Massachusetts Gov. Charlie Baker had declared a state of emergency, including a travel ban, in the Commonwealth of Massachusetts due to Winter Storm Juno. In his televised announcement, The Governor said:

White-out conditions and treacherous roads will make driving anywhere extremely dangerous ...I repeat, driving will be virtually impossible in many areas for extended periods starting late tonight and through much of tomorrow.

I can't stress this part enough. Please stay off the roads. Everyone should expect impassable roads across the state.

We are also preparing for major coastal flooding along our entire coastline. High tide is conveniently coming at about 4 a.m. in most places, which will be right at the peak of the storm and the threat of coastal flooding is very real. We can see damage to coastal roads as well.

It's extremely important that everyone stay off the roads.

We have declared a state of emergency effective immediately. We will implement a state wide travel ban.

He announced the state of emergency at a press conference held at Massachusetts Emergency Management Agency (MEMA) headquarters in Framingham.

Does anyone really believe that MEMA, FEMA and NRC did not know this?

MEMA Spokesperson discusses travel ban during storm



Which agency(s) is not telling the truth - NRC, FEMA, or MEMA?

- During the storm event, neither FEMA nor MEMA directly contacted Duxbury's Emergency Management Director (EMD) to inquire about the town's readiness. Had they done so, the Duxbury EMD would have told them that during the particularly severe

weather event there was no reasonable assurance that Duxbury could implement its emergency evacuation plan.

- During the storm, Duxbury's EMD told Entergy that Duxbury could not implement its evacuation component of the plan due to the snow amounts.

After Cape Downwinders received Ms. Khan's email, Mr. William Mauer, a member of Cape Downwinders and Pilgrim Coalition, asked the Town of Duxbury's Emergency Management Director, Chief Kevin Nord, if FEMA or MEMA had contacted him for consultation during Juno informing him of events unfolding at Pilgrim and asking him of his assessment/assurance of Duxbury's Emergency Management Agency's ability to implement the plans including evacuation. Duxbury's Fire Chief and Emergency Management Director's response flatly contradicted Ms. Khan. He said in conference calls with Entergy, "It was stated clearly that the days following the storm that Duxbury could not implement its evacuation component of the plan due to the snow amounts." He also said that if he had been asked about the town's capability in the days leading up to the storm, "I would have reported that during that particular weather event I as Duxbury's EMD did not have reasonable assurance I could implement the plan during that snow event." The EMD's reply in full said:

From: "Chief Kevin M. Nord" <nord@town.duxbury.ma.us>
To: "William Maurer" <wmmaurer@comcast.net>
Cc: "Aaron Wallace" <awallace@townhall.plymouth.ma.us>
Sent: Thursday, May 28, 2015 7:57:54 AM
Subject: RE: Pilgrim: Storm Juno

Dear Mr. Maurer, In response to your two questions as listed below I have the following information.

Did MEMA and/or FEMA or anyone for that matter contact you for consultation during Juno informing you of the events unfolding at Pilgrim (precautionary powering down, then LOOP then emergency shutdown); and for an

assessment/assurance of your ability to implement Pilgrim emergency plans, including evacuation?

Entergy did inform Duxbury of the LOOP and Emergency shutdown and following that event Entergy did host conference calls daily with EMD's, these conference calls varied between one and two times a day with the culmination of preparing to repower and reviewing their assessment benchmarks for the ability of communities to meet their obligation regarding the RERP. **It was stated clearly that the days following the storm that Duxbury could not implement its evacuation component of the plan due to the snow amounts.**

Additionally, I have no recall or evidence that Entergy reached out to Duxbury in the days leading up to the storm or leading up to the emergency, as if they had I would have reported that during that particular weather event I as Duxbury's EMD did not have reasonable assurance I could implement the plan during that snow event. I hope this helps. (Emphasis added)

The statements in Ms. Khan's reports about what FEMA and MEMA did and told the NRC are flatly contradicted by Chief Nord.

- Reporting what the NRC had been told by FEMA and MEMA, Ms. Khan said, "In consultation with town emergency management agencies within the 10 mile EPZ, the State and FEMA provided the NRC a reasonable assurance finding that the State was capable of implementing their emergency plan, including evacuation."
- Chief Nord, EMD Duxbury, said that he "stated clearly that the days following the storm that Duxbury could not implement its evacuation component of the plan due to the snow amounts (and) during that particular weather event I as Duxbury's EMD did not have reasonable assurance I could implement the plan during that snow event."

In short, FEMA and MEMA failed to do what they were supposed to do. They compounded their failure by falsely telling (or at best inexcusably misleading) the NRC that despite Juno, "the State was capable of implementing their emergency plan, including evacuation."

The NRC then relied on false information given it by FEMA and MEMA, and without making any independent inquiry (or apparently even listening to the weather news or reading Boston-

areas newspapers), blithely concluded that Duxbury could be evacuated according to plan despite the storm.

The inescapable conclusion from the actual facts is that the public did not have reasonable assurance during the January 27 storm. This fact is underscored by State Senator Daniel Wolf and State Representative Sarah Peake in a June 1, 2015 letter to Undersecretary and Homeland Security and Emergency Management Director Kurt Swartz that said:

There is consensus that such evacuation plans could not be implemented during serious storm events, including even moderate snowfalls. Therefore, MEMA should direct the nuclear power station to power down and go offline during any meteorological event that makes evacuation infeasible or impossible. Obviously, any time state government institutes travel bans or travel restrictions for Southeastern Massachusetts, this should apply. In addition, should travel conditions significantly reduce speed, visibility, and road quality, this directive should be implemented. MEMA should create a clear policy as to when and how this order would be issued. Implementing this policy is not suggesting that every significant storm would create a public safety issue at Pilgrim. It is acknowledging that if any public safety issue did arise during such an event, either related to weather or coincidental, MEMA would not be able to implement the evacuation and emergency response procedures it is required to have in place. (Attachment C)

Petitioners appreciate that MEMA does not have the authority to order Pilgrim shut “during any meteorological event that makes evacuation infeasible or impossible.” NRC does have the authority and should do so. In addition, the Pilgrim Nuclear Power Station – *NRC Special Inspection Report 05000293/2015007*; and *Preliminary White Finding, May 27, 2015 Inspection Report* requires an amendment to state the fact that there was no reasonable assurance.

Neither the public nor the NRC can assume that this is the only time that FEMA and MEMA have provided false or intentionally misleading information to NRC regarding the adequacy of Pilgrim’s Radiological Emergency Plan and Procedures. Misinformation is likely to result in

NRC incorrectly determining that the radiological emergency plan and procedures provide reasonable assurance when in fact they do not.

Neither the public nor NRC now has any reason to trust the assessments of either FEMA or MEMA, or NRC decisions that rely on any information from either.

These facts lead to three conclusions:

5. Emergency plans in winter storms conditions cannot ensure adequate protective actions are in place to protect the health and safety of the public. To believe otherwise would be basing that assessment on patently false information from FEMA and MEMA. In order to provide reasonable assurance in winter storm conditions Pilgrim Station must be required via a license amendment to shutdown, as a precautionary measure. The Juno event proved conclusively that evacuation is not possible in a severe winter storm. Severe storms are not a one-time event. Winter storms are increasing in frequency and severity due to climate change; history has shown that Pilgrim's switchyard is vulnerable to failures during storms and successful corrective actions are yet to be devised.
6. The NRC must add the fact that there was no reasonable assurance to NRC's May 27, 2015 Inspection Report for the record.
7. The NRC relies on FEMA and MEMA to provide reasonable assurance that the State's plan, including the availability of evacuation routes, protects public health and safety. The information FEMA and MEMA provide to the NRC must accurately reflect reality. When, as during Juno, the NRC is given and relies on false information, the NRC cannot perform its mission and take necessary protective actions. The NRC bears the ultimate responsibility to protect the health and safety of the public.

8. There is no basis for the NRC or the public to assume that FEMA's and MEMA's false reports during Juno's storm are an isolated event. Therefore there is no basis at present for NRC's determination that Pilgrim's Radiological Emergency Plans provide adequate protective actions to protect the health and safety of the public.

IV. WHAT SHOULD BE DONE

1. The NRC should send a team to Pilgrim and itself reevaluate the adequacy of the plan and procedures, in consultation with the local emergency management directors, department heads, and public because FEMA's and MEMA's assessments have been shown to be untrustworthy.

In the early 1990's under Chairman Carr the NRC sent such a team to Pilgrim and itself reviewed the adequacy of Pilgrim's plans and procedures. Only by doing so again, as part of its "special" Pilgrim reviews and inspections, can NRC perform its duty to ensure adequate protective actions are in place to protect the health and safety of the public.

2. The NRC should investigate the failure of FEMA and MEMA to provide correct information relative to evacuation during Juno; and take all steps necessary to insure that FEMA, MEMA and Entergy recognize the importance of providing complete and accurate information, and will do so in the future.

3. The NRC should require, by agreement or amendment of its operating license, that Pilgrim make a precautionary shut down when severe weather conditions are forecast or present.

4. The NRC should amend its May 27, 2015 Inspection Report to explicitly state that during Juno there was no reasonable assurance that the State was capable of implementing their emergency plan, including evacuation.

V. CONCLUSION

According to NRC's website page on emergency preparedness, "A key component of the mission of the NRC is to ensure adequate protective actions are in place to protect the health and safety of the public. Protective actions are taken to avoid or reduce radiation dose and are sometimes referred to as protective measures."

The petitioners have shown that adequate protective measures were not in place during winter storm Juno, the May 27, 2015 NRC Inspection Report needs to be corrected to reflect that fact; FEMA and MEMA provided false information to NRC saying that adequate plans were in place; and because FEMA and MEMA showed that their assessments cannot be trusted, NRC must conduct a thorough review of Pilgrim's Radiological Emergency Plan and Procedures to ensure adequate protective measures are in place.

With one possible exception, the NRC had not granted a section 2.206 petitioner the substantive relief it sought for at least 37 years. Judge Rosenthal of the ASLB accurately said that, "where truly substantive relief is being sought (i.e., some affirmative administrative action taken with respect to the licensee or license), there should be no room for a belief on the requester's part that the pursuit of such a course is either being encouraged by Commission officialdom or has a fair chance of success."⁵ We truly hope that Judge Rosenthal will be proven wrong and this petition will be granted.

Respectfully submitted on June 11, 2015,

Mary Lampert
Pilgrim Watch, Director
148 Washington Street - Duxbury, MA 02332
Tel 781-934-0389/ Email: mary.lampert@comcast.net

⁵ Memorandum And Order (Denying Petitions For Hearing), LBP-12-14, July 10, 2012, Additional Comments of Judge Rosenthal (See NRC's EHD Docket EA-12-05-/12-51)

William Maurer
Cape Downwinders
140 Gifford Street -Falmouth, MA 02540
Tel. 508-548-6221/Email: wmmaurer@comcast.net

Diane Turco
Cape Downwinders
157 Long Road -Harwich, MA 02645
Tel 508-776-3132/Email: tturco@comcast.net

Rebecca Chin
Co-Chair Town of Duxbury Nuclear Advisory Committee
31 Deerpath Trail, North-Duxbury, MA 02332
Tel. 781-837-0009/Email: rebeccajchin@hotmail.com

ATTACHMENT A

From: "Khan, Cheryl" <Cheryl.Khan@nrc.gov>
Date: March 30, 2015 10:36:31 AM EDT
To: "Diane Turco (tturco@comcast.net)" <tturco@comcast.net>
Cc: "McKinley, Raymond" <Raymond.McKinley@nrc.gov>
Subject: FW: Pilgrim Response

Ms. Turco,

I was recently informed by NRC's IT group that you may not have received the below Email. So, I am resending it to ensure you receive our response to your original Email.

Regards,

Cheryl Khan

From: Khan, Cheryl
Sent: Thursday, March 19, 2015 4:03 PM
To: 'Diane Turco'
Cc: McKinley, Raymond
Subject: Pilgrim Response
Cape Downwinders
Pilgrim Coalition
Cape Code Bay Watch
Concerned Neighbors of Plymouth

Dear Ms. Turco:

I am responding to your February 2, 2015, emailed letter to Mr. Stephen Burns, NRC Chairman, Mr. Raymond McKinley, Branch Chief in the Region I Division of Reactor Projects and Mr. Neil Sheehan, Public Affairs Officer in Region I, requesting that Pilgrim be kept shut down based on issues discussed in your letter. This letter was sent on behalf of the four named groups above.

Your letter discussed, in part, a January 26, 2015, NRC inspection report as well as the events surrounding the January 27, 2015, Pilgrim shutdown during a severe winter storm. The NRC's decision making process for our oversight of licensee performance is in accordance with the Reactor Oversight Process (ROP) as described in NRC Inspection Manual Chapter (IMC) 0305, "Operating Reactor Assessment Program." <http://pbadupws.nrc.gov/docs/ML1419/ML14198A117.pdf> Prior to issuance of the January 26, 2015, inspection report, Pilgrim was in the Degraded Cornerstone of the IMC 0305 Action Matrix due to two White performance indicators (PIs) in the Initiating Events cornerstone. As a result, a supplemental inspection was performed in late 2014 and the results of this inspection were documented in the January 26 inspection report. The inspectors determined that, in general, Entergy's problem identification, cause evaluation, and corrective action plans for the White PIs were adequate. However, they identified deficiencies regarding Entergy's execution of corrective actions as well as Entergy's understanding of some of the causes of the issues. As a result, the inspectors determined that Entergy's actions did not provide the assurance level required to meet all the inspection objectives and the NRC assigned two parallel White PI inspection findings. In addition, two

findings of very low safety significance (Green) were identified during this inspection. The two parallel White PI inspection findings led to Pilgrim remaining in the Degraded Cornerstone of the Action Matrix as documented in the January 26 inspection report. This condition (i.e., two White inspection findings in the same cornerstone) warrants continued increased NRC oversight since licensee performance is outside the normal performance range, but still represents an acceptable level of performance. Cornerstone objectives are still met with minimal reduction in safety margin. This condition does not lead to an indicated need for the plant to remain shut down. The NRC will resume the supplemental inspection at Pilgrim when the licensee notifies the NRC of their readiness. In addition, the NRC will continue to assess the effectiveness and sustainability of the licensee's efforts to address challenges in corrective action program (CAP) implementation during the next NRC biennial problem identification and resolution inspection, scheduled for August 2015.

Your February 2, 2015, letter also discussed the January 27, 2015, plant shutdown and equipment issues experienced during the shutdown, including the partial loss of offsite power. As a result of this shutdown and related equipment issues, the NRC launched a special inspection on February 2. The event and related issues are being evaluated and the results of the NRC inspection will be made publicly available within 45 days of the inspection's completion. In accordance with the ROP, the inspection results will be factored into the NRC's assessment of Pilgrim and their position in the Action Matrix. Appropriate followup actions will be determined at that time. Please keep in mind that although equipment issues were experienced during the shutdown, the reactor was safely shut down.

Your letter also identified concerns with the licensee's decision not to shut down prior to the severe winter storm. All nuclear power plants have procedures that dictate how they have to respond to a significant storm. For example, limits on wind speed are defined in the plants' Emergency Action Levels and the Updated Final Safety Analysis Report. The plants' Technical Specifications do not contain explicit limits with respect to wind speed, but the operability of the associated systems can be impacted by external events which may require a plant shutdown. Prior to the winter storm, the licensee evaluated a number of options including a preemptive shutdown. There was potential for reduced grid reliability associated with shutting down preemptively, and there was a plant trip risk associated with operating during the storm. The licensee evaluated their options and made an informed decision. The decision to continue to operate was within the conditions of their license. We were aware of their considerations.

During a subsequent storm, in February 2015, the licensee factored in additional considerations based on lessons learned from the earlier winter storm. In this case, they voluntarily decided to shut down before the storm. It was not an action sought or required by the NRC. With that said, given the forecast intensity of this particular storm, and in light of other challenges Pilgrim has experienced during the prior severe winter storm, this planned and orderly shutdown in advance of the approaching blizzard was a prudent precautionary action.

You identified a concern with the ability to implement the emergency response plans, if needed, during the January winter storm. The NRC works in partnership with the Federal Emergency Management Agency (FEMA) for ensuring the onsite and offsite emergency plans are adequate. The regulation of onsite emergency response falls

within the NRC's purview, while the offsite oversight responsibility rests with FEMA. The Commonwealth of Massachusetts has the overall authority for making protective action decisions (sheltering, evacuation, etc.) for ensuring the safety of their public during a radiological event.

Should at any time there be a potential challenge to the offsite infrastructure within the 10 mile emergency planning zone (EPZ), whether in a radiological or natural disaster (e.g. severe weather event), the NRC relies on FEMA in agreement with the State to provide a reasonable assurance finding that the State's plan, including the availability of evacuation routes, is adequate for protecting the public health and safety.

During the recent Massachusetts snow storms, the NRC was in continuous contact with FEMA and the Massachusetts Emergency Management Agency (MEMA). In consultation with town emergency management agencies within the 10 mile EPZ, the State and FEMA provided the NRC a reasonable assurance finding that the State was capable of implementing their emergency plan, including evacuation. For additional information regarding the State's process for determining the adequacy of the EPZ, you may contact the Massachusetts Emergency Management Agency at (508) 8202000. (Emphasis added)

With respect to the Jones River Watershed Association's (JRWA) Elevation Analysis which was recently submitted to the NRC, the NRC intends to continue with the established process and not delay the licensee's submittal of the flood hazard reevaluation report for Pilgrim. The information available to the NRC indicates Entergy has been responding appropriately to the NRC's March 12, 2012, Request for Information and associated guidance regarding its flooding reanalysis. The JWRA information that was submitted to the NRC was forwarded to the technical and project management staff who will be reviewing the licensee's submittal. If the NRC staff identifies any technical inadequacies or regulatory concerns in its review of Pilgrim's submitted flood hazard reevaluation report, then the NRC will address them through appropriate regulatory processes. Also, in response to one of your questions, during the winter storm in January, there was no impact to the site from storm surge and wave action.

Lastly, with respect to your questions associated with the FLEX plan, the NRC review and evaluation of Entergy's plan is still ongoing. The questions you raised in your letter will be forwarded to the technical and project management staff who are reviewing Entergy's submittal.

Thank you for making us aware of your concerns. If you have any additional questions, please contact

Ray McKinley (Raymond.McKinley@nrc.gov)

Cheryl Khan

Cheryl Khan

Senior Project Engineer

US Nuclear Regulatory Commission

RI/DRP/TSAB

Cheryl.khan@nrc.gov 6103375244

ATTACHMENT B

[HTTP://WWW.WCVB.COM/WEATHER/STATE-OF-EMERGENCY-IN-EFFECT-TRAVEL-BAN-IMPOSED/30924606](http://www.wcvb.com/weather/state-of-emergency-in-effect-travel-ban-imposed/30924606)



VIDEO TRANSCRIPT

NOW THE GOVERNOR IS ADDRESSING THE STATE FROM FRAMINGHAM AND LET'S LISTEN IN. YESTERDAY MORNING OUR ADMINISTRATION HAS BEEN IN TOUCH WITH THE NATIONAL WEATHER SERVICE, AND THE MASS EMERGENCY AGENCY AND LOCAL OFFICIALS, THE SOMEPLACE AND WITH MEMBERS OF OUR CABINET TO PREPARE FOR THIS STORM. **BASED ON DEPENDABLE FORECASTING MODELS, THE COMMONWEALTH WILL EXPERIENCE EXTREME SNOWFALL, HURRICANE FORCE WINDS, AND BLIZZARD CONDITIONS FOR A N EXTENDED PERIOD OF TIME. WE ARE ANTICIPATING A HISTORIC TOP FIVE STORM BASED ON PROJECTED SNOWFALL.** THE STORM WILL RESULT IN WIDESPREAD POWER OUTAGES THAT MAY EXIST FOR MULTIPLE DAYS DUE TO THE HARD WIND, WHICH IN MANY CASES WILL PREVENT UTILITY CREWS FROM OPERATING. AND THE OUTAGES ARE LIKELY T O BE WORSE IN PLYMOUTH, BRISTOL, AND BARNSTABLE COUNTIES DUE TO WETTER SNOW AND THE HIGH WINDS THAT THEY EXPECT TO HAVE THERE. WITH RESPECT TO THE SNOW ITSELF, **WHITE-OUT CONDITIONS AND TREACHEROUS ROADS WILL MAKE DRIVING ANYWHERE EXTREMELY DANGEROUS STARTING AROUND MIDNIGHT TONIGHT AND EXTENDING THROUGH MOST OF TUESDAY. I REPEAT, DRIVING WILL BE VIRTUALLY IMPOSSIBLE IN MANY AREAS FOR EXTENDED PERIODS STARTING LATE TONIGHT AND THROUGH MUCH OF TOMORROW. I URGE EVERYONE EXCEPT ESSENTIAL MEDICAL EMERGENCY AND TRANSPORTATION WORKERS TO STAY OFF THE ROADS**

UNTIL THE SNOW HAS PASSED. I CAN'T [ST]RESS THIS PART ENOUGH. PLEASE STAY OFF THE ROADS. EVERYONE SHOULD EXPECT IMPASSABLE ROADS ACROSS THE STATE STARTING AT AROUND MIDNIGHT TONIGHT AND THROUGH MUCH OF TUESDAY. WE ARE ALSO PREPARING FOR MAJOR COASTAL FLOODING ALONG OUR ENTIRE COASTLINE. HIGH TIDE IS CONVENIENTLY COMING AT ABOUT 4 A.M. IN MOST PLACES, WHICH WILL BE RIGHT AT THE PEAK OF THE STORM AND THE THREAT OF COASTAL FLOODING IS VERY REAL. WE CAN SEE DAMAGE TO COASTAL ROADS AS WELL AND STRUCTURES ALONG THE COAST AND I URGE EVERYONE TO TAKE THE NECESSARY PRECAUTIONS IN LOW LYING COASTAL AREAS. SOME PLACES COULD EXPERIENCE 75 MILE AN HOUR GUSTS, OTHER PLACES 50 TO 60 MILE PER HOUR WINDS ON A SUSTAINED BASIS. THIS WILL TAKE DOWN TREES, AFFECT POWER LINES, AND MAKE DRIVING TREACHEROUS. IT'S EXTREMELY IMPORTANT THAT EVERYONE STAY OFF THE ROADS. TODAY I AM ANNOUNCING THE FOLLOWING ACTIONS AND WILL GO INTO FURTHER DETAIL ABOUT EACH INITIATIVE. WE HAVE DECLARED A STATE OF EMERGENCY EFFECTIVE IMMEDIATELY. WE WILL IMPLEMENT A STATE WIDE TRAVEL BAN EFFECTIVE TONIGHT AT MIDNIGHT. ON TUESDAY, ALL STATE OFFICES, BUT NOT ALL STATE FACILITIES WILL BE CLOSED. THE MBTA WILL OPERATE ON A NORMAL SCHEDULE FOR THE REST OF THE DAY TODAY AND ON TUESDAY WE WILL ALSO BE CLOSED. ADDITIONALLY, LL ALSO BE CLOSED. ADDITIONALLY, I'LL ADDRESS THE FOLLOWING. DEPLOYING THE NATIONAL GUARD, THE MEMA SETUP. (Emphasis added)

[MEMA spokesperson discusses travel ban during storm ...](http://www.myfoxboston.com/.../MEMA%20spokesperson%20discusses%20travel%20ban%20during%20storm)

www.myfoxboston.com/.../MEMA%20spokesperson%20discusses%20travel%20ban%20during%20storm WFXT

MEMA spokesperson discusses *travel ban* during storm.

<http://www.myfoxboston.com/clip/8342098/MEMA%20spokesperson%20discusses%20travel%20ban%20during%20storm>



ATTACHMENT C



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR DANIEL A. WOLF
Cape and Islands District

STATE HOUSE, ROOM 405
BOSTON, MA 02133-1053
TEL. (617) 722-1570
FAX (617) 722-1271
DANIEL.WOLF@MASENATE.GOV
WWW.MASENATE.GOV

Chairman
STEERING AND POLICY

Chairman
LABOR AND WORKFORCE
DEVELOPMENT

June 1, 2015

Undersecretary Kurt Schwartz
Director, Homeland Security and Emergency Management
400 Worcester Road
Framingham, MA 01701-5399

Dear Undersecretary Schwartz,

Please accept our thanks for a thoughtful and constructive meeting regarding emergency planning as it relates to the Pilgrim Nuclear Power Station in Plymouth (May 20, 2015, 100 Cambridge Street).

Among the important topics raised, we note your comment that further examination of the Commonwealth's policies, oversight and guidance during serious storm events in the Plymouth area is merited. With that excellent thought in mind, we would like to offer the following:

The Massachusetts Emergency Management Agency's crucial responsibility is to create and execute emergency plans, including evacuation, in the event of a crisis at Pilgrim.

There is consensus that such evacuation plans could not be implemented during serious storm events, including even moderate snowfalls.

Therefore, MEMA should direct the nuclear power station to power down and go offline during any meteorological event that makes evacuation infeasible or impossible.

Obviously, any time state government institutes travel bans or travel restrictions for Southeastern Massachusetts, this should apply.

In addition, should travel conditions significantly reduce speed, visibility, and road quality, this directive should be implemented.

MEMA should create a clear policy as to when and how this order would be issued.

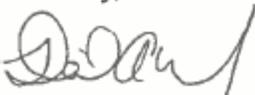
Implementing this policy is not suggesting that every significant storm would create a public safety issue at Pilgrim. It is acknowledging that if any public safety issue did arise during such an event, either related to weather or coincidental, MEMA would not be able to implement the evacuation and emergency response procedures it is required to have in place.

This directive also would not eliminate dangers posed by the spent fuel pool, should there be a malfunction at the plant. But it would assure that the reactor itself is in the most stable condition possible, which is a significant safety benefit.

MEMA has the authority and jurisdiction to implement this policy, given the Commonwealth's right and obligation to protect the safety of its residents. While the Nuclear Regulatory Commission has guidelines already in place to power down nuclear power plants in certain weather conditions, we believe these guidelines should be supplemented by state standards given our unique geographic situation and other unusual conditions relative to Pilgrim.

Thank you for your response at the earliest convenience.

Sincerely,



State Senator Daniel A. Wolf
Cape and Islands District



State Representative Sarah Peake
Fourth Barnstable District

CC:

Daniel Sieger, Assistant Secretary for the Environment
Massachusetts Executive Office of Energy and Environmental Affairs
100 Cambridge St. Suite 900
Boston, MA 02114

C. Stolle Singleton, Director of Legislative Affairs
Massachusetts Executive Office of Energy and Environmental Affairs
100 Cambridge St. Suite 900
Boston, MA 02114