



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

February 11, 2016

Mr. David A. Lochbaum
Union of Concerned Scientists
P.O. Box 15316
Chattanooga, TN 37415
dlochbaum@ucsusa.org

Dear Mr. Lochbaum:

This letter is in reference to your petition submitted pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) on behalf of the Union of Concerned Scientists (UCS) and seven co-petitioners on June 24, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16029A407). In your petition, you requested that the U.S. Nuclear Regulatory Commission (NRC) take enforcement action in relation to the Pilgrim Nuclear Power Station (Pilgrim). Specifically, you requested that the NRC "take enforcement action to require that the current licensing basis for the Pilgrim Nuclear Power Station (PNPS) in Plymouth, Massachusetts, explicitly includes flooding caused by local intense precipitation/probable maximum precipitation events."

Your petition referred to a letter from Entergy Nuclear Operations, Inc. (Entergy, the licensee) to the NRC dated March 12, 2015 (ADAMS Accession No. ML15075A082), which contains Pilgrim's flood reevaluation report (FRR). The FRR is in response to the NRC's letter dated March 12, 2012, "Request for Information Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.54(f) Regarding Recommendations 2.1, 2.3, and 9.3, of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident" (ADAMS Accession No. ML12073A348), to satisfy one of the NRC's post-Fukushima mandates.

In the basis for your request, you state that Pilgrim's FRR indicates that "the site could experience flood levels from these causes nearly ten feet higher than anticipated when the Atomic Energy Commission originally licensed it. The good news is that doors already installed at the site protect important equipment from being submerged and damaged. The bad news is that neither regulatory requirements nor enforceable commitments exist that ensure the continued reliability of these flood protection features. The petitioners seek to rectify this safety shortcoming by revising the current licensing basis to include flooding caused by heavy rainfall events."

Also, you indicate that the licensee used the NRC-endorsed criteria published by the National Oceanic and Atmospheric Administration, National Weather Service during its individual plant examination of external events and, more recently, in its flood hazard reevaluation. You state that "this petition seeks to apply state-of-the-art safety precautions adopted by the NRC more than two decades ago for nuclear power reactors in the United States to the Pilgrim nuclear reactor in Massachusetts recently relicensed by the NRC to operate for two more decades."

The NRC established a Petition Review Board (PRB) to review your petition. In accordance with NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," on August 5, 2015, in a public teleconference (transcript in ADAMS Accession No. ML15230A017),

you had the opportunity to address the PRB in which you and your co-petitioners presented additional clarification and some supplementary issues.

The PRB met on September 8, 2015, to discuss your petition with respect to the criteria for consideration under 10 CFR 2.206. Based upon that review, the PRB determined that the petition request meets the criteria for consideration under 10 CFR 2.206. In addition, the PRB determined that two supplementary issues raised by you in the August 5, 2015, teleconference do not meet the criteria for consideration under 10 CFR 2.206. These two supplemental issues are summarized below.

- (1) You raised a concern regarding the impact of precipitation events on safety-related submerged cables. This concern was reviewed and resolved by the NRC in a prior 10 CFR 2.206 Director's Decision (ADAMS Accession No. ML13255A191) issued in 2013. Because this issue was already reviewed, evaluated, and resolved by the NRC staff, it does not meet the criteria for consideration under 10 CFR 2.206 in accordance with criterion 2 of MD 8.11.
- (2) You requested the updated site plan for Pilgrim. This request is outside of the scope of the 2.206 process as it does not request enforcement related action. However, separately from the 2.206 process, the NRC staff will conduct a review to determine if the updated site plan for Pilgrim can be made publicly available. The NRC staff will communicate the results of this review to you.

The issues raised in your petition are the subject of NRC staff review and evaluation as part of the NRC's response to the Fukushima Dai-ichi accident. The NRC staff is reviewing Pilgrim's FRR submitted by Entergy on March 12, 2015. Specifically, the issue is being addressed by a 10 CFR 50.54(f) letter, dated March 12, 2012, the Staff Requirements Memorandum to COMSECY-15-0019, "Closure Plan for the Reevaluation of Flooding Hazards for Operating Nuclear Power Plants," (ADAMS Accession No. ML15153A104), dated June 30, 2015, and associated NRC reviews and actions, related to postulated beyond-design-basis events. Therefore, the PRB's recommendation is to accept for review, and hold the part of the petition that requests the NRC take enforcement action against Pilgrim to require that the current licensing basis for Pilgrim include flooding caused by local intense precipitation/probable maximum precipitation events, until a resolution of the ongoing reviews is achieved.

On November 16, 2015, the petition manager informed you of the PRB's initial recommendation and, per MD 8.11, offered you another opportunity to address the PRB, if you had additional information for the PRB to consider. On December 14, 2015, you declined the opportunity to again address the PRB. Therefore, your petition is partially granted as discussed above and is being reviewed within the NRC.

I would like to express my appreciation to UCS for bringing these concerns to the NRC. I have assigned Ms. Booma Venkataraman, a project manager in the Office of Nuclear Reactor Regulation (NRR), as your petition manager. You may direct any questions you have concerning the petition process or the status of your petition to Ms. Venkataraman by phone at 301-415-2934 or by e-mail to Booma.Venkataraman@nrc.gov.

D. Lochbaum

- 3 -

I have enclosed a copy of the notice that the NRC will publish in the *Federal Register*. Also, MD 8.11 and NUREG/BR 0200, "Public Petition Process," can be found in ADAMS under Accession Nos. ML041770328 and ML050900248, respectively. If you need hard copies of these documents, please contact Ms. Venkataraman.

Sincerely,

A handwritten signature in black ink, appearing to read 'W M Dean', with a long horizontal flourish extending to the right.

William M. Dean, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

cc w/o encl: ListServ
Murray Williams, Entergy Nuclear Operations, Inc.

ENCLOSURE 1

Federal Register Notice

ADAMS Accession No. ML15356A744

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293; NRC-2015-XXXX]

Entergy Nuclear Operations, Inc.

Pilgrim Nuclear Power Station

AGENCY: Nuclear Regulatory Commission.

ACTION: 10 CFR 2.206 request; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is giving notice that by petition dated June 24, 2015, as supplemented, David Lochbaum of the Union of Concerned Scientists and others (the petitioners) requested that the NRC take action with regard to the Pilgrim Nuclear Power Station (Pilgrim). The petitioner's requests are included in the SUPPLEMENTARY INFORMATION section of this document.

ADDRESSES: Please refer to Docket ID <INSERT: NRC-2015-XXXX> when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID <INSERT: NRC-2015-XXXX>. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public

Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC’s PDR:** You may examine and purchase copies of public documents at the NRC’s PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

On June 24, 2015, the petitioners requested that the NRC take enforcement action with regard to Pilgrim concerning the current licensing basis on flooding (ADAMS Accession No. ML16029A407). The petitioners requested that the NRC take enforcement action to require that the current licensing basis for Pilgrim explicitly include flooding caused by local intense precipitation or probable maximum precipitation events.

As the basis for this request, the petitioners referred to Pilgrim’s flood reevaluation report provided by Entergy Nuclear Operations, Inc. (Entergy, the licensee) to the NRC in a letter dated March 12, 2015 (ADAMS Accession No. ML15075A082). The petitioners state that Pilgrim’s reevaluations indicate that the site could experience flood levels from heavy rainfall events nearly ten feet higher than anticipated when the plant was originally licensed. Although existing doors protect important equipment from being submerged and damaged, the petitioners assert that neither regulatory requirements nor enforceable commitments exist that ensure the continued reliability of flood protection features that are currently installed at the site to protect important equipment from being submerged and damaged. The petition states in relevant part

“the petitioners seek to rectify safety shortcoming by revising the current licensing basis to include flooding caused by heavy rainfall events.”

The request is being treated pursuant to Section 2.206 of title 10 of the *Code of Federal Regulations* (10 CFR) of the NRC's regulations. A conference call was held between the petitioner and the Petition Review Board (PRB) on August 5, 2015, to discuss the petition; the transcript of that teleconference is an additional supplement to the petition (ADAMS Accession No. ML15230A017). The PRB has reviewed the petition, and its supplement, and referred the request to the Director of the Office of Nuclear Reactor Regulation. The Director partially granted for review the petitioners' concerns that the current licensing basis be revised to include specific beyond-design-basis flood events at Pilgrim. The parts of the petitioners' concerns not granted for review are the impact of precipitation events on safety-related submerged cables as this was previously reviewed and resolved in a prior 10 CFR 2.206 Director's Decision (ADAMS Accession No. ML13255A191), and the request for an updated site plan of Pilgrim, because this request is outside of the scope of the 10 CFR 2.206 process. The NRC staff will hold the petition until a resolution of ongoing reviews associated with the subject of the petitioners' concerns is achieved.

Dated at Rockville, Maryland, this 11th day of February 2016.

For the Nuclear Regulatory Commission.

A handwritten signature in black ink, appearing to read 'W. M. Dean', with a long horizontal flourish extending to the right.

William M. Dean, Director,
Office of Nuclear Reactor Regulation.

D. Lochbaum

- 3 -

I have enclosed a copy of the notice that the NRC will publish in the *Federal Register*. Also, MD 8.11 and NUREG/BR 0200, "Public Petition Process," can be found in ADAMS under Accession Nos. ML041770328 and ML050900248, respectively. If you need hard copies of these documents, please contact Ms. Venkataraman.

Sincerely,

/RA/

William M. Dean, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

cc w/o encl: ListServ
Murray Williams, Entergy Nuclear Operations, Inc.

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ADAMS Accession Nos.: PKG: ML15356A763
FRN: ML15356A744

LTR: ML15356A735

***via e-mail**

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