

From: Guzman, Richard
Sent: Thursday, March 31, 2016 4:08 PM
To: Mary Lampert (mary.lampert@comcast.net)
Subject: 2.206 Petition - Pilgrim Emergency Planning

Ms. Lampert,

As the assigned Petition Manager for the subject 10 CFR 2.206 petition you submitted to the NRC on June 11, 2015, as supplemented on July 13, 2015, I'm informing you of the staff's initial recommendation on your petition. The Petition Review Board (PRB) has determined that your petition meets the criteria for rejection under 10 CFR 10 CFR 2.206. The NRC staff's guidance for the disposition of 2.206 petition requests is in [Management Directive 8.11](#), which is publicly available. Specifically, the staff's initial recommendation to reject your petition is based on the determination that either (1) your petition requests are non-enforcement-related actions and therefore outside the scope of the 2.206 process or (2) your petition raises issues that have already been subject of NRC staff review for which resolution has been achieved. For more detail, please see summary below.

In accordance with the NRC Management Directive 8.11, before the NRC's issuance of its forthcoming letter responding to your petition, you may request to comment on the PRB's initial recommendation, either in person at the NRC Headquarters in Rockville, MD, or by telephone conference. It is your opportunity to provide any relevant additional explanation and support for your petition, in light of the PRB's recommendation.

I would appreciate if you could advise me by noon on Thursday, April 7, 2016, if you would like to provide comment on the PRBs recommendation. If you would like to meet in person, I will need to schedule a formal public meeting at the NRC Headquarters. If you would prefer to address the PRB via phone, I will also work with you to coordinate a mutually agreeable date/time for the call.

Thank you,

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Rich Guzman  
Sr. PM, Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Office: O-8E10 | Phone: 301-415-1030

#### Summary of Petitioner Request:

Petitioners representing Pilgrim Watch, Cape Downwinders, and Town of Duxbury Nuclear Advisory Committee, hereafter referred as "the Petitioner" request NRC to institute a proceeding to modify, suspend or take any other action as may be proper to the operating license of Pilgrim Nuclear Power Station (Pilgrim) 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. The petitioner requested that the NRC evaluate the adequacy of Pilgrim's Radiological Emergency Plan and Procedures due to alleged deficiencies in the reasonable assurance

assessments made by Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA). The petitioner is also concerned with Pilgrim switchyard vulnerability to flashovers, requesting that the NRC require Pilgrim to shut down as a precautionary measure when severe weather conditions are forecasted.

#### Petitioner's Basis for the Request:

The petitioner asserts that the information in the NRC's March 30, 2015, response to the Cape Downwinders (Region I Cheryl Khan email responding on behalf of an incoming request to Chairman Burns) is contrary to the statements from the Duxbury, MA emergency management director regarding the state's ability to implement evacuation and emergency plans. The petitioner states that the difference in response "shows that FEMA and 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. The petitioner also contends 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 because (1) a state-wide travel ban was in effect, and (2) MA Governor Charlie Baker declared a state emergency including a travel ban in a televised announcement at the MEMA HQ in Framingham, MA. The petitioner also state that in order to provide reasonable assurance in winter storm conditions, Pilgrim must be required (via a license amendment) to shutdown, as a precautionary measure. The petitioner state that the Juno winter storm event proved conclusively that evacuation is not possible in a severe winter storm; the petitioner also assert that history has shown that Pilgrim's switchyard is vulnerable to failures during storms and successful corrective actions have yet to be devised.

Specifically, the Petitioner requested the following (four) NRC actions:

1. The NRC should send a team to Pilgrim and 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. The petitioner states that further re-evaluation/special inspection is necessary for the NRC to perform its duty of ensuring 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 forecasted or present. The petitioner expresses concern of Pilgrim's switchyard susceptibility to flashovers due to severe storms which could result in a loss of offsite power. Petitioner believes that reasonable assurance has not been demonstrated by the licensee's design changes to resolve the switchyard flashover issues.
4. Petitioner requests NRC to amend its May 27, 2015, Inspection Report to explicitly state that during winter storm Juno, there was no reasonable assurance that the State was capable of implementing their emergency plan, including evacuation.

#### Summary of Petition Review Board Determination

Regarding Items 1 and 2 above, the PRB determined that these are not enforcement-related actions and are outside the scope of the 2.206 process. Allegations of wrongdoing on the part of other agencies should be addressed with the Inspectors' General (or similar) of the respective agency. Therefore, these requests should be rejected, pursuant to Criterion 1 for rejecting a petition under 10 CFR 2.206.

Regarding Item 3 above, this matter has already been the subject of NRC staff review for which a resolution has been achieved. Petitions are not accepted unless they present significant new information. The PRB determined that no significant new information has been submitted in the petition, nor the supplement; therefore, this request should be rejected. Specifically, the requested actions and specific issues raised concerning Pilgrim switchyard vulnerabilities were previously submitted via general correspondence to the NRC in letters dated February 2, 2015 and June 24, 2015 (e-mail). The PRB determined that the issues have been resolved and communicated in NRC/Region I response on March 9, 2015 (ML15079A059) and August 4, 2015 (ML15217A270). Additionally, as stated in NRC inspection report dated February 11, 2016 (ML16042A327), Region I performed an in-depth review of Entergy's interim corrective actions and concluded that the licensee's actions are reasonable to address severe storm vulnerabilities. Therefore, these requests should be rejected, pursuant to Criterion 2 for rejecting a petition under 10 CFR 2.206.

Regarding Item 4 above, this matter is not an enforcement-related action and is not appropriately addressed under the 2.206 process. Further, the NRC has no basis upon which to revise conclusions documented in the noted inspection report. Therefore, these requests should be rejected, pursuant to Criterion 1 for rejecting a petition under 10 CFR 2.206.