



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

June 16, 2016

Ms. Mary Lampert
Pilgrim Watch, Director
148 Washington Street
Duxbury, MA 02332

Dear Ms. Lampert:

In an e-mail dated June 11, 2015,¹ addressed to the Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC), you submitted a petition on behalf of Pilgrim Watch, Cape Downwinders, and the Town of Duxbury Nuclear Advisory Committee under Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206, "Requests for action under this subpart." The Executive Director for Operations assigned your petition to a petition review board within the Office of Nuclear Reactor Regulation for action. In an e-mail dated July 13, 2015,² you submitted a supplement to your petition to support your petition request.

In your petition, you requested the 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 could provide reasonable assurance that adequate protective measures could and would be taken in the event of a radiological emergency at Pilgrim. Specifically, you requested the following four actions:

1. The NRC should send a team to Pilgrim to re-evaluate the adequacy of the Radiological Emergency Response plan and procedures, in consultation with the local emergency management directors, department heads, and the public, because the Federal Emergency Management Agency (FEMA) and the Massachusetts Emergency Management Agency (MEMA) assessments have been shown to be untrustworthy. You state that further re-evaluation or special inspection is necessary for the NRC to perform its duty of ensuring that adequate measures 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 capability during the January 2015 winter storm Juno, and take all steps necessary to ensure that FEMA, MEMA, and Entergy Nuclear Operations, Inc. (Entergy, the licensee) 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 shutdown when severe weather conditions are forecasted or present at the site. You express concern about Pilgrim's switchyard susceptibility to flashovers because of severe storms that could result in a loss of offsite power.

¹ Your petition is available from the NRC's Agencywide Documents Access and Management System (ADAMS) in the public Electronic Reading Room on the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession No. ML15162A883.

² Supplement No. 1 to 2.206 Petition (ADAMS Accession No. ML15197A487).

You also state that the licensee's design changes to resolve the switchyard flashover issues have not demonstrated reasonable assurance.

4. The NRC should amend its May 27, 2015, inspection report³ to explicitly state that during winter storm Juno, there was no reasonable assurance that the State was capable of implementing its emergency plan, including evacuation.

As the basis for this request, you assert that the information in the NRC's March 19, 2015, response to Cape Downwinders⁴ is contrary to the statements made by the Duxbury, Massachusetts Emergency Management Director regarding the State's ability to implement evacuation and emergency plans. You state 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." You also contend that there was no such direct consultation to determine the town's readiness, and that MEMA knew the State was not capable of implementing its emergency plan because of the following:

1. A Statewide travel ban was in effect.
2. The Governor of Massachusetts, Charlie Baker, declared a State emergency—including a travel ban—in a televised announcement at the MEMA headquarters in Framingham, MA.

You also assert that to provide reasonable assurance in winter storm conditions, Pilgrim must be required to shut down, as a precautionary measure, and that the Juno winter storm event proved conclusively that evacuation is not possible in a severe winter storm. Finally, you state that history has shown Pilgrim's switchyard is vulnerable to failures during storms, and successful corrective actions have yet to be devised.

On July 9, 2015, you provided further explanation and support for your petition during a telephone conference call with the petition review board. A transcript of that conference call, which supplements your petition, is publicly available at ADAMS Accession No. ML15208A587.

On September 10 and December 9, 2015, the petition review board met internally to discuss your petition and make its initial recommendation in accordance with NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," (ADAMS Accession No. ML041770328).

Regarding your requested action items 1 and 2 above, the petition review board determined that these are not enforcement-related actions and are outside the scope of the 2.206 process. Specifically, these requests meet Criterion 1 of NRC MD 8.11 for rejecting a petition under 10 CFR 2.206, which states, "the incoming correspondence does not ask for an enforcement-related action...but simply alleges wrongdoing, violations of NRC regulations, or existence of concerns." Allegations of wrongdoing on the part of other agencies may be addressed with the respective agency's Inspectors General (or equivalent). Additionally, the petition review board

³ NRC Special Inspection Report 05000293/2015007 (ADAMS Accession No. ML15147A412).

⁴ Region I Cheryl Khan March 19, 2015, e-mail response (ADAMS Accession No. ML15079A100) to Cape Downwinders Diane Turco, e-mail dated February 2, 2015 (ADAMS Accession No. ML15034A443).

noted that there is a formal process established by FEMA for evaluation of adequacy of offsite radiological emergency preparedness (REP) plans and programs. This process is outlined in FEMA's REP Program standard operating guide (SOG) titled, "Assessment of Offsite Emergency Preparedness Infrastructure and Capabilities Following a Disaster at a Nuclear Regulatory Commission Licensed-Commercial Nuclear Power Plant."⁵ This formal process is used by FEMA to determine the capability of offsite emergency response infrastructure and capabilities to effectively implement approved emergency plans following electric grid blackouts, malevolent acts, Government shutdowns, pandemics, or natural disasters in the vicinity of commercial nuclear power plants (NPPs).

For more information on the demonstration criteria used by FEMA to evaluate the ability of offsite response organizations (OROs) to implement their radiological emergency response plans, see FEMA REP Program Manual, dated January 2016.⁶

Regarding requested action item 3 above, the petition review board determined that this matter has already been the subject of NRC staff review for which a resolution has been achieved. The petition review board further determined that no significant new information has been submitted in the petition, nor the supplement and, therefore, this request should be rejected in accordance with Criterion 2 of NRC MD 8.11 for rejecting a petition under 10 CFR 2.206. Specifically, the requested actions and issues raised concerning Pilgrim switchyard vulnerabilities were previously submitted via general correspondence to the NRC in letters dated February 2 and June 24, 2015.⁷ The petition review board determined that the issues raised in your petition have been resolved and communicated via NRC responses dated March 19 and August 4, 2015 (ADAMS Accession Nos. ML15079A059 and ML15217A270, respectively), and by NRC inspection report dated February 11, 2016.⁸ As documented in the NRC Integrated Inspection Report 05000293/2015004, the NRC completed an in-depth review of Entergy's interim corrective actions and concluded that the licensee's actions are reasonable to address severe storm vulnerabilities.

Regarding Item 4 above, the petitioner review board determined that this matter is not an enforcement-related action and therefore, is not appropriately addressed under the 2.206 process. Specifically, this request meets Criterion 1 of NRC MD 8.11 for rejecting a petition under 10 CFR 2.206. Furthermore, the NRC has no basis upon which to revise conclusions documented in the noted inspection report.

The petition review board is aware that on January 27, 2015, FEMA Region I coordinated discussions with Entergy and MEMA (in accordance with the FEMA's SOG) to obtain a prompt assessment of the capability of Pilgrim's offsite emergency response infrastructure and capabilities to effectively implement approved emergency plans. It is common practice for FEMA to initiate these discussions immediately following significant weather events, such as a severe winter storm in the vicinity of a commercial NPP. On January 28 and 29, 2015,

⁵ FEMA REP Program SOG can be accessed from the FEMA Resource and Document Library at https://www.fema.gov/media-library-data/1458133568487-20e9b11d87c31c9afcb4bcdb0914dc02/FEMA REP_Disaster_Initiated_Review_SOG_2013b.pdf

⁶ FEMA Program Manual P-1028 can be accessed at http://www.fema.gov/media-library-data/1452711021573a9b920f4f7ac34ea9f32738f51982afe/DHS_FEMA REP_Program_Manual_Jan2016_Secure.pdf

⁷ ADAMS Accession Nos. ML15034A443 and ML15176A317, respectively.

⁸ NRC Integrated Inspection Report 05000293/2015004 (ADAMS Accession No. ML16042A327)

conference calls were held in which the NRC Region I State Liaison Officer participated in extensive discussions between MEMA and FEMA Region I staff regarding the ability to implement effective offsite protective measures based on the impacts of the January winter storm Juno. These discussions included the adequacy of evacuation routes, should they be needed, over a "shelter-in-place" protective action decision. NRC Region I staff also noted that it was not until three days after the storm, on January 29, 2015, during the daily assessment call, that MEMA was able to provide to FEMA the State's final assessment that there were no challenges to implementing offsite emergency plans. MEMA gathered this information over the course of three days from multiple sources, including local emergency management agencies, and State and local police within the Pilgrim's 10-mile emergency planning zone. Both FEMA and Entergy confirmed that they also received similar information from their own outreach to their local emergency management contacts. As such, on January 29, 2015, FEMA provided its reasonable assurance determination on the adequacy of the emergency response infrastructure. Subsequently, the NRC notified Entergy that there were no offsite infrastructure challenges that would impede a plant restart.

As documented in NRC Integrated Inspection Report 05000293/2015004, in December 2015 the NRC completed its review of Entergy's interim corrective actions, and concluded that the licensee's actions were reasonable to address severe storm vulnerabilities. The NRC inspectors also reviewed station procedures, including Entergy's seasonal weather preparation procedure and applicable operating procedures. To mitigate the potential for a repeat of previous winter storm events at Pilgrim, Entergy revised its procedures in order to direct operators to place the plant in a safe condition given certain impending weather conditions. The revisions direct operators to take action based on criteria that include information provided by National Weather Service forecasts and the plant's meteorological monitoring towers. The criteria includes winter storm and blizzard watches and warnings, forecasted and actual sustained wind speed and direction, and forecasted and actual snowfall rates. The actions directed by the procedure in the most severe cases can include plant shutdown and cooldown. Other actions include plant walkdowns, pre-emptive power reductions, topping off emergency diesel generator fuel tanks, manually starting and loading emergency diesel generators, and staging additional personnel and emergency response equipment. The NRC staff has reviewed the criteria for action now defined by the procedure and the actions directed by the procedure. The NRC compared these changes to the causes of previous winter storm events at Pilgrim and concluded that the completed changes adequately addressed the concerns identified because of these previous events.

On March 31, 2016, the petition manager informed you of the petition review board's initial recommendation and provided you with the basis for the petition review board's findings (ADAMS Accession No. ML16091A487).

On April 2, 2016, you requested a second opportunity to address the petition review board through a teleconference.

On April 20, 2016, you provided further explanation and support for your petition during a telephone conference call with the petition review board. The transcript of that conference call, which supplements your petition, is publicly available at ADAMS Accession No. ML16119A509.

M. Lampert

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The petition review board met on April 20, 2016, to evaluate the information presented during the second telephone conference call, and determined that you did not provide any significant new information to modify the board's initial recommendation. Therefore, in accordance with the criteria described in NRC MD 8.11, the petition review board has rejected your petition for review under 10 CFR 2.206 on the basis that either:

- (1) Your petition requests are non-enforcement related actions and outside the scope of the 2.206 process, or
- (2) Your petition raises issues that have already been the subject of NRC staff review, for which resolution has been achieved.

Thank you for your interest in these matters.

Sincerely,



Scott Morris, Director
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: Distribution via Listserv

The petition review board met on April 20, 2016, to evaluate the information presented during the second telephone conference call, and determined that you did not provide any significant new information to modify its initial recommendation. Therefore, in accordance with the criteria described in NRC MD 8.11, the petition review board has rejected your petition for review under 10 CFR 2.206 on the basis that either:

- (1) Your petition requests are non-enforcement related actions and outside the scope of the 2.206 process, or
- (2) Your petition raises issues that have already been the subject of NRC staff review, for which resolution has been achieved.

Thank you for your interest in these matters.

Sincerely,

/RA/

Scott Morris, Director
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: Distribution via Listserv

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Package: ML16144A001

Incoming: ML15162A883 (June 11, 2015); ML15197A487 (July 13, 2015)

Transcripts: ML15208A587 (July 9, 2015); ML16119A509 (April 20, 2016)

Response: ML16144A000

*Concurrence via email

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