From: Mary Lampert [mailto:mary.lampert@comcast.net]
Sent: Sunday, January 22, 2017 4:26 PM
To: Venkataraman, Booma <Booma.Venkataraman@nrc.gov>; Koenick, Stephen <Stephen.Koenick@nrc.gov>; Dean, Bill <Bill.Dean@nrc.gov>; daniel.dorman@nrc.gov; Burritt, Arthur <Arthur.Burritt@nrc.gov>; Cline, Leonard <Leonard.Cline@nrc.gov>
Cc: Michal Freedhoff <michal_freedhoff@markey.senate.gov>; Dave Lochbaum <dlochbaum@ucsusa.org>; Donna Gilmore <dgilmore@cox.net>
Subject: [External_Sender] Pilgrim Watch response to Stephen Koenick January 7 reply to our October 27, 2016 email regarding liability and Holtec guarantees at Pilgrim Nuclear Power Station.

Pilgrim Watch response to Stephen Koenick January 7 reply to our October 27, 2016 email regarding liability and Holtec guarantees at Pilgrim Nuclear Power Station.
We respectfully ask NRC to answer our original questions.

Thank you

Booma Venkataraman
Stephen S. Koenick
William Dean
Daniel Dorman
Arthur Burritt
Leonard Cline
Via Email
January 22, 2017

Hello:

On January 7, 2017, Stephen Koenick responded to our October 27, 2016 email to William Dean, Daniel Dorman and Arthur Burritt regarding liability and Holtec guarantees at Pilgrim Nuclear Power Station. The January 7 reply talked a lot about NRC's safety mission but failed to respond to our specific questions. The original email is attached, along with your response. For convenience, the key questions are listed below; and, we will appreciate specific answers to these questions. The liability questions pertain to both onsite and offsite damage.

Again, we appreciate that the agreements between Entergy and Holtec could be proprietary but NRC would be privy to the substance of those agreements for NRC to satisfy its mission to protect public safety, property values and the environment if something goes wrong. If NRC does not have authority to be privy to the substance of those agreements or to the agreements themselves, please provide citations to regulation. Also, please explain how absent NRC's understanding of those agreements how NRC can satisfy its mission to protect public safety, property values and the environment if something goes wrong.

Questions-Liability[1]

1. If something goes wrong with any Holtec component, such as a leak, what company will be liable and responsible for any resulting damage, particularly but not exclusively offsite - Holtec or an Entergy company such as Entergy Nuclear Operations?
2. What do agreements between Entergy and Holtec say about responsibility/liability. Are there limits? If so, what if the damage exceeds the limits?
3. If there is contamination either on or offsite, what (if anything) does Price Anderson insurance cover? We add that each cask contains about one-half the Cs-137 that was released during the Chernobyl accident. There will be about 60 casks onsite at Pilgrim when the spent fuel pool is emptied standing above ground, vertically on a pad..

If Holtec is liable:

4. Are different Holtec companies/divisions responsible for each of the three primary components- MPC-68, HI-TRAC 100 D, and HI-STORM 100S; or is a single Holtec company/division responsible for any damage resulting from all three components?
5. What is the name, and location, of each specific Holtec company division that is responsible for any damage for each of the three components?
   a. MPC-68
   b. HI-TRAC 100 D, and
   c. HI-STORM 100S

[1] http://www.holtecinternational.com/company/corporate-overview/corporate-organization-structure/
http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=4272763

6. If one Holtec company/division holds the responsibility/liability for all three, is that Holtec company/division a limited liability company? If so, is any other entity (Holtec or Entergy) secondarily responsible?
7. If separate Holtec companies hold the responsibility/liability, are they limited liability companies? If so, is any other entity (Holtec or Entergy) secondarily responsible?
    a. MPC-68
    b. HI-TRAC 100 D, and
    c. HI-STORM 100S

If Entergy – Same questions as 4-7

Questions Guarantees

How long does Holtec guarantee the following?

a. MPC-68
b. HI-TRAC 100 D
c. HI-STORM 100S

Once the guarantee expires who is responsible until DOE takes title- once the casks leave the site?

Thank you and we look forward to your response.

Respectfully,

Mary Lampert
Pilgrim Watch, director
148 Washington Street, Duxbury, MA 02332
Tel. 781.934.0389

ATTACHMENTS

Pilgrim Watch to NRC- October 27, 2016

William Dean
Daniel Dorman
Arthur Burritt
NRC
Via Email
October 27, 2016

RE: Liability & Holtec Guarantees

We understand that Entergy is using Holtec Hi-Storm 100, Version B, MPC-68 casks for long-term storage of its spent nuclear fuel. There are now three (3) casks in Pilgrim's on-site Independent Spent Fuel Storage Facility. There likely will be eight (8) after Pilgrim's Spring 2017 refueling. Eventually there will be nearly sixty (60)

Each cask has three primary components:

- MPC-68 - a metal canister that has a storage capacity of 68 BWR spent fuel assemblies,
- HI-TRAC 100 D - The HI-TRAC (transfer cask) is a metal transfer cask that provides a means to lift and handle the canister as well as providing radiological shielding of the spent fuel assemblies.
- HI-STORM 100-S (Version B storage overpack) - a steel-encased concrete cylinder that slides over the transfer cask and provides physical protection and radiological shielding for spent fuel assemblies in the metal canister.

We have questions regarding liability if something goes wrong with any Holtec component, such as a leak, what company will be liable and responsible for any resulting damage, particularly offsite - Holtec or an Entergy company such as Entergy Nuclear Operations. We also appreciate that the agreements between Entergy and Holtec would be proprietary but certainly NRC would be privy to the substance of those agreements for NRC to satisfy its mission to protect public safety, property and the environment if something goes wrong

Questions-Liability[2]

8. If something goes wrong with any Holtec component, such as a leak, what company will be liable and responsible for any resulting damage, particularly offsite - Holtec or an Entergy company such as Entergy Nuclear Operations?
9. What do agreements between Entergy and Holtec say about responsibility/liability. Are there limits? If so, what if the damage exceeds the limits?

[2] http://www.holtecinternational.com/company/corporate-overview/corporate-organization-structure/
http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=4272763

10. If there is contamination either on or offsite, what (if anything) does Price Anderson insurance cover?

If Holtec is liable:

11. Are different Holtec companies/divisions responsible for each of the three primary components- MPC-68, HI-TRAC 100 D, and HI-STORM 100S; or is a single Holtec company/division responsible for any damage resulting from all three components?
12. What is the name, and location, of each specific Holtec company division that is responsible for any damage for each of the three components?
    d. MPC-68
    e. HI-TRAC 100 D, and
    f. HI-STORM 100S
13. If one Holtec company/division holds the responsibility/liability for all three, is that Holtec company/division a limited liability company? If so, is any other entity (Holtec or Entergy) secondarily responsible?
14. If separate Holtec companies/divisons hold the responsibility/liability, are they limited liability companies? If so, is any other entity (Holtec or Entergy) secondarily responsible?
    d. MPC-68
    e. HI-TRAC 100 D, and
    f. HI-STORM 100S

If Entergy – Same questions as 4-7

Questions Guarantees

How long does Holtec guarantee the following?

d. MPC-68
e. HI-TRAC 100 D
f. HI-STORM 100S

Once the guarantee expires who is responsible until DOE takes title- once the casks leave the site?

Thank you and we look forward to your response.

Respectfully,

Mary Lampert
Pilgrim Watch, director
148 Washington Street, Duxbury, MA 02332
Tel. 781.934.0389

NRC Response-January 17, 2016

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

January 17, 2017

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

Dear Ms. Lampert:

I am responding to your e-mail dated October 27, 2016,[1] to the U.S. Nuclear Regulatory Commission (NRC), regarding the Pilgrim Nuclear Power Station (Pilgrim). Specifically, your e-mail communicated questions regarding Pilgrim's onsite independent spent fuel storage cask liability and guarantees. You also raised questions regarding the liability agreements between Entergy Nuclear Generation Company (the licensee) and Holtec International (the vendor).

The NRC's requirements for independent spent fuel storage installations (ISFSIs) are primarily found in Title 10 of the *Code of Federal Regulations* Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High Level Radioactive Waste, and Reactor-Related Greater than Class C Waste," and are designed to ensure protection of public health and safety and the environment. The NRC staff conducts thorough reviews of ISFSI and certificate applications before rendering a decision, and only approves applications that meet the applicable regulations. The NRC also periodically inspects the design, manufacturing, and use of dry casks. These inspections ensure licensees and vendors are following safety and security requirements and are meeting the terms of their licenses and quality assurance programs. NRC inspectors also observe practice runs before utilities begin moving their spent fuel into dry casks.

Any potential agreements between the licensee and the vendor regarding liability arrangements are not regulated by the NRC. However, as you noted, the Price-Anderson Act of 1957 (the "Act") does provide insurance protection that is available to a member of the public who may suffer damages due to a nuclear incident. The Act provides "omnibus" coverage – the same protection available for a covered licensee or contractor indemnifies any person who may be legally liable, regardless of his or her identity or relationship to the licensed activity. The Act currently limits total liability to around $13 billion per incident.

I appreciate your correspondence on this matter. As always, the health and safety of the public is of paramount importance to the NRC, and we appreciate your interest in our mission. If you need additional information, please contact Booma Venkataraman, Project Manager, at 301-415-2934 or by e-mail to Booma.Venkataraman@nrc.gov.

Sincerely,

Stephen S. Koenick, Acting Chief
Plant Licensing Branch I
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

cc: Distribution via Listserv