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# PUBLIC SUBMISSION

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**Docket:** NRC-2018-0286

Entergy Nuclear Operations, Inc.; Pilgrim Nuclear Power Station

**Comment On:** NRC-2018-0286-0001

Entergy Nuclear Operations, Inc.; Pilgrim Nuclear Power Station

**Document:** NRC-2018-0286-DRAFT-0005

Comment on FR Doc # 2018-27724

## Submitter Information

**Name:** Matthew Beaton

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**Organization:** Executive Office of Energy and Environmental Affairs

**Government Agency Type:** State

**Government Agency:** Executive Office of Energy and Environmental Affairs

## General Comment

See attached file(s)

## Attachments

Massachusetts comments on Entergy PSDAR (3-21-19) (final)\_\_signed



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March 21, 2019

By E-Submission & U.S. Mail  
Secretary Annette Vietti-Cook  
U.S. Nuclear Regulatory Commission  
Mail Stop: TWFN-7-A60M  
Washington, DC 20555-0001  
Attention: May Ma, Office of Administration

RE: Comments in Docket No. NRC-2018-0286  
Post-Shutdown Decommissioning Activities Report (Entergy)

Dear Secretary Vietti-Cook:

I write on behalf of the Executive Office of Energy and Environmental Affairs for the Commonwealth of Massachusetts and the Baker-Polito Administration to comment on the Post-Shutdown Decommissioning Activities Report (“PSDAR”) and Site-Specific Decommissioning Cost Estimate (“DCE”) for the Pilgrim Nuclear Power Station (“Pilgrim”), submitted by Entergy Nuclear Operations, Inc. (Entergy) in Docket No. NRC-2018-0286.<sup>1</sup>

In submitting these comments, we are aware of Entergy’s pending request to transfer its licenses to Holtec International (Holtec); this application is under consideration by the NRC in Docket No. NRC-2018-0279. In Holtec’s Revised PSDAR, which was submitted with the license transfer application, Holtec proposes the “DECON” decommissioning method, under which decommissioning and site restoration would occur more rapidly with a projected completion date of 2025. By contrast, the “SAFESTOR” method planned by Entergy proposes to move spent fuel into dry storage, and then place the site into “dormancy” until about 2074, at

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<sup>1</sup> The U.S. Nuclear Regulatory Commission (“NRC”) set March 21, 2019 as the deadline for submitting public comments on the PSDAR. *See* 83 Fed. Reg. 245, 245 (Dec. 21, 2018). The Commonwealth also submitted comments on the Revised PSDAR and Revised DCE submitted by Holtec International in Docket No. NRC-2018-0279 (March 4, 2019).

which time license termination and site restoration activities would begin with a targeted end date of 2080. *See* Table 2.1 of PSDAR.

As a general matter, the Commonwealth favors the expeditious decommissioning and site restoration of the Pilgrim site under the DECON method as long as it is conducted in compliance with all applicable laws and regulations and adequate funds exist to cover both those costs and the costs of managing spent nuclear fuel onsite, perhaps indefinitely. This is particularly true when considering the effects of climate change and sea level rise on the site, which is located directly on Cape Cod Bay and the North Atlantic in a storm prone area. The most recent Massachusetts State Hazard Mitigation and Climate Adaptation Plan projects sea level rise between 2000 and 2100 in the approximate range of 4 to 10 feet. *See* <https://www.mass.gov/files/documents/2018/10/26/SHMCAP-September2018-Full-Plan-web.pdf> at 4-76 (last accessed March 21, 2019). While climate change already poses real but under-evaluated risks for the site, Entergy's proposal to utilize the SAFESTOR method could leave radiological and contaminated materials on-site for up to 60 years, until 2080, thereby exacerbating the environmental risks associated with such contamination including increased releases and runoffs.<sup>2</sup>

Notwithstanding the Commonwealth's general preference for the DECON method over SAFESTOR, the Commonwealth has serious concerns about the adequacy of Holtec's financial ability to clean up and restore the Pilgrim site in a manner that complies with all applicable state and federal cleanup standards and to manage Pilgrim's spent nuclear fuel onsite for decades, as explained in the Commonwealth's Petition and my comments of March 4, 2019. Because the NRC, in consideration of public comments and following a hearing on the contentions raised in the Commonwealth's Petition, may determine that a license transfer to Holtec does not serve the public interest, we offer the following comments on Entergy's PSDAR, which would govern the decommissioning process in the event the Commission denies the license transfer application.

First, as noted above, the Commonwealth has a strong interest in ensuring that license termination and site restoration activities are completed as soon as possible. Yet, Entergy's plan assumes that all spent fuel will be removed from the Pilgrim site to Department of Energy (DOE) storage by 2062, and then contemplates an additional period of 10.4 years of "dormancy w/ no fuel storage." *See* PSDAR at 7 (Table 2.1) & 11-12. This schedule compresses the time needed for decommissioning activities, including dismantling and decontamination of the site, which Entergy proposes to complete in just 4.4 years as compared to 6.5 years under Holtec's plan. *Compare* Table 2.1 of PSDAR *with* Table 2.1 of Holtec's Revised PSDAR (setting 9/23/2018 to 3/5/2025 as schedule to complete same activity). Similarly, site restoration is projected to take 1.5 years, whereas Holtec's plan contemplates site restoration and license termination work occurring simultaneously over the full 6.5-year period. *See id.*; *see also* Table 5-1 of Holtec's Revised DCE (showing expenditures for both activities over this time period). It is incumbent on Entergy to commence license termination and site restoration work as soon as possible to ensure

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<sup>2</sup> As the Commonwealth previously explained, the increased risks associated with climate change impacts also necessitate the completion of a supplemental environmental impact statement by the NRC before it takes action on the pending license transfer request. *See* Commonwealth's Petition for Leave to Intervene and Hearing Request (the "Petition"), Dkt. No. NRC-2018-0279, at 36-43 (Feb. 20, 2019).

all decommissioning activities are accomplished within the NRC's 60-year timeframe, and its schedule should reflect this imperative.

Second, Entergy's cost estimates, while appearing to contain a larger financial cushion (*i.e.*, \$152,872 million projected to remain in the Decommissioning Trust Fund by 2080)<sup>3</sup> than Holtec's \$3.615 million, suffer from many of the same deficiencies as those outlined in the Commonwealth's Petition as related to Holtec's plan. In particular, the PSDAR fails to consider the very real possibility that spent fuel will remain at the site for an indefinite period of time, in the event DOE does not accept the spent fuel within the time frame assumed in the PSDAR. The PSDAR also neglects the numerous, plausible contingencies outlined in the Petition and accompanying expert declarations, as well as the Commonwealth's own experience at the Atomic Yankee Nuclear Power Plant in Rowe, Massachusetts—all of which demonstrate a significant risk of cost overruns that could exceed the financial cushion assumed in the PSDAR. Importantly, these factors show the potential for significant delays that would contradict the already unrealistically tight schedule set forth in Entergy's PSDAR for completion of license termination and site restoration activities.

Third, Entergy's PSDAR and DCE lack critical details that are necessary for the public to assess whether Entergy's proposed work plan will comply with all applicable regulatory requirements and provide adequate financial assurance. For instance, the PSDAR contains minimal details regarding the nature or scope of site characterization (Section 2.2.6) and site restoration (Section 2.2.1) activities, including whether the work will proceed in accordance with the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, Mass. Gen. L. c. 21E, § 1 *et seq.*, and associated regulations at 310 C.M.R. §§ 40.0000, *et seq.* The PSDAR also fails to specify details about radioactive waste management (Section 2.2.4), including details about the methods of transportation within and out of the Commonwealth and, specifically, whether barge transport is contemplated. *Compare* DCE at 11 (Section 3.4.5) *with* Holtec's Revised DCE at 27 (Section 3.2).<sup>4</sup> Further, Entergy's DCE does not include a breakdown of the specific costs and assumptions for each line item in the DCE. The PSDAR should be amended to include these further details, so that the Commonwealth and the public are able to assess the adequacy of the PSDAR in protecting the safety of the public and the environment during the decommissioning process at Pilgrim.

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<sup>3</sup> This figure appears in Table 5 of Entergy's Update to Spent Fuel Management Plan Pursuant to 10 C.F.R. § 50.54(bb), filed separately with the NRC on November 16, 2018.

<sup>4</sup> The PSDAR also contains a significant discrepancy with respect to the volume of Class A waste, which is estimated to be about one-sixth the volume estimated in Holtec's Revised PSDAR. *Compare* PSDAR at 34 *with* Table 3-6 of Holtec's Revised DCE. The reason for this discrepancy is not explained and would affect the scope of the proposed work and associated cost estimates in each respective PSDAR.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Beaton". The signature is written in a cursive style with a large, prominent initial 'M'.

Matthew Beaton  
Secretary