



SECRETARY

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

December 19, 2019

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

Dear Ms. Lampert:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your emails of December 13, 2019, and December 18, 2019, to Commissioner Jeff Baran regarding the Pilgrim Nuclear Power Station license transfer request from Entergy and Holtec (Docket Nos. 50-593 and 72-1044). In your email of December 13, you posed several questions regarding the NRC staff order of August 22, 2019, approving the license transfer application for Pilgrim. Additionally, your email of December 18 provided comments on the recent Commission decision regarding Pilgrim Watch's motion for stay.

Because your requests bear on the contested adjudication pending before the Commission, it would be inappropriate for the Commissioner to discuss this matter at this time. This is because the Commission must remain impartial during the pendency of the adjudication.

A copy of your emails and this response will be served on the participants in the Pilgrim license transfer proceeding.

Sincerely,

/RA/

Annette L. Vietti-Cook

From: [Mary Lampert](#)
To: [CMRBARAN Resource](#)
Cc: [Powell, Amy](#)
Subject: [External_Sender] Pilgrim NPS LTA- question
Date: Friday, December 13, 2019 9:21:43 AM

Dear Commissioner Baran:

When NRC issued its order to approve Pilgrim's License Transfer Application in August 2019, it said:

The NRC staff's approval of this license transfer is subject to the Commission's authority to rescind, modify, or condition the approved transfer based on the outcome of any post-effectiveness hearing on the license transfer application. For example, if the Commission overturns the NRC staff's approval of this license transfer, this Order and any conforming amendments reflecting this transfer, will be rescinded, and the Applicants must return the plant ownership to the status quo ante and revert to the conditions existing before the transfer.

Is this "widely-used boiler-plate language"? Does it come out of a regulation? If so, please provide citation.

We wonder whether the NRC has ever reversed or modified a staff decision that was issued subject to the condition that Commissioners could essentially do anything they want during or following an adjudicatory hearing on the underlying issues, including reversing or modifying the staff order. We are interested in any examples of the Commission actually exercising its authority to take one of those actions.

We appreciate your taking the time to shed light on these questions.

Thank you in advance; and best wishes for the holiday season.

Mary Lampert

Pilgrim Watch, director

148 Washington Street, Duxbury, MA 02332

Tel. 781-934-0389

From: [Mary Lampert](#)
To: [Baran, Jeff](#)
Subject: [External_Sender] RE: Pilgrim EP
Date: Wednesday, December 18, 2019 4:57:00 PM

Thank you for your note and also for your comments on the CLI. You may be interested in our response to the CLI.

Now it is time to concentrate on our grown children, grandchildren and relatives all descending home for the holidays!

Happy holidays!

NRC CLI-19-11- Denial Motion Stay Approval License Transfer December 17, 2019 Pilgrim Watch Comment

The most important statement in these decisions is the NRC's statement, that, once again, it "decline[d] to review the Staff's findings."

The thrust of PW's motions to intervene was that the stay should be granted because the Staff utterly failed to do what it should have done before approving the license transfer and exemption.

It uncritically accepted Holtec/Entergy's statements without analysis to determine whether accurate or not. Two examples:

In granting the license transfer, all the Staff did was look at Holtec's cash flow analysis and accept without analysis Holtec's estimate of \$593 million decommissioning costs. So far as can be told, the Staff simply ignored all of the contrary evidence, the facts set forth in the PW Petition, the PW New Contention, the PW Petition Reply, the PW New Contention Reply or the AGO Petition. The Staff's failure goes to the heart of adequacy, or fundamental fairness of, the NRC's license transfer process.

In addition, the Staff did not consider, or even mention, PW's contention that no one at the NRC has conducted the character review- reported long history of corruption, lies and bribery- of Holtec and SNC-Lavalin that is prerequisite to granting the license transfer. The NRC briefly referred to it in a footnote, but ignored the key issue that contention raises – can the NRC and Staff simply ignore character when deciding to grant or transfer a license.

Here the Staff ordered a license transfer and granted an exemption without even considering all of the evidence and contentions before it. What chance is there that the NRC will do a real analysis in the future instead of continuing using its rubber stamp?

The NRC argued that Pilgrim Watch and the NRC had to show irreparable harm. But as Commissioner Baran pointed out, it was not possible for petitioners to do so. He said, in his additional comment, that:

As a practical matter, once the Staff takes the step of issuing an approval while an adjudicatory challenge is pending, a motion for a stay is subject to the demanding irreparable harm standard. It is difficult for the Commonwealth and Pilgrim Watch to meet this standard because the Commission has the authority to void or further condition the license transfer if the Petitioners are successful on the merits.

Also, NRC ignored that to win a stay either petitioners must show irreparable harm or that they are likely to *are likely to prevail* on the merits of their contentions. We believe that both

PW and the AGO showed sufficient facts to win.

Finally, the decision is replete with statements that the NRC can “fix” this after hearing. Does anyone really believe that it has or would do so? The fact of the matter is that the NRC cannot turn back the clock; neither does it have any ability to require anyone to make up any shortfall in funding if the only two licensees, Holtec Pilgrim and HDI, are limited liability companies and have no money. NRC cannot get blood out of a stone.

From: Baran, Jeff <Jeff.Baran@nrc.gov>
Sent: Wednesday, December 18, 2019 1:32 PM
To: mary.lampert@comcast.net
Cc: Powell, Amy <Amy.Powell@nrc.gov>
Subject: Pilgrim EP

Mary,

Thanks for your email about the Pilgrim emergency planning exemption, which is not the subject of an adjudication. I’m not sure when a proposed decommissioning rule will go out for public comment, but I look forward to hearing your perspective when it does.

Happy holidays,
Jeff Baran

From: Mary Lampert <mary.lampert@comcast.net>
Sent: Tuesday, December 17, 2019 11:00 AM
To: CMRBARAN Resource <CMRBARAN.Resource@nrc.gov>
Cc: Powell, Amy <Amy.Powell@nrc.gov>
Subject: [External_Sender] FW: Short Notice - Commission Affirmation Session (Tentative) - Pilgrim Nuclear Power Station

Commissioner Baran:

I expect that the 1:25 Affirmation Session today, December 17, is to affirm the FONSI for Pilgrim’s request to be exempted from offsite radiological emergency planning.

The FONSI is a classic example of NRC asking the wrong questions (radiological and non-radiological impact on the environment) in order to get the “right” answer for industry.

The assumptions both NRC and industry use to rationalize dropping offsite EP requirements do not hold water.

Pilgrim Watch explained what those assumptions are and what is wrong with them in a comment on NRC’s decommissioning draft regulation. It is attached.

It is these assumptions that NRC should re-analyze and justify when deciding whether to approve exemptions to offsite emergency planning

We appreciated your previous comments on the exemption.

Thank you and happy holidays.

Mary Lampert

Pilgrim Watch, director

Duxbury, MA

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ENTERGY NUCLEAR OPERATIONS, INC.)
ENTERGY NUCLEAR GENERATION) Docket Nos. 50-293 and 72-1044 LT
COMPANY, HOLTEC INTERNATIONAL,)
and HOLTEC DECOMMISSIONING)
INTERNATIONAL, LLC)
)
(Pilgrim Nuclear Power Station)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Letter from Commission Secretary Annette Vietti-Cook to Mary Lampert of Pilgrim Watch** have been served upon the following persons by Electronic Information Exchange.

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Pilgrim Nuclear Power Station Docket Nos. 50-293 and 72-1044 LT

Letter from Commission Secretary Annette Vietti-Cook to Mary Lampert of Pilgrim Watch

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[Original signed by Clara Sola]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 19th day of December 2019.