



www.capedownwinders.info
capedownwindersinfo@gmail.com

P.O. Box 303
South Harwich, MA 02661
6 December 2018

TO:

Senator Edward Markey
Senator Elizabeth Warren
Representative William Keating
Governor Charlie Baker
Attorney General Maura Healey

RE: Citizens' Petition For Investigation for Failure to Protect the Public

As we head into December, the winter storm season presents serious challenges to public health and safety. The Nuclear Regulatory Commission (NRC) released their October 9 inspection report for the Pilgrim Nuclear Power Station operating in Plymouth with what should be a startling assessment but is more representative of the status quo. After thousands of hours of special safety oversight since 2015, the NRC determined **Pilgrim will remain the only nuclear reactor in the U.S. rated at the lowest safety level as Multiple/Repetitive Degraded**. Pilgrim is still only one step from federally mandated shutdown. The report concludes that **poor safety culture** and **poor procedural use and adherence** remain serious concerns which require ongoing federal safety oversight.¹

What does this mean for public health and safety for the people of Massachusetts?

Regulations at the state and federal levels developed to ensure public health and safety are woefully inadequate. For example, on January 4, 2018, Pilgrim scrambled (emergency shutdown) from loss of offsite power (LOOP) during winter storm Grayson. The NRC documents a LOOP as an accident sequence precursor condition which could lead to core failure.² Weather reports described this incoming storm as a "cyclone bomb."³ **Wouldn't a preemptive shutdown have been prudent given Pilgrim's history of power outages from the failing switchyard or downed power lines?**

¹ NRC Oct. 9 2018 inspection report page 2: <http://files.constantcontact.com/4ef44f21401/458dd72a-758b-4523-af06-6d2831f2835b.pdf>

² NRC Accident Sequence Precursor: <https://www.nrc.gov/public-involve/conference-symposia/ric/past/2007/posters/asp-poster.pdf>

³ Boston Herald weather article for January 4: http://www.bostonherald.com/news/local_coverage/2018/01/national_weather_service_warns_up_to_18_inches_of_snow_in_boston

Corporate owner and operator Entergy runs Pilgrim through blizzards even though procedures call for shutdown. The NRC online document clearly states, "When weather conditions indicate that the probability of loss of offsite power is high based on the procedure's specified criteria, the procedures changes now direct shutting the plant down..."⁴ After the Grayson scam, alarmed citizen groups delivered a letter to Governor Baker expressing concern about this predictable and unacceptable threat to our communities.⁵ Senator Markey, Senator Warren, and Representative Keating also sent a letter to the NRC sharing our concerns. They stated, "We understand from NRC staff that existing requirements for winter storm shutdowns were not considered met in this case..."⁶

The NRC response clarified that the situation was out of their control;

"...the responsibility for following these procedures **reside solely with the licensee staff and management**. This includes decisions regarding the implementation of procedural requirements for shutting down a nuclear power plant (unforeseen or otherwise), if safety or security conditions warrant."⁷

With a documented poor safety culture, Entergy's flagrant disregard for safety procedures only adds to the dangers our communities face.

Federal and State agencies charged with public safety fail to enforce their responsibility to protect us.

The recent November 13, 2018 NRC assessment of this January scam gave Entergy a free pass. The inspectors concluded there was "no violation of NRC requirements."⁸ However, there are no federal regulations or 'NRC requirements' for preemptive shutdown, only 'procedures' which Entergy has a documented difficulty following. The inspectors also determined "it was **not reasonable to foresee** or correct the cause..."⁹ How can that be? There is a history of switchyard failures and LOOPS during storms. The NRC does not hold Entergy accountable for making the decision to run in a blizzard which puts the public at risk. **If operators cannot foresee the loss of offsite power during a predicted and reported severe storm, then they shouldn't be operating a nuclear reactor.**

Another example of negligence occurred during the March 2, 2018 storm. Local emergency directors reported to the Massachusetts Emergency Management Agency (MEMA) that they could not implement their radiological emergency plans given the storm damage. MEMA

⁴ NRC Pilgrim storm procedures #8: <https://www.nrc.gov/info-finder/reactors/pilg/faq.html#8>

⁵ letter to Governor Baker expressing concerns about the scam <http://files.constantcontact.com/4ef44f21401/ae143cc4-142f-4b9f-8510-3b60c4a26fe1.pdf?ver=1521996703000>

⁶ Markey/Warren letter to NRC with questions: <http://files.constantcontact.com/4ef44f21401/037d13ffc95a-4f8d-a644-c3342a334436.pdf>

⁷ Ibid scroll to NRC response

⁸ NRC report page 10: <http://files.constantcontact.com/4ef44f21401/92f030c7-6a9d-44f2-a8e3-3753963210b7.pdf>

⁹ NRC report Licensee Event Reports page 10 #4 <http://files.constantcontact.com/4ef44f21401/aa1ac29b-3abf-4942-987a-566eb567bd23.pdf>

Director Kurt Schwartz sent a message to the Federal Emergency Management Agency stating, "MEMA is providing this notice to FEMA because we are not able to implement the evacuation components of our radiological emergency response plans."¹⁰ The notification was passed on to the NRC. According to emails filed to the NRC, the official notice from the area directors that all was clear came over 40 hours later while Entergy continued to operate Pilgrim and public safety plans could not be implemented. The public could not be protected during that time. Were the NRC, FEMA, and MEMA waiting out the storm with fingers crossed? **How could Pilgrim keep operating when implementing public safety plans was impossible?**

On March 15, twenty-seven organizations representing thousands of constituents sent a letter to Senator Edward Markey, Senator Elizabeth Warren, Representative Bill Keating, Governor Charlie Baker, and Attorney General Maura Healey calling for action.¹¹ The status quo remains.

This same unethical situation occurred in 2015 when the NRC reported evacuation could take place during a blizzard even with a state wide travel ban in effect. A local area emergency director refuted that claim. A citizens' petition was filed with the NRC.¹² No action was taken. ***There is no accountability by the very state and federal agencies tasked to protect the public.***

Why does Entergy take the risk of a scram and possible core damage during severe storms? According to a Cape Cod Times article, Entergy lost over \$63 million this year alone from equipment and other problems at the plant. They lose about \$1 million per day when closed.¹³ In addition, the NRC has issued multiple exemptions for safety upgrades due to costs. Pilgrim is operating without post-Fukushima safety upgrades and cyber security improvements. A failing business running a failing reactor with a federal regulator failing to protect the public is a recipe for catastrophe.

Entergy has no incentive to close Pilgrim preemptively for precautionary measures.

To be clear, the January scram was not due to a downed power line but to **human error** and to the sole decision by Entergy to operate during a severe storm even with a history of loss of offsite power and scrams during storms. The decision to operate when emergency plans could not be implemented is also within Entergy's determination. This is not an acceptable public safety plan and should be rejected.

Entergy's operation of Pilgrim constitutes reckless endangerment to our communities.

In addition, Entergy's operation of Pilgrim presents a clear and present danger even on a good day. There should be no question that a severe storm puts the public at risk and Pilgrim

¹⁰ MEMA email emergency plans could not be implemented: <http://files.constantcontact.com/4ef44f21401/c7907d03-2a7c-41c2-8749-ce07b8dc8f2a.pdf>

¹¹ March 15, 2018 letter to elected officials <http://files.constantcontact.com/4ef44f21401/1b29c621-8bcb-46c6-8708-28cb5ccf0402.pdf>

¹² Citizens petition on evacuation during 2015 storm <http://files.constantcontact.com/4ef44f21401/7218dc28-d770-4e93-afaf-cffe039c59c5.pdf>

¹³ Cape Cod Times "Pilgrim's repeated shutdowns prove costly" 10.8.18 <https://www.capecodtimes.com/news/20181008/pilgrims-repeated-shutdowns-prove-costly>

should be shuttered. However, that is not happening. Preemption does not protect the public and is no excuse for inaction. The NRC, FEMA, and MEMA are failing to protect us.

Where is the accountability?

In order to secure the safety of persons and property of all citizens, we, the undersigned representing thousands of constituents, **PETITION** Governor Charlie Baker as chief safety officer and Attorney General Maura Healey as public defender of our right to safety, and Senator Edward Markey, Senator Elizabeth Warren, and Representative William Keating as representatives with Congressional oversight responsibilities, **to initiate an immediate investigation and/or hearing regarding the lack of safety oversight at Pilgrim, and the ongoing operation of Pilgrim during severe storms and/or when radiological emergency plans cannot be implemented.**

The first responsibility of government is to protect the people. *How will you ensure public safety?*

We, the undersigned, continue to call for the immediate shutdown of Pilgrim.

We all have a right to safety and demand safety now.

Respectfully,

Cape Downwinders, Diane Turco, Director

Boston Downwinders, Guntram Mueller, Convener

Plymouth Area League of Women Voters, Lois Post, Secretary

Citizens Awareness Network, Deb Katz, Executive Director

American Friends Service Committee, NE Regional Office, Joseph Gerson, PHD,
Executive Director

Greater Boston Physicians for Social Responsibility, Matt Bivens, MD, Chair of the Board

Unitarian Universalist Mass Action, Laura Wagner, Executive Director

MA Peace Action, Michelle Cunha, Assistant Director

No More Fukushimas, Joanna Hammond, Convener

Fellowship of Reconciliation Cape Cod Chapter, Rev. Kate Epperly, President

350 Martha's Vineyard Island, Antigone Rosenkranz, Convener

North Shore Coalition for Peace, Sunny Robinson, Convener

Occupy Hingham, John Gauley, Convener

350 Cape Cod, Lisa Coedy, Coordinator

Women's International League for Peace and Freedom Cape Cod Chapter, Laurie Gates,
Convener

Association to Preserve Cape Cod, Andrew Gottlieb, Executive Director

The Peace Abbey, Lewis Randa, Director

Plymouth County Nuclear Information Center, Bill Abbott, President and Founder

No Sharon Gas Pipeline, Bri McAlevee, Convener

Sierra Club Cape Cod Group, Keith Lewison, Chair, Executive Committee

Climate Mobilization Outer Cape, Robert Shapiro, Convener

Lower Cape Indivisible, Mark Massoni/Fran Schofield, Co-Conveners

Indivisible Outer Cape, Laurie Veninger, Convener

Cape Cod Women for Change, Janet Joakim/Laurie Veninger, Convener

Martha's Vineyard Peace Council, Sarah Nevin, Convener
Veterans for Peace Cpl Jeffery M. Lucey Cape Cod Chapter 041, Duke Ellis, Coordinator
Down Cape Downwinders, Yvonne Barocas, Recording Secretary
On Behalf of Planet Earth, Sheila Parks, Ed.D, Founder
We Stand Together/Estamos Todos Juntos-Martha's Vineyard, Nicola Blake, Environment Committee
Six Ponds Improvement Association (Plymouth), Lawrence H. Delafield, President
Watertown Citizens for Peace, Justice, and the Environment, Tony Palomba, Steering Committee
Newton Dialogues on Peace and War, Susan Mirsky
MASSPIRG, Janet Domenitz, Director
Environment Massachusetts, Ben Hellerstein, Director
Climate Action Now Western Mass, Adele Franks, Steering Committee member
(more endorsements to follow)

Please kindly confirm upon receipt. We look forward to your timely reply. For ease of response, please contact Diane Turco, Director, Cape Downwinders, by emailing tturco@comcast.net or by calling 508.432.1744

CC:

Karen Svinicki, Chairwoman, NRC Chairman.resource@nrc.gov
Jeff Baran, NRC Commissioner, cmrbaran@nrc.gov
Stephen Burns, NRC Commissioner, cmrburns@nrc.gov
Michael R. Johnson, NRC Deputy Executive Director for Preparedness Programs, michael.johnson@nrc.gov
William Long, Administrator, FEMA fema-r1-info@fema.dhs.gov
Kurt Schwartz, Director, MEMA, kurt.schwartz@state.ma.us
Hannah Vogel, Senator Markey contact, Hannah_Vogel@markey.senate.gov
Adrienne Viarengo, Senator Warren contact, adrienne_viarengo@warren.senate.gov
Mindy D'Arbeloff, Senior Advisor to Governor Baker, mindy.darbeloff@state.ma.us
Seth Schofield, AGO, seth.schofield@state.ma.us
Alicia Rebello-Pradas, AGO, Alicia.Rebello-Pradas@MassMail.State.MA.US
Michael Jackman, District Director for Rep. Keating, Michael.Jackman@mail.house.gov
Entergy CEO Leo Denault (Patrick O'Brien Plymouth Entergy contact) pobrien@entergy.com
Matthew Beaton, Director, MA OEE, matthew.beaton@state.ma.us
Jack Priest, Director, MA DPH, jack.priest@state.ma.us
Sean O'Brien, Barnstable County Regional Emergency Planning Committee, sobrien@barnstablecounty.org

<https://www.govtrack.us/congress/members/MA>

Representative Richard Neal
Representative James McGovern
Representative Niki Tsongas
Representative Joseph Kennedy III
Representative Katherine Clark
Representative Seth Moulton
Representative Michael Capuano

State Senators

<https://malegislature.gov/Legislators/Members/Senate>

State Representatives

<https://malegislature.gov/Legislators/Members/House>