



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

June 21, 2019

Mr. Brian R. Sullivan  
Site Vice President  
Entergy Nuclear Operations, Inc.  
Pilgrim Nuclear Power Station  
600 Rocky Hill Road  
Plymouth, MA 02360-5508

SUBJECT: PILGRIM NUCLEAR POWER STATION – WITHDRAWAL OF ORDER  
EA-12-051, “ORDER MODIFYING LICENSES WITH REGARD TO RELIABLE  
SPENT FUEL POOL INSTRUMENTATION” (EPID NO. L-2018-JLD-0171)

Dear Mr. Sullivan:

This letter documents the withdrawal of Order EA-12-051, “Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation,” at Pilgrim Nuclear Power Station (Pilgrim), as described below.

By letter dated March 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12054A679), the U.S. Nuclear Regulatory Commission (NRC, the Commission) issued Order EA-12-051 to Entergy Nuclear Operations, Inc. (Entergy, the licensee). This order requires certain actions at Pilgrim associated with the Fukushima Near-Term Task Force recommendations. Specifically, Order EA-12-051 requires that reliable spent fuel pool (SFP) instrumentation be installed and maintained in the event of a beyond-design-basis external event.

Section IV of Order EA-12-051 (the Order) required that Entergy submit to the Commission for review an overall integrated plan by February 28, 2013, describing how Pilgrim will achieve compliance with the requirements of the Order. The licensee responded to the Order by letter dated February 28, 2013 (ADAMS Accession No. ML13063A097). By letter dated July 17, 2015 (ADAMS Accession No. ML15209A606), the licensee notified the NRC that full compliance with the Order had been achieved at Pilgrim. The NRC staff issued a safety evaluation describing its review of the Pilgrim order compliance plan on March 3, 2016 (ADAMS Accession No. ML16008B077), and documented a compliance inspection at the Pilgrim site by letter dated July 7, 2016 (ADAMS Accession No. ML16189A066).

Section IV of the Order also stipulates that the NRC’s Director of the Office of Nuclear Reactor Regulation may, in writing, relax or rescind any of the conditions of the Order upon demonstration by the licensee of good cause.

By letter dated November 10, 2015 (ADAMS Accession No. ML15328A053), Entergy submitted to the NRC a certification of permanent cessation of operations for Pilgrim in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.82(a)(1)(i). In this letter, Entergy provided notification to the NRC of its intent to permanently cease operations at Pilgrim

no later than June 1, 2019. By letter dated June 10, 2019 (ADAMS Accession No. ML19161A033), Entergy certified to the NRC that it had permanently ceased operations at Pilgrim on May 31, 2019. In this letter, the licensee also provided notification to the NRC under 10 CFR 50.82(a)(1)(ii) that, as of June 9, 2019, all fuel has been permanently removed from the Pilgrim reactor vessel and placed in the SFP. Further, Entergy confirmed its understanding that, under 10 CFR 50.82(a)(2), the Pilgrim 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel.

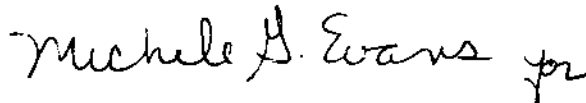
By letter dated December 14, 2018 (ADAMS Accession No. ML18352A755), Entergy requested rescission of Order EA-12-051, to be effective upon the docketing of the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

The licensee's letter dated December 14, 2018, asserts that good cause exists to rescind the requirements of Order EA-12-051. The licensee's letter observes that Section III of the Order states that the Commission determined that all power reactor licensees and construction permit holders must have a reliable means of remotely monitoring wide-range SFP levels to support effective prioritization of event mitigation and recovery actions in the event of a beyond-design-basis external event. According to the licensee, this statement forms the basis of the Order and reflects the need to effectively deploy limited resources to mitigate very low frequency events with the potential to challenge both the reactor and the SFP. The licensee further states that after Pilgrim is permanently shut down and defueled, plant staff would not have to prioritize event mitigation and recovery actions; the focus of the plant staff would be the SFP condition.

Because the licensee for Pilgrim has docketed the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, and has acknowledged, consistent with 10 CFR 50.82(a)(2), that the Pilgrim 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, the NRC staff finds that the safety of the fuel in the SFP becomes the primary safety function for site personnel. In the event of a challenge to the safety of fuel stored in the SFP, the focus of the facility staff would be the SFP condition, without the possibility of a concurrent challenge to the reactor and primary containment safety functions. Thus, in the event of a beyond-design-basis external event, effective prioritization of event mitigation and recovery actions would be simplified, and the application of the Order requirements would no longer be necessary to serve the Order's underlying purpose.

Based on the above, the NRC staff concludes that the licensee has demonstrated good cause for the withdrawal of Order EA-12-051. Accordingly, the NRC is withdrawing its March 12, 2012, Order EA-12-051 with respect to Pilgrim.

Sincerely,

A handwritten signature in black ink that reads "Michele A. Evans" followed by a small, stylized mark that appears to be "jr".

Ho K. Nieh, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: Listserv

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**ADAMS Accession No.: ML19094A680**

**\*via email**

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