

Congress of the United States

Washington, DC 20515

July 31, 2012

The Honorable Allison M. Macfarlane
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Macfarlane:

We are writing again regarding the emergency response capability at the Pilgrim Nuclear Generating Station in Plymouth, Massachusetts during the labor dispute that recently took place there. We are unsatisfied by your July 23 response to our June 8 letter and wish to reiterate our request for additional information regarding the reactor's emergency preparedness capability at a time when its regular workforce was on an approximate one-month-long strike.

As you know, NRC implemented a contingency staffing plan at the site after negotiations between the company and the Utility Workers Union of American Local 369 leadership were unable to reach an agreement for a new union contract. These nearly 250 Union workers – including plant staff from operations, maintenance, radiation protection, and chemistry operations – were escorted offsite following the expiration of their contract at midnight June 5. To fill these staffing gaps, Entergy had individuals from Pilgrim's management team, as well as other managers from its nuclear fleet, filling the necessary positions.

With regard to the labor dispute, the NRC stated that your "inspectors' review and assessment activities provided reasonable assurance that the operational and emergency response duties at Pilgrim were being conducted by adequately trained personnel who would have responded to any situation in accordance with approved procedures and the station's operating license". On June 8, we wrote you because we were concerned that individuals whose daily jobs may not involve actual operation of a nuclear power plant would be severely challenged in the event of an emergency at the facility. We pointed out that while Entergy management may understand the theoretical manner in which a nuclear power plant operates, theory is rarely a substitute for the sort of practical, hands-on experience the locked-out workers possess. Thus, we requested experiential information for each replacement worker to assess their aptitude for both day-to-day and emergency operations.

While we appreciate your July 23 response to our letter, we note that considerable materials requested were ultimately not provided – and because these materials were not provided, we are unable to determine whether the NRC's conclusion that "the operational and emergency response duties at Pilgrim were being conducted by adequately trained personnel" during the time of the strike was an accurate statement. For example, in the letter, you asserted that "the training and qualifications of these individuals is the same as that of bargaining unit reactor operators", yet you also said that you do not collect nor maintain key metrics for

confirming this assertion, such as the number of hours each replacement worker spent operating a nuclear power plant in the past year, past five years, and during emergency response and mitigation processes and procedures. You noted that “NRC regulations require that operators and senior operators must actively perform the functions of an operator or senior operator for a minimum of 56 hours each calendar quarter”, yet you provided no assurance that each of the replacement personnel had in fact met this requirement. Finally, you stated that “NRC’s activities during the lockout did not include testing of replacement workers regarding their ability to respond to emergency scenarios”, though you did not tell us why not. This is troubling because we feel that it is exactly these types of scenarios that temporary personnel should be equipped to handle, particularly since the meltdown at Fukushima occurred within hours of the loss of offsite power.

We are also troubled by the NRC’s apparent disinterest in obtaining this information. Rep. Markey’s staff spoke with NRC staff on June 28, and was notified that the information we requested in our June 8 letter relating to the ability and experience of the Pilgrim replacement workers to perform essential emergency response functions would not be requested from the licensee because it did not relate to NRC’s regulatory mission, even though that mission, according to the NRC website, is “to ensure the safe use of radioactive materials for beneficial civilian purposes while protecting people and the environment”.

We disagree with this conclusion. It is simply not possible to reconcile NRC’s confident assertion that “the operational and emergency response duties at Pilgrim were being conducted by adequately trained personnel” with a concurrent refusal to verify that this is in fact the case.

Consequently, for each item listed below that we requested in our June 8 letter but were not provided with, please a) request the information from Entergy, the licensee of the Pilgrim Nuclear Generating Station, b) provide us with the response from the licensee, and c) indicate whether or not you agree (and if not, why not) that the receipt and review of the information would help establish that the reactor was being operated by personnel who were qualified to do so safely during the strike:

- For each replacement worker:
 - The number of hours the individual spent operating a nuclear power plant in the past year
 - The number of hours the individual has spent operating the Pilgrim plant in the past five years
 - The number of hours the individual has spent operating a nuclear power plant of the same design as the Pilgrim plant in the past five years
 - The number of hours the individual spent being trained in emergency response and mitigation processes and procedures in both the year preceding and the time following the Fukushima meltdowns
- For each of the workers that were “locked-out” of the facility as a consequence of the labor strike:
 - The same four pieces of information as above
- The reason(s) why NRC’s activities during the lockout did not include testing of replacement workers regarding their ability to respond to emergency scenarios

Thank you for your attention to this important matter. We request that you provide your response no later than the close of business on Friday August 17, 2012. If you have any questions or concerns, please have your staff contact Michal Freedhoff or Ross Collins at (202) 225-2836 in Rep. Markey's office or Kerry O'Brien in Rep. Keating's staff at (202) 225-3111.

Sincerely,



Edward J. Markey



Bill Keating