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NRC
Via Email
October 27, 2016

RE: Liability & Holtec Guarantees

We understand that Entergy is using Holtec Hi-Storm 100, Version B, MPC-68 casks for long-term storage of its spent nuclear fuel. There are now three (3) casks in Pilgrim's on-site Independent Spent Fuel Storage Facility. There likely will be eight (8) after Pilgrim's Spring 2017 refueling. Eventually there will be nearly sixty (60)

Each cask has three primary components:

- MPC-68 - a metal canister that has a storage capacity of 68 BWR spent fuel assemblies,
- HI-TRAC 100 D - The HI-TRAC (transfer cask) is a metal transfer cask that provides a means to lift and handle the canister as well as providing radiological shielding of the spent fuel assemblies.
- HI-STORM 100-S (Version B storage overpack) - a steel-encased concrete cylinder that slides over the transfer cask and provides physical protection and radiological shielding for spent fuel assemblies in the metal canister.

We have questions regarding liability if something goes wrong with any Holtec component, such as a leak, what company will be liable and responsible for any resulting damage, particularly offsite - Holtec or an Entergy company such as Entergy Nuclear Operations. We also appreciate that the agreements between Entergy and Holtec would be proprietary but certainly NRC would be privy to the substance of those agreements for NRC to satisfy its mission to protect public safety, property and the environment if something goes wrong

Questions-Liability¹

1. If something goes wrong with any Holtec component, such as a leak, what company will be liable and responsible for any resulting damage, particularly offsite - Holtec or an Entergy company such as Entergy Nuclear Operations?
2. What do agreements between Entergy and Holtec say about responsibility/liability. Are there limits? If so, what if the damage exceeds the limits?
3. If there is contamination either on or offsite, what (if anything) does Price Anderson insurance cover?

¹ <http://www.holtecinternational.com/company/corporate-overview/corporate-organization-structure/>
<http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=4272763>

If Holtec is liable:

4. Are different Holtec companies/divisions responsible for each of the three primary components- MPC-68, HI-TRAC 100 D, and HI-STORM 100S; or is a single Holtec company/division responsible for any damage resulting from all three components?
5. What is the name, and location, of each specific Holtec company division that is responsible for any damage for each of the three components?
 - a. MPC-68
 - b. HI-TRAC 100 D, and
 - c. HI-STORM 100S
6. If one Holtec company/division holds the responsibility/liability for all three, is that Holtec company/division a limited liability company? If so, is any other entity (Holtec or Entergy) secondarily responsible?
7. If separate Holtec companies/divisions hold the responsibility/liability, are they limited liability companies? If so, is any other entity (Holtec or Entergy) secondarily responsible?
 - a. MPC-68
 - b. HI-TRAC 100 D, and
 - c. HI-STORM 100S

If Entergy – Same questions as 4-7

Questions Guarantees

How long does Holtec guarantee the following?

- a. MPC-68
- b. HI-TRAC 100 D
- c. HI-STORM 100S

Once the guarantee expires who is responsible until DOE takes title- once the casks leave the site?

Thank you and we look forward to your response.

Respectfully,

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