

Docket No. 50-293

DEC 9 1987

Mr. Ralph G. Bird
Senior Vice President-Nuclear
Boston Edison Company
800 Boylston Street
Boston, Massachusetts 02199

SUBJECT: ISSUANCE OF EXEMPTION TO 10 CFR PART 50, APPENDIX E,
SECTION IV.F.3 FOR THE PILGRIM NUCLEAR POWER STATION

Dear Mr. Bird:

The Nuclear Regulatory Commission has granted the enclosed Exemption regarding the conduct of a full participation emergency preparedness exercise for the Pilgrim Nuclear Power Station in 1987. The Exemption was granted in response to your letter dated September 17, 1987.

We find that granting the Exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(v).

The Exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

15/

Steven A. Varga, Director
Division of Reactor Projects-I/II
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc w/enclosure:
See next page

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*See previous concurrence

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T. Barnhart(4)
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GPA/PA
ARM/LFMB

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
 Boston Edison Company) Docket No. 50-293
 (Pilgrim Nuclear Power Station))

EXEMPTION

I.

Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR-35 which authorizes operation of Pilgrim Nuclear Power Station (the facility) at steady-state reactor power levels not in excess of 1998 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of a boiling water reactor located at the licensee's site in Plymouth, Massachusetts. The facility is currently shutdown for refueling and modifications.

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.3 of Appendix E requires that each licensee at each site shall exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially, with full or partial participation

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by States and local governments, within the plume exposure pathway Emergency Planning Zone (EPZ).

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a) are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and (2) present special circumstances. Section 50.12(a)(2)(v) of 10 CFR describes the special circumstances in that the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.

III.

By letter dated September 17, 1987, the licensee requested a one-time exemption from the schedular requirements of Section IV.F.3 of Appendix E. The last biennial emergency preparedness exercise was a full participation exercise conducted at the Pilgrim Nuclear Power Station on September 5, 1985. The licensee requests that an exemption be granted to allow the next biennial exercise to be deferred from 1987 to the second quarter of 1988.

The licensee states that the Commonwealth of Massachusetts, the local governments within the EPZ and the two emergency reception center communities

are in the process, with the assistance of the licensee, of implementing numerous improvements in their offsite emergency preparedness programs. These improvements include revision of the emergency plans of the local governments and the Commonwealth, the development of associated procedures, the development and implementation of training programs for officials and emergency personnel, and the upgrading of Emergency Operation Centers. The licensee expects the work to continue through early 1988. The licensee has informed the NRC that in view of these extensive ongoing efforts, the Commonwealth and the local governments have indicated that they are not able to fully participate in an exercise during calendar year 1987.

The activities to upgrade offsite emergency planning and preparedness are in response to a Federal Emergency Management Agency (FEMA) evaluation of the adequacy of offsite preparedness at Pilgrim. On September 5, 1986, FEMA informed the Commonwealth of Massachusetts that it was undertaking a self-initiated review of its September 29, 1982 Interim Finding on offsite emergency preparedness for the Pilgrim Nuclear Power Station because of concerns raised during meetings in the spring of 1986 and information received subsequent to those meetings from local officials, the Commonwealth, and other interested parties. Based on a review of the overall state of offsite emergency preparedness for Pilgrim, FEMA concluded, in an Interim Finding issued on August 4, 1987, that offsite radiological emergency planning and preparedness for Massachusetts was inadequate to protect the health and safety of the public in the event of an accident at the Pilgrim Nuclear Power Station.

The August 4, 1987 Interim Finding superseded the previous Interim Finding of September 29, 1982.

FEMA identified six areas of major concern during the course of its review:

- Lack of evacuation plans for public and private schools and daycare centers.
- Lack of a reception center for people evacuating to the north.
- Lack of identifiable public shelters for the beach population.
- Inadequate planning for the evacuation of the special needs population.
- Inadequate planning for the evacuation of the transport dependent population.
- Overall lack of progress in planning and apparent diminution in emergency preparedness.

Boston Edison is assisting the Commonwealth and the local authorities in the improvement of their emergency response programs. These efforts have included an updated evacuation time estimate study and traffic management plan, a study to identify public shelters for protecting the beach population, and the identification of and provision for the special needs and transportation dependent populations within the EPZ. In addition, the licensee is providing professional planners to assist the local governments and the Commonwealth in upgrading their plans and in the development of a new training program for off-site emergency response personnel. Some training has been conducted to date and training will continue after the development of the new training program has been completed.

Onsite emergency preparedness has been evaluated by the NRC during inspections and exercises including the most recent onsite exercise conducted

on December 10, 1986. The 1986 exercise included partial participation by the Commonwealth. The NRC inspection report for the 1986 exercise documented that Boston Edison's emergency response actions were adequate to provide protective measures for the health and safety of the public. The licensee has held quarterly onsite drills in March, June and August 1987. The NRC inspection findings and the licensee's training drills provide assurance that the licensee has maintained a satisfactory capability to respond to an emergency at Pilgrim. In addition, the licensee conducted its annual onsite exercise December 9, 1987. This exercise tested the current level of onsite emergency preparedness at Pilgrim and included limited participation by the Commonwealth.

Since the last full participation biennial exercise at Pilgrim (in September 1985), the Commonwealth has participated on a limited basis with the licensee in the December 1986 exercise and the quarterly onsite drills in 1987. The March and June 1987 drills also included limited participation by several of the towns within the EPZ. The towns within the EPZ have also cooperated in the full scale siren test conducted by FEMA in September 1986. The Commonwealth has also participated in full participation exercises at the Yankee Nuclear Power Station in June 1986 and at the Vermont Yankee Nuclear Generating Station on December 2, 1987.

IV.

The requested exemption is a temporary one and is necessary because ongoing emergency preparedness efforts will not be completed before early 1988. The licensee has made a good faith effort to comply with the regulation by assisting in the ongoing improvements to the Commonwealth and local offsite emergency response programs. The extensive efforts required to upgrade the offsite plans, implement the changes and conduct training preclude the conduct of a meaningful and effective full participation exercise in 1987. This situation constitutes the special circumstances described in 10 CFR 50.12(a)(2)(v). Further, the NRC staff believes that the public health and safety will be better served by the conduct of a full participation exercise following the completion of efforts to improve the Commonwealth and local government emergency response programs.

The NRC has required, and will continue to require, that the Pilgrim plant remain shut down until the emergency preparedness issues are dealt with to the satisfaction of the NRC. The determination whether to restart the Pilgrim plant will involve an evaluation by the NRC of the status of the resolution of the emergency planning issues identified by FEMA. The safety of the resumption of plant operation will be addressed by the NRC staff before restart is approved.

For these reasons, the Commission has thus determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter dated September 17, 1987, as discussed above, is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

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Accordingly, the Commission hereby approves the following exemption:

"The Pilgrim Nuclear Power Station is exempt from the requirements of 10 CFR 50, Appendix E, Section IV.F.3 for the conduct of an offsite full participation emergency preparedness exercise in calendar year 1987, provided that this exercise be conducted prior to June 30, 1988."

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (52 FR 46693), December 9, 1987. A copy of the licensee's request for exemption dated September 17, 1987 is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360. Copies may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects I/II.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 9th day of December 1987.

FOR THE NUCLEAR REGULATORY COMMISSION



Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Reactor

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*See previous concurrence

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