



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

DESIGNATED ORIGINAL

Certified By

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APR 15 1991

The Honorable Edward P. Kirby
Massachusetts Senate
Boston, Massachusetts 02133

Dear Mr. Kirby:

I am pleased to respond to Mr. Ronald K. Morgan's letter to our Region I office dated March 12, 1991, requesting information on the circumstances surrounding the disciplinary action resulting from actions by NRC staffers relating to the Pilgrim plant. In response to your request, Enclosure (1) is a copy of the NRC Inspector General's July 23, 1990 report which concluded that "certain information provided by the staff concerning the status of Pilgrim off-site emergency preparedness during the October and December 1988 Commission meeting was inaccurate."

In order to fully address the Inspector General's conclusions, I directed the formation of a Lessons Learned Task Force. Enclosure (2) is a copy of the charter for that task force and its final report. In regard to the current issue, the Lessons Learned Task Force concluded that "...on some of these statements the staff failed to fully qualify responses to Commission's questions to indicate that they did not have the firsthand knowledge necessary to provide the level of detail sought. However, the task force believes that any omission or error resulted from an effort by the staff to communicate fully with the Commission at the time." Although I generally concurred with this conclusion, I did not believe that the performance of the staff reached the expected level of accuracy for such interchanges. Consequently, I conducted the counseling alluded to in the Cape Cod Times article enclosed with Mr. Morgan's letter.

Furthermore, I also established a separate Pilgrim Special Task Force under the leadership of two senior managers to further review the current status of emergency planning at Pilgrim. Enclosure (3) is a copy of the Charter for that Special Task Force. Although the Special Task Force is concentrating on the current status of offsite emergency preparedness around Pilgrim, some of the issues about which the facts are still in dispute were the subject of information previously provided to the Commission in late 1988. Therefore, notwithstanding the fact that the Lessons Learned Task Force evaluated whether the staff made any omissions or errors in its review of Pilgrim offsite emergency preparedness, it is possible that the Pilgrim Special Task Force may identify additional staff errors or omissions during the conduct of its reviews. However, to date, NRC has not identified any additional staff omissions or errors pertaining to information provided the Commission in late 1988 beyond those cited in the Inspector General's Report and addressed in the Lessons Learned Task Force Report.

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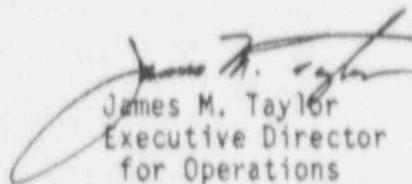
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The Honorable Edward P. Kirby -2-

I hope I have been responsive to your concerns. If you have further questions on these matters, please let me know.

Sincerely,


James M. Taylor
Executive Director
for Operations

Enclosures:

1. NRC Inspector General's Report
dated July 23, 1990
2. Charter for Lessons Learned Task Force w/Final Report
3. Charter for Pilgrim Special Task Force

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Office of the
Inspector General
U.S. Nuclear Regulatory Commission

UNITED STATES NUCLEAR REGULATORY COMMISSION
**INSPECTION
REPORT**





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

July 23, 1990

OFFICE OF THE
INSPECTOR GENERAL

MEMORANDUM FOR: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick

FROM:

David C. Williams
David C. Williams
Inspector General

SUBJECT: INSPECTION OF NRC STAFF'S REVIEW OF PILGRIM
OFF-SITE EMERGENCY PREPAREDNESS

The enclosed Office of the Inspector General (OIG) Report of Inspection responds to allegations concerning the NRC staff's testimony on the status of off-site emergency preparedness during the October 14 and December 9, 1988, Commission meetings. These meetings were conducted to consider the restart of the Pilgrim Nuclear Power Station.

The NRC staff reviewed a draft of this report and provided their comments. We have included the complete text of their comments and our response to their comments as Appendix I to the report.

If you have any questions regarding the OIG's report, I will be happy to meet with you at your convenience.

Enclosure:
Report of Inspection

cc: J. Taylor, EDO

Pilgrim Lessons Learned Task Force
Charter

On July 23, 1990, the Office of the Inspector General (OIG) issued Report No. 90N-02 on the NRC staff's review of Pilgrim offsite emergency preparedness. The IG concluded that (1) the assessment by the NRC staff of Pilgrim offsite emergency preparedness was not balanced or thorough, and (2) certain information provided by the staff concerning the status of Pilgrim offsite emergency preparedness during the October and December 1988 Commission meetings was inaccurate. An August 1987 report on the adequacy of offsite emergency preparedness at Pilgrim which concluded that "Massachusetts offsite radiological emergency planning and preparedness are inadequate to protect the public health and safety" set in motion the events at Pilgrim.

In a memorandum to the Chairman dated August 3, 1990, the EDO requested the Director, NRC, to conduct a lessons learned review and provide recommendations on how we should proceed in the event we encounter a similar situation in the future. The charter of the Pilgrim Lessons Learned Task Force is to perform an introspective review of the process used by the staff to evaluate the adequacy of offsite emergency preparedness at Pilgrim. The objective is to develop specific "lessons learned" to guide the staff in evaluating the adequacy of offsite emergency preparedness issues if confronted with a similar situation in the future.

The Task Force review should consider:

- ° The regulatory basis for the NRC review of offsite emergency preparedness for operating nuclear power plants.
- ° The NRC - FEMA roles and relationship in reviewing offsite emergency preparedness (including situations where offsite authorities do not fully cooperate).
- ° Enforcement actions under 10 CFR 50.54(s)(2), i.e., the "120-day clock".
- ° NRC staff actions following a FEMA finding that, "offsite emergency planning and preparedness are inadequate to protect the public health and safety."
- ° Provisions of the NRC-FEMA Memorandum of Understanding.
- ° The interactions between the NRC and State and local governments/agencies and between the NRC and the public.
- ° The role of the licensee in providing information pertaining to State and local governments.
- ° Appropriate means for resolving conflicting information.

- ° Documentation of the NRC staff review.
- ° Other areas identified by the Task Force during the course of the review.

The Director of NRR will document the results of the Task Force evaluation in a report to the EDO.

PILGRIM EMERGENCY PREPAREDNESS
LESSONS LEARNED TASK FORCE

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REGION I

OCTOBER 1, 1990

PILGRIM EMERGENCY PREPAREDNESS

LESSONS LEARNED

1. Introduction

In August 1987 the Federal Emergency Management Agency (FEMA) issued a report on the adequacy of offsite emergency preparedness at the Pilgrim Nuclear Power Station, which concluded that "Massachusetts offsite radiological emergency planning and preparedness are inadequate to protect the public health and safety..." The FEMA report raised issues that the Nuclear Regulatory Commission (NRC) staff determined had to be addressed before the restart of the Pilgrim facility. On July 23, 1990, the Office of the Inspector General (IG) issued Report No. 90N-02 on its investigation of the NRC staff's review of Pilgrim offsite emergency preparedness. The IG concluded that (1) the assessment conducted by the NRC staff of Pilgrim offsite emergency preparedness was neither balanced nor thorough, and (2) certain information provided by the staff concerning the status of Pilgrim offsite emergency preparedness during the October and December 1988 Commission meetings was inaccurate.

In a memorandum to the Chairman of August 3, 1990, the Executive Director for Operations (EDO) stated that the Director, Office of Nuclear Reactor Regulation (NRR), had been requested to conduct a lessons learned review and to provide recommendations on how we should proceed in the event we encounter a similar situation in the future. A lessons learned task force was formed by the Director, NRR, which consisted of eight senior members of NRC management including some who were not directly associated with the Pilgrim matter. On August 17, 1990, the Chairman directed that the lessons learned study should specifically address (1) an evaluation

of whether any staff omission or error occurred in the Pilgrim review, and (2) the need for any additional staff guidance or procedures were the circumstance to arise for the staff to again conduct a review of this unique type. The task force charter and related correspondence are enclosed with this report.

II. Background

In April 1986, the Pilgrim facility was shut down for technical and management reasons. On July 15, 1986, Massachusetts State Senator William B. Golden and others submitted a petition to the NRC which, in addition to management and containment issues, alleged inadequacies in the emergency plan for Pilgrim. On December 22, 1986, Charles V. Barry, the Secretary of Public Safety of the Commonwealth of Massachusetts, sent FEMA a report, "Report to the Governor on Emergency Preparedness for an Accident at the Pilgrim Nuclear Power Station," December 1986. The Secretary of Public Safety also asked FEMA to review a Boston Edison Company (BECO) report, "Evaluation of Offsite Emergency Preparedness in the Area Surrounding the Pilgrim Nuclear Power Station," January 1987, which was prepared for BECO by the Impell Corporation. In a memorandum of March 31, 1987, FEMA informed the NRC that it was conducting a self-initiated review of the overall state of emergency preparedness (EP) at Pilgrim. FEMA stated that it would prepare a consolidated evaluation that would address issues raised in the petition by State Senator Golden, the report submitted by the Massachusetts Office of Public Safety, the BECO report, and other relevant available information.

On August 6, 1987, FEMA forwarded its report, "Self-initiated Review and Interim Finding for the Pilgrim Nuclear Power Station," to the NRC. FEMA found that offsite emergency preparedness had deteriorated at Pilgrim and that FEMA could no longer make the finding that the Commonwealth and local plans were adequate. Specifically, FEMA identified six emergency preparedness issues: the lack of evacuation plans for public and private schools and day care centers, the lack of a reception center for people evacuating to the north, the 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 transportation dependent population, and an overall lack of progress in planning and apparent diminution in emergency preparedness. FEMA informed the NRC that because of the changed circumstances at Pilgrim, the finding of adequacy contained in FEMA's previous interim finding report no longer applied.

Because the plant was shut down by Boston Edison at the time for reasons other than emergency preparedness, the NRC concluded that there was no additional safety assurance to be gained by taking immediate enforcement action. Boston Edison was working with the Commonwealth and local officials at that time to improve the offsite emergency response plans, and it was apparent that improvements were being made. However, the NRC staff judged the deficiencies identified by FEMA to be significant enough that the NRC stated that the plant would not be permitted to restart until improvements were made in the plans and some demonstration of those improvements was observed.

FEMA informed the staff that it would not be in a position to update the finding made in its self-initiated review until the Commonwealth submitted revised plans for review and some demonstration of the plan changes in a drill or exercise occurred. Knowing that progress had been made in upgrading emergency preparedness at Pilgrim and that the plant would be ready to restart before completion of the FEMA review, the NRC staff undertook an evaluation of the progress and improvements in emergency preparedness which had occurred in the time period after FEMA issued its August 1987 report.

In a Commission meeting on October 14, 1988, the staff presented its findings addressing the readiness of Pilgrim to restart. Regarding emergency preparedness, the staff determined that adequate progress had been made on the deficiencies identified by FEMA, based on a review of plan improvements and observation of some demonstrations of those improvements. In addition, the staff determined that an infrastructure to handle emergencies was in place and would implement the revised plans, and the Commonwealth had demonstrated its response capabilities at other exercises in the State. Therefore, the staff concluded there was reasonable assurance that adequate protective actions can and will be taken in the event of a radiological emergency at Pilgrim. The staff recognized that there was more work to be done in connection with emergency planning at Pilgrim and stated that there must be continued progress in finalizing the resolution of the outstanding EP issues. At the meeting, Senator Edward M. Kennedy, Congressman Gerry E. Studds, and Lt. Governor Evelyn F. Murphy of Massachusetts presented their views on Pilgrim restart and emergency preparedness issues. They each stated that

emergency planning in the Pilgrim emergency planning zone (EPZ) was inadequate, and they urged the Commission not to approve restart of Pilgrim until the deficiencies had been fully corrected. In addition, there was correspondence from the local officials to the Commission stating that emergency planning for Pilgrim was inadequate. Therefore, the Commission decided to hold a second meeting on December 9, 1988, to permit State and local officials to present their views regarding the status of emergency preparedness at Pilgrim directly to the Commission.

On December 21, 1988, the Commission, after consideration of the information provided by the State and local officials, the elected Massachusetts representatives, BECo, and the NRC staff, voted to authorize the NRC staff to allow restart of the Pilgrim facility. The decision to allow restart was predicated on a controlled power ascension program with established hold points which required NRC approval before the licensee could proceed to the next hold point. Continued progress in resolving the emergency planning issues was one of the factors considered in the approval process. The power ascension program was completed on February 12, 1990.

The IG investigation was initiated based on two letters received in June and July 1989 which alleged that the NRC staff provided inaccurate information and misrepresented certain facts on offsite emergency preparedness to the Commission during its meetings on October 14, 1988, and December 9, 1988. As noted above, the IG report was issued on July 23, 1990.

A full participation exercise was conducted at Pilgrim by FEMA on October 12-13, 1989. Two deficiencies were identified which were resolved in a remedial exercise held on May 25, 1990. In a report issued on August 31, 1990, FEMA stated that notwithstanding the progress made, the incomplete status of some plans and lack of some documentation prevents FEMA from resolving all the inadequacies identified in its August 1987 self-initiated review, and from certifying that the State plans and procedures are sufficient to meet the criteria of NUREG-0654/FEMA-REP-1.

III. Lessons Learned as a Result of Task Force Study

Members of the task force were provided copies of the IG report and background information documents to review before meeting as a group to discuss the lessons learned and to offer possible alternatives to the review process used by the NRC staff to determine the status of offsite emergency preparedness if faced with a similar situation in the future. On September 17 and 18, 1990, the task force met to discuss their initial findings and met again on September 24, 1990, to finalize their report. The following discussion summarizes the principal lessons learned that were identified during the task force's deliberations on the Pilgrim case.

1. EARLY COMMISSION GUIDANCE ON POLICY DIRECTION

If, for any reason, FEMA withdraws its reasonable assurance finding for offsite emergency preparedness, the NRC staff should promptly review the new FEMA findings and make a formal documented

determination of NRC's position regarding its reasonable assurance finding concerning emergency preparedness for the plant in question in accordance with 10 CFR 50.54(s)(2) and (s)(3). If the NRC staff finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, and if the deficiencies which caused the staff to make the finding are not corrected within 120 days of that finding, the staff will make recommendations and the Commission itself will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. A decision to undertake an NRC review of offsite emergency preparedness should be made by the Commission itself.

2. NRC-FEMA RELATIONSHIP

The task force believes that for effective State and local involvement in the development of acceptable offsite emergency preparedness, it is imperative that there be a continuing, active FEMA presence. With FEMA's continuing involvement, the inadequacies identified by FEMA (or NRC) will continue to be addressed in a team effort resulting in a common agreement that "reasonable assurance" has been achieved, or that differences have been clearly identified.

The task force found that there is a need to reexamine the relationship and responsibilities of the NRC and FEMA with regard to offsite emergency planning. This reexamination should focus on the Memorandum of Understanding (MOU) between the agencies to clearly delineate responsibilities in a situation where FEMA withdraws its finding of reasonable assurance for a plant with an operating license. As part of this reexamination, NRC and FEMA should develop a common understanding of the requirements for a finding of reasonable assurance. Further, such examination should address FEMA's role in continuing to work with State and local governments in a timely manner following a determination of a lack of reasonable assurance. Such examination should recognize that under Executive Order 12657, issued on November 18, 1988, upon certification by a utility that State or local governments decline or fail (1) to prepare adequate offsite emergency plans, or (2) to participate adequately in the preparation, demonstration, testing, exercise or use of such plans, FEMA is directed to take actions to ensure that adequate offsite plans and procedures are in place. FEMA assistance is to include advice, technical assistance, and arrangements for facilities and resources, and to make plans and arrangements for Federal response. FEMA is to utilize to the maximum extent possible the resources of the utility and State and local governments before it relies upon its own and other Federal resources.

3. NRC STAFF PROCEDURES

There may be special circumstances in which FEMA is unable to participate in the review of offsite emergency preparedness for an operating nuclear power plant. In such a case, the NRC may need to conduct its own review to determine the current state of reasonable assurance relative to continued operation of the plant. Such a case existed for Pilgrim.

The task force examined the process used by the NRC staff to evaluate the progress and improvements in the area of offsite EP at Pilgrim. From this examination, the task force found that no specific plan or procedure had been established to formally document progress or improvements. To carry out a decision by the Commission to conduct an NRC review of offsite EP, the staff will develop a comprehensive action plan including the following elements:

- ° Plan and procedures for conducting the review.
- ° Management and organization for the review including a dedicated SES manager.
- ° Identification of resources needed to execute the plan.
- ° Consider the establishment of a temporary NRC office in the area of the affected plant.
- ° Engagement of local officials to obtain their views.
- ° Public meetings to obtain views of general public.

- ° Final public meeting to inform the public of the results of the NRC's fact finding and to solicit any additional comments.
- ° Development of a comprehensive, fully documented, report to the Commission regarding findings.

4. COMMUNICATION BETWEEN THE COMMISSION AND THE STAFF

The current process of communication between the staff and the Commission allows for direct questioning of the staff during presentations to the Commission. In general, staff presentations are made by NRC staff management and do not deal with the level of detail on offsite EP that was addressed during the Commission meetings on the restart of Pilgrim. The staff members who responded to Commission questions on some of the details of offsite EP did not have extensive firsthand information or did not refer to the background documents. Some of the transcript responses were corrected later, although some which did not get additional qualification, could have been misunderstood. In situations involving complex emergency preparedness issues that are under dispute, a written report should be provided to the Commissioners before an open meeting to discuss the issues. If questions arise during the meeting that the Commission considers to be relevant and material to its decision, and the staff is not prepared to give a factual answer, the question(s) should be referred to the EDC in a staff requirements memorandum (SRM) and responded to in writing. This process will provide a more accurate, documented record.

The task force believes that the importance of accurate staff presentations to the Commission should be obvious. However, the Pilgrim experience indicates that a more formalized process may be required to reduce the potential for misunderstanding, especially during exchanges between Commissioners and staff that go beyond prepared statements. From a critical look at some statements given to the Commission at its meetings to discuss Pilgrim restart, the task force believes that written responses to Commissioners' questions would be better considered and qualified by the staff so as to reduce questionable interpretation.

5. COMMUNICATION BETWEEN THE COMMISSION AND OTHERS WITH DIFFERING OPINIONS REGARDING EMERGENCY PREPAREDNESS

The staff presentations to the Commission are a distillation of views on the issues being considered. While the staff attempts to consider and resolve differing opinions of parties outside the NRC, it is not always successful. In this regard, in certain circumstances, the Commission may wish to consider having State and local officials present their views on staff reports and findings directly to the Commission, recognizing that these parties may strongly hold to views that are opposite those of the staff.

6. GENERIC GUIDANCE TO THE STAFF

The task force considered that the lessons learned above might apply to areas other than emergency preparedness. The staff must take care to properly qualify oral responses to Commission questions. This is especially true when the staff is not certain of the answer and would best serve the Commission by providing a written response. The statements that most often come into question are those made to the Commission in direct response to a Commissioner's question during the staff presentation. Accordingly, the Commission may want to consider issuing generic guidance to the staff on how to communicate with the Commission on sensitive issues. However, the task force recognizes that an overly formal communication process may inhibit the interaction in staff discussions during Commission meetings.

IV. Evaluation of Staff Omission or Error

In an August 17, 1990, memorandum to the EDO, the Chairman requested the lessons learned study to evaluate whether the staff made any omission or error in its review of Pilgrim offsite emergency preparedness. In response to this request, the task force has reviewed the prepared staff statements and responses to questions made at the October 14, 1988, and December 9, 1988, Commission meetings; the November 15, 1988, submittal to the Commission, "Pilgrim Status Update;" the July 23, 1990, IG report; and the transcripts and report of interview of the IG with certain NRC staff. The task force did not review the entire record of the NRC staff's review of Pilgrim offsite EP.

The task force has broadly interpreted the Commission's charge to evaluate omissions and errors and has identified 14 instances in which questions may arise concerning the completeness or accuracy of statements made by the staff to the Commission. We found that in some of these statements the staff failed to fully qualify responses to Commissioners' questions to indicate that they did not have the firsthand knowledge necessary to provide the level of detail sought. However, the task force believes that any omission or error resulted from an effort by the staff to communicate fully with the Commission at the time. As noted above, the task force recognizes the need for the staff to communicate fully and accurately with the Commission. The unique circumstances presented by the Pilgrim emergency preparedness review led the task force to the lessons learned that are presented in Section III. The task force believes that the adoption of these lessons learned in any future review of a unique situation similar to Pilgrim offsite emergency preparedness would result in a more formal process that would reduce the likelihood of such omissions and errors as are discussed in the following items.

1. During the October 14, 1988, Commission meeting to discuss the status of the Pilgrim facility and to consider a possible vote on allowing restart, in the staff's prepared statement discussing the status of emergency preparedness, the staff stated that "In order to assess progress, the NRC staff has...discussed the issues with...local town emergency planning officials." [80]

The statement, while true, should have been qualified to clarify that the staff did not discuss all of the issues with all of the officials, and that in many instances the local officials held views different from the staff.

2. In its prepared statement, the staff stated, "We have...toured the area, with special emphasis on the beaches and the local emergency operating centers." [80]

The statement, while true, implies a level of activity beyond that performed. The statement should have been qualified to make it clear that all the emergency operating centers (EOCs) were not visited, and additional visits to beaches by NRC staff were limited.

3. In the same prepared statement to discuss the status of implementing procedures, the staff stated, "There are five procedures for two EPZ communities for Plymouth and (Duxbury) that, although prepared, have not yet been approved by local officials for forwarding to the Commonwealth for technical review." [82] In a later response to a question from Chairman Zech, the staff presenter stated, "There are approximately 300 as a round number of required implementing procedures and as I indicated, there are five of those procedures that have yet to be sent to the Commonwealth with any type of approval from the local officials." [96]

This was an inaccurate statement. The staff acknowledged this error and provided a correction to the transcript to the Commission on October 21, 1988. The correction indicated that the five procedures were undergoing review by the local officials, and the five procedures, as well as all the procedures for Plymouth and Duxbury, had not yet been approved by the local officials for forwarding to the Commonwealth for technical review.

4. In response to a question from Commissioner Rogers, the staff presenter stated, "I have visited the local emergency operating centers and those facilities are there and they are ready to be used in an emergency." [92]

The statement should have been qualified because it could imply that the staff had visited all seven EOCs and assessed their preparedness. At the time the statement was made, the staff had only visited the Duxbury EOC and understood from discussions with individuals present in the EOC that they believed it was ready. This statement was subsequently corrected in the October 21, 1988, submittal to the Commission. The staff provided additional clarifying information in the November 15, 1988, submittal to the Commission indicating that the staff had toured each of the seven local EOCs following the October 14, 1988, meeting.

5. In response to a question from Chairman Zech regarding the amount of interaction with local officials and whether they were conversing with and working with the staff, the staff presenter responded, "Pretty much so. I have a number of the public that call me quite regularly, that are here today and we converse probably on a daily basis. Yes, sir." The Chairman then asked if the staff had any difficulty as far as local officials are concerned with articulating the Federal responsibilities. The staff presenter responded, "No, sir. There's been no problem in that area and I have in any number of occasions been up in front of a large number of members of the public and elected officials to make sure that they understand the responsibilities of the Federal community, the NRC, the Commonwealth and the local officials. Some of these meetings have dragged on till 1:30 in the morning, sir." [95-96]

The staff statement should have been qualified to indicate that the staff had interacted primarily with Commonwealth officials on technical issues related to emergency planning. The staff was aware of the concerns of local officials through attendance at meetings held by the staff and others at which EP issues were raised. On November 15, 1988, the staff provided this clarification to the Commission.

6. In response to a request by Chairman Zech to discuss areas that are difficult to evacuate, the staff presenter stated "The beach population area -- I have toured that beach population -- it is required

to get on and off that beach with a four-wheel drive vehicle. You could not take your car on it. So, there is some limited access. There are a fair number of permits that are issued to those four-wheel drive vehicles. The number is in the several thousands and they have made sure that the plans and procedures indicate that those beaches will be closed at an early stage so that you would not put more people on those beaches if there is any type of event at the Pilgrim Station." [97-98]

The statement should have been qualified to specify the beach or beaches being discussed, such as Saquish and Gurnet, Duxbury, or Plymouth, and to specify the maximum number of people and the maximum number of four-wheel drive vehicle permits at any one of these beaches.

7. In response to Commissioner Carr's question, "Do they overnight on those beaches?" the staff stated "No, sir. They do not." [98]

The statement should have been qualified to reflect that the staff was only referring to the transient population.

8. In response to a question from Commissioner Carr regarding the ability to leave the beach and the duration of lunar high tides, the staff stated, "Yes, sir, and those beaches are -- (isolated) only approximately four hours a month." [98-99]

This statement was too facile for this complicated issue, which warranted more consideration and an in-depth study with a written response.

9. During the December 9, 1988, Commission meeting, the staff stated, "The status of emergency plans, implementing procedures and other supporting documents for the five towns within the 10-mile EPZ and the two reception communities, is consistent with the status presented by the staff on October 14, 1988." [167]

The statement is inaccurate because, as previously indicated, the staff had determined that the status of implementing procedures that was presented on October 14, 1988, was in error, which caused the staff to submit clarifications to the Commission on October 21, 1988.

10. In the same statement on December 9, 1988, the staff stated, "34 of the Plymouth procedures have received selectmen approval." [168]

The statement should have been qualified to say that, although the Selectmen had reviewed and then forwarded the procedures to the Commonwealth for informal technical review, they had not formally approved these procedures.

11. In the same statement on December 9, 1988, the staff stated, "Implementing procedures have been drafted for all schools and approved

at the department head level. Subsequently the school superintendent for Marshfield has indicated his dissatisfaction with this plan. Several school committees have yet to approve the procedures." [169]

The statement should have been qualified to clearly indicate that, even though the procedures had been reviewed, forwarded for informal technical review, and used for training, none had been formally approved.

12. In the same statement, when discussing transportation providers, the staff stated, "The form and content of the letters of agreement are now approved by the Commonwealth." [172]

The statement should have been qualified to indicate that there appeared to be an understanding between the parties in form and content but that formal agreement had not been made.

13. In the same statement, when discussing the evacuation concerns for the Saquish and Gurnet area and for the portion of Duxbury Beach that is south of Powder Point Bridge, the staff stated, "The town of Duxbury, particularly the Department of Land and Natural Resources, has the necessary resources to effect an evacuation of this area, and this department head believes a peak population for this area is 4000, with 3000 being typical. The head of the Duxbury Department of Land and Natural Resources has stated that access is limited from the Powder Point Bridge south to 500 vehicles, and is strictly enforced. Access to the Saquish/Gurnet area is limited to the residents and summer population is less than 700." [176-177]

The statement should have been qualified to specify that the beach populations from Saquish and Gurnet and the portion of Duxbury Beach that is south of Powder Point Bridge should have been added together to obtain an accurate estimate of the possible number of evacuees from the area south of the bridge.

14. In the same statement, in discussing the public information brochure, the staff stated, "The language in the upcoming public information brochure has been approved by the Commonwealth." [178]

The statement should have been qualified to state that although the Commonwealth had reportedly reviewed the draft brochures and indicated to BECo what changes needed to be made, they had not formally approved the brochures.

NOTE: The words in parentheses in Item Nos. 3 and 8 reflect the correction that was provided to the Commission on October 21, 1988. The numbers in the brackets refer to the transcript pages in the October 14, 1988, (104 page version) and December 9, 1988, Commission meeting transcripts.

CHARTER FOR TASK FORCE ON PILGRIM
OFFSITE EMERGENCY PREPAREDNESS
(SPECIAL TASK FORCE)

Background

As part of the effort to determine the current status of offsite emergency preparedness (EP) around Pilgrim, the staff held a public meeting in Plymouth, Massachusetts, on September 6, 1990.

At the meeting, the predominant messages from the public were that the NRC staff did not do a credible job in evaluating the status of offsite planning; the State (and to a lesser extent the local officials) have not effectively addressed the EP issues; and, the Boston Edison Company is no longer cooperating in resolving issues. Because of the myriad of details presented to the staff at the public meeting, the EDO established a special task force with FEMA participation to: (1) review the assertions and documents presented to the staff at the September 6 public meeting, (2) review the soon-to-be-issued FEMA status report, (3) conduct field verification of issues in dispute, (4) issue a current EP status report, and (5) provide a recommendation as to whether the NRC should reconsider its 50.54(s) reasonable assurance finding.

Tasks

1. Identify Pilgrim Offsite EP Issues in Dispute. Analyze the following documents: (1) transcript and documents obtained at the September 6, 1990, public meeting, (2) FEMA's August 31, 1990 exercise report on Pilgrim, (3) the licensee's analysis of these documents, (4) FEMA's forthcoming status report on EP planning for Pilgrim and, (5) other documents deemed pertinent.
2. Determine the Factual Status of Issues in Dispute. Establish the facts regarding each issue on the basis of authoritative documentation. Where necessary, independently verify and document facts and status through field visits (to include inspection of facilities, and meetings with State and local officials responsible for emergency planning), personal observation, direct measurement, photographs and other means, as appropriate.
3. Describe Current Status of Offsite EP for Pilgrim. Assemble factual information into a current description of the status of the issues in contention regarding offsite EP for the Pilgrim emergency planning zone.
4. Identify and Assess the Significance of Existing EP Problems. Review the current status of offsite EP to identify shortcomings, weaknesses, inadequacies or other problems in emergency planning and preparedness for the Pilgrim emergency planning zone. Assess their significance relative to the appropriate standards in the EP regulations and in NUREG-0654/FEMA-REP-1, Rev. 1, "Criteria For Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," and other NRC and FEMA guidance documents. The review should also consider compensatory measures that local and State entities may have established to address weaknesses while working towards a permanent resolution.

5. Recommend Whether the NRC Should Reconsider its Reasonable Assurance Finding. Based upon review and assessment of any new information uncovered by the Task Force and the facts and status of offsite emergency planning and preparedness for the Pilgrim emergency planning zone, recommend whether the NRC should reconsider its finding that the state of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the Pilgrim Nuclear Power Station.



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

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 04/05/91

EDO CONTROL: 0006328
DOC DT: 03/12/91
FINAL REPLY:

Ronald K. Morgan
Assistant to Sen. Edward P. Kirby
Massachusetts State Senator

TO:

Region I

FOR SIGNATURE OF:

** GRN **

CRC NO:

Executive Director

DESC:

ROUTING:

REQUEST INFORMATION REGARDING PILGRIM

Taylor
Sniezek
Thompson
Blaha
Murley, NRR
Williams, OIG
Scinto, OGC
Denton, GPA

DATE: 03/19/91

ASSIGNED TO:

CONTACT:

BI

TMartin

SPECIAL INSTRUCTIONS OR REMARKS:

COORDINATE WITH NRR

to get on and off that beach with a four-wheel drive vehicle. You could not take your car on it. So, there is some limited access. There are a fair number of permits that are issued to those four-wheel drive vehicles. The number is in the several thousands and they have made sure that the plans and procedures indicate that those beaches will be closed at an early stage so that you would not put more people on those beaches if there is any type of event at the Pilgrim Station." [97-98]

The statement should have been qualified to specify the beach or beaches being discussed, such as Saquish and Gurnet, Duxbury, or Plymouth, and to specify the maximum number of people and the maximum number of four-wheel drive vehicle permits at any one of these beaches.

7. In response to Commissioner Carr's question, "Do they overnight on those beaches?" the staff stated "No, sir. They do not." [98]

The statement should have been qualified to reflect that the staff was only referring to the transient population.

8. In response to a question from Commissioner Carr regarding the ability to leave the beach and the duration of lunar high tides, the staff stated, "Yes, sir, and those beaches are -- (isolated) only approximately four hours a month." [98-99]

This statement was too facile for this complicated issue, which warranted more consideration and an in-depth study with a written response.

9. During the December 9, 1988, Commission meeting, the staff stated, "The status of emergency plans, implementing procedures and other supporting documents for the five towns within the 10-mile EPZ and the two reception communities, is consistent with the status presented by the staff on October 14, 1988." [167]

The statement is inaccurate because, as previously indicated, the staff had determined that the status of implementing procedures that was presented on October 14, 1988, was in error, which caused the staff to submit clarifications to the Commission on October 21, 1988.

10. In the same statement on December 9, 1988, the staff stated, "34 of the Plymouth procedures have received selectmen approval." [168]

The statement should have been qualified to say that, although the Selectmen had reviewed and then forwarded the procedures to the Commonwealth for informal technical review, they had not formally approved these procedures.

11. In the same statement on December 9, 1988, the staff stated, "Implementing procedures have been drafted for all schools and approved

at the department head level. Subsequently, the school superintendent for Marshfield has indicated his dissatisfaction with this plan. Several school committees have yet to approve the procedures." [169]

The statement should have been qualified to clearly indicate that, even though the procedures had been reviewed, forwarded for informal technical review, and used for training, none had been formally approved.

12. In the same statement, when discussing transportation providers, the staff stated, "The form and content of the letters of agreement are now approved by the Commonwealth." [172]

The statement should have been qualified to indicate that there appeared to be an understanding between the parties in form and content but that formal agreement had not been made.

13. In the same statement, when discussing the evacuation concerns for the Saquish and Gurnet area and for the portion of Duxbury Beach that is south of Powder Point Bridge, the staff stated, "The town of Duxbury, particularly the Department of Land and Natural Resources, has the necessary resources to effect an evacuation of this area, and this department head believes a peak population for this area is 4000, with 3000 being typical. The head of the Duxbury Department of Land and Natural Resources has stated that access is limited from the Powder Point Bridge south to 500 vehicles, and is strictly enforced. Access to the Saquish/Gurnet area is limited to the residents and summer population is less than 700." [176-177]

The statement should have been qualified to specify that the beach populations from Saquish and Gurnet and the portion of Duxbury Beach that is south of Powder Point Bridge should have been added together to obtain an accurate estimate of the possible number of evacuees from the area south of the bridge.

14. In the same statement, in discussing the public information brochure, the staff stated, "The language in the upcoming public information brochure has been approved by the Commonwealth." [178]

The statement should have been qualified to state that although the Commonwealth had reportedly reviewed the draft brochures and indicated to BECo what changes needed to be made, they had not formally approved the brochures.

NOTE: The words in parentheses in Item Nos. 3 and 8 reflect the correction that was provided to the Commission on October 21, 1988. The numbers in the brackets refer to the transcript pages in the October 14, 1988, (104 page version) and December 9, 1988, Commission meeting transcripts.

CHARTER FOR TASK FORCE ON PILGRIM
OFFSITE EMERGENCY PREPAREDNESS
(SPECIAL TASK FORCE)

Background

As part of the effort to determine the current status of offsite emergency preparedness (EP) around Pilgrim, the staff held a public meeting in Plymouth, Massachusetts, on September 6, 1990.

At the meeting, the predominant messages from the public were that the NRC staff did not do a credible job in evaluating the status of offsite planning; the State (and to a lesser extent the local officials) have not effectively addressed the EP issues; and, the Boston Edison Company is no longer cooperating in resolving issues. Because of the myriad of details presented to the staff at the public meeting, the EDO established a special task force with FEMA participation to: (1) review the assertions and documents presented to the staff at the September 6 public meeting, (2) review the soon-to-be-issued FEMA status report, (3) conduct field verification of issues in dispute, (4) issue a current EP status report, and (5) provide a recommendation as to whether the NRC should reconsider its 50.54(s) reasonable assurance finding.

Tasks

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