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July 27, 1990

Dear Chairman Carr:

I am writing with regard to the NRC Inspector General's report released on Wednesday concerning statements made to the Commissioners by the NRC staff about the status of emergency planning in the Emergency Planning Zone (EPZ) of the Pilgrim Nuclear Power Plant.

As you know, the Federal Emergency Management Agency (FEMA) concluded in August 1987 that offsite emergency planning was inadequate to protect the public health and safety in the event of an accident at Pilgrim. Following this finding, state and local officials from the EPZ towns began to develop a new plan.

On October 14, 1988, the Commission convened to receive testimony on the question of whether to allow Pilgrim to resume operations. At that meeting, an array of federal and state officials argued strenuously that because the plans were far from complete and because an exercise to test the adequacy of plans had not been carried out, the plant should not be allowed to reopen. These arguments were made even more convincingly by the local officials involved in emergency planning at the December 9 meeting.

The Commissioners ignored our strong admonitions and instead relied on the statements of the staff. As the Inspector General reports, many of these statements were patently false and inaccurately characterized the status of emergency planning in the five EPZ communities.

In my view, the staff's actions demonstrate a complete disdain for emergency planning requirements and, more fundamentally, a total disregard for their responsibility to protect public health and safety. I believe that strong disciplinary action is warranted. I would like to know if you intend to take such action, and, furthermore, what steps you will take to ensure that this does not happen again.

Inspector General Williams reached several conclusions that I find deeply disturbing and which raise fundamental questions about the NRC's ability to make sound, unbiased judgments about

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the operation of our nation's nuclear power plants. If your staff made false assertions about the readiness of the Pilgrim plant to operate, how can we be assured that they did not do likewise with regard to the opening of the Seabrook plant, for example, or any other facility?


I am also gravely concerned that your staff seems to have forgotten that it is their legal obligation to regulate the nuclear power industry, not promote it. According to the IG's report, avoiding any possible delay in Pilgrim's restart was paramount, and led to the decision to transfer to the staff from FEMA the responsibility for assessing the status of emergency preparedness.

This troubling attitude is also evidenced by the fact that the NRC staff chose to rely almost solely on the plant's operator, Boston Edison, for its information, rather than the officials who were actually involved in the preparation of the emergency plans.

In conclusion, I believe that this incident calls into serious question the NRC's authority to make final decisions on emergency planning. Congress should take a hard look at this issue and I intend to bring this matter to the attention of my colleagues with oversight responsibilities over the agency.

I am enclosing a copy of an editorial that appeared in today's edition of The Patriot Ledger, a daily newspaper that covers Boston's South Shore. It expresses sentiments with which I heartily concur.

Sincerely,



Gerry E. Studds

Mr. Kenneth Carr, Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Enclosure

The Patriot Ledger

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Editorials PL 7/27/90

Shape up the NRC

The Nuclear Regulatory Commission is responsible for ensuring nuclear power plants operate safely. The health and safety of the public—including those who live near Boston Edison's Pilgrim plant in Plymouth—depend on its sound judgment on issues that are often highly technical and complex.

It's absolutely essential to maintain public confidence in the thoroughness and objectivity of the NRC. That confidence is undermined when the commission is sloppy or appears to be putting the nuclear industry's interests before the public's.

Two reports this week relating to important NRC decisions are therefore deeply disturbing.

One is the finding that staff members gave the NRC false information at two 1988 hearings on emergency planning for the Pilgrim nuclear plant, part of the process for determining whether the plant should be allowed to restart.

The other is the disclosure that the NRC relaxed controls over the disposal of low-level radioactive wastes despite repeated concerns expressed by staff advisers and the Environmental Protection Agency. A congressional committee is looking into this decision.

In the Pilgrim case, the commission's inspector general said agency staffers relied on information from Boston Edison, rather than doing their own investigation, to measure the ability of local communities to protect the public in case of an emergency at the plant.

"The NRC staff's assessment of off-site emergency preparedness at Pil-

grim was neither balanced nor thorough," wrote Inspector General David C. Williams. Staffers didn't do their own legwork and "had minimal contact with local officials," he noted. Instead, they relied on information obtained from Boston Edison—not the best source for unbiased information because of its huge stake in getting the plant restarted. Moreover, Williams found inaccurate statements in the staff report.

The staffers' rebuttal didn't help matters any. "The NRC regulatory process relies heavily on the truth and accuracy of information provided by licensees," they responded.

That admission only compounds the unease over the commission's ability to make impartial judgments. The NRC obviously needs information from utilities operating nuclear plants, but it should not be swallowing whole what it's told by the industry it's supposed to be overseeing. It needs to check out that information independently.

Incidents such as this can only undermine confidence in the integrity of the nuclear regulatory system. Although the NRC over the years has been tough with Boston Edison's management of Pilgrim, it just takes a few incidents like this inaccurate staff report to give support to critics' long-held contention that the NRC is in bed with the nuclear industry.

The commission needs to remedy that impression—fast—and be seen to be acting in the public's interest. If it can't do that job itself, Congress and the president should.