



BOSTON EDISON

Pilgrim Nuclear Power Station
Rocky Hill Road
Plymouth, Massachusetts 02360

E. T. Boulette, PhD
Senior Vice President - Nuclear

June 1, 1994
BECo Ltr. #94-066

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

License No. DPR-35
Docket No. 50-293

Subject: **RESPONSE TO NOTICE OF VIOLATION**

Reference: **NRC OFFICE OF INVESTIGATION REPORT NO. 1-91-011**

Please find enclosed the response to the Notice of Violation.

Boston Edison Company is and has been committed to providing complete and accurate information to the NRC. In the circumstances described in this Notice of Violation, the company was in the somewhat unique position of responding to questions from the NRC concerning elements of a third party's emergency response plans over which the company did not have control. The company took steps to assure and believed the information provided was complete and accurate. In the future when information is required from a third party, Boston Edison will request increased involvement by the third party as necessary to ensure completeness and accuracy.

Please feel free to contact me if there are any questions regarding this response.

E.T. Boulette
E.T. Boulette, PhD

Enclosure
JPC/lam/9457

Then personally appeared before me, E. T. Boulette, who being duly sworn, did state that he is Senior Vice President - Nuclear of Boston Edison Company and that he is duly authorized to execute and file the submittal contained herein in the name and on behalf of Boston Edison Company and that the statements in said submittal are true to the best of his knowledge and belief.

My commission expires: October 5, 1995

DATE

Peter M. Kahler
NOTARY PUBLIC

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cc: Mr. Thomas T. Martin
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Senior Resident Inspector

ENCLOSURE

NOTICE OF VIOLATION

During an NRC investigation by the Office of Investigations initiated on October 22, 1991, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

10 CFR 50.9 requires that the information provided to the Commission by a licensee shall be complete and accurate in all material respects.

Contrary to the above, information provided to the Commission by Boston Edison Company in letters dated October 4, 1990, and February 21, 1991, and oral statements made on February 25, 1991, were not complete in all material respects. Specifically, in these communications, the licensee provided estimates of the response time of the Massachusetts National Guard (MNG) to the Wellesley Reception Center (WRC). However, the information related to the response time was incomplete in that qualifying factors (such as weather conditions and training assignments) that could affect the response time of the MNG were not included and the NRC was not informed that the MNG was unwilling to commit to the response times in writing.

This is a Severity Level IV violation (Supplement VII).

REASON FOR THE VIOLATION

Boston Edison Company is and has been committed to providing complete and accurate information to the NRC. Boston Edison made every effort to ensure adequate controls were in place for the information provided.

In preparing the October 4, 1990 and February 21, 1991 letters and in its oral statements on February 25, 1991, Boston Edison officials were in the somewhat unique position of characterizing aspects of the offsite emergency response programs that are not the responsibility of Boston Edison. This included describing the emergency response capabilities of the MNG. It was, therefore, necessary for Boston Edison to rely on verbal and written communications between its contractor emergency planners and MNG personnel. Boston Edison's prior review (See BECo letter 92-051) indicated that there had been no effort to provide less than complete and accurate information. However, from our review of the Notice of Violation and the synopsis provided of the supporting OI report, it appears that certain information was provided to Boston Edison planners/contractors that was not included in the referenced letters and oral statements.

Boston Edison has no basis for concluding that any individual willfully withheld material information from the NRC. Nevertheless, information determined by the NRC to be material apparently was not included in the referenced letters and oral statements.

The October 4, 1990 letter was a response to an NRC request for information on offsite emergency planning for Pilgrim based upon analysis of a transcript of a September 6, 1990 public meeting. Boston Edison was tasked with responding to over a hundred different statements made during the meeting by a wide range of persons in a relatively limited period of time.

In order to assure Boston Edison's response would be complete, accurate and timely, Boston Edison undertook special efforts. Each segregable statement in the transcript was given a unique number and assigned to a knowledgeable planner/contractor for response. Personnel involved in the response effort were called together early in the process and reminded of the need to assure that the responses were prepared with care and caution to assure accuracy. Each planner/contractor was required to initial the responses that he/she was responsible for before each response was reviewed and signed by two levels of Company management personnel. Legal counsel also participated in review of the responses. All of these measures were not employed with respect to the February 21, 1991 submittal because it did not involve the large breadth and scope of the October 4 submittal. Nevertheless, Boston Edison believes that appropriate measures were taken to assure accuracy in the Company's written submittals and oral statements.

CORRECTIVE STEPS TAKEN AND RESULTS ACHIEVED

Boston Edison Company has evaluated its control process for communication and correspondence to the NRC and has concluded that the process is adequate for most company correspondence. However, additional steps would provide greater assurance of accuracy and completeness when third party programs are being discussed.

The Commonwealth of Massachusetts no longer uses the Wellesley facility as a reception area. The new reception area replacing Wellesley is the Weymouth Naval Air Base. Even before the reception area was moved to Weymouth, Boston Edison and the Massachusetts Civil Defense Agency (now the Massachusetts Emergency Management Agency) identified volunteers who were trained to report to Wellesley in order to begin monitoring and decontamination until the MNG arrived.

CORRECTIVE STEPS TO BE TAKEN TO AVOID FURTHER VIOLATIONS

To avoid future violations when information is required from a third party, Boston Edison Company will request increased involvement as necessary of the third party during preparation of Boston Edison Company correspondence to the NRC or will attempt to facilitate the direct involvement of the third party with the NRC when Boston Edison Company considers this action to be necessary. This action should provide reasonable, additional assurance that complete and accurate information is provided to the NRC. This guidance will be proceduralized by August 31, 1994.

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance will be achieved by August 31, 1994 when the guidance is scheduled to be proceduralized.