



# POLICY ISSUE

(NEGATIVE CONSENT)

SECY-94-096

*Com Paper  
Regions  
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April 4, 1994

For: The Commissioners

From: James M. Taylor  
Executive Director for Operations

Subject: PROPOSED ENFORCEMENT ACTION AGAINST THE BOSTON EDISON  
ELECTRIC COMPANY (EA 93-077)

Purpose:

To advise the Commission of the staff's intention to issue a Notice of Violation to the Boston Edison Electric Company (BECO). Commission consultation is required because enforcement action is being proposed more than 18 months after referral of the matter to OI.

Background:

The NRC conducted a public meeting in Plymouth, Massachusetts on September 6, 1990, to obtain information from public officials and private citizens on the status of off-site emergency preparedness and planning around the Pilgrim Nuclear Power Station operated by BECO. Among the concerns raised at the public meeting was an issue involving the staffing of the Wellesley Reception Center and the time it would take the Massachusetts National Guard (MNG) to arrive and initiate the operation of the Wellesley Reception Center. In

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Contacts: J. Gray, OE  
504-2747  
J. Beall, OE  
504-3281

NOTE: ENFORCEMENT RELATED-LIMITED  
TO NRC UNLESS THE COMMISSION  
DETERMINES OTHERWISE

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Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA- 94-239 *8/1*  
*(2)*

particular, there was a concern that the National Guard would not be able to staff the reception center soon after the declaration of an emergency requiring an evacuation.

On September 12, 1990, I informed the Commission that I was establishing a special task force to review the concerns, assertions and documents presented to the staff during the public meeting. As requested by the staff, BECo submitted responses to the concerns raised at the public meeting in a letter dated October 4, 1990. Among the many concerns that were addressed in the letter, the licensee dealt with the staffing of the Wellesley Reception Center (WRC). BECo estimated that a National Guard advance party would arrive at the WRC between one and four hours after notification, with the remaining National Guard personnel arriving between six to twelve hours of notification. Thus, it appeared from BECo's letter that the WRC would be able to receive and process the evacuees within the guidelines established in NUREG-0654, which establishes acceptance criteria for action taken to satisfy the Commission's emergency planning requirements. BECo's October 4, 1990 letter indicated that the first evacuees were not expected to arrive at the WRC before five to six hours after the announcement of the evacuation order.

In a second letter dated February 21, 1991, BECo revised the estimated response time by stating that the Massachusetts National Guard (MNG) can have at least 10 personnel (responders) arrive at the WRC within about one hour of notification, at least 20 personnel arrive within about two hours, and 40 personnel arrive within about three hours of notification. BECo also corrected the arrival times of the first evacuees to be between 1 1/2 to 2 1/2 hours after the evacuation order.

The NRC task force interview of the MNG representative indicated a much longer response time of four to six hours after notification under the best case scenario, and eight to 12 hours under the worst case scenario.

To address the MNG response, MEMA revised the procedure for the WRC to include 32 individuals from the Massachusetts Department of Public Works, MEMA and BECo to perform initial phases of monitoring and decontamination at the WRC before MNG personnel arrived. In a letter dated May 13, 1991 to the MEMA Director, BECo agreed to provide 20 volunteers to support this initial response.

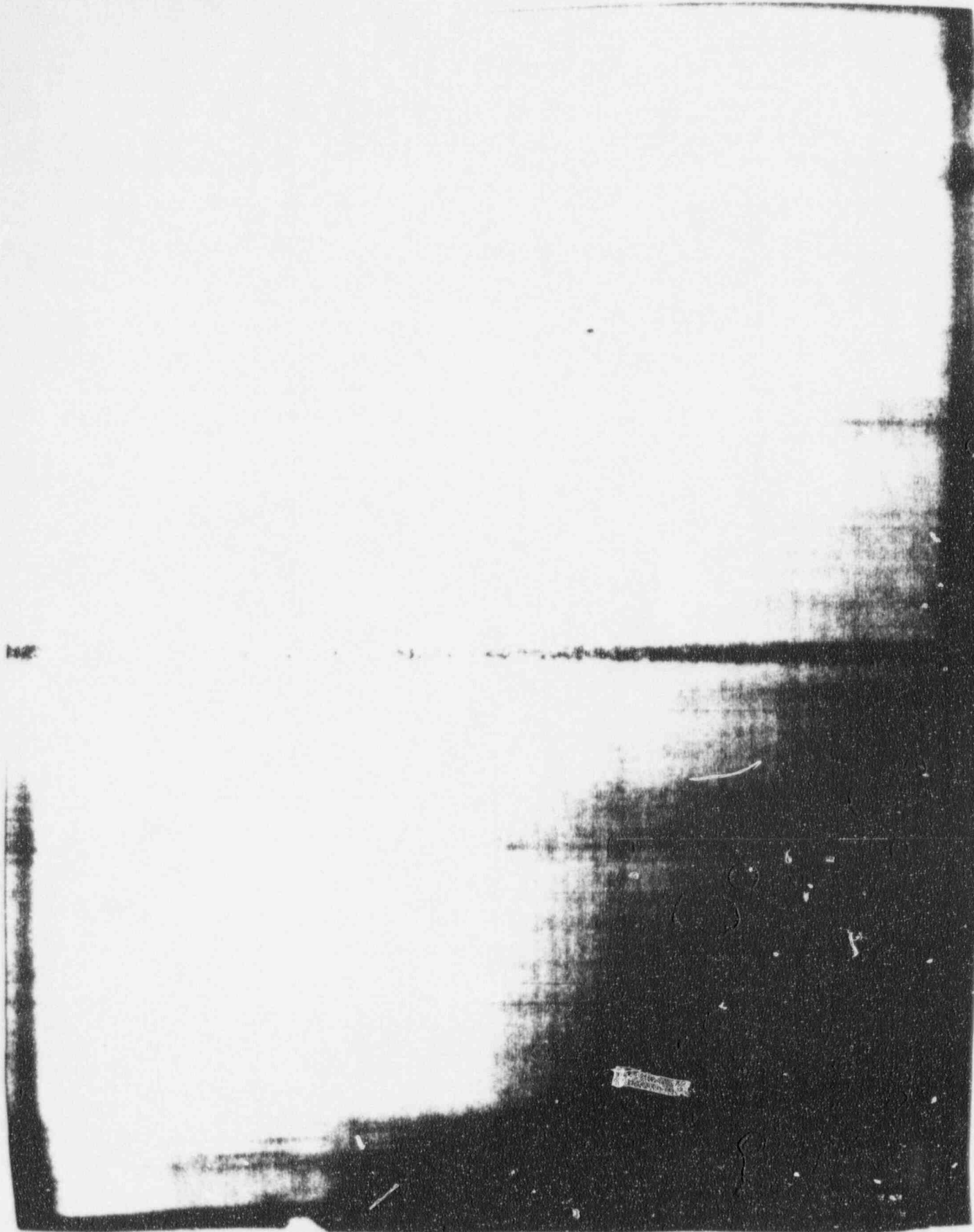
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After identifying inconsistencies in some of the response times supplied by BECo compared with some of the data provided by the responding offsite organizations, NRR notified OI of the possibility of wrongdoing on the part of BECo officials involved with offsite emergency planning, but did not request an investigation. OI self-initiated an investigation into the matter. OI completed its investigation and documented the results in OI Report 1-91-011, which was transmitted to Region I on March 25, 1993.

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Discussion:

Page



Q-4-3

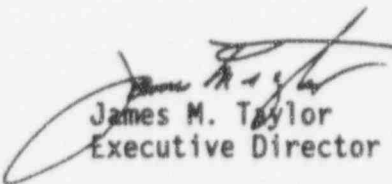
Coordination:

The Office of the General Counsel has no legal objection to this action. The Office of Investigations concludes that the facts used herein are correct and the references to the investigation conclusions are accurate.

Recommendation:

If the Commission does not direct otherwise within two weeks from the date of this Paper, the staff intends to issue the Notice and the letter to BECo.

NOTE: This paper and its issues should not be publicly disclosed because the matter involves predecisional enforcement issues.



James M. Taylor

Executive Director for Operations

Enclosures:

1. OI Report Synopsis
2. NUREG-1438 (Excerpt)
3. Staff Review of OI Report
4. Draft Letter to BECo and Notice of Violation

SECY NOTE: In the absence of instructions to the contrary, SECY will notify the staff on Tuesday, April 19, 1994, that the Commission, by negative consent, assents to the action proposed in this paper.

DISTRIBUTION:

Commissioners

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REGION I

EDO

SECY

## SYNOPSIS

On October 22, 1991, the Office of Investigations (OI), Field Office, Region I, U.S. Nuclear Regulatory Commission (NRC), initiated an investigation to determine if Boston Edison Company (BECo) intentionally violated NRC regulations by failing to provide complete and accurate information to the NRC in letters dated October 4, 1990, and February 21, 1991, and oral statements on February 25, 1991. Specifically, the information related to the response time of the Massachusetts National Guard (MNG) to the Wellesley Reception Center (WRC) and the training and staffing of the WRC by Massachusetts Department of Public Works (MDPW) staff.

Based on the evidence, OI concludes that BECo failed to provide complete information to the NRC in letters dated October 4, 1990, and February 21, 1991. Specifically, BECo planners/contractors deliberately omitted qualifying factors that could affect the response time of the MNG to the WRC. However, insufficient evidence was developed to conclude that BECo management was aware of and/or condoned the omission of the qualifying factors.

Additionally, during the OI investigation insufficient evidence was developed to conclude that BECo provided incomplete and/or inaccurate information in their letters and oral statements concerning the training and staffing of the WRC by MDPW staff.

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# Findings on Issues of Offsite Emergency Preparedness for Pilgrim Nuclear Power Station

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Manuscript Completed: June 1991  
Date Published: June 1991

Pilgrim Offsite Emergency Preparedness Task Force

U.S. Nuclear Regulatory Commission  
Washington, DC 20555



CASE NO. 1-91-011

EXHIBIT 2 R  
PAGE 1 OF 11 PAGE(S)

## ABSTRACT

This report presents the findings of the Pilgrim offsite emergency preparedness task force chartered to review issues in about 20 areas raised in a public meeting held by the U.S. Nuclear Regulatory Commission (NRC) in Plymouth, Massachusetts, September 6, 1990. The task force consisted of staff from the NRC and the Federal Emergency Management Agency supported by contractors. Factual information for this review was obtained primarily by task force teams working with State and local officials responsible for emergency preparedness in the area of the Pilgrim Nuclear Power Station.

## EXECUTIVE SUMMARY

### Background

The Inspector General of the U.S. Nuclear Regulatory Commission (NRC) issued a report on July 26, 1990, that was critical of certain aspects of the NRC staff's determination of the status of emergency preparedness (EP) for the Pilgrim Nuclear Power Station in Massachusetts. The plant is operated by Boston Edison Company (BECO).

On September 6, 1990, the NRC held a public meeting in Plymouth, Massachusetts, to obtain information from public officials and private citizens regarding the current state of offsite radiological emergency planning and preparedness around the Pilgrim Nuclear Power Station. During the meeting, 25 persons, including Commonwealth and local officials and private citizens, testified and tendered documents regarding issues and concerns about emergency preparedness for the Pilgrim station.

On September 12, 1990, NRC's Executive Director for Operations (EDO) informed the Commission that he was establishing a special task force to review the assertions and documents presented to the staff at the public meeting on September 6, 1990. On September 24, 1990, the EDO forwarded the charter for the task force to the Commission, which included five specific tasks:

- (1) Identify Pilgrim offsite EP issues in dispute.
- (2) Determine the factual status of issues in dispute.
- (3) Describe the current status of offsite EP for Pilgrim.
- (4) Identify and assess the significance of existing EP problems.
- (5) Recommend whether the NRC should reconsider its reasonable assurance finding (that adequate protective measures can and will be taken in the event of a radiological emergency at the Pilgrim Nuclear Power Station).

### The Task Force

The Pilgrim task force was made up of staff from the NRC and the Federal Emergency Management Agency (FEMA) supported by contractors. Factual information for this review was obtained primarily by task force teams working with State and local officials responsible for emergency preparedness in the area of the Pilgrim Nuclear Power Station.

Although staff from both the NRC and FEMA participated in this

## 1 INTRODUCTION

This chapter discusses the circumstances that led to the formation of the Pilgrim offsite emergency preparedness (EP) task force and the specific tasks assigned to the group. It also explains the purpose and scope of the effort and describes the methodology used by the task force.

### 1.1 Background

NRC's Inspector General issued a report on July 26, 1990, which was critical of certain aspects of the NRC staff's determination of the status of emergency preparedness for the Pilgrim Nuclear Power Plant in Massachusetts. The plant is operated by Boston Edison Company.

On September 6, 1990, the U.S. Nuclear Regulatory Commission (NRC) held a public meeting in Plymouth, Massachusetts, to obtain information from public officials and private citizens regarding the current state of offsite radiological emergency planning and preparedness around the Pilgrim Nuclear Power Station. During the meeting, 25 persons, including Commonwealth and local officials and private citizens, testified and tendered documents regarding issues and concerns about emergency preparedness for the Pilgrim station (PT-00).

On September 12, 1990, NRC's Executive Director for Operations (EDO) informed the Commission (PT-01) that he was establishing a special task force to review the assertions and documents presented to the staff at the public meeting on September 6, 1990. On September 24, 1990, the EDO forwarded the charter for the task force to the Commission (PT-02). On October 2, 1990, the EDO sent letters to Commonwealth and local officials who are involved with emergency planning for the Pilgrim station announcing formation of the task force (PT-05). The NRC issued a press release the next day announcing that the task force would be headed by Robert A. Erickson, Chief of the Emergency Preparedness Branch, Office of Nuclear Reactor Regulation in Rockville, Maryland. Richard W. Cooper II, Deputy Director of the Division of Radiation Safety and Safeguards at NRC's Region I office in King of Prussia, Pennsylvania, was designated as the Deputy Director of the task force. Other members were to be drawn from NRC regional offices around the nation, as well as from the Federal Emergency Management Agency (PT-06).

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\*The task force recorded pertinent documents that it obtained and assigned each a unique Pilgrim task force (PT) number. These documents are listed in Appendix A.

## 1.2 Task Force Charter

The charter of the task force includes the following five specific 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 [Federal Emergency Management Agency's] August 31, 1990, exercise report on Pilgrim, (3) the licensee's [Boston Edison Company's (BECO'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

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\*On February 22, 1991, FEMA concluded that this status report had been superseded by events including the task force's activities (PT-69).

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.

### 1.3 PURPOSE

The purpose of this report is to present factual findings of the task force regarding issues of offsite emergency preparedness for the Pilgrim Nuclear Power Station. The report also includes some discussion of pertinent regulatory standards and criteria that the task force will use to assess the facts. On the basis of its overall assessment of the issues, the task force will recommend whether the NRC should reconsider its finding of reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the Pilgrim Nuclear Power Station.

### 1.4 Scope and Limitations

This report focuses on determining the factual status and assessing the significance of the issues raised in the public meeting of September 6, 1990 (Appendix B), and corollary issues that the task force identified in the course of its fact finding. The task force used BECO's analysis of the September 6, 1990, meeting and its analysis of the FEMA exercise report (PT-08) only if factual information was not available from State or local officials or where BECO's analyses helped the task force understand an issue. Finally, the limitations on the task force's review of the FEMA exercise report are discussed in Section 2.10.

Although staff from both the NRC and FEMA participated in this effort, the task force activity was not intended as a substitute for NRC's normal regulatory oversight of Pilgrim EP nor as a substitute for FEMA's ongoing review of offsite EP for the Pilgrim station. Specifically, the task force did not attempt to conduct a comprehensive review of offsite emergency plans such as FEMA might perform as part of its certification process under Part 350 of Title 44 of the Code of Federal Regulations (CFR).

### 1.5 Methodology

The task force compiled information from the September 6, 1990, public meeting into about 20 topics, which were then assigned to field teams for fact finding, as shown below. The section of this report in which the topic is discussed is given in parentheses.

FIELD TEAMS

TOPIC

Team 1

Falk Kantor (NRC Headquarters)  
Robert Trojanowski (NRC Region II)  
Laura Deskins (FEMA Headquarters)

Carver Plans (Sec. 2.3)  
Generic Plans (Sec. 2.1)  
Gurnet-Saquish  
(including Clarks  
Island) (Sec. 2.7)  
Kingston Plans (Sec. 2.4)  
Marshfield Plans (Sec. 2.6)  
Plymouth Plans (Sec. 2.2)

Team 2

Edward Podolak (NRC Headquarters)  
Gail Good (NRC Region V)  
Margaret Lawless (FEMA Headquarters)

Evacuation Time Estimates  
(Sec. 2.8)  
Exercise (Sec. 2.10)  
Duxbury Plans (Sec. 2.5)  
Public Information (Sec.  
2.14)  
Reception Centers (Sec.  
2.11)  
Shelter (Sec. 2.15)  
Emergency Planning Zone  
(Sec. 2.16)

Team 3

Aby Mohseni (NRC Headquarters)  
Blair Spitzberg (NRC Region IV)  
Stephen Borth (FEMA Region I)

Communications (Sec.  
2.18.3)  
Direct Torus Vent System  
(Sec. 2.18.1)  
Persons With Special Needs  
(Sec. 2.12)  
Potassium Iodide (Sec.  
2.17)  
Public Notification System  
(Sec. 2.9)  
Recovery and Reentry  
(Sec. 2.18.2)  
Transportation (Sec. 2.13)

The task force field teams started work on October 31, 1990. In the ensuing months they held numerous meetings and discussions about issues with Commonwealth and local officials responsible for emergency preparedness and visited emergency facilities throughout the Pilgrim emergency planning zone. The field teams summarized their respective activities and findings in individual team reports

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\*The field teams were often accompanied by other FEMA staff members and consultants, including John Dolan (FEMA Region I), Joseph Keller (Idaho National Engineering Laboratory), and Jerome Overstreet (Argonne National Laboratory).

Guidance Memorandum 24, "Radiological Emergency Preparedness for Handicapped Persons," April 1984. The State's plan to handle the decontamination of handicapped individuals by sending them to a nearby hospital is adequate. The reception center is accessible to the handicapped. Toilet facilities that can be used by handicapped persons are operational. Seating for the handicapped and others who might require seating appears to be sufficient.

The practice of holding decontamination waste water is a Commonwealth of Massachusetts requirement and not a requirement of the NRC or FEMA. No letters of agreement exist with regard to the congregate care centers. This item is being pursued by MCDA and will be evaluated by FEMA in the 1991 exercise. However, the facilities covered by the CEM agreements can accommodate approximately 10 percent of the estimated number of evacuees expected to go to the north (in the direction of the Wellesley Reception Center). This is within the acceptable capacity range described in FEMA guidance (PT-152). In addition, FEMA and the NRC do not require letters of agreement between the State and the Red Cross relating to their support services in a radiological emergency.

#### 2.11.1.2 Staffing

##### A. STATEMENT OF ISSUE

Attendees at the September 6, 1990, public meeting expressed concern that the Massachusetts National Guard, which is responsible for monitoring evacuees at the Wellesley Reception Center, will not arrive for 6 to 12 hours following notification of an emergency. Thus, it will not be able to monitor evacuees within 12 hours as specified in NUREG-0654.

##### B. FINDINGS

The task force interviewed Colonel David W. Gavigan, Assistant Adjutant General of the Massachusetts National Guard, at the Wellesley EOC on November 7, 1990 (PT-79). Colonel Gavigan explained that during a radiological emergency at the Pilgrim site, the National Guard would be assigned to the State EOC in Framingham, the MCDA Area II EOC in Bridgewater, and the Wellesley Reception Center (RC). The number of National Guard personnel assigned to the Wellesley RC was 50 per shift for 2 shifts. Colonel Gavigan could not give an exact estimate of the time it would take for National Guard personnel to arrive at the Wellesley RC. He did state that for a best case, 4 to 6 hours would be required and for a worst case, 8 to 12 hours might be required. The best case would be at night when most guard members are home. The worst case would be during the day when most guard members are at work or in school.

According to Colonel Gavigan, the current plan is to deploy units as a whole, although deployment of partial units could be considered. He indicated that deployment of partial units would depend on the number of noncommissioned officers available and

would be on an ad hoc basis. The task force asked Colonel Gavigan about the possibility of using full-time guard personnel as first responders, followed by deployment of complete units. He believed that this option was impractical because full-time personnel will have other duties during the activation phase and, further, they are not trained for monitoring and decontamination duties. Mr. Iarrobino, who was also present for the discussion, added that the MDPW staff is also not trained to perform monitoring and decontamination and further, would not perform such duties.

At a meeting on January 31, 1991, with the task force (PT-168), MCDA representatives stated that the response times provided by Colonel Gavigan were the best estimates available. In a letter dated February 20, 1991, to Major General Wagner, Massachusetts National Guard, John L. Lovering, Acting Director MCDA, essentially questioned these estimates (PT-84).

On March 7, 1991, the task force sent a letter (PT-82) to Colonel Gavigan enclosing BECo's latest estimates (letter to NRC dated February 21, 1991) of the arrival times of the National Guard and requesting confirmation of those estimates.

In a letter dated March 18, 1991 (PT-104), Colonel Gavigan stated in reply:

It is the policy of the Massachusetts National Guard to have units prepared to employ the maximum number of personnel to assist civil authorities during a domestic emergency. We do not replace civil authority command, jurisdiction, or responsibilities.

During an emergency situation many factors impact on units and individuals. Due to the many situations that occur in a crisis we cannot predict or guarantee the number of personnel that will be available by a particular time.

Personnel may be ready to deploy in the first hour, however, those personnel may not be trained for the mission. The unit that received the training for the mission could possibly be at an out-of-State training site, and not available immediately. We are citizen soldiers and our units normally deploy in 4 to 8 hours.

In a letter dated April 7, 1991, to A. David Rodham, the new Director of MCDA (PT-128), Colonel Gavigan further clarified the proper role of the National Guard by making the following statements:

- "We are not first responders."
- "We deploy as units, under our command and control elements."
- "It is impossible for us to arrive in a short period of time."

- "We should only be considered as a backup force to other first responders."

The task force reviewed the current procedure for the National Guard response at the Wellesley Reception Center (IP-05, Draft 4, dated December 19, 1990). IP-05 directs the National Guard personnel to report to the local armory for equipment when notified by the National Guard State Area Command (STARC). The earliest mobilization would be at the Alert stage and after a declaration of a State of Emergency by the Governor. The National Guard personnel are then to proceed to the Wellesley MDPW facility as units, when ordered to do so. IP-05 lists the following assignments as the "minimum staff required" for one shift:

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STARC headquarters EOC liaison	1
EOC radio operator	1
Monitoring/decontamination station coordinator	1
Dosimetry coordinator	1
Dosimetry collector	1
Personnel monitoring/decontamination group leader	1
Vehicle monitoring/decontamination group leader	1
Portal operator	4
Initial monitor	2
Personnel recorder	3
Personnel decontamination assistant	4*
Secondary monitor	4*
Runners	6
Vehicle monitor	12
Vehicle recorder	4
Vehicle decontamination assistant	4
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\*Two male/two female.

The local offsite plans for the areas around Pilgrim Nuclear Power Station call for personnel staffing the reception community EOCs to notify the reception center managers to prepare the reception centers at the Alert stage and to activate the reception centers at the Site Area Emergency stage. According to the State plan (PT-157), the Massachusetts Civil Defense Agency (MCDA)/Office of Emergency Preparedness shall consider advising the Governor to declare a State of Emergency at the Alert stage and at the Site Area Emergency stage, if not done at the Alert stage. However, the first indication of an emergency, either on site or off site, could be at the General Emergency stage (the highest emergency classification) without previous declarations at lower levels.

The FEMA Region I Regional Director, the Director of MCDA, and representatives from BECo met on May 16, 1991. The Director of MCDA provided a revised procedure for the Wellesley Reception Center (IP-27), dated May 15, 1991 (PT-191). The procedure contained a revised staffing chart representing the inclusion of an "Initial Response Monitoring and Decontamination Station

Organization" of approximately 32 persons to perform the initial phases of monitoring and decontamination at Wellesley. The persons are a combination of staff from the Massachusetts Department of Public Works, MCDA, and BECo. BECo and MCDA agree that 32 persons are sufficient to staff this station until the trained Massachusetts National Guard monitoring and decontamination station personnel arrive. Training records were also submitted for a training session that took place on May 14, 1991. Another session took place on May 16, 1991, and training records reflecting this were received by the task force on May 17, 1991 (PT-190).

### C. TASK FORCE ASSESSMENT

The standard for monitoring the public can be found in NUREG-0654 under Planning Standard J, "Protective Response," Evaluation Criterion J.12, which states:

Each organization shall describe the means for registering and monitoring of evacuees at relocation centers in host areas. The personnel and equipment available should be capable of monitoring within about a 12-hour period all residents and transients in the plume exposure EPZ arriving at relocation centers.

The evaluation criterion does not address decontamination; however, State or local governments are expected to provide for decontamination of the public evacuating the EPZ either at the reception center or elsewhere.

The evaluation criterion also does not address when "about a 12-hour period" begins. FEMA and the NRC consider the period to begin when the first evacuees arrive at the reception center. For planning purposes, FEMA and the NRC expect that the first evacuees would arrive at the reception center within about 2 hours of a decision to activate the center.

As stated by Colonel Gavigan in his April 7, 1991, letter to Mr. Rodham, the National Guard personnel are not first responders and it would be impossible for them to arrive in a short period of time. Because the National Guard would not arrive at the Wellesley Reception Center for 4 to 8 hours after notification, the 12-hour monitoring evaluation criterion (J.12) and the protective measures planning standard [10 CFR 50.47(b)(10)] would not have been met. This is significant because persons arriving at the Wellesley Reception Center, commencing within about 2 hours of an order to evacuate, would not be able to be monitored (and, if necessary, decontaminated). However, as described above, the new procedure (IP-27) provides for an initial staff for monitoring and decontamination positions until the National Guard arrives. Therefore, the 12-hour criterion can be met.

#### 2.11.2 Bridgewater Reception Center and EOC

The Bridgewater Reception Center is located in Kelly Gymnasium at the Bridgewater State College, Bridgewater, Massachusetts,

Encl. 4a

Docket No. 50-293  
License No. DPR-35  
EA 93-077

E. Thomas Boulette, Ph.D.  
Senior Vice President - Nuclear  
Boston Edison Company  
Pilgrim Nuclear Power Station  
Rocky Hill Road  
Plymouth, Massachusetts 02360

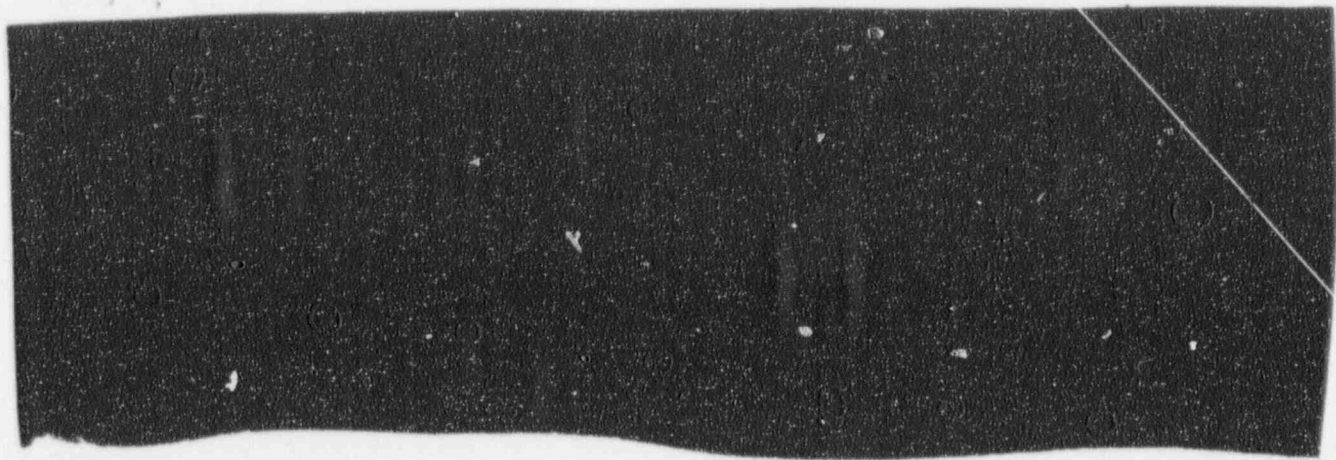
Dear Dr. Boulette:

SUBJECT: NOTICE OF VIOLATION  
(OI Investigation Report No. 1-91-011)

This letter refers to an investigation performed by the NRC Office of Investigations (OI) to determine if Boston Edison Company (BECO) failed to provide complete and accurate information to the NRC in its letters dated October 4, 1990 and February 21, 1991, and in oral statements on February 25, 1991. The information is related to the response time of the Massachusetts National Guard (MNG) to the Wellesley Reception Center (WRC) in any emergency event that required activation of that facility. A copy of the OI synopsis of the investigation is enclosed.

Based on the staff's review of the OI report, the NRC concluded that BECO failed to provide complete information to the NRC in the two referenced letters concerning the response time of the MNG to WRC. The information was not complete in that qualifying factors (such as weather conditions, or MNG training assignments) that could affect the response time were not included by the contract employees involved with the preparation of the response. In addition, the information was incomplete in that it failed to advise that the MNG was not willing to commit to the stated response times in writing. These failures to provide complete and accurate information, therefore, constitute a violation of the requirements set forth in 10 CFR 50.9.

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You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room. The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

Thomas T. Martin  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Synopsis of OI Report

cc w/encls:

E. Kraft, Vice President, Nuclear Operations and Station Director L.  
Schmeling, Plant Department Manager  
R. Fairbank, Manager, Regulatory Affairs and Emergency Planning Department  
D. Tarantino, Nuclear Information Manager  
N. Desmond, Compliance Division Manager  
R. Hallisey, Department of Public Health, Commonwealth of Massachusetts  
R. Adams, Department of Labor and Industries, Commonwealth of Massachusetts  
The Honorable Edward M. Kennedy  
The Honorable John F. Kerry  
The Honorable Edward J. Markey  
The Honorable Terese Murray  
The Honorable Peter V. Forman  
B. Abbanat, Department of Public Utilities  
Chairman, Plymouth Board of Selectmen  
Chairman, Duxbury Board of Selectmen  
Plymouth Civil Defense Director

cc w/encls: See Next Page

cc w/encls: (Con't)

P. Gromer, Massachusetts Secretary of Energy Resources

S. Woodhouse, Legislative Assistant

A. Noguee, MASSPIRG

Regional Administrator, FEMA

Office of the Commissioner, Massachusetts Department of  
Environmental Quality Engineering

Office of the Attorney General, Commonwealth of Massachusetts

T. Rapone, Massachusetts Executive Office of Public Safety

Chairman, Citizens Urging Responsible Energy

Public Document Room (PDR)

Local Public Document Room (LPDR)

Nuclear Safety Information Center (NSIC)

K. Abraham, PAO (2)

NRC Resident Inspector

Commonwealth of Massachusetts (2), SLO Designee

Enclosure 4b

NOTICE OF VIOLATION

Boston Edison Company  
Pilgrim Unit 1

Docket No. 50-293  
License No. DPR-35  
EA 93-077

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).

Pursuant to the provisions of 10 CFR 2.201, Boston Edison Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the Pilgrim facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time. Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at King of Prussia, Pennsylvania  
this        day of April 1994

Release