



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415
May 5, 1994

Docket No. 50-293

Ms. Jane A. Fleming
8 Oceanwood Drive
Duxbury, Massachusetts 02332

Dear Ms. Fleming:

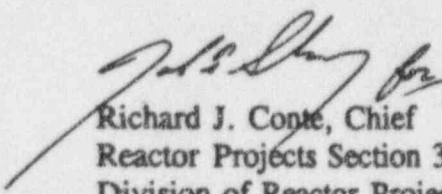
Subject: Notice of Violation Related to Information Provided by Boston Edison Regarding
Massachusetts National Guard Response to the Wellesley Reception Center

The NRC has completed its investigation related to an issue that you brought to the attention of former NRC Chairman Carr on July 31, 1990 regarding the response time of the Massachusetts National Guard (MNG) to the Wellesley Reception Center. In your letter, you questioned whether the MNG could report to the center and perform monitoring activities within a 12-hour period. You also noted that there was no written agreement with the MNG specifying actions committed to or response times for those actions. Boston Edison (BECo) provided information to the NRC in response to this issue in October 1990 and February 1991.

After investigation of the information provided by BECo, we found that it was not complete in all material aspects. The information did not include qualifying factors that could affect response time (i.e., weather conditions, MNG training assignments) and did not advise NRC that MNG was unwilling to commit to the stated response times in writing. This constituted a violation of NRC requirements as set forth in 10 CFR 50.9. A copy of the Notice of Violation issued to BECo is attached for your information.

We appreciate you informing us of your concerns. If you have any additional questions, please call me collect at (610) 337-5183.

Sincerely,


Richard J. Conte, Chief
Reactor Projects Section 3A
Division of Reactor Projects

Enclosure:
As Stated

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May 5, 1994

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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The impact of the violation was ameliorated by the fact that the NRC special task force had been chartered to conduct an independent evaluation of the emergency preparedness issues. This does not mitigate the seriousness of BECo's supplying NRC with incomplete information. In determining the severity of the violation the staff did, however, take into account the fact that the investigation did not reveal that BECo management was aware of the apparently incomplete and possibly inaccurate information or condoned it. Therefore, the violation has been classified at Severity Level IV in accordance with the "General Statement of Policy and Procedure for Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C. Nevertheless, providing complete information to the NRC is fundamental to the regulatory process and BECo should exercise more comprehensive oversight of contract employees in the future, and in particular, those instances in which contract employees develop responses to the NRC on behalf of BECo. Any similar violation in the future may result in escalated enforcement action.

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
G. Basileco, Acting 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
Chairman, Nuclear Matters Committee
Plymouth Civil Defense Director
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-RI (2)
NRC Resident Inspector
Commonwealth of Massachusetts, SLO Designee (2)

Boston Edison Company

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Commission
Consent.
See 4/15/94 SRM

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