

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	}	
Boston Edison Company	}	Docket No. 50-293
(Pilgrim Nuclear Power Station)	}	

EXEMPTION

I.

Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR-35 which authorizes operation of Pilgrim Nuclear Power Station (the facility) at steady-state reactor power levels not in excess of 1998 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of a boiling water reactor located at the licensee's site in Plymouth, Massachusetts. The facility is currently shutdown for refueling and modifications.

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.3 of Appendix E requires that each

licensee at each site shall exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially, with full or partial participation by States and local governments, within the plume exposure pathway Emergency Planning Zone (EPZ).

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a) are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and (2) present special circumstances. Section 50.12(a)(2)(v) of 10 CFR describes the special circumstances in that the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.

III.

By letter dated September 17, 1987, the licensee requested a one-time exemption from the schedular requirements of Section IV.F.3 of Appendix E. The last biennial emergency preparedness exercise was a full participation exercise conducted at the Pilgrim Nuclear Power Station on September 5, 1985. The licensee requested that an exemption be granted to allow the next biennial exercise to be deferred from 1987 to the second quarter of 1988.

The licensee stated that the Commonwealth of Massachusetts, the local governments within the EPZ and the two emergency reception center communities

were in the process, with the assistance of the licensee, of implementing numerous improvements in their offsite emergency preparedness programs. These improvements included revision of the emergency plans of the local governments and the Commonwealth, the development of associated procedures, the development and implementation of training programs for officials and emergency personnel, and the upgrading of Emergency Operation Centers. The licensee expected the work to continue through early 1988. The licensee informed the NRC that in view of the extensive ongoing efforts, the Commonwealth and the local governments indicated that they were not able to fully participate in an exercise during calendar year 1987.

On December 16, 1987, the Nuclear Regulatory Commission published a Federal Register notice approving the exemption stipulating that the exercise be conducted prior to June 30, 1988. By letter dated April 14, 1988, the licensee requested an extension of the June 30, 1988 exemption deadline to permit conduct of the exercise prior to the end of 1988. The licensee stated that substantial progress has been made to improve emergency preparedness since the original exemption request; however, the extensive emergency planning efforts have taken longer than anticipated. The licensee has requested an extension of the exemption for the same special circumstances as existed at the time of the original exemption request.

Boston Edison is assisting the Commonwealth and the local authorities in the improvement of their emergency response programs. These efforts have included an updated evacuation time estimate study and traffic management plan,

a study to identify public shelters for protecting the beach population, and the identification of and provision for the special needs and transportation dependent populations within the EPZ. The Commonwealth has forwarded drafts of the emergency plans for the five EPZ towns and two reception center communities to FEMA for informal technical review. The licensee states that preparation of emergency plan implementing procedures is in process; draft procedures have been approved for one of the towns. A new training program for offsite emergency response personnel has been developed and training is being conducted. These efforts are extensive and the licensee states they will not be ready for an exercise until late 1988.

Onsite emergency preparedness has been evaluated by the NRC during inspections and exercises including the most recent onsite exercise conducted on December 9, 1987. The 1987 exercise included partial participation by the Commonwealth. The NRC inspection report for the 1987 exercise documented that Boston Edison's emergency response actions were adequate to provide protective measures for the health and safety of the public. The NRC inspection findings and the licensee's training drills provide assurance that the licensee has maintained a satisfactory capability to respond to an emergency at Pilgrim.

Since the last full participation biennial exercise at Pilgrim (in September 1985), the Commonwealth has participated on a limited basis with the licensee in the December 1986 exercise, the quarterly onsite drills in 1987 and the December 1987 exercise. The March and June 1987 drills also included limited participation by several of the towns within the EPZ. The towns within

the EPZ have also cooperated in the full scale siren test conducted by FEMA in September 1986. The Commonwealth has also participated in full participation exercises at the Yankee Nuclear Power Station in June 1986 and at the Vermont Yankee Nuclear Generating Station on December 2, 1987.

IV.

The requested exemption extension is a temporary one and is necessary because ongoing emergency preparedness efforts will not be completed before late 1988. The licensee has made a good faith effort to comply with the regulation by assisting in the ongoing improvements to the Commonwealth and local offsite emergency response programs. The extensive efforts required to upgrade the offsite plans, implement the changes and conduct training precluded the conduct of a meaningful and effective full participation exercise before June 30, 1988. This situation constitutes the special circumstances described in 10 CFR 50.12(a)(2)(v). In granting the original exemption, the NRC stated its belief that the public health and safety would be better served by the conduct of a full participation exercise following the completion of efforts to improve the Commonwealth and local government emergency response programs. The emergency preparedness efforts are still not complete, thus, the NRC continues to believe that a full participation exercise should await completion of the planning efforts.

The Pilgrim plant is presently shutdown. The determination whether to restart the Pilgrim plant will involve an evaluation by the NRC of the status of the resolution of the emergency planning issues identified by FEMA. The safety of the resumption of plant operation will be addressed by the NRC staff before restart is approved.

For these reasons, the Commission has thus determined that, pursuant to 10 CFR 50.12, the exemption extension requested by the licensee's letter dated April 14, 1988, as discussed above, is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Accordingly, the Commission hereby approves the following exemption:

"The Pilgrim Nuclear Power Station is exempt from the requirements of 10 CFR 50, Appendix E, Section IV.F.3 for the conduct of an offsite full participation emergency preparedness exercise in calendar year 1987, provided that this exercise be conducted prior to the end of 1988."

Pursuant to 10 CFR 51.32, the Commission had determined that the granting of this Exemption extension would have no significant impact on the environment (52FR46693, December 9, 1987). A copy of the licensee's request for exemption extension dated April 14, 1988 is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360. Copies may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

This Exemption extension is effective upon issuance.

Dated at Rockville, Maryland this ¹¹ day of May 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

Walter R. Butler

Walter R. Butler, Acting Director
Division of Reactor Projects - 1/11
Office of Nuclear Reactor Regulation

EXEMPTION - PILGRIM NUCLEAR POWER STATION

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