



Michael S. Dukakis
Governor

Charles V. Barry
Secretary

The Commonwealth of Massachusetts

Executive Office of Public Safety

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January 4, 1988

William T. Russell, Regional Administrator
U.S. Nuclear Regulatory Commission
Region I
631 Park Avenue
King of Prussia, PA 19406

Dear Mr. Russell:

I am writing in response to your letter of November 12, 1987, in which you requested any comments the Commonwealth may have on Boston Edison's restart plan for the Pilgrim Nuclear Power Station ("Pilgrim") and on the results at Pilgrim to date. You also requested assistance in setting up the "public meetings" which the NRC plans to conduct.

It has been and continues to be the position of the Commonwealth that no consideration should be given to restart Pilgrim Station until formal adjudicatory hearings have been held on the outstanding issues at Pilgrim -- management, emergency planning and preparedness, and reactor safety -- and final findings of fact have been made which conclude that these three serious problems have been resolved and the restart of the plant will not pose an unreasonable risk to public safety and welfare. It is unfortunate that the NRC appears to have dismissed the necessity of public hearings and, instead, plans to conduct "meetings." Given the long track record of significant managerial deficiencies at Pilgrim, and the recent FEMA finding that the emergency plans and state of preparedness for Pilgrim are inadequate, I find it incomprehensible that the NRC is planning to proceed with public meetings. Meetings will not provide the necessary searching and thorough inquiry into the public safety issues that surround the continued operation of Pilgrim. Nor will they address the legitimate concerns of the citizens in the area of the plant that Pilgrim not be allowed to restart unless and until Boston Edison can show that the plant's operation will not pose an unreasonable risk to their safety and health.

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Our position on restart at this time is firm opposition based upon the number of serious issues that remain unresolved. These issues are discussed more fully in the enclosed Progress Report, which I have recently submitted to the governor and which has been filed with the full Commission and with FEMA. In particular, with regard to the off-site planning issues, you and your staff in the past have indicated that serious questions exist and that they must be "addressed" before restart. We need a more precise answer. Will, for example, the Nuclear Regulatory Commission require a new and complete emergency plan to exist and to have been determined to be adequate by state officials and FEMA before restart will be permitted or even recommended?

Apart from the concerns expressed in my enclosed Progress Report and my December, 1986 Report to the governor, recent problems at Pilgrim Station do not signal progress with regard to the management and reactor safety areas. A number of issues of great concern to us have come to our attention over the past several months and I ask that you, in your capacity as the regulatory authority over on-site operations at the power station, provide us with further information on how these concerns are being addressed. Our specific concerns are as follows:

- In August of this year, there were two serious breaches of security at Pilgrim Station. Following these events, discussions were held between the NRC and Boston Edison and the NRC was considering whether or not to impose a fine against the utility. We were told in October at our meeting in King of Prussia, Pennsylvania, that these matters were under advisement. Have you at this time determined what action to take against Boston Edison as a result of these security violations?
- Several months ago there were reports that workers at Pilgrim Station were working significant and perhaps excessive amounts of overtime. On or about October 8, 1987, William Kane of your staff wrote to Vice-President Ralph Bird of Boston Edison inquiring about this matter. On or about October 28, 1987, Mr. Bird responded in writing to Mr. Kane and reported that Boston Edison Company had found no evidence of a violation of NRC policy. Has the NRC investigated these reports and if so what are your findings and recommendations?
- Over the weekend of November 7 and 8, 1987, eight problems occurred at Pilgrim Station, some of which involved security matters and four of which resulted in worker contamination. The NRC has conducted an investigation and briefly covered these problems in the bi-weekly status

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report. However, will the NRC issue a full report on the events of that weekend, including an assessment of their causes and suggested remedial actions?

- Over the weekend of November 7 and 8, 1987, when eight problems occurred at Pilgrim Station, there was no NRC resident inspector visit to the station. In fact, only two resident inspectors were assigned to Pilgrim at that time. Our office thereafter requested that your staff modify its procedures and agree to provide an unannounced inspection at least once during each twenty-four hour period. Has the NRC reconsidered its procedures for site inspections so that you can assure us that there will be unannounced inspections in every twenty-four hour period?
- During a severe snow storm on November 12, 1987, Pilgrim Station experienced a complete loss of off-site power. Prior to the return of the power, one of the standby emergency diesel generators was turned off which resulted in the loss of the plant's only instrument air compressor. According to Confirmatory Action letter 87-16, an Augmented Inspection was ordered. In a report dated on or about December 14, 1987, (No. 50-293/87-3), the Inspection Team reported its findings and closed the issues outlined in the 87-16 letter. In section 2.3 of the Executive Summary, certain recommendations were made for improvements. Would you advise us as to what role, if any, your staff will play in the implementation of these recommendations.
- I understand that the NRC is still considering whether or not to authorize installation of a direct torus vent as part of Pilgrim's safety enhancement program. When do you anticipate making a final decision on this matter?

What has been said suggests that there is a great deal of work to be done before the possibility of the restart of the Pilgrim Plant can be seriously considered. Further, it is the position of the Commonwealth of Massachusetts, as evidenced by the petition filed by Governor Dukakis and Attorney General Shannon, that the appropriate process for the resolution of the many outstanding issues relevant to restart is an adjudicatory hearing and not one or more public meetings.

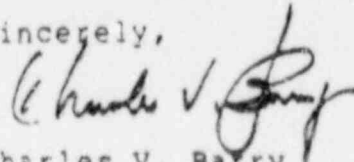
We are pleased that Senator Edward Kennedy has decided to chair a meeting of the Senate Labor Committee in the Plymouth area on January 7, 1988, to inquire into these health and safety concerns. Nevertheless, insofar as you propose to schedule one or more public meetings to afford state and local officials and

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residents an opportunity to express their views about the scope and nature of the inspection program you wish to devise for Pilgrim prior to restart, we will participate in such meetings on the condition that we receive written assurance that our participation will not be cited or otherwise relied upon by the NRC as a waiver of our demand for an adjudicatory hearing.

In terms of scheduling such meetings, I believe that they should be held in the Pilgrim EPZ, that there should be a session during business hours for state and local officials and an evening session for persons who are unable to make the daytime meeting. In order to give persons an opportunity to prepare, I suggest that the meeting or meetings be scheduled after at least several weeks advance notice. The Town of Plymouth may be the best location for such a meeting and I am willing to assist in making the preparations.

Sincerely,



Charles V. Barry
Secretary of Public Safety

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enclosure