

MAY 02 1989

Ms. Mary R. Dinan
15 Jeremiah Drive
Duxbury, Massachusetts 02332

Dear Ms. Dinan:

I am responding to the issues raised by you in your letter of April 16, 1989 to Mr. William Russell, Regional Administrator. You have raised questions regarding liability and responsibility in letters dated February 23, 1989, April 3, 1989 and April 16, 1989, and have received responses from Dr. Ronald Bellamy of my staff on March 15, 1989 and from William Russell on April 11, 1989 regarding these issues. I regret that you are disappointed in these responses. Unfortunately, there simply are no precise answers to your questions. If an emergency arises and questions of liability occur, the facts and laws that pertain to that particular situation will dictate the answers.

In your April 16 letter, you asked whether a homeowner or a bank holding a mortgage would first gain control of funds allocated to a property from the Price-Anderson Act. I have consulted with the NRC's legal staff. In our opinion, it is most likely that such funds would be distributed to the property owners, and ultimately entities or persons with liens on those properties, be it a mortgage or some other type of lien, would then assert an interest in the dispersed funds in accordance with the laws of a specific state.

As you mention in the opening paragraph of your letter, Pilgrim declared an Unusual Event on April 16, 1989. This event was declared when the licensee determined that they could not restore a system to operability within the time limits prescribed in their technical specifications. This declaration was timely and conservative and off-site notifications were made promptly.

The NRC has no comment on your assessment of the draft implementing procedures for Duxbury. NRC is aware of the status and scope of these implementing procedures and of the methods used for their development. NRC will participate in a formal review of the procedures with FEMA when they have been forwarded by the Town of Duxbury. We have been advised by the Duxbury Town Manager that all official communications and/or reports regarding the status of emergency planning for Duxbury will be sent under the signature of the Chairman of the Board of Selectmen, the Town Manager or the Civil Defense Director.

I recommend that if you have further questions that you contact your Civil Defense Director, the Massachusetts Civil Defense Agency or the Federal Emergency Management Agency.

Sincerely,

Original Signed By:
Malcolm R. Knapp

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PDR ADOCK 05000293
R PNU

Malcolm R. Knapp, Director
Division of Radiation Safety and
Safeguards

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Ms. Mary R. Dinan

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cc:

J. Dolan, FEMA I
Chairman, Plymouth Board of Selectmen
Chairman, Duxbury Board of Selectmen
Chairman, Bridgewater Board of Selectmen
Chairman, Carver Board of Selectmen
Chairman, Kingston Board of Selectmen
Chairman, Marshfield Board of Selectmen
Mayor, City of Taunton
Plymouth Civil Defense Director
P. Agnes, Assistant Secretary of Public Safety, Commonwealth of
Massachusetts
Public Document Room (PDR)
Local Public Document Room (LPDR)
NRC Resident Inspector

bcc:

S. Collins, DRP
R. Bellamy, DRSS
W. Lazarus, DRSS
J. Wiggins, DRP
C. Conklin, DRSS
B. Boger, NRR

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