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United States Senate

COMMITTEE ON SMALL BUSINESS

WASHINGTON, D.C. 20510

Room 2003F

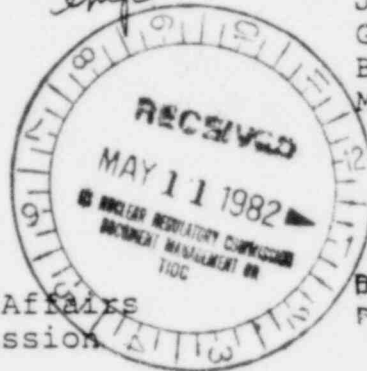
J. F. K. Federal Building

Government Center

Boston, MA 02203

May 3, 1982

ROBERT J. DOTCHIN, STAFF DIRECTOR
R. MICHAEL HAYNES, CHIEF COUNSEL
ALAN L. CHVOTKIN, MINORITY CHIEF COUNSEL



BUCKET NUMBER

50-293
PROD & UTIL. FAC.

Mr. Carlton Kammerer
Director
Office of Congressional Affairs
Nuclear Regulatory Commission
1717 H Street, N. W.
Washington, D. C. 20555

Dear Mr. Kammerer:

I am writing to you again at the request of The Pilgrim Alliance, residents of Duxbury and other area communities regarding the safety of the Pilgrim I nuclear power plant.

I understand that a public hearing was held on March 22, 1982, by the Selectmen of Plymouth to discuss the safety concerns of local citizens. The enclosed self-explanatory letters restate some of the problems not adequately addressed at that meeting. In addition, I hope you will reconsider and support Attorney General Francis X. Bellotti's petition to intervene in this matter. ✓

As I publicly stated in January of this year, my first concern is for the safety of the residents of Massachusetts. Both the utility and the Nuclear Regulatory Commission owe the citizenry a full explanation and the satisfactory resolution of all safety questions. It is also incumbent to the nuclear industry's future.

In fulfilling your purpose to assure the safe civilian use of nuclear facilities and materials, I am certain that you will give the enclosed correspondence every appropriate consideration.

Sincerely,

PAUL E. TSONGAS
United States Senator

PET:att

Enclosures

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1/1

The Pilgrim Alliance
P.O. Box 957
Plymouth, Ma. 02360

March 31, 1982

Senator Tsongas
U.S. Federal Building
Room 2003F
Boston, Ma. 02203

Dear Senator Tsongas.

Thank you for your response to our concerns regarding the Pilgrim I nuclear power station. The information that you provided us with helped us to prepare for the public hearing which took place March 22, 1982. We appreciate that you were able to have a representative of your staff attend.

In response to the NRC modification of Pilgrim I's operating license, Attorney General Francis X. Bellotti has filed a petition to intervene in the NRC proceeding. (copy enclosed)

We are not satisfied with the NRC's response to our concerns. At the hearing, the NRC:

- 1) opposed the Attorney General's petition (as did Edison)
 - 2) refused to provide onsite inspectors 24 hrs/day, 7 days/wk to oversee plant operations and assume Edison's responsibility for notifying the state of a accident, as outlined in NUREG 0654 (enclosed)
 - 3) refused to provide onsite inspectors to oversee daily monitoring of radioactive emissions
 - (the NRC cited lack of funds and staff to provide 1-3)
 - 4) failed to require a full time paid civil defense director to be appointed for the town of Plymouth
 - 5) failed to address the distribution of potassium iodide throughout the community and to reception centers
 - 6) failed to require that the emergency warning system be fully tested, modified, and approved before going back on line
- By not addressing and implementing our concerns, by allowing the plant to operate while undergoing massive management overhaul, and by opposing the Attorney General's petition, we believe that the NRC is denying us the right to minimal precautions, to which we, as residents of this community, are entitled.

We are concerned about Boston Edison's gross, unacceptable mismanagement their drive for on-line electrical production while minimizing safety standards, their repeated safety violations, their failure to provide a safety system for two and a half years for the prevention of a hydro explosion, their falsification of records to the NRC. We question the NRC's ability to perform as an effective, responsible regulatory agency. The NRC's past overseeing of Pilgrim I: failed to prevent such unacceptable management practices from taking place; failed to discover unacceptable non-compliance with critical safety systems for two and a half years, and failed to provide for our concerns. It is because of Boston Edison and the NRC's incompetence that we believe the Attorney

General should be allowed to intervene in the modification of Pilgrim's operating license. We believe, that without the Attorney General's participation, we the public, have no assurance that the operation of this facility will not continue to jeopardize our health and safety.

We ask you to contact Nunzio Palladino, chairman of the NRC, and urge him to allow the Attorney General's intervention to take place. We ask you to share this letter with your Committee on Energy and Natural Resources.

If you need further information regarding the Attorney General's petition we suggest that you contact:

Paula Gold Assistant Attorney General Chief, Public Protection Bureau

Stephen M. Leonard Assistant Attorney General Chief, Environmental Protection Division

Jo Ann Shotwell Assistant Attorney General Environmental Protection Division Public Protection Bureau

1 Ashburton Place, 19th floor Boston, Ma. 02108
727-2265

Please give these issues your immediate attention.
We are looking forward to hearing from you as soon as possible.

Thank you. -

Sincerely,

The Pilgrim Alliance

Gail Reed
Gail Reed 888-1082 telephone

E. Notification Methods and Procedures (continued)

<u>Evaluation Criteria</u>	<u>Applicability and Cross Reference to Plans</u>		
	<u>Licensee</u>	<u>State</u>	<u>Local</u>
4. Each licensee shall make provisions for followup messages from the facility to offsite authorities which shall contain the following information if it is known and appropriate:	X		
a. location of incident and name and telephone number (or communications channel identification) of caller;	X		
b. date/time of incident;	X		
c. class of emergency;	X		
d. type of actual or projected release (airborne, waterborne, surface spill), and estimated duration/impact times;	X		
e. estimate of quantity of radioactive material released or being released and the points and height of releases;	X		
f. chemical and physical form of released material, including estimates of the relative quantities and concentration of noble gases, iodines and particulates;	X		
g. meteorological conditions at appropriate levels (wind speed, direction (to and from), indicator of stability, precipitation, if any);	X		
h. actual or projected dose rates at site boundary; projected integrated dose at site boundary;	X		
i. projected dose rates and integrated dose at the projected peak and at 2, 5 and 10 miles, including sector(s) affected;	X		

E. Notification Methods and Procedures (continued)

<u>Evaluation Criteria</u>	<u>Applicability and Cross Reference to Plans</u>		
	<u>Licensee</u>	<u>State</u>	<u>Local</u>
j. estimate of any surface radioactive contamination inplant, onsite or offsite;	X _____		
k. licensee emergency response actions underway;	X _____		
l. recommended emergency actions, including protective measures;	X _____		
m. request for any needed onsite support by offsite organizations; and	X _____		
n. prognosis for worsening or termination of event based on plant information.	X _____		
5. State and local government organizations shall establish a system for disseminating to the public appropriate information contained in initial and followup messages received from the licensee including the appropriate notification to appropriate broadcast media, e.g., the Emergency Broadcast System (EBS).		X _____	X _____
6. Each organization shall establish administrative and physical means, and the time required for notifying and providing prompt instructions to the public within the plume exposure pathway Emergency Planning Zone. (See Appendix 3.) It shall be the licensee's responsibility to demonstrate that such means exist, regardless of who implements this requirement. It shall be the responsibility of the State and local governments to activate such a system.	X _____	X _____	X _____

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

BOSTON EDISON COMPANY)

PILGRIM NUCLEAR POWER STATION:)

Order Modifying License)

Effective Immediately)

Docket No. 50-293
License No. DPR-35
EA 81-63

PETITION OF THE MASSACHUSETTS
ATTORNEY GENERAL TO
INTERVENE IN PROCEEDING
FOR MODIFICATION OF
PILGRIM STATION OPERATING
LICENSE

On January 18, 1982, the Commission's Office of

Inspection and Enforcement issued an Order modifying the operating license for the Pilgrim Nuclear Power Station in Plymouth, Massachusetts. That Order provides that "[c]ontinued operation of the Pilgrim facility requires significant changes in Boston Edison Company's control of licensed activities" and requires that the Company submit to the NRC, within thirty days of the Order, "a comprehensive plan of action that will yield an independent appraisal of site and corporate management organizations and functions, recommendations for improvements in management controls and oversight, and a review of previous safety-related activities to evaluate compliance with NRC requirements." See Order Modifying License Effective Immediately, Docket No. 50-263 (January 18, 1982) at 6.

(Hereinafter, "Order")

PDR
8202190179

727-6732
executive office
King

Consent
127552
DPL
7275840

For the reasons set forth below, Attorney General Francis X. Bellotti hereby exercises his right, pursuant to Section 189(a) of the Atomic Energy Act of 1954, 42 U.S.C. §2239(a), to intervene in the NRC's proceeding in this matter on behalf of the citizens of the Commonwealth of Massachusetts. Attorney General Bellotti is the chief law officer of the Commonwealth, responsible for establishing the legal policy of the Commonwealth. Secretary of Administration and Finance v. Attorney General, 326 N.E.2d 334 (Mass., 1975). He is a separately elected officer, representative of the citizens of this state and seeks, through this intervention, to protect the interests of the Commonwealth and his constituents in the safe operation of the Pilgrim plant. Attorney General Bellotti further requests, pursuant to Section 189(a), that a public hearing be held in this matter in the Town of Plymouth to allow for public review of the serious deficiencies identified in the Commission's Order and the Company's proposed remedial actions. Any action as significant as the amendment of an operating license for a nuclear power plant should be subjected to maximum public exposure.

I. THE INTERESTS OF THE CITIZENS OF MASSACHUSETTS ARE AFFECTED BY THIS PROCEEDING

According to its Order, the Office of Inspection and Enforcement has taken this action because of Boston Edison's numerous regulatory violations over the past several years, its below average rating in the NRC's recent Systematic Assessment

of Licensee Performance ("SALP"), and deficiencies discovered during NRC inspections between June 15 and September 30, 1981. Those inspections revealed inadequacies in Boston Edison's controls in several functional areas of activity, including engineering and design review, revision of operating procedures, facility maintenance, notification of safety problems, and onsite safety committee activities. See Order, at 2. Together with the weaknesses identified by the SALP and NRC enforcement actions over the past 2 1/2 years, the deficiencies discovered during these inspections have led the Office of Inspection and Enforcement to conclude that there exist "substantial serious breakdowns in Boston Edison Company's management controls related to the Pilgrim facility" and that the "public health, safety and interest" require that significant changes be made in the Company's control of licensed activities. See Order at 6.

In light of these findings by the Commission staff, there can be no doubt that the citizens of Massachusetts have a direct and substantial interest in the subject matter of this Order. Without participating in the review of the Company's proposed corrective actions, the public can have no assurance that continued operation of the facility will not jeopardize their health and safety.

II. THE ATTORNEY GENERAL OF THE
COMMONWEALTH OF MASSACHUSETTS
HAS A NON-DISCRETIONARY RIGHT TO
INTERVENE IN THIS PROCEEDING
PRIOR TO ANY FURTHER NRC ACTION

The Atomic Energy Act of 1954 provides that "[i]n any proceeding, under this chapter, for the granting, suspending, revoking, or amending of any license . . . the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding." (Emphasis supplied.)

By its own terms, the Commission's action constitutes a modification of Boston Edison's license, and there is thus no discretion to deny this petition and hearing request filed on behalf of persons clearly affected by the subject matter of this license amendment. Given this non-discretionary statutory obligation, the Commission's review of this Petition is limited to the question of whether the Petition properly sets forth the aspects of this proceeding as to which the Attorney General is intervening. See BPI v. Atomic Energy Commission, 502 F.2d 424 (D.C. Cir. 1974).

The Commission has arguably failed already to comply with the procedural requirements of Section 189(a) in that it has not provided thirty days' notice in the Federal Register of its intent to amend the Pilgrim license to allow for notices of intervention and hearing requests. This apparent failure will not prejudice Attorney General Bellotti in his effort to protect the interests of Massachusetts citizens, provided the Commission takes no further action in this matter pending his admission as a party. Approval by the Commission or its staff

of Boston Edison's action plan, or other formal action thereon, pending admission of the Attorney General as a party and an opportunity for exercise of the rights which attend that status would violate Section 189(a).

Therefore, the Attorney General asks that he receive written assurance, within seven days of the receipt hereof, that the Commission will honor his rights under Section 189(a) and suspend further formal action on Boston Edison's action plan pending his admission and participation in this matter.

III. ATTORNEY GENERAL BELLOTTI
INTENDS TO PARTICIPATE FULLY
IN EVERY ASPECT OF THIS
PROCEEDING TO ASSURE THE
SAFETY OF MASSACHUSETTS
CITIZENS

Attorney General Bellotti moves to intervene in this proceeding so as to participate in all the issues considered, including but not limited to the following:^{1/}

1. Any consideration of Boston Edison's continued operation of Pilgrim I pending the identification and implementation of the necessary changes in Boston Edison's management controls.

^{1/} As a separate matter, this office has notified the Commission that it anticipates exercising its rights pursuant to section 189(a) with respect to approval of the revised emergency plans for the Pilgrim Station. We suggest that the staff be required to complete its review of those plans in time that a hearing thereon, if it is necessary, can be conducted together with the hearing sought in this petition.

2. The adequacy of the plan of action submitted by Boston Edison, including the following issues:
 - ✓ a. The appropriateness of the parties chosen to conduct the review of site and corporate management organizations and functions and the various reviews of safety-related activities set forth in paragraphs (1) and (3) through (6) of the Order.
 - b. The schedule for completion of these reviews.
 - c. The specific matters to be addressed in these reviews.
3. The nature of the improvements which must be made in the Company's site and corporate management organizations and functions and safety-related activities to ensure the safe operation of the plant.
4. The determination as to whether Boston Edison has properly implemented all necessary improvements such that operation of the plant may continue.

IV. CONCLUSION

For the reasons outlined herein, Attorney General Bellotti asks, on behalf of the Commonwealth of Massachusetts and its citizens, that he be admitted as a party to this proceeding and that no further action be taken by the NRC in this matter pending his admission. Attorney General Bellotti further requests that a public hearing be held in the Town of Plymouth on the matters which are the subject of this proceeding.

Respectfully submitted,

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

By: Paula W. Gold *per*
PAULA W. GOLD
Assistant Attorney General
Chief, Public Protection Bureau

Stephen M. Leonard *per*
STEPHEN M. LEONARD
Assistant Attorney General
Chief, Environmental Protection Division

Jo Ann Shotwell
JO ANN SHOTWELL
Assistant Attorney General
Environmental Protection Division
Public Protection Bureau
Department of the Attorney General
One Ashburton Place, 19th Floor
Boston, Massachusetts 02108
(617) 727-2265

Dated: February 17, 1982

March 30, 1982

The Honorable Paul Tsongas
Senate Foreign Relations Committee
362 Russell Office Building
Washington, D.C. 20510

Dear Senator Tsongas:

As residents of Duxbury we are extremely concerned about the poor safety record at the Pilgrim Nuclear Power plant in Plymouth. It is evident that there has been gross negligence by the Boston Edison Company that constitutes a very real threat to the people of this community. Unfortunately the NRC failed to demonstrate that adequate safety precautions would be met prior to the reopening of the Pilgrim plant. We are seriously concerned about many technical deficiencies, but the two most obviously unresolved items are:

1. An adequate fire extinguishing system in the cable-spreading room will not be in place until the end of the year.
(A similar deficiency led to the Brown Ferry's fire.)
2. The evacuation plans have not yet been approved by the surrounding communities and the sirens are not operating adequately.

It seems reasonable to request that these minimal safety precautions be met before the plant is allowed to operate.

We also feel strongly that the NRC and Boston Edison should be compelled to agree to Attorney General Bellotti's petition for an evidentiary hearing. Their refusal to cooperate implies that they are reluctant to disclose the information sought for the public good.

Enclosed please find an article from The New York Times of March 29 which reinforces our feelings that the NRC's vigilance at the Pilgrim plant is not sufficient and that there is the necessity for a third party review. We have a very real and enormous problem here between the public good and a utility's vested interest.

We hope you can be of help.

Harold H. H. Chairman Duxbury School Committee

Janet and Roger Petch 102 Franklin St. Duxbury, MA.

Charles & Louise Petch - 570 Temple St. Duxbury, Mass.

Susan M. Petch

417 Temple St. Duxbury, Mass.

H. Lester Petch

417 Townsend St. Duxbury, Mass.

Paul H. Petch 31 Cove St. Duxbury, MA 02332

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Jean H. Peters 178 Haven St. Duxbury, Mass. 02332

The Risk Of a Meltdown

By Demetrios L. Basdekas

WASHINGTON — There is a high, increasing likelihood that someday soon, during a seemingly minor malfunction at any of a dozen or more nuclear plants around the United States, the steel vessel that houses the radioactive core is going to crack like a piece of glass. The result will be a core meltdown, the most serious kind of accident, which will injure many people, destroy the plant, and probably destroy the nuclear industry with it.

On the third anniversary of the Three Mile Island accident, the Government and industry are unable or unwilling to deal honestly and urgently with far-reaching nuclear-safety problems.

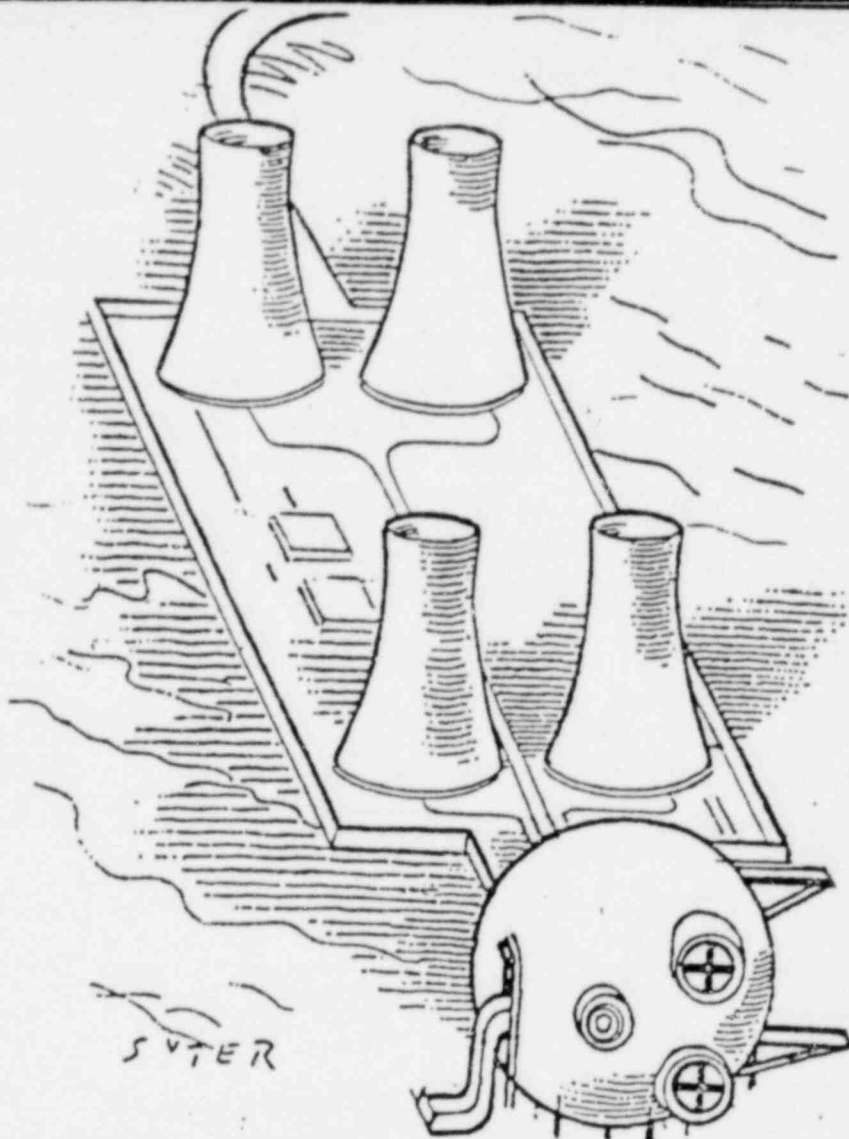
Another serious accident is very likely because the wrong metal was used in the reactor vessels, and with each day of operation, neutron radiation is making the metal more brittle, and more prone to crack in case of sudden temperature change under pressure.

One manufacturer of nuclear reactors has reported to the Nuclear Regulatory Commission that in three to five more years, the vessels in some plants will be too brittle to operate safely. But this estimate is wishful thinking, based on unrealistic assumptions about plant operators' actions and accident sequences. Some plants are already too dangerous to operate without corrective measures.

The commission could do a great deal to prevent such an accident, and stretch out the lives of many of these brittle vessels, if it ordered the type of corrective steps already taken at some European reactors. But the commission, regulating an industry that has serious financial and technical problems, instead of taking initiatives tends to sweep difficult technical problems under the rug, reacting to crises only after they occur.

The commission must realize that this crisis is upon us. A temperature change severe enough to crack a brittle reactor vessel already has occurred, in California, but not at one of the older, more vulnerable plants. The commercial nuclear industry's admirable safety record — no deaths caused by radiation — still is intact, but this cannot last much longer, because the reactor vessels and other critical components are aging.

For many years, it has been known that vessels are becoming brittle. What makes the problem urgent is that the metal is aging more rapidly than expected, and the circumstances that would cause such an accident now seem more likely.



worker dropped a small light bulb into an instrument panel, causing an electrical short circuit. The short wreaked havoc on the plant's control systems — a variety of instruments that run crucial pumps and valves — and the result was that too much water was pumped through the reactor, chilling it suddenly. It is very doubtful that some of the older plants operating today would be able to withstand the same shock. Fortunately, Rancho Seco had been in operation less than two years; had it been in operation for 10, its pressure vessel most likely would have ruptured.

The kinds of control systems that went haywire at Rancho Seco are very likely to fail at crucial times in other nuclear-power plants. When a pipe bursts, or a seal fails, or a valve sticks, automatic control and safety systems almost instantly take action to compensate, but they do not always take the right action.

Control systems are not reviewed by the Nuclear Regulatory Commission. They are not immune to fire or power failure; they often have no backups, so are prone to simple failure. They are not even earthquake-proof.

The N.R.C. staff has taken the position that if a plant gets into trouble because of control-system malfunctions, it has safety systems to take care of any problems. But this is not so, as events of the last few years show. At Rancho Seco, at Three Mile Island,

not thought vital to the safe operation of a plant ended up causing serious problems.

The Nuclear Regulatory Commission is charged with ensuring that nuclear plants are operated "with adequate protection" of the public health and safety. But bureaucratic foot-dragging and preoccupation with public relations and financial problems of the industry are contributing to a shortsighted view — that technical problems can wait or do not exist. Some members of the staff acknowledge the safety problems associated with control systems, but the agency has yet to demand from utilities operating nuclear-power plants the technical data on control systems necessary to assess the systems' safety fully.

It may be that we need nuclear power to maintain our standard of living. But there is a vast difference between having to accept something, and making it acceptable. We can make nuclear power acceptable.

The Nuclear Regulatory Commission chairman, Nunzio Palladino, has spoken of cleaning up our nuclear act. As a private citizen, I hope that we do so, beginning with vigilance at the N.R.C. One more accident the size of Three Mile Island's, and the public's reaction almost certainly will foreclose the nuclear option.

Demetrios L. Basdekas is a reactor