



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 17, 1998

Ms. Mary Elizabeth Lampert
Massachusetts Citizens for Safe Energy
Duxbury Nuclear Advisory Committee
148 Washington Street
Duxbury, MA 02332

Dear Ms. Lampert:

I am responding to your letter to Chairman Jackson of the U.S. Nuclear Regulatory Commission (NRC), dated October 6, 1998, in which you expressed concerns about the possible sale of the Pilgrim Station and about waste disposal issues. Although we are aware that Boston Edison Company (BECo) has announced plans to sell the Pilgrim Station to Entergy Nuclear Generating Company, to date we have not received an application for transfer of the license, nor have we seen any contract of sale between BECo and Entergy. Therefore, we are not in the position to render a view on any terms or conditions of the sale. When an application is submitted for approval of the transfer of the license, the NRC will not approve such an application unless it finds, among other things, that the new licensee is financially qualified to both operate and decommission the plant.

As discussed in detail herein, our regulations require that licensees maintain a written record of the disposal sites or site surveys of radioactive contamination, and that these records be available for our inspection. However, our regulations do not require that these records be submitted to the NRC. The radiological environmental monitoring programs required by the NRC are sufficiently comprehensive to provide an adequate assessment of the radiological impact of plant operation on the offsite environment. The available monitoring data for the Pilgrim Station support the conclusion that operation of the facility has not resulted in any significant environmental impacts.

Section 20.2002 of Title 10 of the Code of Federal Regulations (10 CFR 20.2002), which replaced 10 CFR 20.302, allows disposal of materials contaminated with low levels of radioactivity under some conditions not otherwise authorized in 10 CFR Part 20, and if reviewed and approved by the NRC staff. We have searched our records and found that the NRC did approve one disposal under 10 CFR 20.302 on May 4, 1993. We have enclosed Inspection Report 93-17 for your information regarding this disposal. Until 10 CFR 20.304 was rescinded on January 28, 1981, BECo could make onsite disposals without NRC's approval if certain conditions were met. We are not aware of any disposals made under the provisions of this regulation. "Subpart L--Records" of 10 CFR Part 20 contains NRC's requirements for maintaining records for radiation protection, including 10 CFR 20.2108, "Records of waste disposal." This regulation would include disposal by burial in soil authorized under old parts 10 CFR 20.302 and 304. In addition, Section (g) of 10 CFR 50.75, "Reporting and recordkeeping for decommissioning planning," requires maintenance of (1) records of spills or any unusual occurrences involving the spread of contamination in and around the facility and (2) documentation of as-built drawings and modifications of structures and equipment in restricted areas in which radioactive materials are used and/or stored and of locations of possible inaccessible contamination such as buried pipes.

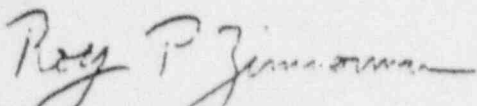
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As to your concerns regarding decommissioning, licensees determine how much sampling and analysis are needed to adequately characterize the site on the basis of available historical onsite radiation survey records and known history of site uses regardless of who may own the plant at the time it enters decommissioning. This initial site characterization study is performed for the purpose of decommissioning planning and estimating decommissioning costs.

After decommissioning activities are completed, the licensee must furnish additional documentation of radiological evaluations to demonstrate compliance with the radiological criteria contained in "Subpart E-- Radiological Criteria for License Termination" of 10 CFR Part 20. The licensee's radiological environmental monitoring program is maintained in effect throughout the entire decommissioning process so that the potential environmental impacts of all decommissioning activities are monitored. The NRC periodically inspects the licensee's decommissioning program throughout the decommissioning process and reviews the licensee's final radiological survey data. The NRC can, if needed, perform an independent radiological review of the survey data. The NRC can also, if needed, perform an independent radiological survey of the licensee's site to verify the licensee's compliance with regulatory requirements. The NRC will terminate the license only when it is satisfied that the licensee's site is remediated to the levels specified in the regulations.

Thank you for sharing your concerns with the NRC. I trust you find this letter responsive to your concerns.

Sincerely,


for Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosure: Inspection Report 93-17

cc w/o encl: See next page

After decommissioning activities are completed, the licensee must furnish additional documentation of radiological evaluations to demonstrate compliance with the radiological criteria contained in "Subpart E-- Radiological Criteria for License Termination" of 10 CFR Part 20. The licensee's radiological environmental monitoring program is maintained in effect throughout the entire decommissioning process so that the potential environmental impacts of all decommissioning activities are monitored. The NRC periodically inspects the licensee's decommissioning program throughout the decommissioning process and reviews the licensee's final radiological survey data. The NRC can, if needed, perform an independent radiological review of the survey data. The NRC can also, if needed, perform an independent radiological survey of the licensee's site to verify the licensee's compliance with regulatory requirements. The NRC will terminate the license only when it is satisfied that the licensee's site is remediated to the levels specified in the regulations.

Thank you for sharing your concerns with the NRC. I trust you find this letter responsive to your concerns.

Sincerely,

ORIGINAL SIGNED BY

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosure: Inspection Report 93-17

cc w/o encl: See next page

DOCUMENT NAME: G:\PILGRIM\lampert.rep

*SEE PREVIOUS CONCURRENCE

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OFFICE	PD1-3/PM	PD1-3/LA	PD1-3/D	TECH ED.*	DD:DRPE:(A)
NAME	AWang #10	TClerk	CThomas	BCelure	JZwolinski*
DATE	10/14/98	10/14/98	10/14/98	10/29/98	11/2/98

* See previous concurrence

OFFICE	ADPR:NRR(A)	ADPR:NRR	RI/DRPAWang*	DRPM
NAME	BBoger*	SCollins	by Conf.Call	CMiller*
DATE	10/14/98	10/14/98	11/3/98	11/2/98

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DISTRIBUTION

Docket File (50-293) w/inc.

PUBLIC (w/inc.)

EDO #G19980624

PDI-3 r/f w/inc.

W. Travers

H. Thompson

A. Thajani

P. Norry

J. Blaha

S. Burns, OGC

M. Miller, RI

C. Paperiello, NMSS

S. Collins/F. Miraglia

B. Boger

J. Zwolinski

B. Sheron

J. Roe

R. Zimmerman

C. Norworthy (e-mail RCN)

OGC

OPA

OCM

SECY #CRC-98-0937

NRR Mail Room (EDO #G19980624)

N. Olson

A. Wang w/inc.

T. Clark

C. Hehl, RI

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cc:

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Nuclear Engineer
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Executive Vice President
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Boston, MA 02199

Ms. Carol C. Amick
Executive Director Low-Level
Radioactive Waste Management Board
100 Cambridge Street
Room 903
Boston, MA 02202

Rec'd DRPE
10/21/98

Thomas/Wang
ACTION

EDO Principal Correspondence Control

FROM: Mary Elizabeth Lampert
Massachusetts Citizens for Safe Energy

DUE: 11/10/98

EDO CONTROL: 013-30624
DOC DT: 10/06/98
FINAL REPLY:

TO:

Chairman Jackson

FOR SIGNATURE OF :

** GRN **

CRC NO: 98-0937

Collins, NRR

DESC:

ROUTING:

PILGRIM NUCLEAR POWER STATION - PRESERVING WRITTEN
RECORD OF CONTAMINATION PRIOR TO TRANSFER OF
OWNERSHIP FROM BECO TO PECO

Travers
Thompson
Norry
Blaha
Burns
Miller, RI
Paperiello, NMSS

DATE: 10/19/98

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

NRR ACTION: DRPE: Zwolinski
NRR RECEIVED: October 19, 1998
NRR ROUTING: Collins/Miraglia
Boger
Sharon
Roe
Zimmerman
NRR Mailroom

ACTION	
DUE TO NRR DIRECTOR'S OFFICE	
BY	11/5/98

NRC FILE CENTER COPY

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10/20

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-98-0937 LOGGING DATE: Oct 13 98
ACTION OFFICE: EDO
AUTHOR: MARY E. LAMPERT
AFFILIATION: MASSACHUSETTS
ADDRESSEE: CHAIRMAN JACKSON
LETTER DATE: Oct 6 98 FILE CODE: IDR -5 PILGRIM
SUBJECT: PILGRIM NPS: PRESERVING WRITTEN RECORD OF
CONTAMINATION PRIOR TO TRANSFER OWNERSHIPER BECO TO
PECO
ACTION: Appropriate
DISTRIBUTION: CHAIRMAN, COMRS, SECY/RAS
SPECIAL HANDLING: NONE
CONSTITUENT:
NOTES:
DATE DUE:
SIGNATURE: DATE SIGNED:
AFFILIATION:

Steve D. Young
1084

Massachusetts Citizens for Safe Energy

29 Temple Place, Boston MA 02111

[617] 292-4821 phone * [617] 292-8057 fax * e-mail mwillson@toxicsaction.org

148 Washington Street, Duxbury MA 02332

[781] 934-0389 phone * [781] 934-5579 fax * e-mail jlampert@ldt.net

October 6, 1998

NRC Chair Shirley Jackson
U.S. Nuclear Regulatory Commission
Washington DC 20555

RE: Pilgrim NPS: Preserving Written Record Of
Contamination Prior To Transfer Ownership BECO To PECO

REC'D BY SECY

Dear Chair Jackson:

13 OCT 98 2:36

We are told that Boston Edison will soon officially announce the sale of the Pilgrim Nuclear Power Station, Plymouth MA, to PECO - no doubt technically to AmerGen, a joint venture of PECO and British Energy of Edinburgh, UK. This presents many issues/problems, not the least of which, preserving the record of waste disposal so that it does not become "lost" in the transfer.

Pilgrim is, for all practical purposes, a radioactive waste dump located on an eroding coastline overlooking Massachusetts Bay. It is important that, when the time comes, it is properly & thoroughly cleaned up. This requires, among many things, the preservation of precise contamination records - important records can get "lost" in the transfer of ownership.

Pilgrim was allowed to bury low-level radioactive waste (defined as waste other than spent fuel rods) and mixed radioactive waste on-site from 1972 until the mid-1980's. We know that they buried waste through 1986. *It is important that a written record, inclusive of site map, of burial sites be turned over to the Commonwealth & federal regulators as part of the "paper work" in the sale of Pilgrim to PECO.* We hope that you will reinforce our request that this happens.

Pilgrim was the site of the second worst releases in US history, 1982. For example, in June of 1982, they blew their filters resulting in significant on & off site

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contamination of radioactive resin. Soil samples were taken by federal & state authorities. **Original maps and detailed reports taken at that time should also be on file with the Commonwealth & federal regulators.** We hope that you will help us with assuring that this happens, too.

It is clear that the liability issues between BECO and PECO be settled before all aspects of the sale are finalized; so that public health and safety doesn't suffer while each party plays the "he did it" game when it comes time to actually clean up.

Enclosed, you will find our letter on the subject to Gerald Rainey, President & Chief Nuclear Officer, PECO.

We thank you for any help that you can give us on this important issue and please keep us "in-the-loop" of any actions/correspondence that may occur between you and pertinent parties on this issue.

Sincerely,

Mary
Mary Elizabeth Lampert
Massachusetts Citizens for Safe Energy
Duxbury Nuclear Advisory Committee

*PECO buys get decommissioning fund
BECO have no residual liabilities for clean-up*

*Unregulated utility - cost of service recovery - under current IRS lock rate will require 40% tax
= BECO remain on license -*

*Terms of Sale, which BECO and we have not seen any agreement
ad decommissioning liability
ad whether it meets of criteria*

Massachusetts Citizens for Safe Energy

29 Temple Place, Boston MA 02111

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148 Washington Street, Duxbury MA 02332

[781] 934-0389 phone * [781] 934-5579 fax * e-mail jlampert@idt.net

October 5, 1998

Gerald Rainey
President & Chief Nuclear Officer
PECO Nuclear Headquarters
965 Chesterbrook Blvd.,
Wayne, PA 19087-5691

RE: Pilgrim NPS

Dear Mr. Rainey:

As you know, NRC regulations have permitted Boston Edison Company (BECO) to bury some radioactive waste on site. Those of us in this region have serious concerns about the health and other risks presented by this buried waste. We also question whether BECO has accurately reported either the locations of every site in which waste has been buried or the amount and type of waste buried in each site.

As part of the sale of Pilgrim Station to you, we are asking that the Commonwealth and the NRC require a complete and accurate reporting (written and inclusive of site map) by BECO of all radioactive waste buried or otherwise disposed of by it within the site or elsewhere; and that the reports be made available to the Commonwealth, NRC and be part of the public record.

We are also asking that the Commonwealth and the NRC insure that you and BECO are held responsible for any liabilities that might arise in the future as a result of any radioactive waste disposal efforts, and that both you and BECO be especially responsible for anything that either of you has failed to report.

Thanking you for your attention and timely response, I am sincerely,

Mary Elizabeth Lampert
Massachusetts Citizens for Safe Energy

cc. Senators Kennedy & Kerry; Congressman William Delahunt; Congressman Edward Markey; NRC Chairman Shirley Jackson; Acting Governor Paul Cellucci; Attorney General Scott Harshbarger; MA DTE Chair, Gail Besser; Senators Hedlund and Murray; Representatives Tom O'Brien, Ruth Provost; Frank Hynes; Fran Marini; Joseph Gallitano; Boards of Selectmen, Towns of Plymouth, Carver, Duxbury, Kingston, Marshfield.