August 13, 2004

Mr. James Caldwell
Region III Administrator
Nuclear Regulatory Commission
2443 Warrenville Rd., Suite 210
Lisle, IL 60532-4352

Dear Mr. Caldwell,

As you know, Ohio Citizen Action opposed your decision to allow FirstEnergy to reopen the Davis-Besse plant earlier this year. We warned that although the company had invested money in the hardware at Davis-Besse, the company as a whole does not know how to run nuclear plants safely, and the financial pressures on the company and workforce will continue to make the situation worse. We and others pointed out that the company's intense scramble to get Davis-Besse up and running was draining resources from the company's other two nuclear plants.

Two significant events have occurred at FirstEnergy nuclear plants in the last ten days:

1) On Wednesday, August 4, Davis-Besse had a "scram" when a fuse apparently blew at the plant, and was forced to shut down.

2) Yesterday, you announced that FirstEnergy has made enough safety mistakes at the Perry plant that you are sending in additional inspectors.

FirstEnergy's response to these situations has been the same as it's been for the past three years. They claim the Davis-Besse shutdown was "normal," and that the Perry problems will be addressed by yet another personnel reorganization. And, just as in the past, the company is playing musical chairs with its executives, putting the same people in charge of Perry who spent two years falsely claiming that Davis-Besse was ready to restart at any moment.

What will it take for the NRC to realize that FirstEnergy must not be allowed to run nuclear power plants? You have already allowed them to come within three-eighths of an inch of a major nuclear accident at Davis-Besse. You have allowed them to make repeated mistakes in running Perry at a time when the company should have been on its best behavior. Will FirstEnergy have to cause an actual nuclear disaster before the NRC takes preventive action?

The Atomic Energy Act of 1954, which chartered NRC's predecessory, the Atomic Energy Commission, stated,

" b. The Commission shall issue such licenses on a nonexclusive basis to persons applying therefor . . . (2) who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission may by rule establish."

Please write me back and tell me under what circumstances you would consider stripping FirstEnergy of its authority to run these plants.

Sincerely,

Sandy Buchanan
Executive Director