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FINAL REPLY:

Senator Joseph R. Biden, Jr.  
Senator Thomas R. Carper  
Representative Michael N. Castle

TO:

Chairman Diaz

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 04-0740

Chairman Diaz

DESC:

Hope Creek Nuclear Power Plant

ROUTING:

Reyes  
Virgilio  
Kane  
Merschhoff  
Norry  
Dean  
Burns/Cyr  
Collins, RI  
Rathbun, OCA

DATE: 12/10/04

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

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AUTHOR: Joseph Biden  
AFFILIATION: SEN  
ADDRESSEE: ~~Agency Heads~~ Chairman  
SUBJECT: Safe Operations of the Hope Creek nuclear power plant

ACTION: Signature of Chairman  
DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 12/09/2004

ACKNOWLEDGED No  
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DATE DUE: 01/03/2005 DATE SIGNED:

*United States Congress*  
*Washington, D. C. 20510*

December 9, 2004

The Honorable Nils J. Diaz  
Chairman  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs  
Washington, DC 20555

Dear Chairman Diaz,

Thank you for arranging the briefing that took place recently between our staffs and Nuclear Regulatory Commission personnel. We appreciate your responsiveness in keeping us informed of your ongoing investigation into operations at the Hope Creek nuclear power plant. During that meeting, as well as subsequent discussions with both the NRC and PSEG, the operator of Hope Creek, issues were raised that continue to be of concern to us and we believe need to be addressed before operations resume at Hope Creek.

Commission staff has informed us that a primary focus of its special investigation into the October 10, 2004 steam pipe rupture is the condition of a valve associated with the failed pipe. NRC's preliminary findings indicate that the reactor operators at Hope Creek were aware that the valve was malfunctioning several days prior to the pipe failure. The operators requested an opinion from company engineers on whether or not the malfunctioning valve could unduly stress the associated pipe. The engineering team did not foresee the conditions which ultimately led to the pipe failure, and thus did not advise the operators to take preventative action. We feel this raises very serious concerns regarding analytical procedures being used to guide the operators when abnormal conditions arise. It also raises questions about the NRC's oversight role as it relates to ensuring that corrective actions are completed at the plant.

The NRC has also confirmed that it is investigating the status of the Hope Creek "B" recirculation pump, which has exhibited a higher than average degree of vibration. PSEG has announced its intention to replace this pump at the next refueling outage, which is likely to occur 18 months after this current outage. NRC informed our staffs that the operation of this pump is not considered part of the safety system at Hope Creek. Specifically, the safety system would not be compromised if the pump was shut down and no longer moved cooling water through the pipes. However, we understand that if the pump's housing were to fail and allow cooling water to be released, that would be considered a safety system failure. The difference between what is and is not a safety system is difficult to understand. The safety consequences of a pump failure need to be clearly and concisely explained to afford not only us, but the public the opportunity to understand the ramifications of delaying the replacement of the

recirculation pump.  
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In addition, we understand that the NRC will conduct a public exit meeting with PSEG at the conclusion of the special investigation and prior to the restart of the Hope Creek reactor. At this meeting, both PSEG and the NRC will present findings of their investigations into the steam leak and the "B" recirculation pump. PSEG will also report on initiatives it has undertaken to resolve outstanding issues related to these investigations. After the NRC and PSEG discussions conclude, the public will be invited to ask questions and make comments. Much of the information released at the exit meeting will be presented or available for the first time. Given the likely importance and complexity of this information, we believe it is important for interested parties, including the public, to have sufficient time to review the information before the restart of the Hope Creek plant, to review the findings of the investigation, and to raise additional questions and concerns should they arise. We urge you to make such a review possible.

Finally, it is our understanding that PSEG has not been asked by the NRC to cease operations of the Salem or Hope Creek reactors, and does not require formal permission from the NRC to resume operation of a reactor after a refueling outage like the one currently occurring at Hope Creek. However, it is also our understanding that the NRC retains the authority to order a reactor's operator to cease reactor operations if the NRC determines that the reactor is not meeting certain standards and expectations. We fully expect that the NRC will continue to closely monitor the repairs, refueling, and restart activities at Hope Creek and insure the safety of the plant, its workers and its neighbors.

The safe operations of our nuclear power plants is and should be of utmost importance to all of us. We appreciate the importance you have placed on the investigations at Hope Creek and look forward to continuing our discussions as new information becomes available.

Sincerely,

Joseph R. Biden, Jr.  
United States Senator

Thomas R. Carper  
United States Senator  
Congress

Michael N. Castle  
Member of

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