

A. Blough

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <arb@nrc.gov>
Date: 6/9/04 8:27AM
Subject: UCS recommendations for Salem / Hope Creek

*cc:
Holody
Vito*

Hello Randy:

Attached is an electronic copy of a letter that's in the mail to you.

The letter contains our evaluation of the publicly available information about conditions at Salem and Hope Creek and our recommendations on what the NRC should do about the myriad and worsening problems.

Simply put, PSEG does not have a legal right to operate Salem and Hope Creek. NRC inspection reports and mid-cycle assessment letters over the past 18 months have chronicled programmatic breakdowns in PSEG's corrective action program. The recent independent assessments by Synergy, Utility Services Alliance, and the Independent Assessment Team reinforce NRC's findings.

Federal regulations - specifically, 10 CFR 50, Appendix B, Criterion XVI - require operating nuclear power plants to be supported by effective corrective action programs. When the NRC issued operating licenses to PSEG for Salem and Hope Creek, the licenses contained an explicit condition that the reactors be operated safely AND in compliance with federal regulations - not one or the other.

The NRC should order PSEG to shut down Salem and Hope Creek until the defective corrective action program is repaired and made functional.

If the NRC bows, again, to industry pressure and allows Salem and Hope Creek to operate outside the law, at least the NRC should do for safety what it recently did for security — establish some desired end point and Order PSEG to get there by a specified date. The safety hazard at Salem and Hope Creek is far more credible and substantial than the security threat. The public must be protected from that safety hazard as it has been from the security hazard.

As you well know, PSEG has a long, long history of making promises it can't or won't keep. Just go back and review your files for the various promises made by PSEG in order to trick NRC into allowing them to restart the Salem units in the late 1990s. How many of those promises were kept? NRC must not accept any more promises and instead must Order PSEG to shape up its act.

Please note that while UCS strongly recommends NRC Order PSEG to fix the unacceptable performance at Salem and Hope Creek, we do not view these recommendations as a request under 10 CFR 2.206 for enforcement action and hope NRC will not construe the letter as such.

Thanks,

Dave Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW Suite 600
Washington, DC 20006-3962
(202) 223-6133 x113
(202) 223-6162 fax

B-16

CC: <DPS@nrc.gov>, <hjm1@nrc.gov>, <NAS@nrc.gov>, <SRB3@nrc.gov>