

From: A. Randolph Blough *RV*
To: Chris Miller; Eugene Cobey; James Clifford; Lisamarie Jarriel; Stuart Richards
Date: 8/2/04 9:59AM
Subject: Fwd: NRC letter to PSEG - - UCS reaction

FYI. UCS reaction.

Note that dave lochbaum:

1. expresses mild disappointment that we didn't issue at least a CAL;
2. points a finger at the ROP and uses NJ's early ROP comments as a reference, and
3. Includes Comm Merrifield's TA on distr.

From my experience, I would guess Dave is considering whether he wants to send a letter formally expressing those views.

regards,
randy

CC: Brian Holian; Bruce Boger; Clare Goodman; Cornelius Holden; Cynthia Carpenter; Daniel Holody; David Vito; John Grobe; Julius Persensky; Richard Crlenjak; Scott Barber; Theodore Wingfield; Wayne Lanning

B-168

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <kumin@bernabeiandkatz.com>, <arb@nrc.gov>
Date: 8/2/04 9:28AM
Subject: NRC letter to PSEG

Hello Randy:

Thanks for faxing me a copy of the July 30th letter to Mr. Ferland.

I must confess that I'm disappointed by the letter and the fact that the NRC did not go farther. I felt that as an absolute minimum, a Confirmatory Action Letter was warranted. The reason is simple - the letter lays out a concise summary of the problems at Salem and Hope Creek but provides zero leverage for NRC if PSEG is unable or unwilling to fix any of them. If the conditions at the site are identical in six months, the NRC will be unable to do anything about it. After all, if it's safe enough now it'll be safe enough then. By issuing the CAL, the NRC would conditioned its acceptance of current conditions on the verifiable assumption that PSEG would take the steps delineated in the CAL to improve conditions. If PSEG failed to take one or more of those steps, the NRC would have had better means to deal with that failure. Absent that CAL (or stronger), the NRC is in a very untenable regulatory position should PSEG make zero progress at Salem / Hope Creek towards its alleged commitments.

Reflection upon the March and June NRC public meetings and research into the reactor oversight process convince me that my disappointment should not be directed towards Region I, but towards deficiencies in the ROP. Region I is pushing the fringe of what the ROP allows it to do.

I recently reviewed a presentation made by Dr. Jill Lipoti at the NRC's Regulatory Information Conference back in 2000 or 2001. She maintained that the ROP was defective because it failed to treat corrective action program deficiencies as it treated PI and inspection findings. She maintained that failing to assign colors to corrective action program deficiencies meant that neither the company nor the NRC had the right vehicle for resolving the problems.

The current situation at Salem / Hope Creek demonstrates Dr. Lipoti was right. The ROP has NRC call out corrective action problems as a cross-cutting issue, but provides the agency with no means to compel correction of those identified problems. To its credit, Region I developed some means to do so. But the fact remains that the ROP is weak and needs to be fixed.

Thanks,

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