

JOSEPH R. BIDEN, JR.
DELAWARE

6202 FEDERAL BUILDING
844 KING STREET
WILMINGTON, DELAWARE 19801
(302) 673-6346

United States Senate

WASHINGTON, DC 20510-0802

May 18, 1994

Mr. Ivan Selin
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Selin:

I am deeply disappointed by the Nuclear Regulatory Commission's response to my correspondence of May 11, 1994 and its subsequent decision to allow the Salem I nuclear facility to restart. Given the history of problems at Salem, the NRC has a public responsibility to warrant with as much certainty as possible that operational and management deficiencies of the past have been corrected.

In your staff's response to my letter, in which I asked for a thorough review of a number of issues relating to plant operations, your staff states that "the NRC has reviewed all the relevant restart issues, and is satisfied that they have been adequately addressed." However, the letter fails, in my view, to provide assurance on the critical restart issue: Can the licensee prove that it can and will operate the plant any differently in the future than it has in the past?

Instead of addressing each of the concerns clearly spelled out in my letter to you, your staff enclosed the NRC analysis (status report) of PSE&G responses to issues raised by the NRC. While the documentation offers some insight into Salem's operations, it does not provide any statement of conclusions or analysis upon which a restart decision should rest. Notably, the licensee's full submittal was received by your office on May 13, 1994; the NRC's analysis was completed that same day. Given the short time frame for review, I question the degree of confidence that you could have gained in PSE&G's ability, or even intention, to correct operational problems at the Salem I facility.

9406200113 940603
PDR ADOCK 05000272
P PDR

Page 2
Mr. Ivan Selin
5/18/94

A major deficiency of your letter is that it does not assure me that the NRC will take any responsibility in the event that Salem encounters future problems, nor does it make any commitments for strong agency intervention if such problems occur. In a letter to me dated May 12, 1992, responding to my objection to the fact that no fines were assessed following an incident with the turbine generators at Salem in 1991, you stated, "While the NRC is satisfied at this point that appropriate actions are underway to ensure that underlying causes are being addressed and to prevent events of similar nature, the NRC will monitor the licensee's efforts closely and will not hesitate to take any further action appropriate to effect necessary changes in operations or attitude." It has been two years and little has changed, in the way of improved performance, at Salem.

After a thorough review of the documentation you enclosed with your letter, a number of the major concerns outlined in my earlier letter persist. I am requesting a specific response to each of the following questions.

The first issue concerns the pressurizer power operated relief valves (PORV), their reliability and problems associated with the installation last year of new internals in the valves in Units 1 and 2. My staff has reviewed this issue with the NRC staff, but fundamental questions remain.

Specifically, why did the manufacturer recommend a change in the old material (17-4 PH) that had been used since the early 1980s. What testing had been performed on the new material (420-series) to prove its reliability? In the aftermath of the failure of the new material, was the NRC database on equipment defects, required to be reported in accordance with 10 CFR 12, reviewed for reports of similar problems in other PORVs in other reactors? Have other reactors currently using the new material in the PORV been notified of the Salem damage? Is this new material now regarded as inferior to the old material? Will the NRC, or manufacturer, direct other licensees to change the internals, and what material will be

Page 3
Mr. Ivan Selin
5/18/94

recommended for installation? PSE&G indicated that valve internal misalignment may have contributed to the failure of the valve (page 7 of the Status Report). Was the valve installation technique a problem based on manufacturer installation specifications or inadequate licensee quality control procedures? And what is being done to correct installation problems?

Regarding the PORVs in Unit 2, when was the NRC notified that the wrong material had been installed? Was this a result of operator notification or a result of my office contacting the NRC with this information? Was the installation procedure that occurred last year documented, and did it reveal that the old material had been improperly re-installed? Your staff indicated in a conference call with my staff that a representative from the manufacturer, Copes-Vulcan, was present at the installation of the material in the Unit 2 PORVs. Did the manufacturer's representative certify in any documentation the content of the material that had been installed, and, if so, what material was described? The NRC indicates in its status-report (page 22) that it has concluded that Unit 2 PORVs "are acceptable for continued operation of that unit." Is this conclusion based on assurances from the manufacturer, or on an independent evaluation?

The second issue concerns the problem of marsh grasses clogging the circulating water intake flow path, which was the catalyst for the series of failures that led to the April 7th shutdown.

The licensee provided the NRC with a number of short and long term solutions to this problem (page 9). However, most of the modifications cited by PSE&G have yet to be implemented. In fact, an implementation schedule has not even been established for some of the proposed modifications. While stating that, "each of the licensee's proposals appears to have merit, the effectiveness of these modifications remains to be demonstrated," the NRC concludes, in an apparent contradiction, that the "plant design and the procedures that the licensee has (or will have) in place assure that the loss of circulating water to the main

Page 4
Mr. Ivan Selin
5/18/94

condenser will not challenge the safety of the nuclear plant." If the licensee and/or NRC are not able to provide evidence that the new and proposed modifications will be effective, on what assurance is this conclusion of "safety" based?

The third and most serious issue is management ineffectiveness in resolving long standing problems affecting facility performance. As recently as March of this year, PSE&G was fined \$50,000 for maintenance violations blamed on continued weaknesses of the plant's management. Over the years, PSE&G has been fined more than \$1 million for literally dozens of violations.

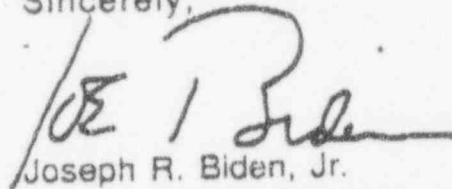
The NRC (page 18) cites several factors that have contributed to the recurring operations design and maintenance problems at the plant. Those causes include "weakness in management and oversight of activities, inadequate root cause analysis, failure to follow procedures, personnel error, ineffective approaches to resolution of problems and insufficient corrective actions." PSE&G has made some attempts to correct such serious problems, including many changes that took place before the April 7th incident. Clearly, the efforts have not been adequate. PSE&G has promised additional changes to improve management effectiveness, but even the NRC acknowledges that a positive trend has not yet been demonstrated in Salem's performance. Nevertheless, the NRC concludes that the "near-term and long-term actions initiated by the licensee appear to be sufficient to cause improvement if management maintains their commitment to the program." Given the history of Salem management failures and PSE&G's repeated promises of improved performance, I am neither comforted nor encouraged by the NRC's unexplained yet enduring confidence in PSE&G efforts to improve management effectiveness.

Mr. Chairman, the public is entitled to definitive answers regarding all aspects of Salem's operations, including a direct response to the long history of serious problems. Surely -- and, I would argue, at the very least

Page 5
Mr. Ivan Selin
5/18/94

-- increased scrutiny by the NRC in reevaluating the decision to grant permission for a restart, is not only merited, but required under the Commission's public responsibility and trust.

Sincerely,



Joseph R. Biden, Jr.
United States Senator