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May 9, 1988

Dear Mr. Zech:

I am writing to express my shock and dismay at remarks recently made by two NRC commissioners about the reopening of the Pilgrim Power Plant in Plymouth, Massachusetts. They have indicated their view that the plant should be allowed to resume operations, despite the fact that full public participation has not occurred and that a number of items related to plant safety and operations remain unresolved.

As you know, this plant has been shut down since April 1986 for the investigation of numerous operational problems. Boston Edison has taken steps to address serious issues related to plant management, reactor safety, and offsite emergency planning and has submitted its restart plan.

On September 17, 1987, I wrote to you to express my concern that NRC commissioners would make a determination on a Boston Edison request to restart the plant without allowing adequate opportunity for public participation. I joined Governor Dukakis, Senator Kennedy and other public officials and residents of the Plymouth area in requesting an adjudicatory hearing, to ensure the broadest possible public participation in the restart decision.

You denied this request, and instead, arranged a meeting to receive public comments, which was held on February 18. A followup meeting, to allow NRC staff to respond to these comments, will be held on May 11. A third meeting, between NRC senior staff and State Senator William Golden and others who filed a petition to show cause, has not yet been scheduled.

A second reason for my concern about statements made by the commissioners is that many of the items on the "Outstanding Items List" have not yet been addressed. This list, released by the NRC on April 19, indicates that half of the items -- 51 of 100 -- are not considered resolved by the Region I staff. They include such essentials as failure to ensure the integrity of a vital barrier, a question about safety-related cables in the intake structure, failure to preplan and perform maintenance in accordance with procedures, and many more.

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PDR COMMS NRCC
CORRESPONDENCE PDR

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May 9, 1988

It is clear that the public has not been afforded all possible opportunities to comment. It is equally obvious that majority of the NRC staff concerns about Pilgrim have not been resolved. It is therefore astonishing that Commissioners Kenneth Carr and Kenneth Rogers, after recent visits to the plant, could state that they see no impediment to restart of the facility.

I am sure you are aware that many of us in Congress, reflecting the views of a large segment of the public, are skeptical about the ability and willingness of the NRC to act as a regulator -- and not a proponent -- of the nuclear power industry. Remarks such as those made by Commissioners Carr and Rogers do nothing to dispel this view.

This past Saturday, I met with residents of Duxbury, a town lying within the 10-mile emergency planning zone. Many of them have concluded, in part on the basis of these remarks, that the NRC has no interest in listening to their views. They believe that the Commissioners have already decided to allow the plant to reopen, regardless of whether or not all safety, management, and emergency evacuation issues have been addressed. I would like your assurances that this is not the case.

Mr. Rogers, in a statement that particularly concerns me, indicated that he had "no serious questions" about Pilgrim's Mark I containment facility. As you know, serious questions have been raised about its safety, and, in fact, Boston Edison has invested \$30 million to correct design flaws, including the installation of a direct torus venting system (DTVS), which, as yet, has not been approved by the NRC.

This brings me to another matter of concern. You will recall that last September I wrote to you about the NRC's evaluation of the second revision of the Boiling Water Reactor Owner's Group Emergency Procedure Guidelines -- including an analysis of the DTVS. I asked that the NRC perform an Environmental Assessment of a radiation release from the DTVS and asked that you defer judgement on Pilgrim's venting system until all containment venting issues are thoroughly analyzed through the ongoing review process. You indicated in your response to me that the evaluation would be completed in early 1988 and that it would address the need for an environmental assessment.

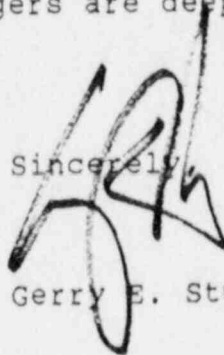
What is the status of the evaluation? If it has not been completed, when do you anticipate that this will occur? How will the results effect the decision on restart of Pilgrim? Will an environmental assessment, as required by NRC regulations, be performed?

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I would appreciate your response to these questions at your earliest possible convenience. In my view, the Pilgrim plant is not ready to open. There is no approved evacuation plan in place, and it is clear, from your own documents, that safety concerns have not been resolved. In this context, the remarks made by Commissioners Carr and Rogers are deeply disturbing and I look forward to your comments.

With kind regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry E. Studds". The signature is stylized with a large, sweeping initial "G" and "S".

Gerry E. Studds

The Honorable Lando W. Zech, Jr.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555