

From: Herbert Berkow  
To: A. Randolph Blough; Daniel Collins; Daniel Holody; James Wiggins  
Date: 6/16/04 6:50AM  
Subject: Re: Fwd: UCS recommendations for Salem / Hope Creek

We discussed this at length last week when the letter came in. There is no question that it fits the 2.206 mold. However, Mr. Lochbaum, for whatever reason, has stated that he does not want to use the 2.206 process. I have confirmed with Jack Goldberg that we cannot force a member of the public to have his/her concern addressed through the 2.206 process.

We have no choice but to handle this as controlled correspondence unless someone wants to call him and try to convince him to accept the 2.206 process for his concern.

✓ >>> Daniel Collins 06/09/04 06:54PM >>>

I think we need to take a very close look at whether or not this should be treated as a 2.206 petition.

Even though Mr. Lochbaum explicitly states that UCS doesn't view the letter as 2.206 petition, the letter contains the necessary elements of a 2.206. It requests specific action be taken against the licensee (i.e. Shutdown Order - or - an Order to demonstrate tangible improvement within 6 months) and it sets forth an argument that constitutes the basis for that request.

We might want to send it through a PRB to get the "expert" eyes on it and, if nothing else, capture our rationale for not treating as a 2.206 in the PRB's meeting minutes.

✓ >>> A. Randolph Blough 06/09/2004 9:33:04 AM >>>

this is a surprise; although we were expecting comments from UCS, including recommendation of an order to fix SCWE,, we did not expect the primary recommendation to be for a S/D order.

I don't know if UCS will make a public statement on this. They, for the most part, have not made this is highly public issue.

will update you as we get more.

randy

CC: Brian Holian; Cornelius Holden; David Vito; Diane Screnci; Ernest Wilson; Gina Matakas; Hubert J. Miller; James Clifford; Jeffrey Teator; Lisamarie Jarriel; Neil Sheehan; Tae Kim; Wayne Lanning

6-19

**From:** A. Randolph Blough *cy*  
**To:** Daniel Collins; Daniel Holody; James Wiggins  
**Date:** 6/10/04 9:51AM  
**Subject:** Re: Fwd: UCS recommendations for Salem / Hope Creek

having PRB make that collective determination is a good idea and i believe jim clifford is arranging that.

*cy*  
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