

United States Senate

WASHINGTON, DC 20510

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August 11, 1994

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

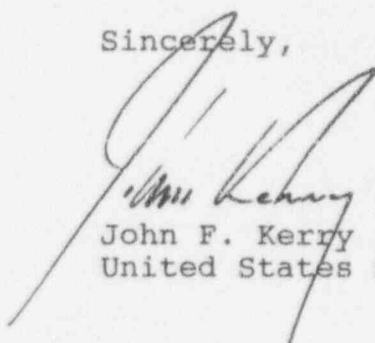
Dear Chairman Selin,

Enclosed please find a letter from Attorney General Harshbarger who raises concerns regarding safety at the Pilgrim Nuclear Power Plant.

It is my understanding that you have formed a task force in order to best analyze and address the concerns raised by David A. Lochbaum and Donald C. Prevatte which Attorney General Harshbarger relates. I would appreciate a synopsis of the analysis to date and the status of your review of the issues raised.

Thank you in advance for your attention to this matter. I look forward to your reply.

Sincerely,



John F. Kerry
United States Senator

enclosure

JK/sw



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Copy

May 4, 1994

Honorable John F. Kerry
U.S. Senate
421 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator ~~Kerry~~: *John*

I would like to call to your attention a matter that I am concerned has the potential to have profound public health and environmental effects on Massachusetts.

In late 1992, two experienced nuclear engineers, David A. Lochbaum and Donald C. Prevatte, reported to the United States Nuclear Regulatory Commission (NRC) what they believed to be a substantial safety hazard in the Susquehanna Steam Electric Station, located in northeastern Pennsylvania. The engineers sounded the alert because they had concluded that design defects created the potential for meltdown of irradiated nuclear fuel outside the reactor vessel and related failure of emergency systems in the plant. The consequences of such an accident, they predicted, would be of Chernobyl proportions. Thirty-five other nuclear units in the United States, the engineers reported to the NRC, have a design similar to that of the Susquehanna Plant; the Pilgrim Nuclear Power Station located in Plymouth, Massachusetts is one of these.

According to Messrs. Lochbaum and Prevatte, subsequent evaluation by the plants' owners and the NRC confirmed their concerns. The engineers report, however, that notwithstanding these conclusions, the NRC has thus far failed to require the owners to correct the defects in the Susquehanna Plant; nor has the NRC addressed the matter in either a generic fashion or at any of the other nuclear facilities that share the problem. Because of their belief that the NRC will not address the issue adequately or expeditiously, Messrs. Lochbaum and Prevatte have contacted Senator Joseph Lieberman, Representative Richard Lehman and Representative Phillip Sharp, who are chairs of Congressional subcommittees with NRC oversight responsibilities.

I am alerting you to this matter because I share these concerns. Congressional inquiry seems to me to be appropriate for several reasons. First, state enforcement of safety standards at nuclear power plants is wholly preempted by federal legislation. Thus, it is the NRC, and only the NRC, that can address these issues. The public needs to have confidence that the sole agency vested with the power to regulate in this area will exercise its responsibilities with scrupulous concern for public health and the environment.

Second, the safety issues, like this one, that arise in the context of alleged nuclear plant design defects, involve issues of extraordinary complexity; the legal prohibitions on independent state regulation and enforcement of nuclear power plant safety are mirrored by limitations on technical and scientific resources at the local level.

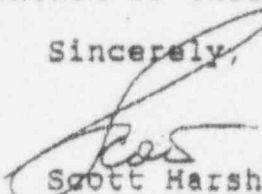
Third, this potential safety issue, like others involving nuclear plants, often present concerns that should be resolved on a generic basis, rather than in the context of a particular plant. Congress should ensure that the federal regulators who are equipped to address the problems, indeed do so.

Finally, although the public may sometimes misjudge the magnitude of the risk associated with nuclear power plants, there can be no gainsaying the catastrophic nature of the risk that is at stake.

In short, the engineers who sounded the alarm with respect to the issues arising at the Susquehanna Plant and at one-third of the country's other nuclear facilities, have at least raised sufficient questions such that immediate and serious NRC attention should have been mobilized. That has not happened. I share the engineers' concern that it will not happen without Congressional intervention.

Thank you for your attention to this matter.

Sincerely,



Scott Marshbarger