

NUCLEAR INFORMATION AND RESOURCE SERVICE
1424 16th STREET NW, SUITE 404
WASHINGTON, DC 20036
TEL. 202-328-0002
<http://www.nirs.org>

March 25, 2003

Chief of FOIA
Division of Freedom of Information and Publication Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555

By Email: foia@nrc.gov

FOIA/PA REQUEST

Case No: 2003-0224
Date Rec'd: 3-25-03
Action Off: Paul
Related Case: _____

**REQUEST FOR EXPEDITED INFORMATION ON
NRC ANALYSIS AND OVERSIGHT OF FIRSTENERGY'S
REFURBISHMENT AND MAINTENANCE OF
DAVIS-BESSE PRIMARY REACTOR PRESSURE BOUNDARY**

To Whom It May Concern:

On behalf of Nuclear Information and Resource Service (NIRS), and pursuant to the Freedom of Information Act, 5 U.S.C. 552(b), et. seq., I hereby request that you make available copies of all documents in the U.S. Nuclear Regulatory Commission's (NRC) possession which describe or discuss the agency's analysis and oversight of FirstEnergy Nuclear Operating Company's (FENOC) Davis-Besse nuclear generating station as described more fully below. This request covers but is not limited to all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, all types of electronic communications including fax transmissions and Email, or other written records, whether in paper or computer files, preserved via the use of any medium (e.g., paper documents, hand-written notes, word processors, computer diskettes, hard drives, or network systems.) In addition, this request includes studies, analyses, work papers, internal or external communications of any sort, testimony, press releases, reports, memoranda of the like concerning, recording or in any way related to:

1. All Region III communications referencing NRC analysis and oversight of FENOC refurbishing and preventive maintenance on Davis-Besse reactor coolant pumps as identified by Lew Meyers, FENOC Chief Operating Officer, in the transcript of the February 4, 2003 Commissioner's "Briefing on the Lessons Learned Davis Besse Vessel Head Degradation" at page 19 line 24 through page 20 line 4.
2. All Inspection Manual Chapter 0350 Panel communications referencing NRC analysis and oversight of FENOC refurbishing and preventive

maintenance on Davis-Besse reactor coolant pumps as identified by Lew Meyers, FENOC Chief Operating Officer, in the transcript of the February 4, 2003 Commissioner's "Briefing on the Lessons Learned Davis Besse Vessel Head Degradation" at page 19 line 24 through page 20 line 4.

3. All correspondence and communications to and from Mr. John Grobe, NRC Region III, referencing NRC analysis and oversight of FENOC refurbishing and preventive maintenance on Davis-Besse reactor coolant pumps as identified by Lew Meyers, FENOC Chief Operating Officer, in the transcript of the February 4, 2003 Commissioner's "Briefing on the Lessons Learned Davis Besse Vessel Head Degradation" at page 19 line 24 through page 20 line 4.
4. All correspondence and communications to and from Ms. Christine Lipa, NRC Region III, referencing NRC analysis and oversight of FENOC refurbishing and preventive maintenance on Davis-Besse reactor coolant pumps as identified by Lew Meyers, FENOC Chief Operating Officer, in the transcript of the February 4, 2003 Commissioner's "Briefing on the Lessons Learned Davis Besse Vessel Head Degradation" at page 19 line 24 through page 20 line 4.
5. All correspondence and communications to and from the NRC Senior Resident Inspector at the Davis-Besse nuclear generating station referencing NRC analysis and oversight of FENOC refurbishing and preventive maintenance on Davis-Besse reactor coolant pumps as identified by Lew Meyers, FENOC Chief Operating Officer, in the transcript of the February 4, 2003 Commissioner's "Briefing on the Lessons Learned Davis Besse Vessel Head Degradation" at page 19 line 24 through page 20 line 4.
6. All correspondence and communications to and from the NRC Resident Inspector at Davis-Besse nuclear generating station referencing NRC analysis and oversight of FENOC refurbishing and preventive maintenance on Davis-Besse reactor coolant pumps as identified by Lew Meyers, FENOC Chief Operating Officer, in the transcript of the February 4, 2003 Commissioner's "Briefing on the Lessons Learned Davis Besse Vessel Head Degradation" at page 19 line 24 through page 20 line 4.

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC related to items 1-6.

NIRS is requesting that the FOIA request be expedited due to the Davis-Besse restart effort. According to FirstEnergy testimony, only two of four reactor coolant pumps have been refurbished and provided with preventative maintenance. All four of Davis-Besse reactor coolant pumps are part of the primary pressure boundary. NIRS is requesting an expedited FOIA response to address any potential

regulatory compliance issues prior to Davis-Besse restart that may regard the technical specification pertaining to zero tolerance leakage rates on the primary pressure boundary (Davis-Besse Standardized Technical Specifications, Reactor Coolant System, Operational Leakage, Limited Condition for Operation, 3.4.6.2.a) as well as potentially an unreviewed safety issue due to susceptible materials and age-related degradation in the two remaining reactor coolant pumps.

For any portion of the request that you deem appropriate to deny, NIRS requests that you describe the information that is denied, identify the exception to the FOIA on which you rely, and explain how that exception applies to the withheld information.

Pursuant to NRC regulations at 10 CFR 9.41, NIRS requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in Section 9.41(b):

1) Purpose of request:

The purpose of the request is to gather information on public safety and regulatory compliance at nuclear power stations. The requested information is currently not available in the NRC's Public Document Room.

2) Extent to which NIRS will extract and analyze the substantive content of the records:

NIRS is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Members of the NIRS staff have published articles in such national journals as The Progressive, Nuclear Times, Newsday and Bulletin of Atomic Scientists. NIRS is quoted as a reliable source of information on nuclear issues and XX in newspapers across the country, including The Cleveland Plain Dealer, The Toledo Blade, The Akron Beacon Journal, New York Times, The Washington Post, and The San Francisco Chronicle.

NIRS has a working relationship with attorneys, physicists, nuclear engineers and other respected professionals who contribute to the full understanding of nuclear regulatory compliance and public safety.

3) Nature of the specific activity or research in which the records will be used and NIRS's qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:

NIRS seeks the requested information solely to contribute to and help shape the public debate on regulatory compliance and public safety. NIRS intends to use the information in order to advance the concerns for public understanding of nuclear regulatory compliance and public safety.

4) Likely impact on the public's understanding of the subject as compared to the level of understanding of the subject prior to disclosure:

The public understanding of the issues of nuclear regulatory compliance and public safety will be enhanced by the contribution of this information.

5) Size and nature of the public to whose understanding a contribution will be made:

NIRS has an active subscribing membership of over 1500 throughout the United States. Several thousand additional members periodically receive mailings from NIRS. NIRS provides resource material to electronic and print media outlets with very broad outreach to a public safety conscious audience. Additionally, NIRS has a web site (www.nirs.org) which receives on average of 1500 visitors per day where postings on this issue will be made available.

6) Means of distribution of the requested information:

NIRS will use its own newsletter publication The Nuclear Monitor and our media contacts in both the electronic and print media outlets to provide very broad outreach to the public concerned about reactor safety. NIRS will also share information with other interested parties concerned about regulatory compliance and public safety. Additionally, NIRS will post information on its web site (www.nirs.org) which receives on average of 1500 visitors per day.

7) Whether free access to information will be provided:

NIRS will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. NIRS will also provide a copy of information to all interested parties without charge.

8) No commercial interest by NIRS or any other party:

NIRS has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of NIRS is to promote a policy debate on nuclear regulatory compliance and public safety.

Sincerely,

[signed by Paul Gunter]

Paul Gunter, Director
Reactor Watchdog Project

Nuclear Information and Resource Service
1424 16th Street NW Suite 404
Washington, DC 20036
pgunter@nirs.org

From: Paul Gunter <pgunter@nirs.org>
To: <foia@nrc.gov>
Date: Tue, Mar 25, 2003 12:05 PM
Subject: FOIA Request Re: Davis Besse

Hello,

Attached please find NIRS FOIA Request pertaining to release of documents that regard NRC analysis and oversight of FENOC maintenance of the Davis-Besse Reactor Primary Pressure Boundary System.

Thank you,
Paul Gunter, Director
Reactor Watchdog Project
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<http://www.nirs.org>