

**From:** "Jim Riccio" <jim.riccio@wdc.greenpeace.org>  
**To:** <djr@nrc.gov> D. Roberts, NRC  
**Date:** 7/31/03 1:50PM  
**Subject:** Davis Besse Restart Questions

Darrell,

Thanks for returning my call to Sam and for taking the time to answer my questions concerning the proposed denial of Congressman Kucinich's 2.206 petition. It was unclear to me whether the NRC would allow Davis Besse to restart prior to addressing the design basis issues that were supposed to have been resolved back in the 1990's. As I mentioned in our telephone conversation, the nuclear industry's lack of fidelity to the design and licensing basis has been of particular concern to me. I believe it undermines NRC's attempts to move to risk based regulation and has the potential to blind the industry and the agency to issues that contribute greatly to core damage probability. Since Davis Besse, has over its history, been unable or unwilling to ensure the adequacy of its design and licensing basis, I believe it is appropriate that the NRC not allow the reactor to restart unless and until the design basis deficiencies identified in the 1990s are resolved.

I've excerpted below the section of the inspection report that identified the fact that Davis Besse had failed to live up to their commitments contained in the 50.54(f) letter.

February 26, 2003

**SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION  
NRC SPECIAL INSPECTION - SYSTEM HEALTH ASSURANCE - REPORTS  
NO. 50-346/02-13(DRS) and 50-346/02-14(DRS)**

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The project, though a commitment to NRC in response to the 10 CFR 50.54.f letter, was delayed about two years due to engineering resource considerations. The licensee, on recognizing that station resources would remain a restraint, elected to contract for the reports. Two engineering organizations were contracted to prepare the validation reports and work on the project was commenced. From all of the systems validated, there were slightly more than 1000 identified deficiencies. These were characterized as either high, medium, or low significance and work was initiated to correct them. At the close of this inspection, approximately 200 deficiencies had not been corrected. The inspectors reviewed the deficiency tracking list and open item log sheets for the service water and found where the resolution of an issue assigned a high significance rating was inadequate. The issue concerned rated flow in the service water system description that didn't include all possible flows. The prescribed resolution for this deficiency was that it was to be corrected in the system description. It failed to recognize that the analyses related to rated service water flow or using rated service water flow needed to be examined. This deficiency was noted by both the LIR team and the NRC team inspection. As corrective action, the licensee plans to:

- establish an event time line of identified deficiencies and opportunities to improve
  - design information availability and adequacy;
- identify why the DBDVP was not completed;
- confirm that the DBDVP discovery phase was adequate; and
- evaluate why the DBDVP and other, prior programs and activities did not resolve

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the identified discrepancies.

Sam denied the petition based upon the System health reviews. However as you can see below those reviews identified the fact that DB had not complied with the 50.54(f) letter. That there were 200 outstanding items and that when they reviewed an issue of high safety significance that had supposedly been addressed it was inadequate.

Sam claims in his denial of the Kucinich petition that:

Where deficiencies are identified by the licensee, they are entered into the licensee's formal corrective action program and prioritized based on safety significance. Safety-significant deficiencies identified by the NRC are being added to the NRC's Restart Checklist, and they must be resolved before the NRC will consider any future restart. Additionally, some issues that are identified by the licensee may also be added to the NRC Restart Checklist, depending on the safety significance of the issues. Some items of low safety-significance would not be required to be completed before a plant restart, but would be required to be captured within FENOC's corrective action program.

I am attempting to understand whether the NRC is requiring that all the 1000 deficiencies identified in 1997 will be corrected prior to restart or merely those deficiencies that the NRC deems to be safety significant. I've been trying to find anywhere in ADAMS where these 1000 deficiencies are identified and where the four bullet points are addressed but have thus far been unsuccessful. Thanks again for returning my call and for attempting to clarify the NRC's position on Davis Besse restart.

Sincerely,

Jim

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