

September 10, 2002

Mr. David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW Suite 600
Washington, DC 20006-3919

Dear Mr. Lochbaum,

I am responding to your letter of August 5, 2002, concerning the assignment of Dr. Edwin M. Hackett as the Assistant Team Leader of the Davis-Besse Lessons Learned Task Force, as well as the disposition of an April 16, 2002, request under the Freedom of Information Act (FOIA) submitted by Mr. Paul Gunter on behalf of the Nuclear Information and Resource Service for documents concerning the decision-making process for control rod drive mechanism (CRDM) nozzle inspections at the Davis-Besse nuclear plant. You request the NRC:

- 1) Direct the FOIA office to release FOIA No. 2002-0229 to Paul Gunter and the Public Document Room,
- 2) Direct the Lessons Learned Task Force to conduct additional public meeting(s) at least thirty days after FOIA No. 2002-0229 is released to the public,
- 3) Remove Dr. Edwin M. Hackett from the Lessons Learned Task Force and replace him on this independent task force with someone who was not involved in the Davis-Besse deferral process last fall, and
- 4) Evaluate the potential for Dr. Hackett's bias having undermined the independent inquiry by the Lessons Learned Task Force and take all appropriate corrective measures.

The NRC recently released a large number of records to Mr. Paul Gunter pursuant to his request under FOIA No. 2002-0229. As you may know, documents to be released under a FOIA request must be reviewed in order to ensure that sensitive information, including, for example, trade secret or other privileged commercial information, personal privacy, and investigatory information, is not released to the public. The scope of the request in FOIA No. 2002-0229 required review of a large volume of documents.

In your letter, you state that you received internal NRC records from a third party and that you believe the records were assembled in response to FOIA No. 2002-0229. Although the NRC was in the process of assembling records in response to the aforementioned FOIA request at the time of your letter, the NRC had not yet released any records in response to this request.

In regard to your request for additional public meetings with the Lessons Learned Task Force (LLTF), the LLTF has already held two public meetings and remains open to any information stakeholders wish to provide in writing. In addition, the LLTF's report will be released to the public. Although the LLTF does not intend to hold a public meeting to solicit further input, the LLTF does intend to conduct a public meeting in Oak Harbor, Ohio, to discuss the results of its review. Upon completion of the LLTF activities, the NRC will remain open to stakeholder comments and information regarding the Davis-Besse issues.

Finally, you request the removal of Dr. Edwin M. Hackett, who is currently serving as the Assistant Team Leader of the LLTF, and replacing him with someone "who was not involved in the Davis-Besse deferral process last fall." As you know, the LLTF was chartered to look broadly at NRC processes, and not just at the timing of the Davis-Besse shutdown, and its members were selected with care. The criteria for selecting members of the LLTF were intended to ensure the formation of a multi-disciplined, experienced team with no members having significant past involvement in the oversight of Davis-Besse. In his position at the NRC as Assistant Chief of the Materials Engineering Branch in the Office of Nuclear Regulatory Research, Dr. Hackett was involved in the agency's general review of the technical aspects of vessel head penetration cracking. In the e-mail you discuss in your letter, Dr. Hackett was responding to a request by the Office of Nuclear Reactor Regulation regarding the accuracy of the reference to probabilistic fracture mechanics analyses. Dr. Hackett was primarily involved in the assessment of technical information and not the decision-making process related to the possible issuance of an Order to shut down the Davis-Besse nuclear power plant. Dr. Hackett is highly qualified to serve on the LLTF because of his materials engineering background and his knowledge of vessel head penetration cracking issues. Accordingly, I believe Dr. Hackett has and will continue to provide impartial expertise to the LLTF activities.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

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William D. Travers
Executive Director
for Operations

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