

December 13, 2002

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

Dear Mr. Lochbaum:

I am responding on behalf of the U. S. Nuclear Regulatory Commission (NRC) to your letter of October 14, 2002, concerning the NRC's Manual Chapter 0350 process for Davis-Besse Nuclear Power Station. In your letter you state that "...a troubled nuclear plant should not be restarted until all applicable problems at the plant, of the plant's owner, and of the regulator are remedied....UCS [Union of Concerned Scientists] believes that as an absolute minimum, ... five problems must be resolved prior to restart." The five problems you refer to involve reactor coolant pressure boundary leakage, the corrective action program, boric acid buildup within containment, NRC decisionmaking, and NRC resources.

The NRC staff will consider the licensee-related issues as it reviews the licensee's activities in light of the Davis-Besse reactor pressure vessel head corrosion. We believe that the 0350 process has previously worked well for reviewing licensee activities before considering plant restart, and that the process continues to be effective for reviewing Davis-Besse activities. With regard to the NRC's regulatory activities, contrary to your assertion in Item 4 of your letter, NRC management did not overrule safety concerns of the staff in allowing Davis-Besse to operate until February 16, 2002. Rather, the technical staff recommended to management its conclusion, based on risk-informed decisionmaking criteria and the information available to the staff, that the plant could operate until February 16, 2002, without undue risk to the public health and safety. In addition, the NRC sent Davis-Besse a closeout letter in response to Bulletin 2001-01. It provides much greater detail regarding the staff's decisionmaking process and is enclosed. Finally, with regard to your concern about staff resources, the staff will consider your views, as appropriate, in implementing the recommendations of the Davis-Besse Lessons Learned Task Force Report. The actions to be implemented and the schedule for implementation are being determined by senior NRC management.

Thank you for bringing your concerns to the attention of the NRC.

Sincerely,

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosure: As stated

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Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosure: As stated

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DATED: December 13, 2002

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