

July 2, 2004

Howard Whitcomb III
Home Address Deleted
Under 10 CFR 2.790(a)]

SUBJECT: ALLEGATION NO. RIII-04-A-0020

Dear Mr. Whitcomb:

This refers to our letter dated March 18, 2004, that stated you were concerned that: (1) the NRC failed to respond to most, if not all, of your concerns; (2) the NRC is proceeding with a restart decision prior to receiving the findings of the Federal Grand Jury; (3) the problems of today were central to the 1985 event; (4) the cultural attributes involving a systemic refusal to perform maintenance has survived since 1985; (5) there is a lack of implementation or resolution of the NRC Lessons Learned Task Force; (6) the corrective action program is incomplete and the material condition of plant equipment remained unknown; (7) there are inadequacies in the Quality Assurance and Maintenance programs; (8) the licensee has established a corporate philosophy of production over safety; and (9) there is a conflict of interest with certain senior NRC managers and members of the Davis-Besse Oversight Panel.

Our March 18th letter provided you the results of our evaluation for Concerns 2, 5, and 9, and informed you that we needed more information before we could begin our evaluation of Concerns 1, 3, 4, 6, 7, and 8. Our March 18th letter informed you that the information you provided was too general for us to follow-up and requested that you provide written examples of the concerns to a Region III Allegation Coordinator within 30 days. Our letter also informed you that a Region III Allegation Coordinator would close Concerns 1, 3, 4, 6, 7, and 8, and this allegation file if you did not provide the requested information.

Our records indicate that you received our March 18th letter on March 23, 2004, and you have not provided a response to our request. Therefore, I am closing this allegation file since you did not respond to our request for additional information and it has been 30 days since you received our March 18th letter.

Our March 18th letter informed you that the 0350 panel honored your request and placed your letters dated February 14 and March 3, 2004, and associated attachments in the NRC Public Document Room (ADAMS). As we stated in our March 18th letter, we do not normally place issues that are captured by the allegation program in the public record. However, since you requested (verbally and in writing) that the information be placed in the public record as part of the 0350 process and acknowledged that you do not object to the release of your name as the source of the concern, your February 14 and March 3, 2004, and associated attachments were placed in the NRC Public Document Room (ADAMS). It has also been the practice of the 0350 panel communication plan to place, in ADAMS, the responses to an individual when the individual's questions, statements, or letters were placed ADAMS as part of the 0350 process.

Therefore, I will place this letter and our March 18th letter in ADAMS unless you contact me within 30 days from the date of this letter and state why the letters should not be placed in ADAMS. If you do not contact me within 30 days, I will place the letters into ADAMS since these letters addressed the issues captured by your letters dated February 14th and March 3rd and you provided both verbal and written communications indicating that you did not object to the release of your name as the source of the concerns.

If you have any questions please contact me at (630)810-4374 or by writing to the U.S. Nuclear Regulatory Commission, Region III, at 2443 Warrenville Road, Suite 210, Lisle, Illinois 60532. My E-mail addresses are JKH@nrc.gov and OAC3@nrc.gov. If you E-mail me, please send the information to both E-mail addresses.

Sincerely,

/RA/

James Heller
Senior Allegation Coordinator

- cc: 1. AMS File No. RIII-04-A-0020
- 2. NRC OIG
- 3. ADAMS (Follow-up ARB the decision to place the letters in ADAMS before the letters are placed in ADAMS.)

EXPRESS MAIL

*SEE PREVIOUS CONCURRENCE

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OFFICE	RIII	N	NRR	N	RIII	N	RIII:	N	RIII	N
NAME	*Heller		*Heller for Jarriel		Lipa		Grobe		Heller	
DATE	06/9/04		05/18/ 4		06/22/04		6/30/04		07/2/04	

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**** On 05/18/4 Jim Heller called Lisa Jarriel and discussed the option of including this letter and our March 18th letter in ADAMS. The option was explored since the incoming correspondence was placed in ADAMS as part of the 0350 process. I told Lisa that (1) the CI did not object to the release of his name, (2) placing our correspondences in ADAMS would ensure that the complete picture is in public domain, and (3) it has been the practice of the 0350 panel communication plan to place, in ADAMS, the responses to an individual when the individual's questions, statements, or letters were placed ADAMS as part of the 0350 process. Based on the information that I provided, Lisa Jarriel did not object to the placement of this letter and our March 18th letter in ADAMS.