

SDP/EA REQUEST & STRATEGY FORM

RAS-
C-257

Case Data		Disputed: <input type="checkbox"/>	Related Cases: EA-05-
SDP/EA No.: <u>05-182</u>		Number: <u>1</u>	Docket No.: N/A
Request <u>8-18-05</u>	Region <u>III</u>	Case Type: <u>Indiv</u>	Small Entity: <input checked="" type="checkbox"/> Yes
Licensee Individual		Facility / City: <u>Davis-Besse Nuclear Power</u>	
License <u>N/A</u>	Last Day of Insp.: <u>8-22-03</u>		
Insp. Rpt <u>OI 3-2002-06</u>	Keywords: <u>090100ES:drs</u>		
Facts (EATS): <u>Contrary to 10 CFR 50.5(a)(2), the Design Engineering Manager at Davis-Besse deliberately provided incomplete and inaccurate information in FENOC's (the licensee) September 4 and October 17, 2001, responses to NRC Bulletin 2001-001, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles" and at a presentation, concerning Davis-Besse's reactor pressure vessel head inspection efforts,</u>			

Discussion (if required):

SDP Assessment: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Whit <input type="checkbox"/> Yellow <input type="checkbox"/> Red <input type="checkbox"/> NOV <input type="checkbox"/> Yes <input type="checkbox"/> No
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Wrongdoing <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	OI Rpt. No.: <u>3-2002-06</u>
DOJ <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	Ref. Date <u>1-17-</u> Action Date <u>Dec</u>
<input type="checkbox"/> Awaiting DOJ	<input checked="" type="checkbox"/> Needs coordination with
Resolution: Does not meet the NRC <input type="checkbox"/> Legal <input type="checkbox"/> Policy threshold for	<input checked="" type="checkbox"/> Deliberate Misconduct <input type="checkbox"/> Careless Disregard <input type="checkbox"/> No

U.S. NRC
In re DAVID GEISEN Staff Exhibit # 85
Docket # 1A-05-052
Date Marked for ID: 12/12, 2008 (Tr. p. 2288)
Date Offered in EV: 12/12, 2008 (Tr. p. 2288)
Through Witness/Panel: Luehman
Action: ADMITTED REJECTED WITHDRAWN
Date: 12/12, 2008 (Tr. p.)

Escalated Action			
Consequence: <input type="checkbox"/> Ac <input type="checkbox"/> Potent <input type="checkbox"/> Reg. <input type="checkbox"/> Willful			
Prior Esc. Action? <input type="checkbox"/> No <input type="checkbox"/> Yes	EA: _____	Date: _____	
ID Credit? <input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> T	SL: _____	
CA Credit? <input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> TB	Supp: _____	
CP? <input type="checkbox"/> No CP <input type="checkbox"/> Ba <input type="checkbox"/> Double <input type="checkbox"/> Ot			

Discretion or Order? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	Explai 5 year ban (Order). See below.
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Future Action			
Conference? <input checked="" type="checkbox"/> N <input type="checkbox"/> Yes <input type="checkbox"/> Open <input type="checkbox"/> Closed	Additional _____		
Action? <input type="checkbox"/> No Violation <input type="checkbox"/> Re-panel <input type="checkbox"/> PEC <input type="checkbox"/> Choice Letter <input type="checkbox"/> Choice Call <input type="checkbox"/> SL IV			
<input type="checkbox"/> Region Issue Esc. <input checked="" type="checkbox"/> Full Package Review by <input checked="" type="checkbox"/> DEDR Review <input type="checkbox"/> Commission <input type="checkbox"/> NCV			
Other Action? _____	Issuance of ORDER to former Design Engineering Manager prohibiting involvement in NRC-licensed activities for 5 years		

Participant s: Region M. Satorius, C. Lipa, B. Berson, K. O'Brien, C. Colantoni, M. Phillips, K. Lambert, C. Weil

OE J. Luehman, D. Starkey, M. Johnson OGC/OI T. Campbell, S. Brock, M. Duffy / R. Paul, C. Hayden

Program Office P. Bonnett, J. Hopkins Other _____

Remarks/Comments/Lessons Learned:

Approved, Dir. OE: /RA/ C. Nolan
Date: 12/07/05

TEMPLATE = SECY

027

DS 03

8-18-05 - The September 4, 2001, response to Bulletin 2001-001 was materially incomplete and inaccurate in that the response mischaracterized the accumulation of boric acid on the RVP head as a result of the 12 RFO head inspection, failed to include information that the access to the bare metal of the RPV head was impeded, during the 11 RFO and 12 RFO refueling outages, by the presence of significant accumulations of boric acid deposits, and failed to indicate that the presence of boric acid deposits was not limited to the area beneath flanges. The Design Engineering Manager was aware in June 2001, based on a memorandum he signed, of the accumulation of boric acid on the reactor head and that all the nozzles could not be inspected.

The October 17, 2001, response to Bulletin 2001-001 was materially incomplete and inaccurate, in that all the control rod drive mechanism nozzles were not viewed during the outages and Condition Report 2000-1037 stated that there were five leaking control rod drives located at F10, D10, C11, F8, and G9. The Design Engineering Manager was aware in June 2001, based on a memorandum he signed, that not all the reactor pressure vessel head was cleaned at the end of the 12 RFO, therefore, the licensee could not view all of the control rod drive mechanism nozzles.

The October 11, 2001, presentation to the Commissioner's technical assistants was materially incomplete and inaccurate in that the build-up of boric acid deposits was so significant that the licensee could not inspect all of the nozzles. As a result, FENOC did not have a basis for stating that no visible evidence of nozzle leakage was detected. Although the Design Engineering Manager was aware, in June 2001, that all the nozzles could not be inspected, he failed to correct the inaccurate information on the slides during an October 10, 2001, meeting, that he attended, where the slides were being developed.

Based on the above, the panel proposed issuing an Order banning involvement in all NRC-licensed activities for a period of 5 years for violations of 10 CFR 50.5 (a)(2). The panel determined that a ban of 5 years is appropriate based on the significance of the events at Davis-Besse and the fact that a 5 year ban was previously issued to another former Davis-Besse employee for equally significant acts of deliberate misconduct.

This enforcement action is being proposed prior to the Department of Justice completing its review of the OI investigation results.