

February 25, 2004

Mr. James Caldwell
Region III Administrator
Nuclear Regulatory Commission
801 Warrenville Rd.
Lisle, IL 60532-4351

Dear Mr. Caldwell,

No nuclear plant has ever been given permission to restart while a grand jury investigation related to findings of possible criminal actions at that plant is still going on. In the Millstone case, the grand jury had finished its work before restart permission was granted. How can members of the public, or even personnel working within the nuclear industry, be expected to "trust" that no one involved in the critical decisions made in over a decade at Davis-Besse - or that the FirstEnergy corporation itself - won't ultimately be indicted?

In the two years that have elapsed since the "discovery" of the hole in the head at the Davis-Besse reactor, neither the Nuclear Regulatory Commission, nor the U.S. justice system has meted out sanctions or punishments to the FirstEnergy corporation or to its key managers responsible for the extensive degradation of the nuclear reactor.

We and other members of the public have no way of knowing whether actions taken by the FirstEnergy Corporation and its management to refuse to investigate or to cover up the leakage and hole at Davis-Besse will ultimately result in criminal charges or conviction. All that we know is that the NRC's investigation reached conclusions that warranted a deferral to the Department of Justice, a federal grand jury investigation is underway, and that the NRC is privy to reports from the grand jury.

FirstEnergy has now applied to you for permission to restart Davis-Besse. If you grant this restart permission before appropriate and necessary consequences are instituted, you will be sending a signal to both FirstEnergy and the entire nuclear industry that profits and production come before public safety.

Musical chairs at FirstEnergy

At the February 12th public meeting at Camp Perry, FENOC President Gary Leidich made clear that personnel at FENOC and all the reactors work closely together, saying "no nuclear plant is an island." This statement can be confirmed by an analysis of FENOC's press releases over the last several years, where personnel changes are

announced frequently and assignments between the various plants and FENOC resemble a game of musical chairs.

The root cause analyses done by both FirstEnergy and the NRC show that the actions which led to the degradation of the head, and the cover-up of the degradation, began in the early 1990s. FirstEnergy itself says in its root cause analyses that "the evidence places through-wall leak initiation in the 1994-96 timeframe." Key decisions to ignore signs, and even photographs, of boric acid corrosion were made in the period between 1994-1998. As outlined in the following excerpt from the August 13, 2002 root cause analysis done by FirstEnergy and submitted to the NRC, management at Davis-Besse in 1998 made the critically important decision to downgrade the evaluation of the boric acid corrosion from root cause to apparent cause:

"Finally, although this PCAQR (Potential Condition Adverse Quality Report) was designated for a root cause analysis, the PCAQR was downgraded and closed more than two years later without an approved root cause analysis, without determining whether the CRDM nozzles were leaking or the RPV head was corroding, and without any corrective action or action to prevent recurrence."

P. 43, "Management and Human Performance Root Cause Analysis Report on Failure to Identify Reactor Pressure Vessel Head Degradation", August 13, 2002, [excerpts](#); [full document](#).

Over the past two years, FirstEnergy has announced publicly that 18 individuals have been disciplined or left FirstEnergy due to the debacle at Davis-Besse. However, it appears that many of the individuals who lost their jobs were only involved in vessel head issues beginning in the late 1990s or 2000.

We request that you determine the current roles of various FirstEnergy managers who were in key management positions at Davis-Besse during the years from 1996 on. How is the public to have confidence in FirstEnergy's "new" decision-making at Davis-Besse when many key managers who made important decisions at Davis-Besse in the past were promoted within the FENOC system and are still involved in critically important nuclear safety issues?

Management personnel who were involved in key decisions at Davis-Besse in the 1990s and who still appear to be employed in top management at FENOC or its nuclear plants include at least:

- Lonnie Worley, Director of Nuclear Supply Chain, FENOC
- David Eshelman, Director of Life-Cycle Management, Davis-Besse

- Michael Stevens, Director of Work Management, Davis-Besse
- Theo Swim, Consultant, FENOC
- David Lockwood, recently returned to Davis-Besse
- Joseph Rogers, Manager, Nuclear Engineering, FENOC
- Dale Wuokko, Supervisor, Nuclear Regional Compliance, FENOC
- Robert Donnellon, Manager, Nuclear Support, FENOC
- James Lash, General Plant Manager, Beaver Valley

(Titles where listed were located through company listings, public announcements by FirstEnergy, or newspaper quotes).

Comparison with Millstone's safety culture changes

Significant doubts about FirstEnergy's safety culture were raised at the February 12th meeting, including reports by Geoffrey Wright's inspection team showing that "in certain organizations, staff's confidence in Davis-Besse's management has declined from where it was in March 2003." When Ohio Citizen Action asked Mr. Wright during the meeting to name the organizations where confidence declined, he listed the following: operations, maintenance, quality assurance, and plant engineering. Every one of these areas is critical to nuclear safety.

At the Millstone plant, revamping of the safety culture took two years AFTER they had reached the point where Davis-Besse may be now. It is ludicrous to think that the "new steps" which Davis-Besse has taken to promote safety, including a new program which they began the same morning of the February 12 meeting, could possibly have been instituted through the organization sufficiently to authorize restart at this time.

Public confidence in both FirstEnergy and the Nuclear Regulatory Commission has been severely shaken by events at Davis-Besse throughout the past two years. The only way for you to restore that confidence is to show that the NRC is willing to say no to FirstEnergy's current request to restart the plant until those responsible for the debacle have been identified and sanctioned.

Sincerely,

Sandy Buchanan, Executive Director
Ohio Citizen Action

David Lochbaum, Nuclear Safety Engineer
Union of Concerned Scientists

cc: James Dyer
Samuel Collins
John Grobe