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Date: Mon, Jan 4, 2016 at 2:25 PM

Subject: RE: RE: Allegation - Davis-Besse's emergency diesel generators

Hello Jim:

I have had a chance to review NRC Administrative Letter 98-10 (ML031110108) and WCAP-17308-NP (ML12128A090).

I do not believe that FirstEnergy complied with Admin Letter 98-10. The letter states that "Imposing administrative controls in response to an improper or inadequate TS [technical specification] is considered an acceptable short-term corrective action."

FirstEnergy met this part of the NRC's expectations by the administrative controls implemented on August 27, 2009.

But the letter goes on to impose an additional expectation: "The staff expects that, following the imposition of administrative controls, an amendment to the TS, with appropriate justification and schedule, will be submitted in a timely fashion."

The letter does not crisply define what constitutes "timely." But the first page of the letter describes an example at an unidentified plant where a problem, handled with administrative controls, was not addressed "for approximately one year." It's been over five years since First Energy implemented the administrative controls. If one year is too long for the NRC, more than five years would seem too long, too.

The specific issue at Davis-Besse, EDG voltage, seems to have been complicated by the industry effort to address the problem generically. That effort led to WCAP-17308-NP being submitted circa April 2012 -- about 3 1/2 years afterwards.
But closer examination shows that this justification is simply not acceptable.

As evidenced by a letter dated August 31, 2015, from the PWROG to the NRC (ML15247A070), WCAP-17308-NP has not yet been accepted by the NRC. And yet FirstEnergy has submitted a license amendment request (actually, two license amendment requests if the one that they withdrew is counted) to fix its EDG voltage problems. Thus, the solution did not have to wait for WCAP-17308-NP to be approved.

And yet First Energy let the clock toll for years.

I formally allege that FirstEnergy knowingly, deliberately, and willfully operated Davis-Besse in "a degraded or nonconforming condition" (quoting Admin Letter 98-10 about an inadequate technical specification value) by failing to submit a license amendment request in a timely fashion.

Thanks,
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Check out the UCS blog on nuclear weapons and nuclear power issues at http://allthingsnuclear.org/