



February 5, 2004

Chairman Nils J. Diaz  
Commissioner Edward McGaffigan, Jr.  
Commissioner Jeffrey S. Merrifield

Dear Chairman and Commissioners:

Ohio Citizen Action and the Union of Concerned Scientists have devoted considerable resources over the past two years monitoring the efforts of FirstEnergy and the Nuclear Regulatory Commission in restoring appropriate safety margins at the Davis-Besse nuclear plant. The monthly meetings conducted by the NRC's 0350 Panel have been very useful, as have NRC efforts between meetings such as the monthly status reports prepared by NRC Region III's Office of Public Affairs and the NRC webpage devoted to Davis-Besse.

However, we are concerned that you have not publicly demonstrated much interest in Davis-Besse. Other than one short briefing about a year ago, you have not – at least publicly – shown much interest in the activities of your 0350 Panel and FirstEnergy. By comparison, you had a high level of engagement during the restart process for the Millstone, D C Cook, and Salem nuclear plants in recent years. As Commissioner McGaffigan said:

*...we sort of have this rolling area where we shine spotlights on things and as we shine the spotlights we can solve some issues.<sup>1</sup>*

The Davis-Besse 0350 Panel has its own spotlight and is using it to solve some issues, but the Commission wields the largest spotlight and can solve the most issues. Davis-Besse deserves some of that larger spotlight.

We respectfully request that the Commission shine its light on Davis-Besse by conducting a public briefing prior to restart.

Sincerely,

<Original signed by Lochbaum for>

Shari Weir  
Program Director  
Ohio Citizen Action

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<sup>1</sup> Transcript, Nuclear Regulatory Commission briefing, "Public Meeting on Stakeholder Concerns," July 17, 1998, page 136, lines 9-11.