

April 16, 2002

Ms. Carol O'Claire
State Liaison Officer
Ohio Emergency Management Agency
2855 West Dublin-Granville Road
Columbus, OH 43235-2206

Dear Ms. O'Claire:

This is in response to your request dated April 16, 2002, to observe an incident response inspection at the Davis-Besse Nuclear Power Plant the week of April 15, 2002. Your request has been approved in accordance with the signed protocol for State observation of NRC inspections. Please have the State of Ohio observer, Sonia Eischen, coordinate her accompaniment with Dr. John House (630-829-9824).

Sincerely,

/RA by J. Lynch acting for/

Roland Lickus, Chief
State and Government Affairs

cc: P. Lohaus, STP
J. Grobe, RIII
K. Reimer, RIII
C. Lipa, RIII
J. House, RIII

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OFFICE	SGA:RIII	DRS:RIII	DRA:RIII			
NAME	JLL for RL Lickus	KReimer <i>KR</i>	JC Caldwell			
DATE	04/16/02	04/16/02	04/16/02			

OFFICIAL RECORD COPY

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This is in response to your request dated April 15, 2002, to observe an incident response inspection at the Davis-Besse Nuclear Power Plant the week of April 15, 2002. Your request has been approved in accordance with the signed protocol for State observation of NRC inspections. Please have the State of Ohio observer, Steve Helmer, coordinate their accompaniment with Dr. John House (630-829-9824).

Sincerely,

/RA by J. Lynch acting for/

Roland Lickus, Chief
State and Government Affairs

cc: P. Lohaus, STP
J. Grobe, RIII
K. Reimer, RIII
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J. House, RIII
R. Suppes, Ohio Dept. of Health

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NAME	JLL for R Lickus	KReimer	WR	JCaldwell			
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Bob Taft, Governor
Lt. Governor Maureen O'Connor, Director

Dale W. Shipley
Executive Director

- Administration
- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Investigative Unit
- Ohio State Highway Patrol

Emergency Management Agency
2855 West Dublin-Granville Road
Columbus, Ohio 43235-2206
(614) 889-7150
www.state.oh.us/odps/division/ema

April 16, 2002

Mr. Roland Lickus, Chief
State and Government Affairs for Region III
Nuclear Regulatory Commission
801 Warrensville Road
Lisle, Illinois 60532-4351

Dear Mr. Lickus:

This letter requests permission to observe an incident response inspection at the Davis-Besse Nuclear Power Station the week of April 15, 2002. Sonia Eischen of the Ohio Emergency Management Agency has been selected by the Utility Radiological Safety Board to be the designated observer. Coordination will be made with Dr. John House. Ms. Eischen has not obtained unescorted access authorization, therefore, a plant escort will be necessary. Enclosed is a copy of Ms. Eischen's signed NRC/State Protocol Statement.

Sincerely,

CAROL O'CLAIRE
State Liaison Officer

Enclosure

COC/rlh

Mission Statement

"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."

Protocol Agreement for State Observation of NRC Inspections

NRC Protocol:

- The Regional State Liaison Officer (RSLO) will normally be the lead individual responsible for tracking requests for State observation, assuring consistency regarding these requests, and for advising the Regional Administrator on the disposition of these requests. The appropriate technical representative or Division Director will communicate with the State on specific issues concerning the inspection(s).
- Requests for observations of Headquarters-based inspections will also be coordinated through the RSLO. Headquarters-based inspections should be referred through the RSLO to a technical representative designated by the Region.
- NRC will process written requests to the Regional Administrator through the State Liaison Officer (SLO). Requests should identify the type of inspection activity and facility the State wished to observe.
- Limits on scope and duration of the observation period may be imposed if, in the view of the Regional Administrator, they compromise the efficiency or effectiveness of the inspection. Regions should use their discretion as to which, if any, inspections will be excluded from observations.
- States will be informed they must not release information concerning the time and purpose of unannounced inspections.
- The Region will make it clear to the licensee that the State views are not necessarily endorsed by NRC. The Region will also make it clear that only NRC has regulatory authority for inspection findings and enforcement actions regarding radiological health and safety.

State Protocol:

- A State will make advance arrangements with the licensee for site access training and badging (subject to fitness for duty requirements), prior to the actual inspection.
- Normally, no more than one individual will be allowed to observe and NRC inspection.
- The State will be responsible for determining the technical and professional competence of its representatives who accompany NRC inspections.
- An observer's communication with the licensee will be through the appropriate NRC team member, usually the senior resident inspector or the team leader.
- When informed of an unannounced inspection, a State must not release information concerning its time and purpose.
- An observer will remain in the company of NRC personnel throughout the course of the inspection.
- State observation may be terminated by the NRC if the observer's conduct interferes with a fair and orderly inspection.
- An observer will not be provided with proprietary of safeguard information. Observers will not remove any material from the site without NRC or licensee approval.
- The State observer, in accompanying the NRC inspectors, does so at his or her own risk. NRC will not be responsible for injuries or exposures to harmful substances, which may occur to the accompanying individual during the inspection and will assume no liability for any incidents associated with the accompaniment.
- The State observer will be expected to adhere to the same conduct as NRC inspectors during an inspection accompaniment.
- If the State observer notices any apparent non-conformance with safety or regulatory requirements during the inspection, he/she will make those observations promptly known to the NRC team leader or lead inspector. Likewise, when overall conclusions or views of the State observer are substantially different from those of the NRC inspectors, the State will advise the team leader or lead inspector and forward those views, in writing, to the NRC Region. This will allow NRC to take any necessary regulatory actions.
- Under no circumstances should State communications regarding these inspections be released to the public or the licensee before they are reviewed by the NRC and the inspection report is issued. State communications may be made publicly available, similar to NRC inspection reports, after they have been transmitted to and reviewed by NRC.

Adjacent State Protocol:

- An adjacent State is a State within the plume exposure pathway emergency planning zone (EPZ) (within approximately a 10-mile radius) of an NRC-licensed facility located in another State. A host State is a State in which an NRC-licensed facility is located. An adjacent State may request permission to observe NRC inspections at an NRC-licensed facility in a host State.
 - The adjacent State SLO must communicate his/her request for observation to the Regional Administrator for the region in which the facility is located.
 - The adjacent State SLO must also communicate his/her request to the host State SLO so that each State is aware of the other's intentions.
 - If a host State and an adjacent State request observation of the same inspection, the Regional Administrator will make the final determination on the number of State observers who may attend the inspection. If there is a need to limit the numbers of observers, the Regional Administrator will routinely give preference to the host State observers.
- *Adjacent State observers will abide by the same protocol in all aspects of the inspection as host State under this agreement.

Amia Eischen
Signature of State Observer

16 April 2002
Date

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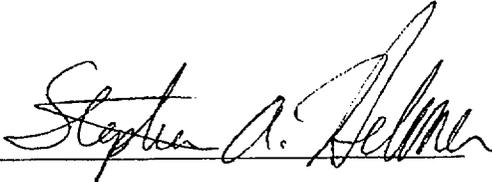
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Signature of State Observer


Date