

From: Jack Strosnider
To: Lawrence Burkhart
Date: 10/15/01 12:42PM
Subject: Re: REVISED RESPONSE TO EDO QUESTIONS

NRR

Larry,

I have made some suggested changes, as indicated in the attached file (view in word perfect to see redline/strikeout).

thx,

Jack

>>> Allen Hiser 10/15/01 06:18AM >>>
Larry,

My only comment is that Davis-Besse is a **bin 2 plant** in question 2.

Allen

>>> Lawrence Burkhart 10/12/01 04:36PM >>>
Gentlemen,

Here is my second attempt at answering the questions forwarded by the EDO's office. Please let me know your comments/suggestions.

FYI. The EDO's office would like a copy of the order, in whatever form it may be. So please let me know your comments on the order also.

My answers are in **bold**.

1) are we encouraging the dialogue between that utility and the staff in efforts to resolve the noted discrepancies between their (Davis-Besse) assumptions and ours before we take an action? (i.e., are we going to consider their plant-specific analysis that suggests they can remain at power through their refueling outage in March).

The staff is continuing to encourage meaningful dialogue with the licensee's and the staff has been involved in multiple telephone conferences and meetings with the licensees. We are also planning meetings with several licensees to potentially resolve outstanding issues.

With respect to Davis Besse in particular, a brief meeting was held with licensee representatives on Thursday, 10/11/01, to discuss the issue. Davis-Besse stated that they would like to provide additional information that they feel is relevant to resolution of this issue. A meeting has been scheduled for 10/17/01 to discuss new information. However, given that all of the B&W plants, that have looked for vessel head penetration cracking, have found it, the staff is unaware of information that would change that staff's view on the scope and timing of the next inspection (i.e., a 100% qualified visual exam prior to 12/31/01). The staff continues to maintain an open dialogue with all licensees regarding this issue and is open to reviewing any relevant information.

2) among the other four or more plants subject to this order are there any that can make similar compelling arguments that suggest we may not have afforded them an opportunity ("due process") to make the case that shutting down before 12/31/01 may be unsupported and extreme?

The other plants for which we are considering issuance of orders (confirmatory is preferred)

B-43

include: Surry 2 (bin 2), and D.C. Cook 2 (bin 1). Bin 1 plants have a history of vessel head penetration cracking or leakage, bin 2 plants are ranked as high susceptibility plants. Davis-Besse is a bin 1 plant.

The staff's position is that, in order to provide reasonable assurance that there is adequate protection of the health and safety of the public, the plants in bin 1 and bin 2 should provide sufficient information that they have performed a qualified visual examination of 100% of the vessel head penetration nozzles within the last 18 months. The staff feels that this should be done by 12/31/01 or the plant should shutdown in preparation to conduct a qualified visual exam.

The issues with D.C. Cook 2, Surry 2, and Davis Besse are the timing of the proposed inspections. D.C. Cook 2's inspection is scheduled for 1/19/02 (which is different than what was stated in their Bulletin 2001-01 response), Surry 2's in March 2002, and Davis Besse's in April 2002.

We have held 3 calls in the last 3 days with D.C. Cook management to discuss this issue. D.C. Cook 2 stated that they will submit additional information to justify delaying the inspection. The staff is uncertain as to the exact content/technical justification that will be provided.

A couple of calls were held with the Surry 2 licensee and the licensee stated they would get back with the staff regarding their plans.

There is a meeting scheduled with Davis Besse on 10/17/01 to discuss new information.

3) there still seems to be some confusion about the process in terms of how the Commission will be involved in this order (i.e., Notation Vote, Negative Consent vote, Same-Day Enforcement Notification?). Is this an order that the Office of Enforcement issues or is it the Program Office, or both?

Currently, a memo regarding the proposed issuance of the orders is planned to be distributed to the Commissioners and the EDO on or about 10/22 (for informational purposes). NRR will issue the memo and order with concurrence through the EDO's office.

4) The staff's plans were pretty aggressive as of last week's briefing (i.e., briefing CRGR this wk, possibly issuing the order next week). I know they are still having discussions with some utilities. Have any of those utilities acquiesced? Or are they pursuing the same path that FirstEnergy is? What is the staff's current timeline?

Currently we are drafting the generic portions of the orders. Plant-specific orders are planned to be completed on or about next Friday, 10/19/01. A memo regarding the proposed issuance of the orders will be distributed to the Commissioners and the EDO on or about 10/22/01. The orders are planned to be issued on or about 10/29/01.

NOTE: We are working with the following licensee's to resolve issues surrounding their Bulletin 2001-01 responses (orders are not planned for these licensees as of today). To date, the staff does not feel that the licensees have yet provided sufficient information to allow the staff to determine that there is adequate assurance that the public health and safety is maintained. However, based on numerous teleconferences and meetings, the staff tends to believe that the licensees will eventually be able to supply sufficient info. These plants include:

North Anna 1 and 2 (bin 2)
Surry 1 (bin 2)
Robinson (bin 2)
St. Lucie 2 (bin 3)

The staff has already engaged via teleconference the bin 3 plants who have not submitted

sufficient information to resolve outstanding issues.

CC: Allen Hiser; Bill Bateman; Brian Sheron; Farouk Eltawila; Jacob Zimmerman; John Zwolinski; Keith Wichman; Richard Barrett