

From: Lawrence Burkhardt *INRR*
To: Stacey Rosenberg
Date: 10/15/01 4:19PM
Subject: Re: Fwd: CRDMs

Stacey,

Please find the attached in response to the EDO's questions. The NRR ET has reviewed and approved.

Larry
X3053

>>> Stacey Rosenberg 10/12/01 09:23AM >>>

Would you please provide me NRR's responses to questions 1,2 and 4 in the attached e-mail. These questions are from Darrell Roberts in the Chairman's office. Please contact me if you have any questions.

Thanks,
Stacey X1733

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

C-4

QUESTION 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).

ANSWER

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. They had not informed the staff of their desire to provide additional information prior to 10/11/01. Davis-Besse forwarded information to the project manager on 10/12/01 (the staff has not reviewed the information as of 10/12/01). The staff will meet with the licensee assuming they provide new information that requires further understanding by the staff (a meeting has been tentatively scheduled for 10/24/01 to discuss the additional information which was received on 10/12/01). 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. However, the staff is simultaneously pursuing a parallel path (i.e., issuance of orders) in preparation for its next regulatory action.

QUESTION 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?

ANSWER

At the time of the Commissioners' Technical assistants (TAs) briefing on 10/3/01, the status of the bin 1 (plants that have a history of vessel head penetration [VHP] cracking or leakage) and bin 2 (high susceptibility) plants was as follows.

Acceptable (green): Oconee 1, 2, and 3, ANO-1, D.C. Cook 2, Surry 1, TMI-1

Uncertain (yellow): North Anna 1

Unacceptable (pink): Robinson, Davis-Besse, North Anna 2, and Surry 2

At that time of the Commissioners TA briefing, issuance of orders was mentioned for the

unacceptable plants (Robinson, Davis-Besse, North Anna 2, and Surry 2).

Changes since the Commissioners TA briefing that have occurred regarding these plants include:

- * D.C. Cook 2 moved from acceptable to unacceptable due to delaying its outage and inspection from 11/2001 to 1/19/01.
- * Robinson moved to uncertain from unacceptable because it stated in several telephone calls that it will provide information (a finite element analysis) that will "qualify" the previous inspection which will allow the performance of its next qualified inspection in 10/2002. The reason it is categorized as "uncertain" is that the information has not been docketed (we are awaiting the information which should be discussed with the staff the week of 10/15/01).
- * North Anna 2 moved to uncertain from unacceptable because the licensee stated that they would complete a 100% qualified visual inspection by 12/31/01. The reason it is in the uncertain category is that we are awaiting the docketing of this information.

Surry 1 remains in the acceptable category pending the docketing of the plant-specific visual qualification analysis. There is no change in the status of Surry 1 since the Commissioners' TA brief on 10/3/01.

Surry 2 remains in the unacceptable category because the licensee does not plan to conduct a qualified visual inspection until 3/2002 (and its previous inspection was not a 100% qualified visual inspection).

Davis-Besse remains in the unacceptable category due to the schedule of the performance of its qualified visual inspection in 4/2002 (its previous inspection was also not a 100% qualified visual inspection).

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 inspection of 100% of the vessel head penetration nozzles within 18 months of their next proposed inspection (or provide a relevant technical justification as to why they should not conduct the inspections by 12/31/01, i.e., why no undue risk to the public health and safety). With respect to the conduct of the next qualified visual inspection, the staff concludes that this should be done by 12/31/01 or the plant should shutdown in preparation to conduct a 100% qualified visual inspection.

Therefore, three plants are now categorized as unacceptable: Davis-Besse (bin 2), D.C. Cook 2 (bin 1), and Surry 2 (bin 2); all for the proposed schedule of their qualified inspections, i.e., after 12/31/01. The staff is considering issuance of orders for these plants.

We have held 3 calls in the last week with D.C. Cook 2 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 or relevancy of the technical justification that will be provided but we are open to discuss any relevant information.

Several calls were held with the Surry 2 licensee and the licensee stated they would get back

with the staff regarding their plans.

As discussed above, a meeting has been tentatively scheduled with Davis-Besse on 10/24/01 to discuss any new information that the licensee may feel is relevant (as of 10/15/01, the staff has not yet reviewed the information and cannot make a judgment as to its relevancy to resolution of this issue).

The staff has been and continues to be receptive to reviewing information that licensees would like to provide.

QUESTION 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?

ANSWER

A memorandum informing the Commission regarding the proposed issuance of the orders will be issued to the Commissioners and the EDO on or about 10/22/01. This memorandum will be issued (for informational purposes only) 5 days prior to the planned issuance of the orders. The orders are planned to be issued on or about 10/29/01 but no sooner than 5 days after the issuance of the informational memorandum.

QUESTION 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?

ANSWER

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.

With regard to the changes of the acceptability of the bin 1 and bin 2 plants, please see answer to Question 2.