July 18, 2003

The Honorable George V. Voinovich, Chairman
Subcommittee on Clean Air, Climate Change
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Fiscal Year (FY) 2003 Energy and Water Development Appropriations Act, House Reports 107-681 and 108-10, directed the Nuclear Regulatory Commission (NRC) to continue to provide a monthly report on the status of its licensing and regulatory duties and expanded the scope of the report to include information on the status of the Davis-Besse Nuclear Power Station. The initial reporting requirement arose in the FY 1999 Energy and Water Development Appropriations Act, Senate Report 105-206. On behalf of the Commission, I am pleased to transmit the fifty-fourth report, which covers the month of May 2003.

The April report provided information on a number of significant activities, including issuance of an Order to all licensees of panoramic irradiators authorized to possess greater than 10,000 curies of byproduct material in the form of sealed sources requiring compliance with specified interim safeguards and security compensatory measures; participation in the Top Officials (TOPOFF) 2 exercise during the week of May 12, 2003, which included simulation of a radiological dispersal device and a threat to a nuclear power plant; and issuance of a final rule published in the Federal Register on June 5, 2003 (68 FR 33511) that changed several safety-related reporting requirements for independent spent fuel storage installation (ISFSI) and monitored retrievable storage (MRS) facility licensees.

On July 7, the Commission approved a license amendment to allow Nuclear Fuel Services (NFS), Incorporated, to possess and use Special Nuclear Material at the newly constructed uranyl nitrate building on its Erwin, Tennessee, complex. The amendment is the first of three NFS has proposed as part of its Blended Low-Enriched Uranium (BLEU) project. The project is part of the Department of Energy's program to reduce stockpiles of surplus high-enriched uranium through re-use or disposal as radioactive waste. NFS currently manufactures high-enriched nuclear reactor fuel for the Navy and is constructing a new complex at the Erwin site to manufacture low-enriched nuclear reactor fuel. The license amendment allows NFS to begin receiving down-blended, low-enriched uranium from the Savannah River Site complex in South Carolina for eventual use in the BLEU project. Additionally, on July 8, the NRC issued a confirmatory Order noting that NFS has agreed to implement security enhancements ordered by the Commission earlier this year for similar fuel cycle facilities, and the NRC staff verified implementation of the security measures.

Since our last report, we initiated a management realignment to increase the agency's attention to cross-cutting issues that affect security, incident response, emergency preparedness, and external integration of comprehensive strategies for these areas by

establishing a new position – the Deputy Executive Director for Homeland Protection and Preparedness. The new Deputy will be responsible for working across internal agency lines of authority to seek and resolve homeland protection and preparedness issues.

Since our last report, we also dispatched a special inspection team to understand better the circumstances involving cracks that were discovered in a portion of the Quad Cities Nuclear Power Station Unit 2 steam dryer – a reactor component of boiling water reactors located inside the reactor vessel above the steam separator and the reactor fuel whose function is to remove moisture from the steam before it leaves the reactor. The two-unit facility located near Cordova, Illinois, is operated by Exelon Generation Company. The cracks were discovered by the licensee on June 12, and inspections to date reveal no evidence of cracks in the Unit 1 steam dryer. Unit 2 has resumed operation at reduced power pending full resolution of the root cause of the steam dryer cracks. There was no release of radioactivity associated with the steam generator dryer problem and no hazard to plant workers or the public.

Recently, the Commission and the NRC staff also:

- issued a draft safety evaluation report for Westinghouse AP1000 advanced reactor design. The draft safety evaluation report contains the agency's technical evaluation of the AP1000 application. NRC staff expects to finalize the safety evaluation by September 2004.

- approved a request by the Nuclear Management Co. to increase the generating capacity of the Kewaunee nuclear power plant by 1.4 percent. The power uprate at the plant, located near Green Bay, Wisconsin, increases the generating capacity of the plant from 550 to 557 megawatts electric.

- published in the Federal Register on June 18, 2003, the final FY 2003 fee rule (68 FR 36713). The rule implements the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 94 percent of its budget authority in fiscal year (FY) 2003, less the amounts appropriated from the Nuclear Waste Fund (NWF). The NRC received a total of 32 comments on the proposed fee rule. The final fee rule becomes effective on August 18, 2003.

- published in the Federal Register on July 3, 2003 (68 FR 40025), a proposed rule that would amend requirements for early site permits, standard design certifications, combined licenses for nuclear power plants, and for other licensing processes. The proposed amendments are based on the NRC staff's experience with the previous design certification reviews and on discussions with stakeholders about the early site permit (ESP), design certification, and combined license (COL) processes. This action is expected to improve the effectiveness of the licensing processes for future applicants. The public comment period ends on September 16, 2003.

- completed the first pre-licensing site review (Argonne National Laboratory - East), in support of the FY 2003 Energy and Water Development Appropriations Act reporting requirement for DOE to provide a detailed estimate of the cost for bringing 10 Science laboratories into compliance with NRC and OSHA standards. NRC is conducting pre-licensing reviews (referred to as "comprehensive compliance audits" in the report) for an initial set of four representative Science laboratories.

- confirmed the effective date of July 7, 2003, for a direct final rule that amends the NRC's regulations to clarify certain sections of Part 35 and eliminate a restriction regarding training for ophthalmic use of strontium-90. This direct final rule was published in the Federal Register on April 21, 2003 (68 FR 19321).

- issued the following three Regulatory Guides: Regulatory Guide 1.195, "Methods and Assumptions for Evaluating Radiological Consequences of Design Basis Accidents at Light-Water Nuclear Power Plants," which provides guidance to licensees of operating nuclear power reactors on methods and assumptions for performing evaluations of fission product releases and radiological consequences of several postulated light-water reactor design basis accidents; Regulatory Guide 1.196, "Control Room Habitability at Light-Water Nuclear Power Reactors," which provides guidance and criteria acceptable to the NRC staff for implementing the NRC's regulations regarding control room habitability; and Regulatory Guide 1.197, "Demonstrating Control Room Envelope Integrity at Nuclear Power Reactors," which provides an approach acceptable to the NRC staff for measuring in-leakage into the control room and associated rooms and areas at nuclear power reactors.

Please do not hesitate to contact me if I may provide additional information.

Sincerely,

/RA/

Nils J. Diaz

Enclosure: Monthly Report

cc: Senator Thomas R. Carper

LIST OF ADDRESSEES

The Honorable George V. Voinovich, Chairman
Subcommittee on Clean Air, Climate Change,
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator Thomas R. Carper

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative Rick Boucher

The Honorable Pete V. Domenici, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510
cc: Senator Harry Reid

The Honorable David L. Hobson, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515
cc: Representative Peter Visclosky

The Honorable James M. Inhofe, Chairman
Committee on Environmental and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator James Jeffords

The Honorable W.J. “Billy” Tauzin, Chairman
Committee on Energy and Commerce
United States Representatives
Washington D.C. 20515
cc: Representative John D. Dingell

MONTHLY STATUS REPORT ON THE
LICENSING ACTIVITIES AND REGULATORY DUTIES OF THE
UNITED STATES NUCLEAR REGULATORY COMMISSION

MAY 2003

Enclosure

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[1]Note: The period of performance covered by this report includes activities occurring between the first and last day of May 2003. The transmittal letter to Congress accompanying this report may provide more recent information in order to keep Congress fully and currently informed of NRC's licensing and regulatory activities.

I Implementing Risk-Informed Regulations

On May 16, 2003, proposed 10 CFR 50.69, "Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors," was published in the Federal Register for public comment. The public comment period (75 days) expires on July 30, 2003. The proposed regulation would risk-inform the scope of special treatment requirements which reside in Parts 21, 50, and 100 of the Code of Federal Regulations.

II Reactor Oversight Process

The NRC continues to implement the Reactor Oversight Process (ROP) at all nuclear power plants. The NRC continues to meet with interested stakeholders on a periodic basis to collect feedback on the efficacy of the process and considers stakeholder feedback in making refinements to the ROP. Recent activities include the following:

- Staff members from the Office of Nuclear Reactor Regulation (NRR) and the Office of Nuclear Regulatory Research (RES) jointly briefed the Advisory Committee on Reactor Safeguards (ACRS) on the Industry Initiating Event Performance Indicator (IIEPI) at a joint subcommittee meeting on May 7, 2003. The purpose of the briefing was to obtain feedback from the ACRS on the IIEPI concept, which may be implemented within 1-2 years as an industry indicator for the NRC's Industry Trends Program (ITP). The IIEPI is a new indicator of industry performance in the initiating events cornerstone. It is more risk-informed than the current set of indicators derived from the plant-level performance indicators in the ROP. The indicator consists of a risk-weighted index of the most risk-significant initiating events for operating power reactors (nine initiating events for BWRs and 10 for PWRs).

- The Commission was briefed by the NRC staff on the ROP and the results of the Agency Action Review Meeting (AARM) on May 15, 2003. Topics included the results of the Industry Trends Program, the ROP Self-Assessment, an informational update on Davis-Besse, a briefing of the process for selecting fuel cycle facilities for AARM discussion, and the results of four reactor plant licensees that met the criteria for AARM discussion. Additionally, representatives of Entergy and Greenpeace provided the Commission with their perspectives on the ROP.

- A public meeting on the status of the pilot program for the Mitigating Systems Performance Index (MSPI) was held on May 21, 2003. Meeting participants discussed the staff's efforts to address the success criteria, the Agency's goals and objectives for the MSPI pilot, and the industry's response to the staff's proposed MSPI time line of scheduled activities and milestones. There was additional discussion on the status of the RES activities involving the independent verification and Standardized Plant Analysis Risk (SPAR) model work and further research of the resolutions of the invalid/insensitive indicator issues.

- A public meeting on the ROP was held on May 22, 2003. The status of draft Significance Determination Processes (SDPs), including ones involving fire protection, containment integrity, shutdown, and steam generator tube integrity, were discussed. The staff also discussed two generic performance indicator issues involving scrams with loss of normal heat removal and with reliability monitoring of the Alert and Notification System. Both the industry and the staff agreed to continue to develop the issues and to

propose revised guidance for NEI 99-02, “Regulatory Assessment Performance Indicator Guideline.”

III Status of Issues in the Reactor Generic Issue Program

Resolution of the issues in the Reactor Generic Issue Program continues to be on track.

IV Licensing Actions and Other Licensing Tasks

Licensing actions are defined as requests for license amendments, exemptions from regulations, relief from inspection or surveillance requirements, topical reports submitted on a plant-specific basis, notices of enforcement discretion, or other licensee requests requiring NRC review and approval before it can be implemented by the licensee. The FY 2003 NRC Performance Plan incorporates three output measures related to licensing actions: number of licensing action completions per year, age of the licensing action inventory, and size of licensing action inventory.

Other licensing tasks are defined as: licensee responses to NRC requests for information through generic letters or bulletins, NRC responses to 2.206 petitions, NRC review of licensee topical reports, NRR responses to regional requests for assistance, NRC review of licensee 10 CFR 50.59 analyses and Final Safety Analysis Report (FSAR) updates, or other licensee requests not requiring NRC review and approval before it can be implemented by the licensee. The FY 2003 NRC Performance Plan incorporates one output measure related to the number of other licensing tasks completed.

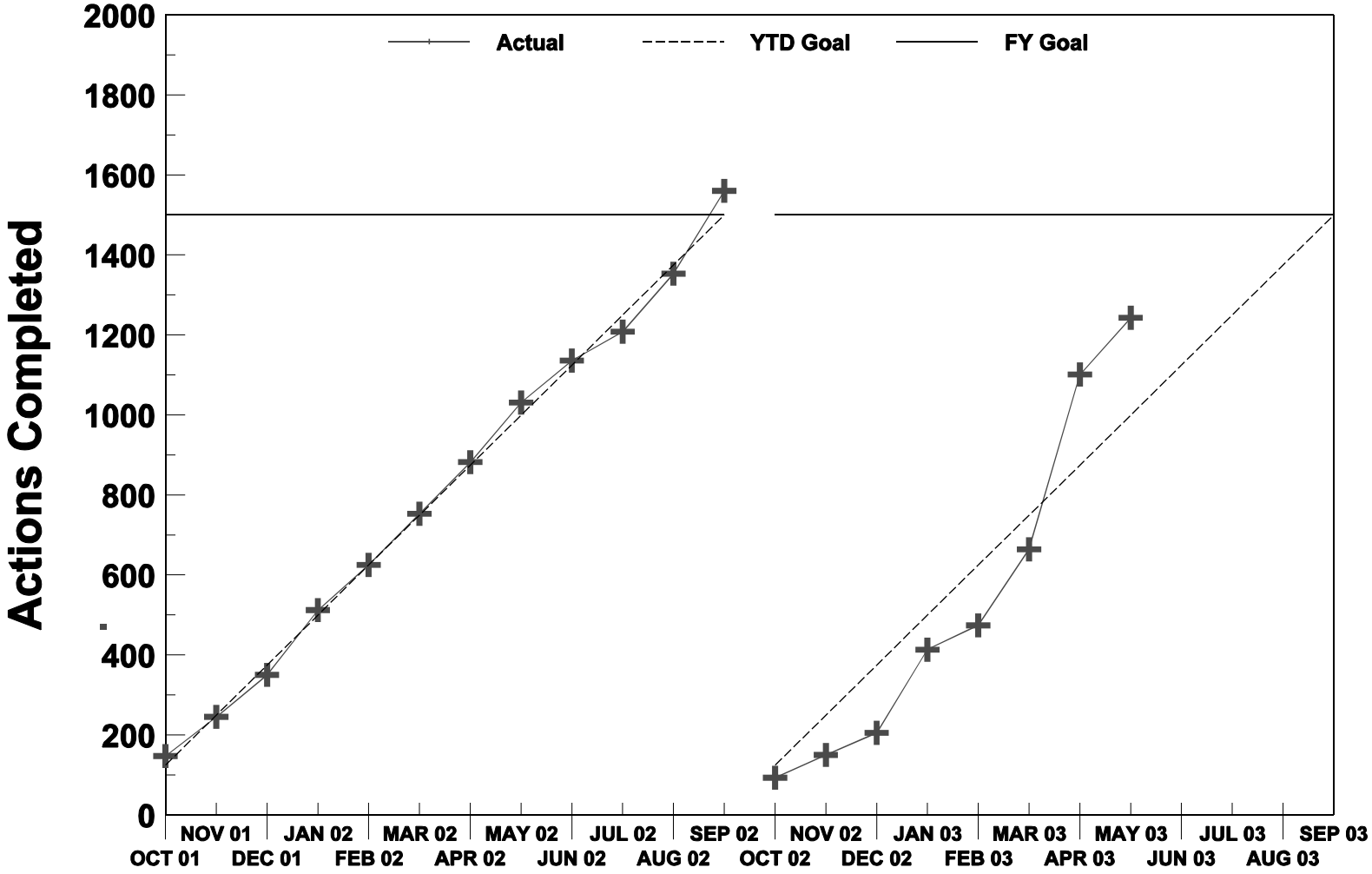
The actual FY 2001 and FY 2002 results, the FY 2003 goals and the actual FY 2003 results, as of May 31, 2003, for the four NRC Performance Plan output measures for licensing actions and other licensing tasks are shown in the table below.

PERFORMANCE PLAN				
Output Measure	**FY 2001 Actual**	**FY 2002 Actual**	**FY 2003 Goals**	**FY 2003 Actual (thru 05/31/2003)**
Licensing actions completed/year	1617	1560	≥ 1500	1243
Age of licensing action inventory	96.9% ≤ 1 year; and 100% ≤ 2 years	96.6%≤ 1 year; and 100% ≤ 2 years	96% ≤ 1 year and 100% ≤ 2 years old	93% ≤ 1 year; 100% ≤ 2 years
Size of licensing action inventory	877	765	≤ 1000	1362
Other licensing tasks completed/year	523	426	≥ 350	356

The following charts demonstrate NRC’s FY 2003 trends for the four licensing action and other licensing task output measure goals.

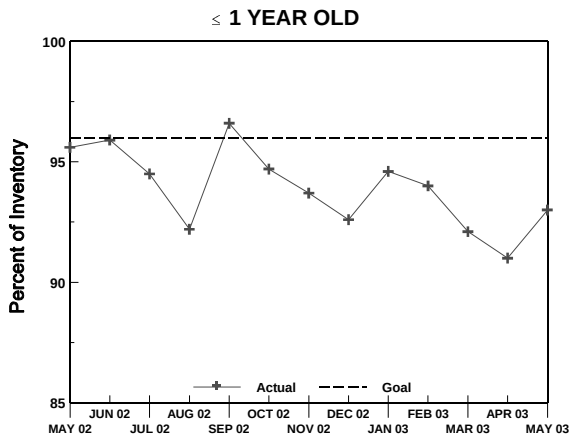
Nuclear Reactor Safety - Reactor Licensing

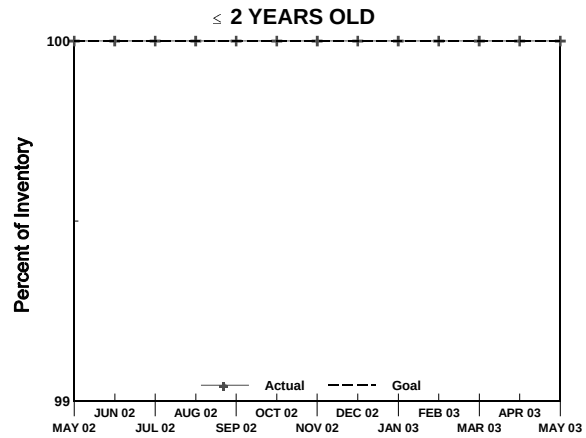
Performance Plan Target: Completed Licensing Actions



Nuclear Reactor Safety - Reactor Licensing

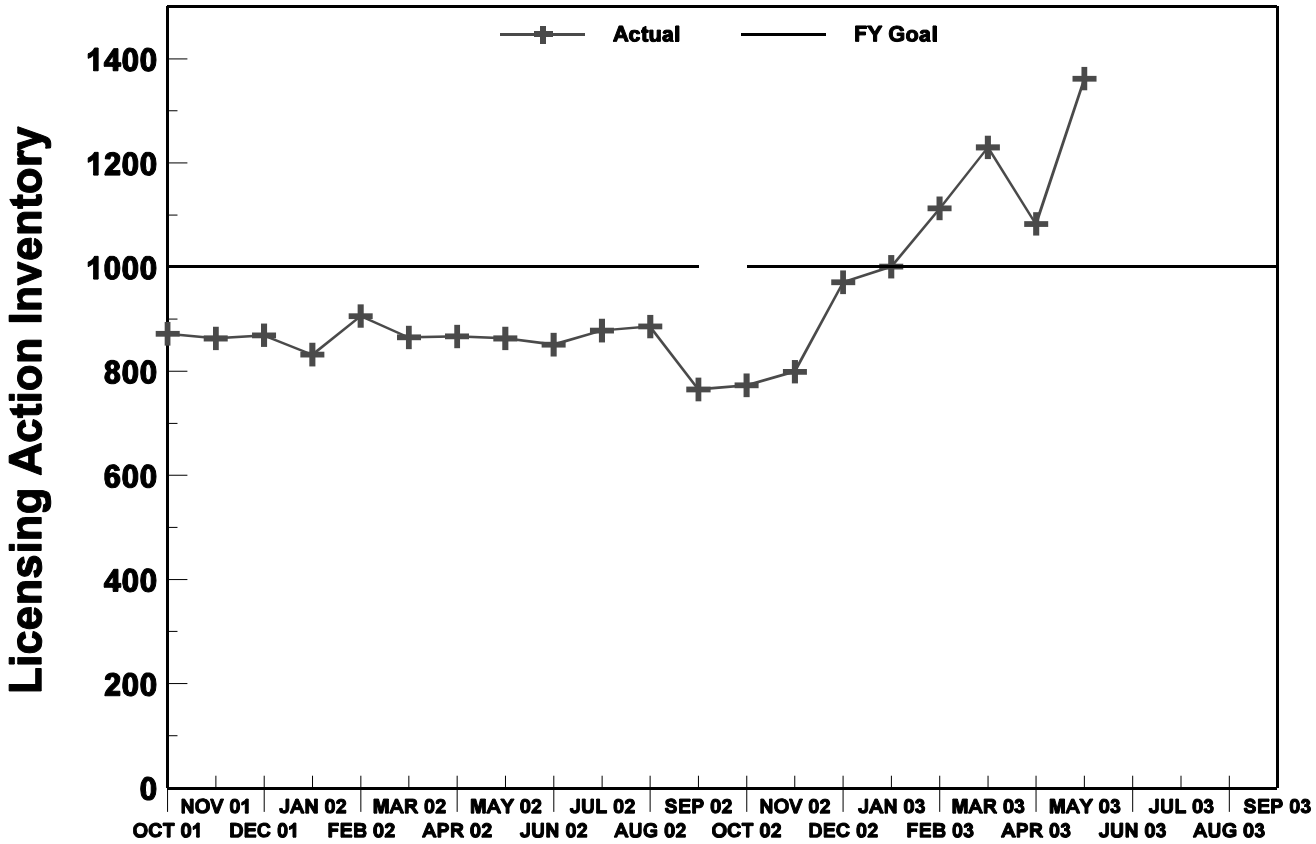
Performance Plan Target: Age of Licensing Action Inventory





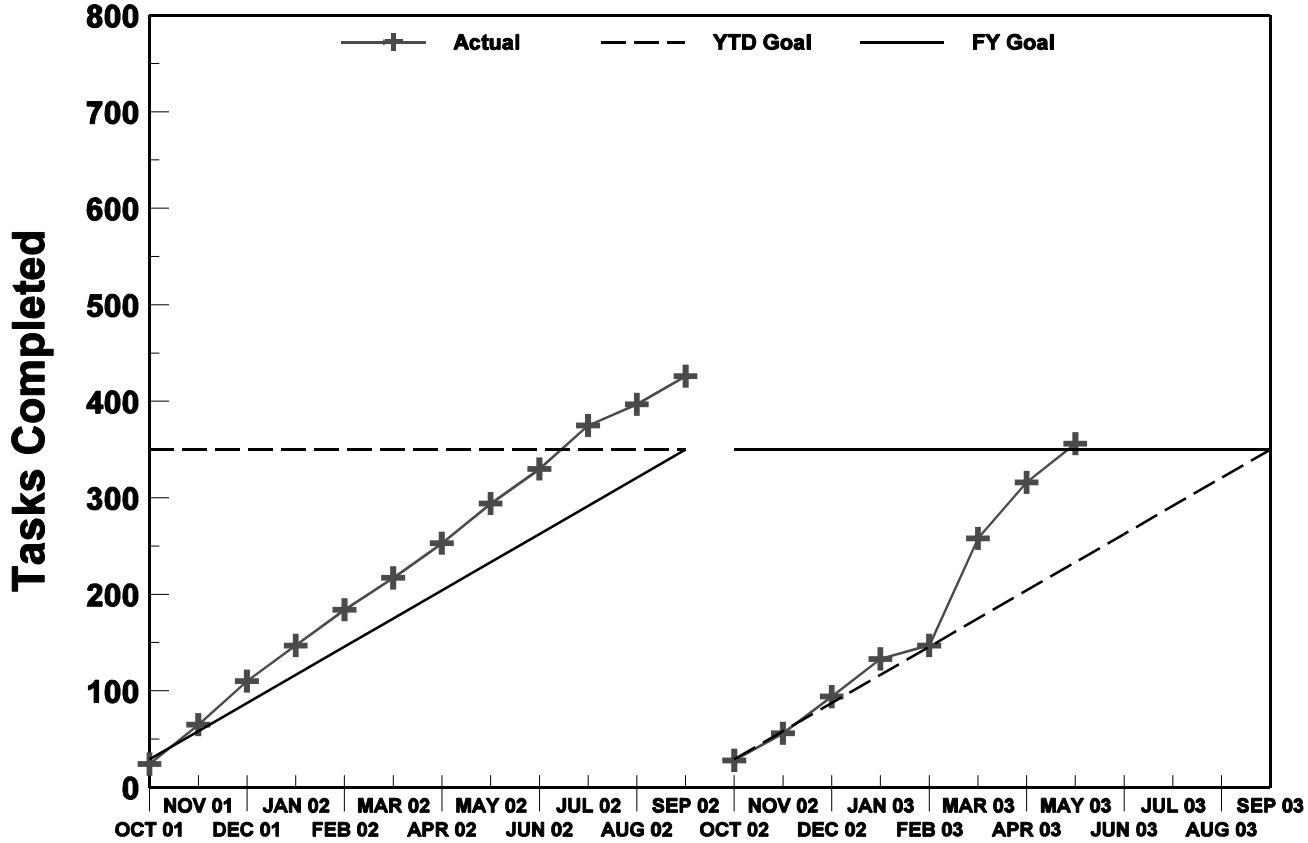
Nuclear Reactor Safety - Reactor Licensing

Performance Plan: Size of Licensing Action Inventory



Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Completed Other Licensing Tasks



V Status of License Renewal Activities

McGuire, Units 1 and 2, and Catawba, Units 1 and 2, Combined Renewal Applications

The staff issued the final supplemental environmental impact statements (SEISs) for McGuire and Catawba in December 2002. The safety evaluation report resolving the open items was issued in January 2003. The staff is supporting completion of the hearing process. A decision on the renewal of the licenses is scheduled for December 2003.

In January 2002, the Atomic Safety and Licensing Board (ASLB) admitted contentions filed by two petitioners in the Catawba and McGuire license renewal proceeding. The staff and Duke appealed the ASLB decision, and the contentions were subsequently dismissed. However, in December 2002, the Commission reinstated late-filed contentions that had been submitted in May 2002. In April 2003, the petitioners requested that one of the dismissed contentions be reinstated. These late-filed contentions and the request for reinstatement are currently being reviewed by the ASLB for admissibility.

Peach Bottom, Units 2 and 3, Renewal Application

The renewed licenses for Peach Bottom, Units 2 and 3, were issued on May 7, 2003, completing the review of the application (22 months after receipt).

St. Lucie, Units 1 and 2, Renewal Application

The staff issued the final SEIS in May 2003. The staff issued the safety evaluation report identifying open items in February 2003, and the applicant provided responses to the open items in March 2003. The staff is reviewing the applicant's responses and preparing to issue the safety evaluation report by July 2003.

Fort Calhoun Renewal Application

The staff issued the draft SEIS for public comment in January 2003, and the public comment period ended in April 2003. The staff is addressing the comments received and is preparing the final SEIS, which is scheduled to be issued by August 2003. The staff issued the safety evaluation report identifying the remaining open items in April 2003, and the applicant's responses are due by July 2003.

Robinson Unit 2 Renewal Application

The staff issued the draft SEIS for comment in May 2003. The public comment period ends in July 2003. The safety requests for additional information were issued in February 2003, and the applicant's responses were received in April 2003. The staff is reviewing the applicant's responses and preparing to issue the safety evaluation report by August 2003, which will identify any remaining open items.

Ginna Renewal Application

Environmental requests for additional information were issued in January 2003, and the applicant's responses were received in March 2003. The staff is reviewing the responses and is preparing the draft SEIS, which is scheduled to be issued by June 2003. The safety requests for additional information were issued in March 2003, and the applicant's responses are scheduled to be submitted by June 2003.

Summer Renewal Application

Environmental requests for additional information were issued in January 2003, and the responses were received in March 2003. The staff is reviewing the responses and is preparing the draft SEIS, which is scheduled to be issued by July 2003. The safety requests for additional information were issued in March 2003, and the applicant's responses are scheduled to be submitted by June 2003.

Dresden, Units 2 and 3, and Quad Cities, Units 1 and 2, Combined Renewal Applications

The application is currently under review by the staff. Environmental requests for additional information were issued in May 2003, and the responses are due by July 2003. The safety requests are scheduled to be issued by August 2003.

VI Status of Review of Private Fuel Storage, Limited Liability Corporation's Application for a License to Operate an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians

As reported previously, the Atomic Safety and Licensing Board (ASLB) issued a Partial Initial Decision (Regarding "Credible Accidents") (LBP-03-04), in which it resolved a contention regarding hazards posed to the facility from aircraft crashes and ordnance impacts in favor of the State of Utah. The ASLB found that the probability of an accidental F-16 aircraft crash on the facility is in excess of the Commission's threshold for the annual probability of occurrence. However, the ASLB stated that the applicant (Private Fuel Storage, Limited Liability Corporation [PFS]) could submit a consequence analysis to demonstrate that such an accident would not harm public health and safety. Such an analysis would then be adjudicated. On March 31, 2003, PFS and the NRC Staff filed petitions seeking Commission review of certain aspects of the ASLB's decision. On May 28, 2003, the Commission issued an order (CLI-03-05) which deferred consideration of the PFS and NRC staff petitions for review, pending completion of the proceeding on aircraft crash consequences. The Commission directed the ASLB to proceed expeditiously on the crash consequence issue and to issue a decision resolving the issue by the end of 2003.

On May 22, 2003, the ASLB issued a Partial Initial Decision (Regarding Geotechnical Issues) (LBP-03-08), in which it resolved two geotechnical contentions in favor of PFS -- whether the design of the proposed facility is sufficient to withstand the seismic forces that the facility may experience in an earthquake, and whether PFS should be granted an exemption from the "deterministic analysis" requirements of 10 CFR Part 72 and be permitted to rely upon a probabilistic seismic hazard analysis and a 2000-year design basis earthquake.

On May 27, 2003, the ASLB issued three other Partial Initial Decisions in favor of PFS, resolving Contentions Utah S (Decommissioning Funding) and Utah E (Financial Assurance)

and granting PFS's motion for summary disposition of financial issues related to its Model Service Agreement. The ASLB found that PFS has met its burden under 10 C.F.R. § 72.22(e) to establish reasonable assurance that it is financially qualified to decommission its proposed Skull Valley, Utah facility, such that the public health and safety will be protected.

On May 29, 2003, the ASLB provided an oral ruling denying a PFS motion for reconsideration of its earlier aircraft "crash" probability decision. The motion sought interim approval to build a smaller site. In its ruling, the Board found that a reconsideration motion was not an appropriate procedural mechanism for obtaining such relief.

There is one remaining issue before the ASLB -- an environmental contention regarding alternative routes for a proposed rail line. The ASLB has not announced a schedule for release of a decision on that issue.

VII Enforcement Process and Summary of Reactor Enforcement by Region

Reactor Enforcement by Region

Reactor Enforcement Actions*						
		Region I	Region II	Region III	Region IV	TOTAL
Severity Level I	May 2003	0	0	0	0	0
	FY 03 YTD	0	0	0	0	0
	FY 02 Total	0	0	0	0	0
	FY 01 Total	0	0	0	0	0
Severity Level II	May 2003	0	0	0	0	0
	FY 03 YTD	0	0	0	0	0
	FY 02 Total	1	0	0	0	1
	FY 01 Total	0	1	0	0	1
Severity Level III	May 2003	0	0	1	0	1
	FY 03 YTD	1	0	2	0	3
	FY 02 Total	2	0	0	0	2
	FY 01 Total	1	1	1	1	4
Severity Level IV	May 2003	1	0	0	0	1
	FY 03 YTD	1	0	1	1	3
	FY 02 Total	0	0	2	0	2
	FY 01 Total	1	0	2	1	4

Reactor Enforcement Actions*						
Non-Cited Severity Level IV	May 2003	45	12	11	17	85
	FY 03 YTD	161	91	142	128	522
	FY 02 Total	207	89	201	151	648
	FY 01 Total	279	105	201	139	724

* Numbers of violations are based on enforcement action tracking system (EATS) data that maybe subject to minor changes following verification. The number of Severity Level I, II, III listed refers to the number of Severity Level I, II, III violations or problems. The monthly totals generally lag by 30 days due to inspection report and enforcement development.

Escalated Reactor Enforcement Actions Associated with the Reactor Oversight Process						
		Region I	Region II	Region III	Region IV	Total
NOVs** Related to White, Yellow or Red Findings	5/03 Red	0	0	0	0	0
	5/03 Yellow	0	0	0	0	0
	5/03 White	2	0	0	0	2
	FY 03 YTD	5	1	6	0	12
	FY 02 Total	5	4	6	8	22
	FY 01 Total	8	4	4	3	19

**Notice of Violations

Description of Significant Actions taken in May 2003

Nine Mile Point (Nine Mile Point Nuclear Station, LLC) EA-03-053

On May 23, 2003, a Notice of Violation was issued for a violation associated with a White SDP finding involving degraded piping in the Unit 1 reactor building closed loop cooling (RBCLC) system. The violation cited the licensee's failure to identify the cause and to take appropriate corrective actions, to preclude repetitive leaks in the Unit 1 RBCLC system.

Clinton (AmerGen Energy Co., LLC) EA-03-030

On May 6, 2003, a Notice of Violation was issued for a Severity Level III violation involving the failure to provide complete and accurate information to the NRC regarding pre-existing medical conditions of two initial reactor operator license candidates.

Salem 1 & 2 (PSEG Nuclear, LLC) EA-03-070

On May 1, 2003, a Notice of Violation was issued for a violation associated with a White SDP finding involving emergency diesel generator (EDG) turbocharger failures. The violation cited the licensee's failure to implement effective corrective actions to preclude repetition of a significant condition adverse to quality associated with the EDG turbocharger failures.

VIII Power Reactor Security Regulations

In response to the terrorist attacks on September 11, 2001, the NRC and the nuclear industry have taken a number of actions to ensure the security at nuclear power plants. A series of Advisories, Orders, and Regulatory Issue Summaries have been issued to strengthen further security of NRC-licensed facilities and control of nuclear materials.

Recent Orders enhancing security at nuclear power reactors were issued on April 29, 2003. The Orders: 1) covered a revised Design Basis Threat against which power reactors and category 1 fuel cycle facilities must be able to defend; 2) limited the number of hours that security personnel can work; and 3) enhanced training and qualification requirements for security personnel. These orders accomplish the NRC's mission by providing reasonable assurance that the effects of fatigue will not impact the readiness of security personnel at nuclear power plants, that training programs will enhance the readiness of armed security personnel at nuclear power plants, and that licensee security and safeguards programs will be evaluated against a more realistic Design Basis Threat (nuclear power plants and category 1 fuel cycle facilities).

The details of the Design Basis Threat are safeguards information pursuant to Section 147 of the Atomic Energy Act and will not be released to the public. The Commission believes that this Design Basis Threat represents the largest reasonable threat against which a regulated private security force should be expected to defend under existing law. It was arrived at after extensive deliberation and interaction with stakeholders.

In March 2003, the NRC initiated a pilot program for full force-on-force exercises, which use expanded adversary characteristics that were developed as a result of the increased post 9/11 threat. As of the end of May, force-on-force exercises have been completed at four plants. The NRC plans to conduct force-on-force tests at a rate of approximately two per month. The exercises will be carried out at each nuclear power plant on a three-year cycle instead of the eight-year cycle that had been used prior to September 11, 2001.

IX Power Uprates

The staff has assigned power uprate license amendment reviews a high priority. The staff considers power uprate applications among the most significant licensing actions and is, therefore, conducting power uprate reviews on accelerated schedules.

Licensees have been applying for and implementing power uprates since the 1970s as a way to increase the power output of their plants. The staff has been conducting power uprate reviews since then and, to date, has completed 95 such reviews. Approximately 12,197 MWt (4065 MWe) or an equivalent of over three nuclear power plant units has been gained through implementation of power uprates at existing plants. During the month of May, the staff completed three power uprates: a 1.66-percent power uprate for D.C. Cook, Unit 2; a

1.5-percent power uprate for Pilgrim; and a 1.4-percent power uprate for Indian Point, Unit 2. During the month of May, the staff received one stretch power uprate for Kewaunee. The staff currently has 5 plant-specific applications under review.

The staff has completed a survey of nuclear power plant licensees to obtain information regarding industry's plans related to power uprate applications. Based on this survey and information obtained since the survey, licensees plan to submit 34 additional power uprate applications in the next 5 years. These include 13 measurement uncertainty recapture power uprates, 3 stretch power uprates (i.e., power uprates up to about 7 percent), and 18 extended power uprates. Planned power uprates are expected to result in an increase of about 6710 MWt (2237 MWe). The staff will utilize this information for future planning.

X Status of Davis-Besse Nuclear Power Station

Background

On March 6-7, 2002, FirstEnergy Nuclear Operating Company (FENOC), the licensee for the Davis-Besse Nuclear Power Station in Oak Harbor, Ohio, identified a cavity resulting from boric acid corrosion in the reactor pressure vessel head. The corrosion of the vessel head was identified while FENOC was repairing cracked reactor head penetration nozzles identified during inspections performed in response to NRC Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles," which NRC issued on August 3, 2001.

The NRC promptly sent an Augmented Inspection Team to the plant to determine the facts and circumstances of the degraded condition. A Confirmatory Action Letter was issued on March 13, 2002, which detailed specific licensee actions to be taken before NRC would consider the restart of Davis-Besse. On April 30, 2002, NRC established a special Davis-Besse Oversight Panel to coordinate the agency's activities in assessing the performance problems associated with the corrosion damage, monitoring corrective actions, and evaluating the readiness of the plant to resume operations. The NRC's Oversight Panel has established and periodically updated a Restart Checklist containing those issues necessary to resolve before restart. The plant will not restart until the NRC is satisfied that all current safety concerns have been resolved.

Detailed information on NRC activities associated with the Davis-Besse reactor vessel head degradation event can be found at:
http://www.nrc.gov/reactors/operating/ops-experience/vessel-head-degradation.html.

Status Update for May 2003:

During the month of May, several NRC inspections continued that are evaluating issues on the NRC's Restart Checklist. All Davis-Besse inspection reports associated with the reactor vessel head degradation event can be viewed on the NRC's Davis-Besse web pages.

As of May 31, 2003, FENOC projects an August 2003 startup of the Davis-Besse plant. The plant completed fuel load on February 26, 2003, and entered Cold Shutdown (average coolant temperature less than 200 degrees Fahrenheit) on March 12, 2003. The plant successfully completed its integrated containment leak rate test on April 9, 2003, demonstrating that containment vessel and building restoration was adequate following the new reactor head installation. The containment vessel and building were previously cut open and then subsequently restored to facilitate bringing in the new vessel head and removing the old one.

In May, the Oversight Panel completed additional review and determined that FENOC adequately resolved four items on the Restart Checklist: Boric Acid Corrosion Management Program, Reactor Coolant System Unidentified Leakage Monitoring Program, In-service Inspection Program, and Modification Control Program. As a result, the NRC has now closed 11 of the 29 items on the Restart Checklist. Items that were previously adequately resolved pertained to the technical part of the root cause evaluation of the corrosion damage to the reactor vessel head and six items pertaining to licensing issues related to the installation and operability of the new reactor vessel head.

On May 6, 2003, the Oversight Panel conducted two public meetings in Port Clinton, Ohio. Participants at the first meeting included licensee representatives who discussed plant performance and progress on their Return to Service Plan. At the second meeting, the Oversight Panel discussed the status of the NRC activities and responded to questions and concerns from the public.

On May 7, 2003, the Oversight Panel conducted a public meeting with FENOC representatives in the Region III office in Lisle, Illinois. This meeting was to review the status of the resolution of engineering and design issues. Following the meeting with FENOC, the NRC staff responded to questions from the public.

On May 29, 2003, the NRC finalized a Red finding to FENOC as a result of inspections at the Davis Besse facility. The Red finding, defined as an issue with high safety significance, involved the control rod drive mechanism penetration cracking and reactor pressure vessel head degradation discovered in February and March 2002. Although the letter issued the final significance of the issue, no Notices of Violation were attached, pending the results of the investigation into the matters by the Office of Investigations.