

September 11, 2003

MEMORANDUM TO: Davis-Besse Oversight Panel

FROM: John A. Grobe, Chairman, Davis-Besse Oversight Panel */RA/*

SUBJECT: MINUTES OF INTERNAL MEETING OF THE DAVIS-BESSE
OVERSIGHT PANEL

The implementation of the IMC 0350 process for the Davis-Besse Nuclear Power Station was announced on April 29, 2002. An internal panel meeting was held on August 21, 2003. Attached for your information are the minutes from the internal meeting of the Davis-Besse Oversight Panel and the "Open" Action Items List.

Attachments: As stated

cc w/att: H. Nieh, OEDO
J. Dyer, RIII
J. Caldwell, RIII
R. Gardner, DRS
B. Clayton, EICS
G. Wright, DRP
DB0350

MEMORANDUM TO: Davis-Besse Oversight Panel

FROM: John A. Grobe, Chairman, Davis-Besse Oversight Panel

SUBJECT: MINUTES OF INTERNAL MEETING OF THE DAVIS-BESSE OVERSIGHT PANEL

The implementation of the IMC 0350 process for the Davis-Besse Nuclear Power Station was announced on April 29, 2002. An internal panel meeting was held on August 21, 2003. Attached for your information are the minutes from the internal meeting of the Davis-Besse Oversight Panel and the "Open" Action Items List.

Attachments: As stated

cc w/att: H. Nieh, OEDO
 J. Dyer, RIII
 J. Caldwell, RIII
 R. Gardner, DRS
 B. Clayton, EICS
 G. Wright, DRP
 DB0350

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML032650526.WPD

To receive a copy of this document, indicate in the box: "C" = Copy without enclosure "E"= Copy with enclosure "N"= No copy

OFFICE	RIII		RIII		RIII	
NAME	MPhillips/klg	/RA DPassehl for/CLipa		JGrobe		
DATE	08/26/03	08/27/03		09/11/03		

OFFICIAL RECORD COPY

MEETING MINUTES: Internal IMC 0350 Oversight Panel Meeting
Davis-Besse Nuclear Power Station

DATE: August 21, 2003

TIME: 12:00 p.m. Central

ATTENDEES:

J. Grobe	R. Doornbos	M. Phillips
D. Passehl	V. Mityng	B. Ruland
S. Thomas	M. Kotzalas	T. Mensah
J. Stang	J. Strasma	M. Holmberg
		J. Hopkins

Agenda Items:

1. Discuss/Approve Today's Agenda

The Panel approved the agenda, but modified the order of presentations. **THE APPROVED AGENDA REFLECTS THE ORDER LISTED IN THESE MINUTES.**

2. Discuss Letters Action Plan

Mr. Strasma, Ms. Mityng, and Mr. Doornbos led a discussion on the Action Plan for response to letters and emails from the public regarding restart of Davis-Besse. Thus far the Agency has received approximately 4000 letters and 500 emails. The Panel decided to proceed with action to respond to each letter individually with signature from the Regional Administrator if feasible. The Panel also will follow direction received from the Agency's Chief Information Officer to place all the letters into ADAMS with privacy information redacted from public viewing. RIII Public Affairs personnel plan to send a draft response letter for comment to Panel members by the end of this week. The Panel determined that more work needs to be done internally by Region III personnel to sort out the logistics of compiling and mailing thousands of individual letters. The final Action Plan will be presented to the Panel for approval in the near future.

3. Discuss Communication Status

Mr. Stang led a discussion on status of the Panel's draft Communication Plan. The Communication Plan describes the goals, strategies, tools, and resources for achieving integrated communication with both internal and external stakeholders. A communication team has been designated to carry out a number of the specific responsibilities described in the Plan. This team includes representatives from several offices, with J. Stang of NRR as the team leader and C. Lipa of RIII as his alternate. Panel members will provide comments on the draft Plan for discussion and approval at a future Panel meeting.

4. Discuss CATI Plan

Mr. Grobe led a brief discussion on a revision to the Corrective Action Team Inspection Plan. The Plan was revised to better organize it and make it more concise. Examples of changes include elimination of duplications and removal of those corrective action items for review that were deemed insignificant and which NRC review was not already in progress.

5. Discuss Licensee's Response to RIII-2003-A-088

Mr. Holmberg led a discussion on the licensee's response to Allegation RIII-2003-A-088. The Panel agreed with Mr. Holmberg's recommendation that the licensee's reply to one of the concerns was inadequate. A letter is being drafted to communicate this to the licensee and request another response. The allegation is 180 days old on October 28, 2003.

6. Discuss New Allegations

Mr. Phillips led a discussion on two new allegations.

7. Discuss Any Allegations for Which an Extension Was Requested

Mr. Phillips informed the Panel that there were no allegations for which an extension was requested.

8. Discuss Plant Status and Inspector Insights and Emergent Issues List

Mr. Thomas led a discussion on plant status and inspector insights and the emergent issues list. One focus item was damage that occurred to bellows on the containment air cooler service water trees as a result of the loss of offsite power event that occurred last week. The licensee has formed a team to investigate the cause of the issue and effect repairs. The impact of the equipment damage on the licensee's schedule is uncertain. The Panel determined that this issue should be added to the "emergent issues" list in the weekly status report.

9. Discuss Action Item 195 - Review Worker Fatigue Issues at the Site

Mr. Thomas led a discussion on worker fatigue issues at the site. The licensee is using an approved procedure for controlling overtime usage and there are no significant concerns with worker fatigue. The Panel determined that the further work needs to be performed to compare the licensee's requirements for overtime usage against current NRC rules and regulations. Mr. Thomas will send information to Region III for staff review and coordination with Mr. Dave Trimble, headquarters section chief for operator licensing and human performance.

10. Discuss Closure of Restart Checklist Item 6.g, "Request to relocate High Pressure Injection and Low Pressure Injection Subsystems Flow Balance Testing from Technical Specifications 4.5.2.h to Updated Safety Analysis Report Technical Requirements Manual"

Mr. Stang led a discussion on Restart Checklist Item 6.g, "Request to relocate High Pressure Injection and Low Pressure Injection Subsystems Flow Balance Testing from Technical Specifications 4.5.2.h to Updated Safety Analysis Report Technical Requirements Manual." On August 12, 2003, NRC approved the License Amendment Request as documented in ADAMS (Accession Number: ML031830237). This Checklist Item is closed.

11. Discuss Adding High Pressure Injection Pump Technical Specification (TS) Change to Restart Checklist

Mr. Grobe led a discussion on whether the Panel should add the High Pressure Injection Pump Technical Specification change to Restart Checklist. During design reviews the licensee identified that the pump was not designed to meet post-LOCA recirculation phase design requirements in that debris small enough to pass through the emergency core cooling system sump suction strainers may be too large to pass through the internal clearances in the hydrostatic bearing resulting in loss of bearing cooling and pump damage. However, the pump is required to be operable per TS for the licensee to conduct its planned normal operating pressure test. The licensee initiated efforts to get a TS Amendment that would allow the plant to enter Mode 3 with the unmodified HPI pumps. The licensee is modifying the pumps to ensure the pumps are fully operable but may not have the modifications complete at the time the plant would otherwise be ready to enter Mode 3.

The Panel determined that the TS Amendment should not be a Restart Checklist Item because it does not meet the criteria in Manual Chapter 0350, the licensee has other options to pursue, and because it is not a restart issue but rather an issue that needs to be resolved prior to Mode 3.

12. Discuss New/Potential Licensing Issues

Mr. Hopkins informed that Panel that there were no new licensing issues.

13. Discuss Status of Inspection Issues

Mr. Grobe and led a discussion of the status of inspection issues involving the basis for the normal operating pressure test, the high pressure injection pump modification task interface agreement, status of the corrective action team inspection, and an Appendix R Exemption issue.

Regards the normal operating pressure test basis, there is a question whether the licensee needs a TS Amendment to enter Mode 3 with potential pressure boundary leakage or whether the NRC has reasonable assurance that the reactor vessel (reactor coolant system) is operable and therefore no TS Amendment is necessary. In addition, there is a question on what the acceptance criteria should be for the NRC inspectors planning to evaluate the results of the normal operating pressure test. The NRC is also

exploring dissenting views among its staff as to whether there is reasonable assurance that there is no pressure boundary leakage from the reactor vessel bottom head penetrations.

Regarding the high pressure injection pump modification, Region III inspectors submitted a task interface agreement to NRC Headquarters requesting guidance on the acceptability of the licensee's proposed modifications and guidance on what the proper post-modification testing should be. Panel members at NRC Headquarters reported that the NRC technical staff was still reviewing the task interface agreement.

Regarding the corrective action team inspection, the Panel agreed that the depth of inspection into individual issues should be that the inspectors have reasonable assurance that the licensee properly evaluated and prioritized corrective actions. This guidance should be applied to issues where the team members may not be available to follow through completely on reviewing and evaluating the licensee's completed corrective actions.

Regarding the 10 CFR Appendix R exemption issue, this pertained to Action Item 193, "Consider TIA on an issue pertaining to 10 CFR 50 Appendix R Section III-L, "Alternative and Dedicated Shutdown Capability." Mr. Stang is researching the exact licensing basis to determine whether the licensee is in compliance. Mr. Stang stated that there is no apparent requirement for the licensee to have requested an exemption. Further work on the issue is ongoing.

14. Discuss Action Items

The Panel reviewed all the open Action Items and had the following comments:

Item 136 (Open) - NRR acceptance of NOP criteria and method

The Panel determined that the title should be changed to "NOP Test Basis."

Item 186 (Open) - Add Dennis Kucinich to the standard distribution list on documents for Davis-Besse. Then remove Dennis Kucinich from distribution 90 days after the **final** NRC reply to his 10 CFR 2.206 Petition is signed out

Per Dan Collins, most of comments have been collected within the NRC regarding the final Director's Decision and the attachments to it where we will address certain comments received. Dan expects to get the documents into final concurrence next week and issue on or about 9/12/03.

Item 195 (Open) - Review Worker Fatigue Issues at the Site During the Current Inspection Period

Discussed (see Item 9 of 08/21/03 minutes). Mr. Thomas sent in a package of information for review.

Item 197 (Open) - Develop a Communication Plan with Restart Qs and As

The Panel determined that the "Assigned to" should be changed from A. Mendiola to J. Stang.

Item 200 (Closed) - Draft a TIA Letter to Send to B. Ruland Regarding Whether the Proposed Modification That the Licensee Is Performing to the High Pressure Injection Pumps Is Sufficient to Address the Design Deficiency

The TIA letter was sent.

Item 201 (Open) - Coordinate with L. Gerke and Ask Her to Call Rep. Kaptur's Staff Regarding the June 13, 2003, Letter from Chairman Diaz to Kaptur. The Purpose of the Call Would Be to Update Rep. Kaptur on the Recent Issues with the HPI Pumps and Provide Information on NRC Actions to Review LER 2003-02

Waiting for risk assessment to be completed in early September 2003.

Item 203 (Closed) - Put a Discussion of the Actions the NRC Is Taking to Respond to the Emails and Letters from Concerned Citizens Regarding Davis-Besse in the August 2003 Newsletter. This Includes Responding to the Citizens and Amy Ryder with a Letter Including a Copy of the Most Recent Newsletter

This action was completed.

Item 204 (Closed) - Send an Email to E. Merschoff and L. Chandler Inquiring How the Panel Should Handle the Correspondence in ADAMS

This action was completed.

Item 205 (Closed) - Arrange a Telephone Call with the Licensee and Eugene Imbro of NRR to Discuss Details of the High Pressure Injection Pump Modification

This action was completed.

Item 206 (Closed) - Call Mr. Riccio and let him know when the panel will respond to his letter.

C. Lipa completed 8/6/03.

Item 208 (Open) - Evaluate the need to call back CI regarding Allegation RIII-2002-A-0177 (D-B) after the OI Investigation is complete

15. Discuss/Update Milestones and Commitments

The Panel reviewed and discussed upcoming milestones and commitments.

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
24a	Discuss making information related to HQ/licensee calls publicly available	Panel	<p>Discuss by June 30, after safety significance assessment complete; 6/27 - Invite Bateman to panel mtg. To discuss what else is needed to closeout the CAL (i.e. quarantine plan); 7/2 - NRR not yet ready to discuss; 7/16 - See if procedures have changed on CAL closeout - does JD need to send letter?; 7/18 - Discussed - is there an applicable regional procedure?; 8/6 - Discussed. Need to determine the final approach on the core removed from the head and the final approach on the head before the quarantine can be lifted; 8/22 - Revisit action item after letter sent to licensee confirming plans with old vessel head (head may be onsite longer than originally anticipated); 8/29 - Memo to be sent to Region, with a letter to go out next week; 10/01- Discussed. 1) Conduct NRC staff survey-due 10/7 2)Memo to NRR - due 10/11 3) Region to issue letter; 11/07-Letter required from NRR on head quarantine status; 11/19 - Letter in draft; 01/03 - A. Mendiola to look at phone conference writeups on quarantine decision making to determine if they can be released to the public; 01/07 - discussed; 01/21 - discussed; 01/31- A. Mendiola's action; 02/11 - Completion of Licensee Phase 3 sampling plan required; 02/21 - 17.5 Rem to cut samples, Less samples may be required; 04/03 - Completion of Phase 3 sampling plan scheduled for late April - discuss again then; 04/08 - Revisit in June 2003; 07/01 - Nozzle specimen removal begins tomorrow; 07/22 - Await verification that all samples are received at Battelle before making public;</p>

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
73	Send feedback form on IMC 0350 procedure to IIPB (8/6)	Lipa/ Mendiola	8/6 - Generate feedback after panel meetings reduced to once per week; 8/29 - Discussed - no change; 10/1 - Discussed; 11/7 - D Passehl sent email to C Carpenter and D Coe indicating that we would be able to perform a review of the draft IMC 0350 during the first quarter of 2003; 12/3-discussed; 01/03 - 2 parts, short part- C. Lipa with P. Harris, long part- B. Dean; 01/07 - 2 nd larger response will require meeting between all parties; 01/21 - Communications with P. Harris; 01/31-Meeting with P. Harris on Feb 4; 02/11 - Many concerns identified by the panel for inclusion; 02/21 - July 1 due date for larger input; 07/01 - Request two month extension of due date; 07/22 - Due date extended to September 1.

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
136	<p>NOP Test Basis (01/03) J. Grobe to send an email week of 05/19 with question of whether the licensee's method and criteria are adequate to address the TS for zero unidentified reactor coolant leakage from the reactor coolant system. By the end of the week of 05/19 NRR to formulate a proposed position for discussion. The position by NRR will be discussed by the Panel during the 05/27 0350-Panel meeting. After discussing on 05/27 the issue is to be presented internally within the NRC for dissenting views (05/27 - Reopen)</p>	W. Ruland/ J. Grobe	<p>01/07 - Item discussed. Meeting summary of November 26, 2002 meeting has notation of NRR staff impressions of test plan. Once drafted, issue will be surveyed to staff to determine if consensus is correct; 01/21 - Meeting summary to discuss Flus System, Test agreement, and future inspections; 1/31 - T. Chan fwd to J. Hopkins; 2/11 - J. Jacobson questions need to be folded in (chem-wipes); 2/21 - Polling of staff discussed; 2/24 - Polling of staff by March 7; 3/25 - Staff to be polled after 4/4/03 meeting in headquarters, and meeting should address whether a rational basis exists that the bottom head is not leaking, and whether a critical flaw size will not appear during the next operating cycle; 04/08 - J. Hopkins writing mtg summary for 4/4, licensee to address additional questions on 4/9 telephone call; 05/16 - Closed; 05/27 - Reopen; 06/17 - Meeting held in HQ the week of June 9. R. Barrett et. al. discussed that the licensee has no basis that the nozzles are not cracked. May need a TS Amendment. The next step is to engage the licensee; 07/01 - Phone call held 6/30 with licensee. Licensee to provide written response to J. Jacobson; 7/29 - Licensee letter received; 08/05 - RIII sending in a draft TIA for discussion; 08/21 - Title changed</p>
138	Evaluate the effectiveness of the Comm Plan (01/07)	A. Mendiola, C. Lipa	01/31 - Ongoing; 02/21 - New EDO Comm Plan for Crisis Update, A. Mendiola to review for inclusion.

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
147	Generate a list of items to consider after restart as well as transition back to the normal 0350 when terminating the 0350 Panel. The items should include plans to augment inspection of corrective actions, inservice inspection, and safety culture monitoring. (01/09)	D. Passehl	01/31 - working; 02/11 - Include dates and deadlines to Manual Chapter 0350 restart inspections planner; 07/01 - Discussed; 7/22 - Dave has list with Christine's comments; 08/05 - Discussed. Bring back 6 weeks.
178	Determine the type of backlog assessment that will be performed and by whom. Two attributes need to be considered: (1) the capability of the licensee to manage the backlog in an operating environment; and (2) the impact of the backlog on equipment reliability. (03/04)	C. Lipa	
186	Add Dennis Kucinich to the standard distribution list on documents for Davis-Besse. Then remove Dennis Kucinich from distribution 90 days after the final NRC reply to his 10 CFR 2.206 Petition is signed out. (04/22)	A. Saso	08/21- Discussed.

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
189	Collect Information on the Regulatory Approach to Research the Process to Ensure Proper Regulatory Footprint upon Restart (05/16)	J. Stang	05/27-Discussed; 07/01 - The Millstone Order was reviewed and the approach is not appropriate. Bill also look at the South Texas approach; 07/15 -Discussed, title changed; 7/22 - Lead changed.
193	Consider TIA on an issue pertaining to 10 CFR 50 Appendix R Section III-L, "Alternative and Dedicated Shutdown Capability." (05/27)	J. Stang	A concern was identified for the shutdown function performance goal of maintaining reactor coolant level. An NRC safety evaluation report issued in 1991 apparently allows the licensee to maintain reactor coolant level above the top of active fuel instead of maintaining level within the range of indication in the pressurizer; 7/1 - John Hannon to determine if a TIA is necessary or the issue is moot. Sent in draft TIA to HQ'a J. Stang to review licensing basis first.
195	Review worker fatigue issues at the site during the current inspection period. (06/17)	S. Thomas	6/24 - J. Grobe took action to contact L. Myers and discuss; 07/22 - Scott to update in early August; 08/21 - Discussed
196	Determine whether the shift manager is qualified to fulfill the shift engineer position in an emergency and whether there is an adverse impact on the licensee's emergency procedure Implementation. (06/17) Item re-opened at 7/1 Panel meeting.	J. Grobe	6/24 - Closed; 7/1 - Re-opened - see meeting minutes for additional information.
197	Develop a communication plan with restart Qs and As. (06/17)	J. Stang	6/24 - Lead changed; 08/21 - Lead changed

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
200	Draft a TIA letter to send to B. Ruland regarding whether the proposed modification that the licensee is performing to the high pressure injection pumps is sufficient to address the design deficiency. (06/20)	C. Lipa	6/24 -The Panel assigned D. Hills with action to send an email next week with summary of the concept; 07/01 - On hold pending a licensee decision on whether to pursue this option or replace the pumps; 07/15 - A teleconference was held on July 14, 2003, with the licensee to get an updated status; 07/22 - Item taken off hold - questions to be developed and forwarded to NRR; 08/05 - HPI Pumps draft TIA submitted; 08/21 - closed
201	Coordinate with L. Gerke and ask her to call Rep. Kaptur's staff regarding the June 13, 2003, letter from Chairman Diaz to Kaptur. The purpose of the call would be to update Rep. Kaptur on the recent issues with the HPI Pumps and provide information on NRC actions to review LER 2003-02.(06/20)	T. Mendiola	6/24 - The Panel determined that when the communication plan is developed for the preliminary significance determination for HPI Pump issue that we consider interfaces with those people who receive the letter; 07/15 - Discussed; 08/21 - Discussed.
202	Put a discussion of the actions the NRC took in reviewing concerns involving the reactor coolant pumps in the August 2003 newsletter. (07/15)	J. Strasma	

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
203	Put a discussion of the actions the NRC is taking to respond to the emails and letters from concerned citizens regarding Davis-Besse in the August 2003 newsletter. This includes responding to the citizens and Amy Ryder with a letter including a copy of the most recent newsletter. (07/15)	J. Strasma	08/21 - closed
204	Send an email to E. Merschoff and L. Chandler inquiring how the Panel should handle the correspondence in ADAMS. (07/15)	J. Grobe	7/22 - E-mail sent 7/15, awaiting reply; 08/21 - closed
205	Arrange a telephone call with the licensee and Eugene Imbro of NRR to discuss details of the high pressure injection pump modification. (08/05)	J. Hopkins	08/21 - closed
206	Call Mr. Riccio and let him know when the panel will respond to his letter. (08/05)	C. Lipa	08/21 - closed
207	Write a letter in response to Mr. Lochbaum's letter questioning the basis for the initiating event frequency used in the preliminary yellow finding documented in inspection report 50-346/03-15. (08/05)	S. Burgess	

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
208	Evaluate the need to call back CI regarding Allegation RIII-2002-A-0177 (D-B) after the OI Investigation is complete (08/21)	M. Phillips	