

October 30, 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 September 30, 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. Caldwell, RIII
G. Grant, RIII
S. Reynolds, DRP
R. Gardner, DRS
B. Clayton, EICS
G. Wright, DRP
DB0350

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OFFICE	RIII	RIII	RIII	RIII
NAME	RBaker:dtp	DPassehl	JGrobe for CLipa	JGrobe
DATE	10/10/03	10/10/03	10/30/03	10/30/03

OFFICIAL RECORD COPY

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

DATE: September 30, 2003

TIME: 9:30 a.m. Central

ATTENDEES:

J. Grobe	A. Mendiola	M. Phillips
C. Lipa	J. Stang	B. Ruland
D. Passehl	J. Hopkins	R. Baker
		R. Gardner

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 Issue of Supplemental Panel Meetings

Mrs. Lipa proposed approval of a standing time slot for necessary supplemental Panel meeting of 10:30 a.m.-12:30 p.m. ET on Thursdays. This time slot was approved by Panel as proposed.

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

Mr. Rutkowski led a discussion on plant status and inspector insights and the emergent issues list. Additionally he informed the Panel that INPO inspectors will be onsite next week to conduct a Restart Readiness Evaluation.

4. Discuss New/Potential Licensing Issues

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

5. Discuss Communication Status

Mr. Stang led a discussion on the status of the Panel's draft Communication Plan. The Communications Team will meet before the end of this week and finalize the action matrix, which list open items/closed items/assigned leads, and present to the Panel for review/approval by next Thursday (10/9).

6. Discuss Process Closure for RAM Items

Mrs. Lipa led a discussion on clarification of what the process for closure of RAM items should entail. Closure forms should be adequately reviewed, through the assigned Division and not just the lead individual, prior to being presented to the Panel for closure. Additionally, the Staff comfort level should be the appropriate level for how

RAM items are closed. Possible closure bases discussed were; documentation by licensee condition report; inspector review of licensee closure documentation; or transferred to and tracked by licensee corrective action program with completion scheduled after restart. Mr. Gardner, Mrs. Lipa, and Mr. Phillips will review several examples from the RAM for appropriate closure basis and discuss findings with the Panel.

7. Discuss Response Letters Action Plan

Mrs. Lipa led a discussion on the RIII Public Affairs response letter Action Plan's need for resource allocation. Mr. Ruland will address the issue of needed resource requirements for sending out the responses with the Leadership Team, and provide point of contact information, at headquarters, to Roger Doornbos, designated overall owner of the Plan and contact point in the region.

New Action Item (215): Mr. Stang will contact the Congressional Affairs office to obtain a current listing of Q & A's on matters pertaining to restart and coordinate with Mr. Mendiola to provide an updated package to the Panel for review and incorporation into the Comm Plan.

8. Discuss Punch List

Mrs. Lipa provided an update on developing milestones and action plans for line items in the Punch List. Mrs. Lipa and Mr. Mendiola will work directly with the assigned leads for each line item and present their results to the Panel.

9. Discuss HPI Modification TIA and Inspection Approach

Mr. Hopkins led a discussion of the HPI Modification, TIA and inspection approach. The Panel will discuss a proposed inspection guide based on format of the Safety Evaluation.

10. Discuss Draft of Licensee October 7th Public Meeting Agenda

Mrs. Lipa led a discussion on the licensee's draft agenda. Mr. Grobe will talk with the licensee to verify that the proposed areas of discussion will address the key concerns with the NOP test inspection results, key activities going forward, and oversight perspective/assessment of organizational processes.

11. Discuss Date for RATI to Identify Staff

Mr. Passehl discussed the need for committing to a date for identifying staff resources based upon the Licensee's current path forward.

12. Identify Schedule for Senior Management Visits

A Regional Notice and briefing books will be issued this week for Mr. Sam Collin's site visit next week. Mr. Grobe led a discussion on the need to schedule any intended senior management visits in the month of October, with a cutoff date of 11/4, the last monthly 0350 public meeting before the licensee intends to restart the plant.

Mr. Passehl will work with the Regional Administrator's office to finalize Region III senior management visit schedules. Mr. Mendiola will coordinate headquarters senior management site visits.

13. Discuss Items for Licensee Weekly Calls

No weekly call this week as the licensee will be at the Region III offices for a Safety Culture public meeting.

14. Discuss New Allegations

Mr. Phillips informed the Panel that there were no new allegations that are required to be resolved prior to restart. Mr. Grobe suggested a review of outstanding allegations to ensure all are prioritized.

15. 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.

16. Discuss/Update Milestones and Commitments

The Panel reviewed and discussed upcoming milestones and commitments. No changes to items listed per the agenda were noted.

17. Discuss Action Items

The Panel reviewed the following open Action Items with comments as noted:

Item 24a (Closed) - Discuss making information related to HQ/licensee calls publicly available.

This information will be available through the NRC public web site.

The Panel determined that this item should be closed.

Item 73 (Open) - Send feedback form on IMC 0350 procedure to IIPB. (08/06)

The Panel has extended the due date until 01/01/04.

Item 138 (Open) - Evaluate the effectiveness of the Comm Plan. (01/07)

An update will be presented to the Panel at the 10/02 meeting.

Item 147 (Open) - 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)

The Panel decision is to separate this into three (3) distinct listings: Inspection Schedule items for both prior to restart and following restart; Focus Areas for post restart; and 0350 Panel termination criteria. The Panel will need to approve listings.

Item 178 (Open) - 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)

The Panel will approve a decision on who will lead the inspection at the 10/02 Panel meeting.

Item 186 (Closed) - 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)

Final Director's Decision was issued on 9/12/2003, and internal administrative tracking will identify Dennis Kucinich for removal from this distribution list on 12/15/2003.

The Panel determined that this item should be closed.

Item 189 (Open) - Collect information on the regulatory approach to research the process to ensure proper Regulatory Footprint upon restart. (05/16)

The Panel requested a history data table be populated with information from previous 0350 decisions which will be presented at the 10/02 meeting.

Item 193 (Open) - Consider TIA on an issue pertaining to 10 CFR 50, Appendix R, Section III-L, "Alternative and Dedicated Shutdown Capability." (05/27)

An update will be presented to the Panel at a future meeting.

Item 195 (Closed) - Review Worker Fatigue Issues at the site during the current inspection period. (06/17)

Worker Fatigue issues at the site have been reviewed and results documented in NRC Inspection Report 05000346/2003017.

The Panel determined that this item is closed.

Item 196 (Open) - 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.

Mr. Grobe informed the Panel that he will have a resolution on the item by 10/3.

Item 197 (Open) - Develop a communication plan with restart Qs and As. (06/17)

The Panel is gathering a list of Q & As for review and forwarding to the Regional Administrator's office.

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. (06/20)

This item is now covered by the Greater than Green HPI Comm. Plan. A decision needs to be made on whether or not this needs to go through the Executive Director's office or the Chairman's office.

18. Other Items

Mr. Grobe participated in a National Public Radio broadcast (aired live on WCPN.) on 09/26 and the event is summarized below:

Jack Grobe was the featured speaker on a 9 a.m. public affairs show dedicated to the future of Davis-Besse. The interview continued about 20 minutes and focused on safety culture issues at the plant, public's confidence in the NRC as a regulator and protecting whistle blowers at Davis-Besse. Jack communicated the agency's position on Davis-Besse very effectively and communicated confidently and clearly the agency's focus on safety and the protection of public health.

Jack's interview was followed by an interview with Richard Wilkins, the company spokesperson, and Donna Luek, a local resident who comes to all our public meetings and has a relatively balanced approach to the situation at Davis-Besse. About four people had called in with questions and comments, which ranged from concerns about retaliation for bringing up safety issues at the plant to the pressure from Congress on the NRC to regulate less strictly.

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; 09/30 - closed.</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)	C. Lipa A. 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 Come 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 2 month extension of due date; 07/22 - Due date extended to September 1; 09/25- Due date extended to January 1, 2004
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; 09/30 - Discussed
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; 09/23 - Discussed; 09/30 - The Panel decision is to separate this into three distinct listings: Inspection Schedule items for both prior to and following restart; Focus Areas for post restart; and 0350 Panel termination criteria. The Panel will approve listings.

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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	09/23 - S. Burgess was named to lead this inspection; 09/30 - Discussed, reevaluation of resources and decision on who will lead this inspection will be done on 10/2.
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; 09/30 - closed.
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; 09/30 - Discussed, history table populated with past 0350 decisions will be presented and decision on this criteria will be made by 10/9.

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

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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 Hannan to determine if a TIA is necessary or the issue is moot. Sent in draft TIA to HQ's J. Stang to review licensing basis first; 09/30 - Discussed, update will be presented on 10/2.
195	Review worker fatigue issues at the site during the current inspection period. (06/17)	J. Grobe	6/24 - J. Grobe took action to contact L. Myers and discuss; 07/22 - Scott to update in early August; 08/21 - Discussed; 09/23 - Lead changed; 09/30 documented in IR05000346/2003017 - closed.
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; 09/30 - Resolution will be available by 10/3.
197	Develop a communication plan with restart Qs and As. (06/17)	J. Stang	6/24 - Lead changed; 08/21 - Lead changed; 09/30 - Discussed, list of Q & As is being gathered for review and forwarding to RA.

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

Item Number	Action Item (Date generated)	Assigned to	Comments
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; 09/30 - Discussed, covered by GTG HPI Comm Plan, need to decide if this goes through the EDO's or Chairman's office.
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	
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	
209	Add author of Greenpeace 2.206 petition to the standard distribution list on documents for Davis-Besse. Then remove from distribution 90 days after the final NRC reply to the 10 CFR 2.206 Petition is signed out. (9/16)	A. Saso	

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210	Contact cognizant personnel in NRC Research regarding the evaluation Research is performing about the combined effects of the deficiencies at Davis-Besse and coordinate a briefing of the Panel. (09/23)	J. Hopkins	
211	(a) Issue a status report of the NOP test results thus far; (b) Issue a status report after the NOP inspection of record has been completed; (c) Issue a status report after the upper reactor vessel head and lower reactor vessel head tests are completed. The reports are to be forwarded to NRC Division of Engineering personnel. (09/23)	J. Jacobson	
212	Determine whether the Communication Team has received all electronic and written correspondence from external sources. If there is reasonable confidence that the Communication Team has all the correspondence then develop a set of bullets explaining why there is reasonable confidence. (09/23)	J. Stang	

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST

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213	Update the punch list that will be used to ensure that NRC activities necessary for restart are accomplished with intermediate steps and their due dates. (09/25)	C. Lipa	
214	Discuss with Region III Public Affairs Officers whether to include a discussion of the September 20, 2003, rally sponsored by the Union of Concerned Scientists in the next monthly NRC newsletter. (09/25)	C. Lipa	
215	Contact the Congressional Affairs office to obtain a current listing of Q & A's on matters pertaining to restart and coordinate with Mr. Mendiola to provide an updated package to the Panel for review and incorporation into the Comm Plan.	J. Stang	