

March 24, 2004

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 January 13, 2004. 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: D. Weaver, OEDO  
J. Caldwell, RIII  
G. Grant, RIII  
S. Reynolds, DRP  
B. Clayton, EICS  
G. Wright, DRP  
DB0350

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OFFICE	RIII	RIII	RIII	RIII
NAME	RBaker/trn	DPassehl	CLipa	JGrobe
DATE	03/23/04	03/23/04	03/23/04	03/24/04

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

DATE: January 13, 2004

TIME: 1:30 p.m. Central

ATTENDEES:

A. Mendiola	B. Ruland	J. Hopkins
S. Thomas	R. Skokowski	R. Baker
C. Lipa	D. Hills	J. Grobe
D. Passehl	J. Lara	F. Lyon
M. Holmberg		

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 Plant Status and Inspector Insights and Emergent Issues List

Mr. Thomas briefed the Panel on the plant status and emergent issues. Issues discussed included the status of auxiliary feedwater pump work, containment spray pump work, and the licensee's work schedule for the next several days. In addition, Mr. Thomas briefed the Panel on his exit meeting today for Inspection Report 50-346/03-25.

The Panel also discussed plans for the follow-up Restart Readiness Assessment Team Inspection. The Panel determined that the most likely date for the inspection is to start on February 2, 2004. In addition, the Panel determined that a public discussion of the results of the inspection should occur separate from the restart public meeting. The date for the public discussion of the Restart Readiness Assessment Team Inspection findings was tentatively scheduled for late during the week of February 9, 2004. The entire team may not need to be present for this meeting.

3. Discuss Revised Manual Chapter 0350

The Panel discussed the December 31, 2003, revision of NRC Inspection Manual Chapter 0350, "Oversight of Operating Reactor Facilities in a Shutdown Condition With Performance Problems."

**(NEW ITEM) Item 236** - (D. Passehl) Review the December 31, 2003 revision of NRC Inspection Manual Chapter 0350 against current Panel Process Plan and brief Panel on results. (01/13)

4. Discuss the Licensee's January 11, 2004, Restart Oversight Panel Meeting

Mr. Grobe and other Panel members attended the licensee's January 11, 2004, Restart Oversight Panel meeting. Mr. Grobe led a discussion of the meeting.

5. Discuss New/Potential Licensing Issues

Mr. Hopkins led a discussion of licensing issues. Issues discussed included Emergency Diesel Generator (EDG) Frequency and Voltage Startup Response. The licensee is processing License Amendment Request LAR 03-0017 on this issue. This is considered a non-restart issue. Another issue concerned the disposal of remaining reactor pressure vessel head samples currently in custody of the BWXT laboratory. Bechtel BWXT Idaho, LLC, is the prime contractor operating the Idaho National Engineering and Environmental Laboratory for the U.S. Department of Energy.

**(NEW ITEM) Item 237** - (J. Hopkins) Discuss with NRC Dept of Research personnel the preliminary accident sequence precursor program and/or NRC Dept of Research results. (01/13)

6. Discuss Current Status and Planned Actions to Complete AITS Item R04-0052 - Response to Ohio Citizen Action Group Analysis of Davis-Besse Safety Culture Surveys

The Panel discussed the status and planned actions to complete AITS Item R04-0052 - Response to Ohio Citizen Action Group Analysis of Davis-Besse Safety Culture Surveys. Messrs. Wright and Strasma were responding to the AITS. The Panel determined that the response letter should be signed out by Mr. Caldwell with concurrence by Messrs. Grobe and Ruland.

7. Discuss Revised Draft Confirmatory Order/Draft Order Transmittal Letter

Mr. Grobe led a discussion on the revised Draft Confirmatory Order/Draft Order Transmittal Letter. The Panel deferred a decision on whether to include an assessment of plant operations in the Order. Mr. Lyon also discussed other potential changes.

8. Review Licensee's Restart Performance Indicators for January 4, 2004

Mrs. Lipa led a discussion of the licensee's Restart Performance Indicators for January 4, 2004. Indicators specifically discussed were Open Temporary Modifications, Open Operator Work Arounds, Condition Report Self-identified Rate, and Engineering Quality. In addition, Mr. Grobe requested that the latest Corrective Action Program Performance Indicators be reviewed and discussed.

9. Discuss Inspection of the Licensee's Control/Use of Overtime

Mr. Ruland led a discussion of the licensee's control and use of overtime. The NRC Executive Director for Operations, Dr. Travers, asked for a briefing on this topic based on the NRC Chairman's questions following an article in the Cleveland Plain Dealer following a meeting on December 29, 2003. Mr. Ruland presented some talking bullets that he used to brief Dr. Travers. Two important points were that Davis-Besse met the NRC regulations for overtime and that there was no evidence to date correlating recent personnel errors at the plant to excessive overtime. The NRC previously documented an inspection of the licensee's use of overtime in NRC Inspection Report 50-346/03-17.

Mr. Grobe pointed the decline of safety culture as reflected in licensee's safety culture and safety conscious work environment surveys conducted in March and November 2003, and the findings documented in Inspection Report 50-346/03-17, indicate a need to revisit the topic more formally in another inspection. The panel deferred a decision on the approach to this matter until the January 22, 2004, internal Panel meeting.

10. Discuss Planning/Logistics/Staffing for Inspection to Support Closure of RAM Item URI-38, Thermal Overpressure Protection for Service Water System Components

Mr. Holmberg led a discussion of the RAM Item URI-38, "Thermal Overpressure Protection for Service Water System Components." Mr. Holmberg presented some background of the issue which is documented in NRC Inspection Report 50/346-02-14.

The design of the service water system was performed under the requirements of ASME Code, Section III, Article NB-7000, "Protection Against Overpressure." Paragraph NB-7155 required that "Individual pressure-relief devices shall be installed for the overpressure protection of components which are isolable from the normal system overpressure protection." Contrary to this requirement, none of the service water system individual heat exchangers and associated piping that were isolable from the system were provided with individual overpressure protection. Other safety-related system heat exchangers, such as the decay heat removal and diesel generator jacket water heat exchangers, were also found to not be provided with individual overpressure protection devices. These conditions were identified by the inspectors as a result of review of Modification 94-0009, "Service Water Thermal Relief Valve Replacement for Containment Air Coolers (CACs)," which removed these valves from the CACs and did not replace them. These valves had been initially installed by Modification 88-0234, "Overpressure Protection for the Containment Air Coolers," when it was determined that the coolers were not originally provided with relief valves and, therefore, did not meet Code requirements, as documented in Potential Condition Adverse to Quality Report Number 88-0737. Discussions with licensee engineers determined that this condition extended to other plant systems and also that some of the relief valves that were installed had the prohibited isolation valves.

The licensee maintained that these conditions were acceptable based on their interpretations of the Code. The licensee disagreed with the inspectors' observations and stated that to their knowledge they were in compliance with all code requirements. This matter was identified in the inspection report as unresolved (URI 50-346/2002-014-06). However, no written records exist of a resolution path.

Mr Holmberg stated that this issue will be discussed in the Corrective Action Team Inspection Report 50-346/03-10. Mr. Holmberg recommended that Region III Mechanical Engineering Branch personnel take the lead on gathering information to determine the next steps; for example, drafting a task interface agreement to send to NRR to get a review with an official Agency position on the application of Code requirements for this issue.

After further discussion the Panel assigned Messrs. Holmberg and Hills action to discuss the issue with the Davis-Besse Nuclear Engineering Director, Mr. James Powers, emphasizing that the Panel considers this to be a restart issue. The Panel directed that this issue be discussed at the next internal Panel meeting.

11. Discuss Action Items

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

**Item 233 (Closed)** - Determine if a new allegation, or new information is presented in the 12/18/03 Lochbaum letter. (12/30)

Closed based on the determination that information in the letter was not an allegation nor new information.

Mrs. Lipa provided due dates for each of the remaining open Action Items.

12. Discuss Concerns from Regional Administrator

The Panel discussed the status of concerns and requests from the Regional Administrator including when the Regional Administrator should attend an internal Panel meeting prior to restart. The Panel determined that this meeting will include a formal presentation to Mr. Caldwell and other senior NRC managers on the status of Davis-Besse restart activities. In addition, the Panel determined that the Mr. Caldwell's request for the licensee's and NRC's "list of vulnerabilities" (i.e., upcoming NRC and licensee challenges) should be addressed in the daily status updates provided by the Panel to the "DB0350" email group.

13. Discuss Agenda for Licensee's Weekly Status Call

The Panel discussed items to mention to the licensee during the Panel's weekly status call with the licensee.

14. 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	Due Date
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; 10/14-Discussed, J. Shea is compiling the list of Q & As for review by the Panel and results will be forwarded to the RA; 10/21-Brainstorming session to occur 10/23 to final presentation to Panel; 11/20-The list of Q&As will be inserted to the Comm Matrix today; 12/15-Discussed, Plan with Panel Chairman; 12/30-Discussed, major rework in progress and plan will need to go back into concurrence.	02/02/04
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	10/14-Investigation is still ongoing; 12/23-Discussed, awaiting DOJ Investigation.	TBD
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	10/14-Discussed, Set of bullets still under development; item will be discussed at next Panel meeting on 10/16; 11/04 -Discussed, J. Stang is adding to Comm. Matrix; 11/20-Only remaining is the documented criteria for proof of reasonable confidence; 12/15-Discussed, all inputs received from panel members-closure memo to document completeness confidence in draft and will go to Panel next week; 12/30-Discussed, Bullets in review and NRR will forward to Region; 1/06-Discussed, List of Bullets in final review and will be disseminated 1/09/04.	01/20/04
219	Brief Jim Caldwell on how Immediate Action Maintenance issue was resolved. He would like to see the revised procedure. (10/21)	S. Thomas	10/28-Brief will include research information on Exelon approach; 11/20-NRC is reviewing a copy of the licensee's revised procedure; 12/15-Discussed, FENOC rep met with SRI 12/14 to review new procedure; 12/18-Discussed, need to setup briefing for RA; 1/06-Discussed, brief will be given to Branch Chief with follow on briefing then setup for Jim Caldwell.	01/15/04

January 13, 2004

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220	Develop inspection plan requirements which include review of post restart security program effectiveness. (10/28)	D. Passehl	11/20-The plan is being developed and supplemented from baseline requirements; 12/15-Discussed, draft plan in final; 01/13-Discussed, decided this action item refers to only security inspections.	02/02/04
224	Rewrite the proposed IN on TSP to be generic and reflect attainable plant conditions and what information should be disseminated to the industry concerning Boric Acid Corrosion Control Programs. (12/09)	D. Hills	12/15-Discussed, D. Hills is working; 12/23-Discussed, this issue will be discussed internally in RIII and brought to Panel on 1/06/03 for a final decision on how to proceed.	02/15/04
228	Place all Email requests sent throughout Agency, responses received, and issue resolutions in ADAMS package for documentation. (12/16)	M. Mitchell	1/06-Discussed, will verify ADAMS package is in place to support collection of emails and responses- email requests will be resent due to small response to date.	01/23/04
231	As soon as the final RRATI report is issued, Email a copy to Rick Jacobs at INPO.(12/23)	D. Passehl		02/09/04
232	Track the status of the response on App. R TIA due 01/09/04. (12/30)	J. Stang	12/30-Discussed, J. Dyer briefed on 12/29/03; J. Caldwell brief scheduled for 12/31/03; 01/13-Discussed, due date extended until 02/10/04.	02/10/04
233	Determine if a new allegation, or new information is presented in the 12/18/03 Lochbaum letter. (12/30)	M. Phillips/ Jacobson	12/30-Discussed, should have an answer by 01/09/04; 01/13-Discussed, Panel decided this does not contain an allegation or new information. The Panel decided that this item is Closed.	
234	Develop protocol paper for NRC representative on DOJ committee interface with 0350 Panel for updates. (01/06)	W. Ruland		01/16/04

January 13, 2004

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Item Number	Action Item (Date generated)	Assigned to	Comments	Due Date
235	Advise panel on need for post-restart inspection, based on review of our Greenpeace 2.206 petition and the immediate action response letter we issued on Nov 26, 2003 (01/08)	J. Jacobson	01/13-Discussed, will contact Jacobson for when a brief will be provided to the Panel.	01/27/04
<b>236 (NEW ITEM)</b>	Review the Dec 31, 2003 revision of NRC Inspection Manual Chapter 0350 against current Panel Process Plan and brief Panel on results. (01/13)	D. Passehl		01/22/04
<b>237 (NEW ITEM)</b>	Discuss with NRC Dept of Research personnel the preliminary accident sequence precursor program and/or NRC Dept of Research results. (01/13)	J. Hopkins		01/16/04