DAVIS-BESSE

0350 Panel

Restart Deliberation

Briefing

February 23, 2004

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0350 Panel Briefing for NRC Senior Management

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February 23, 2004

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- Enhanced Public Confidence
- Achieved the Agency's Mission and Goals

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- Issue a Confirmatory Order to Ensure Performance Improvement is Lasting
- Implement Post-Restart Panel Oversight and Inspection Plans

September 19, 2003

CAL No. 3-02-001E

Mr. Lew Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: UPDATE OF CONFIRMATORY ACTION LETTER 3-02-001D STATUS FOR DAVIS-BESSE NUCLEAR POWER STATION

Dear Mr. Myers:

On March 13, 2002, the Nuclear Regulatory Commission (NRC) issued Confirmatory Action Letter No. 3-02-001 regarding the reactor pressure vessel head degradation at the Davis-Besse Nuclear Power Station. On May 15, 2002, the NRC revised the Confirmatory Action Letter, to address the option of replacing the reactor pressure vessel head. The Confirmatory Action Letter documented six sets of commitments you intended to take prior to restart of Davis-Besse.

On December 24, 2002, the NRC provided a letter to you, documenting our understanding of the current status of each of the items. On January 21, 2003, and July 17, 2003, the NRC provided letters to you to clarify the status of Confirmatory Action letter Item No. 1. As discussed between Mr. Robert Schrauder of your staff and Mr. John Grobe, Chairman of the Davis-Besse Oversight Panel on September 15, 2003, the enclosure to this letter closes Confirmatory Action Letter Items 1 and 2. Notify me if your understanding differs from that described in the enclosure.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

If you have any questions regarding the information in this letter, please contact me at 630-829-9657, or John Grobe at 630-829-9637.

Sincerely,

/RA by James L. Caldwell Acting for/

J. E. Dyer
Regional Administrator

Docket No. 50-346
License No. NPF-3

Enclosure: Confirmatory Action Letter Issue 1 and 2 Closure

cc w/encl: The Honorable Dennis Kucinich
B. Saunders, President - FENOC
Plant Manager
Manager - Regulatory Affairs
M. O'Reilly, FirstEnergy
Ohio State Liaison Officer
R. Owen, Ohio Department of Health
Public Utilities Commission of Ohio
President, Board of County Commissioners
Of Lucas County
Steve Arndt, President, Ottawa County Board of Commissioners
D. Lochbaum, Union Of Concerned Scientists
J. Riccio, Greenpeace
P. Gunter, Nuclear Information & Resource Service

Confirmatory Action Letter Issue Closure

Issue 1:

"Quarantine components or other material from the RPV [Reactor Pressure Vessel] head and CRDM [Control Rod Drive Mechanism] nozzle penetrations that are deemed necessary to fully address the root cause of the occurrence of degradation of the leaking penetrations. Prior to implementation, plans for further inspection and data gathering to support determination of the root cause will be provided to the NRC for review and comment."

Basis for Closure:

The additional specimens described in the previous update to this Confirmatory Action Letter were obtained by the licensee and shipped to Battelle Northwest Laboratory (BNL) shortly after issuance of the last CAL update. The materials received at BNL were inventoried and NRC staff confirmed that the specimens identified in the CAL update had been received. Per our update, upon shipment of the specimens, the quarantine of the old reactor head was released, and the head was shipped for disposal on August 26, 2003.

This issue is closed.

Issue 2:

"Determine the root cause of the degradation around the RPV head penetrations, and promptly meet with the NRC to discuss this information after you have reasonable confidence in your determination."

Basis for Closure:

By letter dated April 18, 2002, FirstEnergy Nuclear Operating Company (FENOC) submitted its Root Cause Analysis Report of the reactor pressure vessel (RPV) head degradation in accordance with the Confirmatory Action Letter dated March 13, 2002. On May 7, 2002, the Nuclear Regulatory Commission (NRC) staff held a public meeting with FENOC representatives to discuss the technical aspects of the root cause analysis. Revision 1 of the Report was submitted by letter dated September 23, 2002.

The Davis-Besse Root Cause Analysis Report provided a broad scope assessment of the "root cause," covering various programmatic, implementation and managerial issues, along with a description of the technical sequence of events from the initiation of cracking in the control rod drive mechanism (CRDM) nozzles to the formation of the cavity identified in March 2002.

The NRC staff reviewed the report and based on the information currently available, the NRC staff concludes that the licensee's analysis presents a plausible scenario of the degradation at Davis-Besse. In the absence of direct physical evidence, the basis for the staff's conclusion is experience with past boric acid corrosion events and the extension of that knowledge to the extreme Davis-Besse case. Uncertainties with regard to the technical details of the RPV head degradation (including the sequence, rate and nature of the mechanisms that resulted in the degradation) preclude a definitive conclusion to the technical Root Cause Analysis Report.

However, the level of understanding of the root cause is sufficient for this licensee to proceed with use of the replacement head from the canceled Midland plant.

In addition to the technical root cause reviews, the licensee also conducted seven individual assessments in the Management & Human Performance area as follows:

1) "Root Cause Analysis, Failure to Identify Significant Degradation to the Reactor Pressure Vessel Head," dated August 13, 2002;

2) "Root Cause Analysis, Failure in Quality Assurance Oversight to Prevent Significant Degradation of the Reactor Vessel Head," dated September 10, 2002;

3) "Root Cause Analysis, Lack of Operations Centrality in Maintaining, Assuring, and Communicating the Operational Safety Focus of Davis-Besse and Lack of Accountability of Other Groups to Operations in Fulfilling that Role," dated November 22, 2002;

4) "Root Cause Analysis, Assessment of Engineering Capabilities," dated January 3, 2003;

5) "Evaluation of FENOC Company Nuclear Safety Review Board," dated August 13, 2002;

6) "Evaluation of Corporate Management Issues," dated December 18, 2002; and

7) "Collective Significance Review of the Causal Factors Associated with the Reactor Pressure Vessel Head Degradation at Davis-Besse," dated March 17, 2003.

These reports were reviewed as part of the NRC's Management and Human Performance special inspections, and the results of those reviews are documented in Inspection Reports 50-346/02-15 and 50-346/02-18 dated February 6, 2003, and July 24, 2003, respectively. As stated in the July 24, 2003, letter to FENOC, the overall assessment was of appropriate depth and breadth to develop actions to correct and prevent recurrence of the management and human performance deficiencies associated with the reactor head degradation.

This issue is closed.

July 17, 2003

CAL No. 3-02-001D

Mr. Lew Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: UPDATE OF CONFIRMATORY ACTION LETTER 3-02-001C STATUS FOR DAVIS-BESSE NUCLEAR POWER STATION

Dear Mr. Myers:

On March 13, 2002, the Nuclear Regulatory Commission (NRC) issued Confirmatory Action Letter No. 3-02-001 regarding the reactor pressure vessel head degradation at the Davis-Besse Nuclear Power Station. On May 15, 2002, the NRC revised the Confirmatory Action Letter, to address the option of replacing the reactor pressure vessel head. The Confirmatory Action Letter documented six sets of commitments you intended to take prior to restart of Davis-Besse.

On December 24, 2002, the NRC provided a letter to you, documenting our understanding of the current status of each of the items. On January 21, 2003, the NRC provided a letter to you to clarify the status of Confirmatory Action letter Issue No. 1. As discussed between Mr. R. Fast of your staff and Mr. W. Ruland, Vice Chairman of the Davis-Besse Oversight Panel on July 16, 2003, the enclosure to this letter revises the status of CAL Issue No. 1, including our understanding of your planned actions regarding the quarantined material from the damaged reactor vessel head. Notify me if your understanding differs from that described in the enclosure.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

If you have any questions regarding the information in this letter, please contact me at 630-829-9657, or John Grobe at 630-829-9637.

Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Docket No. 50-346
License No. NPF-3

Enclosure: Confirmatory Action Letter Issue No. 1 Status

cc w/encl: The Honorable Dennis Kucinich
B. Saunders, President - FENOC
Plant Manager
Manager - Regulatory Affairs
M. O'Reilly, FirstEnergy
Ohio State Liaison Officer
R. Owen, Ohio Department of Health
Public Utilities Commission of Ohio
President, Board of County Commissioners
Of Lucas County
Steve Arndt, President, Ottawa County Board of Commissioners
D. Lochbaum, Union Of Concerned Scientists

Enclosure

Confirmatory Action Letter Issue No. 1 Status

"Quarantine components or other material from the RPV [Reactor Pressure Vessel] head and CRDM [Control Rod Drive Mechanism] nozzle penetrations that are deemed necessary to fully address the root cause of the occurrence of degradation of the leaking penetrations. Prior to implementation, plans for further inspection and data gathering to support determination of the root cause will be provided to the NRC for review and comment."

Status

Applicable components and material have been adequately quarantined and plans for inspection and data gathering to support root cause determination have been provided to the NRC for review and comment. Following discussions between Mr. R. Schrauder of your staff and Mr. W. Dean, Vice Chairman of the Davis-Besse Oversight Panel on November 1, 2002, it is our understanding that the following additional specimens will be removed from the damaged reactor vessel head:

1) Approximately 8 inches diameter of head material unaffected by heat around CRDM penetration Nozzles 2 and 46,

2) Nozzle base material from any two of Nozzles 1, 2, 4, or 5 (heat no. M3935),

3) Nozzle base material from Nozzle 47 (heat no. C2649-1), and

4) Nozzle base material from any two of Nozzles 7, 12, 16, 20, 22-25, 27-29, 38-44, 48-55, 57, 64, 68, or 69 (heat no. C2649-1).

The nozzle base material will be cut off both at the head and below the bimetallic weld, resulting in pieces about 7 to 8 inches long. The point of contact for the shipments of these specimens to Battelle Northwest Laboratory (BNL) is Mr. William Cullen, Jr., Senior Materials Engineer, Materials Engineering Branch, Office of Research (RES). Mr. Cullen can be reached at 301-415-6754. Following removal of the material described above, and its shipment to BNL, the NRC releases the head from quarantine. With respect to the specimen materials sent to Lynchburg, Virginia, the quarantine is lifted because the Phase 3 test plan for material is complete. The specimen material sent to Canada is now considered released from quarantine.

January 21, 2003

CAL No. 3-02-001C

Mr. Lew Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: UPDATE OF CONFIRMATORY ACTION LETTER 3-02-001B STATUS FOR DAVIS-BESSE NUCLEAR POWER STATION

Dear Mr. Myers:

On March 13, 2002, the Nuclear Regulatory Commission (NRC) issued Confirmatory Action Letter No. 3-02-001 regarding the reactor pressure vessel head degradation at the Davis-Besse Nuclear Power Station. On May 15, 2002, the NRC revised the Confirmatory Action Letter, to address the option of replacing the reactor pressure vessel head. The Confirmatory Action Letter documented six sets of commitments you intended to take prior to restart of Davis-Besse.

On December 24, 2002, the NRC provided a letter to you, documenting our understanding of the current status of each of the items. The purpose of this letter is to clarify the status of Confirmatory Action letter Issue No. 1 in that December 24, 2002 letter. As discussed between Mr. R. Fast of your staff and Mr. J. Grobe, Chairman of the Davis-Besse Oversight Panel on January 10, 2003, the enclosure to this letter details the status of CAL Issue No. 1, including our understanding of your planned actions regarding the quarantined material from the damaged reactor vessel head. Notify me if your understanding differs from that described in the enclosure.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

If you have any questions regarding the information in this letter, please contact me at 630-829-9657, or John Grobe at 630-829-9637.

Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Docket No. 50-346
License No. NPF-3

Enclosure: Confirmatory Action Letter Issue No. 1 Status

cc w/encl: B..Saunders, President - FENOC
Plant Manager
Manager - Regulatory Affairs
M. O'Reilly, FirstEnergy
Ohio State Liaison Officer
R. Owen, Ohio Department of Health
Public Utilities Commission of Ohio
President, Board of County Commissioners
Of Lucas County
President, Ottawa County Board of Commissioners
D. Lochbaum, Union Of Concerned Scientists

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Enclosure

Confirmatory Action Letter Issue No. 1 Status

"Quarantine components or other material from the RPV [Reactor Pressure Vessel] head and CRDM [Control Rod Drive Mechanism] nozzle penetrations that are deemed necessary to fully address the root cause of the occurrence of degradation of the leaking penetrations. Prior to implementation, plans for further inspection and data gathering to support determination of the root cause will be provided to the NRC for review and comment."

Status

Applicable components and material have been adequately quarantined and plans for inspection and data gathering to support root cause determination have been provided to the NRC for review and comment. Following discussions between Mr. R. Schrauder of your staff and Mr. W. Dean, Vice Chairman of the Davis-Besse Oversight Panel on November 1, 2002, it is our understanding that the following additional specimens will be removed from the damaged reactor vessel head:

1) Approximately 8 inches diameter of head material unaffected by heat around CRDM penetration Nozzles 2 and 46,
2) Nozzle base material from any two of Nozzles 1, 2, 4, or 5 (heat no. M3935),
3) Nozzle base material from Nozzle 47 (heat no. C2649-1), and
4) Nozzle base material from any two of Nozzles 7, 12, 16, 20, 22-25, 27-29, 38-44, 48-55, 57, 64, 68, or 69 (heat no. C2649-1).

The nozzle base material will be cut off both at the head and below the bimetallic weld, resulting in pieces about 7 to 8 inches long. The point of contact for the shipments of these specimens to Argonne National Laboratory (ANL) is Mr. William Cullen, Jr., Senior Materials Engineer, Materials Engineering Branch, Office of Research (RES). Mr. Cullen can be reached at 301-415-6754. Following removal of the material described above, and its shipment to ANL, the NRC releases the head from quarantine. With respect to the specimen materials sent to Lynchburg, Virginia, the quarantine will be considered lifted once the Phase 3 test plan for the material has been completed. The specimen material sent to Canada is now considered released from quarantine.

December 24, 2002

CAL No. 3-02-001B

Mr. Lew Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: UPDATE OF CONFIRMATORY ACTION LETTER 3-02-001A STATUS FOR DAVIS-BESSE NUCLEAR POWER STATION

Dear Mr. Myers:

On March 13, 2002, the Nuclear Regulatory Commission (NRC) issued Confirmatory Action Letter No. 3-02-001 regarding the reactor pressure vessel head degradation at the Davis-Besse Nuclear Power Station. On May 15, 2002, the NRC revised the Confirmatory Action Letter, to address the option of replacing the reactor pressure vessel head. The Confirmatory Action Letter documented six sets of commitments you intended to take prior to restart of Davis-Besse. In your September 23, 2002, letter: "Transmittal of Revision 3 of the Davis-Besse Nuclear Power Station, Unit 1 Return to Service Plan," you described your course of action for a safe and reliable return to service, which included actions necessary to address each of the commitments contained in the Confirmatory Action Letter.

The enclosure to this letter details our understanding of the status of the commitments referenced above. Our understanding of your planned actions regarding the quarantined material from the damaged reactor vessel head is also included. Notify me if your understanding differs from that described in the enclosure.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

If you have any questions regarding the information in this letter, please contact me at 630-829-9657, or John Grobe at 630-829-9637.

Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Docket No. 50-346
License No. NPF-3

Enclosure: Confirmatory Action Letter Status

cc w/encl: B. Saunders, President - FENOC
Plant Manager
Manager - Regulatory Affairs
M. O'Reilly, FirstEnergy
Ohio State Liaison Officer
R. Owen, Ohio Department of Health
Public Utilities Commission of Ohio
President, Board of County Commissioners
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President, Ottawa County Board of Commissioners
D. Lochbaum, Union Of Concerned Scientists

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Enclosure

Confirmatory Action Letter Status

Confirmatory Action Letter Issue No. 1

"Quarantine components or other material from the RPV [Reactor Pressure Vessel] head and CRDM [Control Rod Drive Mechanism] nozzle penetrations that are deemed necessary to fully address the root cause of the occurrence of degradation of the leaking penetrations. Prior to implementation, plans for further inspection and data gathering to support determination of the root cause will be provided to the NRC for review and comment."

Status

Applicable components and material have been adequately quarantined and plans for inspection and data gathering to support root cause determination have been provided to the NRC for review and comment. Following discussions between Mr. R. Schrauder of your staff and Mr. W. Dean, Vice Chairman of the Davis-Besse Oversight Panel on November 1, 2002, it is our understanding that the following additional specimens will be removed from the damaged reactor vessel head:

1) Approximately 8 inches diameter of head material unaffected by heat around CRDM penetration Nozzles 2 and 46,
2) Nozzle base material from any two of Nozzles 1, 2, 4, or 5 (heat no. M3935),
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The nozzle base material will be cut off both at the head and below the bimetallic weld, resulting in pieces about 7 to 8 inches long. The point of contact for the shipments of these specimens to Argonne National Laboratory (ANL) is Mr. William Cullen, Jr., Senior Materials Engineer, Materials Engineering Branch, Office of Research (RES). Mr. Cullen can be reached at 301-415-6754. Following removal of the material described above, and its shipment to ANL, the head will be considered released from quarantine. All other specimen materials such as those sent to Canada and to Lynchburg, Virginia are also considered released from quarantine. Therefore Confirmatory Action Letter (CAL) Issue No. 1 will be considered closed following receipt of the material described above at ANL.

Confirmatory Action Letter Issue No. 2

"Determine the root cause of the degradation around the RPV head penetrations, and promptly meet with the NRC to discuss this information after you have reasonable confidence in your determination."

Status

FENOC provided a Probable Cause Summary Report to the NRC on March 22, 2002, and submitted the Root Cause Analysis Report to the NRC on April 18, 2002. The technical aspects of the root cause were presented to the NRC at a public meeting on May 7, 2002. Subsequent to this, Revision 1 of the Root Cause Analysis Report was submitted on September 23, 2002. NRC review of the technical aspects of the root cause is ongoing.

FENOC submitted a formal root cause analysis report of the "Failure to Identify Significant Degradation of the Reactor Pressure Vessel Head" to the NRC on August 21, 2002. FENOC and Davis-Besse management met with NRC Region III management on August 15, 2002, to discuss the management and human performance aspects of the root cause. Initial NRC review of the organizational and human performance aspects of the root cause will be documented in NRC Inspection Report 50/346;2002-015. CAL Issue No. 2 will remain open pending further NRC review of your root cause efforts in this area.

Confirmatory Action Letter Issue No. 3

"Evaluate and disposition the extent of condition throughout the reactor coolant system relative to the degradation mechanisms that occurred on the RPV head."

Status

On April 15, 2002, FENOC began implementation of its "Davis-Besse Containment Health Assurance Plan". The scope of this plan was increased to encompass the overall health of the Containment. NRC review of your efforts in this area is documented in NRC Inspection Reports 50/346;2002-009 dated September 13, 2002, and 50/346;2002-012 dated November 29, 2002. While Inspection Report 50/346;2002-012 concluded that the "Davis-Besse Containment Health Assurance Plan" was effectively implemented, three unresolved items associated with corrective actions on components potentially affected by boric acid corrosion were identified. These unresolved items were associated with your corrective actions for corrosion of electrical conduit, the bottom nozzles on the reactor vessel, and the containment air coolers. Additionally, at the time, your staff had completed apparent cause determinations with designated corrective actions for only a small number of the components potentially affected by boric acid corrosion. For these reasons, we were not able to reach a conclusion on the completeness or technical adequacy of your corrective actions for structures, systems, and components affected by boric acid corrosion. Therefore, CAL Issue No. 3 will remain open pending additional NRC inspection of your action regarding those unresolved items and your corrective actions for identified deficiencies.

Confirmatory Action Letter Issue No. 4

"Obtain NRC review and approval of the repair or modification and testing plans for the existing RPV head, prior to implementation of those activities. Prior to restart of the reactor, obtain NRC review and approval of any modification and testing activity related to the reactor core or

reactivity control systems. If the reactor vessel head is replaced in lieu of repair or modification, the replacement must comply with appropriate Commission rules and industry requirements."

Status

FENOC elected to replace the damaged RPV head with one purchased from the owners of the canceled Midland Plant located in Michigan. NRC review of the head replacement is documented in NRC Inspection Report 50/346;2002-007, dated November 29, 2002. Based on our inspection, we concluded that adequate records were available and required examinations performed, to ensure that the replacement head was designed and fabricated in conformance with ASME Code requirements and that the original ASME Code Section III N-stamp remained valid. Licensing activities associated with the head replacement have been completed. CAL Issue No. 4 will remain open pending NRC review of successful completion of the reactor coolant system pressure test and control rod drive performance test.

Confirmatory Action Letter Issue No. 5

"Prior to the restart of the unit, meet with the NRC to obtain restart approval. During that meeting, we expect you will discuss your root cause determination, extent of condition evaluations, and corrective actions completed and planned to repair the damage and prevent recurrence."

Status

FENOC submitted Revision 3 of the "Davis-Besse Nuclear Power Station, Unit 1 Return to Service Plan" to the NRC on September 23, 2002. Upon completion of the restart actions described in this Plan, FENOC will submit its Integrated Restart Report which will summarize the root cause determination, extent of condition evaluations and corrective actions completed and planned to prevent recurrence. Prior to FENOC finalizing its decision to enter operating Mode 2, FENOC will meet with NRC to discuss completed and planned actions as described in this Plan and to provide justification for restart. CAL Issue No. 5 will remain open pending that meeting and NRC restart approval.

Confirmatory Action Letter Issue No. 6

"Provide a plan and schedule to the NRC, within 15 days of the date of this letter, for completing and submitting to the NRC your ongoing assessment of the safety significance for the RPV head degradation."

Status

The FENOC plan and schedule for completing and submitting your assessment of the safety significance of the RPV degradation was submitted to the NRC on March 27, 2002. FENOC submitted the Safety Significance Assessment to the NRC on April 8, 2002, and responded to NRC staff requests for additional information by letters dated June 12, 2002, July 12, 2002, and July 20, 2002. CAL Issue No. 6 is considered closed.

May 15, 2002

CAL No. 3-02-001A

Mr. Howard Bergendahl
Vice President - Nuclear, Davis-Besse
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: REVISED CONFIRMATORY ACTION LETTER - DAVIS-BESSE NUCLEAR POWER STATION

Dear Mr. Bergendahl:

As a result of your identification of extensive degradation to the pressure boundary material of the reactor pressure vessel (RPV) head, the NRC dispatched an Augmented Inspection Team to your facility on March 12, 2002. A copy of the charter for the Augmented Inspection Team is enclosed for your information. The RPV head degradation was discovered on March 6, 2002, during repair activities that followed from the identification of cracks in several Control Rod Drive Mechanism (CRDM) penetration tubes. The initial penetration examinations which led to the crack identification were performed in response to Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles."

Following discussions between you and Mr. J. A. Grobe, Director, Division of Reactor Safety, Region III, you issued a letter to document commitments for activities to evaluate and resolve the RPV head degradation issue. In your letter to the NRC dated March 12, 2002, (Serial Number 1-1265), you identified several specific activities you intend to implement to resolve the reactor pressure vessel head material degradation issue. Those items are restated below as items (1) through (6) as clarified during additional telephone discussions with you on March 13, 2002, and May 13, 2002. It is our understanding that you will take the following actions:

(1) Quarantine components or other material from the RPV head and CRDM nozzle penetrations that are deemed necessary to fully address the root cause of the occurrence of degradation of the leaking penetrations. Prior to implementation, plans for further inspection and data gathering to support determination of the root cause will be provided to the NRC for review and comment.

(2) Determine the root cause of the degradation around the RPV head penetrations, and promptly meet with the NRC to discuss this information after you have reasonable confidence in your determination.

(3) Evaluate and disposition the extent of condition throughout the reactor coolant system relative to the degradation mechanisms that occurred on the RPV head.

(4) Obtain NRC review and approval of the repair or modification and testing plans for the existing RPV head, prior to implementation of those activities. Prior to restart of the reactor, obtain NRC review and approval of any modification and testing activity related to the reactor core or reactivity control systems. If the reactor vessel head is replaced in lieu of repair or modification, the replacement must comply with appropriate Commission rules and industry requirements.

(5) Prior to the restart of the unit, meet with the NRC to obtain restart approval. During that meeting, we expect you will discuss your root cause determination, extent of condition evaluations, and corrective actions completed and planned to repair the damage and prevent recurrence.

(6) Provide a plan and schedule to the NRC, within 15 days of the date of this letter, for completing and submitting to the NRC your ongoing assessment of the safety significance for the RPV head degradation.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C 2232, you are required to:

(1) Notify me immediately if your understanding differs from that set forth above;

(2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and

(3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

This Confirmatory Action letter was revised to address the option to replace the existing reactor vessel head and it supercedes the original Confirmatory Action Letter issued March 13, 2002. Issuance of this revised Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at http://www.nrc.gov/NRC/ADAMS/index.html (the Public Electronic Reading Room).

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Docket No. 50-346
License No. NPF-3

Enclosure: Augmented Inspection Team Charter - Davis-Besse
Reactor Vessel Head Material Loss
(ADAMS Accession No. ML020730194)

cc w/encl: B. Saunders, President - FENOC
Plant Manager
Manager - Regulatory Affairs
M. O'Reilly, FirstEnergy
Ohio State Liaison Officer
R. Owen, Ohio Department of Health
Public Utilities Commission of Ohio
President, Board of County Commissioners
Of Lucas County

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Of Lucas County

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NAME	JJacobson:sd		MHolmberg for CLipa		BClayton		JJacobson for JGrobe	
DATE	05/10/2002		05/10/2002		05/10/2002		05/10/2002	

OFFICE	NRR		RIII					
NAME	MHolmberg for BDean via telecom		JDyer					
DATE	05/10/2002		05/15/2002					

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March 13, 2002

CAL No. 3-02-001

Mr. Howard Bergendahl
Vice President - Nuclear, Davis-Besse
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: CONFIRMATORY ACTION LETTER - DAVIS-BESSE NUCLEAR POWER STATION

Dear Mr. Bergendahl:

As a result of your identification of extensive degradation to the pressure boundary material of the reactor pressure vessel (RPV) head, the NRC dispatched an Augmented Inspection Team to your facility on March 12, 2002. A copy of the charter for the Augmented Inspection Team is enclosed for your information. The RPV head degradation was discovered on March 6, 2002, during repair activities that followed from the identification of cracks in several Control Rod Drive Mechanism (CRDM) penetration tubes. The initial penetration examinations which led to the crack identification were performed in response to Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles."

Following discussions between you and Mr. J. A. Grobe, Director, Division of Reactor Safety, Region III, you issued a letter to document commitments for activities to evaluate and resolve the RPV head degradation issue. In your letter to the NRC dated March 12, 2002, (Serial Number 1-1265), you identified several specific activities you intend to implement to resolve the reactor pressure vessel head material degradation issue. Those items are restated below as items (1) through (6) as clarified during additional telephone discussions with you on March 13, 2002. It is our understanding that you will take the following actions:

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(2) Determine the root cause of the degradation around the RPV head penetrations, and promptly meet with the NRC to discuss this information after you have reasonable confidence in your determination.

(3) Evaluate and disposition the extent of condition throughout the reactor coolant system relative to the degradation mechanisms that occurred on the RPV head.

(4) Obtain NRC review and approval of the repair or modification and testing plans for the RPV head, prior to implementation of those activities. Prior to restart of the reactor, obtain NRC review and approval of any modification and testing activity related to the reactor core or reactivity control systems.

(5) Prior to the restart of the unit, meet with the NRC to obtain restart approval. During that meeting, we expect you will discuss your root cause determination, extent of condition evaluations, and corrective actions completed and planned to repair the damage and prevent recurrence.

(6) Provide a plan and schedule to the NRC, within 15 days of the date of this letter, for completing and submitting to the NRC your ongoing assessment of the safety significance for the RPV head degradation.

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(3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

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Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Docket No. 50-346
License No. NPF-3

Enclosure: Augmented Inspection Team Charter - Davis-Besse Reactor Vessel Head Material Loss

cc w/encl: B. Saunders, President - FENOC
Plant Manager
Manager - Regulatory Affairs
M. O'Reilly, FirstEnergy
Ohio State Liaison Officer
R. Owen, Ohio Department of Health
Public Utilities Commission of Ohio

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Sincerely,
/RA/
J. E. Dyer,
Regional Administrator

Docket No. 50-346
License No. NPF-3

Enclosure: Augmented Inspection Team Charter - Davis-Besse Reactor Vessel Head Material Loss

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NAME	JJacobson:sd	CLipa	BClayton	JGrobe
DATE	3/13/02	3/13/02	3/13/02	3/13/02

OFFICE	NRR	RIII		
NAME	BSheron for SCollins per telecon w/JGrobe	JDyer		
DATE	3/13/02	3/13/02		

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DRSIII
PLB1
JRK1
RJS2
RML2
OEMAIL

April 16, 2003

MEMORANDUM TO: J. E. Dyer, Regional Administrator

FROM: J. A. Grobe, Chairman, Davis-Besse Oversight Panel */RA CLipa Acting for/*

SUBJECT: REVISED DAVIS-BESSE IMC 0350 OVERSIGHT PANEL CHARTER

Attached is a revised Davis-Besse IMC 0350 Panel Charter. This Charter has been revised to change one panel member.

cc w/att:
W. Kane, EDO
H. Nieh, EDO
S. Collins, NRR
B. Sheron, NRR
J. Zwolinski, NRR
W. Dean, NRR
W. Ruland, NRR
C. Carpenter, NRR
T. Mendiola, NRR
J. Hopkins, NRR
M. Phillips, RIII
J. Dyer, RIII
J. Caldwell, RIII
G. Grant, RIII
S. Reynolds, RIII
C. Lipa, RIII
D. Hills, RIII
J. Jacobson, RIII
C. Thomas, RIII
S. Burgess, RIII
D. Passehl, RIII

MEMORANDUM TO: J. E. Dyer, Regional Administrator

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

SUBJECT: REVISED DAVIS-BESSE IMC 0350 OVERSIGHT PANEL CHARTER

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cc w/att:
W. Kane, EDO
H. Nieh, EDO
S. Collins, NRR
B. Sheron, NRR
J. Zwolinski, NRR
W. Dean, NRR
W. Ruland, NRR
C. Carpenter, NRR
T. Mendiola, NRR
J. Hopkins, NRR
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J. Dyer, RIII
J. Caldwell, RIII
G. Grant, RIII
S. Reynolds, RIII
C. Lipa, RIII
D. Hills, RIII
J. Jacobson, RIII
C. Thomas, RIII
S. Burgess, RIII
D. Passehl, RIII

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OFFICE	RIII		RIII		RIII			
NAME	DPassehl/klg		CLipa		JGrobe/*RA* *CLipa for/*			
DATE	04/08/03		04/16/03		04/16/03			

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NRC INSPECTION MANUAL CHAPTER 0350 CHARTER

DAVIS-BESSE NUCLEAR POWER STATION

IMC 0350 PANEL MEMBERS:

John Grobe, Chairman, Davis-Besse Oversight Panel
William Ruland, Project Director, Division of Licensing and Project Management, NRR
Christine Lipa, Branch Chief - Projects Branch 4, RIII
David Hills, Branch Chief, Mechanical Engineering Branch, RIII
John Jacobson, Senior Metallurgical Engineer, RIII
Anthony Mendiola, Section Chief PDIII-2, NRR
Jon Hopkins, Project Manager, NRR
Christopher (Scott) Thomas, Senior Resident Inspector - Davis-Besse
Sonia Burgess, Senior Reactor Analyst, RIII

Purpose and Objectives of the Panel

The purpose for establishing this Inspection Manual Chapter (IMC) 0350 Panel is to set criteria for the oversight of the Davis-Besse Nuclear Power Station during the extended shutdown due to reactor vessel head degradation. The objective of the panel is to provide the required oversight throughout the shutdown and restart to ensure the NRC's four strategic performance goals are met.

Implementation of IMC 0350 enhances timely development and dissemination of agency positions on key issues and provides a coordinated focus through the Panel for agency representation. In addition, the public meeting structure through IMC 0350 will ensure clear public understanding of the issues and agency actions.

Implementation of an IMC 0350 Panel brings clear focus on decision making and prioritization for the agency and minimizes the duplicative efforts among the responsible agency organizations. In addition, the Panel will ensure that there is alignment between those responsible for decision making within the NRC and those who have the responsibility for accomplishing restart-related activities.

Implementation of IMC 0350 brings a central focus for the agency that will enable it to determine what activities are essential for completion prior to safe restart of the reactor and which activities are generic or should be deferred until after restart. The licensee, both through meetings and correspondence, will have the opportunity to comment and agree on the safety concerns that become restart action items and thoroughly understand agency expectations, minimizing mis-communications and unnecessary burden.

Tasking Goals

- Provide oversight and assessment of licensee performance during the shutdown and through restart. Establish a clear, scrutable record of NRC activities and decisions regarding restart and ensure effective communication with internal and external stakeholders.

- Assure that restart issues included in the Confirmatory Action Letter and the Restart Checklist are resolved and provide a recommendation to the Regional Administrator to approve restart.

- Continue Panel oversight through plant restart and provide a recommendation to the Regional Administrator to return the plant to the routine Reactor Oversight Process.

Panel Responsibilities

1. Review all available information directly related to the reason for the plant shutdown and for the past four quarters of plant operations. This includes performance indicator data, inspection findings and docketed correspondence from the licensee.

2. Establish, maintain cognizance, and update as necessary, the following documents. Adjust the level of NRC involvement when key activities are completed or major events or findings occur or are identified.

   a. IMC 0350 Panel Process Plan

   b. Davis-Besse Restart Checklist

   c. IMC 0350 Communications Plan

2. Maintain cognizance over the status of Confirmatory Action Letter (CAL) requirements and recommend to the Regional Administrator, in consultation with cognizant program office management where appropriate, any necessary modifications.

3. Maintain an ongoing assessment of licensee performance throughout the licensee's implementation of its plans for restart through reviews of inspections, performance indicators, licensee assessments and analyses, allegations, investigations, and any other relevant plant performance information. Under the IMC 0350 process, the Panel will provide oversight and the routine Reactor Oversight Process will be suspended. The licensee will be encouraged to continue to submit Performance Indicator data in accordance with NEI 99-02.

4. Determine the inspection (scope and level of effort) necessary to review identified risk-significant issues for restart. The Panel will determine which baseline inspections to continue and which to suspend. All inspection schedules will be documented in letters to the licensee.

5. Assess the adequacy of the licensee's corrective actions for the reactor vessel head degradation, related issues, and improvement plans through inspections and licensing actions as determined by the Panel. This includes maintaining cognizance of applicable licensing actions under review by the staff.

6. Assess the physical readiness of the plant for restart, through inspections and other NRC staff activities as determined by the Panel.

7. Periodically provide NRC management and the Commission, if requested, briefings and updates on the status of the licensee's progress, briefings and updates on corrective actions, and overviews of licensee performance. Frequent internal IMC 0350 Panel meetings will be conducted to discuss significant technical and performance issues, NRC regulatory approach, and NRC resources and priorities. Meeting minutes for all internal meetings will be prepared and maintained in ADAMS.

8. Conduct periodic public meetings with the licensee to discuss progress toward satisfactory completion of the licensee's restart program. Frequent meetings will be held to discuss progress in resolving technical issues and performance issues and to ensure the licensee understands current NRC concerns. Meetings will generally be conducted at a location near the site and meeting summaries will be generated and placed into ADAMS.

9. On the basis of satisfactory completion of the pre-startup portion of the licensee's restart program, provide a written recommendation and the basis of the approval for restart to the Regional Administrator and the Director of NRR.

10. Provide post-restart oversight of licensee performance until there is a return to the routine reactor oversight process (ROP).

11. Provide a written recommendation to the Regional Administrator and the Director of NRR for the return to the ROP.

12. Ensure a comprehensive record is developed that documents NRC decisions and actions related to IMC 0350 activities.

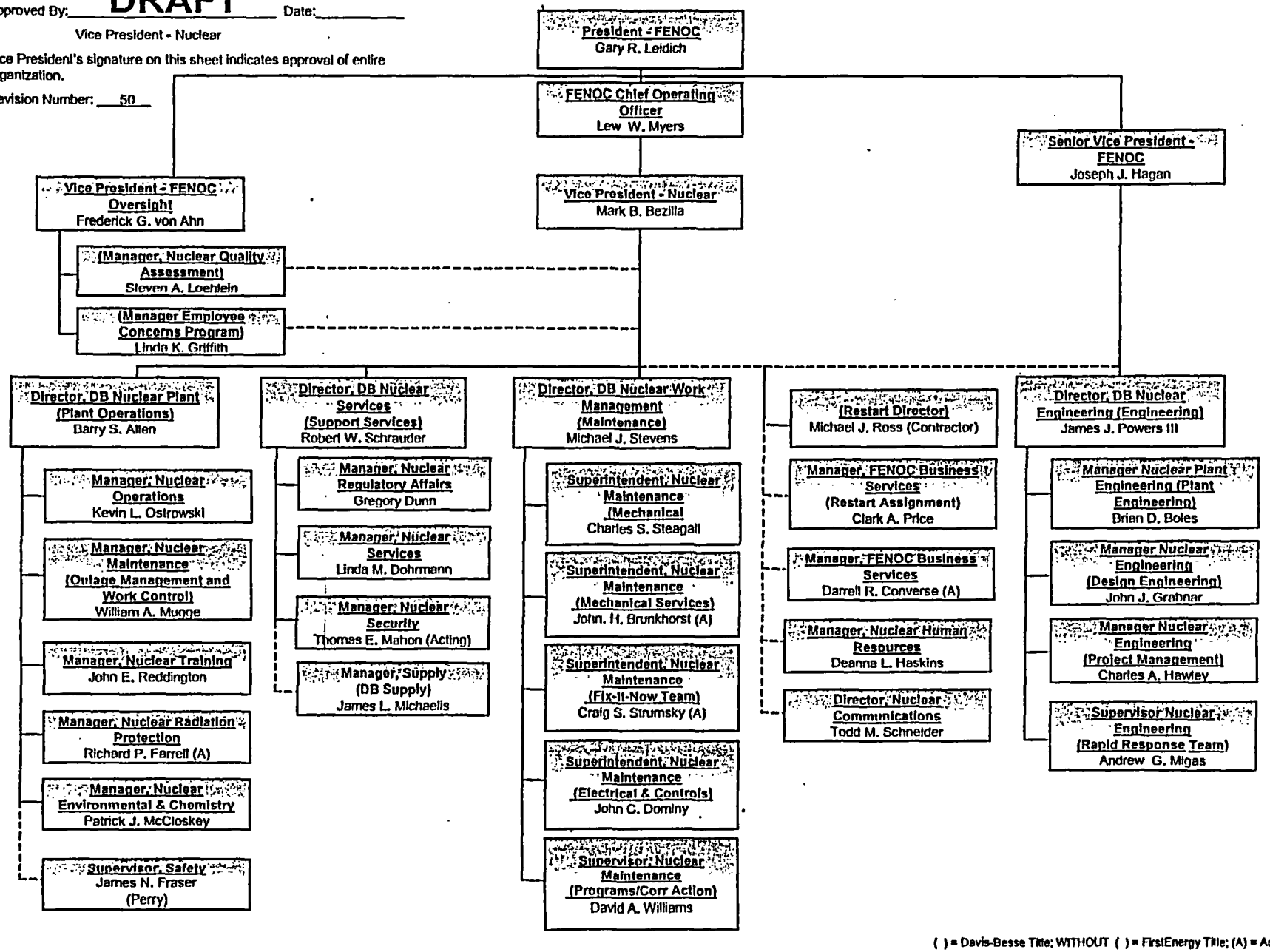
DAVIS-BESSE SITE ORGANIZATION

Approved By: DRAFT Date: _____

Vice President - Nuclear

Vice President's signature on this sheet indicates approval of entire organization.

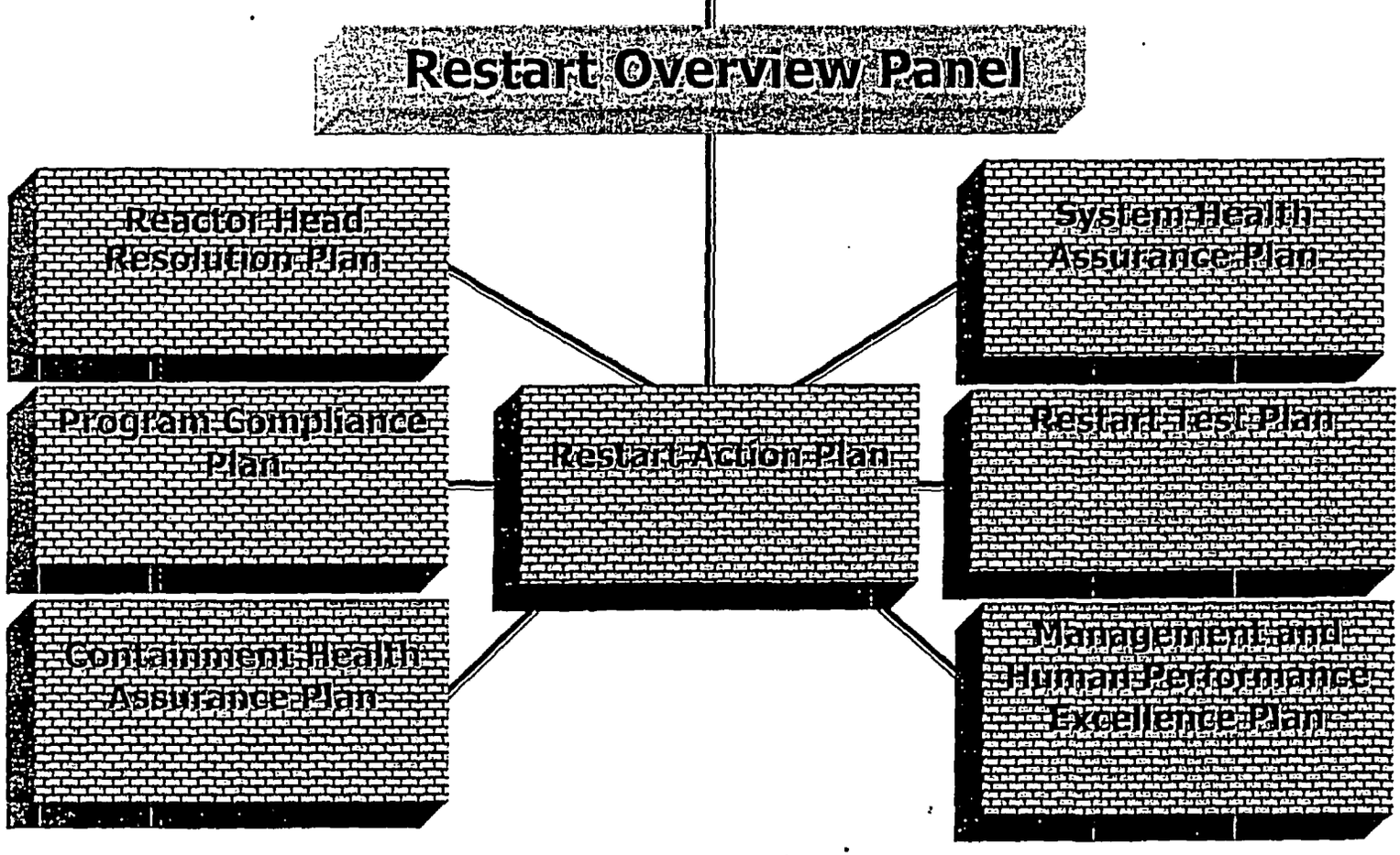
Revision Number: 50



( ) = Davis-Besse Title; WITHOUT ( ) = FirstEnergy Title; (A) = Acting

FirstEnergy

Return to Service Plan



B.1. AGENCY RESPONSE - Note: Items in the "Description" column in **Bold** are required by IMC 0350. Statements in quotations were taken from IMC 0350.

"The panel should focus its restart review efforts on those performance issues and conditions that were identified through the routine reactor oversight process. The performance data, root causes, and their apparent risk impact are to be established early in the process. This information will assist the NRC in characterizing the problems, the appropriate regulatory response, and the adequacy of the licensee's corrective actions. Early management appraisal of the situation is also important to ensure that the proper immediate actions are taken."

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.1.a	Issue Confirmatory Action Letter (CAL 3-02-001)	RIII/RA	N/A	03/13/02	Complete. ML020730225
B.1.b	Issue Revision(s) to CAL	RIII	N/A	05/15/02 Rev A 12/24/02 Rev B 01/21/03 Rev C 07/17/03 Rev D 09/19/03 Rev E	Complete. ML021360105 ML023600267 ML030220165 ML031990082 ML032650662
B.1.c	Performed AIT Inspection (IR 02-03)	RIII/R. Gardner	N/A	Exit 04/05/02 Issued 5/3/02	Complete. ML021260141
B.1.d	Perform AIT Follow-Up Inspection (IR 02-08)	Gavula/Farber/Jacobson	N/A	Exit 08/09/02 Issued 10/02/02	Complete. ML022750524
B.1.e	Perform OI Investigation(s) as Appropriate	OI	N/A	Per OI	Complete. See Allegation Management System for Open Investigations

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.1.f	Initiate IMC 0350 Process	RIII/RA	N/A	See Steps Below	Complete. See Below
B.1.f.1	Basis for Entry into IMC 0350 (White Paper)			04/29/02	Complete. ML021200431
B.1.f.2	Memo, Dyer to Grobe (Initiate IMC 0350 Process)			04/29/02	Complete. ML021190773
B.1.f.3	Letter, Dyer to Bergandahl (NRC Oversight Efforts Regarding Davis-Besse)			04/29/02	Complete. ML021190661
B.1.f.4	Memo, Grobe to Dyer (IMC 0350 Charter and Process Plan)			05/03/02	Complete. ML021230683
B.1.f.5	Issue Revisions to Charter	Panel	N/A	06/03/02 Rev1 07/25/02 Rev2 08/26/02 Rev3 04/16/03 Rev4	Complete. ML021840651 ML022070669 ML022400273 ML031060669
B.1.g	Review Lessons Learned Task Force (LLTF) Report for Plant Issues and Take Appropriate Action	Lipa/Mendiola		02/17/03	Complete. RIII staff reviewed LLTF report Section 3.2 and issues were incorporated into the Restart Action Matrix.
B.1.h	Support Senior Manager Site Visits	RIII/NRR	N/A	N/A	See List of Senior Manager Site Visits below
B.1.h.1	Jim Dyer and Brian Sheron	RIII/NRR	04/04-05/02	04/04-05/02	Complete.

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.1.h.2	Jon Johnson	RIII/NRR	08/20/02	08/20/02	Complete.
B.1.h.3	Jim Caldwell	RIII/NRR	09/16/02	09/16/02	Complete.
B.1.h.4	Sam Collins and Jim Dyer	RIII/NRR	10/09/02	10/09/02	Complete.
B.1.h.5	Sam Collins	RIII/NRR	11/13/02	11/13/02	Complete.
B.1.h.6	Bill Borchardt	RIII/NRR	11/20/02	11/20/02	Complete.
B.1.h.7	Bill Kane	RIII/NRR	01/09/03	01/09/03	Complete.
B.1.h.8	Sam Collins and Jim Dyer	RIII/NRR	03/06/03	03/06/03	Complete.
B.1.h.9	Sam Collins and Jim Dyer	RIII/NRR	05/05/03	05/05/03	Complete.
B.1.h.10	John Zwolinski and Brian Sheron	RIII/NRR	05/06/03	05/06/03	Complete.
B.1.h.11	Sam Collins	RIII/NRR	10/07/03	10/07/03	Complete.
B.1.h.12	Jim Caldwell	RIII/NRR	11/10/03	11/10/03	Complete.
B.1.h.13	Brian Sheron/ Tad Marsh	RIII/NRR	11/12/03	11/12/03	Complete.
B.1.h.14	Jim Caldwell	RIII/NRR	01/20/04	01/20/04	Complete.
B.1.h.15	Jim Caldwell/ Jim Dyer/ Sam Collins	RIII/NRR	02/11/04	02/11/04	Complete.

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.2 NOTIFICATIONS AND ONGOING COMMUNICATIONS **"Notification to industry and public stakeholders of implementation of this manual chapter should be promptly communicated through press releases, letters, and a posting on NRC's Internet home page Web site. Notification should include the NRC's understanding of the performance issues, performance trend history over the last four quarters, and any other pertinent issue or regulatory concern. With regard to the responsibilities of the panel, notification to regional and Headquarters offices of cognizant Federal agencies should have already been performed in accordance with the guidance in IMC 71153, "Event Followup." However, as the review process continues, additional and continuing notifications may be required."**					
B.2.a	**Issue Daily and Director's Highlight and EDO Daily Notes, when appropriate**	NRR	N/A	Ongoing	Complete. (Complete for Initial Panel Notification; Weekly Status Reports Satisfy Ongoing)
B.2.b	**Issue Preliminary Notification, when appropriate**	RIII RPV Head RPV Head RPV Head Discrete Rad Part Discrete Rad Part Crack in Head Clad	PNO-III-02-006 PNO-III-02-006A PNO-III-02-006B PNO-III-02-016 PNO-III-02-016A PNO-III-02-036	03/08/02 03/15/02 04/05/02 04/16/02 04/24/02 09/10/02	Complete. ML020670776 ML020740651 ML020950289 ML021060747 ML021140410 ML022540278

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.2.b.1	Issue Morning Reports, when appropriate	RIII	MR No.		Complete.
		Management Chg	02-009	05/08/02	[NEED ML#s HERE]
		Management Chg	02-013	05/21/02	[NEED ML#s HERE]
		Management Chg	02-020	07/11/02	[NEED ML#s HERE]
		Management Chg	02-022	08/06/02	[NEED ML#s HERE]
		Mode 5 Entry	03-007	03/12/03	ML030760255
		Management Chg	03-013	04/28/03	[NEED ML#s HERE]
		Management Chg	03-025	07/17/03	[NEED ML#s HERE]
		Entry into Mode 4/3	03-012	09/12/03	ML032550172
		NOP Test Susp	03-014	09/17/03	ML032600170
		Management Chg	03-016	09/30/03	ML032731018
B.2.c	**Conduct Commissioner/ Commissioner assistants' briefings**	NRR			Complete.
		- Initial Notification	03/14/02	03/14/02	
		- Note to Commission[1]	04/29/02[1]	04/29/02[1]	ML021200389[1]
		- Safety Culture Insp.	04/02/03	04/02/03	
		- Walkaround Action Plan for Individuals	07/03/03	07/03/03	
		- Walkaround for Prelim Yellow (Sump)	07/31/03	07/31/03	
		- Walkaround on Oath and Affirmation (Signature Issue)	08/06/03	08/06/03	
		- Walkaround: Individual Status Briefing for Chairman Diaz and Commissioners McGaffigan and Merrifield	11/13-18/03	11/13-18/03	
		- Restart Meeting Notice[2]/ Press Release	02/12/04	02/12/04	ML040370811[2]

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.2.d	Issue Commission paper	RIII/NRR	N/A	12/01/03	Complete: Per 12/01/03 email from B.Dean, there is no requirement/expectation for a commission paper prior to restart.
B.2.e	Notify cognizant Federal agencies: Federal Emergency Management Agency (FEMA), Environmental Protection Agency (EPA), Department of Justice (DOJ)				Complete. Notifications of Other Federal Agencies Not Necessary for Establishment of this DB 0350 Panel
B.2.f	Notify State and local officials	RIII - Notified State and Local Officials upon Establishment of the 0350 Panel - Governor Taft Briefing - Status Update Briefing for Governor Taft - County Commissioners - State of Ohio Utility Radiological Safety Board	04/30/02 02/27/03 12/09/03 Monthly Quarterly	04/30/02 02/27/03 12/09/03 Monthly Quarterly	Complete. ML021200438[1]

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.2.g	Notify Congress	NRR OCA/NRR/ and Oversight Panel member J.Grobe Have Ongoing Dialogue with Various Congressional Offices	10/24/02 02/04/03 09/22/03	10/24/02 02/04/03 09/22/03	Complete. Rep. Kucinich Field Hearing Commission Briefing of Senate Subcommittee Congress Staff Brief Regularly Brief Staff of Involved Senators and Representatives
B.2.g.1	Monthly Reports to Congress	RIII/NRR	Dec 2002 Jan 2003 Feb 2003 Mar 2003 Apr 2003 May 2003 Jun 2003 Jul 2003 Aug 2003 Sept 2003 Oct 2003 Nov 2003 Dec 2003 Jan 2004 Feb 2004 Mar 2004	03/07/03 03/28/03 05/02/03 05/28/03 06/20/03 07/18/03 08/18/03 09/12/03 10/16/03 11/25/03 01/21/04 12/05/03 to EDO 01/07/04 to EDO 02/05/04 to EDO UPDATE COMP DATE WHEN ISSUED	ML030310043 ML030570717 ML030940672 ML031220631 ML031480647 ML031760611 ML032040174 ML032340743 ML032550014 ML032900350 ML033421347 [NEED ML#s HERE] [NEED ML#s HERE]

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.2.h	Notify Native American Tribal Governments	OSTP	N/A	N/A	Complete. N/A per Roland Lickus email dtd 07/09/03
B.2.i	Completed Notifications of Implementation of IMC 0350	RIII/NRR/OPA/OCA	05/01/02	04/29/02	Complete. Communication Plan ML021200431
B.2.j	Develop Communications Plan for Ongoing Activities	Panel w/ OPA/OCA	07/31/02	09/06/02	Complete. ML022540513
B.2.k	Review and Update Communications Plan as Necessary	Communication Team	N/A	09/06/02 11/06/03	Complete. Revision 1-ML022540513 Revision 2-ML033110057
B.2.l	Finalize Periodic Status Reports	RIII/Lipa RIII/OPA Public Affairs Monthly Newsletters[1] Panel Weekly Reports[2]	Ongoing Daily Monthly Weekly	Ongoing Daily Monthly Weekly	Ongoing ML032740132 (pkg)[1] ML032740120 (pkg)[2]
B.2.m	Execute Communication Plan	Communication Team	Ongoing	Ongoing	ML040420414 DB Comm Team Summaries [NEED ML# HERE]
B.2.n	Develop View Book	Grobe/Lipa		11/01/02	Complete.

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.2.o	Industry Communications/ Presentations	RIII/NRR			Complete.
		- IAEA Conference: Management of Safety and Safety Culture	06/05-06/03	06/05-06/03	[NEED ML#s HERE]
		- Utility Working Conference (Grobe)	08/08/02	08/08/02	ML022120093
		- Reg Info Conference (Grobe)	04/16-18/03	04/16-18/03	[NEED ML#s HERE]
		- Regional Utility Group (Grobe)	06/26/03	06/26/03	[NEED ML#s HERE]
		- Safety Research Conference	10/20-22/03	10/20-22/03	[NEED ML#s HERE]
		- Reg Info Conference (Grobe)	03/10-12/04	03/10-12/04	[NEED ML#s HERE]
B.3 ESTABLISH AND ORGANIZE THE NRC OVERSIGHT PROCESS					
B.3.a	**Establish the Restart Oversight panel**	Panel	04/30/02	04/30/02	Complete. ML021280284 The first internal Panel meeting discussed the draft charter and initial meeting with the licensee.

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.3.b	Assess available information (i.e., performance indicator [PI] data, baseline and supplemental inspection findings, results of risk studies and event analyses, licensee self-assessments, allegations, performance improvement plan, and industry reviews). This information includes issues and inspection findings that were not directly related to the reason for the shutdown, if they were determined to have risk significance	Panel - Internal meeting minutes from 5/06/02 mtg[1] - Panel Discussed 2002 End of Cycle Paper - Panel Discussed 2003 Mid Cycle Paper - Discussed PIs and Findings during Panel: 10/30/03 02/03/04 02/17/04 Allegations Are a Standing Panel Agenda Item	N/A	Ongoing 05/06/02 02/12/03 07/30/03 10/30/03 02/03/04 02/17/04	 ML021430183[1] [NEED ML#s HERE] [NEED ML#s HERE] ML033240083 Pending Pending

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.3.b.1	Conduct Significance and Enforcement Review Panel Meetings	Panel	N/A	Ongoing	
		- Degraded Reactor Head (Red)	02/06/03	02/06/03	ML030560426
		- Radiation Protection (White(2))	12/12/02	12/12/02	ML030230080
		- Red - Reactor Vessel Head Failure to Implement Corrective Action for Boric Acid Corrosion Program Rpt 03-16	02/25/03	05/29/03	ML031490778
		- White - Radiation Protection: Failure to Effectively Monitor Internal Dose	01/07/03	02/19/03	ML030510072
		- White - Radiation Protection: Substantial Potential for an Overexposure Due to Internal Exposure	01/07/03	02/19/03	ML030510072
		- Yellow - Containment Sump: Failure to Take Corrective Action on Containment Coatings	07/30/03	10/07/03	ML032801706

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
		- White - HPI Pumps: Failure to Properly Verify Pump Design Adequate for Postulated Accident Scenarios	09/04/03 SERP[1] 10/08/03 Prelim Notif Ltr[2] 12/05/03 Licensee Reply[3] 02/19/04 Re-SERP[4]	09/04/03 10/08/03 12/05/03 02/19/04	ML032671375[1] ML032810667[2] [NEED ML#s HERE] [3] [NEED ML#s HERE] [4]
B.3.c	Develop the Restart Checklist. The criteria for including issues and items on the checklist are any issue, event, or condition identified by the licensee or by the NRC that has risk significance, as determined by the significance determination process (SDP). (Note: shutdown-related issues should be referred to the region and the senior risk analysts (SRAs) for issue-specific risk review until a shutdown SDP has been incorporated into IMC 0305)	Panel - Rev.0[1] - Rev.1[2] (added clmt sump and rad protection program) - Rev.2[3] (added completeness and accuracy) - Rev.3[4] (added HPI Pump and Relocated HPI and LPI Testing to USAR)	07/31/02 10/30/02 01/28/03 07/02/03	08/16/02 10/30/02 01/28/03 07/02/03	ML022310034[1] ML023030590[2] ML030290155[3] ML031832495[4]
B.3.d	Obtain input from involved parties both within NRC and other Federal agencies, such as FEMA, EPA, DOJ.	RIII - Rev. 0 Panel Charter		05/03/02	Complete. ML021230683 Panel determined that no external input was necessary

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.3.e	Conduct periodic Regional Administrator briefings	RIII	Biweekly	Ongoing	Ongoing RA Briefed per Communications Plan
B.3.f	Conduct periodic NRR Executive Team briefing	NRR	Biweekly	Ongoing	Ongoing Executive Team briefed per Communications Plan
B.3.g	Approve the Restart Checklist	(Regional Administrator)	Complete	Complete	Complete. See B.3.c
B.3.h	Approve the Restart Checklist (for those issues for which NRR has the technical lead)	NRR Office Director	Complete	Complete	Complete. See B.3.c
B.3.i	Implement the Restart Checklist	Panel	Complete.	Complete	Complete. See B.3.c
B.3.j	Modify CAL or order as necessary.	RIII	Complete.	Complete.	Complete. See B.1.a and B.1.b
B.3.k	Finalize Restart Action Matrix	Lipa/Passehl	03/31/03	Updated Regularly at Panel Meetings	Complete.
B.3.l	Maintain Cognizance of Ongoing Reviews of 2.206 Petitions	Panel/ Donna Skay (HQ) Dan Collins (NRR)	N/A	Ongoing	See completed actions below
B.3.l.1	- David Lochbaum et. al.10 CFR 2.206 Petition[1] - Dir Decision[2]		Incoming Final Decision	04/24/02[1] 10/15/02[2]	ML021260444[1] ML022620366[2]

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.3.I.2	- Congressman Kucinich 10 CFR 2.206 Petition[3] - Dir Decision[4]		Incoming Final Decision	02/03/03[3] 09/12/03[4]	ML030370067[3] ML032480751[4]
B.3.I.3	Greenpeace et. al. 10 CFR 2.206 Petition[5] - Immediate Action Response[6] - Director's Decision[7]		- Incoming - Immediate Action Response - Director's Decision	08/25/03[5] 11/26/03[6] 02/05/04[7]	Complete. ML032400435[5] ML033010172[6] [NEED ML#s HERE][7]
B.3.m	Issue Inspection Schedule to Licensee	Lipa	N/A Enhanced Inspection Plan	Ongoing 11/27/02 03/31/03 06/30/03 Upon Restart Authorization	Ongoing ML023330485 ML030900753 ML031810288 [NEED ML#s HERE]
B.3.n	Determine Which Licensing Actions Needed for Restart	NRR			Complete. See B.3.c

B.4 ASSESSMENT OF LICENSEE PERFORMANCE

"Early establishment of the review areas of concern will help define the methods and the appropriate level of oversight. When the licensee has developed its performance improvement plan (or equivalent), the NRC shall review that plan for completeness and adequacy. The NRC will also need to determine which corrective actions must be required to be implemented before restart and those that can be deferred to some later date as long-term, post-restart corrective actions."

B.4.1	Licensee Performance Improvement Plan

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.1.a	Evaluate NRC inspection findings, including Augmented Inspection Team, Incident Investigation Team, or other team inspections performed after formation of the panel.	See Inspections Below	N/A	N/A	See Inspections Below
B.4.1.a.1	AIT Inspection IR 02-03	Gardner Start 03/12/02	End 04/05/02	Exit 04/05/02 Issued 05/03/02	Complete. ML021260141
B.4.1.a.2	AIT Followup Inspection IR 02-08	Gavula Start 05/15/02	End 08/09/02	Exit 08/09/02 Issued 10/02/02	Complete. ML022750524
B.4.1.a.3	Reactor Pressure Vessel Head Replacement Inspection IR 02-07	Holmberg Start 02/20/02	End 10/24/02	Exit 10/24/02 Issued 11/29/02	Complete. ML023370100
B.4.1.a.4	Boric Acid Corrosion Extent of Condition Inspection (Containment Health Part I) IR 02-09	Holmberg Start 06/10/02	End 08/01/02	Exit 06/21/02 07/26/02 Issued 09/13/02	Complete. ML022560237
B.4.1.a.5	Program Effectiveness Inspection Parts I and II IRs 02-11 and 03-09	O'Brien Start 09/09/02 Jacobson Start 03/03/03	End 06/27/03 End 05/23/03	Exit 06/27/03 Exit 05/23/03 Issued 07/07/03	Complete. ML031880844

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.1.a.6	Boric Acid Corrosion Extent of Condition Inspection (Containment Health Part II) IR 02-12	Holmberg Start 08/01/02	End 10/24/02	Exit 10/24/02 Issued 11/29/02	Complete. ML023370132
B.4.1.a.7	System Health Assurance IRs 02-13 and 02-14	Farber Start 09/03/02 (IR 02-13) Bartlett Start 09/23/02 (IR 02-14)	End 11/13/02 (Both)	Exit 11/13/02 (Both) Issued 02/26/03 Issued	Complete. ML030630291 [NEED ML#s HERE]
B.4.1.a.8	Management and Human Performance Inspection Phase I (Corrective Action Identification) IR 02-15	Wright Start 09/09/02	End 10/04/02	Exit 12/18/02 Issued 02/06/03	Complete. ML030380037
B.4.1.a.9	Uncontrolled Radioactive Material Release and Substantial Potential for Overexposure Special Inspections IRs 02-06 and 02-16	House Start 04/18/02 (IR-06) Kozak Start 09/30/02 (IR-16)	End 12/13/02 (Both)	Initial Assessment 04/25/02. Preliminary Exit/Public Mtg 10/16/02 Final Exit 12/13/02 Issued 01/07/03	Complete. ML030070606
B.4.1.a. 10	Management and Human Performance Inspection Phase II - Corrective Actions (IR 02-18)	Wright Start 10/10/02	End 06/13/03	Exit 06/13/03 Issued 07/24/03	Complete. ML032050528

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.1.a. 11	Design Issues-Path A (System Health Readiness and Latent Issue Reviews) Design Issues-Path B (Safety Function Validation Inspection of 10 Systems) Design Topical Issues-Path C (HELB, EQ, Seismic, Flooding, Appendix R) (IR 03-03)	Farber Start	End 09/09/03	Preliminary Exit 07/18/03 Final Exit 09/09/03 Issued 10/21/03	Complete. ML032950012
B.4.1.a. 12	Integrated Leak Rate Test Inspection (IR 03-05)	Farber Start 03/28/03	End 07/18/03	Exit 07/18/03 Issued 08/05/03	Complete. ML032230339
B.4.1.a. 13	ECCS and Containment Spray System Sump Inspection (IR 03-06)	Coyne Start 03/31/03	End 04/11/03	Preliminary Exit 04/11/03 Final Exit 06/16/03 Issued 06/17/03	Complete. ML031710897
B.4.1.a. 14	IP 95002 and RP Special Inspection (IR 03-08)	Slawinski Start 02/24/03	End 04/15/03	Exit 04/15/03 Issued 05/30/03	Complete. ML031500693
B.4.1.a. 15	Corrective Action Team Inspection (IR 03-10)	Falevitz Start	End 09/09/03	Exit 09/09/03 Re-Exit 11/10/03 Issued 02/??/04	WHEN COMPLETE [NEED ML#s HERE]
B.4.1.a. 16	Restart Assessment Team Inspection (IR 03-11)	Skokowski Start	End 12/18/03	Public Exit 12/19/03 Issued 02/04/04	Complete. ML040360097

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.1.a. 17	Management and Human Performance Phase III Inspection - Corrective Action Effectiveness (IR 03-12)	Wright Start	End 12/18/03	Public Exit 12/19/03 Issued 02/??/04	WHEN COMPLETE [NEED ML#s HERE]
B.4.1.a. 18	Completeness and Accuracy Inspection (IR 03-19)	Passehl Start 10/20/03	End 11/12/03	Public Exit 11/12/03 Issued 01/28/04	Complete. ML040280594
B.4.1.a. 19	Normal Operating Pressure Leak Inspection (IR 03-23)	Jacobson Start 09/08/03	End 12/05/03	Exit 11/6 Issued 12/5/03	Complete. ML033421074
B.4.1.a. 20	Backlog Inspection (IR 03-24)	Parker/Burgess Start 11/17/03	End 11/21/03	Exit 12/03/03 Issued 01/05/04	Complete. ML040060504
B.4.1.a. 21	Followup Management and Human Performance Inspection (IR 04-03)	Wright Start 01/26/04	End 02/06/04	Public Exit 02/12/04 Quick-Look Memo Issued 02/??/04	WHEN COMPLETE [NEED ML#s HERE]
B.4.1.a. 22	Followup Restart Assessment Team Inspection (IR 04-04)	Skokowski Start 02/02/04	End 02/06/04	Public Exit 02/12/04 Quick-Look Memo Issued 02/??/04	WHEN COMPLETE [NEED ML#s HERE]

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.1.b	Evaluate the licensee's performance improvement plan and associated root cause determination and corrective action plans.	Panel Return to Service Plan - Rev.0[1] - Rev.1[2] - Rev.2[3] - Rev.3[4] - Rev.4 (Not Issued) - Rev.5[5] - Rev.6[6]	N/A	Various 05/21/02 07/12/02 08/21/02 09/23/02 (Not Issued) 01/09/03 04/06/03	Complete. ML021430429[1] ML022030464[2] ML022670616[3] ML022740488[4] (Not Issued) ML030150732[5] ML031000739[6]
B.4.1.b.1	Evaluate Technical Root Cause	NRR Attachment 1 to Resident IR 03-04	End 03/31/03	Exit 03/28/03 Issued 05/09/03	Complete. ML031320705
B.4.1.b.2	Evaluate Management Root Cause	Wright Start 10/10/02	End 06/13/03	Exit 06/13/03 Issued 07/24/03	Complete. ML032050528
B.4.1.c	Evaluate all allegations involving reactor safety, radiation safety, or security. Any allegations determined to have merit and risk significance should be included on the Restart Checklist.	Panel Panel established criteria for allegations that need to be resolved prior to restart (04/03/03 Minutes)[1] Panel revised criteria for allegations that need to be resolved prior to restart (02/05/04 Minutes)[2]	Weekly	Weekly	Discussed at Each Internal Panel Meeting ML031210498[1] [NEED ML#s HERE][2]

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.1.c.1	Identify and Communicate Allegation Themes	RIII/ Phillips Panel Held Several Discussions on Issuing Chilling Effect Letter	N/A Panel Minutes: 01/21/03[1] 01/31/03[2] 02/24/03[3] 03/25/03[4]	As Necessary Per minutes,[4] discussed with B. Berson and L. Jarriel, no chilling effect letter is needed at this time.	Complete. ML030640446[1] ML030870235[2] ML030920511[3] ML030920644[4]
B.4.1.c.2	Determine Approach to evaluate/respond to OI Investigation Results	RIII lead NRR/OE/OGC Panel approved decision on strategy	09/30/03	- Charter Issued - Completed Phase 1; 07/23/03 - Completed Phase 2; 12/10/03	See Davis-Besse Allegation Files.
B.4.2	**External Stakeholder Comments** **"Throughout the duration of the plant shutdown and until the plant is returned to the routine oversight process, solicitation of comments from diverse sources may be appropriate. The decision to solicit comments from a group and determination of the level of participation should be made on a case-by-case basis. Input from these groups should be factored into the restart process, as appropriate. If needed, comments concerning the adequacy of State and local emergency planning and preparedness should be obtained from FEMA headquarters through NRR."**				
B.4.2.a	**Obtain public comments**	Panel	N/A	Ongoing	List of Public Meetings on Davis-Besse web site See Communication Plan B.2.m (ML040420414)

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.2.b	Obtain comments from State and local officials	RIII/ Lickus	N/A	Ongoing	Ohio Governor Taft Briefing Held 02/27/03 Ohio Governor Taft Briefing Held 12/09/03 Monthly meetings with county/local officials Quarterly meetings with State of Ohio Utility Radiological Safety Board
B.4.2.c	Obtain comments from applicable Federal agencies	- NRC Ltr to FEMA to Confirm No Objections to Restart[1] - FEMA Ltr Stating No Objections to Restart[2] - NRC Report on Drill performance[3] - FEMA Report on Drill performance[4] - OE and OI are coordinating with DOJ on Davis-Besse issues consistent with NRC policy		04/25/03 05/05/03 Ongoing	ML030510600[1] ML032460858[2] [NEED ML#s HERE] [3] [NEED ML#s HERE] [4]
		- FEMA Ltr Verifying No Objections to Restart[5]	02/25/04		[NEED ML#s HERE] [5]

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.2.d	Obtain comments from Native American Tribal Governments	OSTP	N/A	N/A	Complete. N/A per Roland Lickus email dtd 07/09/03
B.4.3	Closeout Actions "When the licensee has completed actions to resolve the restart issues and has substantially addressed significant concerns, the NRC needs to conduct closeout activities to independently verify that corrective actions required before restart are complete and that the plant is physically ready for restart. This section specifies actions associated with completion of significant NRC reviews and preparations for restart."				
B.4.3.a	Evaluate the licensee's restart readiness self-assessment	RIII	Integrated Restart Report[1] Supplement[2] NRR Review of licensee reports[3]	Submitted 11/23/03[1] 02/06/04[2] 02/17/04[3]	ML03336025[1] [NEED ML#s HERE] [2] [NEED ML#s HERE] [3]
B.4.3.b	Resolve all restart issues described in the Restart Checklist	Panel			
B.4.3.c	Conduct appropriate NRC restart readiness team inspection(s) (e.g., operational safety team inspection, operational safety assessment team, safety system functional inspection).	RIII/Skokowski IR 03-11[1] IR 04-04 Finding documented in Quick-Look memo[2]	RRATI 1 12/08-18/03[1] RRATI F/U 02/02-06/04		See B.4.1.a.16 ML040360097[1] [NEED ML#s HERE] [2]
B.4.3.c.1	Regional Administrator individual meetings with Available Team Leads for Special Inspections During Outage		12/8/03 to 12/19/03	02/23/04	Complete.

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.4.3.d	Develop restart coverage inspection plan. Use guidance contained in IMC 2515 Appendix B, IMC 0305, and in other appropriate documents	Scott Thomas	Before Restart	01/30/04	Draft Plan to Panel 12/18/03. Final Plan to Panel/Approved 01/30/04
B.4.3.e	Disposition comments from other parties (External to NRC)	Panel Comm Team	01/15/04		Panel Discussions 11/25/03, 12/18/03, 01/06/04 See DB Comm Memo ML040420414
B.4.3.f	Determine that all conditions of the order/confirmatory action letter are satisfied. [If applicable, the NRC and the licensee should clearly understand what actions remain to be completed and what will be required of the licensee to demonstrate their completion.]	Panel CAL 3-02-001[1] - Rev A[2] - Rev B[3] - Rev C[4] - Rev D[5] - Rev E[6] - Rev F[7]	 03/13/02 05/15/02 12/24/02 01/21/03 07/17/03 09/19/03	 03/13/02 05/15/02 12/24/02 01/21/03 07/17/03 09/19/03	Specific CAL Issues on Restart Action Matrix ML020730225[1] ML021360105[2] ML023600267[3] ML030220165[4] ML031990082[5] ML032650662[6] Panel Minutes 02/20/04 [NEED ML#s HERE] [7]
B.4.3.g	Verify that the Restart Checklist is complete	Panel			
B.4.4	Definition of Restart Complete	Panel CAL Letter Rev B	12/24/02	12/24/02	Complete. ML023600267
B.4.5	Conduct Meeting with Licensee to Discuss Restart Readiness	Panel	02/12/04	02/12/04	Complete. Public Meeting 6-10pm

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B. 5 RESTART AUTHORIZATION					
"When the restart oversight process has reached the point at which the issues have been identified, corrected, and reviewed, the restart authorization process is begun."					
B.5.a	**Prepares the restart recommendation memorandum to the Regional Administrator and the restart authorization letter to the licensee establishing the basis for restart**	Panel	02/25/04		Drafts in final.
B.5.a.1	Prepare any necessary regulatory activities that are needed concurrent with the restart decision (e.g. Amendment, CAL etc.)	Panel			Restart Authorization Letter closes the CAL
B.5.b	**Determine that no restart objections from the region, NRR, or other applicable Headquarters offices or Federal agencies exist**	Panel			List of Agencies to coordinate with: FEMA, DOJ
B.5.b.1	Determine That There Are No Restart Objections from Federal Agencies	Panel	2/23/04		Require Re-verification Letter from FEMA

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.5.b.2	Determine That There Are No Restart Objections from NRC Staff	Panel	02/23/04	02/23/04	Intra-Agency Emails sent. Responses and Resolutions will be placed in ADAMS package. Specific Issues are listed on RAM. All concerns addressed.
B.5.c	**Obtain approval of the Regional Administrator for restart**	Panel			
B.5.d	**Obtain concurrence for restart from the Director of NRR**	Panel			
B.5.e	**Obtain concurrence from the Deputy Executive Director for Reactor**	Panel			
B.5.f	**Obtain concurrence for restart from the Executive Director for Operations, if required.**	Panel	Complete.	Complete.	
B.5.g	**Conduct a briefing for the Advisory Committee on Reactor Safeguards (ACRS), if requested**	NRR			Discussed at 11/04/03 Panel. A. Mendiola Checking; as of 12/18/03, none requested.

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.5.h	**Conduct a briefing for the Commission, if requested.**	NRR			Complete. Per 02/20/04 email from B.Dean, there is no requirement/expectation to get Commission approval for restart.
B.5.i	**Obtain the Commission approval or concurrence for restart, if required.**	NRR/EDO			Complete. Per 02/20/04 email from B.Dean, there is no requirement/expectation to get Commission approval for restart.

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.5.j	**Authorize restart (note: once approval is given, external stakeholders should be notified by telephone and provided a copy of the restart authorization letter and press release, as applicable)**	Regional Administrator			
B.6 RESTART AUTHORIZATION NOTIFICATION **"Notify the applicable parties of the restart authorization. Notification should generally be made by memorandum or other format consistent with the level of formality required. Communication of planned actions is important at this stage to ensure that NRC's intentions are clearly understood."**					
B.6.a	**Commission (if the Commission did not concur in the restart authorization)**	NRR			
B.6.b	**EDO (if the EDO did not concur in the restart authorization)**	NRR			
B.6.c	**Office of Congressional Affairs**	OCA/NRR			
B.6.d	**ACRS (a briefing may be substituted for the written notification if the ACRS requests one)**	NRR			
B.6e	**Applicable Federal agencies**	NRR			
B.6.f	**Office of Public Affairs (OPA)**	RIII/NRR			

TASK	DESCRIPTION	RESPONSIBILITY	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	COMMENTS Shaded Items are Complete.
B.6.g	State and local officials	RIII			
B.6.h	Congress	OCA			
B.6.i	Media (by a press release)	OPA			
B.6.j	Citizens or groups that expressed interest during the restart approval process	RIII			
B.6.k	International Programs for those sites in which emergency planning zones cross international boundaries	OIP	N/A	N/A	
B.6.l	Native American Tribal Governments	OSTP	N/A	N/A	
B.6.m	Conduct Briefing with Ohio Governor Taft	Jim Dyer/Jack Grobe Jim Caldwell/Jack Grobe	02/27/03 12/09/03	02/27/03 12/09/03	Complete. Governor briefed, Complete. Governor briefed.

PRELIMINARY INFORMATION - FOR INTERNAL NRC USE ONLY

February 23, 2004

Significant Inspection Findings at Davis-Besse

Issue	Report No.	Preliminary Date	Final Date
1. RED - REACTOR VESSEL HEAD: FAILURE TO IMPLEMENT CORRECTIVE ACTION FOR BORIC ACID CORROSION PROGRAM A Red finding, based on ten Apparent Violations which were identified and documented in the NRC Augmented Inspection Team (AIT) Follow-up Special Inspection Report (02-008), was identified and documented in the Final Significance Letter associated with the reactor pressure vessel head cavity. The findings included: operating the reactor with prohibited pressure boundary leakage; failure to take effective action to correct multiple identified safety concerns; inadequacies in the boric acid corrosion control procedure; failure to effectively implement the boric acid corrosion control procedure and the corrective action procedure; and multiple examples of inaccurate or incomplete information in letters to the NRC or records required by the NRC to be maintained onsite. The NRC's investigation into the cause of the apparent violations, which were referred to the Office of Investigations, is ongoing. Therefore, no NOV was issued with the Red finding.	03-16	02/25/03	05/29/03
2. WHITE - RADIATION PROTECTION: FAILURE TO EFFECTIVELY MONITOR INTERNAL DOSE A Violation of 10 CFR 20.1501 (White) was identified for the licensee not conducting an adequate evaluation of the radiological conditions and potential hazards inside the steam generator (SG) bowls prior to nozzle dam installations in February 2002. This resulted in the failure to identify the presence of alpha emitting isotopes in the SG bowls in concentrations sufficient to cause a substantial potential for an exposure in excess of applicable regulatory requirements to workers without adequate protection against internal contamination.	02-06/ 02-16	01/07/03	02/19/03

February 23, 2004

Issue	Report #	Preliminary Date	Final Date
3. WHITE - RADIATION PROTECTION: SUBSTANTIAL POTENTIAL FOR AN OVER EXPOSURE DUE TO INTERNAL EXPOSURE A Violation of 10 CFR 20.1204 (White) was identified for the licensee's failure to take suitable and timely measurements of concentrations of radioactive material in air in work areas. In addition, following internal contaminations in February 2002, the licensee failed to take suitable and timely measurements of the quantities of radionuclides in the body, quantities of radionuclides excreted from the body, or combinations of these measurements for two workers required to be monitored. Specifically, the individuals were likely to receive an intake greater than 10 percent of the applicable annual limits of intake since the licensee knew that increased concentrations of alpha emitting isotopes existed in the plant contamination mix, that high contamination levels existed in the Steam Generators, and that two workers potentially received a relatively large amount of internal contamination.	02-06/ 02-16	01/07/03	02/19/03
4. YELLOW - CONTAINMENT SUMP: FAILURE TO TAKE CORRECTIVE ACTION ON CONTAINMENT COATINGS A Violation of 10 CFR Part 50, Appendix B (Yellow), Criterion XVI, "Corrective Action," was identified for the failure to promptly identify and correct significant conditions adverse to quality regarding implementation of the Design Control and Corrective Action Programs which resulted in the inability of the emergency core cooling system sump to perform its function under certain accident scenarios due to clogging of the emergency core cooling and containment spray systems' sump screen by fibrous materials, unqualified coatings, and various other debris (see LER 2002-005).	03-17	07/30/03	10/07/03

DAVIS-BESSE OVERSIGHT PANEL & OTHER PUBLIC MEETING LIST

Date	Meeting Type/ Purpose	Location
November 14, 2001	Discuss Bulletin 2001-01 Response	NRC Headquarters
November 28, 2001	Bulletin 2001-01 Inspection Schedule	NRC Headquarters
January 23, 2002	Discuss Nozzle Inspection Schedule	NRC Headquarters
March 19, 2002	Material Reliability	Double Tree Hotel Rockville, MD
March 20, 2002	Update of Reactor Head Degradation	NRC Headquarters
April 5, 2002	AIT exit	Oak Harbor High School Auditorium
April 5, 2002	End of Cycle Assessment	Oak Harbor High School Auditorium
April 10, 2002	Repairs & modifications	NRC Headquarters
May 7, 2002	Root Cause Analysis	NRC Headquarters
May 9, 2002	1st Public 0350 Meetings	Oak Harbor Junior High School Auditorium
June 4, 2002	Discuss Replacement of Reactor Vessel Head	NRC Headquarters
June 12, 2002	LLTF Charter	Oak Harbor High School Auditorium
June 12, 2002	2nd Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
June 19, 2002	LLTF Charter	NRC Headquarters
July 16, 2002	3rd Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
July 24, 2002	Reactor Vessel Head and Penetration Inspection Plan	NRC Headquarters

DAVIS-BESSE OVERSIGHT PANEL & OTHER PUBLIC MEETING LIST

Date	Meeting Type/ Purpose	Location
August 15, 2002	Public Meeting to discuss non-technical Root Cause	NRC Region III Office
August 20, 2002	4th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
August 23, 2002	Nozzle Inspection Program	NRC Headquarters
September 17, 2002	5th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
September 18, 2002	Public Meeting to discuss non-technical Root Cause	Davis-Besse Nuclear Power Station, Energy Education Center
October 16, 2002	6th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
October 16, 2002	Public Special Inspection Exit	Davis-Besse Nuclear Power Station, Energy Education Center
November 13, 2002	7th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
November 20, 2002	LLTF findings and Recommendations	Oak Harbor High School Auditorium
November 26, 2002	Sump Modification	NRC Headquarters
November 26, 2002	Incore Monitoring Instrumentation Lower Nozzles Inspection	NRC Headquarters
December 10, 2002	8th Public 0350 (2:00 pm & 7:00 pm)	Camp Perry Clubhouse Port Clinton, OH
December 23, 2002	System Health Assurance Plan	NRC Region III Office
January 14, 2003	9th Public 0350 (2:00 pm & 7:00 pm)	Camp Perry Clubhouse Port Clinton, OH
January 14, 2003	Commission Meeting on LLTF Report	NRC Headquarters

DAVIS-BESSE OVERSIGHT PANEL & OTHER PUBLIC MEETING LIST

Date	Meeting Type/ Purpose	Location
January 30, 2003	0350 meeting on Safety Culture and SCWE	NRC Region III Office
February 11, 2003	10th Public 0350 (2:00 pm & 7:00 pm)	Camp Perry Port Clinton, OH
March 11, 2003	11th Public 0350 (2:00 pm & 7:00 pm)	Camp Perry Port Clinton, OH
April 4, 2003	Reactor Incore Monitoring Instrumentation Nozzles Reactor Coolant Leakage Simulation	NRC Headquarters
April 15, 2003	Radiation Protection Inspection Team Exit Meeting	Davis-Besse Nuclear Power Station, Energy Education Center
April 15, 2003	12th Public 0350 (2:00 pm & 7:00 pm)	Camp Perry Port Clinton, OH
May 6, 2003	13th Public 0350 (2:00 pm & 7:00 pm)	Camp Perry Port Clinton, OH
May 7, 2003	Engineering Design Issue	NRC Region III Office
June 3, 2003	14th Public 0350 (2:00 pm & 7:00 pm)	Camp Perry Port Clinton, OH
June 19, 2003	Discuss HPI Pump Design Modification	NRC Headquarters
June 30, 2003	Discuss Bulletin 2003-01	NRC Headquarters
July 1, 2003	Generic Safety Issue 191	NRC Headquarters
July 9, 2003	15th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
August 12, 2003	16th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
September 10, 2003	17th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium

DAVIS-BESSE OVERSIGHT PANEL & OTHER PUBLIC MEETING LIST

Date	Meeting Type/ Purpose	Location
October 1, 2003	Safety Culture	NRC Region III Office
October 7, 2003	18th Public 0350 (2:00 pm & 7:00 pm)	Camp Perry Port Clinton, OH
October 8, 2003	System Health Inspection	Davis-Besse Nuclear Power Station, Energy Education Center
October 21,2003	HPI Pump Design Modification	NRC Headquarters
October 30, 2003	To conduct a review of the research program at Argonne National Laboratory (ANL) on "Corrosion of Reactor Pressure Boundary Materials in Concentrated Boric Acid Solutions"	NRC Headquarters
November 12, 2003	19th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
December 3, 2003	20th Public 0350 (2:00 pm & 7:00 pm)	Oak Harbor High School Auditorium
December 19, 2003	To discuss the results of Restart Readiness Assessment Team Inspection and Human Performance Phase III Team Inspection	Davis-Besse Administration Building
December 29, 2003	To address operational performance, safety culture, and safety conscious work environment issues	Oak Harbor High School Auditorium
January 21, 2004	21st Public 0350 (6:00 pm)	Oak Harbor High School Auditorium

DAVIS-BESSE OVERSIGHT PANEL & OTHER PUBLIC MEETING LIST

Date	Meeting Type/ Purpose	Location
February 12, 2004	To discuss results of the Follow-up Restart Readiness Assessment Team Inspection and the Follow-up Management & Human Performance Team Inspection (2:00 pm)	Camp Perry Clubhouse
February 12, 2004	Allow the licensee to state the basis for their request to restart reactor operations at Davis-Besse (6:00 pm)	Camp Perry Clubhouse

Davis-Besse Reactor Vessel Head Damage

NRC UPDATE

February 2004

This is the eighteenth periodic update on the NRC response to the reactor vessel head damage at the Davis-Besse Nuclear Power Station. The updates will be available at public meetings of the NRC Davis-Besse Oversight Panel which is coordinating the agency's activities related to the damage.

NRC Process for Reviewing Possible Restart

In the February 12 meeting to discuss possible restart of the Davis-Besse plant, FirstEnergy Nuclear Operating Company will discuss the basis for its request for restart authorization and interested stakeholders may raise their questions, comments, and concerns.

The NRC oversight panel will review the information presented in the meeting as well as the findings of NRC inspections and reviews since the plant was shut down in February 2002.

The panel will submit its written recommendation to James Caldwell, NRC Regional Administrator, on the readiness of the plant, including its management and staff, to resume operations.

Key steps in restart decision

- ☐ Public restart meeting between FirstEnergy and NRC Oversight Panel
- ☐ NRC Oversight Panel recommendation to James Caldwell, NRC Regional Administrator
- ☐ Mr. Caldwell confers with other NRC senior officials
- ☐ Decision by Mr. Caldwell on possible restart authorization. Decision will be provided to FirstEnergy and posted on NRC web site.

Mr. Caldwell will confer with other senior NRC officials before reaching his decision of whether the plant may resume operation.

As part of a possible restart decision, the NRC may require additional commitments or actions on the part of FirstEnergy. These measures could be included in an Order issued to the utility, in a Confirmatory Action Letter, or in another regulatory action.

The decision on restart will be announced publicly. Mr. Caldwell's decision, along with the panel's recommendation and supporting documentation, will be posted on the NRC's web site.

If the NRC authorizes restart, it will perform enhanced inspections of plant activities, including round-the-clock coverage for up to 14 days. The three-person NRC resident inspection staff will be assisted by other NRC inspectors.

The NRC Oversight Panel will continue to monitor plant activities and meet periodically with the utility and the public until the agency is satisfied that the plant's performance warrants resuming normal regulatory oversight.

NRC Issues Three Inspection Reports

Completeness and Accuracy of Required Records and Submittals to the NRC Inspection (Report No. 50-346-03-19), issued January 28, 2004, includes the results of an NRC inspection conducted to determine whether the NRC can have reasonable confidence that information submitted by FirstEnergy is complete and accurate and that the licensee has taken appropriate corrective actions to ensure that future regulatory submittals are complete and accurate.

This inspection did not review records concerning the reactor vessel head degradation. The circumstances surrounding this issue and associated documents were reviewed in previous NRC inspections and in the NRC Office of Investigations investigation.

This inspection focused on reviewing selected documents submitted to the NRC between January 1996 and March 2002, evaluating relevant procedures, observing activities, and interviewing personnel. Inspectors identified three findings:

(1) The failure to provide the NRC with complete and accurate information regarding the unqualified protective coatings and the likelihood of clogging of the containment emergency sump screen in response to an NRC Generic Letter 98-04. This apparent violation is being considered for further enforcement action.

(2) The failure to provide accurate information in response to NRC Generic Letter 88-14 on instrument air problems. This is a finding of very low safety significance.

(3) The failure to provide complete and accurate information in a Licensee Event Report concerning leakage protection for Reactor Coolant Pump motor oil piping in 1997. This issue is under review.

Integrated Resident Inspection (Report No. 50-346/03-25), issued January 28, 2004, includes the results of seven weeks of inspection by the NRC resident inspectors. The report details one finding of very low safety significance: a component cooling water valve was de-energized and left in the open position without the knowledge of control personnel for around 6 hours, which is a violation of plant procedures. This report also documents the closure of restart checklist item # 5.d, Test Program Development and Implementation.

Restart Readiness Assessment Team Inspection (Report No. 50-346/03-011), issued February 4, 2004, evaluated the readiness of plant hardware, plant staff and management programs to support a safe restart and continued operation of Davis-Besse. NRC inspectors found that plant staff failed to consistently implement plant management's expectations and standards. They concluded that the results of the inspection did not provide the NRC with reasonable assurance that plant staff were ready at that time to safely operate the Davis-Besse station and that follow-up NRC inspection was necessary.

Inspection Reports in Preparation

- **Corrective Action Team Inspection** - This inspection looked at the effectiveness of the corrective action program at Davis-Besse – how the utility finds, evaluates, and fixes problems.
- **Management and Human Performance, Phase III (Safety Culture)** - This inspection focused on FirstEnergy 's actions to improve management effectiveness and human performance and its processes to survey and assess the safety culture among the staff at Davis-Besse – how the management and workers will identify and deal with safety concerns.
- **Restart Readiness Assessment Team Followup Inspection** - This inspection was performed in February to review the readiness of the plant and the plant staff to resume plant operations safely and in compliance with NRC requirements.
- **Management and Human Performance Followup Inspection (Safety Culture)** - This inspection was performed in January to follow up on issues identified during the Management and Human Performance inspection, completed in December.

The report details four findings of very low safety significance: (1) failure to assure that deficiencies identified in a previous Davis-Besse Operational Readiness Assessment Report were promptly and effectively corrected; ') failure to effectively implement corrective actions to address operational deficiencies identified during the September 2003 normal operating pressure and temperature test; (3) operators' lack of proper knowledge of plant equipment procedures and evolutions; (4) multiple examples of personnel failing to document the usage of measuring and test equipment from safety-related surveillance testing.

NRC Davis-Besse Oversight Panel

An NRC Davis-Besse Oversight Panel was created in April 2002 to make sure that all corrective actions, required to ensure that Davis-Besse can operate safely, are taken before the plant is permitted to restart and that Davis-Besse maintains high safety and security standards if it resumes operations. Should the plant restart, the Oversight Panel will evaluate if Davis-Besse's performance warrants reduction of the NRC's heightened oversight and, if so, recommend to NRC management that the plant return to a regular inspection schedule. The panel was established under the agency's Manual Chapter 0350.

The panel brings together NRC management personnel and staff from the Region III office in Lisle, Illinois, the NRC Headquarters office in Rockville, Maryland and the NRC Resident Inspector Office at the Davis-Besse site. The eight-member panel's chair and co-chair are John Grobe, a senior manager from Region III, and William Ruland, a senior manager from NRC headquarters.

Davis-Besse Restart Checklist

The Oversight Panel has created a "restart checklist" categorizing 31 actions in seven major areas which FirstEnergy needs to complete before the NRC can consider making a decision on whether Davis-Besse may start. The NRC oversight panel has determined that the utility has adequately completed 27 of those actions.

NRC inspections are directed at evaluating the checklist items as well as reviewing the ongoing work at Davis-Besse.

The completed items are shown in italics and have a check mark in front of the item. For the completed items, the list also includes the inspection report which documents the NRC's review of the item. The items that remain to be completed are underlined.

1. **Adequacy of Root Cause Determinations**

✔ *1.a Penetration Cracking and Reactor Pressure Vessel Corrosion* (Report No. 50-346/03-04)

✔ *1.b Organizational, Programmatic and Human Performance Issues* (Report No. 50-346/02-18)

2. **Adequacy of Safety Significant Structures, Systems, and Components**

✔ *2.a Reactor Pressure Vessel Head Replacement* (Report No. 50-346/04-02 - to be issued)

✔ *2.b Containment Vessel Restoration Following Reactor Pressure Vessel Head Replacement* (Report No. 50-346/03-05)

✔ *2.c Structures, Systems, and Components Inside Containment* (Report No. 50-346/03-10 - to be issued)

✔ *2.c.1 Emergency Core Cooling System and Containment Spray System Sump* (Report No. 50-346/03-17)

✔ *2.d Extent-of-Condition of Boric Acid in Systems Outside Containment* (Report No. 50-346/03-22)

2.e High Pressure Injection Pump Internal Clearance/Debris Resolution

3. **Adequacy of Safety Significant Programs**

✔ *3.a Corrective Action Program* (Report No. 50-346/03-10 - to be issued)
✔ *3.b Operating Experience Program* (Report No. 50-346/03-09)
✔ *3.c Quality Audits and Self-Assessments of Programs* (Report No. 50-346/03-23)
✔ *3.d Boric Acid Corrosion Management Program* (Report No. 50-346/03-17)
✔ *3.e Reactor Coolant System Unidentified Leakage Monitoring Program* (Report No. 50-346/03-09)
✔ *3.f In-Service Inspection Program* (Report No. 50-346/03-09)
✔ *3.g Modification Control Program* (Report No. 50-346/03-09)
✔ *3.h Radiation Protection Program* (Report No. 50-346/03-17)
✔ *3.i Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC* - (Report No. 50-346/03-19)

4. **Adequacy of Organizational Effectiveness and Human Performance**

✔ *4.a Adequacy of Corrective Action Plan* (Report No. 50-346/02-18)
✔ *4.b Effectiveness of Corrective Actions* (Report No. 50-346/04-03 - to be issued)

5. **Readiness for Restart**

✔ *5.a Review of Licensee's Restart Action Plan* (Report No. 50-346/03-22)
5.b Systems Readiness for Restart
5.c Operations Readiness for Restart
✔ *5.d Test Program Development and Implementation* (Report No. 50-346/03-25)

6. **Licensing Issue Resolution** (Items 6a-6f discussed in Report No. 50-346/03-04 and Item 6g discussed in Report No. 50-346/03-17)

✔ *6.a Verification that Relief Requests A8 and A12 regarding the Shell to Flange Weld (previously submitted by letter dated September 19, 2000) is not Impacted by the Midland RPV Head*
✔ *6.b American Society of Mechanical Engineers (ASME) Code Relief Request for Failure to Maintain Original Radiographic Tests of the Midland Head to Flange Weld (Planned Relief Request A26)*
✔ *6.c ASME Code Relief Request for Inability to Radiographically Test 100% of the Midland Reactor Pressure Vessel Head to Flange Weld (Planned Relief Request A27)*
✔ *6.d Resubmit Relief Request A2 (previously submitted by letter dated September 19, 2000) for ASME Code for Inability to Perform 100% volumetric and surface examination of Head to Flange Weld*
✔ *6.e Reconciliation Letter that Demonstrates How the New Reactor Pressure Vessel Head Correlates With the ASME Code and QA Index for Section III and Section XI - Commitments*
✔ *6.f Verification Letter of Technical Specification Pressure/Temperature Curves for New Vessel Head - Commitment*
✔ *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*

7. **Confirmatory Action Letter Resolution**

7.a Verification that Confirmatory Action Letter Items are Resolved, Including a Public Meeting to Discuss Readiness for Restart

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

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Dear Citizen:

Thank you for your interest and concern over the U. S. Nuclear Regulatory Commission's (NRC) regulation of the Davis-Besse Nuclear Power Plant. The NRC has received a large number of letters and e-mails concerning Davis-Besse. Since many of the issues and questions raised are similar, we are sending letters like this one to each of those who took the time to forward their concerns to us.

Our primary mission is to protect public health and safety and ensure that each nuclear power plant operates safely. This is our most important responsibility, and we take our mission very seriously.

While performing NRC-required inspections and repairs of control rod drive tubes in the top of the reactor in March 2002, FirstEnergy Nuclear Operating Company personnel discovered substantial corrosion damage to the vessel head.

Because of the damage – and the violations of NRC requirements that led to it – the agency has required that FirstEnergy perform thorough reviews of plant safety systems as well as address the reactor vessel head damage before restart. The company replaced the reactor head with an unused one from another plant. The reviews of the design and function of the safety systems have resulted in a number of repairs and improvements to plant equipment. These reviews and repairs are continuing.

In addition, the agency has required that FirstEnergy take steps to assess and improve the safety culture at the plant. Safety culture includes the attitudes of plant management and employees toward placing the highest priority on safety in plant operations. It also deals with how FirstEnergy encourages workers to raise safety concerns without fear of retaliation.

The damage to the reactor vessel head – and the management decisions that contributed to the problem – are viewed most seriously by the NRC. No other operational issue has received more attention from the agency in the past two years.

In April 2002, the NRC set up a special panel to oversee the agency's response to the vessel head damage and to manage the inspection program for ongoing work at the plant. The panel set forth a checklist of the important tasks that must be completed by FirstEnergy before the agency would consider permitting the plant to restart.

Since then, the NRC has conducted extensive inspections by nearly 50 members of the NRC staff and contractors. These inspections are continuing. The NRC has also added a third resident inspector to its staff at the Davis-Besse plant to expand its daily coverage of activities there.

The oversight panel has held at least 33 public meetings near Oak Harbor, Ohio: a monthly meeting with the utility, open to public observation, in the afternoon followed by a meeting

directly with the public in the evening. Some 30 additional public meetings have been held in the Oak Harbor area, the Region III Office in Illinois, and NRC Headquarters in Rockville, Maryland, to discuss specific issues.

The oversight panel has monitored the ongoing investigation by the NRC's Office of Investigations which is looking at possible wrongdoing in connection with the reactor vessel head damage. The findings of this investigation will be fully considered in any decision for possible restart of the plant.

The NRC also established a Lessons Learned Task Force to evaluate the NRC's own actions associated with the reactor vessel head damage. The task force made a number of recommendations to improve NRC processes, and the majority of these recommendations have been adopted by the agency.

Shortly after the vessel head damage was found, the NRC created a web site for the many documents related to Davis-Besse issues, including NRC inspection reports, meeting transcripts, and documents submitted by FirstEnergy. These documents can be reviewed at the NRC home page - http://www.nrc.gov. Select "Davis-Besse" from the Key Topics listing.

In addition, we have issued monthly updates on the NRC's regulatory activities for Davis-Besse. These, too, are available on the NRC's Davis-Besse web site. A copy of the most recent issue is enclosed.

Throughout this period, the NRC has been firmly focused on the safety of the Davis-Besse plant and residents of the surrounding area. The schedule and economic impact of the continuing outage on FirstEnergy have not been a factor in NRC actions.

When FirstEnergy requests permission to restart Davis-Besse, I can assure you that the NRC will make its decision on the possible restart in a careful, deliberate, and responsible manner. Restart will not be considered until FirstEnergy has resolved to the NRC's satisfaction all of the items on the NRC oversight panel's restart checklist and the agency has completed its planned inspections of plant and organizational improvements.

The NRC's decision will be based on sound regulatory and technical findings, in keeping with the requirements of federal statutes and NRC regulations. FirstEnergy will not be permitted to resume operation of the Davis-Besse plant unless we have sufficient evidence that the plant equipment and the plant management and staff are ready to safely return the plant to service and operate it safely.

Thank you for giving me the opportunity to explain the NRC's regulatory process for the Davis-Besse plant.

Sincerely,

James L. Caldwell
Regional Administrator

Congressional, State, and Local Briefings on Davis-Besse

CODE: HENE: House Energy and Commerce Committee; SEPW: Senate Environment and Public Works Committee; HGOV: House Government and Reform Committee

01/09/02 10:30 am FSOB	Dwight Cates, Staffer HENE	**CRDM and Other Licensing Issues** Linda Portner; Laura Gerke; Sam Collins, NRR; Jack Strosneider, NRR
04/15/02 12:00	Dwight Cates HENE	**Davis-Besse's Vessel Head Degradation** Laura Gerke; Brian Sheron, NRR
04/19/02	Dwight Cates Nathan Facey, Steve Fought Rep. Kaptur's Office	**Davis-Besse's Vessel Head Degradation** Laura Gerke; Brian Sheron, NRR
05/16/02 Telecon	Dwight Cates HENE	**Briefing on Davis-Besse** Laura Gerke; Jack Grobe, RIII; Ron Gardner, RIII; Brian Sheron, NRR Mel Holmberg, RIII
05/20/02 Telecon	Dwight Cates HENE	**Briefing on Davis-Besse** Laura Gerke; Doug Simpkins, RIII
05/22/02 Telecon	Dwight Cates HENE	**Briefing on Davis-Besse's AIT Report** Laura Gerke; Ron Gardner, RIII
07/02/02 Telecon	Dwight Cates HENE	**Status of OI's Investigation at Davis-Besse** Laura Gerke, Linda Portner, Guy Caputo, OI;
08/09/02	Dan Skopec HGOV	**Davis-Besse** Laura Gerke; Bill Dean, Brian Sheron, NRR

08/13/02 Telecon	Dwight Cates HENE	**Davis-Besse AIT Findings** Laura Gerke; Marty Farber, RIII; Christine Lipa, RIII
09/09/02 Telecon	Dwight Cates Edith Holleman HENE	**AIT Findings at Davis-Besse** Laura Gerke; Marty Farber, RIII; Christine Lipa, RIII; Jack Grobe, RIII; Bill Dean, NRR
10/10/02	Dwight Cates HENE	**Davis-Besse AIT Follow-up Inspection** Laura Gerke; Marty Farber, Christine Lipa, Bill Dean
11/13/02	Dwight Cates HENE	**D-B Flange Issue and Status of OI Investigation** Laura Gerke; Jim Gavula, Rich Paul, RIII
12/06/02	Nathan Facey Steven Fought Rep. Kaptur's Staff	**Davis-Besse Issues** Jeff McDermott; Jack Grobe, NRR; Brian Sheron, NRR
01/21/03 4:00 pm 317 HSOB	Brian Mormino Senator Voinovich's Staff	**Davis-Besse Briefing** Laura Gerke; Jack Grobe, RIII; Brian Sheron, NRR
02/05/03 10:00 Telecon	Dwight Cates Edith Holleman HENE	**Davis-Besse Briefing** Laura Gerke, Brian Sheron, NRR; Bill Dean, NRR; Jack Grobe, RIII
02/07/03 3:00 pm 317 HSOB	Brian Mormino & Tony Lange Senator Voinovich's Staff Michael Whatley & Marty Hall, SEPW	**Davis-Besse Briefing, LLTF Report** Laura Gerke; Brian Sheron, NRR; Jack Grobe, RIII; Ed Hackett, RES (Jack & Ed by phone)
02/10/03 1:30-3:00 pm 317 HSOB	Brian Mormino Michael Whatley SEPW & Sen. Voinovich's Staff	**Davis-Besse Briefing** Laura Gerke; Linda Portner

02/11/03 1:30 Telecon	Brian Mormino & Tony Lange Senator Voinovich's Staff Marty Hall, SEPW	**Davis-Besse Lessons Learned Task Force** Laura Gerke; Art Howell, RIV; Ed Hackett, RES; Ho Nieh, EDO
02/14/03 9:30 Telecon	Auke Mahar-Piersma Jaime Bouvier Rep. Kucinich's Staff	**2.206 Petition Process** Laura Gerke; Herb Berkow, NRR; Dan Collins,NRR; Lakshminaras Raghavan, NRR
05/20/03 1:00 PM Telecon	Dwight Cates Edith Holleman Nicole Kenner HENE	**Update on Davis-Besse Issues** Jeff McDermott; Jack Grobe, Region III; Bill Ruland, NRR; Ho Nieh, EDO
06/17/03 O17H1	Dwight Cates (Telecon) Edith Holleman HENE	**Decision to Not Issue Shutdown Order To Davis-Besse** Laura Gerke; Bill Kane, EDO
06/17/03 O17H1	Dwight Cates (Telecon) Edith Holleman HENE	**Decision to Not Issue Shutdown Order To Davis-Besse** Laura Gerke; Bill Travers, EDO
06/18/03 11:30 Telecon	Dwight Cates HENE	**Davis-Besse Update** Laura Gerke; Jack Grobe, Region III
07/24/03	Dwight Cates HENE	**Davis-Besse Update** Laura Gerke; Jack Grobe, RIII; Tony Mendiola, NRR
07/30/03	Dwight Cates HENE	**Update on OI's Davis Besse Investigation** Laura Gerke; Guy Caputo; OI; Jim Fitzgerald, OI

07/31/03	Auke Mahar-Piersma Rep. Kucinich's Staff Krista Boyd Rep. Tierney's Staff on HGOV	**Davis Besse Document Request** Laura Gerke; Cathy Holzle, OGC
08/15/03 9:00 am 317 HSOB	Brian Mormino Sen. Voinovich's Staff	**Davis Besse Update** Linda Portner; Jack Grobe, RIII; Bill Ruland, NRR
09/22/03	Terry McNaughton Rep. LaTourette's Staff	**Davis Besse** Laura Gerke; Jack Grobe, RIII; Bill Ruland, NRR
09/22/03	Michael Whatley SEPW	**Davis Besse Update** Laura Gerke; Jack Grobe, RIII; Bill Ruland, NRR
10/06/03 10:00 am 2125 RHOB	Dwight Cates Turney Hall Mark Paoletta HENE	**OI's Report on Davis Besse** Laura Gerke; Guy Caputo, OI; Jim Fitzgerald, OI; Faith Burton & Beth McGarry, DOJ
10/21/03 1:30 pm	Nathan Facey Steve Fought Rep. Kaptur's Staff	**Davis-Besse** Laura Gerke; Jack Grobe, RIII; Tony Mendiola, NRR
11/17/03 1:30	Auke Mahar-Piersma Rep. Kucinich's Staff	**Davis-Besse and the SDP** Laura Gerke, Jack Grobe, RIII; Brian Sheron, NRR; Mike Johnson, NRR

11/18/03	Marty Hall, SEPW Michael Whatley, SEPW, Brian Mormino Sen. Voinovich's Staff	**Davis-Besse Update and Response to the IG's Report** Jack Grobe, Brian Sheron

State and Local Briefings

04/02 - Present	Approximately monthly briefings for Ottawa County Officials
04/02 - Present	Quarterly briefings for the Ohio Utility Radiological Safety Board

02/27/03	Bob Taft Ohio Governor	**IMC 0350 Oversight of Davis-Besse Update** Jim Dyer, Regional Administrator, Region III Brian Sheron, Associate Director, Office of Nuclear Reactor Regulation Jack Grobe, Chairman, Davis-Besse Oversight Panel Roland Lickus, State and Government Affairs Officer, Region III
12/09/03 4:00 pm	Bob Taft Ohio Governor	**NRC Update on Davis-Besse Readiness for Restart** Jim Caldwell, Regional Administrator, Region III Jim Dyer, Director, Office of Nuclear Reactor Regulation Jack Grobe, Chairman, Davis-Besse Oversight Panel Roland Lickus, State and Government Affairs Officer, Region III

MANUAL CHAPTER 0350

OVERSIGHT OF OPERATING REACTOR FACILITIES IN A SHUTDOWN CONDITION WITH PERFORMANCE PROBLEMS

0350-01 PURPOSE

01.01 To establish criteria for the oversight of licensee performance for licensees that are in a shutdown condition as a result of significant performance problems or operational event(s).

01.02 To ensure that when the plant is in a shutdown condition as a result of performance problems, the NRC communicates a unified and consistent position in a clear and predictable manner to the licensee, public, and other stakeholders.

01.03 To establish a record of the major regulatory and licensee actions taken and technical issues resolved leading to approval for restart and to the eventual return of the plant to the routine Reactor Oversight Process (ROP).

01.04 To verify that licensee corrective actions are sufficient prior to restart.

01.05 To provide assurance that following restart the plant will be operated in a manner that provides adequate protection of public health and safety.

0350-02 OBJECTIVES

02.01 To provide guidelines for entering and exiting the oversight process for reactor facilities in a shutdown condition with performance problems.

02.02 To ensure that NRR and the regional offices are appropriately involved in restart decisions.

02.03 To establish a process plan for the actions necessary to approve restart and provide an objective basis to justify return of a plant to the ROP.

02.04 To provide a mechanism for communicating issues and corrective actions to the public and other external stakeholders.

0350-03 APPLICABILITY

This manual chapter may be implemented following a plant shutdown as a result of significant performance problems and/or after a significant operational event.

For the purposes of this inspection manual chapter (IMC), the following are definitions of specific terms used herein.

Significant performance problems. Those problems that meet the entry conditions for the Multiple/Repetitive Degraded Cornerstone or the Unacceptable Performance columns of the Action Matrix contained in IMC 0305, "Operating Reactor Assessment Program."

Significant operational event. Any radiological, safeguards, or other safety-related operational event at an NRC-licensed facility that poses an actual or a potential hazard to public health and safety, property, or the environment. See Management Directive (MD) 8.3, "NRC Incident Investigation Program," for additional discussion on assessment and determination of a significant operational event.

Issues with risk significance. Any inspection findings or performance indicators (PIs) that are categorized as having risk significance of "white," "yellow," or "red" as determined by the PI thresholds or through the significance determination process (SDP).

0350-04 RESPONSIBILITIES AND AUTHORITIES

04.01 Director, Office of Nuclear Reactor Regulation (NRR)

a. Notifies the Executive Director for Operations (EDO) and the Commission, as appropriate, of the NRC actions taken concerning a nuclear power plant under the guidance of this manual chapter.

b. Responsible for the development and maintenance of this manual chapter and the oversight of its implementation.

c. Decides, in conjunction with the Regional Administrator, whether this manual chapter applies to a specific reactor restart.

d. Consults and concurs with the Regional Administrator on the restart decision.

04.02 Regional Administrator

a. Decides, in consultation with the Director of NRR, whether this IMC applies to a specific reactor restart.

b. Discusses with the Deputy Executive Director for Reactor Programs, the Director of the Office of Enforcement, and the Director of NRR, as appropriate, the scope of an order or a confirmatory action letter specifying any immediate actions and/or

the actions required of the licensee in order to receive NRC approval to restart the plant.

c. Establishes an oversight panel (henceforth referred to as "the Panel") to maintain an ongoing overview of licensee performance while the plant is governed by this chapter. Selects the Chairman of the Panel and establishes the Panel's composition and responsibilities.

d. Reviews and determines, in conjunction with NRR, the acceptability of the licensee's corrective action plan for the problems related to the significant performance problems or operational event.

e. Approves restart of the shutdown plant, following consultation with the Deputy Executive Director for Reactor Programs and the Director of NRR. If preexisting orders are involved, Commission or EDO approval may be required.

f. Approves termination of the IMC 0350 oversight process and a return to the ROP.

04.03 Director, Division of Licensing Project Management, NRR

a. Implements the requirements of this IMC by coordinating NRR policy and guidance, in conjunction with the Chairman of the Panel, to ensure that the Director of NRR and appropriate staff are directly involved in agency policy or regulatory oversight decisions, when applicable.

b. Coordinates and implements actions prescribed in the Panel Process Plan and the Restart Checklist that are determined to be NRR's responsibility. These actions include licensing actions and, where applicable, appropriate NRC office or NRR division interaction with other Federal agencies (e.g., the Federal Emergency Management Agency [FEMA], the Environmental Protection Agency [EPA], the Department of Justice [DOJ]) pursuant to any applicable memoranda of understanding.

04.04 Chairman, IMC 0350 Oversight Panel

a. Implements the requirements of this IMC.

b. Coordinates the Panel's activities and develops the Panel Charter, the Panel Process Plan, and the Restart Checklist to assign responsibilities and schedules for necessary actions and interactions with the licensee and outside organizations. (See Section 06.01.b for typical responsibilities of the Panel.)

c. Coordinates and implements actions prescribed by the Panel that have been determined to be the responsibility of the regional office. These actions include, when appropriate, interactions with State and local agencies and with regional offices of Federal agencies.

d. In conjunction with the Director of the Division of Licensing Project Management, ensures that the Regional Administrator and the Director of NRR are directly involved, when appropriate, in agency policy or regulatory oversight decisions.

0350-05 BACKGROUND AND INITIAL ACTIONS

05.01 Background

An operating commercial nuclear power plant with performance problems may be shut down for a variety of reasons. Licensees may voluntarily or involuntarily place the plant in a shutdown condition because of significant performance problems or a significant operational event. These performance problems may be the result of slowly degrading material conditions, recurrent process or control weaknesses, or may be manifested in a single event.

In general, when significant performance problems are identified in one or more of the seven cornerstones, the level of NRC actions is governed by the Action Matrix as defined by IMC 0305. Although not a prerequisite, it is envisioned that before performance degrades to the threshold requiring implementation of this manual chapter, the staff will have performed supplemental inspections, including Inspection Procedure (IP) 95002, "Supplemental Inspection Procedures for Issues Categorized Contained in the Degraded Cornerstone Band of the Assessment Action Matrix," and/or IP 95003, "Diagnostic Inspection for Issues Categorized in the Multiple/Repetitive Degraded Cornerstone Band of the Assessment Action Matrix." However, unanticipated significant operational events may also occur that involve responses by an Incident Investigation Team (IIT), an Augmented Inspection Team (AIT), or a Special Inspection Team (SIT) as directed by Management Directive (MD) 8.3, "NRC Incident Investigation Program." The results of these inspections will constitute important input parameters that can be used to assist the NRC in the evaluation of licensee performance during implementation of this manual chapter.

The ROP assessment program as described in IMC 0305, "Operating Reactor Assessment Program," provides for ongoing and periodic assessment of licensee performance data on a quarterly, mid-cycle, and end-of-cycle basis. The decision to implement this IMC will be made in "real time" whenever entry conditions are satisfied and will not be postponed until completion of a periodic assessment activity. Therefore, this manual chapter can be implemented during any of these assessment intervals, or on the basis of developing circumstances which require a more timely and direct assessment of licensee performance.

> NOTE: Plants under the IMC 0350 process typically have a significant unanticipated resource impact on the regions. Although resources have been added to the budget model to account for an unspecified plant being under the IMC 0350 process, care must be taken to minimize unnecessary resource expenditures against IMC 0350 plants at the expense of the inspection and assessment programs for other plants in the region.

When a plant is under the IMC 0350 process, it is still under the auspices of several aspects of the ROP, though each program area needs to be customized appropriately to conform to the IMC 0350 extended shutdown conditions as described in Section 06.03 of this guidance.

The focus of this manual chapter is to provide oversight of the licensee's performance until such time that a return to the ROP is appropriate. This IMC provides adequate assurance that the licensee is ready for a return to plant operation, and that after a plant has restarted, acceptable licensee performance is verified prior to the plant being returned to the routine oversight inspection and assessment schedules of the ROP.

05.02 IMC 0350 Entry Conditions

A plant will be considered for oversight under the IMC 0350 process when the following four criteria are met: (1) plant performance is in the Multiple/Repetitive Degraded Cornerstone column or the Unacceptable Performance column of the Action Matrix, or a significant operational event has occurred as defined by MD 8.3; (2) the plant is shut down or the licensee has committed to shut down the plant to address performance issues (whether voluntary or via an agency order to shut down); (3) a regulatory hold is in effect, such as a confirmatory action letter (CAL) or an agency order; and (4) an agency management decision is made to place the plant in the IMC 0350 process (see next paragraph). Note that even with entry conditions 1, 2, and 3 being satisfied, agency management has the discretion not to implement the IMC 0350 process.

When considering entry into this IMC, NRR and regional management should carefully consider the following: (1) expected length of the plant shutdown, (2) the degree to which the licensee has performed an extent-of-condition evaluation pertaining to the reasons for the shutdown, and (3) the amount of discovery still required of the licensee to identify all of the problems associated with the shutdown. It should be noted that heavier weight should be given to implementing this IMC if the licensee is found to be more in the discovery and extent-of-condition phase of the assessment, as opposed to having a more complete understanding of the issues and an appropriate course of action to resolve the issues. Examples of the appropriate level of regulatory engagement once a plant has entered the Multiple/Repetitive Degraded Cornerstone column of the Action Matrix and how IMC 0350 may be applied are provided in Section 06.06 of IMC 0305. The cognizant Regional Administrator and the Director of NRR determine whether this IMC applies to a specific reactor shutdown period and restart.

05.03 Initial Actions

In addition to making the determination whether to implement this IMC for a specific reactor shutdown period and restart, the Regional Administrator should consult with the Deputy Executive Director for Reactor Programs, the Director of the Office of Enforcement, and the Director of NRR, as appropriate, to determine the scope of an order or a CAL specifying any immediate actions and/or the actions required of the licensee in order for the licensee to receive NRC approval to restart the plant. A CAL is typically used to document the licensee's agreement to take certain actions to remove significant concerns about health and safety, safeguards, or the environment prior to plant restart, though an

order may be necessary in certain cases. Guidance on the uses of orders and CALs is provided in the NRC's Enforcement Policy.

As soon as practical after the determination is made to implement this IMC, the Regional Administrator should notify internal and external stakeholders of the NRC's initial understanding of the performance issues and the NRC's plans to implement the IMC 0350 process. The Regional Administrator will establish an oversight panel (henceforth referred to as "the Panel") to maintain an ongoing overview of licensee performance as described in Section 06.01 of this guidance. The Regional Administrator selects the Chairman of the Panel and establishes the Panel's composition and responsibilities.

0350-06 OVERSIGHT REVIEW ACTIVITIES

06.01 Oversight Panel (i.e., the Panel)

a. Membership. For each plant shutdown and potential restart subject to oversight consistent with this manual chapter, the Regional Administrator, in coordination with the Director of NRR, will decide when to establish the Panel. The Regional Administrator normally establishes the composition of the Panel and its responsibilities in writing. The Panel will typically consist of the following individuals, or those in similar positions:

- Director, regional office Division of Reactor Projects (DRP) or Division of Reactor Safety (DRS) (Chairman)
- Project Director, responsible NRR Project Directorate (Vice Chairman)
- Responsible regional office DRP Branch Chief
- Responsible regional office DRS Branch Chief
- Responsible Project Manager, NRR (or Section Chief)
- Responsible Senior Resident Inspector
- Responsible regional office Senior Reactor Analyst (as needed)

Members can be added to or removed from the Panel, as appropriate, depending on the specific details of the problems leading to the plant shutdown and the matters to be evaluated before restart is authorized. Though not typically a member of the Panel, the Chief of the Inspection Program Branch in NRR (or designee) will maintain cognizance of Panel activities to ensure proper implementation of the IMC 0350 process.

b. Panel Duties and Planned Accomplishments

1. Review all available information directly related to the reason for the plant shutdown for the past four quarters of plant operation. This activity includes a review of performance indicator data, inspection findings, and docketed correspondence from the licensee.

2. Develop the Panel Process Plan and the Restart Checklist. The Panel Process Plan should include a plan for implementing the checklist and for modifying it as necessary to ensure that all risk-significant performance issues directly relating to the plant shutdown, including extent of condition, are resolved or dispositioned before restart.

3. Develop and maintain a comprehensive Communications Plan to ensure effective communication with internal and external stakeholders. The Communications Plan should encompass the initial decision to enter the IMC 0350 oversight process, the ongoing oversight activities, and the restart decision.

4. Maintain cognizance over the status of the regulatory hold (CAL or order) requirements and recommend to the Regional Administrator, in consultation with cognizant program office management, any necessary modifications.

5. Maintain an ongoing overview of licensee performance throughout the licensee's pre- and post-restart activities.

6. Determine the inspection (scope and level of effort) necessary to review performance deficiencies and identified risk-significant issues for restart.

7. Assess the adequacy of the licensee's corrective action and/or improvement program and the ability of the licensee to identify problems.

8. Assess the physical readiness of the plant for restart.

9. Periodically provide NRC management and the Commission, if requested, briefings and updates on the status of the licensee's progress in resolving issues associated with the reasons for shutdown, corrective actions, and general licensee performance.

10. Conduct periodic meetings with the licensee to discuss progress toward satisfactory completion of the licensee's restart program. These meetings are Category 1 meetings in accordance with NRC Brochure NUREG/BR-0297, "NRC Public Meetings." Accordingly, the public is invited to observe the meeting between the NRC and the licensee and will have the opportunity to communicate with the NRC staff after the business portion of the meeting but before the meeting is adjourned. Separate Category 3 meetings may be held near the facility, and/or additional arrangements should be made to the

extent practicable (e.g., teleconferencing, advertising meetings in local papers, etc.) to further encourage active public participation and involvement.

11. On the basis of satisfactory inspection and assessment of the completion of the pre-startup portion of the licensee's restart program, provide a written recommendation and the basis for the approval for restart to the Regional Administrator and the Director of NRR.

12. Provide post-restart enhanced oversight of licensee performance until there is a return to the ROP.

13. Provide a written recommendation to the Regional Administrator and the Director of NRR for the return to the ROP.

14. Ensure a comprehensive record is developed and maintained that documents NRC decisions and actions related to IMC 0350 activities and lessons learned for future Panels.

06.02 Panel Process Plan and Restart Checklist

Upon implementation of this IMC and establishment of the Panel, the Panel should promptly determine the type and extent of inspections and oversight activities needed to assess the extent of the licensee's performance problems and the adequacy of licensee's staff to address them. The Panel should develop a Panel Charter, a Panel Process Plan, and a Restart Checklist using the guidance contained in Appendix A, "Generic NRC Restart Review Activities." The Panel Charter should state the purpose, objectives, and composition of the Panel, as well as the expected outcome of the process (e.g., development of the Restart Checklist, resolution of the restart issues, and a letter to the licensee terminating the process).

The Panel Process Plan should provide the following: (a) the specific inspection and oversight activities by which the NRC will determine the licensee's readiness for restart; (b) risk-significant issues related to the reason for the shutdown that must be resolved before restart (i.e., restart issues); and (c) who has lead responsibility for each action. Items a and b correspond to the "Process" and "Issues" portions of the Restart Checklist, respectively. Appendix A of this IMC contains guidelines on how to construct the plant-specific Restart Checklist. These guidelines should be evaluated for applicability to the plant in question. Issues from Appendix A will only be included in the Restart Checklist when they must be resolved before plant restart.

The Panel Process Plan (1) ensures that there is an adequate inspection plan and that there is a record to support the restart determination; (2) tracks restart issue status and reference documents which contain the inspection results associated with the resolution of the issues; (3) addresses new issues, including items identified by the extent-of-condition reviews; (4) provides the basis for why selected issues were not resolved before restart; (5) establishes the Communications Plan to ensure effective communication with internal and external stakeholders, including the responsibilities and methodologies for interactions with the Commission; the Advisory Committee on Reactor Safeguards (ACRS);

the media; Federal agencies; Federal, State, and local officials, and other stakeholders; and (6) establishes the plant-specific criteria for termination of the IMC 0350 process controls and return to routine ROP oversight.

The Restart Checklist is an itemized listing of restart issues that contains a description and the status of the issue, status of the NRC regulatory actions, inspection report documentation, and the corresponding identified root causes and corrective actions that require disposition or resolution prior to restart. The Restart Checklist should be focused on those issues related to the significant operational event or the performance categorization commensurate with the Multiple/Repetitive Degraded Cornerstone or the Unacceptable Performance columns of the Action Matrix. Criteria for the development and maintenance of the Restart Checklist are included in Appendix A, Section C.

Additional issues that are identified during the plant shutdown may be added to the Restart Checklist if they meet the criteria specified in Appendix A, Section C. The Panel, NRR, and the applicable regional office should discuss the specific circumstances for adding issues to the Restart Checklist. Additional issues are defined as issues that are unrelated to the initial reason(s) for the plant shutdown. Any issue that is characterized as white, yellow, or red by the SDP has enough risk significance to be considered a restart issue. For example, new inspection findings and licensee event reports should be screened for risk significance so a prompt decision can be made on the need to add to the Restart Checklist. The Regional Administrator and the Director of NRR will be made cognizant of the additional risk-significant issues added to the checklist.

06.03 Correlation Between the ROP and the IMC 0350 Process

Due to the depth and breadth of performance issues and the extended shutdowns associated with plants under the IMC 0350 process, the full array of ROP-related information is not always available and/or applicable. When plants are under the IMC 0350 process, they are still under the auspices of several aspects of the ROP, though each program area needs to be customized appropriately to conform to the IMC 0350 extended shutdown conditions.

The following paragraphs describe the applicable sections of each program area of the ROP, including the inspection program, the performance indicator program, the significance determination process (SDP), and the assessment program.

a. Inspection Program

The ROP inspection program should be utilized to the maximum extent practical in accordance with IMC 2515, "Light Water Reactor Inspection Program - Operations Phase." When developing and modifying the Restart Checklist and associated inspection plan, the Panel should use the baseline inspection procedures in accordance with Appendix A of IMC 2515 to the extent they are practical based on plant conditions, the availability of samples, and upcoming plant activities. Although the Panel should attempt to complete at least the minimum number of samples for each applicable baseline inspection procedure, there may be cases where the minimum sample size may

not be available. In these cases, the actual sample size completed should be documented in the inspection report.

In those cases where the baseline inspection program does not provide adequate assurance that each Restart Checklist item is appropriately addressed by the licensee, customized special inspections should be planned to augment the baseline inspection program. These customized inspections must be accompanied by an issue-specific inspection plan that identifies which inspection procedures are to be used in accordance with IMC 2515. If the circumstances require a unique inspection that is not currently documented in an inspection procedure, the inspection plan must be of sufficient detail to provide adequate guidance to the inspectors to evaluate the adequacy of the particular restart item. The customized inspection plan must be approved by the cognizant regional division director with concurrence of the Chief of the Inspection Program Branch. Consideration should also be given to the need for a new inspection procedure or temporary instruction to be created and issued in accordance with IMC 0040, "Preparing, Revising, and Issuing Documents for the NRC Inspection Manual," if the performance deficiency is generic in nature and may apply to other operating reactors.

The Panel Process Plan should delineate which baseline IPs are to be performed in accordance with the ROP and which baseline inspections are deemed not applicable and will not be performed. The justification for not performing certain baseline inspections should be clearly documented. In addition, inspections should be conducted as necessary to compensate for the unreported or incomplete PI data as discussed below. Additional inspections above and beyond the ROP inspection program and those necessary to verify adequacy of the restart items should not be planned or performed except as noted below.

Supplemental inspections should also be performed in accordance with Appendix B of IMC 2515 for all findings whose significance has been determined to be greater-than-green by the SDP, as practicable. Any exceptions to the supplemental inspection procedure requirements must be clearly articulated and justified in the supplemental inspection report. Only those supplemental inspections directly related to restart items need to be performed prior to plant restart.

Inspection results should be documented in accordance with IMC 0612, "Power Reactor Inspection Reports," to the extent practical. However, similar to the documentation requirements for Inspection Procedure (IP) 93812, "Special Inspections," due to the increased interest in plants under the IMC 0350 process, areas where no findings are identified may be documented in greater detail than required by IMC 0612, particularly to the extent necessary to defend the basis for closing a restart item. The inspection plan should be reviewed and modified as necessary, on at least a quarterly basis, to ensure that the inspection schedule is optimized with the licensee's corrective action schedule and that the restart items are adequately inspected by the NRC as necessary to support the restart decision.

b. Performance Indicator Program

Plants should continue to gather and submit PI data in accordance with IMC 0608, "Performance Indicator Program," to the extent that the data is applicable to extended shutdown conditions. Many indicators in the initiating events, mitigating systems, and barrier integrity cornerstones may not be particularly relevant, but indicators in the emergency preparedness, occupational radiation safety, public radiation safety, and physical protection cornerstones still provide useful indications of plant performance. To the extent necessary to assess the plant's readiness for restart, IP 71150, "Discrepant or Unreported Performance Indicator Data," should be conducted as prescribed by the Panel to compensate for performance information not being gathered due to the unreported or incomplete PI data until the plant has restarted and sufficient PI data has been collected.

c. Significance Determination Process

Findings discovered before and during the IMC 0350-related inspections should be evaluated using the applicable SDP in accordance with IMC 0609, "Significance Determination Process." The Panel should use the SDP along with the ROP Action Matrix as guidance for determining appropriate supplemental inspections for identified greater-than-green findings. Supplemental inspections should be performed in accordance with Appendix B of IMC 2515 to the extent practicable. Any exceptions to the supplemental inspection procedure requirements must be clearly articulated and justified in the supplemental inspection report. Only those supplemental inspections directly related to restart items need to be conducted prior to plant restart.

d. Assessment Program

Plants under the IMC 0350 process are considered outside of the normal assessment process in accordance with IMC 0305, "Operating Reactor Assessment Program." However, the ROP Action Matrix should be used as guidance for determining appropriate agency response for identified performance problems. Consideration should also be given to other ongoing activities and licensee assessments when determining the appropriate agency response. An IMC 0350 Process column has been added to the ROP Action Matrix (in IMC 0305) for illustrative purposes to demonstrate comparable agency response and communications with plants under the auspices of IMC 0305 versus IMC 0350.

Mid-cycle and end-of-cycle reviews should be performed for plants under the IMC 0350 process along with other operating reactors within each region. The IMC 0350 plants should be discussed at these meetings to integrate the inspection planning efforts across all regional sites and to keep internal stakeholders abreast of ongoing inspection and oversight activities. Mid-cycle and annual assessment letters are not typically issued for IMC 0350 plants. However, any updates to the inspection plan as a result of these reviews should be communicated to the licensee in docketed correspondence similar to any other changes to the inspection plan for IMC 0350 plants. In addition, the annual public meeting to discuss plant performance does not need to be conducted for IMC

0350 plants because detailed ongoing public status meetings with the licensee are conducted frequently to discuss plant performance and status.

Plants under the IMC 0350 process should also be discussed at the annual Agency Action Review Meeting (AARM) to provide a status update, along with those operating plants that meet the criteria for discussion at the AARM. The IMC 0350 plants should also be briefly discussed during the Commission briefing following the AARM. However, more detailed Commission briefings regarding the status of IMC 0350 plants and recommendations for plant restart are typically held separately, as requested.

Plants are typically transitioned back to the normal assessment process approximately one or two quarters after restart as determined by the Panel. If the Panel determines that continued oversight beyond three quarters is warranted to ensure the licensee continues to meet the commitments made in its performance improvement plan or for some other justifiable reason, then the Panel should recommend to the Regional Administrator and the Director of NRR to continue the oversight activities for an appropriate period of time.

At the beginning of the next calendar quarter following termination of the IMC 0350 process, the plant will no longer be considered under the IMC 0350 process and NRC oversight will be in accordance with the ROP Action Matrix. If enhanced oversight is deemed necessary by the Regional Administrator beyond that prescribed by the Action Matrix, the Regional Administrator must request a deviation from the Action Matrix in accordance with IMC 0305.

e. ROP Web Page

PIs, inspection findings, and other applicable oversight information will be posted to the ROP Web page in accordance with IMC 0306, "Information Technology Support for the Reactor Oversight Process." In addition, pertinent plants should be clearly designated as "under the IMC 0350 process" on both the specific plant's Performance Summary page and the Action Matrix Summary page. The regions should also consider developing and maintaining a specific Web page to clearly communicate ongoing IMC 0350 activities.

06.04 Restart Approval

Upon satisfactory completion of the pre-startup portion of the licensee's restart program and all items on the Restart Checklist, the Panel will provide a written recommendation and the basis for the approval for restart to the Regional Administrator and the Director of NRR. The Regional Administrator, in coordination with the Deputy Executive Director for Reactor Programs and the Director of NRR, normally has the authority to approve restart. If preexisting orders are involved, Commission or EDO approval may be required.

The Regional Administrator will issue a restart authorization letter to the licensee to include the basis for restart and the extent of continued Panel engagement. Interested stakeholders should also be notified of the restart authorization as specified in Section B.6 of the appendix to this chapter.

0350-07 POST-RESTART ACTIVITIES

07.01 Coordination of Post-Restart Activities

Once restart approval is granted, the Panel will continue in an oversight capacity for one or two quarters, or until completion of an appropriate period of time following plant restart. The length of time of post-restart oversight may vary, depending on licensee performance and resolution of identified problems, in order to reestablish applicable reliable PIs and to allow the staff to assess licensee performance before a return to the ROP is warranted. However, if the Panel determines that continued oversight beyond three quarters is warranted, then the Panel should recommend to the Regional Administrator and the Director of NRR to continue the oversight activities for an appropriate period of time.

The Panel should evaluate the licensee's docketed responses to inspection findings, program changes, corrective actions, and self-assessments for those issues that did not require resolution before restart. At the end of each quarter, the Panel will compare this information and other licensee performance data to the corresponding NRC response and action levels in the Action Matrix. The Panel should then determine or make adjustments to the appropriate level of NRC oversight activities. Detailed guidance on post-restart oversight is discussed in Section B.7 of the appendix.

07.02 Termination of the IMC 0350 Process

Once the plant is operating and the plant-specific criteria for termination of the IMC 0350 process controls as defined in the Panel Process Plan have been met, there are no additional criteria needed to terminate the IMC 0350 process other than documentation of the Panel's activities and decision.

The Panel's basis for the decision to terminate the IMC 0350 process must be documented in a final letter to the Regional Administrator. The NRC will notify the licensee of the termination of the IMC 0350 process for the licensee's facility via a letter signed by the Regional Administrator. This letter will include the results of the NRC's post-restart review and oversight efforts. Additional guidance on termination of the IMC 0350 process is contained in Appendix A, Section B.8.

At the beginning of the next calendar quarter following termination of the IMC 0350 process, the plant will no longer be considered under the IMC 0350 process and NRC oversight will be in accordance with the ROP Action Matrix. If enhanced oversight is deemed necessary by the Regional Administrator beyond that prescribed by the Action Matrix, the Regional Administrator must request a deviation from the Action Matrix in accordance with IMC 0305.

0350-08 ADDITIONAL GUIDANCE

08.01 Coordination of Followup Actions

The focal point for working-level discussions within the NRC for followup actions will be the Panel Chairman and the responsible NRR Project Directorate (Vice Chairman). These individuals should coordinate participation in conference calls, the Panel, and management discussions to ensure that the Regional Administrator, the Director of NRR, and appropriate staff are involved, when applicable.

08.02 Commission Involvement

The Commission must be kept informed of the staff's restart actions on a continuing basis. The Region and NRR will inform the Commission of the staff's and the licensee's restart actions through periodic Commission papers or memoranda to the EDO. On the basis of these interactions between the staff and the Commission, the need for Commission briefings will be determined.

For those plants requiring the Commission's approval for restart, the staff should anticipate Commission briefings with licensee participation (a) after a corrective action plan is agreed on and (b) after completion of the appropriate restart readiness team inspection(s) before plant restart is anticipated. At the final briefing before restart is granted, the NRC staff should provide its basis for finding the licensee ready for plant restart.

08.03 Independent Review

The Panel should keep the ACRS informed of NRC's actions involving plants using this IMC. The Panel should coordinate and plan any briefings of the ACRS, as requested. At a minimum, the ACRS should be notified when the plant has been placed under the IMC 0350 process and when restart has been authorized by the NRC. Additional notifications and briefings will be at the request of the ACRS.

08.04 Public Stakeholder Participation

NRC management will determine the need for and the level of NRC participation with the public stakeholders on a case-by-case basis, which will be incorporated into the actions necessary for restart. The level of appropriate public stakeholder participation varies greatly from situation to situation and depends on the cause of the shutdown, the interest of local citizens, the interest of elected officials, and the concerns of other Government agencies. Public stakeholder meetings have proven to be a valuable vehicle for the restart process. These meetings, which are often transcribed, are held to receive comments on licensee plans and to describe the results of the NRC review of licensee activities. Public stakeholder meetings in the local area should be strongly considered so that the concerns and comments on the licensee's restart activities can be heard and factored into the NRC's restart review.

08.05 Other Agencies and Government Organizations

The Chairman of the Panel will ensure that efforts have been made to establish an open dialogue with local and State government officials and agencies. The Panel Chairman should ensure that inquiries from the Office of Congressional Affairs, Congress, local and State government agencies, and various Federal agencies are promptly addressed. Appropriate caution should be exercised to avoid the release of predecisional, proprietary, or safeguards information when responding to inquiries. When interest extends to a foreign government (e.g., Canada), the Office of International Programs or its designee shall brief the foreign officials if the EDO deems a briefing appropriate.

The decision regarding the licensee's ability to restart will include consideration of the need to involve staff from other Federal agencies, such as FEMA, EPA, and DOJ, and State and local government representatives. Briefings with elected officials and observations of NRC inspections by State representatives have been an effective way of enhancing NRC communication regarding problem plants.

0350-09 RECORDS

Appropriate documentation of the restart process is important. The licensee and the NRC staff must understand the reasons for the plant shutdown and the necessary actions to be completed before restart. In addition, information related to NRC and licensee actions, as well as acceptance criteria and confirmatory actions by other agencies and Government organizations, must be made available to the public. Information on NRC and licensee actions related to plant restart should be attached to or included in NRC inspection reports. However, other forums, such as public correspondence between the licensee and the NRC or Commission papers, are acceptable. At a minimum, the records developed for the shutdown and the restart process shall consist of the following:

1. The licensee's docketed correspondence concerning plant performance.

2. A CAL or an order issued to the licensee specifying the action(s) to be taken.

3. The Panel Charter.

4. Panel membership and the Panel Process Plan.

5. The Restart Checklist, including any revisions.

6. Interim progress reports (e.g., Commission paper, EDO memoranda).

7. Meeting summaries from panel meetings and meetings between the NRC and licensee representatives. These summaries should indicate why any white, yellow, or red issues were or were not selected as restart items.

8. Inspection reports and related correspondence.

9. Pertinent licensing actions completed by the NRC.

10. Other agency and Government actions communicated to the NRC.

11. The basis for restart approval.

12. The basis for the licensee's return to the ROP.

13. A letter to the licensee documenting termination of the IMC 0350 process.

14. A memorandum to NRR providing the lessons learned to be considered for incorporation in the next revision to IMC 0350.

All documents relating to the restart process are to be included in the docket file and, to the extent permitted by 10 CFR 2.790, made public in accordance with NRC policy. Pre-decisional information will not be made public until after the applicable decision has been made.

0350-10 REFERENCES

IMC 0305, "Operating Reactor Assessment Program."

IMC 0608, "Performance Indicator Program."

IMC 0609, "Significance Determination Process."

IMC 2515, "Light Water Reactor Inspection Program - Operations Phase."

NRC Management Directive 8.3, "NRC Incident Investigation Program."

END

Appendix

A. Generic NRC Restart Review Activities

APPENDIX A
GENERIC NRC RESTART REVIEW ACTIVITIES

A. GENERAL

A.1 PURPOSE

To provide specific guidance and anticipated tasks for planning and coordinating NRC activities associated with NRC's oversight of nuclear power plants that are restarting after a shutdown.

A.2 OBJECTIVES

To ensure that NRC oversight efforts are consistently developed, communicated, and implemented. Specific guidance is provided in this appendix to Inspection Manual Chapter (IMC) 0350 to support the following:

a. using established criteria to screen, prioritize, and identify issues requiring resolution before restart,

b. tracking, documenting, and followup of non-restart issues commensurate with established inspection program guidance,

c. identifying the level of effort needed to review and approve a plant restart,

d. coordinating, overseeing, and tracking restart-related activities, and

e. coordinating, overseeing, and tracking post-restart activities.

B. PANEL PROCESS PLAN

This section outlines the NRC's IMC 0350 oversight process and provides guidance for constructing the Panel Process Plan. The major steps are outlined below:

1. Verification of appropriate agency response
2. Verification of appropriate notifications
3. Establishment and organization of the NRC review process
4. Assessment of licensee performance
5. Restart authorization
6. Notification of restart authorization
7. Post-restart oversight
8. Termination of the IMC 0350 process

These major steps are broken down into potential tasks and are specified in a menu format. However, only those tasks that are applicable should be selected for incorporation into the Panel Process Plan.

When appropriate, the typical lead responsible organization is indicated in parentheses next to the task. When an NRC action responsibility is not indicated, the Panel will determine responsibility. This responsibility may be shared in some cases.

B.1 VERIFICATION OF APPROPRIATE AGENCY RESPONSE

The Panel should focus its restart review efforts on those performance issues and conditions related to the reasons that IMC 0350 was implemented. The performance data, root causes, and their apparent risk impact are to be established early in the process. This information will assist the NRC in characterizing the problems, the appropriate regulatory response, and the adequacy of the licensee's corrective actions. Early management appraisal of the situation is also important to ensure that the proper immediate actions are taken. The initial NRC actions listed below are to be performed as soon as practical following the decision to implement the IMC 0350 process.

TASK

a. Verify that the IMC 0350 entry conditions have been met (region).

b. Issue and modify Confirmatory Action Letter (CAL) or order, as appropriate (region).

c. Issue supplemental inspection report(s) (when plant performance was in the Multiple Repetitive Degraded Cornerstone column or the Unacceptable Performance column of the ROP Action Matrix) or reactive inspection report (when a significant operational event has occurred as defined by MD 8.3), as appropriate (region).

d. Document the basis for the management decision to place the plant in the IMC 0350 process (region/NRR).

e. Provide a written letter to the licensee notifying it of the NRC's plans and basis to implement the IMC 0350 process (Regional Administrator).

B.2 VERIFICATION OF APPROPRIATE NOTIFICATIONS

Notification to industry and public stakeholders of implementation of this manual chapter should be promptly communicated through press releases, letters, and a posting on NRC's Web site. Notification should include the NRC's understanding of the performance issues, the performance trend history over the last four quarters, and any other pertinent issue or regulatory concern. As the review process continues, additional and continuing notifications may be necessary.

TASK

a. Issue Daily and Director's Highlight, when appropriate (NRR).

b. Issue Preliminary Notification, when appropriate (region).

c. Conduct Commissioner assistants' briefings, when requested (NRR).

d. Issue Commission paper, when requested (region).

e. Notify cognizant Federal agencies: Federal Emergency Management Agency (FEMA), Environmental Protection Agency (EPA), Department of Justice (DOJ) (region).

f. Notify State and local officials (region).

g. Notify Congress and provide periodic updates, as requested (NRR/regions).

h. Notify media (by a press release) (OPA).

i. Notify International Programs for those sites in which emergency planning zones cross international boundaries (Office of International Programs).

j. Notify Native American Tribal Governments, as applicable (OSTP).

B.3 ESTABLISHMENT AND ORGANIZATION OF THE NRC REVIEW PROCESS

It will be necessary to establish and organize the NRC restart oversight to ensure the effective coordination of resources in evaluating the licensee's readiness for restart. Effective interactions within and outside the NRC are critical to ensure that the pertinent issues are properly identified and resolved.

TASK

a. Establish the oversight panel and panel charter (region).

b. Assess available information (e.g., performance indicator [PI] data, baseline and supplemental inspection findings, results of risk studies and event analyses, licensee self-assessments, allegations, performance improvement plan, and industry reviews, lessons learned reports and other third party reports). This information includes issues and inspection findings that were not directly related to the reason for the shutdown, particularly if they were determined to have risk significance (Panel).

c. Develop the Restart Checklist. The criteria for the development and maintenance of the Restart Checklist is included in Appendix A, Section C. The initial Restart Checklist needs to be broad enough to include extent of condition for the performance deficiencies of concern. (Panel).

d. Develop and maintain a comprehensive Communications Plan (Panel).

e. Determine the inspection necessary to review performance deficiencies and identified risk-significant issues for restart. Issue and maintain a comprehensive inspection schedule (Panel).

f. Obtain input from involved parties both within the NRC and at other Federal agencies, such as FEMA, EPA, and DOJ (region).

g. Conduct periodic Regional Administrator briefings (region).

h. Conduct periodic NRR Executive Team briefings (NRR).

i. Approve the Restart Checklist (Regional Administrator).

j. Approve the Restart Checklist (for those issues for which NRR has the technical lead) (Director of NRR).

k. Implement the Restart Checklist (Panel).

l. Modify the Restart Checklist as necessary (Panel).

m. Conduct periodic meetings with the licensee to discuss progress toward satisfactory completion of the licensee's restart program. Encourage active public participation and involvement (Panel).

n. Issue revisions to panel charter, as applicable (Panel).

o. Modify the CAL or order as necessary (region).

p. Support senior manager site visits (region).

q. Develop the plant-specific criteria for termination of the IMC 0350 process controls and modify as necessary (Panel).

B.4 ASSESSMENT OF LICENSEE PERFORMANCE

Early establishment of the review areas of concern will help define the methods and the appropriate level of oversight. When the licensee has developed its performance improvement plan (or equivalent), the NRC shall review that plan for completeness and adequacy. The NRC will also need to determine which corrective actions must be required to be implemented before restart and which can be deferred to some later date as long-term, post-restart corrective actions. Corrective actions determined to be required to be implemented prior to restart should be included in the Restart Checklist. All conditions of the order or confirmatory action letter required to be implemented prior to restart should also be included in the Restart Checklist.

B.4.1 Licensee Performance Evaluation

TASK

a. Evaluate NRC inspection findings, including Augmented Inspection Team, Incident Investigation Team, or other team inspections performed after formation of the Panel.

b. Evaluate the licensee's performance improvement plan and associated root cause determination, extent-of-condition reviews, and corrective action plans. These

reviews should consider both the technical soundness of the licensee's evaluations and management's commitment to performance improvement.

c. Evaluate all allegations involving reactor safety, radiation safety, or security. Any allegations determined to have merit and risk significance should be included on the Restart Checklist.

B.4.2 External Stakeholder Comments

Throughout the duration of the plant shutdown and until the plant is returned to the ROP, solicitation of comments from diverse sources may be appropriate. The decision to solicit comments from a group and determination of the level of participation should be made on a case-by-case basis. Input from these groups should be factored into the restart process, as appropriate. If needed, comments concerning the adequacy of State and local emergency planning and preparedness should be obtained from FEMA headquarters through NRR.

TASK

a. Obtain public comments (region).

b. Obtain comments from State and local officials (region).

c. Obtain comments from applicable Federal agencies (region/NRR).

d. Obtain comments from Native American Tribal Governments, as applicable (OSTP).

e. Review and respond to 10 CFR 2.206 petitions (Panel).

B.4.3 Closeout Actions

When the licensee has completed actions to resolve the restart issues and has substantially addressed significant concerns, the NRC needs to conduct closeout activities to independently verify that corrective actions required before restart are complete and that the plant is physically ready for restart. This section specifies actions associated with completion of significant NRC reviews and preparations for restart.

TASK

a. Evaluate the licensee's restart readiness self-assessment (region).

b. Resolve all restart issues described in the Restart Checklist (Panel).

c. Conduct appropriate NRC restart readiness team inspection(s). The Panel determines which inspection procedures (IPs) from the IP 93800 series are necessary to ensure readiness for restart based on plant-specific situations (For example, the operational readiness assessment team inspections per IP 93806,

the operational safety team inspection per IP 93802, the safety system functional inspection per IP 93801, and others).

d. Develop restart coverage inspection plan. Use guidance contained in IMC 2515 Appendix B, IMC 0305, and other appropriate documents (region).

e. Disposition comments from other parties (Panel).

f. Determine that all conditions of the order or confirmatory action letter are satisfied. (If applicable, the NRC and the licensee should clearly understand what actions remain to be completed and how the licensee will demonstrate their completion [Panel].)

g. Verify that the Restart Checklist is complete (Panel).

Conduct a meeting with the licensee to discuss restart readiness (Panel).

B.5 RESTART AUTHORIZATION

When the IMC 0350 oversight process has reached the point at which the issues have been identified, corrected, and reviewed, the restart authorization process is begun.

TASK

a. Prepare the restart recommendation memorandum to the Regional Administrator and the restart authorization letter to the licensee establishing the basis for restart (Panel).

b. Determine that no restart objections from the region, NRR, or other applicable Headquarters offices or Federal agencies exist (Panel).

c. Obtain approval of the Regional Administrator for restart (region).

d. Obtain concurrence for restart from the Director of NRR (Panel).

e. Obtain concurrence for restart from the Deputy Executive Director for Reactor Programs (Panel).

f. Obtain concurrence for restart from the Executive Director for Operations, if required (Panel).

g. Conduct a briefing for the Advisory Committee on Reactor Safeguards (ACRS), if requested (NRR).

h. Conduct a briefing for the Commission, if requested (NRR).

i. Obtain the Commission approval or concurrence for restart, if required (NRR/EDO).

j. Authorize restart (note: once approval is given, external stakeholders should be notified by phone and provided a copy of the restart authorization letter and press release, as applicable) (Regional Administrator).

B.6 NOTIFICATION OF RESTART AUTHORIZATION

Notify the applicable parties of the restart authorization. Notification should generally be done by memorandum or other format consistent with the level of formality required. Communication of planned actions is important at this stage to ensure that NRC's intentions are clearly understood.

TASK

Notify the following:

a. Commission (if the Commission did not concur in the restart authorization) (NRR).

b. EDO (if the EDO did not concur in the restart authorization) (NRR).

c. Office of Congressional Affairs (OCA) (NRR).

d. ACRS (a briefing may be substituted for the written notification if the ACRS requests one) (NRR).

e. Applicable Federal agencies (NRR).

f. Office of Public Affairs (OPA) (region and NRR).

g. State and local officials (region).

h. Congress (OCA).

i. Media (by a press release) (OPA).

j. Citizens or groups that expressed interest during the restart approval process (region).

k. International Programs for those sites in which emergency planning zones cross international boundaries (Office of International Programs).

l. Native American Tribal Governments, as applicable (OSTP).

B.7 POST-RESTART OVERSIGHT

After the NRC has granted approval for the licensee to resume reactor operations, the Panel should remain involved in an oversight capacity for at least one quarter following plant restart. The Panel should assess whether a longer period of time is warranted based on licensee performance. The length of time of post-restart oversight may vary, depending

on a case-by-case basis and evaluation. If post-restart oversight beyond two quarters is warranted, then a recommendation to the Regional Administrator and the Director of NRR to continue the oversight activities should be made.

At the end of each quarter, the Panel should evaluate the performance data and any inspection findings and make subsequent step adjustments in the appropriate level of NRC oversight activity.

TASK

a. Issue an inspection plan for the next 6 months, even if the post-restart oversight period is less. Include inspections in areas not covered by the PIs and that are beyond the normal baseline inspection program (Panel).

b. Determine if adjustments are needed to the level of required inspection oversight on a quarterly basis. Use the Action Matrix to aid in the determination of required inspections (Panel).

c. Monitor licensee performance to assess whether corrective actions implemented since startup were effective to prevent recurrence of the problem. This review will be conducted at least quarterly and will include quarterly PIs and inspection findings (Panel).

d. Review docketed correspondence, performance improvement plan changes, long-term corrective actions, and licensee self-assessments for those issues not implemented before restart (Panel).

e. As appropriate, conduct public meetings with the licensee to discuss performance improvements. Meetings with the public should also be considered (Panel).

B.8 TERMINATION OF THE IMC 0350 PROCESS

After an acceptable post-restart period of operation of the plant, and upon determination that the criteria for termination of the IMC 0350 process controls as defined in the Panel Process Plan have been met, the Panel may recommend termination of the IMC 0350 process and a return to the ROP. Although it is expected that at least one or two quarters of operation is required, the Panel may recommend continuing the oversight activities, provided the Panel provides adequate justification and documentation.

The criteria for termination of the IMC 0350 process should include verification that the licensee has established an effective long-range improvement program, is sufficiently implementing the corrective action program, has demonstrated safe plant operation and overall improving performance, and has adequate controls in place to address the plant-specific issues that caused IMC 0350 to be implemented.

The Panel should send a final letter documenting the results of its post-restart review and oversight efforts to the Regional Administrator. The letter should give the basis for the Panel's recommendation to terminate its oversight activities and return the plant to ROP

oversight. The letter should address the resolution for each of the plant-specific criteria for termination of the IMC 0350 process as defined in the Panel Process Plan. On the basis of the recommendations of the Panel, the Regional Administrator, in consultation with the Director of NRR and the Deputy Executive Director for Reactor Programs, will decide whether a return to the ROP is warranted. Once the decision is made to terminate the IMC 0350 process, a letter should be sent to the licensee informing it of the staff's position, including pertinent information such as the Panel's summary assessment of the resolution of the Restart Checklist issues, the basis for the decision to return the plant to the ROP, and the expected termination date.

TASK

a. Provide a written recommendation to the Regional Administrator and the Director of NRR to return the plant to the ROP (Panel).

b. Approve return to the ROP and terminate the IMC 0350 oversight process (Regional Administrator).

c. Provide a written letter notifying the licensee that the plant has returned to the ROP (Regional Administrator).

C. RESTART CHECKLIST

C.1 Restart Issues and Resolution

The establishment of the issues that require resolution before restart requires a clear understanding of the risk significance of the issues and the actions required of the NRC and the licensee to address them. It is important to note that the Panel has oversight of the assessment process before the return to the routine reactor oversight assessment process. Therefore, the scope of the issues to be considered is not limited by strategic area or by cornerstone but by the importance of the issues in protecting the public health and safety within the criteria specified below.

The Restart Checklist should contain (1) a listing of restart issues and their risk significance sorted by the cornerstone, (2) a brief description of the issue, (3) the criteria met for placement on the checklist, (4) who has the lead (both NRC and licensee), (5) issue status, (6) corrective action status, (7) closure completion date, and (8) the corresponding inspection report number.

The criteria for determining which issues are added to the Restart Checklist are as follows:

- The issue involves any inspection finding, performance indicator, or condition that when evaluated by the SDP process, is determined to have a risk significance of "white" or higher, even if not directly related to the initial IMC 0350 entry condition.

- The issue results in a cited violation of the facility's license, technical specifications, regulations, or orders under any mode of plant operation (for example, operating at power with all emergency ac power out of service).

- The issue results in a loss of the licensee's ability to maintain and operate the facility in accordance with the design and licensing basis (for example, a programmatic breakdown such as repetitive examples of inadequate design control, including 10 CFR 50.59 plant modifications of equipment important to safety or plant operating practices).

- A licensing action is necessary to address a performance issue prior to plant restart.

- The issue results in a condition in which the NRC lacks assurance that the licensee can or will conduct its activities without undue risk to public health and safety or the environment (for example, multiple repetitive failures to adhere to procedures that affect risk-significant equipment, equipment important to safety, or plant operation).

- The issue represents a failure of licensee management controls to effectively address previous significant concerns to prevent their recurrence (for example, repetitive examples of inadequate root cause evaluations and corrective actions affecting risk-significant equipment and/or plant operation).

- Corrective actions and the conditions of the order or confirmatory action letter determined to be necessary prior to restart.

TASK

a. Review and evaluate licensee-generated restart issues to determine completeness (Panel).

b. Perform independent NRC identification of restart issues (region).

c. Obtain agreement on the restart issues and changes to the Restart Checklist (NRC and licensee).

d. Evaluate the licensee's plan for resolving restart issues. Use guidance contained in Section B of this appendix (Panel).

e. Verify that all conditions of the order or confirmatory action letter required to be implemented prior to restart have been met.

END