

June 29, 2005

MEMORANDUM TO: Davis-Besse Oversight Panel

FROM: Steven A. Reynolds, Chairman, Davis-Besse Oversight Panel
/RA/

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

The implementation of the IMC 0350 process for the Davis-Besse Nuclear Power Station was announced on April 29, 2002. An internal panel meeting was held on May 4, 2004. Attached for your information are the revised minutes from the internal meeting of the Davis-Besse Oversight Panel, and the "Open" Action Items List. The minutes were revised to modify the Agenda Items 5 and 6.

Attachments: As stated

cc w/att: U. Schoop, OEDO
J. Caldwell, RAO
G. Grant, RAO
M. Satorius, DRP
K. O'Brien, EICS
DB0350

See Previous Concurrences

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OFFICE	RIII	RIII	RIII	
NAME	FRamirez*/dtp	CLipa*	SReynolds	
DATE	06/28/05	06/28/05	06/29/05	

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

DATE: May 4, 2004

TIME: 12:30 p.m. Central

ATTENDEES:

J. Lara	W. Ruland	S. Thomas
C. Lipa	A. Mendiola	
D. Passehl	J. Hopkins	

Agenda Items:

1. Discuss/Approve Today's Agenda

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

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

S. Thomas led a discussion of plant status and inspector insights and emergent issues. The plant is at full power, green risk, no emergent issues. The circulating water pump #1 motor should be back onsite from the vendor this week.

There is an NEI pilot ongoing. Davis-Besse volunteered for an NEI-led pilot licensee self-assessment in the associated circuits area of fire protection. This will be during the week of May 3-7 and will include the NEI leader and 6 industry peer assessors. An NRR fire protection specialist (Qualls) and a Region III fire protection inspector (Falevits) were invited and will be on site as observers for the week. The self-assessments are being planned based on a recent NRR decision that NRC will resume review of associated circuits as part of the Triennial Fire Protection Inspections.

The NRC performance indicators for the 1st quarter of 2004 have been submitted by the licensee. The licensee reported 4 safety system functional failures with decreasing trend (green/white threshold is 5). The licensee reported the drill/exercise performance indicator as 93.2 percent with increasing trend (green/white threshold is 90.0 percent). The other performance indicators look reasonable. C. Lipa commented that during the next Panel meeting the 1st quarter inspection samples should be discussed, focusing on findings, insights, and the performance indicator assessment. This would accomplish the Panel's quarterly assessment as required by the Panel process plan. In addition, allegations should be discussed and placed in some sort of context; e.g., compare with this time last year, substantiation rate, etc.

C. Lipa suggested, and the Panel accepted, the recommendation that each Focus Area Lead (corrective action, safety culture, engineering, operations) should present the status of their assigned activities with assessment. The idea is to have a different Area Lead summarize progress in their assigned area during one of the weekly Panel meetings. This would start with the scheduled May 18 Panel meeting.

W. Ruland asked S. Thomas to characterize Davis-Besse's current performance as compared to other operating plants that S. Thomas has been to. S. Thomas mentioned that plant staff does a good job of identifying issues, and that the problem-solving decision-making teams work well, most of the time. The INPO team currently onsite has identified issues similar to some of the issues identified during the NRC Restart Readiness Assessment Team inspections.

3. Discuss Results of Recent Inspections and Inspection Plans

J. Lara briefed the Panel on the status of issues related to the recent Event Followup inspection conducted by R. Daley. J. Lara expressed concern with the licensee's reliance on crediting a fast transfer capability for declaring offsite power systems operable. J. Lara mentioned that DRS is going to pursue a potential violation related to the Technical Specifications Bases Control Program, Technical Specification 6.17.b.1, which says that a licensee may make changes to the bases, without prior NRC approval, provided the changes do not require a change in the Technical Specification incorporated in the license. Apparently the licensee revised its Technical Specification bases in 1998 to re-define a Technical Specification surveillance requirement by adding another fast transfer capability to allow 2 offsite power sources to be operable. J. Lara stated that DRS staff is still discussing this issue with the licensee and the goal is to reach closure by the end of this week. J. Lara also stated that DRS inspectors plan to brief NRR also by the end of this week.

C. Lipa mentioned that inspection plans for the four Focus Area Leads (operations, engineering, corrective action, and safety culture) are being finalized to include resource estimates. C. Lipa mentioned that the intention is to discuss the plans with J. Grobe, provide feedback to the Area Leads, and then present the plans to the Panel for approval.

4. Discuss Allegations

D. Passehl discussed the status of outstanding allegations. D. Passehl reported that the open allegations were all on track for meeting timeliness goals.

5. Discuss new New/Potential Licensing Issues

J. Hopkins reported that there were 2 new licensing amendments received. One concerned emergency diesel generator voltage and frequency. The other involved reactor vessel internal vent valve surveillances.

A. Mendiola outlined the next steps in the process of considering the Petition for Hearing from Mr. Terry Lodge, et al., submitted in response to the March 8, 2004 NRC Confirmatory Order modifying the Davis-Besse operating license. The Board issued an Initial Prehearing Order, to the participants for the hearing, on April 15, 2004. Attorneys for the licensee and the NRC have been named and have filed responses. T. Lodge has requested until May 13 to read the responses and submit another filing. Following the submittal, the Atomic Safety and Licensing Board will determine the next step in the hearing process.

A. Mendiola mentioned that the licensee is reconsidering a power uprate license amendment request for a 1.63 percent power uprate. The licensee is expected to re-apply for the uprate in late 2004 or early 2005.

6. Discuss Communications Status

C. Lipa mentioned that the post-restart Panel communication plan is in final for typing then it will be sent to the Panel for comment.

A. Mendiola mentioned that he is updating the communication matrix with new information.

A. Mendiola mentioned the question and answers for the GAO report are due this Friday for NRR. Region III is responsible for the answers to questions 3 and 4. C. Lipa passed on a request from J. Grobe that the Panel review all the questions and answers to ensure that they are consistent.

C. Lipa mentioned that J. Caldwell wants to ensure that the Commission is not surprised with the issuance of a Severity Level III enforcement action, with no Civil Penalty, to Davis-Besse later this week. The NOV is for failure to meet 10 CFR 50.9 which requires complete and accurate submittals to the NRC. This issue involved the licensee's November 11, 1998, response to Generic Letter 98-04. C. Lipa mentioned that in addition to the communication plan an EDO note would be sent up to the Commission informing them of this issue.

7. Discuss 100's of Letters Status

D. Passehl discussed the latest draft of the letter, which is a response to the "100s" of letters and emails received from the public just prior to and immediately following the decision authorizing plant restart. Panel members had various comments which will be collected by C. Lipa. In particular, C. Lipa will check the section of the response letter that discusses the Confirmatory Order against key messages in the restart approval letter to ensure they are consistent.

8. Discuss Logistics for May 13, 2004, Public 0350 Panel Meeting

C. Lipa led a discussion of the logistics for the meeting. D. Passehl and C. Lipa will work together on preparing the presentation slides.

9. Discuss Process Plan

C. Lipa led a discussion of the Panel Process Plan. The Panel accepted a proposal to include a listing of inspection reports. The idea was to include the list around Section B.7.1.1 of the Process Plan. Under B.7.3.1.a, the planned completion date is "every other month." D. Passehl has action to update B.7.3.1.b regarding open allegations. Reference to the Chairman's visit to Davis-Besse in B.7.4.1 was deleted since the Chairman postponed his visit.

10. Discuss Action Items

C. Lipa led a discussion of action items.

Action Item 265 - A. Mendiola mentioned that he is almost to the point of starting surveys for the lessons learned. The Panel discussed the logistics of conducting the survey and it became clear that the strategy needs to be thought out further.

Action Item 268 - This action item was closed based on the AARM meeting being conducted on May 4, 2004.

Action Item 269 - This item was closed to Green Ticket 2004-0234.

Action Item 270 - This item was updated to indicate that the update from the NRC Contact working with DOJ was received on April 28, and that future updates will be provided every other month. The next update is due on June 30.

THE UPDATED "OPEN" ACTION ITEMS LIST IS ATTACHED TO THESE MINUTES.

11. Discuss Input for Weekly Branch Chief Call with Licensee

The Panel discussed a list of issues for C. Lipa's call with the licensee.

12. Discuss Milestones and Commitments

The Panel discussed the milestones and commitments.

13. Other

The Panel determined that during the next Panel meeting an agenda topic should be whether or not to incorporate Thermolag into the triennial fire protection inspection scheduled for later this year.

May 4, 2004

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST				
Item No.	Action Item (Date generated)	Assigned to	Comments	Due Date
208	Evaluate the need to call back CI regarding Allegation RIII-2002-A-0177 (D-B) after the OI Investigation is complete. (8/21)	D. Passehl	10/14-Investigation is still ongoing; 12/23-Discussed, awaiting DOJ Investigation; 2/20-Discussed, Panel decided this item will be considered post-restart.	TBD
249	Ensure Enhanced Inspection Plan includes followup M&HP review of licensee monthly PIs and 2 nd quarter corrective action effectiveness for Nov '03 ECP survey results. (2/18)	G. Wright	2/19-Determined not necessary prior to restart decision; 2/20-Discussed, Panel decided this item will be considered post-restart; 3/30-Discussed, these focus areas will be included in specific inspection plan and presented to Panel for approval; 4/27-Discussed, these items will be addressed in the specific inspection plans being developed by the Focused Area Leads.	5/07/04
250	Ensure Enhanced Inspection Plan includes commitments listed in RAM item C-41. (2/18)	C. Lipa	2/19-Determined not necessary prior to restart decision; 2/20-Discussed, Panel decided this item will be considered post-restart; 3/30-Discussed, these focus areas will be included in specific inspection plan and presented to Panel for approval; 4/27-Discussed, these items will be addressed in the specific inspection plans being developed by the Focused Area Leads.	5/07/04
251	Ensure Enhanced Inspection Plan includes a followup on the UHS SW CR resolution. (2/18)	C. Lipa	2/19-Determined not necessary prior to restart decision; 2/20-Discussed, Panel decided this item will be considered post-restart; 3/30-Discussed, these focus areas will be included in specific inspection plan and presented to Panel for approval; 4/27-Discussed, these items will be addressed in the specific inspection plans being developed by the Focused Area Leads.	5/07/04

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DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST				
Item No.	Action Item (Date generated)	Assigned to	Comments	Due Date
253	Publicly release promptly all documents that need to go public as specified in IMC 0350. (2/27)	C. Lipa/ D. Passehl	2/27-Discussed, this includes panel minutes and all other documents specified in 0350; 3/16-Discussed, the Panel meeting minutes will be completed and ready for public issue by 3/30/04. The Panel will be briefed at next Panel meeting on status of making remaining documents public per 0350; 3/30-Discussed, a specific list of documents remaining documents to be made public will be presented to Panel; 4/27-Discussed, the revised Pre-Restart Panel Process Plan and backlog of Panel minutes are the only remaining item to make publicly available. All will be in final by the end of this week, 5/7/04.	4/20/04
262	Draft revision to the Comm. Plan to reflect post restart agency needs for communicating with internal/ external stakeholders. (3/30)	A. Mendiola	4/20-Discussed, draft revision will be sent to the region by 4/23 for review/ comment; 4/27-Discussed, the revised Comm Plan is in final.	4/23/04
263	Draft a memorandum to J. Caldwell and J. Dyer discussing the 0350 process termination criteria and requesting approval to extend the 0350 process beyond two quarters past restart. (4/13)	C. Lipa	4/27-Discussed, criteria being defined and draft memorandum working.	5/18/04
264	Revisit the Weekly Status report frequency beyond June 1, 2004. (4/13)	C. Lipa		5/28/04

May 4, 2004

DAVIS-BESSE OVERSIGHT PANEL "OPEN" ACTION ITEM LIST				
Item No.	Action Item (Date generated)	Assigned to	Comments	Due Date
265	Brief the Panel on the status of developing a document which captures Lessons Learned to date from the Davis-Besse 0350 Oversight process. (4/13)	A. Mendiola	4/13-Discussed, development of the drafts should include a 'brain-storming' session which includes comments and feedback from external stakeholders. NRR suggested to dedicate a special Panel meeting to this focused topic and will take the lead for obtaining input from external stakeholders. J. Grobe mentioned that examples of processes that went well should also be addressed, such as the Panel's review of safety culture and the Panel's communication efforts with internal/external stakeholders; 4/27-Discussed, draft document emailed to the region.	4/30/04
266	Brief the Panel on the status of drafting the memorandum from the Panel to NRR addressing the Lessons Learned to be considered for the next revision to IMC 0350. (4/13)	C. Lipa/ A. Mendiola	4/13-Discussed, comments should be forwarded to C. Lipa/A. Mendiola; 4/27-Discussed, need to base draft on specific line items from the Process Plan.	4/30/04
268	Coordinate preps for AARM presentation. (4/20)	C. Lipa	4/27-Discussed, C. Lipa is working directly with J. Caldwell, briefing this afternoon; 5/4-Discussed, the AARM Commission meeting was conducted this morning, May 4, 2004. The Panel decided that this item is Closed.	5/04/04
269	Coordinate preps for the Chairman's visits in RIII. (4/20)	C. Lipa	4/27-Discussed, focus will be on RIII issues as the Chairman's visit to Davis-Besse is postponed; 5/4-Discussed, this item will be tracked under Green Ticket 2004-0234. The Panel decided that this item is Closed.	5/11/04
270	Obtain update from NRC Contact working with DOJ for Grand Jury proceedings and determine appropriate frequency for subsequent updates. (4/27)	W. Ruland	5/4-Discussed, W. Ruland received an update from the NRC Contact working with DOJ via email on April 28, 2004, and future updates will be provided every other month; the next update is due on June 30.	06/30/04