

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 April 21, 2005. 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 Agenda Item 6 and 7, and Action Items Table: Items No. 283 and 288.

Attachments: As stated

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

**See Previous Concurrences**

DOCUMENT NAME: E:\Filenet\ML051810273.wpd

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

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

**OFFICIAL RECORD COPY**

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

DATE: April 21, 2005

TIME: 12:00 p.m. CST

ATTENDEES:

S. Reynolds	M. Phillips	G. Suh
C. Lipa	A. Stone	A. Mohseni
C. Thomas	J. Rutkowski	W. Ruland
J. Hopkins	R. Kuntz	

Agenda Items:

1. Discuss/Approve Today's Agenda

The Panel approved the agenda. **THE APPROVED AGENDA REFLECTS THE ORDER LISTED IN THESE MINUTES.**

2. Discuss Plant Status and Emergent Issues

C. Thomas stated that there were no new emergent issues since the last panel meeting. Mr. Thomas also described the plant staff's plans to address unidentified leakage, i.e., allocate a significant portion of it to identified leakage, and provided the technical basis for the adequacy of the licensee's plans.

3. Status of Staff Solicitation

R. Kuntz discussed the response received to date on the survey of headquarters staff on Davis-Besse's return to the Reactor Oversight Process (ROP). Only one comment had been received, and it concerned additional inspection resources being devoted to inspection of the licensee's Safety Conscious Work Environment (SCWE), which were already being addressed by the Deviation request memo (see agenda item 8 below). The Panel decided that Mr. Kuntz and Ms. Stone would develop responses to all who provided comments or concerns, with final review being done by Ms. Lipa and Mr. Suh before the response was sent to the commentator. To date, NRR had received six responses to the 40 requests sent out.

4. Discuss Status of Enforcement Actions Pending for Davis-Besse

C. Lipa updated the Panel on the issuance of the White finding regarding the sirens. The enforcement package was being finalized and should be issued within the next two weeks. The enforcement action and associated proposed civil penalty for the Red Finding was issued today. The 50.9 Non-cited violation (NCV) was ready to go, but would not be issued until resolution of the views of OGC and OI. NRR is still looking at the issue regarding the licensee's response to bulletin 95-07, where the licensee's initial response was inaccurate. NRR's view is that the response probably fits the definition for a 10 CFR 50.9 NCV. Once determined, NRR will provide a feeder to the integrated inspection report to address the licensee's response.

5. Results of Safety Culture/SCWE Inspection

C. Lipa briefed the panel on the results of the Safety Culture/Safety Conscious Work Environment (SCWE) inspection done by G. Wright. Per Mr. Wright, the recent mid-cycle outage had a positive effect on SCWE at the site. The inspection determined that there were no concerns with continued plant operations, but the inspectors did make some recommendations for follow up inspections. The Panel will consider the recommendations in the preparation of the deviation memo.

6. Discuss letter to licensee closing Red Finding

Some Panel members held a discussion with IIPB representatives yesterday which resulted in IIPB stating that the Red Finding could be closed as soon as the Panel was satisfied with corrective actions, regardless of the status of enforcement; An Action Item was assigned to W. Ruland to obtain NRR senior management, OE, and OGC concurrence on the acceptability of closing the Red Finding prior to the closure of the enforcement action. This is part of Action Item 288, listed below.

7. Discuss Memo to Caldwell re: Exiting 0350 Process and Corresponding Letter to Licensee

C. Thomas discussed the memo, which had been sent to the Panel in draft for review. The Panel will provide comments to Mr. Thomas based on what was determined at yesterday's IIPB conference call; namely, that a facility can only enter the ROP at the beginning of a quarter. This approach was discussed with the Regional Administrator. W. Ruland was assigned the action, as part of the action item discussed in Agenda Item 6 above, to determine if a facility could be moved to the ROP in the middle of a quarter.

**ACTION ITEM 288: Obtain NRR senior management, OE, and OGC concurrence on the question of closing the Red Finding prior to the closure of the enforcement action and whether the plant can enter ROP mid-quarter; due 4/29/05.**

The Panel felt that the memo was in very good shape, and pending the outcome of Mr. Ruland's discussions with IIPB management, the memorandum to recommend termination of the Panel could be put into final for issuance to the Regional Administrator. The corresponding letter to the licensee would also be finalized based on the resolution of the RA's position.

8. Discuss Deviation Memo to EDO

C. Thomas led a discussion on the content of the deviation memo; however, in light of the Regional Administrator's positions on when to move to the ROP and closure of the Red Finding, the memo will need revision based on the outcome of W. Ruland's action item regarding timing of the transfer to the ROP and ability to close the Red Finding prior to receiving the licensee's reply to the Notice of Violation and Proposed Imposition of Civil Penalty, which is not due for 90 days. Currently, the memo is written on the basis that the Red Finding is closed, and we are deviating to do additional inspections beyond those specified in Column II. If the Red Finding remains open or we transfer to the ROP before the end of the quarter, the facility will be in Column IV and the deviation memo will need to be revised to reflect departures from Column IV. In addition, C. Lipa

was concerned that the format of the deviation memo was acceptable given the SRM from the Commission at last year's Agency Action Review Meeting (AARM).

**ACTION ITEM 289: Obtain Staff Response to SRM and determine how SRM concerning deviations was resolved. Assigned to J. Hopkins; due 4/29/05.**

The Panel would then ensure that the memo complied with the resolution. C. Lipa also requested that the Panel be provided with the total number of hours spent following up on the CY 2004 Independent Assessments required by the Order. A. M. Stone stated that she would attempt to obtain these numbers. The deviation memo will be put in final on the assumption that about 600 additional inspection hours will be needed to follow up on the confirmatory order and perform an additional PI&R inspection.

9. Discuss New/Potential Licensing Issues (Standing Item) and Any Issues from Bi-Weekly Calls on Fridays

J. Hopkins noted that there were no new licensing requests; however, he also noted that we had not removed Congressman Kucinich from the service list when we had removed the other 2,206 petitioners. J. Hopkins was tasked with coordinating with OCA to determine the best way to remove Congressman Kucinich from the routine Davis-Besse service list.

10. Discuss Action Items

The Panel discussed the open Action Items.

- |                   |   |
|-------------------|---|
| Action Item #266: | ongoing   |
| Action Item #283: | ongoing, waiting for licensee response.                               |
| Action Item #286: | ongoing   |
| Action Item #287: | Roland Lickus attended April 12 <sup>th</sup> Commissioner's meeting. |
| Action Item #288: | See Discussion Item 6 above.  |
| Action Item #289: | See Discussion Item 8 above.  |
| Action Item #290: | See Discussion Item 14 below.   |

11. Discuss our assessment of licensee's Operations Independent Assessment Plan

C. Thomas presented the results of his review of the licensee's assessment plan dated March 10, 2005, for the upcoming Operations Independent Assessment. Team members and Assessment Plans were essentially the same as last year. An addition to the plan included a review of how the licensee had addressed the issues identified during the CY 2004 Independent Assessment. The inspector concluded that the plan and assessment team's qualifications and independence were appropriate.

12. Discuss our assessment of licensee's Corrective Actions Program Independent Assessment Plan

J. Rutkowski presented the results of his review of the licensee's assessment plan dated April 12, 2005, for the upcoming Corrective Actions Program Independent Assessment. Team members were essentially the same as last year, as was the plan. An addition to the plan included a review of how the licensee had addressed the issues identified during the CY 2004 Independent Assessment. The planned assessment had also

expanded some of the samples to be reviewed. The inspector concluded that the assessment team's qualifications and independence were appropriate. Of note, since the PI&R inspection schedule can not be changed, it is likely that the Independent Assessment will be completed, but the report will not be issued at the time of the NRC's PI&R inspection in August.

13. Discuss/Update Timeline and Milestones and Commitments (Standing Item)

No changes were made to any of the dates presented in the agenda.

14. Discuss Upcoming Commissioner Lyons Brief and Potential Site Visit

Commissioner Lyons will be traveling to the site in July and would like a briefing on June 10. It is not clear who the point people will be to handle the briefing, as most of the information he is requesting appears to be related to the Lessons Learned efforts.

**ACTION ITEM 290: Determine who will be doing what regarding the briefing of Commissioner Lyons. Assigned to J. Hopkins; due 5/05/05.**

15. Discuss Schedule for Next Public Meeting - Availability of Attendees

Although the Panel proposed a mid-June date, to support having it conducted after the Deviation letter was approved by the EDO, the Regional Administrator wants the meeting to occur before the Commission Briefing on the AARM, currently scheduled for May 25, 2005, and at the same time, meet the Panel's goal of having the meeting after the letter to the licensee terminating the Panel has been issued. C. Lipa will work with the licensee to try to accommodate the RA's target date.

16. Next Panel Meeting

Assuming all concurrences go smoothly and the memos/letters discussed under agenda items 6, 7, and 8 are issued in a timely manner, there will be no further Panel meetings.

1:20 p.m. CST: Meeting adjourned

**DAVIS-BESSE OVERSIGHT PANEL “OPEN” ACTION ITEM LIST - Current as of 4/21/05**  
**Mtg.**

Item No.	Action Item (Date generated)	Assigned to	Comments	Due Date
266	Draft memorandum from the Panel to NRR addressing the Lessons Learned to be considered for the next revision to IMC 0350 based on the entire 0350 process and transition back to ROP. (4/13)	Lipa/Suh	4/13-Discussed, comments should be forwarded to C. Lipa/A. Mendiola; 4/27- Discussed, need to base on specific line items from the Process Plan. 10/14- Discussed, comments provided to D. Passehl for incorporation into memo. 11/10 - discussed. 1/6 - Letter with Caldwell for issuance. 2/25 - The panel decided to hold this item open, and modify it to address lessons learned throughout the 0350 process, including the process to transition back to the ROP.	1 month after DB placed in ROP program.
283	Establish a plan (to discuss at Jan. 6 Panel) for addressing GL 95-07 since the document will go public in ADAMS.	Lipa/ Hopkins	Due to unavailability, postponed to 02/25/05 panel meeting. 2/25 - The licensee's response to GL 95-07 is acceptable; however, it contained a potential 50.9 violation. Mr. Hopkins will provide a feeder to C. Thomas for the next inspection report discussing the issue in detail and dispositioning in accordance with the Enforcement Policy. In addition, C. Thomas will review the related Condition Report for the item. 3/24 - J. Hopkins has requested information from the licensee and is awaiting a response.	04/25/05

**DAVIS-BESSE OVERSIGHT PANEL “OPEN” ACTION ITEM LIST - Current as of 4/21/05**  
**Mtg.**

Item No.	Action Item (Date generated)	Assigned to	Comments	Due Date
286	Look through the Comm Matrix and determine the actions to be taken on all open items before Davis-Besse is removed from 0350.	Lipa/Kuntz		4/8/05
287	Work with Roland Lickus on periodic communications with the Ottawa County Commissioners regarding Davis-Besse's transition out of 0350.	Lipa	Roland attended the April 12 <sup>th</sup> meeting of the Commissioners.	
288	Obtain NRR senior management, OE, and OGC concurrence on the question of closing the Red Finding prior to the closure of the enforcement action and whether the plant can enter ROP mid-quarter.	Ruland		4/29/05
289	Obtain response to SRM on deviating from ROP and forward to Panel members.	Hopkins		4/29/05
290	Determine what briefings will be necessary to support Commissioner Lyon's visit to Davis-Besse in July.	Hopkins		5/5/05