

From: Bruce Burgess *23*
To: Jared Heck
Date: Wed, Jul 25, 2007 4:17 PM
Subject: Fwd: FENOC Interim Actions

Jared,

Attached is the description of the interim actions taken by FENOC after receiving the DFI. They fall into two distinct areas,

First, a review of all correspondence associated with the insurance (NEIL/Exponent and Mattson reports) case files to assure themselves that information did not exist that would have "regulatory sensitivity."

Second, a review of a broader set of information that may have a "material" effect on the plant, and when identified, determine if this information impacts previously submitted responses to such things as NOV responses, enforcement actions, or other docketed correspondence. This review would determine if this information should be communicated to the NRC informally or formally after an evaluation process was completed.

In discussing these issues with Greg Halnon, both the the reviews were still "in process", and that any information that met the interim criteria would be sent to corporate regulatory affairs for further evaluation and corrective actions, if any. To date, no problems with NRC submitted information was identified.

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From: <ghalnon@firstenergycorp.com>
To: <blb@nrc.gov>
Date: Thu, Jul 19, 2007 1:58 PM
Subject: FENOC Interim Actions

Bruce,

The interim actions we took were in two areas, the assurance that there was nothing else in the insurance case that warranted discussion with the NRC and further evaluation of both the insurance case and other commercial matters. First we screened the documents in the insurance file using specific criteria and a generalized "anything else that may have regulatory significance" type criterion. (Nothing else in the insurance file met the final screening criteria for further action.) Some of the criteria is focused on future dealings in this insurance case and did not directly apply to existing documents, but was included in both the initial screening and the on-going screening of insurance documents. In essence the criteria looked at the documents for any material changes in FENOC's position or perspective of the RV Head event; any future assessments, modifications, or interpretations of the Exponent Report or Mattson Report; any information developed that might suggest a significant difference between the root cause reports, LERs, or our response to the DFI; any new information that would change the conclusion that a revision of the root cause or LER was not necessary; any reports by NEI or other experts that affected the generic safety conclusions based on a review of the Exponent Report; any affect on the corrective actions from the root causes or CAL; any affect on the responses provided to the NRC surrounding the Exponent Report; any affect on the NOV responses or the deferred prosecution agreement. If Legal identifies any of these items, then they are to forward them to me where I have the responsibility to assure the information is reviewed in accordance with established criteria. This criteria is described below and is also the screen used by Legal. I expect Legal to answer a simple yes or no, and provide it to Regulatory Affairs for further evaluation. I would simply provide the why or why not for each and take the necessary action coming out of the evaluation.

The general criteria used to screen "other stuff" is more general to ensure we capture a broader spectrum of items. These are independent criteria and not conditional on each other. This criteria asks if the information has any material affect on operation of any of the nuclear plants. It goes on to ask if this information affects any docketed information as part of a NOV or other enforcement action. Next, it asks if this information could significantly affect the NRC's understanding of regulated activities or be regulatory significant. Finally, it asks if this information should be reported formally or informally to the NRC due to its sensitive nature.

I hope this helps understand the screening criteria we have in place, let me know if there are any other questions.

Greg

Greg Halnon
Director Regulatory Affairs

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