

June 20, 2003

The Honorable George V. Voinovich, Chairman  
Subcommittee on Clean Air, Climate Change  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Fiscal Year (FY) 2003 Energy and Water Development Appropriations Act, House Reports 107-681 and 108-10, directed the Nuclear Regulatory Commission (NRC) to continue to provide a monthly report on the status of its licensing and regulatory duties and expanded the scope of the report to include information on the status of the Davis-Besse Nuclear Power Station. The initial reporting requirement arose in the FY 1999 Energy and Water Development Appropriations Act, Senate Report 105-206. On behalf of the Commission, I am pleased to transmit the fifty-third report, which covers the month of April 2003.

The March report provided information on a number of significant activities, including the dispatch of a special inspection team to the South Texas Project (STP) nuclear power plant, Unit 1; a status update on power uprate activities; the renewal of the operating licenses for Peach Bottom Atomic Power Station, Units 2 and 3; approval of increases to the generating capacity of Pilgrim and D.C. Cook nuclear power plants; the issuance of a revised draft safety evaluation report for construction of a proposed mixed oxide (MOX) fuel fabrication facility at the Department of Energy's (DOE) Savannah River site; and the Commission briefing on the results of the Agency Action Review Meeting (AARM), which focused on industry trends, the status of the reactor oversight program (ROP), and performance of individual nuclear facilities warranting senior management attention.

On June 6, 2003, we issued an immediately effective Order to all panoramic irradiators authorized to possess greater than 10,000 curies of byproduct material in the form of sealed sources requiring compliance with specified interim safeguards and security compensatory measures. The actual security requirements are safeguards information pursuant to Section 147 of the Atomic Energy Act and may not be released to the public. We believe that most, if not all, of the panoramic irradiators in the United States have voluntarily initiated compensatory measures on their own in response to earlier NRC advisories. The Order is being issued now to place the security measures in the established regulatory framework and to ensure consistent and uniform implementation of the security measures by all panoramic irradiators.

The April 2003 report provides an update on the status of Private Fuel Storage, Limited Liability Corporation's (PFS) application for a license to operate an independent fuel storage installation. On March 31, 2003, the NRC staff and PFS filed petitions for review of the Atomic Safety and Licensing Board's (ASLB's) decision that the probability of an accidental F-16 aircraft crash on the facility is in excess of the Commission's threshold for annual probability of occurrence. On May 28, 2003, the Commission deferred action on the petitions pending expeditious action by the ASLB on consequences of a postulated crash.

During this period, the Commission and the NRC staff also:

- published in the Federal Register on June 5, 2003 (68 FR 33611), a final rule changing several safety-related reporting requirements for independent spent fuel storage installation (ISFSI) and monitored retrievable storage (MRS) facility licensees to help ensure that licensees promptly inform NRC and State officials of events or conditions that could adversely affect public health and safety. The revisions contained in the final rule are expected to result in enhanced regulatory efficiency, effectiveness, and realism by making the requirements for reactors and ISFSIs, which are usually located near reactors, more consistent; reducing the number of duplicative or supplementary reports required of licensees; and ensuring that reports are received at a time consistent with NRC's need for them.
- published in the Federal Register on June 3, 2003 (68 FR 33208), an Order approving the transfer of the operating licenses and conforming amendments for the Diablo Canyon Nuclear Power Plant, Units 1 and 2, from Pacific Gas and Electric Company (PG&E) to Electric Generation LLC and Diablo Canyon LLC.
- approved a request by Entergy Nuclear Operations to increase the generating capacity of Unit 2 at its Indian Point nuclear power plant by 1.4 percent. The power uprate authorizes an increase in the generating capacity of the plant, located in Buchanan, NY, from 980 to 995 megawatts electric.
- issued for public comment draft Regulatory Guide DG-1121, "Guidelines for Categorizing Structures, Systems, and Components in Nuclear Power Plants According to their Safety Significance." This guide is being developed to describe a process that is acceptable to the NRC staff for the development and assessment of evaluation models that may be used to comply with the NRC's regulations with respect to the categorization of structures, systems, and components (SSCs) that are considered in risk-informing special treatment requirements. This guide conforms to a proposed rule to establish a new regulation, 10 CFR 50.69, that was published in the Federal Register (68 FR 26511) on May 16, 2003.
- issued on June 9, 2003, NRC Bulletin 2003-01, "Potential Impact of Debris Blockage on Emergency Sump Recirculation at Pressurized-water Reactors," to all licensees operating pressurized water reactors (PWRs) requesting information on how licensees are dealing with the potential for post-accident debris blocking a water recirculation sump. Operating experience at boiling water reactors, as well as recent research, has indicated post-accident debris could block PWR containment building sumps, which help provide water for cooling the reactor core and containment in an accident. Licensees have 60 days to respond to the Bulletin.
- published in the Federal Register on May 14, 2003 (68 FR 25909), a proposed generic letter, "Requirements for Steam Generator Tube Inspections," for public comment, with a 60-day comment period. In 2002, the staff learned that some licensees were not inspecting the full length of tubing in the tubesheet area with appropriate specialized probes for detecting certain types of defects, like circumferential cracks. Although these licensees were using a safety analysis to justify their inspection practices, these safety analyses were not provided to the NRC for review and approval.

- met with the South Texas Project Nuclear Operating Company (STPNOC), licensee for South Texas Project (STP), Units 1 and 2, on May 1, 2003, regarding STPNOC's efforts to address the issues arising from the April 12, 2003 discovery of indications of leakage from the STP Unit 1 bottom-mounted instrument penetrations 1 and 46. The staff and STPNOC are holding weekly conference calls to discuss current issues and updated information.
- participated in the Top Officials (TOPOFF) 2 exercise during the week of May 12, 2003, which included simulation of a radiological dispersal device and a threat to a nuclear power plant. NRC conducted a series of internal critiques to capture "lessons learned" (opportunities to enhance the agency's emergency response capabilities) and participated in Federal interagency critiques on May 16, 2003.
- approved a direct final rule on May 9, 2003, that amends 10 CFR 110.27. This action by the NRC's Executive Director for Operations amends NRC regulations to issue a general license for the import of major components of a utilization facility for end-use at NRC-licensed reactors.
- issued a regulatory issue summary (RIS) to inform addressees of the results of the technical assessment of Generic Safety Issue (GSI)-168, "Environmental Qualification of Low-Voltage Instrumentation and Control Cables."
- issued letters to Exelon Generating Company (Exelon), Entergy Operations, Incorporated (Entergy), and Dominion Generation (Dominion) related to guidance on security requirements in preparation of their early site permit (ESP) applications.
- met with representatives from the nuclear regulatory agencies of Canada and Mexico to discuss a number of waste and materials safety topics, including matters related to the control and security of radioactive materials.

Please do not hesitate to contact me if I may provide additional information.

Sincerely,

*/RA/*

Nils J. Diaz

Enclosure: Monthly Report

cc: Senator Thomas R. Carper

LIST OF ADDRESSEES

The Honorable George V. Voinovich, Chairman  
Subcommittee on Clean Air, Climate Change,  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510  
cc: Senator Thomas R. Carper

The Honorable Joe Barton, Chairman  
Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515  
cc: Representative Rick Boucher

The Honorable Pete V. Domenici, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510  
cc: Senator Harry Reid

The Honorable David L. Hobson, Chairman  
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United States House of Representatives  
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cc: Representative Peter Visclosky

The Honorable W.J. "Billy" Tauzin, Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20510  
cc: Representative John D. Dingell

The Honorable James M. Inhofe, Chairman  
Committee on Environmental and Public Works  
United States Senate  
Washington, D.C. 20510  
cc: Senator James M. Jeffords

MONTHLY STATUS REPORT ON THE  
LICENSING ACTIVITIES AND REGULATORY DUTIES OF THE  
UNITED STATES NUCLEAR REGULATORY COMMISSION

**APRIL 2003**

Enclosure

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<sup>1</sup>Note: The period of performance covered by this report includes activities occurring between the first and last day of April 2003. The transmittal letter to Congress accompanying this report may provide more recent information in order to keep Congress fully and currently informed of NRC's licensing and regulatory activities.

## **I. Implementing Risk-Informed Regulations**

Although the staff continues to make progress on tasks involving use of probabilistic risk information in many areas, there were no significant milestones accomplished during the month of April 2003.

## **II. Reactor Oversight Process**

The NRC continues to implement the Reactor Oversight Process (ROP) at all nuclear power plants. The NRC continues to meet with interested stakeholders on a periodic basis to collect feedback on the efficacy of the process and considers stakeholder feedback in making refinements to the ROP. Recent activities include the following:

- On April 10, 2003, a public meeting was held to discuss improvements to the Scrams with Loss of Normal Heat Removal Performance Indicator (PI). Meeting participants discussed questions and issues addressed in several frequently asked questions regarding this PI, as well as other concerns with the PI's implementation guidance. Meeting participants concluded the meeting with a rough outline on how to proceed with making the necessary changes to the PI and its implementation guidance.
- The Agency Action Review Meeting (AARM) was held in Annapolis, Maryland, on April 22-23, 2003. The AARM is an annual review by senior NRC managers of the appropriateness of agency actions for plants with significant performance issues using data compiled during the end-of-cycle review meetings, trends in overall industry performance, and the results of the ROP annual self-assessment. Discussion plants included four reactor plants as well as one material licensee. The Commission will be briefed on the results of the AARM on May 15, 2003.
- On April 30, 2003, a public meeting was held on the Mitigating Systems Performance Index (MSPI). During the meeting, the staff presented the status of its review of MSPI pilot issues. The ongoing effort to enhance the Standardized Plant Analysis Risk (SPAR) models for the twenty plants in the pilot will provide possible solutions to the remaining open technical issues. The staff emphasized to meeting participants that in addition to the requirement to meet the success criteria outlined in Regulatory Issue Summary 02-014, Supplement 1, the MSPI pilot program needs to meet the agency's performance goals of maintaining safety, improving efficiency and effectiveness, reducing unnecessary regulatory burden, and enhancing public confidence.

## **III. Status of Issues in the Reactor Generic Issue Program**

Resolution of the issues in the Reactor Generic Issue Program continues to be on track.

## **IV. Licensing Actions and Other Licensing Tasks**

Licensing actions are defined as requests for license amendments, exemptions from regulations, relief from inspection or surveillance requirements, topical reports submitted on a plant-specific basis, notices of enforcement discretion, or other licensee requests requiring NRC review and approval before it can be implemented by the licensee. The FY 2003 NRC Performance Plan incorporates three output measures related to licensing actions: number of

licensing action completions per year, age of the licensing action inventory, and size of licensing action inventory.

Other licensing tasks are defined as licensee responses to NRC requests for information through generic letters or bulletins, NRC responses to 2.206 petitions, NRC review of licensee topical reports, NRR responses to regional requests for assistance, NRC review of licensee 10 CFR 50.59 analyses and Final Safety Analysis Report (FSAR) updates, or other licensee requests not requiring NRC review and approval before it can be implemented by the licensee. The FY 2003 NRC Performance Plan incorporates one output measure related to other licensing tasks: number of other licensing tasks completed.

The actual FY 2001 and FY 2002 results, the FY 2003 goals and the actual FY 2003 results, as of April 30, 2003, for the four NRC Performance Plan output measures for licensing actions and other licensing tasks are shown in the table below:

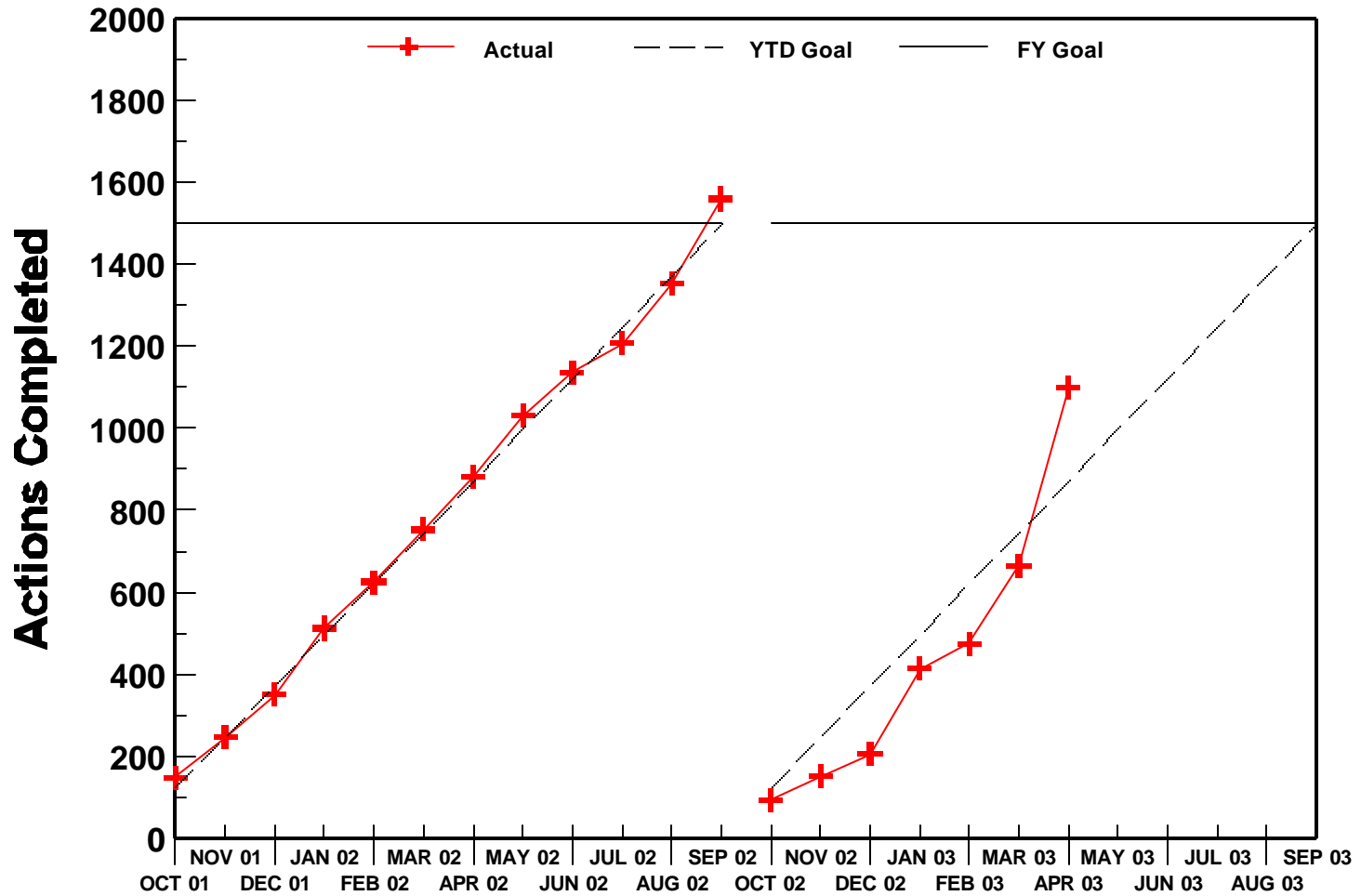
PERFORMANCE PLAN				
Output Measure	FY 2001 Actual	FY 2002 Actual	FY 2003 Goals	FY 2003 Actual (thru 04/30/2003)
Licensing actions completed/year	1617	1560	≥ 1500	1101
Age of licensing action inventory	96.9% ≤ 1 year; and 100% ≤ 2 years	96.6% ≤ 1 year; and 100% ≤ 2 years	96% ≤ 1 year and 100% ≤ 2 years old	91% ≤ 1 year; 100% ≤ 2 years
Size of licensing action inventory	877	765	≤ 1000	1083
Other licensing tasks completed/year	523	426	≥ 350	316

The following charts demonstrate NRC's FY 2003 trends for the four licensing action and other licensing task output measure goals:



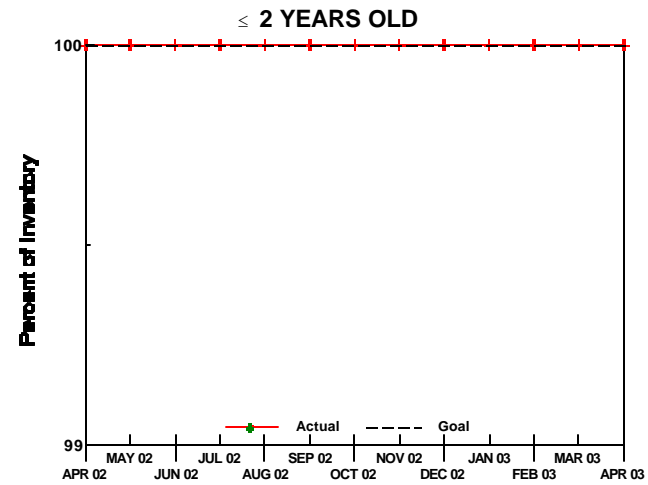
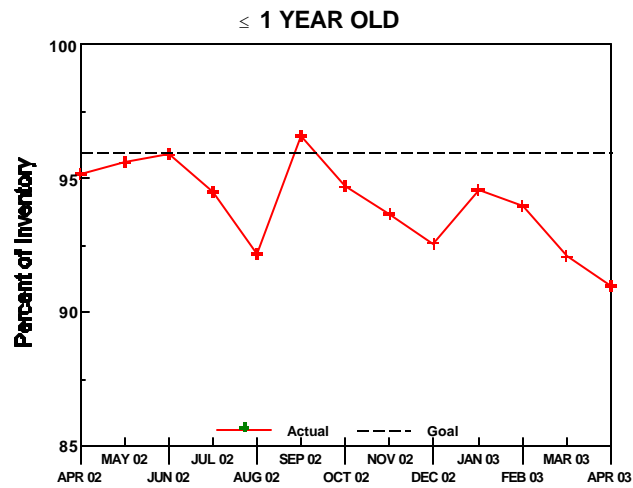
# Nuclear Reactor Safety - Reactor Licensing

## Performance Plan Target: Completed Licensing Actions



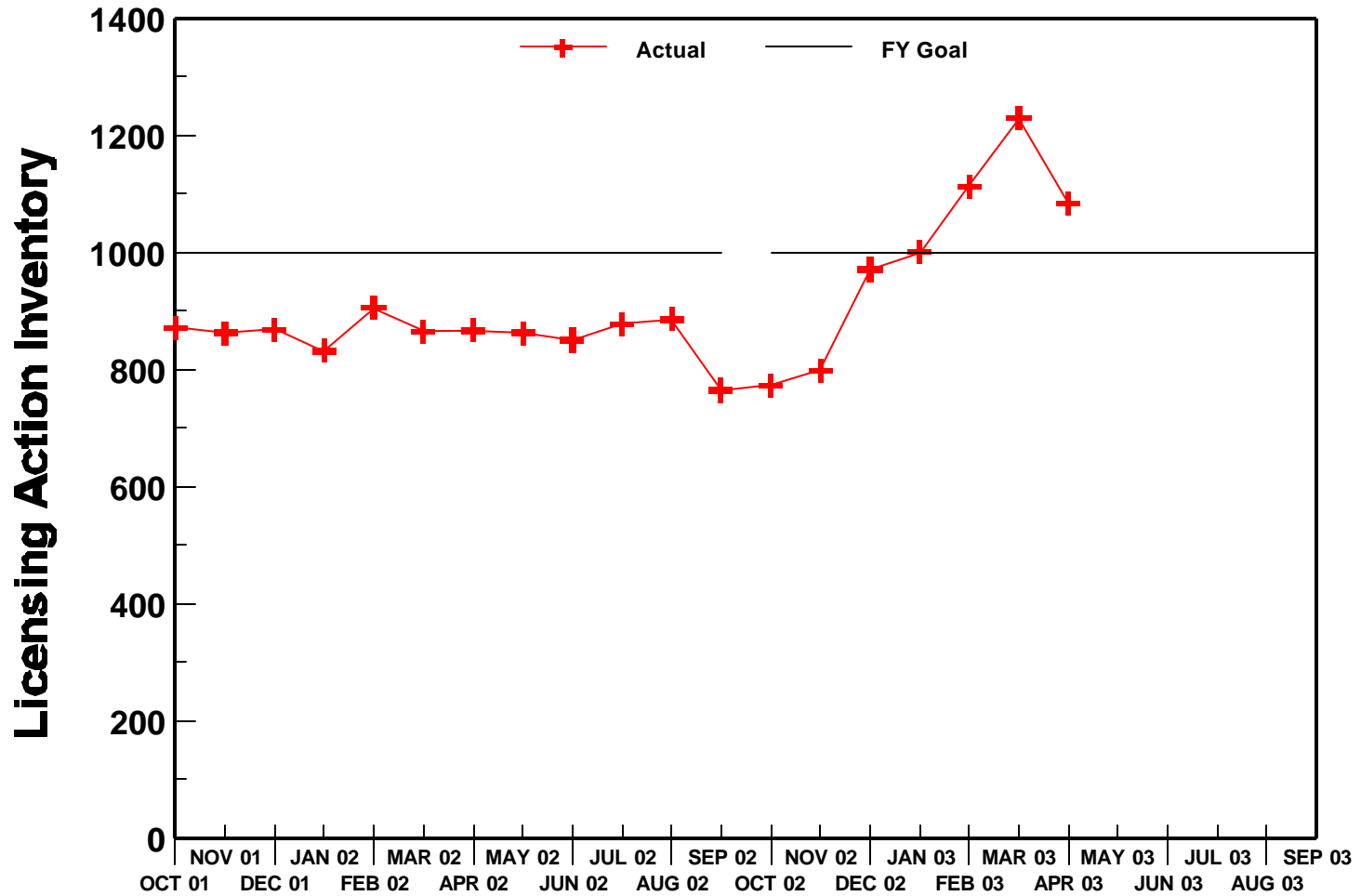
# Nuclear Reactor Safety - Reactor Licensing

## Performance Plan Target: Age of Licensing Action Inventory



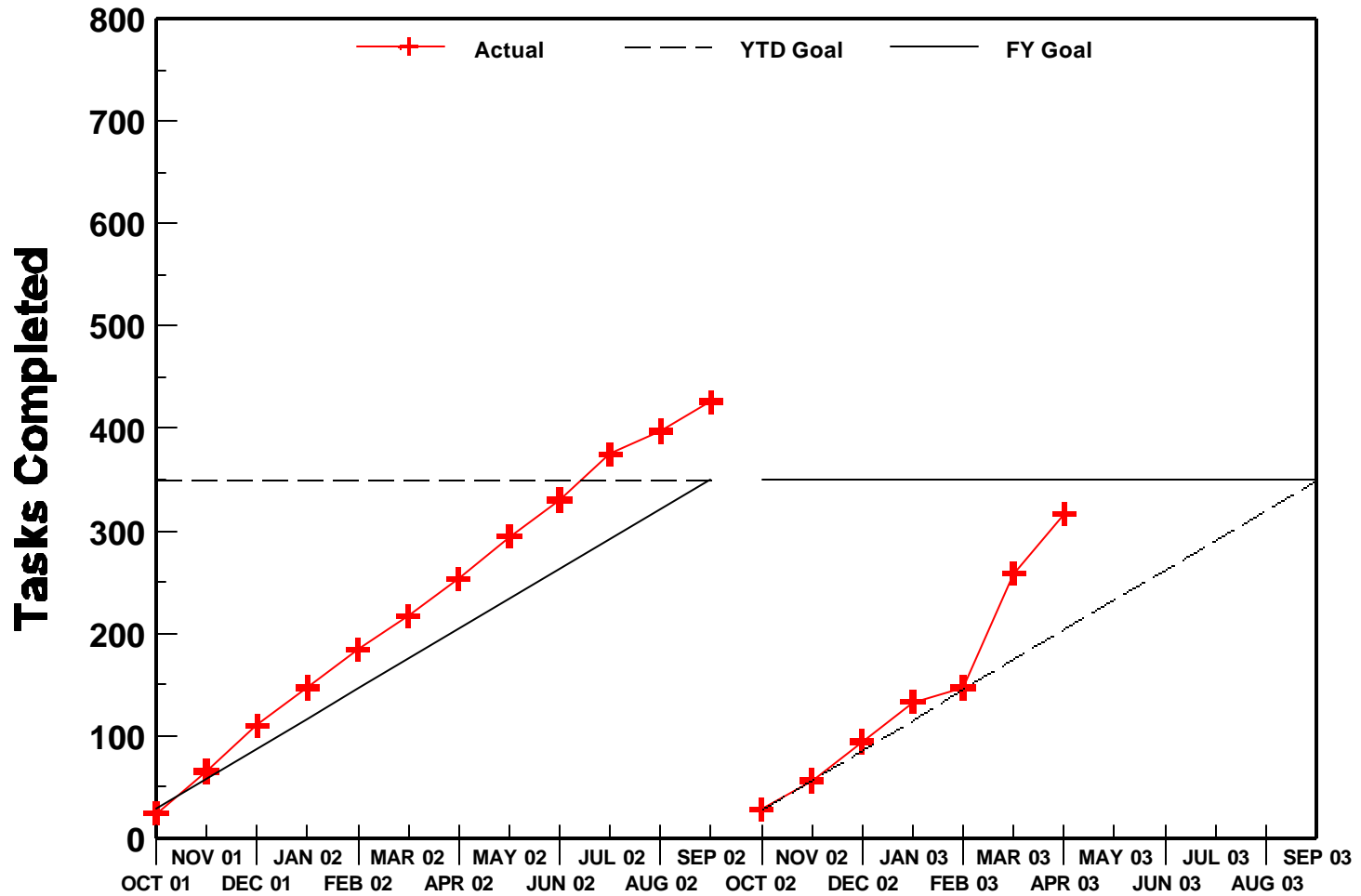
# Nuclear Reactor Safety - Reactor Licensing

## Performance Plan: Size of Licensing Action Inventory



# Nuclear Reactor Safety - Reactor Licensing

**Performance Plan Target: Completed Other Licensing Tasks**



## **V. Status of License Renewal Activities**

### McGuire, Units 1 and 2, and Catawba, Units 1 and 2, Combined Renewal Applications

The staff issued the final supplemental environmental impact statements (SEIS) for McGuire and Catawba in December 2002. The safety evaluation report resolving the open items was issued in January 2003. The staff is supporting completion of the hearing process. A decision on the renewal of the licenses is expected by December 2003.

In January 2002, the Atomic Safety and Licensing Board (ASLB) admitted contentions filed by two petitioners in the Catawba and McGuire license renewal proceeding. The staff and Duke appealed the ASLB decision and the contentions were subsequently dismissed. However, in December 2002, the Commission reinstated late-filed contentions that had been submitted in May 2002. In April 2003, the petitioners requested that one of the dismissed contentions be reinstated. These late-filed contentions and the request for reinstatement are currently being reviewed by the ASLB for admissibility.

### St. Lucie, Units 1 and 2, Renewal Application

The staff issued the draft SEIS for public comment in November 2002, and the comment period ended in January 2003. The staff is addressing the comments received and is preparing the final SEIS, which is scheduled to be issued by June 2003. The staff issued the safety evaluation report identifying open items in February 2003, and the applicant provided responses to the open items in March 2003. The staff is reviewing the applicant's responses and preparing to issue the safety evaluation report by July 2003.

### Fort Calhoun Renewal Application

The staff issued the draft SEIS for public comment in January 2003, and the public comment period ended in April 2003. The staff is addressing the comments received and is preparing the final SEIS, which is scheduled to be issued by August 2003. The safety requests for additional information were issued in October 2002, and the applicant's responses were received in December 2002. The staff issued the safety evaluation report identifying the remaining open items in April 2003.

### Robinson Unit 2 Renewal Application

Environmental requests for additional information were issued in October 2002, and the responses were received in January 2003. The staff is reviewing the responses and is preparing the draft SEIS, which is scheduled to be issued by May 2003. The safety requests for additional information were issued in February 2003, and the applicant's responses were received in April 2003. The staff is reviewing the applicant's responses and preparing to issue the safety evaluation report by August 2003, which will identify any remaining open items.

### Ginna Renewal Application

Environmental requests for additional information were issued in January 2003, and the applicant's responses were received in March 2003. The staff is reviewing the responses and is preparing the draft SEIS, which is scheduled to be issued by June 2003. The safety requests for

additional information were issued in March 2003, and the applicant's responses are scheduled to be submitted by June 2003.

#### Summer Renewal Application

Environmental requests for additional information were issued in January 2003 and the responses were received in March 2003. The staff is reviewing the responses and is preparing the draft SEIS, which is scheduled to be issued by July 2003. The safety requests for additional information were issued in March 2003, and the applicant's responses are scheduled to be submitted by June 2003.

#### Dresden, Units 2 and 3, and Quad Cities, Units 1 and 2, Combined Renewal Applications

The application is currently under review, and the staff is preparing requests for additional information. All environmental requests for additional information are scheduled to be issued by May 2003. The safety requests for additional information will be issued by August 2003. No requests for hearing were received, and the schedule was revised to complete the review in 22 months, with a license decision now scheduled for November 2004.

#### **VI. Status of Review of Private Fuel Storage, Limited Liability Corporation's Application for a License to Operate an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians**

As reported previously, the Atomic Safety and Licensing Board (ASLB) issued a Partial Initial Decision (Regarding "Credible Accidents") (LBP-03-04), in which it resolved a contention regarding hazards posed to the facility from aircraft crashes and ordnance impacts in favor of the State of Utah. The ASLB found that the probability of an accidental F-16 aircraft crash on the facility is in excess of the Commission's threshold for the annual probability of occurrence. However, the ASLB stated that the applicant (Private Fuel Storage, Limited Liability Corporation, or PFS) could submit a consequence analysis to demonstrate that such an accident would not harm public health and safety. Such an analysis would then be adjudicated.

On March 31, 2003, the NRC staff and PFS filed petitions for review of the ASLB's decision. Those petitions are now pending before the Commission. In addition, PFS advised the ASLB that it wished to proceed with litigation on the issue of the consequences of an F-16 crash into the proposed facility and requested that the ASLB authorize the issuance of a license for a smaller, 336-cask facility, pending the favorable conclusion of all other aircraft crash-related litigation in the proceeding. These matters are now pending before the ASLB.

There are three remaining issues before the ASLB. The ASLB has not announced a schedule for release of decisions on these issues.

## VII. Enforcement Process and Summary of Reactor Enforcement by Region

### Reactor Enforcement by Region

Reactor Enforcement Actions*						
		Region I	Region II	Region III	Region IV	TOTAL
Severity Level I	Apr 2003	0	0	0	0	0
	FY 03 YTD	0	0	0	0	0
	FY 02 Total	0	0	0	0	0
	FY 01 Total	0	0	0	0	0
Severity Level II	Apr 2003	0	0	0	0	0
	FY 03 YTD	0	0	0	0	0
	FY 02 Total	1	0	0	0	1
	FY 01 Total	0	1	0	0	1
Severity Level III	Apr 2003	0	0	0	0	0
	FY 03 YTD	1	0	1	0	2
	FY 02 Total	2	0	0	0	2
	FY 01 Total	1	1	1	1	4
Severity Level IV	Apr 2003	0	0	1	1	2
	FY 03 YTD	0	0	1	1	2
	FY 02 Total	0	0	2	0	2
	FY 01 Total	1	0	2	1	4
Non-Cited Severity Level IV	Apr 2003	17	14	37	36	104
	FY 03 YTD	116	79	131	111	437
	FY 02 Total	207	89	201	151	648
	FY 01 Total	279	105	201	139	724

\* Numbers of violations are based on enforcement action tracking system (EATS) data that maybe subject to minor changes following verification. The number of Severity Level I, II, III listed refers to the number of Severity Level I, II, III violations or problems. The monthly totals generally lag by 30 days due to inspection report and enforcement development.

<b>Escalated Reactor Enforcement Actions Associated with the Reactor Oversight Process</b>						
		Region I	Region II	Region III	Region IV	Total
NOVs Related to White, Yellow or Red Findings	4/03 Red	0	0	1	0	1
	4/03 Yellow	0	0	0	0	0
	4/03 White	0	0	0	0	0
	FY 03 YTD	3	1	6	0	10
	FY 02 Total	5	4	6	8	22
	FY 01 Total	8	4	4	3	19

### **Description of Significant Actions taken in April 2003**

#### **Nuclear Management Company (Point Beach 1 & 2) EA-03-059**

On April 2, 2003, a Notice of Violation was issued for a violation associated with a previously identified Red significance determination process (SDP) finding involving the potential common mode failure of the auxiliary feedwater (AFW) pumps due to inadequate operator response to a loss of instrument air. The violation cited the licensee's failure to implement corrective actions to preclude repetition of a significant condition adverse to quality associated with an AFW system potential common mode failure. The inspection report addressing this issue is available in ADAMS, Accession Number ML030920128.

### **VIII. Power Reactor Security Regulations**

In response to the terrorist attacks on September 11, 2001, the NRC and the nuclear industry have taken a number of actions to ensure the security at nuclear power plants. A series of Advisories, Orders and Regulatory Issue Summaries have been issued to further strengthen security of NRC-licensed facilities and control of nuclear materials.

Recent Orders enhancing security at nuclear power reactors were issued on April 29, 2003. The Orders covered a revised Design Basis Threat against which power reactors and category 1 fuel cycle facilities must be able to defend, limited number of hours that security personnel can work, and enhanced training and qualification requirements for security personnel. These Orders accomplish the NRC's mission by providing reasonable assurance that the effects of fatigue will not impact the readiness of security personnel at nuclear power plants, that training programs will enhance the readiness of armed security personnel at nuclear power plants, and that licensee security and safeguards programs will be evaluated against a more realistic design basis threat (nuclear power plants and category 1 fuel cycle facilities).

The details of the Design Basis Threat are safeguards information pursuant to Section 147 of the Atomic Energy Act and will not be released to the public. The Commission believes that this Design Basis Threat represents the largest reasonable threat against which a regulated private



security force should be expected to defend under existing law. The revised Design Basis Threat was the subject of extensive deliberation and interaction with stakeholders.

In March 2003, the NRC initiated a pilot program for full force-on-force exercises, which use expanded adversary characteristics that were developed as a result of the increased post 9/11 threat. As of the end of April, force-on-force exercises have been completed at three plants. The NRC plans to conduct force-on-force tests at a rate of approximately two per month. The exercises will be carried out at each nuclear power plant on a three-year cycle instead of the eight-year cycle that had been used prior to September 11, 2001.

## **IX. Power Uprates**

The staff has assigned power uprate license amendment reviews a high priority. The staff considers power uprate applications among the most significant licensing actions and is, therefore, conducting power uprate reviews on accelerated schedules.

Licensees have been applying for and implementing power uprates since the 1970s as a way to increase the power output of their plants. The staff has been conducting power uprate reviews since then and, to date, has completed 92 such reviews. Approximately 12,067 MWt (4022 MWe), or an equivalent of over three nuclear power plant units, has been gained through implementation of power uprates at existing plants. The staff currently has 7 plant-specific applications under review.

During the month of April, the staff suspended the review of the power uprate application for the Davis-Besse plant. The staff took this action because there has been little activity on this request by both the licensee and the NRC following the discovery of the reactor pressure vessel head degradation in March 2002. Resources have been focused on addressing the higher priority work related to the reactor pressure vessel head degradation.

The staff has completed a survey of nuclear power plant licensees to obtain information regarding industry's plans related to power uprate applications. Based on this survey and information obtained since the survey, licensees plan to submit 35 additional power uprate applications in the next 5 years. These include 13 measurement uncertainty recapture power uprates, 4 stretch power uprates (i.e., power uprates up to about 7 percent), and 18 extended power uprates. Planned power uprates are expected to result in an increase of about 6809 MWt (2270 MWe). The staff will utilize this information for future planning.

During the month of April, the NRC staff conducted a combined session on power uprates and license renewal at the NRC's annual Regulatory Information Conference. The power uprate portion included a presentation by the NRC on the NRC's power uprate program and a presentation by Exelon on Exelon's experience with power uprates at its plants. The session was well attended and provided a forum for communicating recent power uprate experience and achievements and discussing ongoing challenges in this areas with stakeholders.

## **X. Status of Davis-Besse Nuclear Power Station**

First Energy Nuclear Operating Company (FENOC) currently projects a July 2003 startup of the Davis-Besse plant. The plant completed fuel load on February 26, 2003, and entered Cold Shutdown (average coolant temperature less than 200 degrees Fahrenheit) on March 12, 2003.

During the month of April, NRC inspections continued and several were completed. The inspections are tied to the NRC's Restart Checklist, which contains the issues identified by the Oversight Panel that are to be resolved before a restart decision will be made. Based on the inspections completed to date, the Panel has approved closure for 7 of the 29 items on the Restart Checklist.

On April 15, 2003, there were three separate public meetings held at or near the Davis-Besse facility. The first one was a public exit of the Supplemental and Special Inspection conducted to review the utility's corrective actions for two White findings in the radiation protection area. Later, the Oversight Panel conducted two monthly public meetings. Participants at the first meeting included the licensee representatives who discussed performance and progress on their Return to Service Plan. At the second meeting, the Oversight Panel discussed the status of the NRC activities and responded to questions and concerns from the public.

On April 23, 2003, FENOC submitted to the NRC a report on "Safety Culture" that was prepared by an independent consultant. This document is one of several that will be used by a Special Inspection Team, tasked with assessing FENOC's methods to survey, assess, and address safety culture.

Detailed information on NRC activities associated with the Davis-Besse Reactor Vessel Head degradation event can be found at:  
<http://www.nrc.gov/reactors/operating/ops-experience/vessel-head-degradation.html>.