

March 28, 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 a new section on the status of the Davis-Besse Nuclear Power Station. This new reporting requirement is reflected in the January 2003 Monthly Report (Enclosure). 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 fiftieth report, which covers the month of January 2003.

The December report provided information on a number of significant NRC security and safeguard activities, including issuance of immediately effective Orders to all 103 operating commercial nuclear power plants requiring that licensees enhance their programs to control access to the facility, and the issuance of immediately effective Orders modifying the licenses of Category III fuel cycle facilities to require interim compensatory security measures. We have also resumed force-on-force testing evaluations of security performance at power reactor facilities using the expanded interim threat capabilities derived from the February 25, 2002 Orders. The NRC staff has begun these exercises with voluntary participation by power reactor licensees on a pilot program basis. After the Commission has revised the design basis threat, we will transition from the pilot program into performing comprehensive security performance reviews at each nuclear power plant on a three-year cycle, instead of the eight-year cycle that had been applied in the past. These reviews will include enhanced force-on-force exercises and table-top exercises (facilitated discussions using credible scenarios).

The December report also provided information on a number of significant NRC nuclear safety activities, including an immediately effective Order issued to all licensees operating pressurized water reactors as part of the NRC's ongoing efforts to ensure the continued protection of public health and safety following the discovery of degradation of the reactor pressure vessel head (RPV) head at the Davis-Besse reactor. The Order requires licensees to increase the frequency of bare metal visual examinations of the entire vessel head surface, as well as non-visual examinations of each RPV head penetration, as the head's susceptibility to degradation increases.

Since our last report, significant milestones have been reached in the joint work of the Department of Energy and the Commission to increase the protection of the high-risk radioactive

sources which could be useful in a radiological dispersal device (RDD). The Commission and Secretary Abraham were recently presented with the results of a joint DOE/NRC working group set up specifically to study this issue. The working group determined the types and quantities of isotopes that are of greatest concern from an RDD perspective (also referred to as high-risk sources). The working group also outlined actions to increase the regulatory oversight of these sources and to prevent ready access to these sources by terrorists. Elements of this system will include: verification of the legitimacy of the applicants for licenses; requirements governing the security of high risk sources while in transit, in storage, and in use; controls on access to sources to prevent diversion by an insider; requirements for tracking and inventorying of high-risk sources to ensure that the source has not been lost or stolen; export and import controls on high-risk sources; and more frequent inspections to verify the adequacy of the regulatory controls, and measures to ensure safe disposal. In short, we are striving to establish cradle-to-grave security for these high-risk sources.

On March 17, 2003, consistent with the launch of Operation Liberty Shield and the increase in the national threat level to high (Orange), NRC issued a nationwide safeguards advisory to all NRC and Agreement State licensees authorized to possess and/or transport the types and quantities of radioactive isotopes that are of greatest concern for potential malevolent use in an RDD. In the advisory, we urged licensees to increase security for high-risk radioactive sources immediately and to maintain a high level of alertness to security-related matters. The details of the safeguards advisory involve sensitive information that cannot be publicly released.

Internationally, NRC played a key role in a conference conducted during the week of March 10 that was sponsored by the Department of Energy and the International Atomic Energy Agency, and attended by over 100 nations. That conference discussed key issues relating to the security of high-risk radioactive sources and the actions which must be taken world-wide to improve the protection of these sources. In short, significant progress is being made toward putting in place complimentary national and international controls on high-risk radioactive sources.

Since our last report, the Commission and the NRC staff also:

- renewed the operating licenses of the North Anna Nuclear Power Station, Units 1 and 2, and the Surry Power Station, Units 1 and 2, for an additional 20 years. North Anna Units 1 and 2 are pressurized water nuclear reactors located near Richmond, Virginia; Surry Units 1 and 2 are pressurized water nuclear reactors located near Newport News, Virginia. The Commission has now renewed the licenses of 14 units at seven sites for an additional 20 years. Eight applications covering sixteen units are currently under review. As indicated by our licensees, many more applications for renewal are anticipated in the coming years.
- issued a master materials license to the U. S. Department of Veterans Affairs to take over principal regulatory functions for its medical facilities throughout the United States. Previously, 116 VA medical facilities were licensed separately by the NRC for various uses of radioactive materials for the diagnosis and treatment of diseases. The new master materials license, encompassing those facilities previously licensed by the NRC, will be administered by the NRC's Region III Office in Lisle, Illinois.

- received from Duke Power (the licensee for the Catawba Nuclear Station, Units 1 and 2, and the McGuire Nuclear Station, Units 1 and 2) on February 27, 2003, an application for amendment to the facility operating licenses that would, if granted, allow the use of several mixed oxide (MOX) lead test fuel assemblies in one of the McGuire or Catawba units.
- published in the Federal Register on March 5, 2003 (68 FR 10362), a direct final rule amending the regulations that require licensees to report their holdings of source material to the NRC. The amended regulations require licensees to report the receipt or transfer of source material controlled under any of the various international Agreements for Peaceful Nuclear Cooperation. This amendment will enable the U.S. Government to maintain the comprehensive national inventory of nuclear material required under these agreements. The direct final rule becomes effective October 1, 2003.
- conducted two public meetings on February 11, 2003, in the vicinity of the Davis-Besse nuclear power station. During the first meeting, the NRC Davis-Besse oversight panel and officials from the FirstEnergy Nuclear Operating Company discussed the status of activities at the plant, including preparations for refueling the reactor. During the second meeting, NRC discussed activities involving the plant and responded to questions and concerns from the public.
- received, on February 12, 2003, a license application from the U.S. Enrichment Corporation (USEC) to construct and operate for 5 years a gas centrifuge uranium enrichment test and demonstration facility (Lead Cascade). The proposed facility will be based on DOE advanced gas centrifuge technology. USEC plans to assemble and operate the Lead Cascade in an existing DOE gas centrifuge building located at the Portsmouth Gaseous Diffusion Plant site in Piketon, Ohio.
- approved, on March 20, 2003, a request by the Amergen Energy Company, LLC, to consolidate the Emergency Operations Facility (EOF) for the Three Mile Island, Unit 1 nuclear power plant near Middleton, Pennsylvania with the EOF in Coatesville, Pennsylvania, currently serving the Limerick and Peach Bottom nuclear power plants.

Please do not hesitate to contact the Commission if you would like additional information.

Sincerely,

*/RA/*

Richard A. Meserve

Enclosure:  
Monthly Report

cc: Senator Thomas R. Carper

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

**JANUARY 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 January 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 the use of probabilistic risk information in many areas, there were no significant milestones accomplished during the month of January 2003.

## **II. Reactor Oversight Process**

The NRC continues to implement the Reactor Oversight Process (ROP) at all nuclear power plants. The NRC meets 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:

8. On January 21, 2003, the NRC held a public workshop on the Mitigating Systems Performance Index (MSPI) Pilot. Participants discussed MSPI guidance and implementation at the midway point during data collection, and identified a number of technical and guidance issues needing resolution prior to the staff's evaluation on whether to proceed with full MSPI implementation.
9. On January 23, 2003, the NRC held a public meeting with the ROP Monthly Working Group. The ROP Working Group participants discussed proposed changes to the inspection manual chapters and inspection procedures, changes to significance determination process manual chapter appendices, and open and new Frequently Asked Questions (FAQs) on the performance indicators. Representatives of the industry provided a status update on their self-assessment initiative. Their next goal is to provide their self-assessment inspection program document to the staff. The staff provided a status update on the Industry Trends Program. The staff plans to inform the Commission in April of the results of the program.

## **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. No significant issues were resolved in this reporting period.

## **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 they can be implemented by the licensee. The FY 2003 NRC Performance Plan incorporates three output measures related to licensing actions. These are: the number of licensing action completions per year; the age of the licensing action inventory; and the size of the 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 they can be implemented by the licensee. The FY 2003 NRC Performance Plan incorporates one output measure related to other licensing tasks. This is: the number of other licensing tasks completed.

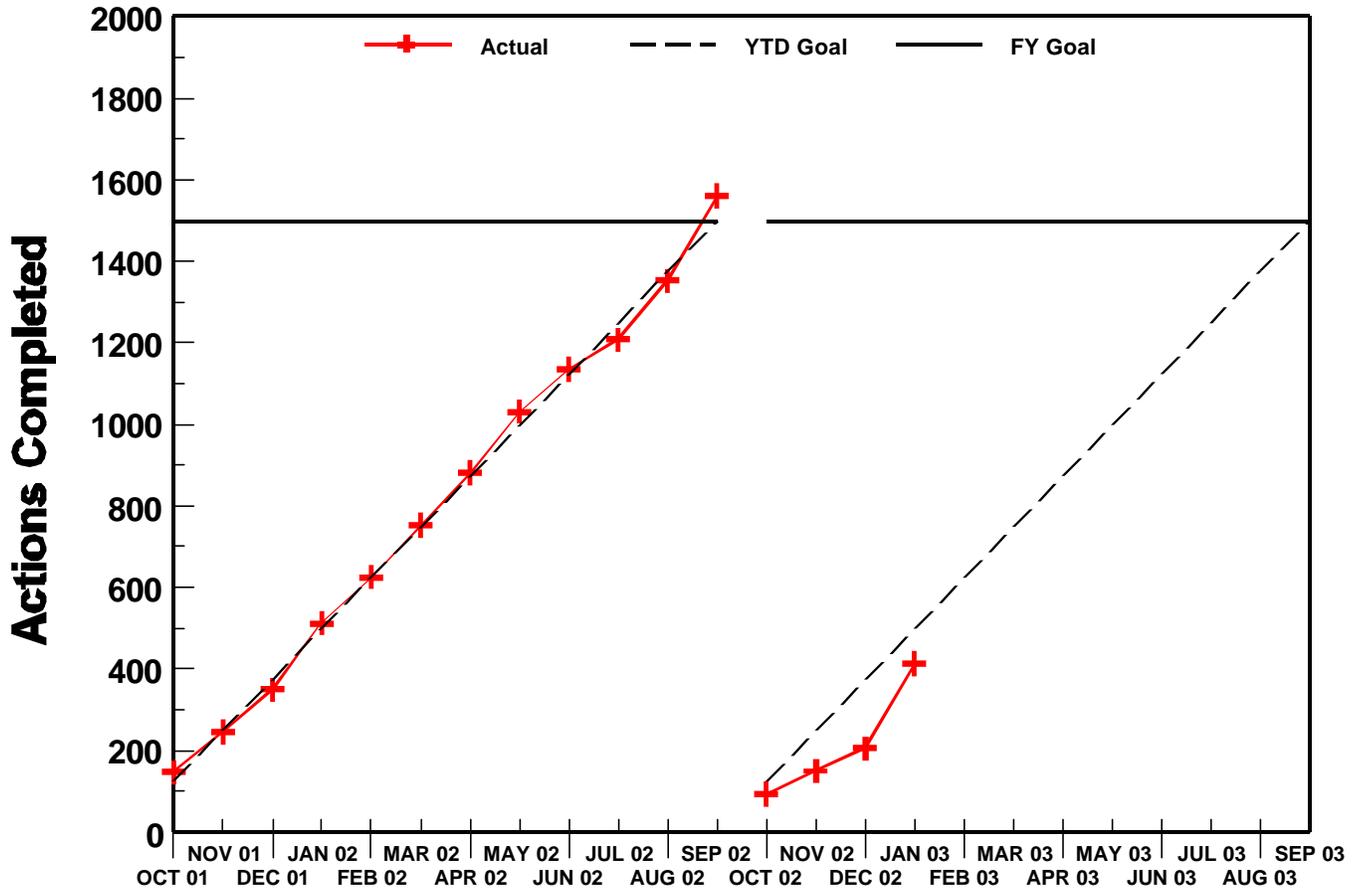
The actual FY 2001 and FY 2002 results, the FY 2003 goals, and the actual FY 2003 results, as of January 31, 2003, for the four NRC Performance Plan output measures for licensing actions and other licensing tasks are shown in the table below.

<b>PERFORMANCE PLAN</b>				
<b>Output Measure</b>	<b>FY 2001 Actual</b>	<b>FY 2002 Actual</b>	<b>FY 2003 Goals</b>	<b>FY 2003 Actual (thru 01/31/2003)</b>
Licensing actions completed/year	1617	1560	≥ 1500	413
Age of licensing action inventory	96.9% ≤ 1 year; 100% ≤ 2 years	96.6% ≤ 1 year; 100% ≤ 2 years	96% ≤ 1 year; 100% ≤ 2 years	94.6% ≤ 1 year; 100% ≤ 2 years
Size of licensing action inventory	877	765	≤ 1000	1001
Other licensing tasks completed/year	523	426	≥ 350	133

The following charts depict NRC's FY 2003 trends for the four licensing actions and other licensing task output measure goals.

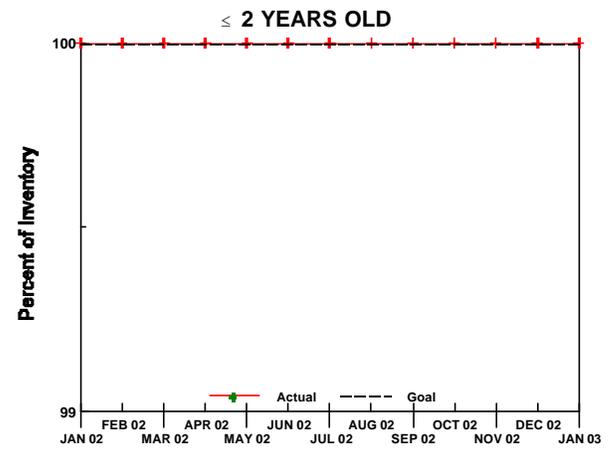
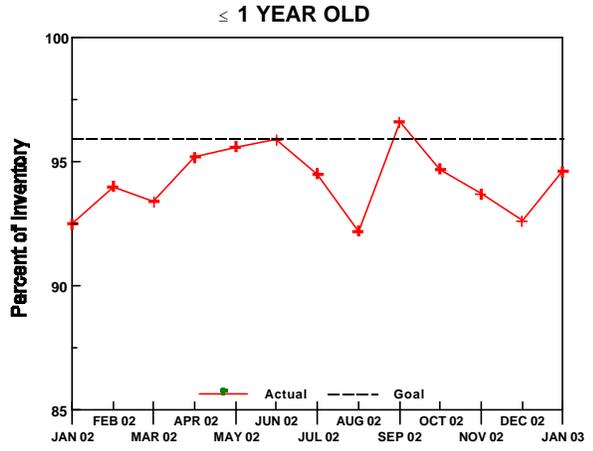
# Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Completed Licensing Actions



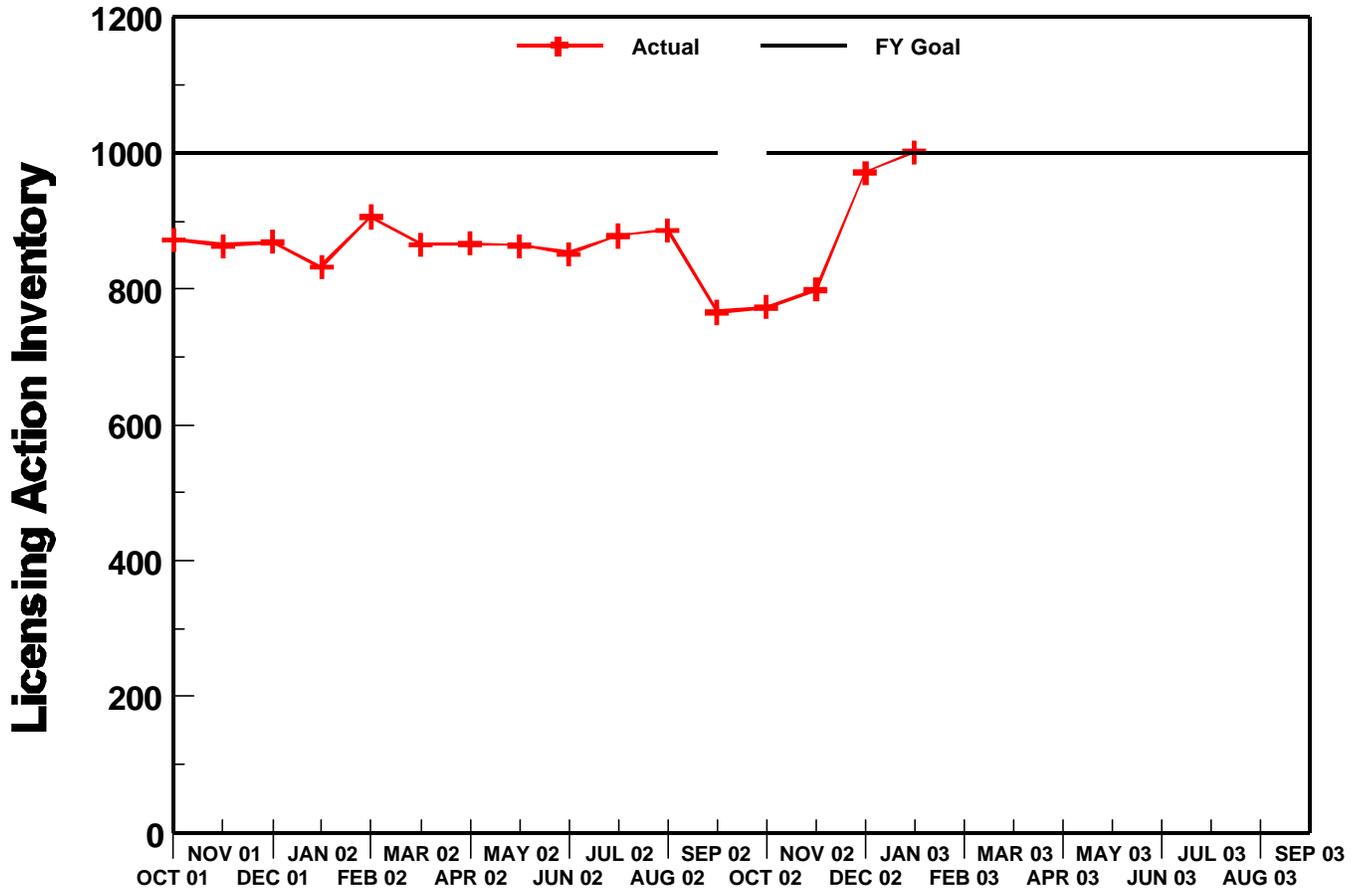
# Nuclear Reactor Safety - Reactor Licensing

## Performance Plan Target: Age of Licensing Action Inventory



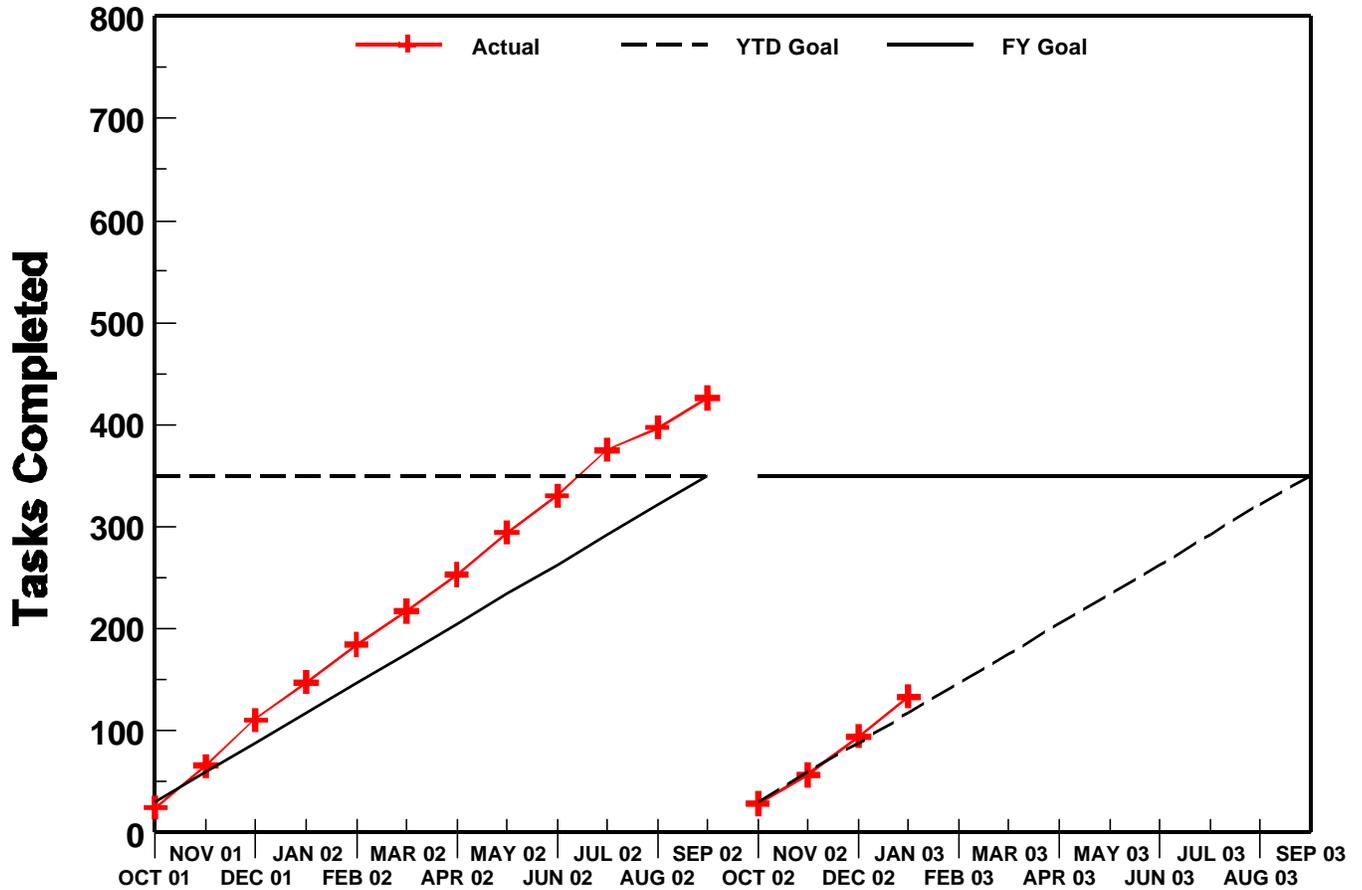
# Nuclear Reactor Safety - Reactor Licensing

## 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**

### Surry, Units 1 and 2, and North Anna, Units 1 and 2, Combined Renewal Applications

The staff issued the final supplemental environmental impact statement (SEIS) for Surry and North Anna in December 2002. The safety evaluation report resolving the open items was issued in November 2002. The staff is completing activities to support a decision on renewing the licenses by March 2003.

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

The staff issued the final SEISs 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 leading to a decision on renewing the licenses by December 2003.

In January 2002, the Atomic Safety and Licensing Board (ASLB) admitted contentions filed by Nuclear Information and Resource Service and the Blue Ridge Environmental Defense League, petitioners in the Catawba and McGuire license renewal proceeding. The petitioners contended that the applicant's severe accident mitigation alternative (SAMA) analysis was incomplete. The staff and Duke appealed the ASLB decision. In an Order, the Commission admitted, to an extent, the SAMA contention. In December 2002, the Commission issued another Order to clarify that the ASLB had misinterpreted the earlier Order and provided guidance to the ASLB with respect to the relevance of the partially-admitted contention. Duke petitioned the ASLB to dismiss the SAMA contention, and the ASLB recently granted Duke's request.

In its December 2002 Order, the Commission reinstated late-filed contentions that had been submitted in May 2002. These late-filed contentions are currently being reviewed by the ASLB for admissibility.

### Peach Bottom, Units 2 and 3, Renewal Application

The staff issued the final SEIS in January 2003. The revised safety evaluation report addressing the resolution of open items will be issued in February 2003. The application and the staff's safety evaluation report are under review by the Advisory Committee on Reactor Safeguards. A decision on issuance of the renewed license is scheduled for May 2003.

### 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 will issue the safety evaluation report identifying open items in February 2003.

### Fort Calhoun Renewal Application

The staff issued the draft SEIS for public comment in January 2003 and the public comment period ends in April 2003. The safety requests for additional information were issued in

October 2002 and the applicant's response was received in December 2002. The staff plans to issue the safety evaluation report by April 2003, which will identify any remaining open items.

#### 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 will be issued in February 2003 and the applicant's responses are scheduled to be submitted by April 2003.

#### Ginna Renewal Application

The Ginna renewal application is currently under review and the staff is preparing requests for additional information. Environmental requests for additional information were issued in January 2003 and the applicant's responses are due by March 2003. The safety requests for additional information are scheduled to be issued by March 2003.

#### Summer Renewal Application

The Summer renewal application is currently under review and the staff is preparing requests for additional information. All environmental requests for additional information were issued in January 2003. The safety requests for additional information are scheduled to be issued by April 2003.

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

On January 3, 2003, the NRC received an application for renewal of the Dresden, Units 2 and 3, and Quad Cities, Units 1 and 2, operating licenses. The staff is currently performing the required acceptance review and, if found acceptable, will docket the application, notice an opportunity for hearing, and issue the review schedule.

### **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**

During this reporting period, the NRC staff sent a letter to Private Fuel Storage, LLC, (PFS) regarding the staff's conclusions about the impact of a change in the minimum allowable flight altitude in the Sevier B Military Operations Area over the Reservation of the Skull Valley Band of Goshute Indians (the Reservation). The NRC staff concluded that based on the information received, and its review of the analyses that have been conducted to date, no change is warranted to the evaluation findings in the NRC staff's consolidated "Safety Evaluation Report Concerning the Private Fuel Storage Facility" (dated March 2002). In addition, the NRC staff requested that in the event that PFS learns of a significant change in flight operation procedures over the Reservation, such information be provided to the staff and that PFS conduct a further assessment to determine whether any change to the aircraft crash hazard analysis is required.

On January 23, 2003, the Atomic Safety and Licensing Board issued an Order informing the parties to the PFS adjudicatory proceeding that a decision in the proceeding would be delayed until mid to late February 2003, due to unforeseen events affecting the Board Chairman.

## 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	Jan 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	Jan 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	Jan 2003	1	0	0	0	1
	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	Jan 2003	0	0	0	0	0
	FY 03 YTD	0	0	0	0	0
	FY 02 Total	0	0	2	0	2
	FY 01 Total	1	0	2	1	4
Non-Cited Severity Level IV	Jan 2003	27	21	31	34	113
	FY 03 YTD	82**	46	71	69	268
	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.

\*\* Corrected data due to a reporting errors for October and November 2002

<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	1/03 Red	0	0	0	0	0
	1/03 Yellow	0	0	0	0	0
	1/03 White	0	0	0	0	0
	FY 03 YTD	3	0	2	0	5
	FY 02 Total	5	4	6	8	22
	FY 01 Total	8	4	4	3	19

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

#### **PPL Susquehanna, LLC (Susquehanna Steam Electric Station) EA-02-216**

On January 13, 2003, a Notice of Violation was issued for a Severity Level III violation involving the backfilling of a dry shielded canister with argon, rather than helium, as required by the Certificate of Compliance (CoC) for the dry spent fuel storage system used at Susquehanna.

### **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. Immediately following the terrorist attacks on the World Trade Center and the Pentagon, the NRC advised nuclear power plant licensees to go to the highest level of security (i.e., Level 3), and all promptly did so.

The NRC has developed a new Threat Advisory and Protective Measures System in response to Homeland Security Presidential Directive-3. When a new Homeland Security Advisory System (HSAS) threat condition is declared, the NRC will promptly notify affected licensees of the condition and refer them to the predefined protective measures that we have developed for each threat level. The new system for NRC licensees was formally communicated to licensees, Governors, State Homeland Security Advisors, Federal agency administrators, and other appropriate officials on August 19, 2002. The new system supercedes the NRC's 1998 threat advisory system and covers additional classes of licensees not included in the NRC's 1998 system.

The staff is continuing an integrated review of the NRC's safeguards security program, which includes threat definition, vulnerability assessments, and regulatory improvements.

NRC continues to interact with the FBI, other intelligence and law enforcement agencies, the Department of Defense, and the Office of Homeland Security to ensure any changes to the NRC's programs are informed by pertinent input from all relevant U.S. agencies.

## **IX. Power Upgrades**

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

Licensees have been applying for and implementing power upgrades since the 1970s as a way to increase the power output of their plants. The staff has been conducting power upgrade reviews since then and, to date, has completed 91 such reviews. Approximately 11,991 MWt (3997 MWe) or an equivalent of over three nuclear power plant units has been gained through implementation of power upgrades at existing plants. During the month of January, the staff received a 1.4 percent power upgrade application for the Kewaunee nuclear power plant and completed the review of a 1.7 percent power upgrade application for the River Bend nuclear power plant adding approximately 17 MWe to that plant's electric generating capacity. The staff currently has 8 plant-specific applications under review. The staff also has two General Electric Nuclear Energy topical reports for power upgrades under review.

The staff is currently conducting a survey of nuclear power plant licensees to obtain information regarding the industry's plans related to power upgrade applications. The survey requests information for planned power upgrades over the next 5 years. The staff will utilize this information for future planning.

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

### Background

On February 16, 2002, FirstEnergy Nuclear Operating Company (FENOC), the licensee for the Davis-Besse Nuclear Power Station in Oak Harbor, Ohio, began a refueling outage that included inspecting the nozzles entering the head of the reactor pressure vessel (RPV), the specially designed container that houses the reactor core and the control rods that regulate the power output of the reactor. Of these vessel head penetration (VHP) nozzles, the licensee's inspections focused on the nozzles associated with the mechanism that drives the control rods, known as the control rod drive mechanism (CRDM). Both the inspections and their focus were consistent with the licensee's commitments in response to NRC Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles," which the agency issued on August 3, 2001.

In conducting its inspections, the licensee found that three CRDM nozzles had indications of axial cracking, which had resulted in leakage of the reactor's pressure boundary. Specifically, the licensee found these indications in CRDM nozzles 1, 2, and 3, which are located near the center of the RPV head. The licensee reported these findings to the NRC on February 27, 2002, and provided supplemental information on March 5 and March 9, 2002. The licensee also decided to repair the three leaking nozzles, as well as two other nozzles that had indications of leakage but had not resulted in pressure boundary leakage.

The repair of these nozzles included roll expanding the CRDM nozzle material into the material of the surrounding RPV head and then machining along the axis of the CRDM nozzle to a point above the indications in the nozzle material. On March 6, 2002, the licensee prematurely terminated the machining process on CRDM nozzle 3 and removed the machining apparatus from the nozzle. During the removal, the nozzle was mechanically agitated and subsequently displaced

(or tipped) in the downhill direction (away from the top of the RPV head) until its flange contacted the flange of the adjacent CRDM nozzle. To identify the cause of the displacement, the licensee investigated the condition of the RPV head surrounding CRDM nozzle 3. This investigation included removing the CRDM nozzle from the RPV head, removing boric acid deposits from the top of the RPV head, and ultrasonically measuring the thickness of the RPV head in the vicinity of CRDM nozzles 1, 2, and 3.

Upon completing the boric acid removal on March 7, 2002, the licensee conducted a visual examination of the area and identified a large cavity in the RPV head on the downhill side of CRDM nozzle 3. Followup characterization by ultrasonic testing indicated wastage of the low alloy steel RPV head material adjacent to the nozzle. The wastage area was found to extend approximately 5 inches downhill on the RPV head from the penetration for CRDM nozzle 3 and was approximately 4 to 5 inches at its widest part. The minimum remaining thickness of the RPV head in the wastage area was found to be approximately 3/8 inch. This thickness was attributed to the thickness of the stainless steel cladding on the inside surface of the RPV head, which is nominally 3/8 inch thick.

The NRC established a special oversight panel on April 30, 2002, to coordinate the Agency's activities in assessing the performance problems associated with the corrosion damage, monitoring corrective actions, and evaluating the readiness of the plant to resume operations. The plant will not restart until the NRC is satisfied that all current safety concerns have been resolved.

In addition to the special oversight panel, the NRC Executive Director for Operations (EDO) also established a task force to assess lessons-learned related to the degradation of the reactor vessel head at Davis-Besse. The Davis-Besse Lessons Learned Task Force (LLTF) conducted an independent evaluation of the NRC's regulatory processes related to assuring reactor vessel head integrity in order to identify and recommend areas of improvement applicable to the NRC and/or the industry. The LLTF was comprised of NRC specialists from throughout the agency. Representatives from the State of Ohio participated as observers of the LLTF review activities. The LLTF final report was issued on October 9, 2002, and made available to the public via NRC's web site.

The EDO also established the NRC Senior Management Review Team (SMRT) to evaluate the findings and recommendations set forth in the LLTF report that was issued on October 9, 2002. The SMRT forwarded its recommendations to the EDO on November 26, 2002. The recommendations were discussed at a Commission Meeting on January 14, 2003, and were subsequently endorsed by the Commission.

The investigation of the causative conditions surrounding the degradation of the RPV head at Davis-Besse is continuing. Boric acid is a contributing factor. Other factors contributing to the degradation might include the environment of the RPV head during both operating and shutdown conditions (e.g., wet/dry), the duration for which the RPV head is exposed to boric acid, and the source of the boric acid (e.g., leakage from the CRDM nozzle or from sources above the RPV head such as CRDM flanges). 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>.

Status Update for January 2003:

Issued, on January 21, 2003, an update to the March 13, 2002 Confirmatory Action Letter (No. 3-02-001). The Confirmatory Action Letter documented six sets of commitments FENOC intended to take prior to restart of Davis-Besse. On May 15, 2002, the NRC revised the Confirmatory Action Letter, to address the option of replacing the reactor pressure vessel head. The January 21, 2003 update was issued to clarify the status of CAL Issue No. 1, including NRC's understanding of FENOC's planned actions regarding the quarantined material from the damaged reactor vessel head.

Issued, on January 14, 2003, a staff memorandum to the Commission and the Executive Director for Operations titled "Comments in Defense of the Risk-Informed Decision Making Process and on the OIG Event Inquiry, "NRC's Regulation of Davis Besse Regarding Damage to the Reactor Vessel Head." This memorandum can be found on the dedicated NRC website for Davis-Besse.

Conducted, on January 14, 2003, two public meetings at the Camp Perry Clubhouse, in Port Clinton, Ohio. Participants at the first meeting included the NRC's Restart Oversight Panel and licensee representatives who discussed the licensee's performance and progress on their Return to Service Plan. At the second meeting, NRC Panel staff discussed the status of the Oversight Panel activities and responded to questions and concerns from the public.

Conducted, on January 14, 2003, a public Commission briefing on the NRC Lessons Learned from the Davis Besse RVH Degradation event. The meeting transcript, the staff requirements memorandum, and the briefing slides report can be found on the Commission's website.

Issued, on January 8, 2003, a memorandum from Chairman Meserve to Hubert T. Bell, Inspector General, regarding the Inspector General (OIG) Report 02-03S, "NRC's Regulation of Davis-Besse Regarding Damage to the Reactor Vessel Head," dated December 30, 2002. This report can be found on the NRC OIG website.

Identical letter sent to:

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  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515  
cc: Representative Peter Visclosky

The Honorable Susan M. Collins, Chairman  
Committee on Governmental Affairs  
United States Senate  
Washington, D.C. 20510  
cc: Senator Joseph I. Lieberman

The Honorable W.J. "Billy" Tauzin, Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515  
cc: Representative John D. Dingell

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

