

Exhibit 5

**Minutes of Internal Meeting of Davis-Besse Oversight Panel,
October 29, 2002**

October 29, 2002

MEMORANDUM TO: Davis-Besse Nuclear Power Station IMC 0350 Panel

FROM: John A. Grobe, 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 October 8, 2002. Attached for your information are the minutes from the internal meeting of the Davis-Besse Oversight Panel and the "Open" Action Items List.

Attachments: As stated

cc w/att: S. Rosenberg, OEDO
W. Dean, NRR
A. Mendiola, NRR
D. Pickett, NRR
S. Bloom, NRR
J. Dyer, RIII
J. Caldwell, RIII
G. Grant, RIII
S. Reynolds, RIII
C. Lipa, RIII
D. Hills, RIII
L. Collins, RIII
D. Passehl, RIII
D. Simpkins, RIII
J. Jacobson, RIII
S. Burgess, RIII
R. Lickus, RIII
S. Thomas, RIII
M. Holmberg, RIII
J. Collins, RIII
DB0350

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OFFICE	RIII		RIII		RIII		
NAME	DPassehl/klg		CLipa/ <i>dp for/</i>		JGrobe		
DATE	10/16/02		10/16/02		10/29/02		

OFFICIAL RECORD COPY

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

DATE: October 8, 2002

TIME: 1:00 p.m. Central

ATTENDEES:

C. Lipa	T. Mendiola
W. Dean	S. Thomas
M. Farber	K. O'Brien
J. Hopkins	B. Bartlett
G. Wright	D. Passehl
B. Jorgensen	M. Holmberg

Agenda Items:

1. Reports from Staff

Report by Mel Holmberg on Vessel Head and Containment Inspections

The inspection of head resolution (IR#007) is complete and the report is being assembled. Several parts are involved: Don Jones looked at NDE on the head welds, done at the Midland site, and no deficiencies were identified. Richard McIntyre of NRR did code data-package review and determined the licensee had established that the Midland head meets the code (with defined exceptions being evaluated by NRR) and the "N" stamp remains "valid." The containment cutting and restoration were inspected by Mel and John Jacobson, including work requests and work in progress. Surface voids occurred in the concrete pour to restore the shield building which had not been resolved at the conclusion of the inspection. Overall, there were no "findings" identified, but several observations were made.

The (second) inspection of the "containment extent of condition" (IR#012) is also complete and the report is being assembled. The report of the first inspection (IR#009) has been issued - it showed the licensee had not succeeded in its objectives and reported findings in: 1) lack of acceptance criteria or requirements to follow inspection plans, and 2) training and qualification of personnel performing the reviews. The licensee re-performed the inspections under the "containment health" building block. Mel's second inspection did not identify any "findings." There were some items for which too little information was available to permit final conclusions. The sample size regarding corrective actions was small, and the inspection of electrical components was limited to a few motor-operated valves. Also, the cause and consequences of boric acid and rust streaks at the bottom of the reactor vessel had not been established. The report will contain an "action item" to evaluate licensee results in following up on these issues.

A formal "exit" on both of Mel's inspections is tentatively set for 10/24 at the site.

Marty Farber reported on the status of his activities under the "System Health" building block. He indicated that two weeks of work remain and the licensee's progress in preparing packages has been slow, so his inspection cannot be completed by 11/8. Thus far, only two "packages" have been completed for inspection, which is a too-small sample. The volume of items in the licensee's corrective action program has continued to grow; development of corrective actions has not kept pace with identification of issues. The Panel discussed the potential need for Marty to return his Inspection Plan to the Panel for re-evaluation. Marty has arranged his schedule to continue to support the Oversight Panel through November.

Bruce Bartlett reported on the status of his team inspection of design/engineering of three systems, in support of the "System Health" building block. The three systems have been identified (service water, high pressure injection, and 4160 V a.c.) and the licensee has provided information as it became available, such that this inspection should finish on 10/11. Issues were identified in all three systems, including "operability" issues in the service water system. All the issues are in the licensee's corrective action system. A formal "exit" will be scheduled in about two weeks.

Geoff Wright reported on the status of his inspection activities in the "Management and Human Performance" building block. He said the team had some difficulties in some of the cases examined, due to unclear connections between cause and corrective action. In addition, the "Operations," "Quality Assurance" and "Offsite Review" arenas were examined outside the MORT technique which was used for the other areas, and they are incomplete or (in the case of "Operations") have been withdrawn and will be re-done. Geoff's inspection activities were characterized as being "at a standstill" pending licensee development of additional information. Geoff will evaluate the status of the licensee's schedule later in the week when he is on-site; he may choose to terminate the inspection and document it, with the remainder of the work to be done in a second inspection at a later date, or he may suspend the inspection temporarily and resume later.

Ken O'Brien reported on the status of his team's inspection in the "Program Compliance" building block. His schedule has been significantly impacted by delays in licensee completion of several program reviews and upgrades - he will not finish by 10/11 as originally planned. The licensee appears unlikely to complete more programs to the point we need for our reviews until about 11/1. Ken estimated sufficient progress may be made to justify resumption of inspection activities in late November, with work continuing into or through December.

Site activities (RIO)

Scott Thomas briefed the Davis-Besse Oversight Panel on current site activities noting the following:

- There were four separate "building-block" inspections in process at the site during the week, in addition to the resident inspectors' activities.
- The special inspection team to review the potential occupational over-exposure due to inhalation/ingestion of transuranic isotopes was on-site and active. A site debrief was set for 10/10.

- Jim Dyer and Sam Collins were visiting the site on 10/8 and 10/9, planning to tour and to meet with managers and (separately) with licensed operators.
- Both emergency diesel-generators remain “inoperable” but available with exhaust system upgrades to provide tornado missile protection targeted to be complete by 10/23.
- The “old” service structure was welded on the “new” reactor vessel head. Welding was the only option, since the bolting alignments didn’t match.

Review of action items (panel)

The panel reviewed the list of “open” action items, with discussions and actions as follows:

Item 26 was discussed. The item remains on “hold” awaiting developments in the licensee’s schedule - licensee schedule slippage is impacting the ability of the Oversight Panel to marshal inspection resources effectively and efficiently.

Item 71 was discussed. NRR will forward to RIII (C. Lipa) the report of its review of the licensee’s Revision 1 to the Technical Root Cause.

Item 72 was discussed. The LLTF report will be available for review and extraction of observations needing specific Panel action on 10/9. The LLTF is looking to schedule public meetings at or near the plant on November 6.

Item 85 was discussed. The memo from NRR to RIII concurring in release of the “quarantine” by RIII was with Tony Mendiola, at the start of the concurrence review.

Item 89 was discussed. The “feeder” report had been received. The item is expected to be closed after some follow up by Tony Mendiola to verify nothing additional is due.

Item 103 was discussed. The actions were believed to be complete, but Bill Dean took the action to verify RES was included in the inquiry.

Item 104 was discussed and **closed**; action was completed.

Item 111 was discussed and **closed**; action was completed.

Item 112 was discussed. Monthly public meeting dates are set for October 16, November 13. December date (10 or 11) being finalized. Christine Lipa now has the action to pursue the scheduling of dates for possible additional meetings in January, February and March 2003.

Item 114 was discussed. A potential site visit by Brian Sheron remains to be scheduled - Jon Hopkins will follow up - due 10/15.

Licensing Issues/Actions (DLPM) - status sheet

The status of Davis-Besse licensing activities and ticket tracking was presented by Tony Mendiola and Jon Hopkins:

- The EDO has requested a “package” of information regarding the follow up “special” inspections on the contamination events and the potential internal exposures.
- The Tauzin/Gillmor congressional committee terminated its review of Davis-Besse related issues unexpectedly, with NRC still “owing” some information to the committee. NRR finished assembling the requested information and the information package was in concurrence.
- The 2.206 petition response letter is in management concurrence.
- The EDO has requested that a “frequently asked questions” package be prepared and put on the NRC website. NRR is assembling the requested package.
- Work on the code relief and license amendments relating to use of the Midland reactor vessel head has continued with no significant issues identified so far.

2. IMC 0350 Panel Business

Inspection Schedule

The Panel had extensive discussions of inspection scheduling as part of the receipt of reports of inspection activities discussed above. The schedules for several inspections remain unsettled. The date(s) when the licensee will have sufficient information assembled to justify further inspection activities are not clear. The Oversight Panel expects the inspection team leaders to work diligently with their licensee counterparts to acquire best estimates, and to report the information to the Panel. A higher-level discussion with more senior licensee management is under consideration.

Process Plan

Dave Passehl is updating the Process Plan, based on detailed discussions at a separate meeting on 10/4. Among other things, the revised Plan will merge in the proposed Project Management Summary, as discussed at the Panel meeting of 10/1.

Restart Checklist - Investigations

No new information provided.

Licensee Return to Service Plan

No new discussions.

3. NRC/Licensee weekly calls

Next call on Thursday, 10/10 due to J. Dyer/S. Collins visit on Wednesday, 10/9.

4. Utilization of the Web Page

No new items were discussed

5. Future Activities/Plans/Meetings

Next panel meeting: Tuesday 10/15 at 11:30 EDT, 10:30 CDT

Monthly allegations briefing to be added to agenda.

6. Discuss how to handle public or staff comments, questions, allegations, and concerns received by phone, fax, letter, email, or at public meetings.

No new issues were discussed.

IMC 0350 Panel Action Items

Item Number	Action Item (Date generated)	Assigned to	Comments
24a	Discuss making information related to HQ/licensee calls publicly available	Panel	Discuss by June 30, after safety significance assessment complete. 6/27 - Invite Bateman to panel mtg. To discuss what else is needed to closeout the CAL (i.e. quarantine plan). 7/2 - NRR not yet ready to discuss. 7/16 - See if procedures have changed on CAL closeout - does JD need to send letter? 7/18 - Discussed - is there an applicable regional procedure? 8/6 - Discussed. Need to determine the final approach on the core removed from the head and the final approach on the head before the quarantine can be lifted. 8/22 - Revisit action item after letter sent to licensee confirming plans with old vessel head (head may be onsite longer than originally anticipated) 8/29 - Memo to be sent to Region, with a letter to go out next week. 10/01- Discussed. 1) Conduct NRC staff survey-due 10/7 2)Memo to NRR - due 10/11 3) Region to issue letter
26	Provide licensee with inspection schedule	Panel	7/16 - pending 7/18 - J. Jacobson working - will follow issuance of restart checklist. Est due date 8/2 to include scheduled and TBD inspections. 8/22 - System health dates now set - will likely send out schedule next week. 8/27 - Discussed - on track to send out next week. 8/29 - discussed, on track. 10/1 - Discussed. Issue schedule

Item Number	Action Item (Date generated)	Assigned to	Comments
54a	Review TSP amendment and advise the panel on the need for a TIA on Davis-Besse (7/2)	D. Pickett	7/9 - Discussed. Will wait for response from licensee. 7/16 - Discussed - added action item 54b. 8/6 - Sent to the licensee on 7/22 and a response is due by 8/22. 8/22 - Discussed - need to check if response has been received. 8/27 - Received response - DRS is reviewing - will fax to NRR for 54b. 8/29 - Discussed, DRS report of response to be issued to panel prior to item 54b. 10/1 - Discussed. DRS coordinating with NRR
54b	Initiate correspondence w/NRR to evaluate generic implications (7/16)	T. Mendiola	7/18 - Memo will be sent to Hannon's group. 8/6 - Discussed - not yet issued. 8/13 - Discussed - need info from 54a first. 10/1 - Discussed. Forward to B. Bateman - due 10/18.
71	Discuss review and documentation of the Technical Root Cause and determine if the action is in NRR's work management system. (8/6)	Sands Dean Panel Lipa	8/6 - Invite to 8/13 mtg. 8/13 - Discussed. S. Coffin to provide feeder to Lipa regarding conclusions due 8/30 draft. 8/22 - Discussed - NRR will email draft for review/ need to determine how final input should be sent from NRR to RIII. 8/27 - Discussed draft input and process for formal transmittal from NRR to RIII. 8/29 - Deferred to 9/5 meeting. 9/18 - On hold due to crack 10/1 - Discussed. Rec'd and under review 10/8 - NRR to forward Revision 1 to Region III

Item Number	Action Item (Date generated)	Assigned to	Comments
72	Review LLTF observations and determine appropriate closeout. (8/6) Review for safety issue/ AMS/OI/new items.	Lipa/Collins	8/13 - Discussed. Items reviewed for allegations. No new allegations identified. Info related to ongoing investigations will be forwarded to OI. 8/22 - Discussed - need to keep this item open as a reminder to consider outstanding LLTF items. 8/29 - Discussed - leave open. 10/1 - Discussed. 10/8 - Discussed. Report to be discussed 10/9, schedule public meeting 11/6
73	Send feedback form on IMC 0350 procedure to IIPB (8/6)	Lipa Mendiola	8/6 - Generate feedback after panel meetings reduced to once per week. 8/29 - Discussed - no change. 10/1 - Discussed.
74	Matrix strategy for UCS and other requests. (8/8)	Lipa	8/13 - Discussed. 8/22 - Discussed - matrix is being developed will send out for review when ready. 8/29 - Discussed - matrix has been started. 10/1 - Discussed.
82	Circle back with LLTF to put their observations into context (8/8)	Grobe	10/1 - Discussed.
83	Verify results of ongoing research related to the technical root cause evaluation has not changed NRC/DE conclusions (8/13)	Panel Coffin	
85	Send letter/action plan to the licensee regarding actions required to be completed to close CAL item related to quarantine (8/20)	Dean (DE) Hopkins	8/22 - Discussed - NRR will send draft to RIII by 8/30. 8/27 - Discussed - letter being drafted and should be ready next week. 9/19- On hold due to crack - get letter out to licensee re: from Mode 3 to Mode 2. 10/8 - Discussed. Memo is with Mendiola at the start of concurrence review.

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88	Develop draft proposal on how to assess significance/respond to TIA (8/20)	Burgess	8/27 - Working to a due date of 8/30 to present to the panel next week. 10/1 - Discussed.
89	Provide report input on Framatome inspection of records for the new vessel head (8/27)	R. McIntyre M. Holmberg	Will be feeder to Mel's need for 9/17 public mtg. 9/17 - Plan to send this week to Mel. 9/24 - Report expected out next week. 10/8 - Discussed. "Feeder" report had been received, Mendiola to review.
90	Response to feedback form from 8/20 Public Meeting (8/29)	J. Strasma	
91	Call McClosky to discuss docketing Return to Service Plans (9/3)	Lipa	9/17 - Called - need to check back. 10/1 - Discussed. Jack to discuss with L. Myers
95	Interpret CAL & TS and define which mode change needs approved (9/5)	Lipa Thomas	10/1 - Discussed.
96	Ongoing phase 3 observations of management and human performance following restart (9/5)	Lipa	
97	Bulletins 2002-01 and 2002-02 response and acceptance (9/5)	NRR	
98	Poll staff for differing opinions (9/5)	Panel	Incorporate into Process Plan 10/1 - Discussed.
99	Bring to panel all 95002/95003 attributes (9/5)	Jacobson/ Lipa	9/24 - Decision for C. Lipa to discuss item with J. Jacobson. 10/1 - Discussed. Due 10/11
102	NRR Approval of Concern 3 for Licensee Investigation Report for Allegation No. RIII-02-A-0110 (9/12)	Mendiola	10/1 - Discussed. TSP calculations under 54a and 54b address this concern.

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103	Issue 3 memos to staff - forward emails to DB0350/RES/NRR/RIII (9/17)	Dean/Grobe	10/8 - B. Dean has action to verify RES included in the inquiry
104	Add UCS to service lists in RIII and NRR (9/17)	Lipa/ Mendiola	10/8 -Complete
107	When AIT F/U IR is issued, consider item on records& communication accuracy (9/17)	Panel	10/1-Discussed
110	Determine when licensee will docket technical root cause and determine when the safety analysis will be delivered to the NRC (9/19)	J. Hopkins	10/1- Discussed
111	Coordinate with LLTF to brief state and county officials (9/19)	R. Lickus	10/8 - Complete
112	Contact Nora (Myers secretary) to explain feedback and establish future ROP dates(9/19)	C. Lipa	10/1- Discussed. 10/8 - Dates for Oct. 16 & Nov. 13, working on December, January, February & March
113	Remove UCS representative from service lists 90 days after DD is issued (9/24)	C. Lipa/ A.Mendiola	10/1- Discussed
114	Details of expected visit to site (9/24)	Hopkins/ Sheron	10/1 - Discussed. 10/8 - Discussed, Due 10/15
116	Inform licensee that completeness and accuracy of records issue may be added to restart checklist (9/24)	Grobe	10/1- Discussed
117	Provide a report on all licensing actions for DB to the DB Oversight Panel (9/24)	Hopkins	10/1- Discussed

Item Number	Action Item (Date generated)	Assigned to	Comments
118	Produce a photo view book that would have before and after photos of corrective maintenance items. (9/24)	Jorgensen	10/1 Discussed
119	Discuss with OI, need to bring to ARB (10/01)	Passehl	Due 10/15