

January 28, 2003

Mr. Lew Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE OVERSIGHT PANEL RESTART CHECKLIST, REVISION 2

Dear Mr. Myers:

By our letter dated April 29, 2002, we informed you of our planned actions to provide focused and coordinated regulatory oversight of the Davis-Besse Nuclear Power Station as a result of the reactor pressure vessel head degradation discovered on March 6, 2002. We enhanced NRC monitoring of corrective actions at Davis-Besse, as described in NRC Inspection Manual Chapter (IMC) 0350, "Oversight of Operating Reactor Facilities in a Shutdown Condition with Performance Problems." NRC Region III Manager, John A. Grobe, has been assigned as the Chairman of the NRC's Davis-Besse Oversight Panel.

The Oversight Panel for Davis-Besse was implemented to enhance the agency's strategic goals of maintaining safety, enhancing public confidence, increasing efficiency and effectiveness, and minimizing unnecessary regulatory burden by coordinating and focusing agency resources. In accordance with IMC 0350, the Davis-Besse Oversight Panel developed a Restart Checklist, which is a listing of issues requiring resolution before the Oversight Panel could consider a recommendation for facility restart. The Restart Checklist was issued on August 16, 2002. The Restart Checklist was subsequently revised on October 30, 2002, adding issues concerning the containment sump modification and the radiation protection program.

The Davis Besse Oversight Panel has the responsibility to modify the Restart Checklist to address issues of significance that emerge during its ongoing oversight. The Augmented Inspection Team Follow-up Inspection Report, IR# 50-346/02-08 (ADAMS accession No. ML022750524) discussed multiple examples of inaccurate or incomplete information that was either (1) provided to the NRC or (2) required by the NRC's regulations to be maintained by FirstEnergy Nuclear Operating Company. Therefore, the NRC is revising the Restart Checklist to add an issue concerning your process for ensuring completeness and accuracy of required records and submittals to the NRC. In addition, this revision clarifies numbering changes made when the October 30, 2002, revision of the Restart Checklist was issued.

This Checklist will continue to be reevaluated and revised, if necessary, by the Davis-Besse Oversight Panel, based on the results of follow-up inspections, your continuing evaluation, and any new insights gained from your management and human performance root cause analyses.

IMC 0350 directs the suspension of the Reactor Oversight Process (ROP) with the initiation of the Oversight Panel. The inspection program for Davis-Besse will be directed by the oversight panel utilizing existing inspection procedures to the maximum extent practicable and the Panel will use the significance determination process and action matrix as guidance for determining agency response to identified performance problems. You should continue to monitor and submit appropriate performance indicators consistent with the facility configuration. The NRC's inspections will be focused on resolving the issues contained in the Restart Checklist and scheduled consistent with your completion of work in each area.

If you have questions regarding the NRC actions discussed above, please contact John A. Grobe at 630/829-9637 or Christine A. Lipa at 630/829-9619.

Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Docket No. 50-346
License No. NPF-3

Enclosure: Restart Checklist, Revision 2

See Attached Distribution

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML030290155.wpd

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

OFFICE	RIII		NRR		RIII		NRR		RIII	
NAME	CLipa/kg		WDean*		JGrobe		SCollins*		JDyer	
DATE	01/14 /03		01/22/03		01/21/03		01/22/03		01/28/03	

**CLipa for WDean and SCollins via email and telecon*

OFFICIAL RECORD COPY

cc w/encl: B. Saunders, President - FENOC
Plant Manager
Manager - Regulatory Affairs
M. O'Reilly, FirstEnergy
State Liaison Officer, State of Ohio
R. Owen, Ohio Department of Health
Ohio Public Utilities Commission
C. Emahiser, Ottawa County Sheriff
J. P. Greer, Director, Emergency
Management Agency
S. Isenberg, President, Lucas County
Board of Commissioners
J. Telb, Lucas County Sheriff
B. Halsey, Director, Emergency
Management Agency
G. Adams, Village Administrator, Genoa
The Honorable Robert Purney
The Honorable Lowell C. Krumnow
The Honorable Joseph Verkin
The Honorable Thomas Leaser
The Honorable Jack Ford
The Honorable Thomas Brown
C. Koebel, President, Ottawa County
Board of Commissioners
The Honorable Joe Ihnat
INPO
D. Lochbaum, Union of Concerned Scientists

ADAMS Distribution:

AJM

DFT

SPS1

RidsNrrDipmlipb

GEG

HBC

CST1

DRPIII

DRSIII

PLB1

JRK1

DB0350

**U. S. Nuclear Regulatory Commission
Manual Chapter 0350 Oversight Panel**

Davis-Besse Restart Checklist, Revision 2

Item Number/ Cornerstone*	Description
1.	Adequacy of Root Cause Determinations
1.a IE	Penetration Cracking and Reactor Pressure Vessel Corrosion
1.b IE	Organizational, Programmatic and Human Performance Issues
2.	Adequacy of Safety Significant Structures, Systems, and Components
2.a IE	Reactor Pressure Vessel Head Replacement
2.b BI	Containment Vessel Restoration Following Reactor Pressure Vessel Head Replacement
2.c IE, MS, BI	Structures, Systems, and Components Inside Containment
2.c.1 MS, BI	Emergency Core Cooling System and Containment Spray System Sump
2.d IE, MS, BI	Extent-of-Condition of Boric Acid in Systems Outside Containment
3.	Adequacy of Safety Significant Programs
3.a ALL	Corrective Action Program
3.b ALL	Operating Experience Program
3.c ALL	Quality Audits and Self-Assessments of Programs
3.d IE, MS, BI	Boric Acid Corrosion Management Program
3.e IE, MS, BI	Reactor Coolant System Unidentified Leakage Monitoring Program

3.f IE, MS, BI	In-Service Inspection Program
3.g ALL	Modification Control Program
3.h ORS, PRS	Radiation Protection Program
3.i ALL	Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC
4.	Adequacy of Organizational Effectiveness and Human Performance
4.a ALL	Adequacy of Corrective Action Plan
4.b ALL	Effectiveness of Corrective Actions
5.	Readiness for Restart
5.a ALL	Review of Licensee's Restart Action Plan
5.b IE, MS	Systems Readiness for Restart
5.c IE	Operations Readiness for Restart
5.d IE, MS, BI	Test Program Development and Implementation
6.	Licensing Issue Resolution
6.a IE, BI	Verification that Relief Requests A8 and A12 regarding the Shell to Flange Weld (previously submitted by letter dated September 19, 2000) is not Impacted by the Midland RPV Head
6.b IE, BI	American Society of Mechanical Engineers (ASME) Code Relief Request for Failure to Maintain Original Radiographic Tests of the Midland Head to Flange Weld (Planned Relief Request A26)
6.c IE, BI	ASME Code Relief Request for Inability to Radiographically Test 100% of the Midland Reactor Pressure Vessel Head to Flange Weld (Planned Relief Request A27)

6.d IE, BI	Resubmit Relief Request A2 (previously submitted by letter dated September 19, 2000) for ASME Code for Inability to Perform 100% volumetric and surface examination of Head to Flange Weld
6.e IE, BI	Reconciliation Letter that Demonstrates How the New Reactor Pressure Vessel Head Correlates With the ASME Code and QA Index for Section III and Section XI - Commitments
6.f IE, BI	Verification Letter of Technical Specification Pressure/Temperature Curves for New Vessel Head - Commitment
7.	Confirmatory Action Letter Resolution
7.a ALL	Verification that Confirmatory Action Letter Items are Resolved, Including a Public Meeting to Discuss Readiness for Restart

*Cornerstones:

IE - Initiating Events
MS - Mitigating Systems
BI - Barrier Integrity
EP- Emergency Preparedness
ORS - Occupational Radiation Safety
PRS - Public Radiation Safety
PP - Physical Protection
ALL - Affects all cornerstones