

July 12, 2002

Ms. Dolores Smirin
4747 Luann Avenue
Toledo, OH 43623

Dear Ms. Smirin:

I am writing in response to your letter of June 6, 2002, to Dr. William D. Travers of the U.S. Nuclear Regulatory Commission (NRC). I presume your letter was prompted by the recent discovery of the degraded reactor pressure vessel (RPV) head at FirstEnergy's Davis-Besse Nuclear Power Station (Davis-Besse) and your concerns about safety issues and the adequacy of NRC oversight. You requested the NRC to permanently shut down Davis-Besse.

The NRC is taking significant regulatory action prompted by the discovery of RPV head degradation at Davis-Besse. The NRC has established a special oversight panel to coordinate the agency's activities in assessing the performance problems associated with the corrosion damage to the RPV head. The oversight panel includes NRC management personnel and staff from the Region III office in Lisle, Illinois, the NRC Headquarters office in Rockville, Maryland, and the NRC Resident Inspector Office at the Davis-Besse site. The oversight activities are conducted under the agency's Inspection Manual Chapter 0350, which establishes the procedures to be followed for the oversight of utility performance for plants that are shut down as a result of significant performance problems or events. The panel will hold public meetings periodically with FirstEnergy representatives to review the status of activities associated with the corrosion damage. These meetings will normally be held in the vicinity of the Davis-Besse plant. The objective of the panel is to provide the required oversight throughout the shutdown and ensure that appropriate regulatory and licensee actions are established and the technical issues are resolved before the plant would be allowed to restart and operate safely in accordance with the NRC rules and requirements, and that there is reasonable assurance for the protection of public health and safety.

The NRC has also created a Davis-Besse RPV Head Degradation Lessons Learned Task Force (LLTF) to conduct an independent evaluation of the NRC staff's regulatory processes related to assuring reactor vessel head integrity. This team consists of NRC managers and staff who are not routinely associated with the Davis-Besse plant. The team officially commenced its review activities on June 2, 2002, and expects to issue a report detailing its observations, conclusions, and recommendations by September 3, 2002. Additional information about both the 0350 Panel and LLTF efforts is publicly available on the NRC's Web site, <http://www.nrc.gov/reading-rm/adams.html>, via the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room under Accession Numbers ML021230683 and ML021370684, respectively. Additionally, the licensee is taking action to provide for independent oversight of actions related to the RPV head degradation.

The staff finds that all of these efforts are intended to provide information that adequately resolve the outstanding Davis-Besse safety issues and associated concerns. The licensee has also decided to replace the damaged RPV head rather than repair it, that addresses previous concerns about a plan to repair the RPV head. In our continuing review of the RPV head

D. Smirin

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degradation at Davis-Besse, we have found nothing to date that indicates that the safety of the public was compromised.

The NRC takes its responsibility for protecting the public health and safety seriously. We continue to monitor and regulate Davis-Besse as well as all other nuclear power reactors to ensure they operate in a manner that adequately protects public health and safety and the environment. The Davis-Besse plant will not restart until the NRC is satisfied that all current safety concerns have been resolved.

Regarding your specific concern about plant shutdown, it is incumbent on the licensee, FirstEnergy, to determine whether or not to keep the plant permanently shutdown. Thank you for bringing your concerns to the attention of the NRC.

Sincerely,

/RA/

S. Singh Bajwa, Director
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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