



FirstEnergy Nuclear Operating Company

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Docket Number 50-346

License Number NPF-3

Serial Number 1-1345

February 23, 2004

Mr. James L. Caldwell, Administrator  
United States Nuclear Regulatory Commission, Region III  
801 Warrenville Road  
Lisle, IL 60532-43551

Subject: Closure of Confirmatory Action Letter Items 4 and 5 and Completion of Confirmatory  
Action Letter 3-02-001

Dear Mr. Caldwell:

The purpose of this letter is to provide an update and request closure of the remaining open Confirmatory Action Letter (CAL) 3-02-001 Items four (4) and five (5), provide a status for the remaining CAL Items, and request closure of the CAL in its entirety.

As a result of the identification of degradation of the Davis-Besse Nuclear Power Station (DBNPS) Reactor Pressure Vessel (RPV) head in March 2002, the Nuclear Regulatory Commission (NRC) issued FirstEnergy Nuclear Operation Company (FENOC) CAL 3-02-001 on March 13, 2002, to document six specific activities FENOC intended to implement to resolve the RPV head degradation issue. As explained below, and in Attachment 1, FENOC has completed the actions specified for these open Items and each of the other CAL Items. Therefore, FENOC respectfully requests the NRC close this CAL.

Confirmatory Action Letter, Item 4

CAL Item 4 states as follows:

Obtain NRC review and approval of the repair or modification and testing plans for the RPV head, prior to implementation of those activities. Prior to restart of the reactor, obtain NRC review and approval of any modification and testing activity related to the reactor core or reactivity control systems.

CAL Item 4 Status:

On December 24, 2002, the NRC provided an CAL 3-02-001B Update of the original CAL 3-02-001. Confirmatory Action Letter Item 4 was statused to remain open pending successful

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with the NRC on February 12, 2004, at Camp Perry, Ohio. At this meeting FENOC requested approval for restart of the DBNPS.

Therefore, FENOC respectfully requests that CAL Item 5 be closed.

Confirmatory Action Letter 3-02-001- Completion

The March 13, 2002 CAL required FENOC to notify the NRC Regional Administrator, when the actions addressed in CAL 3-02-001 are complete. As previously described in this letter, and Attachment 1, FENOC has completed the actions specified in each of the CAL Items. Attachment 1 also lists the relevant FENOC correspondence for each CAL Item for reference.

Therefore, FENOC respectfully requests closure of CAL 3-02-001.

There are no new regulatory commitments contained in this letter. If there are any questions concerning this matter, please contact Mr. Gregory A. Dunn, Manager – Regulatory Affairs at 419-321-8450.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean W. Myers". The signature is fluid and cursive, with a horizontal line underneath the name.

JCS/s

Attachments

cc: U.S. NRC Document Control Desk  
John A. Grobe, Chairman NRC 0350 Panel  
DB-1 Senior NRC/NRR Project Manager  
DB-1 Senior NRC Resident Inspector  
Utility Radiological Safety Board

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**FENOC's Status of Completion of the Restart  
Confirmatory Action Letter 3-02-001**

Serial Letter 3004, dated November 8, 2003; Disposition of Reactor Vessel Head Sample Piece "A2B"

Serial Letter 3007, dated November 20, 2003; Resubmittal of Final Report on Examination of Reactor Vessel Head Degradation

Serial Letter 3019, dated February 13, 2004; Disposition of Reactor Vessel Head Sample Pieces "A2A7L", "A2A7M", and "A2A7N"

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**FENOC's Status of Completion of the Restart  
Confirmatory Action Letter 3-02-001**

Serial Letter 1-1299, dated January 9, 2003; Submittal of Root Cause Evaluations Root Cause Analysis of:

Quality Assurance Oversight; Root Cause Analysis of Operations; Assessment of Company Nuclear Review Board; Root Cause Analysis of Corrective Action Problem Resolution Human Performance and Implementation; Root Cause Analysis of Engineering Assessment Capabilities, and Evaluation of Corporate Management

Serial Letter 1-1306, dated March 27, 2003; Collective Significance Review of Causal Factors Associated with the RPV Head Degradation and Revision 2 of the Management and Human Performance Improvement Plan

Serial Letter 1-1314, dated May 2, 2003; Submittal of Revision 1 of the Root Cause Assessment of Engineering Capabilities

Serial Letter 1-1336, dated November 23, 2003; Integrated Restart Report to Support Restart of the DBNPS and Request for Restart Approval

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**FENOC's Status of Completion of the Restart  
Confirmatory Action Letter 3-02-001**

Confirmatory Action Letter, Item 4

**CAL Item Description**

Obtain NRC review and approval of the repair or modification and testing plans for the existing RPV head, prior to implementation of those activities. Prior to restart of the reactor, obtain NRC review and approval of any modification and testing activity related to the reactor core or reactivity control systems. If the reactor vessel head is replaced in lieu of repair or modification, the replacement must comply with appropriate Commission rules and industry requirements.

**NRC's Status**

CAL Update 3-02-001B, dated December 24, 2002 (Log 1-4325):

CAL Update 3-02-001B stated, this CAL Item remains open pending NRC review of successful completion of the reactor coolant system pressure test and control rod drive performance test.

**FENOC's Action**

As discussed in Section IV.B of the Integrated Restart Report, FENOC has replaced the RPV Head, and has performed inspections and tests of the new head. The Mode 3 pressure test completed in September 2003 has verified its acceptability. Also, as described in the body of this letter, the Control Rod insertion time testing was completed as the final action for this CAL Item.

**FENOC Submittal References**

Serial Letter 1-1271, dated April 25, 2002; Partial Response to CAL 3-02-001 - Repair Plans for the DBNPS Reactor Pressure Vessel Head

Serial Letter 1-1281, dated August 9, 2002, Replacement of the RPV Head at the DBNPS

Serial Letter 1-1345, (this submittal); Closure of CAL Items 4 and 5 and Completion of CAL 3-02-001

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**FENOC's Status of Completion of the Restart  
Confirmatory Action Letter 3-02-001**

Confirmatory Action Letter, Item 6

**CAL Item Description**

Provide a plan and schedule to the NRC, within 15 days of the date of this letter, for completing and submitting to the NRC your ongoing assessment of the safety significance for the Reactor Pressure Vessel (RPV) head degradation.

**NRC's Status**

CAL Update 3-02-001B, dated December 24, 2002 (Log 1-4325):

This issue is closed.

CAL Update 3-02-001B stated, FENOC's plan and schedule for completing and submitting the assessment of the safety significance of the RPV head degradation was submitted on March 27, 2002. FENOC submitted the Safety Significance Assessment to the NRC on April 8, 2002 and responded to requests for additional information.

**FENOC's Action**

FENOC provided the DBNPS plan and schedule for Safety Significance Assessment of Reactor Pressure Vessel Head Degradation to the NRC on March 27, 2002, via Serial Letter 1-1267. FENOC provided an analysis of the safety significance of the RPV head degradation on April 8, 2002 (Serial Letter 1-1268) and provided the final examination report of the RPV Head Degradation, and updated the Safety Significance Assessment on August 13, 2003 (Serial Letter 2968).

**FENOC Submittal References**

Serial Letter 1-1267, dated March 27, 2002; Plan and Schedule for Safety Significance Assessment of Reactor Pressure Vessel Head Degradation

Serial Letter 1-1268, dated April 8, 2002; Safety Significance Assessment of the DBNPS Reactor Pressure Vessel Head Degradation

Serial Letter 1-1277, dated June 12, 2002; Response to Request for Additional Information Related to the DBNPS Safety Significance Assessment

Serial Letter 1-1280, dated July 12, 2002; Response to Request for Additional Information Related to the DBNPS Safety Significance Assessment

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### **COMMITMENT LIST**

The following list identifies those actions committed to by the Davis-Besse Nuclear Power Station in this document. Any other actions discussed in the submittal represent intended or planned actions by The DBNPS. They are described only as information and are not regulatory commitments. Please notify the Manager – Regulatory Affairs (419-321-8450) of any questions regarding this document or associated regulatory commitments.

#### **COMMITMENTS**

None

#### **DUE DATE**

N/A

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