

March 08, 2004
EN 04-011

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: FirstEnergy Nuclear Operating Company (EA-03-214)
Davis-Besse Nuclear Power Station, Unit 1
Docket No. 50-346

Subject: CONFIRMATORY ORDER MODIFYING LICENSE (EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a Confirmatory Order Modifying License (effective immediately) will be issued on or about March 11, 2004, to the FirstEnergy Nuclear Operating Company (FENOC). This action is based on NRC inspections reports which concluded that FENOC's failure to properly implement its boric acid corrosion control and corrective action programs was a performance deficiency that allowed the reactor coolant system pressure boundary leakage to occur undetected for a prolonged time, resulting in reactor pressure vessel upper head degradation. The NRC recognizes that FENOC has implemented significant corrective actions resulting in improved performance and self-assessment capability. Nevertheless, considering the problems identified, the NRC requires additional independent outside assessments to ensure continued effective licensee self assessments and sustained safe performance in the areas of operations, engineering, corrective actions, and safety culture.

FENOC has committed to take comprehensive actions to address NRC concerns. Specifically, FENOC has committed (1) to contract with independent outside organizations to conduct comprehensive annual assessments of the Davis-Besse operations performance, organizational safety culture, including safety conscious work environment, the corrective action program implementation, and the engineering program effectiveness for five years and (2) to conduct a visual examination of the reactor pressure vessel upper head bare metal surface, including the head-to-penetration interfaces; the reactor pressure vessel lower head bare metal surface, including the head-to penetration interfaces; and the control rod drive mechanism flanges, using VT-2 qualified personnel and procedures during the Cycle 14 midcycle outage. Based on these comprehensive actions, the staff has concluded that its concerns can be resolved through the confirmation of FENOC commitments as outlined in the Confirmatory Order.

The schedule of issuance and notification is:

Mailing of Confirmatory Order	March 8, 2004
Telephone Notification of Licensee	March 8, 2004

The State of Ohio will be notified.

Contacts: Jennifer Dixon-Herrity, OE, 415-1980; Frank Congel, OE, 415-2741

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

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