

**FENOC**

FirstEnergy Nuclear Operating Company

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Docket Number 50-346

License Number NPF-3

Serial Number 1-1330

October 24, 2003

Mr. James L. Caldwell, Administrator  
United States Nuclear Regulatory Commission, Region III  
801 Warrenville Road  
Lisle, Ill 60532-4351

Subject: Final Report: Results of the Extent of Condition Review, NRC IMC 0350 Restart Checklist Item 3.i, "Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC"

Dear Mr. Caldwell:

Enclosed is a copy of the final report summarizing the results of FirstEnergy Nuclear Operating Company's (FENOC) extent of condition review associated with Inspection Manual Chapter (IMC) 0350 Restart Checklist Item 3.i, "Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC."

FENOC performed an extent of condition review of a sample of submittals from the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS) to the NRC, made between January 1996 and March 2002 (Completeness and Accuracy Review). This review consisted of verification of the statements of fact contained in the submittals in the sample population and resolution of discrepancies identified during the review.

Initially, the review identified that statements in six separate NRC submittals may have contained information that was not complete and accurate in all material respects as required by 10 CFR 50.9(a). It has been determined that none of the potential inaccuracies or omissions have significant implications for public health and safety or common defense and security, and therefore, the conditions were not reported under 10 CFR 50.9(b). However, in accordance with FENOC administrative procedures, those six submittals that contain potential incomplete or inaccurate information were reported in FENOC's letters dated July 15, 2003 (FENOC letter Serial Number 1-1324), August 15, 2003 (FENOC letter Serial Number 1-1325) and September 15, 2003 (FENOC letter Serial Number 1-1328). Upon further evaluation under the FENOC Corrective Action Program, however, FENOC has determined that of the six documents

identified, four of the documents contain information that may not be complete and accurate in all material respects.

One of these four incomplete or inaccurate documents involved the apparent deletion of potentially critical information from the Apparent Cause of Occurrence section of Licensee Event Report (LER) 97-004 prior to the submittal. The information was deleted without sound basis and this deletion may have contributed to the submittal being incomplete and inaccurate (ref: FENOC letter Serial Number 1-1325). This discovery prompted FENOC to expand the scope of the Completeness and Accuracy Review to include a more focused review of select submittals. This focused review involved a determination of whether any other potentially incomplete or inaccurate information may have been omitted or introduced during the development of submittals during the period of January 1996 to December 2000. The results of this focused review found several potential minor discrepancies, none of which are material or reportable under 10 CFR 50.9(b).

FENOC either has taken or will take corrective actions as a result of the Completeness and Accuracy Review effort. For example, FENOC has taken actions to ensure that future regulatory submittals are complete and accurate in all material respects. In April 2003, the procedure for preparation of outgoing correspondence to the NRC was revised to require that the statements of fact for applicable regulatory submittals be properly validated before the submittal can be issued. Additionally, site supervisory personnel have been given training to ensure that they are cognizant of the requirements of 10 CFR 50.9 and the implications of not complying with those requirements.

The Completeness and Accuracy Review involved the detailed scrutiny of over 2,200 statements of fact. Of those statements scrutinized, only a small number (about 0.2 per cent) contain potentially material inaccuracies or omissions. Furthermore, none was found to have significant implications for public health and safety or common defense and security. These results indicate that there were no widespread noncompliances or programmatic concerns associated with the preparation, review, and submittal of NRC correspondence at the DBNPS. Therefore, FENOC concludes that the results of this review, in conjunction with the results of FENOC's other activities under the Davis-Besse Return to Service Plan, provide reasonable assurance that the plant can be restarted and will operate: (1) without endangering the public health and safety or common defense and security; and (2) in compliance with applicable NRC regulations and requirements.

Additionally, based upon the criteria established in the Completeness and Accuracy Project Plan, FENOC will perform an expanded sample review. This expanded sample review will consist of 53 submittals dated between January 1996 and March 2002. Based on the conclusion that none of the issues identified to date by the reviews have significant implications for public health and safety or common defense and security, the expanded sample review will be performed post-restart and will be completed by March 31, 2004.

Docket Number 50-346  
License Number NPF-3  
Serial Number 1-1330  
Page 3

If you have any questions or require further information, please contact Mr. Kevin L. Ostrowski,  
Manager-Regulatory Affairs, at (419) 321-8450.

Sincerely yours,



CWS

Enclosures

cc: USNRC 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

Docket Number 50-346  
License Number NPF-3  
Serial Number 1-1330  
Enclosure 1

**FINAL REPORT: RESULTS OF THE EXTENT OF CONDITION REVIEW,  
NRC IMC 0350 RESTART CHECKLIST ITEM 3.I,  
"PROCESS FOR ENSURING COMPLETENESS AND ACCURACY OF  
REQUIRED RECORDS AND SUBMITTALS TO THE NRC"**

(23 pages follow)

## **Results of 10 CFR 50.9 Extent of Condition (EOC) Review**

### **I. Purpose of 10 CFR 50.9 Completeness and Accuracy Review**

In Inspection Report 50-346/02-08 (dated October 2, 2002), the U.S. Nuclear Regulatory Commission (NRC) identified several apparent violations of 10 CFR 50.9 involving documents that, based on information available at the time, contained information that was not complete and accurate in all material respects. To provide additional assurance that other documents provided to the NRC did not contain similar deficiencies, FirstEnergy Nuclear Operating Company (FENOC) performed a review of a sample of submittals from the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS) to the NRC made between January 1996 and March 2002. The intent of this review is to provide additional assurance that prior NRC submittals are complete and accurate in all material respects. This review is part of item 3.i on the NRC's Restart Checklist: "Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC," and is hereafter referred to as the Completeness and Accuracy Review.

### **II. Initial Completeness and Accuracy Review**

#### **A. Review Methodology**

##### **1. Document Selection**

The initial review focused on submittals in the following categories:

- Responses to NRC Generic Letters (GLs);
- Responses to NRC Bulletins;
- License Amendment Requests (LARs), including amendments to LARs and responses to requests for additional information;
- Changes to licensing basis documents such as the Quality Assurance Program, Emergency Plan, and Security and Safeguards, and
- Licensee Event Reports (LERs).

The review considered documents submitted to the NRC between January 1, 1996, and March 6, 2002. The year 1996 was selected as the starting point because, as indicated in the Management and Human Performance Root Cause Analysis Report on the Failure to Identify the Reactor Pressure Vessel Head Degradation (August 13, 2002), the change in safety focus at Davis-Besse appears to have begun in the mid-1990s. March 6, 2002, was selected as the terminal point because that was the date of discovery of the degradation of the Davis-Besse reactor pressure vessel (RPV) head.

Within each of the five categories of documents listed above, a 20 percent sample of documents was initially selected for detailed scrutiny. The documents selected for detailed review were based upon a "smart sample" using the following criteria:

- Preference for documents that discuss technical or safety issues as distinct from administrative issues;
- Preference for documents that discuss risk-significant structures, systems, and components; and
- Preference for documents that are at higher risk for an error based upon such factors as complexity of issues addressed, short period available for preparation of the document, and preparation of the document during a period of high plant or licensing activity.

In addition, several other documents were subsequently added to this review effort. These documents include:

- Submittals prepared, reviewed, or approved by individuals involved in a sample of FENOC's responses to NRC Bulletin 2001-01;
- FENOC's initial and subsequent responses to the NRC's October 1996 "Request for Information Pursuant to 10 CFR 50.54(f) Regarding the Adequacy and Availability of Design Basis Information"; and
- FENOC's response to GL 98-004, "Potential for Degradation of the Emergency Core Cooling System and the Containment Spray System After a Loss-of-Coolant Accident Because of Construction and Protective Coating Deficiencies and Foreign Material in Containment."

## 2. Process

The Completeness and Accuracy Review process is shown on Figure 1. Reviews were conducted by one or more technically competent individuals not involved in drafting, reviewing, or concurring with the submittal under consideration. The review was performed in accordance with DBNPS procedure NG-RA-00804, "NRC Communications," Attachment 2. After identification of the SOFs, technical reviewers determined whether each Statement of Fact (SOF) could be verified by a contemporaneous source document. If contemporaneous information could not be located, more current information was used to substantiate the SOF. Examples of acceptable source documents discussed in Attachment 2 to NG-RA-00804 include:

- Approved and controlled design documents, calculations, specifications, vendor manuals, or drawings;

- Updated Safety Analysis Report, Technical Specifications, or system descriptions; approved procedures, program documents, policies, or standards; and
- Approved modification packages, training records, Control Room logs, work orders, and Condition Report (CR) root cause analyses.

Reviewers were required to identify information that was inconsistent with a SOF, whether supporting documents included relevant information that was omitted from the document submitted to the NRC, and to determine whether subsequent correspondence with the NRC corrected any materially inaccurate or incomplete statements that were identified. Discrepancies were then entered into a Discrepancy Log.

Incomplete or inaccurate SOFs that were identified during this process were evaluated to make a determination of whether the inconsistent information would have been material to the NRC at the time they were made. The basis for this determination was then entered into a Discrepancy Log. Discrepancies were then reviewed by a multi-discipline team to determine the proper disposition. Those SOFs that were not considered material but required some corrective action were documented in a CR and addressed through the FENOC Corrective Action Program. Those SOFs considered to be material inaccuracies or omissions were also documented in a CR and the NRC notified in accordance with NG-RA-00804 and FENOC procedure NOP-LP-4007, "NRC Correspondence Review and Approval Process." In making these determinations, FENOC employed the definition of "materiality" endorsed by NRC case law and cited in the Statement of Considerations for Section 50.9: whether the information has a natural tendency or capability to influence an agency decision maker.<sup>1</sup>

## **B. Site-Wide Questionnaires**

Through a questionnaire distributed via a site-wide e-mail, FENOC also requested personnel to identify any submittals to the NRC that may have contained incomplete or inaccurate information. These questionnaires identified a total of seven potential deficiencies. A review of these potential deficiencies showed that they had previously been identified in the FENOC Corrective Action Program. FENOC determined that none of the issues identified in the questionnaires were incomplete or inaccurate in any material respect or have a significant implication for public health and safety or common defense and security.

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<sup>1</sup> *Virginia Electric & Power Company (North Anna Power Station, Units 1 and 2)*, CLI-76-22, 4 NRC 480 (1976), *aff'd*, 571 F.2d 1289 (4th Cir. 1978). *See also* 52 Fed. Reg. 49362, 49363 (1987).

### C. Results

An overview of the Completeness and Accuracy Review results is shown on Table 1. A total of 70 documents were reviewed during this process encompassing more than 2,200 SOFs. Technical reviewers generated more than 200 discrepancies that ultimately resulted in the generation of 25 CRs. Of those CRs, FENOC initially determined that six concerned information that was not complete and accurate in all material respects. Upon further evaluation, however, FENOC determined that only four of the CRs actually concerned material inaccuracies and/or omissions (*i.e.*, approximately 0.2 percent of the SOFs). Table 2 is a summary of the 25 CRs. As mentioned above, FENOC has initially determined that none of the issues in the 25 CRs have a significant implication for public health and safety or common defense and security. If FENOC determines during the course of subsequent reviews that any of the inaccuracies and/or omissions are material or have a significant implication for public health and safety or common defense and security, then FENOC will notify the NRC in accordance with the applicable regulatory or FENOC administrative reporting requirements.

### III. Focused Reviews

During review of the licensing file for a Licensee Event Report (LER), FENOC identified the removal of a relevant statement from a draft of the regulatory submittal. As a result of that omission, FENOC performed a focused review of other regulatory submittals dated January 1996 through December 2000. These dates reflect the tenure of the individual who made the comment that resulted in removal of the relevant statement – January 1996 through December 2000.<sup>1</sup> The submittals reviewed were selected based on risk and safety-significance and fell into the following categories:

- Responses to NRC Generic Letters;
- Responses to NRC Bulletins;
- LARs, including amendments to LARs and responses to requests for additional information;
- LERs; and
- Other submittals, such as responses to the NRC's 1996 demand for information pursuant to 10 CFR 50.54(f) (and supplements), Inservice Inspection/Inservice Testing (ISI/IST), and others that may be considered to be risk and potentially safety significant submittals.

The methodology of the Focused Review is shown on Figure 2. The applicable licensing file for each submittal was reviewed to identify any comments made during the submittal approval process. If resolution of a comment resulted in a potential omission or inaccuracy in the submittal the issue was entered in a Potential Issues Log. FENOC then performed a more

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<sup>1</sup> The individual responsible for the comment is no longer employed by FENOC.

detailed evaluation of the comment resolution. If FENOC determined that there was in fact an omission or inaccuracy, or if it could not be definitively determined, then a CR was generated.

**A. Results of Focused Review**

A total of 286 documents were reviewed during this process. Nine potential issues were identified, ultimately resulting in the generation of three CRs; an additional CR, which addresses one of the potential issues, had already been generated. A summary of these results is shown in Table 3. FENOC determined that none of these CRs involved material inaccuracies or omissions. FENOC also determined that none of the issues in the four CRs have a significant implication for public health and safety or common defense and security. If FENOC determines during the course of subsequent reviews that any of the inaccuracies and/or omissions are material or have a significant implication for public health and safety or common defense and security, then FENOC will notify the NRC in accordance with the applicable regulatory or FENOC administrative reporting requirements.

**IV. Further Expansion of EOC Reviews**

The Project Plan requires FENOC to increase the review sample size if any of the original documents contained statements that are inaccurate or incomplete in any material respect. The Project Plan requires that the sample size for that category of documents be expanded to include another 20 percent. If more than one document in that category contained statements that are inaccurate or incomplete in any material respect, then the balance of documents within the category (submitted between January 1996 and March 2002) will be verified.

Consequently, based on the results discussed above, FENOC will perform additional reviews on the following documents:

| Document Type                | Number (percentage of total population) |
|------------------------------|---|
| Licensee Event Reports       | 39 (100)                                |
| License Amendment Requests   | 9 (20)                                  |
| Responses to Generic Letters | 5 (20)                                  |
| <b>Total:</b>                | <b>53</b>                               |

Docket Number 50-346  
License Number NPF-3  
Serial Number 1-1330  
Enclosure 1  
Page 6

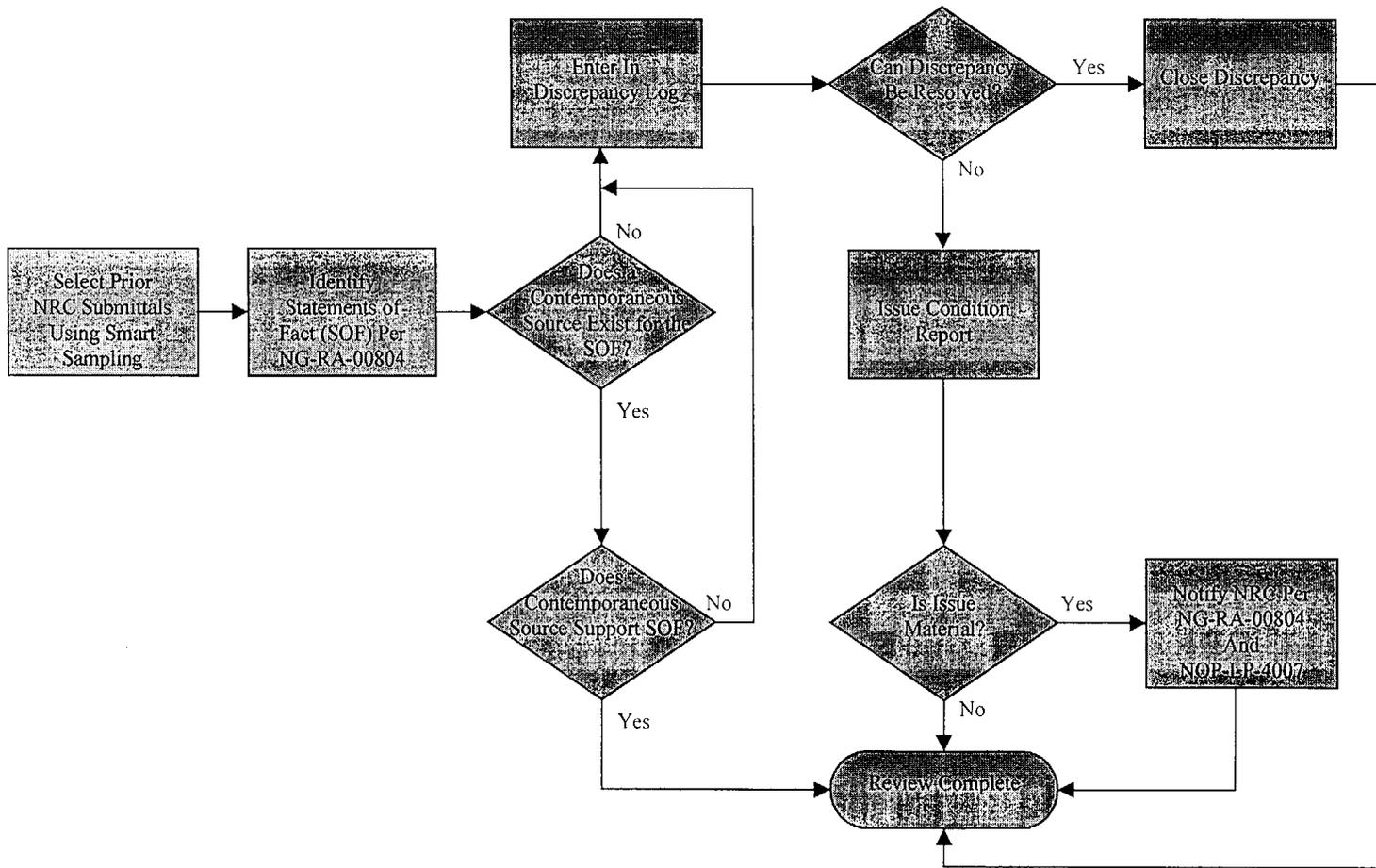
Review of these documents is not required prior to restart because as discussed in Section VI, none of the material omissions/inaccuracies identified to date have a significant implication for public health and safety or common defense and security. FENOC plans to complete these expanded reviews by March 31, 2004.

#### **V. Corrective and Preventive Actions**

FENOC has taken and will take several short-term corrective actions as a result of the Completeness and Accuracy Review effort. For example, FENOC has reported the material omissions/inaccuracies to the NRC in letters dated July 15, August 15, and September 15, 2003. In addition, and where applicable, FENOC will submit to the NRC supplements of those documents found to be inaccurate or incomplete in some material respect.

FENOC has taken long-term actions to ensure that future regulatory submittals are complete and accurate in all material respects. For example, DBNPS procedure NG-RA-00804 was revised in April 2003 to require that the SOFs in applicable regulatory submittals be properly validated before the submittal can be issued. Additionally, FENOC Nuclear Operating Policy NOPL-LP-4001, "Completeness and Accuracy of Information," describing the responsibilities and expectations of FENOC workers to ensure that records and documentation generated in the course of operating and maintaining the company's nuclear facilities are complete and accurate, was issued on June 16, 2003. This policy applies to FENOC employees and contractors. Moreover, site supervisory personnel have been trained to ensure that they are cognizant of the requirements of 10 CFR 50.9 and the implications of not complying with those requirements. New employees will receive training on the requirements of 10 CFR 50.9 as part of their New Employee Orientation. New supervisory personnel will also be trained on management responsibilities related to completeness and accuracy.

**Figure 1**  
**Completeness and Accuracy Review Process**



**Table 1**  
**Summary of Completeness and Accuracy Reviews**

| No. | Submittal Type    | Number/Subject | Serial/Report Number | Evaluated Statements of Fact | CRs Written | CR Numbers         |
|-----|-------------------|----------------|----------------------|------------------------------|-------------|--------------------|
| 1.  | LER               | 00-003, Rev 0  | NP-33-00-003-0       | 51                           | 1           | 03-05542           |
| 2.  | LAR               | 01-0004        | Serial 2705          | 11                           | 0           |                    |
| 3.  | LAR               | 96-0008        | Serial 2397          | 113                          | 1           | 03-05493           |
| 4.  | LAR               | 97-0005        | Serial 2447          | 21                           | 0           |                    |
| 5.  | LAR               | 97-0005        | Serial 2508          | 6                            | 0           |                    |
| 6.  | LAR               | 97-0011        | Serial 2612          | 75                           | 0           |                    |
| 7.  | LER               | 97-0012, Rev 1 | NP-33-97-012-01      | 34                           | 0           |                    |
| 8.  | LAR               | 98-0014        | Serial 2663          | 55                           | 0           |                    |
| 9.  | LAR               | 98-0014        | Serial 2684          | 3                            | 0           |                    |
| 10. | LER               | 98-005, Rev 0  | NP-33-98-005-0       | 7                            | 1           | 03-05200           |
| 11. | LER               | 99-003, Rev 0  | NP-33-99-003-0       | 11                           | 2           | 03-04879, 03-05573 |
| 12. | Bulletin Response | BL 96-02       | Serial 2377          | 8                            | 0           |                    |
| 13. | Bulletin Response | BL 96-02       | Serial 2456          | 4                            | 0           |                    |
| 14. | GL Response       | GL 96-06       | Serial 2473          | 23                           | 0           |                    |
| 15. | GL Response       | GL 96-06       | Serial 2488          | 18                           | 0           |                    |
| 16. | GL Response       | GL 97-01       | Serial 2569          | 5                            | 0           |                    |
| 17. | GL Response       | GL 97-01       | Serial 2581          | 4                            | 0           |                    |
| 18. | Misc.             |                | Serial 1-1166        | 16                           | 0           |                    |
| 19. | Misc.             |                | Serial 1-1188        | 22                           | 1           | 03-05426           |
| 20. | Misc.             |                | Serial 1-1207        | 2                            | 0           |                    |

Docket Number 50-346  
 License Number NPF-3  
 Serial Number 1-1330  
 Enclosure 1  
 Page 9

| No. | Submittal Type | Number/Subject | Serial/Report Number | Evaluated Statements of Fact | CRs Written | CR Numbers         |
|-----|----------------|----------------|----------------------|------------------------------|-------------|--------------------|
| 21. | Misc.          |                | Serial 1-1260        | 1                            | 0           |                    |
| 22. | Misc.          |                | Serial 2593          | 18                           | 0           |                    |
| 23. | Misc.          |                | Serial 2602          | 3                            | 1           | 03-05518           |
| 24. | Misc.          |                | Serial 2604          | 6                            | 0           |                    |
| 25. | Misc.          |                | Serial 2616          | 3                            | 1           | 03-05224           |
| 26. | Misc.          |                | Serial 2621          | 32                           | 2           | 03-05428, 03-05430 |
| 27. | Misc.          |                | Serial 2622          | 43                           | 0           |                    |
| 28. | Misc.          |                | Serial 2627          | 2                            | 0           |                    |
| 29. | Misc.          |                | Serial 2629          | 2                            | 0           |                    |
| 30. | Misc.          |                | Serial 2730          | 10                           | 0           |                    |
| 31. | Misc.          |                | Serial 2736          | 25                           | 1           | 03-05267           |
| 32. | LAR            | 01-0004        | Serial 2737          | 26                           | 0           |                    |
| 33. | LAR            | 01-0004        | Serial 2752          | 1                            | 0           |                    |
| 34. | LAR            | 01-0004        | Serial 2764          | 1                            | 0           |                    |
| 35. | LAR            | 01-0004        | Serial 2768          | 0                            | 0           |                    |
| 36. | LAR            | 96-0008        | Serial 2326          | 0                            | 0           |                    |
| 37. | LAR            | 96-0008        | Serial 2347          | 168                          | 0           |                    |
| 38. | LAR            | 96-0008        | Serial 2654          | 34                           | 0           |                    |
| 39. | LAR            | 96-0014        | Serial 2441          | 52                           | 1           | 03-07225           |
| 40. | LER            | 96-002, Rev 1  | NP-33-96-002         | 50                           | 0           |                    |
| 41. | LER            | 96-006, Rev 0  | NP-33-96-006         | 6                            | 0           |                    |
| 42. | LAR            | 97-0005        | Serial 2487          | 15                           | 0           |                    |
| 43. | LAR            | 97-0005        | Serial 2541          | 20                           | 0           |                    |
| 44. | LAR            | 97-0011        | Serial 2671          | 9                            | 0           |                    |
| 45. | LER            | 97-0015, Rev 1 | NP-33-97-015-1       | 49                           | 0           |                    |

Docket Number 50-346  
 License Number NPF-3  
 Serial Number 1-1330  
 Enclosure 1  
 Page 10

| No. | Submittal Type         | Number/Subject | Serial/Report Number | Evaluated Statements of Fact | CRs Written | CR Numbers                      |
|-----|------------------------|----------------|----------------------|------------------------------|-------------|---------------------------------|
| 46. | LAR                    | 97-0017        | Serial 2504          | 3                            | 0           |                                 |
| 47. | LER                    | 97-004, Rev 0  | NP-33-97-004         | 16                           | 1           | 03-05468                        |
| 48. | LAR                    | 98-0005        | Serial 2586          | 49                           | 0           |                                 |
| 49. | LAR                    | 98-0005        | Serial 2662          | 24                           | 0           |                                 |
| 50. | LAR                    | 98-0006        | Serial 2552          | 28                           | 0           |                                 |
| 51. | LER                    | 98-001, Rev 1  | NP-33-98-001-1       | 39                           | 0           |                                 |
| 52. | Bulletin<br>Response   | BL 96-02       | Serial 2443          | 3                            | 0           |                                 |
| 53. | Bulletin<br>Response   | BL 96-02       | Serial 2465          | 0                            | 0           |                                 |
| 54. | Bulletin<br>Response   | BL 96-02       | Serial 2484          | 1                            | 0           |                                 |
| 55. | GL Response            | GL 88-14       | Serial 1-861         | 18                           | 2           | 03-06706, 03-06796              |
| 56. | GL Response            | GL 96-06       | Serial 2409          | 0                            | 0           |                                 |
| 57. | GL Response            | GL 96-06       | Serial 2439          | 24                           | 0           |                                 |
| 58. | GL Response            | GL 96-06       | Serial 2442          | 134                          | 1           | 03-05950                        |
| 59. | GL Response            | GL 96-06       | Serial 2554          | 43                           | 1           | 03-05951                        |
| 60. | GL Response            | GL 96-06       | Serial 2582          | 61                           | 1           | 03-05952                        |
| 61. | GL Response            | GL 97-01       | Serial 2439a         | 0                            | 0           |                                 |
| 62. | GL Response            | GL 97-01       | Serial 2472          | 5                            | 0           |                                 |
| 63. | 50.54(f)<br>Submittals |                | Serial 2438          | ~500                         | 3           | 03-06790, 03-06791,<br>03-07359 |
| 64. | Miscellaneous          |                | Serial 1-1244        | 4                            | 0           |                                 |
| 65. | E-Plan<br>Submittals   |                | Serial 2531          | 26                           | 0           |                                 |

Docket Number 50-346  
 License Number NPF-3  
 Serial Number 1-1330  
 Enclosure 1  
 Page 11

| No. | Submittal Type           | Number/Subject | Serial/Report Number | Evaluated Statements of Fact | CRs Written | CR Numbers                      |
|-----|--------------------------|----------------|----------------------|------------------------------|-------------|---------------------------------|
| 66. | QA Submittals            |                | Serial 2620          | 1                            | 0           |                                 |
| 67. | LER                      | 98-008, Rev 0  | NP-33-98-008-0       | 50                           | 0           |                                 |
| 68. | GL Response              | GL 98-04       | Serial 2571          | 78                           | 1           | 03-01718                        |
| 69. | 50.54(i)<br>Supplement 1 |                | Serial 2455          | 1                            | 0           |                                 |
| 70. | 50.54(f)<br>Supplement 2 |                | Serial 2623          | 40                           | 3           | 03-07621, 03-07622,<br>03-07623 |

|               |              |           |
|---------------|--------------|-----------|
| <b>TOTALS</b> | <b>~2213</b> | <b>25</b> |
|---------------|--------------|-----------|

**Table 2**  
**Condition Reports Generated During Completeness and Accuracy Review Process**

|    | <b>CR No.</b> | <b>Discrepancy Description</b>  | <b>Resolution/Corrective Action</b>   | <b>Material?</b> | <b>Category*</b> |
|----|---------------|---|---|------------------|------------------|
| 1. | 03-01718      | Response to GL 98-004 re containment coatings is inaccurate and/or incomplete.  | Prepare supplementary response to GL 98-04.   | Yes              | G                |
| 2. | 03-04879      | Failure to consider previous events or conditions involving same underlying concern in "Failure Data" Section of LER. | Revision to Regulatory Affairs guideline to include broader consideration of previous similar events.<br><br>Supplement LER 99-003 to reflect prior overcooling events.   | Yes              | G                |
| 3. | 03-05200      | Failure to consider previous events or conditions involving same underlying concern in "Failure Data" section of LER. | The event of LER 98-005 does not have underlying concerns or reasons that are sufficiently similar to those of LER 96-010 or LER 95-003. Therefore, it is appropriate to exclude these LERs from the Failure Data section of LER 98-005.<br><br>Revision to Regulatory Affairs guideline to include broader consideration of previous similar events. | No <sup>1</sup>  | F                |

|    | CR No.   | Discrepancy Description   | Resolution/Corrective Action  | Material?       | Category* |
|----|----------|---|---|-----------------|-----------|
| 4. | 03-05224 | Error in reporting number of FFD tests performed in early 1999.   | A double data entry was made on the Monthly FFD Testing Log on a particular day. The correct number was in fact reported to the NRC.<br><br>Monthly log corrected.                                  | No              | D         |
| 5. | 03-05267 | Relief request incorrectly stated pipe size and wall thickness for certain pipe classes.                    | Relief Request applied to pipe wall thickness only, not to pipe sizes (diameters).<br><br>EOC Technical Reviewer misinterpreted requirement; none required.   | No <sup>1</sup> | F         |
| 6. | 03-05426 | Could not locate document to support statement concerning integrity of a valve's body-to-bonnet connection. | Supporting calculation was determined to contain sufficient information to allow a knowledgeable individual to draw the conclusion.<br><br>Prepare written technical validation for statement made. | No              | A         |
| 7. | 03-05428 | Response to NRC RAI cited wrong attachment of an emergency procedure.                                       | Procedural guidance existed, only the reference to the location was in error.<br><br>Submit supplement to RAI to correct citation.  | No              | D         |
| 8. | 03-05430 | Lack of supporting documentation for PSA and associated calculations.                                       | Subsequent 1999 PSA update and separate documentation generated.  | No              | A         |

|     | CR No.   | Discrepancy Description  | Resolution/Corrective Action   | Material?       | Category* |
|-----|----------|--|--|-----------------|-----------|
| 9.  | 03-05468 | Key statement removed from draft LER.  | Supplement LER 97-004 to include omitted statement.  | Yes             | G         |
| 10. | 03-05493 | LAR misstated environmentally qualified life of several components.  | Supplement LAR 96-0008 to correct inaccuracy.  | Yes             | G         |
| 11. | 03-05518 | Mischaracterization of "normal" operating practice in relief request.  | The key point of the basis for the Relief Request was the FENOC commitment to maintain RCS pressure above 200 psig with valves DH11 and DH12 open for four hours.<br><br>Supplement relief request to include omitted information; create supporting written documentation and attach to CR. | No              | A         |
| 12. | 03-05542 | No supporting documentation for statement in LER concerning ability of pressure switches to detect a steam line break. | Supplement to LER 00-003 may be required.  | No <sup>2</sup> | C         |
| 13. | 03-05573 | Could not locate vendor evaluation concerning pressurizer over-cooling event.  | Submit missing documents to Records Management.  | No              | F         |
| 14. | 03-05950 | Response to GL 96-06 contained an ambiguous statement concerning pipe blockage or collapse.                            | Statement correctly portrays the operational considerations of the service water system.<br><br>None required.   | No              | A         |

|     | CR No.   | Discrepancy Description  | Resolution/Corrective Action  | Material?       | Category* |
|-----|----------|--|---|-----------------|-----------|
| 15. | 03-05951 | Response to GL 96-06 contained:<br>1. Human error/typographical error<br>2. Information inconsistent in USAR, and<br>3. Inconsistent USAR description. | Information provided to the NRC was judged to be accurate or bounding.<br><br>Correct inconsistencies in USAR.                        | No              | E         |
| 16. | 03-05952 | Drawing in response to GL 96-06 may be inaccurate.   | Inclusion of this detail had no effect on the evaluation performed due to the physical location of the details.<br><br>None required. | No              | A         |
| 17. | 03-06706 | Incorrect PM inspection frequency cited in response to GL 88-14.   | Update response.  | No <sup>2</sup> | B         |
| 18. | 03-06790 | Could not find supporting documentation re performance of design verification activities.  | Review determined that information provided is a minor discrepancy.   | No              | A         |
| 19. | 03-06791 | Could not find supporting documentation re statement re Priority 1 drawings.   | Review determined that a nonconformance does not exist.   | No              | F         |
| 20. | 03-06796 | Could not find supporting documentation re sizing of safety-related accumulators.  | Under evaluation.   | No <sup>2</sup> | B         |
| 21. | 03-07225 | Statement concerning valve rotor material removed from draft submittal.  | Under evaluation.   | No <sup>2</sup> | B         |
| 22. | 03-07359 | Could not find supporting documentation re agreement between controlled plant documents and actual configuration.                                      | Under evaluation.   | No <sup>2</sup> | C         |
| 23. | 03-07621 | Discrepancy in number of system reviews performed  | Under evaluation.   | No <sup>2</sup> | A         |

Docket Number 50-346  
License Number NPF-3  
Serial Number 1-1330  
Enclosure 1  
Page 16

|     | <b>CR No.</b> | <b>Discrepancy Description</b>  | <b>Resolution/Corrective Action</b> | <b>Material?<sup>1</sup></b> | <b>Category<sup>2</sup></b> |
|-----|---------------|---|-------------------------------------|------------------------------|-----------------------------|
| 24. | 03-07622      | Discrepancy in number of Design Basis Validation reviews performed.                 | Under evaluation.                   | No <sup>2</sup>              | A                           |
| 25. | 03-07623      | Could not locate support for the statement concerning performance of staff reviews. | Under evaluation.                   | No <sup>2</sup>              | H                           |

<sup>1</sup> CR addresses issue(s) that were initially found to be material, but upon further evaluation found not to be so.

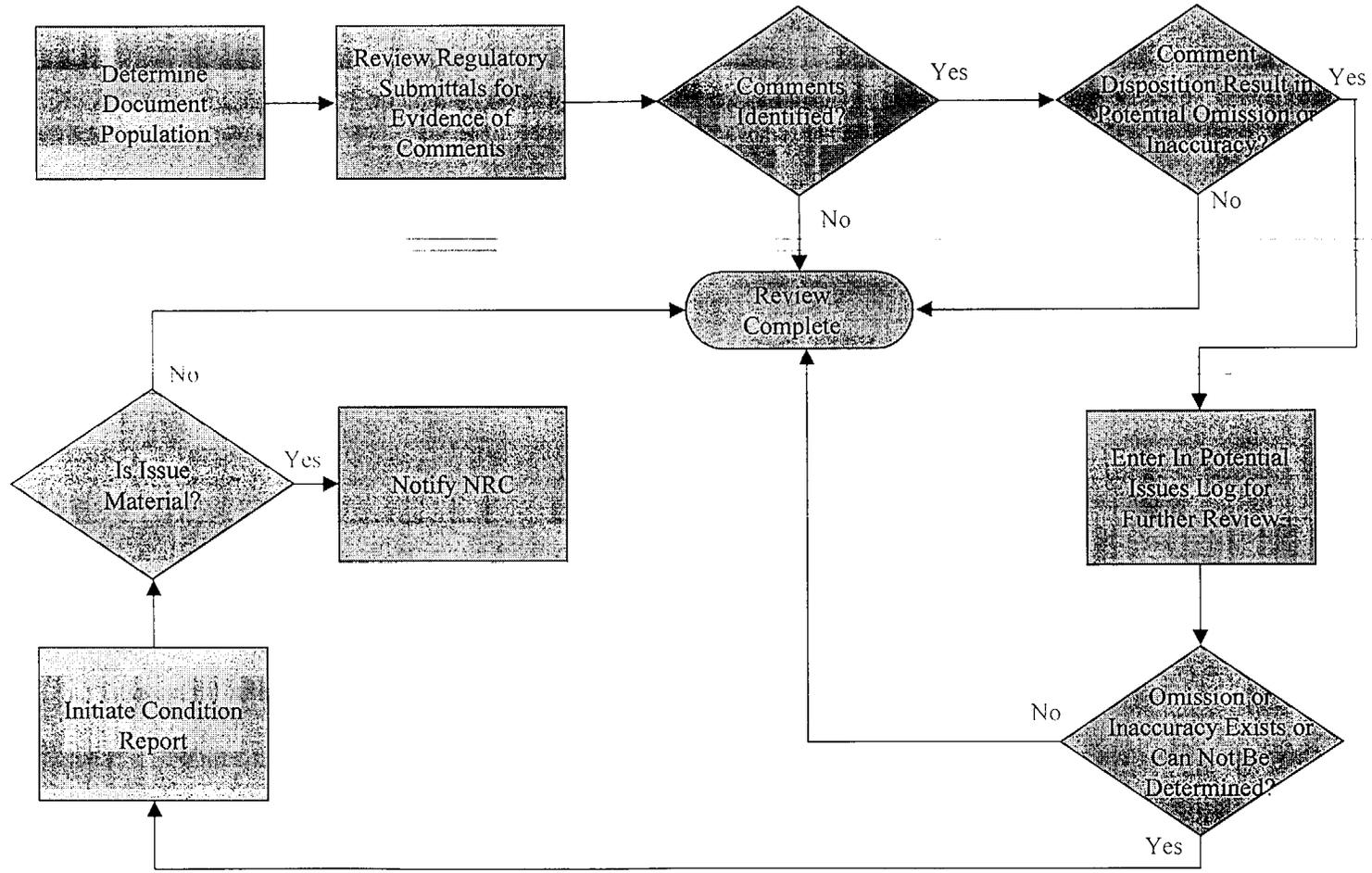
<sup>2</sup> Initial determination; further evaluation is planned.

Docket Number 50-346  
License Number NPF-3  
Serial Number 1-1330  
Enclosure 1  
Page 17

**\*Legend for Table 2**

| <b>Category</b> | <b>Number of CRs</b> | <b>Description</b>                          |
|-----------------|----------------------|---|
| A               | 8                    | Minor Technical or Factual Omission(s)      |
| B               | 3                    | Condition Reports Remain Open               |
| C               | 2                    | Engineering/Operations Judgment             |
| D               | 2                    | Human Error                                 |
| E               | 1                    | Inadequate or Inconsistent Information      |
| F               | 4                    | Discrepancy Eliminated Upon Detailed Review |
| G               | 4                    | Material Technical or Factual Omission      |
| H               | 1                    | Inconclusive                                |

Figure 2  
Completeness and Accuracy Focused Review Process



**Table 3**  
**Overview of Focused Review Results**

|    | <b>Document</b>       | <b>Page</b> | <b>Potential Issues</b>                 | <b>Resolution</b>   | <b>Material?</b> |
|----|-----------------------|-------------|---|---|------------------|
| 1. | LER 97-004,<br>Rev 0. | 3           | Potential omission.                     | The statement deleted from the review and approval process does not affect the overall conclusion of the event reported in LER 97-004. The issue of whether the drawing shows the opening for the oil line would not have changed the description of the discrepancy identified in the LER.             | No               |
| 2. | LER 97-012            | 2           | Comment removed reference.              | The statement deleted from review and approval process does not affect the overall conclusion of the event reported in LER 97-012. Discussion of deviation from the USAR commitment to AISC would not have resulted in additional corrective action since the USAR deviation was a result of the issue. | No               |
| 3. | LER 96-006            | 2           | Statement removed from draft submittal. | The statement deleted from review and approval process does not affect the overall conclusion of the event reported in LER 97-006. Review of the NUREG 1022 supports the conclusion that this event is not reportable per 50.72(b)(2)(i).   | No               |

|    | Document   | Page | Potential Issues                       | Resolution   | Material?       |
|----|--|------|--|--|-----------------|
| 4. | Misc.--<br>Response to<br>Integrated<br>Inspection<br>Report 96002 | 3    | Comments not incorporated.             | The comments were not incorporated and therefore, did not affect the submittal. Based on discussion with the commentor, the comments were considered as recommendations and not necessary requirement.   | No              |
| 5. | LER 96-003   | 4    | Comment Not Incorporated.              | During interview, commentor stated that it was not a requirement to state every potential cause and that in his view testing done in the warehouse was irrelevant to our failure to properly conduct testing in the field.   | No              |
| 6. | LER 98-001<br>Rev. 1   | 3    | Potential omission.                    | <b>CR 03-08069</b> was initiated for further investigation.  | No <sup>1</sup> |
| 7. | LER 98-005   | 4    | Potential omission.                    | <b>CR 03-08137</b> was initiated for further investigation.  | No <sup>1</sup> |
| 8. | LER 99-003<br>Rev. 0   | 3    | Comment inappropriately dispositioned. | <b>CR 03-04879</b> was generated on June 20, 2003, generated during the SOF review. This CR documented a potential inaccuracy where the Failure Data of LER 99-003 did not reference LER 98-011 (i.e., reference of an overcooling event that occurred with the last three years).<br><br>The CR investigation determined that the missing failure data represented at most an inaccuracy, but does not constitute a material issue. No further action was required. | No              |

Docket Number 50-346  
License Number NPF-3  
Serial Number 1-1330  
Enclosure 1  
Page 21

|    | <b>Document</b> | <b>Page</b> | <b>Potential Issues</b> | <b>Resolution</b>   | <b>Material?</b> |
|----|-----------------|-------------|-------------------------|---|------------------|
| 9. | I.ER 97-013     | 4           | Potential omission.     | <b>CR 03-08429</b> was initiated for further investigation. | No <sup>1</sup>  |

<sup>1</sup> Initial determination; further evaluation is planned.

## **VI. Analysis of Results of Review**

FENOC performed extensive reviews on 70 regulatory submittals that contained over 2,200 SOFs. In addition, questionnaires were distributed via a site-wide e-mail, which requested personnel to identify any submittals to the NRC that may have contained incomplete or inaccurate information. The reviews and questionnaires resulted in the generation of 25 CRs. Of those CRs, FENOC initially determined that six concerned information that was not complete and accurate in all material respects. Upon further evaluation, however, FENOC determined that only four of the CRs actually involved material inaccuracies and/or omissions. Thus, only about 0.2 percent of the SOFs had a material inaccuracy or omission. FENOC also determined that none of the issues in those CRs have a significant implication for public health and safety or common defense and security under 10 CFR 50.9(b).

FENOC also performed a focused review of 286 documents that were prepared, revised, or submitted by an individual responsible for one of the material inaccuracies/omissions described above. Nine potential issues were identified during this review, ultimately resulting in the generation of three additional CRs. FENOC determined that none of these CRs involved material inaccuracies or omissions. FENOC also determined that none of the issues in these Focused Review CRs have a significant implication for public health and safety or common defense and security.

When considered together, the material inaccuracies/omissions identified during these reviews indicate that there were no widespread noncompliances or programmatic concerns associated with the preparation, review, and submittal of regulatory correspondence at Davis-Besse. Moreover, none of the identified issues have a significant implication for public health and safety or common defense and security under 10 CFR 50.9(b). If FENOC determines during the course of subsequent reviews that any of the inaccuracies and/or omissions are material or have a significant implication for public health and safety or common defense and security, then FENOC will notify the NRC in accordance with the applicable regulatory or FENOC administrative reporting requirements.

In summary, the reviews did not identify any issues having significant implications for public health and safety or common defense and security. Furthermore, under the Davis-Besse Return to Service Plan, FENOC has conducted extensive reviews to verify that its systems, programs, and organizations are ready to support safe and reliable operation. These reviews included reviews under the Systems Health Assurance Plan to provide additional assurance that plant systems can perform their safety functions. Given the results of the Completeness and Accuracy Review together with the results of the reviews under the Return to Service Plan, there is reasonable assurance the plant can be restarted and will operate: (1) without endangering the public health and safety or common defense and security; and (2) in compliance with applicable NRC regulations and requirements.

Docket Number 50-346  
License Number NPF-3  
Serial Number 1-1330  
Enclosure 1  
Page 23

Additionally, based upon the criteria established in the Completeness and Accuracy Project Plan, FENOC will perform an expanded sample review. This expanded sample review will consist of 53 submittals dated between January 1996 and March 2002. Based on the conclusion that none of the issues identified to date by the reviews have significant implications for public health and safety or common defense and security, the expanded sample review will be performed post-restart and will be completed by March 31, 2004.

## **VII. Conclusions**

In performing the Completeness and Accuracy Review effort, FENOC has reviewed over 2,200 statements of fact in 70 documents and found only a small number of material inaccuracies or omissions. An additional review of comments and their resolution performed on approximately 286 documents determined that none of the potential issues identified involved material inaccuracies or omissions. None of the findings from these reviews has significant implications for public health and safety or common defense and security. Therefore, FENOC concludes that the results of this review and subsequent corrective actions, in conjunction with the results of FENOC's other activities under the Davis-Besse Return to Service Plan, provide reasonable assurance that the plant can be restarted and will operate: (1) without endangering the public health and safety or common defense and security; and (2) in compliance with applicable NRC regulations and requirements.

Docket Number 50-346  
 License Number NPF-3  
 Serial Number 1-1330  
 Enclosure 2

**COMMITMENT LIST**

THE FOLLOWING LIST IDENTIFIES THOSE ACTIONS COMMITTED TO BY THE DAVIS-BESSE NUCLEAR POWER STATION (DBNPS) IN THIS DOCUMENT. ANY OTHER ACTIONS DISCUSSED IN THE SUBMITTAL REPRESENT INTENDED OR PLANNED ACTIONS BY THE DBNPS. THEY ARE DESCRIBED ONLY FOR INFORMATION AND ARE NOT REGULATORY COMMITMENTS. PLEASE NOTIFY THE MANAGER – REGULATORY AFFAIRS (419-321-8450) AT THE DBNPS OF ANY QUESTIONS REGARDING THIS DOCUMENT OR ANY ASSOCIATED REGULATORY COMMITMENTS.

| COMMITMENTS  | DUE DATE  |   |                        |          |                            |        |                              |        |               |           |                       |
|--|---|---|------------------------|----------|----------------------------|--------|------------------------------|--------|---------------|-----------|-----------------------|
| <p>As mentioned above, FENOC determined that none of the issues in the 25 CRs had a significant implication for public health and safety or common defense and security. If FENOC determines during the course of subsequent reviews that any of the inaccuracies and/or omissions are material or have a significant implication for public health and safety or common defense and security, then FENOC will notify the NRC in accordance with the applicable regulatory or administrative reporting requirements.</p>   | <p>None</p>   |   |                        |          |                            |        |                              |        |               |           |                       |
| <p>Consequently, based on the results discussed above, FENOC will perform additional reviews on the following documents:</p> <table border="0" data-bbox="188 1159 1125 1383"> <thead> <tr> <th data-bbox="188 1159 627 1198">Document Type</th> <th data-bbox="627 1159 1125 1234">Number (percentage of total population)</th> </tr> </thead> <tbody> <tr> <td data-bbox="188 1234 627 1272">Licensee Event Reports</td> <td data-bbox="627 1234 1125 1272">39 (100)</td> </tr> <tr> <td data-bbox="188 1272 627 1310">License Amendment Requests</td> <td data-bbox="627 1272 1125 1310">9 (20)</td> </tr> <tr> <td data-bbox="188 1310 627 1349">Responses to Generic Letters</td> <td data-bbox="627 1310 1125 1349">5 (20)</td> </tr> <tr> <td data-bbox="188 1349 627 1383"><b>Total:</b></td> <td data-bbox="627 1349 1125 1383"><b>53</b></td> </tr> </tbody> </table> <p>Review of these documents is not required prior to restart because as discussed in Section VI, none of the material omissions/inaccuracies had a significant implication for public health and safety or common defense and security.</p> | Document Type   | Number (percentage of total population) | Licensee Event Reports | 39 (100) | License Amendment Requests | 9 (20) | Responses to Generic Letters | 5 (20) | <b>Total:</b> | <b>53</b> | <p>March 31, 2004</p> |
| Document Type  | Number (percentage of total population)                 |   |                        |          |                            |        |                              |        |               |           |                       |
| Licensee Event Reports   | 39 (100)  |   |                        |          |                            |        |                              |        |               |           |                       |
| License Amendment Requests   | 9 (20)  |   |                        |          |                            |        |                              |        |               |           |                       |
| Responses to Generic Letters   | 5 (20)  |   |                        |          |                            |        |                              |        |               |           |                       |
| <b>Total:</b>  | <b>53</b>   |   |                        |          |                            |        |                              |        |               |           |                       |
| <p>FENOC has taken several actions to ensure that future regulatory submittals are complete and accurate in all material respects. For example, DBNPS procedure NG-RA-00804 was revised in April 2003 to require that the SOFs in applicable regulatory submittals be properly validated before the submittal can be issued.</p>   | <p>Completed 4/18/2003<br/>(See CR 02-04914, CA 5)</p>  |   |                        |          |                            |        |                              |        |               |           |                       |
| <p>Moreover, site supervisory personnel have been given training to ensure that they are cognizant of the requirements of 10 CFR 50.9 and the implications of not complying with those requirements.</p>   | <p>Completed 7/30/2003<br/>(See CR 02-04914, CA 10)</p> |   |                        |          |                            |        |                              |        |               |           |                       |

Docket Number 50-346

License Number NPF-3

Serial Number 1-1330

Enclosure 2

Page 2

| <b>COMMITMENTS</b>  | <b>DUE DATE</b>                                    |
|---|--|
| In addition, and where applicable, FENOC will submit to the NRC supplements of those documents found to be inaccurate or incomplete in some material respect. | None   |
| New employees will also receive training on the requirements of 10 CFR 50.9 as part of their New Employee Orientation.  | Completed 8/20/2003<br>(See CR 02-04914,<br>CA 11) |
| New supervisory personnel will also be trained on management responsibilities related to completeness and accuracy.   | Completed 7/28/2003<br>(See CR -2-04914,<br>CA 14) |