

May 14, 2007

EA-07-123

Mr. Anthony Alexander  
Chief Executive Officer  
FirstEnergy Nuclear Operating Company  
76 South Main Street  
Akron, OH 44308

SUBJECT: DEMAND FOR INFORMATION

Dear Mr. Alexander:

The enclosed Demand for Information (DFI) is being issued in response to information provided by FirstEnergy Nuclear Operating Company (FENOC) relative to its re-analysis of the timeline and root causes for the 2002 Davis-Besse reactor pressure vessel head degradation event.

The Nuclear Regulatory Commission (NRC) requires information in order to understand and determine the appropriateness of FENOC's actions following its receipt of a report prepared by its contractor, Exponent Failure Analysis Associates and Altran Solutions Corporation (Exponent), that provided a re-analysis of the timeline and root causes of the 2002 Davis Besse reactor pressure vessel head degradation event (2002 event). In particular, given the significant changes in the timelines, the NRC needs further detailed and specific information relative to the timing of FENOC's review of the Exponent Report and the factors it considered when determining if the conclusions should be communicated to the NRC.

The NRC also needs information to understand the depth and completeness of FENOC's evaluation of the assumptions, methods, and conclusions of the Exponent Report. In particular, the NRC requires detailed and specific information with regard to differences between the assumptions, methods, and conclusions of the Exponent Report and the technical and programmatic root cause reports previously developed by FENOC relative to the 2002 event. This information is also needed for the NRC to determine the appropriateness of FENOC's assessment of the continued adequacy of corrective actions taken in response to the 2002 event.

Finally, the NRC requires information in order to understand FENOC's position regarding a second contracted report that was prepared for FENOC entitled, "Report of Reactor Pressure

Vessel Wastage at the Davis-Besse Nuclear Power Plant," dated December 2006. In particular, the NRC requires detailed and specific information relative to FENOC's assessment and endorsement of the report's conclusions and the implications of any new positions taken by FENOC compared to those previously communicated to the NRC in response to the NRC's Notice of Violation and Proposed Imposition of Civil Penalties, dated April 21, 2005.

You are required to provide a written response to this Demand for Information and should follow the instructions in Section III of the Demand for Information. In addition, you are requested to contact Mr. Doug Starkey, of my staff, at 301-415-3456, within 7 days of the date of this letter in order to identify a date when a management meeting may be held to discuss your written response to this Demand for Information.

Failure to comply with the provisions of this Demand for Information may result in enforcement action, including, if appropriate, criminal prosecution in accordance with Section 223 of the Atomic Energy Act of 1954, as amended.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection, described in 10 CFR 73.21.

Sincerely,

/RA/

Cynthia A. Carpenter, Director  
Office of Enforcement

Docket Nos. 50-346; 50-440; 50-334; 50-412  
License Nos. NPF-3; NPF-58; DPR-66; NPF-73

Enclosure: Demand for Information

cc w/encl: (See Page 3)

cc w/encl: The Honorable George V. Voinovich  
The Honorable Dennis Kucinich  
J. Lash, Senior Vice President of  
Operations and Chief Operating Officer  
Richard Anderson, Vice President, Nuclear Support  
Mark Bezilla, Site Vice President, Davis-Besse  
L. W. Pearce, Site Vice President, Perry  
Manager - Site Regulatory Compliance  
D. Pace, Senior Vice President of  
of Fleet Engineering  
J. Rinckel, Vice President, Fleet Oversight  
D. Jenkins, Attorney, FirstEnergy  
R. Anderson, Vice President, Nuclear Support  
Director, Fleet Regulatory Affairs  
Manager, Fleet Licensing  
Ohio State Liaison Officer  
R. Owen, Administrator, Ohio Department of Health  
Public Utilities Commission of Ohio  
D. Hill, Chief, Radiological Health Program, State of West Virginia  
J. Lewis, Commissioner, Division of Labor, State of West Virginia  
W. Hill, Beaver County Emergency Management Agency  
J. Johnsrud, National Energy Committee, Sierra Club  
President, Lucas County Board of Commissioners  
President, Ottawa County Board of Commissioners  
R. Owen, Ohio Department of Health  
M. Clancey, Mayor, Shippingport, PA  
D. Allard, PADEF  
Ohio State Liaison Officer  
Pennsylvania State Liaison Officer

Vessel Wastage at the Davis-Besse Nuclear Power Plant," dated December 2006. In particular, the NRC requires detailed and specific information relative to FENOC's assessment and endorsement of the report's conclusions and the implications of any new positions taken by FENOC compared to those previously communicated to the NRC in response to the NRC's Notice of Violation and Proposed Imposition of Civil Penalties, dated April 21, 2005.

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Sincerely,  
/RA/  
Cynthia A. Carpenter, Director  
Office of Enforcement

Docket Nos. 50-346; 50-440; 50-334; 50-412  
License Nos. NPF-3; NPF-58; DPR-66; NPF-73

Enclosure: Demand for Information

cc w/encl: (See Page 3) DISTRIBUTION: (See attached page)

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OFFICE	OE	RIII	RIII	RES	NRR
NAME	D. Starkey	K. O'Brien	J. Caldwell	M. Johnson	J. Dyer
DATE	5/14/07	5/14 /07	5/14/07	5/14/07	5/14/07
OFFICE	OGC	OE			
NAME	L. Chandler	C. Carpenter			
DATE	5/14/07	5/14 /07			

OFFICIAL RECORD COPY

DISTRIBUTION: (Ltr. And order to Mr. Anthony Alexander)

Dated: May 14, 2007

ADAMS (PARS)

SECY

OCA

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C. Montgomery, OE

Solorio, OE

D. Starkey, OE

J. Caldwell, RIII

G. Grant, RIII

M. Satorius, RIII

S. West, RIII

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V. Mityng, RIII:PA

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