



FirstEnergy Nuclear Operating Company

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May 12, 2009

L-09-033

Mr. Mark A. Satorius, Administrator
United States Nuclear Regulatory Commission
Region III
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

Subject:

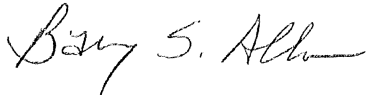
Davis-Besse Nuclear Power Station, Unit 1
Docket Number 50-346, License Number NPF-3
Completion of Actions Required by Confirmatory Order for Davis-Besse Nuclear Power Station; EA-03-214

The purpose of this letter is to inform the Nuclear Regulatory Commission (NRC) of the completion of actions taken by the FirstEnergy Nuclear Operating Company (FENOC) in response to NRC letter dated March 8, 2004, "Approval to Restart the Davis-Besse Nuclear Power Station, Closure of Confirmatory Action Letter, and Issuance of Confirmatory Order." This Confirmatory Order modified the DBNPS operating license to require performance of annual independent assessments for five years in the areas of operations, engineering, corrective action, and safety culture. This Confirmatory Order also required inspection of key reactor coolant system pressure boundary components during a mid-cycle outage following restart. As described in the Attachment, these activities have been completed in accordance with the requirements of the Confirmatory Order, and the results of the independent assessments have concluded that DBNPS self-assessments are effective.

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There are no regulatory commitments contained in this letter. If there are any questions or if additional information is required, please contact Mr. Dale R. Wuokko, Manager – Site Regulatory Compliance, at (419) 321-7120.

Sincerely,

A handwritten signature in cursive script that reads "Barry S. Allen".

Barry S. Allen

GMW

Attachment: Completion of Actions Required by Confirmatory Order for Davis-Besse
Nuclear Power Station

cc: USNRC Document Control Desk
DB-1 NRC/NRR Project Manager
DB-1 Senior Resident Inspector
Utility Radiological Safety Board

Attachment
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Completion of Actions Required by Confirmatory Order for
Davis-Besse Nuclear Power Station

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On March 8, 2004, the Nuclear Regulatory Commission (NRC) removed the restriction placed on the restart of the Davis-Besse Nuclear Power Station (DBNPS), and issued a Confirmatory Order to the FirstEnergy Nuclear Operating Company (FENOC) that required annual independent assessments for five years in the areas of operations performance, engineering program effectiveness, corrective action program implementation, and safety culture (including safety conscious work environment). This Confirmatory Order also required inspection of key reactor coolant system pressure boundary components during a mid-cycle outage following restart. As documented in letter Serial Number 1-1400 dated February 3, 2005, visual examinations of the reactor pressure vessel upper head bare metal surface were performed during the Cycle 14 mid-cycle outage with no evidence of reactor coolant leakage, completing the actions for this portion of the Confirmatory Order.

Per the Confirmatory Order, the NRC required the performance of independent outside assessments to ensure continued effective licensee self-assessments and sustained safe performance in the areas of interest to provide confirmation of the effectiveness of these self-assessments and long-term improvement actions.

To fulfill the Confirmatory Order actions, comprehensive assessments were performed for the years 2004 through 2008 in the areas of operations performance, engineering program effectiveness, corrective action program implementation, and organizational safety culture (including safety-conscious work environment). Prior to each assessment, FENOC submitted the assessment plan to the NRC identifying the members of the independent assessment team, the qualifications of the assessors and industry peers, and the scope and depth of the assessment plan. Following each assessment, the results of the assessment were submitted to the NRC along with any action plans necessary to address issues resulting from the assessment. A reference to each of the five assessment reports for the four assessment areas is provided in Table 1. Each of these assessment reports were reviewed by NRC Regional Inspectors to verify that the activities were performed in accordance with the assessment plans submitted to the NRC prior to the assessment, and that the assessments were of sufficient depth and scope to develop an adequate assessment of the subject area performance. The Inspection Reports documenting the NRC's review of the independent assessment reports are listed in Table 1.

Each independent assessment was performed in accordance with Davis-Besse Business Practice DBBP-VP-0009, "Management Plan for Confirmatory Order Independent Assessments." In accordance with this business practice, the assessment results for the years 2005 – 2008 were documented in the following categories:

- Area of Strength, which is an identified performance, program, or process element within an area of assessment that is significant in obtaining desired results.
- Area For Improvement (AFI), which is an identified performance, program, or process element within an assessed area that requires improvement to obtain the desired results with consistency and effectiveness. All Areas for Improvement identified in the Assessment Report will be addressed by Action Plan(s) submitted to the NRC, and entered into the Corrective Action Program.
- Area in Need of Attention (ANA), which is an identified performance, program, or process element within an area of assessment that, although sufficient to meet its basic intent, management attention is required to achieve full effectiveness and consistency. Areas in Need of Attention are not addressed by Action Plan(s) submitted to the NRC, but are considered for entry into the Corrective Action Program.

The results of the independent assessments are provided in Table 2, which shows a general increase in the number of strengths in the later assessments along with a decrease in the number of Areas for Improvement and Areas in Need of Attention.

Each independent assessment report for the years 2005 – 2008 also included a conclusion of the overall effectiveness of the assessed area, and provided a rating of Highly Effective, Effective, Marginally Effective, or Not Effective, along with a conclusion of FENOC's internal self-assessment abilities and performance. In all but one case, each of the annually assessed areas were considered to be overall effective for this time period. The 2005 assessment of the Safety Culture / Safety Conscious Work Environment was deemed as Marginally Effective (the 2004 assessment of the Corrective Action Program Implementation was also deemed as Marginally Effective).

Based on the improvements identified by the Confirmatory Order Independent Assessments performed for the past five years in FENOC's ability to effectively self assess and improve performance at the DBNPS, FENOC considers that all actions associated with the Confirmatory Order are complete. Beyond the Confirmatory Order, FENOC and the DBNPS will continue to perform self-assessments and other processes focused at continually improving performance which have been institutionalized across the FENOC fleet.

Table 1: Confirmatory Order Independent Assessment Reports

	Date Submitted	FENOC Letter Number	ADAMS Ascension Number	NRC Inspection Report
Operations Performance				
2004	12/22/2004	Serial 1-1398	ML043630476	2004-016
2005	08/22/2005	Serial 1-1430	ML052350470	2005-008
2006	08/23/2006	Serial 1-1470	ML070330627	2006-012
2007	08/10/2007	Serial 1-1500	ML072270377	2007-004
2008	07/17/2008	L-08-219	ML090900358	2008-004
Engineering Program Effectiveness				
2004	12/06/2004	Serial 1-1394	ML043420360	2004-016
2005	02/06/2006	Serial 1-1451	ML060750585	2006-002
2006	11/16/2006	Serial 1-1478	ML071550285	2006-005
2007	11/08/2007	Serial 1-1507	ML073170716	2008-002
2008	11/21/2008	L-08-357	ML083300175	2008-005
Corrective Action Program Implementation				
2004	11/15/2004	Serial 1-1384	ML043280134	2004-017
2005	09/19/2005	Serial 1-1439	ML053420015	2005-008
2006	10/23/2006	Serial 1-1474	ML062980103	2007-002
2007	09/17/2007	Serial 1-1502	ML072610565	2007-005
2008	09/15/2008	L-08-251	ML082610442	2008-004
Safety Culture / Safety Conscious Work Environment				
2004	03/04/2005	Serial 1-1405	ML050660425	2005-006
2005	01/27/2006	Serial 1-1449	ML060330132	2006-003
2006	02/02/2007	Serial 1-1485	ML070520652	2007-003
2007	01/27/2008	L-08-005	ML080300183	2008-003
2008	01/26/2009	L-09-011	ML090270490	2009-002

Note: in cases where the Assessment Reports were revised, only the final report is referenced above.

Table 2: Confirmatory Order Independent Assessment Results

	2004	2005	2006	2007	2008	
Operations Performance	Strengths	0	6	4	7	9
	AFI	10	0	0	0	0
	Other Insights / ANA	13	14	10	6	2
	Overall Effectiveness	Not Rated	Effective	Effective	Effective	Effective
Engineering Program Effectiveness	Strengths	3	1	2	0	1
	AFI	3	0	0	0	0
	ANA	13	6	7	5	3
	Overall Effectiveness	Effective	Effective	Effective	Effective	Effective
Corrective Action Program Implementation	Strengths	6	10	4	3	5
	AFI	7	4	1	0	0
	Noteworthy Items / ANA	11	6	15	4	6
	Overall Effectiveness	Marginally Effective	Effective	Effective	Effective	Effective
Safety Culture / Safety Conscious Work Environment (Note 1)	Strengths	0	Note 2	Note 2	Note 2	Note 2
	AFI	6	4	6	0	1
	ANA	79	65	9	6	2
	Overall Effectiveness	Not Rated	Marginally Effective	Highly Effective	Highly Effective	Highly Effective

¹ Between 2005 and 2006, there was a change of vendor and methodology for the SC/SCWE Assessment

² The 2006-2008 SC/SCWE reports identified "numerous Areas of Strength" but did not provide a total number in the executive summary. Similarly, the 2005 SC/SCWE report did not clearly identify the number of strengths.