

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: FirstEnergy Nuclear Operating Company (EA-03-131)
Davis Besse Nuclear Power Station
Docket No. 50-346

Subject: ISSUANCE OF FINAL SIGNIFICANCE DETERMINATION AND NOTICE OF VIOLATION

This is to inform the Commission that a Notice of Violation associated with a Yellow Significance Determination Process (SDP) finding will be issued on or around October 7, 2003, to FirstEnergy Nuclear Operating Company (FENOC) as a result of inspections at the Davis Besse Plant. This YELLOW finding, an issue with substantial importance to safety, which may require additional NRC inspections, involved the failure of FENOC to effectively implement corrective actions for design control issues related to deficient containment coatings, uncontrolled fibrous material, and other debris. This deficiency could result in the inability of the emergency core cooling system sump to perform its safety function under certain accident scenarios due to potential clogging of the sump screen. The failure to promptly identify and correct significant conditions adverse to quality involving the potential to clog the emergency core cooling and containment spray system sump with debris following a loss of coolant accident (LOCA) is a violation of 10 CFR Part 50, Appendix B, Criterion XVI, "Corrective Actions." Accordingly, a Notice of Violation associated with the Yellow finding is being issued.

On May 29, 2003, the NRC issued its final significance determination for a Red finding regarding the control rod drive mechanism penetration cracking and reactor pressure vessel head degradation. The final significance determination for the Yellow finding described above was determined independently from the concurrent head degradation. Because the causes of the deficiencies that led to the reactor pressure vessel head degradation were separate from the causes that resulted in the potential for clogging of the containment emergency sump, the staff concluded that separate performance deficiencies and significance determinations were appropriate.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Final Significance Determination	October 7, 2003
Telephone Notification of Licensee	October 7, 2003

The State of Ohio will be notified.

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VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**