

December 14, 2004

EA-04-049

EA-04-050

Mr. Mark B. Bezilla
Vice President-Nuclear, Davis-Besse
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: RECEIPT OF DAVIS-BESSE REPLY TO NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 05000346/2003010(DRS)) and
CLARIFICATION OF NON-CITED VIOLATION (NRC INSPECTION REPORT
NO. 05000346/2002014 (NCV 2002-014-01b))

Dear Mr. Bezilla:

This will acknowledge receipt of your letters dated April 5, 2004, in response to our letter dated March 5, 2004, transmitting a Notice of Violation associated with NRC Inspection Report No. 05000346/2003010, and June 18, 2004, regarding corrective actions being taken with respect to a Non-Cited Violation (NCV) documented in Inspection Report 05000346/2002014, at the Davis-Besse Nuclear Power Station (DBNPS).

With regards to the 05000346/2003010 inspection, the NRC identified two Cited Violations and 26 NCVs of very low safety significance (Green) and one Severity Level IV violation. In your response to Violation 05000346/2003010-01, you stated that you accepted this violation as written. The violation described the failure to verify that the design of the service water (SW) system discharge path swap-over setpoint was adequate. We understand that you have established the basis for the setpoint for the initiation of a swap-over from the non-safety related discharge flow path to the safety-related SW flow path under design basis conditions. You have concluded that the setpoint provides adequate assurance that the SW system design function will be performed under credible conditions. Furthermore, based on additional discussions with members of the DBNPS staff, we understand that further analysis is documented in Condition Report 02-07802.

In your response to Violation 05000346/2003010-02, you accepted the Violation and described the planned corrective actions to be completed by June 30, 2004. Subsequently, in a letter dated July 27, 2004, you informed the NRC Region III office that the commitment completion date for the corrective actions would be October 15, 2004.

In your response to NCV 05000346/2003010-19, you accepted the NCV with a clarification. The clarification was that the example cited in NCV 05000346/2003010-19 did not involve inappropriate preconditioning. Your basis was that the auxiliary feedwater turbine high speed stop and overspeed trip tests are not within the scope of a Technical Specifications surveillance requirement. Furthermore, the practice of blowing down the strainers was performed to

minimize fouling of heat transfer services in the auxiliary feedwater cooling heat exchangers. However, you acknowledged that other auxiliary feedwater cooling water strainers were being blown down prior to performing safety related testing and represented pre-conditioning, hence you accepted the violation.

With regards to the 05000346/2002014 inspection, the NRC identified a Non-Cited Violation (2002-014-01b) regarding containment air cooler containment isolation valve backup air accumulators which were not equipped with blowdown valves to allow removal of condensation as described in the Updated Safety Analysis Report (USAR). Your letter, dated June 18, 2004, noted that you did not believe that a violation occurred since the referenced USAR section regarded the need to blow down air receivers downstream of air compressors and not the air accumulators of air-operated valves. Nonetheless, we understand that based on the implemented modification, which installed nitrogen bottles for each containment isolation valve, in lieu of instrument air accumulators, the nitrogen bottles do not require periodic blowdown for moisture removal. You, however, did not deny the violation based on other examples of NCVs documented in the inspection report.

We have reviewed your corrective actions and have no further questions at this time. These corrective actions will be examined during future inspections.

Sincerely,

/RA/

John A. Grobe, Chairman
Davis-Besse Oversight Panel

Docket No. 50-346
License No. NPF-3

cc: The Honorable Dennis Kucinich
G. Leidich, President - FENOC
J. Hagan, Senior Vice President
Engineering and Services, FENOC
L. Myers, Chief Operating Officer, FENOC
Plant Manager
Manager - Regulatory Compliance
M. O'Reilly, Attorney, FirstEnergy
Ohio State Liaison Officer
R. Owen, Administrator, Ohio Department of Health
Public Utilities Commission of Ohio
President, Board of County Commissioners
of Lucas County
C. Koebel, President, Ottawa County Board of Commissioners
D. Lochbaum, Union Of Concerned Scientists
J. Riccio, Greenpeace
P. Gunter, N.I.R.S.

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- cc: The Honorable Dennis Kucinich
- G. Leidich, President - FENOC
- J. Hagan, Senior Vice President
- Engineering and Services, FENOC
- L. Myers, Chief Operating Officer, FENOC
- Plant Manager
- Manager - Regulatory Compliance
- M. O'Reilly, Attorney, FirstEnergy
- Ohio State Liaison Officer
- R. Owen, Administrator, Ohio Department of Health
- Public Utilities Commission of Ohio
- President, Board of County Commissioners
- of Lucas County
- C. Koebel, President, Ottawa County Board of Commissioners
- D. Lochbaum, Union Of Concerned Scientists
- J. Riccio, Greenpeace
- P. Gunter, N.I.R.S.

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