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Docket Number 50-346

License Number NPF-3

Serial Number 3115

December 10, 2004

United States Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555-0001

Subject: Documentation of Discrepancies in NRC Safety Evaluation dated October 28, 2004
(TAC No. MC2912)

Ladies and Gentlemen:

By letter dated October 28, 2004, the NRC issued a Safety Evaluation documenting the review and acceptance of the Davis-Besse Nuclear Power Station (DBNPS) Physical Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan. These plans were submitted by the FirstEnergy Nuclear Operating Company (FENOC) by letter dated April 29, 2004 (DBNPS Serial Number 3051) and supplemented by subsequent FENOC submittals dated September 10, 2004 (Serial Number 3091) and September 30, 2004 (Serial Number 3094).

By letter dated November 8, 2004 (Serial Number 3103), the FirstEnergy Nuclear Operating Company (FENOC) reported to the NRC that full compliance had been achieved for the DBNPS with the requirements of Order EA-03-86 issued April 29, 2003.

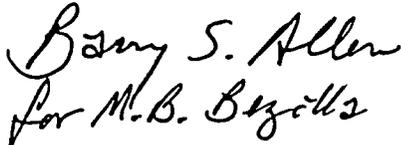
In reviewing Enclosure 2 to the NRC's letter dated October 28, 2004, FENOC identified discrepancies between the Safety Evaluation and the DBNPS plans as submitted to the NRC. The discrepancies are listed in Attachment 1 to this submittal. None of these discrepancies have an impact on the conclusions reached in the NRC Safety Evaluation.

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If there are any questions concerning this matter, please contact Mr. David R. Kline, Manager,
Site Protection, at 419-249-2322.

Very truly yours,



Mark B. Bezilla
Vice President, Nuclear

GMW/s

Attachments:

- 1) List of Discrepancies
- 2) Commitment List

cc: J. L. Caldwell, Regional Administrator, NRC Region III
J. B. Hopkins, DB-1 NRC/NRR Senior Project Manager
C. S. Thomas, DB-1 Senior Resident Inspector
Utility Radiological Safety Board

Attachment 1

The following items were identified during the review of the NRC Safety Evaluation related to the Davis-Besse Nuclear Power Station Physical Security Plan submittal:

- 1) Page 5, Paragraph 1 (a): Section 3.1 of the SE states that where full implementation cannot be effectively implemented, the licensee will implement compensatory measures. The DBNPS PSP submittals only stated that full compliance will be achieved by 10/29/2004 and did not discuss compensatory measures.
- 2) Page 9, Paragraph 7: The title of PSP Section 4 is given as "Security Organization Management," which is the title of PSP Section 4.1.
- 3) Page 9, Paragraph 8, and Page 10, Paragraph 1: PSP Section 4 describes the type of security force as either proprietary, contract, or other qualified personnel. The Safety Evaluation states only licensee-employed or contract.
- 4) Page 9, Paragraph 8, and Page 10, Paragraph 1: Section 4 of the PSP does not describe where appropriate written agreements are retained nor the duration of those agreements, as is referenced within this paragraph. Also while this paragraph states that "written contracts... include a requirement to demonstrate the ability of the contractor," Section 4 of the PSP does not describe contract requirements to demonstrate such abilities.
- 5) Page 10, Paragraph 6, regarding PSP Section 4: This paragraph states that the licensee employs a contract guard force. While the DBNPS currently employs a proprietary (licensee-employed) guard force, Section 4 of the PSP describes the type of security force as either proprietary, contract, or other qualified personnel (see item 3 above). This paragraph also states "the PSP includes the requirement that the written agreement with the security contract force clearly shows..." while Section 4 of the PSP only states that if a contract force is used, there will be a written contract.
- 6) Page 10, Paragraph 6, line 5, regarding PSP Section 4: This sentence states "The system includes provisions..." The word "system" should be changed to "PSP."
- 7) Page 13, Paragraph 4, regarding PSP Section 5.4: This paragraph states "Security officers are properly equipped with contingency weapons and ammunition (equipment) necessary..." Section 5.4 of the PSP states "Security officers are properly equipped with weapons and equipment necessary..."

- 8) Page 16, Paragraph 2, line 5, regarding PSP Section 6.1.2: This paragraph refers to a vehicle weight of "up to ...lbs. including payload." Section 6.1.2 of the PSP does not include the words "up to."
- 9) Page 20, Paragraph 8, regarding PSP Section 6.3: This paragraph states "control portals need not be locked and alarmed if the area is continuously-manned." Section 6.3 of the PSP does not contain this statement.
- 10) Page 26, Paragraph 5, line 10, regarding PSP Section 9.3: The word "Protected" is misspelled.
- 11) Page 32, Paragraph 5, line 5, regarding PSP Section 9.4.4: The word "to" is misspelled.
- 12) Page 38, Paragraph 4, line 7, regarding PSP Section 9.6: A comma is needed after the phrase "fuel handling area."
- 13) Page 39, Paragraph 9, regarding PSP Section 9.7: A period is needed at the end of the last sentence on the page.
- 14) Page 40, Paragraph 2, regarding PSP Section 9.7: This paragraph states "the PSP describes what physical barriers or identification markers have been deployed, in coordination with the cognizant maritime organization." While identification markers have been deployed for the DBNPS, they are not described in the PSP.
- 15) Page 40, Paragraph 2, regarding PSP Section 9.7: This paragraph also states "The PSP also stated that surveillance techniques, as described above, were deemed necessary to ..." While the PSP describes surveillance techniques, no statement is made in the PSP as to their necessity.
- 16) Page 41, Paragraph 3 starting with "Section 10.1": the word "and" should be changed to "an" in the phrase "...supplied from an independent..."
- 17) Page 51, Paragraph 6, regarding PSP Section 19.1.2: delete the word "sole" in reference to a licensed senior reactor operator's authority, as the PSP does not contain the word "sole."
- 18) Page 52, Paragraph 3, regarding PSP Section 19: This paragraph states that the PSP describes procedures for suspension, but Section 19 of the PSP does not describe such procedures.
- 19) Page 52, Paragraph 7, line 6, regarding PSP Section 19.2.1: This paragraph states "...consistent with the security measures..." while the PSP states "...consistent with the DBNPS license conditions and technical specifications..."

- 20) Page 52, Paragraph 8, line 2, regarding PSP Section 19.2.2: This paragraph states that authority "...is given to the Emergency Director, or designee(s) with approval of the security manager." PSP Section 19.2.2 states this authority "...is given to the DBNPS Shift Manager with input from the DBNPS Senior Security Supervisor or Manager."
- 21) Page 58, Paragraph 1, regarding PSP Section 17: The last sentence in this paragraph states "...as prescribed by 10CFR73.70." Section 17 of the PSP does not include this reference.
- 22) Page 59, Paragraph 2, regarding PSP Section 17: The last sentence in this paragraph states "...as required by 10 CFR Part 73, Appendix B, Section I.F." Section 17 of the PSP does not reference 10 CFR Part 73.
- 23) Page 59, Paragraph 3, regarding PSP Section 17: The word "qualification" is missing from the phrase "mental qualification data."
- 24) Page 59, Paragraph 7, regarding PSP Section 17.3.1: The PSP does not include the phrase "...and other individuals not employed by the licensee."
- 25) Page 73, Paragraph 4, line 3, regarding T&Q Section 3.2: This paragraph states "...each security force member is initially trained and qualified to perform each assigned security job duty..." T&Q Section 3.2 states the individuals are "...initially trained and qualified to perform those critical tasks applicable to their duty position..."
- 26) Page 78, Paragraph 4: The last sentence in this paragraph states "The NRC evaluation of Sections 1.3 and 2.2 of the SCP are documented in SE Sections 5.1.3 and 5.2.2." Neither of these SE Sections exist; this sentence should probably refer to SE Sections 5.1.2 and 5.2.
- 27) Page 87, Paragraph 4, regarding SCP Section 3.5: In one place this paragraph refers to SCP Section 5.3 instead of Section 3.5. There is no Section 5.3 of the SCP.
- 28) Page 87, Paragraph 4, line 1, regarding SCP Section 3.5: This paragraph refers to "Operations Shift Managers," while Section 3.5 of the SCP states "Operations shift management."
- 29) Page 95, Paragraph 5, line 3: This paragraph states that the SCP requires appropriately designed and constructed defensive positions. These positions are described in Chapter 7 of the PSP, not in the SCP. This paragraph also discusses the staffing of alarm stations, which is in Section 10.4 of the PSP and not in the SCP.
- 30) Page 99, Paragraph 4, line 6, regarding SCP Section 7: The word "to" is missing from the phrase "...access to the PA..."

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- 31) Page 100, Paragraph 3, line 3, regarding SCP Section 7: This paragraph contains the statement "...which limits access to unauthorized individuals." Per Section 7 of the SCP, this should read "...which limits access to authorized individuals."
- 32) Page 100, Paragraph 3, regarding SCP Section 7: The last sentence of this paragraph states "...patrols inspect vital areas, to assure..." Section 7 of the SCP states "...patrols inspect vital area external barriers, and entrances and portals to vital areas, to assure..."
- 33) Page 100, Paragraph 7, line 2: This paragraph uses the word "timeliness," but page C-46 of the SCP uses the word "timelines."

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COMMITMENT LIST

The following list identifies those actions committed to by the Davis-Besse Nuclear Power Station in this document. Any other actions discussed in the submittal represent intended or planned actions by Davis-Besse. They are described only as information and are not regulatory commitments. Please notify the Manager – Regulatory Compliance (419) 321-8585 at Davis-Besse of any questions regarding this document or associated regulatory commitments.

<u>COMMITMENTS</u>	<u>DUE DATE</u>
None	N/A