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United States Nuclear Regulatory Commission
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Subject: Response to NRC Inspection Report No. 50-346/04-018, EA-04-231 & EA-04-232

Ladies and Gentlemen:

The FirstEnergy Nuclear Operating Company (FENOC) received the subject Inspection Report dated January 13, 2005, documenting the results of a special emergency preparedness inspection performed October 25 through 29, 2004, at the Davis-Besse Nuclear Power Station (DBNPS). This special inspection was performed to review FENOC's activities in response to a failure of the DBNPS Emergency Planning Zone (EPZ) Alert and Notification System sirens during a May 7, 2004, monthly test, with focus on reporting requirements of the Nuclear Regulatory Commission (NRC) performance indicator program.

On January 21, 2005, FENOC notified Mr. Ken Riemer of NRC Region III that FENOC intended to respond in writing and would not be requesting a Regulatory/ Predecisional Enforcement Conference regarding the issues documented in the Inspection Report. FENOC appreciates the opportunity to provide information to the NRC regarding these issues.

Clarifying Information

There are two areas requiring clarification regarding the facts presented in the subject Inspection Report. The first area in need of clarification is the length of time stated that the DBNPS EPZ sirens were unavailable. The Inspection Report correctly describes the vulnerability that existed during the thirty day period of April 6 to May 7, 2004. If the siren technician had accessed the siren system during this time, this would have resulted in the sirens not being able to be sounded when called upon. However, there was no access to the system and the sirens remained functional during this time except for the period of April 27 to May 7, or approximately ten days. Therefore, FENOC believes that ten days is a more appropriate timeframe to consider the siren system as being "degraded" rather than the thirty days stated in the Inspection Report. Hence,

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FENOC believes the approximately ten day unavailability period should be used as an input to the Significance Determination Process.

The second area in need of clarification is the statement documented on page 2 of the cover letter regarding submittal of the original performance indicator data, which states,

“this position did not change even after you consulted with the NRC staff on this issue prior to the quarterly submittal, and again after the data was officially submitted in July 2004. Consequently, you had several opportunities to correct the data using the correct PI guidance, but no action was taken.”

FENOC does not agree with this statement. As discussed below, the issues that resulted in the performance indicator data being discrepant were not identified until the week of October 25, 2004, as a result of NRC inspection activities.

During the May 7, 2004, monthly siren test, it was determined that the sirens could not be activated from the Ottawa County Sheriff Dispatcher location. This condition was corrected within minutes of discovery and a formal root cause investigation was subsequently conducted. The root cause investigation of this event determined there was insufficient detail in procedures that control siren testing and maintenance, and the affected procedures were revised accordingly. FENOC has determined that the sirens were unavailable for a period of approximately ten days, and that prior to this timeframe the sirens would have performed their required function on demand. In addition, other methods of notifying the population (such as dispatching of emergency vehicles with loudspeakers to broadcast warning messages) were available during the time the sirens were unavailable. This information should be considered by the NRC in making a best-informed final significance determination.

FENOC initially conducted full one-minute siren sound tests every Friday following the May 7, 2004, activation failure. However, prior to the May 28, 2004, siren test, Ottawa County Emergency Management Agency (EMA) officials requested FENOC to consider discontinuing weekly sound tests. Their concern was that frequently sounding the sirens could inappropriately condition the general public. FENOC's desire was to ensure system reliability without impacting the general public, thus FENOC agreed with the concerns raised by the Ottawa County EMA and discontinued the weekly full one-minute siren sound tests.

As part of FENOC's investigation of the May 7, 2004, event, benchmarking determined that a common industry practice is to perform a combination of silent tests and sound tests to ensure siren reliability. FENOC instituted silent tests every work day (Monday to Friday), and as a result has been able to monitor performance more frequently and respond to individual siren failures in a more timely manner. Since the inception of daily tests on June 1, 2004, several siren failures have been identified during daily testing and the sirens were repaired much sooner than would have occurred if the sirens had continued to be tested only on a monthly basis. By increasing the siren test frequency, FENOC has improved the reliability of this important equipment while aligning the DBNPS with best industry practices.

On June 30, 2004, NRC Region III inspectors contacted FENOC and asked if the proposed testing change had been submitted to the Federal Emergency Management Agency (FEMA). The NRC indicated that approval from FEMA was required prior to making the change. The NRC also cited other specific references regarding this subject and suggested FENOC perform a thorough review of these documents prior to submitting the daily silent test data for the second quarter 2004 performance indicators. This suggestion was entered into the DBNPS Corrective Action Program and evaluated.

FENOC's evaluation of the specific references cited by the NRC during the June 30, 2004, phone call did not reveal any concerns with reporting the results of the silent tests. On July 20, 2004, the FEMA Region V Technical Services Branch Chief was contacted by FENOC regarding the implementation of daily silent tests. FEMA stated that the implementation of daily silent tests was a conservative action, and did not constitute a "significant change." Therefore, FEMA's approval of the silent tests was not required prior to implementation. Following this discussion, a conference call between the FEMA Region V Technical Services Branch Chief, NRC Office of Nuclear Security and Incident Response, and FENOC was held, and FEMA reiterated to the NRC that FEMA approval was not required prior to implementing this change. This FEMA position was also documented in writing in a letter from the FEMA Region V Technical Services Branch Chief to the Ohio EMA Branch Chief on August 24, 2004, that the addition of daily silent testing was an enhancement to the existing siren testing.

As discussed during the subsequent NRC inspection during the week of October 25, 2004, new issues arose involving the appropriateness of crediting siren tests performed utilizing equipment not normally used to activate the sirens. These issues were quite different from the issues regarding the necessity for FEMA approval prior to changing the siren testing frequency. These newly discovered issues were not known, and therefore the data could not have been corrected prior to submittal of the second and third quarter performance indicator data. FENOC would not have included the silent test performance indicator data had the new issues discovered during the week of October 25, 2004, been known.

As described in the NRC Inspection Report, silent tests were conducted every workday from the DBNPS Emergency Operations Facility (EOF), or from the Ottawa County Sheriff's Dispatch Center. During the week of October 25, 2004, the NRC inspectors questioned the submittal of these silent tests towards the performance indicator.

These questions on the tests conducted from the Sheriff's dispatch were based on guidance provided in NEI 99-02, revision 2, Regulatory Assessment Performance Indicator Guideline. Page 95, line 21 states "if the use of redundant control stations is in approved procedures and is part of the actual system activation process, then activation from either control station should be considered a success." The weekly silent test from the Sheriff's dispatch had been performed using a computer that was not part of the actual system activation process (which uses a touch screen on the console), nor was it adequately described in the dispatch standard operating procedure. Accordingly, the use of this computer to perform silent tests from the Ottawa County Sheriff's dispatch could not be counted towards the performance indicator because this computer

was not part of the actual system used to activate the sirens, nor was this process adequately described in the procedure. On November 14, 2004, the console touch screen used to activate the sirens was modified so that the touch screen could be used to perform silent tests. Standard Operating Procedure 26 (Ottawa County Sheriff's dispatch procedure) was revised to provide guidance to perform silent tests.

The NRC inspectors' questions on the tests conducted from the EOF were based on guidance provided in NEI 99-02. Page 95, line 25 states: "if the redundant control station is 'not normally attended,' requires setup or initialization, it may not be considered as part of the regularly scheduled test." The DBNPS EOF is manned and activated at the Alert classification; however, the NRC inspectors' position of "normally attended" as discussed during the inspection the week of October 25, 2004, is that the control station be manned 24 hours a day, 7 days a week. Since the EOF is not continuously manned, the NRC inspectors indicated that the silent tests conducted from the EOF could not be counted towards the performance indicator.

In summary, at the time of the submittal of the second quarter 2004 performance indicator data, FENOC believed the data to be complete and accurate. It was only in late October 2004 that new information was identified to indicate the already-submitted data was inconsistent with the guidance provided in NEI 99-02, and should have caused the Alert and Notification System siren performance indicator to change from green to white. (It is noted that under the NRC Enforcement Policy, Supplement VII.D, this appears to be a Severity Level IV violation based on this color change in the performance indicator). On November 4, 2004, FENOC corrected the second and third quarter performance indicator data and submitted it to the NRC. Additionally, as previously clarified, FENOC believes that ten days is a more appropriate timeframe to consider the siren system as being "degraded."

Corrective Actions

The following additional corrective actions have been completed or are planned in response to the May 7, 2004, siren activation failure and subsequent NRC inspection:

- The Second and Third quarter 2004 performance indicator data were revised and resubmitted to NRC by letter Serial Number 3104, dated November 4, 2004.
- The system has been modified to allow testing of all 54 EPZ sirens from the Ottawa County Sheriff dispatch touch screen.
- The system is being upgraded to disable the time synchronization feature.
- A backup activation station at Ottawa County Sheriff dispatch (normally attended) will be established.

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- During a meeting with FEMA on February 1, 2005, past, present and future siren testing was discussed. Proposed future testing will be performed weekly, and a written update on this proposed siren testing will be provided to FEMA.
- An information call will be held, prior to implementation of the proposed weekly siren testing, with NRC Region III regarding changes to siren testing.

FENOC remains committed to the protection of public health and safety. This includes the maintenance and operability of the DBNPS Alert and Notification System. The lessons-learned from this siren activation failure and corrective actions taken have resulted in a more reliable system.

If there are any questions concerning this matter, please contact Mr. Clark A. Price, Manager, Regulatory Compliance at 419-321-8585.

Very truly yours,

Benny Allen
for Mark B. Begilla

JMV/GMW/s

Attachment:
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

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>
1. Revise and resubmit the Second and Third quarter 2004 performance indicator data to the NRC.	1. Completed November 4, 2004, by submittal of letter Serial Number 3104.
2. Modify the DBNPS Alert and Notification Siren system to allow testing of all 54 EPZ sirens from the Ottawa County Sheriff dispatch touch screen.	2. Completed December 3, 2004.
3. Upgrade the DBNPS Alert and Notification Siren system to disable the time synchronization feature.	3. September 30, 2005
4. A backup activation station at Ottawa County Sheriff dispatch (normally attended) will be established.	4. June 1, 2005
5. An information call will be held with NRC Region III regarding changes to siren testing.	5. Prior to implementation of proposed weekly siren testing.
6. Provide FEMA a written update on proposed siren testing.	6. Prior to implementation of proposed weekly siren testing.