

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

May 2, 2005
RN-05-015

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT REGULATORY ACTION

Licensee: FirstEnergy Nuclear Operating Company EA-04-231 and EA-04-232
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 one White Significance Determination Process finding will be issued on or about May 5, 2005, to FirstEnergy Nuclear Operating Company (FENOC) as a result of inspections at the Davis-Besse Nuclear Power Station. This White finding, an issue of low to moderate safety significance, which may require additional NRC inspections, involved the licensee's failure to implement a risk significant planning standard (RSPS). Specifically, the finding concerned the loss of capability to activate 49 Emergency Planning Zone (EPZ) sirens, between April 27 and May 7, 2004.

A Notice of Violation is included based on a violation of 10 CFR Part 50.54(q), which requires, in part, that a licensee shall follow and maintain in effect emergency plans which meet the standards in Section 50.47(b). FENOC failed to provide a means for early notification and clear instruction to the populace within the plume exposure pathway EPZ, as required by Section 50.47(b), when it lost the capability to activate the 49 EPZ sirens. In accordance with the NRC Enforcement Policy, the Notice of Violation is considered an escalated enforcement action because it is associated with a White finding.

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

Mailing of Final Significance Determination	May 5, 2005
Telephone Notification of Licensee	May 5, 2005

The State of Ohio will be informed.

Contacts: D. Starkey, OE, 301-415-3456 C. Nolan, OE, 301-415-3360

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