

August 30, 2005

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: DAVIS-BESSE NUCLEAR POWER STATION  
PERFORMANCE REVIEW AND INSPECTION PLAN

Dear Mr. Bezilla:

On August 9, 2005, the NRC staff completed its performance review of Davis-Besse Nuclear Power Station for the first half of the calendar year 2005 assessment cycle. Even though Davis-Besse oversight was not under the Reactor Oversight Program (ROP) during the time frame, our technical staff reviewed performance indicators (PIs) for the most recent quarter and inspection results over the previous twelve months. The purpose of this letter is to inform you of our assessment of your safety performance during this period and our plans for future inspections at your facility.

This performance review and the enclosed inspection plan do not include physical protection information. A separate letter designated and marked as "Exempt from Public Disclosure in Accordance with 10 CFR 2.390" will include the physical protection review and a resultant inspection plan.

Davis-Besse was not under the ROP from January through June 2005, therefore an Action Matrix column designation is not appropriate. In our May 19, 2005, letter, we informed you that the Davis-Besse Nuclear Power Station would return to the ROP on July 1, 2005, in the Regulatory Response Column (Column II) of the NRC's Action Matrix. The Column II designation was based on the one White finding in the Emergency Preparedness Cornerstone regarding siren testing (EA 04-231). Your staff has informed us that they will be ready for an Inspection Procedure (IP) 95001 supplemental inspection in October, therefore we have scheduled the inspection for the week of October 17, 2005. Please note that the delay in completing your assessment of the issue will result in the White finding being held open into a fifth quarter.

On April 21, 2005, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalties (\$5,450,000) to Davis-Besse. The notice documented nine proposed violations of NRC regulations.

Five violations were considered for civil penalty action.

1. RED Significance Determination Process (SDP): The facility operated with reactor coolant system pressure boundary leakage for at least one operating cycle.
2. Severity Level (SL) I: Willfully maintaining incomplete and inaccurate information in documents. Specifically, documentation inaccurately indicated that accumulated boric acid deposits were removed from the reactor pressure vessel head and the entire head was inspected.
3. SL II: Willfully failing to ensure that a significant condition adverse to quality, the presence of boric acid on the vessel head, was evaluated and corrected.
4. SL II: Willfully failing to fully implement the boric acid corrosion control procedure.
5. SL I: Willfully providing incomplete and inaccurate information in two responses to the NRC relating to NRC Bulletin 2001-01.

Four violations were not assessed a civil penalty:

1. RED SDP: Failure to determine and take corrective action for significant conditions adverse to quality.
2. RED SDP: Inappropriate boric acid corrosion control program procedure.
3. SL III: Non-willful inaccurate or incomplete information regarding boric acid deposits on the head.
4. SL IV: Non-willful inaccurate or incomplete information regarding head inspection reports and head cleaning along with inaccuracies on the boric acid corrosion control checklists and condition reports.

The NRC granted the licensee's request for a 120 day extension on the response to the Notice of Violation.

In addition to the issue discussed above, the NRC issued a Confirmatory Order (EA-04-224), dated July 15, 2005, to FirstEnergy Nuclear Operating Company (FENOC) addressing action FENOC committed to take as a result of discriminatory practices exhibited by one of its contractors, AVI Food Systems, Inc. The Confirmatory Order was issued following NRC investigative activities and the results of an Alternate Dispute Resolution activity.

The enclosed inspection plan details the inspections, less those related to physical protection, scheduled through March 31, 2007. In addition to the program defined inspection activities, additional oversight activities will be conducted to follow up on your commitments and action plans to address the results from the independent assessments required by the March 8, 2004, Confirmatory Order (EA-03-214) in the areas of Operations, Engineering, Corrective Action Program, and Safety Culture/Safety Conscious Work Environment. The inspection plan is provided to minimize the resource impact on your staff and to allow for the resolution of any

scheduling conflicts and personnel availability issues well in advance of inspector arrival onsite. Routine resident inspections are not listed due to their ongoing and continuous nature. The inspection in the last nine months of the inspection plan are tentative and may be revised at the end-of-cycle review meeting.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (The Public Electronic Reading Room).

If circumstances arise which cause us to change the inspection plan, we will contact you to discuss the change as soon as possible. Please contact Christine Lipa at (630) 829-9619 with any questions you may have regarding this letter or the inspection plan.

Sincerely,

***/RA by G. Shear Acting for/***

Mark A. Satorius  
 Director, Division of Reactor Safety

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

Enclosure: Davis-Besse Nuclear Power Station Inspection/Activity Plan

See Attached Distribution

DOCUMENT NAME:G:\Branch TSS\ALL MOC\midcycle 2004 to 2005\MOC letters\davi.wpd

Publicly Available       Non-Publicly Available       Sensitive       Non-Sensitive

To receive a copy of this document, indicate in the concurrence box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

|        |          |                   |           |                     |                      |  |
|--------|----------|-------------------|-----------|---------------------|----------------------|--|
| OFFICE | RIII     | RIII              | RIII      | RIII                | RIII                 |  |
| NAME   | GWright  | GWright for CLipa | CPederson | SRichards via email | GShear for MSatorius |  |
| DATE   | 08/26/05 | 08/26/05          | 08/29/05  | 08/29/05            | 08/30/05             |  |

**OFFICIAL RECORD COPY**

cc w/encl: The Honorable Dennis Kucinich  
G. Leidich, President - FENOC  
J. Hagan, Senior Vice President of  
Operations and Chief Operating Officer  
Director, Plant Operations  
Manager - Regulatory Compliance  
D. Jenkins, Senior 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  
President, Ottawa County Board of Commissioners  
Ottawa County Sheriff  
Director, Ottawa County EMA  
Lucas County Sheriff  
Director, Lucas County EMA  
Genoa Village Administrator  
Mayor of Clay Center  
Mayor of Elmore  
Mayor of Genoa  
Mayor of Oak Harbor  
Mayor of Toledo  
Mayor of Port Clinton  
Mayor of Marblehead  
Village of Rocky Ridge  
Village Administrator of Oak Harbor  
Mayor of Put-in-Bay  
INPO

ADAMS Distribution:

GYS

DWW

Project Director, NRR

Project Mgr., NRR

RidsNrrDipmlipb

JLC1

GEG

KGO

RML2

SRI Davis-Besse

DRPIII

DRSIII

PLB1

JRK1

**Davis-Besse**  
**Inspection / Activity Plan**  
**09/01/2005 - 03/31/2007**

| Unit Number | Inspection Activity | Title   | No. of Staff on Site | Planned Dates Start | Planned Dates End | Inspection Type      |
|-------------|---------------------|---|----------------------|---------------------|-------------------|----------------------|
|             | <b>93812</b>        | <b>- '04 SC/SCWE ACTION PLAN EFFECTIVENESS</b>  | <b>9</b>             |                     |                   |                      |
| 1           | IP 93812            | Special Inspection  |                      | 09/12/2005          | 09/16/2005        | Event Response Insp  |
|             | <b>95001</b>        | <b>- DISCREPANT PI FOLLOW UP - SIRENS</b>   | <b>1</b>             |                     |                   |                      |
| 1           | IP 95001            | Supplemental Inspection For One Or Two White Inputs In A Strategic Performance Area     |                      | 10/17/2005          | 10/21/2005        | Supplemental Program |
|             | <b>93812</b>        | <b>- CONF. ORDER SC/SCWE IN-PROCESS '05</b>   | <b>1</b>             |                     |                   |                      |
| 1           | IP 93812            | Special Inspection  |                      | 11/14/2005          | 11/18/2005        | Event Response Insp  |
|             | <b>93812</b>        | <b>- CONF. ORDER ENGR IN-PROCESS '05</b>  | <b>1</b>             |                     |                   |                      |
| 1           | IP 93812            | Special Inspection  |                      | 12/05/2005          | 12/09/2005        | Event Response Insp  |
|             | <b>MOD/5059</b>     | <b>- MODIFICATIONS AND 50.59</b>  | <b>2</b>             |                     |                   |                      |
| 1           | IP 7111102          | Evaluation of Changes, Tests, or Experiments  |                      | 01/23/2006          | 02/10/2006        | Baseline Inspections |
| 1           | IP 7111117B         | Permanent Plant Modifications   |                      | 01/23/2006          | 02/10/2006        | Baseline Inspections |
|             | <b>71114</b>        | <b>- BASELINE EP INSPECTION</b>   | <b>1</b>             |                     |                   |                      |
| 1           | IP 7111402          | Alert and Notification System Testing   |                      | 02/13/2006          | 02/17/2006        | Baseline Inspections |
| 1           | IP 7111403          | Emergency Response Organization Augmentation Testing                                    |                      | 02/13/2006          | 02/17/2006        | Baseline Inspections |
| 1           | IP 7111405          | Correction of Emergency Preparedness Weaknesses and Deficiencies                        |                      | 02/13/2006          | 02/17/2006        | Baseline Inspections |
| 1           | IP 71151            | Performance Indicator Verification  |                      | 02/13/2006          | 02/17/2006        | Baseline Inspections |
|             | <b>ISI</b>          | <b>- ISI/TI-150</b>   | <b>1</b>             |                     |                   |                      |
| 1           | IP 2515/150         | Reactor Pressure Vessel Head and Vessel Head Penetration Nozzles (NRC ORDER EA-03-      |                      | 03/06/2006          | 03/31/2006        | Safety Issues        |
| 1           | IP 7111108P         | Inservice Inspection Activities - PWR   |                      | 03/06/2006          | 03/31/2006        | Baseline Inspections |
|             | <b>71121.02</b>     | <b>- OUTAGE: ACCESS CONTROL &amp; ALARA</b>   | <b>2</b>             |                     |                   |                      |
| 1           | IP 7112101          | Access Control to Radiologically Significant Areas                                      |                      | 03/06/2006          | 03/17/2006        | Baseline Inspections |
| 1           | IP 7112102          | ALARA Planning and Controls   |                      | 03/06/2006          | 03/17/2006        | Baseline Inspections |
|             | <b>IP 71122</b>     | <b>- REMP, ACCESS CONTROL</b>   | <b>2</b>             |                     |                   |                      |
| 1           | IP 7112101          | Access Control to Radiologically Significant Areas                                      |                      | 05/15/2006          | 05/19/2006        | Baseline Inspections |
| 1           | IP 7112203          | Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control P |                      | 05/15/2006          | 05/19/2006        | Baseline Inspections |
|             | <b>IP 71122</b>     | <b>- ACCESS CNTL, RADWASTE &amp; TRANSPORTATION</b>                                     | <b>1</b>             |                     |                   |                      |
| 1           | IP 7112101          | Access Control to Radiologically Significant Areas                                      |                      | 09/18/2006          | 09/22/2006        | Baseline Inspections |
| 1           | IP 7112202          | Radioactive Material Processing and Transportation                                      |                      | 09/18/2006          | 09/22/2006        | Baseline Inspections |
| 1           | IP 71151            | Performance Indicator Verification  |                      | 09/18/2006          | 09/22/2006        | Baseline Inspections |
|             | <b>71111.11</b>     | <b>- LIC OPERATOR REQUAL PROGRAM EVALUATION</b>   | <b>2</b>             |                     |                   |                      |
| 1           | IP 7111111B         | Licensed Operator Requalification Program   |                      | 10/23/2006          | 10/27/2006        | Baseline Inspections |
|             | <b>HS</b>           | <b>- HEAT SINK INSPECTION</b>   | <b>1</b>             |                     |                   |                      |
| 1           | IP 7111107B         | Heat Sink Performance   |                      | 12/11/2006          | 12/15/2006        | Baseline Inspections |
|             | <b>7112201</b>      | <b>- EFFLUENTS, ACC CNTL</b>  | <b>1</b>             |                     |                   |                      |
| 1           | IP 7112101          | Access Control to Radiologically Significant Areas                                      |                      | 01/08/2007          | 01/12/2007        | Baseline Inspections |

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.

Davis-Besse  
Inspection / Activity Plan  
09/01/2005 - 03/31/2007

| Unit Number | Inspection Activity                         | Title  | No. of Staff on Site | Planned Dates<br>Start End |            | Inspection Type      |
|-------------|---|--|----------------------|----------------------------|------------|----------------------|
| 1           | 7112201 - EFFLUENTS, ACC CNTL<br>IP 7112201 | Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems | 1                    | 01/08/2007                 | 01/12/2007 | Baseline Inspections |

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.