



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352
February 25, 2010

EA-09-283

Mr. Barry Allen
Site Vice President
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2, Mail Stop A-DB-3080
Oak Harbor, OH 43449-9760

**SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING;
NOTIFICATION OF FOLLOW-UP ASSESSMENT; AND NOTICE OF
VIOLATION; NRC INSPECTION REPORT NO. 05000346/2010502;
DAVIS-BESSE NUCLEAR POWER STATION**

Dear Mr. Allen:

The purpose of this letter is to provide you the final results of our significance determination for the preliminary White finding identified in U.S. Nuclear Regulatory Commission (NRC) Inspection Report 05000346/2009503. The finding is associated with the failure to implement the emergency classification and action level scheme during an actual event for an explosion in the switchyard.

In a telephone conversation with Mr. Hironori Peterson of my staff on January 6, 2010, you did not contest the characterization of the risk significance of this finding and declined the opportunity to discuss this issue in a Regulatory Conference.

In a letter dated January 28, 2010, you provided a response to our preliminary White finding. You indicated that you did not contest the finding or its significance. However, you described some apparent contradictions between the information developed during your evaluation and the documentation of the event contained in our inspection report. You indicated that your review of plant communication recordings did not specifically indicate the use of the word "explosion" in certain communications into the control room, which were described in our inspection report. As documented in that report, our inspection included a review of plant documents and communication recordings, and we interviewed your staff who responded to the event. Your staff stated to our inspector that the word "explosion" was used in some cases and, in others, equivalent descriptive information was provided to the control room, which was summarized in the inspection report. After considering the information developed during the inspection, and your written response, the NRC has concluded that the inspection finding is appropriately characterized as White, a finding with low to moderate safety significance that may require additional NRC inspections.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in the NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also determined that the finding had an associated violation, as cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a White finding.

You stated that the root cause and corrective actions of the event are currently under management review. Therefore, you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

As a result of our review of the Davis-Besse Nuclear Power Station's performance, including this White finding, we have assessed you to be in the Regulatory Response column of the NRC's Action Matrix. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Inspection for One or Two White Inputs in a Strategic Performance Area," when your staff has notified us of your readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Sincerely,

/RA by Cynthia D. Pederson Acting for/

Mark A. Satorius
Regional Administrator

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

Enclosure:
Notice of Violation

cc w/encl: Distribution via Listserv

Letter to Barry Allen from Mark A. Satorius dated February 25, 2010

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING;
NOTIFICATION OF FOLLOW-UP ASSESSMENT; AND NOTICE OF
VIOLATION; NRC INSPECTION REPORT NO. 05000346/2010502;
DAVIS-BESSE NUCLEAR POWER STATION

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NOTICE OF VIOLATION

FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station

Docket No. 50-346
License No. NPF-3
EA-09-283

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on August 4 through 6, 2009, with additional review through November 23, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 CFR 50.54(q) requires, in part, that a holder of a nuclear power reactor operating license under this part shall follow emergency plans which meet the standards in 10 CFR 50.47(b).

Title 10 CFR 50.47(b)(4) requires, in part, that the nuclear facility licensee have a standard emergency classification and action level scheme in use, and State and local response plans call for reliance on information provided by facility licensees for determinations of minimum initial offsite response measures.

Davis-Besse Nuclear Power Station Emergency Plan, Section 2.6.1, states, in part, "Detailed actions to be taken by individuals in response to onsite emergency conditions are described in the Emergency Plan Implementing Procedures."

Davis-Besse Nuclear Power Station Emergency Plan Implementing Procedure, RA-EP-01500, "Emergency Classification," Revision 10, Section 6.1.1 requires, in part, that when indications of abnormal occurrences are received by the Control Room staff, the Shift Manager shall verify the indications of the off-normal event or reported sighting, assess the information available from valid indications or reports, and classify the situation.

Davis-Besse Emergency Plan Table of Emergency Action Level Conditions for 'Explosion' under the 'Hazards to Station Operations' category requires, in part, the declaration of an Alert for an onsite explosion affecting plant operations in all modes with the: (1) control room being informed by station personnel who have made a visual sighting; and (2) instrumentation readings on plant systems indicating equipment problems.

Contrary to the above, on June 25, 2009, from 00:50 to 01:47 hours, the Shift Manager failed to verify the indications of the off-normal event or reported sighting, assess the information available from valid indications or reports of an explosion, and classify the situation as an Alert in accordance with the Davis-Besse Emergency Plan Table of Emergency Action Level Conditions during an actual event. Specifically, the valid indications and reports included: (1) the control room being informed by security personnel of a visual sighting of an explosion in the switchyard; (2) instrumentation readings and annunciators in the control room that indicated the loss of the 'J' bus; and (3) onsite field reports from the equipment operator and from the Fire Brigade Captain of catastrophic failure of a transformer and debris.

This violation is associated with a White Significance Determination Process finding.

ENCLOSURE

Pursuant to the provisions of 10 CFR 2.201, FirstEnergy Nuclear Operating Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-09-283" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response.

If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 25th day of February 2010

ENCLOSURE

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Sincerely,
/RA by Cynthia D. Pederson Acting for/
 Mark A. Satorius
 Regional Administrator

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¹ OE concurrence received via e-mail from G. Gulla on February 18, 2010.