

NOTICE OF VIOLATION

Toledo Edison Company
Davis-Besse NPS

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

During an NRC inspection conducted on August 23, 1995, through October 11, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381, June 30, 1995), the violation is listed below:

10 CFR Part 50, Appendix B, Criterion V, stated, in part, that "Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings."

Licensee Nuclear Quality Assurance Manual Section 11.4.1.8 stated, in part, that "Surveillance and Periodic Tests shall be scheduled and tracked in accordance with station administrative procedures to ensure timely conduct of tests."

Licensee procedure DB-DP-00013, Surveillance and Periodic Test Program, paragraph 4.1, stated, in part, that "A critical Periodic Test is a Periodic Test considered to be important to the operation of the plant, and is required to be performed on a routine schedule. A Critical Periodic Test may be the result of a regulatory commitment, or it may contain acceptance criteria or data (once reviewed) that could affect a Technical Specification OPERABILITY determination."

Contrary to the above, on August 17, 1995, it was determined that the instrument loop associated with plant computer point T413, the control room indication used by operations personnel to determine that the Ultimate Heat Sink Temperature was less than its Technical Specification Limit of 85°F, was not included in the licensee's surveillance and periodic test program since 1990. (50-346/95008-04(DRP))

This is a severity level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Toledo Edison is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 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" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full

compliance will be achieved. 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Lisle, Illinois
this 22 th day of November 1995