



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

June 4, 1999

EA 99-138

Mr. Guy G. Campbell  
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 SPECIAL INSPECTION REPORT 50-346/98021(DRP)

Dear Mr. Campbell:

On May 13, 1999, the NRC completed an inspection at your Davis-Besse site. The purpose of the inspection was to review the circumstances surrounding the discovery of two missing body-to-bonnet nuts on pressurizer spray valve RC-2. The enclosed report presents the results of that inspection.

Based on the results of this inspection, two apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The first apparent violation concerns the failure to ensure adequate material separation was maintained during RC-2 maintenance activities which resulted in the installation of three carbon steel body-to-bonnet nuts on the valve. Two of these nuts completely corroded away and the third had partially corroded away from the effects of boric acid contained in an RC-2 packing leak. The second apparent violation concerns the failure to take prompt, effective corrective actions to identify and correct this condition after the discovery of one missing body-to-bonnet nut. The degraded condition of RC-2 with one partially corroded nut and two missing nuts required a detailed evaluation to determine if it would have functioned under all design loads. Although your staff initially determined that the valve would not have functioned under extreme design conditions, the results of a more detailed calculation indicated that it would have functioned under all design loads. Once it was identified that boric acid corrosion was the cause of the missing nuts, a comprehensive review of the condition occurred and thorough, effective corrective actions were taken.

The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with you at the exit meeting on May 13, 1999. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. In addition, since your facility has not been the subject of escalated enforcement actions within the last 2 years, and based on our understanding of your corrective actions, a civil penalty may not be warranted in accordance with Section VI.B.2 of the Enforcement Policy.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, (2) request a predecisional enforcement conference, or (3) inform the NRC that the subject inspection report and Licensee Event Report (LER) 50-346/98-009 already contain the information requested in the next paragraph and that you will not provide a

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response. If a conference is held, it will be open for public observation. The NRC will also issue a press release to announce the conference. Please contact Tom Kozak at 630/829-9866 within 7 days of the date of this letter to notify the NRC of your intended response.

Your response, if you elect to provide one, should be clearly marked as a "Response to Apparent Violations in Inspection Report 50-346/98021(DRP)," and should include the following information for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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. Your response should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (if you choose to provide one) will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Sincerely,

/s/ G. E. Grant

Geoffrey E. Grant, Director  
Division of Reactor Projects

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

Enclosure: Inspection Report 50-346/98021(DRP)

cc w/encl: J. Stetz, Senior Vice President - Nuclear  
J. Lash, Plant Manager  
J. Freels, Manager Regulatory Affairs  
M. O'Reilly, FirstEnergy  
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R. Owen, Ohio Department of Health  
C. Glazer, Chairman, Ohio Public  
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