

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

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cc w/encl: The Honorable Dennis Kucinich  
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Director, Plant Operations  
Manager - Regulatory Compliance  
D. Jenkins, Senior Attorney, FirstEnergy  
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**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 Start      End	Inspection Type
1	7112201 IP 7112201	- EFFLUENTS, ACC CNTL Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems	1	01/08/2007    01/12/2007	Baseline Inspections

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This report shows only on-site and announced inspection procedures.