

January 28, 2004

EA-03-209

Mr. Lew W. Myers
Chief Operating Officer
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
NRC SPECIAL INSPECTION - COMPLETENESS AND ACCURACY
OF REQUIRED RECORDS AND SUBMITTALS TO THE NRC -
REPORT NO. 50-346/03-19(DRP)

Dear Mr. Myers:

This refers to the inspection conducted from October 20 through 24, 2003, at your Davis-Besse Nuclear Power Station. This inspection included review of your actions to resolve Restart Checklist Item No. 3.i., associated with the completeness and accuracy of required records and submittals to the NRC. The purpose of the inspection was for the NRC to determine whether reasonable confidence exists that important docketed information is complete and accurate in all material respects and that the licensee has taken appropriate corrective actions to ensure that future regulatory submittals are complete and accurate. The enclosed report presents the results of this inspection which were discussed with members of your staff during an exit meeting on November 12, 2003.

The inspection was an examination of activities conducted under your license as they relate to reactor safety and compliance with the Commission's rules and regulations and with the conditions of your license. The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel.

Based on the results of this inspection, one apparent violation was identified and is 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 current Enforcement Policy is included on the NRC's Web site at www.nrc.gov; select *What We Do, Enforcement*, then *Enforcement Policy*. The apparent violation, described in Section 4OA3.7.b.3 of this report, involves failure to provide the NRC complete and accurate information as required by 10 CFR 50.9 in your November 11, 1998, response to NRC Generic Letter 98-04, "Potential for Degradation of the Emergency Core Cooling System and the Containment Spray System After a Loss-of-Coolant-Accident Because of Construction and Protective Coating Deficiencies and Foreign Material in Containment." Specifically, information pertaining to unqualified protective coatings and the likelihood of clogging of the containment emergency sump screen was not provided to the NRC in a complete and accurate manner.

The NRC has reviewed the circumstances surrounding this apparent violation. The significance of the issue and the need for lasting and effective corrective action were discussed with members of your staff at the inspection exit meeting on November 12, 2003. No Notice of Violation is being issued for this apparent violation at this time.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either respond to the apparent violation within 30 days of the date of this letter or request a predecisional enforcement conference. 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 Christine Lipa at (630) 829-9619 within 7 days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to An Apparent Violation in Inspection Report No. 50-346/03-19; EA-03-209," and include: (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. In addition, you may provide any relevant information related to the application of enforcement discretion discussed in Section VII of the Enforcement Policy. Your response should be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, IL 60532 and to the Resident Inspector at Davis-Besse. Your response may reference or include previously 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.

Please be advised that the characterization of the apparent violation described in the enclosed inspection report may change as a result of further NRC review. Your updated response to NRC Generic Letter 98-04, dated November 26, 2003, was received. You will be advised by separate correspondence of the results of our deliberations on this apparent violation.

The inspectors also identified one issue of very low safety significance which was determined to involve a violation of NRC requirements. However, because of the very low safety significance and because this issue was entered into your corrective action program, the NRC is treating this issue as a Non-Cited Violation, in accordance with Section VI.A.1 of the NRC's Enforcement Policy. If you deny the Non-Cited Violation, you should provide a response with the basis for your denial, within 30 days of the date of this inspection report, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region III; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and the NRC Resident Inspector at Davis-Besse.

The inspectors also identified an Unresolved Item (URI), described in Section 4OA3.7.b.2 of this report, that involves failure to provide the NRC complete and accurate information as required by 10 CFR 50.9 in your LER 97-04, dated March 3, 1997, which discussed a portion of the oil piping for each reactor coolant pump motor that was outside the oil collection system

contrary to the requirements of 10 CFR 50, Appendix R. Specifically, information related to a prior opportunity to identify the problem was deleted from the Apparent Cause of Occurrence Section of the LER prior to submittal. Pending further review by the NRC of the cause of this issue, the failure to provide complete and accurate information in LER 97-04 remains an URI.

During this inspection we confirmed that you have taken appropriate corrective actions to ensure that future regulatory submittals are complete and accurate in all material respects. The procedures for regulatory submittals have been revised to ensure that submittals are properly validated before issuance. Site personnel, including the site supervisory personnel, have been given training to ensure that they are cognizant of the requirements of 10 CFR 50.9 and the implications of not complying with those requirements. New supervisory training includes management responsibilities related to completeness and accuracy. New employee training includes the requirements of 10 CFR 50.9 as part of the orientation.

This inspection identified no widespread noncompliances of regulatory requirements or current programmatic concerns associated with the completeness and accuracy of submittals to the NRC. Based on the documents and corrective actions reviewed during this inspection and the results of previous NRC inspections of your activities under the Davis-Besse Return-to-Service Plan, the NRC has reasonable confidence that important docketed information is complete and accurate in all material respects and that future submittals will be complete and accurate. Therefore, the Davis-Besse Oversight Panel considers Restart Checklist Item 3.i. closed.

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 made available electronically for public inspection in the NRC Public Document Room or from the NRC's document 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/

John A. Grobe, Chairman
Davis-Besse Oversight Panel

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

Enclosure: NRC Special Inspection Report
No. 50-346/03-19(DRP)

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* via email from J. Luehman

L. Myers

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cc w/encl: The Honorable Dennis Kucinich
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U.S. NUCLEAR REGULATORY COMMISSION

REGION III

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

Report No: 50-346/03-19(DRP)

Licensee: FirstEnergy Nuclear Operating Company

Facility: Davis-Besse Nuclear Power Station

Location: 5501 North State Route 2
Oak Harbor, OH 43449

Dates: October 20, 2003, through October 24, 2003

Inspectors: D. Passehl, Senior Project Engineer
J. Hopkins, NRR Project Manager
B. Berson, Region III Counsel

Approved by: Christine Lipa, Chief
Projects Branch 4
Division of Reactor Projects

Enclosure

SUMMARY OF FINDINGS

IR 50-346-03-19(DRP); FirstEnergy Nuclear Operating Company; on 10/20/03 - 11/12/03; Davis-Besse Nuclear Power Station. Special Inspection of Restart Checklist Item 3.i.

The special inspection was conducted by Region III and Headquarters personnel to review the licensee's actions to address Restart Checklist Item 3.i, "Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC." The inspectors identified three findings, one of which was determined to be an apparent violation. The significance of findings is indicated by their color (Green, White, Yellow, Red) using Inspection Manual Chapter 0609, "Significance Determination Process" (SDP). Findings for which the SDP does not apply may be "Green" or be assigned a severity level after NRC management review. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG-1649, "Reactor Oversight Process," Revision 3, dated July 2000.

A. Inspector Identified Findings

Cornerstone: Mitigating Systems

- AV. The inspectors identified an apparent violation of 10 CFR 50.9(a) regarding the licensee's failure to provide the NRC complete and accurate information in the licensee's response to NRC Generic Letter 98-04, "Potential for Degradation of the Emergency Core Cooling System and the Containment Spray System After a Loss-of-Coolant-Accident Because of Construction and Protective Coating Deficiencies and Foreign Material in Containment." The response, dated November 11, 1998, failed to provide complete and accurate information concerning protective coating deficiencies and foreign material in containment.

This finding potentially impacted the NRC's ability to perform its regulatory function. Since this finding cannot be processed through the Significance Determination Process, the apparent violation will be processed using the traditional enforcement process. (Section 4OA3.7.b.3)

- NCV. The inspectors identified a Non-Cited Violation of 10 CFR 50.9(a) regarding the licensee's February 22, 1989, reply to NRC Generic Letter 88-14, "Instrument Air Supply System Problems Affecting Safety-related Equipment." Specifically, the licensee's response stated that the dewpoint of Davis-Besse's Instrument Air System is checked three times weekly. However, the inspectors determined at the time the licensee's response to this Generic Letter was being prepared and issued, the dewpoint was checked significantly less than three times weekly. This was identified in the licensee's corrective action program as CR 03-08959. This finding is of very low safety significance because of the age of the issue and because substantial upgrades have been performed on the Instrument Air System.

This finding potentially impacted the NRC's ability to perform its regulatory function. This type of finding cannot be processed through the Significance Determination

Process. Consequently, the violation was processed using the traditional enforcement process. (Section 40A3.3.b.1)

Cornerstone: Barrier Integrity

- URI. The inspectors identified an Unresolved Item regarding the licensee's failure to provide the NRC complete and accurate information in Licensee Event Report 50-346/97-004, "Reactor Coolant Pump Motor Oil Piping Not Protected From Leakage As Required Per 10 CFR 50, Appendix R" dated March 3, 1997. Specifically, information related to prior opportunity to identify the problem was deleted from the Apparent Cause of Occurrence Section of the LER prior to submittal without sound basis. (Section 40A3.7.b.2)

B. Licensee Identified Violations

A violation of very low safety significance, which was identified by the licensee, has been reviewed by the inspectors. Corrective actions taken or planned by the licensee have been entered into the licensee's corrective action program. This violation and corrective action tracking number is listed in Section 40A7 of this report.

REPORT DETAILS

BACKGROUND

On August 16, 2002, the Davis-Besse Oversight Panel issued a Restart Checklist, listing issues that require resolution prior to restart. These issues were identified based on insights from routine inspections and performance indicators, the results of the NRC's Augmented Inspection Team inspection (NRC Inspection Report 50-346/02-03) and Augmented Inspection Team Followup inspection (NRC Inspection Report 50-346/02-08), insights gained from the Davis-Besse Oversight Panel's evaluation of ongoing licensee assessments, and items in the licensee's Return to Service Plan and Building Block Plans. Inspection Report 50-346/02-08 described several apparent violations of 10 CFR 50.9 involving licensee documents that were not complete and accurate in all material respects. The Davis-Besse Oversight Panel updated the Restart Checklist on January 28, 2003, adding Restart Checklist Item 3.i, "Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC."

To address Restart Checklist Item 3.i, the licensee developed a project plan to perform an extent-of-condition review of NRC submittals for completeness and accuracy. This review consisted of verification of the statements of fact contained in the submittals and resolution of discrepancies identified during the review. The project included an extent-of-condition review of a 20 percent sample of submittals from various categories of documents that Davis-Besse submitted to the NRC between January 1996 and March 2002. The sample size was expanded according to preestablished criteria after submittals were identified to be inaccurate or incomplete in a material respect.

Of note is that the licensee identified that statements in four separate NRC submittals may have contained information that was not complete and accurate in all material respects as required by 10 CFR 50.9(a). The licensee initially reported six submittals that may have been materially incomplete or inaccurate. Four of these submittals were reported in a letter dated July 15, 2003. The fifth submittal was reported in a letter dated August 15, 2003, and the sixth submittal was reported in a letter dated September 15, 2003. Subsequently, on November 17, 2003, the licensee issued a retraction of two of the four submittals reported in its July 15, 2003, letter. The licensee determined that none of the potential inaccurate or incomplete statements had significant implications for public health and safety or common defense and security.

This inspection was performed to assess the results of the licensee's efforts to address Restart Checklist Item 3.i. The purpose of this inspection was for the NRC to determine whether reasonable confidence exists that important docketed information is complete and accurate and documents submitted in the future would be complete and accurate. The inspection included a review of the licensee's project plan implementation documents with detailed reviews of submittals, including a sample of recent submittals which were not evaluated by the licensee's project team. The inspectors interviewed individuals and reviewed the quality and extent of training of employees regarding compliance with 10 CFR 50.9. The inspectors reviewed the licensee's October 24, 2003, Restart Checklist Item 3.i., Closure Report, and assessed from an enforcement perspective the licensee's notification letters of July 15, August 15, and September 15, 2003.

4. OTHER ACTIVITIES

4OA3 Event Followup (93812)

.1 Review of Licensee Completeness and Accuracy Action Plan Documents

a. Inspection Scope

The inspectors reviewed the licensee's Restart Action Plan documents that addressed the methodology and programmatic requirements for its completeness and accuracy review process. Documents reviewed are included in the "List of Documents Reviewed" section at the end of this report.

b. Findings

The licensee's methodology and programmatic requirements for its completeness and accuracy review process provided a reasonable approach to address NRC Restart Checklist Item 3.i. The licensee implemented several actions, including: (1) Developing and issuing administrative procedures governing outgoing NRC correspondence and reports; (2) Performing an extent-of-condition review of the completeness and accuracy of documents based on a sample population of previously submitted NRC correspondence; (3) Addressing discrepancies resulting from the reviews via the corrective action system; (4) Developing a new corporate policy and conducting site-wide awareness training of the requirements of 10 CFR 50.9; and (5) Revising new employee orientation manuals and developing an initial training program requirement for all new supervisors.

The licensee's completeness and accuracy reviews were conducted by one or more technically competent individuals not involved in drafting, reviewing, or concurring with the submittal under consideration. The reviews were performed in accordance with Procedure NG-RA-00804, "NRC Communications," Attachment 2. After identifying statements of fact, technical reviewers determined whether each statement of fact could be verified by a contemporaneous source document. If contemporaneous information could not be located, more current information was used to substantiate the statements of fact. Examples of acceptable source documents discussed in Procedure NG-RA-00804, Attachment 2, included:

- Approved and controlled design documents, calculations, specifications, vendor manuals, or drawings;
- Updated Safety Analysis Report, Technical Specifications, or system descriptions; approved procedures, program documents, policies, or standards; and
- Approved modification packages, training records, control room logs, work orders, and condition report root cause analyses.

Reviewers were required to identify information that was inconsistent with statements of fact, whether supporting documents included relevant information that was omitted from the document submitted to the NRC, and to determine whether subsequent correspondence with the NRC corrected any materially inaccurate or incomplete statements that were identified.

Incomplete or inaccurate statements of fact that were identified during this process were evaluated to determine whether the inconsistent information would have been material to the NRC at the time the incomplete or inaccurate statements of fact were made. The basis for this determination was documented in a Discrepancy Log. Discrepancies were reviewed by a multi-discipline team to determine the proper disposition. Statements of fact that were not considered material but required some corrective action were documented in a condition report and addressed through the licensee's corrective action program. Those statements of fact considered to be material inaccuracies or omissions were also documented in a condition report and required NRC notification in accordance with Procedure NG-RA-00804 and Procedure NOP-LP-4007, "NRC Correspondence Review and Approval Process."

The inspectors discussed with the licensee some observations pertaining to Procedure NOP-LP-4007 and Procedure NG-RA-00804. Neither Procedure NOP-LP-4007, Procedure NG-RA-00804, nor Policy NOPL-LP-4001, "Completeness and Accuracy of Information," defined the term "material." The inspectors commented that a definition would be helpful; for example, information that is material has a natural tendency or capability to influence an Agency decision-maker. The licensee initiated CA 03-05576-01 to track clarifications to the program documents. In addition, the licensee initiated CA 02-04914-23 to track incorporation of the definition of "material."

.2 Review of Licensee Training Materials and Conduct of Training

a. Inspection Scope

The inspector reviewed the training materials that the licensee developed on completeness and accuracy of information and interviewed nine staff and management individuals who had attended the training. Documents reviewed are included in the "List of Documents Reviewed" section at the end of this report.

b. Findings

The licensee conducted live training, which included a slide presentation of applicable NRC regulations. The training included discussions of 10 CFR 50.9 and 10 CFR 50.5, licensee procedures and expectations, and several case studies of past NRC enforcement actions in this area. The training was presented to essentially all Davis-Besse managers, employees, and contractors during the summer of 2003. A total of about 1,100 persons received the training. The licensee excluded about 100 persons from training; these were personnel who would not likely contribute to 10 CFR 50.9 and 10 CFR 50.5 issues, such as cafeteria workers, copier personnel, etc. The inspectors determined that the licensee's approach to training of the individuals was satisfactory.

The slide presentation was followed by a 10 question closed book quiz. A passing score of at least eight out of 10 correct was required and participants who failed were remediated until they were able to pass the quiz. The inspector reviewed a video tape of the training, the training slides, and several different quizzes administered by the licensee. With the exception of an erroneous statement in the training materials that the material false statement provisions of Section 186 of the Atomic Energy Act of 1954, as amended, do not apply to omissions, the training materials were acceptable. The licensee agreed to remove the erroneous statement from its training materials. The training materials regarding the provisions of 10 CFR 50.9 correctly stated that omissions are covered by the regulation.

All of the individuals interviewed by the inspectors had an adequate understanding of the need for completeness and accuracy of information and believed that periodic refresher training of this topic would be desirable. The comment about the desire for periodic refresher training was provided to the licensee. The licensee agreed to provide periodic refresher training and expand this training to all of the FirstEnergy Nuclear Operating Company sites. The licensee initiated CA-03-08959-01 to track this item.

The inspectors also reviewed applicable pages of the September 1, 2003, revision to the Employee Orientation Manual for Davis-Besse that was supplemented to include materials on completeness and accuracy of information. The Manual applies to Davis-Besse employees, not contractors. The licensee initiated CA 20-02-04914 to track development of some type of orientation manual for contractors. Because the September 1, 2003, revision was just recently implemented, the inspectors were able to interview only one individual who had completed this portion of the Manual. The individual had an adequate understanding of the material and he confirmed that his supervisor discussed the material with him as specified in the Manual. The licensee agreed to implement a revised employee manual to all of the FirstEnergy Nuclear Operating Company sites. The licensee initiated CA 03-03-08959 to track this issue.

.3 Review of Submittals from Davis-Besse to the NRC Between January 1996 and April 2003

a. Inspection Scope

The inspectors performed a detailed review of a sample of submittals evaluated by the licensee to assess the quality of the licensee's work. The licensee performed its review focusing on submittals in the categories of: (1) Responses to NRC Generic Letters; (2) Responses to NRC Bulletins; (3) License Amendment Requests, including Amendments and responses to Requests for Additional Information; (4) Changes to licensing basis documents such as the Quality Assurance Program, Emergency Plan, and Security and Safeguards; and (5) Licensee Event Reports. For each submittal reviewed, the inspectors checked the source documentation. The inspectors' review included a review of discrepancies which the licensee concluded were not material in accordance with 10 CFR 50.9. Documents reviewed are included in the "List of Documents Reviewed" section at the end of this report.

b. Findings

The inspectors identified one Non-Cited Violation of 10 CFR 50.9 regarding the licensee's failure to provide the NRC complete and accurate information in all material respects. This concerned the licensee's reply to Generic Letter 88-14, Instrument Air Supply System Problems Affecting Safety-related Equipment. In addition, one minor violation was identified.

General

The inspectors determined that, in general, the licensee's methodology for conducting the completeness and accuracy reviews was comprehensive. The licensee reviewers were technically competent and appropriately initiated discrepant observations into a logbook and initiated condition reports when the discrepancies could not be immediately resolved. The inspectors sampled discrepant observations identified by the licensee and determined that the observations were generally satisfactorily resolved.

The licensee reviewed 70 NRC submittals in this part of its completeness and accuracy review project. The category of submittals reviewed and numbers of submittals reviewed in each category were as follows: Generic Letter Responses (13); Bulletin Responses (5); License Amendment Requests (22); Licensee Event Reports (10); Security (1); Quality Assurance (2); Emergency Preparedness (1); 10 CFR 50.54(f) Responses (3); Inservice Inspection/Testing (5); Miscellaneous (8).

The licensee chose a 20 percent sample of documents for detailed review within each of the five categories listed above based upon the following criteria:

- Preference for documents that discuss technical or safety issues as distinct from administrative issues;
- Preference for documents that discuss risk-significant structures, systems, and components; and
- Preference for documents that are at higher risk for an error based upon such factors as complexity of issues addressed, short period available for preparation of the document, and preparation of the document during a period of high plant or licensing activity.

Several other documents were subsequently added to this review effort. These documents included:

- Submittals prepared, reviewed, or approved by individuals involved in a sample of responses to NRC Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles."
- Initial and subsequent responses to the NRC's October 1996 "Request for Information Pursuant to 10 CFR 50.54(f) Regarding the Adequacy and Availability of Design Basis Information."

- Response to Generic Letter 98-04, "Potential for Degradation of the Emergency Core Cooling System and the Containment Spray System After a Loss-of-Coolant Accident Because of Construction and Protective Coating Deficiencies and Foreign Material in Containment."

The licensee's review identified that statements in four separate NRC submittals may have contained information that was not complete and accurate in all material respects as required by 10 CFR 50.9(a). The licensee initially reported six submittals that may have been materially incomplete or inaccurate. Four of these submittals were reported in a letter dated July 15, 2003. The fifth submittal was reported in a letter dated August 15, 2003, and the sixth submittal was reported in a letter dated September 15, 2003. Subsequently, on November 17, 2003, the licensee issued a retraction of two of the four submittals reported in their July 15, 2003, letter. The inspectors' review of the six submittals reported by the licensee, including the licensee's response to Generic Letter 98-04, is discussed in Section 4OA3.7 of this report.

During their reviews the inspectors identified one example of a poor review of a submittal. This was License Amendment Request 97-0005, Control Room Emergency Ventilation System, April 18, 1997. Some of the statements of fact contained in the document were designated as not needing validation. The licensee's validation process did allow for exclusion of certain statements from the verification process, such as reiteration of statements contained in NRC documents, statements of opinion, etc. However, none of these exclusions were appropriate in this case. Although the inspectors identified no obvious discrepancies, the licensee's decision to exclude the statements from the verification process was inappropriate and did not meet the standard that the inspectors observed from review of other licensee documents. The inspectors discussed this issue with the licensee, who initiated CA 02-04914-24 to track this concern.

The inspectors' observations of other specific issues are discussed below.

b.1 Generic Letter 88-14, "Instrument Air Supply System Problems Affecting Safety-related Equipment"

The licensee's February 22, 1989 response to this Generic Letter (Serial Number 1-861), stated that:

"Air quality of Davis-Besse's Instrument Air System is maintained as part of scheduled preventive maintenance. The system's dewpoint is checked three times weekly."

The licensee identified that, while reviewing maintenance work orders, in many instances the dewpoint measurement was not available because the instrument that measures the dewpoint was out of service. The licensee documented this issue in the discrepancy log and concluded that the statement in the response to the Generic Letter was valid because a program existed to check the dewpoint three times per week.

However, the inspector determined at the time the licensee's response to this Generic Letter was being prepared and issued, the dewpoint was not being checked three times

per week. Specifically, between October 1, 1988, and February 22, 1989, licensee records indicated that the dewpoint was only checked 13 times.

Analysis: Because Violations of 10 CFR 50.9 are considered to be violations that potentially impede or impact the regulatory process, they are dispositioned using the traditional enforcement process instead of the SDP. Typically, the Severity Level would be assigned after consideration of appropriate factors for the particular regulatory process violation in accordance with the NRC Enforcement Policy. However, the SDP is used, if applicable, in order to consider the associated risk significance of the finding prior to assigning a Severity Level. Using IMC 0612, Appendix B, "Issue Dispositioning Screening," the inspectors determined that the finding was more than minor because it involved the attributes of equipment performance for availability and reliability in the Mitigating Systems cornerstone, and affected the cornerstone objective by reducing the capability of mitigating systems that rely on instrument air to respond to initiating events.

Enforcement: 10 CFR 50.9, "Completeness and Accuracy of Information," states: (a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects. Contrary to this, the failure of the licensee's response to Generic Letter 88-14 to indicate that many dewpoint readings had not been taken is a violation of 10 CFR 50.9(a). Absence of this information from the Generic Letter response made the affirmative statement that the licensee checks the dewpoint three times per week incomplete or inaccurate, in that the NRC would likely have asked additional questions of the licensee if it had been provided this information. The violation was determined to be of very low safety significance because of the age of the issue and because substantial upgrades have been performed on the Instrument Air System. Therefore, this violation of 10 CFR 50.9 was classified as a Severity Level IV Violation and is being treated as a Non-Cited Violation, consistent with Section VI.A.1 of the NRC Enforcement Policy (NCV 50-346/03-19-01). The licensee initiated CR 03-09164 to track investigation of this concern. The licensee also initiated CR 03-08959 to track this as part of lessons-learned activities.

b.2 License Amendment Request 98-0006, Fuel Material Cladding Damage

The licensee submitted License Amendment Request 98-0006 to permit the use of "M5" advanced alloy for fuel cladding and fuel assembly spacer grids. The License Amendment Request contained the following statement:

"The only non-LOCA events in which the cladding material could affect the overall accident outcome were those in which departure from nucleate boiling (DNB) performance was an acceptance criterion. For such accidents, a change from Zircaloy-4 to M5 fuel rod cladding and fuel assembly spacer grids produces no adverse consequences in DNB performance. This is to be expected, since both M5 and Zircaloy-4 have very similar heat transfer properties."

Topical Report BAW-10227P-A, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," February 2000, Section 4.1, "Impact of M5 Fuel

Rod Cladding on Non-LOCA Accident Analysis," discusses non-LOCA events that do not involve DNB criteria (non-DNB). The licensee used Topical Report BAW-10227P-A to support License Amendment Request 98-0006, and the Topical Report contained the following statement:

"It will be necessary to recalculate the . . . transients . . . with M5 specific properties when licensing applications for M5 cladding are requested."

However, License Amendment Request 98-0006 does not contain a discussion regarding such recalculation. The License Amendment Request implies that non-LOCA non-DNB events need not be reconsidered due to the M5 cladding. In addition, non-LOCA non-DNB recalculations were not performed to support the License Amendment Request 98-0006.

Subsequent to the submittal of License Amendment Request 98-0006, the inspectors reviewed a recent letter from Framatome to the licensee indicating that a revision to the Topical Report has been made that states that non-LOCA safety analysis calculations (DNB and non-DNB) do not need to be recalculated just for a change to M5 cladding.

Analysis: Using IMC 0612, Appendix B, "Issue Dispositioning Screening," the inspectors determined that this issue was minor. The failure to have appropriate analyses of transients when the licensing application for M5 cladding was requested constitutes a violation of minor significance that is not subject to enforcement action in accordance with Section IV of the NRC's Enforcement Policy. The licensee initiated CR 03-09187 to track this issue.

.4 Focused Review of Submittals from Davis-Besse to the NRC Between January 1996 and December 2000

a. Inspection Scope

The inspectors performed a detailed review of submittals evaluated by the licensee as a result of the deletion of information from the Apparent Cause of Occurrence Section of Licensee Event Report (LER) 97-04, "Reactor Coolant Pump Motor Oil Piping Not Protected From Leakage As Required Per 10 CFR 50 Appendix R."

b. Findings

The licensee expanded the scope of its initial review of 70 submittals as a result of discovery of information that was deleted from the Apparent Cause of Occurrence Section of LER 97-04. This "focused review" included a review of 286 additional submittals made during the period of January 1996 to December 2000. The licensee chose this time frame because it spanned the tenure of the individual whose comments on the draft version of LER 97-04 which were omitted from the final version of LER 97-04. These reviews were performed by competent individuals who did not draft, review, or concur with the submittal under review.

Licensee reviewers examined the submittals to determine if any comments were provided during the review and approval phase and to determine how those comments

were addressed. If no comments existed, then no further review was required. If comments were provided, then the reviewer was to determine whether the comments resulted in potential omissions or inaccuracies. If a comment or disposition appeared to have resulted in an omission or inaccuracy, or propriety of the disposition could not be determined, then the reviewer logged the issue in a "Potential Issues Log" for further review.

The licensee's Regulatory Affairs and the Legal Department reviewed each potential issue and determined whether the issue was an omission or inaccuracy in accordance with 10 CFR 50.9. If an issue was determined to be an omission or inaccuracy or could not be determined based on the initial review, then a condition report was initiated. The results of the licensee's focused review resulted in the identification of several minor discrepancies which were not material or reportable.

The inspectors determined that the licensee's approach for performing these focused reviews was reasonable. The inspectors reviewed all of the check sheets that the licensee used to document the reviews. The check sheets contained information which summarized whether comments were provided and whether the disposition of the comments resulted in potential omissions or inaccuracies. The inspectors reviewed all nine discrepancies identified and determined that the discrepancies were properly documented in the "Potential Issues Log." In addition, the inspectors reviewed all four condition reports initiated from the subset of discrepancies where it was not immediately apparent if a comment was an omission or inaccuracy. The inspectors agreed with the licensee's determination that, with the exception of the issue documented in the licensee's August 15, 2003, letter discussed in Section 4OA3.7.b.2 of this report, none of the discrepancies were material.

.5 Review of Recent Submittals from Davis-Besse to the NRC Not Evaluated by the Licensee's Project Team

a. Inspection Scope

The inspectors performed a detailed review of four submittals which were not evaluated by the licensee's project team to assess the quality of work and conformance to procedures for validating correspondence. The inspectors selected submittals for review that were dated April 11, 2003, or later, which is when the licensee issued new procedures for preparation and validation of outgoing correspondence to the NRC. Additionally, the inspectors interviewed a licensee staff engineer who writes submittals and performs peer reviews of draft submittals. Documents reviewed are included in the "List of Documents Reviewed" section at the end of this report.

b. Findings

The inspectors determined that the accuracy and validity of assumptions stated in the NRC correspondence were properly cross-referenced with facts and assumptions in source documentation. The inspectors confirmed that, for the four submittals reviewed, that planned actions were captured in the licensee's commitment tracking database.

.6 Review of Site-Wide Questionnaire

a. Inspection Scope

The inspectors reviewed the results of a site-wide questionnaire which requested site personnel to identify any submittals to the NRC that may have contained incomplete or inaccurate information.

b. Findings

The licensee distributed a questionnaire via a site-wide e-mail to all Davis-Besse employees and contractors requesting personnel to identify any submittals to the NRC that may have contained incomplete or inaccurate information. The questionnaire asked if site personnel were aware of any submittal(s) to the NRC that may have contained incomplete or inaccurate information (excluding information concerning the reactor head degradation that was already known). If yes, then information was requested to help identify the submittal(s) and the information that was potentially incomplete or inaccurate. Responses were requested by July 10, 2003. Anonymous responses were acceptable.

A total of 187 responses was received. The responder included his or her name in 101 of the responses. Seven affirmative and 180 negative responses were received. Each affirmative responder included his or her name. The licensee reviewed each of the seven affirmative responses and the inspectors also reviewed each of the seven. Three of the seven issues involved security concerns, which were forwarded to Region III Security Specialists, who were aware of the issues and determined that the issues had already been appropriately addressed. The inspectors concluded that none of the submittals corresponding to the seven affirmative responses contained inaccurate or incomplete information per 10 CFR 50.9.

.7 Review of July 15, August 15, and September 15, 2003, Letters to the NRC

a. Inspection Scope

The inspectors reviewed the licensee's submittals described in letters to the NRC dated July 15, 2003, August 15, 2003, and September 15, 2003. The purpose of the review was to evaluate the submittals from an enforcement perspective. Documents reviewed are included in the "List of Documents Reviewed" Section at the end of this report.

b. Findings

The licensee's letters discussed submittals provided by the licensee that may not have been complete and accurate in all material respects as required by 10 CFR 50.9(a). On November 17, 2003, the licensee issued a retraction of two of the four submittals reported in their July 15, 2003, letter. The licensee stated that they plan to process follow-up submittals for all four incomplete or inaccurate submittals to correct the docket.

b.1 July 15, 2003 Letter

One Non-Cited Violation of 10 CFR 50.9 was identified regarding the licensee's failure to provide the NRC complete and accurate information in all material respects. This concerned License Amendment Request No. 96-008, "License Amendment Application to Revise Technical Specification 3/4.7.5.1, Ultimate Heat Sink." In addition, three minor violations were identified.

(1) License Amendment Request No. 96-008, "License Amendment Application to Revise Technical Specification 3/4.7.5.1, Ultimate Heat Sink"

The licensee submitted License Amendment Request No. 96-008 (FirstEnergy Nuclear Operating Company (FENOC) Letter, Serial 2397, July 28, 1999) to increase the allowable ultimate heat sink average water temperature, as specified in Technical Specification Limiting Condition for Operation 3.7.5.1.b, from $\leq 85^{\circ}\text{f}$ to $\leq 90^{\circ}\text{F}$. This Amendment Request contained the following statements:

"The new containment temperature profile was evaluated for its impact on Environmental Qualification (EQ) of equipment located in containment (References 3 and 4). This evaluation concluded that the equipment qualification tests demonstrate that the instrumentation required to monitor the course of an accident have a qualified life of approximately 1 year or greater, which is consistent with the Toledo Edison Design Criteria Manual Section 8.3.3, Environmental Conditions (Reference 13)."

The licensee identified that sixteen instruments shown by Calculation C-ES-201.10-001 Revision 1 (Reference 4 in the License Amendment Request) had a qualified life of about 0.58 years.

The licensee identified the root cause to be inadequate review of Calculation C-ES-201.10-001 Revision 1. This calculation had contradictory information because, according to CR 03-05493, the "Results and Conclusions" section of Calculation C-ES-201.10-001 Revision 1, stated that safety-related electrical equipment is "capable of performing their intended function for the required post-accident operating times with considerable margin." The licensee postulated that persons who reviewed the calculation in support of the submittal may only have focused on this statement in the Results and Conclusions section. Subsequently, on March 17, 2003, the licensee completed Revision 2 to Calculation C-ES-201.10-001 to address new postulated temperatures in containment. The results showed the instrumentation to have a qualified life of 1.2 years.

Analysis: Using IMC 0612, Appendix B, "Issue Dispositioning Screening," the inspectors determined that the finding was more than minor because it involved the attributes of equipment performance for availability and reliability in the Mitigating Systems cornerstone, and affected the cornerstone objective by reducing the capability of mitigating systems to respond to initiating events.

Enforcement: 10 CFR 50.9, "Completeness and Accuracy of Information," states:
(a) Information provided to the Commission by an applicant for a license or by a

licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects. Contrary to this, License Amendment Request No. 96-008 was materially incomplete or inaccurate because the NRC would likely have asked additional questions of the licensee pertaining to the instrumentation that was not capable of performing its intended function for the required post-accident operating times. The result of the violation was determined to be of very low safety significance because the equipment was subsequently shown to have a qualified life of more than 1 year. Therefore, this Violation of 10 CFR 50.9 was classified as a Severity Level IV Violation and is being treated as a licensee identified Non-Cited Violation, consistent with Section VI.A.1 of the NRC Enforcement Policy. The licensee initiated CR 03-05493 to track corrective actions for this issue.

(2) Licensee Event Report (LER) 99-03, "Failure to Perform Engineering Evaluation for Pressurizer"

LER 99-03 was submitted on August 26, 1999, and discussed an excessive cooldown of the pressurizer that was observed via pressurizer temperature indication during plant shutdown for a Spring 1999 mid-cycle outage. The LER included a statement that:

"Within the last 3 years, there have been no LERs related to overcooling the Reactor Coolant System or the Pressurizer."

However, the licensee found that LER 98-011 was written for a reactor trip that occurred on October 14, 1998, and involved overcooling of the reactor coolant system.

As part of its evaluation of this issue, the licensee reviewed NUREG-1022, Event Reporting Guidelines 10 CFR 50.72 and 50.73, Section 5.2.5, "Previous Occurrences." The NUREG states that LERs should reference previous events or conditions that involved the same underlying concern or reason as the current event, such as the same root cause, failure, or sequence of events. For infrequent events such as fires, a rather broad interpretation should be used, and for more frequent events such as ESF actuations, a narrower definition may be used (e.g., only those scrams with the same root cause). Previous similar events are not necessarily limited to events reported in LERs. The intent of the rule is to identify generic or recurring problems.

The licensee failed to report the previous overcooling event because it viewed the causes of the overcooling events described in LER 99-03 and LER 98-11 differently. The overcooling event discussed in LER 98-11 was not in violation of the Technical Specification cooldown limits while the event discussed in LER 99-03 was a violation of Technical Specification cooldown limits. The cause listed in LER 99-03 was that the guidance in the plant shutdown and cooldown procedure did not include sufficient information needed to monitor pressurizer cooldown limits during a plant shutdown. The cause listed in LER 98-11 was that the steam demands on the main steam system to supply the secondary systems were greater than the decay heat available. In addition, operators erroneously assumed that the overcooling event had been terminated based on steam generator pressure response. Also, the two events were different in that one was a planned shutdown, the other was a response to a reactor trip.

Because the licensee viewed overcooling transients as relatively frequent events, and since the causes discussed in LERs 98-11 and LER 99-03 were different, the licensee determined that the guidance of NUREG-1022 could have led the plant staff to determine that the event in LER 98-11 did not require mentioning in LER 99-03. The licensee documented this review in CR 03-04879.

Analysis: Using IMC 0612, Appendix B, "Issue Dispositioning Screening," the inspectors determined that this issue was minor. The failure to mention the overcooling event from LER 98-11 in LER 99-03 constitutes a violation of minor significance that is not subject to enforcement action in accordance with Section IV of the NRC's Enforcement Policy. The licensee initiated CA 01-03-00410 to track a revision to the plant guideline for writing LERs to clarify the reporting requirements for previous occurrences.

(3) Retracted - Licensee Event Report (LER) 98-05, "Both Low Pressure Injection / Decay Heat Removal Pumps Rendered Inoperable During Testing"

LER 98-05 discussed an event in June 1998 when a reactor operator inadvertently closed Decay Heat (DH) Pump 1 Suction from the Borated Water Storage Tank (BWST) or Emergency Sump Valve DH2733, instead of the correct valve, DH Pump 2 Suction from the BWST or Emergency Sump Valve DH2734. The licensee stated in LER 98-05 that:

"There have been no LERs in the previous 3 years involving operation of a component in the wrong train of a system."

The July 15, 2003, letter reported that review of LERs 3 years prior to LER 98-05 identified two additional LERs involving events when operation of a component in the wrong train of a system occurred. In addition, the letter reported that there were two other occurrences of a similar nature found within the Davis-Besse Corrective Action Program but were not included in the "Failure Data" section of LER 98-05.

This issue was retracted in the November 17, 2003, letter because the licensee determined that the previous events did not involve the same underlying concern or reason as the event discussed in LER 98-05. The underlying concern reported in LER 98-05 was inadvertent operation of a valve during a surveillance test which rendered the low pressure injection system inoperable. The underlying concerns reported in LER 96-10 and LER 95-03 involved components that were knowingly removed from service for maintenance and the effect on systems was not realized in advance. As described in LER 95-03, both trains of the spent fuel pool emergency ventilation system were rendered inoperable. As described in LER 96-10, both trains of the control room emergency ventilation system were rendered inoperable. The two similar occurrences documented in the corrective action program (PCAQ 98-0016 and 98-0539) were associated with misposition and misoperation of components but did not result in redundant safety trains becoming inoperable.

Analysis: Using IMC 0612, Appendix B, "Issue Dispositioning Screening," the inspectors determined that this issue was minor. The failure to mention the LERs in the previous 3 years involving operation of a component in the wrong train of a system constitutes a violation of minor significance that is not subject to enforcement action in accordance

with Section IV of the NRC's Enforcement Policy. The licensee documented its review in CR 03-05200.

(4) Retracted - Response to Requests for Additional Information Concerning the Davis-Besse Nuclear Power Station Third 10-Year Interval Inservice Inspection Program

The licensee submitted this letter to the NRC on November 27, 2001, which provided additional information to the NRC to facilitate review of the Third 10-Year Interval Inservice Inspection (ISI) Program for Davis-Besse. In its reply to Request for Information (RAI) 2.10, the licensee stated that:

"Pipe sizes with wall thickness less than 3/8" (including the group with wall thickness less than 1/5") range from 6" to 18" NPS."

However, the licensee determined that the range of pipe sizes (diameters) should have been stated as 6-inch to 24-inch nominal pipe size (NPS).

This issue was retracted in the November 17, 2003, letter because the licensee determined that the relief request took no exemptions to the Code requirements relative to pipe diameters. The relief request was only applicable for pipe wall thicknesses. In addition, the ISI program and the information provided in the relief request properly accounted for the wall thickness.

Analysis: Using IMC 0612, Appendix B, "Issue Dispositioning Screening," the inspectors determined that this issue was minor. The failure to state that the range of pipe sizes (diameters) should have been stated as 6-inch to 24-inch nominal pipe size constitutes a violation of minor significance that is not subject to enforcement action in accordance with Section IV of the NRC's Enforcement Policy. The licensee documented its review in CR 03-05267.

b.2 August 15, 2003 Letter

The inspectors identified one Unresolved Item (URI) related to 10 CFR 50.9. The licensee's August 15, 2003, letter discussed one submittal.

Licensee Event Report (LER) 97-04, "Reactor Coolant Pump Motor Oil Piping Not Protected From Leakage As Required Per 10 CFR 50 Appendix R"

The licensee submitted this LER on March 3, 1997, which discussed a portion of the oil piping for each reactor coolant pump motor that was outside the oil collection system contrary to the requirements of 10 CFR 50, Appendix R. The licensee's August 15, 2003, letter stated that the following statements were deleted from the Apparent Cause of Occurrence Section of the LER prior to submittal:

"During review of Information Notice 94-058, "Reactor Coolant Pump Lube Oil Fire," that was issued August 16, 1994, it was identified that the lift oil pump pressure switches and piping are not contained by the RCP oil collection system. No further actions were taken at that time based on the previous evaluations that the RCP oil collection system met the requirements of 10 CFR 50 Appendix R."

The licensee informed the NRC that the above paragraph was deleted without sound basis and may have contributed to the submittal being incomplete and inaccurate.

This omission prompted an expansion of the licensee's reviews to include 286 additional submittals as discussed in Section 4OA3.4 of this inspection report

This matter remains under review by the NRC. Pending NRC review of the causes of this issue, this is an Unresolved Item (URI 50-346/03-19-02).

b.3 September 15, 2003 Letter

The inspectors identified one apparent violation of 10 CFR 50.9. The licensee's September 15, 2003, letter discussed one submittal.

Response to NRC Generic Letter 98-04: Potential for Degradation of the Emergency Core Cooling System and the Containment Spray System After a Loss-of-Coolant-Accident Because of Construction and Protective Coating Deficiencies and Foreign Material in Containment

The licensee's November 11, 1998, letter, "Response to NRC Generic Letter 98-04: Potential for Degradation of the Emergency Core Cooling System and the Containment Spray System after a Loss-of-coolant Accident Because of Construction and Protective Coating Deficiencies and Foreign Material in Containment," stated the following, in part:

"The Service Level 1 protective coatings used inside containment at the DBNPS are qualified with the exceptions noted in the response to Item 1."

Exceptions to Item 1 were:

"Surfaces to be insulated; surfaces contained within a cabinet or enclosure; repair/touch up areas less than 30 square inches or surfaces such as cut ends, bolt heads, nuts, and miscellaneous fasteners, damage from tack, spot, or arc welding; small items such as small motors, handwheels, electrical cabinets, control panels, loud speakers, motor operators, etc. where special painting requirements would be impractical; stainless steel or galvanized surfaces; and banding that is used for insulating pipe."

However, the licensee reported in LER 02-05, Supplement 1, dated December 11, 2002, stated that there were unqualified coatings applied to structures, systems, and components located in the containment building applied to surfaces other than the exceptions. The LER stated that the majority of the unqualified coatings existed in the containment building prior to initial operation.

The November 11, 1998, letter also stated that:

As stated previously, coatings used in containment are qualified, with the exceptions noted above for small equipment such as motors, handwheels, electrical cabinets, loud speakers, etc. If some of the unqualified coating became loose, a portion might reach the emergency sump elevation. However,

because of the small components and associated surface areas involved, they would not be expected to produce large sheets of debris that would block a significant amount of the intake screen surface area. In addition, coating material that becomes loose would have to make its way to the intake screen via potentially tortuous paths, transported by very low flow rates in most areas. In these low flow rates, paint flakes are expected to settle out and not be transported to the emergency sump intake screen. Therefore, based on reasonable engineering judgment, due to the relatively small amount of unqualified coatings in containment and the flow paths and flow velocities that will be present, large amounts of paint are not likely to be carried to the emergency sump screen and clog over 50 percent of the screen area preventing long-term or containment atmosphere cooling by HPI, LPI, CS or the CACs."

However, LER 02-05, Supplement 1 documented the potential that the amount of debris that would be generated could result in covering over 50% of the emergency sump screen.

The November 11, 1998, letter also stated that:

"Any paint debris fragments that are small enough to pass through the 1/4-inch emergency sump intake screen openings would not clog spray nozzles or damage pumps."

However, the licensee reported in LER 03-02, dated May 5, 2003, that the containment emergency sump originally incorporated screens with 1/4-inch square openings. Internal openings in the high pressure injection pumps that provide lubricating flow to the pump hydrostatic bearing were smaller than the original screen opening such that debris from the containment emergency sump could block the high pressure injection pump internal openings and render the high pressure injection pumps inoperable.

On October 7, 2003, the NRC issued its "Final Significance Determination for a Yellow Finding (NRC Inspection Report 50-346/03-15) - Davis-Besse Potential Clogging of the Emergency Sump Following a Loss of Coolant Accident." This letter documented the NRC's assessment of the technical issues, and referenced the licensee's August 29, 2003, response to the Preliminary Yellow finding. In its response to the Preliminary Yellow finding, the licensee did not contest the Yellow finding or significance determination.

The licensee has identified several corrective actions as a result of this issue that have been completed or are planned. The corrective actions and associated condition reports are:

- Update the response to Generic Letter 98-04 (Complete - CA 02-03-1718)
- Revise the UFSAR (Complete - CA 03-03-01718)
- Institute a Nuclear Safety-Related Protective Coatings Program (Complete - CA 02-02-03857)

- Institute an inventory of all non-Design Basis Accident (DBA) qualified coating materials (Complete - CA 04-02-02437)
- Removal and re-coating of Core Flood Tanks with DBA-qualified coating material (Complete - CA 03-02-03609)
- Removal and re-coating of Service Water piping with DBA-qualified coating material (Complete - CA 06-02-02108)
- Removal and re-coating of Reactor Vessel Head Service Structure with DBA-qualified coating material (Complete - CA 03-02-03609)

Analysis: Using IMC 0612, Appendix B, "Issue Dispositioning Screening," the inspectors determined that the finding was more than minor because it involved the attributes of equipment performance for availability and reliability in the Mitigating Systems cornerstone, and affected the cornerstone objective by reducing the capability of mitigating systems to respond to initiating events.

Enforcement: 10 CFR 50.9, "Completeness and Accuracy of Information," states: (a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects. Contrary to this, the licensee failed to provide the Commission complete and accurate information in its reply to NRC Generic Letter 98-04 in that unqualified coatings applied to structures, systems, and components located in the containment building were applied to surfaces other than the exceptions listed. In addition, unqualified coatings, qualified peeling coatings, and other debris had the potential to cover over 50% of the emergency sump screen. Lastly, paint debris fragments small enough to pass through the emergency sump screen openings could have damaged the high pressure injection pumps. The failure to provide complete and accurate information in the reply to Generic Letter 98-04 is a Violation of 10 CFR 50.9 (AV 50-346/03-19-03). This issue was captured in the licensee's corrective action program as CR 03-01718.

The risk significance of the technical issues associated with this finding is described in NRC Inspection Report 50-346/03-15. The licensee documented its corrective actions for the technical issues in its August 29, 2003, response to the Preliminary Yellow finding.

.8 Restart Checklist Item 3.i Closure

a. Inspection Scope

The inspectors reviewed the licensee's October 24, 2003, final report, "Results of the Extent of Condition Review, NRC IMC 0350 Restart Checklist Item 3.i, 'Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC,'" which summarized the results of the licensee's extent-of-condition review associated with IMC 0350 Restart Checklist Item 3.i.

b. Findings

The licensee's final report provided a comprehensive summary of its actions to address Restart Checklist Item 3.i. The licensee described corrective actions implemented and planned as a result of the extent-of-condition reviews. The report also described the licensee's intention to perform additional reviews of submittals based upon preestablished criteria stated in the completeness and accuracy project plan. The licensee intends to complete additional reviews of 53 submittals by March 31, 2004.

The inspectors concluded that the licensee has taken appropriate corrective actions to ensure that future regulatory submittals are complete and accurate in all material respects. The licensee revised its procedure for regulatory submittals to ensure that they are properly validated before the submittal can be issued. Site supervisory and non-supervisory personnel have been given training to ensure that they are cognizant of the requirements of 10 CFR 50.9 and the implications of not complying with those requirements. New supervisory training includes management responsibilities related to completeness and accuracy. New employee training includes the requirements of 10 CFR 50.9 as part of the orientation. The licensee initiated CR 03-08959 to capture and summarize the lessons-learned from its efforts in implementing the completeness and accuracy project plan. (The licensee had already issued CR 02-04914 to capture and address the specific issues found during the NRC Augmented Inspection Team inspection.)

Under the Davis-Besse Return to Service Plan, the licensee has conducted extensive reviews to verify that its systems, programs, and organizations are ready to support safe and reliable operation. The licensee's activities have been extensively reviewed by the NRC as documented in several NRC special inspections, including inspections to evaluate the adequacy of the licensee's safety significant programs (IRs 50-346/03-09 and /02-11); inspections to review the licensee's root cause evaluation for the management and human performance aspects of the reactor coolant system pressure boundary leakage and degraded reactor vessel head (IRs 50-346/02-15 and /02-18); and inspections to evaluate the operational capability and design of safety significant structures, systems, and components (IRs 50-346/02-14 and /02-13 and /03-03).

This completeness and accuracy inspection identified no widespread noncompliances of regulatory requirements or current programmatic concerns associated with the completeness and accuracy of submittals to the NRC. Based on the documents and corrective actions reviewed during this inspection and the results of previous NRC inspections of your activities under the Davis-Besse Return-to-Service Plan, the NRC has reasonable confidence that important docketed information is complete and accurate in all material respects and that appropriate corrective actions have been taken to ensure that future regulatory submittals are complete and accurate in all material respects. Therefore, the Davis-Besse Oversight Panel considers Restart Checklist Item 3.i closed.

4OA6 Exit Meeting

The inspector presented the inspection results to Mr. R. Schrauder and other members of licensee management and staff on November 12, 2003. The inspector asked

whether any materials examined during the inspection should be considered proprietary. There was no proprietary information identified.

4OA7 Licensee-Identified Violations

The following violation of very low safety significance was identified by the licensee and is a violation of NRC requirements which meet the criteria of Section VI of the NRC Enforcement Policy, NUREG-1600, for being dispositioned as a Non-Cited Violation.

- Contrary to 10 CFR 50.9(a), License Amendment Request No. 96-008, "License Amendment Application to Revise Technical Specification 3/4.7.5.1, Ultimate Heat Sink," submitted on July 28, 1999, was materially incomplete or inaccurate. The Amendment Request stated that instrumentation required to monitor the course of an accident have a qualified life of approximately 1 year or greater. However, the licensee identified sixteen instruments had a qualified of about 0.58 years. This was identified in the licensee's corrective action program as CR 03-05493. This finding is of very low safety significance because evaluation performed subsequent to the submittal determined that the instrumentation had a qualified life of about 1.2 years.

This issue is further discussed in Section 4OA3.7.b.1 of this report.

KEY POINTS OF CONTACT

Licensee

B. Schrauder, Director, Support Services
J. Powers, Director, Nuclear Engineering
K. Ostrowski, Manager, Regulatory Affairs
S. Loehlein, Manager, Nuclear Quality Assurance
D. Gudger, Supervisor, Regulatory Affairs
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NRC

J. Grobe, Davis-Besse Oversight Panel Chairman, RIII
W. Ruland, Davis-Besse Oversight Panel Assistant Chairman, NRR
D. Passehl, Senior Project Engineer, RIII
J. Hopkins, Project Manager, NRR
G. Wright, Senior Project Engineer, RIII

LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

50-346/03-19-01	NCV	Inaccurate or Incomplete Information in Response to Generic Letter 88-14 (Instrument Air Supply System Problems Affecting Safety-related Equipment)
50-346/03-19-02	URI	Inaccurate or Incomplete Information (by Omission) in Licensee Event Report 97-04 (Reactor Coolant Pump Motor Oil Piping Not Protected From Leakage As Required Per 10 CFR 50 Appendix R)
50-346/03-19-03	AV	Inaccurate or Incomplete Information in Response to Generic Letter 98-04 (Potential for Degradation of the Emergency Core Cooling System and the Containment Spray System After a Loss-of-Coolant-Accident Because of Construction and Protective Coating Deficiencies and Foreign Material in Containment)

Closed

50-346/03-19-01	NCV	Inaccurate or Incomplete Information in Response to Generic Letter 88-14 (Instrument Air Supply System Problems Affecting Safety-related Equipment)
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Discussed

None

LIST OF DOCUMENTS REVIEWED

PORTIONS OF THE FOLLOWING DOCUMENTS WERE REVIEWED DURING THIS INSPECTION:

Section 40A3.1

05/31/03 Criteria for the Extent of Condition Review for Completeness and Accuracy of Prior Submittals to the NRC

09/19/03 Sample Selection for the Initial Review (Restart) of Completeness and Accuracy of Prior Submittals to the NRC

10/14/03 Implementation Action Plan PR-IAP-3i-01, "Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC"

04/11/03 Procedure NOP-LP-4007, "NRC Correspondence Review and Approval Process"

04/11/03 Procedure NG-RA-00804, "NRC Communications"

04/11/03 Procedure NG-RA-00807, "Regulatory Reports"

06/16/03 Policy NOPL-LP-4001, "Completeness and Accuracy of Information"

Section 40A3.2

09/01/03 FENOC Employee Orientation Manual

07/24/03 Management Responsibilities Related to 10 CFR 50.9 Lesson Plan No. FEN-50.9M

Training Attendance Sheets for FEN-50.9M and FEN-50.9E

Training Slide Presentation - Completeness and Accuracy

Training Video - Completeness and Accuracy

Section 40A3.3

02/22/89 GL 88-14, Instrument Air Supply System Problems Affecting Safety-Related Equipment

04/18/97 SFAS Setpoint Changes to Support 24 Month Fuel Cycle

10/29/99 RAI Pertaining to Individual Plant Examination for External Events

02/09/00 Notice of Change in Medical Condition of Licensed Operator

02/11/97 Response to NRC Request for Information Regarding the Adequacy and Availability of Design Basis Information

03/31/97 Plan and Schedule for Completion of the DBNPS Design Basis Validation Program

12/17/99 Status of the Design Basis Validation Program and the Planned Program to Convert to the Improved Standard Technical Specifications

05/13/96 Response to NRC Bulletin 96-02, "Movement of Heavy Loads over Spent Fuel, over Fuel in the Reactor Core, or over Safety Related Equipment," for the Davis-Besse Nuclear Power Station

03/27/97 Extension of Time to Respond to Request For Additional Information Related to Bulletin 96-02, "Movement of Heavy Loads Over Spent Fuel, Over Fuel in the Reactor Core, or Over Safety-Related Equipment" for Davis-Besse Nuclear Power Station, Unit Number I (TAC Number M95579)

08/21/97 Extension of Time to Respond to Request For Additional Information Related to Bulletin 96-02, "Movement of Heavy Loads Over Spent Fuel, Over Fuel in the Reactor Core, or Over Safety-Related Equipment" for Davis-Besse Nuclear Power Station, Unit Number I (TAC Number M95579)

05/22/01 License Amendment Application to Revise Technical Specification 3/4.4.5, Steam Generators, Regarding Steam Generator Tube Repair Roll Requirements (License Amendment Request 01-0004)

11/15/01 Supplemental Information Regarding License Amendment Application to Revise Technical Specification (TS) 3/4.4.5 Steam Generator Tube Repair Roll Requirements (License Amendment Request No. 01-0004; TAC No. MB2107)

02/27/98 Supplemental Information Regarding License Amendment Application to Revise Technical Specifications Regarding the Control Room Emergency Ventilation System Limiting Condition for Operation (LAR 97-0005; TAC No. M98521)

09/08/98 License Amendment Application to Revise Technical Specifications and Bases to Permit Use of "M5" Advanced Alloy (License Amendment Request No. 98-0006)

05/11/00 LER 2000-003-00, "Loss of Auxiliary Feedwater Pump Turbine Main Steam Supply Train Separation Due to Check Valve Failure"

07/31/96 LER 1996-002-01, "Potential Loss of Remote Shutdown Capability Due to MOV Fire Induced Damage"

12/07/99 Supplemental Information for License Amendment Application to Revise Technical Specifications for Implementation of 10 CFR 50, Appendix J, Option B for Type B and C Containment Leakage Rate Testing (License Amendment Request No. 96-0012; TAC No. MA6093)

Section 40A3.4

11/11/03 Expansion Plan - Focused Review of Completeness and Accuracy of Prior Submittals to the NRC

Checksheets for Focused Review of Completeness and Accuracy of Prior Submittals to the NRC

Section 4OA3.5

- 10/13/03 LER 03-09, Loss of Offsite Power Due to Degraded Regional Grid Voltage
- 09/08/03 LER 03-08, Relays Installed in Safety Features Actuation System with Insufficient Contact Voltage Ratings"
- 08/11/03 Sixty-Day Response to Generic Letter 2003-01, "Control Room Habitability
- 05/19/03 License Amendment Application to Revise Technical Specification 3/4.7.1.7, "Motor Driven Feedwater Pump System" to Correct the Safety-Grade Designation of the Motor Driven Feedwater Pump Flow Indication in Surveillance Requirement 4.7.1.7.e.2.

Section 4OA3.7

- 07/15/03 Letter to the NRC, "Notification of Information Provided to the Nuclear Regulatory Commission that May Not Be Complete and Accurate in All Material Respects"
- 08/15/03 Letter to the NRC, "Notification of Information Provided to the Nuclear Regulatory Commission that May Not Be Complete and Accurate in All Material Respects"
- 09/15/03 Letter to the NRC, "Notification of Information Provided to the Nuclear Regulatory Commission that May Not Be Complete and Accurate in All Material Respects"
- 11/17/03 Letter to the NRC, "Retraction of Previous Notification of Information Provided to the Nuclear Regulatory Commission That May Not Be Complete and Accurate in All Material Respects"

Section 4OA3.8

- 10/24/03 Final Report: Results of the Extent of Condition Review, NRC IMC 0350 Restart Checklist Item 3.i, "Process for Ensuring Completeness and Accuracy of Required Records and Submittals to the NRC"

LIST OF ACRONYMS USED

BAW	Babcock and Wilcox
BWST	Borated Water Storage Tank
CA	Corrective Action
CACs	Containment Air Coolers
CR	Condition Report
CS	Containment Spray
DBA	Design Basis Accident
DBNPS	Davis-Besse Nuclear Power Station
DH	Decay Heat
ESF	Engineered Safety Feature
EQ	Environmental Qualification
FENOC	FirstEnergy Nuclear Operating Company
GL	Generic Letter
HPI	High Pressure Injection
IR	Inspection Report
ISI	Inservice Inspection
IMC	Inspection Manual Chapter
LER	Licensee Event Report
LPI	Low Pressure Injection
NCV	Non-Cited Violation
NPS	Nominal Pipe Size
PCAQ	Potential Condition Adverse to Quality
PWR	Pressurized Water Reactor
RAI	Request for Additional Information
RCP	Reactor Coolant Pump
SFAS	Safety Features Actuation System
SDP	Significance Determination Process
URI	Unresolved Item
USAR	Updated Safety Analysis Report