

October 21, 2004

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
ANNOUNCEMENT OF SPECIAL INSPECTION: FOLLOW-UP OF
DISCREPANT ALERT AND NOTIFICATION SYSTEM PERFORMANCE
INDICATOR (PI)

Dear Mr. Bezilla:

Following your calendar year 2004 second quarter submittal of performance indicators (PIs) associated with the Davis-Besse Nuclear Power Station, the NRC determined that the Alert and Notification System (ANS) PI was discrepant. In accordance with Manual Chapter 0608, "Performance Indicator Program," the NRC will implement Inspection Procedure 71150, "Discrepant or Unreported Performance Indicator Data." This inspection will occur during the week of October 25, 2004. The primary objective of the inspection is to review your activities in response to the testing failure, especially with respect to the reporting requirements of the performance indicator program.

Manual Chapter 0608 is no longer available on the NRC web, but is available to you on request. It was removed from the NRC web page due to its reference to the three security-related performance indicators. The NRC is in the process of revising the manual chapter (to exclude security references) with the intent of making it publicly available in the near future. At the time of the May 7, 2004 siren testing failures, the manual chapter was, and still is, in effect even though it had been removed from the public web server.

During the May 7, 2004 monthly siren test, you determined that the Ottawa County Sheriff dispatcher did not have the capability to activate the emergency planning zone (EPZ) siren. Therefore, our inspection will also gather information associated with the testing failure and associated root cause(s) to help the NRC staff identify and properly characterize the risk significance of the issue.

Following the siren testing failures, the staff discussed this issue with FirstEnergy Nuclear Operating Company on multiple occasions to not only understand your proposed corrective actions for the siren test failures and your plans for reporting of the ANS PI data, but to also convey the rationale and bases for the staff's belief that as a result of these siren failures, the ANS PI Green-White performance threshold may have been crossed during the second quarter of 2004. Since the discovery of the siren failures, your staff made a significant change in the siren testing methodology and increased the frequency of the siren testing to include silent tests.

The significant change in testing methodology was not pre-approved by Federal Emergency Management Agency (FEMA) (44 CFR 350.14 and FEMA-REP-10), and was a significant departure from your regularly scheduled testing program that was in use on the first day of the second quarter 2004. The staff believes that use of silent tests that were not part of the identified regularly scheduled tests, as described by Nuclear Energy Institute (NEI) 99-02, Revision 2, of the Regulatory Assessment PI Guideline, is not in accordance with the ANS PI guidance. Therefore, the staff believes that tests that are not part of the regularly scheduled tests cannot be considered valid tests for PI purposes.

The NRC will modify the NRC web page to show the performance indicator as discrepant pending NRC inspection of the issue. The NRC will change the color of the PI on the web page from Green to Gray, indicating that the PI is under review by the NRC. As mentioned above, the NRC will perform Inspection Procedure 71150. If feasible, the NRC will independently collect the PI data and then display the updated results on the NRC web page and use these results in the assessment process. Once the root cause(s) of the discrepant PI data have been identified and corrected, and the NRC has verified that the PI data can be collected and reported accurately, oversight of the PI reporting will return to normal inspection per Inspection Procedure 71151.

In order to best accomplish the requirements of the inspection within the short time frame allotted, to minimize the impact that the inspection has on the site and to ensure a productive inspection, we have enclosed a request for documents needed for the inspection. The documents have been divided into two groups. The first group lists information needed to support inspection preparation. This information should be available to the Regional Office, with a copy to the resident office, by October 21, 2004, or as soon as possible. In so far as possible, this information should be provided electronically.

The second group of documents requested are those items which the team will review on site. During the preparation week, the lead inspector will coordinate with the technical or regulatory contact in regard to this group of documents. It is important that these documents be as complete as possible, in order to minimize the number of documents requested during the preparation week or during the onsite inspection.

The lead inspector for this inspection is Mr. Tom Ploski. If there are any questions about the material requested, or the inspection, please call the lead inspector at 630-829-9812 or e-mail him at tjp@nrc.gov. You may also contact Mr. Ken Riemer at 630-829-9757 or e-mail him at kxr@nrc.gov.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be 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).

Sincerely,

/RA/

John A. Grobe, Chairman
Davis-Besse 0350 Panel

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

Enclosure: Initial Document Request

cc w/encl: The Honorable Dennis Kucinich
G. Leidich, President - FENOC
J. Hagan, Senior Vice President
Engineering and Services, FENOC
L. Myers, Chief Operating Officer, FENOC
Plant Manager
Manager - Regulatory Affairs
M. O'Reilly, Attorney, FirstEnergy
Ohio State Liaison Officer
R. Owen, Administrator, Ohio Department of Health
Public Utilities Commission of Ohio
President, Board of County Commissioners
of Lucas County
C. Koebel, President, Ottawa County Board of Commissioners
D. Lochbaum, Union Of Concerned Scientists
J. Riccio, Greenpeace
P. Gunter, N.I.R.S.

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L. Myers, Chief Operating Officer, FENOC
Plant Manager
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M. O'Reilly, Attorney, FirstEnergy
Ohio State Liaison Officer
R. Owen, Administrator, Ohio Department of Health
Public Utilities Commission of Ohio
President, Board of County Commissioners
of Lucas County
C. Koebel, President, Ottawa County Board of Commissioners
D. Lochbaum, Union Of Concerned Scientists
J. Riccio, Greenpeace
P. Gunter, N.I.R.S.

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Initial Document Request

I. Information Requested Expeditiously

The following information is requested to be provided as soon as possible, but no later than October 21, 2004. In so far as possible, information should be provided electronically.

1. Any self-assessments or internal evaluations (e.g., root cause or apparent cause evaluations) associated with the May 7, 2004 monthly siren test;
2. Any technical analyses or justifications for changing the frequency of siren testing;
3. Applicable revision of the testing procedure for the May 7, 2004, siren test and any subsequent revisions;
4. Procedures applicable to the determination of the Alert and Notification System Performance Indicator for Calendar Year 2004;
5. Procedures applicable to the maintenance of the siren system; and
6. Applicable software quality assurance and validation/verification document(s) for the software and computers used to activate the siren system.

II. Information Requested to be Available on First Day of Inspection

We request that the following information be available to the team once it arrives onsite. In some cases, it may be acceptable to have the information available electronically, provided the inspectors have access to it.

1. Corrective action program documents associated with the May 7, 2004 siren test, including the status of corrective action planned and taken to prevent recurrence;
2. Documents referenced by documents/evaluations requested in Items I.1 and I.2 above, including those used to make any conclusions;
3. Documentation of the licensee's coordination with State and/or county officials on the May 7, 2004 siren test, including those associated with the decision to increase the test opportunities reported to the NRC and FEMA; and
4. The FEMA document that approved the siren system's design for the Davis-Besse Nuclear Power Station Emergency Planning Zone (EPZ) and any amendments.