



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

March 1, 2022

EA-21-155

Mr. Terry Brown  
Site Vice President  
Energy Harbor Nuclear Corp.  
Davis-Besse Nuclear Power Station  
5501 N. State Rte. 2, Mail Stop A-DB-3080  
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION - FINAL SIGNIFICANCE  
DETERMINATION OF A WHITE FINDING, NOTICE OF VIOLATION, AND  
ASSESSMENT FOLLOW UP LETTER; NRC INSPECTION REPORT  
05000346/2021092

Dear Mr. Brown:

This letter provides you the final significance determination of the preliminary White finding discussed in our previous communication dated December 9, 2021. The finding, discussed in Inspection Report No. 05000346/2021050, involved the failure to select a suitable replacement part for the emergency diesel generator (EDG) speed switch. The speed switch design was not compatible with the station's 125/250 Volts direct current (Vdc) battery system. The failure of the switch resulted in the failure of the EDG to start during testing on September 4, 2020.

In a telephone conversation with Ms. Laura Kozak of the U. S. Nuclear Regulatory Commission (NRC), Region III, on December 15, 2021, and a letter dated the same date, you indicated that Energy Harbor did not contest the characterization of the risk significance of this finding and that you declined your opportunity to discuss this issue in a Regulatory Conference or to provide a written response. After considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White, a finding with low to moderate increased safety significance.

According to NRC Inspection Manual Chapter (IMC) 0609, appeal rights only apply to those licensees that have either attended a regulatory conference or submitted a written response to the preliminary determination letter.

The NRC has also determined that the failure to select a speed switch replacement that was suitable to the application is a violation of Title 10 of the *Code of Federal Regulations* (CFR) Part 50, Appendix B, Criterion III, "Design Control," as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a White finding.

In addition, the NRC identified an Unresolved Item (URI) associated with the implementation of Technical Specification Limiting Condition for Operation 3.8.1 involving action statements B.1, B.3, F.1 and F.2 when one EDG was inoperable for a time period greater than its allowed outage times with the unit in MODE 1. Your staff determined through evaluation that, on September 1, 2020, the Division 2 EDG speed switch failed and the EDG became inoperable, in

part due to the design control problem with the speed switch and in part due to an unrelated DC ground on a separate component. The speed switch failure and Division 2 EDG inoperability was discovered on September 4, 2020, during a routine monthly EDG surveillance test, resulting in the EDG being inoperable for 3 days. This issue is unresolved pending the NRC's additional independent review and evaluation to determine whether a Technical Specification Limiting Condition of Operations violation occurred (URI 05000346/2021092-01). The results of our review will be transmitted to you in separate correspondence and will not affect the White finding and violation issued in this letter.

The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 05000346/2021050. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

As a result of our review of Davis-Besse's performance, including this White finding, we have assessed that Davis-Besse Power Station continues to be in the Regulatory Response column of the NRC's Action Matrix, with this Finding effective the fourth quarter of 2021. Previously the NRC assessed Davis Besse to be in the Regulatory response column based on a Finding discovered during a scheduled Cyber Security inspection (ML21277A286). Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Supplemental Inspection Response to Action Matrix Column 2 (Regulatory Response) Inputs," for this EDG issue when your staff has notified us of your readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing cause of risk significant performance issues are understood, the extent of condition and the extent of cause are identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 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,



Signed by Giessner, Jack  
on 03/01/22

John B. Giessner  
Regional Administrator

Docket No. 05000346  
License No. NPF-3

Enclosure:  
Notice of Violation

cc: C. Salz, State Liaison Officer  
Ohio Emergency Management Agency

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Letter to T. Brown from John Giessner dated March 1, 2022

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## NOTICE OF VIOLATION

Energy Harbor Nuclear Corp.  
Davis-Besse Nuclear Power Station

Docket No. 05000346  
License No. NPF-3  
EA-21-155

During a U. S. Nuclear Regulatory Commission (NRC) special inspection conducted between July 26, 2021 and October 7, 2021, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) Part 50, Appendix B, Criterion III, "Design Control," requires, in part, that measures shall be established for the selection and review for suitability of application of materials, parts, equipment, and processes that are essential to the safety-related functions of the structures, systems and components.

Contrary to the above, between October 4, 2019, and July 26, 2021, the licensee failed to establish measures for the selection and review for suitability of application of parts, that are essential to the safety-related functions of the Division 1 and 2 EDGs speed switches. Specifically, the licensee failed to establish the required voltage potential specifications for the positive DC bus to ground and the neutral DC bus to ground.

This violation is associated with a White SDP finding.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 05000346/2021050. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-21-155" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, Warrenville Road, Suite 210, Lisle, IL 60532-4352, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response 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>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Dated this 1<sup>st</sup> day of March 2022

Enclosure