

June 29, 2011

L-11-106

10 CFR 50.48

ATTN: Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT:

Beaver Valley Power Station, Units No. 1 and 2
BVPS-1 Docket No. 50-334, License No. DPR-66
BVPS-2 Docket No. 50-412, License No. NPF-73
Davis-Besse Nuclear Power Station
Docket No. 50-346, License No. NPF-3
10 CFR 50.48(c) License Amendment Request Submittal Date Commitments and
Request for Enforcement Discretion Extension (TAC Nos. ME0058, ME0059, ME3300)

By Interim Enforcement Policy published in the *Federal Register* (73 FR 52705) on September 10, 2008, the Nuclear Regulatory Commission (NRC) established terms and conditions regarding the extension of enforcement discretion for certain noncompliances related to fire protection programs. As outlined in the Enforcement Policy, an extension to the previously existing period of enforcement discretion would be granted by the NRC on a case-by-case basis, if a licensee has made substantial progress in transition efforts to adopt National Fire Protection Association Standard NFPA 805, *Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition*, in accordance with Section 50.48(c) of Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.48(c)). The period of extension would expire six months after NRC approval of the license amendment for the second of two pilot plants involved in the NFPA 805 transition initiative.

By letters dated December 2, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML083430005) and January 14, 2010 (ADAMS Accession No. ML100191803), FirstEnergy Nuclear Operating Company (FENOC) provided the information necessary to support the requests for enforcement discretion extension for the Beaver Valley Power Station Units No. 1 and 2 (BVPS-1 and 2) and the Davis-Besse Nuclear Power Station, respectively. The NRC granted the extensions for BVPS-1 and 2 and DBNPS by letters dated December 17, 2008 (ADAMS Accession No. ML083470538) and March 23, 2010 (ADAMS Accession No. ML100670111), respectively.

On December 29, 2010, the NRC approved the license amendment for the second pilot plant, thereby establishing June 29, 2011 as the expiration date for the current enforcement discretion period.

By memorandum dated June 10, 2011, *STAFF REQUIREMENTS – SECY 11-0061 - A REQUEST TO REVISE THE INTERIM ENFORCEMENT POLICY FOR FIRE PROTECTION ISSUES ON 10 CFR 50.48(C) TO ALLOW LICENSEES TO SUBMIT LICENSE AMENDMENT REQUESTS IN A STAGGERED APPROACH (RIN 3150-AG48)*, the Nuclear Regulatory Commission approved an NRC staff recommendation to revise the existing enforcement policy. To obtain the additional extension, licensees would be required to submit a letter by June 29, 2011, acknowledging a new commitment date for their license amendment application. In accordance with the proposed policy, enforcement discretion would continue while the NRC staff is processing and responding to the commitment letter. Additionally, the term of enforcement discretion would be further extended to the date specified in the licensee's commitment letter, subject to amendment and approval by the NRC. Once an acceptable application for license amendment is submitted, enforcement discretion for previously identified noncompliances and any newly identified noncompliances would continue to be in place until the NRC dispositions the license amendment request.

To address the above-stated requirement for license amendment application schedules, the following commitments are provided.

- FENOC will submit the application for license amendment to implement 10 CFR 50.48(c) at BVPS-1 and 2 on or before September 30, 2012.
- FENOC will submit the application for license amendment to implement 10 CFR 50.48(c) at DBNPS on or before July 1, 2014.

The commitment date for the BVPS-1 and 2 application allows adequate resolution of findings and observations and completion of fire risk evaluations following the industry peer review of the BVPS-2 Probabilistic Risk Analysis, which is scheduled for completion in February 2012. The proposed submittal date for DBNPS is a best estimate, subject to availability of vendor resources and industry experience.

FENOC hereby requests NRC extension of the current enforcement discretion period for BVPS-1 and 2 and DBNPS under the terms and conditions proposed in SECY 11-0061, as approved by the Commission. During the transition to NFPA 805, FENOC continues to maintain fire safety at BVPS-1 and 2 and DBNPS in accordance with the Facility Operating Licenses.

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If there are any questions or if additional information is required, please contact
Mr. Thomas A. Lentz, Manager – Fleet Licensing, at 330-761-6071.

Sincerely,



Peter P. Sena III
President, FirstEnergy Nuclear Operating Company

Attachment: Regulatory Commitment List

cc: Director, NRC Office of Enforcement
NRC Regional Administrator – Region I
NRC Regional Administrator – Region III
NRC Resident Inspector – BVPS-1 and 2
NRC Resident Inspector - DBNPS
NRC Project Manager – BVPS-1 and 2
NRC Project Manager - DBNPS
Director - State of Pennsylvania BRP/DEP
Site Representative - State of Pennsylvania BRP/DEP
State of Ohio Utility Radiological Safety Board

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Regulatory Commitment List
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The following list identifies those actions committed to in this document by FirstEnergy Nuclear Operating Company (FENOC) for Beaver Valley Power Station Units No. 1 and 2 and Davis-Besse Nuclear Power Station. Any other actions discussed in the submittal represent intended or planned actions by FENOC, are described for information only, and are not Regulatory Commitments. Please notify Thomas A. Lentz, Manager – Fleet Licensing, at 330-761-6071 of any questions regarding this document or associated Regulatory Commitments.

Regulatory Commitments

1. FENOC will submit the application for license amendment to implement 10 CFR 50.48(c) at BVPS-1 and 2 on or before September 30, 2012.
2. FENOC will submit the application for license amendment to implement 10 CFR 50.48(c) at DBNPS on or before July 1, 2014.