

June 30, 2014

EA-14-094

Mr. Peter P. Sena, III
FirstEnergy Nuclear Operating Company
341 White Pond Drive
Akron, Ohio 44320

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 - CONFIRMATORY
ORDER (TAC NO. MF3759)(L-13-388)

Dear Mr. Sena:

On December 22, 2005, FirstEnergy Nuclear Operating Company (FENOC) submitted to the NRC its letter of intent to adopt National Fire Protection Association (NFPA) Standard 805, "NFPA 805, Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generation Plants," at all of its operating nuclear power facilities, starting with its Beaver Valley Power Station (Agencywide Documents Access and Management System (ADAMS) Accession No. ML060040259). Subsequently, by letter dated February 27, 2007, (ADAMS Accession No. ML070590517) FENOC notified the NRC that the NFPA 805 transition activities at the Davis-Besse Nuclear Power Station, Unit 1 (Davis-Besse) would begin on March 1, 2007. By letter dated May 1, 2007, (ADAMS Accession No. ML07100003) the NRC acknowledged this request, and informed FENOC that enforcement discretion for certain fire protection noncompliances at Davis-Besse would be granted until March 1, 2010.

On September 10, 2008, the NRC revised the NRC Enforcement Policy (Policy) to allow licensees to take advantage of the lessons learned from the NFPA 805 pilot process (73 FR 52705). This revision extended the NFPA 805 enforcement discretion period for six months after the NRC approved the second pilot plant license amendment request (LAR). To qualify for this extension, licensees needed to demonstrate substantial progress in their transition efforts. On December 29, 2010, the second pilot plant LAR was approved, thereby establishing June 29, 2011, as the expiration date for enforcement discretion for approximately 25 LARs.

In an effort to manage this high number of LAR submittals, the NRC revised the Policy (76 FR 40777) to extend enforcement discretion to allow for a staggered LAR submittal approach. On June 29, 2011, FENOC submitted its request to extend its Davis-Besse LAR submittal date to July 1, 2014 and on August 1, 2011 the NRC approved the requested submittal date (ADAMS Accession Nos.; ML111800765 and ML112010151, respectively).

In a public meeting held on November 13, 2013, FENOC informed the NRC that a LAR submittal extension was under consideration to allow appropriate coordination of design modifications that are risk beneficial. In a letter dated April 1, 2014; FENOC expressed a desire to extend their LAR submittal date until December 31, 2015, by way of a Confirmatory Order (CO), in accordance with SECY-12-0031, "Enforcement Alternatives for Sites that Indicate Additional Time Required to Submit Their License Amendment Requests to Transition to

10 CFR 50.48(c) National Fire Protection Association Standard 805," dated February 24, 2012 (ADAMS Accession No. ML12025A349). In its April letter, FENOC explained that most of the delay was due to the time required to respond to the March 12, 2012, Commission Order regarding the Mitigation Strategies for Beyond Design Basis External Events, which FENOC submitted to the NRC on February 27, 2013 (ADAMS Accession No. ML13064A243).

The enclosed CO confirms the commitment made in the aforementioned FENOC correspondence. FENOC has agreed to this CO to illustrate its continued commitment to transition to NFPA 805. As evidenced by the signed "Consent and Hearing Waiver Form" (copy enclosed) dated June 25, 2014, FENOC agreed to the issuance of this letter and the CO. Failure to meet the commitments in the enclosed CO will cause FENOC to be in violation of 10 CFR 2.203, and subject to a Notice of Violation, which may include civil penalties.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this order shall be subject to criminal prosecution as set forth in that section. Violation of this order may also subject the person to civil monetary penalty.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure(s) 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 Website 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. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,

/RA/

Patricia K. Holahan, Acting Director
Office of Enforcement

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

Enclosures:

1. Consent and Hearing Waiver Form
2. Confirmatory Order

cc w/ enclosure: Additional Distribution via Listserv

Additional Time Required to Submit Their License Amendment Requests to Transition to 10 CFR 50.48(c) National Fire Protection Association Standard 805,” dated February 24, 2012 (ADAMS Accession No. ML12025A349). In its April letter, FENOC explained that most of the delay was due to the time required to respond to the March 12, 2012, Commission Order regarding the Mitigation Strategies for Beyond Design Basis External Events, which FENOC submitted to the NRC on February 27, 2013 (ADAMS Accession No. ML13064A243).

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ADAMS Accession Nos.: Package ML14164A179, LTR ML14164A151, FRN ML14164A210, Waiver: ML14164A246
*via e-mail, **via previous concurrence page

OFFICE	LPL3-2/PM **	LPL3-2/LA*	LPL2-2/BC **	DRA/D**	DORL/D **
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