



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

November 12, 2015

EA-15-222

Mr. Brian Boles
Site Vice President
FirstEnergy Nuclear Operating Co.
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 – NRC SECURITY BASELINE
INSPECTION REPORT 05000346/2015408 PRELIMINARY GREATER THAN
GREEN FINDING**

Dear Mr. Boles:

On October 1, 2015, the U.S. Nuclear Regulatory Commission (NRC) completed a security baseline inspection at your Davis-Besse Nuclear Power Station. The inspection covered one or more of the key attributes of the security cornerstone of the NRC's Reactor Oversight Process. The enclosed inspection report documents the inspection results, which were discussed on October 1, 2015, with Mr. D. Saltz and other members of your staff.

The inspection examined activities conducted under your license as they relate to security and compliance with the Commission's rules and regulations, and with the conditions of your license. The inspector reviewed selected procedures and records, observed activities, and interviewed personnel.

The attached inspection report documents one or more findings that have preliminarily been determined to have greater than very low security significance that may require additional inspections, regulatory actions, and oversight. Each finding was assessed based on the best available information, using the Baseline Security Significance Determination Process (SDP). The deficiencies were promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the inspector left the site. The NRC will inform you in writing when the final significance has been determined.

The finding(s) are also apparent violation(s) of NRC requirements and are being considered for escalated enforcement action in accordance with the Enforcement Policy, which appears on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement>.

Enclosure contains Sensitive Unclassified Non-Safeguards Information. When separated from enclosure, this transmittal document is decontrolled.

B. Boles

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A cross-cutting aspect was identified in the area of Problem Identification and Resolution - Evaluation (P.2) because your staff failed to thoroughly evaluate an issue to ensure that resolutions address causes and extent of conditions commensurate with their safety significance.

In accordance with Inspection Manual Chapter (IMC) 0609, SDP, we intend to complete our evaluation using the best available information and issue our final determination within 90 days of the date of this letter.

The SDP encourages an open dialogue between the NRC staff and the licensee; however, the dialogue should not impact the timeliness of the staff's final determination. Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) present to the NRC your perspectives on the facts and assumptions used by the NRC to arrive at the finding and its significance at a Regulatory Conference, or (2) submit your position on the finding to the NRC in writing. If you decline to request a Regulatory Conference or submit a written response, you relinquish your right to appeal the final SDP determination, in that by not doing either; you fail to meet the appeal requirements stated in the Prerequisite and Limitation Section of Attachment 2 of IMC 0609.

If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter, and we encourage you to submit supporting documentation at least 1 week prior to the conference in an effort to make the conference more efficient and effective. In the interest of protecting sensitive, security-related information, if a Regulatory Conference is held, it will not be open for public observation. If you decide to submit only a written response, such submittals should be sent to the NRC within 30 days of the receipt of this letter. Because this issue involves security-related information, if you choose to respond, your response will not be made available electronically for public inspection in the NRC Public Document Room or the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.22. Otherwise, mark your entire response "Security-Related Information – Withhold Under 10 CFR 2.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Please contact Mr. Steven K. Orth, Chief, Plant Support Branch, at (630) 829-9757, and in writing within 10 days of the date of this letter to notify the NRC of your intended response. If we have not heard from you within 10 days, we will continue with our significance determination and enforcement decision, and you will be advised by separate correspondence of the results of our deliberations on this matter.

Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for these inspection findings at this time. In addition, please be advised that the number and characterizations of the apparent violations described in the enclosed inspection report may change as a result of further NRC review.

In addition, if you disagree with the cross-cutting aspect assigned to the finding(s) in this report, you should provide a response within 30 days of the date of this inspection report, with the basis for your disagreement, to the Regional Administrator, Region III, and the NRC Resident Inspector at the Davis-Besse Nuclear Power Station.

B. Boles

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In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding," of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

However, the material enclosed herewith contains Security-Related Information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or from the PARS component of NRC's ADAMS. If you choose to provide a response and Security-Related Information is necessary to provide an acceptable response, please mark your entire response "Security-Related Information–Withhold from public disclosure under 10 CFR 2.390" in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

/RA David Curtis Acting for/

Kenneth G. O'Brien, Director
Division of Reactor Safety

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

Nonpublic Enclosure:
IR 05000346/2015408 w/Attachment:
Supplemental Information

cc w/encl: M. Bear, State Liaison Officer
Ohio Emergency Management
Agency

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B. Boles

-3-

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Division of Reactor Safety

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Nonpublic Enclosure:
IR 05000346/2015408 w/Attachment:
Supplemental Information

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Ohio Emergency Management
Agency

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Letter to Mr. Brian Boles from Mr. Steven K. Orth dated November 12, 2015

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION – NRC SECURITY BASELINE
INSPECTION REPORT 05000346/2015408 PRELIMINARY GREATER THAN
GREEN FINDING

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