



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

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

January 25, 2016

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: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY-RELATED  
GREATER THAN GREEN FINDING, NOTICE OF VIOLATION AND  
ASSESSMENT FOLLOW-UP LETTER; NRC SECURITY INSPECTION REPORT  
NO. 05000346/2015409; DAVIS-BESSE NUCLEAR POWER STATION**

Dear Mr. Boles:

This letter provides the final results of our significance determination of the preliminary Greater than Green finding identified in our previous communication dated November 12, 2015, which included U.S. Nuclear Regulatory Commission (NRC) Inspection Report No. 05000346/2015408. This Greater than Green finding was discussed in detail in Section 4OA5.1 of inspection report 05000346/2015408.

In a telephone conversation with Mr. Joseph Maynen of NRC, Region III, on November 20, 2015, Patrick McCloskey, Manager, Regulatory Compliance of your staff indicated that FirstEnergy Nuclear Operating Company (FENOC) 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. This was confirmed via your letter dated, November 20, 2015. This letter also acknowledged that FENOC was relinquishing its right to appeal the final significance determination for this finding.

After considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized Greater than Green, a finding of more than low security 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. As stated above, FENOC declined the opportunity to discuss the issue in a Regulatory Conference or to provide a written response. Therefore, the NRC has concluded that FENOC gave up its right to appeal the finding.

The enclosure contains Sensitive  
Unclassified Non-Safeguards  
Information. Upon separation, this  
cover letter is decontrolled.

B. Boles

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The NRC has also determined that the finding resulted in a violation of security related requirements and is cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in NRC Inspection Report 05000346/2015408. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a Greater than Green finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Because plant performance for this issue has been determined to be beyond the licensee response band, we have used the NRC's Action Matrix to determine the most appropriate NRC response for this event. Our assessment has determined that as of the fourth quarter of 2015 Davis-Besse Nuclear Power Station will be placed on the Regulatory Response Column (Column 2). As a result, a supplemental inspection in accordance with inspection procedure 95001, "Supplemental Inspection for One or Two White Inputs in a Strategic Performance Area" will be performed at your site. The intent of the supplemental inspection is to provide assurance that the root causes and contributing causes of significant performance issues are understood, the extent of condition is identified, and the corrective actions will prevent recurrence. Please notify us in writing when you are ready for that inspection.

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

B. Boles

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If Security Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information 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.

Sincerely,

*/RA/*

Cynthia D. Pederson  
Regional Administrator

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

Enclosure:  
Notice of Violation (non-public)

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

cc w/o encl: Distribution via ListServ®

**~~OFFICIAL USE ONLY – SECURITY RELATED INFORMATION~~**

B. Boles

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Notice of Violation (non-public)

cc w/ encl: M. Bear, State Liaison Officer,  
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FILE NAME: EA-15-222 Davis-Besse Final Action

OFFICE	RIII	RIII	RIII	RIII	D:NSIR	D:OE	RIII	RIII
NAME	Corujo-Sandin	Orth	Cameron by Bartlett	O'Brien	Holian1 Letourneau for	Holahan2 Furst for	Skokowski	Pederson
DATE	12/30/15	01/06/16	01/06/16	01/06/16	01/14/16	01/19/16	01/21/16	01/25/16

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<sup>1</sup> NSIR concurrence provided by e-mail from A. Letourneau dated 01/14/16  
<sup>2</sup> OE concurrence provided by e-mail from D. Furst dated 01/19/16

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

Letter to Brian Boles from Cynthia D. Pederson dated January 25, 2016

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ASSESSMENT FOLLOW-UP LETTER; NRC SECURITY INSPECTION REPORT  
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