



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

November 29, 2016

EA-16-243

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
TEMPORARY INSTRUCTION 2800/041, "10 CFR PART 37, PHYSICAL
PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF
RADIOACTIVE MATERIAL AT FACILITIES WITH A 10 CFR PART 73, PHYSICAL
PROTECTION PROGRAM"; INSPECTION REPORT AND EXERCISE OF
ENFORCEMENT DISCRETION 05000346/2016403

Dear Mr. Boles:

On October 18, 2016, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection at your Davis-Besse Nuclear Power Station using Temporary Instruction 2800/041, "Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37, Physical Protection of Category 1 and Category 2, Quantities of Radioactive Material at Facilities with a 10 CFR Part 73, Physical Protection Program." The enclosed inspection report documents the results of the inspection, which were discussed on October 18, 2016, with you and other members of your staff.

One licensee-identified violation, which was determined to be of very low significance (Severity Level IV), is documented in this report. This violation met the criteria specified in NRC Enforcement Guidance Memorandum 14-001, "Interim Guidance for Dispositioning 10 CFR Part 37, Violations with Respect to Large Components or Robust Structures Containing Category 1 or Category 2 Quantities of Material at Power Reactor Facilities Licensed under 10 CFR Parts 50 and 52." Therefore, I have been authorized, after consultation with the Director, Office of Enforcement, and the Regional Administrator, to exercise enforcement discretion for this violation and the NRC is not taking enforcement action for the noncompliance.

This letter will be made available for public inspection and copying at <http://www.nrc.gov/reading-rm/adams.html> and at the NRC Public Document Room in accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding."

Enclosure contains Sensitive Unclassified Non-Safeguards Information.
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B. Boles

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However, the enclosed report contains Security-Related Information, so the enclosed report will not be made publically available in accordance with 10 CFR 2.390(d)(1). If you choose to provide a response that contains Security-Related Information, 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). The NRC is waiving the affidavit requirements for your response in accordance with 10 CFR 2.390(b)(1)(ii).

Sincerely,

/RA/

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

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

Nonpublic Enclosure:
Inspection Report 05000346/2016403

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

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B. Boles

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Sincerely,

/RA/

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

Docket No. 50-346; 72-014
License No. NPF-3

Nonpublic Enclosure:
Inspection Report 05000346/2016403

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

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