



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 3, 2018

Mr. Mark Bezilla
Site Vice President
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 N. State Route 2
Mail Stop A-DB-3080
Oak Harbor, OH 43449-9760

SUBJECT: REQUEST TO EXTEND ENFORCEMENT DISCRETION PROVIDED IN
ENFORCEMENT GUIDANCE MEMORANDUM 15-002 FOR
TORNADO-GENERATED MISSILE PROTECTION NON-CONFORMANCES
IDENTIFIED IN RESPONSE TO REGULATORY ISSUE SUMMARY 2015-06,
"TORNADO MISSILE PROTECTION" (EPID: L-2018-LLL-0016)

Dear Mr. Bezilla,

By letter dated April 12, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18102A103), FirstEnergy Nuclear Operating Company (FENOC), requested the U.S. Nuclear Regulatory Commission (NRC, the Commission) to extend the expiration date for the period of enforcement for Davis-Besse Nuclear Power Station (DBNPS), from June 10, 2018 to December 31, 2018, in accordance with information provided in Enforcement Guidance Memorandum (EGM) 15-002, Revision 1, "Enforcement Discretion for Tornado Generated Missile Protection Non-Compliance," dated February 7, 2017 (ADAMS Accession No. ML16355A286). FENOC is installing a missile protected emergency vent on each of the DBNPS emergency diesel generator fuel oil storage tanks. FENOC requested an enforcement discretion extension until December 31, 2018 to ensure there is sufficient time to plan and execute this permanent resolution to eliminate the non-conformance and restore the site to compliance.

Subsequently, the NRC staff has reviewed your letter in accordance with Commission direction as provided in EGM 15-002, Revision 1, and staff guidance provided in NRC Interim Staff Guidance, DSS-ISG-2016-01, Revision 1, "Clarification of Licensee Actions in Receipt of Enforcement Discretion [per EGM 15-002]," dated November 2017 (ADAMS Accession No. ML17128A344).

The NRC staff reviewed the information that you have provided and finds that the compensatory measures taken are consistent with EGM 15-002, Revision 1, and with interim staff guidance found in DSS-ISG-2016-01, Revision 1. Specifically, the staff found that DBNPS has sufficiently described and evaluated the following six items described in DSS-ISG-2016-01, Revision 1, Appendix B: nonconformances applicable to the EGM, prompt compensatory actions, long-term compensatory actions, assessment of compensatory measures, need for additional enforcement discretion time, and timeline for restoring licensing basis compliance. The NRC staff has concluded that the actions taken by DBNPS can be effectively implemented and justify extension of the enforcement discretion date to December 31, 2018, because DBNPS has

sufficiently described and documented compensatory measures for identified nonconforming structures, systems, and components (SSCs), provided assurance that compensatory measures will be effective and maintained through the extended period for enforcement discretion, and described an implementable plan for restoring SSCs to compliance within the extended period for enforcement discretion. Therefore, the request to extend enforcement discretion is granted. If you are unable to meet the extended enforcement discretion date, you are requested to contact the NRC staff at least 90 days in advance. Please contact Greg Casto at (301) 415 – 0565.

Sincerely,

/RA/

Michael X. Franovich, Director
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Docket Nos. 50-346

SUBJECT: REQUEST TO EXTEND ENFORCEMENT DISCRETION PROVIDED IN ENFORCEMENT GUIDANCE MEMORANDUM 15-002 FOR TORNADO-GENERATED MISSILE PROTECTION NON-CONFORMANCES IDENTIFIED IN RESPONSE TO REGULATORY ISSUE SUMMARY 2015-06, "TORNADO MISSILE PROTECTION" (EPID: L-2018-LLL-0016) DATED MAY 3, 2018

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ADAMS Accession No. **ML18114A167**

*via e-mail

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