

From: [Cameron, Jamnes](#)
To: tgurdziel@twcny.rr.com
Cc: [Mityng, Viktoria](#); [Chandrathil, Prema](#)
Subject: Control Room Performance at FirstEnergy/Davis-Besse, Event Number 52079
Date: Thursday, August 25, 2016 2:15:00 PM

Dear Mr. Gurdziel,

I am responding to your e-mail of July 11, 2016, to Chairman Burns concerning Davis-Besse event notification 52709, and your question about operating shift performance at Davis-Besse.

The Nuclear Regulatory Commission (NRC) expects licensees to comply with the requirements of their Technical Specifications. As you are aware, licensees must, in accordance with 10 CFR 50.36(c)(2), adhere to the limiting conditions of operations specified in their site Technical Specifications. The NRC also realizes that under certain limited plant conditions compliance with the wording of the Technical Specifications shutdown requirements might not be appropriate.

The NRC is presently reviewing the licensee's actions related to the event notification, the reasonableness of their actions, and working to understand what, if any, other conditions may have influenced the actions of the licensee. When we have completed our review of this issue, we will document our conclusions and our actions in a future inspection report.

For background information, in those limited circumstances in which compliance with the wording of the Technical Specifications shutdown requirements might not be appropriate, the licensee may request an expedited Technical Specification change in accordance with 10 CFR 50.91(a)(5). The licensee may also request enforcement discretion (commonly referred to as a "Notice of Enforcement Discretion" (NOED)). The process for an NOED is described in Inspection Manual Chapter 0410, "Notices of Enforcement Discretion" (ADAMS Ascension Number ML13071A487). Specifically in section three of that document, it is stated that:

"03.03 NOED Criteria. NOEDs are warranted only if compliance with TS or with other license conditions would involve one or more of the following:

- a. an unnecessary plant transient
- b. an unnecessary down-power or the shutdown of a reactor without a corresponding health and safety benefit."

As was apparent from event notification 52709, the Davis-Besse licensee did not request either an expedited Technical Specification change or an NOED. Again, once we have completed our review of this issue, we will make the results of our review publically available.

Thank you for your interest in this matter.

Sincerely,

Jamnes L. Cameron, Chief
Projects Branch 4 (Davis-Besse, Dresden, and Point Beach)
Division of Reactor Projects
NRC Region III

