

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Davis-Besse Nuclear Power Station EA-16-022
Oak Harbor, OH
Docket No.: 50-346

Subject: ISSUANCE OF CONFIRMATORY ORDER

This is to inform the Commission that a publicly available Confirmatory Order (Order) will be issued on or about September 1, 2016, to Davis-Besse Nuclear Power Station (Davis-Besse). This Order will confirm commitments reached as part of an alternative dispute resolution (ADR) settlement agreement addressing apparent violations identified through an investigation at Davis-Besse.

Apparent violations were identified during an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) to determine whether a licensed operator deliberately failed to comply with a condition of his license that required him to take medications as prescribed by his physician to maintain medical qualifications. Based on the results of its investigation, the NRC preliminarily determined that the licensed operator deliberately failed to comply with a condition of his license, and failed to provide the facility licensee with information, that was complete and accurate in all material respects, for the submittal to the NRC of required updates on the operator's medical condition.

In a letter dated May 17, 2016, the NRC provided Davis-Besse the results of the inspection, and offered the opportunity to attend a Predecisional Enforcement Conference, or request ADR.

In response to this letter, Davis-Besse requested ADR. An ADR mediation session was held on July 21, 2016, and a preliminary settlement agreement was reached. The settlement actions include, but are not limited to: (1) a management discussion with each licensed operator in regard to this event, (2) revisions to operator requalification training materials to incorporate facts and lessons learned from this event, (3) fleet-wide management communications regarding expectations and requirements for complete and accurate medical reporting to operations and security personnel subject to those requirements, (4) fleet-wide training to address the provisions of 10 CFR 50.9, (5) revisions to existing fleet procedures governing licensed operator medical reports, (6) a presentation at the Nuclear Medical Resources Professionals User Group on the facts of this case, and (7) submission of an article to a widespread trade publication based on the facts and lessons learned from this event. In consideration of these commitments, the NRC agreed to refrain from issuing a Notice of Violation and will consider this Order as an escalated enforcement action for a period of one year from its effective date.

It should be noted that Davis-Besse has been specifically informed of, and agrees to, this enforcement action. The schedule of issuance and notification is:

Mailing of Notice	September 1, 2016
Telephone Notification of Davis-Besse	September 1, 2016

The state of Ohio will be notified.

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DISTRIBUTION: EN-16-019, August 30, 2016

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