



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

May 21, 2018

Mr. David Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
P.O. Box 15316
Chattanooga, TN 37415

SUBJECT: NRC RESPONSE TO UNION OF CONCERNED SCIENTISTS COMMENTS
REGARDING DAVIS-BESSE NUCLEAR STATION LICENSEE EVENT
REPORT 2016-008-000, AND ITS SUBSEQUENT REVISION 2016-008-001

Dear Mr. Lochbaum:

This letter is in response to your April 20, 2018, email message to me, which shared your concern regarding the untimely closure of Davis-Besse Nuclear Station Licensee Event Report (LER) 2016-008-000, and its subsequent Revision 2016-008-001, "Application of Technical Specification for the Safety Features Actuation System Instrumentation."

In your email, you observed that holding the LER open for an extended period of time was not in keeping with NRC's timeliness goals. As you are likely aware, letters to senior NRC officials are generally placed into ADAMS as publically available documents unless there is a reason to exclude the letter from ADAMS.

First, let me assure you that at the time of the event described in the LER, our inspection staff performed a thorough inspection of the circumstances as described in the LER. Specifically, our resident inspectors documented their review of the technical aspects of the subject event in NRC Integrated Inspection Report 05000346/2016003, dated November 4, 2016 (ADAMS ML16309A098). Our focus was ensuring that the licensee appropriately addressed the underlying technical and safety issue.

Secondly, I fundamentally agree that timely review and closure of LERs is appropriate and demonstrates our commitment to being timely and effective in fulfilling our regulatory oversight responsibilities. Our region monitors the status of open LERs and was conducting a final review of the LER at the time you expressed interest in its status. The timeliness of review of LERs is dependent on several factors including potential safety significance and other extenuating circumstances. In this particular case, after we determined that there was no immediate safety concern, we deferred our final review until the completion of an investigation to determine whether any of the licensee activities concerning the event and the use of compensatory measures to declare one of the safety feature actuation system channels operable constituted deliberate misconduct. On May 2, Region III issued the enclosed letter (ML18122A384) to the licensee, indicating that the investigation had been concluded and the NRC determined that no deliberate misconduct had been substantiated. The time it took to complete the investigation and Agency assessment was typical for a case of this nature.

With the conclusion of the investigation, the Davis-Besse Resident Inspectors will complete their review of the event report. The LER will be closed during the current calendar quarter of inspection activities and will be documented in NRC Integrated Inspection Report 05000346/2018002, which will be issued no later than August 14, 2018. Following our issuance of that report, should you have any additional questions concerning our closure of the LER, please contact Mr. Jamnes Cameron, the Region III Division of Reactor Projects Branch Chief responsible for oversight of our inspection program at Davis-Besse, at 630-829-9833, or jamnes.cameron@nrc.gov.

As a matter of practice, the NRC does not discuss or acknowledge ongoing investigations. I trust this letter fully responds to your concerns.

Thank you for bringing your questions and thoughts to our attention.

Sincerely,

/RA/

K. Steven West, Regional Administrator
Region III

Enclosure:
NRC Letter to Mr. M. Bezilla

Letter to David Lochbaum from K. Steven West dated May 21, 2018

SUBJECT: NRC RESPONSE TO UNION OF CONCERNED SCIENTISTS COMMENTS
REGARDING DAVIS-BESSE NUCLEAR STATION LICENSEE EVENT REPORT
LER 2016-008-000, AND ITS SUBSEQUENT REVISION 2016-008-001

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**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

May 2, 2018

Mr. Mark Bezilla
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: NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2016-011

Dear Mr. Bezilla:

This refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) to determine whether: (1) the Director of Site Operations (DSO) at Davis-Besse Nuclear Power Station willfully provided incomplete and inaccurate information to the NRC pertaining to the feasibility and status of a prompt operability determination to address the operability of Safety Features Actuation System Channel 1, (2) the DSO willfully failed to follow Technical Specification Limiting Condition for Operation 3.3.5.b without justification of operability, and (3) a shift manager falsified an operability determination for the borated water storage tank level indication. Based on the evidence developed during the investigation, we did not substantiate the allegation. The synopsis from the OI Report of Investigation is enclosed.

If you have any questions or comments regarding this matter, please contact an NRC Region III Office Allegation Coordinator by calling (800) 522-3025. The NRC Region III Office Allegation Coordinators are Jim Heller, Paul Pelke, and Sarah Bakhsh.

In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be 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> (the Public Electronic Reading Room). You should note that final NRC documents, including the final OI reports, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance

Enclosure

M. Bezilla

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with 10 CFR 9.23, Request for Records. The instructions for making a request for information under the FOIA are accessible at <http://www.nrc.gov/reading-rm/foia/foia-request.html>.

Sincerely,

/RA/

Jamnes Cameron, Chief
Branch 4
Division of Reactor Projects

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

Enclosure:
OI Synopsis

M. Bezilla

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Letter to M. Bezilla from J. Cameron; dated May 2, 2018

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2016-011

bcc w/encl: AMS File No. RIII-2016-A-0031

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OFFICE	RIII	N	OI:RIII	N	RIII	N	RIII	N
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DATE	04/30/18		04/30/18		05/02/18		05/02/18	

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* For permission to release OI synopsis. ** The 3-week email has expired.

OI SYNOPSIS

This investigation was initiated on August 8, 2016, by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations, Region III, to determine whether: (1) the Director of Site Operations (DSO) at FirstEnergy Nuclear Operating Company's Davis-Besse Nuclear Power Station, Unit 1 (Davis-Besse) willfully provided incomplete and inaccurate information to the NRC pertaining to the feasibility and status of a prompt operability determination (POD) to address the operability of Safety Features Actuation System (SFAS) Channel 1, (2) the DSO willfully failed to follow Limited Condition for Operation (LCO) Technical Specification (TS) 3.3.5.b without justification of operability, and (3) a shift manager falsified an operability determination for the borated water storage tank (BWST) level indication.

Based on the evidence developed, the allegation that the DSO willfully provided inaccurate and incomplete information to the NRC about the feasibility and status of a POD was not substantiated. This investigation also determined, based on the evidence, the allegation a DSO willfully failed to follow LCO TS 3.3.5.b was not substantiated. In addition, based on the evidence developed, the allegation a shift manager falsified an operability determination of the BWST level indication was not substantiated.

Case No. 3-2016-011

Enclosure