

CASE No. 8-87-017



United States
Nuclear Regulatory Commission

Report of Investigation

Davis-Besse Nuclear Power Station:

[REDACTED] Allegedly Intoxicated Onsite and Allegedly Directed Control Room Reactor Operator Activities; Allegedly Providing False Information to the NRC; and Alleged Failure to Comply with Nuclear Quality Assurance Program

Office of Investigations

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RII

TITLE: DAVIS-BESSE NUCLEAR POWER STATION

~~REDACTED~~ ALLEGEDLY INTOXICATED ONSITE AND ALLEGEDLY DIRECTED CONTROL ROOM REACTOR OPERATOR ACTIVITIES; ALLEGEDLY PROVIDING FALSE INFORMATION TO THE NRC; AND ALLEGED FAILURE TO COMPLY WITH NUCLEAR QUALITY ASSURANCE PROGRAM

7c

Licensee:

Toledo Edison Company
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Toledo, OH 43652

Docket No.: 50-346

Reported By:

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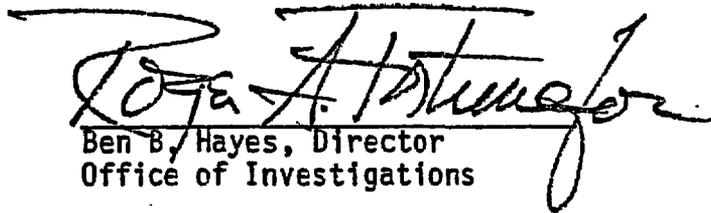
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SYNOPSIS

In January 1987, the NRC received an allegation relating to the Davis-Besse Nuclear Power Station (Davis-Besse), specifically that on December 31, 1986, the [REDACTED] violated the Fitness for Duty Program by accessing the site in an alcohol-impaired condition and proceeded to become a distraction to the reactor operators and others in the control room that evening. 7c

On January 29, 1987, the Region III (RIII) Administrator requested that Toledo Edison Company (TEDCo) investigate the allegation and submit their findings to the NRC. On February 19, 1987, TEDCo complied with that request with a written report assuring the NRC that their investigation had exonerated the [REDACTED] of any violation of their Fitness for Duty Program and concluded that he was, in fact, not a distraction to anyone in the control room that evening. Based upon the licensee's report, the NRC closed the Davis-Besse allegation. 7c

In July 1987, the NRC received new information alleging that the Davis-Besse [REDACTED] was not only alcohol-impaired while at the site on New Year's Eve 1986, but that he also directed reactor operator activities while in the control room. 7c

On October 1, 1987, the NRC Office of Investigations (OI) initiated an investigation relating to an alleged violation of the Davis-Besse Fitness For Duty Program. Although the NRC rules and regulations do not encompass fitness for duty, the NRC Commission authorized the investigation under the NRC Fitness for Duty Policy Statement and its authority to assure that any individual who has access to a nuclear power facility does not compromise public health and safety as a result of that individual's incompetence or impaired judgement.

This investigation has developed evidence indicating that on New Year's Eve 1986, the Davis-Besse [REDACTED] did access the site after having consumed a quantity of alcohol, which in his opinion, was of an insufficient quantity to cause him to question his fitness for duty. That OI finding partially corroborated the TEDCo internal investigation finding of the [REDACTED] fitness for duty. This OI investigation, however, developed evidence, in part, contrary to the TEDCo finding that while onsite New Year's Eve 1986, the [REDACTED] did exhibit behavior which was distracting and disruptive to the control room personnel. This investigation did not, however, corroborate the allegation that the [REDACTED] directed reactor operator activities on the evening in question. 7c

Because of the disparity between the TEDCo investigation report to the NRC and the OI finding relating to the [REDACTED] distracting behavior in the control room, OI investigated further to determine whether TEDCo management willfully misrepresented the facts relevant to that aspect of their report to the NRC. 7c

This investigation has developed evidence indicating that the Davis-Besse [REDACTED]

[REDACTED] failed to thoroughly investigate the allegation regarding the distracting behavior in the control room. The [REDACTED] received a written statement from an eye witness to the events in the control room which confirmed the allegation that the [REDACTED] may have been, for a period of time, a distraction. Rather than attempting to corroborate that statement by interviewing any of the other eight eye witnesses, the [REDACTED] chose to conclude in his letter to the NRC that the allegation was subjective and unsubstantiated. 7c

During the course of the fitness for duty investigation at Davis-Besse, the RIII Administrator requested that OI concurrently investigate an allegation that the [REDACTED] violated the Davis-Besse Nuclear Quality Assurance Program by [REDACTED] safety related station procedure which conflicted with the requirement of an upper tier Nuclear Group procedure.

This investigation developed evidence indicating the Davis-Besse [REDACTED]

[REDACTED] The [REDACTED] both stated to OI under oath they were not aware of the requirement to have the upper tier Nuclear Group procedure revised prior to the implementation of the station procedure. The [REDACTED] which stated that he was unaware of that requirement. Contrary to their statements, [REDACTED] 7c

ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 3-87-017) will not be included in the material placed in the PDR. They consist of pages 3 through 32.

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APPLICABLE REGULATIONS

Allegation 1: ~~XXXXXXXXXX~~⁷ Allegedly Intoxicated Onsite and Allegedly Directed Control Room Reactor Operator Activities

NRC Fitness for Duty Policy Statement

TEDCo Guide to Drug and Alcohol Policy

Davis-Besse Fitness for Duty Procedure

Allegation 2: Allegedly Providing False Information to NRC

Atomic Energy Act of 1954, as amended, Section 223(a), Violations of Sections Generally

Allegation 3: Alleged Failure to Comply With Nuclear Quality Assurance Program

10 CFR 50, Appendix B, Criterion V, Instructions, Procedures and Drawings

10 CFR 50, Appendix B, Criterion XVI, Corrective Action

Atomic Energy Act of 1954, as amended, Section 223(a), Violations of Sections Generally

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DETAILS OF INVESTIGATION

Purpose of Investigation

On October 1, 1987, the NRC Commission voted unanimously to have the NRC Office of Investigations (OI) investigate alleged violations of the Davis-Besse Nuclear Power Station (Davis-Besse) Fitness for Duty program. The substance of the allegations were that the Davis-Besse [REDACTED] accessed that facility while intoxicated and directed control room operator activities; and that the licensee provided false and misleading information to the NRC. During this investigation, an additional allegation was investigated relating to the [REDACTED] failure to comply with the Nuclear Quality Assurance (QA) program. 7c

Background

In January 1987, the NRC received an allegation relating to Davis-Besse, specifically that on December 31, 1986, the [REDACTED] violated the Fitness for Duty Program by accessing the site in an alcohol-impaired condition and proceeded to become a distraction to the reactor operators and others in the control room that evening. 7c

On January 29, 1987, the Region III Administrator requested that the Toledo Edison Company (TEDCo) investigate the allegation and submit their findings to the NRC. On February 19, 1987, TEDCo complied with that request with a written report assuring the NRC that their investigation had exonerated the [REDACTED] of any violation of their Fitness for Duty Program and concluded that he was, in fact, not a distraction to anyone in the control room that evening. 7c

TEDCo Management and Supervision Guide to the Drug and Alcohol Policy dated January 1, 1986, states at paragraph 5, in part, "Alcoholic beverages should not be consumed between the beginning and ending times of the regularly scheduled work day, during other work assignments or immediately prior to reporting for work." The Davis-Besse Fitness for Duty Procedure NG-IS-0004 effective December 31, 1986, states at paragraph 5.11.1, in part, "All company and contract personnel shall be responsible for being fit for duty." At paragraph 6.6.2, titled "Emergency Call Out," that procedure states, in part, "If the individual is not fit for duty, this shall be related to their supervisor. The individual shall remain at home until suitable to return to work" (Exhibits 1 and 2). Based upon the licensee's report, the NRC closed the Davis-Besse allegation.

In July 1987, the NRC received new information alleging that the Davis-Besse [REDACTED] was not only alcohol-impaired while at the site on New Year's Eve 1986, but that he also directed reactor operator activities while in the control room. 7c

On October 1, 1987, NRC:OI initiated an investigation relating to an alleged violation of the Davis-Besse Fitness For Duty Program. Although the NRC rules

and regulations do not encompass fitness for duty, the NRC Commission authorized the investigation under the NRC Fitness for Duty Policy Statement and its authority to assure that any individual who has access to a nuclear power facility does not compromise public health and safety as a result of that individual's incompetence or impaired judgement.

Chronology

Allegation 1: [REDACTED] Allegedly Intoxicated Onsite and Allegedly Directed Control Room Reactor Operator Activities

On December 31, 1986, at approximately 8:00 a.m., the Davis-Besse plan of the day meeting commenced. [REDACTED]

[REDACTED], that day's schedule, which included completing the reactor start-up to place Davis-Besse in the power grid by the end of the day. Following the meeting, [REDACTED]

but understood his responsibility and he would not drink alcohol. [REDACTED]

[REDACTED] where he would be attending a party that evening. [REDACTED] related to the NRC that he remained onsite until approximately 3:30 p.m. [REDACTED]

(Exhibit 3; Exhibit 4, pp. 5-6 and 18-21; Exhibit 5; Exhibit 6, p. 7).

At approximately 4:00 p.m. [REDACTED] They discussed what work needed to be completed before start-up could proceed. At that time, the reactor was critical and holding under 20% power. The schedule, however, predicted turbine generator synchronization at approximately 6:30 p.m. (Exhibit 3; Exhibit 7, pp. 5-7).

Between 5:30 and 6:00 p.m. [REDACTED] he and his wife consumed a bottle of wine with dinner (Exhibit 4, p. 6).

At approximately 6:30 p.m., [REDACTED] to advise that a problem had surfaced relating to the calibration of the nuclear instrumentation (NI). Apparently, the instrumentation and control technician had failed to complete a procedure which involved updating the computer program with new data for the NI calibration. [REDACTED]

(Exhibit 3; Exhibit 7, pp. 8-10).

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[REDACTED] understood the start-up schedule had slipped several hours; however, he did not perceive the NI calibration delay as a significant problem. [REDACTED] (Exhibit 4, pp. 6-8; Exhibit 7, pp. 8-10). 7c

[REDACTED] who related that Bob CELIAN was on his way to site to update the computer program. [REDACTED] anticipated about a two hour schedule delay. [REDACTED] also advised that Admiral Joseph WILLIAMS, Senior Vice President Nuclear, had called and was aware of problem. When WILLIAMS [REDACTED] to [REDACTED] (Exhibit 3; Exhibit 7, pp. 11-17; Exhibit 8, p. 7). 7c

[REDACTED] WILLIAMS perceived that a [REDACTED] WILLIAMS received no indication [REDACTED] was unfit for duty. [REDACTED] did not advise SMITH that [REDACTED] (Exhibit 4, p. 9; Exhibit 6, pp. 4-5; Exhibit 8, pp. 7-14). 7c 7d 7c 7c

Between [REDACTED] During their telephone conversation, [REDACTED] to go to the site and that he [REDACTED] was also on his way there. [REDACTED] Further stated [REDACTED] 7d 7c

[REDACTED] The personnel already at the site were competent and [REDACTED] to go to the site to assist with the start-up. [REDACTED] 7d 7d 7c 7d

[REDACTED] SMITH recalled that [REDACTED] was very angry when [REDACTED] He believed [REDACTED] had to go to the site or [REDACTED] SMITH and [REDACTED] talked about fitness for duty before [REDACTED] departed, though more from a mental attitude perspective than alcohol impairment. SMITH recalled [REDACTED] having not more than two drinks [REDACTED] (Exhibit 3; Exhibit 4, pp. 9-10; Exhibit 6, pp. 5-6, 9-10, and 13-15; Exhibit 7, pp. 15 and 37). 7c

At approximately [REDACTED] accessed the Davis-Besse site. According to [REDACTED] appeared to be in a very angry and hostile mood and immediately began to berate [REDACTED] in a loud, angry, obscene manner for not [REDACTED] 7d 7c

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therefore, anyone in the control room was able to observe [redacted] behavior.

[redacted] offered an explanation of the technical problem, however, [redacted]

After approximately five minutes of discussion in the control area, which [redacted] characterized as distracting to the operators, he and [redacted] moved to an office adjoining the control room, though still audibly open to the control area, and continued their loud conversation. [redacted] asked the [redacted]

[redacted] explained the situation several times to [redacted] who to [redacted] surprise, was not comprehending the explanation and kept asking for a simpler explanation. [redacted] stated that [redacted] inability to comprehend the situation was uncharacteristic of [redacted] who was known as a quick study of technical matters. It was not until later that evening that [redacted] comprehension problem may have been partially related to alcohol consumption (Exhibit 4, pp. 10 and 26-31; Exhibit 7, pp. 21-28; Exhibit 9).

[redacted] were of the opinion that [redacted] had been consuming alcohol shortly before entering the control room. Several of those individuals also defined [redacted] behavior as distracting, disruptive, unprofessional, and unacceptable in a control room setting. [redacted]

[redacted] stated that he did not direct, or attempt to direct, their [redacted] which would have impacted the start-up process. They were concerned about [redacted] ability to react and perform in a safe and technically competent manner on that occasion (Exhibit 7, pp. 29-35; Exhibit 9; Exhibit 11; Exhibit 12; Exhibit 14; Exhibit 15; Exhibit 16; Exhibit 17).

At midnight [redacted]

[redacted] perceived that the shift was tentative in their actions, using the example of their performing some procedures singularly when they could be performed in parallel as [redacted]. He also believed his experience [redacted] provided a level of confidence to the shift. [redacted] departed the site early on [redacted] after the turbine generator was synchronized (Exhibit 4, pp. 11-14, 30-33, and 40-42; Exhibit 7, pp. 26 and 31-32).

Allegation 2: Allegedly Providing False Information to NRC

On January 2, 1987, [redacted] conversed with WILLIAMS and Paul SMART, President of TEDCo, relating his chronology of the events which occurred on December 31, 1986. On or about that date, WILLIAMS suggested to SMART that an investigation of [redacted] fitness for duty be conducted [redacted]

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[redacted] SMART accepted that suggestion and directed [redacted] Exhibit 3; Exhibit 8, pp. 14-15; Exhibit 10, pp. 4-8). 7c

In early January, [redacted] and WILLIAMS discussed the [redacted] fitness for duty incident. WILLIAMS advised that he did not consider [redacted] unfit based solely upon the [redacted] 7c
[redacted] WILLIAMS also stated that fitness for duty did not enter into the discussion with [redacted] that evening. [redacted] next step was to converse with [redacted] 7c
to the control room events of December 31, 1986. [redacted] also provided a written statement for [redacted] which indicated that [redacted] did not perceive [redacted] as unfit for duty. That statement stated that [redacted] for a period of time, may have been a distraction to the control room operators. Rather than questioning others in the control room, [redacted] discontinued his investigation (Exhibit 7, pp. 39-42; Exhibit 7A; Exhibit 8, pp. 15-18; Exhibit 10, pp. 8-12). 7c

[redacted] based his first conclusion on WILLIAMS' perception of [redacted] fitness via their [redacted] [redacted] stated that he did not see a need to inquire further of personnel who witnessed [redacted] behavior to make his decision on [redacted] fitness. [redacted] analogized, "if the [redacted] the cleaning lady what color the wall is?" [redacted] second conclusion was based on his own perception of how he would have reacted to [redacted] behavior in the control room. [redacted] stated that he personally would not have been distracted, therefore, [redacted] was not a distraction. [redacted] stated that his conclusions were based on the objective evidence available. He believed that if someone had evidence which contradicted his conclusion, that information would have been brought to his attention. He did not, however, solicit additional information from any other eye witness (Exhibit 10, pp. 16-22). 7c 7c 7c 7c

[redacted] related to the NRC that he did smell alcohol on [redacted] breath, but was not surprised, since [redacted] advised him that he was [redacted] for a couple of drinks. He also stated that it did not appear to him that [redacted] was alcohol impaired. [redacted] stated in response to a question about [redacted] behavior in the control room, "well naturally it was distracting for a period of time...there obviously was a very difficult discussion going on, and it was in the tone of voice that would attract the attention of most anyone" (Exhibit 7, pp. 27-29). 7c

NRC:OI interviewed the [redacted] who witnessed [redacted] behavior on the evening in question and obtained the following comments:

[redacted] stated that at some point in time that evening he could detect the odor of alcohol on [redacted]. He wondered why [redacted] in the [redacted] 7d

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condition he was in and whether his judgment was affected. [redacted] answered several questions posed by [redacted] but primarily tried to stay away from him because [redacted] always made him apprehensive. He thought of the [redacted]

[redacted] He also wondered how [redacted] got by the security guards at the entrance gate (Exhibit 11).

[redacted] behavior as agitated and very disruptive because of his loud arguments with [redacted]. He related that anytime [redacted] was in the control room, the reactor operators were on edge; however, that particular evening was unusually tense and disruptive (Exhibit 12).

[redacted] that evening as angry, hostile, intimidating, and his behavior as unprofessional and disruptive to the control room environment. He related that [redacted] lack of understanding of the start-up delay was very uncharacteristic of his normal mental quickness. [redacted] later detected the odor of alcohol on [redacted] and at that time concluded that his disruptive behavior and lack of comprehension may have been related to alcohol consumption (Exhibit 9).

[redacted] related that he observed [redacted] screaming obscenities and shouting at [redacted]. When [redacted] attempted to explain the start-up delay, [redacted] told him to shut up, he did not want to hear excuses. [redacted] assessed [redacted] as reckless, irrational, and ready to fire someone, therefore, he left the control room (Exhibit 13).

[redacted] as unnecessarily disruptive, loud, and argumentative. He remembered that for a period of time after [redacted] calmed down, [redacted]

[redacted] He also detected the odor of alcohol on [redacted] (Exhibit 14).

[redacted] as very heated, loud, and disruptive when arguing with [redacted] (Exhibit 15).

[redacted] behavior as disruptive, distracting, and loud (Exhibit 16).

[redacted] should not have been in the control room because he exhibited the loss of self control and showed irrational and distracting behavior. [redacted]

[REDACTED] would not have tolerated that behavior and would have ejected him. [REDACTED] suspected that [REDACTED] had been drinking alcohol because of his speech and physical motion, although he did not detect the odor of alcohol on [REDACTED] (Exhibit 17). 7c 7d

X On January 29, 1987, the NRC forwarded a letter to TEDCo asking them to investigate an allegation that [REDACTED] entered the Davis-Besse facility on December 31, 1986, in violation of their Fitness For Duty Program, and that he exhibited distracting behavior in the control room that evening. On February 19, 1987, SHELTON responded to the NRC with the following statement, [REDACTED] closely, specifically concerning [REDACTED] sobriety and general fitness for duty, both as he directly observed it and as others might have perceived it. He was firm that [REDACTED], while visibly angered by the events of the evening, discussed the technical issues with pertinent and logical comments or questions and whatever he had had to drink did not appear to affect his judgement, comprehension or thought process. [REDACTED] opined that for the first few minutes that [REDACTED] was in the control room, his expressed [REDACTED] was loud to the point that some operators might have been momentarily distracted, but he would not assign any significance to it" (emphasis added) (Exhibits 18 and 19). 7c 7c

X SHELTON's letter concluded, "the allegation that the [REDACTED] was on site shortly after drinking alcohol is substantiated. The allegation that his behavior was a distraction is subjective and is not substantiated. Moreover, the underlying issue is one of fitness for duty and it is clear that [REDACTED] was in fact fully fit for duty" (emphasis added) (Exhibit 19). 7c

On March 30, 1987, NRC closed their allegation file based upon the expectation that the [REDACTED] (Exhibit 20). 7c

Allegation 3: Alleged Failure to Comply With Nuclear Quality Assurance Program

On March 25, 1987, the Davis-Besse Technical Support Group began the required periodic revision of Station Procedure AD 1805.00, Procedure Preparation and Maintenance. That safety related procedure defines the process for the preparation, review, and approval of all other station procedures. The proposed revision 27 of AD 1805.00 contained significant changes, particularly one relating to the QA Director's responsibility and authority. Revision 27 proposed to remove the QA Director from the approval authority on all safety related station procedures and replace that function with a concurrence authority on only those station procedures which were designated as requiring QA review and concurrence. Revision 27 was circulated to Division and Department Directors as required for their comments. QA submitted numerous comments, [REDACTED] 7d

One QA comment was not resolved, however,

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which stated that altering the QA Director's authority as revision 27 proposed, violated the upper tier Nuclear Group Procedure NG-AV-115, Preparation and Control of Nuclear Group Division and Department Procedures. QA, therefore, indicated that NG-AV-115 would require revision so that AD 1805.00 revision 27 would not violate the QA program. The alternative was not to alter the QA approval authority in revision 27 (Exhibit 21; Exhibit 22; Exhibit 23; Exhibit 24, pp. 4-8; Exhibit 25, pp. 5-11; Exhibit 26, pp. 4-12; Exhibit 27).

Michael RODER, a Technical Support Engineer [REDACTED] in the preparation of revision 27, had known from the inception of that revision that NG-AV-115 required revision prior to the implementation of the AD 1805.00 revision. He noted that fact on the Procedure Interface Worksheet (PIW) attached to the revision package. RODER stated that [REDACTED] was also aware of the requirement, since [REDACTED] researched the Nuclear Group procedures as part of his procedure development responsibility (Exhibit 28; Exhibit 29, pp. 4-8).

In mid-April 1987, Jack DILLICH, Technical Support Manager, recalled having difficulty with final resolution of the QA comments to AD 1805.00 revision 27. He advised [REDACTED] on several occasions that QA Director Loren RAMSETT had not responded to the final draft of revision 27. DILLICH asked the Station Review Board (SRB) to address AD 1805.00 at their next meeting, where he felt a resolution of the unresolved QA comments could be attained. SMITH, Assistant Plant Manager and a permanent member of the SRB, advised DILLICH that the problem was above DILLICH's management level and that he (SMITH) and [REDACTED] would have to find a way to deal with QA's reluctance to concur with revision 27 (Exhibit 24, pp. 8-16).

On April 28, 1987, [REDACTED] asked RODER to change his entry on the PIW by deleting the word "prior" and inserting the word "subsequent," thereby indicating that NG-AV-115 could be revised after the implementation of AD 1805.00 revision 27 (emphasis added). [REDACTED] explained that it was upper management's intention to have revision 27 on the street and to revise the Nuclear Group procedure later. RODER agreed to make the change, knowing that revision 27 was being submitted to the SRB where he believed some arrangement would be made to implement the plan [REDACTED] had described. [REDACTED] denied asking RODER to make any change to the PIW (Exhibit 25A; Exhibit 28; Exhibit 29, pp. 13-16).

On April 28-29, 1987, the SRB met to address AD 1805.00 revision 27 and the unresolved QA comments as required of all safety related procedure revisions. The SRB was comprised of permanent members from various departments, including a QA representative (Exhibit 30).

On May 8, 1987, the SRB met for the final time on AD 1805.00 revision 27 where the remaining QA comments were resolved. The SRB recommended that NG-AV-115 be revised prior to the implementation of AD 1805.00 revision 27 and documented that recommendation in the Procedure Development Form (PDF) comment resolution section. The SRB Chairman, David BRIDEN, stated the SRB's

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recommendation on that comment was unanimous and that all members understood that revision 27 would be delayed until NG-AV-115 could be revised. [REDACTED] was present at the SRB meetings and advised the SRB members that NG-AV-115 was currently in the revision process. Although the SRB did recommend the procedure for the Plant Manager's approval as evidenced by the Chairman's signature on the PDF cover page, the SRB did not forward that procedure to the Plant Manager for his approval. According to BRIDEN, revision 27 was returned to [REDACTED], who should have assured that NG-AV-115 was revised and then should have resubmitted revision 27 to the SRB, or at a minimum, advised SRB that NG-AV-115 had been revised. Procedurally, revision 27 should then have gone to QA for final review and approval prior to the Plant Manager's approval and implementation (Exhibit 25, pp. 15-17; Exhibit 30; Exhibit 31; Exhibit 32, pp. 7-19; Exhibit 32A, pp. 6-10 and 21; Exhibit 33, pp. 7-12; Exhibit 34, pp. 6-11).

On May 13, 1987, [REDACTED] forwarded AD 1805.00 revision 27 to DILLICH for his signature [REDACTED]. At that time, the QA Director had not signed on the PDF, therefore, QA had not officially concurred with the proposed revision 27. The QA Director's signature was procedurally required by NG-AV-115. DILLICH stated that although he did review the PDF comments with [REDACTED] present, his attention was not directed to the SRB's recommendation to change NG-AV-115 prior to implementation of AD 1805.00 revision 27. He did recall [REDACTED] discussing the fact that training should precede the revision 27 implementation. DILLICH was uncomfortable about signing the procedure cover sheet knowing that the QA Director's approval had not been received. He justified his action stating, "I thought we were in compliance. I also have a procedure that says I'm supposed to get this thing revised once a year, AD 1805. And it was well over the annual revision date. So yeah, I was stuck between a rock and a hard spot and I made a conscious decision after two weeks to sign it. Now I tried to go through SRB, I thought I had gone through SRB, I thought they had agreed 'yeah, we'll go ahead and approve this one.'" [REDACTED] stated that he did not recall the SRB recommendation that NG-AV-115 required revision prior to implementation of AD 1805.00 revision 27, and he therefore did not advise [REDACTED] of that recommendation. [REDACTED] later stated to the contrary, that he did recall the SRB recommendation regarding NG-AV-115 and agreed to delay the implementation of AD 1805 revision 27. [REDACTED] denied hand carrying revision 27 to [REDACTED] for their approval and stated that subsequent to the SRB meeting on May 8, 1987, he had no further involvement with AD 1805 revision 27 until after it had been approved (Exhibit 24A, pp. 8-25 and 30-50; Exhibit 25, pp. 16-19; Exhibit 25A; Exhibit 35, pp. 8-12 and 20).

On May 13, 1987, [REDACTED] [REDACTED] He reviewed the PDF cover sheet, noting the SRB Chairman's signature and perceived that SRB had thereby recommended approval. [REDACTED] did not remember observing the absence of the QA Director's signature on the PDF, but related that since revision 27 was deleting the QA Director's approval from station procedures, he did not expect QA concurrence beyond the SRB. [REDACTED] also stated that he was unaware of the SRB recommendation to delay the approval or implementation of AD 1805.00 revision 27 until NG-AV-115 was revised and that training should precede implementation. He did know that NG-AV-115 was in the revision process and that AD 1805.00 revision 27 contained requirements that conflicted with NG-AV-115. [REDACTED]

7c

[REDACTED] He related that document control personnel were responsible for determining whether a procedure required a delayed implementation to satisfy the training requirements or some other SRB recommended action (Exhibit 4, pp. 75-83; Exhibit 4A, pp. 6-25; Exhibit 25A; Exhibit 35, pp. 8-12 and 20).

On May 14, 1987, the SRB Secretary, Carol ZIMMERMAN, found the approved AD 1805.00 revision 27 on her desk. One of her responsibilities was to process approved procedure revisions. She knew from her involvement in the SRB meetings on AD 1805.00 that something irregular had occurred, since she was unaware of NG-AV-115 having been revised. ZIMMERMAN questioned [REDACTED] about the AD 1805.00 approval and was advised, "[REDACTED] had called him up and wanted 1805 approved and asked [REDACTED] to bring it down to him." [REDACTED] to issue AD 1805.00 revision 27. ZIMMERMAN at the time was training Kevin GARN, Document Control Clerk, on procedure processing. When GARN found out that an apparent procedural deficiency had occurred, ZIMMERMAN recalled the following conversation with him. GARN stated, "I am going to go in and ask [REDACTED] if he knows what he has done." ZIMMERMAN said, "oh, don't do that. He knows what he did. I said, 'the fight is between him and Loren (RAMSETT), and that's not your problem.' I said, 'you'll get in big trouble if you do that. You are just new here, so just go back and process it like I told you.' And so he said, 'well, I don't like to, that's not right,' and I said, 'well, I don't like to, either, its not right, but that's not our problem. There's nothing you can do about it'" (Exhibit 33, pp. 12-23). 7c

ZIMMERMAN recalled that on May 14, 1987, document control gave AD 1805.00 back to [REDACTED] and she surmised that occurred because GARN was standing in front of their office saying "this isn't right." She also suspected the procedure was pulled back because the SRB had recommended a training period prior to implementation and she knew that [REDACTED] denied having AD 1805.00 returned to him, but did recall Karen DUNN, Document Control Supervisor, contacting him to ask whether revision 27 should be processed without the QA Director's signature. [REDACTED] stated that he was surprised that revision 27 had been approved. He and DILLICH [REDACTED] about the SRB recommendation to conduct training and to revise NG-AV-115 prior to revision 27 implementation. [REDACTED] advised [REDACTED] that AD 1805.00 revision 27 was effective and directed [REDACTED] to discontinue his training effort because training was unnecessary. [REDACTED] also ordered [REDACTED] to immediately proceed with efforts to get NG-AV-115 revised. [REDACTED] stated that while no official training was ever conducted, one informal session took place with several QA personnel present. [REDACTED] denied cancelling AD 1805.00 revision 27 training, stating that formal training did occur (Exhibit 4A, pp. 19-25; Exhibit 24A, pp. 38-42; Exhibit 25, pp. 17-18, 37, and 44-47; Exhibit 25A; Exhibit 33, pp. 12-23). 7c

Sidney GOLDSTEIN, Systems and Procedures Manager, explained that his department was responsible for the revisions to all Nuclear Group procedures. He was aware that NG-AV-115 was in the revision process to parallel the revision to AD 1805.00 revision 27. He also understood that NG-AV-115 was to be revised prior to AD 1805.00 revision 27. GOLDSTEIN related that AD 1805.00 revision 27 was halted on May 14, 1987, because his personnel in document control were not sure of the effective date. He stated, "we believed that the effective date was going to be later because of the 115 (NG-AV-115) situation. It stopped because [REDACTED] had indicated to us the effective date was going

to be later than it was. We stopped it and asked the question, 'hey, given the 115 (NG-AV-115) situation, what is going on?' I don't know what [redacted] did, but I know that Diane LEVERING, Systems and Procedures Supervisor, was told that that effective date stands" (Exhibit 36, pp. 29-30). 7c

On May 19, 1987, AD 1805.00 revision 27 was re-signed by [redacted], who speculated that document control had improperly stamped the original "Information Only," therefore, a second cover sheet was required as a "Control Copy." [redacted] recalled the second cover sheet was signed for a different reason. He stated, "I had requested some time for training prior to the procedure becoming effective and so it was document control [that] held the procedure while we were resolving is this effective now, or is it effective subsequent to training, or what, and it was several days before we got [redacted] to decide, or I got back in to talk to [redacted] and he said no, it is effective now, he just signed a new cover sheet." Also on that date, Carl ESH, QA Auditor, became aware of the fact that AD 1805.00 revision 27 had been issued. He recalled that while in a training session, [redacted] made a joke of the fact that revision 27 had been approved without QA concurrence. ESH was infuriated by [redacted] attitude and the fact the [redacted] had violated Nuclear Group procedures. He briefed his immediate supervisor and the QA Director, RAMSETT, recommending an immediate stop work action. RAMSETT decided to take a less drastic approach to the apparent quality program deficiency and reinitiated comments to the new revision 27, citing the existing conflict between the NG-AV-115 and AD 1805.00 revision 27. [redacted] ignored QA's efforts to have revision 27 rescinded (Exhibit 4A, pp. 29-31; Exhibit 25, p. 37; Exhibit 26, pp. 15-16; Exhibit 35, pp. 13-19). 7c

INVESTIGATOR'S NOTE: On June 25, 1987, [redacted] made a formal concern to the Davis-Besse Ombudsman relating the quality program deficiency with AD 1805.00 revision 27.

On June 26, 1987, RAMSETT initiated a Potential Condition Adverse to Quality (PCAQ) No. 87-0322, relating that contrary to the requirements of NG-AV-115, [redacted] without resolving all comments submitted by QA, or obtaining QA Director's concurrence on the PDF (Exhibits 35, pp. 17-22; Exhibit 37). 7c

On August 6, 1987, after several letters between QA and Technical Support failed to resolve the PCAQ disposition, RAMSETT wrote a Management Corrective Action Report to escalate the unresolved PCAQ to SHELTON. That document was never officially issued because [redacted] had agreed to work with QA on a mutual disposition to the PCAQ (Exhibit 35, pp. 17-22). 7c

In August 1987, [redacted] was directed to assist the operations department with the closure of PCAQ regarding the approval of AD 1805 revision 27. Apparently, DILLICH who was originally involved with that PCAQ had begun Senior Reactor Operator training. [redacted] recalled sitting in [redacted] [redacted] worked with QA and after at least five iterations of the root cause statement, [redacted] (Exhibit 25A). 7c

On September 2, 1987, in response to QA's PCAQ [redacted] That passage stated: 7c

"QA Director's approval was withheld pending resolution of comments (which were forwarded to the SRB for resolution). The SRB thoroughly reviewed the procedure and QA's comments, and recommended approval with an implementation subsequent to the correction of deficiencies identified in NG-AV 115.

"The Plant Manager evaluated the recommendation and determined that further delaying implementation was detrimental to station operations since the deficiencies were administrative in nature and posed no safety hazard or quality concern. This action was taken only after ensuring that immediate action was being taken to correct the deficiencies in NG-AV-115" (emphasis added) (Exhibit 37).

[REDACTED] statement of root cause implies that on May 13, 1987, when [REDACTED] they both knew of the SRB recommendation not to issue that procedure until NG-AV-115 was revised, contrary to their statements to the NRC in sworn testimony. [REDACTED] "I think what was relayed to me after the fact, not before the fact, was that SRB had approved with the proviso that NG-115 would be revised to make it come in agreement with AD 1805. But it wasn't relayed to me that that had to be done before the procedure was issued. At no time did anybody tell me that." [REDACTED] again related, "it's my understanding that the reason it got through the SRB review was that QA individuals that had problems, and the plant individuals that had problems, which were my representatives, agreed for a change to NG-115 to support what this new revision was doing. The problem was that the procedure got issued when they had stipulated at the SRB that NG-115 would have to be changed before AD 1805 could be issued. That's the piece of information that didn't come into my desk when I signed it. That piece of information became aware to me after the fact, when the PCAQ was generated." [REDACTED] also stated that he agreed with the statement of fact regarding the SRB recommendation documented in the first paragraph of the root cause section, but reiterated his position that the only SRB recommendation of which he was aware on May 13, 1987, was the Chairman's signature on the PDF. He therefore denied knowledge of any specific SRB recommendation not to approve or implement AD 1805 revision 27 until the PCAQ was initiated. [REDACTED] was not contrary to the SRB recommendation which specified that implementation be delayed until the NG-AV-115 revision occurred. [REDACTED] described procedure implementation as a sometimes lengthy process performed by document control and not subject to his control (Exhibit 4, pp. 75-77 and 81-82; Exhibit 4A, pp. 31-49).

[REDACTED] stated, "my recollection was that NG-115 would be revised and that, I don't recall whether it was prior to the implementation...no, I don't remember them saying that they were going to rev. (revision) prior to issuance."

[REDACTED] that NG-AV-115 had to be revised. [REDACTED] stated, "he knew it needed to be changed, but to my knowledge, there was no reason for him to believe that there was any commitment made to change it prior to 1805 becoming effective. I personally did not tell him that it needed to be, NG-115 needed to be revised before he put it into effect." [REDACTED] later testimony indicated that he did not disagree with the PCAQ statement that he and [REDACTED] were aware of the SRB recommendation to revise NG-AV-115 prior to approving AD 1805.00 revision 27 on May 13, 1987, however, [REDACTED] would not speculate about [REDACTED] understanding or interpretation of the

factual statements in the PCAQ root cause section (Exhibit 25, pp. 17-18, 30-31, and 44-45; Exhibit 25A).

On January 28, 1988, NRC forwarded to TEDCo the results of the inspection relating to the implementation of AD 1805.00 revision 27. That report documented two violations of 10 CFR 50, Appendix B, specifically Criterion V, in that Davis-Besse Nuclear QA Manual and NG-AV-115 require QA Director's approval of safety related station procedures, and Criterion IV, failure to promptly identify and correct the deficiency (Exhibit 37).

On February 18, 1988, the unresolved disposition of PCAQ No. 87-0322 was escalated to the Vice President Nuclear, SHELTON, who resolved the differences between [redacted] and QA (Exhibit 38). 7c

On February 25, 1988, Davis-Besse licensing department initiated a response to the NRC inspection findings. They circulated the draft response to [redacted] and RAMSETT for their review and approval. That letter stated, in part, "On May 13, 1987, responsible station personnel signed the procedure cover sheet based on the understanding that the SRB had resolved QA comments and forwarded the procedure to the Information Management Department for administrative processing. At the time, they were unaware that the revision to NG-AV-115 had to be implemented prior to implementing AD 1805 revision 27." On February 28, 1988, [redacted] (Exhibit 4A, pp. 57-60; Exhibits 39; Exhibit 40). 7c

On February 29, 1988, that PCAQ was closed following the revision to NG-AV-115. Also on February 29, 1988, SHELTON forwarded a letter to NRC responding to the NRC inspection findings of January 28, 1988, acknowledging the alleged violation of their quality program by the issuance of AD 1805.00 revision 27 (Exhibits 40 and 41).

Willfulness/Intent

Allegation 1: Plant Manager Allegedly Intoxicated Onsite and Allegedly Directed Control Room Reactor Operator Activities

[redacted] (Exhibit 4, pp. 6 and 9-10; Exhibit 6, pp. 5-6 and 9-10).

[redacted] (Exhibit 6, pp. 5-6 and 9-10). 7c

[redacted] exhibited distracting and disruptive behavior in the control room on December 31, 1986 (Exhibit 7, pp. 21-28; Exhibit 9; Exhibit 12; Exhibit 13; Exhibit 14; Exhibit 15; Exhibit 16; Exhibit 17).

[redacted] did not direct or attempt to direct control room reactor operator activities (Exhibit 7, pp. 29-35; Exhibit 9; Exhibit 12; Exhibit 13; Exhibit 14; Exhibit 15; Exhibit 16; Exhibit 17).

Allegation 2: Allegedly Providing False Information to NRC

[REDACTED] with WILLIAMS, who had only spoken to [REDACTED]. Based on the opinion of WILLIAMS from [REDACTED] (Exhibit 10).

[REDACTED] who advised that [REDACTED] may have been a distraction. He also received a written statement supporting that fact (Exhibit 7, pp. 39-42; Exhibit 7A; Exhibit 10, pp. 8-12).

When interviewed by OI, [REDACTED] (Exhibit 7, pp. 27 and 28).

[REDACTED] but rather interjected his own perception of what constituted distracting behavior, concluding that since he would not have been distracted, the control room personnel were not distracted (Exhibit 10, pp. 16-22).

Allegation 3: Alleged Failure to Comply with Nuclear Quality Assurance Program

[REDACTED] knew of the conflict between NG-AV-115 and the proposed AD 1805.00 revision 27 (Exhibit 4A, pp. 6-7 and 35-36; Exhibit 25, pp. 12, 17-18, and 44-45).

[REDACTED] asked RODER to change the PIW to indicate that NG-AV-115 could be revised subsequent to the revision of AD 1805.00 revision 27 (Exhibit 28; Exhibit 29, pp. 13-16).

DILLICH advised [REDACTED] that QA was reluctant to concur with the final draft of AD 1805.00 revision 27, putting [REDACTED] on notice that the QA Director had not signed off on the PDF (Exhibit 24, pp. 6-16).

[REDACTED] was present at the SRB meeting where the recommendation was made to revise NG-AV-115 prior to implementing AD 1805.00 revision 27. [REDACTED] responsibility following the SRB was to verify that NG-AV-115 had been revised and notify the SRB of that fact. [REDACTED]

[REDACTED] failed to follow the established process for procedure revision (Exhibit 25, pp. 15-17; Exhibit 30; Exhibit 31; Exhibit 32, pp. 7-19; Exhibit 33, pp. 7-12).

[REDACTED] arguing that he did not expect the QA Director's approval, since revision 27 removed that authority. [REDACTED] deny knowledge of the SRB recommendation regarding NG-AV-115. [REDACTED] later contradicted his statement by relating that he not only had knowledge of the SRB recommendation, but agreed to revise NG-AV-115 before AD 1805.00 revision 27 (Exhibit 22; Exhibit 30; Exhibit 4, pp. 75-83; Exhibit 4A, pp. 11-18; Exhibit 25, pp. 16-19; Exhibit 25A).

ZIMMERMAN recalled [REDACTED] explaining that [REDACTED] called him on May 13, 1987 and directed him to bring AD 1805.00 revision 27 [REDACTED] denied hand carrying AD 1805.00 revision 27 to DILLICH and to [REDACTED] (Exhibit 24A, pp. 16-22; Exhibit 25A; Exhibit 33, pp. 12-23).

TILL joked about AD 1805.00 revision 27 being issued without QA concurrence (Exhibit 26, pp. 15-16).

[redacted] expressing their knowledge of the SRB recommendation at the time [redacted] did not constitute implementation, however, the root cause statement only referenced implementation as the [redacted] on May 13, 1987. [redacted] stated to NRC under oath they were unaware of the SRB recommendation to revise NG-AV-115 prior to implementing AD 1805.00 revision 27 (Exhibit 4, pp. 75-77 and 81-82; Exhibit 4A, pp. 37-50; Exhibit 25, pp. 17-18, 30-31, and 44-45; Exhibit 25A; Exhibit 37). 7c

[redacted] which stated, contrary to his statement in the PCAQ, that he was unaware of the SRB recommendation regarding the required revision to NG-AV-115 prior to implementing AD 1805.00 revision 27 (Exhibit 4A, pp. 56-60; Exhibit 39).

Agent's Conclusions

Allegation 1: [redacted] Allegedly Intoxicated Onsite and Allegedly Directed Control Room Reactor Operator Activities

The TEDCo Management and Supervision Guide to Drug and Alcohol Policy states, in part, "Alcoholic beverages should not be consumed... immediately prior to reporting for work." Contrary to that policy, [redacted] in fact, consume alcohol immediately prior to accessing the Davis-Besse facility on December 31, 1986. 7c

The Davis-Besse Fitness for Duty Procedure states, in part, "All company... personnel shall be responsible for being fit for duty." That procedure leaves the determination of fitness to the individual, who may have consumed a substance which would affect one's fitness for duty. [redacted] did not perceive himself as unfit, i.e., alcohol impaired, nor did the individuals who interacted with him on the evening of December 31, 1986. [redacted] was perceived by the Davis-Besse [redacted] unfit for duty based upon his behavior, which was distracting and disruptive. 7c / 7d

NRC:OI has concluded that while on the evening of December 31, 1986, [redacted] exhibited distracting and disruptive behavior in the Davis-Besse control room, the allegation of his intoxication could not be substantiated.

NRC:OI has also concluded that [redacted] did not direct or attempt to direct control room reactor operator activities on the evening of December 31, 1986.

Allegation 2: Allegedly Providing False Information to NRC

NRC:OI has concluded that [redacted] willfully concealed material information from the NRC in order to cause the NRC not to pursue the matter further. [redacted] and withheld that fact from the NRC by [redacted] in such a manner as to leave the impression that a [redacted]. 7c

Allegation 3: Alleged Failure to Comply With Nuclear Quality Assurance Program

On September 2, 1987, [REDACTED] of the deficiency identified in the PCAO relating to the implementation of AD 1805.00 revision 27. [REDACTED] knew that NG-AV-115 prohibited implementation of AD 1805.00 revision 27 prior to a revision of the Nuclear Group procedures as recommended by the SRB. [REDACTED] both stated to NRC under oath that they had no prior knowledge of the recommendation made by the SRB or from any other source. 7c

NRC:OI has concluded that [REDACTED] violated 10 CFR 50, Appendix B, Criterion V, and the Davis-Besse nuclear QA program by knowingly and willfully issuing AD 1805.00 revision 27 without first revising NG-AV-115. [REDACTED] also knowingly and willfully made false statements to the NRC in sworn testimony relating to their knowledge of that violation.

On February 28, 1988, [REDACTED] concurred in a letter to the NRC in response to the inspection findings relating to AD 1805.00 revision 27. That letter related that [REDACTED] was unaware of the SRB recommendation that NG-AV-115 required revision prior to the implementation of AD 1805.00 revision 27. [REDACTED] agreement with the factual content of that letter constitutes a willful material false statement to the NRC.

SUPPLEMENTAL INFORMATION

The following employees were interviewed by NRC:OI during this investigation. These Reports of Interview were not used as part of this Report of Investigation.

Loren RAMSETT (Exhibit 42)
Jennifer SCOTT-WASLIK (Exhibit 43)
Linda ENGLAND (Exhibit 44)
John MOYERS (Exhibit 45)
James BUCK (Exhibit 46)
Gary GRIMES (Exhibit 47)
Frances PITZEN (Exhibit 48)
Neil AMMONS (Exhibit 49)
Bruce BILGER (Exhibit 50)
Arthur LEWIS (Exhibit 51)
Lynn RICHTER (Exhibit 52)
Ronald VARLEY (Exhibit 53)

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	TEDCo Management and Supervision Guide to the Drug and Alcohol Policy dated January 1, 1986.
2	Davis-Besse Fitness for Duty Procedure NG-IS-0004 effective January 2, 1987.
3	Report of Interview with [REDACTED] rd
4	Testimony of [REDACTED] dated January 19, 1988. A. Testimony of [REDACTED] dated April 15, 1988.
5	Davis-Besse Computerized Card History of [REDACTED]
6	Testimony of Stephen SMITH dated February 3, 1988.
	A. Report of Interview with Stephen SMITH dated March 2 and 8, 1988.
7	Testimony of [REDACTED] dated December 8, 1987. A. Undated Statement of [REDACTED]
8	Testimony of Joseph WILLIAMS dated January 26, 1988.
9	Report of Interview with [REDACTED] dated October 20, 1987
10	Testimony of [REDACTED] rd A. Testimony of [REDACTED]
11	Report of Interview with [REDACTED] dated [REDACTED] rd
12	Report of Interview with [REDACTED]
13	Report of Interview with [REDACTED]

~~DO NOT DISCLOSE TO UNAUTHORIZED PERSONS OR REVEAL THE IDENTITY OF CONFIDENTIAL SOURCE(S)~~

<u>Exhibit No.</u>	<u>Description</u>
14	Report of Interview with [REDACTED]
15	Report of Interview with [REDACTED]
16	Report of Interview with [REDACTED]
17	Report of Interview with [REDACTED]
18	NRC letter to TEDCo dated January 29, 1987.
19	TEDCo letter to NRC dated February 19, 1987.
20	NRC closure of Davis-Besse Fitness for Duty Allegation dated March 30, 1987.
21	Station Procedure AD 1805.00 revision 26 dated April 7, 1986.
22	Station Procedure AD 1805.00 revision 27 dated May 13 and 19, 1987.
23	Nuclear Group Procedure NG-AV-115 revision 1 dated October 31, 1986.
24	Testimony of Jack C. DILLICH dated March 3, 1988. A. Testimony of Jack DILLICH dated April 14, 1988.
25	Testimony of [REDACTED] A. Report of Interview with [REDACTED]
26	Testimony of Carl ESH dated March 9, 1988.
27	Report of Interview with [REDACTED]
28	PIW ED 7591, page 4 of 57 to PDF.
29	Testimony of Michael J. RODER dated March 10, 1988.

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CONTAINS IDENTITY OF
CONFIDENTIAL SOURCE(S)~~

<u>Exhibit No.</u>	<u>Description</u>
30	Minutes of the SRB dated April 28-29 and May 8, 1987.
31	PDF ED 7635 dated March 25, 1987, with QA comments.
32	Testimony of David BRIDEN dated March 3, 1988. A. Testimony of David BRIDEN dated April 15, 1988.
33	Testimony of Carol ZIMMERMAN dated March 9, 1988.
34	Testimony of Charles DAFT dated March 4, 1988.
35	Testimony of Loren RAMSETT dated March 10, 1988.
36	Testimony of Sidney P. GOLDSTEIN dated March 10, 1988.
37	NRC Inspection Report No. 50-346/88004(DRP).
38	PCAQ No. 87-0322 dated June 26, 1987.
39	Davis-Besse Form ED 7159-3 NRC Letters - Review and Approval Report No. 1-782.
40	TEDCo letter to NRC dated February 29, 1988.
41	Nuclear Group Procedure NG-IM-115 revision 0 dated February 6, 1988.
42	Report of Interview with Loren RAMSETT dated January 13, 1988.
43	Report of Interview with Jennifer SCOTT-WASLIK dated October 26 and November 19, 1987.
44	Report of Interview with Linda ENGLAND dated October 26 and November 11, 1987.
45	Report of Interview with John MOYERS dated December 10, 1987.
46	Report of Interview with James BUCK dated December 10, 1987.
47	Report of Interview with Gary GRIMES dated November 11, 1987.
48	Report of Interview with Frances PITZEN dated November 18, 1987.
49	Report of Interview with Neil AMMONS dated December 9, 1987.
50	Report of Interview with Bruce BILGER dated December 9, 1987.
51	Report of Interview with Arthur LEWIS dated October 20, 1987.

<u>Exhibit No.</u>	<u>Description</u>
52	Report of Interview with Lynn RICHTER dated October 28, 1987.
53	Report of Interview with Ronald VARLEY dated February 17, 1988.
