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TITLE: Safety Significance and Discussion About Important Matters

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MEMORANDUM FOR: All IE Technical Personnel
FROM: Victor Stello, Jr., Director, Office of Inspection
and Enforcement
SUBJECT: SAFETY SIGNIFICANCE AND DISCUSSION ABOUT IMPORTANT MATTERS

A recent sequence of events at Dresden, described in the enclosure, prompts me to remind each of you of what I intend to continue as IE policy in two important areas.

The first policy I want to remind you of is that consideration of safety significance always precedes noncompliance in evaluating any concern. In the Dresden case the inspector apparently became diverted from the safety significance of control room operators sleeping while on duty by his belief that noncompliance could not be substantiated using his word against that of the operators. In reaching his conclusion on how to react to his belief that the operators were sleeping, the inspector made two mistakes. First, he should have concluded that a sleeping control room operator is a matter of safety significance and then he should have promptly and firmly followed this through up to the plant superintendent. Second, he was mistaken about the requirement for verification by someone else of his observation. Precedent cases establish that when it comes down to an inspector's word against the word of the licensee or its employee, the inspector's word will be accepted, all other things being equal. Nevertheless, the decision on the validity of a citation of noncompliance must be secondary to that of the safety or safeguards significance of the facts under review. Let there be no doubt in your mind--citations of noncompliance are means to the end, they are not the end.

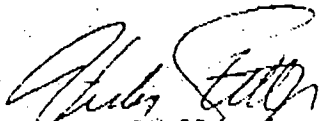
The second policy I want to remind you of is that inspectors are expected to communicate promptly to their supervision all concerns involving public safety and national security. Usually these notifications have been timely. However, in the Dresden case the Regional Office was not informed of the two problems discussed in the enclosure until September 4 after the incidents were pursued by a major Chicago newspaper. This policy is complementary to the first and serves as a backup line of defense to minimize the chance of either underreacting or overreacting to safety issues.

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Failure of the inspectors to notify management was contrary to the above policies and severely hampered NRC's ability to respond to the safety issues and the public concerns and also, in addition and quite important, the failure to report raised a question of loss of inspector objectivity. Because of the objectivity question, the NRC's Chairman directed that an investigation be conducted by the Office of Inspector and Auditor (OIA). While the OIA investigation concluded that the events would ultimately have been documented in a subsequent inspection report, the following section extracted from the OIA report concerns me greatly:

"...did not bring this matter to the attention of his supervisor... at Region III Headquarters. He said it was not his policy to bring such situations to the attention of the region until he first determined what the licensee's findings were and what action would be taken by the licensee. He said it was his general policy to give the licensee the opportunity to initiate corrections before notifying the region and, based upon his conversations with other senior resident inspectors, such a policy was common. In the instant case he felt that the region might react and force the licensee to take action. ...said that he wanted to see if the licensee would take appropriate action before being forced to do so based on a regional directive. ...noted that he had always found Dresden management to be both responsible and responsive. His decision in this instance was also based on his knowledge that his observation of the two sleeping operators was known throughout CECO plants and he did not consider immediate resolution of the matter to be critical from the standpoint of public health and safety."

The inspector's concerns for overreaction by the Region and the need to give a licensee time to initiate corrective action before informing the Region of a problem clearly carry overtones of a loss of objectivity and reinforces the Chairman's concern. I am not accepting at face value the above inspector's statement that it is common practice to give a licensee time to initiate corrective action before informing the Region of a problem; however, in light of what happened, I ask you to consider this matter carefully and be conservative in your notification to Regional management. Additionally, I particularly emphasize that these notifications are not to be dependent on establishing proof of your concern.


Victor Stello, Jr.
Director
Office of Inspection
and Enforcement

Enclosure: Events at Dresden

cc: All Other Members of IE Staff

EVENTS AT DRESDEN

Two recent incidents at the Dresden Nuclear Power Station have focused attention on the importance of resident inspectors keeping the regional offices fully informed about inspection activities and licensee concerns.

The Region III Office learned of both incidents after the information was provided to a Chicago newspaper by someone at the plant.

A Senior Resident Inspector at Dresden, checked the control room about 6 a.m. on August 8 and found that two reactor operators appeared to be sleeping, one at the Unit 3 console and the other at a center desk. Two other operators were on duty in the control room for all three units.

He went to the shift supervisor for corroboration that the men were sleeping, but the supervisor first picked up the telephone to call the control room. When he and the supervisor returned, the two operators were awake and denied having been asleep. They reported that they were just resting with their heads on the desks.

The resident inspector then decided that it was simply a case of the operators' word against his and that no enforcement action could be taken. He did, however, discuss this matter with licensee management, and they performed an investigation. As a result, the licensee issued letters of reprimand to the two and instructed all employees that disciplinary action would be taken against any employees found sleeping on the job.

..... did not inform the Region III Office about the apparent sleeping incident, although he planned to include it in his monthly inspection report.

Later in the month, was told informally by a Dresden employee that water inventory records for various storage tanks in the plant showed that 300,000 to 400,000 gallons of water were "missing." The company attributed the discrepancy to measurement errors and not to any unknown release path from the plant. Normal release paths showed no unusual levels of radioactivity.

Since he had not been formally notified by station management about the water inventory problem, he decided to await further investigation by the company before reporting the information to the Regional Office.

On September 4 the Chicago Sun-Times interviewed Dresden Station management and after the paper received information from a source at the plant on the sleeping incident and the water inventory problem.

Until notified the Regional Office of this inquiry, no one there knew of the two matters.

Once the Sun-Times story was published on September 5, and the Regional Office were deluged with news media and public inquiries, particularly on the possibility of radioactive water leaking from the plant.

The Regional Office dispatched additional inspectors to the site to review the water inventory problem. Environmental samples were collected and analyzed in the region's Mobile Laboratory at the site. By the end of the day, the NRC was able to report that the samples collected showed no increased levels of radioactivity and that there was no health or environmental hazard.

Many area residents were alarmed by the possibility of unknown releases from the plant. Region III agreed to collect samples from wells drawn from each of the four aquifers used for drinking water. Samples from two of the aquifers measured thus far have shown no activity above background levels.

A special investigation by Region III was also initiated into the sleeping incident. The Office of Inspector and Auditor was brought in to determine if the resident inspector or the Region III Office had intentionally withheld or suppressed the information. The findings in the two investigations have not yet been completed.

(..... left the NRC on September 12, a move unrelated to the two incidents, to assume a job with a contractor at the South Texas Nuclear Power Station construction site.)