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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 4 1988

Docket No. 50-346

Toledo Edison Company
ATTN: Mr. Murray R. Edleman
President
Edison Plaza
300 Madison Avenue
Toledo, Ohio 43652

Gentlemen:

This refers to the investigation conducted by Mr. J. N. Kalkman of the NRC Office of Investigations, Region III Field Office and Messrs. M. J. Farber and R. P. Landsman of the NRC Region III Office from October 1, 1987 through July 7, 1988, regarding certain activities at the Davis Besse Nuclear Power Station authorized by facility Operating License No. NPF-3. A copy of the synopsis is enclosed for the issues associated with the December 31, 1986 incident.

One issue addressed during that investigation concerned the activities occurring in the Davis Besse Station Control Room on December 31, 1986 and January 1, 1987. Our investigation disclosed that Mr. J. Williams, your former Senior Vice President, directed Mr. L. Storz, your Plant Manager, at approximately 8:30 p.m. on December 31, 1986, to report to the site due to schedule delays in the plant startup occurring that evening. Your Plant Manager reported to the Davis Besse Station at approximately 10:30 p.m. on December 31, 1986.

While we concluded that the Plant Manager had consumed alcoholic beverages shortly before reporting to the Davis Besse Station, we did not conclude that the Plant Manager was intoxicated. However, the Plant Manager did not follow the Toledo Edison Company Policy on the Use of Drugs and Alcohol which required that employees not consume alcohol immediately prior to reporting for work. In addition, the Plant Manager has testified that he neither advised his supervisor of his alcohol consumption nor considered the effects his alcohol consumption may have had on his judgment prior to reporting for work.

Our investigation also disclosed that shortly prior to being recalled to the Davis Besse Station, the Plant Manager contacted the Assistant Plant Manager for Operations and directed him to accompany the Plant Manager to the site. The Assistant Plant Manager for Operations, who was assigned as Duty Operations Manager, on call, refused to report to work and resigned his position.

Upon arrival at the site, the Plant Manager reported to the control room. Our interviews of the personnel in the control room that evening revealed that the Plant Manager conducted several discussions in the control room area in a loud and distracting manner. Most of the personnel in the control room were distracted by the Plant Manager's behavior.

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In retrospect, the Plant Manager should have given due consideration to the potential effects of alcohol consumption on his visit to the site. We are concerned with the disruptive demeanor that he exhibited in the control room on the evening of December 31, 1986. By copy of this letter we hereby notify the Plant Manager of our admonition for his performance.

Of perhaps greater importance is the need for the maintenance of proper control room decorum to ensure continued safe operation of nuclear facilities. This can only be achieved through the effective implementation of procedures which clearly delineate the licensee's expectations with respect to the desired control room environment. Additionally, the senior official on shift must have the authority and responsibility for implementation of those procedures, and have the support from upper levels of utility management for any actions taken in that regard. While procedures may not be able to be written to cover every case, the NRC can reasonably expect that proper actions will be taken to maintain control room decorum if ultimate responsibility is clearly assigned.

On January 29, 1987, we had requested the President of the Toledo Edison Company to investigate the allegation that the Plant Manager reported for work shortly after consuming alcohol and was a distraction to some personnel through his behavior in the Control Room. In our letter dated March 30, 1987, we accepted the report of your investigation submitted on February 19, 1987 by Mr. D. Shelton, Vice President, Nuclear. Your conclusion from that investigation was that the Plant Manager was not a distraction in the Control Room.

After review of the investigation into these matters by the NRC Office of Investigation, we now believe that while your report did describe the scope of the investigation, it should have been broader. Specifically, you should have interviewed control room personnel who had an opportunity to interface with or observe the Plant Manager. We acknowledge that our own efforts to understand the scope of your review and to resolve the matter could have been better. Nonetheless, in the future, we expect more thorough investigations of matters we forward to you.

In response to these concerns, we expect that Toledo Edison Company will review the Plant Manager's actions and behavior that evening and evaluate the adequacy of the procedures in place for ensuring proper maintenance of Control Room decorum. We also expect that Toledo Edison Company will review the consistency of application of those procedures to all plant staff and management. This consistency review should include discussions with sufficient Control Room personnel and other personnel you deem appropriate to assure that these procedures are being properly implemented. In addition, you should reemphasize to the Operations Shift Supervisors their responsibility and authority for assuring compliance with those procedures by all personnel.

We request that, within thirty (30) days, Toledo Edison Company submit to NRC Region III a report of the results of those reviews and a description of corrective actions taken or planned. Specifically, identify changes or additions to your current procedures which will ensure those matters do not recur.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter and your response to this letter will be placed in the NRC Public Document Room.

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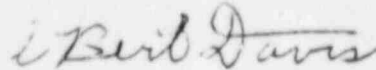
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The response directed by this letter is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-115.

We will gladly discuss any questions you have regarding this matter.

Sincerely,



A. Bert Davis
Regional Administrator

Enclosure: As stated

cc: L. Storz, Plant Manager
DCD/DCB (RIDS)
Licensing Fee Management Branch
Resident Inspector, Region III
Harold W. Kohn, Ohio EPA
James W. Harris, State of Ohio
Robert M. Quillin, Ohio
Department of Health
State of Ohio, Public
Utilities Commission

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 Plant Manager 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.

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 Plant Manager 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.

In July 1987, the NRC received new information alleging that the Davis-Besse Plant Manager 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.

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 Plant Manager 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 Plant Manager's 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 Plant Manager did exhibit behavior which was distracting and disruptive to the control room personnel. This investigation did not, however, corroborate the allegation that the Plant Manager directed reactor operator activities on the evening in question.

Because of the disparity between the TEDCo investigation report to the NRC and the OI finding relating to the Plant Manager's 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.

This investigation has developed evidence indicating that the Davis-Besse Vice President Nuclear, who personally conducted the internal investigation of the Plant Manager fitness for duty episode, failed to thoroughly investigate the allegation regarding the distracting behavior in the control room. The Vice President Nuclear received a written statement from an eye witness to the events in the control room which confirmed the allegation that the Plant Manager 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 Vice President Nuclear chose to conclude in his letter to the NRC that the allegation was subjective and unsubstantiated.

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