

QUESTION (1)(e)

Did the NRC review the utility's investigation? If so, what did the NRC do and when? Who conducted the review? What were the NRC's conclusions? As a result of this review did the NRC take any further action?

Please provide all relevant documentation. Please provide a chronology of the agency's handling of the allegation.

ANSWER

NRC Region III staff and management reviewed the licensee's report of the investigation shortly after it was received. After receiving concurrence from NRC Headquarters, the report was accepted by a letter from A. Bert Davis, Acting Regional Administrator, to the President of Toledo Edison Company on March 30, 1987. Based on our review and conclusion, the allegation was closed.

However, on July 9, 1987, the NRC Senior Resident Inspector at Davis-Besse issued a memo concerning comments received the previous day from plant staff which related technical concerns with the startup and plant manager incident occurring on December 31, 1986. These comments were considered part of the RIII-87-A-0001 allegation and that allegation was reopened. This new information was discussed with the Office of Investigations' Region III Field Office (OI:RIII) for consideration of an investigation by OI:RIII. After reviewing all of the information available, it was concluded by Region III and OI:RIII staff that an investigation by OI:RIII was not warranted at that time since wrongdoing was not sufficiently demonstrated by the available information.

RIII had the NRC Senior Resident Inspector at Davis-Besse conduct a preliminary inspection of the technical issues which resulted in identifying no violations of NRC requirements. However, on September 1, 1987, the Senior Resident Inspector received and reported additional information concerning the incident. On September 8, 1987, the Region prepared an action plan to address all the issues related to the December 31, 1986 incident.

By memorandum from A. Bert Davis, Regional Administrator, Region III, to B. Hayes, Director, Office of Investigations, dated September 11, 1987, Region III requested that a representative from the Office of Investigations (OI) be made available to accompany a Region III technical specialist to assist in further inquiry related to alleged improper orders given to licensed operators by the Davis-Besse plant manager on December 31, 1986. Subsequent to this memorandum, Mr. Hayes and Mr. Davis decided that it would be more appropriate to have the Office of Investigations initiate an investigation into the matter. It was also decided that Mr. Hayes would discuss this matter at an upcoming meeting that he had scheduled with the Commissioners. This was done by Mr. Hayes and a decision was made by the Commission that OI had the authority to initiate an investigation into the matter. On October 7, 1987, Mr. Hayes wrote a memo to the NRC Chairman notifying the Commissioners of the opening of an OI investigation into the allegation.

The requested chronology follows. Relevant documentation is enclosed. The staff has recently received and is reviewing the Report of Investigation. You will be informed of any subsequent actions.

<u>Date</u>	<u>Brief description of events</u>
01/07/87	Region III received initial information, which was treated as an allegation.
01/08/87	Resident Inspector wrote memo to Region III summarizing information.
01/09/87	Region III and OI field office conclude that OI investigation not warranted.
01/14/87	Region III convened Allegation Review Board to discuss allegation and recommended allegation be sent to Toledo Edison Company (TED).
01/29/87	Region III sent letter to TED asking it to investigate.
02/19/87	TED sent Region III its investigation report.

03/30/87           Region III sent TED letter accepting TED investigation.

07/08/87           Additional information concerning 12/31/86 incident  
received by NRC.

07/13/87           Matter discussed with OI Field Office and concluded that  
investigation not warranted.

07/16/87           Case reopened and assigned to Region III, DPP.

07/24/87           Davis-Besse Resident Inspector documented his review of  
major technical issues alleged.

09/01/87           Additional information received by Region III.

09/08/87           Region III action plan prepared.

09/11/87           Region III requested that OI make an investigator available  
during Region III inspections/interviews.

10/07/87           OI opens an investigation into the allegation.

07/07/88           OI issues Report of Investigations.