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U.S. House of Representatives
Committee on Energy and Commerce

SUBCOMMITTEE ON ENERGY AND POWER

Washington, DC 20515

June 14, 1988

Honorable Lando W. Zech, Jr.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

A recent article in the trade press reported that the NRC received serious allegations of misconduct by a manager at the Davis-Besse plant and that the NRC turned those allegations over to the utility itself to resolve. The article also stated that, according to a former NRC regional inspector, the NRC did little to follow-up to determine whether the licensee's investigation and resolution of the allegation was adequate until the NRC received additional allegations, after the case was closed.

If the article is accurate, I find it incredible that the Commission would allow the utility itself to investigate such serious allegations. An allegation that a senior manager was drunk and disruptive in the control room and giving orders to plant operators is clearly a very serious safety concern. Put simply, alcohol and nuclear chain reactions do not mix. To ask one utility manager to investigate the conduct of another utility manager is hardly likely to discover the truth. For the NRC to then fail to determine whether the utility's investigation and resolution of the allegation was competent and complete would simply compound the problem. This is neither good investigative practice nor is it likely to ensure safe management and operation of the plant.

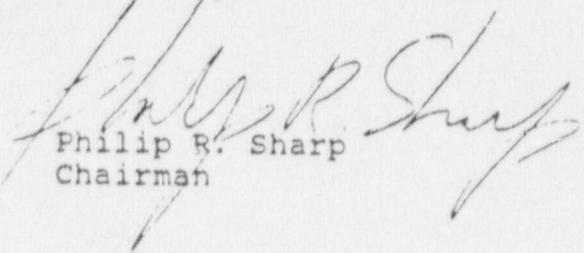
If the allegations are indeed true, they raise concerns about the commitment of licensee management to ensuring safe operation of Davis-Besse - the same plant that was shut down for over a year to correct safety problems caused in large part by poor management. The first issue raised by the allegations is whether the utility is committed to following

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procedures and abiding by license limitations and other safety requirements. A second issue is whether the utility is committed to an adequate fitness for duty program. If a senior manager ignores these requirements and participates in or disrupts control room operations and the licensee fails to take corrective action, what kind of message does that send to other plant staff? A third is the utility's ability and commitment to investigating and resolving allegations of misconduct in a thorough and competent manner.

In order to better understand exactly what has happened and what the NRC intends to do about these allegations, I have enclosed a number of questions. I would like answers to these questions by June 30, 1988.

Sincerely,



Philip R. Sharp
Chairman

QUESTIONS

NRR/3
(1)(a) When did the NRC first receive allegations that a senior manager had been in the control room in an impaired condition?

(b) When and why did the NRC decide to refer the allegation to the utility for investigation?

(c) Who made this decision?

(d) Who conducted the licensee's investigation? What did he or she do? What was the result of the investigation?

Please provide all relevant documentation.

(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.

i.e. / All
(2)(a) Has the NRC received any additional allegations concerning Davis-Besse? Please describe them.

(b) Has the NRC investigated any of these allegations?

Please provide any documentation or a detailed status report if investigation reports have not yet been prepared.

OE
(3) Does the NRC plan any remedial or enforcement action as a result of your findings on these allegations?

NRR/III
(4) What action is the NRC taking to ensure that any management problems discovered as a result of your investigations will be resolved?

NRR
(5)(a) How often does the NRC refer allegations to the licensee for resolution?

(b) How does the NRC determine which allegations to refer to the licensee and which to investigate itself?

Please provide any written policy or standards.

(c) In the past, what types of allegations have been referred to the utilities? Have any of these involved allegations of misconduct by a senior utility manager?

Please explain.

(d) What are the NRC's procedures for reviewing the licensee's resolution of allegations referred to a utility? What standards are applied? Who conducts such reviews?

Please provide any written procedure or standards.

2007
(6)(a) What is the current status of the NRC's proposed fitness for duty rule?

NCR
(b) How would the regulation apply to the alleged behavior by the utility manager?

RTI
(c) Please describe the fitness for duty program at the Davis-Besse site.