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FINAL REPLY:

Representative Dennis J. Kucinich

TO:

Chairman Diaz

FOR SIGNATURE OF :

** PRI **

CRC NO: 03-0262

Chairman Diaz

DESC:

Safety Culture at Davis Besse

ROUTING:

Travers

Paperiello

Kane

Norry

Dean

Burns

Dyer, RIII

Miller, RI

Merschhoff, RIV

Reyes, RII

Cyr, OGC

DATE: 05/01/03

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with Region III.

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

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AUTHOR: Dennis Kucinich

AFFILIATION: REP

ADDRESSEE: Nils Diaz

SUBJECT: Concerns safety culture at Davis Besse nuclear plant

ACTION: Signature of Chairman

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NOTES: Chairman's Correspondence

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EDO --G20030221

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Congress of the United States
House of Representatives

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April 29, 2003

Chairman Nils J. Diaz
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Diaz:

On April 7, 2003, the NRC announced it was sending a seven-member team to the Davis-Besse nuclear plant to assess safety culture. The five NRC members on the team were described as having expertise in human performance and organizational effectiveness. The two consultants on the team were described as having "a track record at improving safety culture at problem nuclear power plants." Among other experience, the consultants were described as having key roles in the efforts to restore a proper safety culture at the Millstone nuclear plant in the late 1990s.

I commend the NRC for conducting a formal assessment of the safety culture at Davis-Besse. FirstEnergy conceded that its placing production ahead of safety contributed to the breadth and depth of the problems at the troubled plant. As your actions suggest, it is insufficient to merely correct the safety problems at the plant. The culture that allowed so many problems to collect must also be remedied in order for there to be public confidence that a proper safety culture now exists at the plant.

I am concerned that issues regarding the potential harassment and intimidation of employees who have raised concerns are not being addressed in an appropriate manner. It is my understanding from the Commission briefing conducted in February that the current program at the site for addressing employee concerns is just being started and that the previous program did not provide any internal mechanisms for responding to complaints of retaliation.

As important as safety culture is to the overall safety of a nuclear power plant, I have serious concerns about how the NRC's expert team will evaluate current conditions at Davis-Besse. As you know, the NRC announced on March 26, 2003, that it had rejected a recommendation made by its staff to promulgate regulations for safety conscious work environments at nuclear power plants.¹ Thus, the NRC presently lacks, and will not pursue, defined standards for the safety culture at nuclear power plants. I fail to see how the NRC's expert team will be able to determine that the safety culture at Davis-Besse is at or above some established, and acceptable, standard, when the NRC has no standard.

¹ NRC Memo dated March 26, 2003, from Annette L. Vietti-Cook, Secretary, to William D. Travers, Executive Director for Operations, "Staff Requirements - SECY-02-0166 - Policy Options and Recommendations for Revising the NRC's Process for Handling Discrimination Issues."

Absent a pre-defined standard, it seems to me that the most the NRC's expert team can do is evaluate conditions at Davis-Besse relative to conditions at other nuclear power plants. In other words, they must base their conclusions on empirical data. It is my understanding that the five NRC members of the team sent to Davis-Besse had little or no direct involvement in assessing the safety culture at Millstone, or Diablo Canyon, or South Texas Project, or any of the "problem nuclear power plants." They will have neither a standard nor experience with which to assess conditions at Davis-Besse. It is also my understanding that the two consultants on the team have extensive experience at Millstone and at other "problem nuclear power plants." Their experience allows them to make relative judgments like Davis-Besse today is better than Millstone was at time x but not as good as Millstone at time y. I am interested in those insights.

Please provide me with answers to the following questions from each of the seven team members of the Davis Besse Safety Culture Inspection Team.

1. What are the performance measures used, both by the utility and the NRC, in evaluating the safety culture at Millstone, South Texas, Diablo Canyon and Davis-Besse? It is my understanding that the most detailed metrics were developed and used at Millstone to monitor performance in areas established as being important attributes for a proper safety culture.
2. Using the Millstone performance measures and metrics, are the internal metrics and their thresholds being used at Davis-Besse essentially equivalent, generally more rigorous, or generally less rigorous than those at Millstone?
3. Using the NRC's performance measures and metrics from Millstone, are the NRC's performance measures and their thresholds being used at Davis-Besse essentially equivalent, generally more rigorous, or generally less rigorous than those at Millstone?
4. During Millstone's recovery, there were occasional incidents and events that created potential "chilling effects" such as the termination of individuals working in the MOV program in 1997. There have been numerous staffing changes at Davis-Besse. Have any employees raised allegations of retaliation, either internally or filed any forms of complaints with the NRC or the company in the past 24 months?² If so, did either the company or the NRC investigate the complaints? If so, what were the findings. Please provide a summary of any events or incidents, without disclosure of the names of concerned employees, and the actions taken in response to their complaints.
5. What is the standard being used by the company in its internal investigations of retaliation, and has the NRC determined if that standard is acceptable? Is it different than the NRC's own standards? Is there any evidence that terminations of employees or contractors, or any other adverse actions complained of, at Davis-Besse has resulted in a

² According to statistics posted on the NRC's website, the agency received more allegations of harassment from Davis-Besse last year (14) than any other nuclear plant in the United States. The NRC's statistics also report that 7 allegations were substantiated by the agency's investigations last year, although it's not clear how many of these substantiations related to harassment cases.

reluctance to raise concerns. What is the standard being used to determine if there is a "chilling effect" at Davis-Besse.

6. At Millstone, the safety culture was judged in May 1998 to have been restored to the point where the Unit 3 reactor could be safely restarted. How do you assess the safety culture at Davis-Besse today to the safety culture at Millstone in May 1998: the same, better, or worse? If it is judged to be worse, would you recommend that Davis-Besse be restarted?

I am interested in the views of all members of the NRC's expert team. In other words, I do not want the NRC's summary or characterization of the individual answers. Please forward me the answers to these questions at the completion of the review, but sufficiently prior to the restart decision on Davis-Besse that I may consider holding a meeting on this topic.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive, flowing style with a large initial "D".

Dennis J. Kucinich
Member of Congress

DJK:ap