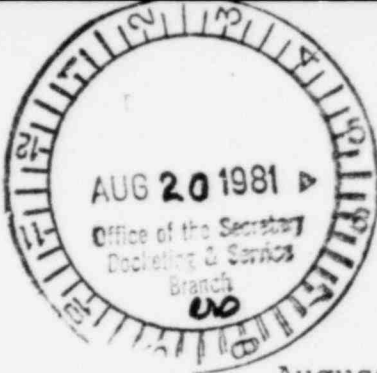




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August 20, 1981

The Honorable Nunzio Palladino
Chairman
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

The purpose of this letter is to request review and reconsideration by the Commission of the announced intention of the Director of Nuclear Reactor Regulation to require reexamination of the more than 30 TMI-1 operators who took NRC written examinations for reactor operator or senior reactor operator licenses last April. We respectfully submit that his decision is unjustified by the investigative reports of both the NRC Office of Inspection and Enforcement and the Office of Inspector and Auditor concerning operator examinations for restart of TMI-1, is unfair to the individual operators, the plant owners and their customers, and is discriminatory in singling out TMI-1 operators.

The I&E and OIA findings as embodied in their respective reports speak for themselves. In summary the relevant findings are:

1. I&E reported that two of the candidates for an SRO license cheated on the April examinations. Met Ed, upon notice of the NRC investigation of possible improprieties in their examinations, immediately reassigned the two individuals from participation in licensed activities and subsequently terminated the employment of both individuals. I&E found no evidence, however, of any cheating or irregularities by other license applicants. The I&E Inspection Report dated August 11, 1981, concluded as follows:

"A thorough analysis and comparison of the RO and SRO exams submitted by the two suspected individuals confirmed the existence of numerous examples of blatant similarities in their written responses which clearly indicated they had conspired to cheat on both exams. A comprehensive review of the other RO and SRO examinations

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administered between April 21 and 24, 1981 revealed no evidence of additional irregularities/cheating by the remaining examinees. Further, an analysis of "mock" RO and SRO examinations administered on April 2 and 3, 1981 disclosed additional similarities in the answers furnished by the two individuals in question. However, no improprieties were surfaced in the essay answers prepared by the other examinees." (emphasis added)

2. OIA, in addition to confirming the cheating by two individuals, reported that NRC proctoring of the April examinations was unsatisfactory, primarily because there were extended periods of time when there was no proctoring of the candidates. (The company was not asked to supply proctors for the subject exams). The detailed OIA Report explains, however, that the proctoring for the TMI-1 examinations in April was consistent with NRC past practice for other operator license examinations. Specifically, the report quotes an official of the Operator Licensing Branch, who was asked to describe NRC's policy regarding the administration of operator examinations, as follows:

"He explained that it is not unusual for an exam proctor to leave the room after initially passing out the exams. He continued that during this absence the exam proctor may review the exam with licensee training personnel to insure that the exam and answer sheets are accurate. He added that it is desirable for the exam proctor to spend as much time in the exam room as possible but it is also permissible to have a licensee representative act as a stand-in proctor in the absence of the NRC proctor."

The chief proctor at the April examinations also advised:

"That he has been conducting examinations for the NRC for the past eight years and that the method of proctoring used in this instance was consistent with his knowledge of the established practice of the NRC over that period of time."

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Only OIA recommended reexamination of the TMI candidates who successfully passed their examinations; I&E made no such recommendation. The OIA report gives no basis for its recommendation. The OIA recommendation was made without the benefit of any investigation of examinations other than those taken by the two culpable operators. It did not take into account the comprehensive investigation subsequently made by I&E which concluded that there was no evidence of cheating beyond the two candidates whose employment has terminated. Moreover, OIA does not explain why TMI-1 operators have been singled out for special treatment when NRC proctoring practices were consistent with long-standing practices at other nuclear power plants.

We do not suggest that honesty in examinations should be dependent upon proctoring, but we do observe that the uncertain quality of the proctoring has apparently resulted in depriving the operators of what should have been a vital source of NRC support for the innocent.

Met Ed has consistently supported the program for reexamination of its licensed operators and was in fact the first to suggest to NRC that, in addition to Met Ed's own retraining and reexamination of its licensed operators, the NRC should also reexamine and recertify the TMI-1 operators prior to the restart of TMI-1. (See letter dated June 28, 1979, from J. G. Herbein to Harold Denton attached to the Commission's Order and Notice of Hearing dated August 9, 1979.) The retraining of TMI-1 operators and their preparations for the NRC reexamination have been demanding and intense. We are very much concerned with the sense of unfairness which would be engendered in TMI operators, who would now have to prepare for and go through another reexamination. Also, to the extent that operators perceive that NRC licensing decisions are determined by considerations other than substantive facts, the license process will suffer a loss of respect and credibility. We are also very much concerned with the inevitable interference between a reexamination program and the Company's restart preparations which depend heavily on the work and dedication of reactor operators.

We wish to comment particularly on the reasons stated by the Director of Nuclear Reactor Regulation in his letter to me dated August 17, 1981, for requiring reexamination of all candidates.

The first reason given was that while acknowledging that "our investigation, including a comparison of all examination papers, has not disclosed any substantiated evidence of other cheating the existence of at least the instances discovered [cheating by two candidates] raises questions about the oppor-

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tunity and possibility of other cheating in these examinations." We agree that the question of other possible cheating was a necessary and proper subject of inquiry. When, however, the NRC Office of Inspection and Enforcement has made such an inquiry and concluded that there is no evidence of other cheating, based on interviews and a comprehensive review of all of the operator examinations, and no other evidence of irregularities has come forward, the I&E findings should be sufficient for NRR's purposes.

Second, the Director asserts that "there were rumors that other cheating may have taken place" and concludes that "others who know or may become aware of the rumors of other cheating, may feel that the cheating was being condoned unless a reexamination is required for the entire group". We find the conjecture that others may feel that cheating was being condoned peculiarly unjustified in view of Met Ed's prompt action in terminating the two operators found to have cheated. It was also Met Ed who brought to the attention of I&E the rumors of other cheating and who identified the two individuals alleged by the rumors to be the source of allegations of other cheating. The I&E report includes interviews with both these individuals, as well as others, none of whom substantiated the substance of the rumors.

We think that to base a reexamination requirement on unsupported rumors is unfair to the operators who successfully passed the April examinations and who under the Commission's regulations, subject only to successfully completing the oral portion of the examinations, are entitled to receive NRC operator licenses.

Since the Director has proposed that reexamination of the TMI-1 operators take place in September, prompt action by the Commission on this letter is urgently requested. Pending the Commission's decision, however, the NRC Staff should continue to give high priority to its plans for reexamination. If required, reexaminations have a strong potential for delaying the TMI-1 restart.

Sincerely,

Original signed and mailed by H. Dieckamp

H. Dieckamp

lda

cc: Commissioner John F. Ahearne
Commissioner Peter A. Bradford
Commissioner Vicgor Gilinsky
Commissioner Thomas M. Roberts
Mr. Harold Denton