

UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of  
 METROPOLITAN EDISON COMPANY  
 (Three Mile Island Nuclear  
 Generating Station, Unit 1)

DOCKETED  
 USNRC

) Docket No. 50-289

'83 ) JAN 20 P2 '04  
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OFFICE OF SECRETARY  
 OF SERVICE  
AAMODT REPLY TO COMMONWEALTH OF PENNSYLVANIA'S  
 MOTION AND NRC STAFF REPLY CONCERNING WITHDRAWAL  
 OF EXCEPTION CALLING FOR TERMINATION OF OPERATOR G

We oppose the Commonwealth of Pennsylvania's motion (December 13, 1982) and the NRC Staff's Reply (December 30, 1982). These documents appear innocuous in that they acknowledge that the Commonwealth's exception, calling for the removal of Operator G from the TMI-1 operations staff, has been made moot by G's resignation and termination of employment with Licensee. Our opposition to these documents concerns, however, the implications of both. These implications are that G's termination has resolved the issues surrounding G.

In the first place, the Commonwealth's position which placed total accountability on Operator G for his actions was incorrect. Now, the Commonwealth's motion to withdraw their position on G due to his resignation implies that the Commonwealth's original position concerning G was correct and that G's termination has resolved the G-related issues of management and operator integrity. The Staff's reply implies the same. We find such implications grievous.

If you grant the Commonwealth's motion, acknowledge the Staff's reply, and then continue in the Commonwealth's position of holding a finite group of operators accountable for the cheating at TMI, not only will justice be perverted but the real culprits will be left to operate the plant, should it be restarted.

*DS03*

Operator G, in cooperating with Operator H on a number of weekly tests, was behaving in a manner that was accepted by the TMI Training Department prior to the Reopened Hearing. Operators were allowed to discuss answers and consult notes and books during tests. Licensee finally admitted this fact, late, after the close of the Reopened Hearing. Licensee Findings of Fact, January 15, 1982 #325, 327.

However, at the time Operator G testified in the Reopened Hearing, the true conditions of test administration at TMI had not been revealed by previous management witnesses. G denied any laxness on the part of the training department and claimed sole authorship for his answers. G's incredible explanations became a focus of the Reopened Proceeding.

We believe that Operator G was encouraged, if not actually instructed, by Licensee's agents to provide the false explanations rather than exonerate himself by describing the true conditions of training and testing at TMI-1.

It is inconceivable that Operator G did not discuss the manner in which tests were administered at TMI with Licensee's attorney John Wilson. Wilson met with G on several occasions specifically in reference to the parallelism between G's and H's test responses. The manner in which tests were administered, specifically the tests in question, must have been discussed. Why would G have withheld such information from Wilson since the allowed cooperation between the examinees would have exonerated G?

It takes but a small leap in logic to find that Licensee's agents encouraged G to withhold information concerning TMI testing procedures. This information would have perjured the testimony of Licensee's Dr. Long in the Main Hearing. Aamodt Brief, October 4, 1982 #73 . Licensee decided, in presenting their case in the Reopened Hearing, to continue the charade. In view of Licensee's choice to withhold this pertinent information (concerning the administration of tests) from the pre--

pared testimony of their management witnesses, would not Licensee have obtained G's promise not to "spill the beans"?

For what other reason would Operator G have concocted the incredible explanations he provided the Reopened Hearing concerning his "parallel" test responses? G could have easily exonerated himself by telling the truth. G's choice to falsify his testimony could only have been encouraged or forced by Licensee.<sup>1</sup>

We do not condone the false testimony of Operator G, nor do we understand why the Commonwealth or Staff would find G's elective termination a suitable resolution of this serious crime.

We find, however, the roots of Operator G's false testimony of more concern. Those roots were Licensee's lack of responsibility in administering tests according to traditional and Commission standards, and Licensee's lack of integrity in preparing its case in the Reopened Proceeding (withholding information concerning company testing procedures) and falsely testifying in both hearings.

We find, therefore, that the Commonwealth's motion and the Staff's reply, which found the G matter resolved by G's termination, ignore the true cause of G's culpability and a greater detriment to the safe operation of the TMI plant than was posed by G's presence. If, as asserted by the Commonwealth, G's lack of integrity was a threat to safe operation of the plant, how can the Commonwealth and Staff be satisfied with a management whose lack of integrity laid the foundation for G's detestable behavior?

Management provides the leadership in any organization which penetrates to the lowest echelon, for instance, even the guards at the palace.

<sup>1/</sup> A fact not generally noted but provided in the testimony of Licensee's Hukill (November 13, 1982) was that the operators were given a bonus of over \$1000 just prior to the commencement of the Reopened Hearing.

Licensee's Robert Arnold disavowed having created a leadership which promoted the cheating of Operators O and W, long-time employees who cheated extensively on the April 1981 licensing exams and on audit exams given under company auspices two weeks prior. Arnold protested that he simply allowed a vacuum in leadership which allowed the operators to make individual interpretations concerning what behavior was allowed in taking tests. November 11, 12, 1981.

However, PQS President Frank Kelly, a former NRC chief examiner, stated that it should not be necessary to tell operators that they may not cheat on tests. Kelly was saying, that in the absence of any stated policy, normal individuals understood that test responses must be their own work. This was also Commission policy, even specifically stated to Licensee in November 1980 to exclude use of books or other written material during company-administered exams. Collins letter.

The fact was that the TMI operators shared the same understanding, i. e., that cooperation and use of books and hand-outs during tests was "ok". This was not the random direction chosen by individuals. Cheating was clearly the understood policy of the TMI Training Department.

This fact Licensee was finally forced to admit due to the breakthrough provided by GG's testimony, followed by the admissions of others (CO, U). Whereupon Licensee had the immediate remedy: To provide strict proctoring of company-administered tests for licensed personnel.

However, the responsibility for instituting and maintaining the proposed company policy of test administration rests with the same people who were satisfied with the compromised test procedures. (The NRC Staff does not intend to monitor the company training and testing program.)

It is also extremely short-sighted to believe that compromise was a principle that only affected the administration of company

exams given to licensed operators!

Arnold appeared to admit a larger problem company-wise in stating new company policy which is that no behavior that is less than integral will be tolerated. November 11, 1981.

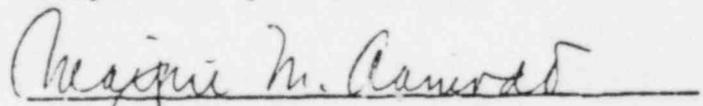
However, at the same time that Arnold was making a statement similar to that above, he and his agents were concealing the true facts of test administration at TMI, defending the incredible testimony of Operator G and certifying Operator G for NRC licensing.

Those who play "hard ball" with the corrupt TMI management are provided for: Places within the industry were found for Herbein, Gary Miller and Operator O. This is tacit acknowledgement by management of their responsibility for the compromised behavior of these individuals. The cause of Operator G's behavior was dishonest management, and we assume that Operator G's future has been assured by this management.

A new crop of personnel, many with strict Navy experience, will come to the plant, find out "what goes"; those who cannot live with TMI standards (such as YY) will leave, and the safety of the residents surrounding TMI will be threatened by the lack of integrity of those who are willing to remain and be influenced by the standards of this management. The NRC licensing process did not weed out Operator G.

Operator G was an employee of Licensee's; he conferred with Licensee's attorneys at length; he was paid a bonus in excess of \$1000 prior to the Reopened Hearing; he would have revealed the perjury of his employer's testimony if he had told the truth. Operator G is no longer at TMI, however justice concerning the issues of Operator G has not, as yet, prevailed.

Respectfully submitted,

  
Marjorie M. Aamodt

January 18, 1983

CERTIFICATE OF SERVICE

This is to certify that the document enclosed AAMODT REP TO COMMONWEALTH OF PENNSYLVANIA'S MOTION AND NRC STAFF REPLY CONCERNING WITHDRAWAL OF EXCEPTION CALLING FOR TERMINATION OF OPERATOR G was served on each of the Commissioners, Judge Gary J. Adles, Judge Christine N. Kohl, Dr. John H. Buck, the Atomic Safety & Licensing Appeal Board Panel, the Atomic Safety & Licensing Board Panel, Jack Goldberg Esquire, Judge Reginald L. Gotchy, Dr. Lawrence R. Quarles and the Docketing and Service Section, of the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555 by United Parcel Service and to the remainder of the Service List below by deposit in U. S. Mail first class on Tuesday, January 18, 1982.

George F. Trowbridge, Esq.  
Shaw, Pittman, Potts & Trowbridge  
1800 M Street, NW  
Washington, D. C. 20036

Robert Adler, Esq.  
505 Executive House  
P. O. Box 2357  
Harrisburg, PA 17120

Mr. Marvin I. Lewis  
6504 Bradford Terrace  
Philadelphia, PA 19149

Jane Lee  
R. D. 3, Box 3521  
Etters, PA 17319

TMI PIRC  
1037 Maclay Street  
Harrisburg, PA 17103

Gary L. Milhollin, Esq.  
4412 Greenwich Parkway, NW  
Washington, DC 20007

Michael McBride, Esq.  
LeBoeuf, Lamb, Leiby & McRae  
Suite 1100  
1333 New Hampshire Avenue, NW  
Washington, DC 20036

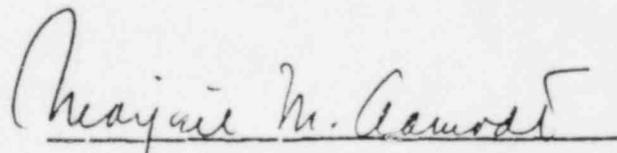
David E. Cole, Esq.  
Smith & Smith, P. L.  
Riverside Law Center  
2931 N. Front Street  
Harrisburg, PA 17110

Ms. Ellyn R. Weiss  
Harmon & Weiss, Suite 506  
1725 I Street, NW  
Washington, DC 20006

Mr. Steven C. Sholly  
Union of Concerned Scientists  
1346 Connecticut Avenue, NW  
Dupont Circle Building, Suite 0  
Washington, DC 20036

Ms. Frieda Berryhill, Chairman  
Coalition for Nuclear Power  
Plant Postponement  
2610 Grendon Drive  
Wilmington, Delaware 19808

Ms. Louise Bradford  
Three Mile Island Alert  
1037 Maclay Street  
Harrisburg, PA 17103

  
Marjorie M. Aamodt