

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
ADMINISTRATIVE JUDGE GARY MILHOLLIN

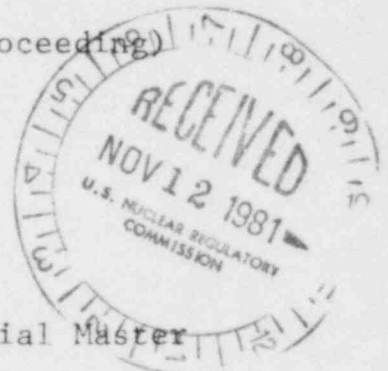
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In the Matter of)
METROPOLITAN EDISON COMPANY)
(Three Mile Island Nuclear)
Station, Unit 1))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket No. 50-289
(Restart)
(Reopened Proceeding)

TMIA'S TRIAL PLAN AND
REQUEST FOR SUBPOENAS



TMIA submits this trial plan pursuant to Special Master Milhollin's schedule for the reopened hearings. Many witnesses which TMIA proposes to question have already been requested to appear by the ASLB or Judge Milhollin, or have been offered as witnesses by the Licensee or NRC Staff. For those who are not already scheduled to testify, we respectfully request the Licensee to arrange for their testimony. However, if the Licensee is unable or unwilling to do this, we respectfully request Judge Milhollin to subpoena these individuals pursuant to 10 CFR 2.720. We further respectfully request that the Licensee or the NRC be ordered to pay the fees and mileage for these witnesses, as TMIA is unfunded and unable to pay these expenses.

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The NRC's 1981 investigations into cheating and cheating rumors at TMI can not properly support a finding that cheating at TMI was an isolated event limited to the two individuals caught cheating on the April, 1981 NRC exams. As evidenced by the

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various NRC investigative reports, the NRC investigators often failed to ask appropriate questions and to pursue obvious leads.

TMIA intends to prove that cheating on NRC and company administered exams indeed existed will beyond the April, 1981 incident. TMIA will demonstrate that through its training and testing process and specific actions, GPU management was aware of and condoned cheating which resulted in an unacceptable attitude by the trainees toward the integrity of the testing process. Further, that in some instances GPU fostered through its actions, attitudes, and candidate preparation and testing procedures, a "mind set" that passing the exam by whatever means was more important than assuring the operators' full and thorough knowledge of the materials. TMIA will show that cheating was not only an acceptable practice at TMI, but in some instances implicitly forced due to inadequate training and accompanying pressure on examinees to pass exams. Further, TMIA will demonstrate that Licensee management responded inadequately and inappropriately to cheating or possibilities of cheating, such inappropriate responses including constraints on the NRC investigations. Upon demonstrating these items, TMIA will prove that management was grossly incompetent for fostering this atmosphere and taking these inappropriate actions, and that these deficiencies reflect deeply entrenched management attitudes which can not be corrected by procedure changes or testing reforms.

Finally, TMIA will demonstrate that the NRC by its practice, procedure and attitude related to testing, including but not limited to proctoring, has failed to adequately protect the health and safety of the public.

TMIA will question the NRC investigators who conducted investigations into cheating and cheating rumors. TMIA assumes the various written reports documenting those investigations will already be admitted as part of the record when its questioning begins. TMIA will question on the details of the investigations and decisions made by the investigators regarding questioning of interviewees and pursuit of further leads, and completing the investigative effort. TMIA will demonstrate that the investigations were inadequate.

Mr. Newton's testimony will be used to give an overview of the training program. As Mr. Newton may not be the best Licensee individual to explain the evolution of A.P. 1006 since 1977 and its contents, TMIA requests Licensee to provide a witness who can do this so that A.P. 1006, revisions 1977 & 1980, can be introduced as Exhibits.

The following witnesses will be called to demonstrate that cheating at TMI existed well beyond the April, 1981 incident, that GPU management was aware of and condoned cheating which resulted in an unacceptable attitude by the trainees toward the integrity of the testing process, that GPU fostered a "mind set" that passing the exam by whatever means was more important than assuring the operators' full knowledge of the materials, that cheating was acceptable and sometimes implicitly forced at TMI, and to provide as basis for proving that management responded inadequately to cheating and rumors of cheating:

"VV" will be questioned to establish that he handed in someone else's answers for a take-home make-up exam in July, 1979.

Gary Miller will be questioned to establish his role in investigation the July, 1979 incident, and management's response. TMIA will introduce the following documents as Exhibits: Gary Miller's handwritten chronology of events regarding "VV"; Gary Miller's handwritten note to Jack Herbein explaining Mr. Seelinger's phone call informing Miller of the incident; Memo from Mr. Seelinger to Gary Miller regarding "VV's" deficiencies; Gary Miller's July 27, 1979 report to Jack Herbein; Gary Miller's August 3, 1979 letter to Paul Collins regarding "VV". With this testimony, TMIA expects to prove that management responded inadequately to the incident, and fostered a "mind set" condoning this type of cheating.

"O"'s testimony will be used to establish his role and the role of others in the July, 1979 incident as well as the April, 1981 cheating incidents.

"W"'s testimony will be used to establish his role and the role of others in the April, 1981 cheating incidents.

"FF"'s testimony will be used to establish his role and the role of others in the April, 1981 cheating incidents.

"OO"'s testimony will be used to establish that cheating rumors were widespread and that cheating was commonplace and accepted.

"WW"'s testimony will be used to establish his role and the role of others in cheating during the Spring 1980 Kelley exam evidencing an atmosphere at TMI where this type of practice was acceptable.

"KK"'s testimony will be used to establish that cheating rumors existed at TMI, and to relate an incident in April, 1981 involving a phone call from "U" asking for an exam answer,

evidencing an atmosphere at TMI where this type of practice was acceptable.

"QQ"'s testimony will be used to corroborate KK's story on the April 1981 incident, and to establish his role in an incident during the Kelley exam where he received a phone call asking for an exam answer.

"U"'s testimony will be used to indicate inadequate training, knowledge of rumors or past cheating, and to indicate his role in the April 1981 incident involving "KK".

"I"'s testimony will be used to establish the inadequacy of training and management's responsibility in this regard.

"OOO"'s testimony will be used to corroborate "I"'s testimony, "KK"'s testimony, and to establish that an attitude existed at TMI placing improper emphasis on merely passing exams, not learning material.

Mr. Harold Wayne Hartman's testimony will be used to establish that examinees at Met-Ed were trained to pass exams and not to learn the material.

"RR"'s testimony will be used to establish that proctoring was poor on NRC exams and also to establish an improper attitude conveyed by Manager Mike Ross regarding the importance of merely passing exams without learning the material, seriously reflecting upon the NRC's and management's attitude concerning the integrity of exams.

"YY"'s testimony will be used to establish certain remarks made by Mike Ross reflecting upon the NRC's and management's attitude concerning the integrity of exams.

Mike Ross will be questioned on the incident to which "YY" will testify although it is unclear whether he will corroborate the story.

Mr. Trunk and Mr. Davis's testimony will be used to establish actual cheating which was detected by their investigations or reviews of test results. Mr. Trunk's testimony will also be used to provide a basis for concluding that Licensee responded inadequately and inappropriately to cheating and possibilities of cheating.

NRC proctors' testimony will be used to establish lax proctoring procedures and policies, relating in particular to incidents during the April, 1981 exams.

Mock exam administrators' testimony will be used to establish lax proctoring procedures and policies, relating to in particular the April, 1981 exams, weekly quizzes, and other company administered exams.

The following witnesses' testimony will be used to establish the inadequacy of management's response to cheating and cheating rumors:

John Wilson and Richard Lloyd's testimony will be used to establish their role in Licensee's investigations into cheating, primarily for background purposes. They will be asked to identify handwritten notes provided through discovery regarding their investigations into cheating and cheating rumors.

R.F. Wilson, Henry Huckill, Jack Herbein, and Robert C. Arnold's testimony will be used to establish their role in various company investigations into cheating and management responses to cheating. Their testimony will prove that Licensee management inappropriately responded to

cheating or cheating rumors, which inter alia, fostered an atmosphere condoning cheating.

Respectfully submitted,

Dated: November 2 , 1981

Louise Bradford

LOUISE BRADFORD, TMIA

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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached TMIA'S TRIAL PLAN AND REQUEST FOR SUBPOENAS were served on the parties on the attached service list, on November 2, 1981, by hand, or by express mail, or by deposit in the U.S. Mail,, first class, postage prepaid.

Louise Bradford
LOUISE BRADFORD, TMIA

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NUCLEAR REGULATORY COMMISSION

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