

SEP 16 1982

The Honorable Arlen Specter
United States Senate
Washington, D.C. 20510

Dear Senator Specter:

In your letter to the U.S. Nuclear Regulatory Commission dated August 25, 1982, you requested our findings and views in regard to an inquiry by Mr. James B. Hurst concerning the restart of Three Mile Island Nuclear Station, Unit No. 1 (TMI-1). Since it would be inappropriate for the Commission to comment on matters pending before it in the TMI-1 restart proceeding, I am responding to your request on behalf of the staff.

Mr. Hurst cites three instances where the Atomic Safety and Licensing Board (ASLB) disagreed with the conclusion of the Special Master who was appointed to preside over the reopened proceedings. The ASLB noted that under NRC regulations the Special Master's report was advisory only and that they alone were responsible as the initial decision maker. The ASLB evaluated the Special Master's findings in light of their own review of the entire evidentiary record of the reopened proceeding. The staff has reviewed the ASLB decision and takes no exception to their conclusions in the areas of concern cited by Mr. Hurst.

The first two areas of concern deal with the assurances that GPU Nuclear will comply with the ASLB recommendations to make certain changes in its operating procedures and to develop a review process for detecting cheating on its own operator exams. The NRC has developed a TMI-1 Restart Inspection Matrix which has been revised to include the ASLB recommendations. Accordingly, we feel that reasonable assurance exists that the conditions imposed by the ASLB will be satisfied prior to any restart of TMI-1.

The third area of concern regards the status of operators who were suspected by the Special Master of cheating. Although the Licensing Board agreed with the Special Master that certain operators cheated, it disagreed with the Special Master's conclusions regarding other personnel. As to the other operators, the Licensing Board reviewed the Special Master's conclusions and also conducted its own detailed review of the evidence. After such review, the Licensing Board concluded that the evidence did not support a finding of cheating and did not warrant sanctions against these other personnel. Therefore, no sanctions were imposed regarding such other personnel.

We share your and Mr. Hurst's concerns that the public health and safety are extremely important. The staff feels that the changes made as a result of the reopened proceedings will satisfy these concerns.

Sincerely,

(Signed) T. A. Rehm

ELD

9/13/82*

William J. Dircks

Executive Director for Operations

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PDR ADDOCK 05000289
H PDR

*SEE PREVIOUS CONCURRENCES

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|---------|-------------|----------|-----------|-----------------------------------|-------------------|------------|----------|
| OFFICE | OLB/DHFS* | DHFS:DD* | DHFS:D* | Executive Director for Operations | | | EDO |
| SURNAME | DBeckham:pb | JKramer | HThompson | NRR:DD ECase | NRR:D HRDenton | OCA SIL | WJDircks |
| DATE | 9/9/82 | 9/9/82 | 9/10/82 | 9/11/82 | 9/11/82 | 9/11/82 | 9/15/82 |

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(Docket No. 50-289)

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United States Senate
Washington, D.C. 20510

Dear Senator Specter:

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Mr. Hurst cites three instances where the Atomic Safety and Licensing Board (ASLB) disagreed with the conclusion of the Special Master who was appointed to preside over the reopened proceedings. The ASLB noted that under NRC regulations the Special Master's report was advisory only and that they alone were responsible as the initial decision maker. The ASLB evaluated the Special Master's findings in light of their own review of the entire evidentiary record of the reopened proceeding. The staff has reviewed the ASLB decision and takes no exception to their conclusions in the areas of concern cited by Mr. Hurst.

The first two areas of concern deal with the assurances that GPU Nuclear will comply with the ASLB recommendations to make certain changes in its operating procedures and to develop a review process for detecting cheating on its own operator exams. The NRC has developed a TMI-1 Restart Inspection Matrix which has been revised to include the ASLB recommendations. Accordingly, we feel that reasonable assurance exists that the conditions imposed by the ASLB will be satisfied prior to any restart of TMI-1.

The third area of concern regards the status of two operators who were suspected by the Special Master of cheating. One of the two has since resigned and was therefore not considered by the ASLB. The ASLB reviewed the transcript of the second operator's testimony and did not fully share the Special Master's opinion that the operator's credibility was undermined. Therefore, no sanction was imposed on this operator.

We share your and Mr. Hurst's concerns that the public health and safety are extremely important. The staff feels that the changes made as a result of the reopened proceedings will satisfy these concerns.

Sincerely,

William J. Dircks
Executive Director for Operations

ELD
9/13/82

Handwritten notes:
No longer objection
with change to

| | | | | | | | |
|---------|-------------|---------|-----------|-------|---------|------|---------|
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| SURNAME | DBeckham/bl | JKramer | HThompson | ECase | HDenton | | WDircks |
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~~Docket 50-289~~

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| FROM: Sen. Arlen Specter | | CONTROL NO. 12263 | |
| TO: NRC | | DATE OF DOCUMENT 8/25/82 | |
| DESCRIPTION <input checked="" type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER | | PREPARE FOR SIGNATURE OF: <input type="checkbox"/> CHAIRMAN <input checked="" type="checkbox"/> EXECUTIVE DIRECTOR | |
| <p>Encloses 1cr for James D. Hurst re cheating on reactor operator examinations by TMI employees</p> | | SPECIAL INSTRUCTIONS OR REMARKS | |
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SECY-82-0893

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PRINCIPAL CORRESPONDENCE CONTROL

No. **0893** Logging Date **8/30/82**

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TO: Commissioner _____ Date _____
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 Cong. Liaison _____
 Public Affairs _____

Gen. Counsel _____
 Solicitor _____
 Secretary _____
 Inspector & Auditor _____
 Policy Evaluation _____

Incoming: **Senator Arlen Specter**
From: **Constituent referral from James Hurst**

To: **NRC** Date **8/25/82**
Subject: **Requests information on cheating on reactor operator examinations by TMI employees**

Prepare reply for signature of:
 Chairman _____
 Commissioner _____
 EDO, GC, CL, SOL, PA, SECY, IA, PE
 Signature block omitted

 Return original of incoming with: response

For direct reply* Suspense: **Sept. 9**
 For appropriate action
 For information

Remarks: **OCA to Acknowledge, Original to Docket.**

For the Commission: **Combs**

*Send three (3) copies of reply to Secy Correspondence and Records Branch

Rec'd Off. EDO
Date: **8-30-82**
Time: **2:00**

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