UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSIONERS:

Nunzio J. Palladino, Chairman
Victor Gilinsky
Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal

In the Matter of	
METROPOLITAN EDISON COMPANY	Docket 50-289 SP
(Three Mile Island Nuclear Generating Station, Unit 1)	

AAMODT RESPONSE TO COMMISSION ORDER OF OCTOBER 7, 1983 CONCERNING RESOLUTION OF MANAGEMENT ISSUES

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Introduction and Summary

On October 7, 1983, the Commission stayed the hearing of the Hartman allegations, pending comments of the parties concerning a large number of other unresolved matters related to management integrity and competency. The Commission's justification for staying the Hartman hearing was to conserve agency resources. The Commission also stated its intention to review the Appeal Board's decision, ALAB-738, which ordered the expeditious hearing of the Hartman matter.

We were surprised and dismayed by the Commission's action, noting that the delays in hearing the Hartman matter over the past four years were due to deliberate deception perpetrated by the NRC Staff. We oppose any continuance by the Commission of the stay of the Hartman hearing. It is not in the public interest of health and safety. A stay until NRC has completed its investigation, projected as April 1984, will delay any Commission decision concerning the integrity and competency of the management of TMI until late 1984 or into 1985. To allow the two nuclear units at TMI to remain under the management of a licensee whose integrity the Commission knows to be wanting is not in the public interest.

We propose, as an appropriate resolution of all management issues, that the Commission act immediately to deny the licenses at TMI. There is sufficient evidence in hand. We find any delay in such a decision unduly strained and places the public health and safety at jeopardy. However, due process would require a hearing in any event. We propose an expeditious hearing of the Hartman and related matters. This would be entirely possible with the cooperation of the NRC Staff, which is already in possession of considerable information concerning the Hartman matter. This procedures would conserve agency resources.

The NRC had, according to their own direct investigator of the Hartman allegations, verified these allegations in 1980 and nearly completed their investigation prior to transfer of the matter to the Department of Justice for criminal investigation. We view the projected NRC reinvestigation of the Hartman matter under the secrecy planned by the Office of Investigations as a shielding of the facts of the matter from the view of the public and the Department of Justice. We find that this NRC plan is further evidence of the agency working as an advocate for the Licensee rather than as regulator in the public interest.

There is no reason, in terms of production of additional evidence, to shield a matter as old and as investigated as the Hartman matter. A public hearing, with participation by all parties, as ordered by the Appeal Board, will develop any additional evidence which might be needed to resolve the matter.

A public hearing must be provided. NRC rules of practice and procedure forbid the resolution of important safety issues, relevant to a proceeding, by the NRC Staff. A sequential scheduling of the NRC investigation, followed by a public hearing, will only result in expenditure of agency resources over a more extended period than would result from parallel and cooperative proceedings. The NRC participates as a party in the TMI-1 restart proceeding and can contribute to that hearing through its investigative efforts.

Although the NRC has resources which far exceed those of the intervenors, we find that we cannot depend on NRC's investigations to be definitive, nor is the NRC's integrity above reproach.

The other matters, recently raised by the Staff as relevant to the management issues can be considered, in most cases, within the

framework of the Hartman hearing. These matters are, in most cases, of lesser significance. However, a separate hearing should be ordered to consider two matters which are highly relevant to the issue of management integrity and were not fully litigated in the restart proceeding. These matters are (1) TMI management's misleading communications with the Commonwealth of Pennsylvania during the accident and (2) management's withdrawal of the projections of initial high radiation releases over Goldsborough and the related loss of inplant radiation records.

Background

On April 16, 1983, we motioned the Commission to reopen the restart proceeding to consider the allegations made by a former control room operator at Unit 2, Harold Wayne Hartman, Jr. Hartman alleged that for several months prior to the TMI-2 accident leak rate reports, required by regulation every 72 hours, were falsified. He alleged that reports that computed leakage in excess of that allowed by the technical specifications of the operating license were discarded. He claimed that his shift supervisor and foreman directed this deception.

The existence of the Hartman allegations was first reported in the restart proceeding in the NRC Staff's Safety Evaluation Report, Supplement 1 dated November 1980. The Staff briefly noted that Hartman had made allegations concerning falsified leak rate data, noted the pending Department of Justice investigation and asserted that NRC's right to further investigate had ceased. In a subsequent supplement of March 1981, the Staff acknowledged the DOJ investigation and diminished the Hartman matter as only of "historical interest".

During the reopened hearing on cheating by operators on tests at TMI-1, we sought Hartman's appearance as a witness. Hartman had alleged, in addition, that NRC oral examination of licensed operators had been compromised by the surreptitious recording of the exams by TMI personnel. This matter, as well as the falsification of leak rate data, was clearly relevant to the cheating issues being considered. However our motion was cut short by the objection of Licensee's attorney and disinterest of the judge.

In March 1982, prior to an anticipated Commission decision on restart, the Commission invited the parties to the restart proceeding to submit comments, if they wished, concerning information developed in a civil court trial brought by General Public Utilities against the manufacturer of the Unit 2 reactor, Babcok and Wilcox. The Commission had in hand a report by the Staff (the "Stello Report") which concluded that the B&W trial record did not add substantially to what was already known by the Staff about the Hartman allegations.

We elected to examine the court trial record, particularly for information concerning the falsification of leak rate data and the training of licensed operators. Almost at first glance, we appreciated fully the veracity and significance of Hartman's allegations.

We motioned the Commission for a reopening. We realized that the "mind set" (which blinded the operators the day of the accident to indicators of loss of inventory of water covering the core) was created by management who caused the operators to ignore those indicators of excessive leakage by directing them to falsify computer reports. We found that Babcock and Wilcox, in their defense in the civil lawsuit brought by General Public Utilities,[1] was fully convinced that TMI management directed the falsification and deception and attributed management's motivation to a desire to avoid the cost of replacement power while Unit 1 was down for refueling.

Our motion was received at the Commission's Docketing and Service branch at approximately 11 a. m. on April 18, 1983, the day comments concerning any new information in the GPU v. B&W records were due. The day following (after the proscribed response deadline), the NRC Staff dramatically changed their position concerning TMI management integrity and the Hartman matter. The Staff informed the Commission that they intended to revalidate their position on management integrity in light of the Hartman allegations. The Commission, obviously surprised, ordered an immediate explanation.[2] The Staff proposed to resolve the challenge to management integrity posed by the Hartman allegations through an inspection of procedural adherence at Unit 1. We objected in writing to the Commission[3] and orally to the Staff[4]. We found the Staff's proposed resolution absurd and a coverup. Subsequently, after two meetings with the Staff and completion of the "revalidation" inspection,[5] the Commission rejected the Staff's response to the Hartman matter.[6]

The NRC Staff spent considerable resources in drafting the proposed revalidation plan, executing it and reporting it. In addition, production of the "Stello Report",[7] which had obscured the information about Hartman in the B&W trial materials, had consumed the resources of more than four Staff members for ten weeks. The Commission then ordered the Staff to rereview the GPU v. B&W court trial documents[8] at an estimated expenditure of several man years. From this review, the Staff published NUREG-1020 which identifies a number of other matters related to management integrity and competency. The full significance of these other matters is hidden from the parties to the proceeding since large portions of the document are expurgated. However, none of these matters appear to rise to the significance of the Hartman matter.

Soon after receiving our motion for reopening on the Hartman matter, the Commission placed it with the Appeal Board.[9] Then, on June 16, 1983, the Appeal Board invited comments from all parties concerning reopening. Three Mile Island Alert had already supported reopening in an omnibus motion of May 23 , 1983, which paralleled the NRC Staff's report of May 19, 1983 of four additional open items related to management integrity discovered in the "revalidation inspection". Other intervenors, Union of Concerned Scientists and the Commonwealth of Pennsylvania, now joined our position.[10] The Licensee opposed reopening, and the NRC Staff requested a deferrment of Appeal Board ruling, pending further NRC investigation of the Hartman and related matters.[11]

Subsequently, on July 28, 2983, the Appeal Board heard oral arguments of the parties. A month later, on August 31, 1983, the board ordered a reopening on the Hartman matter and remanded the hearing to the Licensing Board. The Licensing Board ordered interested parties to submit their plans for participation by October 11, 1983 and convene for a conference on October 18, 1983.[12] However, on October 7 the Commission stayed the hearing.

Near in time to our motion, three engineers involved in the TMI-2 cleanup raised additional concerns about management integrity. They reported to NRC and the media that the cleanup was being expedited by skirting regulatory procedures. When the engineers protested, management harrassed them as well as a secretary, according to the engineers' allegations.

Subsequent to our motion, the NRC Staff raised a number of other matters related to management integrity and competency. Some of these matters grew out of the Staff's revalidation program and others out of their rereview of the GPU v. B&W court trial documents. These matters include licensee's withholding of two audits made in the first quarter of 1983,[13] falsification of leak rates at Unit 1[14] (a matter withheld by NRC since 1980 and misrepresented in their Safety Evaluation Report in the restart proceeding), and various other matters of falsification of training records, etc., as reported in NUREG-1020.

Other significant issues were not noted by NRC. Management withheld the "Faegre & Benson" report,[15] prepared in 1980, which verified the Hartman allegations.[16] Another matter, under investigation by NRC for some time, is the alleged collusion of management in falsification preemployment screening records, the subject of Board Notification of February 1,1983.[17]

In addition, the Licensing Board, in its first decision, recognized two issues other than the Hartman matter, to be significant to a conclusion regarding management integrity that were not adequately addressed in the restart proceeding.[18] These issues are the matter of misleading information provided by TMI management during the accident and the withdrawn projections of high radiation releases calculated from inplant data, now allegedly (and conveniently) lost.[19]

Discussion

We vigorously oppose the Commission's stay of the Hartman hearing. The Hartman matter towers above any other matter recently raised by the NRC Staff in its belated effort to uncover instances of lack of management integrity. One reason is the seriousness of the allegations. These allegations, if demonstrated to be true, would cause the revocation of the license to operate TMI. They constitute material false witness. They are causally related to the TMI-2 accident. All other findings and conclusions of the reopened proceeding depend on the resolution of the Hartman allegations. Second, the Hartman allegations have been verified. The direct NRC investigator of the Hartman matter, Tim Martin,

stated, without equivocation, that the Hartman allegations so far as they related to the falsification of leak rate data, had been verified by the NRC Staff prior to transfer of the matter to the Department of Justice in March 1980.[20] The "Faegre & Benson report of a scientific study commissioned by Licensee verified that false leak rates had been obtained at TMI-2 within the time frame alleged by Hartman and by using procedures alleged by Hartman.[21] The report concluded that the operators' reports of falsified leak rates to NRC and failure to report numerous other leak rates measured in excess of technical specifications were deliberate actions in violation of the license to operate TMI-2 and NRC regulations. Other confirmatory evidence of the Hartman allegations were provided by the position of Babcock & Wilcox in their defense in the GPU lawsuit. B&W considered the Hartman allegations a strong basis for their defense and provided corroborative testimony of another control room operator, Theodore Illjes.[22] There is, therefore, no need to postpone the Hartman hearing to await the completion of the OI investigation. Sufficient evidence is available.

The Appeal Board ruled emphatically that the Hartman matter should be heard expeditiously.[23] The Appeal Board noted that too much time had already passed since Hartman first made his allegations. Additional delay will exacerbate the problem of obtaining additional reliable evidence.

An ongoing investigation by OI during a hearing of the Hartman matter could be helpful in providing new evidence relative to the

proceeding. It would be appropriate that OI be a party to the Hartman hearing. The disposition of OI to proceed in secret to a conclusion prior to the commencement of the hearing is nothing less than a smoke screen designed by the NRC to obscure the culpability of the NRC and the licensee of TMI by withholding from the public view old and new evidence which could be reasonably be expected to so challenge the integrity of licensee as to result in the denial of the operating license. In addition, for the Commission to now focus on the numerous other matters of lesser significance raised by the Staff following our motion to hear Hartman is purely a diversion. The Hartman allegations have already stood for more than four years without a hearing. All of the other matters are of arguable weight relative to the Hartman allegations. There is no reason to prevent some of these other matters from being argued within the framework of the Hartman hearing. As an example, the matter of the licensee's withholding of the Faegre & Benson report for over three years is clearly germane to resolution of the Hartman matter.

However, other instances of withholding of information (RHR, BETA audits), recently raised, should be considered in another hearing which must examine two matters left inadequately resolved by the Licensing Board. These two matters are (1) the withholding of information and misinformation provided to the Commonwealth and Congressman Udall following the Unit 2 accident and (2) the allegedly lost radiation records (inplant) from which allegedly incorrect extrapolations of 10 rem and 40 rem releases over Goldsborough were made. The evidence of

deliberate withholding of information and falsification of records brought into light by information available to us for the first time following the close of the restart proceeding provides the bases for us to dispute the Licensing's Board's resolution of the above two matters.

The members of the Licensing Board who presided over the restart proceeding have disqualified themselves from further participation in that proceeding. The cavalier manner in which this board disposed of the Hartman matter, the issue of misleading information and the Special Master's report on the cheating matters discredits the Licensing Board's objectivity.[24] The further hearing of issues related to restart should be held instead before a neutral adjudicatory panel beyond the influence of the NRC. In point of fact, the NRC is itself on trial in the Hartman matter.

The Commission states its objective in staying the Hartman hearing as a conservation of agency resources. However, the Commission's proposed schedule for litigation[25], designed to conserve resources, can, in fact, be expected to achieve the opposite result. The Commission proposes a number of separate investigations and hearings, extending as a minimum into mid-1984. Whereas, the matters, identified for investigation and hearing, could all be considered within the framework of a reopened proceeding.

TMIA (Three Mile Island Alert), in making a motion for postponement of the Hartman hearing,[26] did not represent our view. Our response to this motion, prepared to be filed on October 6, within the time allowed, asserted the preeminence of the Hartman matter over the steam generator repair issue. The latter is obviously dependent on licensee's integrity. Our response was not filed, however, since the Licensing Board ruled three days prior to the deadline for responses and denied the TMIA motion.[27]

The basis for the TMIA motion, intervenor resources, should, however, be considered by the Commission in their scheduling. The intervenors participate at the invitation of the Commission. The dependence of the Licensing Board on the participation of the intervenors was asserted by the Board.[28] The burden placed on us to raise the Hartman matter in this proceeding was due to the failure of the NRC to do so. Our burden has now been increased by the Commission's action in staying the Hartman hearing. We had other plans for the latter half of 1984 and forward which may now be affected by the uncertainty created by the Commission and a change in the Appeal Board's order for an expeditious hearing. In view of the Commission's position throughout the restart proceeding, to have an expeditious hearing of all matters related to restart, the current Commission schedule which would postpone hearing of the Hartman matter until after a complete OI investigation, is most unreasonable on all counts including intervenors' resources. Over six months have already passed since we motioned to the Commission to

the matter
have/Hartman/heard. Our resources are being depleted by the delay and attendant filings, and that is serious. TMI-1 would, in all likelihood, have been restarted if we had not raised the Hartman matter prior to the Commission's anticipated decision in June 1983. The reduction of our resources for intervening, should the Hartman hearing be stayed until next year, is as worthy of consideration as the agency's resources.

Although the Commission stated a single reservation in staying the Hartman hearing (agency resources), we are apprehensive concerning the Commission's decision to "review the Appeal Board's decision to authorize a hearing at this time on the Hartman allegations." The Commission declined to act directly on our motion to reopen on the Hartman matter. The Commission had the opportunity to consider our motion since we made it to the Commission in comments invited by the Commission. However, the Commission placed the motion before the Appeal Board.

The Appeal Board considered our motion, comments of all parties, and oral arguments. The NRC Staff argued that the board defer ruling, pending an inquiry by OI, However, without dissent by a single member, the Appeal Board ordered reopening on the Hartman matter. Although the Appeal Board believed that OI would complete their investigation by December 1983 (as represented by the NRC Staff), a delay "to await the outcome of an investigation that should have been undertaken and completed at least three years ago" was considered by the board "unconscionable". The identified directive for the Appeal Board's

action was the Commission's expressed desire that "(the restart) proceeding be conducted expeditiously".[29] The Appeal Board fully considered and soundly rejected the very basis on which the Commission has, apparently, instituted its review. Although we do not question the Commission's authority, the stay of the Hartman hearing raises our concern about due process in this proceeding.

Our concerns are further aggravated by the Commission's implication in an earlier order (CLI-83-24) of September 21, 1983 that the NRC believed that the DOJ investigation of Hartman barred NRC investigation until recently. The Commission stated:

> By letter of April 11, 1983, the Commission wrote the Attorney General to inquire about the status of the criminal investigation into Mr. Hartman's allegations. The Department of Justice responded that there was no bar to the NRC pursuing its own investigation, and by letter of May 27, 1983, the Commission notified the Department of Justice that it intended to pursue its own investigation. (pages 3-4)

DOJ had already informed NRC in October 1981 that they did not oppose and would not be hindered by parallel investigation in the ongoing reopened hearing on cheating. The Chairman of the Commission acknowledged this letter during an open Commission meeting,[30] the press reported it, and we have independent knowledge of it. We do not understand how the Commission can now assert that communications concerning parallel investigation were "oral" and misunderstood. (See Footnote 3, page 4 of CLI-83-24)

Further, the Commission's assertion that NRC became aware of their right to conduct a parallel investigation as a result of DOJ's advice is completely incredulous. Whether the NRC had a right to investigate would be based in administrative law and would not be decided by DOJ or/~~at~~ be DOJ's descretion. The Commission has a legal staff who had already informed the Commission over three years ago that NRC's authority to conduct an investigation under the Atomic Energy Act does not cease upon referral to Justice. In an order of May 28, 1980,[31] the Commission based its decision on the very torts which it again cites in the September order (and on which the Appeal Board depended in their decision)[32]:

> The court in SEC v. Dresser Industries, supra, directly addressed these same arguments. In Dresser, the court upheld parallel civil and criminal investigations by the Securities & Exchange Commission (SEC) and Department of Justice, respectively, into the same matter. The Dresser court stated that the reasoning of LaSalle could not be extended to an agency with a wide-ranging mandate to make investigations as necessary to protect the public from violations of the security laws. (pages 7-8)

Clearly, the NRC has had its opportunity to complete its investigation of the Hartman matter. In addition, there is no justification for NRC to linger any longer in an investigation since its direct investigator considered the Hartman allegations verified prior to the transfer of the matter to DOJ. To linger would not be in the interest of conserving agency resources. There would be little, if any, advantage to be gained in completing the investigation in the secrecy afforded by an NRC investigation. Three investigations of the Hartman matter have already preceded OI's. The single remaining justification for an OI investigation to take precedence over a public hearing would be the prospect of developing the involvement of management in the falsification.

Prospect of a Full OI Investigation of the Hartman Matter

We have examined several NRC investigations related to the restart proceeding. OI's investigation of the Parks-King allegations appears to be thorough and fair for the issues considered thus far. OI has not, however, considered the most sensitive issue -- whether GPU management exterted pressure on the engineers and a secretary to silence them. According to the schedule provided by the Commission, OI does not anticipate completion until April 1984. This is precisely the time at which NRC projects that (nearly) all sensitive management integrity investigations will be completed.[33] We cannot believe that completion of the single matter of management intimidation in the Parks-King investigation can take so long, or that OI can, at this point, know that it will. We therefore contend that the delay in OI's conclusion of the Parks-King case is not valid and OI's projected conclusion,at the time the statute of limitation of the DOJ investigation of Hartman expires, is not coincidental. We must conclude that OI, by failing to expeditiously conclude the Parks-King case, cannot be relied upon to provide a full investigation of the Hartman matter.

A most vivid example of compromise in NRC investigation was provided by I&E's investigations of the cheating incidents at Unit 1.[34] The director of I&E allowed plant and corporate management to sit in on interviews of the operators -- despite strong objections by the chief investigator and his assistants.[35] The investigators subsequently found that the presence of management officials during the interviews affected the flow of information.[36] When these investigators persisted, the director of I&E, Victor Stello, finally excluded management.[37] According to chief investigator, William Ward, Stello claimed that he had not excluded management sooner because he was unaware of NRC's right --

until he had consulted lawyers.[38] Neither Stello nor the NRC disclaimed this preposterous assertion of Stello's naivete. We must conclude that NRC is staffed with investigative directors/who may be either inexcusably ignorant or act deliberately to favor TMI management.

The reopened hearing on cheating provided an example of the relative effectiveness of a public hearing and an agency investigation. The NRC investigation of cheating of operators failed to uncover a range of matters from cheating on company tests to unqualified instructors. These were only brought to light in the public hearing. In fact, even in the hearing, the NRC Staff failed to find any of these deficiencies although they were noted by the parties as well as the Special Master[39] and were then confirmed by the Licensing Board.[40] The Board expressed surprise at the Staff's "disinterest" in matters which should have been evident during their investigation and were clearly relevant to their task as regulators.[41] One outstanding example was the matter of false certification (for licensing) of a manager of the plants.[42]

An OI investigation, even if adequate, could not be used to resolve the Hartman matter in the context of the restart proceeding. NRC rules of practice do not allow important safety-related issues of relevance to a proceeding to be decided by the Staff.[43] Thus, agency resources will not be conserved by replacing a public hearing with an agency investigation. The hearing must be held. Therefore, it is the OI separate investigation which is optional, and the decision to conduct it apart from the hearing should be reviewed, if the Commission needs to conserve resources.

We contend that the Commission should order OI to participate as a party to the hearing. OI would add its resources to those of the other parties in a concerted effort to resolve the Hartman matter as well as other issues bearing on management integrity. In this way, both agency and intervenor resources will be conserved, and the matters under consideration will receive a full hearing.

We object to the secrecy with which OI intends to conduct its investigation.[44] As stated above, secrecy cannot further the investigation of a matter that has been under investigation and discussed in the media as long as the Hartman matter. Secrecy can only serve the purposes of the Licensee and increase public distrust of the NRC.

Commission's Immediate Effectiveness Decision

The NRC has played "footsie" long enough. The NRC jeopardizes its position as a regulatory agency. The NRC does not need more evidence than already exists in the restart proceeding and in its files to make an immediately effective decision to deny the license at Unit 1. The evidence already deduced on and off the record of the hearing is more than clear to the people of the TMI area, as you learned from Dauphin County Commissioner John Minnich.[45]

The Commission knows (as the Special Master concluded) that the entire operations staff at TMI-1 is compromised. It is unfit to legally operate the reactor. (See Attachment 1) The Commission knows (and OI has concluded) that the three engineers' allegations concerning compromise of the cleanup operations at TMI-2 under the management of GPUN were true. (See Attachment 2) The Commission knows (that Tim Martin confirmed) that the NRC investigation of the Hartman matter prior to transfer of the case to DOJ verified the validity of Hartman's allegations of falsification

of leak rate data at TMI-2 which is operated by the same licensee as Unit 1. (See Attachment 3) The Commission knows that Licensee's independent study of the Hartman allegations confirmed the falsification of leak rates at Unit 2 for most of the operating life. (See Attachment 4) The Commission knows that Herman Dieckamp, president of GPU, vehemently denied the evident conclusions of Licensee's own study concerning deliberate falsification of leak rates. (See Attachment 5) The Commission knows that the NRC detected (and hid) four instances of falsification of leak rates at Unit 1 from a limited examination of plant records for 1978. (See Attachment 6) The Commission knows that Licensee knowingly provided false information to the Commonwealth of Pennsylvania concerning the seriousness of the Unit 2 accident. (See Attachment 7)

CONCLUSIONS AND MOTION

The Office of Investigations of the NRC (OI) should not be allowed to continue with a secret investigation while the public hearing is stayed. The Hartman matter should be heard expeditiously to place on the record of the restart hearing the evidence that already exists. OI should be ordered to participate in that hearing. Nearly all other matters related to management integrity and competency can be heard in the framework of the Hartman hearing. Two other matters which rise to the significance of the Hartman matter and were inadequately resolved by the Licensing Board should be considered in a separate hearing. These matters are the misleading information provided to

the Commonwealth of Pennsylvania and withdrawal of projected high radiation releases at the onset of the TMI-2 accident. An expeditious hearing of all matters is essential. To delay may allow those in Licensee's management who have deliberately committed crimes against the people of central Pennsylvania to go free. The Statute of Limitations will expire in March 1984, five years after the accident. The experience of those who participated throughout the management phase of the restart proceeding can be used to assist in the investigation of the Hartman and other management integrity matters with a conservation of agency resources.

However, the Commission need not wait until the completion of the hearing to make a decision concerning the license to operate TMI-Unit 1. The Commission has enough evidence in hand to deny the operating license. We move that the Commission make an immediately effective decision to permanently deny GPUN their license at Unit 1.

Respectfully submitted,

Norman O. Aamodt

Marjorie M. Aamodt

October 27, 1983

References

1/ General Public Utilities Corp. v. The Babcock & Wilcox Co., No. 80-CIV-1683 (S.D.N.Y. filed March 25, 1980)

2/ Memorandum, Chairman Palladino, April 22, 1983

3/ Aamodt Comments Concerning NRC Inspection Report No. 50-289-83-10 and Commission Bireting May 24, 1983 (Hartman Matter), May 31, 1983

4/ Comments of Norman O. Aamodt during Staff Meeting with GPU Nuclear Regarding TMI Unit 1, June 20, 1983, Tr. 119-124

5/ NRC Inspection Report No. 50-289/83-10

6/

7/ Report of the Review of the Babcock and Wilcox - General Public Utilities Lawsuit Trial Court Record, March 28, 1983

8/ Same as 6/ above

9/ Commission Order, May 5, 1983, at 3-4

10/ Commonwealth, UCS Responses, filed July 1, 1983

11/ Licensee, NRC Responses, filed July 1, 1983

12/ Board Order and Memorandum, September 14, 1983

13/ NRC Inspection Report No. 50-289/83-10, at 13.9; Memorandum, William J. Dircks to Commission, May 19, 1983

14/ Board Notification 83-138A, September 2, 1983, Memorandum, Darrell G. Eisenhut to Commission, September 2, 1983 and September 23, 1983 (See Attachment 6)

15/ Faegre & Benson Investigation of Allegations by Harold W. Hartman, Jr. Concerning Three Mile Island Unit 2, Volumes 1-4, September 17, 1980

16/ See Attachment 4

17/ Board Notification 83-08; Faegre & Benson Investigation of Allegations by Thomas Quinn Concerning GPU Nuclear Corporation, September 2, 1983, Volumes 1-6

18/ See Partial Initial Decision, August 27, 1981, at 257-287, particularly paragraphs 476, 487, 490-493

19/ Id., at 265-6; NUREG-0760, at 31-33;

20/ Commission Meeting, May 24, 1983, Tr. 14-17, See Attachment 3

21/ See 17/ above

22/ ALAB-738, at 18, Footnote 16

23/ Id., at 23

24/ See PID, August 27, 1983, at 257-287, particularly paragraphs 490-493

25/ Commission Notice to the Parties, October 7, 1983

26/ TMIA Motion For Postponement of Prehearing Conference, September 21, 1983

27/ Board Order, October 3, 1983

28/ See PID, August 27, 1983, paragraphs 490-493

29/ ALAB-738, at 23

30/ Commission Meeting, May 24, 1983, at 26

31/ Commission Memorandum and Order, May 28, 1980, Docket No. 50-320 at 7-8

32/ ALAB, at 17, Footnote 14

33/ Same as 25/

34/ See Aamodt Findings, March 4, 1983, at 45 - 73a, particularly paragraphs 124 - 134, 143 - 152

35/ Id., paragraph 130, Reopened Hearing, Tr. 25,428 - 430; Staff Ex. 27 at 6

36/ See Aamodt Findings, paragraphs 124 - 129; Reopened Hearing, Tr. 25, 274; 25, 333; 25, 430

37/ Reopened Hearing, Staff Ex. 27, at 6; Tr. 25, 429

38/ Id.

39/ PID, July 27, 1982, paragraphs 2333, and at 162 - 169, particularly paragraphs 2386, 2387. 2390, 2391

40/ Id.

41/ Id., paragraph 2308

42/ Id., paragraph 2308

43/ NRC Rules of Practice and Procedure

44/ Letter, October 7, 1983 Ben B. Hayes, Director, OI to Ivan W. Smith

45/ Commission Meeting, Periodic Meeting with Advisory Panel on TMI-2 Cleanup, September 16, 1983, Tr. 59-64

Attachment 1

Overall conclusions: the Licensee

338. There was no evidence that the Licensee's upper management encouraged, condoned, participated in, or knew of the cheating by O and W when it occurred. Nor is there any such evidence respecting cheating by any of the other individuals named in this report. However, the Licensee failed to meet its obligation to review the answer key to the NRC examination in good faith, and that failure showed an unacceptable attitude toward the NRC examination. The number, and the responsibility, of the persons on the Licensee's operations staff who were compromised by the evidence in this case was such that the overall integrity of the operations staff was shown to be inadequate. Although the Licensee did not encourage or condone the cheating on the NRC examination, it permitted an attitude to develop which caused the cheating to occur. The cooperation on the weekly quizzes was caused by the conditions under which the quizzes were given, and the Licensee was responsible for those conditions. The Licensee's response to the cheating on the weekly quizzes was inadequate and its testimony at the hearing on that subject was not credible. The Licensee's response to the incident involving VV in 1979 was unacceptable because of the Licensee's lack of candor with the NRC. The Licensee's training and testing program was poorly administered, weak in content, ineffective in its method of instruction, and not an adequate response to the Commission's Order of August 9, 1979.

Attachment 2

Enclosure 1

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 1, 1983

MEMORANDUM FOR: Chairman Palladino

FROM: Ben B. Hayes, Director
Office of Investigations

SUBJECT: THREE MILE ISLAND NGS, UNIT 2
ALLEGATIONS REGARDING SAFETY RELATED MODIFICATIONS
AND QA PROCEDURES (H-83-002)

Enclosed is an interim report of investigation on this subject. Our investigation continues in an open status.

This investigation represents a unique departure from OI's normal investigative practice because it was necessary to conduct an inspection and investigation simultaneously. This accommodation, which would not have been possible without the excellent efforts by the IE & RIII inspectors detailed to the OI investigative team, was necessitated by the highly technical nature of the original allegations. Thus, this report may be read from two perspectives.

Read as an inspection report, it documents that the procedure control allegations were true. As an investigation, it adds testimony regarding the attitudes and decisions that resulted in the aforementioned noncompliance.

Even though we have made an attempt to focus the voluminous factual data on the identified problem areas, the mass and complexity of this information may tend to obscure what I feel are the most important findings and implications of this investigation. Consequently, I will highlight for you what OI believes to be the major issues.

The allegations were not only substantiated, but we found them to be illustrative rather than exhaustive. In general, even though TMI-2 is still considered to be an operating plant for NRC regulatory purposes, many recovery and clean-up operations by Bechtel were not being conducted in accordance with applicable procedure requirements (Bechtel North American Power Corporation formerly Bechtel Northern). Dissatisfaction with this condition led the allegers to the course of action that triggered this investigation.

The licensee made continual efforts to revise TMI-2 procedures so that they were applicable to the recovery program. Despite these efforts, procedure control difficulties with Bechtel persistently occurred. Relatedly, the evidence shows that the TMI Program Office was generally aware of the TMI-2 procedure control difficulties. However, the TMIPO viewed these difficulties and the TMI-2 efforts to resolve them as internal conflicts. TMIPO felt that involvement in these internal matters would detract not contribute to the

TMI-2 solution. In OI's opinion, awareness by senior licensee management of the TMIPO passive role on administrative control matters may have contributed to the licensee's procedural noncompliance.

Some might consider it reasonable for senior licensee officials and Bechtel to want to work around what they considered cumbersome requirements. However, such an approach, in addition to eroding NRC's regulatory stance, raises questions regarding the safety significance of the ad hoc modifications and the predicament confronting on site TMI-2 supervisors who have to govern the plant according to established norms. This situation was aggravated by TMIPO reviewing Bechtel draft procedures that did not meet the licensee's programmatic requirements and approving certain Bechtel work packages that did not meet TMI-2's procedural requirements. In addition, TMIPO approved Bechtel work on containment penetration modifications that were not in accordance with a 10 CFR 50, Appendix A, design criterion. Such modifications would require a license amendment for other facilities.

Bechtel, a non licensee with limited experience of NRC operating plant requirements, was essentially given operational responsibility for the recovery project. Senior licensee management was continually advised by TMI Quality Assurance and in house management of Bechtel's non compliance with applicable procedures and safety misclassifications. The failure of senior licensee management to responsibly monitor Bechtel's work and hold Bechtel accountable is the underlying cause of the TMI-2 procedural problems.

Mr. E. J. Gallagher was detailed to the Office of Investigations from the Office of Policy Evaluation to review the technical aspects of this investigation. In Mr. Gallagher's memorandum concerning this review, he recommends that a Performance Appraisal/Construction Assessment type team be assembled to conduct an evaluation of plant modifications and regulatory and management controls. Based on the findings on this investigation, OI believes the recovery program would certainly benefit from such an evaluation. A copy of Mr. Gallagher's memorandum is enclosed.

In closing, once again, I would like to point out that this is an interim report issued during a pending investigation. Neither this report nor transmittal memorandum may be released outside the NRC without the permission of the Director, OI. Internal NRC dissemination and access should be on a need and right-to-know basis.

Enclosures:
As stated

cc: Commissioner Gilinsky (w/enc.)
Commissioner Roberts (w/enc.)
Commissioner Asselstine (w/enc.)
Commissioner Bernthal (w/enc.)
W. J. Dircks, EDO (3 copies w/enc.)

Attachment 3

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

Docket No.

COMMISSION MEETING

BRIEFING ON STAFF REVALIDATION
OF MANAGEMENT COMPETENCE AT TMI-1

Public Meeting

Location: Washington, D. C. Pages: 1 - 57

Date: Tuesday, 24 May 1983

TAYLOE ASSOCIATES
Court Reporters
1625 I Street, N.W. Suite 1004
Washington, D.C. 20006
(202) 293-3950

us to this point.

COMMISSIONER AHEARNE: And you have focused on TMI-1?

MR. MARTIN: Yes, sir.

COMMISSIONER GILINSKY: Let's see, you are trying to deal with it without knowing whether the allegations are ture or false?

MR. MARTIN: I can tell you for a fact that the records were falsified, that much we knew. What caused those records to be falsified, what was the motivation for those records to be falsified, that I can't tell you because I was not allowed to get far enough into it to find out.

In March of 1980 Phil Clark, the Executive Vice President of GPU issued a policy memorandum to all his senior managers. Can I have the next slide, please?

CHAIRMAN PALLADINO: Maybe that deserves some clarification. You said you were not allowed to get into it far enough.

MR. MARTIN: We sought from the Commission subpoena power. It took us three or four days to get that resolved, and before we were able to resolve it, Justice grabbed it.

CHAIRMAN PALLADINO: What?

MR. MARTIN: Justice grabbed it. Justice had it, and wehad to turn over our records to them.

CHAIRMAN PALLADINO: That was?

MR. MARTIN: In April of 1980.

CHAIRMAN PALLADINO: Not at this time.

MR. MARTIN: That was back in April of 1980.

CHAIRMAN PALLADINO: I think that is important to clarify.

MR.THOMPSON: I think it might be also clear that Tim at that time was the individual who was responsible for and doing the NRC's investigation. So, he is personally familiar with that information.

CHAIRMAN PALLADINO: I was not questioning his background but rather what was meant by that statement, and he put it in perspective.

MR. THOMPSON: I understand.

COMMISSIONER GILINSKY: Let me just come back to something else you said which is that the records were in effect falsified.

MR. MARTIN: Yes, sir, they were.

COMMISSIONER GILINSKY: Is that a conclusion that the staff reached at that time?

MR. MARTIN: That is a conclusion. We were able to, through analysis of records and looking at the various physical charts that were available, we were able to demonstrate that water was added, the computer was not told, there were falsified leak rates. We were able to demonstrate that hydrogen was added which caused a change in reference leg level, the apparent

pressure there which falsified the leak rate. We also had testimony from operators that they had falsified leak rates.

The other issue was associated with an estimated critical position. Again, the allegation was falsification of records. We were not able to resolve that one way or the other. That is the reason we had to turn it over to Justice.

COMMISSIONER GILINSKY: Was that reported to the Commission at the time?

MR. MARTIN: I will have to default to Harold or Vic Stello on that.

COMMISSIONER GILINSKY: Do you remember?

MR. MARTIN: I know that we sought subpoenas from the Commission and we never got them.

MR. DENTON: The case was before the Board.

COMMISSIONER GILINSKY: I must say, I don't remember it and I think I would have.

MR. DENTON: But remember, the investigation was worked on by I&E at the time, and their reports then were being furnished to the Board. I am not sure the final conclusions report was ever written because of the decision by the Department of Justice to enter the case. So, we stopped.

MR. MARTIN: It was not a written report at that time.

MR. DENTON: And I think back at that time it was envisioned that the Department of Justice investigation would be

complete by the time a restart decision was contemplated. So, we kind of left the case, telling the Board that it was under investigation, and that is where it stood.

COMMISSIONER GILINSKY: And these conclusions were never written down?

MR. MARTIN: They were not written down in any formal document ready to be transmitted. The inspection is not completed, the investigation is not completed.

COMMISSIONER GILINSKY: Thank you.

CHAIRMAN PALLADINO: Go ahead.

MR. MARTIN: In March of 1980 Phil Clark, the Executive Vice President of GPU issued a policy memorandum on procedures for a nuclear generating station. It was written to the senior managers and the purpose of it was to explain in a very detailed manner what he envisioned were the policies and practices to be used in GPU, and what he expected of the people that were charging with implementing the procedures, the supervisors and the managers.

The bottom line of it was a condition of employment, this compliance with procedures. It had some "outs" such as, if you find yourself in an emergency condition and you do not think the procedure applies and you feel that your training shows you a better way to go, you have authorization to get the plant into a stable condition.

The supervisor also has the authority to override a

Attachment 4

Results of Faegre & Benson Investigation of Allegations by Harold W. Hartman, Jr. Concerning Three Mile Island Unit 2, Volumes 1-4, September 17, 1980

This independent investigation instigated by GPU came to the following conclusions (page 36):

1 Based on Hartman's statement, their corroboration in I&E interviews and upon our review of the effect of the omissions, errors and oscillations, we have little doubt that leak rate tests were run frequently, producing an unknown number of unidentified leak rates in excess of 1gpm.

2 To the extent that "bad" leak rate results occurred, they were all thrown away because none have survived in the regular file.

The deliberateness of the failure to report tests in excess of technical specifications was drawn (page 28):

3 In view of the underlying policy rationale establishing a 1 gpm limit on unidentified leakage, namely, plant safety, it would be difficult to justify a conclusion that when the test is run more frequently than required results outside of the 1 gpm limit can be ignored, unless they are rejected as invalid indications of leakage.

The extent of the failure to report leak rate calculations in excess of technical specifications was indicated by notes of I&E interviews provided to the investigators. It appears that from one to five tests were performed per shift(page 10) over a period exceeding six months.

The evidence (1, 2, 3) forces a conclusion that the failure of the operations staff to record "bad" tests, to validate these tests and report any valid "bad" tests to the NRC was deliberate and so extensive to involve the entire operations staff.

Concerning the matter of "fudging" the calculations, the consultants were denied access to the best source of this information -- the operators. Legal barriers were provided

by Metropolitan Edison management to prevent full access to the operators. (pages 9, 13) However, notes from I&L interviews provided corroboration of Hartman's allegations of addition of water and hydrogen to give a low false reading (pages 10, 11).

The consultants also verified that all the methods Hartman alleged were used to "fudge" the calculation were effective. (pages 37-49)

Attachment 5

Attachment 6

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 2, 1983

Docket No. 50-289

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM: Darrell G. Eisenhut, Director, Division of Licensing, NRR

SUBJECT: BOARD NOTIFICATION (BN-83-138) TMI-1 RESTART HEARING

The NRC Staff is currently looking into the matter of possible incidents of falsification of reactor coolant system (RCS) leak rate tests at TMI-1 prior to the accident at TMI-2. This inspection by Region I is not yet completed; however, an examination of certain TMI-1 site records reviewed in conjunction with this inspection suggest that a statement previously made by the Staff in the TMI-1 restart proceeding, and believed to be accurate at the time, may prove to be incorrect. The statement in question arises out of the NRC investigation of the Hartman allegations of falsification of leak rate test data at TMI-2 and is contained in NUREG-0680, Supp. No. 2 (March 1981). Specifically, the Staff stated in that document that:

> "Further, although the NRC investigation is not complete, and the examination of Unit 1 records was limited, no indication of practices at Unit 1 similar to those alleged at Unit 2 were identified."

By way of background, the basis for the above-quoted statement in NUREG-0680 Supp. 2 was a draft document written by Mr. Keith Christopher in April 1980 (a copy of which is attached) which was provided to Mr. Tim Martin at that time. Mr. Christopher was a Region I investigator assigned to the investigation of Mr. Hartman's allegations and Mr. Martin was the Investigation Team Leader. During the course of that investigation, which was not completed because of the referral of the Hartman allegations to the Department of Justice, Mr. Christopher performed a limited review of TMI-1 documents relating to leak rate calculations. He reviewed approximately

1200 RCS leak rate test records generated at TMI-1 during the period April 26, 1978 to December 31, 1978. Four of these records appeared to represent results of tests during which the Control Room Operator (CRO) log indicated water had been added to the RCS and the computer test records indicated that this information had not been logged into the computer. Nevertheless, at the time NUREG-0680, Supp. 2, was issued, it was concluded that there was no indication of practices at Unit 1 similar to those alleged at Unit 2 for the following reasons.

1. Hartman made no allegation that any of the practices he maintained occurred at TMI-2 also occurred at TMI-1; moreover, during his extended examination by NRC investigators, they were left with the distinct impression that the problems identified by Hartman were isolated to Unit 2, because he contrasted the problems at Unit 2 with his positive perceptions of the construction and operations at Unit 1;

2. The acceptance criteria for TMI-1 leak rate tests was less stringent than for TMI-2, due to the additional consideration of a 0.51 GPM evaporative loss factor;

3. The dates of the four records in question and the personnel involved showed no consistent pattern;

4. The number of TMI-1 records in question constituted one-third percent (0.33%) error rate, which was not comparable to the seven percent error rate found at TMI-2; and,

5. The leak rate test records found in question had a number of possible benign explanations; therefore, they were not in themselves indications of falsified leak rate test records.

Although the ongoing staff inspection has called into question whether the four examples cited earlier are valid, the current inspection, which is more extensive than the limited examination of Unit 1 records that was conducted in 1980, has raised new staff concerns relative to the way leak rate testing was conducted at TMI-1.

The present staff inspection should be completed in the next several weeks and a referral to the Office of Investigations for additional review is expected. However, when the inspection report has been completed, the staff

will provide the Commission and the Boards with its results. If appropriate, the staff will utilize the procedures set forth in the Commission's August 5, 1983, Statement of Policy.

Darrell G. Eisenhut, Director
Division of Licensing, NRR

Enclosure: As Stated

cc: (w/Encl.)
Dr. John N. Buck, ASLAB
Judge Reginald L. Gotchy, ASLAB
Christine N. Kohl, Esq., ASLAB
Dr. Lawrence R. Quarles, ASLAB
Judge Gary L. Edles, ASLAB
Ivan W. Smith, ASLB
Dr. Linda W. Little, ASLB
Dr. Walter H. Jordan, ASLB
Parties to Hearing

Attachment 7

(L. Bradford, Smith - March 27, 1981); Tr. 20,776-82 (Aamodt, Smith - April 30. 1981); Tr. 21,011-15 (L. Bradford, Smith - May 1, 1981); Tr. 22,989-93 (Smith), 22,997-99 (L. Bradford, Smith - July 9, 1981). We explained why it was not permissible simply to take official notice, over objections, of other investigations, such as the Udall Report, for the truth of the matters asserted. Id. We further explained, however, that the Board is aware of the other investigations and reports. We carefully considered whether to pursue the disclosure issue further on our own and decided not to do so. Id. We will reiterate our reasons in greater detail here.

471. In the course of the following discussion, we will in part reference the documents listed above which are not in evidence. We do so as part of our consideration of why we did not expand the hearing on our own to hear other evidence on the disclosure issue. We cannot, and do not, find any facts solely on the basis of documents not in evidence.

472. The IE NUREG-0760 investigation concluded that information was not intentionally withheld from the NRC or the Commonwealth on the day of the accident, but significant information did not adequately flow (either on the site or off the site), and that Licensee was not "fully forthcoming" in appraising the Commonwealth on the first day of the uncertainty of or potential for degradation of plant conditions. Staff Ex. 5, at 10-11; Staff Ex. 13, at 9; Tr. 13,025-27 (Moseley).

473. The specific conclusions reached in NUREG-0760 (at 10-11) were:

1. There was significant information that did not adequately flow either on the site or to the necessary offsite groups on the day of the accident.

2. On the day of the accident, an effective system did not exist to ensure adequate information flow; i.e., to provide significant information for dissemination and evaluation within the onsite organization or offsite within the Met Ed and GPU organizations as well as the NRC, Commonwealth of Pennsylvania, and other agencies.

3. Those individuals on site failed to understand the extent and significance of the problems confronting them on the day of the accident; this contributed to the inadequate flow of information.

4. Met Ed was not fully forthcoming on March 28, 1979 in that they did not appraise the Commonwealth of Pennsylvania of either the uncertainty concerning the adequacy of core cooling or the potential for degradation of plant conditions.

5. Information was not intentionally withheld from the State on the day of the accident.

6. Information was not intentionally withheld from the NRC on the day of the accident.

7. The NRC did not have an effective system to ensure that information was properly accumulated, evaluated, and disseminated.

8. Reporting requirements, both to NRC and to the State, were not sufficiently specific on March 28, 1979.

474. Without going into details which are fully described in NUREG-0760 and the other reports not in evidence which we have listed above, the disclosure issue includes the following items of information: the Licensee calculated projected dose rates for Goldsboro of 10 R/hr and higher; the elevated temperature indications of the hot-leg and in-core

thermocouples; and the containment pressure spike. Also included, particularly for the uncertainty and potential degradation of reactor conditions which they should have disclosed if properly evaluated, are the times and/or nature of operation of the High Pressure Injection (HPI) and let down systems, the reactor coolant pumps, and the Pilot Operated Relief Valve (PORV, also referred to as the EMOV). The above is not an exhaustive list of all matters. Tr. 13,026 (Moseley). Staff Ex. 5 (NUREG-0760). See also, for a correlation of the items discussed, e.g.,the Udall Report and the Rogovin Report and Memorandum, supra.

475. The communication or failure thereof by the Licensee to the Commonwealth includes a meeting with Lt. Governor Scranton at his office at or about 2:30 p.m. on March 28. The senior Licensee representatives were the Vice President for Generation, John Herbein, and TMI Station and TMI-2 Unit Manager Gary Miller. Commonwealth personnel present in addition to the Lt. Governor included Thomas Gerusky, Director of the Pennsylvania Bureau of Radiation Protection. See, e.g., Staff Ex. 5, at 7, 42. While we do not rely on Mr. Gerusky's interview with the IE investigators for the truth of the matter asserted since he was not a witness before us subject to questions, we note that Mr. Gerusky was later unhappy, based on his perception of the meeting, that Messrs. Herbein and Miller conveyed the view that the accident was over and everything was under control. Staff Ex. 5 (NUREG-0760), at 42, Appendix B, at 113-1; see also Udall Report, at 110-116, which includes excerpts from Mr. Gerusky's interview by IE.

476. As appears throughout all of the reports, Mr. William Dornsife, a nuclear engineer with the Pennsylvania Bureau of Radiation Protection, was one of the prime state contacts to whom Licensee passed information on the first day. He was not at the meeting in the Lt. Governor's office. If further investigation is pursued, which we did not deem worthwhile to do, further inquiry could be better focused on the extent to which Mr. Dornsife (as compared to Mr. Gerusky) knew or better appreciated information by the time of the meeting and whether Mr. Dornsife would have interpreted comments by Messrs. Herbein and Miller at the meeting differently. We note, however, that Mr. Dornsife, like Mr. Gerusky, believed the plant was stable although not in the desired mode (Staff Ex. 5, at 41), and that he too did not know of any uncertainty as to whether the core had possibly been uncovered for a significant period of time early on the morning of March 28. Compare Staff Ex. 5, Appendix B, at 104-3 (Dornsife) with Id., at 105-3 and 105-4 (Gerusky).

477. Conclusion 4 of NUREG-0760 that the Licensee was not fully forthcoming on the day of the accident in failing to inform the Commonwealth of the uncertainty of or potential for degradation of plant conditions appears to us to be inconsistent with conclusion 5 that information was not intentionally withheld from the Commonwealth on the day of the accident. One possible explanation of this is apparently that the IE investigators believe that the predominant factors in the information flow problems were their conclusions 1, 2 and 3, supra. See

This is to certify that Aamodt Response to Commission Order of October 7, 1983 was served on the following Service List by deposit in U. S. Mail first class October 27, 1983.

Marjorie M. Aamodt

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Washington, D. C. 20555

Commissioner Victor Gilinsky
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Commissioner Thomas M. Roberts
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Commissioner James K. Asselstine
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Commissioner Frederick M. Bernthal
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