

February 13, 1984

MEMORANDUM FOR: Thomas T. Martin, Director, Division of Engineering and Technical Programs ✓ 2/13/84

FROM: Donald L. Capton, Senior Technical Reviewer, DETP

SUBJECT: D. L. CAPTON'S INVESTIGATION REGARDING AN OI MEMORANDUM, R. CHRISTOPHER TO THOMAS E. MURLEY DATED FEBRUARY 8, 1984

PERTINENT FACTS

A. Background

1. D. L. Capton, Region I, identified the fact that GPU-Nuclear had the RHR and BETA reports. This occurred during an initial meeting and interview by D. L. Capton of Mr. Hank Hukill. Rick Conte, TMI-I Senior Resident Inspector was present during the interview. The interview took place on April 22, 1983.
2. During the interview Mr. Hukill was asked to tell us about any management audits or studies that had been or were being conducted at TMI-I. RHR and BETA were among audits and studies identified by Mr. Hukill.
3. During the interview, Mr. Hukill stated that he was in the process of initially reviewing the RHR report. He stated that it had not been released to others in the site organization at that time. He considered the reports to be proprietary information at that time.
4. On Monday, April 25, 1983, the RHR and BETA reports were asked for and received by the inspectors with the understanding that they would be treated as proprietary and promptly returned.
5. At no time did either D. L. Capton or R. Conte sense any reluctance on the part of Mr. Hukill to provide the reports to the inspectors for review.
6. Subsequent to the completion of the inspection there were a number of telephone calls relating to the RHR and BETA reports between the region, headquarters and ELD. One such call on May 3, 1983, involved J. Goldberg, ELD; L. Crocker, NRR; J. Alienspach, NRR; M. Wagner, ELD; D. Capton, RI; S. Ebnetter, RI; G. Meyer, RI and N. Cogan, RI. There were many 'what if' type discussions and thoughts about handling the RHR and BETA reports particularly the author's perceptions quoted in the RHR report. Many of the authors' perceptions, if taken out of the context, would appear derogatory in nature toward TMI. This was very clear to all NRC personnel dealing with the reports.

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7. Upon completion of the inspectors' initial review of the RHR and BETA reports on site, the inspectors believed that there were no safety issues in the reports. This was subsequently confirmed by NUREG-0680 Supplement 4. The inspectors did believe that upper management involvement was warranted regarding the handling of the RHR and BETA reports.
8. Rick Keimig called Hank Hukill and requested a copy of the RHR and BETA reports because Keimig wanted to personally review the reports. The request was made with the understanding that the reports would be returned when this effort was completed. Mr. Hukill provided the reports as requested to R. Conte who forwarded them to R. Keimig.

D. L. Caphton was advised by Larry Crocker on May 5, 1983, that Harold Denton wanted all of the inspectors involved in inspection 50-289/83-10 to re-review the reports. This was subsequently done.

B. OI - Investigation - Statement by Hugh Thompson

9. D. L. Caphton interviewed the following persons involved with the team inspection who may have interfaced with Hugh Thompson. Interviews were conducted on February 9, 1984.

G. Meyer  
T. Shaub  
R. Keimig  
R. Conte

None of these people including me recall making the statement.

Other Region I persons were interviewed however, had no contributing information:

N. Cogan (interviewed on 2/9/84)  
S. Ebnetter (interviewed on 2/13/84)  
R. Starostecki (interviewed on 2/13/84)

10. D. L. Caphton and R. Keimig called Hugh Thompson on February 10, 1984 and attempted to have him reconstruct the situation in which he recalled the statement being made. No one could specifically recall enough to make a real connection. Pieces of facts and conversations could be recalled. Hugh Thompson believed that the conversation may have been connected with release of the 50-286/83-10 report. He thinks he may have talked to me and possibly Jack Goldberg or others on that subject, but that probably the statement was made in connection with a conversation he had with me.

C. Conclusions

No one recalls making the statement, neither did anyone recall the licensee's representative making the statement. It is true that the licensee considered the two reports at the time of the inspection to be information for use by their management.

The RHR & BETA report information was initially considered to be proprietary by the inspectors. The licensee was open in providing the RHR and BETA reports to the inspectors for review. There were extensive NRC deliberations on how the information from the RHR and BETA reports should be documented in the NRC inspection report. The subject matter was not believed to have safety impact, yet if taken out of context, would appear to have safety impact. The statement Hugh Thompson recalled was probably a misinterpretation of the facts related by the team. The statement may have been in the context of a commentary about the RHR authors perceptions which when taken out of context would be derogatory relative to the licensee.

There were many "what if" type telecon calls regarding the nature of the material and the handling of the material.

I do not believe the licensee attempted in any way to impede the NRC from seeing the reports. Our findings were that the reports had no real safety impact. The licensee believed the reports not to have safety impact.

  
Donald L. Capton  
Senior Technical Reviewer