

4/1/82

REOPENED PROCEEDING (CHEATING) --
CONDITIONS AND COMMITMENTS PRIOR TO RESTART

A. Conditions

The Licensing Board imposed the following conditions:

- (1) There shall be a two-year period during which the Licensee's qualification and requalification testing and training program shall be subjected to an in-depth audit by independent auditors, approved by the Director of NRR, such auditors to have had no role in the TMI-1 restart proceedings. PID (Reopened Proceeding), July 27, 1982, ¶¶ 2068; 2347; 2421. [Licensee has accepted this condition and an ongoing audit of its training program, by an independent company, is underway. See attached Licensee's Comments on Immediate Effectiveness of PID (Reopened Proceeding), at 10.]

- (2) Licensee shall establish criteria for qualifications of training instructors to ensure a high level of competence in instruction, including knowledge of subjects taught, skill in presentation of knowledge, and preparation, administration and evaluation of examinations. PID ¶¶ 2347; 2421. [Licensee has accepted this condition and has established criteria for the qualifications of training instructors. See attached Licensee's Comments on Immediate Effectiveness of PID (Reopened Proceeding), at 11.]

- (3) Licensee shall develop and implement an internal auditing procedure, based on unscheduled ("surprise") direct observation of the training and testing program at the point of delivery, such audits to be conducted by the Manager of Training and the Supervisor of Operator Training and not delegated. PID ¶¶ 2347; 2421. [Licensee has accepted this condition and an expanded internal audit program for licensed operators is now in place. See attached Licensee's Comments on Immediate Effectiveness of PID (Reopened Proceeding), at 11-12.]
- (4) Licensee shall develop and implement a procedure for routine sampling and review of examination answers for evidence of cheating, using a review process approved by the NRC Staff. PID ¶¶ 2331; 2347; 2421. [Licensee has accepted this condition and has developed a procedure for sampling and review. See attached Licensee's Comments on Immediate Effectiveness of PID (Reopened Proceeding), at 12-14. See also attached letter dated February 7, 1983 from H. D. Hukill to J. F. Stolz.]
- (5) Until further order in the proceeding, any participation of Gary P. Miller in the start-up, testing or operation of TMI-1 shall be under the direct supervision of an appropriately qualified official of GPU Nuclear Corporation. PID ¶¶ 2319; 2421. [Mr. Miller was transferred out of GPU's nuclear activities by October 1, 1982. See attached Licensee's Comments on Immediate Effectiveness of PID (Reopened Proceeding), at 7.]

Conditions 1 through 4 above are to be satisfied within the first two years after restart authorization. PID ¶ 2347.

B. Penalty

The Board imposed on the Licensee a monetary penalty in the amount of \$100,000 as a long-term remedy to provide reasonable assurance that TMI-1 can be operated without endangering the public health and safety. The Board stated that if its jurisdiction to impose such a penalty is found wanting, its action should be regarded as a recommendation (see C.(3), infra). PID ¶¶ 2411-13; 2420.

C. Recommendations

The Board, recognizing that it lacked jurisdiction to pursue certain other matters which it felt warranted further action, made the following recommendations to the Commission.

The Board recommended that:

- (1) A proceeding be initiated pursuant to 10 CFR Part 2, subpart B, and 10 CFR 55.40 to consider the modification or suspension of the operators' licenses of G and H unless during the Commission's immediate effectiveness review, the Licensee reports that G, H and the Licensee accept the Board's proposal that G and H voluntarily receive a two-week suspension without pay. PID ¶¶ 2121; 2419. [G, H and Licensee accepted the Board's proposal, and G and H voluntarily received a two-week suspension without pay. See attached Notification dated

August 6, 1982 from G. F. Trowbridge to the Commission. G has subsequently resigned from the employ of Licensee.]

- (2) The Commission direct the NRC Staff to conduct an investigation into the August 3, 1979 certification of VV to the NRC for operator's license renewal. PID ¶¶ 2313-14; 2419. [OI is currently conducting such an investigation. Licensee has completed its own investigation of the circumstances surrounding the certification.]
- (3) If it should be decided on review that the Board lacks jurisdiction to impose a monetary penalty on the Licensee, a penalty in the amount of \$100,000 should be imposed by the Commission on the Licensee for negligent failure to safeguard the integrity of its examination process, failure to instill an attitude of respect for the company and NRC-administered examinations, failure to assure the quality of training instruction and negligence in the procedures for the certification of candidates for the NRC licensing examinations. PID ¶¶ 2411-13; 2419. [The Commission has directed the Office of Inspection and Enforcement to determine whether a civil penalty proceeding should be instituted.]
- (4) The qualifications and delivery performance of Mr. Husted should receive particular attention during the forthcoming review of the TMI training program. PID ¶ 2168.

- (5) The Commission should give high priority to the Staff's efforts to validate the NRC operators' examinations and provide for whatever oversight is required to establish the credibility of the examinations with the operators who sit for them, the licensees and the public. PID ¶2372.

D. Commitments

Licensee has committed to establish a formal process and a written procedure for operator qualification certification. PID ¶¶ 2059; 2350.

UNION OF CONCERNED SCIENTISTS

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12 December 1983

Mr. J. M. Felton, Director
Division of Rules and Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-83-742

Rec'd 12-13-83

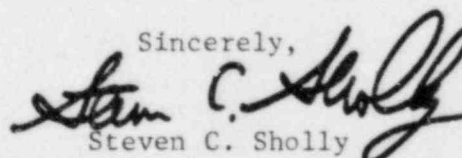
Dear Mr. Felton:

Pursuant to the Freedom of Information Act, please make available at the Commission's Public Document Room (at 1717 H Street, N.W., Washington, D.C.) copies of records in the following categories:

- (A) Listing of members and a copy of the charter for an NRC staff group known as the "TMI-1 Restart Issues Task Force".
- (B) Copies of all documents sent to or generated by the "TMI-1 Restart Issues Task Force", including but not limited to all internal NRC memoranda discussing the proceedings of the Task Force and communications between Task Force members and GPU Nuclear, Metropolitan Edison Company, and/or General Public Utilities.

Should there be any questions about this request, please have your staff contact me at (202) 296-5600.

Sincerely,



Steven C. Sholly
Technical Research Associate

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