

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Presiding Board



In the Matter of)

Docket No. LRP)

INQUIRY INTO THREE MILE ISLAND UNIT 2)
LEAK RATE DATA FALSIFICATION)

ASLBP No. 86-519-02 9P)

June 13, 1986

AAMODT RESPONSE TO NRR REPORT

The NRR (Office of Nuclear Reactor Regulation) report¹ of the joint NRR-OI (Office of Investigations) investigation of individual involvement of TMI personnel in falsification of leak rate reports provides evidence that, while limited, should be useful to this Board. We do not object to the incorporation of the NRR report into the record, subject to the cross-examination of appropriate witnesses, for the evidence it contains. However, we object to the conclusions concerning the meaning of the evidence. They are not rational, they are based on less evidence than exists, and they are unnecessary information for this Board, i.e., the Board has been charged to come to its own conclusions.

The NRR-OI investigation was limited to an examination of leak rate reports for TMI-2 between September 30, 1978 and the accident, a six month period. In fact, evidence of falsification of reports exists for the previous six months. NRR provides no rationale for its cutoff of consideration of the reports of the first six

1/ RESULTS OF NRR'S INVESTIGATION AND EVALUATION OF TEN LICENSED OPERATORS INVOLVED IN TMI-2 PREACCIDENT LEAK RATE TESTING IRREGULARITIES, U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, undated, no authors listed.

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months of TMI-2's operation. In fact, the circumstances demonstrate that there can be no justification to ignore existing empirical evidence. Time and again, in the NRR report, the investigator came to the conclusion that there was not sufficient empirical evidence to conclude with assurance.

Further, the arbitrary cutoff period of NRR's analysis of data raises our concern that NRR's analysis for the second six month period is not accurate. NRR did its own analysis of records although prior NRC analyses existed. NRR did not adopt the February 1984 work of Dr. Chung of the Region I office. NRR did not provide a comparison of its results with those of Dr. Chung. Rather NRR used the work of MPR Associates, Inc., to justify the validity of its work. (See Memo, Sept. 20, 1985, Russell to Denton, Encl., COMPARISON OF NRR'S AND STIER'S LEAK RATE TEST EVALUATIONS.) However, this comparison does not provide convincing evidence of the reliability of the NRR work. MPR and NRR disagreed on 28% of the tests. NRR demonstrated how MPR was greatly biased in favor of finding a test valid. In 75% of the cases of disagreement, MPR found a test valid. This is understandable since MPR was hired by Metropolitan Edison Company to make its analysis in defense of indictment by the Department of Justice. Although NRR applied more stringent standards in determining the validity of a test than MPR's, this is not evidence that NRR's standards were stringent enough. NRR admits that the post-hoc analysis of leak rate tests is a matter of technical judgment in many cases.

We do not understand NRR's apparent reluctance to adopt the work of Dr. Chung or to use Dr. Chung's work as a validation of its own or to justify its reluctance to do so. Dr. Chung was chosen by the NRC to make the initial evaluations of leak rate reports. Evidently, Dr.

Chung was assigned that responsibility because of his expertise. Dr. Chung is still employed by the NRC hence it can be presumed that he carried out his responsibility. The Department of Justice depended on Dr. Chung's work in bringing a 13 count indictment concerning this matter against Metropolitan Edison Company.

NRR does not identify the experts or others it used for its evaluation of leak rate reports. We request the Board to direct NRR to remedy that omission and to provide curriculum vitae for these individuals.

We request the Board to reconsider its decision to postpone calling Dr. Chung until after the appearance of other technical witnesses. Absent NRR's consideration of all leak rate report evidence (i.e., the first six months'), the Board has no choice other than to depend on Dr. Chung's work. MPR's work is demonstrably biased.

Other deficiencies of the NRR report are the omissions of a table of contents and two enclosures: Encl.3 to Encl.13 (Sworn Statement of J.J. Blessing, December 14, 1984) and Att.3 to Encl.1 to Encl.9 (Excerpts from Statements of Chwastyk). We request the Board to direct NRR to provide these omitted items and provide an opportunity for the parties comments.

A page and an entire section of the report were deleted by order of the Board. These deletions are the subject of parties' comments to be served on June 16, 1986. If these pages are restored, we request the opportunity to respond to them.

The NRR report did not provide documents referenced that are significant to an understanding of the evidence. We request that these documents, as follows, be provided and be made a part of the record.

1. Plant engineering modifications to leak rate forms referenced at p.6 of Encl.6.
2. Letter of Superintendent of Operations referenced at p.3 of Encl.9.
3. July 26, 1983 OI interview of H.W. Hartman, Jr.
4. AP-1001 referenced at p.9 of Encl.1 of Encl.7.
5. Routing Sheet with initials of LER-76-62-IT, November 1, 1978.
6. Circumstances of resignations of Operators Olson, Booher and Cooper.
7. NRC's documentation for positions stated throughout report that actual identified and unidentified leakage did not exceed technical specifications throughout period of falsification of leak rate reports.
8. June 6, 1983 Memorandum, T.T. Martin to H.H.E. Plaine with attached exhibits, subject, Hartman Allegation Summary.
9. February 1984 NRC Reg. I Technical Analysis of TMI-2 Leak Rate Tests (Chung Analysis).
10. May 3, 1984 Memorandum, Denton to Hayes, NRR Review of OI Investigative Materials Concerning Hartman Allegations of Falsification of Leak Rate Data at TMI-2.

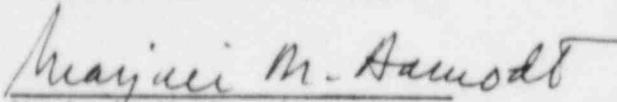
The following additional witnesses are proposed to answer concerning some of the above documents and to clarify the oft-recurring testimony of the operators of their interface with first-line supervision concerning reports of leakage in excess of technical specifications.

1. Jim Floyd, Superintendent of Operations at the time of the accident, concerning document (2) above, testimony of operators at p.3 of Encl.11, p.3 of Memo (10/15/85) Russell to Denton after Encl.1 of Encl.5 and testimony of Encl.5.
2. M.S. Coleman
3. J.J. Blessing

4. M.V. Cooper
5. W.H. Zewe
6. J.J. Chwastyk
7. F.J. Scheimann
8. W.H. Zewe
9. David H. Gamble who summarized the relevant interview of Mark S. Coleman, Encl.1 to Memo, 1/4/85, Capra to Russell, of Encl.14.

An additional apparent omission from the NRR report is a list of the investigators with their signatures of approval. We request that the Board seek to remedy this omission.

Respectfully submitted,


Marjorie M. Aamodt

June 13, 1986

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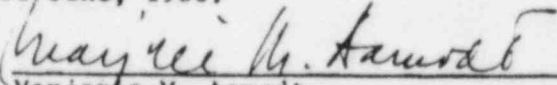
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I certify that copies of AAMODT RESPONSE TO NRR REPORT were served on the following Service List by deposit in U.S. Mail, First Class, postage prepaid, this 13th day of June, 1986.


Marjorie M. Aamodt

June 13, 1986

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