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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Presiding Board

DOCKETED  
USNRC

In the Matter of )

Docket No. LRB 86 JUL -8 A11:41

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

ASLBP No. 86-519-02 SP

July 3, 1986

OFFICE OF SECRETARY  
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AAMODT RESPONSE TO GPU FILING OF JUNE 16, 1986  
AND REQUEST FOR RELIEF

In responding to the Aamodt's comments of June 6, 1986, GPU made a baseless and vicious attack on us personally. We request the Board's address of the tenor and substance of GPU's comments which have willfully and unfairly maligned us.

GPU alleged that our statements about two individuals, GPU sought to have excluded from the instant inquiry, were "reckless and derogatory". GPU requested that the Board "admonish the parties (and particularly the Aamodts based on their performance to date) not to misperceive their obligation to argue their positions in this proceeding as a license to abuse the rights of individuals or assault their character absent a sound basis in fact." GPU, pp.2-4.

Our total statement about the two individuals was as follows:

"...GPU's assessment of the culpability of two of these employees does not appear valid. Mr. Zechman was a supervisor of training prior to the accident; Mr. Dubiel was manager of radiological controls. These responsibilities would indicate involvement and/or knowledge of leak rate falsification." Aamodt, June 6, 1986, p. 3, emphasis added.

The sum total of our additional comments concerning GPU's proposal to eliminate 15 individuals from the hearing were that the proposal was "premature", not "significant", and "inappropriate". Id., pp.3-4.

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We made no statements about any of the individuals under investigation in the instant inquiry prior to GPU's filing of June 16 other than those quoted above. Hence we are at a total loss concerning GPU's reference to our "performance to date."

The Commission's Order of December 18, 1985, instituting this inquiry, established that this Board's investigation should be directed toward identifying all those who were involved in, responsible for or aware of falsifications of leak rate reports at TMI-2. The Commission, therefore, placed all who could be alleged to have been involved/responsible/aware under investigation, i.e., suspicion. The suspicion of criminal behavior surrounding GPU's employees was alleged by the Commission, not the Aamodts.

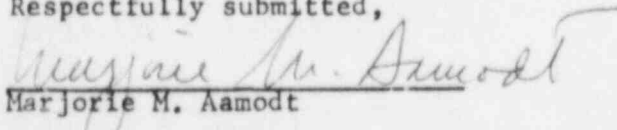
GPU is fully aware that the history of the Aamodts' participation in the TMI hearings has demonstrated their consistent responsibility toward and consideration of individuals. They supported GPU's request that operators' identities be protected during the hearing of their cheating on tests. They opposed the Commonwealth of Pennsylvania's attacks on individuals operators and an instructor. (Two motions, January 1982.) They opposed the Special Master's recommendation of singular criminal prosecution of two shift supervisors who cheated on tests. They refused to join an attack by intervenors, the Commonwealth and the NRC on Jim Floyd which resulted in his criminal prosecution and an NRC judge's rightfully coming to his defense. They opposed GPU Chairman Kuhns' description of the operators at the time of the accident as "four dummies". (December 5, 1983 Commission Meeting). They have no interest in pursuing the present hounding of a TMI instructor who was the product of GPU's mismanagement of the training program. (Husted hearing). To this day, they have never revealed the identity of a

single operator whose identity was protected in the cheating hearing  
controlling  
although the/ order may no longer be in effect. They have consistently  
demonstrated a high regard for individual dignity. Even in the case of  
the despicable behavior of GPU's seasoned attorney during the cheating  
hearing, which they reluctantly brought before this Board, they held  
their tongues for fear of injuring a neophyte attorney who appeared  
to have become inadvertently involved. (See Aamodt Motion, March 14, 1986.)  
The Aamodts presently have two motions before this Board which are  
motivated by their concern that operators are not made the scapegoats for  
the leak rate falsifications (as they were for the Unit 2 accident and  
the cheating on tests. See Aamodt Motion, April 16, 1983 pp.14-16.)

GPU's attack on us is so vicious and unwarranted as to raise this  
Board's suspicions concerning the issue involved: GPU's request that  
15 individuals be excluded from the instant inquiry. GPU has protested  
too vigorously.

GPU has no substantial argument for its request that 15 individuals  
be excused from the instant inquiry. GPU's cites statements of employees  
that did not specifically name these individuals. However, failure to  
be named does not provide exculpatory evidence. The individuals interviewed,  
even if forthright, could not be expected to know those individuals above  
their immediate supervision who were involved or aware. Job title does  
provide inculpatory evidence absent an investigation. The NRC investi-  
gations found "management" involved (condoned, fostered), but the investi-  
gators did not identify individuals. This new evidence provides further  
basis for the Board to deny GPU's request for the exclusion of the 15  
individuals, at least two of which were managers.

Respectfully submitted,

  
Marjorie M. Aamodt

July 3, 1986

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