

May 18, 1982

Administrative Judge
Ivan W. Smith, Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Administrative Judge
Walter H. Jordan
Atomic Safety & Licensing Board
881 West Outer Drive
Oak Ridge, TN 27830

Administrative Judge
Linda W. Little
Atomic Safety & Licensing Board
5000 Hermitage Drive
Raleigh, NC 27612

In the Matter of
Metropolitan Edison Company
(Three Mile Island Nuclear Station, Unit No. 1)
Docket No. 59-289 SP (Restart) (Reopened Proceedings)

Dear Judge Smith and Drs. Jordan and Little:

The purpose of this letter is to comment on the Report of the Special Master in the matter of the Three Mile Island Unit No. 1 Restart (Reopened Proceedings); specifically, Paragraphs 82 through 93 (Pages 41 through 45) and Paragraph 312 (Pages 177 and 178). The Special Master concluded at Paragraphs 91, 92, and 312 that I must have cooperated with GG and W on Question 1 of the "Lessons Learned (Section T - Kelley Exam)" Section of the operator requalification quiz given on December 19, 1980. As was stated in the Special Master's Report at Paragraph 85, I was interviewed by Mr. John Wilson and "denied cheating". Also, as stated in the Report at Paragraph 312, I "...was never called to testify, and so had no opportunity to respond to questions from the parties". Since I did not testify at the hearings and personally go on record as "not having cheated", I feel that no response to the Special Master's Report would constitute an admission of guilt.

I submit the following comments for the record:

1. At no time prior or subsequent to the December 19, 1980 quiz, have I been in training for the purpose of obtaining a Reactor Operator or Senior Reactor Operator License. I attended selected portions of the TMI-1 operator requalification training during the period Fall 1980 through Spring 1981 in pursuit of other goals. I was not required to take any of the operator training related tests given during this period. I took the exam in question solely as my means of evaluating my knowledge of the material covered. Since I was not engaged in training in pursuit of an operator license, there would be no benefit associated with passing the subject quiz nor any penalty associated with failing the quiz. Therefore, no motivation existed for cheating on 1 question in a 28 question quiz.

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2. The Special Master at Paragraph 312 states "on one weekly quiz, GG, W, and MM gave stilted, unnatural, virtually identical answers with the same misspelling". He also refers to "identical, abstract language" at Paragraph 92. This conclusion is apparently based on the following statement at Paragraph 89: "An expression such as 'non safety-related systems affecting safety systems operator action which compounded the challenges to the safety system' (Lic. Ex. 66K, 66L) does not flow spontaneously from the pen of an operator". To be sure, the expression quoted above does not flow smoothly from the pen of an operator. The Special Master apparently has not viewed the formatting of the answer in relation to the question that was asked. The question specifically asked: "List two (2) major areas of weakness noted by Lessons Learned tasks (sic) force". My answer, as it appeared on the quiz, is given below:

Non safety related systems affecting safety systems
Operator action compounding the challenge (sic)
to safety systems

Separate lines were devoted to providing each part of the answer. This is consistent with the manner in which I answered all questions requiring multiple answers. When taken as two distinct phases, which is what the question asked and which is shown by the formatting of the answer, neither phase is "stilted", "unnatural", or "abstract".

The Special Master refers to the answers by GG, W, and myself as being identical. While the "concept" of the answer is identical, the specific wording is not. Both operators GG and W used 22 words in their answers while I used 15 words. Also, while the three of us used similar grammatical construction for part 1 of our answers, GG and W shifted the tense of their answers for part 2. Furthermore, I misspelled "challenge" in the singular, while they misspelled it in the plural. I feel these differences outweigh the misspelling of an easily misspelled word.

3. At Paragraph 84 the Special Master notes that my answer was "...quite different from the answer key". Paragraph 84 of the Special Master's Report also provides the correct response to this question as shown by the answer key. The answer key appears to be extracted from the following statement contained in Section I "Introduction" (Page 1-2) of NUREG-0585, "TMI-2 Lessons Learned Task Force Final Report" (October 1979): "...human factors engineering, qualification and training of operations personnel; integration of the human element in the design, operation, and regulation of system safety; and quality assurance of operations".

The Special Master states at Paragraph 91 "...the License was unable to find any training material on these questions". I do not recall the instructor providing a handout to the class on this topic, and believe the instructor simply outlined on the board the major points of his discussion. Given the above, it would be reasonable to assume that the instructor based his lecture and high points on NUREG-0585

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and NUREG-0578 - "TMI-2 Lessons Learned Task Force Status Report and Short-Term Recommendations" (July 1979).

NUREG-0585 states at Section 3.2 "Design Requirements" (Page 3-3): "The interactions between non-safety-grade and safety-grade equipment are numerous, varied and complex..." and "...comprehensive studies of the interaction of non-safety-grade components, equipment, systems and structures with safety systems and the effects of these interactions during normal operation, transients, and accidents need to be made by all licensees..."

NUREG-0578 states at Section 3.2 "System Design Requirements" (Page 18), relative to operator actions: "If the actions taken are proper, they can provide a beneficial effect on mitigation of the event. If the operator actions are incorrect, the effectiveness of automatic safety systems can be degraded".

Since the "answer key" material was covered in class, the above supporting material extracted from NUREG-0578 and NUREG-0585 was in all likelihood also covered by the instructor and highlighted for the class and constitutes a correct answer. Apparently the grader, who marked the answer correct, felt likewise. Therefore, the mere difference of my answer from that of the key, does not imply cheating on my part. Since neither the Training Department nor myself has been able to find a lesson plan for the subject material, and since it is likely that the material was presented in a format highlighting the key points, it would be fairly easy to recall the key words for a quiz given shortly thereafter.

Therefore, based on the above I respectfully request the Board to find unfounded all implications of cheating leveled against me in the Report of the Special Master.

Sincerely,

MM

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cc: Service List