

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

POCKETED
USNRC

BEFORE THE COMMISSION

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In the Matter of)
)
METROPOLITAN EDISON COMPANY) Docket No. 50-289
)
(Three Mile Island Nuclear)
Station, Unit No. 1))

TMIA COMMENTS ON MAY 24, 1983 COMMISSION MEETING

By Order dated May 24, the Commission has provided parties with a opportunity to comment on the NRC staff briefing concerning its "revalidation," or rather failure to "revalidate" the staff's support of Licensee's management. As it has done in the past, TMIA objects to this staff briefing as a violation of due process. TMIA objects to any proceeding where a party to the restart hearings orally addresses the Commission outside the context of a full adjudicatory hearing on a substantive restart issue still before the Appeal Board. (See, e.g., TMIA comments on September 21, 1981 staff briefing dated January 13, 1982). However, without intending to waive these objections, TMIA choses to provide the Commission with limited comments on certain aspects of this meeting including discussion of the Region I inspection report.

A recent letter to Chairman Palladino from Pennsylvania Governor Richard Thornburgh, and statements by Pennsylvania Senator John Heinz in Harrisburg on Thursday June 2, attest to the fact that the Commission has so far dealt with manage-

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ment issues in an entirely insufficient manner. Both politicians announced strong opposition to restart, Thornburgh's letter articulating his "reservations" in terms of the operator cheating incidents which the Commonwealth is appealing, the issues of safe clean up stemming from recent allegations by several "whistleblowers," and management competence and integrity generally. The Commission must realize by now that the people of Central Pennsylvania and their representatives will simply not tolerate the shoddy treatment the Commission has so far given these issues, and that Governor Thornburgh, Senator Heinz, and the public in general are entirely justified in their disgust with the restart process.

Evidence of this sham process appeared once again at the staff's May 24 briefing. Here was a briefing to the Commission on one of the most senseless inspection reports yet produced in this case. On the one hand, the staff stated plainly to the Commission, without qualification, that leak rates were falsified. On the other hand, they presented a report which concluded that "no adverse findings were identified during the inspection." Its examination of whether the Hartman allegations could possibly impact on a safe TMI-1 restart is an utter joke and demonstrates that the staff must be psychologically disposed to avoiding or denying reality.

For example, its examination of whether the nameless President of GPU, (who is obviously Bob Arnold), the pre-

accident Vice-President of Generation for the GPU Service Corporation, could have had knowledge of the falsifications, is an outright embarrassment. The staff first baldly asserts without discussion and ignoring a long history of Arnold's involvement in and general knowledge of the everyday operations at TMI (illustrated by his capacity during the restart hearings and the B&W trial to testify with detailed recall on virtually all aspects of plant events), that [i]n [the position of Vice-President of Generation for GPU Service Corporation], he was responsible for producing technical support to the TMI Station, but he had no control over station operations." P. 10-4. The staff then jumps to a derivative conclusion that "[t]hus it is not likely that he would have been aware of leak rate testing activities at TMI-2 during that period." This is utterly absurd, lacking any reasoned basis whatsoever.

Following this finding is an equally shallow discussion of possible knowledge or involvement of the current nameless Manager of Plant Operations at TMI-1, (who is obviously Mike Ross). The report simply states, "[h]e may have been aware of leak rate testing difficulties at TMI-2 since he held a dual license for both units. However, he would have had no reason to be involved in the TMI-2 testing activities other than during periods, if any, when he may have been serving as shift supervisor on TMI-2." End of discussion. Does this mean Ross did or did not know of the leak rate falsification? The Commission should keep in mind that Mr. Hartman

has maintained consistently since his first I&E interview in May 1979 that every shift supervisor knew leak rate falsification was occurring.

The Commission should also note that not a single individual was interviewed about the Hartman allegations in this investigation. As an excuse for this, the staff puts forth the fallacious argument that the Justice Department prohibited it from conducting interviews because of DOJ's own ongoing investigation. See, also, Tr. P. 34. As the Commissioners are well aware, this is simply not true and for the staff to continue to maintain this line is totally irresponsible.

Other findings in the inspection report are equally flimsy and unsubstantiated. For example, its discussion of why the ombudsman is not utilized is astonishing. The report concludes that "[d]iscussions with several persons at TMI-1 about this low frequency of use indicated that the openness of normal management channels for resolution of employee concerns minimized the employees' need to use the Ombudsman." See, P. 13-3. This is simply absurd in light of the recent experience of those individuals recently forced to go public with allegations of harassment and intimidation by management for reporting unsafe clean up operations, none of whom considered the ombudsman a viable option. Clearly, for employees to feel comfortable approaching the ombudsman with management complaints, the ombudsman can not be associated with management, and must be able to insure complete

confidentiality. Anyone who has been following the saga of Richard Parks, for example, knows that the company has publically stated numerous times that Parks did not approach the ombudsman before going public with his complaints. Obviously, then, the ombudsman did not keep this fact confidential. Moreover, the ombudsman himself is a senior management official. See, Tr. at P. 33. The staff's finding simply ignores reality.

Where the report's "findings" and "conclusions" are blatantly inconsistent with those reported in the recently revealed management audits (which compose one of the four "open" issues causing the staff to withdraw endorsement of Licensee management), no attempt is made to even note, let alone explain the inconsistency. See, Tr. at P. 45. For example, on page 4-2, Region I finds,

The general attitude of personnel interviewed is positive toward procedural compliance. Senior management emphasizes procedural compliance and this attitude has been communicated through the various levels of management and supervision to the plant worker. Personnel are knowledgeable about their responsibilities in complying with procedures and of the actions required to be taken when a procedure cannot or should not be followed as written. The training on procedure adherence is acceptable.

RHR finds that while "[t]here is strong consensus that the policy on compliance is clearly communicated,

The consultant emerges with the impression that there is some discrepancy between the formal requirement and what actually goes on in practice. It is not so much that the operators are trying to cut corners, but that literal compliance in many cases, is not felt to be realistic and further that it is not practical to write up all the exceptions. Foremen are said to push their operators to keep things moving and this requires deviating from written procedures....Operators complained of a lack of convergence between training, testing and

ability to operate the plant. Three out of four denied that training prepared individuals to pass exams and is successful at this but it does not prepare them sufficiently to operate.

The inspectors conclude that nothing in those reports challenges the findings of their inspection. Clearly, the Commission has a responsibility to require more from the staff than unsupported generalizations which appear on their face to be incorrect.

The report's major conclusion seems to be that adequate procedural controls are now in place to insure that leakage falsification will not happen again. The report fails to deal with many obvious issues raised by the Hartman allegations, such as management's direct and indirect involvement in the falsifications themselves, management's responsibility for creating an atmosphere where operators felt the falsifications were being directed and/or supported by management, and the failure to properly respond to the charges with an honest and thorough investigation, reminiscent of their shoddy and dishonest response to the cheating incidents. As Commissioner Gilinsky noted, having organizational controls in place is not enough. One must consider what these allegations say about the organization, and how people at the top handle problems. Tr. at PP. 37, 38, 39.

Finally, at the May 24 meeting, the staff made several references to Mr. Martin's "testimony" in 1980 before the Board on the Hartman allegations. See, e.g., PP. 7. 40. Lest the Commissioners think that these issues were actually litigated before the Board, we should note that Mr. Martin

never testified before the Board on these issues. However, the staff did present the Board with a report, contained in March 1981 staff update to NUREG-0680, Supplement 2, on which the Board exclusively relied in arriving at its conclusion in the August 27, 1981 PID, ¶505, that there is no basis to conclude that restart should not be permitted until the DOJ investigation is complete. Supplement 2 stated,

[T]he staff has reviewed the information that it has obtained to date on the matter, and has concluded on the basis of information thus far obtained that there appears to be no direct connection with the Unit 2 accident.

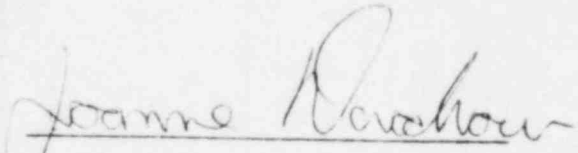
In light of Mr. Martin's statement at the May 24 meeting that they knew in early 1980 that the leak rates were in fact falsified, the above statement appears to be a deliberate and material misrepresentation to the Board and to the parties, and further completely undermines the credibility of the Board's conclusion in PID ¶505. This is an extremely serious matter which the Commission should immediately investigate.

In conclusion, TMIA wishes to note that any documentation provided to any of the parties in response to any of these issues, such as those requested by the Licensee in its June 1 letter to Mr. Plaine, and the underlying data to the RHR and BETA reports requested by the staff in the Region I

report at P. 15-5, must also be provided to all parties to the restart proceedings.

Respectfully submitted,

By:

A handwritten signature in cursive script, appearing to read "Joanne Doroshow", written over a horizontal line.

Joanne Doroshow
Louise Bradford

June 3, 1983

Three Mile Island Alert

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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached TMIA COMMENTS
ON MAY 24, 1983 COMMISSION MEETING dated June 3, 1983, was
served this 3rd day of June, 1983, by deposit in the U.S.
Mail, first class, postage prepaid, or hand delivered, to
those on the attached service list.


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