

LIC 9/8/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of )

METROPOLITAN EDISON COMPANY )

(Three Mile Island Nuclear  
Station, Unit No. 1) )

Docket No. 50-289 SP  
(Restart)

LICENSEE'S RESPONSE TO BOARD ORDER  
RELATIVE TO THE SUBMISSION OF VIEWS ON THE  
INVESTIGATION OF CHEATING,  
Dated August 20, 1981

On August 20, 1981, the Board issued an Order requesting parties with an interest in management issues to advise the Board of their views of whether further actions should be taken in this proceeding with respect to the cheating incident in NRC examinations last April. We preface our views with an account of actions taken by Licensee since the potential that operators had cheated on NRC exams was first disclosed to Licensee's management on July 27th.

During the period of the NRC investigation, Licensee refrained from any investigation of its own which might interfere or give the appearance of interference with NRC's investigation, although on August 4th, shortly after NRC's interviews were completed, Mr. Arnold, President of GPU Nuclear Corporation, held meetings

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with the operators during which he urged that they inform him of any knowledge they might have of cheating by any of the examinees. Individual meetings were held as well, with the two operators no longer in the Company's employ, during which the same urging was made. No information was forthcoming as a result of these requests.

Since the completion of the NRC investigation, Licensee has not undertaken to duplicate the NRC investigation of either the NRC examination last April or the mock examinations administered by ATTS earlier the same month. Licensee's management has, however, conducted follow-on interviews with personnel who were associated with rumors of cheating which rumors Licensee's management disclosed to NRC investigators on July 28th upon first learning of them. Licensee is satisfied that neither of the two operators whose names surfaced during these investigations cheated or knew of any cheating in the NRC examination.

Licensee has, in addition, reviewed for evidence of cheating the examinations given by its consultant, PQS (the Kelly exams), at the conclusion of the OARP program, including the special Category T test given at that time, and a series of make-up Category T tests subsequently given by Licensee's training department to operators and candidates who either did not take the Kelly examinations or failed to get a 90% grade on the Category T portion of the examinations. For this purpose, Licensee contracted with Edward V. Trunk, Assistant Professor of Engineering at The Pennsylvania State University, to review and compare all of these

examinations. Mr. Trunk reported the results of his review to Licensee late in the day of September 2, 1981.

With respect to the Kelly examinations, Mr. Trunk reported that the "exams reviewed were significantly independent in manner and substance to preclude any possibility that cheating or any cooperative effort had taken place."

With respect to the make-up Category T exams, however, Mr. Trunk reported that several cases of strong parallelism were detected. While characterizing most of the cases as inconclusive, he identified a few cases that appeared suspect. Licensee's management has reviewed Mr. Trunk's report and all of the instances of similarities in answers identified by him. Licensee's initial evaluation indicates that some of the similarities can be readily explained by comparison with training and instruction documents not known to Mr. Trunk. Others may fall in this category after Licensee completes its review of other training documents and instruction, but Licensee must assume at this time that this further review will not remove all residual doubts about cheating. One case in particular, involving identical, short, essay-type answers to two questions, the similarities are such as to suggest that no likely explanation except cheating will be forthcoming. That case involved the same operator found to have copied the answers of another in the NRC examination.

Simultaneous with the review of the make-up examinations, Licensee's management instituted a review of the manner in which

the examinations were administered. The review disclosed sufficient looseness in the administration of the examinations that the possibility of cheating could not be ruled out on the basis of supervision or proctoring of the examinations. There may also have been inadequate instructions to examinees, including failure to instruct groups taking the examinations at one session not to discuss the examination with individuals taking the examination at a later time.

Licensee's management does not believe its investigations to date provide a basis for taking additional individual disciplinary action, but clearly action to correct programmatic deficiencies is necessary. Modification of training's procedures for the administering of exams, quizzes and exercises is called for. Moreover, because of Licensee's own lack of adequate procedures for administering the make-up examinations and because of similarities which probably cannot be accounted for in some, albeit few, answers to questions on make-up Category T examinations administered by Licensee, Licensee will require that all operators and candidates who did not take the Kelly examinations, or who failed to pass the Kelly Category T examination with a grade of at least 90%, take a new Category T examination. Licensee has so advised the NRC Staff.

No information has come to Licensee's attention to alter the conclusions of the NRC's investigation of cheating on the NRC exams or the ATTS mock exams or to suggest that management personnel had

any awareness of cheating or rumors of cheating which were not promptly passed to the NRC. However, under the circumstances described above, Licensee believes the Board will wish to reopen the record on management issues for the receipt of further evidence. Such evidence should in our view be limited to matters bearing on Licensee's management capabilities. More particularly, we suggest that any further evidence should be addressed to (a) the past administration of company exams, (b) the adequacy of Licensee's management response to the discovery of cheating on the NRC examination, and (c) management plans for the administration of future tests and examinations. In view of both the limited number of inconclusive similarities involved and the generic shortcomings of test administration revealed, we see management's administrative practices, (a) above, to be the proper focus of past actions rather than a review of individual test results whose scrutiny in public, regardless of outcome, would inevitably result in distress and unfairness to innocent individuals.

In the event the Board orders the record reopened, Licensee suggests that the Board promptly schedule a prehearing opportunity for the parties to discuss and the Board to decide the scope of the hearing and any <sup>DO NOT WRITE</sup> prehearing matters. Further, should the Board order reopening on this subject, Licensee would have no objection to the appointment of Professor Milhollin as noticed by the Board's Order of August 24, 1981.

Respectfully submitted,

*Ernest L. Blake, Jr.*  
Ernest L. Blake, Jr.  
Counsel for Licensee

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket No. 50-289  
Restart

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Honorable Mark Cohen  
512 E-3 Main Capital Building  
Harrisburg, PA. 17120

Ms. Jane Lee  
R.D. #3, Box 3521  
Etters, PA 17319

Ms. Gail B. Phelps  
ANGRY  
245 West Philadelphia Street  
York, PA 17404

John E. Minnich, Chairman  
Dauphin Co. Board of Commissioners  
Dauphin County Courthouse  
Front and Market Streets  
Harrisburg, PA 17101

Robert Q. Pollard  
609 Montpelier Street  
Baltimore, MD 21218

Chauncey Kepford  
Judith H. Johnsrud  
Environmental Coalition on  
Nuclear Power  
433 Orlando Avenue  
State College, PA 16801

Ms. Frieda Berryhill, Chairman  
Coalition for Nuclear Power Plant  
Postponement  
2610 Grendon Drive  
Wilmington, DE 19808

Ms. Marjorie M. Aamodt  
R.D. #5  
Coatesville, PA 19320

Senator Allen R. Carter, Chairman  
Joint Legislative Committee on  
Energy  
Post Office Box 142  
Suite 513 Senate Gressette Bldg.  
Columbia, SC 29202

Alan S. Rosenthal, Esq., Chairman\*  
Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

John Levin, Esq.  
PA Public Utilities Commission  
Box 3265  
Harrisburg, PA 17120

Jordan D. Cunningham, Esq.  
Fox, Farr and Cunningham  
2320 North 2nd Street  
Harrisburg, PA 17110

Ms. Louise Bradford  
THI ALERT  
315 Pepper Street  
Harrisburg, PA 17102

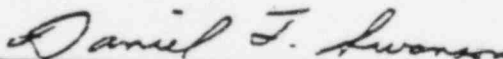
Ms. Ellyn R. Weiss  
William S. Jordan, III  
Sheldon, Harman & Weiss  
1725 I Street, N.W.  
Suite 506  
Washington, DC 20006

Thomas J. Germiné, Deputy  
Attorney General  
Division of Law - Room 316  
100 Raymond Boulevard  
Newark, N.J. 07102

Atomic Safety and Licensing Board  
Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing Appeal  
Panel(5)\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Docketing and Service Section (1)\*  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

  
Daniel T. Swanson  
Counsel for NRC Staff

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