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RELATED CORRESPONDENCE

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July 11, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

Docket No. 50-289  
(Restart-Management  
Phase)

NOTICE TO COMMISSION, APPEAL BOARD,  
LICENSING BOARD AND PARTIES

Enclosed for information of the Commission, Appeal Board,  
Licensing Board and parties is a copy of a complaint by  
Lawrence King and Gloria King which names as defendants, GPU  
Nuclear, Bechtel and certain individuals. The complaint was  
filed in the United States District Court for the Middle Dis-  
trict of Pennsylvania on July 9, 1984, and seeks redress for  
alleged injuries sustained as a result of Mr. King's discharge  
from employment at TMI-2. Licensee was not served with the  
complaint but obtained a copy this date.

Respectfully submitted,

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

8407130162 840711  
PDR ADOCK 05000289  
PDR  
DATED: July 11, 1984  
cc: Attached Service List

DS03

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Commission

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

SERVICE LIST

Nunzio J. Palladino, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Thomas M. Roberts, Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

James K. Asselstine, Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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U.S. Nuclear Regulatory Commission  
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Administrative Judge  
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Atomic Safety & Licensing Appeal  
Board  
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Administrative Judge  
John H. Buck  
Atomic Safety & Licensing Appeal  
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Christine N. Kohl  
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Administrative Judge  
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Administrative Judge  
Sheldon J. Wolfe  
Atomic Safety & Licensing Board  
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Administrative Judge  
Gustave A. Linenberger, Jr.  
Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing and Service Section (3)  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety & Licensing Board  
Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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- 1 -



94-1-C1  
following.

## I. INTRODUCTION

1. This is an action for compensatory and punitive damages arising under the common law of the Commonwealth of Pennsylvania in order to obtain redress for plaintiffs from defendants for personal injuries sustained as a result of plaintiff Lawrence King's wrongful discharge from employment by defendant GPU Nuclear Corporation.

## II. JURISDICTION AND VENUE

2. This complaint is filed and these proceedings are instituted under diversity of citizenship, 28 U.S.C. Section 1332. The named plaintiffs are citizens of the State of Virginia. Defendant GPU Nuclear Corporation ("GPUN") is a corporation which is not incorporated under the laws of the State of Virginia and does not have its principal place of business in Virginia. Defendant Bechtel North America Power Corporation ("Bechtel") is a corporation which is not incorporated under the laws of Virginia and does not have its principal place of business in Virginia. Upon information and belief, defendants Robert C. Arnold, Bahman K. Wanga, Phillip R. Clark, James W. Thiesing,

William E. Austin, Darrell H. Blizzard, James W. Buell, David R. Buchanan, Richard E. Gallagher and John Dalton are citizens of the State of Pennsylvania. This claim alleged herein arose within this judicial district. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars (\$10,000).

### III. PARTIES

3. The plaintiffs are residents of the State of Virginia with a residence address of P.O. Box 228, Rt. 1, Huddleston, Virginia 24106. Plaintiff Lawrence King (hereinafter "King"), was employed by GPUN from May 27, 1980 until his wrongful discharge on March 23, 1983. Plaintiff Gloria King is the wife of Lawrence King.

4. Defendant GPUN employed King in the position of Manager of the Operations at Three Mile Island Unit Two (TMI-2) from May 27, 1980 until his wrongful discharge on March 23, 1983.

5. Defendant Bechtel co-managed the recovery efforts at Three Mile Island with GPUN from approximately September, 1982 through King's wrongful discharge in March, 1983.

6. Defendants, Robert C. Arnold, Bahman K. Kanga, Philip R. Clark, John J. Dalton, James W. Thiesing, William E. Austin, Darrell H. Blizzard, James W. Buell, David R. Buchanan and

Richard E. Gallagher are officers and/or employees of GPUN or Dechtel.

7. Plaintiffs are informed and believe and thereon allege, that each defendant designated herein is responsible, intentionally, negligently or in some other actionable manner, for the events and happenings hereinafter referred to, and caused injuries and damages proximately thereby to plaintiffs as hereinafter alleged, either through defendant's own conduct or through the conduct of its agents, servants or employees. Said defendants are responsible for directing, supervising or perpetrating the unlawful acts and other conduct from which this complaint arises.

8. For purposes of this action, all defendants are one entity, jointly and severally liable for one another's acts. At all times mentioned herein, all defendants have operated as agents and/or in conjunction and agreement with each other.

#### IV. GENERAL ALLEGATIONS

9. On the 27th day of May, 1930, King and GPUN entered into an employment agreement, whereby GPUN agreed to employ King in the capacity of Operations Manager for the term of indefinite years from the 27th day of May, 1930, and to pay for such services the sum of \$44,000.00 per year. Through a series of

promotions and salary increases, King, on August 1, 1982, became Manager of Site Operations at an annual salary rate of \$60,500 dollars.

10. From the 27th of May, 1980, until his wrongful discharge under said contract, King faithfully discharged his duties and responsibilities.

11. As Manager of Site Operations, King was responsible for certain tasks involving the clean up, recovery and rehabilitation of Three Mile Island after the near nuclear catastrophe in 1979.

12. In carrying out his duties and responsibilities, King raised administrative and safety concerns about the Three Mile Island-2 Recovery Program and the polar crane refurbishment program. These concerns were conveyed to numerous persons throughout GPUN and Bechtel including some, if not all, of the named defendants. Attached as Exhibit A are copies of inter-office memorandums to and from Lawrence King concerning said administrative and safety concerns, and excerpts of King's Congressional testimony on this subject.

13. On the 24th day of February, 1983, GPUN, in direct retaliation against King for raising the aforementioned safety and administrative concerns about the recovery program disregarded the terms of the aforementioned contract and suspended King without pay.

14. On the 23rd day of March, 1983, GPUN, in direct retaliation against King for raising the aforementioned safety

and administrative concerns about the recovery program disregarded the terms of the aforementioned contract and terminated King's employment with GPUN.

15. King has been willing, ready and able to continue said employment and carry out said contract with GPUN. GPUN has refused and still refuses to allow King to do so.

V. COUNT ONE: BREACH OF EMPLOYMENT CONTRACT

16. The allegations contained in paragraphs 1 through 15 inclusive are hereby recalled as though fully rewritten herein.

17. From the inception of his contract with GPUN till his suspension and termination, King has performed all conditions, covenants, promises, duties and responsibilities required by him in this contract.

18. On February 24, 1983 and March 23, 1983, GPUN breached said contract by first suspending King without pay and then terminating his employment. Said suspension and termination was without just cause and in direct retaliation against King for his raising safety and administrative concerns about the recovery program at Three Mile Island.

VI. COUNT TWO: CONSPIRACY TO SECURE  
KING'S HONORABLE DISCHARGE

19. The allegations contained in paragraphs 1 through 18 inclusive are hereby realleged as though fully rewritten herein.

20. By repeatedly questioning the aforementioned safety and administrative concerns, King incurred the ill-will of GPUN and Bechtel, the corporations who were jointly responsible for the clean up of Three Mile Island.

21. At all times relevant herein GPUN, Bechtel and all individually named defendants had due notice and knowledge of King's employment contract with GPUN.

22. Notwithstanding this notice and knowledge, GPUN, Bechtel and all individually named defendants, and each of them, knowingly and willfully conspired and agreed among themselves to break King's contract with GPUN, thereby depriving King of the benefits of said contract and depriving King of the ability and opportunity to earn his livelihood.

VII. COUNT THREE: CONSPIRACY TO INHIBIT  
QUELIN'S REDEEMPTION

23. The allegations contained in paragraphs 1 through 22 inclusive are hereby realleged as though fully rewritten herein. -



24. King, prior to his wrongful discharge and breach of contract, had deservedly earned and enjoyed the confidence and esteem of his neighbors and acquaintances, and was employed as Manager of Site Operations by GPUN.

25. The defendants, well knowing King's good reputation and standing, entered into the aforementioned conspiracy with the added intent of injuring King's good name, fame, and credit in his aforesaid profession, and to bring him into public scandal, infamy and disgrace among his neighbors and co-workers.

26. In furtherance of this conspiracy, the defendants, in the presence and hearing of King's neighbors, contemporaries and subordinates, did malign and impugn King's reputation, good will, confidence and esteem by falsely and maliciously spreading false accusations concerning King and his professional behavior while in the employment of GPUN.

#### VIII. COUNT FOUR: TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

27. The allegations contained in paragraphs 1 through 26 inclusive are hereby realleged as though fully rewritten herein.

28. Since his wrongful discharge, GPUN has not released King's employment records to King's prospective new employers in a forthright and diligent fashion as requested by King, thereby

causing King to lose several job opportunities.

IX. COUNT FIVE: TORTIOUS INTERFERENCE  
WITH CONTRACTUAL RELATIONS

29. The allegations contained in paragraphs 1 through 23 inclusive are hereby realleged as though fully rewritten herein.

30. The aforementioned conduct by defendants was tortious in nature and resulted in King being wrongfully discharged from his contractual relations by GPUH.

X. COUNT SIX: INTENTIONAL INFLICTION  
OF EMOTIONAL DISTRESS

31. The allegations contained in paragraphs 1 through 30 inclusive are hereby realleged as though fully rewritten herein.

32. Defendants' conduct was intentional, malicious, wanton and done for the purpose of causing King to suffer humiliation, mental anguish and emotional and physical distress and proximately caused King to suffer same.

XI. COUNT SEVEN: NEGLIGENT INFLICTION  
OF EMOTIONAL DISTRESS

33. The allegations contained in paragraphs 1 through 32 inclusive are hereby realleged as though fully rewritten herein.

34. Defendants' conduct, if not intentional, did negligently cause King to suffer humiliation, mental anguish and emotional and physical distress and proximately caused King to suffer same.

XII. COUNT EIGHT: LOSS OF CONSORTIUM  
BY PLAINTIFF GLOBIA KING

35. The allegations contained in paragraphs 1 through 34 inclusive are hereby realleged as though fully rewritten herein.

36. Prior to the physical and emotional injuries suffered by Lawrence King, he was able and did perform his duties as a husband. Subsequent to the injuries and as a proximate result thereof, Lawrence King has been unable to perform the necessary duties and services usually performed in the care, maintenance, and management of the family home. By reason thereof, Gloria King has been deprived and will continue to be deprived of the consortium of her spouse, including the performance of her husband's necessary duties, all to Gloria King's damage and detriment.

XIII. COUNT NINE: PUNITIVE DAMAGES

37. The allegations contained in paragraphs 1 through 36 inclusive are hereby realleged as though fully rewritten

herein.

30. The actions of defendants as alleged herein constitute grossly negligent and willful, knowing, wanton and intentional misconduct relative to the wrongful discharge of Lawrence King and plaintiffs should be granted an award of punitive damages for said misconduct.

#### XIV. JURY TRIAL DEMANDED

31. Plaintiffs demand a trial by jury of all the issues herein so triable by jury.

#### XV. PRAYER FOR RELIEF

32. WHEREFORE, Plaintiffs pray for compensatory and exemplary damages against defendants in a reasonable, fair and just amount to be determined by the jury and such other relief as may be deemed just and proper by the Court including reinstatement and back pay together with reasonable attorneys' fees and costs of this action.

Dated: June 23, 1984.

93-1-C1

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PAUL LANDAU, ESQ.  
LAW OFFICES OF ALLAN KANNER  
1718 Locust Street  
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BY:

*Allan Kanner*

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GREITZER AND LOCKS  
1500 Walnut Street  
Philadelphia, PA 19103

BY:

*Martin Greitzer*

MARTIN GREITZER, ESQ.

Attorneys for Plaintiff

## Inter-Office Memorandum

Date May 21, 1982

Subject Engineering &amp; Operations Staffing

**GPU Nuclear**

To J. J. Barton

Location TMI/U-2 Site Operations  
Admin. Bldg.

The present Engineering and Operations staffing levels are inconsistent with our goals and responses required by the NRC.

In the past six (6) months, we have spent thousands of manhours researching and responding to NRC concerns regarding problems and management controls. I have become aware of a noticeable increase in NRC questions and concerns which results in our expending considerable resources to respond to these concerns. This limits Engineering's ability to perform meaningful tasks for the plant:

1. Trending of plant data
2. Response to Maintenance requests for Engineering support.
3. Review of work requests to determine generic problems
4. Review of Operations and Tech. Spec. surveillances
5. Response to Q/A audits

We are in a reaction mode responding to NRC concerns. They (Lee Tonus) are digging into old files to uncover problems.

I am giving direction to John Lee to set up separate charge numbers to respond to these concerns:

1. Auxiliary Building Ventilation
2. OLD LER's
3. Tritium in ground water



#### 4. Containment Air Lock

Most of these problems are age old problems that are now getting high visibility due to in depth NRC probing.

In order to respond to these concerns we will have to staff to a level where we can respond in a timely fashion. Mr. Barrett has accused us of not being sensitive enough to these issues. The facts are that he has more personnel looking for problems than we have personnel in Engineering that can respond in detail to NRC questions. This leaves no time to do planning, trending, procedure preparation, etc.

The requirement to have individual NRC procedures for each task we perform is requiring expenditure of considerable manpower. Most of these procedures are being written by Ben Slone and Bubba Marshall. Engineering does not have the manpower to respond.

I believe if I am to manage Site Operations and respond to the NRC concerns in a timely fashion, that I need to have a say in the required manning. We have identified (K. Draper and B. Slone manpower breakdown) that we do not have the manpower to respond to the required 1982 work. This was before Slone and Marshall's involvement in the "Quick Look" Program.

I myself have difficulty responding to all your questions on individual problems. This certainly leaves no time for getting our house in order. It is one hell of a lot easier to ask questions than to respond.

I suggest that we sit down with Mr. Kanga and come up with a plan for responding to these concerns.

L. P. King  
Acting Director, Site Operations

~~cc: [unclear]~~

MEMO from:

J. J. BARTON

5/21/82

Lenny:

I don't think  
we should involve  
Kanga in this issue  
at this time. We  
should review these  
problems w/ him & sit  
with us on the proposed  
managing.

I would like  
to discuss this  
memo with you  
before you issue it.

JB

Comments on Polar Crane Decon Proposal -- K. J. Hofstetter  
10-19-82

1. It would appear that widespread use of chemicals in the Reactor Building is receiving tacit approval. Is this consistent with CPU policy as evidenced by the recent CORB recommendation? (attached)
2. As the major method of contaminated chemical disposal appears to be solidification, do we have a group assigned to determine compatibility with cement solidification, shipping requirements, burial ground requirements, waste assay, etc.? Appears to be quite a loose end.
3. Is there a better acid neutralization chemical than  $\text{Ca(OH)}_2$ ? Very difficult to remove  $^{90}\text{Sr}$  in solutions containing high  $\text{Ca}^{++}$ . Why not use  $\text{Na}_2\text{CO}_3$  or  $\text{NaHCO}_3$ ?
4. Have the chemicals and reagents been closely screened to determine effects on:
  - a) SDS zeolites
  - b) EPICOR resins
  - c) corrosion of systems
  - d) compatibility with components
  - e) industrial safety hazards
  - f) chemical toxicity
  - g) residuals that may end up in RCS
  - h) radiolytic breakdown
  - i) compatibility with other wastes, etc.
5. Another consequence of rags falling into the RB sump would be to plug the pumps. What would be the consequence?
6. What chemical reactions could take place in the sump if chemicals were introduced and how might it effect the desludging effort?
7. The presence of decon chemicals (chelating agents, etc.) does effect water processing! The first bleed tank batches had to be reprocessed through the SDS.

General Comment

I realize that effective decon can only take place by using chemicals in a localized manner. Sacrificial media can be put in the water processing systems to protect the zeolites or resins, but the generation of new waste forms and ultimate disposal is a more pressing problem. We need to demonstrate that we have carefully thought out the consequences of our decisions.

Perhaps these check lists have been identified and the decision matrices worked out. I have not been involved. I feel that this operation can be carried out safely with successful decontamination results. I would only hope that the overall impact of dollars and man-rem expenditure has been accurately assessed and justifies the use of chemicals.

I think the answer is, whatever I take on, but then again, I thought waste shipping was in my area. You responded negatively to a letter that I wrote, trying to force the issue on "SDS filters". I believe you said, "Isn't this your responsibility? Do you think somebody would try to stop you?"

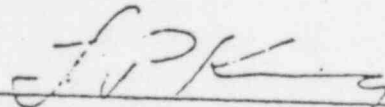
Again, I agree with you, I though it was my responsibility, but only wrote the letter because I wanted that clarified. It turned out that it wasn't my decision to make.

How many times has "Mr. Barrett been able to go over our heads to reverse our decisions"? What support has been received?

I am confused because even if something is in our area of responsibility, we do not have the authority to make those decisions. I find myself responding to a series of memos on what I consider "TRIVIA".

The real issues such as the following, seem to drift without any noticeable improvement"

1. What to do with RCS level
2. Cleanup of Auxiliary and Fuel Handling Buildings
3. Inefficiency of present containment cleanup.

  
L. P. King  
Site Operations Director

LPK/jmw

cc: File(s)

# Inter-Office Memorandum

Date October 20, 1982



Subject Comments on the Polar Crane Decon Plan

To J. C. DeVine, Jr.

Location TMI-2 Site Operations  
4200-82-448


Ref: Memo 4500-82-0032 dated October 5, 1982  
(received October 18, 1982)

Site Operations has reviewed the proposed plan for decontaminating the polar crane. While the planned work sequence appears to be technically sound, the apparent widespread use of chemicals in the reactor building is disturbing. Attached are the comments of Plant Engineering (K. J. Hofstetter) on the chemical aspects of the decontamination effort.

While the use of chemicals may be required for large scale decontaminations of this type, we must carefully screen the chemicals to be used. It appears that the Chemical Hazards Analyses section of this plan does not address all the concerns.

Site Operations will assist the Technical Planning and Site Engineering groups in establishing the criteria for approving the use of chemicals in the TMI-2 decontamination efforts.

Until these concerns are resolved or the proposed plan is reduced in scope, I cannot concur with the work effort.

  
G. P. King  
Site Operations Director

LPK:KJH:hh

Attachments

cc: K. J. Hofstetter  
E. H. Gischel

# Inter-Office Memorandum

**GEI Nuclear**

Date January 10, 1983  
4200-83-017

Subject Responsibilities for ECM-Related  
Document Changes

To B. K. Kanga  
J. J. Barton

Location Three Mile Island  
Unit #2 Admin. Building

The following activities are severely handicapped because of unidentified responsibilities for documents required by ECM to be initiated or changed:

- (1) Approval processing of ECM's.
- (2) Turnover to Operations upon ECM completion.
- (3) Maintenance Department, Plant Operations, and Recovery Operations dependent upon the above two items.

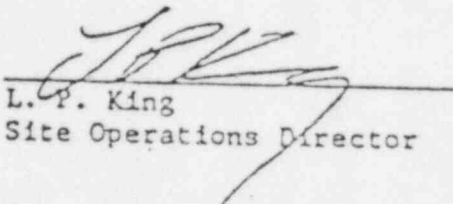
The following action is recommended:

- (1) A meeting to discuss and seek agreement on responsibilities.  
Suggested attendees:  
  
J. J. Barton  
B. K. Kanga  
W. F. Kelly  
L. P. King  
J. E. Larson  
J. W. Theising
- (2) Management decision and directive to implement immediately.
- (3) Incorporation into new modifications control procedures scheduled for implementation March 1, 1983.

The main problem area is ECM-related procedure changes. It is suggested that Operating, Alarm Response, and Surveillance procedures required to be initiated or changed, be the responsibility of the Responsible Engineer, the writer of the ECM.



Enclosed is a list of all documents which can be effected by ECM.  
Proposed responsibilities are included.

  
L. P. King  
Site Operations Director

ECM  
ECM/LPK/tn

Enclosure

cc: W. F. Kelly  
J. E. Larson  
J. W. Theising

# Inter-Office Memorandum

Date: November 5, 1982

NOV 9 1982

Subject: Sewage Holding Tank for  
Personal Access Facility

**GM Nuclear**

To: J. J. Barton


Location: 4200-82-479  
TMI/U-2 Site Operations  
Bldg. #222 - Room #109

REFERENCE: Memorandum #5211-82-1220,  
T. A. Grace to B. K. Kanga

Much discussion has taken place recently over the use of sewage holding tanks on the island, and specifically, the tank installed on the subject facility by S-ECH 1001.

At the present time, the use of the above tank would violate State Sewage Act 537, section 7 and Sewage Regulation Chapter 71, sections 5.1 and 5.2. In addition, no provision is made for in-ground tanks in any Londonderry Township ordinances.

Please be advised that the use of this tank is unlawful until the proper permit or variance is obtained.

  
L. P. King  
Site Operations Director

Larry: I am aware of the above.

- ① I have read the referenced memo.
  - ② I have read the memo to Dick Wilson signed by Hubert + Kanga asking for help on a Sewage plant
  - ③ I am keeping contact via Larson's organization and Emerson. Licensing re. contacting the State on the new holding tanks.
  - ④ etc, etc, etc
- I will send a CYOA memo from you. It's

# Inter-Office Memorandum

Date: February 7, 1983

Subject: Headlift Punch List as  
a Management Tool

**Nuclear**

To: R. Metzger

4200-83-068  
Location: TH1/U-2 Site Operations  
Bldg. #222 - Room #109

The purpose of this memorandum is to once again express my concerns on the use of a punch list as the means of managing the head lift tasks. This is an inadequate tool for monitoring the progress of the project because it does not identify the relationships or ties between sequenced tasks. This is of particular importance to Site Operations as we are the implementing or final sequence on many of these tasks and rely on timely input from other groups to maintain our schedule commitments. To date, you have not identified any instances where the group providing input is delinquent except for line #17. There have been numerous instances where Site Engineering/Design Engineering have not met their commitments, as shown on the punch list, but were never shown as being delinquent. The common practice used by these groups to avoid being identified as delinquent is to "reforecast" the due date. By using the punch list, the impact downstream of these "recasts" cannot be adequately identified and the schedule changed accordingly. Site Operations is impacted because as the implementor we are held responsible for accomplishing the task on time, regardless of lat. input or lack of input from other groups. This is not a realistic or logical management strategy. It is your job as the controlling group for accomplishing the head lift to identify as unacceptable late input on the front end of these tasks, and to fully realize the impact to subsequently scheduled activities.

To use a specific example, it was identified to you in a previous letter that information had not been received from Design/Site Engineering on the drain path and level indication for schedule line items 9 and 10. The responsible parties were identified as Lake and Rider, but you failed to identify the fact that they did not meet their commitment of December 24, 1982. Even though this front end input slipped, modifying procedures, writing WVI's and the physical work associated with the tasks were still expected to be accomplished on time. To complicate matters even further, Site Operations was then requested to accomplish the above on the basis of a new accelerated schedule to support the "quick scan".

As a further example, the punch list item for final receipt of the head removal SER is still not shown. As late as February 1, 1983, Site Operations is still being shown as delinquent on this item, when in fact our comments were returned to Bob Rider on January 19, 1983. What is not reflected is the fact that the SER was not received in sufficient time to allow for an adequate review in light of concerns with DTSG level.

# Inter-Office Memorandum

Date: February 7, 1983

Subject: Headlift Punch List as  
a Management Tool

**[G] Nuclear**

To: R. Metzger

4200-83-068  
Location: TH1/U-2 Site Operations  
Bldg. #222 - Room #109

The purpose of this memorandum is to once again express my concerns on the use of a punch list as the means of managing the head lift tasks. This is an inadequate tool for monitoring the progress of the project because it does not identify the relationships or ties between sequenced tasks. This is of particular importance to Site Operations as we are the implementing or final sequence on many of these tasks and rely on timely input from other groups to maintain our schedule commitments. To date, you have not identified any instances where the group providing input is delinquent except for line #17. There have been numerous instances where Site Engineering/Design Engineering have not met their commitments, as shown on the punch list, but were never shown as being delinquent. The common practice used by these groups to avoid being identified as delinquent is to "reforecast" the due date. By using the punch list, the impact downstream of these "reforecasts" cannot be adequately identified and the schedule changed accordingly. Site Operations is impacted because as the implementor we are held responsible for accomplishing the task on time, regardless of late input or lack of input from other groups. This is not a realistic or logical management strategy. It is your job as the controlling group for accomplishing the head lift to identify as unacceptable late input on the front end of these tasks, and to fully realize the impact to subsequently scheduled activities.

To use a specific example, it was identified to you in a previous letter that information had not been received from Design/Site Engineering on the drain path and level indication for schedule line items 9 and 10. The responsible parties were identified as Lake and Rider, but you failed to identify the fact that they did not meet their commitment of December 24, 1982. Even though this front end input slipped, modifying procedures, writing UWI's and the physical work associated with the tasks were still expected to be accomplished on time. To complicate matters even further, Site Operations was then requested to accomplish the above on the basis of a new accelerated schedule to support the "quick scan".

As a further example, the punch list item for final receipt of the head removal SER is still not shown. As late as February 1, 1983, Site Operations is still being shown as delinquent on this item, when in fact our comments were returned to Bob Rider on January 19, 1983. What is not reflected is the fact that the SER was not received in sufficient time to allow for an adequate review in light of concerns with DTSC level.

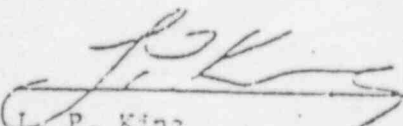
Headlift Punch List  
as a Management Tool

1200-83-066  
R. Metzger

As I indicated to you and others, in your organization, the only way to properly status and monitor all of the interfaces required for the head lift is through an integrated, detailed head lift schedule. At this point in time, we have not had a detailed head lift schedule since November 17, 1982. This is totally unacceptable and should be questioned by management. Mr. Thiesing stated at least two weeks ago that a revised detailed head lift schedule was issued, but I believe his statement was in error. As of this date (February 7, 1983) this revised schedule has still not been issued. When and if this schedule is issued, the most apparent problem is that it does not identify the critical path items and the constraints to these items. One of the most critical items, the polar crane, is not even shown on the head lift schedule. I do not see the logic in this because the polar crane is needed to accomplish many of the tasks and failure of this item to complete on time will literally push the entire head lift schedule out to the right.

As a method of documenting my ability to meet our commitments, I am preparing a form letter to notify you officially when I have not received necessary procedures or engineering information pertaining to our tasks. Distribution will be made to you and C. W. Hultman only. I am not using your punch list addition form based on my experience of January 17, 1983, at which time my group submitted our changes and comments and they were not inputted to the punch list as shown.

I will be available to discuss any aspects of this memorandum.

  
L. P. King  
Site Operations Director

LPK/JFP/jmw  
cc: File(s)



# Inter-Office Memorandum

Date: February 7, 1983

Subject: Concerns over Head Lift Schedule

**GLN Nuclear**

To: S. K. Kanga/J. J. Barton

4200-83-069  
Location: TMI/U-2 Site Operations  
Bldg. #222 - Room #109

REFERENCE: L. P. King memorandum #4200-83-068 to  
R. Metzger - Subject: Headlift Punch  
List as a Management Tool (Attached)

Site Operations has expressed repeated concerns over not having an integrated schedule. In order to cope with meeting our end dates we have developed detailed schedules to identify where information is needed to meet milestones on the master schedule. The referenced memorandum to R. Metzger identifies my concerns. Verbal requests have not seemed to be effective in getting a response.

We have spent several hours in a meeting in Room 209 discussing a schedule that was put together at the last minute, with our input. This was only done because of the request by your office to hold the meeting in your presence.

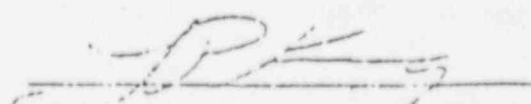
The present head lift schedule does not show integration with the polar crane schedule and, if this had been done, it would have identified that the crane was not available to support CRDM removal. I have reviewed the polar crane schedule and talked to the polar crane scheduler and the polar crane will not be available to remove the missile shields until March 2, 1983. This fact has not been identified to you and certainly will impact "Quick Scan", CRDM removal and lowering of the water level.

RD&D continues to work off mini schedules without identifying overall impact. Untimely delivery of engineering software has caused late input of information necessary to write procedures and perform work.

None of these concerns have been identified in the RD&D head lift minutes and, consequently, no action taken to correct them.

I believe the integrated schedule is needed immediately to identify any further impact on the June 30, 1983 date. Dave Lake needs more timely input to schedule resources and work in the containment.

The presence of your office is needed at the Head Lift meetings until we are once again on track to meet the June 30th commitment.

  
L. P. King  
Site Operations Director

LPR/jew



Inter-Office Memorandum

Date: February 8, 1983

FEB 10 1983

Subject: Head Lift Minutes and Commitments  
of February 2, 1983 Meeting

**ENCL** Nuclear

To: R. P. Metzger

4200-83-074

Location: TMI/U-2 Site Operations  
Bldg. #222 - Room #109

The minutes do not reflect the fact that Site Operations requested and received no commitment for you to provide an integrated schedule.

A majority of the problems that have existed have been caused by lack of an integrated schedule.

LPK/jmw

*[Signature]*  
L. P. King  
Site Operations Director

cc: J. J. Barton  
M. L. Benson  
D. R. Buchanan  
J. J. Byrne  
J. J. Chwastyk  
J. A. Flanigan  
J. R. Floyd  
R. L. Freemerman  
J. Greenborg  
J. E. Hildebrand  
C. W. Hultman  
B. K. Kanga  
C. A. Kunder  
D. M. Lake  
W. J. Marshall  
R. Montgomery

R. E. Neidig, Jr.  
R. D. Parks  
M. K. Pastor  
J. F. Perry  
R. L. Rider  
L. C. Rogers  
R. E. Sieglitz  
G. R. Skillman  
J. A. Smith  
N. W. Spang  
R. B. Swartzwelder  
G. W. Tomb  
J. R. Vogel  
M. S. Williams  
M. D. Smith

*Don't argue but verbal requests do not get committed*

MEMO from:

J. J. BARTON

FEB 16 1963

Larry -

In our Continuing  
Effort to reduce paper,  
this ~~change~~ definitely  
is not in line with  
our Divisor Goal!

What are you trying  
to ~~do~~ <sup>come</sup> with a list  
like this. This is setting a  
good example.

John

4000 004-1420.01 Requires  
action items identified and  
assigned.

This is not the first time  
that RDPD minutes do not  
reflect actual problems. Example  
last SER, EOM's, etc.  
causing the present problem.

I will continue to request  
to mark up late minutes  
but will leave off the  
distribution. I have expressed  
both to you & Kona my  
concerns about the adequacy  
of these meetings. I should  
have been at that meeting  
for a schedule. I still  
haven't seen it. and it  
is causing me all sort of  
ques. Apparently they feel  
this request can be ignored.

Larry

PREPARED STATEMENT

of

LAWRENCE P. KING

---

Thank you for inviting my testimony today. Accompanying me is my attorney Mr. David Johnston. I am submitting this statement to disclose mismanagement in the recovery program at the Three Mile Island-Unit 2 (TMI-2) nuclear power plant. The misconduct could threaten public health and safety, as well as lead to the waste of tens of millions of dollars in the TMI-2 cleanup. Equally significant, those of us who challenged the abuses have been subjected to severe retaliation. In my case, my dissent led to my March 23, 1983 dismissal as TMI-2 Site Operations Director on pretextual grounds.

I have been advised that my professional career and business will be compromised if I do not remain silent. In response, I would have to say that silence is probably responsible for the situation we have arrived at in the industry. I have read that General Public Utilities (GPU) publicly suggested that two of my aides who spoke out -- Messrs. Parks and Gischel -- were not degreed engineers. They both possess the engineering savvy that is needed in the industry, as well as the courage and integrity to use it. I am extremely proud that they worked for me.

I do not want to make my allegations strictly about the polar crane. This is just the culmination of a deeper-rooted problem, which includes a pervasive attitude by GPU management on how problems are handled.

I have kept relatively quiet up to this point, because GPU management has been attempting to discredit me with phony charges of conflict-of-interest. I would like to set this issue largely aside and let the Labor Department handle it. Last Thursday, I filed a complaint with the Department of Labor alleging that my March 23 dismissal was an act of illegal retaliation under the Atomic Energy Act.

I have participated in the nuclear power industry for approximately 21 out of the last 26 years. In 1956 I received my Bachelor of Science in Marine Engineering from the U. S. Merchant Marine Academy. From 1956 to August 1965 I served in the U. S. Merchant Marine as an engineer. The advanced training I completed during this period includes programs at the Maritime Reactors Training School and the Naval Reactors Training School. During this time I was licensed as what is now called a Senior Reactor Operator. I also was licensed by the U. S. Coast Guard as a Chief Engineer with unlimited status on merchant vessels. Among my most significant duties during this period, from September 1958 to April 1963, I was senior engineer for the Nuclear Ship Savannah. Among other responsibilities on the Savannah, I was the engineer in charge for initial criticality of the ship.

From 1965 to 1970 I worked in the air conditioning and refrigeration field. Among other activities, I was an instructor at Brevard Junior College and the Florida Institute of Technology.

From March 1967 to January 1970 I was a Systems Engineer for Boeing on the Environmental Control System for the Saturn V rocket in the space program.

During this period I also took graduate courses to further develop my skills. From the University of Florida I received 27 hours toward a master's degree in Technical Education and 12 hours toward a law degree. In 1970 I received a master's degree in Physical Oceanography from the Florida Institute of Technology.

In 1970 I returned to the nuclear field as a senior systems engineer in the Nuclear Power Division of the Newport News Shipbuilding and Dry Dock Company, where, among other duties, I was responsible for the design calculations and installation of the steam generating system for a new fast attack submarine.

From August 1971 through September 1978, I worked for Babcock and Wilcox (B&W). I started as a senior systems engineer responsible for the startup of Duke Power Company's Oconee I station, B&W's first nuclear plant to go on-line. From 1972 to 1976, I was the unit manager for fluid engineering, responsible for the design of auxiliary systems and sizing of critical components and systems. From 1976 to 1978 I was responsible for total management and procurement of the above equipment for auxiliary systems, in addition to the above design duties.

In September 1978 I began work for Gulf States Utilities as plant superintendent at the River Bend nuclear station, where I was in charge of operations for the construction stage of that boiling water reactor.

In June 1980 I went to Three Mile Island-Unit 2, where I

served until my March 23, 1983 dismissal. Among the duties I held at TMI-2 were Plant Operations Manager, Director of Plant Operations, Acting Director of Site Operations, and finally Site Operations Director. At TMI-2 I have supervised from 260-340 employees and from 47-100 contractors at various points. Site Operations has the final authority to approve all systems covered by the plant's license. The Plant Operations Director, Manager of Plant Maintenance, and Plant Engineering Director all reported to me directly. Our budget initially was \$26 million, although by the end of 1982 I succeeded in trimming it to \$19 million. My resume is enclosed as Exhibit 1.

I have read Richard Parks' March 23, 1983 affidavit of 56 pages and Edwin Gischel's April 2, 1983 affidavit of 22 pages. I can confirm that for information about which I have personal knowledge, both affidavits are substantially correct. I fully concur with all the major concerns raised by Messrs. Parks and Gischel. They raised those same concerns to me repeatedly during 1983 on the job, and I supported them at the time. Beyond expressing my strong professional support, I will not repeat the issues that they raised, other than to make certain minor corrections where appropriate and to expand certain points by providing further details of which they may have not been aware.

I was especially distressed that on March 24, 1983 management placed Mr. Parks on leave of absence and prohibited him from entering the Island. This was the day after he filed a Department of Labor complaint charging retaliation and harassment because of his challenges to the polar crane program. By suspending Mr. Parks management sacrificed a valuable contributor to the TMI-2 cleanup. I asked for Mr. Parks to be assigned to Site Operations because he



is such a good man; one of the best in my opinion. He pushed hard to get the job done and to meet the schedule.

He also knew the administrative controls, because he helped prepare them. Mr. Parks helped draft AP-1043 and 1047 to meet NRC requirements during turnover of the submerged demineralizer system (SDS) during 1980 and 1981. Mr. Parks played a major role in the SDS turnover and he learned from the mistakes. He wanted to be sure that they were not repeated. I believe that was the basis for his unwillingness to back down when management attempted to circumvent these same controls during the polar crane program.

My own knowledge of and concerns about the TMI-II cleanup are much broader than those raised by Messrs. Parks and Gischel. My concerns cover both the causes and effects of a massive organizational breakdown. In trying to catch up, management has sacrificed measures needed to protect both public health and safety, as well as to accomplish the cleanup in the most cost-efficient manner. My concerns are summarized briefly below. I will provide further details to cooperate with good faith government investigations.

#### Misdirected Scheduling Pressure

At his March 23, 1983 press conference GPUN President Robert Arnold asked what motive the utility would have to take shortcuts with the polar crane that could threaten public health and safety. From personal knowledge I can suggest one possible motive -- to maintain the flow of approximately \$20 million in Department of Energy (DOE) funds that are threatened due to scheduling delays.

On several occasions Mr. Bahman Kanga told me that he wanted

to gain credibility with the Department of Energy and the NRC by meeting the schedule. In several instances this led to increased costs. I also attended an October 28, 1982 management meeting where serious concerns were discussed about a DOE cutoff. A letter from DOE strongly criticizing the delays in the TMI-2 cleanup was read to those in attendance. In addition, I am also aware that at least during 1983 DOE has refused to give us a blanket release of federal funds. Instead, the money has been allocated on a task-by-task basis as each project is completed.

On the job I pushed strongly and routinely worked overtime to meet schedules. Over a 1.5 year period I led a steady program to reduce the Site Operations backlog of work requests from 3700 when I took over the department, to 350 by mid-1982. We caught up through a Site Operations tracking system that I developed with my scheduling engineer Kingsley Draper.

I repeatedly protested the real causes for delays -- such as the lack of an integrated schedule for all the departments working on particular projects. I also wrote several memoranda on problems with cost reporting, and suggested changes to control costs. At management meetings and through written protest I explained how lack of an integrated schedule prevented each department from identifying the overall impact of its work. Working from isolated mini-schedules created unnecessary delays, as departments had to wait for others to furnish software or complete related responsibilities. In one memorandum I analyzed how the lack of an integrated schedule was a root cause of the polar crane delays in the headlift program. My concerns were not reflected in meeting minutes. I protested the

omissions in writing. On February 16, 1983, Mr. John Barton responded to one such protest by sending me a note asking what I was trying to prove and warning, "You are making a bad example." When I was suspended a little over a week later, the problem remained unresolved.

I could not accept, however, a philosophy to meet the schedule by running roughshod over the engineering reviews and organizational controls designed to satisfy legal requirements and to protect the public. Unfortunately, increasingly I saw and had to challenge this philosophy after September 1982, when the Bechtel Corporation assumed leadership of an integrated management team for the TMI-2 cleanup.

#### Confusion About Organizational Authority

A major cause for the TMI-2 organizational breakdown was the inability to decide who was in charge. In my opinion, a basic premise for any organization is that those with the decisionmaking responsibility must also have the authority to carry out their duties. At TMI-2, those with the legal responsibility for decisions were overruled by other managers and departments.

An example that I protested in January 1983 involved delegating the emergency support director's authority. The procedures prohibit the person responsible for site evacuation and implementation of protective action guidelines from delegating this authority. To avoid confusion during an accident, there has to be one designated person in charge.

As a result, I was dismayed to witness a verbal instruction at a January 1983 training class that Mr. Arnold and three other

GPUN (General Public Utilities-Nuclear Corporation) executives would, as emergency support directors, have veto power over the emergency director. In late January I wrote a memorandum challenging this loophole, because the distinction is not mentioned in the procedure. The company responded that delegating authority up the chain of command is permissible; only delegating it down is prohibited. Mr. Philip Clark, GPUN Executive Vice President, has issued a memorandum reminding all personnel that we must comply verbatim with the procedures. When I was suspended in mid-February, the issue was unresolved.

Perhaps most important, the lines of responsibility were unclear for control of significant repairs or equipment changes in the plant. These modifications require engineering review for the structural and safety impact. The work must be documented on Engineering Change Modification (ECM) forms. In a January 1983 memorandum I explained to Messrs. Kanga and Barton how this important program was severely handicapped, because the modifications control program did not identify responsibilities for approved processing of ECM's, their subsequent turnover to Site Operations, and other loopholes. When I was forced out on February 24, the modifications control program was still uncontrolled in key areas.

The core conflict over organizational authority involved who was the legally-designated plant manager. The authority was unclear on paper and in reality. For example, the Safety Review Group (SRG), which reviews all procedures important to safety, did not report to me as required under the American National Standards Institute (ANSI) standards-by which we are bound. Instead, they reported to Mr. Kanga. I challenged this in a letter to Licensing Director Jim Larson the day before I was discharged.

In early 1983 I protested the conflicting lines of authority in a memorandum. I wrote that effectively the organizational chart made Unit-2 director Bahman Kanga the legally-responsible plant manager. In a subsequent meeting Unit-2 Deputy Director John Barton quoted Mr. Arnold that Mr. Kanga was the plant manager. I responded that Mr. Kanga did not have the required ten years nuclear power plant experience and to my knowledge had no operating experience.

On February 15 Messrs. Kanga and Barton delegated Mr. Kanga's authority to me as his principal alternate, and further delegated to me the responsibility for operation and maintenance of the plant in accordance with the GPUN organization plan. On February 24 at a meeting on containment access, the TMI-2 licensing director reaffirmed this authority.

The clarification of responsibility was welcome and long overdue. Site Operations has a serious mission as the structural control on the legality of work covered by the license. I believed that Site Operations (SO) could return the cleanup program to schedule, and to compliance with legal requirements. Unfortunately, I was not given the chance to operate with a clear chain of command. On February 24 I was suspended from my position.

#### Failure to Follow Consistent Procedures

Another basic cause of the TMI-2 organizational breakdown was that the various departments were not playing by the same rules. Mr. Parks' affidavit referred to the December 1982 introduction of a Unit Work Instruction (UWI) system, and the failure to comply with the new procedures. Circumventing the UWI system was no mere technicality. I am completely familiar with the origin of the

system. It represented a major commitment to the Nuclear Regulatory Commission (NRC) to avoid a fine and respond to serious safety concerns.

The birth of the UWI system is connected with an incident described in Mr. Gischel's affidavit, an incident in early 1982 when contamination was blown through the auxiliary air vents. In the process of investigating the causes of the incident, we found that the radiation drains were only taped instead of plugged shut and in some cases the tape had come off. We also learned that a work request to install plugs based on failure to pass DOP leak tests has been languishing since mid-1980, or over 1.5 years before the release of contamination.

On July 29, 1982 TMI-2 management met with NRC officials. We all expected to receive a fine, because the NRC was upset with the long delay in addressing an identified public health concern. At this meeting there was no question about which department was responsible. Mr. Arnold was clear that it was up to me to defend the company and avoid a fine. I told the NRC that the SO tracking system had reduced the backlog of existing work requests, established realistic schedules for all major safety concerns, and suggested final implementation of a new UWI program to prevent the problem from recurring by guaranteeing prompt, controlled repairs through consistent procedures. The procedures were already being prepared by Mr. Bill Kelly of GPU, over Bechtel protests. The NRC responded favorably and discussed a timetable for implementation. We made a commitment to the NRC to introduce the UWI system by the end of the year, which we accomplished in December.

The NRC also requested further engineering training. Mr. Arnold did not make such a commitment, although I felt it necessary due to

the inexperience.

The problem was that the procedures were circumvented through use of Bechtel work packages and accompanying procedures approved only by Bechtel. GPU engineers had not reviewed the Bechtel ground-rules. This was a generic problem for work in the containment. I protested repeatedly and largely unsuccessfully about this end-around our "reform" commitment. The circumvention was so thorough that the NRC could not have avoided knowledge of the practice. Instead, the NRC was satisfied with reviews by Site Engineering, a Bechtel-dominated branch of the organization. I am disappointed that the NRC did not enforce the organizational reform ~~that it~~ accepted as a substitute for a fine.

The failure to follow proper procedures also extended to contractors, who weren't familiar with the procedures or worked to outdated versions. Use of the wrong procedures caused problems such as use of the outdated chemicals that gave the unreliable results for sensitive assignments, and an overpressurization incident.

#### Inadequate Controls on Safety Classification

Mr. Parks' affidavit detailed his concern that the polar crane ~~program~~ for the reactor head lift was an unreviewed safety question that should comply with the administrative controls of AP-1043 and 1047, as well as receive a full engineering review. The dispute over the safety status of the polar crane was unusually dramatic, but the missing controls were not atypical. Those essential checks were more generally skipped due to organizational sloppiness. A longstanding problem at TMI-2 has been the lack of a current Quality Classification List (QCL). The QCL controls



which work is classified as "important to safety" or "safety-related" and therefore subject to quality assurance (QA) review, AP-1043 and 1047 engineering review, and approval by the Safety Review Group or the Plant Operations Review Committee (PORC). The absence of a reliable QCL list means a generic absence of reliable controls on important-to-safety or safety-related work.

#### Polar Crane

The conflict over the refurbishment and modification for the reactor vessel headlift program illustrates the effects of the organizational deficiencies described above. While the polar crane has become the catalyst for public debate on the TMI-2 cleanup, it is only one case out of many where the rules have been trampled.

The polar crane dispute exhibits the basic traits of mismanagement at Unit 2. The effort was poorly coordinated and faced delays due to the lack of an integrated schedule. Site Operations faced hostility and was blamed for the delays when the department raised valid technical concerns. Most significant, rather than correct the programmatic and engineering deficiencies, management attempted to get back on schedule by diluting the safety standards for the work. Further, under pressure from Mr. Kanga, procedures were prepared without adequate data and SO was not given adequate time to fully review each phase of the program.

Site Operations refused to quietly sign off on the polar crane when, in our professional judgment, management chose to gamble with public health and safety by rushing an incomplete program into operation for a crane that was not yet ready. To illustrate, Mr. Gischel

refused to silently accept the use of a crane with new brakes to lift 40-ton missile shields before it was load tested.

I will not repeat Messrs. Parks and Gischel's descriptions of the debate on the polar crane. Their concerns were and remain valid. Several additional details expose the nature of the organizational disease at TMI- 2, however.

One symptom was duplicity and lack of trustworthiness. To illustrate, in mid-February Mr. Theising's assistant, Ron Freemerman, approached me privately. He told me that SO had a very good technical point about the polar crane. He added that if he were in my position, he would not give in on his professional integrity. He would get fired first. He then gave me a memorandum which denied any technical validity for the engineering concerns raised by Mr. Gischel. Mr. Freemerman then tried to confirm that I did not agree with Mr. Gischel. I asked Mr. Freemerman what he was trying to pull. I told him that I would have Mr. Gischel review the letter and respond accordingly.

Confidence in the safety of a nuclear plant depends to a great degree on trust that conclusions on paper are supported by good faith analysis and research. In most cases, there is not time to go back and recheck the reliability of assumptions and the accuracy of calculations until after something has gone wrong. At TMI-II, trust in the paperwork would be misplaced. In too many cases, the records reflect the management "party line," instead of reality.

The dispute over lifting the 40-ton missile shields without a load test is especially revealing. At a February management meeting, Mr. Barton blamed SO for not raising the issue until the last minute.

He stated that we had known about it all along. This was particularly disconcerting, because as early as the spring of 1982 Site Operations had been told to stay out of the polar crane issue.

At any rate, Mr. Barton was wrong. SO and Mr. Gischel had not raised the issue before, because it did not exist. Mr. Gischel, his assistant Ron Warren and I reviewed Mr. Gischel's previous comments on the earlier version of the load test. We discovered that the procedures formerly did not exempt the crane from a load test for the missile shields. That explained Mr. Gischel's previous failure to challenge the nonexistent omission. The 1983 version of the program had diluted the safety controls by procedural changes.

On February 11 Mr. Gischel and I informed Mr. Kanga of our findings about the procedure change. He looked as if we had punched him, but did not back down. He said, in effect, that he did not care and would send the dispute to Mr. Arnold if necessary. I told him that this was not necessary; Mr. Barton could sign off over Site Operations' objection.

#### Radioactive Releases to the Environment

The most significant effect of the organizational breakdown has been release of radiation to the environment. For example, during the 1982 investigation on the taped reactor drains in the auxiliary building, SO learned that test records on the drains were missing from before the accident. The turnover documents and related punch lists could not be located to demonstrate that the reactor drains were ever plugged. Mr. Gischel's affidavit disclosed that the drains were only partially taped when the accident occurred.

I have been extremely concerned about radiation releases from the auxiliary building since last summer. As Bechtel's arrival approached, steady progress in the auxiliary building cleanup ground to a halt. There has not been significant progress on this issue since last June.

I emphasized to management repeatedly, and recently to Dr. James Fletcher of the GPU Safety Advisory Board, that we could not allow this safety problem to lie dormant. Although the containment building is a more well-known object of public concern, the auxiliary building may pose a greater threat to the public. The radiation is more controlled in the containment building, ~~where it~~ is kept isolated through air locks. By contrast, in the auxiliary building radiation can escape through doors and interconnections in the fitter system such as the vents. Despite my protests, the auxiliary building cleanup was still stalled awaiting release of a technical plan when I was suspended on February 24.

Another unnecessary release involved 3000 gallons of radioactive tritium that leaked into the groundwater in early 1982 from the Borated Water Storage Tank (BWST). The incident happened when the Maintenance Department enclosed the entire area around the BWST to keep ~~the~~ personnel working there warm. In the process Maintenance also enclosed the sensing device that turns on the heat tracing apparatus to keep the pipes from freezing. Because the sensing device was relatively warm, it did not trigger the heat tracing mechanism. As a result, the pipes burst and the tritium leaked. The problem occurred because Maintenance acted without an engineering analysis of the consequences. These were the type of oversights that the UWI system was supposed to prevent from recurring.

On November 8, 1982 I issued a memorandum to Mr. Barton challenging another instance where radiation could be released to the environment. I pointed out that sewage contaminated with radioactive Cesium 137 was being trucked out of the plant and disposed of by methods illegal under state law. Mr. Barton replied, "I don't need such a memo from you. It's not constructive and wastes your time and mine." This management attitude demonstrates why I am nervous about the safety of the TMI-2 cleanup. I don't believe that complying with the law to prevent radiation releases is a "waste of time."

#### Outdated Drawings

The design drawings for a nuclear plant provide the road maps to identify the location of all items, and are the basis to predict the consequences of various activities. When the accident occurred in 1979 the drawings were outdated. The problem got worse over the years as many hundreds of post-accident modifications occurred that were not consistently reflected in the drawings. When I first arrived, the problem was overwhelming and extended to procedures as well. SO made a major effort to catch up, but we did not receive enough staff to keep pace.

A 1982 incident helps demonstrate what happens with inaccurate drawings. Operators dumped acid outside of the turbine building when the drawings did not show where the relevant valves went. The operators were held responsible.

In 1982 my staff wrote a series of memoranda protesting this flaw. Management offered a compromise: a computer printout of engineering changes would be sent to the control room so the operators could look up any changes not reflected on the drawings. I refused to accept this proposal, because it would have sacrificed the concept of approved drawings for the control room. Eventually we agreed on a program to update and send the 100 most significant drawings to the control room. A \$1-million fund was established, however, I was not current on the status of this effort as of my February 24 departure.

#### Personal Retaliation

The ultimate response to my dissent in defense of safety concerns was to remove me from my job. As management intensified the level of program violations in 1983, I dissented increasingly. I also supported the administrative and engineering concerns raised by Rick Parks, Edwin Gischel and others on my staff. Frustrated with the continued lack of progress, on February 7 I requested a meeting with GPUN executive vice president Phillip Clark. On February 15 my authority was clarified. On February 17 Mr. Gischel and I expressed our fundamental disagreement with management's handling of the polar crane.

On February 24, the afternoon before my appointment with Mr. Clark, Mr. Barton suspended me, supposedly for a conflict-of-interest through my half-ownership in a consulting firm, the Quiltec Company, of which I am president. In a March 16 letter Mr. Arnold informed me that I would be terminated as of March 23, 1983. The grounds were basically the same as for my dismissal.



The dismissal for my role in Quiltec was utterly pretextual. Quiltec is a small firm. I did not receive income from the company during my GPUN employment.

Although the company eventually claimed to have dismissed me on the basis of an investigation, it is curious that no one asked me to suggest witnesses who would support my position. Even a quick review of the context for the charges reveals the crude nature of GPUN's smear tactics against me. I had never made any secret of Quiltec's existence during the previous 1.5 years that the company was in business while I was on the Island. I did not receive any ~~training or counseling at TMI on conflicts-of-interest~~. But none of my work with Quiltec violated GPUN's written guidelines, which prohibit business relationships with companies that do business with GPUN. While two employees left GPUN and joined Quiltec, they were leaving anyway. Many good employees resigned from the cleanup last summer to work for organizations in which they could believe. Some left GPUN for Bechtel as well.

The day before my dismissal, a Bechtel employee who called himself Mr. Blizzard made around a half-dozen calls to offer Quiltec a job at TMI. Accepting this offer would have been a conflict-of-interest. I did not want anything to do with it and would not talk to the caller. Mr. Blizzard cursed at my wife when she asked him to stop making nefarious phone calls and misrepresenting his company's interest in our firm.

I believe that the whole episode was a thinly-disguised attempt both to create a smokescreen about my safety concerns, and to make an example out of me to intimidate other employees who challenge the same type of abuses that I did.



Even as the company's retaliation was becoming increasingly obvious, I was so concerned about safety of the cleanup that I continued to speak out to all corporate and government representatives who would listen. Although I was becoming increasingly cynical, I was determined to test the system to its limits. I did not leave any stones unturned. In the month that I was suspended, I disclosed my concerns to Mr. Clark; a Mr. Bruce Lundin of the prestigious Safety Advisory Board for TMI; Messrs. Griebbe and Lowe, investigators whom I believe reported to the GPU Board of Directors, since Mr. Griebbe is a personal friend of GPUN Chairman Dieckamp; and the NRC. Mr. Arnold's March 4, 1983 summary of concerns that I raised with Mr. Clark and my March 23, 1983 response are enclosed as Exhibits 2 and 3. After my continued dissent during the suspension, GPU dismissed me.

I was not an isolated example, however. Mr. Parks had his duties stripped and now is under investigation. He was suspended the day after he blew the whistle and filed a complaint with the Department of Labor to defend his right to dissent.

Mr. Gischel had many of his staff removed. He also has been ordered to take a neuropsychological stress examination. It is curious that the management did not raise questions about Mr. Gischel's emotional or intellectual capacities until he raised questions about potential safety threats from the polar crane program in the face of immense pressure and hostility. In my opinion, Mr. Gischel's behavior revealed an admirable reserve of guts and professional integrity.

The outrageous tactics reached the most intense levels with my secretary, Joyce Wenger. Ms. Wenger was a loyal secretary who was familiar with my safety and cost concerns on the TMI-2 cleanup,

through our personal discussions and from typing my work products. She tried to help return my personal papers after my dismissal but was stopped by an armed guard. She then was interrogated repeatedly, placed under surveillance, told to report to the Stress Control Center for mental health treatment, and finally dismissed effective March 23. Officially, Ms. Wenger was dismissed for giving inconsistent statements to company investigators. Curiously, she has told me that she was never even permitted to see the written version of statements she supposedly gave the investigators, let alone confirm or correct the draft interview reports. I thought in a free country a person accused of misconduct is entitled to be confronted with the evidence. The last thing we need at TMI is a repressive environment where employees who are concerned enough about another accident to insist on complying with the law face the risk of economic ruin and having their sanity questioned.