



GPU Nuclear Corporation
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Writer's Direct Dial Number:

June 29, 1984

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Mr. Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation
United States Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Eisenhut:

Three Mile Island Nuclear Station Unit 1 (TMI-1)
Operating License No. DPR-50
Docket No. 50-289
Employee Protection and Company Communications

Your letter of June 14, 1984 advised that you are reviewing the Office of Investigation investigation reports received to date concerning matters related to the issue of GPU management integrity with respect to the restart of Three Mile Island Unit 1 and requested a response that addresses each of the questions in the enclosure to your letter.

The requested response is enclosed.

As shown therein, it has been and is the policy of GPU Nuclear Corporation to:

1. Protect its employees and those of its contractors and subcontractors from discrimination as a result of raising safety concerns (including activities covered by 10 CFR 50.7) and to take needed disciplinary action to enforce that policy.
2. Ensure that communications between its officers, employees, and contractors and the NRC are complete and accurate.

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Mr. Darrell G. Eisenhut
Employee Protection and Company Communications

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As discussed in the enclosure, this policy has been broadly promulgated and implemented in a variety of ways. We continue to look for and act on ways to increase the understanding of and compliance with all of our policies.

Very truly yours,

P.R. Clark

P. R. Clark
President

Enclosures

cc: J. Axelrod
R. Conte
J. Gutierrez
T. Murley
W. Russell
J. Stolz
J. Van Vliet

Sworn and subscribed to before me this

29th day of June, 1984.
Carol Dispoto

CAROL DISPOTO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 30, 1988

THREE MILE ISLAND UNIT 1
DOCKET NO. 50-289

RESPONSE TO INFORMATION REQUEST OF JUNE 14, 1984
LETTER FROM DARRELL G. EISENHUT TO PHILIP R. CLARK

The NRC questions address GPUN policies in two general areas:

1. Protection of employees of GPUN and its contractors and subcontractors from discrimination as a result of engaging in activities covered by 10 CFR 50.7.
2. Assurance that communications between GPUN, its officers, employees, or contractors and the NRC are complete and accurate.

The NRC questions also address the GPUN response to Mr. Parks' allegations of harassment.

GPUN Policies with Regard to 10 CFR 50.7 and Communications with NRC:

Establishment and effective implementation of policies within GPUN are carried out in a variety of ways. Because the two areas addressed in NRC's questions on GPUN policy are the subject of laws and NRC regulations, they are generally addressed by the following documents which are central to GPUN activities and widely disseminated within the company.

A. Organization Plan of the Corporation:

This document defines the organizational responsibilities within the Corporation. The responsibility of the operating divisions (TMI-1, TMI-2, and Oyster Creek) and the technical support divisions (Technical Functions, Radiological & Environmental Controls, and Nuclear Assurance) includes the requirement to carry out all activities, "in accordance with corporate policies and applicable laws, regulations, licenses, and technical requirements".

B. The Corporate Mission:

This document states, "Manage and direct the nuclear activities of the GPU System to provide the required high level of protection for the health and safety of the public and the employees.

Consistent with the above, generate electricity from the GPU nuclear stations in a reliable and efficient manner in conformance with all applicable laws, regulations, licenses, and other requirements* and the directions and interests of the owners."

*Emphasis added

The essentials of this Mission statement for GPUN were first enunciated in March 1980 as a statement of responsibilities applying to the GPU Nuclear Group, the predecessor to GPUN. They have been unchanged since then and were republished in 1982 and 1983 in conjunction with the Objectives and Goals of the Corporation. Thus, they were in effect during the January through June 1983 time period.

C. Corporate Objectives and Goals:

The Corporate Objectives for 1984 were expanded to include objectives specifically related to information flow within the company and to public officials. These are:

- o Assure absolute openness of information availability and exchange within GPUN so as to assure that all information which might affect safety of nuclear activities is available to responsible company officials.
- o Provide information in a timely and trustworthy manner on the activities and operations of TMI-1 and TMI-2 and Oyster Creek to the various publics of GPU; i.e., public officials, the media, the general public, employees, shareholders, and governmental agencies.

In addition to the promulgation of these broad policy statements, we have established a number of formal mechanisms by which employees can identify safety concerns and have them addressed. These mechanisms have been implemented by formal procedures which were put into place by the GPU Nuclear Group before GPUN was formed and then were carried forward by the new GPUN Corporation when it was established in January 1982. They provide processes for evaluation and disposition of any concerns identified. These include:

- a. Preliminary Safety Concerns
- b. Radiological Deficiency Reports
- c. Radiological Incident Reports
- d. Quality Deficiency Reports
- e. Material Non-Conformance Reports

Any employee may raise concerns using these methods.

GPUN also has established a variety of formal groups within the Corporation whose purpose is to seek out, identify, and obtain resolution of safety issues. These include:

- A. General Office Review Board (GORB) which was originally established in 1969 and then reorganized for the GPU Nuclear Group in August 1980. The GORB's primary responsibility is to investigate potentially significant nuclear and radiation safety matters including management aspects of those matters and to report the results thereof along with appropriate recommendations, if any, to the Office of the President of GPUN.
- B. Independent On-Site Safety Review Group (IOSRG) which was authorized by a change to the plant technical specifications in April 1982 and became fully functional in August 1982. This is a full-time onsite group of engineers, independent of the TMI-1 staff that reports to the Nuclear Safety Assessment Director.
- C. Nuclear Safety Assessment Department (NSAD) which was formed in late 1979 and became fully functional in early 1980. NSAD is located at GPUN headquarters and reports to the Vice President, Nuclear Assurance.

The existence of these groups has been widely publicized and is known throughout the organization. They are available to employees as an added avenue to identify safety concerns. The members of these organizations have and often exercise free access to employees at all levels to identify and then address safety concerns.

In addition to these formal mechanisms, employees are encouraged to raise any safety concerns with their immediate supervisors. If employees are not satisfied with the results obtained through normal supervisory channels, or have good reason not to use normal channels, GPUN has established the Ombudsman Program. This program was initiated in early 1980. It provides a method for employees to raise safety concerns in confidence. The program is governed by a formal procedure which contains provisions for preserving the confidentiality of individuals (Enclosure 1).

We have also established a formal corporate policy on individual employee contact with NRC. Employees are explicitly directed to be straight-forward, open, professional, and truthful in their dealings with regulatory agencies, even if they have information that is potentially embarrassing to GPUN. This policy was promulgated by written communication to all employees in October 1981 and was formally incorporated into the Corporate Policy & Procedure Manual in November 1982 (Enclosure 2). It is periodically communicated in writing to company employees.

In addition, with regard to protection of employees from discrimination, the atmosphere created by management on a day-to-day basis is an important determinant in assuring that safety concerns will be freely

identified and aired without fear of discrimination. To this end, the need to identify and address safety concerns is discussed in meetings by the GPUN President with his staff and by that staff with their managers. The Ombudsman Program is explained in General Employee Training and is publicized by postings at various locations around the plant and other work locations, and by articles in company newsletters. Form NRC-3 is posted at the plant site and other work locations. The TMI-1 Plant Director specifically solicits safety concerns and emphasizes the Corporate Policy and legal requirements on these matters in annual individual meetings with each licensed operator. He also discusses this policy with members of the plant staff during their scheduled training period at least annually.

Additional examples of specific steps we have taken to emphasize our policy on these matters include:

- A. Memo from R. C. Arnold to TMI-2 personnel dated April 13, 1983 (Enclosure 3).
- B. Memo from P. R. Clark to employees assigned to nuclear activities dated February 27, 1984 (Enclosure 4).
- C. Memo from P. R. Clark to Directors dated May 21, 1984 (Enclosure 5).
- D. Memo from P. R. Clark and H. D. Hukill to TMI-1 Shift Supervisors dated March 2, 1984 (Enclosure 6). Similar memos have been issued approximately annually since late 1979.

This body of information which has been made available to employees, taken in conjunction with the attitudes fostered by management, makes it clear that discrimination against individuals for engaging in the protected activities under 10 CFR 50.7 is prohibited.

The company would exercise administrative sanctions against any individual who discriminates against employees or contractor personnel for 10 CFR 50.7 activities. These sanctions range from reprimand to time off without pay to discharge depending upon the severity and other circumstances associated with the particular case.

Specifically with regard to contractor personnel, we have as a general condition of GPUN contracts:

Contractor, its employees and representatives shall at all times comply with all applicable federal, state and local laws, ordinances, statutes, rules or regulations including but not limited to those relating to wages, hours, fair employment practices, equal opportunity, antidiscrimination, safety, fire prevention and working conditions.

In addition, contractor employees who work on-site are provided with copies of the R. C. Arnold letter (Enclosure 2) and informed of the Ombudsman Program as part of the same General Employee Training given to GPUN employees. In the event GPUN were to determine that a contractor had discriminated against an employee for engaging in protected acts under 10 CFR 50.7 sanctions up to and including termination of the contract would be exercised depending upon the circumstances involved in any specific case.

Continued attention will be applied to this area to ensure that our practices and policies on these matters will remain effective.

With regard to the issue of accuracy and completeness of communications with NRC, the broad policies articulated above, coupled with the day-to-day attitude and professionalism of our management promote adequate assurance of full and accurate communications. Specific examples of management's attitude and attention to this matter are P. R. Clark's memo of December 8, 1983 identifying the need for full and open communications within the company and with regulators (Enclosure 7), P. R. Clark's memo of September 1, 1983 on the need for clarity and explicitness (Enclosure 8), and P. R. Clark's memo of May 15, 1984 and reference memos on reportability of information relative to issues under review by licensing boards or NRC staff (Enclosure 9).

In addition, we have instituted a Corporate procedure that defines the system of management and the organizational elements responsible for review of regulatory correspondence. This procedure was promulgated in August 1981 to apply to the GPU Nuclear Group and has been incorporated into the Corporate Procedure Manual for GPUN. Engineering or technical information that is developed to support regulatory correspondence is subject to internal peer review and comment by formal procedure. Adherence to procedures is in turn auditable in accordance with the Corporate Quality Assurance Plan.

The company would exercise administrative sanctions against any individual who willfully violates policy on these matters. These sanctions range from reprimand to time off without pay to discharge depending upon the severity and other circumstances of the particular case.

With regard to contractors, we have as a general condition of GPUN contracts:

Contractors shall conduct the work in a systematic manner and shall establish a quality assurance program and control procedures which will provide a systematic independent check and confirmation of data collected and analyses made therefrom and the recording of the quality control efforts.

GPUN reviews or audits most information provided by its contractors. Errors or omissions are corrected and steps taken when appropriate to assure accuracy of submissions. GPUN would exercise sanctions for willful, flagrant, or continuing failure to supply complete and accurate information. Depending upon the severity of the particular case, the contract could be terminated.

In summary, it is the policy of GPUN to:

- i. Protect its employees and those of its contractors and subcontractors from discrimination as a result of raising safety concerns (including activities covered by 10 CFR 50.7) and to take needed disciplinary action to enforce that policy.
2. Ensure that communications between its officers, employees, and contractors and the NRC are complete and accurate.

GPUN's Response to the Parks' Allegations of Harassment:

Edwin H. Stier was retained by GPUN to investigate and report on the Parks' allegations, among others. Stier reported on Parks' allegation that he was replaced as alternate startup and test supervisor at page 79-81 of Volume IV of his report and on Parks' allegation that he had been removed as the primary site operations representative on the Test Working Group at page 81-84 of Volume IV. Stier found those two allegations unsupported.

Stier also investigated and reported on Parks' allegations that Ed Gischel, Lawrence King, and Joyce Wenger, all GPUN employees, had been harassed and found these allegations unsupported.

Since Parks was an employee of Bechtel North American Power Corporation and not of GPUN and Bechtel was performing its own inquiry to defend the US Department of Labor proceeding Parks had initiated, GPUN agreed with Bechtel that Stier would not independently investigate the relationship between Parks and Bechtel except to the extent Parks' safety allegations overlapped that relationship. Stier, therefore, did not investigate the questioning of Parks by Bechtel employees or the suspension of Parks.

It was expected, however, that these two allegations would be thoroughly aired in the DOL proceeding. That proceeding was settled without attribution of fault or liability and Parks withdrew his harassment complaint. GPUN was not a party to the settlement but was kept informed of its negotiation by Bechtel and executed a mutual release with Parks.

GPUN believes that Parks' allegations of harassment have been adequately addressed.