April 22, 1980

United States of America
Nuclear Regulatory Commission

~~RELATED CORRESPONDENCE~~

Before the Atomic Safety and Licensing Board

In the Matter of Metropolitan Edison Company, Three Mile Island Nuclear Generating Plant, Unit 1

Docket 50-289

A MOTION TO THE BOARD FOR RECONSIDERATION OF AAMODT INTERROGATORIES AND DEPOSITION REGARDING CONTENTION 2

As we envisioned Contention 2 to be meaningful in fulfilling the objective of the August 9 order, it was in its effect "on the actual operation of the control room by TMI operators". Since the Board has given this as its reason for exclusion, we motion for reconsideration on the basis of the following argument:

Testing in a training program should not be an academic exercise (measurement of immediate retention), but a tool for prediction of ability to perform on the job. A reasonable assumption is that the testing and licensing established by NRC and testing designed and executed by Met Ed are based upon that concept. We are asking that the testing programs be scrutinized for reliability, and accordingly training and testing be revised for more reliability in prediction of performance than was the case at TMI-2. This was stated in the accepted contention, restated with underlining for emphasis relevant to argument:

2. It is contended that TMI-1 should not open until the performance of licensee technicians and management can be demonstrated to be upgraded as certified by an independent engineering firm. This upgrading should include 100% test performance of job description with provision for retraining and retest, or discharge of those who cannot consistently and confidently master all necessary information for safe conduct of their job description under all anticipated critical situations as well as routine situations.

In order to improve reliability, the training and testing should include as many variables as will be present in actual performance in critical situations as well as routine situations. The Board has recognized the need to simulate critical conditions in allowing "stress" as a variable in training and testing over the licensee's objections. Number of hours on the job is a variable in routine as well as critical situations.

Number of hours on the job should also be allowed as a consideration in that it is a form of stress, and is already included under this 'umbrella'.

Since the unions and Met Ed have opted for a twelve hour shift, training then must be adequately planned to prepare all personnel to function reliably at all times during these twelve hour shifts, for instance by "overtraining" or spaced training or any other techniques which mitigate the effects of hours on the job. Testing must then be designed to test that this training is as planned. This must be certified by an independent engineering firm. This was the thrust of the contention as it would bear on the safe operation of TMI-1.

A fault of training prior to the TMI-2 accident was inadequate simulation of real operating conditions both in terms of equipment used and in terms of situations. For instance, response to single modes of failure were trained for; this training was found inadequate when there were several modes of failure, as during the TMI-2 accident. The accepted philosophy had been that an operator could bring together the individualized training at the time it was needed; an acceptable score on testing response to single mode failure was considered an adequate predictor for response to multiple failures. And it was not. To assume that training that does not take into account length of shift is adequate to assure reliable performance would appear to be chance taking again.

The above argument is for reconsideration of our motion to compel licensee to respond to discovery requests, Third (Sic; Sixth) Set, Interrogatories 22 through 26.

Regarding Interrogatory 36, a request for deposition of TMI-1 or 2 personnel, the Board has misunderstood our request. We, therefore, motion for reconsideration in view of this misunderstanding by the following clarification:

The Board has interpreted the request for the names of all employees as a desire on our part to subject all these employees to a written questionnaire. That is not the case. The licensee in their objections to our 'motion to compel' stated what we intended:

"It is now requested that Licensee provide to the Aamodts 'a complete list of employees submitted by job category, location (TMI-1 or 2).' The Aamodts would then select by some process 10 employees from each job category who would be required to respond under oath to a written questionnaire on performance and training."

2. Our object was to obtain evidence that would be reliable in predicting how the entire personnel would answer if deposed without actually deposing the entire personnel. We were therefore attempting to apply small sampling technique.

3. Our request for deposition was made before the cut-off date of February 25. We were unaware that filing on that date rather than prior to that date would hinder the request.

4. We understood that thirty days subsequent to February 25 were allowed to take noticed depositions. That thirty days has expired due to the refusal of the licensee to make any attempt to understand our request or to communicate with us for clarification.

5. According to 10 CFR 2.740 a the exact identity of the person or persons to be deposed is not required but, "a general description sufficient to identify him or the class or group to which he belongs".

6. Since questions used in oral deposition are not required to be formulated and serviced prior to deposition, we reserved this right, regarding the writing of answers by employees to simply be a means of recording answers (without expense of court reporter) and to hasten the process.

7. The number of persons to be deposed would not number "hundreds of persons" as the licensee argues, unless job categories number more than twenty. Licensee mentions four categories. We agree with four categories: management, control room, guards and maintainence -- a total of forty persons.

8. Interrogatory 36 was intended as a notice for taking depositions. Subsequent discussions by both the licensee and the Board recognized this in their 'objections' and 'memorandum', respectively. The licensee calls it "in reality a request for depositions." We, unfortunately, have no legal training and understood that in intervening pro se that there would be no attempt to apply standards of absolute legal procedure. There was no attempt on our part to willfully ignore legal procedure; in the press to meet the February 25 deadline for noticing, we channeled our efforts in a manner that we believed was understandable to all

parties, evidently at the expense of adherence to perfunctory legal procedure. We are learning through this initial experience with intervention, however we did not understand that small errors in procedure would jeopardize our case.

Respectfully submitted,

Marjorie M. Aamodt

April 24, 1980

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Certificate of Service

I hereby certify that "A MOTION TO THE BOARD FOR RECONSIDERATION OF AAMODT INTERROGATORIES AND DEPOSITION REGARDING CONTENTION 2" was served on those persons named below by deposit in the United States mail, postage prepaid, this 24th day of April, 1980.

Marjorie M. Aamodt

Dated: April 24, 1980

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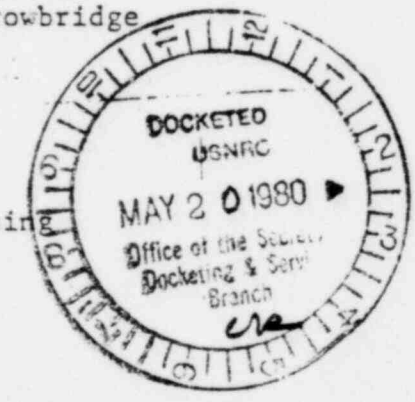

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