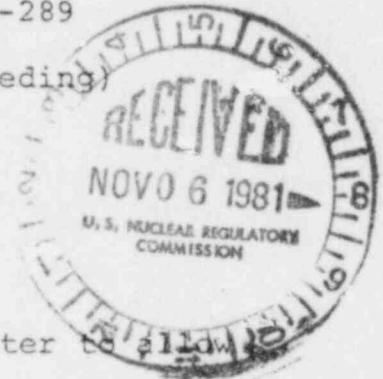


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NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD'81 NOV -4 A10:14
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCHBefore Administrative Judge Gary L. Milhollin
as Special MasterIn the Matter of)
METROPOLITAN EDISON COMPANY)
(Three Mile Island Nuclear)
Station, Unit No. 1))Docket No. 50-289
(Restart)
(Reopened Proceeding)AAMODT REQUEST FOR
SUPPLEMENTAL DISCOVERY

The Aamodts hereby request the Special Master to allow supplemental discovery in certain areas which are highly relevant to the reopened proceeding but which could not have been adequately addressed in the original discovery period, which ended on October 26, 1981. This request covers several discrete topics as to which discovery is necessary to fully develop the issues which are before the Special Master.

I.

The first area which logically requires discovery is the NRC investigation of cheating, which has been updated twice, once too late in the discovery period to depose any additional people or propound any additional interrogatories, and a second time after the end of the discovery period. Each of these additional reports discusses material highly relevant to this proceeding, which must be fully understood and evaluated in order to resolve the issues in the proceeding.

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For example, there is the report dated October 13, 1981 (which was not mailed to the Aamodts until more than a week later) which includes allegations made by a former Shift Technical Advisor, Mr. "YY", that Michael Ross, the Manager of Plant Operations at TMI-1, was "almost ecstatic" as he told a shift supervisor that he had gotten the NRC to broaden the answer keys and had kept the proctor out of the examination room for a long time. Elsewhere in that report, Mr. "OOO" suggests that operators may have viewed the NRC exam as simply one more hurdle, to be gotten out of the way in any way possible.

In the report of October 28, 1981, there is a signed statement from a Senior Reactor Operator, Mr. "FF", who stated that while he was taking the NRC examination in April of 1981 he was approached at the coffee stand by another person taking the examination, who asked him a question which he assumed was on the test, and that he answered it, realizing at the time that to do so was improper.

Instances such as these are potentially of grave significance to the proper resolution of these proceedings. Since there has been no opportunity to engage in discovery on these matters, the Aamodts respectfully request the Special Master for leave to notice depositions of these individuals so as to ascertain the significance of these incidents.

As to Mr. "YY", if the Licensee will not agree to facilitate his appearance, the Aamodts request that a subpoena issue, with costs to be borne by the Licensee or the NRC Staff, or, at a minimum, that arrangements be made such that the Aamodts may

contact Mr. "YY" by telephone.

II.

As a separate matter, there is a new circumstance of crucial relevance to these proceedings, which is the fact that the NRC examinations have been readministered to TMI-1 personnel, during the weeks of October 19 and October 26, 1981. The administration of these tests may well be the single most important issue in the reopened proceedings, as suggested by the Special Master in his closing remarks at the October 16, 1981 meeting of the parties.

However, there has been no clear and unobstructed opportunity to conduct discovery on this critical matter. Although some such questions were propounded to the Staff in the context of follow-on interrogatories, the Staff opposed all of them, even going so far as to say at one point that only the Staff's plan for administering examinations, and not the actual administration of those examinations, was an acceptable issue in these hearings. The Staff also noted that it would be improper to release the actual tests until after they were administered.

Now, however, the examinations have been given. Rather than arguing the extent to which the previously asked interrogatories are proper follow-on discovery, the Aamodts believe it is most important to focus on the real issue, which is that the actual circumstances under which the re-examination took place are of such critical relevance to the issues in this proceeding that discovery at this time is necessary and proper.

Nor would this discovery need to delay the hearing schedule. In order to facilitate response the Aamodts have attached as Appendix A to this motion the questions they would direct to the Staff on the subject of the readministered examination.

For these reasons the Aamodts respectfully request the Special Master to direct the Staff to promptly respond to these interrogatories.

III.

As a third separate matter, the Aamodts request the original of the NRC's April 1981 Reactor Operator examination taken by Michael Ross, the Manager of Plant Operations at TMI-1. Although this request could conceivably have been made earlier in the discovery process, its relevance was not fully realized until after the deposition of Mr. Ross and after the arrival of the second I&E report, which discusses Mr. Ross' role in broadening the answer keys. In any event, it is a matter of sufficient importance to these proceedings, in particular to the issue of management involvement in cheating, that the Aamodts feel it is necessary to bring this request before the Special Master.

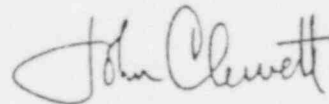
The reason for this request is that this particular test, among the large number that have been analyzed, is unique in that there are a large number of answers which appear to have been amended at some time other than immediately after they were written (as evidenced, for example, by the fact that the last line of a response has been replaced with two squeezed-in lines,

obviously after the next answer had been started). A few examples of these changes are attached as Appendix B to this motion.

Especially in light of the fact that Mr. Ross was involved in reviewing the questions and answer keys of the NRC examinations, including those of the ones he took, the Aamodts believe that a proper examination of Mr. Ross' test would require a review of the original (to ascertain, for example, whether a different pen, or a different pencil, was used in the modifications).

For these reasons the Aamodts respectfully request that the Special Master direct the Staff to provide them with the original of the April 1981 reactor operator examination taken by Michael Ross. The Aamodts will agree not to damage or deface it in any way and will return it to the NRC when analysis and possible testimony are complete.

Respectfully submitted,

A handwritten signature in cursive script, reading "John Clewett". The signature is written in dark ink and is positioned above a horizontal line.

John Clewett
Counsel for the Aamodts

Dated: November 2, 1981