

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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

DOCKETED  
USNRC

AAMODT EXCEPTIONS TO PARTIAL  
INITIAL DECISION OF AUGUST 27, 1981.

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Pursuant to 10 CFR §§ 2.762 and 2.785, the Applicant hereby file the following exceptions to the Partial Initial Decision of the Atomic Safety and Licensing Board handed down on August 27, 1981 in the Matter of Metropolitan Edison Company, Docket No. 50-289.

OFFICE OF SECRETARY  
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1. In ¶ 10 of its decision the Board failed to consider, contrary to the instructions of the Commission, whether the "short term actions" recommended by the Director of Nuclear Reactor Regulation were sufficient to provide reasonable assurance that the TMI-1 facility can be operated without endangering the health and safety of the public.
2. The Board erred in ruling, on December 18, 1979, against allowing the consideration of Aamodt Contention 1.
3. The Board erred in failing to allow the consideration of shift length and rotation, either as proposed in Aamodt Contention 1 or as specified in Aamodt Contention 2.

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4. The Board erred in ¶ 15 in failing to recognize the record evidence that the area of shift staffing should not be covered by the Commission's modifications.
5. The Board fails to note in ¶ 27 that the Aamodts requested the Board to adopt their Contention 2 as its own during the May 12-13, 1980 prehearing conference.
6. The Board, in ¶ 32, mischaracterizes as "several" the number of revisions made by the Licensee to its plan for restart, and fails to note the significant challenge to intervenors' resources posed by these numerous revisions and by the delay in the issuance of the Staff's Safety Evaluation Report.
7. In ¶ 33 the Board fails to note that neither the transcripts available in the hearing room nor those in public document rooms facilitated use by the Aamodts.
8. In ¶ 41 the Board erred in characterizing its questioning of management personnel as extensive and as having extended to the fourth level of TMI on-site supervisors.
9. The Board fails to note in ¶ 42 that the Aamodts were an affected party excluded from the Board's decision to extend the period for reply findings on management issues, and fails to note that the Aamodts challenged the procedure as delaying and improper.
10. In ¶ 44 the Board fails to recognize the import of the preliminary Staff conclusions.
11. The Board erred in concluding that the NRC Staff has unique expertise in evaluating management, in its ¶ 64.
12. The Board erred in concluding, in ¶ 64, that there were no

"definitive standards for management organization" while at the same time failing to enter into the record the "principal Staff guidelines for utility management," draft NUREG-0731.

13. The Board's account, in ¶ 78, of control room operators and their licensing is incorrect and misleading.

14. The Board's proposal, in ¶ 79, for staffing of the control room is unsupported by the evidence.

15. The Board's conclusions regarding Shift Technical Advisors in ¶¶ 80-82 fail to consider the question of the number of STA's available and ignore the evidence concerning the completion of their program.

16. The Board slips off the Aamodt argument, in ¶ 151, that Mr. Hukill's experience is not with the TMI - 1 plant.

17. The Board fails, in ¶ 152, to acknowledge Mr. Toole's lack of familiarity with the TMI - 1 plant.

18. The Board fails, in ¶ 154, to acknowledge Mr. Ross's lack of educational background to meet requirements of draft NUREG - 0731 guidelines for his position.

19. In ¶ 164, the Board improperly chooses the standards of ANSI/ANS 3.1 - 1978 to evaluate the training of unlicensed personnel. The Board did not focus on training of unlicensed personnel as I&E inspection reports indicated was needed.

20. The Board errs in concluding in ¶ 164 that the training of the plant staff meets the guidelines of draft NUREG - 0731, and these sections of the guidelines were not entered in the record.

21. The Board finding, ¶169, that all TMI - 1 shift workers are

scheduled on a six - shift work cycle is not based on the record evidence of available licensed operator candidates.

22. The Board findings, ¶ 171 - 2, overlook the record evidence that Drs. Long and Knief lack knowledge of the TMI - 1 plant operating characteristics. The Board overlooks Dr. Long's lack of familiarity with training policy in the health physics area and Dr. Knief's puzzling responses relative to mathematical ability of the operator candidates, although the Board expressed surprise and dismay on the record.

23. The Board notes in ¶ 174 that the Lessons Learned from the TMI - 2 accident have not been fully incorporated into the TMI training of licensed operators, but the Board fails to note that this is contrary to a finding of sufficiency of training.

24. The Board fails to note in ¶ 175 that Mr. Newton, the Supervisor of Training, lacks nuclear power plant experience.

25. The Board's findings, ¶ 178 - 187, relative to the training program for auxiliary operators, are superficial descriptions of the plans for training. The Board <sup>fails</sup> to examine the quality of the program and the extent to which the program had been implemented.

26. The Board overlooks the disparity between "college - level" courses in thermodynamics specified by an agreement between the Licensee and NRC, referenced by the Commission's August 9, 1979 Order, and the level of thermodynamics taught by the TMI training department, as discussed on the record and in Aamodt findings. (¶ 188).

27. Further, in ¶ 188, the Board fails to explain how future commitments for training affects a present finding of

sufficient training to assure safe operation of the plant.

28. The Board, in ¶ 189, again ignores Licensee's lack of resources to meet the commitment described. This applies also to ¶ 191.

29. The testing procedures of Licensee, the subject of Board findings 193 and 195, have come into question in the reopened hearing on cheating. The Board fails to note that these findings are subject to further litigation.

30. The Board errs in ¶ 199 by overlooking testimony and evidence that qualified the witness's conclusions.

31. Board ¶ 200 fails to acknowledge detractions developed on the record subsequent to the testimony referenced.

32. Board ¶ 201 errs in presenting testimony that was exposed as self-serving and baseless on the record.

33. Board ¶ 202 ignores the record evidence that Dr. Gardner lacked requisite nuclear experience to support the conclusions proposed.

34. Board ¶ 203 misleads by use of the conclusion in the Executive Summary, and their failure to discuss the detractions and qualifications to this conclusion that were provided in the record.

35. Board ¶ 204 misuses the record to claim that the Staff conducted a review of the Licensee's training program for licensed operators. The evidence of the record is contrary to this claim.

36. Board ¶ 205 ignores the record evidence and the August 9, 1979 Commission Order Item 1 (e) that this special test was to be an eligibility requirement to sit for the NRC licensing examination, or that the TMI - 1 operator candidates have experienced considerable difficulty in passing this test.

37. Board ¶ 222 fails to indicate whether the numbers of Shift Technical Advisors, presently trained, are sufficient to man the shifts.
38. The Board, in ¶ 224, misrepresents the nature of the Staff's review of the training program for unlicensed personnel. The Board fails to clarify whether the training programs have been sufficiently implemented to provide the numbers of qualified unlicensed personnel needed for restart.
39. The Board misrepresents, in ¶ 225, that consultants hired by Licensee as "independent".
40. The Board's conclusion, ¶ 226, that the recommendations of Mr. Kelly have been incorporated into the overall TMI training program, is not supported by the record.
41. The Board fails to acknowledge the high rate of failure on the PQS audit discussed in ¶ 228.
42. The Board fails to note that the conclusions in ¶ 229 and 230 are subject to the findings of the reopened hearing.
43. The Board, in ¶ 231, fails to reflect the record.
44. The Board fails to note that the conclusions of ¶ 232 are subject to the findings of the reopened hearing.
45. The Board, in ¶ 235, fails to note record evidence of significant detractors from the written prefiled testimony referenced.
46. The Board, in ¶ 236, fails to note that the Aamodts were prevented from cross-examination of the testimony referenced.
47. The Board, in ¶ 237, ignores the limitations of witness's testimony developed on the record.

48. The Board, in ¶238, again ignores the limitations of the witness's testimony developed on the record. ¶ 240 is similarly faulted.

49. The Board exhibits extreme bias toward the intervention of the Aamodts, in ¶ 242 description of Marjorie Aamodt's experience, and in ¶ 243 description of Aamodt Contention 2 as an attack.

50. The Board's findings, ¶ 244 - 246, do not reflect that the Board restricted the Aamodt's litigation of the environmental aspects of the Control Room which effect operator capabilities, or that they allowed Licensee's witness to respond to the Aamodt Contention by addressing these aspects of the Control Room.

51. In ¶ 247, the Board mischaracterizes the Aamodt concern re the additional burdens of communication, and overlooks the record support that the Aamodt concerns have not been addressed.

52. The Board, in ¶ 248, mischaracterizes the record evidence.

53. The Board, in ¶ 249, clings to evidence refuted on the record.

54. The Board, in ¶ 250, promotes flimsy evidence that the operators are tested for their capability to handle emergencies which is contradicted by the Board's referenced testimony within the paragraph.

55. The Board, in ¶ 252, fails to acknowledge all record considerations which dictate the acquisition of full-replica simulator.

56. The Board, in ¶ 253, references testimony of a Licensee witness whose testimony re simulator training was discredited on the record.

57. The Board misrepresents the record in ¶ 254.

58. The Board, in ¶ 255, erred in overlooking record evidence of lack of objectivity of the group who reviewed the OARP. The Board fails to maintain the standards of the hearing in finding future programs sufficient to meet "short - term" requirements.

59. The Board's representation of the testimony re simulator training (¶ 256 and 257) is incomplete and misleading.

60. The Board fails in ¶ 256 and 257 to apply the requirements of the August 9, 1979 Commission Order Item 1 (e) and to fulfill the objectives of the OARP. The Board references conflicting testimony re the adequacy of simulator training.

61. The Board fails again in ¶ 258 to apply the August 9, 1979 Commission Order "short - term" requirement of augmented simulator training.

62. The Board arguments in ¶ 260 do not address the issues of Aamodt Contention 2.

63. The Board deliberately disregards, in ¶ 261, that the Commission referenced an agreement between Licensee and NRC that required the licensed operators to be trained in "college - level" courses in thermodynamics and that the OARP Review Committee, themselves, found major faults in the Licensee training program.

64. The Board in ¶ 262 again errs/ <sup>in implying</sup> that commitments of Licensee are sufficient to assure safe operation of the plant.

65. The Board persists in ¶ 263 in biasing the Aamodt testimony based on inconsistent arguments (not applied to Licensee's witnesses).

66. The Board arguments in ¶ 263 are imprecise re on-the-job training and operator experience. The testimony re simulator training lacked credibility.

67. The Board has erred in ¶ 264 in finding that the OARP has

satisfied the major portion of Aamodt Contention 2 and that it has satisfied the requirement of the August 9, 1979 Commission Order Item 1 (e).

68. The Board errs in ¶ 264 in presenting Mr. Boger's arguments relative to the grading of the NRC licensing examination.

69. The Board errs in ¶ 265 by presenting recommendations for preparing the operators to cope with stress, but failing to assess whether the operators' capabilities were enhanced, ¶ 266.

70. The Board errs in ¶ 267 in referencing testimony that does not apply to the issue. The Board <sup>also</sup> depends on Licensee's self-serving testimony. The Board did not enforce the Aamodt's motion that the Staff present testimony relevant to the operators' attitude. The Board overlooked record evidence of improper operator attitude. The Board overlooked Licensee witness testimony which indicated management failure to address this issue.

71. The Board errs in ¶ 268 - 271 by depending on the self-serving testimony of the Staff's witness to support the NRC's testing program. The Board's dependence in ¶ 272 on Licensee consultants is faulted in several respects.

72. The Board's findings, ¶ 273 - 275, re certification of operators to take the NRC licensing examination are totally unsupported by the record. The Board references testimony which the Board described on the record as lacking in credibility.

73. Board conclusion ¶ 276 fails to find Licensee's training program for licensed operators offers sufficient assurance that the operators are capable of operating the plant under unanticipated conditions.

74. The Board errs in ¶ 441-2, 451-2 in their interpretation of the record.

75. The Board's findings ¶ 525 - 537 misrepresent the record, misrepresent Aamodt findings, and place evidence on the record that was not subject to cross-examination. The findings err in failing to recognize the procedural mechanism which usurped the Board's responsibility to independently assess the full record.

76. The Board's findings ¶ 538 - 555 err in litigating the Licensee - Commonwealth agreement in the Decision, rather than in the hearing. The Board has erred in assuming the items of the agreement are sufficient to alleviate the deficiencies in the Licensee's training program. The Board has allowed the Commonwealth's findings, which the Board admits clearly identified Licensee's deficiencies, to disappear.

77. The Board errs in ¶ 543 - 548 by concluding on the basis of procedural considerations as opposed to the overriding responsibility of the Board to assure safe operation of the plant.

78. The Board's findings, ¶ 556 - 582, misrepresent the record, misinterpret Aamodt findings, and place evidence on the record that was not subject to cross-examination. The findings err in failing to recognize the procedural mechanism which usurped the Board's responsibility to independently assess the full record.

79. The Board's findings, ¶ 556 - 582, err in litigating the Licensee - Commonwealth agreement in the Decision. The Board's arguments in support of the items of the agreement are faulted.

80. The Board's finding ¶ 572 is not based on the record.

81. The Board's findings, ¶ 573 -4, fail to address acknowledged insufficiency.

82. The Board's Conditions, ¶ 583, err in their dependence on the Licensee - Commonwealth agreement,

83. The Board's Conclusions of Law ¶ 584 are severely faulted.

October 24, 1981

*Margaret M. Ascroft*