

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

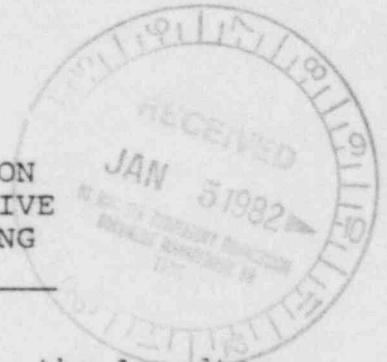
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USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD DEC 30 P4:50

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

LICENSEE'S RESPONSE TO AAMODT MOTION
THAT THE HEARING BE REOPENED TO RECEIVE
AND EXAMINE THE RESPONSES OF LICENSING
CANDIDATES TO THE HPI QUESTION



By motion served on December 21, 1981, the Aamodts state that "the record of the hearing on the restart of TMI-1 should be reopened to enter and examine the responses of the candidates for licensing to the questions on the October licensing examination, including and specifically examining the responses to the HPI question." Aamodt Motion, at 3. The Aamodts' broad request is that the record in this proceeding be reopened generally to consider the "relevance to the data on the HPI question to cheating, training, attitude and management." Id. Licensee regards the Aamodt pleading as their comments, due on December 24, 1981, pursuant to the Board's December 16 Memorandum and Order. In accordance with the schedule adopted in that Memorandum and Order, Licensee is responding to the Aamodt motion by the date set for replies to comments -- December 30, 1981. Licensee opposes the Aamodt motion.

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The Aamodts first appear to concede that it would have been inappropriate to consider the HPI data in the reopened hearing, Aamodt Motion, at 1. They then go on to claim that statistical analysis suggests that there is evidence relevant to the reopened hearing on cheating, as well as to the broader aspects of the hearing which is the thrust of their request. Id. The statistical analysis that in their view ties the HPI question and responses to the reopened hearing consists of their observation that eight operators failed the HPI question on the A examination which was given the first day of the exam and that only three failed the question on the B examination which was given the second day. The logical explanation, according to the Aamodts, is that a form of cheating took place which resulted in improved scores on the second test.

This is, of course, mere speculation on the Aamodts' part. There was no evidence whatsoever during the four weeks of reopened hearing that any cheating occurred during the October, 1981 NRC exams. All the evidence, in fact, was that with more rigid procedures implemented by NRC exam administrators and outright fear experienced by the examinees, no cheating took place. Nor is the Aamodts' statistical analysis dispositive of this question. Licensee concedes that under the Staff's grading of the HPI question alone, the results indicate more

operators obtained greater than 70% on the B exam than on the A exam. Yet, other analyses (similarly quick and similarly subject to dispute) of the results on the A and B exams indicate no collusion of the type envisioned by the Aamodts occurred. Thus, the highest grade on the Category E section where the HPI question appeared was attained on the A exam, not on the later B exam. Overall, four examinees failed the RO A test and four, the RO B. (On the SRO test, five failed the B exam and four the A exam). In short, Licensee regards as pure happenstance that under NRC's after-the-fact grading of this one question, candidates appear to have done better on the second exam than on the first exam. We regard as mere speculation the Aamodts' assertion that this result is due to some form of collusion between operators, particularly where the pass-fail results on the two days of exams are virtually identical.

The thrust of the Aamodt motion, however, is that the HPI question and responses are important, and that the "main hearing" record, not merely the cheating phase, should be reopened to consider them. The Aamodts see this as an occasion for the Board to reconsider the subject areas of training, attitude and management. In support, they argue that shortcomings in the operators' answers to the HPI question are "attributable to the TMI Training Department." Aamodt Motion, at 2. Training's failure, the Aamodts submit, is due either

to an inadequate training program or operator attitudes. Moreover, they want now to relitigate their 100% proficiency standard (Aamodt Motion, at 2) and training generally, based on the results of the Kelly exams in April, 1980, the OARP in 1979-80, and the ATTS audit exams in April, 1981.*

Licensee has already in its comments of December 24, addressed the significance of the operators' responses to the HPI question. In contrast, the Aamodts have paid no attention to the substance of the HPI answers or the NRC's grading. As to the Aamodts' other cited grounds for the need to reopen, we observe that the Aamodts never participated in the hearing on the HPI question or operator actions to throttle or terminate HPI once it is initiated. Their views on the import of this particular question and the operators' responses to it should be weighed accordingly. Further, the 100% testing criterion and the adequacy of training generally, including the Kelly exams, the OARP and the ATTS exam, were the subject of weeks of hearing time, extensive findings and Board determinations in the

* The Aamodts also refer to training documents which were admitted into evidence for limited purposes in the reopened hearing. Aamodt Motion, at 3. See Licensee Exhibits 60-62 (admitted at Tr. 24,641) and Tr. 24,638 (Licensee counsel explanation of limited purpose). We are at a loss to understand the relevancy of this portion of the Aamodt pleading to their motion.

Management PID. Mere reiteration by the Aamodts in their instant motion of the same arguments advanced, considered and decided previously does not provide a basis to reopen and reconsider these same subjects again.

Respectfully submitted,

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By

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Counsel for Licensee

Dated: December 30, 1981

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 NUCLEAR REGULATORY COMMISSION

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 USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

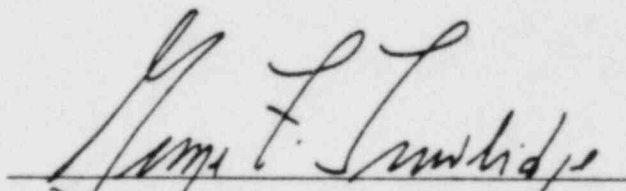
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 (Three Mile Island Nuclear)
 Station, Unit No. 1))

OFFICE OF SECRETARY
 DOCKETING & SERVICE
 Docket No. RA50-289
 (Restart)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Reply to UCS Response to Board Order on HPI Questions and Answers," and "Licensee's Response to Aamodt Motion That the Hearing be Reopened to Receive and Examine the Responses of Licensing Candidates to the HPI Question," both dated December 30, 1981, were served by hand delivery on those persons on the attached Service List designated by one asterisk (*); by deposit with Federal Express or Express Mail for delivery on those persons on the attached Service List designated by two asterisks (**); and by deposit in the United States mail, postage prepaid, on all other persons on the attached Service List, this 30th day of December, 1981. Since the Chairman of the Licensing Board has granted UCS' oral request for an extension of time for its response to the comments of other parties until Monday, January 4, 1982, service of the above documents will not be hand-delivered to UCS until that date.


 George F. Trowbridge

Dated: December 30, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

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