

ORIGINAL

UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

METROPOLITAN EDISON COMPANY

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

DOCKET NO: 50-289-SP
(Restart Remand on
Management)

LOCATION: HARRISBURG, PENNSYLVANIA

PAGES: 33113 - 33313

DATE: THURSDAY, JANUARY 10, 1985

TR-01 of 1

Add one copy to AS&BP, E/W-439

ACE-FEDERAL REPORTERS, INC.

Official Reporters
444 North Capitol Street
Washington, D.C. 20001
(202) 347-3700

8501150236 850110
PDR ADOCK 05000289
T PDR

NATIONWIDE COVERAGE

Sim 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

The Library, Richards Hall
 University Center
 2986 North Second Street
 Harrisburg, Pennsylvania 17110
 Thursday, January 10, 1985

The hearing in the above-entitled matter resumed,
 pursuant to recess, at 9:02 a.m.

BEFORE:

JUDGE IVAN W. SMITH, Chairman
 Atomic Safety and Licensing Board
 Nuclear Regulatory Commission
 Washington, D. C. 20555

JUDGE SHELDON J. WOLFE, Member
 Atomic Safety and Licensing Board
 Nuclear Regulatory Commission
 Washington, D. C. 20555

JUDGE GUSTAVE A. LINENBERGER, JR., Member
 Atomic Safety and Licensing Board
 Nuclear Regulatory Commission
 Washington, D. C. 20555

SueTraylor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25APPEARANCES:On Behalf of the Licensee:

ERNEST BLAKE, ESQUIRE
WILBERT WASHINGTON, II, ESQUIRE
DEBORAH B. BAUSER, ESQUIRE
JOHN NASSIKAS, ESQUIRE
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N. W.
Washington, D. C. 20036

On Behalf of Three Mile Island Alert:

LOUISE BRADFORD, pro se
Three Mile Island Alert
315 Peffer Street
Harrisburg, Pennsylvania

JOANNE DOROSHAW, ESQUIRE
The Christic Institute
1324 North Capitol Street
Washington, D. C. 20002

On Behalf of the NRC Staff:

JACK R. GOLDBERG, ESQUIRE
MARY E. WAGNER, ESQUIRE
Office of the Executive Legal Director
Nuclear Regulatory Commission
Washington, D. C. 20555

On Behalf of the Commonwealth of Pennsylvania:

THOMAS Y. AU, ESQUIRE
Bureau of Regulatory Counsel
THOMAS E. POLLOG
Bureau of Radiation Protection
Department of Environmental Resources
101 South Second Street
503 Executive House
Harrisburg, Pennsylvania 17120

On Behalf of the Union of Concerned Scientists:

WILLIAM S. JORDAN, III, ESQUIRE
Harmon, Weiss & Jordan
2001 S Street, N. W., Suite 430
Washington, D. C. 20009

* * * * *

Sim 1

C O N T E N T S

	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>	<u>BOARD</u>
3	JULIUS J. PERSENSKY)					
4	JOSEPH J. BUZY)					
	- and --)					
5	DELORES S. MORISSEAU)					
6	By Ms. Wagner	33,120				
	By Mr. Jordan		33,149			
7	By Mr. Au		33,181			
	By Ms. Bauser		33,192			
8	By Judge Smith					33,233
	By Ms. Bauser		33,249			
9	By Ms. Wagner			33,273		

10 Afternoon Session33,192

11 JULIEN M. CHRISTENSEN)
 12 ERIC F. GARDNER)
 13 FRANK L. KELLY)
 WILLIAM R. KIMEL)
 -- and --)
 14 ROBERT E. UHRIG)

15	By Ms. Bauser	33,275				
	By Jordan				33,287	
16	By Au				33,292	
	By Bauser		33,292			
17	By Au				33,295	
	By Wagner				33,297	
18	By Bauser (Rebuttal)	33,259				

LAY-IN DOCUMENTS

	<u>DOCUMENT IDENTIFICATION</u>	<u>FOLLOWS PAGE</u>
20	Prefiled Testimony of Messrs. Persensky	
21	and Buzy and Ms. Morisseau on the	
	Remanded Training Issue from ALAB 772	33,148

E X H I B I T S

(None)

Sim 1-1

P R O C E E D I N G S

1 JUDGE SMITH: Good morning.

2 Is there any preliminary business?

3 MR. AU: Yes. May I approach the bench, please?

4 JUDGE SMITH: Certainly.

5 Is this off the record, Mr. Au?

6 MR. AU: Yes.

7 (Bench conference.)

8 JUDGE SMITH: In an off-the-record discussion
9 I have been informed by some of the parties that there are
10 plans to file a motion for my disqualification, and I reminded
11 them that Commission decisions make very strong emphasis on
12 the timeliness of such motions. They must be very timely.

13 Any other preliminary business?

14 MS. DOROSHOW: Yes, Judge Smith. We distributed
15 after the close of the hearing yesterday a letter and an
16 attached interview of Carl Plumlee which is to become part
17 of the Joint Mailgram Exhibits. I believe it should be
18 Joint Mailgram Exhibit 1-C, Item 145.

19 This was agreed upon by the Licensee and TMIA.
20 We apologize for the timing of this. I think that both
21 licensee and TMIA are responsible for that, but it was an
22 interview that we became aware of late and we just did not
23 know of it in time to have it bound into Joint Mailgram
24 Exhibits which all the parties have at this point. We have
25

Sim 2-2

1 distributed though copies of that to the Board and to the
2 parties.

3 JUDGE SMITH: And to the reporter.

4 MS. DOROSHOW: And to the reporter, yes.

5 MR. GOLDBERG: Judge Smith, that was an agreement
6 between the Licensee and TMIA. I learned of this for the
7 first time yesterday, and it was yesterday after the hearing
8 that I saw the letter and the interview itself.

9 I am checking to see whether we have an objection.
10 It may be that if that is added to the Joint Mailgram
11 Exhibit, we would like to add some other interviews with
12 Mr. Plumlee and perhaps one other individual. As soon as
13 I have that determination, I will report it to the Board
14 and the parties. But at this time I cannot say whether
15 I have an objection to that.

16 JUDGE SMITH: So we will defer.

17 MR. GOLDBERG: What I can say is that I don't
18 have an objection if I have an agreement from TMIA and the
19 other parties that the staff can add additional interviews
20 of Mr. Plumlee and perhaps of Mr. George Smith on the same
21 subject, namely, the discussion of hydrogen on the day of
22 the accident.

23 MS. DOROSHOW: Well, I think it has been our
24 position that we are not generally opposed to additional
25

Sim 1-3

1 interviews if there is no objection from the other parties.

2 I, of course, can't speak to those particular
3 interviews because I am not aware of them and don't know
4 what they are at this point.

5 JUDGE SMITH: In that event, I still think the
6 better course is to defer.

7 Is there any other preliminary business?

8 (No response.)

9 JUDGE SMITH: Would you call your witnesses.

10 MS. BRADFORD: Judge Smith, I just wanted to
11 state that I was expecting yesterday's panel back and it
12 wasn't until this morning that I learned of this, and it
13 was for those people that I had prepared.

14 So I am a little surprised that ---

15 MS. BAUSER: Judge Smith, I guess that I should
16 take responsibility here. I thought that TMIA was present
17 at the end of the day yesterday and had participated in some
18 general conversations that had taken place here about the
19 difficulty of the OARP Committee members' schedules and
20 we had an agreement from Mr. Jordan and the NRC Staff to
21 postpone the recross of Licensee's last panel in order to
22 meet some schedule problems.

23 MS. WAGER: Perhaps it might be appropriate for
24 TMIA to conduct its cross-examination after Mr. Jordan,
25 for example, and the Commonwealth. Would that give you the

Sim 1-4

1 additional time you needed? You did expect them to go on
2 today in any event. It is just a matter of timing.

3 MS. BRADFORD: Actually I had expected the staff
4 to come next.

5 MS. WAGER: The staff is coming next.

6 MS. BRADFORD: Okay. I had expected the first
7 panel, yesterday's panel and then the staff.

8 MS. BAUSER: Just to be clear, we are going to
9 the staff now and postponing the recross of the other panel,
10 but we are in the same sequence otherwise. We are going to
11 go to the staff now and then we will go to the OARP Committee.
12 The Committee is not going on the first thing this morning,
13 if that is your concern.

14 JUDGE SMITH: All right.

15 Whereupon,

16 JULIUS J. PERSENSKY

17 DELORES S. MORISSEAU

18 -- and --

19 JOSEPH J. BUSY

20 were called as a panel of witnesses by the Staff and,
21 having been first duly sworn by Judge Smith, were examined
22 and testified as follows:

23 JUDGE SMITH: Please be seated.

24 MS. WAGNER: Judge Smith, let me just state as
25

Sim 1-5

1 a preliminary matter that I expect to have a couple of
2 questions of supplemental direct for these witnesses based
3 on the fact that the OARP filed rebuttal testimony after the
4 filing of our witnesses' testimony and based on the additional
5 information that has come out at a result of this remanded
6 hearing on training.

7 I have informed the parties of my intention to
8 do this and I believe Mr. Jordan will be having some objection
9 to that.

10 Shall I proceed with my questions at this point?

11 MR. JORDAN: How would you like to proceed,
12 Your Honor?

13 JUDGE SMITH: Well, I think you should proceed
14 with your questions.

15 DIRECT EXAMINATION

16 BY MS. WAGNER:

17 Q Dr. Persensky, would you please state your name
18 and employment position?

19 A (Witness Persensky) My name is Julius Persensky.
20 I work at the Nuclear Regulatory Commission. I am a Section
21 Leader in the Personnel Qualifications Section.

22 Q Ms. Morisseau, would you please your name and
23 employment position.

24 A (Witness Morisseau) My name is Delores Morisseau.
25 I work i the Licensee Qualifications Branch. I am a training

INDEX

Sim 1-6

1 and assessment specialist.

2 Q Mr. Busy?

3 A (Witness Buzy) I am Joseph Buzy. I am a Systems
4 Engineer, Training and Assessment, Licensee Qualifications
5 Branch, NRC.

6 Q Panel members, I would like to show you the
7 testimony of Julius J. Persensky, Joseph J. Buzy and Delores
8 S. Morisseau on the Remanded Training Issue from ALAB-772
9 dated November 15, 1984.

10 Dr. Persensky, was this testimony prepared by
11 you or under your supervision?

12 A (Witness Persensky) Yes, it was.

13 Q Have you read the rebuttal testimony of the OARP
14 filed in this proceeding?

15 A I have.

16 Q Have you listened to the oral testimony presented
17 on the remanded training issue in this proceeding?

18 A I have.

19 Q Do you have any changes or modifications you
20 would like to make to your testimony?

21 MR. JORDAN: I object.

22 JUDGE SMITH: Well, I can see an objection down
23 the road, but not quite yet.

24 Q Well, I guess the problem is that I have a feeling
25 that if I don't ask the question now and make the objection

Sim 1-7

1 now, that this seemingly innocuous question will elicit
2 the changes to which I am objecting. If it is a matter of
3 changes in the sense of typos or corrections, if you will,
4 technical corrections to the testimony already filed,
5 obviously I don't object to that.

6 What I am concerned with is, and Ms. Wagner I
7 think has correctly described as supplemental direct, and
8 unless I am sore mistaken, this is the question that would
9 elicit the supplemental direct.

10 JUDGE SMITH: Or the next one would.

11 end Sim
12 Joe fols

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MR. JORDAN: I will make the objection in three
2 steps. I had pondered whether to make it one step at a time
3 and have your rulings, but I think it is probably faster and
4 more efficient to do it, to set the three separate principles
5 out at once.

6 First, we object to the presentation of supplemental
7 direct at all. The Staff in the procedure in NRC hearings is
8 to prepare testimony in writing so that all the parties are
9 fully prepared. The idea is that the parties will obtain the
10 information they need. They will put it together and the
11 evidence will be ready in that written testimony, and the
12 parties will then be able to address it.

13 Thus, in general, we object to any supplemental
14 direct testimony at this point.

15 Secondly, in particular we would object to any
16 -- if some supplemental direct were to be allowed to which
17 I reiterate we object, we would object in particular to
18 supplemental direct, taking into account facts that the Staff
19 could have obtained on discovery but failed to do so. Because
20 the Staff didn't take any discovery. The Staff did appear
21 at the depositions that UCS took, and asked no questions, and
22 I don't remember whether there were some minor exceptions to
23 that, but certainly didn't pursue any questions in that
24 discovery.

25 I don't know, since I haven't had the opportunity

1 to discuss the supplemental direct in detail with the witnesses,
2 but I want to make clear Ms. Wagner has given us notice of
3 essentially what I understand the conclusions to be in the
4 supplemental direct, but I don't know what the conclusions
5 are based upon and what new information, if any, the Staff
6 took into account, and whether it is information that could
7 have been obtained in discovery or not.

8 I would like to give an example that I understand
9 to be within what the Staff would address, and that is the
10 question -- questions related to the adequacy of interviews.

11 As I understand it, the Staff would -- and this
12 is my characterization -- the Staff would testify to the
13 effect that, for one thing, the number of interviews was
14 now adequate. They didn't have a problem with that. They
15 would also testify to the effect that the scope and content
16 of the interviews was adequate.

17 Now, with respect to the number of interviews, the
18 number of interviews did change after -- in early November,
19 after discovery had closed. Now, that is assuming any
20 supplemental direct was to be allowed based on new information,
21 that is new information the Staff could not have gotten
22 on discovery any more than we could have, and we didn't.

23 Scope and contents is another matter. There were
24 interviews from the beginning. Had the Staff done discovery
25 on the scope and content of the interviews that were done,

1 they could have gotten the information, and would then have
2 been able to put -- to have their testimony cover that topic.

3 Again, I am using that as an example, because I
4 can't tell what the Staff's situation is.

5 To reiterate the second point, if any supplemental
6 direct is to be allowed, it must be limited to facts that the
7 Staff -- that not only were not available to the Staff, but
8 that could not have been obtained on discovery during the
9 discovery period.

10 Now, third point is closely related, and that is
11 that if the Staff is allowed to do supplemental discovery --
12 I am sorry -- supplemental direct, it seems to me that it is
13 the Staff's responsibility to state in detail what the new
14 information -- what new information they are taking into
15 account, because there is, as you have seen in the testimony,
16 there was various events, various efforts that the OARP
17 Committee undertook over the course of several months
18 involved, and at one point in that period the Staff made its
19 judgments.

20 The Staff had some amount of information and
21 not other information, and it seems to me that in order to
22 judge the Staff's original testimony and then whatever changes
23 it may make, it is essential to know exactly what new
24 information they took into account.

25 For example, exactly how many interviews the Staff

1 then learned about that they did not know about before.
2 That, again, is an example. It seems to me that is the type
3 of thing one might obtain on cross, but it seems to me in a
4 situation where a party seeks to present supplemental direct
5 testimony, it is that parties responsibility to detail the
6 information rather than having the other parties who have not
7 been able really to take discovery on the question to have to
8 fish around for that information.

9 So, those are the objections that we have.

10 MS. WAGNER: I think when we boil all these
11 arguments down, really the position UCS is taking is that it
12 would prefer that the record remain incomplete on the status
13 of the Staff's conclusions taking into account all the
14 evidence in this proceeding.

15 I think we made it very clear when we filed our
16 testimony on what information we were relying when we filed
17 it. That included deposition testimony, and the discovery
18 to date in the proceeding, and I think we stated very clearly
19 at several points in our testimony that there were certain
20 things on which we could not comment because of the incomplete-
21 ness of the information available to us.

22 I don't believe that all of this information could
23 have been elicited through discovery, as Mr. Jordan points
24 out himself. A number of the interviews by the OARP Committee
25 took place after the close of discovery.

1 I don't believe that we could have taken into
2 account or had anticipated the questions to be -- of the
3 other parties on cross examination, including the Board
4 questions and responses to those questions, which provided
5 the panel with additional information. And I think for a
6 full record we should have the current position of the Staff
7 on the record, taking into account what they have learned
8 from November 15th on.

9 As I said, much of this information was simply
10 not available to the Staff. It is true we took no discovery.
11 The reliance on the approach of testifying only as to
12 methodology was an approach that was arrived at by the Staff
13 well down the road during the course of discovery, so our
14 period for discovery was fairly limited, but I am not
15 relying on that.

16 I think it is fair to say that the Staff had
17 anticipated that the prefiled testimony of the OARP Committee
18 could have contained more information than it, in fact,
19 contained on the subject of the methodology they used.

20 So, I think we had anticipated being able to
21 provide a somewhat fuller evaluation of the methodology based
22 on their prefiled testimony.

23 I think the rebuttal testimony was very helpful
24 in helping the Staff further develop its position, and all
25 three of our Staff witnesses have been in attendance every

1 day of this remanded hearing on this training issue, so
2 they could hear the additional information that has been
3 presented and factor that into their bottom line.

4 The supplemental testimony -- there is one
5 purely factual correction based on an event that has occurred
6 since the filing of the testimony, and the remaining supple-
7 mental testimony that I have told the parties about relates
8 to question and answer 56 of the testimony.

9 The question there is: What limitations with
10 respect to the Committee's methodology has the Staff
11 identified?

12 End 2.
13 SueT fols.

14
15
16
17
18
19
20
21
22
23
24
25

#3-1-SueT

1 And then the Staff proceeds to identify a
2 number of limitations in the OARP methodology based on the
3 information available to them at the time they filed their
4 testimony. That is the answer that we would wish to supple-
5 ment and update based on the additional information avail-
6 able.

7 Now, this is a comparison that we could all
8 probably do ourselves rather than have the Staff witnesses
9 do it. We could look at the filed rebuttal testimony, and
10 we could see what problems it removes. We could also go
11 through the transcript and pick out things and fit it into
12 the puzzle and see where it fills the gap or areas of con-
13 cern to the panel.

14 But I think it would be helpful to the Board
15 and everyone if we let the panel do that for us.

16 JUDGE SMITH: Any other comments?

17 MR. JORDAN: Sir, I would like to respond. First,
18 I think it's hardly a matter of UCS seeking to assure an
19 incomplete record. It's the question of, there is a
20 structure that is intended to establish the way these hear-
21 ings are run and it has a strong bearing on fairness in
22 these hearings.

23 I do stick to the first of my three objections,
24 a general objection to supplemental direct. More important
25 is my concern with the facts available to the Board upon

#3-2-SueT

1 reviewing the testimony. The fact is that you really can't
2 tell. One could tell, but the Board can't tell what informa-
3 tion was available to the Staff. The Staff testifies that
4 it had the information and the depositions available to it.
5 That is true.

6 And if the Board had the depositions available
7 to it in the record, the Board might well be able to parse
8 exactly what the Staff had in front of it. But the Board
9 doesn't have the depositions, because they are not part of
10 the record.

11 And the Staff did not seek to detail what it
12 learned from the depositions that led to its first conclu-
13 sions and then to allow the comparison to be made to deter-
14 mine what is the reason for its conclusions today. And
15 that is the reason that I emphasize the need for the Staff,
16 if they are to give this information, to detail what the
17 factual bases for their changed opinions are. Numbers of
18 interviews, depths of interviews, whatever it is in specific
19 that caused them to change their opinion.

20 JUDGE SMITH: Isn't your series of objections,
21 aren't they all somehow related to notice?

22 MR. JORDAN: In a -- well, yes.

23 JUDGE SMITH: So your basic objection is that
24 they haven't followed the rules, the regulations of protocol
25 we have had, and everything else, and now you are faced with

#3-3-SueT

1 the inappropriate supplemental testimony with any opportunity
2 to prepare for it?

3 MR. JORDAN: I don't want to suggest that we had
4 no opportunity to prepare for it. I mean, I don't want to
5 suggest that the Staff did not inform us of it.

6 JUDGE SMITH: Well, they --

7 MR. JORDAN: I believe, unless I'm mistaken, it
8 was the end of last week.

9 MS. WAGNER: That's correct. At the end of
10 last week.

11 MR. JORDAN: We did have some notice of it. And
12 so I could conceivably go through what I think would be a
13 rather excruciating and lengthy cross to determine on each
14 point precisely what and so on, the differences are. And
15 that's why I emphasized that if this is to be allowed it
16 should be the Staff's responsibility in presenting the
17 testimony to make clear exactly what the new and old facts
18 are.

19 JUDGE SMITH: Yes, this --

20 MR. JORDAN: Otherwise, I think that's right.

21 JUDGE SMITH: -- I think is a question of notice.
22 Now, you had notice of the fact of their intention to add
23 supplemental testimony on a particular area but not in
24 sufficient detail to actually prepare you for an efficient,
25 effective cross-examination?

**

#3-4-SueT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. JORDAN: I would say that's right.

JUDGE SMITH: Other --

MS. WAGNER: May I --

JUDGE SMITH: -- than that, I don't really capture in your objections how you are hurt, how you are injured, by their effort?

MR. JORDAN: It seems to me you captured it.

JUDGE SMITH: Oh, all right.

MS. WAGNER: Judge Smith, could I just comment? I did tell Mr. Jordan last week about my intention to have a couple of questions on supplemental direct and then the general purpose to be served by that. I also told him in more detail the nature of the changes and the conclusions reached by our panel as to limitations on Tuesday after our panel did a review of the evidence that has been elicited at the hearing and the rebuttal testimony.

But I would argue that in a sense UCS has had notice ever since November 15th when we filed our prefiled testimony notice that there might well be an update in that testimony based on additional information. And there has been a wealth of additional information that has been made available to us since that date.

We made it very clear that there were a number of things we couldn't comment on because we were unaware of whether the Committee did something or not.

#3-5-SueT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JUDGE LINENBERGER: A point of clarification --

JUDGE SMITH: I guess that -- I'm sorry, go ahead.

But that isn't -- I mean, that may be notice of the --

MR. JORDAN: I thought they would stand on that. I didn't think they would do anything else with it.

MS. WAGNER: I'm not say that that would have allowed him to prepare for cross-examination.

JUDGE SMITH: All right. Go ahead.

MS. WAGNER: But I am saying that it shouldn't be a total surprise to anyone. And as of Tuesday, in fact, I did list for Mr. Jordan the areas of concern as expressed in Answer 56 that were no longer areas -- well, I guess the areas of concern that remained as areas of concern.

MR. JORDAN: I think to be clear I believe that was Tuesday, two days ago, not Tuesday of last week.

MS. WAGNER: That's correct. That was Tuesday, two days ago.

(Judge Smith and Judge Linenberger are conferring.)

JUDGE SMITH: Why can't we proceed with the supplemental direct in a discreet section, let that be your equivalent to advanced written supplemental direct testimony, defer cross-examination on it until next week? Wouldn't that

#3-6-SueT

1 satisfy the requirements of everybody?

2 It is going to be difficult, inherently difficult,
3 for the Board to hear the NRC Staff tell it as information
4 that they think is important to the decision before us,
5 providing that we can give an opportunity to all of the
6 parties to address that information appropriately, not to
7 provide for it. Recognizing the NRC Staff is a party, they
8 are nevertheless a party charged with special responsibili-
9 ties.

10 And it is inherently difficult for a Board to
11 slam the door on a Staff request to present information to
12 it.

13 MR. JORDAN: Your Honor, I do expect, in all
14 honesty, that you would deny the objection, at least
15 certainly the first objection.

16 I think the most efficient way to proceed, which
17 I would be surprised if it wouldn't wrap the Staff up today,
18 is simply to proceed with the Staff with their supplemental
19 direct with the factual explanation that I suggested is
20 their responsibility to provide.

21 JUDGE SMITH: Are you able to do that? That,
22 I think, would be preferable over -- you know, I would like
23 to see the matter resolved, and I would like to hear what
24 they have to say.

25 But I am also sympathetic with Mr. Jordan's

#3-7-SueT

1 position, the position that he is in.

2 MR. JORDAN: I should add that if they can't
3 do it on direct, I don't see how they could do it on cross.
4 So we might as well do it straight out with their own counsel
5 asking them, what are your conclusions and exactly what you
6 base it on.

7 MS. WAGNER: May I confer with my witnesses for
8 a moment?

9 JUDGE SMITH: Certainly. Maybe you would want
10 to take a break? Let's take a break and see what you can
11 work out here.

12 MS. WAGNER: Fine.

13 (Whereupon, a recess is had at 9:40 a.m.,
14 to reconvene at 9:54 a.m., this same date.)

15 END #3
16 Mary flws

17

18

19

20

21

22

23

24

25

1 JUDGE SMITH: Ms. Wagner.

2 MS. WAGNER: Yes. The panel is prepared to
3 go through the answers to Question 56 and to state the
4 changes they would make in that testimony and to state the
5 basis for those changes.

6 And I believe Mr. Jordan is amenable to that.

7 MR. JORDAN: What I would say is I seek a Board
8 ruling on our objection on the premise that I frankly expect
9 the Board to deny.

10 JUDGE SMITH: Well, if you really do expect us
11 to deny it -- I am missing something in your approach. If
12 you expect us to deny it, what is its infirmity inasmuch
13 as we make correct rulings?

14 MR. JORDAN: Well, I think in essence we believe,
15 for example, on the question of whether the staff should
16 be able to address the points that they could have addressed
17 on discovery, the facts that they could have determined on
18 discovery, that fairness would dictate that they shouldn't
19 be able to do that now.

20 JUDGE SMITH: All right. But we have the repre-
21 sentation of Ms. Wagner, don't we, that they believed that
22 discovery by other parties had been adequate and they had
23 expected a larger presentation in the direct written testimony.
24 Am I paraphrasing it correctly?

25 MS. WAGNER: That is correct. We had anticipated

Sim 4-2

1 some more detail.

2 JUDGE SMITH: This is the type of representation
3 we have accepted quite routinely from the parties throughout
4 this hearing. I am confused because I thought you were
5 satisfied with the arrangement and that the objection had
6 been withdrawn.

7 MR. JORDAN: I think I will withdraw.

8 JUDGE SMITH: I know that it would not be
9 possible either to force you to withdraw an objection that
10 you wished to pursue. I want you to be satisfied with the
11 result.

12 As we indicated, we were sensitive to your general
13 concern, which all relates really to notice.

14 MR. JORDAN: My inclination, Your Honor, is to
15 say at this point that in light of the Board's sensitivity
16 to the notice problem that I am prepared to withdraw the
17 objection as such.

18 I guess I am concerned about as we get down
19 the road and we see what comes out the question of whether
20 I feel that then having been through what we went through
21 we have had an opportunity. I guess the better approach
22 would be to proceed now as I suggested and then when we get
23 to the end or later today or whenever it is and I can make
24 an evaluation as to whether I think we need to have an
25 opportunity to examine them again. Yet, we may not have

Sim 4-3

1 that need and we may. But if we can do that, then I say
2 let's go now.

3 JUDGE SMITH: All right. Then I think also one
4 other accommodation that could be made is that the narrative
5 statement they are about to make now, whether that becomes
6 evidence upon which findings may be made may depend upon
7 hearing you object again.

8 MR. JORDAN: Particularly with that, then I think
9 that is by far the more efficient way to go and let's go
10 ahead.

11 JUDGE SMITH: All right.

12 BY MS. WAGNER:

13 Q My question to you, Dr. Persensky, on behalf
14 of yourself and the other panel members is are there any
15 changes or modifications you would like to make to your
16 testimony at this time?

17 A (Witness Persensky) Yes, there are, and if I
18 may start with a minor one, which is an update on Answer
19 58 on page 37. About six lines from the bottom of that page
20 it indicates that a proposed policy statement endorsing INPO
21 accreditation as a means of assuring the quality of utility
22 training programs is currently being prepared by the staff.

23 That policy statement has in fact been submitted
24 to the Commissioners on December 31st, 1984 in SECY 85-01.
25 So it has been signed by the Executive Director and has

Sim 4-4 1 gone to the Commissioners for their consideration.

2 JUDGE SMITH: I infer that the process involves
3 the Executive Director's recommendation, too?

4 WITNESS PERSENSKY: Yes.

5 If we can now to go Answer 56 beginnig on page
6 32. I think it would be easier if we just go through each
7 of these bullets and make a few comments as to what we
8 consider to remain as limitations and those that we feel may
9 have been removed by live testimony and rebuttal testimony
10 of the OARP Committee.

11 The general comment we had here was really more
12 in the form of a statement that there was review of documents
13 and interviews, but that the information that we had available
14 to us from the depositions, the original OARP and the testimony
15 filed by the OARP could not -- we could not tell, for instance,
16 the scope and depth of some of those activities.

17 Since that time a rebuttal testimony has been
18 submitted by the OARP Committee and we have listened in on
19 the testimony here. There have been a number of comments
20 with regard to the number of people that were interviewed,
21 the types of people that were interviewed and the types
22 of questions that were asked.

23 Given that, we feel that we have a better basis
24 to draw some of the conclusions that we are going forward
25 with today.

Sim 4-5

1 Now if we get into the general issues, the
2 first issue is Management/Communications/Attitudes as we
3 broke out the sections. The first issue has to do with the
4 pride and enthusiasm of the employees. In our original
5 testimony we indicated that the committee has not indicated
6 that they structured their interviews in a way that a
7 comparison could be made to the findings of the RHR report
8 or Supplement 4 to NUREG 0680.

9 We maintain that that still is the case. Though
10 they did do interviews that address some of these questions,
11 we are not sure that a direct comparison could be made because
12 they didn't use the types of questions, or we do not think
13 they used the types of questions that were asked by RHR or
14 the Staff in Supplement 4.

15 So that doesn't change much there.

16 The next issue is reviews of instructor resumes
17 were performed. This topic relates primarily to the
18 evaluation criteria for instructors. Though the Committee
19 did observe instructors, interview instructors and review
20 some of the resumes, we feel that the point that we have
21 here with regard to the use of the GPU and instructor
22 evaluation criteria may not have been fully implemented from
23 our standpoint in that I believe it was Mr. Kelly who
24 indicated that he did take with him to some of the observa-
25 tion of instructors the criteria but did not necessarily

Sim 4-6

1 use them.

2 I believe that both he and Dr. Gardner and perhaps
3 Dr. Christianson, and I am not sure that would be in the
4 testimony, indicated that they used their own criteria in
5 making a determination of the quality of instruction and
6 did look at the GPUN criteria but didn't necessarily compare
7 it or do a thorough review of those criteria.

8 The next issue has to do with the communications
9 mechanisms. We say here that there was no indication that
10 the Committee reviewed documentation ordering changes to
11 training procedures or operating procedures, or that the
12 interviews addressed these issues.

13 I believe from live testimony we are satisfied
14 that these actions were taken by the OARP committee. So we
15 would remove that as a limitation.

16 Q Dr. Persensky, can you be a bit more specific
17 on the live testimony on which you relied?

18 A I don't think I can. It is just something that
19 I remember. I don't have my notes to go back. I know it
20 was discussed in terms of the interviews that were performed
21 with management. I believe Dr. Urig and Dr. Kimel talked
22 about some of these issues, but I can't say for sure.

23 A (Witness Buzy) I think sometime before the
24 Christmas break, during that period in Bethesda.

25 Q So it was ORAP Committee testimony exclusively?

Sim 4-7

1 A That is correct.

2 A (Witness Persensky) Yes.

3 On page 34 the first bullet, we indicate here
4 that the Committee has not reviewed the job/task analysis
5 nor the procedures for linking the analysis to learning
6 objectives and training materials.

7 In fact, in the rebuttal testimony the Committee
8 specifically states that they did not review the job/task
9 analysis. So that limitation still would remain.

10 The Committee does not indicate that any on-the-
11 job training was reviewed or observed.

12 I cannot remember during either the testimony
13 or in the rebuttal that they indicated that they dealt much
14 with on-the-job training. So, again, that one would stay
15 as it is.

16 Simulator and BBTs training have been observed,
17 but it is not clear whether problem solving skills were
18 observed from these observations.

19 I believe both Dr. Christianson and Mr. Kelly
20 did do reviews and observations at the Lynchburg simulator
21 and of the BBTs and did address this issue during live
22 testimony.

23 Q So just to be clear, Dr. Persensky, is this
24 a limitation that is removed?

25 A We would remove this as a limitation.

Sim 4-8

1 Q Thank you.

2 A The next issue is the performance evaluations
3 of graduates to determine if training deficiencies have been
4 indicated and communicated to the Training Department.

5 There was an indication in the rebuttal testimony
6 that they did look at some -- I am sorry, I am wrong. I
7 believe the rebuttal testimony said they did not look at
8 performance evaluations, that none existed for the CRO's and
9 they didn't feel it was necessary to review the supervisors.
10 I would have to check to make sure those are the exact
11 words. This was addressed in the rebuttal testimony.

12 In the cross-examination of yesterday's panel
13 this issue was one of the staff's questions with regard
14 to whether performance evaluations did exist for CRO's,
15 and apparently because of union considerations they do not
16 exist.

17 But the utility does have other mechanisms for
18 getting feedback into the training program as indicated by
19 the Utility Committee or Panel.

20 I do not recall OARP getting into this particular
21 issue. So I would at this point say that this would also
22 remain.

23 There is no indication that the Committee reviewed
24 training materials to determine the degree of memorization
25 required nor is there any indication that they reviewed or

Sim 4-9

1 observed simulator or oral examinations for this same
2 content.

3 I think the question here relates to the question
4 of memorization and, as I recall, the Committee dealt with
5 that more on a philosophical level and did not necessarily
6 look at the actual examinations.

7 They did look at the procedures for administering
8 exams and developing examinations and looked at some of
9 that type of questioning with regard to memorization, as
10 I recall from live testimony.

11 Mr. Kelly did review some of the examinations
12 I believe he indicated both in the rebuttal and during live
13 testimony, but I am not sure that the question of memorization
14 was addressed in those particular reviews. He was looking
15 for content.

16 So I would say we would not change that
17 limitation.

18 The next one is although the Committee toured
19 the training facilities and was briefed on facts and figures
20 by GPUN management, there is no indication that the Committee
21 observed specific areas for indications of appropriate use.

22 The live testimony did address this issue. I
23 can't remember who. I believe it may have been Dr. Gardner
24 did talk with some of the instructors and did observe the
25 use of training aids such as the media. So I would say

Sim 4-10

1 this limitation could be removed.

2 This next bullet on the top of page 35 is sort
3 of a repeat of the issue of the use of the GPUN form for
4 evaluating instructors, and I addressed that earlier.

5 So, again, I think this one would stay. They
6 did not use the GPUN evaluation forms or evaluate them from
7 the concept of usability.

8 JUDGE SMITH: What was the original difference
9 between that bullet and the -- which one is the earlier one?

10 WITNESS PERSENSKY: The bullet that I am addressing
11 as similar is on page 33. Because we broke these questions
12 out into areas with regard to management, communication,
13 training systems, procedures and examinations, there was
14 some overlap, and the overlap would come in -- that is one
15 of the places that there was an overlap.

16 end Sim
17 Joe Fols

17

18

19

20

21

22

23

24

25

1 The next bullet under GPUN examinations, the
2 question here again comes to the job task analysis. The
3 Committee, in fact, indicated again they did not review the
4 job task analysis, so we would not change that limitation.

5 On the job performance evaluations, again,
6 because there are no CRO evaluations available, they would
7 not have done that.

8 Finally, procedures for security and control,
9 they did indicate observation of the implementation of the
10 procedures, I believe. That was one of the comments that
11 was made by Mr. Kelly, and they did do a very thorough job
12 of reviewing the documentation associated with exam security.
13 They have indicated that in their rebuttal, I believe, and
14 in live testimony.

15 Q So, just to be clear again, Dr. Persensky, you
16 would remove this last bullet as a matter of concern --
17 as a limitation.

18 A Yes.

19 Q Are there any other changes or modifications you
20 would like to make to your prefiled testimony?

21 A No.

22 Q As modified by your oral testimony here this
23 morning, is this testimony true and correct to the best of
24 your knowledge and belief?

25 A Yes.

1 Q And do you adopt it as your testimony in this
2 proceeding?

3 A Yes, we do.

4 JUDGE LINENBERGER: Ms. Wagner, one nit I would
5 pick, I believe, maybe I am wrong here, but I think near the
6 bottom of page 2 there is an incorrect citation. I think
7 that 16 NRC should be 19 NRC.

8 MS. WAGNER: That is correct, Judge Linenberger.
9 Thank you.

10 JUDGE SMITH: Will you correct the Reporter's
11 copy?

12 MS. WAGNER: I shall correct the Reporter's copy.

13 JUDGE SMITH: Please do.

14 BY MS. WAGNER: (Continuing)

15 Q Ms. Morisseau or Mr. Buzy, with respect to the
16 testimony I have shown you, was this prepared by you or under
17 your supervision? You can both answer.

18 A (Witness Buzy) Yes.

19 A (Witness Morisseau) Yes.

20 Q And as modified by Dr. Persensky's oral remarks
21 this morning, is it true and correct to the best of your
22 knowledge and belief?

23 A (Witness Buzy) Yes, it is.

24 A (Witness Morisseau) Yes.

25 Q And do you adopt it as your testimony in this

1 proceeding?

2 A (Witness Morisseau) Yes, I do.

3 A (Witness Buzy) I do.

4 Q Judge Smith, I would ask at this point that the
5 testimony of Julius J. Persensky, Joseph J. Buzy, and Dolores
6 S. Morisseau on the Remanded Training Issue from ALAB-772,
7 dated November 15, 1984, be admitted into evidence and bound
8 into the record as if read.

9 MR. JORDAN: Judge Smith, we don't object to the
10 admission of the written prepared testimony. The objection
11 and discussion we had this morning applies to the oral
12 testimony.

13 JUDGE SMITH: Okay. There is no other objection?

14 (No response)

15 JUDGE SMITH: The testimony is received.

16 (Prefiled testimony mentioned above follows)

17

18

19

20

21

22

23

24

25

XXX INDEX

Q.2 What is the purpose of this testimony?

A.2 The purpose of this testimony is to address the training issue that the Atomic Safety and Licensing Appeal Board, in ALAB-772, remanded to the Licensing Board. Specifically, the Appeal Board remanded to the Licensing Board "that part of this proceeding devoted to training, for further hearing on the views of Licensee's outside consultants (including the OARP Review Committee) in light of both the weaknesses demonstrated in Licensee's training and testing program and the subsequent changes therein." ALAB-722, 19 NRC 1193 (1984) at 1239. This testimony addresses the adequacy of the methodology utilized by Licensee's outside consultants in their reevaluation of training.

Q.3 Why does the Staff limit its review to methodology and not address the issue of the content of the training program in its testimony?

A.3 The Staff does not address the actual content of the training program in its testimony because the Staff's view of the program, which was presented in testimony after the cheating incidents were discovered, is not the subject of the Appeal Board's remand. The Appeal Board stated in ALAB-772 that the remand is not a matter of bringing a stale record in a closed hearing up to date, but rather akin to recalling a "crucial witness" for further testimony in the light of new developments during a lengthy trial (i.e., the discovery of cheating). ⁹ 19 NRC at 1237, n. 58. That "crucial witness" is the Committee. Accordingly, the Staff testimony on remand is limited to a review of the methodology used by the Committee to address the Appeal Board's questions.

Q.4 What is the Staff's approach to addressing the remanded training issue?

A.4 The Staff's approach to testimony on this issue will be to identify the issues raised in ALAB-772 and to evaluate the methodology used by the Reconstituted OARP Review Committee (Committee) in addressing those issues. This will be accomplished by comparing the Committee methodology to a methodology that the Staff considers acceptable and appropriate.

Q.5 How has the Staff determined the major issues for further review after ALAB-772?

A.5 The Staff has determined the major issues through review of the remand and the questions and issues raised by the Appeal Board. Though there are numerous questions and issues mentioned in ALAB-772, it is possible to group them in three major categories.

Q.6 What are the three major categories the Staff has identified?

A.6 The three major categories identified by the Staff are Management/Communications/Attitudes, Training Systems/Programs, and GPUN Examinations.

Q.7 By category, list the questions and issues raised by the Appeal Board in ALAB-772, as identified by the Staff.

A.7 For Management/Communications/Attitudes, the Staff has identified the following questions and issues:

- Do instructors and operators take the training courses and examination process seriously (ALAB-772 at 1233)?
- What is the degree of pride and enthusiasm of GPUN employees in the training program (Id. at 1234)?
- What is the degree of professionalism of the instructors (Id. at 1234)?
- Do post-cheating changes in the training program adequately ameliorate the lack of communication between top management, training staff and operating crews (Id. at 1236)?
- Are important personnel changes within the training department appropriate (Id. at 1236)?

For Training Systems/Programs, the Staff has identified the following questions and issues:

- Are deficiencies in operator testing, as manifested by the cheating episodes, symptomatic of more extensive failures in the overall training program (Id. at 1233)?
- Does the training program enhance operators' knowledge or simply encourage memorization for test-taking purposes (Id. at 1233)?
- Are training facilities adequate (Id. at 1235)?
- Have the instructors taken special teacher training courses (Id. at 1235)?
- The Committee should review licensee's new training instructor criteria (Id. at 1235).

- Should greater usage of simulators in training and testing be required (Id. at 1236)?

For GPUN Examinations, the Staff has identified the following questions and issues:

- Is the Licensee's examination an effective way to measure an operator's ability to run the plant (Id. at 1233)?
- Do the format and content of written examinations encourage cheating (Id. at 1233)?
- Should simulator testing be required of all operators (Id. at 1236)?

Q.8 In presenting its testimony, how does the Staff intend to deal with the specific questions raised by the Appeal Board?

A.8 The Staff has listed each question individually under the appropriate category, described the methodology suggested by the Staff, compared that approach to the approach used by the Committee, and identified any differences in approach or limitations in the Committee's approach.

Q.9 How did the Committee approach the identification of issues in their report?

A.9 The Committee used a similar method of indicating questions and grouping them for response in their June 12, 1984 Report. However, these groupings were somewhat different from the Staff's.

Q.10 Do the Committee's categories have an impact on the quality of their product?

A.10 No, their categories reflect specific questions asked of them by the Appeal Board and their interpretation of those questions. Although their groupings differ from the Staff's, the Committee has treated all the questions and issues the Staff has identified.

Q.11 Given the differences in grouping of questions, can you still compare your methodology to the Committee's?

A.11 Yes.

Q.12 How did Staff determine the Committee's methodology?

A.12 The Staff reviewed the Special Review of the Reconstituted OARP Committee (June 12, 1984) (Report), Licensee's responses to interrogatories, depositions of Committee members, and Licensee's prefiled testimony. However, it was sometimes necessary to interpret from these documents the methodology used because the methodology was not described in detail. Because of this there are also some instances where the Staff believes it has not been able to fully identify the Committee's methodology.

Q.13 Does the Staff's inability to fully identify the Committee's methodology affect the Staff's conclusions presented in this testimony?

A.13 Yes. To the extent that the Committee employed certain procedures that the Staff was unable to identify, the Staff was unable to consider those procedures in its overall assessment of the adequacy of the Committee's methodology. Consequently, the Staff's ability to draw conclusions on the adequacy of the Committee's reevaluation of GPU training is constrained by lack of information.

Q.14 What has the Staff determined to be the methodology used by the Committee?

A.14 The primary methodology used by the Committee in preparing its Report is described at pp. 3-4 of that Report. The Committee states that, within the time allowed, they interviewed as many instructors, supervisors, and administrators as possible. Documents reviewed are also listed. The Committee also toured the training facilities. The Committee indicated that there was no attempt to conduct a quality assurance check on any of the documents reviewed prior to preparing the Report. It is understood that the Committee was looking at the training program as it has evolved since the original review by the OAR² Committee in 1980. The program that was the specific subject of the original review was a one-time program that has been replaced by a new, comprehensive training program at TMI-1. In response to interrogatories, depositions and in testimony, the Committee elaborated on their

methodological approach by discussing actions taken by Committee members since the Report. These actions include further interviews, review of additional documents, and more observations.

Q.15 What documents does the Staff believe should be reviewed by evaluators before conducting the in-depth evaluation of the TMI-1 training program?

A.15 Before attempting to evaluate the TMI-1 training and testing program, each evaluator should review a number of pertinent documents as background. These documents would serve to fill in some of the gaps after the OARP Committee's initial review as reflected in its June 1, 1980 Report. The documents are:

Report of the TMI-1 Operator Accelerated Retraining Program
Review Committee, June 1, 1980

ASLB - PID (Procedural Background and Management Issues),
August 27, 1981

Report of the Special Master, April 28, 1982

ASLB - PID (Reopened Proceeding) July 27, 1982

Assessment of Selected TMI-1 Training Programs, Volume 1,
Data Design Laboratories, September 10, 1982 (DDL Report)

ASLAB Decision, May 24, 1984 (ALAB-772)

NUREG-0680, June 1980

NUREG-0680, Supplement 1, November 1980

NUREG-0680, Supplement 2, March 1981

NUREG-0680, Supplement 3, April 1981

NUREG-0680, Supplement 4, October 1983

NUREG-0680, Supplement 5, July 1984

D'Arcy, Paul F. and Sauer, John R., "Priority Concerns of Licensed Nuclear Operators at TMI and Oyster Creek and Suggested Action Steps" (RHR Consultation with GPU Nuclear Management), March 15, 1983 (RHR Report)

"A Review of Current and Projected Expenditures and Manpower Utilization for GPU Nuclear Corporation" (Basic Energy Technology Associates, Inc.) February 28, 1983 (BETA Report)

Evaluation of Three Mile Island Nuclear Generating Station, INPO, September 1983

- Q.16 Which of the documents listed above did the Committee review before their in-depth investigation?
- Q.16 The Committee reviewed the first four documents listed in A.15 above, and ALAB-772. The Staff has found no indication that the other documents listed were reviewed before performing the in-depth investigation.
- Q.17 What else does the Staff believe it would be appropriate for an evaluator to review?
- A.17 In addition to the documents cited above, an evaluation should also include review of training procedures and training material relevant to the issues in ALAB-772. The evaluators also should interview training managers, instructors and those who receive and use the training, and on-the-job supervisors of those who have been trained. They should also make systematic observations of classes, simulator instruction, and instructors, i.e., the training itself, as well as the administration of examinations, written, simulator and oral. The evaluators must also keep in mind that they are independent reviewers. Interviews with management should not carry an inappropriate amount of weight.

Q.18 Did the Committee review training materials, do interviews and perform observations as indicated by the Staff?

A.18 The Committee indicates that they reviewed training materials, interviewed GPUN staff and performed some observations. The descriptions of these activities are not sufficiently detailed to allow the Staff to evaluate the scope or depth of the review.

Q.19 Does the Staff believe that it would be appropriate to submit a draft report to Licensee for review?

A.19 It would be appropriate to submit a draft report to the Licensee to determine the accuracy of facts, but any such review by Licensee should not go beyond that. Changes made by Licensee's management should be carefully reviewed by the evaluators to ensure that the changes do not alter the substance of the evaluations.

Q.20 From what perspectives does the Staff believe the on-site evaluations should be conducted?

A.20 Once the evaluation of the training program begins on site, it should be done from the perspectives of the three categories of questions and issues identified by the Staff:

1. Management Communications/Attitudes
2. Training Systems/Programs
3. GPUN Examinations (Although examinations are usually considered an integral part of the training program, ALAB-772 raised the question of the impact of the cheating incidents and deficiencies in the area of testing on previous evaluations of

the training program as a whole. Therefore, the Staff believes this issue should be considered separately.)

Q.21 What does the Staff believe should generally be involved in an appropriate evaluation process for each of the three perspectives?

A.21 The Staff will address below, in turn, an appropriate evaluation process for each of these perspectives. The Staff will then compare that approach to the approach used by the Committee, and identify any differences in approaches or limitations in the Committee approach.

MANAGEMENT/COMMUNICATIONS/ATTITUDES

Q.22 What methodology has the Staff identified as appropriate to generally evaluate the issues raised under the category of Management/Communications/Attitudes?

A.22 The general evaluation process for Management/Communications/Attitudes should include:

(a) Review of organizational documents to determine the structure of the training operation and its relationship to the corporate and plant management structure.

(b) Review, through interviews with training management personnel, of the communication mechanisms for all levels and in all directions.

- (c) Conduct of a quality assurance check of communications mechanisms through review of documentation (when applicable) of communication mechanisms and interviews, including:
 - (i) Memoranda
 - (ii) Minutes of meetings
 - (iii) Documentation ordering changes to training procedures as a result of communication between training and operations staff.
 - (iv) Documentation ordering changes to operating procedures as a result of communication between training and operations department.
 - (v) Interviews of management, training department staff, and trainees to ensure changes have been implemented.
- (d) Review of qualifications of training department staff through inspection of resumes and GPUN personnel records and personnel evaluations.
 - (i) Special attention should be paid to personnel mentioned in remand.

(ii) Review of qualifications of the individuals filling training department positions to ensure that the qualifications are consistent with the functional requirements of the positions.

(e) Review of instructor development and qualifications.

(i) Review of all available instructor development programs as well as GPUN's training instructor criteria and procedures for evaluation.

(ii) Review of actual documentation pertaining to instructor development, i.e., conduct of a quality assurance check to ascertain whether instructors have participated in programs and whether they have actually been evaluated against the criteria.

(iii) Interviews of cognizant training department personnel to obtain feedback on how the instructor development system works and perceptions of its effectiveness.

(iv) Observation of instructors to evaluate them against criteria, using nuclear subject matter expert (SME) and training specialist to determine that both content and technique are appropriate.

(v) Review of instructor evaluations performed by GPUN and by any independent reviewers.

(vi) Interviews of trainees and operators to solicit feedback on how they view the quality of the instructors. If possible (or applicable), determine if they perceive a difference since implementation of new programs and criteria. Some of these "hindsight" perceptions should be checked against operators' perceptions of the training staff as collected in the RHR survey and Supplement 4 of NUREG-0680. In addition, comparison should be made to the assessment of the instructors in the context of the training evaluation performed by Data Design Labs in 1982.

(f) Inspection of the training facility for overview.

(Specific under "Training Systems/Programs", infra.)

Q.23 Given this general process, what would the Staff's proposed approach be for the specific questions and issues raised by ALAB-772 under the category of Management/Communications/Attitudes, and what is the Staff's assessment of the adequacy of the Committee's approach?

A.23 The approach and assessment for these specific questions and issues are set forth directly below, in Q/A 24 through 33.

Q.24 What methodology would the Staff use to evaluate the seriousness of employees' attitudes toward training and examinations?

A.24 The primary source for answering the question regarding employees' attitudes should be interviews with training staff and operators. In addition, the RHR report survey data specific to TMI-1 and Supplement 4 to NUREG-0680 should be reviewed to determine attitudes related to training courses and examinations. Classes should be monitored to observe attitudes communicated by instructors as well as students' attitudes.

Q.25 What was the Committee's methodology with respect to evaluating the seriousness of employees' attitudes towards training and examinations?

A.25 The Committee interviewed the management of the training department to determine their views toward ensuring that cheating never occurs again. Although the Committee did do some interviewing of training staff and operators, there is no indication that they addressed this specific issue. The Committee's prefiled testimony does indicate that observations and discussions with operators show that operators have respect for the training program and believe it is effective. Mr. Kelly stated in his deposition that he read the RHR Report. There is no indication that anyone read Supplement 4 of NUREG-0680.

Q.26 What methodology would the Staff use to determine the degree of pride and enthusiasm of GPUN employees?

A.26 As in A.24 above, the principal source for determining the pride and enthusiasm of employees should be through personal interviews.

The interview questions should address the issues of pride and enthusiasm in such a way as to parallel the survey questions asked by RHR. In this way, data from surveys such as those in the RHR Report and Supplement 4 of NUREG-0680 could be used as a measure of change or consistency. Personnel data concerning attrition rates and absenteeism should also be used as a resource for checking employee satisfaction.

Q.27 What methodology was used by the Committee to determine the pride and enthusiasm of employees and how does it compare to the Staff methodology?

A.27 In the Report, the Committee indicates that they interviewed management and instructors. Both Dr. Uhrig and Mr. Kelly mention interviews with operators in their respective depositions. It is not clear, however, that the issues of pride and enthusiasm were directly addressed. The Committee's prefiled testimony states that additional interviews with operators have been conducted. Mr. Kelly indicated that he reviewed the RHR report, though there is no indication that Supplement 4 of NUREG-0680 has been reviewed. Absenteeism records were not reported as a means of determining employee satisfaction but attrition rates were reviewed.

Q.28 How would the Staff determine the degree of professionalism of instructors?

A.28 In addition to evaluating resumes of instructors, personnel records that address performance on the job should be reviewed to determine

the degree of professionalism. Documentation related to instructor development and evaluation should be reviewed as well. The instructors should be observed on a first-hand basis and evaluated against the GPUN evaluation criteria.

Q.29 How did the Committee address the question of pride and professionalism of instructors?

A.29 The Committee reviewed resumes of instructors and descriptions of programs related to instructor development and evaluation. The Staff has found no indication that they reviewed personnel records that addressed performance on the job, i.e. personnel evaluations, or any indication that any records were checked to ascertain actual hours of training received by instructors. While some members of the Committee observed instructors on a first-hand basis, they did not evaluate them using the present evaluation criteria. Committee members reported that they evaluated the instructors using the members' own past experience.

Q.30 How would the Staff determine the degree and quality of communications among top management, the training department, and operations staff?

A.30 In addition to reviewing organizational documents to determine the structure of three major areas of management (corporate, training, and plant) and their relationship to each other, the Staff would interview management personnel in each of these areas to review the communications mechanisms for all levels and in all directions. Members of both training and operations staff should also be inter-

viewed to determine their perceptions about the implementation and effectiveness of these mechanisms. A quality assurance check of communications mechanisms should also be conducted. This should include a review of documentation (when applicable) of communications mechanisms, e.g. minutes of meetings, memoranda, documentation ordering changes to training and/or operating procedures as a result of communication between training and operations staff.

Q.31 How did the Committee address the degree and quality of communications among top management, the training department, and operations staff?

A.31 The Committee interviewed management and had discussions "with a variety of GPU Nuclear personnel." In testimony, the Committee mentions corporate memoranda and staff meetings, but is not specific as to what memoranda were reviewed, and whether they actually attended meetings or were told about them by personnel whom they interviewed. The Committee also reviewed corporate documents to determine structure and functional relationships among corporate, training, and plant management. There is no indication that the Committee reviewed documentation ordering procedural changes that stemmed from the communications mechanisms.

Q.32 How would Staff determine appropriateness of the assignments specifically mentioned in ALAB-772 (Drs. Long and Coe; Mr. Newton and Mr. Frederick)?

A.32 The Staff would review documentation related to the cheating incidents to determine what, if any, involvement the personnel

mentioned had with these incidents. In addition, the resumes and personnel records relative to performance should be reviewed. Functional requirements of these positions should also be reviewed to ensure that the qualifications of the individuals are appropriate.

Q.33 How did the Committee address the question of appropriateness of the assignments of Drs. Long and Coe, Mr. Newton, and Mr. Frederick?

A.33 The Committee stated that it did not believe it was appropriate to "second-guess" GPUN management. However, they did review the resumes of the individuals mentioned in ALAB-772. They also reviewed documentation related to the cheating incidents. The Committee also reviewed the functional requirements of the positions to determine the appropriateness of the respective individuals' qualifications, i.e., education and experience.

TRAINING SYSTEMS/PROGRAMS

Q.34 What methodology has the Staff identified as appropriate to generally evaluate issues in the category of Training Systems/Programs?

A.34 The evaluation approach for Training Systems/Programs should generally include:

(a) Review of Job Task Analyses (JTA) upon which training program is based (SME to verify "correctness" of tasks).

(b) Review of procedures for linking JTA to learning objectives.

- (c) Review of training programs for properly and clearly stated learning objectives that are appropriate to the task analyses for each job.
- (d) Review of lesson plans and student handout material to ensure that the content of programs is consistent with program descriptions.
- (e) Monitoring of classes as a quality assurance check.
- (f) Review (monitoring) of on-the-job-training (OJT) and training related to procedures to ensure consistency with JTA and actual plant operations.
- (g) Monitoring of simulator training (both plant simulator and Basic Principles Trainer) to ensure consistency with program descriptions. Observation of methodology to determine whether this training is centered on problem solving and symptom-based analyses.
- (h) Review of performance evaluations of graduates of training programs to identify deficiencies which could be traced back to training.

Q.35 What approach does the Staff believe would be appropriate to the specific questions and issues raised in ALAB-772 under the category

of Training Systems/Programs, and what is the staff's assessment of the Committee's approach?

A.35 The approach and assessment of these issues are set forth below, in Q/A 36 through 47.

Q.36 How would the Staff determine whether deficiencies in testing were symptomatic of more extensive failures in the overall training program?

A.36 To determine whether the deficiencies in testing were symptomatic, the Staff would first identify the deficiencies in testing through a review of ALAB-772, ASLB-PID (Reopened Proceeding) of July 27, 1982, and the Report of the Special Master, April 28, 1982. Having ascertained what these documents determined to be deficiencies in testing, the Staff would look at the parts of the training program that are relevant to the deficiencies. A review of lesson plans and content would be necessary to determine whether there were more extensive failures in the program than the procedures for security and control of examinations, e.g. exam content not related to training objectives.

Q.37 How did the Committee deal with the issue of whether deficiencies in testing were symptomatic of more extensive failures?

A.37 Although the Committee viewed the actual cheating question philosophically rather than as a failure of the training program itself, they did review the documents specified in A.36. They also reviewed the training program descriptions, attended classes

to determine adequacy of instruction with respect to instructors' knowledge of subject and consistency with learning objectives, and reviewed examinations to determine various domains tested and relevance to actual plant operation. The Committee also reviewed the most recent procedures for security and control of exams.

Q.38 How would the Staff determine if training programs enhance operator's knowledge or encourage memorization for test-taking purposes?

A.38 To address the question regarding enhancement of knowledge relative to memorization the Staff would first determine the extent of memorization required to perform the job, since there are certain aspects of the job for which memorization is essential, i.e. immediate actions and back-up to automatic systems. Lesson plans and class room instructional plans (e.g., visuals) should be reviewed to inspect for inappropriate repetition and to ensure that concepts are integrated with plant operation requirements. Classes should be observed to determine if instructors encourage memorization through repetition and to determine if there is opportunity for discussion and team work. If memorization is required the reasons for it should be explained. Quizzes and examinations should be inspected to determine the types of questions asked, that there is a balance between response categories and that there are questions which encourage discussion of the relationship between concepts and operational requirements. At the simulator, lesson

plans should be reviewed and exercises observed to ascertain that a variety of situations are presented. Simulator examinations should provide situations novel to the trainees. Oral examinations should include discussion of the concepts as related to plant operations.

Q.39 How did the Committee determine if training programs enhance operator's knowledge or encourage memorization?

A.39 The Committee addressed the question of memorization through review of written examinations to assure there was a mix of questions, both by recalling reviews done in 1980 and current reviews by Mr. Kelly and Dr. Gardner. The mix of questions was reviewed in light of the Leonard memorandum of January 27, 1984. Instructor training courses which include examination construction were also observed. The Staff could find no indication that the Committee reviewed training materials for the purpose of determining the degree of memorization required, nor is there an indication that the Committee reviewed or observed simulator or oral examinations.

Q.40 How would the Staff address the question, "Are training facilities adequate?"

A.40 Training facilities should be inspected by a general overview. In addition, specific areas of the facility should be observed for appropriate use, i.e., are all the slide projectors, overheads, used correctly and appropriately or are they merely "cosmetic."

Are the people who use the facility properly trained to use the equipment to its best advantage? Expenditures should be examined to determine adequacy and appropriateness for the programs involved.

Q.41 How did the Committee address the adequacy of the training facility?

A.41 The Committee toured the facility and was briefed on facts and figures by GPUN management. There is no indication that specific areas of the facility were observed for appropriate use, i.e., were slide projections and overheads used correctly and appropriately; were instructors properly trained to use the equipment to its best advantage?

Q.42 How would the Staff determine whether the instructors have taken special teacher training?

A.42 Documentation should be reviewed that would indicate which instructors have received teacher training, how many hours of instruction were given, and the performance of instructors in those courses. Instructors should also be interviewed and classes observed.

Q.43 How did the Committee determine whether the instructors have taken special teacher training?

A.43 The Committee reviewed the programs for instructor development, as listed in its Report. There is no indication in the Report that any other method was used to ascertain that instructors were

receiving teacher training. However, Dr. Gardner indicated in his deposition that he attended several classes of licensed operator training, and Licensee's prefiled testimony indicates that Committee members expect to attend some instructor training classes and interview instructors. Mr. Kelly stated in his deposition that he has conducted interviews of instructors.

Q.44 How would the Staff review the Licensee's new training instructor criteria?

A.44 In addition to reviewing the new forms for evaluating instructors, documentation related to instructor development and evaluation should be reviewed. Resumes and personnel records relevant to actual job performance should also be examined. Instructors should be observed and evaluated against the GPUN criteria. These quality assurance checks would help to ensure that new criteria for instructors are actually being used, that they are workable, and that their use results in well-qualified and effective training staff.

Q.45 How did the Committee review the Licensee's new training instructor criteria?

A.45 The Committee did review the new forms for evaluating instructors, and descriptions of programs for instructor development and evaluation. There is no indication that they reviewed performance evaluations or training records indicating actual hours of participation in instructor development courses. Although Committee

members observed and evaluated instructors on a first-hand basis, they did so on the basis of their own past experience rather than by using the GPUN evaluation criteria.

Q.46 How would the Staff evaluate the amount of time spent on simulator training?

A.46 Simulator programs should be reviewed to determine if all the requirements for manipulations are met. Lesson plans and behavioral objectives should be audited for consistency with task analyses. Classes on both the Lynchburg and the BPT simulators should be observed by an SME and a training specialist. GPUN evaluations of simulator instructors should be examined. These checks need to be performed to ensure that the quality of instruction on simulators is adequate. It is not enough to audit hours spent on simulator training in order to evaluate the adequacy of the time spent on such training.

Q.47 How did the Committee address the question of time spent on simulator training?

A.47 The Committee reviewed simulator training program descriptions. Dr. Christensen and Mr. Kelly went to the B&W Simulator and discussed some of the exercises with several operators. There was a briefing by Licensee on the programs. There is, however, no indication that GPUN evaluations were reviewed or that the lesson plans and learning objectives were audited for consistency with task analyses.

GPUN EXAMINATIONS

Q.48 What methodology has the Staff identified as appropriate to evaluate GPUN examinations?

A.48 A general evaluation of GPUN examinations should include:

- (a) Review of improved procedures for security and control of examinations.
- (b) Review of documentation that shows implementation of examination control procedures.
- (c) Review of content of actual examinations with respect to JTA and objectives of training programs and current plant design and procedures.
- (d) Review of examination questions to determine the balance between questions that require memorization and those that actually address plant systems and integrated response, including problem solving, e.g., will they measure ability to run the plant effectively and safely.
- (e) Review (observation) of simulator and oral examinations for content and methodology.
 - Review of standard for oral examinations.
- (f) Checking examination results against personnel evaluations to determine examination validity.

(g) Observation of administration of different types of examinations to ensure that proctors and trainees observe all rules of test administration procedures.

Q.49 What would be the Staff approach for evaluating specific questions and issues raised by ALAB-772 under the category of GPUN Examinations, and what is the Staff's assessment of the Committee's approach?

A.49 The Staff's specific approach to those questions, and assessment of the Committee's approach, are set forth below in Q/A 50 through 54.

Q.50 What methodology would the Staff use to determine if the Licensee's examination is an effective way to measure an operator's ability to run the plant?

A.50 The preferred method of determining if the Licensee's examination is an effective way to measure an operator's ability to run the plant is by determining if general and specific tasks for operating the plant are contained in the training program and by observing individuals and crews performing these tasks in the plant. Since TMI-1 has not operated at power for over five years there has been limited opportunity to observe job performance.

The measure of performance is, therefore, limited to evaluations which may be made during simulator exercises at the B&W simulator and by oral examinations conducted in the TMI-1 control room.

These evaluations should be based on tasks identified in the JTA and in station operating procedures. Written examinations can also provide an effective measure providing they contain questions involving integrated response and problem solving and are also based on tasks contained in JTA.

The combination of simulator, oral and written examinations provide the best available means to evaluate TMI-1 operators today.

Thus, the Staff would review procedures for developing and administering simulator, oral and written examinations and determine that written examination questions, simulator and oral examinations are based on the JTA or station procedures. Further, oral and simulator examinations should be observed and written examinations reviewed to assure that the procedures are properly implemented. A check of personnel on-the-job evaluations should be performed.

Q.51 What was the Committee's methodology with respect to whether Licensee's examination is an effective way to measure an operator's ability to run the plant?

A.51 The Committee's Report states that Mr. Kelly reviewed the 1982 and 1983 written RO and SRO requalification examinations and answer keys and individual results on these written examinations as part of an overall review but does not elaborate on any additional areas included in his overall review.

The Committee's testimony further indicates that Dr. Gardner and Mr. Kelly also reviewed all of the most recent comprehensive initial qualification examinations. Dr. Gardner, in deposition indicated use of examination development and control procedures in the review. Mr. Kelly's deposition also provides methodology on examination evaluation.

In the Committee's testimony, they noted the examination process for operators and senior operators includes written examinations, oral examinations, on-the-job evaluations and simulator exercises. It is the Committee's judgment that the licensee's examination process can measure the operator's ability to safely operate the plant, but the Staff can find no specific references as to how this determination was made.

With the exception of written examinations the Committee does not indicate the methodology used to evaluate other elements of the examination process. There is no indication that personnel evaluation records were reviewed.

Q.52 What methodology would the Staff use to evaluate whether the format and content of the GPUN examinations encourage cheating?

A.52 The Staff would review procedures for security and control of examinations, would review the content of actual examinations with respect to objectives of the training program, and would determine the balance of questions that require memorization and those which

measure ability to run the plant effectively. In addition, the Staff would perform a review of answer keys to determine validity of answers from reference material, e.g., JTA, procedures, learning objectives. Trainees should also be interviewed to determine their views on the importance of examination integrity.

Q.53 What methodology was used by the Committee to evaluate whether the format and content of the GPUN examination encourage cheating?

A.53 The Committee has done extensive review of the examination security and control procedures. They expect to observe instructor training courses related to this area. There is indication that the Committee has compared the content of the examination with the objectives of the training program. However, the Staff can find no indication that an attempt was made to determine the validity of answer keys. Dr. Gardner's deposition indicates that he reviewed a sample of examinations in accordance with Mr. Leonard's memorandum of January 27, 1984 with regard to constructing comprehensive examinations. There is some indication that trainees may have been interviewed to determine their views toward examination integrity.

Q.54 How would the Staff evaluate whether or not simulator testing should be required of all operators?

A.54 As the Committee noted in its Report, this question is moot since all licensed operators have been tested and will continue to be tested annually on the simulator, either by the licensee or the NRC.

Q.55 What is the Staff's conclusion regarding the methodology employed by the Committee in response to the ALAB-772 remand?

A.55 The Staff concludes that the Committee's methodology was appropriate for some issues. However, there are some instances where the Committee's methodology does not appear to be complete enough to fully answer the question or issue addressed. Further, there are other instances where the Staff has not been able to identify the methodology used.

Q.56 In sum, what limitations with respect to the Committee's methodology has the Staff identified?

A.56 The limitations in the description of the Committee's methodology, both generally and by category, are:

General

Though the Committee indicates that they: reviewed documents, training materials and examinations; interviewed managers, instructors, trainees and operators; and observed classroom and simulator training, the descriptions of their activities are not sufficiently detailed to allow Staff to evaluate the scope or depth of these activities.

Management/Communications/Attitudes

- ° Though the Committee addressed the issues of employees' attitudes and pride and enthusiasm through interviews, the Staff could find no indication that the Committee compared

their findings with the findings reported in the RHR Report or NUREG-0680, Supplement 4. There is also no indication that the Committee structured their interviews in a way that such a comparison could be made.

- ° Though the Committee indicates that reviews of instructor resumes were performed as a means of determining degree of professionalism, the Staff can find no indication that instructors' personnel evaluations, class attendance or performance in instructor training classes were checked. The Committee does not indicate that they employed the GPUN evaluation criteria in any of their interactions with instructors. There is no indication that the interviews with operators addressed the quality of instruction, nor is there an indication of how the operators' current perceptions of the training staff relates to the RHR Report, DDL report or NUREG-0680, Supplement 4.

- ° There was only a limited quality assurance check on the presentation made by GPUN regarding communications mechanisms. There is no indication that the Committee reviewed documentation ordering changes to training procedures or operating procedures. It is not clear if the interviews conducted by the Committee addressed the communications issue.

Training Systems/Programs

- ° The Committee has not reviewed the Job/Task Analysis nor the procedures for linking the analysis to learning objectives and training materials.
- ° The Committee does not indicate that any on-the-job training was reviewed or observed.
- ° Simulator and BPTS training have been observed but it is not clear whether problem solving skills were determined from these observations.
- ° The Committee does not indicate that they reviewed performance evaluations of graduates to determine if training deficiencies have been indicated and communicated to the training department.
- ° There is no indication that the Committee reviewed training materials to determine the degree of memorization required nor is there any indication that they reviewed or observed simulator or oral examinations for this same content.
- ° Although the Committee toured the training facilities and was briefed on facts and figures by GPUN management, there is no indication that the Committee observed specific areas for indications of appropriate use.

- The Committee reviewed the GPUN forms for evaluating instructors but did not use them. Further, there is no indication that they reviewed completed performance evaluations or training records indicating hours of participation in instructor development courses to validate GPUN evaluation criteria.

GPU Examinations

- Although the Committee evaluated written examinations using the licensee's procedures for constructing comprehensive examinations, there was no direct linkage to the JTA indicated. The Committee did not indicate if JTA data were used in evaluating oral or simulator examinations.
- The Committee did not indicate if they reviewed on-the-job performance evaluations.
- Though the Committee has apparently thoroughly evaluated the procedures for security and control of examinations, it is not clear that they have reviewed documentation implementing these procedures or actually observed the implementation of the procedures.

Q.57 Given the limitations identified by the Staff in the Committee's methodology, what reliance should the Board place on the findings of the Committee?

A.57 The Board should accept the findings of the Committee, but weight those findings in light of the methodological limitations identified. The Board should recognize that the Committee is appropriately constituted and composed of highly qualified professionals who are familiar with the TMI-1 training programs and are individually respected in their field of expertise. The Licensing Board recognized the value of this Committee's original review in LBP-81-32 and the Appeal Board reaffirmed that opinion in ALAB-772.

The Staff attempted to devise a model against which to compare the Committee's approach. Any group of professionals involved with such a task would likely develop their own approach based on their unique backgrounds, knowledge and capabilities. Staff believes that the approach described encompasses the essential elements common to most approaches but specific details could vary. The Staff has found that its approach is similar to that employed by DDL.

Also, the limitations noted in the Committee's approach may be based on the inadequacy of information available to the Staff. The Staff could only draw conclusions to the extent that methodological information was available from the Committee's Report, depositions, responses to interrogatories and prefiled testimony.

Q.58 Is the Staff aware of any other independent reviews of the TMI-1 operator training program that utilized an appropriate approach?

A.58 Yes, there are two independent reviews of the TMI-1 training program that the Staff believes used appropriate methodologies.

The two reviews are:

1. Design Data Laboratories (DDL), as approved by letter from H. R. Denton to H. D. Hukill, dated April 9, 1984, in accordance with ASLB-July 27, 1982, PID. The Staff assumes that the approved audit of training would use the methodology described in the DDL report to GPU dated September 10, 1982, which is similar to the approach proposed by the Staff in this testimony.

2. INPO accreditation team evaluation performed the week of October 15, 1984, as indicated in the licensee's testimony (Licensee's Testimony of Mr. Samuel L. Newton, Mr. Bruce P. Leonard and Mr. Michael J. Ross on the Issue of Licensee Operator Training at TMI-1, November 1, 1984, p. 68 (by S. Newton)). This evaluation would be appropriate since the Staff has reviewed the accreditation program and has found it acceptable. A proposed Policy Statement endorsing INPO accreditation as a means of assuring the quality of utility training programs ^{has been} ~~is currently being~~ prepared by the Staff, and ^{has been} ~~will be~~ submitted to the Commission ^{ASSECY 85-01, on December 31, 1984.} ~~for its review~~. This proposed Policy Statement is in lieu of proposed rulemaking prepared in response to § 306 of the Nuclear Waste Policy Act (P.L. 97-425).

Q.59 Does the Staff normally use the proposed approach to evaluate utility training programs?

A.59 No.

Q.60 What methodology would the Staff normally use to evaluate Licensee's training program?

A.60 The methodology normally used to evaluate Licensee's training program is contained in Section 13.2 of NUREG-0800, Standard Review Plan which summarizes training requirements. The evaluation consists of a review of syllabi or equivalent course descriptions to determine if the programs meet the guidance contained in NUREG-0800. Regional inspectors later routinely evaluate the programs using commitments made by the Licensee and guidance contained in NUREG-0800 and relevant Regulatory Guides and regulations.

Q.61 Why did the Staff select a different methodology than that contained in the Standard Review Plan?

A.61 The Staff determined that the Standard Review Plan was limited in responding to issues and questions raised by ALAB-772. For example, NUREG-0800 does not address attitudes of training instructors or operators. Also, the Committee's review is a one time effort without long-term inspection for implementation, as performed by the Regional and resident inspector. Such a one time review should have more depth than that described in NUREG-0800.

JULIUS J. PERSENSKY

Professional Qualifications

Current Position: Section Leader - Personnel Qualifications Section
Licensee Qualifications Branch
Division of Human Factors Safety
U.S. Nuclear Regulatory Commission

Education: B.A., Psychology, 1966
M.A., Experimental Psychology, 1968
Ph.D., Applied Experimental Psychology, 1971

Experience: U.S. Nuclear Regulatory Commission 1981 - Present
U.S. National Bureau of Standards, 1971-1981

Publications: Numerous publications and reports involving the behavioral aspects of nuclear safety, product safety, person-machine interface, memory, and alcoholism (available on request).

Prior to NRC - Developed and/or evaluated training programs for the U.S. Postal Service, the U.S. Air Force, University of Cincinnati Medical and Nursing Schools.

At NRC - As Section Leader, have been responsible for review of staff prepared Safety Evaluation Reports in accordance with Chapters 13.2.1 and 13.2.2 of NUREG-0800 for applicants for operating licenses; review of staff prepared evaluations of licensee requalification training program modifications; oversight of contracts related to in the NRR Safety Technology Program; review of NRC-RES research programs on training; development and review of regulations and regulatory guides related to training.

DOLORES S. MORISSEAU

Professional Qualifications

Education: B.A. - Psychology, George Mason University - 1978
M.A. - Industrial Psychology, George Mason University - 1980

Employment/Qualifications:

1982 - Present: Training and Assessment Specialist
Licensee Qualifications Branch
Division of Human Factors Safety
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission

While at NRC, I have assisted in Pressurized Thermal Shock Training audits with senior staff members who are nuclear power subject matter experts. I was part of the special inspection team at TMI-1 in response to the RHR and BETA consultant reports.

I have also participated in training audits at Calvert Cliffs, Oyster Creek, Crystal River, and the Westinghouse Training Center in Zion, Illinois, assessing all phases of licensee training programs, including classroom and simulator training as well as examinations. As part of my routine case work at NRC, I evaluate requalification training programs for both commercial power plants and research and university reactors. I assisted in pilot testing guidelines and criteria for training programs developed by the Licensee Qualifications Branch prior to the work done for SECY-84-76A (the training rule called for by Congress).

In 1983, I was task leader for the DHFS portion of the GPUN vs. B&W lawsuit review.

My position at NRC also entails research in support of senior staff members, specifically in the areas of staffing, experience and education related to power plant staffing, training, and management. I am the technical monitor for three safety technology projects which include research in shift scheduling, operator surveys, and a study of licensing additional personnel in power plants.

1981 - Present: Northern Virginia Community College

I am a part-time lecturer in Psychology.

1980 - 1982: Research Associate, Kinton Inc.

I developed training material for the United States Navy's EPICS program under contract to the Navy Personnel Research and Development Center. This material was developed according to the Instructional Systems Development (ISD) model. The contract also required the validation of

both instructional and testing material, using potential EPICS program candidates as subjects.

1979 (Summer): Personnel Psychologist, OPM

While in graduate school, I was selected as a Federal Summer Intern by the Office of Personnel Management. In this capacity, I assisted with the development of unassembled exams, specifically the development of content valid exams for nurses and economists. I produced a large amount of highly detailed statistical work connected with data summaries from Subject Matter Expert Panels for these two examinations.

1976 - 1980: Undergraduate & Graduate, George Mason University

During these years, I was a full-time student. My undergraduate course work included Statistics, Tests and Measurements, Evaluation Research, Physiological Psychology, Industrial Psychology, and other psychology courses required for the major in this degree. My graduate course work included organizational development, human factors engineering, experimental and research design, industrial psychology, personnel testing and evaluation, advanced psychopathology, and other graduate courses relevant to the area of industrial psychology.

Publications:

McGuire, M. V., Walsh, M., Boegel, A. J., Morisseau, D. S., Persensky, J. J., Sorenson, R., "How Are Things Going? Obtaining Feedback in a Regulatory Environment" (Paper presented at American Psychological Association Convention - Toronto, 1984).

Gessner, Theodore L., and Morisseau, Dolores S., "Under the Golden Psi," Psychiatry, November 1980.

The Affects of Cold and Nitrogen Narcosis on Diverse Performance
(Unpublished research).

Human Factors Exhibit, George Mason University - Spring 1979. Project Exhibit on Work Environment and Productivity.

JOSEPH J. BUZY

Professional qualifications

Current Position: Systems Engineer (Training & Assessment)
Personnel Qualifications Branch
Division of Human Factors Safety
U.S. Nuclear Regulatory Commission

Education: B.S. Marine Engineering - 1954
U.S. Merchant Marine Academy
Kings Point, N.Y.

Experience:

- o Military Service - 1954 - 1956 Served as Damage Control Officer and later Engineering Officer on U.S.S. Hollis APD-86.
- o Nuclear - 1956 - 1960: Employed by Bettis Laboratories under contract to the Naval Reactors Program as an operating engineer for the Large Ship Prototype, AIW. I was trained and qualified as Chief Operator on the submarine prototype SIW and assisted in training Navy personnel for SIW and later AIW. I later qualified as Chief Operator on AIW and was assigned as test coordinator during the AIW power escalation program. I was later transferred to Newport News Shipyard as a Bettis Laboratory representative during the construction and start-up testing of the U.S.S. Enterprise. I assisted in initial start-up of two reactor plants on the Enterprise.

1960 - 1963: Employed by the Martin-Marietta Corporation as an operations test engineer for the PM-1 plant. The plant was built for the AEC and Airforce in Baltimore, Maryland, and transported to Sundance, Wyoming. At the site I qualified as Shift Supervisor and was in charge of a combined military crew during the start-up and demonstration phases of the PM-1 plant. I trained and qualified a majority of the military crew who later operated the PM-1 plant.

1963 - 1978: Employed by the AEC as Nuclear Engineer in the Operator Licensing Branch. I was trained and qualified as an operator licensing examiner and responsible for developing and administering written and operating examinations under 10 CFR Part 55 for all types of reactor licensed under 10 CFR 55 and 115. I occasionally directed AEC consultants in development and administration of examinations. In 1970, I was appointed as Section Leader for Power and Research Reactors (P&RR). I trained and supervised several OLB examiners in addition to a group of six to eight consultant examiners. The P&RR section administered examinations at all research and test reactors, Babcock and Wilcox, Combustion Engineering, General Atomics (HTGRs at Peach Bottom and Fort St. Vrain) and the sodium cooled reactors, Fermi I and SEFOR.

Examinations also included use of simulators. The P&RR section occasionally provided personnel to conduct examinations at the Westinghouse and General Electric plants. The P&RR section also reviewed Section 13.2, Training, in the FSAR and developed safety evaluation reports in this area.

1978 - 1979: I was assigned to Region II, Atlanta, Georgia and participated in a Pilot Test Program for regionalization of OLB functions. I was responsible for all licensed operator and senior operator renewals as well as changes to requalification programs in Region II. I developed and conducted examinations on all types of reactors, including the use of simulators, in the Region. Shortly after the Three Mile Island, Unit 2, accident, I was detailed as part of the NRC team at TMI for several weeks. Due to large demands on the OLB staff at Headquarters, the Pilot Test Program was suspended in the fall of 1979 and I returned to Headquarters as the PWR (Westinghouse) Section Leader. I was employed in this capacity until February of 1982.

1982 - Present: I am currently assigned as a Systems Engineer (Training and Assessment). This position requires: review of licensee's applications in Chapter 13.2 of the FSAR and preparation of Safety Evaluation Reports, review of changes to the licensee's requalification programs, response to Regional reports to provide resolution on the interpretation of training requirements. I have been recently assigned as a reviewer of Shift Advisor training programs. I have also participated in review of the ATWS event at Salem and the review of PTS training at H.B. Robinson and Calvert Cliffs. In addition, I have participated in the review of training programs at TMI.

Publications: I have contributed to several NUREGs published by the NRC.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

METROPOLITAN EDISON COMPANY, ET AL.)

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

Docket No. 50-289
(Restart Remand
of Management)

CERTIFICATE OF SERVICE

I hereby certify that copies of "TESTIMONY OF JULIUS J. PERSENSKY, JOSEPH J. BUZY AND DOLORES S. MORISSEAU ON THE REMANDED TRAINING ISSUE FROM ALAB-772" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, or, as indicated by double asterisks, by express mail, this 15th day of November, 1984:

*Ivan W. Smith
Administrative Law Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Sheldon J. Wolfe
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Mr. Gustave A. Linenberger, Jr.
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Ms. Marjorie Aamodt
R.D. #5
Coatesville, PA 19320

Mr. Thomas Gerusky
Bureau of Radiation Protection
Dept. of Environmental Resources
P. O. Box 2063
Harrisburg, PA 17120

**George F. Trowbridge, Esq.
Shaw, Pittman, Potts & Trowbridge
1800 M Street, NW
Washington, DC 20036

**Thomas Y. Au, Esq.
Office of Chief Counsel
Department of Environmental Resources
505 Executive House, P.O. Box 2357
Harrisburg, PA 17120

Michael W. Maupin, Esq.
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, VA 23212

Mr. Marvin I. Lewis
6504 Bradford Terrace
Philadelphia, PA 19149

Mr. C. W. Smyth, Manager
Licensing TMI-1
Three Mile Island Nuclear Station
P. O. Box 480
Middletown, PA 17057

Ms. Jane Lee
183 Valley Road
Etters, PA 17319

Allen R. Carter, Chairman
Joint Legislative Committee on Energy
Post Office Box 142
Suite 513
Senate Gressette Building
Columbia, South Carolina 29202

Chauncey Kepford
Judith Johnsrud
Environmental Coalition on Nuclear Power
433 Orlando Avenue
State College, PA 16801

Ms. Frieda Berryhill, Chairman
Coalition for Nuclear Power Plant
Postponement
2610 Grendon Drive
Wilmington, Delaware 19808

Mr. Henry D. Hukill
Vice President
GPU Nuclear Corporation
Post Office Box 480
Middletown, PA 17057

Michael McBride, Esq.
LeBoeuf, Lamb, Leiby & McRae
Suite 1100
1333 New Hampshire Avenue, NW
Washington, DC 20036

**William S. Jordan, III, Esq.
Harmon, Weiss & Jordan
2001 S Street, NW
Suite 430
Washington, DC 20009

**Lynne Bernabei, Esq.
Government Accountability Project
1555 Connecticut Ave., NW
Washington, DC 20009

Jordan D. Cunningham, Esq.
Fox, Farr and Cunningham
2320 North 2nd Street
Harrisburg, PA 17110

Louise Bradford
Three Mile Island Alert
1011 Green Street
Harrisburg, PA 17102

Ms. Ellyn R. Weiss
Harmon, Weiss & Jordan
2001 S Street, NW
Suite 430
Washington, DC 20009

*Gary J. Edles
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, DC 20036

*Christine N. Kohl
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Reginald L. Gotchy
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Atomic Safety & Licensing Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Docketing & Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mary E. Wagner

Mary E. Wagner
Counsel for NRC Staff

1 MS. WAGNER: The witnesses are available for
2 cross examination.

3 JUDGE SMITH: Mr. Jordan?

4 MR. JORDAN: Do we go first?

5 JUDGE SMITH: Well, I am not quite sure. What
6 is the pleasure of the parties?

7 MR. JORDAN: I don't mind going first. I didn't
8 know what you wanted to do.

9 JUDGE SMITH: I think for some reason it seems to
10 make more sense.

XXX INDEX

11 CROSS EXAMINATION

12 BY MR. JORDAN:

13 Q Ms. Morisseau, I gather you were the principal
14 drafter of the testimony.

15 A (Witness Morisseau) More or less. Mr. Buzy
16 principally wrote the sections on the exam. That is why I
17 said more or less. I was not trying to be vague.

18 Q And I gather the expertise that you contribute
19 to the process, Ms. Morisseau, is that -- and bear with me
20 that I am not in your field, and don't know your language --
21 is essentially that of an expert in education and training,
22 is that right?

23 A I wouldn't consider myself an expert in education
24 and training. Largely a behavioral scientist, with evaluation
25 skills. And my particular thing with the NRC is training.

1 Q As distinct and particular from the nuclear
2 technical knowledge?

3 A That is correct.

4 Q And Mr. Buzy, you basically bring to the process
5 the function of the so-called subject matter expert?

6 A (Witness Buzy) That is correct.

7 Q I gather, Dr. Persensky, you are the supervisor of
8 Ms. Morisseau and Mr. Buzy?

9 A (Witness Persensky) That is correct.

10 Q In this situation, you provided direction to them
11 in developing the work and the testimony, is that correct?

12 A That is correct.

13 Q And did they, in fact, develop the testimony
14 essentially up to the first draft, if you will?

15 A The larger portions of it. I developed some of the
16 answers independently.

17 I drafted some of them independently, and then
18 we discussed them.

19 Q What did you draft?

20 A I would say that last question, the question we
21 just discussed. The summary questions, Questions 56, 57.

22 Q I just want to be sure we have the right numbers.
23 It does look to me like 56 and 57 are the two basic summary
24 questions. Is your testimony that is what you drafted?

25 A Actually, I would say 55 through the end of the

1 testimony. 61.

2 Again, as the first draft, but we all adopted it.
3 We went back and forth and made the decisions together as to
4 what to include, and what not to include.

5 Q And this is what I think Dr. Kimel referred to
6 some time back as an iterative process?

7 A Correct.

8 Q Of course, the material that you have just described
9 as having drafted is basically the conclusory material that
10 was -- relies upon the work done by Ms. Morisseau and Mr.
11 Buzy in developing -- reviewing the facts and developing the
12 answers with respect to the specifics upon which the conclusions
13 were ultimately based?

14 A That is correct.

15 Q The Staff at various points in its testimony
16 refers to the lack of quality assurance checks. What do you
17 mean by that. Ms. Morisseau, I will ask you.

18 A (Witness Morisseau) When we do any kind of a
19 review or evaluation of any program it is not enough to ask:
20 What do you do here? Of management, supervisors, or anybody
21 within a company or any given institution.

22 You have to look beyond just what you are told,
23 to some of the documentation that supports what they say they
24 do.

25 For instance, I guess an example would be such a

1 thing as performance evaluations. We can say we train people
2 to do this, that, or the other thing, and we do it very well.

3 It is not enough to hear that. Let me see. For
4 instance, exam grades, maybe, if there is such. Or evaluations
5 of performance on the job.

6 That would be an example of a quality assurance
7 check.

8 Q I am not sure that I followed that. I thought
9 you said we train people to do performance evaluations.

10 A No, no, no.

11 Q Okay, I am sorry. You said we train people, and
12 then we do performance evaluations?

13 A If we do that, yes. And that would be an example
14 of the kind of quality assurance check that we do. It was
15 mentioned earlier what mechanisms do you have in place to
16 to assure that there is good communication between the manage-
17 ment and the training staff.

18 If you are told that you have a committee that
19 meets on Friday and does so and so, that is nice, but a
20 quality assurance check would be may I see the minutes from
21 those Friday meetings, or may I see some written documentation
22 that says something that was decided at that meeting was
23 implemented.

24 That is a quality assurance check.

25 JUDGE SMITH: Did you understand her answer when

1 she said we train people, and we do it well, that she was not
2 referring to her, or the panel, or the Staff?

3 MR. JORDAN: Yes. I believe it was a hypothetical.

4 JUDGE SMITH: Yes.

5 BY MR. JORDAN: (Continuing)

6 Q I gather that the Staff believes that a quality
7 assurance check is necessary aspect of an adequate methodology
8 for reviewing a training program?

9 A (Witness Morisseau) Yes, sir.

10 Q I want to follow up your example. I think you
11 gave an example relating to communications. It seems to me
12 one way to do a quality assurance check on the adequacy of
13 communications between management and employees, for example,
14 is to do -- is really to check the employees understandings
15 of what was communicated against what was attempted to be
16 communicated.

17 Am I right so far?

18 A (Witness Persensky) That is one way of doing it,
19 yes. One portion of doing it.

20 Q Some others I suppose, and I believe you have
21 discussed, would be to review the documents that were used
22 and things of that nature. But you don't really get to the
23 point of seeing whether the documents and meetings and so
24 on worked until you determine whether the information got
25 through. That is really the quality assurance check

1 isn't it?

2 A (Witness Perensky) Again, that is one way of
3 doing -- or one part of the issue. You could get this from
4 interviews, for instance, of those people to whom the
5 communication was intended, or for whom the communication
6 was intended.

7 Q But you don't really know -- Ms. Morisseau, I
8 would like to ask you the question -- you don't really know,
9 in fact, whether the communication worked or not until you
10 have done the quality assurance check to determine -- the
11 information was intended to go.

12 A (Witness Morisseau) I would say so, yes.

13 Q Which as I believe you testified, involved
14 interviews. And your quality assurance point with respect
15 to this particular situation, the need for quality assurance
16 checks would apply to the review of job task analyses, would
17 they not? I think you reiterated that this morning.

18 A Yes.

19 Q I want to turn-- let me ask this question before
20 I leave that point. As far as I can tell from your limitations
21 that you discussed in your testimony, that Dr. Presensky
22 discussed in his testimony thing morning, there remain
23 limitations in the sense of a lack of quality assurance
24 reviews, particularly with respect to the job task analysis,
25 and I believe more generally.

1 Thus, it remains true that overall the OARP
2 Committee's methodology for reviewing the training program
3 was inadequate, is that correct, Ms. Morisseau?

4 A I would say it has limitations still.

5 Q You say it has limitations. It is your view that
6 when you don't do quality assurance checks, that you have not
7 done an adequate job?

8 A I would have to say yes.

9 Q I would like to ask you, Ms. Morisseau, about
10 the review of instructor qualifications, and classes in
11 particular.

12 Would you tell me -- actually, it is more important
13 you tell the Board -- your view as to the degree to which it is
14 necessary -- what must be done in order to review instructor
15 qualifications, and include in particular the extent to which
16 classes must be reviewed.

17 A In order to review instructor -- did you say
18 qualifications?

19 Q Yes. Qualifications and performance I would
20 include in that.

21 A Just as a start, before I would even go to sit in
22 the classroom, I would first review, at least on paper,
23 instructor qualifications to see who, specifically, was
24 instructing and whether it appeared that they had the
25 correct qualifications to teach what they were teaching.

1 In the case of nuclear power plants, and that is
2 what we are talking about, I would probably enlist the aid of
3 Mr. Buzy or someone like him who could bring enough nuclear
4 expertise to it to sit with me and say: Yes, this is the kind
5 of education and background this person would need to teach
6 this subject matter.

7 Then I would sit in classes, and I believe I would
8 try to sit in more than one class in any particular area in
9 order to look at the way an instructor comported himself
10 as he taught, whether his handouts were appropriate, whether
11 he followed his lesson plans, whether he taught to his
12 objectives. All of this given where we are talking nuclear,
13 I would have a Mr. Buzy with me, to say yes, the technical
14 content is correct.

15 Q I suspect you have more to say, but I wanted to
16 break in here. To be clear, you testified to the effect
17 that you would want to review -- to monitor or sit in on
18 more than one class in any area. From the way you continue
19 to discuss that, it appears to me that you meant that you
20 would sit in on more than one class given by a particular
21 instructor in any given area, thus, for example, two classes
22 given by an instructor in thermal dynamics, or whatever?

23 End 5.
24 SueT fois.

24

25

#6--1-SueT

1 A (Witness Morisseau) Yes. I would be looking
2 for consistency over time.

3 Q With the same instructor in a particular area?

4 A Yes.

5 Q Okay. Now, go ahead.

6 A I might also be interested to -- let's say,
7 for the sake of argument, that there was more than one
8 class or section, if you will, on thermodynamics and more
9 than one instructor teaching that. I would want to see
10 both of them and both of them a number of times.

11 Q For the same reasons you just described?

12 A Yes.

13 Q Anything else?

14 A I believe I already said I would look to the
15 appropriateness of any teaching aids that were used, visual
16 aids, see that the handouts were appropriate, that everything
17 that is supposed to be covered in the learning objectives
18 was covered.

19 That's essentially what you are looking for.

20 Q When you testified to the review essentially of
21 documentation about instructors before you would go and re-
22 view the classes, would that include looking at performance
23 appraisals of the individuals?

24 A Yes.

25 Q And what would it include any kind of personnel

#6-2-SueT

1 records that related to what they did on the job?

2 A Yes. I would look at any documentation that
3 was available that was evaluative in nature of those
4 instructors.

5 JUDGE LINENBERGER: In this particular discussion
6 area, Ms. Morisseau, perhaps I missed it but do you feel
7 that it would be important prior to the kinds of reviews
8 you were discussing in classroom performance, for example,
9 to have taken a look at, as you call it, a paper review of
10 the instruction material, the course makeup, before you went
11 to observe the instructors implementing it?

12 Maybe you covered that and I just missed it.

13 WITNESS MORISSEAU: It's partially my fault. I
14 implied it but I didn't say it. When I said to review the
15 instructors to see that the lesson plans were being faithfully
16 followed and that the learning objectives were being met,
17 that means I would have reviewed the course content and all
18 of the learning objectives that went with it before I ever
19 went and set down there.

20 And I'm sorry, I should have said that.

21 JUDGE LINENBERGER: Thank you.

22 BY MR. JORDAN: (Continuing)

23 Q To follow up on the Judge's point, that's the
24 situation in particular I gather where you would rely on
25 a subject matter expert such as Mr. Buzy?

#6-3-SueT 1 A Yes, sir. We also would need to, for instance,
2 use some kind of performance criteria checks, and in this
3 case as we have mentioned if the body of people you were
4 reviewing had in place some performance criteria against
5 which they evaluated, you would want to use those to see
6 that they are workable and usable and that they really worked
7 when you tried to do something with them.

8 Another thing I should have mentioned really is
9 that you observe in classrooms also is that there is encourage-
10 ment on the part of instructors for interaction with the
11 students.

12 Q On this evaluation point, I think the Staff has
13 properly emphasized, would you -- you would also want, would
14 you not, to compare your use of the evaluation criteria,
15 the Company's evaluation criteria, to the Company's use of
16 the evaluation criteria?

17 A I would say so, yes.

18 Q I take it that as of at least the filing of the
19 Staff's testimony you considered the OARP Committee's actions
20 in the area of reviewing instructor qualifications to be
21 inadequate? I'm sorry, qualifications and performance to be
22 inadequate?

23 A I believe we weren't sure. I think in my deposi-
24 tion I said that all the votes weren't in. We had the feeling
25 that maybe they did something but they weren't saying it. And

#6-4-SueT

1 based on the information we had, we had to say inadequate or
2 limited.

3 Q I would like to turn now, Ms. Morisseau, to the
4 subject of the methodology appropriate to use in interviews,
5 doing interviews.

6 I gather first that it's your view that the
7 people who are doing the interviews, in this case the OARP
8 Committee, should decide whom they would interview?

9 A I would say so, yes. As I mentioned in my
10 deposition, I believe you are constrained by concerns for
11 safety and staffing within a nuclear power plant, in that
12 you can't pull people from places where they must be. But
13 within that constraint, you should be allowed to interview
14 anyone you wish to speak to.

15 Q And you should interview people from all of the
16 shifts that are working on the plant, right?

17 A We believe that that's a good methodology.

18 Q And management personnel should never sit in on
19 any of those interviews, right?

20 A I would say not.

21 (Witness Persensky) Excuse me. Was that question
22 directed only to Dolores?

23 Q The question was directed to her, but in the
24 interest of full disclosure, go ahead.

25 A Okay. I think I'm not sure that she heard the

#6-5-SueT 1 word "never." I don't think you can ever say that a manage-
2 ment person should never sit in on an interview. In order
3 to be as objective as possible, in most cases they should
4 not. However, I have to limit the word "never."

5 JUDGE WOLFE: When would it ever be ever?

6 MR. JORDAN: Right.

7 WITNESS PERSENSKY: Pardon?

8 (Laughter.)

9 JUDGE WOLFE: When should management sit in?

10 WITNESS PERSENSKY: I would say for instance, in
11 a group interview and there is an intent to have some cross-
12 talk between the management and the interviewees or other
13 employees that it would be appropriate at that point.

14 I think it's appropriate at times for the manage-
15 ment to hear the comments, either knowingly or unknowingly,
16 of the other people with an unbiased party leading that dis-
17 cussion.

18 BY MR. JORDAN: (Continuing)

19 Q What did you mean when you said the management
20 might hear comments in that particular circumstance knowingly
21 or unknowingly?

22 A Well, that perhaps in some cases the interviewee
23 may not know that a management representative is in attendance
24 specifically or who that -- more likely who that management
25 representative is.

#6-6-SueT

1 Q Nonetheless, in interviews to determine attitudes
2 of operators, I think in those situations you would agree,
3 would you not, that it is really never appropriate to have
4 management personnel be in the interview?

5 (Pause.)

6 A I guess I don't like absolutes. To say never
7 could put a limit that I might change my mind on at some
8 later point.

9 In most cases, ninety-nine percent I would say,
10 it would be inappropriate to have management there.

11 Q You are a Section Leader I gather. I take it,
12 you go by the rule that a Section Leader never says never.
13 Not unlike a President?

14 A Right.

15 (Laughter.)

16 Q Ms. Morisseau, on the other hand, I recall --
17 I will ask you if you recall, in fact, rather emphatically
18 saying never in your deposition with respect to interviews
19 for the purpose of determining operator attitudes?

20 A (Witness Morisseau) Yes. And I was reading
21 that into what you said asked me. And when Mr. Buzy and I
22 did interview operators there is no management present.

23 Q Perhaps we can get you a dramatic promotion, Mr.
24 Persensky.

25 Interviews again, Ms. Morisseau, you would agree,

#6-7-SueT

1 would you not, that it's appropriate that the interviews be
2 fairly carefully structured and in particular that essentially
3 the same questions be asked of the different people who are
4 interviewed on a particular subject?

5 A Yes. I believe that you should develop structured
6 questions and try to stick to them when you ask a number of
7 people these questions about attitudes. Otherwise, it's
8 very difficult to draw consistent conclusions.

9 Q You should also maintain a record, a written
10 record, of the questions and the answers you are getting so
11 you have a sound basis for reaching those conclusions,
12 shouldn't you?

13 A It seems that I did.

14 (Laughter.)

15 Q And someone else doing such interviews should
16 do so as well, wouldn't you say?

17 A It would depend on how extensively you wanted
18 to use that information later for the purposes of reporting
19 it as data as to what kind of written records you would
20 keep, but I would say you would usually keep some kind of
21 written records, yes.

22 Q There is the danger if you don't keep a
23 written record of the types of questions and answers you
24 have just described that your own instincts and any number
25 of other matters might interfere with your recall and your

#6-8-SueT

1 judgment about what information you actually could get,
2 and that's the reason that you should keep the written
3 record so that you can be accurate; am I correct?

4 A I think that's a fair statement, yes.

5 Q You would agree, would you not, that in order
6 to -- as part of evaluating the training program and, in fact,
7 the TMI training program, one thing that one should do is
8 observe the various oral examinations while they are in
9 progress?

10 A Yes, sir.

11 Q Is it fair to say it should be done along the
12 same lines as you suggested for instructors; that is to say
13 that in observing both different examiners and in different
14 subject areas?

15 A I would expect so, yes.

16 Q And what you are really talking about there is
17 perhaps without being a statistical sample as such is a
18 reasonable sample of the people involved and the subject
19 areas involved?

20 A Yes.

21 Q Ms. Morisseau, do you recall discussing with me
22 during your deposition the number of the issues in this case
23 and the question of whether the Staff had developed an
24 appropriate methodology to address -- that one might use to
25 address the issues and also -- why don't you answer that part

#6-9-SueT

1 of it first?

2 A Yes.

3 Q Okay. And also that the Staff had developed --
4 had reached, although not final conclusions, some conclusions
5 with respect to the adequacy of the OARP Committee's methodo-
6 logy?

7 A Yes.

8 Q And both the methodologies that you discussed as
9 being appropriate at that time and the conclusions with
10 respect to the adequacy of the OARP Committee's methodology,
11 as we discussed at that time, were conclusions that had by
12 that point been reached among the three of you witnesses
13 by, essentially through consensus; am I correct?

14 A Yes.

15 Q Do you recall having testified as to whether as
16 of the date of the deposition the Staff had developed an
17 appropriate methodology for addressing the issue of whether
18 Licensee and NRC examinations are an effective way to measure
19 an operator's ability to run the plant?

20 MS. WAGNER: I object, getting into the subject
21 matter of NRC examinations.

22 I don't believe they are at issue in this case.

23 MR. JORDAN: I'm really just -- in fact, I think
24 we probably may have had that objection -- no, we didn't,
25 in fact, during depositions. But I don't mind dropping it,

#6-10-SueT

1 the reference to NRC exams.

2 BY MR. JORDAN: (Continuing)

3 Q Do you recall discussing the fact the Staff had
4 developed a methodology at that point?

5 A Yes.

6 Q And had the Staff, in fact, developed one?

7 (The witnesses are conferring.)

8 A I don't believe we did at the time. I think we
9 had discussed it among the three of us but we really hadn't
10 layed out a methodology yet for specifically the exams. I
11 could be wrong.

12 (Pause.)

13 Q Ms. Morisseau, I will hand you your deposition.
14 I think you may have seen us go through this process once
15 before, or some time before.

16 I will ask you to read Page 22, Line 10 through
17 Page 23, Line 18, and certainly you are welcome to review
18 whatever else you feel you need to in the deposition for
19 context.

20 I suggest you look at Page 21, beginning at about
21 Line 16 to see that we are discussing the question of the
22 methodology related to the question of whether Licensee
23 exams are an effective way to measure an operator's ability
24 to run the plant.

25 A Okay. And where do you want me to start reading?

#6-11-SueT

1 Q Page 22, Line 6 actually. And if you would also
2 tell us the date of that deposition? I believe if you look
3 to the first page on the inside you will see it.

4 A The date of the deposition is Monday, November
5 5th, 1984.

6 (The witness is looking at the document.)

7 I'm starting at Line 11.

8 Q I believe I wanted you to start at Line 6.

9 A I'm sorry. "Question: Have you developed or
10 determined what you believe to be an appropriate methodology
11 to answer that question?

12 "Answer: Yes.

13 "Question: What is that methodology?

14 "Answer: Well, first of all you would have to
15 examine the examinations. You would need -- and this is an
16 appropriate methodology, this is not to say that I would
17 necessarily do it myself. You would need to look at those
18 examinations and determine what knowledge and skills or
19 abilities would be needed to answer the questions or in the
20 case of an oral or a simulator exam to answer those kinds of
21 questions and then determine whether that has got to do with
22 running the plant or not.

23 "Question: How would you go about that?

24 "Answer: Well, primarily you would consult with
25 someone like Mr. Buzy or any other, what I consider to be, a

#6-12-SueT

1 nuclear subject matter expert. That is not my field of
2 expertise and that is why we work in a team.

3 "Question: How would you go about determining
4 whether the exams have to do with running the plant?

5 "Answer: Well, under normal circumstances when
6 you look at any exam with respect to job performance you are
7 trying to validate an exam against performance, and so one
8 of the things we suggest in our methodology, for instance,
9 if you would over a long period of time would look at the
10 individual license holders, exam results and the performance
11 in the overall training program, compared to his performance
12 evaluations, assuming the Personnel Department evaluates
13 performance. And you can also, assuming that certain LER's
14 are identified by the person who had firsthand responsibility
15 for something, how much of that goes into the person's per-
16 formance evaluation, how does it stack up against exam results."

17 Is that it?

18 Q I think so. Thank you.

19 A Yes. Let me say that when I answered that question
20 in the deposition I meant, yes, we had certainly identified
21 some of the methodology but we certainly had not put any-
22 thing down on paper yet.

23 And I should have said that I guess.

Sim 7-1

1 Q You had in fact, as you just said, developed
2 what at that point you believed to be the methodology for
3 that particular question?

4 A (Witness Morisseau) I believe so.

5 JUDGE LINENBERGER: A question of clarification
6 here. Ms. Morisseau, you seemed to advert to, or specifically
7 you did advert to the question of whether the Personnel
8 Department did certain things there.

9 Now, indeed, I can see in some theoretical way
10 that that might be a logical division of efforts, but might
11 not the kind of thing you ascribe having been done by a
12 Personnel Department also be done by a Training Department,
13 or were you making a distinction there that I don't understand
14 the significance of?

15 WITNESS MORISSEAU: I believe when I was referring
16 to the personnel records I was looking towards performance
17 on the job specifically. Yes, the Training Department might
18 do the same kinds of things.

19 JUDGE LINENBERGER: Okay. Fine. Thank you.

20 BY MR. JORDAN:

21 Q Mr. Buzy, do you recall discussing with me during
22 the deposition, your deposition whether the staff had
23 developed a methodology on the question of whether licensed
24 examinations are an effective way to measure an operator's
25 ability to run the plant?

Sim 7-2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A (Witness Buzy) Yes, I do.

Q Do you recall telling me that you had not yet developed a methodology to address that question?

A In my mind, yes, at the time of the deposition.

Q And the time of the deposition was the same afternoon as Ms. Morisseau's deposition, although somewhat earlier?

A That is correct.

Q Ms. Morisseau, do you recall discussing with me during your deposition the question of an appropriate methodology to address the question of whether the training program actually enhances the operator's knowledge or simply encourages memorization for test taking purposes?

A Yes.

Q And at that time you explained to me that the staff had developed a methodology? Do you recall that?

A I would have to see my deposition. For one point of clarification, when you talk to me and you say "you," I assume you mean me and not the staff, because there were three of us.

Q Yes. Actually when I -- I will try to be a little more careful on that. Obviously when I am asking you whether you were in a deposition at a give time, that does mean you personally.

But you had testified earlier today that the

Sim 7-3

1 methodologies were developed by a consensus, and the
2 conclusions reached by a consensus, and in those senses
3 I mean the staff, and I will ask that specifically.

4 A Ultimately what went into our testimony was the
5 consensus, our written prefiled testimony was the consensus.
6 A lot of the methodology that was developed, I was winging
7 it at the time working out a methodology. So when you said
8 to me in my deposition "you," I always assumed you meant me
9 and not necessarily the three of us.

10 Q I believe you just read from your deposition
11 at pages 22 and 23. I would like you now to read, and at
12 least for the moment I don't think I will bother to ask
13 you to read it aloud since it may just clutter the record.

14 I would like you to read from page 23, after
15 where you stopped, to page 25, line 6 and then I will pose
16 some questions on that. And of course you can read whatever
17 else you feel you need to.

18 Again, if you want to put it in the record, that
19 is fine, but you don't need to if you don't want to.

20 A Okay.

21 (Pause while the witness reviews the testimony.)

22 Okay.

23 Q At that time we were discussing a methodology
24 that had been developed by the Staff to address a particular
25 issue, that is one of the issues that had to be addressed

Sim 7-4

1 by the OARP Committee, am I correct?

2 A Yes.

3 Q What was the issue that we were discussing?

4 A We were talking about an appropriate methodology
5 for comparing some test results with on-the-job performance
6 and the validation of the exams or the training program
7 with respect to handling rare or emergency events was your
8 question.

9 Q And at that time you explained to me the methodology
10 that you had just been discussing with me on that point had
11 been developed among the three of you by consensus, right?

12 A Yes, I said that.

13 Q Thus, at least with respect to that particular
14 one, the three of you had developed a methodology by
15 consensus?

16 A That was my impression at the time.

17 Q And was it also your impression at the time that
18 the three of you had developed a methodology by consensus
19 on the question of whether -- I believe the question we
20 were discussing earlier of whether the licensee exams were
21 an effective way to measure operator ability to run the
22 plant?

23 A Not especially. I thought you were asking that
24 question of me specifically. I don't believe you asked me
25 about consensus when you asked that question. You asked

Sim 7-5

1 the question about consensus when we were talking about
2 the simulator.

3 Q The issue you just discussed, at least when I
4 asked you the specific question?

5 A Yes.

6 Q So your testimony is on that particular issue
7 you had by then developed a consensus, but not at least on
8 the one that we were discussing a little while earlier on
9 the exams?

10 A I believe so.

11 Q Can you identify the other issues with respect
12 to which you had achieved consensus as of the date of your
13 deposition?

14 A I would have to read all of this in order to
15 tell you.

16 Q I think I can speed that up. At least I hope
17 I can speed that up.

18 I think we just discussed the question of whether
19 the issue of the methodology for addressing the question
20 of whether the training enhances knowledge or encourages
21 memorization, and obviously I am paraphrasing there. When
22 did the staff reach some consensus as to that appropriate
23 methodology?

24 A On what specifically? I am sorry.

25 Q Okay. The issue is whether the training program

Sim 7-6

1 actually enhances knowledge or encourages memorization for
2 test taking purposes?

3 A I don't really recall. The problem, Mr. Jordan,
4 is that when we sat down and tried to develop a methodology,
5 and as I said, I did frame a great deal of that methodology,
6 then we wrote it, then we massaged it and we looked at it.

7 Nothing at NRC ever stays the same as when you
8 wrote it the first time. So if you are going to hang me
9 by my thumbs for what may have been consensus the first time
10 we wrote that and put some of those things together, we
11 still hadn't really written our prefiled testimony. And
12 when you look and read things over again you change them.
13 There is no question about that.

14 So if things changed between my deposition and
15 the prefiled testimony, it is part of the process.

16 Q Actually your statement leads me rather well
17 out of what we were just doing and into another question,
18 and that is one of the reasons, I take it, that things
19 changed at the NRC as you are moving towards ultimate issuance
20 of a document or testimony or a report or whatever it is,
21 is that you make every effort to assure you have the facts
22 that you need before you reach conclusions.

23 A That is correct.

24 Q And in fact the reason that you do that is
25 because you think it is an inappropriate methodology to

Sim 7-7

1 reach conclusions without having done the factual work
2 necessary to reach the conclusions?

3 A I am not sure I understand that question. Could
4 you clarify what you mean by the reason that you do that?

5 Q I am sorry? That is all right. I will be
6 specific.

7 If the NRC Staff were to reach conclusions on
8 the adequacy of the training program at TMI, at least in the
9 context, as you explain in your testimony, using the methodology
10 that you believe appropriate, you would in fact implement
11 the entire methodology and gather all the information called
12 for, correct?

13 A As much as you possibly could.

14 Q And you would not reach conclusions as to the
15 adequacy of the program before you had actually gathered
16 that information, correct?

17 A (Witness Persensky) Are you asking Ms. Morisseau
18 or me?

19 Q You can answer.

20 A (Witness Persensky) I am not sure what area
21 you are trying to get us into, but in fact when we do a
22 review of a training program we are limited by the regulations.
23 Therefore, we do everything we can within the constraints
24 upon us.

25 As we indicated in our testimony, the methodology

Sim 7-8

1 that we were proposing at this time is not the typical NRC
2 methodology.

3 Q Right, and I understand that. That is why I
4 in fact referred to your testimony because in essence although
5 you have, as you just explained, limits, et cetera, you
6 developed a methodology you believed appropriate for applica-
7 tion in this instance and that is what you testified to.

8 A That is correct.

9 Q And having decided that is an appropriate
10 methodology, you would not then reach conclusions -- you would
11 not then do a small amount of the work, reach conclusions
12 and then attempt to justify the conclusions you had already
13 reached. You would go ahead and do the work and then reach
14 the conclusions, right?

15 A Within the constraints of resources at the time.

16 Q And there comes a point within the constraints
17 of resources and time, I assume, in which you wouldn't reach
18 the conclusions because you hadn't done enough of the work,
19 right?

20 A I believe it depends upon the use to which the
21 conclusions are being put.

22 Q Well, for example, what if the conclusions are
23 to be given to the NRC so the NRC can -- the Commissioners
24 that is -- as is true of the OARP Committee Special Report,
25 so that the Commissioners can take that report into account

Sim 7-9

1 in deciding whether to restart a reactor and actually allow
2 that reactor to begin again, to begin operating again?

3 A I would believe we would make every effort we
4 could to do the thorough or the complete job before we were
5 to submit a final document.

6 Q Would you agree with me, Mr. Persensky, that --
7 and this is another subject by the way -- that an inadequacy
8 in the methodology used by the OARP Committee was the failure
9 of the Committee to assure that it had full information about
10 the status of Mr. Frederick as of the time that the Committee
11 issued its Special Report?

12 A Could you repeat that question?

13 MR. JORDAN: You want the question back. Could
14 we have the question back, please.

15 (The pending question was read by the reporter.)

16 WITNESS PERSENSKY: A limitation is not having
17 full information on the significant individuals within the
18 Training Department in this case.

19 BY MR. JORDAN:

20 Q Including Mr. Frederick?

21 A In this case Mr. Frederick, yes.

22 MR. JORDAN: Your Honor, I am looking now at
23 my notes on the oral examination this morning. I have to
24 say that I can see at least one area where I want to take
25 the opportunity to review what they have said carefully

Sim 7-10

1 against the depositions which obviously I cannot do now.

2 As to whether that would ultimately require
3 live testimony, I can't say. It strikes me as an area
4 we may be able to reach an agreement as to what was in
5 depositions or not.

6 That is a particular point I can focus on now.
7 I can say that I also may be able to do some cross with
8 an opportunity to go through this for a few minutes and
9 get as much done as I could reasonably do now on the
10 oral testimony.

11 JUDGE SMITH: It is your option.

12 MR. JORDAN: I am suggesting I guess a break
13 so I can take a look and see what I can do that is useful
14 now.

15 JUDGE SMITH: All right. We will take a
16 10-minute break.

17 (Recess.)

18 end Sim
19 Joe fols

(11:40 a.m.)

1
2 JUDGE SMITH: During the recess, it became
3 apparent that Ms. Bradford, who had injured her ankle
4 earlier this morning needed medical attention. She decided
5 to go to the hospital.

6 We are going to proceed with the examination
7 of this panel. She stated that she had no cross examination
8 of this panel presently planned. That perhaps she would have
9 had cross examination following the Licensee's examination,
10 but she does have cross examination of the OARP Committee.

11 We will try to accommodate her cross examination
12 needs. She has called for Ms. Doroshow to come and see what
13 can be done. In the meantime, however, I see no reason why
14 we should not proceed with the cross examination of this
15 panel, and await later developments.

16 MR. JORDAN: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. JORDAN: (Continuing)

19 Q You testified in the supplemental direct this
20 morning -- I believe it was you, Dr. Persensky -- to the
21 effect -- with respect to training facilities and use of
22 materials. Referring to your testimony on page 34, I believe.

23 A (Witness Persensky) Yes.

24 Q My question is I think you referred to live testimony
25 by Dr. Gardner concerning the fact that he had reviewed the

1 use of some training material.

2 A Yes, that was, to the best of my recollection,
3 Dr. Gardner's observations of instructors in classrooms.

4 Q And those specific training materials were what?

5 A I believe he discussed the use of view graphs or
6 overhead --

7 Q From an overhead projector?

8 A Yes. These are lesson plans. I don't know if
9 there were slide projectors involved or not. I can't remember
10 all of the specifics, but they did talk to -- one of the
11 Committee members did talk to the use of facilities by the
12 instructors.

13 Facilities and equipment.

14 Q When you say, 'talk to,' you mean talk about?

15 A Yes, talk about, in their live testimony.

16 Q Thus, you remove your bullet, so to speak, or
17 your limitation only to that extent?

18 A Yes.

19 Q In other words, you don't know about the review of
20 any other training aids and materials or use of facilities?

21 A Except to the extent that the BPTS is a type of
22 training aid, and I believe it was Dr. Christianson that
23 discussed the mock-up, which again is a training aid.

24 Q Do you know whether that included the particular items
25 that you have just discussed, which were the items discussed

1 -- I believe were the items discussed in the Committee's
2 live testimony, encompassed all of the training aids?

3 A I don't know if it encompassed all of it, but it
4 did represent a sampling of the use of training aids.

5 Q But you have no basis or knowledge as to whether
6 it was really a representative sampling of the use of training
7 aids?

8 A I have no knowledge of the representativeness of
9 it, but I feel that in their explanation, they indicated they
10 felt it was a fair sample.

11 MR. JORDAN: That is all I have. That is subject
12 again to going over this and determining whether there is
13 something else I need to pursue that I don't feel prepared
14 to do today.

15 JUDGE SMITH: All right. Mr. Au?

16 CROSS EXAMINATION

17 BY MR. AU:

18 Q I guess this is a question addressed to the panel.
19 Which member prepared the list on page 8 of documents which
20 the OARP Committee should have reviewed?

21 MS. FAUSER: Mr. Au, could you speak up. I can't
22 hear you over here.

23 MR. AU: Yes, I will.

24 BY MR. AU: (Continuing)

25 Q I asked which member of the panel prepared the list

1 of documents on page 8 of the testimony -- which runs from
2 page 8 to the top of page 9.

3 A (Witness Perensky) We all contributed to that
4 list.

5 Q Turning to the top of page 9, the report which is
6 listed as D'Arcy, Paul F. and Sauer, John R, "Priority
7 Concerns of Licensed Nuclear Operators at TMI and Oyster
8 Creek and Suggested Action Steps," why did you consider that
9 document significant for the OARP Committee to review?

10 A Primarily because it was one of the documents
11 that addressed the attitudes of employees at TMI, and it was
12 a published document that was available for their review.

13 Q Did you look at the conclusions at all?

14 A At the conclusions of that particular report?

15 Q Yes.

16 A I personally did not look at that, the conclusions
17 of that report, but with regard to the preparation of this
18 particular testimony, I don't think that was necessary for
19 this panel to do, only to the extent that we were aware that
20 it addressed attitudes, and ALAB-772 did indicate that as
21 one of the issues that should be addressed by the reopened
22 proceedings.

23 Q So is it your testimony that you think that
24 document is significant because of the subject matter that
25 it covers?

1 A Because of the subject matter, I guess.

2 Q Turning to the bottom of page 9, you make the
3 statement that interviews with management should not carry
4 an inappropriate amount of weight.

5 What did you mean by, 'an inappropriate amount of
6 weight?'

7 A I believe at this point we were trying to indicate
8 that the decisions made by an evaluation committee, such as
9 the OARP Committee, should not be based solely on reports or
10 interviews with management. That they should -- that the
11 entire process should be gone through before conclusions
12 were raised.

13 Q Well, let me try to clarify your term, 'solely.'
14 Would you also say that the report should not be based
15 primarily on interviews with management?

16 A That should be one of the factors taken into
17 account, but it should not be the only factor. Primarily,
18 if you look at our total methodology, there is a lot of data
19 that would be collected -- information collected -- and all
20 of that information should be put into the frame work of
21 the source of the information.

22 Q Well, I guess I am trying to determine how much
23 weight is inappropriate. I presume a hundred percent is
24 inappropriate.

25 A A hundred percent is inappropriate.

1 Q But you are not saying what less than a hundred
2 percent is appropriate?

3 A I don't think I can quantify that.

4 Q What is the source of your inability to quantify?

5 A It is a qualitative judgment. In the sense that
6 if one were to come to do an evaluation of this sort, and
7 their only input was from interviews and presentations made
8 by managers, saying hey, we have a good program, whatever
9 it is. That would definitely be an inappropriate amount.

10 If you have the time and resources to go forth
11 and do interviews with the Staff that are doing the training,
12 the Staff that are receiving the training, then you would use
13 perhaps -- we talked about quality assurance before.

14 Here is the general outline that came from the
15 management. This is sort of the bottom line from the management
16 standpoint. You then go forth into other types of data gathering
17 or information gathering which would validate or corroborate
18 those statements or find differences.

19 If you find a lot of validation or acceptance of
20 those same concepts in your other data gathering, then it
21 would have a higher weight in a sense than if you find no
22 corroboration.

23 So, it depends a lot on what other information you
24 are finding during your data collection effort. I don't think
25 you can say a third of it has to be by interviews of trainees,

1 a third of it has to be by interviews of trainers, and a
2 third by interviews of management. I can't quantify it in
3 that way. It depends on what your findings are.

4 Q I guess I have a little trouble with the way you
5 stated the confirmation of the finding of the management
6 views.

7 In doing the quality assurance check that you
8 suggest, to find the high degree of correlation between what
9 management states and what the interviews and the check --
10 the interviews -- the quality assurance check procedure
11 discovers, isn't -- doesn't that lead to a conclusion that
12 there is a higher degree of confidence in what management
13 told you?

14 A Yes.

15 Q It has nothing to do with what weight you have
16 assigned to what management -- assigned to the management
17 interviews, does it?

18 A I guess I am having trouble understanding what
19 you are trying to get at. I think the issue here is whether
20 you can quantify in some way these types of interviews. If
21 the findings are consistent, I would say that yes we have
22 corroborated those -- the statements made by management,
23 and therefore, we have a high degree of faith in them.

24 Whereas, if they are inconsistent, then we have
25 a lower degree of faith. But again, I can't put a number on

1 it.

2 Q Okay. But whether you have a great deal of faith
3 or not has nothing to do with your statement that interviews
4 with management should not carry an inappropriate amount of
5 weight, does it?

6 A Yes.

7 Q It does?

8 A It does.

9 Q Okay. I will move on to something else, then.
10 On page 16 of your testimony, in answer to Question No. 26,
11 the last sentence, you state: Personnel data concerning
12 attrition rates and absenteeism should also be used as a
13 resource for checking employee satisfaction.

14 Why do you believe personnel data relative to
15 absenteeism is an important measure of employee satisfaction?

16 A Thought I cannot give you specific references
17 for research in this area, that has been shown to be highly
18 correlated to employee satisfaction. Absenteeism rates
19 in various industries have been shown to relate to other
20 measures of satisfaction.

21 Q Do you rate that more important than the attrition
22 rates?

23 A Again, I don't know that there is a quantitative
24 difference. If we could put all these numbers into a
25 computer and do some sort of multi-factor analysis, there may

1 be some numbers that come out, but I think in general they
2 are somewhat equivalent in their rating.

3 Q From your review of the information and testimony
4 provided by the OARP Review Committee, did you look to see
5 if they determined rates of absenteeism?

6 A I don't remember personally whether they looked
7 at absenteeism. I know attrition was mentioned.

8 A (Witness Morisseau) I am sorry. Definitely they
9 mentioned attrition. I do not remember anything about
10 absenteeism.

11 Q Do you consider that both factors have to be
12 considered in conjunction?

13 A (Witness Persensky) To be absolutely thorough,
14 I think that both factors should be reviewed, yes.

15 Q Did you do an exam comparison of GPU nuclear
16 exams with other utility exams?

17 A No, we did not.

18 Q Did you compare performance of GPU nuclear
19 operators on NRC exams with other utility operators?

20 MR. JORDAN: Objection.

21 MS. WAGNER: I object as well. I think this
22 goes well beyond the scope of this witness' testimony.

23 I would like to see the relationship. You
24 understand there was no evaluation done by these witnesses
25 of the training program at TMI in the course of preparing

1 their testimony.

2 MR. AU: I am just trying to explore whether they
3 did not do that type of evaluation.

4 MS. WAGNER: I think they made it very clear in
5 their written testimony that they did not do an evaluation
6 of TMI-1 training program for the purpose of testifying here
7 today.

8

End 8.
SueT fols.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

#9-1-SueT

1 MR. AU: Okay. I withdraw the question.

2 BY MR. AU: (Continuing)

3 Q Turning to Page 33 of the testimony, you place
4 some inference on structuring of the interviews at the end
5 of the first paragraph on Page 33 where you state: There is
6 no indication that the Committee structured their interviews
7 in a way that such a comparison could be made.

8 Why are structured interviews important?

9 A (Witness Persensky) Primarily to assure that
10 the data is reliable, any data that you might collect during
11 such interviews, and so that you could make comparisons, the
12 same types of questions. Not necessarily the same exact
13 questions but questions addressed in the same areas and asked
14 in a similar manner of a similar set of respondents, is
15 necessary to do what might be considered a longitudinal study
16 where you are starting at one point and saying: Here is a
17 measure of one.

18 And if you want to keep doing that same kind of
19 measure to measure that same attribute, you would use a
20 similar structured format.

21 Q And do you believe that structured interviews
22 are necessary to judge attitudes over a long period of
23 time?

24 A Yes.

25 Q Do you believe that attitudes change over a short

#9-2-SueT

1 term, say, in a matter of a month or two?

2 A They could change, yes, depending on the
3 environment.

4 Q And do you believe that in a small program, such
5 as TMI-1, it is necessary to conduct structured interviews?

6 A If your purpose is to compare those particular --
7 the results of those interviews with the results of other
8 interviews.

9 Q Well, how about if the purpose is to gauge
10 employee morale or attitudes?

11 A On a one-time basis? I think it makes it easier
12 to explain your findings if you have a structured interview
13 format. And so that you can say, I at least asked the same
14 question of everyone that was in the respondent's group.

15 Q Okay. But it would make no difference as to the
16 size of the program whether a structured interview is neces-
17 sary or not?

18 A I do not believe that it would make a difference
19 with regard to that. I think you should always have some
20 sort of structure to your interview format.

21 Q You believe that there should be a structure
22 regardless of the size?

23 A Yes.

24 MR. AU: Thank you. I have no other questions.

25 MS. BAUSER: Judge Smith, in view of Ms.

#9-3-SueT

1 Bradford's absence and t' e hour, I thought it might be
2 worthwhile to wait until after lunch to proceed with my
3 cross-examination and her interest in Licensee's case.

4 JUDGE SMITH: All right. We will return at
5 one o'clock.

6 (Whereupon, the hearing is recessed at 12:02 p.m.,
7 to reconvene at 1:07 p.m., this same day.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

#9-4-SueT

A F T E R N O O N S E S S I O N

(1:07 p.m.)

JUDGE SMITH: All right. You may proceed.

It should be noted that Ms. Doroshaw is here. Are you going to try to fill in for Ms. Bradford until she returns?

MS. DOROSHAW: Yes. I should say that I know that Ms. Bradford intends to question the OARP panel, and I don't know whether they will be up today. But if there is any possibility at whatever time her questioning might come up, it might be put off until tomorrow.

JUDGE SMITH: You mean her order of it?

MS. DOROSHAW: Yes.

JUDGE SMITH: Ms. Bauser.

Whereupon,

JULIUS J. PERSENSKY,

JOSEPH J. BUZY

-and-

DOLORES S. MORISSEAU

resumed the witness stand as witnesses called by and on behalf of the Nuclear Regulatory Commission Staff and, having previously been duly sworn, were further examined and testified as follows:

CROSS EXAMINATION

BY MS. BAUSER:

Q I will address my questions to the panel generally

#9-5-SueT

1 unless I know that one of you is particularly knowledgeable
2 in an area and I would ask that the most knowledgeable person
3 answer the question.

4 On Pages 14 through 16 of your testimony, a
5 number of references are made to the RHR report and to
6 Supplement 4 of NUREG 0680. I think that actually the
7 references are sprinkled throughout your testimony to those
8 two documents.

9 First of all, could you tell me what NUREG 0680,
10 Supplement 4 is?

11 A (Witness Persensky) Well, NUREG 0680 is the
12 SER with regard to the restart of TMI. And Supplement 4 refers,
13 at least in part, to some studies that were done with regard
14 to the RHR and Beta Reports that were done for the utility.

15 Q Are there particular parts of Supplement 4 to
16 NUREG 0680 that the Staff believes should have been looked
17 at by the Committee?

18 A Those parts that relate to operator attitude
19 towards the training program.

20 Q Do you have a copy of the document in front of
21 you, Supplement 4?

22 A There is one here at the table, yes.

23 Q Okay.

24 MR. JORDAN: Your Honor, if there are to be
25 questions on this subject, we don't happen to have copies

#9-6-SueT

1 here.

2 MS. BAUSER: I do.

3 MR. JORDAN: That would be helpful.

4 (Copies of the document are distributed to
5 the Board members and the parties.)

6 BY MS. BAUSER: (Continuing)

7 Q Before we turn to the actual report, let me ask
8 some preliminary questions.9 Did the NUREG 0680, Supplement 4, examine -- it
10 examined, did it not, what the RHR Report found?11 A (Witness Persensky) It was primarily a Staff
12 evaluation of the RHR Report and some comparisons that our
13 Staff made in terms of some interviews that were done by our
14 Staff.15 Q And it's correct, is it not, that the purpose
16 of the report was to determine whether there was information
17 in the RHR Report, among the other reports that were looked
18 at, that had -- that was a concern to the Staff; is that
19 right?

20 A That was part of the purpose of it. Yes.

21 Q And in reviewing the RHR Report in Supplement 4,
22 the Staff also considered, did it not, the methodology used
23 by RHR or, let me say, examined how the RHR Report process
24 had been conducted, did it not? How the interviews were
25 conducted?

#9-7-SueT

1 A Okay. It examined the interviews and the
2 questionnaire that was used to conduct those interviews.

3 Q And it, in fact, examined limitations, did it not,
4 in how one could use the RHR Report in understanding both
5 what -- well, first, in understanding operator attitudes?

6 MR. JORDAN: I object. I think we -- the point
7 of the Staff's testimony and the scope of the Staff's testimony
8 is limited to the methodology that should have been employed
9 by the OARP Committee. The testimony of the Staff is, in
10 essence, that the OARP Committee should have looked at RHR
11 and should have looked at Supplement 4 and what was contained
12 in Supplement 4.

13 The Staff does not testify to what is actually
14 in Supplement 4, to the findings in Supplement 4, to the types
15 of things that Supplement 4 found either of substance or re-
16 lated to any other aspect of the RHR Report. Thus, the only
17 relevance of Supplement 4 is that it should have been looked
18 at as part of the OARP Committee's methodology.

19 Thus, I think that questions that get into what
20 Supplement 4 actually found are outside the scope of the
21 Staff's testimony. And I'm concerned, in addition, that
22 actual findings in Supplement 4, that is to say, substantive
23 findings in Supplement 4, either with respect to the RHR
24 Report methodology or with respect to the findings made in
25 RHR are certainly outside the scope of the Staff's testimony

#9-8-SueT

1 which relates only to the methodology that should have been
2 employed by the OARP Committee and does not relate to sub-
3 stantive findings about training programs or attitudes.

4 MS. BAUSER: I would like to address a number of
5 different aspects of what Mr. Jordan just said.

6 The Staff position in their testimony is that it
7 was important, as I understand it, or at least it would have
8 been valuable for the OARP Committee to, one, to look at the
9 RHR Report, to have looked at it in particular in the May/June
10 time frame; and, furthermore, to have essentially used the
11 methodology or, to put it another way, patterned itself after
12 the methods used by the individuals who conducted the RHR
13 Report in doing interviews themselves.

14 It's also the position of the Staff that
15 Supplement 4 should have been considered. I don't see how
16 it is possible for Licensee to address the question of
17 whether those positions are in fact correct without examining
18 what those reports are and what they say.

19 I think, furthermore, the issue of operator
20 attitude and how the Committee should have looked at it and
21 when they should have looked at it and what data points they
22 should have looked at and how many data points they should
23 have looked at, and whether you look at one data point or
24 more than one data point, all of this has been the focus of
25 testimony of UCS's case and to some extent of the Staff's case

#9-9-SueT

1 as well by reference to these two documents.

2 So, I think that it is Licensee's entitlement at
3 this point to challenge this position, which happens to be
4 a position that UCS shares at least in part, namely that the
5 RHR Report is something that should have been looked at very
6 carefully by the Committee in the May time frame. I think
7 that Licensee is entitled to raise questions about that.

8 MS. WAGNER: The Staff has no objections at this
9 time to this line of questioning, because as Ms. Bauser has
10 pointed out the Staff did mention that the OARP Committee
11 should have reviewed Supplement 4.

12 I think to the extent that she inquires into what
13 it is that the Staff believes the Committee should have
14 gleaned from Supplement 4, that's perfectly appropriate.
15 That is a perfectly appropriate area to delve into. So,
16 I have no objection at this time.

17 However, these witnesses are not here to sponsor
18 Supplement 4. The Staff's investigation which resulted in
19 Supplement 4 is not, as I'm sure everyone knows, part of
20 the Staff's case here. But I do believe that this line of
21 questioning as far as it has gone now is perfectly all right.

22 (The Board members are conferring.)

23 MR. JORDAN: Your Honor, there is a degree to
24 which I think that Licensee can examine with respect to
25 Supplement 4. I think --

#9-10-SueT

1 JUDGE WOLFE: Do you agree or disagree with Ms.
2 Wagner --

3 MR. JORDAN: Well, I think --

4 JUDGE WOLFE: -- to the extent that she has
5 limitations on the cross-examination?

6 MR. JORDAN: Well, I couldn't really tell. I
7 couldn't really tell. I thought I might as she began her
8 objection, but I wasn't clear as she -- I thought as she
9 began that we might simply be drawing lines in different
10 places, drawing basically the same lines.

11 I really couldn't tell from what she said whether
12 that's the case. I think that what is fundamental is that
13 the use -- the Staff's use of RHR and Supplement 4 in this
14 testimony is for a methodological purpose. It is not for
15 the purpose -- and as Ms. Wagner says, they do not sponsor
16 the Supplement 4 for the purpose of what is stated or found
17 in Supplement 4.

18 And I do not think it is appropriate and it is
19 beyond the scope of their testimony to get into and attempt
20 to establish as facts that could be relied on in findings at
21 least what the findings were in Supplement 4.

22 Now, I would add an additional point, and that
23 is the reference to Supplement 4 has been here since this
24 testimony was filed. And I believe some rebuttal testimony
25 was filed. And the rebuttal testimony could indeed have gone

#9-11-SueT 1 into Supplement 4 in the sense of some kind of methodology
2 or how the OARF Committee should have used it or not. That
3 was the appropriate time. It is not the appropriate time
4 to spring this document now, not that it was unavailable to
5 the parties before. But to attempt to get into detail on
6 this document when Licensee chose not to do that in the very
7 rebuttal testimony that it filed to respond to this testimony,
8 I would object to that.

9 JUDGE SMITH: The Board agrees with Ms. Bauser's
10 argument that so long as the Staff is faulting the Committee
11 for not taking into account Supplement 4, Licensee is
12 entitled to inquire on the basis for the Staff's view that
13 they should have.

14 It seems to me a simple, routine, ordinary cross-
15 examination.

16 Now, with respect to your other point, your
17 major point, and that is to what extent would they be able
18 to rely upon the substantive findings of Supplement 4, that's
19 a different matter. I think that you are much closer to a
20 valid objection there.

21 I don't know that that is her purpose. I don't
22 see it as being her purpose. But if it is her purpose to
23 produce through cross-examination of the Staff panel portions
24 of Supplement 4 for the purpose of relying upon it, then I
25 think your objection has much greater validity.

#9-12-SueT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

And we should perhaps hear argument if that's what she has in mind. But for the purpose of cross-examination, she certainly has the right to find out why the Staff believes that that was an important step in the methodology.

So to that extent your objection is overruled.

MS. BAUSER: I don't remember the question that I asked that prompted the objection.

WITNESS PERSENSKY: Neither do we.

(The court reporter read the last question back.)

END #9
Mary flws

Sim 10-1

1 JUDGE SMITH: Was that enough for you to pick it
2 up?

3 MS. BAUSER: I understood. I think I can repeat
4 the question, but I would like to be clear on something
5 before we go down this line.

6 I am trying to accomplish a couple of things
7 at the same time and I don't think I sometimes one question
8 will do more than one thing. So I would like to make it
9 clear right now.

10 I think that the Staff's position that the
11 Committee should have looked at the RHR report and paid
12 attention to the operator attitude that that report allegedly
13 represents is put in issue in effect by Supplement 4 itself,
14 which challenges a number of the findings in the RHR report.

15 Now I can't show that completely without going
16 to those findings and why it is that Supplement 4 essentially
17 places very numerous caveats on one's reliance on RHR, and
18 I think that then raises questions about the need for the
19 Committee to have looked at that report.

20 JUDGE SMITH: That was the tenor of our ruling,
21 and for that purpose you should be allowed to examine.
22 But for the purpose of disparaging the RHR report directly,
23 we haven't reached that and I think you have big problems
24 if you do try to do that.

25 MS. BAUSER: All I wanted to say is that I

Sim 10-2

1 think when I do this there is going to be a contrast, but
2 I think the point is here, and the fundamental question
3 raised by the staff's testimony, and what I am doing here
4 is is this something that the Committee should have looked
5 at and what criticisms can be made of their effort and their
6 view of operator attitudes, for example, because they didn't
7 look at it.

8 MR. JORDAN: I think that she essentially
9 described, as you say, what the Board had earlier ruled.
10 I think what is important under the Board's ruling is that
11 it is one thing to address whether there were findings on
12 the subject that the Committee should have looked at or
13 that somebody says the Committee should have looked at, and
14 whether there was some other report related to those findings
15 that also had some findings that may have indicated less,
16 that may have indicated some less reason to look at the
17 original findings. That is okay under the Board's ruling.

18 What is not okay is to use the findings for
19 the purpose of establishing what they show.

20 JUDGE SMITH: That is right.

21 MR. JORDAN: And that is what needs to be
22 avoided.

23 JUDGE SMITH: That is right, and I think that
24 her concern is that, regardless of what either of those two
25

Sim 10-3

1 motives are or purposes are, the questions may be the same.
2 She wants to state what her purpose is, but she is concerned
3 about -- well, she just wants to forewarn us as I understand
4 what you are saying.

5 MR. JORDAN: I would say that if we establish
6 now that the findings of Supplement 4, however they may come
7 in, are not to be considered for their substance, but for
8 the other purpose we have been discussing, and that that is
9 the ruling, and I don't think the Board has actually gotten
10 to that point in making a ruling ---

11 JUDGE SMITH: We have gotten about as close as
12 we can to it, and I don't think we have to now in view of
13 Ms. Bauser's statement of purpose.

14 The reason why we haven't gone all the way is
15 that I don't know if she may sometime down the road actually
16 try to under different circumstances try to get Supplement
17 4 into evidence substantively. I don't know.

18 I mean the issue is not before us because of
19 her avowed purpose of cross-examination, but it is right
20 at the margin of being before us.

21 MR. JORDAN: Absolutely. I have no problem
22 with proceeding on the premise that, as I think you are
23 suggesting, that the use of the cross that is about to come
24 is limited to the purpose that has been expressed.

25 But it seems to me that being the case, if that

Sim 10-4

1 purpose changes, we should be told about it.

2 JUDGE SMITH: That is right, exactly.

3 MR. JORDAN: And I shouldn't have to sort of look
4 around the barn and try and find it.

5 MS. BAUSER: I appreciate that Judge Smith. The
6 reason, as you stated, I restated my position is I didn't
7 what there to be any ambiguity about the ability to rely
8 on the statements that I want to go through, albeit perhaps
9 not for the purpose that is of concern to Mr. Jordan.

10 JUDGE SMITH: All right. I think that there is
11 a meeting of minds.

12 MR. JORDAN: Okay.

13 BY MS. BAUSER:

14 Q I believe that the question that I asked the
15 panel was whether the NUREG 0680 Supplement 4 examined
16 limitations in how one could use the RHR report to understand
17 operator attitude?

18 A (Witness Morisseau) I don't believe that we
19 looked exclusively at the limitations of how it could be
20 used. We also were seeking clarification and that is why
21 we framed additional questions to elicit responses that might
22 give us a better idea of what was meant in some cases.

23 Q Let me ask you this. The Staff determined, did
24 it not, that in the first place the RHR report was intended
25 to represent a survey of operator attitude towards a number
of -- well, about the things that might be of interest to

Sim 10-5

1 the operators at a given point in time? Is that correct?

2 A (Witness Persensky) That is correct.

3 Q And what was that given point in time approximately,
4 the time frame?

5 A (Witness Morisseau) It was late in 1982 I believe.
6 You are talking about when the survey was actually done?

7 Q Yes. Would you turn your attention to page
8 3-11 of Supplement 4, and I believe it says there that although
9 the RHR report was dated March 15, 1983, the actual surveys
10 and group discussions were held as much as eight months earlier.
11 Does that refresh your recollection, Ms. Morisseau?

12 A Yes.

13 Q And it was the staff's conclusion, was it not,
14 that with respect to many of the subjects covered in the
15 RHR report, such as operator training, that there had been
16 numerous changes made since that time, and that therefore
17 the report represented no more than a behavioral sample of
18 attitude at the time that it was given?

19 A I believe so.

20 Q And just to put that in context, that time
21 frame was in the months immediately following the Special
22 Master's Report and then the Licensing Board decision on
23 cheating in this case; is that correct?

24 A Yes.

25

Sim 10-6

1 MR. JORDAN: May we have a clarification. I think
2 the record may be a little unclear. Are you referring to
3 the time frame during which the RHR surveys were done, that
4 is the time frame that was assumed in answering the question?

5 MS. BAUSER: That was the assumption of my question.
6 Is that correct, Ms. Morisseau?

7 WITNESS MORISSEAU: I believe so.

8 BY MS. BAUSER:

9 Q On page 3-12, the second comment made by the Staff
10 on the context, if you will, in which the RHR report should
11 be viewed discusses the fact that the data represented in
12 the report was obtained primarily from written anonymous
13 questionnaires.

14 The Staff identified, did it not, several
15 examples of questions which contained multiple meanings or
16 were ambiguous and therefore produced difficulty in inter-
17 preting what the responses of the operators were to those
18 questions?

19 A (Witness Morisseau) Yes.

20 Q I understand that when the staff went up -- well,
21 let me ask you this. In the course of doing the work to
22 prepare NUREG 0680 Supplement 4, the Staff it self conducted
23 interviews at TMI, did it not?

24 A That is correct.

25 Q What time frame was that?

Sim 10-7

1 A In was in June 1983, and I am not sure which
2 week. I believe it was the week that started with the 7th.

3 Q That is fine. And as I understand it from reading
4 Supplement 4, the focused interviews conducted by the NRC
5 Staff were designed to permit a relaxed open exchange of
6 information between the interviewee and the interviewer, and
7 to the to extent that interviewees did not understand
8 questions -- well, first, let me stop and let you answer that
9 question before I go on. Is that a correct characterization?

10 A Yes, it is.

11 JUDGE SMITH: May I interrupt. You are now
12 addressing the staff's interviews?

13 MS. BAUSER: Yes. I am contrasting the staff's
14 interviews with the interview process that was used by the
15 RHR report.

16 JUDGE SMITH: And all of this is still not
17 related to the substance of the RHR report?

18 MS. BAUSER: It is related, I believe, to the
19 weight that should be attached to the RHR report.

20 JUDGE SMITH: That should have been attached?

21 MS. BAUSER: Yes.

22 MR. JORDAN: Wait a minute. As I understood it,
23 and I was about to -- and you can see so many questions that
24 I would have objected to had we not had our previous
25 discussion -- but as I understand it, the point of this is

Sim 10-8

1 that one guy argues you should look at RHR and then
2 essentially the licensee comes along and says well, and in
3 fact the Staff says they should have looked at Supplement 4
4 also.

5 The point of this is not what the Staff interviews
6 found, for example, or whether the Staff's conclusions
7 about RHR were correct, but that the OARP Committee should
8 have had those sets of conclusions in front of themselves
9 in doing the work, and the issue is how serious was that
10 or not in light of what the conclusions were in the different
11 documents.

12 It is not whether the conclusions themselves
13 were correct, and we are still on that purpose I gather.

14 MS. BAUSER: That is correct, but I can't do one
15 without the other.

16 MR. JORDAN: Okay. I mean I have been withholding
17 and I will continue to until I am told we are not doing that.

18 JUDGE SMITH: All right. I think you have
19 made your point perfectly clear, you know, that the line
20 will sound exactly as if you are attacking the substance
21 of the RHR report and building up the staff's.

22 Okay, proceed.

23 BY MS. BAUSER:

24 Q Am I correct, Ms. Morisseau, that you agreed
25 with me that the method of interviewing, the questionnaire

Sim 10-9

1 method used by RHR was somewhat different from the focused
2 interviews designed to permit the relaxed open exchange of
3 information that were used by the Staff when they did interviews
4 of operators in June of 1983? Is that correct?

5 MR. JORDAN: I don't think there was an agreement.
6 I think she just asked whether the staff interviews were
7 of a particular type. So I think that mischaracterizes the
8 evidence.

9 MS. BAUSER: I asked her whether -- well, let
10 me ask her if she agrees then, if that wasn't what I ---

11 WITNESS MORISSEAU: I am sorry. You are going
12 to have to repeat it before I can tell you what I am agreeing
13 to.

14 BY MS. BAUSER:

15 Q My question is this. Would you agree that
16 there were ambiguities in the way the questions were phrased
17 in the RHR report and those questions were contained in
18 questionnaires and there was not a person there to interpret
19 those ambiguities when the operators answered the questions;
20 is that right?

21 MR. JORDAN: I object. The question is not
22 whether she agrees with the RHR report and criticizes the
23 RHR report. I thought we were focusing on Supplement 4 which
24 the committee should have reviewed, and the question is not
25 what Ms. Morisseau thinks sitting here. It is what is in

Sim 10-10

1 Supplement 4 that the Committee should have reviewed or
2 not.

3 MS. WAGNER: The staff has the same objection,
4 unless you tie it into what is stated in the report.

5 MS. BAUSER: Let me read what is in Supplement
6 4 which I was endeavoring to simply paraphrase to simplify
7 and see if you agree with the statements in that document.

8 "The data presented in the RHR report were
9 obtained primarily from written, anonymous questionnaires
10 completed by operating personnel. We have identified in
11 this report several examples of questions which contained
12 multiple meanings or were ambiguous in their intent. Without
13 an interviewer present to clarify any such ambiguities for
14 the respondents, it is difficult to interpret the responses
15 to such questions."

16
17 Would you agree that that was the staff's finding
18 with respect to the RHR report?

19 WITNESS MORISSEAU: That is what the report
20 says.

21 BY MS. BAUSER:

22 Q Would you agree that in contrast to that "The
23 focused interviews conducted by us -- meaning the staff --
24 were designed to permit a relaxed, open exchange of
25 information between the respondent and the interviewer.

Sim 10-11

1 Thorough answers were encouraged as opposed to checking
2 a box on a form and clarification of any word or phrase
3 that was unclear was provided."

4 Would you agree that that was the approach used
5 by the NRC staff?

6 MR. JORDAN: I object again. The question is
7 whether it is the approach used by the staff. It has
8 nothing to do with whether it was the approach used by the
9 NRC staff. The question is whether it was in the Supplement
10 4 as to whether or not the ---

11 MS. BAUSER: Okay. A preliminary question. Is
12 that what is contained in Supplement 4?

13 WITNESS MORISSEAU: Yes.

14 BY MS. BAUSER:

15 Q And is Supplement 4 an accurate representation
16 of what the staff did?

17 MR. JORDAN: I object. That is irrelevant under
18 the ruling thus far. The question is not whether it is an
19 accurate representation of anything. The question is whether
20 Supplement 4 should have been reviewed by the Committee and
21 the Committee should have reached some conclusions from it.

22 MS. BAUSER: If the staff chose to use a different
23 method than the method used in the RHR report, that suggests
24 that they perhaps had some problem with that method, which
25 in turn raises some question in my mind as to whether the

Sim 10-12

1 Committee should have looked at a document which had those
2 problems.

3 JUDGE SMITH: What document?

4 MS. BAUSER: The RHR report.

5 JUDGE SMITH: She is going to attack the RHR
6 report as far as it being a document which should have been
7 looked at on two bases apparently.

8 Why can she not attack the staff's criticism
9 that the committee failed to review the RHR report by cross-
10 examining Ms. Morisseau on the weaknesses that she now
11 sitting here perceives in the RHR report, aside from
12 Supplement 4, for the same reason that we have allowed her
13 to go into Supplement 4.

14 However, I think we have come to a closed circle
15 now in that you are exploring their criticism -- I mean
16 you are exploring their criticism of the committee for failing
17 to have addressed -- to have looked at Supplement 4, but
18 you are using Supplement 4 I believe to disparage the RHR
19 report and that is a complete circle which never ends.

20 MS. BAUSER: Judge Smith, I think when I started --
21 first of all, I made a distinction between RHR and Supplement
22 4 that is important. I believe that I said that the Committee
23 did not look at the RHR report originally and I was using
24 this document and the staff's views about the RHR report to
25 challenge that view.

Sim 10-131

JUDGE SMITH: So it is RHR that you are challenging?

2

MS. BAUSER: Yes.

3

4

5

6

JUDGE SMITH: It is the RHR report that you are challenging. You are not by this cross-examination addressing the staff's criticism of the committee for failing to consider Supplement 4?

7

MS. BAUSER: That is correct.

8

9

10

11

JUDGE SMITH: But you are using Supplement 4 as a means of establishing the diminished importance of having failed to look at RHR?

12

MS. BAUSER: Yes.

13

14

JUDGE SMITH: And in addition you are using Ms. Morisseau's opinion to minimize the importance of failing to use RHR?

15

16

17

18

19

20

21

22

MS. BAUSER: Correct. I think this is consistent with what we have been saying, but the issue here with this panel is the weight to be given the criticisms that they have made of the Committee with respect to looking at RHR and Supplement 4 for that matter. RHR is all I have directed -- I am not trying to attack Supplement 4 right now. Obviously I could not be since I am citing to it.

23

24

25

JUDGE SMITH: What we request is that maybe there had better be a better road map to your cross-examination. Right now I think it is pretty clear that

Sim 10-14

1 you set out to use Ms. Morisseau's contrasted approach to
2 disparage RHR, and do that, and then when you begin to
3 use, if you do, Supplement 4 for the same purpose, make that
4 clear that is what you are doing and I think it will help
5 the panel, too, and will help me.

6 MS. BAUSER: Okay. I don't remember if the
7 last question was objected to. I believe it was.

8 JUDGE SMITH: Well, it is overruled based upon
9 the clarification. Well, I don't know if it is overruled
10 or not. Let's strike the question, begin with a new one
11 with the new ground rules for this line.

12 (Pause.)

13 JUDGE SMITH: We were talking about ---

14 MS. BAUSER: I was reading from here and I am
15 trying to recall where I was.

16 JUDGE SMITH: Now you are not obliged to do that.
17 Now that we have made this clarification, you can go directly
18 to the witnesses.

19 BY MS. BAUSER:

20 Q I believe that the question I asked had to do
21 with the fact that the approach that the NRC staff used when
22 they conducted interviews of operators was to permit a relaxed
23 open exchange of information between the interviewer and
24 the interviewee and to encourage thorough answers as opposed
25 to checking a box on a form and to encourage clarification

Sim 10-15 1 of ambiguities. I know that is a lot, but would you
2 agree though that that was the nature of the process used
3 by the staff to interview operators?

4 A (Witness Buzy) That is correct.

5 A (Witness Morisseau) That is correct.

6 Q And it is also correct, is it not, that you then
7 used follow-up or probe questions where you felt that it
8 was appropriate to clear up any ambiguities that there might
9 be in your understanding of the operator's intention in
10 making a statement?

11 A (Witness Buzy) Correct.

12 Q And I take it that -- Mr. Buzy you have been
13 answering these questions -- that you believe that the
14 process that you used to interview operators was a better
15 process than the process that was used by the RHR people?

16 A It was to solicit information for ourselves and
17 wasn't to compare RHR to our method. We were trying to
18 determine if there was any tie with safety or anything that
19 would have to do with any regulatory position. That was our
20 main purpose of the interviews.

21 Q Ms. Morisseau, let me ask you this. In using
22 the approach that the staff used rather than the questionnaire
23 form that RHR used, was that because the staff felt that
24 the approach that I have just described was a better approach?

25 A (Witness Morisseau) I would say Mr Buzy has

1 Sim 10-16, characterized it accurately, that we were looking for
2 clarification. So, therefore, we had to use a different
3 approach than a survey.

4 Q Well, given the criticisms that you made of the
5 RHR report questionnaire, would you have felt free to simply
6 use that questionnaire again?

7 A No.

8 Q In Supplement 4, the staff also noted that there
9 may have been some confusion in RHR's interpretation of
10 questions because of their lack of appreciation of the
11 difference in different kinds of procedures existent at
12 Three Misle Island; is that correct?

13 A (Witness Buzy) That is correct.

14 Q So, for example, they may have been a complaint
15 about an administrative procedure and not an operating
16 procedure; is that correct?

17 A That is correct.

18 Q And they may not have appreciated that fact;
19 is that correct?

20 A That is correct.

21 end Sim
22 Joe fols

23

24

25

1 Q So, for example, they may have been hearing a
2 complaint about an administrative procedure, and not an
3 operating procedure, is that correct?

4 A That is correct.

5 Q And they may not have appreciated that fact, is
6 that correct?

7 (No response)

8 It is also correct, is it not, that problem
9 identified in Supplement 4 -- problem with the RHR Report
10 that is identified in Supplement 4, is that the report itself
11 combines operator attitudes and consultant impressions when
12 it generally describes what was found, is that correct?

13 A (Witness Morisseau) I believe that is true if you
14 read the actual words of the report, yes.

15 Q Ms. Morisseau, is it not also correct that a
16 limitation identified by the Staff in the RHR Report is that
17 the survey was conducted more as a pilot study rather than a
18 fully scientific study from which supportable conclusions could
19 be reached?

20 A Are you reading this from sub-4?

21 Q Yes. I am actually reading it from 83-10, which
22 is one of the attachments contained in Supplement 4. It is
23 page 15-3 of the document, if you are looking for it.

24 MS. WAGNER: Could I have a clarification, please?

25 Are you asking Ms. Morisseau if that is what is said in --

1 MS. BAUSER: No. I was asking her whether that
2 was a limitation that the Staff found, which is reflected
3 here. That was the basis for my question, but I wasn't --

4 The bottom of the page is where I am reading it.

5 A (Witness Morisseau) That is what it says here.

6 BY MS. BAUSER: (Continuing)

7 Q And I take it that represents the Staff's view
8 as to one of the limitations of the RHR Report?

9 MS. WAGNER: I object to that question. I don't
10 think -- this document that you are referring to, is not
11 a document authored by Ms. Morisseau.

12 At least you certainly haven't established that
13 it is, and on its face it doesn't seem to be. I don't believe
14 that the question is proper under the circumstances. She
15 is not here to testify as to the Staff's position.

16 MS. BAUSER: It is my understanding that -- I guess
17 I am a little surprised at the last statement you made about
18 not here to testify about the Staff's position.

19 MS. WAGNER: As expressed in an inspection report.
20 The Staff's position is expressed in Supplement 4.

21 MS. BAUSER: I asked her whether she was familiar
22 with the fact that -- whether the Staff had this position. I
23 didn't ask her whether she wrote the document, and I believe
24 she represents the Staff, and she also worked on Supplement 4
25 which this is attached to in endeavoring to determine how the

1 Staff should treat findings that are reported in the RHR Report.

2 If she doesn't know what is attached to the
3 document, and whether it represents the Staff's opinion --

4 MS. WAGNER: Can you refer me back to where in
5 Supplement 4 this information is cited. I know it is
6 attached, but it would be my position that the Staff's position
7 is stated in Supplement 4, and not in the inspection report.

8 MS. BAUSER: I think I can, but it will take me
9 a minute.

10 MS. WAGNER: Not in the inspection report that
11 is appended to Supplement 4.

12 MS. BAUSER: The pages -- one page after the page
13 that we had been looking at earlier, which is 3-13; we were
14 looking at 3-12. Oh, no, excuse me. Hold on one moment.
15 I simply can't find the reference off the top. We can
16 postpone this, and I can find it during the break if that
17 is necessary.

18 MS. WAGNER: Why don't we do that then.

19 MS. BAUSER: It is in the first line of the
20 report.

21 MR. JORDAN: First line of what report?

22 JUDGE SMITH: Abstract. The abstract.

23 MS. BAUSER: Also Section 1.0 I was looking at,
24 Judge Smith. You asked for the reference of where reference is

1 made to Appendix A.

2 MS. WAGNER: I guess I waxn't expressing myself
3 very clearly. I am sorry. I understand that the Appendix
4 is attached, and is generally referenced as the inspection
5 report that led to the work which resulted in Supplement 4.

6 I would like a cite to, in Supplement 4, to the
7 material that you are citing in the inspection report as
8 representing, or asking Ms. Morisseau whether it represents
9 the Staff's position.

10 MS. BAUSER: I don't believe that Supplement 4
11 repeats everything in -- I am not sure if I understand your
12 question or not.

13 MS. WAGNER: I don't believe that the statements
14 in the inspection report by virtue of being an attachment
15 to Supplement 4, and by virtue of being the document from
16 which the work leading into Supplement 4 grew out of, I
17 don't believe that makes the statements in the inspection
18 report itself the Staff's position on anything.

19 And if there is a reference to the item in the
20 inspection report that you want to represent as the Staff's
21 position, if there is a reference to that in Supplement 4,
22 that is a different matter.

23 MS. BAUSER: I don't understand the nature of the
24 objection. I can't really respond to it.

25 MS. WAGNER: Well, Ms. Morisseau had nothing to do

1 with the preparation of the inspection report.

2 MS. BAUSER: I didn't ask her about preparations.
3 I asked her if this was the Staff's position.

4 MS. WAGNER: Well, I believe the people you should
5 address that question to are the people who prepared that
6 report.

7 I don't think she is qualified to state whether
8 that represents the Staff's position or not. Unless you can
9 find that conclusion is reflected in Supplement 4 itself.

10 JUDGE SMITH: You are waiting for a ruling?

11 MS. BAUSER: Yes, sir.

12 JUDGE SMITH: When is that promotion coming?

13 (Laughter)

14 JUDGE SMITH: Ms. Morisseau, with respect to the
15 statement on page 15-3 at the bottom, about the survey was
16 conducted more as a pilot study as opposed to a fully
17 scientific study, et cetera; do you have any basis upon which
18 you could agree or disagree with that statement?

19 A (Witness Morisseau) Not really, sir.

20 JUDGE SMITH: Sustained.

21 BY MS. BAUSER: (Continuing)

22 Q Ms. Morisseau, did you read the letter of clarification
23 of May 13, 1983, that was sent by RHR to GPUN as referenced in
24 the main body of the RHR Report?

25 A (Witness Morisseau) Yes, I did.

1 Q Do you recall whether that letter stated that the
2 survey was conducted more as a pilot study as opposed to a
3 full scientific study?

4 A I don't recall. I would have to have it in front
5 of me.

6 MS. BAUSER: Judge Smith, can I have a moment? I
7 think I am switching gears to another area, but I want to make
8 sure before I do.

9 I am switching gears, Judge Smith.

10 JUDGE SMITH: Before you leave, Ms. Bauser,
11 Supplement 4 --

12 MS. BAUSER: I am not leaving Supplement 4. There
13 were two different tracks I was taking. I am switching from
14 the question of the methodology and the Staff's discussion
15 specifically of that methodology, to -- contained in
16 Supplement 4 -- to the question of whether the findings --
17 whether what is contained in Supplement 4 itself suggests
18 that the Committee may not have looked at what is contained
19 in the RHR Report.

20 JUDGE SMITH: I would like to ask a clarifying
21 question for my purpose. What was the initiating purpose of
22 the inspection upon which Supplement 4 is based?

23 Let me be more specific. Was it to determine
24 whether the RHR Report directly affected the Staff's position
25 on restart, or was it for the purpose of determining whether

1 the Licensee failed to make a material report as required by
2 the Atomic Energy Act?

3 A (Witness Persensky) I am sorry, Judge. Is that
4 of the supplement, or of the inspection?

5 JUDGE SMITH: Both. Either or both. The reason I am
6 so vague about it is I still don't understand the relationship
7 between the inspection and the report, and I don't understand
8 the initial purpose of either.

9 MS. WAGNER: Well, the purpose of the inspection
10 is briefly stated on Page 2.1 of the inspection document.
11 I can't summarize it for you right now. I would have to look
12 it over again.

13 JUDGE SMITH: Well, I was reading that, too, and
14 I still couldn't come up with --

15 WITNESS BUZY: I believe it is in the second
16 paragraph of page 1.1. About two-thirds down. It starts
17 with: The Staff requirement -- memorandum from the Commission
18 Secretary directed us, et cetera.

19 MR. GOLDBERG: Judge Smith, I will be glad to
20 attempt to answer your question from a legal perspective
21 to what initiated the inspection report, and then Supplement
22 4.

23 JUDGE SMITH: Well -- yes, that might be helpful.
24 The reason that I am -- I am not sure, when I stop to think
25 about it, the differences would be controlling anyway.

1 But the direction and the flavor of it might
2 quite well be different. But if you could help, Mr. Goldberg,
3 I would appreciate it.

4 MR. GOLDBERG: As a result, since the close of
5 the original record on management issues, and even after
6 the cheating proceeding, a number of issues were identified
7 by the Staff which caused the Staff to identify to the
8 Commission certain open issues which led the Staff to state
9 that it could no longer state a position on management
10 integrity until those open issues were resolved.

11 In connection with the question of GPU Nuclear's
12 adherence to procedures, an inspection was conducted which
13 resulted in Inspection Report 83-10, which is attached to
14 Supplement 4.

15 When the Staff learned of the existence of the
16 RHR and Beta Reports, those reports raised additional questions
17 which the Staff pursued by an onsite visit, interviews of
18 operators, and ultimately led to a documentation of the
19 results of our review, which is Supplement 4.

20 Neither of those dealt directly with the question
21 of the reportability of the RHR and Beta Reports. That
22 issue was addressed in various staff briefs and memoranda
23 to the Commission apart from Supplement 4 and Inspection Report
24 83-10.

25 JUDGE SMITH: Thank you. Ms. Bauser?

1 MS. BAUSER: One question before I switch gears.
2 I found in the report, at page 1-2, the following statement,
3 and I would like to ask you, Ms. Morisseau, if you would
4 agree with this. It says that the RHR Report does not report
5 objective performance data. It was not designed to, nor does
6 it address areas of regulatory safety interests, except as
7 these could be perceived from the operator responses, and from
8 RHR's subjective description of operator attitudes and
9 concerns. The Report presents only the results of the initial
10 exploratory stage of a consulting activity (estimated by
11 RHR to represent about ten percent of the total effort
12 envisioned.) The report is a working paper for internal use
13 by GPUN management, and RHR has not validated its contents.

14 BY MS. BAUSER: (Continuing)

15 Q Is that your -- would you agree that that is a
16 correct characterization of the RHR Report?

17 A (Witness Morisseau) That is what it says in this
18 report. I would have to assume that it is a correct
19 characterization, yes.

20 MR. JORDAN: I am not sure where that leaves the
21 evidentiary record on the point. I think we have an assumption
22 about what it is, but no real evidence.

23 BY MS. BAUSER: (Continuing)

24 Q Do you have any reason to believe it is not a
25 correct statement?

1 A No.

2 MR. JORDAN: That still doesn't establish evidence.
3 In order for it to be established, somebody would have to
4 know whether, in fact, it was a correct statement.

5 JUDGE SMITH: Well, could you remind me again,
6 what is your role in the Supplement 4?

7 WITNESS MORISSEAU: I reported in Supplement 4 on
8 the portion of the inspection -- onsite inspection that was
9 done by the Staff.

10 Largely, I wrote the results of what Mr. Buzy and
11 I did.

12 JUDGE SMITH: And you were addressing RHR?

13 WITNESS MORISSEAU: We had to address all of them
14 at the time, all of what is mentioned in the title of this
15 thing. But we asked the questions particularly from RHR that
16 we had some concern about the clarification of.

17 JUDGE SMITH: Now, you will agree that Ms. Bauser
18 accurately read -- in that you have accurately read it, you
19 assume that that is what it says, and that doesn't tell us
20 much. Do you have any basis of your own to agree or not agree
21 with that language? That is what we are seeking. Not what
22 the report actually says.

23 WITNESS MORISSEAU: Without going back right this
24 minute and reading the RHR Report and the cover letter that
25 was mentioned by Ms. Bauser earlier, the letter cited here,

1 May 13th, I couldn't say I have a basis right here in my head
2 right now.

3 I believe that is where that information may have
4 come from, and why the statement was made.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

End 11.
SueT fols.

#12-1-SueT

1 JUDGE SMITH: But as to the statement itself, the
2 accuracy of the statement itself, you have no opinion; is
3 that your testimony?

4 Or a basis for an opinion? Or, any of you?

5 WITNESS MORISSEAU: I don't remember what was in
6 the letter, in the report, exactly right now. So, I would
7 have to say I don't have an opinion.

8 JUDGE SMITH: Because of that reason?

9 WITNESS MORISSEAU: That's right.

10 BY MS. BAUSER: (Continuing)

11 Q Am I correct that there were two independent
12 interviewing efforts by the NRC Staff that are reported
13 in Supplement 4, one related to following up with operators
14 on training issues and another one related to procedural
15 adherence?

16 Is that a correct understanding?

17 A (Witness Morisseau) That's correct.

18 (Witness Buzy) For that week. The following
19 week there was another team that evaluated the draft INPO
20 report. So there were really two teams, two successive
21 weeks.

22 Q And am I correct that the Staff was concerned
23 about the implications about procedural adherence that
24 could be drawn from the RHR Report, and that's what
25 motivated your further inquiry?

#12-2-SueT

1 A Our -- Ms. Morisseau and I did not review the
2 area of procedural adherence. It was another group during
3 the same time interval that reviewed that specific area.

4 Q Does that mean that you don't know?

5 A I don't know.

6 Q Have you read Supplement 4, Mr. Buzy?

7 A Yes, I have.

8 Q Would you turn to Page 3-11, please?

9 (The witness is complying.)

10 A Yes.

11 Q Would you look at the last sentence on the first
12 paragraph following Section 3.3.1.5? I believe it says
13 that: The Staff, or we, concluded that procedural issues
14 identified in the RHR Report needed to be independently
15 examined with TMI-1 operators to determine the significance
16 of their concerns.

17 Is that a correct statement? Is that what it
18 says?

19 A That's what it says.

20 Q And you don't know whether that's what the Staff
21 was doing or not; is that what you are saying?

22 A The Staff did that. The group that was there
23 that week performed that.

24 Q Isn't it also correct that the Staff members who
25 did that found that the management policies on procedural

#12-3-SueT

1 compliance were reasonable and were clearly communicated to
2 the operators?

3 MR. JORDAN: I object.

4 MS. WAGNER: I object.

5 MR. JORDAN: Your witnesses.

6 MS. WAGNER: I don't think there is any basis
7 for that question.

8 MR. JORDAN: And I think that findings of that
9 nature are outside the scope of the methodology matter.

10 JUDGE SMITH: Before you go too far, I'm going
11 to need the question back.

12 (The court reporter read the question back.)

13 MS. WAGNER: Ms. Bauser, could you cite to a
14 portion in --

15 MS. BAUSER: Yes. I don't know if that's what
16 I said, but a slightly different wording from what I intended
17 to read, or I thought I was reading which was on the bottom
18 of Page 3-13 of 0680, Supplement 4. This is the statement
19 that: Based upon our evaluation we find that in general TMI-1
20 operators believe that -- and I was reading the middle one.

21 MS. WAGNER: I still think there is no basis for
22 the question. Mr. Buzy said he did not do that part of the
23 review. It was other Staff members.

24 MS. BAUSER: I have a problem here, Judge Smith,
25 because Mr. Buzy is a member of this panel that has said that

#12-4-SueT

1 this document should have been looked at and that RHR should
2 have been looked at. And I believe that this document itself
3 suggests that RHR shouldn't have been looked at.

4 And if he doesn't know what is in this document,
5 I don't understand how he could be saying that it should be
6 looked at.

7 JUDGE SMITH: Well, that's not -- that's an
8 appropriate argument and I think that maybe that might be
9 an appropriate question to put to him. But that's not an
10 appropriate response to the objection.

11 MS. BAUSER: I didn't ask him, Judge Smith,
12 whether he did this or he found this. I asked if this was
13 what was contained in this report and represented the Staff's
14 effort, the Staff's findings based on their effort.

15 And I don't understand why he can't testify to
16 that.

17 MS. WAGNER: I don't think I have any trouble
18 if you cited him to that page and asked him if that's what
19 it said.

20 MS. BAUSER: Well, I have to do that first before
21 I can then ask him whether that's what the Staff found. I --

22 JUDGE SMITH: I'm wondering if there cannot be
23 a better approach to this. This certainly is not efficient,
24 and it's not developing I believe a reliable record. This is
25 going to be a very confusing and long chain to where you are

#12-5-SueT

1 going. You will have to remember that. You are going all
2 the way back to your effort to minimize the significance of
3 the failure of the Committee to look at both the Report and
4 the Supplement.

5 And --

6 MS. WAGNER: Isn't the point just the failure to
7 look at RHR?

8 MS. BAUSER: I think so -- yes. So far that is
9 the point.

10 JUDGE SMITH: Yes.

11 MR. BLAKE: If we could have a minute.

12 (Mr. Blake and Ms. Bauser are conferring.)

13 MR. JORDAN: Your Honor, I want to chime in but
14 I want you to be able to hear whatever I have to say. So --

15 JUDGE SMITH: So wait --

16 MR. JORDAN: Do you want me to go first and
17 then talk?

18 JUDGE SMITH: Let them confer.

19 MS. WAGNER: Judge Smith, would it be possible to
20 have a very short break at this time?

21 JUDGE SMITH: All right. Let's take our mid-
22 afternoon break.

23 (Whereupon, a recess is had at 2:29 p.m. to
24 reconvene at 2:44 p.m., this same day.)

25 JUDGE SMITH: All right.

#12-6-SueT

1 (Ms. Doroshaw is not present.)

2 MR. JORDAN: She had an emergency phone call.
3 She is still here. She would have us go ahead, she told
4 me.

5 JUDGE SMITH: Well, she hasn't been here for some
6 time. And she reaffirmed that they have no questions of this
7 panel, except Ms. Bradford did allude to some possible follow-
8 on questions but I don't know what we can do about that.

9 I have a couple of questions I want to put to
10 the panel at an appropriate time during this line on
11 Supplement 4. And whenever you feel it would not interfere
12 with your cross-examination I would like to answer them.

13 MS. BAUSER: Why don't you go ahead, Judge
14 Smith.

15 JUDGE SMITH: All right.

16 BOARD EXAMINATION

17 BY JUDGE SMITH:

18 Q Given the criticism of the RHR Report appearing
19 throughout Supplement 4, why do you believe it was important
20 for the Committee to take into account the RHR Report?

21 A (Witness Persensky) Thank you. May I answer
22 that. I've been waiting for this.

23 (Laughter.)

24 Q All right. Then, I am going to give you another
25 question following up. I might as well give it to you now.

INDEXXX

#12-7-SueT

1 Given the fact that there are large portions of Supplement
2 Number 4 which you are unable to sponsor or support, what
3 is the basis for your belief that the Committee should have
4 looked at Supplement 4?

5 That would be the second question.

6 A Okay. The purpose of our testimony was to lay out
7 what we felt was an appropriate methodology for evaluating
8 the issues and questions raised by ALAB-772. One of those
9 issues was operator attitudes.

10 In our review of the documentation that was
11 available to us, two documents that came out as addressing
12 the issue of operator attitudes were the RHR Report and
13 the follow-up done by the Staff in Supplement 4.

14 We were not intending to sponsor necessarily
15 either of these reports but only to indicate that in the
16 review of documents that an independent panel or independent
17 evaluator might review, should review, that these were two
18 documents that existed. RHR was done for the utility. It
19 had some information. Supplement 4 was written by the Staff
20 in response to the RHR Report and does indicate in it some
21 of the limitations that the Staff felt the RHR Report had.

22 Nonetheless, they are two bench marks. Because
23 Supplement 4 offered some clarification, we felt that both
24 of them should be included in the review as opposed to just
25 the RHR which we thought that perhaps the utility in their

#12-8-SueT 1 provision of documents to the utility, because it was one of
2 their reports or a report to them, they may have included
3 in the documents for the Committee to read. Therefore, they
4 are bench marks in the sense that they are measures of attitude
5 over time; and, further, that Supplement 4 does offer in it
6 some clarification, perhaps criticism, of what was done by
7 RHR.

8 So it fills out that bit of information for the
9 Committee in their following up and trying to answer the
10 questions with regard to operator attitude.

11 Q All right. Assuming, as you say, for completeness,
12 for better or for worse, the Report being in existence the
13 Committee should have looked at it because it was relevant.
14 And I think that's --

15 A I believe that it was --

16 Q It was relevant. All right. Now, let's go to
17 the more subtle point being made by Ms. Bauser, and that is,
18 given the weaknesses seen in RHR by the Staff in Supplement
19 4, what is your view that the failure of the Committee to
20 use it has less importance?

21 What is your view of that argument, that the
22 failure of the Committee to consider it, although they should
23 have, has less importance?

24 A Well, I believe that the Committee -- I'm trying
25 to remember what they did with regard to Supplement 4. I

#12-9-SueT

1 believe they indicated that they did not read Supplement 4
2 but had reviewed Ms. Morisseau's notes with regard to the
3 RHR Report. I think that's in the rebuttal.

4 Therefore, I think that with both documents,
5 since they did not look at Supplement 4, that is one I believe
6 they should have looked at if they are going to look at
7 the RHR. And I believe that was indicated that they did look
8 at the RHR, at least a memo related to the RHR Report.

9 (Ms. Morisseau and Mr. Persensky are confer-
10 ring.)

11 Okay. Ms. Morisseau indicated that she believed
12 during the live testimony that they did indicate they had
13 looked at the RHR. And I just feel if you look at one you
14 should look at both to be able to put them both in perspective.

15 Q Well, this line of questioning has an underlying
16 premise that your criticism, as stated in your direct testimony,
17 that they failed to look at RHR is currently your position.

18 A I believe our testimony says that they failed
19 to look at both RHR and Supplement 4.

20 JUDGE SMITH: Have you understood that to be
21 the premise of their testimony?

22 MS. BAUSER: I would just like to look at the
23 testimony.

24 JUDGE SMITH: I thought you used it disjunctive.
25 You used "or" and that would mean to me that each of those

#12-10-SueT 1 should have been looked at. And your criticism is that they
2 looked at none of them. And now I understand you to be saying
3 that having looked at RHR, their dependence on RHR would have
4 been incomplete without also looking at Supplement 4.

5 WITNESS PERSENSKY: I believe that to be the
6 case.

7 BY JUDGE SMITH: (Continuing)

8 Q So, I see then there must be a change in your
9 testimony if you look at Page 33, and the question which
10 has been the subject of your cross-examination also refers
11 to the DDL Report but it refers to --

12 A I believe in this part of the testimony it says
13 they didn't do either with regard to the comparison.

14 Q Yeah, I see --

15 A Back on Page 16 we discuss the -- 15 or 16.

16 END #12
17 Mary flws
18
19
20
21
22
23
24
25

Sim 13-1

1 MS. BAUSER: Judge Smith, perhaps I could
2 clarify a little bit here. I think there is a time problem.
3 It is my understanding, and I believe that the Committee's
4 testimony reflects the fact that the Committee did not look
5 at either RHR or Supplement 4 in the May/June time frame,
6 and I thought -- well, I think the rebuttal testimony then
7 says that they look at both of those documents.

8 This staff testimony came out between the original
9 testimony and the rebuttal testimony and I thought was
10 responding to the fact that the original testimony does
11 reflect the fact that when they did the special report
12 they did not look at either document.

13 See page 7 of the rebuttal testimony.

14 WITNESS PERSENSKY: Of the rebuttal testimony?

15 MS. BAUSER: Yes.

16 (Pause.)

17 MS. BAUSER: Answer 8.

18 WITNESS PERSENSKY: I misquoted then the
19 rebuttal before. It does indicate that they reviewed
20 both documents and also the notes of Ms. Morisseau. That
21 is what threw me off I guess.

22 At the time we prepared our testimony we did
23 have the benefit of the depositions and I believe that
24 Mr. Kelly indicated that he had reviewed the RHR report,
25 but there was no indication as to whether anyone had

Sim 13-2

1 reviewed Supplement 4.

2 BY MS. BAUSER:

3 Q Do I understand, Mr. Persenky, you to be saying
4 that the problem you had with the Committee's approach was
5 that they were looking at the RHR report without reference
6 to Supplement 4? Is that the essence of what you were
7 saying before?

8 A (Witness Persenky) I am saying that our approach
9 as defined by our methodology would include a review of both
10 of those documents. Apparently now that you have pointed
11 out in the rebuttal that they did review both documents, but
12 they have not -- I am not sure what those words were -- they
13 did not rely upon the findings.

14 Our indication of a limitation as in our summary --
15 there is no indication that the Committee structured their
16 interviews in a way that such comparison could be made. We
17 are still suggesting at this point that based on the rebuttal
18 and what we have heard is that the questions that were asked
19 by the Committee members were not necessarily, or at least
20 we don't have the information available to us at this time,
21 asked in such a way that a comparison could be made to the
22 findings of either the RHR or Supplement 4.

23 In Supplement 4, as you have attempted to point
24 out, we the staff did find some limitations to how that data
25 was collected. Now I wasn't involved with that and I am

Sim 13-3

1 using I guess the royal we, in that the staff did find and
2 point out in Supplement 4 a need for clarification of the
3 questions raised by the RHR.

4 However, the issues that were found through the
5 RHR process are the same issues that we tried to address
6 within Supplement 4, and we felt that in doing a follow-up
7 of this type with regard to the attitudes of operators, there
8 were two benchmarks available and that it would be important
9 in an evaluation that those benchmarks be reviewed to find
10 out what the attitudes were at those two times, and that
11 questions that would relate to the same issues would be
12 included in the ongoing evaluation.

13 Q Let me ask you something. The second benchmark,
14 which I take it you are referring to Supplement 4; is that
15 right?

16 A Yes.

17 Q In Supplement 4 in surveying operator attitudes
18 the staff essentially found that the attitudes of the
19 operators were good with respect to procedural adherence;
20 is that right?

21 MR. JORDAN: I object.

22 MS. BAUSER: Judge Smith, this is exactly what
23 I said I was going to do. I am trying to shortcircuit quoting
24 from the document itself and get down to the crux of what
25 it is in that report that suggests that the earlier report

Sim 13-4

1 did not have to be looked at by the OARP committee.

2 MR. JORDAN: Perhaps Ms. Bauser's argument is
3 premature. I am simply objecting for the purpose to get
4 back to the point that the question is did the staff make
5 the findings. Okay, the staff made the findings, and I
6 believe the answer will be yes. And the question is not
7 were those findings correct. I don't want this evidence
8 to be viewed for the purpose of whether the findings were
9 correct, but as to how it relates to this issue of whether
10 Supplement 4 and RHR, et cetera, should have been reviewed
11 by the Committee. That is the distinction. And if that
12 is the limitation, I have no problem with it under the Board's
13 earlier order.

14 MS. WAGER: I have the same problem that Mr. Jordan
15 has, and I think if you could point him -- in addition, if
16 you could point him to where in Supplement 4 that conclusion
17 is reached, that might make it easier for him.

18 MS. BAUSER: I can either quote from the report,
19 which I would be happy to do, or I can summarize what I
20 understand the report to say. But in either case I want to
21 go to the substance of what was found because I believe that
22 by doing that we can show that it wasn't necessary for the
23 committee to look at the earlier report which covered the
24 same material. I will go either way, Judge Smith.

25 MR. JORDAN: In my view she can go either way

Sim 13-5

1 as long as the point is simply to identify that a finding
2 was made and not to establish that the finding is correct.

3 JUDGE SMITH: All right, it is your option.

4 MR. JORDAN: Is that the primise of the
5 questioning? It doesn't seem to me the discussion is made
6 clear for the record that that will be the result.

7 JUDGE SMITH: Mr. Persensky ---

8 JUDGE SMITH: Wait a minute. Mr. Jordan has
9 a question. She was consulting with Mr. Blake.

10 MR. JORDAN: Oh, I am sorry.

11 MS. BAUSER: I didn't understand the question.

12 MR. JORDAN: Oh, I am sorry. I thought we
13 did rather well earlier when we were proceeding on a premise
14 that you had agreed was the premise that it was not to
15 establish the substance, or the substance was correct, but
16 that the findings had been made. And if that is the purpose
17 of your cross-examination, then I don't object to it.

18 If the purpose of the cross is to get in the
19 record evidence as to substantive findings on which you want
20 to rely as correct substantive findings, I object to that
21 as being outside the scope.

22 JUDGE SMITH: Nothing has happened as far as
23 I can see this afternoon which would permit the Board to
24 make any findings for the truth of any statement made in
25 Supplement 4. If it has happened, it has happened without

Sim 13-6

1 our knowledge and appreciation of it.

2 I don't really appreciate what is happening in
3 this finer point right now, but I don't see it as being
4 inconsistent with our earlier ruling and the premise that
5 has prevailed all afternoon with the line of questioning.

6 MR. JORDAN: If that is the case and that will
7 be affirmed to me certainly by counsel, then I have no problem,
8 or even if the Board tells me that is the way they are going
9 to read this record.

10 JUDGE SMITH: We had her commitment that if we
11 should depart from that, she would give us notice and she
12 hasn't.

13 Is that correct?

14 MS. BAUSER: That is correct.

15 JUDGE SMITH: And do you agree with my
16 characterization that we are continuing under the earlier
17 premise?

18 MS. BAUSER: Yes, sir.

19 MR. JORDAN: Teriffic.

20 MS. WAGNER: But the staff still would like
21 references to where in Supplement 4 you are drawing your
22 conclusions from.

23 Dr. Persensky, as I think he said, really did
24 not play a part in preparing Supplement 4.

25 MS. BAUSER: Well, the problem I have is this.

Sim 13-7

1 This panel has said that this document, Supplement
2 4, is worthwhile enough that it should be looked at by the
3 Committee, and it seems to me they either know what is in
4 it or they don't know what is in it. And if I say is it
5 generally true that "X" is in it, they either know it is in
6 it or they don't it is in it.

7 JUDGE SMITH: But haven't we almost beat this
8 issue to death now? They have made it clear that they are
9 not arguing, as I understand it, for the correctness of the
10 conclusions reached in any document, either document, but
11 that a careful, prudent and thorough committee, knowing that
12 the information is available, should have used the information
13 in their analysis.

14 WITNESS PERSENSKY: That is our opinion, yes.

15 JUDGE WOLFE: Even if everything in RHR and
16 Supplement 4 were wide of the mark and incorrect, as a matter
17 of good investigation, you are saying that these two reports,
18 Supplement 4 and RHR, should have been reviewed? Is that
19 what you are saying?

20 WITNESS PERSENSKY: I think your comment with
21 regard to wide of the mark, in the sense that both of these
22 documents address operator attitudes, we feel that they
23 are appropriate documents to be reviewed.

24 And, again, we are not sponsoring the findings
25 of either of these documents, but on the fact that they do

Sim 13-8

1 have findings with regard to operator attitudes.

2 JUDGE SMITH: Even if you were to assume that
3 one of the two documents turned out to have fundamentally
4 erroneous findings, it would still be your view that entering
5 into the project they should look at them and assess them?

6 WITNESS PERSENSKY: Yes.

7 JUDGE SMITH: But isn't it also your view,
8 at least with respect to RHR, that to the extent that the
9 RHR report may not be a valid report, the harm done to
10 their investigation by not looking at it has been diminished?

11 Assume that they should have looked at it, if
12 it is not a valid report, it doesn't matter as much in
13 consequence.

14 WITNESS PERSENSKY: I can agree it does not matter
15 as much, but on the other hand, I think it is a moot point
16 since they have all agreed that they have looked at it.

17 JUDGE SMITH: Well, this is what troubled me,
18 too.

19 WITNESS PERSENSKY: They have reviewed the
20 documents.

21 JUDGE SMITH: I thought everybody else understood
22 something that I don't understand.

23 (Laughter.)

24 MS. BAUSER: The significance is the quality of
25 the initial work done by the Committee which is subject to

Sim 13-9

1 criticism in this forum I believe.

2 May I have one moment, please?

3 JUDGE SMITH: Yes.

4 (Pause.)

5 MS. BAUSER: I am through with the RHR report
6 for the moment.

7 JUDGE SMITH: You are through?

8 MS. BAUSER: At least for the moment I think
9 I am completely through.

10 JUDGE SMITH: All right. I am wondering if the
11 schedule we had talked about is still realistic. You
12 had hoped that this panel would be done by noon really and
13 that we would get on with the committee rebuttal, and it
14 looks like this panel may take the day yet.

15 MS. BAUSER: I have trouble judging because
16 it depends on how much reaction there is to my line of
17 questioning. I am still hopeful we could get the committee
18 on, but I don't really know how much redirect there would
19 be.

20 JUDGE SMITH: Okay.

21 BY MS. BAUSER:

22 Q Mr. Persensky, would you agree that the OARP
23 Committee is essentially a Blue Ribbon panel of experts?

24 A (Witness Persensky) Yes, I do agree to that.

25 Q I believe in the testimony of the staff a

Sim 13-10

1 recommendation is made essentially that the Committee should
2 have used an approach that was similar to that employed by
3 DDL when DDL did a review of training at Three Mile Island;
4 is that correct?

5 A I am not sure that the testimony says it in that
6 manner. It does say that there are other examples of
7 appropriate methodology, and included in that was the DDL
8 methodology.

9 Q Well, it is correct that the staff attempted to
10 devise a model against which to compare the Committee's
11 approach and it described its own model as similar to that
12 employed by DDL?

13 A Yes.

14 Q The approach used by DDL was an accreditation
15 type approach, was it not?

16 A I have heard it described in that manner. I
17 am not sure that that is necessarily a good description of
18 it. As I understand it, the words that were used to
19 describe it is that it was based on the accreditation approach
20 of INPO at that time.

21 Now, in fact, I believe INPO's accreditation
22 approach has changed since that time.

23 I would describe it more in terms of a systematic
24 approach to training.

25 Q Mr. Buzy, would you describe the DDL approach

Sim 13-11

1 as an accreditation type approach?

2 A (Witness E.) You could say that during the
3 time that DDL performed that, they actually took INPO's
4 initial accreditation process, and seemingly if we go back
5 to the original OARP Committee, it was probably an attempt
6 in that same direction in 1980. That is why we felt that
7 DDL was really a follow-on of probably the original OARP,
8 to the original OARP Committee's comments.

9 Q And you would describe both of those reports,
10 the original OARP report and the DDL report as an accreditation
11 type of process, would you not?

12 A Yes, or near so at the time.

13 MR. JORDAN: I am sorry. Did you say near so?

14 WITNESS BUZY: I said yes. I would say yes.

15 end Sim
16 Joe fols

17
18
19
20
21
22
23
24
25

1 WITNESS PERSENSKY: May I jump in on that? As
2 I understand an accreditation approach includes several
3 steps, one of which is self-evaluation report which is done
4 by the program to be accredited.

5 Another step, and generally the final step, is
6 that an accreditation board meets and makes a judgment on it,
7 and I don't believe that either the original OARP or the
8 DDL included either of those steps.

9 MS. BAUSER: So you disagree with your colleague?

10 WITNESS PERSENSKY: Yes, I do.

11 BY MS. BAUSER: (Continuing)

12 Q Would the panel agree, and anyone who doesn't agree
13 say so, that GPU Nuclear is now embarked in accrediting its
14 TMI-1 Licensed Operator Training Program with IMPO?

15 A (Witness Persensky) GPU has submitted a self-
16 evaluation report, and a team visit has been held by IMPO,
17 and I guess the report also has been received from IMPO on
18 the results of that team visit. So, that would indicate to
19 me that they are embarked in that manner.

20 Q And is it correct that DDL has been identified
21 as a group that is going to do a review of training program
22 at TMI after the plant is operational?

23 A It is true that a letter has been sent approving
24 them as the independent reviewer.

25 Q What kind of individuals, individuals with what

1 sort of background, go out in the field and do accreditation
2 reviews? Are they people of the stature of this Committee?

3 MR. JORDAN: I object. They are people who do
4 accreditation reviews of all sorts, in all fields and areas.
5 Are we limited to accreditation of IMPO, or what are we talking
6 about?

7 MS. BAUSER: That is fine. Let's limit it to the
8 IMPO process.

9 WITNESS PERSENSKY: The IMPO evaluation team, as
10 far as team evaluation, is generally made up of staff from
11 IMPO who have been involved with nuclear operations, nuclear
12 training. They also have educational or training specialists
13 that go along, and generally they have two -- two to three peer
14 evaluators who are generally trainers or training managers from
15 other utilities that would be able to bring their expertise
16 from the field.

17 I would say as far as an educational specialist,
18 such as Dr. Gardner, I don't believe that there is anyone
19 that has that type of background -- that depth of background
20 on most evaluation teams.

21 Q Would you agree that the people who are on the
22 accreditation board at IMPO have credentials more akin to the
23 credentials represented by the OARP Committee than the staff
24 members who do the work that is then presented to that Board?

25 A Since one of the OARP members is a member of the

1 accreditation board -- at least an alternate member -- yes.

2 Q I believe in your testimony you discuss the
3 position of the NRC Staff towards the IMPO accreditation
4 process. When you spoke this morning you mentioned that the
5 Staff has submitted a paper endorsing that process.

6 Am I correct that the Staff plans to rely on IMPO
7 -- or would like the Commission to endorse a reliance on IMPO
8 to do accreditations, and that the Staff will not duplicate
9 that effort?

10 MS. WAGNER: I object to that question. I don't
11 see how that relates to the limited nature of his reference
12 to the IMPO process.

13 MR. JORDAN: I object as well. I had a sense of
14 what was going on until we got to this point, which it seems
15 to me we have gone too far afield from the point that counsel
16 is trying to make.

17 MS. BAUSER: I can tell you the question here is
18 if it is alright for the Staff to rely on IMPO to do
19 accreditations, why isn't it alright for the OARP Committee
20 to do so?

21 MR. JORDAN: I thought there might be something
22 along those lines, but I don't think it has been established
23 that the OARP Committee is to rely on accreditation -- the
24 IMPO process, as I understand it, is fairly complicated and
25 has many iterations and so on, and I don't see that the work

1 the OARP Committee did has been demonstrated to be equivalent.

2 Now, there may be a DDL Report --

3 JUDGE SMITH: That is not --

4 MR. JORDAN: Well, if the comparison is to be
5 made, it has to be some equivalency, or at least a comparison
6 established.

7 JUDGE SMITH: I think you had better clarify the
8 question. I think there is just a flat out misunderstanding
9 of the question -- of the point, of the purpose.

10 It was reliance and recognition of IMPO by the
11 Committee, not comparability.

12 Would you explain your purpose?

13 MS. BAUSER: Yes. The purpose of my question is,
14 as I understand it, the Staff is endorsing to the Commission
15 the view that IMPO should do the accrediting of training
16 programs at utilities, and that the Staff is not at this time
17 inclined to repeat that effort.

18 And I was asking for verification of that in order
19 to establish that it would not then be unreasonable for this
20 Committee to not repeat the IMPO process which the Company
21 is currently involved in, but to do a different kind of review.

22 MR. JORDAN: Well, I don't think that really works
23 here because the IMPO accreditation process has not been
24 completed. There is nothing to rely upon.

25 The difference was that this Committee was to go

1 to the Commission originally in June. IMPO had been completed
2 by then. There was nothing to rely upon.

3 MS. BAUSER: The Staff, as I understand it, has
4 never said, and I don't know of anyone that has ever said,
5 that accreditation is a necessary prerequisite to operating
6 a power plant.

7 MR. JORDAN: That may be, but I don't think it is
8 relevant to the argument.

9 MS. BAUSER: I think that was the basis for your
10 complaint, Mr. Jordan.

11 JUDGE SMITH: Ms. Bauser, my trouble with your
12 question and your explanation is that I don't think that it
13 has been established with efficient clarity the relationship
14 between any potential IMPO accreditation and this panel's
15 reliance, or supplement, or whatever you characterize the
16 relationship. That is my problem.

17 I don't know how to characterize the relevance
18 of this panel's activities to a proposed IMPO accreditation.

19 Do they say in their testimony that they have
20 looked at IMPO accreditation and that they believe that that
21 is a good thing, and that is one of the basis upon which they
22 can represent to the Board that some of these problems have
23 been solved?

24 MS. BAUSER: I think what they did was they recognized
25 that process was going on, and they did not endeavor to repeat

1 that process.

2 JUDGE SMITH: Did they say that?

3 MS. BAUSER: They did not rely on it. They did
4 their own work.

5 JUDGE SMITH: They didn't rely upon it, but they
6 recognized it, in your view, as a dependable -- either their
7 work as supplemental or IMPO's work as supplemental, but
8 together they are complementary.

9 That is your point? Neither has to do a complete
10 job. They don't have to do a complete job, because IMPO is
11 doing their work. That is your point, and that is their
12 testimony.

13 MS. BAUSER: I think their testimony is -- this
14 may be saying the same thing, Judge Smith, but I just want
15 to be clear, that they were well aware of the fact that IMPO
16 was doing an accreditation-type review, and when they began
17 their effort they did not try to do such a review themselves.

18 JUDGE SMITH: Before that really goes to where
19 you want it to, that also requires a demonstration that they
20 believed that given IMPO's input if you want to put it that
21 way, that there -- it was not necessary for them to go do
22 that.

23 MS. BAUSER: Well, obviously since I think they
24 didn't do it, they didn't think it was necessary or they
25 couldn't, or something, and I was seeking from this panel

1 why it was that the Staff took the position that they didn't
2 need to do it because IMPO is doing it, and yet that same
3 kind of disparity with respect to the Committee seemed
4 unsatisfactory.

5 JUDGE SMITH: Okay. Still, we have not established
6 that they have found -- that they did not have to do it
7 because -- and underline, 'because', IMPO was. They had
8 knowledge that IMPO was doing it, but I don't know that you
9 have established -- as I understand that was Mr. Jordan's
10 essential objection, that you had not established the premise
11 of your question.

12 But assumign that you have, --

13 MR. JORDAN: I have to go beyond the way you just
14 described it, Your Honor. It is not just that IMPO was doing
15 an accreditation, and so we can be confident that next year
16 some time IMPO will have assured the program was all right,
17 and that is not what happened here.

18 This Committee made conclusions that went to the
19 Commission for the purpose of a decision. They couldn't rely
20 on a process that hadn't even been completed, that might find
21 problems.

22 MS. BAUSER: And I very deliberately said that
23 they were not -- they did a different kind of effort than
24 IMPO accreditation, and this panel is here to testify on
25 whether the methodology that the Committee used was appropriate,

1 and I am questioning their view that an accreditation-type
2 review would have been more appropriate given the fact that
3 other organizations were doing accreditation-type reviews,
4 and the Staff itself does not see the accreditation process
5 as something that they themselves have to do.

6 JUDGE SMITH: That was a new argument. That is
7 the way I originally thought the Licensee was trying to do,
8 and I am afraid we are so far away from the original that
9 I don't recall, but my original problem was it hadn't been
10 established that the basis for that argument had not yet
11 been established.

12 MS. BAUSER: Is it possible to get the question
13 again?

14 JUDGE SMITH: No, no. I am sure it is possible.

15 REPORTER: I can read it back.

16 JUDGE SMITH: All right.

17 (Reporter reads question back)

18 JUDGE SMITH: I think what we can do now is shift
19 the whole problem over to the witness panel to see if they
20 recognize a logical relationship between the two considerations,
21 and answer the question.

22 WITNESS PERSENSKY: Okay. First, the policy
23 statement that has been proposed by the Staff, signed by Mr.
24 Dirks, proposes that the IMPO accreditation process be endorsed
25 by the Commission for the review of training programs for

1 operating reactions, in lieu of a rule that had been proposed
2 by the Staff in response to the Nuclear Waste Policy Act.

3 The reason for the endorsement was that the
4 IMPO accreditation process has -- is a performance-based
5 process similar to that proposed by the Staff in the rule.

6 The policy statement does not in any way limit
7 the NRC's authority to review training programs. It was just
8 to -- in a sense to reduce the burden on the NRC to do complete
9 reviews of every training program out there.

10 We are suggesting that the number of inspections
11 and reviews be limited for those programs that are accredited
12 by IMPO.

13 It does not have any effect at all, for instance,
14 on an operating license applicant in a sense that IMPO
15 accreditation -- IMPO doesn't even look at a plant until
16 after it has been operating for two years.

17 So, there are -- it is not that we are completely
18 throwing away, or giving everything to IMPO, and it was agreed
19 as part of the withdrawal of the rule that we would go along
20 with the accreditation process. That is one point.

21 JUDGE SMITH: Now, carry it over to the next point.

22 WITNESS PERSENSKY: Given that the Staff has
23 indicated that accreditation is an acceptable means of
24 reviewing a training program, and assuring that that training
25 program is kept up to date --

1 JUDGE SMITH: And this particular accreditation?

2 WITNESS PERSENSKY: This particular accreditation?

3 JUDGE SMITH: Well the IMPO accreditation.

4 WITNESS PERSENSKY: The IMPO accreditation, yes.

5 Okay. Then the Staff would not do that thorough a review on
6 a routine basis. We would follow up on special issues. If
7 something came up, if there was some LER with a similar thorough
8 review of our own, that we would still be able to inspect when-
9 ever necessary, and would also do follow-ups -- any follow-up to
10 an event, that we would be doing sampling to check to assure
11 that the accreditation process is doing what it was intended
12 to do.

13 So, I have a hard time linking it to this particular
14 utility, or this particular plant, because what we do say in
15 the policy statement is that if there is any special issue
16 that comes up, that we would in fact do our own thorough
17 review.

18 JUDGE SMITH: Can you transfer that thought and
19 that concept of the Staff's reliance upon IMPO's accreditation
20 to your view as to whether it was reasonable for the OARP
21 Committee not to duplicate work that IMPO is doing, and will
22 be doing.

23 From what you know about what they did, and the
24 context of the reasons of why they were doing it?

25 WITNESS PERSENSKY: Can I confer here for a minute.

1 JUDGE SMITH: Yes.

2 (Panel confers)

3 WITNESS PERSENSKY: I don't remember in the original
4 report whether they mentioned accreditation. It came up
5 somewhere in the documentation.

6 JUDGE SMITH: I think for the answer you can
7 accept some assumptions. What those assumptions are, I think,
8 have become quite unclear. The assumption is that the
9 Committee did not duplicate work done, and to be done, by
10 IMPO.

11 WITNESS PERSENSKY: We can make the assumption that
12 they made the assumption that they wouldn't have to do that
13 work because IMPO was doing it?

14 JUDGE SMITH: We haven't been able to nail that
15 down quite precisely.

16 WITNESS PERSENSKY: I think that is my problem --

17 MS. BAUSER: I didn't ask whether it was because.
18 I asked whether the fact that they knew that IMPO was doing
19 the work made it reasonable for them not to duplicate it.
20 That is the question.

21 WITNESS PERSENSKY: I believe given that they
22 knew that it was going on and were familiar with the process,
23 that they would not necessarily have to duplicate that work,
24 but they should at least, I feel, checked to assure that they
25 felt it was being followed up by the utility.

1 Now, if I recall the SER had not yet been submitted
2 by the utility by the time the IMPO SER, Self-Evaluation Report,
3 had not yet been submitted to IMPO by GPUN.

4 BY MS. BAUSER: (Continuing)

5 Q Page 2 of the Staff's testimony, there is a
6 statement of the Staff's view of the scope of the remanded
7 proceeding.

8 I would like to ask the panel whether if the
9 Staff had information suggesting that the licensed operator
10 training program could not support restart of the unit, that
11 they would have had the same interpretation of the scope of
12 this proceeding?

13 End 14
14 SET fols.

15

16

17

18

19

20

21

22

23

24

25

Ace-Federal Reporters, Inc.

#15-1-SueT 1 MR. JORDAN: I object. I don't know that that
2 is a question that these witnesses could answer.

3 JUDGE SMITH: I would like to have that -- would
4 you restate the question?

5 MS. BAUSER: Yes. On Page 2 of the testimony,
6 there is a statement of the Staff's view of the scope of
7 this remanded proceeding.

8 JUDGE WOLFE: That's answer what? Answer 2 or
9 Answer 3?

10 MS. BAUSER: 3, excuse me. Yes, Answer 3, Judge
11 Wolfe.

12 And in there the Staff states that it's not
13 going to present its view of the training program. My question
14 is whether if the Staff had any reason to believe that the
15 training program, licensed operator training program, could
16 not support restart of Unit 1, they would have the same view
17 of the scope of the reopened proceeding.

18 MS. WAGNER: I object, in that I believe it may
19 call for a legal conclusion. And I'm not sure these witnesses
20 can -- I feel confident these witnesses can't give a legal
21 conclusion.

22 MS. BAUSER: I would like to ask, I believe --

23 JUDGE SMITH: Well, it may not be a legal conclu-
24 sion. These various decisions require them to perform various
25 duties, and if in the course of evaluating their duties they

#15-2-SueT 1 have to look at these decisions and act on them, whether you
2 call it a legal judgment or not it is a management direction
3 for them, too.

4 But the question is, as I understand it, if they
5 believe that the training program was not sufficient to justify
6 a restart would their view of 772 remain the same.

7 MS. BAUSER: The question -- maybe I should re-
8 phrase the question. The question is whether they would have
9 felt obligated.

10 JUDGE WOLFE: Make it very simple for me, would
11 you?

12 (Laughter.)

13 MS. BAUSER: Okay. I'm interested in knowing
14 whether these witnesses would have felt comfortable not
15 testifying about the licensed operator training program at
16 TMI if they felt that there was a problem in the program that
17 could not support restart of the unit.

18 MS. WAGNER: Are you asking if the Staff changed
19 its position on the adequacy of the training program, would
20 we have had to present testimony on it?

21 MS. BAUSER: No, I don't think so. I'm asking why
22 it is that the Staff, these witnesses, feel that they can
23 come here and present the testimony that they are presenting
24 and not talk about the licensed operator training program.

25 JUDGE SMITH: I think you had better --

#15-3-SueT 1 MR. JORDAN: In addition to the arguments that
2 have been made that I think are on point, there is a question
3 of foundation as to whether these witnesses made that decision,
4 assuming that it's not a legal conclusion that would be pro-
5 tected.

6 MR. AU: And it's a question of whether these
7 witnesses are competent to make the judgment as to the training
8 program which they have said they are not.

9 JUDGE SMITH: All right. Now, it's a hypothetical
10 question and the assumption is that some component of the NRC
11 Staff has determined that the Three Mile Island training
12 program does not support restart, the assumption is. Now,
13 given that assumption we have a rather complicated question.

14 Would the NRC Staff, as a whole, take a different
15 approach to a remanded hearing on 772; the second part of it
16 is, do the people here on the witness stand have that informa-
17 tion, that the Staff, as a whole, would take a different ap-
18 proach; and, if they do have that information what is the
19 answer.

20 Is that the evolution that we have to go through?

21 MS. BAUSER: I think the first --

22 JUDGE SMITH: So, let's --

23 MS. BAUSER: -- question was the one I was most
24 interested in, Judge Smith.

25 JUDGE SMITH: The first question?

#15-4-SueT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. BAUSER: Yes.

JUDGE SMITH: Well, are you in a position to know, to begin with, whether the NRC Staff believes that the training program is sufficient to support restart?

MR. JORDAN: Your Honor, I continue the objections that I made, although I hate to do that when the Judge is asking the question.

I take it you are overruling the objection?

JUDGE SMITH: No, I'm not. I didn't intend to. I'm trying to -- she has a right to get this information. There is -- she is concerned about an inference from their silence that the NRC Staff is noncommittal about the quality of the training program as a whole, not these people, but the cognizant components of the Staff are neutral on whether the training program supports restart.

MR. JORDAN: That's not an inference I would draw. I wouldn't draw an inference as to their position.

JUDGE SMITH: All right. Then, that's fine. We may not have any problem.

MR. JORDAN: That's certainly not something I would argue. But the question is, again as they are testifying to methodology, I don't see that the question here is getting to the issues before the Board under this testimony, adequacy of methodology to do this kind of review.

JUDGE SMITH: The NRC Staff elected in this case

#15-5-SueT 1 not to present testimony concerning the adequacy of the pro-
2 gram, of the training program.

3 MR. JORDAN: Right.

4 JUDGE SMITH: She is concerned, as I understand
5 it, that their failure to do that can be inferred by the Board
6 as suggesting some -- it can be inferred by the Board as
7 having some negative connotation about the quality of the
8 training program.

9 And if you don't think that that type of inference
10 is justified, and nobody does, and the Board agrees, you are
11 right; I don't think we have to ask the question.

12 If you believe that that type of inference could
13 be justified, and the parties do, then it would be prudent
14 for her to explore it.

15 MR. JORDAN: I don't think it would be justified
16 at all.

17 JUDGE SMITH: I don't either. I mean, I think
18 that is absolute neutral.

19 MR. AU: We also don't have TMI Alert's opinion
20 on whether the inference could be justified or not.

21 JUDGE SMITH: Well, that's -- that just can't be
22 helped. The proceeding has to move along.

23 I think it would be a very, very difficult
24 inference to justify. So, what's your option? I think it
25 should be up to you to decide whether you want to pursue it

#15-6-SueT

1 or not.

2 MS. BAUSER: If I understand UCS's representation
3 about not being interested in drawing that inference, I have
4 no need to ask the question.

5 JUDGE SMITH: As Mr. Au points out --

6 MS. BAUSER: TMIA is not --

7 JUDGE SMITH: And we don't even know what their
8 view of it is either, Commonwealth. I assume that the Staff
9 isn't going to mousetrap them on it either.

10 (Laughter.)

11 MS. WAGNER: That's correct. I would like to
12 make a statement in that regard.

13 The Staff has very clear obligations if its
14 position on a matter before this Board should change. We've
15 got Board Notification obligations. We also -- and, you know,
16 we have presented evidence, not in the remand, on our view of
17 the adequacy of training. We have updated our position since
18 that testimony in Supplement 5 to NUREG 0680.

19 And we have stated it many times to the Commission.

20 JUDGE SMITH: I inferred from the very language
21 of the question that is concerning Ms. Bauser, as you started
22 out by saying the Staff does not address the actual content
23 of the training program in its testimony, because the Staff's
24 view of the program, which was presented in the testimony after
25 the cheating incidents were discovered, is not the subject of

#15-7-SueT 1 the Appeal Board's remand.

2 Now if the Staff had changed its position and
3 made that statement, we would be upset.

4 MS. WAGNER: That's right, if we were backing
5 away from that testimony --

6 JUDGE SMITH: Right. That would have been --

7 MS. WAGNER: -- you would have a right to be.

8 JUDGE SMITH: Yes.

9 MS. BAUSER: Judge Smith, I think I'm through but
10 I would like a minute to look at my notes.

11 (Pause.)

12 I just have one other question.

13 BY MS. BAUSER: (Continuing)

14 Q Do you -- did any of the witnesses in any plead-
15 ings or documents filed indicate to the OARP Committee prior
16 to the filing of their testimony that it was the Staff's
17 view that the Committee should do an accreditation type of
18 effort?

19 MS. WAGNER: I object to that question. I'm
20 not sure that these witnesses are aware of all the pleadings
21 that have been filed in this proceeding.

22 JUDGE SMITH: Well, why don't we make it -- I
23 think what you are seeking here is even more a litigative
24 position or something that perhaps counsel might have done.

25 MS. BAUSER: I was interested in whether through,

#15-8-SueT

1 for example, seeking information from the Licensee, which
2 these witnesses may have been interested in, they might have
3 indicated that this is the direction that they thought the
4 Committee should go in.

5 MR. JORDAN: There is certainly no foundation
6 for whether anything like that was done.

7 JUDGE SMITH: Well, that's the point.

8 MS. BAUSER: That's really the nature of my
9 question. That's right.

10 JUDGE SMITH: That's her point.

11 MS. WAGNER: Well, I --

12 JUDGE SMITH: Let's let her make it. I think
13 she should be able to make the point. I don't know how
14 controlling it would be, but she should be able to make the
15 point. And among the five of you there, there should be
16 some type of answer available to her.

17 MR. GOLDBERG: As long as the two of us here
18 are included. We would like to consult with the witnesses.

19 Or, she can ask whether they are aware of whether
20 any information was sought.

21 MR. JORDAN: I don't object to the line. But
22 the problem is the foundation as to whether they had the
23 communication at all. And we don't have that yet.

24 JUDGE SMITH: I think that there should be -- the
25 information should be available that clarifies for this record

#15-9-SueT 1 whether or not the Committee was informed of the Staff's con-
2 cerns about their effort and when. That's what you are
3 trying to accomplish?

4 MS. BAUSER: Yes, sir.

5 JUDGE SMITH: It's -- you can come up --

6 MS. WAGNER: I have no problem either with the
7 line of the questioning.

8 JUDGE SMITH: -- with the information however
9 you want as long as it's reliable.

10 And counsel's representation would be the best
11 form of all if you are able to make that.

12 MS. WAGNER: I believe I'm able to make a
13 representation.

14 To the best of my knowledge, the Staff did not
15 indicate to Licensee or to the OARP Committee the nature of
16 its concerns before the OARP Committee Report was filed. I
17 do believe counsel for NRC Staff gave some indication to
18 counsel for Licensee as to -- after Staff had identified the
19 scope of its testimony and the focus of its testimony, that
20 is limited to methodology, Staff counsel gave some indication
21 to Licensee's counsel that Staff was experiencing some dif-
22 ficulty in preparing its testimony in light of the information
23 that was available to it.

24 And this was before the OARP Committee filed
25 direct testimony.

#15-10-SueT 1

MS. BAUSER: I agree. I think that's a slightly
2 different point though. I don't believe that the Committee
3 knew or that I knew, since I think you are talking about me,
4 until the depositions of the NRC Staff. And I would like your
5 agreement with this if it's your understanding, which I
6 believe took place on November 5, which was after the filing
7 of the Committee's testimony, that it was the Staff's view
8 that an accreditation type approach would be the approach
9 that the Committee should have taken.

10 MS. WAGNER: Well, I'm not sure that that is a
11 correct reading of the Staff testimony. They did say --
12 they did mention the DDL approach and the INPO approach as
13 two appropriate approaches that could have been used. But
14 I don't think that they are representing that that is the
15 only approach that would be appropriate.

16 And the witnesses could correct me if I'm mis-
17 representing them.

18 JUDGE SMITH: And I don't believe that's their
19 testimony today either, is it?

20 WITNESS PERSENSKY: No.

21 MS. WAGNER: But the answer to your question is,
22 the Staff did not inform Licensee or the OARP Committee that
23 an accreditation approach would be the only approach that the
24 Staff would consider appropriate in the circumstances.

25 MS. BAUSER: I don't have any further questions.

#15-11-SueT 1

JUDGE SMITH: I have been caught up short
2 unexpectedly. Normally at this point the Board would ask
3 questions, but I don't know if I have questions. I just
4 didn't expect to come to this point quite that fast.

5 So, I will pass now and we will go to redirect.

6 MS. WAGNER: May I take a minute to review
7 my notes?

8 JUDGE SMITH: Yes.

9 (Pause.)

10 END #15

11 Mary flws

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Sim 16-1

1 JUDGE WOLFE: I understand that in your prepared
2 written testimony beginning at page 32 and in responding
3 to Question 56 that you have proceeded to supplement your
4 answers to Question 56 and/or, using your words, removed
5 certain limitations or they remain.

6 With that as background, turning to page 36
7 of your testimony, which is in response to Question 57
8 appearing at the bottom of page 35, in light of those
9 supplementations, removals or deletions, do you now wish
10 to amend or revise your conclusions at the top of page 36?

11 WITNESS PERSENSKY: Considering that we still
12 are suggesting that there are limitations remaining, I
13 would say that the words here are still pretty much correct
14 in that we feel that the Board having heard our testimony
15 and the testimony of the OARP and other witnesses and
16 Dr. Regan, what I think has obtained is that there is some
17 disagreement among professional witnesses on items of
18 methodology and that you would have to take the weight of
19 the testimony as well as the report in your considerations.

20 So I would say at this point I would see no
21 change to the words that in Answer 57 on page 36.

22 JUDGE WOLFE: All right. Thank you.

23 (Board conferring.)

24 JUDGE SMITH: To really summarize it to a fine
25 point, you still withhold a flat out passing score?

Sim 16-2

1 WITNESS PERSENSKY: Yes.

2 JUDGE SMITH: Okay.

3 WITNESS PERSENSKY: I think the only change
4 we would make is you go way down to the bottom of the page
5 we can add after prefiled testimony rebuttal testimony and
6 live testimony.

7 JUDGE SMITH: But on the other hand you don't
8 fail them?

9 WITNESS PERSENSKY: Right.

10 JUDGE SMITH: What you say is we have to do our
11 work.

12 (Laughter.)

13 WITNESS PERSENSKY: That may be a way of saying
14 that, yes.

15 (Laughter.)

16 REDIRECT EXAMINATION

INDEX

17 BY MS. WAGNER:

18 Q Dr. Persensky, was the OARP Committee asked
19 by the Appeal Board in ALAB 772 to do an accreditation type
20 of review?

21 A (Witness Persensky) I do not believe so, no.

22 Q Is the staff in its own testimony today suggesting
23 that the OARP should have performed an accreditation review
24 as the only acceptable type of review?

25 A No, I don't think the methodology that we propose

Sim 16-3

1 is an accreditation review.

2 Q Does INPO accreditation address the issues remanded
3 by ALAB 772?

4 A From my understanding of the INPO accreditation
5 process, most of the issues and questions raised would not
6 be directly addressed by an INPO accreditation review.

7 MS. WAGNER: I have no further questions.

8 (Board conferring.)

9 JUDGE SMITH: Mr. Jordan?

10 MR. JORDAN: I have no questions.

11 JUDGE SMITH: Mr. Au?

12 MR. AU: I have no questions.

13 JUDGE SMITH: Do you have questions?

14 MS. DOROSHOW: I have no questions. I guess
15 I should note though for the record that TMIA has not been
16 in attendance for the staff testimony through its entirety
17 because of the injury of Ms. Bradford and the fact that I
18 have had to sit in on part of the hearing and I have not
19 been able to sit in through all of the testimony. So that
20 has inhibited our ability to prepare examination of these
21 witnesses,

22 JUDGE SMITH: Okay.

23 Do you have anything further?

24 MS. BAUSER: No, sir.

25 JUDGE SMITH: All right. You are excused then.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thank you very much.

(The panel was excused.)

MS. BAUSER: Judge Smith, I believe where we are with the committee is that the Licensee had not done its redirect of the OARP Committee on their original testimony, and that was to be finished up before going to the rebuttal testimony. So I think that is where we should be starting off right now.

Judge Smith, the witness have been previously sworn.

Whereupon,

JULIEN M. CHRISTENSEN

ERIC F. GARDNER

FRANK L. KELLY

WILLIAM R. KIMEL

-- and --

ROBERT E. UHRIG

resumed the stand and, having been previously duly sworn, were further examined and testified as follows:

REDIRECT EXAMINATION

BY MS. BAUSER:

Q Mr. Kelly, I believe in response to a question from Mr. Jordan when you testified when we were in Washington you stated that your review of two requalification examinations in the May/June time frame was not input into the Special

INDEX

Sim16-5

1 Report, and I wondered if on further reflection that was
2 your testimony today?

3 A (Witness Kelly) I misspoke at the time. Prior
4 to the preparation of the Special Report, I did review two
5 each reactor operator and senior reactor operator requalifica-
6 tion examinations which were part of the 1982/1983 requalifica-
7 tion cycle.

8 Q In response to questioning from UCS, the Committee
9 testified to the effect that it did nothing to evaluate the
10 consistency of the licensed operator training curricula with
11 the actual plant design.

12 I would like to ask you, first, Dr. Uhrig, did
13 you gain assurance during your committee work that the training
14 program is maintained consistent with actual plant design
15 and, if so, could you explain what that was?

16 A (Witness Uhrig) Well, there are a number of
17 instances where this occurred. The one that I was personally
18 involved in was the discussion about the plant operations
19 manual, which provides the basis for the instruction used
20 in the licensed operator training.

21 I was assured that there were procedures and
22 the procedures were described to me as to how this manual
23 is kept up to date.

24 Q Is that a control document, do you know?

25 A Yes, it is a control document.

Sim 16-6

1 Q Dr. Christensen, do you have any independent
2 means that you discovered to assure you that the training
3 is kept current with the plant design?

4 A (Witness Christensen) Well, my concern was
5 primarily with assuring that the exact replica which they
6 will obtain will be kept consistent with any change made
7 in the plant.

8 On the original briefings that we had this
9 point came up, and I forget the name of the briefer now,
10 but I also reaffirmed this. I believe this is already in
11 testimony either with Dr. Coe or Dr. Long, that indeed
12 procedures are being established for keeping the simulator
13 compatible with any changes that might be made in the plant
14 itself, in the control room.

15 Q Do any of the other Committee members have anything
16 to add?

17 (No response.)

18 Mr. Kelly, what basis do you have to have
19 confidence in the fact that recommendation one of the
20 Committee's original report which concerned training on
21 lessons learned from the TMI-2 accident have in fact been
22 incorporated into the current licensed operator training
23 program?

24 A (Witness Kelly) I observed that several areas
25 have been modified to reflect this. The simulator training

Sim 16-7

1 programs at the B&W simulator for one, the procedural adjust-
2 ments, in particular the ATOG procedures, which do reflect
3 the changes, the academic part of the requalification program,
4 which defines much more in the way of heat transfer, fluid
5 flow and thermodynamics of the plant cycle, the addition of
6 the control room mockup where the ATOG procedures are
7 demonstrated and taught, these are the areas that I observed
8 that were changed to reflect this.

9 Q Dr. Gardner, you interviewed a number of licensed
10 operators about their views about the training program.

11 Do you have any reason to believe that the operators that
12 you interviewed were hand picked by GPU management?

13 A (Witness Gardner) No.

14 Q Do you have any reason to believe that there
15 were any operators who were shielded from the committee?

16 A No.

17 Q I would ask the other committee members who
18 spoke with the operators to answer the same questions.

19 Mr. Kelly?

20 A (Witness Kelly) I would answer no to both of
21 those.

22 A (Witness Christensen) I would answer no to
23 both questions.

24 A (Witness Uhrig) No to both questions.

25 A (Witness Kimel) No to both questions.

Sim 16-8

1 Q Dr. Gardner, do you believe, and if so, could
2 you explain why whether you would be able to tell whether
3 an operator is telling you honestly what his views are about
4 the training program as opposed to just giving you a line
5 because of who you are and why you are talking to him?

6 A (Witness Gardner) Yes, there are various ways
7 of identifying whether or not a person is telling the truth.
8 Most of those come from prior experience having done similar
9 kinds of interviews.

10 In this particular case, I think we had an
11 additional element that gave us more confidence that these
12 responses were reflecting the actual opinions of the
13 operators, and that is that there were two of us doing the
14 interviewing. One person would ask questions and the second
15 would sit back and listen and would then be in a position
16 if that person who also was an experienced interviewer observed
17 any kind of behavior or anything at all that would indicate
18 evasion would come forth with a follow-up question.

19 And being in a position to utilize two people
20 with one following up on the other and one sitting back
21 watching and listening as to what was going on, I think we
22 were in a better than usual position to identify whether or
23 not we were being given material that was either irrelevant
24 or falsified.

25 Q Mr. Kelly, I believe that you stated during your

Sim16-9

1 prior testimony that you observed B&W simulator instructors
2 teaching operations personnel from the Crystal River facility
3 while you were at the simulator.

4 In what way, if any, were your observations
5 relevant to your participation in the work of the OARP
6 Committee?

7 A (Witness Kelly) Well, I determined to observe
8 these instructors in the performance of casualty drills for
9 the Crystal River operators because I wanted to see how
10 the instructors actually directed the operation and monitored
11 the responses of the operators, and I felt this was relevant
12 to the testimony here because the TMI operators also undergo
13 similar drills with the same instructors.

14 Q Dr. Gardner, I believe in response to questions
15 from Mr. Jordan you said that you reviewed the RO and SRO
16 requalification examinations using the matrix that has been
17 developed by Mr. Leonard of the GPU organization.

18 Did you review any other examinations using
19 this matrix?

20 A (Witness Gardner) I reviewed the requalification
21 examinations, these were the latest ones, with Mr. Kelly.
22 The two of us reviewed those together, he for content and
23 I to see whether or not the examinations did focus on
24 memory, which was one of the concerns. And we used that
25 matrix. That matrix had been applied by the staff, GPU

Sim 16-10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

staff and we looked at the items, the examinations themselves and the way the items had been classified.

Q Do you know if you looked at any replacement examinations?

A I am not certain about that. I think we did. You might address that to Mr. Kelly since we did this together.

A (Witness Kelly) I don't believe there were replacement examinations. I think they were the requalification examinations.

end Sim
Joe fols

1 Q Mr. Kelly , you commented, in response to a
2 question from Mr. Jordan, I believe you said yo- didn't draw
3 any conclusions about instructors whose classes you did not
4 sit in on. I take it -- does that mean you do not rely on
5 the views of any of your peers on the Committee, if they sat
6 in on the classes of other instructors?

7 A (Witness Kelly) No, it does not.

8 Q Dr. Kimel and Dr. Uhrig, I think this question
9 can be addressed by both of you. Have you had any discussions
10 with GPU Nuclear management about the selection of Dr. Long
11 to the position of Vice President, Nuclear Assurance, and if
12 so, can you describe those discussions?

13 A (Witness Uhrig) Dr. Kimel and I both met with
14 Mr. Phillip Clark, who is President of GPU Nuclear, and
15 discussed extensively the process that was used in the selection
16 of Dr. Long.

17 We discussed the various candidates. Mr. Clark
18 described the various candidate's positions; some inside the
19 Company, some outside the Company, and in general described
20 the process that ne and GPU Nuclear went through in the
21 selection. And it was their conclusion that Dr. Long was the
22 best qualified person for the position.

23 That was November 8th that we met.

24 Q Do you have anything to add, Dr. Kimel?

25 A (Witness Kimel) Pardon?

1 Q I asked if you had anything to add to that?

2 A No, that is accurate.

3 Q All right. Mr. Kelly, in response to UCS, you
4 state that prior to the issuance of the special report, you
5 did not review the licensed operator training program
6 descriptions.

7 In connection with your review of the examinations
8 that you conducted, did you review any program descriptions?

9 A (Witness Kelly) Yes, I did review for that purpose,
10 the scope and content of the requalification program.

11 Q Mr. Kelly, Mr. Jordan asked you some questions
12 about your review of the license exams, GPU licensed operator
13 exams, and in particular whether you considered the substance
14 of the questions and answers at all in your review.

15 I would like to ask you whether you gave any
16 consideration to the technical content of the examination
17 questions and answers when you reviewed those exams.

18 A Yes, I did. I gave consideration to the technical
19 content. First looking at the scope of the questions that
20 were asked in each category; were these appropriate, were
21 these appropriate technical questions in particular.

22 But in addition, as far as the answers are
23 concerned, a review of most of the answers that were generic
24 in nature I have seen many times, and could recognize
25 immediately that these were the match to the question, and that

1 the question elicited such an answer.

2 When it came to the details of a set point, I had
3 a good idea that it was in the right ball park. If it was
4 17 percent when it was really 20 percent, that I did not
5 research. But it was close.

6 Q And, Mr. Kelly, I take it from your background
7 that your business, if you will, is reviewing licensed
8 operator exams that are written by various utilities around
9 the country, is that right?

10 A That is right. And in addition to the review, I
11 would say if you look at that sphere of our business as
12 a hundred percent, fifty percent of it is review, but the
13 other fifty percent is actual preparation, in which I do a
14 great part of myself.

15 Q Dr. Uhrig, do you know whether the self-evaluation
16 report was reviewed by the OARP Committee -- let me clarify.
17 Do you know whether the self-evaluation report prepared by
18 GPU and submitted to IMPO for purposes of obtaining
19 accreditation of their licensed operator training program was
20 reviewed by the Committee prior to the issuance of their
21 special report?

22 MR. JORDAN: I object. I am having a problem
23 -- to be honest I don't know whether my objection is valid.
24 I have a problem that the direct and cross examination was
25 some time ago, and I don't recall each of these.

1 They are prefaced by Mr. Jordan asked you this,
2 or something of this nature. I assume that is the case. But
3 I don't recall cross examination that got to this particular
4 point.

5 JUDGE SMITH: I was hoping that this would not
6 come up, because it has been a long time, and I don't recall
7 either.

8 MS. BAUSER: I know there was a lot of discussion
9 about job task analysis in IMPO, and what the Committee knew
10 and didn't know, but that is as good as I can do here.

11 MR. JORDAN: I am concerned that there became some
12 interest in this particular subject as a result of the Staff's
13 testimony, but that doesn't make it valid to address it in this
14 testimony unless, in fact, it was within the scope of the
15 cross examination, to which this is redirect, and it is really
16 up to counsel to establish that it is, I think.

17 JUDGE SMITH: You will accept that, that that
18 is the purpose of your questions. Now, to postpone redirect,
19 and it is not to be predicated upon any intervening testimony
20 by other witnesses.

21 MS. BAUSER: This was a coincidence. I know what
22 Mr. Jordan is talking about, but I had written this before the
23 most recent fifteen minutes ago, when there was mention of
24 self-evaluation.

25 JUDGE SMITH: There certainly is not any thought

1 that you are taking advantage of an opportunity. Your
2 simple representation is more than enough.

3 MS. BAUSER: Let me make sure that I am not
4 misrepresenting myself. I can't remember whether the self-
5 evaluation report came up, but what did come up was their
6 familiarity with the Company's IMPO process, and that is how
7 they are familiar.

8 That is the document that reflects that
9 familiarity.

10 JUDGE SMITH: Is your objection still pending?

11 MR. JORDAN: I am right now trying to recall. I
12 recall Dr. Kimel talking about not remaining on the IMPO Board
13 as a result of his work.

14 I can't say that my own memory satisfies me that
15 it was within the scope.

16 MS. BAUSER: I believe Dr. Kimel was asked questions
17 about his knowledge about job task analysis. That is what my
18 note has based on December 20, and I am not sure who was
19 cross examining at that time.

20 JUDGE SMITH: If this were asked when they reconsti-
21 tute themselves in rebuttal, you would not have any objection.

22 MR. JORDAN: Except that the rebuttal testimony
23 has been filed.

24 JUDGE SMITH: Yes, the rebuttal testimony has been
25 filed for some time, but if you were to -- if they are using

1 this -- who raised the question to begin with?

2 MS. BAUSER: I believe it was Mr. Jordan, because
3 it was before my notes on TMI start. That is the best I can
4 do off the top of my head, Judge Smith.

5 JUDGE SMITH: That is a good question. Let's hear
6 the answer to it.

7 WITNESS UHRIG: You say answer it?

8 JUDGE SMITH: Yes, please.

9 WITNESS UHRIG: Reference 18 in our special report
10 is memorandum of May 24, 1984, IMPO self-evaluation report.
11 This was given to us when we arrived on May 30th, in that
12 general time frame, and was available to us.

13 I have no direct knowledge of when it was submitted
14 to IMPO, but that information was available to us, and we knew
15 that it was going to IMPO at the time we were preparing this
16 special report.

17 BY MS. BAUSER: (Continuing)

18 Q I would like to ask each of the Committee members
19 this question: Mr. Jordan asked you a number of questions
20 about what was the then upcoming Commission meeting, which
21 I believe you testified prompted your expedited consideration
22 of the issues that are covered in your special report. And
23 I also believe you testified that -- did your expedited --
24 did the purpose of your effort, which I believe you testified
25 was to allow Commissioners to consider your views prior to

1 making a decision on restart, cause you to change the substance
2 of anything that you would have said in the special report?

3 A (Witness Uhrig) No.

4 MR. JORDAN: I object. We got one answer. Change
5 the substance from what?

6 MS. BAUSER: Did it influence what you said.

7 WITNESS UHRIG: No.

8 WITNESS GARDNER: No.

9 WITNESS KELLY: No.

10 WITNESS CHRISTIANSEN: No.

11 WITNESS KIMEL: No.

12 MS. BAUSER: I have no more redirect.

13 JUDGE SMITH: All right. We are now up for recross
14 on redirect.

XX INDEX

15 RECROSS EXAMINATION

16 BY MR. JORDAN:

17 Q I think I can remember the scope of that. Dr. Uhrig,
18 with respect to the questions you were asked on the issue of
19 consistency of curriculum with the design of the plant, you
20 testified to the fact that you got some assurances that the
21 operations plant manual would be updated, there were procedures
22 to do so. I think you testified that you had seen the
23 procedures.

24 A (Witness Uhrig) No. I was told of the procedures.

25 Q Okay. You did not, however, do a quality assurance

1 check to assure that those procedures were working?

2 A No, I did not.

3 Q No member of the Committee did, correct?

4 A They will have to answer for themselves, but not
5 to the best of my knowledge.

6 A (Witness Christiansen) I am not sure what we
7 mean in this context by quality assurance check.

8 Q I will be glad to describe it, Dr. Christiansen.

9 A What was that?

10 Q I will be glad to explain it for you.

11 A Please do.

12 Q Really, I am simply asking whether you checked
13 the design itself against the curriculum to assure that the
14 curriculum did, indeed, reflect the design.

15 A May I describe what I observed. I believe it is
16 relevant. I am not --

17 Q Go ahead.

18 A What I observed over at the B&W simulator center
19 at Lynchburg, I observed both lectures, and operation on the
20 simulator. And it turned out during the lecture, Mr. Knoll,
21 who is the shift supervisor who accompanied these two
22 individuals, noted one discrepancy in the presentation, which
23 he promptly called to the attention of the instructor.

24 It turned out that discrepancy had only been made
25 -- a change had been made at the Island two or three days

1 before and had not reached Lynchburg yet, which impressed
2 me how sensitive the system was to change.

3 Here was something that had changed in the control
4 room. That is why I was wondering if it was relevant to
5 curriculum, and I think it is, and it was immediately caught
6 and introduced into the lecture.

7 Q And that was the only example of that sort that
8 you saw?

9 A Yes, sir, it is.

10 JUDGE SMITH: Your question, I thought, was
11 directed to whether the Committee applied any assurance
12 its curriculum represented the -- reflected the design, and
13 his answer was whether the staff at the plant --

14 MR. JORDAN: I think his -- I will relate the
15 answers as I understand them, and Dr. Christiansen may
16 disagree with me if I am wrong, but as I understand his
17 testimony he did not do such a comparison. I think that
18 was his negative answer to my question originally.

19 But then in the ensuing discussion, it turned out
20 that he did witness this particular event, in which he saw
21 a Staff member update the curriculum. Am I correct in my
22 characterizing of it, Dr. Christiansen?

23 A Yes, sir, you are.

24 MR. JORDAN: Does that satisfy Your Honor?

25 JUDGE SMITH: Yes.

1 BY MR. JORDAN: (Continuing)

2 Q Dr. Gardner, you testified just a moment ago
3 to the question of whether you can tell whether someone was
4 honestly relating his views to you or not. And it wouldn't
5 surprise me the methodology you described would certainly
6 be of assistance in determining the question of honesty.

7 My question to you is isn't it -- in a situation
8 where you are interviewing people to determine attitudes,
9 it is not at all unlikely if your expression of the reason
10 that you are there, to determine the attitudes, may have an
11 effect on the attitude, as expressed.

12 The person is being honest, but the attitude
13 may not be what otherwise would have been expressed had it
14 -- had the individual simply been speaking to someone he viewed
15 as a questioner, with no other identification. Is that right?

16 A (Witness Gardner) That is entirely possible.

17 Q So to the extent that that happened, you may well
18 not have caught any -- that kind of change of attitude?

19 A That is possible. I do not believe it happened, but
20 it is possible.

21 Q Mr. Kelly, you testified -- getting back to an
22 issue we were discussing a moment ago about -- actually we
23 weren't quite discussing that. This was with respect to the
24 conclusion -- I believe it was Conclusion No. 1 in the
25 special report. I am sorry, I may -- that reference may be

1 wrong, but the testimony you were giving related to observing
2 areas where various as I understand it, procedures, other
3 matters had been updated to reflect various changes of which
4 you were aware. You know what I am referring to?

5 A (Witness Kelly) Yes.

6 Q And you gave a number of examples. Is it accurate
7 that these are updates that you recognized as you went through
8 the work you were doing, and thus the fact that you recognized
9 these updates leads you to your conclusion expressed earlier.

10 A Yes, that is true.

11 MR. JORDAN: That is all I have.

12 JUDGE LINENBERGER: Mr. Jordan, with respect to that
13 last question about updates, you elicited from the witness
14 that these were recognized, and were you contrasting that with
15 some other source of updates he might be familiar with?
16 By implication, that is?

17 MR. JORDAN: I wouldn't put it that way. Some
18 other source of updates, no.

19 JUDGE LINENBERGER: Updates somebody may have told
20 him about, rather than his having observed and identified on
21 his own.

22 MR. JORDAN: No. I would say with respect to that
23 -- I would be glad to explain what I was getting after if you
24 kike, without the witnesses in the room.

25 JUDGE LINENBERGER: That is all right.

1 JUDGE SMITH: Do you have any questions?

2 MS. DOROSHOW: I am not in any position to question
3 these witnesses.

4 JUDGE SMITH: Mr. Au?

5 RECROSS EXAMINATION

6 BY MR. AU:

7 Q Mr. Kelly, you were with Dr. Gardner in some of
8 these interviews when you assessed attitudes?

9 A (Witness Kelly) Yes, I was.

10 Q Did you find any instances of operators who were
11 not totally candid with you?

12 A No, I did not.

13 Q So you believe that everyone you interviewed was
14 totally forthright?

15 A Yes, I believe that.

16 MR. AU: Okay. I don't have anything else.

17 MS. WAGNER: The Staff has no questions.

18 JUDGE SMITH: Do you have -- that concludes the
19 direct testimony phase, and we are, therefore, ready for the
20 rebuttal.

21 End 17.
22 SueT fols.

23

24

25

#18-1 SueT 1 MS. BAUSER: Judge Smith, could we just break
2 for one minute? I need to collect the right material.

3 JUDGE SMITH: Sure.

4 (Pause.)

5 MS. BAUSER: I failed to ask a couple of
6 questions. I would appreciate the Board and parties' indul-
7 gence.

8 JUDGE SMITH: Okay.

9 REDIRECT EXAMINATION

10 BY MS. BAUSER:

INDEXX 11 Q Mr. Jordan and the Commonwealth I believe asked
12 the Committee several questions about the RHR Report which
13 were addressed to Dr. Gardner and Mr. Kelly.

14 Dr. Gardner, do you think that the RHR Report
15 served a useful purpose? And, if so, could you describe
16 what that purpose was, please?

17 A (Witness Gardner) I think it served several
18 useful purposes. In the first place, management was attempt-
19 ing to determine what the gripes were essentially among the
20 staff. This occurred after the dramatic situation of the
21 hearing of the cheating.

22 And I think that it served a very useful purpose
23 in making explicit what the concerns were, both actual concerns
24 and perceived concerns, so that steps could be taken to
25 alleviate that.

#18-2-SueT 1 The second value that I think it had was that
2 there were really four data points in time related to some
3 of the fraud issues that were raised by that, including morale,
4 including the attitude toward training. And of those four,
5 if one wished to look historically at the particular develop-
6 ment, as it has been stated that one of the major interests
7 in looking at attitudes is change over time, that the four
8 data points would be the data that we collected; that is,
9 this current Committee, which is the most recent; the data
10 collected by the NRC Staff, and which was reported to this
11 group, including the material that Ms. Morisseau had presented.

12 Prior to that was the original information, the
13 RHR Report, I'm sorry. The RHR Report and then prior to that
14 would have been the data that we collected during the original
15 OARP Study back in '79 and '80.

16 So I think there are advantages for anyone who
17 wishes to look at changes in attitude on some of these
18 variables. These are four data points that would be worth
19 considering.

20 Q Do you know whether GPU Nuclear responded to the
21 RHR Report?

22 A Yes, I do.

23 Q Do you have an opinion as to the adequacy of that
24 response?

25 A Yes. I think it was a rather full response. I

#18-3-SueT 1 examined that report and noticed that the majority of the
2 issues that were raised by RHR had been considered, and the
3 majority of those, to alleviate those, steps had been taken.

4 Q Dr. Gardner, do you believe that your initial
5 Special Report suffered by your not having seen the RHR Report
6 prior to its issuance?

7 A No, I do not.

8 Q Why is that?

9 A The task that we assumed we were asked to perform
10 was to look at the current program to evaluate, or at least to
11 look at the quality. In particular, we were interested in
12 looking at the changes that had taken place and the extent to
13 which the recommendations that we had proposed back in 1979 in
14 our original report had been followed.

15 And we, of course, were interested in questions
16 about the attitude of the operators towards training and
17 morale in general. And our concern was, what is the situation
18 at the present time, not what it was two years ago.

19 MS. BAUSER: Now, I have no more questions.

20 MR. JORDAN: I have none.

21 JUDGE SMITH: Mr. Au, do you have any questions?

22 MR. AU: I do.

23 RECROSS EXAMINATION

24 BY MR. AU:

25 Q Dr. Gardner, when did you obtain the GPU response

#18-4-SueT 1 to the RHR Report?

2 A I think I heard you, but could you speak just a
3 little louder?

4 Q Yes.

5 A I'm hard of hearing in this ear.

6 Q When did you obtain the GPU response to the RHR
7 Report?

8 A My recollection is that I obtained that about
9 the same time I was given the report, which would have been
10 around the first part of October I believe.

11 Q So you didn't know how the Company responded to
12 the report until October?

13 A That's right.

14 Q In the May/June time period when you had the first
15 session with the Company, did the Company explain why it
16 commissioned the report?

17 A Did the Company explain what again?

18 Q Why it commissioned the report?

19 A If I understand the question correctly, you are
20 asking me, number one, do I understand why the Company com-
21 missioned the report; and, then I think you are adding to that
22 a time frame; is that correct?

23 Q No. I'm just stating as of that time frame,
24 May/June of 1984, did the Company explain to you why it
25 commissioned the report?

#18-5-SueT

1 MS. BAUSER: Is this the Special Report you
2 are talking about?

3 MR. AU: No, the RHR Report.

4 WITNESS GARDNER: I don't remember exactly when
5 I obtained that information. I did get that kind of informa-
6 tion and I understand I think rather well why they commissioned
7 it, but exactly when I obtained that information I just don't
8 remember.

9 BY MR. AU: (Continuing)

10 Q Do any of the other members of the panel recall?

11 A (Witness Uhrig) I don't recall any conversation
12 about why that report was commissioned in the time frame of
13 May or June.

14 Q No one else has any recollection?

15 A (Witness Christenson) I have none.

16 MR. AU: Okay. Thank you.

17 RE CROSS EXAMINATION

18 BY MS. WAGNER:

19 Q Dr. Gardner, would you say that the data in the
20 RHR Report then is of no use to you in evaluating the current
21 attitude of TMI-1 operators?

22 A (Witness Gardner) I would say it has minimum
23 value, that it has the kind of value that I explained a moment
24 ago as being one of four data points over a time period.

25 Q Dr. Gardner, have you had the opportunity to

INDEXX

#8-6-SueT 1 review Supplement 4 to NUREG 0680? You have mentioned that
2 was one of four data points as well.

3 A Again, I'm having difficulty hearing, but I
4 think you asked me did I have an opportunity to review
5 Supplement 4; was that correct?

6 Q That is my question.

7 A Yes, I did.

8 Q Do you believe that document, the data in that
9 document is of no use to you in evaluating the current attitude
10 of TMI-1 operators?

11 A No. I think it has the same value that I just
12 indicated about RHR.

13 Q As a data point?

14 A Pardon?

15 Q As one of four data points?

16 A As one of four data points, right.

17 Q Would you have then liked to have read RHR and
18 Supplement 4 in doing your own review, the Committee's review?

19 A I'm always interested in reading as much
20 literature as I can about any topic in which I am investigating.
21 But it's a matter sometimes of making a decision based on
22 the amount of time available as to how I'm going to select
23 the particular data, or the particular literature, that I do
24 read.

25 I have to make a selection.

#8-7-SueT

1 Q Did you make a determination that you can recall
2 not to review Supplement 4?

3 A No. I don't recall doing that.

4 Q Did you make a determination as far as you can
5 recall not to review RHR?

6 A No. I do not recall that, that I made such a
7 decision not to review it.

8 Q I guess I would ask the same questions of the
9 remaining -- of the other members of the panel.

10 Did you gentlemen make, or recall making, a
11 determination not to review RHR or Supplement 4?

12 A (Witness Uhrig) No.

13 (Witness Christensen) No.

14 (Witness Kelly) No.

15 (Witness Kimel) No.

16 MS. WAGNER: I have no further questions.

17 JUDGE SMITH: All right. We are finished with
18 direct. Now I suggest that we continue on for some time
19 this evening and start with your rebuttal.

20 MS. BAUSER: Yes, sir.

21 DIRECT REBUTTAL EXAMINATION

22 BY MS. BAUSER:

23 Q Gentlemen, I draw your attention to a document
24 that is dated November 28, 1984 and entitled, "Rebuttal Testimony
25 of the Reconstituted OARP Committee" which consists of eighteen

INDEXX

#18-8-SueT 1 pages. Dr. Uhrig, does this document represent testimony
2 prepared by the Reconstituted OARP Committee or under its
3 supervision for this proceeding?

4 Did you hear my question?

5 A (Witness Uhrig) I'm sorry.

6 Q Does this document represent the Committee's
7 rebuttal testimony prepared by the Committee or under its
8 supervision in this proceeding?

9 A Yes.

10 Q Do you have any, Dr. Uhrig, as Chairman of the
11 Committee, corrections to make to the rebuttal testimony?

12 A No, I do not.

13 Q I would ask each of the Committee members to
14 affirm that the rebuttal testimony is true and correct to
15 the best of their knowledge.

16 A (Witness Gardner) It is.

17 (Witness Kelly) It is.

18 (Witness Christensen) It is.

19 (Witness Uhrig) It is.

20 (Witness Kimel) It is.

21 MS. BAUSER: Mr. Chairman, I would move that the
22 rebuttal testimony of the Reconstituted OARP Committee be
23 admitted into evidence and be physically incorporated into
24 the record as if read.

25 JUDGE SMITH: Are there objections?

#18-9-SueT

1 MR. JORDAN: Mr. Chairman, I do have some
2 objections on the ground of improper rebuttal. I think I
3 can identify them fairly quickly.

4 The first one is on Page 8, Question and Answer
5 10. You can see from Question 9 above that the issue relates
6 to the attitudes communicated by instructors and students.

7 This, by the way, is rebuttal to the Staff's
8 testimony at this point.

9 The previous question is, were the classes
10 monitored and so on. Yes. Question and Answer 10 does not
11 get to the methodology. They get to the substance.

12 Staff did not address that question in its
13 testimony. It is improper rebuttal to go outside the scope
14 of the testimony given by the Staff itself.

15 I can go through and identify each of the rest
16 and essentially the same problem.

17 The next matter is --

18 JUDGE SMITH: Wait a minute. Did the Staff
19 suggest that they had failed to observe -- monitor and observe
20 attitudes communicated by instructors and students?

21 MR. JORDAN: I think the Staff can speak better
22 to exactly what they said. I think they raised questions as
23 to whether the classes were done -- the observations and so
24 on -- I think the way I read the question, whether they had
25 done it all. And certainly as to whether it was done adequately.

#18-10-SueT 1 They did not raise the question as to whether,
2 as to what the conclusions were. I'm drawing a distinction
3 now between the substance of -- you can't tell from Question
4 and Answer 10 whether they did an adequate job of the review.
5 All you get from this is the conclusion that they reached.

6 JUDGE SMITH: Okay. So you have no quarrel
7 with Q-9 and A-9?

8 MR. JORDAN: No, that's true. I do not.

9 MS. BAUSER: Well, as a legal matter, I'm un-
10 certain but it was not my impression when you prefile rebuttal
11 testimony in a time frame like this that we are restricted in
12 our rebuttal testimony to the Staff's definition of the scope
13 of the proceeding, which was -- maybe I made a jump here.

14 JUDGE SMITH: That's all right. Go ahead and
15 finish.

16 MS. BAUSER: The Staff didn't ask the obvious
17 follow-on question because their testimony is focused on
18 methodology, and I understand that that's the nature of Mr.
19 Jordan's objection.

20 We do not have the same interpretation as the
21 Staff of the scope of the remanded proceeding, as is obvious
22 from our testimony. And we are concerned about the inferences
23 that would be drawn from the Staff's statement about methodology,
24 which were apparently not clear from our previous testimony.

25 So I don't see how Mr. Jordan has any notice

#18-11-SueT 1 objection or any objection other than the fact that there
2 may have been an ambiguity in the record before and he doesn't
3 want it cleared up.

4 MR. JORDAN: That could easily be, but I don't
5 know that that's the case.

6 (Laughter.)

7 No. I think the question of what the Staff's
8 view of the scope of the hearing is is irrelevant in the
9 context that we are talking about now. The question here is
10 whether this is proper rebuttal.

11 The scope of rebuttal is not determined by the
12 scope of the hearing. It's determined by the scope of the
13 testimony that it seeks to rebut.

14 And the testimony that this testimony seeks to
15 rebut addressed solely methodology. It did not address
16 substance. Staff made no claim, for example, that the
17 attitudes that were found were somehow negative. If they had,
18 then that would be an appropriate rebuttal. To the extent
19 the Staff made a claim of inadequate monitoring or of no
20 monitoring, which the rebuttal is, but we did monitor.

21 Now if they wanted to expand in the rebuttal to
22 the effect that we did terrific monitoring because we did
23 A, B and C, that would be rebuttal within the scope. But
24 that's not what they did. They put in the attitudes them-
25 selves and that's without the scope.

#18-12-SueT 1 MS. WAGNER: The Staff agrees that this is
2 outside the scope of the Staff testimony. And I also agree
3 that whether we agree on the scope of the issue remanded is
4 not particularly pertinent.

5 But the Staff has no objection to this evidence
6 coming in.

7 JUDGE SMITH: I'm inclined to agree with Mr.
8 Jordan and Ms. Wagner that that's correct. However, I would
9 be willing to bet that had they stopped with A-9 and not gone
10 to Q-10 and A-10, Mr. Jordan would have asked the question.

11 (Laughter.)

12 MR. JORDAN: Except to the extent that I get
13 carried away which I hope doesn't happen often, I'm not one
14 to ask a question, especially like that, to which I don't
15 know the answer.

16 (Laughter.)

17 Besides I knew the answer because they have already
18 testified to that. I don't want them to have another shot.

19 JUDGE SMITH: I guess I didn't give you enough
20 credit. Maybe you wouldn't have. I think I might have,
21 however.

22 MR. JORDAN: I would have objected.

23 (Laughter.)

24 JUDGE SMITH: So that's a motion to strike.

25 MR. JORDAN: I guess it is, I suppose.

#18-13-SueT 1

JUDGE SMITH: It's not really a --

2

MR. JORDAN: Since it hasn't been admitted,

3

it's strictly speaking an objection.

4

JUDGE SMITH: It's an objection, yes. Do you

5

have anything more to say on it?

6

I think he is correct and the motion should be

7

granted.

8

MS. BAUSER: I guess my only last comment is,

9

I don't think that Mr. Jordan is prejudiced by this and I

10

think that if there is any question in the record as to what

11

this Committee did and what they found that it should be in

12

the record.

13

JUDGE SMITH: Boy, if we had followed that rule

14

we --

15

(Laughter.)

16

You have complained often about lack of notice

17

and failure to follow the procedures. I mean, that Question

18

and Answer is twenty-eight days late.

19

(Ms. Bauser and Mr. Blake are conferring.)

20

You have no further arguments?

21

MS. BAUSER: No, sir.

22

JUDGE SMITH: All right. The objection is

23

sustained. The Answer to Question 10, the question and

24

answer -- Q-10 and A-10 should be deleted from the copy bound

25

in. It should be deleted in a legible -- so that the original

#18-14-SueT 1 question and answer remains legible as rejected evidence.

2 MR. JORDAN: The next objection is to Page 11,
3 Question and Answer 17, not to the question.

4 I had some difficulty separating the two out but
5 I basically object to everything after the second sentence --
6 well, assuming the word "No" is a sentence, it would be after
7 the third sentence. Everything beginning, "Neither of these
8 individuals nor any other Committee member saw any evidence..."
9 et cetera.

10 Again, that sentence in particular does not
11 relate to methodology. It relates to the substantive determina-
12 tion that they made.

13 The same is true of the remainder, although I
14 have to say that it is most clear with respect to the follow-
15 ing two sentences. I will lay this out and then go over it.

16 At the bottom of Page 11 a sentence begins,
17 "Classroom instruction..." in which the statement is made
18 that their classes were certainly not drill sessions but rather
19 were conducted, and so on. Again, that's not methodology.

20 The methodology was that they went and watched
21 the class. That is a conclusion outside the scope.

22 JUDGE SMITH: Well, can't the argument be made,
23 however, that the Staff's people, in addressing methodology,
24 intended that they do more than just go and watch a class.

25 Once they are there they observe what is happening and analyze

#18-15-SueT 1 it and pay attention to it and learn from it.

2 MR. JORDAN: I think if they said: We went to
3 the class and in excruciating detail talked about what they
4 did to observe the class, and that they observed, for example,
5 the teaching aids question we got into, we watched every
6 teaching aids that everybody used, and we watched whether the
7 instructor turned his back on the class at the wrong time --
8 and I don't know what you watch -- those are methodological
9 points.

10 These are not. This is a statement. The
11 classes attended were not drill sessions. Well, that's a
12 conclusion based on the methodology, not the methodology
13 itself.

14 And again I think the rest falls within it, but
15 particularly the last sentence: In summary, the Committee
16 believes numerous indicators suggest there is not an
17 inappropriate encouragement of memorization in lieu of
18 enhancing operators' knowledge.

19 That, of course, is entirely substance and is
20 not at all methodology.

21 MS. BAUSER: I just want to understand, are you
22 saying from the -- after the second sentence to the end?
23 I want to understand what you are --

24 MR. JORDAN: What I say is this. The word "No"
25 and the next two sentences, I accept, they are clearly within

#18-16-SueT 1 acceptable rebuttal. The rest of it seems to me a package
2 that it's difficult to separate out. The best that I could
3 do to try to separate it out was, clearly I could identify
4 the three sentences that I have identified as unquestionably
5 improper, although it does seem such a package that the
6 information that's in there that you really can't separate
7 it out altogether.

8 Does that help your understanding?

9 MS. BAUSER: If you would indulge me, Mr. Jordan,
10 just repeat the --

11 MR. JORDAN: Yes.

12 MS. BAUSER: -- three deletions that you would
13 like to see.

14 MR. JORDAN: Well, I want to see a deletion
15 beginning with the word "Neither" to the end. However, and
16 my argument is that I can identify three sentences that are
17 particularly clearly problematic.

18 The sentence beginning with the word "Neither"
19 which is the third full sentence of the Answer, the sentence
20 beginning with the terms, the words "Classroom instruction"
21 at the bottom of Page 11, and the sentence beginning, "In
22 summary" which is the concluding sentence.

23 Now, to take another example, there is a sentence
24 there that states, "The BPTS is uniquely suited to teaching
25 basic principles, i.e., understanding the fundamentals of

#18-17-SueT 1 PWR operation." I think that is clearly a statement of
2 a -- a substantive conclusion. And the methodology I suppose
3 that they would have used is to observe the BPTS and its
4 use and its characteristics and whatever to give you that
5 conclusion.

6 In fact, the more I read the sentences I haven't
7 identified the more they fall outside the scope.

8 MS. WAGNER: Once again, the Staff agrees with
9 Mr. Jordan as to what sentences in this particular answer
10 fall outside the scope of the Staff's testimony.

11 But, once again we have no objection to the
12 admission of this testimony. We would like to hear what
13 the OARP Committee has to say on the subject.

14 JUDGE WOLFE: Because why, Ms. Wagner?

15 MS. WAGNER: We would be interested in hearing
16 what the OARP Committee has to say on the subject. But we
17 do have to agree with Mr. Jordan.

18
19
20 END #18
Mary flws

Sim 19-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JUDGE SMITH: Ms. Bauser?

MS. BAUSER: I don't have anything to add to my comments.

JUDGE SMITH: So your argument would be no different than it was before?

MS. BAUSER: Yes, sir. The intention here was simply to clarify any uncertainty in part because sometimes when the committee did do something there was criticism from the staff as to how they did it or whether they did it enough and that sort of thing.

I do understand Mr. Jordan's concern. I think a lot of this actually in fact has been testified to in part.

JUDGE SMITH: Well, that may be, but since your present justification is rebuttal to the staff's written direct testimony, I think you are stuck with that, unless you can actually point out something in the staff's testimony which they have gone beyond the methodology.

I agree in principle with the objection, but I am still confused about which -- that was a very complicated discussion. To me, I read all of those beginning with "Neither" to the end as being outside, but then there was a discussion and ---

MR. JORDAN: I was perhaps giving away too much.

Sim 19-2

1

(Laughter.)

2

I do read all of that as being outside.

3

(Board conferring.)

4

5

JUDGE SMITH: I might say that this is your right and this type of thing is certainly essential to any well organized complex hearing. I somewhat share Ms. Wagner's viewpoint, however, in that these committees' actual reactions would be productive in the record, but who can gainsay your argument here. I mean you are absolutely correct.

10

11

12

13

14

15

16

MS. BAUSER: The only I guess point that I would like to make is the sentence beginning with "ATOG procedures" which talks about ATOG and then the following one with BPT. I am simply not sure, Judge Smith, whether it was clear before now that that was something looked at by the Committee.

17

18

19

20

21

22

23

24

25

JUDGE SMITH: All right. This is the point. If you want to make the testimony read that a class of instruction was attended by the members to determine whether there it was a drill session or a discussion format designed to enhance understanding, that would be fine. But don't leave out the conclusion, if that is what you were trying to do.

I can see that it would be irresistible writing this rebuttal testimony to talk about them going there and

Sim 19-3

1 not telling the good things that they saw.

2 (Laughter.)

3 What I recommend that you do is we won't bind
4 in this testimony tonight. And then overnight you conform
5 the testimony to the rationale of our rulings and debates
6 so that you can capture the things that they did but not
7 the conclusions that they drew from what they did.

8 MS. BAUSER: Yes, sir. I think that that is
9 probably very doable, and I think what I will do is I
10 will in pen go through a clean copy and then provide that
11 to all the parties in the morning. And I will try to get
12 it to Mr. Jordan early so he has a chance to see it before
13 we begin.

14 MR. JORDAN: Well, I can identify the rest of
15 them now.

16 JUDGE SMITH: Since the principal has been
17 established, why don't you just work it out off the record.
18 I think you understand what our rulings are and I think
19 we can save a lot of time.

20 MR. JORDAN: That is fine with me.

21 JUDGE SMITH: All right.

22 I think it is probably time to adjourn. So let's
23 adjourn. But the one thing we want to leave open, however,
24 is what time we meet tomorrow.

25 (Discussion off the record.)

Sim 19-4

1 MR. GOLDBERG: Before we go off the record,
2 I have one thing.

3 JUDGE SMITH: All right.

4 MR. GOLDBERG: I can now report back on the
5 staff's position on TMIA's request that a particular
6 interview of Mr. Plumlee be added to the Joint Mailgram
7 Exhibit.

8 I have reviewed the interview of Mr. Plumlee,
9 which TMIA would add to the Joint Mailgram Exhibit as Item
10 145, and I don't have any objection to that being added,
11 provided that in addition the following interviews are added
12 on the same point for which TMIA would have this exhibit
13 added.

14 JUDGE SMITH: Well, all right. Mr. Goldberg,
15 are you raising this right now for the first time or have
16 you run it through Ms. Doroshaw?

17 MR. GOLDBERG: I received this information
18 while the hearing was ongoing just a little while ago and
19 so I have not discussed it with TMIA.

20 JUDGE SMITH: Well, wouldn't it be better
21 if you first brought it to their attention and then tomorrow
22 perhaps there can be a stipulation.

23 MR. GOLDBERG: Fine.

24 JUDGE SMITH: All right, we are adjourned.

25 (Whereupon, at 5:30 p.m., the hearing adjourned,
to reconvene at 9:00 a.m., Friday, January 11, 1985.)

* * * * *

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: Metropolitan Edison Company
TMI Nuclear Station, Unit 1

DOCKET NO.: NRC 50-289-SP

PLACE: Harrisburg, PA

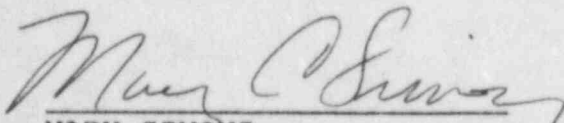
DATE: Thursday, January 10, 1985

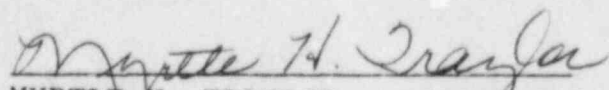
were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) 
(TYPED) GARRETT J. WALSH, JR

Official Reporter

Reporter's Affiliation
Ace-Federal Reporters, Inc.


MARY SIMONS
Official Reporter
Ace-Federal Reporters, Inc.


MYRTLE H. TRAYLOR - Official Reporter
Ace-Federal Reporters, Inc.