

License Nos.: 37-00030-02
37-00030-08

Docket Nos.: 03005980
03005982

Safety Light Corporation

Title: Selected pages from deposition of John T. Miller on March 24, 1992

This document is Exhibit No. 25 to NRC Staff's Motion for Summary Disposition As To NRC Jurisdiction Over USR Industries, Inc., USR Lighting, Inc., USR Chemical Products, Inc., USR Metals, Inc., and USR Natural Resources, Inc., dated June 30, 1992 (ML040230156) and NRC Staff's Statement of Undisputed Material Facts As to Which No Genuine Issue Remains (ML040230151)

List of all Exhibits at ML040220785.

Tab. 25
Staff Exh. 25

NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C.

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In the Matter of: :

SAFETY LIGHT CORPORATION, :

Plaintiff, :

v. :

THE NUCLEAR REGULATORY COMMISSION, :

Respondent. :

-----:

Tuesday,
March 24, 1992

DEPOSITION OF:

JOHN T. MILLER

called for examination by counsel for the Respondent, before
Marilynn Estep, Notary Public in and for the Commonwealth of
Virginia, pursuant to agreement of counsel, when were
present on behalf of the respective parties:

1 way.

2 We had to purchase a \$12,000 leak detector to make
3 sure that tritium was not leaking out of pipes in the
4 system, going into the room, or possibly missing the stack
5 monitoring systems. So Mr. McElvenny cooperated in -- in
6 allowing us to position the company personnel-wise and
7 machinery-wise and facility-wise to go forth in a positive
8 way.

9 Q Did he also review your hiring decisions? If you
10 wanted to hire -- I mean, you told me before that you asked
11 him about hiring Mr. Watts.

12 A He wanted to know their background. He didn't
13 necessarily review -- I mean, he would allow me to verbally
14 say what I thought of the individual and the individual's
15 credentials.

16 Q Were you aware in 1980 of any other reorganization
17 going on in U.S. Radium?

18 A When in 1980?

19 Q I'll say -- I'll represent to you that in August
20 of 1980 there was a -- a reorganization of U.S. Radium's
21 corporate structure. And I just wanted to know if -- were
22 you aware that that was going on when it happened?

23 A I -- when it happened, I became aware that the
24 Nuclear Division became a subsidiary.

25 Q Okay. And that was -- that was in August of 1980?

1 A The Fall of 1980, yes.

2 Q Okay. Did you -- did you know that was going to
3 happen before it happened?

4 A I did not know that was going to happen. We were
5 so busy with everything else that I just explained to you.
6 That took all my time, day and night.

7 Q Okay. So you didn't have any role, then, in that
8 reorganization?

9 A None whatsoever.

10 Q But -- but afterwards you continued to report to
11 Mr. McElvenny?

12 A Yes.

13 Q Okay. And he continued to give you -- what kind
14 of support did he give you after, after that reorganization?

15 A The same support he gave me before. It was really
16 no change with Safety Light. We were the same people, same
17 management structure I just told you about. We went to work
18 the same way, did the same jobs. There was -- there was --
19 the only difference was the name, which I was just -- I
20 don't know who thought of the name, but I was really happy
21 for it because we did not deal in radium products.

22 We were in the business of producing light sources
23 for safety applications, and what a wonderful name - Safety
24 Light. I mean it just -- it took the edge off of dealing
25 with radioactive materials from a customer standpoint. And

1 that's all we could make in our C-mandates. We have to make
2 tritium light source products for safety applications. So I
3 was extremely happy that we were named Safety Light
4 Corporation, and got on with my responsibilities with not
5 having to be called U.S. Radium.

6 Q And when exactly was the name of the Nuclear
7 Products Division changed to Safety Light?

8 A I believe it was the Fall of 1980.

9 Q But after that name change, Nuclear Products
10 Division had the same relationship to Mr. McElvenny as it
11 had before, if I understand your testimony correctly?

12 A It was a subsidiary instead of a division.

13 Q But I guess what I mean is as a management
14 relationship. In other words, you reported to Mr. McElvenny
15 and he -- he reviewed the same sorts of things that he
16 reviewed before and he approved the same sorts of things
17 that he had been approving before?

18 A Yes.

19 Q So if you had a capital expenditure of over, let's
20 see, I believe you said \$2,000, he would still approve --

21 A Yes.

22 Q -- those things?

23 A Yes. There were -- there were no real changes
24 other than the name change that were -- that affected anyone
25 in Bloomsburg.

1 Q Okay. If you know, who was -- who was in charge
2 of the August, 1980 reorganization that I referred to
3 before?

4 A I do not know.

5 Q Okay. What I'd like to do now is, if you can give
6 me a rundown of the rest of your job history, you were the
7 manager of Safety Light and made the manager of the Nuclear
8 Products Division in early 1980, and then the name got
9 changed to Safety Light in late 1980. After that, if you
10 can tell me when your position title changed or what other
11 jobs you've done.

12 A All right. I be -- I became president of the
13 subsidiary Safety Light Corporation when the name changed
14 because it went from a division to a subsidiary.

15 Q And that was in late 1980?

16 A Late 1980. My job function did not change at all.

17 Q And as we've discussed, your relationship with Mr.
18 McElvenny as to responsibilities didn't change either, is
19 that correct?

20 A That is correct.

21 Q Okay. Between -- I understand that recently
22 you've resigned your position as president of Safety Light?

23 A That's correct.

24 Q Did you -- between the time you were made
25 president of Safety Light did you hold any position with any

1 A No, I believe they did not make an oral request,
2 they made a written request per their inspection report.

3 Q All right. So, they did their inspection and when
4 they sent you a copy of the inspection report they requested
5 that you send this in in writing; is that correct?

6 A That is correct.

7 Q Now, prior to the May, 1980 sale of Safety Light
8 by USR Industries --

9 MR. CHARNOFF: You said May, 1980.

10 THE WITNESS: I am sorry, thank you, thank you.

11 BY MR. WEISMAN:

12 Q I meant May, 1982 sale by USR Industries of Safety
13 Light to Lime Ridge Industries, did you inform the NRC that
14 that sale was going to occur?

15 A No, I didn't.

16 Q Did anybody else from Safety Light inform the NRC
17 that the May, 1982 transaction was going to occur
18 beforehand?

19 A Not that I am aware of.

20 Q Did anyone from USR Industries or did -- let's
21 make that a broad question. Did anyone, that you know of,
22 inform the NRC of the May, 1982 transaction before it
23 occurred?

24 A No one that I am aware of.

25 Q Did anyone else in Safety Light -- did any other

1 person inform the NRC after the 1982 transaction occurred
2 before you did?

3 A Not that I am aware of.

4 Q Do you know of any written consent that the NRC
5 sent to U.S. Radium or USR Industries or Safety Light prior
6 to the May, 1982 sale?

7 MR. CHARNOFF: Prior to the sale?

8 MR. WEISMAN: Prior.

9 THE WITNESS: Not that I'm aware of.

10 BY MR. WEISMAN:

11 Q Are you aware -- do you know of any written
12 consent that the NRC sent to U.S. Radium or USR Industries
13 or Safety Light after the May, 1982 sale?

14 MR. CHARNOFF: Which explicitly consents to that?

15 MR. WEISMAN: Explicitly.

16 THE WITNESS: None which explicitly consents to
17 that.

18 BY MR. WEISMAN:

19 Q What is your knowledge of NRC communications to
20 Safety Light since May, 1982? I think we probably already
21 answered this question, but I want to make sure.

22 A I'd have to see the communications.

23 Q Did you or Mr. Watts -- is it fair to say that you
24 or Mr. Watts or Mr. White -- strike that.

25 Did you, Mr. Watts or Dr. Machutchin would have

1 reviewed or originated correspondence to the NRC since the
2 May, 1982 transaction?

3 A Yes.

4 Q And any NRC correspondence -- any documents or
5 letters written by the NRC to Safety Light would have been
6 seen by you or Mr. Watts or Dr. Machutchin?

7 A Yes.

8 [Counsel for NRC Staff conferring off the record.]

9 BY MR. WEISMAN:

10 Q Are you aware of any specific statement in any
11 correspondence from the NRC to Safety Light that stated the
12 NRC's acquiescence in May, 1982?

13 MR. CHARNOFF: Explicit acquiescence.

14 MR. WEISMAN: Explicit on this question.

15 MR. CHARNOFF: Explicit?

16 MR. WEISMAN: Yes. That stated the NRC's
17 acquiescence in the May, 1982 transaction.

18 MR. CHARNOFF: Explicit is included in that term.
19 Is that correct, Mr. Weisman?

20 THE WITNESS: Correct.

21 THE WITNESS: No.

22 BY MR. WEISMAN:

23 Q Are you of aware of any specific statement in the
24 correspondence from the NRC to Safety Light that implicitly
25 stated the NRC's acquiescence of the May, 1982 transaction?