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RELATED CORRESPONDENCE

DOCKET NUMBER
PROD. & UTIL. FAC. 50-289(CH)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

In the Matter of)
)
GENERAL PUBLIC UTILITIES NUCLEAR)
)
(Three Mile Island Nuclear)
Station, Unit No. 1))

'86 MAR 31 A11:41

Docket No. 59.289(CH)

TMIA'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND FIRST INTERROGATORIES TO CHARLES HUSTED

Intervenor Three Mile Island Alert (TMIA), pursuant to 10 C.F.R. 2.740b, hereby requests Charles Husted answer the following interrogatories within 14 days after service of this request, separately, fully, in writing and under oath.

These interrogatories are deemed to be continuing, and any additional information relating in any way to these interrogatories is acquired subsequent to the date of answering them, up to and including the time of hearing, shall be furnished to intervenor promptly after such information is acquired.

INSTRUCTIONS.

A. All information is to be divulged which is in your possession or under your control, or is in the possession or under the control of your present or former attorneys, consultants, accountants, or their agents.

B. Where an individual interrogatory calls for an answer which involves more than one part, each part of the answer should be set out so that it is clear to which interrogatory it refers.

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C. Where identification of a meeting, conversation, discussion or communication is required, the following shall be separately stated as to each such meeting, conversation, discussion or communication: the date, place, persons present or participating; the method of communication, whether oral or written; the identity of each participant; the substance of each person's participation; the substance or subject discussed or communicated; the purpose of the meeting or communication; the identity of any person who possesses information concerning such meeting, conversation, discussion or communication; the substance of any decision made at such meeting, discussion or conversation; any minutes, correspondence, notes, memoranda or other writing which resulted from or memorialized such meeting, discussion or conversation or communication, and the location of any such correspondence, notes, memoranda or other document.

D. Where identification of a document is required, state the following: its date; its exact title; the general subject matter of the document; the author and his/her affiliation, office or business, presently and at the time the document or correspondence was prepared; the last known address of every person to whom a copy of the document was to be sent, other than the addressee described above; the name and address of all persons who now have the original and/or copies; the identification and location of the files where the original and each copy is kept in the regular course of business and the custodian thereof; and whether the document will be made available for inspection and copying, and the site of such voluntary production.

E. If Husted contends that the answer to any interrogatory is privileged, in whole or in part, or otherwise objects to any part of any interrogatory, state the reasons for each objection or grounds for exclusion, and identify each person having knowledge of the factual

basis, if any, on which the privilege or other ground is asserted.

F. If an interrogatory could, at one time, have been answered by consulting documents which are no longer in existence, in answer to such interrogatory:

1. identify what information was maintained;
2. identify all documents which contained such information;
3. state the time period during which such documents were maintained;
4. state the circumstances under which documents ceased to exist;
5. state the date when such documents ceased to exist;
6. identify all persons having knowledge of the circumstances under which such documents ceased to exist; and
7. identify all persons who have knowledge or had knowledge of the documents and their contents.

G. As used herein and unless the context otherwise required, the terms:

(i) "NRC" shall mean the Nuclear Regulatory Commission, its branches, departments, sections, offices, subdivisions, its present and former commissioners, administrators, officials, inspectors, investigators, staff, consultants, contractors, attorneys, employees, agents, representatives and accountants, or their agents, attorneys and representatives.

(ii) "General Public Utilities" or "GPU" shall mean General Public Utilities, any of its subsidiaries, including but not limited to GPU Nuclear Corporation and Metropolitan Edison Company,

it or its subsidiaries, branches, divisions, departments, sections, affiliates, offices, present and former officers, directors, management, board of directors, employees, staff, officials, agents, consultants, attorneys, representatives or their attorneys, representatives and agents.

(iii) "Document" shall mean every writing of every type and description, and every other instrument or device by which, through which or on which information has been recorded and/or preserved, including but not limited to memoranda, including those reflecting meetings, discussions or conversations, notes, letters, drawings, files, graphs, charts, maps, photographs, deeds, agreements, contracts, handwritten notes, diaries, logs, ledgers, studies, data sheets, notebooks, books, appointment calendars, telephone bills, telephone messages, receipts, vouchers, minutes of meetings, pamphlets, computations, calculations, accounting(s), financial statements, voice recordings, computer printouts, computer discs and programs, and other data compilations, device or media on which or through which information of any type is transmitted, recorded or preserved. The term "document" also means every copy of a document when such copy is not an identical duplicate of the original.

(iv) "Person" shall refer to any natural person, firm, partnership, joint venture, trust, corporation, holding company, or any other entity natural or legal, domestic or foreign.

(v) "Communication" shall mean communication, discussion, conversation, contact, letter, memorandum, telephone call, telegram, message or direction, whether written or oral, and whether in person, by telephone or by mail.

H. When an interrogatory requests the identification of an individual or entity, set forth the following information as applicable:

1. full name;
2. present or last known address;
3. present or last known telephone number;
4. present occupation, job title and employer; and
5. occupation, job title and employer at the time of the event or period referred to in each particular interrogatory.

INTERROGATORIES.

1. When were you first notified that you were to be interviewed by Office of Investigation and Enforcement (OIE) investigators? State;

- a. how you were notified;
- b. by whom you were notified.

2. Did you discuss the fact that OIE investigators were conducting interviews of GPU personnel in relation to the alleged cheating, with any personnel at GPU? If your answer is yes, state:

- a. with whom you held these discussions;
- b. the time and place of the discussions;
- c. the substance of the discussions;
- d. name all persons present when the discussions took place, regardless of whether they were involved in the discussion. X

3. Prior to your July 29, 1981 interview, did you discuss the upcoming interview with any GPU personnel? If your answer is yes, state:

- a. with whom you held these discussions;
- b. the time and place of the discussions;
- c. the substance of the discussions;
- d. name all persons present when the discussions took

place, regardless of whether they were involved in the discussion.

4. Did you discuss the alleged cheating of O and W prior to your July 29, 1981 interview? If your answer is yes, state:

- a. with whom you held these discussions;
- b. the time and place of the discussions;
- c. the substance of the discussions;
- d. name all persons present when the discussions took place, regardless of whether they were involved in the discussion.

5. Did any of GPU personnel accompany you to your July 29, 1981 interview? If your answer is yes, state:

- a. the name and job title of the person who accompanied you;
- b. did that person take notes of the interview;
- c. if the person who accompanied you took notes of the interview, provide those notes.

6. After the completion of the July 29, 1981 interview, did you discuss the substance of that interview with anyone? If your answer is yes, state:

- a. with whom you discussed the substance of the interview;
- b. the time and place of the discussions;
- c. the substance of the discussions;
- d. name all persons present when the discussions took place, regardless of whether they were involved in the discussion.

7. When and under what circumstances did you recall the information concerning "passing papers in the exam" which you divulged during your September 18, 1981 interview? If your recollection was refreshed as a result of a discussion, state:

a. with whom the discussion was held;
b. the job title of the person with whom the discussion was held;

c. the date and location of the discussion.

8. When did you first become aware of the report of the investigation of alleged cheating at TMI-1, issued by OIE, dated July 27, 1981?

a. how did it come to your attention?

9. When did you first read the OIE report?

a. who provided the report?

10. Was it your opinion that the observations and conclusions stated at Page 39 of the OIE report were justified based on the evidence?

a. If your answer is negative, explain why the observations and conclusions found at Page 39 of the report are unjustified.

b. What evidence do you have which supported your theory that the observations and conclusions were unjustified?

c. When did you obtain such evidence?

d. Provide all documentation of such evidence.

11. Did you perceive yourself to be at risk of losing your job as a result of the OIE report?

a. If you have answered yes, state when you first perceived that you were at risk.

12. Did you consult with anyone concerning the section of the OIE report which dealt with you?

a. With whom did you consult and when?

b. What advice did you receive?

c. If you did not consult with anyone, why not?

13. Did you at any time request a hearing or petition to become a party to the reopened hearing on cheating?

a. If you did not so petition, explain why you did not.

b. If you did file a petition, when did you file it, what form did the petition take, how was it presented, and what was the response?

14. When did you first become aware of the Special Master's Report (SMR), which issued April 28, 1982?

a. Were you provided with a copy of that report?

b. Who provided you with a copy of that report?

15. When did you first read the SMR?

16. Paragraphs 101-111 of the SMR contain Judge Milhollin's findings and conclusions regarding your culpability; when you first read those paragraphs did you believe that those findings and conclusions were justified based on the evidence?

a. If not, please explain in detail your reasons.

17. Did you at any time have access to information which would contradict any part of the findings and conclusions contained in Paragraphs 101-111 of the SMR?

a. If yes, when did you first learn of this evidence?

b. Provide evidence and indicate when and from whom you obtained the evidence.

18. Did GPU or any agent of GPU inform you of your right to comment on the SMR?

a. When did you receive notice of your right to comment?

b. How and by whom was that notification transmitted?

c. What steps, if any, did you take to comment?

d. To whom and when did you comment?

19. Did you consult with anyone regarding your opportunity to submit comments? If yes, state with whom and when you consulted and the nature of the discussion.

20. Did you submit comments? What was the nature of the comments? If you did not submit comments, why not?

21. When did you first become aware of the July 27, 1982 Partial Initial Decision (PID)?

a. Were you provided a copy, in part or in whole, of the PID?

b. If yes, who provided you with a copy of the PID?

c. How was it transmitted?

22. When did you first read Paragraphs 2163-2168 of the PID?

23. At the time you first read the above referenced paragraphs, did you believe that the findings and conclusions contained within those paragraphs was justified based on the evidence in the record?

a. If your answer is negative, explain why the observations and conclusions found at Paragraphs 2163-2168 of the PID are unjustified.

b. What evidence do you have which supported your theory that the observations and conclusions were unjustified?

c. When did you obtain such evidence?

d. Provide all documentation of such evidence.

24. Did you have access to any information which was not part of the record and which would contradict all or any portion of the findings and conclusions contained in Paragraphs 2163-2168 of the PID?

a. When did you obtain such information?

b. Provide all documentation of such information.

25. Have you read the Commonwealth's Exceptions to the July 27, 1982 PID and the Commonwealth's Brief in Support of its Exceptions? If yes, state;

a. when and how you gained access to these documents.

26. When did you first learn that GPU was considering an agreement with the Commonwealth concerning your employment and license status?

27. How were you informed of the proposed agreement?

a. If you were informed of the proposed agreement in writing, provide the document(s).

b. If you were informed orally, describe the circumstances and provide the name and position of the person(s) who informed you and all persons who were present at the time.

28. Did GPU management or any agent of GPU management consult with you concerning the proposed stipulated agreement? If yes, state;

a. the name and position(s) of the person or persons who consulted with you.

b. describe the circumstances.

29. Did GPU management or its agent request your input prior to the drafting of the stipulated agreement?

a. What form did this request take: written, oral, telephonic, meeting with management.

30. What, if any, input did you provide?

a. How was that input transmitted? If written, provide a copy; if oral, state the name and job title of the person to whom it was transmitted.

31. Did GPU request your concurrence with the stipulated agreement? If yes, how the request was transmitted. If the request was in writing, provide a copy. If oral, state the name and job title of the person who made the request.

32. State your response, if any, and provide the reasons for your response.

- a. If your response was in writing, provide a copy.
- b. If oral, describe the circumstances.

33. At the time the agreement between GPU and the Commonwealth was stipulated, did you understand the effect it might have on your license and your career?

- a. If you did understand the effect, state what you believed that effect would be.
- b. If you believed it would have no effect, state why you believed it would have no effect.

34. Did GPU management make any representation to you to influence your concurrence with the stipulated agreement? If yes, explain in detail. Provide any written documentation of such representation.

35. How and when were you first notified of your promotion to the position of Supervisor of Non-Licensed Training at TMI-1?

36. Did you understand the promotion to be in any way related to your concurrence with the stipulated agreement?

- a. If yes, describe in detail your understanding.
- b. If not, state your understanding of why you were promoted.

37. What did you understand to be the reason for your promotion to Supervisor of Non-Licensed Training?

38. State your understanding of GPU's promotional policy as it existed in 1982.

39. When did you first become aware of ALAB-772?

40. When did you first read that section of ALAB-772 which

refers to you?

41. When you first read the section of ALAB-772 which refers to you, did you believe that the findings and conclusions contained within that section were justified based on the record evidence? If no, state;

a. what evidence you have which supports your theory that the findings and conclusions are unjustified.

b. when did you obtain that evidence?

c. provide all documentation of such evidence.

42. When you first read the relevant section of ALAB-772, did you consult with GPU management or its agent concerning the findings and conclusions contained in that section and the condition imposed by the Appeal Board? If yes, state;

a. with whom and when you consulted. Provide all written communication between you and GPU concerning ALAB-772.

b. what was the outcome of this consultation.

c. what, if anything, GPU advised you to do concerning the condition imposed by the Appeal Board in ALAB-772.

43. What, if any, action did you take in response to ALAB-772?

a. When was such action taken?

b. Provide all documentation of such action.

44. When did you first retain counsel to represent you in this matter?

a. If counsel is other than counsel currently representing you, provide the name of your former counsel and the circumstances whereby you changed representation.

45. Were you advised to retain counsel?

a. Who advised you?

b. How did you choose counsel?

46. Prior to retaining counsel, did you consult with GPU management or its agent? If you answered yes, state;

a. the names and job titles of the persons with whom you consulted.

b. who initiated the consultation.

47. Is GPU or its agent providing any part of your counsel's fee, whether by direct payment to your counsel or to yourself, or by any other arrangement?

48. During the April 1981 NRC operator license examinations in which you were a candidate, did you speak to any of the other candidates while the exam was ongoing? If your answer is yes, state;

a. to whom you spoke.

b. the nature and content of your conversation.

49. Have you at any time cheated or made an attempt to cheat on any NRC licensing examination or company-administered examination?

50. Identify every witness who will testify at the hearing in this proceeding on your behalf or who has been requested to testify, will be requested to testify or is likely to be requested to testify, regardless of whether the nature of the appearance be by summons or voluntary, and further state the subject area and substance upon which each witness is expected to testify.

DOCUMENTS TO BE PRODUCED.

All documents Husted intends to introduce during the course of the Husted hearing.

Respectfully submitted,

Louise Bradford.

Louise Bradford
for Three Mile Island Alert, Inc.

March 25, 1986