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RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Administrative Law Judge

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
GENERAL PUBLIC UTILITIES NUCLEAR) Docket No. 50-289 (CH)
)
(Three Mile Island Nuclear)
Station, Unit No. 1))

MR. HUSTED'S ANSWERS AND OBJECTIONS TO
TMIA'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
AND FIRST INTERROGATORIES

I. Answers to Interrogatories

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

Answer: Mr. Husted cannot recall when he was first notified.

Interrogatory 1a. State how you were notified.

Answer: Mr. Husted cannot recall precisely how he was notified, but he is reasonably confident that he was given notice orally rather than in writing.

Interrogatory 1b. State by whom you were notified.

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Answer: Mr. Husted cannot recall by whom he was notified, but he was notified by the management of Metropolitan Edison Company.

Interrogatory 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?

Answer: Mr. Husted is confident that he would have had such discussions.

Interrogatory 2a. If your answer is yes, state with whom you held these discussion.

Answer: Mr. Husted cannot recall any specific discussion of this subject, and so he cannot recall with whom he held any such discussion, the time and place of any such discussion, the substance of any such discussion or any persons who might have been present when any such discussion took place.

Interrogatory 2b. If your answer is yes, state the time and place of the discussions.

Answer: See the Answer to Interrogatory 2a.

Interrogatory 2c. If your answer is yes, state the substance of the discussions.

Answer: See the Answer to Interrogatory 2a.

Interrogatory 2d. If your answer is yes, name all persons present when the discussions took place, regardless of whether they were involved in the discussion.

Answer: See the Answer to Interrogatory 2a.

Interrogatory 3. Prior to your July 29, 1981 interview, did you discuss the upcoming interview with any GPU personnel?

Answer: Mr. Husted believes that he was advised in a discussion held prior to his July 29, 1981 interview to answer truthfully questions put to him by the NRC investigators. In addition, Mr. Husted believes that he would have had other discussions about the approaching interview with GPU personnel.

Interrogatory 3a. If your answer is yes, state with whom you held these discussions.

Answer: Mr. Husted does not remember who advised him to answer truthfully during the interview, but he is reasonably confident that the person was Richard Zechman,

who was in the Metropolitan Edison training department. Mr. Husted cannot remember any other specific discussion about his approaching interview with any GPU personnel, and so he cannot recall with whom he held any such discussion, the time and place of any such discussion, the substance of any such discussion or the name of any person present when any such discussion took place.

Interrogatory 3b. If your answer is yes, state the time and place of the discussions.

Answer: See the Answer to Interrogatory 3a.

Interrogatory 3c. If your answer is yes, state the substance of the discussions.

Answer: See the Answer to Interrogatory 3a.

Interrogatory 3d. If your answer is yes, name all persons present when the discussions took place, regardless of whether they were involved in the discussion.

Answer: See the Answer to Interrogatory 3a.

Interrogatory 4. Did you discuss the alleged cheating of O and W prior to your July 29, 1981 interview?

Answer: Mr. Husted is reasonably confident that he heard prior to July 29, 1981 that NRC was investigating, or would investigate, allegations that someone had cheated on the April 1981 NRC licensing examinations. He does not recall whether what he heard prior to July 29, 1981 involved O or W specifically. If he is correct about what he learned prior to July 29, 1981, then it is more likely than not that he acquired the information in a discussion. He can remember no specific discussion, and so he cannot recall with whom he discussed the matter, the time and place of such discussions, the substance of the discussions or the names of any persons present when such discussions took place.

Interrogatory 4a. If your answer is yes, state with whom you held these discussions.

Answer: See the Answer to Interrogatory 4.

Interrogatory 4b. If your answer is yes, state the time and place of the discussions.

Answer: See the Answer to Interrogatory 4.

Interrogatory 4c. If your answer is yes, state the substance of the discussions.

Answer: See the Answer to Interrogatory 4.

Interrogatory 4d. If your answer is yes, name all persons present when the discussions took place, regardless of whether they were involved in the discussion.

Answer: See the Answer to Interrogatory 4.

Interrogatory 5. Did any of GPU personnel accompany you to your July 29, 1981 interview?

Answer: Yes.

Interrogatory 5a. If your answer is yes, state the name and job title of the person who accompanied you.

Answer: Paul G. Christman. Manager, Plant Administration TMI-1.

Interrogatory 5b. If your answer is yes, did that person take notes of the interview.

Answer: Yes.

Interrogatory 5c. If your answer is yes, if the person who accompanied you took notes of the interview, provide those notes.

Answer: See the produced documents.

Interrogatory 6. After the completion of the July 29, 1981 interview, did you discuss the substance of that interview with anyone?

Answer: With the exceptions stated below, Mr. Husted does not recall discussing the substance of the July 29, 1981 interview with anyone. The exceptions are these: at the September 18, 1981 interview by OIE Investigator Matakas, Mr. Husted was asked about the substance of the July 29, 1981 interview. During his October 23, 1981 deposition, Mr. Husted was asked about the July 29, 1981 interview. The persons present during the deposition were Marjorie Aamodt, Norman Aamodt, Charles Holzinger, Louise Bradford, Joanne Doroshow, John Clewett and Richard Lloyd. Mr. Husted also discussed the substance of the July 29, 1981 interview in response to questioning at the portion of the hearing before the Special Master held on December 10, 1981. After issuance of the Special Master's Report, Mr. Husted had discussions with Messrs. Henry Hukill, Robert Long,

Samuel Newton, and Ron Knief. He may have held such discussions with other persons, but he does not recall any specific instances of such discussions. The general purpose of these discussions was to deal not with the substance of the interviews but with the extent to which Mr. Husted's conduct at the July 29, 1981 interview supported the conclusion that he had not been cooperative with the NRC investigators. Mr. Husted also discussed the interview with counsel for Metropolitan Edison Company and with his personal counsel.

Interrogatory 6a. If your answer is yes, state with whom you discussed the substance of the interview.

Answer: See the Answer to Interrogatory 6.

Interrogatory 6b. If your answer is yes, state the time and place of the discussions.

Answer: See the Answer to Interrogatory 6.

Interrogatory 6c. If your answer is yes, state the substance of the discussions.

Answer: See the Answer to Interrogatory 6. Mr. Husted objects to this Interrogatory, to the extent it seeks information on his discussions with counsel, on the

ground that disclosure would violate the attorney-client privilege.

Interrogatory 6d. If your answer is yes, name all persons present when the discussions took place, regardless of whether they were involved in the discussion.

Answer: See the Answer to Interrogatory 6.

Interrogatory 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?

Answer: Mr. Husted believes that he recalled the information after the July 29, 1981 interview and before the September 18, 1981 interview. In addition, he is reasonably confident that he remembered the information after he had learned of the method by which O and W were alleged to have cheated. Beyond that, Mr. Husted does not remember under what circumstances he recalled the information.

Interrogatory 7a. If your recollection was refreshed as a result of a discussion, state with whom the discussion was held.

Answer: Mr. Husted does not recall whether his recollection was refreshed as a result of a discussion.

Interrogatory 7b. If your recollection was refreshed as a result of a discussion, state the job title of the person with whom the discussion was held.

Answer: See the Answer to Interrogatory 7a.

Interrogatory 7c. If your recollection was refreshed as a result of a discussion, state the date and location of the discussion.

Answer: See the Answer to Interrogatory 7a.

Interrogatory 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?

Answer: Mr. Husted knows of no report dated July 27, 1981. Mr. Husted construes this Interrogatory to refer to the Report of Investigation, dated August 11, 1981, issued by the Office of Inspection and Enforcement (OIE) and designated Staff Exhibit 26 in the hearing

before the Special Master. Mr. Husted does not know when he first became aware of this report, but he is reasonably confident that he would have learned of it soon after it was received by Metropolitan Edison Company.

Interrogatory 8a. How did it come to your attention?

Answer: Mr. Husted is reasonably confident that a copy of the Report would have been given to him by Mr. Samuel Newton.

Interrogatory 9. When did you first read the OIE report?

Answer: Mr. Husted believes that he would have read the OIE Report upon receiving it.

Interrogatory 9a. Who provided the report?

Answer: See the Answer to Interrogatory 8a.

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

Answer: It was Mr. Husted's opinion that some of the observations and conclusions were justified, some were not and some that should have been included were omitted.

Interrogatory 10a. If your answer is negative, explain why the observations and conclusions found at Page 39 of the Report are unjustified.

Answer: The second paragraph of the interview does not make it clear that Mr. Husted provided a lengthy discussion, and drew a diagram, of the arrangement of the testing areas and surrounding facilities for the investigators. In addition, the statement that "two examinees sat at each table on opposite ends" might be misleading, because it is not specific as to time. In fact, on April 24, 1981 -- the day Mr. Husted took the SRO exam -- there were only two examinees in the room. Mr. Husted and the other examinee sat at separate tables, with one or more unoccupied tables between them. In addition, with respect to the seating for the April 23, 1981 exam, Mr. Husted believes he advised the investigators that two examinees sat at each table, but not at "opposite ends."

With respect to the first two sentences of the fourth paragraph of the report of his July 29, 1981 interview, Mr. Husted believes the statements are deficient in this respect: he believes he did state that he had not covertly brought into the classroom any reference material.

With respect to the conclusions in paragraph 4 of the report of the July 29, 1981 interview that dealt with rumors regarding instances of cheating, the Staff has omitted this observation: Mr. Husted believes that he asked the Staff investigators whether it was permissible for him not to respond. Mr. Husted recalls being told that it was permissible and that if the information was required, the Staff investigators would call on him to be interviewed again. In addition, Mr. Christman's notes indicate that Mr. Husted said at the outset of this line of questioning that he had no knowledge of cheating. This is not revealed in the OIE Report. Mr. Christman's notes also indicate that Mr. Husted, after first refusing to answer a question about rumors, said he had not heard rumors about cheating.

Overall, the report omits a good deal of information that is reflected in Mr. Christman's notes of the interview.

Interrogatory 10b. What evidence do you have which supported your theory that the observations and conclusions were unjustified?

Answer: The answer to Interrogatory 10a is based on Mr. Husted's personal recollection of the July 29, 1981 interview and on Mr. Christman's notes of that interview.

Interrogatory 10c. When did you obtain such evidence?

Answer: Mr. Husted does not recall when he first received a copy of the Christman notes, but he is reasonably confident that it was after his deposition of October 23, 1981 and before his appearance before the Special Master on December 10, 1981.

Interrogatory 10d. Provide all documentation of such evidence.

Answer: See the Answer to Interrogatory 5c.

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

Answer. No.

Interrogatory 11a. If you have answered yes, state when you first perceived that you were at risk.

Answer: See the Answer to Interrogatory 11.

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

Answer: See the Answer to Interrogatory 6.

Interrogatory 12a. With whom did you consult and when?

Answer: See the Answer to Interrogatory 6.

Interrogatory 12b. What advice did you receive.

Answer: See the Answer to Interrogatory 6.

Interrogatory 12c. If you did not consult with anyone, why not?

Answer: See the Answer to Interrogatory 6.

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

Answer: No.

Interrogatory 13a. If you did not so petition, explain why you did not.

Answer: Mr. Husted believes that he did not know that either option was available to him.

Interrogatory 13b. 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?

Answer: See the Answer to Interrogatory 13a.

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

Answer: Mr. Husted does not recall precisely when he became aware of the SMR, but he is reasonably confident that he would have become aware of it shortly after it was issued.

Interrogatory 14a. Were you provided with a copy of that report?

Answer: Mr. Husted was provided with a copy of the portions of the SMR that pertain to him.

Interrogatory 14b. Who provided you with a copy of that report?

Answer: Mr. Husted is reasonably confident that the copy would have been provided to him by Mr. Samuel Newton, who was Manager of Training, TMI.

Interrogatory 15. When did you first read the SMR?

Answer: Mr. Husted first read the SMR when he received it.

Interrogatory 16. Paragraphs 101-111 of the SMR contain Judge Milhollen'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?

Answer: Not in every respect.

Interrogatory 16a. If not, please explain in detail your reasons.

Answer: Without conceding the accuracy of any finding or conclusion in, or that might be inferred from, paragraphs 101-111 of the SMR, Mr. Husted believed upon first reading them that the following findings and

conclusions of the Special Master were unjustified for the reasons set out below:

- (i) The conclusion that P was not credible and all findings underlying that conclusion. Mr. Husted's reasons for deciding that these conclusions and findings were not justified were his personal knowledge that he had not solicited an answer from P and the consistency of P's testimony with that knowledge.
- (ii) The conclusion that Mr. Husted had refused to cooperate with the NRC investigation. Mr. Husted believed that he had been cooperative with OIE. He believed he had received the investigators' permission to decline to answer two questions, but he had had no inkling that his performance in the July 29, 1981 interview would be viewed by the SMR as it was. He had answered all questions during the second OIE interview. He also believed that Mr. Christman's notes of the July 29, 1981 OIE interview supported his view.
- (iii) The conclusion that Mr. Husted's demeanor

was "generally flippant." Mr. Husted believed that this finding was based in particular on his "stupid, I think" answer; he understood how this reflected badly on his attitude. Mr. Husted knew, however, that that answer and his overall demeanor resulted from the fact that he was under extraordinary stress during his appearance. He was apprehensive about the hearing (because of Mr. Ward's testimony that he might have attempted to cheat), tense and confused (because of Mr. Adler's questioning) and frustrated (also because of Mr. Adler's questions). He did not think through the questions or his answers, and he understood and understands now how he gave the impression that he did not take the proceeding seriously. Mr. Husted gave the answers that appeared to be flippant, however, precisely because he took the hearing so seriously. He regretted then and he regrets now that he created the impression he did.

- (iv) The conclusion that Mr. Husted had deliberately withheld information about "passing papers" until his second OIE interview. Mr. Husted believed that he had not remembered the "passing papers" comment until after the July 29, 1981 OIE interview. Mr. Husted recognized that his testimony at the hearing in response to questions by Mr. Adler was confusing and inconsistent. He believed, however, that by the time he had completed his testimony he had made it clear that he had not recalled the "passing papers" remark until after the first OIE interview.
- (v) The conclusions that P and Mr. Husted had given testimony that was not forthright. Mr. Husted believed that both had given forthright testimony, though he recognized that in his confusion he had given certain incorrect answers in response to Mr. Adler's questions.
- (vi) The conclusion that Mr. Husted had solicited help from P. Mr. Husted knew from his personal knowledge that he had

not done so, and he thought P's testimony supported that view.

Interrogatory 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?

Answer: Yes.

Interrogatory 17a. If yes, when did you first learn of this evidence?

Answer: See the Answer to Interrogatories 16 and 16a. In addition, on reviewing Mr. Ward's testimony and the conclusions of the ASLB, Mr. Husted concluded that the Ward testimony did not support the conclusion that Mr. Husted had solicited from P an answer to an exam question.

Interrogatory 17b. Provide evidence and indicate when and from whom you obtained the evidence.

Answer: See the Answers to Interrogatories 16, 16a, 17, 21 and 21b.

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

Answer: Mr. Husted does not recall being informed by GPU or any agent of GPU of a right to comment on the SMR.

Interrogatory 18a. When did you receive notice of your right to comment?

Answer: See the Answer to Interrogatory 18.

Interrogatory 18b. How and by whom was that notification transmitted?

Answer: See the Answer to Interrogatory 18.

Interrogatory 18c. What steps, if any, did you take to comment?

Answer: See the Answer to Interrogatory 18.

Interrogatory 18d. To whom and when did you comment?

Answer: See the Answer to Interrogatory 18.

Interrogatory 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.

Answer: See the Answer to Interrogatory 18.

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

Answer: See the Answer to Interrogatory 18.

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

Answer: Mr. Husted does not recall when he first became aware of the PID, but he is reasonably confident that he would have become aware of it shortly after it was issued.

Interrogatory 21a. Were you provided a copy, in whole or in part, of the PID?

Answer: Yes, Mr. Husted was provided with a copy of the portions of the PID that pertain to him.

Interrogatory 21b. If yes, who provided you with a copy of the PID?

Answer: Mr. Husted is reasonably confident that he was provided with the copy of a portion of the PID by Mr. Samuel Newton.

Interrogatory 21c. How was it transmitted?

Answer: By hand.

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

Answer: Mr. Husted read these paragraphs when he received them.

Interrogatory 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?

Answer: Not in every respect.

Interrogatory 23a. If your answer is negative, explain why the observations and conclusions found at Paragraph 2163-2168 of the PID are unjustified.

Answer: Without conceding the accuracy of any finding or conclusion in, or that might be inferred from, paragraphs 2163-2168 of the PID, Mr. Husted believed upon first reading them that the following findings and conclusions were unjustified for the reasons set out below:

- (i) The conclusion that Mr. Husted's testimony was incredible. See the Answer to Interrogatory 16a, Item (v).
- (ii) The conclusion that Mr. Husted's demeanor was "generally flippant." See the Answer to Interrogatory 16a, Item (iii).
- (iii) The conclusion that Mr. Husted withheld information from OIE during the second interview. Mr. Husted simply knew of no basis for this conclusion.
- (iv) The suggestion that Mr. Husted may not have cared whether he was believed or not. Mr. Husted attempted to testify accurately. See the Answer to Interrogatory 16a, Items (iii) and (v).
- (v) The suggestion that Mr. Husted might be unable or unwilling to impart a sense of seriousness and responsibility to TMI-1 operators. Mr. Husted has always attempted to do so and believes he has been successful.

Interrogatory 23b. What evidence do you have which supported your theory that the observations and conclusions were unjustified?

Answer: With respect to Mr. Husted's performance at the OIE interviews and the hearing, his own knowledge and recollections. With respect to his fitness to carry out or supervise training, the documents produced in response to your request. Mr. Husted will also attempt to provide the testimony of GPU Nuclear witnesses on this subject.

Interrogatory 23c. When did you obtain such evidence?

Answer: The documents are included in GPU Nuclear's files.

Interrogatory 23d. Provide all documentation of such evidence.

Answer: See the Answer to Interrogatory 23b.

Interrogatory 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?

Answer: Yes.

Interrogatory 24a. When did you obtain such information?

Answer: See the Answer to Interrogatory 23b.

Interrogatory 24b. Provide all documentation of such information.

Answer: See the Answer to Interrogatory 23b.

Interrogatory 25. Have you read the Commonwealth's Exception's to the July 27, 1982 PID and the Commonwealth's Brief in Support of Exceptions?

Answer: Yes.

Interrogatory 25a. If yes, state when and how you gained access to these documents.

Answer: Mr. Husted is reasonably confident that copies of these documents were provided to him by Mr. Newton soon after they were filed by the Commonwealth with the Atomic Safety and Licensing Appeal Board.

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

Answer: During June 1983.

Interrogatory 27. How were you informed of the proposed agreement?

Answer: Dr. Robert Long announced in a meeting of all on-site nuclear assurance division personnel that Mr. Husted's operating license would be terminated by GPU Nuclear.

Interrogatory 27a. If you were informed of the proposed agreement in writing, provide the document(s).

Answer: Insofar as Mr. Husted recalls, the only written evidence of the proposed agreement that he has received is the agreement itself and a letter from GPU Nuclear to Donald K. Beckham of NRC, dated July 8, 1983.

Interrogatory 27b. 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.

Answer: See the Answer to Interrogatory 27. Dr. Long's title at the time of the meeting referred to in the Answer to Interrogatory 27 was Vice President, Nuclear Assurance, GPU Nuclear.

Interrogatory 28. Did GPU management or any agent of GPU management consult with you concerning the proposed stipulated agreement?

Answer: No.

Interrogatory 28a. If yes, state the name and position(s) of the person or persons who consulted with you.

Answer: See the Answer to Interrogatory 28.

Interrogatory 28b. If yes, describe the circumstances.

Answer: See the Answer to Interrogatory 28.

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

Answer: No.

Interrogatory 29a. What form did this request take: written, oral, telephonic, meeting with management?

Answer: See the Answer to Interrogatory 29.

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

Answer: None

Interrogatory 30a. 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.

Answer: See the Answer to Interrogatory 30.

Interrogatory 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.

Answer: No.

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

Answer: See the Answer to Interrogatory 31.

Interrogatory 32a. If your response was in writing, provide a copy.

Answer: See the Answer to Interrogatory 31.

Interrogatory 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?

Answer: Mr. Husted understood the effect the stipulated agreement would have on his license and the effect it might have on his career.

Interrogatory 33a. If you did understand the effect, state what you believe that effect would be.

Answer: The license would be terminated. In addition, Mr. Husted would be barred from a career path in nuclear training to which he had devoted six years.

Interrogatory 33b. If you believed it would have no effect, state why you believed it would have no effect.

Answer: See the Answers to Interrogatories 33 and 33a.

Interrogatory 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.

Answer: See the Answer to Interrogatory 31.

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

Answer: Mr. Husted was advised orally and in writing during March 1983.

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

Answer: No.

Interrogatory 36a. If yes, describe in detail your understanding.

Answer: See the Answer to Interrogatory 36.

Interrogatory 36b. If not, state your understanding of why you were promoted.

Answer: Mr. Husted had four years of experience as a non-licensed operator with TMI Unit 1. He was an experienced instructor of non-licensed operators. He was in the process of obtaining a Certificate of Management from Elizabethtown College, and he wanted the position.

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

Answer: See Answer to Interrogatory 36b.

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

Answer: To promote from within the Company to the extent reasonably practicable.

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

Answer: Mr. Husted is reasonably confident that he first became aware of ALAB-772 soon after it was issued.

Interrogatory 40. When did you first read that section of ALAB-772 which refers to you?

Answer: Shortly after receiving it.

Interrogatory 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?

Answer: No.

Interrogatory 41a. If no, state what evidence you have which supports your theory that the findings and conclusions are unjustified.

Answer: See the Answer to Interrogatory 23a. In addition, the Appeal Board imposed the condition barring Mr. Husted from supervising the training of non-licensed personnel, even though it had no evidence whatever of the way in which he had in fact discharged his supervisory or teaching duties.

Interrogatory 41b. If no, when did you obtain that evidence?

Answer: See the Answer to Interrogatory 41a.

Interrogatory 41c. If no, provide all documentation of such evidence.

Answer: See the Answer to Interrogatory 41a.

Interrogatory 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?

Answer: Yes.

Interrogatory 42a. If yes, state with whom and when you consulted. Provide all written communication between you and GPU concerning ALAB-772.

Answer: Mr. Husted consulted with Dr. Robert Long and Mr. Samuel Newton. Mr. Husted knows of no written communication responsive to this Interrogatory.

Interrogatory 42b. If yes, state what was the outcome of this consultation.

Answer: The outcome was that Mr. Husted would be transferred from the Training Department to Risk Analysis.

Interrogatory 42c. If yes, state what, if anything, GPU advised you to do concerning the condition imposed by the Appeal Board in ALAB-772.

Answer: See the Answer to Interrogatory 42b.

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

Answer: Mr. Husted accepted a transfer to Risk Analysis.

Interrogatory 43a. When was such action taken?

Answer: Mr. Husted believes the action was taken on June 18, 1984.

Interrogatory 43b. Provide all documentation of such action.

Answer: Mr. Husted has no such document.

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

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues identified in this proceeding.

Interrogatory 44a. If counsel is other than counsel currently representing you, provide the name of your former counsel and the circumstances whereby you changed representation.

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues in this proceeding and that it calls for information the disclosure of which would violate the attorney-client privilege.

Interrogatory 45. Were you advised to retain counsel?

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues in this proceeding and, with respect to retention of his present counsel, that it calls for information the disclosure of which would violate the attorney-client privilege.

Interrogatory 45a. Who advised you?

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues in this proceeding and, with respect to retention of his present counsel, that it calls for information the disclosure of which would violate the attorney-client privilege.

Interrogatory 45b. How did you choose counsel?

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues in this proceeding and, with respect to retention of his present counsel, that it calls for information the disclosure of which would violate the attorney-client privilege.

Interrogatory 46. Prior to retaining counsel, did you consult with GPU management or its agent?

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues in this proceeding.

Interrogatory 46a. If you answered yes, the names and job titles of the persons with whom you consulted.

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues in this proceeding.

Interrogatory 46b. If you answered yes, who initiated the consultation?

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues in this proceeding.

Interrogatory 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 other arrangements?

Answer: Mr. Husted objects to this Interrogatory on the ground that it is not designed to elicit information relevant to the issues in this proceeding.

Interrogatory 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?

Answer: Mr. Husted did not speak to any of the other candidates during either the April 23 RO exam or the April 24, 1981 SRO exam. Mr. Husted believes that during the April 24, 1981 exam, upon reviewing a question on that exam, he said aloud -- not to anyone else in the room but by way of exclamation -- words to the effect "what the hell is this?"

Interrogatory 48a. If your answer is yes, state to whom you spoke.

Answer: See the Answer to Interrogatory 48.

Interrogatory 48b. If your answer is yes, state the nature and content of your conversation.

Answer: See the Answer to Interrogatory 48.

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

Answer: No.

Interrogatory 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.

Answer: Mr. Husted will testify at the hearing, probably on each of the issues heretofore identified in the proceeding. No other person has yet been requested to testify, but Mr. Husted will supplement this Answer on a timely basis when such witnesses have been selected.

II. Production of Documents

Documents requested by you will be produced under separate cover.

Respectfully submitted,

CHARLES HUSTED

By Michael W. Maupin, Counsel
Counsel

Of Counsel

Michael W. Maupin
Maria C. Hensley

HUNTON & WILLIAMS
P. O. Box 1535
Richmond, Virginia 23212

Dated: April 4, 1986

Objections Stated by Counsel

All objections were stated by counsel.

Michael W. Maupin

AFFIRMATION

Charles Husted, being first duly sworn, affirms that the above Answers to Interrogatories 1-43, 48, 49 and 50 are true to the best of his knowledge and belief.

Dated: April 4, 1986

Charles Husted
Charles Husted

I, Kathleen Patterson, a Notary Public in and for the jurisdiction of Virginia, hereby certify that Charles Husted, whose name is signed to the foregoing Affirmation dated April 4, 1986 has personally sworn to me that the statements therein are true to the best of his knowledge and belief.

Kathleen Patterson
Notary Public

My Commission expires 2-23-88.

April 4, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Administrative Law Judge

In the Matter of)
)
GENERAL PUBLIC UTILITIES NUCLEAR) Docket No. 289 (CH)
)
(Three Mile Island Nuclear Station,))
Unit No. 1))

CERTIFICATE OF SERVICE

I certify that copies of Mr. Husted's Answers and Objections to TMIA's First Request for Production of Documents and First Interrogatories, dated April 4, 1986, were served upon the following persons today by deposit in the U.S. Mail, first class, postage pre-paid, or in the case marked by an asterisk below by Federal Express, addressed to them at the following addresses:

The Honorable Morton B. Margulies
Administrative Law Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTENTION: Chief, Docketing and
Service Section

George E. Johnson, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Michael W. Maupin,
Counsel for Charles Husted

Dated: April 4, 1986