



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

RELATED CORRESPONDENCE

April 16, 1986

DOCKETED
USNRC

APR 21 11:39

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

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

Dear Mr. Maupin:

Per your request I am sending a copy of "NRC Staff's Answers to Aamodt Motion to Compel Staff and Licensee to Provide All Documents Related to I&E Interview of C. Husted of September 18, 1981," and enclosures, served in the TMI-Restart proceeding on December 22, 1981.

Sincerely,

George E. Johnson
Counsel for NRC Staff

Enclosures: As stated

cc w/encl: Service List

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PDR ADOCK 05000289
G PDR

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DEC 2 1981

RELATED CORRESPONDENCE

JACK R. GOLDBERG
Staff 12/22/81

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

APR 21 11:39

BEFORE THE SPECIAL MASTER

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
METROPOLITAN EDISON COMPANY, ET AL.)
(Three Mile Island, Unit 1))

Docket No. 50-289
(Resart)

NRC STAFF'S ANSWER TO AAMODT MOTION TO
COMPEL STAFF AND LICENSEE TO PROVIDE ALL
DOCUMENTS RELATED TO I&E INTERVIEW OF
C. HUSTED OF SEPTEMBER 18, 1981

On Thursday, December 10, 1981, during the last day of hearing in this reopened proceeding concerning cheating-related issues, the Aamodts orally requested the Staff to produce all notes relating to the September 18, 1981, interview of Mr. C. Husted by R. Matakas of I&E. Upon Staff counsel's return to his office the next morning, Staff counsel requested Mr. Matakas, as well as I&E investigators Ward and Baci, to search their files for all documents related to Mr. Matakas' September 18th interview of Mr. Husted.^{1/} Only two documents were discovered as a result of those searches. Both are from Mr. Matakas' files and one of the documents is a personal, uncirculated, handwritten note belonging to Mr. Matakas. Mr. Matakas has agreed to provide those documents in response to the Aamodts' request and those documents are being sent today to the parties. It follows that the Aamodts' request for all

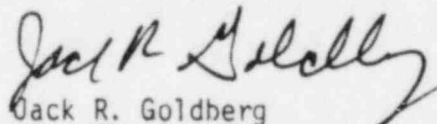
^{1/} Staff counsel telephoned Mrs. Aamodt and informed her that the Staff intended to voluntarily comply with her request and that a formal motion was not necessary. Mrs. Aamodt represented that therefore she would not file a motion. Notwithstanding that representation, the Aamodts filed this "Motion to Compel."

~~811224469~~

documents related to the I&E interview of C. Husted on September 18, 1981, is moot.^{2/}

As to Mr. Matakas' personal, uncirculated notes, the Staff would point out that such a document is considered to be the personal property of the employee and not an agency record which is in the possession or control of the NRC or NRC Staff. See 10 C.F.R. §§ 2.790, 2.744; Porter County Chapter of the Izaak Walton League v. AEC, 380 F.Supp. 630 (N.D. Ind. 1974). In this case, Mr. Matakas has voluntarily agreed to make his notes available. His doing so should not be construed as a precedent or waiver of the Staff's right to object (in this case or others) to requests for documents not "agency records."

Respectfully submitted,


Jack R. Goldberg
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 22nd day of December, 1981

^{2/} In the Staff's view, the Aamodts' Motion to Compel contains numerous misstatements of fact, mischaracterizations of the record, and baseless implications of wrongdoing. However, since the Staff has agreed to provide the documents requested by the Aamodts and the Aamodts' Motion to Compel is moot, the Staff will not respond to misstatements and mischaracterizations contained in the Aamodts' motion.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SPECIAL MASTER

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ANSWER TO AAMODT MOTION TO COMPEL STAFF AND LICENSEE TO PROVIDE ALL DOCUMENTS RELATED TO I&E REVIEW OF C. HUSTED OF SEPTEMBER 18, 1981" dated December 22, 1981 in the above-captioned proceeding have been served on the following by deposit in the United States mail or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system this 22nd day of December, 1981:

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

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

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

Dr. Walter H. Jordan
Administrative Judge
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Gary L. Milhollin, Esq.
1815 Jefferson Street
Madison, WI 53711

Dr. Linda W. Little
Administrative Judge
5000 Hermitage Drive
Raleigh, North Carolina 27612

George F. Trowbridge, Esq.
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, DC 20006

Robert Adler, Esq.
505 Executive House
P. O. Box 2357
Harrisburg, Pennsylvania 17120

Honorable Mark Cohen
512 D-3 Main Capital Building
Harrisburg, PA 17120

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

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

Metropolitan Edison Company
ATTN: J. G. Herbein, Vice President
P. O. Box 542
Reading, PA 19603

Ms. Jane Lee
R.D. 3; Box 3521
Etters, PA 17319

Walter W. Cohen, Consumer Advocate
Department of Justice
Strawberry Square, 14th Floor
Harrisburg, PA 17127

Thomas J. Germin
Deputy Attorney General
Division of Law - Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102

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

Robert Q. Pollard
609 Montpelier Street
Baltimore, Maryland 21218

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

Gail Phelps
ANGRY
245 W. Philadelphia Street
York, Pennsylvania 17401

Judge Gary J. Edles, Chairman
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

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

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

*Secretary
U.S. Nuclear Regulatory Commission
ATTN: Chief, Docketing & Service Br.
Washington, DC 20555

William S. Jordan, III, Esq.
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, DC 20006

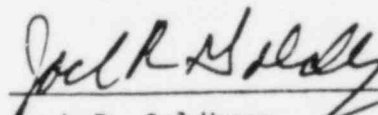
John Levin, Esq.
Pennsylvania Public Utilities Comm.
Box 3265
Harrisburg, PA 17120

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
1725 I Street, N.W.
Suite 506
Washington, DC 20006

Mr. Steven C. Sholly
Union of Concerned Scientists
1725 I Street, N.W.
Suite 601
Washington, DC 20006


Jack R. Goldberg
Counsel for NRC Staff

CHARLES E. HUSTED *9-18-81*
INSTRUCTOR FOR LICENSE OPERATOR TRAINING

RE-
HUSTED WAS INTERVIEWED DUE TO HIS RELUCTANCE to ~~ANSWER~~ ANSWER ALL QUESTIONS DIRECTED AT HIM DURING A PREVIOUS INTERVIEW (SEE FIRST REPORT, PP 39)

MR. HUSTED STATED THAT THE REASON ~~FOR HIS RESPONSES~~ FOR HIS RESPONSES TO QUESTIONS ASKED OF HIM BY THE NRC ON AN EARLIER DATE WAS BECAUSE HE FELT THAT THE QUESTIONS ~~DIRECTED AT HIM WERE~~ DIRECTED AT HIM WERE SO BROAD THAT HE JUST COULD NOT GIVE A SPECIFIC ANSWER.

MR. HUSTED STATED THAT HE DID NOT OBSERVE ANYONE CHEATING ON THE NRC EXAMS, ~~AND NO ONE TOLD HIM THAT~~ AND NO ONE TOLD HIM THAT THEY (~~PERSONALLY~~) HAD CHEATED ON THE EXAMS.

MR. HUSTED WAS ASKED TO CLARIFY WHAT HE MEANT BY "UNCONFIRMED HERESAY" IN HIS PREVIOUS STATEMENT. HE STATED THAT HE DID HEAR ONE COMMENT MADE DURING THE TIME PERIOD OF THE NRC RO/SRO EXAMS WHERE SOMEONE (HE DID NOT RECALL WHO) SAID THEY SAW SOMEONE ^{THE UNIDENTIFIED PERSON} (DID NOT SAY WHO) PASSING PAPERS IN THE EXAM. HUSTED STATED HE HEARD THE COMMENT IN THE AREA NEAR THE COFFEE POT AND MEN'S ROOM IN THE TRAILER THAT WAS LOCATED BETWEEN THE TWO CLASSROOMS. HE SAID HE PERSONALLY DID NOT HAVE ANY ~~KNOWLEDGE~~ KNOWLEDGE REGARDING EITHER REFERENCE MATERIAL OR CRIB SHEET^s BEING TAKEN INTO THE NRC EXAMS. HE SAID ~~HE DID NOT KNOW~~ HE DID NOT KNOW IF THE ABOVE MENTIONED COMMENT RELATING TO "PASSING PAPERS" WAS BEING DIRECTED AT HIM OR NOT, ~~AND HE DID NOT KNOW~~ AND HE DID NOT KNOW IF THE PERSON WAS REFERRING TO THE NRC EXAMS OR SOME OTHER EXAM.

HUSTED CONCLUDED STATING THAT HE DID NOT HAVE ANY OTHER INFORMATION WHATSOEVER RELATING TO CHEATING ON THE NRC, RO/SRO, EXAMS..

9-19-81

Chuck HUSTED
Instructor
Lic. 1021
in class

heard statement
Hear report
in coffee room
IN TRAILER
after two
classrooms.

No knowledge of references or material
being taken into classroom -

None told me that they had checked on
Exam - did not see anyone
cheating on t. exam.

No one told me (GIVING NAME)
that they saw anyone
cheating.

~~I~~ Someone (DON'T ASK WHO)
said they saw someone did not say who
passing papers in the exam
starting t. day of t. ^{1st} exam &
go several days. It was in
this time period that I
heard it. Q Characterize statement:

A. It was one of those type
statements that someone makes
when he was mad. It was
& says to t. first person he
saw.

don't even know if
anyone was discussed
at me.

This is
"uncontaminated"
hearsay
statement.
(SEE REPORT
P. 31)

DON'T EVEN KNOW IF HE
WAS TALKING ABOUT SMO OR PO
EXAMS

WASN'T THAT I DID NOT
WANT TO IDENTIFY
ANYONE LAST TIME
INTERVIEWED. I COULDN'T
IDENTIFY ANYONE I DID
NOT WANT TO SPREAD RUMORS.

I WAS NOT ^{formally} INTERVIEWED BY
LICENSURE AT THIS ISSUE
~~HOWEVER, WANTED HE~~
HOWEVER, ON OCCASION
MEMBERS OF MANAGEMENT
WOULD ASK ME SOMETHING ^{ABOUT} ~~THE~~
EX. "CLASSROOM LAYOUT?"

I have no other info ~~at~~
~~at~~ what is wrong with
Charting on the ~~510~~ 510^{05B}
RD^{AND} Beans

~~Before - The Quei were
so broad that I
just could not give
a specific answer~~