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April 9, 1986

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY  
DOCKETING

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

Docket No. 50-289 (CH)

RESPONSE OF GPU NUCLEAR CORPORATION TO  
TMIA'S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS AND FIRST INTERROGATORIES TO  
GENERAL PUBLIC UTILITIES NUCLEAR

INTERROGATORIES

Pursuant to the provisions of 10 C.F.R. Section 2.740, 2.740b, and 2.741, GPU Nuclear Corporation hereby answers or objects to TMIA's First Request for Production of Documents and First Interrogatories to General Public Utilities Nuclear. GPU Nuclear Corporation ("GPUN") expressly reserves the right to add to or amend its response to each and every interrogatory contained herein.

INTERROGATORY NO. 1: Did a member of GPU personnel or agent of GPU accompany Charles Husted during his July 29, 1981 interview by Office of Inspection and Enforcement (OIE)? If you have answered yes, state:

- a. whether Husted requested that he be accompanied.
- b. the name and job title of the person who accompanied Husted.

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- c. whether or not that person took notes of the interview.
- d. provide all notes taken during the interview.

ANSWER TO INTERROGATORY NO. 1: GPUN advised all of its employees who were to be interviewed by OIE that, upon the employee's request, a representative of GPUN management would accompany the employee during his or her interview. Mr. Husted elected to be accompanied by a management representative during Mr. Husted's July 29, 1981 interview, and Paul G. Christman, Manager, Plant Administration TMI-1, attended the interview. Mr. Christman took notes of the investigation interview, and these notes are being provided to TMIA by Mr. Husted's counsel.

INTERROGATORY NO. 2: After the July 29, 1981 interview was completed, did GPU management or its agent discuss the substance of the interview with Husted? If you have answered yes, state:

- a. the name and job title(s) of the person(s) who discussed the interview with Husted.
- b. the substance of the discussion.
- c. provide all documentation of the discussion.

ANSWER TO INTERROGATORY NO. 2: Samuel Newton, then Operations Training Manager, recalls discussing an NRC OIE interview with Mr. Husted sometime shortly after it took place. He recalls that Mr. Husted told him that it was an interview at which Mr. Christman was present. The discussion focused on Mr. Husted's responses during the interview. Mr. Newton recalls

that Mr. Husted stated that he was very nervous during the interview. Mr. Newton and Mr. Husted discussed how to try to appear more comfortable during this process.

After the Special Master's Report, Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 1), Docket No. 50-289 (CH) (February 27, 1986), was issued, GPUN management personnel had conversations with Mr. Husted concerning his conduct at the July 29, 1981 interview and how such conduct related to the conclusion contained in the Special Master's Report. The following GPUN management personnel participated in these discussions at various times:

Dr. Robert Long, Director of Training & Education  
Mr. Henry D. Hukill, VP/Director TMI-1  
Mr. Samuel Newton, Operator Training Manager  
Dr. Ronald Knief, Manager, Plant Training TMI-1.

GPUN presently believes that no other discussions concerning the July 29, 1981 interview occurred between Mr. Husted and GPUN management.

GPUN will produce a document relating to these discussions.

INTERROGATORY NO. 3: Did GPU management or its agent provide Husted with a copy of the OIE report? If you have answered yes, state:

- a. the name and job title(s) of the person(s) who provided Husted with a copy of the report.

OBJECTION TO INTERROGATORY NO. 3: GPUN objects to this interrogatory on the grounds of irrelevancy. Whether GPUN

management provided Mr. Husted with a copy of the OIE report is not relevant to any contention to be litigated in this proceeding. See 10 C.F.R. § 2.740(b), Fed. R. Civ. P. 26(b) and the Report and Order on Initial Prehearing Conference, General Public Utilities Corporation (Three Mile Island Nuclear Station, Unit No. 1), Docket No. 50-289 (CH) (February 27, 1986).

Notwithstanding this objection, but without prejudice thereto, GPUN provides the following answer:

ANSWER TO INTERROGATORY NO. 3: The individuals who were in contact with Mr. Husted about this matter, see Answer to Interrogatory No. 2, do not recall providing this document to Mr. Husted, although they believe it is probable that someone did.

INTERROGATORY NO. 4: Did GPU management or its agent discuss the section of the OIE report which referred to Husted, with Husted? If you have answered yes, state:

- a. the name and job title(s) of the person(s) who discussed the section of the OIE report which referred to Husted.
- b. the names and job titles of all persons present during the discussion.
- c. the substance of the discussion.
- d. provide all documentation of the discussion.

ANSWER TO INTERROGATORY NO. 4: Mr. Husted discussed the section of the OIE report which referred to him with the GPUN management personnel listed in the Answer to Interrogatory No. 2. GPUN presently believes that on no occasion other than

those indicated in the Answer to Interrogatory No. 2 did Mr. Husted discuss the OIE report with GPUN management personnel.

GPUN will provide a document relating to this discussion.

INTERROGATORY NO. 5: Did GPU management or its agent discuss that section of the Special Master's Report (SMR) which referred to Husted, with Husted? If you have answered yes, state:

- a. the name and job title(s) of the person(s) who discussed the section of the SMR which referred to Husted.
- b. the names and job titles of all persons present during the discussion.
- c. the substance of the discussion.
- d. provide all documentation of the discussion.

ANSWER TO INTERROGATORY NO. 5: Mr. Husted discussed the section of the Special Master's Report with the GPUN management personnel listed in the Answer to Interrogatory No. 2. GPUN presently believes that on no occasion other than those indicated in the Answer to Interrogatory No. 2 did GPUN management personnel and Mr. Husted discuss the Special Master's Report.

GPUN will provide a document relating to this discussion.

INTERROGATORY NO. 6: Did GPU management or its agent inform Husted of his right to comment on the SMR? If you have answered yes, state:

- a. the name and job title(s) of the person(s) who informed Husted of his right to comment on the SMR.
- b. the names and job titles of all persons present during the discussion.

- c. the substance of the discussion.
- d. provide all documentation of the discussion.

OBJECTION TO INTERROGATORY NO. 6: GPUN objects to this interrogatory on the grounds of irrelevancy. Whether GPUN management personnel informed Mr. Husted of his right to comment on the SMR is not relevant to any contention to be litigated in this proceeding. See 10 C.F.R. § 2.740(b), Fed. R. Civ. P. 26(b), Report and Order on Initial Prehearing Conference, General Public Utilities Nuclear Corporation (Three Mile Island Nuclear Station, Unit No. 1), Docket No. 50-289 (CH) (February 27, 1986). Due to the irrelevancy of this interrogatory, GPUN is not required to answer.

INTERROGATORY NO. 7: Did GPU management or its agent advise Husted to submit comments on the SMR? If you have answered yes, state:

- a. the name and job title(s) of the person(s) who advised Husted to submit comments on the SMR.
- b. the names and job titles of all persons present during the discussion.
- c. the substance of the discussion.
- d. provide all documentation of the discussion.

OBJECTION TO INTERROGATORY NO. 7: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Due to the irrelevancy of this interrogatory, GPUN is not required to answer.

INTERROGATORY NO. 8: Did GPU management or its agent advise Husted not to submit comments on the SMR? If you have answered yes, state:

- a. the name and job title(s) of the person(s) who advised Husted not to submit comments on the SMR.
- b. the names and job titles of all persons present during the discussion.
- c. the substance of the discussion.
- d. provide all documentation of the discussion.
- e. explain why he was so advised.

OBJECTION TO INTERROGATORY NO. 8: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Due to the irrelevancy of this interrogatory, GPUN is not required to answer.

INTERROGATORY NO. 9: Did GPU management or its agent provide Husted with copies of the Commonwealth of Pennsylvania's Exceptions to the July 27, 1982 Partial Initial Decision (PID) and the Commonwealth's Brief in Support of its Exceptions? If you have answered yes, state:

- a. the name and job title(s) of the person(s) who provided Husted copies of said documents.
- b. when Husted was provided copies of said documents.

OBJECTION TO INTERROGATORY NO. 9: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Notwithstanding this objection, but without prejudice thereto, GPUN provides the following answer:

ANSWER TO INTERROGATORY NO. 9: Upon information and belief, Mr. Samuel Newton, Operator Training Manager, provided to Mr. Husted copies of the Commonwealth of Pennsylvania's Exceptions to the July 27, 1982 Partial Initial Decision and the Commonwealth's Brief in Support of Its Exceptions shortly after their issuance.

INTERROGATORY NO. 10: Did GPU management or its agent discuss the documents referenced in No. 9 above with Husted? If you have answered yes, state:

- a. the name(s) and job title(s) of the person(s) who had the discussion with Husted.
- b. the names and job titles of all persons present during the discussion.
- c. the substance of the discussion.
- d. provide all documentation of the discussion.

OBJECTION TO INTERROGATORY NO. 10: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Due to the irrelevancy of this interrogatory, GPUN is not required to answer.

INTERROGATORY NO. 11: Did GPU management or its agent request Husted's input prior to making the agreement concerning Husted with the Commonwealth? If you have answered yes, state:

- a. the name(s) and job title(s) of the person(s) who made the request.
- b. when the request was made.
- c. provide all documentation of any meeting with Husted at which the proposed agreement was discussed prior to the finalizing of the agreement.



- d. provide all documentation of Husted's input.

OBJECTION TO INTERROGATORY NO. 11: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Due to the irrelevancy of this interrogatory, GPUN is not required to answer.

INTERROGATORY NO. 12: Was Husted's promotion to Supervisor Non-Licensed Training in any way related to his concurrence with the stipulated agreement?

- a. If you have answered yes, describe the relationship.
- b. If you have answered no, state the reason for Husted's promotion.

OBJECTION TO INTERROGATORY NO. 12: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Notwithstanding this objection, but without prejudice thereto, GPUN provides the following answer:

ANSWER TO INTERROGATORY NO. 12: Mr. Husted's assignment to Supervisor Non-Licensed Operator Training was not related in any way to his concurrence with the stipulated agreement. Mr. Husted was assigned to Supervisor Non-Licensed Operator Training because he was qualified for that position. Furthermore, an extensive program designed to observe Mr. Husted's performance and attitudes indicated that he was performing very satisfactorily and that there was no evidence of undesirable attitudes or lack of respect for the training and licensing process. Based on these observations, both Dr. Long and the

Director of Training and Education, Dr. Coe, concurred in Mr. Husted's appointment to Supervisor Non-Licensed Operator Training.

INTERROGATORY NO. 13: Did GPU management or its agent discuss the sections of the July 27, 1982 PID which referred to Husted, with Husted? If you have answered yes, state:

- a. the name(s) and job title(s) of the person(s) who discussed the sections of the PID which referred to Husted with him.
- b. when these discussions took place.
- c. the substance of the discussion.
- d. provide all documentation of the discussion.

OBJECTION TO INTERROGATORY NO. 13: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Notwithstanding this objection, but without prejudice thereto, GPUN provides the following answer.

ANSWER TO INTERROGATORY NO. 13: The individuals who were in contact with Mr. Husted, see Answer to Interrogatory No. 2, do not recall discussing the July 27, 1982 PID with Mr. Husted, although they believe it is probable that someone did.

INTERROGATORY NO. 14: Did GPU management or its agent discuss with Husted the relevant portions of ALAB-772? If you have answered yes, state:

- a. the name(s) and job title(s) of the person(s) who discussed the relevant sections of ALAB-772 with Husted.
- b. when these discussions took place.

- c. the substance of the discussion.
- d. provide all documentation of the discussion.

OBJECTION TO INTERROGATORY NO. 14: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Notwithstanding this objection, but without prejudice thereto, GPUN offers the following answer:

ANSWER TO INTERROGATORY NO. 14: Upon information and belief, Dr. Long and Mr. Newton discussed the relevant portion of ALAB-772 with Mr. Husted. Dr. Long and Mr. Newton informed Mr. Husted that as a result of ALAB-772, Mr. Husted would be transferred to the Nuclear Safety Assessment Department to work on the TMI-1 probabilistic risk assessment project.

INTERROGATORY NO. 15: Did GPU management or its agent advise Husted to request a hearing? If you have answered yes, state:

- a. the name(s) and job title(s) of the person(s) who advised Husted to request a hearing.
- b. when these discussions took place.
- c. the substance of the discussion.
- d. provide all documentation of the discussion.

OBJECTION TO INTERROGATORY NO. 15: GPUN incorporates herein by reference its objection to Interrogatory No. 6. Due to the irrelevancy of the interrogatory, GPUN is not required to answer.

INTERROGATORY NO. 16: Is GPU management or its agent providing any part of Husted's legal fees, whether by direct payment to Husted or to his counsel, or by any other arrangements?

ANSWER TO INTERROGATORY NO. 16: GPUN is providing Mr. Husted's legal fees.

INTERROGATORY NO. 17: 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 TO INTERROGATORY NO. 17: GPUN presently has not determined the witnesses who it will request to testify at the hearing in this proceeding. Such information will be provided to TMIA once it has been determined.

#### PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Evaluations of Husted's job performance from the time of his employment at TMI through the time of his promotion to Supervisor Non-Licensed Training.

RESPONSE TO REQUEST NO. 1: Counsel for Charles E. Husted is providing some of the documents sought in Request No. 1, and GPUN will provide additional documents relevant to this Request.

REQUEST NO. 2: Documentation of GPU's promotional policy as it existed at the time of Husted's promotion to Supervisor Non-Licensed Training.

RESPONSE TO REQUEST NO. 2: GPUN has not yet located any documentation responsive to Request No. 2. If such documentation is available, it will be provided to TMIA upon its identification.

REQUEST NO. 3: Copies of all of Husted's NRC and company-administered licensing examinations and quizzes since his employment at TMI.

OBJECTION TO REQUEST NO. 3: GPUN objects to this Request on the grounds of irrelevancy. The documents in the Request relate solely to Mr. Husted's competency, and Mr. Husted's competency is not an issue which is to be litigated in this proceeding. Thus, the documents sought in this Request are irrelevant. Because of this irrelevancy, GPUN is not required to produce the requested documents.

REQUEST NO. 4: All documents GPU intends to introduce during the course of the Husted hearing.

RESPONSE TO REQUEST NO. 4: GPU presently has not determined the documents it will introduce at the hearing. Such documents will be provided to TMIA as soon as they are identified.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

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Dated: April 9, 1986

April 9, 1986

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Response of GPU Nuclear Corporation to TMIA's First Request for Production of Documents and First Interrogatories to General Public Utilities Nuclear," dated April 9, 1986, were served on the following by deposit in the U.S. mail, first class, postage prepaid, or, as indicated by one asterisk, by hand delivery, or as indicated by two asterisks, by Federal Express, this 9th day of April, 1986.

- \* Morton B. Margulies, Esquire  
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Atomic Safety and Licensing  
Board Panel  
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Washington, D.C. 20555
- \* George E. Johnson, Esquire  
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