

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

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OFFICE OF
DOCKETING SERVICE
BRANCH

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

NRC STAFF RESPONSES TO TMIA'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS
AND FIRST INTERROGATORIES TO THE
NUCLEAR REGULATORY COMMISSION STAFF

I. INTRODUCTION

The NRC Staff hereby serves its responses to "TMIA's First Request for Production of Documents and First Interrogatories to the Nuclear Regulatory Commission Staff." ^{1/}

II. ANSWERS TO INTERROGATORIES

INTERROGATORY 1

Identify the Office of Inspection and Enforcement (OIE) investigator(s) who interviewed Charles Husted on July 29, 1981.

^{1/} At the prehearing conference of February 19, 1986, the staff agreed to provide discovery responses voluntarily, according to the schedule initially agreed upon by the parties, and ratified in the Report and Order of February 27, 1986. Record Transcript at 64-65. Thus, while 10 C.F.R. §2.720(h)(2)(ii), rather than 10 C.F.R. §2.740(b), applies to interrogatories to the Staff, the Staff has agreed to provide responses to interrogatories as if it were subject to the latter provision. Similarly, without waiving the applicability of 10 C.F.R. §2.741(e), the Staff has agreed to voluntarily respond to document requests not subject to objection on other grounds.

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PDR ADCK 05000289
G PDR

PS07

RESPONSE

Raymond H. Smith
Currently: Emergency Preparedness Specialist
At time of interview: NRC Investigator
Nuclear Regulatory Commission, Region I
631 Park Avenue
King of Prussia, PA 19406
215-337-5392

Robert K. Christopher
Currently: Assistant to Regional Administrator
At time of interview: NRC Investigator
Nuclear Regulatory Commission, Region I
631 Park Avenue
King of Prussia, PA 19406
215-337-5138

Response provided by Raymond H. Smith. ^{2/}

INTERROGATORY 2

Identify all persons present during Husted's interview.

RESPONSE

See response to Interrogatory 1. After reviewing pages 39 and 16 of the Reports of Investigation, dated August 11, 1986 and October 13, 1981, respectively, and a memorandum from P.G. Christman to John F. Wilson, dated July 29, 1981, Raymond Smith has no present recollection of either the interview he participated in with Charles Husted on July 29, 1981, whether he took notes, or the circumstances surrounding the writ-

^{2/} Individuals providing responses are hereinafter designated by their last name, enclosed in parentheses. For detailed information concerning these individuals, consult attached affidavits and qualification statements.

ing of the Report of Interview. He has conferred with Robert K. Christopher who informed Mr. Smith that he similarly has no present recollection of these matters.

Mr. Smith has no notes or other documentation that might be used to refresh his recollection independent of the above cited documents. He has conferred with Robert K. Christopher, who informed him that Mr. Christopher has no notes or other documentation relative to this matter.

As an investigator/inspector, Mr. Smith has conducted approximately 100 interviews per year since 1973. These interviews have ranged from formal documented interviews to less formal oral exchanges. He does not recall anything specific concerning the interview in question. Mr. Christopher's duties have required him to conduct a similar number of interviews since 1980. (Smith)

Because the Staff's investigators involved in the July 29, 1981 interview of Charles Husted have no present recollection of the interview or of the preparation of the Report of Interview and we are aware of no documents on the interview other than that noted above and the testimony in the restart proceeding, the Staff has little or no information responsive to this interrogatory or the series of interrogatories below which seek information about the details and responses of the July 29, 1981 Husted interview and Report of Interview. (Dick)

INTERROGATORY 3

Where did the interview take place?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 4

How long did the interview last?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 5

Did the investigator(s) who interviewed Husted take notes of the interview?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 6

Was the interview taped?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 7

Did the investigator(s) who interviewed Husted prepare the report which appears at Page 39 of the Report of Investigation dated August 11, 1981?

a. If the answer to Interrogatory No. 7 is no, identify the person(s) who prepared the report.

RESPONSE

See response to Interrogatory 2. (Smith) William Ward has informed the Staff that neither he nor Edward Gilbert remembers who prepared the information on page 39 of the referenced report. The Staff has no further information responsive to this interrogatory. (Dick)

INTERROGATORY 8

Were drafts of the Report of Investigation submitted for comment or editing prior to the issuance of the final report?

a. If the answer to Interrogatory No. 8 is yes, identify all persons who commented on or who edited drafts of the report.

RESPONSE

See response to Interrogatories 2 and 7. The Staff has no further information responsive to this interrogatory. (Smith, Dick)

INTERROGATORY 9

Was any portion of the investigator(s) initial draft of the Husted interview omitted from the final report? If your answer is yes;

- a. What was omitted from the final report?
- b. Identify the person(s) who authorized the omissions.
- c. State the reasons for the omissions.

RESPONSE

See response to Interrogatories 2 and 7. The Staff has no further information responsive to this interrogatory. (Smith, Dick)

INTERROGATORY 10

After the July 29, 1981 interview of Husted and prior to drafting the report of the interview, did the investigator(s) consult with other OIE staff or with NRC legal staff concerning what information should be included in the report? If your answer is yes;

- a. With whom did the investigator(s) consult?
- b. What advice was provided?
- c. How was the report changed as a result of the consultation?

RESPONSE

See response to Interrogatory 2. (Smith) William Ward has informed the Staff that neither he nor Mr. Gilbert remembers whether they consulted with others concerning preparation of the referenced report. (Dick)

INTERROGATORY 11

State specifically the questions that were put to Husted during the July 29, 1981 interview.

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 12

State specifically his answers to the questions asked in the interview.

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 13

During the July 29, 1981 interview, did Husted appear to be confused by the investigator(s)' questions?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 14

Did Husted request clarification of any of the questions put to him?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 15

If Husted requested clarification, did the investigator(s) supply clarification?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 16

Did Husted appear to understand the questions as clarified?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 17

Did Husted request permission not to respond to the investigator(s)' questions?

RESPONSE

See response to Interrogatory 2. (Smith) See also Answer to Interrogatory 4 of Mr. Husted's Answers to NRC Staff's First Interrogatories and Request for Production of Documents. (Dick)

INTERROGATORY 18

Did Husted offer an explanation for not responding to investigator(s)' questions?

RESPONSE

See response to Interrogatory 2. (Smith) See also, notes of Richard A. Matakas, from the September 18, 1981 interview, attached, the draft report of that interview by Mr. Matakas, attached, and p. 16 of former Staff Exhibit 27, Report of Investigation, dated October 13, 1981. (Dick).

INTERROGATORY 19

If you have answered yes to Interrogatory No. 18, state Husted's explanation.

RESPONSE

The explanation of which the Staff is aware is contained in the documents referenced in response to Interrogatory 18. (Dick).

INTERROGATORY 20

Which questions caused Husted to be confused?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 21

Which questions did Husted decline to answer?

RESPONSE

See response to Interrogatory 2. (Smith) See also, response to Interrogatory 18 and former Staff Exhibit 26, Report of Investigation, dated August 11, 1981, at 39. Responsive information may also be found in Mr. Husted's Answers to NRC Staff's First Interrogatories and Requests for Production of Documents, response to Interrogatory 4, at 8-9. (Dick).

INTERROGATORY 22

If Husted requested permission to not respond to investigator(s)' questions, explain why that information did not appear in the final report of the interview.

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 23

Did the investigator(s) take notes during the interview?

RESPONSE

See response to Interrogatory 2. (Smith)

INTERROGATORY 24

If you have answered yes to Interrogatory No. 23, how extensive were the investigator(s)' notes?

RESPONSE

N.A. (Smith)

INTERROGATORY 25

How soon after the July 29, 1981 interview of Husted was the first draft of the report written?

RESPONSE

See response to Interrogatory 2. (Smith) Mr. William Ward has informed the Staff that neither he nor Mr. Gilbert remembers the circumstances of preparation of the report of the July 29, 1981 interview. (Dick)

INTERROGATORY 26

Did Husted request that Paul G. Christman be present during the July 29, 1981 interview?

RESPONSE

See response to Interrogatory 2. (Smith) See also, Answer to Interrogatory No. 1 (indicating an affirmative answer), Response of GPU Nuclear Corporation to TMIA's First Request for Production of Documents and First Interrogatories to General Public Utilities Nuclear. (Dick)

INTERROGATORY 27

If you have answered yes to Interrogatory No. 26, when did Husted make the request?

RESPONSE

See response to Interrogatory 2. (Smith) The Staff has no information responsive to this interrogatory. (Dick)

INTERROGATORY 28

If you have answered yes to Interrogatory No. 26, did Husted explain why he wanted Christman present during the interview?

RESPONSE

See response to Interrogatory 26. (Smith) The Staff has no information responsive to this interrogatory. (Dick)

INTERROGATORY 29

If you have answered yes to Interrogatory No. 28, state Husted's reason for wanting Christman present.

RESPONSE

See response to Interrogatory 28. (Dick)

INTERROGATORY 30

Did Christman say anything during the interview?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 31

If you have answered yes to Interrogatory No. 30, what did Christman say?

RESPONSE

N.A. (Smith)

INTERROGATORY 32

Did the investigator(s) inform Husted of his right to have counsel present during his interview?

RESPONSE

See response to Interrogatory 2. (Smith)

INTERROGATORY 33

Describe Husted's demeanor during the interview.

RESPONSE

See response to Interrogatory 2. (Smith)

INTERROGATORY 34

Did the investigators agree that the report of Husted's July 29, 1981 interview, which appears at Page 39 of the August 11, 1981 Report of Investigation, was accurate and complete?

RESPONSE

See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 35

If you have answered no to Interrogatory No. 34, state the name of the person(s) who disagree.

RESPONSE

N.A. (Smith)

INTERROGATORY 36

If you have answered no to Interrogatory No. 34, state the areas of disagreement.

RESPONSE

N.A. (Smith)

INTERROGATORY 37

Identify all persons involved in the decision to re-interview Husted.

RESPONSE

Mr. Matakas does not recall who instructed him to interview Mr. Husted on September 18, 1981. He does not know whose decision it was to interview Mr. Husted. (Matakas) The Staff has requested responsive information from Messrs. Ward and Gilbert, at Headquarters,

NRC Office of Investigations. Messrs. Ward and Gilbert have no recollection of who decided to re-interview Mr. Husted. (Dick).

INTERROGATORY 38

Identify all persons present during the September 18, 1981 interview of Husted.

RESPONSE

To the best of Mr. Matakas' recollection, only Mr. Husted and Mr. Matakas were present during the September 18, 1981, interview. (Matakas).

INTERROGATORY 39

Identify the investigator(s) who conducted the September 18, 1981 interview of Husted.

RESPONSE

Richard A. Matakas, Investigator, U.S. NRC, 631 Park Avenue, King of Prussia, PA 19406, 215-337-5338. (Matakas).

INTERROGATORY 40

How long did the September 18, 1981 interview last?

RESPONSE

To the best of Mr. Matakas' recollection, the September 18, 1981 interview lasted approximately thirty minutes. (Matakas).

INTERROGATORY 41

Was the September 18, 1981 interview taped?

RESPONSE

To the best of Mr. Matakas' recollection, the September 18, 1981, interview was not taped. (Matakas).

INTERROGATORY 42

Did the investigator(s) who interviewed Husted on September 18, 1981 take notes of the interview?

RESPONSE

Richard A. Matakas did take notes of the September 18, 1981 interview. A copy of said notes is attached to this response. The notes (3 pages) are in Mr. Matakas' handwriting and the first page of these notes are dated "9-18-81" with his initials "RAM," next to the date. To the best of Mr. Matakas' recollection, within a day or two of the September 18, 1981 interview, he typed a draft report based on notes and subsequently provided both his notes and draft report to Peter Baci, who at the time was an NRC investigator for the Office of Inspection and Enforcement, Bethesda, Maryland.

Mr. Matakas' typed draft report is attached to this response. The typed draft report is one page, titled: "Charles E. HUSTED, Instructor for License Operator Training." Mr. Matakas' initials "RAM" and the date of the interview, "9-18-81," are noted at the top of the page. Mr. Baci was the case agent, who left the NRC a couple of years ago to work for the Defense Criminal Investigative Service (DCIS) in the DC area.

Mr. Matakas' notes and draft report are being held by George E. Johnson, Counsel for the NRC staff, Bethesda, Maryland. (Matakas)

INTERROGATORY 43

Did the investigator(s) who interviewed Husted on September 18, 1981 prepare the report which appears at Page 16 of the investigative report designated Staff Exhibit 27 in the reopened hearing on cheating?

RESPONSE

To the best of Mr. Matakas' recollection, he did not prepare the report in question, but it appears to have been prepared based on the draft report of the interview. Mr. Matakas consulted with Edward Gilbert, who told him Mr. Gilbert did not remember whether Mr. Baci or Mr. Gilbert prepared the final report. (Matakas).

INTERROGATORY 44

If the answer to Interrogatory No. 43 is no, identify the person(s) who prepared the report.

RESPONSE

See response to Interrogatory 43. (Matakas). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 45

Were drafts of Staff Exhibit 27 submitted for comment or editing prior to the issuance of the final report?

RESPONSE

See response to Interrogatory 43. (Matakas). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 46

If the answer to Interrogatory No. 45 is yes, identify all persons who commented on or who edited drafts of Staff Exhibit 27.

RESPONSE

See response to Interrogatory 43. (Matakas). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 47

Was any portion of the investigator(s)' initial draft of the September 18, 1981 Husted interview omitted from the final report? If your answer is yes;

- a. What was omitted from the final report?
- b. Identify the person(s) who authorized the omissions.
- c. State the reasons for the omissions.

RESPONSE

No. See draft report of interview prepared by Mr. Matakas described in response to Interrogatory 42. (Matakas)

INTERROGATORY 48

After the September 18, 1981 interview of Husted and prior to drafting the report of that interview, did the investigator(s) consult with oth-

er OIE staff or with NRC legal staff concerning what information should be included in the report? If your answer is yes;

- a. With whom did the investigator(s) consult?
- b. What advice was provided?
- c. How was the report changed as a result of the consultation?

RESPONSE

Mr. Matakas' draft report of the September 18, 1981, interview is attached to this response. He did not consult with anyone concerning what information should be included in the draft Report of Interview (attached as stated). (Matakas)

INTERROGATORY 49

State specifically the questions that were put to Husted during the September 18, 1981 interview.

RESPONSE

Mr. Matakas cannot specifically recollect the exact questions that he asked Mr. Husted on September 18, 1981. (Matakas)

INTERROGATORY 50

State specifically his answers to the questions asked in the September 18, 1981 interview.

RESPONSE

To the best of Mr. Matakas's recollection, Mr. Husted's answers to his questions are recorded in the attached draft Report of Interview and handwritten notes previously identified. (Matakas)

INTERROGATORY 51

Did Husted volunteer the information about "passing papers during the exam"?

RESPONSE

Mr. Matakas does not specifically recall Mr. Husted "volunteering" any information during the September 18, 1981, interview. As he recalls, the information Husted provided was in response to Mr. Matakas' questions. (Matakas)

INTERROGATORY 52

Did Husted state why he had not supplied the information concerning passing papers during his July 29, 1981 interview?

RESPONSE

Based on a review of Mr. Matakas' notes taken during the September 18, 1981, interview Mr. Husted did give his reason as to why he did not supply the information concerning the "passing" of "papers" during his July 29, 1981 interview. (Matakas)

INTERROGATORY 53

If the answer to No. 52 is yes, state the explanation Husted gave for not supplying the information during the earlier interview.

RESPONSE

Based on a review of Mr. Matakas' notes taken during the September 18, 1981, interview, Mr. Husted said the reason that he did

not provide the "passing papers" information to the investigators during his earlier interview was because the questions he was asked were so broad that he just could not give a specific answer. (Matakas)

INTERROGATORY 54

Did the investigator(s) share Husted's opinion that the questions asked by investigator(s) during the July 29, 1981 interview were too broad to be answered specifically?

RESPONSE

Mr. Matakas does not know. (Matakas).

See also response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 55

During his testimony before the Special Master, William J. Ward stated that it was his opinion and the opinion of the investigator(s) who interviewed Husted, that Husted was not being truthful when he stated that he did not recall who made the statement about "passing papers in the exam." Is Ward's statement an accurate recounting of the investigator(s)' opinion(s)?

RESPONSE

The investigator, Mr. Matakas, does not recall expressing his opinion about Mr. Husted's veracity to Mr. Ward and does not at this time have an opinion relating to Mr. Husted's veracity. (Matakas).

INTERROGATORY 56

If the investigator(s) share Ward's opinion regarding the veracity of Husted's statement, state the basis for their opinion.

RESPONSE

See response to Interrogatory 55. (Matakas).

INTERROGATORY 57

Did the investigator(s) indicate to Husted the fact that they did not believe his statement?

RESPONSE

The investigator, Mr. Matakas, does not specifically recall telling Mr. Husted that he believed or disbelieved the information he provided on September 18, 1981. (Matakas).

INTERROGATORY 58

Did the investigator(s) advise Husted at any time that his lack of cooperation with the NRC investigation might affect his operating license?

RESPONSE

Mr. Matakas did not advise Husted that his lack of cooperation with the NRC investigation might affect his operating license. (Matakas) See response to Interrogatory 2. (Smith). The Staff has no further information responsive to this interrogatory. (Dick).

INTERROGATORY 59

Describe Husted's demeanor during the September 18, 1981 interview.

RESPONSE

Due to the passage of time since the September 18, 1981 interview, Mr. Matakas cannot recall Mr. Husted's demeanor during the interview. (Matakas).

INTERROGATORY 60

During testimony before the Special Master, Mr. Ward revealed that investigators had received testimony from Mr. P in which Mr. P alleged that Husted had made an unsuccessful attempt to cheat during the SRO portion of the April 1981 NRC licensing exam.

- a. Explain why this allegation does not appear in Staff Exhibit 27.
- b. Identify all persons who were involved in the decision to omit the allegation from Staff Exhibit 27.

RESPONSE

a. See attached Draft Memorandum for Record, prepared February 20, 1986, by Peter F. Baci. See also, testimony of William Ward Tr. 25320, 25417-18 where Mr. Ward explains why the allegation was not included in the report. Mr. Ward has informed the Staff that he has nothing to add to his testimony. (Dick)

b. See response to Interrogatory 60a. (Dick)

INTERROGATORY 61

Identify all persons present during the September 25, 1981 interview of Mr. P.

RESPONSE

According to the hearing transcript of December 2, 1981, William Ward testified that Messrs. Baci and Smith, were at the September 25, 1981 interview of Mr. P, in addition to Mr. Ward. Tr. 25459. (Dick). Raymond Smith has no recollection of attending or participating in the interview with Mr. P. (Smith).

INTERROGATORY 62

Did the investigators take notes of the interview of Mr. P.

RESPONSE

Mr. Ward testified, "...I took only fragmentary notes...I do not believe anyone else took notes during that particular interview." Tr. 25,464. Mr. Ward has informed the Staff that he has nothing to add to his testimony. See also, attached draft Memorandum for the Record, and attached notes of Peter Baci. See response to Interrogatory 61. (Dick).

INTERROGATORY 63

Was the interview of Mr. P taped?

RESPONSE

The Staff has no information to indicate the interview was taped. See response to Interrogatories 61, 62. (Dick).

INTERROGATORY 64

State specifically the questions which led to Mr. P's revelation of Husted's attempt to cheat.

RESPONSE

See attached draft Memorandum for the Record of Peter E. Baci, prepared January 20, 1986 in connection with the proceeding; testimony of Mr. "P," Tr. 26,754-757; Interrogatory 61; and testimony of Mr. Ward, Tr. 25,462-465, 25,316-317. Mr. Ward has informed the Staff that he has nothing to add to his testimony. (Dick).

INTERROGATORY 65

State specifically Mr. P's responses to the questions concerning Husted's attempt to cheat.

RESPONSE

See, Staff Exhibit 27, referenced above, at 40-41, draft Memorandum for the Record and notes of Peter Baci, referenced above, testimony of William Ward, Tr. 25,462-465, 25,316-317; testimony of Mr. "P," Tr. 26,754-757. See also response to Interrogatory 61. (Dick).

INTERROGATORY 66

Did Mr. P appear confused by the questions?

RESPONSE

See response to Interrogatory 61 and 65. The above Interrogatory was provided to Mr. William Ward, of the Office of Investigations for any

responsive information. He has informed the Staff that he believes Mr. P was not confused. (Dick).

INTERROGATORY 67

Did Mr. P request clarification of the questions?

RESPONSE

See response to Interrogatories 61. Based on the draft Memorandum for the Record of Peter E. Baci, the testimony of Mr. Ward, Tr. 25,462-65, 25,316-17, and the testimony of Mr. "P," Tr. 26,754-57, there are no statements indicating that Mr. "P" requested clarification of the questions. (Dick).

INTERROGATORY 68

How long did the interview with Mr. P last?

RESPONSE

See response to Interrogatory 61. The Staff has provided this interrogatory to Mr. Ward, who has informed the Staff that he has no recollection of the length of the interview with P. (Dick)

INTERROGATORY 69

Did any of the investigators indicate to Mr. P. that they were not interested in whether Husted had attempted to cheat?

RESPONSE

See response to Interrogatory 61. Mr. Ward testified as to what he indicated to Mr. "P" in this regard at Tr. 25,461-62. Mr. Ward has informed the Staff that he has nothing to add to his testimony at Tr. 25,461-2. (Dick).

INTERROGATORY 70

Did all of the investigators remain in the room continuously throughout the interview of Mr. P?

RESPONSE

See response to Interrogatory 61; draft Memorandum for the Record by Peter E. Baci, referenced above; testimony of Mr. "P," Tr. 26,725-726; and testimony of William Ward, Jr. 25,459-60. (Dick).

INTERROGATORY 71

If the answer to Interrogatory No. 70 is no, identify the investigators who left the interview room and the duration of their absence.

RESPONSE

See response to Interrogatory 70 and documents and transcripts referenced therein. (Dick).

INTERROGATORY 72

Identify any and all investigators who remained in the interview room continuously throughout the interview of Mr. P.

RESPONSE

See response to Interrogatory 70 and documents and transcripts referenced therein. (Dick).

INTERROGATORY 73

Did all of the investigators take notes of the interview of Mr. P?

RESPONSE

See responses to Interrogatories 61 and 62, attached draft Memorandum for the Record by Peter Baci, and attached notes of Mr. Baci. (Dick).

INTERROGATORY 74

Did all of the investigators who participated in the interview of Mr. P have input into the final report?

RESPONSE

See draft Memorandum for the Record by Peter Baci, referenced above, response to Interrogatories 61, and testimony of Mr. Ward, Tr. 25,417, indicating that Mr. Ward solely prepared the report of the interview of P. (Dick).

INTERROGATORY 75

Did all of the investigators who participated in the interview of Mr. P agree that the final report accurately reflected the actual interview?

RESPONSE

See responses to Interrogatory 74. (Dick).

INTERROGATORY 76

Identify any and all investigators who participated in the interview of Mr. P and who did not agree that the final report was an accurate representation of the interview.

RESPONSE

See draft of Memorandum for the Record by Mr. Baci, and testimony of Mr. Ward, Tr. 25.464-65, indicating their agreement as to the reasons for excluding the alleged solicitation from the report. The Staff has no other information responsive to this interrogatory. (Dick).

III. RESPONSE TO REQUEST FOR DOCUMENTS

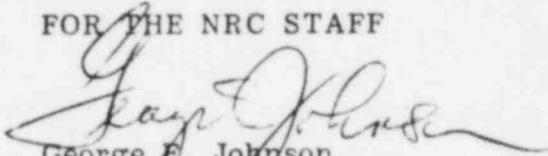
REQUEST

Please provide any and all documents of whatever description, identified in your answers to the above TMIA interrogatories. If you maintain that some documents should not be made available for inspection, you should identify the document as to date, title, author, recipient, and subject matter, and explain why such documents are not being made available.

RESPONSE

All documents identified in the foregoing responses to Interrogatories are either attached or are available as part of the public record on Docket No. 50-289 (Restart) or Docket No. 50-289(CH).

FOR THE NRC STAFF



George E. Johnson
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 28th day of April, 1986

9-19-81
Chuck HUSTED
INstructor
Lic. No. 11111

heard statement
from coffee shop
4 months ago
IN THE
for two
classroom.

~~No knowledge of reference material
being taken into classroom.~~

~~have told me that they had checked on
Exam - did not see anyone
cheating on T. Exam.~~

No one told me (giving notice)
that they saw anyone
cheating.

~~Someone~~ Someone (DON'T RECALL WHO)
said they saw someone did not say
passing papers in the exam
starts T. day of T. Exam &
go seven 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
I say to T. first person he
saw.

don't even know
name of person discussed
with me.
This is
"unconfidential"
hearing
statement
(see report
p. 31)

Don't even know if he
was taking abt. 520 or 20
Exams

wasn't that I did not
want to identify
anyone last time
interviewed. I couldn't
Identify anyone & did
not want to spread rumors.

I was not ^{formally} interviewed by
licensure at this issue.
~~However, whenever he~~
however, on occasion
members of management
would ask me something ^{abt} like
Ex. "classroom layout?"

I have no other info ~~at~~ ~~at~~
~~at~~ what is wrong with
Charting on the ~~510~~ ~~510~~ ~~510~~
RO ^{and} Beans

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

ROUTING AND TRANSMITTAL SLIP

Date

FEB 20 1986

TO: (Name, office symbol, room number, building, Agency/Post)

Initials Date

1. George Johnson

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

I briefly summarized what we discussed during our telephone conversation. Please advise if you want this in a more final form.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, office symbol, Agency/Post)

Room No.—Bldg.

[Handwritten Signature]

Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
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FPMR (41 CFR) 101-11.206

U.S.G.P.O. (41) 0-381-529 (31b)

DRAFT

MEMORANDUM FOR THE RECORD

SUBJECT: Interview with Shift Supervisor David C. Janes

Reference is made to NRC Report of Investigation HQS-81-004, dated October 13, 1981, which addresses alleged improprieties on operator licensing examinations at the Three Mile Island Nuclear Generating Station (Unit 1). During the course of the latter investigation, Mr. David C. Janes, a shift supervisor at TMI-1, was interviewed by NRC Investigators William J. Ward and Peter E. Baci. The information provided by Janes was reported, in substance, on pages 40 and 41 of the referenced report. The purpose of this memorandum is to expand upon what was reported earlier.

As previously reported, Janes denied providing assistance to anyone during the course of the RO/SRO examinations conducted on April 23 and 24, 1981. Beyond his denial however, Janes vociferously protested the alleged absence of NRC Proctor Bruce Wilson from the examination room. Jane's concern was that Wilson's alleged absence made him vulnerable to any allegation of cheating. While this concern was certainly understandable, the vehemence of Jane's protest struck both interviewing investigators as being somewhat unusual.

It came out during the interview that Janes was alone in the examination room with Charles E. Husted, an instructor for licensed operator training. Because of his excessive reaction to Wilson's alleged absence, Janes was told by Mr. Ward that we knew Husted had asked him a question during the examination. In fact we knew no such thing; we merely wanted to see how Janes would react. Janes then acknowledged that Husted had indeed asked a question, but stated that he, Janes, did not answer Husted and that the question may very well have been rhetorical in nature.

Subsequent to returning to NRC HQ, Mr. Ward wrote up the results of the interview as they appear in the referenced report. Prior to writing the report and after a discussion with Victor Stello, then Director, OIE, it was decided that the Husted-Janes matter described above would not be included in the results of the interview. This decision was based on the following: the fact that Janes asserted he provided no information to Husted and was not even sure of the nature of the latter's question; that there was no witness to this alleged event; and that, in the opinion of the investigators, the continuation of the probe would have had a more negative impact on the public health and safety than any benefits which might have been derived from it.

DRAFT

DRAFT

With the benefit of hindsight, I would now have included the Husted-Janes matter in the original report; however, I must state for the record that I was not then, nor am I now, aware of any facts which would establish that Husted cheated or otherwise sought assistance on the RO/SRO examinations in April 1981.

Peter E. Baci

DRAFT

Blames NRC for putting people in position of having to choose between turning someone in or helping a friend.

Mgmt does not tolerate cheating
Cipriani & stock in the NRC tests.

Knows some people were around for study - Hume & Heilman -

but I don't think they were there to help someone cheat - wouldn't go to them for help -

proctoring "non-existent" - only recalls Husted & Jones in stock test.

standard question - did anyone have a prob - easy quest - not worth too many points

9-25-81 RE ROBT HEILMAN - Ray

9-25-81 - D. JAMES

David C. JAMES

Shift ops "D" shift Unit 1
with Mat Ed since 2/71 (X8070)

custed / James SRO

Higgins

Jones SE

Chalecki

B J Keller 1ST

V. Morrison (ret)

... .. off

PROFESSIONAL QUALIFICATIONS
OF
RAYMOND H. SMITH

OCTOBER 1981 - Present: I am assigned to the U. S. Nuclear Regulatory Commission, Region I, King of Prussia, Pennsylvania, 19406. My current assignment is Emergency Preparedness Specialist, Emergency Preparedness Section, Emergency Preparedness and Radiological Protection Branch, Division of Radiation Safety and Safeguards. My responsibilities include the review and inspection of emergency response plans and exercises.

DECEMBER 1968 - OCTOBER 1981: I was assigned as an Investigations Specialist in the Security and Investigation Section of the Safeguards Branch in May, 1973. Prior to that I performed as a Radiation Specialist and as an Acting Chief of the Materials Radiological Protection Section and the Radiation Support Section in the Fuel Facility and Materials Safety Branch.

Prior to joining the AEC, I was employed at the AEC Hanford Works, Richland, Washington, for 21 years.

The following specific duties and assignments were performed during the periods indicated:

NOVEMBER 1947 - OCTOBER 1949: I was assigned as a safety inspector on the construction of nuclear plants. My responsibilities included the inspection of construction activities, investigation of personnel and vehicle accidents, loss of materials and settlement of insurance claims.

OCTOBER 1949 - MAY 1964: I was assigned to the Health Physics Division and performed the duties of a Radiation Monitor, Analyst, and Supervisor. These assignments were in Fuel Fabrication Facilities, Reprocessing Plants, Laboratories, and Reactors.

MAY 1964 - OCTOBER 1968: I was assigned to the Radiological Engineering Department as a Health Physics Engineer. My duties included the investigation of radiological incidents, establishing inspection programs, their criteria and guides for program appraisal. I wrote procedures, standards and training programs.

EDUCATION AND TRAINING:

High School Graduate, Houstonia, Missouri - 1940
Central Business College, Sedalia, Missouri - 1941
Attended school courses conducted by the General Electric Company in Health Physics, Professional Business Management, Technical Report Writing and Human Relations - 1952 to 1962.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

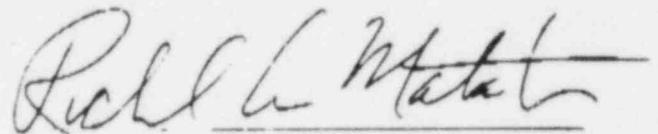
BEFORE THE ADMINISTRATIVE LAW JUDGE

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

AFFIDAVIT OF RICHARD A. MATAKAS

I, Richard A. Matakas, being duly sworn, depose and state that:

1. I am an employee of the U. S. Nuclear Regulatory Commission (NRC). My present position is Senior Investigator within the Office of Investigations within Region 1. My current address and telephone number are: 631 Park Avenue, King of Prussia, Pa, 19406, (215)-337-5305. In 1981 I was an Investigator within the Office of Inspection and Enforcement, Region I. A copy of my professional qualifications is attached.
2. I am duly authorized to participate in answering TMIA's First Request for Production of Documents and First Interrogatories to the Nuclear Regulatory Commission Staff, and I hereby certify that my answers given to Interrogatories 37 through 59 are true to the best of my knowledge.



Subscribed and sworn to before me
this 23rd day of April, 1986.

Michael A. Perkins
Notary Public

My Commission Expires: March 20, 1987

RICHARD A. MATAKAS

Organization: Office of Investigations, OI Field Office
Region I

Title: Investigator

Grade: GS-~~13~~ 14/2

Birth Date: September 10, 1946

Education: B. S. Political Science, Eastern Michigan University

Completed nine hours graduate work in Public Administration,
Golden Gate University

Experience:

- 1981 - Present Investigator, Office of Investigations, US NRC - Assignments include directing and planning as well as conducting sensitive and complex investigations of allegations, incidents or accidents at or related to NRC licensed facilities or activities.
- 1980 - 1981 Special Agent, Naval Investigative Service (NIS) - Assistant Special Agent in charge of the NIS Office, Master Jet Base, Oceana, VA. Assigned and conducted major criminal investigations, security violation investigations and counter espionage investigations as they related to the Department of the Navy.
- 1978 - 1980 Special Agent, NIS - Representational Special Agent in charge of the NIS Office, Fleet Combat Training Center, Atlantic. Maintained one man Naval Investigative Service office.
- 1977 - 1978 Special Agent, NIS - Resident Agent on board the USS Nimitz (CVN-68). Provided investigative service to the U. S. Navy Sixth Fleet (deployed).
- 1975 - 1977 Special Agent, NIS - Provided investigative service to the Naval Construction Battalion Center, Gulfport, MS.
- 1973 - 1975 Special Agent, Florida Department of Law Enforcement - Conducted criminal investigations involving organized crime, public official corruption and major felonies outside the expertise and jurisdictional limits of local law enforcement.
- 1969 - 1973 Patrolman, Dearborn, MI Police Department - Provided general police patrol duties for two years and was a member of the cities Special Operations Unit (Plain Clothes Felony Squad) for two years.
- 1966 - 1969 US Army - First Lieutenant, Artillery

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

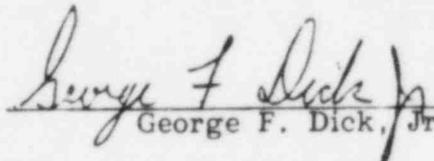
In the Matter of)
)
GENERAL PUBLIC UTILITIES NUCLEAR) Docket No. 50-289 (CH)
)
(Three Mile Island Nuclear Station,)
Unit No. 1))

AFFIDAVIT OF GEORGE F. DICK, JR

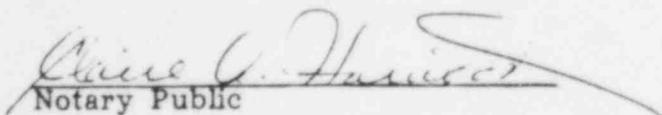
I, George F. Dick, Jr., being duly sworn, depose and state that:

1. I am an employee of the U.S. Nuclear Regulatory Commission (NRC). My present position is Project Manager in PWR Project Directorate #6, Division of PWR Licensing-B within the Office of Nuclear Reactor Regulation. My current address and telephone are: 7920 Norfolk Ave, Bethesda, MD 20814, (301) 492-8101. A copy of my professional qualifications is attached.

2. I am duly authorized to participate in answering TMIA's First Request for Production of Documents and First Interrogatories to the Nuclear Regulatory Commission Staff, and I hereby certify that my answers given to Interrogatories 2 thru 22, 25 thru 30, 34, 37, 44, 45, 46, 54, 58, and 60 thru 76 are true to the best of my knowledge.


George F. Dick, Jr.

Subscribed and sworn to before me
this 28th day of April, 1986.


Notary Public

My Commission Expires: July 1, 1986

PROFESSIONAL QUALIFICATIONS

OF

GEORGE F. DICK JR.

I am employed at the United States Nuclear Regulatory Commission as a Project Manager. In that capacity, I manage and participate in the review and evaluation of safety and environmental considerations associated with the design and operation of nuclear power facilities, particularly those licensed for operation. I joined the Nuclear Regulatory Commission in June, 1982.

From 1974 to 1982, I was employed by the United States Department of Energy and its predecessor agencies as both a Project and Program Manager for several coal liquefaction pilot plants. The plants were used to assess the applicability of coal liquefaction processes for commercialization.

From 1968 to 1974, I was employed by Exxon Research and Engineering Company as a Research Engineer. I participated in the development of Exxon's coal liquefaction technology and improvement of selected petroleum refining processes.

From 1962 to 1964, I was employed by the United States Naval Oceanographic Office as a Physical Oceanographer. I was a member of a section which was tasked with the responsibility of defining basic oceanographic characteristics in specific ocean areas.

I received B.S. and Ph.D. degrees in Chemical Engineering from the University of Maryland in 1962 and 1969, respectively. Additionally, I have taken NRC training courses in the safety analysis, design and operation of commercial nuclear power reactors.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSES TO TMIA'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND FIRST INTERROGATORIES TO THE NUCLEAR REGULATORY COMMISSION STAFF" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 28th day of April, 1986:

*Morton B. Margulies
Administrative Law Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Louise Bradford
Three Mile Island Alert
1011 Green Street
Harrisburg, PA 17120

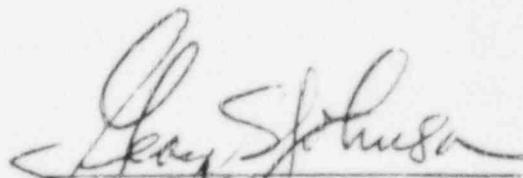
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*Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

*Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555


George E. Johnson
Counsel for NRC Staff