

RELATED TO THE MATTER



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))

TESTIMONY OF
SAMUEL L. NEWTON

My name is Samuel L. Newton. I am employed by the Institute of Nuclear Power Operations as Manager, Training Data Support Section. On April 14, 1980, I joined Metropolitan Edison Company as group supervisor, Licensed Operator Training. At that time Charles Husted was an instructor in Non-licensed Operator Training; he reported administratively to Frank McCormick, who was group supervisor, Non-licensed Operator Training, but he taught classes for licensed operators from time to time under my supervision.

In September 1980, I became responsible for all nuclear operator training, with the title of Supervisor, Operator Training. In February 1981, although

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my responsibilities did not change, my title was changed to Operator Training Manager. When I assumed this assignment in September 1980, Nelson Brown took my place as group supervisor, Licensed Operator Training and thereafter reported to me, and Mr. Husted became an instructor in Licensed Operator Training, reporting to Mr. Brown.

I was promoted to Manager, Plant Training on June 1, 1983, and I remained in that position until I left GPU Nuclear on July 31, 1985, for my present assignment. Thus, from April 1980 until Mr. Husted left Training in June 1984, he and I worked closely together, and during the portion of that period that followed September 1980, when he became an instructor in Licensed Operator Training, he was my subordinate.

In this testimony I will comment briefly on conversations that I believe Mr. Husted and I had with respect to (a) the allegation that he had solicited help on the April 24, 1981 SRO examination from Mr. Janes, (b) his July 29, 1981 interview by the NRC's Office of Inspection and Enforcement and (c) his October 23, 1981 deposition and subsequent testimony before the Special Master. I will then describe my

views about his job performance, attitude and integrity.

(a) The April 24, 1981 SRO Examinations

I recall that when I first heard of the allegation that Husted had solicited help on the April 24, 1981 SRO examination from Mr. Janes, I was dumbfounded because I did not believe he would have done such a thing. I believe I talked with Mr. Husted about the allegation and that he denied it. I seem to recall Mr. Husted's telling me that he may have blurted out a rhetorical remark during the examination to the effect of "what the hell does this mean?". I am not absolutely certain whether I recall Mr. Husted's telling me this or whether I read about it somewhere. In preparing this testimony, I have made no effort to determine whether there was any source in which I might have read this explanation by Mr. Husted.

(b) The July 29, 1981 Interview

I am confident that I did not discuss this interview with Mr. Husted before it occurred. My best recollection is that Husted and I did discuss the interview after it occurred. In addition, I

believe it probably occurred between his first interview and his second interview, which took place on September 18, 1981. I also believe that I probably initiated the conversation with Husted and that I probably did so after reading page 39 of the August OIE Report on its investigation. I believe I would have initiated the conversation because of the report on page 39 that Husted had failed to answer questions posed by the investigators. This would mean that the conversation took place some time after August 11, 1981, which is the date of that Report. I seem to recall Mr. Husted's telling me that he was asked by the investigators whether he had heard any rumors about passing papers. I believe I recall Mr. Husted's telling me either (a) that he had actually heard a comment about "passing papers" or (b) that if he had heard such a statement it could, for all he knew, have referred to passing "news-papers" and that he would be reluctant to pass on such a vague reference. I remember the "passing papers" phraseology clearly, because it made me reflect on the fact that when I was a young newspaper boy "passing papers" was indeed a phrase we had used

to describe their delivery. This is all I can recall about the conversation.

In preparing this testimony I have reviewed again the NRC's report of its July 29, 1981 interview of Husted, and I have reviewed Mr. Christman's notes of the same interview. I am aware that there is no indication in either document that the NRC's question on rumors was framed in terms of "passing papers." I am also aware of Mr. Husted's testimony that (a) he does not believe he was asked by the investigators about "passing papers" and (b) he does not believe he recalled until after the July 29, 1981 interview the comment about "passing papers." Our conversation, of course, took place nearly five years ago. It is possible that I do not remember our conversation correctly. It may have taken place after his second interview. It may be that I have confused what he told me he had remembered after he learned how O and W had cheated with the questions the NRC investigators had asked. What I have set out above is my best recollection and my only recollection of the content of our conversation.

I do recall, however, that I was not concerned as a result of our discussion about Husted's answers to the investigators' questions. I believe that if I had formed an opinion to the effect that Mr. Husted had withheld information during his first interview, I would certainly recall that; but I did not form any such opinion. In fact, I was sufficiently satisfied that I did not thereafter concern myself with Mr. Husted's first NRC Interview.

(c) Mr. Husted's October 1981 Deposition

I recall that, following his deposition by TMIA on October 23, 1981, Mr. Husted and I were discussing the matter. I asked him if he had a copy of the transcript and whether I might review it, and he gave me a copy. After reading the transcript of the deposition, I remarked to Mr. Husted that it seemed to me as though there were several instances where his responses sounded flip. He indicated that he was very nervous about the deposition and that he felt that one of the intervenors' attorneys had deliberately tried to irritate him. He said that was why he had responded as he had. I discussed with him the necessity of staying calm and cool and not

letting anyone irritate him so that his answers would be thoughtful and professional. He appeared to understand and be receptive to my comments.

Thus, I was surprised when, during the hearing before the Special Master, our attorneys reported that they were upset with his performance; one of them described him as sounding like a "smart ass." Since we were under a sequestration order, I could not discuss Mr. Husted's testimony with him. Following the issuance of the Special Master's Report, however, which characterized Mr. Husted as appearing to have little regard for the regulatory process, I discussed the entire matter with him, including our earlier conversation about his deposition. He assured me that he had remembered our conversation and that he had attempted during the hearing to follow my advice. He said he had been determined not to get upset and to stay calm, despite being very nervous, but he did not feel as though he had handled himself very well during the hearing. He felt as though he had overreacted in his attempt not to get flustered. He assured me that although he did not like having to be involved with this particular

aspect of the regulatory process, he did respect the need for and purpose of the entire regulatory process.

(d) Mr. Husted's Job Performance

I have reviewed Mr. Brown's testimony about the effects of the cheating episode on the Training Department in general and on Mr. Husted in particular. In terms of the physical demands that resulted from the cheating episode I believe he has fairly described them. I estimate that those of us in Training were working from 50 to 70 hours a week in the aftermath of the cheating. I can also support his description of the adverse effects on Training Department morale that resulted from the cheating, the investigation and hearing, and the NRC requirement that the licensing examination be taken again in October 1981. I would defer to Mr. Brown's views on the emotional effects that the cheating episode had on Mr. Husted. Although Mr. Husted was in my chain of command and I saw him often, I did not interact with him constantly the way Mr. Brown did. I have no reason whatever to dissent from Mr. Brown's views on this score. I do recall that the accusations made by

NRC at the Special Master hearing -- that Husted had tried to cheat on the SRO examinations -- had a devastating effect on Mr. Husted's frame of mind. He was very apprehensive about the prospect of testifying at the hearing.

The first formal evaluation of Mr. Husted's performance that was done after my arrival was his 1980 evaluation. I shall refer to it as the 1980 Annual Evaluation. It was prepared by his supervisor, Frank McCormick. I reviewed it and indicated my approval by signing it. It was favorable. It stated that he was "honest and direct in his personal interactions"

I have also reviewed Mr. Brown's testimony with respect to Mr. Husted's performance evaluations beginning in 1981. I do not believe that I have ever seen the document he describes as the 1981 Draft. I saw and signed the document he describes as the 1981 Evaluation. My signature indicates that I approved of it. I consider it a favorable review, given that all of the ratings were average or above.

I actually filled out the form described by Mr. Brown as the July 1982 Evaluation. I do not

recall why I did so instead of Mr. Brown. It was a very favorable review, showing improvement in several categories. I noted the "improvement in his enthusiasm and morale." The 1982 Annual Evaluation and the March 1983 Evaluation, both performed by Mr. Brown and signed by me, were also favorable to Mr. Husted.

The next evaluation of Mr. Husted's performance, which I shall call the July 1983 Evaluation, was a merit evaluation performed by Bruce Leonard, who was then Operator Training Manager. Mr. Husted had become Supervisor, Non-licensed Operator Training in March 1983 and reported to Leonard. This evaluation, which I reviewed and endorsed, rated Husted above average in every Performance Factor and Accountability category. Mr. Leonard observed, and I agreed, that "his attitude is always professional and this has provided an excellent example for peers."

Mr. Husted's 1983 Annual Evaluation, also prepared by Mr. Leonard and reviewed by me, was again a good one. The Training Department's final evaluation, which I shall call the June 1984 Evaluation, stated that "his positive attitude and professional

approach to the training program has maintained a high morale in the section." The June 1984 Evaluation coincided with Mr. Husted's transfer out of the Training Department because of the condition imposed by the Appeal Board.

The evaluations referred to above are not the only record we have of Mr. Husted's job performance. As a result of the Partial Initial Decision in the cheating proceeding, Mr. Hukill and Dr. Long instituted in 1982 a program of special performance monitoring for Mr. Husted's work. This monitoring continued through 1983. Pursuant to this program I actually monitored Mr. Husted's classroom performance from time-to-time during 1982 and 1983 and I reviewed the reports of similar monitoring by other TMI personnel. I also worked with Mr. Husted directly during late 1982 in preparing written requalification examinations, and I observed him during his simulator requalification training in January 1983. I never saw any sign of poor attitude or anything less than a professional approach to his work. My written appraisals of his performance prepared at the time I observed him bear this out.

The written record of Mr. Husted's performance is consistent with my personal appraisal of him. He is, above all, conscientious. He took his work seriously and wanted to do it correctly. He took reactor safety seriously, and to my knowledge he never imparted any disregard for safety to his students. He respected the regulatory process and took seriously NRC and company examination requirements. In my view, he conveyed a sense of seriousness and responsibility to the TMI operators that he taught. I have never had any reason to doubt his honesty. He was an important member of the Training Department at TMI when I worked there. Based on my personal experience with and knowledge of him, his attitude and his integrity make him well-qualified to serve as a licensed operator, licensed operator instructor, licensed operating training supervisor or supervisor of non-licensed operator training.