

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

GENERAL PUBLIC UTILITIES CORPORATION, :
JERSEY CENTRAL POWER & LIGHT COMPANY, :
METROPOLITAN EDISON COMPANY and :
PENNSYLVANIA ELECTRIC COMPANY, :

Plaintiffs, :

-against-

: 80 Civ. 1683
: (R.O.)

THE BABCOCK & WILCOX COMPANY and :
J. RAY McDERMOTT & CO., INC., :

Defendants. :

-----X

Continued deposition of RONALD STEPHEN
HARBIN, taken by Defendants, pursuant to
Notice and adjournment, at the offices of
Davis Polk & Wardwell, Esqs., One Chase
Manhattan Plaza, New York, New York, on
Friday, July 10, 1981, at 9:35 o'clock in
the forenoon, before Joseph R. Danyo, a
Shorthand Reporter and Notary Public
within and for the State of New York.



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Also Present:

KATHI BROWN

* * *

R O N A L D S T E P H E N H A R B I N , having
been previously duly sworn by a Notary Public,
was examined and continued to testify as
follows:

MRS. VAUGHAN: I would like before we
begin today just to put on the record a request
that we'll make of Mr. Harbin, more specifically,

1
2 to produce certain documents which he has
3 identified during the course of this deposition.
4 We would like to adjourn the deposition today
5 and resume at Mr. Harbin's convenience and
6 the convenience of counsel with Mr. Harbin
7 bringing those documents unless those documents
8 can be produced and Mr. Harbin can verify
9 they have been produced as they are kept in
10 the course of business and also verify or
11 explain if they are kept the same way they
12 have been since he has been assistant to the
13 Unit 1 superintendent.

14 The list of documents I have so far is
15 the B&W correspondence file which he testified
16 to earlier keeping, the users minutes, B&W
17 users minutes, any notes from the users minutes
18 kept, the copies of the Current Events-Power
19 Reactors as well as the routing page on those,
20 and then copies of the B&W Operating Plant
21 Service Bulletin.

22 EXAMINATION (continued)

23 BY MRS. VAUGHAN:

24 Q Would you pick up again B&W Exhibit 211.

25 A Yes.

1

2

Q Would you look at the section marked

3

"Atomic Energy Clearing House"?

4

A Yes.

5

Q Under number one there, as you have

6

described it in this memo, there are six to eight

7

articles presenting recent speeches, papers, and excerpts

8

of industry, academic and political leaders.

9

Can you tell me if you ever recall reading

10

an article about the Davis-Besse September 24, 1977

11

event in any Atomic Energy Clearing House document?

12

MR. MacDONALD: You are not attempting to

13

quote this exactly?

14

MRS. VAUGHAN: No, that's correct.

15

A No, I don't recall ever reading of that event

16

in the Atomic Energy Clearing House.

17

Q Would you look at item 2?

18

A Yes.

19

Q In parenthesis is the word "all" with a

20

question mark after it.

21

A Yes.

22

Q And it reads, "Descriptions of (all?) NRC

23

inspection infractions," et cetera.

24

Can you tell me why you have a question

25

mark after the word all?

1

2

MR. MacDONALD: You are asking him what
his recollection is?

3

4

MRS. VAUGHAN: That's correct.

5

6

A My present recollection is that I was unsure
as to whether all infractions or alleged infractions
were listed in the document.

7

8

9

Q What was the basis for that uncertainty on
your part?

10

11

MR. MacDONALD: This is at the time he
wrote it?

12

13

14

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16

17

A To the best of my recollection, it was that
knowing the number of licensees that were inspected
by the NRC and the number of infractions or alleged
infractions that were listed in this publication, I
had a suspicion that not all were listed.

18

19

20

Q Did you actually review this section
that you have described in item 2, this section of
the Atomic Energy Clearing House document?

21

22

A In the section of this document that follows
item 4, it says that I did review that section.

23

24

Q Is that your recollection at this time?

A Yes, it is.

25

Q What was your interest in reviewing the

1
2 material in the section dealing with NRC inspection
3 infractions?

4 A To the best of my recollection, it was to
5 determine from infractions or alleged infractions
6 that had occurred at other plants any alleged
7 infraction that might be of interest to TMI-1
8 because I had prior experience that some infractions
9 or alleged infractions were the result of interpretations
10 of regulations, and if I identified any practices
11 at other plants for which a citation was made by
12 the NRC and had knowledge that or suspicion that
13 Met Ed had a similar practice, then I would bring
14 that to the attention of the appropriate, an appropriate
15 member of the plant staff.

16 Q Did this section contain the NRC's
17 inspection reports and the utilities' responses thereto?

18 A No.

19 Q What did it contain? What was its
20 format?

21 A As I recall now, its format was to list the
22 utility, give a brief description of the regulation,
23 a brief description of the utility's practice or
24 in what way the utility was in violation or allegedly
25 in violation of a regulation and then to give a short

1
2 description of what the utility's response was to
3 that alleged violation.

4 Q Would it give a description of the
5 resolution?

6 A Sometimes utilities would deny the alleged
7 infraction as being an infraction, and I recall there
8 were times when corrective action taken by the
9 utility was provided.

10 Q What would happen or what would be the
11 description in this publication if the utility
12 denied it and the NRC pursued it? Was there a
13 description of the resolution in that event?

14 A I don't recall ever seeing one, no.

15 Q You don't recall ever seeing a resolution
16 or you don't recall seeing a situation in which
17 the utility would deny there was an infraction?

18 A I already testified that I recall seeing
19 descriptions in which the utility denied that there
20 had been an infraction, but I don't recall ever
21 seeing a description of the NRC's response to that
22 denial.

23 Q Item 3 is "Brief descriptions of all
24 NRC authorized amendments to commercial power reactor
25 licensees."

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Why would you be interested in item 3?

MR. MacDONALD: You are asking him why
he was?

MRS. VAUGHAN: That's correct.

A Primarily as a matter of interest in knowing
of requests being made by other utilities of the
NRC to be relieved from restrictions that might also
apply to TMI-1.

Q Do you see on page 2 of the memo at the
top of the page "Recent significant industry
announcements/occurrences."

Would you describe those, please, as
you understood them at the time? What are recent
significant industry announcements?

A An example of one would be the vacating and
filling of positions within the NRC and other
regulatory agencies. Another example that I recall
was results of studies performed on storage locations
for nuclear waste and the results of those studies.

Q Would you review that section as well?

A Yes, I would.

Q What was your interest in that section?

A Primarily to maintain a broad perspective of
industry news.

1
2 Q Could you turn to B&W Exhibit 208
3 again. That is the letter to the Kemeny Commission,
4 and would you look at attachment 13, the Atomic
5 Energy Clearing House document. Would you turn to
6 page 2 of that attachment which is actually page 17
7 of the issue dated January 9, 1978.

8 Do you see at the bottom of that page
9 "Valve malfunctions"?

10 A Yes.

11 Q Where would this section normally fit
12 within the sections as you have described them?

13 A Prior to seeing this issue in this deposition,
14 I don't recall ever having seen this description of
15 valve malfunctions in this document.

16 Q I understand that. Do you recall ever
17 having seen a section entitled "NRC's Report of
18 Current Events for Power Reactors" in general in
19 the Atomic Energy Clearing House document?

20 A No, I do not.

21 Q Do you know whether a section such as
22 that exists in that document today?

23 A No, I do not.

24 Q Do you know whether it existed at the
25 time you wrote this memo in August 1979?

1
2 A I don't recall now whether I did or not.

3 Q Do you recall now whether a section
4 like this appeared in the Atomic Energy Clearing
5 House when you wrote the memo?

6 A I don't recall any knowledge prior to giving
7 this deposition that a section entitled NRC report
8 of current events for power reactors in any period
9 existed in any Atomic Energy Clearing House
10 document.

11 Q Do you recall a section existed irrespective
12 of its name, whether it was called NRC's report of
13 current events, which described recent events or
14 incidents at other utilities?

15 A Could you repeat the question?

16 (Question read by the reporter.)

17 Q Do you understand the question?

18 A Yes. Yes, I do recall.

19 Q Where would that section fit within
20 the description of the four sections that you gave in
21 this memo?

22 A In Exhibit 211, under the heading "LERs - Old
23 Method," I will read it. It says, "List of industry
24 LERs approximately 100 to 150 contained in every
25 third or fourth bi-weekly Atomic Energy Clearing

House (see Group B below) routed to all Lead Engineers who review for applicability to TMI."

Q Is that the section that you were thinking of?

A Yes, it is.

Q Would you describe the section on page 17 of attachment 13 as a list of industry LER's?

A No, I would not.

Q Do you recall seeing a section like the one on page 17 in any Atomic Energy Clearing House document?

A No, I do not.

Q So at the time you wrote your memo in 1979, your description of Atomic Energy Clearing House did not include any kind of a section like the one appearing on page 17 of attachment 13?

MR. MacDONALD: You are asking for his recollection now?

MRS. VAUGHAN: Yes.

A Yes, that's correct.

Q And you did not mean it to include any section like the one on page 17?

MR. MacDONALD: I object to the form. I think he said he doesn't recall whether he ever

1
2 saw the section. Not knowing whether he ever
3 recalls seeing the section, I don't know how
4 he can testify what it included at the time.

5 MRS. VAUGHAN: If he has any recollection.
6 I want to make sure I understand that his answer
7 is not only that it did not include it but
8 that it was his understanding that it should
9 not have included it based on his recollection
10 today.

11 Q Is that correct?

12 MR. MacDONALD: You are asking whether
13 the section under Atomic Energy Clearing House
14 Exhibit 211 when he wrote it it was his
15 understanding that a section like what appears
16 on page 17 of attachment 13 to Exhibit 208
17 was not included in those four categories,
18 to his recollection?

19 MRS. VAUGHAN: That's right.

20 A I don't recall at the time that I wrote this
21 memo, Exhibit 211, whether I had any knowledge that a
22 section like the one on page 17 of the Atomic
23 Energy Clearing House in Exhibit 208 existed or not.

24 Q You have no recollection of a section
25 like that which appears on page 17 of attachment 13

1
2 in Exhibit 208, and therefore, is it also correct
3 that you would have no recollection of a time when
4 the Atomic Energy Clearing House ceased including
5 those kind of sections?

6 MR. MacDONALD: I object to the form.

7 There is a characterization in there, and I
8 can't quite grasp the intent of the question.
9 I think he testified what his recollection was,
10 that he had no knowledge at the time and has
11 no knowledge whether the section on page 17
12 ever appeared in the Atomic Energy Clearing
13 House and what that meant in relation to
14 Exhibit 211. I don't know what the question
15 is aiming at. On top of the characterization
16 of the first part of the question that was
17 included.

18 Q Do you recall when the Atomic Energy
19 Clearing House stopped including sections like the
20 one on Exhibit 208, if indeed it ever stopped?

21 MR. MacDONALD: You are including --

22 MRS. VAUGHAN: The same sections we
23 have been talking about.

24 MR. MacDONALD: Just the page?

25 MRS. VAUGHAN: Page 17.

1
2 Q Do you have a recollection of the Atomic
3 Energy Clearing House ceasing to include sections
4 like the section that appears on page 17 of attachment
5 13?

6 MR. MacDONALD: I object to the form. I
7 think he testified he doesn't have a recollection
8 of ever seeing a section like that. How is
9 he going to know when it stopped if he doesn't
10 have a recollection of when it was in or out.

11 MRS. VAUGHAN: You keep talking of
12 knowledge.

13 MR. MacDONALD: The same word.

14 Q Are you using knowledge and recollection
15 interchangeably?

16 MR. MacDONALD: In the context of not a
17 question, it is very difficult to put those
18 two. Are you trying to ask him if
19 in this deposition he uses them interchangeably?
20 I object to that.

21 Q Do you have any recollection of the
22 Atomic Energy Clearing House ceasing to include
23 sections like the section on page 17 of attachment
24 13 to Exhibit 208?

25 MR. MacDONALD: He can answer but I object.

1
2 A I have no recollection of the Atomic Energy
3 Clearing House ever including a section like that
4 shown on page 17.

5 Q Is it correct that your review of the
6 Atomic Energy Clearing House and the sections that
7 you have described of that publication in this
8 document was to keep you informed of what was going
9 on within the nuclear industry and other utilities?

10 MR. MacDONALD: You mean solely from
11 this document? Exhibit 211
12 was the only place he was gleaning that
13 information or that was part of the reason
14 why he was reviewing?

15 MRS. VAUGHAN: No, I didn't ask that at
16 all. Could you repeat the question?

17 (Question read by the reporter.)

18 MR. MacDONALD: You didn't mean to
19 imply it was from only that source? You
20 mean the reason you were reviewing was to glean
21 that information from that particular document?

22 MRS. VAUGHAN: From the Atomic Energy
23 Clearing House, that's right.

24 A Part of the reason.

25 Q What was the other part of the reason?

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2

A I already described other parts as we went through the items one through four.

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Q But the other parts as I understood you to describe them were to keep you aware for purposes of TMI applicability of what was going on within the nuclear industry and at other utilities, is that correct?

9

10

A Yes, that's correct, but I gave in more detail specifically why I reviewed the specific sections.

11

12

13

14

Q Did you have a system or a log for keeping track of those individuals to whom you sent copies of the Atomic Energy Clearing House or distributed copies for their review?

15

A No, I didn't.

16

17

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Q You had no system whatsoever?

MR. MacDONALD: Let me suggest again I think the question was log or system. I don't know what his no answer is applicable to, when it is a straight no answer to a compound question.

22

23

24

MRS. VAUGHAN: I think I said a system or log, so your no answer implies you had no system or no log, is that correct?

25

A That's right. I had no system or no log.

2 Q Is it correct that you had no way of
3 knowing or keeping track of the people to whom
4 you distributed the publication?

5 A For some period of time, the publication was
6 routed with a cover sheet that listed -- excuse
7 me -- a form letter cover sheet that had typed on
8 it various names of members of both the Unit 1 and
9 Unit 2 plant staffs, and it was my general practice
10 to indicate next to those names pages that would
11 contain, might contain, items of interest to those
12 individuals, and it was my general practice to cross
13 out names or to add additional names as appropriate
14 to that routing list, and as I have stated before,
15 at some point in time, Nelson Brown was made the
16 last person on the routing list.

17 Q Do you recall the period of time in
18 which you had this cover sheet method that you just
19 described?

20 A It began before the accident.

21 Q Do you remember how far back before the
22 accident?

23 A To the best of my recollection, one or two
24 years before the accident.

25 Q Was Nelson Brown the last person on the

1

2 list for that same period of time?

3 A I don't recall.

4 Q The paragraph on page 2 of your memo
5 directly under item number 4 says, "This periodical
6 is mailed directly to me."

7 By that do you mean in fact directly
8 to you as opposed to the Unit 1 superintendent?

9 A I don't recall.

10 Q You don't recall what that means?

11 A I don't know that that is a correct statement.

12 Q Do you recall any time in which the
13 publication was mailed directly to you rather than
14 the Unit 1 superintendent?

15 A No, I do not.

16 Q Do you recall whether the publication
17 was already being received by the Unit 1 superintendent
18 or by someone within his office at the time you first
19 became an assistant to the Unit 1 superintendent?

20 A No, I don't recall that.

21 Q Do you recall that you ordered it, the
22 publication, or subscribed to it?

23 A No, I don't recall ordering it or subscribing
24 to it.

25 Q You don't recall whether it was being

1
2 received at the time you commenced your duties, and
3 you don't recall whether you subscribed to it? You
4 don't recall either of those facts?

5 A That's correct.

6 Q You have no recollection at all as to
7 how this publication came to be received and reviewed
8 by you?

9 A That's correct.

10 Q Do you know who might know that fact?

11 A No, I do not.

12 Q Would Mr. Colitz know that fact?

13 A I don't know that he would.

14 Q Do you have any reason to doubt that he
15 would?

16 MR. MacDONALD: You are asking if it is
17 a possibility that he might?

18 MRS. VAUGHAN: Does he know of any reason
19 why Mr. Colitz would know whether or not that
20 publication was being received at the time you
21 commenced your --

22 MR. MacDONALD: I object to the form
23 of the question.

24 A I don't know of any reason for certain.

25 Q In this same paragraph, you indicate

1
2 that you reviewed the cover sheet for articles of
3 interest in section 1 and in greater detail sections
4 2, 3 and 4 for applicability to the station.

5 What did you mean by the cover sheet?

6 A I meant the table of contents that was listed
7 or that was provided on the cover sheet of every
8 issue that I recall reviewing of the Atomic Energy
9 Clearing House.

10 Q With reference again to attachment 13 of
11 Exhibit 208, the first page of that attachment, is
12 that the table of contents that you are referring to?

13 A Yes, the section entitled "In this week's issue."

14 Q As far as you can recall, did that table
15 of contents look like that for the period of time
16 that you reviewed these Atomic Energy Clearing House
17 documents?

18 A Not every one looked like this one, but in
19 general, this was the standard format.

20 Q When you say you reviewed the cover sheet,
21 did you mean by that that you reviewed the cover sheet
22 for articles of interest in 1 and 2 and 3 and 4, or
23 did you review sections 2, 3 and 4 directly?

24 A Could you repeat that?

25 (Question read by the reporter.)

1
2 MRS. VAUGHAN: I will restate the
3 question.

4 Q You reviewed the cover sheet for section
5 1; is that correct?

6 A Yes, that's correct.

7 Q Did you review section 1 itself?

8 A I may have reviewed portions of section 1.

9 Q Do you mean that sometimes you did and
10 sometimes you didn't, depending upon the articles?

11 A Yes, that's correct.

12 Q Are these sections sections as they
13 appear in the Atomic Energy Clearing House actually,
14 or are they just your general characterization of
15 items that appear in the Atomic Energy Clearing House?

16 A Just so we are talking about the same section,
17 you are referring to my reference in Exhibit 211
18 under Atomic Energy Clearing House item 1 which
19 states "Six to eight articles presenting recent
20 speeches, papers, etc.," and so on?

21 Q That's correct. That is what I am
22 referring to when I say section 1.

23 A Yes, I am referring to a general category of
24 articles.

25 Q And that category of articles would be

1
2 under the first section or a section in the Atomic
3 Energy Clearing House? Would there be a section
4 called articles and papers, speeches, et cetera?

5 A If you look at the cover sheet of the Atomic
6 Energy Clearing House enclosure 13 to Exhibit 208, and
7 you read the first six articles that are listed,
8 those are the types of articles that I was referring
9 to in Exhibit 211.

10 Q When you get to the other two sections
11 which you have described, the three sections which
12 you have described in your memo, would you as a
13 general practice go beyond the cover page and actually
14 review those sections?

15 A As a general practice, yes.

16 Q When you say in the same paragraph under
17 item 4 on page 2 of your memo that "This review takes
18 approximately 20 minutes to 1 hour," are you
19 referring there to the review of the whole document
20 of the Atomic Energy Clearing House including the
21 time it would take to review the cover sheet for
22 articles of interest in section 1?

23 A Yes, I am.

24 Q You then state in your memo that you
25 route the periodical to appropriate department heads

1
2 and engineers for more detailed review and action
3 where appropriate. Then you have a parenthesis
4 "(see attached)."

5 Do you recall what was attached?

6 A No, I don't recall what was attached.

7 Q And I take it that by your use of the
8 words "appropriate department heads and engineers,"
9 you mean those people who would be interested in
10 the items that you had indicated, is that correct,
11 those people whom you felt would be interested?

12 A Those people who I felt should be interested.

13 Q Did you ever assign action from items
14 that you had marked?

15 MR. MacDONALD: You are talking about
16 in this document?

17 MRS. VAUGHAN: That's correct.

18 A As I stated, my general practice was on the
19 cover sheet to indicate page numbers on which there
20 would be items of potential interest to the recipient,
21 and then on that page put initials of the person in
22 the margin indicating what portion of the document
23 I felt to be of interest to that individual.

24 Q So when the individual received the
25 document, he or she would look at the cover page and

1
2 see a page number next to his or her initials,
3 and flip to the page and also see his or her initials
4 next to the item of interest?

5 MR. MacDONALD: Are you asking Mr. Harbin
6 whether or not he ever knew that an individual
7 who received the document actually did that?

8 MRS. VAUGHAN: No, I am just asking if
9 that was the general practice and that is what
10 you assumed the individual would see or do.

11 MR. MacDONALD: You are asking what his
12 intent was in making that designation?

13 Q Was that your intent?

14 A Yes, that was my intent.

15 (Recess taken.)

16 BY MRS. VAUGHAN:

17 Q After you routed an issue of the Atomic
18 Energy Clearing House to the appropriate department
19 heads and engineers, would that issue get back to
20 you in the regular course?

21 A I recall that for some period of time I was
22 the last individual on the routing on the document,
23 so that it would come back to me.

24 Q When you were not the last person on
25 the routing list for the document, would it come back

1
2 to you as a general practice?

3 A I don't recall that.

4 Q Do you recall whether Nelson Brown ever
5 returned any of the issues to you after he had
6 reviewed them?

7 A I don't recall him ever returning any after
8 he had reviewed them.

9 Q Do you know that Nelson Brown kept them
10 after he reviewed them while he was the last person on
11 the routing list?

12 A I recall a discussion with Nelson Brown in
13 which he related to me his general practice of
14 maintaining the documents for some period of time
15 and then disposing of them.

16 Q When those documents were returned to you,
17 would you keep them in a file? Did you keep them in
18 a file as a general practice?

19 A No, I didn't.

20 Q What would you do with them?

21 A I don't recall what I did with all of them,
22 but I recall that for some, and for some period of
23 time I reviewed the routing sheet to determine
24 whether any additional names had been added to the
25 routing and for what reason as a matter of feedback

1
2 to me so that I could make any necessary adjustments
3 in future routings of the document.

4 Q Who added names to the routing list other
5 than yourself?

6 MR. MacDONALD: You are asking whether
7 he recalls any instance where he knows of a
8 person who added a name?

9 MRS. VAUGHAN: That's right.

10 A I don't recall any individual, any specific
11 individual, who ever added anyone.

12 Q Did those people on the distribution
13 list add names?

14 A Yes, I recall instances where that occurred.

15 Q Do you recall instances where anyone
16 else not on the distribution list added names?

17 A No, I do not.

18 Q Why was Mr. Brown the last person on
19 the routing list?

20 MR. MacDONALD: You mean for the period
21 of time Mr. Harbin recalls?

22 MRS. VAUGHAN: That's correct,

23 A He was added as the last person on the
24 distribution at his request.

25 Q Was he on the distribution list before

1
2 that?

3 A I don't recall whether he was or was not.
4 He was not as a general rule on the typed version,
5 the form version of the routing list.

6 Q Why did he ask to be added?

7 A I don't recall why he asked to be added.

8 Q Did you at one time know why he asked?

9 A I don't recall ever knowing.

10 Q Did he talk to you to ask you to add him
11 to the distribution list?

12 A Yes, he did.

13 Q And at the time, did he give you his
14 reasons?

15 A I don't recall whether he did or didn't.

16 Q Do you recall the names on the form or
17 any of the names?

18 A I recall some names that were on a form. That
19 form may have changed depending on what period of
20 time.

21 Q What were some of the names that you
22 remember, and to the extent you remember, the times
23 when you remember they were on?

24 A I don't recall the times.

25 Q What were the names?

1
2 A Rick Barley, Dick Orlandi, Charlie Hartman,
3 John Brummer, Dick Bensel, John Hilbish, George
4 Kunder. Those are all I recall.

5 Q Can you recall the general positions of
6 the people who were on the distribution list?

7 MR. MacDONALD: You are asking him for
8 these people or in addition to these people?

9 MRS. VAUGHAN: No, just a general
10 categorization of those people.

11 Q Were they supervisors, department heads?

12 A Department heads and lead engineers.

13 Q Any other general descriptions? Did
14 the station superintendent at least at that period
15 of time when there was a station superintendent also
16 appear on this distribution list?

17 A I don't recall that he did appear on the list.

18 Q Do you recall that he did not?

19 A No, I do not.

20 Q Were the department heads and lead
21 engineers those just for Unit 1 or for Unit 1 and
22 Unit 2?

23 A I don't recall whether that applied to
24 department heads in Unit 2. It did apply to lead
25 engineers in Unit 2.

1
2 Q So there were names of lead engineers
3 from Unit 2 on this distribution form?

4 MR. MacDONALD: You are talking of the
5 specific once he recalled?

6 MRS. VAUGHAN: No, just in general.

7 MR. MacDONALD: You are asking whether
8 they were on each form?

9 MRS. VAUGHAN: If they ever appeared on
10 any form.

11 A Two of the names that I gave were those of
12 Unit 2 lead engineers.

13 Q Which two are they or were they?

14 A Dick Bensel and John Brummer.

15 Q Is it your testimony you don't recall
16 whether there were any department heads in Unit 2 on
17 any of these forms; is that correct?

18 A I don't recall whether there were or were not.

19 Q It is true, however, isn't it, that
20 there are department heads for Unit 1 and Unit 2?

21 A There were at that time.

22 Q Who composed the form or made up the
23 form?

24 A I don't recall who made it up.

25 Q Where did it come from?

1

2

A I don't recall.

3

4

5

Q Did your secretary, the secretary you shared with the Unit 1 superintendent just have a pile of these forms in her office?

6

7

8

A I recall now that the document came to me in the mail for some period of time with the form already on it.

9

10

11

12

Q Which you mean, am I correct, that during that period of time, the document was not mailed directly to you from the Atomic Energy Clearing House?

13

14

15

A Yes, that's correct.

16

17

18

19

20

21

Q Do you recall where the document came from during that period of time?

A To the best of my recollection, it came to a member of a clerical pool that existed on the island, and they performed the function of removing it from its envelope and applying the standard form, routing form, on the document, and placing it in my mailbox.

22

23

24

25

Q Did you instruct them to do that? Was the mail addressed to you and they still got it first?

A I don't recall during that period of time to whom it was addressed. I only recall that that was

1

2

the practice.

3

Q Was that the practice with all the mail

4

that you were reviewing at that time?

5

A No, it was not.

6

Q Was it the practice with any other mail?

7

A Not that I recall.

8

Q Was it the practice with the Current

9

Events-Power Reactors document?

10

A Not that I recall.

11

Q What period of time was this?

12

A I don't recall the specific period of time.

13

Q Do you have an approximate period of time?

14

A Approximately one to two years prior to the
accident.

15

16

Q Was there a different practice before

17

this period of time? In other words, did it come

18

to you directly?

19

A I don't recall whether it ever did or not.

20

Q Was the practice changed for the time

21

during which you were reviewing the Atomic Energy

22

Clearing House?

23

A The practice of it coming to the clerical pool

24

and applying the cover?

25

Q That's correct.

2 A Yes, I recall that it was.

3 Q It was discontinued?

4 A It was changed.

5 Q How did it change?

6 A I recall for some period of time prior to the
7 accident that I either used a routing form that
8 was handwritten as opposed to a standard form
9 and that for some period of time I used a standard
10 form that I applied myself to the document.

11 Q Both of those before the accident at
12 Three Mile Island; is that correct?

13 A To the best of my recollection.

14 Q Do you recall why there was a change in
15 how it was handled?

16 A I am not sure why it was changed.

17 Q Do you have any understanding as to why
18 it was changed?

19 A I recall that -- no, I don't. It would only
20 be speculation.

21 Q Did anyone tell you why it was changed
22 or did you hear from anyone as to why it was changed?

23 A No, I don't recall anyone telling me or hearing
24 from anyone.

25 Q Is it correct that you did retain some

1
2 copies of the Atomic Energy Clearing House that were
3 returned to you?

4 A I don't believe that I ever did.

5 Q What would you do with them?

6 A My general practice during the period of time
7 in which I was the last individual on distribution
8 was to discard them after I had reviewed them.

9 Q Throw them in the trash can?

10 A Yes.

11 Q Did you look at them to see whether
12 anybody whom you had asked to review them had in
13 fact reviewed them?

14 A Yes, I did. Let me clarify that. I looked to
15 see that there was an initial on the routing slip
16 by each individual's name who I had indicated on
17 the routing slip that there was an item of interest
18 contained in the document which wasn't necessarily
19 verifying that they had reviewed the portion.

20 Q But at least that they had received it?

21 A That's correct.

22 Q During the period of time when the
23 document was not returned to you, how did you
24 determine whether those individuals who were
25 supposed to have received it did in fact receive it?

1

2

A I never did say that there was a period of time that it wasn't returned to me.

3

4

Q I thought I understood you to say when Mr. Brown was the last person on the distribution list you did not get it back?

5

6

7

A No, I didn't. I don't recall having said that.

8

9

Q Was there a period of time when you did not get the document back?

10

A I don't recall any.

11

12

Q Was it the general practice that the document was always to be returned to you?

13

A To the best of my recollection.

14

15

Q So that during the time when Mr. Brown was the last person on the distribution list, he would return it to you?

16

17

A No. During the time that he was the last person on distribution, to the best of my recollection, I was the next to last person on distribution.

18

19

20

Q Then you would receive it after everyone else had reviewed it and then forward it on to

21

22

Mr. Brown; is that correct?

23

A Yes, that's correct.

24

25

Q During that period of time, did you check to see whether those who were supposed to have

1

2 received it did receive it?

3 A That was my general practice.

4 Q Was there a period of time when you did
5 not use the form distribution list that you referred
6 to in distributing this document?

7 A I described recalling a short period of time
8 in which I used a handwritten routing slip.

9 Q During that period of time, was the
10 document returned to you at some point?

11 A I don't have any recollection of any period of
12 time in which I was not either the last person on
13 the routing list or next to last.

14 Q Why did you not keep a file of the
15 Atomic Energy Clearing House documents, although
16 you did keep files of the Current Events-Power
17 Reactors document?

18 A I felt that the information contained as a
19 general rule in Current Events-Power Reactors to
20 be information that was analyzed, reviewed and
21 analyzed, by individuals within the Nuclear Regulatory
22 Commission that had a great deal of expertise in
23 analyzing events at other plants and providing
24 analyses and detailed descriptions of those events
25 and that because of that in general it was a better

1
2 publication and a publication that I felt to be more
3 reliable than the Atomic Energy Clearing House
4 document which I felt was a document that simply
5 gathered information from other sources and
6 reprinted that information.

7 Q Did you speak with Mr. Brown in the
8 course of preparing this memo, B&W Exhibit 211?

9 A No, I don't believe I did. I don't recall
10 any discussions with him in preparing this memo.

11 Q How did you know that he reviewed the
12 Atomic Energy Clearing House for possible incorporation
13 into established training programs?

14 A I don't know how I knew that.

15 Q You have no recollection of asking
16 Mr. Brown what he did or why he wanted the Atomic
17 Energy Clearing House publication?

18 A At the time I wrote this letter, I don't know
19 why at the time I wrote this letter I would have
20 made that statement other than speculation.

21 Q Is it your normal practice to speculate
22 in memos or are you saying it would be speculation
23 now for you to say how you knew that?

24 A Yes, I would be speculating now.

25 Q Did you speculate when you wrote in

1

2

what Mr. Brown did with the periodical?

3

A I would say that that statement was based either on a discussion from him or by knowledge of what his function was in the Training Department and that he received the document.

4

5

6

7

Q Did you talk to anyone else in the course of preparing this memo?

8

9

A No, I don't recall that I did.

10

Q Did you ask anyone to send you a memo describing what they did with certain publications?

11

12

A No, I don't recall making a request like that.

13

Q Did you send out any kind of a memo or written statement asking for information about what publications individuals received and what they did with it?

14

15

16

17

A No, I don't recall doing that.

18

Q Was this entire memo just based on your knowledge of what went on, or did you refer to any written documents or administrative manuals or whatever?

19

20

21

A What it states on the cover page, there is a reference to the memo from Gary Miller to D. Reppert dated July 12.

22

23

24

25

Q Did you refer to any other source of

1

2

information?

3

A To the best of my recollection, all of Exhibit

4

211 was based on my knowledge at the time and

5

experience. That knowledge and experience having

6

been gained certainly from conversations with

7

individuals in the past. No specific conversations,

8

and in general experience in dealing with the

9

documents listed as I have discussed I was in

10

general the focal point in Unit 1 for most of these

11

documents.

12

Q Have you recalled since your deposition

13

testimony yesterday what the categories group A,

14

group B and group C are there for?

15

A No, I don't recall.

16

Q Did it have anything to do with whether

17

group A was the source of documents received those

18

people put primary emphasis on, group B was

19

secondary, and group C was the last in order of

20

importance?

21

A I considered that, and I don't think -- I don't

22

believe that is the reason for that grouping.

23

Q Under group C on page 2 of your memo --

24

A Yes.

25

Q -- the first line there reads "Personal

1
2 contact with other plants - no comment."

3 What did you mean by that?

4 A By personal contact with other plants?

5 Q By that whole sentence, " - no comment."

6 A By personal contact with other plants, I meant
7 either by telephone or by members of other plant
8 staffs visiting our plant and vice versa, there
9 being discussions relating to operating experience
10 at the plants, and by the term "no comment," I
11 recall that I felt that that was -- this item was
12 self-explanatory. There was no need to go into
13 detail as to what it means to say personal contact
14 at other plants.

15 Q Did you mean to say that you had no
16 comment with regard to its value in terms of
17 obtaining information?

18 A No, I didn't mean that at all.

19 Q Would your explanation be the same for
20 the second line which reads "Personal contact with
21 NRC inspectors" insofar as the phrase "no comment" is
22 used?

23 A Yes, it implies the same.

24 Q In other words, you didn't feel you had
25 to explain what personal contact with NRC inspectors

1

2

meant?

3

A That's correct.

4

Q "Professional Organization," is that the same? You didn't have to explain what that meant?

5

A Yes, that is what I meant by "no comment."

6

Q In fact, what are the professional organizations?

7

8

A I don't recall what I was thinking at the time that I wrote this memo.

9

10

Q Are you or were you a member of any professional organization since your employment with Met ED?

11

12

A No.

13

Q On the next line, "Participation in meetings such as B&W Users/B&W Owners - Only comment is that past representation of Met-Ed has been somewhat sparce."

14

15

What did you mean by that at the time you wrote this?

16

17

A I don't recall what I meant by that.

18

Q Did you feel that the past representation of Met ED had been sparce in meetings such as B&W Users and B&W Owners?

19

20

A I can read what it says, and that is that past

21

22

23

24

25

1
2 representation of Met ED has been somewhat sparce,
3 and I don't recall that prior to the accident there
4 was ever a B&W users meeting that Met ED was not
5 represented by a superintendent or station manager,
6 and so therefore, as I sit here today, I don't
7 recall what I would have meant by that statement.

8 Q Do you recall having any feeling at the
9 time you wrote this memo that more people from
10 Met Ed should be going to those meetings?

11 A No, I do not.

12 Q Do you recall having a feeling that the
13 meeting should be held more frequently?

14 A No, I do not.

15 Q In the next several lines, "B&W Weekly
16 Newsletter," that section, do you see that?

17 A Yes, I see that section.

18 Q Did you have any system or any log for
19 keeping track of who received the B&W Weekly
20 Newsletter from you?

21 A No, I didn't.

22 Q In this section it says that the weekly
23 newsletter is received by the unit superintendent
24 and reviewed by his assistant.

25 I assume that his assistant, the

1

2

reference there is to you; is that correct?

3

A That's correct.

4

5

6

7

Q Did you use the same kind of form distribution cover sheet on this publication as you used on the Atomic Energy Clearing House for any period of time?

8

A Can I back up to the last answer I gave?

9

Q Yes.

10

11

12

A The term assistant may have either referred to me or to a counterpart that I may have had at the time in Unit 2.

13

Q Would that have been Mr. Shaffer?

14

15

A I don't know that it would have been. It may have been.

16

17

Q Was there any other assistant to the Unit 2 superintendent that you are aware of?

18

A Not that I recall.

19

20

21

22

Q Are you saying that when you wrote this particular section and used the words unit superintendent, you may have meant the Unit 1 superintendent and the Unit 2 superintendent?

23

24

25

A Yes, I just don't recall. I was just trying to clarify a previous answer that I gave that by assistant that meant me.

2

Q But in fact you did review the B&W Weekly Newsletter; is that correct?

3

4

A Ones that I received, yes.

5

6

7

8

9

Q Going back to the method of routing to the appropriate department heads, did you use at any time the same form cover sheet on the B&W Weekly Newsletter that you used on the Atomic Energy Clearing House letter?

10

A No, I didn't.

11

12

Q What kind of a routing slip did you use on this document, the B&W Weekly Newsletter?

13

14

15

16

17

18

A To the best of my recollection, I wrote on the document itself indicating portions of the document of potential interest to individuals by placing their initials in the margin and then at the top of the document on the cover sheet by providing a routing list to those individuals.

19

20

21

Q Would you put the page number that those individuals were to look at next to the routing list?

22

23

24

25

A I don't recall the document. No, I would not. However, the document, to the best of my knowledge, was never longer than one page. Sometimes both sides of the page being utilized.

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Q Did you ever write any comments next to any of the items saying this should be followed up on or check further into this? Anything of that nature?

A No, not of that nature.

Q This section of the memo says that the originals are not maintained after routing. Did you keep a copy of the routing list or a copy of the page, cover page, to indicate to whom you routed it?

A No, I did not.

Q Would it be returned to you so that you could determine whether everybody had received it who was supposed to have received it?

A I don't recall whether I did or didn't.

Q Did those people who received it indicate that it had been received by initials or crossing out their initials or something similar?

A I don't recall that I ever received them back; therefore, I don't recall that they did that, however, that was the intent that that be done so that individuals who would receive the document would know that it had been reviewed by everyone on the routing list.

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Q Would the routing list vary according to the items that were in the publication?

A Yes, it would.

Q So that the document didn't always go to each department head?

A That's correct.

Q Did anyone keep copies of the B&W Weekly Newsletter?

A Excuse me. Could we clarify the period of time we are referring to?

Q If there is a difference, by all means. I am referring to the period of time that you recall receiving this B&W Weekly Newsletter. If any of your answers differ because you recall something different being done in a period of time that you received it --

A Yes, there is a difference with respect to answering the most recent question.

Q What is the difference?

A Could you repeat the question?

(Question read by the reporter.)

Q Let me clarify that. Keep a copy of it or keep the original in some place?

A Yes, since the time that Mr. Seelinger directed

1
2 me to initiate the program concerning the B&W
3 newsletters that I referred to earlier, I kept
4 the originals of the newsletters, at least that was
5 my practice since the beginning, to maintain those
6 newsletters, and to the best of my recollection, the
7 originals that I maintained would have an indication
8 as to whom they were routed, but not necessarily be
9 the same copy as the one that had been routed.

10 Q Could you explain that a little further.

11 A During some period of time, I may have routed
12 a copy of the newsletter and retained the original
13 in my files and also since Mr. Toole has been
14 superintendent, the practice of routing the document
15 has been discontinued and now copies are made for
16 each individual that might have an interest in an
17 item listed in the newsletter, and the original is
18 routed to Mr. Toole and then back to me.

19 Q Do you retain the original?

20 A Yes.

21 Q Do you determine who copies are
22 distributed to?

23 A Yes, I do.

24 Q Do you keep a list?

25 A I don't keep a list.

1

2

Q Do you indicate that on the original?

3

A Yes.

4

Q So that Mr. Toole can see that as well?

5

A Yes.

6

Q Before the accident or before you began

7

to maintain copies or the original, do you know

8

if anyone maintained a copy for a B&W Weekly

9

Newsletter file or the original itself?

10

A No, I don't know that anyone did.

11

Q Do you know that anyone retained copies

12

or originals for any purpose at all?

13

A No, I do not.

14

Q To the best of your knowledge, after

15

the last person on the distribution list reviewed

16

the B&W Weekly Newsletter, it was discarded?

17

MR. MacDONALD: You are asking if he

18

knows as a fact?

19

MRS. VAUGHAN: To the best of his

20

knowledge.

21

A During the period of time that the document

22

was routed, to the best of my knowledge, that was

23

the general practice.

24

Q In the next paragraph, there is a

25

"B&W Internal Problem Report System - no comment."

What is a B&W Internal Problem Report System or what were you referring to when you used that phrase?

A I don't recall.

Q You have no recollection at all?

A I don't recall ever hearing of that system.

Q You did write this memo, didn't you?

A I already testified that I wrote the memo.

Q Do you have any understanding of what that means today or what it is?

A No, I do not.

Q And you have a "no comment" next to it; is that correct?

A That is what it says.

Q Did you mean when you used those words, "no comment," that it didn't need any explanation?

A I don't know what that "no comment" meant. I can only speculate that it meant the same as no comment in the previous sections under group C.

Q In the next paragraph, "I will not comment on our proficiency at insuring a thorough and complete investigation of any of these documents except to say that I am sure that improvements could be made (some have since the accident) in most areas."

1
2 By "our proficiency at insuring a
3 thorough and complete investigation of any of these
4 documents," what did you mean when you used those
5 words?

6 A What do those words mean to me now?

7 Q What did you mean when you wrote them?

8 A To the best of my recollection, that statement
9 was to indicate to the GORB committee secretary
10 that the purpose of this document that I was sending
11 to him was not to imply or discuss the thoroughness
12 and completeness of the review of the documents
13 listed above but simply to indicate the mechanism
14 for review and dissemination of information.

15 Q When you state in that paragraph that
16 "I am sure that improvements could be made (some
17 have since the accident) in most areas," what were
18 you referring to there?

19 A I believe that that statement referred to the
20 fact that Mr. Seelinger had requested me to initiate
21 the program relating to the B&W newsletters and the
22 information contained in the newsletters that we
23 discussed before as an improvement or as a change in
24 how one of the documents is reviewed.

25 Q Is there anything else that you were

1

2 referring to when you made that statement?

3 A I don't recall anything specific.

4 Q Did you ever speak with Mr. Reppert
5 about any part of this memo?

6 A I don't recall whether I did or not.

7 Q You don't recall that he had any
8 questions about anything that you stated in this
9 memo?

10 A I don't recall any discussions with him
11 concerning this memo.

12 Q Do you see the list of those individuals
13 whom you copied for this memo?

14 A Yes.

15 Q Why did you copy each of those people?
16 Why did you copy Mr. Brown?

17 A It was my general practice to send copies of
18 my memos to persons whom I listed in the memo and
19 had made some indication as to what my perceptions
20 were of their practices so that if they had some
21 conflict with what I had stated in the memo they
22 could bring that to the attention of either myself
23 or the recipient of the memo.

24 Q I see where Mr. Brown's name is mentioned
25 in the memo but I don't see any reference to

1
2 Mr. Hilbish or any of the others except perhaps
3 Mr. Shaffer when you referred to him as an assistant.

4 Why did you send a copy to Mr. Hilbish?

5 MR. MacDONALD: I object to the form of
6 the question. Because there are references
7 to the unit superintendent in the memo, and
8 you do have a J. L. Seelinger on distribution.
9 I don't think necessarily the assumption built
10 into the question is correct,

11 Q Why did you send a copy to Mr. Hilbish?

12 A Before I answer that, let me clarify my last
13 statement. I understood your question to be why
14 did I send a copy to Mr. Brown, and my answer was
15 strictly with respect to why I sent a copy to
16 Mr. Brown, although it was a general answer. There
17 were other reasons for including people on distribution
18 other than that they were mentioned in the memo.

19 Q Fine. What was the reason for Mr. Hilbish?

20 A I don't recall.

21 Q You have no recollection at all why you
22 sent a copy to Mr. Hilbish?

23 A None other than speculation.

24 Q Any understanding whatsoever?

25 MR. MacDONALD: Not if it's speculation.

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Q What was Mr. Hilbish's position at the time?

A I don't recall what it was,

Q How about Mr. Miller?

A I don't recall why I sent a copy to Mr. Miller, although I will state that I also had a general practice of sending copies of memos to my superiors or their superiors where appropriate and to superiors of recipients of the memo where appropriate. This was a general practice. And to individuals or department heads that I felt had some past or present interest in the subject of my memo.

Q Was Mr. Hilbish's position superior to yours or somebody who held a position higher than you at the time of this memo?

A I don't recall what his position was at the time.

Q You don't recall the fact that whatever position it was, it was above yours? In other words, that he was senior to you?

A I don't recall that he was ever senior to me in terms of chain of command. Reporting chain of command.

Q Was he senior to you in any other way?

1

2

A I recall that there was a period of time that he held the position supervisor of Licensing.

3

4

Q How about Mr. Potts? Do you have any recollection of why you sent him a copy of this?

5

6

A Not other than for the reasons that I already stated as general reasons.

7

8

Q Was he one of Mr. Reppert's superiors?

9

A No, he was not.

10

Q Do you recall what position he held?

11

A Not at the time of this memo.

12

Q Was he in Unit 1?

13

A I don't recall.

14

Q And Mr. Zechman, do you recall why you sent him a copy of the memo?

15

16

A No, I don't recall. Other than for the reasons I have already given. I believe that at the time Mr. Zechman was Mr. Brown's department head.

17

18

Q Did you have any conversations with Mr. Miller about his memo or your memo, his July 12, 1979 memo?

19

20

21

MR. MacDONALD: That was asked yesterday.

22

Go ahead.

23

A Yes, I recall that I did.

24

Q When did you have that discussion with

25

1

2

him?

3

A I don't recall.

4

Q Was it after you wrote your memo or

5

before you wrote your memo?

6

A I don't recall.

7

Q What was the nature of the discussion?

8

A I don't recall.

9

Q But you recall you had a discussion with

10

him about your memo or his memo; is that correct?

11

A Yes.

12

Q Do you recall which memo it was that

13

was discussed?

14

A I believe that I recall that the discussion

15

related to my generating a list of items that were

16

reviewed by the staff such as the list given on

17

page 2 of his July 12 memo to Mr. Reppert.

18

Q Do you recall what the purpose of

19

generating the list was? Was it to respond to

20

this memo?

21

A To respond to which memo?

22

Q Mr. Miller's memo.

23

A No, I believe it was to provide him with the

24

list that he used as enclosure 2 or page 2.

25

Q So as best you can recall, you developed

2 the list on page 2 of his memo; is that correct?

3 A As best as I recall, I developed at least
4 part of the list.

5 Q Do you recall specifically what items
6 on this list you didn't develop?

7 A No, I do not.

8 Q Is that your handwriting on the bottom
9 of this list?

10 A Yes, it is, it appears to be.

11 Q Do you know what it says?

12 A I can read what it says.

13 Q Could you do that?

14 A "Info not used. NPRD reporting system," and
15 below that "NRC gray book."

16 Q What is the NPRD reporting system?

17 A I understand that it refers to the nuclear
18 plant reliability data reporting system.

19 Q Is that a system outside Met ED?

20 A It is my understanding that it is a system
21 that is managed by an outside organization.

22 Q The words "Info not used," did you mean
23 by that that those two items that you listed were
24 not reviewed or not received?

25 A The term "Info not used" I believe referred to

1
2 the fact that I had no knowledge of anyone in
3 Met ED or GPU utilizing those two sources of
4 information to gain information on operating
5 experience at other plants.

6 Q Did Mr. Miller tell you why he wanted
7 you to get up this list of publications?

8 A I don't recall that he did.

9 Q Do you recall having any idea at all
10 as to why you were doing it?

11 A I knew at some period of time that this was an
12 item of interest to GORB, but I don't know now that
13 I knew at the time that I developed this list that
14 it was in response to GORB action item 31 or any
15 concern of GORB's.

16 Q Although Mr. Miller states that at the
17 top of his memo here, doesn't he, that it is somehow
18 related to GORB item 31?

19 A Yes, I see that.

20 Q And you still don't recall why you
21 wrote the memo to Mr. Reppert using the same list
22 you developed or at least part of which you developed
23 for Mr. Miller?

24 A No, I don't recall why I did that.

25 Q Did Mr. Miller say anything else to you

1
2 at the time he asked you to develop the list?

3 A No, I do not.

4 Q No, he didn't say anything else to you
5 or you don't recall?

6 A I don't recall anything else he said to me.

7 Q Do you recall anything you said to him?

8 A No, I do not.

9 (Recess taken.)

10 BY MRS. VAUGHAN:

11 Q Would you look one more time at Exhibit
12 211, B&W Exhibit 211. The second page of Mr. Miller's
13 memo.

14 Why did you indicate that those
15 documents were not received or not used, to use
16 your words?

17 A I recall using or referring to this list of
18 sources of information and recalling that there
19 were two other sources that had not been mentioned
20 above and just as a matter of information to me
21 indicating those two documents but just to clarify
22 that they weren't used making that indication on
23 this document.

24 Q Were there any other documents that
25 you knew were not used that you did not list?

2 A I don't recall that there were or weren't.

3 Q Do you recall whether Mr. Miller asked
4 you to specifically check to see whether those
5 documents, these two that you listed, were used?

6 A No, I don't recall that he made any request
7 like that.

8 Q Do you recall at the time that you drew
9 up this list that there was discussion about whether
10 or not these documents should be received?

11 A No, I don't recall any discussion like that.

12 Q Do you recall anything else about why
13 you included these documents?

14 A Not other than what I already discussed.

15 MR. MacDONALD: I think there was
16 something Mr. Harbin said to me that he had
17 recalled, and it may have related to a
18 question you asked yesterday, supplementing
19 the answer. Before we put aside the document,
20 I would like him to add that to the record
21 now so the record will be complete.

22 THE WITNESS: Something that we
23 discussed yesterday that I believe was a
24 discussion that we had before we looked at
25 this document but that this document dealt

with was GORB's interest in review of industry operating experience and you asked me if I knew of any systems that had been created since the accident, the TMI-2 accident, that were designed to disseminate operating experience information, systems or organizations, and I recalled last night after finishing the deposition another system that has been proposed by B&W, and that is a system or program called the Transient Assessment Program or TAP, and since the program has been proposed, examples of transient reports from other plants have been sent to the Unit 1 superintendent as examples of reports that would be issued to GPU, if GPU accepted the proposal, and I recall that the reports that I reviewed contained a great deal of detail and analysis of trips, reactor trips, and associated transients at other plants that was in more detail and encompassed a greater number of areas than or publications that I had seen prior to that time, and I recall feeling that because these were reports only on B&W plants that

they would be of greater value to us as a source of information than some of the documents I had seen before. That was an additional program.

Q Has Met ED bought the TAP program or subscribed to the TAP program?

A It is my understanding that they intend to or have.

Q Do you know when the TAP program was developed?

A It is my understanding that within the GPU organization the procedure is currently being developed.

Q Is the TAP program a program developed by B&W?

A The B&W organization is the driving force behind the development of the program. However, it is my understanding that the implementation of the program at GPU will incorporate methods that GPU has had input on as to how transient reports at other plants will be reviewed within GPU and how transients within GPU generating stations or at GPU generating stations will be reported to B&W.

Q Do you know who prepares the transient

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reports that you receive from other plants?

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A It is my understanding in reading the proposals that that would be a joint effort by B&W representatives and the plant staff.

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Q Do you know --

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A And possibly corporate staff members.

8

Q Do you know whether B&W ever attempted

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before the development of the TAP program to have a similar program like this in which the utilities would participate?

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A I recall that before the TAP program, B&W had resident engineers at various B&W plants, TMI-1 being one of those plants, whose purpose it was in part, at least my understanding, was to discuss with resident engineers at other plants transients at other plants and inform GPU or Met ED department heads and management of appropriate occurrences at other plants. That is the only other system that I recall.

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Q Do you recall the B&W Users Group meetings?

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A Yes.

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Q Would that have done the same thing among the users of B&W equipment?

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2 MR. MacDONALD: You mean are they
3 geared to do exactly the same as the TAP
4 program or supposed to serve the same function?

5 MRS. VAUGHAN: To serve the same function
6 or the same function of the group of resident
7 engineers you were discussing.

8 A Yes, I felt that it was also the purpose of
9 the B&W Users Group to disseminate operating
10 information at other B&W plants as part of the
11 responsibility. I also thought it was the responsibility
12 of the company itself, at B&W, to notify directly
13 utilities of operating experience and problems at
14 other facilities.

15 Q Do you know whether B&W itself participated
16 in the Users Group meetings?

17 A I recall seeing minutes that indicated that
18 B&W employees had attended Users Group meetings.

19 Q You never attended any Users Group
20 meeting; is that correct?

21 A That's correct.

22 Q So you don't know what was said by
23 any of the B&W people at the Users Group meetings;
24 is that also correct?

25 A No, I don't think you can say that.

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Q You did know what B&W would say at those meetings?

A I don't recall anything they said, but I recall that there were descriptions or summaries of what B&W employees said at those meetings in minutes.

Q Would the unit superintendent, whomever that might be at the time you were working for that particular person, ever come and talk to you about the Users Group meetings and what information was conveyed there?

A Not that I recall.

Q Did you ever hear any of the Unit 1 superintendents for whom you worked describe the usefulness of those meetings in any way?

A I don't recall whether they did or didn't.

Q None of the superintendents for whom you worked for ever said they either thought it was a waste of time or it was a useful meeting or anything like that?

A I recall having an impression that it was a useful meeting, and the reason that I recall that is because, as I recall, the superintendents did very little travelling and, to the best of my recollection, always made it a point of attending

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2 Users Group meetings.

3 Q Why was that useful to the superintendents
4 or why did that make the meeting useful?

5 A Why did what?

6 Q Why did the fact that the superintendents
7 travelled to attend the meetings make it useful?

8 A I am not sure what you mean.

9 Q Perhaps I misunderstood your last
10 answer.

11 (Record read by the reporter.)

12 Q Why did you feel that the Users Group
13 meetings were useful?

14 A Because as a general rule, if a meeting, if
15 a periodic meeting is found to not be useful -- I
16 would like to strike that. Could you restate the
17 question?

18 (Question read by the reporter.)

19 A Because of the consistency of attendance by
20 the unit superintendent.

21 Q Was it only the fact that the unit
22 superintendents attended that made you believe it
23 was useful?

24 A And because of the fact that subsequent to
25 the meeting, the superintendent or whoever attended

1
2 representing the company would disseminate
3 information regarding what had been said at the
4 meeting.

5 Q Would that information include what
6 other utilities said at the meeting about events
7 that were occurring at their facilities?

8 A Yes, that was the general practice, for each
9 superintendent to or representative to give a
10 presentation on events that had occurred at their
11 plant since the last meeting.

12 Q And did --

13 A That were of significance.

14 Q Did that include the unit superintendents
15 from Three Mile Island, Units 1 and 2 making
16 presentations about events at TMI?

17 A I don't recall that it would or would not have
18 included both Unit 1 and Unit 2 superintendents at
19 any particular meeting.

20 Q Even if both of them did not make
21 presentations at the same meeting, do you recall that
22 the unit superintendent for Unit 1 made a presentation
23 at the Users Group meetings, any of them?

24 A Yes, I recall that the Unit 1 superintendent
25 made presentations on Unit 1 operating experience.

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Q And do you recall that the Unit 2 superintendent ever made a presentation about experiences at Unit 2 at any of these meetings?

A I don't recall.

Q You don't recall ever reading in the minutes whether a Unit 2 superintendent did that?

A No, I don't.

MRS. VAUGHAN: I would like to have marked as B&W Exhibit 212 a copy of the minutes dated February 3, 1978. They are minutes for the B&W Users Group meeting held on November 15 and 16, 1977.

(Copy of minutes for B&W Users Group meeting held on November 15 and 16, 1977 dated February 3, 1978 marked B&W Exhibit 212 for identification, as of this date.)

MRS. VAUGHAN: Parenthetically, these minutes were attached to B&W Exhibit 208. The copy I have here is a clearer copy.

Q Have you had an opportunity to review these minutes?

A Yes, I have.

Q Have you seen them before today?

A I don't recall seeing them before today.

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Q Would you have seen them in the ordinary course of your employment as an assistant to the Unit 1 superintendent?

A Yes, I would have.

Q Did you also in the ordinary course of your employment see the agenda that was prepared for the B&W Users Group meetings before the meeting?

A I don't recall whether I did or did not.

Q See the agenda?

A That's correct. Before the meeting.

Q Would you normally see the agenda if it was attached to the minutes, however?

Strike that.

Do you know whether an agenda was circulated before the meeting?

A I don't recall that it was.

Q Do you recall that Mr. O'Hanlon was the Unit 1 superintendent at the time of this meeting?

A No, I don't recall that.

Q He is however listed as such on the distribution list which is the third page of this exhibit?

A Yes, I see that he is.

Q And Mr. Miller is also listed on the

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2 distribution list, station superintendent?

3 A Yes, I see that.

4 Q Was it your practice to normally retain
5 copies of the Users Group meeting minutes?

6 A No, it wasn't my practice.

7 Q Was it somebody's practice?

8 MR. MacDONALD: Whether he knows?

9 MRS. VAUGHAN: Yes.

10 A I know that it was the general practice of
11 the superintendent to maintain copies of minutes.

12 Q Would you look at page 6 of these
13 minutes?

14 A Yes.

15 Q You see down towards the bottom of
16 page 6, "Operations at Three Mile Island"?

17 A Yes.

18 Q And Mr. Miller led off his report by
19 announcing the appointment of Mr. O'Hanlon as
20 superintendent for Three Mile Island Unit 1, and
21 then he reported on the progress at Three Mile
22 Island Unit 2?

23 A Yes, I see that.

24 Q Did you play any role or assist Mr. Miller
25 in any way in the preparation of the report he gave?

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A I don't recall that I did have any input to that.

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Q Do you recall that anyone else had any input?

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A No, I do not.

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Q On page 7, you see where Mr. O'Hanlon gave a report on Unit 1?

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A Yes, I see that.

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Q Did you assist Mr. O'Hanlon in any way in the preparation of his report?

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A No, I don't recall that I did assist him in preparing his report.

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Q Would it be your practice to assist the Unit 1 superintendent in preparing reports for these meetings?

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A I don't recall that that was my practice.

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Q Did you ever on occasion assist in the preparation of any reports?

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A Yes, I did.

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Q Do you recall when?

A No, I do not.

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Q Would you flip to page 10 and page 11.

A Yes.

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Q Do you see at the bottom of that page

2 where Mr. T. D. Murray, superintendent of Davis-Besse
3 reported on operations there?

4 A Yes.

5 Q And do you see the chronological list
6 of events?

7 A Yes, I do.

8 Q On page 11, do you see where it says
9 9/24/77?

10 A Yes, I do.

11 Q Do you remember any discussion by
12 Mr. O'Hanlon or Mr. Miller about Mr. Murray's
13 presentation and in particular anything about the
14 9/24/77 event?

15 A No, I don't recall any discussion by Mr. Miller
16 or Mr. O'Hanlon. That is not much of a description
17 of that event.

18 Q Not on this list?

19 A That's correct.

20 Q Do you recall Mr. Miller or Mr. O'Hanlon
21 saying anything at all about Mr. Murray's
22 presentation?

23 MR. MacDONALD: Are you assuming in
24 your question Mr. Murray gave the full
25 presentation? The only reason I question it

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is because Mr. Harbin wasn't there, and he has no recollection as to whether Mr. Murray gave that presentation entirely himself or somebody else contributed to the presentation.

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The assumption is it's Murray's presentation. That is what the document states on its face. I wouldn't want him to represent, having no recollection, that it was Murray's presentation.

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MRS. VAUGHAN: The question lends itself to his answering as to whether they said anything about what Mr. Murray presented.

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MR. MacDONALD: That is fine.

A I don't recall either Mr. Miller or Mr. O'Hanlon referring to anything that Mr. Murray said in that meeting.

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Q Do you recall whether Mr. O'Hanlon kept any notes of this Users Group meeting?

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A I don't recall whether he did or did not.

Q If he did keep any notes, what practice, what was his general practice in terms of where he filed them with regard to the Users Group?

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MR. MacDONALD: If there was a general practice.

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2 A His general practice was to file notes in a
3 folder, in a file folder, labeled with the date of
4 the meeting.

5 Q Just the date of the meeting, or would it
6 say B&W Users Group meeting date?

7 A I don't recall exactly what it would have
8 said on the folder, but the essence would be B&W
9 Users meeting and the date of the meeting.

10 Q Would you turn to the enclosure right
11 after page 11, enclosure 1.

12 A Yes.

13 Q Do you know from any contacts whatsoever
14 any of the individuals listed on this page? Let
15 me exclude B&W people and obviously the people
16 from Metropolitan Edison.

17 A Yes, Mr. Rodriguez.

18 Q Is he the only one?

19 A Yes.

20 Q How do you know Mr. Rodriguez?

21 A Through correspondence on a subject that I
22 don't recall with him.

23 Q Do you recall anything at all about the
24 subject?

25 A No.

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Q Was that the only contact you have had with Mr. Rodriguez?

A Yes, to the best of my recollection.

Q Do you recall whether the correspondence was generated by you?

A No, I don't recall.

Q Do you recognize or know any of the other names at all?

A No, I do not.

Q Would you have occasion to have any contacts with people from other utilities, other B&W utilities?

A As of what date?

Q As of any of the time that you have been employed by Met ED.

A With the exception of the reference I just made of the correspondence with Mr. Rodriguez, I have been in discussions, had discussions, with Mr. O'Hanlon who is now employed by Arkansas Nuclear, and those discussions were primarily personal in nature.

Q You never had any occasion or you never did write to or call any other utility to inquire about anything that you had read regarding an event

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they had had?

A No, I don't recall that I did.

Q Was that because you were discouraged from doing that, or it just never occurred to you to do that?

A I was never discouraged to do that. I don't recall now why I would not have done that.

Q Do you know anyone else within Unit 1 or Unit 2 who would have contact, who did have contact with other utilities other than through this Users Group meeting on a regular basis? .

A Not on a regular basis, no.

Q Is the Users Group meeting, as far as you know, the only meeting by which contact is maintained with other B&W utilities?

MR. MacDONALD: On a regular basis?

MRS. VAUGHAN: Yes.

A No, I don't know that.

Q But you don't know of any other?

A I know of one other vehicle that I knew of is the B&W Owners Group meeting, and as I believe I testified before, I am not aware of what differentiates those two meetings.

Q Have you ever called anyone for more

1

2 information about an event that you have read about?

3 A Yes, I have.

4 Q Who was that?

5 A I don't recall the name of the individual.

6 But it would be one of two individuals that work in
7 the Plant Analysis Group, the group that has been
8 formed since the accident.

9 Q How about someone from outside the Met ED
10 or GPU organization?

11 A No, I don't recall ever having.

12 Q Have you ever called the NRC or written
13 the NRC?

14 A No, I don't recall ever having done so.

15 Q Do you recall other than the possible
16 exception of Mr. Rodriguez that anyone from another
17 utility has contacted you to ask for additional
18 information about an event that occurred at either
19 Unit 1 or Unit 2?

20 A No, I don't recall that anyone has.

21 Let me make a clarification. I am aware of
22 persons on the TMI-1 staff who have had discussions
23 with persons at other utilities and who have
24 received calls from persons at other utilities
25 concerning events at TMI-1, and it is my understanding

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2 that the reason for that is that there are other
3 members of the plant staff that are more specialized
4 in various areas of operations and maintenance and
5 about components and procedures in our plant, and
6 it is the general practice to have an individual
7 most knowledgeable in a certain area of interest
8 discuss with his equivalent, an equivalent individual
9 at another plant, an event or occurrence or finding
10 that would be of interest.

11 Q Did the Unit 1 superintendent ever ask
12 you to contact another utility for information,
13 additional information?

14 A Not that I recall.

15 Q Do you recall that the Unit 1 superintendent
16 ever told you to tell somebody on the staff to
17 obtain, on the Unit 1 staff, to obtain more
18 information about a certain event?

19 A Yes.

20 Q Do you recall any of those events
21 specifically?

22 A No.

23 Q Is that a general practice?

24 A It wasn't a general practice.

25 Q Did it occur with some degree of

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frequency?

A No.

Q It was an infrequent occurrence?

A Yes, it was.

Q Have you ever suggested to anyone within Unit 1, Unit 2, Met ED or GPU people, that you should get in touch with another utility or that would be a good thing to do, that there needed to be more feedback from other utilities, more communication between Met ED and other utilities?

MR. MacDONALD: I object to the form.

Three questions. I don't know which one he is going to answer.

MRS. VAUGHAN: I will rephrase it.

Q Have you ever suggested to anyone within Met ED or GPU that there should be greater communication between the various B&W utilities?

A Yes, I have.

Q When was that?

A I don't recall.

Q After the accident or before the accident?

A I don't recall.

Q To whom did you make that suggestion?

A I don't recall.

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Q You don't recall anything about it?

A Yes, I do.

Q What is that?

A I recall a discussion about security systems and that when some regulatory agency imposes a new regulation, security being the one that was being discussed and security access control, that it would be cost beneficial for utilities to consult with one another as to interpretation of the regulations and means to comply with the regulations.

Q Do you recall any other occasion?

A No, I do not.

(Time noted: 1:35 o'clock P.M.)

* * *

RONALD STEPHEN HARBIN

Subscribed and sworn to before me
this day of , 1981.

CERTIFICATE

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I, JOSEPH R. DANYO, a Notary
Public of the State of New York, do hereby
certify that the continued deposition of
RONALD STEPHEN HARBIN was taken before
me on Friday, July 10, 1981 consisting
of pages 404 through 481;

I further certify that the witness had
been previously sworn and that the within
transcript is a true record of said testimony;

That I am not connected by blood or
marriage with any of the said parties nor
interested directly or indirectly in the matter
in controversy, nor am I in the employ of any
of the counsel.

IN WITNESS WHEREOF, I have hereunto set my
hand this 26 day of July, 1981.

Joseph R. Danyo
JOSEPH R. DANYO

I N D E X

WITNESS

PAGE

Ronald Stephen Harbin

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E X H I B I T S

B&W EXHIBITS

FOR IDENT.

| | | |
|-----|--------------------------------|-----|
| 212 | Copy of minutes for B&W Users | 469 |
| | Group meeting held on | |
| | November 15 and 16, 1977 dated | |
| | February 3, 1978 | |

* * *