

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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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
Thursday, July 9, 1981, at 9:50 o'clock in
the forenoon, before Joseph 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:

EXAMINATION (continued)

BY MRS. VAUGHAN:

Q Would you please refer to B&W Exhibit 208

1
2 again. That was the exhibit we were on at the end of
3 yesterday's session. Would you turn to attachment
4 13 which is titled "Atomic Energy Clearing House."
5 The date on this document is January 9, 1978.

6 Have you had an opportunity to review it?

7 A Yes.

8 Q Have you ever seen this document before
9 today?

10 A I don't recall ever having seen it.

11 Q Is this document the Atomic Energy
12 Clearing House, a document that you would have
13 reviewed, this kind of document, a document you
14 would have reviewed in the normal course of your job
15 responsibilities as an assistant to the Unit 1
16 superintendent?

17 A During some period of time I reviewed a document
18 entitled Atomic Energy Clearing House.

19 Q Is it still your testimony that you can't
20 recall that period of time that you reviewed this kind
21 of document?

22 A Yes, that's correct.

23 Q Did you review this kind of document
24 before the accident?

25 A Yes, I did.

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Q Is this also the kind of document that you would have forwarded to those individuals that you determined would be interested in certain items in the document?

MR. MacDONALD: You are asking whether he can recall forwarding this type of document?

MRS. VAUGHAN: Yes.

A Yes.

Q You do recall having forwarded this kind of a document?

A Yes.

Q Do you recall any of the items that appeared in this kind of document that you forwarded?

A Yes.

Q What kind of items were they or which items were they?

A I don't recall any specific items.

Q What did you mean by your answer yes?

A Could you read back the question to which I answered yes?

(Question read by the reporter.)

A I would like to change that answer to no.

Q You don't recall any specific items?

A That's correct.

1
2 Q Did you know before today that some of
3 the items printed in this publication, that is,
4 the Atomic Energy Clearing House, were identical in
5 nature to those printed in the Current Events-Power
6 Reactors?

7 A I recall seeing descriptions of events that
8 were in a similar format and that I thought at the
9 time were reprints from events listed in Current
10 Events-Power Reactors.

11 Q Do you remember any of those specific
12 events?

13 A No, I do not.

14 Q But you do recall that some of them
15 were similar in format? Is that your testimony?

16 A I recall questioning in my mind or suspecting
17 that events listed in Current Events were duplicated
18 in this document.

19 Q Did anyone ever tell you for a fact
20 that that was true?

21 A Not that I recall.

22 Q Do you recall ever taking the two issues
23 and comparing the two reports to see if in fact they
24 were identical?

25 A No, I don't recall doing that.

2 Q Would you look at attachment 14. For
3 the record, attachment 14 is a part of the July 1978
4 edition of Nuclear Power Experience, Inc., and in
5 particular, is a summary of the supplement, a summary
6 of the LER supplement for the Davis-Besse event,
7 September 1977.

8 Have you had an opportunity to review
9 attachment 14?

10 A Yes, I have.

11 Q Have you ever seen these three pages
12 before today?

13 A No, I have not.

14 Q Would you look at attachment 15.
15 Attachment 15 is also an excerpt from Nuclear Power
16 Experience, July 1978. It is the table of contents
17 of the July 1978 issue.

18 Have you seen these excerpts from the
19 July 1978 issue of Nuclear Power Experience before
20 today?

21 A Not that I recall.

22 Q Is this Nuclear Power Experience the
23 same publication that you testified to earlier
24 receiving after the accident?

25 A For approximately a six-month period of time

1
2 after the accident.

3 Q Is it also the same publication that the
4 shift technical analysts now maintain?

5 A I don't know that they maintain. I know when
6 I ceased to maintain it, the responsibility for its
7 maintenance was with the shift technical advisors.

8 Q Would you look at attachment 17 which is
9 a copy of B&W's operating plant service bulletin
10 dated September 30, 1977.

11 Have you had an opportunity to review
12 this document?

13 A Yes.

14 Q Have you seen this document before today?

15 A I don't recall that I have.

16 Q Is this the kind of document that you
17 reviewed as an assistant to the Unit 1 superintendent?

18 A Yes, for some period of time.

19 Q Do you recall the period of time?

20 A Since the accident and for some period of time
21 before the accident.

22 Q In September 1977, do you recall if you
23 reviewed operating plant service bulletins from B&W?

24 A No, I don't recall.

25 Q Do you know for a fact that you did not

2 review those bulletins?

3 A No, I do not.

4 Q Would you look at the upper right-hand
5 corner on the first page. Do you see there are
6 some initials?

7 A Yes, I see what appear to be initials.

8 Q Do you recognize any of those initials?

9 A No, I do not.

10 Q RLW, do you know whose initials those are?

11 A No, I do not.

12 Q Do you know what it means underneath that?
13 Let me ask you this: Do you know whether under the
14 initials RLW the word is "done" or "closed"?

15 MR. MacDONALD: Are you asking for his
16 present day sense?

17 MRS. VAUGHAN: Yes.

18 MR. MacDONALD: He doesn't recall ever
19 seeing the document. You can testify as well
20 as he can as to what that word means.

21 MRS. VAUGHAN: I am asking if he can
22 tell whether it says done or closed.

23 A No, I cannot.

24 Q Is the word "done" something that would
25 normally appear on a document such as this to indicate

1
2 that everyone had reviewed it?

3 A I don't recall ever having seen the word done
4 on a document that would indicate anything.

5 Q Do you recall ever having seen the word
6 "closed" on a document?

7 A No, I do not.

8 Q Do you recall any word that would indicate
9 that the document had been reviewed by the pertinent
10 individuals?

11 A Could you repeat the question?

12 (Question read by the reporter.)

13 A No, I do not.

14 Q Was it your practice to put any kind of
15 a word on the documents that you forwarded to
16 signify that everyone had reviewed it?

17 A We are referring to this document?

18 Q Referring to any document now that you
19 would have reviewed and passed on.

20 MR. MacDONALD: Are you asking whether
21 he got it back at the end?

22 MS. VAUGHAN: No.

23 MR. MacDONALD: To signify everybody
24 reviewed it?

25 MRS. VAUGHAN: I am asking if he ever put

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any word himself on the documents that he sent forward.

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A No, not that I recall.

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Q Do you see at the end of that column the initials B&W and then under that OPSB?

7

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A I see that area of the paper that you are referring to.

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Q Do you see those initials?

MR. MacDONALD: Are you asking him if

that is indeed what is on the document not

having written the handwriting or not having

seen the document?

14

MRS. VAUGHAN: I am asking that question.

15

16

A I see what appears to be B&W. I am not sure what the second set of initials are.

17

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Q Did you ever put B&W or OPSB on a service bulletin that you had reviewed?

19

A Not that I recall.

20

Q Never? You never recall that?

21

A I don't recall ever having done that.

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Q Do you recall ever having seen a document with those letters on it, seen a service bulletin with those letters on it?

A No.

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Q Do you know whether that would signify

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a file of some kind into which this was to go?

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A No, I do not.

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Q Do you know whether in 1977 there was

6

a file marked B&W into which these bulletins went?

7

A No, I do not.

8

Q Do you know whether there was a file

9

marked OPSB or operating plant service bulletin into

10

which these bulletins went in 1977?

11

A To my knowledge, there was not.

12

Q Do you know if there ever was a file

13

marked B&W or OPSB into which these bulletins went?

14

A To my knowledge, there was not.

15

Q Did you maintain a file of the operating

16

plant service bulletins received?

17

A During what period of time?

18

Q Any period of time.

19

A I don't know.

20

Q You don't know if you ever maintained

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a file?

22

A I don't know -- I maintain a file of reports

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that are issued weekly by B&W that look very similar

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in nature to this report, but I don't recall that

25

the title of that report is operating plant service

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bulletin.

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Q Do you have any reason to doubt that the title of the report that looks similar to this is operating plant service bulletin?

6

A Could you repeat that?

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(Question read by the reporter.)

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MR. MacDONALD: He said he doesn't recall what the title is. Are you asking whether it is possible?

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MRS. VAUGHAN: I am asking if he has any reason to doubt the same.

13

A Could you excuse me for a minute?

14

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(Off the record discussion between the witness and his counsel.)

16

A Yes, I do.

17

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Q You have a reason to doubt. What is that reason?

19

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MR. MacDONALD: I think it has to do with preparation for deposition with counsel.

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MRS. VAUGHAN: What does that have to do with whether or not the documents that you maintain are these documents?

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MR. MacDONALD: Because it may have been during preparation for deposition and attorneys

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2 were present is when a time he may have looked
3 at a document he thought was from that file,
4 and that is where his recollection is that
5 he doubts that the titles are exactly the same.

6 I don't want to delve into what was
7 involved in the preparation of a witness with
8 counsel.

9 MRS. VAUGHAN: I don't want to delve
10 into that aspect of preparation which would be
11 covered by attorney-client privilege. I am
12 not asking you to do that.

13 Q I am asking you if the file that you
14 maintain is a file of these documents. I don't
15 see the relevance between preparation --

16 MR. MacDONALD: He already gave you
17 his testimony that he does not recall and he
18 has a reason to doubt that the titles are
19 not the same.

20 MRS. VAUGHAN: I am asking for that
21 reason. What does that reason have to do with
22 the attorney-client privilege?

23 MR. MacDONALD: It has to do with
24 preparation for the deposition with his
25 counsel, and it was involved with discussions

2 with counsel.

3 MRS. VAUGHAN: I am not sure just being
4 involved is the same as having a reason.

5 MR. MacDONALD: The instruction is not to
6 answer.

7 Q Did you have a reason before you were
8 prepared for deposition to believe that the documents
9 in the file were not the operating plant service
10 bulletins?

11 MR. MacDONALD: You can answer the
12 question.

13 A I didn't know before that.

14 Q Did you maintain a file before that
15 preparation?

16 A Yes, I did. The file of reports that appear
17 similar in content and format to this report, yes, I
18 did, from the time as we discussed yesterday Jim
19 Seelinger assigned me to develop the program that
20 we discussed yesterday.

21 Q Did you maintain any files before that
22 time on the operating plant service bulletins?

23 A Let me just make a comment. When I get in a
24 report like this, it is not my standard practice to
25 look at the title of the report.

2 Q It is not your standard practice to
3 look at the title?

4 A That's correct.

5 Q Why is that?

6 A Because of the time involved.

7 Q Do you depend on some documents that you
8 receive more than others for their content and
9 reliability?

10 A Yes, I do.

11 Q How do you know which documents you
12 depend on if you don't look at the title of the
13 documents?

14 A This is a Xerox copy of the document. The
15 original document that I review is blue. It has a blue
16 heading across the top of the page. As I have said,
17 the format is the same as the format on this report,
18 and therefore, by those two characteristics, I
19 assume that it is the report that I review every
20 week, and I don't feel there is a need to read the
21 title.

22 Q So your difficulty with this document
23 is the fact that it isn't blue at the top?

24 A I don't know what difficulty you are referring
25 to.

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Q In recognizing this as the document you would keep in the file.

A I don't have any reason to believe that this report is any different than the report that I have been reviewing for the period of time that I have already discussed. You seem to make issue of the specific title of the report, and as I told you, I have reason to believe that the titles have changed. I don't see that that has any bearing on the issue.

Q Do you have reason to believe that the operating plant service bulletin published by B&W has changed its title?

A I have reason to believe that a document that looks very similar to this in format and content and length has changed its title.

Q What is the current title of the document that you are thinking of?

A I don't recall.

Q Do you know when it changed its title?

A No.

Q Is it a document published by B&W?

A Yes.

Q Currently being published by B&W?

A I reviewed a copy within the last month.

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Q Do you know today if there are files maintained into which this copy of the operating plant service bulletin can be found?

A No, I don't know.

Q Have you ever looked for it, this particular copy?

A No, I have not.

Q Do you know of anyone else who has looked for it?

A No, I do not.

Q Do you know who would know whether there is a file maintained in which this exists?

A No, I don't know.

Q Do you know if anybody has maintained files of past copies of the operating plant service bulletin?

A No, I do not.

Q Would you go back to the letter at the beginning of this exhibit. Would you look at page 3.

A Yes.

Q Would you look at the second paragraph?

A Yes.

Q Would you take a moment to read that second paragraph. If it were to help you, the LER

1
2 they are referring to is the Davis-Besse September 24
3 transient.

4 Do you possess any knowledge or facts
5 today that would indicate that that paragraph is
6 incorrect?

7 A No, I don't have any knowledge of anything
8 stated in that paragraph.

9 Q Do you know whether there is a file kept
10 of materials received from the EEI?

11 A No, I don't know that.

12 Q Have you heard there are such files?

13 A Yes, I have.

14 Q From whom have you heard?

15 A I don't recall.

16 Q When did you hear?

17 A I don't recall.

18 Q Do you recall hearing where those files
19 are maintained or who maintains them?

20 A One of the libraries.

21 Q How many libraries are there?

22 A I don't know exactly.

23 Q How many do you know there are?

24 A Three.

25 Q Could you identify those?

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A One in the TMI-2 administration building,
3 one at the central division Met ED headquarters in
4 Reading, and one at the corporate headquarters in
5 Parsippany.

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Q Do you know which of those libraries,
have you heard which of those libraries maintains
the EEI file or maintains a file of EEI publications?

9

A I don't recall if I have heard that.

10

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Q Have you heard that one of those libraries
maintains a file for EEI received materials?

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MR. MacDONALD: You are talking about
has he heard whether there is a library that
maintains material for all EEI received
materials or just an EEI file?

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MRS. VAUGHAN: Just an EEI file of
materials, whatever material they are.

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A I have received in the past a publication that
is designed to list all new reports, books,
periodicals, that are added to the various libraries
in the GPU system, and some of the reports listed in
that report are EEI reports.

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Q Did you ever at any time during your
period as an assistant to the Unit 1 superintendent
keep a file of materials that you received or

2 reviewed from the EEI?

3 A Could you repeat that?

4 (Question read by the reporter.)

5 A I recall a file titled EEI prime movers meeting.

6 Q That you maintained?

7 A No, I don't recall that I maintained that.

8 Q Where did you see that file?

9 A Either in my files or in the superintendent's
10 files.

11 Q If it was in your files, would that be
12 an indication that you maintained it?

13 A No.

14 Q Do your files contain files that are
15 maintained by people other than you?

16 A Yes, they do.

17 Q What is the EEI prime movers meeting?

18 A I don't know what it is.

19 Q Do you recall reviewing the contents of
20 that file?

21 A No, I do not.

22 Q Do you recall putting any materials into
23 that file?

24 A No, I do not.

25 Q Who would keep their files in your files?

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MR. MacDONALD: You are asking him who

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has?

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MRS. VAUGHAN: Yes.

5

A No one that I know of.

6

Q Could you explain to me what you meant

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by your previous answer when you said that people

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do maintain files in your files other than you?

9

A Yes, our secretary, Pat Schlegel, maintains

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for example files of reports that are kept in my

11

office.

12

Q Would she be maintaining those files

13

for you or for somebody else?

14

A For me.

15

Q And that wouldn't fall within a description

16

of your files?

17

A Yes, I consider those files my files.

18

Q Who else if anybody else maintains

19

files in your files?

20

A Excuse me. Can I confer?

21

(Off the record discussion between the

22

witness and his counsel.)

23

A Yes, there is one other individual's files

24

that I recall.

25

Q Whose files are they?

2 A Jim Seelinger's.

3 Q Why do you have Jim Seelinger's files?

4 A Excuse me. A specific file.

5 Q Why do you have a specific file of
6 Mr. Seelinger's?

7 A When he left the company, he asked me to
8 maintain a file.

9 Q What does the file contain?

10 A It contains notes that he took during the
11 accident, the TMI-2 accident.

12 Q Besides Mr. Seelinger, are there any
13 other files that are maintained by you that are not
14 yours?

15 A No, not that I recall.

16 Q Does your secretary maintain any files
17 for you that are not yours?

18 MR. MacDONALD: You mean Mr. Toole's
19 secretary?

20 MRS. VAUGHAN: Yes, Mr. Toole's secretary,
21 that you share.

22 Q Is that correct?

23 A Not that I know of.

24 Q You have never instructed her to maintain
25 someone's file for you?

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2 A I don't recall ever having done so.

3 Q Would you look again at page 3?

4 A Yes.

5 Q Would you read the paragraph under the
6 one you just read.

7 MR. MacDONALD: Paragraph 3?

8 MRS. VAUGHAN: Yes.

9 Q Do you possess any information that
10 would indicate this paragraph is not correct?

11 MR. MacDONALD: I object to the form of the
12 question. You are talking of a document he
13 has never seen. On top of that, he has
14 testified for two days of what his recollection
15 is, and you have gone through all the
16 attachments, which ones he has seen, which ones
17 he hasn't, and you are asking him to retestify
18 to something that he already gave two days'
19 testimony of. He already testified of what he
20 recalls about it, if ever he saw it, what
21 the general practice was, and now you are going
22 back over another paragraph in a letter that
23 he has never seen before, never was on the
24 distribution for, and asking him to affirm or
25 deny something that somebody else wrote that he

1
2 has no past recollection of.

3 MRS. VAUGHAN: I am simply asking him
4 if he has any knowledge today that would
5 indicate that this is not -- that what he
6 reads in this letter is not correct. I have
7 not asked him that question before.

8 MR. MacDONALD: You have asked him a
9 number of questions that deal with his
10 knowledge on the information contained in this
11 particular document referenced, and other
12 LER material referenced in the attachments in
13 the normal practice. He has given you the
14 broad extent of his knowledge, and to ask him
15 to confirm or deny something that he has never
16 seen before today is not proper.

17 MRS. VAUGHAN: You instruct him not to
18 answer?

19 MR. MacDONALD: Yes.

20 Q Would you read the next paragraph, the
21 one that begins "A second source of information."

22 Have you read that?

23 A Yes.

24 Q Do you have any knowledge today that would
25 indicate that paragraph is not correct?

1
2 MR. MacDONALD: I object to the form for
3 the same reason that we have been over this
4 material for the past two days. He testified
5 as to his recollection of it, what he can
6 recall. Again, not seeing the document, not
7 having read it or the words therein, I instruct
8 him not to answer.

9 MRS. VAUGHAN: Just so the record is
10 clear, I am not asking Mr. Harbin anything
11 that I have asked him before. I am asking him
12 if he possesses any knowledge today that
13 would indicate that that paragraph is not
14 correct. I am not asking him whether the
15 paragraph is correct or not correct. I am
16 only asking whether he possesses facts which
17 are contrary to those stated in that paragraph.

18 Is your instruction the same?

19 MR. MacDONALD: Yes. He has given you
20 the background of all of these questions.

21 MRS. VAUGHAN: It is a very broad
22 background and he has been very evasive and
23 cagey throughout the deposition. A straightforward
24 yes or no answer is not difficult.

25 MR. MacDONALD: That may be but he has

1
2 given you the best of his recollection of
3 what he recalls through his job. He is not
4 here testifying to the correctness of what
5 somebody else wrote.

6 MRS. VAUGHAN: I am not asking him to
7 testify to that.

8 Q Would you read the last paragraph on
9 page 3.

10 Do you possess any information today
11 or any facts that would contradict anything that is
12 stated in this paragraph?

13 MR. MacDONALD: I object to the form
14 and instruct him not to answer for the same
15 reason. He testified extensively on the
16 publications and what his recollection is of
17 those publications and where they were
18 disseminated and what he knows about it. This
19 is somebody else's deduction and information
20 and knowledge of this particular subject, and
21 he gave you what he testified about.

22 MRS. VAUGHAN: I suggest that your
23 colloquy is longer than his answer would have
24 been.

25 Q Page 4, the paragraph that begins

1
2 "Finally," would you read that paragraph, please?

3 Do you possess today any knowledge or
4 any facts which would indicate that that paragraph
5 is not correct?

6 MR. MacDONALD: I object for the same
7 reasons and instruct the witness not to answer.

8 Q Do you know why the document was not
9 received or not circulated, rather, to any Met ED
10 personnel?

11 MR. MacDONALD: What document?

12 MRS. VAUGHAN: The Nuclear Power Experience
13 referred to in the paragraph you just reviewed.

14 A On what date?

15 Q The paragraph indicates July 1978. That
16 is the document they were referring to.

17 Do you know why at that time in July
18 1978 it was not circulated to Met ED personnel?

19 A No, I do not.

20 Q Did you know in July 1978 that it was
21 received in the offices of GPU Service Corporation?

22 A I believe I already testified that I wasn't
23 aware of the existence of the publication until after
24 the accident.

25 Q Would you look at the next paragraph, the

2 one that begins "With respect to the NSSS vendor."

3 Are you familiar with the B&W owners
4 group meetings?

5 MR. MacDONALD: Familiar in the sense
6 that he has heard of such meetings?

7 MRS. VAUGHAN: Yes.

8 A I have heard that meetings take place by that
9 name.

10 Q Do you know who attends those meetings
11 from Met ED or GPUSC?

12 A No.

13 Q Have you heard of anyone attending those
14 meetings?

15 A Let me clarify that it is my understanding
16 that there are two meetings that may or may not be
17 similar in nature. One is the B&W users group
18 meeting, and one is the B&W owners group meetings.
19 I testified yesterday that the general practice was
20 that the superintendent attends users group meetings.
21 I don't know whether that name of the meeting or
22 the two names that I just described are interchangeable
23 or whether they are two separate meetings.

24 Q Then you don't know the difference between
25 the two groups; is that correct?

1
2 A That's correct.

3 Q Have you seen any minutes marked B&W
4 owners group meeting?

5 A I don't recall that I have.

6 Q Have you ever seen any agenda for the
7 owners group meetings?

8 A I don't recall that I have.

9 Q Would you look at the paragraph on page 4
10 that begins with "Other than the enclosed reports."

11 Do you possess any knowledge or facts
12 today that would indicate that there is anything
13 in that paragraph that is incorrect?

14 MR. MacDONALD: Again, I instruct him
15 not to answer.

16 MRS. VAUGHAN: I have my same response
17 that I repeated before.

18 Q I would like you to refer to the document
19 I am about to give you which has been previously
20 marked B&W 74. It is titled "Three Mile Island
21 GORB action item number 31" dated June 15, 1978.

22 Have you had an opportunity to review
23 this document?

24 A Yes.

25 Q Have you seen this document or any

2 portion of this document before today?

3 A I don't recall having seen it.

4 Q Do you recall hearing about GORB action
5 item 31 in any way before today?

6 A I knew of the subject matter, and therefore,
7 that GORB had a concern over review and dissemination
8 of industry operating experience but not specifically
9 GORB action item number 31.

10 Q When did you learn that GORB had a
11 concern about review of information from other
12 utilities?

13 A I don't recall.

14 Q Was it before the accident?

15 A I don't recall.

16 Q Do you recall from whom you learned it?

17 A I recall sitting in on GORB meetings in which
18 it was discussed.

19 Q Do you normally sit in on GORB meetings?

20 A For some period of time I did.

21 Q Which period of time?

22 A I would estimate the period to have begun not
23 on a regular basis in 1978 and to have ended within
24 a month after Ron Toole became unit superintendent.

25 Q Why did you begin sitting in on the GORB

2 meetings?

3 A One reason was for my edification. Another
4 reason was that if questions came up or discussions
5 arose that required some member of the staff to
6 provide the GORB members with specific information
7 concerning the topic, I would try and locate and
8 schedule that individual to attend the meeting, in
9 some cases to answer questions that GORB members
10 had, and perform other various administrative
11 functions.

12 Q Were you requested or directed by anyone
13 in particular to attend the GORB meetings?

14 A Yes, for some meetings.

15 Q As a general rule?

16 A For some period of time, yes.

17 Q Who was that that requested or directed
18 you to attend?

19 A The unit superintendent.

20 Q Unit 1 superintendent?

21 A Yes.

22 Q Anyone else?

23 A Gary Miller.

24 Q In his capacity as station superintendent?

25 A No.

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Q In what capacity? So you understand, let me make clear I am asking you what position Gary Miller held at the time he requested or directed you to attend the GORB meeting.

A He was acting Unit 1 superintendent.

Q In any --

A Or the equivalent.

Q In any of these cases, was the person requesting or directing you to go asking you to go in their place?

A At times, but not necessarily to perform the same function as they would perform.

Q Would you have been present at a GORB meeting at the same time your Unit 1 superintendent was there?

A Yes.

Q Would your presence at any of these meetings be reflected on the minutes of the meetings?

A I don't recall.

Q You would not be there as a member of the GORB, is that correct?

A Yes, that's correct.

Q Would you be there as a "non-member"?

MR. MacDONALD: Do you have something

specific in mind or you are just contrasting that to member?

MRS. VAUGHAN: I don't have a copy of the document, but I have seen minutes of the GORB where they list members and non-members.

A I don't recall if I ever was listed as a non-member.

Q Do you remember whether you were viewed as a non-member, or does that name have some other connotation?

A I don't know.

(Recess taken.)

BY MRS. VAUGHAN:

Q I am still referring to B&W Exhibit 74.

Do you recall being present at the GORB meeting which is referenced there, meeting number 30?

A No, I do not.

Q Do you recall hearing about that GORB meeting at which this issue was raised, that is, whether there should be changes made in the process for acquisition and use of information about incidents at other nuclear plants?

A No, I do not.

Q Did either Mr. Lawyer or Mr. Kunder

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approach you and ask you for information regarding the publications that you reviewed or received?

A I don't recall that they did.

Q Do you know for a fact that they did not?

A No, I don't know for a fact that they did not.

Q Did anyone in or around this time of June 1978 and until October 20, 1978 which is the date on the bottom of the first page of this exhibit, come to you and ask you for information about what publications you reviewed?

A No, I don't recall anyone asking me that.

Q Including your Unit 1 superintendent?

A Yes, that's correct.

Q Are you aware of an incident that happened at TMI-2 on April 23, 1978?

A I am aware that an incident occurred at TMI-2 on that date.

Q Do you know whether as a result of that incident concerns were raised about the receipt of information from other facilities and the dissemination of that information?

A No, I don't recall that anything was said concerning that.

1
2 MRS. VAUGHAN: I would like to
3 introduce as B&W Exhibit 209 a copy of the
4 final minutes meeting number 30 dated
5 October 24, 1978. The meeting is a meeting
6 of the General Office Review Board, and that
7 meeting was held on June 6, 1978 and continued
8 on June 7, 1978.

9 (Document entitled "Final Minutes
10 Meeting #30" dated October 24, 1978 marked
11 B&W Exhibit 209 for identification, as of this
12 date.)

13 Q Would you take a minute to just review
14 these minutes with particular attention to page 3
15 and page 4.

16 Have you had an opportunity to review
17 these minutes?

18 A Yes.

19 Q Have you ever seen these minutes before
20 today or any portion of them?

21 A I don't recall having ever seen these before.

22 Q Would you normally receive copies of
23 GORB minutes in your position as an assistant to
24 the Unit 1 superintendent?

25 A It was the general practice to distribute minutes

1
2 to the Unit 1 superintendent, and as his assistant,
3 in reviewing correspondence that we discussed, I
4 would review the minutes of GORB meetings.

5 Q But you still don't have any recollection
6 of having reviewed these particular minutes?

7 A That's correct.

8 Q In looking at these minutes, do they
9 in any way refresh your recollection as to whether
10 or not you attended this meeting?

11 A No, they do not.

12 Q At the GORB meetings at which you did
13 attend, would a piece of paper be passed around
14 listing those people present or asking the people
15 who are present to sign the paper?

16 MR. MacDONALD: You are asking was that
17 ever done at the meeting?

18 MRS. VAUGHAN: At the meetings which
19 he attended.

20 A I don't recall that that ever was done.

21 Q Looking at page 2 of this exhibit, page
22 1 of the minutes of B&W 209, you see a list of
23 members and non-members.

24 Do you know whether it would happen
25 there would be people present at these meetings who

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wouldn't be listed as members or non-members?

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A I don't know that.

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Q Do you believe that everybody present would be listed in the minutes? Was listed in the minutes?

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MR. MacDONALD: Are you asking was that his understanding of the normal practice of the GORB?

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MRS. VAUGHAN: That's right.

A My understanding was that the general practice was to have several members of the plant staff give presentations to the GORB committee, and as a general rule, the number of persons giving presentations was between six and ten, and in addition to that, in addition to persons giving presentations on specific topics, it was the general practice that the unit superintendent would also attend the meetings, and it was my understanding that the unit superintendent was a non-member.

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Q Were those individuals who gave presentations non-members?

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MR. MacDONALD: In the sense that we see on page 2 of the non-members who are listed?

MRS. VAUGHAN: That's right.

2 A I recall members giving presentations to the
3 GORB committee, and I recall non-members giving
4 presentations to the committee.

5 Q Let me ask it this way. Are there two
6 categories of individuals present at the GORB
7 meetings, that is, those who are members and those
8 who are non-members, or are there three categories,
9 members, non-members, and staff, or some other
10 category?

11 A I am not qualified to answer that.

12 Q Do you know?

13 A I don't publish these minutes.

14 Q I know that. I am just wondering if you
15 know.

16 A No, I don't know.

17 Q Have you reviewed minutes of the GORB
18 meetings at which you were present?

19 A Yes.

20 Q Did you see your name listed under the
21 members or non-members?

22 A I don't recall that I did.

23 Q You don't recall that you did see your
24 name or you don't recall whether you did or did not
25 see your name?

1

2 A I don't recall whether I did or did not see
3 my name.

4 Q Do you or your secretary or the unit
5 superintendnet maintain a file of GORB meeting
6 minutes?

7 A Yes.

8 Q Are they in your office?

9 A No, they are not in my office.

10 Q In whose office are they?

11 A Pat Schlegel's office.

12 Q Would you look again at the list of
13 members and non-members?

14 A Excuse me. Let me clarify that last response.
15 Either Pat Schlegel's office or in Al Stowe's
16 possession.

17 Q Who is Mr. Stowe? I know his name has
18 been mentioned. Does he work for Metropolitan Edison?

19 A Yes.

20 Q Has he worked for Met ED all along or
21 is he engaged in this litigation?

22 A I don't know that he is involved in the
23 litigation, and he is employed by either Metropolitan
24 Edison or GPU.

25 Q Does he keep the files that you have

1
2 referred to as a normal course of business, in
3 the normal course of business?

4 A He acts in part in a capacity of an
5 administrator of document storage on the island.

6 Q In the normal course of business?

7 A Yes, that's correct.

8 Q Would you again look at the list of
9 members and non-members there.

10 Do you recognize any names from B&W
11 there or anyone who was not employed at that time,
12 to your knowledge, by Metropolitan Edison or GPU?

13 A Yes.

14 Q Whose names are they?

15 A Mr. Schuler.

16 Q By whom is he employed?

17 A I believe he was employed by B&W. Mr. Lowe.

18 Q By whom was he employed?

19 A I believe the law firm, Pickard, Lowe &
20 Gehrig.

21 Mr. Miller, J. G. Miller.

22 Q By whom was he employed?

23 A I don't know his employer.

24 Q But you know he was not employed by
25 Metropolitan Edison or GPU?

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A It was my understanding that he was not.

3

Those are the only people.

4

5

Q Are there any people on this list that you are unsure of or you are sure that everybody else was employed by Met ED or by GPU?

6

7

A Mr. Kulnych, I have never heard that name before.

8

Q Anyone else?

9

A No.

10

11

Q How frequently were the GORB meetings held?

12

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A It has been my understanding that there is a technical specification requirements that they held with some frequency, and I believe that frequency is at least every six months. As to how often they are held, I don't know.

17

18

Q Do you recall during 1978 how many meetings of the GORB you attended?

19

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A I don't recall that I attended any meetings in 1978.

21

22

23

Q It is now your testimony that you don't recall attending any meetings in 1978 of the GORB?

24

25

A That's correct.

Q Do you recall when you attended any meetings of the GORB?

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A I recall attending one specific meeting on the same day that Ron Toole became unit superintendent for Unit 1.

4

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Q Which was after the accident?

6

A Yes, that's correct.

7

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Q Do you recall that you attended any meetings prior to that?

9

A Yes, I did.

10

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Q You just don't recall when those meetings were?

12

A Yes, that's correct.

13

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Q Do you recall that you attended them on a regular basis?

15

A Yes, I did, for some period of time.

16

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Q And your testimony is you don't know what period of time that was, you don't recall what period of time that was?

19

A Yes, that's correct.

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Q At any of the meetings of the GORB that you attended, do you recall the discussion about the subject matter raised in GORB action item number 31 which is B&W Exhibit 74?

24

A Yes, I do.

25

Q Do you recall when those meetings were?

1

2 A I don't recall each and every meeting.

3 Q Do you recall any meetings?

4 A Yes, I do.

5 Q When was that meeting?

6 A I recall that it was subsequent to the TMI-2
7 accident.

8 Q Do you recall any GORB meetings prior
9 to the TMI-2 accident at which this subject matter
10 was discussed?

11 A No, I do not.

12 Q Do you recall that it was discussed at
13 meetings prior at which you attended, prior to the
14 TMI-2 accident?

15 A No.

16 Q At the meeting at which you do recall
17 that it was discussed after the accident, do you
18 recall the nature of the discussion?

19 A Yes, I do.

20 Q What was that?

21 A It was to what extent GPU should employ their
22 own resources for reviewing industry operating
23 experience, to what extent they should rely on
24 outside sources of information, and the institution
25 of new organizations whose purpose it was to review

1
2 industry operating experience.

3 Q Were you at that particular meeting
4 because of this very subject matter?

5 MR. MacDONALD: You are asking him
6 whether he was requested to be there because
7 it was a subject of discussion?

8 MRS. VAUGHAN: Either requested or there
9 on his own because of the subject he just
10 described.

11 A I recall prior to the meeting I had knowledge
12 that that was an item on the agenda to be discussed
13 at the meeting, and although that was not the sole
14 purpose of my attending the meeting, I attended the
15 meeting with an interest in hearing that discussion.

16 Q Did Mr. Seelinger ask you to go to the
17 meeting?

18 A I don't recall whether he did.

19 Q Did Mr. Miller ask you to go to the
20 meeting?

21 A I don't recall when the meeting was held and
22 who was the superintendent at the time.

23 Q How were you aware of the agenda for the
24 meeting?

25 A Because for some period of time one of the

1
2 administrative responsibilities that I discussed
3 earlier that I had was to review the agenda and
4 assist the superintendent in assigning individuals
5 on the plant staff to prepare for presentations, and
6 the agenda was received in advance of the meeting
7 an' used to aid in the preparation of these
8 presentations.

9 Q What was said at the meeting that you
10 recall about whether or not GPU or Metropolitan
11 Edison should use its own resources to review
12 experiences at other plants, operating experiences?

13 A I don't recall exactly what was said.

14 Q In words or substance?

15 A I recall that it would not be cost effective
16 for each and every utility to develop a system
17 organization whose sole responsibility or who had
18 the responsibility for reviewing all LER's and
19 filtering out those that may have some importance
20 on nuclear safety or applicability to one of the GPU
21 nuclear units. I recall discussions related to
22 improvements in the NRC's system for reporting
23 industry operating experience and the developing
24 of a new organization called INPO, whose purpose it
25 would be to review and disseminate operating experience

1

2 information.

3

4 Q Who were the primary participants in

5 A I recall that one was Mr. Jack Thorpe.

6 Q What position does he hold?

7 A I believe he was the chairman of the GORB at that
8 time. I recall Mr. Lou Roddis was another.

9 Q What was his position?

10 A I don't recall.

11 Q Was he with Metropolitan Edison?

12 A No.

13 Q GPU?

14 A No.

15 Q Which organization was he with?

16 A Another utility.

17 Q You don't remember which utility?

18 A To the best of my recollection, it was
19 Carolina Power and Light.20 Q Do you recall anyone else participating
21 in the discussion?22 A I recall that there were other members that
23 were involved in the discussion. I don't recall
24 their names.

25 Q Do you recall either by name or by

organization others who were present that were not employed by Met ED or GPU?

A No, I do not.

Q Do you recall whether there were other utilities present besides Mr. Roddis from Carolina Power and Light?

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

Q Do you recall anyone from the NRC being present?

A No, I do not.

Q Do you recall anyone from B&W being present?

A It was my understanding that it was a requirement that a member of B&W be present at GORB meetings, but I don't recall at this specific meeting that there was any member present.

Q Would that requirement be from the technical specification?

A Not that I recall.

Q Do you recall where the requirement was that a B&W person be present?

A No.

Q But you recall that was a requirement?

A Yes, I do.

1
2 Q Do you recall any discussion at this
3 meeting about whether there were deficiencies in
4 the system for disseminating information, deficiencies
5 in general, in the dissemination of information
6 about operating experiences at other plants?

7 A I wouldn't refer to the discussion as being
8 centered around deficiencies. It was centered around
9 possible improvements to present systems that existed
10 disseminating operating information.

11 Q What aspect of the present system was
12 identified as needing improvement?

13 A There was no aspect that was identified as
14 needing improvement that I recall.

15 Q What was the outcome of the discussion?

16 A I don't recall that there was an outcome.

17 Q Was there a resolution of the issues
18 identified?

19 A I don't know if there was a resolution.

20 Q Have you ever heard of a resolution?

21 A A resolution that responded to this specific
22 action item number 31?

23 Q A resolution that responded to the issues
24 discussed at the meeting at which you recall being
25 present? In other words, you identified one of the

1
2 issues discussed as being that it was not cost
3 effective for each utility to establish an
4 organization to review the materials.

5 A Yes, I do.

6 Q What was the resolution?

7 A One resolution that I know of, one part of a
8 resolution, is that GPU did establish an organization
9 for reviewing LER's and disseminating applicable
10 information to the various organizations in the GPU
11 system.

12 Q Is that the plant management group?

13 A Plant analysis group.

14 Q That you have identified previously?

15 A Yes, that's correct.

16 Q Any other resolutions that you recall?

17 A Yes, since that time, we, we being the Unit 1
18 superintendent, at least as one individual, have
19 been receiving reports from an organization outside
20 of GPU, and I believe that the organization that
21 those originate from is called NSAQ. I am not sure,
22 and I believe the title of the report is something
23 nuclear data link. Something to that effect.

24 Q Anything else?

25 A Yes, in addition to reviewing all LER's, the

1
2 plant analysis group reviews other sources of
3 information for dissemination to the plant staff
4 and other organizations in the GPU system.

5 Q Has the plant analysis group essentially
6 replaced your role in reviewing the mail for the
7 Unit 1 superintendent insofar as mail is the
8 publications received?

9 A No.

10 Q Did the plant analysis group review some
11 of the same publications that you would review, that
12 you review now?

13 A The same types of publications?

14 Q Or the same publications. I know some
15 of them you have already testified that other people
16 review, for instance, the Atomic Energy Clearing House
17 you testified that Dave Carl now reviews, and the
18 plant analysis group now reviews the Nuclear
19 Generation Experience or Nuclear Power Experience,
20 rather, but how about Current Events-Power Reactors?
21 Does the plant analysis group review that?

22 Let me put it a different way. Do you
23 continue to review that now?

24 A Yes.

25 Q What kind of data does the Nuclear

1
2 Data Link publication generate or group generate?

3 A The information related to transients, nuclear
4 plants.

5 Q Did that group exist before the accident
6 at Three Mile Island, to your knowledge?

7 A Not to my knowledge.

8 Q Did the publication exist? Is it a
9 publication, Nuclear Data Link?

10 A No, I wouldn't refer to it as a publication.

11 Q What would you refer to it as?

12 A A document that is received through some form
13 of facsimile, telecopy, for example.

14 Q Is this some kind of a computer link-up?

15 A Yes, it is.

16 Q Much like a Lexis system?

17 A I am not familiar with that system.

18 Q You request information and it comes out?

19 A I don't know. It is my perception that it is
20 a computerized system.

21 Q Can other utilities hook up to it?

22 A I don't know.

23 Q Was there any discussion at this GORB
24 meeting at which you recall being present about
25 specific problems in notification concerning the

2 Davis-Besse September 24, 1977 incident?

3 A Not that I recall.

4 Q Do you recall any specific problems
5 being raised at that meeting about receiving
6 information?

7 A No, not about receiving information.

8 Q What about? Any specific problems at
9 all other than the general categories you have
10 described?

11 A No.

12 Q Was the discussion generated by the
13 accident at Three Mile Island?

14 A I don't know that it was.

15 Q Did you hear that it was? Was it your
16 understanding that it was?

17 A It was my understanding that in part, if not
18 entirely, that because GPU or Met ED was not aware
19 of the Davis-Besse incident, considering all the
20 mechanisms that were available to make GPU or Met ED
21 aware of that incident, that a review of the current
22 mechanisms and possible changes to those mechanisms
23 might be appropriate.

24 Q Was there any discussion concerning
25 deficiencies in the kind of information that was

1
2 received?

3 A Yes, I recall that not as a deficiency necessarily
4 but as a reason for potentially not being aware of
5 transients at other plants that there was such a
6 volume of information made available and that there
7 was some question as to how dependable the NRC and
8 B&W was concerning filtering that information and
9 providing specific utilities with information
10 appropriate to them or applicable to them, that
11 consideration was given to developing an organization
12 to perform that function within either Met ED or GPU.

13 Q Was there any discussion that Met ED or
14 GPU should have been filtering that information all
15 along?

16 A I recall a discussion concerning the difficulty
17 with filtering that information.

18 Q What was the substance of the discussion?

19 A I particularly recall the GORB requesting a
20 copy of the -- I don't recall the specific name of
21 it. The computer listing of all LER's provided by
22 the NRC.

23 Q Do you remember why the GORB requested
24 that?

25 A Because of their interest in the volume of

2 information and the difficulty that an individual
3 would have in reviewing that information and
4 extracting from that information that would be
5 applicable to TMI-1.

6 Q Was there any one person who was
7 responsible for heading up this discussion? I assume
8 this was an item on the agenda, is that correct?

9 A No, I don't recall that it was an item on the
10 agenda. I don't know whether it was.

11 Q Do you recall that all of a sudden people
12 just started talking about it?

13 A I don't recall what initiated the discussion.

14 Q Do you recall any reference to the GORB
15 meeting number 30, the minutes of which you just
16 reviewed, or the GORB action item 31?

17 A No, I do not.

18 Q Do you recall anyone saying at that
19 meeting, the meeting at which you were present, that
20 this communication of events that have occurred at
21 other utilities has been an ongoing problem?

22 A No, I don't recall that.

23 Q Do you recall anyone stating that it was
24 an ongoing topic of discussion for the GORB?

25 A I know that for at least three meetings it was

1
2 a topic of discussion that was either deferred to
3 subsequent meetings or discussed at each meeting.

4 Q Which three meetings were they?

5 A I don't recall.

6 Q How do you know there were three of them?

7 A Because I recall that it was an item on the
8 agenda for three meetings, at least three meetings.

9 Q Were the three meetings meetings that
10 included the one that we have just been talking
11 about followed by two more, or preceded or a meeting
12 on each side?

13 A As I recall, the meeting that I attended that
14 we have just been discussing was one of the three.

15 Q Did you attend the other two?

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

17 Q Did you make any presentation at the one
18 we have just been discussing?

19 A I don't recall that I did.

20 Q Did you prepare any written materials
21 for distribution at the meeting?

22 A At the meeting in question?

23 Q That we have been talking about.

24 A I don't recall that I did.

25 Q How about the other two meetings?

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

3

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Q Did anyone else prepare any materials for distribution concerning this topic?

5

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A Yes, at the meeting that we have been just discussing, it was requested that members of the Training Department bring to the meeting a copy of the publication, the computer listing of LER's provided by the NRC.

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Q Who was that person, Mr. Brown?

A No, it was Mr. McCormick who was the person who physically brought the document to the meeting.

Q Who presented it at the meeting?

A I don't know that anyone presented it.

Q Was a copy of it distributed?

A I know a copy of it was brought to the meeting and was reviewed by one or more GORB members. I don't know that there was any distribution made.

Q During that meeting it was reviewed?

A Yes, it was.

Q Which LER listing was it?

A The one provided by the NRC.

Q During what period of time?

A I don't recall.

Q Was it a discussion of the Davis-Besse

2 September 24 incident?

3 A I recall that the request dealt with simply
4 an example of the computer listing and not for any
5 specific period of time.

6 Q Do you recall any other materials being
7 provided concerning this subject at the meeting?

8 A No, I do not.

9 Q At either of the other two meetings?

10 A Not that I recall.

11 Q Do you keep copies of the agenda for
12 these meetings in your files?

13 A Not that I know of. I don't believe I do in
14 my files, no.

15 Q Does anybody in their files that you
16 know of?

17 A Yes.

18 Q Who is that?

19 A The files that Pat Schlegel maintains for the
20 superintendent.

21 (Luncheon recess taken.)

22

23

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A F T E R N O O N S E S S I O N

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R O N A L D S T E P H E N H A R B I N , having

5

been previously duly sworn by a Notary Public,

6

resumed, and continued to testify as follows:

7

EXAMINATION (continued)

8

BY MRS. VAUGHAN:

9

Q Before we broke for lunch, we were

10

talking of a GORB meeting which you recall attending

11

sometime after the accident at Three Mile Island.

12

During that meeting, you indicated there was a

13

discussion of basically the same subject matter

14

which was the subject of action item number 31, that

15

is, transmitting information of other operating

16

utility plants to Met ED and other facilities.

17

Was the discussion a focus more on the

18

external means of collecting that data about the

19

plants or internal means that Met ED or GPU had for

20

filtering that data?

21

MR. MacDONALD: Your question was

22

beginning with the word was?

23

MRS. VAUGHAN: That's right.

24

MR. MacDONALD: I object to the form.

25

It contains an assumption that may not necessarily

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be correct in providing the two alternatives

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assuming either one of those were discussed.

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Q If neither alternative was discussed --

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A I don't recall that either was.

6

Q But you do recall that there was

7

discussion that it was not cost effective for each

8

utility to establish an organization to review data

9

that was collected from the other plants?

10

A I recall a discussion relating to the cost

11

effectiveness of each utility reviewing the same

12

information, not that it was not cost effective.

13

Your question implied that there was a decision made

14

or an implication made that it was not cost effective.

15

Q And that is not true? Is that what you

16

are saying? There was no discussion that it was

17

not cost effective?

18

A I don't recall any.

19

Q What do you recall, just a discussion

20

as to whether or not it would be cost effective?

21

A Yes, that's correct.

22

Q Do you recall any conclusion being

23

reached on the cost effectiveness?

24

A No, I do not.

25

Q Was the establishment by Met ED of the

1
2 plant analysis group a response to that concern?

3 A Since I didn't have any input into the
4 establishment of that group, I am not qualified to
5 state why that group was established.

6 Q Who established or who would have the
7 final authority to establish the plant analysis
8 group? Who did have the final authority?

9 A I don't know.

10 Q Do you recall any discussion at the GORB
11 meeting you attended of establishing the plant
12 analysis group?

13 A No, I don't recall any.

14 Q Was the plant analysis group established
15 after this meeting that you recall attending?

16 A To the best of my recollection, it was.

17 Q Were any particular external sources of
18 information discussed at this GORB meeting other
19 than the LER to which you referred earlier?

20 A Yes, there were.

21 Q Which ones?

22 A I recall that NRC bulletins, circulars, and
23 notices, and also B&W users group meetings. Those
24 are two of the sources of information that I recall.

25 Q Being discussed?

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2 A Yes, other than the LER NRC summaries.

3 Q What was said about the users group
4 meetings?

5 A I don't recall specifically what was said.

6 Q What was said about the NRC bulletins,
7 circulars, and notices?

8 A That those documents as a group were intended
9 to provide information and to perform a service of
10 providing information that the NRC knew the utilities
11 would need that would provide detail on operating
12 experience at other nuclear facilities and on
13 components and occurrences at other facilities.

14 Q Did you mean to include in your answer
15 anything that was said about the users group meeting,
16 or were you just focusing on the NRC bulletins?

17 Let me ask you this: What was said about
18 the users group meetings?

19 A I think you asked me that before and I said I
20 didn't recall what was said specifically.

21 Q Do you recall any expression by
22 anybody at that meeting of dissatisfaction with
23 the NRC's bulletins, circulars, or notices?

24 A I don't recall whether there was or was not.

25 Q Do you recall any expressions of

1
2 dissatisfaction with the users group meetings?

3 A I don't recall whether there was or was not.

4 Q Do you recall any expression of satisfaction
5 with either the NRC or users group meeting?

6 A I recall -- the answer to that question is no.
7 I recall that the discussion related with the GORB's
8 expectation as to what notices, circulars and bulletins
9 should do, and I don't recall any comments on what
10 they had done in the past. Whether there was any
11 satisfaction or dissatisfaction.

12 Q Do you recall any mention made of the
13 B&W operating plants service bulletins or the newsletter?

14 A No, I don't recall any mention of that.

15 Q Do you recall any discussion at all about
16 B&W's information, the kind of information B&W
17 provided to Metropolitan Edison?

18 A You are referring to discussions only during
19 that particular meeting?

20 Q Yes.

21 A I don't recall that it was at that particular
22 meeting, but I recall that during a meeting that
23 may have been that meeting that the purpose of
24 having a B&W employee represented on the GORB
25 committee was to insure that the details of operating

1
2 experience at other facilities would be related to
3 TMI-1 and also that they would be emphasized
4 appropriately.

5 Q Do you recall who participated in that
6 discussion?

7 A I recall that Mr. Schuler was in attendance
8 during that discussion.

9 Q Do you recall that he made that
10 statement?

11 A I don't recall who made that statement.

12 Q Why is it you recall Mr. Schuler was
13 in attendance?

14 A Why do I recall now?

15 Q What is it about the meeting and
16 Mr. Schuler's being in attendance there but you
17 can't recall who made the statement?

18 MR. MacDONALD: If anything at all.

19 Q Did he say something? Is there a reason
20 why you remember he was there?

21 A I recall that at the time I felt that it was a
22 politically sensitive issue and that I was glad to
23 see that it was being discussed in his presence.

24 Q Why were you glad to see it was discussed
25 in his presence?

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A One reason that I recall is that during the meetings that I attended in which Mr. Schuler was in attendance, I didn't feel that he added much as a general rule to either discussions relating to internal GPU affairs and especially to affairs that were generic issues to B&W operating plants.

Q What was your view of the role he was supposed to be playing in those meetings?

A The role of the B&W expert who was there to offer his technical expertise in any discussions relating to generic B&W plant problems or operating experience, or if there were any events that occurred at TMI-1 that may not have been identified previously to members of Met ED or GPU, that he would bring that to the attention of the GORB at the time of the meeting.

Q If I understand you correctly, are you saying he would bring to the attention of the GORB events that occurred at TMI-1 or TMI-2 about which the GORB had not been informed by its own people?

A No, that upon hearing of the events at TMI-1 and not just events but for example component failures.

Q That occurred at TMI-1?

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A Yes. If he had knowledge of similar failures at other plants that would indicate some generic problem, that he would bring that to the attention of the GORB.

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Q Do you recall specifically ever sitting in a meeting of the GORB with Mr. Schuler present in which he did not speak up and you thought he should have?

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A I don't recall any specific instances of that.

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Q Do you have --

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A As I mentioned a few minutes ago, it was my general impression that he was a very quiet individual that contributed very little to the meetings.

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Q Were you ever present at any other GORB meeting in which there was another representative from B&W other than Mr. Schuler?

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A Yes, I was.

19

Q Who was that?

20

A I don't recall his name.

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Q Would you have the same thing to say about that individual as you do about Mr. Schuler?

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A No, I don't recall the individual. I don't recall anything about him other than that there was another individual.

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Q From whom did you get your impression of what role the B&W individual should perform on the GORB? Your impression or your knowledge.

A I don't recall by whom I received that information, but I do recall a discussion that was related to the membership of the committee and that I had questioned why there were members from other utilities, companies and how the division was made as to what companies and/or utilities were represented.

Q When did that discussion take place?

A I don't recall.

Q Was it after the accident at Three Mile Island?

A I don't recall whether it was or wasn't.

Q Did you keep any notes from the meeting of the GORB that we have been talking about, the one you recall you attended?

A I don't recall that I did.

Q If you did keep them, would they be in your files?

MR. MacDONALD: You are asking if he had a general practice as to the notes of GORB meetings?

MRS. VAUGHAN: Yes.

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A My general practice was to file any notes that I took or may have taken during the meeting in the superintendent's file.

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Q By the superintendent's file, are you referring to a file that the superintendent maintained relating to the GORB meeting itself?

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A Yes.

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Q Do you know whether the superintendent maintains or maintained individual files for each GORB meeting?

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A Yes, I do.

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Q What does the superintendent do or what did he do?

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A Depending on the period of time, there was either no file at all on a particular meeting, and for some meetings examples of items that would be retained in a file on the particular meeting would be the agenda, a listing of individuals that made presentations on various agenda items, drafts of those presentations, notes taken during the meeting, draft minutes following the meeting, and then final minutes following the meeting.

24

Q Do you know --

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A Those are the two extremes, as far as some

2 files containing nothing or no existing files
3 for some meetings, to what I just described.

4 Q Do you know whether there is a file for
5 this particular meeting that we are talking about?

6 A No, I don't know that.

7 Q Do you have an understanding that there
8 is a file for this meeting?

9 A For what meeting?

10 Q About which we have been talking, the
11 one where you were present and there was a discussion
12 of sources of information?

13 A I don't know that there is.

14 Q Other than the changes that you identified
15 earlier -- excuse me -- the results, if you will,
16 from this discussion, that is, you identified a
17 plant analysis group, and you said Unit 1 gets
18 reports from NSAC or NSAQ. Are you aware of any
19 changes which were made in the process for acquisition
20 and use of information resulting from this GORB
21 action item 31?

22 I will rephrase the question.

23 Are you aware of any changes which were
24 made in the process of acquiring and use of
25 information about incidents at other nuclear plants

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2 that resulted from the GORB action item number 31?
3 That is Exhibit 74. Just to make it clear, what
4 I am focusing on is any changes which might have
5 been made between this time and the accident.

6 A In direct response to this --

7 Q As you understood that it was perhaps
8 responding to that.

9 A I don't know of any.

10 Q Do you know of any changes at all
11 whether or not you understood them to be made from
12 this action item about the process by which Met ED
13 and GPU acquired and used information about other
14 facilities?

15 A I have already described two organizations
16 that have been established to disseminate operating
17 experience information since the accident.

18 Q Is that the INPO organization?

19 A NSAQ and plant analysis group, but --

20 Q They were established after the accident;
21 is that right?

22 A That is my understanding.

23 Q Do you know of anything that was
24 established prior to that, any changes?

25 A Let me finish answering that question. I don't

2 know that they performed the review any differently
3 than the review that was performed before their
4 establishment, the review being the review of LER
5 summaries, for example.

6 Q Did anything change in the way you
7 reviewed the mail that came into the Unit 1
8 superintendent between June 1978 and March of 1979?

9 A I don't recall whether there were any changes
10 during that period of time.

11 Q In your testimony in the last day or
12 two, you have referred to action items; is that
13 correct?

14 A I have used that term.

15 Q Is this the kind of an action item that
16 you had in mind when you used that term, this GORB
17 action item number 31?

18 MR. MacDONALD: Whether each time he
19 used the term action item in his previous
20 testimony you could equate that with GORB
21 action item 31?

22 MRS. VAUGHAN: No, whenever he used the
23 phrase whether this would be the kind of an
24 action item which would fall within the use
25 of his word or whether there are other kinds

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of action items to which you were referring
and as to which this would not be encompassed
by.

A In referring to the term action item yesterday,
I hadn't thought specifically of a GORB action item.

Q Do you keep track in your job of action
items, not that you follow through yourself, but
did you see that others follow through and complete
the action item when they are required to?

A I have some responsibilities for some action
items, for doing that with some action items.

Q Would a GORB action item be encompassed
within your responsibility?

MR. MacDONALD: You are asking was it
ever?

MRS. VAUGHAN: Yes, with regard to this
particular one.

A Yes, it was.

Q Was this particular one, B&W Exhibit 74,
one of those that fell within your responsibility?

A I don't recall whether it was or not.

Q Would you in the normal course of business
have any dealings with Mr. Lawyer regarding his
area of expertise?

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2 A Yes, infrequently.

3 Q How about Mr. Kunder?

4 A Yes, for a certain period of time.

5 Q Is there anything about the nature of
6 this GORB action item by which you could tell that
7 you did not have anything to do with it? Is there
8 anything in the subject matter of the action item
9 or the people to whom it had been assigned that would
10 indicate to you that you would not have had any
11 responsibility for making sure it was completed on
12 time?

13 MR. MacDONALD: He already answered he
14 doesn't recall.

15 MRS. VAUGHAN: I am just probing his
16 recollection, seeing if I can't get him to
17 recall.

18 A I don't recall ever having seen this document.

19 Q With reference to D&W Exhibit 208, the
20 letter to Mr. Kemeny, do you know who did prepare
21 this letter?

22 A No, I don't know who prepared this.

23 Q And by that, I take it you also don't
24 know who did assist in the preparation of this in
25 any way?

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2 A No, I don't know.

3 Q Do you know anyone who would know?

4 MR. MacDONALD: You mean aside from
5 Mr. Arnold?

6 A I was going to say Mr. Arnold might know. I
7 don't know.

8 Q You don't know?

9 A No.

10 MRS. VAUGHAN: I would like to mark as
11 an exhibit, B&W Exhibit 210 excerpts of an
12 interview with Mr. James L. Seelinger on
13 September 5, 1979. I assume it is before the
14 Rogovin Commission, but I don't know for sure.

15 (Excerpts of an interview with
16 Mr. James L. Seelinger on September 5, 1979
17 marked B&W Exhibit 210 for identification,
18 as of this date.)

19 Q For your reference, if you want to look,
20 here is the full interview. Have you had an
21 opportunity to review the testimony given by
22 Mr. Seelinger?

23 A Yes, I have, the portion presented here,
24 Exhibit 210.

25 Q Mr. Seelinger in his testimony refers to

2 a determination made recently with respect to the
3 Current Events-Power Reactors. Is that your
4 understanding from having read this testimony?

5 MR. MacDONALD: The testimony speaks
6 for itself. You can ask him questions.

7 MRS. VAUGHAN: I just want to make sure --

8 MR. MacDONALD: If you want to direct
9 him to where it says that, fine.

10 MRS. VAUGHAN: I want to make sure we
11 understand what the testimony says together.

12 A Where do you see that?

13 Q On page 48.

14 A Where?

15 Q The middle of the page, "Question, You
16 said you had made a determination of this recently.
17 Who looked into this? Do you know?"

18 "Answer, I did."

19 "Question, You did?"

20 "Answer, And my assistant did."

21 "Question, Who?"

22 "Answer, Ron Harbin."

23 Do you recall Mr. Seelinger asking you
24 to look for the Current Events-Power Reactors
25 publication to determine whether it had been received

1
2 by the Unit 1 superintendent?

3 A It is unclear to me in this testimony whether
4 Mr. Seelinger was referring to for example when
5 he says we did not realize that our not seeing those
6 particular publications in Unit 2, that portion of the
7 sentence implies to me that he was in Unit 2,
8 and I never reported to him while he was in any
9 capacity serving in Unit 2.

10 Q But the question still remains, did you
11 at any time perform any kind of a search for
12 Mr. Seelinger to determine whether or not the Unit 1
13 superintendent had received the Current Events-Power
14 Reactors issue discussing the Davis-Besse event?

15 A I don't recall doing so.

16 Q Do you recall doing any kind of a search
17 or making any kind of a determination for Mr. Seelinger
18 with respect to what publications were received
19 regarding the Davis-Besse incident?

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

21 Q Was Mr. Seelinger the Unit 1 superintendent
22 and therefore your boss in September 1979 when he
23 gave this testimony?

24 A Yes, he was.

25 Q Was he your boss at the time of the

1
2 accident?

3 A Yes.

4 Q Is there anyone else that you know of
5 that Mr. Seelinger asked to perform administrative
6 functions for him?

7 MR. MacDONALD: At any point in time
8 during Mr. Seelinger's employment?

9 MRS. VAUGHAN: From the time of the
10 accident until the time of this testimony
11 that he has given here.

12 A One person that I know he asked to perform
13 administrative functions was his secretary.

14 Q Would he ask his -- do you know of any
15 time he asked his secretary to search the files to
16 find if a publication was there?

17 A I don't recall any specific requests of that
18 nature.

19 Q Would it be his normal practice to ask
20 you to look whether a publication came in?

21 MR. MacDONALD: Is that assuming he had
22 a normal practice?

23 MRS. VAUGHAN: Yes.

24 A It would depend upon the publication or the
25 document.

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Q How would it depend on the publication or the document?

A He had some knowledge as to which files I maintained and which files his secretary maintained, and if he knew that it was a document that I maintained in my files, then his general practice would have been to ask me.

Q Was Current Events-Power Reactors something you maintained in your files or something his secretary maintained in her files?

A Something his secretary maintained.

Q What was his secretary's name at the time?

A At what time?

Q The time of this, between the accident and the time of this testimony?

A One secretary's name was Donna Kent, and I don't recall if there were others.

Q Do you know whether Donna Kent was his secretary during this time?

A No, I don't recall.

MRS. VAUGHAN: I would like to mark as B&W Exhibit 211 a memorandum dated August 27, 1979 from R. S. Harbin to Don Reppert and a

second memo from Mr. Miller to Mr. Reppert dated July 12, 1979.

(Two memos, one dated August 27, 1979 from R. S. Harbin to Mr. Reppert, the second dated July 12, 1979 from Mr. Miller to Mr. Reppert marked B&W Exhibit 211 for identification, as of this date.)

Q Have you had an opportunity to review B&W Exhibit 211?

A Yes.

Q Did you write this memo that is dated August 27, 1979?

A Yes, I did.

Q Who was Mr. Reppert?

A At the time, I believe he was the GORB secretary.

Q Did you write to him in that capacity or in some other capacity?

A Yes, I did.

Q Why did you write the memo?

A I don't know why I wrote the memo.

Q Did Mr. Miller ask you to write it?

A I don't know why I wrote it.

Q Do you recall writing it?

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A Yes, I do.

Q But you don't recall why you wrote it?

A No, I do not.

Q Did you have any occasion to look at
B&W Exhibit 74 before you wrote it?

A Could you repeat that?

Q Did you review B&W Exhibit 74, the GORB
action item 31, before you wrote this memo?

A I believe I already testified that I don't
recall ever having seen this.

Q So you don't recall having looked at
that before you wrote this memo?

A Yes, that's correct.

Q Do you recall receiving Mr. Miller's
memo or reading Mr. Miller's memo dated July 12,
1979?

A Yes.

Q Does the mention in his memo of the
July 1979 meeting refer to the GORB meeting, to
a GORB meeting?

A I don't know what meeting that refers to.

Q You are not aware of any July 1979
meeting that he refers to at which item 31 was
discussed?

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2 A No, I can't be sure what meeting that is
3 referring to.

4 Q Do you have an understanding of what
5 meeting that is referring to?

6 A I can only speculate as to what meeting that
7 was.

8 Q In Mr. Miller's memo, Mr. Seelinger
9 is indicated as receiving a copy. Would it be your
10 general practice to review Mr. Seelinger's copies
11 of memos in your capacity as assistant to the Unit 1
12 superintendent?

13 MR. MacDONALD: You are asking him was it?

14 MRS. VAUGHAN: Yes.

15 A I believe I testified two days ago that in
16 my capacity as assistant to Mr. Seelinger, I
17 reviewed correspondence other than personal and
18 confidential correspondence, this falling into
19 that category.

20 Q Does seeing his name on Mr. Miller's
21 memo refresh your recollection at all that
22 Mr. Seelinger asked you to respond to the memo?

23 A I don't recall if Mr. Seelinger did request
24 me to respond.

25 Q Do you recall that Mr. Seelinger asked you

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2 to take any kind of action on the memo?

3 A No.

4 Q In your memo, you grouped the documents
5 discussed under A, B and C.

6 A Yes.

7 Q It also appears Mr. Miller groups those
8 documents in the same fashion from his memo. Is
9 there any significance to that grouping?

10 A You are asking me at this point in time do
11 I place any significance on the way this is grouped?

12 Q When you wrote the memo? At the time
13 you wrote the memo, was there any significance to
14 the grouping?

15 A I don't recall that there was.

16 Q Do you have any understanding of a
17 significance to those groupings?

18 MR. MacDONALD: At the time you wrote
19 the memo?

20 MRS. VAUGHAN: At the time or even
21 now subsequently.

22 A No, I do not.

23 Q Under group A, when you are referring
24 to the NRC bulletin, circulars and notices, you
25 indicate that reviews are performed by the unit

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2 superintendent, and this copy says unit
3 superintendent-technical support.

4 Did you mean to include both, or is
5 there a typographical error there?

6 MR. MacDONALD: You are asking him for
7 his recollection at the time he wrote it?

8 MRS. VAUGHAN: That's right.

9 A It was intended to mean both.

10 Q Did you mean by that that both the unit
11 superintendent and the unit superintendent-technical
12 support received copies of the NRC's bulletins,
13 circulars and notices simultaneously, or would the
14 unit superintendent route them to the unit
15 superintendent-technical support?

16 A It was my understanding at the time that they
17 both received them simultaneously.

18 Q And it was up to the unit superintendent
19 technical support to determine whether Licensing or
20 TMI will respond?

21 A I don't recall now.

22 Q Whether --

23 A What the method was at the time. I read in
24 this exhibit that that is what it says.

25 Q By TMI, did you mean that people on site,

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staff on site?

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A In referring to the two organizations, Licensing or TMI, Licensing and TMI, that refers to whether the response would originate from Licensing or whether it would originate from some member of the staff on site.

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Q This was written in August of 1979. Did that process represent anything new since the accident, or was that what had been done before the accident?

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MR. MacDONALD: What process?

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MRS. VAUGHAN: The process described in the NRC bulletins, under group A.

MR. MacDONALD: He testified he doesn't recall everything about that. Are you referring directly to the Licensing and TMI that came up in his last answer?

MRS. VAUGHAN: No, I am referring to the whole paragraph.

A The whole paragraph group A?

Q No, the whole paragraph, NRC bulletins, circulars and notices.

(Question read by the reporter.)

A I don't recall.

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Q Under "LERs - Old Method," what did you mean by "old method"?

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

Q Do you recall that at this time or shortly after this time there was a new method of distribution for the LER's?

A I don't recall that there was any method for distribution of LER's.

Q When you described the distribution of LER's, were you describing a distribution that you did or that somebody else did?

A My understanding of this paragraph is that it doesn't refer to distribution of LER's.

Q What does it refer to?

A Summaries of LER's.

Q How do you understand that?

A How do I understand what?

Q That it refers to summaries of LER's.

A By reading this sentence.

Q Is there a sentence there that implies, that says there is a summary of LER's?

A It says, "List of industry LERs (approximately 100 to 150) contained in every third or fourth bi-weekly Atomic Energy Clearing House. (See Group B below.)"

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Q If it is a list of industry LER's or summary, does that describe the distribution of those, that is, they were routed to all lead engineers?

MR. MacDONALD: You are talking about as of the 27th of August?

MRS. VAUGHAN: Yes, the date of the memo.

A That was the practice during some period of time in which I reviewed the Atomic Energy Clearing House.

Q Were you the one who made the distribution of the list of industry LER's to the lead engineers, or did somebody else do that?

A I did that.

Q And that was a list as found in the Atomic Energy Clearing House publication as is described in this paragraph; is that correct?

A Yes.

Q Now that we have focused on the fact that it is a list of industry LER's, does that change your testimony in any way about what is meant by "old method"?

A I don't know what it meant by old method.

Q But you did write it?

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A I testified that I wrote this memo.

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Q Did you have anyone assisting you on this memo, in the writing of this memo or the gathering of the information?

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A Not that I recall.

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Q How about under Group B?

(Recess taken.)

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BY MRS. VAUGHAN:

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Q I believe we were up to Group B documents.

The first item under group B, Current Events-Power Reactors/Operating Experiences.

Does the operating experiences after the slash indicate another publication, or is that just one publication?

MR. MacDONALD: You are asking for his understanding?

MRS. VAUGHAN: Yes.

A My understanding at the time was that there were two separate publications, and I grouped both publications into one heading, because I perceived both publications to be very similar in content.

Q Are both publications published by the NRC?

A That is my understanding.

2 Q Is that your understanding today?

3 A Yes, it is.

4 Q What is the Operating Experiences? I
5 am not sure I am familiar with that publication.

6 A It is a document published by the NRC that
7 provides descriptions of operating experiences at
8 other facilities, nuclear facilities.

9 Q Is it published at the same time that
10 Current Events-Power Reactors is published? The
11 same schedule?

12 A I don't know.

13 Q What kind of a format is it in?

14 A To the best of my recollection, Operating
15 Experiences documents were as a general rule six
16 to ten pages in length and often described between
17 five and ten incidents or findings or events at
18 other plants, and those events were only categorized
19 by event and not for example as the Current
20 Events-Power Reactors that we reviewed as an earlier
21 exhibit was categorized.

22 Q Have any of the exhibits that we have
23 talked about in the course of this deposition been
24 the Operating Experiences to which you have referred
25 to here?

2 A No, I don't recall seeing any.

3 Q Have you mentioned the Operating
4 Experiences before now as a publication that you
5 reviewed?

6 A I mentioned yesterday, I believe, either one
7 or two other publications that were very similar
8 in nature to Current Events-Power Reactors, and
9 I didn't recall at the time yesterday what the
10 title of those publications were or publication was.

11 Q Do you recall now that the title is
12 Operating Experiences?

13 A That may not be the complete title, but in
14 essence that is the title.

15 Q Do you recall for how long you had been
16 reviewing Operating Experiences as an assistant to
17 the Unit 1 superintendent?

18 A No, I do not.

19 Q You have no recollection whatsoever?

20 A As I testified yesterday, I recall receiving
21 the Current Events-Power Reactors publication and
22 other publications, one or two, that were very
23 similar in nature, so similar that I was unable to
24 determine what the difference was and gave me an
25 impression of or gave me a lack of confidence in that

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2 publication or those publications as a complete
3 source of information on operating experience.

4 Q I am not sure I understand your last
5 answer.

6 What gave you a lack of confidence in
7 the publication?

8 A I recall thinking that I would have more
9 confidence in the publication if the title had
10 remained consistent and if each issue received
11 covered a specific period of time, and I recall that
12 some issues of these documents covered a period of
13 time. I recall that the periods of time or I recall
14 believing that the periods of time were not
15 always equal. I recall that some reports simply
16 had a date at the top of the document and no indication
17 as to the period of time that was covered, and
18 because of the differences in titles, I recall
19 questioning in my mind whether the same organization
20 had performed the review and had provided input to
21 the document, and therefore whether it was the same
22 kind of a review.

23 Q When you say these documents, do you
24 mean to include the document Current Events-Power
25 Reactors?

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2 A Yes, I do.

3 Q It was your impression that Current
4 Events-Power Reactors or your understanding that
5 it frequently changed titles and that it did not
6 come out at the same time and that the dates were
7 not always the same and that it wasn't clear which
8 dates were being covered by it?

9 MR. MacDONALD: I object to the form.
10 That is about four questions.

11 MRS. VAUGHAN: I am including within
12 that the items he listed.

13 MR. MacDONALD: I don't think he said
14 frequently.

15 Q Came out with the same degree of
16 regularity or at the same time?

17 A I didn't say that. I made reference as to
18 the period of time that the report covered.

19 Q Did the report itself come out with the
20 same regularity? You describe it here as approximately
21 bi-monthly. I assume that is what you mean by the
22 sign, the small upside down crosswise S.

23 MR. MacDONALD: Is that what you are
24 asking what he meant?

25 MRS. VAUGHAN: Yes.

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2 A Yes, that is what I meant, approximately
3 bi-monthly.

4 Q Did the Current Events-Power Reactors
5 come out bi-monthly on a regular basis?

6 A I don't know that.

7 Q You don't know when it came out?

8 MR. MacDONALD: He answered. You asked
9 him two questions and he said I don't know
10 that.

11 Q Do you know when the Current Events-Power
12 Reactors was published?

13 A Do I know when a particular issue was published?

14 Q Do you know as a general matter that the
15 Current Events-Power Reactors was published on a
16 bi-monthly basis by the NRC?

17 A No.

18 Q You don't know that?

19 A That's correct.

20 Q Do you know at any time when it did not
21 come out on a bi-monthly basis?

22 A I don't recall any.

23 Q Did you keep a log of Operating Experiences
24 as you received them?

25 A When?

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2 Q Whenever you received them, at any time.

3 A To the present day?

4 Q That's right.

5 A Yes, I testified yesterday that I keep a log
6 and have kept a log of NRC bulletins, circulars and
7 notices, since the beginning of 1980 to the present
8 time.

9 Q Do you mean to include in that Operating
10 Experiences?

11 A Could you clarify that question?

12 Q The question stands. Operating Experiences,
13 is that an NRC bulletin?

14 A Operating Experiences are provided by circulars,
15 notices and bulletins.

16 Q Is that what you mean by Operating
17 Experiences?

18 A Are you referring to the document Current
19 Events-Power Reactors or Operating Experiences? Or
20 are you referring to Operating experiences?

21 Q I am referring to Operating Experiences.
22 Is that the name of a document or is that just a
23 general description?

24 MR. MacDONALD: As it is used here in
25 this document?

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2 MRS. VAUGHAN: That's right. He
3 previously testified that Current Events-Power
4 Reactors and Operating Experiences are two
5 separate documents.

6 Q Is that correct that they are two
7 separate documents?

8 A Yes, I believe that is true.

9 Q Looking at Operating Experiences, is
10 that the title of the document or is that a general
11 classification of documents?

12 A It is either the title of a document or in
13 essence the title of a document.

14 Q Then aren't NRC bulletins, circulars
15 and notices separate documents from that?

16 A Yes, that's correct.

17 Q So that when you testified that you keep
18 a log of NRC's bulletins, circulars and notices,
19 you can't be including in that Operating Experiences,
20 can you?

21 MR. MacDONALD: The question was a log
22 of Operating Experiences. I don't think he
23 necessarily referenced it to a specific
24 publication as was the August 27, 1979
25 reference, and that is why he may have had it

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2 confused with bulletins, circulars and
3 notices. Operating experiences can be just
4 what the phrase says or it can be a publication.

5 MRS. VAUGHAN: I am just
6 referring to the document that is referenced
7 here, Operating Experiences.

8 Q Did you keep a log of Operating Experiences
9 as you received them?

10 A No, I did not.

11 Q Did you receive Operating Experiences in
12 1977, at any time in 1977?

13 A I don't recall the period of time in which
14 I received that publication.

15 Q Were copies of the publication Operating
16 Experiences kept by you or within the Unit 1
17 superintendent's office?

18 MR. MacDONALD: Could you break that down
19 because if you get a yes answer --

20 Q Were they kept by you?

21 A No.

22 Q Were they kept in the Unit 1 superintendent's
23 office?

24 A As a general practice, the ones that were
25 received were retained.

2 Q In the Unit 1 superintendent's office?

3 A Yes, the Unit 1 superintendent's files.

4 Q Do you see the first sentence under
5 Current Events-Power Reactors?

6 A Yes.

7 Q "These are," I think we agreed,
8 approximately, "bi-monthly NRC publications." And
9 then parenthesis "(see attached)."

10 Did you attach those publications to
11 this memo? This copy doesn't show that.

12 A I don't recall that I did or didn't.

13 Q Do you recall that you had any attachments
14 to this memo?

15 A No, I don't recall that I did. I don't recall
16 the memo well enough to recall that. I can read
17 that there is a reference made to the memo from
18 Mr. Miller to Mr. Reppert, and I can see that that
19 is attached but I don't recall attaching it.

20 Q You don't recall attaching Mr. Miller's
21 memo?

22 A That's right.

23 Q Do you recall attaching anything else
24 to your memo?

25 A No.

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Q Would you have kept a copy of this memo in your files? Would that be your normal practice?

A Could you read the question again?

(Question read by the reporter.)

A Yes, it would have been.

Q Would that copy have also had copies of the attachments with it? Would that also be your normal practice?

A Yes, that would be my normal practice.

Q For how long do you maintain your files?

MR. MacDONALD: Speaking of all his files now?

MRS. VAUGHAN: As a practice. If there is a difference, he can so state.

A Yes, there is a difference.

Q Would you describe that, please?

A As a general practice, there has been maintained a writer's file for memos and letters that I have written, and to the best of my knowledge, memos, those memos have been maintained or that file has been maintained.

Q Within your control, or in other words, did you send it on to a central filing system?

A I don't recall.

2 Q You don't know whether you have the
3 copies of the files yourself or you have sent them
4 on?

5 A For some period of time I maintained the writer's
6 file myself when I was first employed by the company
7 and for some period of time after that. No,
8 approximately the last three years, a secretary has
9 maintained a file.

10 Q Is this the secretary that you share
11 with Unit 1 superintendent?

12 A That's correct. There have been four secretaries
13 that I recall, and I don't recall the practice,
14 the specific practice of each.

15 Q Wouldn't the secretary do what you told
16 her to do with your files?

17 MR. MacDONALD: You are asking about
18 his statement of fact of his knowledge?

19 Q Do you consider the files that your
20 secretary maintained not to be within your control?

21 A I know that there are some files, some of my
22 writer's files, that have been sent to storage.

23 Q At your instruction?

24 A Yes.

25 Q And which files were they?

2 A I don't recall what period of time that covers.

3 Q Are they an earlier period of time in
4 your employment with Met ED, for instance the
5 files for 1977?

6 A I don't recall what period.

7 Q You don't recall what period of time you
8 have instructed your secretary to send your files to
9 the main file?

10 A That's correct.

11 Q Do you know what happens to the files
12 when they get to main files?

13 A No, that is out of my scope.

14 Q Out of your scope or out of your control?

15 A Out of my area of knowledge and expertise.

16 Q Have you ever sought to go back and get
17 an old file from main files?

18 A Of my writer's files?

19 Q Or any file you had sent there.

20 A Yes.

21 Q Has it been returned to you?

22 A I have located it.

23 Q Have you ever had an occasion when they
24 have said it has been destroyed?

25 A No, I have not.

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2 Q Do you know whether there is a practice
3 in the main filing system to destroy files after a
4 certain period of time?

5 A Not that I know of.

6 Q As far as you know, copies of all of your
7 correspondence, your writer's files, should be
8 available either in your office, your secretary's
9 office or in the main files, is that correct?

10 A Yes, I believe so.

11 Q In this same paragraph we were looking
12 at earlier, the one under "Current Events-Power
13 Reactors," is there any log, did you keep any log
14 at the time you received the publications which
15 would indicate to whom they were sent? Again we
16 are focusing just on the Current Events-Power
17 Reactors and the Operating Experiences as a
18 publication described here.

19 A No, there was no log maintained. However,
20 the general practice was to have the document that
21 was routed returned to me, and that document would
22 have indicated on it to whom it was routed.

23 Q Would it have been written directly on
24 the document, or would it be your practice to staple
25 a small slip of paper?

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A It was my practice to write it directly on the document.

Q Would those who had received it indicate they had received it by crossing out their names or initialing as a general rule?

A Yes, they would initial by their name as a general rule.

Q You also say, "The routed originals of most issues since March 1, 1979 are on file in the Unit 1 superintendent's office." Do you see that sentence.

A Yes.

Q Is that still true today?

A Yes, it is.

Q It was my understanding from the testimony that you have given so far that the Current Events-Power Reactors publication has been maintained since before March 1, 1979. Am I correct in that understanding?

MR. MacDONALD: Your understanding of that being his prior testimony --

MRS. VAUGHAN: Of that being a fact,

A Could you repeat the question?

(Question read by the reporter.)

A Yes, that's correct.

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Q Why did you note here that you

just had the originals since March 1, 1979?

A I don't know.

Q Do you have copies of the Operating Experiences going back earlier than March 1, 1979?

Again, that as a publication.

A I don't know what dates those cover.

Q Do you know if they go back before March 1, 1979?

A They being the operating experiences documents?

Q That's right.

A I don't know.

Q Do you know that they do not?

A No, I don't know chat they don't.

Q In the paragraph under "Federal Register," you indicate that the review of the Federal Register involves a five to twenty minute review.

How much time would the review of the Current Events-Power Reactors documents have taken you as a general practice?

MR. MacDONALD: If there was one.

A As a general practice, approximately 45 minutes.

Q Do you mean by that to cover only the Current-Events-Power Reactors, that one publication?

2 A No, I mean that to cover both publications.

3 Q How long would it take you as a general
4 practice to review just the one publication, the
5 Current Events-Power Reactors?

6 A I am sorry. My answer was intended to cover
7 both the Current Events-Power Reactors document as
8 it stands alone and to cover the Operating Experiences
9 document as it stands alone.

10 Q Does that mean it took you 45 minutes to
11 review each one?

12 A That's correct.

13 Q So it would be an hour and a half to
14 review both of them?

15 MR. MacDONALD: Assuming if he reviewed
16 them together.

17 MRS. VAUGHAN: If he added them together.

18 A I don't recall if they were ever reviewed
19 simultaneously, meaning within the same day or
20 received within the same day.

21 Q But you could review the Current Events-Power
22 Reactors publication in about 45 minutes, is that
23 your testimony, that one publication?

24 A No.

25 Q What is your testimony?

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A That as a general rule I would spend approximately 45 minutes reviewing either the Current Events-Power Reactors document and the Operating Experiences document.

Q Together?

MR. MacDONALD: Together meaning what?

Q I am not understanding. I just want to know the one document, Current Events-Power Reactors, how long would it take you to review that document, that one document, without regard to Operating Experiences?

A As a general rule, it would take approximately 45 minutes.

Q Do you know that in some instances the routed originals did not get returned to you of the Current Events-Power Reactors?

A No, I don't know that.

Q Was it your practice to check the file to see if all the publications were in your file?

MR. MacDONALD: All what publications?

MRS. VAUGHAN: Of the Current Events-Power Reactors.

A No, I don't recall that I ever had such a practice.

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Q Did you ever instruct the secretary whom you shared with the Unit 1 superintendent to keep track of that file and make sure that it was always complete?

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

Q So that if an original did not get returned to you, you would not know?

A For some period of time, I kept a copy of the cover sheet that indicated the distribution and placed that copy in the tickler file for some period of time, approximately a month from the time of my review, for the purpose of insuring that the document was returned to me.

Q What would happen if you went to your tickler file and found a copy of the cover sheet but no document?

MR. MacDONALD: You are asking whether or not that ever happened?

Q Did that ever happen?

A I don't recall that it did.

Q Does that mean that your set of Current Events-Power Reactors is complete in your files?

MR. MacDONALD: I object to the form. He said he did it for some period of time.

2 Q What period of time did you do it for?

3 A I don't recall.

4 Q For the period of time that you did it,
5 did you ever have an instance when the document was
6 not returned to you?

7 A I don't recall any.

8 Q If the document wasn't returned to you,
9 would it be your practice to put a copy of the
10 cover sheet in your file?

11 A I don't recall that I had a practice like that.

12 Q Do you recall approximately when you
13 had this practice? Was it at the beginning of your
14 employment?

15 A Approximately the beginning of 1978.

16 Q Do you recall why you established this
17 tickler file and this practice?

18 A Yes, I do.

19 Q What was that reason?

20 A So that I would have on file documentation as
21 to who had reviewed the various issues of the
22 document.

23 Q Was there a particular incident or
24 occurrence that happened that triggered this practice?

25 A No, not that I recall.

Q Did you do it for all the documents you
arded or distributed to others or just for
Current Events-Power Reactors?

Could you restate the question? Did I do what?

Q Did you keep this tickler file for all the
cations you distributed?

No, this was the only one I recall.

Q Why just this one?

I don't recall.

Q You don't recall why it was only this one?
That's correct.

(Time noted: 4:35 o'clock P.M.)

* * *

RONALD STEPHEN HARBIN

bed and sworn to before me

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 July 9, 1981 consisting
of pages 296 through 401;

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

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RONALD STEPHEN HARBIN (resumed)

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E X H I B I T S

B&W EXHIBITS

FOR IDENT.

209	Document entitled "Final Minutes Meeting #30" dated October 24, 1978	330
210	Excerpts of an interview with Mr. James L. Seelinger on September 5, 1979	368
211	Two memos, one dated August 27, 1979 from R. S. Harbin to Mr. Reppert, the second dated July 12, 1979 from Mr. Miller to Mr. Reppert	373

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