

UNITED STATES NUCLEAR REGULATORY COMMISSION

OFFICE OF INVESTIGATIONS

In the Matter)

INVESTIGATIVE INTERVIEW:)

DAVID A. KULISEK)

(CLOSED))

OFFICE OF INVESTIGATIONS
FIELD OFFICE, REGION II

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USNRC

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EXHIBIT 5 37
Page 1 of 35 Pages

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UNITED STATES NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS

In the Matter of)
)
 INVESTIGATIVE INTERVIEW:)
)
 DAVID A. KULISER)

Friday,
July 29, 1988

Tennessee Valley Authority
Tennessee

The above-entitled matter came on for hearing,
pursuant to notice, at 11:45 a.m.

APPEARANCES:

On behalf of the Nuclear Regulatory Commission:

E.L. WILLIAMSON
Office of Investigations
Region II
Atlanta, Georgia

DANIEL D. MURPHY
Operations Officer
White Flint, Maryland

On behalf of the Respondent:

DEBORAH B. CHARNOFF, ESQUIRE
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037

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C O N T E N T S

WITNESS

EXAMINATION

David A. Kulisek

Page 4

E X H I B I T S

None

P R O C E E D I N G S

1
2 MR. WILLIAMSON: For the record, this is the
3 interview of David A. Kulisek, regulatory licensing manager,
4 employed by the Tennessee Valley Authority. This interview is
5 being conducted by the Office of Investigations for the
6 Nuclear Regulatory Commission. It is July the 29th, 1988.
7 The time is 11:45. The interview is being conducted in the
8 offices of the law firm of Shaw, Pittman, Potts, and
9 Trowbridge in Washington, D C.

10 The nature of the interview pertains to the facts
11 and circumstances surrounding the submittal of a letter from
12 TVA to NRC dated March 20th, 1986, regarding TVA's compliance
13 with 10 CFR 50, Appendix B, at Watts Bar nuclear plant.

14 Currently present at this interview are Mr. Kulisek,
15 Mrs. Deborah Charnoff, attorney for the law firm of Shaw,
16 Pittman, Potts and Trowbridge, Daniel D. Murphy, and E.L.
17 Williamson, investigators with the Office of Investigations
18 for the Nuclear Regulatory Commission.

19 This interview is being transcribed with a court
20 reporter.

21 Mr. Kulisek, do you have any objections to being put
22 under oath prior to your testimony?

23 THE WITNESS: No.

24 MR. WILLIAMSON: Would you mind standing, please,
25 and raise your right hand?

1 Whereupon,

2 DAVID A. KULISEK

3 having been duly sworn, was called as a witness herein, and
4 testified as follows:

5 EXAMINATION

6 BY MR. WILLIAMSON:

7 Q. Mr. Kulisek, for the record, would you provide to us
8 some background information with regard to your education and
9 your work experiences to include your present position with
10 TVA?

11 A. I received my BS degree in nuclear engineering from
12 the University of Illinois in December of 1980, came to work
13 for TVA in January of '81, in the licensing staff, spent a
14 couple of years there and transferred over to the Division of
15 Nuclear Power in their Reactor Engineering Branch, transferred
16 up to Watts Bar about four years ago in the regulatory
17 engineering section, was promoted to supervisor shortly
18 thereafter.

19 I have gone through, I am a certified shift
20 technical advisor on Watts Bar nuclear plant. I was promoted
21 to the regulatory licensing manager position I believe back in
22 '86. Since then, I have served on the Watts Bar Task Force
23 from about March of '87 until December of '87. From then
24 until about a month ago, I was the acting site licensing
25 manager, and about a month ago I entered into about an

skt

1 18-month program that several middle level managers are going
2 through to receive senior reactor operator licenses on
3 Sequoyah.

4 Q. So up until this training period, you were
5 physically located at the Watts Bar site?

6 A. Yes, for about the past four years.

7 Q. Prior to the time that, of the substantive portion
8 of this interview, I would like to clarify for the record the
9 nature and scope of the representation by Mrs. Charnoff as it
10 pertains to Mr. Kulisek personally and any other parties of
11 interest in the matter under investigation.

12 Mr. Kulisek, I have a few questions I would like for
13 you to answer.

14 Is Mrs. Charnoff your personal representative at
15 this interview?

16 A. Yes, she is.

17 Q. Did you select her on your own, or was she selected
18 for you?

19 A. I selected her.

20 Q. Can you briefly describe how this selection process
21 took place?

22 A. Basically I have been working with Debbie on this
23 project all along. When I found out that, through her, that
24 you had asked to interview me, I asked her to represent me.

25 Q. Is Mrs. Charnoff being paid for her services as your

1 personal representative by anyone other than yourself, or are
2 you paying?

3 A. We have not discussed that. I do not know who is
4 paying.

5 Q. Would you assume that your employer is paying for
6 Mrs. Charnoff's services since you are not paying for them and
7 I don't think they are probably free?

8 A. I would assume TVA is paying for them, yes. If not,
9 I certainly will.

10 Q. Were you directed by anyone in your organization or
11 were you told by anyone in your organization that you could
12 have anyone to represent you and you voluntarily selected Mrs.
13 Charnoff?

14 A. I voluntarily selected Debbie.

15 Q. To your knowledge, did Mrs. Charnoff represent any
16 other party of interest in this interview?

17 A. She certainly represents other parties such as TVA.
18 I'm aware of that.

19 Q. Let me ask you, do you envision any conflict of
20 interest regarding your testimony here today between Mrs.
21 Charnoff's representation of both you and TVA?

22 A. No. I don't.

23 Q. If your testimony should contain information that
24 either you know or think would be derogatory to TVA, or would
25 indicate any criminal activity by TVA but was in no way

1 derogatory or incriminating to yourself, would you feel free
2 to testify knowing that Mrs. Charnoff represents TVA?

3 A. Yes, I would.

4 Q. If Mrs. Charnoff were to advise you not to testify
5 regarding such information, would you feel compelled to follow
6 that advice?

7 A. I would probably seek advice from another counsel at
8 that point.

9 Q. Is it your understanding that Mrs. Charnoff will be
10 your legal representative during this entire, the course of
11 this investigation to include any subsequent enforcement or
12 criminal action against TVA if such actions s were taken, or
13 do you understand that she will represent you only at this
14 interview?

15 A. I can't say. I haven't any understanding either
16 way. I have not thought about that.

17 Q. That would be something you would have to discuss if
18 the situation arose?

19 A. Yes, sir.

20 MR. WILLIAMSON: Mrs. Charnoff, are you acting as
21 Mr. Kulisek's personal representative here today?

22 MS. CHARNOFF: Yes, sir.

23 MR. WILLIAMSON: Is he paying you from his own funds
24 for your personal representation?

25 MS. CHARNOFF: As he indicated, we haven't discussed

1 it, but my expectation is that TVA would pay me as they have
2 done with respect to other individuals who are, who have been
3 subject to this investigation because of their work at,
4 because they work for TVA.

5 MR. WILLIAMSON: You have indicated that you have
6 represented other parties of interest to this interview.

7 MS. CHARNOFF: Yes.

8 MR. WILLIAMSON: In view--

9 MS. CHARNOFF: You have you continually asked that
10 question in terms of other parties of interest to this
11 interview, and I think that's the wrong question. I think
12 that there are other parties of interest in this
13 investigation. I don't know whether they are of interest in
14 this interview, and I think that's where people have stumbled
15 in answering that question.

16 MR. WILLIAMSON: Okay. In view of this additional
17 representation by you, do you believe it possible conflict of
18 interest could arise during this interview?

19 MS. CHARNOFF: I have no expectation whatsoever that
20 there would be a possible conflict of interest.

21 MR. WILLIAMSON: If such a conflict did arise, what
22 would you do?

23 MRS. CHARNOFF: I think this is the fourth time I
24 have made this explanation, but in essence, as in any other
25 situation, other cases in which I am working on, if I had a

1 conflict of interest among several clients, it would be my
2 responsibility, and this is spelled out in some detail in the
3 lawyer's ethical standards, it would be my responsibility to
4 discuss the matter with all parties concerned, at least both
5 clients, and to determine with them what the best course of
6 action would be.

7 There is not an automatic rule under our Code of
8 Responsibility for how to treat every case. It involves
9 judgment in terms of whether to continue the representation or
10 not continue the representation, and obviously it involves the
11 preferences of the client. If the clients want you to
12 continue to represent them, even though there may be a
13 potential conflict, I believe that that's what a lawyer is
14 supposed to do, but I don't think we are anywhere near that
15 situation in this case, so that is hypothetical.

16 MR. WILLIAMSON: Any questions?

17 MR. MURPHY: Yes, just one or two minor points.

18 BY MR. MURPHY:

19 Q. You said that you had worked with Deborah Bauser all
20 along. When this interview, when we asked for this interview
21 that you, you selected her as your attorney, what does all
22 along mean? As we understand it, one of the projects you
23 worked on, Watts Bar ended in December of 1987?

24 A. We--

25 Q. Have you continued to work on this project since

1 1987 with Ms. Charnoff?

2 A. There have been times where we have talked about
3 this effort since then.

4 Q. Okay. Earlier today we interviewed a Mr. Gordon.
5 Mr. Gordon told us that he became aware of this, of this, of
6 his interview as a result of contact by you, is that correct?

7 A. I believe so, yes.

8 Q. You believe so, or I mean we are not.

9 A. I believe that was the first time he had heard about
10 it, yes.

11 Q. Okay.

12 A. I contacted him.

13 Q. You know, some of these things are dated, but this
14 should have occurred in the last few days.

15 Did you suggest at all to Mr. Gordon that he be
16 represented by Mrs. Charnoff?

17 A. I gave Bill her phone number in case he wished to
18 talk to her.

19 Q. Is that, is that how you told it to Mr. Gordon? If
20 you would like to talk with Mrs. Bauser, here is her phone
21 number.

22 A. Essentially, yes.

23 Q. You made no indication that this would be the
24 preferable attorney to represent him?

25 A. Certainly Bill has to make that decision for

1 himself.

2 BY MR. WILLIAMSON:

3 Q. Mr. Kulisek, you mentioned that you were assigned to
4 the Watts Bar project, Watts Bar Task Force from April '87
5 through December '87.

6 What were you doing immediately prior to April of
7 '87? What was your position again, please?

8 A. The regulatory licensing manager at Watts Bar.

9 Q. Okay. What, as a member of this Task Force, what
10 were your responsibilities as you understood them at that
11 time?

12 A. Is that concerning Task Force activities or
13 concerning--

14 Q. Task Force.

15 A. This effort with them?

16 Q. Task Force.

17 A. Okay. The Task Force basically had dual reporting
18 to both the site director and Mr. White, the manager of
19 nuclear power, and in a nutshell, we were there to do certain
20 tasks to evaluate corrective action programs, making sure that
21 they were effective in correcting the problems, identifying
22 any potential problems that needed to be taken care of.

23 Q. Did you have any special responsibilities with
24 regard to the Task Force? I mean were you the head of the
25 Task Force or--

1 A. I was the TVA representative. All the other
2 gentlemen on the Task Force were contract personnel. I was
3 TVA representative and spokesman for the Task Force.

4 Q. You were a working member of the Task Force?

5 A. Yes.

6 Q. I know there are a number of people that were, that
7 were, that were assigned to the Task Force that were from,
8 were TVA employees I think?

9 A. Not during the time that I was on the Task Force.

10 Q. Okay. What were your responsibilities after April
11 of '87 when you began work with Mrs. Charnoff?

12 A. The first time we had any, I had any contact with
13 this effort with Debbie was in June of 1987, and the effort
14 there was to take the technical issues that were, that were
15 identified in the Congressional staff report and identify
16 where in TVA this issue was either being handled or would
17 eventually be looked at under some program.

18 Q. And the report you refer to I will mention here is
19 dated December 17, 1986, to John D. Dingell, Chairman of the
20 Committee on Energy and Commerce, subject, staff review of NRC
21 response to quality assurance breakdown within TVA's nuclear
22 program.

23 I would like for you to look at that and tell me if
24 that is in fact the document that, that you reviewed?

25 A. Yes, it is.

1 Q. You began working on these specific concerns with
2 say the Congressional paper concerns, raised concerns raised
3 by the Congressional subcommittee in June of '87?

4 A. Yes.

5 Q. Was this a full-time effort on your part?

6 A. No.

7 Q. Estimate what percentage of your time was spent on
8 this effort as opposed to other concerns as a member of the
9 Task Force?

10 A. In June, it was probably, June, July timeframe, it
11 was probably 50 percent. From then through December, it
12 varied widely. I'm not sure I can even make an educated
13 guess.

14 Q. Did you, as you understood, did anyone else
15 specifically work on this document with you, the review of
16 this document?

17 A. The Task Force members that worked on this document
18 with me were of course Mike Matthews, Bill Gordon, John
19 Crnich, and Fred Pope had a very, very limited effort on this.

20 Q. During June and July, early stages of your review
21 process, what did you understand Mrs. Charnoff wanted your
22 group to do with these concerns as specifically as possible if
23 you can relate that to us? Did you have a meeting, your group
24 have a meeting with Mrs. Charnoff and she directed that
25 certain things be done?

1 A. Yes. We had a meeting, and I can't. I don't recall
2 the date.

3 Q. Okay.

4 A. My understanding was pretty much as I stated before
5 to take the technical issues that were identified in the
6 report, and find the program that was either in progress or
7 was being put together now that these issues would fall under.

8 Q. Was this effort, did this effort involve the support
9 or participation of people other than the specific members of
10 the Task Force?

11 A. Yes, yes, it did.

12 Q. A number of people, or just I am looking for a
13 number. Is it something that, people you can relate by name,
14 or is it a number of people that were required to support this
15 effort?

16 A. Well, there were a number of people that were
17 required to support the effort based on a large number of
18 technical issues, and the number of references that we had to
19 come up with.

20 Q. You must of had a lot of interaction with other
21 people, other departments or divisions there at Watts Bar to
22 establish these references?

23 A. In regard to the individual issues, yes.

24 Q. Did you have any people working for you--I say lower
25 level people, that were doing some of the legwork for the Task

1 Force itself?

2 A. No.

3 Q. You all were doing this work personally?

4 A. Yes.

5 Q. Divided it up?

6 A. Yes.

7 Q. Okay. Certain allegations or certain concerns were
8 assigned to certain individuals and they were pursuing those
9 to a logical conclusion?

10 A. Yes.

11 Q. Were there any conclusions ever reached with regard
12 to this, to your review?

13 A. I don't understand what you mean by.

14 Q. Did you ever formalize your, your review to the
15 point that there were conclusions or findings or a status or
16 disposition of these concerns?

17 A. Well, the intent was not to per se draw any
18 conclusions. It was simply again to identify the program in
19 TVA that would eventually evaluate this type of technical
20 issue. It was not a matter of drawing conclusions. It was a
21 matter of gathering data that was already out there, and
22 putting it together under each of the technical issues, so I
23 guess what I am saying is the effort didn't lead into that
24 direction of drawing conclusions.

25 Q. Did you know at any point that during your effort

1 that this document wasn't one to be completed?

2 A. No.

3 Q. Do you know the status of it today?

4 A. My understanding of the status is that it is still a
5 draft report, and to the best of my knowledge, hasn't been
6 worked on since essentially late December or early part of
7 January of this year.

8 Q. Do you know why it hasn't been worked on?

9 A. No. The Task Force was disbanded in late November,
10 early December.

11 Q. On its own volition or was it directed or was it--I
12 mean what was, how did that come about?

13 A. There was a memo from Admiral White disbanding the
14 Task Force.

15 Q. Because he didn't--do you recall, was there a reason
16 given?

17 A. Yes. The--basically the program team--I believe
18 that's the name of it--program team or project team, was being
19 put together by Mr. White and staffed by TVA employees, and
20 they took over the major responsibilities of what the Task
21 Force was doing, and our Task Force really became redundant.
22 There was no reason for it anymore.

23 Q. You mentioned--

24 A. That did not include, of course, this effort with,
25 with Debbie.

1 Q. You mentioned that you went, first went to Watts Bar
2 in 1984?

3 A. Yes.

4 Q. You said four years ago?

5 A. Yes.

6 Q. And--

7 A. I believe it was July of 1984.

8 Q. Okay. So you were there during a period of time
9 when there was a lot of activity going on regarding the
10 quality issues and the safety issues, specifically I guess the
11 initiation of QTC, employees concern program?

12 A. Yes.

13 Q. And some other activities that went on regarding
14 Watts Bar; you had perhaps, based on you being the only TVA
15 employee and also being a TVA employee that had been at Watts
16 Bar for approximately three years prior to beginning work on
17 this project, were there any concerns in here or issues raised
18 that were of a particular importance to you is one question?
19 And were there any concerns in there that, that I guess were a
20 surprise to you?

21 A. I would have to ask you to rephrase that. I don't
22 understand what you are saying.

23 Q. Which part do you want me to rephrase?

24 A. Both; question No. 1 first.

25 Q. I am saying because you are the only individual

1 regarding this effort that we have talked to that had been at
2 Watts Bar for three years, you had seen a lot of things
3 regarding quality and safety issues that had surfaced there.
4 You had seen the employee concern program, the QTC group,
5 TVA's own QTC program, so you had been subjected to--you had
6 been in Licensing, is that correct?

7 A. Yes.

8 Q. Licensing, you had been subjected to a lot of
9 concerns and/or allegations, at least the knowledge of some of
10 the concerns? Is that not true?

11 A. I wouldn't necessarily say that was true, no.

12 Q. Okay. What did you do in Licensing?

13 A. I was again in the regulatory licensing group. We
14 handled basically the FSAR, the technical specifications,
15 experience review program, items such as that. The other side
16 of the Licensing house which was the compliance licensing
17 group, typically handled the 50.55E items and the inspection
18 reports and the deficiency type areas.

19 Q. Okay. Thank you.

20 BY MR. MURPHY:

21 Q. You mentioned earlier that in, as you were dealing
22 with this Congressional report there, that your job on that,
23 you dealt with a lot of other people in the various areas? I
24 guess you would have to, to get the information you need, is
25 that correct?

1 A. Yes.

2 Q. Were these people aware of what you were doing?

3 A. They were aware of the fact that we were gathering
4 information to identify where in TVA these specific technical
5 issues were being dealt with.

6 Q. I mean did they know why you were doing this?

7 A. I don't know.

8 Q. Do you know if any directions were given to the
9 various line organizations that you dealt with that instructed
10 them to help you as much as you can?

11 A. Instructions by, by me personally or certainly yes,
12 that was done.

13 Q. And what were your instructions to these people?

14 A. To provide information as requested by any of the
15 Task Force members to gather this information.

16 Q. You never told them why they were--

17 A. Yes. I just mentioned that I believe they were made
18 aware of the fact that we were trying to find and put down in
19 a report the programs that were either ongoing or would
20 eventually be ongoing that covered the technical issues being
21 raised in the report, in the Congressional staff's report.

22 Q. Were they ever aware that this was a document that
23 was going to be turned over to the legal staff? Was that ever
24 part of your instructions?

25 A. I believe they were aware that I was working with

1 Debbie on this, the Shaw Pittman lawyers. I can't say for,
2 for certain, you know, that they were.

3 BY MR. WILLIAMSON:

4 Q. Did you have any contact with TVA's Office of
5 General Counsel during this?

6 A. Yes. Yes. I dealt with--

7 Q. When Mrs. Charnoff was not available, you were
8 dealing with Rick Levi?

9 A. Yes. In fact, most of the time I dealt with them
10 jointly.

11 MR. WILLIAMSON: Mrs. Charnoff, I understand you are
12 not the interviewee, but the question just popped in my mind,
13 can you divulge how much time you spent with these gentlemen
14 in this effort?

15 MS. CHARNOFF: I have no problems doing it. I have
16 trouble estimating what it was. We had a number of, we had,
17 we met--I can't remember how many times we met when I was down
18 at TVA, and we had, I had many phone conversations with one or
19 more of the group. I didn't always know how many people were
20 at the other end of the phone--most frequently with Dave and
21 other members who had questions.

22 MR. WILLIAMSON: Was the purpose of that since you
23 weren't physically located there, was the purpose of that
24 maybe a status report?

25 MS. CHARNOFF: Sometimes it was a status. Sometimes

1 it was as we began to do this, to make sure we all agreed on
2 what we were trying to do.

3 MR. WILLIAMSON: I'm, I didn't know that the, that
4 the group was disbanded by the direction of Mr. white.

5 Were you aware of Mr. White's desire to disband that
6 and did you object to that at all, or is that not an accurate
7 characterization of how the group was disbanded?

8 MS. CHARNOFF: I hate to be testifying, but in the
9 interest of full disclosure, I don't believe I was aware until
10 it had already happened. I knew that there was a lot of
11 effort by Mr. white which was a general TVA decision to try to
12 transition to line TVA people from contract employees, and
13 this was part of that effort, I assumed, but I don't think I
14 ever specifically talked to him about that decision.

15 BY MR. WILLIAMSON:

16 Q. Mr. Gordon, were you briefing Mr. White--excuse me.
17 Mr. Kulisek, were you briefing Mr. White as to the status or,
18 of your effort?

19 A. The effort with Debbie?

20 Q. Yes.

21 A. No.

22 Q. Were you briefing Mr. White with regard to--

23 MS. CHARNOFF: I don't believe that I ever discussed
24 with Mr. White any facts beyond the fact that I had asked, I
25 did ask him for permission to get some help from TVA people.

1 and he knew I was doing that.

2 BY MR. MURPHY:

3 Q. This small group working on the, on Mrs. Charnoff's
4 request, were you in charge of that group or did you have, I
5 mean were you in charge? Was anyone?

6 A. I was the coordinator, being the TVA representative
7 on the Task Force, I was the coordinator of the group for this
8 effort.

9 Q. Would you assign various tasks to the people on the,
10 on the Task Force?

11 A. Yes.

12 Q. And they would, would they report back statuses of
13 how they were doing on their, on their individual items that
14 they were assigned?

15 A. Yes.

16 Q. Were these in writing?

17 A. No.

18 Q. Oral?

19 A. ~~No.~~ ^{YES} We all sat in the same small trailer and
20 essentially that was all.

21 Q. Then there was no written product produced in this,
22 at the various stages that you went through?

23 A. As far as the status report from the other members
24 of the Task Force, no.

25 Q. How did it--I know, we know that this is a document

1 that includes the work, the effort that you have performed.

2 Did you--who prepared this document?

3 A. That latest document was actually, was actually
4 compiled and put together by John Crnich and Bill Gordon,
5 actually putting the final product together and the stamping
6 of preliminary on there and the date. I happened to be on
7 vacation at that time when it was put together.

8 Q. What is the time frame on that?

9 A. It was late, late December, over the holidays
10 basically, Christmas holidays. Mike Matthews had left TVA and
11 gone down to Comanche Peak and I believe in late November
12 basically. I have not even looked at that, that particular
13 final compilation. I say final. It is obviously still
14 preliminary.

15 Q. Preliminary in the sense it is a draft of whatever,
16 whatever your group developed, right?

17 A. Yes, it is a draft.

18 Q. I mean, and I mean how did they compile--did they
19 not have small, short writeups about each of these things that
20 went along, or at the end did they just--I mean how did they
21 keep track of what they were doing?

22 A. I'm not sure what you are asking.

23 Q. You do have a final written product, right? I don't
24 understand--

25 A. Draft.

1 Q. Draft, right. Well, draft?

2 A. Final meaning it was typed.

3 Q. Yes. That's what I am talking about. How did that,
4 how was that developed? From notes or from--

5 A. Yes. That came from handwritten versions and was
6 provided to the word processing group on the site that typed
7 it.

8 Q. I mean was this not prepared, I mean were these
9 notes not prepared as you went along? I do not envision
10 waiting until the last moment to prepare all these notes.

11 A. Yes, they were prepared as we went along and
12 modified and updated as any, you know, as any product would
13 be.

14 Q. And who performed that task?

15 A. The members of the Watts Bar Task Force, members
16 that I already mentioned.

17 Q. Was that information shared with any line managers?

18 A. The information was at various times in bits and
19 pieces, and I believe as a whole late in the year was shared
20 with the line managers.

21 Q. And--

22 A. To ask them if they had any further information or
23 any comments on the product.

24 Q. And who were these line managers? Can you remember?

25 A. Oh, well, it would be the project engineer at Watts

1 Bar, the site licensing manager.

2 Q. Would you give us some names if you could?

3 A. If I can remember the names--

4 Q. Sure.

5 A. Benny Bounds would be the project engineer. Hoyt
6 Johnson would be the QA manager. John McDonald would be the
7 site licensing manager. Eddie Ennis would be the plant
8 manager. Jim Thompson would have been the construction
9 manager. I believe that's, that's the principal line managers
10 that were sent to them. There may be one or two others that
11 don't come to mind right now.

12 BY MR. WILLIAMSON:

13 Q. Let me go back just a minute, Mr. Kulisek. Did you
14 have, being at Watts Bar, did you have an opportunity to
15 review the March 20th letter from Mr. White to the NRC and the
16 supporting documentation, the enclosures?

17 MS. CHARNOFF: March 20, 1986.

18 BY MR. WILLIAMSON:

19 Q. March 20, 1986?

20 A. Prior to it being sent out?

21 Q. No; after it was sent out?

22 A. Yes, as part of this effort, I had reviewed the
23 March 20th.

24 Q. Would you have, I mean in your licensing role,
25 regulatory licensing, would you have had any, any reason to

1 review that?

2 A. No.

3 Q. Okay. After reviewing it, did you have occasion to
4 discuss that letter with Mr. White?

5 A. No.

6 BY MR. MURPHY:

7 Q. I think you told us you have not discussed the group
8 effort with Mr. White, is that correct?

9 A. Yes, that is correct. I have not discussed this
10 effort with Mr. white.

11 Q. Did you discuss it with Mr. Willis, the general
12 manager at TVA?

13 A. No, sir.

14 Q. I think he has some other designation now, but I
15 think he was the general manager at the time.

16 A. The reason I hesitate there is another Mr. Willis
17 works at Watts Bar.

18 Q. Did you, did you discuss this with any of the Board
19 members?

20 A. No, sir.

21 BY MR. WILLIAMSON:

22 Q. Let me ask a question. Mike Matthews, you indicated
23 that I think that he was an advisor, in an advisor capacity
24 while working at TVA?

25 A. That's the way they classified all the contractors

1 that were on the Task Force. They were either line
2 managers--contractors could be one of two things, the line
3 manager or an advisor.

4 Q. Okay. Would you or anyone else on your Task Force,
5 would you or anyone else on that Task Force have an occasion
6 or responsibility to brief Mr. White on any of these findings
7 that your review disclosed?

8 A. To the best of my knowledge, no.

9 Q. I mean you are the head of it, right?

10 A. I was the TVA representative and the coordinator.

11 Q. Would you know if someone else was briefing Mr.
12 White or Mrs. Charnoff or anyone else?

13 A. Well, certainly, no, I would have no idea when Mrs.
14 Charnoff was having discussions with Mr. White, and I can't
15 for a hundred percent say that I would certainly know if any
16 of the other Task Force members had a discussion with Mr.
17 White.

18 MS. CHARNOFF: Can I ask a question while you are
19 pausing?

20 MR. WILLIAMSON: Sure.

21 BY MS. CHARNOFF:

22 Q. As I understand your testimony, Mr. Kulisek, the
23 purpose, am I correct that the purpose of your discussing your
24 effort or showing your effort to the line management was to
25 ensure that you were, the information that you had gathered

1 was accurate and complete? Is that right?

2 A. Yes, basically, because you know, to expand on that.
3 basically what we were doing was referencing documents or
4 programs that described documents that already existed in the
5 system. There wasn't any, any making up of original
6 information I guess I would say. It was really a data
7 gathering effort. And of course most of those documentation
8 belonged to the various line managers who would certainly have
9 the best knowledge of, collectively the best knowledge of what
10 their programs entailed.

11 BY MR. WILLIAMSON:

12 Q. This calls for an opinion, Mr. Kulisek, but you and
13 three other people spent considerable amount of time reviewing
14 this document and making the appropriate references.

15 And like I said, this calls for an opinion, but was
16 it a worthwhile effort? Nothing has been done with it. You
17 were working on it for several months. Apparently there was a
18 lot of manhours expended on it. Still it is a preliminary or
19 draft document. Nothing has been done since December '87. Is
20 that a worthwhile document?

21 A. Well, I believe the--

22 Q. Could you take it and use it today?

23 A. Could I take it and use it? I guess I never
24 intended to take it and use it.

25 MS. CHARNOFF: Let me distinguish. You have asked

1 him whether the effort was worthwhile and also whether it is a
2 useful document now, which I think are different points, and I
3 have no problem with him answering either or both, but--

4 BY MR. WILLIAMSON:

5 Q. I asked for opinion. Was it a worthwhile effort?

6 A. I'm not sure I have an opinion on that.

7 Q. Once again, I guess I use the frame of reference
8 having been at Watts Bar for a number of years, you didn't
9 operate in a vacuum. There was a lot going on from '74,
10 '75--'84, '85, '86. You spent a considerable amount of time.
11 There was a lot going on, and I guess I'm wondering--I haven't
12 seen the results, the fruits of your labors, so I don't know,
13 but I am wondering if in your opinion, as a professional
14 engineer, if that was a worthwhile effort? And I think it is
15 a reasonably simple question.

16 A. I think to achieve the purpose that it was intended
17 to, and that was to identify the programs that were ongoing or
18 would be initiated, that these various technical issues raised
19 in the Congressional staff report to ensure that they were
20 being covered some place in the system.

21 Q. But it wasn't complete?

22 A. It wasn't finalized.

23 Q. Would it ever be completed?

24 A. The nature--

25 Q. A living document?

1 A. The nature of the document--of course, programs
2 change continuously, scopes of programs. New programs are
3 identified, so, so the document, the document that hasn't been
4 worked on for, you know, since December of 1987 would
5 certainly be out of date now.

6 BY MR. MURPHY:

7 Q. You said you have read this Congressional document?

8 A. Yes, back in the fall.

9 Q. In its entirety as opposed to just subsections of
10 it, is that correct?

11 A. I have read the entire document. However, that
12 really was done in, in bits and pieces. I can't say I have
13 picked it up and sat down and read it at one time from cover
14 to cover.

15 Q. Have you formed any opinion as of the validity of
16 the, of the concerns raised in this document?

17 A. No.

18 Q. You never gave that any thought as you have gone
19 through whether this was valid, true not true?

20 A. It really had, you know, the validity of the
21 concerns really had no part in this effort. We took the
22 concerns as, the technical issue and the concern at face
23 value.

24 Q. But you never formed any independent opinion as
25 opposed to what you were doing?

1 A. I really wasn't in a position to, to form an opinion
2 on that.

3 Q. Okay. This gentleman, Fred Pope, how long did he
4 work with your group, give or take a little, you know?

5 A. He came in I believe in May. I would have to guess
6 May, and he worked on through December, but he, I didn't use
7 him, but very limited on this effort.

8 Q. Is there any reason for that?

9 A. Well, yes. He--there was a lot of engineering
10 activity going on at the time, and I left him out of this
11 effort to keep abreast of those activities.

12 BY MR. WILLIAMSON:

13 Q. A couple more questions--did you ever tell anyone
14 that statements made by Mr. White in his March 20th, 1986
15 letter to the NRC could not be supported or defended?

16 A. No, sir.

17 Q. Okay. Do you know of anyone that ever told Mr.
18 White that those statements could not be supported or
19 defended?

20 A. No, sir.

21 MR. WILLIAMSON: Can we take a short break?

22 (A brief recess was taken.)

23 MR. WILLIAMSON: We are back on the record. Mr.
24 Murphy, do you have my additional questions?

25 MR. MURPHY: No.

1 MR. WILLIAMSON: Mrs. Charnoff, do you have any
2 questions or statements you would like to make?

3 MS. CHARNOFF: No. I presume you are operating
4 under the same principles about the transcript?

5 MR. WILLIAMSON: Yes, ma'am.

6 BY MR. WILLIAMSON:

7 Q. I would just in closing, Mr. Kulisek, have I or any
8 other NRC representative here threatened you in any way or
9 offered you any reward in return for this testimony?

10 A. No, sir.

11 Q. Have you given this testimony freely and
12 voluntarily?

13 A. Yes.

14 Q. Is there any additional information you would like
15 to add to the record at this time?

16 A. No, sir.

17 Q. We appreciate your time, and your cooperation in
18 this effort.

19 Thank you very much?

20 A. Thank you.

21 MS. CHARNOFF: Off the record for a second.

22 (A discussion was held off the record, and the
23 witness left the room.)

24 MR. WILLIAMSON: We are back on the record. Mrs.
25 Charnoff, I would like to take this opportunity to discuss

1 with you some concerns we have regarding the attorney work
2 product privilege.

3 It is my understanding that you have exercised this
4 privilege with regard to providing OI a copy of this product.
5 I also state for the record that you have indicated that you
6 would make it, the document available for OI's review, to
7 visually inspect the document, but that would be done with
8 some conditions or stipulations regarding the disclosure of
9 that information, and after talking with our management, and
10 what I believe to be our Office of General Counsel's feelings
11 is that, that this information that you call the attorney work
12 product privilege or attorney work product might not in fact
13 be privileged information, but however, I cannot make that
14 determination. It is something that will have to be discussed
15 between you and our Office of General Counsel.

16 Do you have any statements that you would like to
17 make regarding this document?

18 MS. CHARNOFF: Yes. I am not going to repeat here a
19 statement that I made previously during a February 10, 1988
20 interview of John Crnich where I explained in some detail our
21 views about the document question.

22 We have, on several occasions I have offered to you
23 the opportunity to review the document in order to
24 substantiate that the document is what at this point a number
25 of witnesses have described it to be and what I have also

1 described it to be to you, and you were going to or there was
2 some consideration as I understand it by you whether to do
3 that again today, and you have opted not to do that.

4 TVA and the other people who have been interviewed
5 by you on this matter are anxious to cooperate, and to
6 facilitate NRC's processes, including the one that you are
7 involved in, and have no desire to in any way hinder those
8 processes, and I think I went into that in some detail during
9 the Crnich interview.

10 At the same time, we are anxious to minimize the
11 need to waive any privileges or rights that we have by law,
12 and it was our hope that we could all accomplish our purposes
13 or we could satisfy both of these purposes at the same time,
14 that is, that OI could establish that there is, the document
15 is work product, is, was worked on by and with counsel, and
16 for counsel, and has absolutely no relevance whatsoever to the
17 March 20, 1986 letter, which is what you have stated, and I
18 have always understood to be the subject of this
19 investigation.

20 To that end, we have sought to show you the
21 document, but maintain its, certainly its work product status
22 and possibly its status as a privileged document or at least
23 ensure that the disclosure was only for a very limited purpose
24 to certain individuals only, namely, the OI investigators, and
25 if we, if a need arose subsequently to show it to someone

1 else, my view has always been that if there is a valid reason
2 for someone else to look at it, that we would certainly
3 entertain that. We consider you to have a legitimate purpose
4 and we are anxious to cooperate.

5 I hope that you will agree that we have tried hard
6 here to cooperate with you all, the investigators, and we have
7 brought forward a number of witnesses, some repeatedly, in an
8 effort to be done with this whole thing, so I would just refer
9 the record in the John Crnich interview where I had a more
10 complete statement of our position on the issue.

11 MR. WILLIAMSON: Mrs. Charnoff, thank you for your
12 time. This interview and the subsequent discussion regarding
13 the attorney work product paper and privilege is concluded at
14 12:55 on July 29th, 1988.

15 (Whereupon, at 12:55 p.m., the interview was
16 concluded.)

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21 *A. Rubin*
22 *8/16/88*
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CERTIFICATE

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This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name: Investigative Interview--David A. Kulisek

Docket Number:

Place: Washington, D.C.

Date: July 29, 1988

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken stenographically by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

15/ Catherine S. Boyd

(Signature typed): Catherine S. Boyd

Official Reporter

Heritage Reporting Corporation