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BEFORE THE NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS
ATLANTA, GEORGIA

In the matter of:

TENNESSEE VALLEY AUTHORITY
10-CFR-50 APPENDIX B

The investigative testimony under oath of KERMIT
W. WHITT, Deponent, taken by the Nuclear Regulatory
Commission, all formalities waived, before Delana K.
Bruce, Certified Court Reporter and Notary Public
in and for the State of Georgia at Large, B-798,
commencing at approximately 1:15 p.m., August 14, 1987,
on the 29th Floor, 101 Marietta Street, Atlanta,
Georgia.

APPEARANCES:

On behalf of the Nuclear Regulatory Commission
DANIEL MURPHY
LARRY ROBINSON
Nuclear Regulatory Commission
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EXHIBIT 42

P R O C E E D I N G S

1
2 MR. MURPHY: For the record, it is now 1:15 p.m.,
3 August 14th, 1987. This is an interview of Kermit W. Whitt,
4 who is currently employed by Georgia Power Company. The
5 location of this interview is the Office of Investigations,
6 Region II, Atlanta, Georgia. Present at this interview are
7 Larry Robinson and Dan Murphy. And as agreed, this interview
8 is being transcribed by a Court Reporter. The subject matter
9 of this interview concerns TVA's March 20th, 1986, letter to
10 the NRC, regarding their compliance with 10 CFR 50, Appendix
11 B. Mr. Whitt, would you please stand and raise your right
12 hand.

13 Whereupon,

14 K E R M I T W. W H I T T

15 having been first duly sworn, was called as a witness herein,
16 was examined and testified as follows:

17 MR. ROBINSON: Kermit, the purpose of this
18 interview is to clarify an area that we discussed when we
19 talked back on February 9th, 1987, regarding the
20 circumstances around the concurrence, or the, in your case,
21 the qualified concurrence to Mr. White's March 20th letter to
22 the NRC. Correct me if I'm wrong, but my understand when we
23 talked before, was that at a point in time before the final
24 letter went out, you were either asked to concur, or there
25 was some type of concurrence situation presented to you, and

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1 you indicated that, based on the fact that you were the
2 Manager of NSRS, and that -- and that they -- some of the
3 individuals within the NSRS group were still opposed to the
4 way that letter was worded. Or still believed that TVA was
5 not in compliance with Appendix B, that all you could concur
6 to was the fact that you had read the letter, and understood
7 the letter, is that correct?

8 MR. WHITT: That's almost correct. If I could --

9 MR. ROBINSON: Sure.

10 MR. WHITT: Could explain. The first time that I
11 was approached, and said, you've got to have something to do
12 with the concurrence of this letter; Dick Gridley came to me
13 with a paper, saying, "We're going to send this letter to
14 NRC, and we need your concurrence." And I said, "Dick, I
15 can't concur in that letter. I, you know, if I'm ordered to
16 concur in the letter, I'll concur, but I cannot concur in the
17 letter, and continue to manage NSRS."

18 He went to talk to someone, and I believe it was
19 Wegner. He came back and said, "You are absolutely right,
20 you should not have to concur in this letter. But we do want
21 you to read it, and we want to be able to say that you've
22 seen it, and we want you to sign that you have seen it." I
23 said, "I have no problem with that."

24 MR. ROBINSON: Okay. Can you remember
25 approximately how long before the final letter went out that

1 this took place?

2 MR. WHITT: Well, the final letter went out March
3 20th, this would have, probably, been sometime in February.

4 MR. ROBINSON: Okay. And when we talked on
5 February 9th, you also indicated that there may have been a
6 series of attempted concurrences before the final
7 concurrence?

8 MR. WHITT: That's correct.

9 MR. ROBINSON: And on the earlier attempts at
10 concurrence, this statement that you had just read the letter
11 was typed on -- on some of these sheets?

12 MR. WHITT: Yes.

13 MR. ROBINSON: And that when the final concurrence
14 came around, it was not typed on there, is that correct?

15 MR. WHITT: That's right.

16 MR. ROBINSON: Okay.

17 MR. WHITT: Now, when that -- oh.

18 MR. ROBINSON: Go ahead. Feel free to --

19 MR. WHITT: When that came around, I approached
20 Gridley about that, and Gridley said, "I will get that
21 changed to clearly indicate that you are signing that you
22 have seen it, and nothing more." Gridley later came to me
23 and said, "As I told you I would, I have changed the form to
24 indicate that you are signing to say that you only have read
25 it, and seen it, and not that you concur." And I took his

1 word for it. I never did go back and verify that.

2 MR. ROBINSON: So, you had signed it without that
3 on there?

4 MR. WHITT: Yes.

5 MR. ROBINSON: And took his word that he added
6 that to it.

7 MR. WHITT: Yes.

8 MR. ROBINSON: Okay. I'm going to show you, as we
9 showed you before, a copy of what appears to be the final
10 concurrence sheet. For the record, this document is
11 identified and titled "Concurrence Sheet, Document Name:
12 Watts Bar Appendix B/QA NRC Submittal." And it contains the
13 signatures of five individuals; R. L. Gridley, Wegner, R.
14 Kelly, Drotleff, and K. Whitt. It's noted that in the
15 signature block for Mr. Drotleff, a Mr. J. Kirkebo, K-i-r-k-
16 e-b-o (spelling), signed.

17 Mr. Whitt, were there other concurrence sheets that
18 looked like that in the series of events, or do you remember
19 just that one concurrence sheet? What I'm asking is, were
20 there other concurrence sheets that had that little statement
21 down next to your name type in that area somewhere?

22 MR. WHITT: There were definitely other concurrence
23 sheets with that statement typed in. I will not say that we,
24 in these sessions, sign that. I don't remember that we did
25 or that we didn't.

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1 MR. ROBINSON: Okay.

2 MR. WHITT: What would happen, is we would get
3 together and discuss the letter that was to be sent to NRC.
4 There would be disagreements on it, comments, in which case
5 there needed to be some sort of revision. And the letter
6 would be delayed, and at a later time, we would get together
7 again. And this happened two, three, maybe four times.

8 MR. ROBINSON: So, there were other sheets in that
9 format, with those blocks with the qualification that you had
10 read the letter typed in there?

11 MR. WHITT: Yes. Yes. But I will not say that we
12 all signed it, though.

13 MR. ROBINSON: Okay.

14 MR. WHITT: I don't remember whether we did, or
15 not.

16 MR. ROBINSON: Now, when you and Mr. Gridley first
17 talked about the fact that you were just going to sign that
18 you had read it, was there anyone else, other than Gridley
19 and Wegner, to your knowledge, that knew about that?

20 MR. WHITT: Not to my knowledge. And I'm not
21 absolutely positive that Wegner is the one he talked to, but
22 he did go into Wegner's office. And I just assumed that.
23 Sometime later he came back to me, and said, "You're right."

24 MR. ROBINSON: And it was at this early time that
25 he went into Wegner's office?

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1 MR. WHITT: That's correct.

2 MR. ROBINSON: Okay. I'm now going to show you a
3 document, that has a February 20th, 1986, date on it. It's a
4 typewritten document. In the upper left hand corner, it has
5 the writing, "S. A. White, LP 6N 38A-C," and one sentence, "I
6 have read the basis for concluding that the 10 CFR Part 50
7 Appendix B requirements are being met at the Watts Bar
8 Facility." And it, apparently, contains your signature. I
9 want you to take a look at this, and identify it for me, if
10 you would, please?

11 And by identify, I mean in what context was that
12 sheet used, or have you ever seen it before?

13 MR. WHITT: That sure looks like my signature, and
14 the words sound very familiar. This -- I'm not sure what
15 this was used for, but I believe this is what Gridley gave me
16 that first time I saw this thing, and said, "This is what we
17 would like you to sign, rather than saying you concur." Now,
18 that's to the best of my remembrance, and I'm not absolutely
19 sure that that's the case, but I think that would be the way
20 that was used. That's the best I can do.

21 MR. ROBINSON: But you are sure that there were
22 other concurrence sheets with a typewritten statement on
23 there?

24 MR. WHITT: As sure as I can be.

25 MR. ROBINSON: All right.

1 MR. WHITT: I firmly believe that, yes.

2 MR. ROBINSON: All right. And -- but -- but you
3 don't, really, recall that other document that I just
4 presented to you, other than the fact that it could possibly
5 have been what Gridley brought to you the first time?

6 MR. WHITT: I believe that's what it is.

7 MR. ROBINSON: Okay. When this first occasion came
8 up, originally, Gridley wanted you to give a full
9 concurrence. And it was your idea to indicate that you could
10 only say that you read the letter, is that correct?

11 MR. WHITT: I don't know whose idea it was to say
12 these particular words. All I said to him, is I cannot
13 concur in this. And I believe that Gridley, or Wegner, or
14 someone, came up with the words. And when I read the words,
15 then I said, yeah, I can do that. I've got ^{NO} to problems with
16 saying I have seen it, and I have read it. But I cannot say
17 I have concurred.

18 MR. ROBINSON: But they did not originally come to
19 you and say, "All you have to do is say you read this?"

20 MR. WHITT: No, they did not. Now, let me say that
21 I don't know who got up this concurrence form. I don't know
22 who had been consulted before it came to me. I don't know
23 whether I had even thought about it, or not, when it came to
24 me. But when it came to me originally, they said, "We are
25 going to want you to concur with this."

1 MR. ROBINSON: On the concurrence sheets prior to
2 this one, that you indicated that may not have been signed by
3 everybody, did you sign any prior concurrence sheets?

4 MR. WHITT: I don't remember signing anything,
5 other than that one sheet, there. And I obviously signed the
6 one, there, that I had totally forgotten that I had signed.

7 MR. ROBINSON: Okay, and that one, referring to the
8 February 20th, 1986, document?

9 MR. WHITT: Yes. That's correct.

10 MR. ROBINSON: Okay. On the final day of
11 concurrence, just before the final letter went out, okay,
12 when you were in the room with Mr. White, did he expressly
13 ask you if you concurred with that letter -- the March 20th
14 letter?

15 MR. WHITT: I don't remember that he expressly
16 asked me that. It was on one of our occasions to be
17 reviewing the letter. It could have been the last one, or it
18 could have been another one, I don't remember. But he did
19 ask if -- he asked for my personal opinion of the answers to
20 the ten or eleven issues. And, then, he asked what I
21 believed the NSRS staff position would be.

22 MR. ROBINSON: But you don't recall if he ever
23 asked you, directly, if you concurred with the cover letter
24 of the March 20th letter?

25 MR. WHITT: I do not remember that. He could have,

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1 but I don't remember it.

2 MR. ROBINSON: On the March 20th date, or -- and I
3 say March 20th, because most of the dates on these final
4 concurrences indicate March 20th, 1986; while Mr. White was
5 still in the office, was there any conversation about the
6 only thing that you were going to concur to was the fact that
7 you had read the letter?

8 MR. WHITT: Let me say that we had some
9 conversations during these series of reviews of this letter.
10 And I cannot remember when any particular words were said, at
11 any specific meeting. There was discussions, but I do not
12 remember whether -- at what meetings the discussions took
13 place.

14 MR. ROBINSON: There were discussions between you
15 and Mr. White --

16 MR. WHITT: Yes.

17 MR. ROBINSON: -- about the fact that you were only
18 going to concur in having read the letter?

19 MR. WHITT: There was discussions among the group.
20 I wouldn't say it was between White and myself, specifically.

21 MR. MURPHY: Okay, let me clarify this. There were
22 discussions among the group. But, I mean, you are in there
23 with a group of people, discussing the concurrences. And at
24 that time, did you bring it to Mr. White's attention, or --
25 that you were only signing it in regards to reading it, and

1 not that you concurred with the letter?

2 MR. WHITT: I don't remember if I brought it up, or
3 someone else did, but it was definitely brought up. I
4 remember, specifically, because at one point Dick Kelly said,
5 "Well, if Whitt doesn't have to concur, why do I?"

6 MR. MURPHY: Okay, then, this was before the letter
7 went out, during the meeting?

8 MR. WHITT: Yes.

9 MR. MURPHY: And it was -- and you think it was
10 clear to Mr. White that you were not going to concur with the
11 letter, in the true sense of concurrence?

12 MR. WHITT: I certainly thought it was clear.

13 MR. MURPHY: Just one other. And you say that he
14 asked, as some point in time, for what the NSRS position was
15 -- the staff position?

16 MR. WHITT: Yes.

17 MR. MURPHY: What did you tell him at that time?

18 MR. WHITT: I told him that many of the staff would
19 disagree with the letter.

20 MR. MURPHY: Apart from Mr. Kelly saying that if
21 Mr. Whitt doesn't have to concur, why should I, was there any
22 other qualifiers during that discussion? Did anyone say, I
23 -- I mean, I concur, but under these conditions?

24 MR. WHITT: I don't know. There could have been,
25 but I certainly wouldn't want to say there was.

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1 Particularly, in some of the earlier ones, I seem to recall
2 some statements about changing the words slightly as to what
3 the concurrence meant. But I don't believe that was on this
4 last one. I think that was on some of the earlier ones.
5 And, then, that's rather vague, too. But I seem to remember
6 that some were -- some discussion was made in that area.

7 MR. ROBINSON: Do you recall any conversations
8 between Mr. White and Mr. Kelly regarding the definition of
9 pervasive breakdown with respect to whether or not Mr. Kelly
10 would concur on the letter?

11 MR. WHITT: This may have been what the discussion
12 was about. Kelly did have some discussions about some
13 definitions of some sort, and I can't remember exactly what
14 they were. Whether it was it in what the concurrence was, or
15 pervasive breakdown, but Kelly did have some discussion, or
16 some comments along those lines.

17 MR. ROBINSON: Did you get the indication that
18 Kelly was not going to concur on the letter unless his
19 definition of pervasive breakdown was going to be used?

20 MR. WHITT: I didn't get that impression. I
21 thought he was just commenting, and whether they were going
22 to accept his comments or not, I didn't get particular
23 involved in it.

24 MR. ROBINSON: After the letter was sent, within,
25 we'll say, a week after the letter was sent, did you get any

1 kind of a threat from members of your NSRS staff about
2 forcing you to go before the Dingell Committee?

3 MR. WHITT: No, I don't believe any members of my
4 staff threatened me in that way.

5 MR. ROBINSON: Did you ever go to Mr. White's
6 office, soon after the letter was sent, and tell him that
7 your staff was threatening to force you to testify before the
8 Dingell Committee, and that you were having a tough time
9 handling that situation?

10 MR. WHITT: I don't believe so. I think there is a
11 misunderstanding there.

12 MR. ROBINSON: Okay.

13 MR. WHITT: I thought I was going to have to go
14 before the Dingell Committee, but it was not my staff, as far
15 as I know, had no way of forcing me to go before the Dingell
16 Committee. And I could very easily have told White or Willis
17 that I was expecting to have to go before the Dingell
18 Committee, but my staff didn't tell me I was going to have to
19 go before the Dingell Committee.

20 MR. ROBINSON: So, it's possible that you could
21 have made the comment to White?

22 MR. WHITT: Yeah. And I could have also, at the
23 same time, said, the staff is upset about the letter, and
24 both cases would have been true. But I did not mean, and
25 never intended for White, or anyone, to think that the staff

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1 was threatening me to go before the Dingell Committee. To my
2 knowledge, the staff didn't have that authority.

3 MR. ROBINSON: Okay.

4 MR. MURPHY: Did you ever have a conversation with
5 Mr. White indicating, because of all of the pressures
6 resultant from the letter, that you wanted another job? That
7 you wanted to get out of NSRS?

8 MR. WHITT: No. No. I -- again, there could have
9 been a misunderstanding. I did tell White that I didn't
10 think it was good for TVA for me to stay in NSRS, but not
11 because of this letter. Now, all of the background
12 information that NSRS was getting on the letter, and their
13 unhappiness, and belief that everybody was -- apparent belief
14 that everybody was not paying as much attention to them as
15 they thought; all of that was resolved with this letter.
16 But not because of the letter, did I say I wanted to get out
17 of NSRS. It was because I didn't think NSRS could continue
18 to function with the wide split in the personnel; and me to
19 continue to manage that organization.

20 MR. MURPHY: And you explained that to White? I
21 mean, it had nothing to do with this -- the pressure being
22 put on you by NSRS personnel?

23 MR. WHITT: NSRS personnel put no pressure on me
24 about the letter. After the letter went out, they were
25 extremely unhappy, but they ignored me. They just didn't

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1 have much to do with me, at all. That is, those people that
2 were particularly interested in this material.

3 MR. MURPHY: They didn't come to you and threaten
4 you in any manner, that they were going to have the Dingell
5 Committee --

6 MR. WHITT: No. No. They didn't threaten me with
7 the Dingell Committee, to my knowledge, in any way. The
8 staff didn't.

9 MR. MURPHY: Did anybody?

10 MR. WHITT: I wouldn't say anybody threatened me.
11 I was informed that I was going to have to appear before the
12 Dingell Committee.

13 MR. MURPHY: By who? Who informed you of this?

14 MR. WHITT: A member of GAO.

15 MR. ROBINSON: So, it's your statement, or that you
16 believe that, somehow, although you can't remember the
17 specific conversation, that before that March 20th letter was
18 signed, Admiral White was aware of the fact that, as the
19 Manager of NSRS, you could not concur in that March 20th
20 letter, other than to just sign it as having read it?

21 MR. WHITT: That was certainly my belief.

22 MR. ROBINSON: Okay. What I want to do, now, Mr.
23 Whitt, is to clarify in my mind, again, the different
24 official positions regarding whether or not Watts Bar was in
25 compliance with Appendix B that I understand. To my

1 understanding, your personal position is that with respect to
2 corrective action, and material traceability, Watts Bar as
3 not in compliance with Appendix B up until the day you left
4 TVA, is that correct? Or amplify on that for me?

5 MR. WHITT: Let me start off by saying, I honestly
6 don't know whether Watts Bar was in non-compliance with
7 Appendix B. I have thought about this an awful lot, and
8 today I still am not sure whether it was or it wasn't. I
9 think they had serious problems at Watts Bar in the
10 regulatory area. And I think that some of the work done in
11 NSRS pointed this out, and substantiated it.

12 As far as being in continuous violation of Appendix
13 B, I, personally, would not have been willing to say that. I
14 would have been willing to say, they don't have an adequate
15 corrective action program. There is serious questions about
16 the traceability of materials. And beyond that, there are
17 additional problems. I don't know whether all of those
18 problems constituted a continuous violation of Appendix B.

19 MR. ROBINSON: Okay. And at the time of the
20 issuance of the March 20th letter, what was the -- your
21 NSRS staff's position with respect to whether or not Watts
22 Bar was in compliance with Appendix B?

23 MR. WHITT: It was split. There were some of them
24 that definitely thought that it was in compliance -- or in
25 non-compliance with Appendix B. And it was continuous non-

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1 compliance. And that, essentially, no work should be allowed
2 to be done. There was another group that believed that,
3 similar to what I've explained before, they've got some
4 serious problems down there, but they should be allowed to
5 have time to correct those problems. And even NRC allows you
6 time to get in non-compliance when they find you -- or to get
7 in compliance when they find you in non-compliance; so that
8 should be allowed.

9 There were others that just didn't know. As a
10 matter of fact, I serious doubt that anybody in TVA,
11 seriously -- well, that anybody really knew whether or not
12 they was in non-compliance. White had to take the words of a
13 lot of people. He put a lot of resources on this. And I
14 think the resources that he put on it deserve some attention.
15 People ought to listen to that. He sent people out to find
16 out if they were in compliance. And most of his people, as I
17 understand it, came back and said, we are substantially in
18 compliance.

19 But, you've got this one group that says you are
20 not in compliance. Now, you've got to take the two parts,
21 and make a management decision based on it. I thought that
22 was fair. And I did not argue with White, if he found our
23 group wrong, or if he found a place in the middle that he
24 wanted to go. Whatever he decided, I had to support White.
25 That was my belief. You know, once your boss tells you that

1 you are wrong, and you tell him you believe you are right,
2 and here's why; and he says your are wrong. Then I'm going
3 to support my boss.

4 Unless there is a safety issue, that I know is a
5 safety issue. Then if there was an immediate safety issue, I
6 would worry about it; but all of our plants were shut down.

7 MR. ROBINSON: Going back, again, to the series of
8 attempted concurrences, leading up to the final letter,
9 approximately how many times did the gentlemen that were on
10 the concurrence list attempt to get together and get the
11 letter out before it actually went out?

12 MR. WHITT: I would estimate four, but I'm not
13 positive. There was one that took place before I was
14 involved in any of them. Then, I would say, there were at
15 least three others.

16 MR. ROBINSON: Okay.

17 MR. MURPHY: Who were them gentlemen, by the way?
18 Is this list that -- is that -- I mean --

19 MR. WHITT: That's the gentlemen that was in the
20 meetings. Sometime it would be Kirkebo, Drotleff might have
21 been there sometimes. But I remember Kirkebo being there for
22 Drotleff.

23 MR. MURPHY: Most of the time?

24 MR. WHITT: Yeah.

25 MR. MURPHY: There wasn't anybody else?

1 MR. WHITT: No, I believe those were the ones that
2 would have made up the group. Is White's name on there, by
3 the way?

4 MR. ROBINSON: No.

5 MR. WHITT: Okay.

6 MR. ROBINSON: Of course, he signed the letter.

7 MR. WHITT: He was usually there. He was in and
8 out part of the time, too, while some of the discussions were
9 going on.

10 MR. ROBINSON: Do you recall any significant
11 changes to the content of the letter in, say, mid to late
12 February, before it went out?

13 MR. WHITT: From my perspective, I can say that I
14 remember, and I might have the time, but I don't remember any
15 significant changes. There was some word engineering, trying
16 to, maybe, state things more correctly. But to my knowledge,
17 and to my remembrance, I don't remember any real significant
18 changes being made in the cover letter, itself.

19 MR. ROBINSON: Does the name George Edgar mean
20 anything to you?

21 MR. WHITT: No.

22 MR. ROBINSON: I noticed that Mr. Gridley's
23 concurrence on this final concurrence sheet, is dated March
24 6th, 1986. Was the letter essentially in its final form in
25 early March, or late February?

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1 MR. WHITT: Yeah. I can say, I don't remember what
 2 changes were made. And I'm not sure that the delay was due,
 3 totally, to the letter, itself, or some of the attachments.
 4 But I can't remember a lot of changes -- significant changes
 5 being made. I remember that there was some word engineering,
 6 and when I say word engineering, I don't mean to belittle it.
 7 I'm sure that the people who were making them thought they
 8 were very important. But I didn't -- I don't recall there
 9 being any changes that were -- had changed the intent of the
 10 letter.

11 MR. ROBINSON: Okay. So, to just capsule my
 12 understanding of the series of events that took place in the
 13 concurrence, sometime in February, when the first issue of
 14 concurrence came up, Gridley indicated that concurrences
 15 would be needed. And at that time, you told him that, as the
 16 -- that you would only concur as having read the letter?

17 MR. WHITT: Not quite. I didn't tell -- I told
 18 him -- all I told him was, "I can't concur in that letter,
 19 and still manage NSRS." And that's what I told him.

20 MR. ROBINSON: And, then, he went to Gridley -- or
 21 he went to Wegner --

22 MR. WHITT: I believe.

23 MR. ROBINSON: -- and came back with some wording,
 24 which may have been this document, dated February 20th?

25 MR. WHITT: Right.

1 MR. ROBINSON: And asked you if that was okay?

2 MR. WHITT: Yeah. He said, "You are right. We're
3 not going to ask you to concur. We're going to ask you to
4 say that you've seen this letter, and sign that." And I
5 says, "I have no problem with that."

6 MR. ROBINSON: And, then, to the best of your
7 recollection, in, maybe, the two or three times that the
8 concurrence groups got together before the last letter, you
9 saw some concurrence sheets with that qualifying stated typed
10 on there?

11 MR. WHITT: Yes.

12 MR. ROBINSON: And at the final date of
13 concurrence, the statement was not on there. And you signed
14 the concurrence with the statement not on there?

15 MR. WHITT: That's correct.

16 MR. ROBINSON: And it's your statement that at this
17 point in time, either on that concurrence date, or some time
18 prior, you had conveyed to Mr. White that your concurrence
19 was going to be that you read the document?

20 MR. WHITT: Yes. I believe that White understood
21 that.

22 MR. ROBINSON: Okay.

23 MR. WHITT: Let me say, I don't know what White
24 believed. At that time, I believed that White understood
25 this. And when I signed this, Gridley agreed to make the

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1 change to indicate that I had only read the thing. And he
2 says, "I'll make that change." And he later came back to me,
3 and he says, "I did what I told you I would do. I made the
4 change to indicate that you had only seen and read this
5 letter."

6 MR. ROBINSON: Was that conversation with Gridley
7 while everybody was still in the room?

8 MR. WHITT: I believe it was, but I don't recall.
9 I don't know when that -- well, it -- it was at the time, or
10 before I signed it. I told Gridley, "Now, you understand,
11 I'm not signing this as concurrence." And he said, "Yes, I
12 understand that."

13 MR. ROBINSON: Was Mr. White present during that
14 conversation?

15 MR. WHITT: I don't remember whether White was
16 present, or not. Because it didn't have the words on there.
17 And, you know, I'm not sure that when we signed that, we all
18 sat around the table and signed it, which it could have been.
19 I know we all sat around the table and looked at the letter.
20 But when all of the changes got made, Gridley may have
21 brought that around to each individual, I don't remember.

22 MR. ROBINSON: So, you had the conversation
23 reminding Gridley that you needed the qualification on there
24 before --

25 MR. WHITT: Yeah.

1 MR. ROBINSON: -- you signed it?

2 MR. WHITT: Yeah. What I said to him, if I
3 remember it correctly, was, you know, "You forgot to put this
4 qualification on here, and will you do that?" "Certainly."

5 MR. ROBINSON: What was his reaction when you said
6 that?

7 MR. WHITT: That -- I got the impression that he
8 had simply forgotten to put it on there.

9 MR. ROBINSON: Do you have any indication that he,
10 or anybody else, was trying to slide that concurrence by
11 without that qualification on there, at that last time?

12 MR. WHITT: I didn't talk about it, I don't
13 believe, to anybody else that last time. I didn't get the
14 impression from Gridley that he was trying to slide it by,
15 because he was absolutely, totally, to go ahead and put the
16 qualifier on.

17 MR. ROBINSON: Okay. And you don't recall, in that
18 final concurrence meeting, where everybody was reading the
19 letter, Mr. White directly asking you if you concurred in the
20 letter, or not?

21 MR. WHITT: I don't know whether it was the final,
22 or not. He definitely asked me if -- like I said before, he
23 asked me my personal opinion, and he asked me for the staff's
24 opinion. As a matter of fact, when he asked me, Wegner told
25 him that, you know, you can't ask for concurrence. And he

1 said, "I can ask him for his personal opinion, and then I can
2 ask him what he thinks the staff thinks about it." So, I'm
3 convinced that White knew.

4 MR. ROBINSON: And you gave him your personal
5 opinion?

6 MR. WHITT: Yes.

7 MR. ROBINSON: Okay, I don't think I have any more
8 questions. Do you have any?

9 MR. MURPHY: I have a couple. Weren't, at some
10 point in time during this whole process, you given a package
11 of documentation by your staff, the people, you know, the
12 NSRS folks, concerning, really, backup data for the -- for
13 the -- for the perceptions?

14 MR. WHITT: Yeah, I don't remember the time frames
15 on all of them, but there was at least once, probably more, I
16 was given backup data.

17 MR. MURPHY: At some point in time after you were
18 given all of this stuff, did you determine, in your own mind,
19 that there were some valid grounds for their perceptions?

20 MR. WHITT: Valid grounds for what?

21 MR. MURPHY: For their perceptions? In other
22 words, that their perceptions were, in fact, valid.

23 MR. WHITT: Sure, I believe that their perceptions
24 were valid. I had the same perceptions, it was just a matter
25 of degree.

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1 MR. MURPHY: Okay. Did, at any point in time, you
2 tell Mr. White that you agreed with the contents of that
3 letter?

4 MR. WHITT: I'm not sure you can -- I'm not sure I
5 can separate the contents of the letter, from the contents of
6 the attachments. The letter, itself, whatever I told White,
7 and I don't think I ever told him I concurred, or anything.

8 MR. MURPHY: Uh huh (affirmative).

9 MR. WHITT: But I didn't have any real problems
10 with the letter.

11 MR. MURPHY: Yeah.

12 MR. WHITT: I thought White did a thorough job of
13 getting his information. And if that was his position, I was
14 not going to argue with his position. I did tell him I have
15 some problems with the contents of the attachments.

16 MR. MURPHY: Yeah, that was my, I guess, my next
17 question. You said there were no major changes to the
18 letter, but there were -- is that some indication that there
19 was a problem with the attachments? What problem did you
20 have with the attachments?

21 MR. WHITT: Well, some of the attachments were -- I
22 thought were pretty good, personally. Welding, they
23 indicated that they were having a big program. As a matter
24 of fact, I was the initiator of some of those programs, to
25 try to find out the condition of welding. I thought they

1 were doing something to really get to welding. Some of the
2 others, I was not so pleased with. And I specifically had
3 problems with the cable pulling issue at Watts Bar.

4 And I told him that. I told him that I had
5 problems with it. They reworked it. I still had problems
6 with it. The main problem I had with it, was we wrote a
7 report, which is a famous, or infamous report today, that
8 said there were extremely serious problems with cables at
9 Watts Bar. We never got an official response to that report.
10 We never had an opportunity to even evaluate what corrective
11 action was, or why there wasn't any. Therefore, I had
12 problems with -- with the cable pulling issue at Watts Bar.
13 And didn't think it was properly addressed in the
14 attachments.

15 MR. MURPHY: And you expressed that to Mr. White?

16 MR. WHITT: To Mr. White, and the whole group.

17 And, as a matter of fact, Mason was present at one point in
18 time when I expressed it, in one of these sessions.

19 MR. MURPHY: Did you have any other of the
20 attachments that gave you some concern?

21 MR. WHITT: I can't remember every one of them.

22 MR. MURPHY: Would it do you any good if I dig them
23 out, and let you look at them?

24 MR. WHITT: One other one that -- no, it probably
25 wouldn't. I probably couldn't remember. I can pretty much

1 remember what most of them were. But that's the only one
2 that I can specifically remember bringing up, and saying that
3 I just couldn't support.

4 MR. MURPHY: And that was brought to his attention?

5 MR. WHITT: Yes. And I thought he understood it,
6 as everybody did. And, you know, they pointed out all of the
7 things they were doing to improve it. And the final one that
8 went out was a tremendous improvement over some of the others
9 that I had seen, you know, what they said they would do.
10 But, still, I couldn't agree with it, because the issues that
11 we had brought up were still outstanding, as far as I was
12 concerned.

13 MR. MURPHY: And you can't recall any other ones
14 that you have any real heartburn with?

15 MR. WHITT: No, I can't recall any. And I don't
16 recall that I -- even if I had some heartburn with them, that
17 I brought them up and discussed them.

18 MR. MURPHY: With that one exception?

19 MR. WHITT: Yes.

20 MR. MURPHY: Okay. Do you have anything?

21 MR. ROBINSON: (Nods negatively.)

22 MR. MURPHY: Mr. Whitt, have I, or any other NRC
23 representative threatened you in any manner, or offered you
24 any rewards in return for your statement?

25 MR. WHITT: No.

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MR. MURPHY: Have you given this statement freely and voluntarily?

MR. WHITT: Yes.

MR. MURPHY: Is there anything that you would like to add to this statement?

MR. WHITT: No.

MR. MURPHY: Okay, this interview is concluded at 1:59 p.m., on August 14th, 1987. And we surely thank you for coming by and talking with us again. We appreciate it.

MR. ROBINSON: Thank you, sir.

MR. WHITT: Uh huh (affirmative).

(Whereupon the above-referenced matter was concluded.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING:

TENNESSEE VALLEY AUTHORITY
10-CFR-50- APPENDIX B

The investigative testimony of:
KERMIT W. WHITT

DOCKET NO.:

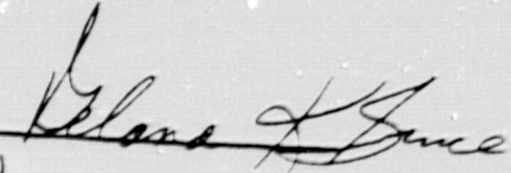
PLACE:

ATLANTA, GEORGIA

DATE:

Friday, August 14, 1987

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

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DELANA K. BRUCE

Official Reporter

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