

ORIGINAL

UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO:

INVESTIGATIVE INTERVIEW of Robert S. Brodsky

LOCATION: TVA Chattanooga Complex
Lockout Place
Conference Room 5-318
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EXHIBIT 69

E X A M I N A T I O N

1
2 BY MR. WILLIAMSON:

3 Q. For the record, it's now 1:07, 26 March,
4 1987. This is an interview of Robert S. Brodsky, who is
5 employed by Basic Engineering Technology Associates,
6 Incorporated.

7 The location of this interview is
8 Chattanooga, Tennessee. Present at this interview are
9 Larry Robinson, Mark Reinhart and Len Williamson.

10 As agreed, this is being transcribed by a
11 court reporter. The subject matter of this interview
12 concerns Mr. Brodsky's knowledge of or involvement in the
13 March 20th 1987 response from TVA to NRC regarding TVA's
14 compliance with 10 CFR 50, Appendix B at Watts Bar.

15 Mr. Brodsky, do you solemnly swear or affirm
16 that the testimony you are about to give will be the
17 truth, the whole truth and nothing but the truth, so help
18 you God?

19 A. As well as I can remember.

20 Q. Mr. Brodsky, if you would, I would like for
21 you for the record to provide a history of your
22 background, your work experience, military experience,
23 educational experience starting from your current
24 position and going back for a number of years. It might
25 cover a number of areas.

1 A. Can I work the other way around?

2 Q. Certainly.

3 A. I went to school at MIT and have a physics
4 degree from the Massachusetts Institute of Technology. I
5 then went to school -- that was in '52.

6 And in '53, there was only one nuclear
7 engineering course. I went to Oak Ridge School of
8 Reactor Technology, which was sponsored by the Division
9 of Naval Reactors, which is civilian. Not sponsored --
10 but employed by Oak Ridge as sort of a fellowship.

11 After I left -- while I was in the school I
12 went to work for the Division of Naval Reactors. For one
13 year. I was a Navy employee. The rest of my time, I was
14 a Department of Energy employee.

15 I worked from '53 through 1979 for the
16 Division of Naval Reactors. When I left, I was Assistant
17 Director, and I responsible for reactor safety and
18 computation. I eventually dealt with NRC in '53 when NRC
19 was nothing more than assistance on reactor safeguards
20 all the way up to where it was when I left in 1979.

21 I handled all matters relating to safety,
22 including fuel fabrication, critical facilities,
23 prototypes, shipboard plants and so forth. I was the
24 primary contact between NRC and the Division of Naval
25 Reactors.

1 In addition, I was associated with matters
2 relating to core fabrication reactor design, procedure
3 development testing, et cetera.

4 In 1979, the Department of Energy offered
5 early retirement, and with three other people, retired.
6 We started a company called Basics Engineering Technology
7 Associates. There are four of us.

8 We have utilities as clients and serve them
9 in various matters relating to nuclear power.

10 Did I leave anything out?

11 Q. Let me ask this. There's you, and there's
12 three other members of BETA?

13 A. Wegner, Bass and Miles.

14 Q. Okay. How long have you been working with
15 TVA?

16 A. Do you mean me as an individual and not
17 BETA?

18 Q. You as an individual.

19 A. The first time I had anything to do with TVA
20 was during the Christmas/New Year's period before 1986.
21 So, it's just about the first of 1986.

22 Q. December of '85, January of 1986?

23 A. The last day or two before the Christmas
24 vacation was the first time.

25 White came down, what, the 13th? And there

1 were contract negotiations prior to that period of time.
2 I was there during those negotiations. I think, vaguely.
3 it was the week between Christmas and New Year's.

4 Q. At that time, January 1986, what was your
5 position with TVA, or with BETA or with Mr. White?

6 A. I was an advisor.

7 Q. Advisor?

8 A. Yes.

9 Q. What does an advisor do?

10 A. Advise.

11 Q. You advised. What are some of your
12 responsibilities as an advisor?

13 A. Just that. Give him opinions on matters he
14 has asked me to look into.

15 Q. Do you recall any early correspondence from
16 NRC to TVA regarding TVA's compliance with Appendix B?

17 A. I'm not really sure what you mean. Recall
18 at what point? I have by now read, to different degrees
19 of detail, the correspondence that occurred over the
20 period of time.

21 Now don't ask me to cite chapter and verse.
22 QA, QC is not my specialty. I know the problem roughly.
23 I don't understand the issue, frankly.

24 Don't ask me do I know such and such in a
25 letter, line so and so, because I don't.

1 Q. I can provide copies of this documentation
2 if it will be helpful to you.

3 As early as January, the commission asked
4 TVA to provide information as to whether they were in
5 compliance with Appendix B.

6 There was subsequent correspondence and
7 letters from that time until March 20th, when TVA
8 responded to those concerns.

9 What I'd like to know is what was your
10 knowledge of and involvement in this final response to
11 the NRC, the March 20th letter to the NRC regarding their
12 compliance with Appendix B?

13 A. I think --

14 Q. And let me do one other thing. I'm going to
15 pull out some documentation. If you need to refresh your
16 memory, fine.

17 A. The amount of detail that I had, the one or
18 two pieces of interaction I had, I can describe without
19 the letter. I am familiar, of course, with the fact the
20 issue was raised and the answer was made.

21 During the time -- I think -- let's discuss
22 what I have think my involvement was. Early in the start
23 of this, I had an office. There were several of us
24 advisors sitting in it. We would talk over different
25 issues that each one of us were involved in.

1 There was on, one or two occasions, and that
2 was about the extent of my participation -- discussion of
3 the issue of the Appendix B response that had to be
4 prepared.

5 I think my first contribution to this was
6 the statement that I made that I believed we ought to get
7 some people that understand the issue and could be
8 responsive to what does compliance with Appendix B mean,
9 or what do other people do when they have QA/QC problems,
10 and how do they relate in their dealings with NRC, are we
11 doing something different here that has never been
12 invented before, before or have other people had this
13 problem?

14 As a result of that, the Stone and Webster
15 people were brought in -- and I don't remember their
16 names -- to do this initial investigation, and look at
17 what the hell the story is, and to try to see what it all
18 meant. That was my first involvement.

19 My second involvement was when they
20 finished, and I don't remember the words exactly. They
21 came up with a position that -- I'm sure time not going
22 to state this right, but I will do the best I can --
23 compliance with Appendix B does not mean that the plant
24 is built with no faults, and that there are problems that
25 have to be fixed or corrected. That is point one.

1 Point two, which really struck my attention,
2 was they brought up some cases in law or hearings, and I
3 don't know if that's the right term, where this was
4 indeed substantiated and brought out. That's the second.

5 The third part of my participation was that
6 draft letters were being prepared to respond to NRC on
7 the Appendix B issue.

8 Now remember, I really want to emphasize
9 this. I'm not a lawyer, and I'm not a QA/QC guy. But it
10 really struck a note with me where this fact of law was
11 raised and these hearing things were raised.

12 And if I was doing it -- and again I am not
13 qualified -- but I had a lot of dealings with NRC over
14 the years -- I would have written my letter around this
15 because I didn't understand what compliance with Appendix
16 B was, and I didn't understand all the the verbage. But
17 here was a precedent, and I would have done that.

18 My involvement in the draft was to keep
19 saying, why don't we use this instead of the other
20 approach. And everybody said they couldn't. I don't
21 even remember the discussions.

22 That was the maximum extent of my
23 participation. I like to tie things up in a nice box and
24 put a ribbon on it. I am not used to dealing with
25 intangible vapors. I like the firm approach.

1 Those were really -- now I'm just an
2 outsider watching everything that goes on. I'm not
3 dead. I know what's going on, but I am not actively
4 involved.

5 Q. You have mentioned earlier that each of you,
6 as advisors, were involved in different issues at that
7 time.

8 What issues were you involved in?

9 A. Oh, many. Fuel production costs, emergency
10 alarm systems, the Watts Bar special program, employee.
11 concerns, computing.

12 Q. Were you located here in Chattanooga, or
13 were you on a site?

14 A. Well, you understand, I'm not a full time
15 employee. But when I am here, I am here in Chattanooga
16 most of the time. I occasionally go to Watts Bar.

17 Q. So, you weren't physically located in
18 Chattanooga from January through March?

19 A. I was here and there. I was here on
20 occasion.

21 Q. You weren't here full time?

22 A. No, sir.

23 Q. Were you involved in a review of any of the
24 preliminary drafts to the response to NRC, either for
25 review and comment or for review?

1 A. As I mentioned, yes. I had seen -- and
2 don't ask me at what point in the draft status it was
3 that I saw the draft letter. That's when I raised my
4 thing that if we can tie it up nicely with precedent, I
5 would much rather do that than discuss these intangible
6 things.

7 Q. What was the precedent we are talking about?

8 A. Again, I don't remember the details. I
9 think there were two plants that were somewhere --
10 something or other, and the decisions were raised that
11 one could meet Appendix B or be in compliance with --
12 Appendix B did not mean that you did everything right.

13 You can find things wrong and be correcting
14 it and still be in compliance with Appendix B. That is a
15 summary of what I remember of that position. Nice legal
16 sorts of things, intangibles.

17 Q. Were you ever aware of other activities that
18 were going on during this time frame -- January,
19 February, March -- other reviews, evaluations that were
20 conducted by either co-workers of yours or peers of yours
21 at that time?

22 A. Yes.

23 Q. Do you recall exactly what some of these
24 people were involved in?

25 A. It would be extremely difficult. It was

1 matters not relating to this. I can generally remember,
2 but they aren't related to this.

3 Q. Did you have a daily contact with other
4 advisors for Mr. White?

5 A. When I was here, we all had offices. I
6 don't know if you have been up to the back room where we
7 used to have our office. It was just a big open room
8 with desks. Whoever was in, was in, and they were there.

9 So, clearly most of the time there was more
10 than one advisor. So, in general, yes.

11 Now, remember, I wasn't there full time, and
12 neither were the other advisors.

13 Q. Do you recall making any substantive changes
14 to the proposed responses?

15 A. The only one I wanted to make everybody said
16 wasn't consistent with -- they have said I misinterpreted
17 what was being stated. And I wasn't trying to learn the
18 area, so other than that, no.

19 BY MR. REINHART:

20 Q. Do you know which advisors were instrumental
21 in this issue?

22 A. I imagine quite a few had some element of
23 participation.

24 Q. Can you name any of the key ones?

25 A. Key is a hard word. I don't know what

1 defines a key one. But I know Siskin did something,
2 Sullivan did something. I'm sure, though I wasn't
3 touching it at that time -- well, out of exactness, those
4 are the only two -- Kelley. At that point I am not sure
5 whether he was an advisor or was in charge of the QA
6 department. And then Houston.

7 Q. How about Mr. Wegner, Mr. Bass? Do you know
8 if they were involved?

9 A. I can't be sure of anything because I wasn't
10 here all the the time he was. But I doubt if Mr. Bass
11 had anything to do that was significant or meaningful to
12 it.

13 I'm sure Mr. Wegner was involved, but again
14 remember he has the same problem I do. He was not an
15 expert on OA/QC and it would be very difficult for him to
16 speak with authority.

17 BY MR. ROBINSON:

18 Q. Is there anyone in BETA that is an expert on
19 QA/QC?

20 A. No.

21 BY MR. REINHART:

22 Q. You mentioned your first involment was a
23 discussion, and you were in the team that was going to
24 look things over.

25 A. Not me. I'm not sure what you are talking

1 about.

2 Q. You mentioned your three involvements. Your
3 first, you have said, was a discussion.

4 A. It was an informal discussion in a large
5 room. And I don't remember who it was, Sullivan, for
6 example and Houston. Let just say it was, because I am
7 not sure.

8 We were talking about the problems presented
9 by the issue. And it's a real difficult problem. And I
10 listed to them talk and the give and take -- I just
11 concluded that we didn't have the feel to put it in
12 perspective to the industry as a whole, and they had
13 people working for them who would.

14 Q. And that was the Stone and Webster group?

15 A. Yes.

16 Q. Do you have any subsequent involvement with
17 the Stone and Webster group?

18 A. I talked to them once to ask them how it was
19 coming, and they told me about these precedent issues.
20 In fact it was in a car ride to the airport. And it made
21 me feel we were on the way to solving that problem.

22 Q. Did you ever see reports or letters or
23 correspondence?

24 A. I think I've seen the output of the group.
25 Now, I don't know -- they may have had more than one

1 output. And I am not sure if it was a final or at what
2 point but I did see a piece of paper that discussed what
3 I am talking about.

4 Q. Did you have any substantive review or
5 comment on that?

6 A. No.

7 Q. You just happened to see it?

8 A. Yes.

9 Q. During the November/December, 1985 time
10 frame when you were saying you probably first got
11 involved there --

12 A. I didn't say November or December. I said
13 the last two or three days of December and January.
14 Because I was not involved with any of the work that was
15 done prior to December.

16 Q. So, you weren't involved in the initial
17 evaluation or anything?

18 A. No.

19 Q. Do you know what the result of that initial
20 evaluation was?

21 A. I never read the report.

22 Q. Is there a report on that?

23 A. I don't know. Well, I don't know whether
24 there is. I never sat down and seen anything that
25 quantified it and gave the details.

4
1 Everything else was just sort of hearsay on
2 the plane if I were happened to run across one of my
3 partners that was involved.

4 Q. Were you involved or did you interface with
5 an effort that was later called the Nace Report? John
6 Kirkebo wrote up a report and sent it to Larry Nace, a
7 systematic evaluation.

8 A. Let me paraphrase it back to see if we're
9 talking about the same thing.

10 Q. Okay.

11 A. Nace was in the same box, and we had big
12 arguments about computer techniques, which had nothing to
13 do with any of this.

14 But I believe, if I understand it right,
15 that that was the report that was generated where they
16 were -- some Stone and Webster employees went through
17 every bit of documentation that they could find where
18 people made comments on TVA relating to bad things --
19 digging out every issue that was concerned and raised so
20 that they could be tabulated and looked at and know we
21 have to address them somewhere along the line.

22 Yes. I knew about it going on. We talked
23 about the format of the data base because of his interest
24 in computers and mine. I took him down and introduced
25 him to the computer guy.

1 And much later on I got involved with it
2 because we decided something -- you can't let those
3 things sit. Now, I've got a list of potential issues We
4 have got go do something about.

5 So, we folded that into the Watts Bar
6 special program, and I was very active in that.

7 BY MR. ROBINSON:

8 Q. By the Watts Bar special program, do you
9 mean the Employees Concern Program?

10 A. Yes.

11 Q. How about the nuclear performance plan, were
12 those things folded into the nuclear performance plan?

13 A. I don't know anything about that.

14 BY MR. REINHART:

15 Q. Did you get involved in any discussion
16 regarding that word pervasive that was used?

17 A. No. I would been a poor one to discuss it.
18 My wife may be good a good one to discuss it.

19 Q. Does your wife have experience with Appendix
20 B?

21 A. No. She's an English school teacher with
22 good English. Pervasive -- really -- I won't get into
23 that.

24 BY MR. WILLIAMSON:

25 Q. Subsequent to the Nace Report, which

1 identified the systematic analysis of identified
2 concerns, some other Stone and Webster personnel came
3 down and did evaluations at Watts Bar. And that was
4 headed up by Mr. Craig Lundin?

5 A. I think those were the guys I talked about.
6 I'm not sure where I said that we had to get somebody who
7 knows the industry and so forth to come down and look at
8 this and relate it to what's happened other place and
9 approaches what can be used to address.

10 Q. This would have been late January, early
11 February?

12 A. Makes sense.

13 Q. Brought in people who were --

14 A. Seven people.

15 Q. Brought in seven or eight people, and they
16 spent probably five or six days on site addressing some
17 issues that had been previously raised by NSRS as
18 perceptions?

19 A. I didn't know about that. My understanding
20 and the people I am talking about, they were coming down
21 looking narrower, rather than broader.

22 Q. You have suggested it to whom that these
23 people be brought in?

24 A. I don't remember specifically. I said that
25 we ought to get the guys in to look at it and see what

1 it needs to develop an approach.

2 Q. Let me ask you, between January and March,
3 what percentage of your time do you think was spent with
4 TVA?

5 A. I knew you would ask that. I'm going to
6 guess somewhere between twenty-five and fifty percent of
7 my time.

8 Q. You did mention that you spent some of your
9 efforts at Watts Bar working with the Employees Concern
10 Program?

11 A. Yes.

12 Q. And I guess possibly some of this time was
13 spent in reviewing the results of the QTC program there?

14 A. I didn't have to go down to Watts Bar to do
15 that.

16 Q. To what extent did you spend -- to what
17 extent was your review of the Employees Concern Program?

18 A. I don't see how that's related to the issues
19 at hand. Seeing that it's now a Department of Labor
20 issue, I'm reluctant to get into because it's not related
21 to the issues.

22 Q. It is related in that we are trying to
23 determine at what point you learned that some of these
24 employee concern programs, as far as safety and quality
25 were concerned, at what point in time these things were

1 brought to management's attention?

2 A. I don't even understand the question.

3 Q. What was your purpose in reviewing the
4 Quality Concerns Program or Employee Concerns Program?

5 A. I really would rather not discuss the
6 Employee Concerns Program at this time.

7 It will have nothing to do with this issue,
8 I can assure you. I am not used to working this way. I
9 am an engineer. And with the Department of Labor case on
10 one end and an \$86,000,000 lawsuit on the other end, I'm
11 reluctant to talk to anybody about anything.

12 And I don't want to talk with anybody about
13 matters relating to EPC.

14 MR. REINHART:

5
15 Q. You're saying that the Employees Concerns
16 effort, findings, QTC effort findings had nothing to do
17 with TVA's response to the NRC'S request regarding
18 Appendix B?

19 A. I'm saying my activities associated with
20 that program had nothing to do with the Appendix B issue
21 and the responses to it.

22 Q. Okay. Other people may have had something
23 to do with it, but yours did not is what you are staying?

24 A. Well, we are playing word games. and I don't
25 mean to do this with you. All my life I have dealt with

1 you guys straight and above board.

2 But you're now getting into stuff I have
3 never been involved in. And I don't see any reason to
4 put myself in a position to have to walk that thin narrow
5 line for this issue.

6 I will be glad to help you on anything
7 relating to this issue.

8 BY MR. WILLIAMSON:

9 Q. I also don't see how this would impact on
10 the DOL investigation?

11 A. Are you familiar with the DOL investigation?

12 Q. Yes.

13 A. Well, I think it impacts on the DOL
14 investigation. My dealings with Employee Concern
15 Program impact on the DOL investigation.

16 Q. We also, NRC has a memorandum of
17 understanding with the Department of Labor regarding
18 investigations.

19 A. I have no problem with you getting anything
20 I tell the Department of Labor. I'm just saying what I
21 am doing with DOL has nothing to do with what you are
22 doing. And I would rather not discuss the QTC matters
23 with you.

24 Q. The specifics of the QTC matter or the
25 Employee Concern Program -- what I am trying to

1 determines is were you involved in the development of
2 this program?

3 This program, as I understand, has been
4 started -- at least the Employees Concern Program, as we
5 know it -- had been started early by Mr. Denise and had
6 been developed by Mr. Denise.

7 A. I don't believe that's true. I think the
8 program was started before Mr. Denise was here. But
9 again if that's which you understand, fine. He came here
10 in November, didn't he, and QTC was hired in April of
11 that year.

12 Q. That's correct. But Mr. Denise was involved
13 in the development of a program are at least the
14 management of an Employees Concern Program.

15 Did you have any contact with Mr. Denise
16 concerning the Employees Concern Program?

17 A. This has nothing to do with the issue.
18 I am not here with a lawyer. I am spending an abnormal
19 amount of time with lawyers now. I just don't want to
20 discuss this.

21 If you can tell me why this affects what you
22 are doing and how my answering these questions would help
23 you and why it's important, then I will do the best I can
24 to do that.

25 But I can't see that they are relevant to

1 this issue. Therefore to separate my problem from this
2 other issue is, I think, the smart thing to do.

3 That's my evaluation. I didn't come with a
4 lawyer. I just expected to come and talk to some people.

5 BY MR. ROBINSON:

6 Q. Are you aware of how the whole issue was
7 initiated?

8 A. What issue?

9 Q. The Appendix B issue, whether or not TVA was
10 in compliance?

11 A. You mean in discussion with Commissioner
12 Asselstine, yes.

13 Q. NSRS developed a number of their perceptions
14 out of employee concern. And we are trying to indicate
15 that some of those perceptions came from groups were
16 either resolved --

17 A. I wasn't here at that time, so I don't know
18 really what the details are. And to be very honest with
19 you, I don't know if what you said is a fact.

20 I know that NSRS did develop a concern, but
21 I am not certain where they came from -- whether they
22 came from a QTC employee concern element, or other work
23 that NSRS had been doing over the years even before OTC.

24 Q. Are you familiar with the list of NSRS
25 bullets in any way? Have you ever heard them termed

1 bullets?

2 A. No.

3 Q. These are the perceptions.

4 A. I'm familiar with the eleven issues, eleven
5 or twelve. I can't name them.

6 Q. Were you ever aware that certain TVA line
7 elements undertook an effort to investigate and respond
8 to these perceptions?

9 A. I am aware that the response to the Appendix
10 B letter had an appendix or attachment discussion of
11 these eleven issues, whatever the number was.

12 Q. Were you involved in the development of that
13 at all?

14 A. No.

15 Q. Did you ever review any of those final
16 attachments to the letter?

17 A. I might have skimmed reading it, but I
18 didn't do it in a technical depth. I wasn't involved
19 with the issues. They showed me the draft letter. I was
20 only interested in the first two pages.

21 My naive approach was if it was
22 such a cut and dried legal issue, why are we doing all
23 the the other stuff? Everybody said I was naive.

24 Q. Did they tell you why you were naive?

25 A. They might have. but I was busy. And they

1 certainly knew a hell of a lot more than me about the
2 subject. So I accepted it.

3 Q. You don't remember any comment as to why
4 they wouldn't just go with a straight precedent from
5 prior?

6 A. I didn't understand, frankly.

7 Q. What is your area of expertise in BETA?

8 A. Well, now, as I said, I was in reactor
9 design, all aspects of reactor safety, transient
10 analysis, code development, thermohydraulic performance,
11 plant design, engineered safety features, containment
12 design and testing.

13 In addition, I was responsible for all the
14 reactive testing on the ships prototype, certain elements
15 of refueling and safety, test facilities, fuel
16 fabrication facilities, testing of every system -- every
17 program associated with power plant operation.

18 And since then in the commercial industry, I
19 have expanded into those areas.

20 Q. And those were the areas that you were
21 essentially called on advise Mr. White here at TVA
22 basically?

23 A. Basically how to resolve problems.

24 Q. I am not sure if I recall, but you are not
25 familiar with the results of the effort of those six or

1 seven Stone and Webster employees that came?

2 A. I saw one piece of output. I don't even
3 know if it's a final one. But it's the one that
4 discussed that thing I like so much, the legal approach.

5 With me, I have bad tendency if I see an
6 answer I like, I don't want to stop. And I felt at that
7 point was probably over with at that point, but I gather
8 it wasn't.

9 Q. Do you recall which of the people it was
10 that initially came up with the legal approach?

11 A. Don't misunderstand me. The legal approach
12 was related to substance, i.e., there was some hearing,
13 something was concluded about the hearings and these were
14 related to matters of substance, but it was a precedent.
15 And I call a precedent a legal approach.

16 Maybe that's a bad term, but it was a
17 technical precedent that nobody expects that a nuclear
18 power plant to be built a hundred percent right the first
19 time. Anything that complicated can't be done.

20 Q. And you don't have any recollection at all
21 who brought up that legal precedent?

22 A. It was one of those seven guys, whoever
23 those Stone and Webster guys were. They came in, and they
24 diddled around. As a result of there investigation
25 concluded and raised that.

1 Now, whether that was the final thing and
2 went with the other details, I really don't know.

3 Q. Is there anyone in the BETA group in
4 particular that Mr. White would go to for advice on
5 quality assurance?

6 A. It's a hard question to answer. I think he
7 would go to BETA just in general for advise on anything.
8 He knows we won't speak to what we don't know, and that
9 if we're in an area that we don't feel we have adequate
10 support, we'll tell him or go out and find the sorts of
11 background and support to answer his question.

12 Q. And your thoughts about getting the Stone
13 and Webster people that had some expertise in QA would
14 have been the reaction to that QA type problem?

15 A. It might have, but I don't even think I had
16 to make that recommendation to him. We were just talking
17 with people who were in a position to do things and, it
18 was generally a results of let's do it and somebody went
19 and did it.

20 But I don't consciously remember going to
21 White and saying we ought to get some Stone and Webster
22 guys in.

23 Q. In that when you first had that little room
24 with the desks in it that were occupied by whoever
25 happened to be in town, was that just the BETA folks that

1 were in town?

2 A. All the advisors.

3 Q. Okay. Of the other advisors, to your
4 knowledge, and we may have asked this before, but I just
5 want to clarify it again, who had the major
6 responsibility for assisting Mr. White in the preparation
7 of this March 20th cover letter?

8 A. I don't know. I wasn't around that much.
9 I think the basic letter was developed by the licensing
10 branch of TVA within input from God and everybody. So, I
11 just don't know.

12 Q. Do you know if Mr. Edgar had any input? Do
13 you know Mr. Edgar?

14 A. Yes.

15 Q. Do you know if he had any input to that
16 letter?

17 a. It would be just a guess, so you really
18 don't want a guess.

19 Q. What would your guess be?

20 A. Absolutely not. I don't think he was around
21 in those days, but I may be wrong. I don't remember when
22 Edgar came. I want to withdraw that question. I don't
23 have the vaguest idea.

24 Q. Whether or not he was involved?

25 A. I don't have the vaguest idea.

1 BY MR. REINHART:

2 Q. Do you know of any communication between TVA
3 advisors or loan manager and the NRC at the working level
4 of management level, any attempt between the two groups
5 to get clarification or help on that letter and that
6 response?

7 A. I wasn't aware of it. I didn't call anybody
8 and talk to anybody about that that I remember.

9 BY MR. WILLIAMSON:

10 A. While you were here at TVA, and I'm not sure
11 what you were doing, but were you reporting the results
12 of your efforts, whatever they were, to someone in
13 particular?

14 A. Let me give you an example of something I
15 did, just so you have an example.

16 Q. Please do.

17 A. I am sure I will louse up the details, but
18 TVA has a contract to purchase enrichment services from
19 the Department of Energy. Do you know about fuel
20 enrichment?

21 Well, the Department of Energy came out with
22 a proposal to all its customers that if you do thus and
23 that and so and so, we'll give you a lower price.

24 From TVA's point of view, the thus and such
25 and so and so amounted to committing itself to enrichment

1 services in the future. But right now it was not
2 contractually obligated to commit itself. It had an
3 option to do it, but it was not a commitment.

4 So, I looked into their DOE proposal and
5 TVA's proposed response for Mr. White and reviewed the
6 options, the advantages and disadvantages and so forth
7 and went back and recommended to him what he ought to do
8 with respect to that proposal.

9 He then directed his people as he saw fit
10 using my recommendation as an input to what action to
11 take with respect to that contract proposal.

12 A second one is we came here and the staff
13 was preparing a response to the matter relating to
14 emergency planning. The response had to do with the
15 notification of the people in the vicinity of the plant
16 and the adequacy of that.

17 I reviewed the approach that was being taken
18 in responding on that issue and made certain
19 recommendations to Mr. White, changes that ought to be
20 made and equipment that ought to be purchased and a
21 change in approach, which he did do that.

22 One day or another, it would be different
23 issues, all which vaguely related to something I had
24 dealt with in the past.

25 Now, I had never had to buy enrichment

1 services before, but I know what enriched uranium is. I
2 know the Department of Energy, having worked for them a
3 number of years.

4 Does that help?

5 Q. Yes, sir. Did you see the final draft of
6 the March 20th letter that went out from Mr. White to the
7 commission?

8 A. I am not sure I saw the final draft, but
9 subsequent to it, I have seen the letter.

10 Q. And did you concur?

11 A. I don't think I was down for concurrence.

12 Q. You weren't down for concurrence?

13 A. Nobody asked me to concur.

14 Q. But you read the letter?

15 A. After it had been sent.

16 BY MR. ROBINSON:

17 Q. What did you think of it?

18 A. I wish there was an easy way to handle the
19 problem. Because, as I mentioned to you before, I'm an
20 engineer. I like a number, a fact, a cut and dried
21 thing.

22 I don't know what's happened since then. Of
23 course, hindsight is marvelous. I still don't understand
24 the issues. I don't understand why you're here. And I
25 had better leave it at that.

1 Am I wrong? Do you understand?

2 Q. So, you would know -- all of your your
3 comments regarding the letter, they were all verbal,
4 there was no written comment on any of the drafts?

5 A. Right.

6 Q. If you were to happen to make a comment,
7 it was strictly by chance?

8 A. Once I sat in the room and everybody was
9 around the table talking about it, and that's when I
10 really pushed hard for the legal approach. And everybody
11 told me I didn't know what I was talking about.

12 Q. When the advisors were going to discuss that
13 subject, they didn't make sure that you were there to
14 participate?

15 A. To say the least, right.

16 BY MR. REINHART:

17 Q. Earlier you mentioned during this December
18 through March time frame, did you say twenty-five to
19 fifty percent of your time?

20 A. Yes.

21 Q. I didn't know whether you said fifty or
22 fifteen?

23 A. I am not sure. I haven't looked at the
24 books. I was very busy at other plants at that time but
25 that's a about it.

1 BY MR. WILLIAMSON:

2 Q. I have another question. Were you at any
3 time briefed by anyone on the number of allegations that
4 have been raised at Watts Bar?

5 A. You mean concerns or allegations?

6 Q. Concerns?

7 A. You're really getting back to that other
8 issue. If you can explain to me how it's related to
9 this, I'll be glad to answer.

10 Q. The reasons I think it's related to it is
11 because a number of these concerns that were subsequently
12 related were also identified in the NSRS perception.
13 They are identified in the Nace Report in January.

14 They are identified as quality/safety
15 concerns. And they were identified at various times in
16 the spring of 1985 and the fall of 1985.

8
17 My concern is at what point in time did you
18 or did others become aware of the nature of these
19 concerns? Does that make sense to you?

20 A. I will do one thing with this because I want
21 to help you as much as I can. I think everybody that
22 came here, I think we knew there were employee concerns.
23 That was a major issue.

24 Q. This isn't a trick question.

25 A. Hey, if you try to trick me, if you try to

1 play games with me, then forget it.

2 I'm used to working with you guys, and we
3 are working for a common cause, which is we want these
4 plants safe and good. We want to make sure all that --
5 all that stuff with the flag. And I believe that
6 strongly.

7 I am a strong supporter of NRC, and I have
8 been from the very beginning. You can ask one of your
9 former commissioners. I am the only one that stood up
10 and defended you guys at the National Academy of Science
11 meeting recently.

12 I don't think you're trying to trick me. I
13 am not sitting here trying to fend you off. I've got
14 real worries because of this situation. I don't know how
15 to handle it.

16 So, I'm staying away from something that I
17 don't think will be a benefit. I can't imagine that it
18 would hurt me. I don't want to get into it.

19 Everybody when they came here knew there
20 were employee concerns, but they knew one of NRC's major
21 concerns, with respect to the start up of these plants,
22 is they wanted these resolved. They felt that they did
23 not want to manage TVA.

24 And what they were getting is whenever
25 employees had an issue, they raised it with NRC instead

1 of raising it with TVA management. The management wasn't
2 doing its job.

3 We understood that. That was a known issue.
4 There were many concerns and they covered many areas.
5 That was also a known issue.

6 Q. And you have said you were brought in in
7 late December, was this at the request of Mr. White?

8 A. I don't know how to answer that. Mr. White
9 wanted BETA to assist him here, BETA's four guys. He
10 wanted us to help.

11 Q. So, when you were brought in you were
12 briefed as it were as to what needed to be done from a
13 management perspective?

14 A. Yes. Not formal briefings and minutes, but
15 there were discussions held as to what the problem areas
16 were and what had to be done.

17 BY MR. ROBINSON:

18 Q. Before you came here, were you briefed by
19 anyone as to what the nature of the questioning was going
20 to be about?

21 A. No. Only to the extent that one of my
22 partners has been questioned. And that it was wide
23 ranging and didn't seem to concentrate on the issue at
24 hand.

25 MR. ROBINSON: I don't have any other

1 questions.

2 BY MR. WILLIAMSON:

3 Q. Mr. Brodsky, have I or any other NRC
4 representative here threatened you in any manner or
5 offered you any reward in return for this statement?

6 A. No.

7 Q. Have you given this statement freely and
8 voluntarily?

9 A. Yes.

10 Q. Is there any additional information you wish
11 to add to the record?

12 A. If there's anything I can do to help you
13 where I can really contribute to the investigation, feel
14 free to call me because I would like to help you in any
15 way I can.

16 MR. WILLIAMSON: We would like to thank you
17 for your time and for your cooperation.

18 This interview is concluded at 2:00 o'clock
19 on March 26th, 1987.

20 (End of statement.)

21

22

23

24

25

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:

AN INVESTIGATIVE INTERVIEW OF:

Robert S. Brodsky

DOCKET NO:

PLACE:

**TVA Chattanooga Complex
Conference Room 8-318
Lockout Place**

DATE:

Chattanooga, TN 37402

March 26, 1987

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

(Sigt) _____
(Typed) _____



Loretta Rogers
Official Reporter

Reporter's Affiliation

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