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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:  
  
INVESTIGATIVE INTERVIEW  
  
10 CFR 50, APPENDIX B  
  
Interview of Edward J. Siskin  
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TRANSCRIPT of testimony as taken  
by and before Kathleen A. Paglione, a  
Certified Shorthand Reporter and Notary Public  
of the State of New Jersey, at the offices of  
Stone & Webster Engineering Corporation, Three  
Executive Campus, Route 70 & Cuthbert  
Boulevard, Cherry Hill, New Jersey, on  
Tuesday, March 3, 1987, commencing at 3:37  
o'clock in the afternoon.

ACE FEDERAL REPORTERS  
444 North Capitol Street  
Washington, DC 20001  
202-347-3700

EXHIBIT 71

Siskin

1                   MR. MURPHY: For the record, it's now  
2 3:37 p.m., March 3rd, 1987. This is an  
3 interview of Mr. Edward J. Siskin, who is  
4 employed by Stone & Webster Engineering  
5 Corporation. Location of this interview is  
6 the Stone & Webster Engineering Corporation  
7 headquarters in Cherry Hill, New Jersey.  
8 Present during the interview are Mr. Siskin,  
9 Mr. William G. Meserve, the Stone & Webster  
10 Engineering Corporation attorney, Len  
11 Williamson, Larry Robinson, Leo Norton, Mark  
12 Reinhart and Dan Murphy.

13                   As agreed, this is being transcribed  
14 by a Court Reporter. The subject matter of  
15 this interview concerns TVA's March 20th, 1986  
16 letter to the NRC regarding their compliance  
17 with 10 CFR 50, Appendix B.

18                   Mr. Siskin, would you please stand,  
19 raise your right hand?

20                   EDWARD J. SISKIN, after having been  
21 first duly sworn, testified as follows:

22 BY MR. MURPHY:

23 Q.           Mr. Siskin, would you please give us a  
24 little bit of your -- excuse me, I'm sorry.

25                   MR. MESERVE: Should I make a

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1 statement first, just before we proceed with  
2 this? I think I should state for the record  
3 that my name is William Meserve. I'm with the  
4 law firm of Ropes & Gray in Boston, and I  
5 appear here, today, as counsel for Stone &  
6 Webster Engineering Corporation. I am not  
7 counsel for Mr. Siskin individually, but I'm  
8 here at the request of the company, which Mr.  
9 Siskin is an officer, with Mr. Siskin's  
10 concurrence. I have explained to Mr. Siskin  
11 that he is entitled to his individual counsel,  
12 and he is.

13 He has indicated that he is content  
14 with going forward without counsel, but with  
15 me sitting in as counsel for the company. So  
16 it's with that understanding that I appear.

17 I might also add that I had asked  
18 previous to the last interrogation whether it  
19 would be possible for the witness to read and  
20 sign the transcript because I think that's  
21 preferable in terms of accuracy. I was  
22 advised that that is not consistent with at  
23 least the normal procedures of an  
24 investigation of this sort, so with that  
25 understanding, we obviously are not in a

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1 position to press that point, although we  
2 would prefer if the policy is permitted, to  
3 have the witness read and sign the  
4 transcript.

5 BY MR. MURPHY:

6 Q. Mr. Siskin, will you give us a little  
7 bit of general background on yourself, your  
8 educational and employment experience?

9 A. Okay. I am a graduate of the University  
10 of Pennsylvania with a degree in electrical  
11 engineering. I've done graduate work at the  
12 Bettis Atomic Power Laboratory Reactor  
13 Engineering School, George Washington  
14 University and the University of Pittsburgh.  
15 I worked for the Atomic Energy Commission and  
16 its successor agencies for 14 and a half  
17 years. Of that time, more than ten years was  
18 in positions reporting directly to Admiral  
19 Rickover.

20 I came to Stone & Webster initially  
21 as an assistant to the engineering manager in  
22 our Boston office.

23 Since then, I've had positions as  
24 Project Manager for Beaver Valley Unit Number  
25 1, Assistant Engineering Manager of the Boston

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1 office, Engineering Manager of the New York  
2 office, Manager of the New York office,  
3 co-parallel with that, Deputy Manager of the  
4 Cherry Hill office. I am a Vice President and  
5 a Director of Stone & Webster Engineering  
6 Corporation.

7 At present, my primary  
8 responsibility is that of directing all work  
9 done by Stone & Webster in support of Texas  
10 Utilities.

11 Q. Fine, thank you. Mr. Siskin, as we  
12 mentioned before, we are looking into the  
13 March 20th, 1986 TVA response to the NRC's  
14 letter asking whether they were in compliance  
15 with Appendix B, and also addressing some 11  
16 perceptions that were first surfaced by the  
17 Nuclear Safety Review staff to Commissioner  
18 Asselstein<sup>SP</sup> in December of 1985.

19 What we'd like for you to do is  
20 describe, if any, your role in the preparation  
21 of the letter or the background supporting  
22 information, which included possibly the  
23 technical reviews done by TVA's line  
24 organization, the Craig Lundin review at TVA,  
25 which has been characterized as an independent

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## Siskin

1 review of some of the issues raised by the  
2 NSRS and also a study done -- review done by  
3 Mr. Kirkebo, a group of Stone & Webster  
4 people. And any participation you had with  
5 any of these things, we'd like you to tell us  
6 about.

7 A. Okay. And please understand, I've been  
8 involved one day with TVA in the last six  
9 months or so, so my memory is going to be  
10 tested a little bit.

11 In order to put things in  
12 perspective, maybe it's better to go back and  
13 explain how I ended up at TVA and so on.

14 When Admiral White agreed to take  
15 the job as Manager of Nuclear Power with TVA,  
16 he was very interested in taking with him a  
17 group of people that he knew and trusted to  
18 assist getting the effort off in the proper  
19 direction.

20 I was one of those people asked to  
21 come and my company's commitment was basically  
22 that I come full time for a month and as much  
23 time after that as was appropriate and I could  
24 make available.

25 Recognize at that time, I was still

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1 trying to manage a large office of Stone &  
2 Webster and handle a number of other tasks as  
3 well, and it got pretty exciting at times.

4 My particular area of expertise  
5 tends to be the engineering side, and so that  
6 was pretty much the focus that I took when  
7 Steve -- when Admiral White went down there.

8 Others handled other areas,  
9 including questions associated with Appendix B  
10 and so on.

11 In general, as I remember, my  
12 involvement with the specific letter really  
13 related to discussing some of the technical  
14 aspects of specific questions that came up,  
15 and I did review a draft or two of the letter  
16 for comment, but not as an active participant  
17 in preparing it, but just as an advisor being  
18 presented, what do you think of this and would  
19 you please sharpshoot it wherever possible.

20 I brought along my last year  
21 calendar, because I wasn't sure exactly what  
22 happened at that period, and I see from my  
23 calendar that I was in Chattanooga on the 17th  
24 and 18th of March, but I was not there on the  
25 19th and 20th, so I know I didn't see the

1 letter until well after it went out, and it  
2 had changed to some extent from what I had  
3 commented on earlier.

4 And if you ask me for detailed  
5 comments that I had, I guess I'd be  
6 hard-pressed to resurrect them. I'm not  
7 trying to hide anything, I just -- it was not  
8 a big issue in my mind at the time.

9 Q. Were you involved at all in the  
10 technical reviews that were performed by the  
11 TVA line organization? These technical  
12 reviews were prepared directly in response to  
13 the NSRS 11 perceptions. Were you involved in  
14 that at all?

15 A. I would be reluctant to say I wasn't,  
16 because I was commenting on a lot of things  
17 and discussing a lot of things, but insofar as  
18 taking a specific one of the issues and going  
19 ahead and investigating it to see what the  
20 conclusion was, the answer is no, I really  
21 didn't do that.

22 Q. Were you part of the group of folks that  
23 were involved in the Craig Lundin review?

24 A. No, I was not.

25 BY MR. WILLIAMSON:



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1 Q. Mr. White reported January 13th?

2 A. That's correct.

3 Q. Did you report with him at the same  
4 time?

5 A. Yes, I did.

6 Q. And you were there for 30 days?

7 A. Yes. I can give you an exact breakdown  
8 of what days I was there. I always save these  
9 calendars, it helps.

10 Q. I guess also what I'd like to know is  
11 who else reported with you, who else was part  
12 of Mr. White's staff at that time.

13 A. Okay. The initial staff that was  
14 introduced at the original meeting, as I  
15 remember, was Bill Wegner from BETA and there  
16 were three other partners in BETA, and I'm not  
17 sure I can remember exactly who else besides  
18 Wegner was there. Walt Sullivan, who is a  
19 Senior Vice President of Stone & Webster,  
20 Henry Stone, who was a Vice President of  
21 General Electric, myself.

22 I think that's probably the key  
23 people who were introduced at that meeting,  
24 all of us who had known each other for 20  
25 years or more, so that was the situation

## Siskin

1 there.

2           Getting back to answer the earlier  
3 question, I was there the entire week of  
4 January 13th. I was there Tuesday through  
5 Friday of the week of the 20th. I was there  
6 the evening of Monday, the 27th and remained  
7 for the rest of that week. I was there the  
8 entire week of February 3rd. I was there  
9 Monday through Wednesday of the week of  
10 February 10th. Monday through Thursday of the  
11 week of February 17th. Wednesday and Thursday  
12 of the week of February 24th. You see it's  
13 trailing off. Tuesday through Friday of the  
14 week of March 3rd. Not at all the week of  
15 March 10th. Monday and Tuesday the week of  
16 March 17th.

17           So as you can see from that, as they  
18 got closer and closer to the letter in  
19 question, I was there less and less of the  
20 time.

21 Q.       And your role, as I understand it, was  
22 one of advisor?

23 A.       That's right.

24 Q.       Was that your title?

25 A.       That's right, advisor. And basically,

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1 what I would do would be to look into a  
2 particular area and then give Mr. White my  
3 conclusions as to what needed to be done.

4 I think probably the biggest areas  
5 that I focused on were what were the technical  
6 issues to be resolved at Sequoyah and Browns  
7 Ferry. If I had to pick the single focus of  
8 my efforts, those were they, but obviously I  
9 discussed many other things with Mr. White,  
10 including the question of Appendix B on  
11 occasion.

12 Q. Do you recall the nature of those  
13 discussions regarding Appendix B?

14 A. I think they were in general, very  
15 general.

16 Q. Did he have a working knowledge of  
17 Appendix B, as it applied to commercial  
18 nuclear power plants?

19 A. Clearly, yes, it was clear that on day  
20 one, he had read Appendix B, I guess Appendix  
21 A, knew what was in it. He had gone through  
22 the points covered, and did refer to them  
23 regularly.

24 I think all of us in the nuclear  
25 business keep a copy of Appendix B handy and

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1 refer to it repeatedly. It is obviously a  
2 very governing document for many things that  
3 we do.

4 Q. I think at one point in time, in  
5 response to the NRC, he mentioned he used both  
6 the report that had been conducted by -- a  
7 review that had been conducted by Craig  
8 Lundin, and also mentioned five nonTVA  
9 experts. Would you have been one of those  
10 nonTVA experts?

11 A. (Witness indicating.)

12 Q. You would not have been.

13 A. No.

14 Q. Who would have been the nonTVA experts?

15 A. I guess I'm -- let me revise my answer  
16 no. I don't know in what context it was said,  
17 so he may have been referring to the advisors  
18 in that situation.

19 Q. Let me get the letter.

20 MR. MESERVE: That's the June 5th  
21 letter that you referred to earlier.

22 BY MR. WILLIAMSON:

23 Q. That might help you. I didn't mean to  
24 pull that out quite so quick, but -- a group  
25 of highly experienced -- third paragraph.

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1 MR. MESERVE: Do you recognize, Mr.  
2 Siskin, the chronology, the March 20th letter  
3 went out, there was a letter from the NRC, I  
4 think it's on May 16th, and then this June 5th  
5 letter is a response to that May 16th letter.

6 THE WITNESS: What does the May 16th  
7 letter say?

8 MR. WILLIAMSON: Turn back one, it's  
9 from the NRC.

10 THE WITNESS: I'm to some extent at  
11 a disadvantage in that I haven't read the  
12 March 20th letter in almost a year, too.

13 MR. WILLIAMSON: I understand that.  
14 That's one page back.

15 THE WITNESS: Let me skim that.

16 MR. MESERVE: Yes, let me give you  
17 the backup. Here you go.

18 A. Question, you mentioned five --

19 Q. That was incorrect. A group, I think it  
20 says.

21 A. To answer your question as frankly as I  
22 can, I haven't the foggiest idea whether he  
23 intended me to be included in that group or  
24 not, and there were some things that I might  
25 have done for him were included as part of

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1 that assessment. I can't answer your  
2 question.

3 BY MR. NORTON:

4 Q. Mr. Siskin, you mentioned earlier having  
5 reviewed a couple of earlier drafts of what  
6 became the March 20th letter. When did you  
7 first become aware that there was this issue  
8 that the NRC had asked about?

9 A. Which --

10 Q. The issue being whether or not Watts  
11 Bar's Appendix B program was in compliance?

12 A. Started after we arrived there, I  
13 believe there was a letter which forwarded  
14 some comments that had been made to  
15 Commissioner Asselstein some period earlier,  
16 and we all saw that letter right away, so  
17 that's the point when I would have been aware  
18 of it.

19 Q. Did you have any immediate assignment  
20 with respect to that letter?

21 A. Not with respect to that letter, not  
22 that I can remember.

23 Q. When was the first draft you saw?

24 A. I haven't the foggiest idea. I really  
25 don't.

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1 Q. Approximately?

2 A. I wouldn't even want to guess. You  
3 know, who knows.

4 Q. What was the context in which you saw  
5 that letter?

6 A. The context was somebody would have  
7 given it to me and ~~said Admiral White wants~~ to  
8 you take a look at it and let you know his  
9 comments, which happened regularly on a lot of  
10 different issues, and that's really the  
11 function of advisor, to give insights as to  
12 anything that's being prepared. But as far as  
13 specifics, I don't remember.

14 Q. Was there anyone in particular who gave  
15 you the letter and asked you to take a look at  
16 it?

17 A. I'm sure somebody gave it to me, but I  
18 wouldn't want to guess who it was. It would  
19 be a guess at this point, I don't remember.

20 Q. Do you know who the preparer of that  
21 draft was?

22 A. I really don't know that either. The  
23 only way I'd find out would be go look at --  
24 Gridley would keep a reading file of who  
25 prepared what and who was involved in it, it

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1 would be in those records, there.

2 Q. With whom did you discuss this letter?

3 A. I'm sure I -- and again, I'm making an  
4 assumption based on faulty memory. I'm sure I  
5 would have discussed it with Kelly. I'm sure  
6 I would have discussed it with Gridley. I'm  
7 sure I would have discussed it with Mr. White.

8 Q. Do you recall any of the general subject  
9 areas of discussion?

10 A. No, I guess I really can't say that I  
11 would. I mean, it just was not a high  
12 priority with me and did not make much of an  
13 impression.

14 Q. Do --

15 A. The one thing I do remember is coming  
16 back after that period of having been away and  
17 being surprised that the letter was out  
18 already, but that was, I guess, the only thing  
19 I recollect.

20 Q. Did the whole issue of the NRC asking  
21 such a question surprise you?

22 A. No, it clearly didn't surprise me at  
23 all. If anything is presented to the NRC that  
24 looks the way those points looked, obviously  
25 the NRC would have to pursue it and pursue it



1 formally.

2 I guess my impression at the time  
3 was, and my impression still is that the  
4 question of current compliance, current  
5 meaning March of '86, compliance with Appendix  
6 B, was a moot point. The plant was shut  
7 down. We were committed to keep them shut  
8 down in a safe condition until we could  
9 unravel and resolve all the issues.

10 So -- and there was minimal work  
11 going on anyway, and with essentially no work  
12 going on, the question of compliance with  
13 Appendix B is moot anyway. So I guess I  
14 didn't understand the tremendous urgency with  
15 getting an answer to that question.

16 Q. Did the, you know, mootness of the  
17 question, was that discussed among Mr. White  
18 and his advisors?

19 A. I can't honestly say that I remember it  
20 being specifically discussed. I would be very  
21 surprised if it weren't discussed, because  
22 that would have been my reaction then and  
23 that's my reaction now, and normally if I have  
24 a reaction, I'll tell somebody. But I can't  
25 say that, you know, yes, I specifically said

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1 that to somebody.

2 Q. Well, did anybody consider or recommend  
3 writing back to the NRC and saying the  
4 question you're asking us is irrelevant?

5 A. My recollection doesn't permit me to  
6 answer that question properly.

7 Q. Well --

8 A. I'm not trying to hide anything. I  
9 just --

10 Q. I know you're not, but I can't live with  
11 an answer like that. Do you recall anything  
12 of that nature?

13 A. I cannot recall anything specifically of  
14 that nature. That's -- and I'm not trying to  
15 mislead when I give you that answer, because I  
16 would be very surprised if it didn't take  
17 place. I would be very surprised if I didn't  
18 say something about it. But I cannot remember  
19 ever discussing it specifically so I could say  
20 on the record, yes, I did.

21 Q. You tend to think you might have, but  
22 you have no specific recollection of it?

23 A. That's right.

24 Q. Do you know if anybody followed -- if  
25 anybody actually took any steps to get back to

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1 the NRC and ask them, you know, what are you  
2 asking or do you really want us to answer?

3 A. I have no firsthand knowledge of that.

4 Q. Do you have any general knowledge of it?

5 A. You're putting me in a difficult  
6 situation because obviously, you're trying to  
7 get to a clear and concise understanding of  
8 all the facts, and the last thing in the world  
9 you need is speculation.

10 Q. Okay. I'm not seeking speculation, but  
11 if you have a vague recollection, I do want to  
12 hear about that.

13 A. I'm hard-pressed to differentiate  
14 between vague recollection and speculation at  
15 this point. I really am. You know, one of  
16 the problems we frequently get into is you  
17 remember, gee, I said this, and then you  
18 really ask yourself whether, did you say that  
19 or in retrospect, don't you wish you said  
20 that. And I just really can't think of  
21 anything specific.

22 Q. You also mentioned earlier that by the  
23 time you came back to TVA, the letter had  
24 already gone out, and when you read it, you  
25 thought that it was substantially different

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1 from earlier drafts.

2 A. My recollection of my reaction was that,  
3 but also my reaction was, okay, that's  
4 yesterday's problem and I won't go any further  
5 and worry about it.

6 Q. Understood. But in what manner was the  
7 final version different from the earlier  
8 version?

9 A. I recollect the impression, I don't  
10 really recollect any specifics.

11 BY MR. REINHART:

12 Q. What was the difference in impressions?  
13 Can you categorize how you felt before versus  
14 how you felt afterwards?

15 A. Not accurately, no. I remember the  
16 reaction, but I don't remember really  
17 specifics at all, and just rereading the  
18 letter today, it's almost as if I'm reading  
19 the letter to some extent for the first time.

20 BY MR. NORTON:

21 Q. The final version, the March 20th letter  
22 states the conclusion being that Watts Bar is  
23 in overall compliance with Appendix B. Would  
24 the earlier versions have been different in  
25 the regard they did not make such a statement,

Siskin

1 that they made a negative statement that Watts  
2 Bar was not in compliance with Appendix B?

3 A. No. Let me clarify something.

4 Q. Please.

5 A. One of the things you would like to do  
6 when you take on a major problem, and what I  
7 have done when I have been involved with other  
8 problem plants is, if anything, get as many of  
9 the problems clearly defined at day one as  
10 possible, you know.

11 If you take a problem and you don't  
12 identify it as such, then after a while, and  
13 whether that's six months or some period, it  
14 becomes your problem rather than one you've  
15 inherited in trying to resolve it.

16 So in the absence of any specific  
17 information whatsoever, let me emphasize that  
18 your normal approach would be to try to  
19 substantially err on the side that it's worse  
20 than it may, in fact, be, because it's  
21 frequently easier to, okay, this is what our  
22 original conclusion was and here's what our  
23 subsequent actions are, here's what the  
24 subsequent results are, and it's now properly  
25 resolved.

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1           If you try to identify something as  
2 being satisfactory, not very carefully defined  
3 on what basis you conclude that it's  
4 satisfactory, then frequently it's very hard  
5 to go back and say, hey, it's worse than I  
6 thought it was. So again, you try to err in  
7 the conservative direction.

8           From a practical standpoint, if  
9 there were any demonstrable way to say that it  
10 was worse, you weren't in compliance, for  
11 example, from a practical standpoint to  
12 resolve the problems, it would be preferable  
13 to say that. You know, it makes life a little  
14 easier.

15           But you also had a situation where  
16 we were trying to establish, initially, a  
17 degree of credibility for TVA which, when we  
18 said something, it could be held as accurate  
19 as possible. So the reaction would be no more  
20 coming to the conclusion that you do have a  
21 problem and saying you don't would be just as  
22 bad as saying you don't have a problem when  
23 you do. And so you want to clarify exactly  
24 what you're doing and why.

25           And that is the way we approached a

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1 lot of the engineering problems and things  
2 like that. So while I really don't remember,  
3 and I wish to hell I could remember at this  
4 point a lot more of the specifics. It's  
5 almost inconceivable to me, given the mindset  
6 of the people and the approach we were taking,  
7 if it were a question that you didn't meet  
8 Appendix B, whether you try to walk your way  
9 out. The incentive was just the opposite, to  
10 say you didn't meet Appendix B and then  
11 develop the corrective action.

12 So when the activities would take  
13 place that would say that within these  
14 constraints, you met Appendix B, I'm sure that  
15 probably was very very hard.

16 Now, as I remember, White tried to  
17 stay aloof from the whole thing until  
18 everybody had a chance to do all the homework  
19 and then bring it to him, and then he would  
20 take potshots at the results.

21 He did not want to, and I remember  
22 him saying that as the review was going on,  
23 that he did not want to preconceive the answer  
24 one way or another. Just tell me what the  
25 facts are and what your conclusions of the

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1 facts are and present it to me that way.

2 Q. To whom was he saying this?

3 A. I think he said it in some general  
4 meetings and discussions, and I overheard him  
5 telling that to Mr. Kelly.

6 Q. Do you have any recollection whatsoever,  
7 Mr. Siskin, of any discussions about possible  
8 consequences to TVA or the NRC if TVA had said  
9 we were not in compliance with Appendix B?

10 A. Not specifically, no.

11 Q. How do you mean that, not  
12 specifically --

13 A. I mean I can't remember a particular  
14 conversation I had with anybody relating to  
15 that.

16 Q. Do you remember any general  
17 conversations?

18 A. No. It would be hard to talk  
19 generally -- I wouldn't know how to  
20 differentiate between specific and generally  
21 on that subject.

22 Q. Well, what was causing me a problem was  
23 you said you didn't recall any specific  
24 conversations. Do you recall any  
25 conversations at all?



Sickin

1 A. I can't recall any conversation at all.  
2 But again, I'm not saying that a conversation  
3 didn't take place.

4 Q. I understand.

5 A. With everything that was going on, I'd  
6 be very surprised if a conversation didn't  
7 take place, but I don't remember it. I don't  
8 remember any.

9 Q. Do you recall any comments or the  
10 feeling on your part that whatever answer TVA  
11 would come up with would be closely  
12 scrutinized by Congress or the press?

13 A. Oh, I can remember feeling that very  
14 much so. I can also remember feeling, to get  
15 back to your earlier point, that from a  
16 practical standpoint as to what we were trying  
17 to do and the changes we were trying to  
18 implement, it really didn't make any  
19 difference whether they were or were not in  
20 compliance with Appendix B.

21 Q. You felt the issue was moot?

22 A. I think the issue was moot. We were  
23 trying to make TVA identify all the problems  
24 and get them fixed before we would try to  
25 restart any of the plants, and whether

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1 academically they were or were not in  
2 compliance at a time when basically, the  
3 plants were shut down and there was no --  
4 essentially very little work going on, and we  
5 were putting in place a whole new structure  
6 really didn't change the end result one bit.  
7 And I guess I felt I would be very surprised  
8 if I didn't say that to somebody, but I don't  
9 ever remember saying it to somebody.

10 Q. The March 20th letter contains two  
11 phrases I would like to ask you about. Do you  
12 have it in front of you there?

13 A. Yes.

14 Q. In the second paragraph, it starts out,  
15 "On the basis of a review of the issues  
16 identified in the NSRS perceptions as  
17 reflected in the enclosure, I find that there  
18 has been no pervasive breakdown of the quality  
19 assurance program." Do you recall any  
20 discussions at all about the terminology,  
21 pervasive breakdown?

22 A. Yes, but I would not want to say exactly  
23 when they took place. It was sometime between  
24 the time we arrived and the time the letter  
25 went out.

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1 I think I remember also in that  
2 discussion trying to understand the word and  
3 looking at two cases where that phraseology  
4 was discussed, and I don't remember exactly  
5 which plants they were, but I suspect they  
6 were Midwest plants, and where they were  
7 talking about a judge's opinion of what was  
8 and what wasn't a pervasive breakdown.

9 Q. Was this just one meeting that you're --  
10 a specific meeting?

11 A. That's what I'm recollecting, but I  
12 would be, again, surprised if it weren't  
13 discussed more often than that.

14 Q. Regarding this one meeting that you  
15 recall, who was present?

16 A. Oh, there were a roomful of people, I  
17 guess. Mr. White was there, Mr. Kelly was  
18 there, Mr. Wegner was there, Mr. Gridley was  
19 there. And again, it's very very hazy, but I  
20 just remember talking about that particular --  
21 the only thing that sticks in my mind was  
22 Gridley had brought in the words on what the  
23 previous docket had said. That's the mental  
24 image I have of the meeting.

25 Q. I'm sorry, he brought the words in on

## Siskin

1 what the previous --

2 A. Where a docket had discussed the word  
3 pervasive and what that meant, essentially.

4 Q. So Gridley had brought in these two  
5 cases that you looked at?

6 A. At least one of them, and there was  
7 discussion of two. I just remember -- you  
8 know, you get a mental flash of something and  
9 I remember his coming in with the words.  
10 There may very well have been others in the  
11 meeting.

12 Q. Was any individual explaining the words?

13 A. I know they were discussing the words.  
14 I don't know that any individual was  
15 particularly explaining the words.

16 Q. I mean, was there anybody taking the  
17 lead and saying this is what pervasive  
18 breakdown means?

19 A. Not that I recollect. I think it was a  
20 fairly free-wheeling discussion as many of our  
21 discussions were.

22 Q. To the best of your recollection, was  
23 there any consensus reached as to the meaning  
24 of the term?

25 A. I don't remember the meeting well enough

1 to answer that question.

2 Q. Let me broaden the question a bit,  
3 then. To the best of your recollection, at  
4 any point, was an agreement reached as to what  
5 the term, pervasive breakdown means? I'm not  
6 limiting it to this meeting that you recall.

7 A. From a firsthand standpoint, I would  
8 have to say no. Almost certainly there was,  
9 based on the fact that it was used in this  
10 letter, and you know, I was not involved in a  
11 large part of this preparation, so --

12 Q. I can understand that. What does the  
13 term mean to you, pervasive breakdown?

14 A. To me, it means affecting essentially  
15 all parts.

16 Q. Your understanding of the meeting, can  
17 you tell us where that comes from?

18 A. Probably from Webster, because I  
19 probably looked up the word at the time and I  
20 checked it there.

21 Q. The earlier draft that you recall  
22 reviewing, do you recall whether or not this  
23 terminology was in there?

24 A. I don't recall. I recall -- I remember  
25 reviewing the drafts. And essentially, that's

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1 all I can say with respect to that. I've  
2 wracked my brain since the indication that you  
3 were going to talk to me about what did I  
4 remember, and it's remarkable how little I  
5 remember. It was not my central focus.

6 Q. The second -- I want to move on to the  
7 second phrase. The second phrase I wanted to  
8 ask about was overall QA Assurance Program was  
9 in compliance. That's also in the second  
10 paragraph.

11 A. Okay.

12 Q. Do you recall any discussions referring  
13 to the overall QA program?

14 A. Yes, I recall there were discussions. I  
15 really recall nothing specific about them. I  
16 really don't.

17 Q. Because rather than saying in direct  
18 response to the question, the QA program was  
19 in compliance, we've got that modifier in  
20 there, overall, which seems to, for want of a  
21 better word, hedge on what is being said.

22 Do you recall any effort to tone it  
23 down, the response?

24 A. I don't recall anything specifically,  
25 but I do recall White and others saying that

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1 we had to be very precise in what we said. We  
2 had to be in a position where what we said was  
3 not going to be proved wrong, and in that  
4 context, obviously we knew there were  
5 problems. We knew there were many problems.  
6 And so if I were writing it today, based on  
7 the subsequent information I have, I would  
8 insist putting the word "overall" in. But I  
9 wasn't party to putting it in there then, so I  
10 really can't say what went through their mind  
11 now.

12 MR. NORTON: That's all I have.

13 BY MR. ROBINSON:

14 Q. You said your primary area of  
15 responsibility was looking into the technical  
16 issues to be resolved at Sequoyah and Browns  
17 Ferry. During the course of your activities,  
18 did you develop an opinion of your own with  
19 respect to the adequacy of the QA program as  
20 it applied to Sequoyah and Browns Ferry?

21 A. Did not develop an opinion one way or  
22 another. I really was not exposed to the  
23 information that would enable me to draw a  
24 conclusion.

25 Q. Is your area of expertise QA related at

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1 all?

2 A. Predominantly -- I've spent almost 25  
3 years involved in QA, so I have some degree of  
4 understanding of QA principles. I am not an  
5 expert in Appendix B. I'm not an expert in  
6 current QA requirements or techniques. It  
7 would be presumptuous of me to try to draw a  
8 conclusion in those areas.

9 Q. In your day-to-day conversations with  
10 other advisors to Mr. White, do you remember  
11 any comments they made regarding the actual  
12 status of TVA's QA program?

13 A. No.

14 Q. In what context were you asked to review  
15 and comment on the drafts of the March 20th  
16 letter?

17 A. I think as much in the context that when  
18 I'm writing technical letters, I frequently  
19 ask my wife to review them and comment on it.

20 Q. Strictly from an understandability of  
21 the letter type --

22 A. Understanding and logic.

23 Q. Do you feel that you were being asked to  
24 comment on the substantive issue in the letter  
25 or just whether you could understand what was



1 being discussed in the letter?

2 A. That would be speculation at this  
3 point. I don't know how to answer that  
4 question.

5 MR. ROBINSON: I don't have any  
6 further questions.

7 BY MR. MURPHY:

8 Q. Let me ask you, you said earlier that  
9 when you arrive at a site, maybe like we'll  
10 take TVA, because that seems to be the topic  
11 for today, you said you tried to identify as  
12 many problems as you can immediately. How do  
13 you go about doing that?

14 A. One of the ways I would go about doing  
15 it is asking people that I trust to try to  
16 accumulate what other people have indicated  
17 was a problem and try to --

18 Q. Like whom?

19 A. Like -- what do you mean like --

20 Q. Who indicated a problem?

21 A. Oh, at any site, you're going to have a  
22 wide variety of people raising -- you're going  
23 to have the NRC, you're going to have  
24 potentially intervenors, you're going to have  
25 your own staff, you're going to have your QA,

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1 you're going to have your QA audits, you're  
2 going to have many other things that come up,  
3 and so almost any source of concerns would be  
4 identified.

5 Q. Let me ask you a question. Under the  
6 leadership, I guess we'll say, under  
7 supervision of Mr. Nace, Mr. Kirkebo and some  
8 21 other outside of TVA employees, right? Who  
9 have been characterized as being competent  
10 with good credentials, reviewed some eight  
11 hundred documents related to -- they're all  
12 external documents, NRC documents, INPO, any  
13 external source that had something to say  
14 about what's going on in TVA. In your view,  
15 would that be a good way of identifying  
16 problems within an organization?

17 A. I think I have to clarify what you said,  
18 and since I was party to setting that up,  
19 there and at other sites, I don't know  
20 exactly -- what your intent was, was not to  
21 identify real problems at that point. Your  
22 intent is to identify all possible problems.

23 Q. That's fine.

24 A. Okay? It's a totally -- you know, I did  
25 that at another client in particular right

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1 now, and we're finding that maybe 20 or 25  
2 percent of the problems are valid problems.  
3 But I'd rather know everything that anybody  
4 raised that could conceivably be a problem,  
5 and then when you go through, you make sure  
6 that you haven't forgotten to resolve  
7 anything.

8           But that's a normal management --  
9 engineering management approach or in other  
10 areas as well to identify -- to try to scope  
11 out what is to be done.

12 Q.       But is that a valid approach?

13 A.       Surely it's a valid approach to start.  
14 But you have to understand what the results  
15 mean.

16 Q.       Okay. And did you have a hand in this  
17 report?

18 A.       I had a hand in setting it up, getting  
19 it started, yes.

20 Q.       Establishing it? Okay. And what do the  
21 results mean to you?

22 A.       The results mean that here is a check  
23 list of things before we're absolutely done  
24 this whole effort and before we recommend that  
25 the plant be restarted, that in addition to

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1 everything else, I want to go back through  
2 every one of those items and make sure that  
3 it's been satisfactorily addressed, resolved,  
4 either confirmed or found to be not valid.

5 Q. Have you had a chance to review this  
6 particular --

7 A. No, it was really completed separate  
8 from what I was involved in at the time, and I  
9 never really went back to it.

10 Q. But you understand the process.

11 A. Oh, I understand the process well, yes.  
12 I have, in fact, used it on a couple of  
13 occasions in asking the people to pull from  
14 that list anything that was addressed to a  
15 particular area, and you go ahead and now you  
16 know that the questions were raised in this  
17 particular area when you're reviewing it. It  
18 gives you an indication of what you have to be  
19 alert to.

20 Now, in general, some are valid,  
21 some are not.

22 Q. Sure. If you were Mr. White and this  
23 was presented to you, would this serve you  
24 some purpose in identifying or at least  
25 possibly identifying problems that existed

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1 within TVA?

2 A. You have just taken an enormous step  
3 over what I said.

4 Q. I'm asking.

5 A. The way you phrased it, the answer  
6 probably is no. I mean, it's more a check  
7 list and a guide and so on. If you have a  
8 standard check list to address a particular  
9 area, that's not preconceiving that every area  
10 is going to be faulty.

11 Q. I understand that.

12 A. Okay? And I think that's better  
13 understood in that context than in any other.

14 Q. You've lost me just a little bit.

15 A. Okay. If I'm going to go examine a  
16 particular area, I may very well start with a  
17 check list.

18 Q. Sure.

19 A. And go down the check list and maybe one  
20 small percentage of the total amount will have  
21 a concern develop and the rest, my conclusion  
22 will be it's either okay or it was bad, but  
23 it's subsequently been fixed or so on and so  
24 forth.

25 That list covered issues that had

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1 been raised over a considerable period of  
2 time.

3 Q. Like how long, do you recall?

4 A. It was at least a year before we came  
5 and may have even been longer, each of which  
6 had been raised formally with TVA, okay? I  
7 have to assume, and Mr. White would have had  
8 to have assumed that as these things were  
9 raised, many of them were satisfactorily  
10 resolved.

11 You'd have to be very naive to  
12 believe that all of them had, but you'd have  
13 to be just as naive to believe that some of  
14 them hadn't been fully resolved. So that  
15 gives you a list of all the problems that had  
16 been raised.

17 If I want to say I have covered all  
18 the areas required to upgrade their  
19 performance, resolve and safely operate the  
20 plant, the last thing in the world I want to  
21 do is be embarrassed and say there was a  
22 problem raised nine months ago and it's still  
23 there.

24 So when I put the whole thing to  
25 bed, an additional thing I'm going to do is

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1 make sure that everything -- almost as a  
2 recheck, that everything that has been raised  
3 before is double-checked, has been put to  
4 bed.

5 It also can give you a flavor of the  
6 kinds of problems that had been encountered in  
7 the past, but you'd have to be extraordinarily  
8 naive to misuse that information to say the  
9 problem existed nine months ago, that  
10 inherently it exists today.

11 Q. But could you, on the other hand, ignore  
12 the fact that if a problem existed nine months  
13 ago, that it couldn't exist today?

14 A. Oh, you'd have to be absolutely an idiot  
15 to ignore that. That's the reason we put the  
16 list together, so we wouldn't ignore it before  
17 we went on, okay?

18 That was, again, like an audit check  
19 list to some extent. We wanted to make sure  
20 that anything that had been raised in the past  
21 was firmly put to bed before we said that the  
22 thing was okay. But we also knew that that  
23 didn't encompass all the problems that TVA  
24 had, either. So we couldn't use that as a  
25 total check list to do the resolving either.

1 Q. No, I understand, but I mean is this a  
2 good starting point for determining what the  
3 problems are?

4 A. It's one of the starting points.

5 Q. Okay.

6 A. It's not a good starting point. That  
7 implies that that's what you're going to start  
8 with, and that's just one of the tools you  
9 use. In fact, that wasn't ready for a month  
10 or two after we started. We got started the  
11 first week, and I don't know what the date of  
12 it is.

13 Q. 14th of February?

14 A. So it's a month.

15 Q. It was done between 20 January and 31  
16 January, according to the document, itself.

17 A. We had a room at the far end of the hall  
18 and we put the people in and just brought the  
19 papers in and reviewed them. We were putting  
20 together the program while this was being done  
21 in parallel.

22 Q. Sure. Correct me if I'm wrong, until,  
23 at least I surmise from what you said, until I  
24 have looked at these, and either said yes,  
25 they've been resolved, right? You know,



1 they've been taken care of or corrective  
2 action is taking place, would these not be  
3 live issues?

4 A. No.

5 Q. What would they be? I mean they're  
6 either alive or --

7 A. No, no, you're misreading and  
8 misunderstanding the situation. Let me go  
9 back over it again.

10 An issue that might be specified in  
11 there is going to be alive followed by the  
12 licensing people, followed by the technical  
13 people, to resolve it. Okay? Whether it's  
14 alive or dead is not going to be determined by  
15 that document.

16 Q. Oh, I understand that.

17 A. Okay? And so when I look at that  
18 document, that tells me nothing about whether  
19 it's alive or dead. I have other sources to  
20 find out if something is basically alive or  
21 dead.

22 That provides two things for me. It  
23 helps me scope out where have the issues been  
24 all along to give me a little flavor of where  
25 I have to go in the future.

1 Q. Okay.

2 A. But I can't draw any conclusions from  
3 that. And second, it gives me a final check  
4 list to make sure when I've done everything  
5 else, that I've encompassed, I've enveloped  
6 all the past concerns, they're all to bed.  
7 And there's nothing else. You can't read  
8 anything more into that.

9 Q. Then this is not a method of identifying  
10 concerns within TVA, is that what you're  
11 telling me?

12 A. This was not a method of resolving --  
13 you know, you're misusing the words, I think  
14 that's part of the problem. It was one of the  
15 tools. We tried to identify all the  
16 programmatic things that needed to be  
17 addressed -- all the technical -- so on and  
18 so forth. But we didn't take the basic data  
19 as an indication of a problem, we took it as  
20 an indication that something had to be looked  
21 into.

22 MR. MESERVE: Is it fair to say that  
23 that document doesn't tell you whether the  
24 issue is alive or not, it just tells you that  
25 it was an issue that was raised at sometime in

## Siskin

1 the past and you have to look to some other  
2 documents to see if it's alive or not?

3 THE WITNESS: Not only that, you  
4 have to look to some other documents or do  
5 some other investigation to find out whether  
6 it was ever alive.

7 You know, many of those issues were  
8 never valid in the first place. But  
9 anything -- you know, I can remember being  
10 asked by one fellow that was working on it,  
11 where he said, this is a preposterous item.  
12 You know, I mean, cannot be, makes no sense.

13 I said put it in anyway. I want  
14 everything that anybody has ever questioned.

15 MR. REINHART: Question.

16 MR. MURPHY: Sure, go ahead.

17 MR. REINHART: Out of that report,  
18 about, you know, if we were talking about a  
19 check list, how many items order of magnitude  
20 were on the check list, would you say?

21 THE WITNESS: Many hundreds, I'm  
22 sure.

23 MR. REINHART: Okay. Now, out of  
24 those many hundred items, apparently somebody  
25 did some categorizing and sorting to come up

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1 with what they call the top ten?

2 THE WITNESS: I don't remember  
3 that.

4 MR. REINHART: Okay. So initially,  
5 though, the point I want is, there were many  
6 hundreds of items on the check list that did  
7 something later. Somebody did something with  
8 them later and you were out of the process at  
9 that time.

10 THE WITNESS: By then, yes.

11 MR. REINHART: Okay, that's all I  
12 have.

13 BY MR. MURPHY:

14 Q. I guess I'm still not clear in my mind  
15 whether these are -- if this is a system of  
16 identifying concerns within an organization.

17 A. It is not a system of identifying  
18 concerns within the context of a concern  
19 meaning that I suspect there is a problem. It  
20 is a system of identifying areas that I have  
21 to specifically go look at to confirm whether  
22 there is a problem or not. I could give you a  
23 bunch of other areas that somebody else hasn't  
24 raised that I would also put with the same  
25 credibility. *category.*

*EK*  
*10/9/8*

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1 Q. Okay. Let me propose something to you.  
2 If the top ten, that's been characterized not  
3 by us, but by some of the individuals who have  
4 done the study, right? said they identified  
5 what they considered was the top ten items in  
6 the report, right? If seven or eight of them  
7 involved quality assurance, Appendix B type  
8 items, would you, in your approach, say I have  
9 to -- I ought to go look at the Quality  
10 Assurance Program to see if these are valid  
11 items or not?

12 A. That's sheer speculation. I don't know  
13 how to answer that question honestly.

14 Q. What value does this thing have?

15 A. Has a tremendous amount of value.  
16 Before the whole program is put to bed, you're  
17 going to show that not only is the program  
18 satisfactory, but in fact that every issue  
19 addressed by everyone else, by anyone  
20 externally, either has been resolved by  
21 something else, by some other program, or is  
22 not valid, or was resolved before.

23 Q. How long do you wait? I mean, you know,  
24 you come up with this here statistical data  
25 base or whatever you want to call it, how long

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1 do we sit on this before we start looking at  
2 those areas to determine whether they are a  
3 problem or not a problem?

4 A. You're obviously going to read through  
5 it as it's developed, and it's going to be  
6 available to you as you're developing your  
7 program. But you'd have to be an idiot to  
8 take that report and do anything meaningful  
9 with it as far as a check list in the first  
10 few months of sticking your program together,  
11 because it's a hodge-podge of information that  
12 will eventually be a valuable source document,  
13 but is not important in the initial stages.

14 MR. REINHART: Let me ask one?

15 MR. MURPHY: Go ahead.

16 MR. NORTON: One question in this  
17 area --

18 A. Now, I don't know, I'm looking at this  
19 document and that isn't the way I remember  
20 it. I remember a computer printout that ran  
21 that thick.

22 BY MR. NORTON:

23 Q. We were given to understand by an  
24 earlier witness -- witness or witnesses, I  
25 think it was more than one, that this report

1 was used in developing Volume 1 of the TVA  
2 Corporate Recovery Plan.

3 A. Yes, very clearly was used in the  
4 Corporate Development Plan in that it  
5 identified the areas that we had to address.  
6 The Volume 1 of the plan was, here is our  
7 overall program to resolve various issues.

8 Q. Various possible problem areas?

9 A. Various problem -- identify what was a  
10 real problem. Well, obviously, you had to  
11 review those things to determine what areas  
12 people had raised questions, so you knew you  
13 could go review them.

14 Q. So then if it does make the list, then  
15 it is a potential problem area?

16 A. No, it's not -- everything is a  
17 potential problem area, yes.

18 Q. But evidently someone had identified  
19 this in the past as a potential problem area,  
20 if you use hundreds of documents, source  
21 documents to develop this list, and if  
22 something makes the top ten, then a lot of  
23 people --

24 A. I don't know what the top ten is --

25 Q. I think we'll cover that in a minute,

1 but if it makes the top ten and has gone from  
2 hundreds of source documents, then evidently  
3 more than one person has viewed this as a  
4 potential problem area.

5 A. It sounds nice what you're saying, but  
6 it's not a meaningful statement, and let me  
7 explain why.

8 I've done this a number of times on  
9 a number of different plants. You tend to see  
10 focuses on things that have been mentioned  
11 publicly, because you're asking a lot of  
12 people, you're talking about a lot of people,  
13 the people tend to follow on something.

14 If, for example, an NRC auditor  
15 finds something, then you could almost bet  
16 that QA is going to follow it, the in-house  
17 people and everybody in the trenches is going  
18 to remember the issue being raised, and so  
19 when you ask people what problems are you  
20 concerned with, that gets a lot of attention.

21 I can remember one item on one plant  
22 where it was an absolute nit, we saw about 15  
23 indicators show up on the list, simply because  
24 it was mentioned prominently. So either the  
25 number of times an issue was raised or the way



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1 it's described and usually the more nitty, it  
2 sometimes gets to be a very vague and general  
3 statement because you can't describe it very  
4 easily. So the fact that it appears 15 times  
5 or even 50 times does not necessarily mean  
6 it's a meaningful issue.

7 That's where a judgment and that's  
8 where review comes in. But if it appears  
9 once, you're going to look at it. If it  
10 appears 50 times, you're going to look at it  
11 pretty extensively and maybe you'll conclude  
12 it's no problem. But you're not going to  
13 conclude that because it appears 50 times, it  
14 definitely is a problem, because you're going  
15 to be finding that's not the occasion many  
16 times.

17 One of the things you've got to be  
18 very careful of is not drawing conclusions  
19 either way, something is or something isn't  
20 correct, just based on numbers or based on  
21 somebody's impression.

22 BY MR. REINHART:

23 Q. If you had one of those issues, let's  
24 say frequency of occurrence or total number of  
25 occurrences made it one of the top ten, you

## Siskin

1 can't say it is a problem until you check.

2 Is it fair to say, and I think you  
3 just said this, I'm just clarifying it, is it  
4 fair to say that if that's on the list, you  
5 cannot say it's not a problem until you go  
6 check it?

7 A. Yes, it's fair to say that, but it's  
8 fair to say that in view of everything that  
9 was being said about TVA at that point, I  
10 wasn't going to say that anything wasn't a  
11 problem in that it's being checked.

12 Q. Okay. That's fair.

13 A. You know, and the only difference  
14 between the two is anything -- you're not  
15 going to check everything. So if you say  
16 anything could be a problem until it's checked  
17 and confirmed, then that may or may not be  
18 checked.

19 If it was on the list, you knew you  
20 were going to check it sometime. But I won't  
21 say, you know, and I think it's very important  
22 to understand the distinction, the fact that  
23 it was on the list really said no more about  
24 it being a problem than some area you hadn't  
25 checked, in reality.

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1 BY MR. MURPHY:

2 Q. In addition, it also says an area you're  
3 going to check?

4 A. Absolutely going to check.

5 Q. You're going to check that and you're  
6 not going to let that fall in a crack  
7 somewhere along the line?

8 A. That's why we put the list together more  
9 than anything else, to make sure nothing did  
10 fall in the cracks, but obviously not  
11 everything was going to be checked  
12 immediately. Some of the things were more  
13 prudent not to check immediately. You'd want  
14 to check them later on.

15 You know, there are some areas that  
16 you definitely want to defer until later on.  
17 There are questions concerning document  
18 control. Well, we're going to make some  
19 changes concerning document control anyway.  
20 We wanted to be able to start to implement the  
21 changes and then track how that was going.

22 So certain areas like that you  
23 define, okay, any of these areas, we're going  
24 to check downstream, but don't worry about it  
25 today. We're not starting the plant up.

Siskin

1 We're not going to draw any final  
2 conclusions. There's no harm in putting off  
3 that further down the path.

4 Q. Would such a report assist you in  
5 identifying root causes of problems?

6 A. No, I wouldn't say that it would  
7 necessarily identify any system root causes.

8 Q. The reason I ask this, it says -- can I  
9 read you a little background here, because it  
10 may be confusing to me because of what they  
11 say here. This is, again, it's Page 3 of this  
12 systematic analysis identified issues and  
13 concerns. That's what the topic is. That's  
14 what the report says. It says, In a meeting  
15 with NRC commissioners on January 9th, 1986,  
16 TVA directors committed to a review and  
17 evaluation of previously identified  
18 issues/concerns as a means of assessing the  
19 current situation as well as identifying  
20 certain root causes to problems.

21 To meet this commitment, a  
22 systematic analysis of identified  
23 issues/concerns was performed. The objective  
24 of the analysis was to accumulate issues and  
25 concerns from sources external to TVA, encode

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1 these into a data base, analyze the resultant  
2 information, determine if root causes where  
3 possible and support the preparation of the  
4 report to NRC outlining the TVA Recovery  
5 Plan.

6 Now, this wording, of course,  
7 obviously is not the Board of Directors'  
8 idea. I mean, you know, I don't think the  
9 Board of Directors have any idea how this  
10 might operate. This is whoever I would  
11 suspect Mr. Kirkebo or a member of his staff  
12 wrote this, right?

13 Am I missing something, that  
14 that's --

15 A. No, what you --

16 MR. MESERVE: Do you want to look at  
17 the wording?

18 MR. MURPHY: Sure, please.

19 (Document handed to the witness.)

20 A. Do I see a page here or is it just a  
21 distribution?

22 Q. Obviously there's a distribution page or  
23 something in there that's missing. That's  
24 what was given to us.

25 (Discussion off the record.)

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1 MR. MURPHY: Mr. Siskin has had a  
2 chance to review the systematic analysis of  
3 identified issues and concerns that's dated  
4 February 14th, 1986.

5 During the break here, Mr. Siskin  
6 said that this is consistent with what he said  
7 throughout, and you said you want to walk us  
8 through this and explain that to us. Could  
9 you do that, please?

10 A. Basically, what you're trying to do  
11 here, as I said earlier, is identify all of  
12 the potential things that you're going to use  
13 as a check list, but you also want to make  
14 sure that you've looked at all the items and  
15 made sure that they're factored into your  
16 corrective action program, too, okay? When  
17 you're doing the review, you're doing an  
18 audit, you want to make sure that you've  
19 looked at these various areas.

20 If you're looking at 800 documents  
21 and you come up with a large number of  
22 specific items, your final check is going to  
23 be against every individual item, but your  
24 initial review, your initial corrective  
25 program, you want to make as generically

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1 specific -- general as possible, you know, a  
2 particular type of item you're going to  
3 specifically look at.

4           So the first part you're talking  
5 about is the data review and input phase,  
6 which really is to go through all the  
7 documents and put it together.

8           The second part is the data  
9 independent validation, which is what we're  
10 talking about, and that's a long-term  
11 approach, because you're going to take  
12 anything that might talk about documentation  
13 control. That's one that you're going to look  
14 at. You're going to look at the system  
15 initially. You're going to see where you  
16 think it could be improved, how it needs to be  
17 controlled and so on, and you're going to  
18 develop your program to make that happen. And  
19 then you're going to go back at the end and  
20 make sure that each of the specifics have been  
21 addressed before were now satisfactorily  
22 resolved.

23           But I wouldn't either draw a  
24 conclusion from the specifics that sent you  
25 off in that area as to whether it was

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1 necessarily good or bad. That's the reason  
2 you're going to go do the review and analysis  
3 effort. That's a long-term process, not a  
4 short-term process.

5           Basically what you are doing with  
6 this top ten, and it's really a longer list  
7 than that, was making sure that the generic  
8 issues that would be perceived from those  
9 specific items identified were all being  
10 addressed in your Volume 1 from a programmatic  
11 standpoint.

12           Some of them may well have not been  
13 valid. The fact that's identified does not  
14 necessarily mean it's valid or still valid.  
15 It may have been valid sometime in the past  
16 and was no longer valid.

17 BY MR. REINHART:

18 Q.       Just for instance, let's say we're doing  
19 this, and we go down this list of issues, and  
20 we notice number two, lack of quality  
21 assurance overview and basic program  
22 weaknesses. That tells me something. That  
23 tells me that from my 800 documents, I  
24 generate a list, and the lists numbers of  
25 frequency stacks up in somebody's mind to make



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1 that number two issue. And under that number  
2 two issue, I'm going to assume there's a whole  
3 bunch of individual specific things on the  
4 check list, is that --

5 A. There will be a whole bunch of things  
6 that led to that becoming identified.

7 Q. Right. Now, would the resolution of  
8 that general category proceed from the  
9 resolution of the individual items?

10 A. No, that's not the way you'd normally  
11 approach it.

12 Q. How would I approach it, then?

13 A. What you would normally approach that  
14 particular area would be to review how that --  
15 and I'm not an expert in quality assurance, as  
16 I talked about specifically, but I would  
17 review that particular area, the procedures  
18 that are used in that area, the people that  
19 are involved in that area and everything else  
20 that might be involved, find out what was  
21 satisfactory from that review, what needed to  
22 be upgraded, whether you need to replace  
23 people.

24 Maybe the program was satisfactory,  
25 but the people implementing it weren't, okay?

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1 Or maybe there were some other constraints  
2 involved. You know, you would not want to  
3 preconceive what the answer was and then once  
4 you've put your final program together, then  
5 one of the proof tests you'd say is, well,  
6 would this revised program, these revised  
7 actions have addressed each of the problems  
8 that were perceived previously or had they  
9 already been put to bed before you started.

10 Q. Would, in doing this, would I bang that  
11 out in a week or --

12 A. Oh, no, not a question like that. We're  
13 talking about a substantial period of time to  
14 draw a final conclusion. But you probably  
15 would end up doing it, and this is  
16 speculation, because I don't know what was  
17 done in this particular case, you'd probably  
18 do it in a phase sort of thing.

19 You'd probably do a preliminary  
20 audit, maybe a week or two, find out if you  
21 had a major problem, and then you'd do a more  
22 extensive audit as you went on, to find out if  
23 you had other possibilities or maybe a  
24 deep-seated problem that you didn't pick up in  
25 your initial.

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1                   So simply from a pragmatic  
2 standpoint, it seems you tend to do things two  
3 or even three times, because some problems  
4 might be identified that might take a year to  
5 resolve. You want to try to flush as many of  
6 those out on the table initially, but then  
7 before you finally say the whole thing is put  
8 to bed, you'll have wanted to go back into it  
9 in a lot more depth.

10 BY MR. MURPHY:

11 Q.       Tell me what validation of results  
12 means, here. It seems to me like you said  
13 validation is a long drawn out process. What  
14 are they validating there?

15                   MR. MESERVE: I think, before, if I  
16 could just clarify that he was referring to  
17 validation as it appeared on Page 2 of the  
18 document, which is a description of the  
19 process. Now you're in a different phase,  
20 different section of the document.

21                   MR. MURPHY: Yes, but it actually is  
22 talking about the same --

23                   THE WITNESS: It's absolutely not.  
24 They're two different subjects here. If  
25 you're talking about, here, validation of

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1 results at the conclusion of the encoding  
2 activities, 21 personnel involved participated  
3 in nominal group process as a means to provide  
4 input into the overall evaluation effort which  
5 would not be constrained by the coding  
6 process, provide a means for validating  
7 subsequent data analysis.

8           What they're doing there is just  
9 saying that the people read the documents  
10 correctly, put the observations into the data  
11 base properly. It has nothing to do with  
12 validation of the conclusions you might draw  
13 from an analysis of the data. They're two  
14 separate -- totally separate efforts, you  
15 know, it's just unfortunate that the word  
16 validation was used twice, because I think as  
17 I read it fairly quickly, they're referring to  
18 two totally separate subjects.

19           MR. REINHART: What would the first  
20 subject be?

21           THE WITNESS: In the description of  
22 the process, the first thing was -- maybe I'm  
23 reading it incorrectly, here. But --

24           MR. MESERVE: Back on Page 2.

25           THE WITNESS: I understand that, but

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1 I just -- it talks about --

2 BY MR. MURPHY:

3 Q. Why don't you read that little section  
4 on Page 2, because that --

5 MR. NORTON: That would be Page 3.

6 MR. MESERVE: It's the pagination.

7 A. What is referred to there is just --

8 MR. MESERVE: When you say there --

9 A. I misread the thing the first time.

10 When I used the word validation in describing  
11 the approach, my intent was to say here is a  
12 potential issue, now you go through whatever  
13 audits and efforts required in the plant to  
14 determine whether that issue was valid or  
15 not.

16 What validation is referring to here  
17 is just, have you transcribed and understood  
18 the previously identified concern properly.

19 So if you validated a concern, the  
20 way I'm reading it, understanding it now,  
21 you're saying, okay, I understood the issue  
22 that this particular group raised, and yes,  
23 we've put in the data base a proper  
24 description of what the concern was. It says  
25 nothing about whether the concern was valid.

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1           When I talked about validation  
2 earlier, I was talking about the subsequent  
3 program that you go from here to determine if,  
4 in fact, the concern is valid. This is data  
5 entry validation.

6           MR. MESERVE: The document as you  
7 read it refers to whether the encoding is  
8 intended to validate the encoding process,  
9 itself, is that right?

10           THE WITNESS: Exactly. That's what  
11 it says, basically, here.

12 BY MR. MURPHY:

13 Q.       I mean, I guess I'm not trying to take  
14 issue with that, but, you know, I guess I've  
15 read this thing several times, at least,  
16 probably stayed up most of last night reading  
17 this particular document, and when we talk  
18 about this validation process, I may be wrong,  
19 obviously --

20 A.       Well, let me ask you this question. Is  
21 there anything in there, in that document, in  
22 the description of what they say they're  
23 doing, that says they leave their office on  
24 the sixth floor of the building to go out and  
25 find out what actually exists?

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1 Q. Absolutely not.

2 A. Then, in fact, that's apparently what  
3 they did do, they just stayed in that office.  
4 So how in heaven's name could they ever  
5 validate, determine whether the concerns or  
6 questions raised were legitimate or not, were  
7 true or not?

8 Q. Oh, I don't know.

9 A. That's correct. All they were doing was  
10 saying the description of the information they  
11 put in the data base is correct, consistent  
12 with what the person in the complaint said it  
13 was.

14 Q. Let me explain to you how it's been  
15 explained to us by one of the doers of this  
16 thing, and maybe there's a lack of  
17 communication, maybe we don't understand what  
18 he's talking about. This is his description  
19 of process.

20 We sit down, 21 of us, all of us,  
21 all of whom have been identified as very  
22 capable individuals, I mean, we didn't elect  
23 any folks that weren't qualified to do this  
24 job, we're told, and so we have a tendency to  
25 believe that. People say these guys are

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1 competent and qualified in their particular  
2 expertise, which was a divergence of  
3 expertise, apparently. And if you looked at  
4 this list, you'd probably know many of these  
5 individuals because --

6 A. Sure do. Those are very capable people  
7 on that list.

8 Q. Sat down, 800 documents, reviewed 800  
9 documents and categorized them encoded them,  
10 put them in the computer, right? Without  
11 having any idea of what the results of that  
12 computer printout is going to be, right? We  
13 give them a numerical rating and we don't know  
14 how this is going to turn out, right?

15 Then we divide up into three  
16 groups. Each group says -- sits down and  
17 says, without having the documents, what do  
18 you think is your top ten issues? Okay?

19 Each group sits down and comes up  
20 with a list of top ten, as it says here.  
21 They're asked to identify the top ten issues,  
22 and that's in the report, so it's not  
23 something that these guys dreamed up.

24 When it's all over, they get  
25 together and ironically, they had very little



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1 problem in coming up with basically the  
2 same -- they almost had a consensus, they did  
3 have a consensus apparently on some -- but  
4 they come up with these top ten -- right?  
5 Get a computer printout, and sure enough, it's  
6 all the same.

7           And I agree that that's what they're  
8 doing, is validating that information that was  
9 put in, in kind of a strange way, but they're  
10 validating it, right?

11 A.       They're validating the description.

12 Q.       Description of information coming in,  
13 right? Which by their own definition, I mean,  
14 it says --

15 A.       Okay, think of exactly what you've just  
16 said, a couple of points I think are very  
17 important. First, by the very nature of the  
18 approach they took, they're assuming  
19 everything that has ever been said externally  
20 is true is never resolved.

21 Q.       Oh, I don't think they're assuming  
22 that.

23 A.       That's how they're coming up with the  
24 conclusions, obviously, based on your  
25 description.

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1 Q. No. I don't think they ever -- I don't  
2 think any of these people ever said that we  
3 know this is a problem. What they said, and  
4 it says issues and concerns, right? That this  
5 is an area of concern, because in the past, it  
6 may not be a valid concern today, but in the  
7 past, it's been identified by some external  
8 source, NRC, INPO, MAC, somebody, right? As  
9 an issue.

10 And because we didn't go in and see  
11 whether it's been resolved or not, in their  
12 mind, it's an issue that I think they would  
13 say is alive, contrary to what -- alive in the  
14 sense that we don't know whether it's true or  
15 not, because we haven't gone far enough in our  
16 exploration of the problem to determine  
17 whether it's true or not.

18 MR. MESERVE: Issue that's alive or  
19 issue that has to be addressed.

20 MR. MURPHY: Has to be addressed.

21 MR. MESERVE: That's a different  
22 point, I think.

23 MR. MURPHY: That is, because from  
24 my point, if it's an issue that has to be  
25 addressed, if I have to take some action on a

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1 particular issue, I'm not saying it's valid or  
2 not, but it's surely alive, because I've got  
3 to do something.

4 A. That's why we had Volume 1 which  
5 described generically a general approach how  
6 we were going to address everything. That's  
7 why we put the list together.

8 Q. But I will gladly accept your definition  
9 as it's an area that has to be addressed if  
10 that's what you all agree on.

11 MR. MESERVE: The only distinction  
12 that I was drawing is I would think that for  
13 somebody new coming in, it has to be  
14 addressed, that means they have to follow up  
15 to see whether or not it's an alive issue. It  
16 might have been an issue that was disposed of  
17 satisfactorily six months previously, in which  
18 case it really isn't alive, but they're just  
19 addressing it because it happened to be on a  
20 list once, and as they make their litany of  
21 everything that was ever on a list, it shows  
22 up.

23 MR. MURPHY: I will gladly accept it  
24 if that's what Mr. Siskin agrees with, that  
25 that is an issue that has to be addressed.

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1 A. Well, I think --

2 MR. MESERVE: I'm not testifying,  
3 I'm just listening to your question and I  
4 wasn't there.

5 A. I agree in general with what you're  
6 saying. Now, when you say addressed, that  
7 sounds like you might have to do something to  
8 put it to bed. My definition of addressed  
9 means I might have to go look at it and say  
10 yes, it was properly put to bed before.

11 Q. But that's still --

12 MR. RBINHART: Sure, that's --

13 A. Again, the check list story I talked  
14 about before. It's something -- you know,  
15 many of the things you're going down the check  
16 list, you're going to find really are not a  
17 problem, but it is something you're going to  
18 look at on the check list.

19 Q. I don't have any problem with that. I  
20 think -- I guess my definition --

21 A. I think we're talking about different  
22 parts --

23 Q. My definition of alive is something that  
24 you have to do something, even if it's a  
25 matter of going out and saying, well, geez,

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1 it's a nonconformance report, it's a proper  
2 disposition, it's a dead issue.

3 A. But my definition of alive means there's  
4 some basis for knowing that it hasn't been  
5 satisfactorily resolved, and I don't know that  
6 any of them are alive issues at that point.

7 Q. You don't know whether they've been  
8 satisfactorily resolved or not.

9 A. I agree. And what we said -- what I  
10 said before and what I remember we talked  
11 about then was, they were all things we were  
12 going to look at, like the check list idea,  
13 before we ever came back to anyone and said,  
14 it's now safe to start up this plant. But it  
15 certainly didn't give me a conclusion as to  
16 what existed at the site at that point.

17 BY MR. REINHART:

18 Q. So you had a several step issue. Step  
19 one is you had to go down the check list, you  
20 had to take some action to go down the check  
21 list and each item is, it's either put to bed  
22 or it's not put to bed.

23 If it's put to bed, there's no  
24 further action. If it's not put to bed, now  
25 we have phase two of action required on that

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1 issue. Is that fair to say?

2 A. It's fair to say with the added  
3 understanding that some of these things are  
4 not quite that simple, like a check list is  
5 this space filled in. It might take weeks or  
6 even months to properly answer the question on  
7 the check list.

8 MR. REINHART: I understand, good.

9 BY MR. MURPHY:

10 Q. Let me pursue this just one step  
11 further --

12 (Witness and counsel confer. )

13 MR. MESERVE: You said he made two  
14 assumptions and you were trying to clarify  
15 what he meant. One thing was everything he  
16 said was true and it's never been resolved and  
17 we got diverted on that issue and you never  
18 made the second point you wanted to make. If  
19 not --

20 THE WITNESS: I don't even remember  
21 the rest of the point I was going to make  
22 but --

23 MR. MESERVE: Fine.

24 BY MR. MURPHY:

25 Q. Of the issues and concerns identified in

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1 this report, I'm going to go over the top ten,  
2 and I would like you to tell me whether they  
3 apply to Appendix B or not, as best you can.  
4 I understand that it's not your expertise, but  
5 I'm sure you have some feelings with Appendix  
6 B.

7 Lack of management, direction,  
8 control, involvement and program monitoring.

9 A. I guess I can't really answer each of  
10 those things with respect to Appendix B. My  
11 understanding of Appendix B is very very  
12 global with respect to the quality of the plan  
13 and all the pieces that have to go in to  
14 assure the quality of that thing, so with that  
15 kind of understanding, I'd have to agree that  
16 anything in there could potentially address  
17 back to Appendix B, but it doesn't necessarily  
18 mean that it's a valid challenge to the  
19 situation as it existed at the plant.

20 Q. I wonder if I said we have an Appendix R  
21 issue here, would you now say that that's an  
22 Appendix B issue? I wonder what if one of the  
23 top ten they're not implementing is Appendix  
24 R?

25 A. I can hypothesize a number of ways that

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1 that would track back to Appendix B, too.

2 Q. You have to work at it some, though?

3 A. Not that hard, Appendix B is obviously a  
4 very key document and has very far-reaching  
5 consequences.

6 Q. Let me go over these ten. As best you  
7 can, with this global approach, tell me --

8 A. I really -- and I don't mean to not  
9 cooperate, but I just -- I don't know how I  
10 could answer your question that way.

11 MR. REINHART: Maybe I can make a  
12 suggestion how he can answer the question.

13 BY MR. REINHART:

14 Q. You mentioned that everybody has a copy,  
15 kind of refers to it all the time, so maybe  
16 think of the 18 criteria, and think, aha, does  
17 this fit into one of those criteria?

18 A. You're asking me to function as an  
19 expert witness, you know, and I'm not claiming  
20 to be an expert witness in that area.

21 Q. I think he's just saying your gut  
22 feeling as a nonexpert witness.

23 A. I guess I'm --

24 Q. Have you looked at these top ten?

25 A. I skimmed through them very quickly as I



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1 read through it.

2 Q. And having worked in how many years in  
3 the nuclear industry?

4 A. About 25.

5 Q. 25 years, having worked in the nuclear  
6 industry 25 years --

7 A. Appendix B doesn't go back that far  
8 so --

9 Q. No, I understand that.

10 A. If you want to talk about *(Mil Spec 3858A)*  
11 things like that, I'll probably be more  
12 familiar with them.

13 Q. Having that much expertise, were you  
14 having problems identifying these issues with  
15 Appendix B requirements? I mean not broadly  
16 speaking, I'm talking about very specific  
17 criteria addressing these issues, are you  
18 having problems with that? If you are, then  
19 of course, we won't go through this drill.

20 A. I'm having problems -- obviously you  
21 have a reason for asking the question. And  
22 I'm interested in not saying anything that's  
23 going to mislead you. I'm trying to be as  
24 frank and as open as I can. I don't know how  
25 I can answer a general question like that

1 without increasing the chance I'm going to  
2 mislead you or, you know, say something dumb.

3 Q. See, I'm not an expert on Appendix B,  
4 either. That surely is not my expertise.

5 A. It becomes the blind leading the blind.

6 Q. It has become the blind leading the  
7 blind, but I think with my limited ability, I  
8 could probably take a document like this and  
9 go down here and without too much difficulty,  
10 find if these are not all that general, I  
11 don't view them as general, and come up with  
12 some Appendix B problems, I mean not problems,  
13 but I mean the concerns are addressed in  
14 Appendix B that you have here but if --

15 A. Why even go there. Really, if you  
16 wanted to address long-term, what we're going  
17 to do on TVA, what we're going to do then, why  
18 not go down the 18 points? Because obviously  
19 that was something to be covered.

20 Q. No, because this is -- the reason I'm  
21 not doing that is because this report was  
22 prepared by actually contractors or loaned to  
23 managers from Stone & Webster who said that  
24 they viewed these -- they're the top ten?

25 A. That's not what they said.

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1 Q. I didn't pick them.

2 A. That's absolutely not what they said was  
3 the top ten issues. What they said was, based  
4 on looking at 800 documents, and assuming that  
5 the information was correct at some time and  
6 then resolved, then these would be the top ten  
7 concerns that all these 800 documents  
8 identified. It said nothing about the state  
9 of TVA at the time they prepared that report.

10 Q. Nor did I. I said they are the top ten  
11 concerns listed in this report. I said  
12 nothing about them being the top ten concerns  
13 at TVA. They're the top ten listed in this  
14 report.

15 MR. REINHART: Could I interject  
16 something just for the record? What we think  
17 it is and what we don't think it is, it's  
18 interesting to note that in the background, it  
19 says, In a meeting with the NRC commissioners  
20 on January 9th, 1986, before you all ever got  
21 there, TVA directors committed to a review and  
22 evaluation of previously identified  
23 issues/concerns as a means of addressing the  
24 current situation as well as identifying  
25 certain root causes of problems.

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1           So with that in my mind, I would say  
2 that was a commitment that TVA corporate made  
3 to the Board of Directors -- Board of  
4 Directors made to the commission, that  
5 statement is put here in the background, so  
6 that certainly leads me to believe that this  
7 was TVA's document to fulfill that  
8 commitment.

9           THE WITNESS: Well, I was one of the  
10 parties that set that program up. I'm hearing  
11 this for the first time. That wasn't a  
12 consideration in my mind of why I wanted this  
13 document.

14           MR. REINHART: Okay. That's fine.  
15 I was just reading you what it said and --

16           THE WITNESS: It's an interesting --  
17 interesting to note that but --

18           MR. MURPHY:

19           Q. I think also along those lines, the  
20 Board of Directors didn't write those  
21 comments, that was probably written by Mr.  
22 Kirkebo or his staff member?

23           A. Mr. Kirkebo wasn't there then.

24           Q. No, I'm saying this document that says  
25 the purpose -- I mean, that -- I don't think

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1 the Board wrote that. I mean the purpose for  
2 this was identified by the, I would think, by  
3 the people involved in the preparation of  
4 the -- I would hope so.

5 A. I'm sure it was. I think Kirkebo and  
6 some of the others that worked for me at the  
7 time wrote that, and I doubt very much if they  
8 saw that, too.

9 Q. Who's that?

10 A. No, I can't speculate whether they saw  
11 that or not, those words that he just read to  
12 me.

13 Q. Try that one more time?

14 MR. ROBINSON: They were in the  
15 report, itself.

16 THE WITNESS: Those words?

17 MR. ROBINSON: Yes.

18 MR. WILLIAMSON: This is a draft  
19 that transmits the package of information,  
20 basically.

21 MR. REINHART: That's the  
22 background, under the title, Systematic  
23 Analysis of Identified Issues/Concerns, that's  
24 what he seemed to be doing.

25 THE WITNESS: Sorry about that.

1 BY MR. MURPHY:

2 Q. So you see no value in going over the  
3 top ten, is that what you're telling me?

4 A. Not at all.

5 MR. WILLIAMSON: Let me ask you, not  
6 only this top ten, but I guess in some  
7 respect, all 16 of these have some impact on  
8 the QA program at TVA, was this something --

9 A. Some impact -- I mean, there were  
10 questions that needed to be addressed with  
11 respect to the QA program before the issue was  
12 resolved. It doesn't necessarily mean that  
13 any one of them are a legitimate issue.

14 Q. Well, all of these had been identified  
15 as a concern/issue or they wouldn't have been  
16 in here.

17 A. I would say it is something to be  
18 addressed. I mean something -- it's something  
19 to be further evaluated. It doesn't mean that  
20 the issue is valid.

21 Q. I give you that, and I understand that  
22 it might not even be a quality issue and it  
23 might not even be a safety issue, but it was  
24 important enough to be considered critical  
25 information, if we can call it, or negative

Siskin

1 information about TVA that was pulled from a  
2 report, INPO, MAC, NRC, critical negative  
3 information about concerns/issues and was put  
4 in here.

5 Now, I understand they might not all  
6 be quality. They might not be all safety. I  
7 didn't look at 800 of them. But --

8 A. They might not all be correct.

9 Q. And might not all be correct. You were  
10 operating with documents that were generated  
11 by other people, I understand that. But you  
12 thought it was important enough to put into  
13 this data bank, here, and looking through,  
14 like I said, they all, and I'm not a QA man,  
15 I'm not an Appendix B expert; however, I'm not  
16 sure you have to be. I don't think you have  
17 to be one to say these fit into the Appendix B  
18 area.

19 However, my question to you is  
20 certainly these had to raise some issues to  
21 you as a manager with 25 years experience, and  
22 being there as an advisor to Mr. White, this  
23 had to focus on an area of concern, and that  
24 being not only management and fragmentation of  
25 management, management control and direction,

Siskin

1 but also an overall potential problem with  
2 quality assurance program. Was this not  
3 something that was brought to bear on you as a  
4 manager in reviewing this?

5 A. Clearly, we talked about -- you know, I  
6 feel like Alice in Wonderland with the way  
7 these questions are going right now. Because  
8 I pointed out that this was identified -- a  
9 tool for identifying all the areas we were  
10 going to look at. That's how we helped  
11 prepare Appendix A -- I mean Volume 1.

12 So obviously, we're committing 20  
13 some extremely experienced people to put all  
14 this information together so we can use it.  
15 We can pursue it. And so --

16 Q. But as a tool, you weren't going to look  
17 at issues that weren't safety or quality  
18 related?

19 A. That's not true. We looked at a lot of  
20 issues that were beyond safety and quality,  
21 too.

22 Q. That was a question. I was asking, as a  
23 tool, you were using this as a tool to give  
24 direction, management direction?

25 A. One of the tools.



## Siskin

1 Q. One of the tools, I understand. But if  
2 it wasn't something that was quality or safety  
3 directed, you weren't going to use this in  
4 addressing that issue?

5 A. I don't understand what you mean. Try  
6 it again.

7 Q. What I'm saying is, this was prepared  
8 using 800 documents, and it identified  
9 negative/critical areas/concerns that had been  
10 identified by numerous other people.

11 What I was saying is -- what you're  
12 telling me is this was a tool that you were  
13 going to use somewhere down the line to  
14 address these areas that you identified,  
15 right?

16 A. Yes.

17 Q. Next week or next month or next year, I  
18 understood you to say that, that you were  
19 going to address them. But this  
20 necessarily -- but you also said it's  
21 something that wasn't safety or quality  
22 related might also be involved out of these  
23 800 documents, you might have pulled something  
24 out.

25 A. That's right.

Siskin

1 Q. My question is, were you going to take  
2 the time to address nonsafety or nonquality  
3 issues which would not have any impact on  
4 Appendix B?

5 A. Before we said that TVA's problems were  
6 resolved, there were problems that were not  
7 safety related that clearly needed to be  
8 addressed.

9 For example, budgeting. I mean,  
10 planning, scheduling, a lot of things that are  
11 totally unrelated to safety of the plant  
12 clearly were a problem, clearly were  
13 preventing them from getting work done quickly  
14 in an orderly manner and so on, so those had  
15 to be addressed as well. So there were issues  
16 other than safety that had to be addressed.

17 Q. Let me ask you one more thing. If  
18 someone else has other questions, that's  
19 fine. Soon after this January the 31st  
20 through March the 5th, Craig Lundin, who I  
21 guess you know, took six other Stone & Webster  
22 employees to Watts Bar. Are you familiar with  
23 Mr. Lundin's review at Watts Bar?

24 A. No. I knew that it took place. I know  
25 nothing more than that.

Siskin

1 Q. Did you have any input into --

2 A. No input, never reviewed the results.

3 Q. -- into that?

4 A. I have a picture badge from Watts Bar,  
5 but I have never been to the site.

6 MR. REINHART: Can I change gears  
7 here?

8 MR. MURPHY: I've got one more  
9 question.

10 BY MR. MURPHY:

11 Q. Were any of these issues, in your mind,  
12 although they didn't need immediately be  
13 addressed, were they ever going to be ignored?

14 A. Long-term, no, they couldn't be  
15 ignored. We wouldn't have prepared them and  
16 made them available -- made everybody know  
17 that they existed if we were ever going to  
18 ignore any of them.

19 BY MR. WILLIAMSON:

20 Q. And you might have mentioned it and I  
21 might have forgotten. Were the results of  
22 this analysis presented to Mr. White?

23 A. I don't know.

24 Q. Was he apprised or briefed or anything  
25 by you?

1 A. Not by me.

2 BY MR. MURPHY:

3 Q. Whose idea was this study?

4 A. You mean to do the review?

5 Q. Yes.

6 A. It's an area that we have done at other  
7 plants in the past, in other situations, so it  
8 was sort of believed this is something we know  
9 we're going to do, so I mean, I can't say it  
10 was my idea or somebody else's idea. But if  
11 we hadn't started it immediately, I would have  
12 wanted it started -- would have required it be  
13 started immediately anyway.

14 Q. But this is not a new or innovative  
15 approach to this particular --

16 A. Oh, no, we've done that before.

17 Q. Okay.

18 BY MR. REINHART:

19 Q. We're going to change gears here. Is  
20 there anything you can remember, is what I'd  
21 appreciate, from January 3rd or whenever you  
22 got involved with TVA, through March 20th,  
23 that period of about --

24 A. January 13th.

25 Q. Okay, from January 13th to March 20th,

Siskin

1 so a little over two months, did you have any  
2 discussions, do you know of anyone having  
3 discussions or have you heard of anyone having  
4 discussions between TVA and the NRC, TVA --  
5 nonTVA advisors and the NRC, Mr. White and the  
6 NRC or anybody involved with TVA and the NRC  
7 regarding the issue on compliance with 10 CFR  
8 50, Appendix B or with regarding what became  
9 of the March 20th -- the issues raised in the  
10 March 20th letter?

11 A. It is inconceivable to me that there  
12 weren't such discussions, but I can't recall  
13 anything specifically to address.

14 Q. Okay. Next question, similar type  
15 question, during the same time period, January  
16 13th through March 20th, did you, do you know  
17 of or did you hear of anyone in TVA, their  
18 advisors, Mr. White or anybody else seeking  
19 legal counsel with respect to 10 CFR 50,  
20 Appendix B or what became of the March 20th  
21 letter?

22 A. I know there were attorneys present at  
23 various times. I don't recall specifically  
24 overhearing a discussion or knowing of a  
25 discussion specifically where those attorneys

1 are talking about Appendix B. But that does  
2 not mean that such discussions didn't take  
3 place. I just don't recall anything specific.

4 Q. Okay. When I say legal counsel, I'm not  
5 limiting that to TVA. Could be TVA or  
6 anybody?

7 A. I'm thinking the people I remember  
8 specifically, there were a couple of attorneys  
9 from the office of the TVA's general counsel,  
10 there was George Edgar and there was Steve  
11 Franz. Edgar and Franz are from Newman &  
12 Holsinger.

13 Q. Were they physically present like in a  
14 meeting or something?

15 A. They were physically present on the  
16 site. I know that both George <sup>Edgar</sup> and  
17 Steve Franz are very knowledgeable in these *Edg*  
18 areas. And in particular, I know Steve Franz  
19 is an excellent writer and was used to help  
20 write Volume 1, but specifically beyond that,  
21 I can't really -- I don't remember anything  
22 specifically.

23 Q. And so if I heard you right, you said  
24 you remember those two individuals along with  
25 TVA, OGC being on site or on TVA premises

Siskin

1 during meetings, but you don't remember the  
2 subjects.

3 A. No, I don't remember the subjects.

4 Q. Okay.

5 MR. MESERVE: Could I ask him just a  
6 couple to clarify a couple things?

7 BY MR. MESERVE:

8 Q. This may have been covered in I think  
9 the questions Mr. Murphy asked you, but was  
10 the what's been referred to as the Kirkebo  
11 Nace memo prepared for the purposes of  
12 responding to the January 3rd NRC letter?  
13 This is the memo that Mr. Murphy was showing  
14 you earlier.

15 A. I can't answer that question exactly. I  
16 don't know that it was prepared for responding  
17 to it.

18 Q. Okay. Well, for what purpose do you  
19 understand that it was prepared?

20 A. It was prepared largely to try to  
21 identify the issues that had been raised by  
22 external sources and put them in a working  
23 format so that we would have a handle on  
24 knowing which areas we had to resolve and  
25 which areas we had to pursue and provide

1 long-term check lists for making sure that we  
2 had resolved everything.

3 Q. And this would have been done, I take  
4 it, regardless of whether or not the NRC had  
5 sent the letter of January 3rd, is that fair?

6 A. Absolutely.

7 Q. Okay. Now, I think it was Mr. Norton  
8 who asked some questions about the March 20th  
9 letter, and he asked you one question, and I'm  
10 not sure that the answer was clear on the  
11 record, but in the drafts of that letter that  
12 you saw, do you recall any draft that said  
13 that the QA program was not in compliance with  
14 Appendix B?

15 A. No, and I'm sure that had I seen such a  
16 draft, I would remember it.

17 Q. And in preparing the draft or in the  
18 process of preparing the draft, are you aware  
19 of any attempt by anybody involved at TVA or  
20 among the consultants to deceive or mislead  
21 anyone with respect to what was said in that  
22 letter?

23 A. Absolutely not. I know that there was a  
24 considerable effort to be very precise in what  
25 was said.



Siskin

1           As I said earlier, if there probably  
2 were some incentives to have been able to  
3 honestly conclude that it wasn't in compliance  
4 with Appendix B, it certainly would not have  
5 made the remaining upgrading of the effort  
6 more difficult. It probably would have made  
7 it simpler.

8           But in view of the fact that we were  
9 trying to be very accurate and precise in what  
10 we said, we would put together -- Mr. White  
11 put together a program and Mr. Kelly to go  
12 check on whether clearly, based on the checks  
13 that were made, whether it was not in  
14 compliance or is in compliance. The report  
15 says, hey, we did certain things, and those  
16 certain things did not indicate that you are not  
17 in compliance with Appendix B, but --

18 BY MR. NORTON:

19 Q.       Mr. Siskin, did you ever hear a concern  
20 expressed that if we state we are not in  
21 compliance with Appendix B, TVA or Watts Bar,  
22 in particular, would be placed in a similar  
23 mode?

24 A.       No, and I would have discarded it, had I  
25 heard it. I lived through Zimmer, and the

Ejs  
10/1

Siskin

1 question of Appendix B had nothing to do with  
2 the demise of Zimmer. In fact, Zimmer died  
3 for totally separate and distinct reasons.

4 MR. NORTON: That's all I have.

5 MR. MURPHY: One more item. This is  
6 not a question. I think we've resolved that.  
7 Mr. Siskin, have I or any other NRC  
8 representative here threatened you in any  
9 manner or offered you any reward in return for  
10 this statement?

11 A. Nope.

12 Q. Have you given this statement freely and  
13 voluntarily?

14 A. Yes.

15 Q. Is there any additional information  
16 you'd like to add to the record?

17 A. Nope.

18 Q. First off, we greatly appreciate your  
19 taking time out of a very busy schedule. We  
20 know you've got to catch a plane and go to  
21 Texas, so we appreciate you taking the time to  
22 sit down and go over these things with us and  
23 sometimes we're a little hard-headed. It's  
24 not our area of expertise, but we appreciate  
25 your spending the time with us, educating us a

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bit.

A. Off the record.

(Discussion off the record.)

(Adjourned at 5:35 p.m.)