

1 BEFORE THE  
2 NUCLEAR REGULATORY COMMISSION  
3

4 In the Matter of: )  
5 TENNESSEE VALLEY AUTHORITY )  
6 10 CFR 50, Appendix B Compliance )  
7

8 Suite 2900  
9 101 Marietta Street  
Atlanta, Georgia

10 Friday, August 21, 1987

11 The above-entitled matter came on for CONFIDENTIAL  
12 INTERVIEW OF RICHARD L. GRIDLEY, at 1:30 p.m.  
13

14 APPEARANCES:

15 On behalf of the Nuclear Regulatory Commission

16 LARRY L. ROBINSON, Office Of Investigations  
17 E. L. WILLIAMSON  
DANIEL D. MURPHY  
18 Nuclear Regulatory Commission  
Suite 2900, 101 Marietta Street  
Atlanta, Georgia 30303

19 On behalf of the Witness

20 DEBORAH B. BAUSER, Attorney  
21 Shaw, Pittman, Potts & Trowbridge  
22 2300 N Street, N.W.  
Washington, D.C. 20037  
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WITNESS:

EXAMINATION

Richard L. Gridley

3

EXHIBITS:

None

P R O C E E D I N G S

1  
2 MR. MURPHY: On the record at 1:50 p.m. August 21,  
3 1987. This is an interview of Richard L. Gridley, who is  
4 currently employed by Tennessee Valley Authority. The  
5 location of the interview is the Office of Investigations,  
6 Atlanta, Georgia.

7 Present at the interview are Len Williamson, Larry  
8 Robinson and Dan Murphy.

9 It is agreed this interview is being transcribed by  
10 a court reporter. The subject matter of the interview  
11 concerns TVA's March 20, 1986 letter to NRC regarding their  
12 compliance with 10 CFR 50, Appendix B.

13 Do you object to doing this under oath, Mr. Gridley?

14 MR. GRIDLEY: No.

15 MR. MURPHY: Will you please stand and raise your  
16 right hand?

17 Whereupon,

18 RICHARD L. GRIDLEY

19 appeared as a witness herein, and having been first duly  
20 sworn, was examined and testified as follows:

21 MR. MURPHY: Mr. Robinson.

22 MS. BAUSER: I'd like to make one comment. Also  
23 present at the interview is Mr. Gridley and Debbie Bauser from  
24 Shaw, Pittman representing Mr. Gridley. And I believe that  
25 the agreement that we have all discussed in the past having to

*RLG*

1 do with transcripts also applies to Mr. Gridley's interview.

2 MR. MURPHY: Okay, thank you.

3 MR. ROBINSON: Fine.

4 EXAMINATION

5 BY MR. ROBINSON:

6 Q Mr. Gridley, the purpose of the interview today is  
7 to clarify certain areas of your testimony that we've gone  
8 over before. Two areas that I'm going to talk about in  
9 particular are the series of events and the concurrence to the  
10 letter.

11 A Uh-huh.

12 Q And the other area I'm going to talk about is  
13 primarily once the draft letter package that was received by  
14 you from Mr. Edgar, once it returned to TVA -- the series of  
15 events after that. Okay?

16 A Okay.

17 Q We'll talk about the concurrence first.

18 I have here for the record a copy of a document  
19 headed "Concurrence Sheet". The name of the document is  
20 written as "Watts Bar, Appendix B/OA NRC Submittal" prepared  
21 by J.A. Domez, D-o-m-e-r, dated 3/5/86. And I'll show that to  
22 you and see if you recognize it.

23 (A document was proffered to the witness.)

24 Q This is the concurrence sheet that was essentially  
25 the final sheet that was signed by the gentlemen that were

1 required to concur in the March 20th letter, is that right?

2 A Yes.

3 Q First question is, just out of curiosity, why is  
4 your concurrence dated 3/6/86 and the remainder of the five  
5 concurrences are dated 3/20/86?

6 A Good question. I don't know.

7 Q Was the March 20th letter essentially ready to go  
8 out prior to March 6th, '86?

9 A Let me say that there was a version prepared, which  
10 I submitted to Mr. White to be sent prior to March 20th.

11 Q I notice that Mr. Domer prepared that concurrence  
12 sheet on March 5th, '86. Is it possible that he just gave it  
13 to you for signature the next day or can you recall any reason  
14 why you would have signed it --

15 A I think that he prepared that for my signature and  
16 also to take it upstairs for Mr. White to sign.

17 MS. BAUSER: Could I clarify something? For you to  
18 take it upstairs for Mr. White to sign, or did you anticipate  
19 Mr. Domer doing that job?

20 THE WITNESS: No, no. I'm pretty sure it was me.

21 MS. BAUSER: Okay.

22 BY MR. ROBINSON:

23 Q What did your concurrence on that sheet mean?

24 A It meant that I had read the letter and the  
25 attachment and found that it had consistent format, was

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1 correctly prepared for transmittal to the NRC from a licensing  
2 requirement and that I read nothing in the attachment that I  
3 had knowledge was wrong.

4 Q Okay. Did you --

5 A Or maybe I should say personal knowledge that was  
6 wrong.

7 Q Does the -- is the signature as a representative or  
8 as the Manager of the licensing area of TVA as opposed to your  
9 personal concurrence on that sheet or your personal opinion  
10 that that letter was okay?

11 A Larry, you want to ask it again please? I'm not  
12 sure I understand the question.

13 Q Does -- is your signature on that concurrence sheet  
14 as the Licensing Manager or is it as R.L. Gridley personally?

15 A I don't know if I can answer that too well. Are you  
16 talking at the time now or as --

17 Q No, as you signed it.

18 A At the time now, as I've told you before, that was a  
19 new process. I had never been involved in concurrence sheets  
20 before on letters being transmitted to NRC. At the time we  
21 decided to have a concurrence sheet, I took it that it was my  
22 responsibility as the Licensing Manager when I concurred in  
23 that transmittal, that it did in fact meet the requirements  
24 for proper format and other requirements to transmit to the  
25 NRC.

1 Q All right. At that point in time on March 6th, '86  
2 when you signed the concurrence sheet, did you have any  
3 technical opinion as to whether or not Watts Bar was in  
4 compliance with Appendix B?

5 A I don't believe I did, no.

6 Q Okay. I now want to speak to Kermit Whitt's  
7 concurrence on that sheet. At what point in the preparation  
8 of the response to NRC regarding TVA's compliance with  
9 Appendix B did you become aware of Kermit Whitt's qualified  
10 concurrence to that letter?

11 A After that -- on that date but after the meeting.

12 Q On that date meaning March 20th or March 6th?

13 A March 20th.

14 Q That was the first time you became aware of his  
15 stating, as it says on the concurrence sheet, and I quote,  
16 "Signature attests that the letter was read by Whitt."

17 A Yes. After the -- on that day but after the meeting  
18 to get the concurrences.

19 Q You had no knowledge prior to that time that Whitt's  
20 concurrence meant anything other than a normal full  
21 concurrence by the Director of NSRS?

22 A No.

23 Q How many attempted concurrences took place on that  
24 letter?

25 A Two.

1 Q How far apart in time were they, approximately?

2 A Unfortunately I don't remember the first time, don't  
3 know what the date was.

4 Q Were they two weeks apart or a month apart or a day  
5 apart?

6 A I would guess less than a month but certainly not  
7 days -- three weeks maybe, something in that range.

8 Q Could you describe what happened at the first  
9 attempt on the concurrences?

10 A The first attempt that's pretty clear in my mind was  
11 the first time that I had in fact experienced the process of  
12 having a concurrence meeting. And I had -- I can remember --  
13 I don't know if I remember all but I had in fact Wegner and  
14 Brodsky and myself. And I really don't remember who else was  
15 in that first one, but I remember -- the reason I remember  
16 those two very well is because there was a flare up over the  
17 process.

18 Q Was Mr. White in the meeting?

19 A He was in the meeting. That was the purpose -- I  
20 called the meeting and I think, you know, on speculation  
21 because of the people involved, -- I think Drotleff was there,  
22 Bill Drotleff, at that time Director of Division of Nuclear  
23 Engineering.

24 THE REPORTER: I'm sorry, director of --

25 THE WITNESS: Director of Division of Nuclear

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1 Engineering.

2 I believe that -- as I recall I believe that Dick  
3 Kelly was there, Director of Division of Quality Assurance.

4 Q Mr. Whitt?

5 A No, he was not there.

6 Q You recall that specifically that he was not there?

7 A Well let me say, I don't remember, but my  
8 recollection is he was not there.

9 Q Okay.

10 MS. BAUSER: Could I -- you made a gesture which  
11 won't go on the record when you said you don't remember. Do  
12 you want to finish your sentence and explain what -- what is  
13 it that --

14 BY MR. ROBINSON:

15 Q You don't remember everything at the meeting?

16 A Well yeah, I'm physically in my mind going around  
17 the table.

18 Q Okay.

19 A I know where I was sitting and -- in fact I was to  
20 Mr. White's right. I don't remember who was next to me but I  
21 can physically see Brodsky and Wegner, Drotleff and I don't  
22 know if it was -- I think on the other side of Mr. White was  
23 Kelly. I think that was about it.

24 Q Okay.

25 A There may have been others, but I've just got a

1 mental picture of the room at the time.

2 Q And what was the issue?

3 A First issue or first -- since this was a new  
4 experience for me, I had the letter in front of Mr. White, the  
5 concurrence sheet probably was separate. And his first  
6 question was to Brodsky, he said "Do you concur in the  
7 letter?" And Brodsky said no. And he said why and he said  
8 "Because Gridley has revised the letter since I reviewed it."  
9 And then he asked Wegner if he concurred in the letter, Wegner  
10 said no and he said why and he said "Because I haven't seen  
11 the letter."

12 Q Did he ask Kelly if he concurred in the letter?

13 A I think at that point he got mad, he got up, he says  
14 "Get the hell out of here," you know, "you're not ready for me  
15 to go over this letter." He says, "Gridley, go get all these  
16 people's concurrence and then reschedule the meeting." So  
17 that was the breakdown in that first concurrence and I don't  
18 remember the date.

19 Q At any point in time, do you recall seeing or having  
20 prepared a concurrence sheet like this that had a statement  
21 next to Mr. Whitt's name that was typed in, indicating that  
22 the signature only indicated that Mr. Whitt had read the  
23 document?

24 A Never. I've never seen a concurrence with anything  
25 typed, on this letter.

1 Q On that type of a concurrence sheet.

2 A No, never.

3 Q I'm now going to show you another document that's  
4 dated February 20th, 1986, addressed to Mr. S.A. White and  
5 I'll quote what it says, quote "I have read the basis for  
6 concluding that the 10 CFR Part 50, Appendix B requirements  
7 are being met at the Watts Bar facility" and apparently  
8 contains the signature of Mr. K.W. Whitt. Have you ever seen  
9 that document before?

10 A Not this one. Before this or before now -- today?

11 Q Before March 20th, 1986.

12 A Before March 20th, I have never seen this before.

13 I'm familiar with the purpose of the --

14 Q What is the purpose of that?

15 A This was a request by Mr. White that each of the  
16 people involved prepare <sup>a</sup> an attestation of their position on the  
17 letter, which we were all asked to do individually.

18 Q So you did that as --

19 A I did that also.

20 Q -- and this essentially explains what your  
21 concurrence means on the letter?

22 A This was the purpose, right.

23 Q And you had not seen this one signed by Mr. Whitt  
24 until after -- sometime after March 20th, 1986?

25 A No. He never -- as I remember he never -- you know,

1 if I could take a minute to explain. When this requirement  
2 was placed on us by Mr. White, I typed a suggested version for  
3 people to sign, based on what I thought he wanted. I was not  
4 successful in getting anybody to sign my version because they  
5 said that isn't -- I can't sign because that isn't what I --  
6 primarily as I understand later -- understood later, is that  
7 he was asking me to prepare something very similar to what is  
8 used for QC inspectors out in the plant that they have  
9 physically verified QC activity by physically going and  
10 looking.

11 And when I took that first of all to Mr. Kelly, he  
12 said he would not sign that because it was the wrong words to  
13 be used for a concurrence on a letter. So I went back to Mr.  
14 White and I said nobody will sign it. He said, "Well then  
15 have them write out what they will sign." And I would only  
16 guess that that's what Mr. Whitt did.

17 Q Did you go to Mr. Whitt with what you thought was  
18 your version of what he should be signing as a concurrence?

19 A I can't remember if I did or not. I know that I had  
20 the job to go get the people to sign this first version, I was  
21 not successful. I either sent it to him or I probably --  
22 yeah, I would say I probably, you know, physically went and  
23 met with him and said sign this. But I know that I never  
24 received anything back from any of them. I mean they did not  
25 sign and send it back to me.



1 Q Do you have any idea where they would have sent  
2 those documents that they revised?

3 A No one ever submitted those and Mr. White never  
4 asked for them after he had first requested it. They may have  
5 kept them in their own possession, I don't know.

6 Q Mr. Whitt says that to his recollection there were  
7 three or four attempts at concurrence that he could remember  
8 and that to the best of his recollection there was at least  
9 one concurrence sheet prepared with his qualified concurrence  
10 typed on there prior to the final concurrence.

11 A Prior to the 20th?

12 Q Do you remember anything like that?

13 A It would not have been prepared by me. I don't know  
14 who would have prepared it because I was responsible for this  
15 sheet.

16 Q Mr. Whitt also indicated that he had a conversation  
17 with you well before the final concurrence --

18 A Before the 20th?

19 Q Right, well before the March 20th concurrence in  
20 which he indicated to you that his concurrence could only be  
21 that he read the document and that in the subsequent attempts  
22 at concurrence, he recalled a typewritten qualification on the  
23 concurrence sheets, but that those concurrences were  
24 unsuccessful. And then at the last date of concurrence, there  
25 was nothing on the concurrence sheet and as you have said

1 earlier, he talked to you after the concurrence meeting and  
2 you added that statement on the final concurrence.

3 I guess my question to you is at that final  
4 concurrence meeting, your testimony here is that you had no  
5 idea that Kermit Whitt was only going to sign that document,  
6 that concurrence document indicating that he just read the  
7 letter and not that he concurred with it as the NSRS Director?

8 A Wait a minute now. You're asking me when we were  
9 sitting in there, because this wasn't there for sure --

10 Q That's right.

11 A -- because I wrote that in there.

12 Q Yeah.

13 A It was just like it looks with no signatures here  
14 and not dates except for mine.

15 Q Right.

16 A You're asking me whether or not --

17 Q You knew that Whitt's concurrence was going to be  
18 qualified with a read only.

19 A No, I did not, not to my recollection. I mean I  
20 can't say for sure. Whitt and I had several meetings. I was  
21 just getting to know him, of course.

22 Q Uh-huh.

23 A I wasn't that familiar with NSRS and what their  
24 activities were at that point in time -- I'm talking back in  
25 the February time frame, early March. We did have

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1 conversations because he was 6th floor type person. But as I  
2 remember when he came to me after the meeting and said you've  
3 got to help me because I've got a problem with my signature,  
4 that was the first time I understood his mentality in terms of  
5 what his signature meant to him personally in relationship to  
6 his job as the supervisor of NSRS.

7 As I remember it came to me that his concern was that  
8 his people would have a problem with him concurring in a  
9 letter that basically refuted their concerns, he'd be less  
10 effective. And I -- while I understood his concern, I told  
11 him he would have to discuss that with Mr. White, which he  
12 subsequently did, and I wasn't in that meeting.

13 But I do know that Mr. White called me, I think into  
14 his office, and said that he understood Kermit's problem and he  
15 would agree to a notation on the concurrence sheet.

16 Q When did that conversation with Mr. White take <sup>place?</sup> ~~place?~~

17 A It wasn't the same day I'm pretty sure. I can't say  
18 for sure, but I don't think it was the same day. I think it  
19 was a day later or maybe a couple days later.

20 Q Okay.

21 MR. ROBINSON: Question?

22 MS. BAUSER: Did you understand that Kermit Whitt's  
23 qualification -- if I can call it -- to his signature meant  
24 that he did not agree with the March 20 letter?

25 THE WITNESS: No. I took it that he was only



1 concerned about the problem that he would have in his role as  
2 supervisor of the NSRS.

3 MS. BAUSER: And is that -- what is the basis for  
4 that belief? Why do you think that?

5 THE WITNESS: I believe he told me that he was  
6 concerned his concurrence on the sheet would be a problem for  
7 him as supervisor of NSRS, and that he would prefer to just  
8 say that I've read it. I said fine, go talk to the boss. And  
9 at that time, that kinda reflected my attitude about this  
10 concurrence sheet. I didn't care whether a person said he  
11 read it or whether it meant something else. I felt that every  
12 person on there was concurring on the basis that they had read  
13 the submittal and they personally had no -- in their position,  
14 had no problems with what we were sending. You know, if you  
15 disagree with it, I assume they wouldn't have concurred or  
16 they would have noted they didn't concur.

17 BY MR. ROBINSON:

18 Q But you don't receiving these individual statements,  
19 typewritten statements, from the concurrees as to what they  
20 meant by concurrence?

21 A Only from -- you know, it's been a long time -- I  
22 don't remember, to the best of my recollection, receiving  
23 anything -- that they executed what I asked them to do. All I  
24 can remember is that -- going to Mr. White and saying no one  
25 will sign the -- even Drotleff called me from Knoxville

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1 raising hell, he had real problems signing what I had prepared  
2 for each person to sign.

3 So I don't remember getting any of them back. I  
4 don't even remember getting any back that they -- when I told  
5 them the boss says you can prepare -- say anything you want,  
6 just do something, I don't even remember getting any of those  
7 back.

8 Q Might they have individually sent them directly to  
9 Mr. White?

10 A Looks like Whitt did.

11 Q Your prepared sheet, was it a separate sheet for  
12 each of the concurrees or was it -- did it have all of the  
13 concurrees on one sheet?

14 A No, it was just like this with different words with  
15 a place for them to sign.

16 Q Separate sheets for each concurree?

17 A Yeah.

18 Q It was?

19 A Well it was -- I just made one sheet and had copies  
20 run off and peddled them out.

21 Q Oh, so your sheet just had one definition of  
22 concurrence on it --

23 A Uh-huh.

24 Q -- and you were trying to get each of the gentlemen  
25 --

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1 A To sign it.

2 Q Oh, okay. I understand. Back to right after the  
3 final concurrence meeting when you told Whitt that he'd have  
4 to talk to the boss about it, I believe you told us in your  
5 earlier testimony -- I'm not sure, I'll let you clarify it --  
6 that you went to Wegner with that situation and Wegner told  
7 you that that was okay, that Whitt could concur with that  
8 qualification and then you went back to Whitt and told him  
9 that, is that --

10 A No, I --

11 Q You don't remember that?

12 A I -- what I remember now -- I don't remember now  
13 what I told you before -- I remember going to Mr. White, not  
14 Wegner.

15 Q Okay.

16 A And then went back to Whitt and told him the boss  
17 says -- in fact, what I do remember and I don't remember the  
18 timing of this -- Whitt went and talked to Steve White and I  
19 believe with Wegner present. And when he explained his  
20 situation then White told me that he understood the problem  
21 and it was okay to make the notation.

22 Q Okay.

23 A So I'm not sure of the -- but I don't remember  
24 talking to Wegner at all about the Whitt problem. I may have,  
25 but I don't remember doing it.



1 Q And you don't recall knowing anything about Whitt's  
2 qualified concurrence before the date of that --

3 A I'm really surprised that anybody else would have  
4 been playing around with this concurrence sheet and would have  
5 typed it or anything, because I was the only one that was  
6 involved with this thing. It wouldn't have been anybody else  
7 that would have even wanted to do it.

8 Q Well, and I'm not even so worried about the typed or  
9 the supposed typed concurrence on there, as what you knew at  
10 the time. And just to review it again, clarify it again, your  
11 testimony is that you had no idea that Whitt was going to  
12 qualify his concurrence like that?

13 A Well I'm not going to make a flat statement like  
14 that. Like I said, in thinking back, I had discussions with  
15 Whitt prior to this meeting on the 20th. So -- but I don't  
16 recall what the discussions were about. Like I said, he was  
17 on the 6th floor, we crossed paths, we were getting to know  
18 each other. I would not argue with him if he says that we met  
19 and he discussed it with me, I wouldn't argue with him. But I  
20 can tell you truthfully that at the time that this was signed,  
21 he was asked the question -- you know, when he said he had a  
22 problem with the concurrence, the question was then why did  
23 you sign it, and he said well it was kinda pushed around the  
24 table and I don't know whether he was afraid to not sign it in  
25 front of Mr. White or what was going on through his mind, but

1 he signed it. And it was after the meeting that he came to me  
2 and said he had a problem, that he had signed this thing and  
3 he now had a problem with it. So --

4 MS. BAUSER: Can I ask a question?

5 MR. ROBINSON: Let me ask one real direct question  
6 before you do, if I may.

7 BY MR. ROBINSON:

8 Q When you talk about pushing the concurrence sheet  
9 around the table and Whitt maybe being in an uncomfortable  
10 position there, or at least what was going on in his mind, I'm  
11 going to ask you directly, Mr. Gridley, was it an intentional  
12 thing on your part or anyone else's part at that table, to  
13 push that concurrence sheet through without any qualifying  
14 statement on it like that?

15 A That concurrence sheet went as there and it was a  
16 question of do you concur, now I do and then, you know, as he  
17 was asking individuals -- and I don't remember the exact  
18 conversation, but I do know that Whitt was on this side of Mr.  
19 White and as it came to him, White was asking him questions,  
20 do you concur in the letter. And I don't even remember his  
21 response, but in any case, when he was through with Whitt,  
22 Whitt signed it. It wasn't a push around with any you've got  
23 to sign it before you get out of the room type thing. It was  
24 all part of the --

25 Q Well I don't necessarily mean pressure to sign it, I

1 mean let's just have everybody sign it without any qualifying  
2 statements on it.

3 A That's not true, there was a lot of questioning  
4 still by Mr. White because the concurrence didn't -- the  
5 concurrence sheet was not what Mr. White needed to sign this  
6 letter. It was only to be sure -- question every individual  
7 to be sure that these people had a comfortable position on the  
8 letter. He still -- just because these people signed it  
9 didn't trigger him to sign the letter. He had a lot of  
10 questions in his own mind. He was the one that challenged  
11 this letter, not -- we didn't push it in a way that here it is  
12 boss, sign it, and not expect -- it wasn't a case of having  
13 him sign it. It was a question of being ready to convince him  
14 that we had all done our job and he challenged very much the  
15 process before he signed that letter.

16 Q Do you remember -- I know you said you don't  
17 necessarily remember how Mr. Whitt responded to Mr. White when  
18 Mr. White asked him if he concurred, but do you remember Whitt  
19 being uncomfortable at that moment?

20 A I don't remember anybody, including Whitt, being  
21 uncomfortable. And I think the reason I can remember it that  
22 way is that we had all been involved in that -- getting ready  
23 for that meeting. It wasn't a case of coming in and being  
24 caught by surprise.

25 Q Right.



1 A He had read the letter before he was asked to come  
2 in for concurrence. We all had.

3 MR. ROBINSON: Okay. Do you have any questions,  
4 Dan?

5 MR. MURPHY: Are you going on to another topic?

6 MR. ROBINSON: No. I'm getting ready to, but I want  
7 to finish this one.

8 BY MR. MURPHY:

9 Q Mr. Gridley, this was provided to us by TVA. Have  
10 you seen that?

11 A Sure.

12 Q Did you look that over before you gave it to us?

13 A I didn't personally.

14 Q The reason why I asked that is because the  
15 concurrence sheet dated February 20, provided by Mr. Whitt,  
16 was a part of that documentation and I'm wondering --

17 A You mean this?

18 Q The typewritten sheet with the comments.

19 A I did not go over it. In fact, it was put together  
20 by Tom Burdett and Ralph Shell. I remember the <sup>COLLATING</sup> [collation] that  
21 went on to do that.

22 Q I guess I'm asking you why is it so unusual that of  
23 all the concurrence sheets that were -- you know, the  
24 different types -- only this one became part of this study.  
25 Do you have any idea why that might be?

1 A Huh-uh.

2 Q You said during a previous attempt to get  
3 concurrence for the letter, Whitt wasn't present?

4 A I'm saying I don't recall that he was present.

5 Q Okay, you don't recall that he was present?

6 A No.

7 Q Is there any reason in the world why he might not be  
8 present for that meeting and was present for this?

9 A Probably an oversight on my part. I didn't know  
10 what this process was all about.

11 Q Okay.

12 A When White said get the people up -- if you're ready  
13 for me to review the letter, get the people to come to my  
14 office. Now I didn't even know -- there was no guidelines on  
15 who that would be. I just asked these people to come to this  
16 first signing.

17 Q Okay.

18 A I think what I was really interested in at the time  
19 were those people who had helped me with the letter. Brodsky  
20 had read the letter and had commented on it, that I remember.  
21 Kelly and Huston were primarily the people who -- you know, I  
22 don't remember exactly, but the question is where did the  
23 letter in its format on the first signing come from. And I'm  
24 not too sure I recall where it came from except that I know  
25 Damer and Mullin were working together. When I got involved



1 early in February, a letter arrived for me to start being  
2 responsible for, but I did end up with a letter that was to go  
3 to Mr. White to transmit the response to the NSRS.

4 BY MR. ROBINSON:

5 Q You mean the NRC?

6 A Excuse me, the NRC. I know that I wanted to have  
7 Kelly there and Brodsky there because they had commented on  
8 the letter. I wanted Drotleff there because he had commented.  
9 Wegner just came to all White meetings, I didn't ask for  
10 Wegner to come. In fact that's the reason I got mad at him.  
11 I said, "No one told me you were in the review, that you had  
12 any say-so in this damn thing." And so I asked -- in fact if  
13 I had to guess who I wanted there, I wanted Brodsky, I wanted  
14 Drotleff and I wanted Kelly there and myself, and Whitt didn't  
15 even come into my mind.

16 BY MR. MURPHY:

17 Q How did he end up being at the final concurrence?

18 A I believe I was told to have him there, probably by  
19 White.

20 Q Okay, was this final group of individuals who were  
21 going to concur on the March 20th letter decided by you or  
22 decided by Mr. White?

23 A I think these were all decided by me except for  
24 Whitt. I think White said he wanted Whitt there. He may have  
25 at the first meeting said where is Whitt and I said I didn't

1 know you wanted him. So in the next meeting I was a little  
2 bit smarter and I got Whitt to come.

3 BY MR. WILLIAMSON:

4 Q But you didn't care if Wegner was there?

5 A I didn't care whether Wegner was there at all, no.  
6 He's still -- I'm surprised he would sign the God-durned thing  
7 because normally he will not concur in anything because that's  
8 not his job. In fact he probably regrets the day he ever did  
9 that.

10 BY MR. MURPHY:

11 Q Apart from Mr. Whitt, who obviously had some  
12 qualifications on this concurrence, even though they were  
13 discussed after the fact, was there any such qualifications  
14 placed on their concurrence by other individuals? I mean you  
15 said that White went around and asked the various questions --

16 A In this one?

17 Q Yes, sir.

18 A I do not know of any qualification by anybody. I  
19 mean looking at these names here.

20 Q Let me take this and go down the list.

21 A Okay.

22 Q Yourself, were you agreeing entirely on the content  
23 of the letter, the technical aspects and everything?

24 A Well be careful when you say technical. I read the  
25 response to the perceptions, that doesn't mean that I knew

1 whether they were -- what I'm saying is that when I read the  
2 responses, I knew -- when I read them, there was nothing there  
3 that I knew was wrong.

4 Q Okay.

5 A You know, personal knowledge that they were saying  
6 something that was wrong like Watts Bar was at Knoxville  
7 rather than Sweetwater, some dumb thing like that.

8 Q But you have no idea whether the technical responses  
9 were adequately investigated or not?

10 A Absolutely no way I would have known.

11 Q Okay, then what does your concurrence with that  
12 letter mean?

13 A Concurrence means that from a licensing submittal  
14 standpoint that it met all the requirements for making a  
15 submittal to NRC, both an address, spelling of names, carbon  
16 copies, numbers of copies, that in addition to that, there was  
17 nothing said in the letter that I had personal knowledge was  
18 wrong. You know, really, basically we don't like to say this,  
19 I think we're changing it, but licensing people are looking  
20 for errors -- you know, typing errors, comma errors, margin  
21 errors. They are not really people who are attesting to the  
22 submittal from a technical standpoint, unless they do the job.

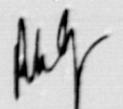
23 Q What about Mr. Kirkebo. Although he was signing for  
24 Mr. Drotleff, did he raise any qualifications as to his  
25 signing only for those areas that pertained to engineering?

ALG

1           A     I don't recall, Dan, but I would say that's fair.  
2 Most people, even today in our concurrence process, are still  
3 having trouble concurring because they feel that it requires  
4 them to have knowledge and expertise beyond their area of  
5 responsibility. A good example is the site director. The  
6 site director concurs in every submittal for his site and most  
7 of them will tell me that they're uncomfortable with the  
8 concurrence if it means that they are signing technical  
9 adequacy outside of their responsibility. What we've done,  
10 we've tried to clarify that for them, we've written some  
11 definitions on what concurrence means, to help them get out of  
12 that -- good example, Herb Abercrombie absolutely when he  
13 concurs is not concurring that the engineering analysis for  
14 the hydrogen analyzer is done correctly, that there's no Code  
15 errors or calculation errors. He just can't do that. That's  
16 the responsibility of the chief engineer.

17                     And I think to your question -- and I think Kirkebo,  
18 if you ask him, would say hey, I'm only concurring with the  
19 engineering effort. I'm not going to say Gridley did it  
20 right, the boilerplate is right or whatever.

21           Q     That's a logical assumption. Did you have a  
22 discussion with Kelly sometime after the March 20th letter  
23 went out -- I'm going to suggest some time around June of '86  
24 -- when Kelly became aware that Kermit Whitt had a qualifier  
25 to his concurrence?



1 A A discussion with Kelly?

2 Q Yes, in which Kelly was kinda disturbed about the  
3 fact that he did not know that this qualifier was on the  
4 concurrence sheet.

5 A I don't recall, no. Kelly and Huston and I met  
6 every day, discussed TVA every day.

7 Q Do you remember ever having a discussion about  
8 Kermit Whitt's concurrence?

9 A No, you asked me about the qualifier.

10 Q Yeah, well I mean if you discussed Kermit Whitt's  
11 concurrence a day later --

12 A I don't recall.

13 Q Okay. When you had the initial concurrence sheet  
14 typed up, which you know, you said nobody thought much of --

15 A You mean this thing?

16 Q Yeah.

17 A That typed thing.

18 Q Yeah. Did Kelly submit to you a signed concurrence  
19 sheet that looked -- which he was willing to concur with?

20 A Never saw one.

21 Q Never saw one.

22 A I never saw anybody's.

23 Q Okay. Were you ever present during one of these  
24 concurrence meetings where Kelly made the statement concerning  
25 Whitt's -- have you ever heard the statement "if he doesn't

1 sign", referring to Mr. Whitt -- "if he doesn't concur with  
2 this statement, why should I have to"?

3 A I don't recall.

4 MS. BAUSER: I'm sorry, was the beginning of your  
5 question "did you ever attend a meeting" where that happened?

6 MR. MURPHY: A concurrence meeting.

7 MS. BAUSER: I see.

8 MR. ROBINSON: Earlier Ms. Bauser said she had a  
9 question and I said I wanted to ask one more.

10 MS. BAUSER: He answered it in his own words.

11 MR. ROBINSON: Okay. Go ahead, Mr. Williamson.

12 MR. WILLIAMSON: One additional question about the  
13 concurrence sheet.

14 BY MR. WILLIAMSON:

15 Q Your signature, you're attesting as the Director of  
16 Licensing, that you had read the letter and the attachment?

17 A Definitely that -- more than that, but definitely  
18 that.

19 Q Not just that you had read it, but you were a  
20 representative of Licensing.

21 A (Nodding head affirmatively.)

22 Q Okay. I'm not sure what Mr. Wegner, who he was  
23 representing.

24 A I don't either.

25 Q Mr. Kelly would have been representing the QA

1 organization?

2 A Yes.

3 Q Mr. Kirkebo signed for Mr. Drotleff, he would have  
4 been representing engineering?

5 A (Nodding head affirmatively.)

6 Q Mr. Whitt signed -- would have been representing  
7 NSRS?

8 A Yes.

9 BY MR. ROBINSON:

10 Q Is there anything that is in your mind, Mr. Gridley,  
11 regarding this concurrence process that you want to add before  
12 we go on --

13 A I do. I want to make sure, I think I've said it to  
14 both of you and maybe all three of you before -- I want to go  
15 on record that you don't confuse the situation at the time.  
16 The process from January 27th, which I think was a Monday --  
17 only because I remember I arrived on the 20th, which was on  
18 Monday -- to the middle of February, was without any  
19 requirement for concurrence. I didn't -- you know, we didn't  
20 have a procedure, we didn't have training, no definitions. We  
21 had never used concurrence before. No one was familiar with a  
22 concurrence process in TVA, to my knowledge.

23 In fact, my first recall of the NSRS work by the  
24 engineers was I was surprised that they weren't getting  
25 verification, second peer review and verification of their

1 work.

2 The first use of a concurrence was when Mr. White  
3 asked for this statement to be prepared.

4 Q Regarding this particular letter?

5 A Regarding this particular letter. Up to this time,  
6 like I said, no procedures, no training, no definition. It's  
7 not unusual for, at the time even down to March 20th, for  
8 there to be a lot of confusion as to what the concurrence  
9 meant and how we -- the process of getting there. You know,  
10 why is my signature March 6th, I must have not felt too  
11 important that I'd date it -- redate it -- why didn't I redate  
12 it? It didn't mean anything to me in terms of what I defined  
13 -- when you asked me what did it mean to me, I'm telling you  
14 what it meant to me, from my previous experience.

15 So I want to make sure that we don't confuse the  
16 concurrence process which was pretty undefined, and I don't  
17 think anybody on that -- including Kermit Whitt -- probably --  
18 I know for a fact there was no procedure or definition that  
19 would allow them to understand the concurrence process. We  
20 didn't have one.

21 MS. BAUSER: A couple of questions.

22 EXAMINATION

23 BY MS. BAUSER:

24 Q Did you -- when Mr. Whitt came to see you after the  
25 signatures were on the March 20th concurrence sheet -- well

1 the concurrence sheet signed primarily on March 20th -- did  
2 you understand himself to be absolving himself of  
3 responsibility for the letter?

4 A No, no. Again, I just restate it was clear in my  
5 mind that he was concerned about the impact on his supervisory  
6 role for NSRS, that -- it wasn't a long conversation I can  
7 remember, we walked out of the room, we were standing at the  
8 -- back when it was not even designed the way it is now, it  
9 was just a stand up area -- his concern was that it was wrong  
10 for him to sign something if it meant that he agreed with the  
11 -- or that it was in conflict with this group's position.

12 But it was never a thing on -- it wasn't based on  
13 his own view, it was the perception that as supervisor it  
14 would create problems for him to supervise the group, to be  
15 effective in his job. He didn't use a lot of words, he just  
16 -- and I said well let's go talk to the boss.

17 Q So did you understand that the signature which now  
18 included this qualification to it, continued to mean that  
19 Kermit Whitt himself agreed with the letter but that he was no  
20 longer doing it in such a way that would suggest that his  
21 staff necessarily did? Is that a correct understanding of  
22 what you've said?

23 A To the best of my recollection, you know, either  
24 just before or just after or maybe days after, I always  
25 believed that Kermit Whitt agreed with the letter. His whole

1 issue was the impact on his being supervisor of NSRS. I mean  
2 that doesn't mean he came to me and said "hey, this is a good  
3 letter and I agree with every line in it and every period,"  
4 but as I recall, the things that Mr. White asked of him -- you  
5 know, I'm recalling, he was asked that point blank by Mr.  
6 White in the concurrence -- in the room. And either then or  
7 maybe when he went in to see Mr. White to get approval for the  
8 notation, but I recall that there was never any question about  
9 his own personal view of the letter, it was the impact on his  
10 job as supervisor.

11 MR. ROBINSON: Well it's interesting then that the  
12 qualification for his concurrence didn't express that as  
13 opposed to just saying all this means is I have read the  
14 letter.

15 THE WITNESS: Yeah. I didn't question him on  
16 whether that was sufficient to protect him. I don't think I  
17 put those words in his mouth. He says "I'd like to just be  
18 able -- I'd like a notation on there that just says I read the  
19 letter" and so I said fine.

20 MR. MURPHY: Let me ask, because one of the things  
21 that bothers me is when you go over these concurrences and you  
22 say you don't have any problem with Mr. Kirkebo when you're  
23 talking about the engineering aspects of it -- of this letter,  
24 right?

25 THE WITNESS: Uh-huh.



1 MR. MURPHY: I think that's perfectly logical,  
2 right? I mean that makes sense to me.

3 BY MR. MURPHY:

4 Q When you tell me that you don't have any idea of the  
5 technical review and that you're really basically signing that  
6 the letter is correct, the format's good. You know, there's  
7 nothing in there that doesn't quite make sense. But you have  
8 no idea whether these technical functions were performed or  
9 not performed because you weren't present when they were  
10 performed and therefore your concurrence really doesn't  
11 support that they were or were not performed, right? Is that  
12 correct?

13 A Well Dan, you know, you have to deal with what your  
14 environment is. It has been my experience in working with  
15 engineering for years, is that their responsibility is to  
16 verify the technical adequacy of their work. That's the way I  
17 worked in GE for years. They used to try to get me to verify  
18 their work, I refused to do it, as a Licensing Manager,  
19 absolutely would not do that because then I would have  
20 checkers checking the checkers.

21 I always insisted that when the responsible  
22 engineering manager signs a engineering data book -- whatever  
23 you want to call it, we call them data books -- they would do  
24 their calculations, they would summarize it, they would write  
25 the text and sign on the bottom that he was taking



1 responsibility for the technical verification of the work,  
2 that it was done, that it was done properly, that it met all  
3 of the requirements. And I have never felt an obligation as a  
4 licensing manager or external to the engineering, whether it's  
5 project or otherwise, that I had to be responsible for the  
6 technical accuracy.

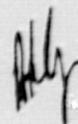
7 Q And you didn't feel like that in this case?

8 A Absolutely not. I had just come out of GE a few  
9 weeks before that.

10 Q Okay, then let me pose my question to you. Why in  
11 the world would anyone then think that's what Kermit Whitt's  
12 concurrence meant? Kermit Whitt was not involved in the  
13 technical review of any of that stuff, Kermit Whitt was not  
14 involved in the preparation of the letter. What would you  
15 think a concurrence by Kermit Whitt really meant?

16 A That's a good question, let me think about it for a  
17 second. (Pause.) I will venture an answer, if I had a person  
18 involved in the issue, I would want him to read it. Given  
19 what you just gave me, that he wasn't involved in preparing  
20 the letter, he wasn't involved in the technical response to  
21 the thing, but I would want him to read it to comment on it.  
22 If nothing more, I'd want his concurrence to say hey, I've  
23 read the letter and I have no comments.

24 Let me give you an example. We do this all the  
25 time, in fact maybe more than we should. But we have



1 reporters from newspapers write stories, which they just did  
2 -- probably you don't see them down, but a young reporter just  
3 newly assigned to the Chattanooga Free News wrote a story on  
4 the Board's decision to lower the rates and he said the Board  
5 has looked at the alternative of laying off a thousand workers  
6 at Sequoia and Brown's Ferry. The Board didn't say that, the  
7 Board said Brown's Ferry and Watts Bar. Now that guy wasn't  
8 involved in any of this, but if he would have asked us to read  
9 his news story, we would have said hey, you don't mean  
10 Sequoia, you mean Watts Bar. And he said thank you.

11 Now to me, I would have had Kermit read that letter  
12 to make sure that we -- you know, just commenting that we  
13 haven't erred in the perceptions. For example, the title of  
14 the perception was -- give me one.

15 MR. ROBINSON: Welding program is indeterminate.

16 THE WITNESS: Indeterminate. What if we screwed up  
17 in the typing and we said Welding is determinate. You'd say  
18 Christ, Gridley, you don't mean that.

19 Now that's to me what I would want Kermit to do.

20 BY MR. MURPHY:

21 Q Surely by that then in your explanation of what you  
22 want Kermit has nothing to do with Kermit agreeing that the  
23 letter is correct in substance.

24 A Well Dan, you're driving down the God-durned path  
25 that I just tried to straighten everything out in. I don't

1 know the hell we're doing --

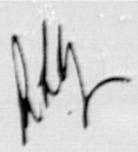
2 Q Oh, no, I'm not taking issue with you. What I'm  
3 saying is that many folks have led us to believe that that  
4 concurrence meant something that maybe it really didn't mean.  
5 And I'm not trying to put words in your mouth --

6 A So you're really -- you're saying what I said, the  
7 thing that's confusing --

8 Q I understand what you're saying, I'm not saying what  
9 you said isn't valid. I'm saying when you ask an individual  
10 from NSRS to concur in the letter, that (1) he did not have  
11 any hand in preparing, (2) had nothing to do with the  
12 technical reviews even though if you want him to concur it  
13 might be a good idea to send him technical reviews back to a  
14 staff who had the original comments and let them do it; you're  
15 asking him to concur with something he had nothing to do with  
16 and asking him to -- no, wait a minute.

17 MS. BAUSER: You created if's in there which I don't  
18 know if he knows is true and I don't know if it's true. So  
19 while we can accept them as hypothetical and I don't have any  
20 problem with him answering the question --

21 MR. MURPHY: Let me interject something here. If he  
22 knows of any facts for us that would tell us that Kermit Whitt  
23 was involved in the technical review of this document, I'd  
24 like to hear them. If you know at any instance where Kermit  
25 Whitt was involved in the preparation of this letter, I'd like



1 to hear them. I'm not hearing that. And if you do, please  
2 explain.

3 MS. BAUSER: Well I do know, so I can't agree with  
4 your qualifica --

5 MR. MURPHY: I'm asking the witness whether he  
6 knows, I'm not asking you whether you know.

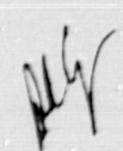
7 MS. BAUSER: Yeah, but you're asking him to agree to  
8 a hypothetical.

9 MR. MURPHY: I'm not asking him to agree to a  
10 hypothetical. I'm asking him if he knows that Kermit Whitt  
11 had any dealings in the thing, and he finally indicated I  
12 thought that Kermit Whitt did not have any part in writing the  
13 letter.

14 BY MR. MURPHY:

15 Q Is that correct or not correct?

16 A Let me give you an answer based on -- I'll qualify  
17 it. The question is did I, Dick Gridley, know or am I aware  
18 of Kermit Whitt's involvement in the letter or the attachment  
19 to the letter, you know up at -- I assume we're all talking up  
20 to March 20th. And I want to answer that I don't have any  
21 recollection of discussing the letter or the attachment with  
22 Kermit Whitt myself personally. That doesn't mean he wasn't  
23 involved with some other people because I wasn't driving the  
24 work going to the completion of the letter. So -- but I don't  
25 recall having any discussions or discussing the letter or the



1 attachment with Kermit Whitt.

2 Q Do you know at any time whether the technical  
3 reviews were given back to Mr. Whitt for review prior to that

4 --

5 A I personally don't have knowledge that they were,  
6 no.

7 Q Do you know of any instance where Mr. Whitt was  
8 involved in any drafts where he commented on drafts of  
9 letters.

10 MS. BAUSER: Wait a minute. Are you asking him if  
11 technical reviews were ever given?

12 MR. MURPHY: Yes.

13 MS. BAUSER: Didn't you earlier testify, Mr.  
14 Gridley, that the letter with the attachments were given to  
15 Mr. Whitt?

16 THE WITNESS: I don't know, you'd probably have to  
17 go back and check.

18 MS. BAUSER: Well before he signed this, did he have  
19 the letter and the attachment?

20 THE WITNESS: Yeah.

21 MS. BAUSER: Okay, so the reviews --

22 MR. MURPHY: I'm talking about --

23 MS. BAUSER: You're talking about drafts prior to  
24 the --

25 MR. MURPHY: I'm talking about looking over these

1 things and tell me that they answer the basic questions that  
2 were proposed by NSRS.

3 MS. BAUSER: Well Mr. Whitt was given the letter and  
4 the attachments.

5 MR. MURPHY: You're saying that. I'm not saying  
6 that. I'm waiting for the witness to tell me whether he was  
7 or was not.

8 THE WITNESS: I would -- let me try and answer it.

9 MS. BAUSER: Are you suggesting he was given this  
10 sheet without ever being given the letter and the attachments?

11 MR. MURPHY: I'm asking the witness if he was or  
12 not. I don't know.

13 THE WITNESS: Well that's --

14 MR. MURPHY: The way I heard it today, unless I'm  
15 wrong, was that you sat down and this sheet went around the  
16 thing.

17 THE WITNESS: No, no, no. These people all had the  
18 letter and the attachment

19 MR. MURPHY: Okay.

20 THE WITNESS: -- before we all assembled in Mr.  
21 White's office or -- yeah, I guess it was his office. So it  
22 wasn't a case of these people arriving at the office without  
23 having read the letter and the attachment.

24 MR. MURPHY: I'm not even suggesting that.

25 THE WITNESS: Okay.

