ORIGINAL

UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF: DOCKET NO:

INVESTIGATIVE INTERVIEW JAMES A. DOMER

LOCATION: LOOKOUT PLACE
CHATTANOOGA, TENNESSEE

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EXHIBIT 93

1 EXAMINATION

2 BY MR. MURPHY:

3 For the record, it is now 9:35, February

4 25th, 1987. This is the interview of James A. Domer, who

5 is employed by Tennessee Valley Authority.

6 The location of the interview is

7 Chattanooga, Tennessee. Present during the interview are

8 Lynn Williamson, Larry Robinson, Leo Norton, John Craig

9 and Dan Murphy.

10 As agreed, this is being transcribed by a

11 court reporter. The subject matter of this interview

12 concerns TVA's March 20th, 1986 response to the NRC

13 regarding their 10 CFR 50 Appendix B.

14 Mr. Domer, would you please stand and raise

15 your right hand? Do you swear or affirm the information

16 you're about to give is the truth, the whole truth and

17 nothing but the truth, so help you God?

18 A I do.

19 Q Mr. Domer, would you give us a little bit of

20 your educational background and your employment

21 experience with some emphasis on the jobs you've had here

22 at TVA?

23 A Yes. I graduated from the University of

24 Tennessee in 1972 with a BS degree in mechanical

25 engineering. I went to work for Duke Power Company and

1 worked approximately two years at a fossil plant on their
2 system.
3 I applied with the Tennessee Valley
4 Authority and got a job in 1973, I believe, December of
5 '73 in the Division of Power Resource Planning.
6 I worked there in a number of positions
7 starting out at Bellefonte Nuclear Plant, the initial
8 licensing phases of Bellefonte.
9 I was responsible for the entire preparation
10 of all the documentation on Phipps Bend Nuclear Plant,
11 from construction permit application, limited work
12 authorization, testifying in hearings, et cetera, on that
13 docket.
14 After I worked on Phipps Bend, I worked on
15 Hartsville, Browns Ferry and various stages. Then, I
16 guess, in 1979, I believe, I became supervisor in the BWR
17 Licensing section in the Nuclear Licensing Branch in TVA.
18 We were set up where we had two sections
19 that basically handled the licensing. We had it split up
20 to the PWR plant and the BWR plant, and I had the
21 boilers.
22 I stayed in that position approximately, I'd
23 say, three years, three or four years, and was promoted
24 to Chief of the Nuclear Licensing Branch in TVA.
25 If I can remember a time frame on that, that

1 was 1984, I believe, June of '84. That was in the office
2 of Nuclear Power, Division of Nuclear Services.
3 I stayed in that position until June of last
4 year, and I was promoted to Assistant Director of the
5 Division of Nuclear Safety and Licensing. That basically
6 covers the chronology of my career with TVA.
7 Q Okay. We appreciate that. As you know,
8 this office has been looking into the preparation of the
9 March 20th, 1986 TVA response to NRC. What we would like
10 you to do is to tell us, give us, as clear as you can,
11 what role you played in two particular areas, one, in the
12 preparation of the technical reviews which we are told
13 are supportive of this letter and, two, what role you had
14 in the actual preparation of the March 20th, 1986 letter.
15 I realize that there are two separate
16 issues. You can approach this in any way you want to;
17 but what we'd like you to do is, from your initial
18 notification of your involvement, tell us basically what
19 you've done.
20 A Okay. The first involvement I had on this
21 issue was shortly after the letter, I believe, in early
22 January from, I believe Darryl Eisenhut signed the letter
23 for Harold Denton, to TVA that had the enclosure behind
24 it with eleven issues stating he wanted a response back
25 in a very short time frame. I believe it was six or

1 eight days.

2 We received that letter, and we set up a

3 meeting in Knoxville in early January to discuss how we

4 would respond to that letter and come up with a proposed

5 methodology, et cetera.

6 I don't remember the exact date of the

7 meeting, but the basic attendees were myself, Bob Mullin,

8 Bill Coddle, Lou Wallace, the deputy general counsel;

9 Kermit Whitt, who was head of the NSRS at that point in

10 time; Bob Sauer. Let's see, Scott Shum came up that

11 afternoon for some discussions with a lady that worked

12 with him. I do not remember her name.

13 That meeting lasted probably half a day.

14 Basically the purpose of the meeting was to understand

15 their position and try to just come to an understanding

16 of where we stood and try to come up with a response. We

17 were hoping that we could come up with a very quick

18 response back.

19 The more we talked in that meeting, it

20 became evident that we would not be able to come up with

21 a quick response. There was a lot more to it than we

22 thought there was.

23 The NSRS representatives were on the phone

24 with people from Watts Bar talking about the issues, et

25 cetera, details and whatnot. We left that meeting with

1 no consensus. It was not -- there was no unpleasantness
2 in the meeting, et cetera. It was a professional
3 exchange, no hard feelings of any kind.
4 After that meeting we came up with basically
5 a boilerplate letter that didn't do a whole lot more than
6 just say, "Here's our position as represented in the
7 enclosure on these eleven issues."
8 Licensing did not have the lead, to the best
9 of my recollection, on those eleven issues. The primary
10 responsibility for developing the response on these
11 issues was with the Quality Assurance. They had the lead
12 on developing the technical -- or coordinating, I guess,
13 if you will, the technical response to those issues.
14 There were a number of organizations that
15 they interfaced with and pulled information together and
16 put the packages together. Along in, I don't remember
17 the exact date in January when Mr. White came in, but
18 obviously he had a keen interest in that particular
19 letter and situation. He became involved and his staff
20 became involved.
21 Shortly after he came in, there were
22 briefings, et cetera. Of course, Mr. Kelly, Jim Houston
23 and Bob Mullin and other QA representatives were involved
24 in getting him up to speed as to where the situation
25 stood.

1 I do not remember, and I guess I should have
2 emphasized this up front, I haven't gone back and pulled
3 out documents to look at and try to refresh my memory.
4 Maybe I should have done that, but I didn't. I'm going
5 purely on memory right now.
6 We prepared a number of drafts of the
7 letter; and as the positions began to come together on
8 the technical details of the issues, the eleven issues,
9 those packages were put together, reviewed by various
10 people. And I don't remember the exact time frame, but
11 the whole issue got elevated up to what I would call a
12 corporate management level where we were not responsible,
13 per se, for developing the cover letter.
14 We had given them a package draft for them
15 to review. They began making comments on it. QA, I
16 believe, began interfacing directly through Mr. Kelly
17 with the sixth floor, et cetera, in putting the thing
18 together. We would get marked up drafts of the cover
19 letter downstairs, make the corrections, key them into
20 the word processor, et cetera.
21 And like I said, I don't remember the exact
22 time frame, but my personal involvement really dwindled
23 to almost nothing over a period of time. It didn't
24 happen immediately.
25 One thing I want to mention, too, is Ralph

1 Shell and I kind of alternated picking this thing up. We
2 kind of worked together to oversee it up until a certain
3 point in time.
4 But that's basically it in a nutshell as I
5 remember it. I know that's not a whole lot of detail,
6 but that's pretty much it.
7 BY MR. WILLIAMSON:
8 Q Mr. Domer, you indicated that your personal
9 technical review of this issue was limited; is that
10 correct?
11 A Yes.
12 Q As being in licensing?
13 A Yes.
14 Q You say the QA primarily had the lead. Did
15 you review the technical responses from QA, between QA
16 and your management? Were you in the review process?
17 A I believe I was, to a certain extent.
18 Q Do you recall at that time what you thought
19 about those reviews, whether where they were addressing
20 the issues, the eleven perceptions?
21 A It was not clear that all of them were
22 addressing the issues, that they were all responsive to
23 the issues, necessarily. That may perhaps be because my
24 review was in the early stages of the positions being put
25 together, but there was a range of ones where they were

1 pretty clear, pretty responsive, and some that were
2 clearly not very responsive.
3 Q Okay. From the time you began to see the
4 technical reviews until you saw some of the earlier
5 drafts of the corporate position, how did some of these
6 earlier technical reviews -- did you see that they
7 impacted on that March 20th letter, the final letter?
8 A I'm not sure I understand your question.
9 Q Well, you reviewed the technical reviews?
10 A Uh-huh.
11 Q You screened those. You also said you
12 reviewed or saw some of the drafts of some of the
13 response, the corporate response.
14 A Right.
15 Q Was the corporate response incorporating the
16 reviews as you understood them to be?
17 A Yes. And there was an evolution as the
18 things changed, too, and I think that gets to the point
19 of -- I don't remember exactly when, but some of the
20 reports were voluminous. There was an effort to prepare
21 what we called executive summaries.
22 As those were prepared and reviews on those
23 were done, the things that came out of the changes as
24 well as those summaries were factored into the cover
25 letter.

1 Q Okay. Let me ask you one other question if
2 you will. Back in the fall of '86, we asked for all the
3 information that TVA used to support the position that
4 they were in compliance with Appendix B; and we got, I
5 think, eleven or twelve packages of information.
6 A Uh-huh.
7 Q You're familiar with those documents?
8 A Not intimately familiar. I know what you're
9 talking about. It was a set of books that were, like, 2
10 inches thick or thereabouts. It had a number of letters,
11 et cetera, in it.
12 Q Were you involved in the preparation of
13 those books?
14 A No.
15 Q You weren't involved in that?
16 A (Shaking head negatively.)
17 Q Do you know why they were prepared?
18 A I knew generally why they were prepared. It
19 was to give the Nuclear Regulatory Commission the
20 information that they needed to conduct the review and
21 investigation on the Appendix B letter.
22 Q These were prepared months before we
23 received them. We asked for them in November of '86; and
24 they were prepared at least in the spring of '86, before
25 the preparation of this letter.

1 A Now, are you talking about the brown-covered
2 books that you-all were sent?
3 Q Yes.
4 A What I've told you is what I know about it.
5 I didn't know that they were prepared that long ago.
6 Q But were they prepared in the anticipation
7 that NRC was going to look into this particular matter?
8 A Now, that, I don't know. I simply don't
9 know the answer to that.
10 Q Who would know that?
11 A I would think that somebody in Quality
12 Assurance would know the answer to that question.
13 Q They were position booklets basically on
14 each of these eleven perceptions?
15 A Okay.
16 Q No, I'm asking that. That's a question.
17 Were they positions?
18 A I don't know. I did not review the books.
19 I was not involved in the preparation of them. I simply
20 don't know. Like I say, I did not go back and try to
21 look at any of the documentation or anything before I
22 talked to you-all.
23 Q Okay. Thank you.
24 BY MR. NORTON:
25 Q Mr. Domer, who gave you the assignment to

1 become involved in this issue?

2 A The reason I'm thinking on that a minute is

3 that there were a number of top level management changes

4 right during that very time when we received that letter.

5 It may have been -- well, Jim Huffam left TVA in January

6 of '86. He was my supervisor up until when he left, so

7 it must have been Jim Huffam.

8 Q Okay.

9 A Or possibly Bill Cottle. The more I think

10 about that, Bill and I, like I say, we went up to

11 Knoxville for the meeting.

12 Q Okay. When you were going up to Knoxville

13 for the meeting, what were you told was the reason that

14 you were going up there?

15 A The reason was simply to get the appropriate

16 parties in TVA together to get as much of an

17 understanding of the position that was represented in the

18 eleven "bulletized" concerns and then see if we could

19 come to an understanding such that we could get a letter

20 back to the NRC saying, "Yes, we're in compliance," or

21 "No, we're not."

22 Like I say, that meeting, there was a lot

23 more to it than we initially thought there would be. It

24 was impossible to get a letter back to you on a short

25 time frame.

1 Q So you thought, going into that meeting,
2 that there could be some kind of agreement worked out?
3 A That was my hope, yes.
4 Q Did you have a draft in mind at that point,
5 or did you discuss a draft at that meeting?
6 A I don't clearly remember having a draft
7 letter, you know, in my hands when we went into the
8 meeting.
9 Q That you passed out?
10 A I don't remember doing that. We got some
11 things typed while we were there, but for the life of me,
12 I cannot remember what they were. There was some review
13 taking place, I guess.
14 What we did was we would write down a
15 proposal, and the people in that room would look at it
16 and, for instance, go out and get on the phone with
17 somebody at the site, at Watts Bar, et cetera, and say,
18 "How does this sound? Does this sound like it covers
19 it," et cetera. Like I say, we were not able to reach a
20 concensus there in that meeting.
21 Q Who was the stumbling block to a consensus?
22 A I don't know if stumbling block is the way I
23 would think about it. I don't view it that way. I just
24 feel like there was more to the issue than we thought
25 there was initially. It was evident by the amount of

1 discussions that were going on there in the room and with
2 the NSRS representatives, et cetera.
3 It was just impossible to go through that
4 much material on those eleven issues. It wasn't like,
5 you know, each issue would take 30 minutes to 45 minutes
6 and, "Hey, we got that one behind us. Let's go on to the
7 next." It quickly regressed to the point where that was
8 just not possible.
9 I do want to stress there was no -- it was a
10 good meeting. I didn't leave that meeting with any ill
11 feelings, bad feelings, et cetera. It was a good
12 meeting. It just was not possible to reach a conclusion,
13 if you will, at that point. There was more work that had
14 to be done.
15 Q Was it clear to everyone at the meeting what
16 you were being asked to answer? What, in your mind, were
17 you being asked, TVA?
18 A Again, the goal that we had was to sit down
19 with the appropriate representatives in organizations
20 involved, go through the issues and make a determination
21 as to whether the issues, as stated, were, in fact, true
22 statements, that we had major problems or they were
23 representative issues that you get kicked out of a good
24 Appendix B program, that's going to, you know, kick out
25 50.55(e) reports, that kind of thing. We just weren't

1 able to do that.

2 Q I guess even on a more basic level, really,

3 what my question is trying to address is, to yourself and

4 the folks who attended that early January meeting, what

5 was the NRC asking TVA?

6 A Well, what they were asking TVA was a

7 commissioner met with some of your staff representatives.

8 They gave us some information "which we think could be

9 very serious, if found to be true, and we need for you,

10 TVA, to address the validity of those concerns and get

11 back to us very quickly." That's what I felt like.

12 Q Was there any discussion as to whether or

13 not the NRC's question about whether TVA was in

14 compliance with Appendix B, whether that was addressing a

15 program on paper or whether it meant an implemented

16 program?

17 A I don't remember any real decisive

18 discussion one way or the other, but I felt like it was

19 both.

20 Q In other words, we're not just talking about

21 paperwork here?

22 A Yes. Absolutely.

23 Q Was it to your knowledge -- I know you can't

24 speak for everyone, but to your knowledge, was anyone

25 under that misapprehension?

1 A No. I don't remember anybody having that
2 point of view.
3 Q Mr. Domer, sticking, you know, to that first
4 meeting in early January, did you yourself have a feeling
5 going into that meeting as to what the answer should be?
6 A My personal feeling was that if we couldn't
7 send a letter back to NRC on a short fuse stating that,
8 "Yes. We, in fact, do have a good Appendix B Quality
9 Assurance program," that we're in trouble.
10 I did not know the answer to that question,
11 but my sincere hope was, "Hey, we do have a good program.
12 Let's go see what these people have to say about these
13 issues, concerns and try to make a determination and get
14 a letter back." Again, like I say, we were not able to
15 do that.
16 Q Okay. So it kind of confirmed your fears in
17 a way?
18 A Well, in a way, yes.
19 Q After leaving the meeting, was it your
20 impression that there were valid points on both sides, or
21 did you feel one group was just out on a limb?
22 A No, I felt like there were valid points on
23 both sides. The thing that we could not determine to
24 anybody's satisfaction, as best I remember it, was the
25 issue of whether or not it was clear that there was, in

1 fact, a programatic breakdown where these things
2 represented, like I said before, the kind of things that
3 you see based on a good Quality Assurance program and
4 finding things or were there numbers of things in the
5 same area over and over again and continuing. We were
6 not able to make that decision or determination as to
7 whether that was one way or the other.
8 Q At that early January meeting, were there --
9 I don't want to use the term "arguments" -- but were
10 there involved discussions regarding the corrective
11 action program?
12 A I believe there were. Not arguments, but I
13 believe there were discussions there.
14 Q That sounded like what you were touching on,
15 discovering the same problem over and over again.
16 A Right. Exactly. I believe that's the main
17 reason that we called Scott Shum up from Watts Bar, to
18 try to get -- you know, because of their involvement and
19 all the employee concerns, et cetera, that they had seen
20 as to, you know, a data point was, "Do you feel like
21 there's things ongoing, continual, a programatic type
22 breakdown?"
23 And his response to that was yes, he felt
24 like it was a programatic breakdown.
25 Q Did he come to the meeting, or was he just

1 called on the telephone?

2 A We called him and asked him to come up.

3 Q What was decided to do after this meeting?

4 A I believe that what was decided was for the

5 Quality Assurance and NSRS and whoever else needed to be

6 involved, Engineering Construction, et cetera, to put

7 down on paper, you know, positions supporting the eleven

8 cryptic statements of concern that were behind the letter

9 and see where we came to.

10 Q All right. Who was heading up overseeing

11 the effort at that point, in other words, giving

12 directions?

13 A To the best of my recollection, it was

14 Quality Assurance. I don't remember if it was Bob Mullin

15 or if have he delegated that down to somebody, but that's

16 my recollection, that they were the people overseeing

17 putting together the technical positions.

18 Q What was your next action, you know, in this

19 area after leaving the January meeting?

20 A To just monitor progress on developing the

21 position of TVA and responding to the letter, basically,

22 and put draft letters together, get the input on the

23 technical positions and get those reviewed by management.

24 Q Okay. When did you put together your first

25 draft letter?

1 A I'm speculating a little bit. It had to be
2 sometime shortly after the meeting.
3 Q Are we speaking within a week or so or
4 something like that?
5 A Yes.
6 Q Was anybody working with you on this, Mr.
7 Domer? Were you working alone, from a licensing
8 standpoint, I mean?
9 A Ralph Sheil.
10 Q Ralph Shell. You went to Ralph?
11 A Yes, sir. At that point in time, Ralph's
12 job was -- he was the licensing supervisor over Watts Bar
13 and Bellefonte. That's primarily why, you know, he and I
14 worked together a lot on that. He had a lot of
15 responsibility on it.
16 Q I know in response to Dan's question when
17 you were giving a pretty good overview there of your
18 involvement, you mentioned that the first letter was kind
19 of a boilerplate letter that just kind of said, "Here are
20 the technical policies of the eleven responses."
21 A Uh-huh.
22 Q Who put that together?
23 A I believe Ralph and I did.
24 Q Okay.
25 BY MR. CRAIG:

1 Q What did the letter say? Can you remember?
2 A I really can't remember.
3 Q What did it say about compliance with
4 Appendix B?
5 A That was obviously the biggest question.
6 I'm being real honest. I just simply cannot remember
7 exactly what the first letter said, whether it said, you
8 know, "Here's the enclosed material, and this does
9 support or does not support compliance with Appendix B."
10 Obviously it could have had an and/or in
11 there, depending on the outcome of the technical position
12 development, et cetera.
13 Q You were the assistant director for
14 licensing at the time. Is that what you told us before?
15 MR. NORTON: Chief of Nuclear Licensing.
16 A My exact title was Chief of the Nuclear
17 Licensing Branch. I was in a pseudo position. I'm sure
18 all of us have been in that, where you're changing
19 organizations and sort of acting.
20 BY MR. CRAIG:
21 Q Mr. Shell's position was what?
22 A He was group supervisor over the Watts Bar
23 and Bellefonte Licensing Group.
24 Q So, you were very much aware of the
25 potential consequences of a statement concerning

1 compliance with Appendix B for Watts Bar?
2 A Sure.
3 Q And you can't remember what the first
4 draft -- do you remember what your conclusion was at that
5 point in time?
6 A Like I say, I did not have a conclusion. It
7 was evident to me after our meeting that it was not going
8 to be something which I had hoped for, which was a
9 thorough assessment of the issues, but the ability to
10 quickly say, "Hey, we do have a good Appendix B program.
11 We're in compliance, and these are concerns we need to
12 address."
13 So, I was unable to reach a conclusion. I
14 was concerned that we could not do that, but I did not
15 have a conclusion and was not able to reach a conclusion
16 really.
17 Q During the meeting when you were talking
18 about calling down to the site to read a draft response,
19 who were you talking to?
20 A Okay. I was not personally involved. The
21 person that went out of the room was Bob Sauer, and you
22 know, he talked directly to the people in another room.
23 We did not overhear any of the conversations. I do not
24 know. I'm trying to remember. I believe there were NSRS
25 site reps that they were talking to.

1 Q Can you give us an example, not a verbatim
2 example, but the type of thing that they would call the
3 site and ask them about?
4 A Yeah. We would come up with some words on a
5 statement of position on one of the issues, the people in
6 the room.
7 Q Let's pick electrical cable present
8 qualifications position. That's one of the issues.
9 A I cannot -- I want to reemphasize that I
10 cannot remember any details whatsoever on what we
11 developed as a position, but the position on that one or
12 any one of the other ones was developed in the meeting
13 with the people there.
14 Essentially a consensus was reached on some
15 of them in the meeting, and they would take that document
16 out to another room and call up the people at Watts Bar
17 and read it to them.
18 Q Well, for example, for one of them -- pick
19 electrical cable qualifications. Would the consensus
20 have been for some of these perceptions that they were
21 valid?
22 A Yes. We knew that some of the concerns were
23 valid based on the discussions that we had.
24 Q So, you wouldn't call the site for those?
25 A Well, no. See, again, we were trying to say

1 not where something was a valid concern, but what was the
2 extent of the concern. Was it representative of a whole
3 family of repetitive problems in an area, or was it a
4 specific thing that bubbled up over here one time and
5 then something bubbled up in an area over here. That's
6 what we were trying to do.
7 Q What was your understanding of the basis for
8 the NSRS' perception?
9 A Of all of them or that one in particular?
10 Q Pick any one in particular or all of them or
11 both actually?
12 A The perception I had is that they had a lot
13 of information available to them based on being at the
14 site. They knew about a lot of concerns in areas, and
15 they were just very concerned that TVA may have some
16 significant problems that we needed to address.
17 Q Were these based on NSRS audits?
18 A I don't know if they were based on that or
19 an employee concern in connection or employees coming up
20 to them on site or what. I don't remember.
21 Q The major issues that were listed, were any
22 of those new to you as problem areas or areas where there
23 had been deficiencies identified?
24 A I don't remember any of them being new in
25 and of themselves. We submit a lot of 10 CFR 50.55(e)

1 reports that cover almost any area that you could imagine
2 at a plant site or a construction site. So, in that way,
3 no, I don't remember any of them.
4 Q Just one more question. You came away from
5 the meeting, and I'll ask you to characterize the eleven
6 "bullets" that were the NSRS' perceptions. How many of
7 those did you think were valid or not valid or
8 indeterminate?
9 A I guess I personally left the meeting
10 feeling like that there were enough concerns on all of
11 them that maybe, I guess, they all were indeterminate to
12 a different extent, if you understand what I mean. Some
13 of them were obviously indeterminate. Some of them it
14 seemed to be just a few little things we couldn't look in
15 on in the meeting.
16 So, I did not leave there feeling like we
17 were necessarily real close to being able to settling the
18 issue and telling the NRC. I left there with the
19 feeling, "Hey, we may have some real problems."
20 Q By "real problems," you mean a large number
21 or significant problems?
22 A That we had a possible breakdown in the
23 program.
24 Q Did you think you had a possible breakdown
25 in welding, as in structural welding?

1 A Again, I did not -- I felt like that was a
2 possibility because we didn't have enough information,
3 not specifically. Again, there was nothing that sticks
4 out to me in my memory, it's been so long ago, about the
5 welding issue in particular. But it was like a number of
6 the other issues that we discussed, there was enough
7 information, concerns, indeterminate information if you
8 will, to not be able to make a call on it.
9 Q What about the instrument line?
10 A I'd have to put it in the same category. I
11 did not leave there with any clear position in my own
12 mind that, in fact, we did have a clear breakdown on any
13 one of those positions, but I left there with an uneasy
14 feeling that there was an awful lot of significant
15 concerns we needed to look into.
16 Q Let's take it the other way. Were there any
17 areas where you felt comfortable?
18 A No. I did not leave the meeting with a
19 comfortable feeling.
20 Q Do you have copies of notes or minutes or
21 anything you may have written from that meeting?
22 A I don't believe I do. To my knowledge, I
23 don't. I don't remember even seeing any meeting minutes
24 that came out as a result of that meeting. I don't
25 recollect any files.

1 Ralph, as I'm sure you know, Ralph Shell has
2 the documentation file of the letters, et cetera, that we
3 filed. I do not have any.
4 As a matter of fact, I know I do not have
5 any records. I do not have any notes or anything like
6 that from the meeting.
7 Q You indicated at the meeting at Knoxville in
8 early January there were a number of people. One of them
9 you identified as a woman. Was this woman an engineer or
10 an attorney or secretary or --
11 A I got the feeling she was an engineer.
12 Q Engineer?
13 A Uh-huh.
14 BY MR. NORTON:
15 Q What happened to the drafts of that letter?
16 A I think they were destroyed through the word
17 processing sequence. In other words, it was put on the
18 Wang word processor here. Hard copy was printed out,
19 sent out for review. Comments were made on that. When
20 those comments were received and agreed to, the secretary
21 sits at the word processor, puts those comments into the
22 letter. The other one is summarily wiped off the word
23 processing machine.
24 Q Do you know if any of the hard copies are
25 left of the earlier drafts?

1 A I sure don't.

2 Q Do you have any?

3 A No.

4 Q Do you know if Mr. Shell has any?

5 A No, I don't.

6 Q Mr. Domer, during that early January time

7 frame, was there any discussion as to the significance of

8 the questions at TVA? In other words, if the answer back

9 to the NRC had been, "Yes, we do have a significant

10 breakdown in our QA program," would that have been

11 mentioned?

12 Q Sure. Sure. We talked about that.

13 Remember, again, I said when I was going up to the

14 meeting that my sincere hope was that we could reach a

15 consensus there and get a response back to the NRC

16 saying, "Yes, we have a program and these are specific

17 instances of breakdown, but we don't have a programatic

18 breakdown."

19 Everybody knew of the significance of that

20 letter and the issue and what it would mean to write back

21 and say, "Hey, we do have a QA program breakdown."

22 Q Okay. What would it have meant?

23 A Well, to me it could have meant a whole lot

24 of things. Obviously it meant a big setback for Watts

25 Bar and the licensing process for Watts Bar, a lot of

1 reinspection, potential safety concerns, et cetera, that
2 needed to be fixed. It just was a big concern, big
3 impact, et cetera. This is very serious. If we don't
4 have a Quality Assurance program, we're in trouble.
5 Q Was this discussed among the group there,
6 the fact that it would have caused a lot of delays and
7 problems?
8 A It probably was discussed, but it was not
9 discussed -- I mean, it was just obvious to everyone the
10 significance of the fact, making a determination that
11 we've had a QA program breakdown. It was not a main
12 topic of discussion, but it was talked about some. It
13 was just obvious to everybody as to what that meant.
14 Q How many more drafts of this letter were you
15 involved with approximately?
16 A I'll be making a wild guess to give you a
17 number. That's all it would be, would be a wild guess.
18 You know, half a dozen, I'd say, something like that.
19 The time frame where I was taken out of that
20 was primarily after Mr. White came on board and got the
21 Quality Assurance directors on board and got Mr. Lundin
22 involved in the situation, et cetera. It was basically
23 out of our hands. I don't know how many letters there
24 were that were drafted up to that time.
25 Q Once it was taken out of your hands, did you

1 participate in the review of the letter from that point
2 on?
3 A Very limited. Very, very limited.
4 Q How do you mean very limited?
5 A Well, I might review the cover letter, but
6 not the technical issues. That was just basically out of
7 my hands at that point in time.
8 Q When did the letter switch from this
9 boilerplate format to a positive response, in other
10 words, saying, "Yes, we are in compliance."
11 A I don't remember a letter saying -- well, I
12 want to be careful how I say this because I'm trying to
13 remember. I honestly do not remember. I think it was
14 obviously based on the time frame that we started getting
15 enough information in on the technical positions to make
16 a call on it, and I don't remember what that time frame
17 was.
18 Q Did you draft a response that said, "Yes, we
19 are in compliance with Appendix B."
20 A I don't remember. I did not draft it, no.
21 I'm certain I did not draft any such letter.
22 Q Okay. During the time that you were still
23 responsible for it, in other words, before it was taken
24 over by Mr. White's staff, did your office put together a
25 response that said, "Yes, we are in compliance with

1 Appendix B."

2 A I don't remember. I just plain don't

3 remember.

4 Q All right. Do you recall any of the drafts

5 that you were responsible for speaking in terms of

6 overall complaints or pervasive breakdown?

7 A I very vaguely remember some language like

8 that, but I do not recollect any kind of specifics about

9 the letters.

10 Q You vaguely recall --

11 A You know, I remember the word "pervasive."

12 Obviously that was a letter -- I mean, a key buzz word,

13 if you will, that got discussed. But I just simply don't

14 remember the context in the letters. It's been so long

15 ago.

16 Q Was it a key buzz word that was being

17 discussed when you still remained responsible for

18 drafting the cover letter?

19 A Well, whether the breakdown was pervasive

20 really was the key issue as to whether there was a

21 programatic breakdown. If the problems were not

22 pervasive, repetitive, in the same area, et cetera, you

23 know, that relates to the context of the way I felt about

24 it in the meeting in January. That was the issue.

25 Q In other words, whether or not you had an

1 isolated incidence or whether they were repetitive in
2 nature?
3 A Yes.
4 Q Were you ever given any explanation as to
5 why the responsibility for drafting the cover letter was
6 taken over by Mr. White's staff?
7 A The explanation that I was given was that he
8 had a group of people including Mr. Lundin that were
9 responsible for that. It was just that simple.
10 Q Who gave you that explanation?
11 A You know, as far as anybody literally
12 sitting me down and saying, "Here's the one, two, three,
13 four, five explanation," I don't remember anybody doing
14 that. It was just obvious. "Mr. Lundin, et cetera, are
15 in now. They're in on contract, et cetera, or whatever
16 and they're handling the issue. They have got it."
17 Q Once Mr. White's staff took over
18 responsibility for the response, did you have any kind of
19 input into what the cover letter would say?
20 A No. You know the whole issue -- obviously
21 the cover letter and the technical positions were in a
22 locked staff, you know.
23 Q Did you attend any staff meetings where the
24 response was discussed?
25 A You know, nothing clearly sticks out in my

1 memory that I did. I may have been involved in some
2 informal discussions, et cetera, but I don't remember any
3 staff-type meeting where we talked about that.
4 Q Did you see the final letter?
5 A Sure.
6 Q When?
7 A I think it was the day it was signed or the
8 day after, you know, within a few days.
9 Q Do you recall any reaction to it?
10 A My reaction was that we'd put a tremendous
11 amount of effort into it. There had been a tremendous
12 amount of involvement from people that were experts in
13 the area of Quality Assurance, that there had been a
14 tremendous amount of detail work done and a whole lot of
15 coordination done with the people in TVA to make sure we
16 had concurrence on what the position stated and that I
17 sure hoped that we were 100 percent on target with that
18 letter. That was my reaction to it.
19 Q Considering the amount of effort that went
20 into it, didn't that kind of fulfill your initial
21 reaction in the sense, "If we could not send back an
22 immediate yes, then we've got genuine problems."
23 A Yes. That's why I had frustration and a
24 number of other TVA people had frustration. "Why in the
25 world is it taking us so long to get this letter out?"

1 That really bothered me.

2 Q Yeah.

3 A So, again, yes, it did. I was bothered from

4 that standpoint.

5 BY MR. ROBINSON:

6 Q The meeting that was held in Knoxville

7 officially after the receipt of the NRC letter to try to

8 obtain a consensu sounds like a good idea to me, Mr.

9 Domer.

10 After that meeting, was there ever any other

11 meeting like that to obtain concensus of all the parties

12 concerned that the letter was okay?

13 A I don't recollect my personal involvement in

14 any such meeting like that.

15 Q Do you have any knowledge that any other

16 meeting like that was conducted even without your

17 personal involvement?

18 A I do not recollect any meeting where the

19 level of management was involved that was in that initial

20 meeting. You had the deputy general counsel, the

21 assistant manager of Power Engineering. I was

22 essentially the manager of Licensing at that point in

23 time. You had the director of Quality Assurance and the

24 Director of NSRS all together at one point and one time

25 with staff involved. I do not recollect any meeting of

1 that nature, any meeting after that.

2 Q When you came out of that meeting and no

3 consensus was able to be reached, and your responsibility

4 as kind of the head in Licensing at that time, in

5 answering a letter that you obviously felt was very

6 important, you came up with the first draft of the cover

7 letter?

8 A Uh-huh.

9 Q Now, explain to me what you mean by

10 boilerplate. Did the cover letter even address the issue

11 of compliance with Appendix B at all in that first

12 boilerplate issue?

13 A Boilerplate to me means a short letter that

14 doesn't have a whole lot of detail in it at all and all

15 the detail is provided in the enclosure.

16 Q Did it even address, to your recollection,

17 the issue of compliance with Appendix B at all, or did it

18 just say, "Here are the responses to the eleven issues."

19 A Sitting here trying to recollect, it doesn't

20 make any sense. It had to have something like that in

21 there. It just had to. It doesn't make any sense for it

22 not to. At that point in time, it seems like it would

23 have had to have said, "Yes, we're in compliance," in the

24 early stages.

25 Q You're saying that you don't remember?

1 A Absolutely not. Absolutely not.
2 Q Has anybody instructed you such that if you
3 don't remember details, exactly, specifically, that you
4 should say, "I don't recall," to the NRC investigators?
5 A No.
6 Q In your opinion, I want your opinion here,
7 as the head of the licensing area, what to you would be
8 an example of noncompliance with Appendix B?
9 A Just anything in particular?
10 Q Yes. A minimum example of noncompliance
11 with Appendix B.
12 A Installing a piece of equipment and not
13 following procedure. Procedure meaning that it would
14 require inspection, et cetera, to verify that the piece
15 of equipment was put in to certain criteria, et cetera,
16 and finding out, in fact, that it was not.
17 Q On an isolated basis?
18 A Yes.
19 Q That would be noncompliance with Appendix B?
20 A No. Noncompliance with Appendix B?
21 Q Yeah. That's my question.
22 A Oh, okay. I'm sorry. I misunderstood.
23 That's a tough question now that I understand what you're
24 asking.
25 A breakdown of Appendix B or not meeting

1 Appendix B, rather, would be, to me, repeated breakdowns
2 either in the same exact area or general area where it is
3 clearly demonstrated that your program is not capable of
4 catching and correcting things like that in a timely
5 fashion.
6 In other words, if something goes on for an
7 extended period of time, same area, same problem
8 repeatedly, et cetera, then you've got a hole in your
9 program.
10 Q What if your corrective action process was
11 ineffective, if you found that all the rest of your
12 Quality Assurance criteria were being met except for your
13 corrective action process, would you be in compliance
14 with Appendix B?
15 A You're saying if you had everything else but
16 you did not have a good corrective action program, would
17 you be in compliance with Appendix B?
18 Q Yes.
19 A I'm not a QA expert, but to me, if you had
20 repetitive, over a long period of time, indications that
21 you did not have a corrective action, an adequate
22 corrective action program, then you would -- I don't
23 think it's black and white. It's hypothetical, et
24 cetera, but I would be very concerned. I'll put it that
25 way. If I had repeated instances where it was

1 demonstrated that I did not have a good corrective action
2 program, I'd be very concerned.
3 Q You'd be concerned, but would you be able to
4 say in your own mind that you were in noncompliance with
5 Appendix B?
6 A Not without doing on awful lot of work on
7 exactly what the details were, getting the staff people
8 together, seeing what had happened, why it happened, et
9 cetera.
10 Q What is your definition of a long period of
11 time?
12 A Did I just say a long period of time?
13 Q Yeah. You indicated that there would have
14 to have been a problem with the corrective action system
15 for a long period of time.
16 A I don't have any clear, you know, amount of
17 months or days or weeks in mind.
18 Q We were discussing the use of the term
19 "pervasive" earlier. What is your definition of
20 pervasive?
21 A Multiple breakdowns or -- I don't know.
22 Okay. Multiple breakdowns, multiple repeated breakdowns
23 in a number of different areas. In other words, it's not
24 just right over here. (Indicating) It's here, here, here
25 and a number of places.

1 Q Do you need a pervasive breakdown in a
2 number of different areas to be in noncompliance with
3 Appendix B?
4 A I don't know the answer to that question.
5 Q What is your opinion?
6 A Depending on, looking on a case-by-case
7 basis, it would seem to me there might be cases where you
8 would not have to have breakdowns all over the place,
9 pervasive breakdowns everywhere.
10 Q To have a noncompliance with Appendix B?
11 A Yes.
12 Q Back to your position, in the preparation of
13 the draft --
14 MR. CRAIG: Let me interrupt you before you
15 go back. I thought I understood noncompliance. To draw
16 an analogy, your position is that to be in noncompliance
17 with the Appendix B, if you have a tech spec and you're
18 in compliance with one of the tech specs, any specific
19 tech spec on an ECCS system, the analogy is you're not in
20 violation of tech specs unless you violate all the tech
21 specs or unless there's repeated, long-term violation of
22 tech specs?
23 Am I misunderstanding you, or am I right?
24 A I don't think you can draw that conclusion
25 because, again, we're talking about hypothetical here.