

# UNITED STATES NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

TENNESSEE VALLEY AUTHORITY

DOCKET NO:

10CFR-50, APPENDIX B

The Investigative Interview under oath of: STEVEN A. WHITE

VOLUME II

LOCATION: ATLANTA, GEORGIA

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BEFORE THE NUCLEAR REGULATORY COMMISSION

OFFICE OF INVESTIGATIONS  
ATLANTA, GEORGIA

Suite 027 - 41 Marietta Street, N.W., Atlanta, Georgia 30303 Phone (404) 525-0525

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| 8 | 10CFR-50-, APPENDIX B      | ) | VOLUME II |
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10 The investigative interview under oath of STEVEN A.  
11 WHITE with all formalities waived before J. R. HUCKS, III,  
12 and GARY L. LONG, certified Court Reporters at 101 Marietta  
13 Tower, Atlanta, Georgia in the 30th. floor executive con-  
14 ference room, Wednesday, July 15, 1987

15 APPEARANCES:

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[8:16 a.m., o'clock,  
July 15, 1987]

P R O C E E D I N G S

MR. WILLIAMSON: For the record it is 8:16 and this is the continuation of the interview of Mr. Steven A. White, Manager, Office of Nuclear Power, Tennessee Valley Authority. This interview concerns Mr. White's knowledge of or involvement in TVA's March 20, 1986, response to the NRC regarding compliance with 10CFR50, Appendix B, at Watts Bar Nuclear Plant.

We will continue our questioning with Mr. Murphy.

MR. WHITE: Before we start the questioning can I say something?

MR. WILLIAMSON: Certainly.

MR. WHITE: Of all the things that we discussed yesterday I went away with one very troubling thing to me and I'd like to discuss this this morning because I gave it a lot of thought last night; and I think it was in response to one of your questions, Mr. Murphy.

On the issue of to whom had I assigned the responsibility for drafting the letter I was troubled because it's unlike me to let something go without

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1 knowing somebody was responsible, and I think that  
2 comment was made and -- because it is unlike me. I  
3 gave it a lot of thought. One of the things I said.

4 The thing I said -- One of the things I said  
5 yesterday which was certainly true is in response --  
6 in response to that -- was with these high-level  
7 advisors that I have. They are the type of people  
8 that it isn't necessary to say, you know, "Go do  
9 A, B, C, D, you are responsible." And sometimes  
10 I give them a responsibility but not in the context  
11 of what we were saying yesterday.

12 So I gave it a lot of thought and my best  
13 recollection is -- well first of all let me say  
14 that one of the things that kind of, like I said,  
15 led me astray even in my thinking yesterday was  
16 that you divided the issue into a letter versus  
17 technical responses.

18 When this whole thing came up I didn't divide  
19 the issue in any fashion like that. In fact I  
20 didn't divide it into a letter specifically. It was  
21 the Appendix B issue. And as I said, Mr. Kelly  
22 had the responsibility for the Appendix B issue.

23 Now when it comes to the specifics the best I  
24 can recall is giving Mr. Kelly at some time early  
25 in the game - and by that I mean maybe the second

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week that I was there, maybe even the first week but early on - general guidance and I gave you some of that yesterday, the guidance being, you know, go seek the truth, if I can be very simple. However it comes out, go follow all the trails in the general fashion of answering the issue.

I think the next time that I, if I can use the word "touched" the issue, the Appendix B issue, was probably not even the end of the second week because I recall that second week I was really on the road visiting sites and so forth, doing a lot of other things. So it may have been the third week. It may have even been the fourth week after my arrival, but probably late the second or maybe the third week.

When I had, I believe, from Mr. Kelly kind of a very quick update and it was clear that he at that time, whether -- whether he had assumed on his own or whether someone else in the organization had directed him or whatever, he had the responsibility and was in the process of doing -- whether you want to call it the letter and technical responses -- he was heavily involved in the process. And so if you said to me, "Did you ever specifically say to Mr. Kelly, 'It is your responsibility to write this letter,'" no. The answer to that: No, I still do not

1 ever recall doing that. Did I feel that he had  
2 already assumed that responsibility from whatever  
3 cause, either from picking it up on his own or being  
4 directed by someone else in the organization I simply  
5 don't know. But it's clear that early on he had it  
6 and I was comfortable with that, that somebody was  
7 responsible.

8 I hope that helps.

9 MR. MURPHY: For both the cover letter and the  
10 technical response?

11 MR. WHITE: For the whole issue. That is -- you  
12 know, yes.

13 MR. MURPHY: Well we break it down between  
14 technical responses and the letter.

15 MRS. BAUSER: Before you do that, I think  
16 he misspoke and I want to get the record clear.

17 You said -- you made a comment about did I  
18 think he was picking up up -- you went on to say  
19 from whatever source you did not know, that, "I  
20 don't know." The "I don't know" I understood --  
21 I understood it went from whatever source didn't;  
22 is that correct? In other words you were not  
23 saying you didn't know whether he had --

24 MR. WHITE: No, no, no, no, no. He understood  
25 what I was saying.

1 MR. MURPHY: I understood.

2 MR. WHITE: Cottle may have directed him to do  
3 it, <sup>WASON</sup> ~~MAYSON~~ may have directed him to do it. I don't *Edu*  
4 know anyone else in the organization that would have  
5 assumed the authority, the mantle of authority, other  
6 than those two. No. I meant that -- or whether he  
7 did it himself and said, "Well, White told me to  
8 follow this thing and part of following it is getting  
9 this thing together."

10 MRS. BAUSER: If I could make one quick comment...

11 I know that it's sometimes frustrating but there  
12 are times where I am confident that you all understand  
13 but I am also somewhat confident that the written  
14 record is going to be unclear and ambiguous and  
15 later on you may have forgotten exactly what he said.  
16 So I have the responsibility to interrupt at times  
17 to clarify that.

18 MR. MURPHY: Anyway, the reason why we break it  
19 down into technical responses and the letter itself  
20 is because we have done a lot of work at TVA in  
21 determining who did what; and TVA, members of your  
22 staff themselves, break it down into two separate --  
23 I mean one group was doing one thing, one group was  
24 doing another thing. So we have separated --

25 MR. WHITE: And I don't mean to fault the way

1 you ask the question whenever I say that I was led  
2 astray. I didn't mean that in a derogatory sense,  
3 I'm just saying that in my thought process - and if  
4 I go back a year or so ago - I didn't mentally divide  
5 those things. So I'm not saying you are trying to  
6 mislead me.

7 MR. MURPHY: As you get into this you will see  
8 that we have divided this thing because of the two  
9 different issues. Not one overall thing. What  
10 I'm saying is two different things took two different  
11 paths as we understood it.

12 MR. REINHART: Mr. White, before you leave  
13 that issue this maybe could help jell in your mind  
14 to help clarify to us:

15 When people brought the cover letter, the  
16 March 20 letter, to you for your review in your  
17 discussions, who was it that actually brought it?

18 MR. WHITE: I don't remember. It was very  
19 late in the game. It was I think after I had  
20 seen the enclosures, in fact had commenced reviewing  
21 those with Mr. Kelly. It may have been Mr. Kelly,  
22 it may have been Mr. Wegner, it may have been my  
23 secretary. I don't recall.

24 MR. MURPHY: You probably have already answered  
25 this question but I must ask it anyway because we have

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kind of broken it down into different areas. Who coordinated the effort between the line organization who in our view in the information received prepared the technical responses, and the preparers of the March 20, 1986, letter? Who coordinated the two efforts between the preparation of this letter on March 20 and the responses from the line organization?

MR. WHITE: I think to the best of my knowledge Mr. Kelly did.

MR. MURPHY: Do you know what instructions were given the line organization when they initiated their responses to the NSR's perceptions?

MR. WHITE: Not the details of it, no.

MR. MURPHY: Did you give any special instructions to anybody?

MR. WHITE: Only to Mr. Kelly.

MR. MURPHY: What were they?

MR. WHITE: I just had gone over the general instructions of policy matters seeking the truth and going in whatever direction it took it -- took us; and I wasn't predisposed to advance in either -- to decide to advance in either direction. I made that very, very clear to him.

MR. MURPHY: What timeframe did this letter encompass? The March 20, 1986, letter? What time-

1 frame are you speaking about?

2 MR. WHITE: The letter you are speaking of?

3 MR. MURPHY: The letter itself, yes.

4 MR. WHITE: What timeframe was it under  
5 preparation?

6 MR. MURPHY: I mean did we consider it  
7 historically the situation at TVA or are we talking  
8 about from the time you arrived until the letter  
9 was sent? What timeframe are we talking about?

10 MR. WHITE: I'm not sure I understand if  
11 you are --

12 MRS. BAUSER: The time period the letter  
13 talks about?

14 MR. MURPHY: I'll amplify that.

15 Are we saying that on 20 March that we are  
16 in compliance with Appendix B? Are we saying that  
17 we are in compliance with Appendix B on 19 December  
18 when the presentation was made to Mr. Asselstire?

19 MR. WHITE: Two different issues. The letter  
20 is answering the question, which was, "Are they  
21 being used?" No, past tense but present tense. I  
22 wouldn't ~~it~~ say it merely says on the 20th because  
23 that is the day I signed it. But if you said,  
24 "How about the 19th..." -- I mean certainly it's  
25 talking about present as opposed to anything that

1 happened in the past other than in the issue of the  
2 word "pervasive," which dealt with the past.

3 MR. MURPHY: All the information that was  
4 made known, you know, the initial Sweat Review,  
5 the Nase Report, NSR's perceptions, the effort  
6 you had with Mr. Cragle and getting involved in  
7 the line responses, the reviews that you had your  
8 senior expert, were all them considerations in the  
9 preparation of the March 20 letter?

10 MR. WHITE: You almost have -- You have asked  
11 me a whole bunch of things. If I say yes, there  
12 may be some exception in there. Let me try to  
13 answer as best I can. Let me just say that the  
14 letter -- you are talking about the letter and  
15 enclosures now, right?

16 MR. MURPHY: Yes.

17 MR. WHITE: The enclosures, the letter, the  
18 whole thing, is based on -- other than the part I  
19 mentioned, that pervasive deals with the past -- is --  
20 deals with the -- deals with what's going on at  
21 the time. It is more narrowly defined as the letter  
22 states into only eleven particular perceptions. It  
23 is then again narrowly defined as what the NSRS  
24 told us in terms of facts. In other words the  
25 letter does not purport to be everything everyone

1 knows about the eleven perceptions. It only is  
2 what the NSRS - I think I said yesterday -- going to  
3 them and saying, "What are the things that cause  
4 you to have this perception?" and then investigating  
5 those things not to the -- in other words it's not  
6 encompassing, obviously, everything anyone might  
7 know about those eleven issues.

8 Does that answer what --

9 MR. MURPHY: Sure.

10 We're going to get into another area now and  
11 it's going to deal with what the draft letters that  
12 your office, Mr. White -- that your office or Mr.  
13 White has sent to us. I think there are five or  
14 six revisions.

15 MRS. BAUSER: Let me make a comment. They  
16 did not come from Mr. White. They did come from  
17 TVA and our office.

18 MR. MURPHY: This is what I...

19 MRS. BAUSER: Oh, this is the stuff very  
20 relevant. Excuse me.

21 MR. MURPHY: This group of draft letters is  
22 what we are talking about (presenting documents).

23 MRS. BAUSER: Can we go off the record, please.

24 Whereupon,

25 [There was discussion off record]

1 MR. ROBINSON: It is now 8:29 a.m. and we are  
2 officially off the record.

3 [Discussion off record continues]

4 MR. WILLIAMSON: We are back on the record  
5 at 8:35.

6 MRS. BRUNER: There has been some confusion  
7 for which I take responsibility about materials  
8 that we recently sent to the investigators. We sent  
9 an accumulation of materials in one package. Some  
10 of that material came from Mr. White's file. Other  
11 parts of that material came from Mr. Burdette's file,  
12 which you had previously received material from and  
13 you came upon some new information -- we came upon  
14 some new information that we wanted to get to you  
15 quickly.

16 The material from Mr. White's file includes  
17 handwritten notes, Xeroxes of handwritten notes, which  
18 appear to be from a spiral-type notebook, a final  
19 signed version of the March 20 letter with attachments  
20 with the original January 3 letter that prompted the  
21 March 20 letter and attachments to that. Also out of  
22 Mr. White's files were a series of signature pages  
23 from individuals who participated in preparing the  
24 attachments to the March 20 letter.

25 We sent you some materials from Mr. Burdette's

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1 files including such things as drafts of the letters,  
2 backup material to the preparation of the letters,  
3 documents for example which talk about -- which are  
4 obviously handwritten notes of some sort with  
5 marginalia indicating -- something which has to do  
6 with the process for generating the letter. None  
7 of that material comes from Mr. White's file.

8 I would be glad to answer any specific  
9 questions you have about what's what.

10 MR. MURPHY: I want to ask at least one  
11 specific question and for the record I want it  
12 known that on February 19 -- was it February 19  
13 we interviewed Mr. Gridley?

14 MR. ROBINSON: I think it was the 11th.

15 MR. MURPHY: When we interviewed Mr. Gridley  
16 we made a request of Mr. Gridley to furnish OI  
17 with all copies of all drafts of this letter; and  
18 I would like to make known for the record that  
19 this is now in July and we finally get copies of  
20 the drafts.

21 MRS. BAUSER: I think you have every reason to  
22 be upset about that. Let me just say that I don't  
23 think that anybody, including the individual whose  
24 notebook this came from, appreciated that anything  
25 in that notebook was not duplicative. He thought

1 it was duplicative of anything already sent. It  
2 wasn't until another individual was perusing that  
3 and recognized material in there that was different  
4 that we realized we had some new material to send  
5 to you.

6 I apologize for that.

7 MR. MURPHY: Who was the other individual?

8 Who was doing the perusing?

9 MRS. BAUSER: It was an attorney for TVA.

10 MR. MURPHY: What attorney?

11 MRS. BAUSER: Mr. Nichols.

12 MR. MURPHY: Are you aware that Mr. Nichols  
13 was also last to furnish --

14 MRS. BAUSER: Yes, but please understand  
15 as soon as Mr. Nichols recognized the material as  
16 being something you needed to see he sent it to you.  
17 He did not appreciate -- in fact the owner of those  
18 materials, Mr. Burdette, did not appreciate that that  
19 material had not already gotten into your hands. That  
20 was the reason in fact that I sent them in this  
21 package. I didn't want to delay in any way and put  
22 it in any other package.

23 MR. MURPHY: Thank you.

24 What Mr. White is look at is what we have  
25 been told is draft revisions one through six of

1 the Appendix B letter which ultimately resulted  
2 I guess in the March 20, 1986, letter to NRC.

3 MR. WHITE: (Reviewing documents).

4 MR. MURPHY: Mr. White, have you had a chance  
5 to look at all of the --

6 MR. WHITE: Yes, I have briefly looked at them.

7 MR. MURPHY: With the exception of the last one,  
8 which is in fact the March 20, 1986, letter which  
9 bears your signature, have you seen any of these other  
10 revisions at anytime prior to March 20, 1986?

11 MR. WHITE: The last -- the top one clearly  
12 appears to be the letter sent but the second one  
13 I would have to -- you know, almost identical --  
14 it appears the second one I have -- there -- there  
15 may be a difference. This bottom paragraph for  
16 example looks longer.

17 MR. MURPHY: There is one difference that we  
18 will talk about.

19 MR. WHITE: Okay. That looks like the same as  
20 the top one is what I'm saying. The others I have  
21 never seen until this moment.

22 MR. MURPHY: Were you aware that there were  
23 various revisions of your letter? Did anyone tell  
24 you that they had been working on it and had come up  
25 with various revisions to the letter?

1 MR. WHITE: I don't recall someone specifically  
2 saying that to me but I was sure that the thing was  
3 being staffed; and when you have something, a letter  
4 of this nature, I would expect that there would have  
5 been staffing discussions and various drafts.

6 MR. MURPHY: And you didn't review the  
7 various drafts that --

8 MR. WHITE: No. No.

9 MR. MURPHY: If you will look at revision  
10 three and revision four, R3 and R4, the bottom line  
11 of paragraph one in revision three, R3, which is  
12 undated by the way, it says...

13 Consequently TVA's corporate position is that  
14 Tennessee --

15 MR. WHITE: Bottom line of paragraph one?

16 MR. MURPHY: Yes.

17 -- Appendix B requirements are being met at  
18 the Watts Bar facility (reading).

19 I would then call your attention to revision  
20 four, which -- if I can find the line number -- I  
21 guess it's probably the whole first sentence. It  
22 says --

23 MR. CHARNOFF: The second paragraph?

24 MR. MURPHY: Yes, sir.

25 On the basis of a review of the issues identified

1 in NSR's perception has reflected -- as reflected in  
2 the enclosure, we find that there has been no pervasive  
3 breakdown of the Quality Assurance Program, that the  
4 program is identified and that TVA has remedied or  
5 will remedy all identified construction deficiencies  
6 and noncompliances and that accordingly the overall  
7 program is in compliance with 10CFR50, Appendix B  
8 (reading).

9 And my only question on this is: How do you --  
10 Is there a difference in your mind between the state-  
11 ment 10CFR50, Appendix B, requirements are being met  
12 at the Watts Bar facility and that we are in compliance  
13 with Appendix B, 10CFR50?

14 MR. WHITE: I am not the author of either of  
15 those so it's very difficult for me. I --

16 MR. MURPHY: I'm asking in your view in that  
17 wording alone, "Appendix B requirements are being  
18 met at the Watts Bar facility" and "We are in compliance  
19 with Appendix B" -- is that the -- is that one in the  
20 same thing?

21 MR. WHITE: Let me tell you what I am troubled  
22 about. The same thing I was troubled with yesterday.  
23 <sup>It's</sup> taking a document and taking out a particular SAW  
24 sentence, which we did yesterday, in that case hundreds  
25 of pages and highlight<sup>ed</sup> particular paragraphs to the Edw

1 exclusion of everything else and frankly read<sup>119</sup> those ERW  
2 into the record. I'm troubled by taking without  
3 frankly a very thorough review of the entire contents,  
4 context of both of these, and then forming a conclusion  
5 as to whether the letters say the same thing rather  
6 than separating out a paragraph or even a sentence  
7 in one case saying, "Does this mean the same to you?"  
8 Let me tell you what I would do with that. I would  
9 go get the individual who drafted -- whoever drafted  
10 R3 and whoever drafted R4 and I would sit down and  
11 ask them a lot of questions: What did you mean by  
12 that? What was it based on? I just -- you know, to  
13 ask me to do that --

14 MR. MURPHY: If we ignore that this letter  
15 exists, if I'm just making two flat statements here,  
16 "We are meeting the requirements of Appendix B,"  
17 regardless of the contents of the letter, regardless  
18 of what else is said, and, "We are in compliance  
19 with Appendix B," are they -- are we talking about  
20 the same thing?

21 MR. CHARNOFF: Let me object to that question.  
22 I don't think to show the witness under any circumstances  
23 letters that he said he hasn't seen before and say,  
24 "Tell me what the difference is between these letters,"  
25 those letters speak for themselves and you have to speak

1 to the authors of those letters to see if they say  
2 something difference. To ask Mr. White, to ask  
3 Mrs. Bauser, to ask me to interpret any of those  
4 kinds of words has no meaning and no significance  
5 and really truly objectionable. You couldn't  
6 do that under any circumstances in any kind of  
7 forum. I appreciate that this is an investigation  
8 and not a court of law. It may be like a Congress-  
9 ional hearing. But I have to tell you that I think  
10 it's wholly improper to ask him to talk about a  
11 sentence or two that he did not write, that he never  
12 saw before, and now ask him in some way to interpret  
13 that. They speak for themselves.

14 MR. MURPHY: Let me -- don't worry about what  
15 is said in the letter. We'll exclude that. I'm  
16 asking Mr. White, because he did sign the letter  
17 in fact which contained one of these statements, is  
18 is there a difference in his mind between the comment,  
19 the statement, not in the context of the letter, in  
20 pure -- the context of a pure statement -- "We are  
21 meeting the requirements of Appendix B," right?, and,  
22 "We are in compliance with Appendix B," right?, regard-  
23 less of the contents of the letter. I'm asking him to  
24 make a judgment about two statements.

25 MR. CHARNOFF: What the words mean to him as a

1 person who speaks English?

2 MR. MURPHY: Absolutely. Also a person who is  
3 responsible to determine of the requirements of  
4 Appendix B are being met at Watts Bar.

5 MR. CHARNOFF: And he has got to answer that  
6 question in the context of the whole letter. You have  
7 changed the ground rules by adding that last thought.  
8 If you are asking him to look at two groups of words  
9 as a person who speaks English, fine. Ask him, ask  
10 anybody on the street. I don't care. If you are  
11 asking him to interpret those words in the context  
12 of his overall responsibilities at Watts Bar, then  
13 he's got to look at all of the ramifications that  
14 surround those words written by anybody and at any-  
15 time and he may have to give you a whole amplifica-  
16 tion. He may have to say that it depends on what  
17 the basis of those sentences are. He may have to  
18 say, "What am I supposed to have looked at? What  
19 was the question asked of me?" He can do all of  
20 those things and if we want to sit for an hour, he  
21 can probably talk to that. But if you want to limit  
22 your question to just the words a man speaking English  
23 very competently and ask him whether it means any-  
24 thing, I have no objection to that. But if you are  
25 going to ask the last part, then I have an objection

1 and I would really rather not have him answer that  
2 kind of question because I think it's meaningless.

3 MR. MURPHY: How is it meaningless?

4 MR. CHARNOFF: Because he's got to give you a  
5 whole book.

6 MRS. BAUSER: Let me make a point. You want  
7 to use the statement in some context. You have to  
8 allow him to use it in some context. You are asking  
9 him to take it out of context and make a definition  
10 which you are going to then pluck into some, "Oh,  
11 well then this means this," and that is not reasonable.

12 He has to be able to put it in a context that  
13 is meaningful to him.

14 MR. MURPHY: And in a context that is meaningful  
15 for me.

16 The question that I asked Mr. White originally,  
17 are you meeting the requirements of Appendix B? Are  
18 Appendix B requirements being met?

19 MR. CHARNOFF: Read that whole letter. That  
20 letter does just ask that question, the letter transmits  
21 NSRS perceptions and it says that is what somebody  
22 said to him. I don't want to rephrase the letter but  
23 the letter of January 3 is not that simple.

24 MR. MURPHY: I don't think it's that simple.  
25 What I'm saying is that is that particular phraseology,

1 "Are the requirements of Appendix B being met," --

2 MR. CHARNOFF: In context.

3 MR. MURPHY: -- as opposed to, "Being in compliance  
4 with Appendix B." And I am merely asking Mr. White  
5 do they mean the same thing.

6 MR. CHARNOFF: But even --

7 MR. WILLIAMSON: Can you --

8 MR. WHITE: I'm troubled -- I'm the one that  
9 started this I guess because I'm troubled with never  
10 having seen a piece of paper or two pieces of paper  
11 and being asked to form a judgment about a particular  
12 part of those -- I was troubled yesterday by the same  
13 thing because frankly the -- I'm trouble because we  
14 read things into the record of specific parts, and  
15 I was troubled by this yesterday. I didn't object to  
16 it but I'm troubled because we were reading things  
17 into the record. The record while showing certain  
18 things will be to the exclusion in that case of perhaps  
19 hundreds of pages in other paragraphs of documents  
20 where I might read something into the record of  
21 yesterday and if -- I might if I had the following  
22 page have -- it might have refuted what I have just  
23 read in the record. I have no way of knowing. And  
24 I don't ascribe to you gentlemen any ulterior motives,  
25 I'm just saying it's very difficult to take a book

1 and take a sentence in the book and say, "Is this  
2 true? Is this what it means?" unless I have read  
3 the book. Because I might find the next chapter  
4 says, "Oh, by the way, what I told you in the last  
5 chapter is incorrect." So I am troubled taking  
6 pieces of paper I have never seen before and being  
7 asked detailed questions out of context. I don't  
8 know what the person had in mind who authored either  
9 of these drafts.

10 MR. REINHART: Mr. White, I think what we are  
11 trying to get at -- we are trying to get at any  
12 context that you can live with. On January 3 Mr.  
13 Eisenhower or Mr. Denton sent a letter to Mr. Parris  
14 asking TVA two questions. One of the questions was  
15 the corporate position as to whether or not 10CFR 50,  
16 Appendix B, requirements are being met at the Watts  
17 Bar facility. The response that the NRC finally  
18 got, the way we read the letter to that part of the  
19 question, was overall, you are in overall compliance  
20 with Appendix B.

21 What we are trying to determine is could you have  
22 substituted overall -- "Overall we are meeting the  
23 requirements" -- does that mean the same thing as, "We  
24 are overall in compliance with Appendix B," in that  
25 context? We don't know. We --

1 MR. WHITE: Let me try to answer because I'd  
2 like to get through this if we possibly can. I'd hate  
3 to be in position of objecting to the question.

4 Maybe if I explain to you what the phrase in the  
5 letter that I signed -- that part which says, "Overall  
6 compliance." Maybe that's what you are asking.

7 MR. REINHART: Good for a start.

8 MR. WHITE: My understanding at that time and  
9 today on compliance with Appendix B -- because that  
10 is what you are pursuing. I think it's what is  
11 my feeling -- what is compliance with Appendix B.

12 MR. REINHART: Does "compliance" equal "meeting  
13 the requirements" is what we are trying to get at.

14 MR. WHITE: I think to answer that I should tell  
15 you what my view of Appendix B is. My view of Appendix  
16 B is that it is a very generally worded statement of  
17 management principles that require -- that when you  
18 are doing work which might ultimately affect public  
19 health safety -- health and safety that you do that  
20 in a controlled manner; and by that I mean that you  
21 have, for example, procedures to follow, training,  
22 train<sup>ed</sup> and qualifi<sup>ed</sup> people in place, things of that edw  
23 nature. And you need an audit system to follow up on  
24 your system because there will be mistakes. You need  
25 a system or systems to find those mistakes to review

1 them and fix them where required.

2 That is my view of Appendix B.

3 My view is that it is generally worded in the --  
4 also the utility has great latitude in who and how  
5 and where and -- where it's done.

6 Now in terms of compliance with those broadly-  
7 worded I think eighteen criteria, one of those  
8 criteria recognizes that you will have deficiencies  
9 and tells you what to do when you have deficiencies  
10 so that the -- so that Appendix B itself recognizes  
11 in that respect that you are not going to have a  
12 perfect program. You will have deviations from it.  
13 Some people call those deviations noncompliances.  
14 I would prefer to call them deviations because it's  
15 hard to explain how you get non<sup>N</sup>compliances and be in  
16 compliances. But I'd prefer to stick to the words EAW  
17 which -- although some people will tell you that. Some EAW  
18 experts will call them noncompliances. I'd prefer to CAW  
19 say you have deviations in various aspects and yet  
20 you are in compliance. The word overall is to make  
21 sure that people understand that that's what I'm say-  
22 ing. But I can have deficiencies in various areas  
23 and still be in overall compliance with that regula-  
24 tion, Appendix B.

25 I hope that answers what you are asking.

1 MR. REINHART: You have explained now what you  
2 think it --

3 MR. WHITE: What it means.

4 MR. REINHART: What compliance means. And you  
5 think -- do you think that means meeting the require-  
6 ments of Appendix B?

7 MR. WHITE: When I say compliance -- I think I  
8 understand what you are asking. When I talk about  
9 deviation I'm really talking about deviations with  
10 the requirements of certain of the criteria. That's  
11 what I'm speaking of. All these criteria, which are  
12 really then broadly stated requirements. And I can  
13 have deviations from the requirements of the criteria.

14 I don't think I can explain any better.

15 MR. REINHART: Are you telling me that you  
16 are not meeting some of the requirements but you are  
17 in compliance?

18 MR. WHITE: There were deviations from some of  
19 the requirements of the criteria of Appendix B. And  
20 by the way the NRC recognized that. In their May  
21 letter to me they used almost those words, that, "We  
22 recognize what you are saying." I don't think this  
23 is an issue. I don't see how it can be an issue. They  
24 knew very well. And in their letter I think they made  
25 it clear. Aside from the conversations with me they

1 made clear they understood that. So I have never  
2 focused on that as a particular issue but I have done  
3 the best I can to explain to you what my feeling is.

4 MR. REINHART: I think that reading this letter  
5 they are just acknowledging what you said and then  
6 they say, "Well we are not really prepared to agree  
7 at this time."

8 MR. WHITE: Oh, no, I don't agree. It says --

9 MR. MURPHY: This is the May 16 letter?

10 MR. WHITE: May 16 letter. It says, "Your  
11 response acknowledged that noncompliances existed."  
12 I read that as no different than -- now there are  
13 other things that troubled me about this letter but  
14 the thing that didn't trouble me about it was that  
15 it confirmed conversations, frankly, early on and it  
16 told me that they understood exactly where I was coming  
17 from, what I was saying.

18 MR. REINHART: I don't get that. I get just,  
19 "You told us this, you told us that; you told us this,  
20 you told us that." But it says you acknowledged  
21 noncompliances. Using your logic, if you have non-  
22 compliances how can you be in compliance?

23 MR. WHITE: When I said some people call what I  
24 am calling deviations noncompliances -- and I don't  
25 fault them for that but I have trouble -- if I had

1 my mother and she were alive and here and I said, "I  
2 have noncompliances but I am in compliance," she'd say,  
3 "What do you mean by that?" Now the experts say,  
4 "Perfectly understandable, Mr. White," and they explain  
5 it. I'd prefer to stay out of semantic arguments by  
6 calling them deviations wherever I can. The experts  
7 call them -- NRC certainly are experts. And they called  
8 what we had said noncompliances and they clearly under-  
9 stood what we were saying. They weren't -- the fact  
10 that they say, "Your letter acknowledged," that means  
11 they understood what my letter said. If they had  
12 meant otherwise, in English they would have said  
13 something to the effect, I presume, of, "You tried to  
14 tell us so and so and so and so." You know, clearly  
15 where they are not in agreement in this letter they  
16 said, "We are not in agreement."

17 MR. REINHART: Maybe to clear the record, "they"  
18 is us and --

19 MR. WHITE: Mr. Eisenhut and Mr. Denton, the  
20 experts in this matter, yes.

21 MR. REINHART: -- and I am one of the individuals  
22 that worked for them on parts of this review and they  
23 and we didn't understand what you meant and that is  
24 what the rest of us are here trying to figure out.

25 MR. WHITE: Well maybe that is the gut issue that

1 ought to be cleared up because --

2 MR. REINHART: What we are trying to get to right  
3 now, Mr. White, is did you really mean the same when  
4 you said you are in overall compliance? Would that  
5 be the same as saying you met the requirements?

6 MRS. BAUSER: I'm going to object. He has  
7 explained the answer to the question as he understood.

8 MR. REINHART: But he has not addressed the  
9 part of the question that says, "Are you meeting the  
10 requirements?"

11 MRS. BAUSER: He has specifically addressed  
12 your question. He may not be giving you the answer  
13 that you want but he has answered it.

14 MR. CHARNOFF: He has said that there were  
15 noncompliances, that some people call them deficiencies  
16 but --

17 MR. REINHART: Mr. White, from me to you, not-  
18 withstanding your lawyers discussion, could you help  
19 me understand what you mean between the difference  
20 of meeting the requirements and in compliance?

21 MR. CHARNOFF: I am going to object to that.  
22 He is not responsible for the first set of words. If  
23 you want to understand what Mr. White said in his  
24 letter, ask him again and again and again. He has  
25 explained what he knows. If you don't understand

1 what that means in the context of somebody else's  
2 draft, ask that other person who wrote that draft.

3 MR. REINHART: Mr. Charnoff, we have told  
4 you time and time again that we are not talking  
5 about somebody else's draft. We are talking about  
6 the question that was asked of TVA, is TVA meeting  
7 the requirements of Appendix B; and since we didn't  
8 get an answer saying, "We are meeting the requirements  
9 of Appendix B," we want to know did the answer we got  
10 mean, "We are meeting the requirements of Appendix B."

11 MRS. BAUSER: But that's not a fair question  
12 because you are not explaining what is meant by, "Are  
13 you meeting the requirements of Appendix B." This  
14 March 20 letter was clearly a response to the January  
15 3 letter. It said so. Now whether you think it was  
16 responsiveness or not is your judgment. He has ex-  
17 plained why he thinks it was responsive. He has not  
18 explained what you meant when you said the word,  
19 "requirements," because frankly he doesn't know what  
20 you meant when you said that. He can't go into your  
21 mind to say what you meant. He can explain what he  
22 meant when he answered it.

23 MR. MURPHY: Mrs. Bauser, I have not yet heard  
24 Mr. White say that he did not understand what these  
25 requirements are. We can go back over the record but

1 I'm not sure --

2 MRS. BAUSER: That's not what I said either. I  
3 didn't say he didn't know what the requirements were.  
4 He didn't know what was in your brain when you wrote  
5 that sentence, which is --

6 MR. WHITE: I'm trying to tell you the only  
7 thing I can -- I am telling you what I felt these  
8 words meant when I said them, my recollections, my  
9 knowledge. The issue of what someone else meant  
10 or whether these words mean the same, again, you  
11 know, I frankly -- in answer to your question, the  
12 most honest I can be is to say that if we were -- if  
13 we were sitting in my office and you walked in and  
14 said, "What does this mean?" I'd tell you what I'd  
15 do. I would say, "Just a second, let me get Mr.  
16 Kazanas because he is the expert in QA." And I'd  
17 say, "I don't know all the nuances of this. Let's  
18 get him in here and in front of you let me ask him  
19 the question. <sup>QW4</sup> I know what he's going to say." In  
20 a specific draft I would say to you, "Let's get the  
21 guy in here and ask him what he meant and I'll tell  
22 you what I meant and you ask him what he meant." I  
23 don't know how else to explain it. I can't put  
24 myself in somebody else's mind or try to pass myself  
25 off as an expert that knows all the nuances of the

1 specific words. I can only tell you what I believe  
2 these words that I said meant. All right?

3 MR. REINHART: Do you believe that your words  
4 in response to Mr. Denton's question, "Are you  
5 meeting the requirements of Appendix B at Watts Bar," --  
6 did you believe that your words meant the same to you  
7 as that phrase?

8 MR. WHITE: Let me answer it this way: My  
9 letter was clearly responsive to the January 3 letter  
10 from the NRC and the reason that I called several  
11 people on the NRC including the <sup>addressee</sup>~~addressee~~ (sic) to whom Elu  
12 I was sending the letter. Some people have said I  
13 was shopping for advice. I was not. I was determining  
14 whether this letter was responsive to the person who  
15 asked it. And in the conversation he clearly under-  
16 stood. He understood and in one area wanted me to  
17 add something to make sure it was responsive. I felt  
18 what he wanted me to add was already in the letter. I  
19 changed it anyhow. There isn't any question in my mind  
20 that that letter was responsive to the individual who  
21 wrote it to me although someone else signed it, Mr.  
22 Denton. There is no question it was responsive. I  
23 don't know how else to answer it.

24 MR. MURPHY: You felt that you were answering  
25 the question?

1 MR. WHITE: Yes.

2 MR. MURPHY: Okay. You managed to get to my  
3 next question. In looking at revision -- keep in  
4 mind one thing here. I'd like to add one thing for  
5 the record: that we would have already determined  
6 what the person meant when he put that in the letter  
7 had we been afforded the draft of these letters  
8 previous to Mr. White --

9 MR. CHARNOFF: You are perfectly right. But  
10 as Debbie said, we are giving them to you as they  
11 are being turned up.

12 MR. MURPHY: Please keep in mind that I am not  
13 faulting you at all. You have been very cooperative  
14 with us.

15 MRS. BAUSER: And people are human and they make  
16 mistakes. Don't attribute motives that simply weren't  
17 here in this instance.

18 MR. MURPHY: Okay. When I look at revision five,  
19 which you didn't sign so that I don't know if you have  
20 seen it or not, and revision six which you did sign,  
21 there is only one sentence that appears to be different  
22 and I have underlined it for your benefit; and maybe  
23 you could tell me if that is in fact -- I think that  
24 is the sentence anyway.

25 MRS. BAUSER: Can I see your revision six?

1 MR. MURPHY: That's what I have right there.

2 MRS. BAUSER: This is yours?

3 MR. MURPHY: No, this is what you sent us. This  
4 is yours. I can give you the March 20 letter.

5 MR. CHARNOFF: It's not marked R6.

6 MRS. BAUSER: Who wrote this (indicating).

7 MR. WHITE: No, he just handed me that.

8 MRS. BAUSER: Did you write this on here  
9 (indicating)?

10 MR. MURPHY: No.

11 MR. ROBINSON: I did. That's out of Burdette's  
12 file; is that right? That was sent from Burdette's  
13 file.

14 MRS. BAUSER: When did you write that?

15 MR. ROBINSON: Just now.

16 MR. MURPHY: I'm calling your March 20 letter  
17 revision six but in reality that is the final letter.

18 MR. WHITE: The final letter which is a matter  
19 of official record with the NRC.

20 MR. MURPHY: Right. I'm just trying to simplify  
21 this and I think that's the sentence --

22 MR. WHITE: That's different in the two --

23 MR. MURPHY: Yes.

24 MR. WHITE: -- they -- precisely the same. I  
25 need -- I think that is correct. I need my spiral

1 notes so I can make sure.

2 MR. MURPHY: Yes, make sure --

3 MR. WHITE: Do you want to review them? I'll  
4 take him at his word.

5 MR. MURPHY: No, look them over.

6 MR. WHITE: Okay.

7 MRS. BAUSER: If you want to take a break I  
8 can make sure. I'm honestly not sure what words  
9 are different. Do you have a highlighter, something  
10 that I can mark the changes?

11 MR. MURPHY: We can go off the record.

12 Whereupon,

13 [There was discussion off record; brief recess]

14 MR. WILLIAMSON: We are back on the record.

15 It's 9:18.

16 MR. MURPHY: Mr. White, would you go over what  
17 is identified as R5 and the difference between that  
18 and your last letter and just list the differences  
19 and then we'll ask you questions about why they --

20 MR. WHITE: Well during the break Mrs. <sup>Bauser</sup>~~Bauser~~  
21 highlighted the differences between the letter, the  
22 official letter, what I call the one that I signed  
23 and it's the formal, official letter, and there are  
24 a number of differences between that and what you  
25 referred to as R5; and Mrs. Bauser, you can make sure

1 I don't miss anything because you are the one that  
2 reviewed it.

3 One has the -- has a date, the other one doesn't.  
4 One has a routing stamp, the other doesn't. There are  
5 some -- there is a phrase addition in the official one  
6 in the first paragraph which says, "...and during the  
7 Commission meeting on March 11, 1986," which is not  
8 in R5. In the second paragraph after the words QA  
9 Program, in one case it's a comma and the second it's  
10 a semicolon. After the word "identified" is a comma  
11 in one place, a semicolon in the other. In the official  
12 version, still in paragraph two, it says, "All identi-  
13 fied design/construction design," does not appear in  
14 R5. In the third paragraph in the second sentence the  
15 same, where it says, "Further examination revealed  
16 design/construction design," does not appear in R5.  
17 In the official version there is an entire sentence  
18 that -- in paragraph three which does not appear in  
19 R5 and that sentence says, "It should be noted that  
20 the technical review of the issues in enclosure one  
21 will continue as part of that examination." On the  
22 second page the differences are that the official  
23 version is dated, R5 is not. In the first line the  
24 official version again says, "Design/construction,"  
25 which is different. And in that first paragraph on

1 the second page there is also an - sentence which  
2 does not appear in R5: This subject is specifically  
3 addressed in Section 6D of Volume I (Revised), TVA's  
4 Nuclear Performance Plan, which was submitted to NEC  
5 on March 11, 1986."

6 You did not highlight this (indicating).

7 The other differences are the official version  
8 has been filled out by Susan Parker with the date  
9 and her commission expiring, when it expires, 2-7-90.  
10 In the R5 that does not appear. And there is a  
11 difference in the official version as to the notation  
12 R-L-G-J-A-D-K-E-S, which is presumably -- which should  
13 normally be the person who wrote it, typed it and so  
14 forth. And then the official version has at the bottom  
15 a notation for RIMS, which is our system for correspon-  
16 dence, and then a whole group of names which appear to  
17 be information copies that do not appear on R5.

18 MR. MURPHY: Now would you go over that, please,  
19 Mr. White, and explain why these changes were made?

20 MR. WHITE: First of all, obviously the changes --  
21 the obvious ones, one is dated and the other isn't,  
22 and a commission expiring and --

23 MR. MURPHY: How about in the contents of the  
24 letter as opposed to --

25 MR. WHITE: I don't know -- the only change that I

1 recognize is -- and I first must say to you that I  
2 believe there must be a draft or something in between  
3 these two versions because the only change that I  
4 recognize is a one-sentence change in the third para-  
5 graph. It should be noted, that sentence.

6 MR. MURPHY: Would you tell us how that came  
7 about, please?

8 MR. WHITE: Yes.

9 MR. MURPHY: And include when the change was  
10 made and how it was made, the --

11 MR. WHITE: The sequence of --

12 MR. MURPHY: Yes, sir.

13 MR. WHITE: On the 20th of March in a phone  
14 conversation with Mr. Denton, to whom this letter was  
15 addressed, when I had called Mr. Denton at Mr.  
16 Stello's request to discuss the letter and in fact  
17 read the letter to him and discussed some of the  
18 enclosures -- as I indicated earlier I needed to -- the  
19 purpose was to make sure that there wasn't any mis-  
20 understanding as to what I was saying so that the  
21 letter would be clear to him and was responsive to  
22 the question he had asked. As a result of that conver-  
23 sation to the best of my recollection he made a  
24 suggestion because of a worry of his that it might be  
25 viewed that I was closing out, so to speak, the eleven

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1 issues. Whether or not -- I don't recall whether or  
 2 not he gave me the specific words that should be  
 3 incorporated. I felt that the letter without that  
 4 sentence -- I didn't view this as a major surgery.  
 5 I felt the letter was self explanatory already in  
 6 that I didn't intend to close out the eleven  
 7 perceptions at all and would continue. But the feeling  
 8 was as I recall that I needed something else to put in.  
 9 Subsequent to that - and I don't recall whether Mr.  
 10 Denton -- as I say, they were his words. They were  
 11 not my words. They were either Mr. Denton's or Mr.  
 12 Wegner's words because in a subsequent conversation  
 13 with Mr. Wegner my notes have almost this sentence  
 14 incorporated in them and the notes -- the call --  
 15 Mr. Wegner -- "It should be noted that the technical  
 16 review of the ten..." and that is obviously <sup>eleven</sup> ~~perception~~, Edw  
 17 "...is continuing." And that is the thrust of the  
 18 added sentence.

19 I had -- we went over some of this yesterday  
 20 and I'll try to piece the thing together as best I  
 21 can. I had signed the letter on the 20th. I think  
 22 I had spoken to Mr. Asselstine on the 19th with  
 23 regard to the letter. I spoke to Mr. Stello on  
 24 the 20th and then subsequently --

25 MR. MURPHY: Did you read the letter to Mr.

1 Asselstine?

2 MR. WHITE: I did not read the entire letter. To  
3 the best of my recollection I spoke to -- I may have  
4 read the germane parts. I don't remember. But it  
5 was more a discussion -- I recall on the 11th of March  
6 he was kind of hounding me to get this answer <sup>IN</sup> ~~me~~ and *du*  
7 I told him then I wasn't going to look at the past.  
8 The best I can recall the conversation, what I was  
9 telling him - and I may have read part of it - but the  
10 thrust of it was I still haven't looked at the past.  
11 And you've got to understand there is a lot more work  
12 to go on. And I think that I also discussed with him  
13 the NSRS in terms of, you know, generalities, that  
14 they raised issues, that we needed to really look at  
15 a lot of other things. I don't recall the precise  
16 conversation.

17 I then, as I said, spoke to Mr. Stello regarding  
18 the letter. One of the parts of that conversation was  
19 he suggested I call Mr. Denton, which I did. I had  
20 already then I think timewise signed the letter and  
21 given it to Mr. Kelly and Mr. Kirkebo or Drotleff.  
22 Mr. Drotliff and Mr. Kelly. I then as the result of  
23 the call to Mr. Denton, as I mentioned spoke to Mr.  
24 Wegner, and decided that I did not want there to be a *du*  
25 misunderstanding, I didn't want to appear to be in any

1 way nonresponsive to the question, and decided that  
2 the change should be made. I called -- I told my  
3 secretary to get hold of Kelly or words to that effect.  
4 I think they located him in an airport somewhere,  
5 Charlotte or Atlanta. I said there was going to be  
6 a change in the letter, to get to Washington. Instead  
7 of going directly to the NRC go to the TVA offices  
8 where we will make a change. It's on the -- I said,  
9 "It's on the first page, so the signature -- you don't  
10 have to come back for that, it's <sup>an</sup> ~~an~~ addition to the Blu  
11 first page." I did not dictate the change. Whether  
12 Wegner did or someone else I don't recall. But certainly  
13 that change then was given to the Washington office  
14 and made to the document before it was formally delivered  
15 to the NRC. That is my best recollection of that  
16 sequence.

17 MRS. BAUSER: Can I ask one question. Do you  
18 know who Mr. Kirkebo worked for?

19 MR. WHITE: I'd have to check but I think  
20 he worked for Drotliff at the time.

21 MR. MURPHY: What bearing does Mr. Kirkebo have --  
22 I mean I -- can you --

23 MR. WHITE: Perhaps because I mentioned Kirkebo's  
24 name. I didn't recall whether it was Kirkebo or Drotliff  
25 because they were both by -- the department -- the

1 Division of Nuclear Engineering.

2 MR. MURPHY: Drotliff is the guy --

3 MR. WHITE: Drotliff is the individual that --  
4 my notes reflect that and I assume that they are accurate  
5 in that respect.

6 MR. MURPHY: You changed your letter. How did  
7 you view your conversation with Mr. Denton regarding  
8 the addition of that sentence in respect to did you  
9 think that after you had read the letter that you  
10 agreed with the content or this was approving -- you  
11 were approving your letter in some manner?

12 MR. WHITE: No, I didn't ask him. It would be  
13 unfair to ask an individual over the telephone who had  
14 not seen the letter yet, "Are you approving it in  
15 advance." That wasn't the intent. The intent was  
16 to make sure that we were in a complete understanding  
17 of what this letter said and complete understanding on  
18 his part that I had many problems that I didn't know  
19 the answers to and it would be some time before I had  
20 the answers but that I was -- that it was -- it was  
21 kind of a preliminary response in that regard in that  
22 we were -- I was trying to do the best I could to be  
23 responsive and it was kind of to insure that it was  
24 responsive. I didn't want to get a letter back from  
25 them saying, "We don't think you have been responsive

1 to the question." It was to insure that frankly,  
2 primarily.

3 MR. MUEPHY: Did you read the letter to Mr.  
4 Stello?

5 MR. WHITE: The conversation with Mr. Denton  
6 was more extensive than that with Mr. Stello. I  
7 could -- I clearly read the entire letter ~~as~~  
8 differentiated <sup>from</sup> ~~between~~ the technical enclosure, Esw  
9 although I may have and believe I did read parts Esw  
10 of that to -- as an explanatory thing to Mr. Denton.  
11 I clearly did not do that with Mr. Stello. I  
12 believe that I read the pertinent paragraphs and  
13 perhaps paragraph two in the -- the gist of paragraph  
14 two. But I don't recall. Certainly I provided him  
15 with some information with regard to the letter.

16 MR. MURPHY: Did he suggest any change to that  
17 letter?

18 MR. WHITE: No, he did not.

19 May I review my notes?

20 MR. MURPHY: Certainly.

21 MR. WHITE: (Reviewing documents).

22 They reflect that I want to be -- and this is  
23 again the responsive thing. I see in my notes, "I  
24 will send Kelly and Kirkebo to help out in any way  
25 that I can." Again that was to make sure that I was

1 being responsive, that if they had some questions I  
2 wanted the questions surfaced right away. He then  
3 perhaps after I had read these things indicated, "You  
4 ought to talk to Denton. He's the guy you are  
5 answering that thrust. It would be important to  
6 talk to him." Edu

7 Clearly as part of it -- the note here, however --  
8 the note, "However, specific items of noncompliance..."  
9 what I mean, with Appendix B -- my notes are very rough  
10 again is an indication that we had a discussion about  
11 what I was saying. The noncompliance with Appendix B,  
12 specific items, perhaps were his words in response to  
13 what I would have said. I would, again, probably would  
14 have called them deviations. But it was a clear under-  
15 standing that I was not saying, "Everything at Watts Bar  
16 is hunky dory." I was saying quite the opposite of  
17 that and it's an acknowledgement of that.

18 The next note, I don't know what that means,  
19 "Worried about number nine." Nor do I understand,  
20 other than my comment, the box that says, "Useful,"  
21 indicates that I told him, "I think this conversation  
22 has been useful in dealing with the regulations"-- the --  
23 and the rest of it deals with another issue, certain  
24 files.

25 Let me also -- you know, for the record, because

1 people question this -- the fact that I spoke to  
2 Commissioner Asselstine and the fact that I spoke to  
3 Mr. Denton and Mr. Stello in this regard -- I don't  
4 think there is anything wrong in my doing that or  
5 in their doing it. I simply do not see anything wrong  
6 in that. The NRC is a regulator. In that regard they  
7 are no different than OSHA or no different than the  
8 FAA and I would bet ten dollars that if I went out into  
9 the world and I was a business man and I said, "You  
10 got a question about some OSHA letter they sent you.  
11 They want to know what you are -- if whether what you  
12 are doing is right." You don't want to get a fine or  
13 something so you want to make sure what you are doing  
14 is right. So you call OSHA and OSHA would answer them.  
15 And I'll bet the FAA works the same way with airplanes.  
16 And I don't have specific knowledge of airplane companies  
17 but I would bet that United Air Lines, for example,  
18 wouldn't hesitate to call the FAA and ask them what  
19 in the hell they meant by something or how they were  
20 responding. I view nothing wrong in what Mr. Stello  
21 did, Commissioner Asselstine did or Mr. Denton, and I  
22 want to make sure the record reflects that.

23 MR. MURPHY: I'm going to use an old Navy term.  
24 I didn't understand it. I had to go to one of my  
25 cohorts here and get an explanation. But somebody

1 said that you weren't trying to get the NRC aboard.  
2 Does that --

3 MR. WHITE: I was not -- The best way I can  
4 explain it is I was not asking the NRC -- it would  
5 have been improper, it's out of character for me to  
6 ask-- I don't even like telephone concurrences. I  
7 could never ask an official and no official worth  
8 his salt would agree with some letter he hadn't seen.  
9 If that's what you're saying, no, I didn't call  
10 them to do that. But I did call them to make sure  
11 that what I was ~~saying~~<sup>sending</sup> was responsive to what they *Edw*  
12 were asking.

13 MR. MURPHY: What input if any did your personal  
14 attorney - I assume he was your personal attorney -  
15 Mr. Edgar have on the letter?

16 MRS. BAUSER: I'm going to make an objection here.  
17 Mr. White or on behalf of Mr. White we have stated  
18 that we are perfectly comfortable discussing -- Mr.  
19 White will waive his privilege with respect to Mr.  
20 Edgar on the issue of the March 20 letter and Mr.  
21 Edgar's involvement in it as long as we can protect  
22 the limited scope of that waiver because Mr. White  
23 has had other activities with Mr. Edgar by our  
24 attendance at Mr. Edgar's interview. Now he can go  
25 ahead and discuss Mr. Edgar today but it has to be

1 with your commitment, which I have not yet heard, that  
2 we can attend that interview. Otherwise, his waiver  
3 today would constitute an effective waiver of the  
4 Edgar interview.

5 MR. WILLIAMSON: We were asked if we planned  
6 on interviewing Mr. Edgar and yes, we do. When we  
7 don't know. However, when we do interview Mr. Edgar  
8 we have no objection to you being present during  
9 that interview.

10 MRS. BAUSER: And, therefore, I understand that  
11 when you interview him you will let us know so that  
12 we can be present?

13 MR. WILLIAMSON: Certainly. And I understand  
14 that as a condition of this limited waiver and the  
15 condition you have set forth. Does Mr. White agree  
16 with this condition?

17 MR. WHITE: Yes.

18 MR. WILLIAMSON: And that the interview -- that  
19 is a limited waiver and that the interview be conducted  
20 with your attorneys present.

21 MR. WHITE: My present attorneys.

22 MR. CHARNOFF: Mr. Williamson, do you have the  
23 authority of your office to commit to this?

24 MR. WILLIAMSON: Yes.

25 MR. CHARNOFF: We are not going to be subject

1 to any override by anyone else on that?

2 MR. WILLIAMSON: No. I think I have the  
3 authority to make that decision.

4 MRS. BAUSER: Could I ask one question.  
5 When you look at your notes, Mr. White, you have  
6 I believe a notation to yourself dated March 21  
7 which appears to be a conversation you had with  
8 Kelly and Drotliff; is that correct?

9 MR. WHITE: Correct.

10 MRS. BAUSER: And that is reporting a meeting  
11 that took place in Washington at which you know Mr.  
12 Kelly attended?

13 MR. WHITE: Yes.

14 MRS. BAUSER: Is it possible that Mr. Drotleff  
15 was relaying what happened when Mr. Kirkebo was there  
16 since Kirkebo you believe worked for Drotleff?

17 MR. WHITE: That's possible. I recall Kelly and  
18 somebody from DME -- my notes reflect Drotleff on the  
19 telephone and yet the prior day I had anticipated it was  
20 Kirkebo. You have to ask those individuals concerned.

21 MR. MURPHY: I think we have. That's why I did  
22 not pursue the question.

23 MR. WHITE: You know who it was?

24 MR. MURPHY: We know who it was.

25 MR. WHITE: Do you mind --

1 MR. MURPHY: Kirkebo.

2 Did Mr. Edgar have any input into that letter  
3 as far as you can recall? The March 20, 1986, letter.

4 MR. WHITE: To be complete in the answer I need  
5 to combine the letter with the enclosures or otherwise  
6 I'm afraid I'll mislead you. I don't recall when I  
7 first saw the enclosures. It was relatively late  
8 in its preparation. I do not believe I saw the  
9 basic letter at the same time. I think I saw the  
10 enclosures. I don't recall whether at that time --  
11 first of all I don't recall who brought them in to  
12 me or how they came to me. I do recall starting to  
13 read the enclosures and I think I read the first  
14 paragraph of the first enclosure and I said, "My  
15 God, this is really complicated." Said that to myself.  
16 I said, "This is very complicated; this is very techni-  
17 cal." I think I then looked at a couple of other  
18 places sampling through it and said, "I've got a real  
19 problem. I am not knowledgeable in these technical  
20 details." I don't remember at that time whether I  
21 called Mr. Wegner. If it -- If he were there, it  
22 would be normal for me to call and say, "Hey, I got  
23 a problem. I don't know what to do with this." Or  
24 whether I called Mr. Edgar directly at Mr. Wegner's  
25 suggestion. At any rate I called my personal attorney

1 and with the thought of, "I've got a real problem.  
2 I've looked at the enclosures to this letter that  
3 is being prepared and it's very technical and I don't  
4 understand these things; and if I am going to be  
5 required to know all of these things and be familiar  
6 with them, this letter is never getting signed out."  
7 And that is pretty much a direct quote. I just --  
8 "It's going to take me a long time and I have to learn  
9 all of these things." In that conversation - and I  
10 think it was in March - he provided his advice to me  
11 and the best I can recall that advice was, "You are  
12 not required to be an expert in all of these areas.  
13 What you should do <sup>is</sup> view this as a very serious  
14 matter. You should get experts and you, White, have  
15 a responsibility for diligence - and remember that  
16 word - diligence in asking the questions of your  
17 experts to assure yourself that they know what they  
18 are talking about and that they are familiar with the  
19 facts." And I think he went on to indicate that I  
20 should make sure that they could show that knowledge,  
21 you know, to the question-and-answer period but that  
22 I wasn't going to be -- it was unreasonable and it  
23 wasn't expected that I would be familiar with that  
24 kind of detail.

25 At some point after I saw what you refer to as the

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1 basic letter - and that would have been even later - I  
2 may have called - and I don't recall - may have called  
3 Mr. Edgar or I may have asked one of the general council<sup>c</sup> e-  
4 people. It was one or the other because I asked to get  
5 a copy of a particular law case and that was provided  
6 me. I may have called Mr. Edgar and he may have sent  
7 it or I may have called the general council<sup>c</sup>'s office e-  
8 and they may have sent it. I don't know if he had  
9 anything -- Edgar may or may not have been a part of  
10 that. I don't remember any other specific conversations  
11 with Mr. Edgar about the letter.

12 MR. MURPHY: Do you know if Mr. Edgar was sent  
13 a copy of that letter to review and to make comments  
14 on?

15 MR. WHITE: I don't recall at that time having  
16 that knowledge. I have subsequently been informed  
17 that did or may have occurred. I did -- I don't  
18 remember knowing that at the time.

19 MR. MURPHY: As you can recall at that time, you  
20 didn't direct that he be sent a copy of the letter,  
21 did you?

22 MR. WHITE: I don't recall directing that the  
23 letter be sent. It would not have been -- with  
24 everything else going on it's possible that someone  
25 else may have come in and said, "I'm sending it," and

1 I may have said, "Fine." I can't remember such a  
2 thing but it may have occurred.

3 MR. MURPHY: In the interest of being a little  
4 more specific, as you made comments yesterday, what  
5 in the world does "relatively late" mean? Is that  
6 two weeks before? One week before?

7 MR. WHITE: Certainly in March. I had so many  
8 things going on. It's difficult to remember.

9 MR. MURPHY: Do you have any idea who might  
10 have sent the letter?

11 MR. WHITE: Who might have sent --

12 MR. MURPHY: Have you determined since then  
13 who sent him a copy of the letter?

14 MR. WHITE: May we go off the record before  
15 I answer that.

16 MR. MURPHY: Do you wish to confer?

17 MRS. BAUSER: Yes.

18 Whereupon,

19 [There was discussion off record]

20 MR. WHITE: They are the ones that told me so, so  
21 I am willing to tell you everything I know. But I want  
22 to make sure I don't say something that's not right.

23 I have been informed recently, very recently,  
24 that it may have been either Mr. Gridley, my licensing  
25 person, or Mr. Wegner, who is an advisor to me.

1 MR. MURPHY: And who informed you of that?

2 MR. WHITE: My attorneys.

3 MR. MURPHY: Let me ask you one more question  
4 and then I'm going to leave for the day.

5 Mr. Edgar suggested that you ask these questions  
6 about these -- about what you have identified as  
7 highly technical areas. How did he suggest that  
8 you do this? I mean how would you know if I ask  
9 the question, "Why is this so," right?, and someone  
10 spouts off with a highly technical response. How  
11 would you know whether that response was valid or  
12 not?

13 MR. WHITE: It's difficult to answer other  
14 than in a common sense way and that I guess is that  
15 through experience you learn to ask lots of questions  
16 and you can determine from talking to someone whether  
17 or not he really knows what he's talking about by  
18 how well and the depth of his ability to answer perhaps  
19 detailed things. In some cases, perhaps yesterday as  
20 I said, I -- even though it's no -- nothing demeaning  
21 to Mr. Kelly I spot-checked some of his answers with  
22 others because Admiral Rickover taught me long ago to  
23 try to depend <sup>on</sup> more than one source of information. And *Elia*  
24 I do that even with my wife. So I don't mean anything  
25 bad about Mr. Kelly. I just spot-check her by nature,

*I depend on*  
 1 and more than one source if I can get more than one *John*  
 2 source. And please don't tell my wife I said that.

3 MR. WILLIAMSON: Let's take a five minute break.  
 4 It's 0950.

5 Whereupon,

6 [There was a brief recess]

7 MR. WILLIAMSON: The time is 10:01 a.m.

8 Back on the record.

9 Mr. Robinson?

10 MR. MURPHY: Do you have a copy of -- I have  
 11 a few more. Do you have a copy of your signed letter  
 12 that we know to be a copy of the letter as opposed to  
 13 one of them revisions that is floating around?

14 MRS. BAUSER: Can I make one comment. I -- as  
 15 far as the signed letter. When Mr. White was going  
 16 through the differences between that letter and what  
 17 was called R5 he missed I think one thing, which is  
 18 not significant, but there was a stamp on the front  
 19 of that that --

20 MR. MURPHY: He talked about that.

21 MRS. BAUSER: Oh. Okay. I'm sorry.

22 MR. MURPHY: I'm going to read for you the  
 23 first section of that March 20 letter. Do you have  
 24 that in front of you?

25 MR. WHITE: Yes, I do.