

UNITED STATES NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO:

AN INVESTIGATIVE INTERVIEW OF: Harrison N. Culver

APPEARANCES

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Jim Stone, Chief, Program Coordination Section, Vendor Branch
Jack Kindt, Investigator, Office of I & E, Office of Investigat
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MR. ROBINSON: Okay. Let's go ahead and go on the record. For the record, this is an investigative interview of Mr. H. N. Culver regarding certain allegations of suppression of NSRS information, and harassment and intimidation of NSRS personnel.

It's Tuesday, April 8th, 1986, 8:33 a.m. The interviews are taking place in the offices of the Nuclear Safety Review Staff, Tennessee Valley Authority, Knoxville, Tennessee.

Mr. Culver, would you please rise, if you would, and raise your right hand?

Do you solemnly swear that the information you're about to provide in this investigative interview is the truth, the whole truth and nothing but the truth, so help you God?

MR. CULVER: I do.

MR. ROBINSON: Thank you.

HARRISON N. CULVER,

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. ROBINSON:

Q A little bit of background. Could I get your, for the record, please, give me your full name?

A Harrison N. Culver.

1 Q And your residence address?
2 A
3 Q And your residence phone number?
4 A
5 Q What is your current employment, Mr. Culver?
6 A As of today, I'm working under a contract
7 with TVA.
8 Q And --
9 A The contract basically ends today.
10 Q Are you a self-employed consultant, is that
11 the description?
12 A Yes.
13 Q Is your office your residence?
14 A Yes.
15 Q You work out of your residence?
16 A Yes.
17 Q I understand you are a former employee of
18 TVA?
19 A Yes.
20 Q Could you say what was the date you first
21 became employed with TVA?
22 A I first became employed with TVA in
23 September, 1950.
24 Q Okay. And could you please kind of go
25 through your career?

1 A Do you need more specific than that?

2 Q Well, just the general divisions and
3 branches that you've been with and the general periods of
4 time as you've --

5 A When I first came to work for TVA in 1950, I
6 worked in the Design Division. I don't remember the
7 exact name in those days. In those days, I was a civil
8 engineer. I worked in the Structural Steel Branch. I
9 worked there from about 1950 to 1953.

10 In '53, I went to Oak Ridge. I was one of
11 several people selected to go to the national labs to get
12 training, orientation in nuclear energy business.

13 I went out on a loan basis for one year
14 That one year ended up being probably about fifteen
15 years. When I went to Oak Ridge, I worked for the TVA
16 research staff, which came out of the Office of Power.
17 Now, I've used these names. Back in those days, they may
18 have called it something different.

19 Q Okay. So, from 1953 --

20 A From about '53 until '65, I worked at ORNL
21 in various types of jobs, all of which I was with the
22 research staff and later on I was transferred to the
23 operations group when the operations group ran the
24 experimental gas-cooled reactor. If you want me to, I
25 can go into what I did out there.

1 Q Just briefly, if you would.

2 A Okay. From '53 to '60, just roughly, I was
3 on assignment with groups at ORNL. Most of that time, I
4 worked in a safety group where we evaluated reactor
5 projects, paper studies or whatever you want to call
6 them, a wide range of things. We worked on anything from
7 the NS Savannah to the homogeneous reactors, the
8 gas-cooled reactors.

9 Peach Bottom, we did some review of the
10 gas-cooled reactors in Peach Bottom. In ORNL, we did a
11 lot of technical review for other people. As part of the
12 safety group, I participated in a lot of those studies.

13 And in about '60, I believe, when TVA did
14 get an operating contract for the gas-cooled reactor,
15 rather than working for ORNL, I again worked directly for
16 TVA in that time period. I was in charge of all the
17 safety studies for the gas-cooled reactor. My boss in
18 those days was old Jessie Ebersol.

19 Q Jessie Ebersol?

20 A Yes.

21 Q Okay. And in '65?

22 A Okay. In '65 when the gas-cooled reactor
23 closed, I was transferred to Chattanooga, and I forget
24 the name of the group, it was part of the Power
25 organization, and I worked down in Chattanooga for about

1 four months, and then I resigned from TVA and went to
2 work for the AEC.

3 Q In what capacity were you working in
4 Chattanooga in Nuke Power, in an engineering capacity?

5 A Most of the time that I was down there, it
6 was a very short time period, I was basically working on
7 safety analysis reports. In fact, I was in charge of
8 putting together the preliminary safety analysis report
9 for Browns Ferry. Most of that time I was out of GE. I
10 think the last thing I had impact on was just the
11 beginning of the tech. specs, and I went to work for the
12 AEC in Oak Ridge.

13 Q Okay. You left TVA in what year?

14 A I believe it was about '65.

15 Q About '65. Okay.

16 A Plus or minus. I don't, I don't remember
17 the exact date, but I believe it was around '65.

18 Q And you went to work for the Atomic Energy
19 Commission?

20 A Yes.

21 Q And how long were you with the AEC?

22 A Okay. I went to work for the AEC in '65 and
23 left in January of 1980.

24 Q Okay.

25 A All that time was basically in the safety

1 division where we looked -- where we -- it was part of
2 the AEC program to look at the reactors under their
3 jurisdiction, the ORNL reactors, the reactors in Puerto
4 Rico. We also looked at the safety of gaseous diffusion,
5 chemical facilities, the whole smear.

6 Q So primarily from '65 to '80, you were
7 involved in safety analysis with AEC?

8 A Mostly review of proposals, review of new
9 facilities that came along, audit of existing facilities.
10 Pretty much the kind of thing NRC does for the private
11 reactors.

12 Q And in January of '80, you came back to TVA?

13 A Okay. In January of '80, TVA wanted me to
14 come back to work for them, and offered me the job of
15 Director of the Nuclear Safety Review Staff, and I came
16 back in 1980.

17 Q Okay. Who was it in TVA that was
18 instrumental -- who hired you? Who asked you to come
19 back? Who was it?

20 A I don't know who was really instrumental.
21 The individual who called me on the phone was a man by
22 the name of John Bynum. I think he was just really
23 acting for Bill Willis, the General Manager.

24 When I came over, I was basically
25 interviewed by Mr. Bonine, who was at that time in charge

1 of the Office of Management Services. The reason he
2 interviewed me was that originally, they envisioned
3 putting the Nuclear Safety Review Staff under Ernie
4 Belvin in the Office of Health and Safety, and the Office
5 of Health and Safety was under the Office of Management
6 Services. So, that's why Mr. Bonine interviewed me. I
7 was also interviewed by Bill Willis and the Board.

8 Q Okay. The Nuclear Safety Review Staff had
9 been in existence a short time prior to January of '80,
10 right?

11 A (Nodding head affirmatively.)

12 Q Who was the Director at that time?

13 A Mr. Beasley. I think they called him Acting
14 Director. I don't know if he was Director, but I believe
15 they put him in there until they could get somebody
16 full-time.

17 Q Okay. Okay. So, in reality, you were the
18 first full-time Director of NSRS?

19 A I believe so.

20 Q Okay. And how long were you the Director of
21 NSRS?

22 A Well, from January '80 until, I guess until
23 January of -- I think it was January 3rd of '85 that I
24 retired.

25 Q Retired. All right. How soon was it after

1 you retired that you were able to come back in a
2 consulting capacity?

3 A Okay. I, when I retired, my real intention
4 was to work for a consultant in San Diego, a management
5 analysis company. In fact, I did go to work for them
6 during the months of January, February, March, April.
7 The nature of those jobs is they'll put you on the job,
8 and when you finish that one, you kind of go home and sit
9 until they get another one.

10 I sat home for about a month and I told my
11 bosses if they couldn't place me, I'd see if I could
12 place myself, and I just really didn't want to retire.

13 Q Okay.

14 A So, I approached, I asked, I knew Kermit
15 had, he was snowed under with all the things. I said,
16 "You know, Kermit, I could help you."

17 And my own perception was that it took a
18 long time to get a contract, because I think there was
19 some, I don't personally know, but I think they had a
20 hard time figuring out whether they wanted to hire me
21 back or not.

22 Q Why did you decide to retire from TVA if you
23 kind of wanted to keep in this type of work?

24 A Because I was under civil service, and I
25 passed the age of fifty-five and I had thirty-five years

1 of service. And, as any good civil service person knows,
2 after a while, you feel like you're working for nothing.
3 I also really did want to get into a variety of
4 assignments, and --

5 Q Okay.

6 A It wasn't because, it wasn't because of any
7 desire particularly to leave TVA. I've always enjoyed
8 working for TVA.

9 Q Okay. While you, when you first came on as
10 the Director of NSRS, who were your immediate
11 subordinates? Who was the, say, did you have an
12 Assistant Director?

13 A When I first came on, Mr. Beasley was still
14 there, and, so, he was retained as Assistant Director. I
15 can't remember if we called him that, but that's
16 basically what he was.

17 Q What was the organizational structure within
18 NSRS at that time?

19 A The original structure was, I had an
20 Assistant Director, I had two, two sections or groups,
21 whichever you want to call them. I don't really know
22 what it was before I got here. But within a few weeks, I
23 basically organized it so I'd have two groups.

24 Back in those days I perceived that what we
25 needed most to do was to examine the forms of the

1 organization and the operation of the plants. I formed
2 two sections. I call them sections, one which would
3 primarily look at operations, and one that would look at
4 design construction.

5 Q Okay.

6 A Those sections were headed by what we call
7 in TVA M-7's. Mr. Beasley was an 8 and I was a 9.

8 Q And who were the two section leaders?

9 A Mr. Whitt was the head of one section, the
10 operations, and the, the original supervisor of the other
11 group was Mr. McConnell. Mr. McConnell was with the
12 staff before I arrived.

13 Q How long was Mr. McConnell in place after
14 you arrived, approximately?

15 A I'm just guessing now. Four or five months.

16 Q And who took his place?

17 A Oh, I want to make sure the record clearly
18 indicates what happened. Mr. McConnell [
19 [] and I basically, I went back to Willis, I and
20 said, /

21

22

23 So, I went to Willis and I said, "I would
24 like to get rid of McConnell." I said, "I don't want to
25 fire him. []

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When he left, I promoted Mr. Sinkule. Mr. Sinkule had been a member of the operations group under Whitt. I promoted Sinkule primarily because he was the best qualified person I had at the time.

Q This is Marvin Sinkule, S-i-n-k-u-l-e?

A Right.

Q You indicated that you went to Willis when you had problems with McConnell. Was your reporting chain direct to Willis? What was your reporting chain?

A Administratively, I reported to Willis. The Board always made it clear that I worked for the Board. From a practical standpoint, I didn't differentiate between the two. If I went to Willis with a problem, we would always discuss it with the Board.

Q Who was the Board composed of at that time?

A Okay. The original Board in '80 that I was familiar with was, were the two Freemans, David and Richard, and Bobby Clement.

Q Clement, C-l-e-m-e-n-t?

A Right.

1 Q Okay.

2 A My memory is better than I thought.

3 Q Okay. When you first took over as Director
4 of NSRS, had Gray Beasley come up with any internal
5 procedures and policies, written policies and procedures
6 for the operation of NSRS at that time yet?

7 A No.

8 Q Did you do that when you came in?

9 A When I got there, my first question to
10 Beasley, what are your programs, what are you doing. And
11 he said, you know, that they weren't doing anything. He
12 said they're waiting for Willis to tell them what to do.

13 I told him, well, if we got to wait for
14 Willis to tell us what to do, we're in deep trouble,
15 because Willis doesn't understand the safety business.
16 It's not his job.

17 So, the first thing I did was, I think I did
18 it in about four or five weeks, because I wanted to get
19 back to the Board and tell them what I was going to do.
20 And we put together the framework of the program, which
21 basically said we were going to go out and make
22 management-type reviews and special reviews, and we were
23 going to do certain, we had a laundry list of things we
24 were going to go.

25 Q You documented that and took it to Willis,

1 kind of showed him what --

2 A Well, I documented it, really, for
3 presentation. I'll be real honest with you. I can't
4 recall the date, but I was sitting there presenting it to
5 the General Manager and the Board, and it was one of
6 those days when Gilinsky called Freeman about the
7 hydrogen problem at Sequoyah and it killed my meeting. I
8 mean, that kind of ended the meeting, but --

9 Q And you never really got to get back to him?

10 A Well, I gave him the paper, and we, of
11 course, discussed that program on a number of subsequent
12 occasions.

13 Q How would you characterize both your
14 professional and personal relationship, if any, with
15 Willis?

16 A I got along fine with Willis. We had a, I
17 guess we had a pretty good understanding. At the time,
18 Willis, the way TVA was organized, Willis had lots and
19 lots of people reporting to him. I used to kid him and
20 tell him when you go over to his office, it's like going
21 to the dentist, you had people sitting out in the lobby,
22 and you had to wait.

23 So, my basic understanding with Willis was
24 that I would keep him informed. I made sure he
25 understood what our programs were. If I had problems,

1 I'd get with him. But if I didn't have a problem, I
2 wasn't going to run over there all the time and bother
3 him with a bunch of trivia. And I think he appreciated
4 that whenever I did need to discuss something with him, I
5 had no problems seeing him.

6 Q All right.

7 A In fact, I remember one time I tested it out
8 when we had drill, and he was in a meeting, and I told
9 the secretary to get him out of the meeting, and no
10 problem.

11 Q All right. Your projects, did you just kind
12 of self-initiate your projects at first or how, how was
13 your work guided or originated?

14 A Well, I believe it first started out when I
15 first got there, people were going down to the site and
16 kind of wandering around. And my perception was that,
17 what they were doing, there wasn't much payoff with it.

18 Q When you say "people," you mean members of
19 the NSRS staff?

20 A Members of the staff.

21 Q Okay.

22 A My feeling always is if you're going down to
23 the site, you ought to know what you're down there for,
24 you ought to understand what you're looking for, you
25 ought to have a specific reason to be there and you ought

1 not to waste their time down there.

2 So, what we, what we rapidly went to was
3 what I call the old management reviews. The intent was
4 that we would go down, we'd concentrate on operations,
5 initially, because my perception always is that if you
6 got an operating plant, you got one under construction,
7 you ought to look at the operating plant first.

8 So, we, as soon as we got what I considered
9 were the proper people to go out and make the reviews, we
10 first started out with looking at the aux. power. We
11 looked at it from the top on down.

12 Now, in the initial days, we had our choice.
13 We could sit around for a year and generate a lot of
14 pretty paper and programs before we did anything, or else
15 I considered it would be more worthwhile that we would
16 generate what paper we needed to go make a review.

17 We would then eventually use the background
18 paper that we used prior to going to make a review to
19 eventually develop our programs, so that that's the basic
20 scheme we used.

21 Q During the first year would you have said,
22 we have a fancy paper that says exactly how we're going
23 to do everything?

24 A No, we didn't.

25 Q You didn't have formal procedures?

1 A No, we developed those as we went along.

2 Q When one of your staff -- how did one of
3 your staff determine that, say, a management review at
4 Bellefonte was a thing that you wanted to do? Was it
5 normal that your staff would come to you with suggestions
6 for projects, or would you go to them with them?

7 A No. I'd say back in the, back in the first
8 year, the way we -- the way we developed our program, I
9 can recall those first few weeks. I said to Whitt and
10 McConnell, I said, "Will you develop me a program and
11 bring it to me and we'll sit down and discuss it?"

12 Now, whether Whitt sat down with all his
13 people or whether he did it on his own, I'll be honest
14 with you, I don't remember.

15 We did, we did a little bit of that. As I
16 indicated earlier, I wasn't too successful in McConnell's
17 case.

18 So that
19 during that first year, we really concentrated on
20 operations, although we had the two groups. And when
21 we'd go down to look at operations, we may have used some
22 of the other people out of the other group. We did
23 borrow people back and forth to get the job done.

24 Q Within the two groups of NSRS?

25 A Within the two groups.

1 Q How many, approximately how many were on the
2 NSRS staff when you first, the total staff when you
3 first --

4 A I think when I got here originally, there
5 were about twelve people, which --

6 Q Was it divided up about six and six?

7 A Well, it was worse than that. I think three
8 of them were secretaries, administrative type. So, we
9 really didn't have -- the first year, well, I talked
10 about the fact that we got started on making the plans
11 for the reviews.

12 The first year, we made very, very few
13 reviews. If you look at the chronology of what happened
14 in 1980, '81, '2, '3, so forth, the first year, most of
15 the effort was in staffing up, getting the people trained
16 to the point where you're satisfied that if they do go
17 out, they can do a meaningful job.

18 I believe the first year, we made a few
19 limited type reviews. We didn't make a management
20 review, I don't believe until 1981. It took some time to
21 get ourselves staffed up, geared up to do something.

22 Q And when McConnell left, was he transferred?
23 I mean, how, what happened with McConnell?

24 A McConnell was placed over in the Nuclear
25 Engineering Branch of the Design Division.

1 Q Was he satisfied with that or did he have
2 any problem with that?

3 A I think he was, I personally believed he was
4 glad to get out of the NSRS, because he was, what I
5 considered, he was -- he could make an important
6 contribution over in design, but he was a fish out of
7 water over here.

8
9 Q And was it Jim Murdock that took his place
10 or not?

11 A No, it was Marv Sinkule.

12 Q That's right, Marvin Sinkule. And this --
13 was this group kind of known as the Technical Analysis
14 and Review Group?

15 A No.

16 Q Give me that --

17 A Back in those days, they had the two groups,
18 one dealt with operations, the other dealt with basically
19 construction and design.

20 Q Okay.

21 A Theoretically. They were both really geared
22 towards making audits or appraisals, not looking at the
23 details of designs. In fact, I didn't consider -- I
24 ought to mention when I first came and talked to Freeman,
25 one of the things he considered NSRS ought to do was get

1 involved with designing of the advanced water reactor.

2 And I told him flat out, I said, "This is
3 not the kind of group that could do that. If you want to
4 do that, you ought to pick some of the best designers you
5 got and let them go work with AE, different type of
6 people.

7 It's pure fantasy to take a group of twelve,
8 fifteen people, most of which have never been designers
9 and have them design an advanced reactor. So, that kind
10 of ended that.

11 Q In your staffing up, you were looking for
12 people with a safety analysis type background, or how did
13 the people come to you?

14 A Originally, when we were making audits and
15 reviews, I was interested in two or three things, really.
16 I wanted to get the staff with some balance between
17 people who understood design, construction and
18 operations, I wanted some people who had some real hard
19 experience in going out and making safety reviews. I
20 also wanted to get a fair mixture of people with
21 experience.

22 That's why I staffed the groups up the best
23 I could with what TVA called 6's, 5's and 4's. An M-5 is
24 a first level supervisor in TVA. Generally speaking, in
25 TVA, you can be an M-5, if you've been working for ten or

1 fifteen years.

2 Q Okay.

3 A So, I really wanted to get that kind of
4 balance. But, initially, when I joined the staff, the
5 staff was, except for Whitt, most of the people at that
6 time had come out of design. There were a scattering of
7 people out of operations. None of them had really done
8 any safety review.

9 Q What was the nature of your training of
10 these people?

11 A We had two kinds of training, really. One
12 is our in-house training that we brought along after we
13 had the right kind of people in the group. After Mike
14 Kidd joined the group, Mike taught a training course
15 within the organization.

16 We also relied very heavily on the EG&G
17 course out in Idaho that the DOE and NRC uses. I was
18 very familiar with that, because when I was out in Oak
19 Ridge, Oak Ridge used to send their people out to that
20 course. So, people took more of that accident
21 investigation course.

22 We tried originally to make sure we had, oh,
23 four, six people that we could run through that course.
24 Later on, we found it much more profitable to just bring
25 EG&G in down here for a week, and we just trained all our

1 people.

2 Q So, you brought some people from in from
3 EG&G and just had training classes?

4 A Just did it right here. It varied from time
5 to time, but we always tried to make sure we had at least
6 one, when we went out on a review, especially a bigger
7 review, at least one person that had that kind of
8 training. Eventually, there would be more than that.

9 Q In those early days when you were staffing
10 up and doing a limited number of reviews, who were some
11 of your good performers, producers on the staff?

12 A Well, I always considered -- of course, I
13 didn't differentiate. Back in those days, it's a little
14 bit different from more recently. Back in those days,
15 when you had a few people, everybody was out working,
16 supervisors included.

17 So that if we're talking about a review in
18 operations, Whitt might make the review, not necessarily
19 all of them, but the big ones, he certainly would. I
20 always considered Whitt was good.

21 To be real honest with you, I did my best to
22 recruit NRC people or DOE people who had been in the
23 business and had been making the reviews for a number of
24 years, not because of a swinging door, but because of the
25 practicality of life.

1 If you got your chance of hiring somebody
2 that's been out making reviews for ten, fifteen years or
3 somebody that has never made one, I'd rather hire someone
4 with experience.

5 We went out and hired as many NRC people I
6 could that were, that we thought were good. The good
7 performers were certainly Whitt, Mike Kidd. I thought
8 Marv Sinkule did a good job.

9 Back in the early days, we had a fellow we
10 hired from within TVA in the security business, a fellow
11 by the name of Bailey. He was excellent. Brantley was
12 good reviewer. Harrison was a good reviewer. Paul
13 Border, Border had been in TVA for years. I knew him out
14 in Oak Ridge out at the gas-cooled reactors. He
15 understood operations inside out, he made an excellent
16 reviewer.

17 Q Okay.

18 A I probably haven't, Dick Smith, I hired him
19 from DOE. Dick's expertise was health physics emergency
20 planning, and he had been making reviews out in Oak Ridge
21 for -- I guess I had known Dick a good ten years out
22 there. They were some of our best reviewers.

23 Q Okay. And these in the beginning were
24 basically what you call management reviews?

25 A It was a mixture. I wanted to, I wanted to

1 get the management reviews completed. Now, as I used to
2 tell the staff, if we made one in operations, we'd make
3 it from the top down through one of the plants. I didn't
4 feel like we could afford the luxury of repeating that
5 sort of thing for all the plants.

6 So, we made one from the top down in
7 operations, including Browns Ferry. And when we did
8 that, in those days, health physics was so intimately
9 tied up with, we coupled that with the Office of Health
10 and Safety, their radiological programs and emergency
11 planning.

12 After we did that management review, we next
13 turned to make a management review of the Office of
14 Engineering and Construction. We did that for the simple
15 reason that, again, I wanted to be able to go from the
16 top down to see how the programs were going.

17 I also felt like this is also a good way for
18 those people who weren't familiar with how TVA worked to
19 get a better understanding of how TVA worked from the
20 people who ran these organizations. So, it's really a,
21 those reviews were really made for two reasons. One, to
22 educate the staff, and the other to find out what was
23 going on.

24 Part of that was because I think I had only
25 been here maybe a month, and Richard Freeman said, "Tell

1 me how TVA is performing." I said, "I'll tell you in
2 about a year," which really is about as soon as we really
3 could.

4 Now, although we had the management reviews,
5 we did, we did also scatter in whatever other type of
6 reviews we could make, or we felt had to be made. If
7 something happened down at the plant where it warranted
8 going and looking at a specific event or specific area,
9 we would go do those things, like when the control rods
10 went in in Browns Ferry, you know, if you're ever going
11 to look at something, you better look at that.

12 Q When you completed these reviews in the
13 early part, was it a normal procedure for you to conduct
14 an exit interview with the plant people and give them the
15 results of the --

16 A The normal procedure on any type of review,
17 whether it was a big management review or the others,
18 before you go down, you prepare what you're going to do,
19 you coordinate with the people, you have an entrance
20 interview, you have, you go do your thing, and you have
21 an exit.

22 Q Okay.

23 A I guess in all fairness, I might say that in
24 some of the earlier ones, the plant people weren't all
25 that interested. On the smaller reviews, it would always

1 be the practice, though, you would, when you left the
2 site, you would talk to the plant superintendent. If he
3 was tied up or wanted to designate somebody, they would
4 talk to somebody.

5 On the management reviews, we treated them a
6 little different because of the, they dealt with so many
7 things that, for example, when we had the, on those
8 reviews, you might spent several weeks in Chattanooga,
9 you might spend several weeks at Browns Ferry, you might
10 come back and you might go down again.

11 So, you might have what you call small
12 exits, but once we pulled all the stuff together, we went
13 down and had a sit-down session with all the top people
14 that were involved in Chattanooga. That included at the
15 time I can recall not only the plant people but the
16 Division Director, I believe Hugh Parris even sat in on
17 that one.

18 Q When you came back and wrote up the results
19 of the review, to whom was a report addressed?

20 A Okay. Let me go back a little bit before
21 that.

22 Q Okay.

23 A In the early days, I guess it was my thought
24 that when we completed a report, we would provide it to
25 the people down at the plant, or wherever it was

1 reviewed, in a draft form.

2 Now, this was a practice I had always
3 followed when I worked out of DOE. You give it to them
4 in a draft, you tell them to look at the factual part of
5 the report. If they want to, they can read the
6 conclusions, the recommendations. If they want to
7 comment on them, fine.

8 But I always used to tell people that I'm
9 really interested, have we misunderstood you, is there a
10 problem with the facts. I'm not really interested in
11 redefining the recommendations.

12 If they got a problem with them, you know, I
13 don't mind hearing about them, but not to expect us to
14 change those things drastically. I had done that at Oak
15 Ridge for years.

16 We initiated that on those first few
17 reviews. I did it for two reasons. I felt this would
18 build a little bit of improved relations with the people
19 in at the plant and so forth. I also felt like until I
20 better understood the capacities of the staff, I just as
21 soon not have reports that were full of lots of errors.

22 Our experience was that we got very few
23 comments back, which either meant that they didn't care
24 to look, or else they didn't have a lot of problems. I
25 eventually said that this is a wasted step, because you

1 send them down, nothing would ever come back, so we
2 stopped doing it.

3 Q So, you were not getting violent objections
4 to your findings and that type of thing by the plant?

5 A No. In fact, I guess my own feeling was
6 that the line's position in those days was, "We will
7 respond to an official report, we don't care about your
8 draft report."

8
9 The other reaction I got was that the staff
10 was doing a pretty good job, that there were very few
11 errors in the reports. And so, I had a lot of confidence
12 in the people that were writing the reports.

13 Now, I'll also say, because it will come up
14 eventually, before we put a report out, I used to go
15 through them with a fine tooth comb myself, which I felt
16 was my job. And, so, when we put a report out, we felt
17 pretty comfortable about it.

18 Q Okay. Who was the plant management at
19 Browns Ferry in those days?

20 A Well, I didn't mean to avoid your question.
21 Where we sent them to?

22 Q Sure.

23 A Eventually, we would send those reports to
24 the, if we reviewed the plant, we would send the report
25 to the Division Director.

1 Q The final report?

2 A The final report, you'd send it to the
3 Division Director. If you were reviewing, I guess if we
4 were reviewing something down in health physics, we would
5 have sent it to the office manager.

6 Now, I did change that. That's the way we
7 did it originally. After a while, it dawned on me that
8 sending it to the Division Director, I was really
9 short-circuiting the top level management. They probably
10 didn't have that much knowledge of what was going on
11 unless we had a problem.

12 So, in particular, after they did some
13 reorganizing, I'd no longer send them to the Division
14 Director, I'd send them to Hugh Parris, and I did that
15 strictly, because under him was QA, as well as the line.
16 And if you got the problem in the line, you got a problem
17 with QA. So, the only way you could get them both was to
18 do it that way.

19 Q And Hugh Parris was Nuke Power, right?

20 A In those days he -- well, back early, he
21 headed up the Office of Power, and then you would come
22 down under him several layers before you got to the
23 nuclear organization.

24 Q Okay. Was there any type of an agreement,
25 was there ever an understanding on your part that you

1 should be sending, you should be sending these reports
2 directly to the Board of Directors through a General
3 Manager or through a manager?

4 A I probably should mention when we sent the
5 report out to the line, I would also, depending on the
6 nature of the report, I would also send a copy to the
7 General Manager of the Board. Any management review
8 which dealt with the organization, I'd also send it to
9 General Manager and the Board. Reviews that I considered
10 they would probably be interested in, I would send this
11 it to them.

12 Some years, we, it doesn't sound like a lot
13 of reports now, but back in those days, it sounded like
14 quite a few. We might put'out thirty-five, forty
15 reports, and I didn't want to burden the Board with a
16 bunch of trivia, so I didn't send all the reports to
17 them.

18 But my recollection was, like all the other
19 types of the big offices, you had to send them a key
20 topics report. And then the key topics report, I would
21 always indicated those review activities we were involved
22 in in the report that had been issued, the ones that had
23 been issued. I'd give them a little paragraph, tell them
24 basically what the report was about.

25 I'd put in just enough to wet their

1 appetite, so that they'd want to say, they'd want to call
2 up and say, "I'd like to see that report."

3 Q How often did you have to send that key
4 topics report?

5 A Once every two weeks.

6 Q Once every two weeks?

7 A Right.

8 Q But if I understand correctly, when you did
9 send the Board a report, it was copy, the main report was
10 addressed to the inspected activity or the --

11 A Generally speaking, like if I had reviewed
12 something from Browns Ferry, I would send it to Hugh
13 Parris for action. I'd send a copy to the General
14 Manager and the Board if it fell in those categories for
15 their information.

16 Now, on some occasions, the report would
17 hardly be in the circuit before Richard Freeman -- I just
18 happened to have a meeting come up, Richard would say,
19 "Well, how did they respond?"

20 I'd say, "Well, Richard, they hadn't even
21 got the report yet." You know, you send it to Hugh
22 Parris, it takes time to get it down to the people.

23 On a real big report, we'd give them
24 sometimes thirty days to respond, forty-five days on
25 those real big reports. The Board, I could tell the

1 Board always read those reports, because they'd ask such
2 good questions about them, they'd be very interested.

3 Q But basically, it was your decision as to
4 whether or not the Board needed to see the results of a
5 given report, right?

6 A No. No. Your question really is, I think
7 you asked.

8 Q How do you decide?

9 A How did you determine that? The first time
10 we had a report that was written, I asked Beasley, I said
11 "What did you used to do with reports? And he -- well,
12 Beasley says, "Well, I used to send them to Ernie Belvin
13 for review and so forth."

14 You got to remember before I got here, he
15 worked for Belvin who worked for Bonine. Belvin was in
16 Muscle Shoals and Bonine was in Knoxville.

17 Q Belvin's position at that time again was?

18 A He was head of Office of Health and Safety.

19 Q Okay.

20 A So, he used to send them to those people.
21 And eventually, I guess the reports went out under
22 Belvin's signature. And I said, well, we're not going to
23 do that, we'll just send these things out directly.

24 Q The reason I'm asking about the report, the
25 report distribution, Newt, is back in June of '79. We

1 found this nuclear program review. And as a result of
2 TMI, both David and Richard Freeman said that, you know,
3 this Nuke list tasks force that has done the nuclear
4 program review, we approve its recommendations and
5 recommend that the report be implemented.

6 And it talks about, just NSRS's part, create
7 NSRS, NSRS is a part of this task force report. And this
8 indicates a specific reporting chain to the Board through
9 the Health Manager, Office of Health and Safety.

10 A Okay. But all that was changed.

11 Q That was going to be my next question. How
12 was that changed, and give me a little of the mechanics
13 of that change.

14 A Well, I'll just tell you what I know. I'll
15 be honest with you, I don't know what the agreements were
16 before I got here.

17 Q Okay.

18 A But I'd seen the blue book, but didn't
19 really know what it meant. I didn't know exactly what
20 the group was really doing before I got here, but when I
21 came over to interview, and they told me I was going to
22 be working for Belvin down in Muscle Shoals who worked
23 for Bonine up in Knoxville, I told them I wouldn't even
24 consider the job.

25 I said, "Everybody in TVA knows that the

1 Office of Health and Safety carries no clout in TVA,
2 never did, all the years I worked here." And I said,
3 furthermore, I said, "To work for that organization, the
4 line will never do a thing," so I told them I wouldn't
5 even consider the job.

6 And so they asked me how I felt about the
7 organization. I said, "I'd like to work for the General
8 Manager and the Board," and they agreed to it. So,
9 that's -- I guess that's how that came about.

10 So that I don't believe I had any
11 discussions with the General Manager and the Board about
12 how I was going to send my reports out. Now, that just
13 may reflect the fact that I felt like we generate the
14 reports, we ought to send them out. We always sent them
15 out with recommendations rather than an order to do
16 something.

17 The only conversation I ever had with Willis
18 on a report or a memo is one day I had a memo in my
19 briefcase. When I was over talking to him, I pulled it
20 out and I showed it to him. I said, "You'll probably
21 hear about this one," because it was an area we expected
22 the line to do something, do it rather fast, because we
23 were concerned and I had sent something down to
24 Chattanooga.

25 I can't remember if I sent it to Jim Greene

1 or to Hugh Parris, but I sent something down, and told
2 them we expected a response within seven days or else
3 they ought to shut the plant down.

4 And Willis, Willis' only comments, he said,
5 "Well, why don't you direct them to do it?" I said,
6 "Well, staffs don't direct line organizations." I said,
7 "If you want the staff to direct line organizations,
8 you'll have to change your organization."

9 That's the only time we ever had
10 conversation about it. We basically always sent our
11 reports out, rather than directing them to do something,
12 making recommendations. I believe that's the proper way
13 to do it, because there's, to me, there's nothing fancy
14 about a Nuclear Safety Review Staff. They're not always
15 right, and you shouldn't force the people to do something
16 they're convinced is wrong.

17 Q Well, I'm, you know, I'm not going to argue
18 one way or the other about that, but the key, the thing I
19 want to clarify was it appeared that originally, you
20 know, NSRS was created, of course, to be directly
21 independent, had a very specific reporting responsibility
22 addressing the reports to the Board through Health and
23 Safety, okay?

24 And that's what I wanted. You're telling me
25 what happened. You said, hey, you know, Health and

10

1 Safety doesn't have any clout at TVA. You know, I --

2 A Well, that was my perception.

3 Q Sure. So you wanted to deal through the
4 General Manager through the Board?

5 A I felt that was the only way you could get
6 anything done. So, all I can say, they must have agreed,
7 because that's what they ended up doing.

8 Q Let me make sure that I indicated to you any
9 time if you want to go out, get a cup of coffee, take a
10 break, there's no problem here. This is a very relaxed
11 situation. Okay.

12 At this point, are there any questions in
13 any of your gentlemen's mind that you'd like to talk to
14 Mr. Culver about?

15 BY MR. KINDT:

16 Q I just had one small one. You mentioned
17 earlier you were, TVA was considering about rehiring you
18 back as a consultant. It took them a while to make that
19 decision. I was just curious why you think it took them
20 a while.

21 A I don't know. I'll be honest with you, I
22 really don't know. I got a lot of guesses, but I really
23 don't know.

24 Q What are your guesses?

25 A Oh, I think a number of people in NSRS were

1 dead set against hiring me back. And I think although
2 Kermit wanted me to work in the group, I don't think he
3 felt like he needed any additional problems.

4 And originally, it was really to come back
5 and help them with investigations, and I can certainly
6 appreciate Kermit's problem there.

7 Q Did he ever tell you that, that that's why,
8 because the time period was --

9 A I don't think he ever told me directly. It
10 was pretty obvious. I don't know if that's the real
11 reason, but -- I think, also, and I'll be honest with
12 you, I don't understand it.

13 I do know as a person that retires from the
14 Government, sometimes it's very difficult to come back to
15 work for the Government, and I noticed that from my own
16 experience in DOE, and I think there was some problem
17 with that.

18 I know for a while I suggested to Kermit
19 that I could come back and work through Mike Bender, who
20 had a contract with NSRS, and he said, well, you can't do
21 that, because he was the one that only had that contract,
22 and that would be a problem.

23 So, I think part of it was, I think they had
24 a hard time seeing how they could get me back. I think
25 part of it was the basic question of if I came back and

1 worked for Kermit, would I really be making things better
2 or worse.

3 Q One other thing I was wondering about, too.
4 You touched on it already, but I just want to find out a
5 little bit more. What did you see was the reason that
6 TVA started NSRS? What was your perception of why that
7 was all started?

8 A Well, really, about the only thing I know is
9 when they issued the blue book following Three Mile
10 Island, TVA had a genuine interest in upgrading their
11 nuclear program.

12 And if you look at that report, the report
13 dealt with, you know, dealt with all facets of things TVA
14 could do to improve the program. It dealt with designs,
15 it dealt with training, it dealt with organization, and
16 then it had the thing about the NSRS.

17 Now, I always found it interesting -- I saw
18 the blue book, you know. I mentioned earlier I had
19 worked for Ebersol. He was out in Oak Ridge and I just
20 happened to be visiting him that day, first time I
21 probably had seen him in couple of years, and someone
22 delivered the blue book, and he said you'd be interested

23 I scanned through it. I said, "Probably the
24 most important thing in there is the NSRS." And old
25 Jessie and I don't always agree on everything. He

1 believes in hardware and I believe in organization
2 programs, and he kind of, I don't think he believed me,
3 but when I read that, I said that probably can be very
4 useful to TVA.

5 BY MR. ROBINSON:

6 Q Just for the record, Mr. Culver, describe
7 what you mean by the blue book.

8 A Okay. The blue book was a task force report
9 that was issued after Three Mile Island in response to, I
10 believe the Board requested that TVA take a look and see
11 what could they do to improve their programs as a result
12 of Three Mile Island.

13 Q Was this part of the blue book (indicating)?

14 A Yeah. Of course, the only way I recognize
15 it is the cover which is blue. Yeah, this is it, right.

16 Q Okay. That's the entire thing, pretty much?

17 A Looks like it, yes. I can tell Green,
18 Belvin and Wright, yes. I believe that's it.

19 Q Okay.

20 BY MR. KINDT:

21 Q Another thing, too. I gather from the way
22 you're talking, there wasn't any real specific or maybe
23 even general direction as how you were supposed to
24 operate NSRS, you were supposed to more or less recreate
25 that whole thing, that whole program, right?

1 A Well, let me think. They had some general
2 guidance for it, which was included, I believe, in the
3 codes, TVA codes. It indicates in a general way what
4 things the NSRS was to look at.

5 Now, I always considered it kind of a
6 laundry list. The laundry list was rather all-inclusive.
7 So, with a laundry list, I really felt like you could do
8 what you wanted. I guess -- well, it included looking at
9 design, looking at construction. Looking at operations,
10 looking at health physics, looking at emergency planning.

11 You know, with all that list, you could do
12 anything you want. So, it was mostly a question with how
13 do you go about doing it.

14 When I came in and talked to the Board,
15 there's no doubt in my mind they wanted a rather strong,
16 aggressive program. I didn't find anything the Board,
17 other than what I mentioned earlier, I didn't find
18 anything the Board said that was contrary to what I
19 thought needed to be done.

20 What I did in TVA was not a lot different
21 than the types of programs we had in the old AEC or in
22 the more recent DOE where you look at all aspects of
23 safety.

24 And, so, I guess when I got over here, you
25 know, I just -- I didn't really look for any great

1 direction from the Board or the General Manager. After
2 all, they're not what I call professionals in the safety
3 review business, and that's why they hired me.

4 And I just told them what I thought needed
5 to be done, and they said go do it, which I, if you'd
6 been doing that for years, you -- I'd feel kind of silly
7 to go ask the General Manager what to go do.

8 So, I think I understood what they generally
9 wanted, and I think that was reflected in the code, and I
10 told them, well, how I was going to go about it and they
11 seemed to be happy.

12 Q Did they continue to give you the support
13 right up until retirement?

14 A Yes, sir. In fact, they wouldn't even give
15 me a reduction in force. You know, they gave them to
16 everybody else.

17 BY MR. ROBINSON:

18 Q About how long was it, Mr. Culver, before
19 you did a project or NSRS did a project that was
20 requested from an outside source? By that, meaning
21 requested by an employee concern or requested by OGC or
22 requested, requested by the Board?

23 A Really, gee, I don't know. I think that
24 first year, Willis may have said -- we probably would
25 have done it, anyway, but Willis may have said I hope

1 you're going to look at such-and-such. The NSRS had come
2 up with shift technical advisors, you know, and we wanted
3 to make sure, since that was a new program, that was an
4 easy one to go look at. I remember we sent Marv Sinkule
5 down to look at it.

6 I don't really know whether that was one
7 that Willis had asked us to do or whether we were going
8 to do it, but he was certainly pleased when he found out
9 we were going to do it.

10 I don't believe we had any real employee
11 concerns for -- gee, I'd have to go back and look at my
12 records, because, in fact, I believe before I got there,
13 they looked at some employee concerns. The staff had
14 looked at some of those real earlier.

15 Some of those early employee concerns
16 weren't real barn warmers, you know, so I don't recall
17 them that well. We did get requests from, sometimes from
18 the Board, sometimes the General Manager. I can't recall
19 if we ever got a request from OGC.

20 Also, there were occasions where there were
21 issues with the Department of Labor where OGC had looked
22 at it and we looked at it, and sometimes we didn't even
23 agree, but there were occasions where we may have gone
24 and looked at something, well, let's see, because the
25 line asked us to do it.

1 So, they weren't always just the things we
 2 felt we wanted to do. Sometimes they came from other
 3 sources. I believe we even had something come from the
 4 NRC, not official, you got to do it, but you might want
 5 to do it.

6 Q At what point in time was the Technical
 7 Analysis and Review Section created?

8 A Okay. I can tell you the, what it was
 9 linked to really better. We went for several years,
 10 which I would have to guess from '80, '81, '82, somewhere
 11 in that time frame, with the two sections basically
 12 looking at operations, construction design.

12

13 Eventually, there were so many problems,
 14 some real, some perceived in QA, that eventually, TVA
 15 went to the corporate level of QA and formed OQA. When
 16 OQA was formed, there was a perception that now that
 17 we've got a strong corporate QA organization, some of the
 18 activities NSRS has done in the past, they won't really
 19 need to do to the same degree.

20 And that probably would have been a good
 21 conclusion if OQA had gotten up to speed. But when OQA
 22 was formed, we did reorganize, we formed, we took some of
 23 the people out of the Construction Design whose
 24 experience was primarily construction, and put them over
 25 in the other group, and we called that Investigations and

1 Review.

2 And the Investigations and Review Group was
3 primarily to go out and do the same kinds of things we
4 had been doing before. The other group, which we called
5 Technical Analysis, and, I guess Regulatory, that's why
6 it's --

7 Q TARS?

8 A TARS. Anyway, that group was intended to
9 get much more involved with technical issues. I wanted
10 to really structure that group with people who had more
11 engineering background, people who had been involved with
12 design analysis, some people with really good technical
13 experience, which is a lot different than the experience
14 of some of the folk who just go out and look at
15 operations, construction design from what I call a
16 high-class quality review type.

17 So, during -- I believe that transition came
18 somewhere in '83, maybe. I believe it's '83. The real
19 problem we had, though, we didn't have the strong
20 technical people in that group, and in '83, you couldn't
21 hire anybody, no matter how hard you looked, no matter
22 where you went. People didn't want to move because
23 mortgages were high and the industry was, had lots of
24 work as a result.

25 You couldn't hire anybody. And if you could

1 find somebody that would come to work for you, they were
2 reluctant to move because the cost was so dear. So, we
3 were very unsuccessful almost all through '83 and most of
4 '84 in hiring anybody.

5 And the only way I eventually got people in
6 that group was when the CRBR closed down, I remember I
7 went to Willis, I said, "This is probably the best chance
8 we'll ever have of getting some people who have a
9 technical background."

10 So, I said, "I know I don't have the money
11 in the budget." I said, "It shouldn't matter. Can I go
12 over there and hire whatever I want?" He said, "Sure,"
13 because I think he recognized, he knew how hard it was to
14 get people.

15 So, I went over there, and I, to make a long
16 story short, I hired five people and put them in that
17 group. And the reason I brought them in was to beef that
18 group up. I tried to get people who had come out of an
19 engineering group, rather than a safety group, because I
20 wanted people who had been involved with reviewing
21 technical designs.

22 Now, I didn't care if they had reviewed the
23 breeder, because it's the thought process that really
24 counts. So, in fact, I'd just as soon had people who had
25 been involved with something a little different where

1 they could bring in a perspective on it within TVA.

2 Q Who was it that you brought over from the
3 Clinch River Breeder?

4 A Well, I brought over Murdock, O'Block,
5 Hicks, Washer and Hornstra.

6 Q Okay. Did they seem to fit in and did they
7 all go into the TARS group?

8 A We put them all there. They were hired
9 strictly to go into that group to beef it up to give them
10 the kind of technical background we wanted. I tried
11 to -- again, if you can hire lots and lots of people, you
12 can get all kinds of things, but we're talking about
13 hiring about five people, so I tried to get one that was
14 electrical, mechanical, structural.

15 In fact, when I interviewed, I specifically
16 tried to get as much variety as I could, as well as as
17 much horsepower as I could.

18 Q Are we still in kind of a framework where if
19 and individual staff member saw an area that he thought
20 was appropriate to look at, he would bring this to the
21 attention of his supervisor?

22 A From the day one in the group, the message
23 that people always got was that you're only here for one
24 purpose, and that's to go out and identify safety
25 problems. Now, you can look at it positively or

1 negatively, you can go out and say you're really here to
2 go out and examine the organization and how you're
3 performing, and we all would like to think everything is
4 just great.

5 We're really out there to, you're out there
6 to find how well you're doing, but you're also out there
7 strictly to identify weaknesses in programs or
8 deficiencies in hardware or what-have-you. They were
9 always told to basically, any kind of safety issue,
10 identify, and you're responsible for following up on it

11 Q How would those issues be identified to
12 them, through -- I mean, are they reviewing NCR's or --

13 A We used to get all kind of information which
14 would give you indicators. We used to get NCR's, we'd
15 get, we would get information from the operating plants.

16 In fact, I can recall the first year where
17 they were trying to establish what is the kind of
18 information we ought to get in the staff. As far as I
19 was concerned, even though the secretaries didn't like
20 it, I said, "We ought to allow these people to get all
21 the information they really feel they need, and they'll
22 do the job." I said, "If they've asked for too much,"
23 said, "we'll take a look at it and we'll cut back."

24 So that as far as I was concerned, they were
25 getting any information they wanted from anywhere at all

48
1 in TVA. And with the system they got in TVA, you can
2 access the information system and get any report you
3 want. It was really great.

4 Q Were there situations where the staff
5 members were working on projects that their immediate
6 supervision weren't really sure what they were doing?
7 How closely was the individual staff's project monitored?
8 Was it a requirement for them to scope the projects out
9 before they went out or was it more loosely structured?

10 A In the Investigation Review Group, I'd have
11 to say that almost all those people had specific
12 assignments. Those assignments may have come from
13 something that was part of the our program, they may have
14 come from an external request, they may have said I see a
15 need to go do this, they sit down and take it to their
16 supervisor and then they'd go do it.

17 In those cases, I'd say that the supervisor
18 was well aware of what was going on. Now, when you get
19 over into the other group, as far as I was concerned, it
20 was just pure frustration from almost the day that the
21 old FARS group was established.

22 Q Frustration for you?

23 A Yes, because I could never get anything out
24 of the group. The best I could get was, I'd go back and
25 talk to the supervisor, "Well, what are you doing?" Like

1 I'd say, "What is Bruce doing? He says, "Bruce's
2 reviewing Watts Bar." I said, "He's reviewing Watts Bar
3 What's he reviewing?"

4 "He's reviewing the design of Watts Bar."
5 I'd say, "Well, I know he's not reviewing the design of
6 the whole Watts Bar. What's he reviewing?"

7 I could never find out, and nothing would
8 ever come out of those groups. It got so frustrating, I
9 even hired Mike Bender to give them some help. And
10 I'll be honest with you, Mike got as frustrated as I did.

11 Q What was Mike trying to do? What were you
12 trying to have him do?

13 A I was having Mike work with the group to see
14 if he couldn't help them to identify how to go about --
15 oh, I'd go back to the supervisor and say, you know,
16 "Bruce can't be reviewing all of Watts Bar." I said, "We
17 just had a review of the auxillary feedwater system,"
18 which took, I don't know how many people, but it took
19 lots of effort just to do that one system.

20 I said, "I know Bruce isn't reviewing all
21 systems that way." I said, "What is he reviewing?" I
22 said, "Can you tell me the system he is reviewing,
23 mechanical, structural, what's he doing?" Could never
24 find out.

25 Q Who were you talking to when you were asking

1 about Bruce?

2 A Supervisors.

3 Q Who?

4 A Well, that was after that section was, the
5 TAR section was dropped. Initially, let's see, who
6 initially -- okay. After OQA was formed, I lost most of
7 my people. I had a fellow by the name of Chuck Burke in
8 charge of the section. Chuck had been put in the
9 section. It was a matter of the best available person I
10 could get. Again, I couldn't hire anybody in those days.

11 []
12 He had about thirty-five years' experience, had worked
13 for Atomic International, you know, back in the early
14 days. He worked for NRC. []

15 []
16 Q Was he Bruce Siefken's supervisor?

17 A Yes.

18 Q And he was who you couldn't get anything out
19 of as to what Bruce --

20 A Right.

21 Q Now, let me understand, the creation of the
22 TARS group was, was that your idea or was that someone
23 else's idea?

24 A It really came about, as indicated earlier,
25 when OQA was formed, there was a desire that NSRS and OQA

1 not do the same thing. I think there were lots and lots
2 of optimism that OQA was going to solve all the problems.
3 We ended up where five of our best people to OQA.

4 Q Who went over to OQA?

5 A Well, let me go back a little bit. Before
6 they left, Mike Kidd was an M-6. I had Mike slated to
7 run the Operations Section because I had promoted R. Mit.
8 If you want to know why, I'll tell you that when you get
9 through with this.

10 But I had Kidd slated to run that section,
11 and Joe Anderson hired him. I had Bob Sawyer, who I had
12 a lot of respect for. Technically had him slated for
13 promotion from an M-5 to a 6. Anderson took him.

14 I had a supervisor of the other section that
15 was supervising that, the Construction Design Section
16 before I reorganized, had taken over that section when
17 Marv Sinkule went back to Atlanta. They hired him. So,
18 I lost -- there's three.

19 Q Is that Blanner?

20 A No, that was Crittendon.

21 Q Crittendon. They also took Blanner.

22 Blanner was not one of the best performers we ever had,
23 but he did a good job.

24 Q Did you have any --

25 A Then they took Border, and Border was one of

1 my best reviewers. So, they took five of my best people.

2 Q Did you have any say in whether they took
3 them or not?

4 A Well, not really. All I did, I thought I'd
5 be very fair to Joe Anderson when he formed his group. I
6 said, "I'll tell you who my good performers are, but
7 please don't take them all," I said, and I named them.

8 And when he was pretty clear he was going to
9 take some of the better ones, I said, "At least leave me
10 either Kidd or Sawyer, don't take them both." He took
11 them all.

12 I could have stopped it, I guess, but I'm
13 not a firm believer in doing that. I said, "We'll find a
14 way out." And if I had stopped him, no telling what they
15 would have done, accused me of.

16 Q So, after that, then you had, you didn't
17 want to duplicate the efforts of OQA and you didn't have
18 your good people?

19 A Didn't have the people to do it, anyway.

20 Q So, the TARS group kind of --

21 A It was not much left to it, really.

22 Q Okay.

23 A I really didn't want to duplicate, but the
24 truth of the matter is that we had so few people, there
25 was no way we could duplicate anything. We had to kind

1 of scratch around just to do anything at all during that
2 time period.

3 I forget when that was when they transferred
4 over, but we had -- well, we now had lost those good
5 people, but then we lost some others for other reasons.
6 Like the guy I mentioned that was my securities expert,
7 he left because some organization over in South Carolina
8 made him a Vice-President. I couldn't beat that. We did
9 lose some good people in there, though.

10 Q You were frustrated because you couldn't get
11 anything out of the TARS group as to what they were
12 doing?

13 A There was a good deal of frustration about
14 that.

15 Q What efforts did you take to relieve that
16 frustration? Did you think about getting stronger
17 supervision in the TARS group or what?

18 A Yes. Probably spent a good half year trying
19 to hire a good NRC man. In fact, some of the things I
20 did in that group are almost disgraceful. You know, I
21 had a guy that was an M-5, and I didn't -- Burke.

22 I didn't, initially, I didn't even promote
23 him. I let him run the group as an M-5, and it's an M-7
24 job, really, and I considered that kind of disgraceful,
25 but didn't do anything initially, because, you know how

1 it is, you're out recruiting, we thought we had a guy
2 down in Dallas, because we didn't want to just go to
3 Atlanta, and we thought we had a guy in Dallas, and we
4 kept working on it, but, again, it was just, nobody
5 wanted to move. So, we didn't get him.

15

6 Finally, I did promote Burke to an M-6. I
7 made it clear to him it was a temporary thing, otherwise,
8 I would have promoted him to 7. And we pursued several
9 other people. I know we tried to get an NRC man up in,
10 up in Chicago. We didn't get him.

11 Q And what was the result? I mean, did the
12 TARS group ever put out any productive work? Was there,
13 I mean, was the problem resolved?

14 A Not really, no. Very little productive
15 work. That was the year I, you know, I did get Mike
16 Bender to come in. I used to come in about once a week,
17 sometimes a little less than that, and sit down and
18 discuss things with him.

19 What I really hoped was -- I didn't have the
20 time, you know. The group was, we lost most of our
21 people. What little time I had, I was trying to deal
22 with the Board and the General Manager and the work that
23 was going on in the other section where actually they
24 were making reviews. I didn't feel like I had time to
25 run that group, so I got Mike to give me some help.

1 Q Okay. I have some specific questions about
2 some specific areas that I want to talk to you, but I
3 think we'll take a little break and go off the record.
4 It's 9:49 a.m.

5 (Short recess.)

6 MR. ROBINSON: It's now 10:00 a.m., and
7 we're back on the record. Mr. Culver, the next -- first,
8 let me ask, do any of you other gentlemen have any
9 questions about what we've covered already?

10 MR. STONE: Yes, I have one.

11 BY MR. STONE:

12 Q Back earlier, you said that in TVA, the
13 staff does not direct line organizations. Can you give
14 me a little more of that? Is that a policy in TVA, or
15 is --

16 A When I mentioned that to Willis, I was
17 really just saying from an organizational standpoint,
18 staffs don't direct line organizations. Staffs generally
19 advise somebody.

20 That was my own -- what I was really saying
21 to Willis was if you want us to direct people to do
22 things, you've got to change the organization. It's not
23 a policy. What I was just telling Willis, it's my
24 understanding of how organizations work.

25 Q I see. The reason I was curious. Because

1 in the later reports, you do make recommendations for
2 staff to take action.

3 A We make recommendations, but we don't send
4 them down to a plant superintendent and say you've got to
5 do this. It's the same approach NRC takes, really. If
6 they don't -- let me follow-up on that.

7 If their response to our recommendations are
8 unacceptable, we don't buy off of them, we go back until
9 we get something we're satisfied with.

10 MR. STONE: Okay. I don't have any more.

11 BY MR. ROBINSON:

12 Q What type of programmatic controls do you
13 have on following up on whether your recommendations are
14 followed or not?

15 A All right. The way all those reports would
16 work, and it doesn't really matter which kind it is,
17 you'd send it out, you'd ask for a response. The line
18 organization would send back a response by one or two
19 types. Either they'd say we need more time or else
20 they'd send back what their response is.

21 Now, sometimes, that would mean they would
22 get with them a lot of times ahead of time, discuss them,
23 to make sure what they sent in was satisfactory. It just
24 varies with the organization you're working with.

25 If you get responses that, well, when they

1 came in that we were not satisfied when they came back,
2 they would be directed to to me. The secretary would
3 automatically provide them to the section where the
4 report was issued and they would go back to the
5 individuals.

6 If the review is made by one person, that
7 person is responsible for looking at those responses and
8 either saying they're satisfactory or not.

9 If it was done by a group, you basically
10 send it back to the section leader, he would give it back
11 to whoever headed up that review.

12 The only thing I'd ever see is if they
13 weren't satisfied with the responses, back would come a
14 memo. If they couldn't work it out, a memo would come
15 back to me. When I reviewed the thing, if I was
16 satisfied with what they had, they would go back to it.
17 But in basic principle, the responses had to be accepted
18 by the reviewers.

19 Q And if there was an item of contention that
20 appeared to have no resolution between the reviewer and
21 the line, what happened then?

22 A Okay. The basic, the basic understanding I
23 always had with Willis was if you're dealing with a
24 Division Director, and you couldn't get resolution, it
25 would be my job to elevate that thing to the Office

1 Manager.

2 And I can remember a number of conversations
3 with Hugh Parris. I'd say, "Hugh, we better get this
4 thing resolved. If we don't get it resolved, we'll have
5 to go to the General Manager and the Board."

6 The only issues that I can recall that
7 really went to the Board where we couldn't reach
8 resolution dealt with organizational matters, which the
9 Board generally got involved with, anyway.

10 The only one I can recall, when we reviewed
11 security, the responses from security were so bad that we
12 just wouldn't accept them. We had meetings with the
13 General Manager. The people responsible for security
14 still weren't very responsive, and eventually that really
15 got solved, they reorganized.

16 Q Basically, though, when the responses came
17 back, they were routed to the individual reviewer, and he
18 pretty much handled the problem, handled the negotiations
19 over the response with whoever the response came from?

20 A Right. Only if, I guess only if they had a
21 problem with them and couldn't get resolution would I
22 even know about it.

23 Now, I would, I would look at the responses,
24 I would not in all cases, but I would on some where I had
25 a real interest in it myself. For example, the thimble

1 tube, which was, you know, so much publicity associated
2 with it, I had a real interest in that report and the
3 responses, and I spent a lot of time on that. But on the
4 run-of-the-mill ones, no.

5 Q In a ballpark figure, can you tell me about
6 how many times you had to intervene between your staff
7 members and a line response to a review?

8 A Generally, my own perception is that,
9 generally, I was in pretty much agreement with the staff
10 members on the issues that, if I intervened, it was
11 because we weren't really getting the cooperation out of
12 the line.

13 Q Yeah, that's what I meant.

14 A It wasn't so much a difference between,
15 within the staff as it was that the line wasn't being
16 responsive, or we didn't perceive they were, anyway.

17 Q And can you give me -- do those types of
18 instances, when that happened, when the line wasn't being
19 responsive, are those other than the normal, or are those
20 more of the normal?

21 A I think it varied with time. Originally, in
22 the early days, I'm thinking of the '80, '81 time frame,
23 there were probably more of them.

24 Q More that they weren't responsive?

25 A That's right, yes. And I attribute that

1 mostly to the fact that any time you bring in a new
2 review group, they always test them out to see how hard
3 they can be with them.

4 Now, I don't find that unusual. I think
5 I've observed that elsewhere. But there were probably
6 more cases in the early days, say, in operations where
7 you'd send a report down, they just said, you know, well,
8 we aren't going to do anything with this.

9 Q And what did you do in that case? Did you
10 elevate it?

11 A That particular one -- well, one I recall in
12 particular, when we reviewed their training program, they
13 just didn't want to do anything. We eventually elevated
14 that to a full blown discussion with the General Manager
15 and the Board and they did make changes.

16 Q What plant was that at, do you remember?

17 A That was really just their training program
18 across the board.

19 Q Oh, generic?

20 A Operator training program. I think it is
21 awful hard to say, because usually what you'd find, if
22 you sent out a report and had a hundred recommendations,
23 obviously, there wouldn't be complete agreement on all of
24 them, but maybe ten percent, I don't know, whatever you'd
25 have to where you'd have to have a good deal of

1 discussion.

2 Q And then are you saying that later on after
3 the NSRS staff became more experienced, that there was
4 less nonresponse by the line, or more response by the
5 line?

6 A I wouldn't word it that way. I think it's,
7 as the line became more used to the NSRS, then there was
8 less resistance to making a change. I think, also, it
9 would be my perception that the NSRS was able to sit down
10 on those controversial issues and convince them that what
11 we had in the report was correct. I think there was also
12 the perception, at least I had it, that NSRS got more
13 support than the line did.

14 Q Is it your perception that NSRS discovered a
15 lot of problems that went uncorrected until these recent
16 days that maybe the line said, yes, we'll handle, but
17 they never really handled?

18 A Well, that's a -- well, I'll tell you the
19 best I perceive it, anyway, is that we identified a lot
20 of problems. The problems had corrective actions, which
21 my own reviewers indicated they accepted.

22 Now, time has shown that those corrective
23 actions were not fully effective. Now, the thing I feel
24 very frustrated about is that nobody knows why. I don't
25 know whether it's because we didn't follow up enough on

17

1 them or whether the line didn't or whether the corrective
2 action was not extensive enough.

3 There's lots of reasons, or because one of
4 the reasons I always say is that TVA has got the bad
5 habit of changing organizations and programs frequently.
6 And every time you do that, you run the risk that the
7 problem will crop up somewhere else, and I really don't
8 know the answer to that. In fact, I feel a great deal of
9 frustration, and that includes -- I, I really don't know.

10 A lot of the issues that have been raised
11 with employee concerns are raised, I think because most
12 employees in TVA have got good ears, and have seen where
13 problems have been identified. And, so, when they are
14 asked to sit down with somebody and tell about all the
15 problems, they either know directly about or perceive of,
16 and they are going to identify those as they've heard
17 about them.

18 And I don't know if that answers it or not,
19 but it's a -- I find it's a very --

20 Q It's a very broad question.

21 A It's a very complicated thing to give a good
22 answer to.

23 Q Let me talk about something a little more
24 specific, then. Let's talk about the NSRS review of the
25 Black & Veatch issue. Is that a fairly clear series of

1 events in your mind?

2 A Pretty clear.

3 Q Okay.

4 A Yeah, except for dates, probably.

5 Q Correct me if I'm wrong, Black & Veatch did
6 a vertical slice independent design review of the aux.
7 feedwater system at Watts Bar. They developed a report
8 that had approximately 428 findings, which, at least in
9 their estimation, were deviations, however miniscule they
10 may be, from the FSAR or --

11 A From somewhere.

12 Q -- from ANSI standards, specific codes.
13 Does that categorize it fairly correctly?

14 A I remember the number 428. I'll be honest
15 with you, I don't, don't remember how they characterized
16 it. The reason I say that is when you dig into that
17 report, that there's, it's hard to follow some of those
18 sequence of numbers, but I think what you said, I agree
19 with you.

20 Q And then there was a TVA task force, not an
21 NSRS task force, but a TVA task force created, and you
22 may be able to shed a little more light on this for me.
23 What was the purpose of that TVA task force with respect
24 to Black & Veatch?

25 A Okay. The, I think a fair representation of

1 this is that TVA hired Black & Veatch to make the
2 vertical slice of the auxillary feedwater system and to
3 identify discrepancies. Or whatever you want to call
4 them, within that system.

5 The TVA, TVA then took the results of that,
6 and it was their intent to take the results of that and
7 look at it from the standpoint of what's the impact of
8 those findings on other systems.

9 The idea was that looking at one system,
10 even if you had selected the right system, if you found
11 problems in it, you wanted to find out, well, in fact, do
12 we have similar problems in other systems.

13 So that there was an effort that there were
14 a number of things that went on. You had the effort to
15 expand that to other systems and look at it and also to
16 look at it from a generic standpoint. I don't know if --
17 if that's the task force you're talking about, but there
18 was an effort to do that.

19 Q I think it was.

20 A Then they had a policy committee, which was
21 really pretty much the top level people to basically
22 establish the objectives of the overall scope. They had
23 people on it like myself and Anderson and Pearce and
24 Beasley, and, you know, that bunch.

25 Q Okay.

1 A Then there was a task force that basically
2 worked for the committee that was involved with looking
3 at all these other things. I think, yeah, that's the
4 task force (indicating). Okay. No, that's the policy
5 committee (indicating).

6 Q You mean there was a task force that, other
7 than the task force that was looking at generic
8 applications for the vertical slice at Watts Bar?

9 A There was a task force, my recollection,
10 there was people like Henry Jones and John McConnell and,
11 I'll be honest with you, I can't remember all the others.

12 Q I think that may be the generic, I think
13 they are listed in that report. I think they were
14 involved with the generic applications.

15 A And also they were supposed to look at what
16 does this whole thing mean. That was one of the things
17 they were supposed to do.

18 Q Were they looking at the Black & Veatch
19 findings from the aspect of, hey, are these really
20 legitimate findings or not?

21 A Yeah. I don't see that group in here, but
22 they were doing that, and they were also looking to see
23 if, in fact -- well, one of their jobs was really to,
24 since the policy committee is not the kind of group of
25 people that will get involved in the details, the task

1 force was really the group that was set up to do the
2 homework for the policy committee.

3 Q Okay. Who, to your knowledge -- that's the
4 policy committee report, that's a copy of the policy
5 committee report (indicating). Who wrote that report?

6 A That was written mostly by Beasley and the
7 task force.

8 Q Okay. And NSRS did a review of the
9 response, which I guess that is, and why did NSRS get
10 into that?

11 A All right. First of all, let me go back a
12 little bit. This policy committee is really a group that
13 was set up by Kimmons, OEDC. Normally speaking, NSRS
14 would not be on the policy committee. I got on the
15 committee because I felt like it was the only way I was
16 ever going to know what was going on.

17 Q So, you, essentially, volunteered to get on
18 the committee?

19 A I can't remember whether I volunteered or I
20 told them I wanted to be on it, I really don't remember.
21 All during the time of Black & Veatch, this was before
22 Murdock and that bunch of people got there. All during
23 that time period, the only source of information I had on
24 Black & Veatch was, we had one person that was following
25 them, it was Jerry Smith.

1 I occasionally would go back, say to Jerry,
 2 "How's it look," and I'd get very little information.
 3 He'd say, "Well, I don't have any problems." I'd say --
 4 well, I couldn't get much specific out of him. He'd say,
 5 "Well, occasionally, I'll talk to Henry about something,
 6 it will get taken care of."

7 I felt very, very uneasy, and that's why I
 8 got on the policy committee. It's the only way I could
 9 keep up with what was going on. Being on the policy
 10 committee still doesn't, you know -- they'd meet every so
 11 often, but Black & Veatch is reams and reams
 12 (indicating), and Jerry would look at that stuff, but I
 13 would get very little input from him. I felt very, very
 14 uneasy.

15 So, when it got around for the final report,
 16 I feel even more uneasy. And one of the reasons I felt
 17 uneasy is that you have to remember why Black & Veatch
 18 was made.

19 Black & Veatch was made, because, one of the
 20 reasons it was made was that, as a result of our reviews
 21 of programs, we found lots of holes in programs. And if
 22 you find lots of holes in programs, the line response
 23 always was, "Well, even though we got problems in our
 24 programs, everything in the plant is all right, we know
 25 it's all right."

1 And I'd say, "Well, I'm glad that you think
2 it's all right, but, you know, I don't have that same
3 degree of confidence."

4 It's a normal thing for a reviewer to expect
5 to see something other than just that high degree of
6 confidence. So, and I believe when we made the review of
7 Watts Bar, that we said we believe you need to have an
8 independent review. And I can't honestly tell you we had
9 had a hard time getting that or not. NRC also didn't
10 think it.

11 Q Was this, when you said you made the review
12 of Watts Bar, you mean a management review of Watts Bar?

13 A Right. We had made a management review of
14 Watts Bar, and our perception then was that because of
15 the number of problems, that we recommended an
16 independent review. At or about that same time, I
17 believe the Region was saying the same thing.

18 Now, I, again, I don't know whether we would
19 have had a hard time getting that made or not if the
20 Region hadn't also been pushing, but eventually TVA did
21 reluctantly make the review.

22 Well, the review was supposed to establish
23 that, in spite of all those problems in your program,
24 what you found out there was all right. Well, we get
25 down to the tail end of this report, it became very clear

1 to me that everything wasn't all right. You had all
2 these deviations.

3 So, one of the things -- there were two
4 things I felt like I wanted some additional support on.
5 And one I remember going to Beasley, and I said, "Well,
6 Beasley, the way this report reads doesn't make a lot of
7 sense. You found all these problems and then you say
8 everything's all right."

9 So I said, "I believe you really need to go
10 back and look at those things you've identified and at
11 least make some sort of safety evaluation of those things
12 so that you can make a statement with regard to 'If I
13 hadn't had fixed all these things, would I still have
14 been all right?'"

15 And I did convince him to do that. At the
16 same time, I went -- well, you can see the date of this
17 was March, and I had just hired this bunch of people from
18 the breeder.

19 And I went to Murdock, said, "Jim, I'd feel
20 much more comfortable if you people would, in the next
21 several weeks, concentrate all your people looking at
22 that Black & Veatch report and tell me, really, what you
23 think of the thing."

24 Q At that point in time --

25 A I hadn't had anybody to do it prior to that

1 time.

2 Q But at that point in time, were you
3 directing Murdock to have them look at the Black & Veatch
4 report itself or at both the Black & Veatch report and,
5 say, a draft of that response to the report?

6 A I think I was basically talking about
7 looking at the Black & Veatch report. In fact, I believe
8 when I first talked to them, this didn't even exist. I
9 can't remember -- my recollection is I got most of those
10 folks in around the first week of January, and was
11 probably the latter part of January where I said, you
12 know, "You really need to do that." I don't know whether
13 it was January or February. As I soon as I could, I
14 wanted them to do it. The --

15 Q And what did they find? What were they
16 starting to find?

17 A Well, I ran into some real problems because
18 they did lots of talking, but I didn't get any report.
19 At the same time, I'd go back to Murdock and I'd say, "I
20 understand you've got some problems with the report,
21 but," I said, "can you tell me, can you give me an
22 indication of are those problems serious enough to hold
23 this up?"

24 Q Okay. This wasn't in existence yet, right
25 (indicating)?

1 A No.

2 Q Okay.

3 A This didn't really come out until March
4 (indicating).

5 Q And they are reviewing the Black & Veatch
6 findings, and you say they are having a lot of talk,
7 but -- what was the nature of the talk, that there were
8 some problems or --

9 A Depends on who you talked to. The, I guess
10 my best recollection was that, yeah, they got lots of
11 problems, and then when I'd say to Jim, I'd say to Jim,
12 "Lots of problems doesn't tell my anything."

13 I said, "Could you people put down your
14 thoughts on this in some sort of report so I've got
15 something I can act upon?" I said, "Just this constant
16 talking doesn't really help."

17 That, I'll be honest with you. That group
18 was, they liked to do lots of talking, but when it comes
19 down to something that one can use, putting down "I
20 looked at this, this is what I found, this is the nature
21 of the problem, this is what we think needs to be done,"
22 very difficult to get anything.

23 Q Were you getting any kind of daily or weekly
24 rough draft handwritten information regarding these
25 problems from either Murdock or these people?

1 A No. In fact, I'd go back to Jim
2 periodically, and I'd say "Jim," I said, "how you
3 coming?" I said, "I really need something." Damn near
4 begged them. I said, "I need something."

5 Q What were they begging for?

6 A No, I was begging Jim to get something
7 written that I could look at.

8 Q Okay. And were you needing to make any kind
9 of an answer to the policy committee?

10 A I used to go back to Jim, I'd say, "Jim, if
11 you've got serious problems, I need to know about them."
12 I said, "If, on the other hand, you've looked at these
13 things and you're satisfied that we don't have any real
14 safety problems," I said, "then I need to know that,
15 because," I said, "I really want to move on this thing.

16 "if your only problem is being able to sit
17 something down in a report that we can send out," I said,
18 "That's all right, but," I said, "I need to have the
19 basic information."

20 We did get -- and Jim can fill you in better
21 on that. We did get a report which he gave me. I don't
22 know the date of it. It was a lot. I don't even
23 remember how it is compared to this. Their first draft
24 report, which I went through and marked up and gave back
25 to Jim. And then it was a long time. I don't believe

1 they issued their report until about June.

2 Q The final report was issued in June?

3 A June.

4 Q But let's -- that's a draft, that is a
5 draft --

6 A Okay.

7 Q -- of that report (indicating). But you
8 felt uneasy about the actual situation with respect to
9 Black & Veatch, you had your people looking into it.

10 Did you ever talk directly to any of the
11 people below Murdock in the TARS group that would be
12 talking about these problems, and yet not putting them
13 down in any kind of a report form?

14 A I'd be surprised if I didn't, but it
15 wasn't -- I didn't spend a lot of time with them.

16 BY MR. WINDT:

17 Q What people were they?

18 A Let's see. I believe Jim had all his people
19 on it. So, it would have been O'Block, it would have
20 been Hornstra, it would have been Washer, it would have
21 been Jerry Smith, Bruce Siefken. I told him to put all
22 his people on it, because I really needed to get
23 something out on it.

24 BY MR. ROBINSON:

25 Q When you said you needed to get something

1 out on it, are you talking about needing to get something
2 out like this response, or what did you need to get out
3 on it?

4 A Well, I wanted them to look at the report,
5 identify any problems in, the nature of the problems and
6 recommended action. That's all I cared about. Not tell
7 them what to conclude and don't care what they conclude,
8 I just wanted a conclusion. I didn't want them to just
9 keep talking about it forever.

10 Q I understand that.

11 A Eventually, they did --

12 Q Yeah. When did this come in, this come into
13 the picture (indicating)?

14 A I don't know if this was the first -- I know
15 this wasn't the first thing they put out. The first
16 thing they put out was, I don't know if you got a copy of
17 it, I don't have a copy of it.

18 The first thing they put out was kind of a
19 mess, it was hard to understand, a lot of wild
20 statements, no support.

21 I remember I marked it up like I do all
22 reports, and I'd put little marks in the column, I'd say,
23 "Jim, if this is a problem, we need to have some
24 information with regard to it so that we can take some
25 action." Or I'd say, "This is totally confusing, doesn't

1 make any sense."

2 I don't generally -- although I've been
3 accused of censoring reports, I go through the reports to
4 see if they make any sense. If they don't make sense,
5 I'll raise questions about them.

6 If they -- if somebody says we got a total
7 problem, and you can read that information and there's no
8 indication of the nature of the problem, I'll say, "You
9 need to discuss this so that somebody can understand what
10 the problem is," and I did that with Jim.

11 Also, when I got the first report, I said to
12 Jim, I said, "Are there," I said, "Jim," I said, "Are
13 there any problems in here of the nature that would
14 really require us to hold up on this thing?" And I said,
15 "I'm talking about from a safety standpoint, are there
16 really any problems?"

17 And eventually, Jim came back and said,
18 "No." When I eventually signed this thing, I signed it
19 and I told him, I said, "The staff has not completed
20 their review. If our review ends up with things that we
21 still are not satisfied with, we'll take further action."

22 So, I didn't really feel like signing this
23 really relieves them of -- it didn't give them a clean
24 bill of health.

25 Q Did you agree with what was said in that

1 document?

2 A On the basis of what I could get out of Jim,
3 yes.

4 Q Did you feel comfortable signing that
5 document?

6 A I did when they added the sentence in here
7 that dealt with the safety evaluations. Without that, I
8 wouldn't have, for the simple reason that I didn't feel
9 like without that kind of evaluation, we had really
10 answered the question of what we were searching for in
11 the first place.

12 Q Was any pressure put on you by anyone on
13 that policy committee to sign off on that document?

14 A Well, I think they all wanted me to sign it,
15 because if I didn't sign it, you know, that it probably
16 wouldn't have gone anywhere.

17 But I don't feel like it -- I hadn't
18 really -- I guess I, I guess my feeling was that it
19 didn't bother me to sign that, because if when we finally
20 ended up with our report, if our report showed any
21 difference that wasn't in here, we would just pursue it
22 separately, and I think they all understood that.

23 Q Did you have any idea where that was going?
24 I noticed it's addressed to Raulston, Mechanical
25 Engineering Support Branch.

1 A That's because basically he was handling
2 that Black & Veatch for Kimmons, the head of OEDC.

3 MR. ROBINSON: Jim, do you have anything you
4 want to ask about Black & Veatch right now?

5 MR. STONE: Not right now.

6 A I might add when we finally did get that
7 report, I think it identified something like six items.
8 My recollection is not all that great.

9 I remember looking back at it some months
10 ago when the response came in on that, and I believe
11 three or four of them were closed out, and two of them
12 remained opened. I don't know where those stand today.

13 Q Is that the final report, seven, seven
14 recommendations?

15 BY MR. STONE:

16 Q When your staff did review the Black &
17 Veatch report, you looked at more than just what Black &
18 Veatch did, though? You went in, from what I'm reading
19 there, it looked like -- I looked at what TVA was
20 proposing as a ^{AR} collective action for those things. Is --

21 A I'll be honest, I don't know to what extent
22 Jim's people looked at the corrective actions, I really
23 don't know. I would hope that they would do more than
24 just look at, you know, the findings in there, but they
25 looked at those corrective actions.

1 BY MR. KINDT:

2 Q That policy committee report there, did you
3 feel that there was any pressure from people in
4 management for you to sign off on that, other than who
5 were on that committee?

6 A No.

7 Q Did you feel some kind of pressure yourself,
8 though?

9 A No, not really. My only real concern was in
10 the last staff, I had some real problems with what
11 they're finding. There was no reason to hold this up.

12 Q The only reason I'm asking that, Mr. Culver,
13 the only reason, I feel that you had some kind of feeling
14 or concern or you never would have had your own staff to
15 take a look at that to begin with.

16 A Well, obviously, I had a concern.
17 Otherwise, if I didn't have a concern, I wouldn't have
18 recommended they do it in the first place, but having
19 done it, my real concern was that there was too much of a
20 feeling within the organization that we've gone out,
21 we've identified some problems with hardware, and we've
22 fixed them. And, therefore, since we've fixed them,
23 we've got no problems.

24 And I felt like that was rather faulty
25 thinking, because the reason they did the thing was that

1 they were really trying to establish the fact that we
2 didn't have any problems in the hardware.

3 And to go out and fix the problems in one
4 system, even though they looked at some of the others,
5 didn't really answer the basic question.

6 The basic question that I was interested in,
7 is that, had we not made a Black & Veatch review and we
8 had not gone through this effort, would our plant have
9 been safe.

10 That's why I said, just to say we're okay
11 because we fixed the things that we found was not enough.
12 We really needed to make a safety evaluation of what
13 would have been the impact had those things not been
14 fixed.

15 Q So, when you signed that, you had no concern
16 at all about that, that there was any doubt in your mind
17 that that wasn't right, that policy committee report?

18 A On the basis that I talked to Jim, and I
19 said, "Of the things you have identified, can you tell me
20 had those things not been fixed, would we have had a
21 safety problem?"

22 Well, when you get into that kind of
23 discussion, as you well know, safety problems means
24 different things to different people. A number of these
25 things that actually showed up in that report eventually

1 are not direct safety problems.

2 I remember, I think this is the one where
3 they had problems with, I think this is the one where
4 they had a problem with the cables and the trays. I
5 remember a lot of discussion with Jim about the cables
6 and the trays.

7 I said, "Jim, the commitment by TVA was that
8 you wouldn't exceed over, I'm just using a number,
9 seventy percent of the fill." And Jim kept telling me --
10 I said, "Tell me why is -- have you really looked at that
11 enough to determine why that's a real problem?"

12 And I asked him, I said, "Why is it a
13 problem," because of the fact if you make the
14 commitment, you ought to do it, but the fact that they go
15 above seventy percent, I said, "What's the problem?"

16 Well, I remember his first statement was,
17 "Well, if you fill them over the top of the tray, you
18 lose your missile protection."

19 And I remember saying to Jim, I said, "That
20 doesn't make sense." I said, "The cable tray doesn't
21 provide missile protection to the cables." I said, "If
22 you got a missile, the fact that the thing is over the
23 top of the tray rather than down within the tray doesn't
24 make a whole lot of difference, doesn't make any
25 difference."

2

1 And that's, I don't know of anybody that
2 designs cable trays to take missiles. So, that I said, I
3 said, "That's not really a reason." I said, "Is there
4 any basis from anything you've seen to indicate that
5 that's a real safety problem," not talking about the fact
6 that it's not, it was not within the commitment.

7 So, I had a lot of discussions with Jim
8 about, well, what safety is all about.

9 Q Well, then, the final conclusion on this,
10 was it your interpretation that there was no safety-
11 related problems, or was it his interpretation?

12 A Jim told me that they had found no things
13 that represented safety problems.

14 Q This was after you had the discussion with
15 him about it?

16 A We had a lot of discussions on that.

17 Q But was his interpretation based upon your
18 discussions, then, of what was safety and what was not?

19 A I strongly suspect that I may have had a
20 little influence on him. I -- that's why I had the
21 discussion.

22 Q Sounds like it.

23 BY MR. STONE:

24 Q When you were talking to him --

25 A Again, I wasn't trying to say, "Jim, you

1 don't have a safety problem because I say you don't have
2 one," I was trying to explain to an individual who may
3 not have had as much experience looking at safety
4 problems.

5 Some good designers don't understand what
6 constitutes a safety problem, and some people think that
7 you got a real safety problem if you deviate that much
8 (indicating) from what your commitment is.

9 Q In your discussions with, I guess it's Mr.
10 Murdock, did he talk about the specifics that they were
11 finding, or was it a general statement that "We have
12 these problems"?

13 A After I got his first report, we talked
14 about some of them, sure.

15 Q And did you get the first report before the
16 policy report?

17 A I don't know if I got it officially. I had
18 seen a number of the things in the report. We had
19 discussed some of those. I don't know what else I can
20 say about that.

21 BY MR. ROBINSON:

22 Q If you had a feeling that perhaps Murdock
23 wasn't real good on maybe what was safety related and
24 what wasn't, did you ever have a meeting with the
25 individuals of the group with Murdock present and ask

1 them if they had any safety-related concerns?

2 A No. One thing special about this, I very
3 rarely will go back and meet with individuals on reports.
4 The only exception I know is that thimble tube, mainly
5 because there were so many things involved in that.

6 Q Is there any significance to the fact that
7 Jim was the only guy that signed that report, is there
8 any significance?

9 A The only significance I draw on that is that
10 was the first report Murdock ever put out, and didn't
11 understand our system, and I guess, I guess if I were
12 doing it again, I would have sent that thing back and
13 say, "Jim, have this thing signed like we do on all the
14 others."

15 Q That's only significance that -- I mean, was
16 there a feeling that you had that that report as written,
17 if it would have been circulated to the members of Jim's
18 team, that they wouldn't have signed it?

19 A I don't, no.

20 Q You don't have any feeling like that?

21 A No. I guess if I were to ask him today,
22 they would say they wouldn't sign it, but to -- I guess
23 it would come as a total shock to me that Murdock would
24 sign something unless the people that worked for him
25 agreed to it.

1 Now, that particular one, Jim wasn't there,
2 I guess, when it got signed out. I did have some
3 discussions with Washer on it. The only -- and my
4 recollection there was the only thing I asked him to
5 change, if he agreed with me, is that his cover letter, I
6 thought, was very poor.

7 He had written a cover letter, and smack in
8 the middle of it he had a statement that the Black &
9 Veatch report was a whitewash, and I asked him if he
10 understood what "whitewash" meant.

11 And I said, "If it was a real whitewash," I
12 said, "Get me the facts and I'll leave it alone. But
13 if," I said, "If it wasn't a whitewash, why do you want
14 me to put that in a memo and send it out, because," I
15 said, "I'll have to defend that to somebody?"

16 Q And what did he say to that?

17 A He says, "Well," and he went back and
18 changed it.

19 Q Did he -- he didn't try to justify it in any
20 way that -- he was the one that drafted the cover letter
21 for you, Washer?

22 A Sure. I guess, yes.

23 Q He didn't try to justify why he had put that
24 paragraph in there?

25 A No. I told him if he wants to leave it in

1 there, I says, "You tell me why it's a whitewash," and I
2 said, "That's the first time I've heard about it being a
3 whitewash."

4 I presumed at the time it was another one of
5 these examples of a wild charge, which was not unusual.

6 BY MR. KINST:

7 Q Mr. Culver, you said if you asked them
8 today, they probably wouldn't sign it. Why do you say
9 that?

10 A Because, I guess it's because today my
11 perception of the way that group feels is a lot different
12 than my perception of the way they felt at the time.

13 I must have seen that Jim just signed it and
14 I thought nothing of it, because I just assume that no
15 supervisor would sign a report unless the people were in
16 agreement.

17 Q Have you had any discussions with Jim
18 Murdock since about why he was the only one that signed
19 the thing?

20 A I don't know if I had had any discussions or
21 not. I think, I think the last time I talked to him
22 about that report, I said, "I sure wish you had had them
23 all sign that," but I didn't think anything of it at the
24 time.

25 Again, I think it was because that first

1 report they ever put out, unfortunately, Jim just didn't
2 understand that all our other reports, we had all the
3 people that were involved in it sign off on it.

4 Q Is that why he said he didn't have them sign
5 off?

6 A (Nodding head negatively.) He didn't say.

7 Q You know, the reason I was asking, when you
8 made that comment to him, you thought he would give you
9 some kind of response?

10 A If he did, I don't, you could ask Jim about
11 that, I really don't know. It's the only, I think it's
12 the only report we ever put out that wasn't signed by all
13 the people that were involved.

14 And in retrospect, I really wish we had done
15 it that way so that these folks wouldn't come back and
16 say, "Well, I didn't agree to it."

17 BY MR. WARD:

18 Q How many people were in NSRS at that time,
19 approximately?

20 A Oh, maybe twenty-two, three, I guess.

21 Q Were they all located essentially in these
22 spaces here?

23 A Back in those days we were back in the old
24 Hamilton Bank Building. We were on two floors. Most of
25 Jim's people were all on one floor, and Kermit's were on

1 the other floor, as well as --

2 Q Did you have much contact with these people
3 on a day-to-day basis like at the coffee mess or lunch or
4 maybe even socially?

5 A Pretty much. It was a group of fairly close
6 together, because it was, they were fairly small
7 quarters, and the coffee pot was on the first, on the
8 lower of the two floors where I was, so you'd almost
9 always see people all the time.

10 I guess the part that, in retrospect, I
11 don't understand, if people really had that big of a
12 problem with that report, and Jim signed the report,
13 nobody really came to my office and said, you know, "I
14 really don't agree with what's in that report, I really
15 don't understand why he sent it out."

16 Q You're anticipating my obvious next
17 question. Did anyone, in fact, do that?

18 A No.

19 Q Did you hear perhaps second-hand that there
20 may have been some degree of dissatisfaction, any rumors
21 to this effect?

22 A I guess I always felt like there was a
23 little dissatisfaction in that group. That group has
24 always had some dissatisfaction. They really did a lot
25 of things.

1 There was, there were problems with the
2 group before Murdock's people got there. When Murdock's
3 people got there, I constantly heard problems of, they
4 were trying to make the TVA reactors like breeder
5 reactors, because they had all come off the breeder
6 program.

7 And now every once in a while, I'd be
8 hearing the fact that, "Well, NRC told us we had to do
9 this on the breeder. Therefore, I don't know why they're
10 not doing that at Watts Bar."

11 I used to say to Jim, I'd say "Jim, you know
12 as well as I do that not all NRC, excuse me, not all NRC
13 people think the same. And the fact that somebody in NRC
14 told the breeder they got to do something, which was a
15 slightly different time vintage, anyway, doesn't
16 necessarily mean we've got to change everything we're
17 doing at Watts Bar."

18 There was always that kind of
19 dissatisfaction. There was some dissatisfaction about
20 the fact that some of those folks couldn't identify a
21 safety problem, immediately go out and tell the line to
22 do something and get them to do something without even
23 writing a report.

24 So, part of that I attributed to the fact
25 they really didn't understand how the system worked

1 within NSRS.

2 Whereas, there were problems with that
3 group, on the other hand, the other group, you never
4 heard of any problems. So, I attributed some of that to
5 the fact that we had some growing problems with people
6 who had been assimilated in a group and really didn't,
7 first of all, yet understand how the system worked.

8 BY MR. KINDT:

9 Q You've indicated it's your belief now that
10 these people apparently felt strongly enough that they
11 would not, it does not surprise you now that they would
12 not have signed the report?

13 A With all the things that have happened in
14 the interim, yes, I see that now. But I also, also think
15 that some of that is somewhat discounted by the fact that
16 when they sent the report up and got a response back,
17 they accepted the response in some cases.

18 When I sent it back to Jim, I said, "I don't
19 know why they're accepting these responses, the responses
20 don't say much of anything," which led me to believe that
21 they really didn't feel like it was that big of a problem
22 in the first place after all the talk.

23 Q It could have been they were just so
24 dissatisfied, at that point they didn't feel that --

25 A I don't know.

1 Q I'm not saying that, I'm just asking that.

2 A Yeah. The issue of the cable trays, the
3 response that came back was really not very good. They
4 bought off on it and immediately flipped to a different
5 issue, which I told Jim, I said. "If that's the issue
6 you want to pursue, fine, but," I said, "You ought to
7 really put the first one to bed.

8 BY MR. WARD:

9 Q Did it surprise you that perhaps maybe
10 looking backwards now, that if they did feel that
11 strongly, that no one of them mentioned anything to you?

12 A Yeah, I'm a little surprised. In fact, the
13 first time I ever really got an indication that Hicks was
14 really bothered was the day that he came in.

15 In fact, before he left, I said, "I want to
16 talk to you, sit down and talk to you." I believe when
17 people leave, it's a good time to talk to them, they'll
18 really unload on you.

19 And he came in the office. I said, "I'd
20 really like to talk about why that group back there is
21 not performing better, and what it is that's causing it,"
22 because I thought that was a real good opportunity.

23 And that day, he dumped a stack of papers
24 about that thick (indicating) on my desk. He said, "Here
25 are all the technical problems," and I said, "Fine.

1 We'll give those to Murdock and let him chase them."

2 I said, "I don't want to talk about
3 technical problems on your last day." I said, "I want to
4 talk about why that group is not performing."

5 I had a hard time really getting much out of
6 him. All he wanted to do was talk about the stack of
7 papers. I think that's the stack of papers that
8 eventually he sent to Washington.

9 BY MR. ROBINSON:

10 Q Did you ever really look at what was
11 contained in that stack?

12 A I gave these to Murdock, and I said, "Jim,"
13 I said, "You need to go look at every one of those." I
14 asked Murdock afterwards what he did with them. He said
15 he gave them to Jerry Smith for follow-up. And you'll
16 have to talk to Jim about what he got out of Jerry Smith.
17 I don't believe he got much of anything.

18 Q Did you, did you ever give any indication to
19 Dallas Hicks that that was the first time, when he handed
20 you that stack of technicals, that that was the first
21 time you had ever seen any of those type concerns, or did
22 you not look at them?

23 A The first time I asked him, I said, "You've
24 got all these problems, why haven't you not raised them
25 within our organization? That's what you're here for."

1 Q Okay. What did he say to that?

2 A I think he said that it was because nobody
3 here is interested in safety, and I think I said to him,
4 I said, "Well, why do you think we're here?"

5 Q Do you remember getting a letter from
6 Freeman after the issuance of the final NSRS report,
7 Freeman sending you a memo saying --

8 A Which report now?

9 Q Okay. The Black & Veatch final report that
10 was issued in June or July of '84, okay? This one
11 (indicating).

12 My question is, do you remember getting a
13 letter from Freeman that questioned how you could
14 essentially in good conscience ^{ENCL} have signed the policy
15 committee report, knowing what was in, contained in the
16 Black & Veatch findings by your staff?

17 A A memo from Freeman?

18 Q Yes.

19 A I guess I'd have to say I don't remember it,
20 although it doesn't mean I didn't get one. Did I get
21 one?

22 Q Yes.

23 A Okay. Which one, David or Richard?

24 Q I don't have those documents with me right
25 now, but we'll -- we may talk about those in the future.

1 A If I got one, we would have responded to it,
2 or did we respond?

3 Q Yeah, and the response was not really
4 pointed to the questions, but we'll have to get the
5 documents and we'll talk about it.

6 A Did I write it?

7 Q You signed it. I don't know whether you
8 wrote it or not.

9 A I don't really recall that.

10 MR. ROBINSON: Okay. I'm sorry. I kind of
11 interrupted your line of questioning, Bill.

12 BY MR. WARD:

13 Q Well, I guess maybe stepping back a little
14 bit broader here, obviously, you're a very experienced
15 manager and have some strong feelings of management
16 styles and philosophies, I would assume.

17 Could you just generally describe your
18 theory of management, particularly as it relates to a
19 group like NSRS?

20 A Okay. I guess the way I approach it is that
21 I firmly believe you assign the work, say, to the two
22 sections, and that you basically hold them responsible.

23 I try very hard not to interfere with what
24 they are doing when they generate, either go out on the
25 review or generate the reports. But I do feel very

1 strongly, and I felt probably more strongly in 1980 than
2 I did towards the tail end, that, to keep credibility of
3 the staff, I did look very hard at what went out.

4 I followed the same basic principle there.
5 As I said earlier, if you got reviewers and you look at
6 their work, and if, generally speaking, you have no
7 problem with what they are doing, you don't look as hard
8 the next time.

9 If, on the other hand, everything an
10 individual turns out is poor quality, which is a
11 judgment, I admit, is a judgment that it's poor quality,
12 you look at it much more carefully.

13 As a matter of principle, if I got a new
14 employee, and I'm not familiar with his capabilities, I
15 would tend to look very hard at what he's done.

16 That's one of the reason why this report,
17 whioch was the first one that group had really turned
18 out, you can bet your last dollar that I looked at it
19 very hard to see what was going on. But I think if you
20 asked other members of the staff, I looked at all of the
21 reports.

22 Q You were, in essence, the second-level
23 supervisor over most of the reviewers, right? They
24 reported through a first-level supervisor to you?

25 A Well, as far as I was concerned, they

1 reported to their supervisor, they didn't really have
2 that much contact with me.

3 Even if I had questions on a report, it
4 would normally take the form of a question. Sometimes
5 I'd suggest some rewriting, and I'd say, "But if you
6 don't agree with it, you don't have to change it."

7 On rare occasions, I would get involved with
8 the details of the report. I could give you some
9 examples of why. Like one time, I had two reviewers that
10 were writing a report, it was a beautiful report but they
11 were really having a hard time writing the conclusion and
12 recommendation, and I gave them a lot of help.

13 But having done that, I said, "If you don't
14 agree with these," I said, "For goodness sake, you don't
15 sign the report." I said, "If you don't agree with them,
16 you ought to tell me why."

17 But I did that mainly because they just were
18 having a hard time taking all those facts and drawing
19 some conclusions. In that particular case, they said,
20 "Oh, thank God, that makes good sense what you did."
21 It's just a matter of experience, taking a bunch of facts
22 and drawing conclusions.

23 Q Did you have any staff meetings where all
24 the staff would assemble in a room?

25 A We didn't have a lot of them, for the simple

1 reason we didn't have a, we didn't have a room that was
2 big enough to handle all the people. When we did have
3 room originally, we were meeting more frequently.

4 The last year or so, well, in '84, we
5 didn't, we didn't even have -- one time the General
6 Manager came in where we had to meet in the hall, but
7 most of the meetings were by the group head, most of the
8 meetings were by the group head with their people.

9 Q Did you provide the opportunity, you think,
10 for people at the working level to discuss with you any
11 problems they might have? Did you encourage an open door
12 policy, or did you consider yourself particularly
13 accessible to these people?

14 A People could walk in my office any time they
15 wanted. I guess I always felt like anybody that had a
16 problem could come and talk to me. I don't know why they
17 couldn't. Some of them did, some didn't.

18 I got to admit that sometimes I was gone a
19 good deal of the time, but as far as I know, if somebody
20 had a problem, they could come talk to me.

21 Q I was wondering, you seem to have had
22 somewhat of a long standing concern about the performance
23 of the group involved in Black & Veatch. I was wondering
24 what steps you felt you should have taken to allay these
25 concerns or to find out more about them?

1 A Mostly, I would go back and talk to Jim, you
2 know, about the problems that they might be having. I
3 may or may not have had some meetings with his group.

4 I really don't -- I don't recall any large
5 number of meetings, if we did have meetings. I really
6 generally would sit down and talk to Jim about it.

7 Q But none of these actions that you may have
8 taken gave you any feedback to make you believe that
9 there were some strong feelings against the content of
10 that report?

11 A Not strong feelings. I guess if I had to
12 characterize them, I'd say that they may have felt like
13 some of the changes weren't necessary. A lot of people
14 get more upset if somebody has got comments on their
15 reports. Some people go right to pieces, others don't
16 mind.

17 Q But nothing to trigger a suspicion of the
18 fact that it bore only his signature and not the group's
19 signature, you didn't make any connection in your mind
20 between the rumbles of dissatisfaction, perhaps?

21 A I guess if I had really felt like Jim signed
22 that thing because of other people were unwilling to sign
23 it, I would never have issued it. I've never, I've never
24 issued a report to my knowledge where I knew the people
25 didn't agree with it.

1 And you could probably talk to most of the
2 people on the staff, and I've said many, many times that
3 any time I put a comment down or suggest a word change,
4 if you don't agree with it, you should not accept it.

5 Q What do you mean by "not accept it"? Does
6 that mean that you'll --

7 A Come and argue with me about it or we'll
8 come and discuss it further. Having been an investigator
9 myself, you know, the worst^T thing I think you can do is
10 change an investigator's report. And I don't know of
11 anything in that report that changes the intent of the
12 report.

13 BY MR. ROBINSON:

14 Q But even though Phil Washer didn't come back
15 to you after he tried to put a paragraph in the cover
16 letter about whitewash with any specific argument as to
17 why he wanted to use whitewash, didn't you kind of get
18 the feeling that some of the staff may have had some
19 problems with --

20 A No, I guess, I wasn't totally surprised to
21 see it there, because there were a number of people on
22 the staff that were prone to use language which they
23 later on would have to admit themselves was not very
24 really accurate, emotional type outbursts, I'd call them.

25 Q You had had experience with that type of

1 thing before with the staff?

2 A Not so much in NSRS, not earlier, no.

3 Q So, then --

4 A All I said to Jim was, "If you really
5 believe it was a whitewash, you get some information to
6 convince me."

7 Q You mean Phil, Phil Washer?

8 A Right. Because I told him, I said, "I'm not
9 going to send something out that says we've had a
10 whitewash unless I've got some indication of why you are
11 saying that."

12 After all, I would have to, you know, I'd
13 have to answer to the General Manager, the Board and
14 everybody else in TVA. A whitewash is a rather serious
15 term.

16 Q Oh, yes.

17 A I told him if -- I said, "If there's a real
18 whitewash out there, you get me some facts."

19 Q And then when he didn't show up beating on
20 your door within the next two or three days with his
21 facts, you felt --

22 A I believe he went back and --

23 Q Realized that it wasn't a whitewash?

24 A I guess my feeling was that at the time he
25 felt like, no, it wasn't a whitewash and he had used a

1 rather improper term. If I was convinced it was a
2 whitewash, I would sure pursue it.

3 In fact, I guess I wouldn't have put it in
4 the letter unless I had some real basis for it in the
5 first place. And if I had the basis, I sure as heck
6 wouldn't have changed it.

7 Q After that incident where he called it the
8 whitewash, and you told him to go back and get the proof,
9 he never came back to you, did he?

10 A He came back.

11 Q Oh, did he?

12 A Well, he came back with a revised letter.

13 Q Did you ever question him further after that
14 on, "Hey, you know, remember you said that was a
15 whitewash? Did you ever come up with anything as to why
16 that was a whitewash"?

17 A No. I guess my feeling was it would have
18 proved an embarrassment. I just didn't wrestle with him.
19 I really honestly felt that Phil used a bad term and he
20 just recognized it.

21 I guess I was just flabbergasted, because I
22 don't know what his basis would have been if, in fact,
23 there had been any basis. I'm amazed that he would not
24 have discussed it with Jim, and Jim would have been up
25 there talking to me several months earlier. After all,

1 we're talking about July.

2 Q I've got some strong indications that there
3 were some strong discussions between Jim and the staff.
4 Do you feel that Jim was hiding those discussions from
5 you?

6 A If they had strong feelings, I guess I
7 didn't get any strong indication of it.

8 Q You didn't get any of it?

9 A No, I don't know. You'd have to ask Jim
10 why.

11 BY MR. KINDT:

12 Q You did have discussions with Jim, though,
13 about certain aspects that apparently he felt strong
14 about. I'm just wondering if those same things came from
15 his people, his staff.

16 A If -- I guess if his people felt very
17 strongly about what was in the report, and they came to
18 Jim, I didn't get that sense that there were some strong
19 feelings about things.

20 I did hear some rumblings about the fact
21 that they wrote a report and I had a number of large, a
22 large number of suggested changes. I don't find it
23 difficult to understand where people sometime object if
24 you make changes at all, in particular if it's maybe
25 their first report. I didn't sense any of the comments

1 that I had in the report that had changed the substance
2 of the reported. I didn't tell them to delete anything.
3 In fact, some things did get deleted.

4 I remember saying to Jim, I said, "As a
5 matter of curiosity, Jim, what happened to those things?"
6 Jim said, "Well, as a result of the questions you raised,
7 they went out and had to dig up some additional
8 information, and they found there was no problems."

9 BY MR. ROBINSON:

10 Q You remember him saying something like that
11 to you?

12 A He said that to me, because I was very
13 interested in why these burning issues had disappeared.
14 He said, "Well, they went back and pursued the questions
15 you asked, and when they did that, the problems went
16 away."

17 Now, I guess I have to believe that one of
18 the reasons for asking the question is to either
19 establish you have a problem or not. And I guess, again,
20 my strong feeling is that if you don't have a problem,
21 and the person hasn't pursued it enough to identify a
22 problem, you ought not to be littering up your reports
23 with a bunch of nonproblems.

24 Now, there was a perception of some people
25 on the staff that all we had to do was to identify

1 problems, whether they had any kind of basis or not.
2 There are still some people on the staff that feel like
3 it's not necessary to establish a firm basis for a
4 problem, it's only necessary to say "I think I got a
5 problem out here."

6 Now, I guess I don't agree with that
7 philosophy.

8 Q After you retired in January of '85 and came
9 back, how soon was it when you came back in a consulting
10 basis?

11 A I think it was about the last day of June.

12 Q Okay. Did you have any connection or any
13 input in late June, when Murdock made a presentation on
14 the Black & Veatch issue to the ACRS, did you have
15 anything to do with that?

16 A No, didn't even know they had done that.

17 MR. ROBINSON: I'll talk to him about that.

18 BY MR. STONE:

19 Q I have one. After you signed the NSRS
20 report on the Black & Veatch study, did you think about
21 what you had previously signed three months earlier,
22 which was the policy committee report, and at least it
23 appears that there's areas in there that are not quite in
24 agreement?

25 A I guess the impression I got when I signed

1 the report out, I said the feeling I got was because of
2 the nature of the problems that were identified in that
3 report, that what we signed earlier was totally
4 consistent, what we found in there, there were some
5 deviations from commitments, but that there were no
6 things in there that really represented big safety
7 problems. Now, that was my impression.

8 Q Okay.

9 A And when we got the responses back, and were
10 accepted by the staff, or several of them, I guess I felt
11 like even more, well, more that way, then.

12 BY MR. WARD:

13 Q Did anyone ask the, perhaps, larger safety
14 question as to why the commitments weren't being met to
15 begin with?

16 A Well, that gets back to the root cause
17 analysis, really. That was a part of it. You took each
18 of the findings and went back to the work sheets where
19 those things were actually worked on. All of them have
20 root cause analysis.

21 Unfortunately, I think one of the biggest
22 problems in TVA is their root cause analysis is rather
23 shallow. If you look at most of the findings in Black &
24 Veatch, the root cause is always identified as either a
25 procedural problem or lack of training.

1 And I -- I have to surmise, having looked at
2 a bunch of those, that that's probably not the real root
3 cause, but I don't know on an individual one what the
4 real root cause is.

5 Q Just as an over all statement, then, neither
6 the review group nor NSRS actually took a step backwards
7 and said how did all this, if you will, noncompliance --

8 A Not as part of that effort, no. They have,
9 not at that point in time, but I believe in '85, NSRS did
10 make a review of corrective action programs, which was
11 really intended to dig in much deeper into the TVA root
12 cause analysis.

13 My understanding was that that report really
14 didn't do the job. It's a -- really, it's a, to go back
15 and really identify why TVA's corrective action program
16 is not effective is a real tough review, would take a
17 tremendous amount of effort. As far as I know, NSRS
18 really hadn't done that.

19 In fact, that's one of the things that I
20 remember promising to Richard Freeman back when they
21 wanted us to go out and make more and more reviews. I
22 told him, "We don't need to make more and more reviews,
23 we need to find out why it is that we can never correct
24 the problems that we've already identified," which is
25 really going back and taking some case analyses as to why

1 were those corrective actions not effective.

2 BY MR. ROBINSON:

3 Q You had a conversation with Freeman like
4 that?

5 A The reason they wanted, at one point, they
6 wanted me to add a whole bunch of people so I could go
7 out and make a whole bunch more reviews. I said I'd
8 really, rather than making a whole bunch more reviews and
9 identifying the same old problems, what we really need to
10 do is concentrate on finding out why it is that the
11 solutions that TVA has identified in the past haven't
12 been effective.

13 I lost that argument. They made me add a
14 bunch of people, anyway.'

15 Q Were the results of a number of the reviews
16 that were done not formalized in the reports and just
17 handled informally, either by memorandums or verbally?

18 A No, all the -- no, all the -- if I
19 understand --

20 Q In other words, if, say, a team of two or
21 three of your NSRS staff went out and did the project,
22 some type of a review, was it possible for them to not
23 write a formal report on that review and to just perhaps
24 handle it through a memorandum or verbally?

25 A Presumably, any time we had made a review,

1 they had to write a report. I can only think of one case
2 where somebody went off and did something, they didn't
3 write a report, mainly because the problem -- well, it
4 wasn't a review as much as occasionally, issues would
5 come up at the plant.

6 For example, sometime back in '84, one of
7 the big issues at the plant was fire protection. And I
8 remember going back to, I believe I went back to Kermit
9 and I said, "Kermit, you should put somebody on fire
10 protection and go find out what are the issues, what's
11 TVA doing, what should be our position, because," I said,
12 "You can just be sure this issue will come up to the
13 Board. If the Board asks us what our position is, I feel
14 like we ought to know."

15 In that case, that job was given to two
16 people, and --

17 Q Mashburn and Smith?

18 A Mashburn and Smith. As far as I know,
19 nothing was ever written because the issue went away
20 before they could ever get anything done. They gave one
21 verbal report which I thought was very good, but we --
22 the problems at the plant were solved and the issue went
23 away, and I finally said, "Well, there's no sense in
24 putting the report out now, the issue is all gone." And
25 as far as I know, they never issued a report.

1 Q Right. The report was never issued, but it
2 appears that there's one that was pretty well drafted.
3 Is that the one we're talking about (indicating)?

4 A I never saw one.

5 Q You never saw it?

6 A I never saw one.

7 Q Was Murdock supervising Mashburn and Smith?

8 A It may have been Jim. I said Kermit. It
9 may have been Jim.

10 Q All right.

11 A It was one of those things that if you're
12 going to go back to the Board and report your position on
13 an issue, you really got to have your position before the
14 issue has gone by.

15 And the issue was really -- it came to a
16 head, it was resolved within the line, between the line
17 and NRC. And I remember just saying, "Well, since we
18 haven't got anything, there's no sense in them spending
19 more time writing a paper we're not going to use," and
20 that's the way that ended.

21 Q Who did you say that to, Murdock or Whitt?

22 A If Murdock was handling that, it would have
23 been Murdock. I thought it was Whitt.

24 Q So, you feel that the work that they had
25 done, that Smith and Mashburn did with respect to

1 Appendix R, Fire Protection was really outdated or not
2 applicable?

3 A I don't know. I never got, I never saw the
4 report. So, in fact, I didn't know they had written a
5 report. I don't know when they wrote it.

6 Q All they have is the dates of the review,
7 which was August through September of '84. And it was,
8 the title was "The Review of TVA's Experience in the
9 Implementation of Appendix R, 10 CFR 50, Appendix R."
10 That's the same project that you're talking about.

11 A When that issue came up, I remember sitting
12 in a meeting down in Atlanta between TVA and the NRC, and
13 my recollection at the time was that TVA was doing lots
14 of arguing with NRC about what was really required.

15 I came back from that meeting, and I thought
16 I talked to Whitt. It may have been Murdock. I said, "I
17 can see nothing but problems coming up on this, because
18 it sounds to me like TVA is going to fight NRC on this."

19 And I said, "As a minimum, we need to find
20 out what are the issues that are involved and what is our
21 position on this, and are we going to support the line
22 position, or are we going to go to the Board and say 'The
23 line is out of line, and we believe this is what needs to
24 be done'?"

25 Now, if you're going to do that, there is a

1 time to do that, and you have to do that befor. the issue
2 is all over. It took a long time to get anything at all.

3 Q When do you think you indicated they should
4 g. out?

5 A I don't know. It would have been, if I had
6 gone to a meeting in Atlanta on, say, on a Monday, I
7 would have told Murdock or Whitt, whichever it was, on
8 Tuesday, because I was concerned about the TVA position.

9 Q And then I may have missed this --

10 A I don't remember what the date of the
11 meeting was.

12 Q And I may have missed this, but, once again,
13 what was the logic for not either asking them what they
14 got to date or publishing what they had gotten to that
15 point?

16 A It became a nonissue, in effect, because
17 what had happened, was that I got nothing out of them for
18 a long time. Finally, I said, "Let's get these guys in
19 here."

20 I remember meeting in Whitt's office.
21 Murdock may have been there. I may have chosen Whitt's
22 office because it was big enough to get three or four
23 people in. I remember they came in and they gave us a
24 little rundown.

25 Q Mashburn and Smith?

1 A Mashburn and Smith. At that time, I really
2 felt like we needed to know. At that point in time, as
3 far as I know, they had written nothing. Shortly after
4 that time period, the issue changed rather drastically,
5 because I got feedback that the TVA organization was no
6 longer fighting the NRC on it, that they were going to
7 comply with the requirements and, therefore, it did not
8 appear we were going to have to go to the Board with a
9 big confrontation.

10 So, I remember I went back to Whitt or
11 Murdock, or whoever was handling it, I said, "We will no
12 longer need a documented position on that because there's
13 no longer an issue." And, so, I said, "Rather than
14 having them waste their time on that, put them on
15 something else." I just don't believe in writing reports
16 to put into the file.

17 And at the time I said that, I had no
18 indication they had anything written at all. So,
19 that's --

20 Q Even though at the end of the line, TVA was
21 at a point where they were going to comply with the
22 Appendix totally, you didn't think even though -- I'm
23 having a difficult time phrasing that.

24 You didn't think that, still, the
25 information developed in their research regarding TVA's

1 compliance with Appendix R or objections to compliance
2 with Appendix R would have been valuable information to
3 retain in your files?

4 A I wouldn't say that, I guess, no.

5 Q You just felt it was no use in publishing a
6 report that was a moot point, anyway?

7 A I just felt like at the point in time when
8 it became no longer an issue, to have them continue
9 writing the report, which we really didn't plan to
10 transmit anywhere or to use with the Board, was probably
11 not the best way to utilize the people.

12 If they were in the process of writing a
13 report or if they had had the report written, probably we
14 would have used it for information.

15 MR. ROBINSON: All right. Well, I've got a
16 copy of it if they want to use it, for information
17 purposes. Any other questions from anyone on Black &
18 Veatch?

19 BY MR. STONE:

20 Q To pursue a little more about the question
21 about signing the policy committee report versus this
22 one, there's some statements in here that take issue and
23 directly say that.

24 They say that NSRS had problems with, we
25 found the definition of safety impacts of the findings to

1 be inconsistent with the basic engineering and safety
2 reasons for having features in place.

3 A Is that the --

4 Q That's the NSPS report.

5 A Okay. The report in July.

6 Q And, so, this report does, takes some issue,
7 some safety issues, at least if I can believe the words
8 that are here with what the policy committee came up
9 with.

10 And, you know, if I remember what you said
11 correctly, you said that, well, you really didn't see any
12 basic disagreement between the two reports.

13 A Again, I'd have to go back, you know, and
14 read that. I guess I didn't, really. The bottom line in
15 the policy committee report was that, yes, in fact, TVA
16 had found a number of deviations, they had fixed those,
17 they had evaluated the safety significance of those
18 deviations and found that they were not real safety
19 problems.

20 Now, when I read that report, I don't see
21 anything different.

22 Q I see.

23 A People use the term "safe" different. But
24 when you look at the specific items that are in that
25 report that they have findings on, I don't find any of

1 those that lead you to direct safety problems.

2 Q There are two of them that bother me. One
3 has to do with relay settings and one has to do with
4 breaker trip settings, and without going into the
5 details, which I haven't looked at, they look like they
6 could lead down to someplace where it could be
7 significant if you got breaker problems, if you got time
8 delays that are not set properly, and can lead you to a
9 lot of different things.

10 And those are the two that I see that, I
11 guess I would have some concerns with as to how these
12 were handled, not only at Watts Bar, but across TVA,
13 because it looked like when I read this thing, it looked
14 like they looked at the auxillary feedwater system and
15 expanded the scope of that a little bit and looked at
16 three or four other systems. Now, I'm not sure if Black
17 & Veatch or TVA did that.

18 A Staff did that.

19 Q They found the same problems in those four
20 systems, and then there were some -- this report, the
21 policy committee report kind of cuts it off there, and in
22 the end says that those four systems were all right.

23 NSRS took issue to that and said, "Wait a
24 minute, you found a problem in four out of four systems
25 you looked at, and you're not proposing to carry that on

1 to look at other systems across the board," and that's
2 what your recommendation was, or NSRS's recommendation
3 was.

4 "You ought to take a look at this, not only
5 just for those limited systems, but across the board for
6 TVA projects."

7 And then there was this statement in here
8 that talks about we have some problems with the safety
9 findings, safety significance of the, even what the
10 policy committee put forth. You can read it. That
11 section is in item two there, I believe it is.

12 MR. ROBINSON: I think in order to give Mr.
13 Culver time to review that properly, this might be a good
14 time to take a break and go off the record. It's 11:27
15 a.m.

16 (Off-the-record discussion.)

17 BY MR. ROBINSON:

18 Q Why don't we break for lunch and reconvene
19 at 12:15, or would you rather carry it through?

20 A I'd like to stay here all day, but I got a
21 Department of Labor investigator that's got me this
22 afternoon.

23 Q What time? Let's go off the record.

24 (Off-the-record discussion.)

25 AFTERNOON SESSION

12:00 p.m.

1 MR. ROBINSON: Let's go back on the record.
2 It's officially 12:00 noon, Tuesday, April 8th, 1986.
3 When we adjourned, we were in the middle of a question by
4 Jim Stone regarding certain aspects of the NSRS Black &
5 Veatch report.

6 BY MR. ROBINSON:

7 Q Have you had sufficient time to review those
8 statements? Do you have any comment on them, Mr. Culver?

9 A I guess I take the collective statement in
10 here, I, again, I feel like what this report does, is it
11 provides some additional support to what the policy
12 committee had said.

13 It provides some specifics of specific
14 things that NSRS says line needs to follow up on, you
15 know. There may be some inconsistencies in here like if
16 I drop down on page two to the middle of the paragraph,
17 it says NSRS' assessment supports the conclusions of the
18 policy committee that there were no direct indications
19 that any affected components would not perform its safety
20 function.

21 It does go on and point out, here are some
22 five, six, seven things to look into, and the
23 recommendations indented to address those issues.

24 As I indicated earlier, testified, I signed
25 the policy committee report. I clearly indicated that we

1 were still looking into these things. There would be
2 some follow-up action, and that this is it.

3 So, I guess I -- this is one of the reasons
4 when I got the report, probably my first reaction was one
5 of elation that I finally got a report that we could do
6 something on, and we identified seven specific things
7 that needed action.

8 And, to me, that's somewhat consistent with
9 what I had indicated to the line people earlier that we
10 would have a report that we would tell you specifically
11 what additional things we believe you need to do.

12 Q Okay.

13 MR. STONE: I don't have anything else.

14 Q Do you --

15 A Let me add one other thing, which I think is
16 kind of pertinent to it. This is something that Jim and
17 I did talk about, and that is that one always gets into
18 the basic question, if something deviates from a
19 commitment, how much it's got to deviate before the
20 system will lose its safety function.

21 And we did have lots of discussions about
22 the fact that any time you deviate, obviously, you're
23 cutting in on your margin. And we talked about margins,
24 and one can beat those to death.

25 What we really, what Jim had indicated to me

1 early on before I signed that report was that it was his
2 perception that they had not identified anything that
3 would resolve in the loss of the safety function.

4 We had lots of discussions about the fact
5 that if you deviated from requirements, you're really
6 cutting in on your margin, and obviously, one doesn't
7 like to do that.

8 What this report shows is that if you
9 believe the records, that they didn't identify any that
10 would have caused loss of safety function, but there's
11 lots of things in here in those seven things which would,
12 if one didn't give them some additional attention, would
13 cut into your margin.

14 Q Okay. So, if the policy committee statement
15 back in March of '84 would have been worded, you know,
16 adverse to safety in any degree, or cutting into the
17 margin of safety, you wouldn't have signed it, as opposed
18 to not performing its safety function?

19 A At that stage of the game, if we wanted to
20 make that kind of restrictive statement, there wouldn't
21 have been a basis, wouldn't have been a basis because
22 they hadn't really -- well, I didn't have this, for one
23 thing. That, plus the fact that I was aware that there
24 were a number of items they were questioning. Those
25 items were what they believe were beyond the commitments

1 TVA made.

2 Any time you're beyond the commitment TVA
3 has made, you do cut into the margin, and sometimes the
4 impact of that is more obvious than others, I guess.

5 Like the cable tray is one which I guess one
6 could always question what was the original basis, how
7 good was that original basis.

8 On the ones on the relays, I'm no relay
9 expert, but obviously, you get a little more concerned if
10 relay settings aren't what they were designated.

11 Q Well, when you got the verbal statement from
12 Murdock that there was nothing there that would have
13 precluded the system from performing its safety function,
14 when you got that verbal assurance from Murdock, there
15 wasn't really a basis for that statement in your mind,
16 either, was there?

17 In other words, you were saying that group
18 was just doing a lot of talking, and you weren't getting
19 anything in writing, and you asked Murdock --

20 A I think at the time, and I'd have to go back
21 and look at the time the policy committee report was
22 signed, they had already done all the looking they were
23 going to do, and they had basically identified the nature
24 of the issues.

25 Q The NSRS people?

12

1 A The NSRS people.

2 Q Okay.

3 A The only thing I didn't have was a nice
4 fancy report I could send out to somebody. I don't
5 believe that the nature of the issues changed from back
6 in the February, March time frame until July.

7 I don't, I'm not aware that any of them
8 changed in that time frame, other than as I mentioned
9 before, at one time I think there were more issues, and
10 some of them went away.

11 I don't think there was any, I don't see
12 anything in here that would lead me to believe they had
13 identified some additional things or that the nature of
14 them was drastically changed.

15 Q Okay. Any other questions on Black &
16 Veatch?

17 A And I guess, let me add one other thing. If
18 they had found something, then the important thing to me
19 was that we had already told the line that if as a result
20 of anything we found, we would be following up on it.

21 So, I guess that's the other part of it,
22 that we were really never -- we really -- even if I
23 signed the policy committee, it didn't mean we were all
24 through.

25 Q Okay. All right. The next item I'd like to

1 discuss with you, and I'll see if this rings a bell in
 2 your memory, I'm going to be taking you back to 1982 now.
 3 does the title () ring a bell
 4 to you at all?

5 A Yes. Yes.

6 A Were they at Watts Bar or Bellefonte.

7 Q They were at Watts Bar.

8 A That's a review that Harrison made, right?

9 Q Right.

10 A Okay.

11 Q Right. (These two gentlemen, one was a, I
 12 guess, a contract employee, and the other was a permanent
 13 TVA employee.) They had both been terminated, and the
 14 question I have, and I'll let you take a look at this
 15 document, is that Harrison's report, when I read it,
 16 seems to indicate that TVA, it seems to indicate that in
 17 his opinion, from the investigation that he conducted,
 18 neither of these gentlemen were properly terminated. He
 19 concluded that the contract employee, of course, could be
 20 terminated at any time for, really, no specific reason.

21 A That's right.

22 Q He concluded, although he didn't come out
 23 directly and say it, that the TVA employee was not
 24 properly terminated, that there wasn't real good grounds
 25 for termination. Do you basically agree with that

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1 characterization of it?

2 A Let me add something to your first
3 statement, that the job shopper, you can get rid of them
4 for any reason at all except the wrong reason, and the
5 wrong reason is if you get rid of them because they've
6 been out there doing a good job identifying safety
7 problems, and I think Mike and I both agreed on that.
8 We, and on that particular reported, we spent lots and
9 lots of time talking to legal, but I think your
10 characterization is correct, yes.

11 Q Okay. Now, the cover letter, which is
12 apparently was written by you and signed by you,
13 indicates that the TVA action on both of these fellows
14 were actions which management had a right to impose,
15 okay?

16 I guess what I'm saying is, is that the
17 cover letter seems to give a characterization of the
18 report that the report really doesn't say.

19 A I remember on this one the words were very
20 carefully selected. Let me see. Well, I'll have to look
21 and see what we said in here.

22 (Witness reviewing document.)

23 The only thing I can recall on that is that,
24 I guess the basics, rest of our report indicates that we
25 really felt like [redacted] was kind of done in; that he was

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1 caught up in the events that were associated with [redacted]

2 Q Yeah, and I agree, that's what the --

3 A The very difficult thing that I guess Mike
4 and I both had a problem with was the issue where you
5 have employees that do something wrong, does management
6 have a right to take adverse action against you.

7 We had lots of discussions with legal on
8 that, and although you can see in here, we really feel
9 like [redacted] did something wrong, but we really didn't
10 feel like that should be the basis to get rid of him, but
11 that management still had a right to do that if they
12 wanted to.

13 Q Was Harrison in agreement with you in this
14 report or was he in a disagreement?

15 Q You said you had a number of discussions?

16 A Yes. Well, this was a difficult one,
17 because generally, we don't get involved with, in our
18 reports, with the legal aspects of any of these things.
19 When this report was first issued, it really dealt with
20 both. It was a, I guess for a couple of technical people
21 like Mike and myself, it was a rather trying time,
22 because we had real differences of opinion with OGC.

23 They were also looking at it, and my
24 recollection on this one, this is one that the Department
25 of Labor had already, if this is the right one, the

1 Department of Labor had already indicated they had some
2 problems with this.

3 Q Do you remember who you were dealing with in
4 OGC on this one?

5 A Yeah, there's not a lot of people over there
6 to deal with. It was primarily Bill Mason and Rick
7 Goodenkitz?

8 A Mason and Goodenkitz and Harrison and I
9 spent a whole day going over this report where we were
10 talking about the technical issues involved with it, what
11 the people were doing, and, of course, they're kind of in
12 an awkward position. They are trying to provide us an
13 insight about how you look at these things from the legal
14 standpoint. This was the first report that we ever put
15 out that had lots and lots of legal implications in it.

16 Normally, in fact, after this time, we
17 pretty much stuck to just dealing with the technical
18 issues, and when we'd get through with the report, if we
19 felt like there was some problem from a legal standpoint,
20 we would just buck it over to OGC.

21 I guess both Mike and I had a problem with
22 the fact that if you have an employee that does something
23 wrong, what do you use as a basis to terminate. Of
24 course, neither of us are legal people.

25 OGC's position was that management had a

1 right to get rid of an inspector who signs an inspection
2 report that he's done something when he hasn't done it,
3 and I still have a little bit of a problem with that,
4 because if you go out and inspect and you find a problem
5 here, and the craft tells you that all those are done
6 bad, for him to go inspect all those to establish the
7 fact. Legal's position on this one was that in signing
8 an inspection report for something they hadn't inspected,
9 that was an improper act.

10 Q Did you get the feeling that OGC was afraid
11 and was being very careful not to have an NSRS report
12 issued that would indicate that the action, the
13 termination was improper? Did you feel that pressure
14 from OGC?

15 A I think in this case, there's no doubt there
16 was, there was a lot of concern on the part of legal's
17 part about what we had in our report. I think both Bill
18 Mason and Herb Sanger, in particular, felt very strongly
19 that they did not want to be accused of telling us what
20 to put in our report. They bent over backwards to make
21 sure that they weren't going to be accused of meddling
22 with our reports.

23 Q And when they bent over backwards, was that
24 bending over backwards them telling you now, we're not
25 telling you what to put in your reports? Was it that

1 kind of bending over backwards to --

2 A Yeah, a little bit like sometimes I do. I
3 think what they were really saying is that, the fairest I
4 can say this, I think they were really saying is you
5 people ought to be looking at the technical issues and
6 leave the legal issues to us. And, in fact, in this
7 report, in the first version of it, we were too much into
8 OGC's matters.

9 As I say, we did, we had, I believe it was
10 just Mike and myself and Rick and Bill Mason spent a
11 whole day on this. I think out of that, we learned a lot
12 about what OGC does and I think OGC learned a lot about
13 what we do.

14 Q Do you remember how NSRS got involved in
15 looking at the termination of those people?

16 A Let's see. Do you know how we did? Could
17 you refresh my memory? I don't really recall, but I
18 remember how we got into it. We were stuck in the middle
19 of a real controversial one.

20 The Department of Labor had already come in.
21 I think they had already made their preliminary finding.
22 We may have been asked to look at it by Willis, I don't
23 know. I can't recall whether it was Willis. I don't
24 think this -- is this the one where NRC said, "Have you
25 guys looked at it?" I believe it's that one, this one.

1 If anything, it was probably Willis, and I can recall, to
2 give you an indication of pressure --

3 Q I just got a couple of versions as to how it
4 was started.

5 A Was Willis one of them?

6 Q Yes, Willis was one of them.

7 A It could have been Willis. I do recall
8 after we had looked at it a very short time, Willis had a
9 meeting up in his office, and there was Willis and
10 Kimmons and Sanger and myself, and --

11 Q What kind of conversation went on in that
12 meeting?

13 A Well, Willis wanted to, Willis was
14 interested in whether TVA should, what direction TVA
15 ought to go on it. I told him, I said, "We haven't
16 completed our investigation, but from what we see right
17 now, we were inclined to believe that the action against
18 () was probably improper."

19 Q And what did he say to that?

20 A Well, it was one against four, you might
21 say, or -- how many did I say? Willis and Kimmons and
22 Sanger. It kind of bothered him, but he said go ahead,
23 go ahead with your investigation. Nobody said stop.

24 When I -- like I said earlier, I got good
25 support from the General Manager and the Board, they gave

1 us a lot of support.

2 Q But then when you finally came out with that
3 report and you wrote the cover letter, and the cover
4 letter said that TVA management has a right to exercise
5 its authority, you, obviously, in the cover letter, you
6 made no statement as to whether or not NSRS concluded
7 that the firing of) was improper. You just
8 indicated in the cover letter that general statement that
9 TVA does have a right to exercise its authority to
10 terminate.

11 A I guess all I can say about that is that
12 probably Mike and I both really felt like where you got a
13 situation where a guy does wrong -- but then some of
14 these things are, you can understand that I guess both of
15 us, not being with the legal background, probably would
16 have liked to have said that TVA did wrong against
17 Meadows.

18 Q And why didn't you say that?

19 A Because from a legal standpoint, they, I
20 guess, legal people convinced us that TVA did have a
21 right to do that.

22 Q Okay.

23 A And it doesn't make any difference whether
24 we agree with it. In fact, I get hung up on those all
25 the time.

G. C. Perkins

1 You see, we had another one like that where
2 an individual may get terminated, and there's a question
3 of whether or not his termination had to do with his
4 safety work or whether it had to do with the fact that
5 he's just a poor employee. You have that all the time
6 where, you know, you got both factors involved.

7 Q Were you, in fact, convinced that there was
8 a legal basis to fire him, or did you just realize that
9 you better not write the cover letter that says there's a
10 problem? Were you, in fact, convinced that there was a
11 good legal basis to fire ()

12 A Yeah.

13 Q Okay.

14 A Because if I hadn't been, I wouldn't have
15 written that letter. Too bad I didn't have Mike write
16 that one, but...

17 MR. ROBINSON: Okay.

18 BY MR. WARD:

19 Q Were you convinced it was the right thing
20 for them to do?

21 A Well, I was never convinced it was the right
22 thing.

23 Q I mean --

24 A They may have had a right to do it, but I
25 don't -- I personally feel like --

1 Q Did your investigation disclose reasons,
2 other than the fact that he allegedly was fired for, that
3 could have led to that decision to fire him?

4 A Well, when it came to [redacted] I think the case
5 against [redacted] was easy, because, being a job shopper, you
6 can get rid of job shoppers for most any reason, and he
7 really wasn't that great of an employee.

8 [redacted] I really think that the reason they
9 terminated [redacted] is they were concerned that there were
10 two guys doing the same thing. You get rid of one, you
11 get rid of the other.

12 BY MR. ROBINSON:

13 Q But do you think there was an underlying
14 reason separate from that that caused [redacted] to get
15 fired?

16 A I think it was just purely the fact you got
17 two people doing the same thing and you get rid of one,
18 you better get rid of the other. Eventually, they
19 brought [redacted] back and promoted him, which indicates
20 that he wasn't a bad employee.

21 I don't know how you get around the issue, I
22 don't know. We did spend a lot of time talking to Legal
23 about it. If you got an inspector, one of the worst,
24 things you can have is an inspector going out accepting
25 work that isn't even looked at. Is it equally wrong if

15

6,700 per line

1 and inspector rejects work he hasn't looked at?

2 Now, in my book, rejecting something that
3 you haven't looked at is nowhere near as bad as accepting
4 things you haven't looked at.

5 But from a legal standpoint, if you are, if
6 you are hired to do a job, you ought to do it, that's the
7 way Legal looks at it. That's what they tell you. I
8 don't know how you argue with that.

9 Q Okay. Any other questions on that, on

10  Okay.

11 A The main thing that came out of that effort
12 was that NSRS and OGC worked better together, really.

13 Q NSRS was very careful not to get into legal-
14 oriented investigations after that?

15 A No, no. As a matter of fact, on some
16 investigations they had, they came around and used some
17 of the input from our reports.

18 Q Good. Okay. The next topic I have to cover
19 involves, this is back in 1983. This is a Memorandum
20 from you to Anderson regarding the Watts Bar Nuclear
21 Plant closures of NSRS items regarding a comparison of
22 TVA procedure or Guide G-29-C to AWS D-1-1.

23 A All right.

24 Q Does this ring a bell to you at all?

25 A Yes. Yes.

1 Q Okay. Bruce Siefken did this project, and
2 he was -- he came with an initial draft, which indicated
3 a number of contrasts between these two documents, G-29-C
4 and AWS D-1-1, okay?

5 A I remember Bruce wrote something.

6 Q Here was the final memo, which refers to
7 three different contrasts, okay, comparisons. Initially,
8 Bruce wanted that memo to refer to seven contrasts that
9 he thought were improper regarding these two procedures,
10 inconsistencies in these procedures, and the draft, I've
11 got copies of the original draft and draft one and draft
12 two and comments about discussions between Bruce and
13 Kermit and yourself regarding this particular memo to
14 Anderson.

15 Now, I'll let you look at it. These are a
16 list of, I'm assuming that's HNC, that's your initial
17 comments on the second draft. Here's draft two of that
18 letter. And the bottom line is, Bruce wanted to include
19 a number of items of contrast in that letter that finally
20 were not included.

21 A Yes. I remember a lot of discussion about
22 this. I don't remember the details. I'd have to look
23 back on it to -- yes. Okay.

24 Q So, right now, that is not real clear in
25 your mind as to why you excluded some of those contrasts?

1 A My own real recollection was that, well, the
2 welding issue was one that had been with us quite a
3 while. When Bruce got involved with it, only because of
4 the management review at, okay, the management review of
5 OQA, we had, to refresh my memory, we had raised the
6 welding issue in a review of Watts Bar, we had been
7 pursuing that thing for well over a year.

8 When we turned over -- when OQA was created,
9 we turned over the line findings to OQA for follow-up,
10 because we didn't want two groups in there following up
11 on the same stuff.

12 When we turned that over to OQA, a lot of
13 people on the staff were dissatisfied that we turned them
14 over. I told him, I said, "We turned them over for two
15 reasons, one, so there wouldn't be duplication, the
16 other, so we'd have lots of good things that we could
17 evaluate the new organization on."

18 And I said, "When we go make our first
19 review of OQA," I said, "Be sure to examine very
20 carefully what they've done on welding, because," I said,
21 "That's one of our most controversial issues."

22 My recollection, and I think this is true,
23 is that when the report on OQA was written, I saw very
24 little about welding. And I remember saying to the
25 reviewers, "If you didn't specifically look at how they

1 handled the welding issue," I said, "Go back and do it,
2 because," I said, "We want to be able to discuss their
3 ability to follow up on technical issues."

4 When the report was written on OQA -- this
5 is a long answer to a short question. When the report
6 was written about OQA, they didn't like the way they had
7 handled those issues. And I said, all right, we'll
8 address that in a memorandum back to Joe Anderson, and we
9 won't get that whole issue of welding cluttered up with a
10 review of OQA.

11 So, we really didn't pursue it as a part of
12 follow-up on OQA. Instead, we said we'll deal with it
13 here.

14 Apparently, Bruce was involved with the
15 review of OQA that dealt with these follow-up actions,
16 and my guess is because he tended to look at the part of
17 OQA that dealt with design issues. And whether there
18 were somebody else with him or not, I don't know.

19 We, when we said we need to deal with that
20 separately, we say to Bruce, go write a memo. And I
21 don't know how many times we got a memorandum, but we
22 weren't getting anywhere.

23 Now, I'd have to spend some time to go back
24 to look at how many of these contrasts -- I don't even
25 remember using the term "contrasts" -- there were, but we

1 had an awful hard time getting anything out of Bruce that
2 was meaningful. And the reason --

3 Q Evidently, he submitted this as the draft
4 number two, which is really the third draft. He had
5 draft zero, one, two?

6 A I know he had lots of them, and --

7 Q And is this Kermit's handwriting?

8 A That's my handwriting.

9 Q That's your handwriting?

10 A I write small and illegibly.

11 Q Okay. "We have," what does that mean, "We
12 have given up on this one," contrast two and three?

13 A Well, all I can surmise -- does this go with
14 this (indicating)?

15 Q Yes, those the three pages.

16 A Somewhere, Bruce wrote something, and these
17 were my comments on it, which I would have given back to
18 him. Now, draft two, Kermit's comments, also.

19 Q Right. Does that indicate that you've had,
20 there was kind of a running battle with OQA regarding
21 these contrasts?

22 A I don't know whether my problem was with OQA
23 or with what Bruce was writing. I'd have to, I don't --
24 my only real recollection was that what he wrote the
25 first time was difficult to understand it.

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We really were just trying get into a memorandum something to get to Joe that told him what our problems were.

Q Maybe the best thing for me to do is I'll make copies of these drafts and give them to you, and then recontact you at a later time regarding these.

A I'd really like to refresh my memory on what we -- when it came to welding, there were really, I don't really recall the number of contrasts, or even where that term came up from.

But we did have the problem of inspections for carbo-zinc. We also had the whole issue, the deviations from the code.

And one of my concerns was Bruce was writing a letter without the full understanding of all the issues that had transpired in the past, because Bruce hadn't been involved with welding. Jim Jones had been involved in welding. Bruce was writing this memorandum strictly because he had participated in the OQA review in that particular area.

From my standpoint, it was mostly, it wasn't a matter of deleting contrasts, I don't even remember all those contrasts. I don't even know where they got that from.

But our real problem was we needed to get

1 back to Joe and say here are the areas where we disagree
2 with what you've done rather specifically so that he
3 could get on with it, and it wasn't a question of
4 deleting stuff.

5 To my recollection, Jim Jones had already
6 evaluated everything that came bac from OQA that dealt
7 with deviations from the code and had indicated he had no
8 problem with them. that our biggest problem was still
9 this question of what had been inspected through
10 carbo-zinc.

11 There was also some question about the
12 control weld material. I forget what that third one was.
13 I just don't recall those nine issues at all.

14 Q " Carbo-zinc, verification of weld filler
15 material and weld inspection records.

16 A Inspection records.

17 Q Was the third area. And the areas that were
18 removed or that weren't addressed in the final draft --

19 A These guys have got a better record system
20 than I have because generally all I see is, all I care
21 about is the final.

22 Q Yeah. The contrast two and three were with
23 respect to diagrams of unacceptable weld profiles?

24 A Okay.

25 Q Where one dealt with maximum allowed

1 convexity, and also insufficient weld throat?

2 A Yeah. Okay. I don't remember whether that
3 was an issue between what was in the G-spec and what was
4 in the AWS code. It may have been that.

5 Q I'll make copies of these documents and
6 recontact you.

7 A My memory on that will probably be pretty
8 weak, but I can dig it out. People were always
9 questioning the difference between the G-spec and the AWS
10 code, and sometimes the difference was really a matter of
11 how the things were worded. Sorry I don't have a better
12 recollection of that.

13 Q Okay. The next issue are missing pipe
14 support calculations and Phil Washer, okay?

15 A Yes.

16 Q You seem to be nodding your head in
17 familiarity with that particular issue.

18 A Well, because I had to do some homework to
19 get ready to talk to the Department of Labor on that one,
20 so I'm familiar with that one.

21 Q Well, just let me throw that open a little
22 bit. I'll start off with the background that there was
23 an NCR written which indicated that that was a
24 nonsignificant type --

25 A Yeah, yeah.

1 Q And Washer kept insisting that it was a
2 significant type item. And his indication, his
3 indication to me was that it was only when Libby Wann of
4 The Chattanooga Times got ahold of some type of issue
5 that all of a sudden, TVA decided that they better go
6 ahead and issue a significant NCR on these missing pipe
7 supports.

8 A I don't know when they did that on the NCR,
9 but it's true that TVA wrote an NCR on that one. As a
10 normal course, we get copies of the NCR, and they come
11 into the staff and get distributed to the people. It was
12 one thing that we looked at to see what was going on, and
13 if we agreed.

14 Apparently, that one came in, found its way
15 to Phil Washer, he looked at it and he said "I don't
16 agree," and, so, I presume he went to his boss and his
17 boss, says, "Yeah," Murdock says, "Go look into it."

18 So, Phil went over and made an
19 investigation. My recollection is he made that one all
20 by himself. It was one of those kinds he probably didn't
21 need a bunch of people.

22 He wrote a report. The report probably, if
23 you got it there, probably was signed probably by him and
24 Murdock and probably found its way to me and we signed it
25 over to the line organization and told them to respond,

1 and there was complete agreement.

2 See, by that time, Murdock wanted to fill
3 out the title sheet and got them signed by both people.
4 I hope that wasn't before the other one. Pretty close.
5 Pretty close. As a matter of fact it is before the other
6 one.

7 But, anyway, I don't have any recollection
8 of when that report came to me. When that report came to
9 me, I don't think there was any problem of getting the
10 report out to the line. It went to the line, and they
11 were requested to respond.

12 Q You agreed with Washer that that was a
13 significant item?

14 A Sure, yeah. And the, our main interest was
15 really establishing if, in fact, the hangers were
16 acceptable, and --

17 Q Do you recall who in the line organization
18 was trying to kind of make a nonproblem out of this
19 particular issue with Washer?

20 A I think, well, knowing the people that knew
21 hangers, I would presume it would be Barnett and his
22 people, who were responsible for hanger design.

23 Q Were you in on any of the discussions
24 between Washer and those people?

25 A Okay. The way that would normally work,

1 they'd get the report, and I don't think they, I don't
2 know they responded back before Washer met with them.

3 My recollection is Washer met with the folks
4 over there. Then you get, you get a couple of versions,
5 Washer saying they don't want to do anything. The people
6 in the line, which I'll get into in a minute, trying to
7 understand what was bothering Washer.

8 That was the situation where, yeah, I got a
9 call from Barnett, and Barnett says, "You've got a man
10 over here. He says we got all sort of problems in our
11 design, but he won't tell us where they are so we can go
12 look at them."

13 And he said, he says, "He's already got his
14 mind made up that what we got here is all bad, and we
15 really would like to look into it, but we can't find out
16 what's bothering him."

17 I recall going, or probably just gave Jim a
18 call, I said, "Jim, why don't you have a little talk with
19 Washer about that and see what's behind it?"

20 I guess, I don't find it a bit unusual when
21 somebody in the line calls me that way. In fact, I
22 encourage it.

23 I've often told managers I like to hear
24 about my investigators, both good and bad, of course. If
25 somebody is out there doing a good job, I'd like to hear

1 about it. If they perceive they're not doing a good job,
2 or else if they are beating them over the head or not
3 cooperating, I'd like to hear about it.

4 And all I had indicated to Jim was, if, in
5 fact, Phil could give him some idea of what it is that
6 bothers him, maybe they could respond a little better.

7 Well, apparently, that didn't work, because
8 I think the next time we had a meeting, Phil and George
9 and I met with, I don't know, there were a bunch of
10 meetings, but we met with people like Dillworth and
11 Barnett and Hernandez. Hernandez is the guy that does
12 the hangers.

13 We met with them primarily to find out,
14 well, what was the real problem. Now, we all knew that,
15 we all knew that there were, that the calculations were
16 gone, because they had been destroyed.

17 And Phil had indicated to him that there
18 were specific aspects of the analysis that he had
19 problems with. They were trying to find out what they
20 were.

21 So, the nature of our meeting was really
22 not, was really to facilitate a little communication so
23 that we could resolve the issue. As far as Jim and I,
24 were -- I think I speak for Jim. Both of us were
25 concerned. We fully supported Phil's contention that we

1 had to do something.

2 Now, my main interest was having the line do
3 sufficient calculations to establish the fact that the
4 hangers, were, in fact, acceptable.

5 In one of those meetings, and I don't really
6 recall how many meetings, I believe I only attended one
7 with Phil and Jim and the people, we did discuss with the
8 line organization what would it take to determine the
9 validity of those hangers.

10 And I remember there was some discussion
11 with regard to do I do all the calculations or can I do
12 it on a sampling basis, and I always make the same kind
13 of observation, before you do a hundred percent, you've
14 got to do twenty or ten.

15 I said, "Why don't you get started and do
16 some analysis and let's find out whether by making those
17 calculations, which were destroyed, in fact, by making
18 those calculations, we can establish the validity of the
19 hanger design. So, the nature of that meeting was, well,
20 how many do we have to do.

21 Now, in the same time in that meeting, the
22 line was presenting information that there were, I don't
23 know, I think it was four thousand hangers. They had
24 already re-analyzed a whole bunch of them for other
25 reasons, and they were taking the position that because

1 they had done those, we ought to be able to use that as a
2 basis for determining acceptability. And I was saying
3 that we need to make sure that, in fact, what we got is
4 represented.

5 So, there were a lot of discussion about
6 that, and Phil also had some problems about, well,
7 when -- after they had given us some information, there
8 were some problems about whether or not they had done all
9 the analysis that were needed.

10 So, the nature of those meetings was really
11 to find out what had been done and what hadn't been done.
12 It wasn't a question of not doing something.

13 Q Were you concerned as Phil was concerned?
14 The way I interpreted Phil's concerns are it's two prong.
15 One, he was concerned that their pipe support
16 calculations were destroyed, period, that was a QA type
17 violation, QA records that type of thing.

18 A It was a colossal fowlup, really.

19 Q You were concerned about that?

20 A Sure.

21 Q The other item was that he was concerned
22 that the sampling that they had done, the sample
23 calculations they had done to show that the hangers which
24 were in place did, in fact, meet the stresses, stress
25 requirements, etcetera, you know, he did not buy that

1 sampling, Phil did not seem to buy that sampling process,
2 okay?

3 I guess my question is, is when the NCR that
4 was finally written as a significant NCR, that the, it
5 addressed the fact that the pipe support calculations
6 were destroyed, and I guess the corrective action was
7 that they all needed to be replaced or recreated. I'm
8 not sure of that?

9 A I don't remember that.

10 Q But the new NCR was a significant safety,
11 significant type NCR relating to the fact that pipe
12 support calculations had been destroyed, right? My
13 question is, would that NCR have been issued to your
14 knowledge if all of a sudden this issue hadn't had gotten
15 publicity?

16 A Yes. I guess I believe it would have, for a
17 couple of reasons. One was that after a slow start, we
18 did get some communication with people as to what really
19 existed and what needed to be done. It was slow at the
20 beginning, because I think there was poor communication
21 between Phil and the people over there. Secondly, as it
22 drug on, I had raised that issue in a meeting with the
23 Board and General Manager and made sure that they were
24 going to put some pressure on them to do it.

25 I don't remember when it got to the press.

1 I really don't, but the other reason I know it was going
2 to get done is that somewhere along the line, NRC became
3 aware of the report and went in and told them exactly
4 what to do.

5 Q At any point during these discussions, did
6 you indicate that Phil Washer was losing his objectivity
7 as an NSRS reviewer?

8 A No. The only thing, my only conversation
9 was really an indirect one. After Barnett had called,
10 which, which is a little unusual for those people to
11 call, and indicated that they really felt like they
12 wanted to respond, but they didn't really understand what
13 it was that really bothered Phil, other than in the broad
14 way, do all those calculations over.

15 I passed that word on to Jim, as I have in
16 other cases where people have called, merely as an
17 indicator that if there, if the line perceives that it's
18 a problem, it may or may not be a problem.

19 I don't accept the fact that just because
20 the line calls and says one of my people is over there
21 giving them a hard time, that really is a problem. It
22 depends on who calls, for one thing, and how often they
23 call.

24 But I did in one of those meetings where
25 Phil went -- I guess I was a little disappointed that

1 Phil really didn't enter into the conversation other than
2 to say "You've got to do a hundred percent or what you've
3 done is no good."

4 I did feel like Phil wasn't trying very hard
5 to communicate with them and tell him what he did know
6 other than --

7 Q Did you ever express your feeling to him?

8 A We talked about it.

9 Q And what did you say?

10 A Well, in that meeting, I said, "Well, before
11 we have them do a hundred percent," I said, "We ought to
12 have them do a reasonable sample, find out what the
13 situation is." I could get different versions on how
14 much of those calculations you really had to replace.

15 Now, the line's position was you really
16 didn't need any of them. I felt like that was pretty
17 shaky. I felt like if you could go in and look at a
18 reasonable sample and establish that, in fact, the
19 calculations that had been made and the records that were
20 lost were, in fact, valid calculations, then we would go
21 to the NRC and say "This is what we've done, is that
22 enough?"

23 I personally, not having been to NRC and
24 having four or five NRC people who never really agree, I
25 always hate to say I understand what NRC would accept,

1 and you can understand why I would say that.

2 ~~Bill's~~ ^{Phil's} position was you got to have a
3 hundred percent. I said, "I don't know if that's true or
4 not." I know I said, "We do have to have enough
5 information to establish to our own satisfaction the
6 designs are okay."

7 Q Did you ever make the statement to Phil that
8 he was losing his objectivity?

9 A I don't believe I ever did that, no, no.
10 If, if that was made, I may have said something to Jim
11 and Jim may have used that. Frankly, I always felt like
12 Phil was pretty damn good technically, very good
13 technically, but he -- well, the only way I know to
14 express it is once he gets his mind made up, that's it.

15 Q Anyone else have anything? I've got one
16 more area that I want to talk about and then I think Bill
17 has a few final questions. This concerns a review that
18 was done by Claude Key.

19 A (Nodding head affirmatively.)

20 Q It's regarding a review of INPO Finding QP
21 5.1 at Bellefonte, okay? Now, I'll refresh your memory.

22 A What was that?

23 Q Okay. This is when Willie Brown was the
24 Project Manager at Bellefonte in July of 1984.

25 A July '84. Okay.

1 Q Okay. Key did a review on INPO Finding QP
2 5.1, it had to do with electrical, the handling of
3 electrical NCR's, etcetera, at Bellefonte, and it also
4 had something to do with QC inspectors, and whether or
5 not they were being discouraged from writing NCR's. Is
6 this ringing a bell at all yet?

7 A No. Did I sign it?

8 Q No, but the problem is, is that there was an
9 aspect of that review that Key came up with to show a
10 conflict of interest that craft type people were being
11 picked out by Willie Brown and were being put into QC
12 management positions.

13 A Okay.

14 Q And Key wanted to mention that in his
15 report, that there was an apparent conflict of interest
16 here, in that former craft people were being put in QC
17 management type positions and looking over some of their
18 own work, or at least supervising the people that were
19 looking over some of their own work. And at least --

20 A Did I tell him not to?

21 Q No. He said that you indicated that you did
22 not want to make that aspect a part of the report of
23 findings on the INPO QP 5.1, you wanted to handle that as
24 a separate memo to Willie Brown.

25 A If Claude said that, that's probably true.

1 Q Claude had a memo typed up for your
2 signature, and I'll let you take a look at it and see if
3 you recall it at all.

4 He stated it went to you, but that the word
5 came back that that memo was not going to go out and my
6 only question to you is, if you remember it, why why
7 didn't it go out?

8 (Witness reviewing document.)

9 A I don't really --

10 Q You don't remember that issue?

11 A No, I --

12 Q Do you remember reading something like that
13 and deciding not to send it to Willie Brown?

14 A I really don't remember at all. If Claude
15 says he gave this to me, I've got no reason to, you know,
16 not believe him.

17 Q He may have not handed it to you directly.

18 A I don't even remember the report that well,
19 but --

20 Q Let me ask you, what -- are you on a
21 personal friend basis with Willie Brown?

22 A No, no more than anybody else. I like to
23 think I'm on a fairly -- depends on how personally, you
24 know.

25 Q Do you associate with Willie Brown regularly

1 outside of work?

2 A No. I played tennis with him once, but I
3 beat him, so...

4 Q So he didn't want to play with you anymore?

5 A No. In fact, probably the only thing I can
6 say about Willie Brown, other than, you know, other
7 managers in TVA, he's one of the managers I felt like
8 cooperated very much with NSRS, and that when we, when
9 we -- we tried to work with them, because he was trying
10 to do the kind of thing we wanted. Other than that, I
11 didn't even know Willie Brown up until a year -- probably
12 '83.

13 Q Did you, because of the fact that Willie
14 Brown was so cooperative with NSRS, did you try to keep
15 the pressure off Willie Brown in any way?

16 A No. In fact, I, one of my best friends
17 always accused me of giving them lots of pressure. I
18 honestly believe you can separate your personal and your
19 business relationship with them, and --

20 Q Do you ever remember discussing Willie
21 Brown's placement of craft people into a QC management
22 position where they might be in a position to do QC work
23 on their own work?

24 A I recall up at, I believe it was up at
25 Bellefonte, when they wanted to beef up their QC

1 organization, they took people out of the crafts for the
2 simple reason that those craft foremen, I believe they
3 all were foremen, understood the work.

4 And they -- about the only aspect of this
5 that I do have some recollection of is that when Willie
6 Brown was trying to upgrade QC, he did put some craft
7 foremen in those jobs.

8 I don't really, I guess if I went back and
9 read that report and spent some time thinking about it,
10 yes, there may have been some discussions.

11 Q Between you and he about that subject?

12 A Probably between him and me and maybe with
13 Claude. Again, if Claude says we had some discussions on
14 it, we probably did, because I've got no reason to not
15 believe what Claude would say. We got along pretty good.
16 I can't -- I have got enough faith in Claude, if Claude
17 says he gave this to me, he probably did.

18 I don't recall, I don't recall ever getting
19 memos and not sending them out one way or another. I
20 might not like them, but --

21 Q You don't recall that one, getting that one
22 and deciding not to --

23 A No.

24 Q -- address it?

25 A If Claude wouldn't -- he worked directly

1 with me on it so that -- who signed this report?

2 Q This is not the report, this is a different
3 item, this is not the report on QF 5.1. I don't have a
4 copy of that report.

5 A I was going to say whoever -- frankly, I
6 forgot whether Claude worked for, whether he was
7 working -- it says July '84.

8 Q First he was working for Sinkule.

9 A Yeah, he worked for a bunch. In this time
10 frame he would have -- July '84. That was only six
11 months before I left.

12 Q Right.

13 A Mike Kidd, he probably would have been
14 working for Mike Kidd. If Mike Kidd could remember this,
15 I could probably say, yes, I probably got this. Of
16 course, he's not around here, either. If you want to
17 give me that to look at with that other stuff.

18 Q Okay. I'll get a copy of the report and let
19 you take a look at it.

20 A That's his main concern, though.

21 Q What's his main --

22 A That I didn't send it out.

23 Q That you said, hey, we're not going to make
24 this apparent conflict of interest part of the report,
25 okay? That we're going to handle this by memo, separate

1 memorandum to Willie Brown.

2 So, he drafts the memo and then it doesn't
3 go. So, all of a sudden, what appears to be a conflict
4 of interest in his mind disappears?

5 A Yeah. I guess if he brought that to me, I'm
6 surprised he didn't hang in there pretty good, because --
7 well, we got along pretty good. I don't think I ever
8 intentionally or unintentionally intimidated him in any
9 way.

10 Q He didn't indicate any intimidation?

11 A I'm a little surprised, knowing Claude, if
12 he brought that memo up to me, I would have thought he
13 would have kept after me, because I don't know why I
14 wouldn't have sent it out. I'm certainly not -- because
15 I'm a good friend of Willie Brown's.

16 Q Would it have been because you --

17 A It may have been -- again, I don't know. I
18 was so tied up with that thimble tube, I may have just
19 not wanted to take the time for it or something. I don't
20 know.

21 Q How do you personally feel about beefing up
22 the QC staff with a craft that knows the work?

23 A It doesn't bother me as long as you got a
24 good supervisor that bird-dogs them and makes sure they
25 get their job done.

1 Q They were being put into QC supervision?

2 A Okay. Well, the real proof of it, do they
3 do what they are required to do?

4 Q Well, that's all I have. Bill, you have a
5 few?

6 A I guess you could characterize I had a
7 couple of lapses, and that's one of them. I'm sorry
8 about that.

9 MR. STONE: I have one quick question.

10 BY MR. STONE:

11 Q Does TVA have a different professional
12 opinion type system?

13 A Yeah. In fact, that's probably one thing
14 that makes me feel bad. Yeah, we got a good system, and
15 NSRS was supposed to be an important part of that. If
16 the employees had a concern, the original system was that
17 if the individual got a concern, he would take it to his
18 supervisor, or if for some reason he didn't want to go to
19 his supervisor, or if he went to his supervisor and
20 didn't get satisfaction, there was supposed to be a place
21 establishe^d in the line organization for handling those
22 things.

23 In fact, I guess it was back in 19, probably
24 1980, I remember writing a letter for Willis to the
25 office managers telling them to set up that system. The

1 ironical part was that most organizations set up a
2 system, and in many places the system didn't work that
3 well, and NSRS really fell down and that they didn't
4 really follow up enough.

5 In fact, occasionally, I would say to people
6 when they went out on a review, be sure to look at that
7 aspect of their program.

8 And unfortunately, if it was somebody that
9 hadn't been with the staff in the beginning, they
10 wouldn't even know about it, which is bad. The other
11 part that was bad is that NSRS didn't have a system
12 themselves, which is --

13 Q That was the next question. Did NSRS
14 implement this thing?

15 A No. In fact, I guess I felt like, just the
16 nature of our work, we were -- you know, our main job was
17 to look at safety issues. And I found that inconceivable
18 of an individual in any of the groups that had a safety
19 issue -- why, we would sit down the supervisor and say,
20 "I believe we need to look at it this and go do it."

21 That was the nature of our work. I guess it
22 was understandable, and I guess it was around the '83
23 time frame when it became obvious that we ought to have
24 one.

25 I remember saying to, I think I first said

1 to our administrative officer, I think I said how about,
2 how about writing up a procedure for doing this. Well,
3 that didn't get done. I remember saying to Whitt once, I
4 said, "We've got to get a procedure for that." Now, that
5 was, I guess it was in the fall of '83.

6 It became very clear to me that we were
7 going to have a number of people that were going to have
8 an issue from time to time. But we never did have,
9 never did get it set up. I think that was unfo
10 The one group who shouldn't have people running
11 and Congress and the press is the NSRS.

12 BY MR. KINDT:

13 Q Based on what's happened so far, what you've
14 heard, do you have any feeling now that your sta maybe
15 perceived that they couldn't bring problems to you?

16 A I guess, I guess with all the things that
17 have happened, I would say yes.

18 Q What would you say would be the reason for
19 that?

20 A Because they didn't want to.

21 Q Just because they didn't want to?

22 A Yes.

23 Q Not maybe because of a relationship that,
24 maybe they just feared for their job or they feared you
25 or anything like that?

1 A No, I think it's just because they just
2 didn't want to. You've got to remember that all the
3 people had supervisors, and if they wanted to raise
4 safety issues they could raise them with their
5 supervisors. They didn't have to even come to me.

6 I don't really, I don't really know of any
7 instance where somebody had a concern, went to their
8 supervisor, I'm talking not a personal concern, but a
9 concern of a safety issue anywhere in TVA, which was our
10 job, where their supervisors said, no, we can't go look
11 at it.

12 Q No, I wasn't saying they said that. I was
13 just saying that, based upon what you've heard now and
14 you've seen, there must have been some type of reason
15 that they weren't bringing things to you because they
16 perceived that things weren't right.

17 I was just wondering what you felt your
18 opinion was for that reason that they didn't bring their
19 problems to you?

20 A Well, I'd just be speculating, really.

21 Q That's what we're really here to find out,
22 though. If you've got just a feeling for it, and that's
23 the way it will be.

24 A Well, my own personal feeling is that most
25 of the problems in NSRS came about over performance

1 appraisals that some people -- over performance
2 appraisals and promotions. NSRS, I guess, did pride
3 themselves.

4 We went out and hired rather aggressive
5 individuals. Some of them, some of them wanted to be
6 constantly promoted, given excellent raises.

7 And if they aren't given excellent ratings
8 and constantly promoted, they've got problems. I
9 personally believe that.

10 Q You feel that it's dissatisfaction on their
11 part about --

12 A I think most of the problems in NSRS were
13 really in the fact that back in '83, a number of people
14 weren't given superior performance or excellent, and they
15 weren't given superior performance or excellent because
16 they were poor performers.

17 They were given adequate, which is straight
18 down the middle. And that's when most of the problems
19 started. Now, I can't prove it, but there are some
20 records that indicate that very clearly.

21 BY MR. ROBINSON:

22 Q Were you giving the ratings or were the
23 immediate supervisors giving the rates?

24 A The immediate supervisors give the ratings,
25 but they all know that I can overrule them, and they also

1 know that if I want to, I can upward or down them.

2 BY MR. KINDT:

3 Q You signed up as a reviewing official in the
4 evaluations?

5 A Yes.

6 Q You think that's the primary, the root cause
7 end to this?

8 A I personally think it is, because -- plus
9 the fact that I mentioned we got some people that
10 constantly want to be promoted. And I've got no problem
11 with people who want to be achievers.

12 In fact, if I recruit somebody, I wouldn't
13 recruit somebody unless I didn't think they would want to
14 be an achiever, but I really personally believe that that
15 was the root of most of the problems. Most of the
16 problems occurred after performance appraisals were made
17 in '83.

3

18 BY MR. ROBINSON:

19 Q One final question I have along that line.
20 In remembering, of course, that you're under oath, has
21 there ever been a thought in your mind about giving a
22 person a lower performance appraisal simply because he
23 kept raising problems as opposed to him not performing
24 properly?

25 A No, in fact, I can -- no reservations about

1 that. Unfortunately, there have been considerations for
2 giving people a higher performance than they deserved for
3 that same reason. Which I don't approve of, but it has
4 been done. I guess I do approve of it since I allowed
5 it.

6 BY MR. WARD:

7 Q I'm trying to follow through on Jack's
8 question. I'm trying to understand the logic for why
9 they would not want to --

10 A Let me add one more thing to that. When
11 people, I consider in NSRS the reason you got people is
12 to rat^o problems in this particular part of the world or
13 anywhere else.

14 The people who've done the best in NSRS are
15 the people who have been the most aggressive and gone out
16 and done the best job at identifying problems, getting
17 corrective action. I think the record shows it.

18 I used to tell Kermit if you would, for some
19 of the people that come in and investigate, if you do
20 nothing more than pile up the products or their services,
21 put their names with them, it would be pretty easy to see
22 who's done the performance.

23 As another follow-up, I've never knocked
24 down a performance rating. I have knocked some of them
25 up, because I felt like the person did a very, very good

1 job. I've only done that on two occasions.

2 I did that for Brantley, because Brantley
3 is, in my book, is a good investigator, does a good job,
4 you don't have to keep after him all the time. He writes
5 a good report. And if, if he, you haven't given him
6 enough to keep him busy, he'll go out looking for
7 something else to do. Now, I give them a high rating.

8 BY MR. KINDT:

9 Q One further thing on that. You said that
10 was your belief. Is there any basis for that belief
11 other than just the performance evaluations?

12 Was there any conversation with any of these
13 individuals that led you to believe that or with their
14 supervisors?

15 A Yeah. I'd say there was. Back in, I guess
16 I got the right time frame, '83, after I had given Jerry
17 Smith a rating, I didn't give it to him, his supervisor
18 gave him a rating of proficient, which is the one below a
19 superior.

20 He was so infuriated that he wrote a
21 memorandum to Distribution with all kinds of allegations
22 against me, and rated himself. He rated himself
23 excellent in all areas.

24 I know he went and discussed it with the
25 Board, and all that did is indicate to me, you know, how

1 bothered he was because he was just rated proficient.

2 Back in those days, Jett, wasn't turning
3 anything out, so why would I rate him superior or why
4 would his supervisor? Why would I turn over a
5 supervisor?

6 In fact, that year that he complained about
7 his appraisal, Mashburn complained about him and Siefken
8 complained about him. All three of them complained.

9 Now, I guess from my standpoint, the person
10 that knows most about performance is the supervisor. I
11 generally know enough about performance that if they had
12 been rated exceptional, I would have questioned it and I
13 would have probably been overturned.

14 But I don't believe in giving them a
15 superior or exceptional just to keep them happy or
16 promoting them. I think that's the root of most of our
17 problems. Now, they wouldn't agree with that. Same way
18 with Phil. He claims I didn't promote him because he
19 raised safety issues. It's not the case.

20 BY MR. WARD:

21 Q Following through on that, that question
22 about your assertion that they didn't want to, they
23 obviously had concerns, I guess that's a given now. You
24 said that they didn't want to raise them, and you said in
25 1983 that the performance appraisal issue may have been

1 one of the reasons.

2 Putting that one aside, let's go before
3 1983. Was there any reason before 1983 that they
4 wouldn't want to raise them with you?

5 A Back prior to '83? I'm certain that any
6 individual that had a concern of any type must have
7 either pursued it through his supervisor and gone out and
8 looked at something or else they had none.

9 Q So, you would just assume, then, prior to
10 '83, there were no concerns or they would have been
11 brought to you if they were not satisfactorily resolved
12 in some other fashion?

13 Now then, with the '83, the post '83 period,
14 let's assume that people were angered, disappointed,
15 whatever, about the performance appraisal situation.

16 Why would that necessarily lead to their not
17 raising unresolved safety concerns to you? Is there any
18 logical language there?

19 A Well, I guess, I guess one of the first
20 things I would raise a question about is did they have
21 any concerns in the first place. I'm not trying to
22 single Jerry out, but Jerry is a good case to talk about.
23 Jerry's concern mostly in the '83 time frame was the
24 welding issue.

25 The way that Jerry raised the welding issue

1 to me is like what's new, you know, we've been pursuing
2 it rather vigorously trying to get something from the
3 line. He wasn't raising anything we didn't already know
4 about.

5 About the only thing Jerry said to me,
6 either in '83 or '4 was why wasn't I up there telling the
7 NRC to look harder at welding in TVA.

8 And I, I know I gave him my classical
9 response, which probably wasn't good. I said, "Well,
10 Jerry," I said, "Let's resolve the issues in TVA and
11 leave NRC alone. They can take care of themselves."

12 Jerry was constantly wanting me to go up and
13 tell NRC how to do their business, and I wasn't
14 interested in doing it.

15 Q Was he suggesting that this was a matter
16 that was potentially reportable to the NRC?

17 A No. I think he was really saying that you
18 need to go up and explain to NRC what's been done in TVA.

19 I said, "Well, Jerry," I said, "We're trying
20 to resolve it within TVA." I said, "We've already gone
21 to the line organization and told them that they've got
22 to submit changes to the PSAR where they deviated from
23 the commitments," and I said, "We have notified NRC that
24 we have made those changes."

25 Later on, we did appease him and we did go

1 to Atlanta to a meeting, went over the welding issue with
2 the folks in Atlanta. That didn't make him happy. Then
3 he wanted us to go to Washington. We went to Washington
4 and sat down with the folks from Washington.

5 Now, after a while, I guess one has to say,
6 well, does he really have concerns about welding or is he
7 just using this because of other reasons. I really don't
8 know.

9 The issues that Jerry raised about welding
10 were not new issues, they were issues we already were
11 aware of. They were issues that we were trying to
12 resolve in the line organization. They were also issues
13 which from every indication I got from NRC, both in
14 Atlanta and Washington, is that they had no problems with
15 it.

16 I sat down in a meeting with Denton's
17 people, and they basically said, "Well, why are you up
18 here talking to us about it? What you're doing is fully
19 within the allowable, what's allowed by the code."

20 So, I really don't know.

21 Q Did they say that with regard to the
22 inspection through the carbo-zinc primer or some of the
23 carbo-zinc issues?

24 A I think the people in Washington, as well as
25 the people in Oak Ridge, I mean in TVA, agreed that you

ought not to be inspecting through carbo-zinc.

BY MR. ROBINSON:

3 Q So, that wasn't one of Jerry's welding
4 concerns at the time?

5 A It was an issue that was raised in one of
6 our review reports. And after it had been raised by, I
7 think it was first raised by Jim Jones, Chuck Burke and
8 Claude Kay, when they went down to Watts Bar. Then
9 periodically, Jerry would say, "We've got a problem with
10 welding." I'd say, "Yes, Jerry, I know it, and we're
11 pursuing it."

12 To be honest with you, I don't know what
13 else we could have done on welding to have made anybody
14 happy. And now I think they're going to spend about six,
15 seven million dollars to find out if we got a problem,
16 and I don't, I guess as far as I know, I don't know
17 whether we got a problem or not. We didn't think we had
18 a problem back late '84 or mid '84.

19 Some of these always get back to have you
20 deviated from the code, are the welds acceptable. And
21 one of the things that a number of people in NSRS have a
22 hard time with is recognizing the fact that codes do
23 allow you to deviate, provided you make an engineering
24 analysis and document it.

25 And for people who have been designers, they

1 know you overdesign. And for that simple reason, then,
2 if you got small errors in the welds, you're still all
3 right. And a lot of people in NSRS will not accept that.
4 I'm sorry, I --

5 Q No, no. That's going to move into an area
6 that I'd like to come back to, actually, but I want to
7 set the stage for it. When you took over NSRS, in spite
8 of what the documents say, these are easy ones. These do
9 not require specific recall.

10 I was just wondering how clear in your mind
11 is the mission. Forget about the documents. What was
12 your perception of the job that NSRS was to do that you
13 directed then the activity towards?

14 A Okay. Regardless of what the documents said
15 and what the Board said, I guess I always considered that
16 our basic rule was to determine for the Board that the
17 TVA performance in the nuclear business was satisfactory.

18 Now, in order to do that, we concentrated on
19 the management appraisals. To cut through a lot of
20 words, most of what we did was look at programs. We did
21 not do an awful lot of verifications of as-built
22 conditions, which takes an entirely different effort, an
23 entirely different scope of effort.

24 We attempted to, in doing this, we attempted
25 to look at all aspects of the program, and we did it

1 either by appraisals or by, like in some cases, if they
2 had an emergency drill, we would go out and observe it,
3 see how well they did.

4 So, some of it was observation, some of it
5 looking at paperwork, some of it was actually going down
6 and observing what they did in the plants.

7 Q As the program progressed, then, since that
8 time frame up to even the present, or at least until the
9 time that you retired, did the mission change?

10 A Yes. Yes.

11 Q In what ways did it change?

12 A I always envisioned that once the staff
13 completed their management reviews, that you would no
14 longer repetively make those reviews. Those reviews were
15 really intended to establish how well the organization
16 was performing, to see problems, identify them, get those
17 program deficiencies fixed. You might go back, you might
18 go back and just look at three parts of the program.

19 Q The --

20 A But we never anticipated making a large
21 number of program reviews, I never did. I guess my
22 feeling was that having done that, then you would, you
23 would probably concentrate in some other area. Looking
24 at real long term issues, I guess I always envisioned
25 that at some point in time, you wouldn't need tests.

1 MR. ROBINSON: This is a good time to go off
2 the record and take a little break. I need to make some
3 administrative arrangements. So, it's, 1:27 p.m. let's
4 reconvene in about ten minutes.

5 (Short recess.)

6 MR. ROBINSON: It is now 1:38, and we're
7 back on the record.

8 BY MR. ROBINSON:

9 Q When we broke, we were discussing how NSRS
10 may have evolved or changed, whatever, from the original
11 concept you had to what it might be today. Would you
12 mind expanding on that a bit?

13 A Well, when I -- what I was indicating was
14 that I originally envisioned that we would do certain
15 things like management reviews. Then, as we had done
16 more of those, it was never envisioned we would continue
17 those.

18 Back in the time period, '80 to '85, we
19 never changed our basic approach too drastically for the
20 simple reason that mostly in that time period there were
21 so many changes in the organization. We were never
22 really able to change our basic role too much.

23 And had the things continued on as they were
24 from '80 to '85, I honestly believe that some day,
25 probably the need for NSRS would have been pretty much

1 satisfied and probably would have been eliminated.

2 With the things that have happened during
3 most of '85 to early '86, the role now is vastly
4 different. I'm not even too sure what roles they've been
5 given, but --

6 Q Which things have changed?

7 A Since when I left?

8 Q Yes. That you think that may have
9 forestalled a need to disband the unit.

10 A I think the -- well, the major thing that
11 happened was the large number of employee concerns, the
12 need for the large number of investigations, of course,
13 more recently, the reassignment of those investigations
14 to, basically, contractor organizations. A lot of other
15 changes have been made.

16 The need for an organization reporting to
17 the Board vastly diminished, in that back when NSRS was
18 originally created, the TVA nuclear program was spread
19 over three different offices. Now it's all consolidated
20 into one office, so that that need is somewhat changed.

21 Like you say, I think I could have
22 speculated on that, plus the fact of my own experience.
23 It was always definitely a problem of working for the
24 General Manager and the Board and really having to get
25 your action done by the line organization.

1 Whereas on paper we always worked for the
2 General Manager and the Board, in reality, NSRS, if it
3 got anything done, it had to get it down with the line
4 organization.

5 You didn't get it done with the Board, you
6 merely used the Board as a backup in case you couldn't
7 get the line to do what you wanted to do, and that very
8 rarely happened.

9 Q Why couldn't you get it done through them?
10 It seems maybe it's a naive statement. You're talking
11 about going to the top and they could require actions to
12 be taken in reaction to your recommendation.

13 A Well, what I really mean by that, if you're
14 going to get something done in the line, it's got to be
15 something that's meaningful. Until you can get a
16 corrective action defined by the line that's considered
17 acceptable as a review group, you continue to proceed.

18 Now, we could probably spend all the time in
19 the world talking to -- well, let me put it this way, two
20 lawyers and a politician, like when we had the two
21 Freemans and Bobby Clement.

22 You're not going to get things solved
23 talking to them, you're going to get them solved by
24 talking to line organization coming with meaningful
25 corrective action. I honestly believe that.

1 If you go to the General Manager, it's just
2 the same situation. In principle, it's good to report to
3 them because you carry more clout.

4 But you, in the final analysis, you've got
5 to get the solutions worked out with the line
6 organization, I felt. I believe that, too.

7 Q I noticed a couple of times during our
8 discussions today, you referenced to conversations with
9 Richard Freeman. Is it a safe inference that perhaps he
10 showed more of a interest or close interaction with NSRS
11 than perhaps his cohorts?

12 A No. It just happened that way. In fact,
13 probably the person that was the most instrumental in
14 setting up NSRS was David Freeman. I understand that,
15 although I don't know that to be a fact.

16 But I think in that blue book report, my
17 understanding is that it was David Freeman's idea to have
18 an NSRS, not those people in the task force. I can
19 believe that, knowing the people in the task force. I
20 don't recall any of them who would have recommended an
21 independent review group.

22 Q Did the Board continue to manifest an
23 interest in NSRS as their pet creation?

24 A Oh, all the time I was there, yes. Now,
25 again, remember, when I was here initially, it was the

1 two Freemans and Clement. Clement never took any
2 interest in much of anything, but the two Freeman's did.

3 And as far as NSRS was concerned, that was
4 manifested in the fact that when I'd give them reports,
5 it was very clear to me that they always read them, they
6 could ask good questions about them. They were always
7 very much interested in are you getting what you want.

8 If anything, they were too impatient.
9 Sometimes, as I indicated, the report would go out, they
10 would want to know, "Have they fixed it?"

11 I said, "Well, they haven't even got the
12 report yet." But they showed a great deal of interest.

13 I think the other thing, as a result of
14 NSRS, the Board and General Manager became much more
15 aware of problems, which then, I'd have to speculate,
16 caused them to have more interfacing with the office
17 managers.

18 I'd never know exactly what kind of
19 conversations the Board had with office managers, but
20 there is no doubt in my mind, just because NSRS could go
21 out and cross office lines, division lines and get the
22 problems and identify them, they had a big impact on the
23 Board.

24 Q In addition to the copies of the written
25 reports, did you brief them on a relatively frequent

1 basis?

2 A Yeah. Probably not as frequent as they
3 would have liked or as I would have liked, but, again,
4 putting it in perspective that they got a lot of things
5 to do. We probably met at least once a quarter, or
6 whenever they wanted to meet.

7 Generally, in a meeting with the Board, I
8 would prepare an agenda, the agenda would generally be --
9 I would always include whatever issues we had outstanding
10 that we thought that they would really want to hear
11 about.

12 If we completed a review, I'd try to fill
13 them in on what I thought was important. And I'd usually
14 go to the meeting, I would show them the agenda and say,
15 "This is what I'd like to talk about if that's what you
16 want to listen to. If you want to talk about something
17 else, fine."

18 That's pretty much the way we did it.

19 Q Who normally would be present during these
20 briefings?

21 A The Board, the General Manager, myself,
22 Whitt. Initially, it was just generally that group.
23 Then later, I guess we all felt like, well, if we're
24 going to talk about what the lines are doing, we better
25 have the top Office Manager.

1 So, generally, that meant Hugh Parris. I
2 can't recall meeting with the Board with Kimmons. So,
3 that really meant it was after Kimmons retired, you know,
4 the two got combined.

5 Q Were the General Counsel normally there or a
6 representative of his office?

7 A I can recall some meetings when he was
8 there, but not normally. The Board really preferred to
9 have a meeting just between the Board and the General
10 Manager and NSRS where we could just sit there and talk
11 very freely.

12 As a part of that, I remember, the first
13 meeting I went to, the normal procedure when people meet
14 with the Board, somebody will write up the minutes, and I
15 remember saying to the Board, you want me to write up
16 some minutes and they said no.

17 They felt like we could have more open frank
18 discussions if we didn't document all that stuff. Some
19 people complained that we didn't, but that's just the way
20 it went.

21 Q That was one of my next questions, whether
22 there were either recorded or minutes prepared, and
23 you're saying no?

24 A No, no minutes. In fact, sometimes it makes
25 it hard to reconstruct, because all I'd likely do is I'd

1 get up an agenda. If I wanted to talk about something
2 that got into some detail, I'd usually have some
3 handouts, and I'd talk to them.

4 And at the end of the time period, they'd
5 usually give me back all that stuff. And sometimes I
6 wasn't smart enough to keep a copy in my file so if I
7 wanted to use it later on, well, this is what we
8 discussed.

9 Q I'm not familiar enough with how TVA
10 operates. My only frame of reference is how the NRC
11 operates. Do the Board members have a personal staff of
12 any sort that may sit in on these things, administrative
13 assistants or anything like that?

14 A No. I think on the first meeting we had --
15 well, these aren't official Board meetings, you know,
16 like where they make decisions, you know, with the
17 public.

18 Q Right.

19 A They do have Board meetings where people
20 come in and talk about programs. And in those meetings,
21 they have lots of people sit in on them that don't really
22 need to be there. And, so, I think the first time we had
23 a meeting, there were a bunch of people sitting around,
24 and the Board told them to get out because they didn't
25 want them there.

1 It would be people like just some of the
2 people in the General Manager's office that, I guess my
3 perception was they didn't have anything better to do and
4 they just were interested.

5 But the Board didn't want them there for the
6 simple reason they felt like if you got a bunch of people
7 sitting around, there's less likelihood you'll talk
8 specifically about some of the detailed problems.

9 Q Did the amount of interaction that you had
10 with them increase, decrease or remain the same in the
11 1985 time frame? I understand you, of course, were gone
12 for a while.

13 A Well, I left the first day of '85. You mean
14 '84, then.

15 Q It will have to be '84, right.

16 A I guess. If anything, it probably
17 increased. Part of that was because in the '80, '81 time
18 period, the Board spent one heck of a lot of time on
19 these decisions about closing plants down, they spent
20 lots and lots of time on the rate problems.

21 It wasn't any lack of interest, it was much
22 more those were the pressing problems. NSRS hadn't been
23 in business long enough to really surface some of the
24 problems that we perceived existed out there. So, they
25 probably spent a lot more time with us in '83 and '4.

1 Q How about some of the hot issues? The
2 welding problems are a classic, I suppose. Were they
3 fully briefed on those issues?

4 A Yeah. We, as I said, whenever I'd have a
5 meeting, I would discuss those issues, and whenever there
6 was a new issue, I wanted to make sure they were aware of
7 it, or if it was one that had been dragging along, I felt
8 like I wanted to make sure they recognized that it hadn't
9 been resolved.

10 I suspect welding came up probably more
11 times than anything else because it dragged on so long.
12 Other issues that we got involved with them were Quality
13 Assurance. We raised issues about Quality Assurance back
14 in '81, '2, '3, and, you know, all the time. That was
15 also a controversial issue, too.

16 Q They were aware, then, that, to understate
17 the case, there was a real range of opinion on the
18 welding, perhaps, for instance, the carbo-zinc issues?

19 A Well, strangely enough, welding was an issue
20 between NSRS and the line. Then later, it was an issue
21 between NSRS and OQA and the line, and then I guess later
22 on, when OQA and NSRS and the line reached an agreement,
23 then it was more of an issue between, say, Jerry Smith
24 and whoever else there was.

25 Q And during those meetings to the extent,

1 then, that it effected Nuclear Power, I guess Mr. Parris
2 would have been present?

3 A Okay. Now, there's two different kinds of
4 meetings. One would be --

5 Q The briefings that we're talking about.

6 A Okay. If it was just a briefing between us
7 and the Board, I'd say in the '83, '84 time frame, Hugh
8 Parris would have sat in. Sometimes Jim Darling.

9 Now, if we had a meeting that was not a so-
10 called routine meeting, a special meeting, for example,
11 one time we had a special meeting that dealt with
12 security, then, of course, the top level people from
13 security were there.

14 " If we had an issue that, oh, say, involved
15 Keen and Meadows, then, of course, Legal would have been
16 there. I can't really recall if we had one on that, but
17 there were some occasions where we would want to discuss
18 things which had legal implications, and, of course, OGC
19 would be there.

20 I guess as a general rule, people would be
21 there either if the Board wanted them to be there just to
22 listen or if they were there because they were also
23 interested in their side of it.

24 Q Then with regard to the General Manager, I
25 assume that your contact with him would have even be more

1 frequent than with the Board?

2 A Not much more.

3 Q Not much more?

4 A No. Any time I met the Board, the General
5 Manager was there. The additional meetings I might have
6 had with the general management would just be if I wanted
7 to kind of bring him up to date, or, as a matter of
8 courtesy before I went in and talked to the Board, I
9 would go and let the General Manager know what I was
10 going to talk about. I always didn't do that because, if
11 I was just unable to get together at that time, usually.

12 Q When you saw some conflict on the rise,
13 would you give him a call, give him a lead that might be
14 something coming up?

15 A In addition to meeting with the Board at
16 least in '83, '84, Willis, Kimmons, and Parris and myself
17 would meet periodically, and then after OQA was formed,
18 Anderson.

19 A lot of times we would just have meetings
20 and discuss, well, what are the problems. Usually, it
21 would be mostly a question of what are the problems NSRS
22 has got with the line, or what are some problems that
23 Anderson has got with the line.

24 So, I guess I would have those kind of
25 meetings with the General Manager over and above what I

1 had with the Board. I can't remember.

2 I suspect we used to try to do it on about a
3 monthly basis. Meetings that we would have on a monthly
4 basis wouldn't always be regular, just too hard to get
5 that group of people together.

6 Q Since you've returned to your contractor
7 status, have you had any meetings with the Board or
8 Willis about problems?

9 A No. I've -- I have seen, let's see, I have
10 seen the Board out in the plant and I have seen them in
11 the building and that's about it.

12 If they wanted me to come talk to them, of
13 course, I'd be glad to do it, but I haven't really been
14 too pushy.

15 Q Nobody has been knocking on your door?

16 A Well, the one thing is they don't know where
17 I am most of the time. But I still get along pretty good
18 with the Board, but I'd, I try not to act like I'm still
19 in NSRS.

20 I have seen Willis probably three or four
21 times. We still get along fine, but I just, again, I
22 feel like I'm in a different role, so I don't run across
23 them too much.

24 Q I'm a little confused on that. What is your
25 current role? What is it you're supposed to do as a

1 contractor?

2 A Well, initially, I, as I indicated at first,
3 I think the first month I worked for Kermit on
4 investigation. After that I got involved with Hugh
5 Parris and the Employee Concern Program from the line
6 standpoint. I was primarily in the role, initially, of
7 trying to get more responses from the line organization.

8 Back in, I guess that was the August time
9 frame, the program was really dragging, you might say.
10 Investigations were slow, responses were not always very
11 good.

12 My main job was really to represent Hugh
13 Parris to see what could be done to speed things up. I
14 worked on up through the time they issued their basic
15 program report on their Employee Concern Program. I
16 think that came out in November. One of the other guys
17 came from down in Chattanooga and I pretty much put that
18 together.

19 And that after that time, they hired Denise.
20 And Denise, basically, I guess is, one way you could say
21 it, he basically took over all that stuff.

22 I think there was a desire to get me out of
23 the program, really. I don't know why, but I don't
24 really care. Then I --

25 Q Do you think people were perceiving you as a

1 liability?

2 A I think so.

3 Q From a PR standpoint, perhaps?

4 A I think. Well, QTC didn't like me. I asked
5 them questions about what they were doing. I guess they
6 just didn't want anybody to ask them questions. All I
7 was trying to find out was why the things were dragging
8 so that they could get on it. That was part of my job
9 with Hugh Parris.

10 But I know QTC didn't like me being
11 involved, and asked that I be removed. And I guess that
12 was back in the days when I think TVA would roll over, no
13 matter what QTC wanted.

14 Q Who did they ask to remove you?

15 A I don't know. I just understand that they
16 asked that I be removed. So, after that, I went to work
17 up at, let's see, I went up to Watts Bar. I helped Bill
18 Cottle on some of the paperwork up there. That's back
19 when they were trying get some papers together to send to
20 NRC.

21 And more recently, I've been working with, I
22 guess it was really -- it was hard to tell whether I
23 worked for Cottle or whether I worked for the engineering
24 people, because we were really basically responding to a
25 Stone & Webster report on verification programs. That

1 brings me up until today.

2 MR. ROBINSON: Bill, if you would ask, maybe
3 we can wind this up in five minutes because we've got to
4 get into the next one.

5 BY MR. WARD:

6 Q The last thing I'd like to ask about, have
7 you had an opportunity to read the announcement if you
8 will, the reconstitution of NSRS? In other words,
9 Admiral White plans to move them under Nuclear Power, and
10 at the same time, have you heard the Stier Report?

11 A I haven't seen the Stier Report, but I did
12 talk to Stier. We spent a good deal of time talking
13 together. I haven't seen the report, but I think I
14 basically, what I read from in the paper, I understand
15 what the purpose is.

16 Q Let me ask you, then, what your impressions
17 are, overall, what are your feelings about the fate of
18 NSRS?

19 A I guess I feel like, well, two things. One
20 is, let's face the facts, the Board said they didn't want
21 NSRS. I think the Board lost confidence in NSRS.

22 At least that's -- I don't know that exactly
23 because I haven't talked to them, but that's what I read
24 in the paper, such statements of Richard Freeman
25 considered for the fact.

1 Secondly, with the consolidation of all the
2 nuclear activities under one manager, who happens now is
3 there's a much more logical reason for NSRS to be there
4 working for Admiral White than to be working for the
5 Board. I personally feel like the proper place to have
6 an independent review group working is for the top man of
7 the nuclear organization.

8 That didn't exist back in 1980, you couldn't
9 do it. So, back in 1980, the only place you could really
10 have them work would be for the General Manager or the
11 Board. I'd say the General Manager, except in TVA the
12 General Manager doesn't care, he's not really like a
13 General Manager.

14 In as much as now the nuclear program is
15 under White, then to me it makes much more sense to work
16 for him because that's where you're going to eventually
17 have to get the problem solved.

18 Now, if one says, well, Mr. White is not
19 interested in safety, by God, you better get somebody in
20 that is interested. I haven't worked with White, I
21 haven't met him, I have met a few of the people who work
22 for him.

23 My perception is that they are pretty darn
24 good people, and I guess I would find it amazing if Mr.
25 White and those people aren't interested in safety, and

1 if you have bring any problems to them, that they aren't
2 going to do something about them.

3 Q So, you don't personally have any problems,
4 then, with this loss of independence, an independent
5 voice to the Board, to the Board or to the General
6 Managers?

7 A I guess if the Board and the General Manager
8 are interested in what that independent review group is
9 doing, they won't have much trouble finding out.

10 So, it's like one time, I forget the
11 instance, but one time Richard Freeman wanted something
12 from me. I told him I wasn't going to give it to him.
13 He said he would get it if he had to use the Freedom of
14 Information Act. The truth is, the Board can be fully
15 aware of what the NSRS does, even if they don't work
16 under them.

17 I understand, I don't know much about it,
18 that the Board is going to have four or five people
19 working for them. I don't know, really know what their
20 charge is going to be.

21 If I had four or five experts working for
22 me, one of the first things I would want to do is find
23 out what that group is doing down there and is it being
24 effective.

25 So, I, there's a lot of ways you can arrange

1 to do things, and there isn't just one way of doing it,
2 and from the final analysis, whether it works or not is
3 whether people want to work.

4 Q If tomorrow it were your choice, would you
5 keep NSRS where it currently is, or would you put it,
6 irrespective of any other pressures on you now, would it
7 be your personal choice to keep it where it is or have it
8 work for Nuclear Power?

9 A If I had choice?

10 Q Yes. King for a day.

11 A Well, that's not easy to answer, because I
12 certainly wouldn't want to have an organization, if I
13 were head of NSRS, I wouldn't work for the Board if the
14 Board didn't want me and if they didn't have confidence
15 in me.

16 I think an even more fundamental question is
17 is the NSRS interested in working for anybody, because
18 there seems to be so many splinter elements. If I were
19 heading NSRS, I would want to know how many people really
20 wanted to work.

21 And I think before you answer that question,
22 you need to answer that before you even say where am I
23 going to put them. Everything I've read, again, I try to
24 stay away from it, because they don't like me around
25 here.

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING:

AN INVESTIGATIVE INTERVIEW OF: Harrison N. Culver

DOCKET NO.:

PLACE: Tennessee Valley Authority
East Tower, 3rd Floor
Knoxville, Tennessee

DATE: 4/8/86

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

(sig: Christine B. Smith)

(TYPED) Christine B. Smith

Official Reporter

Reporter's Affiliation

REC'D
4/14/86
JHR

UNITED STATES NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO:

AN INVESTIGATIVE INTERVIEW OF:

MICHAEL A. HARRISON

LOCATION: TVA headquarters
East Tower, Third Floor
400 W Summitt Hill Drive
Knoxville, Tennessee 37923

PAGES: 2-89

DATE: April 9, 1986

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EXHIBIT 6
Page 1 of 90 Page

1 MR. ROBINSON: The following is a transcript
 2 of the interview of Michael Alexander Harrison. Michael
 3 A. Harrison is the deputy director, Nuclear Safety Review
 4 Staff, Tennessee Valley Authority, on April 9th, 1986.

5 EXAMINATION

6 BY MR. ROBINSON:

7 Q Is that to correspond with your title?

8 A My title is Acting Branch Chief,
 9 Investigations Branch.

10 Q Acting Branch Chief. Okay.

11 MR. ROBINSON: Present at the interview are
 12 Larry I. Robinson, Office of Investigations, NRC; Jim
 13 Stone, Office of Information and Enforcement, NRC; and
 14 Jack Kindt, Office of Investigations, NRC.

15 The nature of the interview is the
 16 investigation of allegations involving suppression of
 17 NSRS information and possible harassment and intimidation
 18 or discrimination by NSRS management.

19 Please stand up, Mike. Raise your right
 20 hand. Do you swear that the information you are about to
 21 provide in this interview is the truth, the whole truth,
 22 and nothing but the truth, so help you God?

23 A I do.

24 Q Okay. For the record, will you please state
 25 your full name and residence address?

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A Michael Alexander Harrison (

Q And do you have a residence phone?

A

Q And please restate your current position within NSRS?

A Acting Branch Chief of the Investigations Branch.

Q How long -- when was your first date of employment with TVA, Mike?

A November 13th, 1981.

Q And what was your nuclear experience, if any, prior to that date? Kind of capsulize it for us.

A I had five years with Admiral Rickover's nuclear submarine program.

Q What time frame was that?

A 1969 to '74. Six years, eleven months with Virginia Electric and Power Company at the North Anna Nuclear Power Station. I left there as the supervisor of the Quality Assurance Organization at the power station to come here to take a job as nuclear engineer, QA Specialist by title.

Q Were you -- when you first came to TVA, were you assigned to NSRS, or was it a different branch?

A I came directly to NSRS.

1 Q Okay. And your entire experience has been
2 in NSRS at TVA?

3 A Correct.

4 Q When you first came to NSRS, what was your
5 actual function, and what grade did you come in at?

6 A I came in as a management-scale level 5,
7 M-5, and my function was to participate in reviews and
8 investigations of aspects of TVA's nuclear program as
9 directed by our -- I believe we had section chief when I
10 first arrived.

11 Q Who was your immediate supervisor when you
12 first arrived?

13 A A man named Marvin Sinkule.

14 Q And who was the director of NSRS at that
15 time?

16 A Culver.

17 Q Were you physically located in Knoxville, or
18 were you at Watts Bar or where at that time?

19 A Home office was Knoxville. Well, it was at
20 all the plants to do whatever review or investigation
21 took us there.

22 Q What were some of the sources of your
23 investigations? How did you receive your work
24 assignments?

25 A By direction, the director or the section

1 chief would proplan reviews. That's what I worked on for
2 the most part the first couple of years. Or they would
3 receive concerns directly from employees and decide they
4 were safety-related and warrant our attention and they'd
5 assign people to investigate them.

6 Q Were the -- did the content of all of your
7 reviews involve strictly safety-related items,
8 safety-related areas, or 90 percent or 80 percent or can
9 you say?

10 A I feel comfortable saying 90 percent because
11 I think we have yet, the industry has yet, to settle on
12 an appropriate definition of safety-related.

13 I mean, there's that subset that everybody
14 agrees is safety-related, and then there's the set of
15 everything else and some gray area that there's always
16 subject to interpretation or argument.

17 Q That may or may not be. Okay. Kind of
18 trace, if you will for me, your career pattern to your
19 present position through NSRS with the time frames, if
20 you would?

21 A To the best of my recollection, I worked on
22 reviews, major management reviews, and a couple of
23 investigations and was promoted to M-6, I think, in
24 August of '83.

25 I continued to participate, as I had before,

1 until may of '84 when I was in competition with another
2 individual for a potential M-7 job as the section chief
3 of the interviews and investigations section.

4 Culver picked myself and Dick Smith, each of
5 us to head the group for six months, and he was going to
6 select the one that he thought had performed the best in
7 that six-month period.

8 Q So, Dick Smith was your competition, is what
9 you're saying?

10 A Right.

11 Q Back when you were promoted to M-6, did you
12 have any supervisory responsibilities?

13 A No.

14 Q How did you come upon -- this goes back to
15 just before you came into TVA and NSRS -- how did you
16 find out about the position in TVA or NSRS what led you
17 to TVA?

18 A I was recruited so to speak by Michael Kidd.
19 He called me. I think he had been down here about a year
20 at VEPCO and wanted to know if I would be interested in
21 this new stuff. He had been the senior NSC factor at
22 North Anna for, I think, a couple of years.

23 Q Okay. All right. Back to the little
24 chronology in your competition with Dick Smith for the
25 M-7 position. Who won the raise?

1 A The raise was called. Dick did his six
2 months and I took over, I think around the first of May
3 in '84, and NSRS got word that Mike Kidd was interested
4 in rejoining the staff and we all thought he was a very
5 valuable resource and wanted him back. So, I acted as
6 the supervisor of that section for one month when we
7 reacquired Mike Kidd from the office of Quality
8 Assurance, and Dick and I agreed to give the
9 supervisor's job to him.

10 Q Okay.

11 A And in April of '85 the board of directors
12 decided to go with this contractor Quality Technology
13 Company. Kermit Whitt asked me if I would take a
14 temporary M-7 job to head an investigations section split
15 from our previous reviews and investigations section, and
16 I agreed and that became effective May 13th, '85.

17 Q Okay.

18 A To continue the chronology, sometime that
19 summer, July or August, we made a proposal, the director
20 made a proposal to personnel to upgrade the entire staff
21 to branches as opposed to sections or groups.

22 Q The director being Kermit Whitt?

23 A Kermit.

24 Q Personnel acknowledged that request and said
25 that they could immediately elevate the investigations

7

1 group to branch status, and that could be headed by an
2 M-8 level. I had only been a temporary M-7 for a couple
3 of months and wasn't considered eligible, and Mike Kidd
4 was supposed to have been promoted to branch chief of the
5 investigations branch which I had previously had.

6 I don't think he was ever confirmed by the
7 board of directors in that position,

8 Q Okay. And so you still -- are you still a
9 temporary 7, or are you a permanent 7?

10 A I'm a temporary M-7.

11 Q Temporary 7.

12 A Under that organization, I was given
13 responsibility under Mike Kidd for the conduct of
14 investigations under this employee concern program at
15 Watts Bar. I had three section supervisors, temporary
16 M-6's working in that organization.

17 Q And who were they?

18 A To start with we had a man named Paul
19 Border, Gerald Brantley and Phil Washer.

20 Q And then?

21 A NSRS created a new organization effective
22 November 15th, the commitment to the NSRS that placed
23 what we called site representatives at each of the sites.

24 Q This is November 15th, '85?

25 A Five. Two of the selected site

1 representatives were my section supervisors, and I
2 replaced those two, that was Paul Border, Gerald
3 Brantley. I replaced them with a man named Doug Stevens
4 and Jerry Smith.

5 Q Okay. When you first came in to NSRS were
6 there any?

7 A Let me -- excuse me, let me finish and
8 you'll have that chronology.

9 Q Continue that chronology.

10 A There is one more event. Mike Kidd was
11 reassigned around the middle of December, I believe the
12 11th or 12th, and Kermit asked me if I would take over as
13 Acting Branch Chief of the Investigations Branch at that
14 point and I agreed to return to Knoxville and that's
15 where we are now.

16 Q Okay. When you first came into NSRS, were
17 there any written guidelines, procedures, directives, as
18 to how the NSRS function was to be executed?

19 A Yes.

20 Q Were they complete? Were they descriptive?
21 Do you have -- are there copies of those on file?

22 A Yes, sir.

23 Q Okay. Were they -- in your opinion, were
24 they complete? Were they adequate to give you enough
25 information to do the job?

1 A For the investigating review work that we
2 did and the reporting, they were adequate.

3 Q In what ways were they inadequate, in your
4 opinion?

5 A We created a section -- I don't remember
6 exactly when, a thing called Technical Analysis and
7 Review Group. I'll estimate late '82 or early '83, and I
8 may be wrong. I'm just unaware that their procedural
9 direction was ever fully adequately prescribed.

10 A I wasn't involved with that group. I just
11 don't know from reviewing the contents of any of the new
12 procedures that have been developed that they ever
13 prescribed program under which they were working.

14 Q Uh-huh. Did you feel, I guess you've
15 answered this question, but I'll ask it again: Did you
16 feel as a part of the investigations and review group
17 that your mission was clear, your reporting formats were
18 clear, your distribution of reports was clear?

19 A Reasonably enough. I recall a lot of
20 discussion about the pros and cons of what I call
21 accident investigation report format, as opposed to
22 review report format.

23 Some of our people did not like that AI,
24 accident investigation, report format. I thought it was
25 a great tool. I think we eventually eliminated it,

1 though, as a standard NSRS report format.

2 Q That is exactly what it was called, the
3 accident investigation report format? That's how it was
4 known?

5 A (Nodding head affirmatively.)

6 Q What were the advantages of that report
7 format over the existing, in your mind, over the other
8 format?

9 A It prescribed a section in the report where
10 the investigator discusses his analysis of the facts.
11 "Here are the details of the facts. Here is my analyses
12 which lead me to these conclusions."

13 Essentially the review report format just
14 eliminates that analysis, the why I have ended up
15 thinking as I do. Here are the facts here are the
16 conclusions.

17 Q Okay. Why was that accident report format
18 discarded, because the analysis section was not as clear
19 as management wanted it?

20 A It tended to be repetitive, because in
21 discussing the analysts, most people to a large extent
22 myself made almost continuous reference back to the facts
23 section as well as -- it was a real tendency to go ahead
24 and draw your conclusions in the analysis section. I
25 think we -- I still don't know that it's been formally

1 eliminated, but I'm sure it hadn't been used in a couple
2 of years.

3 Q If any of the people that you're supervising
4 right now included that section in a draft report that
5 they submitted to you, you might have a tendency to go
6 along with it, right, see if it would fly maybe?

7 This isn't really that important, but I'm
8 just interested in the basic guidelines directions,
9 feeling, that NSRS people had that they knew exactly what
10 was expected of them and where their information was
11 going?

12 A I'm very comfortable that they did in the
13 reviews and investigations group. Now, I'm not that
14 familiar -- it's more than a gut feeling, but that's what
15 I'll call it, opinion that that wasn't necessarily the
16 case in this technical analysis and review group.

17 Q Have you ever been connected with the
18 technical analysis and review group during your tenure?

19 A No.

20 Q Okay.

21 A Oh, connected we've all worked in the same
22 office space. I know who the people are and the kind of
23 work they do. All right.

24 A Or did --

25 Q During your tenure at NSRS, what has been

1 the normal distribution of the reports coming out of the
2 investigations and review side? Who are they addressed
3 to?

4 A Invariably the reports are addressed to the
5 organization that needs to take the primary
6 responsibility for action. A site director at the
7 investigation involving a specific nuclear site, copies
8 would go to to board of directors, the general manager --
9 wait a minute let me correct that.

10 A copy would go to the general manager on
11 distribution, his copy was provided to the board of
12 directors. They'd ask questions, if they had any. We
13 would send copies to the manager of nuclear power who
14 used to be Hugh Paris.

15 Q Okay. Okay.

16 A Other concerned TVA managers where the
17 source of the concern as an employee we would send a
18 copy of the report to the employee if we knew who he was
19 or she.

20 Q As a field investigator, when you first came
21 in, did you have the impression that if you had some
22 significant findings during the course of your
23 investigation, were you left with the impression that you
24 were kind of left to fight your own battles with the line
25 if they responded in disagreement with your findings, or

1 did you have what you felt was strong backing by NSRS
2 management?

3 A That's -- that one requires a lot of
4 thought. As far as the discussion, what I'll call the
5 paperwork, we have found a problem in this area that
6 appears to require corrective action, and this is what we
7 recommended.

8 The line would respond, "We agree. We don't
9 think there's a problem here. We're not going to do
10 anything." We had again almost invariably complete
11 support from NSRS management to enter into sometimes
12 heated discussion to attempt to persuade line management
13 that, indeed, there is a problem here that requires
14 corrective action.

15 The ability of NSRS to enforce corrective
16 action or assure that corrective action was taken in a
17 timely manner was inadequate by a charter. We were an
18 independent advisory group to the board of directors and,
19 as such, had no line authority to direct an action be
20 taken.

21 Q I notice in your response you indicated that
22 NSRS management was very supportive in letting you go get
23 into these heated arguments with the line or whenever the
24 arguments got heated. I guess my question is: Did NSRS
25 management actively get involved as your allie in those

1 arguments, or did they just kind of say, "Hey, you know,
2 yeah, I agree with your position. You go fight your
3 battles with the line."

4 A Not to the extent that it was necessary. We
5 got active participation from the management.

6 Q Both, in your case, Mike Kidd and Culver?

7 A Right. They would participate in the exit
8 meetings that we had after an investigation where we
9 presented our preliminary findings and provided
10 appropriate support after they had verified that, indeed,
11 we were on firm ground.

12 That, I believe, is a fertile area for
13 exploration. We have had people with tendencies. We
14 have people who have tendencies. I have tendencies. I
15 think we all do to know, I mean, you just know something
16 is not right. You can't find your objective evidence to
17 support it.

18 People have been interviewed. When the
19 observations you've made, don't provide sufficient
20 credence for this feeling or this so-called knowledge you
21 have and you want to get that in a report. There's a
22 problem in this area.

23 Culver was real good at not letting us get
24 away with that, injecting these gut feelings in the
25 reports. I fully agree with that philosophy. What we

1 did report on was fully substantiated and justified.

2 Q Okay. Well, since we're talking about that
3 particular item, let's -- I hope to discuss one of the
4 investigations that you were involved in and get your
5 feeling on that.

6 MR. ROBINSON: Before we get to that, do
7 either of you have any questions about what we've talking
8 about?

9 MR. STONE: One quick one on your follow-up
10 about your last statement.

11 EXAMINATION

12 BY MR. STONE:

13 Q Culver kept the gut feeling-type things out
14 of reports or memos? Did Kermit do the same thing? Does
15 Mr. Whitt have the same capability, and does he do the
16 same type of thing?

17 A I didn't mean to exclude Kermit, although,
18 the fact is that under this program that we've run for
19 the last year, which is essentially all investigation
20 report formats, as a result of this employee concern
21 program, for the most part that analysis of the adequacy
22 of the reports and the justification for findings stops
23 with me. Only the controversial or truly significant
24 reports bypass on for Kermit's review.

25 Q Essentially, then, you sign the report out

1 is what you're telling me?

2 A I sign the transmittal letters for him. The
3 section supervisors sign out the report, the ones that
4 they were responsible for, they actually approve the
5 report.

6 Q And then you sign the transmittal?

7 A Right.

8 Q Okay.

9 EXAMINATION

10 BY MR. ROBINSON:

11 Q What would be an example of a significant
12 report or case that would go beyond you to Kermit? Just
13 give an actual example of a recent one that you can think
14 of or the most recent one?

15 A I can't recall the number of the report, but
16 the most significant item I recall recently was one
17 received in February performed by QTC, that's Quality
18 Technology Company for NSRS dealing with the problems
19 with pouring concrete concrete at Watts Bar.

20 Q And why did that particular case rise to the
21 importance of Kermit as opposed to you signing that?

22 A A couple of reasons. The details of the
23 report indicated that indeed Watts Bar may have had
24 significant quality program problems in the area of
25 concrete inspection and testing to the point that we may

1 have been unable to assure inherence to the conditions of
2 the construction permit.

3 In addition to that, it was one that was
4 felt by me to be susceptible to media attention.

5 Q Okay.

6 A And TVA top management likes to know about
7 those situations before they read about them in the
8 Knoxville Journal.

9 Q Okay.

10 MR. ROBINSON: Anything else?

11 MR. STONE: (Shaking head negatively.)

12 MR. KINDT: (Shaking head negatively.)

13 MR. ROBINSON: All right.

14 Q I'm going to take you back to October of
15 1982. All right. You were involved in an investigation
16 of the alleged improper termination of the services of
17 personal services contract employees(

18 Okay. Do you remember(

19 A Uh-huh. Yes, sir.

20 Q In your own words and to the best of your
21 recollection right now, and I'll let you look at the
22 report if you need it, kind of capsulize your conclusions
23 regarding to both the firing of () and the firing of
24 () in that investigation?

25 A I think the firing of either of those

1 employees was unfair, but I agreed after the
 2 investigation that TVA had the right to fire () as a
 3 job shopper -- not fire him, they couldn't fire him.
 4 They could, I think the appropriate term was "determine,"
 5 notify his contractor that his services weren't required
 6 at Watts Bar any longer. That had been emphasized by TVA
 7 management at Watts Bar as well as TVA's Office of
 8 General Counsel.

9 Q Who at Watts Bar made the emphasis, Pierce?

10 A I don't remember Pierce being involved. I'm
 11 sure we talked with the project manager. I can't
 12 remember if that was Wadewitz at the time or if that was
 13 before he got there.

14 Q An who in OGC?

15 A I don't recall.

16 Q Bill mason?

17 A That's the name I'm thinking of primarily
 18 because he would have added superiority on inquiries of
 19 that nature to make that determination.

20 Q Did you have anything -- take a look at the
 21 cover letter for that report. Were you involved in the
 22 drafting of that cover letter at all?

23 A No. As a matter of philosophy -- I'm not
 24 going to speak for the whole staff, but my own
 25 perspective -- the reports were the purview of the

1 investigators and the section supervisors. We put in
2 here what we found, what we thought needed to be done
3 about it.

4 The director certainly had a right to review
5 and often improve the reports on his review, but the
6 cover letter or transmittal letter was his.

7 Q It was signed by him. Wasn't it
8 occasionally prepared by or drafted by other than him?

9 A I think they could be. The initials down
10 here usually indicate who the preparer was.

11 Q Right. At the time that report was
12 distributed, did you have -- did you read the cover
13 letter?

14 A I don't recall. I'm sure I did. I feel
15 sure I did.

16 Q Since that time, in any discussions that may
17 have taken place, if any, about that report, do you have
18 any problems with what the cover letter says as opposed
19 to what the report says?

20 A Yes and no, too, to "wimp out." It's a
21 little succinct that the barest of the facts are
22 correctly stated in the second paragraph.

23 Those two guys did document inspections that
24 they had not physically performed. The justification for
25 that in my opinion was fully appropriate, and management

1 did have the right under the codes and agreement
2 contracts enforced at the time to take that disciplinary
3 action.

4 Again, the reasons were much less clear in
5 talking with those managers than is succinctly stated in
6 that cover letter, and I tried to point that out in the
7 report. I think we heard three or four different reasons
8 given for terminating() by the people that
9 were involved in the termination.

10 Q Did you have -- were you and Culver in
11 agreement? Were there any discussions between you and
12 Culver or agreements between you and Culver as to what
13 was going to go in that cover letter at the time that it
14 was being prepared?

15 A I don't recall. I feel sure from the way we
16 always worked that if there had been something in there
17 that he thought that I'd have specifically disagreed
18 with, then he'd have showed it to me.

19 Q Was there any pressure, either any direct or
20 perceived pressure by you from OGC, not to highlight your
21 impression of the unfairness of the termination in the
22 cover letter?

23 A Not that I recall.

24 Q In your objective opinion, if you had never
25 seen that document before and you were the addressee, the

1 assistant general manager, Dilworth, who may not have
2 been involved or had any knowledge of this up to this
3 point and you're Dilworth and you don't know anything
4 about it and you read that cover letter, without
5 reading -- my first question, I guess, is: Would you
6 have a tendency to go beyond the cover letter and read
7 the report?

8 A Wow, that truly is a hypothetical one.

10 10 Q Oh, yes, very hypothetical. I think you get
the idea of what I'm driving at?

11 A Let me use that question to let you know
12 that we had had -- I think Newt Culver and I had had
13 meetings with Dilworth about the report.

14 Q Okay.

15 A To let him know the significance of it
16 before the report was issued, and I perceived pressure
17 from Mr. Dilworth to downplay the unfairness, again, our
18 perception of the unfairness of the terminations.

19 Q (Nodding head affirmatively.)

20 A And got strong support from Mr. Culver in
21 opposition to Mr. Dilworth's -- my perception of Mr.
22 Dilworth's pressure to leave the report with the facts
23 and the conclusions that we had found. To summarize
24 that, I got support from Culver against my perception of
25 the pressure from Dilworth.

1 Q What do you think Dilworth's motivations
2 were in this perceived pressure, your opinion?

3 A I don't know.

4 Q Did he have something to lose if --

5 A Let me classify his position. The director
6 of NSRS at that time worked for Mr. Dilworth as the
7 assistant general manager to Mr. Willis. He was in the
8 position to review our reports.

9 Q Yeah. Okay. I'll restate my question then.
10 Why do you think Dilworth conveyed this perceived
11 pressure to not highlight the unfairness of the firing as
12 you saw it?

13 A I can only be speculating.

14 Q That's what I'm asking, you to do.

15 A To protect TVA's infallible image.

16 Q Okay. I'll take the cover letter, then,
17 beyond Dilworth and we will address it to another -- no
18 forget that.

19 Did Newt Culver support your perceived
20 pressure against Dilworth? I mean were there -- were you
21 arguing the point that this perceived unfairness or, not
22 perceived, but your in investigation had developed
23 information that there was a degree of unfairness in the
24 firing of ()

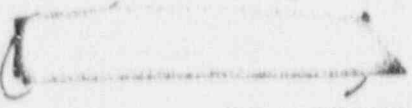
25 Were there arguments in this discussion that

1 you and Culver had with Dilworth?

2 A I think to the best of my recollection it
3 was my impression that Dilworth wanted the report very
4 cut and dried. These guys participated in an improper
5 activity. They were terminated, and that's that, without
6 all the boring details of the whys and wherefors, which I
7 thought were extremely significant to the case and
8 insisted that they be included.

9 Q Okay.

10 A The primary point that needed to be made to
11 individuals set aside was that we found that it is
12 extremely easy for the construction personnel to apply
13 inappropriate pressure on QC inspectors. There was a
14 lack of autonomy on QC's part to do their job, and this
15 was a specific instance of our identification and
16 substantiation of that condition and, in fact, this
17 report resulted in the creation of the quality managers
18 organization on par with the construction engineers
19 organization to provide them with the independence to
20 thwart conditions adverse to quality.

21 Q Okay. Do either of you have any questions
22 on 

23 MR. STONE: No.

24 MR. KINDT: No.

25 Q (By Mr. Robinson) Is there anything else

1 that you would like to comment on regarding the (
 2) investigation?

3 A I've heard only via the grapevine -- you
 4 probably know more about it than I do -- that both of
 5 them appealed those terminations. () was awarded some
 6 settlement, and () was rehired by TVA.

7 Q I'm not sure of that, but I've heard the
 8 same from other sources.

9 The next item I want to talk about is the
 10 Appendix B presentation to Commissioner Eiselstein and
 11 the subsequent events.

12 MR. HARRISON: Can we take a quick coffee
 13 and head break?

14 MR. ROBINSON: Sure. It's now 10:36. Let's
 15 go off the record and take a ten-minute break.

16 (Recess taken.)

17 MR. ROBINSON: It's now 10:45 a.m. We're
 18 back on the record.

19 Q What I'd like to discuss now, Mike, are the
 20 chronology of events after the December 19th presentation
 21 by NSRS to Commissioner Eiselstein which pertained to
 22 perceptions of problems at Watts Bar which involved Bob
 23 Sauer, Phil Washer, Jerry Smith and Doug Stevens.

24 I'll just ask you generally how involved
 25 were you in the proceedings following that when the NRC

1 came back to TVA and asked for a sworn statement as to
2 the TVA's position on the Appendix B compliance?

3 A I was involved in the aftermath --

4 Q Okay.

5 A -- to a large extent.

6 Q In your own words, once TVA received the
7 request or the order from NRC to provide that corporate
8 position, in your own words, kind of give the sequence of
9 events. What happened? What activities took place
10 within NSRS and NSRS communications with Admiral White's
11 staff from your perspective?

12 A I need to make some notes, or I'll get this
13 out of sequence.

14 Q If you want to go get some notes or a diary
15 of any type that you have, you certainly may?

16 A I don't keep one. I remember we got the
17 letter -- all the people you've already identified plus
18 Kermit assumed that we would make the response on January
19 the 9th at a scheduled board meeting with the
20 commissioner of the board would state what TVA's
21 authoritative position was sessions and all this.

22 Q You got the letter about, what, January 2nd,
23 3rd?

24 A Uh-huh. I remember Bill Cottle or Chuck
25 Mason, I'm not sure, called Kermit and scheduled a

1 meeting with us here in this conference room.

2 I believe that took place on January the
3 7th, the 6th or 7th; and we were to try to formalize the
4 TVA corporate position on compliance with the Appendix B
5 at Watts Bar. I had had some discussions about this with
6 Bob and presented to Commissioner Eiselstein with Kermit
7 and was in agreement with the ten bullets. I don't know
8 if you've heard them refer to them like that.

9 Q Yes?

10 A I was in agreement with nine out of ten of
11 them and with his two bottom-line conclusions being
12 controversial, one being the perception that we weren't
13 in compliance with Appendix B at Watts Bar.

14 I still feel that's the case. The one
15 bullet that I didn't think we had enough documented
16 objective evidence to support, which Sauer later agreed
17 it was a mistake, was the one where he had said QC lacks
18 independence from line organizations and then in
19 parentheses it said "construction."

20 He later told me on a couple of occasions
21 that he had screwed that up. It was really operations,
22 but he wanted to indicate it generally and didn't want to
23 put construction, shouldn't have put construction there
24 in parentheses. But basically the thing was sound, and
25 what Sauer did was put it in a perspective that our

1 reports hadn't generally.

2 For the most part, our investigation report
3 is focused on specific technical problems and we hadn't
4 run a relationship to Appendix B requirements and that's
5 what was now necessary. At any rate, on the 7th I
6 remember Bill Cottle was here; Willy Brown, at the time
7 the project manager for Watts Bar.

8 Q Who else? Wagner?

9 A No. Lou Wallace from the general counseils
10 office; Bob Mullins, at the time the director of quality
11 assurance, and a couple of other people.

12 I sat down with Kermit, myself and Bob Saver
13 to try to arrive at the corporate position. Willy Brown
14 was adamant that TVA was in compliance with Appendix B at
15 Watts Bar, his program at Watts Bar was in compliance;
16 and the rest of us were not convinced, including Cottle.

17 I was given the job of drafting a
18 preliminary position on compliance, and did so, that
19 stated that TVA wasn't in compliance in a nutshell but
20 was actively working to identify problems and get into
21 compliance and where we had problems already, appropriate
22 corrective actions up to and including stop work of an
23 activity were being evaluated and effected.

24 I called Phil Washer and Stevens and I think
25 Jerry Smith were all at Watts Bar, and I got them on the

1 phone, read the thing to them, they gave me some
2 specifics about two areas that we had not yet issued
3 reports on that they thought needed to be addressed and
4 that information was brought back for discussion here and
5 we ended up making some changes eventually about 6:30
6 that night.

7 We had all agreed, with the exception of
8 Willy Brown, who left after making his statement. We all
9 left, and Bill Cottle had the draft of what we had come
10 up with, that we thought was going to be presented to the
11 NRC.

12 The next day Bob Sauer came to me and said
13 about half a paragraphs worth of details, definitions as
14 I recall that he had wanted to put in, he now wanted to
15 take out and I conveyed that to Lou Wallace, the lawyer,
16 and I believe what went to the board was the ³draft with
17 Sauer's half paragraph detail removed.

18 Q Originally when you prepared the draft, you
19 had included this information from Sauer?

20 A No. He came up with it and we went through
21 six or seven drafts of the thing sitting around the table
22 and Bob would come up with details about definitions and
23 chronology of significance to allegations. I think
24 that's what it was about during one of the discussions,
25 and this was incorporated into the draft and nobody had

1 any problems with it.

2 Q And then later he came to you and wanted to
3 take out --

4 A The next day he said he had been rereading
5 it, and it really didn't add anything. It was probably
6 more confusing than beneficial, and it should be out.

7 Q Did the final draft still make the statement
8 that TVA was not in compliance with Appendix B at that
9 time?

10 A At that time, yeah. Okay. go ahead?

11 Q Okay. Go ahead.

12 A Our assumption was wrong. The board didn't
13 make a presentation to the commission. The information I
14 received was that they requested an extension to prepare
15 a response, and I just got the thing out a couple of
16 weeks ago and it states that TVA is in compliance with
17 Appendix B at Watts Bar, the official corporate position.

18 Q With no qualifications. Do you have a copy
19 of that letter here in this office anywhere?

20 A I'm sure I do. I got one the day after it
21 was issued. We were on distribution for it. I put it in
22 routing to all the people at the investigations branch,
23 got some surprising feedback from Phil Washer who was as
24 satisfied as I am that even though we don't grow with
25 that position, we're very satisfied that the TVA top

2

1 management definitely considered our position in detail
2 before they issued the corporate one.

3 Q Between the time that the TVA board met with
4 the commission on the 9th and got the extension and when
5 the final letter went out, there were some late night
6 activity pertaining to a position paper regarding, I
7 believe, material traceability?

8 A Okay. This was sometime around the second
9 week in January, January the 14th, '86, rings a bell.
10 Kermit and I were to go to Chattanooga for a
11 just-us-girls discussion with Chuck Mason, Bill Cottle
12 and Willy Brown on why we felt we were not in compliance.

13 Let's talk about this. The board had
14 requested their extension and gotten it from the
15 commissioner, and now we had to come up with the
16 position. Kermit and I, we went down there either the
17 14th or the 16th. I'm not sure, and it turned -- we spent
18 the first hour and a half in that meeting looking for a
19 conference room large enough to hold all the people
20 that actually participated.

21 Very frankly I told Kermit on the way back
22 up here that my impression was that that was a barbecue
23 and I was the main course.

24 Q Who were some of the attendees --

25 A Wagner was in that meeting. That's a guy

1 that I would not want to get in a high-stakes poker game
2 with. I was unalterably convinced that he left that
3 meeting about half way through thinking that I was one of
4 the biggest fools he had ever met. I had the impression
5 that he and I could not communicate.

6 He kept trying to get me to explain so that
7 he could understand why we felt material traceability was
8 an area not in compliance. And this is not an
9 exaggeration, probably eight times I went through the
10 reasoning, the logic from the requirements through the
11 commitments through the recommendation, procedures and
12 the violations that we saw and he still kept asking me,
13 "Where is the violation? Where is the noncompliance?
14 Convince me."

15 He finally got up and left. He said I've
16 heard enough. I thought I was going to be fired that
17 afternoon. What I heard subsequent to that from another
18 of White's top aides via Kermit was that that was only a
19 tactic that he was using to find out who would drift, who
20 in that room would drift to his position of apparent
21 attack and I think he found out.

22 According to the information I got from
23 Kermit, when he went to that meeting he knew very well
24 what I was saying and he agreed, in fact, and said that
25 I thought I was pretty sharp. I liked that.

1 Q Was that pretty much the extent of the
2 barbecue, or what other courses were served in the
3 barbecue?

4 A There were some other areas that were
5 discussed. That one, I think, took more time than the
6 other. We talked about the failure of the corrective
7 action programs to result in effective corrective action,
8 an area of, in our perception, continuing noncompliance
9 program failure.

10 Q Were you and Kermit in the position of being
11 grilled by Wagner and anybody else in the meeting there?
12 Was anyone on your side?

13 A My perception was that there was no one else
14 on our side. There were some, say, objective or neutral
15 participants.

16 Q Who would they be?

17 A Bill Cottle and Chuck Mason were reasonable
18 in that meeting. I'm sure there are others, but those
19 two stand out.

20 Q Was Mullin there?

21 A Mullin was there.

22 Q Was he neutral?

23 A No, not in my perception.

24 Q Okay. So?

25 A Everybody moved -- the mood or the

1 philosophy was that, yes, we had significant problems at
2 Watts Bar, but we are in compliance. One of the
3 statements that was made was that we have drafted,
4 submitted, and had approved a topical report; therefore,
5 we were in compliance with the Appendix B requirements
6 and there may be there logic in that statement.

7 I didn't see it then. I still don't. In
8 fact, I asked the question -- I can almost quote this --
9 of the assembly. "Gentlemen, even though there were some
10 ladies present, are you telling me that just because we
11 have a topical report approved by the NRC that we can
12 never be in noncompliance with Appendix B ; and there was
13 a lot of murmuring but no answer.

14 I was surprised and I was so damn mad that I
15 came as close to resigning and walking out as I ever have
16 anything, including Rickover's interview.

17 Q I understand that NSRS was required to
18 provide a position paper on material traceability and
19 corrective action. Was this subsequent, after this
20 meeting?

21 A It was after Wagner left. Mason asked for
22 two things as best I recall. Willy Brown was to prepare
23 a position on TVA's compliance with Appendix B, and NSRS
24 was to detail why we saw traceability and corrective
25 action as two issues not in compliance and continuing not

1 in compliance with Appendix B, and to the best of my
2 recollection he wanted those positions available to him
3 at the close of business the following day, which was
4 Friday. This meeting took place on a Thursday.

5 Q Okay. Outline the sequence of events as you
6 know it, in creating this position paper?

7 A I made the suggestion to Kermit. I had
8 Jerry Smith and Phil Washer up here working on another
9 project in this conference room, looking at the generic
10 applicability of some K forms, and I said, "We got to do
11 this by close of business. Let's call them from here
12 rather than wait another three hours to get back up here
13 and let them get started on their position.

14 That was a good idea. We went to Mullin's
15 office, and I got a hold of Smith, I think.

16 Q About what ^{7:11} type of day was this?

17 A 1:30 maybe.

18 Q Okay. So, you told them to get working on
19 it and then what, you and Kermit get in the car and start
20 heading back?

21 A Right.

22 Q And when you came back, did you come back
23 into the office?

24 A No.

25 Q What time was it when you got back?

1 A Kermit came back. He dropped me off at the
2 Ramada. It was going to be about 4:00 before we got
3 back. Since I was still steaming I told him that I
4 wanted out. I wanted to quit, but I was going to stay
5 with this program through it's completion primarily
6 because of loyalty to him and NSRS. But I took the rest
7 of the afternoon off and didn't come back to the office.

8 Q Okay.

9 A When I got here at 8:00 o'clock the next
10 morning, I found out that Phil and Kermit -- I met Kermit
11 leaving. Phil, Kermit and Jerry, I think, had stayed
12 until 1:00 to 3:00 o'clock in the morning.

13 They called in clerical help to type this
14 position up, and 8:00 in the morning Kermit was leaving,
15 having been up all night, to drive the thing back to
16 Chattanooga.

17 So, Mason, et al, could review it.

18 Q The deadline had evidently been changed from
19 close of business the next day. I'm still not clear on
20 that.

21 A Yes, sir. As I understood it, the deadline
22 had been changed, in fact, what I heard was that it had
23 been changed several times that afternoon after Kermit
24 got back. At one point they wanted that position by 9:00
25 o'clock that night and then it moved to midnight and then

1 8:00 in the morning. And I think we thought we had more
2 time than that.

3 MR. KINDT: What was the pressure to get
4 that thing up so quickly?

5 THE WITNESS: I don't know.

6 Q (By Mr. Robinson) They had gotten their
7 30-day extension as of the 9th. Right? So, that would
8 have been until February 9th theoretically?

9 A Right I remember some discussion. We didn't
10 know if we had 30 days from the 9th or 30 days from the
11 date of the letter which I think was January the 3rd
12 instead of February the 3rd,

13 Q Yeah.

14 A Our target for responding to the ten bullets
15 which was also requested in that letter was, I think, the
16 following week, the week following that meeting, sometime
17 around January the 27th or so.

18 We wanted to have detailed reasons why we
19 felt each of those perceived problem bullets was in fact
20 a problem placed on the report, investigation report
21 results that we had documented in the files here.

22 EXAMINATION

23 BY MR. KINDT:

24 Q - You mentioned it once, but I've forgotten.
25 Who was it that required this thing immediately by close

1 of business on Friday, the following day?

2 A That was Chuck Mason.

3 Q He never expressed why he needed it so
4 quickly?

5 A Not that I recall.

6 Q Did you or Kermit tell him that, you know,
7 this is a pretty involved responsibility and you should
8 have more time?

9 A I don't think. I don't remember. I
10 remember thinking all we had were the two points
11 traceability and I think corrective action and I thought
12 if we had essentially 12 hours, 12 working hours, to put
13 that together that didn't seem unreasonable.

14 Q Do you know why they changed the time later
15 on?

16 A No.

17 Q Was there ever any discussion that you had
18 during that period, like in that meeting where they got
19 upset with the fact that these ten points had been
20 brought out to Eiselstein and who brought them out, why?
21 Was there ever any discussion in that area?

22 A No. Well, we had discussions there. Kermit
23 and I have, and Bob and I have, and I suspect Kermit and
24 Bob has. He got put into that presentation at the last
25 meeting. The guy that was opposed to deliver it,

1 essentially a statistical summary, got sick.

2 I can point out the day before that I wasn't
3 here then either. I was on Christmas vacation and was in
4 and out. I think Kermit gave the assignment to Bob, but
5 within four working hours preparation time, and I do know
6 for a fact I was in that morning that Eiselstein was here
7 and Bob made two attempts in about ten minutes of each
8 other to get Kermit to look at what he had prepared. And
9 it was too hectic.

10 Kermit didn't have time and hadn't reviewed
11 any of that before it was ^{PREPARED} prepared to Eiselstein. I
12 wasn't in that meeting, ^{I HAD TO} the interview to fill some
13 positions we had and what was then a proven expended NSRS
14 investigation branch to accomplish a lot more of the
15 investigations a lot quicker.

16 EXAMINATION

17 BY MR. ROBINSON:

18 Q Did Bob ask you to review it when he
19 couldn't get Jerry to review it before it went in?

20 A No, he knew -- he knew I wasn't going to be
21 in the meeting. He knew that I knew the intimate details
22 of all the results that we had documented and there
23 weren't any surprises at what he was presenting

24 It was a new perspective, but I had enough
25 confidence in him to know that he wouldn't have just

1 dreamed up stuff except for the tape that he admitted on
2 construction QC incident. And he had taken his
3 information he did give me a quick briefing. He put
4 together that summary sheet based on input from Phil
5 Washer, Jerry Smith and Doug Stevens and had checked it
6 out with the head of QTV, a guy named Owinthrow. I had
7 no problems with it.

8 Q in retrospect if he would have come to you
9 with the ten bullets and the comment regarding
10 noncompliance with the Appendix B at Watts Bar, would you
11 have gone with it or would you maybe have toned it down a
12 little bit.

13 A Oh, boy, that is a toughy. In retrospect I
14 think it would have behooved us to identify -- I don't
15 even want to make that statement. Like I previously
16 said, our investigation reports were geared to
17 substantiate the technical issues, and we hadn't stressed
18 or emphasized general compliance positions.

19 We were less requirement oriented than we
20 were nuclear safety ramifications oriented. Maybe we
21 should have been both. This hardware problem that we
22 have substantiated is an indication of this criterion
23 breakdown or problem. Had that been done there would
24 have been no surprises whatsoever. The only thing that
25 was new was the emphasis on the requirement perspective.

1 If Sauer brought me that ten minutes before he was to
2 send it to Eiselstein, I knew his basis. We would have
3 had to go with it.

4 It was correct, it just hadn't been
5 communicated in a language before.

6 EXAMINATION

7 BY MR. KINDT:

8 Q Let me ask you this: Has Kermit Whitt
9 mentioned that he would have toned it down if he had seen
10 it prior to it being presented to Eiselstein because you
11 gave some kind of indication along that line earlier when
12 you said Kermit didn't have a chance to check it?

13 A Kermit would have a lot more questions than
14 I would because he would have asked them about some of
15 the specific bullets. Remember that I'm passing on to
16 Kermit only those reports of highest significance, high
17 visibility, extreme corrective action.

18 Let's see, I'm not aware of the intimate
19 substantiating details of a bunch of these investigation
20 reports. So, some of those bullets would have taken him
21 by surprise, but he wouldn't have toned it down, he would
22 have come to me or Sauer and said what case or basis do
23 we have for making that statement.

24 Say we've got four investigation reports in
25 this area that show there's a problem.

1 Q Okay. Another question, then, since this
2 one that came out, did NSRS as a group have anybody above
3 that level expressed their concerns with you guys
4 presenting that report in that format?

5 A Not that I am aware of. The only criticism
6 I have with them is that I'm not in a position to make
7 it -- essentially as a matter of practice, Kermit should
8 have looked at that material before Eiselstein did.

9 Q But has there been any criticism outside of
10 NSRS, TVA management I'm talking about, of your
11 presentation of that without them, let's say, looking at
12 it first?

13 A Not that I'm aware of, per se, by virtue of
14 the fact that the official corporate position went back
15 saying we are in compliance. Yeah, that indicates the
16 perceptions that we presented were not, in fact, the
17 case.

18 Q Yeah, but no one's come to you?

19 A Nobody said, "What the heck did you let that
20 dumb Sauer get up there and shoot his mouth off.

21 Q Never had any of that?

22 A Not that I am aware of.

23 EXAMINATION

24 MR. ROBINSON:

25 Q Did Sauer have to make the same presentation

1 that he made to Eiselstein to the board at some point in
2 time?

3 A Yes, I think so. The day before they went
4 to Washington to meet with the commission which would
5 have been on January the 8th. They asked him to make
6 essentially the verbatim presentation to them so they had
7 to know what it was that had been said.

8 Q Did you get any feedback from Sauer as to
9 what went on in that presentation, or were you there?

10 A No, I wasn't there. He said his
11 presentation went well. We thought he had them convinced
12 that there were problems. Willy Brown was there,
13 according to Bob, and disagreed completely with the
14 bottom-line conclusion.

15 Q At least according to what Bob said, to you,
16 Brown was the only one that disagreed. The board didn't
17 seem to be worried about what they were going to have to
18 take to talk about to the commissioners in their meeting?

19 A Uh-huh. Yes.

20 MR. KINDT: Have you received any feedback
21 from the board down through management, what-have-you, as
22 to why they disagreed with your position?

23 THE WITNESS: We got the official response
24 as far as any discussion -- well, on this particular
25 point they don't agree with you, and here's why.

1 I haven't had any conversations with anybody
2 but we do have their official response to the NRC that
3 goes point for point down the bullets, explains the NSV's
4 position and one of the corporate positions. One of the
5 reasons that they were so completely satisfied that they
6 had taken our position into consideration.

15

7 EXAMINATION

8 BY MR. ROBINSON:

9 Q You may not have been satisfied with their
10 final position, but you're satisfied that they took your
11 position into consideration?

12 A Yeah. I'd like to have a copy of that. I
13 didn't realize that in the response to NRC they had
14 itemized each particular point and addressed it. I
15 thought it was more of a general statement that they were
16 in compliance.

17 MR. ROBINSON: Any other questions on the
18 Appendix B?

19 MR. KINDT: Well, just one other thing. You
20 said there was no pressure or no one said anything
21 regarding, you know, after this event occurred, I mean
22 the Eiselstein briefing. Have they now changed any of
23 the procedures? I'm thinking about TVA management, of
24 both NSRS and NRC, as to how these things will be
25 reported in the future if it comes down, like they'll

1 want to know first?

2 A Oh, yeah. There have been some changes that
3 were in the working that put them in the chronology of
4 the presentation various meetings and the decision. I'm
5 not sure I can do that. When NSRS had reported to the
6 board of directors, Kermit Whitt had been directed by the
7 board to speak openly, freely and honestly and frequently
8 with the press, telephones, radio, and newspapers and
9 quickly. After we were transferred under White's
10 direction, he announced himself as a spokesman and if
11 anybody in NSRS communicated with the press it was
12 directly as a citizen of the valley, not as a TVA
13 employee, not as a representative of the office of
14 nuclear power, not as an NSRS nuclear expert.

15 It was one voice coming out of nuclear
16 power.

17 MR. KINDT: Does part of the result of that
18 change because of the briefing that Sauer gave
19 Eiselstein?

20 A I don't know the cause and effect. There
21 were a lot of people in TVA talking to the press. We
22 didn't have a -- the policy we did have was that the
23 press releases go through the TVA information office, but
24 outside of that it was pretty loose. I know Kermit
25 didn't like to do it. We have no control over what

1 reporters write, and, in fact, they'll blow it as often
2 as they get it right.

3 We had no problems whatsoever talking about
4 TVA's problems or the facts of our investigations or the
5 statistics. We were, I think, frequently upset with the
6 degree of accuracy that would be reported in the
7 newspapers of what was said.

8 MR. ROBINSON: One more area of discussion
9 before we -- what, did you miss a phone call?

10 THE WITNESS: No, I forgot a luncheon today.
11 One of my investigators who's getting married. It
12 started two minutes ago. I was supposed to bring the
13 silverware, and I haven't yet gone out to get it.

14 MR. ROBINSON: This is as good a time as any
15 to take a break. Are you going to be able to be back
16 here from that luncheon by 1:00 or 1:30?

17 THE WITNESS: Oh, yeah.

18 MR. ROBINSON: Well, as soon as you can get
19 back, we'll be ready to go at 12:30, as soon as you can
20 get back from that. I've got one other point I want to
21 ask you about regarding Appendix B and then we'll move
22 on.

23 Okay. It's now 11:32. Let's go off the
24 record for a lunch break.

25 (Recess taken.)

1 MR. ROBINSON: It's 12:28. Let's go back on
2 the record. A couple more questions regarding the
3 Appendix B situation, Mike.

4 EXAMINATION

5 BY MR. ROBINSON:

6 Q Is there any way that you can see that Phil
7 Washer might have perceived that either you or Kermit
8 Whitt were putting any pressure on him to change his mind
9 about whether Appendix B was being violated?

10 A No, Phil is well aware that I'm in complete
11 agreement and fully support the position that TVA doesn't
12 comply with all aspects of Appendix B at Watts Bar.

13 I think he is aware that Kermit has a
14 slightly different presentation. Kermit can support TVA
15 corporate position. TVA is in compliance, and I think
16 that's by virtue, again, of a philosophy that once a
17 problem is identified it enters into the corrective
18 action phase.

19 The only reason I hesitate in saying no,
20 there's no way he can feel that, is because the entire
21 staff has been under tense performance pressure sense
22 last May when we entered into this employee concern
23 investigation program. That pressure had recently
24 intensified. We are still, to a large extent, without
25 formalized direction from White as to what our new

1 mission would be. We just recently learned we will be
2 transferred to Chattanooga, some of us, as selected by
3 White. Everybody is under a lot of pressure.

4 Q Yeah. I recognize that type of pressure. I
5 was talking about specific pressure. Are you aware of
6 any direct pressure from Kermit to Phil Washer, trying to
7 change his mind?

8 I know that the corrective action point is
9 really the benefit of contention that if Phil and/or
10 Jerry and/or Bob Sauer or yourself felt that there was an
11 effective corrective action system within TVA that
12 perhaps that would have some merit, but I understand that
13 they feel that the corrective action system has it's
14 limitations and, therefore, that rational --

15 A Let me tell you, it failed. TVA's
16 corrective action program just didn't work and well --
17 you're right. That's one of the reasons that we
18 supported or came up with the position that we're not in
19 compliance with all aspects of Appendix B.

20 Q Kermit disagrees with that? Does he
21 disagree with the fact that the corrective action system
22 is ineffective, or is he just adopting the philosophy
23 that if the corrective action system were operative, the
24 identification of a problem would put you in compliance
25 with Appendix B.

16

1 A Well, again, I'm closer to the realm of
2 speculation than I am a quotation.

3 Q Okay.

4 A But there's a timing issue here as well.
5 There has -- we have seen, or at least perceived, a
6 change in TVA line management's appropriation of our
7 efforts. He -- in the last year, the responses to our
8 findings are much more responsive.

9 "Yes, we do see a problem here and here's
10 what you're going to do about it and we're going to do
11 this thing by such-and-such a date." Kermit could be
12 giving them the benefit of the doubt for improved
13 corrective action program based on what we've recently
14 seen.

15 Some of the rest of us would rather taste
16 that pudding before we pronounce it delicious.

17 Q Have you had any discussions with Kermit
18 about corrective actions specifically? I mean, have you
19 told him that you think it's failing or may be improving
20 a little bit, but failing?

21 A Oh, yes.

22 Q And has -- how has he responded to that?

23 A Basically I think we degreed to disagree.
24 You've heard that frequently I'm sure. Kermit is
25 comfortable supporting a TVA position. I'm comfortable

1 with it. I don't support that position, corporate
2 position, personally; but I'm very satisfied that they
3 took our point of view into consideration before they
4 came up with it.

5 Q What were going to be --

6 A This is the TVA response.

7 Q The response?

8 A To Mr. Denton requested by Mr. Eiselstein.

9 Q Thank you. Thank you. When Bob Sauer was
10 up here, he was down at Sequoyah in the employee concern
11 program for a while. Right?

12 A Bob was the section supervisor of the group
13 that looked into concerns at plants other than Watts Bar.

14 Q Okay.

15 A I think he spent most of his time up here in
16 Knoxville in that capacity.

17 Q Who has that responsibility now?

18 A I do.

19 Q You do?

20 A (Nodding head affirmatively.)

21 Q Did Doug Stevens have it at any time?

22 A It was split. This can get very involved.

23 Q Well, my point is that Sauer evidently
24 indicated an excessive workload. In reading Sauer's
25 complaint to the Department of Labor, he indicated an

1 excessive workload while he was in the midst of
2 responding to the Appendix B presentation and the things
3 he was having to do with the Appendix B presentation, and
4 your name was linked with perhaps maybe assigning a
5 little excessive workload. Do you care to elaborate on
6 that?

7 A At length.

8 Q Okay.

9 A When I was appointed the acting branch
10 chief, I found out for the first time what program Bob
11 had established to look at the employee concerns at the
12 other plants under Mike Kidd as the previous branch
13 chief. And it was very much different much more
14 extensive, than -- much more extensive line involvement
15 than what we had in place at Watts Bar.

16 Bob had put himself on a group at Sequoyah
17 called the management review group consisting of three
18 members and himself, site director, and the plant
19 manager. They were reviewing the adequacy of proposed
20 corrective actions reports. They were running a series
21 of generic issue reviews that had been identified from
22 Watts Bar, Bellefonte and Browns Ferry as possibly
23 pertaining to Sequoyah.

24 In addition to investigating the specific
25 concerns that were testing at Sequoyah, he did have too

1 much going on; and what I did was try to alleviate some
2 of that workload. He had missed several self-imposed and
3 directed deadlines for issuing reports that we had
4 classified as priority one, or had to be addressed prior
5 to start-up of Sequoyah, and the forecast was such that
6 he wasn't going to get any better at meeting those
7 deadlines because of all the work that he had going on,
8 and I gave Doug Stevens the specific responsibility of
9 finishing up those priority one investigations and
10 getting those reports issued.

11 The ultimate deadline I gave Stevens for
12 finishing those up was February the 28th for
13 communication of all significant findings from the
14 investigations and he met that deadline and we got all
15 the reports out, including two that came in two days
16 prior to that deadline. Well, the very last one is in my
17 basket for signing out today.

18 Q So, you were relieving Sauer of a workload
19 essentially?

20 A Yes. I was dissatisfied with his
21 performance in his primary function and there's no
22 mistaking that and I communicated that to him. His first
23 and foremost job was to get those priority one
24 investigations accomplished, reviewed, and issued; and he
25 had taken on a lot more work and responsibility than

1 would allow him to do that in a timely manner.

2 Q You mean with respect to, not with respect
3 to the Appendix B-Eiselstein issue, but with respect to
4 his own perception of what needed to be done at the
5 plants other than Watts Bar, that program that you
6 explained to us at first?

7 A Yes. It's my recollection as well as
8 current perception that Phil, Jerry, myself and Doug
9 Stevens tried to use Bob as a consultant on the Appendix
10 B thing so he wouldn't be buried in that. His management
11 review group work, he told me himself, was essentially a
12 full-time job at this point.

13 We still owe Mason and White, as well as the
14 NRC, a final report on the results of the potentially
15 generic issues review. I think Bob is in Sequoyah this
16 week trying to finalize comments on that, and he's told
17 me already, Monday, that he's not satisfied with that
18 work to date. There's going to be more review slash
19 investigation necessary before he's satisfied as a
20 management review group member with that effort.

21 Q I'll ask you basically the same question
22 relating to the way I framed the question about Washer
23 and his perception of pressure on Appendix B. How
24 would -- if Sauer knows that the excessive workload that
25 he has was kind of self-created, how can he relate to or

1 make any kind of indication that you were putting an
2 excessive workload on him? Does that not make any sense?
3 Is there no rational to his statement like that at all?

4 A There is rational from a -- what I'll
5 describe as a legalistic standpoint. I'm his immediate
6 supervisor and his work -- the work that he's assigned
7 should come from me. What I found when I became his
8 immediate supervisor is that he had created this
9 elaborate program that required his intense involvement,
10 and it was after the fact.

11 It wasn't the sort of thing that I could
12 relieve him from that aspect MRG area which at one point
13 we tried to do for about a week and could not come up
14 with an adequate replacement that was acceptable to the
15 plant manager and site director. In fact, they insisted
16 that Bob go back on that group.

17 Gramatically I can only deal where I am in
18 the sentence. So, I'll just stick a period there.

19 Q But any rational that, in his mind, that --
20 I mean, like you say, at least what you're telling us now
21 is you're trying to relieve him of that management review
22 and let's get the priority one investigation reports out
23 and you're keeping him in kind of a consultant statistic
24 on the Appendix B issue that you're working out?

25 A Everything that Phil, Jerry, and Doug had

1 done on Appendix B got reviewed by Bob. He worked on
2 some of it, definitely had his input on the final
3 position that was communicated to Mason.

4 One of the things that bothered me was
5 Sauer's overtime. He was hitting right at 20 hours a
6 week or so and not getting the reports out. So, I wasn't
7 comfortable at all saying, "Hey, work more hours." It
8 had to be relief in the areas that -- there were some
9 areas that demanded his involvement and there were some
10 that I felt could be assigned to other people and that's
11 how the split was made.

12 Q For what period of time was he working this
13 20 hours of overtime?

14 A He still is.

15 Q Since when?

16 A Sixty hours a week has been authorized since
17 this thing started. I don't want people to work more
18 than that. In fact, I don't want them to work 60 hours a
19 week continuously. You get fatigued.

20 Q Do you think he's unfairly taking advantage
21 of the overtime program?

22 A No. No. I wasn't trying to give the
23 impression that he was cheating on overtime.

24 Q All right.

25 A No, he's working the maximum policy

1 overtime, not getting the results that we need using that
2 overtime. I didn't want to tell him, "Okay. Bob work 70
3 hours a week in order the get the product out." It was
4 more acceptable to me as his supervisor to relieve him of
5 some of that workload.

6 Q Yeah. I mean, is the bottom line that he
7 didn't like being taken off of that management review
8 group?

9 A I'm not sure how he felt about the
10 management review group. He had suggested another person
11 be put on there sometime late in January. I think he
12 liked it. He liked being a member of it. [
13 high degree of authority and power he had. That's one of
14 my personal perceptions of Bob, he enjoys power and the

15 []
16 He did not like being relieved of his
17 responsibilities to get the investigation reports out
18 though, but he has not been able to meet his own
19 self-imposed deadlines.

20 Q So, I'm still trying to focus in my mind the
21 rational for his complaint that you were giving him -- I
22 guess it's more that in his mind you were giving him
23 unrealistic deadlines as opposed to an excessive workload
24 from his perspective.

25 A I have trouble relating to that because the

1 deadlines that he missed were ones that he had come up
2 with, that he had proposed.

3 Q Has the Department of Labor talked to you
4 about this aspect?

5 A I think so. I don't remember if that
6 specific question was asked and --

7 Q But the Department of Labor --

8 A Very respectfully there's so many of those
9 things that I forget which one he's talking about. I'm
10 pretty sure I've talked about Sauer and Smith, too. I've
11 got Washer one scheduled next week.

12 Q Okay. You don't specifically recall whether
13 this particular aspect about Sauer's complaining about
14 your unreasonable deadlines and excessive workload came
15 up in the labor interview?

16 A I believe it did.

17 Q Okay. All right.

18 MR. ROBINSON: Jim or Jack, do you have any
19 questions about this aspect?

20 EXAMINATION

21 BY MR. KINDT:

22 Q Well, I guess I'm having a little problem
23 with what your problem is with Sauer's, you know,
24 workload or -- what problem you have with it because if
25 you don't feel that he's abusing the overtime and he's

1 doing his job and those are self-imposed deadlines that
2 he put in, then what problem do you have with his work?

3 I mean if they're not deadlines by you --

4 A Well, they're deadlines that he's committed
5 to Mason to meet. The first one wasn't self-imposed. I
6 think Hugh Paris had directed us to have for Sequoyah 22
7 priority one investigations completed by November the
8 1st. I think those numbers are correct.

9 Sauer's group missed that deadline. I don't
10 remember how many they got out. I believe it was nine or
11 ten. Eventually around the middle of December they
12 renegotiated at one point to get the 22 out by November
13 the 15th. That was missed. December the 15th was
14 missed.

15 By January the 15th there were many more
16 priority ones and Sauer committed to have those done by
17 February the 15th. There were 61 priority ones that had
18 to be investigated by February 15th.

19 In addition to seven generic reviews that
20 were being conducted essentially under his direction as a
21 member of the management review group. When I gave the
22 investigation assignment to Stevens, that was late in
23 January, I think, we still had under a dozen of the
24 priority one investigation reports actually issued that
25 Sauer had a stack of 30 to 35 of these laying in his

1 office for review and approval and had had for about two
2 months and did not have time, could not get to them.

3 I couldn't support holding, sitting on that
4 wealth of substantiation or nonsubstantiation to results
5 for that length of time.

6 Q So, you're having a problem with his
7 productivity then right?

8 A That's right. And he's already essentially
9 working the maximum overtime. I don't want to say, "Hey
10 keep the job, but do 80 hours a week." That would burn
11 him out in a heartbeat. It would me.

12 Q You don't think he's efficient enough in his
13 work then?

14 A That's not inaccurate.

15 Q Well, I'm not trying to put word in your
16 mouth. I'm trying to get from you what you think really.

17 A I think, in a nutshell, he bites off more
18 than he can chew. He'll he -- he has a tendency to
19 promise you the moon. I have begun documenting some of
20 those promises very recently. He has yet to meet the
21 deadline directed or imposed, self-imposed.

22 MR. KINDT: That's it for me.

23 MR. STONE: I have one.

24 EXAMINATION

25 BY MR. STONE:

1 Q I was interested in how he got on the
2 management review group to start with?

3 A I don't know.

4 Q He was there when you took over the Branch
5 Chief?

6 A Right.

7 Q Yeah, I see.

8 A I don't know if it was requested and Mike
9 Kidd and Kermit agreed or if he suggested himself and
10 again they agreed or if have he just did it. That's
11 another of my management problems, Bob has a tendency to
12 exceed my understanding of his authority.

13 I can't give dates or the nature of the
14 instances, but I recall twice being unpleasantly shocked
15 to hear him say, "Harrison, I won't tell you everything
16 I'm doing because if I did you might put limits on me.
17 You might even stop me from doing something I want to
18 do," and he may have well been correct.

19 EXAMINATION

20 BY MR. ROBINSON:

21 Q Now, at that time he knew that you were his
22 supervision. I mean he had accepted the fact that you
23 were his supervision?

24 A He's told Kermit the same thing. He's told
25 me to tell Kermit the same thing. "I can't tell you

1 everything I'm doing, you might slow me down.*

2 Q Mansour Guity's cable routing?

3 A (Nodding head affirmatively.)

4 Q I'm going to give you my understanding, a
5 brief understanding of the situation and I want you to
6 elaborate on it for me.

7 A (Shaking head affirmatively.)

8 Q I did an investigation regarding cable
9 routing installation at Watts Bar, I guess. Let's see,
10 I've got a copy of the report here.

11 This is dated July '85, and he was in the
12 process of preparing a draft report and for some reason,
13 which I hope you'll elaborate on, you and Kermit or you
14 alone wanted him to prepare a summary of this report and
15 essentially to have a shortened, severely shortened, or
16 summarized report of its findings published.

17 He indicated that he had a problem with
18 that, that he wanted all of the supplements to this
19 report issued with the report and that if he was forced
20 to do the summary and an inappropriate follow-up was
21 taken at Watts Bar, that he'd go to the NRC, something
22 like that.

23 And the bottom line was that he was
24 permitted to write his report basically accepting it, and
25 it was published. He indicated that even at the point in

1 time when he was permitted to write the full report that
2 he wanted, he was submitting drafts in sections and that
3 the drafts were effectively being condensed, or at least
4 seemed to be being condensed, so that they would lose
5 some of their impact.

6 At that point I'll stop and let you ^{CLARIFY} classify
7 the situation from your perspective a little bit.

8 A The report you're talking about '85 or '86,
9 WBM isn't Mansour's report. He was half of that
10 investigation team; I was the other half.

11 Q Okay.

12 A What we found in pursuing the employees'
13 concern for, I think, about six weeks of field work was
14 that there really wasn't much credibility to the concern
15 as we examined or scoped it, but as an oh-by-the-way, we
16 have significant problems with cable design and
17 installation at Watts Bar at least, possibly generic to
18 Sequoyah or other plants. We had volumes of information
19 to assimilate, documented primarily from the office of
20 engineering.

21 When we were finished with the investigative
22 efforts and ready to start writing, to report what we
23 had, we both discovered that we've got tons of
24 information to communicate and no real good way of doing
25 it in a format that we were used to. We've got

1 prescribed report formats that we could reasonably expect
2 somebody to sit down and read.

3 Seeing that report, one of the comments I've
4 made to previous interviews is that I suspect there's
5 less than five people at TVA that read that thing cover
6 to cover in that format.

7 One of the proposals that I came up with was
8 to write a, what I'd call a summary report, with all the
9 information in it and include four appendices that dealt
10 with each of the much more technical areas, so that we
11 could reasonably expect a board member to read a summary
12 report and possibly an electrical engineer to go into the
13 details in the appendices, and we tried that.

14 I was writing the summary report and Mansour
15 wrote the four appendices to it and we had a good report,
16 but it was not an NSRS report format. I remember we had
17 a meeting called. I don't remember when -- I believe
18 sometime in May in Chattanooga by Hugh Paris that I
19 attended with drafts of the four appendixes. Hugh Paris
20 had asked to find out from TVA's top management what
21 issues were holding up the Watts Bar licensing. They
22 just wanted everybody to get around a table and here's
23 mine, and here's mine, et cetera. Those are the things
24 we thought of that are impacting Watts Bar.

25 I took these four appendices down there to

1 use those. We think we have severe cable problems at
2 Watts Bar. The primary reason I was there was to discuss
3 the employee concern program as impacted Watts Bar, but I
4 had those appendices with me and used those.

5 I personally handed them to Bob Cantrell,
6 who was at that time the Manager of the Office of
7 Engineering; and Hugh Paris and Cantrell appeared and
8 told me that they would respond to those technical issues
9 in draft. They would get ready to take corrective
10 action.

11 I came back to Kermit with that information,
12 and one of the things we considered very briefly was
13 issuing only that summary report that I was talking about
14 earlier and reference to the four appendices as having
15 already been provided, even though they were only in
16 draft form, to engineering who had promised to respond.

17 And I don't remember as that proposal or
18 alternative lasted more than a couple of hours. Myself,
19 Kidd, I believe Kermit and Mansour talked about it. We
20 didn't like that idea. We wanted all the information
21 officially transmitted.

22 Q How did the idea of just submitting the
23 summary come up in the first place?

24 A I don't remember whose that was.

25 Q One of the four of you?

1 A Oh, I'm sure. I can't recall anybody else
2 that was involved.

3 Q Do you know anybody else?

4 A Yes, I can, but only vaguely. I think it
5 was suggested by Paris. As I recollect, Paris said to me
6 in that meeting, "Well, we've got these, the technical
7 issues here right now that we're beginning to respond to
8 instead of issuing us this whole report. Can you give us
9 just the management summary section of the thing with
10 your official recommendations?"

11 I said, "I don't know, but we can talk about
12 that." I'm not certain of that.

13 Q You had written the summary of it, but you
14 didn't have the recollection?

15 A Most of it, I'd say, reasonably two thirds,
16 the writing phase. This is occurring in the week to
17 month after we have become involved in the employee
18 concern program administering the QTV contract.

19 I had taken what I had started and handed
20 that to Mansour to finish off. I believe it was Mike
21 Kidd who decided he just didn't want to go with the
22 somewhat abbreviated report with four appendices stuck
23 onto it because it wasn't prescribed in the NSRS report
24 format. I had all the information folded into a standard
25 NSRS investigation report, and that's what we did.

1 The only other thing, I mentioned this to
2 DOL, Mansour was asked by either Kermit or Bill Willis to
3 prepare a summary of the thing for Willis's or Kermit's,
4 I'm not sure which, presentation to the Board, not to be
5 construed as an NSRS report, just a summary of the
6 investigation. Here's the significance of it, that sort
7 of thing. I do not understand how he may have conceived
8 that as the summary report, but it's possible. I won't
9 dismiss it as a possibility.

10 Q In connection with -- oh, go ahead.

11 A I don't recall at all his having ever
12 expressed concern at any time any of this was going on,
13 that he disagreed with the idea of issuing a short report
14 and would go to the NRC if that was done. I don't
15 remember that.

16 Q Had he done that -- had he done that in
17 another -- he has done other cabling investigations and
18 maybe had he done that in connection with another cable
19 report. I mean we're talking about the summary report
20 aspect of '85 and his apparent displeasure with the
21 summary report. That's pertaining to this particular
22 report right?

23 A Yeah.

24 Q Okay.

25 A As I understand the complaint it is.

1 Q Okay. Along with that development of the
2 investigation of this cabling report, was there some type
3 of -- and I'll put it in quotes -- the fact that you've
4 got 87 hours to finish this report handed down to him by
5 either you or Kermit at any point in time in the
6 investigation?

7 A Not that I recall. See, he had plenty of
8 time to get that report out. That's easy. I'm sorry,
9 I'm not making any grammatical sense here.

10 That is going, as we understand it, to
11 become an important factor in our new charter, whatever
12 that is. We shall do urgent deadline work. The deadline
13 will now become paramount again, as we understand it,
14 with the thoroughness and quality of our investigations.

15 At that time it wasn't -- I mean we all
16 understood it was important to indicate the significant
17 information formally and as quickly as possible because
18 frankly, we had plenty of time to do all the
19 assimilating, digesting, analyzing and writing that we
20 wanted to.

21 There was -- there was an urgency to get his
22 expertise back into the field. I had five investigators
23 assigned to me to cover this employee concern program
24 that grew pretty quickly to 5000 concerns to investigate.
25 And we wound up the following work on that in the middle

1 of April, and as you saw it wasn't issued until July.

2 It's beyond me how he can allege a pressure
3 imposed because me or Kermit finished the thing in 80
4 hours. It's closer to 80 days.

5 Q How about the conduct of the investigation
6 itself? There wasn't any 80-hour deadline to do the
7 investigation or his portion of the investigation?

8 A No. Well, when we first scoped the thing I
9 thought we could do the investigation in 40 hours and
10 that's how I scheduled it. And what we found out, if we
11 had stuck to that scope we probably could have done it in
12 three days.

13 The actual allegation pretty quickly did not
14 substantiate. That was the actual design routing, the
15 cable. Ironically, after everything was looked at,
16 that's about the only thing engineering was doing right,
17 but looking at that took us to all these other aspects of
18 designing and installing.

19 We were very uncomfortable with it,
20 primarily from an environmental qualification
21 perspective. I don't think we've got adequate assurance
22 that the cables installed can meet the accident analysis
23 requirements for the 40-year life of the plant.

24 Q In the -- for example, the meeting that you
25 had with Paris and Cantrell where you handed Cantrell

1 the four draft appendices, did you communicate with
2 Mansour, you know, what you had done and all the
3 background about this? You told him all about this when
4 you, maybe, handed him your two-thirds summary and told
5 him to finish it up, that type of thing. He was aware of
6 that?

7 A We had a, let's say an unusual temporary
8 relationship. I was the investigation team leader, he
9 was a member of that team and I had been removed from
10 that, promoted to Section Supervisor to the
11 investigations group and working on that, uniquely
12 reporting to Mike Kidd.

13 He was going to come to me as an
14 investigator after he had finished that report up. And
15 he was -- you know, we were still a team working on that
16 report to the extent that I could devote time to it.
17 Yeah he was informed.

18 Q Okay.

19 MR. ROBINSON: While I'm looking through
20 this, do either of you have any questions regarding this
21 issue?

22 MR. STONE: No.

23 MR. KINDT: No.

24 Q Was there an executive summary prepared for
25 Willis or Whitt regarding this report for presentation to

1 the Board?

2 A To the best of my recollection there was a
3 two-page draft. I think Mansour and Gerald Brantley
4 worked on it one night and gave it to Kermit to give to
5 Willis.

6 Q Were you ever in on any type of a
7 communication between Whitt and Guity in which Whitt said
8 something to the effect that, "Mansour went to Bill
9 Willis and got another week or an extension of time to
10 get this report done, and I want you to write it the way
11 you want to write it. I don't want reports going out of
12 my office, and I won't have reports going out that are
13 not written in the way my people want them." Something
14 to that effect.

15 Were you ever in on a conversation like that
16 where it appeared that Whitt had to go to Bill Willis and
17 get some type of an extension on time for a report or a
18 document?

19 A Yeah, I remember, again vaguely, something
20 like that. That was that was pretty much our common
21 practice though. The reports -- philosophically are the
22 purview of the investigators. Certainly subject to
23 management review, NSRS management review. The
24 investigator has to be satisfied with the content of that
25 report.

1 We adopt the facts in review. For the most
2 part comments are editorial. There are less and less
3 frequent changes as people get the experience required to
4 do justifications. I do remember something specific.

5 Q There may have also been something in the
6 comment by Kermit about his losing sleep, staying awake
7 nights over this particular issue?

8 A I remember that.

9 Q What brought it on?

10 A That, I don't remember. I can only
11 speculate that Willis had asked for that contract by such
12 and such a date. "Get it done, get it ready by then."
13 Kermit got an extension.

14 Q But this was coupled with the apparent
15 conflict of submitting a summary as opposed to submitting
16 a full report. And your conjecture is that, or you
17 couldn't understand how Guity may have interpreted that
18 summary for Willis as taking the place of the report, but
19 perhaps he had done that?

20 A That's possible. I don't think so. I don't
21 remember the timing here. The last conflict that I
22 recall about the report was whether or not we'd issue a
23 short report plus four appendices or a standard NSRS
24 format with everything included in the prescribed
25 outline.

1 Q And you think the decision to go with the
2 prescribed outline was made by Kidd?

3 A I think so. I know he wasn't comfortable
4 with the idea of the appendices just reserved in the
5 report.

6 Q All right. But any conversation between
7 Whitt and Guity pertaining to the extension of time by
8 Willis for this report is cloudy in your mind, or you
9 don't recall it?

10 A I recall it was an important timely topic
11 and the Board wanted that report. I don't remember that
12 Willis gave us a deadline, "Have that report on my desk
13 by such and such a time." But he may well could have.

14 Q All right. And you don't remember a
15 conversation like that between Whitt and Guity referring
16 to a week's extension?

17 A No.

18 Q Or an extension in the deadline in getting
19 the report, whatever length it was?

20 A Not per se. I do remember the statement
21 that Kermit made to me and Guity together about not
22 sleeping well. He wanted the report written the way we
23 wanted it.

24 Q You do remember that?

25 A Yeah. I don't remember that that had a

1 week's extension or anything like that.

2 Q Okay.

3 A What we ended up with was the standard
4 report format with all the technical appendix information
5 folded in and included in it.

6 Q And to your knowledge this was as a result
7 of Kidd's decision and not as a result of Guity saying,
8 "Hey, you know if we don't submit this whole report the
9 way I want it I'm going to the NRC with it." That
10 doesn't ring a bell, that type of --

11 A Conversation? No, it doesn't. In fact,
12 that burns me a little bit. That report was as much mine
13 as his. That information was going out, the factual
14 information was going out as we had written it. The
15 facts aren't and have never been subject to review or
16 comment by NSRS or any other TVA management supervisors.

17 Our analysis of those facts or the
18 conclusions we can raise from them and the
19 recommendations we make can be supported by management.

20 Q Well, that conversation may have been taking
21 place between Guity and Kidd or it may not have taken
22 place exactly as I characterized it, but I just want your
23 recollection of anything similar or if that rings a bell
24 to you?

25 A I've got to go on the record saying that

1 nobody has ever had to go to the NRC Board to get an
2 investigation report out of the NSRS.

3 EXAMINATION

4 BY MR. ROBINSON:

5 Q Okay. Claude Key did an investigation at
6 Bellefonte regarding -- I don't know whether INPO finding
7 QP5-1 rings a bell in your mind at all or not. This is
8 back in July of '84.

9 A Okay.

10 Q NSRS was doing a review to determine the
11 validity of that INPO finding. Claude Key was a member
12 of that investigative team.

13 During the results, during the conduct of
14 his investigation he perceived a situation where Willy
15 Brown had taken some craft people and elevated them into
16 a QC management position thereby putting them in a
17 position of inspecting, theoretically, some of their own
18 work. Key perceived this as a potential conflict of
19 interest. Do you remember him discussing that with you
20 at all?

21 A No, I'm sorry.

22 Q Okay.

23 A This one doesn't ring a bell at all.

24 Q All right. He discussed it with Culver or
25 at least he indicates that he discussed it with Culver,

1 and Culver said that it would be handled. The aspect of
2 the potential conflict of interests would not be
3 addressed in the main report pertaining to the INPO
4 finding but would be handled by a separate memorandum to
5 Willy Brown. Key drafted a memo to Willy Brown
6 pertaining to his perception of the conflict of
7 interests.

8 Were you in any type of a chain of command
9 or supervisory position over Key at that time back in the
10 mid-1984 time frame?

11 A Mid 84? For the month of May, mid May to
12 mid July, I'm not sure of the exact dates -- I was acting
13 supervisor in that extention that I talked about.

14 Q Okay. Between you and Smith?

15 A Uh-huh.

16 Q Would that have put you in a position over
17 Key?

18 A Yeah, he was in Reviews and Investigations.

19 Q Okay. I'll give you -- this is an unsigned
20 memorandum that Key says was never published. He drafted
21 this for Culver's signature regarding this to Willy
22 Brown, and Key indicated that he sent it through you and
23 that you had returned it to him indicating that Culver
24 wasn't going to send it out. And I was just wanting your
25 clarification and comments if you can recall?

1 (Witness reviewing document.)

2 A I vaguely remember the letter. I think I
3 helped him write it up. I do not remember the outcome.
4 I think Culver discussed this issue with Brown in person
5 and I was under the impression that this memo was sent.

6 Q Would it be in the same file as Key's report
7 on that INPO finding, if it was sent it?

8 A It could be. It should be in Key's reading
9 file.

10 Q Well, perhaps it went out and Key didn't
11 think -- Key was under the impression that you brought it
12 back to him and indicated that Culver said that's not
13 going to go out and there wasn't any indication why. And
14 I'm just asking you if you have any -- I mean, the fact
15 that if you know for sure that Culver discussed the thing
16 verbally with Brown?

17 A He said he and Brown agreed to look into the
18 situation and it was my impression that we were following
19 it up with that memo. I don't remember at all that
20 Culver said, "We don't need the memo, I'm not planning to
21 issue it."

22 Q Well, check the reading file in the
23 logistical areas in your file. See if that memo was in
24 fact issued.

25 A Okay.

1 Q Do you remember having any discussion with
2 Culver about it other than maybe him telling you that he
3 discussed it with Brown?

4 A No.

5 Q Do you have any indication that there was a
6 relationship between Culver and Brown that may have kept
7 Culver from issuing formal motions in writing that may
8 have put the pressure on Brown in any way or make Brown
9 look in a bad light?

10 A Well, the formality of our process indicated
11 that adverse findings, so to speak, be communicated in
12 formal NSRS reports. This was unusual. Formerly we'd
13 have given Brown an investigation report saying here is
14 our findings and this is what we recommend to do about
15 it. A memo is perceived as a less formal mechanism than
16 a formal report.

17 Q Yes. And a verbal motion even less formal
18 than a memo?

19 A Yes.

20 Q Well --

21 A I'm a little bit confused on the typing
22 here. I remember the subject to some extent but I'm
23 pretty sure that on July 3rd, I'm not involved as chain of
24 command anymore. I had the Investigations and Reviews
25 group for essentially the month of May in '84 and then

1 Mike Kidd came back.

2 Q Well --

3 A My confusion is that I do recall it and yes,
4 I was involved in it.

5 Q Okay. You do recall that area, that area of
6 concern?

7 A Yeah.

8 Q Check your file. See if that memo was ever
9 officially issued.

10 MR. KINDT: Was there a report issued in
11 view of this memo?

12 THE WITNESS: I don't think it serves to
13 report 8409, Bellefonte. I don't remember.

14 Q I'm supposing that 8409 was issued without
15 any mention of that and perhaps -- I mean, I'm just
16 conjecturing though, and maybe -- but perhaps the
17 conflict of interest aspect wasn't felt to be quote,
18 document or justified enough?

19 A To the best of my recollection Culver
20 probably did that in the month of May. 8409. I don't
21 remember it except that he had one of these gut feelings
22 that I referred to earlier. He was aware that he didn't
23 have the substantiation or the justification for
24 including it as a recommendation.

25 Q Do you specifically remember that or are you

1 just kind of taking my conjecture now?

2 A No, that comes back. I remember talking
3 about it with him and he wanted it handled less formally.

4 Q Claude did?

5 A Yeah, he didn't want that in the report. He
6 knew he didn't have the background to support it but he
7 thought there was going to be problem, morale type
8 problem that would need addressing and we needed to alert
9 Brown to it.

10 Q Okay. Well, there's a question in your mind
11 as to whether it was sent or not?

12 A Sent or not?

13 Q You remember something about Culver telling
14 you that he made verbal contact with Brown about it?

15 A I think Claude did as well. I think Claude
16 talked to Willy about it. I'm not sure or of that
17 either.

18 Q Okay.

19 MR. ROBINSON: Either of you have any
20 questions regarding this aspect?

21 MR. STONE: No.

22 MR. KINDT: No.

23 Q This is a new topic also involving Claude
24 Key. Evidently Claude was involved with the employee
25 concern program at Bellefonte. Do you remember that at

1 all? He was either heading up or at least was the site
2 representative for an employee concern program at
3 Bellefonte early in '82 or '83, is that right?

4 A This was early, yes, sir.

5 Q As a matter of fact in November '82?

6 A Okay. We were kind of experimenting, I
7 believe at Willy Brown's request, with having one of the
8 NSRS people at the site one day a month or one day a
9 week, I don't remember what the frequency was, to take
10 employee concerns and try and deal with them within TVA
11 rather than having employees go directly to the on-site
12 NRCR inspector.

13 Q Would you have been either working with or
14 supervising Key back in that time frame?

15 A No.

16 Q Do you remember anything about Claude Key
17 having a problem with lack of cooperation from Bellefonte
18 site personnel in the -- in his conduct of the employee
19 concern program?

20 A I remember him talking about being stuck in
21 a trailer that was within view of the project manager's
22 office, I think. So the project manager would be able to
23 see who came and went from the trailer. And that's kind
24 of vague but the only thing I remember definitely about
25 that is Mike Kidd went with him the first couple of times

1 to set him up. And I believe they traded off.

2 I remember Tuesday afternoons Claude would
3 pick up the car and he would be gone for his Wednesday
4 session down there. And once in a while Kidd relieved
5 him, Kidd would go down there instead of Claude.

6 Q That was like one day a week?

7 A (Nodding head affirmatively.) In the
8 evening. It started off one day a week and then went to
9 one day every two weeks. I'm not sure.

10 Q Do you ever remember him writing a report
11 that pertained to the lack of cooperation of site
12 personnel at Bellefonte in regard to the employee concern
13 program?

14 A No.

15 Q Or at least drafting a report?

16 A Yes, I can.

17 Q Who would have been his immediate supervisor
18 at that time, Kidd? This is back in 82.

19 A It was definitely Kidd for awhile. But at
20 some point in, I think 8, late '82 Kidd went to the
21 Office of Quality Assurance. Late '82 or early '83, I'm
22 not sure when he transferred.

23 Q Who would have been Key's immediate
24 supervisor after Kidd transferred?

25 A No, that had to be Kidd because -- I think

1 when Kidd left that would have been -- yeah, late '83.
2 Dick Smith got the first six months of this competition
3 and I was to have the second six months. I'm pretty sure
4 Kidd was a supervisor for the whole four or five months.

5 Q All of '82 and into '83?

6 A That effort at Bellefonte.

7 Q Okay. Willy Brown was at Bellefonte at that
8 time wasn't he?

9 A I think he was Ralph Pierce's counterpart
10 for Bellefonte, overall project manager. And he would
11 have been physically located here in Knoxville.

12 Q But you don't remember anything about a
13 draft report that Key wrote regarding that employee
14 concern program and the lack of cooperation by site
15 personnel?

16 A I don't know.

17 Q Okay.

18 MR. ROBINSON: Why don't we take about a
19 ten minute break right now. It's 1:49, let's be back at
20 2:00.

21 (Brief recess.)

22 MR. ROBINSON: Let's go ahead and go back
23 on record. I've just got one more point at this time to
24 discuss.

25 It's 1:57 and we're back on the record.

EXAMINATION

BY MR. ROBINSON:

Q Evidently there's an internal computerized follow-up type listing that, I believe, John Mashburn had a lot to do with developing regarding the follow-up of NSRS items by the individual reviewers or engineers. Is that correct?

A Not to my knowledge.

Q No. Does the CONSOLIDATION consultation of some items on a listing by you and the closing out of some computer-related items that Mashburn was following, does that ring a bell at all? And the items, the close out of the items had to do with, I believe, management controls over computer-type items. They were not safety-related items?

A Okay. Yeah, that's a specific -- I know where you are now. Okay. That was a specific finding, I believe, in the Watts Bar job management review -- management controls for software programs used in support of safety activities were inadequate. Could very well be, I'm not real happy with the exact nature of the items.

Q Do you remember making a decision on consolidating some of those items and closing them out without Mashburn's knowledge?

1 A I know what you're talking about but --

2 Q I'll rephrase it.

3 A Okay. There was an item that was open that
4 was assigned to me to follow-up. I don't remember the
5 number of it, I'm sure we could go dig it out. And I did
6 that and was satisfied with the action that had been
7 taken.

8 There was an entire system and organization
9 set up to control the use of computers and software
10 applications, all the controls we were looking for. Then
11 I closed it.

12 Q What did Mashburn have to do, if anything,
13 with this item? Was it his finding or --

14 A I don't remember. I don't remember what his
15 finding it was. It was one of the open items that was
16 under the purview of the Reviews and Investigations group
17 to look at.

18 Q Do you remember having any kind of a
19 discussion with Mashburn about him being unhappy about
20 items being closed out that he was following that all of
21 a sudden disappeared from that follow-up?

22 A No. To the best of my knowledge he wasn't
23 following that item or any other. He was in the
24 technical analysts and review group and not associated
25 with the Reviews or Investigations.

1 Q And you don't remember having a conversation
2 with him regardless of which group he was in about a
3 couple of items that he was following regarding this
4 management control over a computer that he felt he should
5 have been consulted before those items were allowed out
6 or that item?

7 A I don't remember.

8 Q You don't recall a conversation like that --

9 A Huh-uh.

10 Q -- where supposedly the comment was made by
11 you, and I use the terminology earlier that you "wimped
12 out", and closed these items as if there was some kind of
13 pressure on you to close out that computer item from
14 someone?

15 A I've used that expression when in the last
16 six months when we've come up with something which is a
17 substantiation similar to the QTC concrete report.

18 It would take us reasonably months of
19 additional research to figure out an appropriate
20 recommendation of how to correct that problem. That's
21 not our job.

22 So in lieu of doing that research, okay,
23 here you go line here is a meaningful resolution of this
24 problem. If stated that we'll wimp out and our
25 recommendation will be, "Dear Bill Cottle: We recommend

1 that you initiate the issue of nonconformance report
2 documenting the adverse conditions described in this
3 report, have it evaluated and determine the appropriate
4 directions."

5 Q That's wimping out?

6 A That's the only time I've wimped out. We'll
7 give them the work to do that they should do.

8 Q So you don't remember.

9 A I've used that expression.

10 Q Okay. You don't remember a conversation
11 with Mashburn about consolidating and closing out
12 management controls over computer items that he felt he
13 should be consulted about before close out?

14 A No, I don't recall that at all.

15 Q Okay. Well --

16 A I do recall doing that follow-up. I spent
17 one or two full days with the appropriate management
18 services people assuring myself that they had the
19 controls in place and operating, in place and fully
20 operating in certain areas.

21 I didn't make sure that everybody who has a
22 computer in TVA was actually performing in accordance
23 with the policies and procedures in the controlling
24 offices.

25 Q How many of these type items are you

1 currently following and making decisions on closing out,
2 roughly?

3 A We've got a tracking system for NSRS
4 investigation report of items that I am responsible for.
5 It's a system that Bruce Siefken developed.

6 Q An internal NSRS system?

7 A Right. And as far as the follow-up and
8 close out of the items that are on that list, our policy
9 is that the investigators that are performing those
10 functions, in so far as practical, do the follow-up to
11 close them out, make sure that they are satisfied with
12 the things that have agreed to.

13 In many cases that's not possible and
14 somebody else will have to be assigned to do the
15 follow-ups and decide if the action is appropriate.

16 Q Okay. Well, obviously not enough
17 specificity regarding those particular items. You know,
18 I may get back with you on the items that were mentioned
19 to me by Mashburn, okay?

20 A Well, that's always been the policy. If we
21 have the person here that opened the item in the position
22 to do the follow-up, it's preferable that he do it. For
23 several reasons, he found the problem, researched it, and
24 in most cases has resolved it in the terms of the action
25 to be taken. He's the most efficient one to go find out

1 that it was taken.

2 I guess that the only reason that I was
3 following that up because John wasn't in the
4 investigations group to do it. He had his technical
5 analysts work and we'll do that. We used, in this
6 employee concern program, the last year we've used people
7 on loan from other TVA organizations. We use quality
8 technology investigators to do investigations on
9 safety-related issues. They are not available to us now
10 to do follow-ups. I'll assign somebody else to do the
11 follow-up.

12 Q You're saying that this may have been an
13 issue that Mashburn created during an investigation
14 before he was assigned to the TARS group, then?

15 A If it's what I remember, it was in the Watts
16 Bar Job Management group until in early '82.

17 Q Okay.

18 A Which I eventually got told to go follow-up
19 in '84.

20 Q But you don't remember him coming to you
21 with any kind of a complaint about him not being
22 consulted in the close out of that item?

23 A No, I don't remember it. I'm not saying it
24 didn't happen, I just do not remember it.

25 Q Okay.

1 MR. ROBINSON: Do you gentlemen have any
2 questions regarding any of the areas we covered?

3 MR. KINDT: No.

4 MR. STONE: No.

5 Q Do you have any final comments you would
6 like to make?

7 A Only that if anything comes up that you need
8 to talk about get ahold of me. I'm at 6328 here in
9 Knoxville.

5 10 Q All right. I appreciate it. Thank you.

11 END OF STATEMENT

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING:

AN INVESTIGATIVE INTERVIEW OF: MICHAEL A. HARRISON

DOCKET NO.:

PLACE: TVA Headquarters, East Tower, Third Floor
400 W Summit Hill Drive
Knoxville, Tennessee 37923

DATE: April 9, 1986

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

(sigt)

(TYPED) ELIZABETH B. COFFEY

Official Reporter

Reporter's Affiliation

SMITH REPORTING AGENCY
Post Office Box 6127
Chattanooga, Tennessee 37401

RESULT OF INTERVIEW WITH WILLIAM T. COTTLE
ON MAY 15, 1986 AS PREPARED BY INVESTIGATOR
LARRY L. ROBINSON

On May 15, 1986, William T. COTTLE, Assistant Manager of Nuclear Power, Tennessee Valley Authority (TVA), Chattanooga, TN was interviewed by NRC Investigators Larry L. Robinson and Jack Kindt in his Chattanooga office. The nature of the interview pertained to the events that occurred at a meeting involving representatives of the Nuclear Safety Review Staff (NSRS), Office of Quality Assurance (OQA), and the TVA line organizations in January, 1986 over a difference of opinion as to whether or not Appendix B commitments were being met by TVA at the Watts Bar Nuclear Plant (WBN).

COTTLE stated that he was in attendance at a meeting that was held in the offices of Nuclear Power in Chattanooga, TN in January 1986, at which Kermit WHITT and Mike HARRISON of NSRS presented the NSRS position as to why TVA was not in compliance with Appendix B at WBN. COTTLE stated that TVA was required to provide a written statement to the NRC as to whether or not they were currently in compliance with Appendix B.

COTTLE stated that William WEGNER, Advisor to Steven WHITE, the Manager of Nuclear Power at TVA, also attended this meeting and conducted a lot of the questioning regarding the alleged noncompliance with Appendix B.

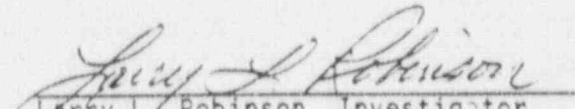
COTTLE stated that he did not perceive any intimidation in WEGNER's line of questioning of HARRISON regarding these issues. COTTLE stated that he felt that HARRISON was trying to correlate some issues that he was personally aware of into the "bullets" that Bob SAUER, of NSRS, had presented regarding WBN to Commissioner ASSELSTINE in December 1985. COTTLE stated that there was definitely not good communication between WEGNER and HARRISON involving these issues. He stated that WEGNER's position and line of questioning pertained to specifying which Appendix B criteria was not being met, and why it was not being met. He stated that WEGNER wanted to know the specific basis for the noncompliance. COTTLE stated that he noted no difference in this meeting than in any other meeting in which two opposing positions were being discussed. He stated that he would definitely not call it intimidating.

COTTLE stated that WEGNER did become a bit frustrated due to the lack of communication between WEGNER and HARRISON. COTTLE stated that part of the communication problem was, as he stated before, that HARRISON was trying to relate second-hand knowledge of areas of noncompliance with Appendix B. COTTLE stated that HARRISON could not go into the detail that WEGNER was asking for.

COTTLE advised that because of the lack of communication, and what WEGNER viewed as the lack of detailed response by HARRISON, he (WEGNER) directed both sides to go back and get documentation and evidence on their positions and present written position papers.

COTTLE advised that anyone who did not have all their facts straight prior to going into a meeting and had to make a presentation in this meeting, could become intimidated under specific questioning. COTTLE advised that WEGNER's line of questioning was not intimidating, but that perhaps HARRISON's lack of details and personal experience with the alleged Appendix B noncompliance areas perhaps lead HARRISON to be a bit intimidated.

This Results of Interview was prepared on May 20, 1986.


Larry L. Robinson, Investigator

RESULTS OF INTERVIEW WITH CHARLES C. MASON
ON MAY 16, 1986 AS PREPARED BY INVESTIGATOR
LARRY L. ROBINSON

On May 16, 1986, Charles C. MASON, Deputy Manager of Nuclear Power, Tennessee Valley Authority (TVA), Chattanooga, TN, was interviewed at the Sequoyah Nuclear Plant by NRC Investigators Larry L. Robinson and Jack Kindt. The nature of the interview was pertaining to the sequence of events at a January 1986 meeting of representatives of the Nuclear Safety Review Staff (NSRS), Office of Quality Assurance (OQA), and the TVA line units, regarding whether or not TVA was currently meeting Appendix B criteria at the Watts Bar Nuclear Plant (WBN).

MASON advised that he recalled the meeting because he was in charge of it. He stated that William WEGNER, an advisor to Steven WHITE, the Manager of Nuclear Power at TVA, did a lot of the questioning at the meeting. MASON advised that he would not have characterized WEGNER's questioning of the NSRS representative as badgering, intimidating or harassing in any way. He stated that WEGNER's questions were very specific as to exactly how TVA was not in compliance with Appendix B or 10 CFR 50.

MASON stated that WEGNER was questioning Michael HARRISON, the NSRS representative that was presenting the NSRS position as to why TVA was not currently meeting the Appendix B criteria at WBN.

MASON stated that HARRISON did not appear to be intimidated. He stated, however, that HARRISON himself seemed not to be totally convinced of the NSRS position on Appendix B.

MASON stated that WEGNER communicated in the same manner with everyone with which he dealt, whether it was WHITE, himself (MASON) or anyone else. MASON stated that he would estimate that there were 10 to 12 people at the meeting and that there were basically two different views as to whether Appendix B criteria were being met at WBN. These views were the NSRS view that Appendix B was not being met and the line/QA position that TVA was in fact meeting Appendix B criteria at WBN.

MASON stated that the two parties were still in disagreement at the end of the meeting, so WEGNER had them go back and prepare position papers. MASON stated that he asked both sides to get their position papers back to him by eight o'clock the next morning.

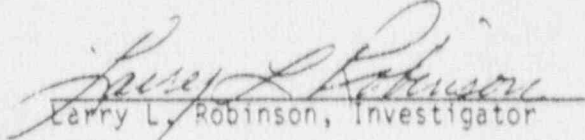
MASON stated that at some point in time he extended the time frame on the position papers until close of business of the next day. He stated that he is not sure whether he made this extension late during the evening of the meeting or at eight o'clock the next morning.

MASON stated that he did not receive any complaints from either MULLEN, of QA, or WHITT, of NSRS, on the initial eight o'clock time frame for the position papers. They said it would be close but it looked like they could make it.

MASON stated that he felt a sense of urgency to get the official TVA response back to the NRC on whether or not TVA was meeting Appendix B criteria at Watts Bar. He stated that TVA had already had a January 9 or 11 deadline extended by NRC.

MASON stated that he felt that TVA was in compliance with Appendix B, but that he wanted to hear the NSRS facts and presentation on their side of the issue. MASON stated that he also thinks WEGNER was objective. He stated that he did not think that TVA would have taken as long as they did to respond to the NRC about the Appendix B issue if they had not wanted to hear the entire story.

This Results of Interview was prepared on May 21, 1986.


Larry L. Robinson, Investigator

RESULTS OF INTERVIEW WITH WILLIAM WEGNER
ON MAY 15, 1986 AS PREPARED BY INVESTIGATOR
LARRY L. ROBINSON

On May 15, 1986, William WEGNER, Advisor to Steven WHITE, the Manager of Nuclear Power at Tennessee Valley Authority (TVA), was interviewed in his office in Chattanooga, TN by NRC Investigators Larry L. Robinson and Jack Kindt. The nature of the interview pertained to the events at a meeting which WEGNER attended in January 1986 at which presentations were made of positions of the Nuclear Safety Review Staff (NSRS), the Office of Quality Assurance (OQA) and the line organizations, regarding whether or not TVA was in compliance with Appendix B.

WEGNER stated that he was an employee of a company named Basic Energy Technology Associates (BETA). He stated that BETA was under contract to STEMAR. He stated that STEMAR was under contract to Stone and Webster, and that Stone and Webster was under contract to TVA. WEGNER stated that he had approximately 33 years experience in the nuclear industry, which included having been Admiral Rickover's deputy in the Nuclear Navy from 1965 through 1979.

WEGNER stated that in November 1985, he was asked by WHITE to assist in looking at TVA's nuclear power program and to determine what could be done to correct it. He stated that in the process of his two week investigation in November, he took a look at NSRS. He stated that in his interviews of both high and low level management at TVA he heard the message that NSRS needed to be "fixed." WEGNER stated that NSRS activities were appearing to be outside the boundaries of their charter, and that NSRS was trying to impose their "fixes" on the TVA line organizations at low levels ~~rather~~ ^{RATHER} than going to upper management. WEGNER stated that he decided that "if you were going to fix TVA's nuclear problem, you didn't really need a nuclear advisor, TVA needed a new manager of nuclear power."

WEGNER stated that when TVA decided to bring WHITE on as their new Manager of Nuclear Power, WHITE negotiated a very specific Memorandum of Understanding with TVA, in which anything having to do with nuclear power, including NSRS, would be moved under the Manager of Nuclear Power. WEGNER stated that NSRS could not operate effectively by going through the TVA Board of Directors. He stated that the Board of Directors could not, and should not, get involved with day-to-day problems of the line regarding nuclear power. WEGNER stated that the Memorandum of Understanding gave WHITE control of any TVA operation having to do with nuclear power, with the exception of the Inspector General's Office and OGC. WEGNER advised that as of January 3, 1986, NSRS officially came under the purview of the Manager of Nuclear Power. He stated that this was reiterated in Volume 1 of the Nuclear Performance Plan, which showed the corporate plan for the nuclear organization.

WEGNER advised that once in place, WHITE wanted to take another look at the NSRS charter and that WHITE felt that they needed an independent study of the NSRS function. WEGNER advised that WHITE appointed Ed STIER to do this independent study. He advised that STIER's report concluded that there was a lot of talent in NSRS, but that the Director of NSRS should be replaced,

and that the management control of NSRS should be put under the Manager of Nuclear Power. WEGNER stated that Marilyn TAYLOR of personnel, worked with Kermit WHITT of NSRS in the arrangements for the movement of the NSRS group from Knoxville, TN to Chattanooga, TN.

WEGNER advised that he first reported to TVA on January 13, 1986. He advised that very shortly thereafter, within a few days, he became aware that TVA had a requirement to make an official written response to NRC regarding TVA's compliance with Appendix B at Watts Bar. He stated that he was aware that there was a difference of opinion in the QA and line approach as opposed to the NSRS approach as to whether or not TVA was in compliance with Appendix B.

WEGNER stated that in order to come to a resolution of these differences, there was a meeting scheduled in Chattanooga, which he (WEGNER) attended in place of WHITE.

WEGNER stated that he was not specifically aware of the issues that were going to be discussed in this meeting, but was just aware that there was a difference of opinion between NSRS, and QA and the line.

WEGNER advised that WHITT met with him (WEGNER) approximately one hour before this meeting in Chattanooga and showed WEGNER the NSRS position and the QA position on whether or not Appendix B was being complied with at WBN. WEGNER stated that he did not really have much of a chance to review the NSRS position prior to the meeting. He stated that there were approximately 20 people in attendance at this meeting and that he recalled knowing Dick DENISE, Bill COTTLE, WHITT, and a Mr. MULLIN, who was the new head of QA. He stated that there was a person other than WHITT that was answering most of the questions for NSRS. WEGNER stated that he thought that this probably would have been the NSRS staff member who had made the original presentation regarding Appendix B to Commissioner ASSELSTINE.

WEGNER stated that he went into this meeting with no preconceived notion as to whether or not either NSRS or the OQA positions were correct. He stated that he listened for a few minutes, and it soon appeared to him like there was going to be a four hour meeting with no resolution of the differences. He stated therefore, that he got involved in the questioning in the meeting.

WEGNER advised that his line of questioning was to start with the primary Appendix B documents in the FSAR, namely Sections 17.1 and 17.2, which pertain to TVA's QA Corporate Commitment to Appendix B in both Construction and Operations, and then move down through the hierarchy of TVA documentation and QA activities until reaching the point where NSRS thought there was noncompliance.

WEGNER stated that he initially asked the other NSRS representative, who was identified to him as Mike HARRISON, whether or not Section 17.1 and 17.2 of WBN's FSAR were in conformance with Appendix B. WEGNER stated that HARRISON indicated, at first, that he did not know whether they were in conformance, but eventually got around to stating that there was no problem with 17.1 and 17.2.

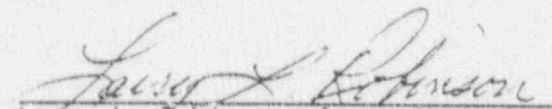
WEGNER stated that then he went to the next level of documentation regarding Quality Assurance, namely the topical reports, also known as the NQAM and PQAM. WEGNER advised that HARRISON stated that TVA was not carrying out the provision of the NQAM at WBN with respect to the timeliness of corrective action.

WEGNER stated that he probably did ask HARRISON a number of times, to specify the noncompliance with Appendix B, but that he (WEGNER) was just trying to narrow the disagreement between NSRS and OQA and the line down to specific points. WEGNER stated that the best he could do was get an agreement between QA and NSRS as to their both providing a written list specifying the areas on which they disagreed.

WEGNER stated that in his meeting with WHITT, prior to the meeting in which the 20 people attended, WHITT told him that the "last bullet" in the December, 1985 NSRS presentation to NRC Commissioner ASSELSTINE was going to be the issue in the meeting. WEGNER stated that WHITT told him that he (WHITT) did not think that all the NSRS staff members would agree that TVA was in noncompliance with Appendix B as stated in this "last bullet." WEGNER stated that it also appeared to him that HARRISON was not totally convinced that TVA was in noncompliance with Appendix B in his (HARRISON's) arguments during the meeting.

WEGNER stated that he did not intend to intimidate or harass HARRISON in any way, that he was merely trying to go from the top down regarding Quality Assurance documentation to find a specific area where TVA was not in compliance with Appendix B. He stated that his impression of HARRISON's concern was regarding the timeliness of corrective action pertaining to nonconformances.

This Results of Interview was prepared on May 20, 1986.


Larry L. Robinson, Investigator

RESULTS OF INTERVIEW WITH JOAN T. MUECKE ON
MARCH 11, 1986 AS PREPARED BY INVESTIGATOR
DANIEL D. MURPHY

On March 11, 1986, Joan T. MUECKE, 1824 El Prado Drive, Knoxville, Tennessee, 37931, a Nuclear Engineer with the Tennessee Valley Authority's (TVA) Nuclear Safety Review Staff (NSRS), Knoxville, Tennessee, was interviewed by NRC Investigator Daniel D. Murphy concerning her knowledge of the suppression of NSRS Investigation Reports by NSRS management. In addition, MUECKE was interviewed concerning her knowledge of possible acts of harassment and intimidation of NSRS investigator's by NSRS supervisor.

MUECKE stated that she was employed by TVA in April 1977, after graduating from the University of South Florida with a Bachelor of Science degree in Civil Engineering. She stated that she was initially assigned to the Civil Engineering Branch where she worked on seismic allowances. She related that in 1978, she was assigned to the Yellow Creek Nuclear Project as a Design Civil Engineer working in the concrete area. MUECKE indicated that she really liked working at the Yellow Creek Project and was disappointed when they shut it down. She related that in April 1982, she was transferred into the Quality Assurance Branch (QAB) where she worked on plant audits. MUECKE said that in September 1982, the QAB became part of the Office of Quality Assurance (OQA). She indicated that she did Quality Assurance (QA) audits until June 1984, when she transferred to the NSRS position she currently occupies. She indicated that just prior to her assignment in NSRS she completed work on a Master of Science degree in Civil Engineering Structures at the University of Tennessee.

MUECKE stated that since her arrival in NSRS she has only been directly involved in four investigations, two of which have not yet been issued. She said that some of her reports have been changed, but if anything, her findings have been upgraded. She admitted that Mike KIDD, her supervisor, has on several occasions, asked her to produce evidence to support her position on a finding. However, according to MUECKE, these are totally legitimate actions on the part of her supervisor and she was never offended by this type of action.

MUECKE said that there are two reports which she had a major role in preparing. She related that she worked with Art DEBBAGE, Harold BENNETT, and Robert GRIFFIN on an investigation of corrective actions taken by TVA to resolve identified problems. She said they started working the investigation in May 1985. MUECKE related that DEBBAGE and BENNETT worked on the Nuclear Power Division, while she and GRIFFIN worked on Engineering/Construction. She indicated that the field work was completed in mid-summer 1985 and she submitted a draft report covering her work on the project to KIDD on August 29, 1985, and that the other members of the team probably submitted their drafts to KIDD about the same time. She said she does not know the exact circumstances, but feels there was some confusion between KIDD and DEBBAGE over what the scope should be in the report. She indicated that DEBBAGE wanted to cover more items than KIDD thought should be covered in the report. MUECKE stated that she felt that KIDD was getting these problems ironed out when he became the subject of a TVA/Quality Technology Company (QTC) investigation. She said the

completion of the review was then turned over to Dick SMITH, who was deeply involved in the welding problems in TVA. MUECKE indicated that SMITH's involvement in the welding issue may have precluded him from reviewing the corrective action report.

MUECKE said that on February 27, 1986, she learned from Pete RICHARDS, a consultant hired by TVA to study NSRS, that the corrective action report would not be issued. She related that the next day she was approached by SMITH, who asked her if she objected to not issuing the report. MUECKE said she indicated to SMITH that she felt with some changes, it should be issued and that he told her to think about it. She said that as she understands it, the report was disposed of the day after her discussion with SMITH. MUECKE related that she did not think that her opinion of what should be done really mattered. She maintained that in her opinion, the report was significant and that her findings and conclusions are still valid, although she has heard that the findings of the report were no longer valid because of certain organizational changes in TVA. She said she does not feel this is a valid conclusion and that in her opinion, her supervisors felt that the report had laid around too long and that they would be embarrassed to issue the report at this late date. MUECKE said the report, if it had been issued was quite critical of TVA.

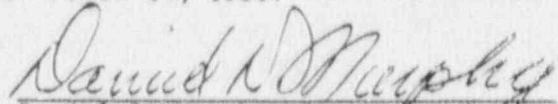
MUECKE said that the other report that has still not been issued is one dealing with TVA's QA program. She related that she worked on the investigation with Richard WHITT and that the report was very detailed. MUECKE indicated that this report was very critical of the QA systems in TVA and the way they were managed. She indicated that she has some concern about the future of the report and whether or not it will be issued. MUECKE said that the format developed by WHITT and her does not conform with the normal NSRS report format and that Dick SMITH has already expressed some concern over the first couple of drafts. MUECKE said that in her opinion, the report clearly identified many of the problems with TVA QA program over the years and the manner in which it was managed. MUECKE said that the other two reports she has participated in have been issued without any serious administrative delays.

MUECKE stated that at no time since her arrival in NSRS has she ever felt intimidated or harassed. She said that she was recently interviewed by both the NRC Office of Investigations/Audits and the Department of Labor (DOL) about her relationship with KIDD and that this upsets her, but she did not view this as harassment by her supervision.

MUECKE said that the DOL complaint filed by several members of NSRS has created a serious morale problem for the group. She said that it seems like everyone is just sitting around waiting and afraid to do anything for fear that whatever they do might be viewed as some form of harassment. She indicated that Kermit WHITT is still in charge, but is not doing a very good job. MUECKE stated that WHITT holds staff meetings at which he is openly criticized by staff members, which MUECKE feels is inappropriate. MUECKE indicated that this same atmosphere existed in the QAB and OQA, which she was assigned to prior to her assignment to NSRS. She indicated that she had problems with her supervisors in QAB, who could not handle seeing a woman doing the job. She said that when she identified what was later determined to be a significant problem with support calculations, the

problem was not pursued by her supervision. She said this very same problem was ultimately identified by NSRS and the NRC as a serious problem. She further indicated that many of these same supervisors were transferred to OQA, which in her view, was unsuccessful because of the attitudes of some of the individuals assigned to OQA. She related that personnel assigned to OQA were not willing to take on highly technical projects. MUECKE said she was happy to leave OQA and come to NSRS and was of the opinion that things were going along fairly well until recently. MUECKE expressed concern over the validity of some of the complaints filed with DOL and concluded by reiterating that these actions have created serious morale problems within NSRS.

This Results of Interview was prepared on March 14, 1986.


Daniel D. Murphy, Investigator

RESULTS OF INTERVIEW OF
JOAN T. MUECKE
AS PREPARED BY INVESTIGATOR
LARRY L. ROBINSON

On October 2, 1986, Joan T. MUECKE, Office of Audit, Office of the Inspector General (OIG), Tennessee Valley Authority (TVA), was interviewed in the Law Library, Office of General Counsel (OGC), TVA, Knoxville, Tennessee by NRC Investigators Larry L. Robinson and Gary H. Claxton. The nature of the interview pertained to the non-issuance of a Nuclear Safety Review Staff (NSRS) Report on a review of TVA's Corrective Action System. MUECKE provided the following information in substance:

MUECKE stated that she was a member of an NSRS team that did a Corrective Action Review during the Summer of 1985. She stated that Art DEBBAGF, Horace BENNETT, and Bob GRIFFIN were the other members of the team. She advised that, initially, Mike KIDD supervised the team during the conduct of the review and in the early report writing stages. She stated that Dick SMITH replaced KIDD as the NSRS Reviews Section Chief in around September, 1986, and the responsibility of final review and editing of the NSRS Corrective Action Report was given to SMITH.

MUECKE stated that at about the same time as when SMITH was supposed to be reviewing the Corrective Action Report, he became involved with overseeing the EG&G Weld Inspection Program, and he put the Corrective Action draft report aside. MUECKE stated that SMITH did not avoid reviewing the report because it was such a "scathing" report, but rather because he was promoting himself in his competition with Mike HARRISON for the position of Deputy Director of NSRS, and the EG&G Contract was a more visible project than editing the Corrective Action Report.

MUECKE stated that it was in February or March of 1986, after SMITH had let the draft report lay around since October or November, 1985, when SMITH announced to her that the report "needs a lot of work." She advised that he came into her office informally, made that announcement, and then said that the report reflects an "old" situation. MUECKE advised that he asked her how she would react if the report were not to be issued, and a new study were to be done on the "new" organization situation. She advised that she told SMITH that the information that she had contributed to that report was true and accurate, that the same problems had been going on for eight to ten years, and that the "new" situation would really be the same as the "old" situation. MUECKE stated that she told Dick SMITH that it was this type of thing, the non-issuance of an NSRS Report, that would be

used by some of the other NSRS members as evidence of suppression of information by NSRS Management.

MUECKE stated that she was never actually told by Dick SMITH that the Corrective Action Report was not going to be issued. She advised that NSRS secretary Patsy DOYLE told her that some of the other NSRS secretaries came in to the office on the Saturday after her conversation with SMITH, and erased a lot of files off the computer discs. She advised that the Corrective Action Report was one of those that were erased, which told her (MUECKE) that there was not going to be a final report prepared. MUECKE stated that she asked the other team members what they thought about the report not being published, and that GRIFFIN and BENNETT didn't seem to be too upset about it. She stated that, after she found out from the secretaries that the report had been erased off the disc, that she told Dick SMITH that if the report was not going to get issued for another couple months, she would not make an issue of it, as long as the "new situation" review was to be done in a couple months. She stated that she never did back down from her position that her portion of the report was accurate and applicable for issuance.

MUECKE stated that Dick SMITH has prepared a "Chronology of Events" regarding his connection with the Corrective Action Review. She advised that this chronology will say that Joan MUECKE said that it was acceptable to her not to publish the report. She stated that it was acceptable to her not to issue it, but only if the "new situation" review was to be conducted within a few months. However, she reiterated that Dick SMITH never actually told her that the report was not going to be issued.

MUECKE stated that when she transferred to NMRG from NSRS, Ronald SEIBERLING, The Director of NMRG, interviewed her, and she let him know that the information in both the Corrective Action and an NSRS Quality Assurance Report that SMITH was unable to edit and get issued, was accurate, and still usable.

MUECKE stated that, in her opinion, part of the problem in getting the Corrective Action report issued was the fact that Dick SMITH was not the best report reviewer in the world. She stated that she thought the report was too much for him to handle. MUECKE stated that SMITH was the NSRS Reviews Section Chief from September, 1985 until NSRS was reorganized into NMRG. She stated that during that period, SMITH didn't get any reports out. She advised that she and Richard WHITT worked together on a review of the TVA Quality Assurance Program, and WHITT couldn't get that report through SMITH either. She advised that, in defense of SMITH, this Quality Assurance Report was in a different format than normally used in NSRS, but the fact remained

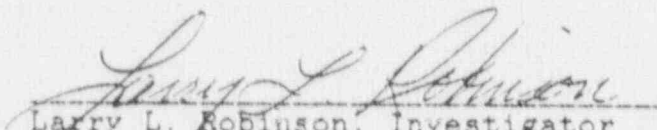
that SMITH couldn't get the report issued. She advised that SMITH was the Project Manager on the NMRG Maintenance Review, and he couldn't handle the review of that report by himself. She advised that it took a "committee" of team leaders, and sometimes the team members themselves to help SMITH get that report out.

MUECKE agreed that both the Corrective Action Review and the Report were a bit disjointed, and that Art DEBBAGE tended to use too many long quotes and portions of other reports done by NSRS, TVA QA, and INPO, and that it would be difficult for a report reviewer to wade through all the background and extraneous verbage, but there was too much viable, accurate information in that draft report not to sift it out and at least publish those portions.

MUECKE examined a copy of a draft of NSRS Report No. R-85-11-NPS, titled MAJOR MANAGEMENT REVIEW OF CORRECTIVE ACTION, and stated that, in general, any of the conclusions in the report that are identified with the initials "OE" would have been written by her. She stated that she would have written either the conclusion or the details, or both. She advised that she was involved with the following numbered conclusions in the report: R-85-11-NPS-01, 02, 12, 15, 16, 19, 24, 25, 27, 28, and 30.

MUECKE stated that Kermit WHITT, NSRS Director at the time, trusted Dick SMITH completely, and that WHITT probably never even looked at the report when SMITH told him it needed a major rewrite.

This Results of Interview was prepared on November 4, 1986.


Larry L. Robinson, Investigator

RESULTS OF INTERVIEW WITH ROBERT J. GRIFFIN
ON MARCH 13, 1986 AS PREPARED BY INVESTIGATOR
LARRY L. ROBINSON

On March 13, 1986, Robert J. GRIFFIN, Employee Concern Site Representative, Watts Bar Nuclear Site, Tennessee Valley Authority (TVA), was interviewed by NRC Investigator Larry L. Robinson. GRIFFIN provided the following information in substance:

GRIFFIN stated that he had been with the Nuclear Safety Review Staff (NSRS) from around July 1984 through February 1986. He stated that he has been a TVA employee since May 1971, having been in their Fossil Plant, Boiler and Auxiliary Maintenance Division for 16 months after first coming on board. He stated that he was then at Sequoyah Nuclear Plant in Pre-Operational Testing for four years and then at Watts Bar Nuclear Plant in Pre-Operational Testing for a year and a half. He stated that after his pre-op experience at Watts Bar, he was in the Mechanical Engineering Branch (MEB) at Watts Bar until he went to the NSRS. He stated that a portion of his time spent in the MEB was supervisory time. GRIFFIN advised that prior to his employment with TVA, he spent five years (1966-1971) at the Oak Ridge Facility as a shift supervisor.

GRIFFIN stated that at no time during his tenure at NSRS had he ever been harassed, intimidated, or discriminated against in any manner by NSRS management.

GRIFFIN stated that during his service with NSRS, he has seen no indication of intentional suppression, limitation, "watering down," or changing of any of his report conclusions, recommendations, or findings.

GRIFFIN stated that there has been management "fine tuning" of the wording in many of his reports, but that he was completely satisfied with the final version of the report as it was published in every case. He stated that the NSRS management review of his reports was no more or less than the review that he would expect by any management group of any document that was going to be published and be a representation of the findings of that particular group.

GRIFFIN stated that approximately November 1985, he was a team member on an investigation into Corrective Action Reports (CARs) and Deficiency Reports (DRs). He stated that as a final recommendation, as a result of the investigation into the CARs/DRs, he wanted to recommend that the plant QA manager be formally reprimanded for not handling the procedure in a timely manner. GRIFFIN advised that final version of the report went out without specifically requesting or ordering a formal reprimand, but that Mike HARRISON had discussed the wording of the final recommendation with GRIFFIN on the telephone and the wording as stated in the final report was satisfactory with GRIFFIN. GRIFFIN provided a copy of NSRS Report No. I-85-424-WBN, entitled: Delay in CAR/DRs. GRIFFIN pointed out the last

recommendation in the report, which was worded "The significance of the issues addressed and substantiated in this report should be evaluated by the Manager of DQA and discussed with both the QAS and PQA staff." GRIFFIN stated that he did not have a copy of his draft of the report, but he stated that was the recommendation in which he originally would like to have seen the formal reprimand mentioned. GRIFFIN reiterated, however, that he and HARRISON discussed the final wording on the telephone before the report went out and that he (GRIFFIN) had no problem with the final wording as published.

In response to questioning about a NSRS report on corrective action that had yet to be published, GRIFFIN made the following comments:

GRIFFIN advised that he was a member of a NSRS team that looked into the corrective action situation within TVA and that this review had begun in March, April or May 1985. He stated that the team leader was Art DEBBAGE and team members were John MUECKE, Horace BENNETT, and himself.

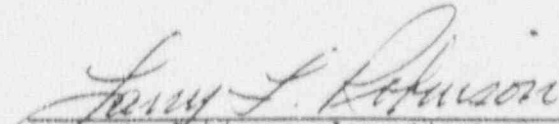
GRIFFIN advised that the project was originally scheduled to be reviewed by Mike KIDD but that when KIDD had been suspended, Dick SMITH was assigned the job of reviewing the final report of this investigation. He stated that the final draft was prepared to be reviewed approximately November 1985. He stated that SMITH had come into the picture as a reviewer late in the process, and that the report itself, was extremely voluminous and covered a number of different Divisions within TVA regarding corrective action. He stated that even at the beginning of the investigation process, he had suggested to issue several small reports, each pertaining to particular sections or branches within TVA, as appropriate. GRIFFIN stated that at the initial scoping and planning for the investigation, he had even suggested to KIDD that NSRS' own system of handling corrective action be a part of the investigation, but KIDD stated that the NSRS organization was "too small" to be included in this review.

GRIFFIN stated that he did not believe that SMITH was intentionally "sitting on" this report, but that SMITH was having legitimate problems as to how to organize and publish the final product. He stated that SMITH had called him (GRIFFIN) as recently as a week ago and asked GRIFFIN's opinion on what should be done with the report. GRIFFIN stated that he suggested that he would not issue as it is for two reasons: (1) that the restructuring of the organizations within TVA made some of the references to these organizations outdated, and (2) that he would prefer to have his original suggestion incorporated, in that several smaller reports should be issued as pertaining to specific organizations.

GRIFFIN stated that it was important to him to address the corrective action findings that the investigation had produced, but he felt that in order to be effective, the findings needed to be broken down into more manageable sized elements.

GRIFFIN reiterated that at no time during his career at NSRS did he feel that management was intentionally suppressing or watering down information that was being provided to engineering, construction, or the line.

This Results of Interview was prepared on March 14, 1986.


Larry L. Robinson, Investigator

RESULTS OF INTERVIEW OF
ROBERT J. GRIFFIN
AS PREPARED BY INVESTIGATOR
LARRY L. ROBINSON

On October 2, 1988, Robert J. GRIFFIN, Staff Member, Employee Concerns Program (ECP), Tennessee Valley Authority (TVA), Chattanooga, Tennessee, was interviewed in the ECP Manager's Office, Chattanooga, by NRC Investigators Larry L. Robinson and Gary H. Claxton. The nature of the interview pertained to the non-issuance of a 1985 Nuclear Safety Review Staff (NSRS) Report of a management review of TVA's Corrective Action Program. GRIFFIN provided the following information in substance:

GRIFFIN stated that he was a NSRS team member, along with Joan MUECKE, Horace BENNETT, and Art DEBBAGE, that performed the 1985 NSRS Corrective Action review. GRIFFIN advised that, at the outset of this review, NSRS knew that they were going to find problems with TVA's Corrective Action Program because there were already a number of existing reviews that had been done by NRC, INPO, and other TVA Divisions that had "raised flags" about TVA being good at identifying problems, but not so good about correcting them.

GRIFFIN stated that the team leader, Art DEBBAGE, wanted to limit the scope of the review, but Mike KIDD, the NSRS Reviews Section Chief at the time, wanted a more all-inclusive review. GRIFFIN stated that he suggested that they include NSRS' own operation in their Corrective Action review, but KIDD "vetoed" that idea. GRIFFIN stated that the result was that the review had no clearly defined scope from the very beginning. He advised that DEBBAGE was not a strong team leader, and although he (DEBBAGE) really wanted to narrow the scope of the review, he would not take a strong stand with KIDD on it. GRIFFIN stated that for a while, it looked like KIDD was going to take charge of the review, but he never really took hold, either. GRIFFIN advised that the suggestion to terminate the review came up in many of their team meetings, but they continued on.

GRIFFIN advised that just about the time that the final draft of the Corrective Action Report was given to Dick SMITH, who had taken over for Mike KIDD as Reviews Section Chief, in November, 1985, he (GRIFFIN) was assigned to the Sequoyah Plant to do Employee Concern Investigations. He stated that he then went to Watts Bar in Employee Concerns, and while there, received a phone call from SMITH asking if it was alright with him (GRIFFIN) if the Corrective Action Report was not issued. GRIFFIN stated that he told SMITH that it was alright with him not to publish the entire report as it stood, but that the report could be "reworked".

and the relevant portions could be published in sections. GRIFFIN stated that, to him, "rework" meant to use relevant portions of the report if possible, plus doing some more field work to make these portions current. He advised that he did recall discussing the possibility of an entirely new Corrective Action Review with SMITH. GRIFFIN advised that he recalled that SMITH told him that he (SMITH) had discussed not issuing the report with the other team members, and that SMITH said that it was "O.K." with them if the report was not issued.

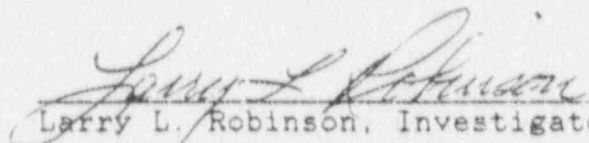
GRIFFIN stated that he had no indication that there was any connection between the fact that the decision not to issue the NSRS Corrective Action Report came at a time when TVA was being required to make a statement to the NRC as to whether or not they were in compliance with 10 CFR 50, Appendix B, at the Watts Bar Nuclear Plant.

GRIFFIN examined a copy of draft NSRS report No. R-85-11-NPS, entitled, MAJOR MANAGEMENT REVIEW OF CORRECTIVE ACTION. GRIFFIN stated that the numbered conclusions/recommendations in the report that involved him were: R-85-11-NPS-04, 06, 07, 10, and 11.

GRIFFIN stated that he had recently attended a meeting at the Nuclear Manager's Review Group (NMRG), at which they were planning a new Corrective Action Review. He stated that the thrust of the field work was going to be at Sequoyah, and Mike HARRISON, the NMRG Project Leader on this new review, made the statement in the meeting that the 1985 draft Corrective Action report would be the starting point for this new review.

GRIFFIN stated that he thought that the deadlines imposed on NMRG by Steven WHITE, The TVA Manager of Nuclear Power, with respect to completion of field work and the issuance of the report, were realistic if enough resources were allotted to the review.

This Results of Interview was prepared on November 4, 1986.


Larry L. Robinson, Investigator

RESULTS OF INTERVIEW WITH HORACE W. BENNETT ON
MARCH 11 AND 12, 1986 AS PREPARED BY INVESTIGATOR
E. L. WILLIAMSON

On March 11, 1986, Horace W. BENNETT, Nuclear Engineer, Nuclear Safety Review Staff (NSRS), Tennessee Valley Authority (TVA), was interviewed by NRC Investigator E. L. Williamson in the NSRS Knoxville office and he provided the following information in substance:

BENNETT stated he has been employed by TVA for 12 years in various engineering capacities. He said he has been in NSRS for approximately two years as a nuclear engineer. He said he worked in the former Office of Quality Assurance (OQA) and was also a supervisor in Pre-Op Testing at Watts Bar Nuclear Plant (WBN). He said he graduated from Tennessee Tech with a BS in Engineering Science.

BENNETT was asked to comment on the allegation that NSRS employees are harassed and intimidated by their management. He said he was aware of some employees who felt that they had been harassed and intimidated, however, he thought that was a matter of perception and he did not feel that he had ever been harassed or intimidated by anyone in NSRS. He said he has never been pressured to do anything he did not want to do nor had he been directed to do anything that he felt was not right. He said he has had several discussions with his supervisor regarding editorial changes in reports, but the changes did not affect the substance or results of the report. He said on one occasion he had one recommendation in a report that he felt should have been left in the report, but it was deleted, because it was a more personal opinion, which could not be supported with documentation.

BENNETT said he has never had any information, findings or results of an investigation suppressed in a report. He said any differences in reports are always discussed with his supervisor and have to date, been resolved to his satisfaction. He said NSRS has a procedure that allows dissenting opinions to be aired via memo, but he has never felt the need to write a dissenting opinion. He said he feels free to discuss personal concerns, or safety issues with his management and has no fear of reprisal. He concluded by stating that he was not aware of anyone in NSRS that could provide any additional information on harassment and intimidation of employees or alleged suppression of information in reports. BENNETT did not provide any additional information pertinent to this investigation.

On March 12, 1986, BENNETT was reinterviewed to determine his knowledge of a NSRS report written on Corrective Action. He said he was part of a team composed of himself, Art DEBBAGE, Joan MUECKE, and Robert GRIFFIN. He said the review was initiated in May 1985, and was an overall review of the corrective action program within TVA. He was asked if the report had been finished and issued and he explained the report was finished but not issued. He said he did not think the report would be issued because the entire TVA organization had changed before the report was issued. He was asked how changes in organization could affect the outcome of the report, and he did not provide an answer. He said the report was held up by

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Richard SMITH because NSRS was involved in the EG&G Welding Program at WBN and the report was put on the "back burner." He said he thought about it occasionally but did not pursue the actual status of the case. He said SMITH recently asked him what should be done with the report and he said he felt that a memo should be sent highlighting all the findings that are still applicable under the current organization. He said he was not sure of the current status, but he was disturbed that the report sat around so long, but added he did not currently have a problem with the disposition of the report unless the bottom line review affects line organizations, adding that would cause him some "heartburn." BENNETT provided a draft copy of the subject report for OI review.

This Results of Interview was prepared on March ^{edw}12, 1986.

E. L. Williamson
E. L. Williamson, Investigator

RESULTS OF INTERVIEW OF
HORACE W. BENNETT
AS PREPARED BY INVESTIGATOR
LARRY L. ROBINSON

On October 1, 1986, Horace W. BENNETT, Problem Reports Section Supervisor, Division of Engineering Assurance, Division of Nuclear Engineering, Tennessee Valley Authority (TVA), was interviewed in his Knoxville, Tennessee office by NRC Investigators Larry L. Robinson and Gary H. Claxton regarding the non-issuance of a 1985 Nuclear Safety Review Staff (NSRS) Report on Corrective Action. BENNETT provided the following information in substance:

BENNETT advised that back in the Summer of 1985, he was a member of an NSRS team that did a Review of TVA's Corrective Action System. He advised that Joan MUECKE, Art DEBBAGE, and Bob GRIFFIN were the other team members, and that when Dick SMITH replaced Mike KIDD as the NSRS Reviews Section Chief, the responsibility of the review of the final report of the Corrective Action Review fell to SMITH.

BENNETT stated that there had been no special request from TVA Management to do this 1985 Corrective Action Review. He advised that it was just one of the items on NSRS' list of reviews to do. He stated that, even at the outset of the project, the team was directed not to just look at specific problems in the Corrective Action System, but to look for the "root causes" of these problems. BENNETT stated that the team expected to find that the root causes would be, in many cases, subjective, indirect, and attitudinal.

BENNETT stated that he did not recall where he heard this, but that he heard that the reason that Charles MASON, The Deputy Manager of Nuclear Power, did not want the Corrective Action Report issued was because of his (MASON's) review of the advance copy of the "root causes" section of the report. He advised that he also heard that MASON was upset about the issuance of the Corrective Action Report because he (MASON) thought that the organizational changes that had been made were going to handle the Corrective Action problems.

BENNETT advised that TVA was undergoing some of these organizational changes even during the time of the conduct of the Corrective Action Review field work in 1985. BENNETT advised that consideration was given to discontinuance of the Review at the team meetings that were held during the conduct of the project, but the decision was made to finish. BENNETT advised that he felt that the reasons for the non-issuance of the Corrective Action Report were: (1) the TVA Organizational changes that took place during both the

field work and report writing process, and (2) because of the delay in the review of the draft report by SMITH.


BENNETT stated that before the final decision was made not to issue the report, SMITH asked each of the team members how they felt about the possibility that the report might not be issued. BENNETT stated that, with all the organizational changes that had taken place, he could agree that the report couldn't really be published in a form that could be acted upon by the existing organization, but he (BENNETT) thought that a Memorandum outlining the root causes should be sent to the appropriate Division Directors, or an updated Corrective Action Review should be done on the new organization by the Spring of 1986. BENNETT stated that he thought that if NSRS had not been reorganized as the Nuclear Manager's Review Group (NMRG), and if Kermit WHITT would have remained as Director of NSRS, an updated Corrective Action Review would have been accomplished in the Spring of 1986. He stated that he also felt that if Kermit WHITT had not written a letter directly to Steven WHITE, the Manager of Nuclear Power, just before he (WHITT) retired in August, 1986, there would never have been an updated Corrective Action Review done by NMRG.

BENNETT stated that he did not know of, or never even thought of, any connection between the fact that the decision not to issue the 1985 Corrective Action Report was made at the same time TVA was being required to make an official statement to NRC as to whether or not they were in compliance with 10 CFR 50, Appendix B criteria at Watts Bar.

BENNETT stated that the conclusions and recommendations in the 1985 Corrective Action Review were discussed with appropriate personnel in the exit meetings, and that he knew that, in some cases, these personnel took action on these recommendations prior to when the report would have been issued, but he had no way of knowing how many of their (NSRS) conclusions had been acted upon, or to what extent.

BENNETT stated that he did not think that Kermit WHITT ever reviewed the final draft of the 1985 Corrective Action Report in detail, but that he (BENNETT) didn't know that for certain. BENNETT stated that he had talked to the other team members about their responses to Dick SMITH when SMITH had asked them if they objected to the report not being issued. BENNETT stated that they all basically agreed that it was acceptable to them not to issue it, as long as an updated Corrective Action Review was done to apply to the new organizational structure. BENNETT stated that NMRG was currently in the process of doing some version of a corrective action project, but he reiterated that he felt that it would never have been done if WHITT hadn't written the Memorandum to WHITE.

This Results of Interview was prepared on October 31, 1986.


Larry L. Robinson, Investigator

RESULTS OF INTERVIEW OF
ARTHUR G. DEBBAGE
AS PREPARED BY
INVESTIGATOR LARRY L. ROBINSON

On March 20, 1986, Arthur G. DEBBAGE, Nuclear Engineer, M-5, Review Section, Nuclear Safety Review Staff (NSRS), Tennessee Valley Authority (TVA), was interviewed by NRC Investigator Larry L. Robinson in the NSRS Offices, TVA Headquarters, Knoxville, Tennessee. DEBBAGE provided the following information in substance:

DEBBAGE advised that he had been with NSRS since July, 1984. From September, 1983 to July, 1984, he was with TVA's Office of Quality Assurance (OQA). From May, 1981 to September, 1983, he was an employee of NRC, Region II. From March, 1976 to May, 1981, DEBBAGE was with TVA's Division of Construction, on the Hartsville Project. From 1967 to 1976, he was employed by Chrysler, at the Kennedy Space Center. And, from March, 1960 to May of 1967, DEBBAGE was with the United Kingdom Atomic Energy Authority.

DEBBAGE advised that he had never been harassed, intimidated, or discriminated against in any way by anyone in NSRS Management. DEBBAGE stated, to the contrary, that he had good support from NSRS Management, but that perhaps it was because the types of projects that he had worked on had been requested by various divisions of TVA, and TVA knew, up front, that there were going to be problems in these areas.

DEBBAGE advised that he had been involved in the preparation of six to eight reports since he had been in NSRS, and he had not been pressured in any way to change, "water down", or diminish the impact of any of these reports by NSRS Management, or anyone else.

DEBBAGE advised that the only report in which he was involved that was not yet published was a review of TVA's Corrective Action Program, done by himself, Bob GRIFFIN, Horace BENNETT, and Joan MUECKE, which was done during the summer of 1985. DEBBAGE stated that the problem with the delay in the publishing of the Corrective Action Report was that Mike KIDD, Section Leader of the Reviews Section, who was very familiar with the Corrective Action Project as it was being accomplished, was suspended from his supervisory responsibilities just as he (KIDD) was ready to review the final report, and the responsibility of reviewing the report fell to Dick SMITH, who was not that familiar with the project.

This Results of Interview was prepared on March 24, 1986.

Larry L. Robinson
Larry L. Robinson, Investigator

RESULTS OF INTERVIEW OF
ARTHUR G. DEBBAGE
AS PREPARED BY
INVESTIGATOR LARRY L. ROBINSON

On September 30, 1986, Arthur G. DEBBAGE, Nuclear Engineer, Nuclear Manager's Review Group (NMRG), Tennessee Valley Authority (TVA), was interviewed by NRC Investigators Larry L. Robinson and H. Claxton in the office of the NRC Resident Inspector at Watts Bar Nuclear Plant, Spring City, Tennessee. DEBBAGE provided the following information in substance:

DEBBAGE advised that he was currently on loan from the NMRG to the TVA Employee Concern Program at Watts Bar.

INVESTIGATOR'S NOTE: DEBBAGE was interviewed by OI prior to this interview, on March 20, 1986.

DEBBAGE was displayed a typewritten draft of NSRS Report Number R-85-11-NPS, entitled MAJOR MANAGEMENT REVIEW OF CORRECTIVE ACTION, which contained a handwritten notation in the upper left hand corner, saying, "Draft 11/12/85". DEBBAGE reviewed this draft Report, and identified it as being the final draft that he turned over to his NSRS Supervisor, Richard SMITH, in early November, 1985. He advised that he was the Review Team Leader on this Corrective Action Review, and that this Report was never formally issued.

DEBBAGE advised that he recalled that during that first week of November, 1985, Richard SMITH had told him to get his team together and decide on the format in which they wanted to present the Report, and then get it to him (SMITH) so that he could get to work on it. DEBBAGE advised that the team agreed that the "Root Causes" Section of the Report was a key portion, and they wanted that section moved up toward the front of the Report. DEBBAGE stated that he moved the "Root Causes" Section up, and recalled that the secretary had a difficult time with the re-numbering of the sections of the report. He advised that he recalled turning the draft, with this final revision, over to the secretary around November 7, 1985.

DEBBAGE commented that the entire history of that Corrective Action Review was filled with controversy among the team members regarding the scope of the review and whether or not the review should even be completed. DEBBAGE recalled that when Sequoyah was shut down, during the middle of the field

work of the Corrective Action Review, both Bob GRIFFIN and Horace BENNETT suggested that they suspend the remainder of the Review, and re-open it at a later date.

DEBBAGE advised that, at the outset of the Review, he himself suggested to Mike KIDD, who was the NSRS Reviews Section Supervisor at the time, that the Review include NSRS' performance, as well as the other Divisions of TVA, as it pertained to Corrective Action. DEBBAGE stated that KIDD did not want to include NSRS in this Review because it was such a small Section of TVA. DEBBAGE advised that he thought it would add credibility to the Review if NSRS were to be included, but he deferred to KIDD's desires.

DEBBAGE advised that when KIDD was suspended from any Supervisory responsibility in NSRS, as a result of the Quality Technology Company (QTC) investigation of an allegation of harrassment of Jim JONES by KIDD, the responsibility for the review of the Corrective Action Report fell to Richard SMITH. DEBBAGE stated that the fact that SMITH was not that familiar with the conduct of the Corrective Action Review from the beginning, plus the fact that at that time the final draft was turned over to SMITH for his review there was a "big push" to review all previously issued NSRS Reports to identify and list all open items, caused the Corrective Action Report to take a low priority with SMITH. DEBBAGE stated that he had no conversations with SMITH, that he could recall, about the Corrective Action Report from the time he (DEBBAGE) turned in the draft in November, 1985 until March, 1986.

DEBBAGE stated that in March, 1986, SMITH came to him and asked if he (DEBBAGE) had any problem if the Corrective Action Report were not to be issued. DEBBAGE stated that at that time, both Sequoyah and Browns Ferry were shut down, and there had been reorganizations within TVA that had made some of the Report's conclusions outdated, regarding communication between certain TVA Divisions. DEBBAGE stated that he had always felt that the review had gotten too lengthy, and that it should have been limited to Operations only. DEBBAGE advised that he told SMITH that it was alright with him not to issue the report in it's current form, but that he felt that most of the root causes of the problems with TVA's Corrective Action Program were still valid, and he (DEBBAGE) understood that these Corrective Action findings would not be dropped, but that the results of the 1985 Review would be used as a basis for an updated review, and a Report based on the current TVA Organization would be issued. DEBBAGE advised that he did not know if Kermit WHITT, the Director of NSRS at the time, ever actually saw the draft of the Corrective Action Report or not. DEBBAGE stated that WHITT probably only was aware of what Mike KIDD had passed on to him (WHITT) verbally.

DEBBAGE stated that when NSRS was reorganized as the Nuclear Manager's Review Group (NMRG), under the Manager of Nuclear Power in Chattanooga, the plans to conduct an updated review of Corrective Action "fell through". He stated that "no one wanted to hear any more bad news."

DEBBAGE advised that, on the 1985 Corrective Action Review Team, Horace BENNETT was responsible for Construction, Joan MUECKE was responsible for Engineering, and he (DEBBAGE) and Bob GRIFFIN were responsible for Operations.

DEBBAGE stated that Kermit WHITT, Assistant Director of NMRG, wrote a letter to Steven WHITE, Manager of Nuclear Power, TVA, dated August 6, 1986, asking that an updated review of Corrective Action be accomplished, as was committed to by WHITE and C. MASON, the Deputy Manager of Nuclear Power, in a conversation between WHITT, WHITE, and MASON around February 26, 1986. DEBBAGE provided a copy of this letter from WHITT to WHITE. DEBBAGE advised that WHITT retired from TVA within two days after writing this letter.

DEBBAGE also provided a copy of a Memorandum from WHITE to Ronald SEIBERLING, Director, NMRG, dated September 5, 1986, ordering SEIBERLING to initiate a review of the TVA Corrective Action System. WHITE directed that the review be completed by November 14, 1986, and that the report be issued by December 28, 1986.


DEBBAGE advised that he and GRIFFIN attended a meeting at the NMRG Offices in Chattanooga, about two weeks ago, to discuss the conduct and scope of the new Corrective Action Review. He advised that SEIBERLING, Mike HARRISON, and Richard SMITH were also present at this planning meeting. DEBBAGE described this meeting as a "brainstorming" meeting regarding this new Corrective Action Review. DEBBAGE stated that he suggested looking at only one operational Plant, namely Sequoyah, in this new review, based on the time allotted to conduct the review and get the Report issued. He advised that SEIBERLING seemed to react favorably to this suggestion, looking at the Sequoyah "action items". DEBBAGE advised that he also suggested that this review be looked upon as "part one" of a series of corrective action reviews.

DEBBAGE stated, in closing, that if the draft of NSRS Report Number R-85-11-NPS had been turned in for review three months earlier than the November, 1985 time frame, the Report would have been issued with no problem. DEBBAGE advised that he had never thought of, or heard any conversation to the effect that there was any connection between the fact that the Corrective Action Report was not published, and the fact that TVA issued a sworn statement to NRC, in that same time frame, that TVA was in compliance with 10 CFR 50, Appendix B.

DEBBAGE additionally advised that in the May-June, 1986 time frame, he was required to supply all his supporting documentation connected with the Corrective Action Report to the TVA Information Office. He stated that a Knoxville newspaper reporter, Randell BECK, had requested to review these documents. DEBBAGE provided a copy of a newspaper article, entitled "Safety: A good idea to forget", by Randell BECK, dated July 28, 1986, which he (DEBBAGE) stated quoted portions of the draft report directly.

DEBBAGE advised that TVA's new Nuclear Performance Plan (NPP) has addressed many of the concerns that were brought out in the draft NSRS Corrective Action Report.

This Results of Interview was prepared on October 7, 1986.


Larry L. Robinson, Investigator