

ORIGINAL

UNITED STATES NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

INVESTIGATIVE INTERVIEW OF
DALLAS R. HICKS

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3 OFFICE OF INVESTIGATIONS
4 REGION II
5 INVESTIGATIVE INTERVIEW

6 Holiday Inn West
7 1315 Kirby Road
8 Knoxville, Tennessee

9 Wednesday, February 19, 1986

10 The investigative interview convened at 5:20 p.m.

11 PRESENT:

12 DALLAS R. HICKS, Interviewee

13
14 LARRY ROBINSON
15 Office of Investigations
16 Region II
17 U.S. Nuclear Regulatory Commission

18
19 JOHN NELSON
20 Staff Member
21 U.S. House of Representatives
22 Subcommittee on Oversight and
23 Investigations, Committee on
24 Energy and Commerce

P R O C E E D I N G S

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MR. ROBINSON: The following is an interview of Mr. Dallas R. Hicks, former TVA employee, conducted on February 19, 1986 at the Holiday Inn West, Knoxville, Tennessee. Present at the interview are Mr. Hicks; Mr. John Nelson, representative of the Dingell Subcommittee on Oversight Investigations; and OI investigator Larry L. Robinson.

For the record, Dallas, will you please state your full name and spell your last name for us?

MR. HICKS: Dallas R. Hicks, H-i-c-k-s.

MR. ROBINSON: What is your current address?

MR. HICKS: ()

MR. ROBINSON: ~~X~~ Your current employment?

MR. HICKS: Martin Marietta. That's irrelevant to this.

MR. ROBINSON: Let's strike employment, current employment. ~~X~~

Dallas, I have a copy of your resume here. It appears that your experience is primarily electrical and instrumentation. Kind of generally give me your nuclear experience along those lines.

MR. HICKS: Electrical power, instrumentation control, computer application, control room design, data acquisition, power transmission, switchyards, transformer

1 yards, all aspects of electrical instrumentation and
2 control, environmental qualification, emergency response
3 facilities, licensing, quality assurance.

4 MR. ROBINSON: Approximately how many years
5 total experience in this area have you had in connection
6 with the nuclear industry?

7 MR. HICKS: 1970 to date.

8 MR. ROBINSON: I want to start off with an area
9 that I know is of interest to both of us, just to get the
10 ball rolling, and then we'll go from there, and that is in
11 the area of the Black & Veatch independent design review.
12 How much do you know personally about the Black & Veatch
13 Corporation, their qualifications for this review, why they
14 were selected, you know, to the best of your knowledge.

15 MR. HICKS: It would only be supposition because
16 they were selected before I started working at NSRS, so it
17 would be second-, thirdhand information. I will give you --
18 I do know they are not an architect engineering firm that
19 is strong in the nuclear field with extensive experience.
20 They are a large corporation of between 2- and 3000
21 employees. I currently, I work with them, so -- I work
22 with another division, so if I were going out to get a
23 nuclear industry architect engineering firm that was going
24 to do work for me and substantiate whether I had nuclear
25 problems or not nuclear problems, Black & Veatch would not

1 be one of the top architect engineering firms I would
2 select. And that's not to say that they are not a capable
3 architect engineering firm but they are not a leading
4 architect engineering firm and that's based just on the
5 number of nuclear plants that they have worked on.

6 MR. ROBINSON: Why did they do the independent
7 design review of the auxiliary feedwater system at Watts
8 Bar?

9 MR. HICKS: Why did TVA do it or why did Black &
10 Veatch?

11 MR. ROBINSON: Both. First, why did TVA conduct
12 that -- why did TVA have Black & Veatch do that?

13 MR. HICKS: Again, that decision was made by a
14 number of people prior to my becoming an NSRS member. But
15 as has been done over the years since I started TVA in 1970,
16 TVA has had a history of going out and contracting a firm
17 to do a study on this or that, and in general trying to
18 find an architect engineering firm or a consultant or
19 somebody else who basically agrees with their position, and
20 they do not anticipate getting large problems identified.
21 And overwhelming evidence and information I have had
22 second- and thirdhand from people involved in the decision,
23 people who were involved in the periphery of the decision
24 during the selection, that TVA obviously had gone out to
25 get this firm because I think the majority of the people

1 felt that they were not a strong nuclear firm, so they
2 could not give a strong nuclear critique of TVA's way of
3 doing business. So therefore the results would most likely
4 be a gloss-over type review or a review that you did not
5 get any major technical or regulatory problems identified.

6 MR. ROBINSON: To your knowledge, was TVA
7 required to have this review done by anyone?

8 MR. HICKS: I think there was some pressure from
9 the NRC and others to have an independent look at what they
10 were doing. There was a number of meetings -- I could go
11 back and reference some specific meetings where this was
12 addressed not only to TVA but to the industry to do these
13 type reviews.

14 MR. ROBINSON: When Black & Veatch finished
15 their study and published their report, do you have any
16 idea whether NRC got a copy of that report at the time they
17 finished the study?

18 MR. HICKS: My information was that they did not
19 formally get a copy but they had informally a number of
20 channels where they were getting information as it was
21 being prepared in draft or near final form.

22 MR. NELSON: Did you establish the purpose of
23 Black & Veatch?

24 MR. ROBINSON: Other than to do the, quote,
25 "vertical slice," almost like do a sampling of the design

1 process in doing the aux feedwater system. Why they picked
2 that system, I don't know.

3 MR. NELSON: What it was supposed to be is, I
4 think Dallas mentioned there was some pressure from the NRC
5 based on earlier findings, to my understanding, of problems
6 at Watts Bar, and this was supposed to be a representative
7 sample of the systems at the plant. And therefore, if you
8 find no problems with the auxiliary feedwater system, then
9 you can assume -- you may assume that the rest of the plant
10 is error-free. So that was the importance of the Black &
11 Veatch report, the purpose of it as originally stated.

12 MR. HICKS: Regardless of who made that decision,
13 that was not a good assumption then and is not now, that
14 you can take one isolated system and make a take-off across
15 the board: if there are no problems there, there are no
16 problems elsewhere, or those problems there are necessarily
17 representative of other systems. But again, this is a
18 problem similar to problems that TVA has in many areas,
19 looking at a small sample of any given problem or potential
20 problem area and trying to take it and make it apply across
21 the board when it doesn't necessarily apply that way.

22 However, recognizing TVA had NRC's blessing to
23 do this type of review -- a limited, one-system type of
24 review -- and there was probably no precedent established
25 that if they had major problems in this system, that they

1 could look at any other systems, because the evidence
2 appears from all planning, preplanning and subsequent
3 reviews that this is the only one they planned to look at
4 ever, period.

5 MR. ROBINSON: Do you from your own personal
6 knowledge have any idea as to whether that review was
7 formally committed to NRC by TVA? In other words, FSAR
8 commitment, that type, that nature of commitment?

9 MR. HICKS: This commitment was not like that.
10 I think this commitment was probably resulting from a
11 series of meetings between the two organizations.

12 MR. ROBINSON: NRC and TVA?

13 MR. HICKS: However, you must recognize there
14 have been numerous meetings between TVA management, NRC
15 management or TVA personnel and NRC personnel, none of
16 which were ever documented and there were conflicting
17 stories that came out of those meetings from people who
18 attended those meetings to come back and report to their
19 staffs. And the head of NSRS, Newt Culver, was guilty of
20 that on a number of occasions, not informing us of the
21 meetings, the substance of meetings that were conducted
22 while he was present with the NRC with the TVA board or
23 with the TVA manager or with a number of TVA personnel and
24 NRC. Newt and others had a number of meetings with NRC
25 Region 2, a real cozy relationship, many of which were

1 never documented. So if you look at one of the documents I
2 gave you, Willy Brown references to a number of
3 interactions with Paladino where these type reviews were
4 established at a meeting, I believe it was in San Francisco.

5 MR. ROBINSON: Well, I'm getting a little bit
6 off the -- I'm just trying to lay the groundwork, okay,
7 Dallas, for the TVA policy committee response to the Black
8 & Veatch findings. The Black & Veatch found somewhere in
9 the neighborhood of 428 findings in their independent
10 design review. This is the way I understand it and you
11 correct me if I'm wrong. There was a policy committee of
12 various upper TVA management formed to prepare a response
13 to the Black & Veatch report. Sometime in the area of
14 January of 1984, various members of NSRS, you included,
15 were requested to evaluate the Black & Veatch report as
16 compared to the draft response of the policy committee
17 report; is that correct?

18 MR. HICKS: Correct. Let me correct that a
19 little bit further. We were requested to review at that
20 time all the findings, the resolutions or proposed
21 resolutions as of that time. That was beginning January,
22 February time frame of '84. And over a several-month
23 period looking at those things, at the same time the policy
24 committee was drafting their response to this, so reviewing
25 findings as well as our positions on the findings as well

1 as the policy committee's position on the findings.

2 MR. ROBINSON: Your immediate supervisor in the
3 accomplishment of this task was Jim Murdock, right?

4 MR. HICKS: Yes.

5 MR. ROBINSON: When Murdock first came to you
6 and the other members of the team that were going to do
7 this, about the Black & Veatch project that NSRS was going
8 to do, what did he say? What did he tell you needed to be
9 done?

10 MR. HICKS: We had a staff meeting and basically
11 he gave us direction to take a look at the situation. Now
12 this direction was not new to a number of the guys that
13 were already there because some of them had been working on
14 the Black & Veatch investigation for quite awhile, but some
15 of us, including Murdock, were new. Basically to take a
16 look at the Black & Veatch identification of the problems,
17 TVA resolutions, see if we agreed or if we disagreed, and
18 to develop our positions on them. And in the process we
19 were also to categorize the findings in various ways
20 management wanted to rack them out.

21 MR. ROBINSON: So there were in existence at
22 that time some TVA resolutions to the Black & Veatch
23 findings?

24 MR. HICKS: So-called resolutions. Some that
25 they claimed were resolved and some that were already

1 signed off as being resolved, yes.

2 MR. ROBINSON: Who were the other members of the
3 NSRS staff that had been working on this Black & Veatch
4 project for a long time prior to you getting it?

5 MR. HICKS: Well, Bruce Siefken, Jerry Smith,
6 all the members other than Phil Washer, Doug Hornstra,
7 Murdock and Vince O'Block. We were the new members. Phil
8 Washer had not been there, Murdock had not been there. I
9 had not been there. Hornstra was not there. He was a new
10 member on the team.

11 MR. NELSON: Did you tell how long you were
12 given to do this?

13 MR. HICKS: Just to do it as soon as you can.
14 There was initially no deadline but they kept pressuring
15 you, when are you going to get it done, look at it over the
16 next few weeks or months. It was a very short time frame
17 but initially there was no specific deadline, a specific
18 date or month to do it. It just had to be done quickly
19 because the pressure was on from management, including
20 Pierce, the project manager, Willis, the board, and
21 everybody else to get Watts Bar items resolved and get it
22 on line. Dilworth was a major mover in that effort.

23 MR. ROBINSON: What was the reason that you came
24 from the breeder reactor project to NSRS?

25 MR. HICKS: The breeder reactor project had been

1 terminated, and Culver came out, he was looking for some
2 additional members of NSRS staff to what he considered to
3 reinforce or upgrade the technical area of NSRS, technical
4 review and analysis.

5 MR. ROBINSON: So you didn't specifically come
6 over to assist in the Black & Veatch project as far as you
7 know?

8 MR. HICKS: No, I came there specifically to
9 work at all issues of NSRS.

10 MR. ROBINSON: But to your knowledge, various
11 other members of the team had been working on the TVA
12 solutions or resolutions to Black & Veatch findings much
13 prior to January?

14 MR. HICKS: Yes, quite a long time prior to
15 January. In fact, I have a number of the resolutions with
16 dates like -- here's some that TVA had resolved supposedly,
17 they had signed off on the resolutions April of '83 --

18 MR. ROBINSON: These items you are handing me
19 now are not part of the package that you sent in?

20 MR. HICKS: No. This is the type of document we
21 were given to look at and see the status or the resolution
22 or the schedule for resolution of particular items.

23 MR. ROBINSON: For the record, this document is
24 titled "TVA Task Force for Review of Black & Veatch
25 Findings, Evaluation Sheet," dated 4/6/83. The first item

1 is Task Force Category 33 for Watts Bar Nuclear Plant Unit
2 1.

3 MR. HICKS: To go back prior to that, this is
4 the type -- I don't have the corresponding. If you would
5 like me to provide them later, I can, but that's a Black &
6 Veatch review and identification of a problem. In some
7 cases these included tentative resolutions. You're talking
8 about an effort that went on from '82 into '83.

9 MR. ROBINSON: You're saying the NSRS effort
10 went on almost as soon as the design review started?

11 MR. HICKS: Yes. They were involved to a
12 certain degree, but it is a matter of when they got these
13 to look at, because when I started initially in January and
14 started first week in January, shortly thereafter when we
15 got the latest version of these, as you notice on that
16 document and a number of others I have here, they got
17 review 1 on them. That's the second time. Here's one that
18 has review zero, that was just revised to review zero, was
19 3/4/83. Some of them have more than one revision on them.

20 MR. ROBINSON: The signature under "task force
21 concurrence" here, is that an NSRS signature?

22 MR. HICKS: Yes. That's Jones, Henry Jones. He
23 was one of the leaders of one of the task forces they had
24 there at one time. The coordinators.

25 MR. ROBINSON: Are the examples that you have

1 with you, Dallas, an indication that the TVA resolutions of
2 the Black & Veatch findings were inadequate?

3 MR. HICKS: I gave you a sample of those in my
4 letter, the ones that I reviewed. There are others. The
5 reason there are others, each person was given a number of
6 areas to cover, so that basically taking all of them and --
7 there was a categorization done similar to that that
8 categorized them by disciplines.

9 MR. ROBINSON: Now, this document that you just
10 handed me is kind of like, it is an attachment to the final
11 policy committee report, isn't it?

12 MR. HICKS: It is an attachment to some drafts,
13 that one is. That's not the final version.

14 MR. NELSON: Larry, have you read the examples
15 that Dallas provided to you or the NRC?

16 MR. ROBINSON: Yes. I was going to ask him
17 about those. He gave me two examples of like the same
18 finding at a different --

19 MR. NELSON: There were more than one example.
20 There were two styles called for but there were more than
21 one example there.

22 MR. HICKS: From this point we go into
23 categorization. This was part of the initial handout at
24 the time I was there with Murdock. Specific names were
25 given by which finding, which person was going to take and

1 then there was a group to get together and handle the I&C,
2 and then we go off and make our review analysis of these,
3 the actual situation. We go into a lot of detail on some
4 of them. Some are straightforward.

5 Then, to answer your question about the two
6 types of examples I gave you, one was an example and a
7 format as directed by Culver and Murdock. Either or both.
8 That's not apparent, but we got the direction from Murdock
9 in the staff meeting for status review of these.
10 Subsequent to that, within a matter of a few days, Newt and
11 Murdock discussed this further. They wanted another breakdo
12 and that's the reason that I have two write-ups, two
13 formats of the same finding.

14 MR. ROBINSON: Are there significant material
15 differences in the two formats? In other words, are you
16 saying that because you went to a new format, that they
17 wouldn't allow you to say what you wanted to say?

18 MR. HICKS: No.

19 MR. ROBINSON: It is just that they changed
20 things?

21 MR. HICKS: Just that generic applicability
22 summary like in this format, results, versus this one
23 wanted us to make a conclusion if and where 10 CFR or
24 regulatory guide or whatever was violated. What regulation
25 was being violated and a summary. It is basically a

1 different format content, a little bit, but it was just
2 different information they wanted to rack out.

3 MR. NELSON: The other format did not ask that
4 question, what regs were violated?

5 MR. HICKS: Not necessarily. It was your
6 opinion of what was reviewed and what was not reviewed. It
7 was sort of an open-ended thing with just minor criteria,
8 four or five items to include; and one of the reasons the
9 initial direction did not include any format, everyone
10 observed their own, so we had a meeting to get them all
11 consolidated in one standard format so everybody looking at
12 it would be looking at the same type information. And the
13 combining of that, I don't read any significance of that
14 whatsoever.

15 MR. ROBINSON: The one issued from Murdock in
16 January didn't have a specific format?

17 MR. HICKS: No.

18 MR. ROBINSON: At that time he didn't put any
19 deadline on you to have that finished? Was it he that kept
20 applying the pressure to you to stay with it?

21 MR. HICKS: Well, he did, but the pressure was
22 obviously coming from Watts Bar management and the total
23 top TVA management, Dilworth, policy committee, and --

24 MR. ROBINSON: Why in your opinion was that
25 pressure coming?

1 MR. HICKS: It was coming to get that plant on
2 line and to generate megabucks worth of power.

3 MR. ROBINSON: And even though you would have
4 finished your work and your review, if your review would
5 have come up with information that certain items needed
6 correction, that wouldn't have speeded up the process,
7 right?

8 MR. HICKS: No.

9 MR. ROBINSON: Are you saying that the pressure
10 was on to come up with answers that did not need correction

11 MR. HICKS: Not from Murdock. The pressure was
12 not from him to that point. The pressure was -- when he
13 first started out it was always, tell it like it is. If it
14 is good, it is good; if it is bad, it is bad. It is better
15 if it is good but there was no significance I saw in that.
16 But shortly you could see the pressure being applied from
17 outside NSRS, and by a number of people, and you could
18 trace this back largely responsible to a guy like Ralph
19 Pierce, whose attitude on safety -- this being a safety
20 concern -- his attitude on quality assurance had been for
21 years common knowledge throughout TVA and knowledge of
22 everyone who has ever worked with him or interfaced with
23 him when it comes to safety and quality assurance. These
24 are guys always against progress; you walk over, around or
25 through them, but you get that plant on the line. So he

1 had a lot to do with the pressure of getting this thing
2 going and getting us out of the action or just not
3 listening to us.

4 So in parallel these guys were writing a
5 favorable report prior to even getting any information from
6 the results of our reviews, and then they continued that
7 process even after getting the inputs of the reviews.

8 MR. ROBINSON: When you say "these guys," you
9 are talking about the policy committee?

10 MR. HICKS: And the people working with and for
11 the policy committee, many of them on the project. Some of
12 the names, specifically on my items that I found problems
13 with, discussed with on a one-to-one basis that they were a
14 party to.

15 MR. ROBINSON: Who? And give me an example.

16 MR. HICKS: As an example, on the 400-some
17 brakers that were set wrong, that one item and the one I
18 included in my letter, we met with Beasley on a number of
19 occasions. He was the coordinator and the pusher to get
20 these things resolved, and he claimed that throughout all
21 these things, well, he couldn't understand why we had
22 problems with this and other ones because Black & Veatch
23 had already signed off on it. I contended to him at the
24 time, the only reason Black & Veatch would have signed off
25 on any of these deficient items would be, one, they were

1 tired of hassling with you guys, and two, they want the
2 money and wanted to get off the project. That was our
3 contention to Beasley continuously to get him to back off
4 on these things.

5 On that braker situation we met specifically
6 with Beasley, a guy named Bill Roop, R-o-o-p, several other
7 guys, one particular guy named Collins, Jim Collins --

8 MR. ROBINSON: What organization or --

9 MR. HICKS: They are in the Watts Bar project,
10 engineering, part of the project engineering group, in the
11 groups that actually did this work and was responsible for
12 these deficiencies to start with. So they were always in
13 mode of arguing, trying to justify what they did was right
14 when they knew -- when we provided substantial evidence to
15 the contrary.

16 MR. ROBINSON: Did they ever admit that they
17 were wrong?

18 MR. HICKS: Substantially, no.

19 MR. ROBINSON: Back to, you mentioned Black &
20 Veatch signing off. Black & Veatch made some findings,
21 there were some TVA resolutions, whether they were proper
22 in your opinion or not, and Black & Veatch approved the
23 resolutions?

24 MR. HICKS: Yes.

25 MR. ROBINSON: In your opinion and in others,

1 because they were tired of arguing and in a hurry to get
2 their money and get out.

3 MR. HICKS: Frustrated with arguing with TVA
4 because there were many meetings where I was not present,
5 but I heard because they happened before I got there, in
6 this '83 time frame, late '83, mid '83, where it was
7 frustrating for them to deal with TVA recognizing one thing.
8 You were dealing with the power division of Black & Veatch
9 which does power plant design.

10 In a number of these items I included
11 specifically the breakers. It is not a generic problem
12 associated only with nuclear power plants. If you know the
13 National Electric Code for one, you know it for the other
14 plants. It is that simple. TVA further complicates the
15 case by making claims once they were caught without much
16 defense, and we shot down other defenses.

17 Deficient design, they claimed they then did not
18 have to meet the National Electric Code even though they
19 committed to the National Electric Code in the licensing
20 documentation. It was a commitment in the FCAR. They did
21 not meet it, blatantly disregarded it and when called to
22 task, we followed this item -- again, this is an associated
23 item, setting of breakers, where you have to allow no more
24 than 1300 percent starting current for a breaker. Clearly,
25 a National Electric Code requirement. TVA had violated

1 that 17 or more hundred percent. Then they say they don't
2 have to meet it. They can't see what's wrong. Once they
3 found out they did not meet it, they don't see a need to
4 report it to the NRC as a deficiency.

5 MR. ROBINSON: When they say they don't need to
6 meet it, is this still the project engineering people
7 talking?

8 MR. HICKS: Talking about project engineering
9 people which I just told you -- Roop and Collins, Grey
10 Beasley. Then we get into a series of meetings with the
11 electrical engineering branch, EEB -- Jack Scruggs, who was
12 a chief staffer for Fred Chandler's branch, Fred being the
13 branch chief; Gary Reed and Charlie Sudduth. Whereas I
14 laid my National Electric Code down on the table, and I
15 pointed out the specific areas in this particular
16 application and also in an area where cabling is required
17 to be no more than 40 percent cross section fill on certain
18 type trays and no more than 50 percent on others. That as
19 well as the 1300 percent I taught them, those were
20 requirements of the National Electric Code. One, they had
21 to meet them because they committed to NRC to meet them.
22 They did not commit to the NRC if they didn't meet them,
23 they would meet something else.

24 Then we go over to the sections. These guys --
25 Charlie Suddeth been working in cabling for years; it is

1 his primary experience. He did not know the requirement
2 that TVA had allowed, again, in one of the other reviews,
3 60 percent cable tray fill. He did not know that existed.
4 Again, I cited electrical engineers with major deficiencies
5 and knowledge of what needed to be done, so we leaf over to
6 each of these areas in the code, they read them and it is a
7 shocker to them. Then they claim this is a later version
8 of the code. I pull out the earlier version and we look at
9 the same thing and showed that it has not changed. Only
10 after you get to that point do they start admitting that
11 they have a problem but still did not admit that they have
12 to meet the National Electric Code as committed to the NRC.

13 MR. ROBINSON: So we're in a situation where we
14 have NSRS and electrical engineering and/or project
15 engineering butting heads over what they have committed to
16 and what they have not. I want to kind of get back to
17 within the NSRS structure now. When you brought these
18 concerns to Murdock's attention, did he agree with you that
19 there was a problem here?

20 MR. HICKS: No, because Murdock did not have the
21 technical background to agree or disagree and he readily
22 admitted to that and will admit that now. I had a lot of
23 convincing to do to educate him into electrical engineering,
24 had to show him the black and white code and regulations.
25 He did not know the code.

1 MR. NELSON: Was he officially required to
2 approve your position for NSRS?

3 MR. HICKS: There was no formal structure for
4 approval or disapproval. We will submit it to Newt and
5 make a policy. That was never clear.

6 MR. ROBINSON: To your knowledge, none of your
7 information was short-stopped or changed one way or the
8 other by Murdock before it got to Culver?

9 MR. HICKS: Well, let's go back one step. As we
10 turn -- first of all, I turned in handwritten copies of
11 this to expedite it and we got it typed and gave them a
12 copy and a day or so later a second version of the format,
13 and I did not turn mine in today with a deadline that
14 everyone else had to turn them in today, too. Murdock
15 always had a running list of stuff to work with and
16 supposedly as the TARS section chief -- T-A-R-S, technical
17 analysis and review section -- as the chief, he was
18 responsible to bring some sense and order into this thing
19 and put it in some presentable form to get it out of the
20 NSRS and through Newt. So on a daily basis, as I included
21 in my letter, Culver spent every morning and a lot of
22 afternoons in and out of Murdock's office. Murdock's
23 office was always open unless they closed the door for some
24 private discussion, but in general the door was open. As
25 you walk back and forth in the hall you could see them. As

1 you talk to Murdock to talk about something, Newt was
2 reviewing those on a daily basis. Murdock confirmed that
3 Newt read every one of those as soon as he got them. He
4 was on a daily basis keeping up of what was going on.

5 MR. ROBINSON: Murdock confirmed that to you?

6 MR. HICKS: Yes, and I confirmed it to myself. I
7 saw him on a daily basis. You will not talk to anybody on
8 NSRS that will dispute that fact. Everyone was aware of
9 that. Everybody in that section.

10 MR. ROBINSON: I noticed that you said that on
11 your exit interview with Culver, that Culver denied to you
12 ever having received any information like that.

13 MR. HICKS: Yes, he did, and I'll state on the
14 record that () he saw every piece of
15 information, he saw every handwritten draft and every typed
16 draft.

17 MR. ROBINSON: I'm going to ask you an opinion
18 now. When I interview Culver and ask him about that, and
19 what is he going to say? Is he going to tell me he never
20 saw any of that information?

21 MR. HICKS: He'll tell you he only saw a
22 peripheral amount or none of it. He's already told the
23 Knoxville Journal that fact. He didn't know we had any
24 concerns, any problems with that. Or if he did, he
25 wouldn't have signed off that report. He signed off that

1 report, the policy committee based on the fact that, one,
2 we had put inputs in to Murdock because we ran a draft of
3 that report which is not much different than it is now.
4 There are word changes, but I can pull a copy of that for
5 you. Told Murdock not to agree to sign that. Culver was
6 aware our inputs were negative in that area and he signed
7 it anyhow. That's what I claim in my letter and you can
8 verify that from each person working on the Black & Veatch
9 review, which is the entire section.

10 MR. ROBINSON: And you think that when I -- what
11 do you think Murdock is going to tell me when I ask him why
12 he signed off on that?

13 MR. HICKS: Why Newt signed off on it?

14 MR. ROBINSON: Yes, Culver, excuse me.

15 MR. HICKS: It is hard to tell. (

16

17

18 .) Nobody knows specifically what
19 recommendation Murdock gave him.

20 MR. ROBINSON: Let me ask you this, and you may
21 or may not be able to answer. If Culver had not agreed to
22 sign off on that policy committee letter, would it have
23 been published anyway?

24 MR. HICKS: Probably. I believe from pretty
25 good inside information that Culver was put in a position

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1 in these things that he could go so far, and Culver in
2 conversations with me and others contended this, too, that
3 he would push them only so far. When he knew that he could
4 not win, he would go with whatever the management said.
5 That is management being Bill Willis, Dilworth was over him
6 at one time, and the board, but all the pressure from the
7 project -- Ralph Pierce, he's a very forceful type guy, and
8 a bunch of others who were recommending. They were all on
9 this one train, and you either played the ball or you don't
10 stay on the ball team with that bunch. So I think he had a
11 lot of pressure.

12 MR. ROBINSON: Did you feel that personally or
13 were you kind of getting that hearsay from everybody that
14 that is where the pressure was?

15 MR. HICKS: It was common knowledge from
16 everybody, including personal information back from Culver,
17 that that's the way they did business.

18 MR. ROBINSON: Culver told you that?

19 MR. HICKS: Yes.

20 MR. ROBINSON: Told you that Pierce was putting
21 pressure on him?

22 MR. HICKS: Culver tells me on a number of
23 occasions as well as he told other people, and we discussed
24 this at length before I came on the TVA staff, NSRS and
25 after, that he would push issues and he had been able to

1 push issues, some successfully, some unsuccessfully, and
2 his ability to stay on as director and to keep this staff
3 effective or as effective as it could be was very limited.
4 It was limited to the extent that he could push them as far
5 as he wanted to be pushed and could generally tell when
6 they didn't want to be pushed further and he wasn't going
7 to. Sometimes he didn't push very far at all. There was
8 clearly evidence there directly to me and to others and in
9 common knowledge among everybody that he was being
10 pressured, probably more so than we were, to do things that
11 way. He was much more freer with us, I think, than they
12 with him.

13 MR. NELSON: Are you saying he lacked
14 independence?

15 MR. HICKS: Yes. He never did have total
16 independence as was claimed by reporting to the board
17 general manager.

18 MR. ROBINSON: He signed off on the policy
19 committee report in March of '84. I believe it was in July
20 of '84, the final NSRS report of their review of the Black
21 & Veatch findings was published; is that correct?

22 MR. HICKS: I think it is in that time frame.
23 It was after I left NSRS.

24 MR. ROBINSON: It was after you left NSRS?

25 MR. HICKS: I left in June.

1 MR. ROBINSON: Have you seen that report?

2 MR. HICKS: No.

3 MR. ROBINSON: So you can't tell me whether or
4 not your concerns, say, regarding breakers and other
5 electrical items were or were not accurately presented in
6 that report.

7 MR. HICKS: There was a later letter which I
8 have a copy, and I can't recall the date but I can find it,
9 that did express concerns in the electrical area and the
10 support area.

11 I'll tell you what happened. As I went to new
12 employment, Murdock kept pursuing these problems that I
13 identified to a certain degree. Especially the electrical.
14 I give him a lot of credit trying to understand an
15 electrical discipline which was not his background. I
16 spent many hours going through and sorting out information,
17 reviewing it on the side for him as a non-TVA employee,
18 providing him documentation, textbooks, descriptions of the
19 way breakers operated, the way protected circuits should be
20 protected -- circuits should be protected, rather; and he
21 pursued this actively, I know, for over a several-month
22 period. After I left TVA, on into the summer and early
23 fall of '84. Even after that particular document that you
24 are referring to was issued. I did see a draft of that
25 particular document.

1 MR. NELSON: Larry, has the NRC reviewed this
2 NSRS report we're discussing?

3 MR. ROBINSON: I don't know. You mean staff?

4 MR. NELSON: Anyone at NRC.

5 MR. ROBINSON: I have not reviewed it in detail.
6 I have a copy of it and I have looked at it. And in my
7 discussions with Phil Washer, he indicated that his
8 concerns were not watered down or not misrepresented in
9 that report. He obviously had the same concern that Dallas
10 has, that back in March or when he and Dallas and Jerry
11 Smith and the others were indicating all their concerns,
12 that Culver went ahead and signed off on the policy
13 committee letter.

14 MR. NELSON: Were Dallas' concerns as provided
15 to the NRC in this pile, the documents here and his letter,
16 accurately portrayed in that NSRS report?

17 MR. ROBINSON: I haven't made that comparison.
18 I will.

19 MR. HICKS: The report I'm thinking about, if it
20 is the same one you have -- I have it somewhere -- but it
21 is a document that Murdock prepared and Newt signed that
22 basically generalizes those problems. It doesn't -- it is
23 not an extremely detailed report.

24 MR. ROBINSON: I don't have it with me right now.

25 MR. HICKS: Here's a copy, I think, of it.

1 MR. ROBINSON: This was a much thicker document.
2 I mean, it was a report format.

3 MR. NELSON: That is the report, Dallas, I think,
4 talking about concerns on the electrical calculations or
5 support calculations where Black & Veatch and TVA agreed on
6 a resolution. TVA brought up their standards and in seven
7 days after Black & Veatch left, TVA dropped the standards.
8 I think that's what we're talking about, isn't it? That's
9 one of the examples in there.

10 MR. HICKS: This is a July letter, a memo from
11 Culver to Parris. NSRS assessment of results of the Black
12 & Veatch review.

13 MR. ROBINSON: Do you think that would have been
14 a cover letter for that report?

15 MR. HICKS: Yes. Well, this is a four-part
16 summary which generalizes what I think you are referring to.

17 MR. ROBINSON: That's a document in itself, not
18 really a cover letter?

19 MR. HICKS: This is a document in itself, and it
20 does have attachments but I think this is excerpted because
21 this is a comment copy back from the board. That's
22 contrary to the policy review committee sign-off.

23 MR. ROBINSON: Yes. That was basically my point,
24 that even though you see the policy review committee sign-off
25 -- I mean, that's a document addressed from Beasley to

1 Raulston, who was the chief of the mechanical engineering
2 support branch, an internal TVA document that refuted Black
3 & Veatch findings, so to speak. Do you know if this TVA
4 assistance, this policy committee assistance was officially
5 forwarded to the NRC or to NRR?

6 MR. HICKS: No, I do not. I have not heard, and
7 even as an NSRS member, I think a lot of times you don't
8 know if that happened or not. Nobody has told me whether
9 or not that has happened.

10 MR. NELSON: I believe there were, however, some
11 600 amendments to the Watts Bar FSAR as a result of the
12 Black & Veatch review is my understanding, and Jim Murdock
13 told me that and that is also contained in a document which
14 I perhaps can provide.

15 MR. HICKS: If you want copies of any of these
16 things, let me know.

17 MR. ROBINSON: Okay. I think you are right, I
18 think that is a cover to the report that Phil Washer gave
19 me.

20 MR. HICKS: I got this from Phil and Jerry back
21 at the time it was issued.

22 MR. ROBINSON: To summarize the Black & Veatch
23 situation within NSRS, you do know for a fact that Murdock
24 advised Culver of the detailed findings of each of the TARS
25 group, he was doing that on a daily basis, he had a running

1 list. Did Murdock ever express any kind of an opinion to
2 you as to why Culver signed off on the policy committee
3 report?

4 MR. HICKS: No, other than --

5 MR. ROBINSON: He didn't -- was Murdock
6 disappointed?

7 MR. HICKS: Yes. In fact, he was so
8 disappointed prior to my leaving that he and I had a number
9 of private discussions on this, because we worked together
10 about nine years, and so we knew each other quite well
11 before we came to that staff, and he and I and others felt
12 that probably the time was right that one or more or
13 somebody should take all this information at least and give
14 it to the press or somebody who could do something with it
15 and stir up the pot. But it was again, if you were going
16 to wish a TVA employee you were going to get intimidated,
17 your future was going to suffer, so --

18 MR. ROBINSON: Had you experienced this prior to
19 within TVA prior to becoming a member of NSRS staff?

20 MR. HICKS: Had I experienced what?

21 MR. ROBINSON: Pressure, intimidation as a TVA
22 employee?

23 MR. HICKS: Not specifically as an individual,
24 but the mode of operation at TVA has always been, since I
25 was at TVA, that you don't buck the management, you don't

1 become insubordinate, you don't -- it is a strange
2 management philosophy and it is so bad with intimidation
3 and you say, have I been intimidated? Yes, but for other
4 reasons. I'm not easy to intimidate but people have tried
5 it.

6 MR. NELSON: Are you saying it is on a
7 systematic basis?

8 MR. HICKS: It is. It is a failure of a
9 management scheme. The type of intimidation that has
10 occurred for many years, and it is one type of many types,
11 it is an employee working in this group cannot get the
12 opinion or -- and cannot get interfacing or cannot talk or
13 interact with other people without going up the chain, over
14 and down the chain. If you are sitting working on, say as
15 an example, back in the early days, Watts Bar project,
16 design project, a particular item and you wanted to go over
17 and ask a guy working at Brown's Ferry who was doing the
18 same thing for an opinion or technical information or
19 whatever, and you did it, and your supervisor found out, he
20 certainly would intimidate you and he would harass you and
21 intimidate you in many cases that you better not do that
22 anymore.

23 MR. ROBINSON: Why do you think that was?

24 MR. HICKS: They gave their answers in many
25 cases: Don't copy anything over there. They are doing it

1 all wrong. We are doing it all right. Another thing is
2 empire. If he wants you to do something, you ask him the
3 question, if he can't answer the question, he'll get an
4 answer from somebody else.

5 MR. ROBINSON: Do you find an air of that in
6 this -- I mean, I think if you were to ask any employee of
7 any large corporation, or we'll say a large government
8 agency, if he thought that his career would be enhanced by
9 bringing up problems and creating problems, I think he
10 would say no. You are saying that TVA was different from
11 General Motors, maybe. I mean, I know you don't have any
12 experience at General Motors. Was it different from Boeing
13 Are you saying Boeing would have encouraged this same level
14 of interface between --

15 MR. HICKS: At Boeing, at General Dynamics -- I
16 worked both places. Where I work now you don't have that
17 intimidation of immediate supervision with the protective
18 blanket over you. Keeping you in a small pigeonhole,
19 limiting your experience, your knowledge. We're talking
20 about very basic, stupid management practices, where Fred
21 Chandler is a guy at the top level who recently retired,
22 electrical engineering branch chief for many years, he was
23 in procurement before that. The guy did not have an
24 adequate background to become an engineering branch chief.
25 He only had a limited number of procuring background. He

1 worked on a few small items before that in engineering. He
2 would not even let you go from your office -- first he
3 would not let you have copies of catalogs in your area.
4 You may be in a building three or four blocks from the
5 procurement area that had the catalog information. He
6 would make you walk down there and he would only let TVA
7 have one set of GE catalogs, for instance.

8 MR. ROBINSON: Are you talking about
9 restrictions or intimidation?

10 MR. HICKS: Talking about, one, restrictions,
11 and two, intimidation if you were caught trying to do your
12 job and get around the red tape that he set up as
13 restrictions you couldn't do the job. We're talking about

14 MR. ROBINSON: What would the nature of that
15 intimidation be when they caught you?

16 MR. HICKS: Threaten to fire you or give a bad
17 service review or in many cases, giving a person a bad
18 service review or in many cases not getting promotions, not
19 looking at catalogs -- that's only one item. Not
20 discussing things with vendors, not getting other
21 information, not raising issues, had a very tight -- not
22 even going out and getting a xerox copy of a document that
23 you needed urgently. Not only did they -- I'm getting into
24 the meat of it. That was general. Everything was
25 established that way.

1 I say in here that TVA employees in general are
2 not knowledgeable about regulations. They are not
3 permitted to be knowledgeable. This type of intimidation
4 against employees from, one, having their copies of
5 documents like reg guides, NUREGs, et cetera, all the way
6 from the beginning of the nuclear program.

7 His predecessor was the same thing, Sprouse.
8 You do not have easy access to regulations. There was a
9 limited number of regulations, so if they caught you even
10 reading a regulatory guide at your desk or reading a
11 technical magazine at your desk, harassment would start
12 setting in at various degrees from immediate supervision as
13 well as Fred if he got wind of that. You could not read
14 reg guides unless you stayed late in the evening or got our
15 own set, bought them.

16 MR. ROBINSON: Do you think this was an
17 intention after all on the part of TVA to keep their
18 employees not knowledgeable or to keep their employees just
19 doing the thing that they wanted them to do?

20 MR. HICKS: I think it is an intent on both
21 cases and a few others. One, keeping a guy with very
22 limited experience, thinking as one justification for that
23 that he would be more efficient if he knows everything
24 about one little area; but two, not letting him know any
25 more than you wanted him to know.

1 MR. NELSON: How would that intimidate you that
2 you couldn't have a NUREG at your desk?

3 MR. HICKS: If you know you have to follow a
4 regulation and you can't find out what you are to follow
5 unless you sneak around and find out, that's pretty good
6 intimidation. If you get caught with those catalogs or
7 those regulations or whatever and spending a lot of time
8 there and not back at your desk producing -- again,
9 production, production interfering with actual the way they
10 do production.

11 MR. ROBINSON: Getting back to the January
12 through June of '84 time frame and your experience within
13 NSRS, is there any aspect of the Black & Veatch project
14 that we have not discussed that you want to bring up with
15 regard to you providing me evidence of intentional and
16 willful wrongdoing on the part of NSRS management? Just
17 with respect to the Black & Veatch right now.

18 MR. HICKS: I think we have covered in general.
19 We had during that time frame a number of staff meetings
20 where -- this is one, I'm reading from handwritten notes,
21 February 28, '84, staff meeting, entire staff -- where we
22 were discussing specifically the Black & Veatch study, and
23 we were discussing the general attitude deficiency within
24 TVA in resolving these items. The fact that some of the
25 items were resolved, some were not.

1 MR. ROBINSON: Who all was in the meeting?

2 MR. HICKS: The entire section that was present
3 that day.

4 MR. ROBINSON: Not Culver? Not Murdock?

5 MR. HICKS: Murdock, yes. It was Murdock's
6 staff meeting. Not Culver. Some items not resolved due to
7 a term they coined in that time frame, "indeterminate
8 status." Again, we got in some very heated discussions
9 within these meetings where I believe it hinged somewhat on
10 intimidation, at times, where Murdock took a very strong
11 position concerning the indeterminate. Staff members like
12 Jerry, Phil Washer, myself, and a few others took the
13 position that there was nothing indeterminate about it, it
14 was black and white. TVA was doing it wrong and they had
15 to admit it and that was discovered, again -- I mean
16 covered in the area of attitude deficiencies. We tied that
17 back into it also.

18 To give you a little flavor, at that particular
19 meeting, it was determined by Murdock more than anything
20 else, and he was pressing this and it appeared that Newt
21 was involved and getting to this indeterminate stuff that
22 they were talking about and that was coming out of the
23 policy committee and a few others a way of trying to cover
24 up something and cloud it rather than solving it, rather
25 than calling it what it was. We didn't like that, never

1 did, so we're trying to determine how you could address
2 these things to Newt in some manner. So they already
3 figured out predetermined for us; the areas they didn't
4 want to hassle with was indeterminate.

5 MR. ROBINSON: Was this Murdock's idea, his work?

6 MR. HICKS: Well, I don't think he generated it
7 himself. It was more than one individual involved.
8 Murdock's position was he was surprised Black & Veatch
9 didn't find more, based on his perception of the items,
10 that were at fault and the problems he saw in reviewing
11 work as he was reviewing it and the findings as we gave it
12 to him. But he concludes -- here again on a statement that
13 practically nobody in that room agreed with and argued with
14 him heatedly and loudly. He didn't feel too badly about
15 the study as a whole, felt that it came off and a few
16 breaths after he said he was surprised they didn't find
17 more. He didn't feel too bad about the study and the way
18 it was conducted.

19 Now that, we took some very hard line positions
20 against that point. A number of us did not believe that
21 Black & Veatch had done a thorough job in reviewing Watts
22 Bar from day 1 through that time period. And this was well
23 known at that time and it has been more widely publicized
24 subsequent to that. But in these meetings, we discussed
25 the fact that Black & Veatch had similar major problems to

1 Murdock. They did not look at many of the right things in
2 many cases, for whatever the reason. They and TVA went out
3 and TVA gave them a job to look and how they did it versus
4 how they were supposed to do it. Black & Veatch did not
5 look and see, well, TVA should have been doing this; they
6 just looked to see, TVA said they were going to do this and
7 they did or didn't do it. It was not whether they should
8 be doing that. That was a major area.

9 Another area that was totally deficient,
10 something should be done about it and never was, was the
11 fact all the construction areas were totally deficient.
12 Black & Veatch glossed over it and just made limited
13 inquiry. I gave specific examples in this meeting -- cable
14 trays not being verified. As a result of this meeting --
15 and this was just one meeting of several, another meeting
16 on --

17 MR. ROBINSON: As a result of that meeting, what
18 happened?

19 MR. HICKS: The meeting on 3/6/84, which was
20 another one of the staff meetings to go over these items,
21 what we did, we discussed what the status was working with
22 Black & Veatch and other things, too. I could go through a
23 number of other areas like in that particular 2/28 meeting,
24 safety significance, I brought up that as a major concern I
25 had because TVA was not even understanding what safety

1 significance meant. I mention that in my letter. They
2 don't believe it is significant when in fact they don't
3 even understand the word of significance. The fact that
4 TVA had taken a small item and looked at the resolution or
5 lack of it thereof, or lack of the resolution and were
6 making it applicable or representative across the board
7 when it was not. Separation of class 1-E and non-class 1-E
8 items.

9 MR. ROBINSON: Can you make me a copy of those
10 handwritten notes?

11 MR. HICKS: Yes.

12 MR. ROBINSON: Okay.

13 MR. HICKS: The 2/28 meeting continued on
14 generic and unresolved issues. Newt had a feedback in this
15 particular meeting that he was impressed with the group's
16 method of identifying tasks and subsequently he lied about
17 that to the press club --

18 MR. ROBINSON: Murdock told you Culver said that
19 Did Culver ever attend any of these meetings?

20 MR. HICKS: No. We got into goals and
21 objectives for personnel-type actions.

22 MR. NELSON: When you said generic applicability,
23 do you mean everybody thought they did a good job and when
24 they found a problem, they investigated whether or not it
25 went across the board, or what was the feeling there?

1 MR. HICKS: Well, some particular regulatory
2 positions that we remember reviewing there, they were -- I
3 have written "totally not reviewed." One system not at all
4 applicable or representative. What I mean by that is we're
5 looking at a feedwater system -- you have to read that in
6 there -- but we're talking about that earlier in the
7 meeting, that the position taken on that on a given
8 regulatory position, and the feedwater system may be a
9 totally different position if you go over in another fuel
10 system or something like that that's a safety-related
11 system, that it is not applicable in the same way in both
12 systems across the board. And we were arguing when we had
13 that point the fact that the deficiency of the Black &
14 Veatch way of doing business as contracted by TVA and
15 determined by TVA and others looking at one system was not
16 adequate to determine the adequacy of the total plant.

17 MR. ROBINSON: I understand your difficulty with
18 that. However, when you are tasked to review the Black &
19 Veatch findings, and look at the TVA resolutions, and
20 compare that to the policy committee report, okay, do you
21 feel that Murdock, especially in these meetings that you
22 were having in February and March of '84 -- obviously he
23 was feeling some pressure as to give Culver some
24 information as to whether he should sign off or not, and he
25 is getting feedback from you fellows that are a little --

1 that is kind of widening the scope of your review. I mean,
2 you are giving your opinions and maybe right or wrong,
3 obviously, that Black & Veatch didn't take a wide enough
4 slice, that type of thing. That may be true.

5 MR. HICKS: Not wide enough slice is one area.
6 In one, it is not adequate resolutions or the scope or
7 whatever, but to get back to this 3/16, that report, one
8 issued by the policy committee with that cover sheet dated
9 March 16, here's a staff meeting we had on March 6,
10 Murdock, Washer, Jerry Smith and myself. We specifically
11 discussed cable trays. At that meeting, we were instructed
12 to go to Watts Bar and document the overfill measurements,
13 the extent of the problems, and bring back pictures. Those
14 pictures are on videotape that I provided as part of my
15 letter. Safety evaluations, handwritten notes here. Again,
16 no resolution of significance to safety. They reduce the
17 margins of safety, eliminate single failure criterion
18 capability, and we needed to assess that that did not
19 reduce safety problems. We were discussing those items.

20 By category, Jim wanted safety evaluations of
21 our own. That's where we got those different formatting or
22 establishing formatting consistency. The summary, Jim
23 didn't think that ENDES understands safety significance.
24 That was the summary of all of us in the meeting. Murdock
25 concludes the meeting by saying that to Beasley, he would

1 tell him that his safety evaluations suck. Now, a few days
2 later Newt signs this thing.

3 MR. NELSON: Was the statement that the safety
4 evaluations sucked or that it was not in fact a safety
5 evaluation by the regulatory use of that term?

6 MR. HICKS: No, the meaning of what he is saying
7 there is that Beasley -- see, they had already sent us a
8 draft of this. We have reviewed it during that time. I
9 can go back and look at probably a draft copy of this
10 report. We were sent over a copy, several versions of this
11 by the way. Some of which a number of guys had already
12 signed off weeks before that date and Culver signed that
13 much before March 16.

14 MR. NELSON: Didn't Murdock draft a portion of
15 that report, the policy committee report?

16 MR. HICKS: Yes. He and Newt worked on some of
17 these summaries, which we totally disagreed with the drafts
18 of that summary.

19 MR. ROBINSON: What page is that? Does it have
20 a page number?

21 MR. HICKS: 2. Second page.

22 MR. ROBINSON: Murdock drafted page 2 and what
23 areas did you disagree with?

24 MR. HICKS: Newt drafted that from an earlier
25 draft, which I'm sure we could dig up copies of the earlier

1 draft to show you what they added.

2 MR. ROBINSON: And you disagreed with all five
3 items on that page?

4 MR. HICKS: To some degree, yes.

5 MR. NELSON: Are these clear statements or do
6 you feel they are misleading in any way?

7 MR. HICKS: I think they all are misleading to a
8 certain degree and some to a great degree.

9 MR. NELSON: Give me an example.

10 MR. HICKS: Black & Veatch review effort, number
11 1, was of sufficient scope and depth to identify
12 significant deviations if they existed in an as-built
13 auxiliary feedwater system from commitments made in the
14 FSAR.

15 MR. NELSON: Let's talk about number 3, says "a)
16 significant deviations from the licensing basis that have
17 been identified," which was the Black & Veatch review, et
18 cetera, et cetera, et cetera.

19 MR. HICKS: That is a totally false statement,
20 the first sentence of number 3. At that time, there were
21 not resolutions made.

22 MR. ROBINSON: What was their opinion of the
23 deviations from the licensing basis?

24 MR. HICKS: One example was what I was telling
25 you about the brakkers and the violation of the licensing

1 commitment for the National Electric Code where TVA never
2 did admit that they had a licensing commitment at this time

3 MR. ROBINSON: Let's take a minute break here.
4 (Discussion off the record.)

5 MR. HICKS: Each of the five were hotly
6 contested among all members of the TARS section. We
7 totally disagreed with the slant on every one of those. I
8 had violent discussions with Murdock on this in the
9 presence of other guys who also had violent discussions
10 with Murdock.

11 MR. ROBINSON: Murdock drafted that page, 2?

12 MR. HICKS: He and Newt worked together on that.

13 MR. NELSON: Was that wording, in your opinion,
14 intentionally misleading or just a difference of opinion
15 among equals?

16 MR. HICKS: Some of these items, Murdock
17 strongly believed that what he was writing was correct.

18 MR. NELSON: This has to do with his philosophy
19 of reliability being degraded versus safety?

20 MR. HICKS: This as a philosophy, which we did
21 not agree with as a section, that if you violate something
22 like some of these areas, that they would reduce your
23 margin of safety rather than potentially being a cause for
24 not being able to shut down the plant. In fact we argued
25 that it was both things could result you reduced your

1 margin of safety and -- a potential failure could be
2 catastrophic.

3 MR. ROBINSON: Do you have any idea what the
4 distribution of this report, this policy committee report
5 was going to be at the time? Did you have any idea or did
6 Murdock have any idea that it was designed to be
7 distributed outside TVA anywhere?

8 MR. HICKS: No, we did not have any knowledge of
9 what it would be used for. Certainly we did not believe it
10 would be a document that TVA would be sending the NRC even
11 though we felt sure when it was written it would get to the
12 NRC by one means or another.

13 MR. ROBINSON: My question I guess is, you know,
14 if that report was going to go under a cover letter from
15 Beasley to Raulston, why would -- what reason would Beasley
16 have to cover up problems to Raulston? That you know of?

17 MR. HICKS: Well, it is just, I would equate it
18 to a situation like the two butcher brothers writing a memo
19 to each other.

20 MR. ROBINSON: What does that mean?

21 MR. NELSON: Were there informal communications
22 between Beasley and Raulston at this time?

23 MR. HICKS: I believe he was charged with lead
24 responsibility in resolution of the items. Beasley was the
25 policy committee chairman.

1 MR. ROBINSON: So this was going to make
2 Raulston's job easy?

3 MR. HICKS: Supposedly, but there's more here to
4 it than that. You are talking about all members who
5 normally and frequently and periodically work together in
6 staff meetings at the same level. Ralph Pierce, Culver,
7 now Cantrell got involved in this until then. Mike Sprouse
8 was the culprit who was for the manager of engineering.
9 Sprouse just retired at the time this was issued, a month
10 or two or so before this or during that. So it would be
11 difficult to hold Cantrell responsible, but as anybody who
12 signs something he is responsible. Conine, Anderson had
13 quality assurance. Those bottom six guys are all guys that
14 go into the same meetings who sit in Willis' staff meeting
15 and they all plot their strategy. The good old boy system
16 and if, you don't get along you don't stay in the group.

17 MR. ROBINSON: But if they thought that the
18 original Black & Veatch report was going to go to the NRC
19 and then let's say they thought that they knew that their
20 policy committee report was really a cover up, let's assume
21 that -- I mean, it doesn't make any sense to me, I can't
22 understand where they would write that report if they
23 thought that the NRC might come in and do an independent
24 evaluation of the Black & Veatch findings.

25 MR. HICKS: I'll tell you what they do. It is

1 very clear. That's the fact that the NRC had a history
2 ever since I have been at TVA and subsequently only appears
3 to be coming out of the mold recently, but they have not
4 taken TVA to task and TVA has bragged all over within and
5 outside TVA that they can negotiate about anything with NPC
6 they can get away with it, they have been doing it and NRC
7 doesn't look over them or take them to task.

8 MR. ROBINSON: They figured they could buffalo
9 the NRC if the NRC got hold of both this policy committee
10 report and the original Black & Veatch findings?

11 MR. HICKS: And they wanted to make it look as
12 positive as they could and I know several of the guys on
13 here -- I'm sure Anderson, for instance, he was looking at
14 it from the fact he didn't want any criminal problems. He
15 had been in QA for a long time but again, a guy subject to
16 being coerced by management as well as Culver. But this
17 whole central group, there's a lot of evidence that there
18 was pressure on all of them: You get that plant on the
19 line and you make these things look favorable, whatever you
20 have to do to make them look favorable. And you have to
21 make them look favorable if you are going to get the plant
22 on the line. You have a predetermined date to get it on
23 line, recognizing it could get to NRC and it could be
24 embarrassing.

25 MR. ROBINSON: Do you have any indication that

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1 Culver told these other policy committee members of some of
2 the problems that you found and they overrode him?

3 MR. HICKS: No, we have no evidence of that.
4 Because during this time --

5 MR. ROBINSON: You think differently, that
6 Culver never mentioned any problems?

7 MR. HICKS: No, I don't say that either. I
8 think he could have done either thing. Culver did not
9 operate in a mode where he went to the staff meetings or he
10 went to meetings and -- again, recognize this, that during
11 this same time, Culver and Whitt, as I mention in my letter
12 were spending a good portion of time hassling the office of
13 QA for quality assurance problems and basically in a mode
14 with a number of these other guys and a guy not even on
15 here, Hugh Parris, Dilworth, another culprit, a clique of
16 10, 12 guys that get together and make all the policies and
17 the directions and what everybody should be doing.

18 MR. NELSON: Upper level managers?

19 MR. HICKS: Yes, below Willis, including Willis.
20 If Newt had gone in and given those to any of those
21 meetings, there's nothing recorded from those staff
22 meetings that ever comes back to the NSRS or any other Bill
23 Willis general manager staff. NSRS was the general manager
24 staff reporting to him as well as the board. We never got
25 any written feedback from Culver on any meeting he had with

1 them. We never got any feedback with any meeting he had
2 with the NRC privately or jointly. The NRC participated
3 with Culver and with -- not Anderson, he was excluded.
4 They met with the board, with Willis. Culver was present
5 on several of those meetings in this time frame, early '84,
6 where they all sat down and agreed that TVA ought to
7 abolish OQA. That's not written anywhere. That was a
8 clear agreement which the previous Region 2 manager was
9 involved, O'Reilly. Now you cannot say specifically that
10 Culver went in and told them anything because he didn't
11 write anything after the fact. The minutes of the meetings
12 to my knowledge were not distributed among anybody even if
13 they were kept.

14 MR. ROBINSON: Based on his statement to you in
15 your exit interview that he never knew about any of these
16 problems, you would make the assumption that he never
17 brought any of these problems to this policy committee?

18 MR. HICKS: Right, and that is very
19 disheartening and it is very, I would say, ironic, too,
20 because () was always badmouthing () as a guy
21 who was antiregulatory, anti-QA, and every opportunity he
22 got with you privately or in a group that () name
23 come up, he was always badmouthing him. Saying how great
24 () was and how bad () was. But to be a party
25 to this without giving them much static would lead one to

6,7C part

1 believe that he was pushed and directed to do it, and he
2 didn't probably have to be directed too much because he
3 certainly knew from a daily basis, as I said before, what
4 problems we were identifying.

5 You take the handful that I gave, you multiply
6 that by quite a few of the guys like Jerry Smith, Phil
7 Washer, Siefken, Mashburn, Hornstra.

8 MR. NELSON: Do these problems exist to your
9 knowledge today, or have they been corrected?

10 MR. HICKS: Some still exist.

11 MR. ROBINSON: Talking about the technical
12 problems you brought up in the review?

13 MR. HICKS: Yes.

14 MR. NELSON: What's an example?

15 MR. ROBINSON: He's going to have a chance to
16 talk about the technical problems when you have the meeting
17 with the staff, you know. If I can, I obviously want to
18 get the technical background.

19 MR. NELSON: I just wanted an example or two,
20 not a long dissertation.

21 MR. ROBINSON: Okay.

22 MR. HICKS: Well, I say the cable degrading for
23 one thing, that's across the board and widespread at Watts
24 Bar. Engineering applicability to other plants.

25 MR. ROBINSON: During your tenure within NSRS,

1 were there any other instances in which findings that you
2 developed were not properly brought to the forefront as a
3 result of suppression of information by the management of
4 NSRS?

5 MR. HICKS: Yes. I think clearly the Bellefonte
6 review work, namely on INPO -- Institute of Nuclear Power
7 Operations -- the INPO review of Bellefonte was the second
8 such review. I had started working on that on a very
9 similar basis to Black & Veatch. All the Black & Veatch
10 stuff was not completed by everybody yet, but this was a
11 follow-up. That information -- I mentioned the closeness
12 between Culver and Brown -- resulted, in my opinion and
13 most of the people's opinion on NSRS, that one of the
14 reasons why we were directed not to pursue those activities
15 but as we pursued and looked at them, I discussed with a
16 specific reviewer who had participated as an INPO reviewer
17 on the previous Bellefonte review, and I compared some of
18 the current findings with the previous findings and
19 substantiated that in the areas that I was looking at they
20 were repeat performers, same type problems. We had some
21 heated arguments within TARS that we had problems out there
22 and then one day out of the blue, Murdock indicated Culver
23 wanted us to meet with Willy Brown and see if we couldn't
24 get the problems taken care of and we did. I gave you my
25 version of that meeting.

1 MR. ROBINSON: He's the plant supervisor at
2 Bellefonte?

3 MR. HICKS: Manager. He was called the super
4 manager. He had an office in West Knoxville. We spent the
5 afternoon going over the problems.

6 MR. ROBINSON: You and Murdock and Culver --

7 MR. HICKS: Murdock, myself, Phil Washer, Jerry
8 Smith. We discussed areas that I highlighted were all the
9 areas I coordinated and there were a few other issues on
10 specific major plant areas that I did not cover in my
11 summary to you, but most of the time was spent on the items
12 I included in the list. We found some very serious
13 problems there. Subsequent to that meeting, as I indicated
14 we were suppressed into further looking or pursuing
15 resolutions on those items. My direction we got secondhand
16 from Murdock but as per direction that he had been given
17 from Culver: Don't work on Bellefonte anymore. Don't work
18 on their problems.

19 MR. ROBINSON: Why did Murdock say you were not
20 supposed to do that?

21 MR. HICKS: My personal contact with Newt
22 indicated, as well as Murdock, that Willy Brown had
23 contacted Culver after the meeting and as I indicated in
24 the letter, that based on my aggressiveness in leading the
25 effort on those items, I was very opinionated and we're

1 talking just like we're talking here, and we surmised and
2 concluded that Willy and Newt were very close friends and
3 as such, Newt didn't want to put any more heat on Willy.
4 That was the bottom line: Let Willy off and fix his own
5 problems and NSRS would stay out of it. Now there were
6 problems there to resolve and those problems still exist
7 today, many of those problems. They were repeat performers
8 and a lot were generic. A lot of the problems identified
9 by Bellefonte and specifically generic problems like hold
10 tag violations and such had been going on at TVA for years
11 without any mandatory firing or demoting or --

12 MR. ROBINSON: The findings that you made prior
13 to being stopped from going back out there, were they
14 published?

15 MR. HICKS: Again, recognizing we didn't even
16 get to a published point on this. We were turned off
17 immediately after that meeting when they saw the magnitude
18 of where we were coming from, the fact that there were so
19 many problems and would require a lot of extensive
20 modifications or corrective actions.

21 MR. ROBINSON: Do you -- maybe you have them in
22 here, but do you have any rough notes or records of that
23 meeting that you had with Willy Brown?

24 MR. HICKS: That's included in the letter. Let
25 me read one little excerpt from that. That happens to be

1 enclosure 11. For some reason, when these things got
2 copied and assembled prior to them getting copies, the
3 report got sort of mixed up in pages. It is not in logical
4 order so I don't know where your page would be. I think it
5 is toward the last but it is a page that's --

6 MR. ROBINSON: I got 3, 4, blank, 6, 7 --

7 MR. HICKS: A page 6 called "conclusions" and I
8 think in yours it is toward the end of the thing.

9 MR. ROBINSON: Right.

10 MR. HICKS: Number 5 there: The electrical
11 portion of the Bellefonte project must be upgraded.
12 Problems were noted in all areas that were evaluated.
13 Problems were noted in adequacy of procedural guidance,
14 craft performance, QC inspections, protection of equipment,
15 design and quality records.

16 I had in the previous six months seen exactly
17 the same thing that's said there about Bellefonte at Phipps
18 Bend and Hartsville and Yellow Creek, as I referenced in
19 there, reviewing equipment and materials for purchase for
20 CRBR.

21 MR. ROBINSON: These conclusions were -- you are
22 saying this is just a typewritten --

23 MR. HICKS: This is INPO conclusions.

24 MR. ROBINSON: Okay.

25 MR. HICKS: You cannot read that set of

1 conclusions --

2 MR. ROBINSON: You found them again?

3 MR. HICKS: I substantiated many of those
4 concerns were identified on the previous INPO review.

5 MR. ROBINSON: You talked to Brown about it in
6 the meeting?

7 MR. HICKS: Yes.

8 MR. ROBINSON: And then Culver stopped you from
9 going back --

10 MR. HICKS: Just prior to going to that meeting
11 and reviewing the seriousness of these, we were trying to
12 get a game plan together as to how to attack these things
13 and get corrective action done on some logical tracking
14 system. And Newt said go out, immediately we met a d it ,
15 was all terminated.

16 Now an interesting thing on this, when I
17 recently got called from the NRC to start having these
18 meetings, I was told that the NRC doesn't bother with
19 following or tracking INPO things. They let INPO and the
20 industry do their own thing and it was a revelation to the
21 NRC that they had these items. It was my understanding at
22 the time I was on NSRS that these were provided to the NRC,
23 so I was very disgusted to find out at this late date that
24 the NRC has not been tracking these particular items.

25 MR. ROBINSON: That will be a good item to bring

1 up in your meetings with the staff Friday and Saturday. I
2 don't know whether the staff routinely gets these INPO
3 reports or not or whether they require action on the part
4 of INPO or TVA.

5 MR. HICKS: This particular report was a report
6 that we were provided to review. Subsequent to this report,
7 INPO -- again, INPO being an industry organization, and
8 many of the reviewers on this team were TVA employees.
9 They made a decision that the final report -- and I have
10 not received it but I have been told by many people did not
11 include the detailed backup, the detailed findings, and the
12 report was substantially watered down. Again, TVA being a
13 party with an industry organization, INPO, and the problems
14 were not fixed, the report was just watered down. I don't
15 know --

16 MR. ROBINSON: The final INPO report?

17 MR. HICKS: Right.

18 MR. NELSON: On the work stoppage, wasn't the
19 reasoning that there had been many, many reports on a
20 variety of problems at the plant and/or plants and you
21 would assume from that type of statement -- is that correct,
22 Dallas?

23 MR. HICKS: The reason for the work stoppage by
24 Culver I'm sure had nothing to do with Willy Brown's memo.

25 MR. NELSON: That's the memo I'm stating.

1 MR. HICKS: That's enclosure 13 of my letter,
2 Willy Brown's letter of why there was not an independent
3 design review at Bellefonte.

4 MR. NELSON: Were there any problems that your
5 group was finding that were not included in those reports?

6 MR. HICKS: In the INPO report?

7 MR. NELSON: And the reports referred every day
8 to in Willy Brown's memo.

9 MR. HICKS: One thing Willy Brown references,
10 things committed to be done or may be done in the future
11 date have not been done or even at that time were not
12 committed to.

13 MR. NELSON: So it was not a situation where
14 everything had been identified; you guys were just
15 repeating things?

16 MR. HICKS: Willy Brown's memo has a number of
17 misrepresentations in it and he also references that NRC
18 agrees with it.

19 MR. ROBINSON: For some reason I don't have
20 enclosure 13 in my packet. I would ask that when you make
21 copies of the notes --

22 MR. HICKS: Take that one. I'll get another one

23 MR. NELSON: He says NRC -- I'm sorry --

24 MR. HICKS: He said "Region 2, Dave Verrelli,
25 agreed."

1 MR. NELSON: With what?

2 MR. HICKS: With his position not to have
3 independent design review of Bellefonte.

4 MR. NELSON: What was the effect of the work
5 stoppage?

6 MR. HICKS: The effect is that to my knowledge,
7 a large number -- well, not a large number -- this INPO
8 report did not get in a tracking system and resolutions
9 were not started on a timely basis to take care of these
10 problems. The result of not having an independent design
11 review -- this in no way could be considered an independent
12 design review.

13 MR. NELSON: What are you referring to?

14 MR. HICKS: The Bellefonte INPO review, done by
15 INPO.

16 MR. NELSON: One was never done by Bellefonte --

17 MR. HICKS: That is Willy Brown's position
18 establishing why he don't need to do an independent review
19 even to the extent that Watts Bar was done, one system.
20 That's his rationale. That memo was passed through NSRS.
21 NSRS members reviewed that subsequent to my leaving the
22 staff. They heatedly told Culver not to sign that memo
23 because it didn't reflect the true story. Culver concurred
24 with that memo and drafted that memo which essentially is
25 as the final is, so, his reference to Culver agreeing is in

1 fact true there.

2 MR. ROBINSON: So Culver had a concurrence on
3 this memo?

4 MR. HICKS: Yes.

5 MR. NELSON: But his staff had told him --

6 MR. HICKS: They strongly recommended to him not
7 to sign it and not to have any reference where NSRS agreed
8 to that position.

9 MR. NELSON: His staff being Murdock and the
10 TARS group?

11 MR. HICKS: Right.

12 MR. ROBINSON: Do you have any feedback from
13 those members of the TARS group as to any reason why Culver
14 signed off on it?

15 MR. HICKS: You can only conclude the same
16 reason, the buddy-buddy relationship between Culver and
17 Willy Brown.

18 MR. ROBINSON: How do you know they were friends?

19 MR. HICKS: Talking to Culver.

20 MR. ROBINSON: Culver told you directly that
21 they were personal friends?

22 MR. HICKS: Yes, but these things were common
23 knowledge within TVA as well as personal knowledge. You
24 got to recognize you are not in that clique of those top
25 level managers unless you get along and go along, and you

1 don't stay in that group unless you stay in that mode.

2 MR. ROBINSON: Okay.

3 MR. HICKS: If you want to pursue this one step
4 further, follow this up with Phil Washer. He can provide
5 you with other instances of this particular mode of
6 operation. In discussions with Kermit Whitt to that same
7 extent about getting along and going along with those
8 members within the staff, what you can and cannot do.

9 MR. ROBINSON: In what context was Washer's
10 experience with Whitt?

11 MR. HICKS: Personnel related. From a
12 standpoint of when you sit down, in his particular case --
13 there was another example of this type of case and he
14 hasn't discussed this because this is more recent, I think
15 than -- I don't remember the last time you talked to him,
16 but --

17 MR. ROBINSON: Talked to him right after they
18 had stayed up until 3:00 in the morning.

19 MR. HICKS: Has he talked to you about this?

20 MR. ROBINSON: Not about that particular issue
21 but, like I said, at that point in time, I was not into
22 intimidation and harassment as much as just suppression of
23 information.

24 MR. HICKS: This may and probably will be
25 concluded in his suit against TVA. But from the standpoint

1 that he, like I, was dealing with people on these various
2 resolutions. In his case he was dealing with the civil
3 engineering branch, in my case electrical.

4 MR. ROBINSON: This at Bellefonte too?

5 MR. HICKS: Probably Watts Bar or could be
6 Bellefonte -- could be anything. But the subject was when
7 he was meeting with the civil engineering personnel and
8 taking a position on an issue or issues -- I won't go into
9 those because he can give you that detail. They classified
10 him as a guy that was not one of these that was willing to
11 play the game because he was not willing to compromise --
12 another big word TVA used and tried to force feed you for
13 years: you have to compromise on everything; you can't be
14 anything other than a team player. Lots of people don't
15 agree with that. He would not compromise. He said you got
16 to meet the regulation; if you don't, you got to show a
17 deviation and tell the NRC. The TVA don't like to hear
18 that. They don't believe that across the board. They
19 believe they can tell NRC one thing and do something else
20 and not tell NRC what they did. It is their judgment call.

21 From a standpoint of getting a promotion or not
22 getting a promotion, in Phil's discussion with Kermit, he
23 is told these guys have come and complained to Newt about
24 his attitude in dealing with them, he's not one that will
25 go along with the team.

1 MR. ROBINSON: Engineering is complaining?

2 MR. HICKS: Right. So Kermit sits down and
3 gives Phil this whole big rundown about what it takes to be
4 a team player, what it takes him, what it takes other
5 people, and if in the future he wants to be an M-7 or 8, an
6 M-7 has to be approved by the general manager and 8 by the
7 TVA board, and you get into a situation where if the guy is
8 sitting there, says I don't like him because he don't go
9 along with us, you are not going to get that M-7 or M-8.

10 MR. NELSON: Have you also talked to Mansour
11 Guity, Jim Jones, former NSRS -- there's one more --

12 MR. ROBINSON: I haven't talked to Mansour yet,
13 but I will.

14 MR. HICKS: I recognized that existed for a long
15 time at TVA and if you push the limit you are either going
16 to go in a hole or go down.

17 MR. ROBINSON: What was the straw that broke the
18 camel's back with you?

19 MR. HICKS: Culver's attitude in not listening,
20 Murdock taking the middle of the road position on issues
21 and Murdock continually repeating the fact that he was not
22 willing to make a career decision. I said, you got to take
23 your position. It is either right or wrong regardless of
24 where your career lands. That's my philosophy, so I
25 decided to take that. He was not going to do that.

1 But there were several things that resulted in
2 my leaving. One is, soon after I got there, Kermit and
3 others called us in to a meeting and said there would be a
4 cutback, a percentage of us would probably get rif'd. That
5 was on one hand and I really got ticked because I just lost
6 my job on Clinch River breeder reactor, CRBR. So that,
7 coupled with I started looking, I had been talking to
8 people, I hadn't been there long and TVA had a situation
9 where you transfer from one office to another, you go to
10 the bottom of the retention list, you lose permanent status.
11 I couldn't understand being a 14-year employee and losing
12 status because of going from one plant to the other. They
13 changed that, by the way.

14 Then we have a situation where you see that
15 nobody in engineering, nobody at the plant -- I said
16 nobody. I see a lot of people. There are energetic people
17 who wanted resolutions but you could see top management,
18 Culver's operations mode, the engineering branch's nuclear,
19 electrical engineering branch, the projects not interested
20 in really resolving the problems, railroading their way
21 through, continuing to cover up, not to admit problems. I
22 did not see a mode that they were really interested in
23 solving problems. They didn't want to hear them so I
24 couldn't see wasting my time there. So then another action
25 took place. They asked for voluntary resignations,

1 reduction in force. I applied, was not accepted and I have
2 a memo to that effect.

3 MR. ROBINSON: You wanted to voluntarily resign?

4 MR. HICKS: Right.

5 MR. ROBINSON: And they wouldn't let you?

6 MR. HICKS: Right. They were offering
7 incentives, rif pay based on a formula. Did not get
8 accepted. Newt would not agree to it. Willis agreed not
9 to agree, which has been proven, and --

10 MR. ROBINSON: Why do you think that was not
11 accepted? Because there was a personal thing that Newt
12 didn't want you to get the incentives?

13 MR. HICKS: I think Newt had an honest
14 expression of intent. He felt he was trying to beef up his
15 staff and couldn't consent to anybody leaving his staff.
16 He wasn't listening to his staff was the bottom line. I
17 made that determination within a few months at NSRS. I
18 knew that was not where I wanted to spend my career.

19 MR. ROBINSON: Other than when you were taken
20 off the Bellefonte project, did you feel any -- I mean
21 personal, singling out-type harassment?

22 MR. HICKS: No.

23 MR. ROBINSON: From anyone? Whitt, Murdock --

24 MR. HICKS: As I stated, Whitt was spending most
25 of his time either out of the office or working on the

1 quality assurance that he and Newt was working on trying to
2 do away with them or do them in, and they had this big
3 thing against it and Newt did not work on anything that we
4 did in TARS during the entire time I was there. We had a
5 few meetings --

6 MR. ROBINSON: You mean Whitt?

7 MR. HICKS: Yes. Newt didn't do all that much
8 either. Newt and Whitt both spent a large majority of the
9 time working on QA issues. Newt spent a lot of time being
10 shifty.

11 MR. ROBINSON: Any other indications or evidence
12 that you have, Dallas, of willful, intentional covering up
13 of bad situations within NSRS?

14 MR. HICKS: Not of any extent.

15 MR. ROBINSON: Do you think --

16 MR. HICKS: Well, they are related, but both
17 inspection trips that we made -- Jerry Smith, Phil Washer
18 and I made to Watts Bar as directed, one day we spent --

19 MR. ROBINSON: This is pertaining to --

20 MR. HICKS: Watts Bar problems in general and
21 Black & Veatch identified problems in specific, both types.

22 As I referenced in one staff meeting to go look
23 at the cable problems. We went down and looked at those
24 problems, came back and discussed our findings immediately
25 the next day with Murdock. He took his notes and those

1 pictures, those photographs, and sat down and discussed
2 those with Newt, and there was absolutely no intent or
3 enthusiasm whatsoever to work on those resolution. Same
4 thing happened the second time when we went to look at
5 support problems and the strut-related - basically to
6 determine to what degree struts were used or abused in
7 usage at Watts Bar. Both those series of photographs,
8 problems therein, are included in my tape and in the
9 enclosure identifying those items. Both those areas,
10 again -- some are not related at all to Black & Veatch
11 areas, they were just problems you see as you walk through
12 the plant. TVA had no interest then and had no interest until
13 until just recently to resolve those.

14 Items that are included on my exit interview
15 have just started recently to be resolved and addressed by
16 NSRS. I got a call several weeks ago by an individual
17 working on these items, just got direction to do that. Now
18 those particular items, you not only have suppression of
19 not doing the work, not identifying actual plans to do them
20 lack of interest or whatever, but the NRC has not done it
21 either. They have not done it. The items we found were
22 not items we were down there with a magnifying glass
23 looking for items, these were just a walk-through of the
24 parts of the plant, of the safety systems, looking. What
25 can you look at, how much can you look at in a two-part of

1 a day trip on these particular issues? Everywhere you look
2 there's a problem.

3 My contention in this letter and at that time
4 was that an NRC inspector could not be incompetent or doing
5 his job for whatever reason and if he walked through there
6 and saw -- and sees that, and they have not done that
7 because the citations are not on the record.

8 MR. ROBINSON: Did you have authority to write
9 an NCR?

10 MR. HICKS: No.

11 MR. ROBINSON: Was that ever discussed within
12 NSRS while you were there? Giving your staff members the
13 authority to write NCRs --

14 MR. HICKS: No, as a staff member you had no
15 authority to do much of anything. You had leeway to look
16 at things but you had no structure where you had
17 authorization to do this or take action --

18 MR. ROBINSON: Force the resolution?

19 MR. HICKS: Right. Newt's position to me on
20 that, even before I took the job, and others when they were
21 interviewing was, you got to get in the mode and convince
22 these people they need to change. You're talking about
23 hoodlums that you could convince anything. They are trying
24 to cover up their mistakes on one hand and get the job done
25 without additional work to do because it is trouble to

1 solve problems that have been identified.

2 MR. ROBINSON: If that pervasive attitude exists,
3 don't you think there's any fear whatsoever in the minds of
4 these management people that that plant is -- the hardware
5 is just not going to last in that plant? It is not going
6 to perform?

7 MR. HICKS: I think some of them have sleepless
8 nights but I think some are too stupid really to understand
9 the significance of the total ingorance of the
10 ramifications of what they are doing because in a number of
11 cases they did it and got away with it in other plants for
12 a long time. But most have never built a plant as such to
13 conclusion and let it operate and saw the significance of
14 it. They did not by a matter of fact doing their work have
15 not been forced to look at the industry experience through
16 the INPO sources and the NRC sources to see the problems
17 that are caused at Monticello and elsewhere. Somebody in
18 TVA is looking at them but not on a broad basis. It comes
19 in and one or two people are looking at it or a guy at the
20 plant, but the guy in engineering, he doesn't know they
21 have that particular problem at Diablo Canyon.

22 MR. NELSON: It is important to note that TVA
23 built its plants not using nuclear engineers that were
24 experienced. They used people that had built fossil plants.
25 And Hugh Parris, for example, has no nuclear background.

1 MR. HICKS: You go back to the philosophy I
2 mentioned earlier. You got Browns Ferry designed and
3 constructed and especially drew in the design area,
4 nonnuclear-experienced people. When I went to TVA in 1970
5 there was just a handful of people who had any nuclear
6 experience, period. They had been working on Brown's Ferry
7 quite a few years at that time. The intimidation if you
8 cross lines of supervision to go and talk to the other
9 project and coordinate your events under different managers
10 and different supervisors at different levels, then you
11 come along and Sequoyah, Watts Bar were overlapped, so much
12 of the same work was done by the same people at both plants.
13 You got the same problem at both plants. You got
14 Bellefonte, a different set of people. There are basically
15 three or three and a half sets of people there. Not only
16 did you get experience learning but they really didn't
17 learn anything at Brown's Ferry. Brown's Ferry people went
18 to Hartsville, they made the same type of mistakes but
19 lesser of them, mainly because Hartsville was contracted to
20 a greater degree. It was a turnkey-type project.

21 MR. ROBINSON: Okay, setting management
22 inexperience and ignorance and, well, we'll leave it at
23 that on one side, and once again on the other side
24 referring to indications of intentional and willful
25 wrongdoing on the part of management, now let's go outside

1 the scope of NSRS. In your experience as a TVA employee
2 from when, back in 1970, do you have any direct knowledge
3 of intentional, willful wrongdoing on the part of TVA
4 management with respect to safety-related systems?

5 MR. HICKS: Well, management and personnel. On
6 Browns Ferry project there was a supervisor in charge of
7 all the electrical power distribution system work who used
8 to turn in design drawings to his manager --

9 MR. ROBINSON: What were their names?

10 MR. HICKS: The manager's name was Nix, Roy Nix,
11 N-i-x, and the other guy was George Nesbitt.

12 MR. ROBINSON: He was turning over the design --

13 MR. HICKS: Nix was an M-7. Section head was
14 his title. Nesbitt was an M-5 supervisor. He had a large
15 responsibility on the power distribution system, circuit
16 breakers, switch gear, motor controls, the power part of the
17 plant inside. Nesbitt used to turn in designs. They would
18 be rejected for one reason or another by Nix. How do I
19 know this? I saw it because I sat right beside Nix and he
20 had a glass cage. You could walk right between our offices.
21 Nesbitt would argue with him. Nix would tell him to change
22 the designs, get them in conformance. Nesbitt would change
23 them, Nix would sign them and during the night or the
24 weekend between the signature on the drawings and the
25 reproduction and distribution of the drawings, Nesbitt

1 would change the drawing configuration.

2 MR. ROBINSON: Back the way he wanted it?

3 MR. HICKS: Right. Nix would get the reproduced
4 small drawings and start looking at them and see these
5 things jump out at him from the page. Couldn't understand
6 it because he told Nesbitt to change them. This went on
7 for years with no disciplinary action against Nesbitt.

8 MR. ROBINSON: Nix after the fact recognized
9 that Nesbitt had gone back and changed them?

10 MR. HICKS: Changed it, no disciplinary action.
11 Nesbitt worked there for years.

12 MR. ROBINSON: Did Nix rechange the design back?

13 MR. HICKS: No.

14 MR. ROBINSON: Left it the way it was?

15 MR. HICKS: In most cases, yes.

16 MR. ROBINSON: Why?

17 MR. HICKS: Only he could answer that. He would
18 get furious but he would 't change them.

19 MR. ROBINSON: Safety-related systems?

20 MR. HICKS: Yes. Brown's Ferry.

21 MR. ROBINSON: To your knowledge, did you ever
22 look in detail at any of the design changes that --

23 MR. HICKS: Yes, I looked at work he was doing.
24 I was also doing panel designs from some schematics his
25 group was doing. These are generator control areas.

1 MR. ROBINSON: In your opinion, was Nesbitt's
2 design, would it have caused a safety problem? Or a
3 decrease in margin of safety?

4 MR. HICKS: It would be hard at this point to
5 make that decision, but the fact was there was disciplinary
6 action necessary and not taken. The guy continued to get
7 away with that. Another example on Brown's Ferry, Jim
8 Perdue, electrical supervisor --

9 MR. NELSON: Were the changes that this fellow
10 Nesbitt made, were they -- did he change things away from
11 compliance with the FSAR commitments or to compliance?

12 MR. HICKS: That's sort of not a point that's
13 easy to argue because in 1970, there was hardly any
14 requirements to follow. At that time, surely in early '70,
15 sometime in 1970, the electrical part of engineering TVA
16 was changed a little in that Bob Cantrell was brought in
17 from a mechanical engineering branch and made a staff guy
18 to Nix, and Cantrell worked with the NRC on a
19 trial-and-error basis of design which I mention in my
20 report. He would take drawings, sort of like taking a rock
21 and getting a different rock, see if your rock is okay
22 today.

23 For electrical separation where there was no
24 criteria, NRC didn't know how they wanted to do it, TVA
25 didn't know how to do it. TVA was not out talking to other

1 nuclear utilities such as Commonwealth Edison to find out
2 how they did it. So I would design a set of control
3 packages, interact with Cantrell and we would agree that's
4 the way it should be done today, he would roll his drawings
5 up, take them to Washington to NRC, get comments and redo
6 them. At the same time you get direction from management,
7 they got people down at the site, their electricians on
8 site too early, too many of them, nothing to do. We don't
9 want them to stand around, can you send some drawings down
10 there. No, we're not ready to issue them yet. Send them
11 whatever you got, let them get to work and we'll change
12 them later. It is better to have them working even if they
13 are doing something wrong in.

14 MR. ROBINSON: Who did that?

15 MR. HICKS: The management in TVA, being Nix,
16 Mike Sprouse, the electrical engineering branch chief, come
17 from Sprouse, the head of engineering at the time, Joe
18 Parrish -- guy is dead now, can't trace him down. Sprouse
19 retired in '74, came down to Nix and I worked for a guy
20 named Tom Woodson and Tom was just following directions.
21 And Tom was on the same management level as Nesbitt, just
22 two different groups.

23 MR. ROBINSON: Just talking about noncontrolled
24 design changes and feeding document --

25 MR. HICKS: No such thing as design control.

1 That didn't even exist then. You were sending drawings out
2 to the field prematurely. They were being constructed from
3 non-issued, nonchecked, nonsigned drawings.

4 MR. ROBINSON: And Sprouse and Nix knew this?

5 MR. HICKS: Knew it and directed it.

6 MR. NELSON: Did anybody try to fight that and
7 stop it and if so, what happened?

8 MR. HICKS: Again, you have to recognize the
9 degree of intimidation you would receive if you told your
10 supervisor you were not going to do that. On your next
11 review you would get a bad service review. Now, when you
12 get to the field, there's guys out there like supervisor
13 () who was party to, earlier in TVA, a hold
14 tagging procedure incident where he energized a bus where a
15 guy was working on it and almost killed the guy and then
16 the guy almost killed him. He did not receive disciplinary
17 action or get fired from TVA. He did a lot of things good
18 and bad in TVA but ended up as (

19)
20 MR. ROBINSON: Was it just incompetence that he
21 energized the bus? He wasn't trying to hurt the guy?

22 MR. HICKS: A number of things. It would be
23 hard at this point to determine the reason why he did it,
24 but the fact is that he energized the bus that had a hold
25 tag on it to say don't do that.

1 MR. NELSON: You mentioned earlier you still had
2 problems with hold tag procedures to this date?

3 MR. HICKS: Yes. Hold tag procedures go back
4 into the '60s. This hold tag incident happened before I
5 came in '70 but I'm establishing his character or lack of
6 it. He used to work in the section I was in before I was
7 in the section designing switchyards. He ends up
8 ultimately at Brown's Ferry. He does work as (
9 .) I send drawings down
10 to him. He changes at will whatever he wants to do and is
11 always arguing that he wants to do something else.

12 TVA does not have an engineering change
13 procedure at the time. The field can do whatever they want.
14 They did do whatever they wanted. You issue a drawing this
15 way, engineering approved, they constructed it this way.
16 Sometimes they told you about it, sometimes they did not.
17 After the fact. Many times they did not tell you about it
18 when they were doing it so you got a lot of construction at
19 Brown's Ferry that went against the conformance that was
20 issued in engineering and that resulted in a large degree
21 to the problems cabling. Cable fire at Brown's Ferry that
22 burned a lot of cables in areas where the cables were not
23 supposed to be in those areas.

24 MR. ROBINSON: The wrongdoing -- going back to
25 the time that () -- it was () that lit up the bus --

1 the wrongdoing that you are indicating there is that
2 was not disciplined for that?

3 MR. HICKS: Right, not disciplined, but the
4 wrongdoing from the -- I would have to say the NRC was
5 deficient in this area even though NRC made a lot of words
6 during the time I was here about TVA upgrading quality
7 assurance, which they never knew what it meant at that time
8 They were pressing to get change control implemented --

9 MR. ROBINSON: NRC was pressing?

10 MR. HICKS: Yes. They go back a long time
11 dealing with this issue where today they still have
12 ineffective change control procedure and ineffective QA.
13 But at that time TVA allowed its employees to do whatever
14 they wanted in the field and did not take disciplinary
15 action and we're talking about on safety-related and
16 nonsafety-related areas of the plant. Again, you can cite
17 a number of areas where they violated even the limited
18 number of regulations which existed at that time.

19 MR. NELSON: I think it is interesting to note,
20 too, just a brief aside on the Brown's Ferry fire in 1975,
21 or 1975 hearings by the Joint Committee on Atomic Energy,
22 and they indicated that there was in fact a breakdown and
23 NRC was at least partially at fault over that and that
24 resulted at least in part in the fire.

25 MR. HICKS: The results today is at Brown's

6, 7c portions

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1 Ferry nobody has any better idea of where the cables are
2 than in 1975, the cables that did not burn. They have had
3 a big activity during the past year trying to determine
4 where those are.

5 MR. ROBINSON: Keep in mind --

6 MR. HICKS: That's a deficiency not only on TVA
7 but that's a deficiency on NRC not assuring that that is
8 happening. NRC has known these cables are not per the
9 configuration, the design configuration. Not knowing what
10 degree is -- the TVA is not knowing what the degree is,
11 even after the fire. Talking about 10 years now. No
12 corrective actions have been completed in this area. But
13 Brown's Ferry continues to operate up until the time TVA
14 shut it down. To me, you got wrongdoing on both parties
15 here. On that situation.

16 MR. ROBINSON: Just by inaction?

17 MR. HICKS: Yes.

18 MR. ROBINSON: Any other examples? Keep in mind,
19 I want you to try to think of intentional criminal type
20 wrongdoing, okay? As opposed, you know, as opposed to
21 somebody that's trying to construct a plant in an expedient
22 way and is not using good design control practices. Even
23 though, I mean, maybe they know that if you have a drawing
24 here, that the hardware should be constructed the way that
25 drawing is and the field is doing it and they know it, the

1 field is doing it differently and they know it. Those type
2 of things I'm sure that you should bring up when you talk
3 to these people Friday and Saturday too.

4 MR. NELSON: Let me ask a question on the
5 intentional wrongdoing business. Giving the example a
6 while ago about the Black & Veatch policy report, page 2 of
7 that, with the various conclusions there. It has been said
8 tonight by Dallas earlier that many people at NSRS felt the
9 conclusions were misleading. For example, you never see in
10 there that we do not conform to various commitments. That
11 wording is not used. Another choice of wording is made.
12 Is that wrongdoing in the NRC's mind?

13 MR. ROBINSON: Well, if the person -- the way I
14 look at it, if the people signing the report are signing
15 that report knowing that statements in there are false
16 and/or misleading, that's wrongdoing. Now that's technical
17 wrongdoing, okay? You knowingly sign a statement that you
18 know is false or misleading. Now the next step of that is
19 determining the materiality of that statement. How much
20 does that wrong statement mean? What effect does it have
21 on decisions? That type of thing. But I am interested in
22 hearing just the pure wrongdoing.

23 MR. HICKS: I think in a number of the
24 violations of the regulations, certain people within TVA
25 certainly can be accused of wrongdoing and the fact that

1 they do know regulations and are not following them and
2 they know they are not.

3 MR. ROBINSON: Who is this?

4 MR. HICKS: A wide number of people. Take
5 environmental qualification program. At all plants. That
6 whole sad state of affairs as has been reported and as my
7 investigations have ferreted out in the electrical
8 engineering branch, as I indicated earlier, ([REDACTED]
9 the branch chief, a former procurement engineer, former
10 [REDACTED]) he and some of his staff members
11 have over the years gone out and conspired, one, and
12 actually done, two, bought nonqualified equipment, put it
13 in stores at various places within TVA and utilized it as
14 safety-related requirement. Or components. Now --

15 MR. NELSON: Without ever having tested it?

16 MR. HICKS: Right. That's one area. Two, they
17 have gone out and bought equipment that was not
18 environmentally qualified and used it in the wrong
19 applications. They have contended that they have.

20 MR. ROBINSON: Is an example of this pressure
21 transmitters?

22 MR. HICKS: That's one. It would be practically
23 anything you could name in the electrical and
24 instrumentation category. Cabling. Cabling is a big one.

25 MR. ROBINSON: Buying nonqualified cables and

1 storing them in a central storage area and then putting
2 them in safety-related systems?

3 MR. HICKS: Or a better example -- that is an
4 example. A better actual example is buying cabling that
5 may be specified to one condition, losing track of it
6 within the system in some cases, in some cases not, but
7 applying it in another condition other than where it was
8 specified for.

9 MR. ROBINSON: Losing track of it and mistakenly
10 applying it is completely different than knowing what you
11 got there and saying, hey, I'm going to use it because we
12 got it.

13 MR. HICKS: I agree. But they know they are
14 doing this and continue to do it without correcting the
15 situation but they contend that it is okay.

16 MR. ROBINSON: Chandler and who else?

17 MR. HICKS: This is a guilt of every nuclear
18 plant TVA has and its associated management from the top
19 all the way down to the electrical supervisors that are in
20 charge of quality assurance, in charge of construction.

21 MR. ROBINSON: They all know they are using
22 non-QA equipment?

23 MR. HICKS: That's right. They all know that
24 they are not controlling it as required in Appendix B.
25 They know that they are violating Appendix B. However,

1 they continue to claim that they are not violating Appendix
2 B and to me they cannot know both. They can know one and
3 lie about the other.

4 MR. NELSON: They will say yes, we have a
5 problem but we have reported it; therefore, by the mere act
6 of reporting, we are in compliance with Appendix B, which
7 is clearly misleading.

8 MR. HICKS: I have another example which is not
9 yet issued, but there's a TVA draft and this individual who
10 wrote this is certainly conspiring and trying to get the
11 management to buy off on the position that TVA is in
12 compliance with 10 CFR Appendix B and trying to get Steven
13 white to sign that memo stating such. That already exists
14 within TVA and I have a copy of it. When that gets issued
15 within a few days and signed by sworn statement, then
16 somebody is in deep trouble.

17 MR. ROBINSON: Who?

18 MR. HICKS: Whoever signs it.

19 MR. ROBINSON: Who is pushing white to sign it?

20 MR. HICKS: His staff. There's a conspiracy
21 among his staff, including TVA employees.

22 MR. ROBINSON: They know they are not in
23 compliance with Appendix B and the statement is going to
24 say they are in compliance with Appendix B?

25 MR. HICKS: That's right. It is already drafted

1 as such. Whoever wrote that, whether it gets signed out or
2 not, that individual is --

3 MR. ROBINSON: Do you know who wrote it?

4 MR. HICKS: I know one or two or three people
5 who wrote it. But my source of that information did not
6 permit me to provide you a copy of that. But within a few
7 days that thing ought to be resolved and issued.

8 MR. ROBINSON: You are saying that the issuance
9 of the sworn statement that they are in compliance with
10 Appendix B is a false statement?

11 MR. HICKS: Yes.

12 MR. ROBINSON: By even using the definition that
13 John just brought up about if they know about a problem and
14 have reported it, and are working to correct it, they are
15 in compliance? If you are liberal and use that rationale?

16 MR. HICKS: That's one of the points they are
17 trying to make, that they don't have to be perfect in their
18 implementation, all they have to do is use the program.

19 MR. NELSON: I didn't say they were correcting
20 it, only that they were reporting it.

21 MR. HICKS: It's further than that problem. The
22 fact that they are not even committing that they reported,
23 they are committing that they don't have to comply with it
24 to get a license. All they have to do is have a program,
25 whether they implement it or not. If they have a program,

1 they are in compliance. That's the attack they are taking.

2 MR. ROBINSON: But that's not what the statement
3 will say?

4 MR. HICKS: That's what the statement says now.

5 MR. ROBINSON: That's what the draft of the
6 statement says now?

7 MR. HICKS: Yes.

8 MR. NELSON: Generally they do not explain that
9 underlying logic in the papers. They will simply say they
10 are in compliance with Appendix B and if NRC does not
11 question them on it and takes their word at face value,
12 they never know why they have said that until things like
13 this happen.

14 MR. ROBINSON: That statement on its own would
15 be difficult to take it at face value for any plant.

16 MR. HICKS: If you strike what I told you from
17 the record, and I'll let you read this, recognizing when I
18 get the good copy I'll give you a copy, but I can't give
19 you a copy of it.

20 MR. ROBINSON: We didn't address the draft TVA
21 corporate position with respect to Appendix B. That's
22 supposed to be out in a few days?

23 MR. HICKS: Right. I would rather this didn't
24 come out of this meeting because the source would be in
25 trouble on that.

1 MR. ROBINSON: You are in strong disagreement
2 with that letter?

3 MR. HICKS: I'm in strong disagreement with the
4 letter. NSRS is in strong disagreement with that letter.

5 MR. ROBINSON: Well, it indicates, of course it
6 indicates in that letter that NSRS or at least some members
7 are of the opinion that Appendix B is not being met.

8 MR. HICKS: And I have drafted my own position
9 on Appendix B from TVA which sites TVA as violating each
10 criterion of that still and have for a long time. I don't
11 know what I'll do with it yet but --

12 MR. ROBINSON: That's not this draft?

13 MR. HICKS: No, this is something else.

14 MR. ROBINSON: Go ahead and elaborate.

15 MR. HICKS: Before I get into this, if you like,
16 I will go back and roughly summarize the areas that you
17 might want to talk about.

18 MR. ROBINSON: Like in your exit interview?

19 MR. HICKS: In my letter. I think I could give
20 you a good typed copy of this if you want for reference, or
21 if not, I can read it to you.

22 MR. ROBINSON: Just go ahead and summarize the
23 areas that you want to highlight there for the record.

24 MR. HICKS: Item 1, enclosure 2, page 6. This
25 concerns lack of accountability of management in not

1 dealing with TVA personnel's ignoring regulations; not
2 dealing with the fact that TVA has misrepresented the plant
3 status to the NRC, repeatedly for each plant; the serious
4 nature of the thimble tube accident at Sequoyah, which I
5 reviewed; the fact that they have not dealt with harassers
6 within TVA. Those general areas there and then I have
7 another --

8 MR. ROBINSON: Who are some of the harassers
9 other than who we have already discussed?

10 MR. HICKS: I'll get into this there. As an
11 example, you may or somebody has talked to Steve Doka on
12 his harassment case. The reason I'm up on this and
13 involved in this is his dad and I worked together for about
14 eight years and known each other for about 10 years.
15 Anthony Doka. Was harassed -- this is item 5 on that --

16 MR. ROBINSON: Okay, we're aware of the Doka
17 situation.

18 MR. HICKS: (

19)
20 MR. ROBINSON: In Doka's case? I am not
21 personally aware, but go ahead and itemize that in case the
22 other OI investigator that looked at it is not.

23 MR. HICKS: TVA recently announced that they
24 were firing the individual. First case of this ever within
25 TVA firing a harassing manager. Subsequently they put the

1 guy on administrative leave with pay.

2 MR. NELSON: This is (I think you're
3 talking about.

4 MR. HICKS: Yes, the alleged harasser. Then
5 there is evidence that (

6
7
8) They all were in a meeting
9 conspiring to do harassment against Anthony Doka who had
10 already left TVA. Now, subsequent to Anthony's --

11 MR. ROBINSON: How do you know this?

12 MR. HICKS: Personal contact.

13 MR. ROBINSON: With who?

14 MR. HICKS: He has evidence.

15 MR. ROBINSON: Doka has evidence that this
16 meeting took place?

17 MR. HICKS: Yes, directly from a Watts Bar
18 employee. His brother subsequently harassed by TVA. I'm
19 bringing this up because nobody else is bringing this up
20 and people within TVA are not doing anything about it and
21 I'm writing this letter summarizing these things to various
22 members of the Tennessee delegation in Congress to
23 highlight bad things going on inside TVA and they need to
24 get involved in it.

25 MR. ROBINSON: Are you going to send us a copy

1 of this?

2 MR. HICKS: Yes. Now, subsequently, as you know
3 his brother was also harassed, suspended from TVA for three
4 days and he was told to contact Denton; supposedly Denton
5 made a call to TVA complaining about the situation but
6 didn't do any follow-up, so it is his and others' opinions
7 that Denton has not effectively done his job of follow-up
8 on this case. Howell, H-o-w-e-l-l, Doka subsequently got a
9 letter of acknowledgment of harassment by TVA. From TVA
10 management. He was reinstated for the three days that he
11 was suspended without pay. Howell has subsequently left
12 TVA but as of this date, none of the individuals that were
13 involved in that harassment have been dealt with by any
14 discipline or firing within TVA.

15 MR. ROBINSON: Did you name --

16 MR. HICKS: There's not even any evidence that
17 anybody has investigated that situation within TVA.

18 MR. NELSON: Perhaps another quick example, I'm
19 sure you know the Dan DeFord case in 1980. None of those
20 people who performed the harassment have ever been dealt
21 with. Most have been promoted.

22 MR. ROBINSON: Maybe the best way to do this --
23 when are you going to give me a copy of that letter?
24 That's this?

25 MR. HICKS: There's a copy of the draft now and

1 within a day or two I'll issue it with comments. This has
2 inputs from a number of people.

3 MR. NELSON: As a friend, I would advise you to
4 hold that letter. It is up to you, but as a friend of
5 yours I would advise you to hold that letter and not send
6 it out. Not let Larry have the draft. That's my advice to
7 you. It is up to you.

8 MR. HICKS: That's got all the comments included
9 Recognizing that's a draft and it may change in a number of
10 areas. I've written "draft" on it.

11 MR. ROBINSON: Yes. And you know --

12 MR. HICKS: This establishes () has
13 been rotten to the core as a result of antiregulation and
14 anti-QA for years right up to the end where the guy was not
15 fired, not any disciplinary action taken against him but on
16 the contrary, he was given the ability to retire from TVA
17 with a pay incentive bonus, a voluntary rif pay situation.

18 I mention in here also the situation, I have
19 personal firsthand knowledge of the way he does business.
20 I worked for him for years -- () He was also
21 allowed to leave TVA and TVA never even investigated the
22 situation where he and his personnel were involved in
23 willfully procuring unqualified equipment and utilizing it
24 as qualified. He again was retired from TVA with severance
25 pay bonus. Anyhow, that gets off the point. I allude to

1 some of these in my letter but don't give details and names.
2 Here are names you didn't have before.

3 MR. ROBINSON: What page are you on there?

4 MR. HICKS: The whole thing. There are 16 items
5 there. Most of those names are not included in the initial
6 letter that I sent to the NRC.

7 MR. ROBINSON: You got them in here?

8 MR. HICKS: This fills in some blanks, putting
9 it in writing, adding names for a different purpose, but
10 you are welcome to it.

11 MR. ROBINSON: Does this pretty well --

12 MR. HICKS: There are other items here
13 categorizing from my original letter. Item 2, enclosure 2
14 on page 6. The elimination of the Office of Quality
15 Assurance, OQA -- anyway you read criterion 1 of 10 CFR 50
16 Appendix B, you see you cannot do that and have the current
17 situation within TVA. You do not have the independence.
18 The NRC has not taken any action against TVA, citations or
19 whatever on this; in fact, NRC was a party to the
20 destruction of OQA in 1984, as I have included in this
21 letter.

22 MR. ROBINSON: You have itemized what you know
23 of NRC being a party to this in this letter?

24 MR. HICKS: I haven't itemized everything I know
25 about that because again, NRC was a party because we were

1 told NRC was a party by people who were in those meetings.
2 Namely Newt Culver. In item 10, enclosure 3, page 1, of
3 the original letter, TVA has committed to do one thing and
4 done something else caught in activation of design criteria
5 Again, NRC has not taken action against TVA on that. TVA
6 has not followed regulatory guides or commitments that they
7 made in the FSAR and that were subsequently addressed as
8 requirements in SER or a combination of those. I have seen
9 no NRC citations concerning this lack of following
10 regulations.

11 MR. ROBINSON: Anywhere do you specify which reg
12 guides and commitments had been disregarded?

13 MR. HICKS: A large number of them. I included
14 examples in the pictures.

15 MR. ROBINSON: In the original letter?

16 MR. HICKS: Yes. This is just a summary of
17 those areas. TVA is committed to follow their own designs
18 and guides. They have downgraded them but have not put
19 stuff in in place of these. NRC has not pursued that and
20 has not cited TVA. TVA has not met their commitments they
21 have done in the FSAR. They change the FSAR with a
22 substantial number of changes, many of which the NRC have
23 obviously not read because they are not acceptable changes.
24 Where they have not met them, again, NRC has not taken
25 aggressive action against TVA.

1 MR. ROBINSON: Have you talked to -- you haven't
2 talked to anyone from OIA in NRC. have you?

3 MR. HICKS: No. Nobody has contacted me.
4 There's only one other item that we have not discussed that
5 I'm extremely concerned about and made a point. Name all
6 these names and supplement what I included in the letter.
7 I didn't include all the names because the list is a lot
8 bigger than I originally thought it was, and that is TVA's
9 hiring of NRC personnel from Region 2. You know who some
10 if not all those are, but I'll go down the list that I have
11 Kermit Whitt, Bill Cottle. There was a Sequoyah resident
12 nuclear inspector -- C-o-t-t-l-e. He was hired as a Watts
13 Bar manager. There for quite a long time and then was
14 recently briefly transferred to Chattanooga and then
15 brought back to Watts Bar as manager. Mike Kidd, K-i-d-d,
16 he was an NRC inspector at VEPCO, brought to NSRS, then to
17 OQA, then to NSRS again and now deputy director of NSRS.
18 Removed from that position while under investigation for
19 harassment. Again, only after press pressure. Not as an
20 initiative taken by Kermit Whitt, the director. Gary
21 Curtis, now manager of instrumentation at Watts Bar.

22 MR. ROBINSON: Where was he in NRC?

23 MR. HICKS: All these are Region 2. Where they
24 were at TVA specifically at the time I can't tell you.
25 John McDonald was a Watts Bar resident NRC inspector hired

1 for OQA. Now he's in QA somewhere within TVA. I don't
2 know specifically where. Art Debbage, D-e-b-b-a-g-e, he
3 was an NRC inspector at Hartsville for some period and was
4 hired into TVA OQA and he was NSRS, then off somewhere else
5 now. Tom Burdette is an inspector at Hartsville. He was
6 hired as CRBRP, QA, and he went to OQA, now is in
7 Chattanooga, I understand, TVA. Dick Parker, he was hired
8 from Region 2 to Chattanooga, nuclear power QA. Jim Huffam
9 H-u-f-f-a-m, Chattanooga nuclear licensing, TVA.

10 MR. NELSON: Recently removed from that position
11 by Admiral White.

12 MR. HICKS: And replaced by someone else but
13 still in T A, same level. Bob Sauer, S-a-u-e-r, hired to
14 NSRS, OQA and to ISEG, stands for Independent Safety
15 Evaluation Group. Then to NSRS again.

16 MR. ROBINSON: The general problem you see --

17 MR. HICKS: There's another one here. This was
18 more blatant than the above. Steve Butler, Sequoyah
19 resident inspector hired on at Sequoyah as site QA.
20 Quickly backtracked to NRC.

21 MR. NELSON: He's now at the training center in
22 Chattanooga. With NRC.

23 MR. HICKS: There were at least three others
24 were hired that were not in Region 2 but I won't go into
25 that. The point I'm making here is that when you hire

1 Region 2 employees, you got to be in a conflict of interest
2 as a minimum. Hire them at TVA at the time they are
3 inspecting TVA work. Not all were inspecting TVA work at
4 the time they were hired, but a good number were. Under
5 the federal agencies like DOE, for instance, that would not
6 be permitted at all. Their code of ethics, you cannot even
7 talk to a contractor or anybody doing business with you
8 unless you get clearance from their legal staff. You can't
9 even talk to them.

10 Obviously here this is a period, I mean a code
11 of ethics or lack of it from TVA's standpoint, knowing that
12 they are hiring people they shouldn't be hiring. It
13 establishes a pattern, a lack of code of ethics and several
14 of these guys here were giving TVA a hard time at the time
15 they were hired by TVA. Putting heat on TVA to do the job.

16 MR. NELSON: For example, John McDonald.

17 MR. HICKS: This raises questions, how could TVA
18 do it? But if you have that many people, how could the NRC
19 sit by and let TVA do it without warning them or
20 threatening them or something. I would not accuse any of
21 these guys of wrongdoing. I accused TVA of wrongdoing in
22 the fact they allowed this to happen. They have a code of
23 ethics that allows them to continue to do that.

24 MR. ROBINSON: Basic problem being a conflict of
25 interest.

1 MR. HICKS: That and the fact in some of these I
2 believe you could clearly state that TVA hired the guy to
3 get him off their back. Because certainly in a couple of
4 these cases where that guy was replaced, the replacement
5 was not nearly as tough as the guy who left.

6 MR. ROBINSON: Do you have indications that
7 indicate the majority of these cases they got raises?

8 MR. HICKS: No, I haven't looked at it from that
9 standpoint, no.

10 MR. ROBINSON: Okay.

11 MR. HICKS: It would be hard to establish that
12 there was monetary incentive. You may be able to. I don't
13 know. I just think it is a pattern that -- poor practice
14 for a private company, let alone a government agency, and
15 two agencies, one doing it and the other condoning it, and
16 the fact there's also been movement the other way. Region
17 2 has a former TVA employee or employees. Headquarters has
18 former TVA employee or employees. A number in both
19 categories. One of these so-called individuals has been
20 calling and getting references on my background and my
21 capabilities and whether or not I know what I'm talking
22 about on this and I didn't appreciate that. I'm not going
23 to give you the name now because I don't know if it was for
24 what intent he was doing that.

25 MR. NELSON: This was an NRC employee?

1 MR. HICKS: A current NRC employee in Region 2,
2 former TVA employee. I'll give you that much.

3 MR. ROBINSON: He was checking your background?

4 MR. HICKS: Yes. But if I gave you the name and
5 you pursued that on that basis only, it would get him and a
6 friend of his at TVA in deep trouble and I don't think it
7 would be worth pursuing it.

8 MR. ROBINSON: I'll leave that up to you. If
9 you are concerned about it --

10 MR. HICKS: I'm continuing to pursue that on my
11 own. If I come to that point, I'll get back with you.

12 MR. ROBINSON: Something like that would
13 properly be directed to OIA. I would take it but I would
14 end up referring it to OIA. Does that pretty much conclude
15 it or is there anything else you want to bring up?

16 MR. HICKS: I think we've said enough. There's
17 one other thing. I think you are talking about general
18 wrongdoing, you get back to the Watts Bar, Black & Veatch,
19 there's a lot of names you need to know that are involved
20 in that and are still involved.

21 MR. ROBINSON: NSRS names?

22 MR. HICKS: No. TVA names.

23 MR. ROBINSON: And in what context are they
24 still involved? Are they trying to cover up resolutions or

25 MR. HICKS: Yes. I can give a number of names.

1 We were talking and you were only interested in hearing the
2 NSRS names. There's a lot of others than NSRS names.

3 ~~Henry Jones~~ for one.

4 MR. ROBINSON: In what context? What are these
5 people doing?

6 MR. HICKS: Regarding the lack of resolutions
7 through, not doing the job and contending that everything
8 was okay.

9 MR. ROBINSON: What's his position?

10 MR. HICKS: ~~Raulston~~ various people within the
11 nuclear engineering branch trying to railroad these things
12 through and nuclear engineering branch being supposedly a
13 review-type branch for the engineering assures that
14 resolutions are done and regulations are followed.

15 MR. ROBINSON: These are people you were butting
16 heads with during the period of your review?

17 MR. HICKS: My review and others, yes.

18 MR. ROBINSON: ~~Jones, Raulston~~

19 MR. HICKS: I would like to mention one other
20 item. That is, going to NRC deals with the fact that in
21 this region and other regions there's a different degree of
22 compliance with regulations and a different degree of
23 regulation of compliance, different time frames established.
24 Who looks into that problem?

25 MR. ROBINSON: Well, if you are indicating that

1 there is an inconsistency in regulation that is a known
2 thing within NRC, okay. That is, in other words there are
3 members of NRC that know that in Region 3 they are not as
4 hard as they are in region 4 or Region 2. Any internal NRC
5 employee wrongdoing is handled by OIA. Now, whether or not
6 there has been any kind of analysis done, either internally
7 or externally, to determine whether or not there's an
8 inconsistency in regulations between regions, I don't know.
9 I don't know whether that has been done.

10 MR. NELSON: Only thing I have seen is frequency
11 of violations, dollar amounts, and that's not what he's
12 talking about.

13 MR. ROBINSON: I know. Yes, I think that might
14 be a good question to ask the people that you are going to
15 be talking to Friday and Saturday.

16 MR. HICKS: I didn't see that on this list
17 anywhere. He referenced turning over a bunch of stuff to
18 OI but didn't. There's a couple of those identified in
19 here.

20 MR. ROBINSON: Let me see what he gave to you.
21 It is a different format than what he turned over to OI.
22 Here's some examples of how he indicates -- a lot of the
23 things that we addressed tonight. In your original letter,
24 did you talk about that inconsistency within the regions?

25 MR. HICKS: Yes.

1 MR. ROBINSON: You are saying you don't see that
2 as an allegation broken out and assigned anyone in here?

3 MR. HICKS: No.

4 MR. ROBINSON: I know it is not assigned to OI.

5 MR. HICKS: Here are some of the names that were
6 involved in the Black & Veatch I consider cover-up and
7 making a situation more favorable than it really was. ~~H.L.~~
8 Jones, ~~E.H. Cole~~, assistant to the Watts Bar design project
9 manager who happens to be ~~Ralph Pierce~~; ~~D.R. Denton~~ is a
10 civil engineering support branch at that time; ~~John~~
11 McDonald, again, former NRC and at that time an OQA
12 employee; ~~R.W. Olson~~, principal construction engineer at
13 Watts Bar; ~~R.C. McKay~~, supervisor at Watts Bar, the
14 individual involved in the Doka harassment; ~~R.W. Olson~~, the
15 guy that ~~McKay~~ replaced on this particular work effort.

16 MR. ROBINSON: You mentioned ~~Raulston~~ before too
17 didn't you?

18 MR. HICKS: Yes, ~~John Raulston~~.

19 MR. ROBINSON: These gentlemen are all just kind
20 of generally contributing to the improper resolution or the
21 slow resolution or lack of resolution of the Black & Veatch
22 findings?

23 MR. HICKS: Yes, cover-up. ~~Homer McConnell~~
24 You have all the key persons on there, the ones assigned,
25 except the guy who was manager of construction at the time,

1 (H.H. Mull, M-u-l-l) Another individual I mentioned is (M.N.
2 Sprouse, S-p-r-o-u-s-e), who was the manager of engineering
3 prior to (R.W. Cantrell). For the record (C. Bonine) replaced
4 (H., B-o-n-i-n-e) (Doug Wilson) a guy who was in the nuclear
5 engineering branch at the time this report was done. He's
6 no longer there. He's at one of the plant sites now. All
7 these guys strongly supported this cover-up mode in a more
8 favorable condition. All of them without question.

9 MR. ROBINSON: They strongly supported the
10 policy committee?

11 MR. HICKS: Yes. They developed the policy
12 committee. Actively participated in it.

13 MR. NELSON: You say "cover-up," you mean the
14 issuance of a misleading --

15 MR. HICKS: Misleading document representing a
16 situation that did not exist.

17 MR. NELSON: Knowingly?

18 MR. HICKS: Knowingly.

19 MR. ROBINSON: Okay, I appreciate your time.

20 MR. NELSON: I would like to mention one thing
21 here. Some of the others spent a lot of time with OI, OIA,
22 et cetera. Some mentioned the lack of feedback from NRC.
23 In this case here, will Dallas receive feedback from OI as
24 to the status of the investigation and the resolution, that
25 sort of thing?

6, 7c, portion

1 MR. ROBINSON: He won't get a status report on
2 the status of the investigation. The results of the report
3 I can make known to him, findings of the investigation.

4 MR. HICKS: One thing is a concern to me as well
5 as other people, and that is when is all this stuff going
6 to get to the commissioners and when is there going to be
7 recommendations made resulting from that? Some of these
8 investigations have been going on for a long time and you
9 see no conclusions to them. Asselstein, A-s-s-e-l-s-t-e-i-n

10 MR. HICKS: None of the people have seen results
11 of anything that has happened.

12 MR. NELSON: There was a report of harassment
13 from OIA.

14 MR. ROBINSON: This is something we don't need
15 to be discussing in the context of this interview. As a
16 matter of fact, let's go ahead and go off the record.

17 (Whereupon, at 8:35 p.m., the interview was
18 concluded.)

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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: INVESTIGATIVE INTERVIEW OF DALLAS R. HICKS

DOCKET NO.:

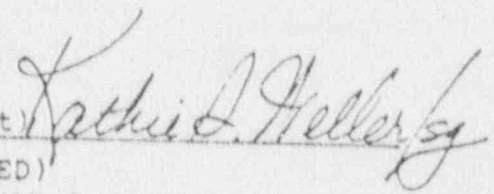
PLACE: KNOXVILLE, TENNESSEE

DATE: WEDNESDAY, FEBRUARY 19, 1986

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig)

(TYPED)


KATHIE S. WELLER

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