

EXHIBIT 3

Case No. 2-1998-027
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Act, exemptions 7C
FOIA- 2001-0012

#16

EXHIBIT 3

October 20

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

----- X
In the Matter of: :
INTERVIEW OF :
CURTIS OVERALL :
(CLOSED) :
----- X

Holiday Inn
2400 Executive Park Drive
(1-75 at State Rt. 60)
Cleveland, TN

Thursday, February 11, 1999

The above-entitled matter came on for interview,
pursuant to notice, at 1:00 p.m.

BEFORE:

WILLIAM McNULTY, Investigator
WILLIAM BEARDEN, Investigator
GARY CLAXTON, Investigator

EXHIBIT 3

PAGE 1 OF 19 PAGE(S)

2-1998-027

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C O N T E N T S

WITNESS	EXAMINATION
CURTIS OVERALL	
BY MR. McNULTY, MR. BEARDEN,	
AND MR. CLAXTON	7

E X H I B I T S

NUMBER	IDENTIFIED
[NONE.]	

P R O C E E D I N G S

1:00 p.m.

1
2
3 MR. McNULTY: Today's date is February 11th,
4 1999. The time is approximately 1:35 p.m. My name is
5 William McNulty. I'm a special agent with the Office of
6 Investigations, U. S. Nuclear Regulatory Commission.

7 Also present with me, and I'll ask him to
8 identify himself, is Special Agent Gary Claxton.

9 MR. CLAXTON: I'm Special Agent Gary Claxton of
10 Region Two, Nuclear Regulatory Commission Office of
11 Investigations.

12 MR. McNULTY: Also with us today we have Mr. Bill
13 Bearden. I'll ask you to identify yourself and your
14 position, Mr. Bearden.

15 MR. BEARDEN: I'm Bill Bearden, Reactor Safety
16 Inspector, Division of Reactor, Safety Region Two, Atlanta.

17 MR. McNULTY: Our purpose here today is to
18 conduct an interview of Mr. Curtis Overall. Mr. Overall,
19 I'll ask you to identify yourself for the record and spell
20 your last name, please.

21 MR. OVERALL: Yes. My name is Curtis Overall,
22 O-v-e-r-a-l-l.

23 MR. McNULTY: Okay. Do you have anyone present
24 with you today, Mr. Overall?

25 MR. OVERALL: Yes, I have Ms. Anne Harris.

1 MR. McNULTY: In what capacity is Ms. Harris here
2 as?

3 MR. OVERALL: She is here as a support role.

4 MR. McNULTY: And is it your wish to have her
5 present with you during this interview?

6 MR. OVERALL: That's correct.

7 MR. McNULTY: Mr. Overall, I'll ask you to raise
8 your right hand.

9 Whereupon,

10 CURTIS OVERALL,

11 The Interviewee, was called for examination and, having been
12 first duly sworn, was examined and testified as follows:

13 MR. McNULTY: First, Mr. Overall, we had had a
14 discussion off the record before we started here. There
15 were a couple of things we wanted to put on the table. One
16 is, we had granted your request to provide you with a
17 transcript of this interview as soon as we receive it, and
18 we do intend to do that.

19 Secondly, you had requested that we not release
20 this transcript to any other agency until our investigation
21 is complete; is that correct?

22 MR. OVERALL: That is correct.

23 MR. McNULTY: Okay. I can say that our normal
24 policy is not to release any transcripts until an
25 investigation is complete, unless the Commission determines

1 in the interest of the public health and safety, or if there
2 is some compelling legal reason or request from an agency
3 for us to provide that, so for the most part generally would
4 not occur. However, if we were subpoenaed, we'd be forced
5 to sit down and have a discussion of how we could proceed
6 with that. If this was filed for or under a FOIA, and the
7 investigation was complete, there would be certain
8 redactions which would occur, such as names, addresses and
9 identifying information, is normally removed. But it would
10 be our best intention not to release this transcript until
11 our investigation is complete.

12 Secondly, I know that we have had several
13 telephone conversations over the past few months, and I am
14 aware that you have had some debilitating physical problems.
15 I would ask today if you could tell us for the record what
16 your condition is and if you are under any kind of
17 medication, what that medication is and how it might affect
18 your testimony today.

19 MR. OVERALL: I'm currently under the care of a
20 psychologist and a cardiologist and my primary care
21 physician. Of course, I'm not -- and a psychiatrist too, a
22 psychologist and a psychiatrist for depression. The
23 medication I'm taking, I'd rather not discuss the types and
24 amounts at this time, but --.

25 MR. McNULTY: What I would ask is, for the

1 purposes of our interview, would the medication affect your
2 ability to understand the oath that you just took?

3 MR. OVERALL: I don't believe it will.

4 MR. McNULTY: Has the medication caused you not
5 to be able to reason the difference between right and wrong?

6 MR. OVERALL: No. The only thing that the
7 medication has affected me is short-term memory, but long-
8 term memory, I don't think -- it has caused some vagueness
9 in my remembering things in the past.

10 MR. McNULTY: But in your opinion, it hasn't
11 affected your truthfulness or your ability to understand --

12

13 MR. OVERALL: Oh, no, sir. Right from wrong.

14 MR. McNULTY: -- what's right or wrong.

15 MR. OVERALL: That's correct.

16 MR. McNULTY: Okay, thank you.

17 MR. CLAXTON: You understand who we are? Have we
18 officially identified ourselves to you?

19 MR. OVERALL: Yes, you have.

20 MR. CLAXTON: And you understand who we are and
21 our purpose for being here?

22 MR. OVERALL: That's correct.


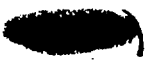
23 MR. McNULTY: Okay, great. The first issue we'd
24 like to talk about involves some testimony you gave during a
25 Department of Labor adjudicatory hearing, and I guess that

1 was, what, approximately two years ago?

2 MR. OVERALL: Yeah, if you're referring to the
3 Department of Labor trial, it was on December 16th, 1997, I
4 believe. That was my birthday. I remember it very well.

5 MR. McNULTY: And during that testimony, you
6 indicated to the Judge that at one point or another, you and
7 several other members of the technical support group -- is
8 that the correct term?

9 MR. OVERALL: Right, right.

10 MR. McNULTY: -- had been instructed by a 10
11 supervisor, who you thought at the time may have been 
12  and that's not to write PERs unless they're related
13 to fueling?

14 MR. OVERALL: That's correct.

15 MR. McNULTY: And that was the substance of an
16 investigation that we were conducting, we're still
17 conducting at this point.

18 DIRECT EXAMINATION

19 BY MR. McNULTY:

20 Q What I'd like to ask you first, for the record,
21 is, could you tell us what a PER is?

22 A PER is an acronym (sic) for a problem evaluation
23 report, P-E-R.

24 Q What typically are they used for?

25 A PERs are written to identify any problem that

1 seems to be adverse to the safety of the plant. Basically,
2 anyone can write a PER, a P-E-R. And it's a mechanism to
3 channel through the appropriate channels in management and
4 engineering to insure that issues are addressed and taken to
5 the utmost critical steps necessary to resolve that issue,
6 if it's a safety-related issue or not safety-related.

7. Q Now, if a PER is considered to be safety-related,
8 are they prioritized, or are they all treated the same?

9 A I believe if they're safety-related -- it's been
10 a while -- they're marked safety-related, I believe. And
11 then they are prioritized. I believe that's when NRC has to
12 come in and be involved with it, if it's a safety-related
13 issue. If that answers your question.

14 Q Well, are some more important than others?

15 A Oh, I --

16 Q And if so, how are they -- who determines which
17 ones are more important than others?

18 A I'm sure they're all segregated, if you will,
19 into what's more important and less important, that sort of
20 that. But I don't recall who orchestrates that, who governs
21 that issue.

22 Q Now, if I go back to your testimony, I believe
23 you testified that sometime you had testified that you
24 thought the meeting may have occurred on May 11th, 1995,
25 that there was a meeting of members of the technical support

1 group, and the supervisor I believe at the time was a ^{7C} [REDACTED]
2 [REDACTED], and that [REDACTED] made statements to the effect that
3 you believed people were told not to write any PERs. I
4 wonder if you wanted to comment on that or if you had maybe
5 a different view of that now?

6 A I think the record stands. My log notes, my
7 planner notes were given as evidence during trail, as I
8 recall. I didn't bring them with me today; I do have them.
9 To the best of my recollection, I'll be 100 percent accurate
10 for this meeting. The meeting was held. I'm not really
11 sure of that particular day or date, but I do recall a
12 meeting where that information was assimilated to the tech
13 support staff and other members in that room, that they need
14 to hold off writing any PERs unless it's absolutely
15 necessary or for affecting the fuel line.

16 Q Okay.

17 A Without having that right in front of me,
18 verbatim, I couldn't tell you exactly.

19 Q During my review of the DOL testimony, it
20 appeared that the Judge asked you several questions about
21 how this information was presented, in regards to the PERs,
22 and you told the Judge in your testimony that whatever the
23 meeting was about, you left with the impression that they
24 didn't want PERs written. Is that correct?

25 A Without seeing the testimony, as you said I said,

1 all I can do is reiterate what I told the Judge, that no
2 PERs were to be written or to hold off writing any PERs
3 unless it was related to fueling.

4 Q But do you recall if [REDACTED] said that 7C
5 specifically?

6 A I don't recall who said that.

7 Q If --

8 A To the best of my recollection.

9 Q If I had received other testimony from other
10 people who were there at that meeting, and they told me that
11 they were told that no one said don't write PERs. They were
12 told that if PERs were written, the priority would be given
13 to PERs that are written that would affect fuel loading, and
14 they would be prioritized in that manner, and that other
15 PERs could be written, but they wouldn't be done right away.
16 In other words, PERs would be prioritized according to
17 whether or not they affected fuel loading.

18 A These people you talked to, these other people,
19 is this their opinion?

20 Q No, I think -- I believe I said, "If I had heard
21 testimony."

22 A If you had heard testimony?

23 Q Yes.

24 A So this is your opinion?

25 Q Right.

1 A Okay, go ahead. Repeat the question.

2 Q If someone had told me that, "Well, no, no one
3 ever said don't write PERs. What they said, that we're
4 going to prioritize PERs by whether or not they're related
5 to fuel handling first, and then other PERs would come later
6 on." Would that be an accurate representation of your --

7 A Understanding.

8 Q -- understanding from that meeting?

9 A At this point in time, no. I believe in relying
10 strictly on my notes, and what I wrote down that particular
11 day, it was clearly understood that the way it was testified
12 at the trial.

13 Q That your understanding was that no PERs were to
14 be written?

15 A PERs or I think any other corrective actions were
16 to be held off unless it's absolutely related to fueling.

17 Q Well --

18 A I mean -- you know, I'm going strictly by what my
19 testimony is. I'm not telling you verbatim.

20 Q So then, what you're saying is that it was okay
21 to write PERs, as long as they were related to fuel
22 handling, fuel loading?

23 A Basically, yes.

24 Q But they didn't want any other PERs written that
25 didn't relate to fuel loading?

1 A That was my understanding then, as the record
2 stands. I'm referring back to the record only as it stands.

3 Q After this meeting, did you discuss your
4 impression of this meeting with anyone else who was at the
5 meeting?

6 A Not that I recall.

7 Q So it wasn't a question like, you'd have two or
8 three people left the meeting and said, "Wow, I can't
9 believe they just said that," or you don't recall anything
10 like that?

11 A No, I usually take notes. I'm real explicit
12 about taking notes in meetings. A lot of times, I write
13 stuff down, and you know, just to keep up with the speaker,
14 and then later go over notes and stuff as I see fit, to
15 review the notes.

16 Q At that time, did you think that was the right
17 thing to do?

18 A At that immediate time?

19 Q At that meeting. Did you think that what you
20 were told was the right thing to do?

21 A Probably at that immediate time, it probably
22 didn't sink in. Okay, like I said, there were other issues
23 on the plate that were being discussed, not just that one
24 issue. There was many things that were discussed. It was a
25 large room with technical support staff members there. So

1 that didn't really just jump out at me right then, but
2 nevertheless, it was written, it was said, and I entered it.

3 Q At what time do you think it was necessary to
4 bring that issue forward, to either, as a safety concern to
5 the NRC, or to an ECP program, or to someone else?

6 A I believe all that was coalesced and came to a
7 head, if you will, when I discovered or read into what had
8 taken place over the time period of me being let go at Watts
9 Bar, and going through my planner notes and log notes and
10 when I first filed a claim to the Department of Labor.
11 Those issues -- then those notes became part of the issue as
12 we approached trial.

13 Q So the meeting occurred in May of '95, and I
14 guess it --

15 A I'm sure of that date but --

16 Q I think that's my recollection, and that could be
17 wrong. I'm looking off of an interview. If that occurred
18 in May of '95, when approximately do you think that this
19 coalesced as a potential problem for you?

20 A When was it I left Watts Bar? The issue came --
21 like I said, it came after I had left Watts Bar, after I
22 had left services.

23 Q Shortly after you had left Watts Bar.

24 A Yes.

25 Q And we'll be able to verify that date.

1 A It's in my notes.

2 Q Now, when we had talked on the phone, I had asked
3 you, I think you had mentioned to me that you had some kind
4 of a sign-in sheet or a log of the people who attended that
5 meeting?

6 A Which meeting and what date was that?

7 Q This May, '95, meeting where the PER issue --

8 A No.

9 Q -- was brought up?

10 A No, I had discussed a few on the telephone that I
11 recalled of the June 14th date, of the meeting on the PER
12 and the screw issue at the --

13 Q Okay. That's a different --

14 A -- on the site of engineering.

15 Q Okay, that's a different meeting.

16 A Right.

17 Q The meeting I'm going to talk about, and this was
18 the technical support meeting where the fuel loading issue
19 came up, as far as PERs. Now, as far as I know, I've got a
20 number of names of people who attended that meeting. We
21 have a Landy McCormick.

22 A Uh-huh.

23 Q Craig Faulkner.

24 A Uh-huh.

25 Q Sammy Linginfelter.

1 A Uh-huh.

2 Q Steven Swindlehurst. Margaret Selewski, Jose,
3 Ortiz, Charles Hood, John Ferguson, Edward Gentry, Craig
4 Williams, Robert Rieger, Thomas Huth.

5 A Tom Huth.

6 Q Huth, H-u-t-h.

7 A Right.

8 Q Joseph Englehardt, Doug Jackson, Paul Pace, and
9 Dennis Koehl. Offhand, can you think of anyone else that I
10 might have missed who should have been there, or that you
11 may have knowledge that was there.

12 A I can't recall who all was there, but I do know
13 those names that you have read off to me.

14 Q Does that sound like the right people who should
15 have been at that meeting?

16 A I believe that's correct. They were technical
17 support and they reported directly to the Landy McCormick
18 and Dennis Koehl.

19 Q Okay, what I --

20 A Not strictly right to Landy McCormick, but to
21 various supervisors, but they all reported to Koehl.

22 Q What I'd ask is that you'll -- these names will
23 be on the record that you'll receive, and when you have an
24 opportunity to review it, if you think of anyone else who
25 might have been at that meeting or should have been at that

1 meeting, if you could, let us know. I'm not trying to put
2 you -- to try to pull names out of your head right now.

3 A All I know is, those names that you brought up to
4 me are colleagues of mine. We've worked several years
5 together at Watts Bar. I do know those people pretty well.

6 Q Now, of those people who were at the meeting, can
7 you think of anyone who might have information for us that
8 probably might have had the same feeling that they weren't
9 to write PERs not related to fuel loading, that might have
10 been at that meeting?

11 A I think you mentioned Joe Englehardt?

12 Q Okay.

13 A Joseph Englehardt. Joe is a very cautious
14 individual, very safety-oriented. He speaks his mind very
15 openly to management on issues that he has hard spots with,
16 if you will. If I think of others, I'll let you know.

17 Q Okay, we'd appreciate that. That will allow us
18 an opportunity to talk to the right people and to make sure
19 that we've covered this adequately. Obviously, we're
20 interested in people that you think might have come away
21 from that meeting with the same impression you did.

22 A Yeah, but keep in mind, the impression -- I
23 didn't come out of the meeting with that just as first. It
24 came on later.

25 Q And became more significant to you as time went

1 by?

2 A Right.

3 MR. CLAXTON: Is Mr. Englehardt still employed by
4 TVA?

5 THE INTERVIEWEE: As far as I know, Mr. Claxton,
6 he still is there. I think he works in the nuclear fuel
7 area. I don't think he's with tech support any longer. I
8 think they've broken up or dismembered, but they're all
9 still -- I think fall under engineering. I think he might
10 be a side unit from engineering, but he's still there, last
11 I heard of him.

12 BY MR. McNULTY:

13 Q Now, do you think if anyone had written a non-
14 fuel-load PER after this meeting that they might have
15 suffered some consequences?

16 A That I don't know.

17 Q Were you aware of any non-fuel-load PERs that
18 were written after that meeting?

19 A Other than what I wrote? No, sir. I'm sure
20 there were written, but I don't -- I don't keep up with all
21 the PERs in the plant.

22 Q Which did one did you write specifically?

23 A That particular one was in April, it was PER
24 950246.

25 Q Was that the ice condenser screws?

1 A Yes.

2 Q And that's the only one that you are personally
3 aware of?

4 A At that point in time, yes, sir. I've written
5 others in the past, but this particular one, that's right.
6 The others have been closed since prior to that date.

7 MR. McNULTY: Anything else, Bill? Gary, do you
8 have any --

9 MR. BEARDEN: You did say 246 was not a fuel
10 loading PER? I think that's what you said?

11 THE INTERVIEWEE: I wrote the PER related to the
12 screws, okay. I think the record shows that the PER was not
13 marked as safety-related, okay. But I don't know if we need
14 to discuss at this time what you're asking, Mr. Bearden. Or
15 be more specific in your question.

16 MR. BEARDEN: I thought you had said that it
17 wasn't, when he asked the question. When he asked of those
18 that were fuel-loading, I thought you mentioned that that
19 one was not fuel-loading. I was just trying to clarify
20 that.

21 THE INTERVIEWEE: No, I wasn't indicating it
22 wasn't related to fuel loading.

23 MR. BEARDEN: Okay, I was just trying to --

24 THE INTERVIEWEE: I was just telling him that
25 that was a PER that I had written after, you know, prior to

1 fuel loading.

2 MR. McNULTY: I guess maybe I'm starting to get a
3 little confused and I don't want to.

4 THE INTERVIEWEE: That's okay.

5 BY MR. McNULTY:

6 Q In your mind, what was a fuel-load-related PER?

7 A I think it's fairly -- and in lay terms, I think
8 that's the best way to describe it without getting too
9 technical, too overboard. Any issues, PERs, WRs, any
10 issues, SCARs, significant conditions adverse, you know,
11 quality, anything that would hamper the operability of the
12 plant's safe and unconditional operation, would be
13 considered a fuel issue PER or problem. Does that make
14 sense to you?

15 Q Yeah. Now, say if someone had a problem with
16 security or something and wanted to write a PER, that
17 probably would not be fuel-related?

18 A No, not necessarily. If it was a security
19 violation potential or say someone could enter through the
20 fence area, and all that is in retrospect to fuel. You
21 know, everything has to be -- you know, all parameters of
22 the plant aspect have to be in check, as well as all systems
23 have to be maintained and proven tested functionally and
24 written off to be acceptable for fuel loading, which my
25 system was one of the fuel load PERs.