

EXHIBIT 2

Case No. 2-1998-023

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FOIA- 2061-0012

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EXHIBIT 2

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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.

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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

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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
11 supervisor, who you thought at the time may have been Dennis
12 Koehl, 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 Mr.
2 Koehl, and that Mr. Koehl 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 trial, 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 Mr. Koehl said that
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.

1 Q So there really probably wouldn't be an awful lot
2 of PERs that wouldn't be fuel load issues?

3 A I really couldn't say. I -- like I say, I don't
4 know how many PERs were written at that time by other
5 people. I wasn't following them, the plant staff, the plant
6 of the day, the management at Watts Bar keeps up with those.
7 And like you say, sorts them out, as far as what's important
8 and what's not.

9 MR. McNULTY: Why don't we take a five-minute
10 break, ten-minute break, and then we'll move on to our next
11 area, unless anyone's got anything they think we need to add
12 before we go on. Why don't we go off the record. We can
13 come back on when you're done, sir.

14 [Discussion off the record.]

15 MR. McNULTY: The time is now 2:18 p.m. It's
16 still February 11th, and we're continuing our interview of
17 Mr. Overall. We've had some discussion off the record.

18 BY MR. McNULTY:

19 Q Mr. Overall, I'd like to ask you at this time if
20 you have anything else that you'd like to add, any
21 information about the May, '95, meeting that the PERs were
22 discussed?

23 A No, I have nothing more to add to that question.

24 Q Okay, at this point, we're going to move on to
25 the ice condenser screws. I'd ask Mr. Claxton to identify

1 himself and continue on with that.

2 BY MR. CLAXTON:

3 Q Mr. Overall, as I identified myself earlier, I'm
4 Gary Claxton. I'm a special agent with the Office of
5 Investigations, and I would like to discuss with you an
6 issue involving some lab reports, wherein some ice condenser
7 screws were tested. If I could get you to, would you just
8 give me kind of the big picture, to re-state the allegation
9 of what you found regarding these ice screws, ice condenser
10 screws.

11 A Do you want an overview of the PER and how it all
12 came aware of the screws?

13 Q If you would, please.

14 A Okay. Shortly after we had loaded the ice
15 condenser for the second time, we had used a technique that
16 we'd never used before, was putting plastic down on the
17 floor to get the ice up off the floor without damaging the
18 concrete surface of the floor, the slab of the floor. We
19 had also for the first time in Watts Bar had used a melt
20 tank system there designed to -- and a vacuum system to
21 vacuum the ice from the floor, transporting it directly to
22 the melt tank, where the ice would be melted and the water
23 disposed through the plant waste disposal system, which we
24 had authorization through the state and EPA, Environmental
25 Impact statements to release this water to the Tennessee

1 River.

2 After the ice had been loaded and all had been
3 weighed, the tank was removed I think some time later from
4 the ice condenser, or from the containment, to the railroad
5 bay. It wasn't removed immediately right then because they
6 had some work inside containment so we couldn't move the
7 tank, so the tank stayed where it was.

8 Once it was removed to the railroad bay, I went
9 over, inspected the tank and found the screws I have told
10 testimony about, the broken screws. From that -- from that
11 spawned off the PER, problem evaluation report. I talked
12 with my supervisor and other lead engineers of what I'd
13 found.

14 Q Who was your supervisor, and what was your job
15 responsibility --

16 A I was a systems specialist over System 61, which
17 is an ice condenser system. My supervisor at that time for
18 direct report was Landy L. McCormick.

19 Q Is that who you discussed the screws with first?

20 A I believe I discussed it with him and to the best
21 of my recollection and memory, he was definitely spoke to
22 about the screws. I don't know exactly in order who I
23 talked to -- what, when, about what, but he was the one
24 obviously that I had discussed this with.

25 MR. CLAXTON: What was the time frame on the

1 second ice loading?

2 THE INTERVIEWEE: If memory serves me, I think it
3 was December, '93. And it goes to April, '94, is when I
4 wrote up the PER. It started in December and it moved over
5 into February before we finished it. It was about a 60-day
6 evolution.

7 MR. CLAXTON: So that's documented on the PER?

8 THE INTERVIEWEE: Not the ice -- I don't recall.
9 You'd have to look at the PER and see. All PERs, we do give
10 a description of what we find and a little background of
11 what led up to what was going on at that time, as I recall.

12 If you want to know for your information, we had
13 melted the ice condenser. Well, first of all, the ice
14 condenser was loaded for the first time back in '84, right
15 before the fuel line was to commence. We started in
16 December of '84 and finished up in February, '85, as I
17 recall. We had the ice condenser fully loaded, fully
18 operationally and tested throughout until April of '91.
19 That's when I finally convinced the plant management that we
20 needed to melt the ice condenser, refurbish the condition of
21 the mechanical equipment, the fans, motors which had been
22 running and chiller had been running relentlessly day and
23 night to support -- cold air to support three million pounds
24 of ice. And here fuel loading was being slipped year after
25 year after year, and we were wasting about \$300,000 a year

1 in supporting the operation of that system. That's
2 manpower, equipment, material, etcetera.

3 So the melting -- we melted out in April of '91
4 about 16, 17 days. We went in and refurbished the
5 equipment, put in all baskets, inspected all baskets for
6 debris, as far as getting all the excess borax out of the
7 baskets, and virtually washed it down real well, and had it
8 laid up, dry. And we redid our floor, caulking. We core
9 drilled into our floor to make sure we didn't have any water
10 in the floor, as Sequoyah had experienced I believe in '93,
11 with a floor buckling problem.

12 And in fact, NRC had come up to question us about
13 that evolution, what we were going to do, since we already
14 had water on our floor and probably in our foam floor
15 itself, which we wish we had. Then after, you know, several
16 years of drying-out time, we felt that the floor had pretty
17 well dried with no residue of water left behind.

18 So basically, it was all laid out, cleaned up,
19 locked down, until we could get ready for cool down and pre-
20 operational for the ice condenser for the second fuel
21 loading.

22 BY MR. McNULTY:

23 Q After this first meltdown, did you notice any --
24 you were involved in that?

25 A Oh, absolutely. I wrote the -- it's a kind of

1 thing that you have to write a 190-page procedure on how to
2 melt ice. But needless to say, everybody had a hand in it,
3 operations, engineering. This was the first time done for
4 TVA. It had done before I think over at McGuire over at
5 Duke Power. I had a melt tank at that time too, but it
6 wasn't just for ice. It was for water, and in each floor
7 drain, the ice condenser was not completely operable.
8 Engineering had gone in and decided at the last minute they
9 wanted to change all the piping out to hard steel, carbon
10 steel pipe. And so all of our floor drain system wasn't
11 operational. It wasn't operational when the plant manager
12 said thou shalt commence melting. So I had to go in and put
13 a modification in each fore-drain, a catch basin if you
14 will, and have it leak tested, and had the individual pipes
15 running from each drain to a collecting tank with clear PVC
16 pipe so you could tell when the water was coming in and from
17 which bay it was coming in. And we actually melted the
18 condenser in sections rather than a total turn-everything-
19 on-let-it-go, because I wasn't sure if we could control the
20 rate of melt, we'd have a flood situation. So we melted the
21 ice condenser in sections. And through my ideas and
22 experience, it worked real well. We didn't -- in fact, we
23 had a hard time trying to melt the ice again. We couldn't
24 get enough heat in there. So that's how it was -- and no
25 trash or debris or screws were found. I was looking for

1 borax mainly, to see if the borax, which is cold usually
2 solidifies, but we didn't see any of that. It was just real
3 fine, loose-scale rust, which the lower support structure of
4 the ice condenser is core 10 steel, and it's got a -- and
5 that's the nature of it, is to rust. That's its protective
6 coating is the rust.

7 MR. CLAXTON: What type steel?

8 THE INTERVIEWEE: Core 10.

9 MR. CLAXTON: Can you spell that for the benefit
10 of the record.

11 THE INTERVIEWEE: I'm not sure of the spelling.

12 MR. CLAXTON: Okay.

13 THE INTERVIEWEE: Let's just say just for
14 practical purposes, c-o-r-e 10, and it may be a c-o-r 10,
15 and it may be a k-o-r 10. But -- but I knew it was core 10
16 steel to -- for the rust to actually give a protective
17 coating to the steel.

18 BY MR. McNULTY:

19 Q So this had been loaded and in operation for
20 almost seven years?

21 A That's right.

22 Q And you found no foreign material or nothing
23 noteworthy after that melt?

24 A After that melt, no, sir. And also during the
25 initial weighing time, the initial loading in '84, we had

1 used plastic, as I described to you, this time. And our
2 protocol for getting rid of ice back then was the old
3 archaic way, was to have a bank of -- cadre of laborers in
4 there with shovels and brooms and bags, getting the fall out
5 ice that came from the baskets while it was being filled.
6 They were scooping everything up, hauling it out in buckets.
7 We weren't looking for hardware, you know. And so we were
8 looking to get rid of the ice, and from a safety hazard,
9 people walking and falling and stuff, and trying to get it
10 up before it froze to the floor. And they were just told to
11 go dispose of the ice. So material could have been -- we
12 could have lost some screws back then and never known about
13 it.

14 Q This was during the loading?

15 A The initial loading.

16 Q Now, after the meltdown, the first meltdown, you
17 said there was a lot of work that was performed around the
18 area. Were any of the screws replaced during that period?

19 A During meltdown, we didn't find any screws.

20 Q So from 1984 until 1991, as far as you knew,
21 those were still the same screws that were in there that
22 were put in there in --

23 A Yeah. Didn't know if we'd lost any or not. Now,
24 we could have lost some, like I said, here in the first
25 loading, that we found this time. But I haven't found any

1 screws. I've been all over that floor many times, signed
2 the bay off by my signature, inspected it, combed it.
3 Believe me, I've gone over that place with a fine-toothed
4 comb, and no screws, other than a little bit of dust, maybe
5 a cotter key pin from a basket, or a piece of duct tape here
6 or there, or something. You know, that place is a catch-
7 all for everything, so. So but nothing that would lead me
8 to believe there was something mechanically unsound about
9 that ice condenser.

10 Q So that I guess after it was melted, at some
11 point, they decided to start loading ice again?

12 A That's right.

13 MR. CLAXTON: And when was that, in '93, did you
14 say?

15 THE INTERVIEWEE: I believe it was '93, December
16 of '93, we started cool down, getting the ice condenser cold
17 and stable, getting acclimated, if you will. And we had
18 already function-tested the ice blowing system, getting
19 everything ready to go, getting all of our equipment ready,
20 procedures signed off and ready to go. And the record shows
21 the dates of the fuel -- I may be off a little bit.

22 BY MR. McNULTY:

23 Q But it sat almost unused for about two years.

24 A From '91 to -- yeah, two and a half years.

25 MR. CLAXTON: Tell me a little bit about the

1 screws. We're referring to ice condenser screws. Is this a
2 generic screw that they were all used for the same function,
3 or what can you tell me about the screws?

4 THE INTERVIEWEE: Yes. The screws are positive
5 drive, kind of like a hex-head or a Phillips head type
6 screw, as I recall, and kind of -- I've got some here if you
7 want to look at them, but they're about that long, okay.

8 MR. McNULTY: For the record, how long will that
9 be? Just describe for the -- obviously, we can't have a
10 picture of the screw on the record.

11 THE INTERVIEWEE: I thought maybe you might want
12 one to --

13 MR. McNULTY: Yeah. Just tell us how long they
14 were in inches or half-inches, millimeters, centimeters.

15 MS. ALLEN: -- you know --

16 MR. McNULTY: They're small screws.

17 THE INTERVIEWEE: There's a whole complete screw,
18 as you see it, full scale.

19 MR. CLAXTON: Okay. Now, you said when the water
20 was pumped into the tank, and I guess when that water was
21 removed from the catch tank -- is that the term used?

22 THE INTERVIEWEE: Melt tank.

23 MR. CLAXTON: Melt tank.

24 THE INTERVIEWEE: Right.

25 MR. CLAXTON: And that's when you found the

1 screws?

2 THE INTERVIEWEE: Right, I had a debris screen.
3 See, we had a valve, a release valve, at the bottom of the
4 tank, you know, set -- well, we had a water level which
5 maintained a certain level where we would never go below the
6 release valve. And they had a real fine mesh, metal
7 stainless steel interwoven, like they put on the mike here,
8 that type of mesh -- laid out across the bottom to catch any
9 trash or debris that might get in there, to keep it from
10 getting into the plant's processing equipment, you know,
11 valves, pumps and stuff. So and if anything was captured in
12 here, it would be on that screen. And after that, that's
13 where we found these screws, on the screen, and some had
14 made it past the screen because the screen didn't really fit
15 that close up to the edge. Some had probably turned on its
16 edge and fell down between. That's what you're talking
17 about.

18 BY MR. McNULTY:

19 Q Yeah, just so I understand, Mr. Overall, you
20 loaded ice again in '93?

21 A Uh-huh, '93 and '94.

22 Q And then you melted down again?

23 A No, melted down in April of '91. We loaded it
24 first in '84, kept it fully functional and running, loaded
25 and tested until April of '91, before we melted down.

1 Q All right.

2 A Stayed melted, dried, refurbished the floor,
3 cleaned it up and caulked it, got everything going until
4 December of '93. Commenced ice loading finished up in early
5 February and March of '94. I discovered the screws in April
6 of '95. Let me back up.

7 Q That's okay, take your time.

8 A The PER was written when, '95?

9 MS. ALLEN: April, '95.

10 THE INTERVIEWEE: April, '95. So we started
11 loading in '94.

12 BY MR. McNULTY:

13 Q '94?

14 A Yeah.

15 Q So I --

16 A Not '93.

17 Q I'm starting to get a little confused, because I
18 thought that --

19 A Yeah. We melted out in '91; we started loading
20 back in '94, finished up early in '95. And then in April is
21 when I discovered the screws in the melt tank when we got
22 the tank removed from container.

23 Q So that melt tank, those screws could have been
24 from the '91 meltdown?

25 A No, this is a different tank altogether. See, I

1 had a tank -- this tank that we used to melt the ice in was
2 about three or four feet square, maybe about four feet tall,
3 and it had 20 holes in it where pipes could reach the four
4 drains I was telling Mr. Claxton.

5 Okay, now the tank that I used to recover waste
6 or spillage ice in '94 and '95 when we were reloading, this
7 tank was about half as long as this conference table. It
8 had amerlicable heaters in it. It's like a big boiler tank.
9 It had two lids that raised up and down and had controlled
10 heaters -- had temperature range you could actually boil
11 water in it if you wanted to, but we kept it lukewarm like
12 bath water, so as the ice was up in the 55-gallon drums
13 where it was blown to, ice would just fall in this water and
14 turn back to liquid as soon as possible. And then we would
15 release the water level as it got to the proper level down
16 in contact of operations or at least in a batch of water, so
17 they could get ready to receive it. Does that make it clear
18 to you?

19 Q Yes.

20 A There were two separate tanks.

21 Q So if the screws started appearing somewhere, if
22 they started appearing during ice loading --

23 A There were two --

24 Q -- the excess ice or whatever would carry this
25 down into this other tank you had that you used to collect

1 ice during loading.

2 A Also during ice loading, you're weighing all the
3 baskets and picking them up and setting them down, putting a
4 lot of stress and strain on the baskets.

5 Q So there was a lot of manipulation on the
6 baskets?

7 A That's right, but during the ice melt, there was
8 no picking up of any ice. It was static. Everything was
9 still, there was no shaking going on, no movement. It was
10 just like defrosting your refrigerator at home, or freezer.

11 MR. CLAXTON: Now, what was the purpose of you
12 going or check the tank? How big a tank is this?

13 THE INTERVIEWEE: The second tank?

14 MR. CLAXTON: Right, where you found the screws.

15 THE INTERVIEWEE: What was your question again?

16 MR. CLAXTON: Give me kind of a mental picture of
17 how large this tank is.

18 THE INTERVIEWEE: I said about half as long as
19 this board room table.

20 MR. CLAXTON: Okay, six feet.

21 THE INTERVIEWEE: About this wide. It was about
22 this tall. If I stand up, it would hit me about right here.

23 BY MR. McNULTY:

24 Q Six feet by four feet, something like that.

25 A Yeah, there are some pictures of it at work. It

1 had a control panel on the end where you could turn up the
2 amerciable heaters, the heaters we had in there to -- we'd -
3 - it was made out of quarter-inch, I think, of bore plate
4 steel, welded, really heavy, had six wheels on. It's very
5 very static, and it was really too big. So later on, about
6 a week or two later, that tank was cut down, downsized to a
7 smaller one, because we really didn't need something that
8 big for future outages.

9 MR. CLAXTON: Now, was this tank open, or did it
10 have a covering on it?

11 THE INTERVIEWEE: It had two lids on it that you
12 raised up and propped open.

13 MR. CLAXTON: Okay.

14 THE INTERVIEWEE: And when it was not in use,
15 when ice was not being put in, the operator was standing
16 right there on a platform to keep people from falling in.
17 For safety, we kept the lids down on it. That was to retain
18 the heat and keep the water warm.

19 MR. CLAXTON: So normally, the lids were kept up
20 so you --

21 THE INTERVIEWEE: Kept up when the ice was being
22 dumped in.

23 MR. CLAXTON: So you could dump the 55-gallon
24 barrels of ice into it?

25 THE INTERVIEWEE: Yeah, to the vacuum cleaner

1 head that we had on the 55-gallon drum, just like a super
2 sucker, and the ice was blown and filled up the drum, then
3 the head was switched over to an empty drum. And then we
4 had an upender where we'd just turn the drum up. It pivoted
5 the drum and the ice just slid out into the melt tank.

6 MR. CLAXTON: So this ice was being vacuumed from
7 the ice condenser?

8 THE INTERVIEWEE: Off the floor.

9 MR. CLAXTON: Pardon?

10 THE INTERVIEWEE: Off the ice condenser floor.

11 MR. CLAXTON: Off the ice condenser floor, which
12 is in the --

13 THE INTERVIEWEE: The floor was covered with
14 Herculite.

15 MR. CLAXTON: And this was in the lower ice
16 condenser?

17 THE INTERVIEWEE: Lower ice condenser -- ice
18 condenser floor.

19 MR. CLAXTON: Okay. Are there any other
20 operations that go on in that area, any kind of traffic
21 other than ice condenser operations? Is that just kind of a
22 static area?

23 THE INTERVIEWEE: Oh, in and around the melt tank
24 area?

25 MR. CLAXTON: Right.

1 THE INTERVIEWEE: No.

2 MR. CLAXTON: I'm sorry, the lower ice condenser
3 area.

4 THE INTERVIEWEE: No one had any business to be
5 in there unless he was working for the ice condenser crew.
6 Operations would walk through occasionally, because that was
7 their system too, to make sure everything was going right,
8 you know, checking temperatures and doing normal routine
9 checks that they had to do.

10 BY MR. McNULTY:

11 Q In your experience, would those type of screws be
12 used in any other function in that area, other than the ice
13 condenser basket?

14 A You mean anywhere else in the plant?

15 Q In that area where they could have found their
16 way into your system.

17 A This particular screw is tailored to the baskets
18 only. They're called out, identified, very well on the
19 Westinghouse drawings. These are ice condenser basket
20 screws.

21 Q And they are safety-related?

22 A In my opinion, they're safety-related because
23 they're a piece product of a partner of a safety-related --
24 level one component.

25 Q Were you aware if they were manufactured as

1 safety-related?

2 A No, sir. I would assume they would have been
3 because --

4 Q Could they have been -- commercially, could they
5 have been dedicated?

6 A I didn't really go into the factions of the
7 dedication. I know they were QA level to get them out of
8 our stores to buy, if they were needed.

9 Q But you don't know how they were purchased?

10 A No, sir, I wasn't there when that evolution took
11 place. They were purchased through Great Lakes Screw
12 Company, I believe.

13 Q So they could have been purchased as commercial
14 grade?

15 A That I'm not aware of. I did know that these
16 screws had been shipped -- conversation with a Westinghouse
17 representative that they were supplied by the same vendor to
18 all the ice condenser plants in the United States and
19 abroad.

20 MR. CLAXTON: Now, we haven't had a chance to
21 look at the screws that you have. You said you found a
22 quantity of screws; about how many did you find?

23 THE INTERVIEWEE: About 170 to 200, around.

24 MR. CLAXTON: Were they all exactly the same, to
25 the best of your knowledge?

1 THE INTERVIEWEE: There were several that were
2 whole screws like you're seeing there.

3 MR. CLAXTON: Okay.

4 THE INTERVIEWEE: And the majority of them were
5 broken piece parts as you see right here, stubs, some of
6 them with holes all the way through them because they broke
7 and sheared completely off.

8 MR. CLAXTON: But best you can tell, they were
9 all ice condenser basket screws?

10 THE INTERVIEWEE: Yes, sir.

11 MR. CLAXTON: And what are these used for?

12 THE INTERVIEWEE: They're holding the baskets
13 together. The baskets are 48 feet long. There are four 12-
14 foot sections, and these couplings at these 12-foot sections
15 contain 24 of these screws. The top ring contains I think
16 10 or 12. That's where you lift the basket with, okay, and
17 you raise the basket to lay it, you peel it from the top and
18 unpin it from the bottom and pull it up.

19 Every six feet at the first six-foot level,
20 there's one screw, single screw, and some basket detents.
21 Now, what I mean there, in coupling at the six-foot level,
22 there's a coupling which gives -- these couplings give
23 structural a feature into the basket to keep it from
24 collapsing. All right, the basket -- and in that coupling
25 area, there is a cruciform. It's a piece of sheet metal

1 that's tack-welded in. That's to maintain the ice geometry,
2 if you know what I mean there, during an accident, during a
3 severe accident, to maintain the ice stays in its actual
4 position during all phases of an accident.

5 The screws are at all the other connections, as I
6 told you. There's 24 at each fork that -- at each 12-foot
7 connection, there are 24 screws. Roughly, about 100 or 102
8 screws per basket.

9 MR. CLAXTON: Now, do these screws -- is there a
10 mesh of some type? Is that when you say the basket? Is
11 that a mesh-type material?

12 THE INTERVIEWEE: The basket is a one-inch by
13 one-inch square on center, carbon steel square mesh. It's a
14 rolled sheet metal of carbon steel that's been rolled, seam-
15 weld, hot-dipped, galvanized carbon steel. The ring is set
16 inside the basket on the inside. Screws are drilled --
17 screw holes or pilot holes are drilled through the mesh
18 material and also into the ring where these screws fasten
19 into to join the two piece parts together.

20 MR. CLAXTON: I understand. So, going back to
21 the original question, the best you can tell, everything you
22 found in the melt tank appeared to be the ice basket screws.
23 Was there any other foreign material?

24 THE INTERVIEWEE: There was a little bit of dust
25 and debris, hair, dust, nothing metallic.

1 MR. CLAXTON: Did you find any other bolts or any
2 type of screws or bolts?

3 THE INTERVIEWEE: I think that -- no, not screws.
4 I think I found maybe a couple of cotter key pins that hold
5 the basket in together. And craftsmen usually have a lot of
6 those in their pockets when they're unpinning, and to drop
7 one and put another one in, you know, because we've got
8 sign-offs when the baskets are all pinned, double
9 verification that the basket is fully seated and locked
10 down. So I may have found maybe a piece of shim material,
11 brass shim stuff that we use -- it's what shims are made of
12 that's brass laminated on top of each other, for shimming
13 the intermediate date boards down, and maybe one or two
14 pieces of that. That was about all.

15 MR. CLAXTON: Now, when you found these screws,
16 what did you do or what did you think?

17 THE INTERVIEWEE: Well, I was going through them
18 at my desk. I went over to the place where the tank was at,
19 where the boilermakers that given me all the debris out of
20 the tank. I went back and sorted through the debris at my
21 desk and noticed these screw heads. And I started counting
22 them up, putting them together, and went, as the record
23 stands, I went and told my supervisor, and then I instigated
24 a PER, because I knew these basket screws were of some
25 importance because they came from the basket.

1 MR. CLAXTON: Was that Mr. McCormick?

2 THE INTERVIEWEE: Yes. I think I even talked to
3 Mr. Paul Law too, associate engineer who worked with me.

4 BY MR. McNULTY:

5 Q Do you know which basket or which bay the screws
6 came from?

7 A No, sir, I do not know.

8 Q How many baskets are there total?

9 A There's 1944 baskets in the condenser, and
10 roughly 193,000 screws, plus or minus a thousand, I guess,
11 or a few hundred.

12 Q And I think it's an estimate on a particular
13 basket, how many screws are on it?

14 A Around 100, just roughly, approximately 100.

15 Q But the screws -- the meltdown tank itself was
16 used in all the bays, not specifically one bay; was it moved
17 around?

18 A No, the melt tank was position and stationary,
19 one area. We had a hose that went to the melt tank, long
20 enough to go the whole 300-foot distance to the ice
21 condenser, so the operator -- the laborer had access to move
22 that hose anywhere he wanted to.

23 Q So I guess is it fair to say that the foreign
24 material that was found in the tank could have come from any
25 one of the baskets at any location?

1 A Well, not from the basket, from the floor that
2 the baskets were above, because the baskets were like eight
3 feet off the floor.

4 Q So it could have come from one basket, or could
5 it come from --

6 A Absolutely.

7 Q One screw from each of the 1900 baskets --

8 A Or it could have all come out of one basket.

9 Q Or they could have all come out of one basket?

10 A That's correct.

11 MR. CLAXTON: What happened as a result of the
12 PER that you initiated?

13 THE INTERVIEWEE: Well, the PER, herein, and I
14 don't have the PER in front of me to go by, because this is
15 all -- I'm just talking to you off the cuff here, but you've
16 got all the records, I think, the PER, copies of it, that
17 you can look through. I wrote up the PER per form. I put
18 the requirement violated. You have to put a requirement
19 that's been violated to institute a PER.

20 MR. CLAXTON: As we sit here, do you recall what
21 that is?

22 THE INTERVIEWEE: I looked at a system
23 description. I think it was the system description which
24 violated a section in that description basically talking
25 about baskets are held together with sheet-metal screws,

1 locking screws. These baskets are to be in place and
2 maintain their integrity through all stages of an accident,
3 HELB, LOCA, etcetera. And these screws are a very important
4 part of holding these baskets together so they can do their
5 intended function.

6 So basically, I took that caption of that out of
7 there and put that in as a requirement violated. Maybe in
8 another section somewhere, I also added to it. I don't
9 recall, but like I said, it's on the record, you can read
10 for yourself.

11 BY MR. McNULTY:

12 Q And what was the result of the PER?

13 A Well, I wrote the PER. First, after that, you
14 also come up with an extent of condition. Usually, when you
15 see something happen or are aware of something that has
16 happened, you, as an engineering personnel, you try to come
17 up with your best guess estimate of what happened and how it
18 could occur. And not only but having the screws in hand and
19 knowing where they could have come from, I, in looking at
20 the Westinghouse procedures on basket screw installation,
21 which is very short and sweet to the point, did not recall
22 any torque value on the screw to be put in. It says to
23 install screw until basket pieces are put together; that's
24 about it.

25 MR. CLAXTON: You're saying the instructions did

1 not have any torque values?

2 THE INTERVIEWEE: I don't recall any torque value
3 at all, whether to use an air-driven gun or a hand-held
4 screwdriver or just what.

5 MR. CLAXTON: Just said install them?

6 THE INTERVIEWEE: Yeah, it says install. And to
7 me, what I read into the installation, was like snug-tight,
8 you know, just put them in, take them in until they're
9 really good and fastened and you know, don't really put a
10 lot of excess force on them. Now, that's my interpretation.
11 Y'all may find something different, but that's what I came
12 up with. The extent of condition, as I recall was -- this
13 was before we did any lab evaluations or anything -- was
14 that I felt like, due to being a repetitive task of weighing
15 the ice and possibly over-torquing of these basket screws
16 and temperature change.

17 Now, you'll see in this testimony, people talk a
18 lot about thermo-cycling, and here, you may be misled saying
19 that it's we're taking it from cold to hot, cold to hot,
20 cold to hot, repeatedly. It's not that at all. The ice
21 condenser was built together in the late seventies. These
22 screws were already in place long before we let it ice. All
23 right, during the evolution of the first ice cool down,
24 everything was brought to a 15-degree temperature, which was
25 acclimate all the metal around the screws and everything to

1 -- you know how metal acts in cold versus hot. So we would
2 load the ice condenser. We weighed every basket, which I
3 always told them to do so we would have a base line trending
4 of all the waste baskets.

5 Then we melted it after several years. Here's
6 your thermal cycling -- brought it back I think to over 100-
7 degree temperature in there. I'd say, here goes your
8 expansion. Okay, if perhaps these screws have been over-
9 torqued during construction, and they could have fallen out,
10 fell apart, had broken at that point in time when we were
11 lifting them up, because a lot of the load is being
12 transferred to these screws. Now, this is before we knew
13 after the lab reports that we had found some microscopic
14 fractures in the ones that we had removed for testing, plus
15 the ones that had been broken, and plus new ones that we had
16 in stock showed similar cracks.

17 BY MR. McNULTY:

18 Q Okay, I think --

19 A And I was asked also -- do you want me to
20 continue on with the PER of this?

21 Q Right, yeah.

22 A All right. I came up with a corrective action
23 plan, which was -- I wish I had my PER in front of me to go
24 with it, but you can read it there -- was to go out and do a
25 random sample via using a video camera, which we've used

1 before in various places in the ice condenser. And I talked
2 with quality assurance people, I think Bob Forston is one of
3 the QA people over there, about, "Bob, how much should I
4 really try to go out and sample? You know, we've got a lot
5 of baskets here." And he said, "Well, what have you got in
6 mind?" And I was saying about three or 400 baskets, and I
7 told him, you know, there's 81 baskets for each bay. So I
8 was going to not just pick from one group, I was going to
9 sporadically bounce around and go out, and within a week's
10 amount of time, which being we weren't under any real
11 logical scrutiny or under that umbrella, that we could go
12 out and pull these baskets up. Because you can't see the
13 screws once the baskets are installed, because their six-
14 foot label is lattice frame structures where the screws and
15 the couplings are kind of hid behind.

16 So you have to go pull the pin, raise the basket
17 up several inches and locate a camera either at the bottom
18 or the top, wherever we want it, and rotate it, once you get
19 the camera stabilized, rotate the basket in the view of the
20 camera so you can see the screw heads as they would come
21 into view, and we'd watch it through our remote black and
22 white camera. And there I was going to count heads or not
23 count heads, find out what's missing or what's not missing,
24 and share that information through our WO that I had written
25 to document this, and share this with Westinghouse. And

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1 then hopefully, as a coalition of Westinghouse, myself, tech
2 support and design, would sit down and try to come up with a
3 what-can-we-do-here, what kind of dilemma are we in, fuel
4 loading down the road here, you know, what do we need to do
5 here.

6 And my corrective action plan only got done to
7 the point of getting the metallurgical test done that I had
8 requested. The rest of the steps were transferred back over
9 to engineering where they took away my corrective action
10 steps and superseded them with proceeding going to
11 Westinghouse for them to resolve the issue and close out the
12 PER.

13 Q So you never actually did the surveillance with
14 the camera?

15 A No, sir. It was never allowed to be done.

16 Q Okay. And then what happened? You can just kind
17 of walk us down through the events here.

18 A I got approved the metallurgical report for -- I
19 think it was June the 2nd, as I recall, and June the 19th.
20 That was the two report. First report, I had very good
21 rapport with a Ms. Vonda Sisson, a metallurgical engineer on
22 site. She had helped me in the past with other
23 metallurgical problems we'd had with a PER I had on barrier
24 seal ice condenser, where we were dealing with rubber
25 components at that time. And I worked with them very close

1 for almost two years, that PER, and it was about this high
2 when the PER was finished, going to Pawling, New York, and
3 everything, doing testing with the vendor and everything, to
4 be able to leave our bearing seal intact. So I had a lot of
5 faith in what Vonda had done. She had done some stuff for
6 me metallurgically at the labs, you know, helping us to
7 determine extent of condition or what the problem or the
8 failure was and causal factors and stuff like that.

9 So she took these screws. I gave her some of the
10 broken ones. I went down into the plant and retrieved
11 several screws, as I recall, from the baskets, the tops of
12 the baskets, not -- we didn't pull the baskets all the way
13 up. We took them at different levels when we went out and
14 got what we could get. We got some from the top and the
15 bottom, ones that were accessible to get. We sent those off
16 and plus a graph sample of a few screws from the power
17 stores where we keep our brand new screws and different
18 material.

19 And they were sent off. I asked them to
20 determine the mode of failure, what caused these things to
21 fail. They knew the condition of the environment these
22 screws were in and what the purpose and life of these screws
23 were for.

24 MR. CLAXTON: Just for the record, did you
25 separate these screws in any way?

1 THE INTERVIEWEE: Oh, yeah.

2 MR. CLAXTON: How did you separate?

3 THE INTERVIEWEE: As I recall, the screws were
4 bagged and tagged, as the ones taken out of the basket that
5 were tagged, and new ones were put out of the power stores
6 in place of the screws, so we didn't leave any baskets out
7 there with any holes in them, you know. We put a new one
8 back in. And these screws were bagged and marked which
9 basket, which bay they came from, and plus the ones, these
10 like right here that I found over in a separate bag, because
11 we didn't know where they came from, so it didn't matter how
12 they were -- they were just in a plastic zip-lock bag
13 written on with magic marker, you know, where they came
14 from, ice condenser metal tank screws. Then we had the
15 other bag showing what bay or baskets, baskets where the
16 screws were taken from, and then we had a bag of screws
17 taken from our stores. So they could take these and go down
18 and do the tests.

19 MR. CLAXTON: Did Mr. McCormick know that you
20 were taking these screws over? Did you discuss this with
21 him?

22 THE INTERVIEWEE: Yes.

23 MR. CLAXTON: Did he direct you in any way?

24 THE INTERVIEWEE: I don't recall. He -- the best
25 I recall, that he never interfered with my protocol on doing

1 this course of action. I shared with him the corrective
2 action plan. He was in a big hurry to get the corrective
3 action plan out, because usually in a PER process, you had X
4 amount of days to get the corrective action plan. So I was
5 trying to do in a hurry, but also trying to be a little
6 investigative as I went along, trying to cover everything I
7 could think of in the time frame that was allowed to us to
8 get a corrective action plan on the table.

9 MR. CLAXTON: So that I can understand, the
10 metallurgical evaluation was your initiative?

11 THE INTERVIEWEE: That's correct.

12 MR. CLAXTON: But Mr. McCormick didn't interfere
13 or try to hinder it in any way?

14 THE INTERVIEWEE: No, sir. Not as I recall.

15 MR. CLAXTON: Did you take the screws personally
16 over to the labs?

17 THE INTERVIEWEE: No, I gave them to Vonda and
18 she carried them to the Central Labs in Chattanooga and gave
19 out a request order, more like a work order, for what they
20 wanted to do for the PER of the customer, who I was the
21 customer.

22 MR. CLAXTON: I understand.

23 THE INTERVIEWEE: Yeah. For them to be tested
24 for us.

25 MR. CLAXTON: And then what was the result? You

1 said you had two reports.

2 THE INTERVIEWEE: The first report, as I recall,
3 it came out with several modes of failure. It came out with
4 different -- some of the screws were found to be very
5 brittle or very not too ductile. You know, if you know what
6 ductile and brittle means -- most reports talk about
7 intergranular separation, which is basically brittle, and
8 this means the same thing, as I recall, as ductile. It's
9 ductile, you know, the screws were brittle. The report, as
10 I recall, came out with seven modes of failure, you know,
11 from thermal cycling could have been the contributing cause,
12 over-torquing. There were various amounts of corrosion
13 present in the screw threads. They displayed
14 microfractures, probably clinch cracks from perhaps the
15 vendor in their annealing process or their manufacturing
16 process of the screws. And they came up with a definitive
17 reason why the screws failed. I can't recall exactly what
18 those were, but one of them, I think, was from stress
19 overload, I think was one of the causes that they wrote in
20 the first report.

21 And the first report also had many pictures,
22 close-up pictures, magnification of these screw heads, the
23 ones we found broken, the ones that were removed from
24 service. They were categorized in the picture in the
25 reports in lots like Set A, Set B, Set C, and even new

1 screws. And they had a picture, and I think it was Figure 7
2 in the first report, displaying a close-up picture of a new
3 screw with a crack in it in the thread route. The second
4 report did not show that figure. It down-played somewhat,
5 in my opinion, the severity of what the first report
6 displayed. And we were told that after the first report hit
7 the streets, if you will, it came over with a REM's number,
8 which is the filing number of the week put into our
9 archives, and it had the same report number. I think the
10 report number was 1021, as I recall. I may be off on that,
11 but --

12 MR. CLAXTON: The second report had the same
13 REM's number as the first?

14 THE INTERVIEWEE: No, it didn't have the same
15 REM's number. It had one number less, like 503, and this
16 one was like 504. It had a bunch of numbers in front of it,
17 but the same -- it had the report number, 101021 on both of
18 them, but the two separate dates, and you know, June 2nd,
19 versus June 19th was the second report.

20 MR. CLAXTON: The significance of what you're
21 telling me, does that mean that the first report was never
22 put into archives?

23 THE INTERVIEWEE: That's correct. It was told -
24 - I was told to re-send those reports by Vonda to her
25 higher-ups. She didn't tell me who, but they said that

1 Central Lab said that these have got to come back, and any
2 copies I had given out, to get a retrieval. At that time, I
3 had already sent one to Westinghouse, Chuck Crabis, and I
4 also gave one to the site to Gordon Yetter, who is now
5 deceased.

6 MR. CLAXTON: Who told you to send them --

7 THE INTERVIEWEE: Vonda Sisson.

8 MR. CLAXTON: So in essence, you requested a lab
9 report of Vonda, she transported the screws --

10 THE INTERVIEWEE: She did what I told her to do.

11 MR. CLAXTON: -- to the lab.

12 THE INTERVIEWEE: They came up with the answers
13 that basically I wanted to hear, or the -- not what I wanted
14 to hear, but I told them to do some things to help me to see
15 what happened to the screws. And that report to me
16 validated to me my interest in the screws and the possible
17 cause of why these screws failed, which would have prompted
18 me on to the next step, was to go out with the camera
19 inspection to see if we had more screws missing or where the
20 ones that these came from, and go on from there. But it
21 never happened.

22 MR. CLAXTON: All right, so you got the first
23 report, and Ms. Sisson asked or said that she had been
24 instructed to retrieve that report?

25 THE INTERVIEWEE: That's correct.

1 MR. CLAXTON: And then you gave her that report
2 back?

3 THE INTERVIEWEE: I gave her all the reports that
4 I could have got back.

5 MR. CLAXTON: Or gave everything that you had.
6 Did you tell her that you had given out some of the others?

7 THE INTERVIEWEE: Sure, and she understood that.

8 BY MR. McNULTY:

9 Q How much time elapsed before when you received
10 that first report and then you were asked to give it back?

11 A I don't recall. My notes are on the trial.

12 Q Well, was it within a week? Was it relatively
13 soon?

14 A Well, you can look at the dates on the first and
15 second report, you know.

16 Q Like two days difference.

17 A It wasn't very far, because June 14th, as I
18 recall, was our meeting with engineering, that that's the
19 day I believe I had to return all -- I brought all the
20 reports over to that meeting that day that I had and gave
21 them to Vonda on June 14th, as I recall.

22 MR. CLAXTON: And you eventually got a second
23 report?

24 THE INTERVIEWEE: I got a second report, yes,
25 sir.

1 MR. CLAXTON: And essentially, was there in any
2 difference in the first and second report?

3 THE INTERVIEWEE: Yes, as I explained to you
4 before. The absence of the Figure 7, showing the new screw
5 with the crack in it. The changing of the words down-
6 playing brittle and ductile to void coalescence, which I
7 made the correction, intergranular separation of void
8 coalescence is basically a fancy word, metallurgical terms
9 for brittle and ductile. Okay? But that's all it means.
10 All they did on the second report was put void coalescence,
11 stuff like this. They didn't use the word as much in the
12 first report as they did -- where they used ductile and
13 brittle, which sounds in lay terms, you can understand
14 better something that's brittle and something's ductile.
15 And using void coalescence and other verbiage and
16 metallurgical terms in the second report. They virtually
17 mean the same thing.

18 MR. CLAXTON: Did you read the second report as
19 soon as you got it?

20 THE INTERVIEWEE: Oh, yes.

21 MR. CLAXTON: Was it significant to you that
22 there was something missing or something different?

23 THE INTERVIEWEE: Sure. I even got them both out
24 and laid them side by side, line for line and word for word.
25 And I could see that there was -- there was a significant -

1 - in my opinion, my professional opinion, a significant
2 downplay or deluding of that report, to keep down any
3 suspicion or any excitement, you know. And then when we had
4 the metallurgical report meeting on the basket screws on
5 June the 14th, where Mr. Terry Woods came up and presided
6 over the meeting --

7 MR. CLAXTON: Who is Mr. Woods.

8 THE INTERVIEWEE: Mr. Woods is the chief
9 metallurgical engineer out of central office, as I recall,
10 corporate TVA.

11 MR. CLAXTON: TVA?

12 THE INTERVIEWEE: Right. And he handles -- he's
13 not just nuclear. He handles fossil hydro and all. He's a
14 catch-all. Would you like for me to discuss with you the
15 meeting? Not at this time? I don't want to get into --

16 MR. McNULTY: Do we want to take a break. Do you
17 need a break?

18 THE INTERVIEWEE: Just a couple of minutes.

19 MR. McNULTY: Why don't we take five minutes, and
20 we'll get back.

21 [Discussion off the record.]

22 MR. McNULTY: We're back on the record at 3:12
23 p.m., with the same parties present.

24 BY MR. McNULTY:

25 Q Mr. Overall, of course, you were sworn in at the

1 beginning of this interview, and I'd like to remind you that
2 you are under oath for the information that you provide. We
3 were talking before we took a break about the actions that
4 you took, and when you found the screws in the melt tank,
5 and that you had written a PER and that you had requested a
6 metallurgical report on the screws that you found. Was that
7 correct?

8 A That's right.

9 Q And that you received one report that you were
10 asked to return that report, and you were given a second
11 report, and that you found some significant differences in
12 that. Would you kind of remind me again about what the
13 significant differences were in the two reports?

14 A Well, the first report outlined basically what I
15 had requested of the metallurgical division to do for me
16 during the lab tests, and that's the type of answers I would
17 really want to see. The second report was -- it was never --
18 - I was never called upon to add to or take away from, as I
19 did the report. They, they being the central lab staff,
20 went in and did a change to the report and issued the second
21 one as-is. There was -- the second report lacked I believe
22 it was seven modes of failure that the first report had
23 identified. That was not in the second report, nor was the
24 Figure 7 in the second report which showed the close-up,
25 color way, section-wise, highly-magnified view of the new

1 screw taken from stock that had never been used, displaying
2 a significant fracture in it. That was not identified in
3 the second report.

4 Various language changes in verbiage between the
5 first and second report was noted. That's -- without
6 looking at your report, I couldn't really give you a
7 detailed comparison of the two, other than that.

8 Q What did you when you determined --

9 A Oh, excuse me, I'm sorry.

10 Q Okay, go ahead.

11 A The second report did give a mode of failure. I
12 think it was, if I recall, it was intergranular separation,
13 where the first report gave a multiple listing of failure
14 modes and methods of how these screws could have failed, or
15 probably did fail. And the second report, like I said, I
16 believe it said nothing more but it found an intergranular
17 manner, which means it just fell apart, the metal was not
18 ductile enough. It broke in a fracture-type manner, loose
19 adhesion of the metal molecules together. I'm not a
20 metallurgist. I'm just trying to tell you the best way I
21 can describe to you how they described the screw failed.

22 Q Did you take any actions when you realized there
23 were some differences in the two reports?

24 A I believe I brought that to my management's
25 attention, and it showed, you know, there was something not

1 quite right, I believe.

2 Q Do you recall who you discussed it with?

3 A I believe it was with Landy McCormick. And also,
4 the June the 14th meeting, we had on site where Terry Ray
5 Wood, I believe his middle name's Ray, was hosting the
6 meeting to discuss the PER and the metallurgical report
7 findings, where we were to take the old reports. I
8 surrendered the old reports to Vonda Sisson that day. And
9 he went into the details of this not being a 5059 issue, not
10 a safety-related issue, that we need to put this bed. He
11 re-emphasized big time to Mr. Yetter, the late Gordon
12 Yetter, that Westinghouse involvement must intervene as soon
13 as possible to get this rectified to determine if this was
14 safety or not safety, you know, to basically get this thing
15 put to bed.

16 I had taken over a section of the basket that I
17 had at my disposal, and a ring, just to show the engineering
18 people how these screws actually fit together, where the
19 fracture occurred, and how these two members were like in a
20 shear where they would break. And I never did get to speak
21 very much. I was out-voiced quite a bit, and Terry
22 basically controlled the meeting.

23 During that metallurgical staff was asked to
24 leave and take the reports with them, and that --

25 Q Was that the first report or the second report?

1 A They took the second report back on the 14th, I
2 believe, in that meeting we had.

3 Q Where did the meeting take place?

4 A On the site, in one of the engineering design
5 conference rooms at Watts Bar.

6 [REDACTED]

7 A [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 A [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] You'd have to go through my notes and
14 what I testified to in trial. [REDACTED]

15 [REDACTED]

16 [REDACTED] And I happened to
17 have a copy, after I went back to Watts Bar and went through
18 my files, and I found a copy of a roster where his signature
19 was on that roster that I had passed around, along with
20 everyone participating in that meeting, as actually being
21 there during that meeting.

22 Q Do you still have that list?

23 A Yes, I do. And Vonda Sisson, I believe, and
24 several others testified that [REDACTED] was present at the
25 meeting, and he was [REDACTED] as he always is in

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1 meetings, and they had had discussion about the reports at
2 central lab. Terry was present there. And like I said, I
3 was not called in to be part of that report writing of the
4 second report. It just came out, you know. I asked for one
5 report. They pulled it back; they gave us another one, less
6 severe, less demonstrative of how the failures happened, not
7 giving any very conclusive determination on how the screws
8 actually failed, where the first report did.

9 Q Now, you said you discussed this with Mr.
10 McCormick. How did he respond to what you had to say?

11 A Well, we had a meeting, I think, the following
12 day. It was a tele-con, and Gordon Yetter. I think it was
13 the 15th.

14 Q I'm sorry. This would be the following day after
15 Mr. Woods' presentation?

16 A Following day after -- right. We were called
17 over to Gordon Yetter's office in the -- I think it's the
18 field services building.

19 Q Who was Gordon Yetter?

20 A He was the Westinghouse on-site representative.
21 And we had a tele-con with, I think it was -- I know Chuck
22 Crabis from Pittsburgh was on the line, someone from
23 metallurgical corporate. I think it was Terry Woods.

24 Q What was Westinghouse's role in this?

25 A Westinghouse's role was that, from the previous

1 meeting the day before, was that Terry was wanting
2 Westinghouse to come up with a solution to this dilemma that
3 we were crossing here. Westinghouse, by the way, is the
4 designer of these screws, you know, of the whole system, you
5 know, of the system. So on the 15th, we had a meeting, and
6 there was a lot of people talking. It was very unorganized.
7 At one point in time, I think, as (redacted) or someone there
8 -- I know it wasn't Chuck Crabis -- said, "This is a fine
9 time to be bringing this up." And, "We need to put this to
10 bed."

11 Q What was the significance of that statement; do
12 you know?

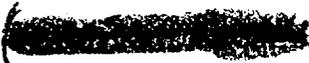
13 A Well, to me, it sounded like it was being rushed
14 because fueling was on the horizon, and want to get this
15 thing technically written off. And that's basically what
16 they did through Westinghouse's mechanisms. Now, when I
17 left that meeting that afternoon, walking back to the office
18 with Mr. McCormick and my other engineer and compadre, Paul
19 Law, I detected a lot of uneasiness in Mr. McCormick's
20 voice, saying he really didn't like how this went, as I
21 recall. You'd have to look at my past transcript to get the
22 exact wording, but he didn't really like how they were doing
23 this, and he "hopes the NRC doesn't get this one to review,"
24 especially on the way it was handled and how quickly it's
25 being rushed to conclusion.

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1 Q Now, is he saying he didn't like the way the
2 metallurgic --

3 A The way the conversation was being -- the way the
4 atmosphere of the conversation was leading  TC

5 

6 

7 Q Okay. Now, I want to make sure I understand what
8 you're saying.

9 A Okay.

10 Q Did you feel like that he was concerned that this
11 matter was being swept under the rug?

12 A Yes.

13 Q So you feel like --

14 A In my opinion.

15 Q -- that he was being somewhat agreeable with what
16 you were thinking?

17 A He was -- he was interested. He may not have
18 been 100 percent agreeable with what I thought, but I could
19 tell that Landy, I think, would want to do what's right.
20 But it's just his attitude when we came out of that meeting
21 that he didn't like the way the tele-con took place, and
22 that was about all that was said. After that, he never did
23 ponder on it or keep talking about it. When we were walking
24 back to our office, that was basically the last day he said
25 anything about it.

1 Q What was the end of the tele-con?

2 A That Westinghouse was going to be putting out a
3 report. They were working on something that needed to be
4 out pretty soon, that TVA was really showing the urgency of
5 getting this issue resolved from Westinghouse. And as the
6 PER shows, which I never got to see the closure of the PER
7 until I was already away from TVA and I got a copy of it
8 later, that I saw the true closure of the PER and how it was
9 done, that TVA basically did not do any other corrective
10 actions whatsoever. They based all their findings on the
11 Westinghouse evaluation and closed out that PER.

12 Q And what was the Westinghouse evaluation?

13 A Basically, use as-is. But if you look at the
14 Westinghouse report, it kind of leaves it up to the utility.
15 This is -- this is the criteria that you must meet to have a
16 safe ice condenser; i.e., for instance, you can have no more
17 than two screws missing from any ring of a basket, and it
18 will be safe. And they also said in the report, as I
19 recall, if you have an unsound condition, as we've
20 described, then a basket or a portion of a basket thereof
21 could become a missile and cause damage. Which, the
22 Westinghouse report did not quantify damage; they did not
23 specify the damage that could occur; they did not go into
24 that at all. They said basically in the end, "If you meet
25 this, you're okay," and TVA never went back to verify what

1 Westinghouse has laid down the groundwork for, which I had
2 already laid down to do way ahead of time, and that was
3 doing the camera inspection. And that was never done.

4 TVA also even said in their report that, in fact,
5 all the screws are in place, the baskets are inaccessible.
6 TVA said that actually and signed it in the report, in the
7 PER, and that the baskets are inaccessible and no field work
8 is necessary. Period.

9 Q Now, at some point in that period of time, did
10 you leave TVA?

11 A Yes, I left -- I administratively left TVA on
12 paper in September of '95, but I was held back to train a
13 replacement that was going to take my job over, of which I
14 was told I was being removed because there wasn't enough
15 work to keep me full time. But however, I was training a
16 replacement engineer until mid-November, around near
17 Thanksgiving, before I left there and reported to services.
18 And that engineer that I replaced was Gary Jordan, or
19 replace me rather, was Gary Jordan.

20 Q Now, did TVA close out the PER while you were
21 still there?

22 A They -- it appears they did, but I didn't know
23 anything about it. I was never asked anything more about it
24 or anything of that nature. I assumed that the PER was
25 going to be handled correctly, being Westinghouse. Here I

1 am, a believer in the system and Westinghouse being in --
2 and you know, I had good rapport with Chuck Crabis, knew him
3 like a brother. You know, we were in a lot of symposiums
4 together, ice condenser meeting, and I didn't ever think
5 that he would ever say anything false or against TVA or try
6 to obscure anything from TVA. I think he always answered my
7 questions in a professional manner when I called him. I've
8 always called him periodically quite often to ask him ice
9 condenser related questions. But this one kind of disturbed
10 him the day I called him, and he said this could have global
11 impact.

12 Q Meaning what?

13 A Meaning that these screws were sent from one
14 known supplier, that's what he told me, and sent all over
15 the United States and abroad too, to Japan and Finland who
16 also have these ice condenser containments. And I called
17 also --

18 Q I'm sorry. Was this before you left?

19 A Oh, yes, way before I left. This was when I was
20 writing the PER, I called and I was telling Chuck about it.

21 Q Did you discuss that conversation with anyone
22 else? I mean, did it impact you enough that you felt like
23 you had to --

24 A Yeah, I talked to Paul Law about it.

25 Q And who is Paul Law?

1 A He was my engineering standby or backup engineer
2 for me on that system, that sat right next to me.

3 Q And what was his response to what you said?

4 A He didn't jump up and down or either rant and
5 rave or anything, he just kind of, you know, just kind of -
6 - I'm sure he seemed kind of bewildered a little bit, but he
7 didn't really get bent out of shape about it. And then when
8 I called D. C. Cook at Duke Power on April, '95. And I
9 think you have that in the trial transcripts as well in the
10 copy of my notes, when I talked to Alex Smith and Mark
11 Tetzlaff at D. C. Cook and asked them if they were told of
12 the problem that we had found and I was running a PER on it
13 and wanted to know if they had the same -- experienced the
14 same problems. And they said, yes, they had, that sometimes
15 they found up to hundreds in their melt tank. They've got a
16 more elaborate melt tank system than we had.

17 They had a state-of-the-art system that was
18 integrated into the plant's drawings, piping prints, flow
19 pass and everything, you know. And you know, where they
20 would take the recycled ice, filtrate it, re-chemicalize it,
21 send it back to the ice machines to remake new ice. And
22 they separated the wheat from the chafe, if you will, you
23 know, the trash from the good stuff. And they had found
24 screw heads in their recovery system before, but they never
25 reported it.

1 In fact, Alex said, "I want to applaud you," this
2 is from D. C. Cook -- I mean Duke. Said, "I want to applaud
3 you for bringing this up." He said -- I said, "Why?" I
4 said, "Did you ever bring it up?" He said, "No, we can't.
5 We're operating -- I don't want raise the flag to this
6 issue." But that went on record as being said, and as far
7 as I know, I have -- I was the only one that's ever brought
8 this issue up officially and documented it officially for
9 the first time, even though these issues have been going on
10 for sometime. Which Region III actually substantiated my
11 concern through my allegation down here that they had had
12 the conversation with the alleger in April, '95, and said
13 that, yes, they had been finding missing screws since '91
14 and never reported it.

15 Q Does Alex Smith work at a plant, or is he --

16 A He was a technical support engineer. He left
17 shortly about a year or so ago to expand his horizons in
18 being a senior reactor operator and going into operation
19 school to get his license to the NRC to be a plant operator
20 or an AUO, a unit operator or an STA or something. But he's
21 still at the Duke facility, but he's not in the ice
22 condenser area any more.

23 Q Which one of the facilities is he at; do you
24 know?

25 A McGuire, I believe.

1 Q McGuire?

2 A Yeah. Bill Lifesy is the engineer at Catawba.

3 Q Have you discussed this with Mr. Lifesy?

4 A No, I have not talked with Mr. Lifesy on this at
5 all on the telephone, only Alex Smith and Mark Tetzlaff.

6 Q I think you said Mr. Lifesy is at Catawba?

7 A I believe he is, right.

8 Q Do you engineers talk and forth among --

9 A Sure. Yes, we talk. We are really proactive in
10 talking with our counterpart engineers from other plants
11 with the same design, same type of work we do. In fact, we
12 started an ice condenser utility group meeting, which meant
13 for the first time internationally, in 1991 when we were
14 melting the ice condenser out, I was at Charlotte, North
15 Carolina, where we had the Finnish and the Japanese people
16 over, and Westinghouse. We put on quite a good symposium,
17 four-day symposium on ice condenser at Charlotte.

18 And I had left Watts Bar right on the tail end of
19 the melt down, where it was pretty well controlled and I
20 didn't need to be there any longer, and I went on over there
21 and participated in that symposium. And we try to have
22 those semi-annually and try to have each utility host one at
23 least every other year or so, you know, so that everybody
24 can get a perspective and move around the different areas.
25 And we discuss commonality problems and so stuff, but screws

1 never did even come up before. And nobody ever brought up
2 the issue of screws at any of these meetings.

3 Q Who would normally would apply these screws, or
4 who normally would --

5 A Install them?

6 Q -- install these screws into the basket? Would
7 it be contractors or TVA employees/

8 A Well, if I can -- if I can refer to Mr. Bearden
9 here a little bit. I think you were at Watts Bar during the
10 construction period? I wasn't there, but I think probably
11 boilermaker or ironworkers, something like that.

12 MR. BEARDEN: I think probably boilermakers would
13 be doing the work on those.

14 THE INTERVIEWEE: Yes, would be installing these.

15 MS. ALLEN: I think sheet metal.

16 THE INTERVIEWEE: Well, boilermakers do that at
17 Watts Bar now. They take the baskets apart and put them
18 together, the sheet metal. They kind of rob each other out
19 of their jobs. They're always on turf battle, you know,
20 whose sheet metal screws, sheet metal, and big heavy iron
21 stuff is boilermaker work, you know, so --. It could have
22 been, like Ms. Harris says, it could have been sheet metal,
23 ironworkers or boilermakers.

24 Q Now, going back to time line, these screws would
25 have -- would not have been installed later than April of

1 '95; is that correct? In other words, sometime --

2 A No, they were all installed in the -- in the --
3 during the construction phase, prior to '85, I'd say.

4 Q Now, how long have you -- when were you employed
5 at TVA? From what dates?

6 A I went in February of '79. I have just
7 celebrated my 20th year anniversary this month, with TVA,
8 and I've been assigned primarily at Watts Bar since December
9 of 1984, and primarily and plant expert over the ice
10 condenser system. That was my sole system responsibility,
11 was that system.

12 Q Do you have any idea what the problem could be
13 with these screws, I mean, from where you sit, from what
14 you've experienced, what you've seen and heard, what's your
15 take on this?

16 A From what I have seen through the analytical
17 reports, what I have seen first-hand, up close and personal,
18 is that it appears -- and especially, we're really
19 interested in seeing what the new screws provided us, any
20 detailed any information, which they showed some flaws as
21 well. To me, it's -- it was a flaw from the manufacturer
22 that was already present that could have been acerbated
23 during the installation of these screws, maybe possibly
24 over-torquing, and the climatic change of the ice condenser
25 from a warm to a cold climate causing contraction and

1 expansion, and actually lifting and weighing these baskets
2 for the loads. These were loadbearing screws, and it could
3 have propagated these screws to break and then fall out.
4 And that's my hypothesis of the whole thing, as I stand
5 today, without further -- without further going out and
6 looking and further analysis and video inspecting these
7 baskets as I wanted to do, that's the best estimate I can
8 tell you right now, is that right there. And in talking
9 with the other utilities, our test lab told me on the
10 telephone -- I called them at my lawyer's request to ask,
11 and he said, yes, they've been losing them primarily through
12 the weighing. When they weigh, they lose a lot of them.
13 They've been breaking. They actually have pulled baskets
14 apart while they're picking them up, leaving three-fourths
15 of the basket down and pulling the basket up and then having
16 to set it back down, they found where screws had been
17 broken.

18 So, hearing that first-hand information from
19 these guys and knowing that this has been going on for years
20 undetected, unnoticed and un-notified to anybody, and
21 knowing from the analytical reports and the metallurgical
22 analysis, to me, it's clear cut that there's something going
23 wrong, there was something wrong in the screw to begin with,
24 that -- that the defect was already there, inherited, it was
25 in there. I'm not saying all of them are bad, but you don't

1 know. You have to take a conservative approach, you know,
2 when you're dealing with safety, and you've got that many
3 out there, 193,000, you know, you don't know how many more
4 you're going to lose every outage. We don't know how many
5 we lost even at all in '84, since we threw the baby out with
6 the wash water in '84, when we didn't use a melt tank. And
7 then this last outage, they found 12 more screws at Watts
8 Bar in the melt tank.

9 Q Is there any way of knowing, relatively speaking,
10 how many screws may be missing in the ice baskets today?

11 A All we can do is go by what we have today. We've
12 got roughly 224 screws missing to date.

13 Q To your knowledge --

14 A To my knowledge.

15 Q Well, to your knowledge --

16 A Roughly, the 200 that I found, the 12 that were
17 found during the last outage at Watts Bar during their other
18 PER, and along with the trash, I might add, that we'd never
19 found, that they noted in the PER, and plus the 12 more
20 screws. I believe there were 12, 6 or 12 that just so
21 happened to show up on my fence one night at home with a
22 letter. They were stapled -- the letter had stapled and
23 turned back up like a pouch and stapled, and these screws
24 were in there. It said, "Here's some more screws found at
25 the last outage. Your friend."

1 Q And which outage would that have been?

2 A October of '97. So I'm thinking, whatever that -
3 - that amount plus this amount plus the 12 on the PER, so
4 I'm just guesstimating 220 screws that we know to date, that
5 we actually know have been seen cracked.

6 Q Now, during an outage, the baskets are weighed?

7 A Right, they're pulled up.

8 Q How far up are they lifted?

9 A There's a -- I don't recall. There's a
10 procedure, but I think it's a minimum of so many inches
11 they've got to lift them up, rotate the basket to the least
12 resistance. You don't want any drag coefficient. That
13 means you don't want it touching anything that's going to -
14 - because it's off of a load cell read-out and it's real
15 sensitive to touch and to rubbing. So you pull the basket
16 up high enough, break it free from any ice or frost that may
17 be clinging to the sides of the basket, and get it where
18 it's just bobbing up like real real loose and where the
19 numbers on the display will settle out and become
20 stabilized.

21 To my knowledge, we weighed them all in February,
22 '84, when we first loaded. We had two weighings during the
23 time before we melted out, which was a minimum of 144.

24 Q Well, before you go too far --

25 A And then we weighed them all again.

1 Q The weight is not my concern.

2 A Okay.

3 Q What I was concerned about is how far up you
4 lifted.

5 A Right, and setting them down too.

6 Q So you're only talking inches as opposed to
7 several feet?

8 A Well, now, we can -- we have taken them up to two
9 or three feet, a lot of the straight pulls. To get the ice
10 off of them really, you should move them around. And when
11 you get them up with a load lift, on the crane, when you get
12 up, the basket kind of jerks, bobs, you know. And when
13 they're setting down, they're pretty hard on the bottom
14 structure, and so there's a lot of load there too going on.

15 MR. BEARDEN: I think what he's asking is, you
16 don't pick them up far enough to see much?

17 THE INTERVIEWEE: Oh -- no, they is an SI that
18 all the plants use that's used every 40 months, and they
19 allude to that in a lot of their testimony and probably
20 interviews y'all have had with other plants.

21 MR. CLAXTON: What is an SI?

22 THE INTERVIEWEE: That's surveillance
23 instruction. Now, every 40 months, you're supposed to pull
24 up a certain amount of baskets in a certain amount of areas
25 in the ice condenser to inspect it for deterioration,

1 degradation, damage, etcetera, and missing ice, missing
2 screws, anything. Okay? But you can only pull it up to a
3 minimum of about ten feet, because you don't have overhead
4 clearance to take no more than that. So the other two-
5 thirds of the basket, you can't see. It's like an iceberg,
6 you can only see the tip of it. So I have put into our SI,
7 because that disturbed me, that we're not seeing what's
8 going on below, to put a camera down in these areas that we
9 cannot see, to inspect along the outside peripheral of the
10 basket. And I don't know if that's still even -- still in
11 my SI at Watts Bar. It could be; I don't know.

12 But when you talk to these other utilities and
13 TVA, they say they have a programmatic standard in place to
14 repair and replace any damaged basket, and they're talking
15 about that SI, where they only pull it up 10 to 12 feet.
16 And so they can only repair any damage that they see in that
17 10 or 12-foot visible space. That's it. And they're only
18 pulling up I think two baskets per each section. It's only
19 like six baskets they only have to pull up in 40 months.
20 That's the requirement.

21 MR. CLAXTON: Now, theoretically, let's say they
22 pull up one of those baskets and they find that they've got
23 some kind of real problem, that that basket has got to be
24 replaced. In layman's terms, how do they do that if they've
25 only got ten feet? Do they disassemble it as they come up?

1 THE INTERVIEWEE: That's exactly right. We pull
2 it up to the 12-foot level. You can get it up that far, and
3 you'll put two flat metal bars underneath that coupling ring
4 I was telling you about to support the weight on the lattice
5 frame. They'll take the rigging off. That way, the basket
6 won't just fall. Scotched, if you will. They'll put some
7 straps, rigging straps on the basket, cinch it up so it
8 doesn't fall on anybody, and they'll take the screws out,
9 lift that coupling joint, lay that basket section down real
10 carefully and lay it on the doors. And they'll take the
11 next section up or whatever to get to the damaged area and
12 repair that area, and then put Humpty Dumpty, quote, back
13 together again, in the same fashion they took it out,
14 reweigh it. And that's basically how they do it.

15 MR. CLAXTON: Now, if I understand you correctly

16 --

17 THE INTERVIEWEE: You can take a whole basket
18 apart that way, from top to bottom, piece by piece.

19 MR. CLAXTON: With a lot of difficulty?

20 THE INTERVIEWEE: Lot of difficulty in certain
21 areas. Not all baskets are accessible.

22 MR. CLAXTON: So in order to determine the
23 relative number of screws that may be missing when you've
24 got, what, 188 --

25 THE INTERVIEWEE: Just say 190,000.

1 MR. CLAXTON: -- baskets.

2 THE INTERVIEWEE: 1944 baskets.

3 MR. CLAXTON: 1900 baskets. Realistically
4 speaking, or in the real world, that couldn't be done; is
5 that correct? Or is that correct?

6 THE INTERVIEWEE: What, to inspect them all?

7 MR. CLAXTON: Right.

8 THE INTERVIEWEE: Yes, they could be inspected.
9 All of them could be inspected by aid of a camera. Because
10 one flow channel -- you've got a flow channel between the
11 baskets where you can rotate that basket and pull three or
12 four baskets up at one time. You can rotate that camera to
13 look at two or three baskets in that arena, around that
14 camera. So all baskets could be inspected if they wanted
15 to. Now, the only thing that would deter them from
16 inspection would be heavy frost that forms on the air duct
17 panels that are adjacent to the peripheral baskets, which
18 adhere -- and a lot of these baskets are frozen and they
19 can't bring them up. Then there's -- there's outs for that
20 in the SI, surveillance instruction, to weigh a basket
21 adjacent to it to compensate for that frozen basket that you
22 can't pull up and see.

23 But for practical purposes, I think over 80
24 percent of these baskets could be inspected with the aid of
25 a camera.

1 MR. CLAXTON: Did you ever discuss this with Mr.
2 McCormick in the end; in other words, before you left? As
3 these circumstances evolved, did he have any more input as
4 to what his thoughts were?

5 THE INTERVIEWEE: No, I think Mr. McCormick, if I
6 -- if I'm not mistaken, during trial testimony, I think the
7 Judge asked him that question, or my attorney. Someone
8 asked him. Once the PER was turned over to design, to the
9 design engineering to close out, did he ever have any
10 interactions with that, and I think his answer was no. He
11 just kind of just left it to be with that faculty and let
12 them take care of it. He never went back into -- and to me,
13 I found that was kind of queer, because me being a -- if I
14 was a tech support in Triple-S, which stands for a nuclear
15 system steam supply safety system -- manager, I would want
16 to know if that system's still in the auspices of my
17 control, which I had an engineer that was over it. I would
18 know want to know how that PER got closed out and agree or
19 disagree with the findings of what they, engineering, found,
20 regardless of whether he had any control over it or not.
21 It was his responsibility, in my opinion, to insure if he
22 agreed or disagreed with the outcome of that inspection,
23 that evaluation.

24 BY MR. McNULTY:

25 Q Would it be his -- now, we're talking about Mr.

1 McCormick?

2 A Mr. McCormick.

3 Q Would it be Mr. McCormick's responsibility to
4 insure that the ice condenser meets tech specs prior to
5 being put into service? Is he the ultimately responsible
6 party?

7 A Well, the ultimate responsibility party, first-
8 hand, relies on the engineer, as I recall. And then, he
9 does the checks and balances to make sure that everything
10 has been done according to the protocol before the system is
11 turned over to operations. Is that what you wanted to know?
12 Tech spec ready, quote, unquote?

13 Q Right.

14 A Okay.

15 Q And that would be the design engineer?

16 A That would be the system engineer.

17 Q System engineer. Is that you?

18 A Yes.

19 MS. HARRIS: Who had the ultimate sign-off?

20 THE INTERVIEWEE: The ultimate sign-off was plant
21 managers and QA managers and design engineers, but also the
22 system engineers had some sign-offs too that the system was
23 ready for operation. Now, what you may be alluding to here
24 is that -- I'll just go ahead and tell you up front. There
25 was a package called -- I forget what the acronym (sic) was.

1 It was a SPOC and a SPAE, S-P-A-E and S-P-O-C. I forget
2 what the acronym stood for, but it in essence, it was a
3 conditional release form that the system is ready for
4 operation, okay? But with every system, there came a caveat
5 of open items that had not been resolved, okay. And this
6 PER was one of those items, because it had not been closed
7 out. But we were -- and that was okay, okay? For certain
8 WRs, work requests were still open on trivial item on my
9 system. And nevertheless, they had to be punch-listed and
10 listed, and everybody understood where they were going. So
11 it was my belief that they were going to be taken care of at
12 that point in time, so I signed on the dotted line that that
13 system was ready for operation, contingent on the punch list
14 being correctly resolved. Correctly resolved.

15 Q And then you left before --

16 A And I left before I -- I never did see the final
17 outcome. No, sir. Yes, sir.

18 THE INTERVIEWEE: Can I --

19 MR. CLAXTON: Yeah. Do we need to go off the
20 record, or do you need --

21 THE INTERVIEWEE: I need to go on the record.

22 MR. CLAXTON: Okay, go right ahead.

23 THE INTERVIEWEE: You know, we're talking about -
24 - you bring up a lot about missing screws?

25 BY MR. McNULTY:

1 Q Uh-huh.

2 A All right. But that's an issue in itself, okay,
3 but the real issue is how they got missing. They're
4 breaking. There are fractures. That's really the true
5 issue here, I believe, is -- missing is a never-you-mind.
6 That's after the fact, you know. That's -- once it falls
7 out, it falls out, but the root cause is why they fell out.
8 What caused them to get to the point. So I hope y'all
9 understand that we're not focusing --

10 MR. CLAXTON: I see.

11 THE INTERVIEWEE: Or y'all shouldn't be focusing
12 on missing screws but --. That is an important attribute,
13 but how they got there. They're cracking. There are some
14 out there that we know they're still installed with cracks
15 in them, because we've already proven that. That's
16 evidence. It's already been proven. And we don't know how
17 many more baskets out there that are ready -- the cracks are
18 ready to propagate when they lift them up or during an
19 accident.

20 And I think even Vonda Sisson even was asked
21 during trial testimony if, under the right condition, could
22 more screws fail, and she said yes. And the right condition
23 could be -- she said -- they said, "Could it be under a
24 LOCA, loss of cooling accident, or a high-energy line break
25 HELB, or a design base accident, or a seismic accident,

1 could these fail?" She said, I believe, she said, yes,
2 under the right condition.

3 MR. CLAXTON: For the benefit of some technical
4 staff member that may be reading your testimony, you've
5 referred several times to the trial.

6 THE INTERVIEWEE: Sure.

7 MR. CLAXTON: Do you mind briefly just telling,
8 just for the record, telling us which trial that you're
9 referring to?

10 THE INTERVIEWEE: This was the trial of December
11 16th, 1997. Administrative Law Judge hearing, Department of
12 Labor in Knoxville, Tennessee.

13 MR. CLAXTON: Why was Ms. Sisson testifying?

14 THE INTERVIEWEE: She was brought up to testify
15 as a witness on the lab reports, my involvement with her
16 through the course of the discovery of the screws and her
17 interactions with me and the screws, getting them to the
18 lab, what the lab results came up with, how she interpreted
19 the lab results, so on and so forth.

20 MR. CLAXTON: Now, how did the lab reports tie
21 into your Department of Labor hearing? You refer to it as a
22 trial; I'll call it a hearing.

23 THE INTERVIEWEE: That's fine. Well, basically,
24 if I'm reading you right, your question right, is that the
25 discrimination of me being laid off for raising concerns was

1 contributed to the finding of these screws being at a poor
2 time.

3 MR. CLAXTON: I see.

4 THE INTERVIEWEE: And TVA keeping this
5 information from NRC, which would have kept them from being
6 licensed.

7 MR. CLAXTON: I see.

8 BY MR. McNULTY:

9 Q I'd just like to ask a couple of questions about
10 the lab reports, Mr. Overall. You said that you had dealt
11 with Ms. Sisson before?

12 A Uh-huh.

13 Q Did you ever asked her what happened here?

14 A In what respect?

15 Q Why were the reports different?

16 A She -- I vaguely remember and it may be in my
17 notes, but I vaguely remember her stating that when the
18 reports were asked to be rewritten, that the lab people --
19 she didn't name names that I recall, but I do know this very
20 strong in my mind, that the lab personnel that wrote the
21 first report were sticking to their first report. Now,
22 these people are experts in their field. They're -- some of
23 them are doctors, I think, you know, PhDs, you know, they're
24 specialists, and they're there to look for reasons why
25 things happen. I mean, they've got millions of dollars

1 worth of equipment down there that can do this sort of
2 experimental test and determination of why things fail,
3 because they do it for the whole valley, for all of TVA, not
4 just nuclear.

5 And I know she expressed a concern from them
6 being challenged, that their first report was being
7 challenged. And then Terry Woods, I recall -- and you can
8 get that out of trial and transcripts and stuff -- that he
9 said that they were not qualified to do those type of
10 determinations, when I feel like they were.

11 Q Yeah, but that was what I was trying to get to.
12 Of the second report, do you know what report Westinghouse
13 relied upon to do their justification and operation?

14 A Well, as I recall, during the PER, I think TVA
15 asked Westinghouse to do an assessment of broken screws. If
16 I remember, that was the title of their report. I'm not
17 sure, but I think that's what it was. And nowhere in the
18 report, the word broken, I don't think is even mentioned.
19 It talks about missing. They don't regard or refer, as I
20 recall, to any of the lab reports whatsoever in their
21 determination of the high -- let's see. Excuse me just a
22 minute.

23 They don't rely on any of the report findings;
24 i.e., the broken screws, how many's out there that could
25 potentially be a problem, and roll that into their

1 calculations, saying that there's one in a seven-million
2 chance of any coupling having more than two screws missing
3 from any ring at the same time. Which, of course, we know
4 that D. C. Cook, they blew that out of the water. They
5 found multiple screws missing, more than two and three and
6 four, in some rings, from Region III's evaluation.

7 But back to your question. I don't think they -
8 - if they used it, they didn't specify it in their report.

9 Q Did it appear to you the Westinghouse report was
10 more of a probability report --

11 A Yes, sir.

12 Q -- as opposed to a --

13 A In fact, it was a probability --

14 Q -- is-something-wrong report?

15 A It was a probability report. I think my attorney
16 talked with Chuck Crabis in Pittsburgh, and as I recall, he
17 stated to him that the -- their whole probability was based
18 on the 170-something screws that they found. Basically,
19 that's all that fell out, and that's all that's going to
20 fall out.

21 Q So they didn't do a probability on what's the
22 likelihood of 170 more --

23 A Of more falling?

24 Q -- screws falling out?

25 A Yeah, or 270 more. Based on the fact that we've

1 got cracks, fractures, out there we need to look at.

2 Q Do you know if anyone made Westinghouse aware of
3 the fact that there were fractures in screws that were still
4 in stores?

5 A Say again.

6 Q Do you know if anyone made Westinghouse aware of
7 the fact that there were fractures in screws that were
8 unused?

9 A Yes, sir, because the first report would have
10 done that. I sent that first report to Westinghouse, which
11 indicated that there were fractures in the new screws.

12 Q Did you happen to have any discussions with
13 anyone from Westinghouse about that later on?

14 A No, just that one time I called Chuck and told
15 him about and talked with Westinghouse. Now, Gordon Yetter
16 mentioned to me that this could be a fuel load issue, you
17 know, that -- that you know, the -- can we go off the record
18 a minute?

19 Q Sure.

20 [Discussion off the record.]

21 MR. McNULTY: We're back on the record after a
22 brief consultation.

23 BY MR. McNULTY:

24 A Gordon Yetter, the site representative during
25 this time of the screw discovery, broken-screw discovery, we

1 have had a lot of talk about this and interaction with
2 Westinghouse in Pittsburgh, and he was aware of this. He
3 even asked me, "Where do you think the screws came from?
4 Could they be leftovers from construction?" And I said,
5 "Well, I kind of doubt it, since we've washed the thing
6 down, we've melted it. I've been all over the floor. I've
7 been everywhere they could be, and we would have found some
8 long before now if they had been leftovers." And a lot of
9 these were fresh breaks, and a lot of them showed some rust;
10 some of them didn't show any rust, you know.

11 Q Did anyone from Westinghouse testify in the DOL
12 hearing?

13 A No, sir.

14 MR. McNULTY: Gary, that's all I have on the
15 screws. Do you have anything else?

16 MR. CLAXTON: I don't think I have anything else.
17 Did you think of anything that you'd like to add or clarify?

18 THE INTERVIEWEE: Well, the -- like I said
19 before, the screws -- the plant has got, you know, it is
20 running. It's a running plant, okay, and the problem was
21 identified at Watts Bar. That's no doubt. There's no
22 argument there. And we've got significant evidence that
23 there -- and when I was back at Watts Bar for a short time
24 before I left again under duress -- let me back up just a
25 little bit again.

1 When I first discovered the screws failed back in
2 April, I put those screws on QA hold point. What that is is
3 to put a basically a lock-down on those screws not to be
4 issued over the counter to anybody for any purpose until we
5 determined what the cause of these screw failures were;
6 i.e., going into ductwork or other baskets or anywhere. And
7 I was sort of chastised for doing that by my management,
8 Landy McCormick, you know, and they wanted to know why I did
9 that. And I said, "Well, I was -- I'm in charge of my
10 system. No one's here to tell me otherwise, and I took
11 charge, as you all taught us to do, take responsibility of
12 our system, and I did. Later, I found out that hold was
13 lifted. And ironically, now, when Region II came back here
14 this summer to do their investigation, their quick quick-
15 through dirty investigation -- no offense, Bill -- they
16 found that the screws had been on hold again, on QA hold.
17 NRC had found over in power source those screws were on
18 hold. So if there's not a problem with the screws, what are
19 they on hold for, you know? And what justification is that
20 giving the plant for continuing operation, you know, with
21 all these unanswered questions and all these evidence that
22 we have on record.

23 And D. C. Cook, we can't forget D. C. Cook, you
24 know. They were shut down because of screws and other
25 issues, but the screw issue was the first domino that turned

1 it on, and they're still down. They even got them to melt
2 out two ice condenser containments. They're going to be
3 down to around the year 2000 or so. And Sequoyah has got
4 the same screws. They deny having any problems. I can't
5 believe that. And they're just not looking, is what they're
6 doing. And my last time I was at Watts Bar, I overheard a
7 conversation with my counterpart and John Rathjen. When,
8 Bill, y'all were down here for that meeting -- I mean
9 inspection of Watts Bar, that Mr. Jordan conveyed to Mr.
10 Rathjen that they were going to be coming down there and
11 John was going to coming up for the exit meeting at Watts
12 Bar, and the screw issue came up. I overheard over the
13 telephone. They sat right across from me. He says,
14 "They're looking at screws again." He goes, "Yeah?" He
15 says, "Well, we've got a concern with that because we
16 changed out a lot of our screws to the new torques head
17 screw that y'all saw, but that concerns us because we've got
18 thousands of the old originals still in there."

19 You know, that concerned me, hearing that,
20 because that's the same issue we brought up in '95, in
21 trying to get this thing resolved, and Sequoyah denying all
22 of that. Now, all of a sudden, they're scared again? Now,
23 they're put on alert? You know. There's got to be some
24 approach to get into the root, to the end of this thing, and
25 if these plants are unsafe, they need to be shut down until

1 they're determined they are safe. Not going off just on
2 trust and faith. That's not going to get it.

3 Q Was the hold that you placed on the screws lifted
4 after you left?

5 A Yes, sir. No, before I left. I was told. I
6 didn't see the hold. I mean, I found out later through a
7 conversation with a friend of mine that management took that
8 hold off.

9 Q Did anyone else talk to you other than Mr.
10 McCormick in questioning your reasons for placing this hold?

11 A No, only Landy brought that up.

12 Q Did he appear to be satisfied when you told him
13 that that was your system and you were trying to take care
14 of it?

15 A He did. He didn't want to step on my toes from a
16 professional standpoint. I think he was trying to chastise
17 me from a I-wish-you'd-let-me-know-first, you know? And the
18 next time you do this, let me know again, you know. And I
19 took that in a negative way.

20 Q How long did you work for or with Mr. McCormick?

21 A Like I said, I came to Watts Bar in December of
22 '84. McCormick involvement was -- let me think a minute.
23 '91, he was over -- he was there at the ice loading in '91.
24 Let's say for general practical purposes 1990 until now. I
25 may be off about a year or so there. He came from corporate

1 engineering, from corporate Chattanooga to Watts Bar to
2 work.

3 Q You've worked with him, I would suppose, long
4 enough that you know his personality somewhat. When he made
5 that statement, did it sound like that was coming from him,
6 or did it sound like --

7 A From someone else?

8 Q -- someone else?

9 A Knowing Landy, he won't say anything unless he
10 feels like it's -- well, it sort of gave the feeling that it
11 wasn't him saying this, that he was prompted to say this
12 stuff. But you can tell. You can tell, talking to people.
13 You know what I'm saying. When someone is told to say
14 something that you've known for so many years.

15 Q Yeah. That's my question --

16 A And that's something that he never -- it kind of
17 shocked me when I said that.

18 Q Was this out of his nature?

19 A You mean -- yes, it was out of --

20 Q This was --

21 A It was not like him. It was abnormal for him to
22 do that. If you ever knew the gentleman, you would know it
23 was his pattern and his --

24 MR. BEARDEN: Between '91 and '94, very few of
25 the baskets -- there was a certain amount of reworking and

1 refurbishing going on -- when the ice was melting.

2 THE INTERVIEWEE: That's true.

3 MR. BEARDEN: Did they disturb the baskets? Did
4 they rework any of the baskets?

5 THE INTERVIEWEE: No, there was a few basket rims
6 that were bent on top, you know, from weighing. A lot of
7 times you get them -- they'll inadvertently get on the wrong
8 basket that's pinned, and they'll think they're pulling up
9 the right one, and they're just tugging at one that's
10 pinned, and they're supposed to be on this one. Because of
11 a communication gap or something. And they'll put that top
12 rim lip up and bend it, and we'll have to go in and change
13 up some screws there to get the ring out and put new ones
14 in. But other than that, for the most part, once they had
15 straightened everything up --

16 MR. BEARDEN: So there has not been a significant
17 amount of screws worked?

18 THE INTERVIEWEE: No. Oh, no, no. And like I
19 say, we focus mostly on the air handling units, put new
20 belts on, made our test of the motors, make sure the
21 windings are still good, and checking the ductwork to make
22 sure the flexible connections are all together. And stuff -
23 - we'd get in there and fix the insulation on the piping,
24 stuff we could get to before we cooled down again, while
25 we're working in ambient temperature.

1 I think basket ring change-out was maybe 15 or
2 20.

3 MR. BEARDEN: Top rings.

4 THE INTERVIEWEE: Top rings only, yes, sir.

5 MR. BEARDEN: None of baskets were raised and
6 disconnected?

7 THE INTERVIEWEE: There was only one basket
8 raised and disconnected during ice loading the second time,
9 where the contractors I think during improper lift dropped a
10 basket and damaged it. And I had to write a PER on them,
11 because they went over on Unit 2 without any transfer
12 request or anything, went over there and robbed Peter to pay
13 Paul, went over there and got piece parts off Unit 2's
14 baskets without proper documentation. And so I had to write
15 a PER on them, and I had to do all the paperwork to rectify
16 the wrong in getting the proper -- I mean, they had stuff
17 from Unit 2 pulled out on the refuel floor with no
18 documentation on it. Anybody could have seen it. NRC could
19 have seen it, and -- been up the river without a paddle.

20 MR. BEARDEN: So it's safe to say that the
21 overwhelming majority of screws are in the original
22 condition that they were in when they were originally
23 installed in the 80s.

24 THE INTERVIEWEE: Yes. No, we've never changed
25 any --

1 MR. BEARDEN: You haven't disturbed but a few of
2 them?

3 THE INTERVIEWEE: No, no.

4 BY MR. McNULTY:

5 Q I would like to move along to the third area at
6 this point, and this will be the threats.

7 A Okay.

8 Q As I can tell, the NRC became involved, as far as
9 us -- became involved as far as the threats were when you
10 were reinstated and you received the shotgun envelope at
11 your work station.

12 A Uh-huh.

13 Q And then I understand there were at least one
14 more note was found and a couple of other incidents. I'd
15 like to take it from there, when you were --

16 A From Watts Bar on?

17 Q -- at Watts Bar and you were an employee. Ask
18 you what your recollection is. I know you've talked
19 extensively to people about this, and I really don't want to
20 get into a lot of old old stuff and rehash stuff. But what
21 I guess I'd like to ask first, if you have any idea who
22 might be responsible for this.

23 A Off the top of my head, I have no one, no suspect
24 that I would point the finger at, other than, the only thing
25 I can do is that, the day of the note, there was a friend of

1 mine -- ex-friend of mine, I guess I should say. They act
2 like ex-friends now. (

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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7C

1 come up with all this stuff, you know, to come up --" And
2 I didn't know what he was talking about, and I said, "Well,
3 if you've got any heartburn with anything that your name was
4 brought up for, I don't think there's anything there
5 derogatory said of you that you have anything to worry
6 about, from TVA or anybody." He said, "Well, it just didn't
7 set good with me." I said, "If you've got any questions,
8 you can call my attorney and talk to him about it."

9 Q I'm sorry. He said it didn't what?

10 A I'm sorry? What was it you didn't hear?

11 Q He said it didn't do something with me.

12 A He said it didn't set good with him, you know,
13 that his name was out there. And it's on the DOL internet,
14 you know, his name's on there, you know, and I can sort of
15 see what he's talking about, but then again, you know, I
16 hadn't heard from him in two weeks and he just shows up
17 right on the heels of this note being sent to me.

18 Q Do you know in what context his name was brought
19 up in the trial?

20 A ([REDACTED])
21 [REDACTED]
22 [REDACTED]) where I had a degree and
23 I was let go, and they found work for them.

24 Q They were kept in the ice condenser unit?

25 A Well ([REDACTED]) actually was put on the list as a

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1 ~~_____~~ He R
2 actually showed up on an organizational chart, which he says
3 he denied, but he may not have worked in it, but
4 nevertheless, his name was on that official organizational
5 chart, with his responsibility in mechanical maintenance.

6 Q Now, you've had a number of threats?

7 A Yeah.

8 Q Phone calls, notes, a hoax device was placed in
9 your pickup truck.

10 A A what?

11 Q A hoax device.

12 A Oh -- yeah, yeah.

13 Q We used to refer them in the business as a hoax
14 improvised explosive device.

15 A Well, it's a --

16 Q Gets real technical. See, I can get technical
17 too.

18 A Wow. That's work. Okay.

19 Q I have an extensive background in explosives with
20 ATF over the years.

21 A Okay, okay.

22 Q But do you think this was all the same person or
23 different people?

24 A You know, I've thought --

25 Q You've got a gut feeling, I mean, you've been

1 thinking about this for some while, I'm sure.

2 A Oh, yeah, I've been thinking about it a lot, you
3 know. The IG offices shared with me not very much. I mean,
4 I -- I offered to talk with them back in the summer. Back
5 in June, I recall where I gave them three of the notes, that
6 I had already got receipt of those, and they said they'd do
7 an investigation and they would be sending me a follow-up on
8 it, which I never received. Just to tell you where I'm
9 standing with the IG's office. Okay. Now, I've been trying
10 to think who could have done this. I don't know. I don't
11 recognize the writing. It looks like writing anybody could
12 have written.

13 Talked to my psychologist about this. Even asked
14 me, and I asked me and I asked him, and in talking to the
15 FBI, I think ([REDACTED]) which I never have met to date. 7C
16 I've always just talked to him on the phone. He said it
17 could be people we found in the past have had a grudge
18 against a utility or company that they never were completely
19 -- let's say they had a beef with them.

20 Q And weren't successful?

21 A And it wasn't successful, and they'll see you or
22 someone else going through the same thing, so they want to
23 get back, some vendetta back at the company, and they
24 perpetrate these things just to make it look bad on the
25 utility. He said that could be -- but finding someone like

1 that is very hard, unless you just catch.

2 Like, I've seen people running -- a person
3 running from my home one night, you know, and chased them
4 down the road. I had my 357 with me, and I was running
5 across the yard, and my wife said, "Don't go there, don't go
6 there. Let's call the police." And things like that. And
7 you know, they come on your property, they come to your
8 home, they put notes on your door, and that sort of thing is
9 kind of disturbing. And the phone calls that I got around
10 the area, I think the IG said they came in proximity of my
11 home. I think one was up in Charleston, I think. I may be
12 mistaken about that. I think she said one came from the
13 Charleston area.

14 So there's a lot of people that live in Cleveland
15 that work at TVA, at Sequoyah and Watts Bar and central
16 office, and they commute. So there's a number of people.
17 But to pinpoint anybody at all, the only people that I could
18 possibly suspect, and that's using the term real loosely,
19 suspect, and maybe not a fair term, but nevertheless, a
20 term, is what the Judge in his ruling showing that it was an
21 organized -- he found it to be an organized scheme, in his
22 mind. And the people he named by name in the -- in the
23 finding of facts and stuff, you know, those people perhaps
24 may ought to be interviewed. If they have, I don't know.

25 Q Which would be?

1 A [REDACTED]
2 [REDACTED] It goes on and on and on. And [REDACTED] is
3 still there, and me and him had a little brush when I was
4 back. I don't know if you knew about that or not. When I
5 got back to Watts Bar, I found that -- my supervisor told
6 me, "Oh, by the way, you know we found 12 more screws at the
7 last outage?" I said, "No, I didn't know that." And so I
8 went to go hunt for a PER. Someone had to write a PER, so I
9 found the PER. It had been written nine months after the
10 fact of when it was found, when it should have been found,
11 okay, from the last outage. And quality assurance found it,
12 assessment team. So they brought it to technical support's
13 attention. Gary Jordan wrote the PER; his name is on it.
14 It's June 17th, I think, or July, sometime -- it's on the
15 PER. Y'all have probably got a copy of it.

16 And so I went to call [REDACTED] to find out --
17 because I knew he was a [REDACTED]
18 [REDACTED] And he -- I asked him
19 about the PER, and he got real defensive. He said -- I
20 said, [REDACTED] this is Curtis." He goes, "Okay." I said,
21 "Do you have the engineer's name that's over PER
22 umptisquat." I gave him the number, he goes, "Why do you
23 want to know?" I said, "Well, I just want to talk with
24 them. I'm back here on the project again, and I was wanting
25 to -- it's my system and I was wanting to look into -- I've

1 only got two pages of the PER. It's like 20-something pages
2 here so far. Obviously, there's some work going on." "Why
3 do you want to know?" I said, "Well, I just want to know."
4 He said, "Well, that guy's out of town right now," or, he's
5 not available. And I said, "We're supposed to have the
6 corrective actions sometime in September," or something like
7 that, and that's all he said. So he was very offensive to
8 me. I mean, he -- you know, it might be his nature. I
9 don't know, but I've never been aggressed or anything like
10 that, being aggressive with me for asking a simple question
11 about this PER. Maybe it had some flashback from the old
12 PER and that he had maybe been drilled, you know, by his
13 management over this, and he didn't want to see this coming
14 up again as another issue, you know. I don't know.

15 Q Do you think that TVA management as a whole is
16 doing enough or anything about this?

17 A What, the harassment?

18 Q Are you aware of anything they've done?

19 A On the harassment?

20 Q Yeah.

21 A Well, when I first got there, Rick Wiggall, our
22 main lead engineer manager, and Phil Smith, my direct
23 manager, both called me in their office to tell me --
24 welcome me back, they're aware of what's been going on, and
25 they said they're not going to tolerate any harassment and

1 intimidation. If anything you feel real or perceived, you
2 come tell us and we'll get that person off the site
3 immediately, you know, that sort of stuff.

4 And so then I was called in to Rick Wiggall's
5 office, and I went in there, and he sat down and basically
6 said the same thing, like they almost had it memorized. And
7 he stated to me, he says, "Curtis, I know you're here and
8 you and your family have gone here a lot, and we want you
9 here. We've got to tap your brain for all your experience
10 in ice condenser, you know. Gary's in a bind, he needs a
11 lot of help," that sort of stuff. "And we're going through
12 this problem with this steam generator leak and the ice
13 condenser in such a shape it is, with the icicles forming
14 and the ice, we're having to go into LCOs every day just to
15 keep the ice condenser doors operable," and so on and so
16 forth. And he said, "As you know, Mr. Overall, we're not
17 here to make problems. We're here to find problems." I
18 said -- and then he says, "Oh, I'm sorry, I didn't mean to
19 say that. I hope it didn't offend you." I said, "You
20 didn't offend me." I said, "We're here to find problems and
21 report them." He said, "That's right." You know, he maybe
22 slipped of the tongue by saying, "We're not here to make up
23 problems. We're here," you know.

24 But then you know, I haven't -- not been invited
25 to any of their meetings since I was back. The Judge

1 ordered --

2 MS. HARRIS: Make sure that you say that right.

3 THE INTERVIEWEE: The Judge ordered reinstatement
4 to me to be back as the assistant engineer on the ice
5 condenser system. I was not put back at that position. I
6 was put back as an understudy to Gary Jordan, and I was
7 given a cubicle. My old telephone number was given back to
8 me that I had. Many meetings went on behind my back that I
9 knew about that they didn't involve me with, such as, prior
10 to the NRC coming down for the inspection. They had a big
11 meeting in the plant manager's office. I think Ken Van
12 Dorne, the resident, was there. And then later that
13 afternoon, I think Rick Wiggall came by my office. He said,
14 "Did you go to the afternoon meeting?" I said, "Didn't know
15 about it, wasn't invited." He goes, "Huh. Oh, well," and
16 he walked off.

17 So and Phil Smith would pull his chair a lot out
18 of office next to Gary's, and they'd get on the speaker
19 phone and talk to Westinghouse and talk to design and talk
20 to Sequoyah about ice condenser issues. They were scared to
21 death of Mr. Holmberg -- you know him, from Region III --
22 was going to come down because he was the one that really
23 put the whacky-whacky on D. C. Cook issues. And they had
24 like 109 questions that Holmberg presented to D. C. Cook
25 that TVA wrote a PER on to go in to kind of role-play these

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1 questions and make sure if Holmberg does in fact come down
2 with Mr. Bearden and Mr. Atanamos, that -- I mean, they were
3 scared to death. I mean, you could see Phil Smith's face
4 just cringe when he mentioned Holmberg. He says, "Gosh, I
5 hope he don't come. I hope he don't come."

6 And that stuff just kind of didn't set easy with
7 me. And I never would -- I could see Paul Law and Gary
8 Jordan sitting in Phil's office talking about the ice
9 condenser, and they'd leave the door open. You could hear
10 it. And I'd walk by the door deliberately going to the fax
11 machine or going to the Xerox machine or something, just to
12 see if -- and he would see me, you know, and why didn't he
13 just call me and, hey, Curtis, come on in here, be part of
14 the clan, you know, sit down here, you know, try to rub
15 shoulders with one another again. Nothing that ever -- and
16 that gives you kind of an isolating feeling that you're not
17 wanted, you're there by force, you're not there because they
18 want you there. You're there by order of the Judge, and
19 that doesn't make a family accept you just because, you
20 know, you're set into the house, they don't have to like
21 you. They have to feed you and bathe you and give you a
22 place to sleep, but that's all they have to do. And it's up
23 to me to make my own work.

24 BY MR. McNULTY:

25 Q Okay, after you received the note, what did TVA

1 do about that?

2 A TVA, they called the inspector general's office.
3 We made a statement from each of the witnesses, myself and
4 Robbie Gray and Phil Smith, the ones that saw the note and
5 touched the note. And we called -- they called public
6 safety and they came over and secured the note, evidence-
7 type tape package, and they called the IG, and they said,
8 "We think you need to go home." So but they didn't want me
9 to go home by myself, so I drove my truck with a friend of
10 mine riding up front, Robbie Gray, and they had an unmarked
11 -- one of those public safety officer cars armed guard,
12 quote, unquote, follow me to my residence just to make sure
13 I wasn't harassed or anything going home or something. So
14 and that was it. And then they left and went back to work.

15 Q Did you hear anything about them having a stand-
16 down?

17 A A stand-down?

18 Q After the note, a stand-down where various people
19 were called to a meeting and this type of thing was
20 discussed.

21 A I heard -- I think Randy Higginbotham from
22 personnel called me and said that they were having a meeting
23 about this and there was going to be some question-and-
24 answer type meetings where people could bring up to talk
25 about harassment and intimidation, chilling effect, and that

1 sort of stuff like that.

2 MS. HARRIS: Everybody was present or just
3 management?

4 THE INTERVIEWEE: I don't know.

5 BY MR. McNULTY:

6 Q You don't know who was present?

7 A No, I don't know if it was just management.

8 Q But you do know there was some --

9 A Some meeting had taken place. I don't know if it
10 was plant-wide and various times during the day for second
11 shift or third shift. I don't know.

12 Q Do you know that TVA-IG has done a bunch of
13 interviews, they've talked with a whole bunch of people.

14 A They have told me that, but they haven't told me
15 who they have talked with. Haven't shared that information
16 with me.

17 Q They've looked at the telephone calls. I think,
18 last I heard, TVA was offering a reward.

19 A Yeah, \$10,000 reward. It came out in the
20 newspaper. I heard about that.

21 Q Are you aware of anything else they've done?

22 A No, sir. The only thing I've heard is that they
23 were -- they said they have linked me to two of the notes,
24 the handwriting expert. And but another one that they've
25 talked to couldn't link me to the notes. They have been

1 asked on fingerprint, I guess latent fingerprint to see if
2 they could find anything. None of those have been found.
3 And that the ATF was still looking at the bomb, fake bomb,
4 whatever device you called it, and so far, they have found
5 nothing to link me to that. That's the last information I
6 have got from my attorney. That's -- I'm just telling you
7 what they give me.

8 Q Did they ask you to give a handwriting example?

9 A They asked me to give a handwriting example and
10 to provide a polygraph test.

11 Q Have you made a decision on that?

12 A No, I have not.

13 Q Do you have an idea where they're coming from
14 asking for that?

15 A No.

16 Q I think what -- there's two things to think.
17 One, they think that you're responsible --

18 A Uh-huh.

19 Q -- or they want to rule you out and be able to go
20 on to somewhere else. So that's my thought. The NRC has
21 those facilities too, if you'd feel more comfortable
22 discussing it with us, we might be able to make those
23 arrangements, as opposed to TVA-IG. Or just put that on the
24 table. It's not a formal request or anything else.

25 A Just an offer?

1 Q It's an offer. Secondly, as far as the device
2 that was in the pickup truck, I know that we've seen the
3 interview that you gave to the TVA-IG lady who was out there
4 I guess when you were in the Office Max or Office Depot.

5 A Office Max.

6 Q Right when it all occurred.

7 A Yeah.

8 Q I understand that -- I guess one of the questions
9 I had was, do you think someone put this in your truck while
10 you were in the Office Max place, or could someone --

11 A I'm not really sure.

12 Q -- have put it in your truck when you were at
13 home?

14 A You know, when I left to go, Nancy Holloway was
15 on her way down to pick up the last note we'd received on
16 the car, which was, "Have you got the message yet?" That
17 was found that Sunday previously.

18 Q But that was at home?

19 A That was at home. And I had the police come over
20 and they were going to write another report on that. All
21 right, then so I went to Office Max because I was having to
22 get some information copied for my attorney and for Ms.
23 Holloway too, because she was coming down. So she was going
24 to be down around noon, I think, or something. So I went
25 over there, I left my residence, I went out and got in my

1 truck. I had recently put a locking gas cap on my truck
2 since someone had been fiddling with my gas cap on a couple
3 of occasions. So I recall looking in the bed of the truck
4 but not really giving a -- I just -- you know, I even opened
5 up the door on my gas gate, even though I've got a locking
6 gas cap. I always look at it, still do it today. And I've
7 got a work box back there and I was checking to make sure it
8 was locked and everything, and I got in the truck and went
9 over there. It could have been in there, you know. I've
10 got a -- it's a black bedliner and it's grooved, so it could
11 have been laying in there. I don't know, but all I know is
12 I saw it when I went back out to my truck.

13 Q If it could have been in there from before, how
14 long do you think it -- what's the most it could have been
15 in there, I guess, if I could put it that way? Could it
16 have been in there for a month or two weeks?

17 A Oh, no.

18 Q I mean, have you got any recollection? I mean,
19 you may have cleaned something out and you knew something
20 wasn't there.

21 A No, we -- we go -- my wife and I usually go to
22 the store in my truck a lot of times, and we take plastic
23 bags, you know, we put them in the back, tie them up, you
24 know. And we had gone to the store I think a day or two
25 before that; there wasn't anything in there then.

1 Q Now, the note that you found -- and that was on
2 the windshield of the car?

3 A Windshield of the car that was parked in our
4 front yard.

5 Q Of the car, okay.

6 A Our Sable.

7 Q And that occurred over that weekend?

8 A That Sunday.

9 Q Yeah. So it could be possible that the device or
10 the pipe bomb or fake pipe bomb could have been put in the
11 truck at the same time; is that possible?

12 A It -- if it was, I didn't see it, because we had
13 -- well, we had gone to the grocery store, like I said
14 before, two or three times before, because it --

15 Q That same day, Sunday?

16 A Yeah, we go out a lot of times. And it was like
17 Sunday, Monday, Tuesday, it was like four days before the
18 incident happened.

19 Q Yeah, yeah.

20 A And the note. Yeah. We'd gone out in the truck
21 several times since then.

22 Q I guess what I'm getting at is, there are two
23 ways that thing could have got there. One, in my thought in
24 my business was that, could somebody put it in there during
25 the evening hours when you didn't notice it because they

1 know where you live?

2 A Sure.

3 Q Or secondly, someone has to drive around and
4 follow you and wait with this fake device until you stop
5 somewhere where they can put it in your truck, which is kind
6 of unlikely.

7 A Well --

8 Q Or for someone to be driving around --

9 MS. HARRIS: Wait a minute.

10 BY MR. McNULTY:

11 Q -- until they see your truck, and then put it in
12 there.

13 A About the note?

14 MS. HARRIS: No, about the truck following you.

15 THE INTERVIEWEE: Oh. You knew about the truck
16 following me here in town?

17 MS. HARRIS: Two separate times.

18 THE INTERVIEWEE: Those were two separate times.
19 Were you aware of that back last year?

20 BY MR. McNULTY:

21 Q When you were on the road, yeah.

22 A The red truck in town, following me in town? I
23 went to the police station?

24 Q Right.

25 A And then they cursed me on the road, rolled down

1 the window. All right, that was a red Dodge pickup. All
2 right, then I went to call the police on the cell phone, and
3 they told me what type it was, where we were going, and I
4 saw two units pass in front of me, going to the road where I
5 told them that the truck had turned off of. And I went to
6 the police station and told them about that. Now, the most
7 recent --

8 Q Was this the Cleveland police?

9 A Yes. And then the most recent one was at Watts
10 Bar when I had come back to Watts Bar, I was followed.
11 There was a truck waiting outside of Decatur, a blue
12 Chevrolet pickup truck that followed me all the way, all the
13 way to -- what was it, Sixty? Sixty at Birchwood and
14 Highway 58, where I turn off left to go home to Cleveland.
15 He stopped right there and went straight on like going
16 toward Harrison or going toward Chattanooga. He was
17 flashing his lights, blowing his horn, just off and on,
18 getting real close on my tail bumper, and he'd back off and
19 come up, and back off and come up.

20 And I told Nancy Holloway about that, and she
21 said, "Well, I'm glad you didn't pull off anywhere, because
22 I wouldn't recommend you doing that, because you don't know
23 but what the guy had a gun or a ball bat or whatever, or
24 maybe he's drunk." It might be just -- you know, but that
25 happened too while I was at Watts Bar.

1 Q Yeah, your best bet there is to head to the
2 nearest police station.

3 A Yeah.

4 Q Or right back to security.

5 A I was already way on down the road from the plant
6 when that happened.

7 Q Okay. So you weren't able to get license plates
8 on either one of these vehicles?

9 A No.

10 Q Were you able to tell if they were Tennessee
11 plates?

12 A No, uh-huh.

13 Q Were they vehicles you'd ever seen before?

14 A Well, I've seen those type trucks, but not
15 anybody that I know.

16 Q There wasn't anything distinguishing about them?

17 A No.

18 Q Or the individuals?

19 A The individual I saw the face of on the Dodge, he
20 had a ball cap on. He had these red, these real dark kind
21 yellow-tinted Oakley-looking sunglasses these kids wear.

22 Q White rim?

23 A Yeah. And he rolled his window about halfway
24 down and cursed me, and then I pulled away and they pulled
25 in behind me, and he was right side-by-side me.

1 Q Did he call you by name?

2 A Nope. He just said f- you, f- you, f- you, you
3 SOB, and then chase ensued. I was trying to get away and he
4 just followed me all through town, and I back-tracked on him
5 and came back up toward the police station, and he pulled
6 off and went east on the side road. And I called the police
7 and told them. I saw the two black and white units heading
8 with their lights on, heading toward that way. I said,
9 well, maybe they'll catch him over by Bradley High School.
10 Never did hear anything back on it.

11 And the policeman did tell me that there was a
12 red truck that had been riding around harassing people in
13 Cleveland a few days earlier, but it didn't fit the
14 description of the truck. It was more of a little Nissan
15 pickup or something, they said.

16 Q I don't want to get real personal.

17 A No, that's all right.

18 Q But I think you have a daughter?

19 A Yes.

20 Q A son also?

21 A Two sons.

22 Q Is anyone in trouble with a gang or anything like
23 that? I mean is there anything like that going on?

24 A No, sir. No, sir.

25 Q Any problems they may be having that could be

1 adding to your problems?

2 A Have anybody upset to them or something, no. No,
3 sir. Kids are good as gold, good as rain.

4 Q That's good. That's a relief. Believe me, it's
5 not a lot of people can say that. As far as the device
6 goes, when you first noticed it in the back of your truck,
7 did you touch it or handle it at all?

8 A I looked at it, you know, stared at it, and I did
9 touch the end of it, kind of rocked it a little bit with my
10 finger, and then I saw a wire coming out of it, and then I
11 didn't feel comfortable with that. That's why I went on in
12 the store and told them, because I hadn't seen that in there
13 before.

14 Q Do you know one of the common problems with a
15 device is that a lot of times they have what we call an
16 anti-disturbance mechanism on there, and then when you shake
17 it, that usually sets them off sometimes. But one of the
18 first things the bomb squad does is tie a rope to it or a
19 string --

20 A And jerk it out?

21 Q -- and jerk it out of the location to see if it
22 goes off. Then if it doesn't go off, they know they can
23 really get in there and mess with it. If you want to get
24 something like that out of your truck, I don't think I'd
25 recommend doing this, but that's what we used to do. We'd

1 just tie a string onto it and we'd get around behind a
2 corner and just yank it out of there.

3 A So if I find any more, do that, huh?

4 Q No, I think not. Call 911.

5 A I'm not going to do that.

6 Q I'd call 911. Don't, please don't handle it
7 again. That disturbance thing could be -- and hopefully,
8 nothing like that will happen again. Now, since then -- I
9 believe this was in September the --

10 A Now, that I heard that they tried to detonate it
11 in my truck because my truck sustained some damage.

12 Q Well, yeah.

13 A Put a big split in my --

14 Q If they're not sure of that and in the area they
15 are they are, I think what they --

16 A I'm surprised they did that with all the cars
17 around there, you know.

18 Q Well, they use what they call a water cannon, and
19 it's also known as a 50-caliber disrupter, but it shoots a
20 blank -- it's a 50-caliber shell that shoots a stream of
21 water, blank shell, and they try to knock the end of the
22 device off, or the pipe bomb or whatever, and then they can
23 determine what's inside.

24 A Well, it looks like there was some melting going
25 on.

1 Q Yeah, that's what they call --

2 A Some burned, some flashed stuff. It looks like
3 powder burns on the outside of my work box.

4 Q Most likely, that's from the blank being fired.

5 A Oh, okay. So, anyway --.

6 Q That's the thing -- as far as they're out
7 processing that for fingerprints. Unfortunately, it doesn't
8 have a real high priority, because there are --

9 A Other things going on.

10 Q -- a lot of other things going on.

11 A Like running around in the woods.

12 Q Yeah, Rudolph is the prime thing. But one of the
13 things they process for down there is, they'll take the tape
14 off.

15 A Uh-huh.

16 Q And they'll process the tape underneath, because
17 as the tape is rolled, the fingerprints stay, even all the
18 way underneath the tape. So that's -- they take the tape
19 off in strips, and they'll actually fingerprint the sticky
20 side. Because someone making those things, a lot of times,
21 doesn't realize that if they wrap the tape over, they figure
22 it's not a problem, then they'll put gloves on and try to
23 handle. So they have a pretty interesting technique
24 sometimes to be able to recover things.

25 A Okay.

1 Q But unfortunately, it just doesn't have a real
2 high priority, and we haven't been able to wedge it out of
3 there any sooner.

4 A Yeah, I was told to -- that the report said the
5 Cleveland police department turned them over to ATF. ATF
6 turned them over, I think somebody said to the FBI.

7 Q Chattanooga bomb squad?

8 A Yeah, and then they turned it over to TVA, get it
9 all back to TVA, so --.

10 MS. HARRIS: Nobody is doing anything except TVA.

11 THE INTERVIEWEE: So far, we've heard they've
12 found nothing, so --.

13 BY MR. McNULTY:

14 Q Well, no, it's still being processed. In fact, I
15 checked on it three weeks ago, and I've been checking with
16 the lab periodically, only because the people who run the
17 lab, I used to work with. So I'm able to exert some
18 influence but not enough, apparently, to kick it out of
19 there and then make it a priority over some --

20 A Something else.

21 Q -- actual bombings that they have. A hoax device
22 ends up way at the bottom of the list, unfortunately, but
23 hopefully, we'll be able to find something.

24 A Okay.

25 Q So that is still an ongoing issue. I don't know,

1 and we're here and I'll ask you, if there's anything you
2 think that the NRC can do, as far as not -- I guess, before
3 I get that far, has anything occurred after that? Was that
4 the last incident?

5 A Threatening calls or anything? I've had --

6 MS. HARRIS: Can we go off the record?

7 MR. McNULTY: Sure. We'll go off the record.

8 [Discussion off the record.]

9 BY MR. McNULTY:

10 Q I guess it was September 11th. I think I'm
11 correct on that date, but sometime in the first part of
12 September was when the pipe bomb, hoax pipe bomb was found
13 in your truck?

14 A It was the 9th, September the 9th, I believe.

15 Q But somewhere in that --

16 A Yeah.

17 Q -- the first ten days of September. What I'd
18 like to ask you is if any other incidents have occurred that
19 you feel may have been of a threatening nature to you?

20 A Since that time?

21 Q Yes.

22 A We haven't experienced any more notes or anything
23 of that nature, that severe. I've had some phone calls in
24 the night, call and hang-ups and stuff like that, but they
25 come up out of the area, and we try to dial that Star 69 to

1 get your -- and they say they can't get the number, can't
2 trace the number. I don't know if they're solicitors, but I
3 don't think they'd be calling at 1:00 or 2:00 o'clock in the
4 morning, you know.

5 MS. HARRIS: Did you get the screws?

6 THE INTERVIEWEE: I got the screws, the ones I
7 told you about, the other batch, came on -- after I got out
8 of the hospital. I was in the hospital from the 9th through
9 the 13th of September. I was put in the hospital under an
10 assumed name. I didn't know if you knew that or not.

11 BY MR. McNULTY:

12 Q Yeah, I do.

13 A And I was in there until Saturday. Approximately
14 on the 17th of September, my wife and I discovered another
15 note hanging on the fence close to my house, the chain link
16 fence, and that's when we -- that was the last note we had.
17 That was on the 17th.

18 Q Now, I also know, and I had heard that your
19 daughter was able to assist in making composite. What was
20 that? If you could, explain what that incident was about.

21 A Where it came from? The day that I had -- I was
22 at Office Max, I went in and told the manager what happened
23 and we called the police, and I called my wife to tell her
24 what was happening. And she said, "Well, Nancy is just
25 walking in the house." Nancy Holloway just got down there.

1 And I told her what was going on, and she was real
2 concerned, real upset, and she said, "Well, we're on the way
3 over there."

4 And so she said that there was a car -- I called
5 her back and said that there was a truck, I forget what type
6 it was, a white pickup truck, a small truck, maybe an S-10
7 Blazer or an S-10 type truck, had been going up and down our
8 street in front of our house real slow. And my daughter and
9 my son went back -- I called -- I asked the police officer
10 out front, "Would you send a car over to my house?" and so
11 he sent someone over there, but evidently, the guy had
12 already left the neighborhood. I don't know if he came back
13 or what, but my daughter and my son in his van went by and
14 looked at him real close, and kind of turned his head away
15 from them every time that they'd want to look, and she got a
16 real good description of him, a tag number.

17 And Ms. Harris here took my daughter up to --

18 MS. HARRIS: Loudon County.

19 THE INTERVIEWEE: -- Loudon County, along with the
20 screws and the last note, okay, and turned that over to
21 them. And she did a copy sketch with one of the artists up
22 there on this suspect that was hanging around our house, you
23 know, the day of the --

24 BY MR. McNULTY:

25 Q When you say you turned it over to them, who is

1 "them?"

2 A Loudon County Police Department.

3 Q Or sheriff's office?

4 MS. HARRIS: The Roane County -- because I'd been
5 receiving threatening telephone calls also, I have contacted
6 my sheriff -- because this is not the first time I'd
7 received them -- recently in connection with Curtis, and I
8 contacted the Roane County sheriff, R-o-a-n-e, Roane County
9 sheriff, and talked with them and told them that Curtis's
10 daughter Amanda had -- I'd questioned her about anything
11 that happened around the neighborhood when this happened,
12 and she began to give this description to me. And I said,
13 "Wait a minute." I said, "Would you just please write down
14 everything you can remember, and let me find out from the
15 sheriff if there's anywhere that we can get somebody to do a
16 composite drawing. Because that -- I didn't know what else
17 to do, because I -- nobody else seemed to be doing anything.

18 So I -- the Roane County Sheriff's Department set
19 up the appointment with a Loudon County Sheriff's Department
20 up in Loudon. I came to Cleveland, picked up Amanda, took
21 her up there. We spent like probably a couple of hours
22 there doing this, going over it, and she agreed and there
23 was a composite drawing done. I asked her if she knew what
24 the tag number of this truck was. She gave me the tag
25 number; I gave it to the Roane County Sheriff's Department.

1 The Roane County Sheriff's Department took the screws, took
2 the note, gave me a signed receipt for it, but the Loudon
3 County Sheriff only was the mechanism to perform the
4 composite drawing. The Roane County sheriff, that
5 department investigator was the one that has the original
6 composites. They're the one that run the tag. I've never
7 told him what they told me about who the tag number was.
8 It's a Bradley County tag.

9 MR. McNULTY: Do you know who the tag is
10 registered to? Did they tell you who it was?

11 MS. HARRIS: They told me who it was registered
12 to. I didn't think that was something he needed to know.

13 MR. McNULTY: Well, maybe we can talk about that
14 off the record later.

15 BY MR. McNULTY:

16 Q What county do you live in?

17 A Bradley County.

18 Q Bradley?

19 A Uh-huh.

20 Q So we're talking about they have no jurisdiction
21 here; is that right?

22 MS. HARRIS: That's true.

23 MR. McNULTY: Why did you give them the screws?

24 MS. HARRIS: Because they asked me if I would,
25 and I needed to give them to somebody.

1 MR. McNULTY: Okay, but -- okay. My thought
2 would be, why not give them to the Bradley County sheriff?

3 MS. HARRIS: The Bradley County sheriff was never
4 involved because he lives inside the city limits.

5 THE INTERVIEWEE: It was the city.

6 MR. McNULTY: Why not give them to the Cleveland
7 Police then, I guess.

8 MS. HARRIS: I was not with the Cleveland police,
9 I was with the Roane County sheriff.

10 MR. McNULTY: Well, what makes you think -- but
11 they have no jurisdiction here.

12 MS. HARRIS: I understand, but nobody else has
13 any jurisdiction here either, and --

14 MR. McNULTY: Well, the Cleveland police do.

15 MS. HARRIS: Well, in respect to TVA's IG because
16 everybody's taking everything and giving it to them.

17 THE INTERVIEWEE: Everybody's giving them back to
18 TVA.

19 MS. HARRIS: So what's the point in riding it
20 around the countryside.

21 MR. McNULTY: Well, yeah. I guess what I'm
22 saying is, who knows where they are now?

23 MS. HARRIS: Well, I know where they're at.

24 MR. McNULTY: Where?

25 MS. HARRIS: TVA's IG has already been down to

1 Roane County. I'm sure that they're already --

2 MR. McNULTY: Oh, they have got them?

3 THE INTERVIEWEE: I've already contacted my
4 attorney, sent him a copy of the composite, the police --

5 MR. McNULTY: No, I mean the screws.

6 THE INTERVIEWEE: And a copy of the note, and I
7 told him that the screws were with those people, and if they
8 wanted to go get them, go get them.

9 MR. McNULTY: Okay.

10 THE INTERVIEWEE: They're in a ziplock bag.

11 MR. McNULTY: So what happened --

12 MS. HARRIS: I don't have a lot of faith in TVA's
13 inspector general, needless to say.

14 THE INTERVIEWEE: Nor do I.

15 MR. McNULTY: I've looked at --

16 MS. HARRIS: -- the truck.

17 MR. McNULTY: I've looked at what they've done.
18 They've done a considerable amount of work on this, as far
19 as the threats issue.

20 BY MR. McNULTY:

21 Q But my question would be to you is, do you think
22 there's anything NRC can do, as far as the threats issue,
23 that either hasn't been done or should be done?

24 A Well, perhaps maybe you can tell me what's
25 available to me from your office, because I don't know at

1 this point.

2 Q We have five investigators, and we cover the
3 whole southeast, 33 nuclear plants. So, one, I don't think
4 we could put somebody outside your house for security or
5 anything like that. We have the ability to do interviews.
6 We have the ability to force people to testify and to
7 subpoena. We have some things that maybe TVA-IG doesn't
8 have. Maybe, you know, a little more credibility, as far as
9 TVA-IG may have within the people with TVA. I don't know.

10 A Uh-huh.

11 Q But that's the offer. If you think there's
12 something that needs to be done, we'll see to it.

13 MS. HARRIS: There's been virtually no visibility
14 --

15 MR. McNULTY: Ms. Harris, please, I asked Mr.
16 Overall this question.

17 BY MR. McNULTY:

18 A As far as protection, could you provide that?

19 Q I don't believe --

20 A If I feel like -- if I feel like I'm being
21 threatened again, could you insure me protection at the work
22 site?

23 Q Well, no, the sheriff or the Cleveland police
24 can. We don't even have firearms; we don't have arrest
25 authority. So I don't know what protection I could offer

1 you as from the NRC.

2 A So I'll just have to trust in my local
3 authorities?

4 Q Well, they have primary jurisdiction.

5 A See, they -- yeah, but they tell me to go around
6 and go back to TVA.

7 Q As far as the threats? And you've been -- have
8 you talked to the chief?

9 A The chief?

10 Q The Chief of Police.

11 A No, I've talked to the duty officers and one of
12 the investigators that were handling my case here in
13 Cleveland.

14 Q And he's told you to go to TVA?

15 A He said that basically -- you know, they handle -
16 - they look into it, and then I haven't heard any more back
17 from him.

18 Q Have you called and asked them for protection, to
19 have someone drive by or to try to do something?

20 A I've had them to increase my -- some routes in
21 the neighborhood, driving through on their routines. They
22 did that at the height of these notes, but now I haven't
23 requested any more because I haven't had any more threats.
24 But I'm sure if anything -- if that increases or starts
25 back, I will call them again.

1 Q When was the last time you had a telephone call?

2 A About two or three days ago, it was at night. It
3 was just call-and-hang-up, that's all.

4 Q Have you contacted the telephone security?

5 A I've called the telephone company in Wayback to
6 see if there was any bugging devices on my telephone lines,
7 and I finally got through to the right person to talk to,
8 after many calls, and they said they would look into it.
9 They didn't say who they were, but the guy came back and
10 said they thought they found something suspicious, but they
11 looked later, and it wasn't. It was something that had to
12 do with some cable lines that were run. And he said, you
13 know, he said anything -- I told him about the clicks and
14 the noise we'd hear when I'd pick up the phone and hang up
15 the phone. And that has quit. That clicking and stuff has
16 just not happened any more.

17 MR. CLAXTON: Well, what I might suggest to you
18 is, contact telephone security and insist on talking to
19 someone in the security department and finding out, because
20 they can determine who is calling your number. That can be
21 done.

22 MR. McNULTY: As far as harassing phone calls.

23 THE INTERVIEWEE: Now, I had a phone call at
24 work, where -- I don't know if y'all recall that one, where
25 somebody blew a whistle over and over and over again. And

1 Nancy Holloway and another lady came down from the IG's
2 office and they put a -- they said, we're putting a voice
3 mail -- not a voice mail, a --

4 BY MR. McNULTY:

5 Q It's a line track?

6 A Yeah, a tracking device, to see, but she said it
7 won't go off site. It's only calls that will happen on this
8 project. I said, "You mean, you can't -- people can call
9 off project and call on the site off-site, and you can't
10 trace those?" She said, "No, we can't go beyond TVA's phone
11 lines." I thought that was kind of odd myself.

12 MR. CLAXTON: Jurisdictionally only.

13 BY MR. McNULTY:

14 Q It's their substation, but telephone security can
15 do something else for your private home.

16 A For home stuff.

17 Q Yes. And you insist on talking to them. Don't
18 let them push you off with --

19 A Now, whether I --

20 Q You tell them that you've been getting harassing
21 and threatening phone calls.

22 A Now, whether I've got any more notes since I left
23 Watts Bar, I don't know. TVA may have been intervening my
24 inner office mail and going through it, you know, before
25 they give it to me. I don't know. I received a package of

1 mail not too long ago from work. The secretary called and
2 talked to my wife, wanted to know how we were doing, said my
3 in box is overflowing, and said, "Would it be all right if I
4 sent that to him?" And she did. She sent me the mail and
5 it was nothing but regular plant correspondence and stuff
6 like that. But I told her just to keep on sending my mail
7 to me if you would. She said she would.

8 MR. McNULTY: Ms. Harris, I cut you off there for
9 a little bit, and I apologize for that, but I wanted to make
10 it clear, I wanted to get it across to Mr. Overall that the
11 NRC, our primary interest here is whether or not TVA has
12 discriminated against Mr. Overall. That's our only
13 jurisdiction.

14 MS. HARRIS: That's something he has never
15 understood.

16 MR. McNULTY: Yeah. We really can't protect Mr.
17 Overall. We don't have any ability to do that. As I said,
18 our agents don't even carry firearms. We have no arrest
19 authority, much to our chagrin sometimes. But the people
20 who can protect you, the people who have the duty to protect
21 you from any physical injury are your local law enforcement
22 people. That's their job.

23 Our job really isn't even -- if we investigate a
24 discrimination, it really isn't -- we can't do anything for
25 you individually. Our jurisdiction is with the licensee,

1 and our jurisdictions take a sanction against the licensee.
2 We're not like the DOL Judge who can tell them, "You have to
3 hire Mr. Overall back." What we do is, we fine the
4 licensee.

5 THE INTERVIEWEE: I understand that. You deal
6 with --

7 MR. McNULTY: That's really about the best
8 jurisdiction we have. So in this instance, TVA-IG had been
9 involved in the threats, because some of them initially
10 started when you were an employee or when you were on site.
11 We have monitored their investigation. My people, we've
12 talked with them, we've lent our support, our assistance in
13 trying to get the laboratory work done for them, and
14 brainstorm with them on where we think this should go, who
15 should be interviewed. We've asked them if they've talked
16 with people in your neighborhood.

17 THE INTERVIEWEE: They have. They've come down.

18 MR. McNULTY: We've asked if people have seen
19 suspicious cars, if there have been burglaries out there.
20 They've interviewed I think just about all your coworkers
21 that I can see for the interviews. I'm going to go back and
22 check a couple of these names that you gave us to see if
23 they were interviewed.

24 THE INTERVIEWEE: Maybe perhaps the ones that the
25 Judge has appointed out, you know.

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1 MR. McNULTY: Yeah. I know they worked on the
2 phone calls. What I was trying to get to was, you know, I
3 don't know -- I personally, and I've been in federal law
4 enforcement for 25 years, I really can't see much more that
5 they can do at this point, besides parking a car in front of
6 your house.

7 THE INTERVIEWEE: Yeah.

8 MR. McNULTY: As far as the investigation goes.
9 And that's my professional opinion.

10 THE INTERVIEWEE: Well, I've tried not to worry
11 about it too much, you know, and I --

12 MR. McNULTY: Yeah. And if you think there's
13 something we can do that you may not be aware of, that they
14 had something, or you want to find out something that they
15 may have done, let us know.

16 THE INTERVIEWEE: Well, there was a Ken Van Dorne
17 -- you know Mr. Van Dorne, the resident at Watts Bar.

18 MR. McNULTY: He's the resident at Watts Bar.

19 THE INTERVIEWEE: He called when I went home that
20 day after the note at work. He called to check on me, and
21 we talked a little bit. It's in my notes, my planner notes,
22 that we talked. And he said something to the effect that
23 perhaps whoever is doing this is getting you off the
24 project. Now, I may not get it just right. I can tell you
25 all my notes. But getting you off the project because

1 they're afraid that you may raise some more issues. Those
2 were his words.

3 MR. McNULTY: That could be. Our jurisdiction -
4 - I would get somewhat legal here, technical, but when we
5 look at discrimination, one, if it wasn't only your
6 supervisor or a manager who takes an adverse action against
7 you is guilty of discrimination, unless we find that your
8 coworkers or other people that the management has control
9 over have created a hostile work environment, which
10 adversely affects your ability to work. Now, if management
11 knows that coworkers or other people want managers or have
12 created that environment and they take no steps to prevent
13 it, DOL law has upheld that to be discrimination. And
14 that's what our oversight in this instance has been geared
15 at.

16 Our questions are, well, if it's not a TVA
17 manager, who we kind of think it may be unlikely that it is,
18 to carry out these steps, is TVA tacitly encouraging it?
19 What steps are they taking to prevent this from occurring?
20 What have they done, and have they done what we expect a
21 reasonable individual to do, what steps for them to take.

22 And that's where I was going when I was asking
23 you if you have any thoughts as to whether or not you think
24 that they've been acting reasonably, as far as TVA goes, in
25 their actions, or do you think there's things that they

1 should do?

2 THE INTERVIEWEE: As far as harassment?

3 MR. McNULTY: As far as the hostile environment -

4 -

5 THE INTERVIEWEE: Hostile environment.

6 MR. McNULTY: -- that's been created.

7 THE INTERVIEWEE: The only thing that's given me
8 the hostile environment indicator is that the notes that I
9 got at work, the messages left on my voice mail at work, and
10 treating as if I had leprosy or something, you know, and
11 trying to work back into the groove, if you will, them not
12 being very receptive to invite me to -- how do you say it?
13 To --

14 MR. McNULTY: They haven't been particularly
15 supportive?

16 THE INTERVIEWEE: No, no. In bringing me back -
17 - I mean, they say, we're glad you're back, we're not going
18 to put up with any stuff like this. But then there's been
19 days I've sat over at my office and made work for myself,
20 you know. Nobody comes over and sees me, and once a day,
21 the supervisor will come by and see if I'm there or not.

22 MR. McNULTY: So you feel there's some isolation
23 that occurred there?

24 THE INTERVIEWEE: Isolation. Even though I'm
25 with the group, I'm still isolated from the group. And that

1 gives you a -- it gives me a very un-warm fuzzy feeling,
2 that I don't feel like going back being my old jovial self
3 and cutting up with the rest of the guys like I did. And
4 everyone around me wants to talk to me, but they're kind of
5 afraid to stay around my cubicle too long. You can see them
6 looking around to see if anybody's watching them. And to
7 me, I call that the chilling effect or they're just afraid
8 they'll, you know, they don't know what to do and they
9 figure it's better to stay away from Curtis than to
10 fraternize with him.

11 Q Okay, in the contacts that I explained what
12 management's burden is as far as maintaining or insuring
13 that there is not, or taking steps to prevent a hostile work
14 environment, and the hostile work environment is engendered by
15 the threats in this instance. Do you think of anything that
16 management should have done to prevent that, or any steps
17 that they should have taken that they haven't taken?

18 A No, I'd rather not discuss that, because I don't
19 know how to answer that.

20 Q Is there anything you think that we can do, as
21 far as the threats go, the NRC, short of parking a car out
22 there to protect you, I guess, which we don't have the
23 resources to do.

24 A Well, I'm still at home. I'm on the payroll, as
25 you know, and if I go back to work, which I don't think

1 that's an option right now any time soon if at all, I don't
2 know what you all can do to help me at Watts Bar, other than
3 have someone walk around with me and monitor my calls, go
4 through my mail before I get it, you know, go into places
5 that you know I'm going to go and check things out, have
6 someone stand around and see if anybody harasses me or --
7 you know what I'm saying.

8 Q Which would be pretty obtrusive.

9 A Yeah.

10 Q To have something like that occur. So you don't
11 really feel you have a future --

12 A If somebody called -- huh?

13 Q You don't really feel you have a future at Watts
14 Bar at this point?

15 A No.

16 Q Or with TVA?

17 A Nor with TVA. I don't have that trust. I don't
18 have that good feeling any more. Like I said, I just don't.
19 And I've tried to go back, I've tried to give it a go, and
20 I've shown an interest in earnest to try to do what the
21 legal side wanted me to do by going back. And it just
22 didn't work.

23 MR. McNULTY: Gary, do you have anything else?
24 Bill, do you have anything else?

25 MR. BEARDEN: Mr. Overall, I'd like to give you a

1 few minutes here. We could take a -- why don't we go off
2 the record for a minute.

3 [Discussion off the record.]

4 MR. McNULTY: The time is now 5:16 p.m., and
5 we're back again on the record. At this point, I wanted to
6 offer Mr. Overall an opportunity to clarify any issues or to
7 add any statements that he wishes to make before we close
8 out.

9 THE INTERVIEWEE: You mentioned earlier about
10 what protection NRC could give me I guess on the jobsite or
11 off the jobsite, and is TVA doing enough to -- to keep me
12 safe, quote, unquote. I feel like, me being a lay-person in
13 the world of things, as far as what your organization does
14 and TVA can do and can't do, me not being privy to that
15 information, I feel like it's really on the shoulders of the
16 NRC and TVA to come up with a plan and share it with me in
17 writing what the options are we have to protect you.
18 Because I feel like my protection off site is just as
19 important as it is on-site. You know, they were so readily
20 to get me off the project the day I got the note and get me
21 off -- out of their property. And what would have happened
22 to me if I had gotten injured, killed, off site; would that
23 -- whose control would that have been under, mine or just
24 the local authorities?

25 You know, being this is a case revolving around a

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1 nuclear allegation, I feel like all parties are responsible
2 for my safety, as long as it's an allegation that's related
3 to TVA and NRC, which it is. And if the local authorities
4 roll into that as being part of it, so be it. I think it's
5 a role of all three, not just one. Now, you might correct
6 me if I'm wrong or tell me the error of my ways in thinking
7 that way, but that's the way I feel. Maybe I'm just
8 believing the system ought to work more openly and more
9 flexible than just what was described to me, that when I'm
10 off the project, I deal strictly with 911 and local
11 authorities.

12 You know, I've called the FBI numerous times. I
13 never have spoke with them, sat down, face to face. I've
14 sent them everything that I could send them; I never did
15 hear anything back from them. I was only questioned one
16 time by an investigator at Cleveland Police Department. He
17 wanted to know what happened the day of the fake device, and
18 after that, he says, "The FBI has got it now and they're
19 looking into it." And that's the last time I've heard from
20 anybody, and now I hear now it's all turned over back to the
21 inspector general's office. So that's the latest that I
22 know from my legal staff through to TVA, because we converse
23 through my counselor to TVA, not directly.

24 Also, there were meetings held prior to me
25 returning to Watts Bar. I didn't know if you were notified

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1 of that. Evidently, some of my peers at work told me that
2 prior to me coming, they got into group sessions. I don't
3 know if the whole -- I doubt if the whole plant -- now, you
4 know four or 500 people, I'm sure they didn't bring them all
5 together in one big assembly room, but I'm sure the section
6 area that I was reporting to, they were pulled in to
7 conference to talk to about Curtis coming back and how he's
8 to be treated and be careful what you say, and treat him
9 with respect, you know, and make him feel easy. That may
10 have been all good intentions, or it may have been a front.
11 I don't know. But, to me, they should not have been talking
12 to -- spoken with. They should have let me come back on my
13 own, not being notified, let me re-introduce myself back to
14 the work force and see how I'm received, rather than them
15 being prompted and told what to say and not to say, because
16 that's fixing people's minds. It has a chilling effect
17 because they're being told by management, now, threat this
18 person this way and this way, and it lends credence to the
19 person not saying something he really wants to say to the
20 individual. Do you see what I mean? So that's -- that
21 bothered me a little bit.

22 I think, like I said, everybody was alerted to my
23 situation. They knew exactly what had transpired, for the
24 most part, and I felt like that was kind of prepping
25 everybody or priming the pump, which I felt like shouldn't

1 have been done.

2 Have you got any questions on that?

3 MR. McNULTY: No, I just -- I want you to know
4 that we have been up to meet with the Cleveland PD to see
5 what they were doing about your case.

6 THE INTERVIEWEE: Okay.

7 MR. McNULTY: And to see what they were doing as
8 far as providing you protection. Just wanted to let you
9 know that.

10 THE INTERVIEWEE: Could you share that with me,
11 what they said?

12 MR. McNULTY: Well, just that we had discussed
13 with them what they had done, where they were going with
14 their investigation. This was probably about two days after
15 the device, and that's when they said they were going to try
16 to make extra passes, drives through your neighborhood.

17 THE INTERVIEWEE: Oh, yeah. Right.

18 MR. McNULTY: That, and they had asked us to see
19 what our offices could do, as far as getting the --

20 THE INTERVIEWEE: Additional support or whatever?

21 MR. McNULTY: -- device processed.

22 THE INTERVIEWEE: Oh, okay.

23 MR. McNULTY: To see if we could possibly get
24 lucky and find a fingerprint, be able to potentially put
25 this on somebody. So that's pretty much where we are.

1 THE INTERVIEWEE: Yeah. The police have come by
2 on a couple of occasions at 10:00 o'clock at night, kind of
3 scared us a little bit. They came knocking on the door and
4 stood there and wanted to know if everything was okay here
5 at the house, which gave me some security, you know, that
6 they were there.

7 MR. McNULTY: I also know that TVA-IG has been
8 out there in the neighborhood, but on what regularity and
9 how often, I can't say.

10 THE INTERVIEWEE: Without my knowledge of it?

11 MR. McNULTY: Yeah.

12 THE INTERVIEWEE: Is that according to -- I mean,
13 is that kosher? Shouldn't I be aware of when they're in the
14 neighborhood?

15 MR. McNULTY: I think their idea was that they
16 were trying to offer some protection also, I think
17 immediately thereafter. So I don't think they were out
18 there driving a white pickup truck. I'm sure they were out
19 there a little more conspicuous.

20 THE INTERVIEWEE: Well, one day -- reason why I'm
21 saying, one day one of their cars came by and driving real
22 slow, and they came unannounced, and my wife called the
23 police on them, and they came out there real quick.

24 MR. McNULTY: Good. That's pretty good really.

25 THE INTERVIEWEE: She said they got out there

1 faster than I'd ever seen them. But he had already left,
2 and so she called -- Nancy called down there and said, "Oh,
3 by the way, so-and-so is on the way down there." She said,
4 "Well, I think he's already been here, and he's gone." And
5 then said, "Well, I'd appreciate it if the next time they
6 come, they'd come announced and tell us so we'll be --."
7 And Ron Hudson came down. He parked in our yard, and he
8 walked around and talked to several of the neighbors.

9 MR. McNULTY: He stopped and talked to you first?

10 THE INTERVIEWEE: Oh, yeah. Now, that's the way
11 I'd like for them to do that in the future, you know, not
12 sneaking around, because it makes me feel like that's a
13 suspicious person.

14 MR. McNULTY: Well, I think everyone would like
15 to see somebody come across the street and stick a note on
16 your truck.

17 THE INTERVIEWEE: Oh, yeah.

18 MR. McNULTY: And be the guy that finally caught
19 this person.

20 THE INTERVIEWEE: Yeah, that would work, wouldn't
21 it?

22 MR. McNULTY: Nothing wrong with that.

23 THE INTERVIEWEE: I've got a -- if you've got
24 anything else to say, I've got a final statement, prepared
25 statement I'd like to go -- become part of the record, if I

1 could.

2 MR. McNULTY: Sure, go right ahead.

3 THE INTERVIEWEE: This is your copy; it's a
4 signed copy.

5 MR. McNULTY: Okay, good.

6 THE INTERVIEWEE: This is for the reporter. The
7 original has been signed by me, and I'd like to just read it
8 out loud if I may. Bill, do you want to -- I'm sure you'll
9 hear it.

10 MR. CLAXTON: Well, I can sure --

11 THE INTERVIEWEE: This is Prepared Statement of
12 Curtis Overall, February 11th, 1999.

13 I respectfully request that the following
14 statement become a part of the official record:

15 The issues we have discussed here today would not
16 have escalated to the level that we see today if the Nuclear
17 Regulatory Commission's Region II and the Tennessee Valley
18 Authority had each performed their job.

19 I believed and trusted the system and was
20 convinced that it would work. As so many, I was fooled.
21 Region II NRC could have performed their investigation in a
22 questioning and invasive manner and asked for proof, not sat
23 at their desks in Atlanta and made telephone calls over such
24 a serious matter. Trusting the word of the utility without
25 verification and taking their word at face value while

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1 apparently giving them encouragement to continue the cover
2 up of a safety issue does not give me the feeling that I
3 should trust the NRC, much less TVA.

4 NRC Region II could have stopped the actions
5 taken against me and my family if they had taken the proper
6 steps against TVA.

7 Region II, you forced me to take my issues to
8 your Inspector General's office to get help after multiple
9 requests to perform more extensive investigations based on
10 the evidence I gave to you. I saw that it was falling on
11 deaf ears.

12 Watts Bar Nuclear Plant has more missing and
13 broken ice basket screws, and apparently no attempt has been
14 taken to determine where they are missing from.
15 Approximately 200 screws have been documented to date. Now
16 another Problem Evaluation Report (PER) has been written
17 (WBPER 980823) documenting 12 more screws which were
18 obviously found during the last outage (October, 1997). I
19 do not have knowledge of the corrective actions that will be
20 performed from this PER.

21 I can only imagine, based on the last one in
22 April of 1995. Region II, I suspect that you will react in
23 the same manner that you did about the issues I identified
24 to you in 1996. The bigger question and issue that I do not
25 know the answer to is: Why did TVA wait for almost nine

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1 months to identify this problem on the PER. I don't know,
2 but I suspect that Region II knows. Save our butts, TVA!

3 So now where do we stand? Well, D. C. Cook in
4 Region III has been shut down now for a substantial time and
5 apparently, that will continue. Cook's problems spawned
6 from my allegations at Watts Bar. NRC Region II turned a
7 blind eye to the problem, while performing a very minimal
8 look at my issue here at Watts Bar and Sequoyah.

9 Region II substantiated my concerns, and Region
10 II blew me off. Why? I don't know. I have tried very hard
11 to communicate with Region II to give details, clarify, and
12 have taken insults from investigators, in an open and honest
13 attempt to provide information to support Region II's so-
14 called investigations. Cooperating with Region II has been
15 a major mistake. Region II, you have totally ignored the
16 problems at Sequoyah. Why? They are much worse than Watts
17 Bar and probably as bad as Cook.

18 Do we sit here and wait for an accident to happen
19 to determine the true extent of conditions at Watts Bar and
20 Sequoyah? It appears that is what is going to happen.

21 I haven't done anything wrong. I simply did my
22 job. I am the one being punished. And NRC, it seems to me
23 that you are in cahoots with TVA to cover this problem up.
24 You sure aren't doing your job.

25 Thank you, Curtis Overall.

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1 MR. McNULTY: Mr. Overall, I just want to ask one
2 question.

3 THE INTERVIEWEE: Sure.

4 MR. McNULTY: You said that you've taken insults
5 from investigators?

6 THE INTERVIEWEE: Sure.

7 MR. McNULTY: What investigator?

8 THE INTERVIEWEE: ([REDACTED])

9 MR. McNULTY: Okay. ([REDACTED])
10 ([REDACTED]) and I'm an investigator. That's what I --

11 THE INTERVIEWEE: That's right.

12 MR. McNULTY: Did you have problems with the
13 office of investigations, as far as --

14 THE INTERVIEWEE: How they handled their
15 investigations.

16 MR. McNULTY: -- insults or anything like that.

17 THE INTERVIEWEE: I've tried to call -- I've
18 tried -- huh *

19 MS. HARRIS: ([REDACTED])

20 BY MR. McNULTY:

21 Q Yeah, ([REDACTED]) Wanting to have
22 interviews with me, and I've tried to set up interviews with
23 him, but he wanted it to be done in my home. I even asked
24 him can we have it done here, like a Holiday Inn or f
25 something conducive. He said if I don't get a letter from

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1 you in ten working days, I'm assuming that you don't want to
2 be interviewed, and we're going on to our investigation. I
3 faxed to him a letter outlining my -- things basically I
4 sent to you for this meeting today. It wasn't aggressive;
5 it was very benign. And it got to him within the time
6 frame. I never heard back from him. Left a call, message.

7 And some of the investigations that I have asked
8 so diligently for your all's office to go to Duke Power and
9 D. C. Cook and talk to these people. They turn my questions
10 around, they don't answer me. They come back and say --
11 well, for instance, i.e., "We talked to Sequoyah and Watts
12 Bar and they said they know that several screws -- it was an
13 oversight on them saying that all screws were in place.
14 That was a mistake; however, they know that several could be
15 missing, and we go along with that. We go along with their
16 answer." To me, that's -- how could you go along with an
17 answer like that.

18 MR. McNULTY: Sure, okay.

19 THE INTERVIEWEE: When the basis and evidence are
20 already known. That's the kind of stuff, that it's been
21 going around in circles. And I've written a lot of stuff to
22 them, and they have not answered all my questions when I
23 asked them. They say my questions are an allegation.
24 That's what they say, and then they give me a real long
25 description of what an allegation is. You know, it's hard

1 to even to define what their definition of allegation is.
2 It's almost like it's insulting my intelligence that I don't
3 know how to conduct an investigation or how to communicate,
4 when I think it's just the other way around.

5 MR. McNULTY: We would most likely refer this
6 statement to our inspector general.

7 THE INTERVIEWEE: Okay.

8 MR. McNULTY: Now, in conducting our
9 investigation as to the ice condenser screws and the PERS
10 and potentially any further work we do on the hostile work
11 environment, do you have any objection to us identifying you
12 as an individual who's given us this information, as far as
13 our trying to -- in other words, we're doing the PERS. We
14 could probably finish that investigation without saying that
15 Curtis Overall said, but you already testified to that in
16 your DOL hearing.

17 THE INTERVIEWEE: Uh-huh.

18 MR. McNULTY: So there may be an instance we
19 might do that. Well, Mr. Overall said in his DOL hearing in
20 this transcript that this occurred.

21 THE INTERVIEWEE: Or you could say the transcript
22 show that this occurred without using my name.

23 MR. McNULTY: Right, right. So that could
24 happen. I wanted to make you aware of that. Also, as far
25 as the ice condenser screws, we may get to a point in part

1 of the investigation where, say, if we decide to interview
2 the lady at the metal lab.

3 THE INTERVIEWEE: Vonda Sisson.

4 MR. McNULTY: We may say that, well, Mr. Overall
5 said that you told him this. I want to know if you'd have a
6 problem with us conducting our investigation that way, or
7 would you prefer that we just did not use your name?

8 THE INTERVIEWEE: Could you just call me the
9 allegor or the complainant?

10 MR. McNULTY: We'll try to --

11 THE INTERVIEWEE: Use me as a John Doe.

12 MR. McNULTY: We'll try to avoid --

13 THE INTERVIEWEE: Real names.

14 MR. McNULTY: -- faced, you know. In other
15 words, we'd be putting --

16 THE INTERVIEWEE: Because I think --

17 MR. McNULTY: -- you face to face with somebody.
18 We'll try to avoid that.

19 THE INTERVIEWEE: I think anybody that you talk
20 to will know who that person is without openly saying.

21 MR. McNULTY: I think they can probably surmise
22 it.

23 THE INTERVIEWEE: Sure.

24 MR. McNULTY: Yeah, and there may be, without
25 using your name -- I mean, what I'm trying to say is that

1 the chances of you being fingerprinted will be excellent. I
2 mean there is almost no way that we can bring these issues
3 up without them knowing who it is. That's what I'm trying
4 to say, and I want to make sure that you understand that,
5 where we're going here.

6 We have communicated with TVA-IG, as far as what
7 they were doing as far as the threats and those incidents
8 go. My communication with TVA-IG is a one-way street. I
9 don't give them anything, all right? I take from them, but
10 I don't give them anything. We have never given them one of
11 our reports unless it was FOIA'd. We've never given them a
12 transcript or a copy of an interview of somebody we did,
13 until -- they may FOIA it when the case is complete. But we
14 don't share information with them.

15 THE INTERVIEWEE: That's after the investigation.

16 MR. McNULTY: We take information from them. So
17 I wanted you to be clear on that.

18 THE INTERVIEWEE: As we talked on the phone and
19 fax as a special favor to me through your director, that I
20 will be supplied with a transcript as soon as it's
21 transcribed.

22 MR. McNULTY: This transcript, yes.

23 THE INTERVIEWEE: Right, of this meeting today.
24 The final investigation, when will those be?

25 MR. McNULTY: The final investigation. I expect

1 that the PERs case will probably close out within the next
2 30 days. The ice condenser can take longer. We haven't got
3 a long way with that yet. We're about -- the ice condenser.
4 And we're looking kind of narrowly at the reports, who said,
5 hey, change this report and send it up, which is really the
6 meat of the whole issue, I think, and what happened at
7 Westinghouse. So we're looking at those two issues as the -
8 -

9 THE INTERVIEWEE: How those two jive together?

10 MR. McNULTY: Yeah, and how this happened, you
11 know, well, wait a minute. And people we've talked to said
12 it doesn't make sense for them not to supply everything to
13 Westinghouse. It doesn't make good sense. And that's where
14 we're going with our -- who made the decision?

15 THE INTERVIEWEE: Why didn't you go out and do an
16 inspection when it was feasible and plausible to do it?

17 MR. McNULTY: Yeah, why didn't you go do it?
18 Exactly. And why did you just rely on a statistical study
19 instead of trying to find out why these things were
20 breaking.

21 THE INTERVIEWEE: Without really getting real
22 statistics.

23 MR. McNULTY: It doesn't sound too logical. And
24 you can say, what are the chances on two breaking in the
25 same caller, if you only have 170, but how do you know

1 there's not more than 170. So those are the questions we're
2 going to be asking.

3 THE INTERVIEWEE: You don't know unless you look.

4 MR. McNULTY: And we're going to look at the
5 people that we need to look at, the right people, to ask
6 those questions, which is why we're asking you about names
7 and what certain people did.

8 THE INTERVIEWEE: Sure. Well, like I said,
9 through the transcript, you can go through and look at what
10 the Judge saw and then maybe go ask those people too.

11 MR. McNULTY: Yeah. I think for the most part,
12 any mention we make of you would be as far as the testimony
13 goes, you know, ask someone is aware Mr. Overall testified
14 in the DOL hearing, as opposed to using this context.

15 MS. HARRIS: Historically, TVA has taken some
16 sort of action against him every time he's had contact
17 outside TVA with any kind of --

18 MR. McNULTY: Okay. As far as this interview
19 goes, no one other than NRC knows that this interview was
20 conducted. I have not talked with anyone from TVA. I have
21 not mentioned it --

22 THE INTERVIEWEE: The only one I've talked to is
23 my attorney, and that's all.

24 MR. McNULTY: I haven't mentioned it to TVA-IG,
25 and I don't intend to, and I don't intend to share any

1 results of this interview. Again, since I've been here, the
2 way I've conducted business with them is, it's one-way. I
3 take, but I don't give, and that's the right way, I think,
4 to do it up there. So that's done. We'll both likely
5 recommend that this be forwarded to the inspector general,
6 the NRC inspector general. Have you got anything else that
7 you can think of, Mr. Overall, you want to add?

8 THE INTERVIEWEE: No.

9 MR. McNULTY: Ms. Harris, do you have anything
10 you'd like to put on the record before we close?

11 MS. HARRIS: No, I do not.

12 MR. McNULTY: Okay. Bill, do you have any
13 questions?

14 MR. BEARDEN: No.

15 MR. McNULTY: We'll conclude at this point.

16 [Whereupon, at 5:00 p.m., the interview was
17 concluded.]

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STATE OF GEORGIA)
COUNTY OF CRAWFORD)

I hereby certify that the foregoing transcript is a true, correct, and complete record of the said proceedings; that I am not a relative, attorney, or counsel of any of the parties; am not a relative of attorney or counsel for any of the parties; nor am I financially interested in the action.

This, the 16th day of February, 1999.

Ralph L. Ledford
Ralph L. Ledford