

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Interview of [REDACTED] 7C

Docket Number: 1-2003-051F

Location: Salem, New Jersey

Date: Friday, February 20, 2004

Work Order No.: NRC-1341

Pages 1-227

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS
INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF : OI Case No. 1-2003-051F

 - 7C

(Closed) :

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Friday, February 20, 2004

PSEG Training Center

Salem, New Jersey

The above-entitled interview was conducted, at
1:38 p.m.,

BEFORE:

EILEEN NEFF, Special Agent

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APPEARANCES:

JEFFREY KEENAN, ESQUIRE
Assistant General Solicitor
PSEG Power

ALSO PRESENT:

SCOTT BARBER, Senior Project Engineer

P-R-O-C-E-E-D-I-N-G-S

1:38 p.m.

SPECIAL AGENT NEFF: Okay. Today's date is February 20, 2004. The time now is approximately 1:38 p.m.

Speaking Special Agent Eileen Neff with the NRC Office of Investigations at Region One. Also present from Region One is Senior Project Engineer Scott Barber.

What follows is an interview of [REDACTED] who is currently employed by PSEG Nuclear as a [REDACTED]. Has the title changed? [REDACTED] The title has changed. I'm not [REDACTED].

SPECIAL AGENT NEFF: Okay. And we'll get into that time periods and so forth a little bit later. Okay.

[REDACTED] is represented by counsel, who is Jeffrey Keenan, who is currently present and will describe of the purpose of his appearance here shortly.

As agreed, the interview will be tape recorded. And you requested a review of the transcript a later date, and we can make that available to you.

Okay. The location of this interview is

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1 the PSEG Training Center in Salem, New Jersey.

2 The subject matter of the interview
3 concerns the safety conscious work environment at
4 Salem and Hope Creek. [] has experience on
5 Salem or Hope Creek? Are you limited to Hope Creek?

6 [] Primarily Hope Creek.

7 SPECIAL AGENT NEFF: Okay.

8 [] Salem perhaps 15 years ago.

9 SPECIAL AGENT NEFF: Okay.

10 [] Or longer, which is probably
11 not --

12 SPECIAL AGENT NEFF: So all recent
13 experience is on the Hope Creek side?

14 [] Yes.

15 SPECIAL AGENT NEFF: Okay. And it's been
16 explained to [] that he's being interviewed as
17 a witness in this investigation. He is not the
18 subject of an investigation and there is no violation
19 associated with the safety conscious work environment.

20 And it was explained prior to going on the
21 record we would conduct the interview under oath.

22 Would you raise your right hand, please?
23 Do you swear that the testimony you're about to
24 provide is the truth, the whole truth and nothing but
25 the truth, so help you God?

All TC

1 [] I do.

2 SPECIAL AGENT NEFF: Mr. Keenan -- Jeff I
3 can call you?

4 MR. KEENAN: Yes.

5 SPECIAL AGENT NEFF: Jeff, please describe
6 the purpose of your appearance here today?

7 MR. KEENAN: Yes. My name is Jeff Keenan.
8 I'm Assistant General Solicitor with PSEG Power. I'm
9 representing [] and PSEG Nuclear in a joint
10 capacity.

11 I have reviewed safety conscious work
12 environment issues. I have no reason to believe
13 there's a conflict of interest. If a conflict of
14 interest arises, we'll take a break from the record
15 and figure out how to best handle that.

16 And we do appreciate the opportunity to
17 come and talk about issues in general with the safety
18 conscious work environment and discuss its weakness so
19 we can have a better understanding of the work
20 environment and, hopefully, improve.

21 SPECIAL AGENT NEFF: Okay. Thank you.

22 Do you understand the purpose of the
23 representative as described, []

24 [] Yes, I do.

25 SPECIAL AGENT NEFF: Okay. Does your

1 employer require you to have an attorney present when
2 you're interviewed by NRC, Office of Investigations?

3 [] No.

4 SPECIAL AGENT NEFF: Okay. Something that
5 came up. When we arrived here your position was that
6 Mr. Keenan would not be present in the interview.

7 [] That's how I was leaning,
8 yes.

9 SPECIAL AGENT NEFF: Okay. And that was
10 your choice at that point in time?

11 [] That's correct.

12 SPECIAL AGENT NEFF: And then shortly
13 later, within a half an hour or so, you had changed
14 your mind?

15 [] That's correct.

16 SPECIAL AGENT NEFF: So it's your choice
17 to have Mr. Keenan present?

18 [REDACTED] Yes, it is.

19 SPECIAL AGENT NEFF: Okay. And your
20 answer to does your employer require you to have an
21 attorney present is still the same? It is no?

22 [REDACTED] It is no.

23 SPECIAL AGENT NEFF: Okay.

24 [REDACTED] My employer does not require
25 me to have an attorney present.

All 7c

1 SPECIAL AGENT NEFF: Okay. Were you in
2 any way threatened with any adverse action if you did
3 not request corporate counsel?

4 [REDACTED] No, I was not threatened.

5 SPECIAL AGENT NEFF: Okay. Will the
6 presence of Mr. Keenan hinder your testimony in
7 anyway?

8 [REDACTED] It should not. If it does,
9 I've already talked to Jeff about that. I may ask him
10 to leave the room if I feel it will hinder my
11 testimony. Is that the right word, "testimony"?

12 SPECIAL AGENT NEFF: Yes. Your testimony.

13 [REDACTED] Yes.

14 MR. KEENAN: And just for the record,
15 obviously I'm completely comfortable if [REDACTED] wants me
16 to leave at any point during the discussion. That's
17 not an issue for me, clearly, nor the company. So --

18 SPECIAL AGENT NEFF: Okay. Okay.

19 MR. KEENAN: -- just to clarify.

20 SPECIAL AGENT NEFF: All right. Do you
21 understand that you have the right to a private
22 interview with me at your convenience?

23 [REDACTED] Yes, I do. You mean without
24 an attorney present?

25 SPECIAL AGENT NEFF: Yes. Time, place --

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[REDACTED] Yes, I do.

SPECIAL AGENT NEFF: -- representation?

[REDACTED] Yes, I do.

SPECIAL AGENT NEFF: Okay. And with that understanding, do you wish to continue at this time?

[REDACTED] Yes.

SPECIAL AGENT NEFF: Okay. All right. For the record, let's get some background information, please. The date of birth and a Social Security number?

[REDACTED]

SPECIAL AGENT NEFF: Okay. And home address, please?

[REDACTED]

SPECIAL AGENT NEFF: Okay. And some background information in terms of your education, please?

[REDACTED] I graduated from [REDACTED] and attended [REDACTED] where I graduated in, I believe, Mayo f [REDACTED]

SPECIAL AGENT NEFF: Okay. And work history then?

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SPECIAL AGENT NEFF: In what capacity?

[REDACTED]: Initially when I was hired?

Initially I was hired as a [REDACTED]

[REDACTED] Okay. So I was

essentially a [REDACTED] The

contractors were actually building and developing the calibration lab.

SPECIAL AGENT NEFF: And how long did you work in that capacity?

[REDACTED] Approximately two years.

SPECIAL AGENT NEFF: So now you're at [REDACTED] or so?

[REDACTED] About.

SPECIAL AGENT NEFF: And what did you do next?

[REDACTED] Between [REDACTED] I worked in various capacities all in the [REDACTED]'s

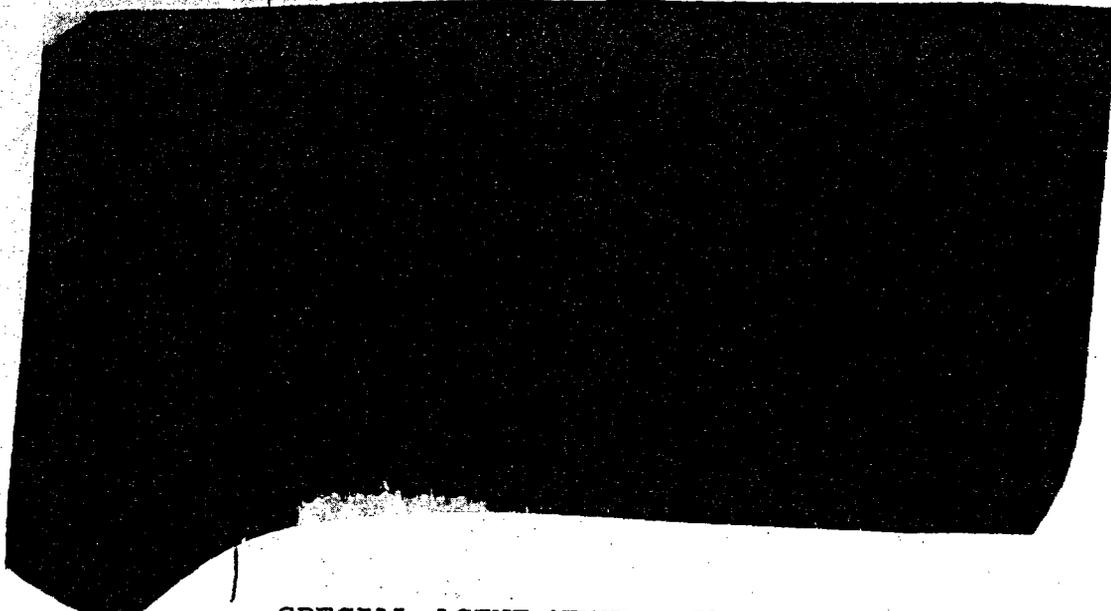
[REDACTED] which was an organization that took care of

1 site wide needs and site wide services.

2 SPECIAL AGENT NEFF: Okay. And for how
3 long?

4 [redacted] That was about two years,
5 until [redacted] Actually [redacted] it was until.

6 SPECIAL AGENT NEFF: And your next
7 position?



16 SPECIAL AGENT NEFF: Okay. So that was
17 your Salem experience that you mentioned earlier?

18 [redacted] That's correct. And some of
19 the -- I worked for [redacted]
20 [redacted] was at both at Salem and Hope Creek stations.

21 SPECIAL AGENT NEFF: Okay.

22 [redacted]: Okay.

23 SPECIAL AGENT NEFF: And in the [redacted]
24 [redacted] until when?

25 [redacted] Until about [redacted] And in

All TC

1 [REDACTED] I was selected to go [REDACTED]

2 [REDACTED]

3 SPECIAL AGENT NEFF: Okay. And then when
4 did you get that?

5 [REDACTED] I got that, I believe, in
6 January of [REDACTED]

7 SPECIAL AGENT NEFF: [REDACTED] right?

8 [REDACTED] That's correct.

9 SPECIAL AGENT NEFF: [REDACTED].

10 [REDACTED]: Thank you. [REDACTED]

11 SPECIAL AGENT NEFF: Okay. [REDACTED]

12 then?

13 [REDACTED] Yes.

14 SPECIAL AGENT NEFF: Okay.

15 [REDACTED] Since [REDACTED] -- I believe it's

16 [REDACTED]

17 SPECIAL AGENT NEFF: So from this point
18 forward is all your work experience is at Hope Creek?

19 [REDACTED] Yes, it was all at Hope Creek

20 SPECIAL AGENT NEFF: Okay. [REDACTED] for how
21 long?

22 [REDACTED] From [REDACTED] I'm on my first --

23 SPECIAL AGENT NEFF: Oh, I'm sorry. Yes.

24 I guess your job title. I know you're an [REDACTED] still,

25 but --

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[REDACTED] I was a [REDACTED]

SPECIAL AGENT NEFF: Okay.

[REDACTED] Which is a [REDACTED]

[REDACTED] from [REDACTED] that

time frame, at which time I was promoted to what was

then [REDACTED] It's not considered

[REDACTED]. And that was, like I said, right

around [REDACTED] I don't exactly know when.

SPECIAL AGENT NEFF: [REDACTED] as an [REDACTED] but

not that title was [REDACTED]

[REDACTED] That's correct.

SPECIAL AGENT NEFF: And then that changed

again, right?

[REDACTED] No, it's still [REDACTED]

Oh, the --

SPECIAL AGENT NEFF: For you personally?

[REDACTED] Yes, for me personally. And

then recently in the reorganization I took a

rotational position. It was offered to me, I accept

it. It was a rotational position to come [REDACTED] and

function as the [REDACTED] which is

the [REDACTED] to prepare for outages. So

my new title or my present title is [REDACTED]

[REDACTED]

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SPECIAL AGENT NEFF: [REDACTED]

[REDACTED]

[REDACTED] No, it's [REDACTED]

SPECIAL AGENT NEFF: [REDACTED]

[REDACTED] That's correct.

MR. KEENAN: How long ago was that?

[REDACTED] A month ago.

MR. KEENAN: Okay. So it's fairly recently?

[REDACTED] Very -- very new.

MR. KEENAN: Okay.

[REDACTED] I'm learning at an accelerated rate.

MR. KEENAN: Were there a lot of people that moved off shift recently or given opportunities to go off shift?

[REDACTED]: There were just -- there were a couple of us. Okay. There were a couple of us that just as part of the reorganization that we're undergoing, it was -- it was an opportunity to take some -- some shift managers or some people that were qualified as operations superintendent or shift manager and give them the opportunity develop on shift. And those of us that had been on shift for a while were given the opportunity to come try and

1 develop some other areas of the business as well as
2 some of our now personal leadership styles.

3 MR. KEENAN: Okay.

4 TC [REDACTED] Okay.

5 MR. KEENAN: Thank you.

6 SPECIAL AGENT NEFF: Okay. And what I'll
7 do probably is start -- we'll start broadly in terms
8 of the safety conscious work environment.

9 TC [REDACTED] Okay.

10 SPECIAL AGENT NEFF: And the focus has
11 pretty much been on -- in -- in considering how things
12 work on site; people's ability to raise concerns,
13 their level of comfort in doing so and what's the
14 response when you raise a concern and particularly
15 nuclear safety concerns. But part of it has become
16 radiological safety and industrial safety concerns in
17 that how it all contributes to a safety conscious work
18 environment.

19 Why don't we start with that, and we'll go
20 from [REDACTED] forward, from your position as the [REDACTED]

21 [REDACTED] Did you see -- in terms of the safety
22 conscious work environment can you identify any
23 strengths in the environment on site? Can you
24 identify any particular strengths or any particular
25 weakness and how that works?

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1 [REDACTED] In an employee's ability to
2 raise safety concerns?

3 SPECIAL AGENT NEFF: Right.

4 [REDACTED] My observation was that it
5 was typically -- employees were able to raise
6 concerns. Okay. So I saw that as a strength. Many
7 times in the control room I had employees come to me
8 and say, hey, I don't recommend you do this or I don't
9 think that's the best thing to do. And they were free
10 to raise those.

11 I'm not aware of any time where I thought
12 that there was an environment where employees didn't
13 have that freedom. And none of them ever expressed it
14 to me that they never did -- that they never had that
15 freedom to be able to express themselves.

16 SPECIAL AGENT NEFF: Or felt reluctant?

17 [REDACTED]: They never told me that they
18 felt reluctant. Whether they did or not, I couldn't
19 tell.

20 SPECIAL AGENT NEFF: Okay.

21 [REDACTED] Okay. And just by virtue of
22 the fact that I heard enough concerns get raised would
23 suggest to me that they were free to raise the
24 concerns.

25 SPECIAL AGENT NEFF: Okay.

ALL TC

1 [REDACTED] Okay.

2 SPECIAL AGENT NEFF: Now, from what level
3 are you considering when you say employees and the
4 concerns that you heard, what kind of positions are
5 you hearing this from?

6 [REDACTED] Equipment operators and
7 nuclear control operators.

8 SPECIAL AGENT NEFF: Okay.

9 [REDACTED] Okay.

10 SPECIAL AGENT NEFF: Okay. How about at
11 the CRS level?

12 [REDACTED] Some from the CRS level, but
13 I would characterize it as the CRSs were perhaps less
14 vocal than the equipment operators and the NCOs.

15 SPECIAL AGENT NEFF: Less vocal?

16 [REDACTED] Less vocal, that's correct.

17 SPECIAL AGENT NEFF: Okay.

18 [REDACTED] Okay.

19 SPECIAL AGENT NEFF: In any one specific
20 area or --

21 [REDACTED] No, just generally. They --
22 they weren't as passionate about whatever it is that
23 their issue was as the NCOs and the equipment
24 operators were.

25 SPECIAL AGENT NEFF: Why do you think that

1 was?

2 [REDACTED] I don't know. I can
3 speculate, but that's what it would be.

4 SPECIAL AGENT NEFF: They just appeared to
5 be less vocal about any issues?

6 [REDACTED] Yes.

7 SPECIAL AGENT NEFF: Did they have the
8 same concerns?

9 [REDACTED] That I don't know. I don't
10 know.

11 SPECIAL AGENT NEFF: Okay.

12 [REDACTED] Okay.

13 SPECIAL AGENT NEFF: Can you think of an
14 example that falls into that category where your
15 operators are more vocal about something and --

16 SPECIAL AGENT NEFF: I can think of one
17 time where we were -- we had lost the plant process
18 computer. Do you understand -- do you understand what
19 the plant process computer is?

20 SPECIAL AGENT NEFF: The power indicator?

21 [REDACTED] It's a -- it's a computer
22 system that monitors reactor power based on a heat
23 balance, okay?

24 There are redundant monitors. There are
25 average power monitors that are actually nuclear

1 instrumentation in the core that also monitor -- also
2 monitor core power. And there's -- you know, there are
3 secondary indications; turbine pressure and secondary
4 plant parameters that are also indications of reactor
5 power. And we were operating the reactor and the
6 reactor was actually stable at the time. And over time
7 without any adjustments, reactor power was very slowly
8 lowered. It was going down. So we would constantly
9 have to add a little bit of reactivity to keep the
10 reactor power stable at rated conditions. Okay.

11 So we lost the plant process computer.
12 And an NCO who was the reactor operator, recommended
13 that we lower power. And he was very vocal about the
14 recommendation to lower power because his -- his most
15 accurate indication of power was gone, which is the
16 heat balance indicator. Okay.

17 So we considered that -- you know, as a
18 management team we considered that and believed that
19 because of the redundant indications that we had,
20 which were all working perfectly, and because of the
21 trends of the core which was the core would lower
22 power over time, core reactivity was not increasing,
23 it was decreasing. That there was not a need to lower
24 power. Okay. But the NCO was very vocal about we
25 need to lower power, we need to lower power.

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1 So we talked about it as a control room
2 team. Okay. Shared it with -- I was -- I was the
3 [REDACTED] We talked about it with control
4 supervisors and with the NCOs. And our decision at the
5 end was to not lower power because we had all these
6 redundant indications plus we had a trend from the
7 core.

8 SPECIAL AGENT NEFF: Okay.

9 [REDACTED] Okay. Now the NCO did not
10 agree with the decision, and actually I believe
11 followed up a significance level either two or three
12 notification about nonconservative decision making.
13 Okay.

14 SPECIAL AGENT NEFF: What's the date for
15 this event?

16 [REDACTED] I couldn't tell you.

17 SPECIAL AGENT NEFF: Time frame at all?
18 Year?

19 [REDACTED] I'm going to go 2½ years ago.

20 SPECIAL AGENT NEFF: Okay. So maybe 2002?

21 [REDACTED] Yes, something like that.

22 Something like that.

23 And the investigation was -- the level two
24 investigation was done by who used to be the Salem [REDACTED]

25 [REDACTED] --

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1 MR. BARBER: [REDACTED] (phonetic)?

2 [REDACTED] No. Before [REDACTED]

3 MR. BARBER: [REDACTED] (phonetic)?

4 [REDACTED] Yes. [REDACTED] -- what's his

5 name? [REDACTED] Okay.

6 MR. BARBER: [REDACTED]

7 [REDACTED]

8 MR. BARBER: I wanted to say [REDACTED] and the
9 name didn't sound right.

10 [REDACTED] [REDACTED] actually did
11 the investigation. He came out here and did
12 interviews, okay, with myself. I think he interviewed
13 the NCOs. He interviewed the control room supervisors.

14 SPECIAL AGENT NEFF: Now you said it was
15 a level two investigation?

16 [REDACTED] I believe it was a
17 significance level two. I'm not sure.

18 SPECIAL AGENT NEFF: Was it written any
19 differently before it's -- it's a level two by the
20 time it was investigated. Was it ever a level one?

21 [REDACTED] I -- I don't know. Like I
22 said, I'm not even sure if it was a significance level
23 two. I just know that the NCO did not agree with the
24 decision that we made.

25 SPECIAL AGENT NEFF: Okay.

1 [REDACTED] And wrote a notification
2 which -- your question was do employees feel free to
3 raise concerns. And that's an example of the employee
4 being able to raise a concern; and that's exactly what
5 the employee did was raise the concern.

6 MR. BARBER: Was there something unique
7 the CRS's behavior, too. Because I thought that was
8 the point we were at in the discussion where Eileen
9 was asking if the CRSs felt equally as free. And I
10 think you lead into the example for that.

11 Was there something unique about the CRSs'
12 involvement in that or --

13 [REDACTED] Well, sometimes I'm not sure
14 that the CRSs are as free to express what their
15 opinions are because they're a member of the
16 management team. And as such, you know, [REDACTED]
17 [REDACTED] The [REDACTED]
18 [REDACTED], right? So I can't tell what they're
19 thinking unless they share it.

20 Now, they never once said that they
21 couldn't -- they were concerned about being able to
22 speak freely. They didn't say that. You know, but at
23 that -- well, what they weren't is were as vocal as
24 other people about some things.

25 MR. BARBER: When you in the control room

1 when this happened?

2 [REDACTED] Yes, I was.

3 MR. BARBER: I mean, when the whole
4 evolution took place, including the loss of the
5 computer?

6 [REDACTED] Yes. I believe I was.

7 MR. BARBER: Okay.

8 [REDACTED] I think I was kind of sitting
9 in the back in the [REDACTED] and the
10 control room supervisor was out there.

11 MR. BARBER: Okay. But in that location
12 you don't really see-- I mean you may hear about what
13 happened, but you don't really see any change in
14 indication, right?

15 [REDACTED] No, no. I just --

16 MR. BARBER: You physically have to come
17 out to the control room proper to be able to see it?

18 [REDACTED] That's correct. That's
19 correct.

20 MR. BARBER: And when that happened, how
21 was the concern expressed to you? Do you remember?
22 Did it come through the CRS or was it directly from
23 the NCOs?

24 [REDACTED] I believe I walked in on a
25 discussion that was happening in the control room.

1 Happening between the NCO and the control room
2 supervisor.

3 MR. BARBER: Well, do you recall what the
4 plant was doing? You kind of indicating the plant was
5 stable? Was it possible power could have been
6 increasing at the time?

7 [REDACTED] The plant was stable.

8 MR. BARBER: But --

9 [REDACTED] The plant was stable.

10 MR. BARBER: Okay. So was this a
11 situation where the plant had been stable for a long
12 period of time operating at 100 percent power?

13 [REDACTED] You know, I don't think so.
14 I think we had done a maneuver before.

15 MR. BARBER: Okay.

16 [REDACTED] It was not a long period of
17 time. I think we had done a maneuver prior to this
18 and got to someplace where the plant was steady state,
19 that the only thing we needed to do was continue to
20 slowly raise recirc (phonetic) over time to keep core
21 reactivity --

22 MR. BARBER: What was ZENON (phonetic)
23 doing at the time.

24 [REDACTED] That I don't know.

25 SPECIAL AGENT NEFF: Was ZENON up then?

1 [REDACTED] Well, ZENON was obviously --
2 ZENON was building in -- is that? ZENON building in
3 poisoning alarm reactivity -- ZENON was building in
4 because we had to continue to tap up on recirc to
5 maintaining rating conditions.

6 MR. BARBER: So --

7 [REDACTED] The ZENON concentration was
8 increasing.

9 MR. BARBER: Well, you're saying to
10 maintain rate. Is it possible you could have been
11 getting close to rate? That you in fact could have
12 still been on your power ramp and the reason you were
13 increasing flow was because you were just trying to
14 get to your 100 percent power?

15 [REDACTED] No, that's not how it was.

16 MR. BARBER: Okay.

17 [REDACTED] That's not how it was.

18 MR. BARBER: How was it?

19 [REDACTED] ZENON was increasing at the
20 time. We were already at rated conditions. ZENON was
21 increasing causing core reactivity to go down. And we
22 had to over time gradually tap up on recirc to
23 compensate for ZENON building into the reactor.

24 MR. BARBER: So, if anything ZENON would
25 have helped the situation you're saying because it was

1 increasing?

2 [REDACTED] ZENON would --

3 MR. BARBER: It would have tended to push
4 power down and --

5 [REDACTED] That's correct. That's
6 correct.

7 MR. BARBER: Okay.

8 [REDACTED] Okay.

9 MR. BARBER: Were you fully aware of that
10 at the time?

11 [REDACTED] Yes.

12 MR. BARBER: I mean, was that even a
13 consideration?

14 [REDACTED] We talked about what was
15 happening with reactor power before we made the
16 decision.

17 MR. BARBER: Okay.

18 [REDACTED] And the reactor engineers
19 told us ZENON is building in and we're having to
20 compensate for it. And we -- my recollection was when
21 we talked to the NCO we asked them, well it is that
22 you were doing to maintain reactor power stable. He
23 says I'm tapping up on recirc. So the reactor
24 engineers told us that ZENON was building in and what
25 the reactor operator was doing to compensate was

1 consistent with ZENON building in.

2 MR. BARBER: Okay. And do you think the
3 NCO left the situation in a totally satisfied manner?

4 [REDACTED] No, it wasn't satisfied.

5 MR. BARBER: Well, was it explored why he
6 wasn't satisfied? Well, what was it that he was
7 concerned with? Obviously, he had a concern, based on
8 what you're saying, and it was for whatever reason
9 that he wasn't satisfied.

10 [REDACTED] He believed it was
11 nonconservative. Wasn't explored. I'm not sure how to
12 answer that question. I mean, I gave him the
13 opportunity to express why he thought -- why he
14 recommended the action that he did.

15 MR. BARBER: Okay. I'm just trying to
16 understand why. You portrayed it kind of very matter
17 of fact and I'm just trying to explore a little more.

18 [REDACTED] Sure.

19 MR. BARBER: In a little bit more detail
20 what happened.

21 [REDACTED] Sure.

22 MR. BARBER: Maybe try to understand the
23 sense of different people on the shift at the time and
24 what their level of status of action was -- what the
25 outcome was.

All TC

1 [REDACTED] The NCOs in order -- we know
2 that the most accurate indication of reactor power is
3 the core monitor, right? It -- it's the heat balance.
4 That's what provides the best indication of reactor
5 power.

6 MR. BARBER: Okay.

7 [REDACTED] That is the one that when the
8 reactor engineer -- or I'm sorry, when the reactor
9 operators operate the plant, that is the indicator
10 that they primarily use to ensure that they are
11 maintaining rated thermal power. Okay. So that's
12 their first thing that they go to.

13 So my sense was that the operator when he
14 saw his primarily indication go away, he was -- his
15 immediate reaction was, okay, let's back down. Okay.
16 Instead of exploring the viability of using trends and
17 other indications that are available, that are
18 recognized and that we've used, his primary indicator
19 went away and he was uncomfortable not having that.

20 MR. BARBER: To me that seems
21 conservative. I don't see that it's --

22 [REDACTED] Well, I'm not saying that
23 it's not conservative.

24 MR. BARBER: Okay. So what's the impetus
25 for staying in power? I mean, why not back power off

1 a little bit? Why not?

2 [REDACTED] Well, there's always a
3 challenge that if you're adjusting reactivity, there's
4 always the possibility that by making adjustments to
5 the plant, you initiate a transient. The plant is --
6 the plant is -- this is (inaudible).

7 MR. BARBER: Okay. Go ahead.

8 [REDACTED] The plant is most stable or
9 the plant is safest when it is the most stable. And
10 just as soon as you start to manipulate the plant, you
11 induce an increased likelihood of something happening.
12 Okay.

13 MR. BARBER: Okay.

14 [REDACTED] So if I considered that there
15 is an increased likelihood of something happening
16 because we start to maneuver the plant verses evaluate
17 the plant's condition at the time and where the
18 projections are taking it -- right, the projections
19 are we're going to slowly lower power over time
20 because of ZENON building in, then it seemed
21 reasonable to me that the safest thing for the plant
22 to do was allow it to behave without us adjusting it.

23 A typical problem, typical loss of core
24 monitor, the computer system, it's recoverable within
25 45 minutes. All we have to do is call the computer

1 guy, say come over here, reboot the system. It's not
2 something that's happened that hasn't happened
3 previously. It happens many -- you know, it happens at
4 times. And the guys come over and they reboot the
5 system and we look, and that's where we are. So it's
6 not that uncommon an occurrence.

7 MR. BARBER: Okay. You say he wrote a
8 notification on this?

9 [REDACTED] Yes, he did.

10 MR. BARBER: And there was a corrective
11 action coming out of that?

12 [REDACTED] There was an evaluation that
13 was done. I don't know what corrective actions, if
14 any, came from it.

15 MR. BARBER: Okay.

16 SPECIAL AGENT NEFF: Who wrote the
17 notification?

18 [REDACTED] You want the guy's name? You
19 want the [REDACTED] name?

20 SPECIAL AGENT NEFF: Yes.

21 [REDACTED] (phonetic).

22 SPECIAL AGENT NEFF: Is that the same
23 individual who made the comment that it was
24 nonconservative?

25 [REDACTED]: Yes. He was the [REDACTED] and I

All TC

1 think he followed up with a notification. Perhaps the
2 next day.

3 SPECIAL AGENT NEFF: The same operator?

4 [REDACTED] Yes.

5 MR. BARBER: Would it be helpful for us to
6 provide the notification to you? I'll get that to
7 you.

8 SPECIAL AGENT NEFF: Yes. Just follow up
9 with that.

10 MR. BARBER: I'll take that.

11 SPECIAL AGENT NEFF: Yes. Thank you, Joe.
12 Thank you.

13 What you're indicating was he said to you
14 that would be conservative if you don't -- his concern
15 was that it was nonconservative for not backing down
16 off power?

17 [REDACTED] That's correct.

18 SPECIAL AGENT NEFF: And you're not
19 disagreeing with that? But --

20 [REDACTED] No, I'm not.

21 SPECIAL AGENT NEFF: What I'd like to know
22 is how comfortable were you with where you were in
23 your decision making there? Were they your decisions
24 that you were making to remain where you were?

25 [REDACTED] That was my decision.

1 SPECIAL AGENT NEFF: Okay. Did you have
2 any outside input on remaining where you were?

3 [REDACTED] Not on that specific
4 decision.

5 SPECIAL AGENT NEFF: Not on that specific
6 decision.

7 [REDACTED] That's correct.

8 SPECIAL AGENT NEFF: Is there more to it?

9 [REDACTED] I mean, you know, there are--
10 there are -- there are company influences to maximize
11 generation, right? That's always there. I mean, we're
12 in the business. We're in the business at the time,
13 we're still in the business. And the business does not
14 -- is not successful if we don't make power. Okay.

15 SPECIAL AGENT NEFF: Okay. So when you
16 say not on that specific decision?

17 [REDACTED] So, I mean, I have received--
18 I'll call them subtle coachings throughout my -- my
19 time over the past few years about well if our license
20 power level is X and we're operating at 99.5 percent
21 of X, well why aren't we operating at 99.8 percent of
22 X? Right? Why do we maintain that little margin.

23 SPECIAL AGENT NEFF: To maximize?

24 [REDACTED] That's correct. And I have--
25 yo know, that's not -- that's nothing new.

1 SPECIAL AGENT NEFF: Had you been in
2 instances where it was criticized where you had
3 reasons for being at 99.5?

4 [REDACTED] Specifically, I don't know.

5 SPECIAL AGENT NEFF: Nothing comes to
6 mind?

7 [REDACTED] Nothing comes to mind.

8 SPECIAL AGENT NEFF: Okay. And we talked
9 about this incident as part of operators raising
10 concerns. Do you recall what your CRS did on this?

11 [REDACTED] I think my CRS's initial
12 reaction was he wanted to lower power.

13 SPECIAL AGENT NEFF: Okay. So that
14 changed somewhere?

15 [REDACTED] Right.

16 SPECIAL AGENT NEFF: What changed --

17 [REDACTED] I talk, I said why?

18 SPECIAL AGENT NEFF: Okay.

19 [REDACTED] I mean why did it lower
20 power. Why -- why is that what you want to do? And
21 he told me, well, that's what the NCO recommends. And
22 then we talked about well what's power doing? All
23 right. What's actually happening with the core.

24 SPECIAL AGENT NEFF: So between his
25 conversation -- just among yourselves is what he

1 changed his initial leaning on that?

2 [REDACTED] Correct.

3 SPECIAL AGENT NEFF: And he was
4 comfortable with --

5 [REDACTED] As best I can tell. I mean,
6 he gave the order. Perhaps he wasn't comfortable with
7 it, but -- I mean this goes back to the are the CRSs
8 free to bring up concerns, right? Perhaps he wasn't
9 comfortable with the order and he didn't want to give
10 it, but he felt that that's what I expected and he
11 wasn't -- he didn't feel free to express it. I don't
12 know.

13 MR. BARBER: Did you feel -- I mean you
14 talked about the risk of maneuvering the plant without
15 that indication. Did you feel that that risk was --
16 would have been unacceptable if you would have, say,
17 lowered power by one or two percent for the 45 minutes
18 that you said it would take to get the process
19 computer reset?

20 [REDACTED] Well, I didn't say that I was
21 concerned about maneuvering the plant without
22 indicator. What I said -- what I said was I concerned
23 that anytime you maneuver the plant you -- you
24 increase the likelihood of equipment that needs to
25 change state from not working properly.

1 MR. BARBER: We're just talking about
2 recirc, though, aren't we?

3 [REDACTED] That's right. But we're
4 talking about recirc and gstats (phonetic) with scub
5 (phonetic) tubes that do certain things. And the scub
6 tubes could continue to drive instead of staying still
7 -- I mean, all those things --

8 MR. BARBER: But that would have been a
9 conservative direction, right? In fact, it would have
10 been in the direction where you would have had more
11 safety margin as opposed to less if you're running
12 recirc back?

13 [REDACTED] It depends. I don't
14 necessarily see that as conservative. I mean, to
15 scram the reactor -- well, I know this isn't scrambling
16 the reactor, but to scram the reactor is conservative
17 if the nuclear fuel was being challenged.

18 MR. BARBER: Absolutely.

19 [REDACTED] It's the conservative thing
20 to do. But it also increases a significant transient
21 on the plant that operators, which are people, have to
22 respond to. And when people respond to things, there
23 is always the possibility that they don't respond
24 correctly.

25 MR. BARBER: Okay.

ALL TC

1 [REDACTED] Okay. So that's a risk that
2 also in my opinion --

3 SPECIAL AGENT NEFF: Excuse me.

4 [REDACTED] Okay. So that's a risk that
5 in my opinion also needs to be considered before we go
6 ahead and make a decision.

7 Now, if the right thing to do is scram the
8 reactor because -- because the core's at risk because
9 there's a nuclear safety issue, then that's the right
10 thing to do. But in this case that's not what -- I
11 didn't think that that was necessary from a nuclear
12 safety concern.

13 MR. BARBER: Did you think about the fact
14 that you'd just been raising recirc -- basically what
15 you're doing is you're talking about doing the same
16 manipulation. You were increasing flow.

17 [REDACTED] Right.

18 MR. BARBER: I mean, admittedly, you said
19 you were -- you know, there was some -- you were
20 increasing flow for ZENON?

21 [REDACTED] Yes. Yes.

22 MR. BARBER: So what you're talking about
23 is doing the same manipulation, you're just doing it
24 in a different direction?

25 [REDACTED] That's correct.

1 MR. BARBER: So I don't see -- I guess I
2 don't see the increase in risk here you're describing.
3 Because you in fact were manipulating the component
4 that you described that had the potential to
5 malfunction, and it was behaving properly.

6 [REDACTED] Okay.

7 MR. BARBER: Now why all of a sudden when
8 you're going in the downward direction are you
9 concerned with a malfunction?

10 [REDACTED] Well, there are different --
11 there are different controls and different parts of
12 the circuitry that get put into -- that you use to go
13 down versus up.

14 MR. BARBER: And that was the reason why--

15 [REDACTED] Well, no. That's -- I didn't
16 think to that level of detail.

17 MR. BARBER: Okay.

18 [REDACTED] Okay.

19 MR. BARBER: Okay. Would you understand
20 the operator's concern if he would say, hey, what
21 we're talking about is lowering power for -- by one or
22 two percent for, you know, 45 minutes or an hour? I
23 think that's conversation. Would you understand if he
24 came to you and said, you know, I don't understand why
25 you don't want to do this, it is conservation? You

1 may think it's unneeded, but do you understand why
2 there may be a perception that that is a
3 nonconservative action?

4 [REDACTED] You mean that why the
5 operator might think that's nonconservative?

6 MR. BARBER: Right.

7 [REDACTED] I absolutely understand why
8 the operator thinks it's nonconservative.

9 MR. BARBER: Okay.

10 [REDACTED] Sure.

11 MR. BARBER: Okay. Thank you.

12 SPECIAL AGENT NEFF: Did the coaching that
13 you received on maximizing output of being at the 99.8
14 as opposed to the 99.5, did that factor into your
15 decision?

16 [REDACTED] I couldn't tell you. I don't
17 know whether I received the coaching before or after
18 that incident. The feedback, I don't know if I
19 received it before or after.

20 SPECIAL AGENT NEFF: So you don't know if
21 it was a part of that decision that day for that
22 incident?

23 [REDACTED] No. Can I tell you whether
24 it effected by subconscious and said -- no, I can't
25 tell you.

All 7c

1 MR. BARBER: How would you react today if
2 that same event happened?

3 [REDACTED] I probably wouldn't do
4 anything different. Actually, I think our procedures
5 now support-- from the level -- you actually reminded
6 me. From the level two I believe we enhanced the
7 procedures that provides specific guidance about it
8 and specific procedural guidance, I believe, is a line
9 with the decision that we made that day.

10 The procedure guidance was not in place
11 then. So that was a corrective action.

12 MR. BARBER: So a state where you're at?

13 [REDACTED] Depending on -- depending on
14 the core performance history, it's not just a state
15 where you're at.

16 MR. BARBER: Okay. So it's different
17 options on what you were previously doing?

18 [REDACTED]: That's correct. Depending on
19 how the core was behaving, what was happening with
20 reactivity, what the plant was doing.

21 MR. BARBER: Okay.

22 [REDACTED] Right? And that's now built
23 into the procedures.

24 MR. BARBER: All right. Thanks.

25 MR. KEENAN: Is the process computer a

1 safety related piece of equipment?

2 [REDACTED] I don't believe it is.

3 MR. KEENAN: It's not required for tech
4 specs or --

5 [REDACTED] No. Let me think. It's only
6 required to calibrate -- I think it's only required to
7 calibrate the (inaudible).

8 MR. BARBER: If you don't have that, how
9 do you verify you're not exceeding a rating of thermal
10 power?

11 [REDACTED] There are other calculations
12 that reactor engineers can do. Okay. There's
13 procedures for alternate heat balances that the
14 reactor engineers can do.

15 MR. BARBER: Okay. All right. That would
16 be in like more of a longer term type thing. And if--
17 in this case where you lost it, what do you have to
18 use? I mean, because one moment in time you have the
19 indication the other moment you don't?

20 [REDACTED] Right.

21 MR. BARBER: In the next moment what do
22 you end up using for core power indication?

23 [REDACTED] Primarily APRMs.

24 MR. BARBER: Okay. And are they rock
25 steady at 100 percent?

ALL 7C

1 [REDACTED] No, they move a little bit.

2 MR. BARBER: Okay. A couple of percent
3 either way?

4 [REDACTED] Yes.

5 MR. BARBER: Maybe plus or minus two
6 percent?

7 [REDACTED] Yes.

8 MR. BARBER: So they're going to oscillate
9 between 98 and 102?

10 [REDACTED] Right.

11 MR. BARBER: So you're going to have to
12 kind of like the new pointed oscillation on -- was it
13 HLs (phonetic) or whatever? You have to --

14 [REDACTED] Yes.

15 MR. BARBER: So you got to sit there and
16 you got to kind of look at this --

17 [REDACTED] That's right. You have to
18 use some judgment.

19 MR. BARBER: And say, I think we're kind
20 of okay.

21 [REDACTED] And since then, actually, we
22 now have an alternate indication which is main turbine
23 first stage pressure. That is a second indication --
24 a secondary indication of core power.

25 MR. BARBER: And that's assuming no

1 turbine bypass valves are leaking, right?

2 [REDACTED] I don't know what's assumed
3 when we use it. I would presume that's the
4 assumption.

5 MR. BARBER: I would think that because
6 otherwise if you're setting scheme to the bypass, it's
7 not going through the turbines.

8 [REDACTED]: I would presume that's the
9 assumption.

10 MR. BARBER: So it wouldn't be
11 representative of --

12 [REDACTED] That's correct. Right.

13 MR. BARBER: Okay.

14 SPECIAL AGENT NEFF: Has this issue come
15 up again, did you run into the loss of the power
16 indicator?

17 [REDACTED] No. I never have.

18 SPECIAL AGENT NEFF: Not on [REDACTED]

19 [REDACTED]: That I can recall. It may
20 have, but if it had come up again, it came up when the
21 procedure guidance was clear about what to do.

22 SPECIAL AGENT NEFF: Okay. So let me ask
23 it this way, do you recall this becoming an issue
24 again where you [REDACTED] on one side and you
25 taking an opposing view or any further notifications

1 as a result of that?

2 [REDACTED] No, not related to core
3 power. Not related to that.

4 SPECIAL AGENT NEFF: Okay. The [REDACTED] who
5 was that?

6 [REDACTED] (phonetic). I
7 think it was [REDACTED]

8 MR. BARBER: Has he always been your [REDACTED]
9 or was he -- were you either -- one of you like
10 visiting that day?

11 [REDACTED] No. He was -- he was typical.
12 We worked on the same crew.

13 MR. BARBER: Okay. Was that -- was [REDACTED]
14 [REDACTED] (phonetic) also assigned to [REDACTED] or --

15 [REDACTED] He was visiting.

16 MR. BARBER: Oh, was he?

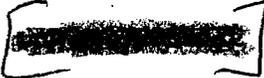
17 [REDACTED] Yes, he was.

18 MR. BARBER: Okay. Well, let me just ask
19 something else, and it's more of a human side to the
20 whole issue.

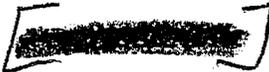
21 [REDACTED] Sure.

22 MR. BARBER: When this stuff happens and
23 you have like a differing view on something, and you
24 had an opinion one way he had an opinion another way.
25 Maybe [REDACTED] was somewhere in between. Does that ever

1 get resolved? I mean, yo know, there was this
2 difference of opinion and, you know, I think in your
3 mind maybe it was resolved. But was it ever resolved
4 to the satisfaction between the two of you where he
5 understood where you were coming from, you understood
6 where he was coming from? *TC*

7  Well, we talked about it
8 later.

9 MR. BARBER: Okay. *TC*

10  You know, and the decision
11 making. I -- I couldn't tell you whether he's
12 satisfied with it. That I don't know. I know we
13 talked about it later and we recognized that, you
14 know, we just saw it a little bit differently.

15 MR. BARBER: Okay. Is there ever an
16 attempt when those kind of situations come up to try
17 and really get down and try to understand the other
18 person's viewpoint and, you know, come from a mutual
19 respects standpoint where -- you know, why did you
20 really want -- you know. Sometimes when you're not in
21 the heat of the situation and it's, you know, a few
22 hours later, a few days, few weeks, few months, few
23 years, whatever -- whatever the right frame is,
24 whatever feels comfortable and you sit and talk to the
25 person one-on-one. And some of the emotions are kind

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1 of behind you. And you sit and you have a dialogue
2 about what was going on, there's maybe some sense of
3 closure. Do you ever felt like you got that between
4 the two of you?

5 [REDACTED] No. Not on that one.

6 MR. BARBER: Okay. On something else? I
7 mean, was there something else that came up later or
8 that there was some --

9 [REDACTED] Not that I recall.

10 MR. BARBER: Okay. Thank you.

11 SPECIAL AGENT NEFF: Okay.

12 [REDACTED] I mean, I understand where
13 [REDACTED] was coming from. At least, I think I do, you
14 know. I don't know if he understands where I was
15 coming from or not.

16 MR. BARBER: Okay.

17 SPECIAL AGENT NEFF: Did that situation,
18 the example that you gave of the operators raising
19 concerns, did that have any effect on them raising
20 concerns in a future date?

21 [REDACTED] I don't know.

22 SPECIAL AGENT NEFF: Did they raise
23 anymore with you? I know you said [REDACTED] wasn't on
24 [REDACTED] so do you have anymore experience with
25 him?

All TC

1 [REDACTED] No. None that comes to mind
2 where I could say, oh yes, he raised a no. I couldn't
3 tell you.

4 SPECIAL AGENT NEFF: What about for
5 anybody else on [REDACTED], can you give any incidents
6 of -- since that time. This would be 2002, maybe
7 early 2002 time frame?

8 [REDACTED] Operators on [REDACTED] raising
9 concerns? I don't have any specific incidences. But
10 most of the operators on [REDACTED] I felt were -- my
11 opinion would be they were free to raise concerns and
12 I tried to address them as best I could.

13 SPECIAL AGENT NEFF: Okay.

14 [REDACTED]: Typically, to actually -- we
15 actually as a management team we talked about that
16 one. We talked about what happened that day in the
17 control room as a management room. And we recognized
18 sometimes that although -- let me think how to say
19 this.

20 And this is an ops management team. We
21 recognized that at times it might be better for us as
22 a management team to be a little more comprising in
23 occasions like that. Okay. In an effort to help the
24 work force in not trying -- in an effort to make sure
25 that there weren't -- wasn't divisiveness, right,

1 between the layers of management. And at some point
2 in time, you know, in order for that to happen perhaps
3 there needs to be a compromise on one side or the
4 other, right? And if one side's not willing to
5 compromise in order for their to be unity, the other
6 side's got to if we're going to be a team and work
7 together. And we talked about that as an ops
8 management team.

9 SPECIAL AGENT NEFF: When did you talk
10 about that?

11 [REDACTED] Oh, it was sometime after
12 that at a [REDACTED] meeting.

13 SPECIAL AGENT NEFF: Was it prompted by
14 any particular incident?

15 [REDACTED] It was prompted by that.

16 SPECIAL AGENT NEFF: Prompted by this
17 incident?

18 [REDACTED] Yes, by that one. I believe
19 that's what it was prompted by.

20 SPECIAL AGENT NEFF: Okay.

21 [REDACTED]: Okay. And I have since then
22 -- you know, I won't say since then, but I have always
23 tried to see if I could compromise to help come up
24 with win/win situations where I -- where I believe
25 what we're doing -- first of all, it wasn't

1 jeopardizing safety, right. So once we put the
2 jeopardizing safety aside, because I never made a
3 decision that I thought jeopardized safety from my
4 perspective, right? That's not -- I never made that
5 decision. But once we put that aside, I always try to
6 make -- come up with a win/win situation that I
7 thought was in the best interest of the company plus
8 helped to establish and maintain the relationships
9 that we had in various levels of the organization so
10 that if the operators were to say, hey, I think we
11 should do this even though it might not be the way I
12 would go do it, right. Not a nuclear safety right,
13 okay? The company's interest, which I'm obviously as
14 a management employee expected to uphold, the
15 company's interest as well. And the company's
16 interest wasn't put at -- what I could call any
17 substantial risk. I would try and give the employees
18 the opportunity to say okay, let's go do it, like
19 that, the way they would suggest.

20 SPECIAL AGENT NEFF: Could you think of
21 any examples of that?

22 7C [REDACTED] I don't know that I can.

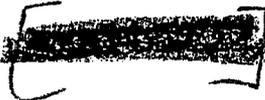
23 SPECIAL AGENT NEFF: Are you aware of any
24 compromises if not made on (REDACTED) are you aware
25 of any where management comprised in a situation like

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1 this, where the operators were uncomfortable from
2 another shift, were you made aware of anything like
3 that?

4 I mean, you're saying that at this
5 management team meeting you recognized that compromise
6 is --

7  Yes. I'll give you an
8 example.

9 It has to do with the number of reactor
10 operators, that's the NRC license -- it has to do with
11 the number of reactor operators on shift. We used to
12 operate the plant with a minimum shift manning of --
13 used to be an OS, two CRSSs. One of the CRSSs would be
14 STA qualified. That person would also be operating
15 the work control. And there would be two reactor
16 operators and four equipment operators on shift.
17 That's how we used to operate the plan when I first a
18 (control room supervisor.) Now that was what I would
19 consider the minimum manning.

20 There were a few more equipment operators
21 on shift and there might have been another NCO on
22 shift for some of the shifts. But typically we would
23 go down to four reactor operators -- I'm sorry, two
24 reactor operators and four equipment operators. Okay.
25 Now, since then we recognized that for everything that

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1 we asked our reactors to do, things like Star
2 (phonetic) and peer check (phonetic) and making sure
3 that they're paying attention to what's happening, we
4 recognized -- and the NCOs have helped us with that,
5 say we really need three NCOs on shift. So we have
6 actually adjusted what our typical operating crew
7 consists of to have at least three reactor operators
8 on every shift. And I think we're moving to have at
9 least five equipment operators on any shift. That's,
10 obviously, at some expense to the company, right?
11 Because there's more people and we actually overtime
12 to fill that third reactor operator position, even
13 though it's not required by the licensee, even though
14 it's not required by any position just to make sure
15 that we can operate the plant within the -- in
16 accordance with the standards that we set and have the
17 folks have some ability to someone else to be able to
18 go relieve them and do that. So we've done that.

19 JC SPECIAL AGENT NEFF: Okay.

20 [REDACTED] Okay. And that's what I
21 would consider an example of where we actually have
22 listened to the operators and have tried to -- you
23 know, take into account what they had to say and have
24 acted on it.

25 SPECIAL AGENT NEFF: Okay. And that would

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1 primarily affect staffing and their comfort level with
2 how many people are on at a particular time.

3 The incident and the meeting had to do
4 more with the operational decision making. Can you
5 think of any compromises that -- after that that took
6 the plant in a more conservative direction? In this
7 instance what the operators were upset about was that
8 they considered that a nonconservative decision.

9 [REDACTED] Right.

10 SPECIAL AGENT NEFF: Can you think of any
11 compromises that came after that that actually caused
12 the plant to be operated more on that conservative --
13 and understood, it's a whole gray area of
14 conservative. If the operators are here or over here
15 on the far right and were there compromises made in
16 terms of operating the plant more conservatively to
17 appease them?

18 [REDACTED] I think we recognized that
19 sometimes the conservatism is not a black and white
20 thing, right? It's not like you can measure it on a
21 line and say, okay, it's ten on the conservative
22 scale. That's what we're going to do. A lot of it is
23 perception.

24 SPECIAL AGENT NEFF: Understood. It's a
25 gray area.

1 [REDACTED] It's a gray area.

2 What we -- and I'm not sure which outage.
3 We recently -- I believe we shut down the unit. I
4 don't know what it was for. We've shut down so many
5 times recently it's unfortunate. But we shut down the
6 unit -- oh, yes, it was a steam leak that was in the
7 turbine motor. And we shut down the unit to go fix
8 the steam leak in the turbine motor. And there was
9 nothing that required us to go do it.

10 SPECIAL AGENT NEFF: Time frame?

11 [REDACTED] Late 19 -- late 2003, I
12 believe is when it was.

13 MR. BARBER: So a couple of months ago?

14 [REDACTED] Yes.

15 MR. BARBER: Two or three months ago?

16 [REDACTED] Yes.

17 MR. BARBER: Okay.

18 [REDACTED] And there was a steam leak in
19 the turbine motor and we actually talked about well
20 how was it that we can go -- we were originally
21 considering how to go fix the leak with keeping the
22 unit online. And what we realized was that it was
23 coming from a secondary plant piping. You're a
24 technical guy, right? It's kind of hard.

25 So it's coming from secondary plant

1 piping. And we don't know if it's an erosion/corrosion
2 issue. We don't know if there's a concern about wall
3 thickness. And we recognize that -- the first thing
4 we needed to do was to send someone in there. We
5 needed to take insulation off and we needed to do
6 something like thickness measurements, right, to see
7 how much pipe we had. And we recognized even to take
8 the insulation off, put someone in an area where steam
9 was leaking, and we choose not to do that. We said,
10 okay, we're going to go ahead and we're going to shut
11 the unit down and we're going to stop the steam going
12 in before we even ask someone to take insulation off.

13 And that was, I would consider that
14 different than perhaps -- I don't know that we've had
15 a similar decision to make in the past, but I'm not
16 sure that in the past we would have made the same
17 decision.

18 SPECIAL AGENT NEFF: Why?

19  I just don't think we would
20 have made that decision.

21 SPECIAL AGENT NEFF: But what do you base
22 that on?

23  My opinion?

24 SPECIAL AGENT NEFF: Yes. No, but I'm
25 asking you what you base your opinion. What's the

1 difference in --

2 [REDACTED] Oh, okay.

3 SPECIAL AGENT NEFF: late 2003 as to where
4 you were before?

5 [REDACTED] The management is different.
6 And this was a decision that was made with the new
7 management team.

8 SPECIAL AGENT NEFF: At what levels do you
9 see the difference? I know you've had a lot of
10 changes. But where specifically do you see the
11 difference?

12 [REDACTED] Probably the difference
13 between what used to be the director and is now the
14 plant manager.

15 SPECIAL AGENT NEFF: So it used to be [REDACTED]
16 [REDACTED] (phonetic) position.

17 [REDACTED] and --

18 SPECIAL AGENT NEFF: [REDACTED]

19 [REDACTED] Yes. And now -- and maybe
20 even above that. Maybe even [REDACTED]. Maybe even -- I
21 don't know who was in power.

22 MR. BARBER: [REDACTED] (phonetic).

23 [REDACTED]: [REDACTED] You know,
24 maybe even between those guys and whoever's there now.

25 Obviously not [REDACTED] because [REDACTED] still

1 there. Right. So there's no doubt to there. But it
2 might be the difference between [REDACTED]
3 management team and the. . .

4 (End side 1 tape 1).

5 SPECIAL AGENT NEFF: What you were saying
6 you saw some differences between the [REDACTED]
7 [REDACTED] team.

8 [REDACTED] right.

9 SPECIAL AGENT NEFF: As opposed to what
10 you have now, [REDACTED]

11 [REDACTED]
12 (phonetic). Although [REDACTED] wasn't there at the time
13 and [REDACTED] (phonetic). It was -- I don't think
14 [REDACTED] was here at the time. I think it was just a [REDACTED]
15 [REDACTED] (phonetic).

16 SPECIAL AGENT NEFF: Okay.

17 [REDACTED] Okay.

18 SPECIAL AGENT NEFF: And it had an effect
19 on what you saw in 2003 where you said you didn't have
20 to be shut down for this period of time, you wouldn't
21 have expected that to happen before?

22 [REDACTED] That's correct.

23 SPECIAL AGENT NEFF: What about that
24 message with maximizing outputs, the why aren't you at
25 99.8 if you're sitting at 99.5, do you get the same

1 message there?

2 [REDACTED] I haven't gotten any yet. I
3 don't know -- I mean -- we get it every nine months,
4 you know, the performance, the plant performance
5 engineer would be looking at our output. And, you
6 know, he's ask a question about how close we operating
7 to our limits. And he's ask us if there was something
8 that we could do to operate a little bit closer if he
9 felt that there was opportunity to do that. I mean,
10 every nine months I would get that message.

11 Have I got it recently? No, I have not.

12 MR. BARBER: When you say the plant
13 performance engineers, is that somebody like a staff
14 level?

15 [REDACTED]: Yes.

16 MR. BARBER: That doesn't really seem that
17 unusual. I mean, I would think that if a person with
18 that sort of job could maximize plant performance,
19 they would -- that would be something that they would
20 ask.

21 [REDACTED] So he would give it to my
22 boss and y boss would say, send out the email and say,
23 hey what you can do.

24 MR. BARBER: Okay.

25 [REDACTED] Okay. I don't think it's

1 unusual either. I kind of thing that's part of the
2 role that he plays in the organization.

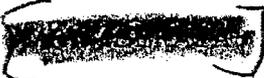
3 MR. BARBER: Was there something that he
4 was trying to, like, specifically look at? This is
5 the guy that's looking for steam leaks and --

6  Yes. Yes. Right.

7 MR. BARBER: -- thing like that? To send
8 all the steam through the turbine instead of bypassing
9 it having it push the condenser?

10  That's right. That's exactly
11 what he's looking to do.

12 MR. BARBER: Okay.

13  Okay. I mean, he's just
14 looking. And he goes, hey, I've noticed you're at
15 99.7.

16 MR. BARBER: Okay.

17  You know, is there -- that's
18 our average. Is there a reason we're at 99.7?
19 Because he might be looking at previous history and
20 saying we couldn't -- we've operated at 99.9, now
21 we're at 99.7, why.

22 MR. BARBER: Is it more that or is he
23 actually looking at megawatts generated? Is he more
24 looking at, okay, we're here with what looks to be
25 full power but our megawatts, you know, under these

1 similar circumstances were here and now they're a
2 little bit lower?

3 [REDACTED] I believe he's looking at all
4 of them.

5 MR. BARBER: Okay.

6 [REDACTED] Okay. He's looking -- I'm
7 sure he's looking at core thermal power. I know he's
8 looking at generator output. And he's looking at
9 feedwater heater performance. You know, extraction
10 line drains, temperature elements.

11 MR. BARBER: Okay.

12 [REDACTED] Do we have any indications of
13 any steam leaks or steam vents not going to the
14 turbine. That's what he's looking for.

15 MR. BARBER: Okay.

16 [REDACTED] Okay.

17 MR. BARBER: All right.

18 SPECIAL AGENT NEFF: Okay. Because of a
19 lot of territory in raising concerns and where you
20 think people do that and how they do that, what we
21 didn't get to was your level for yourself personally
22 and for your peers.

23 [REDACTED] All right.

24 SPECIAL AGENT NEFF: At the shift manager
25 or OS level.

All TC

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[REDACTED] Okay.

SPECIAL AGENT NEFF: How do you see it working at that level? I could go back to my original question and say in this period of time of 2004 do you see that were any strengths in terms of shift manager raising concerns or did you see weaknesses?

[REDACTED] I don't know that I've seen either. I mean, the performance of the job of the shift manager is typically not to raise a concern and land it on someone else's desk.

SPECIAL AGENT NEFF: Okay.

[REDACTED]: Right? The job of the shift manager within our organization is to understand the concern and resolve it. That's the job of the shift manager typically, okay, within our organization.

SPECIAL AGENT NEFF: Okay.

[REDACTED] And shift managers understand and have concerns and attempt to resolve them as best they can.

MR. BARBER: Well, sometimes it's not really practical or feasible, right? I mean, if you need engineering support to resolve a concern, you need that support.

[REDACTED] So you go get the engineering support.

All TC

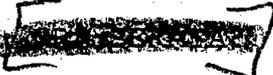
1 MR. BARBER: So you give it to them and
2 they're going to come back with an answer that may or
3 may not resolve the issue. It may address it some
4 way, but -- in your eyes may be fine, in somebody
5 else's eyes it may be insufficient?

6  That's right. And that
7 happens. I mean, that's just differences of levels of
8 proficiency, experience, questioning, attitude,
9 difference in people's -- you know, performance in
10 their jobs.

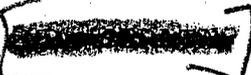
11 MR. BARBER: Thresholds, too, right?

12  Thresholds, sure. Sure.

13 SPECIAL AGENT NEFF: What about for you
14 personally? Have you always felt that you were able
15 to raise a concern? If you were in a position to
16 identify a concern and needed to -- to your senior
17 management, ops management and senior management?

18  No.

19 SPECIAL AGENT NEFF: No, you have not?

20  I have not. I --

21 SPECIAL AGENT NEFF: Part of my question
22 was have you always. Is that the case now?

23  No. Now I'm okay with it.
24 It's hard to tell, because I don't have any concerns
25 with it right now.

1 SPECIAL AGENT NEFF: Okay.

2 [REDACTED] I mean part of the reason I
3 might be reluctant to raise a concern is because I
4 don't believe that the management that I have was
5 willing to listen and understand the concern that I
6 had.

7 SPECIAL AGENT NEFF: Okay. When you talk
8 about the management that you had, is this ops
9 management level or senior management?

10 [REDACTED] Yes. So -- it's all of them.
11 I don't -- i don't believe that they were willing to
12 listen and resolve the concern. Sometimes they would,
13 okay?

14 SPECIAL AGENT NEFF: Okay.

15 [REDACTED] I mean, obviously, if you had
16 this piece of tech spec equipment and the tech spec
17 equipment is operable and you got to go fix it, they
18 would be willing to go do that, right? Because
19 there's no getting around the tech specs, and that's
20 (inaudible) as far as is required, right? If I had an
21 opinion that I was concerned about the plant's ability
22 to continue to operate for the remaining of the
23 operating cycle because of a problem with a safety
24 related control room chiller (phonetic) that I felt
25 needed to get fixed within the refueling outage, do

1 they resolve the concern? No. Because it's still
2 broken and we're going to fix it the next refueling
3 outage. That didn't meet my threshold.

4 SPECIAL AGENT NEFF: Okay. Go ahead.

5 MR. BARBER: So in that instance how did
6 the interaction play out? You're kind of -- you're
7 making a judgment about a piece of equipment and the
8 way it operated and that it was performing to your
9 standards. And your expectation was that it was going
10 to be fixed. Then it wasn't fixed. What's the human
11 side of that? I mean, did you go back to the
12 (inaudible) or [REDACTED] did you say, hey, [REDACTED]
13 [REDACTED] you know, I have this problem with this. This
14 was supposed to be fixed, it wasn't fix. Why wasn't
15 it fixed?

16 [REDACTED] No, I didn't ask that.

17 MR. BARBER: And why is that, or why
18 didn't you?

19 [REDACTED] Because I was told that it
20 was going to -- that we weren't going to fix it during
21 the outage. And we had a plan to go fix it during the
22 operating cycle.

23 MR. BARBER: And has that happened?

24 [REDACTED] No.

25 MR. BARBER: Has it been scheduled?

All 7c

1 [REDACTED] It has been, but the plan --
2 what we -- what we found out and whether we knew it at
3 the time or not, was that for this control room
4 chiller, the allowable outage time in the tech specs
5 is seven days. And in order for us to fix the
6 problem, it will take a window that's longer than
7 seven days. Okay. I believe we as a company pursued
8 extending the allowable outage time to 14 days to
9 allow us to do the work, and we were not successful in
10 getting that extension. So the chiller is -- so right
11 now it is in the degrading condition it was from the
12 last refueling outage, and it's scheduled to happen
13 (inaudible).

14 MR. BARBER: You mean it'll be fixed on
15 the 12th?

16 [REDACTED] Yes. I'm not -- I'm
17 superintendent of outages. It's going to be fixed on
18 the 12th.

19 MR. BARBER: Okay. Let's go back to the
20 sequencing.

21 [REDACTED] Okay.

22 MR. BARBER: And I'll try and describe it
23 as I understood it. It sounds like there was an
24 intention (inaudible)

25 [REDACTED]: No, there was not an

1 intention.

2 MR. BARBER: There was not -- okay.

3 [REDACTED] That's correct.

4 MR. BARBER: But you felt it should have
5 been --

6 [REDACTED] That's correct. I felt it
7 should have been.

8 MR. BARBER: I'm sorry, what were you
9 going to say about it?

10 [REDACTED] Well, every [REDACTED]
11 part of what we do to start the unit up following an
12 outage is to start up affirmation, which means
13 everything that we believe should be fixed or
14 everything that we believe should be addressed before
15 the plant can start up, we document. We do a shift --
16 we do a start of affirmation, each [REDACTED]
17 Okay.

18 MR. BARBER: When is that done?

19 [REDACTED] It's done somewhere in the
20 middle of an outage. Middle -- second half of an
21 outage, whether it's a refueling outage --

22 MR. BARBER: So when the plant is kind of
23 being back together?

24 [REDACTED] That's correct. We're asked
25 to a start up affirmation.

All 7c

1 MR. BARBER: Okay. All right.

2 [REDACTED] So we do a start up
3 affirmation. And what I typically do, is I will go
4 through and review series of documents about the
5 conditions of the plant; operability determinations.
6 I'll review outstanding notifications, LCOs
7 (phonetic), any temporary modifications to the
8 facility, any temporary readings which are readings
9 which were taken to compensate for degraded equipment.
10 And I review all those things and I write my -- as a
11 [REDACTED] my start up affirmation.

12 MR. BARBER: Okay.

13 [REDACTED] Okay. And in that one I was
14 concerned about knowing our history with control room
15 chillers. I was concerned that this control room
16 chiller was not going to be fixed. Okay. And that it
17 would impact our ability to operate the remaining of
18 the cycle, which is just one of the questions I have
19 to answer.

20 MR. BARBER: Okay.

21 [REDACTED] It is am I confident that the
22 unit will operate for the remainder of the operating
23 cycle, right? And I said no, because I -- I know some
24 -- we have some history with control room chillers and
25 their reliability. So I said no, I'm not. I think that

1 needs to be fixed. And then what I was told was that
2 it's going to be fixed online, and it's a candidate
3 for the outage.

4 MR. BARBER: From a process standpoint it
5 sounds like that someone heard your concern, but what
6 was the -- was the process that anything that's on
7 that "list" to be looked at or considered is reviewed
8 by some level operations management --

9 [REDACTED] I don't know.

10 MR. BARBER: -- some judgments made on
11 that, and then -- what kind of feedback did you
12 actually get on that? Was it all verbal or was it--

13 [REDACTED] I don't think I got any
14 feedback except when I talked to the outage manager I
15 said I think we need to fix this. I don't think --
16 following what I wrote on my start up affirmation,
17 nobody came back and said here's how we disposition
18 it. I didn't get that kind of feedback.

19 MR. BARBER: Well, isn't there something
20 in the start up that would requires them to go back
21 and look at what all the [REDACTED] wrote to see
22 if there's any outstanding issues?

23 [REDACTED] Having never done that part
24 of the process, I don't know what happens to it.

25 MR. BARBER: I mean, it's kind of like why

1 would you ask somebody to do something if you're not
2 going to do anything with it?

3 [REDACTED] That's -- right. I'm sure
4 something gets done with it. Right? It would be --
5 I'm sure something gets -- somebody takes all the
6 [REDACTED] start up affirmations and it probably
7 goes to SORC (phonetic) and SORC sits there and talks
8 about them.

9 MR. BARBER: Okay.

10 [REDACTED] That -- that's what I presume
11 happens. But how they --

12 MR. BARBER: You didn't get any feedback
13 on it?

14 [REDACTED] No.

15 MR. BARBER: Until you went out on your
16 own?

17 [REDACTED] Yes.

18 MR. BARBER: Is that a problem?

19 [REDACTED] That I didn't get any
20 feedback?

21 MR. BARBER: Yes.

22 [REDACTED] I think so. I think so.
23 Because I think that paints the picture for, you know,
24 for me in this case that the condition wasn't
25 sufficiently addressed.

All 7c

1 MR. BARBER: The other thing that I find
2 kind of curious is that it's the second half of a
3 refueling outage. So if your refueling outage is --
4 I don't know -- if it's 20 days long, say, plus or
5 minus five days, and you spend the first few days
6 getting in the plant in cold shutdown and, you know,
7 and maybe the next week or so reloading the core,
8 you're pretty much (inaudible) on your critical path.
9 You're looking to head back up. And it's like
10 circumvent this big snowball in a certain direction
11 with gravity, and it's going to roll to the bottom of
12 the hill and it's going to take a lot to turn that
13 thing around.

14 Is there something about the sequence that
15 that's asked for that -- that really doesn't beg for--
16 I don't know, a real answer or a ability to provide a
17 real answer to concerns or questions on? Do you
18 understand my point? -7C

19 [REDACTED] I think I understand your
20 point. I actually wrote it down because I think it's
21 a good point. And since I am the [REDACTED]

22 [REDACTED] I have the opportunity to do something
23 about. But it would seem to me that we should be
24 asking that question at worse case, at the beginning
25 of the outage. At the best case, even before the

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1 outage to make sure that the scope in the outage is
2 right and so that when it comes to being able to start
3 the unit up, the addresses have been -- or the
4 concerns and the things needed to fix the plant have
5 been addressed. Not in the middle of the outage. It
6 seems like late in the game to do it. I think that's
7 what you're saying.

8 MR. BARBER: Right. Isn't --

9 [REDACTED] And I agree.

10 MR. BARBER: Aren't most scopes for
11 outages frozen at like the six month point?

12 [REDACTED] Yes, they are.

13 MR. BARBER: Prior to?

14 [REDACTED] Yes, they are.

15 MR. BARBER: So you'd actually have to
16 load it in, like, 12 months in advance or 18 months in
17 advance?

18 [REDACTED] Actually, I got the RF-12
19 (phonetic) scope which begins in October, yesterday.
20 So it's frozen 8 months in advance. At least we're --
21 the next company outage.

22 MR. BARBER: So if that chiller didn't get
23 put into the scope --

24 [REDACTED] But it might not have been
25 broken eight months beforehand.

All 7c

1 MR. BARBER: Okay. Okay.

2 [REDACTED] It might have been something
3 that was emerging from the eight month, you know. The
4 time frame to the -- from the -- where the chiller was
5 identified as needing repair to the outage, I can't
6 tell you how close it was. I don't know that.

7 MR. BARBER: All right.

8 [REDACTED] Okay. I believe that if it
9 was scoped into the original outage, it probably would
10 have been fixed.

11 MR. BARBER: The reason I'm spending a
12 little time on this is this particular issue may have
13 some organizational elements to it. Organizational,
14 procedural scheduler. Obviously to do an outage it's
15 very complex evolution and very process intensive. So
16 you'd have to have a pretty well laid out plan as to
17 having certain milestones on the way you did the
18 different things. So to ask a [REDACTED] in the
19 midst of an outage if there's any concerns with start
20 up, it seems like a pro forma question without --
21 without the realistic expectation that it will lead to
22 something being highlighted, being addressed, unless
23 it's tech spec or, you know, it's critical for
24 generation.

25 [REDACTED] Right. Are you asking me a

1 question?

2 MR. BARBER: No, I don't think I did.

3 [REDACTED] Okay.

4 MR. BARBER: I guess I should, but I don't
5 have one. I'm just kind of coming to that conclusion.

6 SPECIAL AGENT NEFF: Scott said that right
7 up front that we just engage in a --

8 [REDACTED] It's caution, right?

9 MR. BARBER: I've been trying to state for
10 Eileen to ask you questions.

11 [REDACTED]: Oh, Eileen for questions.

12 MR. BARBER: Eileen's going to ask the
13 questions.

14 SPECIAL AGENT NEFF: I have the questions.

15 MR. BARBER: I told you.

16 SPECIAL AGENT NEFF: It's a simple
17 question. [REDACTED] operations management and the senior
18 management since you were [REDACTED] who were
19 those people?

20 [REDACTED] When I was a [REDACTED]

21 SPECIAL AGENT NEFF: Yes, while you were
22 on [REDACTED] You've more or less portrayed
23 the concerns weren't handled as well under the prior
24 management until you had your change over recently. I
25 think what you're indicating is you don't have those

1 concerns now under [REDACTED] and above?

2 [REDACTED] I'm -- they come in with a
3 clean slate. From my perspective they come in with a
4 clean slate and they haven't -- they haven't done
5 anything that would suggest any -- you know, I need to
6 be concerned about it.

7 SPECIAL AGENT NEFF: Okay.

8 [REDACTED] Okay.

9 SPECIAL AGENT NEFF: But the prior
10 management, who were you -- you're [REDACTED] you're [REDACTED]

11 [REDACTED]: Okay.

12 SPECIAL AGENT NEFF: You said it actually
13 went to your operations management and senior
14 management you included in your assessment of where
15 the concerns weren't handled well?

16 [REDACTED]: Sure.

17 SPECIAL AGENT NEFF: Was it [REDACTED] Have
18 you had more than [REDACTED] (phonetic)?

19 [REDACTED] [REDACTED] (phonetic) was
20 before [REDACTED]

21 SPECIAL AGENT NEFF: Do you see them each
22 that way?

23 [REDACTED] What do you mean?

24 SPECIAL AGENT NEFF: As part of this not
25 handling the concerns well?

All 7c

1 [REDACTED] I didn't say I saw either of
2 them as not handling the concerns well.

3 SPECIAL AGENT NEFF: Actually, when I was
4 asking you before you included ops management and
5 that. So tell me what level you see the problem at?

6 [REDACTED] I saw it --

7 SPECIAL AGENT NEFF: Let's get it clear.

8 [REDACTED] Okay. I saw it at the [REDACTED]
9 [REDACTED]

10 SPECIAL AGENT NEFF: [REDACTED]

11 (phonetic)?

12 [REDACTED]: That's where I saw it. Yes.

13 That's where I saw it.

14 SPECIAL AGENT NEFF: Had you always been
15 under [REDACTED] or did you have somebody --

16 [REDACTED] [REDACTED] (phonetic)
17 before.

18 SPECIAL AGENT NEFF: [REDACTED]

19 [REDACTED] Okay.

20 Was it any different from -- after [REDACTED]

21 [REDACTED] or --

22 [REDACTED] I couldn't tell you. I don't
23 know. That was a long time ago. And I don't know
24 that I was able to distinguish differences between one
25 or the other.

ALL TC

1 MR. BARBER: Did you have any concerns
2 with raising issues to either [REDACTED]

3 [REDACTED]
4 [REDACTED] No.

5 MR. BARBER: So the concerns would have
6 been [REDACTED]

7 [REDACTED]. But I think you said you weren't really
8 sure how things are handled once it went above you?

9 [REDACTED] Well, I tell you, it's really
10 not that I would have any concern with having issue
11 with raising the concern. Is do I think anything
12 would be done with it, right? Do I think anything
13 would be done with the concern. And there's a lot of
14 times what I would think that there were certain folks
15 that wouldn't do anything with the concern, so what's
16 the point in raising that. If they're not --

17 SPECIAL AGENT NEFF: So created apathy is
18 what you're saying?

19 [REDACTED] Yes. If that's the right
20 word. I mean, if they're not going to do anything
21 with the concern, if they're not willing to listen to
22 the concern and help figure out what the solution is,
23 then -- okay.

24 SPECIAL AGENT NEFF: We were kind of
25 focused on equipment performance issues is what you

1 were talking about there.

2 [REDACTED]: Yes.

3 SPECIAL AGENT NEFF: Did you see under
4 that time frame or that management did that effect
5 issues like operable costs for you --

6 [REDACTED]: Yes.

7 SPECIAL AGENT NEFF: -- or your decisions
8 on moving plant power one way or the other?

9 [REDACTED]: Yes. Absolutely.

10 SPECIAL AGENT NEFF: Can you think of
11 examples?

12 [REDACTED]: I can think of specific
13 examples.

14 SPECIAL AGENT NEFF: Okay.

15 [REDACTED]: There's one time where we had
16 an emergency diesel generator that had a jacket water
17 leak. You guys probably have heard this, I'm sure.

18 SPECIAL AGENT NEFF: It helps if you put
19 a time frame on it.

20 [REDACTED]: I'll say maybe a year go,
21 okay.

22 Emergency diesel generator had a jacket
23 water leak. The shift manager on shift said we had
24 some aging criteria that we had already -- you know,
25 that we had some knowledge of and the jacket water

1 leak was in excess of whatever that engineering
2 criteria was, right? So that the shift manager, I
3 believe it was on back shift or a weekend, said the
4 diesel's inoperable, okay?

5 And I'm not sure of the details of how we
6 got there, but what we eventually did was instead of
7 considering the diesel inoperable, we considered it
8 operable but degraded with compensatory actions. How
9 to make jacket water backup to the jacket water head
10 tank to keep the diesel from becoming inoperable,
11 okay? That's what we did from the technical side.

12 Now, the feedback that we got was that we
13 needed to make sure that before we made the
14 declaration of inoperability, that we fully engaged
15 the rest of the organization to figure out every
16 possible alternative instead of just saying it's
17 inoperable.

18 SPECIAL AGENT NEFF: Feedback from where?

19 [REDACTED]: Feedback from, I believe it
20 was [REDACTED] through [REDACTED] to the shift
21 managers. And it might have been from [REDACTED] through
22 [REDACTED] -- through [REDACTED] through [REDACTED] to the shift managers,
23 okay. But I'm confident. It's not based on
24 observations. It's based on my perspective. That it
25 came from [REDACTED] at least to [REDACTED] and that's how we got

1 the feedback.

2 SPECIAL AGENT NEFF: And what makes you
3 say that? How do you know that [REDACTED] was --

4 [REDACTED] I don't know. I don't know.

5 SPECIAL AGENT NEFF: You're just saying
6 it's your perspective that it came from there --

7 [REDACTED] That's correct. That's
8 correct.

9 SPECIAL AGENT NEFF: -- to [REDACTED] to --

10 [REDACTED] That's correct.

11 MR. BARBER: Was that consistent with
12 previous training and coaching you'd gotten on
13 operability determinations, under the operability
14 determinations?

15 [REDACTED] Was it consistent with? I
16 don't know that it was -- I don't know how to answer
17 that one.

18 MR. BARBER: Well, was it different than
19 what you had been previously told about how to
20 evaluate op plant equipment and system operability?

21 [REDACTED] I don't know if it was
22 different. I don't know. Because I don't know that we
23 really had formal, you know, criteria on how to
24 evaluate operability. I mean, operability was
25 typically an assessment made by a licensed operator

1 that was based on that operator's judgment of whatever
2 the condition is and the ability to be able to
3 compensate for the condition. And we had had -- I
4 believe, and I'm going on recollection now based on
5 what -- you know, what is absolute fact. I believe we
6 had previous examples where we considered emergency
7 diesel generators inoperable at that same jacket water
8 leak, it's threshold. And that was what our previous
9 experience was. and then when we did it this time, it
10 was -- you should go to (inaudible) on this instead.
11 Okay.

12 MR. BARBER: Was there any -- in your
13 training program, either your [REDACTED] training or
14 any training you had subsequent to that through recall
15 or through any other avenue related to your job,
16 specific training on how to do operability
17 determinations?

18 [REDACTED] Yes, we've had some training
19 on how to do operability determinations.

20 MR. BARBER: Okay.

21 [REDACTED] Yes.

22 MR. BARBER: And was it based on Generic
23 Letter 91-18 --

24 [REDACTED] Yes.

25 MR. BARBER: -- or your own procedures or

1 both?

2 [REDACTED] Both.

3 MR. BARBER: Both? Okay.

4 [REDACTED] Our own procedures which take
5 into account some elements of Generic Letter 91-18.

6 MR. BARBER: Isn't there a requirement in
7 that in your procedures or in 91-18 to do a prompt
8 operability determination based on the information
9 that's readily available at the time?

10 [REDACTED] I'd have to review the
11 procedures and see what the requirements are.

12 MR. BARBER: Okay.

13 [REDACTED] I try not to commit that
14 stuff to memory if I don't get the procedure.

15 MR. BARBER: All right.

16 [REDACTED] I mean, that's typically --
17 like the typical expectation is that we do operability
18 assessments within 24 hours. And an operability
19 determination, I think it is within 24 hours for an
20 operability determination. I believe that's what it
21 is.

22 MR. BARBER: And would you have felt
23 comfortable sitting and waiting for 24 hours if you
24 were the shift manager who had the jacket water leak?
25 I mean, if you go in and you look and you have an

1 engineering evaluation that gives you some value. And
2 you look at the value and you look at the leakage.
3 And the leakage would say it's in excess of the
4 previous value, would you say okay, well now I'm going
5 to wait 24 hours or I'm going to wait and engage the
6 rest of the organization or do you feel it's your job
7 to make the operability determination based on the
8 best information you have at the time?

9 7C [REDACTED] Well, if I have some previous
10 experience to suggest that this is the number and I'm
11 above the number, it's my job -- I believe it's my job
12 to say it's inoperable. Okay. Because I have some
13 experience. If the experience or if the number's not
14 right, then --

15 MR. BARBER: Well let me go back to my
16 original question. So was this guidance or direction
17 inconsistent or in some way different than the previous
18 guidance or direction that you had been given with
19 regard to operability determination?

20 7C [REDACTED] It's not a case of guidance
21 or direction. It's a -- it was inconsistent with what
22 -- my perspective is that it was inconsistent with
23 what was done in the past. Because what was done in
24 the past was we had a threshold, above the threshold
25 it was inoperable. Okay. and now it was we had the

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1 same threshold, we had leakage above that threshold,
2 but now we were going to package it differently under
3 the auspices of an operability determination instead
4 of using what we do and what we've always done in the
5 past and saying it's inoperable.

6 SPECIAL AGENT NEFF: What do you gain by
7 doing that?

8 [REDACTED]: What --

9 SPECIAL AGENT NEFF: What would be the
10 reason for fully engaging the rest of the organization
11 when shift manager would have said I would go in
12 another direction with this?

13 [REDACTED]: Well, you gain safety system
14 -- you gain the availability of a safety system. When
15 you go through the operable but degraded, right. You
16 keep the safety system available to be able to perform
17 its function. So there is actually a safety gain when
18 we do that.

19 MR. BARBER: If you declare the equipment
20 inoperable, do you disable it?

21 [REDACTED]: No. Not necessarily. We
22 might. And that's -- by having it operable but
23 degraded with compensatory actions the compensatory
24 actions should be -- should provide the assurance that
25 the piece of equipment is capable of performing its

1 design function. Right? All attendant supported
2 instrument, etcetera, plus compensatory actions make
3 sure that the equipment can do its design function.
4 Right?

5 MR. BARBER: Okay.

6 7C [REDACTED]: Inoperability provided you
7 take no further actions, the machine will start and
8 run but at the leakage -- in this case of the jacket
9 water leakage number is above the engineering
10 threshold, and all the jacket water leaks out, then
11 the machine won't run for as long because of the run
12 out of jacket water.

13 MR. BARBER: Okay.

14 7C [REDACTED]: Okay.

15 MR. BARBER: I guess the presumption is if
16 you're in an emergency, that you would have operator
17 action to try and mitigate that, whether it would be
18 to get additional water to fill the jacket water head
19 tank or expansion tank; you would do things to try and
20 compensate for that fact that you have a known leak.
21 But what I was trying to understand on that is if you
22 did declare the equipment inoperable, I was trying to
23 understand if you disabled it, which in fact would
24 reduce your safety margin. But in fact if you don't,
25 you're in the same position.

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1 [REDACTED] That's right. That's right.

2 MR. BARBER: It becomes more of an
3 administrative difference.

4 [REDACTED] That's right. And --

5 MR. BARBER: Not a real difference?

6 [REDACTED] That's right. And whether we
7 disable the equipment or not would be a case-by-case
8 basis. If we think the equipment is at risk, you
9 know, like it could start and run and damage itself,
10 then we would probably disable it.

11 MR. BARBER: Okay.

12 [REDACTED]: With a jacket water leak of
13 178 drops a minute, it's hard to tell what we would
14 have done.

15 MR. BARBER: Okay.

16 [REDACTED]: Right. I don't think we would
17 have -- I might not have disabled. I might have
18 waited for maintenance to have a maintenance plan and
19 then say, okay, let's go fix it.

20 MR. BARBER: Okay.

21 [REDACTED]: Right?

22 MR. BARBER: Okay.

23 [REDACTED]: And then when we were ready
24 to go fix it and take corrective maintenance to save
25 for in support of the maintenance.

1 MR. BARBER: Okay.

2 JC [REDACTED] Okay. But it's also
3 interesting that I don't believe that we understood
4 what the exact condition of the machine is. And I say
5 this based on stores that I heard, so it's kind of
6 third party information. Because what I found out was
7 I believe it was we thought it was on an engine driven
8 jacket water pump seal and it turned out to be
9 something other than that caused the degraded
10 condition. And part of the operability determination,
11 I believe, is you have to have reasonable assurance of
12 the ability of the machine to be able to do its
13 function. And although we've packaged it that way
14 that we had reasonable assurance, I think in hindsight
15 when we actually did the maintenance, we found out
16 that we probably did not have had reasonable
17 assurance. Okay.

18 SPECIAL AGENT NEFF: After you found
19 additional --

20 JC [REDACTED] After we did the maintenance.
21 Right after we took the thing apart we found out, you
22 know, it's not this that we thought. We thought it
23 was just a leaking seal, and I think we found out that
24 it was a seal face that was frozen and would have over
25 heated and failed. Okay.

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1 SPECIAL AGENT NEFF: One thing I'm just
2 not a little bit unclear on, when you offered this as
3 an example of where the -- that conservative point of
4 view of your former management effected operability
5 calls, what you said was this was an example of that.
6 Is it -- it seems like you had a problem with that?

7 [REDACTED] You mean with that call?

8 SPECIAL AGENT NEFF: Yes. No, with the
9 instruction coming through what you thought was [REDACTED]
10 [REDACTED]. And was this -- you said
11 "we," was this at a meeting?

12 [REDACTED]: Yes, it was a meeting.

13 SPECIAL AGENT NEFF: But what was the
14 reaction of the shift managers to that message?

15 [REDACTED] I can only presume, and I
16 presume it was similar to the reaction I would
17 characterize here. I don't think they thought it was
18 an appropriate call.

19 SPECIAL AGENT NEFF: You don't think they
20 thought --

21 [REDACTED] I don't think the [REDACTED]
22 [REDACTED] thought it was appropriate to try and go down
23 a road of operable but degraded when we had clear
24 engineering thresholds and the leakage was above that.
25 I think the shift managers thought it was appropriate

1 to go to take the machine, make it inoperable and go
2 and fix it.

3 SPECIAL AGENT NEFF: Okay. And was this
4 message effecting for that particular situation
5 because you had had prior examples where you made the
6 call that it was inoperable or was it effecting future
7 operability calls?

8 TC [REDACTED] Future. Future.

9 SPECIAL AGENT NEFF: Okay. Did it effect
10 future operability --

11 TC [REDACTED]: I actually -- it actually
12 did, as a matter of fact. I had one inoperability call
13 --oh, I say four or five months ago where there was a
14 -- there was an abnormal indication on a rod block
15 monitor. Rod block monitor is a piece of equipment
16 that monitors power in the core in the vicinity of a
17 control rod that's going to be moved. We actually
18 have two rod block monitor channels.

19 And one of the rod block monitor channels
20 gave an indication that was unexplainable. We have
21 never -- you know, the crew that saw -- actually I
22 came in that night. And the crew that saw it had not
23 seen that response from the rod block monitor before.
24 Okay.

25 So they -- they did some investigation.

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1 They did some discussion. And they -- they concluded
2 reasonably that the rod block monitor was -- was okay.
3 Okay. And that happened late on a shift, and I
4 actually came in the shift afterwards and asked some
5 questions about well why is it okay, why did we see
6 this response. And based on the jacket water
7 incident, it was okay well I shouldn't make the
8 decision myself. I ought to have engineering come in
9 and make the evaluation for me.

10 So instead of declaring the rod block
11 monitor inoperable, I said okay, I'm going to have
12 engineering come in and assess the -- what this
13 condition is and assess that condition on the
14 operability of the rod block monitor, which is what we
15 did. However, there was a tech spec that said if the
16 rod block monitors are inoperable, verify you're not
17 challenging any thermal limits. Right? I'm
18 paraphrasing the tech spec.

19 So I verified that we weren't challenging
20 any core thermal limits. And we documented that in
21 the log. And the engineers came in the next day and
22 started to noodle through the issue. And it actually
23 took the most part of the day. Then the feedback that
24 I got was well why didn't you just declare inoperable.
25 That was the feedback I got from it, and actually this

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1 was the [REDACTED] I
2 believe, through some other. Why didn't you guys just
3 declare it inoperable.

4 SPECIAL AGENT NEFF: So the first example
5 was about a year ago? The second was four to five
6 months ago?

7 [REDACTED] That's correct. So the first
8 example was don't just declare it inoperable. Right.
9 go get engineering involved. And the second time go
10 get engineering involved and we'll just declare it
11 inoperable. Absolutely from my perspective completely
12 different guidance, but different management team.

13 SPECIAL AGENT NEFF: Okay. Anything else
14 on operability calls?

15 [REDACTED]: And you told me about
16 maneuvering the plant?

17 SPECIAL AGENT NEFF: Yes. I was going to
18 move there now.

19 [REDACTED] Okay. Operability calls? I
20 think that's it.

21 SPECIAL AGENT NEFF: Do you have anything
22 further on that, Scott?

23 MR. BARBER: I guess just a couple of
24 general questions.

25 You said there was specific training on

1 Generic Letter 91-18, your own internal procedure and
2 how to do operability assessments, operability
3 determinations?

4 [REDACTED]: There was some training on
5 it.

6 MR. BARBER: Is that part of the annual
7 requalification training program or is it just
8 periodic? Is it --

9 [REDACTED]: I don't know.

10 MR. BARBER: Do you recall?

11 [REDACTED]: I don't know, Scott. I know
12 we talked about it occasionally, but I'm not sure how
13 frequently it shows up.

14 MR. BARBER: Do you ever compare notes
15 with your peers on like operability issues and how
16 they're resolved? Is that something you fully discuss
17 between, you know, the [REDACTED] discuss
18 amongst themselves? How do those things usually play
19 out like if you have something like this that's
20 unusual?

21 [REDACTED]: You mean something like a rod
22 block monitor?

23 MR. BARBER: Yes, like the rod block
24 monitor.

25 [REDACTED]: I mean, we talk about it.

All TC

1 You know, at times we talk about it. If there's one
2 that's relevant talking about. Like I talked about
3 the rod block monitor with the shift manager that was
4 on when they originally saw it. And, you know, I
5 asked him a couple of questions well how come it
6 wasn't documented? Yo know, if you went through this
7 thought process and concluded that the rod block
8 monitor was operable, how come there wasn't a
9 notification written for the difference that you say
10 and how come there wasn't any engineering or any input
11 into that notification that documented why you thought
12 it was okay? I might talk to him about that. Because
13 that's what we ended up having to do that night was
14 cut a notification and then we got -- we got left
15 with, okay, well now we have to screen for operability
16 and not being there and having seen it all, it was not
17 the easiest of screenings to do?

18 SPECIAL AGENT NEFF: You were looking for
19 the prior input on that from the prior shift?

20 7C [REDACTED] That's right.

21 SPECIAL AGENT NEFF: What was the reason
22 for not doing that?

23 7C [REDACTED] I don't know.

24 SPECIAL AGENT NEFF: That was their
25 response to you was I don't know.

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1 [REDACTED]: No, I don't know.

2 SPECIAL AGENT NEFF: You don't recall?

3 [REDACTED]: I don't -- I don't recall
4 what they said was their reason for not doing it. It
5 might have been in -- I don't recall.

6 SPECIAL AGENT NEFF: Okay.

7 [REDACTED]: And I tried to actually them,
8 you know, as we were going through and writing the
9 notification of trying to evaluate it. You know, we
10 tried to call them and the guys that were on that day
11 and say, hey, you know can you give us the details.
12 But we couldn't get in touch with any of them.

13 SPECIAL AGENT NEFF: What's the response
14 to an inoperable rod block monitor? Do you enter into
15 any kind of action statement on that?

16 [REDACTED]: Yes, that's a tech spec
17 action statement.

18 SPECIAL AGENT NEFF: Okay.

19 [REDACTED]: And into action, I believe
20 it's within one hour. The words are verify that the
21 core's not operating on a limiting control (inaudible)
22 pattern, which essentially means verify we're not
23 exceeding any thermal limits.

24 SPECIAL AGENT NEFF: Which is what you
25 did?

All TC

1 [REDACTED] Which is what we did. Okay.
2 And then I believe it's restore to operable within 24
3 hours or place (inaudible).

4 SPECIAL AGENT NEFF: Was that done by the
5 prior shift, though?

6 [REDACTED]: What?

7 SPECIAL AGENT NEFF: Did they verify that
8 they weren't exceeding any thermal limits? If it had
9 happened on the shift prior to yours, you did it on
10 your shift?

11 [REDACTED]: Yes, we did.

12 SPECIAL AGENT NEFF: Was it done on the
13 shift prior?

14 [REDACTED]: Not that I could tell.

15 MR. BARBER: If you trip the rod block
16 monitor, what do you have to do?

17 [REDACTED]: It just prevents us from
18 withdrawing control rods. But that's the impact. You
19 mean, what do we have to do to actually trip it?

20 MR. BARBER: Well, the impact is you can't
21 withdraw control rods?

22 [REDACTED]: That's correct.

23 MR. BARBER: Is it under any circumstances
24 or can you do with if you have an additional operator
25 present?

ALL 7C

1 [REDACTED] I don't know, without looking
2 at the license, I'm not sure. I'd have to go read it.

3 MR. BARBER: Okay. Okay.

4 SPECIAL AGENT NEFF: Okay. Are you
5 finished with that issue, Scott?

6 MR. BARBER: I am.

7 SPECIAL AGENT NEFF: And I think you
8 indicated you had nothing further on operability calls
9 or anything along those lines, right?

10 [REDACTED] Yes. None that come to mind.

11 SPECIAL AGENT NEFF: I don't want to rush
12 you through it, [REDACTED] so you can take your time.

13 [REDACTED] Thank you.

14 SPECIAL AGENT NEFF: Does anybody need a
15 break? Do you want to go off the record briefly?

16 MR. BARBER: I was going to mention it.

17 SPECIAL AGENT NEFF: Okay. We'll off.
18 It's approximately 3:01.

19 (Whereupon, a recess).

20 SPECIAL AGENT NEFF: Okay. We're back on.
21 It's approximately 3:13 p.m.

22 And what we just determined is that we
23 don't have anything further to add to the rod block
24 monitor incident.

25 In terms of operability calls, I think you

1 indicated that was pretty much all that you could
2 recall or had to offer at this point?

3 [REDACTED] Yes.

4 SPECIAL AGENT NEFF: The other issue was,
5 it was kind of a two part question, was issues
6 regarding maneuvering the plant -- decisions that
7 effected maneuvering the plant. Did you have the
8 ability to raise concerns to your management freely
9 and comfortably? Did you feel that you could?

10 [REDACTED] With respect to maneuvering
11 the plant?

12 SPECIAL AGENT NEFF: With respect to
13 maneuvering the plant. If you had a concern about the
14 direction you were given or the direction you were
15 going, could you raise that concern to your
16 management?

17 [REDACTED]: I mean, I could raise it. But
18 I think it fell on deaf ears.

19 SPECIAL AGENT NEFF: So would you raise
20 it?

21 [REDACTED] I did.

22 SPECIAL AGENT NEFF: Instances?

23 [REDACTED] Two specifically. The first
24 has to do with -- and I'm not sure which -- in which
25 sequence these are.

1 The first one has to do with there was a--
2 either a 500 KB (phonetic) break or if it was out of
3 service. I believe it was sometime in the summer of
4 2003.

5 And it was out for maintenance. And we
6 had something happen, and I'm not sure what it was.
7 I believe we lost the sale of Hope Creek cross tied
8 line (phonetic). And we have grid stability curves
9 that give us operating regions with certain pieces of
10 500 KB equipment out of service. Okay. And
11 maintaining the stability of the grid is really the
12 responsibility of the system operators, not use. Not
13 the generators. And the system operators would take
14 those grid stability curves, apply whatever conditions
15 were to the curves and tell us this is where you need
16 to operate to keep the grid stable.

17 So when we had the breaker that was out
18 and the Salem/Hope Creek cross tie line was out, we
19 got an order that came from the electric system
20 operator that said reduce either generator -- and/or
21 generator power and/or generator reactive loading to
22 some certain parameter. Okay. So we had to lower
23 power. Okay.

24 So we were lowering as directed by the
25 system operator to make -- to keep the grid stable.

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1 And what I got was, I got a telephone call from the
2 [REDACTED] that was out in the switchyard that said
3 stop moving the plant. They're going to have the 500
4 KB breaker back to you in an hour and a half. Okay.

5 SPECIAL AGENT NEFF: What did you think
6 about that?

7 [REDACTED] I thought it was
8 inappropriate that I got that order from that
9 direction.

10 SPECIAL AGENT NEFF: [REDACTED]

11 [REDACTED]
12 [REDACTED] Yes. and I thought it was
13 inappropriate that that order came directly to me.

14 SPECIAL AGENT NEFF: Did he give you a
15 reason?

16 [REDACTED] He said they were going to
17 have the break back in an hour and a half.

18 SPECIAL AGENT NEFF: That was the extent
19 of it?

20 [REDACTED] That was the extent of it.
21 There was nothing about I've had a discussion with the
22 electric system operator. There is nothing about the
23 grid's not be challenged right now. Okay. And the
24 training that I had received in the past was when the
25 electric system operator gives me direction, I'm to

1 follow the direction because the electric system
2 operator is trying to protect the integrity of the
3 grid. Okay.

4 SPECIAL AGENT NEFF: What was your
5 response to [REDACTED]

6 [REDACTED] I said one moment, please.
7 And I gave the phone to [REDACTED] who actually
8 happened to be in the control at the time. I said take
9 this call. And he took the call.

10 So I don't know what [REDACTED] said to [REDACTED]. But
11 [REDACTED] said -- when [REDACTED] got off the hone, he said in a
12 couple of minutes call the system operator and see if
13 the system operator has a revised order for you. I
14 think -- I can presume that he told [REDACTED] you need to
15 resolve it through the system operator. Have the
16 system operator give the control room a different
17 direction because they're the ones who are driving the
18 unit, whatever it is.

19 And I called the system operator a little
20 while later and the system operator gave me a
21 different direction.

22 MR. BARBER: Was it to maintain where you
23 were?

24 [REDACTED] Yes.

25 MR. BARBER: So was that a communications

1 problem just the way the communications went or was
2 that -- did you take it more as somebody who really
3 was giving you directive without really knowing what
4 the implications were?

5 [REDACTED] That's how I -- that's how it
6 landed on me was he was giving me direction at --
7 while not fully considering why I was doing what I was
8 doing. Right. I don't know that he had talked to the
9 system operator and got alignment with them. I don't
10 know if he did that.

11 MR. BARBER: Did he give you any chance to
12 explain why you moved the plant? Did he say why are
13 you moving the plant or was it --

14 [REDACTED]: Did he ask me why I was
15 moving it?

16 MR. BARBER: Yes.

17 [REDACTED]: I believe that he knew
18 already. He didn't ask me, but I believe he knew
19 already. Because I think we communicated were we
20 moving the plant.

21 MR. BARBER: Oh.

22 [REDACTED]: Which is why he went out to
23 the switchyard.

24 MR. BARBER: And why do you think that
25 was? I mean, what was goal in being in the

1 switchyard?

2 [REDACTED]: You've got to interview him.

3 I don't know.

4 SPECIAL AGENT NEFF: With the time frame
5 here, his statement to you was that you were going to
6 have a breaker back in an hour and a half?

7 [REDACTED]: That's my recollection.

8 SPECIAL AGENT NEFF: And then he was put
9 on through [REDACTED] [REDACTED] recommended he went
10 through the system operator. How much time passed
11 before you got the direction to maintain?

12 [REDACTED]: Five minutes.

13 SPECIAL AGENT NEFF: Okay. So it was
14 pretty quickly?

15 [REDACTED]: Yes, it was pretty quick.

16 SPECIAL AGENT NEFF: So just we
17 understand, did you have a problem with the direction
18 or just that it didn't come through the system
19 operator? Where was your concern?

20 [REDACTED]: I had a problem that the
21 direction didn't come from the system operator.

22 SPECIAL AGENT NEFF: Okay. But once it
23 did come through the system operator?

24 [REDACTED]: I was fine with it.

25 SPECIAL AGENT NEFF: You were fine with

1 it?

2 [REDACTED]: Yes.

3 SPECIAL AGENT NEFF: Okay. Was that --

4 [REDACTED]: Because it's the system --
5 because -- it's because it's the system operator's
6 responsibility to maintain the integrity of the grid.

7 SPECIAL AGENT NEFF: Okay.

8 [REDACTED]: And that's what the system
9 operator was trying to do when he gave me the
10 direction. And that's their job.

11 SPECIAL AGENT NEFF: Okay.

12 [REDACTED]: Okay.

13 SPECIAL AGENT NEFF: So as long as the
14 right people were involved --

15 [REDACTED]: That's correct.

16 SPECIAL AGENT NEFF: -- the direction was
17 fine.

18 [REDACTED]: That's correct.

19 SPECIAL AGENT NEFF: But from [REDACTED]
20 [REDACTED] you had an objection to it?

21 [REDACTED]: That's correct.

22 SPECIAL AGENT NEFF: So what about that
23 situation with [REDACTED], was this unique for
24 you? Was this a first? Was this common?

25 [REDACTED]: I actually had another

1 incident where [REDACTED] was specifically involved. And I
2 don't know if it was before after.

3 SPECIAL AGENT NEFF: This was summer 2003?
4 [REDACTED] I believe so. And I think
5 the other -- I'm not sure which one the other one.

6 We were in a tech spec to shut down the
7 unit. And I believe the tech spec we were in was be
8 in hot shutdown within 12 hours. Okay. And I'm going
9 off memory. It might not be exactly right. I don't
10 know if it was a 303 tech spec or be in a hot shutdown
11 within 12 hours.

12 SPECIAL AGENT NEFF: What was the
13 equipment involved?

14 [REDACTED]: I don't know. I don't -- let
15 me -- I have to think. I know it was something that
16 had two trains because the comment was we'll let
17 engineering bring you the justification. I don't -- I
18 don't recall what it was.

19 SPECIAL AGENT NEFF: Time frame?

20 [REDACTED]: Sometime in 2003.

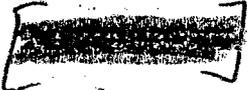
21 SPECIAL AGENT NEFF: Sometime in 2003?

22 [REDACTED]: Right. And we were probably
23 -- I was on day shift. I was the [REDACTED] I'm
24 characterizing to give you a sense of where we were in
25 the LCO. Right. It might not be accurate, the

1 information I'm saying. But I'm trying to
2 characterize it a certain way. We were, I'll call it
3 somewhere in the second half of a short term LCO,
4 okay. And it was being hot shutdown within a certain
5 time frame that wasn't very far out. And it was right
6 around noon. You know, it was like be in a hot
7 shutdown within the next four; that's about how much
8 time we have left.

9 SPECIAL AGENT NEFF: It sounds like
10 something I might have heard of before. Is this the
11 diesel jacket water leakage situation.

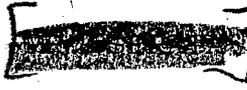
12 MR. BARBER: It sounds like it was diesel
13 jacket water.

14  I -- I --

15 SPECIAL AGENT NEFF: I'm thinking June
16 2003 time frame.

17 : I don't know if it was the
18 diesel jacket water.

19 MR. BARBER: It sort of --

20  We came down to 40 percent
21 power and stopped?

22 MR. BARBER: Yes.

23  Okay. So that's what it was.

24 MR. BARBER: Yes.

25  Okay.

All 7c

1 MR. BARBER: (inaudible) 5:00 in the
2 morning, and this is about -- and you had (inaudible)
3 4:35 in the afternoon to get the plant off line and
4 getting the hot shot down?

5 [REDACTED] That could be.

6 MR. BARBER: And then around 11:00 the
7 plant hadn't started moving yet?

8 [REDACTED] That's right. That's it.

9 SPECIAL AGENT NEFF: Just by the way
10 you're describing it.

11 [REDACTED] Okay. So that's it. So I --

12 MR. BARBER: That's like --

13 [REDACTED] But what I can tell you was,
14 okay, was I was the [REDACTED] I was the [REDACTED]
15 [REDACTED] at the time because [REDACTED] wasn't
16 on site. I think he was out on vacation. And I sat in
17 a room -- I was in a room with myself and [REDACTED]
18 [REDACTED] and [REDACTED] was trying to
19 persuade me why it was inappropriate and why I didn't
20 need to move the plant yet when my control room crew
21 was saying you need -- we need to move the plant so we
22 can get to where we need to go, met the tech spec and
23 not challenge ourselves by making a mistake by having
24 too much time pressure. . .

25 (End side 2 tape 1)

All TC

1 SPECIAL AGENT NEFF: And words you used
2 [REDACTED] was leaning on you. But what makes you say
3 that? Was it the words? Was it the length of the
4 discussion? What was -- what was --

5 [REDACTED]: It was the words and the
6 length of the discussion. When I told him I thought
7 I needed to move the plant because that's -- I needed
8 the time we had remaining in order to put the unit in
9 the condition required by the tech spec, he would ask
10 me well why can't you wait until noon. Well, why
11 can't you wait until 2:00? Or he would ask me, well
12 can you take a look at this. Okay. To give me
13 something to occupy my time -- can you take a look at
14 what engineering wrote.

15 SPECIAL AGENT NEFF: You mean to delay
16 you?

17 [REDACTED]: Well, that's how -- that's
18 how it was for me, was delaying me. It was delaying me
19 from --

20 SPECIAL AGENT NEFF: To occupy your time?

21 [REDACTED]: It was delaying me from what
22 I needed to do with the unit to comply with the
23 license, okay?

24 SPECIAL AGENT NEFF: But why?

25 [REDACTED]: What?

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All TC

1 SPECIAL AGENT NEFF: Was he offering you
2 an explanation for that? I mean, why would he do
3 that?

4 MR. BARBER: Was there some hope that the
5 diesel was going to be declared operable at the last
6 minute and you could turn things around?

7 [REDACTED] That's probably a fair
8 statement that there was some hope. It was not hope
9 that I had. Having seen one -- the first cut of an
10 operability determination, having seen that early in
11 the morning, it was far from what I expected as an
12 operability determination. Far from what I expected.
13 And I really did not believe that engineering was
14 going to be able to provide a reliable robust
15 operability determination within the time required by
16 the license. Okay. I did not have that confidence.

17 SPECIAL AGENT NEFF: Did [REDACTED]
18 say that he had that expectation?

19 [REDACTED] I think he said that -- I
20 think he said more like let's give engineering a
21 chance. So I got let's give engineering a chance, but
22 let's also give the operators a chance to put the unit
23 in the required condition within the tech spec
24 required time. Both of those.

25 MR. BARBER: What was [REDACTED]

All TC

1 reaction to all this? '

2 [REDACTED] He was -- I believe he
3 thought it appropriate to also -- he also thought it
4 was appropriate to move the unit.

5 MR. BARBER: Did he -- what did he
6 actually voice during the discussion? What was his--

7 [REDACTED] You mean did he think -- my
8 recollection is he said I think we need to move the
9 unit.

10 SPECIAL AGENT NEFF: What happened then?

11 MR. BARBER: And did the unit eventually--
12 did it move?

13 [REDACTED] So what happened then -- so
14 what happened then was -- this is actually [REDACTED] -- I
15 think [REDACTED] was here because I remember having a
16 conversation with [REDACTED] So it was after the reactivity
17 event.

18 I remember having a conversation with [REDACTED]
19 and one of [REDACTED] thing that he used to coach always,
20 when he walks into a meeting and there's a decision to
21 be made, he wants to know whose the decision maker,
22 right? Whose the decision maker.

23 So I went into -- since I heard that, I
24 said okay, whose the decision maker? And we clearly
25 identified that I was the decision maker because I was

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1 the [REDACTED] at the time. Okay.

2 So I said I'm going to move the unit. And
3 then before I left the room he said, okay. He goes --
4 he said I move the unit, make sure your crew does it
5 safely and if you have to exceed the tech spec time in
6 order to do it safely, he goes, I'll take the hit for
7 it.

8 SPECIAL AGENT NEFF: This is [REDACTED]
9 [REDACTED] No, that's [REDACTED] That's what
10 [REDACTED] said.

11 SPECIAL AGENT NEFF: Okay.

12 [REDACTED] Okay. [REDACTED] wasn't there.

13 SPECIAL AGENT NEFF: Oh, okay.

14 [REDACTED] wasn't there. This is --
15 and I'm reflecting on an earlier conversation.

16 SPECIAL AGENT NEFF: He had influence on
17 your -- Okay.

18 [REDACTED] On me. On who is the
19 decision maker, right?

20 SPECIAL AGENT NEFF: Okay. Okay. So
21 that's what's crossing your mind when you're in this
22 meeting and [REDACTED] pushing one way and you
23 have to decide who is the decision maker?

24 [REDACTED] Whose going to make the
25 decision.

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1 SPECIAL AGENT NEFF: Okay.

2 [REDACTED] Because there's obviously a
3 difference here.

4 SPECIAL AGENT NEFF: So that's a flip for
5 him then? He's now endorsing what you have to do and
6 to do it safely.

7 [REDACTED] Who? [REDACTED]

8 SPECIAL AGENT NEFF: Right. He's not
9 holding up anymore, right?

10 [REDACTED] Yes. He's not.

11 MR. BARBER: I want to be clear on what
12 happened. Did [REDACTED] actually come into the --

13 [REDACTED] No. [REDACTED] wasn't there. A
14 conversation I had maybe weeks before with [REDACTED] one of
15 [REDACTED] decision making techniques would be he would go
16 into a room and say, okay, the first thing I want to
17 know is who is making the decision.

18 MR. BARBER: That's right.

19 [REDACTED] And then he would get input
20 from everyone, right? But ultimately it was whoever
21 is the decision maker gets to make it. So I just used
22 the same trait in this room where it was [REDACTED] myself
23 and [REDACTED] And I said okay, who is the decision maker?
24 Is it [REDACTED] is it [REDACTED] or is it me? And me being the
25 [REDACTED] I was the decision maker.

1 MR. BARBER: Did you reach that agreement
2 quickly or was there some discussion back and forth?
3 [REDACTED] I would never characterize it
4 as an agreement.

5 MR. BARBER: Okay. What was it?
6 [REDACTED] I was moving the unit and he
7 was supporting me. I don't know that he agreed with me
8 moving the unit. But he said, okay. I don't know
9 that he would agree that moving the unit was the right
10 thing. You would have to ask him.

11 SPECIAL AGENT NEFF: But at that point
12 he's not persuading you not to move it any longer?

13 [REDACTED] That's correct.

14 SPECIAL AGENT NEFF: He stopped that?

15 [REDACTED] That's correct.

16 SPECIAL AGENT NEFF: And you're
17 categorizing it as support to do so safely and he
18 would take the hit if you exceeded the tech spec on
19 that?

20 [REDACTED] That's correct.

21 SPECIAL AGENT NEFF: Okay.

22 MR. BARBER: It seems like there's a
23 little irony there. And right before he's telling you
24 to hold up, hold up, hold up and then all of a sudden
25 there's a flip flop and he's saying he's going to take

All TC

1 the hit if you exceed the time frame?

2 [REDACTED] Right.

3 SPECIAL AGENT NEFF: What caused that?

4 [REDACTED] What caused what?

5 SPECIAL AGENT NEFF: And was there some
6 pivotal discussion or statement made that --

7 [REDACTED] What caused him changing his
8 opinion?

9 SPECIAL AGENT NEFF: What caused the
10 persuasion to stop and the support to engage?

11 [REDACTED] I guess recognizing that I
12 had the decision to make and I was going to move the
13 unit.

14 SPECIAL AGENT NEFF: Did you actually have
15 to articulate that that --

16 [REDACTED] Yes.

17 SPECIAL AGENT NEFF: -- that I'm the
18 decision maker here.

19 [REDACTED] I'm going to make the
20 decision and I'm going to move the unit.

21 SPECIAL AGENT NEFF: I'm the ([REDACTED]

22 [REDACTED]

23 [REDACTED] I believe that's what I said.

24 SPECIAL AGENT NEFF: Okay.

25 MR. BARBER: What was [REDACTED] reaction to

1 that?

2 [REDACTED] He was supportive.

3 SPECIAL AGENT NEFF: He was with you going
4 into that, right?

5 [REDACTED]: He was -- yes.

6 SPECIAL AGENT NEFF: He wanted to move to
7 hot shut down --

8 [REDACTED] He's the one that said, hey,
9 we need to go into a room. And he said, hey, [REDACTED] I
10 think we need to move the unit. And then [REDACTED] said, no
11 wait a minute.

12 SPECIAL AGENT NEFF: Okay. That was the
13 second example that you had involving --

14 [REDACTED] Yes, you guys heard of that
15 one before.

16 SPECIAL AGENT NEFF: -- [REDACTED]

17 We've heard of that.

18 [REDACTED]: Okay.

19 SPECIAL AGENT NEFF: Not from your
20 perspective, though. It's all worth going over again,
21 obviously, with anyone who was involved --

22 MR. BARBER: Actually, I do have maybe one
23 or two questions.

24 Was he engaged at somewhere around --
25 overtime, in the 4:00 to 6:00 -- 7:00 a.m. range? Was

1 there any discussion on -- going in, once you've
2 exceeded the 72 hours and you have 12 hours to hot
3 shutdown, what transpired from basically when you got
4 there -- hit that time milestone on into the noon
5 period?

6 [REDACTED] I don't know how significant
7 -- how he -- whether he was engaged or not.

8 MR. BARBER: Because you came on shift at
9 6:00, right?

10 [REDACTED] I do remember -- and I don't
11 remember even with whom it was, but I remember trying
12 to have a series of alignment conversations so that we
13 were all agreeing when we were going to try and move
14 the unit. Talking with the management team, the folks
15 that -- you know, that I work for about okay, this is
16 when we're going to go ahead and move the unit. And
17 I don't remember ever getting that -- that alignment,
18 that agreement.

19 MR. BARBER: Do you recall who you were
20 talking to at that point?

21 [REDACTED] No, I don't. I might have
22 been [REDACTED] It might have been [REDACTED] I'm not sure.

23 MR. BARBER: Okay.

24 [REDACTED]: No, [REDACTED] wasn't there. So it
25 wasn't [REDACTED] It might have been [REDACTED] it might have

All TC

1 been [REDACTED] I'm not sure.

2 MR. BARBER: Well, do you recall prior to
3 this meeting with the three of you together, was there
4 any -- did you have any interactions with [REDACTED] --

5 [REDACTED] I don't know.

6 MR. BARBER: -- where he said --

7 [REDACTED] I don't remember.

8 MR. BARBER: Okay.

9 SPECIAL AGENT NEFF: Was there any
10 indication to you that [REDACTED] was getting
11 persuaded or input from above him?

12 [REDACTED] I don't know if that was
13 happening or not.

14 SPECIAL AGENT NEFF: Okay. Do you have
15 any other examples?

16 [REDACTED] There was one about the
17 bypass valve when he scrambled. This was right after
18 the reactivity event.

19 SPECIAL AGENT NEFF: They all happened in
20 a chain, more or less, in March?

21 [REDACTED] Yes, this was in March. We
22 were shutting down the unit. We actually scrambled and
23 the bypass valve went closed. And I heard -- did you
24 guys interview -- oh, it's none of my business.

25 I heard [REDACTED] come

1 into the control room. He had assumed a watch. And
2 said to [REDACTED] that -- I believe he said he got a phone
3 call from [REDACTED] that said stop depressurizing.

4 SPECIAL AGENT NEFF: [REDACTED] got the
5 phone call?

6 [REDACTED] I believe [REDACTED] got
7 the phone call from [REDACTED] And [REDACTED] went into [REDACTED] who
8 is his immediate supervisor. He went and said I got
9 this thing, I don't know what to do. And [REDACTED] said
10 continue depressurizing the unit because we had a
11 problem with the bypass valve, it was a piece of tech
12 spec equipment. And we needed -- the valve went
13 closed unexplained, unexpectedly and we needed to go
14 internal to the valve to figure out why it did what it
15 did.

16 SPECIAL AGENT NEFF: After the reactivity
17 event on the other end of that?

18 [REDACTED] That's correct.

19 SPECIAL AGENT NEFF: Was it same day?

20 [REDACTED] I might have been the next
21 day.

22 SPECIAL AGENT NEFF: Okay.

23 [REDACTED] It could have been the same
24 day.

25 SPECIAL AGENT NEFF: They were pretty

1 close together, though, right?

2 [REDACTED] It was the next day.

3 SPECIAL AGENT NEFF: Where the bypass
4 valve was stuck open. It was what, a bolt or
5 something in there?

6 [REDACTED] Yes.

7 SPECIAL AGENT NEFF: Okay.

8 [REDACTED]: I think it was the next day.

9 SPECIAL AGENT NEFF: Okay. So this is [REDACTED]
10 [REDACTED] to the [REDACTED]

11 [REDACTED] Correct.

12 SPECIAL AGENT NEFF: Stop depressurizing?

13 [REDACTED] That's -- correct. That's
14 what I thought I heard [REDACTED] say.

15 SPECIAL AGENT NEFF: Okay. So he took
16 that to [REDACTED]

17 [REDACTED] That's right.

18 SPECIAL AGENT NEFF: And [REDACTED] changed
19 that around a little bit?

20 [REDACTED] Yes.

21 SPECIAL AGENT NEFF: Okay.

22 [REDACTED]: And I also heard that that
23 conversation -- that actual direction came from [REDACTED]
24 [REDACTED] is that the right person? PSEG Power guy?

25 SPECIAL AGENT NEFF: I don't know. Who did

1 you hear it came from?

2 [REDACTED] I heard it -- I think that's
3 the name. Is that [REDACTED] that told you PSEG
4 Power?

5 MR. BARBER: [REDACTED] is PSEG Power.

6 [REDACTED]

7 SPECIAL AGENT NEFF: And how did you hear
8 that?

9 [REDACTED] I'm not sure how I heard
10 that.

11 SPECIAL AGENT NEFF: You were --

12 [REDACTED] I actually heard it two
13 different way, too.

14 SPECIAL AGENT NEFF: Was it firsthand for
15 you?

16 [REDACTED] No. I did not observe the
17 phone call. You know, you hear -- I don't know if it
18 rumor mill or not, but I suspect that it's true that
19 [REDACTED] actually called down and said don't move
20 the unit.

21 SPECIAL AGENT NEFF: Okay. You said you
22 heard it two ways. Let me ask you first why do you
23 suspect that's true?

24 [REDACTED] Because I heard it from two
25 different sources. One I could tell you, the other

1 one I can't tell you where I heard it. And both of
2 them I consider reliable.

3 MR. BARBER: Well, whose the one you can
4 tell us?

5 [REDACTED] Kim Harmon (phonetic).

6 MR. BARBER: How would she know?

7 [REDACTED] I don't know.

8 SPECIAL AGENT NEFF: Did you say you don't
9 know?

10 [REDACTED] I don't know how she would
11 know. I presume you guys know who Kim is.

12 SPECIAL AGENT NEFF: Well, I know she's
13 not operations, right?

14 [REDACTED] That's correct.

15 SPECIAL AGENT NEFF: But you don't know
16 how she would have gotten that kind of information?

17 [REDACTED] I don't know how.

18 SPECIAL AGENT NEFF: You don't know the
19 connection?

20 [REDACTED] I don't know.

21 SPECIAL AGENT NEFF: Okay. And the other
22 one is that you just don't recall who you heard it
23 from?

24 [REDACTED] I don't recall.

25 SPECIAL AGENT NEFF: Okay. And you

1 suspect that it's true? Why?

2 [REDACTED]: Yes.

3 SPECIAL AGENT NEFF: Because of that, you
4 heard it from these two people?

5 [REDACTED] Yes. I heard it that day or
6 the day after or the day after (inaudible) that it
7 came from [REDACTED] And then I heard it several months
8 later through a conversation with Kim that she said,
9 yes, it came from [REDACTED]

10 SPECIAL AGENT NEFF: Okay. So you're
11 hearing it contemporaneous to it happening or at least
12 in that time frame?

13 [REDACTED] Yes.

14 SPECIAL AGENT NEFF: And then later on you
15 heard it, somebody else told you the same thing?

16 [REDACTED] Correct.

17 SPECIAL AGENT NEFF: Kim Harmon told you
18 the same thing?

19 [REDACTED] Yes.

20 SPECIAL AGENT NEFF: Okay. What about
21 that situation? Had you heard anything like that on
22 the other events?

23 [REDACTED]: No.

24 SPECIAL AGENT NEFF: That there was
25 direction from PSEG power?

ALL TC

1 [REDACTED] That was the only time that
2 I ever heard anything like that.

3 SPECIAL AGENT NEFF: You mentioned that
4 during your interview with Winston and Strong
5 (phonetic). You mentioned it, but -- and here's where
6 I'm going to have to refresh your recollection a
7 little bit. What I have here for the record is --
8 it's the PSEG interview with yourself, dated April 22,
9 2003. And I have a couple of questions about this
10 first before we get into the content of it.

11 You were interviewed on April 22, 2003. I
12 mean, if I tell you that date does that sound accurate
13 to you?

14 [REDACTED] Yes, it sounds accurate.

15 SPECIAL AGENT NEFF: Because it looks like
16 you were there from 9:05 to 10:35 in the morning. You
17 indicated earlier it felt a lot longer.

18 [REDACTED]: I think it actually was
19 longer. That was probably the part of the interview
20 that was on the record. There were probably some
21 preliminary discussions and perhaps some things that
22 were said in the middle or after it that were off the
23 record that weren't captured at the time.

24 SPECIAL AGENT NEFF: Okay. And we'll talk
25 about that, too.

All 7C

1 Have you had a chance to review this
2 transcript?

3 [REDACTED] I did have a chance to review
4 it.

5 SPECIAL AGENT NEFF: Okay. And the
6 purpose of your review was for what?

7 [REDACTED] I couldn't -- to validate --
8 it was accurate as to what I said.

9 SPECIAL AGENT NEFF: Did you find that so?

10 [REDACTED] Relative -- yes. Generally,
11 yes.

12 SPECIAL AGENT NEFF: Where did you not see
13 it? Do you recall?

14 [REDACTED]: No. No. Generally I thought
15 it was accurate to what I said.

16 SPECIAL AGENT NEFF: Okay. Was it
17 complete?

18 [REDACTED] To the best of my recollection
19 it was at the time. I've since thought about -- and
20 recalled specific incidents that actually called --
21 call into question some of the things that I said in
22 there.

23 SPECIAL AGENT NEFF: Okay.

24 [REDACTED] Okay.

25 SPECIAL AGENT NEFF: How so?

1 [REDACTED]: Well, one of the things I
2 think I said in there was that there was a question
3 that was generally do I think my management is coming
4 from safety. Sometimes I think I said no, but I think
5 I pointed out that I felt [REDACTED] was coming from safety
6 because I observed something that he did in a SORT
7 (phonetic), meaning that I felt was actually pretty
8 good. And that was in a SORT, meaning I remember him
9 coaching the SORT team that our job was not to go off
10 on tangents, but it was to stay focused on what the
11 safety issue was at hand and to make sure that were
12 evaluating and safely. And I think that had to do
13 with changing the power flow (inaudible). That was
14 the SORT.

15 However, some of the other things that
16 happened since then -- and maybe these things happened
17 afterwards, I got a completely different perspective
18 of [REDACTED] since then.

19 SPECIAL AGENT NEFF: Based on the
20 incidents that we were talking about?

21 [REDACTED]: That's correct.

22 SPECIAL AGENT NEFF: So you would have
23 changed -- you would have altered that response here?

24 [REDACTED]: Probably -- I don't know if
25 I would have altered it. I mean when was that? April

1 when?

2 SPECIAL AGENT NEFF: April 22nd.

3 [REDACTED] At April 22nd I think it was
4 -- that's what I thought.

5 SPECIAL AGENT NEFF: Okay.

6 [REDACTED] But since then, I have
7 learned other things that suggested it wasn't right.

8 SPECIAL AGENT NEFF: Okay. Was it just
9 about [REDACTED]

10 [REDACTED] You mean that I felt were
11 different?

12 SPECIAL AGENT NEFF: Yes.

13 [REDACTED] Yes, generally. Yes.

14 SPECIAL AGENT NEFF: What other areas were
15 there?

16 [REDACTED] Well it was just about [REDACTED]

17 [REDACTED] But I --

18 SPECIAL AGENT NEFF: Just limit it to [REDACTED]
19 [REDACTED] in this perspective?

20 [REDACTED] Yes, it would change my
21 perspective a lot.

22 SPECIAL AGENT NEFF: You would have rated
23 him less as coming from safety after --

24 [REDACTED]: That's correct.

25 SPECIAL AGENT NEFF: -- having had these

1 experiences with him, that's what you're saying.

2 [REDACTED]: That's correct. I think in
3 there I already characterized -- I think I
4 characterized him as less than coming from safety. I
5 think that's how I characterized him in there. I'm
6 not sure.

7 SPECIAL AGENT NEFF: I could get you that.
8 I don't have it memorized. I know you had some
9 concern. You indicated --

10 [REDACTED]: And I think I --

11 SPECIAL AGENT NEFF: You qualified your
12 answer on that. I think they ran through individuals
13 and how you felt about them?

14 [REDACTED]: Right.

15 SPECIAL AGENT NEFF: And you had a concern
16 there. And it had to do, actually, with -- with
17 wanting it all. And your concern was that that would
18 be limited at the plant, I think. I don't want to --

19 [REDACTED]: That sounds -- that's
20 probably -- that sounds pretty accurate.

21 MR. BARBER: Or better priority?

22 SPECIAL AGENT NEFF: It was prioritizing
23 in certain things. We can get there and probably we
24 should.

25 [REDACTED]: Yes. I think I expressed some

1 concern in there about [REDACTED] as well.

2 SPECIAL AGENT NEFF: Yes, you did.

3 Let me ask you this: How long were you
4 with these individuals altogether?

5 [REDACTED]: With what individuals?

6 SPECIAL AGENT NEFF: The interviewers?

7 [REDACTED]: Three hours.

8 SPECIAL AGENT NEFF: For three hours or
9 so?

10 [REDACTED]: More or less, yes.

11 SPECIAL AGENT NEFF: What were your off
12 the record discussions about?

13 [REDACTED]: I don't remember.

14 SPECIAL AGENT NEFF: There's two points --

15 [REDACTED]: I don't think they were
16 anything substantionally different than what was in
17 the transcript. Okay. It might have been for me to
18 ask a clarifying question or for me to correct
19 something, or -- you know, I might have -- be more
20 significant to this. I don't believe they were
21 significant to a question of the safety conscious work
22 environment.

23 SPECIAL AGENT NEFF: Did you think that
24 what -- the information that you gave them, is that
25 included in the transcript that you were able to

1 review? Your concerns, your answers, was that made a
2 part of the transcript? Was there anything that was
3 discussed off the record that you would have wanted
4 included in this transcript?

5 [REDACTED]: No.

6 SPECIAL AGENT NEFF: Okay. So anything of
7 significance you think was included in here?

8 [REDACTED]: Yes.

9 SPECIAL AGENT NEFF: Okay.

10 MR. BARBER: Is that one of the things you
11 verified when you did review the transcript?

12 [REDACTED]: No, because I didn't have my
13 own notes. So I -- I mean, I read through it and as
14 best I could -- as best I could recall it was an
15 accurate reflection of the conversation that we had.

16 MR. BARBER: Was this recorded or court
17 reported or how was it --

18 [REDACTED]: Stenographer.

19 MR. BARBER: Okay.

20 SPECIAL AGENT NEFF: What was your comfort
21 level with being interviewed specifically at that
22 point in time and by these individuals? Were you
23 comfortable with --

24 [REDACTED]: Yes. Equivalent to the
25 comfort I'm experiencing now.

All 7C

1 SPECIAL AGENT NEFF: You're at the same
2 level?

3 [REDACTED]: Yes.

4 SPECIAL AGENT NEFF: Did you have any
5 concerns --

6 [REDACTED]: I'm comfortable expressing my
7 concerns here, as I was there.

8 SPECIAL AGENT NEFF: Okay. Did you have
9 any concerns with how the information as going to be
10 used?

11 [REDACTED]: What do you mean?

12 SPECIAL AGENT NEFF: Did you fear that
13 there might be repercussions of you were to give an
14 honest portrayal? And you can --

15 [REDACTED]: Do I have --

16 SPECIAL AGENT NEFF: You criticized
17 certain circumstances?

18 [REDACTED]: Do I have concerns that there
19 might be repercussions? Yes. Did I have concerns
20 then? Yes.

21 SPECIAL AGENT NEFF: Did you, yes. Yes,
22 that's what I'm asking.

23 [REDACTED]: Yes, I did.

24 SPECIAL AGENT NEFF: You did?

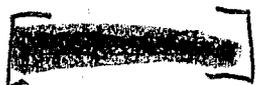
25 [REDACTED]: Yes, I did.

All TC

1 SPECIAL AGENT NEFF: And what did you
2 fear?

3  To be perfectly candid, that
4 was part of my reluctance to even invite Jeff here was
5 to whether or not I had concerns about whether --
6 whether I had concerns as to -- you know, for fear it
7 would be used in a different manner than what it was
8 intended.

9 SPECIAL AGENT NEFF: Okay. And,
10 obviously, this goes right to the core of what we're
11 talking about.

12  Sure. But sitting down and
13 talking with Jeff, Jeff assured me that -- that it
14 would be used -- because my sincerest desire is that
15 it's used in the best interest of improving
16 performance at the island. And that's what Jeff
17 assured me when we talked outside, which is why I
18 changed from what you thought earlier was to -- to let
19 him have -- because if that's a conduit to help speak
20 and get the problems identified and resolved, then
21 it's a conduit that needed to be exercised.

22 SPECIAL AGENT NEFF: Okay. Understood.

23 MR. KEENAN: And I think that's consistent
24 with what I first stated on the record that we're here
25 in hopes of getting information of strengths and

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1 weaknesses to ultimately improve our station, improve
2 the culture and resolve the issues.

3 SPECIAL AGENT NEFF: Right. You see it as
4 an opportunity?

5 MR. KEENAN: Absolutely.

6 SPECIAL AGENT NEFF: And the only concern
7 that I would have is that the decision be that of
8 [REDACTED], you know, that he be represented or not.
9 So long as you're comfortable and it doesn't hinder
10 your testimony.

11 [REDACTED]: And I am. And, like I said--

12 SPECIAL AGENT NEFF: That's fine.

13 [REDACTED]: -- if it were to hinder my
14 testimony, I would ask him to leave.

15 SPECIAL AGENT NEFF: Okay.

16 [REDACTED]: But I told you what my
17 interest was, it what's in the best interest of PSEG,
18 which is why I think it's in the best interest to have
19 him here.

20 SPECIAL AGENT NEFF: Okay. Understood.

21 But going back to the time frame in the
22 April interview, you said you had that concern with
23 how the information might be used. But where was your
24 concern coming from? What was your focus on then?

25 [REDACTED]: I was concerned that as to

1 whether the information would be used objectively or
2 I was concerned that is it -- there is going to be a
3 bunch of company attorneys that are addressing a
4 letter that was written to [REDACTED] (phonetic).
5 And those company attorneys were going to in the end
6 boil it down to there's no evidence, therefore there's
7 no issue.

8 .SPECIAL AGENT NEFF: Okay.

9 [REDACTED] Okay. I mean, a lot of the
10 questions in there are did I observe a certain
11 conversation. Well, the answer is no, I didn't
12 observe them. There are many conversations that
13 happen that I don't observe.

14 Am I aware of it happening? No.

15 So if I didn't observe it and I'm not
16 aware of it happening then what it says from my
17 testimony is that it's not relevant. Right? Because
18 it never happened if you just look at my testimony, it
19 says it never happened.

20 SPECIAL AGENT NEFF: It wasn't your
21 experience?

22 [REDACTED] That wasn't my experience.
23 And I was concerned that if you go take the right
24 population and go interview them, that's the answer
25 you got is that it wasn't seen and observed. Because

1 that's who -- you know, that's who you go --

2 SPECIAL AGENT NEFF: You mean that's how
3 the questions were?

4 [REDACTED] That's how the questions. And
5 I don't know who the people that were interviewed
6 went, but if the people were -- of all the people that
7 were interviewed were people that weren't privy to the
8 conversation, then the record.

9 SPECIAL AGENT NEFF: You're going to come
10 up with that?

11 [REDACTED] Then the record's going to
12 say there's not an issue.

13 SPECIAL AGENT NEFF: Right.

14 [REDACTED] And the -- and the
15 allegations that were in the letter aren't true.

16 SPECIAL AGENT NEFF: Did you --

17 [REDACTED] I was concerned about the
18 objectivity of what was being -- what was -- you know,
19 what was being investigated and whether they really
20 wanted to get to the heart of the matter or whether it
21 was to -- I almost want to say to placate this letter
22 that came in and just -- okay, we looked at it, it's
23 not an issue.

24 SPECIAL AGENT NEFF: Okay.

25 [REDACTED] Okay. I don't know what the

1 result of that. What was the result of that
2 investigation? Can we say or not?

3 MR. KEENAN: If you have knowledge of
4 what -- I don't know what was rolled out to you.

5 [REDACTED] No.

6 SPECIAL AGENT NEFF: Probably not --

7 [REDACTED] Never mind.

8 MR. KEENAN: No. What I can do -- what I
9 can do to help is we have provided all of the
10 investigation information to the NRC in a summary
11 report and all of the interviews and the employee
12 concerns files. So all that information has been
13 provided.

14 [REDACTED] Okay.

15 MR. KEENAN: Which is obviously why
16 Eileen has the transcripts.

17 [REDACTED] Okay.

18 MR. KEENAN: I don't know that I could
19 summarize it.

20 [REDACTED] Okay.

21 MR. KEENAN: Nor would it probably be fair
22 to do that on the record.

23 [REDACTED] Okay.

24 MR. KEENAN: But we have provided
25 everything that we have in our files to the NRC.

1 [REDACTED]: Okay.

2 SPECIAL AGENT NEFF: Right. Okay. This
3 is your concern at the time that you're being
4 interviewed, is it the way they were asking the
5 questions, what the responses would get would
6 ultimately be -- we're clear of these issues. Is that
7 what you're saying?

8 [REDACTED] Some of the questions were
9 characterized that -- were very much that way.

10 SPECIAL AGENT NEFF: Do you remember
11 having concerns about the way the questions were
12 asked, that they would form the responses?

13 [REDACTED] Well, a lot of -- yes, I do
14 remember. Because a lot of the questions were yes or
15 no.

16 SPECIAL AGENT NEFF: You say that at one
17 part in the interview. You actually make a statement.
18 They ask a question and you said, well yes and then
19 you point out that that was a yes or no question and
20 you elaborate a little bit on it. And I'd like to get
21 into it. Pretty much what I wanted to know was on the
22 off the record discussions, if anything was there that
23 you would have included for consideration as part of
24 your information that you -- your testimony there was
25 missing? Or were you satisfied that it was captured

1 in the transcript?

2 [REDACTED] I'm satisfied that what was
3 in that transcript was accurate for what we said on
4 the record.

5 SPECIAL AGENT NEFF: Okay.

6 [REDACTED] I don't know if that answers
7 your question.

8 SPECIAL AGENT NEFF: And I think before
9 that you said that there was nothing significant not
10 on the record?

11 [REDACTED] That's correct.

12 SPECIAL AGENT NEFF: There was nothing
13 that happened off the record that was significant to
14 you, to your mind?

15 [REDACTED]: That's right.

16 SPECIAL AGENT NEFF: But you didn't recall
17 specific --

18 MR. BARBER: Could we summarize the
19 (inaudible) possibly and ask about that? There's a
20 section that's on page 9. And there's two Q&As
21 followed by an off the record period. When we
22 reviewed Q&As, and then you can just tell us what
23 happened off the record. It sounds there was some
24 discussion about examples.

25 [REDACTED] Okay.

All 7C

1 MR. BARBER: The question was: "We've
2 been informed by this letter where it suggested there
3 may have been a production at the expense of safety
4 approach. Do you think that might be the basis of
5 people's concerns that management isn't as
6 conservative as the individual thinks management
7 should be with respect to the particular decisions?"

8 Your answer: "It's interesting. Yes, I
9 do think that that's a concern. You asked me a yes/no
10 question. Yes, I think it's a concern. Several
11 examples have been -- can I say something off the
12 record?" "Sure." And discussions were held off the
13 record.

14 SPECIAL AGENT NEFF: That was you asking
15 can I say something off the record.

16 MR. BARBER: The implication is there was
17 some examples of production over safety type issues.
18 Do you recall what that was? 7C

19 [REDACTED] No. Perhaps if I had and
20 could -- you know, read it and thought about it for a
21 while I might --

22 MR. BARBER: Then it goes on to say by [REDACTED] 7C
23 [REDACTED] (phonetic) "Let's talk about several examples
24 that have come to our attention with respect to
25 production at the expense of safety with respect to

1 Hope Creek. You're familiar with the reactivity
2 event, correct?" And then there's a lead into the
3 discussion about the reactivity event. It just
4 implies there might have been some discussion about
5 other events.

6 [REDACTED] Oh, you know I might have
7 asked them off the -- did I ask them on the record or
8 on the record that they're aware that I was the shift
9 manager who was on during the reactivity event? Is
10 that on the record?

11 MR. BARBER: No, it's not.

12 [REDACTED] That was the conversation.

13 SPECIAL AGENT NEFF: No, I don't think
14 there --

15 [REDACTED] I said -- I said take me off
16 the record for a minute. I said are you guys aware
17 that I'm the [REDACTED] that was on when we had the
18 reactivity event? So are you aware that what I might
19 say might be -- well obviously be influenced by that
20 event and the results of that event. I think that was
21 the conversation that we had off the record.

22 SPECIAL AGENT NEFF: And then you start to
23 talk about the reactivity event.

24 [REDACTED] The reactivity event, right.

25 SPECIAL AGENT NEFF: A little bit. And,

All TC

1 you know, it's documented here what you thought about
2 it, what your concerns were around that event. You're
3 indicating that it's accurate, it's an accurate
4 portrayal of your concerns. Am I right?

5 [REDACTED] Without --

6 SPECIAL AGENT NEFF: Without reading you
7 through about six pages of it.

8 [REDACTED] At the time I thought it was
9 accurate. Now, I mean, I continually think about what
10 lessons there were from the reactivity event. I don't
11 know if this is an accurate reflection of my
12 perspective today.

13 SPECIAL AGENT NEFF: Okay. Well, we'll
14 just ask you some specific questions then.

15 [REDACTED] Okay.

16 SPECIAL AGENT NEFF: And to summarize it,
17 and it's a little bit awkward because it kind of
18 bounces around a little bit. But let me just do what
19 I can with it.

20 Essentially what you were talking about
21 was going into it, you get called --

22 [REDACTED] 4:00 in the afternoon.

23 SPECIAL AGENT NEFF: Right. And you're
24 going to training as opposed to going on shift, and
25 you're told that you're going to be doing a test, is

1 that right?

2 [REDACTED]: Yes.

3 SPECIAL AGENT NEFF: 4:00 in the
4 afternoon, report to the simulator.

5 [REDACTED]: Right.

6 SPECIAL AGENT NEFF: And I don't want to
7 go through every bit of the detail. What I want to go
8 to is where your concerns are.

9 You make some statements here. One of the
10 first ones that I see is you're talking about having
11 to go into the simulator, and this is -- I'm looking
12 at page 14 on your transcript just for future
13 reference. But 13 to 14. They ask the question when
14 did the event occur, and you say Sunday night, the
15 next night. So there are elements in there. I mean,
16 there was already a time table established and there
17 are elements in there that would suggest to me that at
18 times we don't -- I can't think of the right word, we
19 don't fully consider the impact on safety of us doing
20 evolutions. We don't -- we may not be giving
21 evolutions the appropriate amount of time for full
22 preparation and consideration. That's one. That's
23 how you felt. I think you felt time pressure is what
24 you indicate in this transcript?

25 [REDACTED]: Yes, absolutely.

All TC

1 SPECIAL AGENT NEFF: Now what my question
2 is, you're indicating that there's more than one
3 instance. So this is one instance. What are the other
4 ones where you don't feel that you're full prepared?

5 [REDACTED] Well, it's not that I don't
6 feel that we're fully prepared. It's that there were
7 times in the past when I didn't think we gave
8 evolutions adequate time to prepare. Okay. Which I
9 think is the responsible way to operate the power
10 plant.

11 I'll give you an example.

12 SPECIAL AGENT NEFF: The distinction being
13 that you were fully prepared, but you just did it in
14 a too short time frame, is that it? You didn't have
15 enough time to get there?

16 [REDACTED] It's hard to tell what fully
17 prepared is.

18 SPECIAL AGENT NEFF: Okay.

19 [REDACTED]: Fully prepared is an opinion.

20 SPECIAL AGENT NEFF: A comfort level.

21 [REDACTED]: From my perspective, it's an
22 opinion.

23 SPECIAL AGENT NEFF: You're looking at it
24 as a comfort level?

25 [REDACTED]: One person will say I'm fully

1 prepared, another person will say I'm not fully
2 prepared.

3 SPECIAL AGENT NEFF: Okay.

4 ^{TC} [REDACTED] Perhaps I believe the only
5 measure is whether the evolution goes successfully or
6 not, and the only way you know is when it goes
7 unsuccessfully. You know when it goes unsuccessfully
8 that you weren't fully prepared. Everything else is
9 you might have been, you might not have been. You
10 really don't know. That's the way I kind of look at
11 it.

12 MR. BARBER: Let me ask a question related
13 to preparation for this evolution. In the transcript
14 you mention a nuclear administrative procedure, NAP-84
15 (phonetic).

16 ^{TC} [REDACTED] Yes.

17 MR. BARBER: Having to do with frequently
18 performed tests of evolutions. And in there there's
19 discussion about how you would -- how you go about
20 doing this. And there's something about verifying and
21 validating the adequacy of the procedure. Then
22 there's doing training on the procedure. And then
23 there's actually doing the evolution, and then
24 briefings maybe before and possibly after.

25 And the way this is explained in your

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1 words is you talk about the fact that you got a call
2 at 4:00 on the afternoon and told that at 6:00 you
3 need to be on the simulator. You're just told to
4 bring, I think, two NCOs.

5 [REDACTED] And then probably an STA and-

6 -
7 MR. BARBER: Two NCOs, a supervisor and an
8 STA report at 6:00.

9 [REDACTED] Right.

10 MR. BARBER: So you got two hours with
11 very -- in your words, very little information on what
12 this was about, other than it was an infrequently
13 performed test of evolution.

14 [REDACTED] I'm not even sure I had that
15 at 4:00.

16 MR. BARBER: Okay. And then you talk
17 about the fact that you didn't have the paperwork. You
18 got a draft of the procedure. And that you were, I
19 guess, work it out on the simulator.

20 The thing that appeared to be obvious was
21 that the V&V (phonetic) stuff and the training stuff
22 were blended together. You know, normally if you did
23 something like this, you'd have maybe one group there,
24 fine. Validate the procedure. Basically work it
25 through and push on it, pull on it, make sure that it

1 worked.

2 [REDACTED] Right.

3 MR. BARBER: Then once the procedure's
4 been refined, you'd give it to the shift that's going
5 to be doing the evolution and let them actually do the
6 training on it, whether it's that shift or a different
7 shift, but not necessarily at the same time. And then
8 you do the evolution after doing the preset, any other
9 things as required by the procedure.

10 And there was -- it looked like here you
11 made a comment to the effect that everything got
12 compressed. And one thing that wasn't clear is
13 whether or not your management was informed of your
14 concern about the time pressure. Did you have any
15 discussion with either the AOM or the operations
16 manager or anybody above you about that time pressure?

17 [REDACTED] I didn't recognize it at the
18 time, that there was time pressure and it was being
19 compressed. Okay.

20 MR. BARBER: Okay.

21 [REDACTED] So not having recognized it
22 at the time, I obviously didn't express a concern to
23 anyone.

24 MR. BARBER: Did anyone on your shift
25 through that evolution through the training express

1 any concerns with what you were being asked to do?

2 [REDACTED] They did. I think they did.

3 Yes, there were some concerns in the simulator.

4 MR. BARBER: Who were they from?

5 [REDACTED] From everybody.

6 MR. BARBER: Who were the people that were
7 involved?

8 [REDACTED] Names?

9 MR. BARBER: Yes.

10 [REDACTED] [REDACTED] (phonetic).

11 MR. BARBER: Okay.

12 [REDACTED] [REDACTED] (phonetic).

13 [REDACTED] (phonetic) and [REDACTED] (phonetic).

14 MR. BARBER: Okay.

15 [REDACTED] And it was primarily, I
16 think, from [REDACTED] and [REDACTED].

17 MR. BARBER: And what were the concerns in
18 general? Just in general?

19 [REDACTED] Oh, gosh. I don't remember.
20 I don't know. I don't recall.

21 MR. BARBER: Was it the adequacy of the
22 procedure or the fact that you were still being asked
23 to develop the procedure and train on it at the same
24 time?

25 [REDACTED] It might have been. And I

1 don't remember specifically.

2 MR. BARBER: Okay.

3 [REDACTED] I remember they were -- they
4 were very real concerns that those guys had.

5 MR. BARBER: Okay. And so how were those
6 addressed?

7 [REDACTED] We talked about it.

8 MR. BARBER: Did you feel like you were
9 being, I don't know for lack of a better word,
10 steamrolled on the evolution after hearing the
11 concerns and -- did you have someone you could go back
12 to in ops management whether it be the AOM or the ops
13 manager and say, hey, we don't think that this is
14 ready yet? We need more time.

15 [REDACTED] Did I have someone -- I'll
16 characterize your questions, please. Did I have
17 someone in operations that I felt that if I would have
18 expressed that, would have listened it and addressed
19 it?

20 MR. BARBER: Yes.

21 [REDACTED] No. I did not feel there was
22 someone who would have done that.

23 MR. BARBER: Is that the reason or is that
24 potentially a reason why you didn't --

25 [REDACTED] Yes.

All TC

1 MR. BARBER: -- go back?

2 [REDACTED] Yes.

3 MR. BARBER: Okay. And --

4 [REDACTED]: Now, also a potential reason
5 is I didn't recognize that it was that significantly
6 compressed. You know, only after you dissect exactly
7 what happened and you go, well -- and you what if it
8 to death and you go well you know if we had done this
9 or this or this or this does it start to become more
10 apparent how everything was compressed together.

11 MR. BARBER: Well, you did talk about
12 that. Because you talked about the termination
13 criteria. You said that the NAP-84 would require you
14 to have termination criteria and they really weren't--

15 [REDACTED] They weren't there.

16 MR. BARBER: Yes.

17 [REDACTED] They weren't even there.
18 There wasn't an IPTE (phonetic) in the simulator.
19 There was just a procedure.

20 MR. BARBER: So in fact you were sort of
21 developing that as you went?

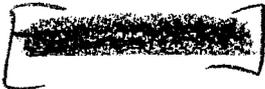
22 [REDACTED] What? The IPTE or the
23 procedure?

24 MR. BARBER: The procedure.

25 [REDACTED] That we were developing the

1 technique?

2 MR. BARBER: Right.

3  Right. On how to maneuver the
4 plant.

5 MR. BARBER: So you're saying the IPTE
6 wasn't even available?

7  Not that I recall.

8 MR. BARBER: Okay.

9  Okay. Because the IPTE, part
10 of the IPTE process, and I think I said it right in
11 there, right? Part of the IPTE process has
12 termination criteria and termination actions. And I
13 think there was a statement in the procedure that says
14 we should be practicing either the criteria or the
15 actions, perhaps both, as part of the training
16 evolution. We didn't even have those out of the
17 simulator at that time.

18 MR. BARBER: Do you feel you kind of got
19 blind sided by that? After the fact? I mean, when
20 you look back at what happened and the time line in
21 which it happened?

22  I don't think blind sided is
23 the right characterization. I would say I just don't
24 think we were responsible management team to put all
25 that stuff in place to be successful.

All 7C

1 MR. BARBER: But you believed it should
2 have been put in place?

3 [REDACTED] Yes. In hindsight.

4 MR. BARBER: In hindsight?

5 [REDACTED] Absolutely. I believe we
6 should have -- I believe we should have rigorously
7 adhered to the intent of the NAP-84 procedure.

8 MR. BARBER: Okay.

9 [REDACTED] Okay. Above and beyond
10 trying to meet a deadline of tomorrow night, or
11 whichever night it was. And I don't believe that --
12 I don't believe it would have been supported to put
13 the evolution the next night at risk in order to
14 rigorously adhere to the process. Okay.

15 MR. BARBER: Well, in looking back and
16 considering what happened, what could have been done
17 differently in the process to lessen the likelihood
18 that the reactivity management of that would have
19 occurred? Is this a human issue or is it a process
20 issue or is both?

21 [REDACTED] I believe -- my opinion? I
22 think it's more a human issue than it is a process
23 issue. I think process is part of it, but I don't
24 think it's the significant contributor. Because I
25 believe if we had followed the process as it was

1 written at the time, we would have had the tools --
2 and when I say the process, I mean all the processes.
3 The processes to write and validate a procedure. The
4 processes to develop training and then implement it,
5 an infrequently performed test revolution. Had we
6 followed the processes, I think we would have ended up
7 with a better -- a better outcome. Okay. But I don't
8 think we followed all the processes as they were
9 intended to be in accordance with the procedure.

10 MR. BARBER: Was there production
11 pressure, is that why they weren't being followed?

12 [REDACTED] I can assume there was.

13 MR. BARBER: Because --

14 [REDACTED] That's what I assumed.

15 MR. BARBER: Because the plant was
16 shutdown at the time. And for each additional hour or
17 day, or what have you, whatever time there you talk
18 about, that was less generation?

19 [REDACTED]: That's what I -- yes. That's
20 what I would assume.

21 MR. BARBER: You have to expect there's
22 always going to be some production pressure?

23 [REDACTED] Of course.

24 MR. BARBER: But is it reasonable or is it
25 excessive? Did you feel in that case it was

1 excessive?

2 [REDACTED] I thought it was excessive. ^{7c}
3 I mean, for an evolution like this that is a first
4 time procedure, never done it before, different
5 techniques, we've never trained on them. Now I'm not
6 sure I thought it at the time, you know. But in
7 hindsight, it just -- it didn't fit what -- you know,
8 the need to get it done in such a short period of time
9 didn't fit with the potential risk. And with the
10 newness of the evolution.

11 MR. BARBER: Do you happen to know who had
12 decided that the activity itself was going to take
13 place on Sunday?

14 [REDACTED] I do not know. ^{7c}

15 SPECIAL AGENT NEFF: Let me ask you about
16 some comments that were made. You're recounting what
17 you went through and what you're telling your
18 interviews is that following that event the crew --
19 and I'm reading right off page 10. "Following that
20 event the crew that was involved spent an extensive
21 amount of time talking about how that actual event
22 unfolded and what our mindset was. And what I
23 learned, and I very specifically recall comments that
24 people said and how significant the impact of those
25 comments was on everybody else." And you give two

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1 comments and I want to ask you about where they came
2 from.

3 [REDACTED] Yes.

4 SPECIAL AGENT NEFF: But just so I'm
5 accurate with what you said so far about it, you're
6 saying that you didn't rigorously adhere to those
7 elements in the -- for the administrative tools that
8 you had available, but you didn't see it -- I mean you
9 didn't have a concern about that at that particular
10 time as you were going through it?

11 [REDACTED] Right.

12 SPECIAL AGENT NEFF: And that's part of
13 why you didn't raise the concern at that time?

14 [REDACTED] Right.

15 SPECIAL AGENT NEFF: You didn't take that
16 to anybody?

17 [REDACTED] Right.

18 SPECIAL AGENT NEFF: At that point in
19 time?

20 [REDACTED] Well, I didn't recognize it
21 at that time?

22 SPECIAL AGENT NEFF: You didn't recognize
23 it as a concern, so it didn't get raised as a concern?

24 [REDACTED] Right.

25 SPECIAL AGENT NEFF: And that was one half

1 of the reason. I think you portrayed the other half of
2 the reason there was that you didn't think that you
3 would be supported in that concern --

4 [REDACTED] That's right.

5 SPECIAL AGENT NEFF: -- with your ops
6 management?

7 [REDACTED] That's right.

8 SPECIAL AGENT NEFF: Okay. Let me ask
9 you this: How much that time pressure weigh on you?
10 You weren't seeing problems or you weren't recognizing
11 a concern about the administrative tools, but there's
12 some comments here. Did you hear these statements and
13 were you under this time of pressure? The quote that
14 you gave them was "Hey, you know, let's get through
15 the brief. Let's do it in a timely manner." And so
16 you're saying that's an element of production over
17 safety when someone -- that's in someone's head and
18 they speak it and it actually influences other people.
19 Was that something that you heard during that
20 incident?

21 [REDACTED] Yes. I actually heard it.
22 Sunday night, -- Sunday night's when we did the
23 evolution?

24 MR. BARBER: Yes.

25 [REDACTED] I actually heard it Sunday

1 night at the IPTE brief. An NCO said hey, let's just
2 get through the brief and let's get on with the
3 evolution.

4 SPECIAL AGENT NEFF: It was from an NCO?

5 [REDACTED]: Yes.

6 SPECIAL AGENT NEFF: Okay. And then you
7 had --

8 [REDACTED]: Not only did I hear it, but
9 there were other control room supervisors that heard
10 it that could recall it later. That that specific
11 comment was said. So it must have had some impact if
12 it was so substantial that a couple of us can actually
13 remember it.

14 SPECIAL AGENT NEFF: And you're portraying
15 as something that --

16 [REDACTED]: That had an impact.

17 SPECIAL AGENT NEFF: That influences
18 moving through it?

19 [REDACTED]: That's right.

20 SPECIAL AGENT NEFF: And there was a
21 second comment there. I'm okay with continuing. Does
22 anybody else have a concern.

23 [REDACTED]: I remember that one, too.

24 SPECIAL AGENT NEFF: Which almost you said
25 has the effect of -- possibly has the effect of

1 stifling someone else's ability to express that
2 concern.

3 [REDACTED] Right.

4 SPECIAL AGENT NEFF: Especially if it's a
5 supervisor?

6 [REDACTED] Right.

7 SPECIAL AGENT NEFF: Was that a
8 supervisor?

9 [REDACTED] That's a control room
10 supervisor.

11 SPECIAL AGENT NEFF: So these are coming
12 from CRS level -- CRS and NCOs, they're pushing to
13 move through the evolution --

14 [REDACTED] That's correct.

15 SPECIAL AGENT NEFF: Okay. And how did
16 you feel about that? You heard that one, too?

17 [REDACTED] I did hear it.

18 MR. BARBER: You were the [REDACTED]
19 though, on this shift?

20 [REDACTED] That's correct.

21 MR. BARBER: So these were your people
22 making these comments?

23 [REDACTED] That's correct.

24 MR. BARBER: Did you at the time recognize
25 them as potentially being stifled?

All 7C

1 [REDACTED] No.

2 MR. BARBER: You didn't?

3 [REDACTED] No.

4 MR. BARBER: But you thought about it
5 afterwards?

6 [REDACTED] Thought about it afterwards.
7 You know, when you dissect you go, you look at the
8 comments, you know, under a microscope.

9 SPECIAL AGENT NEFF: And that's how it's
10 portrayed here. You're talking about following -- then
11 you spend a lot of time --

12 [REDACTED] Well, I'm telling you when we
13 could sit in a room two weeks later and somebody will
14 recall a specific comment like that or exactly how one
15 statement was said, you know, I would say if everybody
16 can remember that, it obviously had some impact.
17 Because if it didn't have an impact, they wouldn't
18 remember it.

19 MR. BARBER: It may have been somebody
20 wanted to ask a question, they heard that and said,
21 well --

22 [REDACTED] Okay.

23 MR. BARBER: Let's move on?

24 [REDACTED] That's right.

25 Now, the other thing that's interesting

1 about this, and I don't know if I say it there, was
2 there's a -- in my experience as operators, there are
3 two general types. There are the operators that want
4 to charge ahead and there are the skeptics. Okay.
5 And in order for us to be safe and productive, there's
6 typically some happy balance of both. And what was
7 interesting with this one was I believe almost
8 everybody on that shift was of a production mindset.

9 MR. BARBER: Including yourself?

10 [REDACTED] Including me. I'm more --
11 that's like my inherent general nature. I'm a little
12 more of a production mindset than I am of a skeptic.
13 Although maybe that's changing.

14 But the rest of my team was full speed
15 ahead.

16 MR. BARBER: Okay.

17 SPECIAL AGENT NEFF: Okay.

18 [REDACTED]: That didn't help us that
19 night.

20 SPECIAL AGENT NEFF: And part of it then
21 is also that this time pressure then wasn't -- it
22 didn't become a concern for you at that point? You're
23 a charger? You didn't have a concern about okay let's
24 get through it then? Okay.

25 [REDACTED]: (No audible response).

1 SPECIAL AGENT NEFF: Because it gets a
2 little confusing later in the testimony. And you talk
3 about your manager being [REDACTED] And you state
4 that you're not sure that all the time you're
5 supported by your manager in your decisions,
6 especially if I believe I'm coming from nuclear
7 safety. You say not all the time. I'm not saying
8 every decision I make isn't supported but I don't get
9 the drift that when I make what I believe is an
10 appropriately conservative decision, I don't get the
11 feeling that it's supported at times. And I wanted to
12 ask you for examples of that. What were you talking
13 about there?

14 [REDACTED]: Okay. An example. It was
15 during a refueling outage. It might have been the
16 11th refueling outage. And we were planning to do a
17 plant start up. And the start up of a nuclear core is
18 considered an infrequently performed test for
19 evolution, okay? This is actually -- this is before
20 this event.

21 And I was the -- I was asked if I could --
22 I was asked to be -- I was assigned the duty of
23 being...

24 (End side 1 tape 2).

25 SPECIAL AGENT NEFF: ... approximately.

1 [REDACTED] So I was asked if I could be
2 the test engineer at 8:00 in the morning. And I said
3 I can do it. And then I was asked if I have the IPTE
4 paperwork, everything ready by 11:00, which is three
5 hours considering this pretty significant process that
6 we have called an infrequently performed test for
7 evolution. And I talked to [REDACTED] and I said I'm not
8 going to be ready at 11:00. I said I can't follow the
9 process and meet the parts of it to be ready at 11:00.
10 And he said well why not. He needed me ready at
11 11:00. Not -- he didn't say, well what help do you
12 need to get ready or what's in your way. It was well
13 why not at 11:00. We need to be ready at 11:00.
14 That's when the evolution is going to happen. Okay.

15 And so we compromised, and I think I said
16 okay I can be ready at 11:30, recognizing that he was
17 looking for a certain time. I said -- I have another
18 one when I give it to you total. Just remember it.

19 But he was looking for a certain time.
20 And that is what I consider characteristic of [REDACTED]
21 And I say this with no disrespect to him. But what
22 was missing was we as an organization knew that a
23 reactor start up was coming. We know that it's
24 coming. It's the end of the refueling outage. A
25 reactor start up is coming. It's always an

1 infrequently performed test evolution. And there was
2 no effort prior to that morning to get it ready. But
3 on the day that it was scheduled to happen, there was
4 a tremendous effort to get it ready. But no forward
5 looking.

6 And I kind of -- I contribute that partly
7 to, I believe that's part of the ops manager's job is
8 to create the environment where those things happen
9 well enough ahead of time so that we're ready to go
10 implement it at the time that it's intended to be
11 implemented without having to crunch it into a small
12 amount of time, the preparation, and potentially not
13 do it as rigorously as we should. Okay. So that's --
14 that is a data point that I would characterize from

15 
16 And I have another one, too, and that was
17 several outages ago, and I can't tell you how long ago
18 this was. And this was, I think  was in
19 the control room, too. We were going through the
20 process of rolling the main turb -- we were preparing
21 to roll the main turbine. And we have certain
22 standards that we need to adhere to when we're to
23 perform evolution. Those are creation and discussion
24 of a pre-job brief, right. Make sure everybody's
25 comfortable with what they need to do and everybody

1 knows how to go perform their elements of the job
2 safely.

3 And we told  that it's going to take
4 us about an hour and a half to do -- an hour and a
5 half to get everybody together to meet the standards
6 and do a pre-job brief. And it's going to this long
7 and we have the turbine rolling at maybe 9:00. I
8 don't know, the time's not really accurate. It's the
9 exchange that's relevant.

10 So we said we're going to have a -- we're
11 going to be ready to roll it at 9:00. And he said you
12 need to be ready to roll at 7:00. That was his
13 direction to us. You need to roll it at 7:00. When
14 we were telling him this is how long it took us -- it
15 was going to take us to be able to do it within the
16 balance of the procedures and standards that we have.

17 So there are two that jump out to me.

18 MR. BARBER: Do you think that he was
19 getting some pressure from somewhere else to move the
20 schedule?

21  I don't know. I don't know.

22 MR. BARBER: Was there something on an
23 outage schedule, recovery schedule that had that
24 milestone as the time to roll the turbine or what have
25 you?

All TC

1 [REDACTED] I don't know. Not that I
2 remember. I can't -- I don't know what was the
3 paperwork. I just remember the conversation.

4 MR. BARBER: Did you ever talk to anybody
5 else at your level or shift manager or CRS level or
6 other SRs if they had similar experience in dealing
7 with [REDACTED]

8 [REDACTED] No, I did not.

9 SPECIAL AGENT NEFF: These are you --

10 [REDACTED] I know that [REDACTED] and
11 I talked about that one incident.

12 MR. BARBER: What did he say?

13 [REDACTED] He thought he could -- he was
14 surprised.

15 MR. BARBER: Did that seem out of the norm
16 for [REDACTED] to do this? Was this the first time that you
17 were exposed to this kind of thing with [REDACTED]

18 [REDACTED] I don't know if it was the
19 first time, but I would say it was within character.
20 Okay. It was within character for [REDACTED]

21 MR. BARBER: Did it appear that this --
22 that these types of things were -- a schedule that was
23 provided to him and that if he came up with something
24 that was an accelerated schedule, did that appear to
25 be sporadic or was it -- was he always consistent I

1 want it quicker?

2 [REDACTED]: Well, it's -- I don't know
3 that he would -- I don't know that -- what he said was
4 he provided an accelerated schedule. I don't know if
5 he provided an accelerated schedule. I don't know what
6 was happening with the schedule. I just know that at
7 the time it was time for us to roll the turbine and
8 these were the elements that we needed to implement in
9 order to be able to the turbine in accordance with our
10 standards. And the feedback that we got, as I would
11 characterize it generally, was so sort of meeting a
12 certain time line and not implementing the standards.
13 It was about meeting the time line. It wasn't about
14 how we were going to go about meeting it. Because we
15 couldn't do it all.

16 MR. BARBER: Did anyone ever raise a
17 concern or did you ever raise a concern about this
18 being a production over safety type --

19 [REDACTED]: No.

20 MR. BARBER: -- approach to dealing with
21 the issues?

22 [REDACTED]: No.

23 MR. BARBER: Did you think of it in those
24 terms?

25 [REDACTED]: Yes. As a matter of fact, I

1 probably did at the time.

2 MR. BARBER: Did you feel like you could
3 have raised that to him?

4 [REDACTED] No.

5 MR. BARBER: Did you ever try?

6 [REDACTED] No.

7 SPECIAL AGENT NEFF: This is an example of
8 what you're saying when you thought you wouldn't have
9 been fully supported?

10 [REDACTED] Sure.

11 SPECIAL AGENT NEFF: This is where you
12 went from that question?

13 [REDACTED] Yes.

14 MR. BARBER: Do you ever entertain
15 discussion from anybody on these kinds of issues?

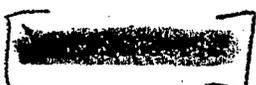
16 [REDACTED]: What's [REDACTED] -- and I've
17 seen this characterized generally. What [REDACTED] would do
18 with something like that would be, well -- he would
19 ask a question of me, well so how are you going to
20 make it next time so you could do both? Okay. That's
21 how -- that's what I believe he would do with
22 something like that. He would come back to me and
23 asking me well how come you weren't ready and what are
24 you going to do next time to be ready for it.

25 MR. BARBER: Did you feel that was a fair

1 question?

2  In the ultimate
3 accountability model, yes, it's a fair question. And
4 sometimes I don't think it's relevant to ask it at the
5 time. Sometimes I think we need to step back and try
6 and understand where our people are coming from to be
7 able to resolve their concerns not, not laying the
8 concerns back in their lap all the time.

9 MR. BARBER: Right.

10  And part of it is --

11 MR. BARBER: It's one of the things that
12 you take a step back approach and let's use the start
13 up comment, the start up example. Where he's coming
14 to you and asking you to be the test engineer for an
15 infrequently performed test revolution for a start up
16 from a refueling outage. And even though there's a
17 schedule that shows when that's going to occur, that
18 really could occur on any shift. And to me the
19 responsibility would rest with someone like the
20 operations manager on when that would be done and
21 should have some foresight to know within the next two
22 or three or four days that that's going to happen and
23 to identify which shift that's selected to occur on
24 and start coordinating in advance as opposed to the
25  thinking on their own that they're going

1 to go off and -- gee, something might be happening on
2 my shift. I need to go out and so some research on
3 the off chance the ops manager will come to me and ask
4 me to have done this IPTE brief. And it seemed in
5 that instance that it's really inappropriate for him
6 to ask you to look to the future to do that.

7 And that's why I asked the question about
8 the ultimate model. Now with that said, is that -- am
9 I off base with that approach or is it really a fair
10 question for him to ask you to be ready to do that
11 again in the future? Shouldn't he be asking each one
12 of the [REDACTED] to do that?

13 [REDACTED] That's one management model.
14 I mean, it's really -- that's a management model,
15 right? Who is going to manage and be looking ahead at
16 being ready for that?

17 MR. BARBER: So he expected everybody on
18 shift to do that individually, but he had no
19 responsibility for that?

20 [REDACTED] I didn't say that.

21 MR. BARBER: Well, but that's the
22 implication based on what -- how he challenged you;
23 that that's the role of [REDACTED] not his role or
24 the AOM's role? Is that correct or not? Am I
25 misreading that?

ALL TC

1 [REDACTED] I'm going to allow you to
2 read it how you would like. I would prefer not to
3 read it any one way or another.

4 I don't know if he thought it was his
5 responsibility or not.

6 MR. BARBER: Do you think it was his
7 responsibility?

8 [REDACTED] I think he absolutely had a
9 part in it. Absolutely. I think -- I think it was a
10 lot of his responsibility to be able to at least at a
11 high level see what's happening to help lead the
12 organization to prepare for what's coming.

13 MR. BARBER: Okay.

14 [REDACTED] And do.

15 MR. BARBER: Okay. So in that case, in
16 the case of the start up that would be your position.
17 What about in the case of the turbine roll? Should he
18 have also anticipated that? That that would likely
19 come out on -- between maybe one of two shifts and
20 should have started discussing with you and the other
21 shift that would be -- potentially on at the time?

22 [REDACTED]: Yes. To be able to see it.

23 Yes, I do.

24 MR. BARBER: Now, how does that compare to
25 the new management team? Is the new management team

1 any different or is there still that same expectation
2 that it falls on the shift?

3 [REDACTED] I don't know, because I have
4 not seen those -- I have not seen any of those, but I
5 can tell you what I think. I think if I were to say
6 something like this is what it takes for me to do a
7 job in accordance with the standards, considering I'm
8 at time zero right now and here's what I have looking
9 at me, I believe the new management team would be
10 supportive of me taking the time I needed to do it
11 safely the first time.

12 MR. BARBER: But if they wanted to do at
13 an accelerated schedule, they would take the
14 responsibility of identifying early on?

15 [REDACTED] I don't know. I don't know.

16 MR. BARBER: Well, there's been some
17 forced outages in the last three or four months, a
18 couple of them, actually?

19 [REDACTED] That's correct.

20 MR. BARBER: What's your -- have you been
21 involved with any of the start ups or any of the
22 significant activities coming out of any of those
23 outages and has the approach been the same as what was
24 done in the past or is it different?

25 [REDACTED] The approach I would say now

1 is generally more supportive that the operating shifts
2 gets the time they need to do an evolution safely
3 rather than -- rather than the operating shifts need
4 to meet the schedule.

5 MR. BARBER: Okay.

6 [REDACTED] Okay.

7 MR. BARBER: And I want to ask you a
8 question, and you can just tell me if you don't know
9 the answer. Do you think that same approach is taking
10 place at Salem? Have you heard anything?

11 [REDACTED]: I don't know.

12 MR. BARBER: Any of the shift managers?

13 [REDACTED]: I don't know.

14 MR. BARBER: Do you guys have any kind of
15 cross unit discussions?

16 [REDACTED]: We used to. We have not had
17 any recently. And I don't know if we will. I don't
18 know. But we used to.

19 MR. BARBER: Okay. Thank you.

20 SPECIAL AGENT NEFF: There's an issue that
21 comes out in your transcripts. I'm looking at page 18.
22 And you were talking about the reactivity event and
23 that you wouldn't have been fully comfortable with
24 raising a concern about the ability to perform it
25 safely. And what you're expressing there is that you

1 didn't think your concern would have been honored.

2 And we've covered that.

3 [REDACTED]: Right.

4 SPECIAL AGENT NEFF: We've talked about
5 your reasons for that.

6 It goes on a little further and said --
7 you statement was "If I have a nuclear safety concern
8 do I feel I can just speak it without fear of any
9 impact, personal or professional on me." And your
10 answer to that is no. You answered your own question.

11 What goes into that? Had you had some
12 experience raising a concerning and having an impact
13 on yourself, personally or professionally? Basically
14 what makes you say you feel that way?

15 [REDACTED] Because from some of the
16 things -- there are obviously many, many, many -- you
17 know what I mean, experiences that we have. Right?
18 I shared a couple of them with you. And what they did
19 for me is paint a certain picture and paint a certain
20 behavioral pattern. Okay. That's what I gleaned from
21 it. Okay.

22 And that, okay, so I understand what the
23 behavioral pattern is. So once I understand that, in
24 that behavioral pattern and in environment will I be
25 successful in doing this or doing that? And if the

1 answer is no, then I'm not going to do it if it's not
2 relevant or if it's not significant.

3 So I didn't raise nuclear -- I didn't have
4 any specific examples where if I thought if I raised
5 a nuclear safety concern, then it was not addressed.

6 SPECIAL AGENT NEFF: This goes one step
7 further, though. This says that it might have an
8 impact on you personally or professionally, and that's
9 what I'm wondering. Had you seen evidence of that
10 either with yourself or with someone else?

11 [REDACTED] Well, the impact --

12 SPECIAL AGENT NEFF: Have you seen,
13 someone raised a concern and have that negatively
14 impact them?

15 [REDACTED] Well, I mean -- I mean sure.
16 I mean you go to the comments that we got about the
17 jacket water -- you know, going back to the
18 operability determination for the jacket water pump,
19 right? And the feedback was okay, make sure you have
20 engineering engagement, right, before you declare it
21 operability. For engineering engagement before you
22 declare inoperable.

23 SPECIAL AGENT NEFF: Criticism of a shift
24 manager decision.

25 [REDACTED] Okay. You could categorize

1 it anyway you want to, right? Whether it's criticism,
2 whether it's feedback; I don't know. But that's the
3 feedback that's provided. So you go take that
4 feedback and you use it, which is so the feedback's
5 having an influence because I use it the next time,
6 right? And then it lands as it wasn't the right call
7 again. Because I should have declared the rod block
8 monitor inoperable.

9 So there's proof -- you know, there is the
10 example of it -- of the feedback that's provided
11 earlier having an influence on later decisions.

12 I don't know if that answers your question
13 or not.

14 SPECIAL AGENT NEFF: I'm looking at -- the
15 question you asked if I have a nuclear safety concern,
16 do I feel I can just speak it without fear of any
17 impact personal or professionally on me. And what you
18 offered as an example is the feedback itself was
19 impact on that. Is that what you're saying?

20 [REDACTED] Say it again.

21 SPECIAL AGENT NEFF: The feedback on the--
22 in that example that you gave on the operability call
23 was the impact? Is that the kind of things you were
24 talking about?

25 [REDACTED] Yes, the feedback has an

1 impact.

2 SPECIAL AGENT NEFF: And that's what you
3 were talking about here?

4 [REDACTED] Sure.

5 SPECIAL AGENT NEFF: It goes a little
6 further, too, where you say there have been times less
7 than fully free to express my concern. Is that what
8 we've already talked about?

9 [REDACTED] Yes, that's what we've
10 already talked about. It's cases like -- I mean, if I
11 express my concern that we can't, we -- we can't roll
12 -- the example is we can't roll the turbine and meet
13 all the standards and meet this deadline, it just
14 can't be done starting at time now.

15 SPECIAL AGENT NEFF: Okay.

16 [REDACTED] Would that concern have been
17 heard and honored? The answer is my belief back then
18 was no.

19 SPECIAL AGENT NEFF: Is there anything
20 else that you would have to add to there have been
21 times when I felt less than fully free to express my
22 concerns, is there anything else that we haven't
23 covered?

24 [REDACTED] Not that comes to mind.

25 SPECIAL AGENT NEFF: Okay.

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[REDACTED]

Not right now.

SPECIAL AGENT NEFF: It develops a little bit further, too. And we talk about the word that's used is "fear." The question to you was -- the word comes out as fear and then they say fear may be too strong. And you say no that's a good word. That's a good word. I'm good with that word. And then you explain further it's a concern, not fear. It's a concern that I could be viewed as not being a team player or not supportive of what we're trying to do.

So in terms of not being seen as a team player, what impact does that have on you? What's your fear there?

[REDACTED]

Well, if I'm not viewed as a team player, then at some point in time it's probably going to -- it has the potential to affect any future career choices that I might want to make. It has the potential to affect my income if not viewed as a team player. That's the personal impact.

SPECIAL AGENT NEFF: Okay. Now, had you-- this is a thought that you personally held in this time frame.

[REDACTED]

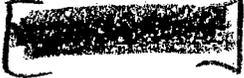
Yes.

SPECIAL AGENT NEFF: Had you heard something like that from your peers? Did they share

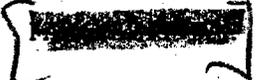
1 your concerns on that?

2  I don't think we ever
3 discussed it. Let me think about that. Not that I
4 remember. Specifically remember. It could that I've
5 had conversations long times ago with folks that said
6 they might have been -- had concerns about raising
7 certain issues. But not that I can specifically
8 recall.

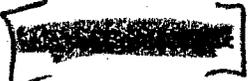
9 SPECIAL AGENT NEFF: No specifics that you
10 recall?

11  Right. Right.

12 SPECIAL AGENT NEFF: Okay. And I just
13 want to go to another issue that develops. The
14 conversation goes on for a little bit and then this
15 comes out. And this is where I stumble a little bit.
16 There's a conclusion reached that I don't quite
17 understand, given what your testimony was.

18  Okay.

19 SPECIAL AGENT NEFF: Just prior to it.
20 And I'll -- I'm going to read through this, because
21 it's important to see how we get there.

22  Okay.

23 SPECIAL AGENT NEFF: The question to you
24 was "I think we've already discussed this, but are you
25 aware of anybody being reluctant to come forward with

1 their concern for fear of reprisal?"

2 And your answer was "You have to help me.
3 What does reprisal mean?"

4 The response is "In our parlance reprisal
5 would be some type of personnel action. I don't know
6 what the author meant by it, but if we use our
7 parlance fear of reprisal is some type of personnel
8 action. Are you aware of anybody being reluctant to
9 come forward with their concerns for fear of some form
10 of a personnel action?"

11 And you say "No."

12 And they say "Now you've already mentioned
13 your concern. I put that in quotes which would be
14 not being viewed as with the program." I should
15 explain that that's the team player, not being with
16 the program was the same thing.

17 *TC -* [REDACTED] I gathered.

18 SPECIAL AGENT NEFF: You described it that
19 way.

20 And you say "That's correct."

21 And the question then to you is "I don't
22 want to put words in your mouth and my mouth, but
23 being with the program or concern about being with the
24 program, I don't equate with fear of reprisal."

25 And you agree. You say "Neither do I."

1 So what I'm not understanding is how can
2 it be answered in that way if you would say a fear of
3 not being with the program and not being a team player
4 could ultimately affect your income and affect your
5 career choices?

6 [REDACTED] Because do I think that if I
7 -- if I was not with the program, would I be -- I'll
8 say, punished or demoted. Okay.

9 SPECIAL AGENT NEFF: Okay.

10 [REDACTED] Not. Okay. So it wouldn't
11 affect my income. However, not being with the program
12 has the potential to affect any promotions or
13 increases in income. Okay.

14 SPECIAL AGENT NEFF: Okay.

15 [REDACTED] At the time. So in that
16 respect it does affect my future job or income.

17 SPECIAL AGENT NEFF: You're looking at it
18 as an immediate type of response?

19 [REDACTED] I'm looking at it as both.
20 Right. I mean, if I -- if I express some concern and
21 I'm perceived as not being with the program, is
22 anybody going to come back and fire me? No. Are they
23 going to demote me? Not likely.

24 SPECIAL AGENT NEFF: Some sort of
25 immediate adverse action?

All 7c

1 [REDACTED] Yes. Punitive action? No.
2 I don't think that would happen. However, do I think
3 that there's a possibility that as a result of it I
4 wouldn't be considered for future promotions?
5 Absolutely, I think that's true. I would not be
6 considered for future promotions.

7 SPECIAL AGENT NEFF: Okay.

8 [REDACTED] Okay. So it would have some
9 impact in the future, right, or potential impact.

10 MR. BARBER: Would that be known to you?

11 [REDACTED] What?

12 MR. BARBER: Well, for example let's say
13 that there's a job that opened at the station,
14 something you're interest and you and [REDACTED] and
15 [REDACTED] had put in for it.

16 [REDACTED] Right.

17 MR. BARBER: And if you had been deemed
18 not to be a team player, would you have any way of
19 discovering that that was a factor in the why you
20 weren't selected?

21 [REDACTED]: Nope.

22 MR. BARBER: You shouldn't be selected?

23 [REDACTED] I just wouldn't be selected.

24 MR. BARBER: Okay.

25 SPECIAL AGENT NEFF: That's your

1 explanation for why it was answered -- it was
2 addressed one way and then you're saying that you
3 don't equate a concern about being with the program
4 with a fear of reprisal?

5 [REDACTED] Right.

6 SPECIAL AGENT NEFF: Let me move on.

7 [REDACTED]: Does that clarify it for you?

8 SPECIAL AGENT NEFF: I was just looking
9 for your explanation.

10 [REDACTED]: And this is, you know, it's
11 kind of like in the past do I think the company values
12 and promotes diversity, not promotes from a -- it's
13 good to have a diverse workforce, but promotes from
14 you know this person is a little bit different than
15 the rest of us. It might be good to have him on this
16 team, right? Promotes, actually. And I don't think
17 the company typically does that. I don't think the
18 company has done that in the past.

19 SPECIAL AGENT NEFF: Do you see any
20 evidence of that being done now by the choices that
21 are made?

22 [REDACTED]: With the management team that
23 we have now, it's too early to tell. Because I
24 haven't seen any real -- no substantial promotions
25 that I've seen.

All TC

1 MR. BARBER: How about welcoming differing
2 or diverse views?

3 [REDACTED] Too early to tell.

4 MR. BARBER: Okay.

5 [REDACTED] That would be the skeptic
6 side of me going I'll -- it's too early to tell.

7 MR. BARBER: Okay. Let me move on.

8 SPECIAL AGENT NEFF: Are you moving onto
9 a different issue?

10 MR. BARBER: I was going to, but while
11 you're --

12 SPECIAL AGENT NEFF: Yes, I want to stay
13 with this one, if we can, for just a minute more.

14 MR. BARBER: Okay.

15 SPECIAL AGENT NEFF: Did you make the
16 statement to anyone, and I don't have a quote for you,
17 but words to the effect of that some people are afraid
18 to raise concerns and others are apathetic?

19 [REDACTED] I don't recall making that
20 statement.

21 SPECIAL AGENT NEFF: Not a verbatim, but
22 words to those effect, make any indication to anybody
23 that some people would be afraid to raise concerns and
24 others are apathetic?

25 [REDACTED] I might have said that. I

All TC

1 might have kind of characterized what I -- you know,
2 what might be the general employee perception; that
3 some folks might be afraid to raise concerns and some
4 folks might be apathetic and in effect, and given up.
5 I could have said that.

6 SPECIAL AGENT NEFF: In terms of being
7 afraid to raise concerns, where did you see that?
8 What people do you have in mind for that?

9 [REDACTED] I call it the general
10 workforce. Operators. Equipment -- perhaps some
11 equipment operators or NCOs, control room supervisors.

12 SPECIAL AGENT NEFF: At the operator
13 level? Isn't that different than what you had said
14 earlier?

15 [REDACTED] What did I say earlier?

16 SPECIAL AGENT NEFF: That they do raise
17 concerns.

18 [REDACTED]: I said they raise some. I
19 said some might not.

20 SPECIAL AGENT NEFF: But some might be
21 afraid to?

22 [REDACTED] Yes, some might be.

23 SPECIAL AGENT NEFF: Okay. What do you
24 attribute that to?

25 [REDACTED]: I would not -- that would not

1 surprise me.

2 SPECIAL AGENT NEFF: Okay.

3 [REDACTED] That would not -- if some
4 were not -- some -- some were afraid to raise
5 concerns.

6 What do I attribute that to? Because I
7 think we have the tendency at times to want to throw
8 it back in the face of the guy who raises the concern
9 instead of trying to address it, instead of trying to
10 understand and address it.

11 SPECIAL AGENT NEFF: Along the lines of
12 what you described you had experienced?

13 [REDACTED] That's right.

14 SPECIAL AGENT NEFF: Okay. Scott?

15 MR. BARBER: Are we done with that line of
16 questioning?

17 SPECIAL AGENT NEFF: I think so, unless
18 you have anything else to add it to, [REDACTED]

19 MR. BARBER: Okay. I wanted to just ask
20 about, a little bit about going back to your history
21 at the station and going kind of through the last
22 several years. And you talk about defects of economic
23 deregulation of the electric utility industry. I
24 wanted to see what kind of thoughts you might have
25 regarding that.

All 7C

1 the cost of generation or the need to stay on line?

2 [REDACTED] I'm sure there were some.

3 Either there were some general discussions of, you
4 know, improved performance indicators and cents -- you
5 know, cents per kilowatt and, you know, those types of
6 indicators and where our plant and our facility fell
7 as far as the rest of the industry. You know, that's
8 an ongoing discussion all the time. But it's -- I
9 don't think it's significantly changed over time.

10 MR. BARBER: How about financial matters?

11 I mean, you know the nitty gritty of, you know, what
12 it costs on the open market for power? Have you had
13 any of that?

14 [REDACTED]: Not really.

15 MR. BARBER: No?

16 [REDACTED]: No.

17 MR. BARBER: Has there been any
18 discussions between the shift managers and the AOM
19 regarding, you know, just the economics of the plant
20 or spot market, things like that?

21 [REDACTED]: Not really spot market. But,

22 I mean, we talk a little bit about the economics of
23 the plant as one part of -- you know, as one line of
24 conversation. Not solely. We, obviously, talk about
25 operating the plant in accordance with the license.

1 We talk about operating the plant in accordance with
2 our procedures and our standards. And we also talk
3 about operating the plant, you know, from a business
4 perspective.

5 MR. BARBER: Okay.

6 [REDACTED] Not excessively and not to
7 the point where I -- where I would characterize it as
8 having an impact on the production versus safety
9 balance.

10 MR. BARBER: Okay. How about anything
11 with charts and graphs about generation and profit and
12 loss? Has that been a change? Is that's something
13 that's more a recent thing or is has it happened all
14 along?

15 [REDACTED] I haven't seen any real
16 significant change. You know, over time every now and
17 then you get introduced to a new thing.

18 MR. BARBER: How about during training,
19 requal or otherwise?

20 [REDACTED] Not really.

21 MR. BARBER: No?

22 [REDACTED] No.

23 MR. BARBER: Okay. Okay. Did you ever
24 get a chance to look our January 28th letter?

25 [REDACTED] The safety conscious work

All TC

1 environment?

2 MR. BARBER: Yes.

3 [REDACTED] I did.

4 MR. BARBER: Did you read it?

5 [REDACTED] I did.

6 MR. BARBER: And what did you think of it?

7 [REDACTED] I thought there was a line in
8 there that was extraordinary.

9 MR. BARBER: Which was?

10 [REDACTED] Assess the impact of previous
11 decisions. If I had the letter, I could point the
12 line out?

13 SPECIAL AGENT NEFF: Yes, I think I know
14 what you're talking about. It was --

15 [REDACTED] There was a line in there
16 about assess the impact of previous decisions on the
17 employees.

18 SPECIAL AGENT NEFF: That was my next
19 question for you.

20 [REDACTED] And I thought that was an
21 extraordinary to write about.

22 SPECIAL AGENT NEFF: My question for you
23 is --

24 [REDACTED] I hope we have the integrity
25 to do that to our fullest extent.

All 7c

1 SPECIAL AGENT NEFF: What I wanted to ask
2 you was what kind of impact do some of the events that
3 we discussed have from your perspective as a [REDACTED]
4 [REDACTED] You're seeing it as your [REDACTED]
5 [REDACTED] and from the operators that [REDACTED]
6 [REDACTED] What sort of impact did, let's say the --
7 not the reactivity management event, but the after
8 decisions on whether or not we go back up in power
9 with the valves stuck, the LCO window that you had to
10 work with the input from [REDACTED] that kind of
11 thing. Do you see those events as having any impact
12 on the work environment on the relationships within
13 the shift?

14 [REDACTED] Well, some of those things
15 that I've seen are really not known to many people. I
16 don't know if they're known to many people. There are
17 not many people that know that I stood in a room with
18 [REDACTED] and [REDACTED] while [REDACTED] came off --
19 like I said, leaned on me to not move the plant.
20 There aren't people that know that. So I don't think
21 that kind of stuff has had an impact on many other
22 people.

23 SPECIAL AGENT NEFF: So limited impacting?

24 [REDACTED] That's right. That's right.
25 But there are other -- there are other things that

1 have happened. I'm sure you guys know about running
2 the diesel and respirators, right? So there are other
3 things like that that I wasn't necessarily personally
4 involved with that I think, you know, have an enormous
5 viability and impact in the relationships of the
6 people.

7 And there is one thing I do want to say
8 related to nuclear safety. I view nuclear safety very
9 broadly. There are some folks that view nuclear
10 safety as here's a piece of equipment, it's required
11 to maintain the plant safe. As long as that
12 equipment, and all the equipment that is needed to
13 maintain the plant in accordance with the design basis
14 is maintained, that's what we need to do to maintain
15 nuclear safety. That's how some people view it, and
16 I'm not saying that's good or bad. It's just different
17 than how I view it. Because I also view nuclear
18 safety from the perspective of it takes people to
19 operate the plant. Okay. And the people have to be
20 of the right mental capacity, of the right team work,
21 of the right training, knowledge and proficiency to be
22 able to operate the plant safely. And I view that as
23 an element of nuclear safety as well. And
24 radiological safety and industrial safety.

25 SPECIAL AGENT NEFF: I think that that was

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1 part of what you were expressing when you talked about
2 your concerned regarding [REDACTED] and he wanted it
3 all, and you didn't think that all of those elements
4 were lined up where you could have it all. That you
5 had to prioritize. And I think your words were that
6 sometimes you have to -- that you have to -- you lose
7 an issue in there. And let me just find it so I don't
8 confuse you.

9 [REDACTED] I actually remember that part
10 of the interview. I do. I do remember it.

11 SPECIAL AGENT NEFF: Here you go. I won't
12 have to read too much of it, though.

13 Here's what your response was, but you're
14 saying "So I don't think Chairman -- I mean you can go
15 through a list. I don't think anyone of those leaders
16 willfully consciously puts nuclear safety at risk. I
17 don't think that's their intent at all. But what I'm
18 not sure of is do they understand the affect they have
19 on the workforce and a workforce that's trying to have
20 it all, accomplish everything. And if the workforce
21 can't have it all, what is it that the people put
22 aside in order, what are they prioritizing, what do
23 they put aside because that's what happens." And you
24 say "that's what people do when they can't accomplish
25 everything that's on their plate. They prioritize.

1 And some stuff goes to the top and some stuff falls
2 off the bottom. And I'm not sure we have the right
3 mix. I don't think we do."

4 What were the kinds of things there that
5 you're talking about what falls of the bottom that
6 you're thinking of?

7 7C - [REDACTED] In operations our job is we
8 operate the plant in accordance with the license
9 procedures, tech specs, etcetera; that's an element of
10 it. Within operations we accomplish work, take
11 systems in and out of service, go clear and tag them,
12 go do moves, things like that to accomplish work to
13 keep systems healthy.

14 In operations we do -- this is on shift
15 operators. We do things like review procedures and
16 industry operating experience. We do that.

17 In operations we support procedure 50-59s
18 and SQRs. And I'm talking on shift operators do this.
19 Typically management people.

20 And operations management people on shift
21 do self-assessment -- self-assessments, okay? And
22 operations people on shift do support plant design
23 changes by being a subject matter expert. In
24 operations people on shift do observations.

25 MR. BARBER: Do you do observations?

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7c
[REDACTED] And operations people on
shift do observations. Okay.

All those are things that are expected of every -- at least every management on any operating team. Okay. All of those are expected.

So what's the -- if people can't do all of that, and this is the same thing I said there, to the highest level they either do all -- all of them and compromise at some level of proficiency or some level of excellence in whatever it is that they're doing or they do some and then don't do others. Okay.

And when they compromise and do things to a higher level of integrity and some things to a lesser level, I'm not convinced that we compromise at the right places. Okay. And I actually think that some of our internal things showed us. For example, I believe that things like the operational standards are actually pools that allow us to operate the plant in accordance with the procedures, in accordance with the license and not make mistakes. So I think operation standards are related to nuclear safety. That's my personal view, okay? That's why we do a pre-job brief to make sure an operator doesn't make a mistake in the field and take out a redundant piece of equipment that challenges nuclear safety or defense-

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1 in-depth of the plant. Okay.

2 Those are standards. However, what I
3 think we do is that some people perceive accomplishing
4 the work as more important than using the standards to
5 accomplish the work. So what they do is they
6 compromise the standards to accomplish the work.
7 Okay.

8 SPECIAL AGENT NEFF: Okay.

9 TC - [REDACTED] And I believe that -- I don't
10 think that's the right balance from my own personal
11 perspective of what my view on nuclear safety is, I
12 question as to whether that's the right balance or
13 not.

14 SPECIAL AGENT NEFF: Did you ever have the
15 concern about the level of safety in operations of the
16 plant such that you would express it in a way that
17 would say the plant was designed in such a way that it
18 would protect us from ourselves? Do you recall ever
19 having a concern that -- and again, not verbatim, but
20 the plant is so well designed it would protect us from
21 ourselves?

22 TC - [REDACTED] I do believe the plant is --
23 yes, I probably said something like that.

24 SPECIAL AGENT NEFF: Was that -- what
25 would have prompted the statement, do you recall?

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[REDACTED] That was in a phone call.

SPECIAL AGENT NEFF: But I mean what were you speaking to? Was that -- I was --

[REDACTED] I speaking -- I was --

SPECIAL AGENT NEFF: Was that your concern about operations or was that your --

[REDACTED] That wasn't my concern.

SPECIAL AGENT NEFF: Okay.

[REDACTED] I was speaking to why I didn't think the plant was in a nuclear safety (inaudible).

SPECIAL AGENT NEFF: Okay. Let me have you put it in context for me.

[REDACTED] Okay. Okay. So it was a telephone call that I had with a person. And that person expressed why they thought there was a nuclear safety concern, and I expressed why I didn't think that there was a nuclear safety concern. You know, and I expressed it -- and I don't remember the specific elements of the safety part of it. But what I expressed was the plant is sufficiently robust in its designs, okay, that even if an operator were to make a mistake, I don't believe it would have a significant impact on nuclear safety. Okay.

SPECIAL AGENT NEFF: Okay.

All TC

1 [REDACTED] That's what it was. And I
2 believe that if you take the reactivity event, the
3 reactivity event is an example. Because even though
4 we made a mistake and I made a mistake, and I'm fully
5 accountable or the mistake that I made. But even
6 though I made a mistake, and there's probably a series
7 of mistakes that we made, the net result was that
8 nuclear safety of the integrity of the cladding, the
9 reactor cooling and pressure boundary, the containment
10 was not put at risk. Okay. That's my view on it.
11 That's my perspective.

12 SPECIAL AGENT NEFF: Okay. So what you're
13 saying is that's an even/if situation, are you -- it's
14 not a situation where you see then what's supposed to
15 be your last line of defense as your first line of
16 defense. Is that what you're saying?

17 [REDACTED]: Say that again.

18 SPECIAL AGENT NEFF: Are you looking at
19 the plant design, which is a prior defense-in-depth.

20 [REDACTED]: Right.

21 SPECIAL AGENT NEFF: Is it something that
22 you see as that's supposed to be a part of your last
23 line of defense?

24 [REDACTED]: I believe it's the last line
25 of defense.

1 SPECIAL AGENT NEFF: Were you offering
2 that as your first line of defense?

3 [REDACTED] No.

4 SPECIAL AGENT NEFF: Okay.

5 [REDACTED] No. I was not offering it as
6 the first or only line of defense.

7 SPECIAL AGENT NEFF: Did somebody else
8 have that concern?

9 [REDACTED] What?

10 SPECIAL AGENT NEFF: Did somebody else
11 have that concern? Were they expressing that to you
12 that they had that concern?

13 [REDACTED] That the plant was the last
14 line of defense or that the last line of defense which
15 was the plant --

16 SPECIAL AGENT NEFF: Right.

17 [REDACTED] -- was the only line of
18 defense?

19 SPECIAL AGENT NEFF: Was actually the only
20 line of defense?

21 [REDACTED] No, not that I've heard.

22 SPECIAL AGENT NEFF: Who was expressing
23 concern to you on that?

24 [REDACTED] Who was the phone call?

25 SPECIAL AGENT NEFF: Did you only have

1 that conversation with one individual?

2 [REDACTED] Yes.

3 SPECIAL AGENT NEFF: Who is that?

4 [REDACTED] Kim Harmon.

5 SPECIAL AGENT NEFF: That's the only
6 person that you discussed that with?

7 [REDACTED] Yes. The only one person
8 that I characterized --

9 MR. BARBER: How did this come up? Did
10 something happen in the plant?

11 [REDACTED] I don't know. I mean, Kim and
12 I are friends so we talk.

13 MR. BARBER: Oh. So this was just she
14 called you?

15 [REDACTED] She called me or I called
16 her. I was at home. I don't know where she was. And
17 we're still friendly and we still talk.

18 SPECIAL AGENT NEFF: I know she's not
19 operations, right? Former change manager?

20 [REDACTED] Former -- manager of cultural
21 transformation.

22 SPECIAL AGENT NEFF: Okay.

23 [REDACTED] And the reason that I keep
24 the relationship alive is because she is a good
25 person.

1 SPECIAL AGENT NEFF: Okay.

2 [REDACTED] That's why.

3 MR. BARBER: I want to go back to the
4 bypass valve. Kind of the activities surrounding
5 that, just a little bit and ask a few questions about
6 that.

7 How much of that whole evolution from the
8 forced outage all the way through the recovery were
9 you involved with? Were you involved with the
10 reactivity, for example, were you also involved with--
11 or a party to some of the other discussions that took
12 place?

13 [REDACTED] If I was the [REDACTED]
14 and I must have been the [REDACTED] And it was a
15 Sunday night that it happened. I don't recall
16 specifically, but if it happened on Sunday night and
17 I came into the training center Saturday night, I was
18 at least a [REDACTED] for Friday, Saturday and
19 Sunday night.

20 MR. BARBER: Okay.

21 [REDACTED] That would be my normal shift
22 rotation.

23 MR. BARBER: Okay.

24 [REDACTED] I may have been a [REDACTED]
25 [REDACTED] that was in on overtime either supporting the

1 outage organization or being on shift; I don't recall.

2 MR. BARBER: Okay.

3 [REDACTED] Okay.

4 MR. BARBER: There was a -- after that
5 event occurred, there was a lengthy discussion I think
6 the morning after, and it was about what to do with
7 the plant. Did you hear about that or were you
8 involved with that in anyway? About where to move the
9 plant after the event occurred?

10 [REDACTED]: And this is?

11 MR. BARBER: The event occurred on a
12 Sunday night --

13 [REDACTED]: The reactivity event?

14 MR. BARBER: Right.

15 [REDACTED]: Monday morning?

16 MR. BARBER: Yes, Monday morning. It was
17 a pretty lengthy discussion. Did you either hear
18 about that or were you involved with that or did you--
19 did you say over on shift the next day?

20 [REDACTED]: I did stay over until about
21 10:00 in the morning.

22 MR. BARBER: Okay. Do you recall any of
23 the --

24 [REDACTED]: I recall telling [REDACTED] I
25 thought myself and my crew needed to be relieved of

1 our duties.

2 MR. BARBER: Did you tell him that?

3 [REDACTED] Yes, I did.

4 MR. BARBER: And why did you say that?

5 [REDACTED] Because I thought that our
6 decision making that night was not as good as it
7 should have been and I was concerned about that we
8 needed to sit back and take ourselves out of the
9 pressures of production in order to be able to
10 evaluate our performance. Because I was concerned
11 that myself and my crew were unable to divorce
12 themselves from the production to be able to
13 effectively look at their performance.

14 MR. BARBER: You asked him to do that?

15 [REDACTED] Yes, I did.

16 MR. BARBER: Okay. Was there any push to
17 do that or did you just do that on your own?

18 [REDACTED] I did it on my own. I told
19 him I thought my shift needed to be relieved.

20 MR. BARBER: Including yourself?

21 [REDACTED] Yes.

22 MR. BARBER: Okay.

23 [REDACTED] Monday morning. The day of
24 the reactivity event.

25 MR. BARBER: Okay.

All 7C

1 SPECIAL AGENT NEFF: Was that based on the
2 comments that you had overheard in your review of the
3 situation after the fact were you were hearing the
4 schedule pressure coming from them?

5 [REDACTED] Well it had nothing to do
6 with the schedule pressure. It had to do with the
7 decisions that we made that night plus in previous
8 occurrences where I had seen my crew receive feedback
9 and been very defensive about the feedback instead of
10 being objective and trying to help themselves get
11 better, right. So I saw a series of getting feedback
12 and being defensive about it instead of being open to
13 the feedback and looking to try and get better. I saw
14 that, a history of that with my crew. And then I saw
15 decisions that I didn't think were appropriate at the
16 time and direction that was coming from supervisors
17 that I didn't stop, that I didn't think were
18 appropriate at the time. And I thought that it was in
19 the best interest that we be relieved of our duties.

20 SPECIAL AGENT NEFF: And the feedback that
21 you were referring to from before, was that feedback
22 from you or feedback from control room supervisors?

23 [REDACTED] What do you mean feedback?

24 SPECIAL AGENT NEFF: The feedback that --

25 [REDACTED] That we weren't listening to?

1 SPECIAL AGENT NEFF: Yes.

2 [REDACTED] Oh, that would be like a QA
3 observations or a QA observation would come in and
4 say, you know, would make some critical comments about
5 us. And there were some of them that I would consider
6 maybe inflammatory that weren't necessarily -- that
7 didn't necessarily hit the mark, but there were
8 elements from some of those conversations. . .

9 (End side 2 tape 2).

10 SPECIAL AGENT NEFF: Approximately 4:57
11 p.m.

12 What we were talking about was the
13 feedback. Basically you were saying that you had seen
14 issues with your crew where maybe some of the feedback
15 was a bit inflammatory, but it was something in there
16 that they could have worked with and they were
17 resisting that? They were being defensive as opposed
18 to taking something from it?

19 [REDACTED] Correct.

20 SPECIAL AGENT NEFF: Okay. So that's why
21 you asked to excuse your shift for a certain period of
22 time, or what did you intend to do?

23 [REDACTED] The word had been "relieve."

24 SPECIAL AGENT NEFF: Relieve?

25 [REDACTED] Relieve of our standing

1 duties so that we could spend time and evaluate our
2 performance without the pressures of operating the
3 plant from a day-to-day basis.

4 MR. BARBER: What was  reaction to
5 that?

6  He said he didn't agree.

7 SPECIAL AGENT NEFF: What was the outcome
8 then? Did you get relieved?

9  We were not relieved of duty
10 that day. We were relieved of duty at some point in
11 time. I think before our next watch stand.

12 MR. BARBER: So in effect you got what you
13 were asking for? Because weren't you off from then
14 on? I mean --

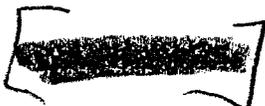
15  I believe so.

16 MR. BARBER: So it was kind of a mute
17 point?

18 SPECIAL AGENT NEFF: You were looking for
19 immediate?

20  I was looking for immediate.
21 At that point I wanted us to be relieved.

22 SPECIAL AGENT NEFF: But did ultimately
23 then if your next watch you didn't -- you were
24 relieved of --

25  I think we were.

All TC

1 SPECIAL AGENT NEFF: Did you accomplish
2 what you were looking for there? You were trying to
3 make a point, I think, with your operators is what you
4 were saying.

5 [REDACTED] I was trying to help my
6 operators -- I was trying to help open the eyes of my
7 operators.

8 SPECIAL AGENT NEFF: Did you accomplish
9 that?

10 [REDACTED] Well, the reactivity event
11 certainly helped it -- went a long way to providing
12 the framework to be able to open eyes --

13 SPECIAL AGENT NEFF: Motivation.

14 [REDACTED] -- and see what happened. It
15 went a long way.

16 SPECIAL AGENT NEFF: Okay. So you had
17 some success with that you're saying?

18 [REDACTED] Yes. We had very good
19 dialogue. And we started to get into what were the
20 comments that were being made and what was the
21 influence of the comments, and what happens when a
22 person says "I'm okay to go, is everybody else"
23 instead of saying "What issues do you guys have and
24 let's go resolve them." It went a long way.

25 SPECIAL AGENT NEFF: Okay.

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[REDACTED]

Do I think it landed with all those people where they can actually take it as a tool to move forward? I don't know. I don't know.

MR. BARBER: Let me go back to that morning. I got the point that you went ahead and had your crew relieved. The plant continued. I mean, there was no new shift on. They had to deal with the circumstances they were left. There was a discussion amongst a group of senior managers in the morning about where to move the plant. Did you -- were you involved with that directly or indirectly about what to do for the plant?

[REDACTED]

No. No. But that was the discussion where [REDACTED] I think he relieved me that morning. He came into [REDACTED] and said he got direction to stop depressurizing.

SPECIAL AGENT NEFF: So [REDACTED]

you described that discussion already.

[REDACTED]

From [REDACTED] Yes.

MR. BARBER: From [REDACTED]

[REDACTED]

Right.

MR. BARBER: And then you also said it may have come from somewhere else in the --

[REDACTED]

I believe it came from [REDACTED]

[REDACTED]

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MR. BARBER: From [REDACTED]

[REDACTED] Ultimately.

MR. BARBER: Based on?

[REDACTED] Two pieces of information,
two sources.

MR. BARBER: I think you said Kim Harmon.
Did you say who the other one was?

[REDACTED] No, because I didn't remember
who the other one was.

MR. BARBER: Okay. Okay. So what was the
reason for that? That, you know, we were going to go
to cold shutdown, now we can start back up. Why the
difference?

[REDACTED] Because the valve when,
closed, the bypass wouldn't close when we scrambled the
unit.

MR. BARBER: Okay. Did that appear to you
to be kind of heavy handed?

[REDACTED] What?

MR. BARBER: Trying to tell operations
that, now even though you were going to go to cold
shutdown, stop where you're at and turn around and
start back up from there?

[REDACTED] I wouldn't consider it heavy
handed. But it's certainly from my perspective didn't

1 come from the perspective of safety and trying to
2 understand what was going on with the bypass valve,
3 which is a piece of tech spec required equipment that
4 helps protect the plant against a pressure transient.
5 It didn't come from that perspective, the decision to
6 turn around and start up.

7 MR. BARBER: Is there anything in the tech
8 specs or the license that suggests some
9 responsibilities with the President of PSEG Power as
10 opposed to PSEG Nuclear?

11 [REDACTED] Not that I know of.

12 MR. BARBER: Is there any organizationally
13 that, you know, there's a demarkation line that you're
14 aware of?

15 [REDACTED] Between what and what?

16 MR. BARBER: Between PSEG Power and PSEG
17 Nuclear or PSEG LLC?

18 [REDACTED] I don't know.

19 SPECIAL AGENT NEFF: The --

20 [REDACTED]: You mean as far as making
21 operational decisions or safety related decisions?

22 MR. BARBER: Right. Right.

23 [REDACTED]: I don't --

24 MR. BARBER: Let me ask a direct question.
25 Is that allowed? Can the President of PSEG Power

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1 direct an operator or the operations manager to make
2 a change in the way the plant's being operated?

3 [REDACTED] In my opinion?

4 MR. BARBER: Based on what the license
5 says and what the tech specs say?

6 [REDACTED] In my opinion? I'd have to
7 go back and refer to the license and the tech specs,
8 because I don't have it committed.

9 MR. BARBER: Okay. What's your opinion on
10 it?

11 [REDACTED] My opinion would be it is
12 inappropriate for that person to make that type of
13 order.

14 MR. BARBER: Okay.

15 [REDACTED] Okay. It would be
16 inappropriate because that person doesn't have the
17 knowledge of the facility like the ops manager does,
18 like the shift managers do. It doesn't have the
19 knowledge of the tech specs and the license base.

20 MR. BARBER: With that said, though, it
21 would be reasonable and maybe even expected by the
22 corporation that that person may challenge (inaudible)
23 on why the plant is doing what it's doing; whether
24 it's going up or going down. The expectation is that
25 the chief nuclear officer would communicate in any way

1 he felt was appropriate through the chain of -- you
2 know, down through the chain to get the information to
3 have a discussion?

4 [REDACTED] I would certainly expect good
5 hardy conversation related to operational decisions.

6 MR. BARBER: Okay.

7 [REDACTED] Sure.

8 MR. BARBER: Okay. Thank you.

9 SPECIAL AGENT NEFF: Are you aware of any
10 impact that particular incident to the point where [REDACTED]
11 [REDACTED] is calling in, are you aware of any impact
12 that had on the shifts that you had to deal with
13 later? It didn't happen to your shift, I understood
14 that.

15 [REDACTED] Yes.

16 SPECIAL AGENT NEFF: Is there something
17 that -- I mean, everybody talks to each other.

18 [REDACTED] No, I don't hear --

19 SPECIAL AGENT NEFF: Is there anything you
20 had to deal with or straighten out?

21 [REDACTED] No. I don't hear in the
22 drift. You mean about [REDACTED] saying stop moving the
23 unit?

24 SPECIAL AGENT NEFF: Yes.

25 [REDACTED] I might have heard it once or

1 twice. But it's not a conversation that goes on.

2 SPECIAL AGENT NEFF: Nothing lasting?

3 [REDACTED] Not that I know of. You know
4 who would be a better measure? That would be [REDACTED]

5 [REDACTED]

6 SPECIAL AGENT NEFF: [REDACTED] for
7 that.

8 [REDACTED] Because I think he was
9 actually there living it.

10 SPECIAL AGENT NEFF: Okay. Scott,
11 anything further on any other issues?

12 MR. BARBER: Maybe just a couple more
13 questions on the bypass valve.

14 There apparently was a SORT done on
15 Wednesday where there was some recognition on the part
16 of [REDACTED] as to what happened on Sunday night,
17 and that was when the issue was raised up --

18 [REDACTED]: I've heard that.

19 MR. BARBER: What was -- why was the way
20 he portrayed the information different than what was
21 known in operations? I mean, was there something that
22 was missed? I mean, was the AOM aware of the event?
23 Must have been, because you told them, right? Because
24 you asked to be relieved. Do you happen to know if
25 the ops manager was aware of the event, [REDACTED]

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[REDACTED]

I don't know. I think he

was.

MR. BARBER: Okay.

[REDACTED]

But I don't know.

MR. BARBER: And one thing I don't

understand is why that was a revolution on Wednesday

with [REDACTED] and why he didn't know or others above him

didn't know and didn't acknowledge it. I mean, it

seemed like because the way they discovered it, that

they acknowledge it as a significant event, INPO got

involved. They acknowledge as an event needing some

special attention. Was there expectation that the

shift or the AOM or the ops manager on Monday should

have either made some special notifications or

contacted INPO separately?

[REDACTED]

No expectations that I'm

aware of. The expectation would be that the AOM would

have contacted the ops manager and brief him on the

event and the ops manager would have contacted his

boss and briefed him on the event, etcetera, etcetera.

MR. BARBER: Okay. And did you get any

feedback as to why that did not occur at any level in

the organization?

[REDACTED]

No, I did not.

MR. BARBER: Okay. I think that's it.

All TC

1 SPECIAL AGENT NEFF: I'm getting ready to
2 wrap it up. Pretty much what I had wanted to ask
3 [REDACTED] was -- I mean, you spent a good time with us
4 here today, and I thank you for that. And you see the
5 kind of issues that we're exploring. Is there
6 anything that effects the work environment in terms of
7 past or present where you would have a concern that
8 we're either not asking you about or hasn't come up in
9 some way?

10 [REDACTED] No. Not really. I think we've
11 covered all the substantial things that are in the
12 recent past that I can remember.

13 SPECIAL AGENT NEFF: Okay. The --

14 [REDACTED] You know there is one long --
15 this is a long time ago.

16 SPECIAL AGENT NEFF: Okay.

17 [REDACTED] A long time ago.

18 SPECIAL AGENT NEFF: 1980s?

19 [REDACTED] 1980- - maybe 1989, 1990. I
20 remember there was an incident where there was an
21 issue about motor operated valves in the steam tunnel
22 and whether they had good lubrication or not. I
23 believe some of these were safety related tech spec
24 required valves. I'm pretty sure they were because
25 they were for a tech spec system.

1 SPECIAL AGENT NEFF: Hope Creek?

2 [REDACTED] Yep, Hope Creek.

3 And there was [REDACTED] his name -- I think
4 it was [REDACTED] (phonetic), who was adamant about
5 we needed to go do maintenance of these safety related
6 valves to keep them fully capable of performing their
7 function. And the decision that was made at the time
8 was we weren't going to do anything to the valves.
9 The basis for the decision was because it wasn't
10 required. Okay. We're not required to do it, it's not
11 written anywhere, so therefore we're not going to go
12 do it.

13 That one still stands with me.

14 SPECIAL AGENT NEFF: Bar issue.

15 [REDACTED] Sure it does. [REDACTED]

16 quit because of that.

17 MR. BARBER: Do you know where that
18 decision came from?

19 [REDACTED] It came, I believe that it
20 was the plant general manager at the time.

21 MR. BARBER: Who was that?

22 [REDACTED] I think it was [REDACTED]
23 (phonetic).

24 MR. BARBER: Do you think that that
25 approach still exists in the station today; that

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1 there's still pockets of people that -- and this goes
2 to your comment about the one you're pointing out in
3 our letter, that there are people that were exposed to
4 that type of thing and that believe that that's an
5 acceptable approach to dealing with issues today?

6 [REDACTED] I don't know if it's still
7 there. My only concern is that it is, and that it
8 hasn't been fully rooted out and recognized for what
9 it is.

10 MR. BARBER: Have you ever heard it come
11 up in the last three or four years?

12 [REDACTED] Nope.

13 MR. BARBER: We're not required to do
14 something, so we're not going to do it?

15 [REDACTED] Nope. And I haven't heard
16 that one come up either. But recognize that was in
17 the late '80s and there are some people that are still
18 around that was -- [REDACTED] and I was
19 an [REDACTED] guy. So, you know, that was a group that
20 worked in a certain location within the station, you
21 know. Because you work close together you have certain
22 relationships. So that was a group of people that had
23 a certain relationship because of the proximity, and
24 I don't know work with those people anymore. You know,
25 I work with operators now and operators have a

ALL TC

1 different place where they live in the station and
2 have relationships with different people back then.
3 So, I don't get much exposure to those people.

4 Does it have some lasting corporate
5 memory? It might, I don't know. I remember it. I
6 thought it was very significant at the time. I thought
7 it was significant enough that I -- just was not the
8 right decision from my perspective.

9 MR. BARBER: Go ahead.

10 SPECIAL AGENT NEFF: And in terms of it
11 being your ongoing issue, do you have any awareness of
12 any of that?

13 [REDACTED] No. No.

14 SPECIAL AGENT NEFF: Not that it would
15 present problem?

16 [REDACTED] No. But does it have a
17 lasting impact that needs to be assessed, which is the
18 element of the letter that I was very -- I don't know.

19 SPECIAL AGENT NEFF: Impact on the
20 culture?

21 [REDACTED] Yes.

22 SPECIAL AGENT NEFF: From that
23 perspective?

24 [REDACTED] Right. That I don't know.

25 SPECIAL AGENT NEFF: Okay. Is there

1 anything else that you'd want to bring forward at this
2 time?

3 MR. BARBER: You still look like you're
4 thinking.

5 *TC* [REDACTED] Well, going back to 1987 now.
6 You want me to keep going? Like 1987?

7 MR. BARBER: What happened in 1987?

8 *TC* [REDACTED] Oh, I just remembered. I
9 think there was a mid-cycle outage and there was a
10 comment that was made about a leak rate test
11 (inaudible) containment isolation valve. And there
12 was something about -- somebody said in order to do a
13 leak rate test you have to seat the valve by normal
14 mode and force. And we were having a problem with the
15 valve.

16 And maintenance was in. I think it was a
17 stop check valve. (inaudible) injection -- I'm sorry,
18 course by RHR injection stop check valve. And we were
19 really having a problem getting the valve to pass the
20 liquid. And the maintenance guys took it apart
21 together -- took it apart and put it back together
22 again.

23 And there was a comment that was made
24 about how the valve was seated, right. Did those guys
25 put it on the seat just right to ensure that the

1 seating-- the integrity of the seat or did they just
2 slap it on there. And I think I recall hearing a
3 comment about somebody had greased the seat, put
4 Vaseline on it to help the seating characteristic of
5 the valve. And I don't know if that comment about
6 greasing the seat is the same incident or not. But
7 when I was in [REDACTED] our normal practice was we were
8 going to stroke the valve before we tested it to make
9 sure that it's seated by normal closure -- normal
10 closure. And there was a heated discussion about
11 whether we were going to stroke the valve or not. And
12 I believe in the end the order we got was not to
13 stroke the valve. And we tested it. I think we tested
14 it without stroking it.

15 MR. BARBER: Okay.

16 [REDACTED] It may be 1980 or so.

17 MR. BARBER: You have a problem with that?

18 [REDACTED]: Yes, I have a problem. What,
19 testing the valve without stroking it? Yes, I have a
20 problem with it.

21 MR. BARBER: Why is that?

22 [REDACTED] Because there's no assurance
23 that the valve was going to seat in the same way
24 following a design based accident when you put RHR
25 through it and the valve goes closed and seats; there's

1 no assurance that the valve is going to seat that way.
2 It could have been placed on the seat just right when
3 in a normal case --

4 MR. BARBER: Oh, you mean you're going
5 back to the situation where somebody alleged that
6 there might have been some Vaseline or something --

7 [REDACTED] But not only Vaseline, but
8 was the valve seated because this is where this
9 normally falls or was it seated because someone placed
10 it on there just right.

11 MR. BARBER: All right. Okay.

12 [REDACTED] To make sure that it passed?

13 MR. BARBER: I misinterpreted what you
14 were saying.

15 [REDACTED] To making sure that it would
16 -- and, yes, I do have a problem with it.

17 MR. BARBER: No, I understand you now. I
18 thought you were talking about something two totally
19 different things.

20 [REDACTED]: Okay.

21 MR. BARBER: Actually, I was thinking of
22 preconditioning, because that's another issue.

23 [REDACTED] That's another issue.

24 MR. BARBER: Where you stroke something to
25 precondition it to get it to seat properly.

1 [REDACTED]: Right. I'm well aware of that
2 one, too.

3 MR. BARBER: Okay.

4 [REDACTED]: From my [REDACTED] days.

5 MR. BARBER: All right.

6 [REDACTED]: But I did have a problem with
7 that one.

8 SPECIAL AGENT NEFF: And it had impact,
9 lasting impact, obviously?

10 [REDACTED]: It's only 15 years.

11 SPECIAL AGENT NEFF: You have your work
12 cut out for you?

13 MR. BARBER: Yes, I do.

14 SPECIAL AGENT NEFF: Anything else?

15 [REDACTED]: No.

16 SPECIAL AGENT NEFF: Okay.

17 [REDACTED]: You want me to sit here and
18 think like another --

19 MR. BARBER: No, actually --

20 SPECIAL AGENT NEFF: Well, no, it's
21 obvious you put some thought into this, [REDACTED]

22 MR. BARBER: Yes. Is there anything from
23 those days that you've seen, though -- let me ask a
24 question differently.

25 Is there anything that you've seen from

1 two aspects to it. There's the technical aspect, but
2 then there's the human aspect?

3 [REDACTED] That's right.

4 MR. BARBER: So you can resolve the
5 technical aspect and actually, that's usually pretty
6 easy.

7 [REDACTED] That's pretty easy because
8 it's in the technical role.

9 MR. BARBER: But the human one -- part is
10 very lasting. So I guess that's a good point, but is
11 there anything in the way the station's being managed
12 today that will help resolve that or address that
13 continuing issue or --

14 SPECIAL AGENT NEFF: How would you address
15 that?

16 [REDACTED]: How would I address it?
17 Well, I have to think that in order to address it,
18 management has to be willing to ask the questions and
19 listen to what's being said. Management has to be
20 willing to do that.

21 SPECIAL AGENT NEFF: And then do what with
22 the information?

23 [REDACTED] I don't know. So I can only
24 go by what would work for me.

25 SPECIAL AGENT NEFF: Okay.

1 [REDACTED] Okay. And what would work
2 for me would be if management were to tell me that
3 there was acceptable -- first, I should have brought
4 the concerns up then, which is right and it was
5 acceptable for me to bring the concerns like I had
6 been, and they were being listened to and respected
7 and honored and not held as -- against me because I
8 was bringing up the concern, that I was doing exactly
9 what I was supposed to do --

10 MR. BARBER: Let me ask you something --

11 [REDACTED] Rarely -- this is important
12 here. This is very important. Rarely if ever have I
13 made an operational decision that someone has told me
14 was the right decision. When I shut down the unit
15 that day, when [REDACTED] said don't shut it down, it was the
16 right decision. Right? No one has told me it was the
17 right decision. No one.

18 MR. BARBER: Okay. And you didn't even
19 get it all the way shut down, did you?

20 [REDACTED] That day? No, I didn't.

21 MR. BARBER: You got to 42 or 41 percent
22 power and you stopped?

23 [REDACTED] No one told me it was the
24 right decision. Right? No one told me.

25 There was an operator who came to me with

1 a safety concern about deck plate (inaudible) service.
2 Out of the service with an intake structure there is
3 steel plating that the operators have to walk on.
4 That's a very corrosive environment out there. And the
5 operator came to me on a Saturday and said I have a
6 concern about the thickness of the plate and whether
7 it's safe for us to walk on it or not. So we talked
8 about it. I said do you need to go on the deck plate?
9 He said no. Suppose we say until we get it evaluated,
10 no one's going to walk on the deck plate anymore,
11 would that resolve your concern? Yes. So that's what
12 I did.

13 It was a Saturday. I said no one's on the
14 deck plate. Right? That was my decision as the [REDACTED]
15 [REDACTED] no one's walking on the deck plate until we
16 get it fully evaluated. Never once did anybody come
17 tell me it was the right decision.

18 Actually what I got was well how come you
19 didn't run it by this person and this person and this
20 person before you made the decision. That was the
21 feedback I got.

22 SPECIAL AGENT NEFF: From who?

23 [REDACTED] From my boss. It might have
24 been [REDACTED] at the time.

25 SPECIAL AGENT NEFF: So what you're

1 looking for is reenforcement of --

2 [REDACTED] Even some of my peers. some
3 of my peers didn't think it was the right decision.
4 And to this day I'm telling you it was the right
5 decision. I'm convinced of it. And I would never
6 make--

7 MR. BARBER: What did the evaluation come
8 back with? It was okay to walk on it?

9 [REDACTED] I don't know. I'm not sure
10 what the evaluation came back with. But I can tell
11 you that [REDACTED] after that event had a piece of
12 the deck plate in his office as a reminder to him how
13 to make the right decision and how to address employee
14 safety concerns. Ask him why he kept it that way.

15 MR. BARBER: Are you saying that as a
16 positive or a negative?

17 [REDACTED] He kept it as a reminder that
18 we need to honor what the employee -- I believe he
19 kept as a reminder that we need to honor the
20 employee's concerns and not pooh-pooh them.

21 MR. BARBER: Okay.

22 [REDACTED] I believe that's why he kept
23 it.

24 MR. BARBER: But by the same token wasn't
25 he also one of the people that said you didn't ask all

1 the right people?

2 [REDACTED]: Yes, he did. Yes, he was.

3 And he was doing it -- he kept as a reflection of
4 himself and his own decision making. I think that's
5 why he kept it. Okay. He said this is a reminder
6 that I made a mistake in the past. And every time I
7 look at this I'm going to make sure I don't make that
8 mistake again.

9 SPECIAL AGENT NEFF: He told you that?

10 [REDACTED]: What? No. That's me
11 presuming why he kept the thing.

12 SPECIAL AGENT NEFF: So you didn't get
13 feedback on that being a sound safety decision?

14 [REDACTED]: Never once.

15 MR. BARBER: How do you know he's not
16 keeping it as a reminder that you made a bad decision
17 and --

18 [REDACTED]: He could be. I choose -- I
19 work for [REDACTED] and I choose to believe he's keeping it
20 for the right reason.

21 MR. BARBER: Okay.

22 [REDACTED]: Okay.

23 MR. BARBER: But it's interesting he never
24 told you that.

25 [REDACTED]: I never asked. That would be

1 the other spin on it; I never asked.

2 SPECIAL AGENT NEFF: But the bottom line
3 is what you're saying is that part of the fix would be
4 to offer reenforced or feedback --

5 [REDACTED] Well, there has to be.

6 SPECIAL AGENT NEFF: -- on when you make
7 a sound safety decision or you make a sound
8 operational decision in terms of which way you're
9 going to go with the plant, you want to hear about
10 that?

11 [REDACTED]: That's correct. Right. I
12 mean every operator wants to know that reasonable
13 decisions are being supported by management. It's
14 clear that when we don't make reasonable decisions, we
15 have a long history of getting feedback on those.
16 Right?

17 SPECIAL AGENT NEFF: Okay.

18 [REDACTED] So how do you -- that ship is
19 steering whichever way it's going, but how do you
20 steer the ship the right way?

21 MR. BARBER: Yes.

22 [REDACTED] You have to provide the other
23 way --

24 MR. BARBER: Yo know which way is wrong,
25 you just don't which way is right?

ALL TC

1 [REDACTED] That's right. I mean, you got
2 to provide the right feedback that says okay, here's
3 where you should be going. That was a good sound
4 decision. And part of it is, you know, when you ask
5 of how do you go back and fix all these; part of it
6 going back and finding out what's in the employees'
7 mind and remedying it somehow. But you got to remedy
8 it the way the employee needs it remedied, not the way
9 management thinks they should. Because it doesn't
10 work if management thinks the employee's still left
11 with whatever it is the employee has.

12 MR. KEENAN: [REDACTED] what do you think the
13 most effective means to communicate that feedback is?
14 Is it person-to-person? Is it --

15 [REDACTED] One-on-one, face-to-face.

16 MR. KEENAN: Okay. And also broader
17 communications somehow depending on if it's person
18 sensitive?

19 [REDACTED] I don't think broader
20 communications work that well. I think it needs to be
21 one-on-one face-to-face with a person having the
22 issue.

23 SPECIAL AGENT NEFF: [REDACTED] just going
24 back one more time --

25 [REDACTED] I think part of that is an

1 accountability on the part of management. Right?

2 SPECIAL AGENT NEFF: I just wanted to go
3 back one more time on the transcripts that we were
4 talking about from your prior interview in April of
5 2003. It highlights a lot of concerns that you had at
6 that point in terms of raising concerns, being
7 supportive, raising concerns without fear of either
8 personal or professional impact on yourself or raising
9 them without -- with a fear of being seen as a team
10 player or part of a program. How do you see yourself
11 now in terms of raising concerns? The issues that
12 were portrayed here, have you had an opportunity to
13 experience it differently?

14 [REDACTED] Not really.

15 SPECIAL AGENT NEFF: Have you had an
16 opportunity and experience it more of the same when
17 you raise concerns? Is there anything that's happened
18 that alleviated those issues for you?

19 [REDACTED] Not really.

20 SPECIAL AGENT NEFF: Nothing yet?

21 [REDACTED] Not really.

22 SPECIAL AGENT NEFF: Have you had the
23 opportunities?

24 [REDACTED] I'm sure there was time that
25 if I wanted to seize the moment, I could. Maybe,

1 maybe not. I'm not sure. I don't know if I've had
2 the opportunities.

3 SPECIAL AGENT NEFF: What's your comfort
4 level with raising concerns at this point?

5 [REDACTED] I'm not -- I'm a skeptic on
6 this part, right? I'm not yet satisfied that
7 management is going to listen to them and address
8 them. I'm not saying they're not. I said I'm just
9 not satisfied that they are.

10 SPECIAL AGENT NEFF: Okay. Individually
11 what would it take, just as it --

12 [REDACTED] What does that mean?

13 SPECIAL AGENT NEFF: Along the lines of
14 where we were talking before in terms of assessing the
15 impact of prior events on you and correcting that
16 impact with you, what would it take for you to be
17 satisfied individually with that?

18 [REDACTED] This is a good thing you're
19 here, Jeff.

20 I would -- for me, if my boss were to come
21 to me and say "Hey, I hear you got a lot of issues,
22 let me hear them. I just want to listen to them."

23 MR. BARBER: That's never been done
24 before?

25 [REDACTED] Never.

ALL TC

1 MR. BARBER: Between your boss and you,
2 have you ever heard of either the AOM or ops manager
3 do that with anybody else?

4 [REDACTED] Wanted to listen to people's
5 concerns? Yes. Actually, [REDACTED] (phonetic) did
6 not too long ago. I think [REDACTED] did an interview with
7 a lot of NCOs and equipment operators. And maybe even
8 to control room supervisors. And I think there have
9 been elements of that.

10 MR. BARBER: Okay. But that's not at the
11 OM, AOM level? That's at a different level in the
12 organization, right?

13 [REDACTED] Yes.

14 MR. BARBER: Well, I'm specifically asking
15 if it's ever been done at that level, to your
16 knowledge?

17 [REDACTED] Not to my knowledge.

18 MR. BARBER: Okay.

19 [REDACTED] Not that I know of.

20 SPECIAL AGENT NEFF: Anything else on
21 that?

22 [REDACTED] No.

23 SPECIAL AGENT NEFF: Scott? Jeff?

24 MR. BARBER: No.

25 MR. KEENAN: No.

1 SPECIAL AGENT NEFF: All right. I can
2 wrap it up. I have a couple of closing questions for
3 you.

4 [REDACTED] Okay. I look at my watch,
5 but I'm fine with it.

6 SPECIAL AGENT NEFF: I know you're
7 thinking I'm a bad estimator of time.

8 [REDACTED] No. I'm fine with the time.

9 SPECIAL AGENT NEFF: Okay. Good.

10 Have I or any other NRC representative
11 offered you any promises of reward or threatened you
12 in any manner in exchange for your information today?

13 [REDACTED] No.

14 SPECIAL AGENT NEFF: Okay. Have you
15 appeared here freely and voluntarily?

16 [REDACTED] Freely and voluntarily.

17 SPECIAL AGENT NEFF: All right.

18 [REDACTED]: Yes.

19 SPECIAL AGENT NEFF: Okay. And you have
20 nothing further to add at this point?

21 [REDACTED] Not at this time.

22 SPECIAL AGENT NEFF: Okay. I have to
23 thank you for a very large portion of your time, and
24 Jeff as well.

25 And we can go off the record. It's

1 approximately 5:26 p.m.

2 (Whereupon, the interview was concluded at

3 5:26 p.m.)

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CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission
in the matter of:

Name of Proceeding: Interview of



Docket Number: 1-2003-051F

Location: Salem, NJ

were held as herein appears, and that this is the
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