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NUCLEAR REGULATORY COMMISSION

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Title: Interview of [REDACTED]

Docket Number: 1-2003-051F

Location: Salem, New Jersey

Date: Wednesday, January 21, 2004

Work Order No.: NRC-1295

Pages 1-134

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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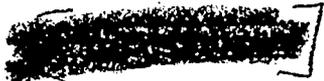
OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF: : Docket No. 1-2003-051F



(CLOSED) :

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Wednesday, January 21, 2004

Salem Hope Creek Resident's

Office

The above-entitled interview was conducted
at 8:12 p.m.

BEFORE:

Special Agent EILEEN NEFF

Sr. Project Engineer SCOTT BARBER

ALSO PRESENT: Chris Hernandez

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

(8:12 p.m.)

1
2
3 SPECIAL AGENT NEFF: Today's date is
4 January 21st, 2004. The time is approximately 8:12
5 p.m. The location is the Salem Hope Creek Resident's
6 Office. Speaking is Special Agent Eileen Neff, U.S.
7 N.R.C., Region 1, Office of Investigations. Also
8 present from the Region 1 is Senior Project Engineer,
9 Scott Barber. This interview is being conducted with
10 [REDACTED] at Hope Creek and also present at
11 [REDACTED] request is shop steward also NCO at Hope
12 Creek, Chris Hernandez.

13 Mr. Hernandez is present at [REDACTED]
14 request; is that accurate?

15 [REDACTED] That is correct.

16 SPECIAL AGENT NEFF: You asked him to be
17 present?

18 [REDACTED] That is correct.

19 SPECIAL AGENT NEFF: Okay, is there --
20 were you told that you would have union
21 representation?

22 [REDACTED] No, I was not.

23 SPECIAL AGENT NEFF: Okay, so this is at
24 your request.

25 [REDACTED] Correct.

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1 SPECIAL AGENT NEFF: Okay. The subject of
2 this interview is the safety conscious work
3 environment at Salem Hope Creek. The understanding is
4 that [REDACTED] has worked at Hope Creek almost
5 exclusively with the exception of a six-week outage
6 assignment on the Salem side recently.

7 [REDACTED] Correct.

8 SPECIAL AGENT NEFF: But pretty much it
9 would be on the Hope Creek side.

10 [REDACTED] That is correct.

11 SPECIAL AGENT NEFF: So that will be the
12 focus of this evening. The issues we've explained to
13 you, do not involve potential -- specific potential
14 violations and as such, you are not the subject of any
15 investigation. You're being approached more or less
16 as a witness for your assessment of the work
17 environment.

18 [REDACTED] I understand.

19 SPECIAL AGENT NEFF: Okay, and also you
20 agreed to conduct the interview under oath.

21 [REDACTED] Correct.

22 SPECIAL AGENT NEFF: Okay, if you would
23 raise your right hand.

24 //

25 //

1 Whereupon,

2 [REDACTED]

3 was called as a witness and, having been first duly
4 sworn, was examined and testified as follows:

5 SPECIAL AGENT NEFF: Okay, thank you. For
6 the record, if you would state your name and spell
7 your last name, too.

8 [REDACTED]
9 [REDACTED]

10 SPECIAL AGENT NEFF: Okay, and your date
11 of birth, please.

12 [REDACTED]

13 SPECIAL AGENT NEFF: And Social Security
14 number?

15 [REDACTED]
16 [REDACTED]

17 SPECIAL AGENT NEFF: And home address,
18 please.

19 [REDACTED]
20 [REDACTED]

21 SPECIAL AGENT NEFF: Okay, could we get a
22 summary of your education, please?

23 [REDACTED]
24 [REDACTED]

25 SPECIAL AGENT NEFF: And what year?

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[REDACTED]

Five years ago, I'm not even sure.

SR. PROJECT ENGINEER BARBER: So [REDACTED]

[REDACTED]

[REDACTED]

Right.

SPECIAL AGENT NEFF: Okay. And is that the extent of it, [REDACTED]

[REDACTED]

correct.

SPECIAL AGENT NEFF: Okay, then, at that point were you working?

[REDACTED]

Yes.

SPECIAL AGENT NEFF: When did you first start working in the nuclear industry?

[REDACTED]

[REDACTED]

SPECIAL AGENT NEFF: [REDACTED] and for how long?

[REDACTED]

For [REDACTED]

SPECIAL AGENT NEFF: Okay, so [REDACTED]

[REDACTED]

Correct.

SPECIAL AGENT NEFF: And then what about from [REDACTED] on?

[REDACTED]

From [REDACTED] on I've been here at

Hope Creek.

SPECIAL AGENT NEFF: In [REDACTED] in what capacity were you hired?

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[REDACTED]
[REDACTED]
SPECIAL AGENT NEFF: Hope Creek?
[REDACTED]
[REDACTED]

SPECIAL AGENT NEFF: Okay, and then did
your position change at any time?
[REDACTED]
[REDACTED]
[REDACTED]

SPECIAL AGENT NEFF: So a [REDACTED]
[REDACTED]

[REDACTED] Yes.

SPECIAL AGENT NEFF: [REDACTED] Okay, what year
was that then?

[REDACTED] About [REDACTED] maybe.

SPECIAL AGENT NEFF: [REDACTED]
[REDACTED]

[REDACTED] Yes.

SPECIAL AGENT NEFF: Okay, and then how
long did you stay in that position?

[REDACTED]: Until February of [REDACTED]

SPECIAL AGENT NEFF: Okay, and then you
became an [REDACTED] again?

[REDACTED] Correct.

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1 SPECIAL AGENT NEFF: Okay, and have you
2 held the same position since?

3 [REDACTED] Yes.

4 SPECIAL AGENT NEFF: So almost two years.

5 [REDACTED] Correct.

6 SPECIAL AGENT NEFF: An [REDACTED] okay. Okay,
7 let's look at [REDACTED] as an [REDACTED] who have the shift
8 managers been that you've worked for in the past, go
9 back to 2000 or so?

10 [REDACTED] The most recent was [REDACTED]

11 [REDACTED] (phonetic). At that time they weren't called
12 shift managers. They were OS's, operating
13 superintendnts.

14 SPECIAL AGENT NEFF: I know I messed that
15 up from site to site. Everyone says shift manager.

16 [REDACTED] It changes every year around
17 here. Before [REDACTED]

18 SPECIAL AGENT NEFF: Is [REDACTED] your
19 current [REDACTED]

20 [REDACTED]: No, he's not. Current is
21 [REDACTED] (phonetic).

22 SPECIAL AGENT NEFF: Okay, how long have
23 you been under [REDACTED]

24 [REDACTED] Couple of weeks.

25 SPECIAL AGENT NEFF: Okay, so very

1 recently.

2 [redacted] Yes. Before [redacted] was [redacted]

3 [redacted] (phonetic).

4 SPECIAL AGENT NEFF: How long under [redacted]

5 [redacted]

6 [redacted] Approximately two years.

7 SPECIAL AGENT NEFF: Okay.

8 [redacted] And then before him was [redacted]

9 [redacted] and that -- I can't remember how long that was.

10 It seemed forever.

11 MR. HERNANDEZ: Didn't we have [redacted]

12 [redacted] We had [redacted]

13 SPECIAL AGENT NEFF: [redacted]

14 [redacted] yeah.

15 SR. PROJECT ENGINEER BARBER: They change
16 around, it's hard to remember them.

17 SPECIAL AGENT NEFF: Yeah, I know, it's
18 usually a task when I do something like this.

19 [redacted] Right.

20 SPECIAL AGENT NEFF: And people get
21 concerned that they're under oath and order of events,
22 the best you can do. I can't put you on a Tuesday in
23 May or something like that but the best of your
24 recollection. So you think the order was [redacted] most
25 recently, prior to [redacted]

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[REDACTED]

[REDACTED]

SPECIAL AGENT NEFF: And then [REDACTED]

[REDACTED]

[REDACTED] And before [REDACTED] it was

[REDACTED]

SPECIAL AGENT NEFF: So [REDACTED] must have been pretty brief then.

[REDACTED] Yes, and also I think before

[REDACTED] was [REDACTED] again.

SPECIAL AGENT NEFF: Okay, so you had [REDACTED] for how long then?

[REDACTED] At least two years.

SPECIAL AGENT NEFF: And [REDACTED] for how long total?

[REDACTED] Oh, I don't even know.

SPECIAL AGENT NEFF: Briefly, or, I mean, do you --

[REDACTED] No, pretty significant, at least two years also.

SPECIAL AGENT NEFF: All right, let's see, so two years before that we're into '01. [REDACTED] would be late '01, right?

MR. HERNANDEZ: [REDACTED] was the senior when I got my [REDACTED] license.

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1 [REDACTED] Okay.

2 SPECIAL AGENT NEFF: Which would be what
3 year then?

4 MR. HERNANDEZ: I think it was two years
5 ago.

6 SPECIAL AGENT NEFF: But these have been
7 -- this has been --

8 [REDACTED] So [REDACTED] was probably a
9 year, right.

10 SPECIAL AGENT NEFF: Okay, so [REDACTED]
11 and [REDACTED] have been the longest, it looks like,
12 for about two years each?

13 [REDACTED] Yes.

14 SPECIAL AGENT NEFF: Okay.

15 [REDACTED] I'm not sure exactly how
16 accurate that is but, yeah, I would say that's pretty
17 close.

18 SPECIAL AGENT NEFF: But maybe combined
19 [REDACTED] might be in there, too.

20 [REDACTED] Yes.

21 SPECIAL AGENT NEFF: Okay, all right, so
22 this is roughly going 2000 forward.

23 [REDACTED] Correct.

24 SPECIAL AGENT NEFF: It must be covering
25 more than 2000, right? I mean, right there we added

1 up to four years with [REDACTED] So
2 maybe you're back a little further than 2000.

3 [REDACTED]: Right, maybe '98, '99.

4 SPECIAL AGENT NEFF: Okay. And really,
5 this is just -- it's to set us up for, you know, if
6 issues and incidents come up, I understand who you
7 were working for and -- at that time, so I'm trying to
8 follow who you've been with, if you've had continuity
9 with one individual or if you've been in different
10 places.

11 [REDACTED]: Definitely different places.

12 SPECIAL AGENT NEFF: Okay. Okay, let's do
13 this. I'm going to start broadly, as I explained. And
14 in terms of the safety conscious work environment,
15 issues that go into that and I'll put it this way, the
16 focus of some of the issues that go into that would be
17 people's ability to raise concerns on site, their
18 ability to do so comfortably and their response that
19 they get to that.

20 [REDACTED]: Okay.

21 SPECIAL AGENT NEFF: That's one aspect of
22 it and it might be best if I break it down this way.
23 We're focusing on nuclear safety obviously. That's
24 the mission for the NRC, but sometimes we're seeing
25 issues that kind of cross a line and they may be

1 considered -- it may be a little bit of both. It
2 might be industrial, it might be perceived nuclear
3 safety, it might be radiological, that type of thing.

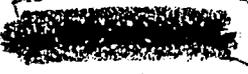
4 So in that context, in terms of how you
5 see yourself and your ability to raise concerns on
6 site and the response that you get to that, would you
7 say that you are able to do so?

8  Absolutely.

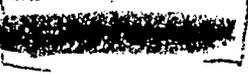
9 SPECIAL AGENT NEFF: You're comfortable
10 with that.

11  Yes.

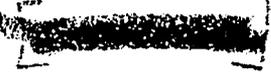
12 SPECIAL AGENT NEFF: And would you say
13 that at any point in time that was any different?

14  No.

15 SPECIAL AGENT NEFF: Have you always been,
16 you had a comfort level with being able to raise
17 concerns?

18  Yes, yes.

19 SPECIAL AGENT NEFF: Okay. When you say
20 that, can you -- do you have examples of the kinds of
21 things that you've had to raise to management's
22 attention?

23  Sure, lowering the reactor
24 power to make sure we don't exceed 100 percent, that
25 would be one concern. It's been raised numerous times

1 and they respond but not always the way you want them
2 to.

3 SPECIAL AGENT NEFF: Okay. That's leaving
4 me with a couple of questions, so let's get there.
5 Before I get off your assessment, in terms of your
6 comfort level raising concerns, do you see that the
7 same way for other people, for your peers?

8 [REDACTED] I think so. What I --

9 SPECIAL AGENT NEFF: I'm not asking you to
10 speak for people. What I'm asking is in terms of what
11 you've observed when you're working, do you see people
12 raise concerns and don't hesitate to. If they have
13 them, do they speak them out?

14 [REDACTED] Yes, they speak them out. I
15 mean, maybe sometimes they may think over it for a few
16 hours or maybe even a couple of days before they say
17 anything, but I don't know of anyone that's ever had
18 a concern that did not bring it up.

19 SPECIAL AGENT NEFF: Okay, what would be -
20 - where would the hesitancy come in if they're
21 thinking over it for awhile?

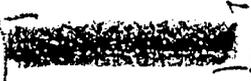
22 [REDACTED] Well, I think the hesitancy
23 the majority of the time is just their personal
24 comfort level. "Am I being silly, am I seeing this
25 wrong?" You know, they take the time to talk to other

1 people, "Hey, what do you think about this", you know
2 before they make basically an ass out of themselves.
3 "Am I wrong here", you know, type thing.

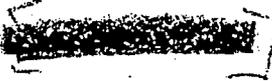
4 SPECIAL AGENT NEFF: They want a sounding
5 board kind of thing --

6  Right, right.

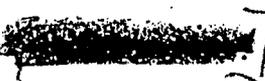
7 SPECIAL AGENT NEFF: -- before they make
8 an issue out of something?

9  Right.

10 SPECIAL AGENT NEFF: Okay.

11  That's probably about the
12 only thing I can think of.

13 SPECIAL AGENT NEFF: What about in terms
14 of how the concerns are received, and I know that you
15 just said sometimes the reaction isn't, you know, what
16 you were looking for but in terms of when people raise
17 concerns --

18  Okay.

19 SPECIAL AGENT NEFF: -- are you aware of
20 any situation in which someone felt they raised a
21 concern and they were treated harshly, had some sort
22 of a negative reaction, pushed back? I hesitate to
23 call it retaliation because people shy away from
24 retaliation but in terms of adverse actions taken
25 against somebody for having raised a concern, are you

1 aware of anything that says that's happened here?

2 [REDACTED] Yes, it does happen here.

3 SPECIAL AGENT NEFF: It does happen here.

4 [REDACTED] I think it happens everywhere
5 in the world. I think it's a normal human reaction
6 and a response.

7 SPECIAL AGENT NEFF: Okay.

8 [REDACTED] I do it to my kids, so, yes,
9 I would have to say yes to that question.

10 SPECIAL AGENT NEFF: That's interesting.

11 In terms of -- let's get an example of where you see
12 that happening.

13 [REDACTED] I can give you my personal
14 example. That's always the easiest. I dropped my
15 [REDACTED] some time ago and part of the reason for
16 dropping that [REDACTED] was that I felt at least the
17 senior management at that time, the OS' were much more
18 hesitant to take the conservative action because it
19 was going to effect their pay. My example would be
20 that one time we lost what's called the CMS computer,
21 which does our heat balance calculations, which is
22 really our most reliable, most accurate indication of
23 reactor power. We lost that computer and so all we
24 had to rely on was our hard wire indication from the
25 nuclear instruments.

1 Those can fluctuate up to five percent at
2 any given time.

3 SPECIAL AGENT NEFF: Okay.

4 [REDACTED] So the control room operators
5 in the control room at the time wanted to slightly
6 lower reactor power by approximately two percent just
7 to insure that they were not exceeding 100 percent
8 rate of power.

9 SPECIAL AGENT NEFF: Okay.

10 [REDACTED] And the OS at that time was
11 not willing to do that. He felt that it was not
12 necessary. He felt that we were at steady state and
13 there was no need to do that and he called on other
14 OS', off-shift OS' at the time, to back his decision
15 up, so in other words, he had a sounding board, which
16 is fine, I have no problem with that, but afterwards,
17 notifications were written. People were treated
18 differently, including myself.

19 SPECIAL AGENT NEFF: Okay, let's get into
20 that. Where -- when did this occur, this incident
21 that you're talking about?

22 [REDACTED] That was I want to say
23 December or January of 2002, so December of 2001 or
24 January of 2002 time frame.

25 SPECIAL AGENT NEFF: So this was just

1 before you dropped your [REDACTED] then.

2 [REDACTED] Correct.

3 SPECIAL AGENT NEFF: December '01, January
4 '02. Who's the -- who is the -- who were the players
5 involved here? Who's the [REDACTED]

6 [REDACTED] The [REDACTED] was [REDACTED]

7 SPECIAL AGENT NEFF: Okay.

8 [REDACTED] His sounding board, the [REDACTED]
9 [REDACTED] at that time was the staff -- what's his
10 name? [REDACTED] (phonetic).

11 SPECIAL AGENT NEFF: Okay, and now, are
12 you saying that this was presented to him, the control
13 room crew was in unison on this?

14 [REDACTED] Correct.

15 SPECIAL AGENT NEFF: The CRS, the NCOs
16 were --

17 [REDACTED] The CRS, the NCOs all three,
18 there were two NCOs that were in the control room and
19 there was a third one that was -- I can't remember if
20 he was doing work control or what he was doing. He
21 may have been an EO that day, I'm not sure.

22 SR. PROJECT ENGINEER BARBER: Which one
23 were you? Were you one of the [REDACTED]

24 [REDACTED] That is correct. I can't
25 remember if I was [REDACTED] I'm thinking I

1 was not the [REDACTED] I think I was the [REDACTED]
2 [REDACTED] at the time.

3 SR. PROJECT ENGINEER BARBER: Who was the

4 [REDACTED]
5 [REDACTED]: I believe it was [REDACTED]
6 (phonetic).

7 SPECIAL AGENT NEFF: And the [REDACTED]

8 [REDACTED] The [REDACTED]

9 SR. PROJECT ENGINEER BARBER: How did you
10 get into this situation where you lost the computer?

11 [REDACTED] I can't remember the exact
12 details but there was notification written so we can
13 go back and find out.

14 SR. PROJECT ENGINEER BARBER: Okay.

15 [REDACTED] But it had something to do
16 with, I think, a feedwater flow element.

17 SR. PROJECT ENGINEER BARBER: Okay.

18 [REDACTED] It was, yeah, too long ago
19 for me to remember the exact details.

20 SR. PROJECT ENGINEER BARBER: Were you
21 changing power at the time? Were you coming off or
22 going down to steady state?

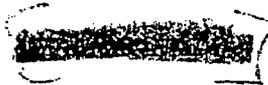
23 [REDACTED] No, we were steady state.
24 However, xenon (ph), if I recall was changing. I
25 can't remember at the time. I mean, it was changing

1 in the method. It was taking power go up and that's
2 why the NCOs were so concerned because power was
3 slowly drifting up and we were adjusting with the
4 recert to maintain power less than 100 percent.

5 SR. PROJECT ENGINEER BARBER: So xenon
6 would have had -- for that to be the case, xenon would
7 have had to have been burned a lot.

8  Correct.

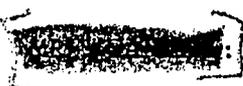
9 SR. PROJECT ENGINEER BARBER: Okay.

10  So it was slowing changing
11 and we were slowly tapping and that was our
12 justification to the OS, "Here, here's how often we've
13 been having to tap and yeah, we may have an hour
14 before we have to tap again but there's no way I can
15 tell from my hard wire", type thing.

16 SR. PROJECT ENGINEER BARBER: What was
17 your hard wire doing at the time?

18  It was oscillating
19 approximately five percent, so hard wire could bounce
20 anywhere from, you know, 94 to --

21 SR. PROJECT ENGINEER BARBER: You said it
22 was maximum of five, but I mean, was it actually
23 moving that much or was it --

24 : Yeah, I would say hard wire
25 always moves that much.

1 SPECIAL AGENT NEFF: Is that right?

2 [REDACTED] Yes.

3 SPECIAL AGENT NEFF: So, when you say five
4 percent, is that like two and a half percent each way
5 or five percent each way?

6 [REDACTED] Right, on two and a half each
7 way.

8 SR. PROJECT ENGINEER BARBER: Okay.

9 [REDACTED]: I mean, not anything to put
10 you in oscillations.

11 SR. PROJECT ENGINEER BARBER: But it --
12 okay, so you're telling me --

13 [REDACTED] The normal noise on the
14 instruments.

15 SR. PROJECT ENGINEER BARBER: -- your
16 ERN's and what's going on with those.

17 [REDACTED] Right, correct.

18 SR. PROJECT ENGINEER BARBER: Okay. Okay.

19 SPECIAL AGENT NEFF: So now from what
20 you're observing, you all are in unison that you could
21 down-power.

22 [REDACTED] Yes.

23 SPECIAL AGENT NEFF: And [REDACTED]
24 comes in differently but he uses [REDACTED] as
25 his sounding board and comes back with -- what does he

1 tell you?

2 [REDACTED] He comes back with, "We're
3 stable, power is not changing and we have other
4 indications of power", which we do. We have
5 megawatts. You know, we have --

6 SR. PROJECT ENGINEER BARBER: Megawatts?

7 [REDACTED] Electric, which is a
8 generator output.

9 SR. PROJECT ENGINEER BARBER: All right.

10 [REDACTED] We have the hard wire APRM's,
11 if there's going to be a significant change, we can
12 see it. We had total steam flow, you know, the other
13 basic things that go into the heat cycle, but nothing
14 that you can say, "Okay, power just changed" without
15 doing a calculation, without looking at everything.

16 SPECIAL AGENT NEFF: Not an instantaneous.

17 [REDACTED] Right, not an instantaneous
18 thing. If power were to jump up for some unknown
19 reason, loss of feedwater heating, whatever, that we
20 could not say, "Okay, we exceeded 102 percent power,
21 we exceeded 103 percent power", without doing long
22 calculations that would take hours.

23 SR. PROJECT ENGINEER BARBER: The CSM
24 computer program you're describing, does that give you
25 instantaneous power?

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1 [REDACTED]: Yes.

2 SR. PROJECT ENGINEER BARBER: Okay, but
3 that's a computer calculation? Does it give you like
4 different ones, like I don't know, a two-minute
5 average, a four-minute average --

6 [REDACTED] Yes, it does.

7 SR. PROJECT ENGINEER BARBER: -- a two-
8 hour average or something like that?

9 [REDACTED] Yes, it can give you a --

10 SR. PROJECT ENGINEER BARBER: Is that
11 always up or is that --

12 [REDACTED] Yes, it is always up and that
13 is what we log our tech spec number by, it's always
14 reactor power.

15 SPECIAL AGENT NEFF: So how much
16 discussion did you have on the differences in that in
17 terms of they're saying, "Yeah, you might have lost
18 that but you have x, y and z that you can use". How
19 much discussion, what kind of a debate is going on?
20 Is it a half hour or is it five minutes?

21 [REDACTED] Initial was probably a half
22 hour and then he went to his sounding board and he was
23 probably gone a half hour. Then he brought his
24 sounding board back in with us and said, "Here's what
25 we're doing", and there was like a 10-minute

1 discussion, one-way discussion and, "This is what
2 we're doing, this is why, blah, blah, blah", and then
3 he --

4 SPECIAL AGENT NEFF: So an hour has passed
5 before he's come back with a decision.

6 [REDACTED] Yes.

7 SPECIAL AGENT NEFF: What's his
8 instructions before he leaves? What does he tell you
9 to do?

10 [REDACTED] Not to change the plant
11 parameters, to maintain --

12 SPECIAL AGENT NEFF: So just stay where
13 you are.

14 [REDACTED] Right, stay where you are.

15 SPECIAL AGENT NEFF: Okay. And he comes
16 back -- this is [REDACTED] comes back and your
17 understanding is he consulted [REDACTED] Did
18 he offer anything more than that?

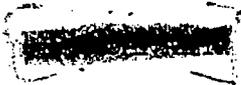
19 [REDACTED] Yes, they came back with
20 another computer point which was off of our Krenz
21 (phonetic) computer and I cannot remember what that
22 point was. I can go back and find it but he said it
23 was -- oh, it was first stage pressure, turbine first
24 stage pressure and they had some corresponding,
25 turbine first stage pressure this and this is what

1 reactor power is. He says, "We're going by that
2 number. That is going to be our most reliable
3 indication of this time". And the NCO told him -- we
4 told him that that's fine; however, the Krenz computer
5 has a three-minute update time and it only will update
6 if it has a significant change.

7 SPECIAL AGENT NEFF: So it's not -- what's
8 significant? What -- is there a percentage?

9  Right, every point on the
10 computer has a different percentage and there's no way
11 that as an NCO or CRS that you could know what every
12 one of those is.

13 SPECIAL AGENT NEFF: And it might be three
14 minutes behind.

15  Right, it's definitely three
16 minutes behind, no doubt about that and there's got to
17 be a certain percent change which we don't know what
18 it is, and he did take that feedback and say, "Okay,
19 that's a good point, we'll do more investigation into
20 that point".

21 SPECIAL AGENT NEFF: This is after the
22 hour's discussion then he comes back with the 10-
23 minute instruction.

24  Oh, yes, right and --

25 SPECIAL AGENT NEFF: And then it was under

1 consideration again, by [REDACTED]

2 [REDACTED] Not under consideration,
3 under further investigation would be a better word, to
4 get more information on that point from the reactor
5 engineers and from the computer people.

6 SPECIAL AGENT NEFF: Okay.

7 [REDACTED] And then several days later,
8 they came out with a new night order saying that if we
9 lose the CMS, this is the action we're going to take
10 and it discussed those points and the update times and
11 that night order should be available somewhere but,
12 however, what was very interesting about that night
13 order was after upper management and the entire staff
14 and the reactor engineers all evaluated, the first
15 thing that night order said, "If you lose CSM, reduce
16 reactor power by two percent", which was exactly what
17 the NCOs and the CRS wanted to do.

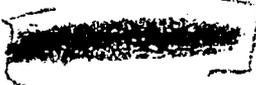
18 SPECIAL AGENT NEFF: And was it
19 prescribing it for the exact same circumstances that
20 you were facing?

21 [REDACTED] Yes, that's correct.

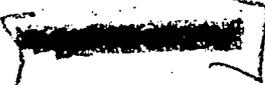
22 SPECIAL AGENT NEFF: So how long from this
23 incident and when the new orders came out?

24 [REDACTED] Several days, I want to say
25 two days, maybe three days.

1 SPECIAL AGENT NEFF: Okay, so this is a
2 response to what you went through.

3  Right.

4 SR. PROJECT ENGINEER BARBER: Well, did
5 you feel somewhat vindicated then because is sounded
6 like that was what you were pushing for. You were
7 pushing for, "Hey, let's bump power back down a little
8 bit until we get to where we know we are and have some
9 comfort with where we're at". I mean, did you feel
10 vindicated or did you feel like, "Well, it seems like
11 management may not have heard us the first time, now
12 they're -- you know, they're hearing what our concerns
13 were because they're acknowledging in the night order
14 that that's the first action".

15  Yeah, I was happy with the
16 night order entry saying, "This is what we're going to
17 do", and explaining the points better, but yeah,
18 specifically the reduction of two percent. I mean,
19 two percent is not a huge power change. I mean, it's
20 very minor, it's very conservative. It puts you --
21 gives you plenty of extra margin and sure, it's going
22 to cost the company a couple of bucks. Well, in the
23 long run it's going to save you money.

24 SPECIAL AGENT NEFF: In your mind, was the
25 two percent reduction, is that an adequate counter-

1 effect there? If they go down by two percent, is that
2 going to fix the problem where you are?

3 [REDACTED] It's not going to fix the
4 problem, it's not going to restore the CMS.

5 SPECIAL AGENT NEFF: Not bring your CMS
6 back.

7 [REDACTED] It's going to reduce
8 everyone's stress level, we're not allowed to exceed
9 100 percent power.

10 SPECIAL AGENT NEFF: Right, the concern
11 being not going over power. Would that two percent
12 automatically get you there?

13 [REDACTED] Yes, that's an adequate
14 margin that we could have insured not to --

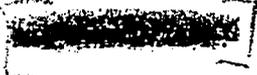
15 SPECIAL AGENT NEFF: Okay, okay. Now, had
16 you been in this position before? Is this the first
17 time this came up?

18 [REDACTED] It's the first time that I
19 was actually in the control room. We have lost the
20 CMS computer, especially when we first got it,
21 numerous times and had guidance to take conservative
22 action. This was just the only time that what they
23 did made no sense based on conservative decision
24 making.

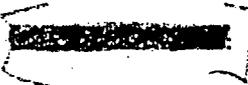
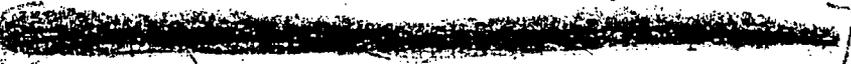
25 The other times we lost it, we had not

1 problem tapping back on power or you know, getting
2 more help and --

3 SPECIAL AGENT NEFF: What was the time
4 frame from the other times to this time? Was it -- I
5 mean, are they closely connected or are they spread
6 out over --

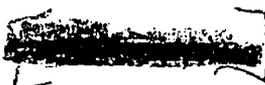
7  Spread out over months,
8 periods of months.

9 SR. PROJECT ENGINEER BARBER: Was this the
10 first time this occurred and these other times
11 occurred before and you were allowed to lower power or
12 what was the --

13  When I first became an 
14 we were allowed to lower reactor power whenever we
15 wanted. 

16 you were in charge of the reactor. And if you felt
17 that you needed to lower recirc, you did. And no one
18 questioned you, you know. Okay, reactor operators
19 maintain -- it's his reactor. You were allowed to
20 scram the reactor if you were uncomfortable where it
21 was at.

22 SPECIAL AGENT NEFF: When did that change?

23  That changed I want to say
24 three years ago but I'm not quite sure. They came out
25 with a bunch of new rules, "You will do a pregnant

1 pause", is what they were calling it, "prior to taking
2 the mode switch to shutdown in an attempt to get the
3 CRS concurrent or permission". They came out with
4 these hard cards and --

5 SR. PROJECT ENGINEER BARBER: Was there
6 something that drove that change or --

7 [REDACTED] I'm pretty sure it was IMPO
8 (phonetic) and we weren't playing the same as other
9 plants and other simulators across the country.

10 SPECIAL AGENT NEFF: You weren't playing
11 the same?

12 [REDACTED] Right, we were under a lot of
13 scrutiny for our simulator performance at that time,
14 that we were what was called cowboys. That we did
15 whatever we wanted, there was no command and control
16 in the control room. So and their response to that
17 was to change our procedures, come up with these hard
18 cards so that everyone -- every reactor operator does
19 the exact same steps, says the exact same thing, so
20 you get consistency across the shifts.

21 SPECIAL AGENT NEFF: Okay.

22 [REDACTED] That was the real purpose was
23 to get consistency across the shifts. Everyone does it
24 the same, everyone says the same thing, everyone looks
25 the same, IMPO is off our back, that type thing, but

1 somehow with that purpose, which there's nothing wrong
2 with that purpose, I agree. You know, if everyone
3 looks and sounds the same, you know, that's fine, I
4 have no problem with that. But with that, they'd roll
5 into a bunch of other things; alarm response protocol,
6 the exact things that you'll say, the exact things
7 that you'll do and what they wound up doing and on
8 purpose but I don't know why, was they took a lot of
9 control away from the reactor operator.

10 And basically, they've made reactor
11 operators feel like, "You are no longer in charge of
12 the reactor. We will tell you what to do, when to do
13 it, how to say it, how to do it". And so now you have
14 problems where a reactor operator wants to take action
15 to lower recirc, scram the plant and specifically in
16 the case [REDACTED] had and the bypass valve incident, and
17 he's waiting on someone to tell him to. And that is
18 why I gave up my license because they took control
19 away from me as a [REDACTED] and I told them
20 that I felt this plant's response to the IMPO event,
21 the standards, whatever they wanted to call it at the
22 time, was in the wrong direction. That I did not feel
23 safe in the control room.

24 SPECIAL AGENT NEFF: So this is early
25 2001?

1 [REDACTED] Yes.

2 SPECIAL AGENT NEFF: About three years ago
3 now, you say?

4 [REDACTED] No, early 2002.

5 SR. PROJECT ENGINEER BARBER: 2002.

6 [REDACTED] 2002.

7 SPECIAL AGENT NEFF: Not the incident but
8 the shift where you say that you think it was driven
9 by IMPO and wanting to go for shift consistency.

10 [REDACTED] I would say late 2001.

11 SPECIAL AGENT NEFF: Late 2001.

12 [REDACTED]: Right.

13 SPECIAL AGENT NEFF: Okay. Into 2002, so
14 by February of 2002, you want to give up your [REDACTED]

15 [REDACTED] Correct.

16 SPECIAL AGENT NEFF: Did you see -- did
17 you see incidents there that caused you to think that
18 actions weren't taken quickly enough because they had
19 taken that authority from the reactor operators?

20 [REDACTED] There was numerous things I
21 didn't like. That particular incident was probably
22 the worst by not allowing the reactor operator to
23 lower by two percent. Other things that you see are
24 -- I can give you some examples of [REDACTED] again.
25 In case you haven't figured it out he's my worst [REDACTED]

1 my worst nightmare.

2 SPECIAL AGENT NEFF: I kind of got that
3 from your comment where you said it seemed like it was
4 forever when you were under him and he was about two
5 years like everybody else.

6 [REDACTED] Right, the other thing that
7 I really had a problem with him was that he had no
8 problem discussing his point of view for hours on end.
9 And what I mean by that is he would come out and chew
10 the CRS' ass for two, three hours at a time non-stop.

11 SPECIAL AGENT NEFF: Over?

12 [REDACTED] Over what -- stupid stuff,
13 the way paperwork was done, the way some error was
14 entered in the log and the CRS didn't catch it. The
15 senior had to catch it, petty things in my opinion.
16 But hours on end and this guy is the CRS in charge of
17 the control room, in the control room, gets his ass
18 chewed for three hours at a time. Now, can you
19 imagine how that would upset a control room staff
20 trying to operate a nuclear reactor? It is a huge
21 distraction.

22 In this case [REDACTED] was useless
23 the rest of the day as a [REDACTED]

24 SR. PROJECT ENGINEER BARBER: Do you
25 remember what the specific details were with that?

1 [REDACTED] This happened so often and
2 any detail you brought up would be it. I mean, log
3 readings, retest paperwork, I mean, just any type of
4 administrative function or it could be for some reason
5 he would just chew his ass for three hours for a
6 scenario that happened three weeks ago in the
7 simulator, that he just, you know, remembered
8 something that [REDACTED] didn't do right that he didn't
9 like.

10 SPECIAL AGENT NEFF: But you're kind of
11 indicating that this is -- it's petty stuff, it's just
12 not worthy of a two, three-hour session with him to
13 correct that.

14 [REDACTED] Correct. And it certainly is
15 not worthy of any session in the control room --

16 SPECIAL AGENT NEFF: To disrupt and
17 distract in the control room.

18 [REDACTED] -- while he's on duty as CRS.
19 Correct.

20 SPECIAL AGENT NEFF: Why would an OS do
21 that? I mean, consistently, what would he gain by
22 doing that to his CRS?

23 [REDACTED] I can't answer that question.
24 I don't know if it's a power trip. I don't know if
25 he's the type of person that needs a whipping boy.

1 SPECIAL AGENT NEFF: Did he pick on one
2 individual or was it --

3 [REDACTED] It was always [REDACTED]
4 yes. Anyone else would fight back with him. I was --
5 one of my [REDACTED] at that time was [REDACTED]
6 [REDACTED] and I were on shift and he said crap to us.
7 We had no problem -- and that's part of what I say, we
8 had no problem bringing up issues. We had no problem
9 with saying, "Hey, you're distracting me, beat it".

10 SPECIAL AGENT NEFF: Does this have
11 something to do with the fact that you're union and
12 represented and [REDACTED] would be in a
13 supervisory rank there?

14 [REDACTED] Yes, absolutely. [REDACTED]
15 [REDACTED] did not control my pay scale. The union does.
16 [REDACTED] very much controls [REDACTED] pay
17 scale. So absolutely.

18 SPECIAL AGENT NEFF: So you don't
19 necessarily have to take his input as harshly as [REDACTED]
20 [REDACTED] -- or too hard as [REDACTED] does.

21 [REDACTED] Right, but on the same
22 aspect, if he tells me not to lower reactor power, I
23 can't, type thing or else I'm -- you know, I'm still
24 in the union but I'm outside the gate.

25 SPECIAL AGENT NEFF: Who writes your

1 performance appraisal?

2 [REDACTED]

3 [REDACTED] but once again, performance appraisals do not
4 effect my pay. So I don't care what they say in
5 there. I don't even care if they're wrong type thing.
6 They have no effect on me as an individual. And so
7 they can say, "Hey, [REDACTED] a pain in my ass, blah,
8 blah, blah", it doesn't effect my pay until the point,
9 you know, if I'm a screw-up, to where I'm doing things
10 wrong, well, then, yeah, they can eventually fire me
11 with performance appraisals, but I mean, no one that
12 I know was in that type of category.

13 But just because I push or give feedback
14 they don't like, and even if that does show up in my
15 appraisal, it's not going to get me fired, do you know
16 what I mean?

17 SPECIAL AGENT NEFF: Okay, yeah, I think
18 I understand you there. And before we get there
19 because you kind of opened a door that I want to
20 follow through on, I think Scott's got some follow-up
21 questions for you.

22 SR. PROJECT ENGINEER BARBER: Yeah,
23 actually I just wanted the dynamic between [REDACTED]
24 [REDACTED] You know, the way you
25 described it is [REDACTED] kind of sits passively by and

1 [REDACTED] is berating him over something that happened,
2 some administrative issue or what have you. Does --
3 did he do that with everyone? I mean, was it just his
4 way? Was he -- or was it that he --

5 [REDACTED] He would try to do it with
6 the NCOs and the NCOs would tell him to pack sand. "I
7 don't want to hear it".

8 SR. PROJECT ENGINEER BARBER: What about
9 other [REDACTED], did other [REDACTED] ever fill in when [REDACTED]
10 wasn't there or whatever?

11 [REDACTED] (phonetic) was
12 our other [REDACTED]. And occasionally he would get on [REDACTED]
13 and it would bother [REDACTED] but [REDACTED] was just better at
14 getting out of it, do you know what I mean? He had
15 something else he had to do right now, he could talk
16 about it later, to where --

17 SR. PROJECT ENGINEER BARBER: So he just
18 kind of avoided it.

19 [REDACTED] Right.

20 SR. PROJECT ENGINEER BARBER: Did anybody
21 take him on like head to head as far as other than
22 like the NCOs? Did any of the CRS' say, [REDACTED],
23 you're wrong", or say, "No, this really isn't" --

24 [REDACTED]: That was [REDACTED]
25 problem is that he would always say, [REDACTED] you're

1 wrong, this is the way it happened". He would always
2 argue with him to some degree saying, "No, I see your
3 point of view".

4 SR. PROJECT ENGINEER BARBER: Oh, I see.

5 [REDACTED] And that was what would make
6 the discussion go three hours. I mean, [REDACTED] wasn't the
7 kind of guy to say, "Okay, okay, just chew my ass and
8 get it over with". No, I mean, [REDACTED] would fight back,
9 but he would never tell him to go pack sand, "Get out
10 of my face", type thing.

11 SPECIAL AGENT NEFF: And there was no
12 agreeing to disagree going on either.

13 [REDACTED] Right.

14 SPECIAL AGENT NEFF: It was back and
15 forth.

16 [REDACTED] Right.

17 SPECIAL AGENT NEFF: And it would go on.
18 Did anybody raise the issue at that point that, "Hey,
19 you're a major distraction in a place you shouldn't
20 be"? Did that come up at all?

21 [REDACTED] I know I did not raise the
22 issue because I know it would make it tougher on [REDACTED]
23 I know [REDACTED] did not raise the issue because he knew
24 that it would effect him and his performance and his
25 appraisal that he had to find a way to deal with [REDACTED]

1 in his own way. I do believe --

2 SPECIAL AGENT NEFF: Did [REDACTED] tell you
3 that?

4 [REDACTED] No, I don't think so.

5 SPECIAL AGENT NEFF: It's a perception
6 that you had in the situation?

7 [REDACTED] It's a perception. I do
8 believe a couple of NCOs may have taken it one step
9 higher which would have been [REDACTED] (phonetic) at
10 that time.

11 SPECIAL AGENT NEFF: Which would have been
12 what position?

13 [REDACTED] The [REDACTED]

14 SPECIAL AGENT NEFF: Okay.

15 [REDACTED] And I don't know what ever
16 became of that or what was said. I don't know any of
17 the details about that.

18 SPECIAL AGENT NEFF: Who would we ask
19 about that?

20 [REDACTED] I don't want to say at this
21 time without asking him if it's okay first.

22 SPECIAL AGENT NEFF: You're not sure if
23 they did take it to [REDACTED] Are we talking about
24 something that was documented or just a sidebar?

25 [REDACTED] Verbal sidebar, right;

1 nothing documented. The only documentation that I can
2 think of was one that [REDACTED] with a notification
3 against [REDACTED] for distracting the control room
4 operators with football talk at the time. It was
5 right after they wrote up the new standards, "You will
6 only talk to the CRS", and they came up with all these
7 new rules, change the entire world. You know, "This
8 is what you will do, this is what you won't do", and
9 weren't allowed to talk to INC techs any more that we
10 were doing surveillance. We weren't allowed to answer
11 the phone, it had to go through the shift clerk and
12 then if it was really important, then the person could
13 talk to the NCO and that was one of the things. We
14 weren't allowed to have sidebars in the control room.

15 SPECIAL AGENT NEFF: At what point in time
16 was this?

17 [REDACTED] This was I would say January
18 of 2002, maybe December of 2001.

19 SPECIAL AGENT NEFF: So that was when the
20 shift consistency issue on the rule changes started?

21 [REDACTED]: Right, all around the same
22 time, right.

23 SPECIAL AGENT NEFF: Did something prompt
24 that? Was there some sort of an incident where
25 somebody got distracted?

All 7C

1 [REDACTED] There may have been and I
2 don't recall. I don't really remember what prompted
3 the change in the standards.

4 SPECIAL AGENT NEFF: But it came out as
5 part of this greater change that was going on.

6 [REDACTED] Right, right.

7 SPECIAL AGENT NEFF: Okay, so [REDACTED] a
8 notification about that, the football talk.

9 [REDACTED] Right, it was -- it must have
10 been two days before they wrote out the new standards
11 that he came down specifically to me in the control
12 room and started talking football to me, right after
13 saying that I could not even talk to my INC techs, I
14 couldn't talk to my equipment operators unless it was
15 really important and then he wants to come down and
16 talk football. So, yes, I wrote a notification on him
17 that night.

18 SPECIAL AGENT NEFF: Okay, how was that
19 received?

20 [REDACTED] Actually, he received it very
21 well because he had no choice.

22 SPECIAL AGENT NEFF: How is that?

23 [REDACTED] Once the notification is in
24 the system there basically is no way to get rid of it,
25 so he knew he had been told on. He knew he was wrong

1 and he admitted to such.

2 SPECIAL AGENT NEFF: How about with you
3 personally, any reaction to that, noticeable reaction
4 in terms of your relationship with him?

5 [REDACTED] Yeah, he left me alone for
6 awhile.

7 SPECIAL AGENT NEFF: So was that a good
8 reaction?

9 [REDACTED] Oh, absolutely. (Laughter)

10 SPECIAL AGENT NEFF: Okay, what happened
11 when that was over, when that honeymoon period was
12 over? What happened next?

13 [REDACTED] I'm pretty sure we haven't
14 really spoke much since.

15 SPECIAL AGENT NEFF: So this is all right
16 before you gave up your [REDACTED].

17 [REDACTED] Right.

18 SR. PROJECT ENGINEER BARBER: Was this
19 something you'd been thinking about for awhile, giving
20 up your [REDACTED] or was it something that's kind of on
21 the spur of the moment or -- I mean, how did you make
22 that decision?

23 [REDACTED] Thinking about it for awhile,
24 yeah, I would say three months. Over a three-month
25 time frame was what I was considering. And it was all

1 at the start of taking the control away from the NCO,
2 the new standards, the way they dealt with them, [REDACTED]
3 [REDACTED] the entire stressful
4 environment in the control room. So it was probably
5 over a three-month period that I was considering
6 giving up my [REDACTED]

7 SR. PROJECT ENGINEER BARBER: Any of your
8 peers, [REDACTED] that were on different
9 shifts, you know, whether you saw them in turnover or
10 off shift or training or what have you, personal
11 friends, I mean did you ever talk to them about what
12 their interactions were like between the CRS and OS
13 and, you know, how they treated the rest of the shift?

14 [REDACTED] Absolutely. I worked
15 overtime on numerous shifts and other guys from other
16 shifts worked overtime on our shift and we quite often
17 talked about what was the difference in their
18 standards versus what was the difference in our
19 standards, how their OS acted and they all knew how
20 [REDACTED] acted and pretty much you wind up working
21 with every OS or Ops manager and you know them all.
22 You know how they act. You know what they do, just
23 because you do work quite often --

24 SR. PROJECT ENGINEER BARBER: Okay, what
25 kind of feedback were you getting when you were

1 talking about those kinds of issues?

2 [REDACTED] There was two shifts that
3 absolutely no one wanted to work with. And that was
4 [REDACTED] shift and [REDACTED] shift. No one
5 liked to work with --

6 SPECIAL AGENT NEFF: And you had both of
7 them for a long period of time.

8 [REDACTED] Yes, no one liked working
9 with either one of those seniors at that time. And
10 that has changed now. I mean, you talk to people now
11 and pretty much anyone is willing to work with [REDACTED]
12 [REDACTED] and still no one is willing to work with [REDACTED]
13 [REDACTED]

14 SPECIAL AGENT NEFF: What were the issues
15 with [REDACTED] when nobody wanted to work with him?
16 What was he like?

17 [REDACTED] He had walked a union guy
18 off-site. He was considered a back-stabber. He would
19 talk, you know, fine to your face but then as soon as
20 you left, he would talk bad.

21 SPECIAL AGENT NEFF: The union guy being
22 walked off-site, is -- what was the incident for that?
23 We might have heard this one.

24 [REDACTED] It was a union issue. And
25 I'm not sure I remember a lot of the details about it.

1 It was basically --

2 SR. PROJECT ENGINEER BARBER: Is this with
3 the historian program?

4 [REDACTED] Yes, it was the historian
5 program but that was not why he walked off-site. It
6 had something to do with he -- the senior called him
7 in his office and wanted to have a coaching and
8 counseling type session. Well, the union guy asked
9 for union representation, a shop steward and the OS
10 denied him. So that got blown up into a huge balloon
11 and he was walked off-site that night. I don't really
12 know all the details. I wasn't there.

13 SPECIAL AGENT NEFF: Okay, so we could go
14 to the individual.

15 [REDACTED] Right.

16 SR. PROJECT ENGINEER BARBER: Did that
17 person, did they remain off-site or did they --

18 [REDACTED] Yes, they were off-site, I
19 want to say at least a month but I'm not sure on that
20 time frame either.

21 SR. PROJECT ENGINEER BARBER: Do you
22 happen to know how they came back? I mean, was there
23 some sort of arbitration or the union process, a
24 grievance, any recollection of that?

25 [REDACTED] No, I'm not sure. You'd have

1 to ask him, himself.

2 SR. PROJECT ENGINEER BARBER: Okay.

3 [REDACTED] I mean, it was definitely
4 union related. Whether it was an arbitration or not,
5 I can't remember.

6 SR. PROJECT ENGINEER BARBER: Okay.

7 SPECIAL AGENT NEFF: Could you shed some
8 light on that, [REDACTED]

9 MR. HERNANDEZ: That was right around --
10 yeah, I can actually. They had said that -- who was
11 that girl that was -- I can't remember her name.
12 Anyway, they came in and [REDACTED] (phonetic) was
13 involved in that and they were saying that -- even the
14 business agent said when we had a meeting over there
15 was there was no way [REDACTED] was getting his license
16 back. But that's when WANO (phonetic) was coming and
17 we had a bunch of off-shift rotations, people writing
18 tags and all that stuff that we were doing. And so
19 the union said, "Okay, then everybody's coming back on
20 shift, we're not doing any of that stuff any more, you
21 know, work together, write tags, help you with the
22 work, all that stuff".

23 And that's when they put out the sign with
24 the company and union shaking hands for WANO. WANO
25 was coming and everything, so I think really the only

1 reason that it went away was the timing and they
2 wanted good union company relationships for WANO and
3 the we were -- all the off-shift rotations were coming
4 back and that was going to cripple the work week and
5 everything.

6 And then magically they said, "Okay, if
7 [REDACTED] work together, he can have his license
8 back".

9 SPECIAL AGENT NEFF: [REDACTED]
10 (phonetic)?

11 MR. HERNANDEZ: Yeah.

12 SPECIAL AGENT NEFF: Okay. All right,
13 going back a little bit, [REDACTED]
14 are they -- the problems that you're describing with
15 those two and their management style is a little
16 different from each other.

17 [REDACTED] Yes.

18 SPECIAL AGENT NEFF: Well, how did -- if
19 now nobody minds working for [REDACTED] or not as much,
20 what changed him?

21 [REDACTED] I think the fact that [REDACTED]
22 [REDACTED] came back was a slap in his face. This is all
23 personal opinion here. It was a slap in his face,
24 "Okay, the company says I have backbone and I can
25 manage my shift the way I want but it's not true",

1 type thing. "I really have no power. The power is
2 above me and what they say goes".

3 SPECIAL AGENT NEFF: Okay.

4 [REDACTED] So I think at that point, he
5 gave up with trying to enforce their standards as
6 detailed as they wanted.

7 SPECIAL AGENT NEFF: Oh, did that come
8 through in other ways like in terms of what
9 communication and who you will phone call and stuff
10 like that?

11 [REDACTED] Well, it didn't take long
12 after I gave up [REDACTED] for all that shit to go out
13 the window.

14 SPECIAL AGENT NEFF: Oh, is that right?

15 [REDACTED] Yes.

16 SPECIAL AGENT NEFF: What caused that?

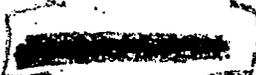
17 [REDACTED] I think there was just a lot
18 of resistance from the NCOs saying, you know, "Hey, if
19 I've got a problem in the plant, I'm going to talk to
20 my equipment operator. I'm going to talk to my INC
21 tech. I am not going to go through a shift clerk.
22 That's ridiculous. If I need to sit down at the
23 boards, I'm going to sit down for five minutes". They
24 wanted to take all of our chairs away. That was the
25 initial roll-out. And the reactor operator would

1 continuously walk for 12 hours straight around the
2 boards.

3 SPECIAL AGENT NEFF: What would be the
4 point of putting a shift operator in there for you not
5 to be able to directly communicate with people when
6 you needed to?

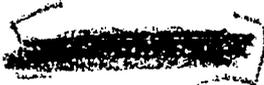
7  There was no point to any of
8 these standards, other than it would make you look
9 really damned good. It would make you look very
10 military, very attentive, no distractions.

11 SR. PROJECT ENGINEER BARBER: Was this in
12 preparation for like the WANO visit or some other
13 visit? Was there an IMPO visit coming up or some
14 other --

15  I think it was -- I mean,
16 there were a lot of things that went into it. One of
17 them was QA type audits. QA says, "Okay, I stood in
18 the control room and watched your NCOs for two hours
19 and I only saw them scan the boards three times", or
20 whatever, and our procedure said that we would scan
21 the boards every two to three minutes. So, I mean,
22 it's like an internal audit. Then you had the IMPO
23 perceptions simulator and some more management
24 observations, that type thing and you know, shit rolls
25 downhill. They get a couple of bad comments and they

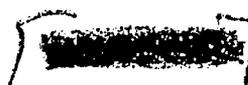
1 try to see, well, what's going on. And then they just
2 come through, you know, the pendulum swings too far
3 one way type thing.

4 SPECIAL AGENT NEFF: No chairs, no phones.

5  Right, no chairs, no phones,
6 no food in the control room, no outside chatter, no
7 distractions, "You will continuously rove for 12 hours
8 straight". So, I mean, it's just an exact -- an
9 extreme overkill and did we need improvement, yes.
10 Could we have looked better, yes. I mean, there's no
11 doubt about that, but the extreme overkill and the
12 fact that they wouldn't listen to you saying, "If I
13 drive my car for 12 hours straight staring at the dash
14 board waiting for a light to come on, I'm going to
15 crash", you know.

16 After 15 minutes of staring at the
17 consoles, it's like sitting in front of the computer,
18 you need to take your eyes off, need to look away type
19 thing. You need to, you know, refresh yourself, you
20 know. Twelve hours of doing something like that, you
21 know, three hours into your watch, you wouldn't see
22 reactor power if you've got 110 percent.

23 SPECIAL AGENT NEFF: Sounds like a giant
24 inter-tap or something.

25  Right, but they wouldn't take

1 that feedback at first and --

2 SPECIAL AGENT NEFF: How long did it take?

3 [REDACTED] I think it took shortly after
4 I gave up my [REDACTED] and they realized, "Okay, we're
5 pushing too hard. Maybe we've overdone some things".
6 Their biggest concern at that time was how many other
7 [REDACTED] were about to give up their license.

8 SPECIAL AGENT NEFF: So that was a factor.

9 [REDACTED] Absolutely. Did they come
10 out and say that? No.

11 SPECIAL AGENT NEFF: It's a pretty big
12 step, though, for somebody to go through that training
13 and then just say, "Here, keep it".

14 SR. PROJECT ENGINEER BARBER: Were you the
15 only one to do that?

16 [REDACTED] I was the only one to do it.
17 There were several others considering doing it and I
18 still believe there are a couple left that would like
19 to do it. But it's a huge financial step. That's
20 what holds most people back from going back to the EO
21 ranks.

22 SPECIAL AGENT NEFF: The couple that are
23 left that still would like to do it are -- you're
24 talking present day.

25 [REDACTED] Yes.

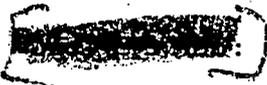
1 SPECIAL AGENT NEFF: What would cause
2 that?

3  I'm not sure. I mean, you'd
4 have to talk to them individually but I mean, there's
5 just -- there's still a lot of stress in the control
6 room. There's still a lot of supervisors that are
7 good people, but they shouldn't be there. They're not
8 conservative and most of the time they try to be
9 conservative but the real problem is, is that all of
10 their paychecks is tied to power production. All of
11 their bonuses, all of their raises is tied to power
12 production.

13 SPECIAL AGENT NEFF: You made a comment
14 before. You said senior management hesitates to take
15 conservative action because it will effect their pay.

16  Correct.

17 SPECIAL AGENT NEFF: Let's first describe
18 -- define for me senior management. Is that OS level
19 or is that a different level? Who are you talking
20 about there?

21  I'm talking from a CRS and
22 up. Anything above a field supervisor, their pay is
23 based on megawatts output, their bonuses.

24 SPECIAL AGENT NEFF: Okay, so all the way
25 through CRS --

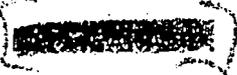
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1 ****break in audio****

2 SPECIAL AGENT NEFF: We took a brief
3 break, it's approximately 9:10 p.m. and where we left
4 off, you made a comment about senior management
5 hesitating to take conservative action because it
6 would effect their pay and we defined senior
7 management as CRS and above at that point.

8  Correct.

9 SPECIAL AGENT NEFF: Now, the first
10 question is, how do you know that? How do you know it
11 effects their pay, there's a direct connect there?

12  How do I know, because I know
13 they get bonuses, quarterly bonuses, the same as we do
14 in the union and those bonuses -- I can't give you the
15 exact breakdown, it comes down in our e-mail
16 occasionally saying that how many first aid accidents,
17 basically the company's goals and I think they're on
18 the wall out here somewhere. And power production is
19 one of those goals.

20 SPECIAL AGENT NEFF: Like and OSHA
21 reportables and that type of thing?

22  Right, right.

23 SPECIAL AGENT NEFF: Okay, power
24 production. Capacity factor, is that what you're
25 talking about?

1 [REDACTED] Capacity factor, yes. Total
2 megawatts.

3 SPECIAL AGENT NEFF: Okay, so the bonuses
4 are awarded on -- in part based on that but when you
5 say they would hesitate to take conservative action,
6 what makes you say that? I mean, in terms of
7 conservative action, what are you looking at?

8 [REDACTED] What they're looking at and
9 this is mostly at the OS level that I've seen, is that
10 any time that they have to do anything to lower
11 reactor power, they have to call the assistant Ops
12 manager or manager or above and basically say, "Hey,
13 this is what we've done, this is why we've done it".
14 They have to justify any time they lower reactor
15 power.

16 Now, obviously, if it's a transient, a
17 run-back or something that automatically lowers power
18 for us, you know, there's nothing they can do about
19 that. But when you're operating at 100 percent, and
20 just because you feel uncomfortable because you can't
21 see reactor power any more, basically to lower that
22 power two percent in this environment, the deregulated
23 environment, they basically need to get permission is
24 what it comes down to.

25 SPECIAL AGENT NEFF: So when did that

1 start?

2 [REDACTED] That started shortly after
3 the energy was deregulated.

4 SPECIAL AGENT NEFF: And you see that as
5 a direct effect?

6 [REDACTED] Of deregulation, yes.

7 SR. PROJECT ENGINEER BARBER: Was that
8 ever written down or ever spoken in either shift
9 turnover or some management briefing to your
10 knowledge? I mean, how did you get -- did you just
11 make the connection on your own or did somebody come
12 up and directly say that?

13 [REDACTED] Clarify the question,
14 directly say what? What are we --

15 SPECIAL AGENT NEFF: How do you know that
16 the OS level has to go to the AOM level to reduce
17 power?

18 [REDACTED] Because they're in the same
19 room with us. We hear them pick up the phone.

20 SPECIAL AGENT NEFF: So you're saying that
21 since deregulation, the change in the procedure is
22 that the OS previously would have done it on their own
23 and after deregulation they have to go through the AOM
24 to do that?

25 [REDACTED] Right, the AOM and the -- I

1 think the load dispatcher as well.

2 SPECIAL AGENT NEFF: And then I guess to
3 fully answer Scott's question would be, I mean, is
4 something like that a procedure that's documented or
5 is that just something that's sort of understood?

6 [REDACTED] I think it's something that's
7 understood. They have their OS meetings once a month
8 type thing and but, no, it's not written down anywhere
9 that I'm aware of.

10 SPECIAL AGENT NEFF: Was it told to you or
11 is this an observation? Did an OS tell you that
12 that's the way it gets done?

13 [REDACTED] No, it's more of an
14 observation. But then again, for some reason, I think
15 it has been told to me, but I can't recall when,
16 where, why type thing.

17 SPECIAL AGENT NEFF: Okay.

18 SR. PROJECT ENGINEER BARBER: Can we just
19 stay on that? I want to stay with just the thought
20 about the deregulation for just a moment. Do you
21 remember when that was or when there was that change
22 because of the deregulation?

23 [REDACTED] I'd say approximately two
24 years ago.

25 SR. PROJECT ENGINEER BARBER: Okay, was

1 there -- was management at the station stable then or
2 were they also going through a transition? Was there
3 -- I'll just tell you overtly while I'm asking the
4 question, is it possible that the change in the way
5 you were operating could be due to a management change
6 in addition to deregulation or do you feel like it was
7 just --

8 [REDACTED] I thought it was just
9 deregulation and the reason I say that is because ever
10 since I've been here for [REDACTED], management is
11 continuously in a state of flux of change.

12 SR. PROJECT ENGINEER BARBER: Okay.

13 [REDACTED] We've had more ops managers
14 than I have friends, you know, so --

15 MR. HERNANDEZ: That's not hard.

16 [REDACTED] Right. (Laughter) The
17 reason I'm tying it to deregulation I guess is because
18 we have -- at training, we have what we call ops
19 management roll-outs, updates, you know, where usually
20 the AOM or the ops manager or above comes out and
21 talks to us.

22 SR. PROJECT ENGINEER BARBER: Okay.

23 [REDACTED] And now ever since
24 deregulation, all they've come out with are these
25 charts on the board talking about capacity factor,

1 earnings per share for the company. It's all about
2 the dollar now. It's all about keeping the budget
3 down, keeping the capacity factor up, increasing the
4 megawatts output, increasing stockholders' share. It
5 didn't used to be that way. We used to be a much more
6 conservative company before deregulation.

7 Before deregulation I probably never heard
8 anyone in management say anything about earnings per
9 share of the company.

10 SR. PROJECT ENGINEER BARBER: And who is
11 the presenter of this information?

12 [REDACTED] It's usually the assistant
13 ops manager. Specifically, who's giving me more of
14 those lectures than anyone is probably [REDACTED]
15 Before him it was [REDACTED] that used to give those
16 lectures. When deregulation first happened, he's the
17 one that came out with those lectures.

18 SPECIAL AGENT NEFF: At that time, VP ops?

19 [REDACTED] Right, and then, you know,
20 after he gives the initial presentation, then it kind
21 of rolls down to the ops, assistant ops manager, ops
22 manager, and they just keep rehashing type thing. So
23 I would say [REDACTED] started it, then down to [REDACTED]
24 and then certainly [REDACTED]

25 SPECIAL AGENT NEFF: So starting about two

1 years ago, early 2002?

2 [REDACTED] Maybe two and a half years
3 ago. I'm pretty sure that started before all this --
4 before the big change in standards started, so
5 probably two and a half years ago.

6 SPECIAL AGENT NEFF: Okay.

7 SR. PROJECT ENGINEER BARBER: When did you
8 say you got [REDACTED]

9 [REDACTED]
10 [REDACTED]

11 [REDACTED]

12 SR. PROJECT ENGINEER BARBER: Okay, so you
13 actually were licensed for quite awhile before you
14 gave up your license, so you probably saw a lot of as
15 you said, a number, a large number of ops managers
16 come and go.

17 [REDACTED] Yes, yes.

18 SPECIAL AGENT NEFF: The deregulation
19 presentation you heard from [REDACTED] and the
20 successive ones you've heard from like [REDACTED] and
21 others, you said [REDACTED] did they -- I mean, is
22 there anything else other than the discussion about
23 the shareholder value and earnings per share, did they
24 talk about philosophies, operating philosophies or
25 other things? I mean, is it just facts and figures or

1 did they say, "This is how we're going to do this"?
2 *-10* [REDACTED] Well, they do say, "This is
3 how we're going to do that" and what they called that
4 was the op standards. "This is the standards we're
5 going to follow, this is how we're going to look, this
6 is how we're going to talk". I've heard so many times
7 that it's not really what you do, it's how people
8 perceive that you do it. It's all about perception.
9 You have to look good. As long as you look good, no
10 one is bothering you type thing. I've had those
11 lectures and they're concerned, you know, with plant
12 safety, nuclear -- I'm not saying they're not because
13 they are. They are.

14 I mean, obviously, if we exceed 110
15 percent power for two hours and not know it, the NRC
16 is taking our keys away and then there is no earnings
17 per share coming from the Hope Creek part. So I mean,
18 that concern is there. But in my opinion, the bigger
19 concern is maintaining 100 percent power, staying on
20 line, more the on-line maintenance, all these type
21 things to keep you on line longer, to keep the outages
22 short. And part of that's IMPO. I mean, there's no
23 doubt in my mind that IMPO is a huge push for capacity
24 factor, short outages.

25 And in my opinion as a union guy, as a

1 hands-on worker, that -- it's not a good thing to be
2 pushed so far from so many different organizations.
3 If you have to have a long outage because you've got
4 to get some work done and replace some SRV's it's
5 going to take awhile, you replace -- you know,
6 whatever, do what you've got to do, because in the
7 long run, it's going to pay you more money, you know.

8 SR. PROJECT ENGINEER BARBER: Have you
9 ever heard -- you know, we talk in the abstract about
10 maybe being out in training and hear a presentation
11 and talk about your operating philosophy and rolling
12 out, how you're going to do practice operational
13 standards and what have you. Have you ever heard
14 that come up in the context of a plant situation where
15 something has happened in the plant, like for example
16 your situation where there was a loss of the CMS
17 computer, that you know, in the back of your mind
18 you're saying, I really want to drop power a couple
19 percent, I feel really good about it. If we could do
20 that, I'd feel a lot more comfortable.

21 But yet, you get an impression either
22 through something somebody says or you know, something
23 else, some discussion you overhear, that these
24 operational standards, these operational practices
25 that are coming out of the deregulation are driving

1 the decisions in kind of what you -- I think you
2 mentioned as a non-conservative direction.

3 [REDACTED] I think we don't fix a lot of
4 our problems, minor problems, you know, a little steam
5 leak, oil leaks, we blow those off every outage and
6 they come back and bite us for the plant scram. And
7 that is all based on money and time of the outage,
8 keeping the outages short, as little work as possible,
9 more maintenance on line, and the biggest part of it
10 is money. If it's going to cost us more money than
11 what we have in our budget this year, we're not going
12 to fix it. We can't just keep going back to corporate
13 and ask them for more money.

14 SPECIAL AGENT NEFF: Is that consistent?

15 Have you seen that been the same since you've been --
16 you know, in the past six years or so?

17 [REDACTED] Since deregulation. Before
18 deregulation, we could get all the money we wanted.

19 SPECIAL AGENT NEFF: Okay, until recent
20 months, too? Is it still the same way in your
21 opinion?

22 [REDACTED] Oh, yes, absolutely.

23 SR. PROJECT ENGINEER BARBER: Is there any
24 problems that are in the power plant right now that
25 stand out in your mind that that are maybe more

1 significant than others that really should be fixed
2 that aren't getting fixed?

3 [REDACTED] Well, I think we currently
4 have a drywall leakage problem that's going to bite us
5 real soon.

6 SR. PROJECT ENGINEER BARBER: Okay.

7 [REDACTED] And we just had a short
8 outage. They went in and identified it so they could
9 up the limit to five and it gives them a little more
10 margin, but the fact is --

11 SR. PROJECT ENGINEER BARBER: Up what
12 limit to five?

13 [REDACTED] Drywall leakage limit,
14 unidentified leakage versus identified leakage, a tech
15 spec --

16 SR. PROJECT ENGINEER BARBER: Isn't it
17 always five?

18 [REDACTED] Well, versus, it's identified
19 now, so you can go up to five. Four was unidentified
20 because we didn't know what it was.

21 SR. PROJECT ENGINEER BARBER: I thought
22 five unidentified is the limit.

23 [REDACTED] I'm not sure of the exact
24 limit but --

25 SR. PROJECT ENGINEER BARBER: Maybe we

1 should as the --

2 MR. HERNANDEZ: You have to look at the
3 abnormal, because there's the tech spec limit and then
4 there's the administrative limits.

5 SR. PROJECT ENGINEER BARBER: Oh, okay, so
6 the administrative one could be lower.

7 MR. HERNANDEZ: It would definitely be
8 lower.

9 [REDACTED] Right, yes, definitely lower,
10 but anyway they went in and identified it. They know
11 what it is and it would cost too much money to fix at
12 this time, so go ahead and start the plant back up.

13 MR. HERNANDEZ: The identified is
14 considerable more.

15 SR. PROJECT ENGINEER BARBER: Okay.

16 MR. HERNANDEZ: A higher limit.

17 [REDACTED] Higher limit, right, you can
18 raise the limit.

19 SR. PROJECT ENGINEER BARBER: Yeah, that's
20 like 25 percent then, isn't it?

21 MR. HERNANDEZ: That's what I was
22 thinking.

23 SR. PROJECT ENGINEER BARBER: The item
24 that was identified as leaking, do you know what that
25 was?

1 [REDACTED] I believe it's a couple
2 control rod drive mix. There as also a chill water
3 leak identified but they fixed that one, right? Yeah.

4 SR. PROJECT ENGINEER BARBER: All right,
5 and the control rod drive, do you happen to know, I
6 mean, were you involved with the work party or --

7 [REDACTED] No, I was off on those days
8 as a matter of fact.

9 SR. PROJECT ENGINEER BARBER: Okay,
10 because we hear a lot actually in the region. We
11 heard it was like 120 drops a minute, which isn't --

12 [REDACTED] No, it's not a lot.

13 SR. PROJECT ENGINEER BARBER: That's not -
14 - that doesn't equal the .7 gpm or whatever it was.

15 [REDACTED] Right, but I think there's
16 two of them that's leaking.

17 MR. HERNANDEZ: Yeah, there's a couple of
18 them and I heard one of them was 180. I'm not sure
19 what the exact numbers are.

20 SR. PROJECT ENGINEER BARBER: Okay, all
21 right, so there's a kind of an example of something
22 that's like that. How about other things in the
23 plant? What about the MS20 valve?

24 [REDACTED] The steam leak?

25 SR. PROJECT ENGINEER BARBER: Yeah.

1 [REDACTED] I mean, sure, that can buy us
2 any time.

3 SR. PROJECT ENGINEER BARBER: Now, has
4 that been something that's been sitting for awhile or
5 is that a fairly recent issue?

6 [REDACTED] It's fairly recent but
7 they've had opportunities to fix it and didn't take
8 them. This last outage they could have fixed it but
9 they did not want to prolong the mini-outage.

10 SR. PROJECT ENGINEER BARBER: Wasn't there
11 a leak seal repair attempted?

12 [REDACTED] I believe it was attempted,
13 yes.

14 MR. HERNANDEZ: They shot goop a few
15 times. I don't know how many times. I know they were
16 getting worried that they were running out of the
17 amount of times they could shoot it.

18 SR. PROJECT ENGINEER BARBER: Okay, okay.
19 [REDACTED] But that's typical for the
20 company. Go in, try to do a quick repair, wrap it up,
21 Band-Aid it, whatever it takes. If it doesn't work
22 we'll go on and eventually, we'll get to it, and which
23 they will. They will get to it and get it fixed, but
24 usually not before it takes them out. That's what
25 always gets me. And whenever you get taken out by the

1 plant, it's quite the challenge for the operator. I
2 mean, scrams are not that hard to deal with, but
3 you're sitting there with 100 percent power, then
4 you're scrambling an SIV closure or whatnot, it's
5 always in the middle of the night, 3:00 o'clock in the
6 morning, you know.

7 And so, yeah, you get a little pissed off
8 because, yeah, we knew about this problem. We knew it
9 was going to be a problem. We didn't take the time to
10 fix it right and now, here we are scrambling again.

11 SR. PROJECT ENGINEER BARBER: When those
12 kind of issues are raised in that context, what kind
13 of response do you get?

14 *TC* [REDACTED] Typically, we only raise them
15 to our direct supervisors, the [REDACTED] type level. And
16 for the most part, the [REDACTED] feel the exact same way
17 we, the [REDACTED] do. There's a couple of [REDACTED] that are
18 not in the same group of feelings. The [REDACTED] are just
19 as challenged as we are when we have scrams, you know.
20 They don't want the plant to scram. They don't want
21 this leak to become a problem. Typically they're our
22 sounding board. We bitch to them and they say, "Yeah,
23 you're right, you know, I feel the same way". And
24 pretty much that's the end of it. Occasionally,
25 you'll bitch to your senior and he'll say, "Yeah,

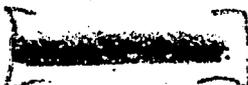
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1 we'll bring that -- raise that issue up and you know,
2 put it on our turnover sheet or whatever", and then
3 once every 10 weeks or whatever, when the system lapse
4 manager comes out, pretty much that's the only time
5 you get to talk to these guys, then you bitch to him,
6 "Why didn't you fix this, why didn't you fix this",
7 and he'll come back with the same response, "Well, we
8 have to look at budget. We have to look at this. We
9 have to" -- you know, and they do have to evaluate all
10 these things, right, but it's always the same answer
11 and basically it always comes down to, "We didn't want
12 to spend the time, we didn't want to spend the money.
13 We'll get it later". That's what it comes down to.

14 They don't say it in those exact words.
15 They say it much nicer.

16 MR. HERNANDEZ: Risk analysis.

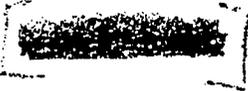
17  Risk analysis, you know, and
18 all kinds of --

19 SR. PROJECT ENGINEER BARBER: Is there
20 other issues, other than the dry well leakage problem
21 in there that you can think of where they're offering
22 explanations as opposed to fixing it?

23  I mean, we have other issues.
24 We have diesel exhaust leaks, but I mean, most of the
25 issues we have are not going to take the plant out

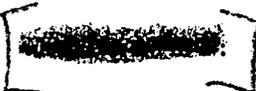
1 type issues.

2 SPECIAL AGENT NEFF: Okay.

3  Whereas, like the dry well
4 leakage could and the steam leak could. But there's
5 other issues that, I guess, border more on industrial
6 safety than nuclear safety. And we've had diesel
7 exhaust leaks forever and certainly had many hell
8 raising discussions about those trying to get those
9 fixed.

10 MR. HERNANDEZ: I hate to stop you.
11 Instead of trying to remember them, if you go on the
12 ops web page, they have the ops concerns list and
13 operator's work-around list, and you see a whole list
14 of the stuff that has been identified and when they're
15 going to fix it or how they're going to fix it or how
16 long it's going to take, so all that information there
17 for you.

18 SPECIAL AGENT NEFF: Okay, thank you.
19 Going back just a little bit, I wanted to clear up
20 something that we talked about with that CMS issue on
21 the power level. I think the way you presented it was
22 that it had happened before and the down power
23 occurred to help everybody in their comfort level on
24 where you actually were.

25  Right.

ALL TC

1 SPECIAL AGENT NEFF: Then this incident
2 occurred which was -- we're putting it late 2001 or
3 early 2002. And it was handled a little differently.

4 [REDACTED] Yes.

5 SPECIAL AGENT NEFF: And it was handled to
6 the point where notification got written because there
7 was such a discrepancy between shift management and
8 what the crew wanted to do.

9 [REDACTED] Right.

10 SPECIAL AGENT NEFF: Were there any other
11 incidents like that, since that time? I know you said
12 that there was -- what did you call it, the document
13 that came out that changed it.

14 [REDACTED] The ops standards.

15 SPECIAL AGENT NEFF: The ops standards
16 were changed and it reflected what you were saying
17 should have been done in that incident. Did it happen
18 again?

19 [REDACTED] Well, the entry, yes.

20 SPECIAL AGENT NEFF: Did it happen again?
21 Did they follow the standards if it did?

22 [REDACTED] I don't think that it did
23 happen again. Of if it did, I wasn't on shift or I
24 didn't recall, but I don't think so.

25 SPECIAL AGENT NEFF: Okay, but you had

1 indicated --

2 [REDACTED] I'm pretty sure only once.

3 SPECIAL AGENT NEFF: The one time that you
4 didn't down power for it.

5 [REDACTED] Right.

6 SPECIAL AGENT NEFF: And then the
7 correction came out after that to fix that?

8 [REDACTED] Correct.

9 SPECIAL AGENT NEFF: When we were talking
10 about senior management hesitating to take
11 conservative action, period, hesitating to take
12 conservative action, you were talking about this
13 incident. You're offering that as an example of it.

14 [REDACTED] Well, whenever I say that,
15 I'm referring to the fact that they won't fix our
16 problems.

17 SPECIAL AGENT NEFF: Okay, that's what I'm
18 referring --

19 [REDACTED] They put things off and say
20 that it's too much money, "We don't have enough time,
21 we'll get to it later".

22 SPECIAL AGENT NEFF: So a little bit about
23 -- I mean, part of that is what we just talked about
24 in terms of these maintenance issues, here.

25 [REDACTED] Right, definitely.

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ALL TC

1 SPECIAL AGENT NEFF: Okay, and then that
2 incident about the down-power.

3 [REDACTED] Right.

4 SPECIAL AGENT NEFF: What about anything
5 else in terms of on-shift operations, operability
6 decisions, that type of thing, had you see any
7 evidence of that elsewhere?

8 [REDACTED] Not that I can think of at
9 this time.

10 SPECIAL AGENT NEFF: If not you
11 personally, had you heard of any incidents?

12 [REDACTED] No.

13 SPECIAL AGENT NEFF: Okay. With the
14 changes that have been made, you described the ones
15 that were more administrative in nature and you said
16 they came right on the heels of when you gave up your
17 [REDACTED]. Did you want to reverse that decision or are
18 you comfortable where you are?

19 [REDACTED] I am very comfortable where
20 I am, in control of my life.

21 SPECIAL AGENT NEFF: Did you -- okay, did
22 you think about -- well, did you -- I mean, did you
23 regret that decision at all or did you stay
24 comfortable with that decision throughout?

25 [REDACTED]: The first year I regretted it

1 a lot.

2 SPECIAL AGENT NEFF: Money-wise?

3 [REDACTED] Money-wise it is a smack in
4 the face. Your entire family feels it, not just you.
5 Sure there were some regrets with that money-wise, but
6 as far as the decision, doing the right thing, being
7 much more comfortable with my job, enjoying my job, no
8 regrets whatsoever.

9 SPECIAL AGENT NEFF: Okay.

10 [REDACTED] And now that I'm adjusted to
11 the money difference, I will never go back to [REDACTED]

12 SPECIAL AGENT NEFF: Is there something
13 they could do that would change your mind that way,
14 that would make you reconsider it?

15 [REDACTED] They would have to get rid of
16 a lot of supervisors.

17 SPECIAL AGENT NEFF: Is that the issue?

18 [REDACTED]: Yes.

19 SPECIAL AGENT NEFF: At what level? Are
20 you looking at ops management or senior management?

21 [REDACTED] Right, there's numerous CRS'
22 that I think should not be in that position. There's
23 numerous OS' that should not be in that position. The
24 ops manager and the assistant ops managers, the
25 assistant ops manager I have a lot of respect for

1 right now. The one at the time that I quit, I had
2 absolutely no respect for and I'm glad to see that
3 he's gone. The ops manager, I'm glad to see that he's
4 gone.

5 SPECIAL AGENT NEFF: Wait a minute now,
6 you lost me. The assistant ops manager is gone. He
7 quit?

8 [REDACTED]: No, he was reassigned to the
9 outage group that was [REDACTED]

10 SPECIAL AGENT NEFF: [REDACTED] was out
11 of operations then or at least shifted.

12 [REDACTED]: Shifted, right. He's still
13 technically in operations and he could come back any
14 day but I am --- and [REDACTED] took his place. [REDACTED]
15 [REDACTED] been around a long time. He's been in a
16 couple other utilities. He talks the company line,
17 you know, like he's supposed to, you know, megawatts
18 electric and earnings per share and it kind of ticks
19 me off once in awhile there but then again, so does
20 President Bush. You know, he pisses me off when he
21 talks about certain things, so you know, that's
22 natural is what I'm saying, you know.

23 No problem there. I mean, he does talk
24 the company line, just like, you know, Bush talks the
25 American way and he wants to take away overtime. I

1 mean, he does talk the company line. I mean there's
2 certainly things that --

3 SPECIAL AGENT NEFF: [REDACTED]

4 [REDACTED] No, Bush.

5 SPECIAL AGENT NEFF: Oh, I thought you had
6 issues with overtime and [REDACTED]

7 MR. HERNANDEZ: No, we have issues with
8 overtime with George Bush.

9 [REDACTED] George Bush, right.

10 MR. HERNANDEZ: There's a big push to take
11 away a lot of overtime but that's a different
12 conversation.

13 SPECIAL AGENT NEFF: This is going to get
14 to be about a five-hour interview if we start bringing
15 politics into it.

16 Okay, along that line that you were
17 talking about, when you're saying CRS and OS, you're
18 saying you wouldn't work for them, you don't want to
19 see them there. Are we talking technically proficient
20 or are we talking leadership proficiency skills here?
21 What is it that you see lacking?

22 [REDACTED] Technical, yes, Technically,
23 there's several that are lacking. No doubt in my
24 mind. People skills, there are several there lacking
25 and those aren't necessarily the same ones that are

1 lacking in technical. You know what I mean. But the
2 same with the OS'. Technically some of them shouldn't
3 be there. People skills, some of them shouldn't be
4 there.

5 SPECIAL AGENT NEFF: Both technically and
6 leadership-wise.

7 [REDACTED] Yes.

8 SPECIAL AGENT NEFF: To a level that
9 challenged the safe operations of the plant when
10 you're saying technically proficient?

11 [REDACTED] Yeah, there's a couple of OS'
12 that would -- in my opinion could challenge the
13 operation of the plant if they did not have a strong
14 CRS, yes.

15 SPECIAL AGENT NEFF: So if you get a
16 couple of these people in combination, you've got the
17 potential for a disaster.

18 [REDACTED]: Right, especially when you've
19 taken your control away from your NCOs.

20 SPECIAL AGENT NEFF: Where do you see that
21 happening?

22 [REDACTED]: What do you mean where do I
23 see it happening?

24 SPECIAL AGENT NEFF: I mean, what shift
25 would you -- let me ask you this way; what incidents

1 would cause you to say that, technical proficiency,
2 would question any combination of these two? I mean,
3 that's a serious issue with an OS and a CRS on shift
4 that you're saying wouldn't know what to do.

5 [REDACTED] I'm not telling you they
6 wouldn't know what to do. They all have been trained
7 to handle the casualties. We have the EEOPs which you
8 can just go straight down and as long as you follow
9 them, I don't care how big of an idiot, you could be
10 a monkey in there and you will safely shut down the
11 plant.

12 SPECIAL AGENT NEFF: Okay.

13 [REDACTED]: So that from a technical
14 point of view, there I'm not saying that the reactor
15 is in jeopardy if you put two of these people
16 together.

17 SPECIAL AGENT NEFF: Okay, that's what I
18 want to get clear here.

19 [REDACTED]: Okay, yeah, because
20 everything is written so detailed that a monkey could
21 to it, okay.

22 SPECIAL AGENT NEFF: Where do you see the
23 potential for the problem then?

24 [REDACTED] The potential for the problem
25 is something that's out of the ordinary, for example,

1 you're in a refuel outage and the CRS and the OS have
2 to make a decision you know, what to do to do
3 something and there's just some there without the
4 technical and the biggest reason is they're not coming
5 up through the ranks of the company. They're hiring
6 straight from off the street, from outside type
7 things. They have very little --

8 SPECIAL AGENT NEFF: On-site experience.

9 7C →  Right, no site experience, no
10 -- some of them have no BWR experience. I have to be
11 very careful here and I know that. There's just some
12 CRS' and some OS' that I would not trust to make a
13 technically accurate decision. That doesn't help you
14 at all, does it?

15 MR. HERNANDEZ: It used to be normal to be
16 an EO, CO and go to supervisor, that was --

17 SPECIAL AGENT NEFF: Go through the ranks.

18 MR. HERNANDEZ: Now, it's extremely rare
19 that anyone would leave the union to go to
20 supervisory. So they hire people off the street that
21 they might have -- some of them don't even have Navy
22 nuclear experience but they make it through the
23 training and everything and they're licensed and
24 they're your boss but really they're more asking you
25 what to do than telling you what to do. And they're

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1 not really -- now, some of them are very good. Some
2 of them you feel like they're not really backing you
3 up. It's more like you're guiding them, you're
4 training them rather than them being a help, I think
5 is what you're trying to say.

6 [REDACTED]: Yes.

7 SPECIAL AGENT NEFF: Because they don't
8 have that plant experience.

9 [REDACTED]: Right, I mean, the guy's, you
10 know, been here for seven or eight months, depending
11 on what we're talking about and I've been here [REDACTED]
12 [REDACTED] and I was EO, CO and obviously, I'm going to
13 know more about the plant, how it really runs, than he
14 does. But that all went away in the [REDACTED] era. I
15 don't know if you're familiar with that, but when they
16 took away the overtime for the supervisors and
17 everything so nobody -- basically, nobody goes up.

18 SPECIAL AGENT NEFF: You've no incentive
19 to.

20 [REDACTED]: Right, I feel.

21 MR. HERNANDEZ: Some guys still go. They
22 thinking maybe one day they'll get the day shift and
23 stuff. Every once in awhile you get a stray guy that
24 goes, but the vast majority of the classes that come
25 through if you look at it, there will be 90 percent

1 that are not OCS.

2 SPECIAL AGENT NEFF: Consistently staying
3 in the NCO.

4 MR. HERNANDEZ: Ninety percent of them are
5 new supervisors and licensing class for NCOs, easy.

6 SPECIAL AGENT NEFF: Okay.

7 MR. HERNANDEZ: I think that's what you
8 were trying to get at.

9 [REDACTED] Yes.

10 MR. HERNANDEZ: I don't want to put words
11 in your mouth.

12 [REDACTED] Yes.

13 SPECIAL AGENT NEFF: So are you -- when
14 you're saying that you would have these concerns, is
15 that first-hand experience?

16 [REDACTED]: Oh, absolutely.

17 SPECIAL AGENT NEFF: Okay, and there is a
18 number of these people that are on shift still?

19 [REDACTED]: Yes, but that's more my
20 personal opinion than it is based on any facts.

21 SR. PROJECT ENGINEER BARBER: But these
22 folks presumably have already passed the SR license
23 exam, correct?

24 [REDACTED] Yes, yes.

25 SR. PROJECT ENGINEER BARBER: Including

1 the simulator and GPM simulation:

2 [REDACTED]: Correct.

3 SR. PROJECT ENGINEER BARBER: They did
4 demonstrate some level of proficiency.

5 [REDACTED] Yes.

6 SR. PROJECT ENGINEER BARBER: So where is
7 the hard spot?

8 [REDACTED] Like I told you before, a
9 monkey can follow that procedure and shut this reactor
10 down.

11 SPECIAL AGENT NEFF: You're saying an
12 unusual condition.

13 [REDACTED] An unusual condition, normal
14 everyday operations which is what concerns me, is they
15 have to make decisions. On day shift today we lost a
16 couple of chillers and the CRS has to make decisions
17 to start another chiller, monitor drive -- these
18 things aren't cookbook laid out, you know, in a
19 procedure, I mean, there's abnormal, obviously, but
20 you can be in numerous abnormal at the same time.
21 When I say they aren't proficient, most of the CRS'
22 that I don't trust would grab a high vac or a chiller
23 trip abnormal which is your initiating clue, right?

24 Personally, I don't give a shit about that
25 chiller trap. I want to watch dry well pressure, dry

1 well temperature. You know, how is that chiller trip
2 effecting my plant and you should really be in those
3 abnormal. With a priority, I mean, you should be in
4 the one that caused you to get there, but your
5 priorities should be drywall pressure, drywall
6 temperature and then the chiller trip, getting another
7 chiller started. You know, that's just an example.

8 I guess more of a common sense approach or
9 more of a plant experience approach type thing. And
10 so, you know, you're going to have CRS' up there
11 looking in this book and, you know, saying, "Okay,
12 we'll need to get a chiller started". Okay, chiller
13 starts are an everyday plant event. It would probably
14 take us two hours to do it, right? No rush to start
15 a chiller. You get a break, you check the oil level,
16 blah, blah, blah, up to two hours, right?

17 Well, if you're stuck in that book and dry
18 well temperature and dry well temperature is going up
19 and you're not in that book, guess what, you're going
20 to be scram'd real soon because you're not paying
21 attention, because you don't have the common sense,
22 the technical expertise to know where you should be.
23 I mean, there's no -- there's nothing written down
24 that says, "Hey, you hit that alarm", even though that
25 means that chiller trip, you really should be looking

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1 at this, you know. There's no procedure in the world
2 that's that detailed. It just comes with experience
3 and technical expertise.

4 SPECIAL AGENT NEFF: Are you -- what about
5 your reactor operators in a scenario like that, what
6 are they doing?

7  I would say --

8 SPECIAL AGENT NEFF: Ready to jump in, do
9 you think, or --

10  Well, we have these standards
11 in place. So they have to do things a certain way.
12 That means they have to look at that alarm. It's the
13 first thing they have to do. They have to announce
14 that alarm to the CRS, get is repeat back
15 acknowledgment. Then they have to pick up the book
16 for that alarm, read what it says, tell the CRS. You
17 know, we have theses strict guidelines and standards
18 that we'd follow. In my day, the first thing I would
19 want to do is look at the alarm, acknowledge the
20 alarm. I could tell the CRS what it is, but
21 personally he's already frickin read the stupid ass
22 thing.

23 And the first thing I'm going to do is go
24 look at travel, temperature and pressure, okay. Maybe
25 I haven't looked at them in five minutes. All right,

1 I need to know what they are right now so I can
2 develop a trend, which way are they going, how fast
3 are they going.

4 And then I would go back over see, okay,
5 this chiller tripped. I'd call my equipment operator.
6 So, I mean, it's just -- it's shit like that that you
7 can't write into a standard, you can't write into a
8 procedure. You know, it's just a common sense --

9 SPECIAL AGENT NEFF: Right.

10 [REDACTED] -- type thing and they took
11 that away from us.

12 SPECIAL AGENT NEFF: Let me ask you this.
13 I'm digging in my bag for a list. It's usually handy.
14 I had an ops list.

15 SR. PROJECT ENGINEER BARBER: How can
16 anything be handy in that stack of papers?

17 SPECIAL AGENT NEFF: I had an ops list.
18 Probably back in my office. What percent, how many
19 CRS' do you have? I mean, I don't know without that
20 list handy. I mean, what's the pool of people and how
21 many --

22 [REDACTED]: Well, we have five sets -- we
23 have what three per set now?

24 MR. HERNANDEZ: Three or four and we have
25 some --

1 [REDACTED] That's 15 and we probably
2 have almost 15 off-shift, maybe not quite, 10 off-
3 shift.

4 MR. HERNANDEZ: I don't three or four, I'd
5 be guessing.

6 SPECIAL AGENT NEFF: So about 30 or so?

7 [REDACTED]: About 30 or so.

8 SPECIAL AGENT NEFF: What percent of that
9 do you have concerns with?

10 [REDACTED]: Twenty-five percent.

11 SPECIAL AGENT NEFF: That many?

12 [REDACTED]: Yes.

13 SPECIAL AGENT NEFF: What about at the OS
14 level, I mean, you have five on shift and you have
15 several more in different functions.

16 [REDACTED]: Right, so probably just say
17 ballpark, what we have 10 OS'?

18 MR. HERNANDEZ: Yeah, now with the
19 reorganization, they change people's titles. I don't
20 know how many we have.

21 [REDACTED]: And probably 20 percent of
22 that I'd have a problem with.

23 SR. PROJECT ENGINEER BARBER: So two or
24 three, something like that?

25 [REDACTED]: Yeah.

All 7C

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1 SPECIAL AGENT NEFF: There are around 10
2 OS', right?

3 [REDACTED] Right.

4 SPECIAL AGENT NEFF: Well, we've done
5 everything but name names.

6 [REDACTED] I'd prefer not to.

7 SPECIAL AGENT NEFF: You going to go
8 there? Are you going to help us out?

9 [REDACTED] No.

10 SPECIAL AGENT NEFF: It doesn't mean
11 there's a violation. What it would do for the purpose
12 of this inquiry, it would help us to focus, which is
13 what we're looking for. If there's incidents, if
14 there's problems, if there's -- a lot goes into the
15 safety-conscious work environment. If there's a
16 perception out there that people are being led by
17 people who haven't got a clue, then you'd want to hear
18 where that's coming from, directly where that's coming
19 from because it doesn't seem like -- it didn't seem
20 like that's the true case for you right now anyway, at
21 least as it stands now.

22 I don't know if that's accurate, though,
23 either.

24 [REDACTED] Let's say that Mr. [REDACTED]
25 knows who his weak links are. He's quite aware of it.

1 He's heard complaints from equipment operators, NCOs.
2 He knows who they are. If you want names, I would ask
3 that you ask him.

4 SPECIAL AGENT NEFF: [REDACTED]

5 [REDACTED] Yes.

6 SPECIAL AGENT NEFF: What about in terms
7 of these would be presumably tricky items to find
8 documented, that type of thing, but is there anything
9 that would point in that direction, exhibit that
10 there's some issues there?

11 SR. PROJECT ENGINEER BARBER: How about
12 plant problems, plant equipment issues, transients?
13 Is there anything that these knowledge deficiencies or
14 problems --

15 [REDACTED] There are things written
16 about them. In one case I can think of where there
17 were tags left on some equipment a dry well, and there
18 was a particular CRS that had the job assigned to the
19 Eos. He gave the brief, told them exactly what to do.
20 They got there, he said, "Hey, there's still tags on
21 these two valves", you know. He said, "Oh, yeah, why
22 don't you just leave them there". Hello? So they
23 did. They did what they were told. You know, they
24 questioned it and they said, "No, that's normal", like
25 he expected it. "Leave them there". They came out

1 and it wasn't, it wasn't expected. It was wrong. So
2 there was a notification written.

3 So, I mean, the documentation is there in
4 SAP, but you're not going to find names with it, do
5 you know what I mean. You're not going to find that
6 this was the supervisor who said, "No, leave the two
7 tags there, that's normal".

8 SPECIAL AGENT NEFF: It would be like a
9 tagging error notification type of thing?

10 [REDACTED] Right. And so tracking down
11 the actual names of individuals who screwed up would
12 be very -- almost impossible.

13 SPECIAL AGENT NEFF: So without going
14 through the operators on each shift and assuming
15 they're going to be as forthright as you apparently
16 are --

17 [REDACTED] Well, what you can do is when
18 you find --

19 SPECIAL AGENT NEFF: -- we're not going to
20 get there.

21 [REDACTED] -- notification, normally
22 what we try to do is the person that screwed up writes
23 the notification. So if you see who the author is of
24 that notification, then that's who you go to is that
25 author. Most likely you're going to find that it's

1 the guy that screwed up. But if it's not, he'll know
2 who did screw up.

3 Like my last screw-up, [REDACTED]
4 [REDACTED] on myself. I left a fuel transfer pump
5 for a diesel running for six hours during my logs, and
6 so you would see the [REDACTED] the notification was
7 me. And typically, that's the way it goes. It
8 doesn't always go that way, especially at the end of
9 the shift. If something happens at the end of the
10 shift, you know, then we do the fact finders, get all
11 our paperwork together and it may be the next shift
12 that actually writes the notification.

13 But typically the best way to find screw-
14 ups is through the author of the notification.

15 SPECIAL AGENT NEFF: Notifications. Would
16 you have any knowledge about performance appraisals?

17 [REDACTED]: At the supervisory level?

18 SPECIAL AGENT NEFF: Uh-huh.

19 [REDACTED]: No, I've never seen -- I know
20 they do them.

21 SPECIAL AGENT NEFF: You wouldn't have any
22 basis to be able to compare them or say that part of
23 that becomes a factor in their appraisal overall,
24 notifications, screw-ups?

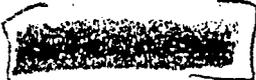
25 [REDACTED]: Oh, yes, I would say -- I

1 mean, I would assume that their appraisals are just
2 like my appraisals and that that type stuff would be
3 in there.

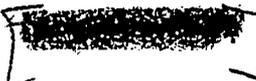
4 SPECIAL AGENT NEFF: Okay, I guess we're
5 looking at --

6 : The other way you could find
7 out who the screw-ups are is make the company provide
8 you with pay raises and you will find that the bottom
9 people on the pay raises are the ones that are
10 screwing up, the ones that are getting zero percent
11 pay raise.

12 SPECIAL AGENT NEFF: Tagged to performance
13 appraisals?

14  Right.

15 SR. PROJECT ENGINEER BARBER: One of the
16 things you said earlier and you even used -- I think
17 you mentioned your kids as an example, was, you know,
18 when Eileen asked about whether you've ever been
19 retaliated or in some way felt, some sort of
20 retribution or something for something you've done and
21 you said, "Well, everybody does".

22  Right.

23 SPECIAL AGENT NEFF: We were talking
24 adverse actions, I think.

25 SR. PROJECT ENGINEER BARBER: Adverse

1 actions. Have you ever -- have you ever felt that
2 maybe it went maybe a little bit too far, was unfair?
3 [REDACTED] No, I can't think of any case
4 where they went too far, it was unfair. I can give
5 you my example and, of course, there's no proof tied
6 to this. My first -- [REDACTED]
7 [REDACTED] my first refuel outage after that I was
8 assigned to what's called the ECCS team for the entire
9 outage. The ECCS team is the team that busts their
10 balls, does all the big core spray, RJR valves, all
11 the dry well work, you know, the hard work which you
12 typically assign your new guys to, the new young guys,
13 fresh with the company, you know, three or four years
14 or so, not one of your senior guys that's been around
15 for [REDACTED]

16 It's idiot work, in other words. It's
17 just all grunt work. And so my first refuel outage I
18 was assigned to the ECCS team for the first time in
19 many years. I'm like, okay, no big deal. You know,
20 I can handle that. I can do that work. I can take
21 the pain. So I didn't complain to anybody, I didn't
22 say anything but I knew it, I knew in my head it's
23 okay. You know they're out, you know, to see if I can
24 really still be an EO, just to give me a little push,
25 make me work a little harder than what I should and

1 typically, even the new guys you would only have on
2 OCCS for a couple of weeks, then you'd put them on
3 electrical for a couple of weeks or so and put them
4 back on ECCS.

5 When I was no ECCS, I was the only one for
6 the entire outage. So, I'm like that's cool. Well,
7 something came up to where they needed an experienced
8 guy. So they pulled me off the ECCS team one night
9 and sent me to the boilers because steam seals were on
10 the boilers and the boilers were tripping. So it was
11 like, great, I get a break. I'm cool with that,
12 right.

13 One of the supervisors who was going over
14 to the boilers came out to talk to me. He said, "Hey,
15 how are you doing, you know, how are the boilers
16 going". And then he looks at me and he says, and you
17 know, just off the top of his head, he didn't mean to
18 say it, he says, "Why are you out here? They're not
19 supposed to give you the boilers". (Laughter) Like,
20 "What do you mean by that comment"?

21 "You were just supposed to do the ECCS the
22 whole outage". I said, "Why", and then he wouldn't
23 talk to me no more. That was pretty funny. That's
24 the type of retaliation that I seen. You know, make
25 the guy, you know, bust his balls. The same with my

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1 kids, all right, you caught me smoking in the living
2 room and I'm going to get in trouble with mom. Okay,
3 go clean your room, you know. That's what I see. I
4 don't see any, you know, trying to get fired or
5 anything like that.

6 SPECIAL AGENT NEFF: Well, it sounds like
7 you handled it. How long did it go? If the other
8 guys got to work it for a couple weeks, you got what,
9 10?

10 [REDACTED] It was five weeks.

11 SPECIAL AGENT NEFF: Five? Five weeks
12 long? But you're kind of minimizing, you know, what
13 happened there and I guess what I'm wondering is do
14 you see it happening at a level if not with you, in a
15 way that would make people say, "I've got nothing to
16 say, I have no concerns to raise and I'm not putting
17 my neck out there any more"?

18 [REDACTED] Well, different people have
19 different personalities.

20 SPECIAL AGENT NEFF: Understood. Some of
21 this is your own internal --

22 [REDACTED]: Right.

23 SPECIAL AGENT NEFF: -- whether you're
24 going to go forward with something or not.

25 [REDACTED]: Right.

ALL 7C

1 SPECIAL AGENT NEFF: But do you see a
2 response that -- from the company, from management and
3 we'll just say CRS level and above, that would tend to
4 discourage people or be of enough concern for somebody
5 not to bring forward concerns?

6 [REDACTED] I would say over-wide they
7 handle everyone pretty much the same. They can
8 discourage you from bringing up things by saying,
9 "You're a pain in my ass, go clean the diesels", you
10 know, but it's more of a natural response, you know,
11 a human response, not a company response. Do you know
12 what I'm saying?

13 They're not being told from their bosses,
14 "Hey, this guy is, you know, being a pain in the ass,
15 give him extra work", type thing.

16 SPECIAL AGENT NEFF: Target him.

17 [REDACTED]: Right, I don't see that
18 happening.

19 SPECIAL AGENT NEFF: What do you see, it's
20 a tit for tat kind of thing?

21 [REDACTED] Right. But that's my
22 personality. I mean, they can make me work for ECCS
23 for five weeks, you know, I don't give a shit.

24 SPECIAL AGENT NEFF: Well, what happens if
25 -- I mean, you're --

1 [REDACTED] Somebody with a different
2 personality would really take that personal.

3 SPECIAL AGENT NEFF: And I'll give you
4 that. It seems like your tolerance level for that
5 kind of thing is, you know, way up there, where
6 somebody else's might be --

7 [REDACTED] It takes a lot to piss me
8 off.

9 SPECIAL AGENT NEFF: -- less than -- okay,
10 all right, and that helps to understand from, you
11 know, what your perspective is on the whole thing.

12 [REDACTED] Right.

13 SPECIAL AGENT NEFF: But after the ECCS
14 gig, what happened after that? Did you get something
15 else or did it go away or --

16 [REDACTED] Well, no, because only during
17 outages are the supervisors actually in charge of the
18 EO's as far as assigning them jobs and then it goes
19 back to the NCO after the outage is over. So --

20 SPECIAL AGENT NEFF: You're back on good
21 company?

22 [REDACTED] I'm back in good company,
23 right.

24 SPECIAL AGENT NEFF: Okay, so then what,
25 18 months goes by and --

1 [REDACTED] Right, 18 months and everyone
2 would have forgotten about it by then so it's no big
3 deal, right.

4 SPECIAL AGENT NEFF: So you were okay
5 since then?

6 [REDACTED] Yeah.

7 SPECIAL AGENT NEFF: Or are you perceiving
8 that kind of activity coming your way?

9 [REDACTED] I still perceive it a little
10 once in awhile but I'm not sure if it's real or if
11 it's just perceived because, you know, all right, I
12 know [REDACTED] doesn't like me because I've put him
13 against the wall type thing. You know, I gave up [REDACTED]
14 [REDACTED] I made him look bad, you know. So maybe
15 he'll make a comment that I think, "Well, he said that
16 because I gave up [REDACTED] but I think that's more
17 of a perception than it is a reality".

18 SPECIAL AGENT NEFF: It doesn't seem to
19 bother you.

20 [REDACTED] Right. Do I think the
21 company harasses anyone on a continuous basis? No.
22 I mean, do they pick a guy out once in awhile that
23 pisses them off, you know, like the [REDACTED] thing
24 and walk him off-site, yes, absolutely, sure. But I
25 think it's all short-lived, there's no long-term

1 target this guy type thing.

2 SR. PROJECT ENGINEER BARBER: Was there -
3 - do you think in that instance do you think there was
4 any intent to quote "teach the union a lesson"?

5 [REDACTED] Oh, sure there is, sure.

6 SR. PROJECT ENGINEER BARBER: I mean, he
7 just happened to be the person.

8 [REDACTED] Right.

9 SR. PROJECT ENGINEER BARBER: But really
10 the malice was directed at the union or was it? I
11 mean, I'm just --

12 [REDACTED] I mean, it could have been.
13 I don't know but, yeah, I would say they wanted to
14 teach the union a lesson and sometimes the union does
15 the same thing to them. You know, "Okay, we're
16 pulling all of our guys back to shift to teach you a
17 lesson". I mean, that's somewhat life, you know. The
18 same with my kids, "Okay, you're not getting ice cream
19 for that", you know. But as far as long-term targets,
20 I don't think so.

21 SPECIAL AGENT NEFF: And has that been
22 pretty much consistently what you've observed in, you
23 know, let's say that past four, five, six years?

24 [REDACTED] Yes.

25 SPECIAL AGENT NEFF: It's the same today

1 as it ever was and --

2 [REDACTED]: Yes.

3 SPECIAL AGENT NEFF: -- it's not a long-
4 term thing. It might be some sort of little grudge
5 kind of thing, but --

6 [REDACTED]: Right, that has not changed.

7 SPECIAL AGENT NEFF: But you tagged it
8 more to an individual whether they would -- they would
9 see something like that and yet continue to raise an
10 issue, individually, whether they're -- you haven't
11 seen it to the point where people just shut down.

12 [REDACTED]: No.

13 SPECIAL AGENT NEFF: Let me put it this
14 way; part of the safety conscious work environment is
15 one that allows people to function where if they see
16 something that causes them concern, they're free to
17 raise that issue and get an answer to it. Is that
18 what's happening here?

19 [REDACTED]: I feel the issues are being
20 raised and everyone is comfortable with raising the
21 issues. Most of the issues get resolved. However, it
22 may take two, three, four years.

23 SPECIAL AGENT NEFF: Okay, it depends on
24 the priority it gets assigned then in terms of issues.

25 [REDACTED]: Right, and the -- I think the

1 company --

2 SPECIAL AGENT NEFF: It took awhile didn't
3 it? I'm referring to the tape opening, not to your
4 answer. I wouldn't want to skew that on the record.
5 That was a difficult tape to pop open. Okay, so from
6 what you see, that aspect of that functions. People
7 can raise concerns and still move along and expect to
8 move along in -- you know, without --

9 [REDACTED] Well, when I say "people",
10 I'm referring to the union.

11 SPECIAL AGENT NEFF: Okay, your peers
12 then.

13 [REDACTED]: Yes. I feel the CRS' are
14 under a different pressure than we are. That if they
15 are a pain in the ass, if they want to reduce reactor
16 power by two percent, I think they may be a little
17 more hesitant to take that up to their boss than what
18 the union is to take it to the CRS.

19 SPECIAL AGENT NEFF: Okay, now the reason
20 for that would be what we discussed before.

21 [REDACTED] Evaluations, power
22 production, earnings per share.

23 SPECIAL AGENT NEFF: Okay, tagging their
24 pay to conservative action type thing.

25 [REDACTED]: Right.

All
7C

1 SPECIAL AGENT NEFF: Have -- in saying
2 that, have you seen any instances where you've seen
3 lower level management challenge upper level
4 management?

5 [REDACTED] The case where I gave you
6 with the two percent power, [REDACTED] was the [REDACTED]
7 and he did want to lower power by two percent.

8 SPECIAL AGENT NEFF: Okay.

9 [REDACTED] And in my opinion, the NCO
10 had the authority, he should have done it first. The
11 authority was taken away from him. The CRS should
12 have had the authority. He wanted to do it, should
13 have done it, authority was taken away from him by the
14 OS. That's the only real example I can give you. I
15 can't think of anything else.

16 SR. PROJECT ENGINEER BARBER: Would you
17 say the pressure, the production pressure under that
18 circumstance is excessive, in your judgment?

19 [REDACTED] Absolutely. Two percent
20 power, in my opinion, is nice, slow, conservative, no
21 significant change.

22 SR. PROJECT ENGINEER BARBER: And one of
23 the things we've talked about, we've kind of -- we've
24 talked about it a lot through our discussion this
25 evening is that --

1 *** Audio interrupted***

2 SPECIAL AGENT NEFF: Side 12, it's
3 approximately 9:56 p.m.

4 SR. PROJECT ENGINEER BARBER: We were just
5 talking about the situation where there was a desire
6 to lower power and I was just recounting that talking
7 about the competitive environment, the deregulated
8 environment. Do you think that that was a big player
9 in the push to maintain power at where it was as
10 opposed to lowering it that small amount or was it
11 that plus the bonuses or was there something else
12 there?

13 7C — [REDACTED] Well, the bonuses are part of
14 the deregulation. It's a fallout from deregulation.
15 Their B bonus is tied to a power production and IMPO
16 indexes and how many safety instances you had on
17 shift. That all came out of the deregulation. I would
18 say absolutely the lack of power reduction that day
19 was 100 percent tied to deregulation, their pay,
20 earnings per share.

21 SR. PROJECT ENGINEER BARBER: Have you
22 heard that come up in other instances besides this,
23 either through your firsthand knowledge or through
24 things you just heard about other issues that came up
25 in the plant?

1 [REDACTED] Well, I've heard 10,000
2 rumors. I hear them on a daily basis. They have no
3 facts. I'm only willing to talk about the facts that
4 I was there for, that I know to be facts.

5 SR. PROJECT ENGINEER BARBER: Okay, well,
6 how about you then? Do you have any other instances
7 where things like this had happened, whether it has to
8 do with, I mean, something very specific like this or
9 other things where there's opportunity to make a
10 decision one way or the other, and it seemed like it
11 was biased towards either keeping the plant up or not
12 reducing power as soon as it should have been or
13 delaying the shutdown or what have you?

14 [REDACTED] Well, the only other
15 situations I can give you is not fixing a problem
16 because it would cost too much money type thing.

17 SPECIAL AGENT NEFF: To go into the --
18 [REDACTED] To go into the dry well and
19 fix the leaks, to --

20 SPECIAL AGENT NEFF: You say that that
21 goes into your recognition that there's a failure to
22 take conservative action --

23 [REDACTED] Right.

24 SPECIAL AGENT NEFF: -- because of that.
25 How about going back to this incident with the

1 potential over-power event there, when [REDACTED]
2 went back and forth with you, it took about an hour
3 and then you said a 10-minute discussion for him to
4 tell you what direction to go, in anywhere along that
5 line was he explaining why he was hesitant? I know
6 you were having technical discussions in terms of what
7 you could read to see what your power level was.

8 [REDACTED] Right. His explanation was
9 that we were currently at 100 percent when it
10 happened. We've done nothing to change power.

11 SPECIAL AGENT NEFF: Okay.

12 [REDACTED] So, therefore, power should
13 not have changed. Therefore, we should not be in
14 violation. And that we have other indications of
15 power, that APRMs, et cetera, et cetera that we should
16 be using as operators to maintain 100 percent power.
17 So that was his justification.

18 SPECIAL AGENT NEFF: Okay, was there any
19 mention at all in terms of this hesitating to take it
20 down one, two percent because you then wouldn't be at
21 full power? Was that coming from him at all?

22 [REDACTED] No, not those exact words,
23 but he just -- for some reason you had the feeling, I
24 don't know why, probably because it's the overall
25 management talks and expectations of maintaining --

1 you know, they put those charts on there and those
2 charts, they can show you a half a percent power that
3 you weren't operating. You know, you were at 99.5,
4 for you know, two hours, you know, why? You see those
5 charts.

6 And I'm exaggerating slightly. I'm
7 exaggerating slightly but I'm just saying that when
8 they put those screens on the board, you can see those
9 little dips where you had a little down power, you
10 know, and that's the detail, the graphs that they're
11 giving us. That's what they want us to see. That's
12 the picture they want us to see.

13 SPECIAL AGENT NEFF: So that would be seen
14 as something that would have to be explained.

15 7C [REDACTED] Right.

16 SPECIAL AGENT NEFF: You know, you went
17 down, let's justify why.

18 7C [REDACTED] Right, why were we at 99-1/2?

19 SPECIAL AGENT NEFF: Okay.

20 SR. PROJECT ENGINEER BARBER: Have you
21 ever been present for a situation like that where
22 something had to be explained, like in training or in
23 some other shift meeting or something where there was
24 some discussion of, "Yeah, we have to describe why we
25 were at slower power and we have to have a reason"?

1 Has that ever come up?

2 [REDACTED] Typically, when they have the
3 graphs, they already have the explanation. They've
4 already done their research. They know why power was
5 down.

6 SR. PROJECT ENGINEER BARBER: Is it really
7 that -- I mean, you're saying a half a percent. What's
8 the -- is it two percent or five percent or -- you
9 know, is it -- you know, if you have -- if you look at
10 like the operation of the plant over a year, you might
11 see, you know, maybe an outage. You might see a
12 couple of forced outages. You might see a plant trip.
13 And then you might see some --

14 [REDACTED] Some rod swaps. Yeah.

15 SR. PROJECT ENGINEER BARBER: Yeah, other
16 things and then you might see a bunch of other really
17 tiny stuff --

18 [REDACTED] Right.

19 SR. PROJECT ENGINEER BARBER: -- that
20 nobody pays attention to.

21 [REDACTED] Right.

22 SR. PROJECT ENGINEER BARBER: And what
23 you're telling me is that little tiny stuff that no
24 one pays attention to is being paid attention to.

25 [REDACTED] Yes, absolutely, yes.

ALL
TC

1 SR. PROJECT ENGINEER BARBER: And is there
2 some attempt to say, you know, this was justified, it
3 was not justified, you know, it was a conservative,
4 not a conservative decision? You know, there was no
5 reason for us to take this small down power? I mean,
6 is that kind of sentiment coming out?

7 TC [REDACTED] More of the sentiment is we
8 need to maintain 100 percent power as long as
9 possible, more on-line maintenance, just to get the
10 graph to be flat line across the top with the
11 exception of your 18-month outage. You know, that's
12 pretty much the goal, and that's what they're pushing
13 for, a nice flat 100 percent graph, come down, do your
14 outage as short as possible, come right back up, and
15 maintain 100 percent. And part of that is the IMPO
16 index. I mean, I think an organization such as IMPO
17 should not be pushing the capacity factor the way they
18 are. They should be much more into safe, reliable
19 operations.

20 I basically think that IMPO's against the
21 NRC. I mean, I know that's kind of a far stretch but
22 they are. They want you to maintain a capacity factor
23 of 98 percent. Now, can I understand that yeah, in
24 order to be a good plant, you have to run? Yes, I can
25 understand that but when all the plants, you know, are

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1 so competitive the way they are, to whereas .1 percent
2 could make you the number 1 plant versus, you know,
3 number 3, that's excessive, right?

4 I mean, if I treated my kids' report cards
5 that way, they would hate me, you know. So, I mean,
6 part of the problem is IMPO, or their capacity factor
7 index.

8 SR. PROJECT ENGINEER BARBER: Okay. We
9 were also previously we were talking about some of the
10 people that were maybe easier to work with than others
11 who were more difficult and you mentioned two of the
12 [REDACTED] who were more difficult and you said [REDACTED]
13 was one. I think you said [REDACTED] was the other
14 one.

15 [REDACTED] At that time, yes. That is
16 not the same at this time.

17 SR. PROJECT ENGINEER BARBER: And then [REDACTED]
18 has changed.

19 [REDACTED] Yeah.

20 SR. PROJECT ENGINEER BARBER: And why do
21 you think [REDACTED] is still so difficult to work with?

22 [REDACTED] Can I sum it up in one word?

23 SR. PROJECT ENGINEER BARBER: If you want.

24 [REDACTED] Stupid. Sorry. You can tell
25 I don't like him.

1 SR. PROJECT ENGINEER BARBER: Yeah.

2 [REDACTED] He is just the -- he can't
3 change, do you know what I mean? He can't -- he loves
4 feedback. I've never seen any person in my life who
5 just loves feedback. "Tell me how I'm doing, how am
6 I doing, how am I doing"? "You suck", you know, "and
7 we've told you that before. You suck. We don't like
8 you. You know, you are too forceful in this, blah,
9 blah, blah", and you know, he takes the feedback.
10 Incredible, he takes the feedback and says, "Okay, I
11 understand". And then that's the end of it right
12 there.

13 SPECIAL AGENT NEFF: He asks for it but
14 doesn't act on it.

15 [REDACTED] Right. There's no change.
16 He's exactly 100 percent and the very next day, he'll
17 ask you for your feedback again. I mean, personally,
18 I think, you know, maybe this guy needs to be in a --
19 you know, a mental hospital somewhere, you know.

20 SPECIAL AGENT NEFF: Seriously?

21 [REDACTED] Some days I feel that way,
22 yes, yes. I think something is not quite right but
23 that's my personal opinion. I'm not a professional
24 psychologist. (Laughter)

25 SPECIAL AGENT NEFF: What about in terms

1 of how that would challenge the plant in terms of safe
2 operations for the plant? Are there issues there that
3 that would cause? I mean, if he's not thinking right.

4 [REDACTED] You know, me working for him
5 as an [REDACTED] with him as a senior, and the shit hit the
6 fan and we were in some type of a melt-down or et
7 cetera, et cetera, I wouldn't even listen to him. I
8 really wouldn't. I would do what I had to do and what
9 I knew was right because I know the shit coming out of
10 his mouth is just not going to be right. That's my
11 personal opinion.

12 And so when you have a work environment
13 like that, to where your NCOs are not going to listen
14 to your senior supervisor because they think he's an
15 idiot, you have a problem.

16 SR. PROJECT ENGINEER BARBER: Does it --

17 SPECIAL AGENT NEFF: Hypothetically --

18 MR. HERNANDEZ: You need to clarify what
19 you said. Man, I mean, that's --

20 [REDACTED] I've gone over the edge,
21 right.

22 MR. HERNANDEZ: Right.

23 SPECIAL AGENT NEFF: You're hypothetically
24 -- that's a hypothetical.

25 [REDACTED] Yes, yes. 411 7c

1 SPECIAL AGENT NEFF: If x happens, but
2 have you seen situations where people are so
3 uncomfortable with his direction that the control is
4 not the OS', the control is on somebody else's hands
5 when stuff goes abnormal?

6 [REDACTED]: No, I have never seen that in
7 real life, no.

8 SPECIAL AGENT NEFF: But you just don't
9 think he can handle it.

10 [REDACTED]: That's correct.

11 SR. PROJECT ENGINEER BARBER: I want to
12 explore that a little bit. I mean, I can't tell if
13 what you're describing is mainly based on your
14 personality difference or if there's a technical
15 competency problem. And you sort of describe it as
16 sort of maybe a potential technical competency issue.
17 And not everything is as cookbook as the OP's as you
18 pointed out. There may be some things that at face
19 value may appear to be a lessor transient or what have
20 you but, you know, as we found out with TMI, you know,
21 not everything is large break local dependent.

22 [REDACTED]: Right.

23 SR. PROJECT ENGINEER BARBER: You know,
24 there are other things that could result in more
25 complications and give something a lot more trouble in

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1 the plant.

2 MR. HERNANDEZ: Let me just jump -- I
3 think my opinion of what he was saying, if I could try
4 and paraphrase it.

5 SR. PROJECT ENGINEER BARBER: Okay.

6 MR. HERNANDEZ: Is that if something was
7 happening and [REDACTED] was giving an order, you are also
8 licensed. If the information he's giving you, you
9 know, you feel is incorrect, you have to make a
10 decision because you are also licensed to do what you
11 think is correct for the plant , or to just listen to
12 what your supervisor is saying even though you know it
13 was wrong or you talk to other people and try to get
14 other opinions into it to see what is the correct
15 decision.

16 I think it was a flamboyant way of saying
17 that.

18 [REDACTED] Well, partially. I'm not
19 saying the guy is technically incompetent. He's not.
20 In fact, he is a very smart guy, he really is. He
21 would be an excellent engineer. But what I am saying
22 is his priorities aren't right.

23 SR. PROJECT ENGINEER BARBER: Is this
24 going to the people being able to figure out what's
25 important?

1 [REDACTED]: Right, what's important and
2 what you really should be looking at technically, the
3 experience level type thing.

4 SR. PROJECT ENGINEER BARBER: Okay.

5 [REDACTED]: Okay, and --

6 SR. PROJECT ENGINEER BARBER: Now, how
7 long has he been --

8 SPECIAL AGENT NEFF: I mean, that's a
9 pretty big discrepancy. He's either smart or he's
10 stupid.

11 [REDACTED]: Right, I mean, I call him
12 stupid because I say he has no common sense.

13 SPECIAL AGENT NEFF: Okay, he's engineer
14 smart.

15 [REDACTED]: Oh, he's definitely engineer
16 smart. He's a pretty sharp guy. He's -- you know,
17 there's no doubt about that. I mean, obviously, he
18 can pass all the exams, you know, all the simulator.
19 It's just his priorities, his common sense type thing.

20 SPECIAL AGENT NEFF: Dealing with people,
21 things like that.

22 [REDACTED]: Dealing with people, you
23 know, what he really should be looking at. And his
24 understanding of, for example, the two percent
25 reduction in reactor power, everything that he told us

1 to look at is delayed or it doesn't update, you know,
2 until like a three-percent change, you know.

3 SR. PROJECT ENGINEER BARBER: Could that
4 have been just kind of a hindsight way of justifying
5 wanting to keep the plant in power? I mean, that he
6 basically knew he didn't have an argument, so he just
7 forced one?

8 7C [REDACTED] No, because, like I say, he
9 went to a sounding board. I mean, he went to [REDACTED]
10 and asked him his opinion. So, I mean, if it was just
11 based on only 100 percent, you know, I don't want to
12 lose a nickel from my paycheck, I don't think he would
13 have gone to [REDACTED] unless he went to [REDACTED] you
14 know, just to get someone to back him up. I don't
15 know. I don't know.

16 I think that he knew the plant was stable.
17 He knew nothing was going to happen to the plant if we
18 didn't touch it. And I think he just -- his priority
19 or his conservative decision in this case was, "Well,
20 why should I do something if I don't have to do
21 anything"? You know, he was missing the common sense
22 approach that, you know, xenon is changing. At any
23 time we could have a small feed water feeder transient
24 and not see it because you've taken away our
25 instantaneous update.

1 He just wasn't looking at the big picture,
2 the whole priority. It was more of, well, you know,
3 my car is running fine now, so why should I do
4 maintenance to it type thing.

5 SPECIAL AGENT NEFF: You're saying why
6 guess if your not over-power, when you can know you're
7 not over-power.

8 [REDACTED] When you know you're not.
9 When you can take a conservative action to basically
10 no matter -- if you do take a little feedwater heat
11 transient, you're not going to exceed 100 percent.
12 You're not going to be writing notifications. You're
13 not going to be informing the NRC, "Hey, we went over
14 100 percent power because of this little excursion".
15 You know, why --

16 SR. PROJECT ENGINEER BARBER: Was there
17 any -- I mean, you eluded to this kind of change in
18 standards where you, you know, needed to get
19 permission -- well, the OS' needed to get permission
20 from the AOM prior to rolling the power. Could that
21 have fed into his decision making, that he didn't want
22 to lower power because he didn't want to call the AOM
23 at --

24 [REDACTED] Well, it was on the day
25 shift. Everyone was there. He could have called

1 anyone instantaneously.

2 SR. PROJECT ENGINEER BARBER: Well, I
3 mean, it may have been like kind of a black mark on
4 his record. You know, he may have perceived it that
5 way. It's like, you know, "I'm doing really well, my
6 capacity factor is really high for my shift".

7 [REDACTED] Right, I think they all
8 perceived it that way.

9 SR. PROJECT ENGINEER BARBER: You know,
10 and so I'm going to try and keep it here.

11 [REDACTED] I believe they all perceive
12 it that way, but there's nothing written down.

13 SR. PROJECT ENGINEER BARBER: Well, how
14 about has there been instances that you can think of -
15 - we talked a little bit about where there were -- the
16 loss of the CMS computer but that maybe you talked to
17 the shift where it happened and the shift manager said
18 or the OS said, "Do you know what, I still don't care.
19 I'm still going to lower power two percent". Like
20 preceded the guidance -- did the guidance just come
21 out when your shift had it and it had never happened
22 before or had it actually happened?

23 [REDACTED] It had happened, not the
24 exact same thing, but similar things had happened
25 where we had lowered reactor power.

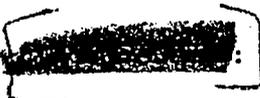
1 SR. PROJECT ENGINEER BARBER: Okay.

2  There's -- up to this point,
3 a NCO wanting to lower recirc was never an issue
4 before deregulation. It was never an issue. You can
5 -- you can go up there and lower power, just to show
6 somebody you could lower power, that's an
7 exaggeration.

8 But I mean, an NCO never had an issue if he was
9 uncomfortable. He could lower reactor power. If he
10 was uncomfortable, he could pace that bolt twist to
11 shut down, you know, if he saw an APRM spike and you
12 know, he thought it was a power oscillation.

13 Even if he's wrong, and he thought he saw
14 the spike. He says, "Hey, I got an APRM oscillating,
15 I'm going to twist a shut-down". There was no
16 required pregnant pause, you know. The reactor
17 operator was in control of the reactor. He was the
18 licensed guy responsible for the reactor.

19 SR. PROJECT ENGINEER BARBER: Okay.

20  : And they took that away with
21 deregulation. And technically the CRS is also in
22 control of the reactor. And they haven't really taken
23 that away but they're trying like hell. They're
24 trying like hell in my opinion.

25 SR. PROJECT ENGINEER BARBER: Okay.

All TC

1 SPECIAL AGENT NEFF: What about we talked
2 about and we've asked you for instances where you see
3 evidence of this non-conservative decision making.
4 What about in terms of things that you've witnessed,
5 have you seen any examples where a control room crew
6 would be willing to be more aggressive in certain
7 instances but senior management came in and goes the
8 other way? Have they done anything like that, senior
9 management?

10 7c [REDACTED] That a control room crew
11 would like to be more aggressive than senior
12 management? No, it's always exactly the opposite.
13 Senior management has a schedule, especially during
14 start-ups and shut-downs. And those schedules will
15 have everything broken down. You'll be at this power,
16 this pressure, this temperature at this time, blah,
17 blah, blah. And that's what senior management goes
18 by. The control room crew is the ones doing the
19 manips and they can never keep on that schedule.

20 I've never seen a shut-down or start-up
21 where we were on schedule for the actual bringing the
22 plant down, bringing the plant up, and I've seen many
23 of OS push to maintain that schedule. And I even
24 allowed an OS to push me once to maintain that
25 schedule and I wound up scrambling the reactor. It was

1 already scrambled but we were doing depressure --
2 depressurization and I actually scrambled the reactor
3 on low level because we were trying to meet the
4 depressurization schedule to be at this certain
5 pressure at a certain time and we were lowering
6 pressure too rapidly. We were within our cool-down
7 and heat-upraised, no problems there.

8 Limit-wise, tech specs, the law and all
9 that crap we were fine. And which, you know, the
10 schedule takes that into account, well, you can be
11 here, you can be here, you know, blah, blah. But we
12 had never taken a plant down that fast. It is all
13 part of deregulation, shorter outages, blah, blah,
14 blah. So we're taking the plant down to pressure as
15 fast as we can and I'm on the by-pass valves. I'm the
16 one lowering the pressure.

17 And my other NCO is over in the corner
18 trying to maintain level. We had a defective start-up
19 control valve, had it for years, slow to respond and
20 sluggish, sticks. So I'm lowering pressure pretty
21 rapidly, within limits though, and he's trying to
22 maintain level in the start-up control valve. Well,
23 level is lowering, level is lowering. He's trying to
24 turn the start-up control valve and we take the second
25 scram, you know, twelve and a half, I went too low,

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1 tripped both reactor water clean-up pumps. It was a
2 nice little transient we had. And all that was based
3 on senior management wanting to meet the schedule of
4 depressurizing the reactor so we can get the head off,
5 so we can start to refuel.

6 SPECIAL AGENT NEFF: When did that occur?

7 [REDACTED] That was my last refuel
8 outage as an [REDACTED] so I don't know I'd have to go back
9 and look at the schedule but that was, I'm pretty sure
10 in the 2001 time frame.

11 SPECIAL AGENT NEFF: So past the mid-point
12 there because you're thinking the effects of
13 deregulation kicked in after what, two and a half
14 years ago.

15 [REDACTED] Correct.

16 SPECIAL AGENT NEFF: Your last refuel
17 outage as an [REDACTED]

18 [REDACTED] As an [REDACTED] right, which was
19 the one before last.

20 SPECIAL AGENT NEFF: Who were you working
21 for?

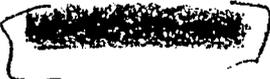
22 [REDACTED] That was -- [REDACTED]
23 (phonetic) was the [REDACTED] He was a [REDACTED] They bring
24 in all the off-shift OS' and they come up with this
25 special outage schedule for them. He wasn't my normal

1 shift manager. He was just a stand-in for the outage.

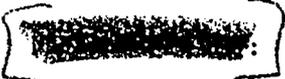
2 SPECIAL AGENT NEFF: What was the result
3 of that? I mean, did you have some sort of issues for
4 you as a result of that, I mean, remediation, any --

5  You had to go to the
6 simulator and do the, you know, pressurization, watch
7 it again, you know, a typical training day type
8 mitigation. You know, "What happened, what did you
9 see, what can we do to prevent it", type thing. But,
10 no, no retaliation of any sorts. I mean, that was
11 like a crew-wide event that happened, not a single
12 individual. But that was just based on the push of
13 the schedule, "Be at this pressure at this time, this
14 pressure at this time, you know, get the plant shut
15 down, you know, within 12 hours so we can head off an
16 18.

17 SPECIAL AGENT NEFF: And that's what
18 caused that.

19  Right.

20 SR. PROJECT ENGINEER BARBER: So there was
21 no removal from licensed duties or anything of that
22 nature?

23 : No, no. I mean, the
24 notification that was written -- basically it was the
25 first time that we tried cooling the plant down as

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1 rapidly as we could within our limits. We had just
2 never done it before.

3 SR. PROJECT ENGINEER BARBER: You mean 100
4 degrees an hour type stuff?

5 [REDACTED] Right, the 90 degrees an hour
6 is our administrative limit. You know, we always
7 practice --

8 SR. PROJECT ENGINEER BARBER: So you run
9 as close to that as possible.

10 [REDACTED] Right, we always practiced
11 trying to get as close to 90 as possible in the
12 simulator, but in the real world, you're lucky to get
13 40 or 50. This time we actually tried to get as close
14 to 90 or as the simulator as we could and within the
15 limits. And you can do it, but your other systems
16 can't handle it and we didn't know that.

17 SR. PROJECT ENGINEER BARBER: Well, could
18 it have handled it if the starter valve had worked
19 properly?

20 [REDACTED] Oh, yes, absolutely.

21 SR. PROJECT ENGINEER BARBER: Okay, so --

22 [REDACTED] The clean-up pumps, they
23 still trip on us on the pressure release and sometimes
24 now.

25 SR. PROJECT ENGINEER BARBER: Oh, you

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1 mean, while the -- okay, that's just one of the normal
2 oscillation signals.

3 [REDACTED] Right, it shouldn't happen.
4 I mean, there's a problem with the --

5 MR. HERNANDEZ: When you depressurize the
6 differential flow is flashing so it thinks that you
7 have a leak.

8 [REDACTED] It thinks you have a leak,
9 right.

10 SR. PROJECT ENGINEER BARBER: Okay.

11 SPECIAL AGENT NEFF: But the start-up
12 valve that had the -- that was stuck and sluggish, you
13 kind of indicated that had been a known problem. It
14 had been that way for awhile.

15 [REDACTED] In fact, it was a known
16 problem the entire time I was an [REDACTED]

17 SPECIAL AGENT NEFF: So this would have
18 been known at the time you're going into this move,
19 right, this particular manipulation?

20 [REDACTED] Yes, yes.

21 SPECIAL AGENT NEFF: Was that discussed or
22 taken into account in any way?

23 [REDACTED] I do not believe so, no.

24 SR. PROJECT ENGINEER BARBER: Was there a
25 briefing done on how to do this because it was kind --

1 [REDACTED] Well, the briefing for start-
2 ups or shut-downs are done pretty much in the
3 simulator. You pretty much go to the simulator. You
4 do your briefs, you simulate the whole thing.

5 SR. PROJECT ENGINEER BARBER: The day
6 before type thing?

7 [REDACTED] Right, the day before. It
8 could be, you know, three days before, you know,
9 whenever they can get everybody together.

10 SR. PROJECT ENGINEER BARBER: But I mean,
11 you would actually try to ramp the plant down with
12 that target, right?

13 [REDACTED] Yes.

14 SR. PROJECT ENGINEER BARBER: I mean, if
15 you wanted to run it at 90 --

16 [REDACTED] And of course, the simulator
17 doesn't have the start level control valve problem
18 because it's a simulator and yet you haven't been with
19 the start level control valve now for 18 months, so
20 it's pretty much in the back of your head. You've
21 forgotten about it, you know.

22 SR. PROJECT ENGINEER BARBER: I have a
23 couple of other issues I have to ask you about. You
24 may not have any knowledge of them.

25 [REDACTED] Okay.

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1 SR. PROJECT ENGINEER BARBER: But I just
2 want to find that out. There was a problem back in
3 March of 2003 with the turbine by-pass valve.

4 [REDACTED] Yes.

5 SR. PROJECT ENGINEER BARBER: Were you
6 involved in that at all?

7 [REDACTED] I was an [REDACTED] and no, I was
8 not on shift that day.

9 SR. PROJECT ENGINEER BARBER: Okay, so
10 you're not familiar with or --

11 [REDACTED]: Only the rumors and
12 discussions.

13 SR. PROJECT ENGINEER BARBER: Okay, how
14 about the reactivity management event that kind of --

15 [REDACTED] Went with that?

16 SR. PROJECT ENGINEER BARBER: -- yeah,
17 went with that?

18 [REDACTED]: Same thing, no involvement,
19 just stories and rumors.

20 SR. PROJECT ENGINEER BARBER: Okay, how
21 about there was a diesel problem back in June. It had
22 to do -- it was kind of a maintenance problem. It had
23 to do with leakage from an inner cooler pump.

24 [REDACTED] Yes.

25 SR. PROJECT ENGINEER BARBER: Were you

1 involved with that at all?

2 [REDACTED] I believe I was, yes, on at
3 least one of the runs involving that leak.

4 SR. PROJECT ENGINEER BARBER: Okay, and
5 you were an [REDACTED] at the time?

6 [REDACTED] Yes.

7 SR. PROJECT ENGINEER BARBER: Do you
8 remember much about how that went, how -- you know,
9 how the sequence of activity kind of played out?

10 [REDACTED]: I remember having to quantify
11 the leakage and declare the diesel inop and we tagged
12 it out and they went in and fixed it. Is that the one
13 you're talking about?

14 SR. PROJECT ENGINEER BARBER: Yeah, except
15 it wasn't quite that clean, but there were a lot of
16 other things that happened in between. I think the
17 leakage was discovered like on a Sunday or -- and then
18 there was a decision made to re-eval the leakage on a
19 Monday. It was deemed to be excessive. There was an
20 operability called. The diesel was declared
21 inoperable and it started sending to our LCO and it
22 was like early in the morning, like on a Monday. It
23 was like at 4:00 o'clock in the morning or 4:30 or
24 something.

25 And then there were -- let's see you've

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1 got 72 hours, that takes you Tuesday, Wednesday,
2 Thursday, so Thursday at like 4:00 in the morning, the
3 LCO expired but there was some repair attempts that
4 were made. There were some shims that were installed
5 and there were --

6 [REDACTED] I think we're talking about
7 a different leak then.

8 SR. PROJECT ENGINEER BARBER: Yeah.

9 SPECIAL AGENT NEFF: That doesn't seem to
10 ring a bell with you.

11 [REDACTED] No.

12 SR. PROJECT ENGINEER BARBER: And I'm just
13 trying to find out what you knew about it. Actually,
14 what I was going to get to, this is all really
15 background, but there was -- basically what happened
16 is, is normally you wouldn't get to the 72-hour thing.
17 You know, you'd usually get it fixed within that time
18 frame.

19 [REDACTED] Right.

20 SR. PROJECT ENGINEER BARBER: Well, in
21 this instance, the 72-hour point was exceeded. And
22 you were in the -- the plant was in the 12 hours to --

23 [REDACTED] Twelve-hour shut-down, LCO.

24 SR. PROJECT ENGINEER BARBER: Yeah.

25 [REDACTED] Right.

1 SR. PROJECT ENGINEER BARBER: I've heard
2 that exact wording but basically where you had to have
3 a clean-off line within 12 hours. And you know, the
4 normal way to do that would be in a controlled fashion
5 so you're not -- it's not, you know, I'll wait till 11
6 hours 55 minutes and -- you don't do that.

7 [REDACTED] Right.

8 SR. PROJECT ENGINEER BARBER: You work out
9 a plan, reactivity management plan and you just reduce
10 power over some period of time. There's some
11 allowance made to how long it takes, and I just
12 wondered if you have any knowledge about, you know --

13 [REDACTED] No.

14 SR. PROJECT ENGINEER BARBER: -- any of
15 the time delays or anything along that lines.

16 [REDACTED] No.

17 SR. PROJECT ENGINEER BARBER: Okay. How
18 about there was a problem, a fairly recent problem,
19 probably in the last couple months with [REDACTED]
20 (phonetic) with High Vibes (phonetic). Were you
21 involved in that at all?

22 [REDACTED] No.

23 SR. PROJECT ENGINEER BARBER: No? All
24 right, let me think for a minute or two.

25 SPECIAL AGENT NEFF: Do you want to think?

1 SR. PROJECT ENGINEER BARBER: Yeah.

2 SPECIAL AGENT NEFF: I have a question
3 going back on another issue just quickly, with that
4 stuck start-up valve and that issue going way back to
5 you think maybe late 2001, was that acknowledged that
6 -- I mean, you understood that that was due to
7 pressure to keep an outage schedule maintained.

8  Right.

9 SPECIAL AGENT NEFF: Was that acknowledged
10 by management? When you were doing your lessons
11 learned on that, was that in any way addressed or
12 handled or part of it?

13  Yes, it was and I'm pretty
14 sure the outcome was, "Okay, we're going to continue
15 to do depressurization this way because it's the only
16 way we can minimize our down time. The rest of the
17 industry is coming down in this amount of time. We've
18 got to -- you know, got to get there. So the -- we're
19 going to fix the start-up level control valve, we're
20 going fix the direct water clean-up pump trip", and so
21 yeah, they acknowledge it was pressure driven,
22 schedule driven. "Here's the problems we found".

23 It was more of a positive environment.
24 Here's the problems we found trying to do it, let's
25 see what we've got to do to get these fixed, so it

1 doesn't happen next time.

2 SPECIAL AGENT NEFF: And did it work that
3 way, did they get the start-up valve fixed?

4 [REDACTED] I think it's fixed now.

5 SPECIAL AGENT NEFF: Because I know by the
6 next outage --

7 [REDACTED] The next outage --

8 SPECIAL AGENT NEFF: -- you wouldn't have
9 been involved in that, directly involved in that.

10 [REDACTED] Right, but I'm pretty sure it
11 was not fixed by the next outage.

12 SPECIAL AGENT NEFF: Are you aware of --
13 [REDACTED] -- or at least start-up. It
14 was not fixed that outage, during that outage. It was
15 still a problem during the start-up.

16 SPECIAL AGENT NEFF: During the start-up.

17 [REDACTED] Right.

18 SPECIAL AGENT NEFF: I mean, were there
19 any incidents tagged to that or was it just something
20 that you had to work around, scrams or anything like
21 that?

22 [REDACTED] Well, we scramble in our
23 shut-down but we're already scrambled. I mean, you're
24 just getting another signal which is just a lot of
25 paperwork and --

1 SPECIAL AGENT NEFF: Okay, but on the
2 start-up did it cause a problem because it was still
3 not working.

4 [REDACTED] It causes a challenge I would
5 say, not really a scram or what it winds up doing is
6 having one guy tied up in that corner continuously and
7 creates a coordination problem, a distraction type
8 thing, because you've always got a guy there. He's
9 always got to know exactly what that guy is doing.
10 It's got to be coordinated type thing.

11 SPECIAL AGENT NEFF: Okay, so you have to
12 have dedicated resources for it.

13 [REDACTED] I think it has caused a half-
14 scram on the IRM upscales.

15 SPECIAL AGENT NEFF: Since or before this
16 issue?

17 [REDACTED] Since. And I can't remember,
18 I'm pretty sure it did.

19 SPECIAL AGENT NEFF: So when did it get
20 fixed?

21 [REDACTED] Is it fixed?

22 MR. HERNANDEZ: Yeah, they're always
23 messing with it. I mean, it's just a sluggish valve.
24 I don't know if you would ever call it really fixed.

25 SPECIAL AGENT NEFF: Is it possible to fix

1 it?

2 MR. HERNANDEZ: I don't know.

3 7C - [REDACTED] I'm sure if you replaced the
4 valve with a new design, but that would be a DCP and
5 a whole lot of money.

6 MR. HERNANDEZ: Right, I mean, I think --
7 I mean, what we have -- I mean, it doesn't operate as
8 smoothly as you would like it. But the whole -- you
9 know, the whole thing is supposed to run on automatic.
10 After a scram, it can't do it. So you have a whole
11 set point set-down and the system -- you have to take
12 minor control of the --

13 SPECIAL AGENT NEFF: Any questions on
14 that?

15 SR. PROJECT ENGINEER BARBER: No,
16 actually, I know a lot about that unfortunately. Have
17 you ever been in the control room when you felt that
18 there was some undue influence by any of the senior
19 managers, not so much the CRS' and OS now but AOM, OM,
20 plant manager, VP? I mean, have you ever been exposed
21 to something where there was some issue, some plant
22 problem, some, you know, discussion about a direction
23 to take and you've either been a party to the
24 discussion or overheard the discussion and it just --
25 you know, somebody at a high level in the organization

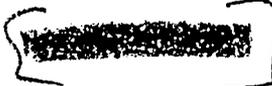
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1 says, "Well, I think we ought to do this and we ought
2 to move ahead this way", and you're sitting there kind
3 of scratching your head saying, "Gee, I don't
4 understand that logic. It doesn't make any sense to
5 me".

6  Probably the closest thing to
7 that I could say would be schedule pressure. Quite
8 often the AOM would come in and talk to the senior
9 about where you are at in the schedule type thing and
10 he's not really saying hurry up and get caught up but
11 the pressure is there, you know, for him to come in
12 and ask the OS, "Where are you at", and then the OS
13 has to come down on the floor and ask you, "What
14 pressure are we at", you know, "what is the delay",
15 you know, "why aren't we where we're supposed to be".
16 So other than the schedule pressure, I would say no.

17 SR. PROJECT ENGINEER BARBER: Okay, all
18 right, is that only in outage related activity,
19 primarily in outage?

20  No, on line, you know, if
21 we're getting behind on, you know, surveillance
22 testing or pretty much anything. They have some
23 certain number they have to cut off. You know, if we
24 have to be five minutes late for something --

25 MR. HERNANDEZ: 10:30.

1 [REDACTED] -- 10:31 or something, it's
2 pretty much 24 hours a day, seven days a week. It's
3 more apparent in outages.

4 SR. PROJECT ENGINEER BARBER: Okay, all
5 right, so that's been your only exposure to that?

6 [REDACTED] Yes.

7 SR. PROJECT ENGINEER BARBER: How about
8 outside the control room, like in the training
9 environment or a briefing or any other setting, have
10 you ever been exposed to something where you felt like
11 the manager was kind of like pushing things in kind of
12 a wrong direction?

13 [REDACTED]: No. I have very little
14 contact with anyone above the OS level.

15 SR. PROJECT ENGINEER BARBER: Okay.

16 SPECIAL AGENT NEFF: Okay. I think we're
17 getting pretty close to wrapping it up. But I guess
18 before we do, what I'd like to throw out to you is if
19 we haven't covered something, I mean, you hear the
20 type of issues that we're exploring here. You see the
21 kind of things that we're trying to get our arms
22 around for a picture of, you know, how it works on
23 site.

24 [REDACTED] Right.

25 SPECIAL AGENT NEFF: If there is something

1 that either we're not asking or we're missing and you
2 can help us with that, I'd like to know that now.

3 [REDACTED] I don't think so. In fact,
4 I think some of the issues you're bringing up aren't
5 even issues. I think you have more than what you
6 should have. So no, there's nothing I can think of.

7 SPECIAL AGENT NEFF: Okay, and along with
8 that, if you're aware of anyone that would be able to
9 help us get this picture, either A, be willing or, 2,
10 could contribute to this in any way, can you point us
11 to anybody?

12 [REDACTED] I would say you need to talk
13 to [REDACTED] He'll talk to you.

14 SPECIAL AGENT NEFF: [REDACTED]

15 [REDACTED]: Right.

16 SPECIAL AGENT NEFF: [REDACTED]

17 [REDACTED] yes.

18 SPECIAL AGENT NEFF: Okay, anybody else?

19 [REDACTED] I don't think so.

20 SPECIAL AGENT NEFF: Okay, is there
21 anything you would like to add at this point?

22 [REDACTED]: No.

23 SPECIAL AGENT NEFF: Scott?

24 SR. PROJECT ENGINEER BARBER: No. I'm
25 good.

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TC

1 SPECIAL AGENT NEFF: Okay, I just have a
2 couple of standard closing questions.

3 [REDACTED]: Okay.

4 SPECIAL AGENT NEFF: Have I or any other
5 NRC representative offered you any promises of reward
6 or threatened you in any manner in exchange for your
7 information today?

8 [REDACTED]: No.

9 SPECIAL AGENT NEFF: And we covered that
10 you have nothing further to add. Have you appeared
11 here freely and voluntarily?

12 [REDACTED]: Yes.

13 SPECIAL AGENT NEFF: Okay, at this point
14 then, I can conclude the interview. It is
15 approximately 10:30 and I have to thank you for a
16 large portion of your time, you and Chris. Thank you
17 very much both.

18 (Whereupon, at 10:30 p.m. the above
19 entitled matter concluded.)

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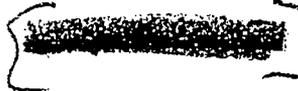
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CERTIFICATE

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 original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

A handwritten signature in cursive script that reads 'Cindy Chapin'.

Cindy Chapin
Official Transcriber
Neal R. Gross & Co., Inc.