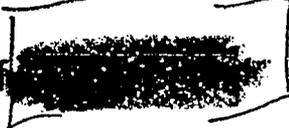


Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title:

Interview of 

TC

Docket Number:

1-2003-051F

Location:

Salem, New Jersey

Date:

Tuesday, February 17, 2004

Work Order No.:

NRC-1341

Pages 1-118

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

----- x

IN THE MATTER OF: :

INTERVIEW OF : Docket No.



: 1-2003-051F

(CLOSED) :

----- x

Tuesday, February 17, 2004
Salem-Hope Creek Residents
Office

The above-entitled interview was conducted
at 2:22 p.m.

BEFORE:

SPECIAL AGENT Eileen Neff

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ALSO PRESENT:

Scott Barber.
Senior Project Engineer
Division of Reactor Projects

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

2:22 p.m.

SPECIAL AGENT NEFF: Okay. Today's date is February the 17th, 2004. The time is approximately 2:22 p.m.

Speaking is Special Agent Eileen Neff, NRC Region I Office of Investigations.

Also present from Region I is Scott Barber, Senior Project Engineer from the Division of Reactor Projects.

Quick break please.

(Whereupon, off the record.)

SPECIAL AGENT NEFF: Okay. Back on the record.

What follows is an interview of [redacted] who is currently employed by POCG Nuclear as a [redacted]

The interview is taking place at the Salem-Hope Creek Residents Office and the subject of the interview is the safety conscious work environment at Salem and Hope Creek.

[redacted] has been explained to him that you're being approached as a witness in -- in this ongoing inquiry into the safety conscious work

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1 environment. You're not the subject of any
2 investigation and there is no specific potential
3 violation associated with the safety conscious work
4 environment.

5 You understand that.

6 [REDACTED] Yes.

7 SPECIAL AGENT NEFF: Okay. As explained
8 prior to going on the record, we would place you under
9 oath before we -- we take your information. If you
10 could raise your right hand please.

11 Do you swear that the testimony you're
12 about to provide is the truth, the whole truth, and
13 nothing but the truth so help you God?

14 [REDACTED] I do.

15 SPECIAL AGENT NEFF: Okay. Thank you.
16 What I'd like to do is get from you just identifying
17 information please. Date of birth. Social Security
18 number.

19 [REDACTED] Okay. Date of birth was
20 [REDACTED] Social Security number is [REDACTED].
21 [REDACTED]

22 SPECIAL AGENT NEFF: Home address and
23 phone number.

24 [REDACTED] Home address is [REDACTED]
25 [REDACTED] Home

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phone number [REDACTED]

SPECIAL AGENT NEFF: Okay. And background information regarding your education please, a summary.

[REDACTED] Education [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SPECIAL AGENT NEFF: Okay. And your work experience.

[REDACTED] Work experience
[REDACTED]

SPECIAL AGENT NEFF: Okay. So, [REDACTED] and to your new position which is about a month old.

[REDACTED]: Correct.

SPECIAL AGENT NEFF: What are the -- what are your current assignments? Your duties and

1 responsibilities for that position?

2 [REDACTED] Currently in the new
3 position, [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 We prepare the work week's
7 activities for LCO maintenance windows and -- and
8 essentially all scheduled work to insure equipment --
9 equipment is removed from service to support
10 maintenance activities.

11 I also serve as a [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 SPECIAL AGENT NEFF: Okay. Thank you.
16 The inquiry that we're doing is, as I told you, is on
17 the safety conscious work environment. A rather broad
18 topic. But, what we'd like to focus on and at least
19 I can start with the focus on your assessment of
20 individuals' abilities to raise concerns on -- and
21 this could be considering the industrial, nuclear or
22 radiological safety concerns.

23 The time frame for that -- I guess what
24 I'd like to do is ask you if in your time line sight
25 from '98 forward, have you observed any strength in

1 that -- and particular strengths or any weaknesses in
2 people's ability to do that, to raise a concern, to
3 have it addressed, and to be comfortable in raising a
4 concern?

5  From an industrial safety
6 perspective, I couldn't say that we had any -- we have
7 any strengths in that area. We've come off of some
8 challenging union/management issues regarding exhaust
9 leaks on bravo diesel generator and I think the
10 situation that transpired from that in -- in my
11 opinion was timely corrective maintenance of that
12 situation and probably poor communications across the
13 board from individuals who actually do the
14 surveillance testing to the people who are responsible
15 to prepare the work plan to correct the conditions
16 that existed.

17 Since that time when I was on shift, I
18 actually observed first hand some -- some -- some
19 challenges when we ran that -- that diesel which was
20 a bravo diesel generator.

21 SPECIAL AGENT NEFF: What's the time frame
22 we're looking?

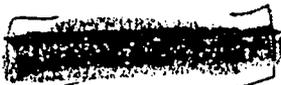
23  Probably around 2002. 2001
24 going into 2002.

25  Okay. Since that

1 time, we've taken a pretty good review of our position
2 on how to handle and communicate and resolve
3 industrial safety issues using the safety resolution
4 process which is part of the -- the industrial safety
5 program here and we've had some successes with issues
6 that have come up from a safety perspective --
7 industrial safety perspective in resolving those in a
8 professional manner that has gotten positive results.

9 So, although I wouldn't characterize
10 anything as a strength. I would say that we're
11 improving in that area and the -- the overall
12 environment as it comes to safety is probably more
13 open than it's ever been to the point where you have
14 people question well, why -- why are going to this --
15 to this as to what we do for industrial safety and --
16 and actually talking about the OSHA standards that
17 exist which isn't something that was part of the
18 dialogue say in '98 or '99 or into 2000 for that
19 matter.

20 SPECIAL AGENT NEFF: Okay. Often the
21 perspective of industrial -- industrial safety you see
22 more openness and --

23  Right.

24 SPECIAL AGENT NEFF: -- a better way to
25 address it.

1 [REDACTED] Yes, I think we're on the
 2 right path for industrial safety. I see it really,
 3 you know, only the last month or so that I've been
 4 involved with the [safety tagging] program. Recent
 5 changes to the safety tagging program where people
 6 have gone out to bench mark other facilities that have
 7 been identified that OSHA as -- as top performers and
 8 bringing back good ideas, the right way to do business
 9 to the station.

10 And the change management of that -- those
 11 process changes hasn't been real good, but the intent
 12 to get safer is there.

13 SPECIAL AGENT NEFF: When did that start?

14 [REDACTED] The change to --

15 SPECIAL AGENT NEFF: Yes, the going out
 16 and -- and changing the safety tagging issues and
 17 being more proactive on changing that.

18 [REDACTED] I couldn't -- I -- I
 19 couldn't give you a specific time when that -- when
 20 that actually started.

21 SPECIAL AGENT NEFF: If not a month and a
 22 week, can you do a year?

23 [REDACTED] I'd probably say sometime
 24 around when the -- the bravo diesel issues resolution
 25 started to come to a -- to a closure and people

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1 started to reassess how to address industrial safety
2 issues from a -- from a nonemotional standpoint into
3 a process resolution standpoint.

4 SPECIAL AGENT NEFF: Okay. So, the
5 diesels I think were starting in that 2001 to 2002
6 time frame. When were they resolved?

7 [REDACTED] The bravo diesel? 7C

8 SPECIAL AGENT NEFF: Yes.

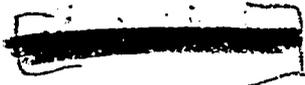
9 [REDACTED]: It probably would have been
10 early 2002 would be my guess. Without being able to
11 go into the -- the corrective action database for the
12 SAP database. I couldn't give you a specific time
13 frame, but to the best of my understanding, early 2002
14 and there were some other exhaust -- it was an exhaust
15 leak issue.

16 There have been other exhaust leaks that
17 have occurred since then and the scrutinization and
18 the attention that those have received has been -- has
19 been very high and the -- the mitigation techniques
20 that -- that we have employed at the worker level are
21 -- are pretty solid and we also engaged the -- the
22 site protection organization on a site to -- to back
23 us up if we -- see if we have any exhaust leaks.

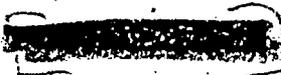
24 So, I'd say probably 2000 -- early 2002 on
25 we've -- we've been ramping up in an improving fashion

1 on that.

2 SPECIAL AGENT NEFF: Okay. Are -- are you
3 including in your assessment, and I might be confused
4 on the time frame, but the exhaust leaks that occurred
5 that individuals were made sick over?

6  That's what I'm talking
7 about.

8 SPECIAL AGENT NEFF: This is what you're
9 talking about?

10  Yes, bravo diesel. Right.

11 SPECIAL AGENT NEFF: 2003 time frame?

12 MR. BARBER: No, I think it was 2002.

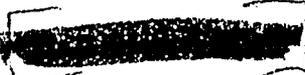
13 SPECIAL AGENT NEFF: Was it 2002?

14 MR. BARBER: Yes.

15 SPECIAL AGENT NEFF: Then it's my mistake
16 on the time frame.

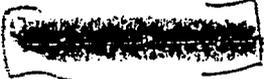
17 MR. BARBER: Yes, I don't know if was
18 early or late in 2001. I thought it might have been
19 later in the year, but I -- I don't -- don't really
20 know if we really know the exact.

21 She's asking me a question and I don't
22 know that we have an exact time frame for that, but
23 we've heard about that before. So.

24  It's -- it's probably
25 information. I don't -- I don't know if the NRC has

1 access to the SAP database. I would imagine so
2 because I know the -- the residents --

3 MR. BARBER: The residents do.

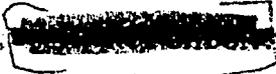
4  Yes.

5 MR. BARBER: We could -- we could get it
6 if we needed it.

7 SPECIAL AGENT NEFF: That's -- I was just
8 trying to establish the time frame for --

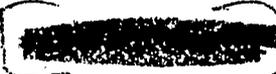
9 MR. BARBER: It -- it is --

10 SPECIAL AGENT NEFF: -- it's an incident
11 that's gotten a lot of attention.

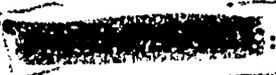
12  Right.

13 SPECIAL AGENT NEFF: I thought it was 2003
14 time frame. Earlier in 2003 around March. Does that
15 make sense or not?

16 MR. BARBER: It was -- I think it was
17 probably before that. I think it would diesel in
18 June. That was the jacket water leak or air cooler
19 leak.

20  Yes, that's true.

21 MR. BARBER: That's a different -- that's
22 a different problem.

23 : Right. That was last
24 summer.

25 MR. BARBER: Yes, that's a different

1 problem.

2 [REDACTED] Right.

3 SPECIAL AGENT NEFF: Okay. But, in -- in
4 any event, what you're saying is -- what you're saying
5 is evidence of better handling of industrial safety
6 issues?

7 [REDACTED] Right.

8 SPECIAL AGENT NEFF: Along those lines.

9 [REDACTED] We've had -- we had a
10 recent challenge here in January. There were
11 notifications put in -- put in the system either late
12 summer or early fall of 2003 on a disconnect for a --
13 one of our 500 KBR breakers and that -- that seemed to
14 slip through the cracks.

15 Another individual wrote up another
16 notification and -- and used some pretty strong words
17 in there. I won't say they're incorrect or correct,
18 but said that it's very difficult to operate and if
19 things degraded or there was a catastrophic failure
20 with the operation, someone could have been hurt or
21 killed.

22 And when that finally surfaced and
23 everyone became attuned to that, instead of well, why
24 did this guy write this, it was well, why didn't you
25 guys take immediate action and when -- when it finally

1 reached the point where it became common knowledge
2 that this issue was out there, we went out to fix it
3 and the fix for the disconnect was the best that the
4 transmission and distribution people could do.

5 It was still difficult to operate and
6 there was a disagreement or a difference of opinion
7 between the supervisor and the worker not originally,
8 but when the worker was asked to, you know, write a
9 notification to document the condition, what he wrote
10 was different from what was discussed and we used the
11 issues resolution process to gain closure on that
12 issue which is basically bringing bargaining unit
13 safety representatives, representatives from the
14 safety department, management representatives from
15 both sites and observe the condition you have, talk
16 about it in a professional fashion, and resolve the
17 issue.

18 SPECIAL AGENT NEFF: Was the notification
19 -- you indicated the problem was worse that had been
20 discussed with -- prior to that. What was the
21 difference?

22 [REDACTED] After the -- after the --

23 SPECIAL AGENT NEFF: You said the
24 notification was different than what was discussed.

25 [REDACTED] Yes.

1 SPECIAL AGENT NEFF: So, what was the
2 difference?

3 [REDACTED] Why my understanding was on
4 that is a -- a supervisor went out with the worker
5 after the maintenance was done and operated the
6 disconnect and I got my story from the -- from the
7 supervisor end.

8 Said we went out there and yes, it's still
9 a little bit tight to operate, but we operated a
10 couple of times and it -- it seemed to get better and
11 we think it's okay.

12 And my comment to the supervisor was well,
13 we should get something in the process to indicate
14 that it's still not as good as we like. It's
15 acceptable for use at this time and engage the guy you
16 were -- the worker you were out there with to get the
17 notification in

18 Said okay, we'll do that and the next day,
19 I heard that the notification the guy wrote and said
20 he was forced by a supervisor to write a notification
21 to say it was okay and it was not. So, that was
22 surprising. So, we used the issues resolution process
23 to get everybody together, assess the condition, and
24 make a decision rather than just say I'm right.
25 You're wrong and this is the way we're going to go.

1 Does that make -- does that make sense to
2 you?

3 SPECIAL AGENT NEFF: Sure.

4 MR. BARBER: It does, but the -- the part
5 I'm not clear on is why wasn't it fixed properly. I
6 mean you took an outage to go and work on it.

7  Right.

8 MR. BARBER: You know, if -- if it was a
9 materials problem or parts or something like that, I
10 would think you'd have a -- an increased stage and
11 ready to go or you wouldn't take the outage.

12  And it was a very
13 challenging outage and I would add. So, it was
14 disappointing that it wasn't perfect, but what we got
15 from the transmission folks is everything inside the
16 gearbox is brand new and this is the best you're going
17 to get.

18 MR. BARBER: Oh, so -- so, it was
19 significant parts replacement --

20  Oh, yes.

21 MR. BARBER: -- and things like that?

22  Yes, the entire gearbox
23 what we got fed back was rusty and degraded and some
24 of the fear teeth were chewed and --

25 MR. BARBER: Was there a problem with

1 lubrication or alignment or anything like that? I
2 mean was there an explanation as to why that --

3 [REDACTED] From what I remember is
4 there's a -- actually where the reach rod comes down
5 into the gearbox, there's a seal on there and that had
6 cracked and water had gotten in the gearbox.

7 MR. BARBER: Okay.

8 [REDACTED] So, what's the status of
9 the PMs on that was a question we asked the
10 transmission folks because we don't PM those -- that
11 -- those pieces of equipment --

12 MR. BARBER: Right.

13 [REDACTED] -- on this side of the
14 company.

15 MR. BARBER: Okay.

16 [REDACTED] So, that's something I know
17 is being looked at. Where the status of that is, I
18 don't know, but there was a cause that was corrected
19 and --

20 MR. BARBER: So, you said a new seal was
21 put in and a new gearbox?

22 [REDACTED] Right.

23 MR. BARBER: And the expectation was it
24 would be a lot easier to operate it. It was
25 incrementally easier, but maybe not --

1 [REDACTED] It was. Now, the
2 individual who wrote the notification in November
3 which I think was the second notification, if we had
4 some kind of catastrophic failure, you could not get
5 this disconnect up and you could have working --
6 people could get shocked. We actually had that guy
7 come back and operate the disconnect. This part of
8 the resolution process and he said oh, yes, it's much
9 better than it was.

10 MR. BARBER: Okay.

11 [REDACTED] And it's probably the same
12 as a lot of the other disconnects that are out here.
13 They are a challenge to operate.

14 MR. BARBER: I see.

15 [REDACTED] They're -- they shouldn't
16 be -- you should be able -- one guy should be able to
17 get the disconnect open and it would take some work,
18 but it isn't something that you could do with just one
19 hand and it's absolutely no problem.

20 MR. BARBER: Okay. Thank you.

21 [REDACTED] Yes.

22 SPECIAL AGENT NEFF: Then -- now, we were
23 talking about the industrial safety issues and raising
24 concerns along those lines. What about in terms of
25 nuclear safety?

1 [REDACTED] Nuclear safety, we've had
2 a lot of confrontational-type issues on -- on nuclear
3 safety, on -- from technical basis, and issues
4 resolution. The impact of corrective maintenance
5 whether that has a positive impact or a -- a less than
6 adequate impact on the -- the performance and the
7 health of this station.

8 And I don't know that from a corrective
9 maintenance standpoint that we -- we are where we need
10 to be to enhance nuclear safety from that perspective.

11 MR. BARBER: It sounded like that you're
12 kind of saying that the main problem is related to the
13 adequacy of corrective maintenance. That's -- that's
14 what I'm -- I'm getting out of what you described.

15 [REDACTED]: Yes, I guess from a problem
16 identification resolution perspective which -- which
17 the -- the letter to Mr. Ferlin (phonetic sp.)
18 identified, I personally don't feel that we have a
19 problem identifying problems.

20 We can do better, but it's the resolution
21 then that -- that concerns me and most of the
22 discussions I had with coworkers or guys that worked
23 for me, there's a lot of frustration as to the -- the
24 time, effort, and the money put into corrective
25 maintenance.

1 Now, that being said, is there an impact
2 on nuclear safety? Well, it would be optimal to have
3 everything work as it is. There are regulations and
4 there is an SR that specifies how systems must
5 function and what their design is. They still meet
6 the requirements of tech specs and the FSAR and if
7 they don't, then we are -- we are wrong or we will
8 shut the plant down or we have to justify the
9 condition via the 5059 process.

10 I think we're within those bounds. Can we
11 be better? Absolutely. We can be better.

12 SPECIAL AGENT NEFF: How about you
13 personally in terms of operating within those bounds?
14 Have you ever felt yourself challenged where
15 conditions were not quite what you had wanted them to
16 be and you want to move the plant one way or -- or
17 make a decision to go one way and have that challenged
18 or overruled?

19 [REDACTED] Never it's been overruled. 7C

20 SPECIAL AGENT NEFF: Okay.

21 [REDACTED] But, I would say that there 7C
22 has been schedule pressure, time pressure to -- to get
23 the plant on-line that has been dis-concerning and
24 disheartening and emotional.

25 From the perspective of questions from

1 people being raised, answers being given from a
2 technical perspective as to functionality and design
3 basis of the system and what has been found, what
4 could not be found, and why it's acceptable to go
5 there and then additional questions well, why does the
6 system do this, why does the system do that, I mean
7 what -- what's the cause for what I'm -- what we're
8 observing and -- and really, the answers to those
9 follow-on questions aren't there because additional
10 troubleshooting or evaluation's required.

11 And -- and where that leaves you is with
12 questions on all aspects of system operation versus
13 answers on design basis and system function and
14 performance to do the safety function that's required.

15 So, that's the disconnect. I think that's
16 where there's frustration and that's where it's caused
17 me emotional hardship historically.

18 I can say that I have design function. I
19 meet the tech specs, the safety function will perform.
20 I'm not getting the answers from my technical end of
21 the organization on all detail aspects of system
22 performance that's being observed by the guys who were
23 actually on the control boards that are asking
24 questions.

25 Hadn't seen this occur before. What's the

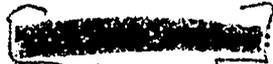
1 solution? Don't know. How can we operate this?
2 We've already done this. We've evaluated it. Here's
3 the design the function. Here is the safety function.
4 Here's the tech spec requirement. It is okay to
5 proceed in the state that it's in and I don't know if
6 those will ever been satisfied unless you really keep
7 everything down to correct every discrepancy or
8 problem or question you have with the system.

9 Does that -- does that make sense?

10 MR. BARBER: It -- it does, but is it --
11 is it possible that in some of those instances that
12 when we talk about -- you know, you're making some
13 sort of judgment or assessment --

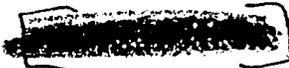
14  Right.

15 MR. BARBER: -- of -- of a condition and
16 your -- your confidence in it may be the really higher
17 tiered requirements in the license or in the tech
18 specs and possibly in -- in the FSAR or elsewhere.

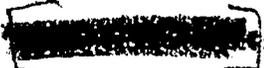
19  Or vendor manuals, too.

20 MR. BARBER: Yes, vendor manuals, but I
21 think that maybe the -- maybe some of the operators
22 might be -- you know, there's something that's in
23 conflict. There's -- there's some -- there's
24 something either from a performance standpoint or set
25 point or what have you is in conflict. There's a

1 conflict. There's -- it says, you know, the -- the
2 manual or the procedure says it should operate this
3 way. It shouldn't exceed this limit or whatever and
4 we understand that.

5  Yes.

6 MR. BARBER: Now, the -- now, they've --
7 they're starting to feel uncomfortable because it says
8 we're not suppose to be in this condition or --

9 : Yes.

10 MR. BARBER: -- or we're suppose to take
11 this action or you know and you're -- you're -- maybe
12 they get you involved and you make a judgement about
13 it. Well, i seems like it, you know, there's no tech

14 spec or the tech spec, we're within the tech spec
15 limit and I think it's difficult to talk about these
16 situations, to talk in the abstract.

17 Let's -- let's talk about specific
18 situations. Let's talk about off gas.

19 There was a problem with off gas awhile
20 ago where there was a limit of 75 SCFM that was a
21 stated limit that was in an operating procedure.

22  Yes.

23 MR. BARBER: Off gas flow started at some
24 level less than 75 say 30 or 40 SCFM and over some
25 period of time progressed up to 75 and exceeded 75

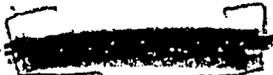
1 SCFM.

2  Yes. 7C

3 MR. BARBER: The procedure said do no
4 operate the off gas system above 75 SCFM, but it was
5 silent on what other actions to take.

6 So, the operator writes a notification,
7 classifies it as level one, and says this is, you
8 know, a nonconforming condition. It's important.

9 He's approach was or his suggestion was
10 why is the plant operating? Kind of implying that it
11 should be shut down.

12  Yes. 7C

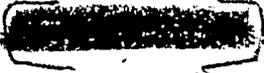
13 MR. BARBER: That would certainly be one
14 alternative, but there were probably a lot of other
15 alternatives in between and do you -- do you have any
16 thoughts on how that situation should have been
17 handled? Was it handled properly or how you would
18 handle that situation?

19  The way that situation 7C
20 should have been handled is if the off gas was turning
21 up towards 75 SCFM, we should have had the foresight
22 if we were going to make the decision to keep the
23 plant on-line to evaluate all of the impact that could
24 have been sustained before we reach 75 SCFM. That's
25 how it should have been handled and we didn't take

1 action on that as a -- as a station until we got
2 there.

3 MR. BARBER: So -- so you're kind of
4 implying it's a poor planning -- it was poor planning
5 on the part of the station in -- in letting things
6 unfold that way.

7 But, notwithstanding that --

8  It's -- it's -- yes, it's
9 everybody's responsibility. You had a -- you had an
10 individual who -- who -- who identified it in the
11 notification, but it was no surprise to anybody that
12 -- that we reached that. Okay. And here's what the
13 procedure says. Well, okay, here -- here's what we're
14 going to do. We're going to evaluate the entire basis
15 of 75 SCFM and what will be find and we found
16 information that the -- the basis for the off gas
17 pretreatment radiation monitoring system was set up
18 assuming the 75 SCFM off gas flow rate. Which could
19 be adjusted.

20 It should have been looked at before. It
21 should have been looked at before.

22 MR. BARBER: Is it possible it was unsafe
23 to operate above that -- that value?

24  In -- in hindsight, unsafe
25 from what perspective? At -- at what I challenged

1 the system?

2 MR. BARBER: Exceeding the design limit or
3 exceeding the limitation of the system?

4 [REDACTED] The design limit as I 7c
5 understand it after the fact is primarily based on the
6 off gas pretreatment rad monitor set point. Beyond
7 that, the specific components in this system were
8 rated up to 150 SCFM which is what we have now. So,
9 we had a -- we had a value in the procedures that was
10 used for the basis of that off gas pretreatment rad
11 monitor system which renders it inoperable.

12 If the actions are taken to compensate for
13 the inoperability, I don't think nuclear safety is
14 jeopardized by that, but you proceed at risk if you
15 don't look at every facet of that design basis up
16 front.

17 MR. BARBER: Do you think the plant should
18 have been taken off-line or some -- some action taken
19 to reduce power when -- when that -- when that limit
20 was exceeded?

21 [REDACTED] No.

22 SPECIAL AGENT NEFF: Were you on shift for
23 this, [REDACTED]

24 [REDACTED]: I was on shift for a
25 portion of that. I was on -- I think we relieved the

1 shift that was at 75 SCFM and we had direction to
2 maintain the unit where it is. We're getting the
3 engineers engaged to assess the full gamut of impact
4 from that design limit.

5 In hindsight, we should have identified
6 what the real operating margin was, but the way we
7 would operate that now is if we hit 75 SCFM, we would
8 shut the -- shut the plant down.

9 MR. BARBER: Is there guidance in the
10 procedure that says that now?

11 [REDACTED] I'd have to go grab the
12 procedure, but I think it's -- I think if you go over
13 75 SCFM, we will -- we consider the system operable
14 but degraded and do an operability assessment. I
15 believe 150's the limit now.

16 MR. BARBER: Would -- would -- would the
17 plant shut down if you --

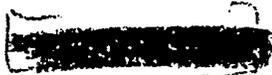
18 [REDACTED] At 150, we would take
19 action in accordance with the procedures. Without it
20 open in front of me, I -- if it said 150, I'd shut the
21 plant down at 150.

22 MR. BARBER: Yes, one of the things that
23 we heard is that -- that engineering is very
24 responsive and maybe even too responsive to -- to
25 requests from operations to get -- to evaluate limits.

1 That -- that -- a limit they'll give you is kind of
2 like -- it's almost based on whatever you need and I
3 -- I guess I'd like to hear what your response to that
4 would be.

5  If engineering will give me
6 whatever I need.

7 MR. BARBER: In other words, I'll give you
8 a for instance. Let's say that you go exceed 75 SCFM.
9 They give you 90 SCFM and then you go above 90. Okay.
10 We'll give you 110. You go above 110. Okay. We'll
11 give you 130. Okay. And so on and so forth. You get
12 the picture where for whatever reason they give you an
13 incremental increase in the limit and they say yes,
14 we're -- you're justified and -- and -- and the action
15 is if you exceed that limit, you call us again and the
16 -- the unstated thing is we'll give you a new limit.
17 But -- but, that's as a matter of course what the
18 practice has been.

19  Right.

20 MR. BARBER: And there are -- there are
21 people that say that that happens time and time again
22 in all sorts of different systems, all sorts of
23 different circumstances whether it's off gas or
24 service water or whatever system that there's a
25 problem.

1 [REDACTED] Or you had the feed water
2 vibration issue, too, where I didn't think we had a
3 real timely response on that.

4 But, the -- the response has been -- the
5 response has been incremental. I would agree with you
6 there.

7 Do I think that engineering will give you
8 whatever you want? No. No, they won't, but from --
9 from the perspective of how you operate and set the
10 facility up, if -- if limits are imposed that are
11 safe, but other limits that are higher are safe from
12 a facility standpoint if it's safe to operate, why
13 would you cycle your organization through that whole
14 process every time. This is the limit. The limit is
15 here. Final answer.

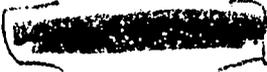
16 That way everybody's always clear as to
17 what your operating margin is and historically, we
18 have gotten higher limits which now that you mention
19 it would tend to breed to always look for what the
20 next limit is. Well, what's the final answer? Well,
21 maybe this is the final answer.

22 The jacket water leak, well, if 158 drops
23 a minute isn't the final answer, what is the final
24 answer? Can -- can you give me that margin? What is
25 the safety significance of 157 drops a minute?

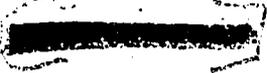
1 I'm not always confident that the answer
2 you get has a full analysis done to assess what the
3 safety impact is. If -- if the limits are below what
4 you have for -- for design, is the conservatism
5 appropriate? Maybe it is if -- if it is the bottom
6 line and that is your conservative margin, why do you
7 -- why do you set it where it is? What's the basis
8 for that.

9 That's -- that's the link that you really
10 need to have. What is the basis of 75? What is the
11 basis of 158 drops a minutes? Who -- who can come out
12 and speak to that? Where is that reference document
13 that I can open that's performed by and reviewed by
14 and approved by somebody?

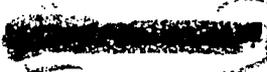
15 MR. BARBER: Have you ever read of these
16 -- these documents? Take for -- for example, the --
17 the operability determination you're talking about for
18 the jacket water leak --

19  Yes.

20 MR. BARBER: -- or inner core leak.

21  Yes, I've read that.

22 MR. BARBER: Did you read that?

23  Yes.

24 MR. BARBER: Do you remember what that was
25 based on?

1 [REDACTED] Yes, it was based on 7c
2 overall jacket water leakage during a loss of off-site
3 power where you wouldn't have a demin makeup
4 capability and your leakage would then cause you to
5 lose jacket water over that period of time.

6 MR. BARBER: And what was that period of
7 time?

8 [REDACTED] Sir, I think that was -- I 7c
9 believe that was seven days of continuous operation.

10 MR. BARBER: Okay.

11 [REDACTED] Which was the -- which was
12 the design basis response personalized for off-site
13 power.

14 MR. BARBER: Okay. And what was that
15 changed to? Do you know what the -- what the change
16 in the timing was to -- for the revised limit? The
17 one that was reached in the -- in the 12 hours to hot
18 shutdown interval. You know, the 72-hour time clock
19 elapsed and there was some 12 hour --

20 [REDACTED] I don't -- I don't remember 7c
21 the -- the change to that.

22 MR. BARBER: Okay.

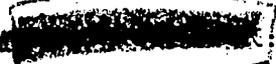
23 [REDACTED] It was -- I remember it --
24 it had to deal with the service time. It had to --

25 MR. BARBER: Well, it was changed from

1 seven days to one day.

2  Yes.

3 MR. BARBER: But, that really could have
4 easily been changed to 12 hours or eight hours or four
5 hours, you know, based on some argument and the thing
6 that -- that I think a lot of the operators here in
7 the station is -- you know, is they don't -- they
8 don't hear or they don't see the evaluation as -- as
9 an evaluation. They see it as just pro forma
10 response.

11  Yes.

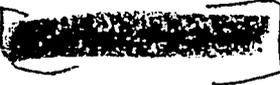
12 MR. BARBER: That if we need a new limit,
13 we go to engineering. They give us a new limit. It's
14 not really based on anything or -- or the basis is not
15 solid or it's not well described or the -- it's
16 random. It capricious. It's arbitrary. It's -- why
17 is one day the right number as opposed to three days
18 as opposed to an hour as opposed to seven days. What
19 have you.

20 It's -- it's almost as if -- if I was to
21 ask something, you'll get -- you'll get a limit that
22 is conducive to continuing operating the -- the unit.

23  Yes, I see your point.

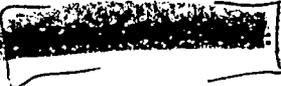
24 Yes, and I've -- I've -- I've heard that frustration
25 from other folks.

1 MR. BARBER: Have you ever personally felt
2 that frustration?

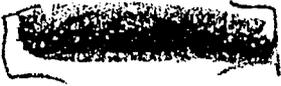
3  My frustration is more on
4 the line if -- if you're going to give me a limit,
5 what is the basis of the limit and is that the final
6 answer. What is your final answer on -- on your
7 evaluation and the appearance is that something is
8 held back which also then results in subsequent
9 challenge by some level in the organization.

10 I'd have to go read the design basis as
11 to, you know, what -- what is the service run of the
12 diesel. Okay. We said a day was what you -- you
13 told.

14 MR. BARBER: Right.

15  My understanding was seven
16 days. My understanding is if I go on shift right now,
17 I can go to the CRAD (phonetic sp.). I can read what
18 we have in our files and say 158 drops a minute.

19 MR. BARBER: Yes, except that was true on
20 Sunday or whenever it was the leak was first
21 identified, but -- but whenever the 72 hours expired,
22 12 hours to hot shutdown --

23  Yes.

24 MR. BARBER: -- the basis that that leak
25 was changed from one day to, I'm sorry, from seven

1 days to one day.

2 [REDACTED] Okay.

3 MR. BARBER: Because -- because then the
4 limit goes up by a factor of seven. It's just -- it's
5 really simple math.

6 [REDACTED] Yes.

7 MR. BARBER: So, then you're -- you're
8 "out of the LCO" and then -- and then, in fact, what
9 was -- what happened was that work was scheduled for
10 the following week and the real problem was found.
11 The problem that was being chased wasn't the right
12 problem. The problem that was being chased was the
13 (inaudible) side of the problem.

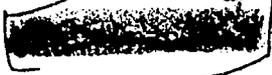
14 [REDACTED] Yes.

15 MR. BARBER: The problem was actually on
16 the jacket water side of the problem. But, that was
17 unknown because it wasn't a thorough root cause
18 evaluation and when a thorough root cause was done in
19 the subsequent week, the actual -- the -- the real
20 problem was the root cause was identified and that's
21 why the -- the problem got resolved eventually, but
22 that's -- that's how that went.

23 [REDACTED] Yes.

24 MR. BARBER: And you could go and you
25 could read, you know, what the starting volume was 33

1 gallons. Minimum volume was 21 gallons and 21 gallons
2 is X drops, milliliters and all that and you can do
3 all the math and I know you can do it because you're
4 -- you know, you were in STA. You could sit down and
5 crank -- do the math and you could prove it to
6 yourself that that's what -- you know, that's what the
7 limit was based on. But --

8  Yes, see for that -- for
9 that particular issue, I wasn't on that and I remember
10 being at a  meeting where the individuals
11 who made the call of inoperability 158 drops per
12 minute was challenged and I -- I would say that I felt
13 like others in the room that when do you say when?
14 Because that seemed -- that did seem to go out of
15 bounds.

16 Now, as far as the change to what the
17 numbers were, I wasn't on shift for that and wasn't
18 directly involved with that, but that was a
19 disappointing period.

20 SPECIAL AGENT NEFF: When was --

21  That was a disappointing
22 period for us.

23 SPECIAL AGENT NEFF: When was the shift
24 manager meeting you're talking about when that
25 inoperability call was challenged?

1 disappointing for -- it was disappointing for the
2 people in the room. Because we felt pretty solid that
3 hey, here was an evaluation. A 158 drops a minute
4 isn't a number that one would typically roll off your
5 tongue, you know. We were all very comfortable with
6 the understanding that that's what the limit was and
7 to come back and well, you need to engage your
8 organization to find out what the real limit is was a
9 different message -- a different message coming from
10 Mr. [REDACTED]

11 SPECIAL AGENT NEFF: From --

12 [REDACTED]: From [REDACTED]

13 SPECIAL AGENT NEFF: That was new for him?

14 [REDACTED]: Yes.

15 SPECIAL AGENT NEFF: To build in this
16 delay and -- and engage more processes before you make
17 the call?

18 [REDACTED]: Yes, in my opinion, I -- I
19 hadn't had interface with him -- I take that back. I
20 did have one interface with him that seemed to be a
21 little -- it was trying, but nothing along the lines
22 of what is -- what is the next limit. That was --
23 that was a new message that I received from him.

24 SPECIAL AGENT NEFF: Do you recall a -- a
25 shift manager meeting in -- in early 2003 where the

1 message to the shift managers was very much like this.
2 You need to understand the design basis before you
3 make the call. Is this the same -- could this be the
4 same meeting? Could it have come out more than one
5 time? Do you know?

6 [REDACTED]: I don't remember that in
7 early 2003.

8 SPECIAL AGENT NEFF: As -- as I understand
9 it, from what we've been hearing, there's a meeting
10 about a year ago now.

11 [REDACTED]: Yes.

12 SPECIAL AGENT NEFF: And the message was
13 before you make your operability decisions, build in
14 a better understanding of what the design basis is.
15 In other words, it would be time delay in there. You
16 weren't basing it on what you had. You were looking
17 at -- at the time you were to do some more research
18 and what we're also understanding is that across the
19 board, the shift managers were pretty much upset by
20 that. Does that --

21 [REDACTED]: I remember -- I don't
22 remember that meeting. I do remember the discussion
23 we had in -- in June. I think I was in training or
24 off and I came in and we were -- we were told that it
25 was inappropriate to declare the diesel inoperable at

1 158 drops a minute although that was the original
2 stance. That was the original evaluation. I don't
3 remember the one in -- in January or February.

4 SPECIAL AGENT NEFF: Do you recall any --
5 any direction coming to the shift managers from a
6 level of management above [REDACTED] regarding
7 operability costs?

8 [REDACTED] Not me specifically.

9 SPECIAL AGENT NEFF: Not to you
10 specifically.

11 [REDACTED] Not to me -- and I don't
12 remember -- I couldn't even -- I couldn't speak for
13 what any individual had said to one of my -- one of my
14 peers. I -- no, I don't.

15 SPECIAL AGENT NEFF: Okay. So, aside from
16 this message from [REDACTED] --

17 [REDACTED] Yes, that -- that message
18 was new for me to hear that.

19 MR. BARBER: Well, did that --

20 SPECIAL AGENT NEFF: What had been his --
21 his prior position on that?

22 [REDACTED] You know, that you get the
23 position. Get engineering to evaluate where you stood
24 and you use that as your basis for operability. I
25 mean we have -- we're responsible to make an initial

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1 operability assessment with every condition that comes
2 up. You don't have detail design basis in all --
3 every condition that comes up which I would say 75
4 SCFM would fall in that realm and you need to engage
5 the right people to get there, but once you get an
6 answer, well, that's your answer.

7 In -- in this June or July meeting, is
8 when the, you know, why is it incremental? Well, why
9 -- why isn't the -- why isn't this answer the final
10 answer? If -- if you would go and ask is there any
11 more margin, why isn't the answer no, there's
12 absolutely no more margin from your -- from your
13 technical support arm of your organization? That's
14 ultimately what -- what would make it very easy for
15 me.

16 Now, if I have a procedural guidance, now
17 it's very clear to me that 75 -- if it was 75, it
18 would read 75 and shut the unit down.

19 MR. BARBER: Right.

20  Now, it's 150 without
21 looking at the procedure because that's what I do.
22 So, that -- that message from -- from  was -- was
23 new to me, but his -- his message before then had been
24 to engage the organization and -- and get the
25 operability determination.

1 SPECIAL AGENT NEFF: Were there any other
2 changes that went along with that message? I mean
3 were you experiencing any other operational direction
4 from his level or -- or above him that -- that was a
5 change for you?

6 [REDACTED] No.

7 SPECIAL AGENT NEFF: Do you know what was
8 driving this? Why would his message change at that
9 point in time?

10 [REDACTED] For him, no. No, I don't
11 know. There was a -- there was a meeting that we had
12 in -- in January or February with the -- the [REDACTED]
13 [REDACTED] (phonetic sp.) and
14 that was emotional, but it didn't -- I did not receive
15 that kind of message from -- from [REDACTED]. His
16 message was more along the lines of shift managers
17 need to be driving the station's performance which was
18 more along -- more along the lines of making sure
19 people were engaged in industrial safety practices.
20 People are engaged in identifying problems. People
21 are engaged in insuring the problems get the fixed.
22 It was the shift manager is going to manage the
23 station type discussion.

24 SPECIAL AGENT NEFF: What was emotional
25 about it?

1 [REDACTED] It was pretty pointed in 7C
2 that you would provide a written letter committing
3 that you were to -- you understood his message and
4 what -- why your performance was bad and what you were
5 going to do about and what you were going to show over
6 a period of time as an improvement. So, it was pretty
7 much --

8 SPECIAL AGENT NEFF: Did something
9 (inaudible) the meeting? Was there an incident or
10 something?

11 [REDACTED] No, I think it was just 7C
12 overall results from 2002 on safety performance. I
13 mean OSHA safety performance, industrial safety
14 performance, capacity factor, LCO window management.
15 Just overall -- overall station performance. Our INPO
16 index. Our results from our INPO evaluation which
17 were -- were real possible and we didn't meet -- we
18 didn't meet goals.

19 SPECIAL AGENT NEFF: Okay. But, the --
20 the safety in this -- in this particular meeting the
21 focus there was on industrial safety?

22 [REDACTED] That was a big -- 7C

23 SPECIAL AGENT NEFF: Or was it broader
24 than --

25 [REDACTED] -- no, that was a big part 7C

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1 of the -- big part of the message was industrial
2 safety from what I remember. Specific nuclear safety
3 issues that -- that pertain to like the jacket water
4 leak type issue.

5 SPECIAL AGENT NEFF: What about the other
6 incident? You said you had another -- I don't know if
7 it was a run-in or another incident involving [REDACTED]
8 [REDACTED] and his --

9 [REDACTED] Yes.

10 SPECIAL AGENT NEFF: -- direction.

11 [REDACTED] The -- the -- the issue
12 that I brought up first about questions from operators
13 or individuals on details of system performance that
14 couldn't be explained but didn't impact design or
15 safety function.

16 The situation I was involved in was coming
17 out of the refueling outage, the last refueling
18 outage. I was [REDACTED] I was covering for one
19 of my peers and I was working with a different shift
20 and -- and what we observed was the bypass valves.

21 While the plant was stable and pressure
22 was stable, the bypass valves were -- were slowly
23 oscillating a couple percent and the operators were --
24 were dis-concerned about that. So, I asked questions.
25 I asked don't we need to get some help? We need to

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1 get this resolved and we pulled up past work orders
2 and evaluations that showed we did troubleshooting.
3 We couldn't find the problem.

4 We had the same type of situation occur
5 during the previously synchronization to the grid.
6 The engineering evaluation said it was appropriate to
7 synchronize to the grid and I got stuck in between
8 those letters from engineering and the guys who were
9 on the control boards and [REDACTED], of course, he
10 wants the unit synched to the grid because engineering
11 has said it's -- it's okay. The bypass valves still
12 meet their design function. The EHC system still
13 meets its design function -- performance safety
14 function. Pressure is stable.

15 But, I had a group of operators on a -- on
16 a different shift that I don't normally work with that
17 are upset that all this system performance isn't fully
18 explained and corrected.

19 Now, what I ended up asking [REDACTED] was
20 from the incident we had in March which was on the
21 bypass -- bypass valve issue and there was a
22 reactivity issue back in March. We had gotten a
23 letter that very clearly said do not proceed in the
24 fact of uncertainty.

25 Okay. So, I have several facets. I have

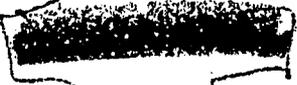
1 engineering saying the -- the system is functional and
2 this was one of our top -- one of our top engineers at
3 the system engineering level, the system is
4 functional, performs its design basis. They've done
5 all the calibrations, all the functional tests. We've
6 seen this before and it's okay to sync to the grid.

7 And I have a group of people who got a
8 letter that said do not proceed in the face of
9 certainty which included me.

10 So, I remember turning to him saying I
11 understand engineering's position. I have questions
12 that still want to be answered.

13 (Whereupon, the off the record.)

14 SPECIAL AGENT NEFF: Okay. We're on side
15 B. It's approximately 3:09 p.m. and you were saying
16 that there were questions still.

17  Yes. Yes, there were
18 questions on the -- on the cycling of the bypass
19 valves to maintain reactor pressure and the
20 engineering evaluation and troubleshooting didn't
21 identify any problem and their -- their conclusion was
22 it was about -- it was acceptable to go ahead and
23 synchronize the generator to the grid and people's
24 concerned that is this proceeding in the face of
25 uncertainty and I -- I asked him point blank.

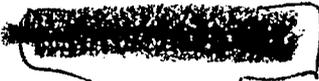
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1 I said some people think we're proceeding
2 in the face of uncertainty with this condition. I
3 understand the engineering position. Do you want me
4 to sync to the grid with this uncertainty that's our
5 there. He said absolutely sync the generator to the
6 grid.

7 So, that was -- that was a -- an emotional
8 period for me. Had to go out to the control room
9 supervisor who usually worked with the operators.
10 Explain the position to him and see if he'd have any
11 more success in communicating that determination to --
12 to the crew that he normally worked with and
13 ultimately, they did synchronize to the grid and we
14 didn't have any issues or any problems with that.
15 Although I still think that there are -- there are
16 some hard feelings about that that are out there.

17 SPECIAL AGENT NEFF: How much time between
18 the -- are you talking about March and May? From the
19 power excursion to --

20  The -- we came up -- we
21 came out -- the power exclusion issue was in March.

22 SPECIAL AGENT NEFF: Yes.

23  The end of RF11 was in May
24 and I think the jacket water issue was say in June or
25 July.

1 MR. BARBER: June.

2 [REDACTED] June.

3 SPECIAL AGENT NEFF: So, you got the
4 letter --

5 [REDACTED] We got the letter probably
6 in --

7 SPECIAL AGENT NEFF: -- regarding the face
8 of uncertainty --

9 [REDACTED] -- probably in early April.
10 Probably was early April.

11 SPECIAL AGENT NEFF: Okay. So, within two
12 months, you're faced with a situation.

13 Was there -- I mean what were -- was [REDACTED]
14 [REDACTED] position on this? Was it explained to you?
15 I mean how much debate were you having on this? Was
16 it a quick conversation or were you engaged for
17 awhile?

18 [REDACTED] You mean coming out of the
19 outage with synchronizing to the grid?

20 SPECIAL AGENT NEFF: Yes.

21 [REDACTED] Probably a couple of hours
22 of discussion and research. Yes, it seemed like a
23 couple of hours of research and time.

24 SPECIAL AGENT NEFF: That -- was that with
25 you and was [REDACTED] engaged with that? Were --

1 how long was your conversation with him?

2 [REDACTED] It was -- that particular
3 conversation about proceeding in the faces of
4 uncertainty was -- was probably no more than a couple
5 of minutes, but there were -- there were other
6 supervisors that were there. I know [REDACTED]
7 (phonetic sp.) was there. I think [REDACTED] (phonetic
8 sp.) was there.

9 MR. BARBER: Did you consult with them at
10 all?

11 [REDACTED] If it was [REDACTED] I -- I
12 consulted with [REDACTED] I can't picture [REDACTED] there. It
13 may have just been [REDACTED] and I and then [REDACTED]
14 [REDACTED] in and out occasionally.

15 MR. BARBER: Did you talk [REDACTED] at all
16 about it?

17 [REDACTED] Not specifically that I can
18 remember. Not specifically that I can remember.

19 SPECIAL AGENT NEFF: So, the -- the couple
20 of hours on the research was -- with who? Who were
21 you working among then?

22 [REDACTED] (phonetic sp.)
23 who is one of the engineers. Pulling up the
24 information myself and asking [REDACTED] to get some answers
25 through the outage organization, but I don't remember

1 who those people were that staffed the outage control
2 center at the time.

3 SPECIAL AGENT NEFF: How comfortable were
4 you with -- with proceeding in syncing it to the grid
5 then at that time?

6 [REDACTED] Given that we had done it
7 before and given that I had the engineering evaluation
8 and given that it was from [REDACTED] who was one
9 of our senior engineers, I was comfortable with the
10 exception of the point that there was uncertainty out
11 there amongst the people and that's why I ask [REDACTED]
12 [REDACTED] that question.

13 So, I was comfortable enough to do that.
14 We proceeded.

15 MR. BARBER: [REDACTED] what did you hope that
16 he would say?

17 [REDACTED] What did I hope that he
18 would say?

19 MR. BARBER: Yes, it sounds like you were
20 looking for a different answer. If you had said okay,
21 fine, let's take more time, what -- what would the --
22 if you had taken more time, what would -- could you
23 have done in --

24 [REDACTED] I don't know that anything
25 would have been done different other than shut the

1 whole facility down and take apart the system to look
2 for something we already said we couldn't find. What
3 I had hoped that he would say is yes, it's okay to do
4 that because I recognize that this is something that's
5 contradictory to the letter that I sent out in April.

6 That is why I asked him that question.

7 MR. BARBER: Was -- was he the one that
8 sent it out or was it somewhere else?

9 [REDACTED] Just don't remember. Don't
10 remember. When I say it comes from management, I look
11 pretty much at the ops manager and above.

12 MR. BARBER: Okay. All right. Was there
13 any acknowledgement of -- of what you've said kind of
14 in the context of --

15 [REDACTED] Yes.

16 MR. BARBER: -- refer back to the letter?
17 I mean did he --

18 [REDACTED] Yes.

19 MR. BARBER: -- recognize that?

20 [REDACTED] I -- I said that given --

21 SPECIAL AGENT NEFF: He understood what
22 you were talking about?

23 [REDACTED] Yes, he understood what I
24 was talking about.

25 MR. BARBER: Okay. So, if it would have

1 come from above -- like if it would have come from a
2 VP level, he would have also kind of acknowledged yes,
3 I understand this, but --

4 [REDACTED] I just sent you the letter
5 don't proceed in the face of uncertainty. Now, you
6 have a condition. There is some uncertainty that's
7 been evaluated as safe to proceed. That's the
8 conflict. That's the conflict.

9 But, I don't know that that understanding
10 could be communicated to the operators. There's more
11 -- there's more emotion there and there's emotion at
12 my level, too, but I think there would be more at
13 their level.

14 SPECIAL AGENT NEFF: Was it considered --
15 in your discussion with [REDACTED], was it considered
16 what kind of a message that might send to the
17 operators or --

18 [REDACTED] Yes.

19 SPECIAL AGENT NEFF: -- that level of
20 emotion --

21 [REDACTED] I remember communicating
22 that to the CRS saying we're -- we're -- we've been
23 given the okay to proceed. We understand that it's
24 contradictory to proceeding in face of uncertainty on
25 this issue, but from the engineering evaluation

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1 perspective, it's okay to do this and we have been
2 successful in synchronizing to the it before.

3 SPECIAL AGENT NEFF: And you did so. You
4 said the maneuver was fine.

5 [REDACTED] Right.

6 SPECIAL AGENT NEFF: The -- what about in
7 terms of any -- any affects you see from -- from
8 having done that within the two months of the letter
9 you --

10 [REDACTED] That -- that -- of the
11 affects within those two months.

12 SPECIAL AGENT NEFF: I mean -- what I'm
13 saying is what you're pointing out is you have a
14 letter. Within two months, you're going opposed to
15 the letter at least in -- on the face. It looks like
16 you're operating in the face of -- of uncertainty.

17 With your operators, just consider with
18 your operators at this point, what -- what sort of an
19 affect did that have on them in terms of --

20 [REDACTED] That's a tough -- that's a
21 tough thing to answer because that particular event
22 was done with a different shift of operators. I was
23 filling in for [REDACTED]

24 The working relationship on his shift is
25 -- is unique. On my shift working with my guys, I'm

1 very comfortable with working with them. We had a
2 good even exchange. We had issues that we discussed
3 openly. We had knocked heads and resolved the issue
4 and on my shift, I wouldn't say there was a -- what I
5 can say the chilled work environment, but -- but to
6 this day, I -- with the individuals who are on that
7 shift, even if I tried -- try to talk with them, they
8 -- they're -- they are closing -- they're closing the
9 door and I cannot break through to those guys.

10 SPECIAL AGENT NEFF: On what kind of
11 issues do they close the door? This is on [REDACTED]
12 [REDACTED] shift?

13 [REDACTED] Yes, just general open
14 person-to-person discussions.

15 SPECIAL AGENT NEFF: You mean across the
16 board anything you want to bring up?

17 [REDACTED] If I have directions to
18 them or I have instructions for them, they take it.
19 If they have plant status stuff, they take it. But --
20 but, on a, you know, how -- how are you doing today,
21 you know, it's -- you know, it's -- it's frustrating.
22 It's frustrating.

23 SPECIAL AGENT NEFF: So, it damaged the
24 work relationship that you had with that particular
25 crew?

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1 [REDACTED] Yes. Yes. 7c

2 SPECIAL AGENT NEFF: Your credibility?

3 [REDACTED] I don't know. I haven't 7c
4 gotten any answers from those folks.

5 MR. BARBER: Do you think it was
6 avoidable? Is there something that you could have
7 done to -- to avoid it or to soften it?

8 [REDACTED] In hindsight, no, I don't
9 think there's anything I could have done any
10 different.

11 What it comes down to is a frustration
12 that I see as to what -- what is an acceptable answer
13 from a nuclear safety standpoint to everybody?
14 Everybody has a different level. If I -- if I explain
15 that I meet the design function or the -- the -- the
16 safety function or the tech spec requirement or the SR
17 requirement of a system, but there's something else
18 that's not explain in that, that's not impacting any
19 of those functions, some people want everything
20 answered.

21 And from a station perspective, there are
22 some issues out there. We have issue out there with
23 a delta source range monitor. It occasionally spikes.
24 Some -- more often than not on start-ups, it'll spike.
25 Sometimes it doesn't. Usually it does. Other than

1 tearing the whole think apart and doing a total EMF
2 evaluation which is what the next step is, that's not
3 explained.

4 It alarms. It indicates. It channel
5 checks. It provides rod blocks. It withdraws. It
6 inserts. It provides adequate level in monitoring of
7 neutron population across the board, but occasionally,
8 it'll start spiking. We declare it inoperable and we
9 bypass it.

10 There are people who think that that may
11 be unsafe. I don't think that's unsafe.

12 MR. BARBER: What's unsafe? You mean --

13 SPECIAL AGENT NEFF: Bypassing it.

14 [REDACTED] That this -- that this
15 delta SRM spikes occasionally.

16 MR. BARBER: But, I mean if you declare it
17 inoperable, you're not "counting on it" for neutron
18 monitoring.

19 [REDACTED] No, it's -- no, it's
20 bypassed.

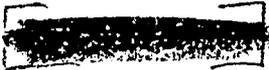
21 MR. BARBER: Right. So --

22 [REDACTED] It's bypassed.

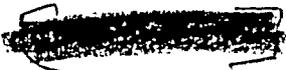
23 MR. BARBER: -- so --

24 [REDACTED] And if I add on another one
25 that's -- I cannot continue a start-up activity.

1 MR. BARBER: So, I mean I could see how
2 they question if you -- let's say you had the DSRM
3 declared inoperable and then you had a problem with
4 the Charlie and you had to declare it inoperable and
5 come back and say well, we're going to call the DSRM
6 operable now.

7  We haven't done that. 7C

8 MR. BARBER: I could -- I could see where
9 they'd have a hard time with that. But, if -- if it's
10 behaving erratically, you declare it inoperable.
11 That's what you're suppose to do.

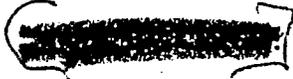
12  Without -- without doing 7C
13 anything, that's a problem, but the stuff that we have
14 done to check the system out is frequently questioned.
15 So, maintenance will go in and say they'll pull out
16 the draw and they'll check the edge connectors.
17 They'll run a functional test on it.

18 Sometimes when they've been shut down,
19 they've done an IV curve on the system and everything
20 come back -- comes back okay and we'll watch it for a
21 24-hour monitoring period and we're fine. We restore
22 it to operable status and five hours later, it'll be
23 spike.

24 So, that call of operability after doing
25 something and evaluating it over a period of time and

1 doing the channel checks is questioned as to well, you
2 guys just aren't -- you supervisors aren't fulfilling
3 your commitment. That -- that's -- that's the divide
4 that I see.

5 MR. BARBER: Is -- is -- is part of the
6 issue the way that the problem is being addressed?
7 And -- and what I mean by that is the fact that
8 although there are -- resources are being committed to
9 the problem, the resources are resources already
10 available in the station. It's people that are
11 already here that are working.

12  Right. 7C

13 MR. BARBER: You know, whether it's INC,
14 whether it's engineering, whether it's other
15 operators, they're here. They working and -- and are
16 they really saying now, what we really need is you
17 need to acknowledge that there's corrective
18 maintenance needed here.

19 Maybe the detector needs to be replaced
20 and the problem's with the detector. Maybe someone
21 knows or there's at least a -- a fair suspicion that
22 this detector's at fault and it's because it's
23 expensive. It's hard to plan. It's hard to work.

24  In this specific case, no, 7C
25 there's nothing wrong with the detector.

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1 I mean it -- it checks out sat. It has
2 checked out sat continuously. IB curve shows it's
3 okay.

4 It's got to be some type of -- it's got to
5 be some type of EMF in that line.

6 Now, having said that, brave recirc pump.
7 That's -- that's another issue. I could talk to a
8 maintenance supervisor. I'm convinced that. Other
9 people are convinced that. The shaft on the bravo
10 recirc pump is either out of round, bent, whatever you
11 want to call it and it results in degradation of a
12 seal over a period of time which -- which can
13 fluctuate and I think it's probably been about two or
14 three years. But, we -- we're not spending the money
15 to replace that shaft.

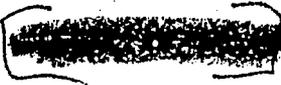
16 The discussions -- the things that I've
17 heard is it is less expensive to run the plant for a
18 year to three years and then shut the plant down and
19 replace the recirc pump seal. That's a business
20 decision. I'm comfortable with their business
21 decision although it puts a plant -- there's risks to
22 shutting the plant down and starting it up and
23 shutting it down and starting it up and go and change
24 out a recirc pump seal. That's the business decision
25 that's chosen.

1 Now, if the leakage is degrading, if it's
2 a recirc pump leak, do I have procedures in place to
3 take action? I do. So, it's safe, but if you take
4 that corollary of well, if you're not going to fix the
5 recirc pump shaft and you know there's a problem with
6 the delta SRM, could it be that you know there's
7 something delta SRM that you're just not saying?

8 So, there may be -- there may be merit
9 there.

10 Personally, I don't think there's anything
11 else other than some type of electromagnetic
12 interference with the delta SRM. The bravo recirc
13 pump shaft is another story.

14 SPECIAL AGENT NEFF: How frequently do the
15 seals have to be repaired?

16  I -- in discussion, without
17 -- I have not going into SAP and calculated the time,
18 but one to three years. I'd think they're probably
19 done about five or six seal replacements on the pump
20 since the plant's been started up.

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

23 MR. BARBER: No.

24 SPECIAL AGENT NEFF: No. The -- I guess
25 what you're -- you're portraying is that it, so I

7c

1 capture it accurately, an issue where sometimes the
2 operators want to be more comfortable than you can
3 make them in the explanations that you can give or --
4 or even where you stand. Is -- if engineering is okay
5 and tech specs are okay and the situation can proceed,
6 then you're going to proceed, but you're saying that
7 the operators sometimes want a greater level of
8 comfort maybe. More -- they would be more
9 conservative.

10 [REDACTED] On certain issues. 7C

11 SPECIAL AGENT NEFF: Okay.

12 [REDACTED] And I couldn't project what 7C
13 -- what issues those would be going forward, but the
14 -- the bypass valve oscillation issue sticks in my
15 mind. I've heard -- I've had comments on the delta
16 SRM as to what -- what we're doing with that.

17 SPECIAL AGENT NEFF: Is it typical -- is
18 that typically the way it lands that the operators
19 would be more conservative or do you see it the other
20 way that management would be more conservative?

21 [REDACTED] It depends on the issue. 7C

22 An example would be the change we're putting out to
23 our safety tagging program which isn't a nuclear
24 safety issue. It's an industrial safety issue.

25 We're doing changes so that when someone

1 opens a breaker, you have to actually check that each
2 phase out of the breaker is dead. When I read 1910269
3 at 147 which are the OSHA standards on tag lockout, I
4 don't -- I don't see it in there, but Susquehanna's
5 doing it. Brunswick doing it. Folks, it says that's
6 a good thing to do. It increases the level of safety.

7 Some have operators who say this is
8 absurd. This is extra stuff we're doing. It's not in
9 there. It's ridiculous.

10 I guess it would depend on the individual
11 and what the issue is and what their level of comfort
12 or what they would need for safety is.

13 SPECIAL AGENT NEFF: In -- in examples
14 that would not be industrial safety, can you think of
15 examples where management would come down on a more
16 conservative approach as opposed to where the
17 operators or senior operators would have been?

18  Lately, yes, probably with
19 the steam leak repairs on the steam seal evaporator
20 line and the work we did on the clean-up -- the clean-
21 up system.

22 SPECIAL AGENT NEFF: Lately? What's the
23 time frame for that?

24  Lately, that's last
25 December. Just this past December.

1 SPECIAL AGENT NEFF: December '03?

2 [REDACTED] Right. We stayed down for 7C
3 ten days doing repairs and some of the operators say
4 well, how long are we going to stay down? A month?
5 You going to fix everything? What are we doing? You
6 know, so there's --

7 SPECIAL AGENT NEFF: Was it that
8 surprising to them?

9 [REDACTED] Yes, I think it was 7C
10 surprising to a lot of people that we stayed down for
11 10 days.

12 SPECIAL AGENT NEFF: So, when you say
13 lately, you have evidence of there being a more --
14 more conservative approach --

15 [REDACTED] Right. 7C

16 SPECIAL AGENT NEFF: -- on not industrial
17 safety issues but on equipment safety.

18 [REDACTED] Yes. 7C

19 SPECIAL AGENT NEFF: Potential nuclear
20 safety issues.

21 [REDACTED] Right. Yes. 7C

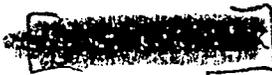
22 SPECIAL AGENT NEFF: What about prior to
23 that? Prior to December of '03?

24 [REDACTED] No, I couldn't give you any
25 specific examples where plant management would --

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1 would have been deemed to be incredibly conservative
2 to operators or operations.

3 SPECIAL AGENT NEFF: Operational decision
4 making included in that?

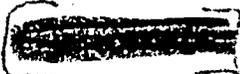
5 : Yes.

6 SPECIAL AGENT NEFF: You can't think of
7 any example?

8  No, not off the top of my
9 head.

10 SPECIAL AGENT NEFF: And when you say
11 plant management, what levels are you considering? Is
12 that anybody above you? AOM, OM, and senior?

13  Yes.

14 SPECIAL AGENT NEFF: Okay. So, AOM and OM
15 level and above. The -- do you have any examples and
16 -- and when I asked you this before, you had said you
17 hadn't been -- you hadn't been overruled in a
18 decision. Do you have any examples of where you were
19 in the more conservative space? Let's not discuss
20 about, you know, the two that we covered involving
21 , operability and cost. Anything since
22 you've been on as a  where you were
23 uncomfortable with the direction you were getting in
24 your decision making and anything -- if not overruled,
25 but pressure?

1 [REDACTED] Yes, two instances that
2 were surprising, but were risk to nuclear safety.

3 One was the first NRCOI interview I had on
4 diesel testing.

5 SPECIAL AGENT NEFF: Last fall you said
6 that was?

7 [REDACTED] That was December of '02. 7C
8 Where --

9 MR. BARBER: You're talking about the
10 event was in December.

11 [REDACTED] Was December '02. Yes, it 7C
12 was -- had to be December '02. That was during the --
13 the diesel SSDISSPI.

14 An issue was brought up by the team and
15 whether it was internal to PS or the NRC, I don't know
16 that. Certain surveillance criteria testing the 86
17 bravo -- the 86 lockout relays for the diesel breakers
18 hadn't been -- hadn't been completed and we had
19 declared all four diesel generators operable --
20 inoperable and invoked 304 to do the testing which
21 required writing a surveillance procedure.

22 And on the back end of that in the midst
23 of a shutdown, I got a call from my boss who was [REDACTED]
24 [REDACTED] saying to hold power where it was and that we
25 were talking with the Regulatory Commission about an

1 NOED and I wasn't very comfortable with that. It was
2 explained to me what our actions would be. We will
3 complain with the spec to take the unit to hot
4 shutdown in the required time and we'll scam the unit
5 if we need to and that would be how we would proceed
6 which is technically doable until this NOED issue or
7 the NOED was obtained.

8 MR. BARBER: Do -- do you remember what
9 day of the week this was? Was this like a Friday or
10 a Saturday?

11 [REDACTED] I don't remember. 7C

12 MR. BARBER: Okay.

13 [REDACTED] It's -- 7C

14 SPECIAL AGENT NEFF: What part
15 specifically were you not comfortable with?

16 [REDACTED] It -- it's the little dis-
17 concerning that as you're shutting the unit down you
18 get a call --

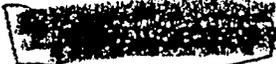
19 SPECIAL AGENT NEFF: Please hold it right
20 there.

21 [REDACTED] -- we need you -- we need
22 you to hold power right here. Well, why? Well, what
23 are we doing? Well, we believe there's position where
24 we can get an enforcement discretion -- discretionary
25 enforcement to complete the surveillance testing and

1 -- and I -- I had gone over this with -- with Jeff in
2 detail. I believe that you -- you folks probably have
3 copies of all the logs and records and log entries
4 that I have made. So, that was one.

5 A second issue was during March -- March
6 shutdown.

7 SPECIAL AGENT NEFF: '03?

8  March of '03. Correct. We
9 had synchronized to the grid after a recirc pump seal
10 replacement and the number two or number five bypass
11 valve did not close. So, we had a stuck open bypass
12 valve and we rode a infrequently performed test and
13 evolution plan to bring the unit down at power to 700
14 pounds so that we could transition off of steam jet
15 air injectors to mechanical vacuum pumps so that we
16 wouldn't exceed our cool-down rate.

17 And then the shift had some problems with
18 that which resulted in the proceeding in face of
19 uncertainty letter, the reactivity event which --
20 which should have been discussed, and they scrambled
21 the reactor and all the bypass valves went closed and
22 word came to my boss that why are you going to proceed
23 all the way to cold shutdown if your bypass valves are
24 working now?

25 So, similar to the December issue, I ended

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1 up holding off the cool down while it was discussed
2 and assessed what we were going to do.

3 SPECIAL AGENT NEFF: Okay. Who are the
4 people involved in that? Word came to your boss. Is

5 [REDACTED]
6 [REDACTED] I got told by [REDACTED].
7 [REDACTED] told me that and --

8 SPECIAL AGENT NEFF: Okay. Who did he get
9 it from?

10 [REDACTED] Don't know. Words that I
11 remember having with [REDACTED], if someone is going
12 to tell us that we're not going to proceed to cold
13 shutdown, it's not going to be me because I'm not
14 going to be here was his words to me. I said okay,
15 [REDACTED] We'll -- we will hold and I will wait to hear
16 from you when the cold -- cold shutdown and if you're
17 not here, then I'll go to cold shutdown and someone
18 else can keep the plant up. Here's where we were in
19 March.

20 And the feeling that I get and -- and I
21 can't say this for a fact is that that questioning
22 came from [REDACTED] (phonetic sp.). He was --

23 SPECIAL AGENT NEFF: How do you get -- I
24 mean what's your basis for that?

25 [REDACTED]: Meetings. My basis for

1 that was what -- all I can remember from my
2 discussions with [REDACTED] --

3 SPECIAL AGENT NEFF: Yes.

4 [REDACTED] -- meetings that were being
5 held over here in this building with senior PSE&G
6 management with PSE&G power.

7 SPECIAL AGENT NEFF: So, who were they?
8 Who were involved? Who do you know was involved at
9 the time?

10 [REDACTED] I don't know anybody who
11 was involved specifically.

12 SPECIAL AGENT NEFF: You don't know?

13 [REDACTED] Specifically, who was it?

14 SPECIAL AGENT NEFF: You were not at the
15 meetings yourself?

16 [REDACTED] I was not at the meeting.
17 I got a call from him. He said I'm over with -- won't
18 remember the names, but we're getting word from PSE&G
19 Power the capacity's level that they want us to hold
20 and assess this condition before we go to cold
21 shutdown. That's what I remember.

22 MR. BARBER: Is that -- is that unusual to
23 get -- to hear something like that?

24 [REDACTED] Yes, absolutely.

25 SPECIAL AGENT NEFF: Had that ever

1 happened before?

2 [REDACTED] No, never. 7C

3 MR. BARBER: Have you ever -- ever heard
4 of anybody above the chief nuclear officer level ever
5 making any kind of comment to anyone in operations?

6 [REDACTED] No, never. Never. Never
7 as long as I've been in commercial power. 7C

8 SPECIAL AGENT NEFF: Do you know why the
9 interest would be in this particular situation? Did
10 you have --

11 [REDACTED] No. 7C

12 SPECIAL AGENT NEFF: -- did -- was there
13 any discussion about it?

14 [REDACTED] No. No. 7C

15 SPECIAL AGENT NEFF: You weren't made
16 aware --

17 [REDACTED] Whether there was power
18 requirements, I don't know. But, that's -- that's
19 what I remember hearing from -- from [REDACTED] 7C

20 SPECIAL AGENT NEFF: The limit of what you
21 were made aware of is --

22 [REDACTED] From the highest -- 7C

23 SPECIAL AGENT NEFF: -- from [REDACTED] was
24 that it was coming from -- 7C

25 [REDACTED] -- from the highest levels 7C

1 of PSE&G Power. [REDACTED] level. We have to resolve
2 this.

3 SPECIAL AGENT NEFF: Okay.

4 MR. BARBER: But, in fact, the plant was
5 shut down. Right? You said --

6 [REDACTED] Absolutely.

7 MR. BARBER: -- you said the plant had
8 scrambled.

9 [REDACTED] Right. The plant was
10 scrambled. We were hot shutdown. We were proceeding
11 to cold shutdown to go fix the --

12 MR. BARBER: So -- so, you weren't
13 generating power anyway? So, were you really -- what
14 he was really must be referring to --

15 [REDACTED] Turn the plant around.

16 MR. BARBER: -- is how quickly you can get
17 back on line to generate power. So --

18 [REDACTED]: Right. So, don't -- why
19 are you cooling down and de-pressurizing? That's what
20 I inferred from that. Why else would I stop the cool
21 down? I have to close the MSIVs and go cold to remove
22 the ^{degay} K heat to fix the bypass valves anyway and it
23 turns out we found lose bolts inside from inadequate
24 tack welds.

25 SPECIAL AGENT NEFF: Was that specifically

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1 stated to you or is that something that you -- you're
2 assuming was -- was the goal here?

3 [REDACTED] That's what I remember.
4 What?

5 SPECIAL AGENT NEFF: That you were going
6 to end up not shutting down but going up in power.
7 What that specifically stated to you?

8 [REDACTED] Not that I can remember,
9 but why else would I not cool down?

10 SPECIAL AGENT NEFF: Okay.

11 [REDACTED] That -- that's the only
12 impetus for not cooling down from a technical
13 perspective because in order for you to fix a bypass
14 valve and close the MSIVs you --

15 SPECIAL AGENT NEFF: You have to be in the
16 cold shutdown.

17 [REDACTED] -- you have to be cold
18 shutdown and you have to have ^{some} way to remove the K
19 heat.

20 SPECIAL AGENT NEFF: Okay.

21 MR. BARBER: In your impression -- and
22 maybe -- maybe you mentioned this earlier and I just
23 didn't understand it, but was it your impression that
24 -- that, in fact, this -- this direction was come from
25 PSE&G Power in a different location or were they just

1 -- did they just happen to be on site at the time?

2 [REDACTED] No, my impression was
3 coming from a different location.

4 MR. BARBER: So, normally, wouldn't they
5 have a reporting relationship with [REDACTED]
6 (phonetic sp.) as the [REDACTED] So, any
7 communications would -- would be filed through him.

8 [REDACTED] Right. That's -- well,
9 that's what I would assume.

10 MR. BARBER: Okay.

11 [REDACTED] Yes.

12 MR. BARBER: All right. So -- so, that
13 word was coming back to you kind of -- or you got the
14 impression based on something [REDACTED] said that that's
15 where --

16 [REDACTED] Yes, I distinctly remember
17 him saying this is coming from the highest levels of
18 PSE&G Power, [REDACTED] level.

19 MR. BARBER: Okay.

20 [REDACTED] So.

21 MR. BARBER: Did he mention [REDACTED] at all?

22 [REDACTED] No.

23 MR. BARBER: Just [REDACTED].

24 SPECIAL AGENT NEFF: He just named
25 [REDACTED]

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[REDACTED]

Yes. Yes.

SPECIAL AGENT NEFF: What about anybody in senior management on site? Did he name anybody there?

[REDACTED]

Not that I recall. I would

-- I would probably be speculating who would have been at that meeting. I mean the -- the -- the chain --

MR. BARBER: It sounds like you remember

[REDACTED]

name.

[REDACTED]

Yes.

MR. BARBER: But, you don't remember --

[REDACTED]

No, I don't remember --

MR. BARBER: Like [REDACTED]

[REDACTED]

No, I don't remember

[REDACTED]

(phonetic sp.). I don't remember [REDACTED]

I don't remember [REDACTED] I don't remember -- I don't remember any specific names on those --

MR. BARBER: Okay. Okay. All right.

[REDACTED]

-- or along those lines.

SPECIAL AGENT NEFF: From what you're describing this -- this message that he's getting at whatever conference or meeting he was at has a serious affect on him. His message to you is if someone's going to be telling you you're not going to cold shutdown --

[REDACTED]

That's correct. Yes,

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1 absolutely.

2 SPECIAL AGENT NEFF: -- it wasn't going to
3 be him.

4  Absolutely.

5 SPECIAL AGENT NEFF: He'd be leaving the
6 site.

7  Absolutely.

8 SPECIAL AGENT NEFF: Did he say anything
9 else at that time?

10  No. No, he's a pretty
11 reserved quiet guy. That's pretty much all he said
12 and then probably after some period of time, an hour
13 or two after that, he said go to cold shutdown and we
14 did and we went to cold shutdown.

15 MR. BARBER: How -- how did -- well, let's
16 back up to -- we -- the conversation and just stay
17 with that for a moment.

18  Yes.

19 MR. BARBER: When  was saying that to
20 you,  was saying that to you, what was your
21 understanding of what he meant by if somebody else is
22 -- if -- if you're going to end up staying up or not
23 going to cold shutdown, it's going to be coming from
24 some -- someone else. What did he mean when he said
25 that?

1 [REDACTED] It means to me -- what it
2 means to me and what I would infer from it is that he
3 is crystal clear that the plant needs to go to cold
4 shutdown to find out what's wrong with the bypass
5 valves and that's where the plant needs to go and he's
6 the one who is explaining that. That's what that
7 means to me.

8 MR. BARBER: Okay. And then if he got
9 direction to the contrary, what did you expect to have
10 happen?

11 [REDACTED] The plant needs to go to
12 cold shutdown. The bypass valves are inoperable.

13 MR. BARBER: Okay. Let me ask the
14 question differently. Could -- did you have an
15 understanding that if the plant was going to stay at
16 the -- at where it was or -- or possibly turn the
17 power that he was making a statement to such that he
18 was not going to be with PSE&G anymore? Do you think
19 he was kind of drawing the line in the sand and saying
20 they told me to do this?

21 [REDACTED] What -- what he said and
22 I'll -- what he said and I'll repeat it is if someone
23 is going to tell you to not go to cold shutdown, it
24 won't be me.

25 SPECIAL AGENT NEFF: And he indicated he

1 would be leaving?

2 [REDACTED] No. 7C

3 SPECIAL AGENT NEFF: Did he say that?

4 [REDACTED] No. 7C

5 SPECIAL AGENT NEFF: I kind of took it
6 that --

7 MR. BARBER: Well, he sort of -- there's
8 kind of an implication there.

9 [REDACTED]: Yes. No, he said it won't
10 be me. 7C

11 SPECIAL AGENT NEFF: He won't be here.

12 [REDACTED] You can -- yes, it won't --
13 it won't be me and you can scratch the I will be
14 leaving. That's what I took out of it. That's what
15 I took from it. 7C

16 SPECIAL AGENT NEFF: You remember that it
17 wouldn't be him.

18 [REDACTED]: Yes. 7C

19 SPECIAL AGENT NEFF: Okay.

20 [REDACTED]: It won't be me. 7C

21 SPECIAL AGENT NEFF: Okay. Leave it at
22 that.

23 [REDACTED] Yes. 7C

24 SPECIAL AGENT NEFF: Okay.

25 MR. BARBER: And that's as much as he

1 said?

2 [REDACTED] Yes. 7C

3 MR. BARBER: Did -- did you -- did you
4 interpret it to --

5 [REDACTED]: That's how I interpreted it 7C
6 that he was getting some pressure to keep -- to keep
7 from going to cold shutdown.

8 MR. BARBER: Okay.

9 [REDACTED] And potentially to turn the 7C
10 plant around. Because that's the only thing you could
11 do if you weren't going to cold shutdown.

12 MR. BARBER: Okay.

13 [REDACTED] So, he was -- he was
14 getting some pressure.

15 MR. BARBER: Right. He was getting
16 pressure, but did you think that he was in -- in a way
17 telling you that if -- if -- if he was ordered to do
18 this, he wasn't going to do it?

19 [REDACTED] Yes. 7C

20 MR. BARBER: Even if he was threatened
21 with his job, that was still going to say I'm not
22 doing it?

23 [REDACTED] Right. 7C

24 MR. BARBER: Okay.

25 [REDACTED] Yes. 7C

1 MR. BARBER: Okay.

2 [REDACTED]: Yes, based on very, very --
3 yes, I remember that day well.

4 MR. BARBER: Okay.

5 [REDACTED]: And it was not a good day. 7C

6 MR. BARBER: When -- when exactly was
7 that? Do you remember the -- the relative time frame?
8 Was this --

9 [REDACTED]: Say around March 20th or 7C
10 so.

11 MR. BARBER: This was --

12 [REDACTED]: I say March 20th. 7C

13 MR. BARBER: The -- the problem -- the
14 reactivity event was on a Sunday night and then there
15 was --

16 [REDACTED]: It was Monday morning. 7C
17 Right.

18 MR. BARBER: It was a Monday morning?

19 [REDACTED]: It was -- it was -- the 7C
20 reactivity event -- I relieved the shift that was
21 involved on the reactivity event.

22 MR. BARBER: So, they were on from 7:00 p
23 to 7:00 a.

24 [REDACTED]: 6:00 -- 6:00 -- 6:00 in the
25 morning --

1 MR. BARBER: Well, yes, I was --

2 [REDACTED] -- yes, 6:00 at night to
3 6:00 in the morning. Right.

4 MR. BARBER: Yes, 6:00 at night to 6:00 in
5 the morning.

6 [REDACTED] Yes.

7 MR. BARBER: And so, you're coming on at
8 6:00 in the morning and then taking a shift that day.

9 [REDACTED] Right.

10 MR. BARBER: So, that's when the
11 conversation was?

12 [REDACTED] Yes.

13 MR. BARBER: Okay.

14 [REDACTED] The plant -- the plant was
15 scrambled. The bypass valves were all closed and we
16 were going to initiate a cool down and we did and got
17 this call.

18 MR. BARBER: And how long of a time frame
19 did you say it was? Like an hour? Could it have been
20 a little bit longer than that?

21 [REDACTED] That we held the cool down?

22 MR. BARBER: Yes.

23 [REDACTED] It could have been.

24 MR. BARBER: Could it be even like three
25 hours or four hours? Could it have been as long as

1 that?

2 [REDACTED]: Could -- could be. 7C

3 MR. BARBER: Okay.

4 [REDACTED] I'd have to go look at the
5 logs.

6 MR. BARBER: Did he -- did -- did [REDACTED] go 7C
7 off somewhere --

8 [REDACTED] Yes. 7C

9 MR. BARBER: -- at some point?

10 [REDACTED] Yes, he was around his 7C
11 office for a period time engaged in conversation and
12 he -- I remember him leaving and coming over here to
13 meetings.

14 MR. BARBER: Was -- was [REDACTED] around 7C
15 then or was [REDACTED] -- 7C

16 [REDACTED] I don't remember [REDACTED] at 7C
17 all.

18 MR. BARBER: Okay.

19 [REDACTED] I don't remember [REDACTED] being
20 there at all that day.

21 MR. BARBER: How about [REDACTED] Was
22 [REDACTED] around?

23 [REDACTED] I think so. I think [REDACTED]
24 was here.

25 MR. BARBER: Did [REDACTED] talk to you at all

1 about the circumstance?

2 [redacted]: Don't -- don't remember.

3 MR. BARBER: Okay. But, obviously what
4 [redacted] said made an impact. Because you -- you remember
5 fairly well.

6 [redacted] Yes. Yes, I vividly
7 remember talking to [redacted] about that.

8 MR. BARBER: Okay. All right. Now,
9 anybody else like [redacted] or [redacted]
10 (phonetic sp.) or --

11 [redacted]: No.

12 MR. BARBER: Okay.

13 [redacted]: No.

14 MR. BARBER: No?

15 [redacted]: No.

16 MR. BARBER: Okay.

17 SPECIAL AGENT NEFF: Had you seen any
18 situations like this before where you had this kind of
19 a holdup for that length of time? That kind of a
20 direct disagreement between your senior operators and
21 -- and senior management? Had you seen [redacted] be
22 placed in that position before?

23 [redacted]: Un-huh.

24 SPECIAL AGENT NEFF: Since that time?

25 [redacted]: No, not -- not with me and

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1 not with [REDACTED] and I one on one directly. Perhaps --
2 perhaps the same type of appearance or message he was
3 given with the jacket water incident. Because that
4 message, he was -- for that shift manager meeting in
5 -- in June, he was there, but he wasn't delivering
6 that message about get the engineers to provide you
7 the operating margin that you -- that you need.

8 SPECIAL AGENT NEFF: Did you -- message
9 that was different from [REDACTED] than what you've
10 been hearing before? Is that the one you're talking
11 about?

12 [REDACTED] Yes.

13 SPECIAL AGENT NEFF: You said that was a
14 different position for [REDACTED] to be taking at
15 that point in time.

16 [REDACTED] Yes.

17 SPECIAL AGENT NEFF: But, that was no [REDACTED]
18 [REDACTED] message?

19 [REDACTED] Well, [REDACTED] works for [REDACTED]
20 and [REDACTED] is a -- [REDACTED] will communicate the message, but
21 he didn't deliver the message that day.

22 SPECIAL AGENT NEFF: I going to -- I'm
23 going to take a quick break. Okay. We'll go off the
24 record. It's approximately 3:43 p.m.

25 (Whereupon, at 3:43 p.m. off the record

1 until 4:03 p.m.)

2 SPECIAL AGENT NEFF: Okay. We're back on
3 the record. It's approximately 4:03 -- 4:03 p.m.

4 What I had wanted to ask you about was in
5 -- in discussing the bypass valve issue and your
6 conversation with [REDACTED] where you're learning from
7 him -- your interpretation is there's some pressure
8 from senior management. You're -- you're -- you heard
9 the name [REDACTED] but you're guessing at whoever else
10 was present in whatever conference meeting, telephone
11 call, whatever he had going on. Right?

12 [REDACTED] The reference to PSE&G
13 Power I'm clear on.

14 SPECIAL AGENT NEFF: Was it PSE -- PSEG
15 Power or was it Mr. [REDACTED]

16 [REDACTED]: PSEG Power. The highest
17 levels of PSEG Power.

18 SPECIAL AGENT NEFF: Is what [REDACTED]
19 said where it was coming from? So, not [REDACTED] by
20 name?

21 [REDACTED]: Right.

22 SPECIAL AGENT NEFF: Okay. All right. We
23 have to be clear on that.

24 When he was telling you about this, where
25 you interpreting that -- that there might be pressure

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1 on not going into cold shutdown, at that point in
2 time, did you also -- could -- did he make the
3 statement to you -- it's been reported this way. I
4 understand what senior management's direction is. You
5 continue cooling the unit down. [REDACTED] to you.

6 [REDACTED] No.

7 SPECIAL AGENT NEFF: Something -- words to
8 that affect maybe?

9 [REDACTED] No, the words -- the words
10 to the affect is there -- there are some -- there are
11 some questions about where we are going to take the
12 unit. If someone is going to tell you not to go to
13 cold shutdown, it won't be me.

14 SPECIAL AGENT NEFF: So, these two go
15 together in the same -- the same conversation
16 regarding the same incident?

17 [REDACTED] Yes. The best -- to the
18 best of my -- of my memory, yes.

19 SPECIAL AGENT NEFF: Okay. So, if
20 somebody else remembered it being I understand what
21 senior management's direction is, you continue cooling
22 the unit down, essentially you're getting to the same.

23 [REDACTED] Well, he wanted us to -- he
24 wanted us to hold to entertain this discussion, but my
25 discussion with him was, we're going to go to cold

1 shutdown. The bypass valves are inoperable and I have
2 to explain why the bypass valves are inoperable. But,
3 that's the direction we had to go.

4 SPECIAL AGENT NEFF: Right. And yes, and
5 you had to explain to who?

6 [REDACTED] He had to explain --

7 SPECIAL AGENT NEFF: He -- he had to
8 explain.

9 [REDACTED] -- to a meeting over here
10 and the highest levels of PSEG Power.

11 SPECIAL AGENT NEFF: Okay. Understood
12 that. Okay. But, if -- so, you're -- you're saying
13 that his statement of I understand what senior
14 management's direction is is not quite accurate.
15 You're thinking that it was what you just reported.
16 What I'm hung up on is this and what I'd -- what I'd
17 like to get clarified --

18 [REDACTED] Okay. What did I -- yes,
19 what --

20 SPECIAL AGENT NEFF: -- if he says I
21 understand, what I'd like to know is it's almost as
22 though there's -- there's a debate between the two of
23 you. Like you're -- you're taking a different
24 position. Is that what occurred?

25 [REDACTED] No.

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1 SPECIAL AGENT NEFF: Okay. Potential for
2 the statement to be read that way. So, I want to
3 clear that up.

4 [REDACTED] No.

5 SPECIAL AGENT NEFF: You were both in
6 agreement? You and [REDACTED]

7 [REDACTED] Yes, we're both in
8 agreement we have to go to cold shutdown. He -- he
9 wants to hold at the request of management, someone
10 above him --

11 SPECIAL AGENT NEFF: Okay.

12 [REDACTED] -- to entertain the why do
13 you have to go to cold shutdown if all the bypass
14 valves are closed --

15 SPECIAL AGENT NEFF: Okay.

16 [REDACTED]: -- from the highest levels
17 of PSE&G Power.

18 SPECIAL AGENT NEFF: The way he put it was
19 from the highest levels --

20 [REDACTED] Right.

21 SPECIAL AGENT NEFF: -- of PSEG Power.

22 Which -- which translates to you as [REDACTED]

23 [REDACTED]: Right.

24 SPECIAL AGENT NEFF: Okay. Is that how --

25 is that a common reference to [REDACTED]? I mean is

1 that --

2 [REDACTED] No. No. 7C

3 SPECIAL AGENT NEFF: -- something that
4 gets thrown around by --

5 [REDACTED]: If I hear that -- if I hear
6 that, then that's -- that's the highest level of PSE&G
7 Power. 7C

8 SPECIAL AGENT NEFF: Okay. 7C

9 [REDACTED] He --

10 SPECIAL AGENT NEFF: All right. It's not
11 the --

12 [REDACTED]: -- he's the man in charge
13 of PSE&G Power. 7C

14 SPECIAL AGENT NEFF: Okay. All right.
15 When you were having this discussion with [REDACTED] 7C
16 in -- in that time frame when you're interpreting that
17 there's pressure on him to --

18 [REDACTED]: Yes. 7C

19 SPECIAL AGENT NEFF: -- to not go into
20 cold shutdown --

21 [REDACTED] Right. 7C

22 SPECIAL AGENT NEFF: -- what -- how did
23 you feel about that? I mean you're the [REDACTED] 7C
24 on duty. Right?

25 [REDACTED]: Yes. 7C

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1 SPECIAL AGENT NEFF: What's -- what's your
2 feeling about it?

3 [REDACTED] That's -- that's some
4 pressure and it's pressure from the -- from the
5 standpoint that well, what's going to happen if he
6 isn't there and he isn't sent in to begin this cold
7 shutdown, then what are you going to do if your bypass
8 valves are inoperable?

9 SPECIAL AGENT NEFF: Comes to you then.
10 Right?

11 [REDACTED]: Right. Comes to me.

12 SPECIAL AGENT NEFF: If he's not there.
13 So, you're preparing yourself for that decision.

14 [REDACTED] For what's -- for what's
15 going to come down from there. Right.

16 SPECIAL AGENT NEFF: Did this incident --
17 it's -- you couldn't describe anything like this
18 before or since that time?

19 [REDACTED] For me personally, no.

20 SPECIAL AGENT NEFF: Is it fair to say it
21 made a -- a fairly solid impression on you in that
22 time frame?

23 [REDACTED] Yes, it did.

24 MR. BARBER: What -- what would you have
25 done if [REDACTED] wasn't there?

1 [REDACTED] Take the unit to cold
2 shutdown.

3 MR. BARBER: No, I mean if he wasn't -- if
4 you were told to -- to either --

5 [REDACTED] Based -- based on what?
6 Based on what? That the bypass valves are not closed
7 and they're operable based on what? If --

8 MR. BARBER: Well, there's a -- first of
9 all, there's no tech spec on the bypass valves. Let's
10 be clear on that. Right? Is there a tech spec?

11 [REDACTED] No, there's a tech spec.
12 There is a tech spec on bypass.

13 MR. BARBER: Where does it say?

14 [REDACTED]: I would have to pull the
15 tech specs out.

16 MR. BARBER: All right. Let's -- let's go
17 off the record for a minute. Can we do that?

18 SPECIAL AGENT NEFF: You want to? Sure.
19 It's approximately 4:08.

20 (Whereupon, at 4:08 p.m. off the record
21 until 4:10 p.m.)

22 SPECIAL AGENT NEFF: It's 4:10 p.m. Go
23 ahead and summarize that -- the research --

24 MR. BARBER: Okay. In -- in the -- in the
25 intervening time frame, I obtained a copy of the Hope

1 Creek tech specs. It's control copy number 106 and we
2 were looking at tech spec 377 on the main turbine
3 bypass valve and it says the main turbine bypass
4 system shall be operable and the applicability is
5 operation condition one where thermal power is greater
6 than or equal to 25 percent of rated thermal power and
7 ~~_____~~ what were you saying about those circumstances
8 as far as the applicability?

9 ~~_____~~ The applicability of them
10 would only be in op con one when you're greater than
11 25 percent power. So, if I declared the bypass valves
12 inop and I was below op con one and 25 percent power,
13 the spec wouldn't apply.

14 MR. BARBER: Okay. All right. But, there
15 is -- there's a different spec that would preclude you
16 from entering this condition without having them
17 operable.

18 ~~_____~~ Correct.

19 MR. BARBER: Is that correct?

20 ~~_____~~: Yes, that would be 302 --
21 304.

22 MR. BARBER: Okay. All right. So, it
23 wouldn't allow you to -- to "increase loads or go into
24 that -- into the -- this area of applicability" --

25 ~~_____~~ Where applicability --

1 where -- where they would be applicable.

2 MR. BARBER: Okay.

3 [REDACTED] Correct.

4 MR. BARBER: All right.

5 [REDACTED] So, in hindsight on our
6 discussion, you could make the case that could have
7 stayed in hot shutdown indefinitely without cooling
8 down to cold shutdown to fix the bypass valves.

9 MR. BARBER: All right. Was there anyone
10 -- was there anyone else at the station that could
11 have given you direction from an operations viewpoint?
12 I mean couldn't -- was [REDACTED] in a position
13 where he could do that? He could say, you know, [REDACTED]
14 let's take the unit up from where we are.

15 [REDACTED] No, those -- those need to
16 come from [REDACTED] If he had some direction, I would ask
17 him to call by change of command so it would come down
18 through [REDACTED]

19 MR. BARBER: Okay. I mean it sounds like
20 -- it sounds like you were -- you were kind of
21 standing firm on the issues also.

22 [REDACTED] Yes.

23 MR. BARBER: So, that if [REDACTED] would have --
24 for whatever reason, wouldn't have been around to give
25 you a direction to -- to take the unit to shutdown,

1 you -- you would have stood up and said hey, I think
2 -- I --

3 [REDACTED]: Right. 7C

4 MR. BARBER: -- think that's the right
5 thing to do.

6 [REDACTED]: Yes.

7 MR. BARBER: Okay. Thank you.

8 SPECIAL AGENT NEFF: What -- what would --
9 say it came from the highest levels of PSEG Power and
10 the people above [REDACTED] and senior management, the 7C
11 direction that he was facing at that point -- I mean
12 it came from somewhere. We just don't know
13 specifically where is what you're -- what you're
14 saying. What is there -- what is there to gain by
15 doing that? By just -- by just directing the shift to
16 not go into cold shutdown? What -- what did you see
17 as the motivation for doing that?

18 [REDACTED]: To bring the unit back up. 7C

19 SPECIAL AGENT NEFF: You see it as
20 production?

21 [REDACTED]: I would see that as
22 production. If it's coming from PSE&G -- PSE&G Power,
23 yes.

24 SPECIAL AGENT NEFF: Do you see it as a --
25 a production over safety concern?

1 [REDACTED] I don't know that PSE&G
2 Power understands what's -- what's in the tech specs
3 and what's required.

4 SPECIAL AGENT NEFF: Okay.

5 [REDACTED] They -- they can ask
6 questions, but it's -- it's our responsibility as the
7 license to communicate what the requirements are.

8 SPECIAL AGENT NEFF: Okay. So, you see it
9 as in -- in terms of what they were suggesting as the
10 purpose -- the motivation was for production. They
11 might not have recognized it as a production over
12 safety --

13 [REDACTED]: Correct. No.

14 SPECIAL AGENT NEFF: -- at that point in
15 time.

16 [REDACTED]: Correct. Which would be
17 the same thing with what's a tech spec for bypass
18 valves. It's somewhat unique and somewhat
19 misinterpreted. That's how -- that knowledge -- it
20 doesn't require you to go to a cold shutdown, but you
21 can't bring the unit back up until you -- you find the
22 problem.

23 SPECIAL AGENT NEFF: Okay. The -- what I
24 wanted to ask you about next is back in April you were
25 interviewed by the attorneys from Winston & Stron

1 (phonetic sp.) in regard to some issues and they --
2 they were pretty on point to the work environment at
3 that point in time.

4 I have -- I have your transcript here.
5 I'm just trying to get it pieced into order.

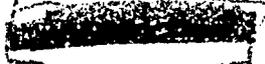
6 You were interviewed according to this
7  Do you recall that?

8  Yes.

9 SPECIAL AGENT NEFF: Did you have an
10 opportunity to review the transcript of the interview?

11  Yes.

12 SPECIAL AGENT NEFF: You did. When was
13 that opportunity made available?

14  Over the summer period. It
15 may have been in -- it may have been in September.

16 SPECIAL AGENT NEFF: A couple months later
17 maybe?

18  Yes. Right. Correct.

19 SPECIAL AGENT NEFF: Did -- did you find
20 -- the transcript that you reviewed, did you find it
21 to be complete in terms of the information you
22 reported to them?

23  As I recall, yes.

24 SPECIAL AGENT NEFF: Were there any off-
25 the-record discussions during this interview that you

1 recall?

2 [REDACTED] No.

3 SPECIAL AGENT NEFF: Everything was
4 transcribed from what you recall your testimony was?

5 [REDACTED]: Correct. Actually, I
6 remember having a comment at the end of that that said
7 off of record --

8 SPECIAL AGENT NEFF: And it was on the
9 record.

10 [REDACTED] -- and it was still on the
11 record.

12 SPECIAL AGENT NEFF: I could show you just
13 so you can refresh your recollection in a minute. I
14 just want to ask you some -- some general questions
15 about it. The -- the last page, you gave a personal
16 opinion and you said off the record and it was made a
17 part of the record. So, to you, you recall everything
18 that you had said in here was made a part of the
19 record --

20 [REDACTED] Correct.

21 SPECIAL AGENT NEFF: -- to that interview?
22 The -- what about specifically regarding the bypass
23 valve incident? Do you recall any off-the-record
24 discussions on that? Was it fairly complete in terms
25 of the questions asked and -- and what your answers

1 were?

2 [REDACTED] I don't remember off-the-
3 record discussions on it.

4 SPECIAL AGENT NEFF: Okay. The -- let's
5 just discuss this. I want to go backwards a little
6 bit in terms of where we started today.

7 On page -- I'm going to give it to you
8 because it's not fair to get you to go back to [REDACTED]
9 [REDACTED] of last year. I think it starts here. [REDACTED]

10 [REDACTED]
11 For the record, what I'm reading is from
12 the transcript dated [REDACTED]

13 [REDACTED]
14 And the question to you is "We understand
15 that there have been meetings where management has
16 challenged recommendations with respect to taking the
17 plant down, bringing the plant up, keeping the plant
18 in a certain mode and that individuals in the room
19 might view those meetings as representative of senior
20 management's focus on production because of the nature
21 of the challenge and their questions." The question
22 to you was 'Have you been in any meetings where senior
23 management has challenged recommendations of their
24 direct reports?"

25 (Whereupon, off the record.)

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1 SPECIAL AGENT NEFF: Approximately 4:18
2 p.m. and we're back on the record.

3 And what I was doing is reading the --
4 this is from page eight of the transcript of your
5 interview with Winston & Stron back in [REDACTED] 7C

6 "Have you been in any meetings where
7 senior management has challenged recommendations of
8 direct reports? You answer was from what perspective?
9 I guess the question would be or to put it as an
10 example, the challenge not only comes that here is
11 what the direct reports recommend. The management
12 challenge has typically been is that the conservative
13 thing to do. It has been one taking more of a
14 conservative action rather than a plant production
15 aspect."

16 This also is part of your answer. "So, I
17 would say that the challenges I have seen have been
18 more towards the conservative end of operating rather
19 than the continued operation of the facility."

20 Now, you're talking about -- this is in
21 response to senior management to -- to their direct
22 reports?

23 [REDACTED] Yes.

24 SPECIAL AGENT NEFF: I see a conflict here
25 in --

1 [REDACTED] I would agree with you.

2 SPECIAL AGENT NEFF: -- in what you were
3 telling me earlier?

4 [REDACTED] I would agree with you.

5 Because that -- based on what I got -- okay. Here --
6 here's how I would answer that. Have I been in any
7 specific meetings where management has challenged
8 their direct reports? No, I wasn't in the meeting
9 regarding the bypass valves. I was not at that
10 meeting.

11 SPECIAL AGENT NEFF: As explained.

12 [REDACTED] If I'm in a meeting and I'm
13 getting challenged as of [REDACTED] as to
14 decisions I -- I would have been making, it would have
15 been for me being at that meeting is that the most
16 conservative thing you do and what are you doing and
17 that's why I would say that the meeting in June was a
18 change to what typically I had been exposed to, at the
19 meetings that I had been at.

20 So, time line would go March, bypass valve
21 issue.

22 SPECIAL AGENT NEFF: Yes.

23 [REDACTED] Had I been at that meeting
24 where conservatism was being challenged by direct
25 reports? No, I wasn't at the meeting. Do I have a --

1 a keen sense of what Mr. [REDACTED] was exposed to that
2 day, absolutely? The meeting -- this interview is in
3 [REDACTED] I would say that prior to [REDACTED] if I was at
4 a meeting, where people are getting challenged about
5 their recommendations, it would be from the
6 conservative end. In June when we had the jacket
7 water leak issues, that's a change in my mind.

8 SPECIAL AGENT NEFF: But, prior to that,
9 you -- you threw out two examples before of the one
10 for the NOED in the fall of 2002. You weren't
11 comfortable with the decision making there.

12 [REDACTED]: Yes.

13 SPECIAL AGENT NEFF: And also, you've now
14 gone through -- this is just four weeks before.
15 You've gone through the bypass valve incident.

16 [REDACTED]: Yes.

17 SPECIAL AGENT NEFF: And I understand what
18 you're saying. No, you weren't at the meeting, but is
19 that not --

20 [REDACTED]: Right.

21 SPECIAL AGENT NEFF: -- that's not just
22 sort of being cute with them.

23 [REDACTED]: No.

24 SPECIAL AGENT NEFF: You weren't there.
25 You were --

1 [REDACTED] Well --

2 SPECIAL AGENT NEFF: It goes -- it goes
3 on. Let me -- let me-- let me show you this.

4 [REDACTED] Okay. Okay.

5 SPECIAL AGENT NEFF: The example would be
6 the Hope -- this is the question to you. "An example
7 would be the Hope Creek Number Two bypass valve
8 incident that occurred fairly recently whereas you
9 know the bypass valve was stuck open. We were in a
10 power reduction mode and then the valve closed and the
11 question was can we come back up or do we have to
12 continue to shut down and that was the source of quite
13 a bit of discussion." Now, that's a question to you.

14 Your answer was "It was. I was actually
15 on that day. I wasn't at any meeting where I heard
16 challenges that we need to maintain the plant on-line
17 or we should continue to come back up."

18 [REDACTED] Yes.

19 SPECIAL AGENT NEFF: "So, I don't have any
20 first-hand information on that." You say "I know it
21 was being discussed. The right decision was made. We
22 came down and fixed the valve."

23 [REDACTED] Yes.

24 SPECIAL AGENT NEFF: And then they go on
25 another question. It's -- it's an unrelated question.

1 But, let me ask you it this way.

2 [REDACTED] Okay. 7C

3 SPECIAL AGENT NEFF: In -- in terms of
4 what they're looking at here and they're looking at
5 the work environment and conservative decision making,
6 did you express -- we're -- we're getting a little bit
7 more than what they got.

8 [REDACTED] Yes. 7C

9 SPECIAL AGENT NEFF: Put it that way.
10 Well, what's -- what's the reason for that? Why would
11 you not given them that conversation that you had with
12 [REDACTED] on the fact that he was ready to leave the
13 site at that point in time? Was there some reason
14 that you would hold back a little bit?

15 [REDACTED] Don't know. I'd have to go
16 through that context again or the -- that transcript
17 of that again to try to put it back in the framework
18 of how those questions were laid out. 7C

19 That interview was -- was based on a
20 letter from an individual, an anonymous individual,
21 that had a lot of keen specific pointed allegations
22 from what I remember on how those individuals made
23 operational decision and what they were doing on-site
24 and as we went through those questions, I answered
25 them in -- in the context of that specific letter.

1 Was I privy to the --

2 SPECIAL AGENT NEFF: Yes, you did --

3 [REDACTED] -- was I -- was I privy to
4 the specific meeting, no, but I know what [REDACTED]
5 said that day and I know what he felt that day.

6 Did we make ultimately the right decision
7 with the bypass valves? Yes. Was I privy to the
8 specific meetings? No. Did I have interface with [REDACTED]
9 [REDACTED] Yes.

10 SPECIAL AGENT NEFF: Which wasn't a
11 question to you at that point in time. They were
12 sticking to --

13 [REDACTED] Were you at meetings that
14 this was discussed?

15 SPECIAL AGENT NEFF: Right. Right.

16 [REDACTED]: Am I trying to hide
17 something from them in particular? Well, from the
18 context of the question and when I look at it now, I
19 wasn't going out and expanding my opinion of
20 everything that could have happened that day. I took
21 it more as a personal question and some of the
22 questions reflected personally on me in that.

23 SPECIAL AGENT NEFF: Right. But, it -- I
24 guess you have to see from our perspective.

25 [REDACTED] Well, I'm --

1 SPECIAL AGENT NEFF: I mean you're being
2 interviewed specifically --

3 [REDACTED] Right.

4 SPECIAL AGENT NEFF: -- about an incident
5 that you're pointing -- you're pointing to as unique.
6 It hadn't happened before.

7 [REDACTED] Right.

8 SPECIAL AGENT NEFF: It hadn't happened
9 since.

10 [REDACTED] Right.

11 SPECIAL AGENT NEFF: Although this is only
12 a month later. But, it's not warranting anymore than
13 six lines in your -- in your summary here and they're
14 -- and they're -- they're going to the specifics of
15 what's your experience with that.

16 [REDACTED] Yes.

17 SPECIAL AGENT NEFF: Was it your
18 expectation that -- I -- I guess I just have to ask
19 you. You're saying you're not trying to hide anything
20 from them.

21 [REDACTED] No.

22 SPECIAL AGENT NEFF: But, why wouldn't you
23 give them the full flavor of just how upsetting that
24 was to the senior operating shift?

25 [REDACTED] Maybe because it was only

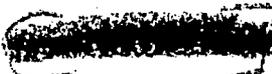
1 a month after that specific issue occurred. I -- I
2 don't know. I couldn't answer that question.

3 Why wouldn't I expound on what they were
4 asking? Why would I expound on all of my feelings on
5 anything that occurred on the site? They were
6 specifically interviewing me for a specific -- in
7 response to a specific letter. That is probably why.

8 SPECIAL AGENT NEFF: Right. But, and the
9 answer above that that we just discussed and you put
10 it into a --

11  Yes.

12 SPECIAL AGENT NEFF: -- a time frame, your
13 response to them was that management typically would
14 be more conservative, but --

15  At the meetings that I'm --
16 that I'm at, right.

17 SPECIAL AGENT NEFF: Right. But, that
18 wasn't what you were -- you were telling me. It was
19 that typically operational decision making they were
20 not more conservative. When we asked you that earlier
21 today.

22  For this bypass valve issue
23 in hindsight, no, they weren't conservative on that.

24 SPECIAL AGENT NEFF: But, my -- right.

25  Where that -- where the

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1 dividing line stopped between PSEG Power, PSEG nuclear
2 management, I know where it stopped. I know it was at
3 [REDACTED] level and I know he was saying no, we're
4 not going to -- we're not going to turn around or
5 bring the unit back. We're going to cool down and get
6 the bypass valves fixed.

7 SPECIAL AGENT NEFF: But, my question for
8 you earlier was -- was more general than that. It
9 wasn't about the bypass valve. It was, you know, is
10 -- is -- when you find yourself in that gray area, is
11 management more conservative than where you're
12 operators are or less conservative and you -- your
13 answer was that they're less conservative
14 operationally and in terms of --

15 [REDACTED] Yes. Yes, that's true.

16 SPECIAL AGENT NEFF: -- operability calls
17 and so forth. My discrepancy here is --

18 [REDACTED] Right.

19 SPECIAL AGENT NEFF: -- is this answer.
20 So, again, can -- can you tell me why it -- it looks
21 like you're portraying a little -- it's different and
22 this is even closer to the time frame for the incident
23 where you would think that it would really kind of
24 fully register with you at that time.

25 [REDACTED] I would say that it

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1 registers fully now after more time to see a -- to see
2 a difference in how we operate and we've operated in
3 December with staying down for ten days.

4 I don't know why there's -- why there's a
5 discrepancy in that.

6 MR. BARBER: Did you have any concerns
7 about how the information was going to be used?

8 [REDACTED] About this?

9 MR. BARBER: Yes. No, about what the
10 interview --

11 [REDACTED] Oh, that interview? I
12 would say that it was my first interview with -- with
13 a group like that. Now, since -- since that time
14 frame, I've been to the -- had the OI interview with
15 the diesel and this one here. I was pretty nervous at
16 the interview, but --

17 SPECIAL AGENT NEFF: Were you instructed
18 to answer just the question and don't go beyond it?
19 Were there any specific instructions to you?

20 [REDACTED] I don't remember. They --
21 I thought that they would have included that in the
22 transcript. We -- we've received the letter. We're
23 going to ask you a series of questions. Please give
24 us an answer to the question type -- type outline.

25 SPECIAL AGENT NEFF: Do you think it would

1 have been included with --

2 [REDACTED] Yes.

3 SPECIAL AGENT NEFF: Right on the
4 transcript here?

5 [REDACTED]: At the beginning. Yes, at
6 the beginning.

7 SPECIAL AGENT NEFF: No. What I'm reading
8 is there was some before the record discussion in
9 which they explained to you that the company received
10 a letter dated March 25th. As a result, an
11 independent investigation was created.

12 [REDACTED] Yes.

13 SPECIAL AGENT NEFF: These two individuals
14 were part of that team. They represent the company
15 not individuals.

16 [REDACTED] Yes.

17 SPECIAL AGENT NEFF: And the purpose was
18 to talk to you to gather facts so we can render legal
19 advice to the company and then they go right into the
20 letter --

21 [REDACTED] Yes.

22 SPECIAL AGENT NEFF: -- from there.

23 MR. BARBER: That -- those statement
24 though clearly show that --

25 [REDACTED] Yes.

7C

7C

7C

7C

7C

7C

1 MR. BARBER: -- their interest is not your
2 interest. It's the company's interest.

3 So, did that -- did you feel at all
4 challenged by that?

5 [REDACTED] I guess I really wouldn't
6 know how to answer that.

7 MR. BARBER: I'm just asking if you can
8 remember how you felt at the time. Did you feel like
9 -- do you have to be cautious about what you say and
10 how you say it?

11 [REDACTED]: Maybe in hindsight to an
12 extent, yes. Maybe in hindsight to an extent I would
13 be at that point in time.

14 MR. BARBER: Was there any -- did you have
15 any discussions with anybody before the interview
16 about either the questions already asked and --

17 [REDACTED]: No.

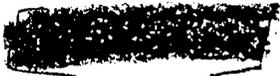
18 MR. BARBER: -- what kind of --

19 [REDACTED]: That's similar to --
20 similar to these interviews that I've done with the
21 NRC. It kind of -- it kind of come out at you.

22 SPECIAL AGENT NEFF: You went in
23 unprepared?

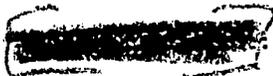
24 [REDACTED] I just knew that I had to
25 show up for an interview. Yes.

1 SPECIAL AGENT NEFF: Did you get the sense
2 from them that -- that they wanted to hear what the
3 concerns were if any?

4  No, because the -- the
5 battery of questions were -- the letter states da, da,
6 da, da, da, da, da have you ever been in -- in this
7 where you have heard this, this, this or this? The
8 letter states that this was a cause and these people
9 were discussed. Do you ever remember this being
10 discussed or this being a cause? The letter states
11 there have been meetings where this has occurred. Do
12 you ever remember being in any meetings where this has
13 occurred?

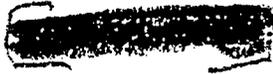
14 It was -- it was pretty rapid fire from
15 what I remember.

16 SPECIAL AGENT NEFF: Okay.

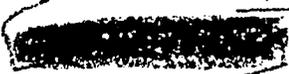
17  And when I -- when I put it
18 in that context of why does it -- why do my responses
19 now disagree with those two -- what two -- those two
20 answers, perhaps that could explain it. Because the
21 -- if you read through the transcript, it would lead
22 one to answer those questions in a have you ever been
23 in any meetings where this has occurred? No, I don't
24 remember being in any meetings. If anything, when I
25 was in meetings, this is what I remember as of that

1 time.

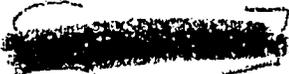
2 SPECIAL AGENT NEFF: More limited fashion.

3  More limited fashion from
4 the perspective of the bypass valve event of March of
5 2003 and that's pretty much when you look at it like
6 this were you in any meetings of the bypass valve?
7 No, I wasn't at those meetings. If I've been at
8 meetings, then it's been more a question as of April
9 of 2003. What -- are you doing the most conservative
10 action? What action are you taking? And then the
11 message in June would have been different.

12 SPECIAL AGENT NEFF: Which is obviously
13 after this interview took place.

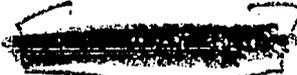
14  That's true.

15 SPECIAL AGENT NEFF: You -- you mentioned
16 at least two incidents that occurred after -- after
17 June. I think there were two examples of issues that
18 you would have questioned and then you've -- you've
19 kind of swung around and gone back to an issue where
20 you see improvement, December of '03.

21  That's true. But, you are
22 correct in stating that December of 2002 with the --
23 with the diesel testing issue, that -- that could be
24 viewed as non-conservative, but I didn't go into
25 details beyond that. Have you been in any meetings

1 where that was discussed?

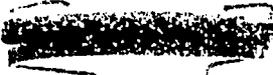
2 SPECIAL AGENT NEFF: The way they were
3 questioning you?

4  Correct. With the bypass
5 valves and the diesel and I -- I -- did you mention
6 another one, too? Bypass valves and the diesel.
7 Well, those are two examples where that would conflict
8 with that answer, but --

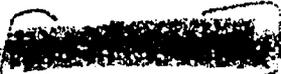
9 SPECIAL AGENT NEFF: Yes, the four diesels
10 that were inoperable?

11  Right.

12 SPECIAL AGENT NEFF: Right. The --

13  So, one could -- one could
14 surmise that there was a meeting going on at that time
15 where there were decisions being made as to why we're
16 not going to shut the plant down. Let's get an NOED.
17 Is that the conservative thing to do? Was I
18 questioning? Did I say we need to shut the units down
19 and then no, you need to keep the plant -- no, I
20 wasn't at that meeting and that's pretty much all that
21 I asked in that question or answered to that question.

22 SPECIAL AGENT NEFF: You're going first-
23 hand presence at --

24  Correct.

25 SPECIAL AGENT NEFF: -- at that point?

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1 [REDACTED] Yes.

2 SPECIAL AGENT NEFF: Okay.

3 [REDACTED] Did I go beyond that? No.

4 Did I get the impression that they were asking for a
5 nuclear safety culture overall? Well, perhaps I
6 missed the mark on that.

7 SPECIAL AGENT NEFF: Just so there's no
8 dead space, give me one second. We'll go off. It's
9 4:34.

10 (Whereupon, off the record.)

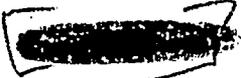
11 SPECIAL AGENT NEFF: Okay. We're going
12 back on. It's still 4:34 p.m.

13 When you were talking and -- and I was
14 comparing your answers regarding where management
15 comes from and in [REDACTED] your -- your stance
16 was that management will typically be -- they're from
17 the more conservative direction. The less -- not so
18 production over safety. That they were more
19 conservative.

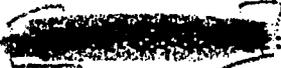
20 We got a little bit different today and
21 you said that incidents in the summer of 2003
22 contributed to that, but you had other experiences
23 where they weren't always conservative in your -- in
24 your -- in their approach and to the point where it
25 made you uncomfortable. The two being the -- the

1 December '02 the diesel inoperability event and the
2 March 2003, the bypass valve. Right?

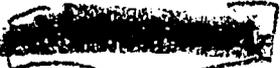
3 And I think I understand your answers that
4 that didn't factor into what you told the Winston &
5 Stron investigators because they were focused on were
6 you first-hand present, were you in a meeting type of
7 thing. So, you're answering from that structure.

8  From the structure that
9 it's directly related to the letter that was sent to
10 PSEG, 

11 SPECIAL AGENT NEFF: So, you were
12 considering anything that would have gone into what
13 caused that letter to be written?

14  True.

15 SPECIAL AGENT NEFF: Those -- those --
16 that kind of answer?

17  True.

18 SPECIAL AGENT NEFF: Let me ask you this
19 then from your perspective at that point in time, when
20 you answered the question that -- and told them that
21 management would be from the more conservative
22 approach, what they didn't ask you was for examples of
23 that. Do you have examples of that? Did you know
24 what you were thinking of at that point in time?

25  You already asked me that

1 question earlier and I -- I can give it a thought, but
2 specific instances where direct this is a more
3 conservative to do. Bring the unit down. Go here.
4 We're not going to operate that way.

5 SPECIAL AGENT NEFF: You're shaking your
6 head. You can't think of any?

7 [REDACTED] I don't -- I don't -- no,
8 I can't think of any.

9 SPECIAL AGENT NEFF: I just have to
10 translate for the -- for --

11 [REDACTED] Right.

12 SPECIAL AGENT NEFF: -- the record. Okay.
13 Scott, do you have anything further on
14 that?

15 MR. BARBER: No.

16 SPECIAL AGENT NEFF: What about you, [REDACTED]
17 Do you want to add anything else to the distinctions
18 we're making between your testimony today and -- and
19 back in [REDACTED] of [REDACTED] Do you have anything else you
20 want to clarify on that?

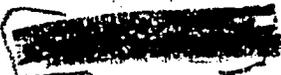
21 [REDACTED] No, other than -- well --

22 SPECIAL AGENT NEFF: Without handing you
23 this to let you read it --

24 [REDACTED] Yes, the only point would
25 be that the answers to those questions that I gave

1 were -- were in reference to the letter. I think if
2 you go through question/answer, question/answer,
3 question/answer, it's -- it's pretty much wrote down
4 through the -- through that letter. Maybe with the
5 exception of a qualifying question at the end.

6 SPECIAL AGENT NEFF: Right. And -- and I
7 agree with that. That's -- that's the format for this
8 interview. You're following a letter, but sometimes
9 after that they'll -- they'll ask you a broad
10 question. Has that been your experience? There's --
11 there's a couple of things in here.

12  Yes, there's a question in
13 there, too, that -- that would probably -- would
14 probably merit some -- some benefit for who I work for
15 and -- and I can't come up with any specific -- this
16 is where we're conservative standpoints, but in the
17 back of that transcript, it says well, what is -- what
18 is safe? What is safe and how do you define safety
19 and I've -- I've pointed out in the -- in the
20 discussion that we've had that -- that there are
21 design requirements and system functional requirements
22 and technical specifications and -- and there are laws
23 and design criteria that you have to follow and if you
24 don't follow those, you're subject to regulatory fine.

25 There's also a level of where -- where

1 does the individual feel safe. So, if you have
 2 something that is -- that meets the requirements, that
 3 doesn't satisfy everything in the individual, how do
 4 ~~you get those two together to say what is safe and~~
 5 ~~what is not safe?~~

6 If it meets -- if it meets the
 7 requirements, it functions as designed, I would
 8 contend that it is safe and that's how the plant is
 9 licensed to operate and if we miss that mark, then --
 10 then we're subject to civil penalty and we've met that
 11 mark. Have we gone the whole way down to meet all
 12 those? We can do a better job of that and I think
 13 that's the way that we are going.

14 ~~SPECIAL AGENT NEFF:~~ At this point in
 15 time?

16 ~~[REDACTED]~~: Correct. 7C

17 SPECIAL AGENT NEFF: What do you attribute
 18 the -- the change to?

19 ~~[REDACTED]~~ For me specifically, the 7C
 20 plant manager comes from a point of standards that are
 21 above and beyond where we were before.

22 SPECIAL AGENT NEFF: Is that Mr. ~~[REDACTED]~~ 7C
 23 (phonetic sp.) then?

24 ~~[REDACTED]~~ Yes. Yes, I mean the guy 7C
 25 -- the guy's comment is why aren't you fixing it now?

1 Well, our process says here's when we'll do it and we
2 usually schedule during a work week. Ask them if
3 they'll fix it now? You should get that back. It's
4 a redundant component. ~~Not required by tech specs.~~

~~5 Not outside the design limits, but he wants it fixed~~
6 now. Work it now.

7 We could have done that steam leak repair
8 -- I could see three years ago sending someone in with
9 a -- a hook to pull out the insulation to see how bad
10 the steam leak was. ~~We shut the unit down to fix the~~
11 steam leak which was a very small, small leak.

12 We found another problem with the clean-up
13 system lead and we stayed down for ten days to fix
14 that as well as all the other things.

15 SPECIAL AGENT NEFF: This is December --

16 ~~████████████████████~~ Yes. 70

17 SPECIAL AGENT NEFF: -- '03?

18 ~~████████████████████~~ So, that's a big message.

19 To me, that's a big message. Because both -- both
20 ways of operating may be within the license and with
21 the design basis. Perhaps the -- perhaps the issue
22 with the calculation on diesel jacket water leakage is
23 out of bounds, but both may be within the basis, but
24 it's a different level of safety. Both are safe. One
25 is safer than the other and I think we are safer now

1 that we were before.

2 SPECIAL AGENT NEFF: Okay. Do you have
3 anything further, Scott?

4 MR. BARBER: No.

5 SPECIAL AGENT NEFF: [REDACTED] if you have
6 nothing further to add to it, I just have a few
7 closing questions.

8 [REDACTED] Sure.

9 SPECIAL AGENT NEFF: Okay. Have I or any
10 other NRC representative offered you any promises of
11 reward or threatened you in any manner in exchange for
12 your information today?

13 [REDACTED]: No.

14 SPECIAL AGENT NEFF: Have you appeared
15 here freely and voluntarily?

16 [REDACTED]: Yes.

17 SPECIAL AGENT NEFF: Okay. Then we'll go
18 off the record if you have nothing further to add.

19 You do not.

20 [REDACTED]: Nothing else to add.

21 SPECIAL AGENT NEFF: Okay. It's 4:41 p.m.
22 I thank you for your time.

23 [REDACTED]: Sure.

24 (Whereupon, the interview was concluded at
25 4:41 p.m.)