

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 -----X

7 IN THE MATTER OF: :

8 INTERVIEW OF : Docket No.

9 [REDACTED] - 7C : 1-2003-051F

10 (CLOSED) :

11 -----X

12 Tuesday, October 21, 2003

13  
14 NRC Resident's Office

15 Salem Hope Creek

16  
17 The above-entitled interview was conducted  
18 at 2:17 p.m.

19  
20 BEFORE:

21 Special Agent EILEEN NEFF, OI/RI

22  
23 ALSO PRESENT:

24 SCOTT BARBER, Division of Reactor

25 Projects, NRC Region I

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(2:17 p.m.)

SPECIAL AGENT NEFF: Today's date is October 21, 2003. The time is approximately 2:17 p.m.

Speaking is Special Agent Eileen Neff, U.S. NRC Region I, Office of Investigations. Also present from the Division of Reactor Projects is Scott Barber. And this interview is with [REDACTED] from Salem at PSEG Nuclear.

The topic of today's discussion is going to be an assessment of the safety conscious work environment. As explained to you, [REDACTED] -- you had indicated I can call [REDACTED]

[REDACTED] That's correct.

SPECIAL AGENT NEFF: There is no subject of investigation. We have no specific potential violation involved here, and what we're interested in is your assessment of the safety conscious work environment onsite.

And the way this interview came about was that you had heard we were doing this assessment, and you contacted the Office of Investigations. You called me this morning.

[REDACTED] That's correct.

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ALL TC

1 SPECIAL AGENT NEFF: Is that accurate?

2 [REDACTED] That's correct.

3 SPECIAL AGENT NEFF: Okay. And you  
4 indicated that you're here voluntarily.

5 [REDACTED] That's correct.

6 SPECIAL AGENT NEFF: Okay. And can you  
7 tell me this morning why you wanted to participate in  
8 the assessment?

9 [REDACTED] I was informed by a couple co-  
10 workers that there was an assessment of the safety  
11 culture, and they didn't really have much more to  
12 elaborate other than that, and that if I wanted to be-  
13 involved they gave me your name and number.

14 And as [REDACTED]  
15 [REDACTED] you know, I hear a lot of issues, both  
16 safety, nuclear safety, within the RADPRO Ops  
17 Chemistry Groups. So, you know, I thought -- or I  
18 felt that it was in that position that I should come  
19 and give you, you know, what I see and what I hear,  
20 and, you know, just basically the facts, to help them  
21 either support whatever you eventually hear from other  
22 folks that come forward and give issues.

23 SPECIAL AGENT NEFF: Okay. Thank you.  
24 And what I would like you to do is state your full  
25 name, spell your last name, and then provide your date

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1 of birth and Social Security Number.

2 [REDACTED] Okay. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 SPECIAL AGENT NEFF: And you had indicated

6 before you were working on the Salem side in [REDACTED]

7 [REDACTED] since [REDACTED]

8 [REDACTED] That is correct.

9 SPECIAL AGENT NEFF: Okay. And as

10 [REDACTED] -- it

11 incorporates Operations, Radiation Protection

12 Chemistry, the Fire or Loss Prevention Group, and as

13 well as Security is represented.

14 [REDACTED] That's correct.

15 SPECIAL AGENT NEFF: So these are multiple

16 concerns that get aired, I imagine, tracked, aired,

17 and reviewed --

18 [REDACTED] True. Everything from the

19 parking lot to, you know, tagging issues or, you know,

20 slippery floors or, you know, lights out in a room,

21 insufficient lighting.

22 SPECIAL AGENT NEFF: Okay.

23 [REDACTED] It can run the gamut.

24 Anything that's an industrial safety issue. And we

25 consider tagging in there, because, you know, the

1 tagging is basically what's keeping people safe from  
2 energized sources of equipment. So --

3 SPECIAL AGENT NEFF: Okay.

4 [REDACTED] -- look at it that way.

5 SPECIAL AGENT NEFF: All right.

6 MR. BARBER: Do you look at nuclear  
7 safety, too, as a matter of course or --

8 [REDACTED] I mean, it's there in  
9 discussions. I mean, it's not like we exclude it,  
10 because there may be reasons why certain things can't  
11 move forward as far as resolving an industrial safety  
12 concern, because we also have reactor safety that we  
13 have to balance out.

14 So we may need to do some interim steps.  
15 Maybe we don't go into the room. Maybe we -- you  
16 know, we plan everything up and wait for the right  
17 opportunity, window of opportunity to repair whatever  
18 it is that needs fixed.

19 SPECIAL AGENT NEFF: Okay.

20 [REDACTED] So that's kind of balanced out  
21 with the nuclear safety stuff. But instead of us  
22 trying to be, I'll say, the experts, we're kind of  
23 relying on some of the support people within  
24 Operations to work out the details, you know, as far  
25 as how what we're doing would impact nuclear safety,

1 or how could we work, you know, within it.

2 MR. BARBER: Go ahead.

3 SPECIAL AGENT NEFF: Okay. And these  
4 interviews we conduct under oath. Do you have any  
5 objection to swearing or affirming to information  
6 under oath?

7 [REDACTED] No. I have no problem with  
8 swearing to --

9 SPECIAL AGENT NEFF: Okay.

10 [REDACTED] -- tell the truth.

11 SPECIAL AGENT NEFF: Then, if you could  
12 raise your right hand. Do you swear that the  
13 information you are about to provide is the truth, the  
14 whole truth, and nothing but the truth, so help you  
15 God?

16 [REDACTED] I do.

17 SPECIAL AGENT NEFF: Okay. Thanks. Okay.  
18 Overall -- and this would be from your experience  
19 onsite, going back to [REDACTED] might be difficult for you,  
20 but what we're looking for is an assessment of --  
21 let's hear from your assessment of where the safety  
22 culture is onsite right now. I mean, do you see it as  
23 having any strengths? Do you see it as having any  
24 particular weaknesses?

25 [REDACTED] I see it having strengths in

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1 the fact that I think the knowledge of the individuals  
2 -- you know, basically everybody that's doing their  
3 job, I believe they all have the knowledge, the  
4 training, to, you know, do things to keep the plant  
5 safe.

6 And then I've got to preface this with,  
7 you know, I'm going to bounce around a lot with  
8 industrial safety. But to me they kind of go hand in  
9 hand. I mean, industrial safety, OSHA has rules and  
10 regulations, so, you know, you would follow those just  
11 as similarly as you would a procedure for operating a  
12 plant.

13 So, I mean, I kind of balance the two  
14 together. So when I say we have people that have the  
15 training, I really think we have people that have the  
16 training for operating the plant. However, some of  
17 what we're finding out is that we don't always have --  
18 we don't have that much knowledge on our industrial  
19 safety.

20 And the way that ties in is that as we  
21 become more educated with the safety rules that are  
22 out there, okay, and we've got a plant and people and  
23 procedures and human behaviors that have been built  
24 over 20 years, and now you start pulling out some  
25 safety stuff that, hey, this stuff has been out there

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1 a while and we're behind the curve. You know, we're  
2 not really up to speed.

3 And it's how you bite that off. You can  
4 either say, "Well, we've been doing fine for the last  
5 20 years. I don't need that." Or, you know, you can  
6 say, "Well, explain to me how that's going to impact  
7 me." And then, when you explain it to them, they may  
8 take that as, you know, "I don't have the people to  
9 support that." Okay? Or they may say, "Give me some  
10 alternative -- help me out. Give me some  
11 alternatives. What can we do to work through this?"

12 So right now I would say, you know, our  
13 demographics are kind of scattered right now. They  
14 don't know how to take some of those issues that --  
15 like where is this coming from? Well, it's been here  
16 all the time. We just never read it. We never really  
17 took it to heart that, you know -- and I'm just giving  
18 some examples.

19 I mean, not specific examples, but, you  
20 know, to start wearing a body harness, where you've  
21 never worn a body harness before. Okay? Well, that  
22 may take a few more minutes to don. It may take more  
23 -- limit the type of work. You know, it might need  
24 two guys to do the job versus one.

25 So it seems like they may be roadblocks

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1 that I'm throwing up in front of you when all they are  
2 is -- that's what OSHA says, and we just haven't been  
3 doing it. We need to figure out a way to do it.  
4 We've got enough smart people here, you know, so  
5 that's why in my conversation it's going to go back  
6 and forth. But --

7 SPECIAL AGENT NEFF: These were industrial  
8 safety issues?

9 [REDACTED] Yes.

10 SPECIAL AGENT NEFF: When you raise issues  
11 like that, what's your -- what's their typical  
12 responses? Do you get responses that support the OSHA  
13 regulations?

14 [REDACTED] It has gotten -- it has gotten  
15 better. In the last year, it has gotten better. And  
16 that may be just with the fact that, you know, it's  
17 been presented enough times. Maybe somebody actually  
18 took the regulation, sat down, and read it, and then  
19 it was confirmed by another. I'm not sure what  
20 actually helped change the --

21 SPECIAL AGENT NEFF: Do you know where to  
22 attribute the change to it?

23 [REDACTED] No. I mean, I think -- we  
24 have a [REDACTED] And he's  
25 only been to a couple meetings, but he hasn't been

1 here all that long either. But he seems like he's got  
2 a very definitive approach as to how we're going to go  
3 about doing this stuff. And not to say that the  
4 previous guys weren't, I just don't know that we had  
5 the full support at times.

6 I mean, they were almost like, okay, you  
7 guys go handle it, but I'm just a [REDACTED] You  
8 know, I'm not a -- I'm not a manager. I'm not a VP.  
9 So although I can get some people to listen to me  
10 because they know me and they understand my  
11 reputation, and I'm trying to do what's right, you'll  
12 get some people but you're not going to get them all.

13 And with what we're talking about, you  
14 really need to get them all, because there's four  
15 shifts that operate the plant. Okay? So I might get  
16 one shift, but that doesn't help me if I don't get the  
17 other three shifts' support. And then, eventually you  
18 might get two, or you might lose the one you had, just  
19 because the other three don't necessarily come along  
20 with the game.

21 But I think it's gotten -- I can say it's  
22 gotten better, because, I mean, we've had some  
23 definitive times just throwing this out where we've  
24 actually stopped jobs and held people up and went out  
25 until we either corrected the condition or we

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1 documented an assessment that said, okay, to put four  
2 scaffold builders at risk to build a scaffold when  
3 this guy and his partner have two small entries into  
4 an area and two small entries out.

5 We explained to the workers that it's  
6 always three points of contact. No tools in hand.  
7 It's not -- it is not, you know, risk-based it's not  
8 worth me putting four guys at six hours to build a  
9 scaffold for that job. So they understand what their  
10 role is it, and, you know, we feel that -- and that's  
11 something we didn't do before. You know, we would do  
12 more for a hard hat waiver than we would for a fault  
13 protection labor.

14 But, you know, in this case here we held  
15 those guys up for two hours until we went out in the  
16 field, looked at what they were doing, assessed what  
17 their risk was, and it probably took them less time to  
18 do their job than it took us the two hours to get all  
19 the right people together to go out and look at this  
20 thing. And that was supported up to the OCC, which  
21 is, you know, basically to me the manager that's  
22 running the outage.

23 So we got that support, and, see, that's  
24 where we wouldn't have gotten it before, because they  
25 really didn't understand the six foot -- six foot from

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1 a leading edge, six foot up. You know, where the OSHA  
2 standard comes from and where the fault protection  
3 comes from, because five years ago we probably only  
4 had maybe 10 body harnesses in the whole warehouse,  
5 whereas now we've probably got 50 alone in  
6 containment, most of them with bodies in them.

7 So, you know, it's just -- it's growing.  
8 To me, it's a growing thing.

9 SPECIAL AGENT NEFF: The understanding  
10 about this -- the clearances, you're saying.

11 [REDACTED] Yeah. The understanding of  
12 that's why you have to have it, and, yes, people have  
13 climbed those girders for years and nobody has ever  
14 fallen. But that doesn't make it right to continue to  
15 do what you've done in the past.

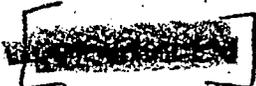
16 SPECIAL AGENT NEFF: You had mentioned  
17 before that [REDACTED] has a more definitive approach,  
18 but you didn't go into that too much. How does [REDACTED]  
19 [REDACTED] approach differ with anybody who was before  
20 him?

21 [REDACTED] He basically said at this last  
22 safety meeting that we had had that he felt that the  
23 union guys, which I'll say the chairpersons, because  
24 the chairpersons in our -- the way it's laid out  
25 through the corporate -- that 19 components that I was

1 talking about -- they recommend, unless you can't get  
2 it, that the chairperson be a union representative,  
3 and then you have an executive -- you have a  
4 management sponsor.

5 So that you feel that the safety culture,  
6 the safety -- industrial safety culture is being  
7 promoted and enforced, okay, by the union, and then  
8 management is just there to help, you know -- either  
9 help, you know, get you the right materials, you know,  
10 help get you time in the schedule to get things  
11 resolved. Okay. They're just help -- you know, knock  
12 down or open doors versus break down walls. You know,  
13 they should just be opening doors.

14 SPECIAL AGENT NEFF: So you have a sponsor  
15 now, a management sponsor connected with your  
16 position?

17  Yes, which we had before but  
18 they weren't real proactive. They were more like,  
19 well, you guys have it. And as I alluded to earlier,  
20 yes, I can have it. I can have all the information,  
21 but I don't have the power to -- to go out and  
22 actually enforce this change or to champion this  
23 change.

24 I mean, we had some issues with confined  
25 spaces. Okay? And we looked into those, and what we

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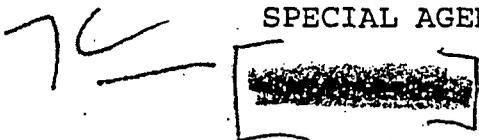
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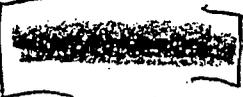
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1 came up with as an answer -- being self-taught, more  
2 or less, going to the OSHA website, looking there,  
3 they have a place for frequently-asked questions. So  
4 they're kind of like -- I consider them like HP  
5 position papers, except these are OSHA position papers  
6 on how to more clearly define what it is they're  
7 trying to have you do out in the field.

8 And I said, well, that to me looks like a  
9 confined space, and we didn't have a true safety  
10 representative, safety advisor here, somebody that's  
11 been to the schools and stuff.

12  SPECIAL AGENT NEFF: Okay.

13  So I said I would recommend  
14 that you fail conservative, call confined space, get  
15 the SNIF, get the permit filled out, and go from  
16 there. So when we did get the safety advisor  
17 involved, again, I don't think because he was sort of  
18 a one-man army here the whole time, and this is a big  
19 site, and there's a lot of things to put your hands  
20 around, I don't think he was used to being asked  
21 several layers in on this regulation. And he said,  
22 "Yes, I think you're right. They should be confined  
23 spaces."

24 And then, but that didn't go over well  
25 within the Operations group, because it added more

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1 time to their surveillances, okay, because some of  
2 these areas where just like the diesel fuel storage  
3 tanks -- they're in diked rooms, okay. I don't know  
4 if you're familiar with -- just a big fuel storage  
5 tank, but you go to the room, you climb up like a  
6 five-foot ladder, and then you climb down a five-foot  
7 ladder, and you're within this diked room.

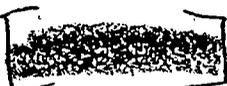
8 And OSHA has these guidelines on dikes,  
9 and they said anything with a vertical wall over four  
10 foot, with limited means of egress, should be  
11 considered confined space. So Operations wasn't real  
12 keen on -- they accepted it, but they didn't embrace  
13 it.

14 MR. BARBER: Was there fixed ventilation  
15 in the area?

16  There is installed  
17 ventilation, okay, but again, we weren't mature enough  
18 as a group, as a safety environment, to sit here and  
19 know that these are the things that we should be  
20 looking at. I mean, they came up later on, okay, but  
21 again, even if they came up five days later, you know,  
22 people thought we were being wishy-washy as far as  
23 Safety Council guys go.

24 And we're like no, we -- I looked at what  
25 -- as much as I knew at the time. There was no one

1 else here to ask, and I gave the guys the OSHA  
2 printouts from the OSHA website, and I said, "This is  
3 the criteria. Here's the position papers that  
4 specifically states a dike." They even wanted to say  
5 that I -- the top-loading dumpster, you know, the  
6 dumpster you would see where people throw material  
7 in --

8 *TC* SPECIAL AGENT NEFF: Is a confined --  
9  -- is a confined space, unless  
10 it's got the type where the front face will open up.  
11 Okay? Unless you securely affix a stair -- I mean,  
12 there's a bunch of criteria there that you don't  
13 realize until you start reading these things.

14 And so then we started looking at trying  
15 to, I'll say, go through them one on one, like, okay,  
16 does it have permanently installed ventilation, does  
17 it have permanently installed lighting, and so on and  
18 so forth.

19 But again, that would be just a good  
20 example of how it just -- it wasn't well received. It  
21 wasn't meant to be a shot at anybody. It's just, hey,  
22 this is what we found, and this is what we think it  
23 is, and --

24 SPECIAL AGENT NEFF: When you're talking  
25 about the confined spaces and that Operations didn't

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1 embrace the concept that these are -- the diesels were  
2 in the -- the diesel tanks were in the confined  
3 spaces, because it would take longer to get certain  
4 job surveillances done, who do you bring those  
5 concerns to?

6 [REDACTED] Let's see. At the time we  
7 brought them -- well, we took -- the issue would have  
8 been to like [REDACTED] He's our [REDACTED]

9 [REDACTED] Okay?

10 SPECIAL AGENT NEFF: Okay.

11 [REDACTED]: He would have been the one  
12 initially who said, "Yes, I think" -- he said, "I  
13 guess, you know, you're right. Go ahead. Post them  
14 -- confined space," which we told him, "They already  
15 are. You know, we already posted them that."

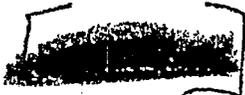
16 And then, later on, I guess -- well, [REDACTED]  
17 [REDACTED] who is in Operations, he works with us, okay,  
18 and --

19 SPECIAL AGENT NEFF: The shift manager  
20 position, is that --

21 [REDACTED] He's not a shift -- I don't  
22 think he's a shift manager. I mean, see, we've had  
23 this reorg lately. I know he holds a -- he could be  
24 a [REDACTED] I mean, he holds it --

25 SPECIAL AGENT NEFF: Is he work

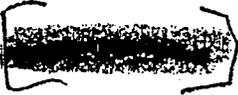
1 management?

2  Yes.

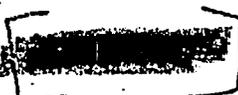
3 SPECIAL AGENT NEFF: I don't mean to keep  
4 guessing, but it's -- I thought he's a shift manager  
5 position, but he works under -- he controls work  
6 management?

7  I think for work management.

8 SPECIAL AGENT NEFF: Okay.

9  I think you're correct.

10 SPECIAL AGENT NEFF: All right. Okay.

11  Okay. So took that to him,  
12 and by then we had already figured out that, hey, our  
13 safety manual is kind of -- I don't want to say it's  
14 wrong, but I don't know what's exactly right. I'm not  
15 an expert in it. You know what I mean? You're kind  
16 of being self-taught through this.

17 But when you look at our safety manual, it  
18 talks about confined spaces, and it calls them Cat. 1  
19 and Cat. 2. Okay? And when you read the OSHA  
20 regulations, they call them a permitted space and a  
21 non-permitted space. And we used to be, years ago  
22 before we even had safety councils, I remember there  
23 being a thing called a permitted space and a non-  
24 permitted space. And, boy, it seemed awfully hard to  
25 figure out, because I don't think we ever really

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1 explained it real -- in easy terms. Okay?

2 So when you look at -- there was a change  
3 during that shutdown where we went to Cat. 1 and  
4 Cat. 2, and according to, I believe, [REDACTED] it was  
5 because we couldn't follow the old program very well.  
6 We actually made ours more stringent, okay, which  
7 would keep people safer. That was the thought  
8 process.

9 SPECIAL AGENT NEFF: And what point in  
10 time was this?

11 [REDACTED] I'm going to say probably '97,  
12 '98, somewhere around there, we went to these Cat. 1  
13 and Cat. 2's. And when you look at it, once you call  
14 something a confined space, like we were calling these  
15 dikes, okay, now you come to our book and a Cat. 2,  
16 which is the lesser of two evils, however, still  
17 needed a safety man, and still needed a SNIF prior to  
18 entry. Okay? Cat. 1 had more stringent things than  
19 that, but that was a Cat. 2.

20 If you used OSHA's terminology, those  
21 dikes would be a confined space, non-permitted. You  
22 would post them. At least we even drew up a little  
23 thing over there that said -- you know, this would be  
24 the sign. It would say, "Caution: Confined Space,  
25 Non-Permitted, Do Not Introduce Any Chemicals, No

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1 Burning, Cutting Grinding. Do Not Alter the Egress  
2 Points of the Space." Like don't build a scaffold  
3 right in front of the thing.

4 So if that was down there hanging on the  
5 wall, okay, and our safety manual used permitted and  
6 non-permitted as the terminology, you would need a  
7 SNIF once a year, and you would have that basically  
8 assessment available for employees to look at if they  
9 wanted to, which we're going to put them on our health  
10 and safety website.

11 We were going to say diesel fuel storage  
12 tank, confined space, non-permitted. These are the  
13 reasons why. Ventilation, permanently-installed  
14 lighting. Yes, limited means of egress. However, the  
15 probability of engulfment is -- we're considering  
16 catastrophic. The tank would have to actually  
17 catastrophically fail. So that risk is very minimal  
18 of that.

19 So it's a non-permitted space. This is  
20 when the atmosphere was tested, and then I believe to  
21 comply with OSHA if an employee would like to actually  
22 see that test performed, they have that opportunity.  
23 They could request their own personal SNIF before they  
24 went in.

25 But no safety man, no SNIF every time you

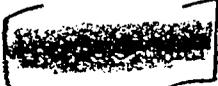
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1 go in. Okay? So we're like, this is -- this is the  
2 out. We change our safety program to do what OSHA is  
3 saying, right? We are being a little bit more safer  
4 with our employees, because somebody could go into  
5 that dike, and suppose they decide to re-epoxy the  
6 floor or something. Well, if they're down there with,  
7 you know, solvents and stuff, they could be overcome.

8 So that was our suggestion for, like, what  
9 could solve the problem, and it gets Ops out of -- you  
10 know, they don't need the safety man now. They don't  
11 need the SNIFs every time they go in.

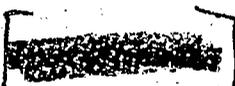
12 SPECIAL AGENT NEFF: And you're still  
13 complying with the OSHA regulations?

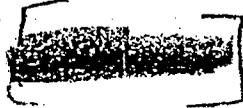
14  Actually, we're probably doing  
15 them verbatim.

16 SPECIAL AGENT NEFF: Okay.

17  I mean, yes, the Cat. 2 way,  
18 we were doing them, but we were overdoing them.

19 SPECIAL AGENT NEFF: Okay.

20  You know? And we're just --  
21 we didn't get -- we're still Cat. 1 and Cat. 2. And  
22 I --  kind of tried. And, you know, I am fuzzy as  
23 far as who talked to who and at what times and stuff,  
24 but I know --

25 SPECIAL AGENT NEFF: 

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1 [REDACTED] Yes, [REDACTED] and I and  
2 [REDACTED] we went and talked to Safety. And another  
3 thing was was, well, we don't want to change the  
4 safety program right before the outage. I mean, we  
5 don't -- because if you make a big program change,  
6 then you've got to document that you trained all of  
7 these people.

8 SPECIAL AGENT NEFF: Is this recently?  
9 [REDACTED] Yeah. This was probably I'm  
10 going to say like six weeks ago.

11 SPECIAL AGENT NEFF: Is this [REDACTED] who?  
12 [REDACTED]

13 SPECIAL AGENT NEFF: [REDACTED]

14 [REDACTED] So --

15 SPECIAL AGENT NEFF: And his title is --  
16 he's the safety --

17 [REDACTED] He's an [REDACTED] and he's -- he  
18 works -- they actually created like a safety position  
19 on Ops to kind of stay -- kind of like those -- what  
20 I was saying my special job was which was to stay day  
21 work, somebody stay grounded, see the different shifts  
22 come through and try to get them all doing, you know  
23 -- try to commonize things, get people doing things  
24 the same way.

25 So we took that to Safety, and they were

1 like, "Well, I don't want to change the safety program  
2 and everything." And [REDACTED] even offered up, he said,  
3 "Okay. We'll offer you the people." I mean, I think  
4 that -- you know, like as an example, "I think [REDACTED]  
5 knows enough about it right now, with, in conjunction,  
6 the safety manual, or you write up what you think the  
7 material needs to be, and I'll roll it out, we'll have  
8 one of these new signs."

9 I mean, it's not a drastic change. I  
10 mean, it is a change from Cat. 1 and Cat. 2. And,  
11 yes, the forms are different. But, you know, we would  
12 be going around posting a lot more places that right  
13 now onsite aren't posted as confined spaces, because  
14 I'll say we actually had a meeting where we sat down  
15 with some of the guys from the firehouse, and we were  
16 debating this. Is it a confined space, or is it not?  
17 And it all dealt with permanent ventilation, lighting,  
18 so on and so forth.

19 And it seemed like we were trying so hard  
20 to say that it wasn't a confined space, because we  
21 didn't want to get stuck in the one or two choice,  
22 right, that we created --

23 SPECIAL AGENT NEFF: To avoid a posting?

24 [REDACTED] Yeah. We created arguments to  
25 say, "Well, it's not truly a confined space, then,"

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1 when in reality we should have been saying, "Yes, it's  
2 a confined space, but it's a non-permitted space."  
3 Okay?

4 There is no really present danger right  
5 now, but employees -- you know, if the sign was there,  
6 they would be, you know, afforded knowledge to say,  
7 "Okay. We shouldn't do this or do that."

8 MR. BARBER: The presumption is if it's  
9 considered a confined space and you have to get a SNIF  
10 test, you have to have safety, you may have to have  
11 extra controls, extra ventilation, what have you --  
12 [REDACTED]: Because we didn't -- and [REDACTED]  
13 and I talked about it. Because we didn't hold our  
14 ground on saying, "This is what our program should be.  
15 And if we call this room a confined space, what is the  
16 impact?" To me, it's a sign on the wall, and the  
17 assessment goes into the website.

18 MR. BARBER: Well, what's interesting  
19 about this, you're actually espousing something that  
20 would build in flexibility that would be allowed by  
21 OSHA, because your current program, the way you  
22 describe it, if I understand correctly, is such that  
23 right now it is -- or space that was labeled as such  
24 would require a SNIF test --

25 [REDACTED] Right.

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MR. BARBER: -- prior to entry.

[REDACTED] Right.

MR. BARBER: Whether it was Cat. 1 or  
Cat. 2.

[REDACTED] Right.

MR. BARBER: There's no differentiation as  
far as --

[REDACTED] Exactly.

MR. BARBER: -- the fact that there is  
going to be a built-in time delay, you have to do this  
additional --

[REDACTED] And you have to have safety --

MR. BARBER: -- atmospheric testing to  
verify that the conditions are acceptable.

[REDACTED] Right. So, then, there was  
different conversations where people came back and  
they said, "Well, you know what? We think you guys  
are right. We think we should do it." And we  
actually had somebody, I don't know who, but somebody  
went and pulled the safety manual from Power, okay?

And I'm not real clear with all this  
stuff, but like PSEG Power we're like a subdivision  
of. The Power constitutes all our fossil plants.  
Okay? And theirs is just kind of like what we're  
talking about. It's a permitted/non-permitted -- and

1 we were like just take the -- the Power's safety  
2 thing, and just like copy, paste, and make that ours.

3 MR. BARBER: Right.

4 7C [REDACTED] And, you know -- again, you  
5 know, people didn't want to change, because they  
6 thought, well, there's -- a) they didn't think they  
7 wanted -- needed the change, and then b) when they  
8 thought, "Ah, I think you guys are right, we should  
9 change," then they were like, "Well, we shouldn't do  
10 it before an outage. We should do it after an  
11 outage." And that's a 50/50 call.

12 But I can't even begin to express how much  
13 energy went into all of that. I mean, there was a lot  
14 of e-mails, phone calls, prints, you know, going to  
15 different things, websites, you know, and a lot of  
16 energy.

17 MR. BARBER: Now, one of the things that,  
18 you know, you mentioned earlier when you were talking  
19 -- describing your job responsibilities is you said  
20 you were a [REDACTED] 7C And  
21 obviously there's different requirements for doing  
22 surveys, and what have you, and establishing  
23 contamination controls for various areas.

24 In your, say, recent year or so, maybe two  
25 years, have you ever noticed the situations, or have

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1 situations come up that have caused you to question  
2 whether something was being done properly from a  
3 radiological safety standpoint as far as, you know,  
4 either contamination controls or airborne controls,  
5 exposure controls? Anything of that nature? Is there  
6 anything --

7  Let me think here. I mean --

8 SPECIAL AGENT NEFF: Take a minute, and  
9 I'm going to go --

10  Okay.

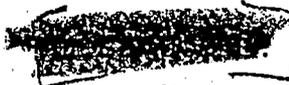
11 SPECIAL AGENT NEFF: -- I want to change  
12 the power on this. I see it flickering.

13  Okay.

14 SPECIAL AGENT NEFF: It's approximately  
15 2:46 p.m.

16 (Whereupon, the proceedings in the  
17 foregoing matter went off the record.)

18 SPECIAL AGENT NEFF: We're back on the  
19 record. It's 2:47.

20  Okay. In regards to  
21  and stuff, I mean, yeah, it seems  
22 there are lots of times we questioned stuff. And, you  
23 know, I would say -- and it's going to sound like  
24 tooting a horn, because I'm (inaudible), but we have  
25 a -- what I consider a real good relationship as far

1 as being able to bring up issues.

2 You know, you might not always get the  
3 answer you want to hear, but at least it's explained  
4 this is, you know, why we're doing what we're doing.  
5 And you can say, "Well, okay. You know, at least I  
6 understand where they're coming from."

7 But I'll give you a couple of examples.  
8 We had an OE come out just a couple of days ago, but  
9 the OE was from back almost a month ago. I think it  
10 was Fort Calhoun where some workers entered a  
11 platform, a steam generator platform from above.

12 And our -- you know, I tried to envision  
13 what Fort Calhoun looks like, even though I've never  
14 been there. But, you know, we have steam generator  
15 platforms, and we have what we consider catwalks that  
16 go above them as well. It sounds to me that at Fort  
17 Calhoun the ladder to get to the platform comes off  
18 the catwalk and goes down. At our station, there's a  
19 ladder that goes up to the platform.

20 But nonetheless, the changes of -- in this  
21 case here the guy went down the ladder, but for us it  
22 could be just somebody out looking for a valve, and  
23 the next thing you know they go down -- it's only like  
24 10 feet. You know, you could easily climb down there,  
25 you know, over some pipes. I mean, you're not

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1 supposed to be out there climbing around to begin  
2 with, but nonetheless, you know, climbing is part of  
3 the nature of a plant, and so people could wind up  
4 down there.

5 So I went to --

6 MR. BARBER: What was the point of OE?  
7 Was it overexposure or contamination?

8 [REDACTED] No. They only picked up one  
9 millirem, but they had entered --

10 MR. BARBER: Okay.

11 [REDACTED] -- they had entered a posted  
12 greater than 1R area when their RWP and their brief  
13 only had allowed them up to an HRA. So they really  
14 went --

15 MR. BARBER: Okay.

16 [REDACTED] -- beyond where they were  
17 briefed to go, and they weren't authorized to go.

18 MR. BARBER: Okay.

19 [REDACTED] From our perspective, our RWPs  
20 would allow you to go up to a greater than 1R area.  
21 However, just because what you've signed in allows you  
22 to go there, to me you'd still be in problem land,  
23 because the person went somewhere they weren't told or  
24 authorized to go.

25 So even though they signed in on something

1 that would allow them there, they didn't get  
2 permission to go into the area. So I knew we had the  
3 same problem, so I went to [REDACTED] who is our [REDACTED]  
4 [REDACTED] at Salem, and I said, "Hey, I read this OE.  
5 And the thing that struck me was on their corrective  
6 actions they were putting down there, and I didn't see  
7 it." And, of course, this is a synopsis, so I don't  
8 know that they said they were going to consider --  
9 that was the word that I saw that was missing.

10 But it said they were looking at building  
11 an enclosure to keep people out of this place, and I  
12 thought, whew, that's like a big enclosure -- it's  
13 like a big net or something. And I'm thinking, you  
14 know, I wouldn't want to have to do that. I mean, I  
15 would -- I think there are some other things you could  
16 do up to that that you could do.

17 MR. BARBER: All right.

18 [REDACTED] So I went to [REDACTED] and I  
19 said, "Hey, I just read this OE." And I said, "We've  
20 got the same type platforms. We don't have the ladder  
21 and all of that, but, you know, people could go down  
22 there. And I think maybe in many, many years past  
23 people have wandered down there, and they've kicked  
24 them off." But same thing, they entered an area they  
25 weren't authorized to go.

1                   So I said, "Why don't we have our  
2                   photographer go in and take some pictures from the  
3                   vantage if you were on the catwalk and you were  
4                   thinking of going through the rail and then venturing  
5                   out there. We'll get one from -- going down the  
6                   catwalk this way, and one coming back the other way."

7                   And what we'll do is we'll laminate --  
8                   we'll print them out, laminate them, and put some  
9                   verbiage that says access to those platforms requires  
10                  RP permission, and access is down on the ground, not  
11                  from above.

12                  MR. BARBER: Okay.

13                  [REDACTED] Access from above is strictly  
14                  prohibited.

15                  MR. BARBER: Okay.

16                  [REDACTED] So on and so forth. So we'll  
17                  take them, laminate them, put them up on the rails  
18                  where these people could -- would maybe venture into  
19                  them, and then we'll also give them to the HPs down at  
20                  the briefing spot that they could say, "Okay. You're  
21                  going up on that catwalk. Here's your dose rates and  
22                  everything. Be mindful that this area you're not  
23                  allowed to go. You should also see pictures with  
24                  signs that say the same thing, that that's not an  
25                  authorized access point."

1 And, you know, he was like, oh, great.  
2 You know, that was a good thing.

3 MR. BARBER: Okay.

4  But some of the things -- I'll  
5 give you, you know, I don't know if this really fits  
6 the realm of -- but I'll say we struggled through it,  
7 was ANI's assessment that said that we should not be  
8 allowing people to wear scrubs to work in contaminated  
9 areas and then exit the control point with the same  
10 scrubs on.

11 The industry kind of worked themselves  
12 that way in I'll call it -- it was a production thing.  
13 I could allow people to go in -- if I had a relatively  
14 clean containment building, I could set you up with  
15 modesty clothing that were purchased by the company.  
16 Okay? You wear these scrubs into the containment  
17 building.

18 And if I don't think you have a very big  
19 probability of getting contaminated, you know, I'd let  
20 you go in there and do your work and come out -- in  
21 essence, using the machines at the control point, the  
22 personnel contamination monitors, as a like go/no-go  
23 thing. And due to the events out at Davis-Besse where  
24 they had particles get offsite, and then also down I  
25 think at Turkey Point or St. Lucie, they had

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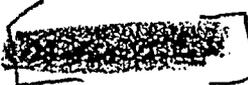
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1 contamination get offsite.

2 So ANI came back and said, "You know, you  
3 can't -- this scrub thing, you can't be doing business  
4 that way." What you need to do is that when people go  
5 in to do work in a contaminated area, they need to  
6 remove -- they need to remove something, whether it's  
7 -- they remove the scrubs and they're standing there  
8 in their underwear, or whether they've actually donned  
9 PCs and removed the PCs.

10 But that clothing, that outer layer of  
11 clothing, needs to go in the receptacles. That way  
12 you're increasing your probability that the machine  
13 won't see any activity to have to differentiate  
14 between is there or isn't there.

15 MR. BARBER: Well, help me understand  
16 this. Were you saying that in the cases that were  
17 being cited by ANI, which weren't here --

18  Right.

19 MR. BARBER: -- right, they were  
20 elsewhere, were they concerned that scrubs were being  
21 used in place of protective clothing, in place of PCs?

22  And they were, because you  
23 don't have to -- EPRI has a guide out there for heat  
24 stress. And when you look at the latest EPRI guide,  
25 it'll say that they use scrubs in parentheses, and

1 then they give you a four-ounce -- I think it's a  
2 four-ounce fabric weight, that when that material is  
3 worn basically with shorts and a T-shirt that it adds  
4 no heat stress. That's considered baseline.

5 MR. BARBER: Okay.

6 [REDACTED] Okay? If you were to take  
7 that same person, take their scrubs off, shorts and a  
8 T-shirt, and they put on the -- what's considered the  
9 cotton PCs --

10 MR. BARBER: Right.

11 [REDACTED] -- okay, you had to add six  
12 degrees to their actual working environment  
13 temperature --

14 MR. BARBER: Okay.

15 [REDACTED] -- to develop a heat stress  
16 factor. So, I mean, that was the thing, in my  
17 opinion, even though I haven't been out on the circuit  
18 doing different outages, but that was the thing,  
19 because people would come here with the scrubs that  
20 had the different logos from the different plants.  
21 That was a production thing and a safety thing,  
22 because I could put you in scrubs, a) add no heat  
23 stress to you.

24 You can go in and do your work, and if it  
25 was work in a relatively low contaminated area, a) you

1 didn't have to get dressed out, b) you could come out  
2 bing-bong through the machine, you were clean, go have  
3 a coffee, go to the bathroom, go right back in, go  
4 back to work, and there's a lot of missed steps there.

5 But ANI, as a whole, said, you know, "Due  
6 to these events," and I don't know exactly -- I'm not  
7 -- I'm just an [REDACTED] I don't know how they'd  
8 come out and say it, but they'd come out and say it's  
9 a discouraged practice. And I would imagine if you  
10 want to do it, you can, but you'll pay for it with  
11 your premium or something. I don't know how they work  
12 that.

13 But, you know, ANI is basically saying,  
14 "We don't encourage that practice," that you should  
15 put your people in protective clothing.

16 MR. BARBER: Okay. Now, was that ever  
17 allowed here? Were you ever allowed --  
18 [REDACTED] With the scrubs? Yes. So  
19 then --

20 MR. BARBER: So you were, in fact,  
21 allowing that? Where people could go into a  
22 contaminated area, do whatever work they were doing,  
23 and exit. They still would have to frisk, I presume,  
24 right?

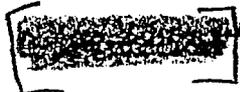
25 [REDACTED] Right.

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MR. BARBER: There's still a whole body  
frisk?

 That is correct.

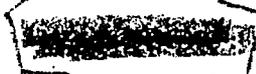
MR. BARBER: And then, they go to the exit  
point for the RCA, or wherever they are, and have to  
do some sort of --

 Yeah, they get on a machine  
there and --

MR. BARBER: Right, the --

 -- an electronic machine that  
measures you.

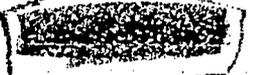
MR. BARBER: Okay.

 But those machines -- and  
that's what gets ANI worried, and a lot of it is  
public relations -- is those machines are set up -- I  
mean, you can't take them down to zero, because you  
couldn't get a body out through them. You know what  
I mean?

MR. BARBER: Right.

 So there is a level at which  
they're set at, and, you know, if you allowed --  
you're just increasing your probability.

MR. BARBER: Right.

 You know, the probability is  
much less if I take, you know --

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1 SPECIAL AGENT NEFF: You take that  
2 layer --  
3 [REDACTED] -- if I take that whole layer  
4 off and throw it out, I mean, there's a pretty good  
5 chance that nothing is on me to begin with.

6 MR. BARBER: So you would by that -- if  
7 you followed that practice, you might allow scrubs,  
8 but then you would require them to remove them, either  
9 put on new scrubs on some other type clothing, street  
10 clothing.

11 [REDACTED] Initially --

12 MR. BARBER: And then they would, in fact,  
13 become like your protective clothing.

14 [REDACTED] Correct. And they wouldn't  
15 add any heat stress.

16 MR. BARBER: Okay.

17 [REDACTED] And actually, that's what we  
18 did. Before we jumped into the EPRI guide, well, I  
19 knew it, but I didn't real the whole thing -- and I  
20 should have, because -- I just got to a block and I  
21 was like, ah, that's what I was looking for, and I  
22 didn't keep going.

23 But so what we did in the summertime, as  
24 we were trying to make -- we were making the  
25 transition, but we didn't communicate it real well to

1 the whole site --

2 MR. BARBER: Okay.

3  -- that that's why we were  
4 doing what we were doing.

5 MR. BARBER: Okay.

6  And communications being the  
7 key to everything, people just saw it as like HPs are  
8 changing their minds. I mean, you know, what are you  
9 doing? Are you telling us we can do this and we can't  
10 do that? It really wasn't globally communicated that,  
11 you know, this is the reason why, and it all had to do  
12 with ANI.

13 We have since redone that when we did a  
14 rollout for this outage, because in the summertime we  
15 went out and bought scrubs with what you call bell-  
16 bottomed pants, because scrubs you can't pull off over  
17 these work boots. That's the problem with scrubs.

18 MR. BARBER: Okay.

19  So some of the things we were  
20 doing creatively were we set up a pair of surgical  
21 scissors, you know, the kinds with the rounded ends so  
22 you can't cut your skin, like an EMT would use. We  
23 put some of them down at the step-off pat, because in  
24 the summertime our containments are like 125, 130  
25 degrees inside.

All 7C

1                   So if we have work activities, which we  
2 do, 15-minute stay times, scrubs are the way to go,  
3 because they don't add any heat stress to you. But  
4 you've got to lose them at the step-off pat. So we  
5 were letting surgical scissors down there and telling  
6 them just, you know, have shorts on and just cut the  
7 scrubs off and throw them in the trash, because we're  
8 kind of phasing them out anyhow, so it don't matter if  
9 they go in the trash can or not.

10                   Then, we got the idea that, you know, this  
11 isn't going to go on forever like this. Eventually,  
12 we're going to run out of scrubs. So then we bought  
13 these bell-bottomed ones that you could pull off and  
14 not have to cut them off. And what we did there was  
15 we bought them in a different color. We bought a  
16 magenta, and we kind of put out to the workforce that  
17 we were buying these magenta ones.

18                   Again, shorts and T-shirt, if you wear  
19 them, no additional heat stress. Take them off, and  
20 they'll get laundered and they'll go back on the  
21 shelves.

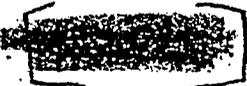
22                   But that's like maintaining two types of  
23 protective clothing. And we ultimately came upon this  
24 thing for the outage where we could buy these  
25 polyester -- they're called -- some people call them

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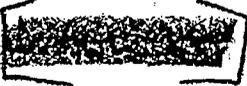
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1 Tyvec -- Tyvec suits. They're made by Dupont.  
2 They're protein -- they actually called them  
3 Protein 2000 in the EPRI guide. And we have them.  
4 They're more for when you're working around wet  
5 environments. Not plastics where you'd actually be  
6 immersed in water, but where water might splash on  
7 you. They're kind of water repellant, not water-  
8 proof.

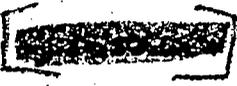
9 MR. BARBER: Okay.

10  So they're real lightweight.  
11 Well, EPRI says, "Hey, they don't add anything  
12 either." So we said, ah, so we already buy them, so  
13 we kind of converted half of our inventory over to  
14 getting these Protein 2000's. So --

15 MR. BARBER: And these will be laundered?

16  And they'll be laundered.  
17 They're yellow. They've got the anti-C label, just  
18 like everything else.

19 MR. BARBER: Okay.

20  And so they'll be right there  
21 next to the cotton coveralls. So if we think a guy is  
22 going to go down, and he's going to be on his hands  
23 and knees, and he's going to be like putting the pump  
24 in his lap and stuff like that, that would be more  
25 like cotton coveralls, because they offer a thicker,

1 more protective environment.

2 MR. BARBER: Okay.

3 [REDACTED] The nylon ones, you know,  
4 they're good for things that kind of blow up or brush  
5 up against you, but not for down and dirty hard work.

6 MR. BARBER: Okay.

7 [REDACTED] But the moral of that whole  
8 thing is that, you know, we were challenged all the  
9 way, even within RADPRO, you know, because nobody --  
10 we didn't do a good job communicating it. And, you  
11 know, so there was even people within RADPRO --  
12 supervision and workers -- that are like, this is  
13 stupid. You know, why can't we use the scrubs?  
14 And in hindsight, we just kept pressing and pressing.  
15 You know, I don't know why we never communicated,  
16 communicated, but we didn't --

17 SPECIAL AGENT NEFF: When you did, were  
18 you able to make a point? Were you able to say,  
19 "Look, this is the concern. This is why we're doing  
20 what we're doing," and was that accepted onsite?

21 [REDACTED] Yes. Yes. And it was through  
22 this last -- we did a big global thing right before  
23 the outage where we put out a -- like a safety FYI,  
24 basically telling people that, no, our safety manual  
25 doesn't address some of this new stuff from EPRI.

1                   However, we can't continue -- that was an  
2                   example just like confined space, where we just did  
3                   the opposite. We actually said, "Hey, we know we  
4                   can't revise all 2,000 safety manuals overnight. But  
5                   this is the conservative, it's the better thing to do,  
6                   and we're doing it."

7                   7C           SPECIAL AGENT NEFF: Okay.

8                   [REDACTED]       So I don't know why the one  
9                   did and the other one didn't, but they are two classic  
10                  examples where it's -- you know, if I had to give you  
11                  a flavor, it's just the consistency. You know, it's  
12                  consistently, you know, holding the bar at a certain  
13                  level, you know.

14                 And if and when you ever get to it, I  
15                 mean, the corrective action program, that's my -- near  
16                 and dear to me, because I just don't know that -- that  
17                 -- we use SAP, and it's a fine tool for doing a fair  
18                 amount of documentation. And it probably could be  
19                 ultimately tailored to do what we need it to do, but  
20                 I don't think it's the -- it's not real clean.

21                 When you go to look up something that was  
22                 written up, and then you go to follow it through its  
23                 life and how it got resolved, it can be done. And  
24                 it's not that it's like solving E equals MC squared.  
25                 But for the normal worker, it is like solving E equals

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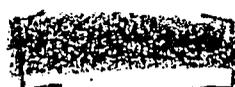
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1 MC squared, and that would go all the way up to  
2 probably a fair amount of first-line supervisors.

3 SPECIAL AGENT NEFF: To track a corrective  
4 action all the way through its resolution?

5  Yes.

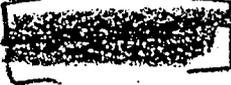
6 SPECIAL AGENT NEFF: What about in  
7 corrective action in terms of raising concerns at any  
8 level -- are you aware of any event that would  
9 discourage anybody from raising a concern, in that  
10 they -- they got a negative response if they took  
11 something to the corrective action program, or they  
12 took something to ECP, or even to the NRC? Are you  
13 aware of any event that someone had some sort of a  
14 negative adverse consequence to them for raising a  
15 concern?

16  I wouldn't say that I'm aware  
17 of anybody actually having a consequence. Okay? I  
18 would say that, you know, I do believe that everybody  
19 -- I mean, that's a big word -- everybody -- but I  
20 think that everybody feels that they can get into SAP  
21 and document an issue. Okay?

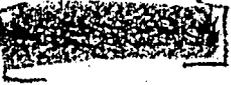
22 And even -- so, a) I think they can do  
23 that. I think they can raise an issue, and I don't  
24 think, you know, when you say repercussion of  
25 something actually happening to them, I don't think

1 that that's the concern as much as it is the -- it's  
2 just this underlying tone of like -- well, kind of  
3 like with the confined space stuff and everything, you  
4 know.

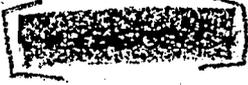
5 It wasn't -- you know, it's not like  
6 you're looking for a pat on the back. But at the same  
7 time you're not looking for like one of those. You  
8 know, just like --

9 SPECIAL AGENT NEFF: Where do you --  
10  Like a roll of the eyes.

11 SPECIAL AGENT NEFF: Like where are you  
12 coming from with this, or is this necessary kind of  
13 thing, or -- you have to explain that better, because  
14 it's not going to translate well.

15  I know. The computer -- I  
16 mean, the tape recorder doesn't pick that up.

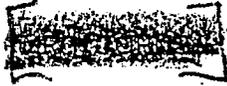
17 SPECIAL AGENT NEFF: How are they --  
18 what's the response that people might get?

19  Well, if it's -- like I said,  
20 if it's something that goes against what's been done,  
21 you know, because we're -- we are people that are  
22 built on, you know, past practices and the way it has  
23 worked before, and so if it kind of goes against that,  
24 it's -- and I can't get into other people's minds. So  
25 maybe when you get into your interview process, maybe

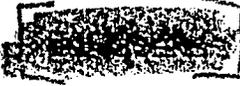
1 you'll come upon a few folks that are in that  
2 position, because when it's -- like that sign, you  
3 know, on the bioshield, that was like, ah great, man,  
4 good idea. You know, go with it, you know?

5 Of course, that doesn't impact anybody.  
6 I'm trying to think of one that would have impacted.

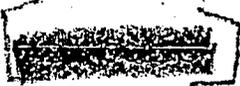
7 MR. BARBER: Well, how about the one that  
8 -- on the confined space?

9  The confined space was one --

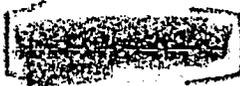
10 MR. BARBER: Was there a perception that  
11 that would make it more restrictive? Even though, in  
12 fact, it made it less, but there was a perception that  
13 it would make it more restrictive, so --

14  Well, it was more restrictive  
15 in the fact that that's what our safety manual said.  
16 So if we went out and threw a confined space tag up on  
17 that dike, and we followed our program the way it was  
18 written, yes, we were impacting the workforce, and,  
19 you know, I mean --

20 MR. BARBER: But, in actuality, you  
21 weren't.

22  Right.

23 MR. BARBER: But they didn't know that.

24  Right. And, yeah, I mean,  
25 that's a perfect example where, you know, there were

1 people, including union guys. They're like, you know,  
2 you've got to be kidding me. That thing has never  
3 been a confined space. You know what I mean? And  
4 it's like, well, it is.

5 And, I mean, I could go on like I kind of  
6 explained to you, and I explained to some of my --  
7 like [REDACTED] I sat him down and I said, "This is driving  
8 me nuts, [REDACTED]" I said -- I showed him the sign that we  
9 made up, and I gave him the five-minute spiel. I  
10 said, "If I change this tomorrow, could you follow  
11 this?"

12 (End of Tape 1, Side A. Beginning of Tape 1, Side B.)

13 SPECIAL AGENT NEFF: It's approximately  
14 3:06 p.m. Okay.

15 [REDACTED] So we ran it -- you know, I  
16 ran it by -- and I even ran it by a couple of  
17 supervisors and they were like, "Yes, you know, it's  
18 not" -- again, I think because, why didn't it work  
19 before? Because it was just one guy. Go back to '97  
20 when it wasn't working. Same system, permitted/non-  
21 permitted. Didn't work.

22 He must have had -- at the time, I was  
23 involved in safety, but let's suppose that the Safety  
24 Department saw time and time and time again where  
25 people were just either entering the space, is not

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1 getting the SNIFs. Who knows what they were doing,  
2 but he saw problems, and that's the only way he could  
3 see to do it.

4 Now he has literally 70 agents, union  
5 people, supervisors -- we meet once a month -- from  
6 all across that, you know, I understand, that  -JC  
7 understands, this guy understands it. So we go out  
8 there and we can help get the knowledge out there, and  
9 the knowledge base is more willing to open their ears  
10 and listen to it where they weren't -- you could have  
11 asked me five or six years ago about a confined space.  
12 I would have said, "Well, hopefully HPs don't go into  
13 them very often." You know, and I don't know much  
14 about them. But, I mean, I know a lot more about them  
15 today, and I think that when we have a safety meeting  
16 more people are not dozing off in the corner.

17 You know, they're actually like hearing  
18 you, and so it's being received. The knowledge is  
19 being received better. It's just that when it comes  
20 down to impacting things -- or, like I said, and that  
21 even goes with union guys, if it goes against what was  
22 a past practice -- if all of a sudden I say, "Hey,  
23 when you're out raking traveling screens you need to  
24 be in a body harness, because there's a fall hazard  
25 there," the guy is like, "Dude, I was raking traveling

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1 screens when you were, you know, 10 years old. And  
2 I've never had a problem up here."

3 But I'm like, "Yes, but you're six foot  
4 from a leading edge, and you're six foot up. And, you  
5 know, either we need to get rails, which we can't do  
6 right now because of whatever." You know, so it's  
7 just the mind-set like, you know --

8 SPECIAL AGENT NEFF: Past practice --

9  -- past practice.

10 SPECIAL AGENT NEFF: -- mind-set.

11  Yes. And he could tell you,  
12 "Name me somebody that has been hurt," and I can't.

13 And that's what is the odd part about the safety  
14 program, because, you know, somebody might bring up 50  
15 -- I might have a list of 100 safety things. Now  
16 which one do I go after first? Because I don't know.

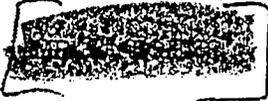
17 I mean, no, nobody has been hurt on the  
18 traveling screen. So I divert my attention over here,  
19 and then tonight somebody falls off a traveling  
20 screen. You just -- you can't predict, you know, when  
21 that -- if it's a 1 in 10,000 odds of something  
22 happening, we've been here 20 years, some of these  
23 tasks have probably been done 20-, 30,000 times. If  
24 there hasn't been a hit against it, you're coming up  
25 on your probability or you already exceeded your

1 probability of something happening.

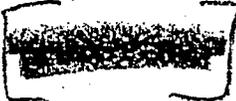
2 So, but I think I'll just go back to the  
3 global thing. Where we were and where we are and  
4 where we need to be, I mean, I hear about these plants  
5 that go two years without an OSHA recordable, and, I  
6 mean, I think -- I just left containment the other  
7 day, and we did a walkdown, which I was going to --  
8 that's something I was going to provide you with. I  
9 just made one, but it was the result of our safety  
10 stand-out.

11 And I saw a containment that was much  
12 safer than it had ever been as far as people in their  
13 body harnesses and, you know, cords correctly strong,  
14 all gas bottles secured. You know, we went in there  
15 looking for just about anything we could find, and I  
16 thought the place looked very good.

17 MR. BARBER: From an industry safety  
18 standpoint.

19  From an industry safety  
20 standpoint.

21 SPECIAL AGENT NEFF: And just for the  
22 record --

23  We have more industrial safety  
24 or OSHA reportables than we -- you know, we've got 22  
25 or something like that.

1 [REDACTED]: This would have been -- well,  
2 let's see, they just had their outage in the spring.  
3 So pre April of 2003, somewhere in that fuel cycle,  
4 whether it was the last eight operating months of that  
5 fuel cycle, due to the leaky fuel pins, you know, I  
6 mean, it was just the thing that -- the right thing to  
7 do was to limit the ascension in power.

8 Even though the plant was ready to run and  
9 you could -- you would wish you could just ramp up  
10 like you normally ramp up, but we had -- we were  
11 really restricted on the part of -- it was like one  
12 percent every four hours.

13 So if you came down to 25 percent due to  
14 a loss of a piece of equipment, it literally took you  
15 like two days, three days, to bring the unit back up  
16 to 100 percent.

17 MR. BARBER: Did you say one percent every  
18 four hours?

19 [REDACTED]: It was some really long --

20 MR. BARBER: Okay.

21 [REDACTED]: You'd have to look into the  
22 particulars.

23 MR. BARBER: Yes. I'm thinking one  
24 percent an hour, but I get your point. It was very  
25 slow and protracted.

ALL TC

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[REDACTED]

Yes. And, you know, everybody is like -- you'd come in and be like, "Man, I'm (inaudible) at like 60 percent. It's going to be like another day until they -- or two days" -- whatever it was, you know.

SPECIAL AGENT NEFF: Right.

[REDACTED]

And, but, I mean, we knew that that was the right thing to do. I mean, that was communicated in e-mail so that the questions weren't being -- well, questions were still being raised. You know, it was like geez, this is, you know, hurting us, but at the same time it was clearly understood that from a nuclear safety point of view that's what needed to be done.

SPECIAL AGENT NEFF: That was the rate that the power could ascend, so --

[REDACTED]

Right. And that's what the engineers were recommending, and, you know, and Operations was following engineering's recommendations. So, I mean, that's an example. I can't honestly say --

MR. BARBER: How about an example of something where there might have been some production pressures over, say, radiological safety? I mean, let's just roll back in time to before the outage.

1 You're getting things set up for the outage. You're  
2 maybe laying out -- you know, expanding contaminated  
3 control boundaries, looking at the way things are  
4 going to be done, and maybe even working on procedures  
5 and processes.

6 And invariably in doing those kinds of  
7 things, there's going to be differences of opinions  
8 where people say, "Well, you know, we should do this,  
9 or we should do that." To your knowledge, in things  
10 you were personally involved with, was there ever a  
11 situation where you felt like you got pressed to do  
12 something as an expedient? In other words, to do it  
13 just to get something done, so that some job or some  
14 activity could take place? Whether it was in the  
15 outage or maybe before that.

16 [REDACTED] Well, there was a mini outage  
17 in August, I believe.

18 MR. BARBER: What unit?

19 [REDACTED] I'm going to say Unit 1.  
20 Unit 1.

21 MR. BARBER: Okay.

22 [REDACTED] And I'm not sure what forced  
23 the outage, but the -- they went into the bioshield  
24 and found some SS661 valves leaking.

25 MR. BARBER: Well, now, what are those?

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[REDACTED] I think they were like 11 and  
13 SS661's.

MR. BARBER: But which system are they  
for?

[REDACTED] The SS is sampling.

MR. BARBER: Okay.

[REDACTED] And they had come right off  
the hot legs, and they are literally sampled to -- I  
mean, I forget the -- I think they call them block  
valves.

MR. BARBER: Okay..

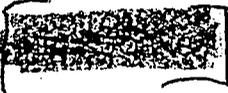
[REDACTED]: And they were leaking, and  
they had sprayed, you know, quite a bit of  
contamination. It was just like a fine mist, but over  
a large enough period of time it had managed to like  
coat the wall and get in the cable tray -- or not the  
cable tray but the sampling trays, and get on the  
pipes and stuff.

And so we went in there to do that job,  
and I know that -- well, the temp -- because it was  
August, it was hot. I think it was like 109. So we  
were working off 15-minute stay times. So, I mean, we  
were doing a pretty good job at adhering to the  
industrial safety, the stay times, and making sure  
everybody was well-briefed, that they hydrated, and

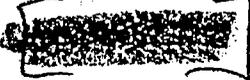
1 all of those good things.

2 But I got a call out at one point that  
3 these guys were in there building scaffold with a  
4 flashlight. And so we said, "Okay. We'll" -- and  
5 that routinely is a problem with our containment  
6 buildings, because when you finally do get to a point  
7 where you run for hundreds of days on end, the  
8 lighting, you know, usually takes a beating. So --

9 MR. BARBER: You mean it just burns out  
10 normally.

11  Yes.

12 MR. BARBER: The bulbs are burned out.

13  Just bulbs burned out.

14 MR. BARBER: Right.

15  So we sent in a bag of bulbs,  
16 and the OCC was in the loop at this point. Okay?  
17 Because they manned the OCC, the outage control center  
18 for this. And so we sent in bulbs, and when the  
19 technician came out the next time -- this would have  
20 been the RADPRO technician, they said that only one  
21 bulb out of six fixtures -- there were six fixtures in  
22 the area -- proximity, and only one bulb, by replacing  
23 it, fixed the problem. Evidently, they had defective  
24 fixtures.

25 And don't you know Murphy's Law, the one

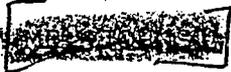
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1 bulb that did light was actually pretty much the  
2 furthest one away. So it did --

3 MR. BARBER: It didn't help.

4  -- it did illuminate some, but  
5 it did not really help the situation.

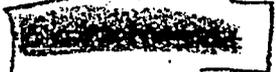
6 MR. BARBER: Okay.

7  He said, "They really need to  
8 have lighting in there." I said, "Okay." And then  
9 there was some discussion -- and I can't even remember  
10 like who they were. I mean, because there were so  
11 many different people running around at the time, but  
12 some people said, "Well, I got the guys here" -- the  
13 scaffold was done at that point. The scaffolding was  
14 done.

15 SPECIAL AGENT NEFF: By flashlight.

16  By flashlight. And they were  
17 going to fix the -- fix the -- go in and fix --  
18 tighten down on this valve, and that would solve the  
19 problem and we would be out of there. And actually,  
20 I don't have the notification number, but, I mean,  
21 maybe in my travels between now and tomorrow -- I know  
22 the lighting thing was identified in the notification.

23 MR. BARBER: Okay.

24  I know that was captured.  
25 But, so anyhow there was talk that, hey, you know,

ALL TC

1 I've got the workgroup right here that's going to go  
2 in and tighten down on this valve. Okay? When there  
3 was discussion about getting more lighting.

4 And somebody said, "I think we should stop  
5 the job until we get lighting." Now --

6 MR. BARBER: How long of an evolution is  
7 it to tighten down the valve? Are we talking about  
8 like packing or just taking --

9 *TC - [REDACTED]* Well, I think my point at the  
10 time was, you know, the only people that had really  
11 seen this thing was the guy that walked by it with a  
12 flashlight and saw it during the initial walkdown and  
13 said, "Hey, we've got a leaky valve." But the valve  
14 is like 12 foot in the overhead. So you can't really  
15 tell where it's leaking; you just know it's leaking.

16 And the only other people that close to it  
17 were scaffold guys that were working off a flashlight.  
18 So, I mean, does anybody really know what's wrong with  
19 the valve? We don't know that yet. But there is  
20 discussions that, hey, we're going to go in there and  
21 tighten down on it, and we're done, we're out of  
22 there. So let's not prolong this with lighting, okay?

23 We'll do that -- and I'm sitting there  
24 thinking, yeah, but they still have to take down the  
25 scaffold. And we have this new boron -- I won't call

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1 it new -- enhanced boron -- you know, looking for  
2 boron. And if it's there, you've got clean it up,  
3 okay?

4 And that's been around now for almost a  
5 year, where I'll say, you know, it's really super-  
6 focused. If there's boron on something, you know,  
7 they actually have an engineer or an ISI. I'm not  
8 sure what department they come from, but we have  
9 people that are designated as boron -- that's their  
10 job is to determine whether it's cleaned up  
11 sufficiently, is what's left behind -- is it on any  
12 type of metal that's going to cause problems later on.  
13 So we have people for that.

14 So we know we've got cleanup, and we know  
15 we still have scaffold removal. And even though the  
16 scaffold was just a kind of -- it was built in two  
17 jumps -- two 15-minute jumps, it wasn't the biggest  
18 scaffold in the world. But nonetheless, it wasn't  
19 like we were just going to be out of there.

20 So I -- one person said about -- well, a  
21 couple of people said about stopping the job. Some  
22 more people said, "No, I've got the team right here.  
23 We can just go in and tighten down the thing, and  
24 we'll be out of there."

25 And I just said, "You know what? I'm just

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1 going to go." I just left the room. I went up to  
2 where we store our TP. I got a stringer of lights, a  
3 GFI, and an extension cord, and brought them down, and  
4 met the group as they were going, and I said, "Humor  
5 me. Put the lighting up, would you?" And they did,  
6 and we did not take the lighting down for I think  
7 another whole 30-some hours, 40-some hours, because we  
8 had numerous entries in to clean up, probably like  
9 four more before 4:00.

10 Probably 10 jumps, 10, you know, crews of  
11 two or three 15-minute jumps to go in and clean boron,  
12 you know, off of things. So, you know, it was not --  
13 the job was not over by any means. And although  
14 nobody uttered the words, you know, that we're  
15 starting the plant up right this second, and we've got  
16 to get out of there, you know, to me it was perceived  
17 that, you know, why do we need lighting? We're not  
18 going to be there.

19 You know, just -- it was just the fact  
20 that they took it as that's one evolution that doesn't  
21 need to take place. The next evolution is to go up,  
22 tighten the valve, and get out. And so, I mean,  
23 that's one where I don't really know that radiological  
24 safety was compromised.

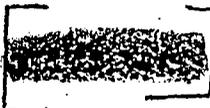
25 But, I mean, any time you're working in a

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1 poor-lit area, I mean, you could say there's a  
2 probability for something to be increased, you know,  
3 whether it's a personal injury or whether it's  
4 somebody getting contaminated or being able to read  
5 your meter correctly.

6 MR. BARBER: How about the actual physical  
7 work to do the tightening up on the valve, was that  
8 performed in an adequate manner from a radiological  
9 standpoint?

10  Yeah. And I'm trying to think  
11 if this was -- see, and our problem was with these  
12 661's is they are repeat offenders, and I thought at  
13 one point we -- we cut them out and rewelded new ones  
14 in, and that's where I think this one here all we did  
15 was tighten down and clean.

16 But at some point, I think -- and somebody  
17 can probably dig you up the records out here on these  
18 SS661's, because it seems to me that we cut them out  
19 and replaced them. And to go back in and tighten down  
20 this one was one of the ones that we cut out and  
21 replaced, and that was kind of the aggravating part  
22 was we just cut these things out like either -- just  
23 the last outage. And what did we put back in them?  
24 The exact same -- you know, people are asking, is this  
25 the same valve? Because it's leaking again.

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1                   And when we came in this time, they are  
2                   leaking again. So supposedly I think they're getting  
3                   replaced. But, you know, like I said, somebody could  
4                   give you more details on that.

5                   SPECIAL AGENT NEFF: Who would that be?  
6                   Who are the crews that are involved in this incident?  
7                   [REDACTED] Scaffold builders and  
8                   maintenance for the repair of the valve.

9                   SPECIAL AGENT NEFF: Is there a  
10                  maintenance supervisor in particular or --  
11                  [REDACTED] Whew. Maintenance  
12                  supervisor --

13                  SPECIAL AGENT NEFF: A crew or --  
14                  [REDACTED] No, I can't think of -- I  
15                  can't remember who was the maintenance supervisor.

16                  SPECIAL AGENT NEFF: Scaffold builders?  
17                  Maintenance? And you indicated there was a  
18                  notification written regarding the lighting issue.

19                  [REDACTED] Yes.

20                  SPECIAL AGENT NEFF: Was there also one on  
21                  this -- the 661 valve?

22                  [REDACTED] Yes. There was numerous  
23                  notifications on the SS661's.

24                  SPECIAL AGENT NEFF: Okay.

25                  [REDACTED] Yeah. And when I get you the

1 notification, I'm pretty sure I think -- whoever put  
2 it in the box had -- would have more knowledge as to  
3 the scaffold end of it, because that's who -- they put  
4 it in. I just remember -- because we do another  
5 thing, and I'll present you with this.

6 This is -- it's a list of notifications  
7 that we can sort through SAP. And this happens to be  
8 a list of notifications, 54 of them, that were closed  
9 during the month of September. And what we do as part  
10 of our -- we have a component from those 19 components  
11 from the corporate level that talk about issue  
12 resolutions. Kind of like a corrective action  
13 program.

14 But because the rest of the utility  
15 doesn't work to the NRC type conditions, they created  
16 a chapter called Issue Resolution. And they use a  
17 paper process. If they have a problem, you know, with  
18 something in the field, they -- and they don't get the  
19 response they're looking for, if they write it up and  
20 they give it to their safety folks, the safety folks  
21 are supposed to resolve the issue and then feed back  
22 to them how the issue was handled.

23 So to complete the part where you or I  
24 might write up a concern and it gets addressed, we  
25 don't really have any way to feed back to you that

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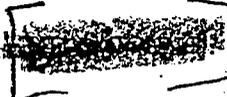
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1 your problem got resolved.

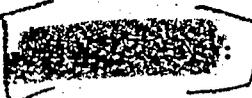
2 So what we do is we run an edit through  
3 SAP, and these are all ones that closed during the  
4 month of September. So what we do is import them into  
5 an Excel spreadsheet, and then I send this out to all  
6 of these folks.

7 And the cover letter says, you know,  
8 basically, "Thanks for bringing up a safety concern.  
9 As you can see, one of yours that you wrote up was  
10 closed during the month of September. Please take a  
11 look at the results and see if it adequately meets  
12 your -- what your desire was. And if not, then get  
13 back to either your supervisor -- or somebody on the  
14 Safety Council or myself, and we'll look at either  
15 reopening it up or writing another notification."

16 MR. BARBER: Now all of these are  
17 industrial safety again? Or are they --

18  And they all include tagging  
19 as well.

20 MR. BARBER: Okay.

21 : So you'll have industrial  
22 safety up to and including tagging.

23 MR. BARBER: Okay.

24 SPECIAL AGENT NEFF: Okay. This is dated  
25 -- it's an e-mail from you to a number of individuals

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1 dated October 13th this year regarding the outcomes.  
2 This list of 54 notifications was recently closed  
3 during the month of September 2003.

4 The incident that you were talking about  
5 with this poor lighting and the maintenance crew  
6 wanting to repair the valve, had you not come back  
7 with this string of lights for them to use, were they  
8 going to go in and fix this valve in those conditions  
9 anyway? What was the decision at that point?

10  Yes. Yes. Well, I had left  
11 them, so I assumed that they were. I mean, they had  
12 flashlights in their hand, and that's what they were  
13 going to go do. And like I said, I know the lighting  
14 got installed because they had to go with an RP tech,  
15 so it was one of my co-workers that I said, you know,  
16 humor me and use the lighting. And he came out and  
17 said, "Big difference," you know, the lighting.

18 SPECIAL AGENT NEFF: Yes, when they added  
19 it.

20  Yes.

21 SPECIAL AGENT NEFF: But the  
22 decisionmaking at that point was that anybody from  
23 outside -- or was it the crew that was onsite that was  
24 -- where is the pressure coming from to fix something  
25 under those type of lighting conditions?

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1 [REDACTED] I honestly don't know where it  
2 was coming from. You know, I mean, it may have been,  
3 and maybe the paperwork -- the place I would say to  
4 look would be, you know, the forced outage daily  
5 report, okay, that would basically state the status of  
6 the unit, because we were -- I know we were  
7 maintaining mode 3. Okay?

8 So you had -- that keeps the unit at an  
9 availability to come back up faster. I mean, if  
10 you're in mode 5, there is quite a few processes to  
11 get yourself all the way back up to mode 1. But when  
12 you maintain mode 3, it's not that it's not a safe  
13 condition, but, I mean, it is a safe condition to be  
14 in, and you do your walkdowns -- I'm trying to think  
15 of why we even came offline at the time.

16 SPECIAL AGENT NEFF: You said you weren't  
17 sure whether it was a forced outage.

18 [REDACTED] It was a -- well, it was a  
19 forced outage. Something happened, and --

20 MR. BARBER: It was probably -- it was  
21 probably there was an electrical transient that caused  
22 a plant SCRAM. It had to do with shifting around of  
23 -- it had to do with a fault I think that occurred  
24 offsite, and there were some problems with the circ  
25 water, the way the circ water buses got loaded.

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[REDACTED]

Yes.

MR. BARBER: And it caused a plant shutdown.

[REDACTED]

Correct.

MR. BARBER: And it --

SPECIAL AGENT NEFF: And this was August?

[REDACTED]

It was right -- it was -- July 29th is actually when it occurred. It was on a Tuesday.

MR. BARBER: We lost offsite power, right?

[REDACTED]

But it ran right into -- it was like 2:00 in the afternoon. I happen to know because I happened to be here that day, and it was my birthday.

(Laughter.)

SPECIAL AGENT NEFF: Okay.

MR. BARBER: There you go.

[REDACTED]

So there you go. So how is that for a --

MR. BARBER: That's a real good --

SPECIAL AGENT NEFF: I was wondering where the recollection was --

[REDACTED]

Yes. Yes.

(Laughter.)

SPECIAL AGENT NEFF: You were right on it.

1 [REDACTED] Well, I was here until --

2 SPECIAL AGENT NEFF: Okay. So this is  
3 '03.

4 [REDACTED] -- 6:00 or 7:00 that night, so  
5 I do remember that.

6 MR. BARBER: Happy birthday.

7 [REDACTED]: I assume -- yeah, thank you.  
8 Yeah, it was my -- my birthday present. So if it  
9 was --

10 MR. BARBER: That was the incident.

11 [REDACTED] If it was the first of August  
12 -- part of August, unless it was later in the --

13 MR. BARBER: Nope. It was that --

14 [REDACTED] Okay.

15 MR. BARBER: That was that incident.

16 [REDACTED]: All right. So there's where  
17 you could grab some records from like, you know,  
18 whatever they called them at the time, you know,  
19 outage -- forced outage update or whatever.

20 SPECIAL AGENT NEFF: Okay.

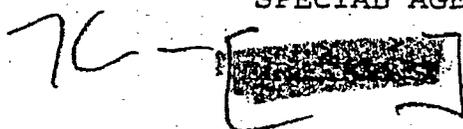
21 [REDACTED] So as I recall -- and, again,  
22 I'm not -- I guess part of this is me being able to  
23 say, you know, as best as I recall -- as best as I  
24 recall, all they were looking to do was they really  
25 felt they knew what the issue was with the -- why it

1 happened and what happened, right?

2 So everybody went -- you know, you  
3 assemble your teams, you go out and you inspect the  
4 containment building. If you had not been in there,  
5 I don't know -- we were having some slight elevated  
6 numbers I believe with our RMS. But the leak that  
7 we're talking about was so small, and in a ventilated  
8 area like that it wasn't -- and the bioshield being a  
9 lot greater than 10R per hour area, it's not someplace  
10 you're just going to go walk in, have power, and go  
11 check out.

12 So had the unit not come off line,  
13 essentially that leak was really not, you know, being  
14 picked up in any manner. But once it was identified,  
15 right, the unit came down, so this valve is leaking.  
16 We needed to repair it before we come back up. We  
17 believe that we've solved the problem with why we lost  
18 power to whatever buses it was. That's being worked  
19 and being reviewed. That issue should be gone by  
20 11:00 tonight. What else really prevents you from  
21 starting up?

22 SPECIAL AGENT NEFF: Okay.

23  You can allude that it's the  
24 valve, so --

25 SPECIAL AGENT NEFF: You've got the leaky

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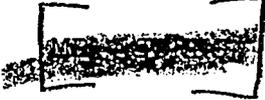
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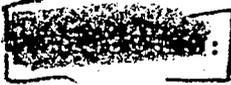
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1 valve that has to be fixed, and now you've got poor  
2 lighting over it.

3  Right. And that's what I'm  
4 saying. It's not that anybody comes out and tells you  
5 that that valve is what's keeping you from starting  
6 up, okay, but you can read right there in the schedule  
7 that they're getting ready to sore up the issue with  
8 the bus or the transformer. So that issue goes away,  
9 or at least it's thought that that issue is going to  
10 go away very soon.

11 And the only thing left on the list is a  
12 valve that's leaking in the bioshield. So there is a  
13 perceived, you know, issue that, you know, the valve  
14 needs fixed. But in the grand scheme of things, some  
15 lighting, I mean, not that -- not that big a deal,  
16 but --

17 MR. BARBER: I mean, nobody came to you  
18 and said, "Hey, don't put the lighting in, take the  
19 extra half hour and put the lighting in."

20 : Yeah. Nobody came and said,  
21 "Don't do it," but nobody was championing the cause to  
22 go do it, and --

23 MR. BARBER: Well, you did.

24  Well, yeah, I did. But --

25 MR. BARBER: So, and it got done, and --

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[REDACTED]

It got done and --

MR. BARBER: -- the work got done.

[REDACTED]

-- and it ended up being --  
you know, in hindsight, maybe after we had gone in to  
go do the cleanup somebody would have said -- or maybe  
you before we did the cleanup, before the guy did his  
inspection to say what needed cleaned up, he might  
have said, "I can't do an inspection with just a  
flashlight. I need some real lighting in here."

So there may have been other opportunities  
along the line for somebody else to raise the issue of  
lighting, but, you know, it just -- it didn't happen,  
and -- or, I mean, it didn't happen, then it did  
happen. But, you know -- so I think we were started  
out with radiological, but, you know --

SPECIAL AGENT NEFF: That was an example,  
you're saying, potentially where there's pressure on  
startup. Why otherwise would they handle this without  
the adequate lighting? If you hadn't been able to go  
here --

[REDACTED]

Yes.

SPECIAL AGENT NEFF: -- you need the  
lighting --

[REDACTED]

Yes.

SPECIAL AGENT NEFF: -- and they were

ALL TC

1 going to fix that valve anyway.

2  Like I said, it was never like  
3 there was really direction, but -- or actual words  
4 spoken that said, "Hey, we've got to get this done,  
5 and we don't have time for lighting." Those  
6 conversations didn't take place.

7           However, on the contrast side, nobody  
8 said, hey, to go in there and do this job and do it  
9 right, it needs to be lit. We're getting feedback  
10 that we've got one bulb in the vicinity that's giving  
11 off 200 -- you know, it's a 200-watt bulb, and it's 20  
12 feet away.

13           So, a) to do it safely, which that really  
14 was my -- that was my major thrust, but, you know, for  
15 the guys that are trying to fix it, how do they know  
16 what's really wrong with it? They can't -- you know,  
17 by increasing the light, you increase their  
18 visibility. You reduce the chance of them missing  
19 something, going back and reworking it, you know.

20           And the clean up, same thing. You know,  
21 it gives the guy that's got to do the inspection, you  
22 know, a whole lot more to look at than just what he's  
23 going to see with a flashlight. So --

24           SPECIAL AGENT NEFF: Did anybody come to  
25 you with a specific concern about that incident, about

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1 that they were going to go ahead and fix that with the  
2 inappropriate level of light?

3 [REDACTED] Other than the HP that was in  
4 cover and the one they were building the scaffolding,  
5 you know, because he saw it, too. I mean, he saw it  
6 in the perspective that, you know, a) you're in there,  
7 it's 109 degrees, plus you had six for the PCs. We're  
8 talking 115. And the majority of our workforce is 45  
9 plus. So, you know, we don't hold up real well like  
10 we used to at 110 degrees.

11 So in a sense of, I'll say again,  
12 expediency -- I mean, he's thinking of it as  
13 expediency -- not necessarily the reactor, but for  
14 people to be able to do their jobs in a more timely  
15 manner. And at 115 degrees, if they have lighting  
16 they can work a little quicker versus a flashlight.

17 SPECIAL AGENT NEFF: Okay.

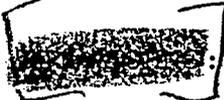
18 [REDACTED] So that was -- that's a good  
19 example, you know, where we didn't perform too well.  
20 But, you know -- but then, again, I don't know. I  
21 went and got the lights, so --

22 SPECIAL AGENT NEFF: It was resolved.

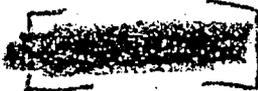
23 [REDACTED] -- it was resolved. You know  
24 what I mean?

25 SPECIAL AGENT NEFF: How about anything

1 else where you see a production over a safety type of  
2 a pressure, if it exists? Do you see that at all, I  
3 mean, apart from this incident that we're talking  
4 about? Where you're kind of saying that it was sort  
5 of inherent in the whole situation, let's get it  
6 done --

7  Right.

8 SPECIAL AGENT NEFF: -- with whatever  
9 we've got for lighting.

10  No. I would say that, you  
11 know, by and large, what things I can think of, you  
12 know, like in the spring, you know, everybody onsite  
13 is sensitive. Everybody onsite is sensitive to the  
14 grassing in the river and the fact that it takes out  
15 our circulators and stuff.

16 And I thought that, you know, the last  
17 many years, you know, we've done a lot of down powers,  
18 we've done, you know, a lot of extra manning out  
19 there, you know, to address those issues. And, I  
20 mean, they are twofold. I mean, when we come down in  
21 power, that's less production. Okay? But at the same  
22 time, you know, I know that everybody senses, you  
23 know, we don't need a repeat of April 7th. You know  
24 what I mean?

25 So if it means coming down in power and

1 throwing more bodies at it, you know, that's what  
2 we're going to do.

3 MR. BARBER: You're referring to the  
4 April 7, 1994, grassing event.

5 [REDACTED]: Yeah, that's correct.

6 MR. BARBER: Okay.

7 [REDACTED] So, I mean, like in that  
8 respect there, I think that, you know, we -- you know,  
9 that's erring on the conservative side. That's -- you  
10 know, that's keeping the reactor, you know, paramount.  
11 I think we do a good job with reduced water inventory  
12 during these shutdowns.

13 It's clearly communicated to the shops  
14 that I'm more familiar with -- RADPRO and out around  
15 the control point -- that when we're on reduced  
16 inventory, and we have fuel in the pot, and so on and  
17 so forth, that, you know, everything is being done to,  
18 you know, keep that water there. And, you know, any  
19 leaks -- and so on and so forth.

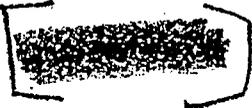
20 So, you know, in those respects I don't  
21 see production pushing nuclear safety, you know. I'd  
22 say it's probably these more subtle ones, you know.

23 MR. BARBER: How about in the --

24 [REDACTED] The ones that are like right  
25 there in your face. You know, you can see it. It's

1 pretty --

2 MR. BARBER: How about in the current  
3 Unit 2 outage? I mean, you gave us a little listing  
4 of some things from walkdown. But in general, have  
5 you seen anything that from a radiological safety  
6 standpoint, or operational safety, that maybe just  
7 didn't seem quite right or that there was something  
8 that, you know, just seemed out of place, anything of  
9 that nature?

10  No, not that I'm aware of. -TC  
11 We've had some issues with, you know, fault  
12 protection, and I had mentioned that one earlier about  
13 where scaffold is needed. And it was ironic, because  
14 I didn't follow that all up.

15 But after we had walked that all down and  
16 made that decision, and I apologized to the work  
17 supervisor -- I said, "You know, I'm only apologizing  
18 for the last half hour, because if somebody would have  
19 told me right off the get-go that you're talking two  
20 guys, two trips, 10 minutes of exposure hazardous  
21 versus six builders of scaffold, four hours of  
22 hazardous exposure, I would have still come in and  
23 looked at it to see exactly what the hazards were.  
24 But I probably would have allowed you to continue on."

25 So we could have done this in two hours

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1 versus two and a half. But we were in there looking  
2 around and looking around and looking around, and I'm  
3 trying everything in the world to think of things to  
4 do to make this place safe. And finally I go up where  
5 we're going with this guy and I said, "Why don't they  
6 just keep going with this rail? They already started  
7 one." And that's when he told me the minimal amount  
8 of work he had left to do.

9 I said, "I apologize for the last half  
10 hour." But we still would have gone through the whole  
11 other rigmarole.

12 So I go in that next day with that list  
13 that we generated there, and I went to show ~~██████████~~  
14 where that issue was, and why we couldn't find a  
15 ladder that would fit in there to incorporate what we  
16 did. And I looked up there and I saw a scaffold  
17 walkway the whole way across. And I said, "You've got  
18 to be kidding me," you know, because that's what I  
19 wanted. And I didn't have it three days before, but  
20 all of a sudden it's there. And here insulators had  
21 quite a bit of work up there

22 So because there was going to be more  
23 workers up there than what the hazard was to the  
24 scaffold builders, they built one. So I went around  
25 to the other side and I got scaffold guys over -- I

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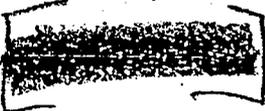
1 mean, insulators over there working where they should  
2 have had the same walkway; however, they didn't.

3 And I asked the guy -- now this is a  
4 contractor, and I recognized him from numerous  
5 outages. I said, "Hey, why don't you guys have a  
6 platform, you know, to be working off of up here?  
7 Plus, you need to come down because you're not in a  
8 body -- you don't have a body harness on, and you're  
9 not tied off to anything."

10 And he said, "Well, we've been telling  
11 them that we want a platform, but they told us that,  
12 you know, they never build platforms up here. They've  
13 never done it before, and they're not doing it." Now,  
14 I didn't know who he was referring to. I said, "Okay.  
15 Well, we'll take care of that." I said, "You come  
16 down." And that went on our list, and I went up to  
17 the OCC and I said, "You need to make the other side  
18 look just like the other side."

19 And, you know --

20 SPECIAL AGENT NEFF: What was the response  
21 to that?

22  They were right on it. They  
23 said, you know, "We'll get them in there tonight, and  
24 we'll have a scaffold built." So, like I said, we've  
25 really -- it's been turned up a notch. But you're

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1 talking a place that employs 1,500 people or 1,600  
2 people. So that same vigor and that same regimen to  
3 go that path is going to -- in my opinion, it's going  
4 to take a while, you know.

5 I mean, some of those people that I see up  
6 in the OCC were also in the room where [REDACTED]  
7 was laying out his expectations on safety, and he was  
8 basically saying that, you know, "I think -- you know,  
9 I appreciate the union guys helping out and everything  
10 here, but there's only so much they can do."

11 And it's quite clear that my line  
12 management isn't pulling up their end of it, because  
13 these guys are running around doing a whole lot of  
14 stuff that they shouldn't have to be doing.

15 SPECIAL AGENT NEFF: "These guys" meaning  
16 your crew?

17 [REDACTED] Yeah. There was -- me and  
18 [REDACTED] were in on -- where he's the [REDACTED]

19 [REDACTED]  
20 [REDACTED] is on back shift, so  
21 he wasn't at this -- we were kind of having like an  
22 emergency Safety Council meeting.

23 We had had it last week, and [REDACTED] wasn't  
24 in attendance. I don't think he was on the site. It  
25 was called by [REDACTED]

1 because we had had five OSHA reportables in six days.

2 SPECIAL AGENT NEFF: Okay.

3 ~~\_\_\_\_\_~~ So he wanted to do something.

4 You know, we had to do something, and he wanted to  
5 know what it was. So there was a whole bunch of  
6 people in attendance -- you know, line management,  
7 whatever -- he called them line managers. I just call  
8 them managers.

9 But at the management level, there were  
10 managers in the room, people from the ~~\_\_\_\_\_~~

11 ~~\_\_\_\_\_~~  
12 ~~\_\_\_\_\_~~ and -- so we came up with this package to do a  
13 rollout, a safety rollout. And then, some people  
14 brought up the question of like, well, how are we  
15 going to measure our effectiveness?

16 Can we do this rollout? But what are we  
17 looking -- are we just looking for us to not have any  
18 issues? Or like what -- how are we going to actually  
19 tell if we had any impact? Maybe we were just unlucky  
20 the first five days or six days. I mean, what are we  
21 going to measure?

22 So we agreed to meet back on Monday. The  
23 rollout happened on Thursday. That would allow  
24 Friday, Saturday, Sunday for it to either go in and  
25 stick or go in one ear and out the other. And on

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ALL TC

1 Monday we would reconvene and see if, you know, we  
2 thought there was any impact.

3 So at that Monday meeting, [REDACTED]  
4 was in attendance. And he didn't say anything until  
5 the end. And in the end, that was one of the things  
6 he said was that, you know, he thought that the -- you  
7 know, from the union perspective, he appreciated  
8 everything that we were trying to get done and do.

9 But, you know -- you know, he felt that,  
10 you know, that management in general was responsible  
11 for, you know, leading. Even though that's not  
12 necessarily how the corporate thing has it, you know,  
13 that you're supposed to be chaired by a union guy and  
14 supported by a management person, he's saying that  
15 management needs to -- to set the expectations, to get  
16 out there and make safety happen.

17 And, you know, he wasn't pleased with what  
18 he was seeing --

19 SPECIAL AGENT NEFF: On these reportables?  
20 [REDACTED]: -- and there was more to come,  
21 and then he left.

22 So when I went up to the OCC with that  
23 list of -- I handed it to them just like that, and two  
24 of the people that I was handing that to were in that  
25 meeting downstairs earlier that day, or whatever it

1 was. And so, I mean, maybe it's because they just had  
2 some fresh fire under them, but they -- you know, they  
3 said they'd be resolved by that next shift. So --

4 SPECIAL AGENT NEFF: And the list you're  
5 referring to were some of these --

6 [REDACTED]: No. The list is -- where it  
7 says open down there at the bottom --

8 MR. BARBER: There's probably about 10 or  
9 12 items on it.

10 SPECIAL AGENT NEFF: Yes, I see. Under  
11 Improvements?

12 [REDACTED]: Yes.

13 SPECIAL AGENT NEFF: Some corrected and  
14 some open?

15 [REDACTED]: Yes.

16 SPECIAL AGENT NEFF: Okay. So this is  
17 what got the attention. And, again, these are the  
18 industrial safety issues.

19 [REDACTED]: Right.

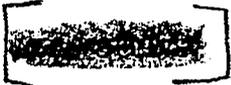
20 SPECIAL AGENT NEFF: We'll take a break  
21 quickly, okay? It's approximately 3:44.

22 (Whereupon, the proceedings in the  
23 foregoing matter went off the record.)

24 [REDACTED]: As long as we continue to have  
25 somebody up there that is going to, I'll say, help

1 unmuddy the waters for those that think the water is  
2 muddy, you know, that's all there is to it. And we're  
3 working on some processes to try to make the SAP  
4 process work a little better. But --

5 SPECIAL AGENT NEFF: And you're talking  
6 about being able to follow a corrective action all the  
7 way through its resolution from --

8  Yes.

9 SPECIAL AGENT NEFF: -- when it gets into  
10 to the system.

11  I mean, the diesels is a good  
12 -- going back to that diesel thing. That's a good  
13 example. I mean, if something at that level can go  
14 through there, I mean, and --

15 MR. BARBER: You're talking about the  
16 turbocharger failure.

17  Yes. And I get e-mails -- I  
18 didn't bring any. I could provide you with a couple.  
19 But if I send out that list of 54, I'll get two or  
20 three responses that their issue was closed and the --  
21 or, I mean, the notification was closed, and their  
22 issue wasn't resolved.

23 MR. BARBER: Okay.

24  So that --

25 MR. BARBER: Well, the converse is you

1 don't hear from 50 people, and the presumption is they  
2 didn't have any concerns or they're not --

3 [REDACTED] Exactly.

4 MR. BARBER: -- identifying them to you.

5 [REDACTED] Correct. That is --

6 MR. BARBER: So --

7 [REDACTED] -- an assumption.

8 MR. BARBER: Okay.

9 [REDACTED] And for the easy ones like,  
10 did they fix the hole in the floor, well, if the guy  
11 saw it, probably he walks back and forth there quite  
12 a bit. He would be real quick to say, "I just walked  
13 by that hole in the floor and it's still there, and  
14 nobody did nothing."

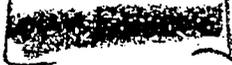
15 But one where somebody writes up and says,  
16 you know -- let's say it was a tagging event or  
17 something, and the person writes it up. Maybe they  
18 weren't even fully involved with it, but they had been  
19 tasked with capturing the event and putting it into  
20 the system.

21 So we put that all in, that there was a  
22 tagging event over at the Salem generator enclosure,  
23 where the enclosure was removed with two red tags  
24 hanging inside another little cubicle that nobody  
25 thought to look inside of or something like that.

ALL TC

1 Okay. So that gets written up as a CR.

2 It probably has several steps -- we call  
3 them operations -- to get that issue evaluated, maybe  
4 the procedure needs changed, maybe they need to create  
5 some special lamicoits (phonetic) to go on things that  
6 when you stick tags inside of something and close the  
7 door, and nobody will ever see them, you put -- so  
8 there's a whole bunch of little things there that go  
9 into solving that problem.

10 So when I send back to  that  
11 this issue closed, when he may have been the guy that  
12 wrote it up, he might not be all that inherent that  
13 like, do I really want to go in there and see what  
14 they all did? Okay? Because if it wasn't truly his  
15 passion, he's not really going to go.

16 And that could be a perfect example of one  
17 that it doesn't seem real tight, and I don't know what  
18 the answer is on how to tighten them up. Okay?  
19 Because think about it. You're a big place like this,  
20 but you're looking for a procedure change. Okay.  
21 That might happen.

22 Then you're looking for somebody to order  
23 or make up labels, right? Then that new procedure and  
24 the labels has to go out to training to ensure that  
25 the operators all get trained, that when this tag-out

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1 goes and there's tags that go into a cubicle that you  
2 can't see in, you've got to attach one of these  
3 things, you know, blah, blah.

4 If -- I don't want to say it. It's almost  
5 like, you know, there's a part of you -- there's a  
6 part that feels that unless that tagging incident was  
7 really bad, would every one of those things get the  
8 I's dotted and the T's crossed, and full closure would  
9 be full closure.

10 But if it was an event that was -- you  
11 know, nobody got hurt, you know, and there was no  
12 impact to the plant, okay, no perceived impact to the  
13 plant, then all of those things get written up just  
14 like that to happen, but the rigor, the regimen to  
15 ensure that each one of those takes place, so that  
16 you're not back in that boat again of -- you know, I  
17 just -- I don't know if it's the way that it's  
18 electronically captured that it does not reproduce  
19 itself in a manner that's really recognizable, that  
20 I'd be able to say, "Oh, nobody ordered the tags. You  
21 know, we got the procedure, but we didn't -- we never  
22 ordered any tags," you know, versus the diesel, you  
23 know?

24 We went through all of that time and all  
25 of that energy to come up with what was a very good

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1 solution to those turbocharger problems. But then we  
2 failed to put the PM in. Got the procedure -- I'm  
3 sure the procedure took quite a bit of time to develop  
4 and get all signed off on and everything, and we  
5 forgot to schedule the PM, you know?

6 SPECIAL AGENT NEFF: Well, where's the  
7 breakdown there?

8 [REDACTED] If I had the answer, I would  
9 gladly help --

10 MR. BARBER: That's not really your area,  
11 though, right?

12 [REDACTED] No. No.

13 MR. BARBER: So you may or may not really  
14 have --

15 [REDACTED] But I feel that with -- the  
16 reason I carry that so much is because I -- and I  
17 shared that with [REDACTED] that there is a letter  
18 from a conference - I think American Nuclear Society  
19 Conference from a couple of years ago -- [REDACTED]

20 [REDACTED]  
21 SPECIAL AGENT NEFF: [REDACTED]

22 [REDACTED] He spoke at it.

23 SPECIAL AGENT NEFF: Okay.

24 [REDACTED] And I had a copy of it, and he  
25 did a thing on safety culture. And when you get to

1 the back he talks about an effective corrective action  
2 program, you know, and that's what I told [REDACTED]  
3 Because, see, I see so many of them, you know, I mean,  
4 it almost hurts my head.

5 They go into so many of them, and I read  
6 them, and things get closed to other orders, and, I  
7 mean, it's -- sometimes it's a real magical trip to  
8 try to follow one of these things which could have  
9 been something as simple as need ladder installed in  
10 service water bay. And then you go and it's like,  
11 well, that was closed because there was already one  
12 open. And you go to the one that was open -- and when  
13 you finally get done with it, hopefully, the ladder  
14 got installed. But just on the converse, you know,  
15 you might find where the ladder didn't get installed,  
16 and it wasn't his fault or her fault or --

17 SPECIAL AGENT NEFF: And you're trying to  
18 follow this, again, through SAP.

19 [REDACTED] Yes.

20 SPECIAL AGENT NEFF: Through the tracking.  
21 When you took that to [REDACTED] what was the  
22 response there?

23 [REDACTED] He said that -- he said that  
24 when I came upon ones that weren't adequately closed  
25 out, that I need to send them to him, and he would

1 personally call these folks. He said he -- for his  
2 ease, could I manage to make it so that, like, he  
3 doesn't have to do all the research. Give him what  
4 the issue was, give him what the supposed closure was,  
5 and why that wasn't adequate. And then, who is he  
6 supposed to call, and he would --

7 MR. BARBER: Have you ever come across  
8 anything sort of like that?

9 [REDACTED] I have. And to tell you the  
10 truth, I just haven't -- you know, even though I've  
11 got like a million things going on, I do have a couple  
12 that I wanted to share with them. I just have not --  
13 I can honestly say I just haven't gotten there to get  
14 him one yet, to let him go --

15 SPECIAL AGENT NEFF: Well, is that --  
16 [REDACTED] -- do that.

17 SPECIAL AGENT NEFF: Do you hesitate to do  
18 that, or --

19 [REDACTED] No, no.

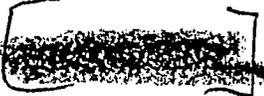
20 SPECIAL AGENT NEFF: -- will you feel  
21 comfortable doing it?

22 [REDACTED] No, I feel comfortable doing  
23 it. I mean, that's why I felt comfortable going out  
24 and seeing him.

25 SPECIAL AGENT NEFF: Right. Or is it a

AK 7c

1 timing?

2  It's more -- it's just a  
3 timing issue. And I didn't want to give him one that  
4 -- I wanted to give him one that had some real ==

5 MR. BARBER: Substance?

6  -- substance to it. You know,  
7 I didn't want it to be one that -- because sometimes  
8 you will see where a guy will say, "I didn't the  
9 answer I was looking for." And I look at it, and the  
10 guy was complaining about the air conditioning had  
11 totally broken down in a facility. And in the  
12 summertime, these buildings, if they lose their air  
13 conditioning, you can't open any windows, so it gets  
14 hot.

15 Well, the repair took like four weeks or  
16 five weeks, and everything -- his response back was --  
17 the way he worded his notification was he was saying  
18 that the unit wasn't -- it was kind of outdated, and  
19 it wasn't reliable, you know, and so on.

20 The response to the notification was that  
21 the ventilation was repaired by so and so, and all  
22 three compressors are up and running at 100 percent,  
23 blah, blah, blah. So you see what I'm saying? It's  
24 kind of like the guy is saying that the units aren't  
25 up to speed.

ALL 7C

1           The guy answering it is saying oh -- I'm  
2           thinking he -- because like, let's say, on his short  
3           text, because in this the way the screens are set up  
4           you have a short text, and the guy might have wrote,  
5           "B Building air conditioning out of service for  
6           extended period of time." All right?

7           Then you read his long text, which is like  
8           on a back page but it's another page of the computer  
9           screen, is where he goes into his detail about, hey,  
10          these compressors were built in 1956, and so on and so  
11          forth, and they've had four repeat failures, and blah,  
12          blah, blah. When the guy gets his answer, it's, "Hey,  
13          the units were all repaired."

14          When you go back to what you think of,  
15          what would be the way you look at these, this is  
16          essentially the title that's seen on the cover page of  
17          the notification. And that's about all the more words  
18          you get.

19          (End of Tape 1, Side B. Beginning of Tape 2, Side A.)

20                   SPECIAL AGENT NEFF:        The time is  
21                   approximately 3:55 p.m.

22           TC- [REDACTED] And we were talking about the  
23           notification and the short text. So, you know, again,  
24           I just think it's the rigor of -- we were real good,  
25           in my opinion, with notifications back in '94, '95,

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1 '96 -- well, when we were shutdown and trying to come  
2 back out of that.

3 We had a different system at the time. We  
4 had what we called MMIS versus SAP. And the way it  
5 worked was when you wrote your response to, you know,  
6 an evaluation or whatever, right at the bottom you had  
7 to put your badge number, which autoloaded your name.  
8 And then you had to have your first-line supervisor  
9 put his badge number. That autoloaded his name.

10 And if it was of significance, like say a  
11 Level II or a Level 1, then you had to have your  
12 manager put his badge number in there, and it  
13 autoloaded his name and number. All of those names  
14 and badge numbers were directly within eyesight of  
15 what the answer was. It was quite clear what the  
16 answer was. It was right above your name and initials  
17 or badge number.

18 In this system here, it's not their  
19 separate pages, the separate screens -- and I'm not  
20 saying I know what the answer is to fix it, but I just  
21 think that overall you're not answering this question.  
22 The heat is out in A Building for an extended period  
23 of time. You're opening the long text, and you're  
24 answering the statement one, which is, his statement  
25 was that the units repeatedly do this.

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1                   And it's not that they're just out,  
2                   because they'll be out again next year. So that's the  
3                   answer he's looking for. He's looking for somebody to  
4                   say, "Yeah, right. We did an evaluation, and we found  
5                   we spent \$420,000 over the last eight years  
6                   maintaining these units, which are not very" -- you  
7                   know what I mean?

8                   But, again, you know, at some point that's  
9                   going to have to get up to a business decision as to,  
10                  are you going to replace the compressors or not? And  
11                  -- but I think you could do that legwork as well. You  
12                  could say, you know, "Hey, you're absolutely right.  
13                  It did look at it, and I'm going to write a sub-order  
14                  to" -- or whoever, somebody in financial, to do a  
15                  cost-benefit analysis of, do we maintain them, or do  
16                  we get rid of them?

17                  So you did your part. It's not like you  
18                  have to go up and replace the compressor personally.  
19                  Right? You did the evaluation. The guy seems like  
20                  he's on board. It's off your desk, and now it's going  
21                  to the financial people. And then they come back and  
22                  say either it is or isn't cost-benefit.

23                  SPECIAL AGENT NEFF: This is -- and your  
24                  presentation -- the problem with this is that it's  
25                  difficult to follow, for somebody to raise an issue

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1 and somebody to answer that issue and see it all on --  
2 you know, from the evolution of it, to see how that  
3 was addressed. Is that --

4 7c [REDACTED] I would say that it's not --  
5 I don't want to say it's human performance based, that  
6 it's got errors in it. But it's human performance --  
7 it's not built for human performance in that it lends  
8 itself to ease. And if it doesn't lend itself to  
9 ease, either, a) you need to pull everybody out over  
10 a period of time and train them on how to go see  
11 exactly what it is they're seeing, and actually how to  
12 take a couple -- you could even make them up yourself  
13 and create them where, okay, the short text says kind  
14 of just what I said it said.

15 Now, see how many people are going to say,  
16 "Yeah, the answer was to fix the compressors," and how  
17 many people say, "No, I read it, and what I should  
18 have been doing was this. It was clearly told to me  
19 that I should have looked at it."

20 And I don't know. I can't give you any  
21 examples where that may or may not be a problem. But  
22 if that's your mind-set when you're working on an air  
23 conditioner for a building, then what's your mind-set  
24 when you're digging into one that has to do with turbo  
25 chargers and diesel? Are you looking at the short

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1 text, because it says something is broke and you're  
2 going to go fix it? Or are you actually reading the  
3 long text?

4 Because sometimes in the long text the guy  
5 asks for two things, and I've seen them on the  
6 industrial safety point where a guy says, "This was a  
7 problem, and I think you should do this, and I think  
8 you should paint these cones, and I think you should  
9 put out a publication."

10 And somebody will pick -- put out a  
11 publication. They won't paint the cones, and they  
12 won't -- even though in the long text of the  
13 notification the guy was laying out three corrective  
14 actions that he thought would solve the problem. The  
15 person closing just chose to grab one or grab two.

16 MR. BARBER: Well, isn't that an  
17 acceptable alternative, though? I mean --

18  It is, if you have evaluated  
19 -- in my opinion, if you said, hey, I looked at the --  
20 what you're talking about, and I think a global  
21 communication will do that with a picture. And I  
22 don't think we need to paint, and I don't think we  
23 need to --

24 MR. BARBER: Okay.

25  But you address them.

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MR. BARBER: Okay.

[REDACTED]

You know what I mean? You didn't just leave it vague that you never even looked at --

MR. BARBER: Or you could come up with a totally different solution that may be even better than the three that are being provided.

[REDACTED]

Correct. Correct.

MR. BARBER: Or a series of actions.

[REDACTED]

Right.

MR. BARBER: So it's not that the system would bind someone to follow what the suggestions are for corrective action. It's just that -- which I think what you're pointing out is it's not user-friendly.

[REDACTED]

Right.

MR. BARBER: Because it may mislead someone who has tried to decide what the corrective action is to only look at the short text as opposed to the very extended description of what the issue is.

[REDACTED]

Yes. And so, you know, and that's why -- that's where I can pull back in from safety, because, you know, we're trying to use the exact same process, you know, so that it all goes into the same bins, and, you know -- and we're actually

1 looking at ways in the future to be able to code  
2 things as to whether they were a confined space issue  
3 or a fault protection issue.

4 So when we go back to do data analysis, I  
5 can just the computer, "Give me everything that was a  
6 confined space issue in the last six months." Boom.  
7 Now I've got 10 issues. I can go open them up, and I  
8 can see if there's any kind of underlying common theme  
9 to those 10. You know? Maybe it's the procedure.  
10 Maybe it's the sign ain't big enough. You know?

11 SPECIAL AGENT NEFF: I just want to take  
12 a quick break.

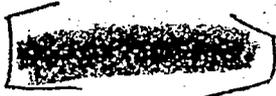
13 (Whereupon, the proceedings in the  
14 foregoing matter went off the record.)

15 MR. BARBER: -- or send it to us directly,  
16 or something -- whatever.

17 SPECIAL AGENT NEFF: Just to cover that  
18 issue, we were looking at whether or not you were  
19 aware of any configuration control issues regarding  
20 this SAP and this --

21  No.

22 SPECIAL AGENT NEFF: But that's not your  
23 area.

24  That's not my area of  
25 expertise.

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1 SPECIAL AGENT NEFF: Okay. [REDACTED] do you  
2 have anything else that you want to add to the record  
3 at this point?

4 [REDACTED] No. That's --

5 SPECIAL AGENT NEFF: Scott, do you have  
6 anything?

7 MR. BARBER: I do not.

8 [REDACTED] That's it.

9 SPECIAL AGENT NEFF: Anything else? Okay.

10 [REDACTED] I think we've covered  
11 everything.

12 SPECIAL AGENT NEFF: And your overall  
13 assessment at this point in time at the -- of the work  
14 environment is -- from what you're telling us is that  
15 you've seen an improvement lately. I think you put it  
16 in the past year or so.

17 [REDACTED] Yes.

18 SPECIAL AGENT NEFF: It doesn't seem that  
19 you hesitate to raise concerns when you need to raise  
20 concerns.

21 [REDACTED] No. I have no problem raising  
22 concerns.

23 SPECIAL AGENT NEFF: And that goes from  
24 supervisors union level, supervisors all the way up to

25 [REDACTED]

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[REDACTED]

That's correct.

SPECIAL AGENT NEFF: Okay.

[REDACTED]

I mean, that's just it. I felt the doors were open. And although they've been only here a little bit of time, I figured they communicated that their door was open, so I figured I would take them up on it. And from their responses, you know, they seemed like they're right on the mark. And I know where we were, I know where we are, and where we want to be is not -- we're not there yet. But I definitely see an improvement from where we were. So, I mean, big place, big ship. Takes a long time to turn around.

SPECIAL AGENT NEFF: Are you specifically aware of anyone who would say that they wouldn't raise a concern, a specific concern about safety, nuclear safety or safety in any way, because of fear of the response they may get?

[REDACTED]

Not -- I wouldn't say -- no. I mean, if it is, it's second- and third-hand conversations. So, you know, really, if I wasn't there or had the conversation with the person, then I wouldn't want to say that I did.

But, you know, I am aware of some just general discussions about some things in Operations

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1 that -- and I believe even [REDACTED] put out a  
2 letter on one, which I'm sure maybe these guys had,  
3 because it wasn't like it just went out to three  
4 people. It went to like List NBU Ops, or something  
5 like -- so it went to a lot of people.

6 But it had to do with I think it was MOVs,  
7 motor-operated valves, and something to do with  
8 tagging them. But I don't -- again, that's what kind  
9 of makes me the oddball out being the Ops chairperson,  
10 is I don't really understand tagging that well. But  
11 sometimes they say that's good because I have like a  
12 fresh perspective, because I don't -- I'm not already  
13 entrapped into what they've been taught and  
14 everything.

15 SPECIAL AGENT NEFF: But a timeframe for  
16 that?

17 [REDACTED] I'm going to say within the  
18 last two or three weeks that the issue came up, and I  
19 know that it was talked about at a tagging meeting.  
20 And then subsequently this e-mail came out, because at  
21 the tagging -- there's what they call a tagging  
22 committee, and that's where people that know tags  
23 (inaudible) the tagging program, and they basically  
24 own the tagging procedure.

25 SPECIAL AGENT NEFF: Okay.

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[REDACTED]

Sit and discuss, you know, OE, things from other plants, things that we're seeing here.

SPECIAL AGENT NEFF: Okay.

[REDACTED]

And so at that tagging committee meeting they walked away with this action would be taken to, I don't know, implement something, implement X whenever doing MOVs. It might have been just a select bunch of MOVs, but I know it had something to do with MOVs.

Anyhow, the action didn't take place that was supposed to take place. And subsequently the person that raised the concern -- and I think he had raised it twice -- he raised it once, didn't get any real response. Then, took it to the tagging committee figuring, hey, we're in a room full of people, and now that, you know, we get total buy-in, then we'll get the resolution we're looking for.

So they did get -- he did get the resolution he was looking for in the meeting. However, the next day or the next day he -- and, again, this is second- or third-hand. He supposedly watched a brief take place down at the control point to go down and do an RHR, four or five P, with the MOV work tagged -- untagged -- I don't know, something

1 with the MOVs, basically in the same manner pre-  
2 tagging committee discussions -- that, you know,  
3 basically nothing had taken place. They were still  
4 going to do business as usual.

5 So he stopped them. And I'm not sure if  
6 he managed to stop them entirely. I think he did,  
7 because he went over and talked to -- I don't know if  
8 it was [redacted] or somebody over at -- one of the acting  
9 AOMs, or whatever, and they said, "Oh, okay. You're  
10 right. Stop."

11 And then I believe the person went to  
12 [redacted] -- and this is all kind of in  
13 this letter. [redacted] stated that, you know, when it was  
14 brought to his attention that the issue was clearly  
15 laid out, and there was actions agreed to be taken,  
16 and those actions had been neglected, that he was  
17 holding them -- they held an emergency SORK, and they  
18 got the procedure changed to do whatever this -- I  
19 don't know all of the particulars, but this e-mail  
20 came out from -- from [redacted] -- or not from [redacted]

21 [redacted]  
22 And he basically said that, you know, we  
23 need to -- you know, when people bring up a concern,  
24 we need to -- to not only listen to it with open ears,  
25 but then if we agree that there's an issue to be

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1 taken, we take action and we don't -- we don't, you  
2 know, just drag our feet.

3 And in this case, he used the words in  
4 parentheses "get hit over the head." We don't need --  
5 we shouldn't get to the point where we need to be  
6 clubbed over the head to --

7 SPECIAL AGENT NEFF: With somebody having  
8 to bring a concern forward?

9 [REDACTED] Right.

10 SPECIAL AGENT NEFF: And in this case, did  
11 they take the appropriate action after [REDACTED] was  
12 reapproached and [REDACTED] got involved?

13 [REDACTED] Yes.

14 SPECIAL AGENT NEFF: Now, but what  
15 prompted that was when I asked you, are you aware of  
16 individuals who wouldn't raise concerns because of  
17 their fear of the response to them doing that? Is  
18 this somebody who would -- you know, are you saying  
19 this is somebody who no longer would?

20 [REDACTED] Well, no, because, you know,  
21 as far as I know, he still comes to me with things, or  
22 I still go to him with things. So, I mean, as far as  
23 I know, the people that were involved there are  
24 continuing to persevere, if you will.

25 SPECIAL AGENT NEFF: They're raising

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1 concerns.  
2 [REDACTED] Correct.  
3 SPECIAL AGENT NEFF: And [REDACTED]  
4 note went to -- and if somebody has it, don't make  
5 them have to come to you twice?  
6 [REDACTED] Right.  
7 SPECIAL AGENT NEFF: And this is just  
8 within recent weeks is what you're saying.  
9 [REDACTED] Correct. Correct. So, and --  
10 SPECIAL AGENT NEFF: And just so we  
11 don't --  
12 [REDACTED] Yes.  
13 SPECIAL AGENT NEFF: I mean, do you know  
14 anything more -- any more particulars about it, like  
15 who was involved? It could be -- and I'm asking you  
16 this because we could be talking to this individual.  
17 It's not like we're going to go to them and say, you  
18 know, [REDACTED] said this is where it comes from." We're  
19 talking to a lot of people.  
20 [REDACTED] Okay.  
21 SPECIAL AGENT NEFF: But just so we  
22 understand, maybe this --  
23 [REDACTED] Well, okay, I'm pretty -- you  
24 know, I'm pretty sure it was [REDACTED] that went  
25 and talked to -- that brought the issue up, took it to

1 the tagging committee, and then took it to [REDACTED] and  
2 the whole -- I don't understand the whole trail of it,  
3 but I know that all of those things took place  
4 because, you know, he had even e-mailed me and said,  
5 "Hey, you know, did you happen to see [REDACTED] e-mail,  
6 you know, that" --

7 SPECIAL AGENT NEFF: Okay.

8 [REDACTED] -- "went out?" and I said yes.  
9 You know, and he said, you know, "Well, at least we --  
10 you know, we managed to get that one," you know.

11 SPECIAL AGENT NEFF: Okay.

12 [REDACTED] And, I mean, that's -- that's  
13 what I'm getting at. I think -- I mean, there's a --  
14 I don't know the particulars. But when you talk to  
15 [REDACTED] I mean, that's the type of thing that may have  
16 read something and said, "Whoa, we've been doing it  
17 this way for however long." And it -- you know, it --

18 SPECIAL AGENT NEFF: And [REDACTED]  
19 may know more about -- as you said, he said, "We  
20 managed to get this one," but there may be other  
21 issues that didn't go that way? Is that what --

22 [REDACTED] Well, I know he documents them  
23 all, so --

24 SPECIAL AGENT NEFF: Okay.

25 [REDACTED] -- anything he got goes into

1 SAP.

2 SPECIAL AGENT NEFF: That's more a  
3 question for him.

4 [REDACTED] I mean, that's one thing that,  
5 you know, you'll find with him is he's very, very,  
6 very thorough, I mean, as far as writing up what the  
7 issues are. And, you know, in that case there, had  
8 somebody been hurt or something, I think, you know, he  
9 would have slept with a clean conscience, because he  
10 knew that he had done everything that he could, you  
11 know --

12 SPECIAL AGENT NEFF: Okay.

13 [REDACTED] -- to feel that the problem  
14 got the right type of exposure that it could get, you  
15 know, and that --

16 SPECIAL AGENT NEFF: Okay.

17 [REDACTED] -- you know, if there was an  
18 issue or, you know -- at least he felt the ball was  
19 squarely in their court, you know, that, you know, he  
20 had done all he could do. He can't change the  
21 procedure by himself. He can't sign it. He can't do  
22 all those things. That's the only things that the  
23 next level -- layers up can do.

24 SPECIAL AGENT NEFF: Right.

25 [REDACTED] And --

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SPECIAL AGENT NEFF: And a [REDACTED]

is somebody to talk to, are you aware of anything else that -- as part of this assessment that we're going through, anybody else who may offer information to explain maybe why we're hearing that there could be a problem with the environment, and that either people are tired of raising issues, or people won't raise issues for fear of some possible repercussion.

We're trying to understand, if that's true --

[REDACTED] Right.

SPECIAL AGENT NEFF: -- where is it coming from?

[REDACTED] Yes. No, I would generally say that, you know, the people that I most familiarly work with understand that, you know, if we can kind of do it, we're going to do it. You know, we'll fix what we can right there on the spot.

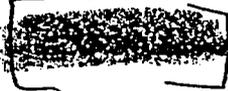
SPECIAL AGENT NEFF: Okay.

[REDACTED] We'll get the people we can do to do it. If it's something more than that, then we put it into here. And we're really trying -- we're actually, you know, getting a lot of support behind -- we call it the list. But that's all it is is, you know, you dump them out.

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1 And we're getting a lot of support from  
2 management to tell them, you know -- and we're all in  
3 agreement. It's got -- if I printed all of the things  
4 out that are coded safe, okay -- and they can be  
5 tagging things, or they can be needs a ladder  
6 somewhere, there is close to probably 300 and some.

7 SPECIAL AGENT NEFF: Okay.

8  You can't eat that all in one  
9 bite. They've got to be eaten in small bites.

10 SPECIAL AGENT NEFF: Okay.

11  But the problem is is they  
12 need us, and that's what we're working on -- and  
13 they're supporting us -- is they need it broken down,  
14 compartmentalized, so that they can understand which  
15 ones can we go after, which ones are definite  
16 problems. And even though they may need an engineer,  
17 and they may need some resources, and it's not going  
18 to get fixed tonight. But even if we fix it up by the  
19 end of next month, that's a huge, you know, benefit.

20 SPECIAL AGENT NEFF: Okay.

21  They just need, you know -- so  
22 I would say no, I don't know, in general, of any other  
23 prevalence that they can't bring the issue up, or that  
24 they would be chastised or anything like that. I  
25 think they -- they understand that the things that can

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1 get done will get done. The things that are a little  
2 bit harder, I don't know that they fully bought into  
3 that we'll get it resolved in what we call a timely  
4 manner.

5 They still see us -- and we even admit it  
6 -- that, you know, we don't have our hands around it  
7 all just yet, but when we do we're going to try to  
8 make it so that the things that are timely get done  
9 timely.

10 The things that are a little bit more long  
11 term, it's communicated, this is what we've done in  
12 the interim, that's the best we can do for now, until  
13 we get the materials, until we get engineering  
14 drawings, and all that stuff, or maybe some relief for  
15 whatever it is -- the tech spec or something. That's  
16 what we've got to live with for today, so that's an  
17 ongoing thing.

18 But overall, I would say people feel that  
19 they -- you know, they could put them in. If they  
20 don't know how to type them, they come tell me and I  
21 put them in for them, so --

22 SPECIAL AGENT NEFF: Okay. If you have  
23 nothing further to add, I have closing questions.  
24 Have I or any other NRC representative offered you any  
25 promises of reward or threatened you in any manner in

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exchange for your information today?

[REDACTED] No.

SPECIAL AGENT NEFF: Have you provided this information freely and voluntarily?

[REDACTED] Yes.

SPECIAL AGENT NEFF: Okay. At this point, it is approximately 4:15 p.m., and I'd like to close the interview.

(Whereupon, at 4:15 p.m., the interview was concluded.)

All TC

CERTIFICATE

This is to certify that the attached proceedings  
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Name of Proceeding: Interview of



Docket Number: 1-2003-051F

Location: Salem Hope Creek  
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were held as herein appears, and that this is the  
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