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**NUCLEAR REGULATORY
COMMISSION**

Title: Interview of John Martin

Docket Number: 3-2002-006

U.S. NRC
In re DAVID GEISEN Geisen EXHIBIT # 24
Docket # 1A-05-052

Date Marked for ID: 12/12, 2008 (Tr. p. 2174)

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Through Witness/Panel: O'Brien

Location: Oak Harbor, Ohio

Action: ADMITTED REJECTED WITHDRAWN

Date: 12/12, 2008 (Tr. p. 2295)

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Pages 1-56

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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 JOHN (JACK) MARTIN : 3-2002-006

10 (CLOSED) :

11 -----x

12 Tuesday, October 15, 2002

13 Davis-Besse Nuclear Power

14 Station

15 5501 N. State Route 2

16 Oak Harbor, Ohio 42449

17
18 The above-entitled interview was conducted at
19 5:40 p.m.

20
21 BEFORE:

22 ROBERT RZEPKA, Special Agent

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1 APPEARANCES:

2 ON BEHALF OF FIRST ENERGY NUCLEAR OPERATING
3 CORPORATION AND THE INTERVIEWEE:

4 JAY GUTIERREZ, ESQ.

5 MORGAN, LEWIS & BOCKIUS

6 1111 PENNSYLVANIA AVENUE, N.W.

7 WASHINGTON, D.C. 20004

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

(5:40 p.m.)

SPECIAL AGENT RZEPKA: The date is Tuesday, October 15th, 2002. The time is approximately 5:40 p.m. The interview is with Jack Martin. Do you go by Jack, or is it John?

MR. MARTIN: Formal name's John. Jack is what I go by.

SPECIAL AGENT RZEPKA: Okay. Who is self-employed, correct me if I'm wrong. You own your own consulting service, and it is titled Martin Sigmund (phonetic) Consulting Services, Incorporated?

MR. MARTIN: That's correct.

SPECIAL AGENT RZEPKA: Okay. And currently, you're being contracted by FirstEnergy Nuclear Operating Corporation?

MR. MARTIN: Correct.

SPECIAL AGENT RZEPKA: Okay. The location of this interview is the Davis-Besse Nuclear Power Station, and we're in the former vice president's conference room. I am Robert Rzepka, Special Agent with the NRC Office of Investigations, Region I Field Office, King of Prussia, Pennsylvania. Also present is Kris Monroe, also a Special Agent with OI, Region I. And the subject of the interview concerns an NRC

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1 fact-finding investigation into the circumstances
2 surrounding the Davis-Besse Nuclear Plant reactor
3 vessel head degradation problem and related follow-up
4 activities. Potential violations include 10CFR50.9,
5 completeness and accuracy of information in criterion
6 16 and Appendix B 10CFR50.

7 As explained prior to going on the record,
8 the interview will be conducted under oath. Do you
9 have any objection, once again, to providing us with
10 information under oath or affirmation?

11 MR. MARTIN: No.


12 SPECIAL AGENT RZEPKA: Okay. At this
13 time, Mr. Martin, could you please raise your right
14 hand? Do you swear or affirm that the statement or
15 testimony that you're about to give will be the truth,
16 the whole truth, and nothing but the truth, so help
17 you God?

18 MR. MARTIN: I do.

19 SPECIAL AGENT RZEPKA: Okay. And just for
20 the record, state your full name and spell your last.

21 MR. MARTIN: John Bradley Martin, M-A-R-T-
22 I-N.

23 SPECIAL AGENT RZEPKA: Okay. And some
24 additional background. Your Social Security number?

25 MR. MARTIN: 

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1 SPECIAL AGENT RZEPKA: And your date of
2 birth?

3 MR. MARTIN: [REDACTED]

4 SPECIAL AGENT RZEPKA: Okay. And your
5 business address?

6 MR. MARTIN: [REDACTED]
7 [REDACTED]

8 SPECIAL AGENT RZEPKA: Okay. And your
9 business phone number?

10 MR. MARTIN: [REDACTED]

11 SPECIAL AGENT RZEPKA: Okay. And do you
12 have an e-mail address, as well?

13 MR. MARTIN: It's on the card. I can't
14 remember what it is.

15 SPECIAL AGENT MONROE: It's
16 [REDACTED]

17 SPECIAL AGENT RZEPKA: Okay. And is there
18 a, I know I have this written down somewhere, but your
19 cell phone number?

20 MR. MARTIN: [REDACTED]

21 SPECIAL AGENT RZEPKA: Okay. And what I
22 would like to do, you're being represented today by
23 Jay Gutierrez, and I'm just going to go through some
24 questions in reference to your counsel here today. Is
25 Jay Gutierrez representing you personally for the

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1 purpose of today's interview?

2 MR. MARTIN: Yes.

3 SPECIAL AGENT RZEPKA: Did you personally
4 select Mr. Gutierrez, or did your employer make the
5 selection for you?

6 MR. MARTIN: The employer.

7 SPECIAL AGENT RZEPKA: And how exactly was
8 that done?

9 MR. MARTIN: Well, I was asked would that
10 be satisfactory with me, and I said, yes, it would.
11 I don't have any objection to it.

12 SPECIAL AGENT RZEPKA: Okay. Does your
13 employer or does Davis-Besse or does your employer
14 require you to have an attorney present when you're
15 interviewed by NRC OI? Is that a stipulation --

16 MR. MARTIN: No.

17 SPECIAL AGENT RZEPKA: -- or your contract
18 with them?

19 MR. MARTIN: No, it's not.

20 SPECIAL AGENT RZEPKA: Okay. Were you in
21 any way threatened with adverse action, I guess that
22 would be by Davis-Besse, if you did not request
23 corporate counsel?

24 MR. MARTIN: No.

25 SPECIAL AGENT RZEPKA: Did either a

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1 corporate attorney or a company representative
2 instruct or suggest to you how you should respond to
3 questions during the interview?

4 MR. MARTIN: No.

5 SPECIAL AGENT RZEPKA: Will the presence
6 of Mr. Gutierrez hinder your testimony in any way?

7 MR. MARTIN: No.

8 SPECIAL AGENT RZEPKA: Do you understand
9 you have the right to a private interview with me at
10 your convenience?

11 MR. MARTIN: Yes.

12 SPECIAL AGENT RZEPKA: Okay. And some
13 questions for counsel, Mr. Gutierrez, who are you
14 employed by, just for the record?

15 MR. GUTIERREZ: Yes, for the record,
16 again, I'm Jay Matthew Gutierrez. I'm a partner in
17 the law firm of Morgan, Lewis & Bockius, resident in
18 its Washington office. I represent FirstEnergy
19 Nuclear Operating Company and, also, in this interview
20 Mr. Jack Martin. Also, just so there's no
21 misunderstanding, I have advised Mr. Martin that I do
22 represent the company. I have told him that, in my
23 judgment, there's not a conflict between his interests
24 and that of the company. I advised him in the event
25 that I identify a conflict, I will notify him of that

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1 fact and seek to withdraw from his representation
2 while continuing to represent the company, and he's
3 agreed to that condition, and, based on that, I enter
4 an appearance here today on his behalf.

5 SPECIAL AGENT RZEPKA: Okay. Thanks for
6 the explanation. Are you acting as a personal
7 representative for Mr. Martin for the purpose of
8 today's interview?

9 MR. GUTIERREZ: Yes, I am.

10 SPECIAL AGENT RZEPKA: What I'd like to do
11 now, Jack, the way I start off all my interviews is to
12 get some background, your resume, so to speak. If you
13 could maybe highlight some of your experience, I'd
14 appreciate it, in chronological order or however you'd
15 like to do it.

16 MR. MARTIN: Well, I graduated from the
17 University of Illinois in 1962. I spent four years in
18 the Navy at Naval Reactors in Washington and, then
19 1966, converted to civil service at Naval Reactors
20 until 1976, at which time I came to the NRC and was in
21 NMSS for six years as director of the waste management
22 division and, then in 1983, was sent to be the
23 regional administrator in Region V and, in 1993, was
24 transferred to Region III and then retired in 1995 and
25 started our business.

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1 SPECIAL AGENT RZEPKA: Okay. And what
2 exactly do you do with your private company?

3 MR. MARTIN: Well, it's primarily
4 consulting. I do consulting to nuclear utilities both
5 in this country and abroad on safety matters and some
6 DOE work, and my partner does mostly non-nuclear
7 stuff, AE's and architect engineers and dot com-type
8 things.

9 SPECIAL AGENT RZEPKA: Okay. And how long
10 have you been doing work for Davis-Besse or FENOC, I
11 guess specifically at Davis-Besse?

12 MR. MARTIN: Since summer of '96, so it
13 was about a year and a half or so after I retired, or
14 a year and a quarter. It was the summer of '96.

15 SPECIAL AGENT RZEPKA: Okay. And do you
16 routinely come out here, or do you come out here when
17 needed, when called upon?

18 MR. MARTIN: Well, I'm on their safety
19 board, and, typically, up until about two years ago,
20 we met every four months, routinely. And at that
21 point, we started meeting every six months, so I would
22 say, you know, four to six months for a couple of
23 days.

24 SPECIAL AGENT MONROE: When you said the
25 safety board, is that a nuclear safety review?

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1 MR. MARTIN: Yes, it's called the Company
2 Nuclear Review Board, CNRB.

3 SPECIAL AGENT RZEPKA: Okay. But you are
4 not a member of FENOC?

5 MR. MARTIN: No. And since about March,
6 after this problem, I've been coming out more often,
7 maybe on the order of a week a month, something like
8 that.

9 SPECIAL AGENT RZEPKA: That would be March
10 of this year?

11 MR. MARTIN: Of this year, yes. Starting
12 in about mid May, I started coming about once a month
13 for about a week.

14 SPECIAL AGENT RZEPKA: Okay. Now, when
15 you say problem, what specifically were you called in
16 to --

17 MR. MARTIN: The head corrosion problem.

18 SPECIAL AGENT RZEPKA: Okay. When were
19 you first called in for that problem? You said March
20 you came out, but when were you first called in?

21 MR. MARTIN: I was asked to come here the
22 last week of March. I don't remember the date, but it
23 was the last week of March, and I was requested to
24 come in and help them with the root-cause assessment.

25 SPECIAL AGENT MONROE: Would that be the

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1 technical root-cause assessment?

2 MR. MARTIN: Yes, yes.

3 SPECIAL AGENT MONROE: Because there were
4 two.

5 MR. MARTIN: Right, no, the technical one.

6 SPECIAL AGENT RZEPKA: Okay. And who
7 asked for your services?

8 MR. MARTIN: Howard Bergendal (phonetic).

9 SPECIAL AGENT RZEPKA: And he, at that
10 time, was the --

11 MR. MARTIN: Site vice president.

12 SPECIAL AGENT RZEPKA: Okay. And what did
13 you specifically understand your role to be when Mr.
14 Bergendal (phonetic) requested you to come out?

15 MR. MARTIN: Well, when I got here, I was
16 told that what we want you to do is to do the
17 management and organizational portion of the technical
18 root cause, and I told them I couldn't do that,
19 primarily because I'm not qualified. That requires
20 some formal qualifications in root-cause training to
21 do that and, secondly, that three or four days isn't
22 enough time. But what I would do would be to do some
23 interviews and develop some ideas that they could
24 pursue. And that's what I spent that week doing.

25 SPECIAL AGENT RZEPKA: Okay. So this was

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1 like the last week of March?

2 MR. MARTIN: Yes.

3 SPECIAL AGENT RZEPKA: Okay. And how did
4 you determine who you were going to interview?

5 MR. MARTIN: Well, the first thing I did
6 was to review the correspondence on Monday, several
7 letters that went back and forth between FENOC and the
8 NRC and the slides and presentation packages. I
9 wanted to understand what did we say? You know, what
10 actually happened in terms formally back and forth, so
11 I read all that and then, physically, went to look at
12 the head. I was taken in by the system engineer. And
13 then, at that point, what I did was, you know, went
14 around and talked to people, just followed my nose.

15 SPECIAL AGENT RZEPKA: Okay. And what
16 types of correspondence were you reading?

17 MR. MARTIN: These were the formal letters
18 back and forth from FENOC to the NRC in September and
19 October. There were three or four of them.

20 SPECIAL AGENT RZEPKA: Okay.

21 SPECIAL AGENT MONROE: Such as the
22 September 4th, 2001 serial number --

23 MR. MARTIN: Whatever they were. The
24 stuff I read was really thick --

25 SPECIAL AGENT RZEPKA: I can imagine.

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1 MR. MARTIN: -- so I don't know.

2 SPECIAL AGENT RZEPKA: That's just for the
3 record, dated September 4, 2001 and has a FirstEnergy
4 letterhead, obviously. Guy Campbell, it looks like,
5 the author of that; it's signed by him.

6 MR. MARTIN: Yes, this appears to be one
7 of them.

8 SPECIAL AGENT RZEPKA: It's got a lot of
9 notes.

10 MR. MARTIN: There were a couple of
11 follow-on letters, as well, and then a bunch of
12 meeting minutes and slide presentations that were,
13 there was a number of meetings, as well, that was in
14 the licensing files.

15 SPECIAL AGENT RZEPKA: Right. Did you
16 have any help with that review?

17 MR. MARTIN: No.

18 SPECIAL AGENT RZEPKA: Okay. So you're
19 doing this on your own?

20 MR. MARTIN: I just said give me this
21 stuff and let me review it, so I can get grounded.

22 SPECIAL AGENT RZEPKA: Okay. Now when you
23 digested all this correspondence, what type of an
24 opinion are you formulating in your head? Which way
25 are you seeing this going? How are you organizing

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1 yourself? What do you see you have to do, based on
2 that?

3 MR. MARTIN: Well, that was just mainly
4 background for me. I wanted to understand what had we
5 said and who said what and who was involved, and so I
6 just used it as background. I hadn't drawn any
7 conclusions at that point. I didn't have a mental
8 orientation. That's why I wanted to go talk to people
9 and physically look at the head.

10 SPECIAL AGENT RZEPKA: Right. Well, what
11 did you see as the plant's stand or view on this issue
12 from reading the correspondence? How were they
13 characterizing this?

14 MR. GUTIERREZ: Do you understand that?

15 MR. MARTIN: No.

16 MR. GUTIERREZ: I didn't either. I didn't
17 want to interrupt. Did you say standard of review?

18 SPECIAL AGENT RZEPKA: No, their stand on
19 this. How are they characterizing this problem with
20 the vessel head?

21 MR. MARTIN: Oh, well, they said, you
22 know, from the beginning that they didn't think it was
23 a problem, and, of course, the NRC was questioning
24 that. As the letters went back and forth, I certainly
25 got the impression that both sides at the end

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1 understood, you know, what each other was saying.
2 That's an impression.

3 MR. GUTIERREZ: When you say, Bob, what
4 was their stand on the issue on the vessel head, the
5 correspondence showed Jack had to do with
6 circumferential cracking and it wasn't focused on the
7 vessel head issue that ultimately was identified in
8 March. I just want to make sure you're aware of that.

9 SPECIAL AGENT RZEPKA: Basically, I'm
10 looking for his overall impressions as far as where
11 the plant is coming from, from what he reviewed. You
12 said they didn't see it as a problem.

13 MR. MARTIN: Didn't believe that it would
14 be a problem to operate for this additional at the
15 time.

16 SPECIAL AGENT RZEPKA: And we're talking
17 from 12 RFO into 13? Or which timeframe --

18 MR. MARTIN: No, I think the
19 correspondence that I recall was mainly a debate
20 between the NRC and the utility on whether they should
21 be required to shut down at the end of 2001.

22 SPECIAL AGENT MONROE: Right, in December.

23 MR. MARTIN: Right. I just wanted to look
24 at what we said.

25 SPECIAL AGENT RZEPKA: Okay. And when

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1 SPECIAL AGENT MONROE: Did you attach
2 them, or is it somehow along the line --

3 MR. MARTIN: No, no.

4 SPECIAL AGENT MONROE: -- that they've
5 been provided to us?

6 MR. MARTIN: I didn't attach them.

7 SPECIAL AGENT MONROE: Okay.

8 MR. GUTIERREZ: Jack, you may want to
9 clarify. In an earlier question, Bob asked did you
10 have any help in the preparation or in the
11 investigation and preparation of this report, and your
12 answer was no. You may want to, at least, clarify
13 that in terms of the role that I think it was a Mr.
14 Galbreth played. Did he --

15 MR. MARTIN: No, he asked me did I have
16 any help in reading the correspondence.

17 MR. GUTIERREZ: Oh, okay.

18 MR. MARTIN: The licensing correspondence.
19 No.

20 SPECIAL AGENT MONROE: Did you have any
21 help doing any of the witness interviews for your
22 investigation?

23 MR. MARTIN: Well, the interviews I did on
24 my own, the ones that are mine; and the ones Galbreth
25 did, he did on his own.

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1 SPECIAL AGENT MONROE: So he was --

2 MR. MARTIN: Operating independently.

3 SPECIAL AGENT MONROE: Okay.

4 MR. MARTIN: We did not do them together.

5 SPECIAL AGENT MONROE: Okay. Because a

6 quick look seemed that he interviewed some of the same

7 individuals that you did.

8 MR. MARTIN: He may have.

9 SPECIAL AGENT MONROE: Okay. Was he here

10 that same period of time?

11 MR. MARTIN: Yes, yes, he was here during

12 the same week, and I wrote the letter, and he reviewed

13 it and agreed with it.

14 SPECIAL AGENT MONROE: Meaning this March

15 28th --

16 MR. MARTIN: Yes, yes, but he didn't,

17 since he was with ENPO (phonetic), he thought that

18 would be improper to have his name on it and declined

19 from a formal association on it.

20 SPECIAL AGENT RZEPKA: Was there anybody

21 else at all assisting you in any other facet of this

22 investigation that you performed?

23 MR. MARTIN: Bergendal's (phonetic)

24 secretary, who typed it. I can't type, unfortunately,

25 so she typed it for me.

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1 SPECIAL AGENT RZEPKA: I have that problem
2 myself sometimes.

3 MR. MARTIN: I never would have got it
4 out, but she typed it, and that was it. No, I got no,
5 that's completely my product.

6 SPECIAL AGENT RZEPKA: Okay. And who is
7 the primary person that you're reporting the
8 information to as you're collecting it, or are you
9 reporting it to anyone?

10 MR. MARTIN: No, no, I didn't report it to
11 anybody. And then, at the end of the week, I had an
12 exit review with three vice presidents and the
13 president of the company to go over the letter.

14 SPECIAL AGENT RZEPKA: Okay. So you
15 compiled all of this information and all the
16 interviews within a week?

17 MR. MARTIN: Yes.

18 SPECIAL AGENT RZEPKA: Okay.

19 MR. MARTIN: And drew my conclusions and
20 provided them the letter.

21 SPECIAL AGENT RZEPKA: Right. Did you
22 keep any contemporaneous notes, e-mails --

23 MR. MARTIN: No.

24 SPECIAL AGENT RZEPKA: -- date, time, or
25 entries on your work, like I'm doing now? I'm taking

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1 notes of your interview. And how exactly --

2 MR. MARTIN: No, what I wrote up, I just
3 tore out of the notebook and gave it to Sue to type.
4 I don't know what she --

5 SPECIAL AGENT RZEPKA: Now, how exactly
6 were these statements taken? I see a number of, I
7 don't even know if I could characterize them as
8 statements.

9 MR. MARTIN: The way I operate is, these
10 weren't intended to be a formal investigation or
11 verbatim interviews. I sit there and talk to people
12 and write down what they say. I ask them questions
13 and write down what they say. So I would ask
14 questions and then wrote down their replies.

15 SPECIAL AGENT RZEPKA: Okay. So
16 basically, when I read this --

17 MR. MARTIN: I did not go back and then
18 get them to concur --

19 SPECIAL AGENT RZEPKA: Okay. So the
20 people that were interviewed didn't go back and have
21 the opportunity to read their statements?

22 MR. MARTIN: No.

23 SPECIAL AGENT RZEPKA: Okay. Now, it
24 looks like they're in the first person? Look at Pete
25 Mainhart's (phonetic) interview, I was assigned to the

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1 inspection, I also --

2 MR. MARTIN: You have to supply your own
3 question. You know, who are you and what do you do
4 and how --

5 SPECIAL AGENT RZEPKA: Yes, I'm just
6 trying to get a feel for how --

7 MR. MARTIN: Yes, and I just wrote down
8 my, trying to do this as I'm interviewing, so I did
9 not write down formal Q's and A's.

10 SPECIAL AGENT RZEPKA: Right. Okay. So
11 these statements are not the exact words of the
12 interviewees.

13 MR. MARTIN: Well, they're my
14 paraphrasing.

15 SPECIAL AGENT RZEPKA: Okay.

16 MR. MARTIN: In many cases, they're exact.

17 SPECIAL AGENT RZEPKA: Right. Okay. And
18 out of these interviews, who did you identify as being
19 the key players?

20 MR. MARTIN: Well, all of those people I
21 thought were key players.

22 SPECIAL AGENT RZEPKA: Okay. Who stood
23 out to you?

24 MR. MARTIN: Well, I think they all did.
25 I mean, there's a pattern that emerged, and then, in

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1 kind of a logic, certainly Mainhart (phonetic) was a
2 major player, Siemaszko was a major player, Coakley,
3 and then there are levels of supervision.

4 SPECIAL AGENT RZEPKA: Right. Okay. Were
5 you told during your analysis what Siemaszko, I'm
6 referring to one of the interviewees in your package,
7 were you told what he had documented or stated during
8 the 12 RFO regarding the vessel head being clean?

9 MR. MARTIN: Well, I was probably the
10 first person to go in any organized way and talk to
11 all these people; so no, nobody told me what he did.
12 What I learned, I learned from him. So no, I didn't,
13 I'm not sure there was a very good appreciation of who
14 did what.

15 SPECIAL AGENT RZEPKA: Okay. So you went
16 in cold.

17 MR. MARTIN: Cold.

18 SPECIAL AGENT RZEPKA: You had no pre-
19 brief?

20 MR. MARTIN: I was cold, and they were
21 cold.

22 SPECIAL AGENT RZEPKA: Right.

23 MR. MARTIN: So, you know, that's probably
24 important to understand. That is, nobody was quite
25 sure what this was all about at that point, and so I

1 just went and asked all the questions.

2 SPECIAL AGENT RZEPKA: Okay. And what do
3 you recall taking from Siemaszko's interview? What
4 did he tell you?

5 MR. MARTIN: Well, several things. First
6 of all, he showed a great deal of ownership during 12
7 RFO to clean the head and, in fact, had gone to the
8 site vice president and gotten authorization to
9 develop the equipment and that sort of thing. He was
10 quite proud of that. And, at this point, having read
11 the correspondence, I realized that the head had not
12 been completely cleaned, which I didn't know until I
13 read that correspondence.

14 SPECIAL AGENT MONROE: Can you recall what
15 correspondence would have --

16 MR. MARTIN: It was either one of the
17 October letters, it started to become clear --

18 SPECIAL AGENT MONROE: To the NRC?

19 MR. MARTIN: Well, to everybody.

20 SPECIAL AGENT MONROE: Okay.

21 MR. MARTIN: Wait a minute, this hadn't
22 been cleaned. The first couple of letters and slides,
23 I thought it was ambiguous. I was under the
24 impression it had been totally cleaned, so I was
25 surprised to see that it had not been. And so, in

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1 talking to Andrew, first of all, that sticks in my
2 mind that he did quite a bit to get the head cleaned.

3 Then secondly, he showed me the
4 photographs and pictures of the head, which I had
5 never seen, which were, you know, somewhat surprising.
6 That stuck in my mind. Then thirdly, he showed me a
7 boric acid corrosion control checklist, part one, that
8 was filled out that, I think it was Mainhart
9 (phonetic) that actually filled it out, but he showed
10 that to me. Somehow during the conversation, he
11 allowed as if he did not agree with putting the head
12 back on unless it was completely cleaned, and I can
13 remember inquiring, well, wait a minute, who filled
14 out part two of this checklist or where is the
15 evaluation that showed this was okay to do? And he
16 said it wasn't done. And I asked him, well, who was
17 supposed to do it? And he said, well, I was. And I
18 said, well, why didn't you do it? And he said because
19 I didn't agree with it. So, at that point, that's
20 sort of where it was left.

21 Then later, I found out there was a work
22 order, I forget who gave that to me, somebody else
23 did, that Siemaszko had signed saying the head was
24 work completed without deviation sticks in my mind.

25 SPECIAL AGENT RZEPKA: Right. So he's

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1 contradicting himself?

2 MR. MARTIN: Well, yes, so I called him,
3 and I said, Andrew, wait a minute, I found this work
4 order that says this. I said how does that square
5 with what you just told me? And he said, well, I
6 wrote the exact words down, that is an exact of what
7 I made.

8 SPECIAL AGENT RZEPKA: Right.

9 MR. MARTIN: So that's what I remember
10 from that interview, and I think I wrote most of that
11 down.

12 SPECIAL AGENT RZEPKA: Right. Now, once
13 you found that contradictory information, the work
14 order versus what he told you in the interview, how
15 soon after the interview do you ask him, hey, what's
16 going on here?

17 MR. MARTIN: I didn't go back to do that.
18 It was within a few hours that I learned about this
19 work order and asked him, you know, why did you fill
20 it out that way if you knew that it wasn't done? And
21 he said, well, that isn't exactly what I meant; that
22 was a mistake. What I really meant was that most of
23 it had been cleaned. At that point, I just dropped
24 it.

25 SPECIAL AGENT RZEPKA: Right. And what

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1 exactly did the work order say?

2 MR. MARTIN: I don't have it with me. It
3 was something to the effect that the work was
4 accomplished without deviation.

5 SPECIAL AGENT RZEPKA: Now, by you reading
6 that, what are you taking from that?

7 MR. MARTIN: Well, the work was to clean
8 the head.

9 SPECIAL AGENT RZEPKA: So, in your
10 opinion, it was cleaned? From reading the work order,
11 the head was cleaned?

12 MR. MARTIN: Yes.

13 SPECIAL AGENT RZEPKA: Okay.

14 SPECIAL AGENT MONROE: What does "without
15 deviation" mean? The order was followed step-by-step?

16 MR. MARTIN: Yes, as stated.

17 SPECIAL AGENT MONROE: As stated.

18 MR. MARTIN: So just the plain reading of
19 it --

20 SPECIAL AGENT RZEPKA: Did you have any
21 questions, in your mind, about his integrity,
22 Siemaszko's integrity?

23 MR. MARTIN: Well, at that point, it was
24 just inconsistencies. I mean, I had a lot more people
25 to talk to, so, you know, continue pulling the string.

1 SPECIAL AGENT RZEPKA: Did you brief
2 anybody about this?

3 MR. MARTIN: No.

4 SPECIAL AGENT RZEPKA: Okay.

5 MR. MARTIN: Not at that point.

6 SPECIAL AGENT RZEPKA: In your outbrief,
7 did you --

8 MR. MARTIN: Yes.

9 SPECIAL AGENT RZEPKA: -- mention this?
10 And who was at your outbrief? Who attended that?

11 MR. MARTIN: Well, Bergendal (phonetic)
12 was there; John Wood (phonetic) was the vice president
13 of engineering; Lou Myers, which I believe was his
14 first involvement in any of this. He came over from
15 Beaver Valley to join us. And Bob Saunders
16 (phonetic).

17 SPECIAL AGENT RZEPKA: Okay. So you
18 specifically mentioned this discrepancy between the
19 interview and the work order?

20 MR. MARTIN: Yes.

21 SPECIAL AGENT RZEPKA: And then your
22 conversation with Siemaszko later?

23 MR. MARTIN: Yes.

24 SPECIAL AGENT RZEPKA: Okay. And what was
25 the reaction to that information? Was this new

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1 information to this group?

2 MR. MARTIN: I think so. I mean, there
3 wasn't any, we went through that, actually, we went
4 through that letter point-by-point-by-point, and I did
5 point out that we had that discrepancy and that I
6 recommended that they -- well, first of all, I pointed
7 out this wasn't an investigation, it was more of a,
8 you know, fact-finding, and that I recommended that
9 they do a competent investigation.

10 SPECIAL AGENT RZEPKA: Right.

11 MR. MARTIN: By a trained investigator.

12 SPECIAL AGENT MONROE: And did they do an
13 investigation, if you know?

14 MR. MARTIN: I'm told they did. I have
15 not seen the results. I'm told they've actually done
16 several things. They had a person from security at
17 Perry look into it. They had someone from QA at
18 Beaver Valley and a team look at five condition
19 reports. And then Morgan, Lewis.

20 SPECIAL AGENT RZEPKA: Okay. So this was
21 all a result of your efforts? That's what kind of
22 followed your --

23 MR. MARTIN: Well, I don't know what other
24 force fields were at work, but, yes, that's what --

25 SPECIAL AGENT RZEPKA: Okay.

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1 MR. MARTIN: -- that's certainly what I
2 urged them to get going on.

3 SPECIAL AGENT RZEPKA: Okay. But this
4 item with Siemaszko looked to the new information
5 you're providing?

6 MR. MARTIN: Well, I think so. I don't
7 know.

8 SPECIAL AGENT RZEPKA: Okay.

9 MR. MARTIN: But I didn't want to
10 contaminate the thing anymore, so I thought they need
11 to get a --

12 SPECIAL AGENT RZEPKA: Right.

13 MR. MARTIN: -- trained person to do this
14 before it gets dated.

15 SPECIAL AGENT RZEPKA: Okay. And you also
16 interviewed Pete Mainhart (phonetic)?

17 MR. MARTIN: Yes.

18 SPECIAL AGENT RZEPKA: What did he tell
19 you? What was his take on this?

20 MR. MARTIN: Well, he was another very
21 interesting individual. He showed enormous ownership
22 of this problem also, and, in his interview, I think
23 I made it clear that the -- he had been, essentially,
24 drafted to do this inspection in 1998 and really did
25 not understand much about what he was doing. And he

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1 did not want to make sure that happened again in 2000,
2 and since Andrew was new, I got the impression that he
3 got pretty pushy, that he wanted to do the inspection
4 because he knew what to look for. At this point, he
5 had a trained eyeball, and I thought that was very
6 good he did that. And then two things he told me that
7 were interesting is, after the inspection was done and
8 I believe he filled out the boric acid corrosion
9 checklist, he was concerned because he was told to get
10 out of it at that point, turn it over to Andrew. And
11 then secondly, he went out of his way to comment that
12 Andrew told him, when he asked later how did this all
13 work out, that Andrew said, well, the head was cleaned
14 and it's fine. So Mainhart (phonetic) was somewhat
15 upset about the situation, as I recall. I did not
16 pursue that much further anyway. That's all part of
17 what needed to be investigated.

18 SPECIAL AGENT RZEPKA: Right. Did Mainhart
19 (phonetic), I mean, how vehement was he when he
20 brought that up? You said he had ownership.

21 MR. MARTIN: Well, I mean, I got the
22 impression that he showed the kind of ownership you
23 would like to see for somebody in that job. When the
24 refueling started, there was some degree of heat at
25 the end, where he didn't think, you know, it had been

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1 represented properly.

2 SPECIAL AGENT RZEPKA: Right. Okay. So
3 he's bringing up Siemaszko, he's bringing up, I guess
4 it's a work order you're talking about?

5 MR. MARTIN: I don't know if I had learned
6 about the work order from him. I think I may have
7 known about that already or maybe he gave it to me.
8 I don't remember where that was shown to me.

9 SPECIAL AGENT RZEPKA: Okay. But Mainhart
10 (phonetic) states that Siemaszko, more or less, states
11 that the head is clean when Mainhart (phonetic) knows,
12 in fact, that it's not.

13 MR. MARTIN: Well, at the time I talked to
14 him he knew it had not been. In fact, I think if you
15 read the interview, he said that he was much relieved
16 when Andrew told him that, but he --

17 SPECIAL AGENT MONROE: Right.

18 SPECIAL AGENT RZEPKA: Right. Right here.

19 MR. MARTIN: He said that he recently
20 realized that it had not been cleaned, so there was
21 some degree of heat. So I thought, well, okay, that's
22 a fact, and I went on.

23 SPECIAL AGENT RZEPKA: Okay. And how did
24 you receive his response to this, Mainhart's
25 (phonetic) response?

1 MR. MARTIN: How did I receive it?

2 SPECIAL AGENT RZEPKA: How did you react
3 to his response or answers to that when he brought
4 that up, the discrepancy, the inconsistencies?

5 MR. MARTIN: Well, it's another, you know,
6 it's another inconsistency that looked to me that it
7 needed to be sorted out in a more disciplined manner
8 by a trained person.

9 SPECIAL AGENT RZEPKA: Okay. I'm going to
10 use a quote, which came from your interview. This was
11 given to us under oath, where you told Mainhart
12 (phonetic), "The company doesn't want to get into a
13 pissing match over this." Mainhart interpreted this
14 as the company didn't want to get into the position
15 where one person says one thing and one says the
16 other. From reading the interviews, the OI
17 interviews, it looks like there's some consternation
18 there.

19 MR. MARTIN: I certainly don't recall
20 saying something like that, and I would offer that is
21 really not consistent with the tone of these
22 interviews.

23 SPECIAL AGENT RZEPKA: Okay.

24 MR. MARTIN: I mean, this was fact-finding
25 and probing, not trying to discourage people from

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1 raising any kind of issues.

2 SPECIAL AGENT MONROE: Did Mainhart
3 (phonetic) understand the focus of your, was a fact-
4 finding --

5 MR. MARTIN: You know, I don't know. I
6 didn't do as well as you did as explaining what we're
7 doing.

8 SPECIAL AGENT MONROE: So your
9 recollection is you didn't make that statement, "The
10 company doesn't want to get into a pissing match?"

11 MR. MARTIN: Not that I recall.

12 SPECIAL AGENT RZEPKA: Okay. And another
13 comment, I'll read quotes again, and this is from
14 Mainhart (phonetic), "I'm positive that the attitude
15 of breaking outage records is a contributing factor to
16 us not doing a thorough inspection. I'm not saying it
17 was done maliciously, but everyday they put pressure
18 on you to get your work done hastily, and, in the
19 process, you make a lot of mistakes." Did any of
20 these cultural problems surface during your root-cause
21 analysis?

22 MR. MARTIN: Well, I didn't do the root-
23 cause analysis.

24 SPECIAL AGENT RZEPKA: Or your analysis,
25 I should say.

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1 MR. MARTIN: Not in those words, but, yes,
2 there was certainly a production-pressure aspect to
3 it.

4 SPECIAL AGENT RZEPKA: Okay. Did you see
5 that as something that attributed to these problems?
6 Was that a piece to the puzzle, so to speak?

7 MR. MARTIN: Not at that point, no. I
8 mean, there's always production pressure. I mean,
9 that's the business. You know, the objective is to do
10 it but do it properly. But there's no business
11 without production pressures, so I wasn't much
12 interested in that at this point. I wanted to know
13 what happened and who did what, not people's motives
14 and what they were thinking about and that sort of
15 thing. This was more of a fact-focus thing, as
16 opposed to people's mindset.

17 SPECIAL AGENT RZEPKA: Okay.

18 MR. GUTIERREZ: Just to make it clear,
19 since the comment about pissing match, you indicated
20 that Mr. Mainhart (phonetic), I guess, says that he
21 said that to Jack. Was your question on the other
22 quote, on positive breaking outage records, had
23 something to do with not doing an adequate inspection?
24 Are you saying that Mainhart (phonetic) alleges he
25 said that to Jack, or are you just asking Jack to --

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1 SPECIAL AGENT RZEPKA: I'm using that
2 quote, and I'm asking Jack to comment on it, as far as
3 him identifying that specific cultural problem as
4 being prevalent throughout the look that he did.

5 MR. MARTIN: I've got a pretty good ear
6 for sound bites. If he would have said that, I'd have
7 probably written it down. That's not the sort of
8 thing that you would --

9 SPECIAL AGENT RZEPKA: Right.

10 SPECIAL AGENT MONROE: Are you talking
11 about the first quote?

12 MR. MARTIN: Either.

13 SPECIAL AGENT MONROE: Okay.

14 SPECIAL AGENT RZEPKA: Okay.

15 MR. MARTIN: So I don't recall that. I
16 can't swear he didn't say it, but I don't recall it.

17 SPECIAL AGENT RZEPKA: Right. Is there
18 any reason why, during your interviews, an employee
19 would feel threatened or be fearful of any type of
20 reprimand for raising concerns to you or offering
21 suggestions or ideas? Do you think these people view
22 you as part of the company --

23 MR. MARTIN: Well, I am on the safety
24 board, and we do have a habit of being fairly
25 intrusive and asking people hard questions. It's

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1 never an enjoyable experience, but it's more to find
2 out what the problems are. You know, it's biased
3 towards maximizing, you know, what are you finding,
4 what's the problem, what do you think it might, you
5 know, that sort of thing. It's not biased towards
6 minimizing it, so, yes, they were probably not
7 terribly comfortable.

8 SPECIAL AGENT RZEPKA: Okay.

9 MR. MARTIN: I'd say Mainhart (phonetic)
10 was extremely, didn't seem intimidated to me one bit.

11 SPECIAL AGENT RZEPKA: Right. So he laid
12 it all out on the table?

13 MR. MARTIN: None of the people seemed
14 intimidated. They were quite eager to talk.

15 SPECIAL AGENT RZEPKA: Okay. And what
16 were your findings? I mean, if you could summarize
17 your report here, what were your final findings?

18 MR. MARTIN: Well --

19 MR. GUTIERREZ: Maybe it would be a good
20 idea to look at the one that doesn't have the
21 highlighting, so he can --

22 SPECIAL AGENT RZEPKA: Yes, go ahead.

23 MR. MARTIN: Let me separate this,
24 actually, into two pieces. What I say in the letter
25 is I was asked, in order to state the purposes, to

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1 give you my assessment of the management
2 organizational issues, and it was based on a review of
3 the records and interviews with many of the people.
4 This letter isn't particularly a comment on these
5 interviews. The interviews were handed to them
6 separately with a recommendation that you really
7 better investigate this, there's some inconsistencies
8 here, and it's important that the company take
9 ownership of this.

10 SPECIAL AGENT MONROE: Does this document,
11 the March 28th letter, point out that there were
12 inaccuracies --

13 MR. MARTIN: No.

14 SPECIAL AGENT MONROE: -- or
15 inconsistencies --

16 MR. MARTIN: No.

17 SPECIAL AGENT MONROE: -- and that some
18 action could be taken?

19 MR. MARTIN: No.

20 SPECIAL AGENT MONROE: Is there some
21 reason why that wasn't --

22 MR. MARTIN: I just didn't -

23 SPECIAL AGENT MONROE: -- included?

24 MR. MARTIN: This was primarily to provide
25 them some insight as to what they might, some leads

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1 they may want to put in the root-cause report. It
2 wasn't for, you know, to provide the investigation
3 results. So you guys have clipped all this together;
4 I didn't have it clipped together.

5 SPECIAL AGENT MONROE: Actually, we got it
6 from --

7 MR. MARTIN: Or somebody did.

8 SPECIAL AGENT MONROE: So how did you
9 communicate to the company that there were some
10 inconsistencies and inaccuracies?

11 MR. MARTIN: Verbally.

12 SPECIAL AGENT MONROE: And that would have
13 been that outbrief?

14 MR. MARTIN: Yes, yes.

15 SPECIAL AGENT MONROE: Okay.

16 MR. MARTIN: And I recommended that they
17 proceed with this and do a company investigation.
18 Then I further called the president of the company the
19 next week and reiterated that I really think you need
20 to do this because it's very important you find out
21 what happened and deal with it on your own terms,
22 rather than let somebody else do it.

23 SPECIAL AGENT MONROE: Right. Is there
24 some reason, if you felt that strongly about it, that
25 that wasn't included in this, you know, March 28, 2002

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1 memo?

2 MR. MARTIN: Well, yes, the March 28th
3 memo was primarily my assessment for the root-cause
4 team to use in whatever way they wanted.

5 SPECIAL AGENT MONROE: Okay.

6 MR. MARTIN: And, in fact, if you look at
7 the technical root cause, you will find bits and
8 pieces of this. I mean, it's scarcely recognizable;
9 somebody did cut this all up and pasted it in there.
10 That was the purpose for the letter.

11 SPECIAL AGENT MONROE: And then that would
12 be, I understand that there were two root-cause
13 analyses. One was done for the technical aspect --

14 MR. MARTIN: Yes.

15 SPECIAL AGENT MONROE: -- and the other
16 for the management section?

17 MR. MARTIN: Right, right.

18 SPECIAL AGENT MONROE: So your bits and
19 pieces would have been included in the technical?

20 MR. MARTIN: Yes, the technical one.

21 SPECIAL AGENT MONROE: Was it April 2002?

22 MR. MARTIN: Yes. And I also recommended
23 that, at that point, they really needed to do thorough
24 root cause on the management portions. This was just
25 a place-keeper, and I think the technical one said

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1 that they really are going to expand the thing and do
2 it, you know, in a thorough manner. But they had to
3 say something. This is what they used, this letter is
4 what they used.

5 SPECIAL AGENT RZEPKA: Now, one of the
6 inconsistencies that I saw, and I'll refer back to Guy
7 Campbell's correspondence dated September 4th, 2001,
8 and this has a lot of notes on it. This states under
9 the "response" section, "A gap exists between the RPV
10 head and the insulation. The minimum gap being at the
11 dome center of the RPV head, where it is approximately
12 two inches and does not impede the qualified visual
13 inspection." What I'm taking from that is the two-
14 inch gap wouldn't have prevented an inspection, a
15 qualified visual inspection. I don't know exactly
16 what a qualified visual inspection is, but, when I
17 read that, I'm kind of led to believe that the two-
18 inch gap wouldn't have prevented an inspection from
19 being conducted. In your report, it states, this is
20 page one, "Each successive inspection revealed
21 increasing departure from the assumptions implicit in
22 the BWOOG Safety Assessment, yet the staff was unable
23 to adequately remove boric acid deposits and inspect
24 the head to confirm that no damage existed."

25 MR. GUTIERREZ: Can he be given an

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1 opportunity to look at --

2 SPECIAL AGENT RZEPKA: Yes, sure.

3 MR. GUTIERREZ: -- and compare and
4 contrast? I mean, they pointed a phrase -- do you
5 want me to get a clean copy of that document, so that
6 he can look at it, and then answer your question?

7 SPECIAL AGENT MONROE: Please.

8 MR. GUTIERREZ: Okay.

9 SPECIAL AGENT MONROE: We'll go off the
10 record for that.

11 MR. GUTIERREZ: Just take a two-minute
12 break.

13 SPECIAL AGENT RZEPKA: Okay.

14 (Whereupon, the foregoing matter went off
15 the record and then went back on the
16 record.)

17 SPECIAL AGENT RZEPKA: Okay. We're back
18 on the record after a brief break to make some clean
19 copies of some correspondence, one being Guy
20 Campbell's response on September 4th, 2001 to the NRC,
21 and Jack is going to comment on that.

22 MR. MARTIN: Well, I read these letters
23 for information. I didn't do any critical review of
24 it, so I'm sure I read that and just said, well,
25 that's interesting and went on. I did not do any

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1 investigation of that, whether it's true or not true
2 or whatever. You know, in half a day's time, I read
3 through, you know, several inches of correspondence,
4 so it wasn't a critical review.

5 SPECIAL AGENT RZEPKA: Did that leap out
6 at you?

7 MR. MARTIN: No.

8 SPECIAL AGENT RZEPKA: Or did it come back
9 to you when you were doing your interviews? Like wait
10 a second, Guy Campbell said this, we could, you know
11

12 MR. MARTIN: No, I didn't.

13 SPECIAL AGENT RZEPKA: I'm trying to not
14 call it an investigation.

15 MR. MARTIN: Just fact-finding.

16 SPECIAL AGENT RZEPKA: Right. It's fact-
17 finding. It looks like you painted this with a broad
18 brush. You really didn't get all the way into the
19 weeds on this, but you found out some of the problems
20 and you briefed that to upper management.

21 MR. MARTIN: Yes. And I tried to give
22 them a framework in which to view this problem, and
23 there's a lot of ways they could have looked at it.
24 I thought this way was the best way to look at it and
25 offered that to them as a mental construct for how to

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1 pursue this, and that was the whole purpose of the
2 letter was to put into focus the way I saw the
3 organizational and management issue and give them sort
4 of a model on proceeding.

5 SPECIAL AGENT RZEPKA: Okay. Under the
6 post RFO 12 section, you mention here the primary
7 management issues at this point were, and I'm going to
8 skip through some of this and say, "Many of the major
9 players were not interviewed." Now is this prior, are
10 you talking about prior to your involvement?

11 MR. MARTIN: Yes, this "we" is probably
12 not a good word.

13 SPECIAL AGENT RZEPKA: That's what led me
14 to believe --

15 MR. MARTIN: No, no, no, it's not "we."
16 What I'm commenting on is the reviews that were done
17 by FENOC during the fall and winter. I didn't
18 participate. I used "we," and I should not have used
19 that. It's "you" did not do a complete review. So my
20 point was that when this bulletin was issued, they
21 changed the focus from axial cracks to circumferential
22 cracks. At least my review of it would imply that
23 they did not do a, hey, let's take the time out and
24 review the record. Instead, they just plowed ahead,
25 and, therefore, the new management that was sent out

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1 here fell into the same trap the old management did.

2 SPECIAL AGENT RZEPKA: Right.

3 MR. MARTIN: And that was my point there.

4 So the change agents be come caught in the same traps
5 that they were assigned to change.

6 SPECIAL AGENT RZEPKA: Right. I'm going
7 to go back into your interviewing process. Did any of
8 your interviewees mention the failure of the boric
9 acid control program as a contributing factor to this?

10 MR. MARTIN: Not in those terms. Molpus,
11 who was the owner of the program, and, by that,
12 meaning he owned the procedure and was the contact
13 point in its implementation. I think I pointed out in
14 here that he pointed out that there were, well, first
15 of all, that he wrote it --

16 SPECIAL AGENT RZEPKA: Right.

17 MR. MARTIN: -- to repair some
18 deficiencies in it in years past.

19 SPECIAL AGENT RZEPKA: Right. I looked at
20 it. It's pretty specific.

21 MR. MARTIN: Yes, and I thought, well,
22 that's good. But then he hastened to point out that
23 there's whole sections of it he doesn't do because of
24 workload, and I thought, well, that's pretty
25 interesting. So he did not fulfill his

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1 responsibilities, as required by the program. This is
2 covered in this little paragraph right here.

3 SPECIAL AGENT RZEPKA: Okay. And you're
4 referring to Molpus' interview that you did.

5 MR. MARTIN: You might wonder about what
6 is Fred Vaughnaun's (phonetic) memo. Well, Vaughnaun
7 (phonetic) is a guy from Beaver Valley, and he wrote
8 a memo on what program ownership really means, and I
9 found it curious that the people here had not seen
10 that.

11 SPECIAL AGENT RZEPKA: Right.

12 MR. MARTIN: Because it would, you know,
13 it was sort of a little pep talk, as program ownership
14 means that you really own the thing and you live with
15 the results and you lay awake at night and worry about
16 it. He had not seen that.

17 SPECIAL AGENT RZEPKA: Right. So Molpus
18 was unaware of that memo.

19 MR. MARTIN: Yes.

20 SPECIAL AGENT RZEPKA: Didn't read it.

21 MR. MARTIN: No.

22 SPECIAL AGENT RZEPKA: Never saw it.

23 MR. MARTIN: Well, he wasn't the only one
24 who was unaware of it. It had not permeated the site
25 here.

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1 SPECIAL AGENT RZEPKA: Right. Whose
2 responsibility would it be to have that introduced to
3 the employees?

4 MR. MARTIN: Moffitt.

5 SPECIAL AGENT RZEPKA: And what was his
6 title?

7 MR. MARTIN: Moffitt was the director of
8 engineering.

9 SPECIAL AGENT RZEPKA: Okay. Did you
10 question Moffitt about that?

11 MR. MARTIN: I think so. I don't know if
12 I mentioned anything in here about that. I'm sure I
13 mentioned it to him. It's not that it was a company
14 requirement, but it's something that the engineering
15 director said thought was a good practice, and I was
16 just surprised it hadn't been implemented here. I
17 didn't mention it in here.

18 MR. GUTIERREZ: I think in your findings
19 up front, you talked about engineering.

20 SPECIAL AGENT MONROE: I remember it
21 somewhere.

22 SPECIAL AGENT RZEPKA: Yes, I remember.

23 MR. MARTIN: Engineering principals.

24 SPECIAL AGENT MONROE: Right. Here it is,
25 "Ownership for engineering programs should be

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1 emphasized and accountability improved. The
2 principals in Fred Vaughnaun's (phonetic) memo should
3 be strictly applied and enforced."

4 MR. MARTIN: Well, yes, okay. Right.

5 SPECIAL AGENT MONROE: That's where it
6 was?

7 MR. MARTIN: Right.

8 SPECIAL AGENT RZEPKA: Okay. I'm going to
9 ask you this question. You may or may not be able to
10 answer it. You may have addressed it already. Was
11 there any actions on the part of either Martin or
12 Morrison to enter Mainhart's (phonetic), specifically
13 you, I interjected Morrison's name in there. First of
14 all, was Morrison working with you on this?

15 MR. MARTIN: Who's Morrison?

16 SPECIAL AGENT MONROE: Neil Morrison.

17 SPECIAL AGENT RZEPKA: Neil Morrison.

18 MR. MARTIN: No, he wasn't working.

19 SPECIAL AGENT RZEPKA: Okay. Did he do
20 something separate, or do you know how he's involved
21 in this?

22 MR. MARTIN: Well, he was part of this
23 root-cause business. He may have been doing some
24 interviews himself.

25 SPECIAL AGENT RZEPKA: Okay. I think you

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1 got intertwined with him in the root cause.

2 MR. MARTIN: Yes, I know him, and I may
3 have talked to him that week; I don't recall. But no,
4 we didn't do anything together. This is independent.

5 SPECIAL AGENT RZEPKA: Okay. And I'll
6 clarify the question. Did you suggest to anyone that
7 maybe Mainhart's (phonetic) concerns, you know, the
8 concerns that you took from his interview be entered
9 into a correction action program --

10 MR. MARTIN: No.

11 SPECIAL AGENT RZEPKA: -- i.e. a condition
12 report of any kind? Did you proffer that in your
13 outbrief?

14 MR. MARTIN: I don't think so. I presumed
15 it had been or would be. I didn't get in that, that
16 I recall.

17 SPECIAL AGENT RZEPKA: Okay. So at the
18 time you interviewed Mainhart (phonetic), you already
19 thought that information was channeled through
20 somebody?

21 MR. MARTIN: Well, I didn't know. I mean,
22 that wasn't my purpose to look at how they're
23 implementing their corrective action program. It was
24 simply, in a short time, to find out, you know, by
25 talking to a number of people, what they think went

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1 on. And I don't really recall bringing that up.
2 Maybe I did.

3 SPECIAL AGENT RZEPKA: Okay.

4 MR. MARTIN: It wouldn't have been central
5 to --

6 SPECIAL AGENT MONROE: The issue you were
7 looking at?

8 MR. MARTIN: Well, it wouldn't be
9 inconsistent. Maybe I suggested to Mainhart
10 (phonetic), did you write a CR on this? I don't know.
11 That wouldn't have been --

12 SPECIAL AGENT RZEPKA: Right. Since he
13 had all of this information.

14 MR. MARTIN: Yes, and then he certainly
15 had a lot of things going on and was very intense
16 about it. You know, conceivably, I suggested that he
17 write a CR or somehow get it to the right people.

18 SPECIAL AGENT RZEPKA: Right. Well, Jack,
19 obviously, you have a great deal of experience in this
20 field. You've been around the block. You've been
21 with the NRC. I mean, you've been in the field for a
22 long time. How do you think that this issue got to
23 the magnitude that it is today, where we have OI
24 investigators here?

25 MR. GUTIERREZ: Before we answer, are you

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1 sure what the issue is?

2 MR. MARTIN: No.

3 SPECIAL AGENT RZEPKA: The issue in its
4 entirety with the problem that we have here at Davis-
5 Besse.

6 MR. MARTIN: Well, that would be an
7 opinion. I mean, I've got my thoughts on how this
8 thing unfolded, but it's a product of, at least, two
9 cast of characters, actually three. I think I pointed
10 out in there that in the end of '98, '99, I think it
11 was pretty clear to the company and to the CNRB that
12 there were some management problems here and the place
13 was not on the right path, and they wound up bringing
14 in a new team. And around 2000, beginning late '99,
15 early 2000; and, as I point out, the new team really
16 didn't do any better than the old team. They fell
17 into some of the same traps.

18 MR. GUTIERREZ: Jack, because there are so
19 many managers that have come and gone, could you just
20 help the investigators? When you refer to they
21 brought in a new team, who is, in your mind --

22 MR. MARTIN: Well, the site vice
23 presidents change. The engineering directors changed.

24 SPECIAL AGENT RZEPKA: I'm familiar with
25 Mr. Camel (phonetic), Mr. Bergendal.

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1 MR. MARTIN: Right. Well, they went from
2 Wood to Campbell to Bergendal.

3 SPECIAL AGENT RZEPKA: Okay.

4 MR. MARTIN: And went from Donnelin
5 (phonetic) to Moffitt to Powers in engineering. The
6 plant manager, from Lash (phonetic) to Bergendal to
7 Fast (phonetic). So there were, you know, a number of
8 changes. I think it's, as I stated in the memo there,
9 I think it's a case of not really sticking to the
10 fundamental principals and asking the right questions;
11 that just didn't happen. Even after the NRC
12 challenged them with not shutting down by the end of
13 the year, they still didn't --

14 SPECIAL AGENT RZEPKA: Right.

15 MR. MARTIN: -- stop and say, hey, wait a
16 minute, are we really on firm ground here? And I
17 think much of this would have come out sooner had they
18 done that. We need to go back to first principals
19 here. The path forward here was actually the most
20 important part of this memo. This was my
21 recommendation on how to proceed with this, and
22 particularly the second bullet. Well, both bullets,
23 the first and second, is to improve standards at all
24 levels. We had seen that the, you know, standards for
25 problem-solving and dealing with technical problems

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1 had deteriorated here, and that's, I think, the root
2 cause, basically. And I think the technical root
3 cause did a fair job at battling the -- eventually,
4 the organizational root case, I think, had all the
5 proper, I think they got the story out on the table
6 now.

7 SPECIAL AGENT RZEPKA: Right. You had the
8 opportunity to review those?

9 MR. MARTIN: Yes. And I have no
10 substantive objections with either one of them.

11 SPECIAL AGENT RZEPKA: I don't have any
12 other questions for you, Jack. Can you think of
13 anything that you'd like to add to the interview?

14 MR. MARTIN: No.

15 SPECIAL AGENT MONROE: I just had one
16 bullet that I thought was interesting. You indicated,
17 when you first came to Davis-Besse, the Corporate
18 Nuclear Review Board met at four-month intervals, then
19 it went to six-month intervals.

20 MR. MARTIN: Yes.

21 SPECIAL AGENT MONROE: And your
22 recommendation was six-month intervals were not
23 sufficient. What was the thought process or decision
24 process that went from four to six? Why did they --

25 MR. MARTIN: Well, the way it was

1 originally conceived was we would continue having
2 meetings every two months at Perry and Davis-Besse.
3 So, in other words, we'd have three meetings a year or
4 every four months.

5 SPECIAL AGENT MONROE: Okay.

6 MR. MARTIN: And since Beaver Valley was
7 viewed as having its own set of management problems,
8 we would treat that as a separate site and have four
9 meetings over there, and the company decided not to do
10 that. Instead, we'll just stick to six meetings and
11 meet every six months at each site, which some made it
12 clear that wasn't enough. And the decision was made,
13 well, we'll try it for a while and see how it works,
14 and it clearly did not work.

15 SPECIAL AGENT MONROE: And I'm not
16 familiar with Davis-Besse, what is this Corporate
17 Nuclear Review Board? When they meet, what do they
18 discuss or review?

19 MR. MARTIN: Well, there are several
20 things that are looked at. First of all, we review
21 and approve all license amendments.

22 SPECIAL AGENT MONROE: Okay.

23 MR. MARTIN: And we also are sent an
24 enormous amount of documents, like so, of all the
25 correspondence and audit reports, that sort of thing,

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1 and we review those. And each of the outside members,
2 for example, is in charge of a subcommittee. At
3 sometime in 2000, I was given the engineering
4 subcommittee, so we typically come in a day ahead of
5 the meeting and talk to people in engineering and, you
6 know, ask questions and see if we can find out what's
7 going on and then bring whatever perspectives or
8 concerns we have to the full meeting the next day.

9 SPECIAL AGENT MONROE: Okay. Did the
10 boric acid corrosion problem ever become, when you're
11 on the subcommittee for engineering, is that a topic
12 that was raised at any point?

13 MR. MARTIN: No. The topic of boric acid
14 being released into the containment was touched on
15 tangentially in some of the briefings we got during
16 '99, I'm sorry, during the various meetings. I think,
17 if you read the technical root-cause report, you'd see
18 that we've had a long history of small leaks and some
19 not so small in this plant, so everybody kind of got
20 deadened to seeing boric acid loose in the
21 containment. I'm sure we talked about that from time
22 to time, but it wasn't a focus of review. That's one
23 of the topics that was not, we didn't get a briefing
24 on it.

25 SPECIAL AGENT MONROE: Okay. Thanks.

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1 That's it.

2 SPECIAL AGENT RZEPKA: Okay. I don't have
3 anything else. I'm going to go through some closing
4 remarks, if you don't have anything else.

5 MR. MARTIN: No.

6 SPECIAL AGENT RZEPKA: And these are
7 standard questions that I'm required to ask you. Have
8 I or any representative of the NRC present here today
9 threaten you in any manner?

10 MR. MARTIN: No.

11 MR. GUTIERREZ: Let the record reflect a
12 pause.

13 SPECIAL AGENT RZEPKA: I didn't want to
14 coax you on that.

15 SPECIAL AGENT MONROE: A grin, as well, a
16 grin and a pause.

17 SPECIAL AGENT RZEPKA: Have you been
18 offered any reward in return for the information that
19 you have provided?

20 MR. MARTIN: No, not at all.

21 SPECIAL AGENT RZEPKA: Have you provided
22 the information freely and voluntarily?

23 MR. MARTIN: Yes.

24 SPECIAL AGENT RZEPKA: Is there anything
25 else, once again, that you'd like to add for the

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1 record?

2 MR. MARTIN: No.

3 SPECIAL AGENT RZEPKA: The time is now
4 approximately 7:00 p.m., and the interview is
5 concluded.

6 (Whereupon, the foregoing matter went off
7 the record at 7:00 p.m.)

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