

ORIGINAL

OFFICIAL TRANSCRIPT OF PROCEEDINGS

Agency: Nuclear Regulatory Commission

Title: Investigative Interview of
Carolyn Lynn Couch (CLOSED)

Docket No.

LOCATION: Gore, Oklahoma

DATE: Friday, March 1, 1991

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EXHIBIT 85
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1 BEFORE THE
 2 U. S. NUCLEAR REGULATORY COMMISSION
 3 In the Matter of:)
 4 INVESTIGATIVE INTERVIEW OF:)
 5 CAROLYN LYNN COUCH)
 6 (CLOSED))

7

8 Conference Room
 9 Sequoyah Fuels
 10 Gore, Oklahoma

11

12 Friday, March 1, 1991

13

14 The above-entitled matter convened for
 15 INVESTIGATIVE INTERVIEW pursuant to notice at 10:23 a.m.

16

17 APPEARANCES:

18

19 On behalf of the U.S. Nuclear Regulatory Commission:

20

21 LARRY CHAPMAN, Senior Investigator
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On behalf of Sequoyah Fuels:

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P R O C E E D I N G S

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MR. CHAPMAN: For the record, this is an interview of Carolyn L. Couch, who is employed by the Sequoyah Fuels Corporation, Gore, Oklahoma. The location of this interview is the Sequoyah Fuels Facility in Gore, Oklahoma. The date is March 1, 1991 and the time is 10:25 a.m.

Present at this interview in addition to Ms. Couch is Ira Shapiro, an attorney with the law firm of Winthrop, Stimson, Putnam & Roberts, Washington, D.C. and is representing Sequoyah Fuels Corporation. And representing the U.S. Nuclear Regulatory Commission, Office of Investigations is Larry Chapman.

Ms. Couch, would you please stand and raise your right hand?

Whereupon,

CAROLYN LYNN COUCH

appeared as a witness herein, and having been first duly sworn, was examined and testified as follows:

MR. CHAPMAN: Please be seated.

EXAMINATION

BY MR. CHAPMAN:

Q Ms. Couch, we've held several discussions concerning the excavation of the two underground tanks immediately adjacent to the solvent extraction building -- these two tanks are located north and adjacent to the solvent

1 extraction building.

2 For the record, I need to get some information
3 concerning your background, your formal education as well as
4 your past work experience. Could you please tell us, since
5 you came to work for Sequoyah Fuels and/or Kerr McGee, your
6 work and formal background?

7 A I began working for the facility in 1979. My
8 position then was Associate Engineer, I worked in the
9 Engineering Department for about five years. I was then
10 transferred to a staff position as an Environmental Engineer.
11 I worked there for a couple of years. Sometime following
12 that, I was promoted to Senior Environmental Engineer and I
13 believe that was in 1988 or '89, I'm not sure which. In May
14 of 1990, I was promoted to Environmental Manager and have
15 held that position since.

16 Q How about your formal education?

17 A I have a Bachelor of Science degree in biology with
18 a minor in chemistry.

19 Q From?

20 A East Central University at Ada.

21 Q When did you receive that degree?

22 A In 1979.

23 Q Since your employment here at this facility, can
24 you regress backwards from your current supervisor back
25 through your beginning here in 1979? Start with your most

1 current supervisor and work back for me.

2 A My current supervisor is Lee Lacey, who is Vice
3 President of Regulatory Affairs. Prior to that, I worked for
4 Mike Nichols.

5 Q Can you specify the time frames, if you can,
6 please?

7 A I began working for Mike in May of 1990. I began
8 working for Lee Lacey in December of 1990. Up until May of
9 1990, I reported to Lee Lacey since 1986. Prior to that, I
10 reported to Jim Carr. Almost continuously with only a brief
11 period of about a month reporting to Jim Marler, who is
12 Engineering Manager. When Jim Carr became Facility Manager,
13 he promoted me to an Environmental Engineer.

14 At that time, Kerr McGee was doing away with all
15 associate engineers, they did not have another titling for
16 me, so they made me an Environmental Engineer and put me on a
17 staff position, and my function there was to do inspections.
18 In the facility, I inspected the yellow cake drums to ensure
19 that they were of good integrity, filled out those reports
20 and sent it to the Operations Manager. I also did public
21 relations work and public speaking and continued to work with
22 the fertilizer program and doing small engineering projects.

23 Q Since you have been here at Sequoyah Fuels, have
24 you been sent to any formal training dealing with EPA,
25 Environmental Protection Agency, or NRC regulations regarding

1 the environment and its release limits associated with that?

2 A I've been to seminars on EPA regulations, things
3 dealing with environmental monitoring. I have never had
4 formal training in the radiation area.

5 Q In respect to that, since you're in the current
6 position of Manager of the Environment --

7 A Yes, that's correct.

8 Q -- you're somewhat required to have knowledge of
9 NRC or accepted state release limits of contaminated material
10 into the environment. Have you ever received any formal
11 training in this area?

12 A Formal training not from a radiological standpoint.
13 My role in NRC license and looking at the levels that are
14 established there have dealt totally with environmental. And
15 from that standpoint -- and we came to a disagreement on
16 environmental samples in August of 1990 -- August and
17 September of 1990. Prior to that, when we looked at
18 environmental samples, that dealt with monitor wells, surface
19 waters, those things beyond the restricted area. Or in
20 dealing with the monitor wells located in the restricted
21 area. And that was the sampling locations at which
22 environmental actions levels were looked at.

23 Q Okay, I'm not a scholar in this area by any means -
24 - my understanding, and you correct me where I'm wrong, is
25 that the environmental release limits that Sequoyah Fuels

1 stated in their license regarding unrestricted areas is 225
2 micrograms per liter, is that correct?

3 A That's correct.

4 MR. SHAPIRO: By environmental release limits, is
5 that action levels?

6 MR. CHAPMAN: Yes, that would be action levels.

7 THE WITNESS: Yes, release limits -- my
8 understanding of release limits for unrestricted areas
9 differs and is based off of MPC. The 225 is an environmental
10 action level and the license states that if you exceed that,
11 you would do proper investigation to determine the cause of
12 that.

13 BY MR. CHAPMAN:

14 Q For the record, what does MPC stand for?

15 A Maximum permissible counts.

16 Q Now I understand that the NRC has an established
17 level in Part 20 of 10 CFR and Appendix B, of some higher
18 limits. Are you familiar with those?

19 A No, not really. Since the August incident, we now
20 have new action levels and reporting levels that I am very
21 familiar with.

22 Q All right. for the purpose of our discussion
23 today, I want to limit our discussion between the period up
24 to August 22, just to keep the record short and deal with
25 the issue at hand. I realize there's been several changes

1 and a lot of modifications. I want to try to keep from
2 bringing in a lot of that information.

3 Would I also be correct in my understanding that
4 basically MPC limits, action level limits, for restricted
5 area are approximately 1.5 grams per liter?

6 A That is my understanding at this point. Prior to
7 August 22, I would not have had that understanding, no.

8 Q Okay. Now in your function our here at Sequoyah
9 Fuels during the period of basically the planning and
10 excavation of these two tanks, your critical number for you
11 to be concerned with would be an off-restricted area release
12 of 225 micrograms per liter, correct?

13 A That's correct.

14 Q Did you, prior to the unearthing of these tanks
15 hold some discussions with any state or federal
16 representatives prior to the actual digging of these tanks?

17 A Yes, we did. We visited with the Corporation
18 Commission to get particular guidance on the underground
19 storage tank regulations. We dealt strictly with those
20 regulations and EPA's interest in those tanks.

21 Q Were you advised at any time by the Oklahoma Water
22 Resources Board -- I presume you probably had some contact
23 with those folks, it's my understanding they were kind of the
24 action people for the Oklahoma Corporation Commission, is
25 that correct?

1 A That's correct, they were the inspection agent.

2 Q Did you have any discussions with any staff people
3 that you recall, particular a Phyllis Robertson out of the
4 Oklahoma Water Resources Board, prior to the unearthing of
5 these tanks?

6 A We called her -- on August 1, I notified the Water
7 Resources Board that we were going to begin excavation of
8 those and August 2, Pam Osmon returned my call and said that
9 she wanted to come down that day for a site visit, and she
10 did.

11 Q Do you recall in a conversation with Ms. Robertson
12 back in June -- I have my records here, specifically June 24?

13 A No, I do not.

14 Q Ms. Robertson, when I spoke with her sometime
15 earlier, indicated that she had a conversation with you on
16 June 25, I'm sorry, 1990, in which you discussed with her the
17 fact that there were two stainless steel tanks that were
18 buried and soon to be unearthed. One tank had traces of
19 radioactivity, the other tank had hexane, and there was some
20 discussion of samples to be taken. And there was even a
21 discussion of the laboratory to be used in Broken Arrow. Do
22 you remember that conversation?

23 A I don't recall that being June 25, no.

24 Q Well the telephone memo was written by her at the
25 time of the conversation and she has since supplied that

1 telephone conversation along with an August 24 conversation,
2 which she's indicated to me that you made a telephone call in
3 and wrote the return number of 918-489-3262. Would that be
4 the facility's number?

5 A That's not my number.

6 Q I realize it may not be your specific distinction,
7 but is that a number out here at Sequoyah Fuels?

8 A It could be, I don't know whose it would be.

9 Q So you're not familiar with any discussions
10 particularly in light of the unearthing of these tanks, with
11 the Oklahoma Water Resources Board, prior to your August
12 conversations, as you've indicated earlier?

13 A My conversations was with the Corporation
14 Commission and then they had told us that the Water Resources
15 Board would be our inspection agent, and I had talked with
16 Rob Simms, in talking with him deciding which laboratory we
17 should use and what analysis we should look at and what the
18 limits were. And I don't recall that conversation with Ms.
19 Osmon.

20 Q Well this conversation was with Ms. Robertson.

21 A Oh, well now it would be Phyllis Robertson.

22 Q Yes.

23 A Yes -- yes.

24 Q That's the June 24th conversation I'm referencing.

25 A Yes.

1 Q You do recall that conversation?

2 A I recall a conversation with Phyllis Robertson,
3 yes.

4 Q Prior to the unearthing of the --

5 A Yes.

6 Q Do you recall discussing with her the fact that one
7 of these tanks would contain traces of radioactivity?

8 A Yes.

9 Q Do you recall in your discussions with her that she
10 had a discussion, a general discussion with you over the fact
11 that the tank that contains radioactivity would be under the
12 NRC's jurisdiction?

13 A Yes.

14 Q And the other tank would remain -- with hexane --
15 with the Oklahoma Water Resources.

16 A Yes, Tom Springer with the Corporation Commission,
17 when we met with him, and he was asking about the content of
18 the tanks and we told him at that time the dump tank could
19 contain radioactive materials, he called EPA and said that
20 EPA did not have any interest in that, that that was
21 delegated to NRC. Their interest in underground storage tank
22 closures pertained to the hexane tank.

23 Q Their being EPA?

24 A That's correct.

25 Q Once you had that information, did you relay this

1 information to any Operations personnel, that the tank
2 containing radioactivity would be under the NRC's
3 jurisdiction?

4 A Mr. Lacey was at those meetings with me and yes,
5 that was discussed.

6 Q Upon your return to the site --

7 A Yes.

8 Q -- did you mention it to anyone, particularly Jim
9 Mestepey or any of -- Bob Kiehn or any of the project
10 engineers?

11 A It was discussed in meetings and I don't recall who
12 would have been specifically at that, but I'm certain it was
13 discussed with Mr. Fryer probably and Mr. Mestepey also.

14 Q Prior to the unearthing?

15 A Yes.

16 Q Prior to the beginning of the process?

17 A Yes, uh-huh.

18 Q Did either of these two individuals exhibit any
19 kind of comments on the fact that the NRC would be of
20 interest in the project to be conducted and there should be a
21 contact with NRC prior to digging up these tanks?

22 A Not that I recall.

23 Q Did anyone ask you to contact the NRC prior to the
24 project beginning, to discuss the possibility of unearthing
25 these two tanks?

1 A No, I did not interact with NRC.

2 Q And you received no instructions from anyone to do
3 so?

4 A No, sir.

5 Q And to the best of your knowledge, prior to the
6 excavation, no one contacted the NRC -- to your knowledge?

7 A To the best of my knowledge, no.

8 Q I think we discussed earlier in our meetings that
9 there were some preplanning meetings held by Operations and I
10 guess the Engineering Department, Mr. Fryer and Mr. Kiehn are
11 part of. Were you privy to any of these meetings or were you
12 present at any of these preplanning meetings?

13 A Yes, I was.

14 Q During any of these preplanning meetings, were
15 there any discussions of the fact that the soil around the
16 area to be dug up could contain uranium?

17 A Yes, I believe it was.

18 Q Was there any values associated with any of these
19 discussions of what they expected to find?

20 A No, there was not.

21 Q Were there any general terms expressed, something
22 to the effect that half of it could be or a percentage, or
23 any type of definitive value?

24 A No, sir, just the potential for contamination.

25 Q Would you say that in light of these meetings that

1 took place prior to the project beginning, that there was an
2 understanding amongst the staff that there was going to be a
3 real possibility of contamination in that soil?

4 A I believe there was an understanding there was
5 potential for that.

6 Q Was there ever any discussions of the possibility
7 of water being located there?

8 A No.

9 Q It has recently come to light that oh, back in the
10 late '80s up until as late as May of '89, that there were
11 samplings of what has become termed sandwells or fire
12 stations surrounding the SX building, and of particular
13 interest is fire station number 2, number 3, number 4 and
14 number 5, which basically encircle the SX area.

15 We have had a discussion where sampling results
16 were taken of these wells. Are you familiar with those
17 samples?

18 A I am aware of samples of that nature being taken.
19 The specific locations, no.

20 Q For the purpose of the record, were you aware of t
21 hem back prior to the excavation beginning?

22 A Specific limits or analysis pertaining to them, no.

23 Q But you were aware they were taken prior to the
24 excavation.

25 A I was aware of them.

1 Q There has been some fairly substantial levels
2 discovered on these samplings. Did anyone make you aware as
3 Environmental Manager or the person in the Environmental
4 Department, aware that these samples were being taken and
5 were above what the NRC considers the Sequoyah Fuels license
6 requirement of 225 micrograms?

7 A These were not a part of my program.

8 Q Would -- what would your opinion be if groundwater
9 -- I'm sorry, if water is discovered below the SX area, some
10 six or eight feet below the surface of the ground, inside the
11 restricted area and your position is Environmental Manager --
12 what values apply as far as action levels to these samples?

13 A Currently?

14 Q No, back in that period of time.

15 A Back in that period of time, I didn't have any
16 involvement in that area.

17 Q I understand, but I'm trying to understand in your
18 position back in that period of time, what was your -- what
19 would have been your concern and when would you feel that
20 someone should bring something to your concern, at what
21 level?

22 A My concerns develop when I start seeing it show up
23 in my environmental program, and at that point it kicks in my
24 responsibilities and I have leeway and leverage to start
25 generating some investigation into the matter. If it shows

1 up in surface water runoff, if one of my monitor wells starts
2 showing an elevated number, then I need to look at the
3 potential for the cause of that.

4 Q What I'm trying to understand, Ms. Couch, is your
5 area of responsibility, is it basically not within the
6 restricted area whatsoever?

7 A It was not at that time.

8 Q And that would include water that was discovered in
9 the ground underneath the restricted area?

10 A Yes, unless someone came to me and asked for some
11 specific input, I would not have involvement with that.

12 Q And to your knowledge --

13 A Or unless it was sampling that my department had
14 conducted.

15 Q To your knowledge, no one came to you and ever
16 raised any issue with you regarding these sandwell samples?

17 A Not that I recall.

18 MR. SHAPIRO: Just so I understand it, Ms. Couch,
19 you have basically a number of wells that you're monitoring
20 and these sandwells just weren't part of that?

21 THE WITNESS: That's correct.

22 MR. SHAPIRO: However they were initiated or
23 whatever they were doing, it was not in your area?

24 THE WITNESS: It was not a part of any of my
25 programs.

1 BY MR. CHAPMAN:

2 Q And not a part of your program because of
3 instructions to you by Sequoyah Fuels management -- or
4 through what basis was it determined that you were not to be
5 involved in this area as far as being in the program, as you
6 call it?

7 A The samples were not collected by any of my
8 department or my personnel or myself. It was not delegated
9 to me as I began assuming more and more responsibilities for
10 the environmental area, it was never assigned to me. The
11 sample results did not come to me.

12 Q Now at the period of time that the excavation took
13 place, you were a part of Health -- at that time a department
14 called Health, Safety and Environment?

15 A No.

16 Q At the time of the excavation in August, basically
17 July and August of 1990.

18 A Yes.

19 Q It was basically at that time Health, Safety and
20 Environment?

21 A Yes. All of the preliminary work that we did with
22 that, I worked for Lee Lacey up until May, and the
23 preliminary work, contacts with the Corporation Commission,
24 that type of thing, at that time I reported to Lee Lacey. In
25 May, I started working for Mike Nichols.

1 Q Now according to some previous information I have,
2 the results of these sandwells/fire stations was known to
3 Mike Nichols. Did Mr. Nichols ever bring this information to
4 your attention during the period of time we're discussing?

5 A No.

6 Q Try to keep in mind I want to try to limit it up to
7 August 22.

8 A Okay.

9 Q So that we don't -- I realize there's been a lot of
10 changes and a lot of information since that period of time,
11 but my only concern is the 22nd forward.

12 I'd like to get into a little bit on the excavation
13 of these -- physical excavation of these two tanks. Was your
14 department ever assigned any specific responsibility during
15 the project to unearth these tanks?

16 A My specific responsibility, and sole
17 responsibility, was to collect soil samples in conjunction
18 with the EPA underground storage tank closure regulations,
19 which only required two soil samples being taken. And that
20 was a soil sample beneath the hexane tank and one sample in
21 the down-gradient wall, approximately one foot up from the
22 bottom of the excavation.

23 Q The down-gradient wall would be which direction?

24 A Would be to the north, would be the north wall.

25 Q Were you at liberty to choose the height and

1 location of these tanks to do these soil samples or did the
2 CWRB specify whether you were to retain the samples?

3 A They specified that you must have one sample
4 beneath the tank. Now they did not specify mid-point --
5 beneath the tank is what they specified. They specified one
6 sample, one foot above and you were to go down to the
7 original excavation for the tank upon installation, one foot
8 up the wall and three feet into the natural -- the
9 undisturbed -- that's what I'm trying to say -- undisturbed
10 wall. And to collect your sample beneath the tank, you were
11 to go down three feet into the undisturbed soils and collect
12 your sample.

13 Q Was this soil that you referred to as undisturbed,
14 is it shale or is it sand or is it a mixture?

15 A It was shale.

16 Q When did you take these samples? You said you were
17 required to take two samples -- when did you take these two
18 samples?

19 A August 7.

20 Q Do you recall approximately the time of day,
21 morning, a.m.?

22 A We worked on that from seven in the morning -- I
23 was in at seven o'clock that morning to start getting set up,
24 get your equipment in and we worked until one o'clock.

25 Q Were you assisted by anyone?

1 A Yes, I was. We had contracted a soils firm out of
2 Fort Smith, Arkansas, Kenny Schlag. He worked for Grubbs,
3 Garner and Hoskin at that time, to assist, because I did not
4 have proper soil sampling tools here at the facility. So he
5 assisted in that.

6 Q Were you successful in getting the soil samples
7 requested?

8 A Yes, we were.

9 Q How many samples did you take?

10 A I actually took three. I took one from beneath the
11 dump tank also -- well we took splits off of that, I may have
12 -- from three locations.

13 Q How many -- when you took these samples, I guess we
14 needed to get the physical sampling, were they placed into
15 certain vials?

16 A They were placed into clean mason jars.

17 Q Do you recall how many mason jars you actually
18 finished with after you took the three samples?

19 A Not without going back and checking my record on
20 that.

21 Q Was it more than three?

22 A When I had those submitted to the laboratory, they
23 submitted nine samples or, that I believe. So there was
24 probably nine jars, I would assume.

25 Q Okay, I'll accept that, I'm not wanting to know

1 specifically how many jars there were. The fact is there
2 were three samples that were broken into several jars.

3 A Yes, and they were duplicates.

4 Q These duplicates, what I was wondering, did you
5 send all of them to the contractor in Fort Smith?

6 A Oh, no, sir. We sent only one sample from each of
7 the holes or from -- yes, we only sent one sample from the
8 holes to the contract laboratory, and I retained the other
9 samples.

10 Q When did you send those off?

11 A They were sent that day. We had a very tight time
12 line to get them to the laboratory and get analysis back, not
13 from the standpoint of holding time, but in order to see what
14 we had, to see if we complied with the underground storage
15 tank closure regulations.

16 Q Were these samples -- I'm sorry -- what did you
17 request the contractor analysis be -- was it uranium or was
18 it chemicals?

19 A No, it was chemicals. It was not specifically for
20 hexane, they have a TPH, total petroleum hydrocarbon, which
21 is what the regulations were written for, and I talked with
22 Rob Simms with the Water Board, and I told him, I said we
23 have an option, we can do a TPH or we can do a hexane, he
24 said he would preferred to have the TPH because that's how
25 the limits are written, to know if you have to do remediation

1 work or not.

2 Q Okay, so I'd be correct that on the August 7
3 samples there was no request for any uranium analysis?

4 A That's correct, not at that time.

5 Q Would this be the -- we discussed a little earlier
6 in our conversations the fact that you had some soil samples
7 in your office or in the offices of Health, Safety and
8 Environment over there. Are these the soil samples that we
9 discussed earlier that you showed Lee Lacey and Mike Nichols?

10 A That's correct.

11 Q Can you describe for me, to the best of your
12 recollection, the looks of these soil samples since they were
13 in clear mason jars? Was their color contrasts in it?

14 A Yes, there were color contrasts.

15 Q What colors were in there, was there particularly a
16 yellow?

17 A There was evidence of yellow.

18 Q The yellow, was it evidence of uranium, solid
19 uranium or some form of uranium?

20 A You would assume that from the first glance. Later
21 analysis substantiated that.

22 Q In our previous discussions, you indicated that it
23 was your belief that the yellow in these samples was uranium
24 contaminants, is that correct?

25 A That's correct.

1 Q What was the reaction when you showed these -- let
2 me back up, where did you show these samples to Mr. Lacey,
3 where was he when you showed these samples to him?

4 A In my office.

5 Q Was he passing by and you called him in or did he
6 come over specifically to see these samples?

7 A He had dropped in.

8 Q But not with the intent of seeing these -- he had
9 no knowledge they had been taken at that point.

10 A He knew samples had been taken, but he did not come
11 specifically to see those.

12 Q Did he offer an opinion on these samples?

13 A Not at that time, not what you would term as an
14 opinion. He just -- he had kind of a surprised expression on
15 his face.

16 Q Was there an understanding with him or did you and
17 he discuss the fact that this soil, the yellow contents in
18 this soil was an indication of a possibility of contamination
19 of uranium out there?

20 A Beyond the expression on his face, I don't recall
21 specifics to a conversation.

22 Q So you have no -- in your opinion, you have no idea
23 what his thought process was regarding the samples in
24 relation to uranium contamination?

25 A I can't speculate as to what his perception would

1 be. I felt that he probably assumed it was uranium also, but
2 that's speculation.

3 Q Did you show these samples to Mr. Nichols also you
4 say?

5 A Yes, I did.

6 Q At the same time that you showed them to Mr. Lacey?

7 A No, I believe I showed them to Mr. Nichols the same
8 day I had pulled them.

9 MR. SHAPIRC: Sorry, we didn't actually get into
10 the question of when you showed them to Mr. Lacey, if you
11 remember.

12 THE WITNESS: I don't recall --

13 MR. CHAPMAN: From our previous conversation, she
14 didn't recall specifically when, just that --

15 BY MR. CHAPMAN:

16 Q I think it was also the same day you took the
17 samples or very soon after that.

18 A It could have been within that week, I don't
19 recall.

20 Q Okay. Let me ask, maybe this will help you, do you
21 recall if you had already sent your samples off when you
22 showed them to Mr. Lacey?

23 A Yes, whenever -- I had sent them off for the TPH
24 analysis because when we pulled those, I had my environmental
25 tech there so that he could drive them on up and we could get

1 them on in rapidly to start the analysis process.

2 Q Perhaps this will help nail down the time frame.
3 These samples were taken on the 7th, you took some -- we'll
4 get into it later, but you took some additional water samples
5 around that same time, your last one had been taken the 7th.
6 Is there any way you can make a correlation between that to
7 help get a date as to when you showed these to Lacey or
8 Nichols?

9 A No, there isn't.

10 Q Okay.

11 A Mr. Lacey had just stopped in for a visit and Mr.
12 Nichols had popped into the office. It wasn't for any
13 specific meeting or any specific subject.

14 Q Was the showing of the sample to Lacey -- I'm
15 sorry, to Nichols very shortly after you showed it to Lacey
16 or prior?

17 A It was prior to.

18 MR. SHAPIRO: I'm sorry, I thought you said you
19 showed them to Nichols the same day you pulled them.

20 THE WITNESS: That's correct. Mr. Lacey's would
21 have been after that sometime.

22 BY MR. CHAPMAN:

23 Q Okay, so Mr. Nichols' observation of these samples,
24 which we assume were around nine samples in clear mason jars,
25 was the same day you pulled them?

1 A I believe that to be true.

2 Q So somewhere around the 7th, in that vicinity.

3 A Yes.

4 Q Did Mr. Nichols express an opinion on that or did
5 you discuss with Mr. Nichols the possibility of uranium
6 contamination?

7 A He was on his way somewhere and his comment to me
8 was you can't have those in your office. I responded and I
9 said I don't have any place to store them and he instructed
10 Kenneth Simeroth to find me someplace to store those samples.

11 Q Why was he upset over the fact that you couldn't
12 store them in there? Did you express to him that they may be
13 contaminated or he just didn't like dirt in his office?

14 A I just showed them to him and told him from where
15 they were taken.

16 Q Did he observe the yellow content, did y'all
17 discuss the fact there was yellow content?

18 A He was on his way somewhere and he left shortly
19 after that.

20 Q So you don't recall the conversation about the
21 contents of the soil?

22 A No, the comment was just made that I could not keep
23 them in my office.

24 Q Being that he's fairly experienced in NRC
25 regulations, uranium sites, since he came from a nuclear

1 power plant, do you think that he had an understanding that
2 there was uranium contamination of the soils? Why would he
3 want them out of your office?

4 A You would assume -- that would be what I would
5 assume. Here's the soils, you can't have them in your
6 office. There's no other reason that I couldn't have samples
7 in my office.

8 Q Okay, but there was no specific comment made?

9 MR. SHAPIRO: That was what you assumed at the
10 time?

11 THE WITNESS: Yes.

12 BY MR. CHAPMAN:

13 Q Did Mr. Simeroth -- my question to you was, but
14 there was no specific comment made to Mr. Nichols about the
15 content of the jars or that there was uranium in those jars,
16 in your opinion?

17 A No.

18 Q Okay. Did Mr. Simeroth provide you a location to
19 put these?

20 A Not at that time. I had them boxed up and they
21 were in my office for a week or so.

22 Q Did Mr. Nichols ever come back by and chastise you
23 again for having them in your office after he'd told you to
24 remove them?

25 A No.

1 Q Were they eventually removed?

2 A Yes, they were.

3 Q Who removed them?

4 A Ken Simeroth stored them for me in a source cabinet
5 that he had.

6 Q In a source cabinet. Why would you put them in a
7 source cabinet -- well let me rephrase that, I'm sorry. Was
8 Mr. Simeroth, when he came to get the jars, was a discussion
9 held between the two of y'all on the possibility that that
10 soil contained uranium contamination, or was he simply
11 following instructions to store these jars?

12 A My assumption in looking at that material was that
13 it did contain uranium materials. I assumed that Mr. Nichols
14 made the same assumption by telling me that I could not have
15 them in my office, and Mr. Simeroth was standing there in my
16 office at the time Mike told him that I couldn't have those
17 in my office and I told him I don't have any place to put
18 them, and he looked at Ken and said find her someplace to
19 store them.

20 Q My curiosity is why would you put them in the
21 source cabinet, someplace that contained source material.
22 Why not just put them in a regular filing cabinet?

23 A If there had been one available within the
24 restricted area, that would have been acceptable, but the
25 cabinets that they had available in the HP offices, there was

1 no way to keep those locked and secured and I told Ken I
2 wanted to submit them for uranium analysis and I did not have
3 time to do it at that time and had not, and I needed
4 someplace so that I could split them off, an acceptable
5 location. And so the only cabinet he had available that he
6 could lock up and secure those for me so he could maintain
7 integrity of the samples, was in a source cabinet.

8 Q Okay. So the fact you put them in a source cabinet
9 had nothing to do with knowledge of any uranium contamination
10 of the soil, it was simply for expediency and convenience
11 that you put them in the source cabinet.

12 A Probably from Ken's standpoint, yes, it was a
13 convenient place to maintain them, with the potential for
14 them to contain uranium, they needed to be in a location so
15 that they were designated as such.

16 Q What I'm trying to understand is -- to make sure
17 there's not a correlation between putting them in a source
18 cabinet and knowledge of Ken or Mike or anyone that they did
19 contain uranium, that it was simply an expedient place to
20 put them. If that's not the case, then I need to explore the
21 avenue of yes, they knew that they had to be put in a source
22 cabinet because they did contain uranium.

23 A If there was no potential for them to contain
24 radioactive material, there's no reason I can't have them in
25 my office.

1 Q Okay.

2 A Frequently, I have water samples in my office.

3 Q But these were solid samples, dirt in this case.

4 A It was solids and dirt, and frequently I have dirt
5 samples in my office. We try to keep environmental samples
6 away from food areas, consumption areas.

7 Q Now of curiosity to me is your primary function and
8 duties, as I understand them, was outside the restricted
9 area.

10 A That's correct.

11 Q But in the case of this project, you were moved
12 inside the restricted area and given specific duties relative
13 to this project. Why would you be moved inside the
14 restricted area all of a sudden for a project, when your
15 duties are normally external.

16 A Because of EPA regulations. Aside from that, if
17 this had not been an EPA regulation issue with the hexane
18 tank closure, I would not have been involved in this project
19 at all.

20 MR. CHAPMAN: Let's go off the record for a second.

21 (A short recess was taken.)

22 MR. CHAPMAN: We're back on the record after we
23 took a short recess.

24 BY MR. CHAPMAN:

25 Q Ms. Couch, I was asking you, prior to our going off

1 the record, why you were in the restricted area and you
2 indicated because you had been requested to come in and take
3 environmental related samples for EPA regulation purposes.
4 Can you tell me who asked you to come inside the restricted
5 area and take this responsibility?

6 A Mr. Lacey did initially, starting into the
7 underground storage tank regulations because they were --
8 deal with EPA and state agencies and normally I interact with
9 those agencies. When I started reporting to Mr. Nichols in
10 May of 1990, I was already well into the project as far as
11 finding a laboratory to do analysis, finding out what type of
12 samples we were going to have to take, and I followed it
13 through.

14 Q Would I be correct in my understanding that
15 technically speaking and procedurally speaking, that would
16 have been under Mr. Nichols' jurisdiction, but because of
17 your prior knowledge and involvement in it, it was decided to
18 let you keep on with the environmental studies on this?

19 A If it dealt with EPA, then it was mine.

20 Q Okay. In light of that, once you came in the
21 restricted area and you were not concerned with uranium
22 levels, you were mostly concerned with, totally concerned
23 with environmental levels, was your knowledge limited to
24 action levels or release levels as far as environmental
25 values? Would you have no real knowledge of restricted area

1 level action limits or values?

2 A That's correct. The only other limit that I was
3 aware of was for the combination stream and it was not that I
4 had any dealing with it, but I had heard before that to the
5 combination stream we're allowed to discharge 45 milligrams
6 per liter.

7 Q Now what was your understanding of an environmental
8 action level?

9 A environmental action levels were totally related to
10 environmental samples as they pertain to the license required
11 monitoring, which consisted of monitor wells, surface water
12 samples. Then there were specific guidelines for
13 environmental soils and specified locations for collecting
14 those, vegetation and specified locations for pulling those
15 samples.

16 Q The monitor wells are located where, outside the
17 restricted area?

18 A Primarily they're on the -- they're outside the
19 restricted area. There are a few wells, five or less, within
20 the restricted area.

21 Q The level that would be of concern to you would be
22 the 225 micrograms per liter for action level?

23 A That's correct.

24 Q And we've already established I think without a
25 doubt that this applies strictly to environmental limits.

1 A That's correct.

2 Q Let's talk just a little bit about some previous
3 information that you and I had discussed regarding the
4 excavation itself.

5 Now I understand that even though you were not
6 primarily assigned the responsibility to monitor any uranium
7 contamination, that in conjunction with being out there doing
8 some environmental samplings of these tanks, you took some
9 water samples of visible discolored, with a tint of yellow,
10 water, particularly on the 4th of August, 5th of August, 6th
11 of August and 7th of August, is that correct?

12 A That's correct.

13 Q What prompted you to take these water samples?
14 Particularly start out with the 4th, what prompted you to
15 want to take a water sample on the 4th, because this is some
16 three to four days before you were really even required to be
17 out there taking soil samples.

18 A I had to keep in close contact with the project
19 because I had been told that I would pull my samples when
20 they got to that point and get my samples and not delay their
21 project.

22 Q Told by whom?

23 A Sam Fryer.

24 Q Okay. Why were you out on the 4th when you didn't
25 need to be there until the 7th? You were out checking on the

1 --

2 A The excavation was moving rapidly and so I had to
3 keep close contact with it to ensure that when we got to the
4 point -- and to know whether to have my people here on Monday
5 or Tuesday to pull those samples. So I had to follow the
6 progression of it very closely so that when they got to the
7 point that I could get my soil samples, I could get in and
8 get those, and get out.

9 Q So obviously you were out on that Saturday, which
10 just for the sake of helping to identify it was a day of a
11 picnic for the facility which took place on the 4th, so
12 that's how we could pretty well know that the 4th was the day
13 you were out there.

14 A That's correct.

15 Q You came by strictly to check on the progress of
16 the excavation?

17 A Yes.

18 Q What prompted you to want to take water samples?

19 A There was some liquid within the pit, looked a
20 little unusual and I was curious.

21 Q Curiosity?

22 A Yes, that's correct.

23 Q Did you take these samples yourself?

24 A No, I did not. I was never into the pit until the
25 7th.

1 Q Did Operations people, the contractor personnel,
2 did someone assist you?

3 A I don't recall who it was that helped me. It would
4 have either been one of the HP people maybe or one of the
5 contractors, I don't recall.

6 Q But you did observe the samples being taken in the
7 location you wanted them taken.

8 A Yes.

9 Q So you have complete faith that those samples were
10 taken specifically in the area you asked for them?

11 A Yes.

12 Q Did you yourself submit these to the laboratory?

13 A Yes, I did.

14 Q Did you yourself complete a laboratory request?

15 A Yes, I did.

16 Q So the laboratory results that I have here in front
17 of me on August 4, 1990, that's in your handwriting?

18 A Yes, it is.

19 Q Now I notice that it asks for -- I'm sorry -- I
20 notice that it makes reference to SX excavation and that, for
21 the purposes of identification is definitely in the excavated
22 area adjacent to the SX building?

23 A That's correct.

24 Q It says 8/4/90, indicated ten o'clock, has initials
25 CC, is that a reference to 10:00 a.m. in the morning?

1 A Yes, it is.

2 Q That's when you took the sample?

3 A Yes.

4 Q And is it standard practice to make a request for
5 the items tested -- I don't know what they represent -- NO3N
6 represents nitrogen?

7 A It's nitrate.

8 Q Nitrate?

9 A Uh-huh.

10 Q F is?

11 A Fluoride.

12 Q And U would be?

13 A Uranium.

14 Q And pH would be a -- what does pH stand for?

15 A pH gives you whether it's an acid or -- the acidity
16 of it.

17 Q Okay. What was your curiosity of when you took the
18 sample?

19 A I was interested in ascertaining what the liquid
20 was and my environmental samples that I normally run from
21 wells or surface waters, these are the parameters, aside from
22 pH that we'd look at. pH is a very easy analysis to run and
23 they can do it very quickly and I included it.

24 Q At that point, when you took this test, you
25 specifically asked for uranium. Did you feel you had a

1 strong belief that that water could contain some form of
2 uranium contamination?

3 A Yes, I did.

4 Q And that's what prompted you to ask, in your
5 analysis here, for the uranium?

6 A There was potential for uranium to be there.

7 Q Potential in your mind being from past spills, past
8 activity in that area that you knew about or had knowledge
9 of?

10 A There was a general understanding that there's
11 potential for contamination in that area, yes.

12 Q When you say general understanding. Let's make
13 sure we understand what you can attest to. You say general
14 understanding, how do you base your belief that there's a
15 general understanding?

16 A It had been discussed in the project planning
17 committee meetings and then in talking with different
18 individuals, just general conversation.

19 Q If you'll notice, on this 8/4 laboratory analysis,
20 there is what we have kind of, for lack of a better term,
21 noted as a ticker tape, which prints results. Of interest to
22 me is the result over in the left-hand side of the page which
23 shows a notation as explained by Don Knoke, the Laboratory
24 Manager, 8/4, 1603, 02.06. Mr. Knoke has indicated in
25 previous testimony that this indicates a computer printout

1 done at the time of the analysis is that on the 4th of August
2 at 1603 military time, the machine analyzed this sample as
3 02.06 grams per liter.

4 My question to you, Ms. Couch, is were you aware of
5 this reading on the 4th of August?

6 A No.

7 Q Did you get ahold of this -- was this laboratory
8 analysis sheet provided to you on the 4th of August?

9 A No.

10 Q On the 6th of August, it shows a reporting out date
11 at the bottom. Do you think that you had this laboratory
12 analysis on the 6th or some subsequent time after that prior
13 to the 22nd or the 17th of August even?

14 A I could have.

15 Q Do you think you've seen the results?

16 A I recall seeing one result.

17 Q Do you recall the value of it?

18 A I believe it was in this range, but specifically to
19 this date to tell you yes, no, I cannot do that.

20 Q All right. On Monday, I assume you came back to
21 work at the regular time and probably -- you've indicated in
22 your previous testimony here, because of the expedience
23 necessary to make sure that you did your job in order not to
24 hold up the project, it had been made amply clear to you to
25 make sure you're not the person holding up the project, you

1 went back out on the 6th of August.

2 A That's correct.

3 Q To check on the excavation's progress. At that
4 time, did you take some additional water samples?

5 A Yes, I did.

6 Q Did you yourself take them or did you have someone
7 take them?

8 A Someone pulled them for me.

9 Q Would I be correct in the same assumption that you
10 witnessed it --

11 A Yes.

12 Q -- and without any uncertainty, you can say that
13 they were taken?

14 A Yes.

15 Q I have here in front of me, and I don't know if you
16 have a copy, if you don't I'll show you my copy, a laboratory
17 request dated 6th of August.

18 A Yes.

19 Q At the top it has requested by C.Couch/R. Kiehn.
20 Is that your writing?

21 A Yes, it is.

22 Q Why would it show C.Couch/R. Kiehn? Why would it
23 have Bob Kiehn's name on it?

24 A So that he would receive a copy of the analysis.

25 Q Had you had a discussion with Mr. Kiehn, or was it

1 just your desire that he know the results of this?

2 A It was just my desire that he would get a copy of
3 the analysis also.

4 Q Do you think that the desire of yours to see that
5 Mr. Kiehn had it would be precipitated by the fact that
6 perhaps you had seen the August 4 and you felt like he needed
7 to know there was some elevated levels of uranium in the
8 water?

9 A It could have been.

10 Q I notice, if you look at the sample designation, it
11 has SX, PT, M. Do you recall what those abbreviations
12 represented when you put them down?

13 A SX pit middle, about the middle of the pit.

14 Q Would that be in the wall or in the floor?

15 A It would be in the bottom.

16 Q In the bottom?

17 A Uh-huh.

18 Q And again, so we make sure we're correct, this is
19 of a liquid, not of a solid soil sample?

20 A Yes.

21 Q It has a date 8/6/90, which is to indicate that's
22 the date the sample was taken.

23 A Uh-huh.

24 Q And right below it, it says SX PT N --

25 A North.

1 Q -- which would represent SX pit north, correct?

2 A Correct.

3 Q And again the date 8/6/90?

4 A Uh-huh.

5 Q Also if you'll notice on my copy and I see on your
6 copy, there's a couple of little printouts, the ticker tape
7 again, which shows 8/6, the notation 1527, the designator N
8 and a value of 01.68 and immediately below it is 08.06, 1523
9 with a designator of M, 03.06. My understanding again from
10 Mr. Knoke is that these are laboratory printouts and
11 represent August 6, military time 1527, and uranium content
12 of the north sample was 1.68 grams per liter, below it the
13 same values with a uranium content of 3.06 grams per liter.
14 Do you recall seeing this laboratory analysis sheet on a
15 reporting date below of August 7?

16 A No, I do not.

17 Q Do you ever recall seeing the three point values
18 expressed here prior to the 17th and 22nd of August?

19 A No, I do not.

20 Q Okay. It also has the notation comments XC T.
21 Johns, is that your writing down there?

22 A Yes, it is.

23 Q What was the purpose of that?

24 A That was so a copy would be sent to Tommy Johns,
25 who was the area supervisor, area manager.

1 Q Okay.

2 A For the area.

3 Q Okay, so that I'm also clear, in light of my
4 previous question, did you have a strong desire that Mr.
5 Johns see these results as well as Mr. Kiehn?

6 A Yes, I felt that he should.

7 Q Do you think or do you know, as I asked you with
8 Mr. Kiehn, perhaps you wanted to see Mr. Johns -- sorry,
9 having Mr. Johns know of these results was precipitated by a
10 knowledge of the August 4 laboratory results, or do you know?

11 A It could have been, I don't recall at that time.

12 Q Okay, let's move on to a sample you took on August
13 7, the laboratory report of August 7.

14 MR. SHAPIRO: Could I just interject one question?
15 You had to keep going out to the site, was there any sense
16 that you had that they ought to notify you of the right time
17 or is that just not the way it works?

18 THE WITNESS: That's not the way it works.

19 MR. SHAPIRO: In other words, they would not reach
20 a point in the excavation and just say well, you know, this
21 is when we have to tell Carol so she can do her test?

22 THE WITNESS: No.

23 MR. SHAPIRO: It was pretty much your
24 responsibility?

25 THE WITNESS: Yes, and that had been explained to

1 me by Mr. Fryer.

2 BY MR. CHAPMAN:

3 Q Let me expand on that, Ira, you brought up an
4 interesting question. I assume from what you're asking and
5 the way that you're indicating it was told to you, rather
6 than the project engineer, in this case Bob Kiehn, overseen
7 by Sam Fryer, were they simply going to -- if you didn't show
8 up -- keep right on going with the project and you, as the
9 responsible party, better know when to be there?

10 A My perception was yes, that was the case.

11 Q So marching instructions in essence were given to
12 you early on and then the responsibility to ensure that you
13 adhered to those instructions lay totally with you?

14 A Yes.

15 Q Was the same general -- in these preplanning
16 meetings, do you think the same general instructions went to
17 everyone? I mean there was obviously other personnel that
18 had to be around at certain times in preplanning meetings, or
19 are they just picking on environmental personnel? They felt
20 you were insignificant or you were just in the way?

21 A The project had a very tight time line and it was
22 proceeding along on that time line.

23 Q And it was clear to you --

24 A And it was clear to me that I had to meet the time
25 line.

1 Q You say it was clear to you, was your clear
2 instructions to you principally from Kiehn, Fryer or did it
3 include Mr. Mestepey?

4 A Mr. Fryer give me specific directions on this
5 particular instance as far as getting those soils, but Mr.
6 Mestepey was directly involved in the project.

7 Q All right, now let's go back to -- (Pause.) Okay,
8 Ms. Couch, let's go ahead and discuss this August 7
9 laboratory analysis. Is this also your writing at the top?

10 A Yes, it is.

11 Q Did you -- at this point, I believe you indicated
12 that the excavation was at a point where it was time for you
13 to take your samples as instructed and as required by the
14 OWRB in conformance with the EPA regulations, did you take
15 those samples that OWRB requested of you?

16 A Yes, I did.

17 Q Did you take them prior to or after you took these
18 samples here, or do you recall?

19 A I took the soils prior to because the particular
20 sample here that says SX hole one, I wanted to leave that
21 hole open and see if liquid would precipitate into it because
22 it was dry, in that area we were working it was dry. I
23 wanted to see if we would accumulate any liquid into it. At
24 one point one of the contractors come by and told me, he
25 said, "Honey, you're going to have to fill that hole in

1 because we're going to lay forms." A: I very politely told
2 him honey wasn't going to fill it in until honey got her
3 sample.

4 Q And I assume from looking at this, you got your
5 sample.

6 A Yes, I did.

7 Q Was Ms. -- I understand there was a representative
8 from the OWRB here when you were taking your samples for
9 their purposes.

10 A No, that's not correct.

11 Q That's not correct?

12 A No. Ms. Osmon visited the facility on August 2
13 during excavation and at that time she looked around the
14 excavation site, she looked at the soils and then we moved
15 on. She was only here for a couple of hours. Most of her
16 time she spent in discussing a neighbor complaint from
17 another instance and we went out to the field to look at that
18 and investigate that issue.

19 Q Did the two of y'all discuss the upcoming samples
20 that you were going to take though?

21 A Yes, we did.

22 Q And agreed on the general procedures to be done?

23 A I told her how we were proceeding on that and she
24 had no problems with it.

25 Q So the fact you took the samples before you took

1 the water samples was strictly your choice and not a
2 requirement?

3 A No, it was not a requirement of them at all, no.

4 MR. SHAPIRO: Well the soil samples were what you
5 were doing that day.

6 THE WITNESS: Right.

7 MR. SHAPIRO: I mean water samples were --

8 THE WITNESS: I was just there.

9 MR. CHAPMAN: What I'm really just trying to make
10 sure is that these holes were kind of dug with our discretion
11 with some general latitude as to where they wanted the
12 samples taken.

13 THE WITNESS: Yes, you had specific guidelines, but
14 as far as giving you a pinpoint location, saying you must
15 sample here, no, you have general guidelines for selecting
16 those sample locations.

17 BY MR. CHAPMAN:

18 Q What I also was going to ask is I was kind of
19 curious why you chose the areas you chose to take your
20 samples, and it was really basically again your own
21 curiosity?

22 A Soil samples were very specific, you must sample
23 beneath the tank, so we took an area -- we sampled from the
24 north end of the tank as relates -- there was saddles
25 underneath it and we had to jackhammer to get down through

1 the shale to be able to take these samples, down to the hole.
2 So we had to have an area that we could work in, to do that.
3 And that was the point of taking it there at the north end,
4 it was most convenient to get to, to work with, it met the
5 guidelines because it was beneath the tank, it also -- on the
6 wall, it had to be a down-gradient wall, so that is not left
7 for discretion and specifically one foot above the natural
8 soil line from the original excavation. So it was very
9 specific there, and a three-foot depth was specified.

10 Q So these were kind of as a result of your working
11 on the soil samples.

12 A Yes.

13 Q Okay. The first one is identified here as SX hole
14 one, for the record, that is down inside the excavation -- at
15 this point you are down inside the excavation.

16 A That's correct.

17 Q And this hole one was the hole that you dug to take
18 the soil samples for the OWRB, and you left it open to see if
19 any liquids would accumulate in it and obviously they did.

20 A Yes.

21 Q Was there a -- from the time you dug this hole to
22 the time liquid showed up, is there any idea of how long
23 before the water started accumulating?

24 A It would have been a matter of two to three hours,
25 something like that.

1 Q Was there much liquid in the bottom?

2 A No.

3 Q How much -- do you recall the amount of sample you
4 took? Was it -- I don't know how much you normally take for
5 a water sample, I don't know how many mls or --

6 A Half a pint at the very most.

7 Q And I assume that this indication of seep liquids
8 represents exactly that, that you were seeing what liquid
9 seeped back in the hole.

10 A Uh-huh.

11 Q Twelve o'clock here represents the time you took
12 it?

13 A That's correct.

14 Q That's be high noon. And then right below it is SX
15 yard north wall. Are we still down in the excavation even
16 though the word "yard" is here or are we now up on top?

17 A I don't recall -- I don't recall, but I would
18 assume by it saying north wall, that it would be within the
19 excavation.

20 Q So that I understand how you could do this, were
21 you holding the bottle under it as it run out of the wall or
22 were you back down in a puddle of water, or do you recall?

23 A I don't recall.

24 Q If you'll notice right below that, there appears to
25 be a totally separate handwriting. Do you know whose

1 handwriting that is or do you know how that came to be on
2 there?

3 A No, I don't. But I could have asked someone to
4 submit that for me.

5 MR. SHAPIRO: Which is the totally separate
6 handwriting?

7 THE WITNESS: This one (indicating).

8 MR. SHAPIRO: Uh-huh. That's not your handwriting?

9 MR. CHAPMAN: In fact, you can see it's not even
10 the same type of pencil or instrument that made it, one is
11 more of a blunt instrument than the other one, and it has a
12 total different -- it has 2900 and I have no idea what that
13 represents, out there next to the handwriting.

14 THE WITNESS: Yeah.

15 MR. CHAPMAN: Or what appears to be 2900.

16 BY MR. CHAPMAN:

17 Q You'll notice down at the bottom under the comments
18 section, it has SX hole one seep liquid, x-ray reading. Do
19 those appear to you to be something the laboratory wrote, you
20 didn't make those comments?

21 A Yes, that's laboratory writing, uh-huh.

22 Q Do you recall if you took three specific samples or
23 do you recall if there was only two there?

24 A I don't recall.

25 Q But without question, the first two are definitely

1 under your jurisdiction and control?

2 A Yes, they were. The other one could have been too,
3 I don't really recall.

4 Q If you'll notice on this laboratory result, the
5 standard ticker tape that we've been calling the uranium
6 sample is not on here, and I've been told by Mr. Knoke on the
7 backside of this laboratory analysis is where the printout
8 for these are. If you don't have them, for the benefit of
9 your review here, I have them and he basically tells me it
10 involves a different type of machine they use, but they both
11 have the same validity and are both comparable in their
12 instruments.

13 If you'll notice on the front of this, they have a
14 reporting date of the 7th, which indicates they did it the
15 same day the information -- the samples were taken. It's a
16 very poor quality on the back where he ran these things and
17 you can't hardly read the readings, but for some fortunate
18 reason -- no, I take that back, they didn't come printed out
19 on the control room copy, so we have a hard time
20 understanding when these grams per liter were reported out,
21 but one of them we can read is the 4.11, but it shows to be
22 reported out way down late in the night. In fact, it's hard
23 to understand what they're saying, 2900 is not even military
24 time. So I guess the best I can ask you is do you recall
25 ever seeing these laboratory results any time on the 7th or

1 shortly thereafter?

2 A No, I do not.

3 Q The reason I asked you this is you will recall we
4 also held a discussion on the fact that on the 7th of August,
5 you held a discussion with Jim Mestepey in his office.

6 A Yes, that's correct.

7 Q Do you recall if the conversation you held with Mr.
8 Mestepey was prior to or after you took these samples on the
9 7th?

10 A I would think it would have been following taking
11 these samples.

12 Q In light of the same time frame to establish your
13 whereabouts, so to speak, there was a senior staff meeting
14 that took place on the morning of the 7th, that normally
15 takes place at 8:30.

16 A That's correct.

17 Q Are you normally a participant in those meetings?

18 A Normally.

19 Q I understand you didn't make this meeting.

20 A No, I did not.

21 Q And the reason was?

22 A I was pulling soil samples.

23 Q Would it be a fairly safe estimation that because
24 you were tied up all the way to noon taking soil and water
25 samples that you probably did not hold your meeting with Mr.

1 Mestepey until sometime after lunch?

2 A I would think that that would be correct.

3 Q Okay, I understand from our previous discussions
4 too, Ms. Couch, that you were somewhat in a disagreement with
5 Mr. Mestepey on a french drain system being installed, or you
6 didn't particularly agree with the methodology that it was
7 going to be installed. am I correct in that?

8 A Yes, that's correct.

9 Q Why were you somewhat in disagreement with him on
10 the french drain and its proposed use and so forth?

11 A The french drain system they were proposing to
12 install around there was installed at the base of the vault
13 itself. A normal french drain system, you would go down
14 below that for the installation, but my disagreement with Mr.
15 Mestepey is that I told him I was concerned because you could
16 see liquid coming into the excavation, and Mr. Mestepey
17 assured me that the french drain system would take care of
18 it.

19 Q Were you concerned at that point with the fact that
20 there was a liquid coming in or were you concerned also with
21 the fact that you felt there was a contaminated liquid coming
22 in, or were those two associated?

23 A Those two are associated.

24 Q Why were you concerned about the french drain and
25 contamination? Did you feel that there should be some more

1 protective measures to trap the contamination?

2 A I felt that something further should have been
3 done, it should have been looked at, assessed, or at least
4 for him to be aware of the situation. I wanted him to be
5 aware that that situation existed there in that pit area.

6 Q When you say aware, do you mean aware that the
7 water in this pit is contaminated with uranium?

8 A I'm not sure I had a good knowledge at that time
9 because I had not been privy to these analyses, but I knew
10 that there was discolored liquid coming into the excavation
11 and that concerned me.

12 Q Okay, let's back up just a little so we can make
13 sure we're right. Now you say you weren't privy to these
14 analyses, but earlier you indicated you might have seen one
15 laboratory analysis.

16 A Yes.

17 Q Would that -- even though we don't know the
18 specific value --

19 A It would indicate that yes, there is some level of
20 contamination, yes.

21 Q It was enough -- whatever the laboratory report you
22 possibly could have seen, it was enough to say the water is
23 contaminated?

24 A Yes.

25 Q So when you went in the meeting with Mr. Mestepey,

1 you had a pretty firm thought in your mind that the water has
2 uranium contamination in it.

3 A Yes, and I had a firm impression in my mind that he
4 was aware of the contamination. As far as specific analysis
5 and that being discussed, no, I don't know of that.

6 Q But when you went in the meeting, you felt like he
7 already knew it was contaminated --

8 A Yes, I did.

9 Q -- or when you left -- prior to you going in, you
10 felt he --

11 A Yes.

12 Q What makes you have that belief? Did he bring
13 something up to you in that regard?

14 A We had had conversations on uranium content and I
15 don't recall if it was prior to this or shortly after,
16 because that time span was so packed and all, but analysis
17 had been done and he may have been referring to Mr. Kiehn's
18 analysis back on the first when he conducted those, and it
19 was showing like .02 grams per liter. Now whether he was
20 aware of that -- I remember the number two. It could be the
21 .02 grams or it could have been the one on the fourth that
22 was a 2.06.

23 MR. SHAPIRO: I'm never entirely sure of the
24 attendance list at that senior staff meeting even though
25 you've made your best effort to figure it out.

1 MR. CHAPMAN: No, we're now speaking of the private
2 meeting between Carol and Mr. Mesterey in the afternoon of
3 the 7th, not the senior staff meeting.

4 MR. SHAPIRO: No, no, I understand. What I was
5 just going to suggest is that the senior staff meeting
6 preceded that, and we know there was discussion of the
7 contamination in some way at that meeting. Carol wasn't
8 there, but Mestepey may have been there or may have heard
9 about it.

10 MR. CHAPMAN: That's right, and that's what I was
11 trying to glean from her, is what she sort of bases her
12 belief on that he already had a knowledge that there was
13 contamination. Basically you don't know what his reasons
14 were --

15 THE WITNESS: No, I don't.

16 MR. CHAPMAN: -- but I was trying to understand why
17 you felt when you went into the meeting that he knew that
18 water was contaminated. So the fact is we don't know how he
19 knows it, but you are of a firm opinion he did know there was
20 some contamination.

21 THE WITNESS: Yes, I did.

22 BY MR. CHAPMAN:

23 Q And I understand, as we've discussed earlier, that
24 you don't remember ever discussing specific values, pulling
25 out specific laboratory reports or anything like that.

1 A No.

2 Q But you did make it very clear to him, from what I
3 understand of our previous conversations, that that water is
4 contaminated and further it is contaminated with uranium.

5 A Yes.

6 Q Particles or whatever the uranium looks like.

7 A It was yellow in color and then there was some
8 other discolored liquids with it.

9 Q And of concern to you was two factors; (a) you
10 didn't feel the french drain was being placed properly to
11 take care of pressure release that's going to happen around
12 this vault because, as I understand, one of the reasons for
13 the french drain, principal reason, was to relieve hydraulic
14 pressure that could literally float the vault out to the
15 surface.

16 A Right.

17 Q That was part of your concern. The second prong of
18 your concern was that you felt before they went in there and
19 started installing a french drain, there needs to be more
20 analysis made, more studies done on what the water that
21 appears to be contaminated is -- correct or incorrect? I
22 thought you indicated a little earlier that you were also
23 concerned about the contaminated water, you felt there ought
24 to be some studies made of the water.

25 A I'm not sure about that, but I think that the

1 project should have been looked at at that point because
2 there is water moving into it. Now what studies that should
3 have involved -- locating the source of that water or that
4 something further should have been -- and I wanted to make
5 Mr. Mestepey aware that there was water coming into that and
6 to be sure that that was dealt with appropriately and he told
7 me the french drain will take care of it, don't worry.

8 Q Was it an understanding of yours that Mr. Mestepey
9 was also saying if there's any contamination in that water,
10 we're going to recapture it, don't worry about it, we have a
11 method of taking care of any contaminated water, possibly
12 through reprocessing?

13 A Yes, he said that you can analyze it and either
14 discharge it to the north ditch or take it back to the
15 process, and I told him at that time, I said well you might
16 as well just plan on taking it back to the process.

17 Q So you felt strongly enough that there was enough
18 contamination that it wasn't gong to be able to be discharged
19 to the north ditch.

20 A Yes, I did.

21 Q This meeting takes place on the 7th.

22 A Yes.

23 Q We assume somewhere after lunch. The contractors
24 are down in that pit at this point working and they are in
25 contact with this water. Did you express any concerns to Mr.

1 Mestepey about perhaps the safety of people being around this
2 water?

3 A No, I did not.

4 Q Did it occur to you or did you have any concerns
5 yourself about perhaps some safety personnel down in there?

6 A It didn't occur to me, it's an area that I don't
7 work with. I was not concerned for myself when I was in
8 there because they were ventilating the hole, they were doing
9 checks for the explosometers and working with it and they had
10 lifelines on people down in there with safety belts. So no,
11 there were people available to address those issues and it
12 wasn't my area.

13 Q What protective equipment did you wear when you
14 went down in there?

15 A I had to have a belt on.

16 Q Safety belt?

17 A Safety belt. I always wear boots, it's just --

18 Q Leather, rubber?

19 A Rubber boots. But if I go out into the facility at
20 all, I've always got those on because they're steel toed,
21 you're required to have steel toed, is one of the primary
22 reasons, and so I had my boots on.

23 Q Steel toed rubber boots you're saying?

24 A I believe so, uh-huh.

25 Q I guess what I'm trying to understand a little bit

1 here is was that of your own initiative you put these items
2 on, particularly the rubber boots?

3 A No, I have to have steel toed boots on and my
4 normal dress boots are not steel toed.

5 Q It wasn't of any -- that you did this because of
6 your understanding of the regulations or the requirements --

7 A The requirement for steel toed boots.

8 Q When you went in the pit, the Health and Safety
9 personnel didn't stop you and say before you enter that pit
10 you must have on rubber boots, rubber gloves, et cetera, et
11 cetera, et cetera?

12 A No.

13 Q Just safety requirements are a safety belt and of
14 course the standard requirements of smocks --

15 A And eye glasses, hard hat, that type of thing.

16 Q Did anyone, prior to you entering the excavated
17 area on the 7th or the 6th even, did any of the safety
18 personnel around there express to you a concern that they
19 felt there could be some contamination in that water?

20 A Express a concern? No.

21 Q As you were entering or leaving any of those areas,
22 do you recall ever making mention to anyone in general
23 conversation that I think there's some contaminated water in
24 here?

25 A No, I don't remember specifics to that effect.

1 Q And to follow up on that, you don't recall anyone
2 ever specifically asking you of your perception of what's in
3 that water, during this period of time that you were testing?

4 A If they had, I would have told them that I
5 perceived it as containing uranium materials.

6 Q Now to follow up a little bit on these laboratory
7 analyses, it's my understanding that you were on site all the
8 way up to the reporting of this, these issues to the NRC,
9 with the exception of August 14 when you took a day or
10 vacation or were off site for a day.

11 A I had a meeting with Oklahoma Water Resources Board
12 on the 14th.

13 Q And then on the 16th and the 17th, you were on
14 vacation.

15 A That's correct.

16 Q The 18th and 19th is a weekend.

17 A That's correct.

18 Q And your first return to the facility was on the
19 20th.

20 A Yes.

21 Q Okay. I'd like -- now that we've established the
22 date, I want to back up a little bit and your comment to me a
23 little earlier, Ms. Couch, was that on the 4th, 6th and 7th,
24 your primary motivator in being around there was because of
25 the responsibility of taking these samples, but also

1 curiosity drove you to take some samples of this water.

2 A That's correct.

3 Q Of course, I've asked you earlier, when you came
4 back earlier on the 6th, curiosity being as strong as it is,
5 why you wouldn't be real concerned and look up perhaps the
6 previous laboratory analysis specifically of the 4th and now
7 you've indicated you may have. I think you said "I may have
8 seen that August 4 laboratory report."

9 A I may have, I don't recall. There had been a
10 fertilizer truck that had overturned on the 5th, I was out on
11 Sunday working that, so I had follow up to do on that. Just
12 the routine work, trying to get scheduled for pulling these
13 soil samples and my other routine work, and my schedule was
14 very stressed.

15 Q In our previous conversations, you've indicated
16 that to the best of your belief and understanding, that you
17 really didn't know these specific values until sometime
18 around the week of the 20th.

19 A That's correct.

20 Q Do you recall if perhaps you saw these on the 20th
21 upon your return or what required you all of a sudden to be
22 concerned with these specific values?

23 A When I returned on the 20th, there was a meeting
24 that was held to discuss placement of backfill around the
25 french drain system, and at that meeting the comment was made

1 -- and also I was advised that Mr. Lacey and Mr. Nichols had
2 been looking for those analyses. My staff informed me of
3 that. We couldn't locate them. In that meeting on the 20th,
4 Mike Chilton -- I asked him if he would please send me a copy
5 of all those analyses. I didn't receive those from him until
6 the 23rd.

7 MR. SHAPIRO: You skipped one. I'm just curious
8 how it was that you knew he had the copies.

9 MR. CHAPMAN: You mentioned a meeting too, which
10 meeting are you talking about?

11 THE WITNESS: One at a time here.

12 BY MR. CHAPMAN:

13 Q Let me ask my question first and it may bear on
14 Ira's.

15 A Okay.

16 Q You said that upon your return, there was a
17 meeting, and I assume the meeting was the one you're
18 referencing on the contaminated material.

19 A Yes.

20 Q And that occurred in the morning or the afternoon.
21 Mr. Mestepey returned to the facility -- was it in a meeting
22 that Mr. Mestepey had called?

23 A Yes, it was in the afternoon, I believe.

24 Q And that's when you were privy to --

25 A I asked Chilton for a copy of them. Now there had

1 been discussions about the higher levels, that they had been
2 looking for those analyses on the 17th or 18th, and who
3 specifically informed me of that, I don't remember if it was
4 Mike. My staff, I'm sure probably Marilyn had come in and
5 told me that they had been over rummaging in my desk.

6 Q And you probably naturally asked somebody well what
7 are they looking for.

8 A Yes.

9 Q And at that point someone probably commented to
10 you, they're looking for your laboratory analysis of the
11 water samples you took.

12 A Yes, and we looked for them at that time and did
13 not have them. When I saw Chilton in this meeting, I asked
14 him to send me a copy of those.

15 Q How did you know to ask Chilton for these copies?

16 A The comment had been made, and I don't remember if
17 it was Mike that informed me or Lee or a member of my staff,
18 that Chilton had a copy of all the results, and that's where
19 they had seen high numbers on these samples.

20 Q And are you pretty certain, Ms. C. J. [redacted], that prior
21 to Chilton furnishing you these copies, you had not received
22 these laboratory samples or at least, to your knowledge
23 whether or not you had received them, you had not seen them,
24 the exact results of these laboratory analyses?

25 A I had not received and I had not seen them.

1 Q Are you sure you had not received them in your
2 office? I'm not trying to play tricks with you, but I want
3 to make sure before you say I know I haven't received them,
4 is it possible they were received in your office and you just
5 didn't have a chance to see them?

6 A We have never found them. I have looked, my staff
7 have looked. Normally when analyses come in, they're placed
8 in my in basket, and no.

9 Q So you feel certain you never received them?

10 A I feel certain they did not make it to my office.

11 Q Do you feel like you want to qualify that to some
12 degree, the one on the fourth, to make sure that it doesn't
13 conflict with the thought that you might have seen one
14 laboratory report?

15 A My staff informs me, and I recall, that there was
16 one analysis that came through. Now my staff does not --
17 there was one analysis in the folder that I was maintaining,
18 they do not recall which sample it was, but they said yes,
19 when they went through, there was one sample result in there.
20 And they do not recall and I do not recall specifically which
21 one that was. It's very possible it was the one on the 4th.

22 Q Okay. And to tie this in a little bit with the
23 meeting you had with Mr. Mestepey, you didn't bring that
24 value up even if you had known it at the time?

25 A No, I did not.

1 MR. CHAPMAN: Let's go off the record for a minute.

2 (A short recess was taken.)

3 MR. CHAPMAN: We've been off the record for a
4 little while here, so that we could all go to the restroom,
5 get a drink of water. We're now back on the record and the
6 interview time is 12:24 p.m.

7 BY MR. CHAPMAN:

8 Q Ms. Couch, right before we broke, you indicated
9 that subsequent to all of this investigation, there had been
10 some belief by your staff that you possibly had seen one
11 laboratory result and that possibly this laboratory result
12 could have been the 4th, but we're uncertain, correct?

13 A That's correct.

14 Q Let's talk just for a moment about a visit that was
15 made on August 6 by a couple of NRC inspectors. If I have my
16 information correct, Mr. Blair Spitzberg and a Mr. Mike
17 Vazquez. Were you involved in these two gentlemen's entrance
18 meeting at the facility?

19 A Yes, I was.

20 Q Do you recall if during the -- I assume that's what
21 the proper term is, entrance meeting -- was there a somewhat
22 overview given to these two individuals as to what is kind of
23 happening or going on in the facility, and if there was, was
24 the excavation brought up at that time?

25 A Jim Mestepey did an overview for the activities

1 that were going on in the facility, and at that time he
2 talked about the excavation and its relevance to the
3 underground storage tank regulation and he requested that I
4 go out to the excavation with Mr. Spitzberg and Mr. Vazquez
5 and explain to them because they didn't have knowledge of
6 underground storage tank regulations, what was going on in
7 relation to that.

8 Q As you were present in this meeting, did you have
9 any input into the meeting?

10 A Very little. Mainly you are at those as an
11 observer unless there's something specific that they're going
12 to look at in your area and they have specific questions.

13 Q Of concern to me in this particular meeting with
14 your prior discussions with the OWRB and particularly Ms.
15 Robertson, where there was some discussion of the fact that
16 the dump tank was under the NRC's jurisdiction, was this
17 information provided to either one of these two inspectors,
18 that there had been some delineation of responsibilities
19 known to you, perhaps to Sequoyah Fuels?

20 A I don't recall.

21 Q Did you yourself bring up any of that information,
22 to your recollection?

23 A May have on a field visit in stating to them that
24 EPA had specific interest in only the hexane tank, but I do
25 not recall.

1 Q Do you recall if Mr. Mestepey -- scratch that and
2 let me back up -- prior to these two gentlemen's visit, was
3 there an understanding with you and the operations people,
4 either Mr. Mestepey, Mr. Kiehn or Mr. Fryer of delineation of
5 responsibility here between the two tanks?

6 A Yes.

7 Q Do you think Mr. Mestepey was well aware of the
8 fact that the solvent dump tank was more or less under the
9 NRC's jurisdiction versus EPA?

10 A Yes.

11 Q Do you recall if he discussed this or mentioned it
12 to either one of these two inspectors during his entrance
13 meeting?

14 A I don't recall.

15 Q And you don't recall if the subject was ever
16 specifically broached during that meeting?

17 A Not specifically, no.

18 Q Now if you were designated the responsibility of
19 sort of being the escort of these two individuals, were both
20 Mr. Spitzberg and Mr. Vazquez with you as you I assume sort
21 of toured this excavated area?

22 A Yes.

23 Q Was there other folks with you at that time?

24 A Ken Simeroth was with us. Mr. Mestepey was with
25 us but he had stepped away for some other reason. They were

1 continuing on to look at some DUF-4 issues which had evolved
2 and they were going to visit this site and then go on for a
3 plant tour and on up to the DUF-4 plant. So they visited the
4 storage tank site first so that I could discuss regulations
5 with them there and then go on about my business.

6 Q Do you recall at that date on the 6th, the
7 approximate -- how far the digging had approximately gone?
8 Were the tanks completely unearthed at that point?

9 A I don't recall. There should have been a fair
10 amount of excavation because the next day we pulled the
11 soils, but specifically, no, I don't. But there should have
12 been a fair amount of excavation.

13 Q Well in light of you taking samples on the 4th,
14 somebody down in the pit, they were pretty far -- it would be
15 a pretty fair assumption that they had pretty well unearthed
16 these things because water was already starting to
17 accumulate, in order for you to take an August 4 sample,
18 right?

19 A Well they started excavation at the front and
20 worked back because of the track hole starting at the north
21 wall of the SX building and working back. So there would
22 have been a fair amount of excavation t here. They had also
23 hit the sewer pipe on the 4th, so there was a fair amount of
24 excavation also on the north end of the excavation. So there
25 was a fair amount done by that time.

1 Q When Mr. Spitzberg and Mr. Vazquez were coming out
2 to the SX area, so that I'm understanding this correctly, at
3 that point there was you, the two NRC inspectors, Ken
4 Simeroth. Was Jim Mestepey also with you at that point?

5 A He was with us at that point, yes.

6 Q Of concern to the NRC to some degree is the fact
7 that Blair Spitzberg was standing at the edge of the
8 excavation -- do you know whereabouts he was standing, which
9 side of the pit?

10 A It would have been at the -- looking at the pit, at
11 the northeast side of it. Mr. Vazquez walked over and I
12 don't recall if Blair walked over with him or not, to the
13 north side and looked down into the excavation.

14 Q Was it at this point that Mr. Spitzberg asked
15 either formally or informally does anyone know -- well let me
16 back up -- do you recall him asking either formally or
17 informally, Mr. Spitzberg, does anyone know what's in the
18 water?

19 A Mr. Spitzberg looked at the water that was
20 accumulated in the base of the excavation and with a grin on
21 his face said "what do you suppose is in there" and then
22 proceeded on.

23 Q That's paraphrased?

24 A Yes.

25 Q And then proceeded on?

1 A Yes.

2 Q How long between the time he asked that question --
3 well let me back up, I'm sorry. When he asked that
4 question, who was present as far as Sequoyah Fuels personnel?

5 A Myself and Ken Simeroth I believe were standing
6 nearby and Mike Vazquez was there.

7 Q Do you believe Mr. Mestepey had already vacated the
8 adjacent area?

9 A He wasn't in our immediate group at that time. I
10 think that he was in the general area but not -- and there
11 was a lot of activity going on, so he wasn't standing in our
12 little group.

13 Q Did you answer Mr. Spitzberg when he asked that
14 question?

15 A Yes, I gave him a very flippant reply, I did not
16 answer him direct, it was not asked as a serious question.

17 Q Did you feel like he didn't really want to know or
18 he was just passing a conversation or did you just decide you
19 didn't want to answer the question?

20 A No, I felt it was just passing conversation and I
21 felt if he wanted a specific answer, it would be addressed
22 formally.

23 Q Well some previous conversations we've had and some
24 previous conversations you've had I assume with some of the
25 inspection staff, was you've indicated that you felt that

1 senior representatives were present, and had an answer been
2 wanted to be given to that question, senior management should
3 have addressed it. And yet, you're kind of indicating here
4 to me that senior management wasn't in the proximity of the
5 area.

6 A Senior management was there for the entrance
7 meeting that was conducted when we first began to discuss the
8 excavation. At that time, I felt senior management, Mr.
9 Mestepey, was well aware of the contamination in the pit.
10 That's my perception. He did not discuss that. My
11 perception was it should have been discussed upon entrance.

12 Q Okay, so --

13 A And it was not. And it was not addressed to me as
14 a question.

15 Q During the entrance meeting, you mean?

16 A No, out at the site.

17 Q Did Blair Spitzberg address it to anyone in
18 particular that you know of, a question of what's in the
19 water?

20 A No, he just kind of looked up -- he'd been looking
21 in the pit and he kind of looked up and grinned and said
22 "what do you suppose is in there".

23 Q But he didn't pursue it?

24 A He did not pursue it.

25 Q And neither --

1 A Neither did Mr. Vazquez.

2 Q And neither --

3 MR. SHAPIRO: Could I just inject one thing?

4 MR. CHAPMAN: Sure.

5 MR. SHAPIRO: Is this the morning of the 6th
6 basically?

7 THE WITNESS: No, this was in the afternoon.

8 MR. SHAPIRO: Okay, because I'm a little -- I mean
9 I could understand how a lot of people understood a lot of
10 things by the 7th in the staff meeting and everything. I'm
11 just curious as to whether you can assume the same level of
12 knowledge on the 6th.

13 MR. CHAPMAN: Well I think it's well established
14 that prior to even beginning the excavation, that it was
15 going to be -- had been discussed in prior planning meetings.
16 We now have indications of some sandwell testing being done,
17 that there was going to be some form of contamination in that
18 area. And I think it would be a reasonable assumption that
19 if you discover water, that there needs to be something done
20 with that water to ensure what is in it. And I think the
21 NRC's concern here a little bit is the fact that his question
22 was somewhat flippant as well, but they felt like there was a
23 responsibility on Sequoyah Fuels to make that information
24 known if they had it. And that's why I was trying to
25 understand his exact persistence of his question.

1 THE WITNESS: He didn't have a persistence with it,
2 it was just a very -- it was more of a remark than a
3 question.

4 BY MR. CHAPMAN:

5 Q Do you feel that Mr. Mestepey, if he was in the
6 area, heard the question at that time?

7 A No, I doubt that he did.

8 Q Okay, so we can sort of clarify the record, we've
9 had a little understanding that your deferral to senior
10 management was not necessarily standing there looking at the
11 site, your deferral to senior management was at the entrance
12 meeting.

13 A Yes, that's correct.

14 Q It's my understanding that after he had had a
15 little tour of the excavation area, he went on to do some
16 duties.

17 A That's correct.

18 Q Also I understand from previous conversations with
19 you, Ms. Couch, that you stopped by Mr. Lacey's office and
20 made some sort of a general comment about Blair asking about
21 the contaminated -- the water that's down in the excavation,
22 is that correct?

23 A I don't know if it was that specific day, but I did
24 relate to Lee that Blair had addressed that question to me.
25 Now I don't -- at this point, I don't recall if it was that

1 specific day, but it was shortly thereafter -- if not that
2 day, shortly thereafter, I did relay to Mr. Lacey that Blair
3 had asked the question.

4 Q Did Mr. Lacey have a response to you? For the
5 record, so that you know what I'm asking, our previous
6 conversations, you've also kind of indicated that Mr. Lacey
7 made some general comments in the context of "if Blair asked
8 that question, he's very likely to seek a response to it
9 somewhere later".

10 A Yes.

11 Q Would that be a correct assessment?

12 A Yes, that was a general paraphrase expression.
13 Blair is a very astute inspector.

14 Q Did Mr. Lacey, to your knowledge at that time, quiz
15 you to any degree as to what your beliefs of the water was or
16 if you had any specific knowledge?

17 A No.

18 Q Did he indicate to you at that time that he was
19 even interested in what the water had -- Mr. Lacey -- what
20 the water contained in it?

21 A I don't recall our conversation going on any
22 further.

23 Q To your recollection, while you were working with
24 Mr. Lacey previous -- prior to being transferred in May, had
25 you had much dealings with the NRC inspection staff?

1 A No, unless they wanted to look at something
2 specific. The fertilizer program, the monitor well
3 situation, surface waters, if they wanted to look at the
4 environmental soils and vegetations, that was whenever I
5 would interface with them.

6 Q But from our previous conversation we've had today
7 also, since this is not your area of expertise, the
8 restricted area, Mr. Lacey at that time, or Mr. Nichols,
9 would be the responsible party to address these concerns?

10 A Yes, I do not interact with the NRC unless it is a
11 specific area of mine, prior to August.

12 Q Right. Now were you present during an exit meeting
13 that week with NRC?

14 A Do you have the meeting list?

15 Q No, because as I understand, the NRC has not yet
16 issued an inspection report for that week.

17 A I very probably was because they spent a great deal
18 of time looking into the radium analysis on the ammonia
19 nitrate solution.

20 MR. SHAPIRO: (Laughter) Glad to hear about that
21 issue.

22 THE WITNESS: yes.

23 BY MR. CHAPMAN:

24 Q If you think you were, and if you wish to look
25 later and correct the record if you weren't, feel free to do

1 so -- do you recall any further discussion by the NRC
2 inspectors or the senior staff -- or the staff in general
3 about the water content?

4 A No.

5 Q As far as you were concerned, as far as you
6 understand, once you gave a brief overview to the inspectors,
7 you had no more contact with those individuals in reference
8 to this?

9 A In reference to this, no. And I did spend a great
10 deal of time with them on radium analysis. If it would have
11 been an issue they wanted some further explanation, I'm sure
12 they would have addressed it to me then.

13 Q I think we discussed a few minutes ago and I want
14 to make sure we covered it, if we have already covered it for
15 the record. We discussed the fact that in 1988, some soil
16 samples were taken here by the NRC in response to an
17 allegation of some improper disposal of some solid waste.
18 Some results were returned that indicates that there were
19 some elevated levels of uranium out in the SX area. I think
20 we've already established for the record also that you were
21 not privy to those soil samples, nor were you privy to the
22 results of those soil samples and until today me showing
23 these to you, you had not had the benefit of seeing these.

24 A That's correct.

25 Q And just so that we understand which ones we're

1 talking about on the record here, these are soil samples done
2 by the Oak Ridge National Laboratory dated September 19,
3 1988, and also I want to make available a copy of these for
4 you.

5 A Yes.

6 Q That you can have for your files. But you did not
7 have prior knowledge of these samples. Would you also not be
8 involved in any cleanup activity of spills inside the
9 restricted area? And I make that question in reference to
10 the fact that back in 1989, the solvent dump tank overflowed.
11 You would not be involved in cleanup activity or sampling of
12 this type?

13 A No, I would not.

14 Q Would, as a matter of information, you be privy to
15 any samples that were taken in there in your job as
16 environmental manager, routinely?

17 A Not in the SX yard. Now there have been some
18 instances in some other areas where there's been potential to
19 impact some of my environmental sampling locations. Those
20 type of things, yes, it's possible I could be privy to those
21 instances, but not anything relating to the SX.

22 Q One other area I need to explore before we end this
23 interview is, as you may or may not be aware, the NRC issued
24 some form of a demand for information back prior to the end
25 of last year, and on November 5, the Sequoyah Fuels

1 Corporation responded to this demand for information, and in
2 particular they responded in a written format called
3 "Response of Sequoyah Fuels Corporation to the Nuclear
4 Regulatory Commission's November 5 Demand for Information".

5 MR. SHAPIRO: I think for the record, the NRC
6 demand was the 5th and I think our response was the 20th.

7 MR. CHAPMAN: All right, you're right, that's
8 right, the response was the 20th.

9 BY MR. CHAPMAN:

10 Q And of concern to me and some questions I asked Mr.
11 Graves are some information in this response, and he has
12 indicated to me that you were the provider of some of the
13 information that went in here. And I need to cover a couple
14 or three areas in here with you.

15 The first area that they indicated that you
16 responded to occurred on page 6 of this response, paragraph
17 two, and I'll read it for the record here. There's a comment
18 made on this page that discolored water was first noticed in
19 the excavation pit on August 4 and tests were ordered at that
20 time. Test results came back on August 7 showing an elevated
21 uranium level of 2.06 grams per liter. This level is above
22 the restricted area MPC of 1.5 grams per liter and
23 significantly above Sequoyah's environmental action level for
24 water of 225 micrograms per liter. The statement says
25 additional tests were ordered and took place on the 6th and

1 7th.

2 Of course, one of my questions was how do you take
3 an additional test on the 6th when you don't have the results
4 back until the 7th. Just for the record so we have a clear
5 understanding here, you did -- they indicated that you
6 provided this information, but you didn't take additional
7 tests on the 6th in response to a report you got on the 7th.
8 We've covered the fact that you were taking these as you were
9 out in the area.

10 A That's correct, yes.

11 Q Sec. 100, it's not attributed to you that
12 discolored water was first noticed in the excavation pit on
13 August 4 -- that's not a statement of yours.

14 A No.

15 Q We've well established that the original tests were
16 done on the 4th and subsequent tests were done out of
17 curiosity and some out of your concern for making sure you
18 meet your deadlines.

19 On page 8 of this same response, paragraph one,
20 there is a statement in here that on that basis a decision
21 was properly made to formulate a plan to initially assess the
22 extent of migration, if any, and confer with Reau Graves,
23 President of Sequoyah when he returned from vacation on the
24 21st. Consistent with that decision, a drilling rig was
25 located and began the investigation and the situation was

1 communicated to the NRC on August 22, along with a brief
2 description of Sequoyah's plan initial assessments.

3 What I'm trying to understand here in response to
4 this is, when and what was the decision made to properly
5 formulate a plan? They indicated that -- if you read this,
6 it indicates that prior to Mr. Graves' return, some plan was
7 devised to get drilling rigs on the site. Is that correct or
8 incorrect?

9 A On the --

10 MR. SHAPIRO: Let me note, I don't think she was
11 there on the 17th.

12 THE WITNESS: No.

13 MR. CHAPMAN: I understand, Ira. I'm trying to
14 understand what decision was made and my indications are that
15 you provided the information that went into this response.
16 So I want to give you an opportunity to either clarify the
17 record or tell me who I need to see to clarify this record.

18 THE WITNESS: My involvement on that -- on the
19 21st, I had a hydrogeologist that contacted me just by
20 chance. We had been talking --

21 BY MR. CHAPMAN:

22 Q We?

23 A He and -- this consultant. We had been talking
24 previously about looking our monitor well situation and
25 upgrading it. And he called on the 21st as a follow up. He

1 had called me back in June or July and I told him, I said I'm
2 really busy right now, my schedule is such, I'm trying to get
3 ready for a vacation, if you would follow up in a month or
4 so. And he did. And at this time I told him, I said well
5 we're not ready to start on that project, but we may have
6 another project coming up that we'll need some input. So I
7 began laying some groundwork there and I acquired of him his
8 fees, what he charged per hour.

9 On the 22nd, I was able to locate a drill rig. Now
10 I had called other firms, both in Arkansas, I called some
11 consultants we work with over there -- I called Winnick
12 Drilling out of Tulsa about getting a rig in to do some soil
13 assessment in the SX yard.

14 Q Okay, Ms. Couch, also if you read this in context -
15 - I realize I've taken a couple of sentences out -- if you
16 read this in full context, it indicates that these test
17 results that you and I have discussed on the 6th and 7th
18 which showed the ranges of between one and eight grams per
19 liter --

20 A Uh-huh.

21 Q -- were not immediately disseminated within
22 Sequoyah Fuels and not fully discussed by senior management
23 until August 17. Then it says management reached the
24 conclusion that the results warranted informing NRC, but they
25 did not require reporting under 10 CFR 20.403.

1 And now we come to the point which I was
2 questioning. It says on that basis, a decision was properly
3 made to formulate a plan to initially assess the extent of
4 migration, if any, and to confer with Reau Graves. What I
5 understand you're telling me is your location of these
6 drilling rigs and this decision are two separate issues. You
7 were not a party to this plan or meeting where they
8 formulated a decision to test the migration, or you were?

9 A I was not privy to the meeting when they decided to
10 notify NRC. Shortly after that, Mr. Lacey called me to his
11 office and told me we needed to formulate a plan. He said
12 what do we need to do. And I told him I would suggest we
13 start with a soil assessment of the yard area to determine
14 migration of the uranium. And so he instructed me to get a
15 drill rig located so we could proceed with that work.

16 Q Okay, so that's what is consistent with the
17 decision.

18 A Yes.

19 Q Is your meeting with Lee Lacey.

20 A Uh-huh. Now I couldn't find a drill rig that would
21 go in and pull a full core. The companies that I talked to
22 said that their drilling equipment was tied up from two to
23 three weeks. The lady with Winnick Drilling Company in
24 Tulsa, when I told her I needed one by Monday, she laughed at
25 me, she literally laughed at me. But I was able to secure a

1 rig that would allow us to pull soil.

2 MR. SHAPIRO: Can I go back to one point? Mr.
3 Chapman has raised with me the question of the statement that
4 discolored water was first noticed in the excavation pit on
5 August 4, and I told him that essentially I wrote this thing
6 based on a number of -- I mean it was essentially a narrative
7 I wrote based on the information as I understood it.

8 THE WITNESS: Uh-huh.

9 MR. SHAPIRO: And if there was an error in that
10 data, it's my error. I do think -- my understanding is that
11 you first encountered the discolored water on the 4th.

12 THE WITNESS: On the 4th.

13 MR. SHAPIRO: Okay. So if someone else -- I mean,
14 if Bob Kiehn or someone else had seen it on the 1st or 2nd, I
15 basically wasn't aware -- I think that's where the date came
16 from.

17 MR. CHAPMAN: Okay, yes. And I expressed to you a
18 little bit earlier that I wanted to make sure there wasn't a
19 conflict between other people's testimony and this, and that
20 was the purpose behind this.

21 BY MR. CHAPMAN:

22 Q On page 17 of this response -- actually you can go
23 back to page 16 of this, and I'll read it for you for the
24 record -- there is a statement made that says "However, even
25 with the emphasis on the danger of hexane leak and the normal

1 industrial safety hazards, significant steps were taken to
2 prevent any kind of problem that could have resulted from
3 elevated levels of uranium." And it lists several things
4 that they feel took place, and one of the things that is
5 referenced as a method by which -- it was a preventive step
6 to make sure that elevated levels of uranium weren't there
7 was a statement "many soil samples were taken".

8 My question was, I wasn't aware of many soil
9 samples being taken, I was only aware of a few of them. And
10 I asked the question what soil samples were taken. And just
11 for the record, I'd like for you -- again for the record, you
12 were listed as the person who provided this information to me
13 by Mr. Graves, and I'd like for the record, for you to state
14 what soil samples were taken between the period of time the
15 excavation began on August 1 and up to its reportability on
16 August 22.

17 A I took a series of soil samples relative to the
18 hexane tank closure. Those were submitted on the 23rd of
19 August for analysis. On the --

20 Q When were the soil samples taken?

21 A The 7th.

22 Q The 7th, that's the ones we've discussed earlier.

23 A Yes. Also, the question came up about sampling the
24 walls of the excavation and I was requested by Mr. Nichols to
25 do that, so on the 23rd I took a series of soil samples from

1 the north wall of the SX building, which would have been the
2 south wall of the tank excavation.

3 Q And I think that we've already discussed a little
4 earlier, even though you took some soil samples on the 4th,
5 the results were not known -- I'm sorry, the 7th --

6 A The 7th.

7 Q -- the results were not known until the 23rd.

8 A They were not submitted for analysis until the
9 23rd.

10 Q So between the time you took those soil samples and
11 the time the results were known, there was no soil sample
12 data available for anyone at Sequoyah Fuels to review?

13 A Not to my knowledge. I was not a participant in
14 anything.

15 Q Are you aware of anyone else taking any soil
16 samples?

17 A No.

18 Q Are you familiar -- have you heard of anyone else
19 taking any?

20 A No, but I was not -- when I completed my sampling
21 on the 7th, I moved on to other projects to work on, so I was
22 not -- since there was no longer a tight time line for me, I
23 didn't have any involvement.

24 Q But I think you pretty well explained to me though,
25 you were the person in the project planning stages that was

1 designated to make sure soil samples were taken.

2 A Yes.

3 Q So to your knowledge and understanding, no other
4 persons were requested to be concerned with soil samples.

5 A Yes.

6 Q So we have no reason to think that other people
7 were out there behind you or beside you taking soil samples.

8 A There were no other curious people.

9 MR. CHAPMAN: Okay, I think that pretty well takes
10 care of the response of information.

11 BY MR. CHAPMAN:

12 Q Is there anything else or any information you
13 wanted to add for the record, something we've discussed
14 previous that you feel you want to clarify, that I didn't
15 bring up at this point?

16 A No. The only point that I have, as I expressed to
17 you here today, I had very limited involvement in the
18 project, specific guidelines to work under and the samples I
19 took were for documentation purposes. Environmental samples,
20 if you don't collect them at the time you were there, the you
21 lose those samples forever. And that's kind of the training
22 that you have, and going along with that training, it was
23 just natural to collect samples at that time.

24 MR. SHAPIRO: I guess we have covered this, but
25 just to sum up. Prior to the events of August 1990, how much

1 responsibility did you as senior management in environmental
2 have for radiological issues?

3 THE WITNESS: Little or none, very little
4 involvement. It had to be just a special case, they would
5 ask for some input -- and no authority.

6 MR. SHAPIRO: Little responsibility and no
7 authority. It's probably better to match up how much
8 responsibility and authority you have.

9 BY MR. CHAPMAN:

10 Q Ms. Couch, have I or any other NRC representative
11 threatened you in any manner or offered you any rewards in
12 return for this statement?

13 A No.

14 Q Have you given this statement freely and
15 voluntarily?

16 A Yes.

17 Q Is there anything further you care to add for the
18 record?

19 A No.

20 MR. CHAPMAN: I want to preface before we get off
21 the record here that should you go back and feel you want to
22 correct any dates or any information, if you will let me
23 know, I will afford you the opportunity to do so.

24 THE WITNESS: Will I be provided a copy of the
25 transcript?

1 MR. CHAPMAN: No.

2 THE WITNESS: Then how do I know if I need to
3 correct?

4 MR. CHAPMAN: You've been providing information off
5 of various records. If you feel something is incorrect, yo
6 may certainly ask me of the date and I will certainly tell
7 you what the record says, but as far as providing you with a
8 copy, no, ma'am, you don't get a copy of it.

9 THE WITNESS: Based upon the knowledge I have, the
10 records available to me and my recollection of the event,
11 I've provided those to you as truthfully as I recall them.

12 MR. CHAPMAN: Okay, noted. Anything else you wish
13 to add for the record?

14 THE WITNESS: No.

15 MR. CHAPMAN: This interview is closed, the time is
16 now 1:00 p.m.

17 (Whereupon, the interview was concluded at
18 1:00 p.m.)

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C E R T I F I C A T E

This is to certify that the attached proceedings before the
U. S. Nuclear Regulatory Commission in the matter of:

Name: Investigative interview of Carolyn Lynn Couch

Docket Number:

Place: Gore, Oklahoma

Date: Friday, March 1, 1991

were held as herein appears, and that this is the original
transcript thereof for the file of the United States Nuclear
Regulatory Commission taken stenographically by me and,
thereafter reduced to typewriting by me or under my
direction, and that the transcript is a true and accurate
record of the foregoing proceedings.

William L. Warren

William L. Warren
Official Reporter

Ann Riley & Associates