

ORIGINAL

OFFICIAL TRANSCRIPT OF PROCEEDINGS

Agency: U.S. Nuclear Regulatory Commission

Title: Investigative Interview Of:
Sam Fryer, Jr.
(Closed)

Docket No.

LOCATION: Gore, Oklahoma

DATE: Wednesday, February 21, 1991 PAGES: 1 - 48

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BEFORE THE
U. S. NUCLEAR REGULATORY COMMISSION

In the Matter of:)
INVESTIGATIVE INTERVIEW OF:)
SAM FRYER, JR.)
(CONFIDENTIAL))

Conference Room
Sequoyah Fuels
Gore, Oklahoma
Wednesday, February 27, 1991

The above-entitled matter convened for
INVESTIGATIVE INTERVIEW pursuant to notice at 2:40 p.m.

APPEARANCES:

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

LARRY CHAPMAN, Senior Investigator
ROBERT KIRSPEL, Investigator
Office of Investigations
U. S. Nuclear Regulatory Commission
Suite 1000, 611 Ryan Plaza
Arlington, Texas 76011

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On behalf of Sequoyah Fuels:

IRA S. SHAPIRO, Attorney

Winthrop, Stimson, Putnam & Roberts

1133 Connecticut Avenue, N.W.

Washington, D.C. 20036

P R O C E E D I N G S

1
2 MR. CHAPMAN: For the record, this is an interview
3 of Sam Fryer, Jr., who is employed by Sequoyah Fuels
4 Corporation, Gore, Oklahoma. The location of this interview
5 is the Sequoyah Fuels Facility, Gore, Oklahoma. The date is
6 February 27, 1991 and the time is 2:40 p.m.

7 Present at this interview in addition to Mr. Fryer
8 is Ira Shapiro, who is an attorney from the law firm of
9 Winthrop, Stimson, Putnam & Roberts, Washington, D.C. and is
10 representing Sequoyah Fuels Corporation. Also present at
11 this meeting representing the U.S. Nuclear Regulatory
12 Commission, Office of Investigations, is Larry Chapman and
13 Robert Kirspel.

14 Mr. Fryer, will you please stand and raise your
15 right hand?
16 Whereupon,

17 SAM FRYER, JR.

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

20 MR. CHAPMAN: Please be seated.

EXAMINATION

21 BY MR. CHAPMAN:

22 Q Mr. Fryer, we're here to discuss initially the
23 issue of the water that was located in the excavation area
24 north of the solvent extraction building, commonly referred
25

1 to around here and by us as really the SX pit, or the SX
2 water, as such.

3 I have spoken to you on a couple of occasions in
4 the past, most notably on October 12, 1990, at which time we
5 took a sworn testimony of you at that time. We'll be
6 discussing some of that in addition to some laboratory
7 reports and possibly some information that was relayed in
8 the response by Sequoyah Fuels to the NRC, the response
9 being dated sometime around November 20, 1990.

10 I'd like to first ask you, Mr. Fryer, if you could
11 give me a little bit of your formal background, please.

12 A Okay. I have a ([REDACTED])
13 ([REDACTED]) I have an ([REDACTED]) And
14 I'm a registered professional engineer in Oklahoma.

15 Q ([REDACTED])
16 [REDACTED]

17 A. [REDACTED]

18 Q How about your work background here with what is
19 now Sequoyah Fuels?

20 A I came to work for Kerr McGee in June of 1985 in
21 Oklahoma City and there was an accident in January of 1986
22 and I started coming out here, commuting and helping with
23 various aspects and studies and re-engineering of projects
24 related to that accident, and then I was transferred -- in
25 April, I was asked to be the temporary Engineering Manager

6/17/90 print

1 as they moved Jim Marler over to be Operations Manager. And
2 I think something like October of that year, I accepted the
3 position on a permanent basis.

4 Q That year being?

5 A 1986.

6 Q So you were employed by Kerr McGee for some period
7 of time prior to actually coming to work here?

8 A Uh-huh.

9 Q With Sequoyah Fuels Corporation.

10 A Well I was part of the corporate staff of Sequoyah
11 Fuels in Oklahoma City.

12 Q At that time, was it owned by Kerr McGee, this
13 facility?

14 A Yes.

15 Q And you transferred or came over with General
16 Atomics when they purchased this facility?

17 A No, I came in 1986. General Atomics purchased
18 this facility two years ago, wasn't it?

19 Q 1988.

20 A Okay.

21 Q And you became an employee of the General Atomics
22 family at that time, 1988?

23 A Well they bought the stock of Sequoyah Fuels, as I
24 understand it, and I worked for Sequoyah Fuels.

25 Q All right, sir. When we discussed and talked back

1 in October of 1990, October 12, we discussed a little bit
2 about the reason for the unearthing of those two tanks over
3 there, and that the primary reason it even came up was
4 because of recent EPA underground storage regulations.

5 Can you tell me when, approximately, you first got
6 involved with the project itself?

7 A We had known that we would have to comply and
8 actively started studying the project I would guess a year
9 previous to doing work on it.

10 Q Were you privy to or were you conversant with the
11 EPA regulations themselves, or were you getting your
12 information from -- exactly -- the context of the
13 regulations from someone else here the facility?

14 A I had a person working for me at the time, Keith
15 Kampman, that attended several seminars, or at least one
16 seminar, on -- conducted by the EPA on underground storage
17 tanks, and we were being kind of directed by Carol Couch as
18 far as -- she was watching what the regulations were and
19 asking that someone from my department start looking at
20 doing something with these tanks.

21 Q Would I be correct that in order to do the
22 engineering studies or drafts or data, whatever it be
23 phrased as, that you had to have some working knowledge of
24 what the EPA requirements were to be met, in order to design
25 the project?

1 A Yes.

2 Q In light of that, were you cognizant of the fact
3 that the Oklahoma Water Resources Board was the sort of
4 agent or on-the-ground operative for the EPA in ensuring
5 that their regulations were met, the EPA regulations were
6 met

7 A I don't think I knew that at the beginning of the
8 project, but certainly towards the end of the project I knew
9 that.

10 Q Did you ever attend any meetings yourself with
11 either the Oklahoma Water Resources Board or the Oklahoma
12 Corporation Commission and/or any EPA representatives?

13 A No.

14 Q So your information as to the totality of these
15 regulations would come through Carolyn Couch?

16 A Yes. Although I had one person that attended an
17 EPA seminar, Keith Kampman, who had the project initially
18 and then subsequently left our employment.

19 Q At any time prior to the beginning of this
20 excavation or project, if you wish to call it that, did Ms.
21 Couch or did anyone at Sequoyah Fuels indicate to you that
22 there had been an understanding from the Oklahoma Water
23 Resources Board that those two tanks had multi-jurisdiction?
24 That is, that the hexane tank was governed by EPA
25 regulations while the solvent dump tank was considered NRC

1 jurisdiction?

2 A Would you restate the question again?

3 Q All right, sir. Basically as I understand it from
4 talking myself to some of the state personnel, those tanks
5 out there, the two of them -- the one that contained hexane
6 was under the EPA's jurisdiction. The one that contained
7 the -- I guess it's the uranium dump tank or the solvent
8 dump tank -- which has some form of processing out of the
9 solvent extraction building, was under the NRC's
10 jurisdiction. Were you aware that there was a delineation
11 and a difference between the jurisdiction?

12 A I think I probably learned that shortly before we
13 started the project.

14 Q That there was a fine line drawn as far as the
15 governmental agencies are concerned as to who would be
16 concerned --

17 A Yes, but we had -- well it would have been very
18 close to the start of the project and we still wanted to get
19 both tanks excavated.

20 Q From whom did you learn that there was a
21 difference between the two tanks?

22 A It would have been Carol Couch.

23 Q Did anyone on the operations staff, particularly
24 Mr. Mestepey, James Mestepey, or any operational people
25 including Bob Kiehn, express this separation of jurisdiction

1 to you prior to excavation?

2 A No -- or not that I remember.

3 Q Once you learned that there was some form of
4 delineation of authority, do you recall any meetings,
5 preplanning meetings, where this was an issue of discussion?

6 A No. It may have been -- we had a project review
7 meeting when we got the final engineering drawings and it
8 may have come up at that time but I don't remember it.

9 Q As far as you're concerned, it would have had no
10 bearing on the project anyway?

11 A Well yes, it would. We were doing it to meet
12 regulations, and if we didn't have to meet regulations, why
13 do something. But I mean the whole focus of the project was
14 to meet the EPA regulations.

15 Q You made a comment awhile ago, if I can expand on
16 it a little bit, you probably had some prior knowledge
17 before beginning the actual project, of the difference
18 between the jurisdictions, even though they're side-by-side
19 stuck in that same general area. But there was a decision
20 made that if you're going to unearth one, it's probably --
21 from the standpoint of engineering or construction or
22 anything else, it's easier just to go do them both at the
23 same time -- would that be a correct characterization?

24 A I probably misstated that conclusion, because I'll
25 be honest, I don't remember that we ever separated the tanks

1 or the -- that there was a reason to treat one tank
2 differently than another tank.

3 Q Well you just kind of -- you said there wasn't any
4 reason to do something if a regulation didn't cover it, and
5 I kind of in my mind formulated that you were saying only
6 because EPA made us do it, did we have to do it and we just
7 therefore included the second tank as well.

8 MR. SHAPIRO: Just to clarify from my standpoint,
9 you're saying that each tank was under the jurisdiction of
10 the different agency; not that the EPA had jurisdiction over
11 both, but one of the tanks was also under the jurisdiction
12 of the NRC? It's not intended to be a trick question, this
13 is sort of a new issue from my standpoint.

14 MR. CHAPMAN: No -- right. As a matter of
15 information for Mr. Fryer and you as well, my discussions
16 with the Oklahoma Water Resources Board personnel is that
17 they informed Sequoyah Fuels personnel that the contents of
18 these tanks determine who the governmental regulatory agency
19 is, and in the context of the hexane tank -- one of them
20 being called that -- its contents are purely chemical I
21 guess, and therefore they come under the EPA. But the EPA
22 says because the solvent dump tank has some traces of I
23 guess radioactive uranium in it or something that flows
24 through it in the solvent, it is considered an NRC
25 jurisdictional matter and they're not concerned with it.

1 And that's what I was asking Mr. Fryer, if he
2 understood there was some sort of delineation.

3 THE WITNESS: Yeah. I honestly don't remember
4 when I learned that. I can remember Carol calling OWRB
5 about the uranium in the water. It was not visible when
6 that representative was out here, and she subsequently
7 reported it to her I believe.

8 MR. CHAPMAN: I'll ask her.

9 THE WITNESS: And at that time, this person said
10 they weren't interested in uranium.

11 BY MR. CHAPMAN:

12 Q Part of our discussions we had earlier in October
13 and even earlier than that I talked to you, we discussed the
14 fact that when the project started out there, there was a
15 great concern for the hexane explosiveness and everyone was
16 focusing a lot of attention on the fact that there was that
17 danger. One of the questions you were asked was were you
18 somewhat surprised at finding contamination in the soil
19 around where those tanks were being excavated, and you
20 basically said it didn't come as a surprise.

21 Were you privy to any information or laboratory
22 results prior to the excavation which indicated that there
23 was contamination in the soil?

24 A No, none that I remember.

25 Q This knowledge that you weren't surprised that

1 there was contamination in the soil was a derivative of
2 what?

3 A Well we had an engineering project to put a valve
4 on a vent on the dump tank that was used to determine the
5 tank level and I think at that time I'd heard that it had
6 overflowed at one time at least, in the past, and I think
7 sometime during the discussion of these tanks, some of the
8 meetings, that it was mentioned that we'd had contamination
9 in that area.

10 Q Prior to the actual beginning of the project.

11 A Yes.

12 Q In light of the fact that there was somewhat not a
13 large surprise on your part that there was some
14 contamination, would you think that when water was
15 discovered down in the bottom of the excavation and it was
16 yellow in color or at least an off-blue, if you want to say
17 that, that that contamination could have permeated to that
18 level or that that water could have been the result of water
19 on the surface?

20 A Well as I -- you're asking me the same -- you
21 asked me that identical question before and I told you we
22 took a laboratory -- we suspected it and we took a lab
23 analysis of it.

24 Q Okay, that brings me to the laboratory analysis
25 that I think we're discussing which is July 31, is that what

1 you believe? That's the first time that water from the SX
2 yard was tested that we can determine. Do you think that's
3 the right date?

4 A No, I don't, because I show us in our chronology
5 here as starting uncovering the tanks on the first of
6 August.

7 Q Okay, so you think the water on July 31 was from
8 some other -- or do you know where this laboratory analysis
9 was --

10 A Can I ask who --

11 Q Barry Spyres.

12 A I don't know -- I can't tell you why this was
13 asked for or anything about it.

14 Q Since y'all were in charge of the project, would
15 y'all have been the department that would have made a
16 request that any water around there be sampled, concerning
17 that excavation?

18 A Well normally we don't -- we hadn't -- on the
19 31st, I have that we were still putting on blinds on the
20 hexane tank, that we had some leaks on the blinds and that
21 we couldn't start until ten o'clock on the 31st and then
22 they were breaking out the concrete curbed area over the
23 tanks and clearing gravel off the future spoils pile area
24 and the track hoe arrived, but we didn't start excavation
25 until the first. So again, I don't know what the background

1 behind that lab analysis was.

2 Q All right, sir. Do you think perhaps the one here
3 that's dated October -- August 1, would be the first one
4 that would be -- it has Bob Kiehn's -- I don't want to say
5 his signature on it, but it has information that he's the
6 requestor.

7 A Yeah, and that corresponds with my thing that we
8 started uncovering the tanks. He evidently saw some water
9 and had it analyzed.

10 Q And the results of the analysis are point --

11 A 02 --

12 Q -- 02.

13 A -- grams per liter.

14 Q Mr. Fryer, are you familiar with the release
15 limits of water, as far as what can be released to the
16 combination streams, unrestricted release?

17 A I can't quote you what they are, but I could go
18 look it up in a procedure. I'm familiar enough that I could
19 look it up in a procedure.

20 Q Okay, well let me ask you this then, sir; is there
21 a level that has been more or less understood by personnel
22 here, particularly you, of what can and cannot be released
23 off -- which has to be recaptured versus what can be put
24 into the north ditch or the combination stream?

25 A Well I would talk to Operations or to Health

1 Physics before doing anything with it.

2 Q As we discussed a little bit earlier in October,
3 you felt fairly comfortable that, as Mr. Kiehn got these lab
4 results, he shared them with you.

5 A Yes, that is correct.

6 Q Consequently I'm going to make a supposition here
7 that probably Mr. Kiehn shared this results with you as
8 well. Would you have made any commitment to Mr. Kiehn that
9 the water being seen at this time and tested, can be pumped
10 somewhere other than to the north ditch, or would you say,
11 Mr. Kiehn, you probably need to cover this with the Health
12 Physics Department?

13 A I would have said that Bob needed to talk with
14 Health Physics and Operations, and I'm certain he did. We
15 would not have made that -- well that's what I would say.

16 Q Now I want to cover a little bit of the area here
17 that at this time Mr. Driscoll was talking to you and he
18 made a statement and you agreed with it, but I want to make
19 sure that you agree with it. He basically says that you had
20 given some previous information that you, Mr. Fryer,
21 indicated that when you see yellow water, you assume that it
22 has at least one gram per liter. And the answer is uh-huh.
23 And I want to stop and make sure that that's really what you
24 meant, that that was exactly what -- when he asked you that
25 question, you agreed that if you see yellow water, you

1 assume it has one gram per liter.

2 A The follow on to my answer to the question there,
3 it says that what I told you, I had assumed that -- I would
4 have guessed that, but the laboratory people have since
5 corrected me and that's in the transcript there, that quite
6 a few things can cause yellow in water.

7 Q I don't argue that point with you, but I'm not
8 asking what they said to you later. What my comment to you
9 or question was, and I want you to understand it -- during
10 that particular time, not having spoken to laboratory people
11 to correct you, you told us that your experience up to that
12 point in time had led you to believe that any time you see
13 water that is yellow in color, it has about one gram of
14 uranium per liter. Is that correct?

15 A I told you that, that's correct.

16 Q Okay. And I'll give you the fact that you went on
17 and said you've been corrected later, but I'm trying to get
18 your mind understanding at the time of the excavation.

19 A In fact -- well okay.

20 Q Please -- do you have anything you wish to add?

21 A No.

22 Q Now in light of that information, were you present
23 during an August 7 senior staff meeting?

24 A I don't have my notes with me, but I believe I
25 was, yes.

1 Q Would you like to go get them? I'll be happy to
2 afford you that opportunity.

3 A Yeah, I would, if it's important that I say that I
4 was there.

5 MR. CHAPMAN: Yes. All right, we'll go off the
6 record while he gets them.

7 (Brief pause.)

8 MR. CHAPMAN: We're back on the record here after
9 Mr. Fryer has had an opportunity to get some personal notes
10 that he wanted to obtain.

11 BY MR. CHAPMAN:

12 Q Mr. Fryer, right before you left, I believe I
13 asked you if you were present during a senior level staff
14 meeting which occurred on August 7, 1990.

15 A Yes, I was present.

16 Q Does your personal notes reflect who else was
17 present at that meeting?

18 A No, they don't, just that it was a management
19 meeting.

20 Q Do you recall anyone else that was present at that
21 meeting, of the senior level people?

22 A I can't state that definitively, that my memory is
23 that good.

24 Q All right, sir. Does your notes or do you have
25 any indications that somewhere during this meeting there was

1 a discussion of possible contamination being -- uranium
2 contamination being present in the water that had been
3 discovered during the excavation?

4 A It was either -- I believe it was August 7, but it
5 could have been the 21st. One of those times we had a
6 discussion about contaminated water and the levels, at this
7 meeting. And there were several laboratory analyses that
8 were discussed and one was, as I remember it, in micrograms
9 and the other was in grams per liter or picocuries, another
10 was in micro -- they were different units and this
11 discussion carried on I think later after the meeting.

12 Q Let's see if we can define it. I believe on the
13 21st Mr. Graves returned -- I think I'm correct.

14 A Okay.

15 Q At the meeting and discussion of this, was Mr.
16 Graves present?

17 A No.

18 Q So it would have been sometime prior to the 21st?

19 A Yes.

20 Q Do you have any indication, sir, of a meeting on
21 the 14th?

22 A I have no notes of any meeting on the 14th.

23 Q All right. During this discussion that you have
24 some general reference to, various units being discussed,
25 was there a clear understanding that the contamination being

1 discussed was in reference to uranium?

2 A Yes -- would you restate that question again?

3 Q Yes, sir. What I'm trying to say is you say you
4 have some notes there that reference a discussion of units
5 of contamination.

6 A No, my notes don't reference it, I remember the
7 discussion on either the 7th or the 21st, but they are not
8 in my notes.

9 Q Okay, then we'd better clarify this a little bit.

10 A Okay.

11 Q If you want to put it in your words, fine, rather
12 than me asking a lot of questions -- what I'm seeking to
13 understand is first of all, there was a senior level staff
14 meeting on the 7th of August.

15 A Yes.

16 Q My understanding is there was some discussion in
17 this meeting of contamination -- uranium contamination in
18 the water that had been discovered during the excavation
19 around the SX building. I understood that there was some
20 discussion held about it being contaminated but no one could
21 seem to get a grasp on a unit value to place on the exact
22 contamination. What I was asking you was to give me -- if
23 you have any notes, fine; if you have it from memory, fine -
24 - your recollection of who was present at that meeting on
25 the 7th and if there was a discussion as you recall or

1 remember of the fact that the water being found in the SX
2 excavation area was contaminated with uranium.

3 A Well I remember -- I think I remember Lee Lacey
4 and Mike Nichols and myself and Ron Adkisson -- and I don't
5 remember if Jim Mestepey was there or not, and who else was
6 there when this discussion came up. But again, I'm not
7 really certain of the date, it's not in my notes.

8 Q For the 7th? Not in your notes for the 7th?

9 A Both.

10 Q Okay. As a matter of a little information for
11 you, during this senior level staff meeting that took place
12 on the 7th, Mr. Knoke was present during this meeting and
13 upon the meeting being dissolved, he went to his laboratory
14 to look up some information because he was trying to get a
15 grasp on these unit measures as he recalls them -- do you
16 recall if Mr. Knoke -- or were you present when he came back
17 and made some sort of an informal announcement that that
18 discussion y'all were having, I looked it up and there's
19 three grams --

20 A No, I wasn't there for that, that I remember.

21 Q You could have already left the meeting?

22 A Yeah.

23 Q Did Mr. Knoke happen to come by and mention to you
24 any specific values?

25 A Later when this investigation started, we

1 discussed about him going off and then coming back, doing
2 this.

3 Q Okay.

4 A But I don't remember being in the group that he
5 informed of it.

6 Q All right, sir.

7 I'm almost reluctant to discuss this subject
8 because we've had so much discussion on it. I need a little
9 bit of clarification on the broken sewer line that took
10 place. I've had several different comments on the amount of
11 water that has been placed in that pit when the sewer line
12 was broke. I thought maybe now in light of all the events
13 that have occurred, maybe you could shed some more light on
14 it here. Your indications are that it was broken -- the
15 sewer line was broken in the morning, in the a.m., on the
16 morning of the 4th of August. At that time when we were
17 discussing this in October, no one was really certain of the
18 amount of water the sewer line dumped. I've had two or
19 three different amounts. To the best of your recollection,
20 was it open all day and did it dump a voluminous amount of
21 water? I know that's a vague statement. Was it allowed to
22 just to continue to pour water in that pit during the day or
23 was it shut off once it was broken? Do you recall?

24 A No, it was not shut off while it was broken. We
25 would have backed material up into our system. It was

1 repaired by three or four in the afternoon, because after it
2 was repaired, I went on to the company picnic and it ended
3 at five and I had probably an hour at the picnic before it
4 ended. So, we broke at some time in the morning and had it
5 repaired by three or four in the afternoon.

6 Q Are we able to get some sort of time frame in the
7 morning as to when it was broken?

8 A All I can tell you is it was in the morning.

9 Q All right, sir. During the time it was broken --
10 this is the 4th of August -- did you observe Ms. Couch out
11 there taking water samples?

12 A I don't remember who was there then. I remember
13 Reau and Jim Mestepey being at the site. Carol Couch may or
14 may not have been there. I don't remember that.

15 Q Okay. I'm sorry, maybe I didn't clarify myself.

16 A Okay.

17 Q Were you pretty much at the excavation pit the
18 whole time the pipe was broken?

19 A Yes.

20 Q Do you recall her being at the site taking water
21 samples while you were tending to the broken pipe?

22 A I don't remember whether she was here or not. She
23 may have been here or may not have. I don't remember.

24 Q Okay. One last question and I won't belabor the
25 point.

1 A Okay.

2 Q Do you recall her ever taking samples of the water
3 that was collecting as a result of the broken sewer line?

4 A No. She may have but I don't remember it.

5 Q Not while you were present anyway?

6 A No, I don't remember her doing that. She may have
7 but I don't remember her doing it. To say who was at a pit
8 on a certain day, my memory just isn't that good.

9 Q All right, sir.

10 A The only people I definitely remember being there
11 is -- I remember telling Jim Mestepey and Reau Graves that
12 we had broken the sewer line and we were fortunate to find a
13 piece that would -- a 40 foot long piece that would -- PVC
14 pipe in our own warehouse yard that we could use to repair
15 it on that day.

16 Q Okay. Well, Mr. Fryer, one of the reasons I was
17 trying to get that bit of information clarified, on the
18 laboratory analysis that was turned in -- the special
19 analysis request that has Carol Couch's name -- indicates
20 she took that sample at 10:00 a.m. in the morning. I was
21 trying to determine if there was a possibility that these
22 lab results were pretty accurate or could have been diluted
23 by a large amount of sewer water. That was the reason why I
24 was trying to get some sort of a time frame established.

25 A Well, I -- I can't comment. There was a kind of -

1 - water didn't continuously come from the sewer line. It --
2 we would get some -- like somebody flushing a toilet, you
3 know, that amount of water out. Then it would stop and then
4 that amount again maybe in a little while. So it didn't
5 continuously run out.

6 Q All right, sir. I would like to move to a subject
7 of when Mr. Mestepey and Mr. Graves were both absent from
8 the facility. Mr. Graves left sometime earlier in the month
9 and was gone up to the 21st of the month on vacation. Mr.
10 Mestepey has indicated to us that he was here on the morning
11 of the 16th and sometime around 10:00 a.m., he also left the
12 facility and went on vacation and did not return until the
13 afternoon of the 20th, somewhere in the time frame of two
14 o'clock in the afternoon. I believe we have discussed a
15 little bit about who was in charge of the facility during
16 that period of time. Were you placed in any position of
17 authority during that period of time?

18 A Yes, he -- I don't remember the exact words of the
19 memo, but Mike Chilton was in charge of operations and I was
20 in charge of -- had his full financial authority.

21 Q Was Mr. Adkisson present at that time?

22 A I don't recall.

23 Q I guess I'm trying to understand -- if we have a
24 senior vice president, or a vice president still on staff,
25 is it normal for you to have been placed in the financial...

1 A Yes. The way he left it, he rotated myself and
2 Parker and Knoke around with that authority and he left Mike
3 in charge of operations.

4 MR. SHAPIRO: For my own benefit, what would you
5 say your responsibilities were when you had full financial
6 authority?

7 THE WITNESS: Well, I could...

8 MR. SHAPIRO: Any decision that had to be made
9 that concerned cost?

10 THE WITNESS: He has certain financial authority
11 and if we had something that was an emergency, then I would
12 have authority to approve it.

13 BY MR. CHAPMAN:

14 Q I want to preface that with a discussion that are
15 fixing to have concerning contaminated water. For the
16 record, I think we discussed it to some degree about once
17 they had -- I assume they had pretty well finished the vault
18 walls that was being built or were getting ready to do the
19 walls; I think they were poured on the 17th, is that
20 correct?

21 A Yes.

22 Q And the French drain was being installed to
23 capture any, I guess, liquids that should come around that
24 vault. The French drain's purpose being to keep the vault
25 from, in laymen's terms, floating out of there. It was to

1 keep the pressure -- water pressure on it. It was installed
2 -- or beginning to be installed some time around the 20th or
3 21st, is that correct?

4 A Well, I show on August the 19th a six inch
5 perforated PVC collection pipe was installed into the
6 cutouts on the 48 inch manway and they extended around the
7 complete walls. So, I show that it started on the 19th.

8 Q Mr. Fryer, I understand that prior to the French
9 drain being installed, there was some discussion about using
10 some contaminated rock as part of the backfill?

11 A That's correct.

12 Q I understand, if I remember my facts correctly,
13 that this discussion took place some time prior to Mr.
14 Mestepey going on vacation?

15 A Yes.

16 Q That discussion was held between yourself, Mr.
17 Mestepey, Mr. Lacey and Ms. Couch, is that correct or am I
18 off on my names?

19 A And I think Mr. Nichols.

20 Q Mr. Nichols?

21 A (Nodding head affirmatively.)

22 Q Was this in the form of some sort of a meeting
23 that y'all were discussing the use of this contaminated
24 backfill material?

25 A Well, we held a meeting on the 20th on this, a

1 formal meeting that I took notes. Prior to that, it had
2 been discussions with those three or four people.

3 Q So just from some reasoning here, since Mestepey
4 left on the 16th at ten o'clock, those meetings would
5 probably would have had to have taken place before the 16th?

6 A Yes.

7 Q The meetings that dealt with the issue of using
8 some contaminated rock as part of the backfill around the
9 vault?

10 A Probably, I could have had them with Leahy and
11 Mike. In fact, I probably did, because I didn't feel that I
12 had received approval to do that, formal approval, and I
13 wasn't going to do it until I did receive formal approval.
14 We held up the backfill until the 20th when Mestepey got
15 back and we had this meeting. I took notes of it.

16 Q Of the meeting on the 20th?

17 A Yes.

18 Q Okay. I want to get that information in the
19 record in a few minutes. We've discussed this to some
20 degree in the previous testimony here. I think we left a
21 little door open here a little bit, as you said final
22 approval. I wanted to know who you felt you had to have
23 final approval from.

24 A Well, I think we had to have it from Mestepey and
25 Lacey and Nichols, that they had to agree to it. Because I

1 was not an expert on taking contaminated material and
2 putting it back in the ground.

3 Q So y'all held the discussion of this sometime
4 prior to Mr. Mestepey leaving. It's possible that while he
5 was gone you held even more discussions with Mr. Lacey and
6 Mr. Nichols about this?

7 A Yes.

8 Q Did you feel that the NRC's approval was also
9 needed before this contaminated material could have been --

10 A Yes.

11 Q Did you express that concern to --

12 A Yes.

13 Q -- all of the individuals listed above, being
14 Nichols, Mestepey and Lacey?

15 A Yes.

16 Q Did you get anyone's reaction to that; that yes
17 they did or no they didn't?

18 A I don't remember exactly right now. I -- would
19 you restate the question?

20 Q Okay. Mr. Fryer, basically what I'm seeking to
21 try to understand here is, since there were some discussions
22 prior to Mr. Mestepey leaving amongst y'all -- y'all being
23 Mestepey, Nichols, Lacey and you -- that the use of this
24 contaminated material needed some approval and probably from
25 your standpoint needed some NRC approval and that you did

1 not get it prior to Mr. Mestepey leaving evidently?

2 A That's correct.

3 Q And while he was gone, I was trying to understand
4 if there were further discussions perhaps with Mr. Nichols
5 and Mr. Lacey about the issue about getting NRC approval --
6 your feeling of NRC approval -- because you consequently
7 said you felt like you didn't get final approval until Mr.
8 Mestepey returned on the 20th. My question is directed to
9 the fact did anyone ever give you an indication that the NRC
10 had approved use of this material prior to Mr. Mestepey
11 returning?

12 A No.

13 Q And the question I was trying to follow up on that
14 a little bit was, do you know if anyone voiced an opinion
15 that they didn't need to get NRC approval or we just don't
16 want to ask the question of the NRC?

17 A (No response.)

18 Q What I'm trying to understand, Mr. Fryer, is
19 between the time frame of Mr. Mestepey leaving and his
20 return, I understand, if I'm correct, that there was some
21 backfilling started using this material.

22 A No, that's not correct.

23 Q All right, sir.

24 A And -- and...

25 Q None of this contaminated material was ever --

1 A None of this contaminated material was put in the
2 ground prior to that.

3 Q Until Mr. Mestepey returned?

4 A Yes. Now, we did place backfill which is lateral
5 rock, a gravel, around the six inch collection pipe prior to
6 Mestepey coming back. The vault was constructed such that
7 the lateral -- well, we had -- (witness goes to blackboard).
8 We had a footing here, you had a wall setting on this. You
9 had a six inch PVC collection wrapped in GO -- what do they
10 call it, GO something cloth. And then the covering is --
11 it's a French drain, so the first material put back in the
12 hole is a gravel that allows water to seep through the
13 collection -- or through the PVC six inch pipe. That was
14 put in prior to Mestepey coming back. I'm certain if you
15 talk to Bob -- and I remember distinctly no contaminated
16 dirt was put in prior to Mestepey returning. In fact, we
17 held up the contractor.

18 Q The reason I want to clarify this a little bit,
19 Mr. Fryer, is because we cut you off on an answer back then
20 that we needed to pursue. Specifically on page 23 of your
21 testimony on October 12, 1990, we were discussing this issue
22 and one of the questions to you was that you had addressed
23 your concern to Lee and Jim both that this be approved or
24 acceptable and that you didn't want to have to remove this
25 material. If you put it now, the NRC would say take it out

1 later. You said "That's correct". Then you answered, "In
2 fact, the NRC -- I'm getting a lot of questions on that
3 issue recently", and someone cut you off by saying "I don't
4 know anything about that". I felt like there was some
5 confusion over the gravel being placed, your understanding
6 of your approval level and the NRC's involvement. I'm
7 trying to make a clear understanding back then that your
8 approval came from Mr. Mestepey.

9 A Yes, that's correct.

10 Q And that you have no idea where the NRC at that
11 point in time, I assume, was even discussed with this issue
12 prior to Mr. Mestepey's okay?

13 A Well -- well, first thing, our approval came from
14 Jim Mestepey. I don't remember whether the NRC was informed
15 immediately or at a later time. I know when we had the
16 first exit meeting with them after this project started that
17 they brought this issue up and they said they were thinking
18 about it. So we had told them about it and they still
19 hadn't made up their minds just what they thought about it.

20 Q All right, sir. I don't want to get off into a
21 lot of date arguments.

22 A Okay.

23 Q But the first visit, you know was the 6th through
24 the 10th?

25 A No, that was not the exit meeting that I'm talking

1 about.

2 Q Okay, that's what I wanted to clarify. Mr.
3 Spitzberg and Mr. Vazquez were here the 6th through the
4 10th.

5 A Yeah.

6 Q And the exit meeting you're referencing is...

7 A It would be after the 20th. It would have been --
8 oh, late -- much later than that. It would have been...

9 Q I wanted to make sure the record understood that
10 they weren't told the 10th and said we will get back with
11 you and never got back with you.

12 A No, it wasn't the 6th through the 10th. It was at
13 a later date. I believe it was the 29th of August. Yeah,
14 Bill Beach was here. I've got a lot of notes from that
15 meeting. So they had been informed by that time.

16 Q All right, sir. But on the 29th the material had
17 already been installed -- the backfill material -- the
18 contaminated backfill material?

19 A (No response.)

20 A I'll pose the question this way; when do your
21 records reflect that the contaminated material was placed in
22 that area?

23 A Well, the first I saw, we were putting lateral
24 rock in on the 20th and the 21st, I don't have anything
25 going in there. And on the 22nd, we start backfilling the

1 east side -- oh, with gravel. Okay, hold on just a moment.
2 Well, I think -- my records aren't real good, but I would
3 think it would be the 22nd that we started that.

4 Q All right, sir.

5 A Is there an issue on this point? You brought up
6 something and I want to state unequivocally that we did not
7 start backfilling until Jim Mestepey returned and we had had
8 a meeting with Mike Nichols and Mestepey and everybody and
9 it was approved that we would do this. And Bob will back me
10 up on that.

11 Q I have no doubts on your word, Mr. Fryer.

12 A If there is an issue on that --

13 Q No.

14 A Well, the way you phrased the question...

15 Q No, sir, there's --

16 MR. SHAPIRO: Is there an issue of when the NRC
17 was contacted?

18 MR. CHAPMAN: Yes, there's some question about
19 when the NRC feels they were contacted.

20 THE WITNESS: Okay.

21 MR. CHAPMAN: And I'm trying to get factual data
22 and compare it to the --

23 MR. SHAPIRO: So you have no knowledge of that
24 particular part of it, do you?

25 THE WITNESS: No.

1 MR. CHAPMAN: That's what I was trying to
2 establish, your workings on this.

3 THE WITNESS: Okay.

4 MR. CHAPMAN: I'm trying to keep out of a lot of
5 speculation and get primarily your specific knowledge. Some
6 of these questions I have to ask so you can say no to them,
7 so I'll know that has been answered.

8 THE WITNESS: Okay.

9 MR. CHAPMAN: I'm going to move off of that
10 subject unless you have some information you want to bring
11 on that.

12 THE WITNESS: No.

13 MR. SHAPIRO: I would like to commend everyone
14 here for handling the heat and the paint better than I do.
15 This is one of the more uncomfortable rooms one could find.

16 MR. CHAPMAN: Well, we had to close the door
17 because of meetings outside.

18 MR. SHAPIRO: Yeah.

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

21 (Discussion off the record.)

22 MR. CHAPMAN: We are now back on the record after
23 an off-the-record discussion.

24 BY MR. CHAPMAN:

25 Q Mr. Fryer, one of the areas I wanted to cover with

1 you a little bit was, to do the excavation out there, it
2 requires that a hazardous work permit be obtained. Would
3 you mind telling me, as far as you're concerned and your
4 participation in this project in obtaining a hazardous work
5 permit?

6 A Well, I remember -- the first thing, Operations
7 and Health and Safety are the ones that formally approve it.
8 But I remember on this one, since we were directing the
9 project, we -- and we knew what was going on. We took the
10 initiative and went to see Gary Barrett and asked for his
11 advice on how to write the HWP and what should be included
12 to -- in the document and we got his suggestions and worked
13 out an agreeable HWP. Then, as I remember it, Bob took it
14 around and got all of the formal approvals and explained to
15 everybody what we were going to do.

16 Q When you solicited Mr. Barrett's participation,
17 was there any discussion of the possibility of contaminated
18 soil with uranium?

19 A I don't remember. We knew that we had -- Gary had
20 certainly sat in on planning meetings and knew that we had a
21 possibility both of hexane and uranium.

22 Q Do you recall any specific conversations when you
23 were discussing it with Mr. Barrett of being prepared to
24 address a possible issue later of uranium contamination?

25 A I don't. We may have had them. Our big concern

1 was hexane.

2 Q In light of that, was the hazardous work permit
3 pretty well geared to protection of workers for a hexane
4 problem?

5 A It was probably -- I don't remember exactly, but
6 probably it was slanted that way.

7 Q Do you recall if you ever asked for any revisions
8 to the original permit?

9 A I did not ask for any revisions to the original
10 permit. There may have been some that Bob had or did or
11 whatever. I can't really speak to that.

12 Q All right, sir. Once the excavation began and
13 water was discovered and there was some understandings that
14 there were some contamination in the water -- I understand
15 that no one had maybe exact levels yet. But as we've
16 already addressed, there were some discussions at senior
17 staff meetings and here and there that there was some
18 possible contamination of the water and it was yellow. Do
19 you know if any revisions were made to the hazardous work
20 permits to address the possibility of uranium contamination
21 of the water?

22 A I don't know of any revisions, but there may have
23 been some. I'll be honest, beyond checking to see that we
24 did have an HWP, I didn't follow it that closely.

25 Q Did Mr. Kiehn or any other persons come to you and

1 seek your permission for a revision that you recall?

2 A No, he didn't.

3 Q My understanding is that at the time the project
4 was being carried on our there, there were representatives
5 from the Health and Safety Department present at all times?

6 A That's correct. Plus, the supervision came out
7 there on a daily basis -- on more than a daily basis, if
8 they were in town.

9 Q Supervision?

10 A Mike Nichols and Gary Barrett. Both were on the
11 site a good share of the time while this excavation was
12 going on. Gary, I think, took a week of vacation sometime
13 during that period but he was certainly on the site any day
14 that he was here and so was Mike Nichols.

15 Q Was Mr. Kenneth Simeroth --

16 A Ken Simeroth was out there, also.

17 Q Was any of these individuals down inside the
18 excavation -- do you recall?

19 A They may -- I don't remember them being down there
20 but they may have been.

21 Q Do you --

22 A At times, I was down there and Bob was down there.
23 We would go down and look at something or do something and I
24 would not be surprised that Ken or Mike or Gary was down
25 there also.

1 Q For clarification here, their visits also
2 encompassed the beginning and through the finding of this
3 water down in the excavation?

4 A Yes.

5 Q So they were aware that there was some problems
6 with water and pumping did occur down in there?

7 A Yes.

8 Q Okay. Do you recall any conversations -- or did
9 anyone from the Health and Safety Department come to you and
10 express any concerns that you needed to make any changes in
11 protection or...

12 A If we needed to make any changes, we would have
13 done it if they would have expressed that concern.

14 Q And you felt -- I believe you told me you felt
15 that with their presence there daily, that you were
16 proceeding with their knowledge and under their supervision,
17 so to speak --

18 A That's correct.

19 Q -- as far as safety?

20 A That's correct. That's the biggest and most
21 visual project we had going on during our summer turn-
22 around.

23 Q It was quite an interest gatherer?

24 A Yes. Including the NRC, who was also out at this
25 pit during this week also.

1 Q I think I've asked you this prior but I'll cover
2 it again. You were -- were you present on August the 6th
3 when Mr. Vazquez and Mr. Spitzberg were at the edge of the
4 excavation with Mr. Mestepey and Ms. Couch?

5 A I don't remember. I remember that they were there
6 but I don't remember...

7 Q Well let me narrow it down even more specifically
8 for you. When Blair allegedly asked the question "Does
9 anyone know what's in that water"; there's been some
10 concerns that no one returned an answer to his question.
11 Were you there during that particular...

12 A I don't remember. I doubt if I was because I
13 normally avoid them, if I can.

14 MR. SHAPIRO: Is that the NRC or the other people?

15 THE WITNESS: The NRC.

16 And normally if Couch was there, she would be
17 showing them around, I would imagine.

18 We have never received their inspection report for
19 that period.

20 (Brief pause.)

21 MR. CHAPMAN: I can't make any comment on that if
22 you're wondering why I'm silent, because I don't have any
23 area in that. It's duly noted, but I --

24 THE WITNESS: Okay. We have never received their
25 inspection report for that period and I've often wondered

1 what they said about it. They were here an entire week.

2 MR. CHAPMAN: Yes, I know that. Frankly, that's
3 somewhat of a concern to the NRC, that they were here an
4 entire week and this senior staff meeting took place and Mr.
5 Knoke made some verbal comments and no one bothered to sit
6 down and tell the NRC is what I think has got them somewhat
7 concerned about the issue. But I don't know what their
8 August inspection report is. I haven't seen the official
9 copy myself.

10 Mr. Fryer, I don't think I have any additional
11 information that I need to ask of you at this time. Do you
12 have anything that you wish to add or is there any
13 information that you wish to clarify?

14 THE WITNESS: (Shaking head negatively.)

15 MR. CHAPMAN: Mr. Fryer, have I or any other NRC
16 representative here threatened you in any manner or offered
17 you any reward in return for this statement?

18 THE WITNESS: No.

19 MR. CHAPMAN: Have you given this statement freely
20 and voluntarily?

21 THE WITNESS: Yes.

22 MR. CHAPMAN: Is there any further information
23 that you care to add to the record?

24 THE WITNESS: No.

25 MR. CHAPMAN: The time is now 3:57 and the

1 interview is closed.

2 (Whereupon, the interview was concluded at 3:57
3 p.m.)

4 MR. CHAPMAN: For the record, since we closed the
5 interview a few moments ago, I inadvertently discovered that
6 I had failed to cover a couple of areas regarding the
7 response of Sequoyah Fuels Corporation to the Nuclear
8 Regulatory Commission's demand with Mr. Fryer. Mr. Fryer
9 understands that he's still sworn in and this is a
10 continuation basically of the interview that began earlier.
11 The time is now 4:00 p.m.

12 BY MR. CHAPMAN:

13 Q Mr. Fryer, my apologizes for having to redo this,
14 but one of the questions that came to mind was an answer
15 given in the response of Sequoyah Fuels regarding the
16 drumming of the water at the SX excavation. I believe that
17 you're unable to give us the exact date that the drumming
18 began but you have a time frame that you believe it began?

19 A Yes. It was sometime between August 6th and
20 August 9.

21 Q All right.

22 A And I'll base that on the fact that we poured the
23 footings on August 10th and the hole was clean at that time
24 and that we had a lab analysis on -- I believe it was August
25 6th, and dated that. We probably got it back on that the

1 next day. Based on that lab analysis, then we would have
2 started -- the hole had to be cleaned out -- or I wanted the
3 hole cleaned out prior to pouring concrete and we needed to
4 make a decision about what to do with the water. We put it
5 in drums and that decision and that decision -- or we
6 started drumming sometime between August 6th and August 9th.

7 Q What would prompt you to put it into drums?

8 A It was based on the laboratory analysis and
9 discussions with Health Physics and Operations that we could
10 not discharge it into the environment.

11 Q Health Physics and --

12 A Health and Safety --

13 Q Health and Safety people?

14 A -- and Operations, yeah.

15 Q Just so we can sort of the record clear; there was
16 also a statement made on page 16 which indicates that
17 discolored water was tested immediately on August the 4th
18 and the comment was, "When the first test results came back,
19 Bob Kiehn, the senior engineer on the project, order the
20 water to be drummed." Mr. Kiehn has indicated that he
21 didn't make that decision. Do you know specifically who
22 did?

23 A Well, I think we had to do something with the
24 water and we would have discussed it with Health and Safety
25 and Operations and found we couldn't discharge it to the

1 environment and the only other option we knew was to put it
2 in drums.

3 Q Who in Operations and Health and Safety? Do you
4 know who specifically you may have talked with?

5 A I don't know. I don't remember and I don't
6 remember who Bob talked to. I was aware of the -- I had
7 been -- well, I had been insisting that the hole be cleaned
8 out and I was aware of the laboratory analysis. I'm not
9 sure who Bob reviewed it with and then started drumming.

10 Q Mr. Fryer, which laboratory analysis do you think
11 was the one that triggered your concerns that you couldn't?

12 A I think there's one more that I'm not seeing here
13 (indicating documents on table). I think there's one dated
14 -- yeah, the 6th. This one dated the 6th is probably the
15 one that -- we may have been taking them all along. I don't
16 remember. But regardless, the water at one point reached
17 the point that we knew we couldn't discharge it to the
18 environment, so we started drumming it.

19 Q Well --

20 A And I can't tell you exactly which one of these it
21 was based on but I think we knew we had uranium in the water
22 and it couldn't go into the environment and we started
23 drumming it.

24 MR. SHAPIRO: I'm just trying to recall. The U
25 number goes up on the 4th and the 6th. Maybe that was after

1 that line broke.

2 BY MR. CHAPMAN:

3 Q That was one of the reasons why, Mr. Fryer, I was
4 trying to understand if you had a working knowledge of
5 levels or values that can't be discharged to the north ditch
6 and you indicated you had -- you didn't know the specific
7 number but you had some working level.

8 A Uh-huh.

9 Q And without trying to pin you down to a level
10 that's concrete by the regulations, did you have some sort
11 of working understanding of what you needed to get Health
12 and Safety's input before you could just discharge the
13 water?

14 A Well, I think anytime you have uranium, you need
15 to get Health and Safety's input. I mean, if there's
16 uranium in the water, I'm not going to discharge it without
17 telling Health and Safety.

18 Q All right, sir. Would I be correct in that it
19 must have been a level above -- as I understand, .002 is an
20 area that is acceptable to go the north ditch or to be
21 discharged direct to that area. So it would have to have
22 been -- since the only laboratory analysis following that
23 are the 4th, the 6th and the 7th which range respectively
24 2.06 grams per liter, 3.06 grams per liter and an 8.2 and a
25 .79 and a 4.1 grams per liter of uranium. One of these

1 laboratory analysis, and probably the 6th you feel,
2 triggered your contact with Health and Safety to say we must
3 drum this water?

4 A Yes. I know the water wasn't drummed over the
5 weekend, which would have been the 4th and 5th. So sometime
6 that week, we started drumming it.

7 MR. SHAPIRO: If I could just add, it's not based
8 on the date on here. This 4th one probably didn't come back
9 until the 6th.

10 MR. CHAPMAN: That's correct.

11 THE WITNESS: Uh-huh.

12 MR. SHAPIRO: So it couldn't -- you wouldn't have
13 had it even if you -- if it had come to you or Bob. I don't
14 know when they got it, but this one was at least -- has
15 Bob's name on it.

16 THE WITNESS: Bob and I disagreed about when we
17 started drumming. I seem to remember that we only drummed a
18 couple of days and I almost had to beat on him to get him to
19 clean the hole up, and Bob thinks we drummed from the 6th.
20 So, I don't know which of our memories is correct. I feel
21 fairly comfortable that sometime between the 6th and the 9th
22 we started drumming. We didn't unfortunately -- and if we
23 had it to do over again, there are a lot of things we would
24 do over again. I would have put dates on things and kept a
25 better log.

1 BY MR. CHAPMAN:

2 Q Not to belabor an issue -- and I don't mean to
3 seriously -- but when you say you made contact with the
4 Health and Safety Department and the Operations Department,
5 can you tell me about -- I realize a name -- at about what
6 level would you accept as authoritative instructions to you
7 from those departments?

8 A Well, I think if a Health Physics technician told
9 us we needed to drum it, we would have drummed it. We would
10 not release it with someone telling us to drum it. We would
11 have drummed it. If I had seriously disagreed with that, I
12 would have gone higher. Now, I don't remember, you know,
13 but we would have drummed it and done the conservative thing
14 in the meantime, which we did. Now, I don't remember who
15 exactly we talked to but I'm certain we didn't come up with
16 this on our own and had been informed that that's what we
17 needed to do with the water. We did not -- could not
18 release it into the environment.

19 Q Yes, sir. And your previous testimony says that
20 the Manager of Health and Safety, Mr. Nichols, his
21 assistant, Mr. Simeroth, and others were present and saw you
22 drumming this water.

23 A Yes, that's correct, through the whole project.

24 MR. CHAPMAN: All right, sir. I think that pretty
25 well covers that. The one other issue that I had to discuss

1 with you regards a note on page 42 of that response which
2 dealt with a chemical overflow that occurred on a flange in
3 the past years. You knew the ground was somewhat
4 contaminated and you addressed that earlier by saying there
5 was general knowledge that there had been a repair of that
6 area. So, I think you've answered that question.

7 THE WITNESS: Okay.

8 MR. CHAPMAN: Again, before I get off the record
9 here, I will give you an opportunity if there's anything you
10 wish to add or take away.

11 THE WITNESS: (Shaking head negatively.)

12 MR. CHAPMAN: Also, I --

13 THE WITNESS: Well, if I have a chance to edit
14 this, I can edit a lot of the extraneous material out, if
15 you want to let me do that.

16 MR. CHAPMAN: I wish I could.

17 All right, I'll just remind you that the
18 supplemental information you've given has not been given
19 under any threats or promises. They have been freely and
20 voluntarily?

21 THE WITNESS: Yes.

22 MR. CHAPMAN: And you have nothing further to add?

23 THE WITNESS: No.

24 MR. CHAPMAN: Okay, once again, we'll close this
25 interview. The time is 4:10 p.m., and I'm sorry and I

1 appreciate your time.

2 THE WITNESS: Okay.

3 (Whereupon, the interview was concluded at 4:10

4 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: Interview of Sam Fryer, Jr.

Docket Number:

Place: Sequoyah Fuels Corporation, Gore, Oklahoma

Date: February 27, 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

Official Reporter

Ann Riley & Associates

REPORT OF INTERVIEW
WITH
JOHN L. SWIMMER

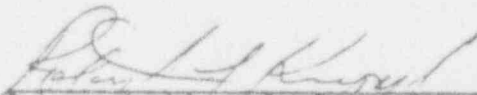
On March 1, 1991, SWIMMER was interviewed by Nuclear Regulatory Commission Investigator Robert J. Kirspel, at SWIMMER's residence in [REDACTED]

SWIMMER stated he retired from Sequoyah Fuels Corporation (SFC) on May 11, 1990. At the time of SWIMMER's retirement, he was a Senior Shift Supervisor at SFC. SWIMMER had been employed by SFC since October 15, 1968, working in various supervisory capacities.

SWIMMER stated that he was not aware of any reportable incidents at SFC which had not been reported to the NRC, but believed that James MESTEPEY, Senior Vice President, SFC, did not like to have any employees around that would report such incidents. SWIMMER stated he had been told by MESTEPEY not to discuss reportable events with Scott KNIGHT, a former SFC manager. SWIMMER stated he assumed that MESTEPEY thought KNIGHT might report to the NRC without telling MESTEPEY.

SWIMMER stated that he felt it was common knowledge that the soil around the solvent extraction (SX) building might be contaminated since there had been leakage of uranium from the SX building floor in the past. SWIMMER stated that Sue SMITH and Michael NICHOLS, SFC employees, were aware of the potential for contamination and it was their job to observe the work during the excavation and report any possible contamination problems to MESTEPEY, Senior Vice President, SFC.

This report was prepared from Investigator's notes dated March 1, 1991.


Robert J. Kirspel, Investigator
Office of Investigations Field Office, Region IV

Information in this record was deleted
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Act, exemption 6, 7C
FOIA 93-105

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REPORT OF INTERVIEW
WITH
CHARLES A. GROSCLAUDE


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On March 4, 1991, GROSCLAUDE was interviewed by Nuclear Regulatory Commission Investigator Robert J. Kirspel at GROSCLAUDE's residence in ██████████ GROSCLAUDE retired from Sequoyah Fuels Corporation (SFC) on May 11, 1989. GROSCLAUDE's was the Supervisor of Waste Management at SFC prior to his retirement. GROSCLAUDE had been employed at SFC since September 9, 1970. GROSCLAUDE served as SFC's Radiation Safety Officer from 1971 until 1987.

GROSCLAUDE stated he was aware that there had been problems with the floor of the solvent extraction (SX) building in the past. GROSCLAUDE stated that in either 1984 or 1985, a new acid proof floor had been installed in the SX building due to leaks in the previous floor. GROSCLAUDE stated it was common knowledge that uranium had leaked through the floor in the SX building and it was logical to assume the ground around the SX building contained uranium deposits.

GROSCLAUDE stated in early 1971 he became concerned about possible migration of water which might have uranium in it and installed water collection pipes, (referred to as SX sandwells) to sample the water on site. GROSCLAUDE stated he could not recall taking any samples off site which were over the NRC reportable level, but did recall taking water samples which had what he considered to have high uranium concentrations. GROSCLAUDE reported, at different times, his findings to SFC Site Managers B. E. BROWN and J. W. CRAIG, and W. J. SHELBY, Director of Regulation Control for Kerr McGee at Oklahoma City. GROSCLAUDE stated his reports indicated that there was leakage of uranium into the soil, but after the new floor was installed in the SX building, either in 1984 or 1985, the levels were less. GROSCLAUDE stated he had no knowledge concerning the sampling of the SX sandwells after 1987 since he (GROSCLAUDE) changed positions and was no longer involved in the sampling of the SX sandwells.

GROSCLAUDE stated that after 1987, Lee LACY, Manager, Regulatory Compliance and Quality Assurance, SFC, or Mike NICHOLS, Manager, Health, Safety and Environmental Department, SFC, should have been aware of the sand point well sampling results, and they should have been aware that the ground around the SX building might be contaminated with uranium.

This report prepared from investigator's notes dated March 4, 1991.


Robert J. Kirspel, Investigator
Office of Investigations Field Office, Region IV

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 6, 7C
FOIA- 93-105

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