

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Interview of Mark Van Sicklen

Docket Number: 2-94-036

Location: Crystal River, Florida

Date: Tuesday, August 8, 1995

Work Order No.: NRC-298

Pages 1-85

2-94-036

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 -----X

7 IN THE MATTER OF: :

8 INTERVIEW OF : Docket No.

9 MARK VAN SICKLEN : (2-94-036)

10 : :

11 -----X

12 Tuesday, August 8, 1995

13  
14 Conference Room - Second Floor

15 Florida Power Corp. Admin Bldg.

16 Crystal River Plant

17 6745 N. Tallahassee Road

18 Crystal River, Florida

19  
20 The above-entitled interview was conducted at  
21 1:54 p.m.

22 BEFORE:

23 JAMES DOCKERY Senior Investigator

24 JIM VORSE Senior Investigator

25 CURT RAPP Reactor Engineer

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1 APPEARANCES:

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MR. DOCKERY: For the record, my name is James D. Dockery. I'm a Senior Investigator for the Nuclear Regulatory Commission, Office of Investigation. The date is August 8th, 1995. The time is approximately 1:54 p.m. The location of this interview is the --

MR. VAN SICKLEN: Site Admin Building.

MR. DOCKERY: -- Site Admin Building --

MR. VAN SICKLEN: Crystal River.

MR. DOCKERY: -- for the Crystal River Nuclear Plant, Crystal River, Florida. The inquiries we're considering here -- or under consideration here today pertain to OI Investigation Number 2-94-036.

And I'd like to identify the other participants of this interview today, starting with Mr. Vorse.

MR. VORSE: My name is James Vorse, V-O-R-S-E. I'm with the Office of Investigations, U.S. NRC, Atlanta, Region II.

MR. DOCKERY: Mr. Rapp?

MR. RAPP: My name is Curtis W. Rapp. I'm a Reactor Inspector for Region II, NRC.

MR. DOCKERY: And Mr. Morris?

MR. MORRIS: I'm Bruce H. Morris and I'm here representing Mr. Van Sicklen.

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1 MR. DOCKERY: Mr. Van Sicklen, we'll have you  
2 identify yourself further after I administer the oath.

3 MR. VAN SICKLEN: Yes, sir.

4 MR. DOCKERY: Will you stand and raise your  
5 right hand, please.

6 MR. VAN SICKLEN: Yes, sir. (Complies.)

7 WHEREUPON,

8 MARK EDWARD VAN SICKLEN,  
9 being first duly sworn by the Investigator, was examined  
10 and testified as follows:

11 MR. DOCKERY: Thank you. Please be seated.

12 THE WITNESS: (Complies.)

13 MR. DOCKERY: Now, would you fully identify  
14 yourself for the record and including the spelling of your  
15 name.

16 THE WITNESS: Mark Edward Van Sicklen. M-A-  
17 R-K E-D-W-A-R-D V-A-N S-I-C-K-L-E-N.

18 MR. DOCKERY: And, Mr. Van Sicklen, would you  
19 give us your date of birth and Social Security number,  
20 please.

21 THE WITNESS: Born (REDACTED) My  
22 Social Security number is (REDACTED)

23 MR. DOCKERY: Mr. Van Sicklen, before we went  
24 on the record today I provided you with a copy of the  
25 wording of Title 18 of the United States Criminal Code,

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1 Section 1001, which spells out the necessity for you to  
2 answer truthfully and completely during these proceedings.  
3 Did you read that section?

4 THE WITNESS: Yes, sir.

5 MR. DOCKERY: Do you understand its content?

6 THE WITNESS: Yes, sir.

7 MR. DOCKERY: Do you have any question you'd  
8 like to ask regarding its applicability or contents?

9 THE WITNESS: No, sir.

10 MR. DOCKERY: Okay. Also before we began  
11 today, Mr. Vorse and I identified ourselves to you via our  
12 credentials and official NRC ID; is that correct?

13 THE WITNESS: That is correct.

14 MR. DOCKERY: Okay. With that, Mr. Vorse?

15 DIRECT EXAMINATION

16 MR. VORSE: Mr. Van Sicklen, we talked back  
17 in December about the September 5th evolution.

18 THE WITNESS: Yes, sir.

19 MR. VORSE: We'll talk about that today, as  
20 well as the September 4th evolution and other things, as  
21 well.

22 Once again, what type of license do you have?

23 THE WITNESS: I have a Reactor Operator  
24 License at Crystal River, Unit Three.

25 MR. VORSE: And how long have you had this

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1 license?

2 THE WITNESS: Since December 12th, 1990.

3 MR. VORSE: Would you describe your duties as  
4 you use that license?

5 THE WITNESS: My duties as chief nuclear  
6 operator are twofold. One is on the control board to  
7 operate the control panel. The other is out on the  
8 clearance desk writing clearances for the shops.

9 MR. VORSE: I want to you to give me a lot of  
10 detail on this next question, as best you can remember.  
11 Okay?

12 THE WITNESS: Yes, sir.

13 MR. VORSE: We need to know your involvement  
14 in the makeup tank evolution that was conducted, we  
15 understand, on September 4th and September 5th, 1994,  
16 during the midnight shift. And we're talking about the  
17 evolution for the makeup tank.

18 THE WITNESS: Yes, sir.

19 MR. VORSE: What do you recall about both of  
20 those evolutions? We'll start with September 4th.

21 No. Let me back up. Let's go back to  
22 September 2nd when Mr. -- I believe it was Mr. Bergstrom  
23 told one of you people, it might have been you, that we're  
24 going to close out the makeup tank curve issue.

25 THE WITNESS: They presented us that

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1 September 2nd letter. We actually received it that night,  
2 I guess.

3 MR. VORSE: Would you describe all of the  
4 events subsequent to that September -- You know, the  
5 September 2nd letter dated -- was a letter dated September  
6 2nd, and in detail just give me the story all the way up  
7 through the 5th of September evolution. Can you do that  
8 for me?

9 THE WITNESS: I will try. It's been hard to  
10 remember all the facts. I will give you everything I  
11 know.

12 MR. VORSE: The best you can. Best you can.

13 THE WITNESS: Best I can.

14 MR. VORSE: And when you use names, give me  
15 last names, not first names. And I need to know what  
16 interaction you had with other members of the shift, what  
17 you looked at, what your discussions were. So just  
18 picture in your mind the whole -- just like a movie, the  
19 whole thing from start to finish.

20 THE WITNESS: The September 2nd letter came  
21 out. We came in on watch. I believe the day was  
22 September 3rd for our first midnight.

23 Since it was the midnight shift, I don't  
24 suppose Carl Bergstrom specifically handed me the letter.  
25 I think we got a copy of it. I think it was actually

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1 handed to Dave Fields, the shift supervisor, because he  
2 had on the top of it write any comments and give them back  
3 to me. And he'd made me a copy of the letter. And I  
4 believe I received that on September 3rd.

5 We read the letter. I can't think of anything  
6 specific that I remember from December 3rd. I know I  
7 probably had -- The same problem now, I can't remember  
8 specifics. I probably had some discussion with probably  
9 Rob Weiss as he went in and out to get coffee. My desk is  
10 right outside the Control Room as you go into our Break  
11 Room where the coffee machine is.

12 I can't remember anything more on December  
13 3rd.

14 I think it was December 4th --

15 MR. MORRIS: December or September?

16 THE WITNESS: September. I'm sorry.

17 September 4th that I caught Rob Weiss over in front of my  
18 desk.

19 MR. VORSE: And Rob Weiss is?

20 THE WITNESS: The assistant shift supervisor  
21 on the unit. And I was the one that brought it up to him.  
22 I carried this concern, the concern that I've had over the  
23 makeup tank level of pressure, for a while. And it --  
24 What I did led up to the problem report 149 that got  
25 issued from that May draft that I gave you last time on

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1 these P-630's.

2 I don't know whether he asked me or I asked  
3 him. I got into what I would like to do. I don't know  
4 whether or not it would be following the curve or not. I  
5 wasn't sure. I was to the point of frustration where I'd  
6 already gone to Management several times, gave them  
7 everything that I had.

8 MR. VORSE: Who in Management, do you  
9 remember?

10 THE WITNESS: I talked to Greg Hainor on  
11 several occasions. I've talked to Dave Jones. We had a  
12 meeting with Engineering, with Carl Bergstrom, who is the  
13 Operations support manager, on July 19th.

14 I don't know whether I had any face to face  
15 with Bruce Hickie or not over just in general raise in  
16 hydrogen pressure up onto the curve.

17 MR. VORSE: How long had this been an issue  
18 of concern to you?

19 THE WITNESS: It started May of 1993 when  
20 they just started raising it and put it on the curve. Me  
21 and another operator, chief operator, Mr. Willms, brought  
22 the concerns up right away about being able to merge the  
23 borate to the reactor.

24 Our procedure was to just open the one valve,  
25 the suction valve from the boration tank to the makeup

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1 pump and it would always flow.

2 That wouldn't happen anymore now that we were  
3 keeping somewhat pressure on the makeup tank head-wise.  
4 It just -- You'd open up that suction valve and it would  
5 just continue to suck off the makeup tank valve. So that  
6 was our first concern that we thought about.

7 Bruce also --

8 MR. VORSE: Bruce Willms?

9 THE WITNESS: Yes, sir.

10 MR. VORSE: Please remember last names.

11 THE WITNESS: I'm sorry. Mr. Willms also had  
12 an Appendix R concern, in case of a fire what would  
13 happen. And he was trying to bring about the credibility  
14 of having two accidents. I didn't much get involved in  
15 his concern too much over that.

16 He was talking to the engineers, trying to  
17 lump together both Appendix R and, I guess, Chapter 14,  
18 FSAR, put accidents together where now you have an  
19 accident with a fire. And he didn't get anywhere with  
20 that.

21 And that concern went on. I kept bringing  
22 that up. Mr. Halnon took over in January and we talked to  
23 Mr. Halnon on that. And we were just starting to get into  
24 -- on the curve itself just from operating the plant. It  
25 wasn't following exactly like the curve.

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1 But it wasn't too -- The biggest concern to me  
2 was the emergency boration, not being able to emergency  
3 borate unless you started a second makeup pump. Unless  
4 you have a problem with inventory, you're going to run out  
5 of that right away.

6 And in May of 1994 we did SP-630 during the  
7 outage. Our crew was on for that. I was the one reading  
8 the procedure. I had two board operators, one operating  
9 one ES panel makeup valves, and one operating the second  
10 panel makeup valves. And we had at least half a dozen  
11 SROs there with us.

12 And during that SP is when we found the  
13 biggest differential. We started the SP. We had problems  
14 with the fuel transfer canal water level, so we'd put  
15 water into the fuel transfer canal, taking it out, put  
16 water in, taking it out. And we'd started the SP at a  
17 lower level than what the SP, from what I understand, was  
18 normally run. It was normally run with 30 feet at BWST.  
19 We started it with 20 feet and a BWST.

20 MR. VORSE: Did you say on the record what SP  
21 stands for?

22 THE WITNESS: SP stands for surveillance  
23 procedure.

24 MR. VORSE: What is a surveillance procedure?

25 THE WITNESS: It's a testing, I guess, would

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1 be the best name for it. A testing procedure. We surveil  
2 equipment to make it operable.

3 If you took a pump and rebuilt it, before you  
4 can exit your action statement on the pump there would be  
5 a certain surveillance procedure you would do on that pump  
6 to prove its operability.

7 And this surveillance procedure that I'm  
8 talking about, SP-630, is one done on an 18-month to two-  
9 year frequency and it surveils the full flow of the high  
10 pressure injection pumps, the makeup pumps.

11 You bring the makeup pumps up to 540, their  
12 rated flow, during the surveillance to show that they can  
13 make it to their rated flow. And you do that with the  
14 head off the core sucking from the BWST, the borate water  
15 storage tank, and you flow at 540 gallons, and it just  
16 comes out the head of the core into the transfer canal.

17 During that evolution I wrote four  
18 discrepancies up. One of which was directly related to we  
19 started with 70 inches in the makeup tank at approximately  
20 12 pounds of hydrogen overpressure, way below the curve,  
21 and it went right to the curve, a few dots over the curve.

22 And we thought that was very unusual. We  
23 didn't expect that response. It took the makeup tank all  
24 the way down to 18 inches because of how low the BWST was.  
25 And all the time we were trying to feed to the makeup tank

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1 trying to gain level, but the best we could feed at was  
2 150 gallons a minute. And we were taking out of it at 540  
3 gallons a minute.

4 So it was a losing battle. By the time we got  
5 to the third makeup pump we'd realized it and we stopped  
6 feeding altogether and just let it go down to whatever it  
7 was going to equalize between the makeup tank and the  
8 BWST, because they both hooked to the suction of the pump.

9 And then --

10 MR. MORRIS: Give you a hundred bucks if you  
11 understand that.

12 MR. VORSE: Go ahead.

13 THE WITNESS: If I'm getting in too much  
14 detail, I don't mean to. I'm trying to let you know  
15 everything I can. I'll try not to bore you.

16 During that evolution we noticed a big  
17 discrepancy over what the curve shows and what's happening  
18 on the plant. And we brought that back up to Halnon. And  
19 Dave Jones was the administrative shift supervisor.

20 Halnon said, talk to Dave. And Dave arranged a meeting.

21 The first problem report 149 got written over  
22 that. It was -- We also had to trip a pump during that  
23 evolution because it cavitated. We had to back up and  
24 flow and shut a pump off and then continue on.

25 And I forget what the fourth procedure

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1 discrepancy. I have them all that I wrote up that night.  
2 And my shift supervisor signed it and we sent them over to  
3 Dave Jones, who was in charge of the procedures, to say,  
4 hey, you know, this one didn't run how we planned,  
5 something is wrong here.

6 Dave Jones arranged a meeting. Again, I've  
7 had

8 -- Between that time and the time he arranged the meeting  
9 of July 19th the engineers had come and talked to me on  
10 several different occasions, me and Bruce Willms, trying  
11 to explain the response that we were getting.

12 And every time they'd come up with something,  
13 me and Bruce would give them something -- me and Mr.  
14 Willms would give them something more. And they'd go back  
15 and they kept looking into it.

16 And we felt, okay, they're working on it.  
17 We'll just keep letting them work on it.

18 July 19th Dave Jones set up a meeting between  
19 Carl -- well, between me, Mr. Willms, Mr. Hinman, who was  
20 a system engineer, and Mr. Steve Roe, who at the time, I  
21 think, was an Operations engineer.

22 MR. VORSE: Who was the last name?

23 THE WITNESS: Roe, R-O-E.

24 MR. VORSE: Thank you.

25 THE WITNESS: Steve Roe. He'd spent some

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1 time as a shift technical advisor. And Carl Bergstrom sat  
2 in as -- to lead the meeting. And we turned over  
3 everything that we could to the two engineers there.

4 We had taken the graph that I'd given you back  
5 in December, the May 10th graph, and we took OP-103. And  
6 from all the makeup pump runs, we had to run one makeup  
7 pumps because we tripped one four times. Three makeup  
8 pumps, one got run twice because we had to trip it for  
9 air.

10 And we plotted all those where it started and  
11 where it finished on the OP-103, and we gave them to them  
12 showing that we were starting way under here, but it  
13 seemed to keep going to the curve, like it would cross  
14 over the curve.

15 Out of that their action items that Carl  
16 Bergstrom assigned the system engineers -- I say system  
17 engineers. I don't know what Steve Roe's title at the  
18 time. I think it was Operations engineer. Both of those  
19 two were going to go back and independently review the  
20 calculation that came up with the curve. And that's all  
21 we got out of that. That's all. That ended and we went  
22 on our separate ways.

23 I never got any feedback out of that back to  
24 me. I went back to Carl Bergstrom and said, I haven't  
25 heard anything over what's going on with this, what's the

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1 progress. And I did the same with Greg Halnon. I brought  
2 him in there when I was getting off shift and showed him  
3 that, hey, I'm still not getting any feedback here, can  
4 you help me get some feedback.

5 And I still --

6 MR. DOCKERY: Excuse me. When did the  
7 conversations with Mr. Bergstrom and Mr. Halnon that's  
8 referred to take place?

9 THE WITNESS: Sometime between July 19th and  
10 September 3rd. I don't have specific dates. That left us  
11 up to the September 2nd letter that we got.

12 I think one comment that I think Carl -- but  
13 I'm not even sure who told me the comment -- that the  
14 engineers had reviewed the calculations. They didn't  
15 independently redo the calculations, but they'd reviewed  
16 them.

17 So when the September 2nd letter came,  
18 somewhere between July 19th and September 2nd Mr. Willms,  
19 who was on a different shift from me now, basically he'd  
20 lost all concern. He just -- He was very frustrated. I  
21 was frustrated. We were both frustrated that we kept  
22 trying to bring it up. It didn't look like we were  
23 getting anywhere.

24 He basically just dropped it and said, I'm  
25 done, I don't want to pursue it anymore. I'm just going

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1 to operate the board.

2 MR. RAPP: Did Mr. Willms give a reason for  
3 dropping it?

4 THE WITNESS: His words to me and other  
5 operators was basically he was told, just shut up and  
6 watch the board, it's not a big deal.

7 MR. DOCKERY: Did he say who told him that?

8 THE WITNESS: I don't think anybody  
9 specifically. That's why I said those were Bruce Willms'  
10 -- the feeling that Bruce Willms got from whichever, from  
11 -- The last time we'd gotten together was July 19th and I  
12 was on a different shift. And he just dropped it and felt  
13 that we just do our job.

14 MR. DOCKERY: Was there an event that  
15 occurred July 19th that caused it to be specific in your  
16 mind? Was it the meeting you had?

17 THE WITNESS: It was just the meeting, the  
18 E-mail that --

19 MR. DOCKERY: I see.

20 THE WITNESS: -- he'd gotten back to me that  
21 I just remember it was July 19th that we had the meeting.  
22 Carl Bergstrom had written his complaint also.

23 MR. VORSE: But he decided to drop the whole  
24 matter much later on, right? Didn't he get involved in  
25 some kind of -- not evolution, I guess evolution --

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1 THE WITNESS: Who is he?

2 MR. VORSE: Willms.

3 THE WITNESS: Mr. Willms?

4 MR. VORSE: Didn't he kind of get involved in  
5 --Didn't he do some -- The reason that he dropped the  
6 issue was because wasn't he kind of conducting some little  
7 evolutions to --

8 THE WITNESS: I didn't know about any  
9 evolution he'd done until he talked to me in December.  
10 And that's when I found out that sometime in July he'd  
11 conducted an evolution similar to what we did. And he had  
12 brought that data back to Mr. Bergstrom and shown it to  
13 Mr. Bergstrom.

14 MR. VORSE: When did he show that, do you  
15 know? In July?

16 THE WITNESS: In July, I assume.

17 MR. VORSE: Okay. Did he show that data to  
18 you?

19 THE WITNESS: He didn't show that data to me.  
20 I had no idea. And even in what -- With me talking to him  
21 I didn't get that from him. All I got was, I'm done, I'm  
22 frustrated enough that I'm just going to shut up and watch  
23 the board.

24 That was about where I was at when the July --  
25 September 2nd letter came out. And like I told you in

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1 December, that, you know, I wasn't 100 percent sure what  
2 the engineers were saying, that it would just hit the  
3 curve and follow the curve down, was going to happen or  
4 not.

5 And that's why I suggested, I said, you know,  
6 I'm as frustrated with this as I can get, too. And I  
7 mentioned it to Rob while he was going to get coffee, I  
8 said, hey --

9 MR. DOCKERY: Rob?

10 THE WITNESS: Rob Weiss, assistant shift  
11 supervisor. And that's why I made it clear that it was my  
12 idea. I mentioned it to him as I should have, he's the  
13 assistant, said, hey, why don't we put it right on the  
14 curve where they're saying and then bleed some water out  
15 of the makeup tank and see what happens and have that be  
16 our feedback back. And if stays near or around the curve,  
17 I'm done, I don't have no more, I'll just let it go with  
18 that.

19 MR. DOCKERY: Mr. Van Sicklen, why did you  
20 feel so strongly about what you perceived to be a problem  
21 with this curve?

22 THE WITNESS: I really thought I was trying  
23 to help the plant. From what I seen, well, it's just  
24 instinct in me that I thought that I was pursuing  
25 something good.

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1 And all along Pat Beard, the president,  
2 everybody, we'd just gone through empowerment training.  
3 And they sit there and tell you, you know, if you think  
4 you've got something and you're right, don't just let it  
5 drop. That's the wrong thing to do. Keep -- Keep going  
6 and keep trying to go through the channels to get it done  
7 right.

8 And that's all I did. I tried. I talked to  
9 Management. There was nothing done that -- I just kept  
10 trying to go through my supervisors, it'd almost gotten  
11 out of the shift supervisor realm and I was talking  
12 directly with the manager, Frank Halnon.

13 MR. DOCKERY: I believe you used the term a  
14 problem to the plant. What -- Could you be more specific  
15 for us, why was it a problem for the plant, in your mind?

16 What could have been the outcome of the  
17 problem?

18 THE WITNESS: The outcome of the problem, we  
19 didn't know where that curve would end up. If it -- What  
20 was presented to us was that curve was just a pressure  
21 volume relationship, a P-1, V-1 equals P-2, V-2.

22 And it's just like you take the water level in  
23 your cup and you bring it to a certain level with a  
24 pressure and you drain the level down halfway, physics has  
25 pressure goes to a certain value.

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1 And that's all that that tank should have been  
2 doing. And if it doesn't follow that relationship, then  
3 there's something wrong.

4 MR. VORSE: What are the consequences of that  
5 something wrong?

6 THE WITNESS: The consequence if it's allowed  
7 to cross over that curve, the end point we don't know  
8 where it would be. And I -- We still don't know where the  
9 end point will be.

10 We brought it down to 55 inches. And on the  
11 worst case data, which is what we used for our problem  
12 report, I think we used 1.7 pounds, the recorder showed  
13 less than that.

14 And we tried to get -- Now I'm getting ahead  
15 of the story. But we ended up writing a short term  
16 instruction, the assistant. I say we. The assistant  
17 shift supervisor -- I don't even know whether it was Rob  
18 Weiss or Rob Stevens -- wrote one to state two pounds  
19 under the curve. And then Engineering came back and said,  
20 no, let's state two and a half pounds.

21 And we've written E-mail -- Rob Weiss wrote  
22 E-mail, he sent me a copy, that somehow we've got to  
23 interpolate this down to zero where you expect that tank  
24 would go on an accident to see what kind of margin we have  
25 there, because the end result would be if you don't have

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1 enough margin, that you'd get hydrogen into your pump and  
2 the pump would break.

3 MR. VORSE: And if the pump broke, what would  
4 happen?

5 THE WITNESS: You'd lose one-half of your ECS  
6 train for your H valve. And that's not --

7 MR. MORRIS: In English what's the result or  
8 the consequence of that happening?

9 THE WITNESS: You take your safety margin of  
10 the plant where you have two trains and you cut it down to  
11 just one. You take away 50 percent of your --

12 MR. DOCKERY: In your mind --

13 THE WITNESS: -- high pressure injection.

14 MR. DOCKERY: -- was the entire issue somehow  
15 safety related?

16 THE WITNESS: Yes, sir. That pump there, we  
17 didn't know -- if it didn't follow that curve, we weren't  
18 assured of the end point. And if the end point was over  
19 that curve and it surpassed -- I know from reading the  
20 calculations we had a two-foot safety margin, which is  
21 only a pound or something. Plus, they had other -- We'd  
22 gotten the calculations that night, and I'll get into  
23 that.

24 But from all the assumptions we didn't know  
25 whether there would be enough safety margin to protect

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1 that pump. And that pump going away is a safety, because  
2 that is a safety pump. That's its only function. It sits  
3 there in standby.

4 MR. DOCKERY: Up until September the 2nd is  
5 it fair to say that you felt you were encountering some  
6 kind of resistance in going forward with the issue of the  
7 curve?

8 THE WITNESS: I don't know whether it was a  
9 resistance or just they were as frustrated as I.

10 MR. DOCKERY: Who is they?

11 THE WITNESS: Mainly, I think it was Pat  
12 Hinman, the assistant engineer. He's the one I kept  
13 talking to. It was his system for the makeup system. And  
14 it was -- I don't even think it was his calculation. I  
15 think it was a calculation we paid somebody to do.

16 MR. DOCKERY: That had been contracted for  
17 outside of --

18 THE WITNESS: Of Florida Power, I believe.  
19 And then I think -- And I don't even know who he is. I  
20 know his name, Mr. Clauson. I can't even tell you who he  
21 is. But his name -- He, I guess, reviews this calculation  
22 when we get it.

23 But I kept bringing it to the system engineer,  
24 Pat Hinman. And my manager, Halnon, you know, don't let  
25 this thing drop, it's something that we're just not

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1 feeling very comfortable with. And that's where it was.

2 So on that I'll get back to my story of  
3 September 4th.

4 MR. VORSE: All right. Yeah. You stopped.  
5 You were having a meeting. I guess you were --

6 THE WITNESS: Rob Weiss.

7 MR. VORSE: -- talking it over with Mr.  
8 Weiss. Yes.

9 THE WITNESS: And I mentioned, hey, let's --  
10 can we put this right on the curve and bleed water out and  
11 just see what the response is and give that as feedback  
12 back to Engineering.

13 MR. VORSE: How would you do that?

14 THE WITNESS: We'd plot it and just give it  
15 to them.

16 MR. VORSE: How would you plot it?

17 THE WITNESS: He was going to get it -- At  
18 the time I wasn't sure. You're getting ahead on -- His  
19 idea of the best way to do it was to get it from the plant  
20 computer, the plant computer.

21 Rob at the time -- I still can't do it, but  
22 there's a way to go into -- The plant computer looks at  
23 all the data points and it puts it into this program  
24 called REDAS. And I don't know what that stands for.  
25 It's recall of data.

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1 And you go back in and you pull out that point  
2 and say, well, what did that point do from this time to  
3 this time.

4 And Rob Weiss was real good with it. He's a -  
5 - He's very good with computers. He's able to take that  
6 stuff and put it on graphs. And he was one of the best  
7 that we had in the department. He was actually at the  
8 time writing the manual for everybody to follow on how to  
9 do that, how to take raw data and set up an excel  
10 spreadsheet and come out with a graph.

11 So he went in and talked to the shift  
12 supervisor, Dave Fields. Sometime they'd come back and I  
13 think Rob was the one, Rob Weiss, come out and give it to  
14 me and said, hey, let's go talk to Dave Fields what you  
15 want to do, he's got the letter, too.

16 And I explained to Dave Fields -- You know, he  
17 knew I was concerned over the makeup tank level pressure  
18 and that I was talking with Halnon and other Management  
19 and Engineering officials.

20 And he thought about my suggestion and he  
21 decided that we could do it. And we looked at the OP.

22 MR. DOCKERY: OP being?

23 THE WITNESS: OP-402. That would give us the  
24 guidance. That was the procedure we'd use. And he saw  
25 nothing wrong with going from 86 to 55.

1 I didn't even come up with values. You know,  
2 I was -- I wanted to put it up and bleed it. And then  
3 we'd go in there and talk in, you know, what are the  
4 limits. He said, oh, well, 86 to 55. And that's where it  
5 came out to be on 86 or 55, because those were their  
6 limits on the procedure for the tank water level.

7 So we looked at OP-402. Jack and Christine  
8 were the board operators.

9 MR. DOCKERY: Names, last names.

10 THE WITNESS: Jack Stewart and Christine  
11 Smith, Rob Weiss, Dave Fields, and myself were all in the  
12 Control Room. We pulled out OP-402 and looked at it. I  
13 think Jack pulled out AR that goes with the makeup tank.

14 MR. VORSE: Would you explain AR. Explain  
15 AR.

16 THE WITNESS: Annunciator response procedure.

17 MR. VORSE: And who pulled that?

18 THE WITNESS: I believe it was Jack Stewart.

19 And we looked to see whether or not we had  
20 procedure guidance to do what we wanted to do.

21 And Dave determined that, hey, you know,  
22 that's

23 -- we have a procedure, we can use the procedure. The  
24 alarm, at the time there was two ways of putting hydrogen  
25 into the tank to get the value that we'd been running with

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1 for the past 18 months. One -- Because the regulator was  
2 limited. The regulator was limited to 19 pounds.

3 One was to bleed the water down in the makeup  
4 tank, add hydrogen, and then compress it. And the other,  
5 which they just changed the procedure because a lot of the  
6 people were using, and they put in the procedure to cover  
7 what they were doing, was to go up and bypass the  
8 regulator so that now you'd have 50 pounds available to  
9 you. And you'd bring it up to the curve.

10 And the alarm would sometimes be in and out.  
11 The alarm wasn't a surprise. We've taken a watch before  
12 with the alarm in. We do the same thing when you fill the  
13 SW surge tank. When you fill the SW surge tank, you have  
14 a 15-pound band. When you close the valve, sometimes it  
15 takes ten pounds worth for that valve to go closed and the  
16 alarm comes in.

17 The same with the emergency feed tank level  
18 alarm. When you fill it, if you hit the high level alarm  
19 at it, the alarm would stay in.

20 Nobody considered that if you did it during  
21 the evolution to fill the tank, that you'd pick up the AR  
22 and turn around and drain the tank back out. It would  
23 just sit and go away by itself. That was within the power  
24 of almost the board operators to make that determination,  
25 followed by the shifter, because we have to call out every

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1 alarm that comes in. If he's got any question, you  
2 explain it to him.

3 So the alarm being in before, it wasn't  
4 questioned whether or not the alarm -- if we got the  
5 alarm, we looked at what we needed to do. But having the  
6 alarm in was basically a call for the shift supervisor.

7 And Dave Fields made that call that, hey, we  
8 can go from 86 to 55, we'll gather the data between that  
9 level and then we'll correct the alarm. If the alarm is  
10 in at that point, we'll just raise the level back up and  
11 see whether the alarm clears. I think that's what Jack  
12 did on the 4th.

13 Getting into --

14 MR. VORSE: Jack?

15 THE WITNESS: Jack Stewart. Getting back to  
16 what I remember of the 4th, we discussed what we were  
17 going to do. Jack Stewart called the Aux Building  
18 operator, let him know. And he added hydrogen.

19 And all I did was observe. I don't even know  
20 whether I stayed in the Control Room the whole time. But  
21 I observed. And Chris just -- she observed, too. It's a  
22 one-man operation to do the bleed and feed.

23 MR. DOCKERY: Chris is Christine Smith?

24 THE WITNESS: Christine Smith. I'm sorry.

25 Rob Weiss and Dave Fields both observed. And I don't

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1 remember much else from the 4th. I don't recall Jack  
2 having to vent at all. I think he just bled it down, fed  
3 it back up, didn't need to vent.

4 And then Rob Weiss took over trying to get the  
5 data. And he was going to put the data on a curve and  
6 compare it to the OP.

7 I don't even recall ever seeing the data taken  
8 from the 4th. I don't know whether it was something that  
9 ever got saved or shown, or whether Rob Weiss took it home  
10 and tried to finish. He was doing a lot of this at home  
11 on his home computer.

12 The problem report, 267, that eventually got  
13 written up, the graphs that he attached to that was all  
14 done at home where he put the formula in.

15 Sometime during that weekend, and I believe it  
16 was the 4th, and again, I believe -- It's so hard to try  
17 and remember the details of that weekend at all. It just  
18 goes together.

19 Rob Weiss had told me, you know, never once  
20 did we go and look at the calculation itself that draws  
21 that curve. But Rob Weiss had told me where I can go to  
22 get it and to go get him a copy. And he told me exactly  
23 what filing cabinet to go in the nuke Admin Building where  
24 it was. So I was the chief. I was allowed to leave the  
25 Control Room. I'm not assigned.

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1                   So he sent me out. I got the security officer  
2 to let me into the nuke Admin Building. And I went to the  
3 file cabinet. I think I couldn't find it the first time.  
4 And I called him up and he told me exactly where it was.

5                   And I went and got the calculation. There's a  
6 calculation that -- an inch thick. So they -- The  
7 calculation that comes up with that curve. And I brought  
8 that up to him. And I made me an extra copy so that I can  
9 just sit over at the chief's desk and page through, trying  
10 to make sense of it.

11                  And he was looking through it. And I think  
12 he, out of that, got the formula because he was able to  
13 actually put the OP-103 curve on his spreadsheet.

14                  But from what I understand, the data that he'd  
15 used to do on the 4th was in one-second REDAS. You have  
16 your option of taking it every so often. The best you can  
17 get is one second and that's only available for a short  
18 period of time. Then the computer dumps all the one  
19 second because that's a huge file.

20                  And he'd used one-second data. And from what  
21 I understand, what he got on the 4th he wasn't happy. It  
22 looked like scatter points because he had so much data  
23 points all over from the computer while the tank was  
24 lowering in level.

25                  When it came in on the 5th, Rob's the one that

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1 wasn't convinced that what he'd gotten on the 4th was  
2 anything conclusive to give to Engineering. So he wanted  
3 to do it again. And that's where I came into play on the  
4 5th.

5 The 4th, I don't recall doing anything except  
6 for observing. I don't think I plotted. It's hard to  
7 remember.

8 The 5th, I was specifically assigned to plot.  
9 And I had two, one on the computer and one on the level  
10 recorder that was in front of Jack.

11 And they decided to go ahead and do the same  
12 as what we did on the 4th. We looked at OP-402. Jack got  
13 it out and he got out the AR. And I think Dave Fields  
14 made the comment that, you know, now this time let's -- I  
15 don't even know whether it was a different Aux Building  
16 operator that prompted.

17 But he had Jim actually dress out, or  
18 somebody. I don't think it was Jim that actually did the  
19 dressing out. But somebody over in the Aux Building  
20 actually dressed out to stand by to vent the tank at his  
21 order, whenever he wanted to.

22 They pumped up. And we'd left the hydrogen  
23 gas just a little bit below the curve, I believe, and let  
24 it stabilize to come to the curve, or whatever he wanted.  
25 And then they bled from 86 to 55. And he was calling out

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1 the data points for me to plot on the curve.

2 He went to 86 to 55. The alarm came in during  
3 that. I think he waited there for a period of time to let  
4 it stabilize so that when Rob would get his data this time  
5 off the computer, it wouldn't be changing so much right  
6 away, that he'd be able to say, okay, this is the data  
7 from what we did, and not get any data from going back up  
8 or coming back down.

9 So we did basically the same thing, go from 86  
10 to 55. And then Jack restored the level and he had Jim  
11 vent some of the gas off. And that was it on the 5th.

12 Rob Weiss had taken that data home again. I  
13 don't know whether I saw any data, whether he had the  
14 chart there at all on the 5th. The 5th was -- All this  
15 was Saturday, Sunday, and the 5th was actually a Monday.  
16 It was Labor Day. So it was a holiday, so it was still  
17 like a weekend.

18 I don't recall when I first got the data back  
19 from him, whether it was that night later, or whether it  
20 had just been the next day. He'd gone home and put it on  
21 his home computer, put it on a spreadsheet.

22 Sometime between the 5th and the 7th, the 7th  
23 morning I know he had color graphs where he had actually  
24 put the OP-103B curve on it and the system response, what  
25 the system did as we bled.

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1 And he decided that, yeah, this is important  
2 that -- not only to give this to Engineering, but we need  
3 to write a problem report on this. This is -- This  
4 doesn't look good.

5 So he decided to write -- Rob Weiss is the one  
6 that wrote the problem report up. And he attached a copy  
7 of that graph that he had made up to the problem report.

8 Yes, sir?

9 MR. DOCKERY: Mr. Van Sicklen, would it be  
10 fair to say that the resulting graph, the data that you  
11 all collected, somehow verified the basis for your  
12 concerns?

13 THE WITNESS: I think it showed concern on  
14 everybody now, that the whole point of that was to give  
15 that back to Engineering, don't close this out, here's  
16 more data. We think -- Not only does Mark think, now  
17 everybody here on shift agrees that, you know, this is a  
18 problem.

19 And, in fact, I think he talked to Paul  
20 Fleming and --

21 MR. DOCKERY: Who is he?

22 THE WITNESS: Senior licensing engineer.

23 MR. DOCKERY: No, no, no. I'm sorry. You  
24 said, I think he talked to Paul --

25 THE WITNESS: Rob Weiss.

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1 MR. DOCKERY: Okay.

2 THE WITNESS: On whether or not to attach  
3 that to Problem Report 149, which is the one that they  
4 were pending to close. He wanted to make it a separate  
5 one. And I think Paul Fleming is the one that told Rob, I  
6 think this is important enough to write its own separate  
7 problem report.

8 So that's what we did. He wrote it up and he  
9 submitted the problem report. I know the NRC resident  
10 that morning was there. And he had even gotten a copy of  
11 the problem report before the site manager.

12 Either the plant manager or the shift manager  
13 was in the Control Room. I think it might have been the  
14 shift manager, because I think he's got to review all the  
15 problem reports.

16 I mean, everything we'd done we felt like we'd  
17 done something good and something right. And his comment  
18 back to -- I think it was Dave or Rob -- I -- Just  
19 coincidence I was in the control room --

20 MR. VORSE: Dave Fields or Rob Weiss?

21 THE WITNESS: Right. The shift managers was,  
22 it's good to challenge Engineering. You know, give them  
23 the data. This is good.

24 MR. DOCKERY: Who said it's good to challenge  
25 Engineering?

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1 THE WITNESS: The comment was made and I'm  
2 not sure whether -- I think it was Larry Moffatt. It  
3 might have been Bruce Hickie. I'm not sure.

4 But everything that we'd done we thought we  
5 did right by the procedure, with the shift supervisor's  
6 concurrence. And we thought it was within his power to do  
7 everything that we did.

8 I know there has been newspaper articles  
9 saying that I spearheaded this thing. And the motivation  
10 has almost turned into something personal with me. And I  
11 assure you it's not.

12 The only motivation here was to get the curve  
13 corrected. And we thought what we'd done that day was  
14 good. And we gave it to the plant. I mean, we turned it  
15 right over.

16 And everything turned into the 5th over the --  
17 What got stapled to the problem report was the data that  
18 Rob had gathered from the 5th. And I think he used one-  
19 minute REDAS to draw that curve.

20 MR. VORSE: Assuming that the -- Give you a  
21 chance to catch your breath.

22 Assuming that the -- that this curve was not a  
23 design basis curve. And I believe you recognized that it  
24 is and that you all didn't know that.

25 But assuming this was just, in reality, an

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1 operational curve or an administrative curve -- I've heard  
2 both terms used -- when you went into the unacceptable --  
3 when you were plotting your data on the 5th and you were  
4 going to the unacceptable region of the curve --

5 THE WITNESS: It's not labeled unacceptable  
6 region. It's labeled acceptable and it wasn't labeled  
7 anything on the other side, and it was just a curve.

8 MR. VORSE: So you had acceptable on the  
9 right and nothing on the left.

10 THE WITNESS: That's correct, sir.

11 MR. VORSE: And you plot your data and you  
12 see that you are on the left side of the curve. It is an  
13 administrative procedure, operative procedure, not a  
14 design basis.

15 And then a annunciator goes off. Are you in  
16 violation of anything if you fail to take action to  
17 correct the alarm and the fact that you are off the curve?

18 THE WITNESS: At September 5th, 4th time  
19 frame, whichever -- I keep using the 5th because the 5th  
20 is where we got all the data from -- that was totally up  
21 to the shift supervisor.

22 Like I'd explained before, when we fill water  
23 into the emergency feed tank or the SW surge tank, alarms  
24 come in. And the annunciator response for them is to  
25 drain the tank, vent the tank. The same with the makeup

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1 tank where it says vent the tank.

2 We thought that was well within. We didn't  
3 even question the authority of the shifter because it's  
4 within the shifter's authority over administrative  
5 procedures. OP is just general procedures. AI-500 gives  
6 him the power of determining what action we needed to  
7 take.

8 So we call off the alarm. And because even  
9 that particular alarm for the makeup tank pressure had  
10 been in in the past. When this first started, it was in  
11 for two solid months as we raised pressure before they  
12 even got the alarm changed from a 15-pound alarm.

13 We were totally in agreement. Nobody  
14 questioned. I mean, you asked me the day I signed my  
15 interview, why didn't you get that shift manager in there.  
16 And my only response back to you, even then, we didn't  
17 think we needed the shift manager. We thought that was  
18 totally within the power of the shift supervisor to make  
19 that call as we were coming down.

20 MR. VORSE: Have you concluded your testimony  
21 about September through the 5th evolution?

22 THE WITNESS: I can't think of anything more  
23 I can tell you between the 3rd and the 5th.

24 MR. VORSE: All right. I have some canned  
25 questions that I'm going to ask you. Okay?

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1 THE WITNESS: Yes.

2 MR. VORSE: Okay. And I asked you this last  
3 time we talked, but I didn't ask you under oath. So I'm  
4 going to do it under oath.

5 In either of these evolutions on 4 or 5  
6 September, 1994, did anyone say, this is wrong or this is  
7 not a good idea? I'm talking about anyone on the shift or  
8 anyone that you know of, period.

9 THE WITNESS: No, sir.

10 MR. DOCKERY: To put it another way, was  
11 there any resistance at all that you know of to going  
12 ahead with this -- conducting this evolution?

13 THE WITNESS: No resistance whatsoever. We  
14 brought it to the shift supervisor. That would have been  
15 what we all do. And that was the shift supervisor's call.  
16 I know of no resistance.

17 MR. VORSE: Did you think it was a good call?

18 THE WITNESS: I thought it was within his  
19 power. I didn't question it. It's --

20 MR. VORSE: Do you think you would have done  
21 the same thing if you were in his position?

22 I know this is not a good -- probably not a  
23 good question. Let's drop that question. That's --  
24 Because that's not within the scope of your license. So I  
25 won't ask you that question. Okay?

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1 Did anyone on the shift say there may be some  
2 procedural violations, this may be a procedural violation?

3 THE WITNESS: No, sir.

4 MR. VORSE: Something in the evolution  
5 process, a procedural violation?

6 THE WITNESS: No, sir.

7 MR. VORSE: Did -- And once again, I'm going  
8 to ask a repeat question from the last time we talked.

9 Prior to either evolution of the 4th or 5th of  
10 September of 1994 did anyone say, we need to get advice  
11 from another source, such as a shift technical advisor?

12 THE WITNESS: (No verbal response.)

13 MR. VORSE: Did anyone say that? Did anyone  
14 say that, we need to get -- check with somebody else?

15 THE WITNESS: No, sir, as I just explained in  
16 my last comment. And I know you asked me that even as I  
17 left in January. And --

18 MR. VORSE: Okay.

19 THE WITNESS: -- even the shifter didn't  
20 think that he needed to call the shift manager.

21 MR. VORSE: Okay. Did anyone say, Management  
22 needs to know about these evolutions that we're going to  
23 conduct? This is prior to your conduct -- prior to  
24 conducting the 4th and 5th September evolutions.

25 THE WITNESS: Prior to doing the evolutions

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1 did anybody say, stop, we need Management to know?

2 MR. VORSE: Management. Yeah. We need  
3 Management to know about this. We need to have somebody  
4 check this.

5 THE WITNESS: The shift supervisor is part of  
6 Management.

7 MR. VORSE: So in your view, the shift  
8 supervisor was the manager. He was the manager of the  
9 whole reactor that night.

10 THE WITNESS: Yes, sir.

11 MR. VORSE: On both nights.

12 THE WITNESS: Yes, sir.

13 MR. VORSE: Did anyone on the shift say,  
14 wait, this is a design basis curve? Did anyone say  
15 something like that?

16 THE WITNESS: No, sir.

17 MR. VORSE: Do you know what 10 CFR 50.59 is?

18 THE WITNESS: I know 50.54 is the -- you can  
19 read tech specs 50.59. Oh, that's what's in front of all  
20 our procedures, a 50.59 review. That's a review that you  
21 do on procedures before they get issued. Somebody does a  
22 50.59.

23 MR. VORSE: Was 10 CFR 50.59 ever discussed  
24 prior to or during these 4th and 5th of September, 1994,  
25 evolutions?

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1 THE WITNESS: No, sir.

2 MR. VORSE: Why didn't you tell us about the  
3 September 4th evolution last time we talked?

4 THE WITNESS: If I had thought that it was  
5 significant, that you even wanted to know, I would have  
6 told you. I spent that whole time with you, I talked  
7 almost the whole time about a safety concern. And I know  
8 we started out the interview talking about whether it  
9 could be confidential.

10 Even in my interview, my deposition, back on  
11 one of the pages, and we must have been an hour into it, I  
12 made the statement that, you know, I'm telling you a whole  
13 bunch here on safety concern and it seems like all you  
14 want to know is the 5th.

15 And your response is even in there. And we  
16 just came right off of being off the record for a while.  
17 But your response was you wanted to hear everything about  
18 my safety concern. You were shaking your head that, yeah,  
19 I'm interested in your safety concern.

20 And I remember Mr. Curt Rapp there and his  
21 head was, no, just September 5th. And it never even -- I  
22 was under -- When you came last time, I was trying to tell  
23 you about a safety concern. And I spent that whole hour  
24 and a half, or whatever time I spent with you, very open  
25 and honest as I am now telling you everything that I know.

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1 And I didn't -- If I thought you wanted to  
2 know about the 4th or any details, there's nothing in the  
3 4th that's worth hiding. I would have told you, there's  
4 nothing in there that I'm ashamed of. We did everything  
5 on the 4th the way we did on the 5th.

6 And now the way Management has put it, I don't  
7 think -- I think it's very clear to the shifters there  
8 that they don't have that power anymore.

9 MR. DOCKERY: Mr. Van Sicklen, I'm going to  
10 ask you basically the same question, but perhaps in a more  
11 direct manner right now.

12 Prior to your meeting with and interview by  
13 Mr. Vorse and Mr. Rapp did anyone in Florida Power,  
14 Management or attorneys, tell you specifically not to  
15 discuss the events of September 4th, 1994, with the NRC?

16 THE WITNESS: The only one we've talked to --  
17 Well, there's two discussions I can bring up with that.  
18 One of them was with me and Christine didn't get  
19 interviewed when everybody else did. We were in Las  
20 Vegas. We came back.

21 At the time the others got interviewed I think  
22 Mr. Gerald Williams, the company lawyer, had met with them  
23 all. Me and Christine only got to talk to him over the  
24 phone. And his advice to us was to stick strictly --  
25 answer any questions honestly and directly and stick to

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1 just the events that they're asking about.

2 And I think he brought up the 5th. The 5th  
3 was

4 -- Everything turned into the 5th over that's the day the  
5 data got used.

6 MR. DOCKERY: Do you recall him mentioning  
7 September the 4th to you during that telephone call?

8 THE WITNESS: No, I do not. Also, I talked -  
9 -

10 MR. DOCKERY: Can you say with any degree of  
11 certainty that he did not mention September the 4th, 1994?

12 THE WITNESS: I am almost positive his words  
13 were just stick to the event on the September 5th and just  
14 answer their questions. That's all I can remember from  
15 that point.

16 I had also talked to Greg Halnon and Christine  
17 had it in her planner. It was December 5th we talked. We  
18 had our interview on the 11th.

19 I had gone up when I had gotten back from Las  
20 Vegas. I'd gotten with Bruce Willms to get -- Remember  
21 when I came in, I had a whole briefcase full of  
22 information for you. He had given me everything that he  
23 had gotten.

24 And in that I saw something that was similar  
25 to what we'd done. And it looked like some other shift

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1 had gone from 86 to 55.

2 And Halnon asked me and Christine to come up  
3 to his office so that he can brief us on what was -- your  
4 interviews with everybody else.

5 And during that he kept bringing up September  
6 5th. And I tried to say, you know, this is not the only  
7 time that this has been done, September 5th. And he  
8 wasn't interested in any other time. I didn't even get to  
9 show him the data that -- the graph that I'd been given by  
10 Bruce.

11 Also --

12 MR. RAPP: Excuse me. Let me interject here  
13 for one second. During that conversation with Mr. Halnon  
14 did he come out and say, I only want to talk about the 5th  
15 or I don't want to know --

16 THE WITNESS: That's the words he used. It  
17 was, we're here just to talk about the 5th. That's what  
18 you all are here for. And that all I want right now -- I  
19 don't know what his exact words back. I know he used  
20 September 5th, but I don't know what his exact words were.  
21 He wasn't interested in what I had.

22 MR. VORSE: So what was your perception of  
23 what he was trying to tell you? What was your perception  
24 of what his words were?

25 THE WITNESS: That we're here just to go in,

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1 answer your questions that you ask us. And that's it.

2 MR. DOCKERY: At that time did Mr. Halnon  
3 mention September the 4th to you?

4 THE WITNESS: No, sir. I know that Rob Weiss  
5 --And that's why the September the 4th incident just went  
6 out of my mind. Rob Weiss had told Licensing, Paul  
7 Fleming, that it had happened both the 4th and the 5th.

8 And that was the last I ever heard of the 4th.  
9 The 4th, to me, it was insignificant. Everything was  
10 gathered around the data that we stapled to the problem  
11 report, which was gained from the 5th.

12 And I didn't even have -- If I had even known  
13 that you wanted to hear anything more about other  
14 evolutions or anything else that I knew, I would have told  
15 you.

16 I was trying to stick last time to a safety  
17 concern that I had. And even my comment back again that,  
18 you know, if you're here just for the 5th, I think my  
19 comment back on that deposition was, I think you know  
20 everything already about the 5th. I was your last  
21 interview with you that I probably can't help you about  
22 that.

23 MR. DOCKERY: Is it fair to say --

24 THE WITNESS: I'm just here on the safety  
25 concern.

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1 MR. DOCKERY: Is it fair to say that the data  
2 that was collected on the 4th, on September the 4th was  
3 inconclusive?

4 THE WITNESS: I believe that's what Rob  
5 Weiss' words -- What I've got in my memory was scatter  
6 data. And whether that was his term or somebody else's  
7 term, Rob Weiss' words was he wasn't convinced of what he  
8 got from the 4th, that he wanted to do it again on the  
9 5th.

10 MR. DOCKERY: Is that what caused September  
11 the 4th to be insignificant to you, or to appear  
12 insignificant?

13 THE WITNESS: It was insignificant that we'd  
14 already told -- We wrote the problem report, Rob Weiss  
15 did, and told everybody what we'd done.

16 The fact that we did it on the 4th and nothing  
17 conclusive come out of it, as long as he told License  
18 about it, you know, I didn't have any -- it meant nothing  
19 to me after that. It really didn't.

20 What we focused on was the data that we had  
21 gained from the 5th.

22 MR. VORSE: Did anyone ever discuss the data,  
23 you know, let's not tell anybody about the 4th, or let's  
24 just keep it kind of low key, the 4th of September issue,  
25 because the data really wasn't -- you know, we looked good

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1 on the 5th, but we don't look so good on the 4th because  
2 the data was scattered and it didn't really come out the  
3 way we thought? Was that ever discussed?

4 THE WITNESS: No, sir. The data, what was  
5 gained on the 4th, I believe that System Engineering had  
6 already when he told License and they'd already pulled all  
7 that data back up and looked at it. And I don't know what  
8 they got off of the data on the 4th.

9 The only data I'd ever seen any time after  
10 this was just the data from the 5th.

11 MR. VORSE: Are you familiar with 10 CFR  
12 50.9, completeness of information?

13 MR. DOCKERY: That's completeness and  
14 accuracy of information provided to the NRC.

15 MR. VORSE: Are you familiar with that?

16 THE WITNESS: Was that -- I don't know -- I  
17 know the package that you sent me, I know it had 50.5 in  
18 there. That's the deliberate misconduct.

19 MR. VORSE: 50.59 is -- If you didn't know  
20 about it, then that's -- then you don't know what 50.59  
21 is.

22 MR. DOCKERY: Now, let's make a distinction.  
23 You said 50.59.

24 MR. VORSE: Yeah, I know. I caught myself.  
25 It's 50.9, which is completeness and accuracy of

1 information. You weren't familiar with that.

2 THE WITNESS: I wasn't even familiar with  
3 50.5, deliberate misconduct, until --

4 MR. VORSE: Was 50.9 ever discussed amongst  
5 members of the shift?

6 THE WITNESS: No, sir.

7 MR. DOCKERY: And again, since you've said  
8 you weren't familiar with that, that's regarding the  
9 completeness and accuracy of any information that is  
10 provided to the NRC.

11 What you're saying is that was not a concern  
12 at the time of --

13 MR. VORSE: Interview.

14 THE WITNESS: If I'd anywhere thought that  
15 you were looking for data or information about the 4th or  
16 any other time, I would have told you. I don't -- To me,  
17 it was insignificant all the way up to when my lawyer come  
18 up just before pre-decisional conference and we were just  
19 rambling on and we -- and it came up.

20 MR. VORSE: You -- The last time we spoke you  
21 mentioned something about telling the resident inspectors  
22 about your concerns.

23 Can you go into a little more detail -- or a  
24 lot more detail on that, tell me who it was you talked to  
25 and exactly what was said, and how many times.

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1 THE WITNESS: I brought my concern up to Todd  
2 Cooper. He was the one that come up to the Control Room  
3 most.

4 MR. VORSE: When?

5 THE WITNESS: Before September 4th or 5th.  
6 On four different occasions. I can't give you dates. I  
7 can't give you specifics. I'd mention it to him that I  
8 got this concern over this curve. And he put it on what  
9 he called his hit list, that he was going to look into it.

10 And I guess I brought it up to him on the four  
11 different occasions. And he was looking into it, looking  
12 into it, looking into it, but I never got any results back  
13 from him.

14 I think I told you last time that we had gone  
15 off the record on one of those occasions with Todd.

16 MR. VORSE: Yeah. But then we got back on  
17 the record and talked about it.

18 THE WITNESS: And then --

19 MR. DOCKERY: Well, now, I think you're  
20 making reference to in your last transcript you and the  
21 resident inspector went off the record --

22 THE WITNESS: Yes, sir.

23 MR. DOCKERY: -- to discuss concerns you had.

24 THE WITNESS: Yes, sir.

25 MR. DOCKERY: Actually, I kind of had a

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1 question about that. You were -- You considered it to be  
2 off the record. What was said?

3 THE WITNESS: I don't -- I know the last time  
4 we had our -- there was three different occasions that you  
5 wanted to go off the record and go talk down on the  
6 balcony. And I would see no need to do that.

7 MR. VORSE: Well, we were discussing  
8 confidentiality.

9 MR. MORRIS: No. He's asking you now --

10 THE WITNESS: Okay.

11 MR. MORRIS: -- if you had an off-the-record  
12 conversation with Todd Cooper regarding your concerns  
13 about the curve.

14 THE WITNESS: Yes, sir.

15 MR. DOCKERY: And can you relate to us here  
16 on the record what the --

17 THE WITNESS: Can I talk to my lawyer whether  
18 or not I can talk about something I talked to --

19 MR. DOCKERY: Absolutely. As a matter of  
20 fact, we've been at this for a long time.

21 MR. VORSE: Yes.

22 MR. DOCKERY: Let's take a short --

23 THE WITNESS: Okay.

24 MR. DOCKERY: We'll go off the record.

25 (Whereupon, a recess was taken at 3:00 p.m.,

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1 after which the proceedings resumed at 3:08 p.m., on tape  
2 number three, as follows:)

3 MR. DOCKERY: We'll go back on the record.  
4 It's now approximately 3:08 p.m.

5 Mr. Van Sicklen has had an opportunity to  
6 confer with his counsel and it's my understanding we're  
7 ready to proceed.

8 MR. MORRIS: Correct.

9 MR. DOCKERY: Mr. Van Sicklen, I have to  
10 remind you that you continue to be under oath for this  
11 proceeding.

12 THE WITNESS: Yes, sir.

13 MR. DOCKERY: Okay, let's get back to the  
14 subject you were discussing.

15 THE WITNESS: I was talking to Todd Cooper.  
16 And again, I remember all this on the clearance desk, with  
17 the clearance chief, and he'd walked out of the Control  
18 Room and come over and talked to me. And we got into  
19 talking about the makeup tank again, what I'd talked to  
20 him about on previous times.

21 And I guess I was just frustrated and he  
22 sensed the frustration that I had. He hasn't been able to  
23 do anything, I ain't been able to do anything that would  
24 really clue them into, hey, you know, an operator has a  
25 concern here that needs to be looked at.

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1 And then he went off the record. And what we  
2 talked about off the record was what an option that I had.

3 What he told me off the record was you can  
4 make an allegation. I'd never even heard what an  
5 allegation was before. And he explained, you know, you  
6 can make an allegation against the company over this. But  
7 if you do that, then it goes directly to the Region.

8 MR. DOCKERY: The Region being?

9 THE WITNESS: Region II. And it's out of our  
10 hands --

11 MR. DOCKERY: Of the --

12 THE WITNESS: -- it's out of his hands  
13 anymore. He says that, I don't even get involved in  
14 allegations. That the Region takes over all of that if  
15 you make an allegation.

16 But we were -- he was still working on it and  
17 I was still working on it, and I felt like, you know, no,  
18 I'm not ready to take it out of our hands. I want to -- I  
19 want to continue working on it with you.

20 MR. DOCKERY: For clarification, Mr. Van  
21 Sicklen, Region II, reference to Region II, do you understand  
22 it to be Region II of the Nuclear Regulatory Commission,  
23 right?

24 THE WITNESS: Region II of the Nuclear  
25 Regulatory Commission. Region -- whatever department in

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1 the Region, it would be out of his hands, he said, and it  
2 would be out of my hands. You make a -- basically, he  
3 says, you make it against the company. You make an  
4 allegation against the company. And then the Region steps  
5 in and they handle it.

6 And so I said, well, I'd rather try to  
7 continue through Management then. You know, let's try to  
8 do it the way we're doing it, the right way. I'm not  
9 ready to just make an allegation against the company and  
10 give it to the NRC, I guess. As long as -- he was working  
11 with me and we were both going to try to solve it.

12 And then we went back on the record and he  
13 says, okay, now I'm an NRC, do you have -- do you want to  
14 make an allegation? And I said no, I don't want to make  
15 an allegation.

16 MR. DOCKERY: By off the record, I think what  
17 you're referring to is he wanted to make it clear to you  
18 you understood what your options were.

19 THE WITNESS: He wanted to -- he went off the  
20 record to say, hey, you can make an allegation and it  
21 would go directly to Region. And it would be out of our  
22 hands -- his hands. He wouldn't be involved with it  
23 anymore if that's what I did.

24 MR. DOCKERY: And there's nothing improper  
25 about that. So please go ahead.

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1 THE WITNESS: That's -- He made it -- he  
2 made me feel like, and I felt that way myself, that I'd  
3 still like to work with my Management. I'd been talking  
4 to them all the time with this. And that's what was  
5 discussed. And he kept assuring me that, you know, it's  
6 on top of the list of things. He was working on it with  
7 me. We were both trying to get it done.

8 MR. DOCKERY: This might be a time for me to  
9 interject a question I have here.

10 You -- you just earlier in your testimony and  
11 just now you've used the term frustration. The  
12 frustration that you felt. I think earlier I used the  
13 term resistance in asking you were you feeling resistance  
14 from some level of management or supervision that caused  
15 you this frustration.

16 Was that the case? Is there somebody you felt  
17 was not doing their job?

18 THE WITNESS: It wasn't -- It wasn't as much  
19 as somebody as when I'd get together with the Engineers  
20 and I'd get together with Greg Halnon. Me and Bruce  
21 Willms, we both felt that nobody would ever come back and  
22 tell us what was going on.

23 MR. DOCKERY: Did you get --

24 THE WITNESS: That was the most frustrating  
25 part, you know. We'd bring it all up to them, we'd give

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1 them all these graphs and charts, and then we'd hear  
2 nothing for a month, until I'd go back over to Greg. You  
3 know, I'm not hearing nothing on the makeup tank. As you  
4 know it's still a concern of mine. We're still operating  
5 the plant. You know, I'm totally subordinate.

6 I mean, I had a conversation on the board with  
7 one of the assistants. It was Mr. Gary Becker. He was  
8 sitting in getting his seven days of quota on the board.  
9 Some of the shifts would run, I mean, they'd open the  
10 bypass and run it right on the curve. Some would stay a  
11 little bit away. And it was varying. And it got to the  
12 point where it was put in the shift supervisor's log. An  
13 OSP entry was made on the shift supervisor's turnover  
14 sheet.

15 Somewhere in upper Management they'd even  
16 taken hydrogen cc's per kg, that they were trying to  
17 achieve by making the hydrogen this high, and they'd put  
18 in on the plan of the day, in the graph form. And you'd  
19 see where sometimes there was dips and sometimes it was  
20 right back up.

21 And there was an OSB entry that I got here  
22 somewhere, that Dave Jones had come back and said, well,  
23 you know, some of the perceived concerns of the operators  
24 are so and so, but we need to maximize cc's per kg.

25 And I was on the board as the board chief.

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1 Mr. Becker was the assistant. And, you know, he was on  
2 the shift supervisor's turnover sheet. He was the  
3 assistant. You know, make sure you maximize it, put it  
4 right on that curve. And we were maybe five counts off  
5 the curve or so. And he'd come over to me and he asked me  
6 to add the hydrogen, get it right back up on that curve.

7 And I immediately, I turned around and I  
8 started adding the hydrogen. And then I turned back to  
9 him and I said, okay, I'm going to do what you say. I'm  
10 100 percent subordinate to you, but I have some concerns  
11 that maybe you're not aware of since you don't normally  
12 sit there. That it's not following this curve and I don't  
13 like to stay right on the curve.

14 And his response to that, and I know Dave  
15 Fields was sitting there as the shifter, and there was  
16 Bill Marshall was sitting right behind him as the shift  
17 manager. And he just pulled out his wallet with Pat  
18 Beard's home phone number. Says, I'll call Pat Beard and  
19 he can explain to you why he wants it right on the curve.  
20 And he actually dials his home phone number, but nobody  
21 answered.

22 And I made it real clear, you know, if that's  
23 where you want it. The hydrogen's already going in, I'll  
24 run it right there for you. I just wanted to tell you  
25 what my concerns were. That's all. And that's where it

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1 ended.

2 MR. RAPP: Let me ask a question then. It  
3 may be somewhat obvious.

4 Was this done -- Was this action done in a  
5 manner to intimidate you into complying or was it done in  
6 a manner to say --

7 THE WITNESS: I think he --

8 MR. RAPP: -- to say, let's explain what the  
9 problem is here and let's get it all aired out and make  
10 sure that everybody understands what everybody else is  
11 doing?

12 THE WITNESS: I felt it was total  
13 intimidation. He didn't even turn around to the shift  
14 supervisor, which is his boss, and the shift manager, they  
15 both sat there together. He just got out the senior vice-  
16 president's phone number and said, well, you can talk  
17 directly to him. And I was, I was going to feel free to  
18 talk to him if he was home and, you know, I would have  
19 explained that this is what I've got.

20 MR. RAPP: What was Mr. Fields' comment to  
21 this, this action?

22 THE WITNESS: He thought that the assistant  
23 was a big jerk. That's --

24 MR. RAPP: The assistant is subordinate to  
25 Mr. Fields, correct?

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1 THE WITNESS: Yeah, the assistant is  
2 subordinate to Mr. Fields, but Mr. Fields, you know, he,  
3 okay, if they want it right on there it's on the shift sup  
4 -- you know, go ahead. And Mark just, don't worry about  
5 it.

6 And I put it right on the curve where they  
7 wanted it. And that's -- And the frustration that I get  
8 is not over any certain individual. It's just a matter of  
9 I kept talking to -- from engineers to the administrative  
10 shift supervisor to the manager. And it was just -- the  
11 frustration was just no feedback, basically.

12 MR. DOCKERY: We try to make it as clear as  
13 possible, because I'm trying to understand.

14 Did you feel that any individual was resisting  
15 your attempts to have this issue dealt with?

16 THE WITNESS: I don't think I can point to --  
17 if you wanted me to point to probably the most individual?  
18 I'm not sure what you want.

19 MR. DOCKERY: I don't want you to point to  
20 any individual unless you feel that they were somehow  
21 actively trying to stifle your ability to put forward your  
22 concerns.

23 THE WITNESS: System Engineering, I think,  
24 was standing pretty firm on their calculation. And I  
25 think the Management was just trying to play management.

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1 Look at the (unintelligible) operator having a concern,  
2 and you got System Engineering saying, no, you ain't got  
3 no concern.

4 And I just kept, just like Pat Beard had told  
5 us to do, if you really feel, just don't let it drop. And  
6 I thought that it was important enough that, you know, I  
7 kept calling my manager. And he was pretty good about,  
8 you know, he set up the meeting, but he never really fully  
9 got engrossed. He's much too busy.

10 MR. DOCKERY: Okay. There's another way --  
11 I'm trying to think of another way to possibly  
12 characterize this. And tell me if this could be correct.

13 In any organization there's a certain degree  
14 of what I'll term inertia. It's just hard sometimes to  
15 get things rolling. Was that the problem you were facing  
16 here? Or once you think you've gotten things rolling, to  
17 continue that, that process?

18 THE WITNESS: Well, I'd started it rolling  
19 and my manager seemed like he supported me. And never  
20 once did my manager turn around and say, you know, shut  
21 up, Mark.

22 MR. VORSE: Who was your manager, again?

23 THE WITNESS: Greg Halnon. But it seemed  
24 like somewhere whether this whole thing started over a  
25 quote that everybody's familiar with what Pat Beard says.

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1 Pat Beard, the reason why this hydrogen was put on the  
2 curve and why we went away from our old alarm of 15  
3 pounds, takes us up to 30 pounds, was for the cc's, an MPO  
4 good practice.

5 And -- Now, this is going back probably of  
6 August of '93, I went to a meeting. And we started  
7 talking about emergency boration. I was invited, with  
8 Ernie Gallion, one of the shift supervisors, to go down to  
9 the nuke Admin Building and sit in on a meeting where they  
10 discussed, okay, let's get Engineering together. And I  
11 think it was Brian Murtaw was the one running the meeting.  
12 And he basically had a dozen engineers in there, and we  
13 talked about hydrogen overpressure.

14 MR. DOCKERY: You weren't being shut out  
15 then, in your opinion, were you?

16 THE WITNESS: No, I never felt like I was  
17 shut out. Nobody -- I kept feeling from my management,  
18 which was Greg Halnon and even Dave Jones, it was almost  
19 above the shifters that, all right, Mark, you know, we'll  
20 get you with Engineering again and keep working on it.

21 And that's why I felt comfortable with, I got  
22 time off, I'll keep working on it. I didn't want to just  
23 drop it. And I thought that I was pursuing it. And that  
24 was good. And I know it got turned into, and I don't why,  
25 that's why you're asking that it -- by other people that

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1 look outside and look in, were thinking that it was a real  
2 conflict between me and Engineering.

3 And it's not what the other people are  
4 perceiving, that this whole thing was a personal thing.  
5 You know, Phil Saltsman, one of the System Engineers, he  
6 got hired the same time as me. Our wives do something  
7 with our kids together. I have no problem with it. It's  
8 not a personal thing.

9 MR. DOCKERY: Okay. But understand, you had  
10 been the one who's used the term frustration several times  
11 today.

12 THE WITNESS: Yeah.

13 MR. DOCKERY: All we're trying to do is to  
14 the extent possible pinpoint the source of frustration --

15 THE WITNESS: What that frustration --

16 MR. DOCKERY: -- to be the cause of that  
17 frustration, if that's possible.

18 THE WITNESS: The biggest cause is Pat Beard  
19 said he wanted it on the curve. He made it so far as to  
20 put it on the plan of the day so that he could show  
21 everybody. Every day the plan of the day gets put up  
22 there in the Control Room and they give it to all the  
23 shops. And the only purpose of having hydrogen cc's per  
24 kg was to see whether it was being maximized. And the  
25 only way to maximize it was to -- to run right on the

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1 curve as much as we could.

2 And the engineers -- and this is something  
3 that I started to bring up out of that meeting -- they  
4 react a lot to what Pat Beard says. A Senior Vice-  
5 President tells you to do something, you do it.

6 That pressure was never put on me as a plant  
7 operator from my management. Nobody ever came down to me  
8 and said, Mark, you shut up. And I, you know. They had  
9 the -- the -- I think they were just trying to back what  
10 Mr. Beard wanted. And they wanted to show that, hey, we  
11 can get this cc to kg.

12 And half-way through that meeting we all got  
13 to  
14 -- you know, all the System Engineers down there, me and  
15 one of the shift supervisors talking mostly then with the  
16 emergency boration. And an hour into it we said, you  
17 know, why are we trying to do this, you know, what's the  
18 problem, why do we need some many cc's per kg.

19 Oxygen, as far as when they sample oxygen from  
20 the RCS, is undetectable. It's less than. And hydrogen  
21 goes in there to combine with the oxygen, that's water.

22 And that's where it came up in that meeting,  
23 and it's just, Pat Beard wants it there, it's an MPO  
24 recommendation to run there. I think a BMW water  
25 chemistry manual, end up putting in 25 cc's per kg, and

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1 that's where we're going to run.

2 I hope I've -- I can't give you a pinpoint any  
3 more than that, I don't think.

4 MR. DOCKERY: And I don't ask you to tell me  
5 any more than what you can tell me.

6 THE WITNESS: I'm sorry if I'm being too  
7 lengthy. I'm trying to answer as fullest, 100 percent  
8 that I can.

9 MR. DOCKERY: And we appreciate that.

10 MR. VORSE: Curt, you got anything?

11 MR. RAPP: Yes, let me go over a couple of,  
12 couple of items. Excuse me.

13 Back in July of '94, Mr. Willms had some  
14 concerns about this curve as well, correct?

15 THE WITNESS: All the way through, from the  
16 point back in '93, me and him were on the same shift. I  
17 was the lead in, he was the junior. And we worked  
18 together and we made little graphs of the emergency  
19 boration. He had concerns over the regulated. That was a  
20 violation that we got, whether the regular being set  
21 wrong. And he was more on the appendix R, concerned over  
22 trying to prevent two accidents.

23 MR. MORRIS: See if you can preface your  
24 answer with yes or no and then explain.

25 THE WITNESS: Okay.

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1 MR. RAPP: All right. Then, going back to  
2 the July of '94. Were you aware that Mr. Willms conducted  
3 similar type tests?

4 THE WITNESS: No, sir.

5 MR. RAPP: Were you involved in a meeting  
6 with Engineering where Mr. Willms presented this  
7 information to Engineering?

8 THE WITNESS: When you say similar type  
9 tests, do you mean going from 86 to 55?

10 MR. RAPP: Yes. Drain down the makeup tank.

11 THE WITNESS: No, sir, that was not presented  
12 on the July 19th meeting. We presented data that we had  
13 graphed from SP surveillance procedure 630. And he'd also  
14 had graphs from doing normal makeup tank feeds and bleeds.  
15 Where it was getting routine, and it still is today, when  
16 somebody does a 200 gallon add, they'll mark where it  
17 started and began. And that's what was plotted.

18 Does that answer your question?

19 MR. RAPP: Okay.

20 THE WITNESS: It was not presented on the  
21 July 19th meeting. I found out in December when I'd come  
22 back he'd given me a graph that he did sometime in July  
23 after that meeting where he went from 86 to 55 on a  
24 different shift.

25 MR. RAPP: But you were not involved with

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1 that, that activity?

2 THE WITNESS: No, sir.

3 MR. RAPP: You weren't on that shift either?

4 THE WITNESS: No, sir.

5 MR. RAPP: Well, all right. Let me get on to  
6 a couple of other issues down here.

7 Do you know of any documents, procedures, or  
8 administrative documents within Crystal River that  
9 constitutes or defines what a test is?

10 THE WITNESS: No, sir.

11 MR. RAPP: Okay. What is your definition of  
12 a test?

13 THE WITNESS: I've never even thought about  
14 it until what happened, but our definition. We look when  
15 we do something whether or not we have a procedure to do  
16 it. If we have a procedure to do it, then it's within our  
17 bounds. The shift supervisors always have the option on  
18 OPs to even pick out pieces and parts to do certain items  
19 that he wants to do. He would even go as far sometimes as  
20 to take it out of surveillance procedures.

21 One of them that comes to mind is the  
22 engineers wanted to know what the dp flow for the nuclear  
23 services closed cycle cooling pumps is. And we don't have  
24 any procedure to cut in the instrumentation to show them  
25 that. But in the surveillance procedure, which actually

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1 tests that pump to make it operable, you cut in the valves  
2 to do that. But we had no general operating procedure to  
3 do that.

4 So the shifter would pick out of the -- even  
5 the surveillance procedure the steps necessary to do that  
6 and say, okay, now we have a procedure, you can go do  
7 that.

8 MR. RAPP: Is the 50.59 review for the  
9 procedure for each individual step within the procedure or  
10 is it for the procedure as a whole unit?

11 THE WITNESS: I haven't done very many  
12 procedure changes, but the 50.59 review that gets signed  
13 off in the front is done for, I think, the whole  
14 procedure. And even like when you do a rev to a  
15 procedure, even that revision gets a 50.59 to make sure  
16 that the changes done are still within the intent of the  
17 procedure.

18 So, I don't know -- I don't know the exact  
19 answer to your question whether or not -- there's only one  
20 50.59 done with the procedure and that's done every time  
21 even the procedure's changed, even if you change one spec.

22 So, you know, I don't -- we just look at is  
23 there guidance to do what you want to do. And then OPs,  
24 it's totally within the shifter if the shifter -- if  
25 you're doing a valve lineup it's in a procedure. And the

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1 shifter says, no, I don't need these valves out of that  
2 valve lineup done, he just NA's them, or tells you to NA  
3 them, and you NA and you do just what you need to do to do  
4 the job that you're trying to do.

5 MR. RAPP: Whenever there was a test, a  
6 surveillance procedure going to be run and there was going  
7 to be a change to the lineup for that procedure, would  
8 they implement another procedure that may contain the  
9 guidance to do that additional lineup, that alternate  
10 lineup, or would they rev the procedure and conduct a  
11 50.59 review?

12 THE WITNESS: Surveillance procedures were  
13 kept at a higher level than the OPs. The shifter could  
14 change anything he wants in the OP.

15 A surveillance procedure, like I used before,  
16 they pulled pieces out to do certain things, but if you're  
17 doing the surveillance procedure that's due, like when I  
18 wanted to cut in the Barton for the SW pumps, the nuclear  
19 services pump, the surveillance wasn't being done at that  
20 time. We used portions of that surveillance to do what we  
21 wanted to do.

22 Your question, from what I think you're  
23 asking, is when surveillance procedure, whatever, is being  
24 done for its surveillance. Say you want to test the  
25 operability of the decay heat pump and you're doing that

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1 surveillance, and now you want to go outside the  
2 surveillance, what we've done in the past is just make a  
3 note and the shifter has to sign the note. And if it was  
4 within the intent of the procedure, and this has changed  
5 some now, he would just sign the note.

6 Now we're getting into, and I say now, post  
7 September 5th, even some of it before September 5th,  
8 depending on what shifter it was. Some shifters felt  
9 comfortable, some felt like you needed to take the whole  
10 procedure back. And now I think that's the general for  
11 right now.

12 If you gave me today a surveillance procedure  
13 to do and I couldn't do it step by step, line by line,  
14 there was something that had to be changed about lineup or  
15 something, you bring that back up to the shifter and he  
16 will still make the determination. And most of them now  
17 are leaning like some of the shifters did back then. That  
18 now you send this whole thing back and you either make a  
19 ITC, a temporary change to the procedure, or issue a new  
20 rev.

21 We had a big thing the end of last year over  
22 notes. We used to write a lot of notes. Like in our  
23 surveillance procedure, our daily logs was a surveillance  
24 procedure, SP-300. And you take your daily readings every  
25 day. If an instrument is out of service, we'd just write

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1 out a service work request number and put a note, Comment  
2 One, running, or secure due to maintenance, or something.

3 Even that has become under more scrutiny since  
4 that is a surveillance procedure that you're doing for its  
5 frequency. Our notes in that are scrutinized a lot now.  
6 It might not be acceptable now if that meter's out of  
7 service to just write Out of Service. It might be that,  
8 hey, you know, the intent is you want a reading on that  
9 you might have to go get it locally or do something to  
10 fulfill that requirement, where before, in the past we  
11 just put a note.

12 I hope I didn't go again into too much depth.

13 MR. RAPP: That's all I have right now, Jim.

14 THE WITNESS: I got one in this. Can we take  
15 another brief recess right here for a minute? I'd like to  
16 talk to --

17 MR. DOCKERY: We'll go off the record. Okay.

18 (Whereupon, a brief recess was taken at 3:30  
19 p.m., after which the proceedings resumed at 3:35 p.m. as  
20 follows:)

21 MR. DOCKERY: We're back on the record. The  
22 time is approximately 3:35 p.m. We went off the record at  
23 Mr. Van Sicklen's request to discuss some matter with his  
24 counsel.

25 Mr. Van Sicklen, I'll remind you at this time

1 that you continue to be under oath here.

2 THE WITNESS: Yes, sir.

3 MR. DOCKERY: And was there something that  
4 you wanted to respond to?

5 THE WITNESS: No, sir.

6 MR. DOCKERY: Was there anything that you  
7 wish to discuss or bring up --

8 MR. MORRIS: No, he just had a question for  
9 me.

10 MR. DOCKERY: Oh, okay, fine.

11 MR. RAPP: I have nothing further right now.

12 MR. DOCKERY: I'd like to note that, Mr. Van  
13 Sicklen, you've brought with you here today what appears  
14 to be a sizable amount of documentation. Is that correct?

15 THE WITNESS: Yes, sir.

16 MR. DOCKERY: Without going into detail what  
17 those documents are, is that the same documentation that  
18 you had with you when you were previously interviewed by  
19 the NRC?

20 THE WITNESS: Some data has been added to it.

21 MR. DOCKERY: I'd just like to know  
22 specifically, is there any documentation that you have  
23 here today that you also had at your previous meeting with  
24 the Office of Investigations that pertain to September the  
25 4th, 1994?

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1 THE WITNESS: I have no documentation on the  
2 September 4th.

3 MR. DOCKERY: I see. And that includes  
4 today?

5 THE WITNESS: That includes today.

6 MR. DOCKERY: Okay.

7 MR. VORSE: So, maybe the only person that  
8 does have documentation would be Mr. Weiss, because he  
9 took it home and did this on computer --

10 THE WITNESS: If anybody's got what happened  
11 on September 4th it would probably be Mr. Weiss.

12 MR. DOCKERY: Let me ask you this, because  
13 there was some apparent confusion earlier.

14 We've discussed your limited knowledge of an  
15 evolution which occurred during July of 1994. You were  
16 not part of the shift that conducted that evolution. My  
17 understanding, you came to know about it after the fact.

18 THE WITNESS: Yes, sir.

19 MR. DOCKERY: Okay. We've discussed at some  
20 length your knowledge of an involvement in evolutions that  
21 were conducted during September the 4th and 5th of 1994.

22 THE WITNESS: Yes, sir.

23 MR. DOCKERY: Were there any other evolutions  
24 that you're aware of or that you took part in that were  
25 conducted to address the same issues that we've discussed

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1 here today?

2 THE WITNESS: No, sir. The only ones I know,  
3 the 22nd, that I found after the fact. The 4th and the  
4 5th. I've no --

5 MR. VORSE: Twenty-second of what?

6 THE WITNESS: The 22nd of July is what I  
7 think Bruce Willms said that his data was taken out of.  
8 And that date I'm not sure. That's the date that stuck in  
9 my mind that he told me, but I don't know what date -- the  
10 company should have all that now. I gave the company  
11 everything that I knew about it. I turned over all the  
12 original graphs that Bruce Willms gave me. I gave them  
13 all to Halnon.

14 MR. DOCKERY: So that we're talking about as  
15 far as your knowledge extends to one degree or another to  
16 only three evolutions. July the -- on or about July the  
17 22nd, September the 4th and September the 5th, all in the  
18 year 1994?

19 THE WITNESS: Yes, sir. In doing a normal --  
20 would you consider this part of your question that you're  
21 asking me right now. If I did a normal 200 gallon add  
22 because I needed to add 200 gallons of water to the makeup  
23 tank, and I plotted where I started and where I ended?

24 MR. DOCKERY: Mr. Rapp, I think you'd be the  
25 one to address that.

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1 MR. RAPP: I was reviewing some other  
2 information. What --

3 THE WITNESS: He's asked me specifically over  
4 I know of three different occasions where it was bled down  
5 strictly to get data, I guess to give somebody, that he  
6 calls a test, that went from 86 to 55 that I know of. Any  
7 time that we did an add, I know I told you that when we  
8 gave data to Engineering on the 19th, just from doing a  
9 normal 200 gallon add because I need to add 200 gallons to  
10 the makeup tank and I plot where I started and where I  
11 ended, would that be within the scope of what he's asking?

12 MR. DOCKERY: I'm trying to determine --

13 THE WITNESS: Is there any other tests done,  
14 I think.

15 MR. DOCKERY: Well, I wouldn't use the word  
16 test because I'm not qualified --

17 THE WITNESS: Okay.

18 MR. DOCKERY: -- to make that determination  
19 by any means. But just the confusion we had previously  
20 over a September 4th evolution, that's all I know it by,  
21 that occurred that was not addressed previously by OI  
22 because we were unaware of it. Now we have since been  
23 made aware of a September 4th as well as a September 5th,  
24 1994, evolution. And --

25 THE WITNESS: And the July --

1 MR. DOCKERY: Now a July. I'm just saying  
2 are there any others we should be aware of. And you're  
3 asking whether or not the scenario --

4 THE WITNESS: My answer is no. And what I  
5 asked you is if I do put 200 gallons into the makeup tank  
6 and I plot where I started --

7 MR. RAPP: Were there evolutions -- Were  
8 there evolutions performed where it was specifically done  
9 only to gather data?

10 THE WITNESS: No.

11 MR. RAPP: Besides the ones that we already  
12 know about?

13 THE WITNESS: No, sir.

14 MR. DOCKERY: We just want to make sure we  
15 have that question covered and answered.

16 MR. MORRIS: Done and done.

17 THE WITNESS: I agree.

18 MR. DOCKERY: We'll go off the record for a  
19 minute, please.

20 (Whereupon, an off the record discussion was  
21 had at 3:40 p.m., after which the proceedings resumed at  
22 3:43 p.m. as follows;)

23 MR. DOCKERY: We're back on the record. The  
24 time now is approximately 3:43. I remind you, Mr. Van  
25 Sicklen, you continue to be under oath here. And if you'd

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1 acknowledge that verbally.

2 THE WITNESS: Yes, sir.

3 MR. DOCKERY: I noted just a minute ago that  
4 Mr. Van Sicklen has brought with him today numerous  
5 documents and records of his own. And while we were off  
6 the record we discussed the fact that we certainly want to  
7 afford Mr. Van Sicklen the opportunity to bring forth any  
8 documentation that he feels important. And he understands  
9 that he will have that opportunity. We don't feel we  
10 necessarily have to do it here today on the record. And  
11 Mr. Van Sicklen has agreed that any documentation that we  
12 request of him that is in his possession will certainly be  
13 provided.

14 MR. MORRIS: That's correct.

15 MR. DOCKERY: Mr. Morris, is --

16 MR. MORRIS: Okay. That's correct.

17 MR. DOCKERY: One further question at this  
18 point.

19 Mr. Van Sicklen, from -- between September the  
20 5th, 1994, until today, have you had an opportunity to or  
21 been requested to tell your story, your version of events,  
22 to Florida Power Company?

23 THE WITNESS: No, sir.

24 MR. DOCKERY: Okay.

25 MR. VORSE: Were you not interviewed by

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1 Florida Power before the pre-enforcement panel? Have you  
2 been interviewed by FPC regarding the 4th and 5th  
3 evolutions?

4 THE WITNESS: No, sir. The only -- only time  
5 we came up, and that was me and Christine, came up to Greg  
6 Halnon's office after you had already come and interviewed  
7 the other four, and he basically told us, you know, this  
8 is all I can recall from what the other four.

9 MR. VORSE: Are you telling me that you  
10 haven't been interviewed by the special team, Mr. Poole  
11 and Mr. Carter?

12 THE WITNESS: Oh, I misunderstood your  
13 question. I thought you meant before I'd talked to you.

14 Yes, between today and the 5th, last week I  
15 had interviews with Mr. Carter and I had Dave DeMontfort  
16 sit in with mine. He's one of the guys on their team.  
17 And I just wanted somebody else in there that -- like Mr.  
18 Rapp. He's the simulator instructor. And we put him in  
19 our joint defense agreement so that he could explain  
20 everything to Mr. Carter. That was the time that I  
21 explained it all to the company.

22 MR. DOCKERY: Okay. I just want to make sure  
23 that I'm clear on that. When I said provide your version  
24 of events to Florida Power Company I also would include,  
25 of course, attorneys for Florida Power Company, either

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1 their counsel or outside counsel.

2 THE WITNESS: And when you say afford, I  
3 requested of my attorney --

4 MR. MORRIS: Yes, let me object to the form of  
5 the question.

6 If you could ask him -- I draw a distinction  
7 between being interrogated about an event and giving --  
8 being given an opportunity, as you phrased it, to give  
9 your version. Okay.

10 MR. DOCKERY: That's a fair distinction.

11 MR. MORRIS: So if you could ask both of  
12 those questions separately, you'd get different answers, I  
13 believe.

14 THE WITNESS: And that's what I kept bringing  
15 up to him here recently, that I'm welcoming -- I've made  
16 it clear to him that I'd love to sit down with Pat Beard  
17 and just tell my side of the story.

18 MR. DOCKERY: Mr. Van --

19 THE WITNESS: That hasn't been -- I've  
20 answered questions from Mr. Carter, and that's what has so  
21 far gone on.

22 MR. DOCKERY: Okay. You responded to  
23 questions from Mr. Carter. Mr. Carter is who? I'm sorry.

24 THE WITNESS: He is corporate security. He  
25 was put in charge of the investigation that the company is

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1 doing. It was Mr. Carter, Mr. Dan Poole, Mr. Dave  
2 DeMontfort, and Mr. Vic Hernandez.

3 MR. DOCKERY: But that was on -- that was the  
4 most recent discussion.

5 THE WITNESS: That was last week.

6 MR. DOCKERY: Oh, okay. Prior to that were  
7 you ever interviewed by anybody from Florida Power Company  
8 --

9 THE WITNESS: That's what I thought you were  
10 asking the first time. And that answer is no.

11 MR. DOCKERY: So --

12 THE WITNESS: So between September 5th and we  
13 were getting ready to come up to a pre-decisional  
14 conference, and never once has the company ever talked to  
15 any of us.

16 MR. VORSE: Did you -- Was Mr. Fields or Mr.  
17 Weiss ever talked to by the Management Review Team  
18 concerning the September 4th and 5th evolutions?

19 THE WITNESS: I don't know what went on. Mr.  
20 Fields and Mr. Weiss were put on a Manager Review Board  
21 and they got to talk to the managers of the company, but  
22 none of the bargaining unit ever did that.

23 MR. DOCKERY: Mr. Van Sicklen, you testified  
24 much earlier today that you had discussions with an  
25 attorney for Florida Power Company before meeting with Mr.

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1 -- and being interviewed by Mr. Vorse and Mr. Rapp. Am I  
2 correct in my recollection?

3 THE WITNESS: We didn't discuss the details  
4 of the event. All that we did was it was a phone  
5 conversation from the lawyer down in St. Pete to me and  
6 Christine we took in Carl Bergstrom's office. And he  
7 basically said, you know, here NRC's going to just come  
8 down and they're just going to ask you some questions.  
9 Feel free to answer their questions to the best of your  
10 knowledge. They're going to specifically ask you over  
11 what went on your evolution of September 5th. And answer  
12 freely anything that they ask but just try to stick to  
13 what they ask. Don't -- Don't offer any -- and I'm not  
14 trying to say this to -- offer might be a bad word. His  
15 advice was just answer their questions. Don't get into an  
16 elaborate --

17 MR. DOCKERY: Okay. I'm flirting with  
18 privilege here again.

19 THE WITNESS: Okay.

20 MR. DOCKERY: But, is it fair to say you were  
21 not asked at that time what your testimony to the NRC  
22 would be?

23 THE WITNESS: No, sir.

24 MR. DOCKERY: All right. I don't have  
25 anything else at this time.

1 MR. VORSE: Mr. Van Sicklen, we've talked a  
2 lot today and I'm going to give you an opportunity to tell  
3 us anything else that's bothering you that you think is a  
4 safety concern that you need to get on the table. You  
5 know, just leave it open, leave it open to you.

6 THE WITNESS: (No response.)

7 MR. DOCKERY: Would you like to consult with  
8 your counsel before bringing anything else up?

9 MR. MORRIS: You can say anything you want to  
10 say, son.

11 THE WITNESS: I don't think I have anything  
12 that pertains to what you're investigating right now. So.

13 MR. DOCKERY: How about it if we ask it this  
14 way. Is there anything that you feel perhaps we should  
15 have brought up that we didn't?

16 THE WITNESS: Let me talk to my counsel one  
17 more time.

18 MR. DOCKERY: We'll go off the record.

19 (Whereupon, a brief recess was had at 3:50  
20 p.m., after which the proceedings resumed at 3:53 p.m. as  
21 follows:)

22 MR. DOCKERY: We're back on the record. The  
23 time is approximately 3:53 p.m.

24 Mr. Van Sicklen, I remind you that you  
25 continue to be under oath here?

1 THE WITNESS: Yes, sir.

2 MR. DOCKERY: And before we get to whatever  
3 else you might want to ask, we also consulted among  
4 ourselves and I -- Mr. Rapp, I think you have some  
5 questions?

6 MR. RAPP: Yes. Back to reviewing my notes  
7 here.

8 Previous interview, there was a statement made  
9 that there was a training session that Mr. Halnon --

10 THE WITNESS: That's what I was just --

11 MR. MORRIS: We're all on the same line.

12 THE WITNESS: That's what I just went out to  
13 ask him about.

14 MR. RAPP: Okay. Go ahead.

15 THE WITNESS: Because I didn't mention that.  
16 Thought I might as well. That's what I thought something  
17 else that you might want to know, but I didn't --

18 MR. RAPP: Go ahead.

19 THE WITNESS: Yes. In this here room, we got  
20 in January talking about event free operations. And I was  
21 sitting right where Mr. Vorse is. And there was two  
22 shifts in here. It was after midnight for us. Mr. Halnon  
23 brought some donuts in and he had the OSS shift come in.  
24 And he was going over a presentation of event free  
25 operation.

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1                   And in that discussion the makeup tank got  
2 brought up again. And he brought it up in a way like that  
3 was a single event. And, I mean, I don't think anybody  
4 else in the room would probably remember it. It was just  
5 something that after what's happened to me personally I  
6 picked up on the way he worded the question, or the  
7 answer, the discussion, whatever it was. And I brought  
8 back up to him that, you know, that wasn't a single time  
9 that that was done. It was done at other times. And his  
10 replay back to me was, yeah, I'm aware of several other  
11 times that it happened. And that was it. I shut up.

12                   And that was what I just talked out there that  
13 maybe that should be brought up here.

14                   MR. VORSE: And the date again?  
15 Approximately.

16                   THE WITNESS: It was sometime in January I  
17 think he was doing all his event free. He came out with  
18 these free plant tags and brought all the shifts in.

19                   MR. DOCKERY: When you say January, you're  
20 talking --

21                   THE WITNESS: 1995.

22                   MR. VORSE: End of January, early February --

23                   THE WITNESS: Yes, sir.

24                   MR. VORSE: And these training records are  
25 located where?

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1 MR. DOCKERY: To the extent that you know.

2 THE WITNESS: Mr. Halnon would probably be  
3 able to answer that for you.

4 MR. RAPP: Was there an attendance sheet?

5 THE WITNESS: Yes, he had everybody in  
6 Operations was required now. When you say there's an  
7 attendance sheet, I cannot 100 percent for sure say I  
8 signed one. I know we kept records so that everybody in  
9 Operations attended it. It was a plant-wide. It wasn't a  
10 formal, like a recall training session. It was something  
11 new that he was getting into. He had these new tool bag  
12 plant cards and he was bringing in all of Operations. Not  
13 a required training though.

14 MR. RAPP: Yes. That was the only issue I  
15 wanted -- area I wanted to go into further.

16 MR. VORSE: Anything else?

17 THE WITNESS: No, that's what I talked to my  
18 lawyer about that I was --

19 MR. VORSE: Mr. Morris?

20 MR. MORRIS: Yes, I have one question.

21 Mr. Van Sicklen, I want you to assume that you  
22 were interviewed by Jerry Carter on July 22nd, 1995,  
23 regarding the September 4th evolution. I want you to  
24 assume the date is July 22nd, 1995.

25 Between September 5th, 1994, and July 21,

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1 1995, has anyone at Florida Power Company ever offered you  
2 the opportunity or asked you to explain the events of the  
3 evolutions of September 1994?

4 THE WITNESS: No, sir.

5 MR. DOCKERY: Counselor, just for  
6 clarification, is he assuming the date of July 22nd, '95,  
7 or is he assuming that the interview or the meeting with  
8 Mr. Carter took place? I wasn't clear.

9 MR. MORRIS: I'll rephrase it.

10 I want you to assume that you were interviewed  
11 by Mr. Jerry Carter on July 22nd, 1995.

12 THE WITNESS: Okay. That's the time I talked  
13 to him and explained what I --

14 MR. MORRIS: You were, in fact, interviewed  
15 by Mr. Carter, correct?

16 THE WITNESS: Yes, sir.

17 MR. MORRIS: And the contents of that  
18 interview were intended to be privileged, correct?

19 THE WITNESS: Yes, sir.

20 MR. MORRIS: Without getting into the content  
21 of that interview, prior to that date had anyone from  
22 Florida Power Company ever asked you to explain what  
23 occurred regarding the evolutions performed on the makeup  
24 tank?

25 THE WITNESS: No, sir.

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1 MR. MORRIS: Okay.

2 MR. DOCKERY: The fact that the meeting with  
3 Mr. Carter is not an assumption on your part, you know  
4 that happened?

5 THE WITNESS: Yes, sir.

6 MR. MORRIS: The only assumption was the  
7 date.

8 MR. DOCKERY: That's what I thought we were  
9 getting at. I wanted to be sure.

10 MR. MORRIS: Okay.

11 MR. DOCKERY: I have nothing else.

12 MR. VORSE: Okay. If no one else has  
13 anything else, then we'll go ahead and conclude this  
14 interview. And the time is 3:57 p.m. on August 8th, 1995.  
15 Thank you.

16 (Whereupon, the proceedings were concluded at  
17 3:57 o'clock p.m.)

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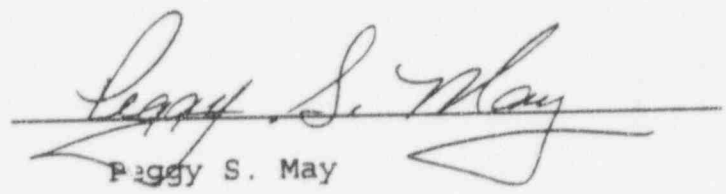
This is to certify that the attached proceedings  
before the United States Nuclear Regulatory Commission in  
the matter of:

Name of Proceeding: Interview of Mark Van  
Sicklen,

Docket Number(s): 2-94-036

Place of Proceeding: Crystal River Nuclear Plant  
Crystal River, Florida

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Peggy S. May

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