

EXHIBIT 3

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Case No. 2-94-036S

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EXHIBIT 3

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Interview of Christine Smith

Docket Number: 2-94-036

Location: Crystal River, Florida

Date: Tuesday, August 8, 1995

Work Order No.: NRC-298

Pages 1-33

2-94-036

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EXHIBIT 3
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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 CHRISTINE SMITH : (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 10:25 a.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 Investigations. The date is August the 8th, 1995. The time is approximately 10:25 a.m. The location of this interview is the Crystal River Nuclear Plant, Crystal River, Florida. Our discussion here today involves inquiries being made in NRC Investigation Number 2-94-036.

Beginning with Mr. Vorse, I'd like the participants here today to identify themselves for the record. And I think we can dispense with the spelling of names. Lead Counsel is aware of the spellings.

Mr. Vorse?

MR. VORSE: My name is James Vorse, Senior Investigator with the NRC's Office of Investigation, Region II, Atlanta, Georgia.

MR. DOCKERY: Mr. Rapp?

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

MR. DOCKERY: Mr. Morris?

MR. MORRIS: I'm Bruce H. Morris. I'm here on behalf of Ms. Smith.

MR. DOCKERY: Ms. Smith, we'll identify you after I administer the oath.

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1 Would you stand and raise your right hand,
2 please.

3 MS. SMITH: (Complies.)

4 WHEREUPON,

5 CHRISTINE SMITH,

6 being first duly sworn by the Investigator, was examined
7 and testified as follows:

8 MR. DOCKERY: Thank you. Be seated.

9 THE WITNESS: (Complies.)

10 MR. DOCKERY: Ms. Smith, will you state your
11 social security number and date of birth, please?

12 THE WITNESS: Social security number,

13 [REDACTED] Date of birth [REDACTED]

14 MR. DOCKERY: And would you state and spell
15 your entire name, please.

16 THE WITNESS: Christine Smith, C-H-R-I-S-T-I-
17 N-E. Smith, S-M-I-T-H.

18 MR. DOCKERY: Okay. Ms. Smith, before we
19 went on the record here today, Mr. Vorse and I identified
20 ourselves to you, via our credentials, as investigators
21 for the NRC, Office of Investigations. Is that correct?

22 THE WITNESS: That is correct.

23 MR. DOCKERY: Do you have any questions about
24 who we are or why we're here today before we begin?

25 THE WITNESS: No, I do not.

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1 MR. DOCKERY: Okay. I also asked you to read
2 a copy of Title 18 of the United States Criminal Code,
3 Section 1001. Do you understand what that title pertains
4 to?

5 THE WITNESS: Yes, I do.

6 MR. DOCKERY: Do you have any questions about
7 that?

8 THE WITNESS: No, I do not.

9 MR. DOCKERY: Thank you.

10 Mr. Vorse?

11 DIRECT EXAMINATION

12 MR. VORSE: Ms. Smith, what type of license
13 do you have?

14 THE WITNESS: I have a Reactor Operator's
15 license.

16 MR. VORSE: And would you -- How long have
17 you had this reactor operator license?

18 THE WITNESS: It's approximately June of
19 1993.

20 MR. VORSE: Would you describe your duties in
21 relation to that license.

22 THE WITNESS: My duties are to watch over the
23 plant, Crystal River, Unit III. Operate the plant, take
24 necessary action to prevent anything unsafe from happening
25 to the plant. To trip the reactor if I believe something

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1 is unsafe. Basically it.

2 MR. VORSE: Okay. I need to know your
3 involvement, in a lot of detail, in the makeup tank
4 evolution that we talked about last time, as well as we
5 understand now that there was another evolution similar to
6 that conducted on September 4th, 1994, the night before
7 the September 5th evolution, obviously.

8 Would you describe in detail everything that
9 you did, what your relationship was with these evolutions.

10 THE WITNESS: The September 4th evolution was
11 about the same as the September 5th evolution. We had
12 pre-job briefing as to what we were going to do. We were
13 going to put the hydrogen pressure of the makeup tank on
14 the curve, as directed by Management. Then we were going
15 to bleed water from the tank and observe what the system
16 response was going to be.

17 My involvement on September 4th was the same
18 as on the September 5th. I was observing the balance of
19 the plant while the evolution was being performed and just
20 making sure nothing else was going on with the plant.
21 Making sure nothing, you know, went wrong with the plant
22 while the evolution was being performed, so that nobody
23 was distracted by the evolution and not watching the
24 plant.

25 MR. VORSE: Would you tell me who "we" are?

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1 THE WITNESS: Our crew; Dave Fields, Rob
2 Weiss --

3 MR. DOCKERY: Excuse me a second. Let's --
4 If we can, let's make sure we're discussing September the
5 4th here, just in case it's different from September the
6 5th. Okay? We'd like to make that distinction.

7 THE WITNESS: September 4th and September
8 5th, both days the Control Room crew was the same. We had
9 Dave Fields, Rob Weiss, Jack Stewart, Mark Van Sicklen,
10 and myself.

11 The biggest difference between September 4th
12 and September 5th was on September 4th the data that we
13 got, we just had used the computer to look and see what
14 the system response was. We didn't do any kind of
15 plotting or anything. And the data that we got was
16 scattered all over the place. And it wasn't
17 representative of anything. We couldn't really tell what
18 the data was telling us.

19 The only thing different I recall is I recall
20 on the 4th, after the evolution was performed, I remember
21 getting up and walking around and looking at the computer.
22 Rob Weiss had graphed the computer points and what I saw
23 was zig-zag lines back and forth across the curve and
24 back, that you really couldn't tell what the information
25 was telling you.

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1 So since we didn't have any conclusive
2 information from the 4th, we went ahead, and the following
3 day, the 5th, we decided to perform the evolution again.
4 And this time it was decided to sit and let the computer
5 stabilize so that it would give us good representative
6 information.

7 And on the 5th, Mark Van Sicklen plotted on
8 the curve, he plotted both the computer points and our
9 chart readings so that we would have good accurate data to
10 present in our problem report.

11 MR. VORSE: You earlier said that you
12 performed certain functions that you were directed to
13 perform by Management. Who did you mean by Management?

14 THE WITNESS: Upper Management; I believe it
15 was Pat Beard had directed us to keep the hydrogen
16 pressure for the makeup tank on the curve. They wanted to
17 maximize the cc's per kg in the reactor coolant system.
18 And, therefore, we were directed to run on the curve.

19 MR. VORSE: Curt, you may want to ask more
20 detail on that later on. I'm going to switch gears here a
21 little bit.

22 In either one of these evolutions on 4 and 5
23 September of 1994, did anyone say this is wrong, this is
24 not a good idea?

25 THE WITNESS: No.

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1 MR. VORSE: Did anyone on the shift say there
2 may be some procedural violations?
3 THE WITNESS: No.
4 MR. VORSE: Did you believe that there may be
5 some procedural violations?
6 THE WITNESS: No. I did not. On the 4th and
7 the 5th, the procedures were pulled out, we looked at
8 them, and we believed that we were working within our
9 procedures.
10 MR. VORSE: In either evolution conducted on
11 the 4th and 5th of September of '94, did anyone say we
12 need to get advice from another source, such as the shift
13 technical advisor?
14 THE WITNESS: No.
15 MR. VORSE: Did anyone on the shift say that
16 Management, and that means above your shift, needs to know
17 about this evolution before we do it?
18 THE WITNESS: No.
19 MR. VORSE: Did anyone on the shift, either
20 4th or 5 September of '94 say this is a design basis
21 curve?
22 THE WITNESS: No.
23 MR. VORSE: Did you know that it was a --
24 THE WITNESS: No --
25 MR. VORSE: -- design basis curve?

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1 THE WITNESS: -- I did not.

2 MR. VORSE: Can you tell me what 10 CFR 50.59
3 is?

4 THE WITNESS: (Pause.) I'm trying to
5 remember which one that was.

6 Oh. 50.59, I believe that is where you need
7 to do a safety evaluation for any evolutions that are
8 performed.

9 MR. VORSE: Okay. Can you tell me what --
10 basically what it says? Is that what you're saying it is?

11 THE WITNESS: That's what I believe it says.

12 MR. VORSE: Was 10 CFR 50.59 ever discussed
13 prior to or during either one of these two evolutions of
14 September 4th or 5th?

15 THE WITNESS: No, it was not. We believed
16 that we were working within our procedures. And all of
17 our procedures have already had the 50.59 review.

18 MR. VORSE: Okay. Why didn't you tell me
19 about the September 4th evolution when I talked with you
20 the last time?

21 THE WITNESS: You never had asked me about it
22 and the company attorney had instructed us to answer the
23 questions, answer them truthfully, but don't volunteer
24 anything. And I never even thought about it.

25 MR. VORSE: Okay. Did you or anyone else on

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1 your shift after, you know, it was discovered that it was
2 a design basis curve and you knew that we were coming, and
3 you knew that we were going to be talking to you, did
4 anyone say, anyone of your group, operators of the
5 midnight shift say let's not -- let's not discuss the
6 September 4th evolution?

7 THE WITNESS: No.

8 MR. VORSE: Do you recall, after you obtained
9 data which was not really in your -- my understanding is,
10 in your view representative of what was really happening
11 on the 4th of September, did you all agree to press on on
12 the 5th of September and go deeper into the issue, as far
13 as, you know, tracking the data?

14 THE WITNESS: Yeah, after -- After the 4th,
15 we weren't sure what the data was telling us. And I
16 believe Rob Weiss and Mark Van Sicklen, and possibly Jack,
17 sat down and talked about it. And then when we came back
18 on the 5th we decided, well, we'll try it again and this
19 time let everything stabilize. And also plot it, you
20 know, so we could be very accurate.

21 MR. VORSE: When an annunciator alarm -- when
22 --How far into the evolution did the annunciator alarm
23 come on?

24 THE WITNESS: I don't recall exactly. I
25 recall that the alarm came in and the alarm was due to the

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1 evolution being performed. I made sure that the rest of
2 the crew was aware that they had caused the alarm. And
3 then I continued on, monitoring the balance of the plant.

4 MR. VORSE: And what was the reaction when
5 you alerted the crew that the annunciator alarm had
6 sounded?

7 THE WITNESS: I believe Dave Fields told us
8 to go ahead and continue on.

9 MR. VORSE: Did you feel that that was
10 appropriate?

11 THE WITNESS: Yes, I felt that was
12 appropriate because AI-500 specifies that if an alarm
13 comes in due to an evolution being performed, that we
14 don't need to perform the actions of the AR. So I
15 believed that that was fine and that Dave Fields was
16 authorized to allow us to continue on, and that when the
17 evolution was complete we'd go back and restore the
18 system.

19 MR. VORSE: Did you consider that evolution
20 to be normal?

21 THE WITNESS: It wasn't an evolution that we
22 did every day, but I believed that it was covered by the
23 procedures. And I didn't see any problem with it.

24 MR. VORSE: Have you ever stationed an
25 individual in the Aux Building to vent the tank on any

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1 other occasion?

2 THE WITNESS: (Pause.) I'm -- I'm trying to
3 recall. (Pause.) We didn't normally have them stationed
4 while we were adding or removing water from the tank.

5 I can't recall another time.

6 MR. VORSE: Would you consider putting
7 someone in the Aux Building in anti-C gear to vent a tank
8 as a normal thing?

9 THE WITNESS: (Pause.) No, not as a normal
10 everyday occurrence.

11 MR. VORSE: Did it enter your mind that maybe
12 this was not a routine matter if you stationed somebody
13 down in the Aux Building to vent the tank?

14 THE WITNESS: (Pause.) Not really. It -- I
15 knew that the evolution that was being performed was a
16 little bit -- a little bit different than what we normally
17 do, but I believed that we had the people stationed in the
18 Aux Building just as an added -- added measure of comfort.
19 That when we were done they'd be right there to go ahead
20 and vent the tank if it needed to be vented.

21 MR. VORSE: What -- Why would you station
22 someone down there to vent the tank? I mean, what purpose
23 would that person have?

24 THE WITNESS: I believe it was suspected that
25 when the water level in the tank was lowered that the

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1 pressure might go into the unacceptable part of that curve
2 and that we might want to vent it when we're done. Or if
3 for some reason we had some kind of accident with the
4 plant or something, we would have somebody right there to
5 go ahead and vent it.

6 MR. VORSE: If you go into the unacceptable
7 side of the curve and the annunciator alarm comes on --
8 did you silence the alarm or did you let it continue to
9 ring?

10 THE WITNESS: It was silenced.

11 MR. VORSE: It was silenced.

12 Did you feel comfortable with the annunciator
13 alarm on and it being on the unacceptable side of the
14 curve? Why did you not be -- why were you not concerned
15 about it being in that condition?

16 THE WITNESS: That alarm was in a lot. Since
17 we were operating on the curve I've seen that alarm in for
18 an hour or so at a time. It -- It was pretty much a
19 normal thing. I've come in and relieved a watch with that
20 alarm in. Get the turnover that, yeah, we did that in
21 hydrogen and we're right on the curve and it'll clear in a
22 little while. It wasn't abnormal for me to see that alarm
23 in.

24 MR. VORSE: Did you feel there was no time
25 limit or you were within the time limit to have that alarm

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1 before you -- before you went back to the curve, in
2 normal, you know, the routine curve?

3 In other words, coming down from the
4 unacceptable side of the curve and getting back into the
5 normal region, did you feel that you were covered to allow
6 that 30 minutes or whatever that alarm was on?

7 THE WITNESS: Yes, I didn't see any problem
8 with that. There's nothing in any of our procedures
9 stating a time limit to respond to an alarm.

10 MR. VORSE: Curt, do you have anything you
11 want to ask?

12 MR. RAPP: Just a second. (Pause.) Okay.

13 Let me go back, initially the September 4th
14 pre-job briefing. When was that conducted?

15 THE WITNESS: I couldn't say exactly. I know
16 it was sometime during this, the shift.

17 The best I can guess is it would have been
18 after our routine log readings have been taken. Probably
19 an hour or two into the shift.

20 MR. RAPP: And so after turnover, after shift
21 turnover?

22 THE WITNESS: It would have been after
23 turnover.

24 MR. RAPP: Was it right immediately after
25 shift turnover or was there some period of normal

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1 operation prior to that pre-job briefing?

2 THE WITNESS: I -- I can't recall.

3 MR. RAPP: Can't recall. Okay.

4 What about on September 5th?

5 THE WITNESS: I couldn't recall exactly when
6 we had the meeting for that day either. I just -- In my
7 mind, I would think it would be -- it was definitely after
8 shift turnover and it would have been probably after all
9 our routine log readings were done.

10 MR. RAPP: Let me approach this a little
11 differently then.

12 On September 4th, are you aware of any
13 discussions that Mr. Fields had with either Mr. Van
14 Sicklen or Mr. Stewart prior to conducting this evolution?

15 THE WITNESS: I just -- I know that it was
16 routine for our crew before we did any kind of evolution
17 like that to get everybody up in the Control Room to get
18 together and talk about what we're going to do. I know we
19 talked about it both days.

20 I don't know of any other discussions that
21 might have gone on between Mark Van Sicklen and Dave
22 Fields. I know the safety concern was Mark
23 Van Sicklen's, and they pretty much were handling what
24 they were going to do.

25 I really wasn't that involved in it. I just

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1 basically was watching the rest of the plant while the
2 evolution was being performed.

3 MR. RAPP: You stated earlier that you
4 considered this was covered by the plant procedures and
5 that the 50.59 review was not required. Under what
6 conditions would a 50.59 review be required?

7 THE WITNESS: I don't know exactly. I'd have
8 to look at 50.59.

9 I just -- I felt that Dave Fields was able to
10 authorize us to perform the evolution, according to our
11 AI-500 procedure. And I didn't see any problem with what
12 we were doing.

13 MR. RAPP: Do the Crystal River procedures
14 define a test?

15 THE WITNESS: Not that I know of.

16 MR. RAPP: How would you define a test?

17 THE WITNESS: (Pause.) Oh. I guess I would
18 define it as an experiment. I'm not --

19 MR. RAPP: And what does an experiment
20 involve?

21 THE WITNESS: To me, a test would be
22 something not covered by procedures at all. If we had
23 taken the makeup tank down to 20 inches, or something that
24 was outside of procedures, I would probably consider that
25 a test.

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1 MR. RAPP: Going back then to the annunciator
2 response. Whenever you receive an expected alarm when do
3 you take action for it?

4 THE WITNESS: An expected alarm?

5 MR. RAPP: Yes.

6 THE WITNESS: It depends on what the alarm
7 is.

8 MR. RAPP: Do you take care of it during the
9 evolution that's being performed or do you wait until
10 after the evolution is concluded or do you leave the alarm
11 in for a period of time to see if it corrects itself?

12 THE WITNESS: It depends on what's going on,
13 what the evolution is. If it's an expected alarm and we
14 know that after the evolution we're going to take care of
15 it, that's fine.

16 Unexpected alarms we take care of right away,
17 but if it's expected, if we know what's going on with the
18 system and we understand why it's in, we take care of it
19 when we get a chance.

20 MR. RAPP: Dur -- excuse me. During the pre-
21 job brief was there any discussion of expected alarms?

22 MR. RAPP: I think it was brought up that the
23 alarm would probably come in.

24 MR. DOCKERY: Now, let's clarify that if we
25 may. Are you referring there to the September 4th

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1 or the September 5th evolution?

2 THE WITNESS: I would say both days.

3 MR. RAPP: So it was not -- it would not be -
4 - it was not considered abnormal to have that alarm come
5 in whenever you were lowering makeup tank level?

6 THE WITNESS: If the curve had been right,
7 the alarm never should have come in. You shouldn't have
8 been able to get the alarm in by lowering makeup tank
9 level.

10 I had seen the alarm come in before for people
11 adding hydrogen, but if the curve was correct the alarm
12 never should have come in. Since the curve was not
13 correct, system response took it over to where the
14 pressure would have been a little bit high, and that's why
15 the alarm came in.

16 MR. RAPP: What's the mechanism for adding
17 hydrogen to the makeup tank?

18 THE WITNESS: There's different methods. One
19 method is a valve that we have on the control board to add
20 hydrogen. Then there's another method where if you can't
21 get enough pressure that way, you send somebody down to
22 bypass the regulator. And you have an operator bypass the
23 regulator, and then you use the valve on the control
24 board.

25 Those are the two normal methods.

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1 MR. RAPP: After Sept -- After the data was
2 taken on September 4th, what was the discussion about the
3 quality of the data? Were you involved in that
4 discussion?

5 THE WITNESS: I wasn't involved. I just
6 overheard that the data wasn't any good, you know, and
7 that Rob Weiss wasn't satisfied with the data we got. And
8 I walked around and looked, for myself, on the computer
9 and saw that it really was zig-zagging all over the place.
10 And then I went back to watching the plant.

11 MR. RAPP: Did you hear any discussion about
12 doing this evolution again on the 5th?

13 THE WITNESS: I can't recall exactly when we
14 decided to do the evolution again. We may have decided on
15 the 4th to do it again on the 5th, or we might have just
16 thought of it on the 5th. I don't recall.

17 MR. RAPP: So you weren't really directly
18 involved in the --

19 THE WITNESS: No, I was not.

20 MR. RAPP: -- discussion to re-perform the
21 evolution?

22 THE WITNESS: I was not. . .

23 MR. RAPP: That's all, Jim.

24 MR. VORSE: When -- Had you ever heard of
25 another evolution or set of evolutions being conducted in

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1 July of '94?

2 THE WITNESS: I heard about those right
3 around early December when the operator from that crew
4 gave Mark Van Sicklen his information about it. That was
5 when I found out about the July incident.

6 MR. VORSE: Did you ever think that when you,
7 on the September 4th or September 5th evolutions, when the
8 annunciator alarm was on and you were in a unacceptable
9 region of the curve as published, did you feel that that
10 plant was in an unsafe condition?

11 THE WITNESS: No, I don't believe the plant
12 was in an unsafe condition.

13 MR. VORSE: Why?

14 THE WITNESS: I thought it was in the same
15 condition that it was when we were told to operate on the
16 curve. When we were told to operate on the curve I didn't
17 feel good about where the plant was.

18 At least when we were on the other side of the
19 curve we actually had somebody down there to vent, that if
20 something happened I felt we were better off with somebody
21 down there to vent than we were just sitting around on the
22 curve with nobody anywhere near the tank.

23 MR. VORSE: Had you ever conducted similar
24 evolutions to the September 4th and 5th evolutions --

25 THE WITNESS: No --

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1 MR. VORSE: -- at any other time?
2 THE WITNESS: No, I have not.
3 MR. VORSE: Mr. Dockery?
4 MR. DOCKERY: Yes, please.
5 Ms. Smith, how long had you been with that
6 particular crew prior to September the 4th, 1994?
7 THE WITNESS: That's the crew that I've
8 worked on ever since I started working at the nuclear
9 plant.
10 MR. DOCKERY: How long would that be,
11 approximately?
12 THE WITNESS: I'd say, probably about six
13 years, at the time.
14 MR. DOCKERY: You mentioned that on September
15 4th you attended or took part in, if that's true, a pre-
16 evolution briefing or pre-job briefing. Who led that
17 briefing?
18 THE WITNESS: It would have been Dave Fields.
19 MR. DOCKERY: Did anybody else take part in a
20 management position in that briefing?
21 THE WITNESS: Rob Weiss.
22 MR. DOCKERY: Okay. Again, talking about
23 September 4th, where were you physically located during
24 the time the evolution was underway?
25 THE WITNESS: I was sitting in the left-hand

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1 control board operator's chair, monitoring the balance of
2 the plant.

3 MR. DOCKERY: Were you in a position on
4 September 4th to know if the annunciator went out, or came
5 on?

6 THE WITNESS: Yes. Yes.

7 MR. DOCKERY: Did it go on that date?

8 THE WITNESS: I believe it did.

9 MR. DOCKERY: During the September 4th
10 evolution was anybody stationed in the Aux Building in
11 order to vent, if that was needed?

12 THE WITNESS: I don't recall, but I don't
13 think that we had anybody stationed that day.

14 MR. DOCKERY: Okay. September the 5th. I
15 believe you testified that again a briefing was held
16 before the evolution was conducted. Who led that
17 briefing?

18 THE WITNESS: It would have been Dave Fields.

19 MR. DOCKERY: Was the entire shift involved
20 in that briefing?

21 THE WITNESS: Probably not the entire shift.

22 MR. DOCKERY: Let me ask it another way if I
23 can, Ms. Smith.

24 To the best you recall, who attended that
25 briefing?

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1 THE WITNESS: Dave Fields, Rob Weiss, Jack
2 Stewart, Mark Van Sicklen, and myself.

3 As for the building operators, I can't recall
4 if any of them attended or not.

5 MR. DOCKERY: Okay. Now -- I'm sorry, I
6 should have asked this before. Let's go back to September
7 4th, and to the best of your recollection who attended
8 that briefing?

9 THE WITNESS: Dave Fields, Rob Weiss, Jack
10 Stewart, Mark Van Sicklen, and myself.

11 MR. DOCKERY: Is it fair to say that in both
12 those evolutions the people that you just named, to the
13 best of your knowledge, had an assigned duty to perform
14 during the evolution?

15 THE WITNESS: You could say that.

16 MR. DOCKERY: And that, again, that pertains
17 to both the September 4th and the September 5th?

18 THE WITNESS: That's correct.

19 MR. DOCKERY: Was there any significant
20 difference in the briefing that occurred on the 4th as
21 opposed to the 5th?

22 THE WITNESS: I can't recall any difference
23 in the briefings.

24 MR. DOCKERY: Yeah, I think you just told me,
25 Ms. Smith, that you would have been with that same crew

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1 during July 1994; is that correct?

2 THE WITNESS: That is correct.

3 MR. DOCKERY: Do you recall an evolution
4 during that time period, of a similar nature?

5 THE WITNESS: No, we didn't perform any
6 evolutions like that.

7 MR. DOCKERY: Do you recall the -- that
8 particular curve being an issue as early as July of 1994?
9 Were you aware of it?

10 THE WITNESS: Yes. I was aware of it
11 probably six months prior to September, so probably early
12 1994 is when I'd heard about the concern with the crew.

13 MR. DOCKERY: Now, I believe you've already
14 testified to this, but I want to make sure I'm clear. Was
15 your testimony that you only became aware of the July 1994
16 evolution sometime during September?

17 THE WITNESS: It was December.

18 MR. DOCKERY: Oh, December. I'm sorry.

19 THE WITNESS: Yeah. It was just before we
20 came to our first interview with you guys that just a few
21 days before that we had found out about the July.

22 MR. DOCKERY: How did you personally become
23 aware of the July 1994 evolution?

24 THE WITNESS: Mark Van Sicklen told me about
25 it and showed me the graph that he had.

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1 MR. DOCKERY: Did Mr. Van Sicklen tell you
2 why he felt it necessary that you be aware of the July
3 evolution in December of 1994?

4 THE WITNESS: No, he didn't tell me why he
5 told me.

6 MR. DOCKERY: That's all I have at this time.

7 MR. VORSE: Curt, you got any questions?

8 MR. RAPP: Let me get one thing here.

9 You said earlier that you felt uncomfortable
10 operating with the pressure on the curve? Is that
11 correct?

12 THE WITNESS: That's correct.

13 MR. RAPP: Did you ever express that as a
14 safety concern to anyone in Management, either Operations
15 Management, Engineering Management, or to, like, Employee
16 Concerns Program?

17 THE WITNESS: Not ev -- Not to anybody in
18 Management other than the shift supervisors. There were
19 different times we had different supervisors other than
20 Dave and Rob. And I expressed my concern with it, but was
21 directed to put pressure on the curve.

22 MR. RAPP: What was the concern, or your
23 concern?

24 THE WITNESS: The concern was draw the data
25 that Mark Van Sicklen had and responses to the SPs that

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1 were done during the refuel that plant response did not
2 match the curve. And that if we were op -- when we were
3 operating on the curve, if for some reason we had a loss
4 of coolant accident, that the system response would cross
5 the curve and possibly get hydrogen down into the suction
6 of the makeup pumps and burn them up.

7 MR. RAPP: And then you also said that you
8 were made aware of the July event a few days before that
9 you were first interviewed. Correct?

10 THE WITNESS: That's correct.

11 MR. RAPP: Was there any particular reason
12 that you did not bring up the July event during the
13 interviews?

14 THE WITNESS: We brought it up to our
15 management, Greg Halnon, beforehand.

16 MR. RAPP: Before the OI interviews?

17 THE WITNESS: Before the OI interview. And
18 got the impression he didn't -- he didn't want to hear
19 about it. And the company lawyer had told us just to
20 answer the questions and not volunteer anything. So
21 that's what we did.

22 If we had been asked about it, if I had been
23 asked about it, I would have told you anything you wanted
24 to know.

25 MR. DOCKERY: Ms. Smith, were you ever

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1 encouraged by anybody in Management to withhold
2 information from the NRC?

3 THE WITNESS: No. I just -- we brought it up
4 to our management and since nobody wanted to hear about it
5 I didn't think it was important. And nobody had ever
6 really asked me about it. If I had thought it was
7 relevant, I would have said something.

8 MR. RAPP: What gives you the impression that
9 Management didn't want to know about the July event?

10 THE WITNESS: I just got the impression that
11 Management didn't want to talk to us at all about the
12 makeup tank. Any time we'd say anything about it, they
13 didn't want to talk to it. We've never really been
14 interviewed. Nobody from Management has ever sat down and
15 asked us what happened that day or anything.

16 But there was one day that Mark Van Sicklen
17 and I talked to Greg Halnon and we expressed the fact
18 that, hey, you know, the 5th wasn't the first time it was
19 done. And they just wanted to concentrate on the 5th. So
20 I assumed that it just wasn't relevant. I never even
21 thought, you know, that not saying anything about it might
22 have been concealing it or anything. I just --

23 MR. RAPP: Was --

24 THE WITNESS: It seemed like nobody wanted to
25 hear about it.

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1 MR. RAPP: Was Mr. Halnon also aware of the
2 4th, the event on September 4th, at this time?

3 THE WITNESS: I -- I don't know. I couldn't
4 tell you what he was aware of or not aware of.

5 MR. RAPP: But the meeting you had with him
6 and Mr. Van Sicklen you only discussed in July?

7 THE WITNESS: I don't think we discussed any
8 particular date, that I remember.

9 MR. VORSE: Can you kind of tell me how that
10 conversation evolved? I mean, just -- can you give me as
11 much detail of that conversation with Mr. Halnon and you
12 and Van Sicklen? Can you tell me what was said, to the
13 best of your recollection?

14 THE WITNESS: Mark and I were in his office
15 and I really wasn't talking much, it was mostly Mark and
16 Greg. And Mark mentioned something to the fact that, you
17 know, it's been done before, you know, that this wasn't
18 the first time, it's been done before.

19 And Greg was like, oh, I don't really want to
20 know about that. And, you know, let's just worry about
21 going in and talking, you know. We just wanted to discuss
22 what was coming up with our meeting with you, you know,
23 that we could have somebody with us, present. And things
24 like that. And to answer truthfully and --

25 But it really, it kind of got glossed over.

30
1 MR. VORSE: Well, did Mr. Halnon ever say
2 that he did not want you to discuss those matters with us
3 unless specifically asked?

4 THE WITNESS: No, it was never put like that.
5 It was nobody ever said not to say anything. I just got
6 the impression he didn't want to hear about it.

7 MR. DOCKERY: Could we go off the record,
8 please.

9 (Whereupon, an off-the-record discussion was
10 had at 11:04 a.m., after which the proceedings resumed at
11 11:06 a.m. as follows:)

12 MR. DOCKERY: Ms. Smith, we're back on the
13 record now and I have to remind you that you continue to
14 be under oath here, and if you could acknowledge that,
15 please.

16 THE WITNESS: I understand.

17 MR. DOCKERY: Thank you.

18 You've mentioned that before you were
19 interviewed by the Office of Investigations previously you
20 received general advice from Corporate Counsel regarding
21 your testimony. Is that fair?

22 THE WITNESS: That is correct.

23 MR. DOCKERY: Who provided you with that
24 advice?

25 THE WITNESS: That was Gerald Williams.

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1 MR. DOCKERY: Without getting into the actual
2 specifics of that conversation, can you relate to me
3 generally what your instructions or advice from Corporate
4 Counsel, Mr. Williams, was prior to your testimony to the
5 NRC?

6 THE WITNESS: In general, he told us to
7 answer the questions, answer them honestly, keep our
8 answers short, and don't volunteer anything, just answer
9 what is asked.

10 MR. DOCKERY: Ms. Smith, were you told this
11 individually or as a group?

12 THE WITNESS: Mark Van Sicklen and I were on
13 a conference call with Mr. Williams.

14 MR. DOCKERY: Okay. So, when you say "we",
15 you're referring to Mr. Van Sicklen and yourself, at that
16 time?

17 THE WITNESS: At that time, yes.

18 MR. DOCKERY: Okay. If -- If you had been
19 asked to discuss the events of the September 4th
20 evolution, would you have been inclined to do so?

21 THE WITNESS: Yes, I would have.

22 MR. DOCKERY: And when I say asked, I'm
23 referring to asked by the NRC?

24 THE WITNESS: Yes, I would have discussed it.

25 MR. DOCKERY: That's all I have.

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1 MR. VORSE: Curt?

2 MR. RAPP: No, I have no more questions.

3 MR. VORSE: And would you have anything that

4 you want to talk to us about as far as your feelings about

5 this whole matter or any other similar events or anything

6 that you need to -- that you need to tell us?

7 THE WITNESS: No. Not at this time.

8 MR. DOCKERY: Maybe I can ask you the same

9 thing another way. Is there anything you feel that we

10 should have asked you here today that you feel is

11 significant that we have not touched on?

12 THE WITNESS: I think we've touched on

13 everything.

14 MR. DOCKERY: Mr. Morris, anything?

15 MR. MORRIS: No, thank you.

16 MR. DOCKERY: No further questions, we'll go

17 off the record at approximately 11:08 a.m.

18 (Off the record.)

19 MR. VORSE: Let's go back on the record.

20 In the absence of Ms. Smith, who has left,

21 we've just spent probably less than 45 seconds in

22 discussion with her counsel, Mr. Morris, and based on the

23 questions we've asked of Ms. Smith regarding her

24 discussions with Corporate Counsel with the licensee, we

25 will stipulate that Ms. Smith has not waived the privilege

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1 between her and Corporate Counsel.

2 MR. MORRIS: Or private counsel.

3 MR. DOCKERY: Or private counsel.

4 MR. MORRIS: Thank you.

5 MR. DOCKERY: And, Mr. Morris, is there
6 anything you care to add?

7 MR. MORRIS: No. I would state that in our
8 short discussion it was agreed and understood that neither
9 the questions nor the answers were intended to waive the
10 privilege.

11 MR. DOCKERY: We agree to that.

12 And with that we'll go off the record at
13 approximately 11:10 a.m.

14 (Whereupon, the proceedings were concluded at
15 11:10 o'clock a.m.)

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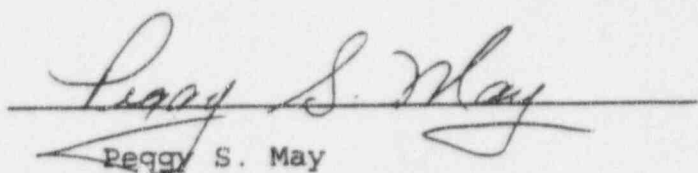
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C E R T I F I C A T E

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

Name of Proceeding: Interview of Christine Smith,
Docket Number(s): 2-94-036
Place of Proceeding: Crystal River Nuclear Plant
Crystal River, Florida

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


Peggy S. May

Official Reporter
Neal R. Gross and Co., Inc.

EXHIBIT 4

Case No. 2-94-0365

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions X
FOIA- 96-330

c/3

EXHIBIT 4

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Interview of Jack Demar Stewart

Docket Number: 2-94-036

Location: Crystal River, Florida

Date: Tuesday, August 8, 1995

Work Order No.: NRC-298

Pages 1-53

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 JACK DEMAR STEWART : (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 12:08 p.m.

22 BEFORE:

23 JAMES DOCKERY Senior Investigator

24 JIM VORSE Senior Investigator

25 CURT RAPP Reactor Engineer

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

MR. DOCKERY: For the record, my name is James D. Dockery. I'm a Senior Investigator with the NRC Office of Investigations. The date is August the 8th, 1995. The time is now approximately 12:08 p.m. The location of this interview is the Crystal River Nuclear Plant, Crystal River, Florida.

The inquiries we're making today are in relation to NRC Investigation Number 2-94-036.

Starting with Mr. Vorse, I'm going to ask the participants of this interview to identify themselves at this time. Mr. Vorse?

MR. VORSE: My name is James Y. Vorse. I'm a Senior Investigator with the NRC's Office of Investigations, Region II, based in Atlanta, Georgia.

MR. DOCKERY: And Mr. Rapp?

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

MR. DOCKERY: Mr. Morris?

MR. MORRIS: Bruce H. Morris, here on behalf of Mr. Stewart.

MR. DOCKERY: And, Mr. Stewart, after I administer the oath, we'll identify you for the record.

THE WITNESS: Okay.

MR. DOCKERY: Stand and raise your right

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1 hand, please.

2 THE WITNESS: (Complies.)

3 Whereupon,

4 JACK DEMAR STEWART, JR.,

5 being first duly sworn by the Investigator, was examined
6 and testified as follows:

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

8 THE WITNESS: (Complies.)

9 MR. DOCKERY: Mr. Stewart, will you please
10 state your full name and spell your name for the record,
11 please.

12 THE WITNESS: My name is Jack Demar Stewart,
13 Jr. -- Stewart is spelled S-T-E-W-A-R-T.

14 I'm a -- I hold a Reactor Operator's License
15 and I hold the position of Chief Operator at Florida
16 Power.

17 MR. DOCKERY: Okay. Would you please give us
18 your Social Security number and date of birth, please.

19 THE WITNESS: Date of birth was [REDACTED]
20 Social Security number is [REDACTED]

21 MR. DOCKERY: Mr. Stewart, before we went on
22 the record Mr. Vorse and I identified ourselves via our
23 credentials, official credentials as investigators of the
24 Nuclear Regulatory Commission, Office of Investigations.
25 Is that correct?

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1 THE WITNESS: That is correct.
2 MR. DOCKERY: And you understand who we are?
3 THE WITNESS: Yes, I do.
4 MR. DOCKERY: Okay. Also before we went on
5 the record I asked you to read a copy of Title 18 of the
6 United States Criminal Code, Section 1001, which pertains
7 to truthfulness and materiality of statements that may be
8 made here today by you.

9 Do you understand the significance of Title
10 18, United States Code, Section 1001, in this proceeding?

11 THE WITNESS: Yes, I do.

12 MR. DOCKERY: Okay. Mr. Vorse?

13 DIRECT EXAMINATION

14 MR. VORSE: Mr. Stewart, you said that you
15 have a reactor operator license.

16 Are you considered to be an SRO, a senior
17 reactor operator?

18 THE WITNESS: No, sir.

19 MR. VORSE: You are --

20 THE WITNESS: Reactor operator license.

21 MR. VORSE: How long have you had this
22 license?

23 THE WITNESS: I got that license in September
24 of 1986.

25 MR. VORSE: And how long have you been

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1 employed by FPC?

2 THE WITNESS: I hired on in Florida Power in
3 June of 1983.

4 MR. VORSE: Would you describe your duties to
5 me, please, as a reactor operator.

6 THE WITNESS: I'm charged with manipulating
7 the controls of the nuclear power plant within the
8 guidelines of Florida Power procedures, and to comply with
9 all of the ten CFR codes pertinent to safe operation, safe
10 legal operation of a nuclear power plant.

11 MR. VORSE: I need a lot of detail on this
12 next one.

13 THE WITNESS: I'll give you what I can.

14 MR. VORSE: Okay. I'd like to know what your
15 involvement was in the makeup tank evolution that we
16 understand now occurred on September 4th and 5th, 1994.

17 THE WITNESS: That's a true statement.

18 MR. VORSE: During the midnight shift. Can
19 you describe in detail everything you did, as best you can
20 recall, as far as reviewing procedures and manipulation of
21 controls?

22 I also need to know up front who was on that
23 shift, please.

24 THE WITNESS: Who was on the shift was Dave
25 Fields was the shift supervisor. He was the senior

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1 management. Rob Weiss was the assistant shift supervisor.
2 I was the chief operator on the control board. Mark Van
3 Sicklen was the chief operator on the clearance desk.
4 Christine Smith was the reactor operator, my assistant on
5 the control board. And Jim Atkinson was a licensed
6 operator who was in charge of the Auxiliary Building. And
7 he had an assistant, Stan Kaconas.

8 MR. VORSE: Are these the same people that
9 were on the -- to your recollection, as best you recall --
10 can recall, are these the same people that were on the
11 July 4th evolution?

12 MR. MORRIS: Strike that. September.

13 MR. VORSE: I mean, the September 4th
14 evolution. Excuse me.

15 THE WITNESS: I can't verify, Jim, who was in
16 the Aux Building on the 4th. I don't remember. I know
17 that Jim and Stan were in the Aux Building on the 5th.

18 On the 4th all the others were present.

19 MR. VORSE: Okay. I'd like to go back to
20 this. My understanding is that on the 2nd of September is
21 when Engineering came to you all and said, we're going to
22 closes out the 103-B curve issue that had been brought up
23 as --

24 THE WITNESS: Correct.

25 MR. VORSE: -- far as a disagreement between

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1 Engineering and Operations about the accuracy of that
2 curve.

3 THE WITNESS: Yes.

4 MR. VORSE: Do you recall that?

5 THE WITNESS: Yes.

6 MR. VORSE: Can you describe that in detail
7 for me?

8 THE WITNESS: They had sent us a letter that
9 -- Well, actually, it had been sent to, I guess it was
10 Carl Bergstrom. And he came to Dave Fields. I don't
11 remember exactly when it was. It may have been Friday or
12 earlier. I don't remember exactly when. Our mid-shift
13 starts Friday.

14 At any rate, Carl came to Dave Fields with
15 this letter and apparently told Dave, you know, I know
16 you're interested in this, you guys have been pursuing
17 this makeup tank issue; if you've got any additional
18 comments, information, or input to this, we need to come
19 up with something now or it's just going to be put to bed.

20 So that was when we started talking about it
21 and --

22 MR. VORSE: Who is "we", please?

23 THE WITNESS: The shift. I believe Mark and
24 Rob Weiss talked about it quite a bit out at the chief's
25 desk. Understand, the chief's desk at our plant is

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1 separate from the control room. So I don't know what
2 their conversation was, per se. But I know they were out
3 there talking about the letter, makeup ta -- the whole
4 issue.

5 MR. VORSE: And Carl is Bergstrom?

6 THE WITNESS: Carl Bergstrom. He was --
7 Well, he is, essentially, Greg Halnon's daily assistant.
8 He runs the day-to-day routine operations of the
9 department.

10 I don't think Carl was there, because all
11 these were -- these conversations were taking place in our
12 mid-shift on the weekend and Carl only works Monday
13 through Friday on a routine basis.

14 MR. VORSE: Excuse me, Mr. Stewart. Would
15 you please use last names and not first names.

16 THE WITNESS: Okay.

17 MR. VORSE: Thank you.

18 THE WITNESS: Sometime over that weekend, it
19 may have been actually on the 4th, it may have been the
20 3rd, we finally talked about what can we do to back up our
21 concerns with this makeup tank issue.

22 And we came up with the idea of, well, is it
23 possible for us to put the makeup tank on the curve and
24 just drop level.

25 And Dave Fields said he didn't have any

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1 problem with it, but what were we going to use for
2 procedural guidance.

3 So we started looking at procedures to see if
4 we had what we thought was procedural guidance to do this.
5 And we thought we had found it.

6 And AI-500 had given Dave the authority to run
7 it. AI-500 also covered the usage of the AR's. And we
8 found we didn't have any time frame limits for the alarm,
9 per se, because it was a controlled evolution. We were
10 expecting the alarm and that was all covered in the
11 AI-500

12 OP-402 covered adding hydrogen to the makeup
13 tank and it covered bleeding water out of the makeup tank.
14 We had everything we needed, in our minds, to run the
15 evolution without challenging any of our procedures.

16 So from that point on we said, okay, well, we
17 can go ahead and try this.

18 On the 4th we had a quick pre-job -- well, not
19 a quick pre-job, we had a pre-job brief over the
20 evolution.

21 MR. DOCKERY: How long did it last?

22 THE WITNESS: I don't remember.

23 MR. DOCKERY: Approximate. I understand it's
24 been a while ago --

25 THE WITNESS: I would think it was a half

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1 hour, 45 minutes at least, because we were pulling
2 procedures. We were talking about a lot of things. We
3 were talking about what-if's.

4 MR. DOCKERY: Okay.

5 THE WITNESS: And --

6 MR. VORSE: And excuse me. Who was
7 conducting

8 -- Who was leading the briefing?

9 THE WITNESS: Dave Fields. And Rob Weiss was
10 highly involved in it, too, being the assistant shifter.

11 MR. VORSE: And what -- Can you recollect
12 what was discussed during this briefing?

13 THE WITNESS: We were -- We had discussed the
14 basic evolution, what we were going to do, which was to
15 place the makeup tank on the curve and then bleed it down
16 from 86 to 55 inches, and then plot what the curve did,
17 and then compare it against the OP-103B curve.

18 And on the 4th we were just going to add the
19 hydrogen and the water required to get it up to 86 inches
20 with pressure on the curve, immediately bleed it down.
21 Once we got to 55 inches immediately bleed it back up into
22 the middle of the band. And if we had to vent pressure
23 off to get it underneath the curve, do it.

24 So that whole evolution took maybe a half hour
25 when we actually ran it.

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1 MR. VORSE: Okay.

2 THE WITNESS: And the data we got didn't make
3 any sense. We had a lot of data scatter and you really
4 couldn't tell what the nature of the curve was.

5 And Rob wasn't happy with it. He said, this
6 doesn't tell us anything. And so let's -- Why did it do
7 this.

8 And we talked about that for quite a while and
9 finally decided that we were putting essentially 90-degree
10 hydrogen gas into a tank running about 115 degrees. And
11 we thought, well, maybe we need to have some stabilization
12 time and let that temperature come up to equalize pressure
13 out and it won't wobble as much.

14 So that was what led us on to doing it again
15 on the 5th but with the added stabilization periods in
16 there. And that was the big difference between the 4th
17 and the 5th.

18 On the 4th when I had hydrogen added to the
19 makeup tank, I had to get a hold of the Aux Building
20 operator to do it because we have manual isolation valves
21 that we keep closed. And in order for me to add it, even
22 through my valve on the control board, I had to call the
23 Aux Building operator.

24 I don't remember, per se, but I believe that
25 when I told him on the 4th to line up for hydrogen, I

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1 said, keep yourself available because we may have to vent
2 this off. But --

3 MR. DOCKERY: Excuse me, Mr. Stewart. Who
4 was that?

5 THE WITNESS: I don't remember. We could
6 look up the Aux Building logs and probably find out. But
7 I just don't remember.

8 So that was the biggest difference between the
9 evolutions of the 4th and the 5th.

10 On the 5th we had another pre-job briefing.
11 We'd already covered the procedures so we knew or believed
12 we knew that we were within procedural compliance of
13 everything and we can continue on,

14 But Dave Fields had decided, with the
15 difference of now having the stabilization periods tossed
16 in there, that he wanted somebody dedicated down at the
17 vent valves, because you had to dress out and get into a
18 contaminated area to line up the vent pressure off the
19 makeup tank. He wanted someone down there actually ready
20 to go to do that.

21 So we had -- Well, Jim ran the show down in
22 the Aux Building, Jim Atkinson. And he had Stan Kaonas
23 dress out. He was in the valve alley by the valves. And
24 Jim was standing by with the radio at the control board
25 for the waste gas panel control board for the waste gas

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1 compressors.

2 So that was the big difference between the 4th
3 and the 5th. To us, we had procedural compliance to do
4 everything, and when the data came out as being non-
5 conclusive on the 4th, the 4th was no big deal.

6 The 5th was a big deal. We had conclusive
7 data that the curve that we'd been told to operate on was
8 not only wrong, but it was so wrong to the point for the
9 past 18 months the plant had been operating outside design
10 basis. And nobody seems to be picking up on that.

11 And that, to me, is a very serious concern
12 because this thing was running like that for days and
13 weeks on end and nobody was even close to thinking about
14 the possibility of having to vent pressure off the makeup
15 tank.

16 There was nobody geared up to, at a moment's
17 notice, head in to do the valve line ups. If something
18 had happened during that 18-month period, we would have
19 been in some serious trouble.

20 And that was the significance of our findings
21 on the 5th. And that's what made the 5th, to us, so
22 overwhelming compared to the 4th.

23 MR. DOCKERY: When you say, overwhelming
24 compared to the 4th, you're talking about the results of
25 the data that you received?

1 THE WITNESS: The results of the data. You
2 know, keep in mind that we believed at that time we had
3 all the procedural guidance required. We weren't doing
4 anything wrong.

5 Had we thought we were doing anything wrong,
6 we wouldn't have done the test to begin with, period. At
7 least not without going to senior management and saying,
8 hey, look, we want to do this, but we're going to be
9 outside the bounds of procedures. We need -- We need some
10 permission. We thought we had it.

11 MR. DOCKERY: So I'm clear, was there
12 somebody dressed out in anti-contamination gear both on
13 the 4th and the 5th of September?

14 THE WITNESS: I don't think anybody was
15 dressed out on the 4th. But again, the difference was
16 that on the 4th it was a very quick evolution. Bleed down
17 and we immediately replaced the perimeters back to within
18 a normal band. Okay?

19 And on the 5th we knew we were going to be
20 holding out a little bit for the stabilization periods.
21 And that was when Dave Fields made the decision that
22 instead of just having someone knowing that we may have to
23 vent and keep themselves available, which was still better
24 than what had been going on before that on a daily -- day-
25 to-day basis where nobody was ever told to keep that in

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1 mind, on the 5th we said, we want somebody there.

2 So --

3 MR. DOCKERY: Mr. Stewart, how long had you
4 been with that group of people as a shift as of September
5 of '94, approximately?

6 THE WITNESS: I suspect it was about three
7 years. I spent most of my time prior to that on Garrett
8 Hebb's shift.

9 MR. DOCKERY: Do you do swing shift work here
10 or --

11 THE WITNESS: Oh, I rotate all around.

12 MR. DOCKERY: I mean --

13 THE WITNESS: We work days, swings, mids.

14 MR. DOCKERY: But basically a shift, in my
15 mind, being a group of people stays together.

16 THE WITNESS: Yes. Yes. The whole premise
17 being get to know each other, form a team so you
18 understand people's different reactions to different
19 situations and you can adjust and cope.

20 And it works out real well. You see the
21 results of it on the simulator.

22 MR. DOCKERY: Was anybody on the shift or the
23 team -- my description -- did they have any problem with
24 performing either of these two evolutions as far as safety
25 or being within procedures?

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1 THE WITNESS: We had talked about, you know,
2 do we have procedural guidance to do this. And after
3 looking through AI-500, OP-402, and AR-403, I believe it
4 is, we had believed that we did have the procedural
5 guidance.

6 And you look at curve eight of OP-103B and we
7 believed that to be a -- What is the word I'm looking for.
8 Let me rephrase that.

9 We did not know -- nobody in the department
10 knew that that curve was, in fact, a design basis curve.
11 We believed that to be an administrative curve, Florida
12 Power, and that Dave Fields had the ability to challenge
13 that curve if he had what he felt was strong enough
14 evidence that it wasn't a valid curve.

15 So we didn't -- We believed he had that --
16 that authority. That was the authority given to him in
17 AI-500. So the two big things that really
18 come out of this that get so frustrating to us is, one, we
19 believed we had -- at the time we had procedural guidance
20 to do this; two, we believed we were dealing with an FPC
21 administrative curve, not a design basis curve.

22 Had anybody known that that was a design basis
23 curve nothing would have been run, period. We wouldn't
24 have even asked permission to do it because there's no
25 way. You can't even cover that with a 50.59, unless

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1 there's some real wild circumstances that I am not privy
2 to. Maybe the vice-president and senior NRC officials can
3 come up with that kind of permission.

4 MR. DOCKERY: Mr. Stewart --

5 THE WITNESS: But I don't know.

6 MR. DOCKERY: -- to the extent you know, who
7 was ultimately the deciding figure who said on both the
8 4th of September and the 5th, if they were different,
9 said, go ahead, we can run this?

10 THE WITNESS: Dave Fields.

11 MR. DOCKERY: In both?

12 THE WITNESS: Both. One of the things that
13 you guys may be aware of or may not be aware of, but on
14 the back shifts at that time, I don't -- I can't remember
15 when we instituted the shift manager.

16 But up until the time that we had the shift
17 manager the shift supervisor was essentially the director
18 of nuclear plant operations on back shifts. He was Bruce
19 Hickie's representative. He had Bruce Hickie's authority
20 on the back shifts.

21 MR. DOCKERY: Hold that thought for me, if
22 you will.

23 Can we go off the record for a minute?

24 (Whereupon, a discussion was held off the
25 record, after which the following proceedings were had:)

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1 MR. DOCKERY: Mr. Stewart, we're back on the
2 record now and I have to remind you that you do continue
3 to be under oath.

4 THE WITNESS: I understand.

5 MR. DOCKERY: Thank you. Jim, you have
6 anything?

7 MR. VORSE: Yeah. I've got to ask these
8 questions while you're under oath, Mr. Stewart, just to
9 cover some bases.

10 In either of these two evolutions on the 4th
11 or 5th of September of 1994 did anyone on the shift say,
12 this is a bad idea, this is not a good idea, we better
13 stop and think about this a little bit?

14 THE WITNESS: No.

15 MR. VORSE: Did anyone on the shift say there
16 may be some procedural violations?

17 THE WITNESS: We -- That was -- We said that
18 right off the bat, but not as a procedure violation. What
19 we asked was, do we have procedural guidance to do this,
20 are we covered by procedures.

21 After looking through the procedures and
22 researching them, we had determined that we did.

23 MR. VORSE: Did anyone in either evolution
24 conducted on the 4th and 5th of September of '94, did
25 anyone say that they needed to get advice from another

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1 source, such as the shift technical advisor?

2 THE WITNESS: Not that I recall.

3 MR. VORSE: Did anyone on your shift say,
4 someone needs to notify Management or check with
5 Management before we perform this evolution?

6 THE WITNESS: We did notify Management. That
7 was Dave Fields and Rob Weiss.

8 MR. VORSE: Did anyone -- You've touched on
9 this before, but I'll ask it.

10 THE WITNESS: Uh-huh. (Nods affirmatively.)

11 MR. VORSE: Did anyone on the shift say, this
12 is a design basis curve 103B?

13 THE WITNESS: No. Nobody -- To my knowledge,
14 nobody in the department, including Greg Halnon, knew that
15 that was a design basis curve until well after the fact.

16 I believe we finally made a one-hour
17 reportable to the NRC in November, which was when
18 Engineering finally came out and said, yes, in fact, this
19 is a design basis curve.

20 There had been rumors of it about four days or
21 so after the evolution. We started hearing rumors of it,
22 but nothing official ever came out about it until
23 November. And that was the first time that we knew that
24 this wasn't such a hot idea.

25 MR. VORSE: Can you tell me what 10 CFR 50.59

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1 is?

2 THE WITNESS: That is a -- It's a Federal
3 code that delineates getting a process for getting
4 permission to do evolutions that are outside the bounds of
5 Florida Power procedures.

6 MR. VORSE: Was 50.59 ever discussed amongst
7 the members of the shift?

8 THE WITNESS: No. We didn't need a 50.59, in
9 our minds, because we had determined we had procedural
10 guidance and our procedures were all cleared through
11 50.59.

12 MR. VORSE: Okay. Why did you not tell the
13 NRC's Office of Investigations about the September 4th
14 evolution?

15 THE WITNESS: Like I said earlier, the
16 information we got on the 5th, to us, seemed to make the
17 4th a non-entity, if you will, number one.

18 Number two, when I was briefed by the Florida
19 Power attorney prior to talking with you gentlemen back in
20 December, he said, answer the questions and answer the
21 questions only.

22 And I never even thought about the 4th during
23 our interview back in December.

24 MR. VORSE: Was that -- Who was that
25 attorney?

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1 THE WITNESS: Gerald Williams.

2 MR. VORSE: Did you, after PER and after the
3 rumors going around about the design basis curve and also
4 before the NRC Office of Investigations interviewed you
5 last time, did anyone in your group, your shift, discuss
6 not telling the NRC about the September 4th evolution?

7 THE WITNESS: No. And to be honest with you,
8 I don't remember -- I didn't remember the 4th until it was
9 brought up about six weeks ago talking with our attorney.

10 I just -- I just -- It just -- It was another
11 day at the power plant for me, because, like I said, we
12 had believed we had procedural guidance, so we weren't
13 doing anything wrong in doing the evolution.

14 When the data came out as non-conclusive, it
15 was like, well, okay. It was the 5th that sticks in my
16 mind because of the significance of the data and the
17 implications of it.

18 MR. VORSE: Can you briefly tell me what
19 discussions you all, the shift, had after getting the data
20 from the 4th, and how you were going to make this thing
21 better on the 5th?

22 THE WITNESS: Well, Rob Weiss, basically,
23 drew the data off recall on a one-second basis on the 4th.
24 And it seemed to be drawing a line about that thick.

25 MR. DOCKERY: The witness is indicating

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1 approximately --

2 THE WITNESS: About an inch. An inch or so
3 wide line. I'm sorry. I forget the mikes can't see.

4 And because of the width of the line we
5 couldn't really tell what the slope of the line was with
6 respect to the curve of OP-103B.

7 So we asked ourselves, what can we do to
8 change
9 -- to narrow down the data scatter to something useful.
10 And we decided there was two things that we could do.

11 Number one was to put in the stabilization
12 time at the start of the evolution and the end of the
13 evolution to make sure the hydrogen was stable as far as
14 temperature and pressure relationship goes.

15 The other one was Rob decided instead of
16 drawing one-second data he was going to draw data at a
17 longer time interval. I don't remember what that interval
18 was. It may have been one minute. It may have been two
19 minutes. I don't remember.

20 MR. VORSE: Rob?

21 THE WITNESS: Rob Weiss. So that -- Between
22 those two we got the curve that you guys have seen that's
23 very clear, very defined, and really showed that that
24 curve was not accurate to the plant response.

25 And that's what we believed that that curve

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1 was. It was just a curve showing the plant response, that
2 OP-103B curve.

3 MR. VORSE: Have you ever participated in any
4 other similar evolutions other than the September 4th and
5 September 5th evolutions of '94? You personally.

6 THE WITNESS: Not that I can remember.

7 MR. VORSE: Had you known anything about some
8 similar evolutions that were performed in July?

9 THE WITNESS: At the time of the September
10 4th and 5th evolutions, no. And at the time of the NRC O
11 and I investigations in December, no.

12 But talking to some people after that I found
13 out about the July 22nd evolution that showed the same
14 information.

15 MR. VORSE: Can you describe who you talked
16 to about that and what was said?

17 THE WITNESS: Mark Van Sicklen mentioned to
18 me that he had talked to one of the other operators and
19 had been shown a curve.

20 MR. DOCKERY: Do you have -- No. Were you
21 with the shift during July 1994?

22 THE WITNESS: Yes.

23 MR. DOCKERY: Do you --

24 THE WITNESS: I was with Dave Fields' shift
25 in July of 1994.

1 MR. DOCKERY: Do you have any independent
2 recollection of taking part in any evolution similar to
3 the September 4th or 5th --

4 THE WITNESS: No.

5 MR. DOCKERY: -- evolutions?

6 THE WITNESS: No. We had believed that when
7 we did our evolution on the 4th and the 5th that we were
8 the only ones in pursuit of it.

9 MR. DOCKERY: Is it possible you could have
10 taken part in a July 1994 evolution and did not recall it?

11 THE WITNESS: No.

12 MR. MORRIS: That's a different shift, Jim.

13 MR. DOCKERY: Okay. I'm just --

14 THE WITNESS: The July 22nd is a different
15 shift.

16 MR. MORRIS: It's a team.

17 MR. DOCKERY: Thank you.

18 THE WITNESS: That was a different team.

19 MR. DOCKERY: I understand. My error.

20 THE WITNESS: I'm sorry.

21 MR. DOCKERY: Okay. So you had no reason to
22 be aware of --

23 THE WITNESS: I had no reason to be aware of
24 it. And the other shift didn't talk about it either. In
25 fact, the guy that had the concern ended up just dropping

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1 the whole thing and said, I'm done with it, you guys have
2 told me to shut up and watch the board.

3 MR. DOCKERY: Mr. Stewart, was it the same
4 concern, as far as you know?

5 THE WITNESS: I'm not -- It dealt with the
6 hydrogen overpressure. I think -- I don't -- I don't
7 really know. I can't really -- I'd be speculating to some
8 extent if I answered that.

9 If you want me to speculate, I will. But --

10 MR. DOCKERY: That isn't necessary. Just to
11 the extent that you knew -- What I'm -- I guess what I'm
12 trying to gather here is were there two separate shifts,
13 or teams for our purposes, concerned with the same
14 problem?

15 THE WITNESS: Well, a few years ago they had
16 rearranged the shifts a little bit. And at one point in
17 time Mark Van Sicklen and Bruce Willms were on the same
18 shift together, I believe, or they got involved in some
19 evolutions on the plant that showed that the makeup tank
20 wasn't acting the way the curve said it should and they
21 both picked up on it together.

22 And then Bruce, in addition to that, also had
23 concerns based on the Appendix R considerations.

24 MR. DOCKERY: Who's Bruce?

25 THE WITNESS: Bruce Willms, W-I-L-L-M-S. And

1 so there was two concerns. And it seemed to me that Mark
2 picked up more on the curve concerns and Bruce was kind of
3 more concerned about the Appendix R. But they both tied
4 into the same basic issue. You end up with too much
5 pressure in the makeup tank and you challenge the makeup
6 pumps. One was you are operating there. And the other
7 one was an Appendix R fire fails the solenoid valve open
8 and the regulator pressure is set too high. And that's
9 still an ongoing deal with that.

10 I've got a separate allegation in with the NRC
11 on that now, because that's been known for a couple of
12 years and nothing has been done about it either.

13 So the two of them kind of tie together, but
14 yet, they're separate concerns.

15 MR. DOCKERY: Mr. Stewart, you mentioned
16 specifically the date July 22nd as having been, to your
17 knowledge, the previous evolution that was conducted.

18 We've been talking in terms of an evolution
19 that occurred in July of 1994 and I think you used the
20 specific date July 22nd.

21 THE WITNESS: I think -- I believe that's
22 when it was conducted.

23 MR. DOCKERY: That's all I'm trying to get
24 at, because I'm not sure that we had a specific date.

25 THE WITNESS: I think it was done on the

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1 22nd. And while I don't know for sure, I believe it
2 actually showed up in the shift supervisor's log.

3 But I don't know. That all came out since
4 I've been pulled off shift.

5 MR. VORSE: Are you familiar with 10 CFR
6 50.9? Not 50.59, but 50.9.

7 THE WITNESS: I'm not -- I don't have it
8 memorized. I'm not --

9 MR. VORSE: You know what it essentially
10 says?

11 THE WITNESS: No. Not right off the top of
12 my head.

13 MR. VORSE: It talks about truthfulness and
14 completeness of information.

15 THE WITNESS: Okay.

16 MR. DOCKERY: Specifically, completeness and
17 accuracy of information provided to the NRC.

18 THE WITNESS: I understand.

19 MR. VORSE: And you've described to me why
20 you didn't think the September 4th evolution was of enough
21 importance.

22 But you were never asked about the September
23 4th evolution.

24 THE WITNESS: We were never asked by anybody.

25 MR. VORSE: All right.

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1 THE WITNESS: But something needs to be
2 clarified here. And that was that in the pre-decisional
3 enforcement conference that was supposed to have happened
4 on the 21st we had -- my attorney and I had sat down and
5 talked about it and we were going to talk about the 4th
6 and the 22nd to the NRC at that time.

7 It was our chance, since we'd never gotten
8 asked by the NRC or Florida Power about anything -- I've
9 never been questioned by anybody in Florida Power on this
10 whole evolution. Nothing.

11 And so I wanted to --

12 MR. DOCKERY: Let me interrupt you there.
13 When you say, this whole evolution, what evolution are we
14 talking about?

15 THE WITNESS: The whole -- The events of the
16 makeup tank, period. I've never been talked to by Florida
17 Power, other than to say, you guys done something wrong,
18 go over here.

19 MR. DOCKERY: Again, I want to fine tune-
20 that.

21 THE WITNESS: Okay.

22 MR. DOCKERY: The events of the evolution?

23 THE WITNESS: Of the 4th and 5th.

24 MR. DOCKERY: That's --

25 THE WITNESS: Of the 4th and 5th.

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1 MR. DOCKERY: -- what I needed to know.

2 THE WITNESS: Okay. The only events that I
3 was involved with. Okay?

4 So I never had the opportunity to say anything
5 to anybody. I was never asked the questions. And I was
6 told by the Florida Power attorney to just answer the
7 questions truthfully, but don't volunteer any information.

8 So I kind of feel a little frustrated.

9 MR. DOCKERY: Without getting into the
10 details of what you were told by the attorney you just
11 mentioned, what was the name of that attorney?

12 THE WITNESS: It was Gerald Williams.

13 MR. DOCKERY: Okay.

14 MR. VORSE: Curt, you got anything? You been
15 just scribbling a bunch of notes over there. I assume you
16 have some questions.

17 MR. RAPP: Yeah. I've got a couple of things
18 here I wanted to pursue a little bit further.

19 You said that on September 2nd there was a
20 letter that came out --

21 THE WITNESS: Sometime around then.

22 MR. RAPP: Around that area. There's this
23 letter that came out from Engineering that said, we're
24 going to close this issue out.

25 Is that specifically what the letter said,

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1 that we're going to close this issue out, or that -- did
2 it say that we're going to close it out by a certain date?

3 THE WITNESS: It was going to be closed out
4 by that following Friday, I believe is what it said.

5 We could get a copy of the letter. It should
6 be an official letter and be in the files at Florida
7 Power. It shouldn't be hard to dig that up.

8 MR. RAPP: Okay. So the --

9 THE WITNESS: I don't have it with me.

10 MR. RAPP: The following Friday would have
11 been approximately what, seven more days?

12 THE WITNESS: Yeah.

13 MR. RAPP: Okay. Once that letter was
14 communicated to Dave Fields, you said, about the 3rd or
15 the 4th they talked about doing this evolution.

16 Were you involved in those discussions, the
17 initial discussions?

18 THE WITNESS: The actual initial discussions,
19 I believe, took place between Rob Weiss and Mark Van
20 Sicklen out at the chief's desk. So, no, I wasn't
21 necessarily involved in it, although I knew they were
22 ongoing.

23 MR. RAPP: Okay. And then what was the
24 sequence of events after that? Did Van Sicklen and Weiss
25 come forward and talk with you about it, or --

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1 THE WITNESS: Well, what happened was that
2 apparently Mark and Rob were more or less brainstorming
3 over on the chief's desk, what can we do to come up with
4 some more data, some useful data.

5 And one of them, I think it was Mark, but I
6 don't know that, came up with the idea of doing the draw-
7 down on the makeup tank. And Rob said, well, that sounds
8 like a good idea. Let me go bounce it off of Dave.

9 And Mark -- Or Rob Weiss came in and talked to
10 Dave Fields and Dave Fields said, well, yeah, it sounds
11 like a good idea. Let's see if we can get some procedural
12 guidance for it.

13 And that was when the rest of us started
14 getting involved in it. And then we had the formal --
15 basically a formal pre-job brief. And we were off and
16 running.

17 MR. RAPP: Okay. And that -- And this
18 discussion took place on the 4th then?

19 THE WITNESS: I don't remember when the
20 actual discussion between Rob and Mark -- Rob Weiss and
21 Mark Van Sicklen took place. It would have been --

22 MR. RAPP: I'm referring to the discussion
23 between Dave Fields and --

24 THE WITNESS: The pre-job brief and all
25 happened on the 4th and then again on the 5th.

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1 MR. RAPP: Okay. All right. When you come
2 back on shift from -- or rotate onto a different shift,
3 how far back do you review the operator's logs?

4 THE WITNESS: I review back to the last time
5 I was on shift.

6 MR. RAPP: Okay. And so that may entail how
7 many days review or how many periods?

8 THE WITNESS: Well, that depends. From day
9 shift to swing shift I'm only off two days, so I go back
10 two day's worth to the last time my name appears in the
11 logs.

12 Swings and mids is the same. It's only 48
13 hours exactly. And then after mids, I have a week
14 of recall, and then I go back on day shift, so I'll go
15 back a week, over that period of time to my logs.

16 MR. RAPP: Okay. Going back to July -- and I
17 realize there's been a lot of time that's take --
18 transpired since then -- when you reviewed the logs in
19 July, did you notice or did anything appear to you to be
20 abnormal in those logs?

21 THE WITNESS: I would have to see the logs to
22 be able to --

23 MR. RAPP: I present you with a copy of the
24 logs. And tell us --

25 MR. DOCKERY: Just so the record is clear,

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1 we're referring to July of 1994 here. Is that correct?

2 MR. RAPP: That's correct. Right.

3 THE WITNESS: All of July, just the 22nd?

4 You --

5 MR. RAPP: Specifically there on the 23rd and

6 -- THE WITNESS: You showed me the page of the
7 22nd and the 23rd.

8 MR. RAPP: Specifically, I believe -- It's
9 one more page over. Yeah. Specifically this is where you
10 come back on shift. Correct?

11 THE WITNESS: Okay. Yeah.

12 MR. RAPP: And then you would review back how
13 far in that, that sequence?

14 THE WITNESS: I should have gone back to
15 Wednesday.

16 MR. RAPP: Okay. That would have been
17 Wednesday, July what?

18 THE WITNESS: The 20th.

19 MR. RAPP: The 20th. So in reviewing the
20 logs, though, you would have seen the entries made by Mr.
21 Willms concerning the 21st and the 22nd?

22 MR. MORRIS: You're asking him would he or
23 did he?

24 MR. RAPP: I'm asking would he have seen
25 those.

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1 THE WITNESS: Well, that's kind of a hard
2 question to answer because I don't recall picking up
3 anything at the time that I did. So the answer to that is
4 apparently not.

5 You know --

6 MR. RAPP: So you didn't review those dates
7 then when you went back --

8 THE WITNESS: Oh, I reviewed the dates. But
9 I may not have seen anything in here that caused me to
10 question anything.

11 (Examines document.) He did a pretty good-
12 sized bleed and feed.

13 MR. RAPP: Is that normal?

14 THE WITNESS: If he's messing with the
15 control rod position, it could have been. And --

16 MR. RAPP: To bleed the makeup tank and then
17 refill it?

18 THE WITNESS: And feed it back, yeah. You
19 may want to do something like that. I would have --
20 Depending upon how fast he was trying to do things. I
21 don't know -- you know, I don't remember the situation at
22 the time. And I would have probably asked him some
23 questions on it. But I don't remember anything about it.

24 I didn't get any feeling that he was doing
25 anything at the time that was, you know, challenging any

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1 part of the plant.

2 MR. RAPP: Okay. All right. Thank you.

3 THE WITNESS: Sure.

4 MR. RAPP: Did you feel that the September
5 4th event was significant?

6 THE WITNESS: No.

7 MR. RAPP: There was no significance to it at
8 all in the fact that this evolution was conducted, that it
9 was similar to the 5th, and it was also getting -- the 5th
10 was getting a lot of attention from Management and the
11 NRC?

12 THE WITNESS: The 5th was getting all the
13 attention because it came out with the data that showed
14 that the curve was wrong.

15 The 4th, there was nothing there that you
16 could draw any conclusions with. And that's why, to me,
17 the 4th was insignificant compared to the 5th. And that's
18 why all the emphasis has been on the 5th, to my knowledge.

19 MR. RAPP: Let me ask you this. Were the
20 evolutions conducted on the 4th and 5th tests or
21 experiments?

22 THE WITNESS: I didn't think that they were
23 tests or experiments. I just thought we were dropping
24 down the level and seeing how it responded with the plant.

25 The plant responded with respect to a curve

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1 that was supposed to be showing us what the plant response
2 was.

3 MR. RAPP: Are there any procedures or other
4 documents that you're aware of that define what a test is?

5 THE WITNESS: I'm sure there are, but I can't
6 --I don't know them off my head.

7 To me, a test is something that's outside the
8 bounds of your procedures. We weren't outside the bounds
9 of our procedures at the time, we didn't believe. So it
10 wasn't a test.

11 MR. RAPP: Okay. That's all I have right
12 now, Jim. Thank you.

13 MR. VORSE: Did you ever discuss your
14 concerns about curve 103B before the September 4th and 5th
15 evolutions with anyone from the NRC, be it resident
16 inspectors, management, or other people from other areas
17 of the NRC, NRR, whatever?

18 THE WITNESS: I never talked to anybody about
19 it. Mark was pretty much keeping the whole issue going.
20 And I kept in touch with Mark --

21 MR. DOCKERY: Mark being?

22 THE WITNESS: Mark Van Sicklen. Sorry. To
23 keep up to speed with what was going on. I was concerned
24 about it. And he seemed to have the lead and I -- there's
25 no sense in two of us having a lead. So I pretty much let

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1 Mark go. Whatever he wanted to do with it was fine,
2 unless it was going to be something like drop the issue or
3 he didn't think that things were going -- You know, if I
4 didn't believe that things were going the way I thought
5 they should, then I would have stepped in myself.

6 But Mark was doing pretty much exactly what I
7 would have done. And so I just let him go and just kept
8 in touch with him to keep abreast of the situation.

9 MR. VORSE: Do you know who he talked to and
10 what was said, based on your discussions with Mr. Van
11 Sicklen?

12 THE WITNESS: I know we had a talk with Todd
13 Cooper and it was off the record., I know it had to do
14 with his concerns, but I don't know any more about it than
15 that.

16 He told me that he had talked to Todd about
17 what basically should we do with our concerns. And from
18 what I got from Mark, Todd off the record said, all I can
19 tell you is file an allegation.

20 And at the time Mark was too leery of his job
21 to want to do that. He wanted to work within Florida
22 Power as much as possible before taking that step. I
23 believe he would have taken that step -- Well, it turns
24 out the problem report solved all of that when the curve
25 came out.

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1 The bottom line of that whole 4th and 5th --
2 the events of the 4th and 5th was if that plant response
3 even came close to what the curve was predicting it to be,
4 Mark was going to drop the whole thing, say, you guys are
5 right, I'm wrong, sorry, didn't mean to waste everybody's
6 time, we'll go on with life. So --

7 MR. DOCKERY: Jim, if I may.

8 MR. VORSE: Yeah.

9 MR. DOCKERY: Mr. Stewart, you were
10 previously interviewed by the NRC Office of Investigations
11 regarding the events of September 5th, correct?

12 THE WITNESS: Correct.

13 MR. DOCKERY: And we've established here, I
14 think, today, would it be fair to say, that you were
15 aware, at the time you were previously interviewed, of a
16 similar evolution that occurred September 4th?

17 THE WITNESS: I had forgotten about the 4th.
18 Okay? And that was a big reason why I didn't bring
19 anything up then.

20 And two was the fact that the Florida Power
21 attorney had told us answer the questions truthfully, but
22 just answer the questions.

23 MR. DOCKERY: Fine. Then I believe it's fair
24 to say then today we have discovered that, in retrospect,
25 you do have some knowledge of a September 4th evolution.

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1 THE WITNESS: Yes. It's not as vivid as the
2 5th because the 5th had some serious consequences. And,
3 you know, it's like what I did on my birthday four years
4 ago, I'll be darned if I can remember other than get
5 older, you know.

6 MR. DOCKERY: Okay. To a lesser degree --
7 And I understand your testimony is you were not directly
8 involved.

9 But there is some degree of knowledge of a
10 July evolution by another shift that was intended to
11 perhaps address a similar problem or situation. Is that -
12 -

13 THE WITNESS: That is true. But the only
14 knowledge I have of that was that another shift ran the
15 evolution, came up with data, showed it to Management,
16 Management basically reacted in a negative manner, and the
17 guy got the impression of shut up and watch the board.

18 MR. DOCKERY: Okay. You --

19 THE WITNESS: I don't know any of the details
20 involved with the 22nd. I don't know anything about that,
21 other than it happened.

22 MR. DOCKERY: I understand what the general
23 advice of your -- of corporate legal counsel was during
24 your last OI interview.

25 So I'm very clear here today, I am

1 specifically asking you do you have any knowledge of any
2 other revolutions (sic) run by your shift or, to the
3 extent you know on a hearsay basis, by any other shift to
4 deal with this particular curve, the problems that were
5 perceived with this particular curve?

6 THE WITNESS: I don't know of anything else
7 that was ever done with respect to the concerns that we
8 have with the makeup tank hydrogen pressure relationship
9 at all.

10 And if something ever comes up between now and
11 whenever, I'll be the first one to call you guys and let
12 you know, hey, look, there's some more information that's
13 come up based on his --

14 MR. DOCKERY: I think Mr. Morris would like
15 to --

16 THE WITNESS: -- you know, looking through
17 my --

18 MR. DOCKERY: -- would like to say something?

19 MR. MORRIS: Yeah. I wanted to make certain
20 that you understood in your last question that Mr. Stewart
21 heard about the evolution in July of 1994 only after his
22 OI interview in December 1994.

23 MR. DOCKERY: That's fine. I understand
24 that. I really intended my question, Mr. Morris, to be
25 all encompassing.

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1 MR. MORRIS: Fine.

2 MR. DOCKERY: At this point, now, do you have
3 any knowledge of any other similar --

4 THE WITNESS: No, sir.

5 MR. DOCKERY: -- evolutions?

6 THE WITNESS: If I did, I'd be talking, let
7 me tell you. And I'd also like to at this time emphasize
8 that we had every intentions, meaning me, had every
9 intentions of talking about what I knew of the July 22nd
10 and the 4th at the pre-decisional conference up in
11 Atlanta.

12 We wanted everything to be known that could be
13 known because, to be honest with you, we were totally and
14 completely surprised at the allegations that O and I
15 arrived at, or the Region arrived at that was applied to
16 us, that it was willful and wanton misconduct.

17 We had nothing but the best of intentions of a
18 safety concern. We had -- There was no quarreling. I
19 know there's been a lot of rumors of that going on, that
20 there was quarreling between Engineering and Operations.

21 I'm sure there were some words said in
22 frustration, but we weren't out to hang anybody. We
23 weren't out to violate the world just to show that we were
24 right. We were honest, bona fide safety concerned.

25 MR. DOCKERY: Mr. Stewart, when you were

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1 previously interviewed by the NRC Office of
2 Investigations, it was regarding your knowledge of the
3 September 5th evolution. Is that -- That's correct?

4 THE WITNESS: That is correct.

5 MR. DOCKERY: At that time if you had been
6 asked about a September 4th evolution, were you prepared
7 to discuss it?

8 THE WITNESS: I would have talked about
9 whatever I could have remembered at the time. Like I
10 said, I'd forgotten an awful lot about the 4th and it was
11 just talking with the attorney and the other members,
12 bargaining unit, that were on the shift, Mark Van Sicklen,
13 Christine, specifically, that a lot more of the details of
14 the 4th have come back to my mind to be able to talk to
15 you gentlemen about it now.

16 So I may not have been able to talk in as
17 detailed then as I am now. But had someone answered (sic)
18 anything, I'd have been more than happy to talk about it.

19 You know, I want the whole thing bottom line
20 set out. I want this solved, put to bed, and go on with
21 life. I'm not here to obstruct anybody in anything.

22 MR. DOCKERY: This question is somewhat
23 delicate for reasons your Counsel understands. It may
24 have something to do with privileged information. I'm
25 sure he'll stop you if he feels that it does.

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1 My question is, did you ever receive specific
2 instruction from anybody not to discuss the September 4th,
3 1994, evolution?

4 THE WITNESS: No.

5 MR. DOCKERY: That's all I --

6 THE WITNESS: To just expound on that just a
7 little bit, we have always been told by anybody that was
8 giving us any kind of counsel with respect to dealing with
9 O and I and the NRC was answer the questions and tell the
10 truth.

11 And that's all I have ever tried to do was
12 answer your questions to the best of my knowledge
13 pertaining to that question.

14 MR. DOCKERY: Just before you were
15 interviewed previously by Mr. Vorse was there any
16 discussion between you and your colleagues or management
17 regarding a September 4th evolution?

18 THE WITNESS: No.

19 MR. DOCKERY: I don't have anything else.

20 MR. VORSE: Do you think Mr. Halnon might
21 have known about that September 4th evolution?

22 THE WITNESS: There's a possibility. After -
23 - Sometime after the interview with you gentlemen, and I
24 don't remember when it was, Mark and Christine had talked
25 with Greg Halnon. I wasn't privy and I wasn't there, so I

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1 don't know exactly what was said.

2 But I know something was mentioned about the
3 4th. And what I got out of Mark and Christine was Greg
4 kind of indicated that he didn't want to hear about it.

5 MR. VORSE: How did he indicate that?

6 THE WITNESS: I don't know, other than I
7 believe he must have just said, you know, I don't want to
8 hear about it. I don't -- You know, I wasn't there. I
9 don't know.

10 MR. VORSE: That wasn't said to you.

11 THE WITNESS: It wasn't said to me. No. I
12 also understand that -- I guess Greg was teaching some
13 sort of an administrative course down in training in the
14 end of January, beginning of February, or something like
15 that.

16 And he brought up the makeup tank events of
17 the 4th and the 5th -- or the 5th, was all he mentioned at
18 the time. And again, Mark piped up and said, that's not
19 the only time that's occurred.

20 And Greg Halnon at that time apparently said,
21 I know.

22 But again, I wasn't there either. I'm going
23 strictly by what other people have told me.

24 MR. VORSE: When was this training session
25 again?

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1 THE WITNESS: Sometime the end of January,
2 beginning of February. I don't -- I don't remember. You
3 could probably go down to the EOF and go through the files
4 and find out when Greg Halnon was teaching. It was -- I
5 don't remember the name of the course, but he was teaching
6 a course. And Mark Van Sicklen would have been in it.

7 MR. DOCKERY: I'm going to ask for your
8 opinion on something. And there may -- You may have
9 direct knowledge of this. If not, I would solicit your
10 opinion.

11 Was there somebody that should have known that
12 you were dealing with a design basis curve as opposed to
13 any other type curve?

14 THE WITNESS: Well, apparently somebody in
15 Engineering had to have known it was a design basis curve
16 when they first generated it. But I don't know that.

17 It seems awful surprising to me that they can
18 come up with a curve like that and all the calculations
19 that they had to go through that are directly affecting
20 makeup tank suction pressure, you know, it seems to me
21 that during that process they should have known it and why
22 it -- how it ended up over in Operations as an operating
23 curve is beyond me, because that's not Florida Power's
24 mode of doing business.

25 They always have the design basis. Then

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1 usually there's a tech spec limit then. And then there's
2 an FPC administrative limit. You know, and it's all
3 designed to keep from challenging the A tech specs and B.
4 More importantly is the design basis.

5 MR. DOCKERY: Mr. Rapp might be able to ask
6 this question better than I am. I think what I'm trying
7 to get at, was there somebody on the shift that you think
8 -- on your shift on, we'll say September the 5th, who
9 should have known, should have checked to see whether or
10 not you were dealing with a design basis curve?

11 THE WITNESS: I don't think -- I don't
12 believe so at all. It is -- It's considered an OP. We
13 believed it to be nothing more than a plant response
14 curve, not an absolute, don't ever cross this line curve.

15 It was, you know, the plant should act as
16 this.

17 MR. DOCKERY: Mr. Rapp, if I'm asking that
18 crudely or you can see a way that it could be clarified,
19 please go ahead.

20 MR. RAPP: No.

21 MR. DOCKERY: Okay.

22 THE WITNESS: I can't think of anything else.

23 MR. RAPP: Let me ask one quick thing here.

24 You said earlier that there was a safety
25 concern with this curve.

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1 THE WITNESS: Yes.

2 MR. RAPP: Did you pursue that issue through
3 either the Operations Management or Engineering Management
4 or the Employee Concerns Program?

5 THE WITNESS: Mark had --

6 MR. RAPP: You personally.

7 THE WITNESS: Me personally, no. Because
8 Mark was running with it. And he had made the same
9 contacts that I would have made. So it didn't seem to
10 make any sense for me to come back through and do the
11 exact same thing again.

12 Mark had talked to Operations Management.
13 Mark had talked to the Engineering Department. And, you
14 know, Mark had talked to the NRC resident with kind of
15 respect to what do I do. And basically he was told, to my
16 knowledge, submit an allegation. And he didn't think that
17 was the way to go at the time. He was trying to get
18 Florida Power to work with the whole thing.

19 MR. RAPP: That's all, Jim. Thank you.

20 MR. VORSE: Is there anything you need to --

21 MR. MORRIS: No.

22 MR. VORSE: Well, Mr. Stewart, is there
23 anything else that you want to tell us that you think is
24 important that we haven't asked about that you think the
25 NRC should know about?

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1 THE WITNESS: I've told you as much as I can
2 possibly remember of the technical issues of it. I hope
3 that you gentlemen understand the frustration that I'm
4 going through with the whole event.

5 You know, I feel that, number one, never to be
6 talked to by Florida Power to find out what went on on the
7 evening of the 4th and the 5th, to me is almost a set-up
8 because I'm just -- I was just following Florida Power's
9 direction and what I believed to be pure 100 percent
10 honest concerning the interview back in December.

11 And everything that's blown up since then
12 leading to this investigation, had we been allowed to talk
13 at the pre-decisional enforcement conference in Atlanta on
14 the 21st, all this stuff was going to come out, because
15 we, by this time, realized that there was a lot of stuff
16 that didn't get brought out back in December that really
17 needs to be brought out because, you know, we were facing
18 some very serious allegations brought on by the NRC that
19 we had done a willful and wanton misconduct.

20 And I honestly don't believe that all of the
21 facts support those findings. And so I feel very
22 frustrated that, you know, I tried to be as honest as I
23 can possibly be on this whole thing. I -- As much as I
24 can possibly remember I've conveyed to you.

25 And, you know, I hope this helps clear the

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1 whole situation up a lot better than the last interviews.
2 You know, if anything came up out of this that's wrongful
3 on my part, I'm awful sorry because all I have ever done
4 is try to operate that plant with safety at the top of the
5 line.

6 You know, I've talked to some Florida Power
7 people and one of the things that a lot of people don't
8 understand is that 90 percent of the licensed operators
9 live within a ten-mile radius of this plant.

10 So if we're going to knowingly do something
11 that's going to challenge the integrity of that plant,
12 you're challenging your family on top of the general
13 public.

14 And to someone who's got a lot of integrity,
15 that's a major consideration. And had I known any of this
16 stuff was design basis, I wouldn't have done it. Never.

17 MR. VORSE: Do you feel that at any time
18 during the -- either the evolution on the 4th of September
19 or the 5th of September of '94 that you had put the plant
20 in an unsafe condition?

21 THE WITNESS: No.

22 MR. VORSE: Why?

23 THE WITNESS: Because we were within the
24 bounds of our procedures.

25 MR. VORSE: Okay.

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1 MR. RAPP: Let me ask one follow-up question
2 then on that, Jim.

3 Does the scope of your license, your operator
4 license permit you to conduct unauthorized or unapproved
5 tests?

6 THE WITNESS: No, it does not.

7 MR. RAPP: Okay. Thank you.

8 THE WITNESS: But this was not considered a
9 test.

10 MR. RAPP: By which definition?

11 THE WITNESS: By Dave Fields. Because it fit
12 within the bounds of our procedures.

13 MR. RAPP: Did you get an annunciator alarm
14 on the September 4th evolution?

15 THE WITNESS: Yes.

16 MR. RAPP: How long did that annunciator
17 alarm last, do you remember?

18 THE WITNESS: I don't remember right off-
19 hand. But I can tell you that it probably lasted less
20 than on the 5th because the evolution on the 4th took
21 place a lot quicker because we didn't have the
22 stabilization period.

23 Something else that needs to be brought out is
24 that that alarm comes in off of a computer calculation
25 based on the computer's readout as to what the makeup tank

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1 level is.

2 We drive by the recorder, which has a separate
3 signal. And therefore, instrument error can show a
4 different reading between the recorder and the annunciator
5 alarm.

6 So it's entirely possible, and in the past it
7 has been where we've had the recorder reading right on the
8 curve, the computer reading high and the recorder being
9 the legal perimeter. We run by the recorder. And that
10 alarm has been in for hours over those 18 months prior to
11 this evolution.

12 The other thing is is that alarm, the
13 annunciator alarm system at the nuclear plant is set up in
14 a hierarchy, level one, two, three, and four. Okay?
15 Level one and two are red alarms. They're at the top of
16 the annunciator panels. They typically indicate a safety
17 function actuating, reactor protection channels,
18 safeguards actuation, this kind of stuff.

19 Level two is not quite as high as level one.
20 And level three is basically a general knowledge. And
21 level four doesn't even have a window. It just prints up
22 on a screen and there's a little beep, beep, beep comes
23 out of the back.

24 This makeup tank high pressure alarm is a
25 level three alarm.

NEAL R. GROSS

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25

1 MR. DOCKERY: Both evenings?

2 THE WITNESS: Both evenings.

3 MR. DOCKERY: Mr. Vorse, anything else?

4 MR. VORSE: I don't think so, Jim.

5 MR. DOCKERY: Mr. Rapp?

6 MR. RAPP: No. I'm fine. Thank you.

7 MR. DOCKERY: Mr. Morris?

8 MR. MORRIS: No, sir.

9 MR. DOCKERY: If the witness has nothing

10 further to add --

11 THE WITNESS: I don't have anything to add

12 now. And if there's something that I can come up with

13 later on that I feel may be of some help to O and I, I'll

14 get a hold of my attorney and --

15 MR. DOCKERY: We appreciate that.

16 With that, we'll go off the record at

17 approximately 1:11 p.m.

18 (Whereupon, these proceedings were concluded

19 at 1:11 p.m.)

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C E R T I F I C A T E

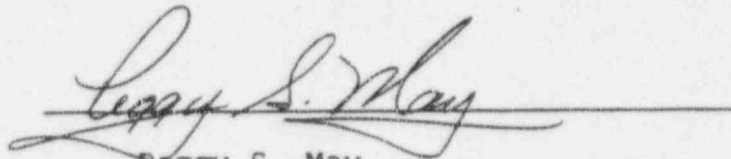
This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission in
the matter of:

Name of Proceeding: Interview of Jack D. Stewart,

Docket Number(s): 2-94-036

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

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



Peggy S. May

Official Reporter

Neal R. Gross and Co., Inc.