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INTERVIEW

INTERVIEW OF

June 5, 2002

2:00 p.m.

BEFORE:

Special Agent

24 Information in this record was deleted
in accordance with the Freedom of Information
25 Act, exemptions 1C

FOIA 2006-113

3 - 2002 - 004

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EXHIBIT 24
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1 P-R-O-C-E-E-D-I-N-G-S

2 SPECIAL AGENT FAHEY: For the record,
3 this is the interview of [REDACTED] former
4 in-service inspection general foreman for Day &
5 Zimmerman Nuclear Power Systems 7C

6 Today's date is Wednesday, June 5. The
7 time is approximately 2 o'clock P.M. This interview
8 is being conducted at the Sleep Inn, 1600 Lawrence
9 Avenue in De Pere, Wisconsin.

10 My name is Mary Kay Fahey. I'm a special
11 agent with U.S. Regulatory Commission Office of
12 Investigations in Region III.

13 This interview is being transcribed by
14 court reporter Myrna Williquette.

15 The subject matter of this interview is a
16 fitness for duty concern at the Kewaunee Nuclear
17 Power Plant during a refuel outage in 2001 which was
18 brought to the NRC's attention by the licensee,
19 Nuclear Management Company.

20 [REDACTED] 7C called as a witness
21 herein, being first duly sworn, testified as
22 follows:)

23 SPECIAL AGENT FAHEY: Some background
24 questions. Date of birth?

25 ([REDACTED])
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1 SPECIAL AGENT FAHEY: Social Security
2 Number?

3 THE WITNESS: [REDACTED] 7c

4 SPECIAL AGENT FAHEY: Home address?

5 THE WITNESS: [REDACTED]

6 [REDACTED] 7c

7 SPECIAL AGENT FAHEY: Telephone number?

8 THE WITNESS: [REDACTED] 7c

9 SPECIAL AGENT FAHEY: Are you currently
10 employed now?

11 MR. [REDACTED] No. 7c

12 SPECIAL AGENT FAHEY: When were you last
13 employed?

14 MR. [REDACTED] 7c I got laid off April 26th
15 of this year, 2002.

16 SPECIAL AGENT FAHEY: By Day & Zimmerman?

17 MR. [REDACTED] 7c No. I was working for
18 (Phillip and Guetschow at Point Beach Nuclear Plant.)

19 SPECIAL AGENT FAHEY: Okay. How long did
20 you work for them? Do you remember when you
21 started?

22 MR. [REDACTED] 7c Yes. March 25th.

23 SPECIAL AGENT FAHEY: Okay. And before
24 that?

25 MR. [REDACTED] I was laid off for four

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1 months when I got laid off from Day & Zimmerman
2 December 1st of 2001.

3 SPECIAL AGENT FAHEY: Okay. And when did
4 you start there?

5 MR. [REDACTED] 7C June 17th of 2001.

6 SPECIAL AGENT FAHEY: Okay. What
7 position did you hold with Day & Zimmerman?

8 MR. [REDACTED] 7C I started out as a
9 foreman up until August 1st, and then I went to work
10 as a general foreman on the ISI program for [REDACTED]
11 [REDACTED] who works for NMC.

12 SPECIAL AGENT FAHEY: Do you know how to
13 spell [REDACTED] name?

14 MR. [REDACTED] 7C [REDACTED]
15 [REDACTED]

16 SPECIAL AGENT FAHEY: And generally, what
17 did you do? Don't get too specific.

18 MR. [REDACTED] 7C As far as when I worked
19 for --

20 SPECIAL AGENT FAHEY: When you were the
21 general foreman.

22 MR. [REDACTED] 7C General foreman? 75 The ISI
23 program, basically it checks welds, support
24 equipment, various examinations as far as visual,
25 dye penetrant, ultrasonic. And my job was to

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1 coordinate the various crafts, insulators,
2 carpenters, steam fitters, boilermakers, and to
3 prepare these -- the joints or get things ready, if
4 I needed scaffolding built or if I needed insulation
5 removed and stuff like that.

6 SPECIAL AGENT FAHEY: And who did you
7 have working under you? Did you have supervisors?

8 MR. [REDACTED] ^{7c} No. Just I was in charge
9 of the crafts myself.

10 SPECIAL AGENT FAHEY: So you were the
11 first line supervisor?

12 MR. [REDACTED] ^{7c} Yes.

13 SPECIAL AGENT FAHEY: How many people
14 under you?

15 MR. [REDACTED] ^{7c} That varied. I had two
16 insulators the whole outage which was 42 days. Our
17 part of it was 42 days. At various times I had
18 maybe two carpenters, a couple laborers, a couple
19 steam fitters, a couple boilermakers. All depended
20 on how busy we were.

21 SPECIAL AGENT FAHEY: How many, when you
22 were the busiest, what is the highest number of
23 employees under you?

24 MR. [REDACTED] ^{7c} Oh, probably five. But,
25 see --

1 SPECIAL AGENT FAHEY: Came in at
2 different times?

3 MR. [REDACTED] But see, there again,
4 it's hard to say because I might have had like two
5 insulators working here and three carpenters working
6 here, you know, and a couple steam fitters working
7 here, so -- but probably five would be --

8 SPECIAL AGENT FAHEY: The average?

9 MR. [REDACTED] ^{7c} I would think so, yeah.

10 SPECIAL AGENT FAHEY: Okay. And were
11 they also employees of Day & Zimmerman?

12 MR. [REDACTED] ^{7c} Yes, they were.

13 SPECIAL AGENT FAHEY: And who did you
14 report to?

15 MR. [REDACTED] ^{7c}

16 SPECIAL AGENT FAHEY: And what was his
17 title?

18 MR. [REDACTED] ^{7c} I believe he was a
19 general foreman, also.

20 SPECIAL AGENT FAHEY: Did you have any
21 reporting duties to anybody at NMC or at Kewaunee
22 itself?

23 MR. [REDACTED] Well, ([REDACTED]) was who
24 I actually worked for. So I reported to him.

25 SPECIAL AGENT FAHEY: He was a licensee

1 employee?

2 MR. [REDACTED] 7c Yes. He's the head of
3 the in-service inspection program.

4 SPECIAL AGENT FAHEY: Okay. Then did Day
5 & Zimmerman have some sort of project manager
6 on-site?

7 MR. [REDACTED] 7c Yeah. [REDACTED] That's
8 [REDACTED]

9 SPECIAL AGENT FAHEY: Okay. And the
10 outage at Kewaunee was 42 days; did you say?

11 MR. [REDACTED] 7c That was my part of it,
12 yes.

13 SPECIAL AGENT FAHEY: And how about
14 generally? What kind of nuclear experience do you
15 have? How long have you worked in the nuclear
16 industry?

17 MR. [REDACTED] 7c 23 years.

18 SPECIAL AGENT FAHEY: Okay. And at a
19 variety of plants or mainly around here?

20 MR. [REDACTED] I worked at Kewaunee.
21 Point Beach. And then I went out to Premont Yankee.

22 SPECIAL AGENT FAHEY: So basically those
23 three have kept you busy?

24 MR. [REDACTED] 7c Well, off and on. I've
25 worked a lot of other places but, you know, yeah,

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1 basically.

2 SPECIAL AGENT FAHEY: And do you
3 permanently reside here or you're just up here
4 because you worked at Kewaunee?

5 MR. [REDACTED] No, I was [REDACTED]
6 here.

7 SPECIAL AGENT FAHEY: Okay. And when you
8 worked at Kewaunee last year, did your duties
9 require you to enter into protected areas of the
10 plant?

11 MR. [REDACTED] Yes. ^{7c}

12 SPECIAL AGENT FAHEY: Okay.

13 MR. [REDACTED] I have full access to all
14 areas of the plant because the ISI program requires
15 me to go into just about every area of the plant.

16 SPECIAL AGENT FAHEY: And your workers,
17 also?

18 MR. [REDACTED] Basically, not as much ^{7c}
19 freedom as I have, but restricted area, yeah.

20 SPECIAL AGENT FAHEY: Okay. Let's talk
21 about this GET training or General Employee Training
22 when you arrived on-site, and my questions now are
23 going to be limited to Kewaunee, when you worked at
24 Kewaunee.

25 [REDACTED] Okay.

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1 SPECIAL AGENT FAHEY: Did you attend that
2 training when you arrived on-site?

3 MR. [REDACTED] ^{7c} Yes, I did.

4 SPECIAL AGENT FAHEY: So that would have
5 been in June of 2001?

6 MR. [REDACTED] ^{7c} Yes. Yes, I started
7 there June 17th.

8 SPECIAL AGENT FAHEY: Is there any
9 exception made for supervisors?

10 MR. [REDACTED] ^{7c} No.

11 SPECIAL AGENT FAHEY: Everybody takes the
12 same training?

13 MR. [REDACTED] ^{7c} Yes, as far as I know.

14 SPECIAL AGENT FAHEY: All right. Does
15 the licensee provides the training or does Day &
16 Zimmerman provide the training?

17 MR. [REDACTED] ^{7c} The licensee does.

18 SPECIAL AGENT FAHEY: Okay. Do you
19 remember who the instructor was?

20 MR. [REDACTED] ^{7c} There's several of them.
21 And I don't remember, to tell you the truth. But
22 there is different classes that we take and there is
23 different instructors for the classes and stuff like
24 that, as far as there is a different instructor for
25 like fire training, different instructor for heavy

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1 loads, basic design of the plant. Security. So I
2 don't remember.

3 SPECIAL AGENT FAHEY: Okay. How long is
4 this training?

5 MR. [REDACTED] ^{7c} If you first come in
6 on-site, say like you just start out there, it's
7 probably a week. But for people that have been
8 there, they can go through a shorter version and
9 that's, I think, two to three days.

10 SPECIAL AGENT FAHEY: And you took the
11 two or three days?

12 MR. [REDACTED] ^{7c} Yes.

13 SPECIAL AGENT FAHEY: When was the last
14 time you were at Kewaunee prior to this? Would it
15 have been a couple of years?

16 MR. [REDACTED] ^{7c} No. I was there in 2000,
17 I believe. Let me see. Yeah, because I hadn't been
18 there for five years. The last time I was there was
19 1995 and it was five years. So that would have been
20 2000, I went out there for a different company.

21 SPECIAL AGENT FAHEY: Okay. And was
22 fitness for duty discussed?

23 MR. [REDACTED] ^{7c} As far --

24 SPECIAL AGENT FAHEY: During the
25 training?

1 MR. [REDACTED] 7C Oh, of course.

2 SPECIAL AGENT FAHEY: Okay. And was
3 there training provided for the expectations related
4 to actions taken when an individual detects the odor
5 of alcohol on the breath of a plant worker?

6 MR. [REDACTED] 7C Yes.

7 SPECIAL AGENT FAHEY: Okay. And what was
8 the -- do you know what the rule is?

9 MR. [REDACTED] 7C First of all, if you're a
10 worker, you go to your -- say your foreman which
11 would be your immediate supervisor, and then he
12 would go to his supervisor, I believe. And they
13 would make a determination that, you know, we have
14 to go get a test or something like that.

15 SPECIAL AGENT FAHEY: Okay.

16 MR. [REDACTED] 7C Now, in the case of if
17 it's a supervisor, then they would go to the person
18 above him.

19 SPECIAL AGENT FAHEY: Okay.

20 MR. [REDACTED] 7C And then I think also,
21 you could go to your liaison for the licensee.

22 SPECIAL AGENT FAHEY: And who would that
23 be in this case?

24 MR. [REDACTED] 7C
25 Don't ask me to spell that.

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1 SPECIAL AGENT FAHEY: And he worked for?
2 MR. [REDACTED] NMC.

3 SPECIAL AGENT FAHEY: NMC? Okay. And
4 were all the workers sitting in the same class you
5 were sitting in, some of them?

6 MR. [REDACTED] No, it all depends on
7 when you come in. See, like I was brought in early,
8 okay.

9 SPECIAL AGENT FAHEY: Because you were a
10 supervisor?

11 MR. [REDACTED] Right. Well, [REDACTED]
12 wanted me to run the ISI, okay. The outage didn't
13 start until September 1st, I believe, or sometime in
14 September.

15 SPECIAL AGENT FAHEY: I see.

16 MR. [REDACTED] First week in September,
17 okay. But I was brought in early because if I was
18 on another job, there is a chance I wouldn't be
19 going out there. And [REDACTED] wanted me out there
20 because I've worked with him for, oh, at least 15
21 years I ran his program for him. So the other
22 people were brought in probably sometime in August,
23 I would say, maybe a week or two before the outage.

24 SPECIAL AGENT FAHEY: Okay.

25 MR. [REDACTED] But everybody goes

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1 through the same training.

2 SPECIAL AGENT FAHEY: And then some
3 attend a week long, but if a worker has been there
4 at Kewaunee prior, he would only have to take the
5 shortened version, also?

6 MR. [REDACTED] 7C If he wants to, yes.

7 SPECIAL AGENT FAHEY: Okay.

8 MR. [REDACTED] 7C And I think they also
9 have a program that you could take the -- take a
10 test right away if you want to, if you feel you
11 could pass that test.

12 SPECIAL AGENT FAHEY: That was going to
13 be my next question. Is there a standard test
14 given?

15 MR. [REDACTED] 7C Yes.

16 SPECIAL AGENT FAHEY: Did you take the
17 test?

18 MR. [REDACTED] 7C Yes.

19 SPECIAL AGENT FAHEY: Okay. And did you
20 pass the test? I guess you did.

21 MR. [REDACTED] 7C I've never flunked one
22 yet.

23 SPECIAL AGENT FAHEY: Okay. Were there
24 questions concerning fitness for duty?

25 MR. [REDACTED] 7C Yes.

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1 SPECIAL AGENT FAHEY: And did you answer
2 them correctly?

3 MR. [REDACTED] 7c Yes.

4 SPECIAL AGENT FAHEY: And you could pass
5 the test without answering those specific questions
6 correctly? I assume that you only need a certain
7 percentage to pass?

8 MR. [REDACTED] 7c Right. It's like 80
9 percent or something like that.

10 SPECIAL AGENT FAHEY: Do you remember,
11 did you get a hundred?

12 MR. [REDACTED] 7c No. I was up in the 90s.

13 SPECIAL AGENT FAHEY: And besides the GET
14 training, have you ever reviewed Kewaunee's fitness
15 for duty policy specifically?

16 MR. [REDACTED] 7c I don't understand.

17 SPECIAL AGENT FAHEY: The plant has a
18 specific policy on fitness for duty. Now I don't
19 know whether the whole policy was covered in that
20 training class.

21 MR. [REDACTED] 7c Yes, the whole policy is
22 covered.

23 SPECIAL AGENT FAHEY: They actually give
24 you a copy of the policy and go through it page by
25 page?

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1 MR. [REDACTED] 7C No, I don't think they
2 gave us a copy of it.

3 SPECIAL AGENT FAHEY: That's what I'm
4 asking you.

5 MR. [REDACTED] 7C Okay.

6 SPECIAL AGENT FAHEY: Besides the GET
7 training, have you ever sat down and actually looked
8 at the policy itself?

9 MR. [REDACTED] 7C I would say no.

10 SPECIAL AGENT FAHEY: Okay.

11 MR. [REDACTED] 7C I might have, but I can't
12 say for sure.

13 SPECIAL AGENT FAHEY: Now, I'm going to
14 be asking you some sensitive questions. I don't
15 want you to get upset. Just answer them truthfully
16 and honestly, okay. Have you ever had occasion to
17 be fitness for duty tested, ever?

18 MR. [REDACTED] 7C No.

19 SPECIAL AGENT FAHEY: At Kewaunee?

20 MR. [REDACTED] 7C Outside of random, you
21 know. They have random drug testing out there.

22 SPECIAL AGENT FAHEY: No, I want you to
23 include that. So you have been subject to random
24 testing?

25 MR. [REDACTED] Yes.

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1 SPECIAL AGENT FAHEY: Okay. Was that at
2 Kewaunee?

3 MR. [REDACTED] 7c Yes.

4 SPECIAL AGENT FAHEY: This past year?

5 MR. [REDACTED] 7c No.

6 SPECIAL AGENT FAHEY: When? Can you give
7 me a rough date? Do you remember what plant it was
8 at?

9 MR. [REDACTED] 7c It was at Kewaunee. I'm
10 just trying to think. Like I said, I've been out
11 there off and on for 23 years, so it's hard for me
12 to pinpoint.

13 SPECIAL AGENT FAHEY: A couple of years?

14 MR. [REDACTED] 7c Oh, more than that.

15 SPECIAL AGENT FAHEY: Okay. But you've
16 not been tested during 2001 at Kewaunee?

17 MR. [REDACTED] 7c I don't believe so, no.

18 SPECIAL AGENT FAHEY: And as a
19 supervisor, are you subject to random testing?

20 MR. [REDACTED] 7c Yes.

21 SPECIAL AGENT FAHEY: Were you ever
22 instructed to be tested and refused?

23 MR. [REDACTED] No. No, if that happens,
24 you're immediately escorted off-site because that's
25 an admission of guilt.

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1 SPECIAL AGENT FAHEY: While working at
2 Kewaunee last year, in 2001, did you ever go to work
3 unfit for duty?

4 MR. [REDACTED] 7c No.

5 SPECIAL AGENT FAHEY: While working at
6 Kewaunee in 2001, did any employee ever identify you
7 as someone who was unfit for duty?

8 MR. [REDACTED] 7c Not that I know of. Now,
9 you mean did they come up to me and say I was unfit
10 for duty?

11 SPECIAL AGENT FAHEY: That's going to be
12 my next question.

13 MR. [REDACTED] 7c No.

14 SPECIAL AGENT FAHEY: Did any employee
15 ever tell you that you needed to be tested?

16 MR. [REDACTED] 7c No.

17 SPECIAL AGENT FAHEY: Anyone tell you you
18 were unfit for duty?

19 MR. [REDACTED] 7c No.

20 SPECIAL AGENT FAHEY: No one suggested
21 that you be tested?

22 MR. [REDACTED] 7c No.

23 SPECIAL AGENT FAHEY: Did any other
24 supervisor tell you that someone had spoken to them
25 about you being unfit for duty?

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1 MR. [REDACTED] 7c Yes.

2 SPECIAL AGENT FAHEY: Who was that?

3 MR. [REDACTED] 7c [REDACTED]

4 SPECIAL AGENT FAHEY: What did [REDACTED] tell
5 you?

6 MR. [REDACTED] 7c He said that a couple
7 guys came up to him and said that I had alcohol on
8 my breath or that I was drunk, and that's all I
9 know.

10 SPECIAL AGENT FAHEY: And how did you and
11 [REDACTED] resolve that?

12 MR. [REDACTED] 7c Nothing was ever done.

13 SPECIAL AGENT FAHEY: Did [REDACTED] 7c ask you
14 if you had been drinking?

15 MR. [REDACTED] No. [REDACTED] told me what
16 he told the people. He said, "Don't worry about it.
17 He's only going to be here for a couple weeks and
18 he's going to ISI."

19 SPECIAL AGENT FAHEY: So this happened
20 sometime between June and September?

21 MR. [REDACTED] 7c Supposedly -- well,
22 December. Because I got laid off December 1st. I
23 got called the first week in December by this Hal
24 Walker, and that's the first I knew of it.

25 SPECIAL AGENT FAHEY: Do you remember

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1 when [REDACTED] had the conversation with you, though?

2 MR. [REDACTED] 7C It was after December.

3 Probably the second or third week in December.

4 SPECIAL AGENT FAHEY: So it was outside
5 of work?

6 MR. [REDACTED] 7C Yes.

7 SPECIAL AGENT FAHEY: Oh, I see. Okay.

8 MR. [REDACTED] 7C Yeah, he just called me
9 on the phone and told me about it.

10 SPECIAL AGENT FAHEY: All right. So
11 let's get this clear for the record. While you were
12 employed at Kewaunee, [REDACTED] 7C never told you that
13 someone had come up to him and told him that you
14 were unfit for duty?

15 MR. [REDACTED] 7C Nope.

16 SPECIAL AGENT FAHEY: You found that out
17 after the fact, after you had been laid off, when
18 this -- when the licensee's investigation started
19 up?

20 MR. [REDACTED] 7C Right.

21 SPECIAL AGENT FAHEY: Okay.

22 MR. [REDACTED] 7C Like I said, I had no
23 idea what was going on.

24 SPECIAL AGENT FAHEY: So as far as you
25 can recollect, while you were employed at Kewaunee

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1 in 2001, no one ever approached you about being
2 unfit for duty or having alcohol on your breath or
3 anything of that nature?

4 MR. [REDACTED] 7c No.

5 SPECIAL AGENT FAHEY: All right. Did you
6 ever voluntarily go and self-report yourself for a
7 fitness for duty test?

8 MR. [REDACTED] 7c No.

9 SPECIAL AGENT FAHEY: While working at
10 Kewaunee, have you ever called in and not come into
11 work because you were unfit for duty?

12 MR. [REDACTED] 7c No.

13 SPECIAL AGENT FAHEY: Do you know why
14 anyone would suspect that you were unfit for duty,
15 if the allegation is true?

16 MR. [REDACTED] 7c No, not really, because
17 like I said, I don't know how I could pass through
18 security and everything else if I was unfit for
19 duty, especially after September 11th with the
20 increased security and stuff like that.

21 SPECIAL AGENT FAHEY: Okay. I'm just
22 throwing this out as hypothetical situation. Have
23 there been occasions where you and the crew have
24 been out drinking at night, and someone might get
25 the impression that you might be unfit for the next

1 day?

2 MR. [REDACTED] 7c No. Because I don't go
3 out anymore.

4 SPECIAL AGENT FAHEY: You don't have that
5 kind of relationship with your crew?

6 MR. [REDACTED] 7c If I stop, it's like for
7 a couple beers and that's it. Then I go home.

8 SPECIAL AGENT FAHEY: Any problems with
9 any of your workers that you can think of?

10 MR. [REDACTED] 7c I had a problem with two
11 of them.

12 SPECIAL AGENT FAHEY: Would it be a
13 problem that's worth mentioning that someone might
14 start a rumor about you or something like that?

15 MR. [REDACTED] 7c It's possible.

16 SPECIAL AGENT FAHEY: Do you want to give
17 me their names?

18 MR. [REDACTED] 7c Not really.

19 SPECIAL AGENT FAHEY: Well, they may be
20 people that I'm going to speak with. 7c

21 MR. [REDACTED] And [REDACTED]
22 [REDACTED] I think it's [REDACTED] I think. I don't know.

23 SPECIAL AGENT FAHEY: And tell me about
24 the problem that you had with them.

25 MR. [REDACTED] 7c I think it was due to the

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1 fact that they brought me out as a foreman and [REDACTED]
2 [REDACTED] I think, thought that he was going to be a
3 foreman. And [REDACTED] I don't know. We just didn't hit
4 it off.

5 SPECIAL AGENT FAHEY: And are these two
6 some sort of tradesmen?

7 MR. [REDACTED] They're steam fitters.

8 SPECIAL AGENT FAHEY: From a local union?

9 MR. [REDACTED] is from our Local
10 Union 400. [REDACTED] is from I believe [REDACTED] 7C

11 SPECIAL AGENT FAHEY: [REDACTED]

12 MR. [REDACTED] Yes.

13 SPECIAL AGENT FAHEY: All right. And how
14 would you characterize the problems? I mean, did
15 you end up firing them or you --

16 MR. [REDACTED] No, I should have. But I
17 didn't.

18 SPECIAL AGENT FAHEY: So you worked
19 together?

20 MR. [REDACTED] Well, I was their foreman. 7C
21 from June 17th until August 1st. And that's when I
22 swung over to ISI.

23 SPECIAL AGENT FAHEY: Okay. And you
24 weren't switched over because of this problem --

25 MR. [REDACTED] No. 7C

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1 SPECIAL AGENT FAHEY: -- with these
2 workers?

3 MR. [REDACTED] No.

4 SPECIAL AGENT FAHEY: It was always the
5 intention to switch you over at a certain time?

6 MR. [REDACTED] Yes.

7 SPECIAL AGENT FAHEY: When the outage
8 started?

9 MR. [REDACTED] Yes, because like I said,
10 the reason they brought me out there in early June
11 is because if I would have taken another job, and
12 say the job was going to last six months or eight
13 months or something like that, I probably was not
14 going to quit that job to go out there, so the
15 intention was to get me out there early, and then
16 when August 1st came, that's when I swung over to
17 [REDACTED].

18 SPECIAL AGENT FAHEY: All right. Now
19 again, can you characterize what the problem was?
20 Was it a personality conflict?

21 MR. [REDACTED] Probably, but like I
22 said, I think it was -- I don't want to use the word
23 jealousy, but -- how do I want to put it? Just that
24 he thought that he might be a foreman and when they
25 brought me out as foreman, I think that caused some

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1 problems.

2 SPECIAL AGENT FAHEY: And did you know

3 [REDACTED] before you went to work there?

4 MR. [REDACTED] 7c No, I just heard about
5 him.

6 SPECIAL AGENT FAHEY: But these two men
7 worked for you, and did they do the work --

8 MR. [REDACTED] 7c Yes.

9 SPECIAL AGENT FAHEY: -- as they were
10 instructed?

11 MR. [REDACTED] Yes and no.

12 SPECIAL AGENT FAHEY: So begrudgingly
13 they did what they were told. Okay. And do you
14 think that problem with the two of them would have
15 been serious enough where they would have fabricated
16 some story about you?

17 MR. [REDACTED] 7c I wouldn't doubt it.
18 It's hard to say because, I mean, there is other
19 people that I worked with and stuff like that. And
20 if there was a problem with alcohol and stuff like
21 that, I think that they would have noticed it, also.
22 And like I said, nobody ever said anything to me.

23 SPECIAL AGENT FAHEY: But you do not know
24 in fact whether these two gentlemen are the ones
25 that reported you; do you?

1 MR. [REDACTED] 7C I can't say for sure.

2 That's just what [REDACTED] told me.

3 SPECIAL AGENT FAHEY: So [REDACTED] 7C identified
4 these people to you?

5 MR. [REDACTED] 7C Yes.

6 SPECIAL AGENT FAHEY: Any problems with
7 any NMC employees at Kewaunee?

8 MR. [REDACTED] 7C Not that I know of.

9 SPECIAL AGENT FAHEY: And obviously they
10 call you back on a regular basis?

11 MR. [REDACTED] 7C Like I said, I've been
12 running that program for I want to say at least 15
13 years, and yeah, [REDACTED] calls me out there. He'll
14 call me out as a foreman because in our local, we
15 have what they call a referral list so when an
16 employer calls for people, they say they want five
17 people. They have to take the first five people,
18 okay. If they want me and I'm number 7 or number 8,
19 in order to get me, they have to call me out as a
20 foreman, and that's what [REDACTED] has done for at least
21 15 years. Might be longer.

22 SPECIAL AGENT FAHEY: And [REDACTED]
23 would have just been one of the regular workers --

24 MR. [REDACTED] 7C Yes.

25 SPECIAL AGENT FAHEY: -- that might have

1 been ahead of you on the list?

2 MR. [REDACTED] No, he was already out
3 there.

4 SPECIAL AGENT FAHEY: Okay.

5 MR. [REDACTED] Before I was hired.

6 SPECIAL AGENT FAHEY: So he thought he
7 was going to be selected, however, he was not?

8 MR. [REDACTED] Well, yeah.

9 SPECIAL AGENT FAHEY: Okay. Do you have
10 any medical condition that would cause you to have
11 symptoms that would make you appear to be unfit for
12 duty?

13 MR. [REDACTED] I don't think so.
14 Mr. Walker asked the same thing, if I had diabetes
15 or anything like that. And not that I know of, you
16 know.

17 SPECIAL AGENT FAHEY: Have you ever
18 exhibited symptoms of staggering or slurred speech
19 while at work?

20 MR. [REDACTED] No.

21 SPECIAL AGENT FAHEY: Do you take any
22 medication?

23 MR. [REDACTED] No.

24 SPECIAL AGENT FAHEY: Do you drink
25 alcohol?

7c
1 MR. [REDACTED] Yes.

2 SPECIAL AGENT FAHEY: How would you
3 characterize your usage; light, moderate or heavy?
4 I'm going to ask you to describe it when you tell me
5 it's one or the other.

7c
6 MR. [REDACTED] Probably moderate.

7 SPECIAL AGENT FAHEY: And what would you
8 consider moderate?

7c
9 MR. [REDACTED] Probably like two or
10 three drinks with dinner or something like that, and
11 there again, it depends if you go to a wedding or a
12 party or something like that.

13 SPECIAL AGENT FAHEY: So two or three
14 drinks daily?

7c
15 MR. [REDACTED] Not daily. Sometimes I
16 don't drink.

17 SPECIAL AGENT FAHEY: And what do you
18 drink?

7c
19 MR. [REDACTED] Normally -- well, if it's
20 summertime, like if I'm cutting the grass or
21 something like that, it will be a beer or a Tom
22 Collins. Outside of that, it's whiskey and sweet.

23 SPECIAL AGENT FAHEY: Tell me what the
24 policy is at the plant about number of
25 hours before --

1 MR. [REDACTED] Five.

2 SPECIAL AGENT FAHEY: -- that you can
3 drink? So five hours prior to the time you report
4 to work, you are not supposed to have alcohol?

5 MR. [REDACTED] That's right.

6 SPECIAL AGENT FAHEY: During this outage
7 or last year in 2001, were you ever called in when
8 you did not expect to be called in?

9 MR. [REDACTED] No.

10 SPECIAL AGENT FAHEY: So your working
11 hours were very regular?

12 MR. [REDACTED] Yes.

13 SPECIAL AGENT FAHEY: And what were they?

14 MR. [REDACTED] It started out, oh, 6 to
15 6. Well, actually, when I first got out there it
16 was 40 hours which was 7 to 3. And then when the
17 outage started, it started out -- it was I think 6
18 12's and I think we started at 6 o'clock to --

19 SPECIAL AGENT FAHEY: 6 P.M.?

20 MR. [REDACTED] 6 P.M. But then they cut
21 that back down to 10. So then it was 7 to 5, I
22 believe.

23 SPECIAL AGENT FAHEY: Okay. Have you
24 ever violated the five hour rule?

25 MR. [REDACTED] No.

1 SPECIAL AGENT FAHEY: Ever arrived at
2 work smelling of alcohol?

3 MR. [REDACTED] 7c Not that I'm aware of.

4 SPECIAL AGENT FAHEY: Has anyone at work
5 ever told you that you smelled of alcohol?

6 MR. [REDACTED] 7c Yes.

7 SPECIAL AGENT FAHEY: Who?

8 MR. [REDACTED] 7c I don't remember.

9 SPECIAL AGENT FAHEY: A worker? A couple
10 of workers?

11 MR. [REDACTED] 7c I think it was a security
12 guard one time. But that's all I know of.

13 SPECIAL AGENT FAHEY: Did he ask you to
14 be tested?

15 MR. [REDACTED] 7c Nope.

16 SPECIAL AGENT FAHEY: He just made that
17 comment in passing and that was it?

18 MR. [REDACTED] 7c Yes.

19 SPECIAL AGENT FAHEY: Okay. Now, in that
20 situation, are you required to go get yourself..

21 tested if they say that?

22 MR. [REDACTED] 7c No.

23 SPECIAL AGENT FAHEY: He has to tell you
24 that he's ordering you to go or --

25 MR. [REDACTED] 7c Yes.

1 SPECIAL AGENT FAHEY: Okay. Have you
2 ever been questioned or confronted by anyone at Day
3 & Zimmerman management about your fitness for duty?

4 MR. [REDACTED] 7C No.

5 SPECIAL AGENT FAHEY: How about after the
6 licensee did their investigation?

7 MR. [REDACTED] 7C No.

8 SPECIAL AGENT FAHEY: No one from Day has
9 called, talked to you about that?

10 MR. [REDACTED] 7C No.

11 SPECIAL AGENT FAHEY: Anybody from NMC
12 management besides the investigator, Mr. Capristo?

13 MR. [REDACTED] 7C No.

14 SPECIAL AGENT FAHEY: So [REDACTED] hasn't
15 contacted you or anything like that?

16 MR. [REDACTED] 7C No.

17 SPECIAL AGENT FAHEY: Despite this five
18 hour rule, have you ever felt that you were impaired
19 when you arrived at work?

20 MR. [REDACTED] 7C No. Normally, I'm in bed
21 by 9:30 or 10 o'clock, so I don't really care about
22 that.

23 SPECIAL AGENT FAHEY: Okay. Are you
24 aware of any employee who knew you were unfit for
25 duty but failed to report you?

1 MR. [REDACTED] 7c No.

2 SPECIAL AGENT FAHEY: If -- and this is a
3 hypothetical question. If another employee reported
4 you, told you that they thought you were unfit for
5 duty, what would you do? Or what are you required
6 to do?

7 MR. [REDACTED] 7c Either go take a test or
8 go home.

9 SPECIAL AGENT FAHEY: And is that within
10 your rights, to call up and say, I'm unfit for duty,
11 I should not come in or I need to go home?

12 MR. [REDACTED] 7c If they would -- like if
13 you're on call which we're not, but like say the
14 plant people are on call and if they would call
15 them, they can tell them yes, I've been drinking.
16 And then they can say well, then don't come in. As
17 far as contractors and stuff like that, either we
18 don't come in, you know, or if you do come in, then
19 you're subject to, you know, the test if somebody --
20 you know, that's their duty.

21 SPECIAL AGENT FAHEY: Okay. And I think
22 I already asked you this question, but if another
23 employee suspected that you were unfit for duty,
24 what are they required to do? And you tell me if
25 they're a worker, immediate supervisor, and then

1 they would go to their supervisor?

2 MR. [REDACTED] 7c Right.

3 SPECIAL AGENT FAHEY: And if it's a
4 supervisor, they go to the next higher up in the
5 chain of command?

6 MR. [REDACTED] 7c Yes.

7 SPECIAL AGENT FAHEY: Now, what about the
8 situation where you're the supervisor?

9 MR. [REDACTED] 7c Then they would go to my
10 supervisor.

11 SPECIAL AGENT FAHEY: So if one of your
12 workers suspected that you were unfit, they would go
13 around you?

14 MR. [REDACTED] 7c Yes.

15 SPECIAL AGENT FAHEY: And go above you?

16 MR. [REDACTED] 7c Right.

17 SPECIAL AGENT FAHEY: Okay. Do you think
18 employees would be hesitant to report a co-worker
19 for fitness for duty?

20 MR. [REDACTED] 7c Yes.

21 SPECIAL AGENT FAHEY: And why is that?
22 Is there like some secret code of silence?

23 MR. [REDACTED] 7c Kind of like, yes. What
24 they would normally do is just take you aside, say
25 hey, you know, go take some mints or maybe you

1 should just get off and stuff like that. These are
2 fellow workers, so I mean, you don't normally turn
3 them in. I know it's not right, but you know, you
4 normally don't do that.

5 SPECIAL AGENT FAHEY: But if someone did
6 report you, I mean, are you fair game?

7 MR. [REDACTED] 7c Certainly.

8 SPECIAL AGENT FAHEY: For coming into
9 work when you're not in shape?

10 MR. [REDACTED] 7c Certainly.

11 SPECIAL AGENT FAHEY: Has Day & Zimmerman
12 management ever frowned upon the practice of
13 reporting fitness for duty?

14 MR. [REDACTED] 7c Not that I know of.

15 SPECIAL AGENT FAHEY: They have never
16 told any worker not to do that?

17 MR. [REDACTED] 7c No, no.

18 SPECIAL AGENT FAHEY: How about NMC?

19 MR. [REDACTED] 7c No.

20 SPECIAL AGENT FAHEY: They have never
21 discouraged anyone from reporting?

22 MR. [REDACTED] 7c No.

23 SPECIAL AGENT FAHEY: Are you aware of
24 anyone being retaliated against for reporting
25 fitness for duty concerns?

1 MR. [REDACTED] No.

2 SPECIAL AGENT FAHEY: And certainly you
3 understand the underlying premise of the importance
4 of being fitness for duty tested while you're
5 working at a nuclear power plant?

6 MR. [REDACTED] Certainly. That's why I
7 told these people, you know, I'll take a test any
8 time you want. Like I said, I've been out there for
9 23 years. I've never failed one yet, so I don't
10 have a problem with that.

11 SPECIAL AGENT FAHEY: How many tests
12 would you say you've had over the years?

13 MR. [REDACTED] Well, you get your
14 initial one when you first go out there. You take
15 the urine and breath test. So let's see. 1979 was
16 the first year I started out there. So that's at
17 least 20. And then probably two or three random, so
18 you know, anywhere from 20 to 25..

19 SPECIAL AGENT FAHEY: And does random
20 really mean random? You have no idea --

21 MR. [REDACTED] Right.

22 SPECIAL AGENT FAHEY: -- when they are
23 going to select you or call you?

24 MR. [REDACTED] That's right, and they
25 have a policy. I think they have to -- used to be

1 like 50 percent of the employees during a certain
2 period of time. I don't know if that's changed or
3 not.

4 SPECIAL AGENT FAHEY: And is it more
5 frequent during an outage or less frequent?

6 MR. [REDACTED] 7c I don't think that makes
7 a difference, to tell you the truth.

8 SPECIAL AGENT FAHEY: Well, usually
9 during an outage there is a lot more people on-site?

10 MR. [REDACTED] 7c Yes.

11 SPECIAL AGENT FAHEY: But it's a
12 percentage you think of total population of the
13 plant?

14 MR. [REDACTED] 7c Yes, I think so.

15 SPECIAL AGENT FAHEY: Okay.

16 MR. [REDACTED] 7c Because I know there is
17 some people that have been out there that were
18 called like four or five times in a year and other
19 people -- like I said, all the years I've been out
20 there, I think maybe twice I've been called for
21 random.

22 SPECIAL AGENT FAHEY: Is anyone exempt
23 from testing?

24 MR. [REDACTED] 7c NMC, of course.

25 SPECIAL AGENT FAHEY: Okay. Are local

1 employees of Day & Zimmerman also union members?
2 They can be like yourself, you're a union member and
3 you worked for Day & Zimmerman?

4 MR. [REDACTED] 7C Yes.

5 SPECIAL AGENT FAHEY: But they don't have
6 to be; right?

7 MR. [REDACTED] 7C No. They have their own
8 like management personnel, stuff like that, but when
9 they require crafts people, stuff like that, then
10 they call the union hall, and that's when they send
11 out the carpenters, the insulators, steamfitters,
12 boilermakers, whatever.

13 SPECIAL AGENT FAHEY: And despite this
14 GET training, are you aware of any hesitancy by the
15 union workers to report fitness for duty concerns?

16 MR. [REDACTED] 7C No.

17 SPECIAL AGENT FAHEY: Now, besides
18 talking about yourself, do you have any personal
19 knowledge of anyone else being unfit for duty while
20 you were employed at Kewaunee last year?

21 MR. [REDACTED] 7C No.

22 SPECIAL AGENT FAHEY: You didn't see
23 anybody that you thought should have been tested?

24 MR. [REDACTED] 7C No.

25 SPECIAL AGENT FAHEY: Have you ever made

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1 any attempt to cover the smell of alcohol on your
2 breath by using breath mints or mouthwash before
3 arriving at work?

4 MR. [REDACTED] 7C No. I do that normally.
5 I brush my teeth in the morning. I use mouthwash
6 and I take mints.

7 SPECIAL AGENT FAHEY: Has your drinking
8 alcohol ever interfered with your -- with the
9 performance of your duties at Kewaunee?

10 MR. [REDACTED] 7C No.

11 SPECIAL AGENT FAHEY: Have you ever drunk
12 alcohol on-site?

13 MR. [REDACTED] 7C No.

14 SPECIAL AGENT FAHEY: Or within the
15 protected activity?

16 MR. [REDACTED] 7C No.

17 SPECIAL AGENT FAHEY: Protected area,
18 excuse me?

19 MR. [REDACTED] 7C No.

20 SPECIAL AGENT FAHEY: I don't think I
21 have any other questions.

22 (Discussion held off the record.)

23 SPECIAL AGENT FAHEY: Mr. [REDACTED] have
24 I threatened you in any manner or offered you any
25 reward in return for your statement?

1 MR. [REDACTED] No.

2 SPECIAL AGENT FAHEY: Have you given your
3 statement freely and voluntarily?

4 MR. [REDACTED] Yes.

5 SPECIAL AGENT FAHEY: Anything further
6 you want to add for the record?

7 MR. [REDACTED] No.

8 SPECIAL AGENT FAHEY: We are concluded at
9 approximately 2:55 P.M.

10 (Statement concluded at 2:55 p.m.)

CERTIFICATE

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

Name of Proceeding: Interview of

~~XXXXXXXXXXXXXXXXXXXX~~ 7C

Docket Number: N/A

Location: De Pere, Wisconsin

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.

151 Myrna Williquette
Myrna Williquette
Official Reporter
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