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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

-----x
IN THE MATTER OF: : OI Case No.

INTERVIEW OF : 3-2002-004
[REDACTED] :
-----x

7(c)

RADISSON INN
2040 Airport Drive
Green Bay, Wisconsin

Monday, August 5, 2002

The above-entitled interview was conducted at
3:10 p.m.

BEFORE:

MARY KAY FAHEY Special Agent

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA- 2006-112

EXHIBIT 19
PAGE 1 OF 29 PAGE(S)

H-22

3 - 2002 - 004

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

(3:10 p.m.)

1
2
3 SPECIAL AGENT FAHEY: Okay. For the
4 record, this is an interview of [REDACTED] who's a
5 welder, who was formerly employed by Day & Zimmerman at
6 the Kewaunee Nuclear Power Plant. Today's date's August
7 5th, 2002. The time is approximately 3:10 p.m. This
8 interview is being conducted in the Executive Board Room
9 at the Radisson Hotel, 2040 Airport Drive, Green Bay,
10 Wisconsin. My name is Mary Kay Fahey. I'm a special
11 agent with the U.S. Nuclear Regulatory Commission's Office
12 of Investigation, Region III. This interview is being
13 transcribed by court reporter Carrie Bohrer.

14 The subject matter of this interview is
15 a fitness-for-duty concern at the Kewaunee Nuclear Power
16 Plant during a refuel outage in 2001.

17 Mr. [REDACTED] please raise your right hand. 7(c)

18 Whereupon,

19 [REDACTED]
20 was called as a witness and, having been first duly sworn,
21 was examined and testified as follows:

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

24 MR. [REDACTED] 7(c)

25 SPECIAL AGENT FAHEY: Social Security

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1 number?

2 MR. [REDACTED]: [REDACTED] 7(c)

3 SPECIAL AGENT FAHEY: Home address?

4 MR. [REDACTED]: [REDACTED]

5 [REDACTED] 7(c)

6 SPECIAL AGENT FAHEY: Home telephone

7 number?

8 MR. [REDACTED]: [REDACTED] 7(c)

9 SPECIAL AGENT FAHEY: Current employer?

10 MR. [REDACTED]: Great Lakes Mechanical. 7(c)

11 SPECIAL AGENT FAHEY: And when did you

12 begin with them?

13 MR. [REDACTED]: About two weeks ago. So that

14 would have been July, what, today's the 5th? July -- I'd 7(c)

15 have to look.

16 SPECIAL AGENT FAHEY: Okay. Mid-July? 7(c)

17 MR. [REDACTED]: Um-hmm.

18 SPECIAL AGENT FAHEY: Okay. Prior to
19 that who did you work for?

20 MR. [REDACTED]: Reeke Marold. Reeke Marold
21 Mechanical. 7(c)

22 SPECIAL AGENT FAHEY: And before that?

23 MR. [REDACTED]: Tweet-Garot Mechanical. 7(c)

24 SPECIAL AGENT FAHEY: Okay. And were
25 you employed by Day & Zimmerman at Kewaunee in 2001?

1 MR. [REDACTED] Correct.

2 SPECIAL AGENT FAHEY: Do you know the
3 dates, roughly?

4 MR. [REDACTED] I believe it was from like
5 June till whenever the outage was over. I'd have to say
6 right before deer season, first part of November.

7 SPECIAL AGENT FAHEY: Okay. And what
8 position? Welder?

9 MR. [REDACTED] Um-hmm.

10 THE COURT REPORTER: You should say
11 "yes" or "no."

12 MR. [REDACTED] Okay.

13 SPECIAL AGENT FAHEY: And you can't nod.
14 Have you had any subsequent problems obtaining employment
15 in the nuclear industry since you left Kewaunee?

16 MR. [REDACTED] Yes. 7(c)

17 SPECIAL AGENT FAHEY: Where have you
18 applied?

19 MR. [REDACTED] At Point Beach. 7(c)

20 SPECIAL AGENT FAHEY: And when was that?

21 MR. [REDACTED] That was for their fall
22 outage, spring of --

23 SPECIAL AGENT FAHEY: This year?

24 MR. [REDACTED] No, it must have been their
25 spring, I'm sorry. Their spring outage.

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1 SPECIAL AGENT FAHEY: In 2002?

2 MR. [REDACTED]: Um-hmm.

3 SPECIAL AGENT FAHEY: And what happened
4 when you contacted -- 7(c)

5 MR. [REDACTED]: They said no, we don't have
6 no -- your name has been pulled from the -- so we can't --
7 And I didn't pursue it any farther because I knew what
8 the -- the deal was here with the NMC.

9 SPECIAL AGENT FAHEY: Okay. Was that
10 through a contractor?

11 MR. [REDACTED]: Yeah, there's through --
12 jeez.

13 SPECIAL AGENT FAHEY: Phillips Getschow?

14 MR. [REDACTED]: Yeah, Phillips Getschow.

15 SPECIAL AGENT FAHEY: Okay. And we're
16 going to talk about that again, but let's go
17 chronologically and start talking about the outage back in
18 2001 and then we'll --

19 MR. [REDACTED]: Um-hmm.

20 SPECIAL AGENT FAHEY: -- circle back to
21 the -- why you can't work there any longer. And generally 7(c)
22 I want to talk about when you arrived for the outage at
23 Kewaunee in 2001, did you go through general employee
24 training?

25 MR. [REDACTED]: Um-hmm. Yes.

1 SPECIAL AGENT FAHEY: And that's
2 something that's typically done each time?

3 MR. [REDACTED]: Correct.

4 SPECIAL AGENT FAHEY: And was fitness
5 for duty discussed?

6 MR. [REDACTED]: Correct.

7 SPECIAL AGENT FAHEY: Did you take a
8 test?

9 MR. [REDACTED]: Yes.

10 SPECIAL AGENT FAHEY: Pass the test?

11 MR. [REDACTED]: Yes.

12 SPECIAL AGENT FAHEY: And do you recall
13 that there were some questions there about fitness for
14 duty? Or maybe you don't recall what the questions were.

15 MR. [REDACTED]: No, not that I recall.

16 SPECIAL AGENT FAHEY: Okay. Tell me
17 what your understanding is of what you do if you would
18 suspect somebody of being unfit for duty, at Kewaunee.

19 MR. [REDACTED]: At Kewaunee?

20 SPECIAL AGENT FAHEY: (Nods head
21 affirmatively.)

22 MR. [REDACTED]: We're supposed to report it
23 to our supervisor or to management, and to security, the
24 guardhouse.

25 SPECIAL AGENT FAHEY: Okay. And who

1 would your supervisor have been at that time?

2 MR. [REDACTED]: For Day Zimmerman that would
3 have been [REDACTED].

4 SPECIAL AGENT FAHEY: Did you report to
5 [REDACTED] 7(c)

6 MR. [REDACTED]: [REDACTED] also, yep.

7 [REDACTED] was running the night shift, [REDACTED] was running day 7(c)
8 shift. I was on night shift.

9 SPECIAL AGENT FAHEY: Okay. And while
10 you were employed at Kewaunee did you report any employee
11 you suspected of being unfit for duty?

12 MR. [REDACTED]: No, I didn't.

13 SPECIAL AGENT FAHEY: Okay. Did you
14 report any employee who smelled of alcohol?

15 MR. [REDACTED]: No, I didn't. Not until
16 after I was called in for a Breathalyzer test.

17 SPECIAL AGENT FAHEY: Explain to me
18 about that day. Do you remember what day it was?

19 MR. [REDACTED]: It was before 9/11, so I
20 think it was in August, latter of August. I can't give
21 you a date for sure.

22 SPECIAL AGENT FAHEY: Was it pre-outage?

23 MR. [REDACTED]: Pre-outage, yep.

24 SPECIAL AGENT FAHEY: Okay. And you
25 were coming in to work or going out of work?

1 MR. [REDACTED]: Coming in to work through the
2 guard shack.

3 SPECIAL AGENT FAHEY: At night?

4 MR. [REDACTED]: No, this was -- The outage
5 hadn't started yet, so --

6 SPECIAL AGENT FAHEY: Okay.

7 MR. [REDACTED]: -- I was on night starting
8 hours, and I was working for maintenance during the day.

9 SPECIAL AGENT FAHEY: So roughly what
10 time of day?

11 MR. [REDACTED]: It was about seven in the
12 morning.

13 SPECIAL AGENT FAHEY: And?

14 MR. [REDACTED]: The individual you're
15 discuss -- is talking about, [REDACTED], was in line 7(c)
16 in front of me, but I couldn't depict whether it was him
17 or somebody else, but -- So after I got through the gate,
18 I got into my job, work area, I was called on the Atronics
19 to go -- Atronics it's like a -- what you'd say --

20 SPECIAL AGENT FAHEY: PA system?

21 MR. [REDACTED]: Yeah, PA system, to go report
22 to the nurse for --

23 SPECIAL AGENT FAHEY: Random?

24 MR. [REDACTED]: Random.

25 SPECIAL AGENT FAHEY: Fitness-for-duty.

1 test?

2 MR. [REDACTED] Um-hmm.

3 SPECIAL AGENT FAHEY: You have to answer
4 yes or no.

5 MR. [REDACTED] Yes. Yes.

6 SPECIAL AGENT FAHEY: Okay. And did you
7 go on down?

8 MR. [REDACTED] Right away.

9 SPECIAL AGENT FAHEY: And you were
10 tested?

11 MR. [REDACTED] Um-hmm. Yes.

12 SPECIAL AGENT FAHEY: And no problems?

13 MR. [REDACTED] No problem.

14 SPECIAL AGENT FAHEY: All right. And do
15 you know why you were selected?

16 MR. [REDACTED] It could have been a random,
17 but I think somebody picked this up.

18 SPECIAL AGENT FAHEY: Picked what up?

19 MR. [REDACTED] First thing they give me was
20 a Breathalyzer. It wasn't a urine test, it was a
21 Breathalyzer. And I said, "What's the" -- "What's going
22 on here?" And they wouldn't say. They said, "It's just a
23 random so don't worry about it." I says "okay." And
24 usually you take a -- a urine test is before that so --
25 but anyway.

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1 SPECIAL AGENT FAHEY: All right. And
 2 you suspect that they gave you a Breathalyzer because?
 3 Why?

4 MR. [REDACTED] Somebody smelled like
 5 alcohol.

6 SPECIAL AGENT FAHEY: Okay.

7 MR. [REDACTED] But me being right next --
 8 behind [REDACTED], whether he was two or three in 7(c)
 9 front of me I couldn't even say. And I didn't even report
 10 that it was -- you know, I couldn't say it was him.

11 SPECIAL AGENT FAHEY: All right. So you
 12 didn't have a concern that you did not report? You had no
 13 concern?

14 MR. [REDACTED] Not until after I got back.
 15 Then I raised questions about why I was pulled. And to
 16 me, it was a Breathalyzer test, not a random drug test.

17 SPECIAL AGENT FAHEY: Okay. And who did
 18 you raise questions to?

19 MR. [REDACTED] My maintenance supervisor --
 20 not supervisor but my maintenance foreman who was [REDACTED]

21 [REDACTED]

22 SPECIAL AGENT FAHEY: [REDACTED]

23 MR. [REDACTED] [REDACTED] or --

24 SPECIAL AGENT FAHEY: [REDACTED]

25 MR. [REDACTED] Yeah, [REDACTED] I think it's

1 spelled.

2 SPECIAL AGENT FAHEY: And who else?

3 MR. [REDACTED]: And then -- I can't tell you
4 who his supervisor is. It's for the maintenance for
5 Kewaunee, though, maintenance supervisor. And then I went
6 and questioned [REDACTED] and I says to [REDACTED], I says,
7 "What about this?" And he says, "I'll check into it,
8 don't worry about it, it's nothing."

9 SPECIAL AGENT FAHEY: Did he check?

10 MR. [REDACTED]: Never. Never said nothing
11 about it. Nothing was ever raised, so I figured, well,
12 it's just --

13 SPECIAL AGENT FAHEY: Okay. And then
14 was that it as far as you were concerned?

15 MR. [REDACTED]: Yeah.

16 SPECIAL AGENT FAHEY: The matter was
17 dropped?

18 MR. [REDACTED]: Yes, because I don't work
19 with [REDACTED] he was nowhere near me, he's -- 7(c)

20 SPECIAL AGENT FAHEY: And you never came
21 in contact with him again?

22 MR. [REDACTED]: No. Now, can I go off the
23 record for a minute?

24 SPECIAL AGENT FAHEY: Sure.

25 (Discussion off the record.)

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1 SPECIAL AGENT FAHEY: Okay. So you
2 heard nothing more about it?

3 MR. [REDACTED]: Nothing.

4 SPECIAL AGENT FAHEY: How about rumor at
5 work, any -- did you discuss this with anybody else or --

6 MR. [REDACTED]: I might have talked to my
7 partner at work, you know, but nothing was, you know, if
8 it's [REDACTED] we all figured [REDACTED] drinks a lot at night and
9 he -- if I would have seen [REDACTED] staggering or stumbling 7(c)
10 or talking funny, but that's just [REDACTED]. I mean, if he
11 drinks he smells like alcohol, but he doesn't -- not to my
12 knowledge, and I've worked around [REDACTED] a long time. I've
13 never seen him coming in drunk to work, especially at a
14 nuclear facility, so that's why I never questioned.

15 SPECIAL AGENT FAHEY: All right. And
16 who was your partner?

17 MR. [REDACTED]: [REDACTED] -- Oh, gosh, what's his
18 last name? Boy, I couldn't tell you. I couldn't tell you
19 his last name.

20 SPECIAL AGENT FAHEY: But you never
21 discussed it with any of the other welders?

22 MR. [REDACTED]: Not really. I mean, it's one
23 of those nonchalant things. I mean, it's -- you know.

24 SPECIAL AGENT FAHEY: And you said
25 everybody knows he drinks. [REDACTED] drinks. 7(c)

1 MR. [REDACTED]: Yeah.

2 SPECIAL AGENT FAHEY: How does everybody
3 know that?

4 MR. [REDACTED]: He's been doing it for as
5 long as I can remember. You know.

6 SPECIAL AGENT FAHEY: Do you know him?

7 MR. [REDACTED]: Personally?

8 SPECIAL AGENT FAHEY: Yeah.

9 MR. [REDACTED]: Yeah. But I never been
10 around him, I never went out and partied with him or
11 nothing like that, you know.

12 SPECIAL AGENT FAHEY: How long have
13 you known him?

14 MR. [REDACTED]: Probably since '95.

15 SPECIAL AGENT FAHEY: All right. And
16 then the whole matter dropped pretty much until the
17 licensee conducted an investigation?

18 MR. [REDACTED]: Um-hmm.

19 SPECIAL AGENT FAHEY: Yes?

20 MR. [REDACTED]: Yes. And their investigation
21 did not involve -- Their questions did not involve fitness
22 for duty.

23 SPECIAL AGENT FAHEY: Okay. Questions
24 were about welding?

25 MR. [REDACTED]: Yes.

1 SPECIAL AGENT FAHEY: Okay. Were you
2 interviewed by an investigator?

3 MR. [REDACTED]: Um-hmm. Yes.

4 SPECIAL AGENT FAHEY: And they asked you
5 questions about welding?

6 MR. [REDACTED]: Yes.

7 SPECIAL AGENT FAHEY: Did they ask you
8 questions about fitness for duty?

9 MR. [REDACTED]: And that come up later.

10 SPECIAL AGENT FAHEY: Okay. And did you
11 tell that investigator anything different from what you're
12 telling me today?

13 MR. [REDACTED]: (Shakes head negatively.)

14 SPECIAL AGENT FAHEY: Because this would
15 be a good time to clarify things.

16 MR. [REDACTED]: Well, he -- Let's go off the
17 record for a minute.

18 SPECIAL AGENT FAHEY: Okay.

19 (Discussion off the record.)

20 SPECIAL AGENT FAHEY: Let's go back on
21 the record.

22 All right. Were you aware of anybody
23 else raising fitness-for-duty concerns about [REDACTED] 7(c)

24 MR. [REDACTED]: No, not really.

25 SPECIAL AGENT FAHEY: Okay.

1 MR. [REDACTED]: I mean, there's -- There's
2 other guys that work with [REDACTED] and they say, "Well,
3 [REDACTED] smells pretty strong today," but, you know, that was
4 about all that was said.

5 SPECIAL AGENT FAHEY: Okay. Did you
6 ever have a conversation with [REDACTED] about
7 [REDACTED] fitness for duty?

8 MR. [REDACTED]: Not -- Not really [REDACTED]. I
9 never talked to [REDACTED] about it. It was [REDACTED] that I
10 talked about that incident to.

11 SPECIAL AGENT FAHEY: Okay. And did
12 [REDACTED] ever indicate there was a problem?

13 MR. [REDACTED]: Not really. He said that's
14 just [REDACTED]

15 SPECIAL AGENT FAHEY: Did anyone ever
16 suggest to you that this fitness-for-duty issue not be
17 raised or discussed?

18 MR. [REDACTED]: No, not that I --

19 SPECIAL AGENT FAHEY: Anyone suggest
20 what you should say about it if you were questioned by
21 anybody?

22 MR. [REDACTED]: No.

23 SPECIAL AGENT FAHEY: Okay. Has the
24 licensee, the contractor, or the union ever frowned upon
25 anyone for reporting fitness-for-duty concerns?

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1 MR. [REDACTED] With the union? Yes, they
2 would.

3 SPECIAL AGENT FAHEY: The union would
4 frown upon it?

5 MR. [REDACTED] Oh, yes.

6 SPECIAL AGENT FAHEY: You're going to
7 have to explain.

8 MR. [REDACTED] I've known a couple cases, I
9 can't tell you names, but people have come in drunk or on
10 some kind of medication, whether it's street drugs or
11 across-the-counter prescription, and yes, they were told
12 not to enter, get back in your car and go home.

13 SPECIAL AGENT FAHEY: Oh, no. Okay.
14 You misunderstood my question then.

15 MR. [REDACTED] Oh.

16 SPECIAL AGENT FAHEY: I'm asking if the
17 union has ever frowned upon someone reporting someone
18 else?

19 MR. [REDACTED] No.

20 SPECIAL AGENT FAHEY: Okay.

21 MR. [REDACTED] They wouldn't --

22 SPECIAL AGENT FAHEY: So there's no like
23 secret code --

24 MR. [REDACTED] No.

25 SPECIAL AGENT FAHEY: -- or unwritten

1 rule --

2 MR. [REDACTED] No.

3 SPECIAL AGENT FAHEY: -- that you don't
4 report somebody else or report a coworker?

5 MR. [REDACTED] No. That's not -- That's not
6 the --

7 SPECIAL AGENT FAHEY: Okay.

8 MR. [REDACTED] See, I got the same sense
9 that this was going on too.

10 SPECIAL AGENT FAHEY: All right. So
11 everyone's clear, pretty much, that it's important if
12 you're working in a nuclear power plant that you be fit
13 for duty?

14 MR. [REDACTED] Yes.

15 SPECIAL AGENT FAHEY: Okay. So no one
16 would frown upon it if you reported another guy?

17 MR. [REDACTED] No.

18 SPECIAL AGENT FAHEY: Okay. Based upon
19 the whole series of events now, would you be hesitant in
20 the future to report someone for fitness for duty?

21 MR. [REDACTED] No. No, I wouldn't.

22 SPECIAL AGENT FAHEY: Okay. Even though
23 you feel like you're being retaliated against now?

24 MR. [REDACTED] Exactly.

25 SPECIAL AGENT FAHEY: You would still

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1 would do the same, if you were in a situation you'd still
2 report someone?

3 MR. [REDACTED]: Yes.

4 SPECIAL AGENT FAHEY: Do you think
5 others would report somebody based on what's all happened
6 now at Kewaunee?

7 MR. [REDACTED]: Yes, I would.

8 SPECIAL AGENT FAHEY: They would still
9 go ahead and do the right thing?

10 MR. [REDACTED]: Yes.

11 SPECIAL AGENT FAHEY: Okay. Now, tell
12 me -- Let's talk about you not being able to get
13 employment at -- is it NMC only? Have you tried any other
14 nuclear power plant?

15 MR. [REDACTED]: They state right in their
16 letter that you're not allowed access to any nuclear
17 facility in the United States. Would you like to see the
18 letter?

19 SPECIAL AGENT FAHEY: I'd love to.
20 Actually, I'd love to have a copy of this if you can
21 before you leave today.

22 MR. [REDACTED]: This is their letter they
23 sent me and there's a reply letter from me in there and --

24 SPECIAL AGENT FAHEY: Okay. This letter
25 is from NMC dated February 13th, 2002. "You have been

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1 found ineligible for NMC nuclear access authorization."
2 And there's an attachment in which you can request a
3 review of your denial. Okay. Where does it say that --

4 MR. [REDACTED]: Keep reading. Second page.

5 SPECIAL AGENT FAHEY: Okay. The case
6 facts. This is Page 2 of 5. I'm going to read this onto
7 the record -- into the record, excuse me. "On December
8 9th, 2001, you acknowledged to an NMC investigator that
9 while working at Kewaunee you smelled alcohol on a worker
10 and did not report the observation to either Kewaunee
11 supervision or security. When asked why you did not
12 report the smell of alcohol, you stated that it was not
13 your job to sniff the worker." Is that an accurate
14 reflection?

15 MR. [REDACTED]: There's some skip --
16 screeperation (sic) in there.

17 SPECIAL AGENT FAHEY: So that's not
18 exactly what you're telling me here today? You're saying
19 that you didn't report anybody because you weren't sure
20 which worker. You smelled alcohol, but you weren't sure
21 where it was coming from?

22 MR. [REDACTED]: And that's what I wrote in my
23 letter back to them, if you read the letter that I wrote
24 back to them.

25 SPECIAL AGENT FAHEY: And did it make

1 any difference? Did you --

2 MR. [REDACTED]: No.

3 SPECIAL AGENT FAHEY: -- get your access
4 renewed?

5 MR. [REDACTED]: No. They never even called
6 me. They had 30 days to get back to me. I finally ended
7 up calling them, and the next day they send me a letter:
8 No, you're still denied access. So -- We reviewed your
9 case, he says. But I even called that Randall Cunningham,
10 and he wouldn't even talk to me.

11 SPECIAL AGENT FAHEY: But they did send
12 you a letter on May 14th that they reviewed your access
13 authorization denial and you're still ineligible. Okay.
14 I still didn't see anywhere in there where it says you're
15 denied any access to any nuclear power plant facility.

16 MR. [REDACTED]: Boy, I thought that was in
17 there. Why this -- Why I say this is because we had a
18 couple of our men go out to -- was it -- East Coast, and
19 they were jerked from the site. Same guys I worked with.
20 So --

21 SPECIAL AGENT FAHEY: And were they
22 involved in this incident?

23 MR. [REDACTED]: There's twenty or thirty of
24 us that were involved in this incident.

25 SPECIAL AGENT FAHEY: The welding

1 incident or the fitness-for-duty incident?

2 MR. [REDACTED] The fitness-for-duty
3 incident.

4 SPECIAL AGENT FAHEY: All right. So you
5 never attempted to find employment outside this area?

6 MR. [REDACTED]: No, I wouldn't -- I wouldn't
7 go outside this area.

8 SPECIAL AGENT FAHEY: Okay. So you, in
9 fact, don't know whether you would get access to another
10 plant in another area?

11 MR. [REDACTED] Um-hmm.

12 SPECIAL AGENT FAHEY: That's yes, you
13 don't know, or --

14 MR. [REDACTED] Well, what happened, a couple
15 of guys called me, said, There's a job out here and -- on
16 the East Coast at a nuclear facility and they got an
17 outage going. We just got denied access there before he
18 says, Well, come on out. And I says, Well, I don't want
19 to travel that far. They said, We just got denied access
20 there, we were pulled out of there, so -- And if you're
21 going to interview, you'll find out who they are.

22 SPECIAL AGENT FAHEY: Now, despite
23 what's written in the paperwork that you have there, you
24 tell me why you feel you can't get access.

25 MR. [REDACTED] I feel I can't get access

1 because I stepped on somebody's toes, and then if they
2 investigate this further, they're going to find out that
3 their guards should have picked this up long before the
4 man ever entered the facility.

5 SPECIAL AGENT FAHEY: Okay. And -- But
6 stepped on someone's toes --

7 MR. [REDACTED] I'm --

8 SPECIAL AGENT FAHEY: -- by raising it
9 after you were tested? Because basically you didn't
10 report anybody, so how is it that you feel that you
11 stepped on somebody's toes?

12 MR. [REDACTED] No, it's not the me reporting
13 it, it's them not catching it. It's not -- It's the
14 guards not catching it.

15 SPECIAL AGENT FAHEY: But why are they
16 retaliating against you personally?

17 MR. [REDACTED] They're not retaliating
18 against me personally, they're retaliating a whole bunch
19 of us.

20 SPECIAL AGENT FAHEY: Okay. But I
21 mean --

22 MR. [REDACTED] I don't know. I -- I think
23 because I told them it's not my job to go around sniffing
24 people. And he kind of made me perturbed, that's why -- I
25 should have never said it, you know, but you say things

1 sometimes that -- and that's the only reason, because I --
2 it was a smart-aleck remark to him and he figures that --

3 SPECIAL AGENT FAHEY: So the
4 investigator is the one --

5 MR. [REDACTED] Um-hmm.

6 SPECIAL AGENT FAHEY: -- who may have
7 caused you to lose your access?

8 MR. [REDACTED] Yeah, and he won't
9 acknowledge nothing. I called him, and you couldn't get
10 no satisfaction out of him whatsoever. He says, "Oh, call
11 me and we'll review this and" -- Nobody's got any
12 satisfaction.

13 SPECIAL AGENT FAHEY: Are you aware of
14 anybody reporting concerns about [REDACTED] I mean now,
15 after the fact?

16 MR. [REDACTED] (Shakes head negatively.)

17 SPECIAL AGENT FAHEY: Nobody has stood
18 up and said that they actually went to a supervisor and
19 reported [REDACTED] --

20 MR. [REDACTED] (Shakes head negatively.)

21 SPECIAL AGENT FAHEY: -- and has smelled
22 alcohol?

23 MR. [REDACTED] (Shakes head negatively.)

24 SPECIAL AGENT FAHEY: All right. You're
25 shaking your head. You have to answer --

1 MR. [REDACTED]: No, not to my knowledge.
2 Everybody I've talked to said, "No, nobody's been to a
3 supervisor because that's just [REDACTED]."

4 SPECIAL AGENT FAHEY: And the licensee
5 you think, and correct me if I'm wrong, you think they're
6 retaliating against all of you because you should have
7 reported [REDACTED]

8 MR. [REDACTED]: By all rights we should have,
9 yes.

10 SPECIAL AGENT FAHEY: Do you know if [REDACTED]
11 [REDACTED] was ever fitness-for-duty tested?

12 MR. [REDACTED]: Yes. Anybody who comes in
13 that nuclear facility is tested, whether it's at the
14 beginning of the outage or random during the outage. So
15 yes.

16 SPECIAL AGENT FAHEY: Okay. And the
17 fact that he's a supervisor doesn't preclude him from
18 being --

19 MR. [REDACTED]: No.

20 SPECIAL AGENT FAHEY: -- randomly
21 tested?

22 MR. [REDACTED]: No.

23 SPECIAL AGENT FAHEY: Everybody's in the
24 same pool?

25 MR. [REDACTED]: Yes.

1 SPECIAL AGENT FAHEY: Okay. So we can
2 assume at least once while he was employed at Kewaunee he
3 was tested?

4 MR. [REDACTED]: Correct.

5 SPECIAL AGENT FAHEY: Could have been
6 more?

7 MR. [REDACTED]: Yes.

8 SPECIAL AGENT FAHEY: Okay. And did you
9 ever discuss this issue with [REDACTED]

10 MR. [REDACTED]: I haven't seen [REDACTED] since
11 the outage.

12 SPECIAL AGENT FAHEY: And were you the
13 type of crew that went out drinking after work together?

14 MR. [REDACTED]: No.

15 SPECIAL AGENT FAHEY: But you say you've
16 known [REDACTED] for a number of years?

17 MR. [REDACTED]: Um-hmm. Yes.

18 SPECIAL AGENT FAHEY: So you -- And you
19 know he drinks?

20 MR. [REDACTED]: He drinks by himself a lot.

21 Off the record.

22 SPECIAL AGENT FAHEY: Okay. Let's go
23 off the record?

24 (Discussion off the record.)

25 SPECIAL AGENT FAHEY: All right. Let's

1 go back on.

2 Okay. And tell me if you know, what's
3 the rule as far as how many hours prior to work that
4 you're supposed to stop drinking? Is it like a five-hour
5 or six-hour rule?

6 MR. [REDACTED]: I would say five to six
7 hours, yes.

8 SPECIAL AGENT FAHEY: Is there a
9 specific policy?

10 MR. [REDACTED]: There is, yes, I think it
11 states that in there.

12 SPECIAL AGENT FAHEY: And if you are
13 unfit for duty you're supposed to self-identify that?

14 MR. [REDACTED]: (Nods head affirmatively.)
15 Yeah. Stay away or, you know, don't come to work because
16 we don't need the hassle or the problem. All you're doing
17 is making a bad name for the trade and, you know. The
18 union will tell you that: If you can't make it in to work
19 and you feel that it's -- you're unsafe or unfit, don't go
20 in.

21 SPECIAL AGENT FAHEY: Have you done
22 anything further to try to get access?

23 MR. [REDACTED]: No. They --

24 SPECIAL AGENT FAHEY: Or to get this
25 straightened out?

1 MR. [REDACTED] They said that September 1st
2 they'll review this again.

3 SPECIAL AGENT FAHEY: You haven't
4 retained any legal counsel or anything like that?

5 MR. [REDACTED] I talked to a lawyer, he said
6 you can spend forty to fifty thousand dollars, he said,
7 and all we're fighting, we're fighting the government
8 here, and he says we can end up in paperwork for ten
9 years.

10 SPECIAL AGENT FAHEY: You're not
11 fighting the government.

12 MR. [REDACTED] Well --

13 SPECIAL AGENT FAHEY: That's --

14 MR. [REDACTED] That's --

15 SPECIAL AGENT FAHEY: Okay. We can talk
16 about that off the record. Okay. So you did seek some
17 advice?

18 MR. [REDACTED] Um-hmm.

19 SPECIAL AGENT FAHEY: And you're just --
20 Are you going to resubmit that paperwork around September
21 1st?

22 MR. [REDACTED] I will, yes. I will resubmit
23 this paperwork back to Randall Cunningham and see if I --
24 let's go off the record here and I'll tell you --

25 SPECIAL AGENT FAHEY: Randall Cleveland?

1 MR. [REDACTED]: Randall Cleveland, yeah. Not
2 Randall Cunningham. Who am I thinking of?

3 SPECIAL AGENT FAHEY: Football player?

4 MR. [REDACTED]: No, the guy on Days or
5 something. Remember that movie he used to be in? "Happy
6 Days."

7 SPECIAL AGENT FAHEY: All right. We're
8 off the record.

9 (Discussion off the record.)

10 SPECIAL AGENT FAHEY: Okay. We're back
11 on the record.

12 And what we just talked about I'd like
13 to put on the record, just that you've ascertained that
14 all people involved in this incident have been -- been
15 denied access --

16 MR. [REDACTED]: Correct.

17 SPECIAL AGENT FAHEY: -- as far as you
18 know?

19 MR. [REDACTED]: (Nods head affirmatively.)

20 SPECIAL AGENT FAHEY: I don't think I
21 have any other questions. Anything else you want to
22 raise?

23 MR. [REDACTED]: Off the record.

24 SPECIAL AGENT FAHEY: Okay. Let's go
25 off the record for a moment.

1 (Discussion off the record.)

2 SPECIAL AGENT FAHEY: Okay. [REDACTED]

3 have I threatened you in any manner or offered you any
4 reward in return for you statement?

5 MR. [REDACTED]: No, you haven't.

6 SPECIAL AGENT FAHEY: Have you given
7 your statement freely and voluntarily?

8 MR. [REDACTED]: (Nods head affirmatively.)

9 SPECIAL AGENT FAHEY: Anything further
10 you want to add for the record?

11 MR. [REDACTED]: I think that about sums it
12 up.

13 SPECIAL AGENT FAHEY: We're off the
14 record, approximately 3:40 p.m.

15 (Concluded at 3:40 p.m.)

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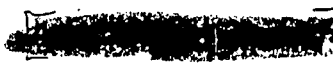
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CERTIFICATE

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

Name of Proceeding: Interview of



Docket Number: 3-2002-004

Location: Green Bay, 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.

15/ Carrie Bohrer
Carrie Bohrer
Official Reporter
Neal R. Gross & Co., Inc.

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