



Stellpflug, Janssen,  
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...ions That Fit.

*documents provided by [redacted] 8/05/02 interview*

*11*

- Robert J. Janssen
- Michael J. Kirschling\*\*
- Evan Y. Lin\*\*\*
- Jackson T. Main, Jr.
- Lora A. Matzke
- Peggy L. Miller
- Patricia Janka Sandoz
- C. David Stellpflug

- \* Court Commissioner
- \* Certified Family Trial Specialist
- \* also licensed in IL
- \*\* also licensed in MN
- \*\*\* also C.P.A.

- Morris Law Office (1930-1948)
- Morris & Vanden Heuvel (1948-1987)
- Morris, Vanden Heuvel & Stellpflug (1987-1992)

Gentlemen:


Thank you for meeting with me to address the inability to work at the Nuclear Power Plant. I understand you have been trying to work through Local 400 with limited success. As I mentioned to you, I believe you should proceed to contact the National Labor Relations Board out of Milwaukee as soon as possible. I am uncertain as to whether there are any deadlines or timelines that need to be followed. Thus, you should act immediately on contacting them.

My understanding is that you have been denied access to the facility for unjust reasons. To the extent that your denial of access may involve your union ties, I would encourage you to address this with the NLRB. As of the dictation of this letter, I did not hear back from Attorney Robbins. My understanding is that he represents the union. I hope you are ultimately able to gain access to the plant and be able to continue to work there. I will take no further action on this matter unless you retain me. I do wish you the best of success.

If you have any questions, please contact me.

Very truly yours,

STELLPFLUG, JANSSEN, HAMMER,  
KIRSCHLING & BARTELS, S.C.

By:   
Attorney Robert J. Janssen

RJJ:dml

*14-39*

Information in this record was deleted in accordance with the Freedom of Information Act, exemptions b7C  
FOIA- 2006-112

AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF GLYNN

Personally appeared before the undersigned officer authorized to administer oaths, John P. McQuigg, who states under oath the following:

1.

My name is John P. McQuigg. I am a licensed attorney in the State of Georgia.

2.

On or about April 17, 2002, I took a statement from (redacted) over the telephone.

3.

The statement I took from (redacted) is substantially reproduced in the attached affidavit.

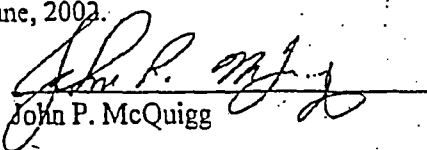
4.

The conversation I had with (redacted) lasted for approximately twenty minutes.

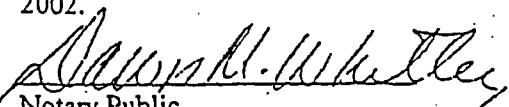
5.

The substance of the conversation was that (redacted) had admitted he lied to the investigators regarding (redacted) and (redacted) reporting to him that (redacted) smelled of alcohol.

This 13 day of June, 2002.

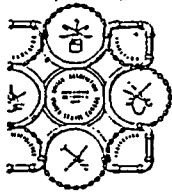
  
John P. McQuigg

Sworn to and subscribed by me  
this 13 day of June,  
2002.

  
Notary Public

Notary Public, Glynn County, Georgia  
My Commission Expires January 20, 2004.

7C



UNITED ASSOCIATION  
of Journeymen and Apprentices of the  
Plumbing and Pipe Fitting Industry of  
the United States and Canada

Martin J. Maddaloni  
General President

Thomas H. Patchell  
General Secretary-Treasurer

C. Randal Gardner  
Assistant General President

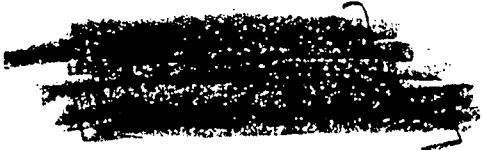
Founded 1889

UA Local Union: 400

Letters should  
be confined to  
the subject


Subject:


Access Denial



June 21, 2002

Dear 

On or about 02/11/02 I submitted several names to Phillips Getschow for employment at Point Beach Nuclear Plant. The following day the on site representative from the Phillips Getschow Co., Mr. Larry Wing, called to inform me that  would not be given access to the plant.

I then called Darlene Peters at PBNP security to inquire as to why  was denied access to the plant. Ms. Peters would not give me any information citing privacy concerns.

If you have any question regarding this matter, please feel free to contact me at 920-432-3015 x7.

Sincerely,



Patrick McPhail  
Business Agent

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NMC Access Manager  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016

Telephone: (715) 377-3402  
Fax: (715) 377-3445  
E-mail: rdcleveland@nmcco.com  
Toll free phone: 1-(800) 701-4941 x3402

June 28, 2002

Dear Mr. [REDACTED]

Nuclear Management Company has reviewed information developed during interviews with NMC investigators. At this time, you have been found ineligible for NMC nuclear access authorization.

Information developed during these interviews indicates that you do not meet the criteria necessary for an NMC nuclear access authorization.

NMC grants you the right to request and receive a review of this decision. Section I of the enclosed **Request for Review of Nuclear Access Authorization Denial Based on Background Information** form gives the details upon which your denial is based. To request a review, please complete and return this form to the following address within 30 days following receipt of this letter:

Access Manager  
Nuclear Management Company  
700 First Street  
Hudson, WI 54016

If you have any questions regarding this matter, you may call me at 715-377-3402. Your cooperation is appreciated.

Sincerely,

Randall D. Cleveland  
Access Manager

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**REQUEST FOR REVIEW  
OF  
NUCLEAR ACCESS AUTHORIZATION DENIAL  
BASED ON BACKGROUND INFORMATION**

**INSTRUCTIONS FOR REQUEST FOR REVIEW APPLICATION**

**(Read this page before completing application.)**

1. The reason for your access authorization denial is given in Section I of this form. If you want to request a review of this decision, you must complete this form.
2. Your review will be conducted by an NMC entity independent of NMC Security.
3. You should be notified in writing of the disposition of your review within 30 days following receipt by NMC of all information supporting your review request. Pending the disposition of your review request, your access authorization will remain denied.
4. This form must be completed in ink or typed. Please print or write legibly. You must complete Sections II and III. Section IV is for NMC use only. If you need additional space, please put your name on each extra page used and indicate the section number to which you are responding.
5. If you have questions while completing this form, please contact the NMC Access Manager for help at (715) 377-3389. Incomplete forms cannot be processed and will be returned for corrections. Improperly completed forms only delay your request for review of access authorization denial.
6. Pursuant to the Fair Credit Reporting Act, a copy of the consumer investigative report (CIR) which was obtained by Nuclear Management Company in support of your request for a Nuclear Security Clearance is enclosed.  If this box is checked, NMC did not request a CIR.
7. After completing the request for review, please make sure that you sign the certification provided below and that your signature has been witnessed. Once completed, the request for review is considered to be **CONFIDENTIAL**.

**CERTIFICATION**

I certify that the information I have provided in completing this application for review of access authorization denial is true, complete and accurate to the best of my knowledge and beliefs, and is made in good faith. I authorize NMC and its agents to review the information I have provided in this application in reviewing my access authorization denial.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

WITNESS \_\_\_\_\_

**SECTION I: REASON FOR DENIAL**

**I.a NMC SECURITY PROCEDURE CITATION**

NMC Security Procedure 4G Section 16.4.4.b.2.ii & 3 (NUMARC 89-01, Section 7.1, item H).

**I.b PROCEDURE TEXT (paraphrase)**

Individuals are denied access where background information is developed adversely reflecting on trustworthiness and reliability.

**I.c CASE FACTS**

- a. You provided the following contradictory information to NMC investigators regarding a random drug and alcohol collection you were required to complete at Kewaunee:
1. On January 11, 2002 you stated that you had:
    - i. been escorted to the collection site at Kewaunee by a worker, and
    - ii. asked the collector why she wasn't "testing the messenger," and
    - iii. upon noting that the collector appeared puzzled by this comment, asked the collector whether she smelled the worker escorting you to the collection site. You further stated that the collector responded, "yeah, he's a little ripe".
  2. On March 18, 2002 you stated you were escorted to the collection site from within the Kewaunee plant protected area.
  3. On March 27, you denied being escorted to the collection site by a worker, stating that you had been escorted only to the security building from the site fabrication shop (located outside the protected area) and that you had asked the worker escorting you, not the collector, why they (FFD personnel) weren't "testing the messenger".
  4. On June 12, 2002, you again denied being escorted by a worker to the collection site and stated that you had asked the collector why she wasn't "testing the messenger".
- b. You provided the following contradictory information to NMC investigators regarding the fitness of a worker at Kewaunee:
1. On January 11, 2002, you stated that he "was loaded every morning".
  2. On March 27, 2002 you stated you didn't know anything about the worker "being drunk".

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**SECTION II: APPLICANT RESPONSE**

IN THE SPACE BELOW, PLEASE PROVIDE THE REASON(S) WHY YOU BELIEVE THE DENIAL OF YOUR NUCLEAR ACCESS AUTHORIZATION (AS STATED IN SECTION I) IS NOT WARRANTED:

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**SECTION III: APPLICANT DOCUMENTATION**

IF YOU ARE SUBMITTING ADDITIONAL INFORMATION IN SUPPORT OF YOUR REQUEST FOR REVIEW, PLEASE LIST AND IDENTIFY EACH DOCUMENT BELOW:

Document Title

Author

Date

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**SECTION IV: NUCLEAR ACCESS AUTHORIZATION REVIEW DISPOSITION**

NMC Senior Site Operations Officer Referral:       Yes                       No

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NMC Senior Site Operations Officer:

RECOMMENDATION (X CHOICE):

- Uphold action.
- Reverse action (e.g., denial, suspension). Basis for reversal is given below.
- Continue review process pending receipt of additional information.

REVERSAL BASIS:

---

Name

Signature

Date

---

*7C*

AFFIDAVIT

STATE OF WISCONSIN  
COUNTY OF \_\_\_\_\_

Personally appeared before the undersigned officer authorized to administer oaths, [REDACTED]

[REDACTED] who states under oath the following:

1.

I met, in person, with [REDACTED] sometime at the end of February or beginning of March, 2002 regarding the denial of security clearances by NMC to numerous people who worked near [REDACTED].

2.

[REDACTED] informed me that he spoke to Harold Walker about the allegations that [REDACTED] was showing up to work smelling of alcohol.

3.

[REDACTED] told me that during the conversation he had with Harold Walker, Mr. Walker asked [REDACTED] if anyone had reported to [REDACTED] that [REDACTED] showed up to work smelling of alcohol. [REDACTED] told me that he told Harold Walker no one had reported any concerns about [REDACTED] to him (meaning [REDACTED]).

4.

[REDACTED] further told me that Harold Walker specifically asked him whether [REDACTED] or [REDACTED] reported [REDACTED] for smelling of alcohol. [REDACTED] told me he denied that either man reported the smell of alcohol on [REDACTED] to him. 8

5.

Next, [REDACTED] admitted to me that [REDACTED] and [REDACTED] had in fact reported

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to him [redacted] that they smelled alcohol of [redacted] and that they wouldn't work with him.

6.

[redacted] further told me that he denied to Harold Walker and others that either [redacted] or [redacted] informed him of the odor of alcohol of [redacted]

This \_\_\_\_\_ day of June, 2002.

[redacted]

Sworn to and subscribed by me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
2002.

\_\_\_\_\_  
Notary Public

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## Escort Ratio

Just a reminder regarding the escort ratio for visitors. During NRC Threat Level Advisories, senior management may implement the lowering of escort ratios for protected and vital areas. The current escort ratio for protected and vital areas at KPB is 1:2. Exemptions to the lower escort ratios will require approval in writing from the Site Vice President.

## Fitness for Duty Program Reminder

As you are aware, prior to the granting of unescorted access to NMC nuclear sites, workers must complete nuclear screening to determine fitness for duty, trustworthiness and reliability.

Once a worker is granted access (badged or as a visitor), NMC relies on its **continual behavioral observation program (CBOP)** for monitoring behavior to assure continued fitness for duty, trustworthiness and reliability. To effectively implement the CBOP, workers need to know what to look for and how to respond.

Security periodically performs self-assessments and reviews industry events and NRC inspection results to identify emerging issues. This program update addresses issues, in a question and answer format, regarding implementation of CBOP at KPB, within the NMC fleet, and throughout the nuclear industry.

To assist you in effectively implementing CBOP at KPB, please review the following Q&A:

### 1. How can I tell when a worker is not "fit for duty"?

*Observing a change in a worker's typical behavior pattern might indicate a worker is not fit for duty. Look for changes in work performance, social interactions, and personal health. For additional information on what to look for, review the behavior observation guide located on the NMCNET (go to Operations menu and click on Security Services). Remember, in addition to illegal drug use or abuse of alcohol, other factors may affect fitness, including temporary mental or physical impairments and activities outside of work.*

### 2. What should I do if I question the fitness of a worker?

*Immediately contact a supervisor. If your supervisor is not immediately available, contact the Site Security. You should also attempt to continue observing the worker until your supervisor arrives.*

*As a supervisor, your most important responsibility is to take action.*

*Supervisors have the option of temporarily modifying work assignment, authorizing time off, referring a worker to the Employee Assistance Program or initiating for-cause testing.*

*For-cause testing is required when behavior indicates possible substance abuse or credible information is received that an individual is abusing drugs or alcohol. **Smell of alcohol warrants for-cause testing.***

*As a supervisor, maintain your observation of the worker until you disposition the FFD information.*

**3. What should I do if I believe my supervisor is not fit for duty?**

*Immediately contact your supervisor's supervisor or Site Security.*

**4. What should I do if I smell alcohol on a worker?**

*Immediately contact a site supervisor. The smell of alcohol may indicate an individual is not fit for duty. If a supervisor is not immediately available, contact Site Security. You should also attempt to continue observing the worker until a supervisor or Site Security arrives.*

*Other possible indicators of alcohol misuse include unsteady gait or slurred speech. Again, one of your basic FFD responsibilities is to report immediately to your supervisor the observation of any of these indicators.*

***Failure to report the smell of alcohol, or any other possible indicator of alcohol misuse, is a violation of the FFD Program and will result in denial of access at NMC Sites.***

**5. If arrested, charged, or convicted for violation of a law, what is my reporting responsibility?**

*All workers granted unescorted access to NMC nuclear plants shall report any arrest, charge, or conviction to their supervisor. This includes violation of any Local, State or Federal law, ordinance or regulation. The only reporting exception is minor traffic violations such as illegal parking, speeding, or expired plates. Other traffic violations, such as BWI, DWI, careless driving, driving after revocation or suspension, are reportable. Supervisors are responsible for reporting arrests, charges, or convictions to Site Security.*

Ultimately, fitness for duty is the responsibility of each worker. Each of us is personally responsible for reporting to work in the appropriate mental and physical condition to perform assigned work in a competent and safe manner. Should you feel unfit or question the fitness of a co-worker, your basic responsibility is to report the concern to your supervisor.

If you have any questions or concerns, please call your Site FFD Coordinator, Darlene Peters, at (920) 755-7811.