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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
RADISSON INN
2040 Airport Drive
Green Bay, Wisconsin

Monday, August 5, 2002

The above-entitled interview was conducted at
12:00 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 11

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3-2002-020

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

(12:00 p.m.)

SPECIAL AGENT FAHEY: For the record, this is an interview of [REDACTED] who is a welder who was formerly employed by Day & Zimmerman Nuclear Power Systems at the Kewaunee Nuclear Power Station. Today's date's August 5th, 2002. The time is approximately noon. This interview is being conducted in the Executive Board Room at the Radisson Hotel, 2040 Airport Drive, Green Bay, Wisconsin. My name is Mary Kay Fahey. I'm a special agent with the U.S. Nuclear Regulatory Commission's Office of Investigations in Region III. This interview is being transcribed by court reporter Carrie Bohrer.

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

Mr. [REDACTED] please raise your right hand.

Whereupon,

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

SPECIAL AGENT FAHEY: How about some background information. Date of birth?

MR. [REDACTED]

SPECIAL AGENT FAHEY: And Social

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1 Security number?

2

MR. [REDACTED]

3

SPECIAL AGENT FAHEY: How about address?

4

MR. [REDACTED]

5

6

SPECIAL AGENT FAHEY: And home telephone

7

number?

8

MR. [REDACTED]

Area code [REDACTED]

9

SPECIAL AGENT FAHEY: Current employer?

10

MR. [REDACTED]

J. F. Ahern.

11

SPECIAL AGENT FAHEY: When did you begin

12

with them?

13

MR. [REDACTED]

In March.

14

SPECIAL AGENT FAHEY: 2002?

15

MR. [REDACTED]

Yes.

16

SPECIAL AGENT FAHEY: Okay. And then

17

prior to that?

18

MR. [REDACTED]

Prior to that it was Scheck

19

Mechanical.

20

SPECIAL AGENT FAHEY: How do you spell

21

that? Scheck?

22

MR. [REDACTED]

S -- S-c-h-e-r-k (sic)?

23

Roughly.

24

SPECIAL AGENT FAHEY: Okay. And prior

25

to that? Day & Zimmerman?

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1 MR. [REDACTED] Day & -- Yeah.

2 SPECIAL AGENT FAHEY: Okay. And where
3 were you employed? At Kewaunee?

4 MR. [REDACTED] At Kewaunee.

5 SPECIAL AGENT FAHEY: Do you know the
6 dates?

7 MR. [REDACTED] Trying to think of when I
8 started there. It was in -- in June -- from June to
9 November. The middle of November there. Week before
10 Thanksgiving.

11 SPECIAL AGENT FAHEY: What was your
12 position?

13 MR. [REDACTED] Welder.

14 SPECIAL AGENT FAHEY: And the reason
15 you're no longer employed there?

16 MR. [REDACTED] They had a layoff.

17 SPECIAL AGENT FAHEY: So the work was
18 completed?

19 MR. [REDACTED] Work was completed.

20 SPECIAL AGENT FAHEY: Okay. And this
21 work was during an outage?

22 MR. [REDACTED] Yes.

23 SPECIAL AGENT FAHEY: Okay. And we --
24 When we were off the record before we started, you
25 mentioned that you have had some subsequent problems

1 obtaining employment with NMC plants?

2 MR. [REDACTED] Yes.

3 SPECIAL AGENT FAHEY: Or with other
4 power plants also?

5 MR. [REDACTED] It would be NMC's -- others
6 wouldn't -- I was going to go to that Seabrook. That's
7 when I heard word from others that I was denied access.

8 SPECIAL AGENT FAHEY: So you intended to
9 apply at Seabrook --

10 MR. [REDACTED] Yes.

11 SPECIAL AGENT FAHEY: -- but did not?

12 MR. [REDACTED] But did not.

13 SPECIAL AGENT FAHEY: And you heard from
14 others --

15 MR. [REDACTED] Phillips & Getschow employees
16 that I was under investigation of being denied.

17 SPECIAL AGENT FAHEY: Okay.

18 MR. [REDACTED] I thought it was just rumor,
19 but it come to be truth.

20 SPECIAL AGENT FAHEY: And Phillips &
21 Getschow is a contractor --

22 MR. [REDACTED] Yes. That was working out
23 there --

24 SPECIAL AGENT FAHEY: -- that
25 was working out there --

1 MR. [REDACTED] -- at Point Beach.

2 SPECIAL AGENT FAHEY: -- at Point Beach?

3 And had you applied there?

4 MR. [REDACTED] I had called them to see
5 about getting a job, and that's when they had told me that
6 I was denied. Somehow they knew it before I did.

7 SPECIAL AGENT FAHEY: Okay. Now we're
8 going to get to that, but I'd like to talk chronologically
9 if we can about the problems during the outage, and then
10 we'll wrap it up with your problems in getting hired today
11 at NMC plants. Okay. When you were hired for the outage
12 at Kewaunee in 2001, did you go through general employee
13 training upon arrival?

14 MR. [REDACTED] Yes.

15 SPECIAL AGENT FAHEY: Okay. And do you
16 recall during that training whether fitness for duty was
17 discussed?

18 MR. [REDACTED] Yes, it was.

19 SPECIAL AGENT FAHEY: Okay. Do you
20 remember being tested on that?

21 MR. [REDACTED] Yes, I did.

22 SPECIAL AGENT FAHEY: Did you pass the
23 test?

24 MR. [REDACTED] Yep.

25 SPECIAL AGENT FAHEY: Okay. And tell me

1 just for the record, for background, what's your
2 understanding, if you identify an employee that you
3 question their fitness for duty, what were you supposed to
4 do?

5 MR. [REDACTED]: Go to your immediate
6 supervisor.

7 SPECIAL AGENT FAHEY: Okay. And at
8 Kewaunee who was your immediate supervisor?

9 MR. [REDACTED]: [REDACTED]

10 SPECIAL AGENT FAHEY: And he was also a
11 Day & Zimmerman employee?

12 MR. [REDACTED]: Yes.

13 SPECIAL AGENT FAHEY: Do you know what
14 his title was, exactly?

15 MR. [REDACTED]: He was -- At the time when we
16 first went, he was general foreman.

17 SPECIAL AGENT FAHEY: All right. And
18 during this outage did you report any other employee about
19 their fitness for duty?

20 MR. [REDACTED]: Yes. I --

21 SPECIAL AGENT FAHEY: Okay. Who did you
22 report?

23 MR. [REDACTED]: I reported [REDACTED]

24 SPECIAL AGENT FAHEY: Okay. And who did
25 you report to?

1 MR. [REDACTED]

2 SPECIAL AGENT FAHEY: Do you remember
3 when? I mean between June and November, can you give me a
4 rough idea? Was it the beginning of outage, pre-outage?

5 MR. [REDACTED] It was in the middle of it, I
6 would say.

7 SPECIAL AGENT FAHEY: And Mr. [REDACTED]
8 did he supervise you?

9 MR. [REDACTED] No. I just knew [REDACTED]
10 from -- in passing. He worked for Day & Zimmerman, but I
11 was in the maintenance department, and he was with the
12 construction guys.

13 SPECIAL AGENT FAHEY: All right. Tell
14 me about how it is that you came into contact with him and
15 subsequently reported him, and why did you report him?

16 MR. [REDACTED] Well, I was visiting the boys
17 in the back, and he was the -- he was the foreman there,
18 and you could smell, you know, alcohol on him. I don't
19 know if he was drunk or not, but you could smell alcohol.
20 And --

21 SPECIAL AGENT FAHEY: Was he in the room
22 with you?

23 MR. [REDACTED] Yes.

24 SPECIAL AGENT FAHEY: Did anyone else
25 seem to notice?

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MR. [REDACTED] Yes, they did.

SPECIAL AGENT FAHEY: Anybody else say anything?

MR. [REDACTED] Yes.

SPECIAL AGENT FAHEY: Who else said something?

MR. [REDACTED] and [REDACTED]

[REDACTED]

SPECIAL AGENT FAHEY: Just recently

[REDACTED]

MR. [REDACTED] Yes.

SPECIAL AGENT FAHEY: Okay. And did you have discussion amongst yourselves before you reported him to [REDACTED] or did you just do this on your own initiative?

MR. [REDACTED] I did it on my own. And come to find out, they had done it themselves. We had both done it on the same day. They done it prior to myself, because I had -- [REDACTED] was coming through the maintenance shop, and that's when I had stopped [REDACTED] and told him about [REDACTED] smelling of alcohol.

SPECIAL AGENT FAHEY: And what was your -- the response that you got?

MR. [REDACTED] He said he would look into it, and that's far as it went, was right there, because we

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1 figured you tell him, he's going to take care of the
2 problem, and I didn't see [REDACTED] anymore that day, so I
3 just took it as he took care of the problem.

4 SPECIAL AGENT FAHEY: And do you know
5 for a fact whether [REDACTED] was tested that day?

6 MR. [REDACTED] Do not know if he was or not.

7 SPECIAL AGENT FAHEY: How long did your
8 conversation with [REDACTED] last?

9 MR. [REDACTED] Not very long. Couple
10 minutes. That was it.

11 SPECIAL AGENT FAHEY: Okay. Other than
12 the smell, did you have any other interaction with
13 Mr. [REDACTED]

14 MR. [REDACTED] No.

15 SPECIAL AGENT FAHEY: So you didn't
16 observe any slurred speech, stumbling, anything that --

17 MR. [REDACTED] No.

18 SPECIAL AGENT FAHEY: Okay.

19 MR. [REDACTED] But if -- you know, if the
20 other fellows here, you know, like [REDACTED] myself and [REDACTED]
21 we smelled it, you would think the supervisor -- the other
22 supervisors would have smelled it also, because they're
23 all in the same room together. And the fellow, ([REDACTED])
24 rode to work with him.

25 SPECIAL AGENT FAHEY: And he was one of

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1 the supervisors?

2 MR. [REDACTED] And he was one of the
3 supervisors also.

4 SPECIAL AGENT FAHEY: Okay. And when
5 did you subsequently find out that [REDACTED] and [REDACTED]
6 had also reported?

7 MR. [REDACTED] Because I seen [REDACTED] not long
8 after that, and I mentioned to [REDACTED] that I told him, and
9 he had said that he had just told him himself previous
10 that morning.

11 SPECIAL AGENT FAHEY: Did [REDACTED]
12 give you any indication anybody else had already reported
13 the issue?

14 MR. [REDACTED] No.

15 SPECIAL AGENT FAHEY: Okay. And is that
16 the end of it?

17 MR. [REDACTED] And that was --

18 SPECIAL AGENT FAHEY: That's the last
19 you heard of it?

20 MR. [REDACTED] That was the last I heard of
21 it.

22 SPECIAL AGENT FAHEY: But then the issue
23 resurfaced?

24 MR. [REDACTED] Yes, it did.

25 SPECIAL AGENT FAHEY: And when was that?

1 MR. [REDACTED] It resurfaced in December.

2 SPECIAL AGENT FAHEY: Okay. And this is
3 after the outage is completed?

4 MR. [REDACTED] That was after the outage is
5 complete.

6 SPECIAL AGENT FAHEY: You had been laid
7 off.

8 MR. [REDACTED] I was laid off.

9 SPECIAL AGENT FAHEY: Were you working
10 at the time?

11 MR. [REDACTED] No.

12 SPECIAL AGENT FAHEY: Had you attempted
13 to get employment anywhere in December?

14 MR. [REDACTED] Not at that moment, no.

15 SPECIAL AGENT FAHEY: Okay.

16 MR. [REDACTED] I was enjoying the time off.

17 SPECIAL AGENT FAHEY: All right. And
18 who -- how did it resurface?

19 MR. [REDACTED] I had an NMC investigator
20 call me and wanted to investigate me about some problems
21 of some welding that was going on. I told him no problem,
22 he -- I'd talk to you about it. And he said it was just
23 confidential between him and I and the fence post. That
24 was it. It was just informational only. So then he was
25 asking about all the welding, and next thing you know he

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1 asked me if I knew about a fellow that smelled of alcohol.
2 That was my mistake; I said "yes." Because the rest of
3 them -- got plenty of others that didn't -- they said they
4 didn't know nothing of it. They didn't lose their access.
5 Seems like the ones that admitted to knowing of it lost
6 access.

7 SPECIAL AGENT FAHEY: Okay. What did
8 you tell the investigator?

9 MR. [REDACTED] Well, when -- you know, it
10 was just -- he said, "It's just you and I talking, just
11 say" -- and that's when he asked me if I knew about it, I
12 said "yes." He says, "Well, did anybody else know about
13 it?" I said, "All the supervisors had to know." And that
14 was it. That was the end of it. He didn't ask no more
15 questions, went right back onto the weld maps. He didn't
16 ask me if I talked to anybody about it, if -- he only
17 asked if I knew about it.

18 SPECIAL AGENT FAHEY: Now, when you left
19 the plant, did this investigator contact you at home?

20 MR. [REDACTED] Yes.

21 SPECIAL AGENT FAHEY: Did you meet with
22 him in person or over the phone?

23 MR. [REDACTED] In person.

24 SPECIAL AGENT FAHEY: Do you know
25 whether others were contacted around the same time?

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1 MR. [REDACTED] Yes, they were.

2 SPECIAL AGENT FAHEY: And did you have
3 conversations with other people about it?

4 MR. [REDACTED] No.

5 SPECIAL AGENT FAHEY: How did you know
6 that they were --

7 MR. [REDACTED] He said he was investigating
8 everybody who was working for the maintenance over there,
9 the maintenance and the construction, and he was --

10 SPECIAL AGENT FAHEY: So the
11 investigator told you --

12 MR. [REDACTED] Yeah, he said he was
13 investigating everyone.

14 SPECIAL AGENT FAHEY: Did [REDACTED]
15 ever contact you?

16 MR. [REDACTED] No.

17 SPECIAL AGENT FAHEY: Did [REDACTED]
18 ever contact you?

19 MR. [REDACTED] No.

20 SPECIAL AGENT FAHEY: You haven't spoken
21 with either of them since you left?

22 MR. [REDACTED] Neither one of them.

23 SPECIAL AGENT FAHEY: Okay. And did you
24 ever hear anything back from the investigator, what the
25 outcome of the investigation was?

1 MR. [REDACTED] Yes. I was denied.

2 SPECIAL AGENT FAHEY: Denied?

3 MR. [REDACTED] I was denied access because I
4 did not tell Kewaunee supervisor or Kewaunee security
5 about an individual smelling of alcohol.

6 SPECIAL AGENT FAHEY: Okay. So even
7 though you told the contract supervisor, --

8 MR. [REDACTED] Correct.

9 SPECIAL AGENT FAHEY: -- you didn't
10 follow procedure, according to Kewaunee?

11 MR. [REDACTED] Well --

12 SPECIAL AGENT FAHEY: Or according to
13 the investigator?

14 MR. [REDACTED] According to the
15 investigator. Kewaunee says go to your immediate
16 supervisor. That's what their fitness-for-duty program
17 says. You smell anybody, a -- anything happens, you go to
18 Kewaunee's -- I mean you go to your immediate supervisor.
19 Which I'm a contractor, I went to mine.

20 SPECIAL AGENT FAHEY: Okay. And how did
21 you get this information? Was it through a letter?

22 MR. [REDACTED] Yes.

23 SPECIAL AGENT FAHEY: And the licensee
24 sent you that letter?

25 MR. [REDACTED] Yes.

1 SPECIAL AGENT FAHEY: Do you remember
2 what the date is, roughly? Was it recent?

3 MR. [REDACTED] It was in February.

4 SPECIAL AGENT FAHEY: Okay. And are you
5 denied permanently from any NMC site?

6 MR. [REDACTED] They said I can reapply in
7 September. But that's not saying I would -- I would be
8 granted access again. They just said they would review
9 it.

10 SPECIAL AGENT FAHEY: Do you have a long
11 history of working for NMC?

12 MR. [REDACTED] Well --

13 SPECIAL AGENT FAHEY: Or was the
14 Kewaunee outage your first --

15 MR. [REDACTED]: No, I worked for them at
16 Point Beach, for six to eight months prior.

17 SPECIAL AGENT FAHEY: Okay.

18 MR. [REDACTED]: Ever how long I was over at
19 Kewaunee is how long I -- I mean at Point Beach is how
20 long I worked for them.

21 SPECIAL AGENT FAHEY: Couple of years?

22 MR. [REDACTED]: Well, throughout the whole
23 thing. First it was Phillip & Getschow that had the --
24 then it was Williams Power, then Day Zimmerman took over.
25 I went through contractor after contractor after --

1 SPECIAL AGENT FAHEY: So give me a rough
2 idea. Couple years you worked on and off at Point Beach?

3 MR. [REDACTED] On and off at Point Beach it
4 was since '97.

5 SPECIAL AGENT FAHEY: And then Kewaunee
6 just the one time?

7 MR. [REDACTED] Just -- No, I worked there
8 twice. Yeah, I worked -- I worked for PCI there, and
9 trying to think of the other -- might have been just MPS.

10 SPECIAL AGENT FAHEY: PCI is a
11 contractor?

12 MR. [REDACTED] Yes.

13 SPECIAL AGENT FAHEY: And NPS you're
14 referring to Day & Zimmerman?

15 MR. [REDACTED] Day & Zimmerman, right.

16 SPECIAL AGENT FAHEY: Okay. And you
17 have not attempted to apply to any other --

18 MR. [REDACTED] No.

19 SPECIAL AGENT FAHEY: -- nuclear power
20 plant based on the information that you got that you were
21 going to be denied access --

22 MR. [REDACTED] Right.

23 SPECIAL AGENT FAHEY: -- at Point Beach?

24 MR. [REDACTED] (Nods head affirmatively.)

25 SPECIAL AGENT FAHEY: Okay. And based

1 on what you know now, how likely would you be to report
2 somebody for a fitness-for-duty concern in the future?

3 MR. [REDACTED] Off the record? Rough.

4 Because everyone else that knows what happened to us, they
5 will not be reporting. Myself, I think I would take the
6 chance again. I done it once before and I didn't have no
7 problem.

8 SPECIAL AGENT FAHEY: Did what?

9 Reported someone?

10 MR. [REDACTED] Reported someone, yeah.

11 SPECIAL AGENT FAHEY: What plant was
12 that at?

13 MR. [REDACTED] At Point Beach.

14 SPECIAL AGENT FAHEY: How many years
15 ago?

16 MR. [REDACTED] That would have been in -- I
17 think in '99.

18 SPECIAL AGENT FAHEY: Was that person
19 tested and removed?

20 MR. [REDACTED] Yes, he was.

21 SPECIAL AGENT FAHEY: And was it
22 substantiated?

23 MR. [REDACTED] We was with -- Yeah, he was
24 because -- it wound up being, when they tested him, they
25 waited so long, this was at -- the time -- seven o'clock

1 in the morning. By the time they tested him it was one
2 o'clock in the afternoon. So he didn't blow anything, but
3 the other maintenance -- I was working in the maintenance
4 group there, and the other maintenance employees knew he
5 smelled of alcohol and knew it wasn't the first time.

6 SPECIAL AGENT FAHEY: Okay. And it
7 really doesn't matter whether --

8 MR. [REDACTED] Right.

9 SPECIAL AGENT FAHEY: -- he tested
10 positive or not, --

11 MR. [REDACTED] He tested --

12 SPECIAL AGENT FAHEY: -- the process
13 worked?

14 MR. [REDACTED] Right. They had tested him
15 and it worked. I didn't get in trouble.

16 SPECIAL AGENT FAHEY: And that's the
17 whole point of the program?

18 MR. [REDACTED] Right.

19 SPECIAL AGENT FAHEY: That if you
20 suspect, that the employee goes along with the program?

21 MR. [REDACTED] (Nods head affirmatively.)

22 SPECIAL AGENT FAHEY: Okay. Have you
23 done anything else in an attempt to get your access back?
24 Hired an attorney, gone to the Department of Labor, any
25 other avenues?

1 MR. [REDACTED] Yes.

2 SPECIAL AGENT FAHEY: Tell me what
3 you've -- you've done so far.

4 MR. [REDACTED] Attorneys.

5 SPECIAL AGENT FAHEY: Hired a private
6 attorney?

7 MR. [REDACTED] (Nods head affirmatively.)

8 SPECIAL AGENT FAHEY: Okay. And who is
9 that, if you don't mind putting it on the record?

10 MR. [REDACTED] We using [REDACTED]

11 SPECIAL AGENT FAHEY: [REDACTED]

12 MR. [REDACTED] McQuigg That would be John [REDACTED]

13 [REDACTED]
14 SPECIAL AGENT FAHEY: He's an attorney?

15 MR. [REDACTED] Yes, he's kind of pointing us
16 in the right direction, which way to go. And the Labor
17 Relations Board.

18 SPECIAL AGENT FAHEY: Okay. And what
19 about the Department of Labor, do you know anything about
20 that?

21 MR. [REDACTED] No.

22 SPECIAL AGENT FAHEY: When we go off the
23 record I'll give you some information on how to follow up
24 on that.

25 What about has the union done anything?

1 MR. [REDACTED] No.

2 SPECIAL AGENT FAHEY: Okay. Are they
3 aware of the issue then?

4 MR. [REDACTED] Yes.

5 SPECIAL AGENT FAHEY: Okay. And other
6 than the licensee's investigator, has anyone else
7 contacted you about this matter?

8 MR. [REDACTED] No. He only had -- I only
9 talked to him one time. And when he talked to me, it was
10 -- he said it was all confidential, informational only.

11 SPECIAL AGENT FAHEY: Okay. Now, tell
12 me who some of these other people are who denied they had
13 any knowledge but knew.

14 MR. [REDACTED] That would be -- Let's see.
15 I worked with [REDACTED] (phonetic), [REDACTED]
16 (phonetic).

17 SPECIAL AGENT FAHEY: [REDACTED]

18 MR. [REDACTED] Yeah, something like that.
19 We just call him [REDACTED].

20 SPECIAL AGENT FAHEY: Okay.

21 MR. [REDACTED] Got one of them names that
22 long, can't spell. [REDACTED]

23 SPECIAL AGENT FAHEY: Is he a
24 supervisor?

25 [REDACTED] Yes. And it was [REDACTED]

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([REDACTED])
SPECIAL AGENT FAHEY: What position did

([REDACTED] hold?)

MR. [REDACTED] They was all foremen,
supervision there.

SPECIAL AGENT FAHEY: And all shared a
room -- room or office?

MR. [REDACTED] Same office.

SPECIAL AGENT FAHEY: Okay.

MR. [REDACTED] And then -- well, [REDACTED]
he got accused for being -- smelling of the alcohol that
day, that it was [REDACTED] The security stopped
him and brought him up and gave him the random test
because they thought it was him. But it just so happened
it was the fellow in front of him.

SPECIAL AGENT FAHEY: So ([REDACTED]) walked
into the plant --

MR. [REDACTED] Right behind --

SPECIAL AGENT FAHEY: -- behind
[REDACTED]

MR. [REDACTED]: [REDACTED]

SPECIAL AGENT FAHEY: And security
tagged him?

MR. [REDACTED] right [REDACTED]. And
he's also denied.

1 SPECIAL AGENT FAHEY: And is he -- Why
2 is he denied?

3 MR. [REDACTED] Because he didn't report the
4 fellow for smelling of alcohol, from what I heard.

5 SPECIAL AGENT FAHEY: So you're denied
6 access because you did report, and he's denied access
7 because he didn't report?

8 MR. [REDACTED] Right.

9 SPECIAL AGENT FAHEY: I'm confused.

10 MR. [REDACTED] Well, figured it didn't do
11 us any good to report.

12 SPECIAL AGENT FAHEY: What about

13 [REDACTED] and [REDACTED] was access denied for them?

14 MR. [REDACTED] No.

15 SPECIAL AGENT FAHEY: Is there anybody
16 else?

17 MR. [REDACTED] From what I hear, ([REDACTED])
18 [REDACTED] access isn't denied either because he's supposed
19 to be going back out there. [REDACTED] access didn't
20 get denied. ([REDACTED]) didn't get denied, and he was
21 [REDACTED]'s boss, and he knew that we had told [REDACTED] about the
22 incident..

23 SPECIAL AGENT FAHEY: How do you know
24 that?

25 MR. [REDACTED] He admitted to [REDACTED]

1 and to John McQuigg

2 SPECIAL AGENT FAHEY: Okay. Admitted
3 that he knows now or he knew at the time?

4 MR. [REDACTED] Knew at the time. He knew at
5 the time.

6 SPECIAL AGENT FAHEY: Knew that day?

7 MR. [REDACTED] Yes.

8 SPECIAL AGENT FAHEY: Okay. And what
9 about this [REDACTED] guy, was he involved in this?

10 MR. [REDACTED] yes.

11 SPECIAL AGENT FAHEY: Did [REDACTED] tell
12 [REDACTED] why this didn't go anywhere?

13 MR. [REDACTED] No. I don't know if he did
14 or not. I know he gave [REDACTED] a -- you know,
15 statement stating he knew that [REDACTED] knew about it and
16 didn't do anything. I haven't seen that piece of paper,
17 but they said he had it.

18 SPECIAL AGENT FAHEY: Okay. Gave [REDACTED]
19 [REDACTED] or gave John McQuigg? The attorney?

20 MR. [REDACTED] Yeah, the attorney.

21 SPECIAL AGENT FAHEY: Okay. Attorney
22 McQuigg.

23 MR. [REDACTED] Yep.

24 SPECIAL AGENT FAHEY: Okay. Is there
25 anything that you told the private investigator for the

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1 company that's different from what you've told me today,
2 anything that you want to correct in what you might have
3 told him at the time?

4 MR. [REDACTED] No, that's all pretty much --

5 SPECIAL AGENT FAHEY: The same?

6 MR. [REDACTED] -- the same. Hopefully.

7 SPECIAL AGENT FAHEY: Okay.

8 MR. [REDACTED] That was months ago now.

9 SPECIAL AGENT FAHEY: Let's go off the
10 record for a minute.

11 (Discussion off the record.)

12 SPECIAL AGENT FAHEY: All right. We're
13 back on the record. All right. And while we were off the
14 record I obtained my copy here of your statement to the
15 NMC investigator, and while I'm not showing you the
16 statement -- or the write-up, because it's certainly a
17 paraphrase of what you told him, there seems to be a
18 definite discrepancy between what you told the
19 investigator and what you're telling me here today, and I
20 want to clarify this for the record. There's nothing in
21 the write-up here that indicates that you ever reported
22 your concerns about Mr. [REDACTED] It's clear that the
23 investigator wrote that you had concerns about smelling
24 alcohol on Mr. [REDACTED] but there's nothing in the
25 write-up here that indicates you reported [REDACTED] to

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1 [REDACTED] Today you recall specifically --

2 MR. [REDACTED] Yes.

3 SPECIAL AGENT FAHEY: -- and you recall
4 a specific day, but you can't give me the date?

5 MR. [REDACTED] Right.

6 SPECIAL AGENT FAHEY: And it was a day
7 in which [REDACTED] said he would take care of it -- or look
8 into it?

9 MR. [REDACTED] Look into it.

10 SPECIAL AGENT FAHEY: And it was a day
11 that you recall that Mr. [REDACTED] also mentioned --

12 MR. [REDACTED] and [REDACTED].

13 SPECIAL AGENT FAHEY: Also mentioned the
14 same day?

15 MR. [REDACTED] Same day.

16 SPECIAL AGENT FAHEY: Okay. All right.

17 And the investigator wrote, and I'm going to quote this
18 because I want you to explain this: "Mr. [REDACTED] responded
19 that he did not notify Day Zimmerman Nuclear Power
20 Service," NPS, it says, "management of Mr. [REDACTED]
21 condition because they knew his condition and because he,
22 Mr. [REDACTED] was a fellow worker." Is that true?

23 MR. [REDACTED]: That --

24 SPECIAL AGENT FAHEY: You did report?

25 MR. [REDACTED] I did report it.

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1 SPECIAL AGENT FAHEY: Okay. And you
2 reported it on one occasion?

3 MR. [REDACTED] On one occasion only.

4 SPECIAL AGENT FAHEY: Okay. And it
5 further goes on to say that, according to you, [REDACTED]
6 did not appear impaired in any manner, although he smelled
7 of alcohol?

8 MR. [REDACTED] That is true.

9 SPECIAL AGENT FAHEY: That's your
10 assessment?

11 MR. [REDACTED] (Nods head affirmatively.)
12 That's true.

13 SPECIAL AGENT FAHEY: And was this a
14 chronic problem that Mr. [REDACTED] had?

15 MR. [REDACTED] From what the other fellows
16 said, yes. I only had run into him just a couple times,
17 and at one time he did smell of -- but the other fellows
18 that worked for him and seen him regularly, they said yes,
19 that was ongoing.

20 SPECIAL AGENT FAHEY: So you only had
21 one experience --

22 MR. [REDACTED] Right.

23 SPECIAL AGENT FAHEY: -- and during that
24 time you did --

25 MR. [REDACTED] Yes.

1 SPECIAL AGENT FAHEY: -- report him --

2 MR. [REDACTED] (Nods head affirmatively.)

3 SPECIAL AGENT FAHEY: -- to [REDACTED]

4 [REDACTED]

5 MR. EGAN: To [REDACTED]

6 SPECIAL AGENT FAHEY: Is there any way
7 to figure out a date that you did that? Do you know? Did
8 [REDACTED] jot down anything in the log, supervisor's log?

9 MR. [REDACTED] Doubt seriously.

10 SPECIAL AGENT FAHEY: Was there a
11 condition report written?

12 MR. [REDACTED] No. And that's my fault, I
13 guess, for --

14 SPECIAL AGENT FAHEY: And the only
15 documentation might be if Mr. [REDACTED] actually was
16 tested that day?

17 MR. [REDACTED]: Right. Which I don't know if
18 he was or not. [REDACTED] himself even admitted to have
19 smelling of alcohol.

20 SPECIAL AGENT FAHEY: Admitted to you?

21 MR. [REDACTED] He admitted it to [REDACTED] and
22 [REDACTED]

23 SPECIAL AGENT FAHEY: On that particular
24 day or generally?

25 MR. [REDACTED] Generally.

1 SPECIAL AGENT FAHEY: Well, what excuse
2 did he provide?

3 MR. [REDACTED] Just had a few too many the
4 night before.

5 SPECIAL AGENT FAHEY: Were you the kind
6 of crew that went out after work?

7 MR. [REDACTED] No.

8 SPECIAL AGENT FAHEY: And socialized
9 together?

10 MR. [REDACTED] No.

11 SPECIAL AGENT FAHEY: Okay. So you were
12 never in a position where you actually observed

13 Mr. [REDACTED]

14 MR. [REDACTED] No.

15 SPECIAL AGENT FAHEY: Did you ever
16 confront Mr. [REDACTED] about this issue?

17 MR. [REDACTED] No, I didn't.

18 SPECIAL AGENT FAHEY: Okay. And I think
19 you said previously on the record that you have had no
20 conversations --

21 MR. [REDACTED] Right.

22 SPECIAL AGENT FAHEY: -- with either he
23 or [REDACTED] since you left Kewaunee?

24 MR. [REDACTED] Correct.

25 SPECIAL AGENT FAHEY: All right. Let's

1 talk about you not being able to get work. Who do you
2 think is responsible for preventing you from -- Is it the
3 contractor? Is it NMC?

4 MR. [REDACTED]: Getting out there right now,
5 I would have to say [REDACTED]

6 SPECIAL AGENT FAHEY: Okay. But [REDACTED]
7 just a contract supervisor; right?

8 MR. [REDACTED]: He's a contract supervisor.

9 SPECIAL AGENT FAHEY: "Out there," are
10 you talking about Point Beach right now?

11 MR. [REDACTED]: Right.

12 SPECIAL AGENT FAHEY: They're the ones
13 who are hiring currently?

14 MR. [REDACTED]: They are and Phillip &
15 Getschow.

16 SPECIAL AGENT FAHEY: Is [REDACTED] working
17 for Phillips & Getschow now?

18 MR. [REDACTED]: No, he's working for Day
19 Zimmerman.

20 SPECIAL AGENT FAHEY: Okay. Now, could
21 he as a supervisor for Day & Zimmerman prevent you from
22 going to work for Phillips & Getschow?

23 MR. [REDACTED]: Well, he's pretty much the
24 reason we denied, by lying and saying that he -- no one
25 told him anything of this incident.

1 SPECIAL AGENT FAHEY: How do you know he
2 did that?

3 MR. [REDACTED] Well, he's still got a job
4 and I don't. So apparently somebody's believing his story
5 and not us.

6 SPECIAL AGENT FAHEY: Okay. Now, you
7 did contact Phillip & Getschow for work?

8 MR. [REDACTED] Yes, I did.

9 SPECIAL AGENT FAHEY: And they were glad
10 to hear from you?

11 MR. [REDACTED] Yes, they was glad to hear
12 from me and said they would like me out there but I'm
13 denied.

14 SPECIAL AGENT FAHEY: So it's not at
15 that level that anyone is preventing you from going to
16 work?

17 MR. [REDACTED] No. No.

18 SPECIAL AGENT FAHEY: Okay. Did
19 Phillips --

20 MR. [REDACTED] As a matter of fact, Phillips
21 & Getschow, they said if I can get this taken care of,
22 they'd hire me now.

23 SPECIAL AGENT FAHEY: How do you get it
24 taken care of?

25 MR. [REDACTED] Well, if we ever get my

1 access back.

2 SPECIAL AGENT FAHEY: Okay. Did Phillip
3 & Getschow indicate they could place you at another
4 facility?

5 MR. [REDACTED] No, they don't have any
6 other --

7 SPECIAL AGENT FAHEY: No other jobs
8 going right now?

9 MR. [REDACTED] Nope. They're kind of slow.

10 SPECIAL AGENT FAHEY: And you don't know
11 whether you would have ultimately been hired at Seabrook?

12 MR. [REDACTED] Well, [REDACTED] he was
13 over at Prairie. That's when we found out we was all
14 denied for true.

15 SPECIAL AGENT FAHEY: Prairie Island?

16 MR. [REDACTED] Yep.

17 SPECIAL AGENT FAHEY: In Monticello?

18 MR. [REDACTED] Not Prairie Island.

19 SPECIAL AGENT FAHEY: Monticello?

20 MR. [REDACTED] Un-unh. What's that one in
21 Ohio?

22 SPECIAL AGENT FAHEY: Perry?

23 MR. [REDACTED] Perry.

24 SPECIAL AGENT FAHEY: Davis Besse?

25 MR. [REDACTED] Yep.

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1 SPECIAL AGENT FAHEY: Which? There are
2 two plants. Perry and Davis Besse. Two words.

3 MR. [REDACTED] Because he was -- What unit
4 he was on, I haven't a clue. But he was escorted off the
5 job.

6 SPECIAL AGENT FAHEY: Which one? Perry
7 or Davis Besse? There's two in Ohio.

8 MR. [REDACTED] Davis Besse.

9 SPECIAL AGENT FAHEY: Davis.

10 MR. [REDACTED] Davis, yep.

11 SPECIAL AGENT FAHEY: Do you know
12 anything about this PADS? Do you know what that is? It's
13 an acronym.

14 MR. [REDACTED] I have no idea.

15 SPECIAL AGENT FAHEY: We won't go into
16 that then. Have you had any conversations with Darlene
17 Peters --

18 MR. [REDACTED] No.

19 SPECIAL AGENT FAHEY: -- about your
20 access?

21 MR. [REDACTED] No.

22 SPECIAL AGENT FAHEY: Okay.

23 MR. [REDACTED] Because the only one I talked
24 to about my access was Randy Cleveland, because they said
25 within seven days we had to send him the -- what the heck

1 you call it -- pla -- you know, the -- Help me out here.

2 SPECIAL AGENT FAHEY: Well, I can't show
3 you these documents because they came from another
4 witness, but was it a Request for Review of Nuclear Access
5 Authorization Denial --

6 MR. [REDACTED] No.

7 SPECIAL AGENT FAHEY: -- Based on
8 Background Information?

9 MR. [REDACTED] No.

10 SPECIAL AGENT FAHEY: Some forms to fill
11 out?

12 MR. [REDACTED] It was a -- we -- They sent
13 me the denial, I sent -- I wrote up my -- what I thought
14 it was supposed to be and sent it back to him.

15 SPECIAL AGENT FAHEY: And it wasn't
16 this?

17 MR. [REDACTED] Nope.

18 SPECIAL AGENT FAHEY: Okay. And then
19 what happened -- when was that, roughly?

20 MR. [REDACTED] I had to send that back to
21 him and I got the denial in February, they told me I had
22 within seven days to get them the reply -- appeal. I had
23 to appeal it within seven days. Within 30 days I would
24 get an answer from them, which it took them roughly two
25 months to give me the answer back. And that's why I kept

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1 asking -- calling Randy Cleveland, what's going on, and he
2 kept saying, We're investigating, investigating, and --
3 and they sent me a denial again.

4 SPECIAL AGENT FAHEY: And do you
5 remember when that was?

6 MR. [REDACTED] That was in April, I believe.
7 Yeah, I think it was in the end of April. I think that's
8 it.

9 SPECIAL AGENT FAHEY: Okay. All right.
10 Let's go off the record one more time.

11 (Discussion off the record.)

12 SPECIAL AGENT FAHEY: Okay. We're back
13 on the record. While we were off the record I provided
14 you with Jim Heller's telephone number. He's our
15 allegations coordinator in Region III. And I discussed
16 with you in general terms about making an allegation of
17 discrimination and what little information I know about
18 the Department of Labor's program. Mr. Heller certainly
19 can provide you with much more detailed information, and
20 you said while we were off the record that you're going to
21 think about it.

22 MR. [REDACTED] Yes.

23 SPECIAL AGENT FAHEY: And you'll contact
24 Mr. Heller if you decide you want to go one way or the
25 other?

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1 MR. [REDACTED] (Nods head affirmatively.)

2 SPECIAL AGENT FAHEY: Okay. I don't
3 have any further questions. Mr. [REDACTED] have I threatened
4 you in any manner, offered you any reward in return for
5 your statement?

6 MR. [REDACTED] Nope.

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

9 MR. [REDACTED] Yes, I did.

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

12 MR. [REDACTED] No. Should be --

13 SPECIAL AGENT FAHEY: Okay. And you
14 have my business card?

15 MR. [REDACTED] Yes.

16 SPECIAL AGENT FAHEY: If there are any
17 documents that you have at home that you think might be
18 pertinent, if there -- if there's just a few, if you could
19 fax them to me, my fax number's on that card. Otherwise,
20 if you put them in the mail to me, copies please, I'd
21 appreciate it.

22 MR. [REDACTED] Yeah.

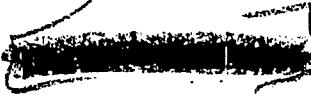
23 SPECIAL AGENT FAHEY: Okay. We're
24 concluded, approximately 12:45.

25 (Concluded at 12:45 p.m.)

CERTIFICATE

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

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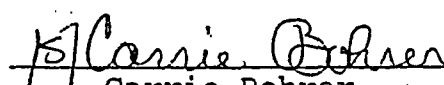


Docket Number: 3-2002-004

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.

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Carrie Bohrer
Official Reporter
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