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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS
INTERVIEW

-----X

IN THE MATTER OF:

:

INTERVIEW OF

:

Docket No.

~~REDACTED~~

:

3-2002-004

(CLOSED)

:

-----X

Thursday, August 29, 2002

Hilton Newark Airport Hotel

1170 Spring Street

Elizabeth, New Jersey

The above-entitled interview was conducted
at 4:30 p.m.

BEFORE:

Special Agent Mary Kay Fahey

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

7C
H-57
EXHIBIT 10

PAGE 1 OF 52 PAGE(S)

3-2002-020
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P-R-O-C-E-E-D-I-N-G-S

4:30 p.m.

SPECIAL AGENT FAHEY: This is the
interview of [REDACTED], spelled [REDACTED]
who is a former welder for Day and Zimmerman Nuclear
Power Systems ^{at} ~~with~~ the Kewaunee Nuclear Power Plant
during the fall outage of 2001.

Today's date is August 29, 2002. The time
is approximately 4:35 p.m.

This interview is being conducted at the
Hilton Newark Airport Hotel located at 1170 Spring
Street, Elizabeth, New Jersey.

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 Mary Ann Massey.

The subject matter of this interview is a
fitness-for-duty concern at the Kewaunee Nuclear Power
Plant during a refuel outage in 2001. And this
incident was brought to the NRC's attention by the
Licensee, Nuclear Management Company.

Mr. [REDACTED] please raise your right hand?
Do you swear that the information you're about to give
is the truth, the whole truth and nothing but the

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1 truth so help you God?

2 MR. [REDACTED] I do.

3 SPECIAL AGENT FAHEY: Okay, and before we
4 went on the record we had discussion and [REDACTED] on
5 February 23, 2002, your [REDACTED]
6 [REDACTED]

7 MR. [REDACTED] Right.

8 SPECIAL AGENT FAHEY: And all
9 documentation that you have ^{now} is in the [REDACTED]
10 [REDACTED]

11 And have you subsequently sought legal
12 counsel for advice on several of the matters we're
13 going to talk about today?

14 MR. [REDACTED] I have.

15 SPECIAL AGENT FAHEY: And are you
16 currently represented by an attorney?

17 MR. [REDACTED] No.

18 SPECIAL AGENT FAHEY: And just for the
19 record, during our telephone conversation when we
20 scheduled this interview, we discussed the fact that
21 you didn't feel it was necessary to have counsel
22 present today. However, if at any time during this
23 interview you feel uncomfortable with the line of
24 questioning, you agree that you'll stop the interview?

25 MR. [REDACTED] Right.

1 SPECIAL AGENT FAHEY: And we'll arrange a
2 second interview with counsel present.

3 And for the record, do you want to put who
4 your attorney is?

5 MR. [REDACTED] John Paul McQuigg.

6 SPECIAL AGENT FAHEY: Is he a [REDACTED]

7 MR. [REDACTED] Yes.

8 SPECIAL AGENT FAHEY: Some background.
9 Date of birth.

10 MR. [REDACTED] [REDACTED]

11 SPECIAL AGENT FAHEY: Social Security
12 Number.

13 MR. [REDACTED] [REDACTED]

14 SPECIAL AGENT FAHEY: Home address.

15 MR. [REDACTED] [REDACTED]

16 [REDACTED]

17 SPECIAL AGENT FAHEY: And home telephone
18 number.

19 MR. [REDACTED] No home telephone. Cell
20 phone number.

21 SPECIAL AGENT FAHEY: Cell phone number.

22 MR. [REDACTED] [REDACTED]

23 SPECIAL AGENT FAHEY: Okay, and some
24 employment history. Where are you currently employed?

25 MR. [REDACTED] I'm currently employed at

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1 Linden Power Plant, Linden, New Jersey.

2 SPECIAL AGENT FAHEY: As a welder?

3 MR. [REDACTED] Yes.

4 SPECIAL AGENT FAHEY: How long have you
5 been here?

6 MR. [REDACTED] Eight days.

7 SPECIAL AGENT FAHEY: And prior to that?

8 MR. [REDACTED] PCI Energy Services,
9 Richmond, Virginia.

10 SPECIAL AGENT FAHEY: How long were you --

11 MR. [REDACTED] I was there for 21 days.

12 SPECIAL AGENT FAHEY: Okay. Do you recall
13 the dates that you worked for Day & Zimmerman, Nuclear
14 Power Systems at Kewaunee?

15 MR. [REDACTED] At Kewaunee, May 5, 2001, I
16 believe was the day that I hired in at Kewaunee. I
17 had just finished up a shutdown at Point Beach and I
18 transferred from Point Beach to Kewaunee. I got laid
19 off on October 12, 2001.

20 SPECIAL AGENT FAHEY: And laid off because
21 the job was finished or terminated?

22 MR. [REDACTED] No, we was laid off. Our
23 job was finished.

24 SPECIAL AGENT FAHEY: And were you a
25 welder at Kewaunee?

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1 MR. [REDACTED] Yes.

2 SPECIAL AGENT FAHEY: And at Point Beach?

3 MR. [REDACTED] Right. Yes.

4 SPECIAL AGENT FAHEY: And then did you
5 have a series of jobs between Kewaunee and Linden
6 Power?

7 MR. [REDACTED] Sure, yes. I went to St.
8 Lucie Power Plant for Day & Zimmerman.

9 SPECIAL AGENT FAHEY: How long were you
10 there?

11 MR. [REDACTED] Twenty-eight days.

12 SPECIAL AGENT FAHEY: Any other nuclear
13 plants?

14 MR. [REDACTED] No, that was my last one.

15 SPECIAL AGENT FAHEY: But that immediately
16 followed *Kewaunee* ~~QI~~?

17 MR. [REDACTED] No, there was about a 3 or
18 4 week lapse in there, I believe. I'd like to say it
19 was longer than that. It was almost a month.

20 SPECIAL AGENT FAHEY: Okay. I said on the
21 record, fall outage, is that what it was? I mean you
22 were hired in in May. Was some of that work you did
23 between May?

24 MR. [REDACTED] There was a lot of pre-fab
25 work before the outage.

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1 SPECIAL AGENT FAHEY: Okay, pre-outage
2 work.

3 And have you worked for NMC since then?

4 MR. [REDACTED] No.

5 SPECIAL AGENT FAHEY: And during the 2001
6 pre-outage at Kewaunee, did you have fitness-for-duty
7 concerns about another employee?

8 MR. [REDACTED] I did.

9 SPECIAL AGENT FAHEY: Who was the employee
10 that you raised the concerns about?

11 MR. [REDACTED]

12 SPECIAL AGENT FAHEY: And do you know what
13 position he held?

14 MR. [REDACTED]: Foreman.

15 SPECIAL AGENT FAHEY: Was he your foreman?

16 MR. [REDACTED] No.

17 SPECIAL AGENT FAHEY: And why did you
18 raise that concern?

19 MR. [REDACTED] Possibility of coming to
20 work under the influence of alcohol.

21 SPECIAL AGENT FAHEY: Why did you reach
22 that conclusion? Can you tell me what you observed?

23 MR. [REDACTED] Because of odor.

24 SPECIAL AGENT FAHEY: Odor of alcohol?

25 MR. [REDACTED] Odor of alcohol. Plus the

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1 rumor.

2 SPECIAL AGENT FAHEY: Rumor of what?

3 MR. [REDACTED] Of coming to work with
4 alcohol smell.

5 SPECIAL AGENT FAHEY: So there were rumors
6 among your co-workers?

7 .. MR. [REDACTED] There were rumors among
8 everybody in the plant.

9 SPECIAL AGENT FAHEY: Okay, that
10 [REDACTED] smelled of alcohol or was unfit for duty?

11 MR. [REDACTED] The smell of alcohol and
12 that there was the possibility that that was not the
13 first time. [REDACTED] I did not know very
14 well.

15 SPECIAL AGENT FAHEY: Did you just
16 interact with him one day?

17 MR. [REDACTED] Well, basically yeah. One
18 time I had an interaction with him and that was the
19 day we were supposed to go -- [REDACTED] and I were
20 supposed to go work for him that day. That was when
21 I told my supervisor that I felt uncomfortable working
22 for this man because of the possibility of him being
23 drunk.

24 SPECIAL AGENT FAHEY: Now is that the same
25 day that you smelled alcohol on him?

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1 MR. [REDACTED] Yes.

2 SPECIAL AGENT FAHEY: So you were in
3 physical close proximity to him?

4 MR. [REDACTED] Correct.

5 SPECIAL AGENT FAHEY: And do you remember
6 what day it was or do you have a rough idea?

7 MR. [REDACTED] It was some time after --
8 some time the end of July.

9 SPECIAL AGENT FAHEY: Pre-outage?

10 MR. [REDACTED] Yes.

11 SPECIAL AGENT FAHEY: Now would there be
12 any record that [REDACTED] supervised you that day?
13 Or was it kind of an off-the-cuff thing, you guys were
14 going to go work for him that day?

15 MR. [REDACTED] Yeah.

16 SPECIAL AGENT FAHEY: And you reported it
17 to your supervisor who was?

18 MR. [REDACTED]

19 SPECIAL AGENT FAHEY: Do you remember
20 *you were?* where ~~he~~ worked? Time of day?

21 MR. [REDACTED] It was probably around an
22 hour after our start time which would have been around
23 8 o'clock a.m. We were in our fab shop and I cannot
24 remember what the name of that building is. It's a
25 tractor shed is what it was. It had been converted

1 over into a temporary fab shop for us.

2 SPECIAL AGENT FAHEY: Okay. Was anybody
3 else present?

4 MR. [REDACTED] Yes. [REDACTED]

5 SPECIAL AGENT FAHEY: Who else?

6 MR. [REDACTED] There were several other
7 people in the vicinity, but as far as being in our
8 little circle of people having a conversation, it was
9 just me and [REDACTED] and [REDACTED]

10 SPECIAL AGENT FAHEY: And what was [REDACTED]
11 [REDACTED] response to you when you raised the concern?

12 MR. [REDACTED] It was kind of like a -- I
13 can't remember exactly word for word what he said, but
14 it was kind of put to me like okay, don't worry about
15 it. I'll take care of it.

16 As a result, we didn't go work for him
17 because of the fact that we did bring that up and the
18 issue wasn't pushed.

19 SPECIAL AGENT FAHEY: Did anybody else go
20 to work for him?

21 MR. [REDACTED] No, not that day.

22 SPECIAL AGENT FAHEY: Do you know if
23 [REDACTED] was requested to be tested?

24 MR. [REDACTED] No, I have no idea.

25 SPECIAL AGENT FAHEY: Back to your

1 observations, did you believe [REDACTED] was unfit for
2 duty or impaired?

3 MR. [REDACTED] To watch him walk, no. To
4 smell him, possibly. I'm not an expert on alcohol.

5 SPECIAL AGENT FAHEY: So no stumbling,
6 slurred speech?

7 MR. [REDACTED] No.

8 SPECIAL AGENT FAHEY: But then again,
9 you're not a doctor.

10 MR. [REDACTED] Right.

11 SPECIAL AGENT FAHEY: And [REDACTED] is the
12 only one you reported the concern to?

13 MR. [REDACTED] Right. And if I'm not
14 mistaken, under Kewaunee Nuclear Plant FFD rules and
15 regulations that is my responsibility is to report it
16 to my immediate supervisor.

17 SPECIAL AGENT FAHEY: Okay. Now after the
18 fact did you tell anybody else that you had raised
19 this concern, co-workers, other supervisors?

20 MR. [REDACTED] Yes.

21 SPECIAL AGENT FAHEY: Who did you tell?

22 MR. [REDACTED] [REDACTED] was made aware of
23 it.

24 SPECIAL AGENT FAHEY: How long after the
25 fact?

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1 MR. [REDACTED] That same day.

2 SPECIAL AGENT FAHEY: Did you do that?

3 MR. [REDACTED] Yeah.

4 SPECIAL AGENT FAHEY: You told ([REDACTED])
5 personally?

6 MR. [REDACTED] Yes.

7 SPECIAL AGENT FAHEY: How much later
8 during the day?

9 MR. [REDACTED] It was close to the end of
10 the work day which would have been somewhere around 3
11 o'clock.

12 SPECIAL AGENT FAHEY: What was his
13 response?

14 MR. [REDACTED] I really can't -- it was
15 kind of a -- not really a surprise to him.

16 SPECIAL AGENT FAHEY: Okay, so he just
17 acknowledged that you gave him the information.

18 MR. [REDACTED] Yes.

19 SPECIAL AGENT FAHEY: Anybody else present
20 when you had the conversation with ([REDACTED])

21 MR. [REDACTED] Yeah, there were several
22 people there, but as far as whether or not they were
23 listening, I couldn't tell you that.

24 SPECIAL AGENT FAHEY: But it was not
25 something that you wanted everyone to know anyway,

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1 right?

2 MR. [REDACTED] Everybody already knew.

3 SPECIAL AGENT FAHEY: Okay.

4 MR. [REDACTED] Construction workers are
5 like a bunch of gossiping people. It's like that old
6 saying if you want to keep a secret, you don't tell no
7 one. It wasn't a big secret on the job. Everybody
8 knew about it.

9 SPECIAL AGENT FAHEY: And who else did you
10 tell that day?

11 MR. [REDACTED] [REDACTED]

12 SPECIAL AGENT FAHEY: How do you spell
13 that last name?

14 MR. [REDACTED] ([REDACTED])

15 SPECIAL AGENT FAHEY: What was her
16 position?

17 MR. [REDACTED] She was the Office Manager
18 for DZ.

19 SPECIAL AGENT FAHEY: What was her
20 response?

21 MR. [REDACTED]: As far as him being drunk or
22 supposedly drunk or the smell of alcohol on him?

23 SPECIAL AGENT FAHEY: Well, what did she
24 say about the information that you were giving her?
25 Is she clerical help?

1 MR. [REDACTED] Yes, she was clerical.

2 SPECIAL AGENT FAHEY: Did she seem
3 surprised?

4 MR. [REDACTED] Not really. I mean, I guess
5 in a roundabout way she probably was. She was
6 probably surprised that he was still there. Because
7 usually to the best of my knowledge when a person is
8 reported for an FFD violation are usually removed from
9 the job that day, shortly after the report. Not for
10 being guilty of the fact, but for testing. Testing
11 don't take 5 or 10 minutes. It usually takes all day.

12 SPECIAL AGENT FAHEY: Did you see
13 [REDACTED] the rest of the day?

14 MR. [REDACTED] No, I didn't see him the
15 rest of the day that day.

16 SPECIAL AGENT FAHEY: Who else did you
17 tell?

18 MR. [REDACTED] That was about it.

19 SPECIAL AGENT FAHEY: Did you tell [REDACTED]
20 on the same day?

21 MR. [REDACTED] Yes, it was that evening
22 after work.

23 SPECIAL AGENT FAHEY: Now I've been told
24 that when you started working that [REDACTED] was a
25 supervisor for a couple of the welders for about a

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1 week before we went over to in-service inspection?

2 MR. [REDACTED]: Uh-huh.

3 SPECIAL AGENT FAHEY: Was he your
4 supervisor?

5 MR. [REDACTED]: Yes, he was.

6 SPECIAL AGENT FAHEY: And during that week
7 that he supervised you, did you notice a smell of
8 alcohol?

9 MR. [REDACTED]: No, because I had no contact
10 with him.

11 SPECIAL AGENT FAHEY: Okay, so on paper he
12 was your supervisor?

13 MR. [REDACTED]: Right.

14 SPECIAL AGENT FAHEY: But didn't
15 physically come out and supervise?

16 MR. [REDACTED]: No, he didn't.

17 SPECIAL AGENT FAHEY: Do you know if he
18 was on site?

19 MR. [REDACTED]: He was on site.

20 SPECIAL AGENT FAHEY: And then how much
21 day to day contact with him after that?

22 MR. [REDACTED]: If I got to work the same
23 time he did and went through security at the same time
24 he did that was about the only contact that I had with
25 him.

1 SPECIAL AGENT FAHEY: Until this one day
2 when you were going to be assigned to work for him?

3 MR. [REDACTED] Correct.

4 SPECIAL AGENT FAHEY: Did you ever have
5 any direct conversation with [REDACTED] about this?

6 MR. [REDACTED] No, I did not.

7 SPECIAL AGENT FAHEY: Even after you left,
8 there haven't been any phone calls or have you
9 contacted him at home or he attempted to contact you?

10 MR. [REDACTED] I personally have not
11 contacted him. I don't know whether my attorney did
12 or not. I know that he was supposed to.

13 SPECIAL AGENT FAHEY: Okay.

14 MR. [REDACTED] I did hear rumor from people
15 up there that was involved in this, that he had been
16 contacted by other people up there in that area. His
17 response was kind of, to the whole situation, was kind
18 of surprising to me, that when we were denied and I
19 mean we, [REDACTED] and I were denied an interview
20 because of all of this by Mr. Hal Walker, what I was
21 told that he wasn't mad. He was mad because [REDACTED]
22 [REDACTED] was still working there and that [REDACTED]
23 said nothing happened to him.

24 SPECIAL AGENT FAHEY: Why shouldn't [REDACTED]
25 something have happened to [REDACTED]

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1 MR. [REDACTED] Because [REDACTED] lied.

2 SPECIAL AGENT FAHEY: About?

3 MR. [REDACTED] About me and [REDACTED]

4 telling him that Mr. [REDACTED] had the smell of
5 alcohol on him.

6 SPECIAL AGENT FAHEY: Okay, and how do you
7 know that?.

8 MR. [REDACTED] That he lied?

9 SPECIAL AGENT FAHEY: Yes.

10 MR. [REDACTED] I got my access denied,
11 that's why.

12 SPECIAL AGENT FAHEY: You've got to draw
13 the connection for me.

14 MR. [REDACTED] I have an affidavit from
15 [REDACTED] stating that [REDACTED] admitted he lied
16 to security when they interviewed Mr. [REDACTED]

17 SPECIAL AGENT FAHEY: Okay. How did you
18 get the affidavit?

19 MR. [REDACTED] I got the affidavit from [REDACTED]
20 [REDACTED] on the telephone. And my lawyer then contacted
21 [REDACTED] and did a phone deposition and I've got a
22 copy of that deposition.

23 SPECIAL AGENT FAHEY: So you telephoned [REDACTED]
24 [REDACTED] first? You had a personal conversation.

25 MR. [REDACTED] Correct.

1 SPECIAL AGENT FAHEY: In which (b)(7)(C)
2 told you that (b)(7)(C) lied, lied to the Licensee's
3 investigator or lied to me, lied to who?

4 MR. (b)(7)(C) Well, this was before the
5 NRC was involved in this.

6 SPECIAL AGENT FAHEY: Okay.

7 MR. (b)(7)(C) This was back in the spring,
8 early spring of this year.

9 SPECIAL AGENT FAHEY: Okay.

10 MR. (b)(7)(C) That he had lied to the
11 Licensee.

12 SPECIAL AGENT FAHEY: Okay. And then a
13 deposition was taken over the phone?

14 MR. (b)(7)(C) Correct.

15 SPECIAL AGENT FAHEY: Was (b)(7)(C)
16 represented, do you know?

17 MR. (b)(7)(C) It was a voluntary
18 deposition.

19 SPECIAL AGENT FAHEY: Were you present?

20 MR. (b)(7)(C) I was not.

21 SPECIAL AGENT FAHEY: So your attorney had
22 a conversation with (b)(7)(C) and as far as you know just
23 the two of them were present?

24 MR. (b)(7)(C) Right, as far as I know.

25 SPECIAL AGENT FAHEY: And your attorney

1 typed up an affidavit?

2 MR. [REDACTED] Correct.

3 SPECIAL AGENT FAHEY: And did [REDACTED]
4 sign it?

5 MR. [REDACTED] No, he did not.

6 SPECIAL AGENT FAHEY: Do you know why he
7 didn't sign it?

8 MR. [REDACTED] Yes, I do.

9 SPECIAL AGENT FAHEY: Would you tell us
10 here today?

11 MR. [REDACTED] Sure. [REDACTED] when he
12 give this deposition over the telephone to [REDACTED]
13 [REDACTED] that he was more than happy to do it, he
14 did it on a voluntary basis. The affidavit was typed
15 up. The affidavit was then sent by registered mail to
16 [REDACTED] for him to sign it in front of a notary and
17 then return it. Thirty days went by and we did not
18 get no return of that deposition, that affidavit. So
19 I called [REDACTED] to find out what. [REDACTED] had
20 been laid off after the outage; And he was trying to
21 get back to work out there, trying to go back to work
22 at Point Beach. And then 30 days that elapsed while
23 we were waiting for the deposition to come back signed
24 by him, he had been sent to Point Beach to go to work.

25 [REDACTED] felt that if he signed that

1 affidavit, that that would put his job in jeopardy, so
2 he refused to sign it.

3 SPECIAL AGENT FAHEY: And why would it put
4 his job in jeopardy?

5 MR. [REDACTED] Because he feels, he still
6 feels this way by the way, he feels that if he was to
7 sign this deposition, him working for under the direct
8 supervisor of [REDACTED] then [REDACTED] will
9 find a way to terminate him and that's what he's
10 afraid of. So he refuses to sign the affidavit. He
11 doesn't refuse the fact that the statements are true.
12 He's refusing to sign it because of retribution.

13 SPECIAL AGENT FAHEY: Okay. What was [REDACTED]
14 [REDACTED] position at the time this all was going on?

15 MR. [REDACTED] [REDACTED] position was he
16 was the project superintendent.

17 SPECIAL AGENT FAHEY: So he was actually
18 [REDACTED] supervisor?

19 MR. [REDACTED] Yes, he was.

20 SPECIAL AGENT FAHEY: Let's back up a
21 little bit to your comment that [REDACTED] was upset
22 with [REDACTED]

23 And this was all hearsay, right? You
24 heard this. You don't know this for a fact.

25 MR. [REDACTED] This information came from

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[REDACTED]

SPECIAL AGENT FAHEY: Okay. Did

[REDACTED] know that you had raised a concern about him, you specifically?

MR. [REDACTED] Yes.

SPECIAL AGENT FAHEY: Do you know how he knew that?

MR. [REDACTED] He was either told by [REDACTED] or [REDACTED] or someone else. I'm not sure. He was told by somebody.

SPECIAL AGENT FAHEY: Was he told at the time or do you think he learned subsequently?

MR. [REDACTED] I think that he found out when Security had started their investigation and interviews with everybody that worked up there on that outage which I think started some time around the first of January of this year.

SPECIAL AGENT FAHEY: So basically, once you raised the concern, you and Mr. [REDACTED] was the matter dropped? There was no other discussion about it?

MR. [REDACTED] Yes, that was the end of it as far as I was concerned there was nothing else ever said about it.

SPECIAL AGENT FAHEY: The outage, or you

7C

1 were all laid off because the job was completed. You
2 all went to different plants to work.

3 MR. [REDACTED] Correct.

4 SPECIAL AGENT FAHEY: And then
5 subsequently in late winter, say November, December,
6 January, questions started getting asked again by the
7 Licensee?

8 MR. [REDACTED] I'm not real sure about
9 that. I live in [REDACTED] I left the very next day
10 after I got laid off and went home.

11 SPECIAL AGENT FAHEY: When was it next
12 raised as far as you're concerned?

13 MR. [REDACTED] January 14, 2002.

14 SPECIAL AGENT FAHEY: Okay. And you were
15 contacted by somebody at home?

16 MR. [REDACTED] Yes, I was. No. I wasn't
17 contacted at home. He called my Union Hall and I just
18 happened to be there.

19 SPECIAL AGENT FAHEY: Who's "he"?

20 MR. [REDACTED] Hal Walker.

21 SPECIAL AGENT FAHEY: He is?

22 MR. [REDACTED] I'm not real sure who he is.
23 He told me -- he identified himself to me as an
24 investigator for employees' concern at Point Beach
25 Nuclear Plant.

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1 SPECIAL AGENT FAHEY: And he asked you
2 questions about this incident?

3 MR. [REDACTED] Yes, he asked me questions
4 about this incident.

5 SPECIAL AGENT FAHEY: Just over the phone?

6 MR. [REDACTED] Yes.

7 SPECIAL AGENT FAHEY: Have you ever met
8 him in person?

9 MR. [REDACTED] No, I have not.

10 SPECIAL AGENT FAHEY: Just one contact
11 with him?

12 MR. [REDACTED] No.

13 SPECIAL AGENT FAHEY: How many would you
14 say?

15 MR. [REDACTED] Two, two contacts.

16 SPECIAL AGENT FAHEY: He called you back?

17 MR. [REDACTED] Yes, he did. Later, it was
18 about 8:30 that same day, that evening.

19 SPECIAL AGENT FAHEY: Any reason why it
20 was two conversations?

21 MR. [REDACTED] Yes, he was unsure about a
22 statement that I had made and he called back to verify
23 it.

24 SPECIAL AGENT FAHEY: Does it have to do
25 with this or does it have to do with that welding

1 stuff?

2 MR. [REDACTED] It had to do with the
3 welding stuff.

4 SPECIAL AGENT FAHEY: And I don't
5 particularly care to get into that, unless it pertains
6 to this.

7 MR. [REDACTED] Well, it does in my case
8 because something now that after everything is done in
9 the Letter of Denial that I got, the paragraph, the
10 statement that he said, he wrote in there that I --
11 that he was quoting me was not true.

12 He asked me about three different items
13 and he got all my comments about different items was
14 all put into one paragraph that had to do with this
15 FFD thing.

16 SPECIAL AGENT FAHEY: So you've seen some
17 sort of report that he prepared?

18 MR. [REDACTED] Yes.

19 SPECIAL AGENT FAHEY: And is it a personal
20 record of the Investigator's or was a report by the
21 Licensee?

22 MR. [REDACTED] It was a report by the
23 Licensee.

24 SPECIAL AGENT FAHEY: How did you see
25 that?

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1 MR. [REDACTED] It was sent to me Registered
2 Mail from NMC.

3 SPECIAL AGENT FAHEY: Is it a public
4 document, anybody can have access to it?

5 MR. [REDACTED] Yes.

6 SPECIAL AGENT FAHEY: Okay. Do you have
7 a copy of it with you?

8 MR. [REDACTED] No, I don't. My attorney
9 has it.

10 SPECIAL AGENT FAHEY: Okay. And is it a
11 page or something, summarizing what you told the
12 Investigator?

13 MR. [REDACTED] The entire document,
14 including all their findings and everything was about
15 six or seven pages. But there was one page that had
16 a paragraph written by them that was supposed to be a
17 quote from me.

18 SPECIAL AGENT FAHEY: And you're telling
19 me here today that that quote that was attributed to
20 you is not accurate.

21 Can you tell me what the quote said and
22 then tell me today what's different about it?

23 MR. [REDACTED] I'm going to tell you I said
24 what they wrote.

25 SPECIAL AGENT FAHEY: Oh, okay.

1 MR. [REDACTED] Okay?

2 SPECIAL AGENT FAHEY: Okay.

3 MR. [REDACTED] But they're saying I said it
4 pertaining to the FFD violation and in fact, it was
5 not said in context to the FFD violation. It was said
6 about something else.

7 SPECIAL AGENT FAHEY: Do you remember what
8 it said?

9 MR. [REDACTED] It had to do with the
10 welding is what it had to do with.

11 SPECIAL AGENT FAHEY: And what was the
12 quote?

13 MR. [REDACTED] The quote that I told him
14 was that I was not a member of the Local 400 up there,
15 Local Union 400. I was a [REDACTED] and I was told by
16 Mr. [REDACTED] that I needed to keep my mouth shut. So
17 in order for me to keep my job, I kept my mouth shut.
18 I didn't say nothing. I didn't raise any concerns
19 about it.

20 That was enough people on that job that
21 knew about it.

22 SPECIAL AGENT FAHEY: Are we talking about
23 the fitness-for-duty?

24 MR. [REDACTED] No, we're talking about the
25 welding.

1 SPECIAL AGENT FAHEY: Welding, okay.

2 MR. [REDACTED]: Yes.. That statement was put
3 in my denial letter, my denial of access letter as
4 pertaining to the FFD violation.

5 SPECIAL AGENT FAHEY: Okay. So it gave
6 the appearance that you didn't report --

7 MR. [REDACTED]: Right.

8 SPECIAL AGENT FAHEY: [REDACTED]

9 MR. [REDACTED]: That's exactly right.

10 SPECIAL AGENT FAHEY: Because you were a
11 [REDACTED]

12 MR. [REDACTED]: Correct.

13 SPECIAL AGENT FAHEY: And you didn't want
14 to create any trouble.

15 MR. [REDACTED]: I'll tell you right now,
16 somebody comes in drunk or anything like that, puts me
17 in jeopardy, yes, I going to report them.

18 SPECIAL AGENT FAHEY: But you're telling
19 me here today that you did report it?

20 MR. [REDACTED]: Yes, I did.

21 SPECIAL AGENT FAHEY: You reported him the
22 day you observed them, the only day you observed him?

23 MR. [REDACTED]: Yes.

24 SPECIAL AGENT FAHEY: Or smelled the
25 alcohol. Okay.

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1 Did anyone else who worked at Kewaunee at
2 the time tell you that they had also reported
3 [REDACTED] beside [REDACTED] who was involved in
4 the same conversation?

5 MR. [REDACTED] Yes, yes.

6 SPECIAL AGENT FAHEY: And who was that?

7 MR. [REDACTED]

8 SPECIAL AGENT FAHEY: Was he also a
9 welder?

10 MR. [REDACTED] Yes.

11 SPECIAL AGENT FAHEY: Do you know when he
12 reported the issue?

13 MR. [REDACTED] Same day.

14 SPECIAL AGENT FAHEY: Was he aware that
15 you had reported it? Or was it just coincidence?

16 MR. [REDACTED] It was just coincidence
17 until later on that day when him and I -- well,
18 actually it was the next day.

19 SPECIAL AGENT FAHEY: So you did not know
20 that each other had reported?

21 MR. [REDACTED] No.

22 SPECIAL AGENT FAHEY: And you had
23 discussed it ahead of time?

24 MR. [REDACTED] No.

25 SPECIAL AGENT FAHEY: No collusion, I'm

1 going to report this guy today?

2 MR. [REDACTED] No.

3 SPECIAL AGENT FAHEY: Nothing like that.

4 MR. [REDACTED] He worked in a different
5 area of the plant than I did.

6 SPECIAL AGENT FAHEY: Did [REDACTED] tell you
7 what kind of response he got?

8 MR. [REDACTED] No. We just -- the
9 conversation between him and I was that it was
10 coincidental that both of us had reported it and of
11 course, this was the next day and [REDACTED] was still
12 there, so undoubtedly he wasn't, he passed his test,
13 if he was tested, if he -- whether or not he was or
14 not, I don't know. And I never asked.

15 SPECIAL AGENT FAHEY: Did [REDACTED] say who he
16 had reported it to?

17 MR. [REDACTED] Yes, [REDACTED]

18 SPECIAL AGENT FAHEY: Any comments by
19 [REDACTED] the next day to any of you?

20 MR. [REDACTED] No. Whether or not there
21 was any to [REDACTED], I don't know. But as far as I
22 know, there wasn't.

23 SPECIAL AGENT FAHEY: Do you know whether
24 [REDACTED] and [REDACTED] discussed it that same day you told
25 them?

1 MR. [REDACTED] No, I don't.

2 SPECIAL AGENT FAHEY: Did [REDACTED] ever
3 give you any indication that he had had discussions
4 with [REDACTED]

5 MR. [REDACTED] No. Not that I can
6 remember. Not within a week or two of it. I know
7 that him and [REDACTED] have talked about it off-site a
8 couple of months later. That's when I found out about
9 [REDACTED] unwilling to sign the affidavit and that's what
10 the affidavit is about, is their conversation off-site
11 a couple of months later.

12 SPECIAL AGENT FAHEY: Any indication that
13 anyone else was present during that conversation
14 besides the two of them?

15 MR. [REDACTED] No, not that I can remember,
16 no.

17 SPECIAL AGENT FAHEY: Did [REDACTED]
18 ever give you any information about any conversations
19 he's had with [REDACTED]

20 MR. [REDACTED] Since all this happened or
21 when this happened?

22 SPECIAL AGENT FAHEY: Since.

23 MR. [REDACTED] Yeah, I think he had told me
24 that he had talked to [REDACTED] about it. As far as
25 I know, nobody has talked to [REDACTED] either [REDACTED]

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1 [REDACTED] or [REDACTED] or myself has talked to [REDACTED]
2 [REDACTED] in the last three months.

3 SPECIAL AGENT FAHEY: Do you know where he
4 is now?

5 MR. [REDACTED] No, I do not.

6 SPECIAL AGENT FAHEY: Okay, and I asked
7 you if you had any first hand knowledge that [REDACTED]
8 was not truthful, or you told me that you had
9 firsthand knowledge?

10 MR. [REDACTED] Yes, I do have that.

11 SPECIAL AGENT FAHEY: Have you had any
12 conversations with [REDACTED] since you left Kewaunee?

13 MR. [REDACTED] No, I have not.

14 SPECIAL AGENT FAHEY: Okay, let's talk
15 about training. You've already made a statement that
16 you felt that your responsibility was to raise this
17 concern to your immediate supervisor.

18 MR. [REDACTED] At Kewaunee Nuclear Power
19 Plant, yes, that is my -- that was my -- that is in
20 the training manual, by the way. Also, several pieces
21 of document that is posted on the NMC's website as far
22 as dealing with fitness-for-duty, the responsibilities
23 of workers is to report it to their immediate
24 supervisor.

25 SPECIAL AGENT FAHEY: And as a contractor,

1 your immediate supervisor was a Day & Zimmerman
2 supervisor?

3 MR. [REDACTED] Right, which was [REDACTED]

4 [REDACTED]
5 SPECIAL AGENT FAHEY: Okay, and when you
6 arrived on site at Kewaunee, did you receive general
7 employee training?

8 MR. [REDACTED] Yes, I did.

9 SPECIAL AGENT FAHEY: And was that
10 provided by NMC or was it provided by Day & Zimmerman?

11 MR. [REDACTED] No, it was provided by NMC.

12 SPECIAL AGENT FAHEY: Okay. Were you
13 required to take a test on the material?

14 MR. [REDACTED] Sure.

15 SPECIAL AGENT FAHEY: Did you pass the
16 test?

17 MR. [REDACTED] Sure.

18 SPECIAL AGENT FAHEY: Do you recall
19 whether there was specific questions about
20 fitness-for-duty?

21 MR. [REDACTED] Yes, there was.

22 SPECIAL AGENT FAHEY: And you just stated
23 what you felt was the appropriate procedure?

24 MR. [REDACTED] Correct.

25 SPECIAL AGENT FAHEY: If you or any

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1 employee suspects that someone is not fit for duty and
2 -you feel that you followed their procedure?

3 MR. [REDACTED] Yes, I do.

4 SPECIAL AGENT FAHEY: And do you
5 personally, as a contract employee, have any authority
6 to ask another employee to go be tested?

7 MR. [REDACTED] Ask that question again.

8 SPECIAL AGENT FAHEY: Could you ask
9 another employee to go get tested if you thought they
10 were unfit?

11 MR. [REDACTED] Can I ask that employee?

12 SPECIAL AGENT FAHEY: Yes.

13 MR. [REDACTED] No.

14 SPECIAL AGENT FAHEY: I mean if you said
15 to [REDACTED] I don't think you're fit for duty, go
16 get tested, you have no authority to order him to go?

17 MR. [REDACTED] No, I do not.

18 SPECIAL AGENT FAHEY: All right and I
19 already asked you if you knew whether [REDACTED] was
20 ever tested, ^{based} best on your --

21 MR. [REDACTED] I do not. I do not know.

22 SPECIAL AGENT FAHEY: Okay. Now tell me
23 what your understanding is about coming to work ^{unfit} ~~on fit~~
24 for duty. Is there a certain hour rule or something,
25 you're not supposed to drink so many hours --

1 MR. [REDACTED] You're not supposed to drink
2 -five hours.

3 SPECIAL AGENT FAHEY: Five hours?

4 MR. [REDACTED] You can even drink six,
5 seven hours before you come to work and still be on
6 the limits. I mean you have limits that you have to
7 be under.

8 SPECIAL AGENT FAHEY: And if you feel that
9 you are unfit for duty, you're supposed to call in?

10 MR. [REDACTED] Right.

11 SPECIAL AGENT FAHEY: And tell them that
12 you can't come to work?

13 MR. [REDACTED] That's correct. You're
14 supposed to call and don't show up at the gate.

15 SPECIAL AGENT FAHEY: Did you tell the NMC
16 Investigator that you did not report your concern
17 regarding the smell of alcohol to anyone?

18 MR. [REDACTED] No, I told him I did report
19 it.

20 SPECIAL AGENT FAHEY: And you told him you
21 reported it to [REDACTED]

22 MR. [REDACTED] Correct.

23 SPECIAL AGENT FAHEY: Did you tell the
24 Investigator that you were told to keep your mouth
25 shut, however, it was taken out of context?

1 MR. [REDACTED] I was told to keep my mouth
2 shut about the problems with the welding.

3 SPECIAL AGENT FAHEY: Right.

4 MR. [REDACTED] It wasn't nothing to do with
5 FFD.

6 SPECIAL AGENT FAHEY: Okay. Was there any
7 animosity between you and [REDACTED]

8 MR. [REDACTED] No.

9 SPECIAL AGENT FAHEY: How about between
10 you and [REDACTED]

11 MR. [REDACTED] Yes.

12 SPECIAL AGENT FAHEY: Before this
13 happened?

14 MR. [REDACTED] Yes.

15 SPECIAL AGENT FAHEY: Yes, okay. You want
16 to explain that a little bit on the record?

17 MR. [REDACTED] Sure. I'm going to have to.
18 To really give you a real good feeling of what
19 happened, I was here in New Jersey working. Marie
20 Artz called me. This was about a week before the
21 Point Beach outage. They were needing welders really
22 bad. She called me three times and asked me to come
23 over to to work.

24 The third time the project superintendent
25 for DZ, Jack Hammers, was in the office. I was on the

1 speaker phone with him. Mr. Hammers told me that --
2 my concern was coming all the way to Wisconsin to work
3 for 14 days and then be without a job and he told me
4 that if I would come and help him out with the outage
5 at Point Beach that they would roll me directly over
6 to Kewaunee and I could stay right there and work all
7 the way through the January change out.

8 SPECIAL AGENT FAHEY: Which was expected
9 to be?

10 MR. [REDACTED] Eighty some odd days
11 starting in -- the end of September.

12 SPECIAL AGENT FAHEY: Okay.

13 MR. [REDACTED] So with him telling me that,
14 I left here in New Jersey, quit my job in New Jersey
15 and drove out there and worked the outage. Was sent
16 to Kewaunee after the outage as a welder. There was
17 myself and one other welder sent. The local employees
18 had a real problem with that because I was a [REDACTED]
19 There were local welders that were out of work. But
20 Mr. Hammers had made a promise to me and I made a
21 promise to Mr. Hammers and [REDACTED] was part of that
22 because Mr. Hammers left. He left employment for DZ
23 and went to work for somebody else.

24 ([REDACTED]) kept Jack's word that I didn't
25 have to worry about becoming unemployed. And I stayed

1 there and I worked.

2 SPECIAL AGENT FAHEY: Why a problem with

3 [REDACTED]
4 MR. [REDACTED] Because [REDACTED] was a member
5 of Local 400 which is the --

6 SPECIAL AGENT FAHEY: That's the Green Bay
7 Local?

8 MR. [REDACTED] That's the Green Bay Local
9 and he felt that I did not need to be there.

10 SPECIAL AGENT FAHEY: That you actually
11 took somebody else's --

12 MR. [REDACTED] Right. And he knew that he
13 could not get rid of me because he had no legal means
14 to terminate me and he couldn't lay me off because [REDACTED]
15 [REDACTED] wouldn't let him.

16 So therefore Mr. [REDACTED] had kind of bad
17 taste in his mouth for me. That was kind of how it
18 was. I tried to stay clear of him and he watched me
19 like a hawk.

20 SPECIAL AGENT FAHEY: Do you think that
21 [REDACTED] denying that you raised a concern is
22 retaliation for being from outside the area?

23 MR. [REDACTED] It would be just pure
24 speculation, but given everything I know --

25 SPECIAL AGENT FAHEY: What do you think

1 [REDACTED] motive would be for that, admitting that you
2 -guys had mentioned this to him?

3 MR. [REDACTED] Well, several things there.
4 He had animosity towards me for being there knocking
5 one of his local brothers out of work. Okay. Also,
6 he knows that if he was to have told Security when
7 they did their investigating and I mean NMC, when they
8 did their investigation, the initial investigation
9 about this, if he had told them that we did tell him,
10 then that would put him in hot water. He could
11 possibly lose his access.

12 SPECIAL AGENT FAHEY: Because he didn't do
13 anything about it at the time?

14 MR. [REDACTED] Because we find out now that
15 nothing was done about it when it was reported, so
16 therefore that would put him in the hot seat, instead
17 of us.

18 When this investigation was done, I wasn't
19 in the area, so my investigation, the interview was
20 done by telephone. Everybody else was done in person,
21 like we are now. You can get a whole lot more out of
22 a person by looking at them than you can by with the
23 telephone.

24 SPECIAL AGENT FAHEY: Yes, you can.

25 MR. [REDACTED] So.

1 SPECIAL AGENT FAHEY: How about any
2 animosity between [REDACTED] and [REDACTED]

3 MR. [REDACTED] Oh yeah, they fought like
4 cats and dogs. Everybody knows that. But then again,
5 it was just -- it wasn't nothing major, but it was
6 just differences of opinion, you know.

7 SPECIAL AGENT FAHEY: Did they know each
8 other?

9 MR. [REDACTED] Sure. Known each other for
10 years.

11 SPECIAL AGENT FAHEY: Had [REDACTED] been
12 promised [REDACTED]'s job?

13 MR. [REDACTED] I can't say one way or the
14 other.

15 SPECIAL AGENT FAHEY: Have you heard that
16 though?

17 MR. [REDACTED] I heard that, yes.

18 SPECIAL AGENT FAHEY: Does the fact that
19 you raised concerns about [REDACTED] is that
20 retaliation for any disagreement you might have had
21 over the welding issues that surfaced? I mean did you
22 have an ulterior motive for reporting [REDACTED]

23 MR. [REDACTED] Yeah, I had an ulterior
24 motive. Sure.

25 SPECIAL AGENT FAHEY: I mean other than

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1 you suspected he might be unfit for duty? Did you do
2 it to get back at him because there was some problem
3 about the welding issues?

4 MR. [REDACTED] No, no. [REDACTED]
5 didn't have nothing to do with welding issues.

6 SPECIAL AGENT FAHEY: Okay. So it was not
7 retaliation?

8 MR. [REDACTED] No.

9 SPECIAL AGENT FAHEY: By you against him
10 for anything?

11 MR. [REDACTED] No. If I got a problem with
12 somebody, I come up to them and tell them.

13 SPECIAL AGENT FAHEY: And you didn't know
14 [REDACTED] before you arrived on site, did you?

15 MR. [REDACTED] No.

16 SPECIAL AGENT FAHEY: Did you work with
17 him at Point Beach?

18 MR. [REDACTED] No. I had never met the man
19 until he came to work because I was there before he
20 came.

21 SPECIAL AGENT FAHEY: Is there any
22 documentation of this fitness-for-duty concern? Any
23 sort of problem report, condition report, employee
24 concerns report?

25 MR. [REDACTED] That was made when it was

1 reported?

2 SPECIAL AGENT FAHEY: Yes.

3 MR. [REDACTED] Not to my knowledge.

4 SPECIAL AGENT FAHEY: Is there now?

5 MR. [REDACTED] If there is, I do not have
6 a copy of it and I have not been made aware of it.

7 SPECIAL AGENT FAHEY: Has NMC ever
8 discouraged you or anyone else that you know of to
9 report fitness-for-duty concerns?

10 MR. [REDACTED] As far ^{as} reporting them, no.

11 SPECIAL AGENT FAHEY: But -- it sounds
12 like you want to say something else.

13 MR. [REDACTED] As far as how I report it,
14 no. There's a -- I won't report it the same way.

15 It will be done in writing with a witness,
16 you know, such as Security or a member of upper
17 management.

18 SPECIAL AGENT FAHEY: Okay, but at the
19 time you worked there, no one ever told you it's
20 inappropriate to report somebody for fitness-for-duty?

21 MR. [REDACTED] No, nobody ever told me.

22 SPECIAL AGENT FAHEY: You were given the
23 training and that's what the expectation was or you
24 believed was the expectation at the time?

25 MR. [REDACTED] Sure.

1 SPECIAL AGENT FAHEY: Was there any
2 unspoken or unwritten rule that you just didn't report
3 another worker or another Union member?

4 MR. [REDACTED] No, no, no.

5 SPECIAL AGENT FAHEY: So everybody there
6 seems clear about the necessity of not being unfit at
7 a nuclear power plant?

8 MR. [REDACTED] Right, yes.

9 SPECIAL AGENT FAHEY: Did the Union ever
10 discourage employees from reporting concerns?

11 MR. [REDACTED] No, not that I know of, no.

12 SPECIAL AGENT FAHEY: And we talked about
13 this a little before we went on the record, knowing
14 today what you know, would you be hesitant to report
15 a fitness-for-duty concern at Kewaunee or Point Beach
16 in the future?

17 MR. [REDACTED] Would I be hesitant?

18 SPECIAL AGENT FAHEY: Yes.

19 MR. [REDACTED] No, I would not.

20 SPECIAL AGENT FAHEY: But I think you
21 stated earlier, you'd just make sure it was done in
22 writing and documented?

23 MR. [REDACTED] Yes, it would be documented
24 right there when I reported, made a report.

25 SPECIAL AGENT FAHEY: Okay, - what about

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1 your co-workers? Do you think they'd be hesitant to
2 step forward?

3 MR. [REDACTED] No.

4 SPECIAL AGENT FAHEY: Let's talk a little
5 bit about your access being denied.

6 Have you actually applied for any future
7 employment with NMC since you left Kewaunee?

8 MR. [REDACTED] No.

9 SPECIAL AGENT FAHEY: How is it that you
10 became aware that your access was going to be denied?

11 MR. [REDACTED] I took a call for the outage
12 at Davis-Besse.

13 SPECIAL AGENT FAHEY: From Day &
14 Zimmerman?

15 MR. [REDACTED] No. Well, yes, I found out
16 when I got there it was Day & Zimmerman.

17 SPECIAL AGENT FAHEY: Okay.

18 MR. [REDACTED] When I took the call I
19 didn't know who my employer was going to be.

20 SPECIAL AGENT FAHEY: And when was this
21 going to be?

22 MR. [REDACTED] Some time in January. It
23 was the end of January of this year.

24 SPECIAL AGENT FAHEY: Okay.

25 MR. [REDACTED] My second day, no, actually,

1 my third day on site at ~~Davis-Besse~~ I was removed
2 from site with armed security and was not told why
3 until I was removed from the site.

4 SPECIAL AGENT FAHEY: What did they tell
5 you?

6 MR. [REDACTED] They told me that I had been
7 denied access at Kewaunee. So therefore, they were
8 not going to grant me access.

9 SPECIAL AGENT FAHEY: And did they know
10 why?

11 MR. [REDACTED] Yes, they knew it was a
12 fitness-for-duty issue.

13 SPECIAL AGENT FAHEY: Anything more
14 specific?

15 MR. [REDACTED] No.

16 SPECIAL AGENT FAHEY: You didn't report a
17 fitness-for-duty or you did report it?

18 MR. [REDACTED] As far as I know, the only
19 thing they knew was that I was in violation of a FFD
20 rule.

21 SPECIAL AGENT FAHEY: Did you attempt to
22 call them, NMC, and find out what it was all about?

23 MR. [REDACTED] Yes, I did. That day.

24 SPECIAL AGENT FAHEY: Who did you speak
25 to?

1 MR. [REDACTED] Darlene Peterson.

2 SPECIAL AGENT FAHEY: What did she tell
3 you?

4 MR. [REDACTED] She told me that I was under
5 investigation for an FFD violation and that was all
6 she would tell me. She wouldn't tell me anything
7 else. Well, she did tell me there was a "flag on me
8 in PADS."

9 And until the investigation was completed
10 by them, that flag would remain in PADS and with that
11 flag being in PADS, there was no nuclear plant in the
12 United States that is going to give me unescorted
13 access.

14 SPECIAL AGENT FAHEY: Now is this
15 conversation with Darlene Peters before you spoke to
16 the Investigator or after?

17 MR. [REDACTED] This is after.

18 SPECIAL AGENT FAHEY: After. So you had
19 already spoken to Mr. Walker?

20 MR. [REDACTED] Yes. Mr. Walker, I spoke to
21 him on January 14th.

22 SPECIAL AGENT FAHEY: Okay. Did they send
23 you any sort of formal documentation that you have
24 been denied access?

25 MR. [REDACTED] Yes, I received a register

1 letter from them, February. February 11th, I believe,
2 11th or 12th. I don't have that letter with me, so
3 I'm not sure about the date.

4 SPECIAL AGENT FAHEY: Did that letter say
5 basically the same thing that Darlene had told you?

6 MR. [REDACTED] Well, it explained to me why
7 I had been denied access. This letter that I got from
8 them did officially deny my access for a period of one
9 year which the period began September of my denial of
10 unescorted access was due to untrustworthiness.

11 SPECIAL AGENT FAHEY: Was that explained
12 in the letter or is it just that vague reference?

13 MR. [REDACTED] It was that vague reference.

14 SPECIAL AGENT FAHEY: Did you speak to
15 anybody else?

16 MR. [REDACTED] Yes, I spoke to Randy
17 Cleveland.

18 SPECIAL AGENT FAHEY: What did he tell
19 you?

20 MR. [REDACTED] He didn't tell me nothing.

21 SPECIAL AGENT FAHEY: When did you speak
22 with him? Was it after Darlene?

23 MR. [REDACTED] Yes, it was after Darlene.
24 I made several attempts to try to find out exactly
25 what was going on and this was all within --- this was

1 all before I received my letter, the registered
2 letter. I was trying to speak to anybody that knew
3 anything to -- I wanted to know what was going on.
4 This was the first that I heard. That was the first
5 that I heard anything about any of this.

6 SPECIAL AGENT FAHEY: Right, and when you
7 got your letter, did it tell you you could appeal the
8 decision?

9 MR. [REDACTED] Yes.

10 SPECIAL AGENT FAHEY: Did you do that?

11 MR. [REDACTED] Yes, I did.

12 SPECIAL AGENT FAHEY: And what was the
13 response?

14 MR. [REDACTED] The response was you're
15 still denied.

16 SPECIAL AGENT FAHEY: Do you intend to
17 resubmit September 1st?

18 MR. [REDACTED] Yes, yes, I do.

19 SPECIAL AGENT FAHEY: Anything that your
20 attorney has told you has transpired since you
21 attempted to contact NMC about your access? Has your
22 attorney done some work?

23 MR. [REDACTED] Yes, he's done a lot of
24 investigating, getting affidavits and everything from
25 [REDACTED] and also pulled up all the -- he's done a

1 lot of work on previous cases and things like that.
2 And I should have all that in my possession by the end
3 of next week.

4 SPECIAL AGENT FAHEY: And if it's
5 appropriate, if you could fax or send me some of that
6 stuff.

7 MR. [REDACTED] Sure.

8 SPECIAL AGENT FAHEY: If it will help.

9 MR. [REDACTED] Sure.

10 SPECIAL AGENT FAHEY: I don't know if I
11 have any other questions. Is there anything else that
12 you want to raise?

13 MR. [REDACTED] The only thing that I really
14 want you to know on the record is that the whole issue
15 of the FFD violation with Mr. [REDACTED] the day that
16 it happened and the week that it happened, that that
17 was probably fumbled by a lot of people and it all
18 ~~involved~~ ^{revolved} around Mr. [REDACTED]

19 The investigation that was done or the
20 interview that was done by Mr. Walker, I feel was done
21 illegally and it was done with deception by him
22 stating that he was an Investigator for Employees'
23 Concerns. Employees' Concerns and Nuclear Security
24 are two totally different things. You're told every
25 nuclear plant that you go in that if you have any

1 issues, have any questions, you're free to talk to
2 Employees' Concerns. They're there to help you to
3 resolve issues or problems.

4 And us, as workers, rely on things like
5 that to help us get things across to people that are
6 a little bit stubborn, maybe, hard headed, that may be
7 trying to take things too fast. You know what I mean?

8 And when somebody calls you on the
9 telephone and identifies themselves as that person,
10 you're supposed to be able to talk to them and not
11 fear any type of retribution. In this case, I talked
12 to him like I felt I didn't have to worry about
13 anything that I said because it was supposed to remain
14 confidential.

15 I talked to him on January 14th. My
16 access was denied on January 15th, the very next day.
17 That's kind of coincidental.

18 And also, he worked very diligently to
19 find me by telephone to do this interview. He could
20 have called me back the next day and told me don't
21 bother drive all the way to Ohio, don't spend your
22 money to work because you're not going to be able to.
23 Which I know are minor little things there that really
24 don't matter to anybody, but they matter to me.

25 As far as FFD rules and regulations, I

1 think they're very important. I'm not going to bend
2 the rules for anybody, whether they're a friend of
3 mine or somebody I don't like. They're there for all
4 of us.

5 SPECIAL AGENT FAHEY: And [REDACTED] never
6 asked you about the rules?

7 MR. [REDACTED] No. No. And this is the
8 type of person I am. This ain't got nothing to do
9 with -- but this tells you what type of person I am.
10 My best friend used to work for me. I fired him one
11 day and he lived with me. That's what type of person
12 I am. When it comes to rules, when it comes to rules
13 on a job, I hold them --

14 SPECIAL AGENT FAHEY: You fired him
15 because he broke the rules?

16 MR. [REDACTED] Yes.

17 SPECIAL AGENT FAHEY: Fitness-for-duty
18 rules?

19 MR. [REDACTED] No. Insubordination.
20 That's just to show you what type of person I am. I
21 don't show any favoritism. If somebody has done
22 something wrong, something needs to be done about it.
23 And I'm going to try my best. I hope that this gets
24 straightened out, I really do. I mean it needs to.
25 The whole thing was screwed up from the get go. NMC's

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7C

1 investigation and also I do want to let you know this,
2 I don't know if anybody has told you or if you know,
3 but Mr. Cleveland, when I talked to him in July of
4 this year, actually June, I'm sorry, end of June this
5 year, I did give him a copy of this affidavit I have
6 from [REDACTED] I talked to him on the telephone.
7 Told him that I did have this information and I did
8 feel that it would help my case as far as being denied
9 access. He told me that as far as he was concerned,
10 the only sites that this denial of access pertained to
11 was NMC sites, which the way I understand it there's
12 only five of them and they're in Wisconsin and
13 Minnesota, I believe, if I'm correct.

14 He was unaware that him denying me access
15 in those plants had also denied me access everywhere
16 else and I figured that somebody being in the position
17 that he is ought to know that.

18 SPECIAL AGENT FAHEY: Do you know what
19 PADS is?

20 MR. [REDACTED] It's a centralized data base
21 that's got everybody's information as far as
22 clearances go.

23 As far as what the acronym stands for, I'm
24 not real sure.

25 SPECIAL AGENT FAHEY: Okay, anything else?

1 MR. [REDACTED] I guess that's it.

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

5 MR. [REDACTED] No.

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

8 MR. [REDACTED] Yes.

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

11 MR. [REDACTED] No.

12 SPECIAL AGENT FAHEY: Okay, we're off at
13 5:30.

14 (Whereupon, at 5:30 p.m., the interview
15 was concluded.)

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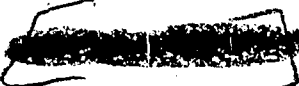
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CERTIFICATE

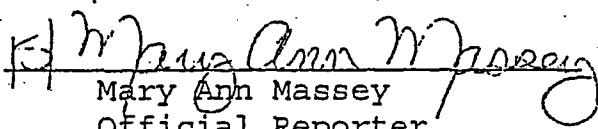
This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission
in the matter of:

Name of Proceeding: Interview of 

Docket Number: 3-2002-004

Location: Elizabeth, New Jersey

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.


Mary Ann Massey
Official Reporter
Neal R. Gross & Co., Inc.

