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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



-----X

RADISSON HOTEL & CONFERENCE CENTER  
2040 Airport Drive  
Green Bay, Wisconsin

Monday, August 5, 2002

The above-entitled interview was conducted at  
10:05 a.m.

BEFORE:

MARY KAY FAHEY Special Agent

EXHIBIT 2 H-61

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions X  
FOIA- 2006-113

PATRICK R. McPHAIN Business Agent

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

(10:05 a.m.)

1  
2  
3 Whereupon,

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

7 SPECIAL AGENT FAHEY: Okay. For the  
8 record, this is an interview of [REDACTED] who was a  
9 welder who was formerly employed by Day & Zimmerman  
10 Nuclear Power Systems at the Kewaunee Nuclear Power  
11 Station.

12 Today's date is August 5, 2002. The time  
13 is approximately 10:05 a.m. This interview is being  
14 conducted at the Radisson Hotel in the Executive Board  
15 Room at 2040 Airport Drive, Green Bay, Wisconsin.

16 My name is Mary Kay Fahey. I'm a special  
17 agent with the U.S. Nuclear Regulatory Commission's Office  
18 of Investigations in Region III. This interview is being  
19 transcribed by court reporter Christie Wydeven. Also  
20 present at Mr. [REDACTED] request is Pat McPhail, Business  
21 Agent for the Plumbers & Steamfitters Local 400 out of  
22 Green Bay, Wisconsin.

23 And the subject matter of this interview  
24 is a fitness-for-duty concern at the Kewaunee Nuclear  
25 Power Plant for a refuel outage in 2001, and Mr. [REDACTED]

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1 was previously sworn by the court reporter at the  
2 beginning.

3 And prior to going on the record we just  
4 discussed the ground rules, Mr. [REDACTED] that you must  
5 answer the questions, not Mr. McPhail. If there's  
6 anything you care to discuss before you answer a question,  
7 we'll go off the record and give you that opportunity.  
8 And if it looks like, based on your testimony, that  
9 Mr. McPhail has anything to add, I'll interview him  
10 separately.

11 Okay. How about some background  
12 information. Date of birth?

13 THE WITNESS: [REDACTED]

14 SPECIAL AGENT FAHEY: Social Security  
15 number?

16 MR. [REDACTED] [REDACTED]

17 SPECIAL AGENT FAHEY: Okay. Home  
18 address?

19 MR. [REDACTED] [REDACTED]

20 [REDACTED]  
21 SPECIAL AGENT FAHEY: Home telephone  
22 number?

23 MR. [REDACTED]

24 SPECIAL AGENT FAHEY: And your employer?

25 MR. [REDACTED] J.F. Ahern.

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1 SPECIAL AGENT FAHEY: I'm sorry?

2 MR. [REDACTED] J.F. Ahern.

3 SPECIAL AGENT FAHEY: And when did you  
4 begin there?

5 MR. [REDACTED] March.

6 SPECIAL AGENT FAHEY: 2002?

7 MR. [REDACTED] 2002.

8 SPECIAL AGENT FAHEY: Okay. And what's  
9 your title there or position?

10 MR. [REDACTED] Welder.

11 SPECIAL AGENT FAHEY: Okay. Were you  
12 employed by Day & Zimmerman?

13 MR. [REDACTED] Was I? Yes.

14 SPECIAL AGENT FAHEY: Yes.

15 MR. [REDACTED] Yes.

16 SPECIAL AGENT FAHEY: And what were the  
17 dates you were employed?

18 MR. [REDACTED] Exact dates, I couldn't  
19 tell you. That I spent pretty much from when they started  
20 off out at the nuclear facility until November, had a  
21 brief stint in there where I was gone for maybe a month or  
22 two, but for the most part I was out there the whole time  
23 they were there.

24 SPECIAL AGENT FAHEY: Okay.

25 MR. [REDACTED] They took over for Williams

1 Power.

2 SPECIAL AGENT FAHEY: And that's 2001?

3 MR. [REDACTED]: Yeah.

4 SPECIAL AGENT FAHEY: And where, what  
5 plant were you employed at?

6 MR. [REDACTED] I was both, Point Beach and  
7 Kewaunee. Point Beach for the majority of the time;  
8 Kewaunee for the outage, pre-outage and outage. After  
9 outage, I went back to Point Beach for a couple, three  
10 weeks maybe, estimate.

11 SPECIAL AGENT FAHEY: Okay. And  
12 position, welder also?

13 MR. [REDACTED] Welder, yeah.  
14 Welder/fitter but welder qualifications.

15 SPECIAL AGENT FAHEY: And the reason why  
16 you're no longer employed by Day & Zimmerman?

17 MR. [REDACTED] Well, when we left Point  
18 Beach, we left mainly because of safety issues, had  
19 problems up in the cable spreading room. There were --  
20 exact numbers I couldn't tell you how many people, but  
21 there was a handful of us that left.

22 SPECIAL AGENT FAHEY: Quit?

23 MR. [REDACTED] Yeah. Issues were not  
24 taken care of that should have been taken care of.

25 SPECIAL AGENT FAHEY: Okay. Was that in

1 early 2002 would you say?

2 MR. [REDACTED]: That was in, I believe,  
3 November of --

4 SPECIAL AGENT FAHEY: 2001?

5 MR. [REDACTED]: 2001. That was the last  
6 time I worked there.

7 SPECIAL AGENT FAHEY: Okay. When you  
8 left Kewaunee, did you leave there because the outage was  
9 complete?

10 MR. [REDACTED]: Pretty much. They were  
11 wrapping up and then they needed me back at Point Beach.

12 SPECIAL AGENT FAHEY: And is that typical  
13 that you go -- the workers go back and forth?

14 MR. [REDACTED]: They started doing that  
15 now. They seemed like they've merged the two where  
16 they're allowing -- transport them between the two of them  
17 back and forth.

18 SPECIAL AGENT FAHEY: Okay. All right.  
19 And when you went to Point Beach from Kewaunee, was there  
20 any problem in getting hired there?

21 MR. [REDACTED]: No.

22 SPECIAL AGENT FAHEY: Okay. But you've  
23 indicated to Mr. Heller at the NRC that subsequently  
24 you've had trouble --

25 MR. [REDACTED]: Oh, yeah.

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SPECIAL AGENT FAHEY: -- getting hired in nuclear power plants?

MR. [REDACTED] At any of them, yes.

SPECIAL AGENT FAHEY: Okay. And where have you had access denied?

MR. [REDACTED] I've had them at Point Beach and Kewaunee.

SPECIAL AGENT FAHEY: And when roughly?

MR. [REDACTED] When?

SPECIAL AGENT FAHEY: Yes.

MR. [REDACTED] I believe it was November we called back in there. Let's see. November, December. Oh, yes.

SPECIAL AGENT FAHEY: Do you have a letter indicating you were denied access?

MR. [REDACTED] Yes. This came from our local hall.. February. I'm sorry.

SPECIAL AGENT FAHEY: Okay. And this is a letter from United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 400, to Mr. [REDACTED] from Patrick McPhail. On February 11, 2002, several names were submitted to Phillips Getchow, G-e-t-c-h-o-w, for employment at Point Beach, and the union was informed that Mr. [REDACTED] would not be given access to the plant. This was in February of

1 2002. But after you left Kewaunee you did go and work at  
2 Point Beach?

3 MR. [REDACTED]: Yes.

4 SPECIAL AGENT FAHEY: Then you left  
5 there --

6 MR. [REDACTED]: Yep.

7 SPECIAL AGENT FAHEY: -- and you worked  
8 somewhere else?

9 MR. [REDACTED]: Yeah, I went up to New  
10 Hampshire.

11 SPECIAL AGENT FAHEY: And where did you  
12 work, in a nuclear power plant there?

13 MR. [REDACTED]: No, I worked at the  
14 powerhouse, non-nuclear facility cogeneration and then  
15 came back.

16 SPECIAL AGENT FAHEY: And tried to get  
17 work?

18 MR. [REDACTED]: Actually, no. When we were  
19 out in New Hampshire, the outage for Point Beach was going  
20 to be going and we called -- we were -- we're regular  
21 outage people, we go when the outages are, and we called  
22 to get back out to the nuclear facility, and we're not  
23 going to get out there.

24 SPECIAL AGENT FAHEY: Okay. Did you  
25 actually physically move back or you just got work while

1 you were in Vermont -- in New Hampshire?

2 MR. [REDACTED] No, we called first to find  
3 out when the outage was going to go on and what needed to  
4 be done and finally friends of ours from Getschow called  
5 us up and said, I don't think you're going to make this  
6 one. I said, why is that? They said that you are going  
7 to have problems with your access. At that point I called  
8 Pat, our business manager, asked Pat McPhail, business  
9 manager, asked what the problems --

10 MR. ~~MCPHAIL~~ Agent.

11 MR. [REDACTED] -- agent, sorry, business  
12 agent, and I said I heard that I've got problems with  
13 access. Is this true? Pat said he was going to check  
14 into it. Pat checked into it, said yeah, it seems like  
15 you've got some problems, some issues. At that point,  
16 working at the Beach, we knew everybody pretty well. I  
17 just called Darlene Peters up and said, Darlene, what's  
18 going on? I hear I got problems with my access. She  
19 goes, yeah, there's an investigation going on. Your name  
20 has been brought up and right now we've got you on, quote,  
21 "red flag." I asked her what red flag meant and she just  
22 said, well, you're one of the people that we're looking at  
23 and we're just getting information from. At that point I  
24 asked how long it was going to be. She said, oh, it  
25 shouldn't take long. A couple weeks you should be all

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1 right. I called Pat back, and ever since still been -- up  
2 until I think last month I've been -- I was on red flag  
3 for eight months. Finally got an official denial like  
4 last month.

5 SPECIAL AGENT FAHEY: Official denial for  
6 employment?

7 MR. [REDACTED]: Yeah. June 28th.

8 SPECIAL AGENT FAHEY: Saying you will no  
9 longer be hired?

10 MR. [REDACTED]: Yeah.

11 SPECIAL AGENT FAHEY: Ever?

12 MR. [REDACTED]: I don't think they had a  
13 time frame on this one. I was told that we could reapply  
14 in a year.

15 SPECIAL AGENT FAHEY: What's the reason  
16 in the --

17 MR. [REDACTED]: But it was not --

18 SPECIAL AGENT FAHEY: I'm sorry, what's  
19 the reason in the letter?

20 MR. [REDACTED]: They said that -- let's see  
21 if I can find that. "Background information has developed  
22 adversely reflecting trustworthiness and reliability."

23 SPECIAL AGENT FAHEY: Okay. Can I get a  
24 copy of that before we leave here today?

25 MR. [REDACTED]: Yes, you can.

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1 SPECIAL AGENT FAHEY: And I'd actually  
2 like a copy of this other letter if I can.

3 MR. [REDACTED] Okay.

4 SPECIAL AGENT FAHEY: All right.

5 MR. ~~McPHAIL~~ There was another letter  
6 that I had -- I don't know if I can talk now.

7 SPECIAL AGENT FAHEY: Go ahead. On the  
8 record.

9 MR. ~~McPHAIL~~ When this first came about,  
10 I knew that there would be problems for several people. I  
11 sent a letter to all the people that I thought may be  
12 involved and notifying them that they should contact Point  
13 Beach Security Division and see what they had to do to get  
14 reinstated.

15 SPECIAL AGENT FAHEY: Do you have that  
16 copy of Mr. [REDACTED] s? Do you have a copy of that?

17 MR. [REDACTED] No, I was out of town.

18 SPECIAL AGENT FAHEY: Okay. Maybe we can  
19 get a copy of that also from you.

20 MR. ~~McPHAIL~~ Yeah, I have one in the  
21 office I believe.

22 SPECIAL AGENT FAHEY: And I gave you my  
23 business card. I think my fax number is on there.

24 MR. ~~McPHAIL~~ Okay.

25 SPECIAL AGENT FAHEY: If it's not, I'll

1 give it to you before we finish.

2 Okay. And prior to going on the record,  
3 Mr. [REDACTED] did you have the opportunity to read this NRC  
4 form of NRC Advisement On Identity Protection?

5 MR. [REDACTED] Yes, I did.

6 SPECIAL AGENT FAHEY: And you went ahead  
7 and signed that form and dated it today?

8 MR. [REDACTED] Yes, I did.

9 SPECIAL AGENT FAHEY: And I'll provide  
10 you with a copy of that before we leave today, too.

11 MR. [REDACTED] Okay.

12 SPECIAL AGENT FAHEY: And you understand  
13 in order to investigate your complaint about not being  
14 hired that we're going to have to release your name?

15 MR. [REDACTED] That's fine.

16 SPECIAL AGENT FAHEY: And you want to go  
17 ahead with that?

18 MR. [REDACTED] Yeah.

19 SPECIAL AGENT FAHEY: All right. What  
20 I'd like to do is discuss this incident chronologically.

21 MR. [REDACTED] Yeah.

22 SPECIAL AGENT FAHEY: What happened at  
23 Kewaunee in 2001? Then that'll kind of bring it up to  
24 date with why you're not getting hired today.

25 MR. [REDACTED] Okay.

1 SPECIAL AGENT FAHEY: All right. If you  
2 don't mind. Okay. During the 2001 outage at Kewaunee/  
3 did you raise fitness-for-duty concerns about another  
4 employee?

5 MR. [REDACTED] Yes, I did.

6 SPECIAL AGENT FAHEY: Okay. And who was  
7 that employee?

8 MR. [REDACTED]

9 [REDACTED]  
10 SPECIAL AGENT FAHEY: And what position  
11 did he hold?

12 MR. [REDACTED] He was an ISI supervisor, I  
13 believe.

14 SPECIAL AGENT FAHEY: And ~~ISI~~ means  
15 inservice inspection?

16 MR. [REDACTED] Yeah. Basically wash pipe,  
17 check for cracks, fractures, faults.

18 SPECIAL AGENT FAHEY: Okay. And why did  
19 you report him or why did you raise concerns?

20 MR. [REDACTED] Because he smelled of  
21 alcohol.

22 SPECIAL AGENT FAHEY: Okay. Anything  
23 else about him?

24 MR. [REDACTED] No, not really.

25 SPECIAL AGENT FAHEY: Speech slurred?

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1 MR. [REDACTED] No.

2 SPECIAL AGENT FAHEY: Any other signs of  
3 impairment?

4 MR. [REDACTED] No.

5 SPECIAL AGENT FAHEY: Did you feel he was  
6 impaired?

7 MR. [REDACTED] No. But I'm really not  
8 qualified to, you know -- I went through that once before  
9 with Mr. Cleveland and I -- I don't claim to be a doctor,  
10 cop. I just know he smelled of booze, alcohol.

11 SPECIAL AGENT FAHEY: Okay. And would  
12 this be in the morning?

13 MR. [REDACTED] Yeah, most of the day.

14 SPECIAL AGENT FAHEY: Okay. And was  
15 he, Mr. [REDACTED] your supervisor?

16 MR. [REDACTED] No. He was my supervisor  
17 for about a week. They brought him out as a supervisor.  
18 We used to have a -- I'm trying to think of how to explain  
19 it. We used to have a way of getting people. If you  
20 wanted to get a certain person out to a job site, and he  
21 was a supervisor out there quite often, Kewaunee was very  
22 happy with what he did, you can call for supervisors off  
23 our hiring list so you can bring him out.

24 SPECIAL AGENT FAHEY: Off the union list?

25 MR. [REDACTED] Yes.

1 SPECIAL AGENT FAHEY: Okay.

2 MR. [REDACTED] That way you can get the  
3 people you need to have in the qualified positions, which  
4 makes sense. They didn't have an opening, really, for a  
5 worker at the time so they just brought out a supervisor  
6 and they let him stay idle for about a week. They found  
7 work for him basically and they did. So they set him up  
8 as our overseer for about a week. That was myself; [REDACTED]

9 [REDACTED]  
10 SPECIAL AGENT FAHEY: Okay. And just for  
11 the record, ([REDACTED]) is also known as ([REDACTED])  
12 ([REDACTED])

13 MR. [REDACTED] It was [REDACTED] when we were  
14 working together. It was [REDACTED] after he left. So let's  
15 use him as [REDACTED] because I'm easier with that.

16 SPECIAL AGENT FAHEY: Okay. Roughly when  
17 did you raise the concerns about [REDACTED]

18 MR. [REDACTED] I think it -- he was around  
19 us for about a week. Probably a couple weeks after he was  
20 there, a week and a half. I'd say a couple weeks. This  
21 is all going to be a good guess, estimate. This has been  
22 almost a year ago now when this all went down.

23 SPECIAL AGENT FAHEY: Was this actually  
24 during the outage or are we still pre-outage?

25 MR. [REDACTED] Pre-outage. I think I was

1 over there sometime in July.

2 SPECIAL AGENT FAHEY: But it was not  
3 during that week he supervised you?

4 MR. [REDACTED] No.

5 SPECIAL AGENT FAHEY: It was shortly  
6 after he --

7 MR. [REDACTED] We didn't see him the week  
8 he supervised us. [REDACTED] is a nice man, a simple man, but  
9 he was a nice man. He was out of his realm when he came  
10 to supervise the guys he was supervising. Put it that  
11 way.

12 SPECIAL AGENT FAHEY: All right. What  
13 kind of interaction did you have with him?

14 MR. [REDACTED] Limited. Like I said,  
15 [REDACTED] -- we worked this job for probably, I don't know, a  
16 few weeks before [REDACTED] got there so we had a pretty good  
17 grasp on what was going on and then to have somebody come  
18 in and try to tell us after just looking at prints, hey,  
19 you guys should be doing this, we just kind of said, hey,  
20 you should probably go somewhere else. We're all right.  
21 We know why you're here.

22 SPECIAL AGENT FAHEY: Now, did you notice  
23 the smell of alcohol that first week when he supervised  
24 you?

25 MR. [REDACTED] No, not that I can recall.

1 SPECIAL AGENT FAHEY: Okay. Who did --  
2 MR. [REDACTED] If -- not that I -- to my  
3 recollection, no. We had, like I said, maybe if we seen  
4 him twice a day, that was pushing it. He was getting  
5 ready for his ISI project.

6 SPECIAL AGENT FAHEY: Okay. And when he  
7 worked as an ISI supervisor, how often did you see him  
8 then?

9 MR. [REDACTED] Hardly ever. He -- I'm  
10 trying to think of the people that worked with him. He  
11 was kind of off. He worked for the plant at the time and  
12 then there was -- I believe [REDACTED] was one of his  
13 contacts -- I'm sorry, [REDACTED] was one of his  
14 contacts through Kewaunee.

15 SPECIAL AGENT FAHEY: Okay. Well, if you  
16 had limited contact with him, how is it that you --

17 MR. [REDACTED] In passing, oh, yeah.

18 SPECIAL AGENT FAHEY: -- smelled alcohol?

19 MR. [REDACTED] If you walked by him or if  
20 he stopped in. We worked out in this little utility shed  
21 fabbing stuff up and if he walked by, him and -- I think  
22 he knew [REDACTED] they knew each other through  
23 [REDACTED] See, I never met the man, and he'd come out  
24 and talk to [REDACTED] and he'd walk by or something, I'm  
25 like, God, he stinks, and at that point we started

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1 smelling alcohol on him. [REDACTED] and I confronted [REDACTED]  
2 [REDACTED] and then flat out told him I'm not working for  
3 that man. I'm not working around that guy.

4 SPECIAL AGENT FAHEY: Do you remember  
5 roughly when you told [REDACTED]

6 MR. [REDACTED] Let's see. It was around  
7 August. I think that's pre-outage yet. I think that was  
8 just pre-outage or just when we were getting to the  
9 outage.

10 SPECIAL AGENT FAHEY: And what did [REDACTED]  
11 tell you?

12 MR. [REDACTED] Nothing. He blew it off.

13 SPECIAL AGENT FAHEY: Did he say, thanks  
14 for the information, I'll take care of it? Don't worry  
15 about it?

16 MR. [REDACTED] We told him and he just  
17 kind of said -- just blew it off. He didn't really say  
18 much about anything.

19 SPECIAL AGENT FAHEY: Did he ever make  
20 any comment that, don't worry about it because [REDACTED]  
21 will be gone in a couple of weeks to ISI?

22 MR. [REDACTED] I'm sorry, could you repeat  
23 that?

24 SPECIAL AGENT FAHEY: Did [REDACTED]  
25 ever tell you not to worry about it because [REDACTED] was

1 going to ISI shortly?

2 MR. [REDACTED] From my recollection, I  
3 know where we were standing and I know what we told him.  
4 [REDACTED] and I were standing outside our little shack. I  
5 confronted him first. I said, I'm not working for  
6 [REDACTED] I said, he stinks like booze. [REDACTED] looked at  
7 me, kind of shrugged his shoulders, and to be honest his  
8 reply I cannot remember word for word. To paraphrase, it  
9 was basically like it didn't matter, who cares, something  
10 on that end. And that's a paraphrase, not a word for  
11 word.

12 SPECIAL AGENT FAHEY: And [REDACTED] had the  
13 same -- [REDACTED] had the same concern?

14 MR. [REDACTED] [REDACTED] and I were standing  
15 right next to each other.

16 SPECIAL AGENT FAHEY: And did you just  
17 raise it once?

18 MR. [REDACTED]: Yeah.

19 SPECIAL AGENT FAHEY: Okay. Did you  
20 raise it to anybody else?

21 MR. [REDACTED]: No.

22 SPECIAL AGENT FAHEY: Did you suggest  
23 that [REDACTED] be tested, fitness-for-duty tested?

24 MR. [REDACTED]: I think just in the comment  
25 saying that people aren't going to work for him, he smells

1 of booze, that should have been good enough if you're any  
2 sort of supervisor to use some common sense and judgment  
3 on that one.

4 SPECIAL AGENT FAHEY: Okay.

5 MR. [REDACTED] I mean actually if you, you  
6 know, you want to get down to brass tacks, if an employer  
7 comes to a supervisor and says the man smells of alcohol,  
8 we're not working for him, he's required to either go and  
9 interview the person in his judgment and then bring him  
10 to --

11 SPECIAL AGENT FAHEY: And I want to get  
12 into that in a minute. I'm going to ask you about your  
13 training when you begin the outage, fitness-for-duty  
14 training that you've had. When you contacted Mr. Heller  
15 recently, you said that [REDACTED]'s boss has said many times  
16 that you informed [REDACTED] about the smell of alcohol.

17 MR. [REDACTED]

18 SPECIAL AGENT FAHEY: [REDACTED]

19 MR. [REDACTED]: Yeah, [REDACTED]

20 SPECIAL AGENT FAHEY: And now who would  
21 [REDACTED] say that to? How did [REDACTED] find out about this,  
22 because you're telling me you didn't go to [REDACTED] directly?

23 MR. [REDACTED] I went to [REDACTED]  
24 told [REDACTED] that we told him about it. Actually we got two  
25 different -- these came out in odd fashion. I mean this

1 all started, we had a -- we had an attorney call [REDACTED] and  
2 question him on the happenings.

3 SPECIAL AGENT FAHEY: You retained legal  
4 counsel over this?

5 MR. [REDACTED] Yeah.

6 SPECIAL AGENT FAHEY: And the point of  
7 that being to get your access back to the plant?

8 MR. [REDACTED] The fact is that we were  
9 done wrong, yeah, it is to get our -- to show that [REDACTED]  
10 been lying about this and the reason our access is denied  
11 basically right now is because he said we never told him.

12 SPECIAL AGENT FAHEY: All right. And  
13 who's the attorney?

14 MR. [REDACTED] Right now that is (McQuigg)  
15 It's actually -- ([REDACTED])

16 SPECIAL AGENT FAHEY: And is his name

17 (McQuigg)

18 MR. [REDACTED] Yes, (John McQuigg)

19 SPECIAL AGENT FAHEY: Okay. And what  
20 you're handing me is an affidavit?

21 MR. [REDACTED] Right. Now, that's the one  
22 that he took over the phone with [REDACTED] informed [REDACTED] of the  
23 fact that the conversation was going to be recorded, used  
24 as an affidavit. ([REDACTED]) agreed to it. At that time (John  
25 McQuigg) said he'll be sending him certified mail a copy of

1 the affidavit.

2 SPECIAL AGENT FAHEY: Asking him to sign  
3 it and return it?

4 MR. [REDACTED] To sign it and return it  
5 return mail --

6 SPECIAL AGENT FAHEY: Okay.

7 MR. [REDACTED] -- certified return mail.

8 [REDACTED] wouldn't sign it. ([REDACTED]) would not sign that.

9 (John McQuigg) went to a federal judge or a judge in his  
10 jurisdiction and brought the recording and that judge  
11 signed that affidavit. That's on the bottom of the  
12 secondary one.

13 SPECIAL AGENT FAHEY: The judge signed  
14 this?

15 MR. [REDACTED] This. This is actually  
16 the --

17 SPECIAL AGENT FAHEY: Well, this is  
18 signed by (John McQuigg)?

19 MR. [REDACTED] (John McQuigg, a notary  
20 public, and something or other.

21 SPECIAL AGENT FAHEY: Okay. I'm a little  
22 confused.

23 MR. [REDACTED] You're going to have one  
24 other -- you'll have another interview I believe next  
25 Thursday with ([REDACTED]) He's got the information on

1 this one.

2 SPECIAL AGENT FAHEY: Okay.

3 MR. [REDACTED] What we were told was he  
4 brought this down, that his [REDACTED] has got -- or (John) I  
5 guess would be the one, he's got the information. This is  
6 the cover sheet that he gave me which we needed this sheet  
7 as far as having our hall get involved. You should have  
8 everything else that goes with this sheet with him. I can  
9 have it faxed up here actually.

10 SPECIAL AGENT FAHEY: Okay. No, I can  
11 contact [REDACTED] --

12 MR. [REDACTED] ( [REDACTED] )  
13 SPECIAL AGENT FAHEY: -- also known as  
14 [REDACTED] directly. Okay.

15 MR. [REDACTED] All right.

16 SPECIAL AGENT FAHEY: All right. And [REDACTED]  
17 [REDACTED] never signed any affidavit?

18 MR. [REDACTED] No.

19 SPECIAL AGENT FAHEY: He did have a  
20 telephone conversation with --

21 MR. [REDACTED]: He did.

22 SPECIAL AGENT FAHEY: -- from your  
23 understanding with this (John McQuigg?)

24 MR. [REDACTED] Yes.

25 SPECIAL AGENT FAHEY: An (attorney?)

1 MR. [REDACTED]: And actually [REDACTED] admitted  
2 to that at my house, my residence. He stopped by and  
3 admitted he had --

4 SPECIAL AGENT FAHEY: [REDACTED] or (John  
5 McQuigg?)

6 MR. [REDACTED] ( [REDACTED] ) stopped by my  
7 house and admitted that he did have this phone  
8 conversation with (John McQuigg). There's too many [REDACTED]

9 SPECIAL AGENT FAHEY: Did [REDACTED] say what  
10 he told (McQuigg?)

11 MR. [REDACTED] These two -- I held these  
12 two forms up to him, and what [REDACTED] told me it was so long  
13 ago was the reason I couldn't sign them because I couldn't  
14 remember exactly what I said, and the reason -- I'm sorry,  
15 not the reason. He goes, I couldn't remember word for  
16 word what I said and I told (McQuigg, John McQuigg) I would  
17 sign them if they were what I said. So he couldn't  
18 remember basically what he said and (John) said he would --  
19 (McQuigg) said he would send him the copies of the  
20 recordings if he needed them to sign the papers, and [REDACTED]  
21 never got back to him.

22 SPECIAL AGENT FAHEY: Okay.

23 MR. [REDACTED] It's a mess.

24 SPECIAL AGENT FAHEY: All right. Now who  
25 did [REDACTED] say to many times that you had told [REDACTED] about

1 the smell of alcohol?

2 MR. [REDACTED] Told [REDACTED]

3 SPECIAL AGENT FAHEY: Okay.

4 MR. [REDACTED] He's told myself he's told

5 [REDACTED]

6 SPECIAL AGENT FAHEY: All right. And is

7 [REDACTED] denying that you told him?

8 MR. [REDACTED] Yeah, very much so.

9 SPECIAL AGENT FAHEY: Okay. And how do  
10 you know that?

11 MR. [REDACTED]: [REDACTED] went to [REDACTED] house.

12 SPECIAL AGENT FAHEY: ([REDACTED])

13 MR. [REDACTED] ([REDACTED])

14 SPECIAL AGENT FAHEY: Let's just use last  
15 names, okay?

16 MR. [REDACTED] Let's use ([REDACTED]) Okay.

17 ([REDACTED]) the day he stopped over and looked at these and he  
18 questioned me on where things were at, how things were  
19 going, was at ([REDACTED]) house, questioning  
20 him where's things going? What's going on? And in that  
21 conversation [REDACTED] admitted to ([REDACTED]) he lied to Hal Walker  
22 saying that we never told him.

23 SPECIAL AGENT FAHEY: And when was this?

24 MR. [REDACTED] When was --

25 SPECIAL AGENT FAHEY: On or about the

1 time of this, June 13th, 2002?

2 MR. [REDACTED] I don't think he gave me a  
3 date. It was --

4 SPECIAL AGENT FAHEY: But it was  
5 certainly after this conversation?

6 MR. [REDACTED] Oh, yeah. I'm trying to  
7 think if he was -- when he stopped over. The holiday,  
8 like 4th of July. I think it was after the 4th he stopped  
9 by.

10 SPECIAL AGENT FAHEY: And [REDACTED]  
11 admitted that he lied to Mr. Walker?

12 MR. [REDACTED] Yes. I tell you what it  
13 was. It was three weeks ago: Because I got [REDACTED]

14 [REDACTED] He got  
15 invited to that [REDACTED]

16 SPECIAL AGENT FAHEY: So in July --

17 MR. [REDACTED]: [REDACTED] yeah. It was after  
18 the 4th and it was in July.

19 SPECIAL AGENT FAHEY: Was [REDACTED]  
20 invited to the [REDACTED]

21 MR. [REDACTED] He had pretty much strict  
22 orders not to come to that one.

23 SPECIAL AGENT FAHEY: Okay. All right.  
24 Let's talk about -- let's go back up a little bit and talk  
25 about what should have happened when you reported your

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1 concern to [REDACTED] Now I assume that when you  
2 arrive on site for any outage, and site meaning nuclear  
3 power plant, that you receive some sort of general  
4 employee training?

5 MR. [REDACTED]: Yeah.

6 SPECIAL AGENT FAHEY: Okay. And did you  
7 have that occur when you arrived at Kewaunee in 2001?

8 MR. [REDACTED]: Yeah. Well, I had it on --  
9 from Point Beach and then it was like a buffer course for  
10 Kewaunee, for the differences I believe.

11 SPECIAL AGENT FAHEY: All right. So if  
12 you --

13 MR. [REDACTED]: Yeah.

14 SPECIAL AGENT FAHEY: So if you have had  
15 some training at Point Beach, you don't have to retake it,  
16 but you have to take anything that you haven't had  
17 recently?

18 MR. [REDACTED]: Correct.

19 SPECIAL AGENT FAHEY: Okay. And was --  
20 during -- when you were at Kewaunee for that outage, was  
21 there a fitness-for-duty course that you took?

22 MR. [REDACTED]: I cannot recall, but if I  
23 were a betting man I'd say yeah, because usually -- they  
24 usually run that through, most of them.

25 SPECIAL AGENT FAHEY: Okay. Now, could

1 it just be some questions about fitness-for-duty included  
2 in-the general training?

3 MR. [REDACTED] Yeah.

4 SPECIAL AGENT FAHEY: Okay. And do you  
5 take a test?

6 MR. [REDACTED] Yeah.

7 SPECIAL AGENT FAHEY: You pass a test?

8 MR. [REDACTED] Oh, yeah.

9 SPECIAL AGENT FAHEY: In order to get on  
10 site?

11 MR. [REDACTED] Yeah.

12 SPECIAL AGENT FAHEY: And if you don't  
13 pass, you don't get on?

14 MR. [REDACTED] Well, you just don't get  
15 your badge until you pass it.

16 SPECIAL AGENT FAHEY: Okay. And do you  
17 recall if there were some questions about fitness for duty  
18 or not?

19 MR. [REDACTED] There's like 900 questions.  
20 I'm sure there -- I'm sure there was.

21 SPECIAL AGENT FAHEY: If you don't  
22 recall, don't say anything. Just say you don't recall.

23 MR. [REDACTED] I don't recall.

24 SPECIAL AGENT FAHEY: Okay.

25 MR. [REDACTED] I don't recall any of the

1 questions to be honest with you, just a couple of the  
2 funny ones off the psych test that --

3 SPECIAL AGENT FAHEY: Psych?

4 MR. [REDACTED]: Psychological test that you  
5 giggle about.

6 SPECIAL AGENT FAHEY: All right. Tell me  
7 what your understanding is of identifying somebody that  
8 you suspect is not fit for duty. What are you supposed to  
9 do?

10 MR. [REDACTED]: Contact your immediate  
11 supervisor.

12 SPECIAL AGENT FAHEY: Okay. And then  
13 they handle it from there?

14 MR. [REDACTED]: That's where it goes from  
15 there.

16 SPECIAL AGENT FAHEY: All right. Do you  
17 have the authority to ask another employee to go get  
18 fitness tested?

19 MR. [REDACTED]: No. I can't walk up to a  
20 guy and say hey, you go up -- we're going to give you a  
21 Breathalyzer right now.

22 SPECIAL AGENT FAHEY: Okay. Do you know  
23 whether [REDACTED] was ever tested based on your  
24 complaint?

25 MR. [REDACTED]: No, he was not.

1 SPECIAL AGENT FAHEY: You know that for a  
2 fact?

3 MR. [REDACTED] I know that for a fact.

4 SPECIAL AGENT FAHEY: How do you know  
5 that?

6 MR. [REDACTED] Because I asked everybody  
7 involved and everybody said he was not. I asked [REDACTED]  
8 himself. [REDACTED] said, I was not given a fitness-for-duty  
9 test. Because my big question was this is all about  
10 hearsay now, we'll get into that later, but I asked -- I  
11 said, did you have any urine test, blood test,  
12 Breathalyzer, hair follicle, fat test. He said no.

13 SPECIAL AGENT FAHEY: Okay. And did you  
14 ask him in the context that you had reported that he was  
15 not fit for duty?

16 MR. [REDACTED] Oh, yeah, he knows I  
17 reported him.

18 SPECIAL AGENT FAHEY: So you confronted  
19 [REDACTED] yourself?

20 MR. [REDACTED] Yes.

21 SPECIAL AGENT FAHEY: Was that after or  
22 before?

23 MR. [REDACTED] After or before what?

24 SPECIAL AGENT FAHEY: After you reported  
25 him to [REDACTED]

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1 MR. [REDACTED] Oh, it would have been  
2 after I reported.

3 SPECIAL AGENT FAHEY: How long after?

4 MR. [REDACTED] This was after it all came  
5 around that they were having problems with this [REDACTED]  
6 thing came up. We didn't know anything about [REDACTED]

7 [REDACTED]'s fitness for duty in November. The outage was  
8 done. We were gone. No one heard nothing about [REDACTED]

9 [REDACTED] fitness for duty until this all came about,  
10 the investigation I mean as far as security through  
11 Kewaunee and Point Beach.

12 SPECIAL AGENT FAHEY: All right. So when  
13 did you confront [REDACTED]

14 MR. [REDACTED] I confronted him at the  
15 hall.

16 SPECIAL AGENT FAHEY: At the union hall?

17 MR. [REDACTED] Yeah. I asked him.

18 SPECIAL AGENT FAHEY: Okay. So this  
19 would be months later?

20 MR. [REDACTED] Oh, yeah.

21 SPECIAL AGENT FAHEY: Okay. And did he  
22 know that you had reported the concern about him?

23 MR. [REDACTED] Oh, yeah.

24 SPECIAL AGENT FAHEY: Okay. Did he know  
25 at the time?

1 MR. [REDACTED] He's admitted it to Randy  
2 Cleveland, he knew that we did. That's no problem.

3 SPECIAL AGENT FAHEY: Did he know back in  
4 the pre-outage time when you actually told [REDACTED]

5 MR. [REDACTED] I really don't know if he  
6 knew then. I couldn't give you an absolute.

7 SPECIAL AGENT FAHEY: Who else at the  
8 plant knew, besides [REDACTED] and [REDACTED] about the  
9 fitness-for-duty issue?

10 MR. [REDACTED] As far as?

11 SPECIAL AGENT FAHEY: About the  
12 fitness-for-duty issue.

13 MR. [REDACTED] As far as?

14 SPECIAL AGENT FAHEY: Who knew up the  
15 chain of command?

16 MR. [REDACTED] We told [REDACTED]

17 SPECIAL AGENT FAHEY: Yes.

18 MR. [REDACTED] Well, we told [REDACTED] I

19 couldn't tell you where it went. I know that [REDACTED] was  
20 standing there, [REDACTED] We walked in to the maintenance  
21 shop and we were shaking our heads and we went across to  
22 [REDACTED] and I believe it was [REDACTED] and we said -- we  
23 just told [REDACTED] that -- I'm sorry, it's slang for  
24 [REDACTED] -- [REDACTED] we told these two and we told [REDACTED] that  
25 [REDACTED] stinks of booze, and once again I'm paraphrasing

1 because I couldn't tell you word for word, that [REDACTED]  
2 stinks of booze, we're not going to work for him, and he  
3 acted like no big deal. [REDACTED] he says, that's funny,  
4 I just told him the same thing. [REDACTED] I believe  
5 was -- shortly before that got pulled out of the -- out of  
6 the -- out of the line when he come in, security line, and  
7 we go through the metal detectors and x-ray machines,  
8 walking behind [REDACTED] he got pulled out for a random  
9 drug test because they figured it was him that smelled of  
10 alcohol.

11 SPECIAL AGENT FAHEY: And was that --

12 MR. [REDACTED]: Now I don't know if that  
13 was the same day. It was roughly around the same time  
14 frame.

15 SPECIAL AGENT FAHEY: And then roughly  
16 November, December the licensee conducts their own  
17 investigation and that's where this Mr. Walker comes in?

18 MR. [REDACTED]: Yeah.

19 SPECIAL AGENT FAHEY: He was an  
20 investigator for the licensee. Okay. And did he contact  
21 you at home or at work, do you recall?

22 MR. [REDACTED]: He contacted me at work. I  
23 was already out in New Hampshire. [REDACTED] was still at  
24 home yet. I left in -- towards the tail end, middle of  
25 November, and that's about the time he got ahold of me,

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1 November, early December.

2 SPECIAL AGENT FAHEY: Okay. And is there  
3 anything that you told Mr. Walker at that time that you  
4 recall now is different or you want to correct something  
5 for the record?

6 MR. [REDACTED] Yeah.

7 SPECIAL AGENT FAHEY: Okay.

8 MR. [REDACTED] When I talked with Hal  
9 Walker, his initial concerns were welding, welding  
10 concerns that took place out at Kewaunee during the  
11 generator replacement, nothing to do with [REDACTED] It  
12 was never, hey, are you going underneath oath? I just  
13 want some background information. I said no problem. He  
14 asked me what some of the -- some of the qualifications  
15 that I knew, basically did kind of a quick check on me to  
16 see if I knew what I was talking about in welding. I  
17 answered his questions evidently decent enough. So we  
18 talked about the welding issues, the problems that they  
19 had unqualified people welding on certain things, and when  
20 it got towards the end of the conversation he asked me  
21 about [REDACTED] He said for an informational only, okay,  
22 what do you know about [REDACTED] If I'm talking to an  
23 attorney, you darn right I'm going to watch what I say.  
24 He said an informational only. What do you know about  
25 this? I said, hey, he's a drunk. He smelled like booze

1 when he was out there. So then he asked me a few more  
 2 questions about [REDACTED]. I said, well, yeah, everybody knew  
 3 about it after we had that deal, and then not a whole lot  
 4 was said after that, you know. He goes, well, how do you  
 5 know? Well, we smelled him. I told [REDACTED] he smelled of  
 6 booze. And then the conversation seemed to turn into a  
 7 [REDACTED] issue, and I thought what are you calling  
 8 me -- you know, why didn't you initiate this conversation  
 9 with [REDACTED]. Don't beat around the bush with me.  
 10 You know, why ask me about welding if you want to know  
 11 about [REDACTED]. Ask me. I'll be happy to tell you  
 12 what I know. So we talked a little bit about it and I  
 13 told him what I knew such as he smelled of booze. I told  
 14 [REDACTED]. He was much -- pretty much everybody knew about it  
 15 after that. I said his supervisor rode to work with him  
 16 for Christ's sake.

17 SPECIAL AGENT FAHEY: [REDACTED]

18 MR. [REDACTED] Oh, no, [REDACTED]

19 SPECIAL AGENT FAHEY: [REDACTED]

20 MR. [REDACTED] [REDACTED] He was another  
 21 supervisor on site. They rode to work together. They're  
 22 two foot away from each other and we're supposed to know.

23 SPECIAL AGENT FAHEY: And what position  
 24 does this [REDACTED] hold?

25 MR. [REDACTED] He a foreman out there.

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1 SPECIAL AGENT FAHEY: For Day & Zimmerman  
2 or for the plant?

3 MR. [REDACTED] Yeah, Day & Zimmerman. I  
4 mean, and those were my comments to Hal. I said, you've  
5 got all these guys that are supervisors sharing an office  
6 with the man and yet you're coming up to us that see him  
7 maybe once or twice a week. I said, yeah, that's it. So  
8 he just kind of said, oh, all right, if that's what you  
9 know. I said, that's what I know.

10 SPECIAL AGENT FAHEY: All right. Do you  
11 know what [REDACTED] told Walker?

12 MR. [REDACTED] Word for word, no. I  
13 wasn't there. As far as speaking back and forth, [REDACTED] was  
14 up working at J.F. Ahern's shop for three weeks. That was  
15 about a couple, three weeks ago.

16 SPECIAL AGENT FAHEY: Okay. Do you know  
17 if he corroborated what you have said?

18 MR. [REDACTED] As far as when he talked to  
19 Hal?

20 SPECIAL AGENT FAHEY: That he and you  
21 were present when you went to [REDACTED]

22 MR. [REDACTED]: Oh, yeah, when we went to  
23 [REDACTED] yeah.

24 SPECIAL AGENT FAHEY: Okay.

25 MR. [REDACTED]: That was our -- well, I

1 wouldn't say ours. That was one of my biggest concerns  
2 with Hal Walker's interview. It wasn't they were going to  
3 sit down, we were going to have a formal talk, this is  
4 going to go on the record. It was they just needed it for  
5 information. Well, yeah. If you need information, tell  
6 me information only, off the record. Do not tell me off  
7 the record and then throw all this on the record saying  
8 you said this at this time and then everybody asks me,  
9 what did you say? I watch what I say and I try to put it  
10 in decent terms if it's going to be on the record. You  
11 know, I like to dot my I's.

12 SPECIAL AGENT FAHEY: So you felt that  
13 you made some casual comments?

14 MR. [REDACTED] Very casual.

15 SPECIAL AGENT FAHEY: That you might not  
16 have made had you realized --

17 MR. [REDACTED] Absolutely not.

18 SPECIAL AGENT FAHEY: -- they were going  
19 in some sort of report or --

20 MR. [REDACTED] Absolutely not.

21 SPECIAL AGENT FAHEY: Okay.

22 MR. [REDACTED] Off the cuff is pretty much  
23 the way we had our conversation, because I was on my cell  
24 phone out on the side of the Hersec boiler in New  
25 Hampshire, outside of a boiler. I was on my cell phone

1 sitting there watching the clouds go by.

2 SPECIAL AGENT FAHEY: Okay. Were you and  
3 Mr. [REDACTED] in competition for that ISI foreman job?

4 MR. [REDACTED] No, not for the ISI at all.

5 SPECIAL AGENT FAHEY: Had [REDACTED]  
6 promised you that job?

7 MR. [REDACTED] Not in the ISI, no. I was  
8 coming over to be a supervisor at Kewaunee, but then they  
9 needed me for welding instead.

10 SPECIAL AGENT FAHEY: Okay. Was there  
11 any animosity between you and [REDACTED]?

12 MR. [REDACTED] Never knew the guy before.

13 SPECIAL AGENT FAHEY: Never met him  
14 before?

15 MR. [REDACTED] Never met the guy before.

16 SPECIAL AGENT FAHEY: How about between  
17 you and [REDACTED]?

18 MR. [REDACTED] There wasn't a whole lot at  
19 that time because the reason he got out to Point Beach was  
20 because he worked for me and I asked some people if he  
21 could come out on a platform job, because I don't think I  
22 could have hated him too much to have him come out and  
23 work for me.

24 SPECIAL AGENT FAHEY: Wasn't he your  
25 supervisor?

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1 MR. [REDACTED] At Point Beach, no, ma'am.

2 SPECIAL AGENT FAHEY: No, at Kewaunee.

3 MR. [REDACTED]: Yes, at Kewaunee he was.

4 SPECIAL AGENT FAHEY: Was there a problem  
5 over this welding issue, things with [REDACTED] and you?

6 MR. [REDACTED] Oh, yeah. There was some  
7 major -- yeah, we had some fallout, dragout arguments over  
8 it.

9 SPECIAL AGENT FAHEY: Okay. And did the  
10 welding issue come up before or after you reported

11 [REDACTED]

12 MR. [REDACTED] The welding issue?

13 SPECIAL AGENT FAHEY: To [REDACTED]

14 MR. [REDACTED]: The welding issue from day  
15 one when he got there, from when I first started to work,  
16 got through training and all that, there was problems with  
17 welding from what we seen as being -- we came from a very  
18 regimented Point Beach, by the book, no ifs, ands, or buts  
19 to a good old boy system. Hey, well, we'll see. Put it  
20 together. We'll make paperwork later. And it's ironic, I  
21 hear -- one of the conversations I told [REDACTED] I'm not  
22 losing my access to every nuclear plant in the facility to  
23 you or Day & Zimmerman over this B.S.

24 SPECIAL AGENT FAHEY: Did you raise the  
25 fitness-for-duty issue in retaliation against [REDACTED] or

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[REDACTED]

MR. [REDACTED] Nope.

SPECIAL AGENT FAHEY: Who else would have information about the fitness-for-duty issue? You've already mentioned [REDACTED]

MR. [REDACTED] As far as us letting [REDACTED] know or the fact that he was --

SPECIAL AGENT FAHEY: Anybody who would --

MR. [REDACTED] That knew that [REDACTED] and I --

SPECIAL AGENT FAHEY: Had raised a fitness-for-duty issue.

MR. [REDACTED] knew, [REDACTED] knew, [REDACTED] knew, [REDACTED] knows, myself, [REDACTED] himself.

SPECIAL AGENT FAHEY: You suggest this [REDACTED] might know?

MR. [REDACTED] Oh, I'm sure he does. I shouldn't say I'm sure he does. I'd have a strong feeling that everybody in that office knew about it.

SPECIAL AGENT FAHEY: A [REDACTED] certainly later learned?

MR. [REDACTED] Oh [REDACTED] knows, absolutely.

SPECIAL AGENT FAHEY: But that was after

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1 the fact that he learned?

2 MR. [REDACTED] Yeah, because I felt it  
3 only fair to tell him, you know. Hey, you're wondering  
4 who. We were standing in the welders' coordinator's  
5 office in the hall.

6 SPECIAL AGENT FAHEY: What about a guy  
7 named [REDACTED]

8 MR. [REDACTED] yeah, he knows.  
9 [REDACTED]

10 SPECIAL AGENT FAHEY: He was a supervisor  
11 also?

12 MR. [REDACTED] Nighttime GF.

13 SPECIAL AGENT FAHEY: I'm sorry?

14 MR. [REDACTED] Nighttime general foreman.  
15 I'm sorry. I'm not positive. I don't -- I don't want to  
16 put names in, you know, of people getting people hauled  
17 into this thing.

18 SPECIAL AGENT FAHEY: Well, of course I'm  
19 looking for people who are going to corroborate what you  
20 said. That's what I'm looking for.

21 MR. [REDACTED] Yeah.

22 SPECIAL AGENT FAHEY: Any documentation  
23 at all, anybody write a condition report or put it in a  
24 supervisor's log that you reported this, anything like  
25 that that you can think of?

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1 MR. [REDACTED] If it is, it would be in  
2 [REDACTED] wrote a notebook of happenings during the  
3 day. The odds of that being around, I'm not sure.

4 SPECIAL AGENT FAHEY: He had a notebook  
5 of --

6 MR. [REDACTED] How do I know? Because my  
7 name was in the notebook quite a few times. I've seen it.  
8 They had reports brought up and then he had his own  
9 personal journal.

10 SPECIAL AGENT FAHEY: So there was a  
11 supervisor's log for turnover and then a --

12 MR. [REDACTED] Yeah.

13 SPECIAL AGENT FAHEY: Then he kept a  
14 personal diary?

15 MR. [REDACTED] Personal log of what was  
16 going on during the day, concerns, you know.

17 SPECIAL AGENT FAHEY: Okay. Did you ever  
18 raise fitness-for-duty concerns about [REDACTED]

19 MR. [REDACTED] No.

20 SPECIAL AGENT FAHEY: Okay. Let's talk  
21 about then this alleged discrimination. What happened  
22 when you attempted to return to NMC and what was the first  
23 time that you said you left Kewaunee.

24 MR. [REDACTED] Yep.

25 SPECIAL AGENT FAHEY: Roughly at the end

1 of the outage, went over to Point Beach, no problems  
2 getting hired there?

3 MR. [REDACTED] No. Walked right in.

4 SPECIAL AGENT FAHEY: Worked for about  
5 three weeks?

6 MR. [REDACTED] Roughly, yeah.

7 SPECIAL AGENT FAHEY: So we're roughly  
8 talking like about around Christmas?

9 MR. [REDACTED] Right before November we --  
10 because I was off for like a week, maybe two at the very  
11 most. I'd have to ask Pat to get my journal of when we  
12 went out to work. You know, this is all --

13 SPECIAL AGENT FAHEY: Okay.

14 MR. [REDACTED] -- within a week or two I'm  
15 telling you.

16 SPECIAL AGENT FAHEY: All right.

17 MR. [REDACTED] Yeah.

18 SPECIAL AGENT FAHEY: Finished up at  
19 Point Beach?

20 MR. [REDACTED] Finished up over at Point  
21 Beach, went out to New Hampshire right around their next  
22 outage. I can't remember when that was. It was only a  
23 couple -- I was out there for four months total. It was  
24 probably two months into it, like January.

25 SPECIAL AGENT FAHEY: Oh, I'm assuming

1 it's on or around February 2002.

2 MR. [REDACTED] There you go.

3 SPECIAL AGENT FAHEY: And that was not  
4 through Day & Zimmerman any longer?

5 MR. [REDACTED] That was Phillips, Getschow  
6 out -- that had the outage. They were doing fan coils.

7 SPECIAL AGENT FAHEY: At Point Beach?

8 MR. [REDACTED] And I worked on one of the  
9 fan coils with them.

10 SPECIAL AGENT FAHEY: So you are still in  
11 New Hampshire when you make a phone call to see if you can  
12 get hired and the union tells you no?

13 MR. [REDACTED] Well, at first Chad was  
14 second and a couple other people from Getschow, the ones I  
15 called. I said, what's the story with the outage? What  
16 do you got for a time frame? When are you hiring? How  
17 many guys are you working? You know, it's just standard,  
18 basic info. They said, you might want to give Pat a call.  
19 We got a problem with your access. And that's when we  
20 went through the whole thing. What do you mean problems  
21 with my access? Well, they say I might not get out here,  
22 paraphrasing once again. At that point that's when I  
23 called Pat. Pat says yeah, he checked, couldn't get no  
24 information from Darlene.

25 SPECIAL AGENT FAHEY: Darlene Peters?

1 MR. [REDACTED] Darlene Peters, head of  
2 security on site there. So then I called Darlene up  
3 myself just for the fact that I know her and she said, oh,  
4 yeah, you're under red flag. There's an investigation  
5 going on. It shouldn't be long.

6 SPECIAL AGENT FAHEY: Did she give you an  
7 indication that it was related to this fitness-for-duty  
8 issue?

9 MR. [REDACTED] She would not tell me a  
10 reason why. At my first conversations with her she would  
11 not even tell me what the issues were and why, not even  
12 that I was underneath the investigation. It was just that  
13 people were getting investigated.

14 SPECIAL AGENT FAHEY: Okay.

15 MR. [REDACTED] But my concern was how did  
16 Getschow know about me being red-flagged before I did  
17 even, before the hall did even.

18 SPECIAL AGENT FAHEY: Okay. Had the  
19 union hall provided a list of employees, potential  
20 employees, to Phillips Getchow? You may answer.

21 MR. McPHAIL What they do is call for  
22 manpower. When they called for the manpower, I have a  
23 referral procedure. I have to follow that procedure.  
24 Call the men in order that they are on the layoff list. I  
25 submitted several names. Larry Wing who works for

1 Phillips Getchow called me back and said that there would  
2 be a problem with [REDACTED] because he is one of  
3 the -- one of the names that I had submitted.

4 SPECIAL AGENT FAHEY: And was that the  
5 only name identified that there would be a problem with?

6 MR. McPHAIL Yes.

7 SPECIAL AGENT FAHEY: How many -- roughly  
8 how many names were on the list?

9 MR. McPHAIL Oh, man.

10 SPECIAL AGENT FAHEY: Hundreds, dozens?

11 MR. [REDACTED] When I asked Darlene Peters  
12 could I have the names of the individuals so we could get  
13 this cleared up, she said no, I can't do that, citing  
14 privacy act. She did state that letters would be sent to  
15 the individuals concerned and they would have to respond  
16 to the letters.

17 SPECIAL AGENT FAHEY: Okay. But on your  
18 original list to Phillips when you were giving them a list  
19 of eligible employees that you would like to place, how  
20 many -- roughly how many names are you giving them?

21 MR. McPHAIL Six to eight.

22 SPECIAL AGENT FAHEY: Okay. So a small  
23 number?

24 MR. McPHAIL Um-hmm.

25 SPECIAL AGENT FAHEY: Okay. All right.

1 And currently you're still denied access as far as you  
2 know?

3 MR. [REDACTED] Yeah. We finally got an  
4 official -- the official just came I think it was last --  
5 last month.

6 SPECIAL AGENT FAHEY: Okay. That was  
7 June 28th, did you say?

8 MR. [REDACTED] Yeah, yeah, June 28th.

9 SPECIAL AGENT FAHEY: Okay. And between  
10 February or roughly --

11 MR. [REDACTED] From November.

12 SPECIAL AGENT FAHEY: Let me ask you.  
13 When is it, at what point did you hire legal counsel to  
14 help you in this matter?

15 MR. [REDACTED] Let's see.

16 SPECIAL AGENT FAHEY: Was it after you  
17 got this letter on June 21st or was it after February?

18 MR. [REDACTED]: It was shortly after I  
19 found out. It was -- we knew about it, heard about it I  
20 should say. When we went out to New Hampshire, after --  
21 shortly after that, there was word that they might have  
22 problems. There was things going on.

23 SPECIAL AGENT FAHEY: All right. Was [REDACTED]  
24 [REDACTED] there with you?

25 MR. [REDACTED]: At?

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1 SPECIAL AGENT FAHEY: New Hampshire.

2 MR. [REDACTED] No. No, he wasn't. He  
3 was getting ready to go to work at Browns Ferry. They  
4 were going back on line. They were supposed to be going  
5 on line. It was like seven miles from his house so he was  
6 going to go home and get ready for that. Whatever you  
7 mean, get ready for it, he was going to wait on it or --

8 SPECIAL AGENT FAHEY: Did he contact you  
9 saying that ([REDACTED]) or how is  
10 it that you hooked up with ([REDACTED])

11 MR. [REDACTED]: He called me or he called  
12 [REDACTED] and I after we had been trying to get this  
13 situated for a few months and said that, hey, ([REDACTED])  
14 [REDACTED] We're going to get something going here. He  
15 can only do part of this. I'm trying to remember how this  
16 all went down. He can only do the section of it -- that's  
17 by jurisdictional, that he can handle in his own area.

18 SPECIAL AGENT FAHEY: And he's an  
19 ([REDACTED]) in ([REDACTED])

20 MR. [REDACTED] Right.

21 SPECIAL AGENT FAHEY: The ([REDACTED])  
22 [REDACTED])

23 MR. [REDACTED] Right. He's got to take  
24 care of that or he can't do the stuff that takes a  
25 Wisconsin attorney, but he does know an attorney in

1 Wisconsin that turned out to be our union labor attorney,  
2 Robbins, but we've failed trying to even talk with him.  
3 Everybody hears nuclear facility and they run away from  
4 this like the plague.

5 SPECIAL AGENT FAHEY: Okay. And has it  
6 been cleared up yet?

7 MR. [REDACTED] No.

8 SPECIAL AGENT FAHEY: Okay. And that's  
9 why you called the NRC?

10 MR. [REDACTED] Yeah. Well, the  
11 beginning -- the two main reasons we called were the  
12 fitness for duty, that he had somebody on site. This is  
13 the bottom line, black-and-white, why I feel there's a  
14 problem.

15 SPECIAL AGENT FAHEY: All right. Now,  
16 tell me despite what's written in all these letters what  
17 the union's been told.

18 MR. [REDACTED] Yeah.

19 SPECIAL AGENT FAHEY: Tell me what you  
20 feel is the reason that you can't get employment at --  
21 with any NMC plant.

22 MR. [REDACTED] With any NMC plant. I  
23 definitely know things that went on out there that are not  
24 legal. I know that they've got supervisors that have  
25 lied. I know they've done illegal practices in welding

1 and they know I know it. They know [REDACTED] knows it.

2 .SPECIAL AGENT FAHEY: So it's a  
3 combination of the fitness-for-duty concern that you  
4 raised --

5 MR. [REDACTED]: Oh, yeah.

6 SPECIAL AGENT FAHEY: -- and the welding  
7 concerns that you raised. Who do you feel is responsible?

8 MR. [REDACTED]: One of the main ones behind  
9 or I feel is responsible is NPS. They didn't do their  
10 job. They didn't know their job well enough to do it.

11 SPECIAL AGENT FAHEY: Is that Day &  
12 Zimmerman?

13 MR. [REDACTED]: Yeah.

14 SPECIAL AGENT FAHEY: Okay. But they're  
15 no longer there now so they can't --

16 MR. [REDACTED]: Yeah, they are at Kewaunee  
17 yet.

18 SPECIAL AGENT FAHEY: Oh, they're still  
19 at Kewaunee?

20 MR. [REDACTED]: Yeah, they are. I think  
21 they have some people inside at Point Beach also. Yeah,  
22 they have some people inside at Point Beach also. They  
23 just had a notation that they were not allowed to talk to  
24 Phillips Getchow employees, and Getchow -- and they can't  
25 talk anymore out there, even though we all work in the

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1 same local.

2 SPECIAL AGENT FAHEY: But do you feel  
3 that someone at Day & Zimmerman could cause Getschow not  
4 to hire you?

5 MR. [REDACTED]: From them, no, but they can  
6 make it definitely hard on my access right now by  
7 falsifying records as far as us telling somebody about  
8 [REDACTED] Flat out we told [REDACTED] [REDACTED] lied to  
9 the NRC investigator, NMC investigators, and because of  
10 that our access was denied.

11 SPECIAL AGENT FAHEY: And why would the  
12 investigator believe [REDACTED] and not the rest of you?

13 MR. [REDACTED]: You know, we're really  
14 trying to figure that out. There's five of us that all,  
15 you know, not word for word, have the same thoughts and  
16 concerns.

17 SPECIAL AGENT FAHEY: Five welders?

18 MR. [REDACTED]: There's five people  
19 involved: [REDACTED] myself, [REDACTED] [REDACTED] -- and we're not  
20 really sure how that comes around. I don't know if it's  
21 the title he carries. He might carry some extra clout or  
22 whatnot, but we cannot figure out why.

23 SPECIAL AGENT FAHEY: And [REDACTED] is just a  
24 contract employee, correct?

25 MR. [REDACTED]: Contract.

1 SPECIAL AGENT FAHEY: He's not employed  
2 by the licensee?

3 MR. [REDACTED] No.

4 SPECIAL AGENT FAHEY: Okay. Has the  
5 licensee ever discouraged you or any other employee from  
6 reporting fitness-for-duty concerns?

7 MR. [REDACTED] I can't answer that. I  
8 don't know. I mean I can answer it. Not that I know of.

9 SPECIAL AGENT FAHEY: Okay.

10 MR. [REDACTED] Not that I --

11 SPECIAL AGENT FAHEY: How about the  
12 union --

13 MR. [REDACTED] No.

14 SPECIAL AGENT FAHEY: -- do they  
15 discourage that?

16 MR. [REDACTED] No.

17 SPECIAL AGENT FAHEY: Is there any sort  
18 of unspoken, unwritten rule that you don't report another  
19 worker, another employee?

20 MR. [REDACTED] (Shakes head.)

21 SPECIAL AGENT FAHEY: You have to answer.  
22 You can't shade your head.

23 MR. [REDACTED] I'm just trying to think.

24 No, we don't --

25 SPECIAL AGENT FAHEY: Okay.

1 MR. [REDACTED] They don't discourage it,  
2 no-

3 SPECIAL AGENT FAHEY: Okay. Do you  
4 think --

5 MR. [REDACTED] If you feel you got to do  
6 it, you do it.

7 SPECIAL AGENT FAHEY: Everybody's clear  
8 that working in a nuclear power plant --

9 MR. [REDACTED] Yes. Oh, yeah.

10 SPECIAL AGENT FAHEY: -- is something  
11 that you don't mess around with?

12 MR. [REDACTED] The nukes got different  
13 guidelines. You don't mess around with those. We know  
14 that. You just don't.

15 SPECIAL AGENT FAHEY: There's a standard  
16 that --

17 MR. [REDACTED] You don't mess around. We  
18 know that you just don't.

19 SPECIAL AGENT FAHEY: And when you  
20 reported [REDACTED] to [REDACTED] did you honestly feel he  
21 was not fit for duty?

22 MR. [REDACTED] Yeah. I do believe that he  
23 smelled of alcohol. Now, as far as the -- he didn't have  
24 slurred speech, he wasn't stumbling, he wasn't bumping  
25 into things, but he had a strong enough odor that you had

1 to have some major olfactory problems if you can't smell  
2 it.

3 SPECIAL AGENT FAHEY: And would you say  
4 it was an indication that he had recently been drinking?

5 MR. [REDACTED]: I couldn't give a time  
6 frame on that. Sometime within the last 24 hours. I can  
7 narrow it down to that.

8 SPECIAL AGENT FAHEY: And is there a rule  
9 about a certain hour rule?

10 MR. [REDACTED]: Yeah. I think it's six  
11 hours.

12 SPECIAL AGENT FAHEY: So if you've --

13 MR. [REDACTED]: Five or six hours, you  
14 can't be on site..

15 SPECIAL AGENT FAHEY: If you've had a  
16 drink or drinks within six hours, you're not supposed to  
17 report for duty?

18 MR. [REDACTED]: Yeah.

19 SPECIAL AGENT FAHEY: Okay. And based on  
20 the information that you've given Mr. Heller and me today,  
21 do you intend to file a Department of Labor lawsuit?

22 MR. [REDACTED]: If things aren't -- yeah,  
23 if things are not followed up on. I guess we're going to  
24 take this one step at a time. If we can get the rights to  
25 be done, all we're looking for is to have proper people --

1 to be honest with you, access matters to me a lot. But  
2 the fact is that my name's been brought into a bunch of  
3 stuff that's false and that my pride's way higher than  
4 this access thing is.

5 SPECIAL AGENT FAHEY: Okay. Now pride  
6 aside --

7 MR. [REDACTED] Yes, if it comes down to  
8 that, you darn right it will.

9 SPECIAL AGENT FAHEY: Okay. Because of  
10 this issue now about raising fitness for duty, would you  
11 be hesitant the next time to report somebody?

12 MR. [REDACTED] Oh, yeah, and I tell you  
13 what, there's people out there right now that have told me  
14 they are not saying nothing. Okay. We've told Darlene  
15 and -- no, well, I won't go into names. I can't remember  
16 the names. I've had many people say they ain't getting  
17 involved.

18 SPECIAL AGENT FAHEY: So this incident  
19 has definitely had a chilling effect?

20 MR. [REDACTED] Oh, I tell you what, I  
21 worked out there for many years, I know a lot of people,  
22 and a lot of people have told me if we know -- we're not  
23 getting involved. They seen what happened to us and they  
24 are not getting involved. The last thing they want to do.

25 SPECIAL AGENT FAHEY: Okay. And you have

1 not worked for any NMC plant since --

2 MR. [REDACTED] No.

3 SPECIAL AGENT FAHEY: -- roughly November  
4 or December?

5 MR. [REDACTED] No.

6 SPECIAL AGENT FAHEY: And no other  
7 contractors picked you up?

8 MR. [REDACTED] As far as nuclear, no.

9 SPECIAL AGENT FAHEY: And did you try to  
10 get into any other plants, try to get employment?

11 MR. [REDACTED] Well, it was Kewaunee Point  
12 Beach we tried to get into and we were pretty much told  
13 you're done.

14 SPECIAL AGENT FAHEY: All right. What  
15 about any plant that's not owned by NMC?

16 MR. [REDACTED] We were going to go to see  
17 Browns Ferry when I was out in New Hampshire and then this  
18 incident came around. We did not apply.

19 SPECIAL AGENT FAHEY: But you mentioned  
20 earlier on the record that somebody else had tried?

21 MR. [REDACTED] He tried for  
22 Browns Ferry. His business agent told him you're not  
23 going to get there. [REDACTED] He got escorted off  
24 site. I think it was in Monticello.

25 SPECIAL AGENT FAHEY: Is that an NMC

FC

1 plant?

2 MR. [REDACTED] I believe it is. That's  
3 one in Minnesota. And I believe [REDACTED] -- I don't know if  
4 [REDACTED] just filled out the paperwork or if he submitted the  
5 paperwork to Seabrook, which was right in New Hampshire.  
6 Now I don't -- I know the paperwork was filled out -- I  
7 don't know if it was ever submitted -- because they were  
8 looking for people. When we were out in New Hampshire, it  
9 was right across the marsh from us.

10 SPECIAL AGENT FAHEY: Okay. And I think  
11 I already asked you this. You allege that [REDACTED] lied to  
12 Walker, the investigator. How do you know that?

13 MR. [REDACTED] Because he told [REDACTED]

14 SPECIAL AGENT FAHEY: Oh, okay, that's  
15 right. And this was on or about the time of [REDACTED]

16 MR. [REDACTED]: Yeah, a couple weeks  
17 before. Well, that's when [REDACTED] stopped over and he said he  
18 stopped over at [REDACTED] right around that time frame.

19 SPECIAL AGENT FAHEY: Were the other  
20 welders interviewed by Mr. Walker?

21 MR. [REDACTED] Other welders?

22 SPECIAL AGENT FAHEY: That you mentioned.

23 MR. [REDACTED] As far as?

24 SPECIAL AGENT FAHEY: [REDACTED]

25 MR. [REDACTED] were, you know,

1 and I -- I don't think the other guys were. I'm not sure.  
2 I don't know how many other people were by Walker.

3 SPECIAL AGENT FAHEY: Okay. And do you  
4 know what [REDACTED] and [REDACTED] said?

5 MR. [REDACTED] No. Word for word, no.

6 SPECIAL AGENT FAHEY: Okay. But you've  
7 discussed it with them?

8 MR. [REDACTED] Oh, yeah, we've talked --

9 SPECIAL AGENT FAHEY: A number of times?

10 MR. [REDACTED] -- saying, you know, what  
11 did they say to you or where's your standing with access?  
12 Oh, yeah? You too? Me too.

13 SPECIAL AGENT FAHEY: And is everybody  
14 involved with this attorney? How many people have --

15 MR. [REDACTED] Just three.

16 SPECIAL AGENT FAHEY: -- hooked up? You,  
17 [REDACTED] and [REDACTED]

18 MR. [REDACTED], and me. And we  
19 don't have him on retainer or nothing. It's basically  
20 legal counsel [REDACTED] --

21 SPECIAL AGENT FAHEY: Okay.

22 MR. [REDACTED] -- and trying to point you  
23 in the right direction to the people to talk to and phone  
24 numbers you might need.

25 SPECIAL AGENT FAHEY: Okay.

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1 MR. [REDACTED]: We have talked to -- we  
2 have talked to Janssen in Green Bay and his -- his  
3 comments were to go to the NLRB. That's the one that  
4 we -- that's the local attorney there that we're --

5 SPECIAL AGENT FAHEY: I thought you said  
6 his name was Robbins?

7 MR. [REDACTED]: No, he's with the local  
8 attorney. I'm sorry.

9 SPECIAL AGENT FAHEY: Robbins is the --

10 MR. [REDACTED]: Matt Robbins is the Local  
11 400, is the UA attorney.

12 SPECIAL AGENT FAHEY: Oh, UA attorney?

13 MR. [REDACTED]: Right. This the local.

14 SPECIAL AGENT FAHEY: This is the  
15 attorney that (Mr. John McQuigg) recommended?

16 MR. [REDACTED]: Well, no.

17 SPECIAL AGENT FAHEY: No?

18 MR. [REDACTED]: The local attorney is  
19 friends with ~~McQuigg~~.

20 SPECIAL AGENT FAHEY: Okay. And who is  
21 Robert Janssen?

22 MR. [REDACTED]: This is the man that --  
23 sounds goofy, but I worked through or I've had legal  
24 counsel through his office before. I had my [REDACTED] they  
25 did a pretty fair job, so we went and talked to him and

1 explained what was going on and he -- he stated to us that  
2 your local attorney should be dealing with this, not me,  
3 but if you do need me --

4 SPECIAL AGENT FAHEY: He'll step in as  
5 needed?

6 MR. [REDACTED] He'll be happy to step in  
7 if you don't get satisfaction from the avenues you're  
8 pursuing.

9 SPECIAL AGENT FAHEY: Okay. Anything  
10 else? You got a bunch of papers there. Is there anything  
11 else you want me to throw in on the record?

12 MR. [REDACTED] Just that whole welding  
13 issue. I don't know if that -- that's going to probably  
14 be taken care of at a different time.

15 SPECIAL AGENT FAHEY: Separate issue?

16 MR. [REDACTED] Separate issue. This was  
17 what came off for the fitness for duty. That was after we  
18 left. And in there it states four different -- I believe  
19 it was four times that we're supposed to go to our  
20 immediate supervisor. Their big beef was that we did not  
21 go to security. We did not go to a Kewaunee supervisor.  
22 Our immediate supervisor is NPS, employer.

23 SPECIAL AGENT FAHEY: Is this something  
24 that was revised after the incident?

25 MR. [REDACTED] That came out after we

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1 left.

2 SPECIAL AGENT FAHEY: Okay.

3 MR. [REDACTED] That came right off one of  
4 the computers at I think it was Kewaunee.

5 SPECIAL AGENT FAHEY: All right. Can I  
6 get a copy of this, too?

7 MR. [REDACTED] Sure.

8 SPECIAL AGENT FAHEY: Okay. I don't have  
9 any further questions. Do you want to -- let's go off the  
10 record for one minute.

11 (Discussion held off the record.)

12 SPECIAL AGENT FAHEY: Mr. [REDACTED], have I  
13 threatened you in any manner or offered you any reward in  
14 return for your statement?

15 MR. [REDACTED] No.

16 SPECIAL AGENT FAHEY: Have you given your  
17 statement freely and voluntarily?

18 MR. [REDACTED] Yes.

19 SPECIAL AGENT FAHEY: Anything further  
20 you want to add for the record?

21 MR. [REDACTED] Not at this moment.

22 SPECIAL AGENT FAHEY: Okay. We're  
23 concluded at roughly 11:08 a.m.

24

25

CERTIFICATE

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

Name of Proceeding: Interview of



Docket Number: 3-2002-004

Location: Green Bay, Wisconsin

were held as herein appears, and that this is the  
original transcript thereof for the file of the United  
States Nuclear Regulatory Commission taken by me and,  
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15/Carrie Bohrer  
Carrie Bohrer  
Official Reporter  
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