

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS  
INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF: : Docket No.

 : 3-2002-004

(CLOSED) : 3-2002-020

-----X

Thursday, September 12, 2002

Radisson Hotel and Conference  
Center  
2040 Airport Road  
Green Bay, WI

The above-entitled interview was conducted  
at 7:15 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- 2006-113

7C-48  
H-48  
EXHIBIT 15

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

7:15 p.m.

1  
2  
3 SPECIAL AGENT FAHEY: For the record, this  
4 is an interview with [REDACTED] former  
5 mechanical and civil superintendent for  
6 Day and Zimmerman Nuclear Power Systems at the  
7 Kewaunee Nuclear Power Plant for their 2001 outage.

8 Today's date is September 12, 2002. The  
9 time is approximately 7:15 p.m. This interview is  
10 being conducted at the Radisson Hotel and Conference  
11 Center in Green Bay, Wisconsin. My name is Mary Kay  
12 Fahey. I'm a Special Agent with the U.S. Nuclear  
13 Regulatory Commission's Office of Investigations.

14 This interview is being recorded on a Sony  
15 cassette recorder, with a backup Sony micro-cassette  
16 recorder. This is Mr. [REDACTED] second interview  
17 concerning a fitness for duty issue in Kewaunee during  
18 2001.

19 Mr. [REDACTED] please raise your right hand.  
20 Do swear that the information you are about to give is  
21 the truth, the whole truth, and nothing but the truth  
22 so help you, God?

23 MR. [REDACTED] (Inaudible response.)

24 WHEREUPON,

25 MR. [REDACTED]

7C

1 was called as a witness and, having been first duly  
2 sworn, was examined and testified as follows:

3 EXAMINATION OF MR. [REDACTED]

4 BY SPECIAL AGENT FAHEY: And for the  
5 record, I previously interviewed you on Thursday, June  
6 6th, 2002 at the Point Beach Nuclear Power Plant with  
7 a court recorder present?

8 MR. [REDACTED] Yes.

9 SPECIAL AGENT FAHEY: And I provided you  
10 with, for your review, a copy of that transcript which  
11 you just read before we went on the record.

12 MR. [REDACTED] Yes.

13 SPECIAL AGENT FAHEY: Did you see any  
14 substantial problems with the way it was court  
15 reported, or transcribed?

16 MR. [REDACTED] No.

17 SPECIAL AGENT FAHEY: And before you answer  
18 any questions on the record, I think it's only  
19 appropriate for me to explain to you why I'm  
20 conducting this second interview. And I gave you a  
21 brief description on the phone when we scheduled the  
22 interview.

23 First, we got another related allegation  
24 at the NRC from [REDACTED] And he is alleging  
25 that NMC has denied him access in retaliation for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

7C

1 raising a fitness for duty concerning Kewaunee. He's  
2 had his access denied and so I have some questions  
3 about that since you were his supervisor.

4 The second issue concerns potential false  
5 statements you've made -- have made to me and to the  
6 NMC investigator during the respective investigations.  
7 A number of witnesses have contradicted what -- your  
8 assertion that no <sup>no one</sup> unreported fitness for duty concern  
9 involving [REDACTED] to you in 2001 while you were  
10 working at Kewaunee.

11 And I feel it's only fair to explain to  
12 you that any false statement made to a Federal Agent -  
13 - which would be me -- is a criminal violation of 18  
14 USC 1001.

15 In addition, NMC provided the NRC with an  
16 investigative report that their investigator prepared.  
17 It included copies of the reports of interview with  
18 you on December 5th and December 11th. If you made  
19 false or inaccurate statements to that investigator  
20 and they, in turn, provided that to the NRC, as their  
21 report, NMC is now on the line for making false and  
22 inaccurate statements to the NRC.

23 So, keeping that in mind, we've got three  
24 options here. You can go ahead with the interview, we  
25 can stop the interview, reschedule it if you want to

NEAL R. GROSS

1 seek legal counsel. You're certainly welcome to seek  
2 counsel, to have somebody present with you during the  
3 next interview. And of course, the third option is  
4 you can refuse to answer my questions. So --

5 MR. [REDACTED] I can answer your questions.

6 SPECIAL AGENT FAHEY: You want to go  
7 ahead?

8 MR. [REDACTED] Sure.

9 SPECIAL AGENT FAHEY: Okay. I just don't  
10 want you to feel that you've been duped into this  
11 interview. I want it clear there could potentially be  
12 some criminal sanctions taken against you if you've  
13 made false statements, and I don't know what you're  
14 going to tell me but -- you understand?

15 MR. [REDACTED] Sure.

16 SPECIAL AGENT FAHEY: Okay. And you still  
17 want to go ahead?

18 MR. [REDACTED] Sure.

19 SPECIAL AGENT FAHEY: Okay. Actually,  
20 take a look at the transcript then, and I'll take it  
21 in the order in which I discussed it with you then, on  
22 June 6th. I asked you, on page 13, if you ever asked  
23 [REDACTED] to be fitness for duty tested and you  
24 responded no. And is that answer true and correct?

25 MR. [REDACTED] Yes.

1 SPECIAL AGENT FAHEY: Okay. And that's  
2 page 13, at lines 5, 6, 7 and 8. And beginning on  
3 page 23 of the transcript, I asked you some pretty  
4 specific questions about whether anyone raised fitness  
5 for duty concerns to you about [REDACTED] and you  
6 answered no, and that's page 23, lines 11 to 14. Were  
7 the statements that you made to me on June 6<sup>th</sup> true?

8 MR. [REDACTED] Yes.

9 SPECIAL AGENT FAHEY: No one reported  
10 concerns to you?

11 MR. [REDACTED] No. There was -- nobody  
12 officially came to me and -- and said that -- I  
13 believe --

14 SPECIAL AGENT FAHEY: Be careful what you  
15 say here.

16 MR. [REDACTED] Okay.

17 SPECIAL AGENT FAHEY: Okay? You're better  
18 off not answering the question than not answering it  
19 truthfully.

20 MR. [REDACTED] Nobody officially came to my  
21 office and said, "We have a problem of [REDACTED]  
22 being fit for duty."

23 SPECIAL AGENT FAHEY: [REDACTED] never  
24 came to you and said he would not work for [REDACTED]  
25 [REDACTED] because he thought he was drunk or smelled

1 of alcohol? [REDACTED] never came to you?

2 MR. [REDACTED] No.

3 SPECIAL AGENT FAHEY: And [REDACTED] never  
4 came to you and told you they had concerns about  
5 working for [REDACTED]?

6 MR. [REDACTED] I know they didn't want to  
7 work for [REDACTED] because he came in as a foreman  
8 and they wanted a foreman position because they had  
9 been there and he wasn't on the job yet. So there was  
10 an issue with that.

11 SPECIAL AGENT FAHEY: Okay, but you're not  
12 answering my question. Did they come to you and say  
13 they wouldn't work for him per the reason that they  
14 thought he was unfit for duty?

15 MR. [REDACTED] No.

16 SPECIAL AGENT FAHEY: Okay. And I use that  
17 "unfit for duty" not as a quote, but as a general  
18 reference to their assertion that he either smelled of  
19 alcohol or may have been unfit for duty. Okay. So  
20 that page 23, this is accurate? You stand by your  
21 statements you mean, on June 6th?

22 MR. [REDACTED] Yes.

23 SPECIAL AGENT FAHEY: Okay. Again, on  
24 page 26, lines 19 through 25, I asked you again, and  
25 I'll quote it, "Basically, the whole fitness for duty

7C

*CONSIDER*  
1 constructing never came up while you were employed at  
2 Kewaunee," and you answered no. That's correct? You  
3 stand by that today?

4 MR. [REDACTED] Yeah.

5 SPECIAL AGENT FAHEY: Okay.. Do you know  
6 why [REDACTED] had his access denied?

7 MR. [REDACTED] I would imagine for --

8 SPECIAL AGENT FAHEY: No, no, no, no, no.  
9 That's not what I asked you.

10 MR. [REDACTED] No.

11 SPECIAL AGENT FAHEY: Okay. So no one at  
12 Day and Zimmerman ever interviewed you concerning  
13 [REDACTED] Okay. Asked you questions about him  
14 or his performance while he was employed at Kewaunee  
15 in 2001?

16 MR. [REDACTED] I -- I talked with my boss  
17 about what was going on and -- and [REDACTED] but  
18 I -- as far as knowing why he was denied, I don't  
19 know.

20 SPECIAL AGENT FAHEY: And the boss being?

21 MR. [REDACTED] [REDACTED]

22 SPECIAL AGENT FAHEY: And were those  
23 fitness for duty concerns that he had raised? [REDACTED]  
24 had raised? Or were they other -- were they  
25 personnel-type matters?



1 MR. [REDACTED] Well, this is -- this is  
2 after the fact, when I was being interviewed by the  
3 NMC and whatnot, I told my boss about it. But I  
4 wasn't -- so I was kind of telling them all the --all  
5 the different issues that had arose, service water  
6 piping beam, control of air conditioning supports,  
7 fitness for duty.

8 SPECIAL AGENT FAHEY: Okay, but did [REDACTED]  
9 [REDACTED] name specifically come up?

10 MR. [REDACTED] I -- I brought his name up.

11 SPECIAL AGENT FAHEY: Okay. For the  
12 welding issues or for the fitness for duty issue?

13 MR. [REDACTED] For everything.

14 SPECIAL AGENT FAHEY: Okay, but how could  
15 there be a fitness for duty issue if he never raised  
16 anything to you?

17 MR. [REDACTED] His name was mentioned. I  
18 don't know where, but I had heard his name.

19 SPECIAL AGENT FAHEY: Someone identified  
20 him to you as raising a fitness for duty concern?

21 MR. [REDACTED] There -- there -- there was  
22 just rumors about different things popping up, people  
23 -- there was -- a couple of the supervisors were  
24 turned in for improper internet use, and they got laid  
25 off. And there was just a lot of stuff popping up.

1 And I was like who -- who was on the --- who was  
2 unhappy and who made any kind of threats?

3 You know, I believe I said, back in June,  
4 the one -- the one after -- or, yeah. In fact, the  
5 last time I talked to you, I believe I talked about  
6 when [REDACTED] didn't get made a foreman back in 2001. He  
7 was mad enough where he said there was people who are  
8 going to go down for this. And I made -- he made a  
9 real brash statement that -- where I just figured he  
10 was mouthing off (inaudible).

11 SPECIAL AGENT FAHEY: Okay. But besides  
12 the three welders that I mentioned [REDACTED], and  
13 [REDACTED] there are other witnesses who say that they were  
14 aware that these welders had raised a fitness for duty  
15 concern in August of 2001, to you, and nothing was  
16 done about it. So while I can appreciate that you --  
17 I mean, you certainly went into it at length in June,  
18 that you had a problem with these three welders, what  
19 about other people that you didn't necessarily have  
20 a problem with?

21 MR. [REDACTED] Well, you know, all I can  
22 say, Mary Kay, is that there were a lot of unhappy  
23 people who -- they got laid off early. And I -- I was  
24 in a position where I was the bad guy because people  
25 got laid off early. (Inaudible) frustration kind of

1 comes back to me.

2 SPECIAL AGENT FAHEY: Okay. So all these  
3 people are making false statements in retaliation  
4 against you, for laying them off?

5 MR. [REDACTED] Well, I know there was a lot  
6 of unhappy people.

7 SPECIAL AGENT FAHEY: But you won't go  
8 that far as to say that?

9 MR. [REDACTED] Well, I don't know what to  
10 think. I know I have a lot of people who won't talk  
11 to me anymore in the Local because I've basically been  
12 -- you want to talk about blackballed.

13 SPECIAL AGENT FAHEY: But you're working.  
14 You haven't sat home for a year with your access  
15 denied. So when you say blackballed, I'm not sure  
16 what you mean.

17 MR. [REDACTED] By my fellow brothers in the  
18 Local. I --

19 SPECIAL AGENT FAHEY: You mean, socially,  
20 kind of?

21 MR. [REDACTED] Yes.

22 SPECIAL AGENT FAHEY: Okay. Okay. And if  
23 someone had come to you with this concern at the time  
24 that you (inaudible) what would you have -- as a  
25 supervisor, have done?

1 MR. [REDACTED] I would've walked with them,  
2 say something to [REDACTED] and gone to security.

3 SPECIAL AGENT FAHEY: Okay. First thing,  
4 I mentioned about [REDACTED] alleging that he had his  
5 access denied in retaliation for raising a fitness for  
6 duty concern, what would you say to that? I mean,  
7 since you're basically telling me he never raised a  
8 fitness for duty concern to you.

9 MR. [REDACTED] I'm thinking his access was  
10 denied just because of all the different issues that  
11 were brought up and all the money that was spent  
12 investigating allegations where there was a lot of  
13 accusations but no -- nothing that was proved, or  
14 proven. (Inaudible) maybe his background was  
15 questioned.

16 As I said earlier, there were a lot of  
17 different issues that kept popping up and I'm thinking  
18 he was probably involved with every one of them.

19 SPECIAL AGENT FAHEY: Do you know if any  
20 of those guys have gotten their access back yet? I'm  
21 guessing you're not keeping in touch with them.

22 MR. [REDACTED] (Inaudible response.) No-

23 SPECIAL AGENT FAHEY: No, you don't know,  
24 and no, you're not in touch with them?

25 MR. [REDACTED] (Inaudible response.)

1 SPECIAL AGENT FAHEY: Okay. I don't think  
2 I have any other questions. Is there anything else  
3 you want to throw on the record here?

4 MR. [REDACTED] Well, if -- you said [REDACTED]  
5 [REDACTED] suing the NRC or the NMC or --

6 SPECIAL AGENT FAHEY: No, I never --

7 MR. [REDACTED] Oh.

8 SPECIAL AGENT FAHEY: If [REDACTED] has  
9 filed a discrimination complaint with the NRC,  
10 claiming that he raised a safety concern, which would  
11 be a fitness for duty concern, and as a result of  
12 that, he was denied employment.

13 MR. [REDACTED] [REDACTED] was a foreman  
14 that I brought out and then I made him a general  
15 foreman. And [REDACTED] went to work for [REDACTED]  
16 [REDACTED] had -- had a lot of problems with [REDACTED]  
17 also. He might be somebody that you want to talk to  
18 about (inaudible) his behavior and some of the  
19 problems that he caused.

20 SPECIAL AGENT FAHEY: And where's [REDACTED]  
21 now? Is he at Point Beach?

22 MR. [REDACTED] He's at Kewaunee.

23 SPECIAL AGENT FAHEY: And who does he work  
24 for?

25 MR. [REDACTED] Day and Zimmerman.

1 SPECIAL AGENT FAHEY: And where are you at  
2 now?

3 MR. [REDACTED] Point Beach.

4 SPECIAL AGENT FAHEY: Okay. That's right.  
5 I called you there today. Okay. Anything else?

6 MR. [REDACTED] (Inaudible response.)

7 SPECIAL AGENT FAHEY: Okay. Have I  
8 threatened you in any manner or offered you any reward  
9 in return for your statements?

10 MR. [REDACTED] No.

11 SPECIAL AGENT FAHEY: Have you given your  
12 statement freely and voluntarily?

13 MR. [REDACTED] Yes.

14 SPECIAL AGENT FAHEY: Anything further you  
15 want to add for the record? Last chance.

16 MR. [REDACTED] (No audible response.)

17 SPECIAL AGENT FAHEY: Okay. We're off the  
18 record at approximately 7:32.

19 (Whereupon, the interview in the above-  
20 entitled matter was concluded at 7:32 p.m.)

21

22

23

24

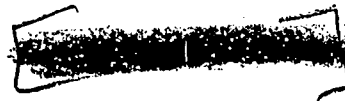
25

7c

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 and 3-2002-020

Location: Green Bay, Wisconsin

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

15/ Sydney Edington  
Sydney Edington  
Official Transcriber  
Neal R. Gross & Co., Inc.