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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

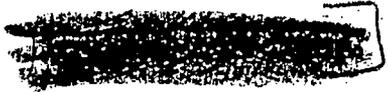
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OFFICE OF INVESTIGATIONS  
INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF :



3-2002-004

-----X

Point Beach Nuclear Power Plant  
Room 113, Engineering Building  
6612 Nuclear Road  
Two Rivers, Wisconsin 54241

Thursday, June 6, 2002

The above-entitled interview was conducted at  
11:23 a.m.

BEFORE:

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

Special Agent

H-53  
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EXHIBIT 12

3-2002-020

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

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SPECIAL AGENT FAHEY: For the record,  
this is an interview of [REDACTED] spelled  
[REDACTED] former welding supervisor for Day &  
Zimmerman Nuclear Power Systems at Kewaunee Nuclear  
Power Plant. Today's date is Thursday, June 6,  
2002. The time is approximately 11:23 a.m.

This interview is being conducted at the  
Point Beach Nuclear Power Plant located in Two  
Rivers, Wisconsin. My name is Mary Kay Fahey. I'm  
a special agent with the U.S. Nuclear Regulatory  
Commission's Office of Investigations in Region III.  
This interview is being transcribed by court  
reporter Christie Wydeven.

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

Mr. [REDACTED] please raise your right  
hand.

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

SPECIAL AGENT FAHEY: Okay. And some

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1 background questions. Date of birth?

2 MR. [REDACTED]

3 SPECIAL AGENT FAHEY: Social security  
4 number?

5 MR. [REDACTED]

6 SPECIAL AGENT FAHEY: Home address?

7 MR. [REDACTED]

8 [REDACTED]

9 SPECIAL AGENT FAHEY: Home telephone  
10 number?

11 MR. [REDACTED]

12 SPECIAL AGENT FAHEY: Work, current work  
13 telephone number?

14 MR. [REDACTED]

15 SPECIAL AGENT FAHEY: And that number is  
16 the telephone number here at Point Beach?

17 MR. [REDACTED] That's, yes, my office  
18 number.

19 SPECIAL AGENT FAHEY: Okay. And who are  
20 you currently employed with?

21 MR. [REDACTED] Day & Zimmerman NPS.

22 SPECIAL AGENT FAHEY: And how long have  
23 you been here at Point Beach?

24 MR. [REDACTED] I came here from Kewaunee  
25 the end of December.

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1 SPECIAL AGENT FAHEY: Okay. And what was  
2 your title when you were employed at Kewaunee?

3 MR. [REDACTED] Mechanical and civil  
4 superintendent.

5 SPECIAL AGENT FAHEY: And how long were  
6 you employed there?

7 MR. [REDACTED] I believe I went there in  
8 the -- either the end of April or beginning of May  
9 through the, like I said, the end of December when I  
10 came here.

11 SPECIAL AGENT FAHEY: Okay. And  
12 generally describe what your duties were at  
13 Kewaunee.

14 MR. [REDACTED] Oversight of the outside  
15 contractors for insulators, laborers, and  
16 steamfitters and boilermakers; lay out the work,  
17 work with engineering, and just make sure all the  
18 jobs went smoothly.

19 SPECIAL AGENT FAHEY: Okay. And in the  
20 chain of command, who did you report to?

21 MR. [REDACTED] ([REDACTED])

22 SPECIAL AGENT FAHEY: Was he a Day &  
23 Zimmerman employee?

24 MR. [REDACTED] Yes.

25 SPECIAL AGENT FAHEY: And what was his

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1 title?

2 MR. [REDACTED] Site manager.

3 SPECIAL AGENT FAHEY: And how many  
4 people -- how many supervisors did you have under  
5 you?

6 MR. [REDACTED] I just had -- I had a  
7 general foreman and foreman.

8 SPECIAL AGENT FAHEY: How many, rough  
9 idea?

10 MR. [REDACTED] Ten.

11 SPECIAL AGENT FAHEY: Okay. And before  
12 we went on record, you said you estimated that you  
13 had roughly 150?

14 MR. [REDACTED] I think we topped out at  
15 171.

16 SPECIAL AGENT FAHEY: Okay. And those  
17 were regular workers, laborers, craft people?

18 MR. [REDACTED] Yes, everyone.

19 SPECIAL AGENT FAHEY: Okay. How about  
20 general nuclear experience, how long have you been  
21 in the nuclear industry?

22 MR. [REDACTED] I came out to Kewaunee for  
23 the first time, I believe it was, 1986 for an  
24 outage, and I've been -- these are the only two  
25 plants I've been at.

1 SPECIAL AGENT FAHEY: Okay. And worked  
2 pretty regularly?

3 MR. [REDACTED] On and off up until about  
4 '90 I hit all the outages and then it was sporadic  
5 in between.

6 SPECIAL AGENT FAHEY: All right. Besides  
7 this work, what else do you do?

8 MR. [REDACTED] Wafer plants, chip plants,  
9 paper mills.

10 SPECIAL AGENT FAHEY: And are you a  
11 member of a union?

12 MR. [REDACTED] Yes.

13 SPECIAL AGENT FAHEY: Okay.

14 MR. [REDACTED] Local 400 Steamfitters.

15 SPECIAL AGENT FAHEY: And is that what  
16 you are by trade, a steamfitter?

17 MR. [REDACTED] Yes.

18 SPECIAL AGENT FAHEY: Okay. And when you  
19 worked at Kewaunee, and most of my questions from  
20 now on will be about your employment period at  
21 Kewaunee in 2001.

22 MR. [REDACTED] Okay.

23 SPECIAL AGENT FAHEY: Did your duties  
24 require you to go into the protected areas of the  
25 plant? Did you have unescorted access?

1 MR. [REDACTED] Yes.

2 SPECIAL AGENT FAHEY: Into all areas?

3 MR. [REDACTED] Yes.

4 SPECIAL AGENT FAHEY: Okay. And  
5 training, did you attend general education  
6 training -- general employee training, excuse me, or  
7 get training when you arrived on-site?

8 MR. [REDACTED] I believe -- if I remember  
9 correctly, I believe I tested here before going down  
10 there.

11 SPECIAL AGENT FAHEY: Tested here, here  
12 at Point Beach?

13 MR. [REDACTED] I think so. I -- I can't  
14 honestly say. I just -- I don't remember. I --

15 SPECIAL AGENT FAHEY: Okay. Do you  
16 recall whether because you may have worked at  
17 Kewaunee on prior occasions that your training may  
18 have been shortened or abbreviated?

19 MR. [REDACTED] That could be. Some stuff  
20 was.

21 SPECIAL AGENT FAHEY: Okay. You don't  
22 remember if you had training or how long it lasted?

23 MR. [REDACTED] I know we had to check to  
24 see if we were okayed for all the different things,  
25 procedure-wise, but what class I had to redo and

1 whatnot, I'm not quite sure which ones I had to  
2 retake, but I thought we had some of the training up  
3 here because people were swinging back and forth.  
4 You know, as it was, I was -- I was here and then I  
5 went there and now I'm back here because in general  
6 Day & Zimmerman is -- has the NMC contract for  
7 contract, contract workers, so I go between the two  
8 plants.

9 SPECIAL AGENT FAHEY: Okay. So you were  
10 a Point Beach -- well, you were employed here at  
11 Point Beach at the time you knew that you were going  
12 to Kewaunee shortly so your training may have been  
13 done here?

14 MR. [REDACTED] Yes.

15 SPECIAL AGENT FAHEY: Okay. Were there a  
16 group of you that were in the same situation that  
17 were employed here at Point Beach and then went to  
18 Kewaunee?

19 MR. [REDACTED] ( [REDACTED] ) was. He came  
20 actually later on from here.

21 SPECIAL AGENT FAHEY: And I was going to  
22 ask you some questions about the fitness-for-duty  
23 training that you had during that GET training. Do  
24 you have any recollection at all whether fitness for  
25 duty was discussed?

1 MR. [REDACTED] I know fitness for duty was  
2 discussed in it, yes.

3 SPECIAL AGENT FAHEY: Okay. Was there  
4 specific training provided for the expectations  
5 related to actions taken when an individual detects  
6 the odor of alcohol on the breath of another plant  
7 worker?

8 MR. [REDACTED] Yes. You're supposed to go  
9 to your supervisor, and I remember that to a certain  
10 extent, it's something's mentioned about abhorrent  
11 behavior and -- *aberrant*

12 SPECIAL AGENT FAHEY: And is that  
13 something that's considered abhorrent behavior?

14 MR. [REDACTED] Well, I would say if you  
15 see something out of character and the smell of  
16 alcohol, you know you got a problem.

17 SPECIAL AGENT FAHEY: Okay. Did you take  
18 a standard test, GET test, when you went to  
19 Kewaunee?

20 MR. [REDACTED] That's the part I don't  
21 remember, if I took it here or I -- it seems to me  
22 there was a test, but I -- there was so many I -- I  
23 know we had a checkoff at the time, but I -- I just  
24 can't honestly say.

25 SPECIAL AGENT FAHEY: Okay. And can we

1 assume that since you went to work at Kewaunee that  
2 you successfully passed all the --

3 MR. [REDACTED] Yes.

4 SPECIAL AGENT FAHEY: -- requirements?

5 Okay. Do you know [REDACTED]

6 MR. [REDACTED] Yes.

7 SPECIAL AGENT FAHEY: And how long have  
8 you known him?

9 MR. [REDACTED] Roughly twenty years.

10 SPECIAL AGENT FAHEY: Okay. And how do  
11 you know him, through the union hall or --

12 MR. [REDACTED] Yes.

13 SPECIAL AGENT FAHEY: All right. And  
14 you've worked with him at Kewaunee and Point Beach?

15 MR. [REDACTED] No. I worked with him  
16 at -- this was the first, I believe, I worked with  
17 him at Kewaunee.

18 SPECIAL AGENT FAHEY: Okay. But worked  
19 with him outside the nuclear industry?

20 MR. [REDACTED] Yes.

21 SPECIAL AGENT FAHEY: Okay. And how  
22 would you characterize your relationship, business  
23 only?

24 MR. [REDACTED] Well, friends.

25 SPECIAL AGENT FAHEY: Do you socialize

1 outside of work?

2 MR. [REDACTED] I have a couple of times,  
3 but I would say you could count it probably on my  
4 hand in the years that I've known him.

5 SPECIAL AGENT FAHEY: Okay. And was that  
6 socializing like going out after work with the crew  
7 or a company function?

8 MR. [REDACTED] No. One time I met him and  
9 his -- my wife and I met him and his wife out for  
10 dinner on a Friday night when we were working  
11 together at one of the paper mills, and then I  
12 stopped by his house once last summer I think and  
13 said hi because my kids were playing in the park  
14 across the street and I knew -- I saw his vehicle.  
15 I just knew that he lived [REDACTED]

16 SPECIAL AGENT FAHEY: Okay. But you  
17 don't live in [REDACTED]

18 MR. [REDACTED] I lived in [REDACTED]

19 SPECIAL AGENT FAHEY: Okay.

20 MR. [REDACTED] And [REDACTED]

21 [REDACTED]

22 SPECIAL AGENT FAHEY: Okay. So you live  
23 close to each other?

24 MR. [REDACTED] Yes. Originally I'm from  
25 [REDACTED] I just sold my house a year ago.

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1 SPECIAL AGENT FAHEY: Okay. And what  
2 about going out after work?

3 MR. [REDACTED] I don't --

4 SPECIAL AGENT FAHEY: No?

5 MR. [REDACTED] -- usually go out, no. I'm  
6 a gym rat.

7 SPECIAL AGENT FAHEY: Okay. Do you have  
8 any reason to suspect that [REDACTED] may have a  
9 drinking problem?

10 MR. [REDACTED] I know he drinks or has  
11 cocktails.

12 SPECIAL AGENT FAHEY: And you know that  
13 because of your contact with him or because he talks  
14 about it?

15 MR. [REDACTED] Well, I remember when I  
16 worked with him, he would go out with his wife and,  
17 you know, I'd say, "Well, what did you do last  
18 night?" "Well, we went to the Chatter House, had a  
19 few drinks, went out to eat."

20 SPECIAL AGENT FAHEY: Okay. Are you  
21 aware of any occasion when [REDACTED] or any other  
22 Day & Zimmerman employee was asked to be  
23 fitness-for-duty tested and refused?

24 MR. [REDACTED] No.

25 SPECIAL AGENT FAHEY: Okay. What would

1 happen if an employee refused?

2 MR. [REDACTED] I would have to escort him  
3 off-site or go to security with him and do some  
4 paperwork. You'd have to log everything.

5 SPECIAL AGENT FAHEY: Okay. Did you ever  
6 ask [REDACTED] to be fitness-for-duty tested?

7 MR. [REDACTED] No.

8 SPECIAL AGENT FAHEY: All right. And  
9 besides [REDACTED] did anyone identify to you anyone  
10 else while you with working at Kewaunee that was  
11 unfit for duty?

12 MR. [REDACTED] No.

13 SPECIAL AGENT FAHEY: Are you aware of --

14 MR. [REDACTED] Well, I had -- this is -- I  
15 mean this should be all okay with that answer no,  
16 but I did have somebody who tested positive before  
17 they -- when they did their drug screen, and then  
18 Darlene Peters had called me and we had to bring  
19 that person up because they had failed the drug  
20 screen, and then they were escorted out, off-site.  
21 I can't remember the worker's name, but there was  
22 some -- an instance for that where they didn't pass  
23 the screen.

24 SPECIAL AGENT FAHEY: Just one that you  
25 can recall?

1 MR. [REDACTED] Yes.

2 SPECIAL AGENT FAHEY: Okay. What about  
3 random testing, do you recall people being randomly  
4 selected?

5 MR. [REDACTED] Yes.

6 SPECIAL AGENT FAHEY: Are supervisors  
7 included in that pool?

8 MR. [REDACTED] Yes.

9 SPECIAL AGENT FAHEY: Any supervisors  
10 selected?

11 MR. [REDACTED] Yes, I believe I had a  
12 foreman or a general foreman. I thought there was a  
13 couple times guys got called.

14 SPECIAL AGENT FAHEY: Okay. Has [REDACTED]  
15 [REDACTED] ever called in and said he was unfit for  
16 duty?

17 MR. [REDACTED] No.

18 SPECIAL AGENT FAHEY: I realize you guys  
19 aren't on-call, you have regular hours?

20 MR. [REDACTED] Yeah, we have a standard  
21 shift.

22 SPECIAL AGENT FAHEY: Okay. And explain  
23 to me generally what the rule is. Is it a five-hour  
24 rule, you're not supposed to have any alcohol for  
25 five hours before coming on-site?

1 MR. [REDACTED] Five hours no alcohol. If  
2 you believe that there's even a question, you're  
3 supposed to stop and you can -- you can take a  
4 Breathalyzer.

5 SPECIAL AGENT FAHEY: And we talked a  
6 little bit about this before we went on the record.  
7 Do you know why anyone would claim [REDACTED] fit  
8 for duty?

9 MR. [REDACTED] I'm going to say that  
10 there's hard feelings because of an early layoff and  
11 there were also people that wanted foreman's  
12 positions, general foreman's positions, and some of  
13 the people were very bold about saying that they  
14 thought they should have a position, they were owed  
15 a position, and to me it - [REDACTED] - when [REDACTED]  
16 [REDACTED] came out there, he was requested by the  
17 plant. From my understanding, he's been coming out  
18 there for over twenty years, running the ISI program  
19 which is something he knows like the back of his  
20 hand, so I had no question about that, and he would  
21 be working for the plant. He worked for Day &  
22 Zimmerman as far as getting a check, but basically  
23 he got his layout from the plant personnel, so I  
24 knew when he came out he was going to go work for  
25 the plant, but before he -- they had the work for

1 him, he helped us out a little bit, and some of the  
2 people said, well, "How can he just come out as a  
3 foreman?" And I said, "It's something that the  
4 plant has set up with him. He does it every year."  
5 And there were some people that were -- thought  
6 because they were there earlier, that they were next  
7 in line to take a position, and it doesn't always  
8 work out. That's --

9 SPECIAL AGENT FAHEY: Okay. Did

10 [REDACTED] report to you early on?

11 MR. [REDACTED] Yes.

12 SPECIAL AGENT FAHEY: Okay. For how long  
13 would you say?

14 MR. [REDACTED] I'm going to say two, three  
15 weeks, maybe a little longer. I mean, he always let  
16 me know every day. He was in -- he was in another  
17 area, but being that I tracked the time, he would --  
18 he would pop in the office and say, "Hi, I'm here",  
19 and if he needed any support from any of the  
20 steamfitters for buffing pipe or the insulators for  
21 removing insulation, he would -- he would say could  
22 I get X amount of people, and I would -- I would try  
23 and help him out in that aspect because I had to  
24 supply men to him when they needed them.

25 SPECIAL AGENT FAHEY: Was he hired in

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1 April also when you came on?

2 MR. [REDACTED]: I think he came like a  
3 month or two later. I'm going to say late June,  
4 early July, or maybe even -- I think sometime in  
5 June maybe.

6 SPECIAL AGENT FAHEY: Okay. And then  
7 after two or three weeks his position changed from a  
8 foreman to --

9 MR. [REDACTED]: He was going to go work for  
10 ISI, yes.

11 SPECIAL AGENT FAHEY: And he reported to  
12 somebody at Kewaunee?

13 MR. [REDACTED]: Yes.

14 SPECIAL AGENT FAHEY: All right. Now,  
15 when I asked you about problems with any  
16 employees -- or I guess I didn't ask you that. Were  
17 there specific problems with specific employees?

18 MR. [REDACTED]: Yes.

19 SPECIAL AGENT FAHEY: And who were they?

20 MR. [REDACTED]: Well, the biggest problem  
21 was [REDACTED]

22 SPECIAL AGENT FAHEY: Okay. And he was  
23 someone who felt that he should have been a  
24 supervisor or a foreman?

25 MR. [REDACTED]: Yes.

1 SPECIAL AGENT FAHEY: Okay. Who else?

2 MR. [REDACTED] [REDACTED] And his biggest  
3 thing was he was from down South and he was trying  
4 to stay up here. If you're -- if you're in the  
5 local for three years, you're -- you can clear into  
6 the local and have work up here as a local hand, so  
7 he was trying to get his time in so he could -- he  
8 could move his family up here, or himself, and  
9 somebody told him when he hired on that he would  
10 always be here, and I said you -- I told him, you  
11 never made a deal with me and I can't -- I can't  
12 guarantee anybody a job because when they say they  
13 don't have money or they don't need us here, we're  
14 all laid off.

15 SPECIAL AGENT FAHEY: Okay. And now  
16 you're going to have to explain on the record the  
17 conversation before we went on the record about the  
18 outage was expected to last -- tell me that again --  
19 so many days.

20 MR. [REDACTED] Okay. We had a steam  
21 generator replacement and the outage was scheduled  
22 to be 73 days long. I believe it was day 18 I got a  
23 phone call stating that X amount of people had to  
24 be -- we had to start laying off people because we  
25 were -- we were lacking funds to fund certain parts

1 of the project. So, we had to let go of some  
2 laborers and -- it started, I believe, with the  
3 laborers and it went from there. For the next  
4 couple weeks, we laid off a lot of people, and in  
5 the long-run I believe we had wound down to  
6 basically a skeleton-type crew of maybe less than 40  
7 people by -- by day 40.

8 SPECIAL AGENT FAHEY: And were [REDACTED]  
9 and [REDACTED] two that were let go early?

10 MR. [REDACTED] I don't remember the order  
11 that they went. I know I was trying to make  
12 everybody happy, and [REDACTED] I've known him  
13 for a few years, and he's -- actually I considered  
14 him a friend and I know he had [REDACTED]  
15 [REDACTED] I know I  
16 was trying to take care of him even with all the  
17 grief that he had caused me because there were a lot  
18 of different issues, but I know he got laid off way  
19 before what he expected to. As far as a time frame  
20 goes, I can't say for sure. And the same thing with  
21 [REDACTED] I believe. That was basically the same  
22 way.

23 SPECIAL AGENT FAHEY: Right. And is  
24 there -- when you're hired by Day & Zimmerman on  
25 site, do you sign a contract for a specific number

1 of days?

2 MR. [REDACTED] No.

3 SPECIAL AGENT FAHEY: So they're not  
4 committed to paying you if they --

5 MR. [REDACTED] No.

6 SPECIAL AGENT FAHEY: -- if they promise  
7 you upfront it's going to be 72 days?

8 MR. [REDACTED] No. The construction trade  
9 is you go to jobs and when the job is complete, or  
10 when they tell you that they're cutting back, that's  
11 just the way it is, and you go down to the union  
12 hall and go to the next job.

13 SPECIAL AGENT FAHEY: Okay. And any  
14 other employees that you can think of that you had a  
15 problem with?

16 MR. [REDACTED] Well, there were a lot  
17 of -- a lot of different issues, but if -- but if I  
18 had to say for this issue, I would say that these  
19 two guys probably have something to say. Possibly  
20 [REDACTED] It's hard. There were so many people  
21 that were unhappy because of this and there were so  
22 many people. The hardest part about this is you got  
23 to understand that, you know, the reason I feel bad  
24 about the whole situation with letting people go is  
25 you have families, house payments, car payments.

1 I'd keep everybody as long as I could if it was up  
2 to me, but living in the real world that's not the  
3 way it is.

4 SPECIAL AGENT FAHEY: Okay. And did any  
5 of these people that you mentioned have problems  
6 with [REDACTED] also?

7 MR. [REDACTED] Well, I know [REDACTED]  
8 and [REDACTED] both questioned me about how a guy could  
9 just come in and be a foreman right away and that's  
10 when I had explained earlier about him running the  
11 [REDACTED] program.

12 SPECIAL AGENT FAHEY: Okay. But [REDACTED]  
13 was a [REDACTED]

14 MR. [REDACTED] Yes.

15 SPECIAL AGENT FAHEY: Okay. So he had no  
16 sights on being a foreman, did he?

17 MR. [REDACTED] It depended what day that  
18 you talked to him. He had told me that he could  
19 have had my job. So I -- that's what I mean. It  
20 all depends what -- you kind of take it differently  
21 each day.

22 SPECIAL AGENT FAHEY: Okay. And were  
23 these concerns that [REDACTED] and [REDACTED] had serious  
24 enough that they would make false accusations  
25 against [REDACTED] about being unfit for duty?

1 MR. [REDACTED] I believe they were mad  
2 enough that they could be deceitful if -- I might as  
3 well throw this out: I had another issue about the  
4 control room air conditioning piping, about some of  
5 the supports that were welded up there, about the  
6 guy who welded them not being qualified. I had an  
7 issue with the service water piping, that that  
8 wasn't done by procedure, and I know when Hal Walker  
9 checked all the paperwork and everything else, he  
10 had said there's nothing that you have done wrong,  
11 and I had told him that I didn't -- I wouldn't  
12 intentionally do anything wrong and if there's  
13 something he could find, to let me know so I  
14 wouldn't make the mistake again so --

15 SPECIAL AGENT FAHEY: And are you saying  
16 that these two brought these issues up also?

17 MR. [REDACTED] Well, I --

18 SPECIAL AGENT FAHEY: Or you don't know?

19 MR. [REDACTED] I don't know, but I just --  
20 there was -- there was so many things that kept  
21 popping up and it all kind of revolved around the  
22 piping, the mechanical aspect, which was the  
23 steamfitters. The other people that had a problem,  
24 they would deal with me one-on-one about, you know,  
25 if they were getting laid off or if they were

1 unhappy about something, but the fitters never, you  
2 know, came and sat down in your office and would  
3 talk to you one-on-one and say there was a problem.  
4 They'd -- it was like they were trying to get even  
5 with people.

6 SPECIAL AGENT FAHEY: Okay. And for the  
7 record, Hal Walker is who?

8 MR. [REDACTED]: From my understanding, Hal  
9 Walker was an investigator that was hired by the NMC  
10 to check into some of the things that were going on.

11 SPECIAL AGENT FAHEY: Okay. Did anyone  
12 raise fitness-for-duty concerns to you about [REDACTED]

13 [REDACTED]

14 MR. [REDACTED]: No.

15 SPECIAL AGENT FAHEY: Did you tell [REDACTED]  
16 [REDACTED] recently that some of the workers had?

17 MR. [REDACTED]: I told [REDACTED]  
18 and I talked after all this stuff started happening,  
19 and I said that there was an issue about his fitness  
20 for duty.

21 SPECIAL AGENT FAHEY: Okay. Did you  
22 identify anybody specifically?

23 MR. [REDACTED]: I didn't -- I didn't know  
24 because nothing has been told to me about the names.

25 SPECIAL AGENT FAHEY: Okay. And when did

1 you have that conversation, after December of 2001?

2 MR. [REDACTED] Yes.

3 SPECIAL AGENT FAHEY: Okay. Was --

4 MR. [REDACTED] Basically after [REDACTED]

5 [REDACTED] was gone.

6 SPECIAL AGENT FAHEY: Okay. Did you ever  
7 discuss fitness-for-duty concerns about [REDACTED]  
8 with Day & Zimmerman management?

9 MR. [REDACTED] Just after we started  
10 having the meetings. I had -- I had mentioned to  
11 them what was going on. There was a  
12 fitness-for-duty issue and that's what it was about.

13 SPECIAL AGENT FAHEY: Okay. And after --

14 MR. [REDACTED] It was after the fact.

15 SPECIAL AGENT FAHEY: After December?

16 MR. [REDACTED] Yes.

17 SPECIAL AGENT FAHEY: Okay.

18 MR. [REDACTED] It was when [REDACTED]  
19 didn't work for us anymore and after I had talked to  
20 Hal Walker and I was told that there was an issue.  
21 Otherwise, I knew of no problem.

22 SPECIAL AGENT FAHEY: Okay. And were you  
23 aware that an issue was raised about your fitness  
24 for duty?

25 MR. [REDACTED] Yes. FC

1 SPECIAL AGENT FAHEY: Okay. And how do  
2 you know that?

3 MR. [REDACTED] Darlene Peters and I think  
4 it was Cheryl Andrews was in the meeting with her,  
5 and they were asking me questions because my badge  
6 was put on admin hold while there was more  
7 investigating going on back in, gosh, I'm going to  
8 say February, sometime around then, my badge was put  
9 on admin hold for ten days while they investigated  
10 some more, and Hal Walker came in and then one of  
11 the last days Darlene had called me into the office  
12 and, like I said, I believe it was Cheryl Andrews  
13 was in there as a witness writing stuff down, and  
14 they brought up, I thought it was them, that they  
15 brought up that they had even questioned my fitness  
16 for duty, and they had gone on to ask me, you know,  
17 how often I drank and stuff like that, and I had to  
18 chuckle to a certain extent because, like I had said  
19 earlier about the issues, just when one issue fails,  
20 something else seems to pop up, and I'm -- a lot of  
21 people know me and I go to the gym at night and I go  
22 to the gym right after work. I stop at home, get my  
23 bag. I don't go out very often.

24 SPECIAL AGENT FAHEY: Okay. And were you  
25 ultimately badged?

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1 MR. [REDACTED] Yes.

2 SPECIAL AGENT FAHEY: Okay. So the first  
3 you heard about it was when you went to work at  
4 Point Beach?

5 MR. [REDACTED] Yes.

6 SPECIAL AGENT FAHEY: That was in  
7 February of 2002. Okay. So nobody ever questioned  
8 you while you worked at Kewaunee --

9 MR. [REDACTED] Oh, no.

10 SPECIAL AGENT FAHEY: -- and said that  
11 they thought you were unfit?

12 MR. [REDACTED] No.

13 SPECIAL AGENT FAHEY: Nobody requested  
14 you to go be tested?

15 MR. [REDACTED] No.

16 SPECIAL AGENT FAHEY: Nobody in Day &  
17 Zimmerman management ever questioned you?

18 MR. [REDACTED] No.

19 SPECIAL AGENT FAHEY: Okay. So,  
20 basically the whole fitness-for-duty concern thing  
21 never came up while you were employed at Kewaunee?

22 MR. [REDACTED] No.

23 SPECIAL AGENT FAHEY: Okay. It was all  
24 after the fact?

25 MR. [REDACTED] Yes.

1 SPECIAL AGENT FAHEY: Okay. Let's talk  
2 about [REDACTED] again. Did you ever smell  
3 alcohol on him?

4 MR. [REDACTED] No.

5 SPECIAL AGENT FAHEY: Okay. Did you ever  
6 see any other indications that he was unfit for  
7 duty?

8 MR. [REDACTED] No.

9 SPECIAL AGENT FAHEY: Slurring of his  
10 speech or unsteady on his feet?

11 MR. [REDACTED] No.

12 SPECIAL AGENT FAHEY: Okay. And you said  
13 earlier he checked in with you pretty much every  
14 morning for a period of time or the whole time?

15 MR. [REDACTED] Basically the whole outage.  
16 My trailer, my office, and we had a trailer set up  
17 right inside the security parameter where everybody  
18 would badge through the gate, our trailer was right  
19 inside that area. [REDACTED] would walk into the  
20 trailer, pop his head in my office, and give me a  
21 little wave "I'm here" and then he would let me know  
22 if he needed anything.

23 SPECIAL AGENT FAHEY: Okay. Let's go off  
24 the record for a minute.

25 (Discussion held off the record.) *7C*

1 SPECIAL AGENT FAHEY: We're back on. All  
2 right. And you said he would give you a wave just  
3 acknowledging that he was present for the day?

4 MR. [REDACTED]: Yes, just to let me know he  
5 was there.

6 SPECIAL AGENT FAHEY: Do you recall him  
7 missing any work time?

8 MR. [REDACTED]: No.

9 SPECIAL AGENT FAHEY: How many people  
10 worked for [REDACTED] do you know, or under him?

11 MR. [REDACTED]: It varied. You know, once  
12 in a while it was nobody and sometimes I would say  
13 maybe he'd have, you know, a dozen or a couple more  
14 than a dozen. Sometimes if he needed scaffold  
15 built, carpenters would work for him and laborers,  
16 and then, like I said, sometimes he'd have to have  
17 insulation removed off pipe so some insulators might  
18 remove insulation and then the pipe fitters would  
19 have to buff the pipe for inspection.

20 SPECIAL AGENT FAHEY: Generally are  
21 employees hesitant to report a co-worker as being  
22 unfit?

23 MR. [REDACTED]: Can you repeat that?

24 SPECIAL AGENT FAHEY: Generally are  
25 employees hesitant to report a co-worker as unfit?

1 MR. [REDACTED] Generally?

2 SPECIAL AGENT FAHEY: Um-hmm.

3 MR. [REDACTED] Not that I'm aware of.

4 SPECIAL AGENT FAHEY: Is there any  
5 unspoken code of silence that you don't want to get  
6 somebody else in trouble?

7 MR. [REDACTED] Not that I'm aware of.

8 SPECIAL AGENT FAHEY: Has Day & Zimmerman  
9 or NMC ever discouraged any employees from reporting  
10 anyone?

11 MR. [REDACTED] No.

12 SPECIAL AGENT FAHEY: And specifically  
13 fitness-for-duty concerns?

14 MR. [REDACTED] No.

15 SPECIAL AGENT FAHEY: Okay. Are you  
16 aware of any employee being retaliated against  
17 because they reported somebody?

18 MR. [REDACTED] No.

19 SPECIAL AGENT FAHEY: How about the  
20 union, do they discourage that?

21 MR. [REDACTED] No. Our union actually has  
22 a fitness for duty now in place for its workers that  
23 they test you and I -- I don't know how often it  
24 happens. I know they just implemented it in the  
25 last two or three years, where everybody had to come

1 in or else the contractor you were working for had  
2 you test for them, so the union actually supports  
3 fitness for duty.

4 SPECIAL AGENT FAHEY: Okay. And you're  
5 talking about Union 400?

6 MR. [REDACTED] Yes.

7 SPECIAL AGENT FAHEY: Local 400?

8 MR. [REDACTED] Yes.

9 SPECIAL AGENT FAHEY: Is that out of  
10 Green Bay?

11 MR. [REDACTED] Yes.

12 SPECIAL AGENT FAHEY: And does that make  
13 it quicker for you to get on-site or get hired --

14 MR. [REDACTED] No.

15 SPECIAL AGENT FAHEY: -- if the union can  
16 vouch for you?

17 MR. [REDACTED]: I would say no. It's just  
18 they--- they know whether or not a guy is probably  
19 willing to go out and go through everything that  
20 they go through with the testing and everything  
21 else. Some guys might not be as gung-ho to show up  
22 to make money as others that don't have problems.

23 SPECIAL AGENT FAHEY: Okay. And I asked  
24 you this before, but let me just get it again. Are  
25 you aware of any employee who knew that you were

1 unfit for duty yet failed to report you?

2 MR. [REDACTED] No.

3 SPECIAL AGENT FAHEY: Okay. And if  
4 another employee had reported to you that they  
5 thought you were unfit for duty, what would you do  
6 or what are you required to do?

7 MR. [REDACTED] Well, I would have either  
8 had [REDACTED] take me to security or just went with  
9 that person to security, had them walk me up.

10 SPECIAL AGENT FAHEY: Okay. And when you  
11 get to security to be tested --

12 MR. [REDACTED] Yes.

13 SPECIAL AGENT FAHEY: -- okay, is that  
14 where you go?

15 MR. [REDACTED] Yes.

16 SPECIAL AGENT FAHEY: Okay. If another  
17 employee suspected that you were unfit for duty,  
18 what are they required to do?

19 MR. [REDACTED] They're required to go to  
20 their supervisor. Now, if I would be the supervisor  
21 in question, I would say they should -- they should  
22 pick another supervisor.

23 SPECIAL AGENT FAHEY: Okay.

24 MR. [REDACTED] Or else --

25 SPECIAL AGENT FAHEY: Or go above you?

1 MR. [REDACTED] Yes.

2 SPECIAL AGENT FAHEY: Okay. And that  
3 would have been [REDACTED]

4 MR. [REDACTED] Yes.

5 SPECIAL AGENT FAHEY: -- [REDACTED] Okay.

6 And just for the record, do you understand the  
7 underlying premise about the importance of being  
8 fitness -- of the fitness-for-duty program while  
9 working at a nuclear power plant?

10 MR. [REDACTED] Yes.

11 SPECIAL AGENT FAHEY: And you worked  
12 enough here to understand and be trained?

13 MR. [REDACTED] Yes. Like I was telling  
14 you earlier, or I might have been telling you before  
15 Mary Kay got here, but we have a mod going on right  
16 now, IWP for the control room, so I have guys in the  
17 control room all day long on and off. We're getting  
18 ready for temporary chillers for the control room  
19 when they're upgrading this summer and there's a lot  
20 of things that could go wrong if somebody bumps  
21 something. You need to be on your toes to begin  
22 with. So to me it's pretty important, especially --  
23 I mean every day it's important, but now that I have  
24 people in there, and something happens, they come  
25 back to me, it's very important.

1 SPECIAL AGENT FAHEY: Okay. Have you  
2 ever seen any drinking on-site?

3 MR. [REDACTED] No.

4 SPECIAL AGENT FAHEY: Of alcohol?

5 MR. [REDACTED] No.

6 SPECIAL AGENT FAHEY: Okay. And we  
7 talked a little bit before we were on the record.  
8 You said that [REDACTED] explained that his badge  
9 had -- he had not been badged when he went to Point  
10 Beach or came here?

11 MR. [REDACTED] Yes.

12 SPECIAL AGENT FAHEY: Okay. And what did  
13 he explain to you was the reason or did he know the  
14 reason?

15 MR. [REDACTED] I don't think he knew the  
16 reason. I don't know if anybody has ever really  
17 given him anything other than all these questions.  
18 There's a concern on fitness for duty, but I don't  
19 think anybody has ever given him anything concrete  
20 that -- why they can -- why they -- why he hasn't  
21 gotten his badge. There's a question so far as  
22 Point Beach going, they have to investigate to make  
23 sure that there's no ifs, ands, or buts, but for --  
24 in [REDACTED] eyes he's still wondering because he  
25 doesn't see where there was a problem because

1 nothing has ever been brought to him or nobody -- at  
2 the time he found out about this, he was already  
3 laid off. I found out about this, it was a surprise  
4 to me, so even for me I say, gosh, [REDACTED] I don't -- I  
5 don't know really what the reason is because if they  
6 had something concrete where somebody said, "Let's  
7 go get you tested, I don't think you're fit for  
8 duty", you would go blow in a tube, take a  
9 urinalysis, and it would be straightened out.  
10 There's no -- you either are or you aren't, but to  
11 have where somebody makes an accusation, I think the  
12 plant can't say, well, you're not fit for duty, but  
13 at the same time there's a question so they're  
14 investigating so -- so he's kind of been up in the  
15 air and that's what I've gotten so far.

16 SPECIAL AGENT FAHEY: Okay. Have you  
17 ever had occasion to be fitness-for-duty tested?

18 MR. [REDACTED]: Yes.

19 SPECIAL AGENT FAHEY: Okay. At Kewaunee?

20 MR. [REDACTED]: Yes. It was -- this was a  
21 random, though. I think it was in maybe the early  
22 '90s or --

23 SPECIAL AGENT FAHEY: Is that the last  
24 time?

25 MR. [REDACTED]: For a random?

1 SPECIAL AGENT FAHEY: Yes.

2 MR. [REDACTED] I believe so.

3 SPECIAL AGENT FAHEY: Okay. What about  
4 not for a random?

5 MR. [REDACTED] Well, every time.

6 SPECIAL AGENT FAHEY: Oh, okay. Just the  
7 routine upon entry?

8 MR. [REDACTED] Yes. Nothing where  
9 somebody had an issue with me where I --

10 SPECIAL AGENT FAHEY: Okay. It was  
11 hiring testing?

12 MR. [REDACTED] Yes.

13 SPECIAL AGENT FAHEY: Okay. And that's  
14 each time you come on-site?

15 MR. [REDACTED] Yes.

16 SPECIAL AGENT FAHEY: And would [REDACTED]  
17 [REDACTED] be subject to the same?

18 MR. [REDACTED] Yes.

19 SPECIAL AGENT FAHEY: Has [REDACTED] ever  
20 indicated to you that he has any sort of medical  
21 condition?

22 MR. [REDACTED] hasn't. I've heard  
23 scuttlebutt about something with a flapper in his  
24 throat that doesn't close right. And like I said  
25 earlier, you don't know what's true and what's not

1 true, but you hear stories.

2 SPECIAL AGENT FAHEY: Okay. But nothing  
3 that you can confirm --

4 MR. [REDACTED] No.

5 SPECIAL AGENT FAHEY: -- or anything?  
6 Okay. And when you do this hiring testing, is it  
7 strictly a blood test and urinalysis or is there  
8 actually a physical -- a doctor gives you a  
9 physical?

10 MR. [REDACTED] Yes. We -- they have a --  
11 it's -- I believe it's a nurse, but she could be a  
12 doctor, but you come in, you go and you -- you have  
13 to empty your pockets, wash your hands. Then they  
14 go through the -- they have you pick out a cup. You  
15 have to urinate in the cup. Then they -- you have  
16 to sign and everything gets closed up. Then you're  
17 allowed to wash your hands again. Then you go to  
18 another room and blow in a tube for alcohol a  
19 couple -- I think it's two times that they do it for  
20 both, and, two or three times, and then you're done  
21 with that and then you get your results within a  
22 couple of days.

23 SPECIAL AGENT FAHEY: No blood pressure  
24 and other stuff taken?

25 MR. [REDACTED] I think they -- they've

1 done it in the past. I can't remember if they did  
2 the last time. I think sometimes when you -- when  
3 you come, they might do that, but I can't say for  
4 sure. I remember in the past there's been times  
5 when they've done it. Now I haven't -- you know,  
6 I've been flopping back and forth, so I'm not always  
7 getting like where if I -- I went two weeks ago to  
8 do some work up at Kewaunee, so I didn't -- I didn't  
9 have it where I had to take a -- blow in the tube or  
10 a urinalysis.

11 SPECIAL AGENT FAHEY: Okay.

12 MR. [REDACTED] Because we're considered  
13 one site, but it's been a little while since I have  
14 so I can't -- I can't say whether or not I had a  
15 high blood pressure test or any of that.

16 SPECIAL AGENT FAHEY: Okay. And then  
17 just a couple of follow-up questions about your  
18 condition. Have you ever violated that five-hour  
19 rule?

20 MR. [REDACTED] No.

21 SPECIAL AGENT FAHEY: Have you ever  
22 arrived at work smelling of alcohol?

23 MR. [REDACTED] No.

24 SPECIAL AGENT FAHEY: Anyone at work ever  
25 told you you smelled of alcohol?

1 MR. [REDACTED] No.

2 SPECIAL AGENT FAHEY: And despite the  
3 five-hour rule, have you ever felt you were impaired  
4 when you arrived at work?

5 MR. [REDACTED] No.

6 SPECIAL AGENT FAHEY: All right. I don't  
7 think I have any other questions. Let's go off the  
8 record for one minute.

9 (Discussion held off the record.)

10 SPECIAL AGENT FAHEY: Okay. We're back  
11 on the record. [REDACTED] do you have any part in the  
12 hiring process for Day & Zimmerman?

13 MR. [REDACTED] I did up the road.

14 SPECIAL AGENT FAHEY: At Kewaunee?

15 MR. [REDACTED] Yes.

16 SPECIAL AGENT FAHEY: All right. So you  
17 mentioned these three employees that you had a  
18 problem with: [REDACTED] and [REDACTED] Did you  
19 have any say in hiring them or laying them off  
20 early?

21 MR. [REDACTED] I had say in all the  
22 layoffs, and the hirings. The way the hirings work  
23 is I call the union hall and tell them how many  
24 people I need and they supply them. They give me  
25 the names. So you can pick certain people. If you

1 need a foreman or a general foreman or a supervisor,  
2 you can go by name and call them off a list of say  
3 whosever on the list. [REDACTED] was working at  
4 Point Beach at the time when I went up to Kewaunee.  
5 Originally he had asked about coming up and being a  
6 foreman and I said it probably wouldn't be a  
7 problem, to wait and see what happens, and when we  
8 hire more people, we should be able to give him a  
9 shot at being a foreman because -- I remember this:  
10 He had told me, "I'm [REDACTED] years old, I'm not going to  
11 burn rod my whole life", meaning welding rod, and I  
12 told him, "Yeah, if you want a shot, I'll give you a  
13 shot." But what happened was there was another --  
14 there was a site manager down here who had told me  
15 that there's no way in hell that you're going to  
16 make [REDACTED] a foreman, and when I told [REDACTED]  
17 that, he didn't believe me, and that's kind of where  
18 things started going downhill with [REDACTED] and I -- I  
19 have a Day & Zimmerman file where there's probably  
20 three or four violations that were just written on  
21 [REDACTED] With one written violation, I can -- I can  
22 lay him off or fire him. There's rules that Day &  
23 Zimmerman has. And I had mentioned earlier, I know  
24 [REDACTED] he has -- he can have a bad temper and  
25 sometimes his mouth can move before he thinks things

1 through, and I knew he had [REDACTED]  
2 [REDACTED] that he's taking care of and a big  
3 payment to [REDACTED] and I just kind of let  
4 things go in one ear and out the other hoping that  
5 they would go away.

6 SPECIAL AGENT FAHEY: Okay. What about  
7 the other two guys [REDACTED] and [REDACTED]

8 MR. [REDACTED] As far as?

9 SPECIAL AGENT FAHEY: Hiring them or --  
10 did they just come to you on a list?

11 MR. [REDACTED] came up from --  
12 I don't know if he's from [REDACTED] or [REDACTED]  
13 somewhere in that area, and I had -- I didn't know  
14 who he was or anything. He had -- I believe he had  
15 been here before, though, that's how he got here,  
16 and [REDACTED] he -- the hall -- the hall had sent him.  
17 I know him, but I didn't ask for him or anything.  
18 He just came through the hall.

19 SPECIAL AGENT FAHEY: Okay. And did you  
20 specifically request anybody as foreman or general  
21 foreman from the union?

22 MR. [REDACTED] Yes.

23 SPECIAL AGENT FAHEY: Off the list?

24 MR. [REDACTED] Yes.

25 SPECIAL AGENT FAHEY: Okay. Was one of

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them [REDACTED]

MR. [REDACTED] Yes, but that was because the plant had asked me to ask for him. The plant can't call for him. I have to. So they asked me to have him referred out there so I did.

SPECIAL AGENT FAHEY: Okay. And just as the plant can request an employee, they can tell you, like in [REDACTED]'s case, who you're not going to hire as a foreman or general foreman?

MR. [REDACTED] Well, that was -- that was through my boss from Day & Zimmerman.

SPECIAL AGENT FAHEY: Okay. Well, you said site manager.

MR. [REDACTED] The site manager for us.

SPECIAL AGENT FAHEY: Okay. Not at the plant. But they certainly have that right to say who comes on site and who doesn't?

MR. [REDACTED] They could give you -- they could give you their opinion. Now I could say no, I don't agree with that and we would talk about it because I work for the customer obviously and I want them to be happy, but I haven't had that problem with anybody. They normally, with the position I have, they entrust in me to have good judgment.

SPECIAL AGENT FAHEY: Okay. So far as

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1 you know, in your experience the licensee never  
2 stepped in and directed --

3 MR. [REDACTED] No. The one -- the only  
4 case where they asked for any -- for me to hire  
5 anybody was [REDACTED] because he had been  
6 running that program for 22, 23 years, whatever it  
7 may be, and that's who they always had do it.

8 SPECIAL AGENT FAHEY: Okay. Now I would  
9 think if you had some control over the hiring and  
10 layoff process, these guys would be even nicer to  
11 you and not giving you a problem.

12 MR. [REDACTED] Well, that's where the  
13 friendship part of it came in. You know, a guy gets  
14 to be your friend and he -- sometimes you -- you  
15 treat the people you know best the worst and take  
16 advantage of them.

17 SPECIAL AGENT FAHEY: Okay. And do you  
18 know, has [REDACTED] pretty much worked at Point  
19 Beach and Kewaunee, do you know if he works outside  
20 of those --

21 MR. [REDACTED] Oh, yes, he works -- he  
22 works --

23 SPECIAL AGENT FAHEY: Other industry?

24 MR. [REDACTED] Well, yes, around Green  
25 Bay, the paper mills.

1 SPECIAL AGENT FAHEY: Okay.

2 MR. [REDACTED] Green Bay has a lot of  
3 paper mills.

4 SPECIAL AGENT FAHEY: And you said you  
5 did know him from other work?

6 MR. [REDACTED] Yes.

7 SPECIAL AGENT FAHEY: And is there a lot  
8 of work up here -- this is just general  
9 information -- or do you have big periods of  
10 layoffs?

11 MR. [REDACTED] Most of the time there's a  
12 lot of work.

13 SPECIAL AGENT FAHEY: Okay.

14 MR. [REDACTED] Things are -- the economy  
15 has slowed a little bit this past year, but in  
16 general there's usually quite a bit of work.

17 SPECIAL AGENT FAHEY: Okay. I don't  
18 think I have any other questions. Mr. [REDACTED], have  
19 I threatened you in any manner or offered you any  
20 reward in return for your statement?

21 MR. [REDACTED] No.

22 SPECIAL AGENT FAHEY: Have you given your  
23 statement freely and voluntarily?

24 MR. [REDACTED] Yes.

25 SPECIAL AGENT FAHEY: Anything further

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you care to add for the record?

MR. [REDACTED] No.

SPECIAL AGENT FAHEY: Okay. We're  
concluded at approximately 12:20 p.m.

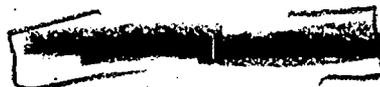
(Proceedings concluded at 12:20 p.m.)

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: N/A

Location: Two Rivers, 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.

15/ Christie Wydeven  
Christie Wydeven  
Official Reporter  
Neal R. Gross & Co., Inc.

A handwritten signature, possibly 'JC', is written in the bottom right corner of the page.