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September 16, 1983

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John H. Buck
Christine H. Kohl
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

IN THE MATTER OF
METROPOLITAN EDISON COMPANY
(Three Mile Island Nuclear Station, Unit No. 1)
Docket No. 50-289 (Restart)

Dear Chairman Edles and Judges Buck and Kohl:

On February 1, 1983, the NRC Staff alerted the Commissioners, Appeal Board and parties by Board Notification of an allegation related to psychological testing practices at GPUN which appeared to have a nexus to the TMI-1 restart proceeding. The Staff indicated that the matter was then under active investigation by the NRC Staff.

Licensee, too, has had this matter investigated. Last week Licensee received a report on the results of an investigation conducted at Licensee's request by Faegre & Benson, a Minneapolis law firm. Enclosed for the Appeal Board and parties are copies of the Faegre & Benson forwarding letters and Volume One, Factual Summary

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Atomic Safety & Licensing
Appeal Board
September 16, 1983
Page Two

and Analysis, of the report. The entire report is some eight inches of documentation which includes not only the factual summary and analysis in Volume One, but as well, an additional five volumes of backup exhibits and transcripts of interviews.

The enclosed copies reflect deletions of sensitive material screened by Faegre & Benson to eliminate material subject to a medical privilege by one individual and to eliminate material which, if disclosed, would tend to compromise Licensee's psychological screening process. Copies of the entire six volume report, without deletions, are being provided to the NRC's Office of Investigations and to NRC counsel in the proceeding.

Licensee is evaluating the Faegre & Benson report.

Respectfully submitted,
SHAW, PITTMAN, POTTS & TROWBRIDGE

Ernest I. Blake, Jr.
Ernest I. Blake, Jr.
Counsel for Licensee

ELB:kjh

Enclosures

cc: Attached Service List

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September 2, 1983

C
Mr. Robert C. Arnold
GPU Nuclear Corporation
100 Interpace Parkway
Parsippany, New Jersey 07054

Re: GPU Nuclear - Quinn Investigation
Our File No. 50870

Dear Mr. Arnold:

O
Enclosed please find our report on our investigation of the allegations made by Mr. Thomas Quinn in connection with his application for employment at GPU Nuclear in the spring of 1982. The investigation was conducted pursuant to your February 14, 1983 letter to me.

P
Volume One of the report is our factual review and analysis. Our conclusions will be found beginning at page 169 of that volume. Volumes Two through Six simply contain the raw exhibits and interview transcripts upon which our factual review and analysis are based.

Y
If you have any questions about our report, we will be available at your convenience.

Very truly yours,

FAEGRE & BENSON

Winthrop A. Rockwell

WAR/pjp

Enclosures

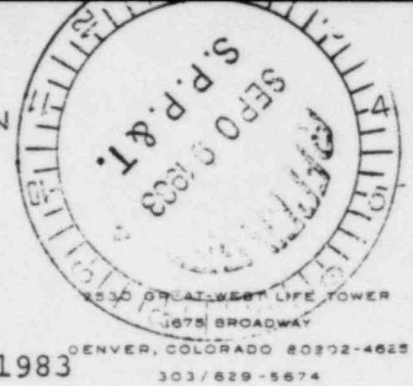
cc: Mr. Ernest G. Blake, Jr. ✓

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September 2, 1983



Mr. Robert C. Arnold
GPU Nuclear Corporation
100 Interpace Parkway
Parsippany, New Jersey 07054

Re: GPU Nuclear - Quinn Investigation
Our File No. 50870

Dear Mr. Arnold:

In response to your letter of September 1, 1983, please be advised that in the course of our investigation we did not find any evidence to suggest that confidential psychological screening results had been made available to Main Line Personnel Services on any occasion other than Mr. Quinn's dealings with Main Line.

You will see from our report that we attempted to identify and contact every person at GPU Nuclear who had been placed with GPU Nuclear by Mr. Evans of Main Line. We identified nine and interviewed seven. As our report indicates, of those seven one, Mike Menta, indicated that he felt Mr. Evans' conduct was inappropriate. The details of his observations are spelled out in his interview transcript. However, Mr. Menta did not suggest in any way that Evans provided inside information about the psychological screening exam. None of the others that we interviewed suggested that Mr. Evans ever gave inside information about the psychological screening exam.

Since the issue of whether there was a pattern of conduct of the type alleged by Mr. Quinn was not part of our investigation, we limited our inquiry to people placed by Mr. Evans since he was the focus of Mr. Quinn's allegations. There are many other people working at GPU Nuclear who have been placed by counselors at Main Line other than Mr. Evans. While we had an identification of most of those people, we did not interview them because of the investment of time necessary to do that. We understand from Mr. Keith Christopher that the NRC did interview all of those other people and found no indication that the conduct alleged by Mr. Quinn had occurred on any other occasion. However, the NRC investigation apparently missed Mr. Menta's experience with Evans which we feel is significant.

Mr. Robert C. Arnold
September 2, 1983
Page Two

In summary, on the specific issue of whether confidential psychological screening results have been improperly disclosed to Main Line Personnel Services, we have no evidence that that has occurred on any occasion other than the one instance alleged by Mr. Quinn. We cannot give an opinion or conclusion that this has never happened on any other occasion because that issue was not a primary focus of the investigation. If you have any questions about the foregoing, please don't hesitate to call me.

Very truly yours,

FAEGRE & BENSON

Winthrop A. Rockwell

WAR/pjp

c: Mr. Ernest L. Blake, Jr. ✓

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of
METROPOLITAN EDISON COMPANY
(Three Mile Island Nuclear
Station, Unit No. 1)

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)
Docket No. 50-289 SP
(Restart)

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Administrative Judge
Gary J. Edles, Chairman
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Appeal Board
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RESULTS OF
FAEGRE & BENSON
INVESTIGATION OF ALLEGATIONS
BY THOMAS QUINN
CONCERNING GPU NUCLEAR CORPORATION

September 2, 1983

VOLUME ONE
FACTUAL SUMMARY AND ANALYSIS

NOTICE

This copy of the Quinn investigation report has been screened by Faegre & Benson to eliminate all material subject to a medical privilege held by Thomas Quinn and to eliminate all material which, if disclosed, would tend to compromise the confidentiality of the GPU Nuclear psychological screening process.

NOTICE

This copy of the Quinn investigation report has been screened by Faegre & Benson to eliminate all material subject to a medical privilege held by Thomas Quinn and to eliminate all material which, if disclosed, would tend to compromise the confidentiality of the GPU Nuclear psychological screening process.

There has been no editing and no retyping of pages in the deletion process. Privileged material has simply been blanked out. The deletions were done by Faegre & Benson at the request of GPU Nuclear. Since GPU had no part in making the deletions, all judgments about what material fell within the two privileges were made by Faegre & Benson.

Faegre & Benson
September 2, 1983

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1. Introduction

On February 4, 1983, General Public Utilities asked Faegre & Benson to conduct an investigation on behalf of GPU Nuclear, one of General Public Utilities' subsidiaries. We delayed beginning the investigation until Sunday, February 12, 1983 at the request of the Inspection and Enforcement (I&E) branch of the Nuclear Regulatory Commission which was then completing its own investigation of the same allegations.

On February 12, in Washington, D.C., we met with Ernest Blake and Dean Aulick of the law firm of Shaw, Pittman, Potts and Trowbridge for our first briefing on the details of Thomas Quinn's allegations. We were advised that Aulick had conducted a preliminary investigation on behalf of GPU Nuclear in which a number of the principal actors had been interviewed. Based on that preliminary investigation, GPU Nuclear had decided that an outside investigation was in order. We were given a detailed briefing of facts then known to GPU Nuclear about the circumstances of Quinn's job application. While the information from the GPU Nuclear preliminary investigation provided a frame of reference at the beginning of the Faegre & Benson investigation, we did not rely on any of the facts discovered in that investigation. In our interviews with the various witnesses we re-established all of the facts presented in this report.

The investigation has been conducted by Winthrop A. Rockwell, a partner of Faegre & Benson, with assistance from Sharon Borracci, a legal assistant at Faegre & Benson. A brief

summary of Mr. Rockwell's and Ms. Borracci's background and experience, as that may be relevant to this investigation, is attached.³

This investigation has been conducted under the terms of a letter from Robert C. Arnold, President of GPU Nuclear, to Winthrop A. Rockwell dated February 14, 1983.⁴

2. Summary of the Quinn Allegations

Mr. Quinn's allegations, reduced to their essentials, are:

- 1) that in the spring of 1982 Quinn applied for an engineering job with GPU Nuclear at Three Mile Island;
- 2) that his application to GPU Nuclear was made through John Evans, at Main Line Personnel Services, Inc. in Bala Cynwyd, Pennsylvania;
- 3) that following interviews at Bala Cynwyd and at Three Mile Island, Quinn was offered an engineering job at Three Mile Island contingent on his successful completion of a psychological screening;
- 4) that Quinn's psychological screening was conducted on May 27, 1982 by William Jenkins, a staff psychologist employed by Stress Control, Inc. at Stress Control's office in Middletown, Pennsylvania. Based on the screening, Quinn was found not suitable for unescorted access to the Three Mile Island nuclear site;

3. Exhibit 3.

4. Exhibit 4.

- 5) that Quinn was rescheduled for a second psychological evaluation on June 7, 1982, eleven days after the initial screening;
- 6) that between the first and second psychological screening, Quinn received several telephone calls from John Evans in which Evans told him that he, Evans, had "a friend in personnel" at GPU. Evans went on to tell Quinn where the problem areas had been on the first psychological screening and told Quinn to do "a little judicious lying" in order to pass the psychological screening on the second round;
- 7) that Quinn followed Evans' advice and lied during the second screening. Based on that screening, Stress Control reversed its original finding and approved Quinn for unescorted site access;
- 8) that with successful completion of the psychological screening process, the path was clear for Quinn to start his new job at Three Mile Island;
- 9) that Quinn then decided not to take the job at Three Mile Island because of what he regarded as the compromising of the psychological screening process;
- 10) that Quinn then retained counsel and, through counsel, told Main Line he would not take the offered job at Three Mile Island.

John Evans, of Main Line Personnel Services, has denied that he engaged in any improper conduct and specifically denied that he told Quinn to lie or gave Quinn inside information about Quinn's performance in the first psychological screening. In short, Evans categorically rejects the allegations of improper conduct.

Quinn and Evans have continued to adhere to diametrically opposing versions of the facts. Because the pivotal allegations are based on telephone conversations to which there are apparently no witnesses other than Quinn and Evans, the fundamental issue is the credibility of Quinn and Evans. One of the two men appears to be misrepresenting what occurred in the telephone conversations between May 27, 1982 and June 7, 1982. Therefore, this investigation has focused in some detail on circumstances surrounding the immediate events in order to shed light on the credibility issues.

3. NRC Investigation

Some time during the week of January 10, 1983, Quinn personally called the Nuclear Regulatory Commission and provided details on what had happened during his job application process with Main Line and GPU Nuclear.⁵ During that phone conversation, Quinn invited the NRC to investigate what had happened. Before Quinn made that phone conversation he had discussed with his

5. Quinn at 262. Since Quinn was represented by counsel at the time this investigation began, we have dealt with him almost exclusively through his lawyer John Kilcoyne. When we asked for an interview of Quinn, Kilcoyne demanded a copy of our report in exchange for the interview. We referred his request to GPU Nuclear and, after several weeks of negotiations, Quinn agreed to give us a court-reported statement in exchange for an unedited copy of this report. [Exhibit 5.] Quinn was represented by counsel at both sessions of his testimony, although his lawyer left part way through the second session. No other witness in this investigation was represented by counsel during our interviewing.

lawyer, Kilcoyne, whether or not to contact the NRC. Kilcoyne recalls that the discussion with Quinn ended with Kilcoyne saying that it was up to Quinn whether or not to contact the NRC.⁶ Shortly after Quinn's call to the NRC, NRC investigator Keith Christopher called Kilcoyne to arrange a meeting to take a statement from Quinn. During that phone conversation, Kilcoyne agreed that he and Quinn would meet with the NRC on January 28th to provide a statement about what had happened.⁷

Apparently starting with the contact from Quinn, the NRC conducted its own investigation under the direction of R. Keith Christopher. At the request of the NRC investigation team, GPU Nuclear slightly curtailed its own preliminary investigation and the start of this investigation also was delayed.

At the beginning of this investigation, we briefly met with Mr. Christopher. We agreed at the outset not to discuss Christopher's conclusions. We wanted to know whom he had inter-

6. Exhibit 6. On February 7, 1983 Kilcoyne himself wrote to the Pennsylvania Division of Private Employment Agency Licenses briefly restating the Quinn allegations and requesting an investigation. Exhibit 7. A cursory investigation was apparently conducted by division investigator John G. Gallagher, Jr. under the direction of Division Chief Hugh Ashley. According to Ashley, Gallagher interviewed Kennedy (President of Main Line) and Evans and concluded that a final determination of the turth turned on credibility issues. When he learned that litigation between Quinn and Main Line was pending, Ashley decided to let the credibility issues be determined in the litigation forum and discontinued his investigation. [Exhibit 8.]

7. Exhibit 6.

viewed so that we would know which witnesses were fresh and which already had been questioned in detail. At that time we learned that Quinn's supervisor at CertainTeed had not been interviewed. We advised Christopher that, among other things, we would attempt to identify and interview that person. We have since done so.

Christopher declined to provide us copies of sworn statements he had taken from various witnesses, but had no objection to our requesting copies from the witnesses themselves. We have obtained statements provided to the NRC by the following persons:

- 1) Thomas Quinn⁸
- 2) John Evans⁹
- 3) Steve McDonald¹⁰
- 4) Howard Glazer¹¹
- 5) William Jenkins¹²
- 6) Robert Arnold¹³

-
8. Exhibit 9.
 9. Exhibit 10.
 10. Exhibit 11.
 11. Exhibit 12.
 12. Exhibit 13.
 13. Exhibit 14.

7) James Troeblicher¹⁴

We have used those statements to test the consistency of the testimony of the various witnesses.

After our initial meeting with Christopher, we became aware that the NRC investigation team had interviewed 30-40 Three Mile Island employees who had been placed in their jobs by Main Line Personnel Services. We then asked Christopher whether those interviews had turned up any pertinent information and whether, in his judgment, any useful purpose would be served by re-interviewing those 30 or 40 people. Christopher indicated that none of those interviews had disclosed any improper conduct on the part of Main Line. Christopher further indicated he saw no point in re-interviewing those employees. We decided not to re-interview those employees and to concentrate in new areas.¹⁵

At the beginning of this investigation, we asked GPU Nuclear to give us the NRC investigation report if and when it was published. As the investigation developed, our view changed and we asked GPU Nuclear not to give us a copy of the NRC investigation report if it should come into their hands before our

14. Exhibit 15.

15. Although we did not re-interview all persons placed by Main Line at Three Mile Island, we did attempt to interview all persons placed through John Evans of Main Line at any of GPU's facilities. We did that to test Evans' credibility and to learn more about his patterns of conduct. Those interviews are noted in the Analysis section of this report.

investigation was complete. We made that decision because we wished to avoid whatever subjective influence the findings of another investigation might have on our own analysis of the facts.

On June 21, 1983, Christopher advised us that the NRC had re-opened its inquiry into the Harold Hartman allegations which Faegre & Benson investigated in 1980 at the request of Metropolitan Edison/GPU Nuclear. Mr. Christopher then asked whether we had completed our investigation of the Quinn allegations and whether we had reached conclusions. We advised him that we had substantially completed the investigation although some details required follow-up. We told him we had formed some basic conclusions. Christopher then volunteered a general outline of the findings of the NRC investigation of the Quinn allegations. In light of his general description, Christopher asked us whether our conclusions varied significantly from what he had concluded. He pointed out that if our conclusions varied significantly from his own it was almost certain that he would be requested to re-open his investigation of the Quinn allegations in light of our findings. Christopher indicated that he would prefer to re-open his investigation immediately if that were warranted rather than waiting the several additional weeks that would be involved before the final copy of our report was transmitted to GPU Nuclear and thence to the Nuclear Regulatory Commission.

We advised Mr. Christopher that we would discuss his request with GPU Nuclear. GPU Nuclear then authorized us to share our conclusions with Christopher and we did so on July 13, 1983. He then re-opened his investigation.

4. Pending Litigation

In order to interpret the facts and impressions reported by the various witnesses, it must be understood that in September of 1982, following all of the events described in this report, Main Line sued Thomas Quinn for \$5,200 in employment agency fees.¹⁶

John Kilcoyne, the lawyer whom Quinn had retained in June of 1982 in connection with his dealings with Main Line and GPU Nuclear, answered the complaint on Quinn's behalf and filed a counterclaim for invasion of privacy and emotional distress.¹⁷

The action is pending in the Montgomery County, Pennsylvania Court of Common Pleas, Case No. 82-14546 and is captioned Main Line Personnel Services, Inc. vs. Thomas Quinn.

Main Line's action against Quinn is founded on the agreement that Quinn acknowledges he signed on March 18, 1982 when he first visited the offices of Main Line.¹⁸ In essence, Main Line contended that because Quinn accepted a job with GPU

16. Exhibit 16.

17. Exhibit 17.

18. Exhibit 18.

Nuclear and then failed to report to work Quinn is personally liable for a \$5,200 placement fee. Quinn denied liability for the placement fee on the ground that there was no binding acceptance of the job at GPU Nuclear because of the fraudulent conduct by Main Line in procuring a satisfactory result in the second psychological screening. Quinn further alleged that Main Line's conduct constituted a criminal violation of Section 574(e) of Chapter 43 of the Pennsylvania statutes, which provides:

No employment agent shall give any false information or make any false promise or false representation concerning an engagement or employment to any employer or to any applicant who shall register or apply for an engagement or employment or help.

Following the filing of Quinn's counterclaim, the Court granted Main Line's motion for a more specific statement of the counterclaim. To date, no discovery has been conducted by any party in the litigation. The factual account below must be read with the understanding that both Thomas Quinn and all employees at Main Line were aware that a civil action for damages was pending at the time they gave us their accounts of events.

At the time Quinn's counterclaim was filed, his counsel threatened to make both Stress Control and GPU Nuclear additional defendants. However, neither GPU Nuclear nor Stress Control was formally served until May 19, 1983.¹⁹ Therefore, during the

19. Exhibit 19.

active portion of this investigation, neither Stress Control nor GPU was a party to the litigation, but both organizations and many employees of both organizations were aware that civil claims by Thomas Quinn against Stress Control and/or GPU Nuclear were possible, if not likely.

5. Profile of Principal Persons and Organizations Involved in the Quinn Allegations

A. Thomas Quinn

Quinn currently resides in Norristown, Pennsylvania, with his parents and sister.²⁰ After his graduation from high school in 1973, Quinn worked over the summer and then entered LaSalle University in the fall of 1973.²¹ Quinn attended LaSalle full-time for two years (1973-1975) and then continued on a part-time basis until May, 1981, when he received his B.A. degree

20. Quinn at 8.

21. Exhibit 20. Quinn at 9-10.

in physics-electronics.²² During the six years Quinn attended on a part-time basis, there were periods when he took no classes due to his employment.²³

In June, 1975, after Quinn stopped his full-time schooling, he joined Al Belmont Productions, headquartered in New Orleans, Louisiana, and toured the southern United States, where he performed in the company's magic shows, primarily in shopping malls.²⁴ Quinn left that job in 1976 and became a machinist at Transicoil, Inc., Worcester, Pennsylvania. He was trained as a machinist at Transicoil and his duties included "high tolerance machining of components for aircraft instrumentation." Quinn was employed at Transicoil from May, 1976 to September, 1976.²⁵ He originally took the position as a summer job, but decided to go to work full-time rather than return to school.²⁶ Because he felt the possibilities for advancement at Transicoil were limited, Quinn decided to seek full-time employment elsewhere.²⁷

22. Quinn at 9-10; Exhibit 21. (Kelley, Quinn's supervisor, says Quinn received his degree in May, 1982, and it was part of the reason Quinn was job hunting; Kelley at 2-5.)

23. Quinn at 10.

24. Exhibit 20.

25. Quinn at 12; Exhibit 21.

26. Quinn at 12.

27. Exhibit 20.

In September, 1976, Quinn helped two friends -- Ron Hamilton and Tom Collins -- form Ron Hamilton Company, located in North Wales, Pennsylvania. The company was a "three-man operation," making molds for fiberglass automotive and computer parts.²⁸ Quinn remained with Ron Hamilton Company until May, 1978, when the company went out of business.²⁹

On May 15, 1978, Quinn was hired as a laboratory technician at CertainTeed Corporation, Blue Bell, Pennsylvania, a manufacturer of construction materials.³⁰ His initial duties were the physical testing of insulation samples. Shortly after he started, Quinn was assigned as project manager of CertainTeed's Insulsafe start-up in Athens, Georgia.³¹ After 3-1/2 months, the job was reassigned to Quinn's supervisor, and Quinn returned to a pilot plant technician position.³² Between May, 1978 and September, 1982, Quinn advanced from technician

28. Quinn at 11-13; Exhibit 20.

29. Quinn at 13.

30. Quinn at 13-14, 19; Exhibit 21.

31. Quinn at 14.

32. Quinn at 15.

level 1 to technician level 5.³³ In September, 1982, Quinn was promoted to product development engineer.³⁴

Among Quinn's outside interests are magic, playing the banjo, and medieval history and warfare.³⁵ Quinn is a member of Markland, which stages medieval battles. The members make their own chain mail and armor and engage in tournaments.³⁶ According to Quinn, slightly less than 20 percent of Markland's members are active in the making of armor and combat, and the remaining 80 percent are interested in the study of medieval history, but do not participate in the actual combat aspects.³⁷

After the second psychological examination (June 7, 1982), Quinn consulted, and later retained, attorney John Kilcoyne, who had been one of Quinn's English teachers in high school.³⁸

B. Main Line Personnel Services, Inc.

Main Line, located in Bala Cynwyd, Pennsylvania, was the employment agency through which Thomas Quinn applied for a

33. Quinn at 16-17.

34. Quinn at 16.

35. Quinn at 108-109; Exhibit 20.

36. Quinn at 108-109, 144-145, 254.

37. Exhibit 20.

38. Quinn at 211-213.

job at GPU Nuclear in the spring of 1982.³⁹ Main Line's President and owner is Robert Kennedy, under whom there are four managers: Tom Newmaster, Michael Flynn, Bart Marshall, and John Evans.⁴⁰ The recruiters work on a straight-commission basis, receiving 40 percent of the placement fees for candidates. The manager under whom a recruiter works receives 5 percent of the placement fee.⁴¹

Main Line first began recruiting personnel for GPU Nuclear in August, 1979.⁴² Since that time, GPU Nuclear has paid Main Line the following fees for placements made:

<u>Year</u>	<u>Number of Hires</u>	<u>Total Fees Paid</u>
1980	19	\$100,565.00 ⁴³
1981	15	\$ 76,726.60 ⁴⁴
1982	3	\$ 24,600.00 ⁴⁵

GPU Nuclear suspended its business relationship with Main Line on March 3, 1983, pending resolution of the allegations made by Thomas Quinn.

39. Quinn at 46-48.

40. Fenerty at 6-8.

41. McDonald at 32-34.

42. McDonald at 31.

43. Exhibit 22.

44. Exhibit 23.

45. Exhibit 24.

1. John Evans

Evans has been at Main Line for approximately 15 years.⁴⁶ His position is "essentially that of a sales manager," overseeing "ten or twelve" people in a department responsible for engineering recruiting.⁴⁷ In addition, Evans is a recruiter/salesman for his own candidates, such as Quinn.⁴⁸ Evans took over the handling of Quinn from recruiter John Fenerty, who had left Main Line.⁴⁹ Evans' real name is John Zaleski; however, he uses John Evans as his "desk name" and is registered with the state of Pennsylvania under John Evans.⁵⁰

2. Steve McDonald

McDonald, a recruiter at Main Line, was the primary contact for GPU Nuclear's relations with Main Line.⁵¹ McDonald did not receive extra compensation for acting as the contact man.⁵²

46. Evans at 1.

47. Evans at 1-2.

48. Evans at 2, 8.

49. Evans at 10.

50. Evans at 9-10.

51. McDonald at 1, 2, 26, 31-32; Troeblicher at 3-5.

52. McDonald at 32, 34.

3. John Fenerty

Fenerty, a recruiter at Main Line, contacted Quinn's supervisor, Maury Kelley, in the winter of 1982 about potential openings at Johnson & Johnson.⁵³ Kelley was not interested. Fenerty also contacted Quinn, who was interested in a position at Johnson & Johnson. Quinn went to Main Line and interviewed with Fenerty.⁵⁴ Fenerty used the name "Mike Stone" when he recruited Kelley and Quinn over the phone, and introduced himself as John Fenerty when Quinn came to Main Line.⁵⁵ Fenerty left Main Line between March 26 and July 17, 1982.⁵⁶

C. Corporate Stress Control Services, Inc.

Stress Control has its main offices in New York City and has satellite offices near the GPU installations it serves: Three Mile Island, Oyster Creek, and Parsippany. Stress Control did psychological evaluations for Jersey Central and Metropolitan Edison on an occasional basis prior to 1979. The psychological testing program became more formalized when Stress Control and

53. Fenerty at 1-2.

54. Fenerty at 2-3.

55. Fenerty at 3-4.

56. Fenerty at 1.

GPU Service Corporation signed their first written contract on December 16, 1980.⁵⁷

Stress Control provides the following services for GPU and its affiliated companies:

Pre-employment screening (access authorization program)

Ongoing employee evaluation

Employee assistance program⁵⁸

When Stress Control began working for GPU, GPU accounted for about 75 to 80 percent of Stress Control's income. Currently, that percentage is about 60 percent.⁵⁹

1. Sidney Lecker

Lecker is a psychiatrist⁶⁰ and the "principal founder" of Stress Control.⁶¹ He described his position as being "in charge of management development of new projects."⁶² Lecker was not directly involved in Quinn's evaluations or the decisions to grant or deny access authorization.

57. Glazer-Lecker at 2-5; Exhibit 25.

58. Jenkins at 3; Glazer-Lecker at 40.

59. Glazer-Lecker at 135-136.

60. Exhibit 26.

61. Glazer-Lecker at 2.

62. Glazer-Lecker at 2.

2. Howard Irwin Glazer

Glazer is President of Stress Control.⁶³ He joined Stress Control in August, 1981.⁶⁴ Glazer has a Ph.D. in psychology and is a licensed clinical psychologist in Ontario, Quebec, and New York.⁶⁵ Glazer was Jenkins' supervisor, and Glazer retained ultimate authority over the granting or denial of access authorization.⁶⁶ Glazer reviewed and approved the initial denial of site access authorization to Quinn and the subsequent reversal of that decision.

3. William Jenkins

Jenkins is Director, Stress Control, Three Mile Island.⁶⁷ He is, in effect, the staff psychologist assigned to Three Mile Island. Jenkins joined Stress Control on May 23, 1982.⁶⁸ He has a masters' degree in counseling and a Ph.D. in counseling psychology.⁶⁹ Before coming to Stress Control, Jenkins worked as a psychologist at Philadelphia State

63. Glazer-Lecker at 2.

64. Glazer-Lecker at 3.

65. Exhibit 27.

66. Glazer-Lecker at 5-6.

67. Jenkins at 1.

68. Jenkins at 2; Exhibit 28.

69. Jenkins at 1-2.

Hospital.⁷⁰ He is a licensed psychologist in Pennsylvania.⁷¹ Jenkins conducted Quinn's psychological evaluations on May 27, 1982 and June 7, 1982.⁷²

4. Jack D. Burg

Burg was Jenkins' predecessor as Stress Control's psychologist for Three Mile Island. Burg had a Ph.D. in psychology. He left Stress Control on May 21, 1982.⁷³

5. Donna Dobbs

Dobbs was the secretary at Stress Control's office serving Three Mile Island until July, 1983. She is working towards a masters' degree in counseling.⁷⁴ Her duties at Stress Control included making appointments

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D. GPU Nuclear Human Resources Department (TMI)

Exhibit 30 is an organizational chart showing the personnel with the TMI Human Resources Department at the time Quinn applied for employment in May, 1982.

70. Jenkins at 1.

71. Jenkins at 1-2.

72. Jenkins at 33, 66.

73. Exhibit 29.

74. Dobbs at 1.

75. Dobbs at 1-2.

1. Terry Myers

Myers is the Director of the GPU Nuclear Human Resources Department, which includes the Three Mile Island Human Resources Department. His office is at GPU's corporate headquarters in Parsippany, New Jersey.⁷⁶ Myers is GPU Nuclear's nominee, under the contract, "to monitor and supervise" the contract and operations between Stress Control and GPU Nuclear.⁷⁷

2. Arthur Brinkmann

During May and June of 1982, Brinkmann was Area Manager, Human Resources, at Three Mile Island.⁷⁸ He held that position from approximately December, 1980 to October, 1982.⁷⁹ During his tenure with GPU Nuclear, Brinkmann reported to Myers. After leaving GPU Nuclear, he returned to Johnson & Johnson, for whom he had previously worked.⁸⁰

3. James Troeblicher

In the spring of 1982, Troeblicher was the Manager of Recruiting, Selection & Employment, reporting to Arthur

76. Exhibit 30.

77. Glazer-Lecker at 44.

78. Exhibit 30.

79. Troeblicher at 2-3.

80. McDonald at 21-22.

Brinkmann.⁸¹ When Brinkmann left in October, 1982, Troebliker became Acting Area Manager of Human Resources, reporting to Myers.⁸² In approximately February, 1983, Troebliker became Area Manager Human Resources, and continues to report to Myers.⁸³ At the time Quinn applied to GPU Nuclear, Troebliker handled "management-level" positions; however, Gary Miller (then Director of Start-Up and Test, Unit 1) asked Troebliker to become involved in the search for a Start-Up and Test engineer, the position for which Quinn applied.⁸⁴

4. Steve Babczak

Babczak handles the recruitment of professional and technical people.⁸⁵ Babczak reports to Troebliker.

5. Janice Esworthy

Esworthy handles the recruitment and hiring of bargaining unit clerical and non-exempt personnel, and she conducts orientation and exit interviews.⁸⁶ Esworthy reports to Troebliker.

81. Exhibit 30; Troebliker at 1-3.

82. Troebliker at 3.

83. Troebliker at 1, 3.

84. Troebliker at 19-20.

85. Exhibit 30.

86. Esworthy at 1.

6. Carol Nixdorf

Nixdorf handles the recruitment of bargaining unit and site-protection personnel.⁸⁷ Nixdorf reports to Troeblicher.

7. Susan Bender

Bender is a stenographer, working for Steve Babczak and Janice Esworthy.⁸⁸ Bender makes the examination appointments with Stress Control for Babczak, Esworthy, and occasionally Troeblicher.⁸⁹

8. Linda Ruvolo

Ruvolo is administrative assistant to the Area Manager of Human Resources (Troeblicher) at Three Mile Island.⁹⁰ She has held that position since March of 1982.⁹¹ Before that she was secretary to Troeblicher. As an administrative assistant, her duties include accounting, hiring temporary workers, and assisting employees who are relocating.⁹²

6. Chronology of Events

In this chronology, we report what the witnesses have said happened at each step of Quinn's application process. We

87. Nixdorf at 1.

88. Bender at 2.

89. Bender at 4, 11.

90. Ruvolo at 2.

91. Ruvolo at 3.

92. Ruvolo at 6.

note where the testimony is consistent and where it is inconsistent. The purpose of the chronology is not to make judgments about credibility or motivation but to summarize the factual record. Because the findings of this investigation turn on credibility issues, we have quoted Evans, Quinn and some other witnesses at considerable length. Our judgments about credibility and motivation are reserved for the final section, entitled "Analysis."

A. Quinn Looks for a Job

In the fall of 1981, while still an employee at CertainTeed, Quinn began interviewing for other jobs. The decision to look outside CertainTeed had evolved from conversations between Quinn and his supervisor, Maury Kelley. Quinn had a "very good" working relationship with Kelley and regarded him as a personal friend. Quinn feels that Kelley is concerned about helping him advance his engineering career.⁹³ In the fall of 1981, the economy was depressed. CertainTeed was not engaging in the plant expansion which both Quinn and Kelley regarded as necessary to provide career-advancement opportunities for Quinn as an engineer specializing in microprocessor-based instrumentation and control. Kelley encouraged Quinn to start interviewing.⁹⁴

93. Quinn at 19.

94. Quinn at 20-21, Kelley at 4-5.

In September of 1981, Quinn applied to the Philadelphia Electric Company for a position at its Limerick plant. In January of 1982, Quinn applied to Bechtel, Fluor, Babcock & Wilcox, Leeds & Northrup and possibly several others.⁹⁵ None of those applications resulted in a job offer.

B. Main Line Contacts Quinn

Quinn's first contact with Main Line Personnel Services occurred in March of 1982. As Quinn puts it, "I picked up the phone, and somebody from Main Line" was on the other end.⁹⁶ There had been no prior contact by Quinn with Main Line.

The person from Main Line identified himself as Mark or Mike Stone and invited Quinn to apply for an engineering job at the Johnson & Johnson company through Main Line.⁹⁷

Quinn believes that he received the telephone call from Mark Stone on a Tuesday in early to mid-March, 1982. Stone wanted Quinn to come to the Main Line offices the following day for the interview with Johnson & Johnson. Quinn was interested and agreed to come.⁹⁸

When Quinn arrived at Main Line the next day, he was greeted by a man who introduced himself as John Fenerty. Fenerty

95. Quinn at 21.

96. Quinn at 21.

97. Quinn at 22-23.

98. Quinn at 27.

told Quinn that he (Fenerty) had been the one who had called Quinn the day before using the name "Mark Stone."⁹⁹

In his statement to us, Quinn did not recall John Fenerty's last name. However, we interviewed Fenerty. Fenerty confirmed that he initiated a contact with Thomas Quinn using the name "Mark Stone" or possibly "Mike Stone," proposing that Quinn interview for a job with Johnson & Johnson through Main Line. Fenerty acknowledges that when Quinn came in for the interview he introduced himself to Quinn using his real name.¹⁰⁰ Fenerty explained the use of a false name as follows:

Well, it's a recruiting name. First of all, it's a little, it's a little easier than spelling out Fenerty on the phone. And second of all, a lot of these people that I'm dealing with, you know . . . I deal with obviously with the company, and I don't wish to jeopardize the applicant's situation at their present company. So if I call in, and the company knows me as John Fenerty, I don't, you know, I don't care to jeopardize . . . if the manager picks up the phone and finds out I'm speaking to a particular applicant, it puts his job in jeopardy. So, consequently I use a different name when speaking to an applicant.¹⁰¹

Following introductions, Fenerty gave Quinn a briefing on the Johnson & Johnson position and then asked Quinn to fill

99. Quinn at 28-30.

100. Fenerty at 1-4.

101. Fenerty at 3.

out a form entitled "Main Line Personnel Services, Inc. -- Confidential Application."¹⁰² The application was signed by Thomas Quinn and dated March 18, 1982, a Thursday.¹⁰³ Quinn states that one of the facts that he provided to Main Line on the application was false. He showed his "base salary" at CertainTeed as being per year when in fact he was earning a year at the time.¹⁰⁴ Quinn commented on the false salary figure as follows:

A I was instructed by several people to tell the people at Main Line Personnel I was making more than I actually made.

Q Who?

A All my friends, everybody I talked to, said, 'When you go into a job interview, especially with a head-hunter, always, tell them you are making more than you are.'¹⁰⁵

Quinn added that he was also making overtime which may have brought his total compensation into the range of or per year and that he was expecting a promotion and raise to a year beginning in September of 1982 by virtue of having completed his bachelor's degree in the spring of

102. Exhibit 18.

103. Quinn at 33.

104. Quinn at 33.

105. Quinn at 33.

1982.¹⁰⁶ We checked with CertainTeed to see if Quinn had received overtime in 1981 or 1982. By letter to us, the CertainTeed personnel office stated Quinn received no overtime in either of those years. However, they did confirm that Quinn received a raise to per year in September of 1982.¹⁰⁷ In a follow-up interview with Quinn in July, 1983 we pointed out to Quinn that CertainTeed's records showed no overtime in 1981 or 1982. He said that he had checked his own check stubs and had not found any overtime either. He said, "I guess I made a mistake."¹⁰⁸

While Quinn states that he knew about the raise to in the spring of 1982, his supervisor Maury Kelley said Quinn "had no idea of what CertainTeed would pay him for his degree until September of 1982."¹⁰⁹ However, Kelley also said it was generally known to employees at CertainTeed that the company's policy was to honor degrees with a promotion and raise.¹¹⁰ Notwithstanding the overtime and the expected raise, Quinn agreed that the salary figure which he provided on the Main

106. Quinn at 34-35.

107. Exhibit 31.

108. Exhibit 32.

109. Kelley at 11.

110. Kelley at 4.

Line application form was not correct and that he knew it was not correct at the time he wrote it down.¹¹¹

Quinn also provided a resume to Main Line.¹¹² When James Troeblicher interviewed Quinn at the Main Line offices on April 28, 1982, he asked Quinn for his current salary and noted on the resume meaning per year.¹¹³ When Quinn went to Three Mile Island on May 17 for his on-site interview, he filled out an application form and again said his CertainTeed salary was ¹¹⁴ Troeblicher says Quinn never corrected the CertainTeed salary figures during his dealings with GPU Nuclear.¹¹⁵

After his interview with Johnson & Johnson, Quinn met with John Evans of Main Line.¹¹⁶ Evans wanted to know how the meeting had gone and what the interviewer from Johnson & Johnson had asked. Quinn states that during the debriefing, Evans was

111. Quinn at 33-34.

112. Exhibit 21.

113. Troeblicher at 63; Exhibit 21.

114. Exhibit 33.

115. Troeblicher at 63.

116. Evans at 10.

"very friendly, jovial, informative, courteous. He was very easy to get along with."¹¹⁷

Following the debriefing, Evans asked if Quinn would be interested in having Main Line attempt to find Quinn a job at some other company. Quinn said he would. Evans asked Quinn if he would consider a position in the nuclear field and Quinn said he would. According to Quinn's recollection, there was never any mention of GPU Nuclear or Three Mile Island at that time.¹¹⁸ Quinn says he formally met only two people while he was at Main Line, John Fenerty and John Evans. Other than the application form and a resume which Quinn submitted to Main Line, there were no documents exchanged between Main Line and Quinn.

John Evans has been with Main Line 14 or 15 years. He has no ownership in the company and is essentially in the position of a sales manager. Evans has two areas of responsibility: as a recruiter/salesman in his own right responsible for placing his own candidates with clients of Main Line Personnel Services; and as the one responsible for the profitable management of the engineering-nuclear department within Main Line which, at the time of the interview, employed 10 to 12 people.¹¹⁹

117. Quinn at 41-42.

118. Quinn at 44-45.

119. Evans at 1-2.

As a personnel agency, Main Line charged a fee for its services based on a percentage of the salary of the person being placed. In the case of GPU, the fee was 20 percent of the first year's salary. The services provided in exchange for the fee included the recruiting, screening and referral of candidates to an employer seeking to fill a job.¹²⁰

At some point after the working relationship between Main Line and GPU Nuclear had been formed, Steve McDonald, a salesman with Main Line, became designated as the primary contact person between GPU Nuclear and Main Line. That designation was a matter of convenience for GPU Nuclear so that it could minimize the number of people it dealt with at Main Line.¹²¹

Most of the contacts between the various personnel offices within GPU Nuclear were with McDonald. However, other salesmen at Main Line were not precluded from having direct contact with GPU Nuclear. For example, John Evans had had personal contact with quite a number of people in the GPU Nuclear personnel offices, mostly by telephone but occasionally in person. These people included Terry Myers, Lee Twombly, Jim Troebliker and Bob Laibe.¹²²

120. Evans at 2-6.

121. Evans at 2-3.

122. Evans at 3-4.

Evans states that he has referred perhaps a dozen people to GPU Nuclear over the years and that of those probably three or four have been hired. Evans says that GPU never has been a major account of his and never has been a particular source of revenue to him personally.¹²³

John Evans' real name is John Zaleski. He uses the name John Evans in his business. Evans explains the use of the name John Evans as follows:

When I first got into this business, I spent the first two weeks wasting about a third of my time spelling my name over the telephone. No, that is literally true. You know, I would get calls for the most outlandish names that you would ever imagine, and I got tired of it, but it's allowable by law, and it is in fact a standard practice within the state of Pennsylvania. . . .

It is a fairly standard practice in this business, at least in the state of Pennsylvania, for somebody that has a long or complicated or even duplicated, if there is more than one Smith in a given agency, to alleviate confusion, you know, one guy will become Jones, but we are licensed by the state, and in fact I am registered with the state of Pennsylvania as John Evans as my desk name, so as far as I am concerned. Not that I would draw an analogy between the two -- I am as much John Evans as Marion Campbell is John Wayne. Have been for quite awhile.¹²⁴

Evans recalls that he met Quinn when Quinn came in for

123. Evans at 6.

124. Evans at 9-10.

an interview with Johnson & Johnson. Johnson & Johnson was a personal client of Evans. Evans recalls that Quinn said he was "very, very interested in joining one aspect or another of the nuclear business." Evans remembers putting the Quinn resume aside. "He sort of impressed me when I met the guy . . . a reasonably well-presented guy that seemed to know what he was talking about."¹²⁵

C. GPU Nuclear Interviews Quinn at the Main Line Offices

Some time in late March or early April, John Fenerty left the employment of Main Line. When Main Line received a job request from GPU that seemed to fit Quinn's background, Evans called Quinn and asked if he would be interested. Evans says that Quinn responded "with a very enthusiastic affirmative."¹²⁶ Evans recalls that a date was arranged for an interview and two men, James Troebliker and Thomas Hawkins, traveled from Three Mile Island to Bala Cynwyd, Pennsylvania to interview candidates at the Main Line offices there. Evans recalls that Troebliker and Hawkins interviewed five or six candidates, two of whom had been recruited by Evans personally. Evans talked to Quinn after the interview and found that Quinn was enthusiastic about the job. Before leaving Bala Cynwyd, Troebliker and Hawkins said they were interested in Quinn and would probably invite him for

125. Evans at 10-11.

126. Evans at 11.

an interview at Three Mile Island. Some days later, Steve McDonald received a call from GPU Nuclear asking him to arrange a follow-up interview with Quinn at the Island.¹²⁷

Quinn's account of the interview at Bala Cynwyd is generally consistent with Evans' memory although it is more detailed. Quinn states there were two phone calls after the Johnson & Johnson interview and before the interview with GPU Nuclear. He received a call some time in April from John Evans asking if he would consider working at Three Mile Island. Quinn says he replied that he would very much enjoy interviewing for a position with GPU Nuclear. At that time, there was no mention of a specific job opening. At the end of April, Evans called Quinn again and set up an interview at Main Line for a specific job at Three Mile Island. Quinn was told that the opening was an engineering position in start-up and test with emphasis on instrumentation. The interview was set for April 28, 1982.¹²⁸

Quinn recalls interviewing briefly with James Troeblicher and at much more length with Thomas Hawkins. Hawkins was Manager, Start-up and Test at Three Mile Island Unit I. Quinn was favorably impressed with Hawkins and thought he did well in the interview. Afterwards Quinn had a beer in the office with Evans while Evans debriefed him. Evans was encouraging and

127. Evans at 15.

128. Quinn at 46-49.

told Quinn that he would probably receive a job offer from GPU Nuclear. Quinn recalls that on the way out of the building after the interview he ran into Hawkins again and showed Hawkins a chain-mail shirt in the back seat of his car.¹²⁹

Troebliger recalls that he and Hawkins traveled to Bala Cynwyd, Pennsylvania, on April 28th to interview a variety of candidates to fill a Request for Personnel¹³⁰ (basically a hiring request) which had originated with Hawkins. Troebliger does not have a detailed recollection of his interview with Quinn but states he went over Quinn's background, current employment, work history, job responsibilities and career objectives. Troebliger recalls that his interview with Quinn lasted 45-60 minutes.¹³¹ Quinn says he talked to Troebliger for two or three minutes.¹³² Troebliger was favorably impressed and had the impression that Quinn was very interested in the job. Troebliger praised Quinn to Hawkins. Troebliger recalls that after both he and Hawkins had finished interviewing Quinn, they conferred and agreed that

129. Quinn at 50-57.

130. Exhibit 34.

131. Troebliger at 21.

132. Quinn at 53.

there was enough interest to invite Quinn to Three Mile Island for a follow-up interview.¹³³

Hawkins recalls talking to Quinn for a half hour or more and found him "a very, very likeable type of person, very outgoing. He carries a discussion very well." Hawkins said Quinn told him that his job at CertainTeed was being phased out and that he was concerned that he would be let go.¹³⁴ This is not consistent with what Quinn told us about his position at CertainTeed. However, it is possible that Hawkins was confusing Quinn with another candidate that he interviewed on the same day at Main Line; Evans referred to that other candidate on a couple of occasions in his statement to us.¹³⁵

Following the interview, Hawkins filled out a document entitled "Interview Evaluation Summary,"¹³⁶ rating Quinn in a variety of categories in the "good" to "outstanding" range.¹³⁷

Following the April 28 interview of Quinn at the Main Line offices, there was at least one phone call between McDonald and Hawkins confirming the date for Quinn's on-site interview at

133. Troeblicher at 21-23.

134. Hawkins at 9.

135. Evans at 13-14, 88-91.

136. Exhibit 35.

137. Hawkins at 16.

Three Mile Island.¹³⁸ Hawkins had no further contact with Quinn until the interview at Three Mile Island.

Quinn says he has no quarrel with the manner in which he was treated by Main Line or GPU Nuclear up to this point.¹³⁹

D. Quinn's May 17, 1982 Interview at Three Mile Island

Quinn traveled to Three Mile Island for a follow-up interview on May 17, 1982. The interview was confirmed by a letter dated May 4, 1982 to Quinn from James Troeblicher.¹⁴⁰

The interview on the 17th was routine. Troeblicher indicates that he chatted briefly with Quinn when Quinn arrived at the Island. He reviewed the benefits packages and other information typical to the interviewing process. He then delivered Quinn to Thomas Hawkins for further discussion.¹⁴¹ Hawkins states that he gave Quinn some additional detail about the TMI organization and the company structure but that his impressions of Quinn did not change based on the interview. Quinn continued to express active interest in the job and inquired about housing arrangements in the area.¹⁴²

138. Hawkins at 17-18, 19-21.

139. Quinn at 57.

140. Exhibit 36.

141. Troeblicher at 24.

142. Hawkins at 22-23.

Hawkins then turned Quinn over to Ivan Porter who is Start-Up and Test Manager at Three Mile Island Unit I. He reports to Hawkins. The engineering position for which Quinn was being interviewed reported directly to Porter.

Porter recalls that his interview with Quinn was not very long, perhaps about half an hour. He indicates that the interview was routine. Porter felt Quinn was interested in the job and, once the interview was complete, that the job should be offered to Quinn. Porter's only reservation about Quinn was that he seemed a little aggressive, but Porter felt that that was an asset as well as a potential liability.¹⁴³

After the interview, Hawkins and Porter took Quinn to lunch in Middletown, then returned to the Island and dropped Quinn off at Personnel to pick up some additional information on housing in the area.¹⁴⁴ During the lunch hour, Quinn showed Hawkins and Porter chain mail that he had in the trunk of his car. Quinn had described his hobby of medieval combat to Porter during the interview. Porter commented afterwards to Hawkins that anyone who deals in armor can't be too bad.¹⁴⁵

On May 24, 1982, Hawkins signed an inter-office memorandum requesting that an offer of employment be made to Quinn at

143. Porter at 1-7.

144. Hawkins at 23.

145. Hawkins at 24.

a salary of per year in the position of a start-up and test engineer.¹⁴⁶

Although Gary Miller is shown as having been scheduled to interview Quinn on Troeblicher's May 4, 1982 letter to Quinn, Miller was not at the Island that day and never did talk to Quinn.¹⁴⁷

While he was at Three Mile Island on May 17, Quinn filled out and signed an "Application for Employment."¹⁴⁸ On that application he stated that his salary at CertainTeed was per year, more than he was actually making.

Quinn's recollection of the visit to Three Mile Island on the 17th is consistent with that of Troeblicher, Hawkins and Porter. Quinn recalls that he reported to Jim Troeblicher and had a lengthy discussion of benefits, living conditions, job duties and job responsibilities.¹⁴⁹ Quinn was then introduced to Ivan Porter who gave him a lengthy tour of the facility, showed Quinn equipment that he would be using, and described the job to Quinn in detail. Quinn states that the tour took hours. He then talked briefly to Hawkins. Quinn recalls that the tenor of his visit was that Hawkins and Porter were being solicitous of him

146. Exhibit 37.

147. Exhibit 38.

148. Exhibit 33.

149. Quinn at 61.

and making an effort to persuade him that Three Mile Island would be a good place to work. Quinn recalls: "Ivan introduced me to construction foremen and lots of people all over the Island. They were very friendly. I had a great time."¹⁵⁰

Quinn says that the only people with whom he had substantive contact during the on-site interview were Troeblicher, Porter and Hawkins.¹⁵¹ During our interview, we asked Quinn whether the psychological screening was mentioned while he was at Three Mile Island on May 17th.

Q Was there any discussion at that time of the psychological

A Yes.

Q Who mentioned it?

A All three of them. Mr. Troeblicher told me I would have to, in order to get the job, I would have to take a physical and a psychological. Porter said so, and so did Hawkins.

They did not give me many details about it. They told me

required for employment. They said a small amount about the obvious reason for taking physicals and psychologicals before you work in a nuclear facility.

I agreed and said, yes, that makes perfect sense that I should before I get the job.

150. Quinn at 63.

151. Quinn at 63.

Q Did any of the three of them say anything that you felt was in any way inappropriate in terms of their comments about the psychological

A Not at all. They were just informative of where

and
. But they had very little to say about the actual content of either.

I was not even sure of
, whether or not they would do blood work on me or what questions were going to be. I had no idea.

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No job offer was extended to Quinn during his interview at Three Mile Island on May 17th.

E. Job Offer and Acceptance

The next day, May 18th, Quinn states that John Evans called him while he was at work. Evans opened the conversation by giving Quinn his congratulations and saying that GPU Nuclear was extending an offer of employment to Quinn at a year as an engineer in start-up and test. Quinn then stated in his interview with us:

I was quite pleased at that point that they had offered me the position. He asked me if I was willing to accept it, and I said, 'I would rather think about it for a few days, but I will probably accept it, because it sounds like a great job. But I would like a few days to think about it.'¹⁵³

152. Quinn at 63-64.

153. Quinn at 65.

Quinn says he went on to tell Evans that he didn't really know that he had the offer until he saw it in writing. Evans replied that of course Quinn had the offer because he, Evans, was telling him that he had an offer. Quinn then repeated his request to have the offer in writing and Evans agreed to get him an offer in writing.¹⁵⁴

The next day, May 19th, there was a series of phone calls involving the job offer at GPU Nuclear. Quinn says the first call was from Jim Troeblicher who confirmed the offer of a job. Quinn thanked Troeblicher for the offer and asked if he could have a week to think about it. Quinn recalls that Troeblicher said, "By all means, Mr. Quinn. Take your time and think about it. This is a big decision." Quinn asked if he could have the offer in writing and Troeblicher said, "By all means. We will give you the offer in writing."¹⁵⁵ Quinn said he was interested in the job but wanted time enough to think about it to be sure of his decision. Troeblicher said he understood. They had a brief discussion about moving expenses and housing. Quinn then stated:

A I left the conversation very pleased with him [Troeblicher]. About a half-hour or 45 minutes later, John Evans called me on the phone very, very abrasively, and asked me why I didn't want the job.

154. Quinn at 65-66.

155. Quinn at 67.

I told him that I didn't say I didn't want the job; I said I would like to think about it for a while.

Then he accused me of playing games with the job. I said I wasn't playing games with the job at all; I would just like to see an offer in writing and have a week to think about it and to talk to my friends and family before I make the decision.

He was very abrasive and frequently obscene.

Q Can you be specific? I need you to be specific on this.

A I don't understand what you mean by 'specific.'

Q Tell me what he said.

A He used the work 'fuck' as a modifier frequently.

Q That is how I want you to be specific.

A He would say things like, and I can't quote exactly, because I didn't really pay attention to the cuss words, even though I use them myself in the factory -- 'Quinn, what is the fucking problem with the job?'

I said, 'There is no problem with the job. I think the job is great.'

'Why don't you want the thing?'

I said, 'I didn't say I don't want the thing.'

'Then why can't you accept it right now?'

It is obviously high-pressure sales tactics.

Q Did he raise his voice?

A Yes, and interrupted me while I was trying to make points. He said, 'If you don't want the job, just let me know right now, and we will give it to somebody else.'

I said, 'I want the job, but I can't be expected to accept the job over the phone right now.' That was once that he called me.

He called me at least three times that day.¹⁵⁶

In the first conversation with Quinn on the 19th, Quinn says Evans talked at some length about another candidate for the same job who had been interviewed at Three Mile Island and who was a second choice for GPU Nuclear. Quinn recalled that Evans referred to the other candidate as having a job opportunity in Alabama. Quinn states that Evans appeared to be using this other candidate to apply pressure to Quinn and make Quinn feel guilty about not making a quick decision about whether to accept the job.¹⁵⁷ Quinn says Evans closed the second conversation with Quinn on the 19th by saying that he was going to call the company in Alabama to see if he could get an extension of the time in which this other candidate could make a decision.¹⁵⁸

In our first interview with Evans, he did not recall the other candidate's name.¹⁵⁹ In our second interview of Evans, he told us the other man's name was Jim Sweigert or Sweigand. Evans told us Sweigert was interested in the GPU job because it

156. Quinn at 68-69.

157. Quinn at 70-72.

158. Quinn at 72-73.

159. Evans at 13.

was in the same region where he and his family were already living.¹⁶⁰

Q Did you indicate to Quinn during the conversations about Quinn's making the initial decision to accept . . .

A Mm-hmm [yes].

Q That his decision was urgent because of considerations involving Sweigert?

A I don't know that I told him anything was urgent. I did tell him that there was another guy that was in the running that, unlike him, needed a job. And I felt that, yeah, the other guy's a second choice. I felt he probably would take the job if offered and needed to go to work somewhere. Having a family to support under unlike Mr. Quinn. So, you know, if there is a decision forthcoming, let's make it. Or words to that effect.

Q Was there any indication that Sweigert would lose the opportunity to accept the job in Albany, Georgia if the decision on the TMI job wasn't made promptly?

A I don't know that there was any mention about it. I don't know that Sweigert at that point had the offer in Albany, Georgia.¹⁶¹

We checked all this with GPU Nuclear and found that a man named James Sweigard was interviewed at Three Mile Island on May 10, 1982, for the same position as Quinn. While not recall-

160. Evans at 89-90.

161. Evans at 90-91.

at the Island less than 36 hours ago, and I was quite annoyed.

In the third phone conversation, I officially accepted the job from John Evans. I said, 'Okay, I will take the job.'

At that point, I acquiesced, and he was very nice to me.¹⁶⁴

Evans' recollection of this series of phone calls differs from Quinn's:

A . . . His earlier remarks to me were he would like to get involved with a company in building power plants, and at the time, there wasn't a whole lot of construction going on with these, and certainly not around here. He had further told me that when he interviewed with GPU, he was also interviewing with PE, Philadelphia Electric Company, with a view to joining their staff, which was constructing a power plant at Limerick. When I talked to him and said that, 'GPU wants to extend you an offer of X number of dollars. They would like some kind of response as to whether or not you want the job.' His response was, 'Yeah, I want the job; let me check with PE and see if they are going to do anything. And, ideally speaking, they both make me an offer and I can pick what I felt was the best or the better of the two.' So he called -- I assumed he called -- PE. We talked again the next day, and he said, 'It

164. Quinn at 73-74. In the transcript of our interview of Thomas Quinn immediately following the above quote, his lawyer, John Kilcoyne, interjected as follows: "For the sake of the record, where this transcript may ultimately be read, I wish to note that he [Quinn] did not accept the job in a legal sense." Faegre & Benson has not taken any part and will not take any part in the litigation involving Main Line, Quinn or GPU Nuclear. We have made that clear to Mr. Kilcoyne from the beginning. The purpose of this investigation has not been to prepare a defensive posture for GPU Nuclear with respect to any legal claims which might arise from the events in question.

doesn't look like they're going to have anything, so we can talk.'¹⁶⁵

* * *

Q . . . So how was it left when you got off the phone with Quinn?

A He was going to call me as soon as he ascertained something from PECO [Philadelphia Electric Company]. He called me as I recall the next day and said to the effect that it didn't look like things were going to work out for the foreseeable future with PECO. And, evidently, from his remarks, they said something like we're a week away or two weeks away or three weeks away or X number of, you know, weeks any sort of decision, which frequently with a company is a convenient way to sort of turn somebody off rather than say we don't want you. Needless to say, well, gee, you know, if you have something else, maybe you better take it because we don't know when we're going to make a decision. So he called up and said, 'Yeah, I've pulled free. And, yeah, I'd like to go to work for GPU.' So I went and gave him Troeblicher's number. I said, 'Why don't you call Jim and make sure he is there so he can take your acceptance.' 'Okay.' So I call out to Troeblicher, and he said, 'Yeah.' He said, 'I'm, at present I'm here. I'm going to be leaving this afternoon, and if the guy wants to take the job, have him call me.' I called Quinn back and said, 'Okay, he's going to be there. He is leaving this afternoon. If you can wrap it up today, let's do so.' And that afternoon he did call up and formally received the offer from Troeblicher, accepted the job, and . . .

* * *

Q Was there ever any question about receiving an offer in writing?

165. Evans at 21.

A Oh, yes. He was told that his verbal offer would be backed up with a letter that would confirm the terms and conditions of employment by way of starting salary, job title, where he would be working, I guess who he would be working for, all that good stuff. We also send a letter, or my personnel does, that confirms pretty much the same thing. Yeah. Yeah. Like from Berger sends a letter that essentially says, 'Yeah, we're pleased you've accepted the job with, for the corporation with X number of dollars doing x, y, z, and we confirm that you're expected to start work on or about such and so a date.' With GPU, we had a proviso that the offer, acceptance, and start date are contingent upon a successful completion of a physical and psychological evaluation. Shortly thereafter . . . I'm not sure if they called us or they called him directly, but a date was set for him to go up and take his physical exam and to go through whatever evaluations that they have people go through, which he did, and again, shortly thereafter, we were contacted, and it was indicated, I believe to McDonald, then from McDonald to me that he had to go up and talk to the psychological evaluators again, a second time, which, I guess had happened somewhere between one out of every 10, one out of every 5 people, whatever received a second meeting.¹⁶⁶

* * *

Q During those series of conversations, do you recall whether you pressured Quinn to accept the job?

A Pressured him to accept the job? Hmm. I don't know that I would use the term pressured to accept the job. I probably gave a strong indication of a couple of reasons to make a decision. I can't make somebody take a job. I can't make them do something they don't want to do. You know, I don't have a

166. Evans at 24-26.

gun I point to the phone and say you must do thus and so because they have a reason to go [noise]¹⁶⁷ in a second. It's our, realizing our function in life, we are in a very real sense salesmen. We want a transaction to take place, as any salesman does. And sometimes we can speed up a transaction that otherwise would have taken place in two days, a week or two weeks, but pressuring him to take the job? No, I can't pressure him to take the job, but I can exert some influence and make him make a decision.

Q Quinn says that if he did not make a decision in the first phone call, that there was a subsequent phone call from you in which you were pretty harsh. Basically you said words to the effect of, 'Come on Quinn. What's the fucking problem? Why aren't you going to take the fucking job?' Did you say something like that to Quinn?

A No, no, no, no, no, no, no, no. I said nothing like that to Quinn. You know, I don't talk to candidates that way. I don't talk to anybody that way that I haven't known for years and years and years and years and years, because it's not the language that a businessman uses. I'm a businessman. It was my belief from point scratch that Quinn was going to take the job if it was offered, and I would never in any circumstances say, 'Why aren't you going to take the fucking job.' I categorically deny that.¹⁶⁸

After Quinn had told Evans he would take the job, Evans suggested that he call Troebliker to confirm it and arrange a date for physical Quinn called Troebliker

167. At this point Evans banged down his phone to illustrate his point.

168. Evans at 96-97.

at 2:00 or 3:00 that afternoon¹⁶⁹ but did not describe the series of phone calls he had had with Evans that morning.¹⁷⁰ Quinn states that he did not raise the issue because he felt that criticism of Evans might jeopardize his position at Three Mile Island. During that same phone conversation, the date of May 27, 1982 was tentatively agreed on between Quinn and Troeblicher for taking the physical and psychological exams.

Shortly thereafter, Quinn received a letter dated May 20, 1982 from James Troeblicher confirming the job offer.¹⁷¹ Quinn also received a letter dated May 21, 1982 from R. W. Kennedy, President of Main Line confirming that Quinn had accepted a position with GPU Nuclear.¹⁷² Kennedy's letter contained the following reminder language:

If you fail to report for work, or leave to accept employment elsewhere within thirty (30) working days, you will be responsible for the placement fee of \$5,200.00 in full.

Kennedy also wrote to Troeblicher confirming Quinn's acceptance and GPU Nuclear's fee obligations.¹⁷³

169. See Troeblicher at 30-32.

170. Quinn at 76-77.

171. Exhibit 40.

172. Exhibit 41.

173. Exhibit 42.

F. Quinn's First Psychological Screening on May 27, 1982

Quinn reported to James Troeblicher at Three Mile Island on May 27, 1982. Troeblicher directed Quinn to a medical trailer where the physical examination was conducted. The physical exam took most of the morning and Quinn then reported back to Troeblicher. Quinn had some extra time and he stopped to talk briefly with Hawkins. The conversation with Hawkins was an exchange of pleasantries. Quinn does not recall either Troeblicher or Hawkins saying anything about the psychological

¹⁷⁴ Ivan Porter recalls that Quinn stopped by to visit that day.¹⁷⁵ After the physical was complete, Troeblicher recalls that he chatted with Quinn about housing. Quinn remarked that he wanted to go out in the country and get ten or twelve acres and build a castle with a moat around it.¹⁷⁶ Troeblicher found that comment "odd" and characterized Quinn during that conversation as "cocky." He found Quinn's interest in medieval combat "different."¹⁷⁷

After lunch Quinn drove from Three Mile Island to the offices of Stress Control in Middletown. At the Stress Control

174. Quinn at 80-81.

175. Porter at 7-9.

176. Troeblicher at 25, 33-34.

177. Troeblicher at 25.

office, Quinn met William Jenkins, the Stress Control staff psychologist in residence in Middletown, and a person Quinn described as Jenkins' "female assistant." Quinn could not remember the name of the female assistant but in a statement taken from Donna Dobbs, a secretary at Stress Control, it is clear that she was the one who was present because she remembered Thomas Quinn.

Dobbs remembers Quinn as very talkative, extroverted, very boastful. She thought Quinn was strange.¹⁷⁸

Quinn states that he was asked

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.¹⁸⁰ Quinn added:

I could make an aside here that all the people who I talked to at GPU Nuclear mentioned to me specifically that I should attempt to be as honest as I could be, and as honest as I could be

178. Dobbs at 5-6.

179. Exhibit 43.

180. Quinn at 83.

As I remember, everyone went out of their way to say that to me, that if you try to conceal anything, the psychiatrist will be able to figure out that you are lying because he is trained to, and there is no reason to do so because we consider you an excellent risk.

She reiterated that, and I noticed up until this point, everyone said this to me.¹⁸¹

181. Quinn at 83-84.

182. Exhibit 43.

183. Quinn at 89-90.

184. Quinn at 91.

185. Quinn at 92.

186. Quinn at 92.

187. Quinn at 92-99A.

188. Quinn at 100-102.

189. Quinn at 102.

190. Quinn at 103.

192. Quinn at 104-110.

193. Quinn at 112.

194. Quinn at 113.

195. Quinn at 114.

196. Quinn at 114-115.

197. Quinn at 116.

198. Quinn at 125.

199. Quinn at 156-157.

200. Jenkins at 34-35.

201. Jenkins at 38-40.

202. Jenkins at 39.

203. Jenkins at 42.

204. Jenkins at 45-46.

205. Jenkins at 51.

206. Jenkins at 120-121.

207. Jenkins at 123.

208. Jenkins at 118.

209. Jenkins at 150.

210. Jenkins at 35-36.

211. Jenkins at 37.

212. Jenkins at 37-38.

213. Jenkins at 41-42.

214. Jenkins at 42.

215. Jenkins at 42-43.

216. Jenkins at 43.

217. Jenkins at 45-46.

218. Jenkins at 46-47.

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- 219. Jenkins at 46, 47.
 - 220. Jenkins at 47-48.
 - 221. Jenkins at 48.
 - 222. Jenkins at 48-49.
 - 223. Jenkins at 49-50.
 - 224. Jenkins at 51-52.
 - 225. Jenkins at 52-53.
 - 226. Jenkins at 53-54.
 - 227. Jenkins at 54.
 - 228. Exhibit 44.

229. Exhibit 44.

230. Jenkins at 58.

G. Stress Control's Denial of Unescorted Site Access Authorization

Jenkins described the process of deciding to reject

Quinn:

Q Okay. Let's step back now away from the individual [issues].

A Right.

Q After the first round. . .

A Yeah.

Q . . . you concluded that he was unacceptable for site access.

A No.

Q Somebody concluded that he was.

A Right. I called Howard [Glazer] and told him. . .

Q Okay.

A . . . what was going on with this guy.

Q Did you make a recommendation to Howard?

A Either implied or by the way I discussed the material, I'm sure I did.

Q But you had reservations about it.

A Yes.

Q Okay. And who made the decision?

231. Jenkins at 57-58.

A That he be rejected? Howard did.

Q Okay. And on what did Howard base that decision?

A What I told him.

Q Okay. But what was significant here, to your knowledge, obviously? What was significant here in the rejection?

A

Q

A

Q Okay.

A

Q Okay. Did you agree with the conclusion that he reached?

A That the person. . .

Q . . . be denied site access, unescorted site access.

A Yes, I agreed.

Q Okay. And was there any further discussion at that point about what to do?

A Yes, call Human Resources and tell them that we rejected him.

Q Okay. Did you do that?

A Yes.²³²

Howard Glazer, President of Corporate Stress Control is based at Stress Control's central offices at 320 East 65th Street in New York City.²³³ Glazer has a Ph.D. in psychology and supervises the work of Stress Control staff psychologists at Three Mile Island and at GPU Nuclear's Oyster Creek nuclear power plant. In addition, Glazer conducts psychological screening and psychological counseling at GPU Nuclear's headquarters in Parsippany, New Jersey.²³⁴

Glazer states that no one is "finally given unescorted access or particularly withheld unescorted access without my clearing the information."²³⁵

That was the procedure followed with the evaluation of Thomas Quinn. Glazer recalled that Jenkins contacted him with Quinn and that Jenkins:

. . . felt that Mr. Quinn was not at that time acceptable for unescorted access

232. Jenkins at 59-60.

233. Glazer at 2.

234. Glazer at 4.

235. Glazer at 6.

236.

That information was not available to Stress Control at the time the initial decision to reject was made. (Jenkins at 82) That comment became available to Stress Control afterwards in the course of the various investigations that have been conducted. Everyone with whom we discussed that statement during the investigation assumed that Quinn's statement meant that Quinn had an unbroken string of victories in grievance proceedings that he had initiated against management. We talked to Quinn about that statement during our interview with him. Quinn made it clear that his 100 percent success rate had been in defending union grievance proceedings on behalf of management at CertainTeed. (Quinn at 37-39)

237. Glazer at 76-77.

238. Glazer at 77-78.

239. See footnote 236.

And see
what Troeblicher's reaction was to that. He
called me back indicating that he. . .

Q Let me ask you this: did you ask him to do that before or after you advised Jenkins that you, excuse me, before or after you advised Troeblicher that you were going to issue a rejection? Was the anecdotal information passed along to him?

A Dr. Jenkins spoke with me before he spoke to Troeblicher.

Q Right, but did he relate the anecdotal information to Troeblicher before or after you gave them your decision about acceptance or rejection?

A I'm not quite sure of the chronology of the discussion that Dr. Jenkins had with him, whether he said, 'We'd like to reject the guy,

It seems likely that that's what he'd say. I can't report the order in which Jenkins told Troeblicher our decision.²⁴⁰

H. The Decision to Re-Screen Thomas Quinn

Jenkins recalls that during his conversation with Glazer about Quinn's performance in the May 27th psychological screening, the decision was made to reject Quinn. It was agreed that Jenkins would call the personnel office at Three Mile Island to convey the decision.²⁴¹

Susan Bender, a secretary in the TMI personnel office, believes that Donna Dobbs at Stress Control may have called her

240. Glazer at 78-82.

241. Jenkins at 60.

to report that Quinn had been rejected. Bender in turn passed the information to Troeblicher. Bender says it was normal procedure for Stress Control to phone the results of a screening to the TMI personnel office.²⁴²

Jenkins is not sure whether he talked to Steve Babczak or Jim Troeblicher but thinks it was probably Babczak.²⁴³ Babczak says he recalls no dealings with Stress Control about Quinn.²⁴⁴ Jenkins says he told Babczak that Quinn was rejected. He gave no details and made no comment on the decision.²⁴⁵

Troeblicher recalls that Jenkins called him a day or two after Quinn's first screening:

And Jenkins told me that Quinn was not acceptable for unescorted access to the site, and I asked him if they could do a second opinion, because that is part of our contract with Stress Control. We can request a second opinion of a candidate, and Dr. Jenkins said they could, but why would I want that to happen. And I said, 'Hey, we're looking at starting this plant up this summer, hopefully. We really need an extra I&C [instrumentation and controls] guy to get involved in this thing and have a couple months possibly where we could provide Quinn some training. He's got some pretty good I&C background we know we could use and, you know, we think he's a pretty assertive, pretty aggressive guy, and he'll catch on quick.' And that was basically the conversation. And I didn't hear anything

242. Bender at 3-5.

243. Jenkins at 61.

244. Babczak at 20-21.

245. Jenkins at 61.

else. Well, anyways, Jenkins agreed to do
the second opinion. . . .²⁴⁶

There are several discrepancies here. Jenkins recalls giving word of the rejection initially to Babczak.²⁴⁷ Troeblicher states that the first word was given to him. Bender says the first word was given to her. In addition, Jenkins recalls that the request for a second interview occurred in a subsequent phone conversation, while Troeblicher recalls that he made the request for a second screening immediately.

Here is more of Troeblicher's recollection:

Q When Jenkins called you, did he say to you, 'How badly do you need this guy?' words to that effect?

A I'm not sure if he said it, but that's the impression I got. He said something, 'Why do you need this guy?' or 'How badly do you need this guy?' something to that effect or 'Why do you really need to hire this guy?' some words to that effect.

Q But was that after you had asked for a second opinion?

A Oh, yes, yes.

Q So, he wasn't initiating it; he didn't call up and the first thing out of his mouth saying, 'How badly do you need this guy?'

A No. When he called up, and he said, 'Hey, I met with Mr. Quinn, and I've got to tell you that in my opinion is that he is not eligible for unescorted access to the site.' And I said, 'Okay,' I said, 'But can you do a second opinion on him?' And that's when he

246. Troeblicher at 35-36.

247. Jenkins at 61.

said, 'Why do you need him?' or 'How bad do you need him?' or something to that effect.

Q And then you gave him the description that you have just given me?

A Right. And I told him that it was a job in the Start-Up and Test Group and the fact that everything looked pretty good to start the plant up in the summer of 1982, and we felt we needed a little more strength in the I&C area, everything I told you before.

Q Yeah, okay. Did he indicate whether he had consulted with anybody else within Stress Control in reaching his decision?

A No.

Q Did he give you information about, any anecdotal information, about the basis for his rejection?

A No.

I told the NRC I don't know if he asked me who the supervisor was he would report to or

I didn't really recall what it was, and I never paid any attention to it.

Q He did not give you . . . as far as you know, he did not give you any information?

A No.

Q Just an acceptance or rejection?

A That's right.

Q And did you ask for any information?

A No.

Q Has it been your custom ever to ask for supplementary information?

A No.

Q Has he ever volunteered it?

A No. That was the first time Jenkins and I ever dealt on any of these matters.

- Q That's right, because he had just started.
- A That's right. But even when Burg was there, I would never, I'd just ask if this guy was acceptable or not, and he would say yes or no.
- Q Did Burg ever volunteer information to you in the way that you assumed he volunteered it to Brinkmann?
- A No. I never pressed him for anything. I just want to know is the person acceptable for unescorted access or not. That was the only interest I had, and continues the only interest I have.
- Q Let me stop a minute. . . . I interviewed Jenkins. I've interviewed both Glazer and Jenkins. Jenkins indicates that he did give you some information, and there is a discrepancy here. Are you sure, that as far as your recollection is concerned, that he did not?
- A Yes, sir. I've given you everything I recall. If he gave me anything else, it wasn't significant to me at the time, and I forgot about it immediately, because I have no recollection now of anything other than what I have already told you. Well, I guess everybody has; this thing dates back to last year, and if I had to keep a record of every individual that I am involved with the hiring on, that would mean I would have to put a memorandum for record every day.
- Q I understand that. . . .
- A But no, I've given you everything that I can recall that Jenkins asked me, or what I told him.
- Q Okay. Okay. What happened next? You had the conversation with Jenkins.
- A At the end of the conversation, he said that, yeah, they would do a second opinion, and we attempted at that point to establish a date

when Jenkins was available to do the second opinion.²⁴⁸

Thomas Hawkins, Manager of Start-Up and Test at Three Mile Island, states that he never had contact with anyone from Stress Control regarding Quinn's psychological screening and specifically that he never had any discussions with Jenkins about Quinn.²⁴⁹ Hawkins further states that he had nothing to do with arranging the date for the screening at Stress Control.²⁵⁰

Hawkins recalls that he was notified by Jim Troeblicher that as a result of the psychological screening Quinn had been denied unescorted access to Unit I.

A . . . He asked me at that time, he said there are some questions, and right now we can't hire the guy until it's resolved. What do you want to do? I said, 'Well, what are my options?'

And I said, well, what did other people?

And Jim says, 'Well, do you want me to schedule him?' And I said, 'Yes, schedule him for another , ' to pursue the idea of hiring the guy if he is in fact interested.

Q Okay. When Mr. Troeblicher, when you asked Mr. Troeblicher, 'What are my options?' and he said in effect, 'Well, I could schedule him for another if you want'?

A Yes, I believe that's right, because I asked 'What do I do next?' and he said, 'We can

248. Troeblicher at 36-39.

249. Hawkins at 25-26.

250. Hawkins at 26.

reschedule him,' and I said, 'Then I want you to do that; proceed with that.'

Q Okay. Did he indicate, when he told you that he could reschedule Quinn, did he indicate that there was any possibility of you all being turned down by Stress Control?

A No. Not that I'm aware, I don't remember that. I'm sure I would have if he had mentioned it. I don't think he even mentioned that as a possibility.

Q Okay. For instance, he didn't say, 'Well, I'll have to see if Stress Control is willing to and then I'll let you know?'

A I don't remember that discussion at all. He said, 'What do you want me to do?' and I said, 'Reschedule him.'

Q Okay. I'm not suggesting that that was what was said. I'm just asking you.

A I don't remember that at all.

Q Okay. And you don't think that happened?

A I don't think that happened.

Q Okay.

A Our discussions were rather short when it came up. He said, 'He didn't make it.' I said, 'Well, now what do I do?' and he said, 'Well, one of the options is to, And I said, you know, 'The other people have done it,' and I said, 'Well, in that case, I want you to schedule the guy.'

Q Fine. And when you hung up the phone after that conversation or when you two parted after that conversation, there wasn't any doubt in your mind

A Yes. It was just a matter of rescheduling.²⁵¹

Hawkins said he had had a history of difficulty in filling slots of the type Quinn was applying for and he was eager to see Quinn hired. "There was a need there from my own point of view to fill the slots to get the work done."²⁵²

Porter had no involvement in the decision to retest Quinn. He never had any contact with Troeblicher in reference to Quinn²⁵³ and has never dealt with Main Line.²⁵⁴

Troeblicher recalls that the agreement was reached in the same conversation in which Troeblicher was first advised by Jenkins that Quinn had failed the first psychological²⁵⁵

Jenkins recalls that after he called Babczak to advise that Quinn had failed the psychological he received a call from Troeblicher,²⁵⁶

Jenkins recalls that he told Troeblicher he would have to check with Howard Glazer. He then called and told Glazer of Troeblicher's request. Glazer suggested that Jenkins call

251. Hawkins at 26-28.

252. Hawkins at 41.

253. Porter at 9.

254. Porter at 13.

255. Troeblicher at 41-42.

256. Jenkins at 61-62.

Troebliger back and "tell him a little bit about the individual [Quinn] and . . . see if he still wants him

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Jenkins then called Troebliger back.

Q . . . And what did you tell him about Quinn?

A

* * *

A Okay.

Q Okay.

A Apparently, I didn't have to because he had all this information.

Q Okay.

A But he led me to believe that he knew this.

Q It came as no surprise,

A Nope.

Q Okay. Did he make any comments on his own about Quinn, in terms of other information that they had about Quinn at that point?

257. Jenkins at 62.

A I seem to remember him saying something about that he, that they . . .
and I . . .

Q Let me, let me give you my precise question, which was, did he volunteer any other information at that time about Quinn that appeared to be derived from some other source?

A From . . . no. Only from his own . . . no.

Q Well, I mean specifically from some other source other than you, is what I mean. Did he appear to you to have information about Quinn

A Yes.

Q Okay.

A Yes.

Q Was there anything else he indicated that he appeared to know about him?

A He knew that he was an engineer, and that he wanted the first time that he was a . . . see, the only thing I can sort or remember is, and it's kind of hazy, but that he was a, that he was a go-getter kind of person.

Q Okay.

A Get things done. That's the only thing I can remember.

Q Okay. And obviously he would know the objective information that's on a job application.

A Yes.

Q .

A No. I mean, that was it.

Q That was it.

A The extent of our conversation, it wasn't a long conversation, that I remember, and it

just focused on those things,

Q Okay. And he said that after you had given him this information.

A Mm-hmm [yes].

Q

A Yes.

Q Okay. And then he said, 'Yes, I hear you' . . . I mean, in essence, he said, 'Yes, I hear you,

A Right.

Q Okay.

A Definitely. That's the way I remember it.²⁵⁸

Jenkins provided us a copy of a handwritten note from his files dated in late May, 1982.²⁵⁹ At the top of the note, in Donna Dobbs' handwriting, is the message "Please call Jim Troebliker on Thomas Quinn. wants your opinion." Underneath, in Jenkins' handwriting, is the note:

Jim Troebliker, 28 May, wants an individual who is aggressive.

He said that's okay. Wants that kind of person.²⁶⁰

On a follow-up interview Jenkins said:

258. Jenkins at 63-66.

259. Exhibit 45.

260. Jenkins at 146-148; Exhibit 45.

A

261

Q

A

Q And is the same . . .

A I'm not logical. But I am . . . what?

Q Would the same answer be true for any other people at the Personnel office at TMI?

A I didn't discuss it with anybody else.²⁶²

There is a conflict between Jenkins' and Troeblicher's testimony.

261. Jenkins at 135.

262. Jenkins at 149.

Troebliger recalls nothing of the sort. We double-checked this point in a follow-up interview with Troebliger:

Q

A That is correct.

Q You're absolutely sure of that?

A Absolutely sure.

Q Glazer has testified specifically that he told Jenkins to tell you that and Jenkins then testifies that he, in fact, carried out his orders. What you're saying is there's nothing in your recollection?

A Nothing at all. You know, I think it's something I would have recalled, because that would have been unusual, you know, because I never knew why a person, you know, was unacceptable. And I think that would have been a significant point. It would have been something -- the turning point from tradition or something that would have -- I would have recalled certainly that.

Q It would have stuck out in your mind because it was different?

A Sure. And the thing that does stick out in my mind is that the questioning that Jenkins sort of put me through as to why we needed Quinn, the kind of job he was going to have, that sort of thing, which was unusual. And I guess maybe it was unusual because maybe it was the first time that Jenkins had maybe decided that a person was, you know, couldn't have unescorted access. Because I really never had been asked those questions before like, say, by Burg or anybody.

Q Mr. Troeblicher, one other kind of sum-up question.

A That is correct.

* * *

Q

A That is correct.

Q

A That's correct.

Q

A That is correct.

Q And so obviously if you didn't know that information, you never discussed it with anybody?

A That is correct.²⁶³

263. Troeblicher at 71-74.

When Jenkins called Glazer to ask what to do about the request Glazer recalled that he told Jenkins to call Troeblicher,

and see what Troeblicher's reaction was to that.²⁶⁴ Glazer recalls that both he and Jenkins were tentative in their finding about Quinn.

I. Implementing the Decision to Rescreen Quinn

Once GPU Nuclear's decision to rescreen Quinn had been

264. Glazer at 82.

conveyed to Stress Control,²⁶⁵ Troeblicher called McDonald at Main Line to bring him up to date. Troeblicher says:

265. A reading of the transcripts discloses considerable discussion on the subject of whether GPU Nuclear had an automatic right to have job applicants rescreened after an initial rejection by Stress Control. It is clear that the operating assumption in the personnel office at Three Mile Island was that there was an absolute right to a rescreening. Carol Nixdorf believed this (Nixdorf at 13). Janice Esworthy believed it (Esworthy at 5). Hawkins believed it (Hawkins at 26-28). Porter apparently believed it (Porter at 10-11). So did Troeblicher (Troeblicher at 35, 67).

Howard Glazer, on the other hand, maintains that the right was not automatic:

. . . I want to make a couple of things perfectly clear: That we did not do this under any tremendous duress from GPU. They made the request, yes. We had the right to refuse that request, and, if it were black and white, we would have refused it. We have done so. Our decision was not made under duress. It was not made because of the need for Mr. Quinn or the, you know, or the specific position he was in or anything like that. It was by clinical decision that Jenkins and I agreed that Jenkins would gain further information. That's number one. Number two, there's also been some suggestion that, you know, whenever we reject anybody GPU asks for a second opinion and we know that means we're supposed to pass them or something like that. We're going to look at them to see if we can make it look better.

(Glazer at 85-86)

However, Glazer acknowledged that some people within GPU Nuclear may have felt they had an automatic right to get a re-evaluation. (Glazer at 102-103).

There is obviously a major discrepancy here between the perceptions of people in the personnel department at GPU Nuclear and the perceptions of at least Howard Glazer at Stress Control as to who held the final authority Those

I just called him and said, 'We're having a problem with Quinn.' He said, 'What's that?' I said, 'Well, he went to see Stress Control, and he's unacceptable for unescorted access to the site.' And I said, 'We're going to arrange to have a second opinion done, so we've got to try to get in touch with Quinn to find out if he is available to do it.'²⁶⁶

Troebliger went on to say, 'I told him directly that Thomas Quinn was not acceptable for unescorted access to the site.'²⁶⁷ Troebliger states that McDonald did not ask for any further details. Troebliger then assumes, but cannot recall, that McDonald called him back to confirm a date for Quinn's at Stress Control.²⁶⁸

McDonald recalls:

- A Yes. Jim Troebliger, Personnel man up there, called me and said that Quinn was not approved for unescorted access.
- Q What was your reaction? What did you say?
- A I said, 'Why.'
- Q Okay. And what did he say?

policy questions were explored to some degree in the interviews but are not discussed here since they are not directly relevant to a determination of the accuracy of Thomas Quinn's allegations. Troebliger ordered on the assumption that GPU had an absolute right Regardless of Stress Control's policy, the request was honored without any comment by Stress Control about who had the final power to decide when was appropriate.

266. Troebliger at 42.

267. Troebliger at 43.

268. Troebliger at 43-44.

A He said, 'I don't know.'

Q He said, 'I don't know'?

A He didn't know.

Q Okay. Did you press him?

A No. I don't know. I don't know. I don't think so. You know, 'How come,' you know. I don't remember. This has happened before, and he never knows though.

Q How often has it happened to you?

A Three or four times, five times.²⁶⁹

* * *

Q Have you ever been advised by somebody from Stress Control that a candidate had not made it through the first round?

A No. The only time I've ever come in contact with Stress Control was I sat in an audience one time up at GPU and listened to some guy talk. I've never spoken to him, a guy, Dr. Lecker.

Q Sidney Lecker.

A Yes. And I think he's out of their New York office?

Q Yes, he is.

A Okay. But I never spoke to anyone. I never spoke to him.

Q And you've never met any of the other people employed by that company?

A Correct.

Q Okay. You've never met Howard Glazer, Dr. Howard Glazer?

A No, I don't recognize the name.

269. McDonald at 3.

Q To your knowledge?

A No.

Q Okay. And you've never spoken with him on the phone?

A Correct.

Q Have you ever met or spoken or had any contact with William Jenkins?

A No.²⁷⁰

* * *

Q Now, so Troeblicher told you [Quinn] didn't make it through?

A Correct.

Q And then you said, 'Why,' and he said, 'I don't know.' And then what happened? Then what happened in the conversation?

A And then we had to find out when he could go back and see the Stress Control people again.

Q Okay. And when, how does that work?

A Well, I said, 'Okay, I'll call you back.' I went in and told John that he had to, that Mr. Quinn had to go see them again.

Q Okay, John being John Evans.

A John being John Evans. John said, 'Why.' I said, 'I don't know. Unescorted access again.'

Q Okay. Did John press you for detail?

A I don't remember, but probably not because I never know anything.

Q Do you remember that conversation?

A With John?

270. McDonald at 5-6.

Q Yes.

A Not really.

Q I mean, you, obviously you know it took place because you have a visual image of each other.

A Visual . . . I'm trying to think. Yeah, it happened back in my old office, back in my office, yeah, my old desk. He was standing there. I say, 'Quinn's got to go back.'

Q Okay.

A Okay.

Q And, he said, 'Why'; you said you don't know, and then what happened?

A Walked out. . .

Q He left?

A To go talk to Quinn.

Q Okay. What's the next thing you heard?

A I had a number; I gave this to John. I had a number for him to call -- Quinn that is -- to call up to TMI to rearrange, or arrange rather, for the²⁷¹ second go-round with the psychologist.

The next thing McDonald heard was that Quinn had been scheduled for a re-screening at Stress Control.²⁷²

Hawkins got a call from McDonald after McDonald had been told that Quinn had been denied access. McDonald wanted to know what would happen next. Hawkins indicated that was

271. McDonald at 7-8.

272. McDonald at 9.

being scheduled.²⁷³ McDonald did not appear to know why Quinn had been denied access. We asked Hawkins if McDonald had asked for information about Quinn's performance

He may have in an off-the-wall type, you know, question, like, you know, was he looney or something to that effect, and I don't mean it, it wasn't a professional conversation. It was just a 'Well what's happening, is he, a screw loose' or those type of discussions. And I said, 'Well, I don't know.'

274

J. Contacts With Quinn After the First Screening on May 27, 1982 and Before the Re-screening on June 7, 1982

Quinn and Evans agree that they exchanged phone calls between Quinn's two psychological screenings in Middletown. Because the central issue in Quinn's allegations and in this investigation involves the telephone conversations between Quinn and Evans, we report each man's testimony about those telephone conversations separately so that there will be no confusion as to which man's recollection is being quoted.

Quinn's Version

While Quinn was at his office at CertainTeed on May 28th, the day after his first interview with Jenkins, he received a "very, very abrasive" phone call from John Evans.²⁷⁵ After Quinn said "hello," a good paraphrase of Evans' response

273. Hawkins at 38-40.

274. Hawkins at 39-40.

275. Quinn at 158.

was "What the fuck did you

stupid?"²⁷⁶

Evans then told Quinn that he had failed the psychological

²⁷⁷ Quinn said that he did not think it was possible to

fail a psychological ²⁷⁸ Evans then told Quinn he was not
going to get the job but that he was going to get a second

chance.²⁷⁹

A . . . I don't remember exactly what he said
when he told me I would have a chance
It was something along the
lines of, 'Thank goodness, you get a second
try because apparently you don't know how to
behave in front of the psychologist.'

He was very quickly able to inform me that
that was his impression.

Q If you can recall specific words or phrases
that he used as we go through the conversa-
tion, it would be helpful.

A One, 'You will get a second chance to go
back.' That is not a quote. I said, 'Okay.'
Then he said,

Q Okay.

A And I said -- and that is one I can remember
from his telephone conversation -- I had
other telephone conversations with him before
the second test, but from this phone call,
that is one that sticks out very clearly in

276. Quinn at 158.

277. Quinn at 159.

278. Quinn at 160.

279. Quinn at 160.

my mind, and that is I'm sure as close to a
literal quote as I can get.²⁸⁰

Evans told Quinn that Quinn would have to call Stress
Control and arrange a second That struck Quinn as
being strange because the first had been arranged for
Quinn and he had not had to make a phone call himself.²⁸¹ The
phone call was brief. Quinn took no notes.²⁸²

After the phone call Quinn told Maury Kelley, his
supervisor at CertainTeed, that Evans had just called him and
told him that he failed the psychological ²⁸³ Quinn de-
scribed Evans' abusive demeanor on the phone to Kelley.²⁸⁴
Kelley laughed and said, "I always knew you were crazy, Quinn."
Quinn replied, "Thanks a lot, Kelley."²⁸⁵ Kelley asked Quinn
if he knew why he had failed and Quinn replied that he
did not know.²⁸⁶

Quinn then tried to call Stress Control to arrange
another appointment. There was no one in the office and Quinn
reached a telephone answering machine. Quinn does not like

280. Quinn at 160-161.

281. Quinn at 161.

282. Quinn at 162.

283. Kelley at 5-6.

284. Quinn at 164.

285. Quinn at 163, see also Kelley at 5-7.

286. Quinn at 163.

telephone answering machines and so he left no message on the machine and continued to call until he reached someone. He believes he did not reach Stress Control until the next day, May 29th.²⁸⁷ He finally reached the "female secretary" as he describes her and arranged a second date. It was originally set for the 14th according to Quinn's recollection but there was then some confusion, and when he called back later to confirm the date, the woman on the other end of the line told him that he was scheduled for June 7th. He was free on the 7th and so he agreed to come on that date.²⁸⁸ The confusion on dates is reflected in Troeblicher's testimony. Troeblicher had Quinn's second screening marked down in the office schedule as June 14th.²⁸⁹

On May 28th and 29th, Quinn says he mentioned to family and friends that he had failed the psychological but he did not go into details about Evans' demeanor on the phone.²⁹⁰

On Thursday, June 3rd, Quinn received another phone call from John Evans. Quinn was in his office. Evans was friendly. Here is Quinn's account of the conversation:

A And I said, 'Good afternoon, Tom Quinn, Research and Development.'

And he said, 'This is John Evans.'

And I said, 'Good afternoon, Mr. Evans.'

287. Quinn at 164-165.

288. Quinn at 165-166.

289. Troeblicher at 39.

290. Quinn at 166.

And his first comment after the opening niceties was, and I'm very close to a literal quote,

and he was using a W.C. Fields impression, which is why I remember it so well and I asked him.

Q Let me stop you there. When you say he was using a 'W.C. Fields impression,' you mean overtly a W.C. Fields?

A Yes, like that. I pity the poor stenographer at that point.

Q The record can reflect that you have just attempted to imitate W.C. Fields.²⁹¹

A Badly.

and again I am very close to literally quoting him. He said, 'I have a very good friend in personnel at GPU Nuclear.' The beginning and end of the quotes are fuzziest, but the center portion is accurate. 'Very good friend' is what sticks very clearly in my mind.

I said, 'How so?'

And he told me that his very good friend

I don't remember what he said word for word, but at that point I became very wary, and I was not really pleased with Mr. Evans' behavior at that point because my last phone conversation with him had been very abusive.

And I said, 'What did you find out from your very good friend?'

And he told me that GPU Nuclear -- and this is a quote --

I think the phrase that he used

291. When we interviewed McDonald on May 5, 1983 we asked him if he had ever known Evans to imitate W.C. Fields. He replied, "I don't know, you know, maybe. I don't recall." McDonald at 35.

My response to that was, 'Oh.'

Q And then?

A He asked me if I understood and I asked him a question. He asked me, 'Do you understand?'

Q Meaning did you understand what he was telling you?

A Yes. That is all he said, 'Do you understand?'

Q Yes.

A

That is not exactly what I said, but that is what I tried to convey to him.

Again we have another quote that I remember very well where he said, 'Quinn, that is all bullshit.'

Q Okay.

A Again my response was, 'Oh.'

Q Yes.

A He said, and this is another quote, 'It doesn't matter if you are crazy or not.'

I am not clear on 'shrink' or 'psychiatrist,' or 'the guy.'

Q So the words are, 'It doesn't matter whether you are crazy or not'?

A And I said, 'Oh,' and 'Thank you very much.'

Q And was there a further conversation?

A No, it was a very brief conversation. At that point I ended the conversation. Then this telephone call lasted less than five minutes.

Q We have covered the conversation pretty much and that is everything you remember?

A Yes.

Q What happened then, again going back to my framework.

A Oh, something very important. Let me go back to that. I forgot the closing remark. The closing remark that he gave me right before he hung up the phone was, 'Don't tell anyone about any of this stuff.' Delete 'stuff.' Don't tell anyone about any of this, because I am not supposed to have any of this stuff, and my friend in personnel and I could get in big trouble.'

Let me try and reconstruct the quote. I'm sure Jack can recall when I sat there with the guys from N.R.C., I would have to sit down and think for about ten minutes before I could remember anything that I would say was close to the quote. Please bear with me.

He talked very fast, so it was hard to pick up what he was saying. He always called me 'Quinn,' and during this period of the conversation he called me 'Quinn.' I noticed from the beginning he was calling me, 'Tom.'

As he got further in the process, he started calling me 'Quinn.'

'Yes, Quinn, don't tell anyone about any of this stuff.'

Or it may have been 'Shit.' I don't know which word he used. He was frequently in and out of profanity. He said, 'Because I can get in big trouble and so can my friend in personnel.'

I feel very confident that that is very close to what he said.

You have to remember he uses a very liquid style or a very extemporaneous style when he talks on the phone.

I got an impression of a used car salesman. 'Quinn, don't tell anyone about any of this shit because you can get in big trouble and so can my friend in personnel.'

Again, I am most sure about 'my friend in personnel.' I was always curious, but I didn't want to ask him about this friend in

personnel. I didn't know whether this person in personnel was in Parsippany or on the Island. I was always curious, but I wasn't going to ask. He had used that catch phrase, 'my friend in personnel.' That was the last substantial statement of the conversation.

After he told me about just acting or just not acting crazy and I said, 'Thank you very much and have a nice day,' we terminated the conversation.

I did not tell anyone about the conversation with Mr. Evans before the second time, which was Monday.

Q That includes Kelley?

A That includes Kelley. To tell you the truth, I don't think Kelley was even in on Friday. I don't think he was there the next day.

Q You didn't discuss it with anybody at home?

A No. Again I was most amazed at this point --

If you are interested in my general impressions at the time -- I was most amazed at this point that someone would have called me on the phone

I was very, very unsure what I should do, I wanted the job. It was a good job. I liked the people that I had met at GPU.

Here was someone on the phone telling me, and I did not feel it was something I should discuss with people, which is why I didn't tell anybody.

On Monday I went to Stress Control.

Q Did you have any further conversations with Evans before the Monday

A No.

Q Did you see him at all?

A No.

Q Let us go to the Monday Let me
make sure I have got it straight.

This conversation occurred on Thursday?

A Thursday afternoon.

Q Which would have been the 3rd of June?

A Correct.

Q And from Thursday, from this conversation,
until Monday, there was no further telephone
calls between you and anyone?

A Anyone at GPU or Main Line Personnel.

Q And no discussion by you with anyone of the
substance of your Thursday telephone conver-
sation?

A Absolutely not.

Q And now we go to Monday.

A On Monday I went to GPU -- excuse me -- not
GPU. I went to Stress Control, Inc.

(A brief recess was taken).

Q Back on the record, Mr. Quinn. You wanted to
add to the subject we have been discussing?

A Does the record show we took a short break?

Q It will also show that.

Mr. Rudbarg is very meticulous about those
things.

A Thank you for taking a short break because
during the short break I remembered two
things specifically that I forgot to tell you
about in the conversation

Q 'He' meaning Evans?

A John Evans, correct. He articulated a con-
cern on his own. He
articulated a concern
on his own. In other words, he went through
and he said,

And he said, 'Quinn, that is all bullshit.'

That is how we got to the remark. I was trying to work backwards. Again the conversation was very rapid. It just went very quickly because I was trying to be very brief with him.

Q

A Oh, yes. During the conversation I was amazed with the openness with which he was telling me to do this.

During the conversation I was trying to imagine where he could be with the phone,

I just could not picture him sitting at his desk in the middle of his office over the phone because people would overhear him and call the police. I was incredulous.

292

292. Quinn at 167-181.

Q In trying to summarize what you have told me, I gather that the extent or the evidence that you hear of any potential involvement by StressControl is Evans reference

A Correct,

Q Yes,

A Correct.

Q Is there anything else that has come to your attention which suggests in any way to you the possibility of improper conduct by StressControl?

A No. At this point I don't really see that much improper conduct by StressControl. I see it mostly on the part of someone in personnel at GPU Nuclear.

Q To the extent that Mr. Evans was --

A

Q That it was accurate.

A

Q Do you have any information again, other than Mr. Evans' statement itself and

that anyone generally at GPU or anyone in particular at GPU could possibly have been involved in improper conduct?

A No.

Q Are there any other signals that you think you picked up that indicate something to you?

A No, mainly for the reason that I had nothing to do with anyone at GPU. As soon as I began

the psychological
went through John Evans. 293

everything

* * *

Q As far as you know, there has never been a
whisper of the identity of this so-called
'Friend in Personnel'?

A Never the slightest mention. I wish I had
the name. 294

Kelley recalls that Quinn told him immediately about having
failed the psychological.

A And he also mentioned that he was going to

. . . he also
mentioned that he was told by someone that
it's quite regular for an individual to fail
the first time, and he was set up
a week, at least a week or
two, I'm not sure of the chronology, after
failing, and after that
prescribed date he said that he was going to
pass it, and to my knowledge it was the same
or very close to the same

Q Did he tell you who it was that he was
discussing with? 295

* * *

A At either GPU or the employment agency.

Q Okay, and you're not sure which?

A No, I don't really know which. I think it
was the employment agency, but I can't be
sure of that. I can't believe that anybody
at Three Mile Island would get involved in

293. Quinn at 256-257.

294. Quinn at 264.

295. Kelley at 6.

discussing
opinion.

although that's my

Q I understand that. Now . . .

A But you must remember that this was such a shocker for a guy to come back here, and then it was treated as a very light thing, and people around here began to make comments: 'So this is how they get people in that facility;

Q Did he give you any more detail
that was given to him?

A No, we didn't discuss in great detail. I'm sure that during the course of the conversation there were comments, specific comments made to it, but they were not of enough significance for me to begin to remember. It was just something that Quinn had said: 'Hey, you won't believe this; I failed yuck, yuck, yuck, yuck, and they want me to take it again next week,' and all that.

but I can't remember.

Q

A Yes.

Q And did he characterize in his manner that either his words or his intent was clear

A Yes. Hearing his comments as to what had happened and what was going to happen when he

In a follow-up interview, Kelley said he was not sure whether Quinn told him before or after Quinn went for the second psychological screening.²⁹⁷

Dominick Tessari, Vice President/Research for the insulation group at CertainTeed, and Maury Kelley's immediate superior, recalls that he discussed the matter with both Quinn and Kelley. Tessari says he recalls that he was told that the employment agency had told Quinn some specifics of his performance. Tessari is "pretty sure" that he learned this from Quinn, but it could have been Kelley. Tessari characterized his impressions at the time as being that Quinn was "under pressure to do something he was uncomfortable about." Tessari's best recollection of the timing of these discussions was that they were shortly after the first but he did not know whether the conversation was before the taking of the second

298

Evans' Version:

Evans recalls that shortly after Quinn's first psychological screening McDonald was contacted and advised that Quinn "had to go up and talk to the psychological evaluators again."²⁹⁹ McDonald then relayed the information to Evans.

297. Exhibit 46.

298. Exhibit 64.

299. Evans at 26.

And I said, 'What's the problem?' And he [McDonald] said, 'I don't know. We got the call, and he has to go back up.' And he gave me the name of a young lady and her phone number that Quinn had to call to set a second appointment. I transmitted that to Quinn, who subsequently called I am told, did go back up, and I am told whatever

was all resolved upon a second meeting, because we got a subsequent phone call, we being GPU to McDonald, McDonald to me, that everything was hunky-dory, and they were, in fact, expecting Quinn to start work on whatever day they agreed on. And that to my way of thinking put the end to my own deal, and it was over. Subsequent events have proved that that was not the case.³⁰⁰

We asked Evans if he had any conversation with Quinn about the manner in which Quinn had approached the first psychological screening.

A Yes, I did. He wanted to know essentially why he had to go back up, and I told him that essentially I didn't know. I didn't have any information as to why a second meeting was necessary.

300. Evans at 27.

But I had thought that I made it clear to him under the circumstances that I was venturing an opinion, and he was not to abide by it. You know, I was giving him my observations on how he interviewed with me, and I had thought that if perhaps he was as -- not to overuse the term -- as flip with whoever he was talking to, and I guess I had sort of a fuzzy idea as to the guys he was talking to were sort of a, at least in a semi-official, almost governmental capacity, which I don't know if they are or they aren't. I assumed Stress Control was hired by GPU, but as far as I knew, they could well have been hired by the NRC,

because they were advised at some point, I don't know, I just. . . But as far as the obscenity part, as far as me quoting laws to him and everybody gets two chances, as far as the rest of the stuff, no, to my recollection, that did not occur.

Q Was there any heat to the. . .

A Oh, no.

Q . . . exchange which he could have interpreted not as, or different than you meant it or interpret it?

A Not at all. That's what kind of surprised me, to get down to the bottom line with the turn of events which brings us all together now. At no time in my relationship with Mr. Quinn was there any heat; in fact, it was unusually convivial. You know, we make it a practice to approach the candidates as professionally as possible, so that there is not a lot of 'hail fellow well met,' 'hey, John, old pal,' or 'candidate, old pal.' You know, but I liked the guy. He was sort of an irrepressible personality all through the relationship. It was a good, friendly relationship, and at the conclusion of the whole kit and kaboodle, when he was offered the job, accepted the job, took the physical and passed it, took the psychological once, twice, and was judged okay, he was -- those are the telelines -- as I recall, he was down here in the area and went so far as to call me up and invite me over for a drink with he and his girlfriend, and he said, 'Isn't this wonderful,' and, boy, he's really looking forward to joining the company and wrackata, wrackata, wrack and I finished my drink, and I think I bought them a round in return. . .³⁰¹

We asked Evans about his alleged statement that he had "a very good friend in the personnel office at GPU Nuclear."

301. Evans at 29-32.

Evans replied that to his knowledge he had no very good friends in personnel. He said he would be "shocked and amazed" whether he had very good friends in personnel anywhere. He said those were the people "with whom I do business."³⁰² Evans added that as far as quoting the source of a very good friend, "I can categorically say that didn't happen."³⁰³ Evans denied making the statement "For Christ's sake," 304

We asked Evans whether he had ever received any information

He answered, "None. Neither in a general or a specific sense."³⁰⁵

Evans said:

306

302. Evans at 38.

303. Evans at 39.

304. Evans at 28-29.

305. Evans at 39.

306. Evans at 39-40.

307

307. Evans at 43-44.

* * *

As far as the details go, there have been bits and pieces of some of the things that he has said that approximate things that I have said to the guy. I believe they have been elaborated on, to a very large degree, to lend an air of veracity to what the guy is saying. But in sum and substance, what he is saying simply isn't true.³⁰⁸

Evans had no idea
of what Quinn was talking about.³⁰⁹

and
Evans' request to Quinn not to tell anybody about the conversation because he could get into big trouble. Evans said none of those quotes was accurate.³¹⁰ Evans commented:

A

So, I don't want to answer a
question with a question, but to answer your

308. Evans at 45.

309. Evans at 46-47.

310. Evans at 68-69.

question, no, nothing ever came up between Mr. Quinn and I, and, secondly, they don't make any sense.

Q Based on what you know of the conversations that you did have with Quinn . . . and I take it there is no doubt that you talked to him a

That's correct, isn't it?

A Yeah, I would say that's correct.

Q Do you believe it would have been possible for Quinn to extract out of what you told him

A I can't see it, no.

311

We read Evans more of the quotes Quinn attributed to Evans:

Q Okay. The language, quote, 'It doesn't matter whether you are crazy or not;

A No, that doesn't seem very nice. No, I didn't say that.

Q And then in quotes,
-- he has those words in quotes. He said, 'Evans said, quote, Did you say that?

A I did not say that, no.

311. Evans at 70-71.

Q 'Evans commented, quote,

A No, I didn't say that either.

Q And then,

Evans
answered, quote, 'Quinn, that's all
bullshit.' ' Anything even approximating
those statements that you could have said to
him?

A I don't think so.³¹²

Evans commented that the suggestion that he told Quinn
that everybody gets two tries could not be accurate. Evans said
that he had seen enough cases to remember where people did not
get two tries, where people were considered and rejected on the
first round.³¹³ Evans continued:

I can't tell you what I don't know. I could
not tell Quinn things that I didn't know.
All I was told was that it was necessary for
him to meet with these people again. I gave
him a couple of suppositions or guesses, as,
based on my personal observation of him and
questions that I had asked in the course of
my interview that perhaps

You know, you have to realize these
guys were being very serious, and what he
built from that is what he built from that.
But, as far as me quoting sources of a very
good friend at GPU Personnel, or a, that's
all bullshit, -- I
didn't do it. And I would say I didn't do it
for two reasons. First of all, I didn't do
it is the biggest reason. Secondly, I can't
imagine me saying it because,

312. Evans at 77.

313. Evans at 78-79.

Whatever else I am, I'm not a
dope. I assume somebody is paying Stress
Control or whoever, a hell of a lot of money
to get proper evaluations

314

Evans said that he has never met Jenkins or Glazer,
never spoken to them and in fact does not know them.³¹⁵

K. Quinn's Second at Stress Control

On Monday, June 7th, Quinn drove from his home in the
Philadelphia area to the Stress Control office in Middletown.

316

314. Evans at 79-80.

315. Evans at 82.

316. Quinn at 183.

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317. Quinn at 184.

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321

318. Quinn at 196-197.

319. Quinn at 184.

320. Quinn at 185.

321. Quinn at 185.

We then discussed Quinn's approach
in light of his statement that Evans told him to lie.

Q Tell me, if you would, your own thoughts or
decision process between the time on Thursday
when you talked to Evans and the time on
Monday when you talked to Jenkins about how
you would handle in the light
of what Evans had told you.

A Thirty seconds after I hung up the phone with
John Evans, I knew I was never going to work
at TMI and I was merely lying to Mr. Jenkins
or Dr. Jenkins to see if I could. It was an
exercise in academia. I was merely doing
this to find out for myself if it was
possible.

Q Did you consider not going back?

A I considered strongly not going back. I was
going to talk to Kelley about it, but I don't
think he was in on Friday. So I was going to

322. Quinn at 186-187; see also Quinn at 193, 194.

ask Kelley, 'Do you think I should go back and lie to the guy,' but he wasn't around, so I couldn't talk it over with him.

It seems like I go and talk to Kelley a lot. His office is next to mine.

When my office was next to Charlie Anastasi, I went and talked to Charle Anastasi because he was right next door. You talk to the next door neighbor more than anybody else.

Q

A Truthfully, yes, I did consider that, but it was obvious to me that everybody wanted me to lie.

Q That doesn't mean you have to.

A I know. It doesn't mean it was wrong if you don't take the job. That was my impression. I don't care what you say; I care what you do. If you say you are the world's best brain surgeon, that is fine; you can say it as much as you want to. But you had better be able to operate on me when it comes time.

You can say you are the world's best brain surgeon, and if you can save my life when I have a problem that requires brain surgery, that is fine with me. I do not care much about what people say; I care about what people do.

I have found in my existence on the planet Earth that very little of what is written down and what people say has anything to do with what they do.

At this point, I felt that I was seeing this being played out again in my dealings with John Evans and the psychological test process with GPU Nuclear.³²⁵

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324. Quinn at 187.

325. Quinn at 195.

326. Quinn at 195-196.

327. Quinn at 198, 201-202.

328. Quinn at 203.

After _____ was over, Quinn commented to Jenkins that he had a perception that everyone at Main Line and at Three Mile Island had little or no regard for the psychological process, that it was meaningless, that it was merely a "facade" that applicants had to go through in order to get a job. Quinn recalls that Jenkins responded that if others had that attitude toward the psychological _____ it was "their problem," not his.³³⁰ In a follow-up conversation Quinn said

329. Quinn at 203-204.

330. Quinn at 205-206. During his interview with us, Hawkins gave us an article from the magazine Working Woman. Exhibit 47. The article raised questions about the validity _____
Hawkins said the article confirmed some of his own

Jenkins' reaction to his comment was very serious. He said Jenkins commented that GPU Nuclear had spent a lot of money setting up the program and if they didn't take it seriously then they had a problem. In the same conversation, Quinn said his impression was formed from comments made by a

feelings about GPU Nuclear's psychological screening process. [Hawkins at 28-29, 54-55.]

Steve Babczak described the psychological screening process as a "big pain. . . . It's just a drawn-out affair that delays my work, delays getting someone on site, delays house hunting, delays the aspect of that candidate telling his previous employer that he is leaving. . ." [Babczak at 5.]

[Babczak at 5-7.]

Carol Nixdorf, also a recruiter at Three Mile Island, expressed concern about one experience she had with Stress Control

[Nixdorf at 27-29.]

Ivan Porter was unhappy after he was already working at Three Mile Island. He said it bothered him that his psychological would be in somebody's file for an indefinite number of years. [Porter at 5-6.]

J. H. Reese, a radiological engineer at TMI Unit I, was hired in November, 1980 and took the psychological exam at Richmond, Virginia.

Reese recalls volunteering to the doctor what he thought the screening was supposed to accomplish. [Exhibit 48.]

security guard, Troeblicher and Bender. He said Hawkins, on the other hand, gave him a very serious view

331

The next day Quinn received a phone call from John Evans advising him that he had passed

A The best was the opening line. I picked up my phone and said, 'Tom Quinn, Research and Development, good afternoon,' or something like that, and Mr. Evans said, 'Fooled them, didn't we?' That was his first line.

You have to understand in my mind I am saying to myself, 'I will never take this job,' and Mr. Evans was not my favorite person at the moment. And I said, 'Fooled who?' And he said, 'Why, we fooled everybody at TMI or GPU Nuclear' or something like that. I don't remember quite after the first line. And I said, 'How so, Mr. Evans?'

And he said, 'Why, you passed your psychological

And I said, 'That's marvelous,' and I was feigning enjoyment.

And then he started to a very pleasant discussion of nuts and bolts as to how they would help me with moving expenses and whom I was to call and congratulations and this, that and the other thing.³³²

Glazer describes the attitude that Stress Control brought to the second screening of Thomas Quinn:

. . . there's also been some suggestion that, you know, whenever we reject anybody GPU asks for a second opinion and we know that means we're supposed to pass them or something like that. We're going to look at them to see if we can make it look better. Jenkins went into this very specifically to try and con-

331. Exhibit 49.

332. Quinn at 207.

firm our rejection and see if we could firm up the reasons for our rejection, understanding

His attitude going into it, if anything, was to try and find more wrong with him, not by any means to try and lessen the impact of what he had already found. I think that's an important issue that basically, you know, Jenkins and I agreed. Let's really look into

So we went in specifically looking for more data to bolster up our rejection.³³³

Jenkins has no recollection of whether he and Glazer discussed having the second evaluation done by another psychologist, although that option had been discussed in other cases involving a re-evaluation.³³⁴ Jenkins says that in approaching the second screening

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333. Glazer at 85-86.

334. Jenkins at 68.

335. Jenkins at 69.

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339

Jenkins

recalls that Quinn told him

that he was

probably not going to take the job.³⁴⁰

Well, he said it in a rather off-handed way,
but he said that he wasn't sure whether or
not he was going to take the job. And he
said ~~that~~ he probably wouldn't, but he wasn't
sure.³⁴¹

Jenkins doesn't really remember if Quinn gave a reason as to why
he probably wouldn't take the job, although he thinks there may

336. Jenkins at 70.

337. Jenkins at 70-71.

338. Jenkins at 74.

339. Exhibit 43.

340. Jenkins at 80.

341. Jenkins at 81.

have been a reference to other job offers.³⁴² Jenkins recalled that Quinn wondered why he had to go through the psychological screening again, why he had failed. Jenkins says he told Quinn

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342. Jenkins at 81-82.

343. Jenkins at 82.

344. Jenkins at 84.

345. Jenkins at 84-85.

346. Jenkins at 86.

347. Jenkins at 89.

348. Jenkins at 89-90.

L. Stress Control's Decision to Grant Quinn Unescorted
Access Authorization

Following the completion of the second evaluation of
Quinn, Jenkins called Glazer.

. . . the things that were . . . that I felt
were important the first time, I thought were
still important, and those were still the
same things that I discussed with Howard the
second time I talked to him.³⁴⁹

350

349. Jenkins at 89.

350. Exhibit 50.

Q Okay. Did you express a recommendation? . . .

A . . . I honestly don't remember. I mean, I assume I probably did, but I can't remember saying anything. It was just sort of as a discussion about it.

Q Okay. And out of this discussion, was there a conclusion?

A Yes, we said that he could, pass . . . or that he could, that there wasn't anything, any reason that we had that . . . any hard evidence that would say that he's . . . that he could be denied access authorization.

and it didn't seem to be totally his fault, so I didn't . . . I don't think, and it didn't seem to go about . . . I don't know, it just didn't . . . to me I couldn't say, without reservation, that he was a, that he was a danger. That's the way I was thinking about it at the time.

Q What do you think the standard is? You just articulated a possible standard; that is, can I say, without reservation that he's a danger. That would be a standard to apply in excluding someone? What is your . . . what would be valid?

A Well I didn't have a feeling about him that he was a dangerous person, that he was going to sabotage or cause personal problems.

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352 However,

on November 22, 1982, Kilcoyne wrote identical letters to Stress Control and GPU Nuclear giving notice of claim on behalf of Quinn to both companies.³⁵³ Upon receiving the letter, Glazer asked Jenkins to summarize in writing his dealings with Quinn, which Jenkins did in a memorandum to Glazer on November 29, 1982.³⁵⁴ The memo refers to

351. Jenkins at 75-78.

352. Exhibit 43.

353. Exhibits 51 and 59.

354. Exhibit 52.

during the second evaluation at all.³⁵⁵ Glazer says the reason the initial decision on Quinn was re-evaluated was because

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Glazer says that if any coaching was done, it was done by Stress Control.

357

. . . there seems to be no doubt that Mr. Quinn had information after the first evaluation and prior to the second evaluation, information which he claimed apparently was given to him either by GPU or the personnel agency or whatever. And there seems to be a major issue as to how could Mr. Quinn have this information if there wasn't a leak? Well, you know, Dr. Lecker has provided the answer. He's got the information because we told him

It's policy.³⁵⁸

355. This is not quite accurate.

356. Glazer at 87, 96.

357. Glazer at 87.

358. Glazer at 25-26.

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This is almost certainly correct since Quinn's comment about
was on an employment application which he
filled out for Main Line and which remained in the Main Line file
until the various investigations were begun. There is no evi-

359. Glazer at 89.

360. Glazer at 89-90.

361. See footnote 236.

362. Jenkins at 82.

dence that that document³⁶³ was ever in the hands of either GPU Nuclear or Stress Control until early in 1983.

Glazer said:

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* * *

You know, I've got to tell you, he ain't the kind of guy I would want anywhere near me, in that he wouldn't be a good employee, but that wasn't our job. Our job was to determine whether he would be a safety and health risk in a high-risk environment. We deemed that he would not be. He'd be a pain in the ass.³⁶⁵

Glazer feels that it was a gray case to begin with and that Stress Control's reversal of its decision was based

363. Exhibit 18.

364. Glazer at 89-90.

365. Glazer at 90-91.

We asked Jenkins which decision on Quinn he felt was the correct one, . . . retrospect.

A I don't . . . in retrospect, I don't think that there was a correct decision. I think what we did, basically, was right, and I think it was right for these reasons: it was right in that it identified the individual as being a problem, which cued the organization, cued him, to the area we thought it was, and that was what was important, not the decision whether he should be, you know. . . . admitted or not admitted. The fact that what we did got him so hacked off, so mad, that he was going to do something about it, and then, at that point, showed . . . and he didn't get hired, I think that was the ultimate . . . the reason that what we did was right. Really, in other words, it doesn't, unfortunately, it doesn't really make much difference whether we accepted him or not. The fact is he was rejected.

Q But he wasn't rejected, though. He just failed to show up.

A He rejected himself.³⁶⁷

Sidney Lecker, of Stress Control, took a somewhat different view of the re-evaluation of Quinn than did Glazer and Jenkins.

DR. LECKER: . . . [Quinn] was one of those guys whose job was hard to fill. We didn't have that many doubts about our rejection initially. We felt pretty comfortable with it. The company was pressured to fill that job. Jim Troeblicher asked Jenkins, 'Would you look at this fellow again?' And I'll be perfectly

366. Glazer at 96-97.

367. Jenkins at 78-79.

candid, as I was with Dean Aulick, and Dr. Glazer may even have a difference of opinion with me, which also just adds to the information that you have to deal with. We had a number of factors that don't often converge. We had a fellow, Jenkins, who is an excellent psychologist but fairly new on the job, dealing with Troeblicher, who is a very seasoned guy in the company. And if I was Jenkins, or Jenkins had been six months down the road or eight months down the road in his job, he would have said, 'I don't want to look at this guy again. I'm quite happy with this rejection. I don't think he should be in the job.' And frequently when you re-evaluate, you, in cases like this, you only confound, you never add to your information. You muddy existing information. Now Dr. Glazer's clinical interpretation of the evolution of this, and maybe we're really at the crux of it, is that there were things in the original evaluation, in his opinion, that merited a second opinion, that merited a re-evaluation. That he felt that this was not any typical kind of case; that based on some of the validity scales and based on some of the answers on the Client Information Booklet and some of the issues that were later on illuminated by the second opinion, that, indeed, this was a proper procedure and that it went according to Hoyle, and that we were able to in good conscience reverse our opinion. I, frankly, have a somewhat different clinical opinion. I would not have seen this man again. I would have said, 'Based on the information I have, that he is an inappropriate candidate. I won't look at him again, and, if he likes, send him to Harvard Medical School at his or your expense and, but I'm not looking at him again. I don't care how hard his job is to fill. The reason you employ us is as an independent evaluator, and we're not here to please you; we're here to give you the facts.' We had that unfortunate convergence of a new guy who was feeling like, 'Gee, they want me to do this, and this is a new job for me, and I want to please them, so I'll look at him again.' I don't think that the second evaluation was false. I don't think that the changes that were noted were significantly tainted, if you like, by,

it still would be

hard to fake it, so -- I think it would be impossible to fake it -- so he probably, the second evaluation probably may be a little bit more valid than the first. It doesn't really matter. In my opinion, in my clinical opinion, looking at the whole is that when I saw this file, I got very tough with Glazer, and I said, 'I don't know why you went ahead and told him to come in for a second opinion.' I would not have looked at him again.

And I wouldn't want him in the industry. And I would be much more comfortable prepared to fight, and I always look at cases when I do them, as if they're all challenging me, and I'm an expert witness on the stand. And I would have been much happier fighting this without the second opinion than I am with. That doesn't mean that he was given any way of faking this or coaching or any of these allegations that are going. We're now talking about just a clinical disagreement. Mine -- and I do have one with Glazer and Jenkins -- I would have been very hard-nosed and said, 'Well I won't look at him again. For me, he is unequivocally rejectable, and I don't want to talk to him again. In six months, yes.' I would have invoked that particular thing and said, 'I'll see him in the six months.' They felt that there was enough gray area to see him soon after. So we ended up with the worst of all possible worlds. We ended up with a second opinion on a guy who I felt should be rejected. The second opinion done by the same psychologist in a very short period of time. So, whatever little frays around the edges you have in any procedure are there on this one. That again doesn't speak in any way to undermine the, in our position, the company's position or our position in terms of coaching. It just says that if ever we shouldn't have done it, it shouldn't have been done in this case, under those circumstances. Everybody was wrong, and everybody was innocent and right. It's one of those cases. Troeblicher probably shouldn't have asked for a re-evaluation of a guy who clearly he was told

Jenkins should have said no, and,

if he didn't say no, ³⁶⁸Glazer, in my opinion, should have said no.

M. Quinn Retains Counsel and Advises Main Line That He Will Not Go to Work For GPU

Quinn discussed the whole matter with his family after the second psychological screening in Middletown.

Q When did you first discuss this with your family?

A Probably the night of [June] 8th. I was away that weekend, the weekend of the 5th and 6th. So I did not have a chance to discuss with my family whether or not I should lie on the test. That is why I didn't discuss beforehand whether or not I should tell the guy what he wanted to know. But afterwards I was very open with my family about this guy who just called me up and gave me the right answers. This is before my proposed start date, before the necessary phone call to Mr. Evans, that I would not be starting.

Q The night of the 8th would have been the day after?

A Tuesday.

Q After your second interview?

A At dinner.

Q Did you start to lay out the history?

A They were aware of the whole history at that point.

Q But they hadn't been aware of it on the preceding Thursday?

A That's right. But that is what I would have told them on the 8th.

Q And did you also tell them about how you handled the second interview?

A Oh, yes.

Q What was their reaction?

A My father's reaction -- I remember telling my father late that night in more detail about the test.

Q More detail than you had given over dinner?

A Yes, over dinner,

He was easily shocked but it fulfilled his expectations of the system and how it can be circumvented or whatever.

It is like when you tell someone that your next door neighbor hasn't been paying income taxes for the last 17 years and they just shake their heads and say, 'You see how easy it is to thwart the system.' You get that general attitude of response. That was his reaction.

Q What does he do?

A He is a letter carrier.

Q Did he have any reaction

A I got the impression that he approved of it because he knew that I wasn't going to take the job.

Q How did he know that?

A Because I told him that.

Q That night?

A That night. He knew I wasn't going to work there and he knew that I just went up and took the psychological to see if I could pass it because less than 24 hours later, that night, Tuesday, would be the night they offered me the job officially and finally.

If you will go up there and tell the guy a pack of lies to get the job and then don't

really take the job, you haven't done anything wrong.

The fact that I just turned around immediately and said, 'I am not going to take this job'; I had to tell a pack of lies is proof enough. It was a substantial increase in salary. It was a job that I wanted to do with people I wanted to work with.

Why am I not working there? This is obviously someone who looks at the situation.

Q How long did you spend talking about it that evening with your family?

A We discussed it over dinner, which would be 10 or 15 minutes at the dinner table because lots of things come up at the dinner table, who shot whom in the paper and what the relatives are doing. With Dad that night it was 15 or 20 minutes.

Q Was your mother home that night?

A Yes. She was embroidering. My mother doesn't like to be disturbed when she is embroidering. It is too engrossing a task.

Q Was your sister home?

A Yes, Mary was home.³⁶⁹

We interviewed Quinn's parents, John J. and Frances Quinn.³⁷⁰

It was clear from our interview that neither Mr. nor Mrs. Quinn have a detailed understanding of what happened to

369. Quinn at 222-226.

370. It will be recalled that Thomas Quinn lived at home with his parents during the entire period (April, May and June, 1982) of his dealings with GPU Nuclear, Main Line and Stress Control. Thomas Quinn was not present during the interview. Mr. and Mrs. Quinn were not represented by counsel during the interview.

Thomas Quinn during his contacts with GPU Nuclear, Stress Control, or Main Line. Both Mr. and Mrs. Quinn state that they were aware that their son had applied for a job at Three Mile Island.³⁷¹ John Quinn knew Thomas Quinn had been solicited by Main Line.³⁷² Neither of them recall being aware that Thomas had been pressured by Main Line to accept the position at Three Mile Island, nor do they know the substance of Thomas' discussions during his interviews.³⁷³ John Quinn said that all of his recollections about Thomas' dealings with Main Line and GPU Nuclear were very vague.³⁷⁴ Both parents recall that Thomas showed moderate interest in the job at Three Mile Island. Mr. Quinn said Thomas thought his career prospects would be better if he left CertainTeed.³⁷⁵

Mrs. Quinn recalls Thomas coming home one evening and telling her that he had failed the psychological At some point Thomas told her he would be again.³⁷⁶

MRS. QUINN: He failed the first and he passed the second but he didn't like the way he passed the second

MR. ROCKWELL: What did he tell you about that?

371. Frances and John Quinn at 4-5.

372. Frances and John Quinn at 5.

373. Frances and John Quinn at 6-7.

374. Frances and John Quinn at 9.

375. Frances and John Quinn at 9-10.

376. Frances and John Quinn at 13-14.

MRS. QUINN: Gee, I can't say verbatim. He just said --

MR. ROCKWELL: Just say what you remember.

MRS. QUINN: He said, 'I was given

Now, he didn't tell me this before
he went up to take the test.

MR. ROCKWELL: He told you afterwards?

MRS. QUINN: He told me after he came home. He
said, 'I don't like this feeling. This is
not right, that I should change

Now, I don't know whether he took

That I don't
know. I remember him definitely saying, 'I
don't like. I don't have a good feeling
about this. I don't like the way this is
being handled and I'm going to think about it
and do something.' And I guess he called Mr.
Kilcoyne for advice.

MR. ROCKWELL: Let me stay on that track with you
for a moment. Did he give you any more
detail that you recall about what he was
told?

MRS. QUINN: From what I can remember of it, he
said,

MR. ROCKWELL: By whom?

MRS. QUINN: He said John Evans.

MR. ROCKWELL: He told you that.

MRS. QUINN: Yes. I know he got a lot of phone
calls from Mr. Evans here. I don't talk to
anybody. I'll just take a name and number
and he'll get back to you. I don't get into
any specifics, because I'm not a secretary
and I can't write shorthand. I just say give
me your name and your telephone number. When
Tom comes in, the message will be left for
him to call you or whatever.

MR. ROCKWELL: All right. Do you remember whether he had any understanding

MRS. QUINN: No.

MR. ROCKWELL: Was he saying that to you? Was Tom saying that to you?

MRS. QUINN:

MR. ROCKWELL: Where did you talk to him about this, here at home?

MRS. QUINN: Sitting at the table, I guess, the dinner table or wherever it was. And he just said, 'I just don't, I don't have a good feeling about this. I don't like this.'

MR. ROCKWELL: Now, at that point that he made that comment to you, he hadn't made up his mind what to do yet.

MRS. QUINN: That I don't know.

MR. ROCKWELL: But is that the impression you had?

MRS. QUINN: I couldn't. I don't think that I assumed that he was going to. You mean talk to somebody or see Mr. Kilcoyne? No, I don't remember. He just said, 'I just don't like this. I just don't like this feeling.'

MR. ROCKWELL: I guess what I mean is, did you have the impression at that time that he had decided not to go to work for GPU yet?

MRS. QUINN: I couldn't answer that.

MR. ROCKWELL: You don't know.

MRS. QUINN: I don't know. You mean was he angry or upset? No, uh-uh.

MR. ROCKWELL: Or had he decided in his own mind how he was going to handle the situation yet?

MRS. QUINN: I don't know. I have no idea about that.

MR. ROCKWELL: All right. Let's turn to Mr. Quinn. Let's take as a reference point what Mrs. Quinn has just said. Do you recall Tom telling you any of those things?

MR. QUINN: No, I do not. As I stated previously, my first recollection came from Mrs. Quinn, or my first information that I recall. And I know that Mrs. Quinn just said that this conversation took place at the dinner table. I don't think it did. It might have taken place in the morning.

MRS. QUINN: Well, maybe at the breakfast table. We were sitting out in the kitchen, and I don't even remember. You must not have been there if you don't remember.

MR. QUINN: I don't recall it, and I'm not here in the morning. I'm gone. There are many times there are conversations that I get from one of the parties of a conversation at a later time.

MRS. QUINN: Mary Frances might have been here.

MR. ROCKWELL: I'm sorry. What did you say?

MRS. QUINN: Mary Frances, my daughter, might have been sitting at the table. I'm sure we were in the kitchen. You might have been at bingo, because sometimes you leave early, and we were sitting there late for dinner. I don't remember.

MR. QUINN: I'm just --

MRS. QUINN: Do you remember him saying, 'I failed
I know I came in here. I know I
was sitting at the table for that.

MR. QUINN: Yes. I was aware immediately after
the fact that he had failed after
the first time but I did not
participate in any conversation as to why he
failed or the circumstances sur-
rounding it.

MR. ROCKWELL: Okay. Are you saying that anything
you learned about what John Evans might have
told Tom Quinn you heard from your wife but
not Tom?

MR. QUINN: Initially, yes.

MR. ROCKWELL: What do you mean by that?

MR. QUINN: Prior to his appointment with
Mr. Kilcoyne.

MR. ROCKWELL: Okay. How about after his
appointment with Kilcoyne?

MR. QUINN: I cannot specifically recall times and
dates, but, yes, I was in conversation with
Thomas where what has transpired was dis-
cussed. But I, I don't remember what he said
or when it was said.

MR. ROCKWELL: Let me ask you this: Was the
conversation that you're referring to, do you
think it occurred by the end of the summer of
'82, recognizing in
late May and early June?

MR. QUINN: I would say that it took place no
later than the 4th of July.

MR. ROCKWELL: So you can at least place it within
a matter of weeks.

MR. QUINN: Yes.

* * *

MR. ROCKWELL: Let me go back now to you, Mr.
Quinn. You were saying that the personal
conversations that you had with Tom occurred
no later than the 4th of July. What if
anything do you remember about the substance

of the conversation? What did he tell you or what impression did you take away from him?

(Mr. Quinn leaves the table momentarily.)

MR. ROCKWELL: Do you have the question, Mr. Quinn?

MR. QUINN: No. I cannot recall sitting down with Thomas. In fact, I can attest to the fact that I did not sit down with Thomas in a room with the door shut and discuss this situation. Absolutely not.

The conversations took place casually.

MR. ROCKWELL: Do you remember that?

MR. QUINN: Yes.

MR. ROCKWELL: What do you remember about it?

MR. QUINN: I remember him telling me or us, as the case may be, -- I don't remember --

MR. ROCKWELL: Okay. And obviously he told you all that.

MR. QUINN: Yes.

MR. ROCKWELL: And he told you all that in the same time frame we're talking about, which is basically in June of '82.

MR. QUINN: Yes.

MR. ROCKWELL:

MRS. QUINN: No.

MR. QUINN: Yes, I think it did. But this, your bringing it up, your mentioning it, is the first recollection that I've had on the subject for a long time. Therefore, I don't feel that I can answer any questions on it with any kind of accuracy.

MR. ROCKWELL: It rings a bell is what you're saying.

MR. QUINN: It rings a bell.

MR. ROCKWELL: But not much more than that.

MR. QUINN: But not much more than that.

MR. ROCKWELL:

MRS. QUINN:

MR. ROCKWELL: Do those terms or phrases ring any bells with you?

MR. QUINN: Yes.

MRS. QUINN: Not to me.

MR. QUINN:

* * *

MRS. QUINN: I don't remember what you're talking about. I don't remember this at all.

377

377. Frances and John Quinn at 14-26.

Thomas never described Evans' demeanor to his father. 378

Mrs. Quinn recalls Thomas saying, "I do not want to work for this company. I don't like the way they do things." 379

Although both Mr. and Mrs. Quinn indicated that the subject of Three Mile Island had come up frequently since early July of 1982, they both said that the conversations since July of 1982 had not given them any new information about what happened. 380

MRS. QUINN: . . . we're not discussing anything at all with him now. You know, like even with talking with you, he said, 'Do you want to talk to [Win]?' And I said, 'Should I talk to [Win]?' He says, 'Mother, I'm asking you, do you want to talk to [Win]? That's all I want you to say, yes or no.' He's been very, you know, he hasn't really said too much to me about anything that's going on. To tell you the truth, I don't even know what's going on in a way. I don't know who's doing what to who. I mean I just assume that he has a lawyer and Tommy's old enough and will take care of it, and if he wants me to know something, he'll tell me. I don't pry. 381

We quoted to Mr. and Mrs. Quinn a number of the statements which Thomas Quinn has attributed to John Evans during the telephone conversation

378. Frances and John Quinn at 26-27.

379. Frances and John Quinn at 27.

380. Frances and John Quinn at 29-31.

381. Frances and John Quinn at 30-31.

382 Most of the quotes were unfamiliar to them, but Mr. Quinn said he remembered the phraseology,

383 A couple of other phrases sounded familiar to Mr. Quinn, but he wasn't sure.

Thomas Quinn mentioned the possibility of having to pay Main Line's fee to his parents. They both had the impression that he was not particularly concerned about it.

MR. QUINN: My impression is that he had some very favorable ideas that, due to what had taken place, there was no way that he could lose the argument and have to pay the fee.³⁸⁴

A number of people we interviewed including Evans speculated that the entire incident with Quinn had been triggered either by a counteroffer from CertainTeed which prompted Quinn to change his mind about GPU Nuclear or a change in Quinn's personal circumstances.³⁸⁵

Both Mr. and Mrs. Quinn stated without reservation that there had been no changes in Thomas Quinn's personal life that would have prompted him to change his mind about wanting to go to work at Three Mile Island.³⁸⁶ Maury Kelley said there was no counteroffer from CertainTeed between the time Quinn accepted the

382. Frances and John Quinn at 33-37.

383. Frances and John Quinn at 37.

384. Frances and John Quinn at 39.

385. Evans at 44, 55, 58; Porter at 13.

386. Frances and John Quinn at 10.

job at GPU Nuclear (late May) and the time he declined it (late June).³⁸⁷ Kelley says Quinn is doing the same work now that he was doing in the spring of 1982 at CertainTeed and that there has been no offer of different work to Quinn since the spring of 1982.³⁸⁸

Sometime in mid-June, Quinn contacted Jack Kilcoyne, a lawyer, for advice:

. . . let me say something about Jack. Jack is not my attorney. Jack is my high school English teacher. He was working his way through law school and I had him in Bishop Kenrick, a Catholic high school, for a year in English and four years of high school to say hello to in the hall. He is a personal friend and someone from the community whose opinions I respect.

When I wanted a lawyer, I didn't go look up lawyers in the phone book. I called my high school English teacher.

So his opinions to me are very valuable. His friendship is valuable. After discussions with him I said, 'Can I get in trouble if I go out there,' and he said, 'Sure. Any time they want to fire you,

That is another case in point. If it is that easy to circumvent the system to their advantage to get me the job, it is that easy for them to circumvent the system to get rid of me.

This all was part of the decision. We discussed, do they have a legal leg to stand on if they really want to sue me, and it seemed incredulous to both of us after a few days of contemplation that anyone from Main Line Personnel would consider suing me for

387. Kelley at 9, 11, 12, 14-15.

388. Kelley at 15.

the job placement fee because of the improprieties that they had used.

The only reason I delayed was because I thought I was going to be sued for the job placement fee.

After a week or so of discussion and contemplation I called Jack I think for the third time and I said, 'Would you please be my advocate in this matter and let the poor people down at Main Line Personnel know I won't be reporting for work.'³⁸⁹

Quinn also talked with his boss, Maury Kelley, about what had happened and what he should do. During the discussions with Kelley, Quinn says he was very specific

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Quinn using the word ³⁹¹ Kelley did not recall that Quinn went into much detail about the conversations with Evans and says he was not paying that much attention to the matter.

Quinn says he and Kelley discussed the possibility of Quinn's going to work for GPU Nuclear for 31 days and then resigning in order to avoid liability for the placement fee. Quinn says he could have used two weeks of vacation and two weeks of sick leave to accommodate a 31-day stay at GPU Nuclear. Quinn recalls some joking with Kelley about whether or not anyone at

389. Quinn at 211-213. McDonald and John Kilcoyne had had dealings before Quinn was ever recruited by Main Line. Kilcoyne represented McDonald in the purchase of a house. There was some unhappiness about payment of Kilcoyne's fee, although it was ultimately settled. McDonald at 27, Evans at 57, Exhibit 53.

390. Quinn at 210.

391. Exhibit 46.

CertainTeed would notice that he was gone for a month.³⁹² When we asked Kelley whether he recalled discussing such a strategy with Quinn, he dismissed it as a "ludicrous possibility" and asserted, with respect to such a conversation, that "none took place with me."³⁹³

Following the call from John Evans on June 8th with the news that Quinn had passed the psychological,³⁹⁴ Quinn received a phone call from Susan Bender at the TMI personnel office, offering details on moving arrangements and housing in the Middletown area.³⁹⁵ She was also calling to confirm a start date for Quinn. Quinn states that during the discussion with Bender he was "quite aware that I would not be taking the job."³⁹⁶ Quinn says he did not tell Bender that he had decided not to take the job because he was aware that he would probably be sued for the job placement fee.³⁹⁷

On Saturday, June 19, Evans and a man named Joe Leight, also from Main Line, attended at Quinn's invitation a demonstration of medieval combat in downtown Philadelphia. Quinn was the

392. Quinn at 211.

393. Exhibit 46.

394. Quinn at 207.

395. Quinn at 208-209.

396. Quinn at 209.

397. Quinn at 210.

master of ceremonies and greeted Evans briefly, apologizing for not having time to chat.³⁹⁸

On Monday, June 21, Kilcoyne called Evans and told him Quinn was not going to work for GPU Nuclear. Evans recalls that when Kilcoyne called and identified himself as Quinn's lawyer Evans thought it was a joke.³⁹⁹ Evans said he could not conceive of there being a problem, having seen Quinn in person less than two days before at the medieval combat demonstration. He recalls that Quinn had been as convivial and cheerful as ever when he saw him on Saturday, the 19th, at the demonstration.⁴⁰⁰

A . . . without recalling the original or actual verbage that was used by Mr. Kilcoyne, it was his contention that I had invaded Mr. Quinn's privacy and that he had absolutely no intentions of going to work at GPU, that he was very distressed at my handling of him, and that I had . . . I wasn't sure what I had done, but I had done something, and it was pretty bad.

Q You're saying that he was not specific.

A Not really. The invasion of privacy thing, it seems to me, was mentioned, that I had been given access to information I wasn't supposed to have, or I told Quinn that I had information that he didn't think I should have. I said, 'That's a crock,' or, you know, by this time I was, the guy started getting a little heat, because his tone was both aggressive and abrasive. You know, it wasn't the voice of sweet reason coming out of the phone. It was, 'Argh, argh, argh, argh, argh.' And, you know, I said, 'That's

398. Evans at 34-35.

399. Evans at 53, 63.

400. Evans at 63.

not true. That's bullshit; it's a crock,' whatever term I used, and he said, 'Ah. I thought you'd take that tone.' You know, like I'd just spit in the holy water fountain. And, I was, you know . . . from there the conversation, it didn't start at a very high plane, and it went downhill real quick. And I said, 'Look,' I said, "Let me talk to Quinn." 'No, you'll talk to me.' I said, 'Well, no, maybe I can solve the problem by talking to Quinn.' He said, 'You want to talk to me?' And I said, 'Well, look, inasmuch as you want the thing polarized, Mr. Quinn goes to work as he agreed to, or you pay me fifty-two hundred dollars.' And he said, 'Well, if you press that, we're going to sue you' -- countersue for, I don't know, treason or invasion of privacy or beating up nuns or just all sorts of horrible things, and, plus damages, plus this, plus that, and it was either at that or it was correspondence that came from Kilcoyne that made a pretty clear threat that unless I left Quinn alone they were going to go after GPU in a legal sense, and, you know, see what develops. This is my problem. If they sue GPU, that's GPU's problem. You know, we retain a legal staff to handle this sort of a problem when and if it arises. I can only assume that GPU has probably as many attorneys on their staff as a dog has fleas. You know, they're a billion dollar-plus company. But it was . . . in my mind in any case, I perceived it as a clear attempt to exert influence on me by threatening to drag the good name of GPU through the muck and the mire unless I left Mr. Quinn alone.

- Q Did Kilcoyne ever indicate clearly to you that if you abandoned your efforts, or your intentions I guess at that point, to collect the fee that he would drop the matters that he was alleging?
- A Clearly? No, I wouldn't say that. It seemed to me there was an intimation that if I left Quinn alone he would leave me alone, and if I

didn't leave Quinn alone he wouldn't leave me
... alone.⁴⁰¹

Kilcoyne stated to us that when he called Evans on June 21st Evans made reference to having "a friend up there [at GPU]" who had given him information. When Kilcoyne asked him who the friend was, Evans avoided the question.⁴⁰² Evans denied that he made such a statement to Kilcoyne.⁴⁰³

The following day, June 22nd, Kilcoyne wrote Evans advising that Quinn had not accepted a position at GPU Nuclear, stating that Evans had coached Quinn on what Quinn had done wrong and stating that if Main Line should decide to sue for its fee, Quinn reserved all rights to counterclaim for invasion of privacy and other torts.⁴⁰⁴ On June 24th, Evans wrote to Kilcoyne expressing confusion at Quinn's change of heart, reviewing some of the events of the past few weeks, and asking for a meeting with Kilcoyne and Quinn.⁴⁰⁵

Evans did not tell GPU Nuclear about his call from Kilcoyne. GPU Nuclear had expected Quinn to report to work on June 28th. As of the 28th, a week after the call from Kilcoyne

401. Evans at 63-65.

402. Exhibit 53.

403. Evans at 67-68.

404. Exhibit 54.

405. Exhibit 55.

to Evans, GPU Nuclear still had no information that there was a problem.⁴⁰⁶

The afternoon of the 28th, Hawkins called the TMI personnel office to ask why Quinn had not reported for work.⁴⁰⁷

Troebliger was never told about Kilcoyne's June 22nd letter to Evans.⁴⁰⁸ When he asked McDonald later why he had not been told, Troebliger reports McDonald told him that Main Line had thought they could still put the deal together.⁴⁰⁹ At some point, possibly late in the week of June 21st, Susan Bender, a secretary in the TMI personnel office, called Quinn to confirm certain information about his upcoming employment with GPU Nuclear. Her recollection about the date of the phone call and the reason for the call is hazy, but she remembers Quinn asking if she had been contacted by anyone from Main Line. She said she had not, and Quinn then told her that before she went any further she should contact John Evans at Main Line, who would tell her why Quinn was not going to be coming to work at GPU Nuclear.⁴¹⁰

On July 5, 1982, Kilcoyne again wrote to Evans, responding to Evans' June 24th letter. The beginning of the letter is simply a continuation of the exchange of insults which

406. Hawkins at 49.

407. Hawkins at 49-51.

408. Troebliger at 55-56.

409. Troebliger at 56-57.

410. Bender at 6-8.

apparently had begun with the phone conversation between Evans and Kilcoyne on June 21st. The letter closes with the following:

What I indicated in my letter of June 22 was not that we would be the initiator of any suit, but rather as a means of offsetting your suit would bring a countersuit based on your misconduct. You do remember, Mr. Evans, that you were the first one to mention lawsuits - not I. The ball is in your court. If you are agreeable to sign mutual releases, I will prepare the same and send them to you or to your law firm. If you do not wish to sign releases, the avenue which you suggested of suing Mr. Quinn is clearly open to you. I will respond accordingly.⁴¹¹

On July 1, 1982, Main Line sent an invoice to Troeblicher in the amount of \$5,200 for their placement of Quinn at Three Mile Island.⁴¹²

On July 20, 1982, Troeblicher wrote to Evans providing a very brief chronological summary of Quinn's application process. The letter was apparently in response to questions that Evans had raised with Troeblicher in a previous phone conversation.⁴¹³

There appears to have been no further discussion of matters relating to Quinn's application until the filing of Main Line's lawsuit against Quinn in September of 1982.

In our recorded interviews with Sidney Lecker, Terry Myers, Carol Nixdorf, Janice Esworthy, Stephen Babczak and Linda Ruvolo, they all denied having any involvement in Quinn's appli-

411. Exhibit 56.

412. Exhibit 58.

413. Exhibit 57.

cation to GPU Nuclear. They all indicated they had no knowledge of facts which would confirm or deny the substance of Quinn's allegations.⁴¹⁴ Although Ivan Porter interviewed Quinn at the Island, he indicated he never had any dealings or contact with either Troeblicher or Main Line about Quinn.⁴¹⁵

Quinn testified that GPU Nuclear's response to contacts by Kilcoyne in late 1982 and early 1983 led him "to believe that there is some kind of conspiratorial relationship [between GPU and Main Line]."⁴¹⁶

I realize that you don't want to get involved in outside litigation, besides the actual accusation that I have made of improper conduct, but we have constantly offered amelioration as an alternative to litigation to Mainline Personnel Services and to GPU Nuclear. Anytime they want to, they can pick up the phone and call me and say, 'Tom, we are willing to forget and forgive.' Give Jack Kilcoyne the money that I paid him down to dollars and cents, and I will go away and leave them alone.

We have constantly offered that. They don't want to. We called GPU Nuclear on the phone the day after John Evans sued me for the job placement fee and said, 'Why don't you phone John Evans and tell him to leave Quinn alone. He doesn't want the job and you don't want him working there. Why is he trying to coerce Quinn to work in a sensitive area?'

Their response was, 'That is none of your business.' They didn't care.

414. Myers at 6-8; Nixdorf at 2; Esworthy at 2; Babczak at 20-22, 23-24; Ruvolo at 3-6.

415. Porter at 9, 13.

416. Quinn at 257.

* * *

In bringing in the name of StressControl [sic], Inc. and GPU Nuclear in our counter-complaint as co-defendants, because somebody gave information to John Evans which they shouldn't have, this is my entire basis for my countersuit.

Again we called GPU Nuclear afterwards and said, 'Look, we don't want to go through with this. Make the guy stop suing us and give us an opportunity. We are tired, or at least let us go and litigate and tell our story to a judge.'

There was no response from GPU Nuclear.

* * *

We gave them another opportunity. We finally got a hold of the general counsel of GPU Nuclear. This whole process has taken until in January 1983 we got a hold of their general counsel or Jack got a hold of a general counsel who was a lawyer, and I forget his name. But Jack can tell it to you. He has an office in the corporate headquarters in Parsippany . . .

* * *

We told him the whole story from beginning to end and offered to send him all the documents and read everything to him over the phone.

He told us that he was very concerned about it and he would get right back to us. He didn't get right back to us.

* * *

Jack had to go and spend another \$600 or \$700 of my money. Then their attorney from GPU got back to us and basically told us he didn't care. He told us that GPU Nuclear had conducted an extensive internal investigation and that there was no evidence of any impropriety.

We again reiterated that we thought that Main Line Personnel Services and someone in

Personnel at GPU Nuclear was doing wrong things that they they should be stopped.

The general tone from him was, 'We don't care what you say.'

At that point I became convinced that they were protecting Main Line Personnel and vice versa, and that the only reason that they used Main Line Personnel was not because they have trouble finding employees; it is because they wanted that extra level of protection, so they had someone they could point a finger at and blame them for impropriety because Main Line Personnel can't get their license yanked because Main Line personnel doesn't have a license, as far as nuclear plants are concerned.

And when someone who is the equivalent, I guess, of a vice president in the corporation calls me on the phone and says, 'I don't care, Quinn' or calls my attorney and says, 'I don't care, Quinn,' my reaction is, 'I know somebody who does.'

Then I called the Nuclear Regulatory Commission. That was the reason I called. I didn't want to call the Nuclear Regulatory Commission. I didn't think anybody at GPU did anything wrong. I thought the problem has been Mainline Personnel.

But the stonewalling that I got from GPU, the absolute, total lack of cooperation -- they didn't want to hear my side of the story at all.

I mean, I had genuine concerns about cheating on the test. I was willing to admit that I cheated on the test. I said, 'I have got a problem. Somebody listen to me.' Nobody would.

At that point, I figured it was about time that somebody made them listen.

Q I take it these contacts were through Mr. Kilcoyne, is that correct?

A Right.

* * *

Q Is there anything else beyond the general area of your perception of their response to the contact by Mr. Kilcoyne on your behalf, anything specific that leads you to believe that there may have been wrongdoing?

A No.⁴¹⁷

GPU Nuclear's first awareness of the litigation came with a November 22, 1982 letter from Quinn's attorney, John Kilcoyne,⁴¹⁸ in which Kilcoyne advised that an action had been commenced by Main Line against Quinn. Kilcoyne went on to state:

I also wish to put you on notice that we will be instituting suit against GPU Nuclear Corporation and Stress Control. . . . I would appreciate it if you or your counsel would call me . . . in order that we may possibly settle⁴¹⁹ this matter without resorting to litigation.

Kilcoyne's letter was forwarded to John Wilson, a lawyer with the law firm of Debevoise & Liberman who devotes full time to the business of GPU and its subsidiaries. Wilson maintains an office at the headquarters of GPU Nuclear in Parsippany, New Jersey. Wilson reviewed the letter and Quinn's counterclaim which alleged involvement of GPU Nuclear in the compromising of the psychological screening procedure. Wilson then gathered some information within the company relative to Quinn's employment application and his psychological screening process. Wilson did not conduct a substantive investigation of the allegations at

417. Quinn at 257-264.

418. Exhibit 59.

419. Exhibit 59.

that time.⁴²⁰ Wilson states that he was not concerned at that time (early December of 1982) that there was any merit to the allegations.⁴²¹

On January 11, 1983, Kilcoyne visited Three Mile Island unannounced and asked to speak with someone in the legal department. The request was transmitted to Wilson. Wilson called Kilcoyne later that afternoon. The gist of Kilcoyne's message was that he was trying to resolve the Main Line vs. Quinn action without having to resort to litigation. If GPU Nuclear could persuade Main Line to withdraw Main Line's action for \$5,200 against Quinn then Quinn would drop his counterclaims against Main Line and would not bring GPU and Stress Control into the litigation.⁴²² Wilson made a memorandum of his telephone conversation with Kilcoyne.⁴²³ Wilson recalled:

A He felt that it would be in GPU Nuclear's best interest to resolve it amicably this way because he stated that he was aware that GPU Nuclear had some adverse publicity concerning taking of exams and cheating, and he felt that GPU Nuclear didn't need anymore of that.

Q Are those his words or is that your paraphrase of how he put it?

A I can't recall precisely what his words were but it was very clear to me that he was trying to trade off making this public versus

420. Wilson at 3-6.

421. Wilson at 6.

422. Wilson at 10.

423. Exhibit 60.

GPU Nuclear's agreeing to bring pressure on Main Line to withdraw their action.⁴²⁴

* * *

A With respect to his overture for settlement, I listened with respect to the what I would call purely commercial considerations of getting rid of a potential piece of litigation by having an employment agent used by my client dismiss its suit, and was just listening in that respect. With respect to the assertion of going public, I informed attorney Kilcoyne that my client would consider that a bigger issue than the litigation, and, if in fact there was any truth to Mr. Quinn's allegations, they would want to know about that so that they could take care of any deficiencies in their system. If there were problems with it, they would want to take care of them.⁴²⁵

Based on the January 11, 1983 conversation with Kilcoyne, Wilson's thinking about the seriousness of the Quinn allegations changed significantly. He contacted GPU's outside counsel specializing in nuclear regulatory matters, Shaw, Pittman, Potts & Trowbridge, and gave Ernest Blake at that firm a full briefing on the Quinn matter. By this time, Wilson had become concerned that Quinn's allegations might be true. He was further concerned that the allegations, true or false, would have an impact on GPU Nuclear's then-pending proceeding before the Nuclear Regulatory Commission to restart the Unit I nuclear power plant at Three Mile Island.⁴²⁶

424. Wilson at 12.

425. Wilson at 14-15.

426. Wilson at 16.

The same day that he contacted Shaw, Pittman, Wilson contacted Philip Clark, Executive Vice President of GPU Nuclear, and briefed Clark. Either later that day or the following morning, Clark briefed Robert Arnold, President of GPU Nuclear.⁴²⁷

The significance of the Quinn allegations, the facts then known to GPU Nuclear, and Kilcoyne's request that GPU Nuclear intervene to dispose of the then-pending litigation between Main Line and Quinn were all discussed among the four men.

Several conclusions resulted from these discussions. First, that GPU Nuclear might have serious problems with its psychological screening process. Second, that the facts of the allegations might be difficult to determine because of uncertain access to Quinn. Third,

that it was critical that we refuse to cooperate with Quinn's attorney in pressuring Main Line Personnel to drop its suit and that we avoid any action that may be interpreted as trying to cover up the matter.⁴²⁸

Fourth, that the company investigate the allegations as quickly and reliably as possible to determine whether they were true.⁴²⁹

Wilson was delegated to call Main Line to advise them of the substance of the contact from Kilcoyne and to make it

427. Wilson at 18-19.

428. Exhibit 14.

429. Exhibit 14.

clear that GPU Nuclear would not pressure Main Line to drop its lawsuit against Quinn.⁴³⁰

John Evans states that GPU never brought pressure on Main Line to drop the lawsuit, that he has never discussed the matter with GPU, and that he has never, in fact, considered withdrawing Main Line's lawsuit.⁴³¹ McDonald confirmed that GPU Nuclear brought no pressure on Main Line to drop its lawsuit against Quinn:

I think in terms of grandstanding to try and force us into dropping the \$5200 suit. Quinn's attorney called Evans and said, 'I, you know, if you don't drop it, I'm going to sue your client.' I called Troeblicher, told him about it, you know. He said, 'Go ahead.' What are they going to do? They've done their thing. So I went back and said, 'Go ahead,'⁴³²

7. Analysis

Based on our investigation as summarized above, we have no absolute, unimpeachable answer to whether Thomas Quinn was given inside information by John Evans for his second psychological screening on June 7, 1982.

Early in the investigation, before we heard Quinn's account, we thought it possible that there had been a good faith misunderstanding between Quinn and Evans. However, Quinn's

430. Exhibit 14.

431. Evans at 47-48.

432. McDonald at 27.

account is so specific and, if true, so incriminating that we have ruled out the possibility of a good faith misunderstanding.

The contradictions between the accounts of Evans and Quinn are so fundamental that we believe either Quinn or Evans must be knowingly misrepresenting the facts. Yet neither has admitted the truth of the other's account and we have insufficient evidence from other sources to establish beyond doubt where the truth lies.

GPU Nuclear President Robert C. Arnold gave us the following charge in his February 14, 1983 letter:

To the extent you are unable to establish conclusively any relevant facts for any reason (such as inconsistency of information, passage of time since the event, or unavailability of documentation or individuals) you are requested to utilize your professional judgment where possible in stating what you⁴³³ believe the facts to be in those instances.

We interpret that language to mean just what it says: even if we cannot prove "conclusively" what happened, we have been asked for our professional opinion of what we think happened. In arriving at the opinion expressed below, we have applied these standards:

- 1) That a conclusion be based upon a preponderance of the evidence. That is, based on all the evidence, we believe it is more likely than not that the conclusion is true;

- 2) That consideration be given to the credibility of the witnesses including their demeanor, the consistency of their

433. Exhibit 4.

statements, their past conduct where it is known to us, and their motivations;

3) That the statements of the witnesses be evaluated in light of all the surrounding facts and circumstances.

Based on this standard, it is our opinion that Thomas Quinn has accurately reported the crucial telephone conversations with John Evans during the week of May 31, 1982. Having accepted Quinn's account as true, we further conclude that Evans' description to Quinn of "three areas of concern" and his concise listing of those three areas were not based on a lucky guess, but upon information given to him by someone with inside knowledge. Based on the standards set forth above, we are unable to express an opinion as to how information may have found its way from Stress Control to John Evans.

Our opinion necessarily is based upon a subjective evaluation of our entire investigation, but we considered the following factors to be particularly significant:

1) In our lengthy interviews of Quinn and in several follow-up telephone conversations, we found him to be thorough in his answers to our questions, unevasive, and patient in explaining the most minor details of his recollection. He is an unusual witness in his ability to recall detail. We found that that ability extended not only to the circumstances surrounding his dealings with Main Line and GPU Nuclear, but also to completely unrelated events. We found Quinn courteous, forthright, and cooperative in providing his version of the events. Although he

was represented by counsel, his lawyer never intervened in our substantive questioning.

Quinn was characterized as being strange or a smart alec by a number of people we interviewed. While some of his interests are unusual, and while he does have a high level of self-confidence, those factors have little bearing, per se, on honesty.

Where we were able to double-check Quinn's statements, we found them to be accurate, with the exception of his salary history. He admits that he knowingly gave inaccurate salary information to both Main Line and GPU Nuclear. We also found his recollection of overtime in 1982 to be inaccurate. While we find the salary issues troubling, we are not persuaded that it makes the balance of Quinn's account unreliable.

We base our conclusion on our subjective evaluation of Quinn's credibility and upon the various additional factors listed below.

2) John Evans also cooperated to a substantial degree in our investigation. However, on the crucial issue of providing us access to his personal and business telephone records, our access was blocked. That evidence could be important. We told Evans that we considered access to the telephone records crucial and that his response to our request necessarily would be a factor in our evaluation of his credibility. The request was nonetheless denied and those records will apparently not be available absent the use of compulsory process.

3) The facts show that Quinn personally contacted the NRC in January, 1983 and not only invited but, as he put it, "strongly urged" the NRC to investigate the circumstances of his job application to GPU Nuclear. We feel his willingness to invite such an investigation of his own actions reflects his confidence in the accuracy of his own account. We also believe it would be extremely unusual for a person to fabricate a story and then invite a federal investigation into the accuracy of that story, which might subject him to penalties for perjury.

4) For Quinn to be lying, he would have had to manufacture the scenario described in his statements, since Evans has denied all of Quinn's central allegations. We think it unlikely that Quinn would have done that, despite the issue of the \$5200 Main Line placement fee. While accepting liability for the fee certainly would have been unattractive to Quinn, it is fair to assume that it would have been preferable to criminal liability for perjury in his sworn statements to the NRC investigators.

5) Quinn told his boss Maury Kelley about his conversations with Evans as they unfolded. Kelley's supervisor, Dominick Tessari, recalls becoming generally aware of the problem as it developed. Quinn's parents also became aware of the problem at about the time of his dealings with Main Line and GPU Nuclear. The contemporaneous discussion of these events with family members and work associates is consistent with an uncalculating, truthful approach. None of the recollections of Maury Kelley, John and Frances Quinn or Dominick Tessari are entirely

accurate or complete, but we find that consistent with Quinn's account. If Thomas Quinn had been constructing a lie from the outset, he is bright enough to have briefed his family and work associates more carefully on the outlines of his story. The fact that he apparently did not do so gives their accounts more reliability. When we interviewed Quinn's parents, neither he nor his lawyer was present. It was obvious that his parents had not been prepared for the interview. Quinn could easily have prevented them from talking with us, but did not.

6) Quinn had no counter-offer from CertainTeed which would have induced him to abandon the job offer from GPU Nuclear.⁴³⁴ To the contrary, the GPU Nuclear offer was more per year than Quinn was earning at CertainTeed. Quinn knew he would receive a raise from CertainTeed in September, 1982 to but that was still less than the GPU offer. Quinn had been told that he would have a salary review in December, 1982 if he started with GPU by the end of June, 1982, so the discrepancy between the GPU salary and the CertainTeed salary could have increased at the end of 1982. Up to the time of our interview with Quinn he still had received no increase over the /year that he was given by CertainTeed in September of 1982. He also was doing the same job at CertainTeed that he had been doing in the spring of 1982.⁴³⁵ Quinn's parents said they were not aware

434. Kelley at 9, 13.

435. Kelley at 15.

of any changes in his personal life which would have prompted him to reverse his decision about the job at Three Mile Island. In short, we have no evidence that there was any economic, job-related or personal motivation for Quinn to have manufactured a story so that he could stay at CertainTeed and avoid payment of the \$5200 fee to Main Line. All evidence points to the fact that Quinn was enthusiastic about the GPU job offer at least through the first psychological interview. Evans himself confirms that. There is no apparent reason for Quinn to have changed his mind for any reason other than the reasons he has given.

7) Jenkins states that Quinn commented during the second psychological that he probably would not take the job. While Quinn says he does not remember whether he made the comment, he accepts Jenkins' account as true because it is an accurate reflection of his thinking at the time. Assuming Jenkins' recollection is accurate, Quinn's statement is consistent with the balance of his statements and lends credence to his account.

8) During our investigation, we attempted to identify and interview every employee at GPU Nuclear who had been placed in their job by John Evans at Main Line.⁴³⁶ We interviewed Mike Menta, a cost engineer in the maintenance and construction divi-

436. Since it is Evans' credibility which is at issue, we focused only on Evans, and disregarded other counselors at Main Line.

sion at Three Mile Island who was placed in his job by Evans in the summer of 1981. After Menta had been offered the job

. . . John Evans called me, and John asked me what I thought, and I said I'd like to give it some consideration, and he had said well, they're in somewhat of a hurry to fill this spot. And he had stated that they had someone within the GPU organization who they were considering and that I should give them an answer as soon as possible, preferably today, the same day that he called me or the next day. And I told him I needed time to think about it, plus I wanted to see the offer in writing and the usual two weeks of grace period that they give you to make up your mind. And he says, 'Well, they're not gonna do that until you say yes.' And I said, 'Well, I'm not gonna say anything until I see it in writing,' and I wanted at least two weeks to think about it. And at this point he got rather huffy with me and said, 'Well, you're really not interested in this job,' and slammed the phone in my ear. So, the very next day, one of his associates who I interviewed with apologized for John's behavior and asked me not to hold that against them and that they were still communicating with GPU, and I assured this fellow that if I see it in writing, I'll give them an answer one way or the other. So, but, prior to this fellow calling me back and apologizing, I had called GPU to the personnel man to verify if, in fact, they were in a big hurry for an answer, and this fellow, Bob Laibe, assured me that they don't do business that way, that they never told John Evans or anybody else that they would want an answer within a couple of days. And that this was typical headhunting tactics just to get the fee, up front.⁴³⁷

437. Menta at 3-4. In addition to Menta, we attempted to identify and interview all persons within GPU Nuclear who had been placed by John Evans of Main Line. We interviewed:

William A. Collier, Jr.
Wayne Gohacki
J. H. Reese

Menta's account is consistent with the style which Quinn describes Evans having used in trying to get Quinn to take the job at GPU Nuclear: high-pressure and rude. It also suggests that Evans' has misrepresented facts on at least one other occasion.

9) There was a puzzling delay of at least a week between the time Kilcoyne called Evans on June 21 to tell him Quinn wouldn't be going to work for GPU and the time GPU was given that information by Main Line.⁴³⁸ One would think that an employment agent would immediately inform his principal of the call Evans received from Kilcoyne. Yet Evans did not. Evans' delay is consistent with seeking to avoid any public airing of the issue in the hope that the problem would go away.

McDonald attempted to explain that delay by saying that Main Line was still trying to "put the deal together."⁴³⁹ That explanation seems weak. If Quinn's accusation were false, one would expect Main Line to request an immediate conference with

Al Santella
Al Vinski
Tim Washburn

We also identified but were unable to locate and interview:

R. Bishop
Douglas Johnson

Of those people we interviewed, some had minor complaints, but none of them indicated improper conduct of the type Quinn has alleged.

438. Troeblicher at 55-56, Hawkins at 51.

439. Troeblicher at 57.

GPU to review the situation. Not only was there no such request, Main Line failed to convey important information to GPU in a timely manner.

At first impression, Evans' suing Quinn for the agency fee would appear to be inconsistent with a desire to avoid any public airing of Quinn's allegations of coaching. On the other hand, it is possible that no one else at Main Line knew that Evans coached Quinn. If that were true and if Evans denied Quinn's allegations to others at Main Line he would have no plausible explanation for not suing Quinn for the placement fee. Evans would be under pressure to sue Quinn because of the general policy at Main Line to be aggressive in the collection of fees.⁴⁴⁰

10) John Kilcoyne, Quinn's lawyer, has told us that when he first spoke with Evans on June 21, 1982, Evans made a reference to his "friend in personnel" at GPU. The phrase "friend in personnel" is one of the key phrases which Quinn quotes Evans as having used at the time Evans coached him and told him to lie. Quinn says Evans told him that the source of his information about Quinn's performance on the first psychological was "a friend in personnel at GPU."

When Evans used the phrase again with Kilcoyne, Kilcoyne says he asked him who that person was and Evans avoided the question by saying that it wasn't important who the person was. We asked Kilcoyne to give us a formal statement on the subject

440. Evans at 57.

and he declined. However, he reviewed the conversation with us on two occasions.

11) We discussed informally with Howard Glazer whether Quinn could be delusional; whether he might be creating a fiction which he genuinely believes to be true because of some mental illness. With the benefit of two MMPIs and the interviews with Jenkins, Glazer commented that there was no psychological basis for such a conclusion.

12) Quinn alleges that Evans told him Stress Control
and that Evans proceeded to
list

441

Assuming the accuracy of Quinn's testimony, Evans' information was exactly right. It is possible that Quinn could have extracted a relatively clinical summary

442

443

441. Exhibit 12.

442. Jenkins at 121-122.

443. Jenkins at 123.

Glazer says, "If any coaching went on, it was from us."⁴⁴⁵

The testimony on this issue is conflicting. Since Quinn could arguably have constructed

place primary reliance on that evidence. Nonetheless, we find it unlikely that Quinn would place such emphasis on the coincidence in phraseology used by Evans and Jenkins if he were constructing a deliberate falsehood, since, by his own testimony, the possibility of fabrication is so obvious.

In reaching our conclusions, we have used the standard applied by juries in civil law. That standard is subjective. Applying that standard to the same facts, it is possible that others could reach a different conclusion. While we have confidence in our opinion, it must be remembered that it is an opinion and not a statement of fact.

Faegre & Benson
September 2, 1983

444. Jenkins at 120.

445. Glazer at 87.