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**TRANSCRIPT  
PROCEEDINGS BEFORE**

NUCLEAR REGULATORY COMMISSION

COMMISSION MEETING

CLOSED MEETING - EXEMPTION NO. 5

**DKT/CASE NO.**

**TITLE** DISCUSSION OF INVESTIGATION

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DISCUSSION OF INVESTIGATION

CLOSED MEETING - EXEMPTION NO. 5

Nuclear Regulatory Commission  
Room 1130  
1717 H Street, N. W.  
Washington, D. C.

February 9, 1983

The Commission convened in closed session at  
2:30 p.m.

COMMISSIONERS PRESENT:

- NUNZIO PALLADINO, Chairman of the Commission
- VICTOR GILINSKY, Commissioner
- JOHN AHEARNE, Commissioner
- THOMAS ROBERTS, Commissioner
- JAMES ASSELSTINE, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

- S. CHILK
- M. MALSCH
- J. ZERBE
- B. HAYES
- B. WARD

\* \* \*



1 the possible relevance of the matters under  
2 investigation to the TMI proceeding and the consequences  
3 in fact the inquiry may have on the timing of a decision  
4 on restart.

5 Do any other Commissioners have opening  
6 remarks?

7 COMMISSIONER GILINSKY: No, except I want to  
8 second your welcome to our new Director.

9 MR. HAYES: Thank you.

10 CHAIRMAN PALLADINO: Ben, I will turn the  
11 meeting over to you.

12 MR. HAYES: Thank you.

13 On January the 24th of 1983 a Mr. Thomas  
14 Quinn, a prospective employee of TMI notified Region I  
15 of some serious allegations and misgivings concerning  
16 his potential employment at TMI.

17 CHAIRMAN PALLADINO: What date was that?

18 MR. HAYES: January 24th. That was by  
19 telephone. On January the 25th members of my staff  
20 contacted Mr. Quinn in an effort to sit down with him  
21 and further develop these allegations.

22 He put us off until January the 28th, and on  
23 that date two members of my staff met with Mr. Quinn and  
24 took a very lengthy signed statement from Mr. Quinn. In  
25 that statement he outlined his concerns and allegations.



1           We have conducted approximately 30 to 40  
2 interviews thus far in this investigation in an attempt  
3 to substantiate or negate Mr. Quinn's allegations. The  
4 detail of the investigation I place in the hands of Mr.  
5 Ward here, my Field Supervisor, who is more intimately  
6 involved with it having been on the staff only a few  
7 days here.

8           So with that, I would like to have Bill give  
9 you more of the details as to exactly who we have  
10 interviewed, the essence of the conversations and the  
11 statements and hopefully a summary as to how long it  
12 will take us to complete the investigation and the  
13 number of witnesses we still have yet to contact.

14           Bill.

15           MR. WARD: Thank you, Ben.

16           Gentlemen, as you know or may not know, we did  
17 also during the course of the investigation develop some  
18 very closely related information which we chose to  
19 handle as a separate investigation, although they are  
20 well integrated, and that is we developed the fact that  
21 GPU had been aware of the allegation prior to initiation  
22 of investigative effort and had not reported it to the  
23 NRC. I will come to that probably after I go through  
24 the original allegation itself.

25           COMMISSIONER GILINSKY: Could you just tell us

1 what sort of a time period you are talking about?

2 MR. WARD: Yes, sir, and I will go over that  
3 in some detail, but they got the first indications of a  
4 problem at the end of November. You will see that the  
5 record gets rather confused as to what happened and what  
6 level of information they had. But I could summarize  
7 briefly that their feeling was there was an allegation  
8 that had not been substantiated and that the  
9 substantiation needed to be done before the  
10 notification. As I say, I am prepared to go into  
11 whatever detail you need.

12 The other thing also of course is that it is  
13 still an ongoing investigation and consequently some of  
14 the information may shift or change on us. We will find  
15 there is a fair amount of contradictory information  
16 which is to be expected perhaps.

17 Following through on Mr. Quinn's allegation  
18 appears to be the best framework to show what the  
19 investigation delved into. Mr. Quinn did indeed provide  
20 a statement under oath to us quite detailed, and I will  
21 give you roughly what his concerns or his background  
22 information were.

23 He had been contacted earlier in 1982 by a  
24 personnel placement agency called Mainline,  
25 Incorporated, colloquially referred to as a head hunting

1 firm, who had contacted him unsolicited to attempt to  
2 place him in a position in a non-nuclear facility.

3 COMMISSIONER AHEARNE: Where was he?

4 MR. WARD: He was at the time with a  
5 non-nuclear company in the Philadelphia area. He lives  
6 in Norristown, Pennsylvania.

7 COMMISSIONER AHEARNE: He is an engineer or  
8 what?

9 MR. WARD: Yes, sir, he is an engineer. He is  
10 with the Certainteed Corporation. His background is he  
11 has a bachelor of arts in physics and some engineering  
12 courses as well.

13 This established his relationship, in any  
14 event, with this personnel agency. That first effort  
15 did not bear fruition, but he was recontacted, according  
16 to him, in April of 1982 by a certain Mr. Evans, who was  
17 the person at Mainline who was to play the most  
18 prominent role in this investigation, who asked him if  
19 he would wish to work at Three Mile Island. He said,  
20 well, yes, he would be interested.

21 Mr. Evans recontacts him and states that he  
22 has a May 5th interview scheduled at Mainline Personnel  
23 with some Three Mile Island officials. On May 5th,  
24 indeed, this interview was conducted by a supervisory  
25 person from Three Mile Island, a GPU Nuclear employee.

1 COMMISSIONER GILINSKY: Evans is with Mainline?

2 MR. WARD: Evans was with Mainline, yes, sir.  
3 He is the personnel account representative in this one.

4 So based on the May 5th interview by the GPU  
5 supervisor, they set up a second interview on May the  
6 17th. It is according again to Mr. Quinn.

7 COMMISSIONER AHEARNE: The May 5th guy who did  
8 the interview was a GPU supervisor?

9 MR. WARD: Yes, sir, he was, and we contacted  
10 him of course in the investigation.

11 COMMISSIONER AHEARNE: At TMI?

12 MR. WARD: Yes, sir. He is involved with the  
13 Unit 1 restart program.

14 Apparently the May 5th interview was  
15 successful because they did invite him to TMI on the  
16 17th of May for additional interviews.

17 At this point he first encounters Mr.  
18 Troeblinger who was the area personnel representative  
19 for GPU.

20 CHAIRMAN PALLADINO: What is his name,  
21 Treoblinger?

22 MR. WARD: Troeblinger, yes, sir.

23 COMMISSIONER ASSELSTINE: Do you have the  
24 correct spelling on that, Bill?

25 MR. WARD: I have it as



1 T-r-o-e-b-l-i-n-g-e-r. Mr. Troebeling informed him at  
2 the time that in the event that a hiring offer would be  
3 made it would be subject to psychological screening and  
4 a physical examination.

5 Stopping at this point, the psychological  
6 examination is a commitment made by GPU in their  
7 physical security plan. It is a safeguards requirement.

8 COMMISSIONER GILINSKY: Why are engineers  
9 getting psychological exams?

10 MR. WARD: Well, the way I would understand  
11 it, it would be for unescorted access to the protected  
12 area. It is part of the screening role. So it is a  
13 security plan commitment. It is not a suitability for  
14 employment per se, and that distinction becomes  
15 important when we see the areas that he stumbled on in  
16 this psychological screening.

17 So the purpose of a psychological screening  
18 then would be simply to see if he is a threat to the  
19 facility. It is a security requirement. So he was made  
20 aware of this.

21 On the 18th, the very next day, Evans from  
22 Mainline says he is going to get an offer.

23 COMMISSIONER AHEARNE: On the psychological  
24 screening requirement, you say that is something they  
25 have committed to in their security plan which they have

1 filed with us?

2 MR. WARD: Yes, sir. We have reviewed the  
3 security plan. The statement is rather broad and we  
4 have found no implementing procedures, but there is the  
5 commitment in the security plan.

6 COMMISSIONER AHEARNE: A broad statement is ---

7 MR. WARD: Paraphrasing it that personnel  
8 hired after a certain date, and the date is I think  
9 subsequent to the accident, would be subjected to  
10 psychological screening prior to be allowed access to a  
11 protected area.

12 COMMISSIONER AHEARNE: This is any personnel?

13 MR. WARD: Yes, sir.

14 MR. HAYES: It is standard procedure.

15 MR. WARD: It is not tied with the engineering  
16 position. It is tied, in my understanding, to the  
17 unescorted access to the protected area, which of course  
18 at TMI is any place on the island.

19 On the 18th the personnel firm in the form of  
20 Mr. Evans informs him that he has got the job.

21 COMMISSIONER GILINSKY: What sort of a job  
22 does he have?

23 MR. WARD: He was a control and test engineer,  
24 an Engineer I position in the TMI startup. That is how  
25 it was described to me. A control systems engineer is

1 the precise title. To give you the level of  
2 responsibility, the salary was \$26,000 per annum.

3 COMMISSIONER GILINSKY: This may be redundant,  
4 but every person on the island hired after a certain  
5 date gets a psychological test?

6 MR. WARD: Every person who is given  
7 unescorted access in a protected area is, to my  
8 understand.

9 COMMISSIONER GILINSKY: Unescorted access to  
10 the island?

11 MR. WARD: In effect that is what I would  
12 understand it to be.

13 COMMISSIONER AHEARNE: To follow up on  
14 Commissioner Gilinsky's question, that means that  
15 anybody who has unescorted access to the island has to  
16 have a psychological test who comes to work for the  
17 company?

18 MR. WARD: This is my understand, but it is an  
19 intricacy of the security plan and procedures that I  
20 didn't follow through. There may be exceptions, for  
21 instance, for contractor personnel. I don't know.  
22 Again, I am not certain on that. That is my  
23 understanding of it.

24 CHAIRMAN PALLADINO: It might be well to get a  
25 little more background on it.

1 MR. WARD: Right.

2 Incidentally, I did brief NMSS of the  
3 investigation and the general thrust of the  
4 psychological screening concerns. So they are up to  
5 speed on it.

6 COMMISSIONER GILINSKY: I don't know that it  
7 bears on this particular incidence, but it does raise  
8 some interesting questions. I had no idea people were  
9 getting psychological tests.

10 COMMISSIONER AHEARNE: I am wondering, is this  
11 a requirement that we have laid on them or is this  
12 something they offered and we accepted? It would be  
13 interesting to find out.

14 MR. WARD: I have not personally read the  
15 plan, but I have had it quoted to me and it does allow  
16 management to waive the requirement for whatever  
17 reasons, if they can make an independent determination  
18 of the individual's suitability. So there are loopholes  
19 in it.

20 At any rate, it is uncontroverted that he did  
21 make an oral acceptance of the oral offer and  
22 subsequently received a written confirmation of the  
23 offer of the job of May 19th.

24 On May the 27th he reports to Three Mile  
25 Island and he spends the entire morning taking his



1 physical examination and the afternoon for the so-called  
2 psychological screening.

3           The psychological screening is done by a  
4 consultant/contractor to GPU called Stress Control,  
5 Incorporated. It is my understanding that Stress  
6 Control has many nuclear facilities as clients.

7           (Laughter.)

8           COMMISSIONER AHEARNE: It sounds like this may  
9 be why it is -- (Inaudible).

10          (Laughter.)

11          MR. WARD: The psychological screening  
12 consists of the following, and we have also done  
13 interviews with Stress Control, Incorporated. In his  
14 recollection it consisted of what they call the MMPI,  
15 the Minnesota Multiphasic Personality Inventory, which  
16 is a standard psychological screening test, a machine  
17 scored test with multiple choice questions, followed by  
18 the completion of what these people refer to as a client  
19 information booklet, referred to as a CIB which,  
20 according to his statement, consists of about 200  
21 questions the thrust of which appear to be character  
22 oriented from what I could see from the way it was  
23 described to me.

24          Now departing from what his understanding of  
25 it was, what apparently the booklet is used for is to

1 assist the clinical psychologist in doing a structured  
2 interview of the person subsequent to the scoring of the  
3 MMPI. It is not in and of itself a test. It appears to  
4 be a means to assist the clinician in the evaluation of  
5 the individual.

6           According to him the subsequent interview took  
7 about an hour and a half with the psychologist.

8           COMMISSIONER GILINSKY: The subsequent  
9 interview the taking of the test?

10          MR. WARD: Yes, sir. This is all in one  
11 afternoon, so let's say in three phases.

12          CHAIRMAN PALLADINO: Is that May 27th did you  
13 say?

14          MR. WARD: Yes, sir, May the 27th.

15          He notices that there was some focusing on the  
16 part of the psychologist on some responses he had given  
17 in the CIB regarding speeding tickets and his contesting  
18 thereof, his attitudes towards the borrowing of company  
19 tools as long as he brings them back at some point and,  
20 lastly, some questions on job related accidents.

21          There is no comment made to him, according to  
22 him, by the psychologist. At the completion of the  
23 interview he goes home and on the next day, May 28th,  
24 Evans from Mainline calls him and says you failed the  
25 psychological test, they think you are crazy.

1 (Laughter.)

2 MR. WARD: Fear not, you will have an  
3 opportunity to be retested. The law requires that.

4 COMMISSIONER GILINSKY: I mean is that  
5 literally what he said, they think you are crazy?

6 MR. WARD: That is what his statement said,  
7 yes. You will find as we get into this that Mr. Evans  
8 denies ever having made any comment like that.

9 The point of it is that he does recontact  
10 Stress Control, this is Mr. Quinn, and it sets up a  
11 second testing cycle. It is scheduled for June the  
12 7th.

13 Between the 28th and the 7th, precisely on  
14 June the 3rd Mr. Evans contacts him and states that (a)  
15 he knows the date of the retest and (b) says that he has  
16 a good friend in GPU personnel who has told him,  
17 allegedly told him, that there are three areas of  
18 concern, and he characterizes these three areas of  
19 concern this way. One, resistance to regulations; two,  
20 job related accidents; and, three, borrowing of company  
21 tools.

22 CHAIRMAN PALLADINO: What was the second one?

23 MR. WARD: The second one was job related  
24 accidents.

25 CHAIRMAN PALLADINO: You mean he had had them?

1 MR. WARD: Yes, sir. He had admitted having  
2 four of them evidently at his last employment, including  
3 spilling 250,000 gallons of water which I imagine was an  
4 unforgettable incident.

5 (Laughter.)

6 COMMISSIONER GILINSKY: That is in a  
7 non-nuclear plant?

8 MR. WARD: Yes, sir.

9 (Laughter.)

10 COMMISSIONER AHEARNE: We don't hear about  
11 those.

12 (Laughter.)

13 MR. WARD: Mr. Evans alleged suggested that he  
14 do some judicious lying and coached on perhaps how he  
15 could answer these questions so as to not trigger  
16 further concern on the part of GPU.

17 CHAIRMAN PALLADINO: Is it Evans?

18 MR. WARD: Evans, E-v-a-n-s, yes, sir. Again,  
19 it was alleged to say this. We are using Mr. Quinn's  
20 statement as our framework here.

21 On June the 7th he is retested. He takes the  
22 MMPI a second time, but it is a different test,  
23 different version of the test, but it is still the same  
24 basic test, and, secondly, he is interviewed by the same  
25 clinician who interviewed him the first time.



1           This time he does not complete the CIB over  
2 again. Instead, the psychologist takes the book and has  
3 him explicate the answers to earlier questions. So it  
4 is somewhat a repeat of the previous interview.

5           CHAIRMAN PALLADINO: I am sorry, I didn't  
6 catch that. You mean they took the booklet and they  
7 crossed them out?

8           MR. WARD: Well, he claims that there was an  
9 alteration made in that booklet during the second  
10 interview.

11          CHAIRMAN PALLADINO: By whom?

12          MR. WARD: By the pschologist. The fact of  
13 the matter is ---

14          CHAIRMAN PALLADINO: Alteration of his answers?

15          MR. WARD: Yes, sir. The fact of the matter  
16 is, as I will later come to, no such alterations were  
17 made, bearing in mind that the CIB is used to assist the  
18 psychologist in asking these pointed, meaningful  
19 questions about spilling water and so forth. He  
20 finished that interview and there were no further  
21 comments by the clinician.

22                 On June 8th Mr. Evans calls him and tells him  
23 he passed and he has got a reporting date of June the  
24 28th. Sometime subsequent to June 8th Mr. Quinn gets  
25 his attorney involved and informs Mr. Evans that he

1 would never work at a place where there was such  
2 dishonesty as to be changing questions and coaching on  
3 psychological examinations.

4 Mainline Personnel is less than pleased at  
5 this and promptly sues him for \$5,200, which would be 20  
6 percent.

7 (Laughter.)

8 COMMISSIONER AHEARNE: So between the time he  
9 gets told he is going to be employed and he is to  
10 report, he goes and hires an attorney who ---

11 MR. WARD: Who has very stridently taken up  
12 his case, yes, sir.

13 COMMISSIONER AHEARNE: --- who contacts  
14 Mainline but not GPU?

15 MR. WARD: Initially Mainline.

16 COMMISSIONER ROBERTS: Now let me see if I  
17 understand it. Evans, the employee of Mainline, called  
18 him June the 8th and said he passed and to report for  
19 work on June the 28th?

20 MR. WARD: Yes, sir.

21 COMMISSIONER ROBERTS: Well, did GPU ever  
22 notify him?

23 MR. WARD: GPU subsequently, the secretary  
24 called him and informed him that it was his reporting  
25 date. The record is in some dispute if he ever had

1 anything more formal beyond that. This is part of the  
2 crux of his lawsuit. The lawsuit becomes very central  
3 to perhaps understanding where we are today.

4 CHAIRMAN PALLADINO: Why did he get a lawyer,  
5 because he was faced with this \$5,200 charge?

6 MR. WARD: Right.

7 COMMISSICHER AHEARNE: Had he gotten a  
8 notification of the charge?

9 MR. WARD: Well, let's put it this way. He  
10 signed a contract. Let's just back up a bit here. Had  
11 he gotten the job, had he accepted employment, GPU would  
12 have paid that \$5,200. It was a fee paid. Evidently,  
13 and we have a copy of the contract, we being near the  
14 King of Prussia office, when he signed the contract all  
15 it says basically is if he is offered the job and he  
16 accepts, and remember he did give an oral acceptance at  
17 one point, then if he doesn't take the job the \$5,200  
18 comes out of his hide and not GPU's. So the \$5,200 is  
19 very much at issue here.

20 He countersues, and that is step two in this.

21 COMMISSIONER AHEARNE: Well, wait, you say  
22 countersued. When he hired this attorney, did the  
23 attorney file a suit against Mainline?

24 MR. WARD: No, sir. He merely informed  
25 Mainline that his client would not take the job.

1           COMMISSIONER AHEARNE: What is the counter?  
2 You said countersued.

3           MR. WARD: Well, the first suit is Mainline  
4 against Mr. Quinn. You owe us \$5,200. The countersuit  
5 is my privacy was invaded when people in an unauthorized  
6 fashion gave this psychological test information to  
7 Mainline. It is my understanding that the suit was  
8 against Stress Control. It is allegedly against GPU,  
9 but the record reflects they have yet to be served with  
10 any paperwork on this.

11           I would also note that the NRC is not  
12 contacted until January the 24th, and this is all back  
13 in the early June timeframe, early to mid-June.

14           COMMISSIONER GILINSKY: And we were contacted  
15 by Mr. Quinn?

16           MR. WARD: Right. Mr. Quinn at the advice of  
17 his attorney contacted us on January 24th.

18           COMMISSIONER AHEARNE: But now back in this  
19 June period he didn't show up obviously on the 28th of  
20 June.

21           MR. WARD: No, sir. He dealt I believe mostly  
22 with Mr. Evans. I have the statement in front of me  
23 that would probably give the specific detail.

24           COMMISSIONER AHEARNE: But did he contact GPU  
25 and say he was not coming?



1 MR. WARD: I believe when the secretary told  
2 him he was to show up he told her that he had not  
3 accepted the job.

4 CHAIRMAN PALLADINO: That he had what?

5 MR. WARD: That he had not accepted the job.  
6 In fact, let me use his words inasmuch as this appears  
7 to be an issue. In fact, I will read these two  
8 paragraphs.

9 "On the following day, June 8th, 1982 Evans  
10 called and advised that I had passed the tests. I  
11 remember that his first line was fooled them, didn't  
12 we. Evans also told me that my starting date would be  
13 June 28th, 1982. Several days later I received a call  
14 from a GPU Personnel secretary identified only as Sue  
15 who confirmed my starting date. She advised me that she  
16 was forwarding information to assist me in my move.

17 "After pondering the way I had been instructed  
18 to be dishonest in the answering of the above areas at  
19 the recommendation of a GPU employee through Evans, I  
20 decided not to take the position and I subsequently  
21 contacted my attorney, John J. Kilcoyne, who advised  
22 Evans that I was not going to take the job because of  
23 the improprieties involved in the test.

24 COMMISSIONER AHEARNE: So he didn't tell GPU  
25 that he wasn't going to take it.

1 MR. WARD: The statement is silent on that.

2 CHAIRMAN PALLADINO: When did the attorney  
3 tell Mainline that he wasn't going to take the job?

4 MR. WARD: We don't have a specific date, but  
5 it is somewhere between June 8th and the reporting date.

6 COMMISSIONER AHEARNE: Do you know whether GPU  
7 was informed that he wasn't going to take the job?

8 MR. WARD: I can only assume that they were.  
9 They have a complete file on the individual.

10 Armed with that information, we of course set  
11 forth to verify as much as possible.

12 COMMISSIONER AHEARNE: Wait, there is a big  
13 gap in here.

14 COMMISSIONER ROBERTS: Yes.

15 COMMISSIONER AHEARNE: This is now the end of  
16 June. What happens between the end of June and January?

17 MR. WARD: We are going in somewhat of a  
18 non-linear fashion here.

19 COMMISSIONER AHEARNE: We should try to go in  
20 a chronological fashion.

21 MR. WARD: Right. Well, that is the problem  
22 that we ran into, too, sir. I can tell you the first  
23 thing we have on record is a November 22nd letter from  
24 the attorney, Mr. Kilcoyne, to GPU. I don't have the  
25 dates of the court documents. Obviously the completed

1 investigation will have that, but this is some of the  
2 fine detail I don't have now.

3 COMMISSIONER ASSELSTINE: You said that was  
4 December?

5 MR. WARD: November, late November.

6 CHAIRMAN PALLADINO: This was a letter from  
7 the lawyer to GPU?

8 MR. WARD: Yes, sir.

9 COMMISSIONER AHEARNE: Saying?

10 MR. WARD: Well, I don't have a copy of the  
11 letter. It is characterized by GPU as an attempt to  
12 strong-arm them into pressuring Mainline to drop the  
13 suit for \$5,200. Again, we will have that as an  
14 attachment to our investigative report.

15 CHAIRMAN PALLADINO: They were trying to get  
16 GPU to ---

17 MR. WARD: --- to pressure Mainline into  
18 dropping the suit. That is really the strategy of it  
19 evidently. As to what happened between June and  
20 November, we don't know. It is possible that the  
21 investigators on the case know. We have literally every  
22 investigator up there working the case. So that is one  
23 level of detail I don't have.

24 CHAIRMAN PALLADINO: Was there an actual suit  
25 filed by Mainline against Quinn?

1 MR. WARD: Yes, sir. They wanted their \$5,200.

2 COMMISSIONER AHEARNE: Do you know  
3 approximately when that was?

4 MR. WARD: No, sir, I don't. I believe it was  
5 the fall, however. I believe there was a period of  
6 dormancy before actions were taken. I presume there  
7 might have been some dialogue, but again I am not sure.

8 COMMISSIONER AHEARNE: But as far as you know  
9 then, the next official action or documented action was  
10 this letter from the Attorney to GPU?

11 MR. WARD: That is the first thing I can  
12 recall from my understanding of the record.

13 COMMISSIONER AHEARNE: Had one of your  
14 investigators looked at the GPU file?

15 MR. WARD: Yes, sir. I am not saying that the  
16 investigators don't know the information. I don't know  
17 it.

18 CHAIRMAN PALLADINO: Did you say your  
19 investigators did or did not look at GPU files?

20 MR. WARD: Yes, sir, they did. That was our  
21 first investigative step beyond making the statement  
22 from Mr. Quinn. That leads us inexorably to when they  
23 found somewhat serendipitously where the, by any other  
24 name, the corporate personnel director was there at the  
25 island the day they went to examine the records and in

1 dicussing with him he acknowledged his awareness of the  
2 matter. He indicated that Bob Arnold had been aware of  
3 it and Phil Clark and people of this nature.

4           It was at that point that we carved off the  
5 second investigation to look into how management handled  
6 the information, regardless of verifying the substance  
7 of the allegation.

8           COMMISSIONER AHEARNE: You had that letter of  
9 November. Was the next documented item that you know of  
10 the January phone call from Quinn to the region?

11           MR. WARD: I am not sure I understand the  
12 question. Document in what sense?

13           COMMISSIONER AHEARNE: I am trying to see what  
14 do we know about what happened between June and January  
15 and so far the only item that I get that we really know  
16 for sure, that is we right here at this time, is that in  
17 November, there was a letter from the attorney to GPU.  
18 Now is there anything else that you know of that  
19 happened before Quinn called us?

20           MR. WARD: Yes, sir. I have a whole side  
21 issue of how then GPU management dealt with this  
22 information from the time they were made aware of it. I  
23 thinking of treating that separately after we finish the  
24 discussion in the allegation.

25           COMMISSIONER AHEARNE: But as far as the



1 actions between Quinn, Mainline and GPU, do you know of  
2 anything else that happened?

3 MR. WARD: No, I do not know of anything else.

4 COMMISSIONER AHEARNE: So then Quinn called  
5 you in January?

6 MR. WARD: Right.

7 COMMISSIONER ROBERTS: Did Quinn continue to  
8 work at Certainteed?

9 MR. WARD: Yes, and that is where he still is,  
10 to our knowledge.

11 COMMISSIONER AHEARNE: You mentioned that your  
12 people the went to the island somewhere at the end of  
13 January?

14 MR. WARD: February the 2nd to be exact.

15 COMMISSIONER AHEARNE: And that is when you  
16 met the personnel director?

17 MR. WARD: Yes, sir. The 28th of January when  
18 we interviewed Mr. Quinn, the reason there was the  
19 three-day lay was at his request so his lawyer would be  
20 present. Similarly, the delay from the 28th through  
21 the 2nd of February was his. That is when his lawyer  
22 was next available. So that day we had him sign the  
23 statement and then we went to Three Mile Island, got the  
24 record review and uncovered this initial evidence.

25 COMMISSIONER AHEARNE: The interview was with

1 his lawyer there?

2 MR. WARD: Yes, sir.

3 MR. HAYES: On the 28th and the 2nd, both  
4 occasions.

5 CHAIRMAN PALLADINO: I am sorry, but I thought  
6 on the 2nd you went to the island.

7 MR. WARD: Yes, sir.

8 CHAIRMAN PALLADINO: And you went to interview  
9 whom?

10 MR. WARD: We went to review the records  
11 initially. At the personnel office we wanted to see Mr.  
12 Quinn's file.

13 CHAIRMAN PALLADINO: Did you interview Mr.  
14 Quinn on that day?

15 MR. WARD: We had had him sign his statement  
16 earlier that day. The investigators took his statement  
17 in Norristown and then drove to the island and did this  
18 work that same day.

19 COMMISSIONER ROBERTS: The writeup of your  
20 28th meeting you gave to him and he signed on the  
21 February 2nd?

22 MR. WARD: Yes, sir, under oath. It is a  
23 sworn statement.

24 Then our investigative activities consisted  
25 essentially of this. We interviewed the personnel

1 manager, Troeblinger. He denies any information being  
2 provided to anyone outside of GPU. He states  
3 categorically he did not provide this information to  
4 Mainline personnel.

5 CHAIRMAN PALLADINO: Is he the corporate  
6 personnel officer?

7 MR. WARD: No, sir. He is essentially the one  
8 in charge of personnel at the island itself. We intend  
9 to reinterview him.

10 Incidentally, any interview other than just an  
11 ordinary screening interview, we obtained written  
12 statements from the interviewees. It has been a very  
13 detailed investigation.

14 So basically Troeblinger denies everything  
15 very succinctly.

16 COMMISSIONER GILINSKY: Well, let's see, how  
17 can he be sure that one or another employee didn't  
18 provide that information?

19 MR. WARD: He has a very small staff, sir, and  
20 we are interviewing his secretary today, as a matter of  
21 fact, and there is another person there, too, that we  
22 are also interviewing to be doubly sure.

23 MR. HAYES: We are trying to cover that  
24 potential that of his staff members is feeding  
25 information to Mr. Evans.

1           COMMISSIONER AHEARNE: When you say a very  
2 small staff, do you mean two people?

3           MR. WARD: That is my understanding. He has  
4 allegedly an assistant and a secretary. We have  
5 interviewed the assistant already.

6           COMMISSIONER AHEARNE: So when you say he  
7 denies any information was provided outside of GPU, did  
8 he say that no information was provided, to the best of  
9 his knowledge no information was provided, he didn't  
10 provide it and he is sure his staff didn't?

11          MR. WARD: He categorically denies he himself  
12 provided it. Beyond that I can't say. I would imagine  
13 the investigators would have asked for and gotten in his  
14 statement those things you are asking.

15          COMMISSIONER AHEARNE: I am sorry. I thought  
16 you had just said he denied that any information had  
17 gone outside.

18          MR. WARD: He denies his providing information  
19 for sure. That I know from conversations with the  
20 investigators. It is possible he has also said the  
21 other, but I don't have a copy of his statement.

22                 We also made contact with Stress Control,  
23 Incorporated. We did interviews last week and I guess  
24 as we now speak we are doing a reinterview of the  
25 psychologist who was involved in the examination process.

1 COMMISSIONER GILINSKY: I wonder how they like  
2 that?

3 (Laughter.)

4 COMMISSIONER AHEARNE: It is probably  
5 stressful.

6 (Laughter.)

7 MR. WARD: It was an interesting interview.  
8 There was a variance as to how the three troublesome  
9 areas were described, but this is how Stress Control  
10 describes the screening process of the individual.

11 COMMISSIONER GILINSKY: This is the  
12 psychologist?

13 MR. WARD: Yes, sir. We interviewed, as I  
14 say, the individual who actually dealt with Mr. Quinn.  
15 As per the normal procedures, he took the MMPI. He then  
16 filled out that CIB and was interviewed by this doctor.

17 COMMISSIONER ROBERTS: Is this an M.D.?

18 MR. WARD: He is a psychologist, probably a  
19 clinical psychologist.

20 COMMISSIONER AHEARNE: Let's see, I don't  
21 really want to be too picky, but I think you described  
22 him earlier as a clinical psychologist.

23 MR. WARD: I did.

24 COMMISSIONER AHEARNE: Now you just said  
25 probably. He is or isn't he?



1           MR. WARD: I don't know for certain. I am  
2 inferring that he is by the nature of his work. My  
3 understanding of behavioral sciences is that he would  
4 be. I may be wrong. He is at least a psychologist. I  
5 subspecies I cannot attest to.

6           He states that the three areas that he  
7 discussed with Mr. Quinn were characterized this way, as  
8 resistance to authority, not regulations, as Mr. Quinn  
9 states, but resistance to authority. He elaborated on  
10 that by stating that he was playing off of what he  
11 termed Mr. Quinn's propensity for acquiring speeding  
12 tickets for purposes of contesting them. That is his  
13 description.

14           The second area was honesty, honesty as  
15 evidenced by the "borrowing of tools."

16           CHAIRMAN PALLADINO: What was the issue on  
17 honesty, that he was dishonest or he was honest? They  
18 don't want honest people?

19           MR. WARD: I think they would prefer to have  
20 honest people, and I believe that the question is along  
21 the lines of do you think it is all right to take  
22 company property home and use it as long as you bring it  
23 back. It is that sort of a question.

24           CHAIRMAN PALLADINO: And I gathered he  
25 answered yes.

1 MR. WARD: He answered yes, and I don't think  
2 I like that.

3 Then, lastly, prudence, and that is the job  
4 related accidents.

5 Now the other thing that was the trigger here  
6 was that he had scored out of the normal range in one of  
7 the scales of the MMPI. He was rated as slightly  
8 abnormal, and I use these words very advisedly, in what  
9 they call paranoia. I don't know if that is the exact  
10 clinical description of scale 6 on the MMPI. It would  
11 take someone more expert than I.

12 COMMISSIONER AHEARNE: Let me just raise  
13 another question. This guy that we are talking about if  
14 not an employee of GPU?

15 MR. WARD: No, sir.

16 COMMISSIONER AHEARNE: I was just wondering  
17 what privacy rights he has for you to be describing the  
18 psychologist's interpretation of his abnormal mental  
19 behavior?

20 MR. WARD: I don't know the answer.

21 COMMISSIONER AHEARNE: Marty?

22 MR. MALSCH: I am not sure I know the answer  
23 either of whether his privacy rights are violated by,  
24 for example, the psychologist giving the information to  
25 the NRC investigators. I am not sure.

1 COMMISSIONER AHEARNE: And then the NEC  
2 investigators passing the information on.

3 MR. MALSCH: Well, I wouldn't think there  
4 would be any problem with them passing it on to us. The  
5 problem would be the initial transferring the  
6 information to the Commission. I don't know what the  
7 answer to that question is.

8 MR. WARD: Unfortunately, it becomes somewhat  
9 relevant to understand why the variance in the  
10 procedure, because on the retest he scored within normal  
11 range on that same scale. It is our understanding that  
12 the range, the difference between the two numerical  
13 scores is well within test error rate with a 1.6  
14 deviation. So that is the primary factor that  
15 influenced the psychologist on his second interview,  
16 that and, in his view, the relatively satisfactory  
17 explication of those three troublesome areas.

18 He decided then that the individual was not a  
19 threat to Three Mile Island. Now he makes the point  
20 quite clear that he is not stating that this person is  
21 100 percent suitable for every purpose and task he would  
22 have in mind for him. He just means that from a  
23 safeguards perspective he does not appear to be a threat  
24 to the island.

25 COMMISSIONER GILINSKY: Is it common to retest

1 people?

2 MR. WARD: Yes, sir, it is. One thing we have  
3 found in looking at this is that many people attempted  
4 to characterize what the standard procedure is and  
5 everybody has characterized it differently.

6 Apparently there is no real standard  
7 procedure, although it is the general rule, their  
8 general practice since 1980 to allow a second test  
9 unless the first test shows the individual is an  
10 absolute psychotic and that there is no question. I  
11 don't know if they had any like that, but to that end  
12 maybe it would be a good point to pursue what we did on  
13 our screening interviews.

14 We did through record checks identify the fact  
15 that 62 people have been tested twice since 1980.

16 COMMISSIONER AHEARNE: This is at TMI?

17 MR. WARD: At TMI, yes, sir. And of that 62,  
18 36 were hired and brought aboard.

19 COMMISSIONER AHEARNE: Now is the implication  
20 that those who weren't hired failed this screening test?

21 MR. WARD: I don't believe we can draw an  
22 inference. It could be they turned down employment as  
23 he did.

24 COMMISSIONER AHEARNE: For other reasons.

25 MR. WARD: Right. So it is just a bare number

1 of 36 out of 62.

2 Now not being satisfied with that, we took 37  
3 people that are currently at the island and interviewed  
4 all 37. Of that 37, 22 of them had been tested twice.

5 CHAIRMAN PALLADINO: What was this 37?

6 MR. WARD: These were 37 people currently  
7 employed at Three Mile Island.

8 CHAIRMAN PALLADINO: Just any 37?

9 MR. WARD: Primarily we were trying to get  
10 people who had been psychologically screened under the  
11 Stress Control process. Twenty-two of those 37 had been  
12 tested twice for whatever reasons and 15 of them had  
13 only been tested once.

14 The bottom line on our interviews is there is  
15 just nothing pertinent or relevant to the  
16 investigation. No patterns emerged from that.

17 COMMISSIONER GILINSKY: Well, it does raise  
18 another question of whether this is just a pro forma  
19 screening which satisfies any commitment or requirement.

20 COMMISSIONER AHEARNE: Did any of those others  
21 get their job through Mainline?

22 MR. WARD: I know we did identify several who  
23 had been through Mainline. I don't know what percentage  
24 of this universe were.

25 COMMISSIONER AHEARNE: Well, obviously what I



1 was getting to is did you find any other people who got  
2 their job through Mainline that had to take a second  
3 test and got advice from Mainline?

4 MR. WARD: I don't know if we made that  
5 correlation. The figure sticks in my head of  
6 approximately 20 people having been placed by Mainline  
7 over the past year or two. Now how many of those were  
8 in this universe of 37 I don't know.

9 COMMISSIONER AHEARNE: You don't know.

10 MR. WARD: The investigators may well know. I  
11 do not.

12 COMMISSIONER AHEARNE: Do you know whether  
13 they tried to look for that and tried to find an  
14 individual or individuals who had gotten their job  
15 through Mainline and had a second test and whether or  
16 not they were given some advice?

17 MR. WARD: I am sure they were trying to find  
18 that. I know I would had I been there and they were  
19 familiar with the issues. So I am sure that, to the  
20 extent that they could, they tried to make those part of  
21 the universe of the 37.

22 COMMISSIONER AHEARNE: And you are confident  
23 that they would have asked that question?

24 MR. WARD: Yes, sir.

25 COMMISSIONER AHEARNE: But you don't know

1 whether they got an answer?

2 MR. WARD: No, sir. They just finished those  
3 up late yesterday.

4 That is essentially it, except for the fact  
5 that we go to Mainline next and interview Mr. Evans and  
6 a new player, a Mr. McDonald. The reason why this name  
7 becomes important is because both these gentlemen have  
8 given us sworn statements of course denying any coaching  
9 or assistance or anything of this nature.

10 It becomes important in this regard. Mr.  
11 McDonald characterizes himself as the single point of  
12 contact with GPU. In other words, GPU has a preference  
13 for dealing with only one person or personnel matters  
14 and Mr. McDonald is it.

15 Mr. McDonald notes that if one of his clients  
16 were to be placed with GPU, he would get the  
17 commission. In, on the other hand, Mr. Evans had a  
18 client, which was the case here, and he wece to make the  
19 entree for him, he would not get a commission. So he  
20 was using that as persuasive evidence that he would be  
21 telling us the truth.

22 He was persuasive. He did give us a sworn  
23 statement stating that no, he did not have any dealings  
24 in providing information on Mr. Quinn. Likewise, Mr.  
25 Evans said the same thing.

1 COMMISSIONER AHEARNE: Wait. Does Evans deny  
2 ever dealing with Quinn?

3 MR. WARD: No, he does not deny dealing with  
4 Quinn. Evans denies dealing directly with GPU, and that  
5 all of his contacts were via Mr. McDonald.

6 COMMISSIONER AHEARNE: So Evans' picture is  
7 that Evans talked to McDonald about Quinn?

8 MR. WARD: Right.

9 COMMISSIONER AHEARNE: And McDonald talks to  
10 GPU about Quinn.

11 MR. WARD: Right.

12 COMMISSIONER AHEARNE: And that is what  
13 McDonald also claims?

14 MR. WARD: Yes, sir.

15 COMMISSIONER GILINSKY: None of them talked to  
16 GPU?

17 MR. WARD: McDonald has talked to GPU to  
18 arrange the placement, but denies getting any  
19 information relative to the psychological testing,  
20 detailed information that is.

21 COMMISSIONER AHEARNE: And McDonald claims  
22 that any commission would go to Evans?

23 MR. WARD: That is right. That is what he  
24 states. So at this juncture we have, to be charitable,  
25 conflicting stories.

1 (Laughter.)

2 MR. WARD: And to that end a last logical lead  
3 of course would be a reinterview of Mr. Quinn. We have  
4 basically Stress Control denying any improprieties.  
5 They also denied having been pressured by GPU to enter  
6 into this retest. They rest, if you will, on the  
7 medical ethics. They say they call them as they see  
8 them and that they performed as per normal in this  
9 particular case.

10 We have the GPU people involved denying the  
11 circumstances that Mr. Quinn asserts and we have  
12 Mainline denying this, again all under oath.

13 COMMISSIONER AHEARNE: Let's go back to the  
14 psychological. The psychologist, does he write up a  
15 report of interview?

16 MR. WARD: I don't know that he does. I think  
17 he may do a simple summary, but I am not sure. I did  
18 not ask that question.

19 COMMISSIONER AHEARNE: Does he report his  
20 findings to someone else in that company who then  
21 reports to GPU, or does he report to GPU directly?

22 MR. WARD: My understanding is that their Vice  
23 President is the person who always tells the rejections,  
24 passes the rejection information.

25 COMMISSIONER AHEARNE: So the psychologist

1 would give his information to that supervisor who would  
2 report it to GPU?

3 MR. WARD: He discusses it with the supervisor  
4 who will have to concur and then passes the information  
5 to GPU.

6 COMMISSIONER AHEARNE: Is that what happened  
7 in his case?

8 MR. WARD: To my understanding, yes. We  
9 interviewed his supervisor as well.

10 COMMISSIONER AHEARNE: And the supervisor  
11 verified he passed the information on to GPU, or does he  
12 not keep a record or is not sure?

13 MR. WARD: I don't recall specifically what he  
14 stated as far as the level of detail.

15 COMMISSIONER AHEARNE: And to who would he  
16 report, to Troeblinger?

17 MR. WARD: Troeblinger would be the point of  
18 contact.

19 COMMISSIONER AHEARNE: And who would then  
20 notify someone of the failure? Who would be the link?  
21 Would it be Troeblinger who would then be responsible  
22 for going back to either Mainline or to Quinn?

23 MR. WARD: As I was reviewing my notes I had  
24 the same question, and I don't have the answer. I  
25 expect it may not be unusual for them to tell Mainline



1 or any other personnel agency that your client is not  
2 being hired. Inasmuch as he had a written offer that  
3 was similar to how NRC offers of employment are  
4 contingent upon successful psychological tests, I guess  
5 the deductive could be made.

6 COMMISSIONER AHEARNE: When the supervisor of  
7 the company passes on to GPU the information that this  
8 person failed, does he have to provide a summary as to  
9 why?

10 MR. WARD: I don't know. I do not believe  
11 so. My understanding was that normally it is go/no-go  
12 signal.

13 COMMISSIONER AHEARNE: Obviously, if someone  
14 did transmit information back to Quinn they had to have  
15 access to some information, and I am trying to see if  
16 you draw that link of where that information flow went.

17 CHAIRMAN PALLADINO: Did Evans deny every  
18 getting any information back from GPU on the test?

19 MR. WARD: Yes, sir, he denied it.

20 COMMISSIONER AHEARNE: McDonald also?

21 MR. WARD: Yes.

22 CHAIRMAN PALLADINO: Did you ask Evans if he  
23 had gotten any feedback from Stress Control,  
24 Incorporated?

25 MR. WARD: I don't recall if that was asked,

1 but specifically I believe we have asked Stress Control  
2 if they communicated to anyone and they say no.

3 COMMISSIONER AHEARNE: Wait, to anyone?

4 MR. WARD: Well, other than GPU, their  
5 customer.

6 COMMISSIONER AHEARNE: Does Evans agree that  
7 he contacted Quinn to let him know about the retest?

8 MR. WARD: I can't recall. I don't have Mr.  
9 Evans' statement.

10 COMMISSIONER GILINSKY: This is just an  
11 aside. You said something about the offer being similar  
12 to -- (Inaudible) -- subject to psychological testing --  
13 (Inaudible).

14 (Laughter.)

15 MR. WARD: I meant that only loosely. You  
16 normally get your offer contingent upon successful  
17 security processing. This is their equivalent of  
18 security processing.

19 COMMISSIONER GILINSKY: Thank you.

20 (Laughter.)

21 MR. WARD: So clearly if suddenly the offer is  
22 withdrawn, somebody recognizes where the problem was.  
23 That is the point I was trying to make.

24 COMMISSIONER GILINSKY: Let me ask you, when  
25 you are talking about getting information from GPU, is

1 it information on passing or failing, or is it  
2 information on what to say in the exam that you are  
3 talking about?

4 MR. WARD: What appears to be at issue here is  
5 the specificity of the information, his problem areas,  
6 in other words. I think that it is not controversial  
7 that information was passed that he failed the  
8 psychological because that could be deduced  
9 theoretically, but knowing the problem areas  
10 specifically. That appears to be the issue.

11 CHAIRMAN PALLADINO: Does Evans deny having  
12 told Quinn what he had to do to pass?

13 MR. WARD: Yes, sir. Well, let me qualify  
14 that. We feel, and I don't know if this is in his  
15 statement or not, that obviously some sort of a  
16 discussion ensued between them. We believe that there  
17 was some dialogue during which Quinn may have brought up  
18 these areas. This is speculation on our part.

19 COMMISSIONER AHEARNE: Would what you know so  
20 far be inconsistent with Quinn thinking back through the  
21 test and where did the problems arise clearly from where  
22 the psychologist focused and discussing that with Evans  
23 and a mutual conclusion being reached that if he wanted  
24 to get the job he was going to have to provide different  
25 responses?

1 MR. WARD: It is thoroughly consistent. In  
2 fact, it is our speculation that that is what took place.

3 COMMISSIONER ASSELSTINE: Except that you said  
4 that Quinn said in his statement that Evans told him  
5 that he had a friend in GPU Personnel and that he had  
6 provided him that information and he was passing it on  
7 to him.

8 MR. WARD: Right.

9 COMMISSIONER ASSELSTINE: Other than Quinn's  
10 explicit statement, it might be consistent.

11 MR. WARD: If you don't put a very high figure  
12 of merit on that explicit statement, that sort of a  
13 model tracks very nicely.

14 Now relatedly I had mentioned the licensee's  
15 handling of the information. We have again sworn  
16 statements from ---

17 CHAIRMAN PALLADINO: Are you going to the  
18 second investigation?

19 MR. WARD: Yes, sir.

20 CHAIRMAN PALLADINO: Could you just give us a  
21 little bit of what your plans are with respect to this  
22 one?

23 MR. WARD: Surely. We have some reinterviews  
24 that we would like to do to be more comfortable. As I  
25 indicated, we would like to talk to a couple of the

1 secretaries. Then we want to review the record to make  
2 sure there are no obvious holes in it because, as has  
3 been indicated, we have somewhere between 40 and 50  
4 interviews already. We will probably at that time  
5 decide whether or not to reinterview Mr. Quinn and  
6 presumably with his attorney present.

7 MR. HAYES: Also I am going to ask the staff  
8 to follow up on Commissioner Ahearne's question about  
9 the possible connection with retesting of the 20  
10 universe at TMI as to whether or not they in fact got  
11 some coaching on the second time around. I think that  
12 is an important factor here that we don't have the  
13 absolute answer to even though I feel as though the  
14 staff certainly should have covered that area. But I  
15 would like to ensure that that was done.

16 MR. WARD: Of those 22, at any rate, that we  
17 did interview, all denied coaching.

18 With regard to the licensee's handling of it,  
19 I have indicated we have statements from essentially all  
20 the top people that had their hands on the information,  
21 notably, Mr. Arnold, Mr. Clark and John Wilson who is in  
22 effect their ---

23 COMMISSIONER AHEARNE: John is familiar.

24 MR. WARD: Yes, sir, I am sure it is.

25 COMMISSIONER ASSELSTINE: Is he conducting the

1 GPU investigation?

2 (Laughter.)

3 MR. WARD: Well, it seems that everybody is  
4 conducting the GPU investigation.

5 (Laughter.)

6 MR. WARD: And to their credit I must say they  
7 indicated they wanted to pursue their investigation  
8 unless it would "interfer" with ours, and we asked them  
9 please to hold off until we finished and they agreed to  
10 do so. They were concerned that we make that a matter  
11 of record for fear of being criticized for not following  
12 up on it.

13 COMMISSIONER ASSELSTINE: Yes.

14 MR. WARD: I haven't had a chance really to  
15 soak up all the detailed information in the statements.  
16 They were just facts to me today, but the thrust of it  
17 was as I said earlier.

18 Mr. Wilson was the first person to get any  
19 indications that there was a problem and it had to do  
20 with the litigation and various letters and contacts by  
21 Mr. Quinn's lawyer.

22 COMMISSIONER AHEARNE: When was that?

23 MR. WARD: That was in the November-December  
24 time frame.

25 MR. HAYES: I think that was November 22nd, if



1 I am not mistaken.

2 COMMISSIONER AHEARNE: Was there in those  
3 letters the allegation that cheating had occurred,  
4 coaching?

5 MR. WARD: Well, it was implicit. I don't  
6 know if they made an explicit charge of cheating, but  
7 the thrust of the suit is that this specific information  
8 was transmitted. Also in the statements, particularly  
9 the statement of Mr. Clark and Mr. Arnold, they were  
10 aware that the implications were that the psychological  
11 testing program may have been jeopardized, that the  
12 integrity of it was called into question. So clearly  
13 that inference was drawn if it wasn't explicitly stated  
14 in that letter.

15 CHAIRMAN PALLADINO: Refresh me. The November  
16 27th letter was a letter from whom to whom, from the  
17 lawyer to GPU?

18 MR. WARD: I have a brief chronology here.  
19 Basically what it is is that the first indication that  
20 knew was the 29th of November. That was the first time  
21 to get a corporate person acknowledging any awareness,  
22 and that was John Wilson stating that he had gotten a  
23 call from the Vice President at Stress Control informing  
24 him that they were parties in a joint suit.

25 Tracking that information down with the Met Ed

1 Claims Department on the very next day is when he  
2 surfaces this letter dated 22 November from Mr. Quinn's  
3 lawyer to, and I don't know if it was Met Ed or GPU, but  
4 it was there evidently in Met Ed's Claims Department.

5 So the 22nd of November is the earliest date  
6 we can come up with, but we can't say for sure anyone of  
7 consequence recognized that there was anything going on  
8 until the 29th.

9 The record between then and mid-January,  
10 essentially John Wilson is characterizing the various  
11 actions he undertook to have his paralegals get some  
12 summaries together, retrieve files and what-not. But  
13 the consensus of all three persons interviewed was that  
14 the first time that Phil Clark or Bob Arnold were made  
15 aware was 11 January of this year.

16 COMMISSIONER AHEARNE: At that time what  
17 happened?

18 MR. WARD: Well, also about this time, and let  
19 me back up. There is one other key player. Also on the  
20 11th of January Mr. Blake of Shaw, Trobridge, et cetera,  
21 was notified and they asked him to evaluate it.

22 COMMISSIONER AHEARNE: Now he was notified of  
23 these sets of letters that Wilson had found?

24 MR. WARD: Yes, sir. He was notified of the  
25 thrust of the information in the suit and there were

1 some contacts -- let me back up.

2 CHAIRMAN PALLADINO: Who is Mr. Blake?

3 MR. WARD: He is essentially GPU's lawyer in  
4 the restart hearing.

5 CHAIRMAN PALLADINO: And Mr. Blake was  
6 notified by whom?

7 MR. WARD: By John Wilson and evidently Mr.  
8 Clark and Mr. Arnold spoke with him as well.

9 CHAIRMAN PALLADINO: When was he notified?

10 MR. WARD: The 11th of January.

11 COMMISSIONER AHEARNE: Well, if Clark and  
12 Arnold spoke to him on the 11th of January, did they  
13 then get notified earlier than the 11th of January?

14 MR. WARD: We have not found so far that  
15 anyone other than Mr. Wilson or people very close to him  
16 knew of this information at least at a high corporate  
17 level prior to the 11th of January.

18 COMMISSIONER AHEARNE: Now this notification,  
19 was this a notification of the suit, of the suit that  
20 the psychological testing was flawed because there may  
21 be cheating going on?

22 MR. WARD: Again, it is strictly implication.  
23 The thrust of the suit was the invasion of privacy  
24 aspect.

25 I can perhaps do better to read a little bit

1 of what Mr. Wilson says.

2 November 30th, 1982 ---

3 CHAIRMAN PALLADINO: What was Mr. Wilson's job  
4 there?

5 MR. WARD: He is connected with a private law  
6 firm, but he is essentially their corporate lawyer.

7 COMMISSIONER AHEARNE: He was the one that Met  
8 Ed had hired and has used to do their investigation of  
9 the operator cheating.

10 COMMISSIONER ASSELSTINE: The first cheating  
11 incident.

12 MR. WARD: Right.

13 "November 30th, 1982, John O'Marra at Met Ed  
14 Claims Department called me to tell me that he had  
15 received a letter dated November 22, 1982 from Kilcoyne,  
16 Attorney at Law, addressed to GPU Nuclear. I requested  
17 he send me the letter and I received it on or about  
18 December 2nd, 1982.

19 "Attached to the letter was a suit and a  
20 countersuit. The suit was against Quinn by Mainline  
21 Personnel and the countersuit was against Mainline  
22 Personnel by Quinn.

23 "After reviewing the documents it was my  
24 impression that the letter from Kilcoyne was a shakedown  
25 attempt by an attorney to get us, GPU Nuclear, to apply

1 pressure to Mainline Personnel to drop their suit  
2 against Quinn.

3 "I did not attribute too much validity to the  
4 allegation itself. I then requested Terry Myers, GPU  
5 Nuclear Head of Human Resources, to get the Quinn file  
6 and give it to me. Up to this time Terry Myers was the  
7 highest GPU Nuclear management person that I had  
8 discussed the issue with.

9 "Basically I just briefly discussed the  
10 allegations with Myers to determine if there was merit  
11 to the Quinn allegations. Myers sent me Quinn's file  
12 and I received it on December 7th, 1982."

13 Stopping here, you can see that the clock just  
14 begins to run as files are going back and forth.

15 "After reviewing the file I called Mr.  
16 Troeblinger, Acting Area Manager of Human Resources, at  
17 TMI on December 7th, no answer, and again on December  
18 8th, at which time I was informed that he would be in  
19 Idaho until December 13th on a recruiting trip."

20 Some more delays here.

21 "Also on December 8th, 1982, I put together a  
22 summary of events based on Quinn's complaint and Quinn's  
23 GPU Nuclear file."

24 It goes on to state that he has given all this  
25 material to us, and I don't have it here today.

1           Jumping ahead, he mentions that on December  
2 15th, 1982 his paralegal specialist provided him a  
3 written report, an initial summary of the information  
4 evidently.

5           Then he mentions that the holidays intervened,  
6 and then also makes the point that to this date they  
7 have not been served any papers in this suit.

8           "On January 11th, 1983, I was called by the  
9 Litigation Support Department in Parsippany, New Jersey,  
10 informing me that Kilcoyne had showed at TMI without any  
11 prior arrangements and requested to meet with the Legal  
12 Department." So Kilcoyne is Mr. Quinn's lawyer.

13           "He was told that there was no Legal  
14 Department at TMI and that someone from the Legal  
15 Department in Parsippany would contact him. Later in  
16 the day on the 11th I telephoned Kilcoyne in his office  
17 outside of Philadelphia. He told me that he was  
18 representing Mr. Quinn and started getting into details  
19 alleging GPU Nuclear's involvement."

20           "He went through a chain that said what he  
21 felt his client would represent. He indicated that the  
22 information that his client got wrong on a psychological  
23 screening test and the information his client  
24 subsequently received in order to pass the retest had  
25 flowed from Stress Control to GPU Nuclear to a Mr. Evans



1 from Mainline Personnel to Quinn.

2 "He further told me he would not institute a  
3 counterclaim for damages in excess of \$20,000 and give  
4 GPU Nuclear a full release and drop the whole litigation  
5 if we, GPU Nuclear, would get Mainline Personnel to drop  
6 its claim for \$5,200."

7 "He also told me he did not want to create any  
8 bad press for GPU Nuclear by going forward with the  
9 claim. I felt even at this time that Kilcoyne's actions  
10 were just an attempt to get GPU Nuclear to pressure  
11 Mainline Personnel to drop their suit."

12 He goes on to support that. I just wanted to  
13 give you a flavor of it.

14 Next here is "On the next day, January 11th,  
15 1983, I called E. Blake, Esquire, of the law firm of  
16 Shaw, Trobridge, et cetera, and informed him of the  
17 allegations because of the NRC reportability potential.  
18 Blake represents GPU Nuclear in the restart  
19 proceedings. Following that conversation I notified  
20 Phil Clark, GPU Nuclear Executive Vice President on the  
21 allegations. Based on various conversations between  
22 Clark and/or Arnold and/or Blake and/or myself on the  
23 11th and 12th, it was decided that Mainline Personnel  
24 Services, Inc., would not be contacted because we did  
25 not want to interfere in litigation and would let

1 Kilcoyne file or to whatever he wanted to do.

2 "We felt that at this time the controlling  
3 issue was whether or not there was any truth to the  
4 allegation. In order to deal with the validity of the  
5 allegation it was first decided to have a preliminary  
6 evaluation done to see if it would be necessary to go  
7 forward with the full investigation."

8 Then they decided that the law would do that  
9 preliminary inquiry.

10 COMMISSIONER ASSELSTINE: Which one?

11 MR. WARD: Shaw, Pittman.

12 COMMISSIONER GILINSKY: Did they anything?

13 MR. WARD: Yes, sir, they did start something  
14 and I guess Mr. Clark's statement has more details as to  
15 what they had done. They had not finished their efforts  
16 by the time we got into it and now they are holding it  
17 in abeyance.

18 CHAIRMAN PALLADINO: They are holding because  
19 you asked them to?

20 MR. WARD: Yes, sir.

21 MR. HAYES: Correct.

22 MR. WARD: One other thing of note is that,  
23 although we did not ask it, Mr. Wilson states in his  
24 statement that GPU Nuclear has waived their  
25 attorney/client privilege so that he may discuss this

1 freely with us. They have been very, very cooperative  
2 in this matter. Mr. Arnold and Mr. Clark showed up in  
3 the King of Prussia area and they were very convenient  
4 to interview. As I said, we have statements from both  
5 of them.

6           But to spare you the detail, the basic  
7 argument appears to be that they felt they had an  
8 allegation, and I am not taking sides, but I am telling  
9 you their viewpoint, they had an allegation that needed  
10 to be proven, they wanted to get more detail and were in  
11 the process of getting that. Had it borne fruition,  
12 they stated they would have notified us.

13           They have also suggested in retrospect they  
14 wish they had notified us.

15           (Laughter.)

16           MR. WARD: Relatedly we have made an attempt,  
17 not terribly extensive, to see if there was an explicit  
18 requirement which would require them to notify us in  
19 this early stage. We have found none to date.

20           CHAIRMAN PALLADINO: We have several questions  
21 I think before us in the Commission.

22           One, when do you think the investigation will  
23 be over because that could impact on when we pick up our  
24 TMI-1 restart decision, and I guess we have to decide  
25 its relevancy to our decision. Do you have any feel for

1 when you might get ---

2 MR. WARD: Yes, sir. I do not see the field  
3 work extending beyond the end of this week.

4 COMMISSIONER AHEARNE: That is the field work  
5 -- (Inaudible).

6 CHAIRMAN PALLADINO: Then we will get a  
7 report, and how long will it take to evaluate the field  
8 work?

9 MR. WARD: We will evaluate it very quickly.  
10 I think probably a two-week period to get the report.  
11 We will try to get it more quickly obviously, but it is  
12 going to be a very detailed report.

13 CHAIRMAN PALLADINO: So you are saying a  
14 report perhaps two weeks from this Friday, a week from  
15 the 11th?

16 MR. WARD: Yes, sir.

17 CHAIRMAN PALLADINO: I guess, depending on the  
18 results, we will have to see how relevant it is to our  
19 decision.

20 Are there any other points that ought to be  
21 developed now?

22 (No response.)

23 CHAIRMAN PALLADINO: Well, thank you very  
24 much, Bill and Ben.

25 MR. HAYES: Thank you.

1                   CHAIRMAN PALLADINO: We will be looking  
2 forward to your report.

3                   We will stand adjourned.

4                   Whereupon, at 3:35 p.m., the closed meeting  
5 adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the  
COMMISSION MEETING

in the matter of: CLOSED MEETING - EXEMPTION NO. 5 - Discussion of  
Investigation

Date of Proceeding: February 9, 1983

Docket Number: \_\_\_\_\_

Place of Proceeding: Washington, D. C.

were held as herein appears, and that this is the original transcript  
thereof for the file of the Commission.

Mary C. Simons

\_\_\_\_\_  
Official Reporter (Typed)

Mary C Simons

Official Reporter (Signature)