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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF INVESTIGATIONS

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INVESTIGATIVE INTERVIEW :  
JIMMY LEE MARTIN :  
(CLOSED) :  
-----

One Washington Square  
Suite 2137  
Detroit, Michigan  
Monday, March 7, 1994

The above-entitled matter commenced at 7:02 p.m.  
when were present:

RICHARD T. ANDERSON  
Investigator  
US NUCLEAR REGULATORY COMMISSION

GEORGE WASHINGTON, ESQ.  
ON BEHALF OF MR. MARTIN

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PDR FOIA  
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EXHIBIT 2  
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## P R O C E E D I N G S

1  
2 MR. ANDERSON: Monday, March 7th, 1994. Time is  
3 approximately 7:02 p.m. For the record, this is an  
4 interview of Mr. Jimmy Lee Martin, spelled M-a-r-t-i-n, who  
5 is employed by Detroit Edison. The location of this  
6 interview is Detroit, Michigan, and present at this  
7 interview Mr. George Washington representing Mr. Martin as  
8 an attorney and Richard Anderson, investigator with U.S.  
9 Nuclear Regulatory Commission, Region 3, Office of  
10 Investigation. As agreed, this interview is being  
11 electronically recorded by Court Reporter Dana Stern. And  
12 the subject matter of this interview concerns alleged  
13 harassment and intimidation by Detroit Edison.

14 Mr. Martin, would you please stand and raise your  
15 right hand, sir? Mr. Martin, do you swear that the  
16 testimony you're about to give is the truth, the whole truth  
17 and nothing but the truth, so help you God?

18 MR. MARTIN: I do.

19 MR. ANDERSON: You may be seated. Thank you, sir.

20 J I M M Y L E E M A R T I N,  
21 called by the Commission, sworn by the Investigator, was  
22 examined and testified as follows:

## D I R E C T E X A M I N A T I O N

23  
24 BY MR. ANDERSON:

25 Q Mr. Martin, would you give us just a brief



1 synopsis of your work history with Detroit Edison at the  
2 Fermi Nuclear Power Plant when you came from the time you  
3 were a contractor there actually when you started working  
4 with the company and what your position was?

5 A I started with Detroit Edison in May of '83 as a  
6 contractor. I was a -- I had worked with Bechtel  
7 Corporation out of Ann Arbor. We were doing a -- what we  
8 call a pre-CAT evaluation. That's a pre-construction and  
9 assessment team evaluation of Detroit Edison. And I worked  
10 there approximately two years as a contractor, and I was  
11 transferred by Bechtel to Georgia Power, and I did an  
12 engineering assessment of their readiness review, it was  
13 called to start up the Vogel plant in Georgia. During this  
14 time that I was leaving and after I did leave, Detroit  
15 Edison made me several offers to come back as a direct  
16 employee with them. They sent me several letters, and  
17 finally I accepted when they raised the ante a few times. I  
18 came back as a direct employee in September of '85.

19 Q And what department were you assigned to at that  
20 time when you started with the company?

21 A Quality assurance, auditing group. It was  
22 called -- at that time it was called the staff QA group.

23 Q And approximately how many people were assigned to  
24 that particular group?

25 A Approximately 12. Ten or twelve, I would say.

1 Q And who was the director of that group?

2 A George Trahey.

3 Q And how long were you in this position then?

4 A I was in that group until April of '93 when I was  
5 released.

6 Q Okay. During this period of time, there were  
7 various evolutions of the actual department, is that  
8 correct? It changed forms, new director, new positions were  
9 created?

10 A Yes. That's true.

11 Q Okay. What were your responsibilities as a staff  
12 quality assurance? Were you an inspector or an engineer or  
13 what was the actual title?

14 A A quality assurance auditor is --

15 Q Auditor?

16 A Auditor, yes. And let me correct one thing,  
17 though. I changed over to the quality engineering group in  
18 '91, still doing audits, though, still doing the same  
19 function. The only thing was I was doing more engineering  
20 type reviews.

21 Q Okay. Let's -- before we get there, though, why  
22 don't we start in like '89, the first part of '89? What did  
23 the quality assurance program -- the organizational  
24 structure look like? How many groups were there and who did  
25 they report to?

1           A     In 1989 the group reported to William Miller. No.  
2 I'm sorry. '89. '89 they reported to Bob Stafford.

3           Q     And he was the director?

4           A     He was the director.

5           Q     And how many groups reported to him?

6           A     There was an inspection group with QC inspectors.

7           Q     Quality assurance inspectors?

8           A     Yes.

9           Q     And approximately how many people would have been  
10 that, just -- I'm not pinning you down but just a rough  
11 estimate?

12          A     About 15.

13          Q     Okay.

14          A     And then there was the audit group. I was in the  
15 audit group. There were approximately 12 people in that  
16 group.

17          Q     Okay.

18          A     Then there was the procurement QA group --

19          Q     Okay.

20          A     -- with approximately six people.

21          Q     Okay.

22          A     And then the quality engineering group with  
23 approximately six.

24          Q     Now, the procurement group, they were basically  
25 dealing with contractors. Would that be correct?

1           A     They dealt with contracts and with procurement of  
2 goods, you know, materials --

3           Q     Okay.

4           A     -- and vendor-type audits they were doing.

5           Q     And the engineering group, what would be their  
6 specialty?

7           A     Well, they would oversee engineering activities,  
8 do audits on the engineering activities and follow up on  
9 engineering design changes.

10          Q     Were they more specialized as far as training is  
11 concerned? Were they actual engineers? Did you have to be  
12 an engineer to be in the engineering quality assurance  
13 group?

14          A     What do you mean by engineer? I mean, it's --

15          Q     Oh, I'm sorry. A degreed engineer.

16          A     Well, no. I don't think -- no, they weren't all  
17 degreed. I know of a couple in there who were not degreed.

18          Q     Okay.

19          A     Most of them were, yes.

20          Q     The quality assurance inspectors, now how would  
21 that differ from the auditing group that you were in? What  
22 would be the separation of functions there?

23          A     Well, auditing we do a -- we look at the program.  
24 I do tech spec required audits on the program and report  
25 that, of course, to the management at Fermi, and --

1 Q Now, when you say -- excuse me just a moment.  
2 When you say "of the program," now, are you speaking --  
3 would this be a broad coverage, almost like an umbrella  
4 coverage so that you could go into procurement, or would you  
5 be specialized in a particular area for this program?

6 A Well, whichever program you're auditing. You  
7 mostly stay in that area, but you do all the programs. We  
8 audited -- we did do audits on procurement. We did do  
9 audits on the inspection group and on the engineering  
10 group --

11 Q Okay. That's what I wanted to understand. So --

12 A -- which were also in QA. We also did audits on  
13 those groups. But we did audits on different groups in the  
14 plant such as operations, the chemistry group, the radiation  
15 protection group, the engineering group the fire protection,  
16 corrective action, just everything in the plant we did an  
17 audit on the program.

18 Q Now, what would the inspectors -- quality  
19 assurance inspectors, what would they --

20 A They more or less kept up with -- they would  
21 inspect the installations. They do an inspection of the  
22 welding or if it was put up according to the design,  
23 different inspections, more specialized.

24 Q Okay. So if -- correct me if I'm wrong, but a  
25 quality assurance inspector could go out, actually look at a

1 particular project and make sure that all the paper was done  
2 properly and the work was done properly, but at the same  
3 time you, as an auditor, could be assigned to oversee that  
4 on a test basis or on an audit-type basis to see if things  
5 were being done properly not only by the group who did it,  
6 such as welders, but also the quality assurance inspectors  
7 that everything was done properly?

8 A That's correct.

9 Q Okay. Now, would quality assurance inspectors  
10 have that same opportunity of reviewing other areas which  
11 would also include yours, or was yours the only group that  
12 had the ability to expand into other areas?

13 A Well, basically we were the only group, but, of  
14 course, if they saw a problem in other areas, they were  
15 obligated to bring it up. But they would not -- that would  
16 not be their assignment, no.

17 Q Okay. That's -- right. Obviously all of the  
18 quality assurance people had that basically charter, if you  
19 will --

20 A That's right.

21 Q -- if they saw a problem to definitely recognize  
22 it and then make it aware. But as far as being assigned,  
23 your group had the ability to oversee almost everyone then?

24 A Yeah. We assessed all the programs.

25 Q Okay. Very good. Now, that was in 1989. Who was



1 your supervisor at that time?

2 A Fred Abramson.

3 Q And approximately how long was he there from '89  
4 going forward?

5 MR. WASHINGTON: As supervisor or --

6 MR. ANDERSON: Yes, sir.

7 MR. WASHINGTON: -- generally?

8 MR. ANDERSON: As supervisor.

9 THE WITNESS: He left in the summer of '91.

10 BY MR. ANDERSON:

11 Q Okay. And who was the supervisor of quality  
12 assurance from 1989 -- at the beginning of '89?

13 A Of the audits or --

14 MR. WASHINGTON: Of the audits?

15 MR. ANDERSON: I'm sorry. I meant inspectors.

16 MR. WASHINGTON: Of inspectors. Okay.

17 MR. ANDERSON: Inspectors. Quality assurance  
18 inspectors.

19 THE WITNESS: At the same time -- that would have  
20 been Tom Bradish.

21 BY MR. ANDERSON:

22 Q And over procurement, if you can recall?

23 A Jerry Bragg.

24 MR. WASHINGTON: Just so I'm sure, what time are  
25 we saying where Bradish became supervisor?



1 MR. ANDERSON: Well, I'm not really concerned  
2 about when he became supervisor. I'm talking more from 1989  
3 going forward, that time period.

4 THE WITNESS: '89 to '91 time period is what I'm  
5 answering.

6 MR. ANDERSON: Okay. Right, right.

7 BY MR. ANDERSON:

8 Q This is the organization as it existed in  
9 approximately 1989. Now, changes took place.

10 A Yeah.

11 Q But we're just using that as a starting point.

12 A Right.

13 Q Okay. And engineering, if you can remember?

14 A John Walda.

15 Q That's J.J. Walda?

16 A J.J. Walda.

17 Q John?

18 A Yes.

19 Q John J. Walda? Okay. Now, in this period of  
20 time, I have become aware of two particular audits that you  
21 have brought up for concern, and one had to do with closing  
22 out DERs before they were corrected, is that correct? Do  
23 you remember that particular --

24 A Yes, I do.

25 Q Okay. And one had to do with the qualifications

1 and certifications of quality assurance inspectors.

2 A Yes.

3 Q Now, that would have been under Mr. Bradish's  
4 group, is that correct?

5 A Yes.

6 Q Okay. Can we talk about the first one, the  
7 closing out the DERs before they were corrected? How did  
8 that come about? Were you assigned to look into DERs or how  
9 did you become aware of a problem in this particular field?

10 A That was first identified during actually 1988, in  
11 the summer of 1988.

12 Q Okay.

13 A And what had happened was there -- I discovered --  
14 I was doing an audit on a corrective action program, and I  
15 was the lead auditor performing this audit. This audit is  
16 required every -- by tech specs to be done every six months.

17 Q Okay.

18 A So -- and in performing this audit I discovered  
19 that the director of QA, Bob Stafford, was closing out DERs  
20 administratively without verification that all the  
21 corrective actions were completed. And I had trouble. They  
22 wouldn't let me issue a -- my group leader at the time was  
23 Don Delk. He's a group leader in the audit group. He works  
24 under Fred Abramson.

25 Q Oh, I see. Okay.

1 A He's a group leader under Fred Abramson.

2 Q I understand.

3 A Don Delk would not let me issue a DER with this  
4 situation. However, when we had our exit meeting at the  
5 conclusion of the audit, I asked Mr. Stafford to speak to  
6 him, and we went to his office. I talked with him, and I  
7 had written it out, and I showed him why he couldn't do this  
8 and what he should be doing. And he would not let me issue  
9 a DER, but he told me you can issue an observation if you  
10 want. An observation is a lesser document than a DER. And  
11 that's what I did. I issued the observation. As I had it  
12 written as I gave it to him is what I put in the  
13 observation.

14 Q Now, tell me the difference between issuing a DER  
15 and issuing an observation. What type of corrective actions  
16 are taken under either or both?

17 A Well, a DER is required -- it's a deficiency  
18 report. It's required to be -- you have to correct it. You  
19 have to do some actions, and you have to send it through the  
20 mill, you might say, through different organizations who  
21 will review it to see if the corrective actions are  
22 completed.

23 Q It's a very formalized structure?

24 A Right. And it goes as a count against the  
25 program. It's visible, and it has to be tracked and worked.

1 An observation may or may not be. An observation, as they  
2 were written at that time, may or may not be.

3 Q Would DERs be reviewed by NRC inspectors?

4 A Yes.

5 Q Would observations be reviewed by NRC inspectors?

6 A They could be but not necessarily. DERs I know do  
7 go to the NRC resident inspector.

8 Q Okay.

9 A Observations do not.

10 Q And did you issue, in fact, an observation on  
11 this --

12 A Yes, I did.

13 Q -- issue?

14 A Yes.

15 Q And what was the resolution of that particular  
16 issue?

17 A It was not resolved by that observation. Six  
18 months later this audit -- I was doing the second audit, and  
19 so I'm following up on the previous audit. And I discovered  
20 that no action has been taken to correct the situation. At  
21 that time McCormick-Barger was in at the plant doing an  
22 investigation on administrative closure of DERs. He  
23 interviewed me several times, and I confirmed the fact, yes,  
24 I had written this up. No, it has not been corrected for  
25 six months. And now at this time it appears they had to

1 close about 50 more DERs than they had before. I showed him  
2 the DERs, and the actions were not taken to correct them.

3 Q Now, when you first went to Mr. Delk, exactly what  
4 did you tell him? Did you tell him you wanted to issue a  
5 DER?

6 A Yes.

7 Q What happens if you had written up a DER? When  
8 you write one up, I see that it's sequential by numbers in a  
9 year. It starts off with a year and then, of course, number  
10 accordingly. Is each group assigned a number or if you, as  
11 an auditor, wrote up a DER, would that be 001, and then if a  
12 QA inspector wrote it up that would be 002?

13 A Oh, no.

14 Q Is it logged centrally or how is it logged?

15 A It's logged centrally, and the plant safety group  
16 will give you the number.

17 Q Okay.

18 A They'll put the number on the DER.

19 Q So basically an inspector could have one, four and  
20 eight. An auditor could have two, five and nine and so  
21 forth --

22 A Yes.

23 Q -- because it's --

24 A Yeah. The one group -- they control the numbers.

25 Q Now, what happens if you had gone and issued the

1 DER based upon your observations, just wrote the DER and  
2 submitted it?

3 A I could have did that. I could have submitted it  
4 anonymously. However, I went through my supervisors and my  
5 director, and they told me not to issue it. However, the  
6 actions that I put in the observation, had they taken those  
7 actions, they would have corrected the situation.

8 Q Had it been a DER?

9 A No. They would -- even if they'd have  
10 corrected -- even if they had taken the actions that I asked  
11 them to in the observation. So I was satisfied --

12 Q I see.

13 A So I would have been satisfied had they did what I  
14 asked them to do in the observation. I wasn't -- didn't  
15 have a great big concern that the DER wasn't issued as long  
16 as they took the actions I asked them in the observation.

17 Q Now, the observation that you made was, in fact,  
18 critical of Mr. Stafford himself, being the director of the  
19 program, would it not have been?

20 A Well, if you knew the situation you might think it  
21 is, but I didn't never mention a name. I just mentioned the  
22 practice, that this practice is not allowed. It goes  
23 against our commitment to the NRC, for instance, that we  
24 have all DER -- corrective actions evaluated to see if  
25 they're completed by a QA. These were not. No names were

1 mentioned.

2 Q In your observation?

3 A In the observation.

4 Q Is -- excuse me. Are observations numbered?

5 A Yes.

6 Q And is that kept in a separate log entitled  
7 "observations?"

8 A No. It's kept with the audit report.

9 Q Okay. Where would you get the number for that  
10 particular observation?

11 A Well, what you do is use your audit report number  
12 and then put a dash observation number one, two, three.  
13 That's just the way they're numbered.

14 Q And based upon your observation, based upon your  
15 experience six months later, there were approximately an  
16 additional 50 DERs that were not closed out properly without  
17 the necessary corrective action that were closed  
18 administratively?

19 A That's true.

20 Q And who would have closed those? Would it have  
21 been Mr. Stafford?

22 A Yes.

23 Q Before any DER can be closed, it has to go up  
24 through the director, who then assures that all corrective  
25 action was taken in accordance with regulations, and then he



1 closes it? Is that how it works?

2 A Well, that's the way it would work, but usually  
3 there's someone that does a verification before he gets it.  
4 This wasn't happening. He was doing it without the  
5 verification.

6 Q I see. But there's a space in a DER for that  
7 verification --

8 A Yes.

9 Q -- is that correct?

10 A Yes.

11 Q And he was signing these off without that  
12 verification?

13 A Yes. I don't recall where his signature was on  
14 there, but he was closing them.

15 Q Now, after you issued the observation, was there  
16 any statements made to you about your actions or about your  
17 insistence on bringing this issue to light either by Mr.  
18 Stafford or Mr. Delk?

19 A We're talking about the observation now?

20 Q Yes, sir.

21 A No. There was nothing said at the time, no. I  
22 don't recall anything going on.

23 Q It could be summarized then to say, "Go ahead and  
24 write the observation. We'll just bury it anyway."

25 A Yeah. That's what they did here.

1 Q I mean that --

2 A That's what happened actually.

3 Q Okay. Now, in -- that started in 1988, but you  
4 observed it in '89?

5 A Right.

6 MR. WASHINGTON: Just to -- I mean that's not what  
7 Jim thought was going to happen when he wrote the  
8 observation in the summer. That's not what he hoped would  
9 happen.

10 MR. ANDERSON: No.

11 MR. WASHINGTON: But, in reality, that's what did  
12 happen.

13 MR. ANDERSON: That's what happened. But when he  
14 wrote the observation, it was based upon here's the  
15 corrective action.

16 THE WITNESS: Yeah.

17 MR. ANDERSON: Let's go ahead and correct the  
18 situation and make sure the program is functioning.

19 MR. WASHINGTON: And a new boss and, you know --

20 THE WITNESS: That was my main concern, yes.

21 MR. ANDERSON: But having it as an observation an  
22 individual can sit back and say, "That's fine. I'll just  
23 bury it, and nothing will happen to it."

24 MR. WASHINGTON: Just an interesting observation.

25 MR. ANDERSON: That's right. Okay.

1 BY MR. ANDERSON:

2 Q Now, in 1989 also I have the qualification and  
3 certifications of QA inspectors. Could you tell me about  
4 that particular situation? Again --

5 A Well, we didn't quite get --

6 MR. WASHINGTON: Yeah. I was just going to say --

7 THE WITNESS: -- to the real meat of this one.

8 MR. ANDERSON: Okay. I'm sorry.

9 MR. WASHINGTON: Yeah, because, see, the threats  
10 come on the corrective action.

11 THE WITNESS: This isn't what happened.

12 BY MR. ANDERSON:

13 Q Okay. That's what I thought --

14 A Now, in 1989 -- in January of 1989 when I was  
15 doing the follow-up audit, the second audit six months  
16 later, and discovered that he had closed 50 more DERs, as it  
17 turned out McCormick-Barger was in also doing an  
18 investigation on the same subject. He interviewed me  
19 several times, and I confirmed the fact that they continue  
20 to do this even though I've written it up, and I showed him  
21 what I had written up. When I completed that audit -- 8902  
22 I think the audit number is. When I completed that audit, I  
23 assessed the corrective action program as marginal, meaning  
24 that it was less than satisfactory. And also I wrote up a  
25 DER this time on administrative closure.

1 Q Excuse me one second. Who assigned you to do this  
2 particular function? Would it have been Mr. Abramson?

3 A It would have been Delk.

4 Q Mr. Delk?

5 A Delk and Abramson, yes, the two of them.

6 Q Okay. So Mr. Delk asked you six months later to  
7 reaudit --

8 A Yes.

9 Q -- the same program?

10 A Well, it's scheduled. It is scheduled. And at  
11 that time I was considered the corrective action expert in  
12 our group. That was my -- one of my primary  
13 responsibilities, to oversee this program.

14 Q Let me stop for just one second. Prior to going  
15 back to the first audit when Mr. Delk did not want a DER  
16 written, did he suggest an observation or did he just flat  
17 out --

18 A No.

19 Q -- say, "No. I don't want anything written on  
20 this?"

21 A He didn't want anything.

22 Q And did he give any explanation at all, any  
23 statements that he made?

24 A The only thing he was telling me, he was telling  
25 me, "Can you tell me that these problems that are not" --

1 that I said weren't corrected, "will cause the plant to not  
2 operate properly?" No, I cannot tell you they won't. I  
3 can't tell you that it will have an adverse effect on the  
4 plant. I would assume that it will, but I can't tell you  
5 that it will. In other words, if they did not prepare a --  
6 one of them I know was some HVAC equipment. I can't tell  
7 you it's going to cause a problem if it isn't repaired, but  
8 I know they didn't repair it because I checked. And I know  
9 that they said they repaired it, but when I checked they  
10 didn't repair it.

11 Q So Mr. Delk was looking basically at the  
12 functioning of the department. If it was going to cause a  
13 problem, then we'll look into it. If it doesn't actually  
14 cause any kind of hindrance of the operation, we're not  
15 really concerned.

16 A Yeah.

17 Q Would that be a fair summarization?

18 A Yes. And I couldn't tell him that it would, but I  
19 couldn't tell him that it wouldn't either --

20 Q Okay.

21 A -- but, yeah.

22 Q Now, when you went to Mr. Stafford and he -- did  
23 you suggest an observation or did Mr. Stafford suggest the  
24 observation?

25 A Stafford did.

1 Q And did Mr. Delk have any comments to you when you  
2 had gone above him and was able to at least document this?  
3 Did he come back and say, "Hey, you know, don't do that  
4 again?" or --

5 A No, he didn't, because --

6 Q -- "I didn't like that?"

7 A -- because when I went -- when I went back --  
8 after talking to Stafford I went straight to Fred Abramson,  
9 who is Delk's boss. I told him that -- what I had did. I  
10 told him after the meeting I went and talked to Stafford,  
11 and Stafford okayed me to go ahead and issue an observation,  
12 so that's what I was going to do. I never heard anything  
13 from Delk after that.

14 Q Okay. Did you go to Mr. Abramson before you went  
15 to Mr. Stafford?

16 A Yes. He was in the meeting that Delk was telling  
17 me not to issue it. He was also in that meeting.

18 Q And what did he say? Did he have any input?

19 A He didn't know. Fred was new in the group at the  
20 time. In fact, he had just come in as a supervisor. This  
21 was probably his first audit that he'd sat in on.

22 Q Okay. Now, six months later Mr. Delk again  
23 assigned you to this very audit --

24 A Yes.

25 Q -- this review. Was there any comments made about

1 don't look for the same issues or --

2 A No, no. At that time McCormick-Barger -- as I  
3 said before, he was in doing a review of the same thing.

4 MR. WASHINGTON: Let me just interrupt you. Jim  
5 had been assigned to this audit for many years --

6 THE WITNESS: Yeah.

7 MR. WASHINGTON: -- before this. I mean like this  
8 is an every six month thing, and he had been the lead  
9 auditor for four or five years before that.

10 THE WITNESS: Yeah, yeah. Ever since I'd been  
11 there.

12 MR. WASHINGTON: So it's not that he just assigned  
13 him. It's the normal practice is that Jim would do this.

14 MR. ANDERSON: I understand.

15 THE WITNESS: I was the subject matter expert for  
16 this audit. I was the most likely candidate to do it.  
17 Unless I was on something else, I would be doing that.

18 BY MR. ANDERSON:

19 Q Okay. Now, let's go ahead and continue on with  
20 this.

21 A Now, the reason Delk did not protest me issuing  
22 the DER this time was McCormick-Barger was already in asking  
23 questions. I had no trouble issuing the DER this time.

24 Q And your findings in the DER were that issues were  
25 being closed administratively without verification?



1           A     Yeah. Without even -- without completion or  
2 verification of corrective action. Some of those actions  
3 were not -- that they say were complete were not complete.

4           Q     Okay. Now, what happened with that DER as far as  
5 Mr. Stafford was concerned?

6           A     I go back -- when McCormick-Barger was doing his  
7 investigation, he ends up issuing a violation. My audit  
8 report gave him --

9           MR. ANDERSON: Excuse me. We'll go off the record  
10 at this time.

11                     (At 7:30 p.m., off the record)

12                     (At 7:41 p.m., on the record)

13           MR. ANDERSON: We're now back on the record.

14 BY MR. ANDERSON:

15           Q     Mr. Martin, you were talking about McCormick-  
16 Barger was out on site and had issued a violation, is that  
17 correct?

18           A     Yes.

19           Q     Okay. You may proceed.

20           A     At least he told me he was issuing a violation.  
21 And Delk was aware of this, so I had no problem in issuing  
22 the DER this time. So we did write a DER for administrative  
23 closure of DERs, and that's why I had no problem.

24           Q     Now, when you issued this DER, would Mr. Stafford  
25 have to be involved in making sure that verification was

1 done on DERs before he would sign his name to it? Exactly  
2 how was the mechanics to implement this particular DER so it  
3 didn't become like all the other DERs, which would be closed  
4 without ever having any verification?

5 A Well, the normal process of closing a DER, the  
6 requirement by procedure would be that the -- once the  
7 actions were taken they would be verified. And verification  
8 could be done by a QA person, such as myself or one of the  
9 other QA people, or one of the plant safety individuals who  
10 track and verify DERs. On administrative closure they skip  
11 that step, and Stafford would just sign them off. Now, this  
12 DER now -- of course, they was to stop that practice, so  
13 this one would get the verification of myself or one of the  
14 other individuals.

15 Q But how does just issuing a DER assure that all  
16 the other DERs would be, in fact, completed and verified  
17 before signature?

18 A That was one of the actions required on the DER  
19 was that you stop the practice, that you reopen the DERs, go  
20 back to the DERs you had closed, reopen them and get a  
21 signature saying that they were completed --

22 Q I see.

23 A -- and verified.

24 Q So this required quite a bit of work on the  
25 previous DERs that had been issued?

1 A Oh, yes, yes.

2 Q And approximately how many of them had been issued  
3 that had not had verification or completion?

4 A Approximately 100.

5 Q Over what type of a time period?

6 A Less than a -- about probably nine months.

7 Counting the time I first found it, they'd probably been  
8 doing it for about three months. Then they kept doing it  
9 for another six months after I found it.

10 Q Now, was this pervasive on all DERs or was this on  
11 a select number?

12 A They selected the DERs by -- I'm not sure what  
13 method they used to select them, but they would take a look  
14 at them and say, "We think we can go ahead and close this  
15 DER," and -- that's what I understood, and --

16 Q Okay. What area are they circumventing? Is it a  
17 time frame factor or what? Why not just go ahead and do it  
18 the correct way? What was the advantage to the company in  
19 circumventing the completion and verification, especially  
20 since it's going to be audited anyway?

21 A Well, they're trying to get their numbers of open  
22 deficiencies down. They look bad to the NRC and to the INPO  
23 and this type thing if they had a lot of open deficiencies,  
24 so the rush is to try to close them. At that time I think  
25 they had a large number of open corrective action documents,

1 and they wanted to get them -- get the numbers down.

2 Q Could you summarize -- or could I summarize and  
3 would you agree with that some of these DERs that did not  
4 have completion and verification were ones that were more  
5 administrative that really did not require a whole lot of  
6 action?

7 A That was what I was told. That's what they told  
8 me. But that wasn't true for quite a few of them. Quite a  
9 few of them really required actual changes in the plant,  
10 actual work to be done. And some actually did require that,  
11 but most of them really required -- a lot of them required  
12 some work.

13 Q Now, with the submission of this particular DER,  
14 it required opening -- reopening and then proper closing of  
15 these 100 or so --

16 A Yes. They did not --

17 Q Did that --

18 A Now, they did not reopen every one of them, but  
19 they had to go back and review them and sign off that, yeah,  
20 this is okay. Some verification -- do we need to reopen it?  
21 And it turned out -- I'm sure what the number was, but there  
22 was a large number they had to reopen, go back and do the  
23 work.

24 Q And what was the consequence of doing this  
25 particular DER to you personally?

1           A       Personally after -- certainly after I heard --  
2 after this thing was issued -- well, there's quite a few  
3 things that happened. First I was called in by Stafford,  
4 and -- he called myself in and at that time had a lead --  
5 there was another lead that came into the group, and his  
6 name was Lloyd Grant. And he assisted Delk. They sort of  
7 split the lead positions in the audit group. Lloyd Grant  
8 and I were called in to talk to Stafford concerning the --  
9 mainly the assessment, which he didn't like because that was  
10 his program -- we assessed it as marginal -- and closure of  
11 DERs. He didn't like the assessment, and he let me know  
12 that. Lloyd Grant said, "Well, maybe we missed the mark."  
13 As he put it, said, "We shot behind the rabbit." I said,  
14 "No. I think we hit it right on the mark," I think. I  
15 think that is the correct assessment. Later Stafford called  
16 the audit group together, all ten or twelve people. And he  
17 walks into the audit group, and he tells us that the NRC --  
18 talked about McCormick-Barger had just did a review on this  
19 subject. And he looked straight at me, and he says, "An  
20 administrative closure is not a problem. However, we're  
21 going to get a violation on this, and it's not a problem."  
22 He kept looking at me like this when he was doing this.  
23 Well, I knew he was very unhappy with me there, so --

24           Q       Okay. Now, this would have been springtime of  
25 '89?

1 A It would have been March, March of '89.

2 Q Okay. So along about September of '89, who then  
3 did this audit review?

4 A I worked on the audit also, but that time they  
5 didn't let me be the lead. I've never been the lead since.

6 Q Okay. But were you --

7 A I've always -- I worked on the audit, though.

8 Q Well, you weren't the lead before, though. Wasn't  
9 Mr. Delk the lead auditor?

10 A No. He was the audit group lead. He makes the  
11 assignments on who does the audit. I was the lead on the  
12 audit.

13 Q Oh, on that particular audit. I understand.

14 A Yeah.

15 Q So who was then the lead auditor on that  
16 particular assignment? Do you remember?

17 A On which one now?

18 Q About September of '89.

19 A Rich Fitzsimmons.

20 Q And what was your responsibility?

21 A I was one of the auditors on the lead -- on the  
22 audit. Rich was the lead. I was one of the team members to  
23 do this assessment.

24 Q Okay. Now, between March and September of '89, in  
25 other audit functions that you had performed had you been --



1           A     I'm not sure September is the right date, but it  
2 was six months from the previous --

3           Q     Exactly. Give or take.

4           A     It was probably -- it would have been June, I'm  
5 pretty sure, instead of September because --

6           Q     Okay.

7           A     -- we did the audit in January, so it would have  
8 probably been June.

9           Q     Okay. Yeah. I'm not trying to hold you --

10          A     Yeah.

11          Q     -- to a specific date but just to get a rough  
12 estimate. So let's just -- for sake of argument, January-  
13 June, January-June --

14          A     Yeah.

15          Q     Going on from that particular time, June of '89  
16 forward, did you find yourself becoming less involved in  
17 that particular audit?

18          A     Yes. I was never a lead again. I'd always been  
19 the lead previous to that. Matter of fact, I've been told  
20 by several auditors such as Rich Fitzsimmons that, "You're  
21 the only guy in this group that's really qualified to do  
22 this audit."

23          Q     In your audits that you did perform, did you, in  
24 fact, see that they were doing administrative closures  
25 without the verification and completion?



1 MR. WASHINGTON: You're talking about after --

2 THE WITNESS: After that.

3 MR. WASHINGTON: -- after June of '89?

4 MR. ANDERSON: Yes.

5 THE WITNESS: Yes.

6 MR. ANDERSON: Correct.

7 THE WITNESS: No, no. That practice was stopped.

8 BY MR. ANDERSON:

9 Q It was stopped?

10 A Yes.

11 Q Okay. Now, subsequent to the issuing of this DER  
12 and when you were no longer the lead on this particular  
13 audit, did they remove you as a lead in other audits that  
14 you had been doing?

15 A No, no. I still did the -- as lead on other  
16 audits.

17 Q Okay. On just this particular one?

18 A Just that particular --

19 Q Now, was Rich Fitzsimmons -- had he been in the  
20 group before or was he new to the group or how did he  
21 become --

22 A Well, he'd been --

23 Q -- placed as lead?

24 A He'd been in the group for -- since I had, maybe  
25 before I had he was in the group, yeah.

1 Q Okay. Any other issues with this particular DER  
2 and this particular issue that you want to bring up?

3 A No. I can't think any.

4 MR. WASHINGTON: Hang on a second. There is a  
5 question about your '89 evaluation and what Delk had said  
6 and --

7 THE WITNESS: Oh, yes, yes, yes.

8 MR. WASHINGTON: -- also a comment as to what  
9 Abramson said about Stafford's sentiments on this audit --

10 MR. ANDERSON: Okay.

11 MR. WASHINGTON: -- so you may want to --

12 THE WITNESS: Yes, yes. Before Lloyd Grant and I  
13 were called in to talk to Stafford about the audit and about  
14 the audit rating and we rated it marginal and Lloyd had said  
15 we had shot behind the rabbit, before that happened Stafford  
16 had called in Fred Abramson about the audit. And Fred had  
17 come back, and he had a copy of the audit, and he had two or  
18 three pages of handwritten notes on the front of it. And he  
19 says, "You and Lloyd got to go over and see Stafford," and  
20 says, "Here's Stafford's comments," and handed them to me.  
21 I've still got those. At that time he downgraded the audit.  
22 He criticized the audit where he found these things. And so  
23 when Lloyd and I saw him, you know, he says, "What am I  
24 going to tell the NSRG?"

25 BY MR. ANDERSON:

1 Q The N --

2 A The NSRG is a nuclear review group that he reports  
3 to on this subject.

4 Q He asked you that question?

5 A Yes.

6 Q And what was your response?

7 A And I said, "Well, you know, tell him what it is.  
8 It's right." He says, "I don't understand how you can give  
9 us a marginal rating," this type thing, and I said, "Well,  
10 did you read the audit report? Did you read observation  
11 number five? That explains it very well." He said, "No, I  
12 didn't read it." I said, "Well, you should." Finally he  
13 said, "I know what I'm going to tell the NSRG," and so he  
14 dismissed us. Later the NSRG, I think, was going to meet in  
15 another week or so. At the NSRG he has to -- he has to  
16 stand on the carpet and explain why he's got a marginal  
17 rating in this corrective action program since he's in  
18 charge of that program, which is kind of a conflict of  
19 interest since I'm reporting to him and I'm auditing that  
20 program. I've got a copy of the NSRG notes where he told --  
21 minutes where he told the NSRG -- downgraded the audit again  
22 and was saying that administrative closure wasn't a problem.  
23 He didn't mention the fact that he was getting a violation.  
24 And he went on and -- you know, he said the audit was  
25 slipped. It went into a compliance mode rather than a

1 performance mode, this type thing. There is a member of the  
2 NSRG. His name is --

3 MR. WASHINGTON: Green?

4 THE WITNESS: -- Jim Green. He comes from out of  
5 town, you know, for this meeting every whatever, two or  
6 three months they have it. He lives in Chattanooga. I  
7 called him and asked him what he thought of the audit. He  
8 says -- he said it was right, "You did the right thing." I  
9 had also asked McCormick-Barger what he thought. He said,  
10 "You did the right thing unless you just want to roll over."  
11 That's the way he put it. Later when I got my quarterly  
12 evaluation Don Delk had put on my evaluation that the NSRG  
13 did not like my audit.

14 BY MR. ANDERSON:

15 Q Well, now, wait a minute. The audit itself,  
16 though, was not just made up of the DER that you wrote.

17 A Oh, no, no, no. There was other things.

18 Q There were many other issues?

19 A Yes. As a matter of fact, they were just a paying  
20 a \$50,000 fine for problems with the corrective action  
21 program, and that was also considered in my audit report.  
22 NRC had just found them -- you know, gave them punitive  
23 damages for not having a good corrective action --

24 Q Just recently or back then?

25 A No. Back then. Back then.

1 Q Okay.

2 A That was one of the things I considered.

3 Q Okay.

4 A Now --

5 Q So Delk told you the NSRG was not happy?

6 A Yes.

7 MR. WASHINGTON: And wrote it on the audit --  
8 wrote it on Jim's evaluation.

9 THE WITNESS: On my evaluation. When I saw this,  
10 I took it to Fred Abramson, and Fred said, "That's not  
11 true." And he took and wrote down below that -- he says,  
12 "No evidence of this." That's still on my evaluation.

13 BY MR. ANDERSON:

14 Q Okay. Now, did they downgrade you in your  
15 evaluation?

16 A Yes. Well, I mean Fred -- no. I would say Fred  
17 over -- you know, marked over that.

18 Q Okay. But Fred would have been your evaluator on  
19 your --

20 A Well, no.

21 Q Is this your annual performance or --

22 A No. Don Delk actually does evaluations. Fred  
23 would approve it. He'd be one of them, but Don --

24 Q Okay. Now, wait a minute. Let me stop for one  
25 second. Is this evaluation you're talking about -- are you

1 evaluated after each audit or is this your yearly --

2 A No.

3 Q -- evaluation?

4 A It's a yearly evaluation, but they do it quarterly  
5 so you don't get it all at one time at the end of the year.  
6 They would give you a quarterly evaluation, then a final at  
7 the year.

8 Q But this is what affects any potential pay  
9 raises --

10 A Oh, yes.

11 Q -- or other action?

12 A Yes.

13 MR. WASHINGTON: Or ultimately reductions in  
14 force.

15 MR. ANDERSON: Exactly.

16 BY MR. ANDERSON:

17 Q And in '89 -- prior to that what had been your  
18 evaluations that you'd been receiving?

19 A They'd all been, you know, satisfactory plus or  
20 very good.

21 Q Now, satisfactory -- how many ratings are there?

22 A There'd be -- well, after very good there'd be  
23 excellent, which no one gets, and that's it. Of course,  
24 there'd be unsatisfactory, satisfactory, satisfactory plus,  
25 very good and excellent.



1 Q Okay. And you had been satisfactory plus. Now,  
2 what did you receive on this particular evaluation?

3 A Satisfactory plus at the end of the year. They  
4 won't give that rating till the end of the year.

5 Q Okay.

6 A See, this was early in the year. It was only a  
7 quarterly.

8 Q Okay. But Delk had --

9 A And quarterly they don't give you the --

10 Q But had Delk brought you down to a satisfactory on  
11 this particular period of time?

12 A No.

13 Q But he did make a comment on --

14 A He did make the -- the comment was in there.

15 Q And the comment was is that the NSRG was not happy  
16 with the result of the audit done on this --

17 A Yes.

18 Q -- corrective action program.

19 A Well, not in that many words, but the NSRG was  
20 unhappy with audit 8902.

21 Q And in the review by Fred Abramson he wrote, "Not  
22 true?"

23 A He wrote, "No evidence of this."

24 Q No evidence. Okay. Anything else on this  
25 particular one?

1 A No.

2 MR. ANDERSON: George?

3 MR. WASHINGTON: Just a second. No.

4 MR. ANDERSON: Okay.

5 BY MR. ANDERSON:

6 Q Let's move to the second issue, the quality and --  
7 or I'm sorry -- the qualification, certification of QA  
8 inspectors. Do you remember that one?

9 A Yes.

10 Q Was that also in 1989?

11 A Yes.

12 Q And, again, you were in the audit group at this  
13 time?

14 A Yes.

15 Q And you were -- had you been assigned as an  
16 auditor to look at this program?

17 A Yes.

18 Q Who had assigned you to that particular --

19 A Lloyd Grant was in the group at the time, and  
20 Lloyd Grant was the -- I reported to Lloyd Grant at this  
21 time. He assigned me.

22 Q Okay. And he was the lead auditor?

23 A I was the lead auditor. Lloyd Grant was the audit  
24 group lead who assigns the various auditors under him to  
25 the -- you know, the audits.

1 Q Okay. Just so that I can understand, would that  
2 position -- Mr. Abramson would be more or less a supervisor?

3 A Right.

4 Q Then you would have like assistant supervisors --

5 A Yes.

6 Q -- using rough terminology --

7 A Yes.

8 Q -- and that's what would be considered the audit  
9 group lead, is that correct?

10 A Yes.

11 Q And then they would have one or -- now, would that  
12 be per assignment?

13 A No.

14 Q I mean like if you were -- if they said, "Okay.  
15 We want five of you to go over here and audit a particular  
16 function, and Mr. Grant will now be the lead, but when  
17 that's completed next week we may have four of you going  
18 over here with another individual," is that how it would  
19 work?

20 A No. The way it works is that, of course, the  
21 audit schedule is put out once a year, and you have all  
22 these various programs to audit. You have two audit -- at  
23 that time they had two audit group leads for about, say, 12,  
24 14 auditors. Half of them reported to Lloyd Grant. Half of  
25 them reported to Don Delk. At that time I was reporting to

1 Lloyd Grant. Lloyd Grant assigns maybe two of these  
2 auditors to do the inspection group. One of them would be  
3 the lead. He'd be responsible for the assessment, writing a  
4 report and giving the other one directions. I was the lead.

5 Q I understand.

6 A Okay. And then at the same time, you know, Lloyd  
7 would have other auditors doing other audits.

8 Q Now, was this, again, an annual type of an audit  
9 that you were performing?

10 A It's a biannual audit on inspection.

11 Q Every two years?

12 A Yes.

13 Q I don't want to sound ignorant here, but your  
14 quality assurance inspectors, you said there was  
15 approximately 15 of those individuals.

16 A Yeah. That's roughly.

17 Q What kind of a turnover would they have in a two-  
18 year period of time?

19 A Very little. No turnover.

20 Q Okay. So what would one be auditing then to see  
21 if they were qualified and certified to do the work if, in  
22 fact, there's no turnover and you've just looked at them and  
23 they're all qualified? Why would you look at them again?

24 A The audit program requires us to periodically  
25 audit certain activities, and two years is the longest any

1 of them goes. And so we have to audit to see if they're  
2 still performing properly, if they're still being certified  
3 properly and just check and see if they're still doing their  
4 job and if there's any problem with the program.

5 Q Okay. So in '89 was there a problem?

6 A Yes. Yes, there was. At that time they -- at the  
7 time in '89 that I first started the audit Bob Bailey had  
8 been supervisor. Bailey had certified -- had given level  
9 three certifications to -- probably given out probably about  
10 eight certifications without the required examinations or to  
11 people who weren't really qualified to have those  
12 certifications.

13 Q But wouldn't this have to be signed off by the  
14 quality assurance inspector supervisor and the director?

15 A I think so. I'm not sure about the director. I  
16 know the supervisor signed them. He should have signed them  
17 also, but I'm not sure if he did or not, Stafford. Probably  
18 did. I'm not sure. I know that Bailey had signed them and  
19 they had the certifications. And when I -- I don't think  
20 Stafford had signed them. I don't even know if he had to.  
21 But Bailey had given the certifications without the  
22 qualifications required by ASMI in 45.26.

23 Q Now, had they met basic qualifications or they did  
24 not have and did not meet it and, therefore, he circumvented  
25 the entire process by just handing these out?

1 A That's true. That's what he did.

2 Q Couldn't that be a terminable offense to give  
3 certification someone without --

4 A Well --

5 Q -- any -- I mean because that's --

6 A See, we have --

7 Q -- falsifying records, wouldn't it be?

8 A That's required by 45.26 certification. That's  
9 what we were committed to. It's from that requirement we  
10 write our program. Our program required that these  
11 individuals have an exam, for one thing, plus having the  
12 time, five years' experience, whatever it would take,  
13 meeting all of the qualifications. They also need to have  
14 an exam. When I identified this fact, I had gone to --  
15 asked for a meeting with Stafford because I thought it was a  
16 big thing. Bailey came to the meeting, and Bailey sat there  
17 and told Stafford that, "I gave them the exams. The exams  
18 are there. They had exams." I proved that they did not  
19 have exams because I had all the records. I had reviewed  
20 all the records. And I talked to the individuals, and they  
21 did not take an exam. And when I said this, Stafford and  
22 Bailey sat there and winked at each other. I said, "Well,  
23 they winked," so I thought that was a kind of strange way of  
24 taking it.

25 Q Okay. Now, this would be a serious violation,



1 would it not be?

2 A Yes.

3 Q What did Mr. Grant say when you brought this  
4 information to his knowledge?

5 A Oh, you know, "Write the DER." I wrote a DER on  
6 it.

7 Q And did you also talk to Mr. Abramson?

8 A Yes.

9 Q And did he concur with you to write a DER?

10 A Yes.

11 Q So you wrote a DER on this particular finding?

12 A That's right.

13 Q And the DER was that there were not tests, and --  
14 at least documented --

15 A That's right.

16 Q -- is that correct?

17 A That's right.

18 Q And what was the result of that DER?

19 A They pulled back the certifications. They made  
20 statements that they had never performed any activities  
21 under those certifications. And I hear that they went and  
22 told the resident inspector about it, and they also told him  
23 they had not performed any --

24 Q Okay. Who would have that -- who would have been  
25 the one who notified the inspector, if you knew?

1           A     Well, that would have been LeComp. Howard LeComp.

2           Q     And what was his position?

3           A     He was sort of filling in because they were  
4 right -- at that time Bailey was leaving out of the group,  
5 and he was sort of acting supervisor.

6           Q     Was that ever verified, do you know, by the NRC?  
7 Did they ever look into this particular issue?

8           A     I don't know if they looked into it or not, but  
9 also at the same -- this happened, as you know, along about  
10 the same time McCormick-Barger was out there, and I told him  
11 also because he asked me what they looked like. I told him  
12 there were problems, and he told me he was going to talk to  
13 the resident also, but I never heard of any results of that.

14          Q     Did Mr. Bailey at any time direct you not to write  
15 a DER?

16          A     No.

17          Q     Did Mr. Stafford at any time direct you not to  
18 write a DER?

19          A     No.

20          Q     And --

21                 MR. WASHINGTON: You're talking about this --

22                 THE WITNESS: This particular -- yeah, yeah.

23 BY MR. ANDERSON:

24          Q     This incident, right.

25          A     Yeah, yeah.

1 Q We're strictly on this particular incident right  
2 now. Now, was there any repercussion that you personally  
3 suffered because of writing this DER?

4 A Yes, but that didn't surface until '91 because  
5 this audit is done every two years.

6 Q Okay.

7 A Now, the next audit was in '91.

8 Q Right. I don't want to get to that quite yet.

9 A Okay.

10 Q Right now nothing was done that you're aware of?

11 A The only -- no, nothing was done except I know  
12 that Don Delk didn't like the fact that we wrote it at the  
13 time, but that didn't bother me at all because Fred Abramson  
14 agreed and Lloyd Grant agreed.

15 Q Now, you say Delk didn't like it. What was said?  
16 How do you know that?

17 A Delk didn't like the audit. Delk didn't like the  
18 audit, and I can't say he didn't like the DER. I know he  
19 didn't like the audit.

20 Q Again, though, the audit included more than  
21 just --

22 A Yes.

23 Q -- the findings of these eight individuals or --  
24 yeah -- these --

25 A Yes. One other big concern that I identified

1 there besides the DER was that during my interviews of the  
2 inspectors I found that a lot of them did not know what they  
3 were certified to do, and they were not qualified to do what  
4 they were certified to do. And I asked that certification  
5 cards be generated to spell out what their certifications  
6 actually included. The way I found some of this was I --  
7 some of these -- some of these fellows would tell me they  
8 were certified to do expansion anchors, and some were -- do  
9 penetrations, you know, for -- radiation-type penetrations  
10 or whatever, that they could inspect those. I know  
11 something about those because I've inspected those myself  
12 before, so I asked them questions, leading questions about  
13 how they do this, and two or three of them admitted they  
14 didn't know anything about it, but yet they were certified  
15 as a level three, meaning they can make interpretations.  
16 And that's when I said, "Well, you people need some  
17 certification cards. You need something to describe the  
18 activities that you can -- that you are certified to  
19 perform." And so I did write an observation to require them  
20 to get these cards in.

21 Q My observation is that right now it seems like a  
22 lot of the problems in the QA department had to do with the  
23 QA inspectors.

24 A Yes.

25 Q You weren't finding this problem over in the

1 procurement QAs or the engineering group.

2 A No.

3 Q Why do you think personally that the QA inspectors  
4 were having so much problems when everything -- your  
5 department and the other two seemed to be functioning?

6 A Well, we haven't got into that step yet, but they  
7 put Bailey in charge, and they put Bradish in charge.  
8 Neither one of those guys were really adequate or really  
9 qualified to be a supervisor over that group, and they were  
10 just going amuck really.

11 Q Well --

12 A They were handing out these certifications without  
13 doing the --

14 Q But what about -- you know, it could be said --  
15 and I'm playing the devil's advocate here.

16 A Yes.

17 Q But it could be said also that the auditors really  
18 didn't know what they were doing, and they were finding  
19 problems when they had no idea what they were looking for.  
20 Why does it seem like the auditing group is finding problems  
21 with the inspection group? It seems like there's competition  
22 there or rivalry, from my personal observation.

23 A Well, this audit -- this is a required audit. We  
24 had to audit the inspection group. We weren't just going  
25 out and doing this because we wanted to.

1 Q No. Exactly. I realize that.

2 A It's required. We had to audit them. So when you  
3 audit them you have -- you know, of course, you've got  
4 certain things you've got to find out. Are their  
5 certifications good? Are they doing good inspections? Are  
6 they planning their inspections properly? So we observe all  
7 of this, and --

8 Q But when they hire these individuals to come into  
9 the inspection group, it would seem like they would be  
10 sure that they would hire inspectors just like they want to  
11 get good auditors.

12 A Yeah.

13 Q I'm having a hard time understanding why Mr.  
14 Stafford would allow three of his groups to function  
15 smoothly and in compliance and one group to seem to be out  
16 of control and with inspectors who are not qualified writing  
17 DERs that they're not closing and all type of other issues.  
18 Why was this one particular group your own personal  
19 observation --

20 A Yeah, yeah.

21 Q -- if you know --

22 A Yeah.

23 Q -- why was this one group kind of --

24 A Yeah.

25 Q -- having problems?



1           A     I can't say, you know, except that I know that  
2     Bailey was a cause of the problems there, the fact that he  
3     was handing out certifications like he was handing out, you  
4     know, leaflets or something. That's bad.

5           Q     Okay.

6           A     He should know better than that.

7           Q     Was your group given -- were the individuals  
8     within your group given certificates or certification?

9           A     Yes.

10          Q     Who audited your group to make sure that you were  
11     in compliance like you audited the inspectors to make sure  
12     they were in compliance?

13          A     Usually that's done through the JUMA audits, a  
14     Joint Utility Management type audit, or it's done with an  
15     outside organization to come in and look at us.

16          Q     I see.

17          A     NRC also does that.

18          Q     Okay. But that would be for your group only?

19          A     No. They can look at the other groups, too, but  
20     that's usually when we got audited because since we were the  
21     audit group itself usually it would be an outside  
22     organization.

23          Q     Okay. Did any outside group also find problems  
24     with their certification, the inspectors' certification?

25          A     Not that I'm aware of.

1 Q Okay. Now, just staying strictly with this  
2 particular issue, was there anything said during '89's audit  
3 other than Mr. Delk had some problems with your audit itself  
4 and, of course, not liking the DER that you wrote up?

5 A Yeah. I don't know if Delk didn't like it. I  
6 can't say he didn't like the DER. I know he did not like  
7 the audit mainly because there was some sort of a rivalry  
8 between him and Grant. And that come out later, but they  
9 were -- he wanted to get Lloyd Grant out of there. He  
10 finally did get him out, but -- since there were two of  
11 them, he wanted just to be one, you know, but that's another  
12 issue. So, therefore, he didn't like the audit for that  
13 reason. I know that. It wasn't the fact he didn't like the  
14 DER. The DER -- I never heard anything from him about the  
15 DER.

16 Q Okay.

17 MR. ANDERSON: George, is there anything else that  
18 you'd like to bring up on this -- just this time frame?

19 MR. WASHINGTON: Okay. No, no. But when you jump  
20 ahead --

21 MR. ANDERSON: Later on when we get to '91.

22 MR. WASHINGTON: Correct. Fine.

23 MR. ANDERSON: Right. But no. Right now.

24 MR. WASHINGTON: No, not on '89.

25 MR. ANDERSON: I just want to keep this

1 sequential.

2 MR. WASHINGTON: No. I understand. Let me just  
3 take a quick look. No. There's nothing further in '89 that  
4 I'm aware of.

5 MR. ANDERSON: Okay.

6 BY MR. ANDERSON:

7 Q Now, I'm aware -- again, I've gone through all the  
8 documents that you've sent to us, and the next document --  
9 or I'm sorry -- the next issue that you brought up was in  
10 1990.

11 A Yes.

12 Q It had to do with the audit of the evaluation and  
13 the corrective action program. Here again, this goes back  
14 to the '89 issue. Would this not be correct?

15 A Yes.

16 Q And this particular one had to do with a tack  
17 weld, is that correct?

18 A Yes.

19 Q And could you tell me about this particular issue?  
20 Again, let's start -- you were still in the auditing group,  
21 is that correct?

22 A Still there; still there.

23 Q Still under Mr. Abramson?

24 A Yes.

25 Q And was Mr. Delk and Mr. Grant the lead auditors

1 in this particular --

2 A I believe Grant had already -- they'd already  
3 gotten him out of the group by then.

4 Q Okay.

5 A And he went -- Grant went over to the procurement  
6 group.

7 Q Okay. So was Mr. Delk the lead auditor again on  
8 this one?

9 A He was the audit group lead. I'm sorry.

10 Q Thank you. Okay. Were you assigned this  
11 particular audit?

12 A I was assigned to the audit. Rich Fitzsimmons was  
13 the lead on the audit.

14 Q Excuse me. Was this, again, a part of the six-  
15 month review? Would this issue have been part of the six-  
16 month review of the correction program then?

17 A Yes. That audit, you mean. Yes.

18 Q Right. The one we're talking about.

19 A That audit would be -- that audit is done every  
20 six months, yeah.

21 Q Okay.

22 A Yes.

23 Q Okay. Now, so, again, you were reviewing for the  
24 evaluation and corrective action program.

25 A Right.

1 Q And as part of that program you became aware of a  
2 tack weld and a verification that had not been signed off  
3 of, and there was no notification whether it had actually  
4 been verified, is that correct?

5 A Yes.

6 Q And did you bring that information then to Mr.  
7 Delk's attention?

8 A Yes.

9 Q Now, this tack weld -- this audit -- excuse me.  
10 Again, the program that you're auditing is Mr. Bradish's  
11 group, the quality --

12 A Uh-huh.

13 Q -- assurance inspection group. Okay. Now, when  
14 you came across this particular undocumented QA  
15 verification, you brought that -- who did you first bring  
16 that to --

17 A Okay.

18 Q -- you know, the notification to?

19 A Okay. The way -- let me --

20 Q Go right ahead.

21 A -- say something else about that.

22 Q You bet.

23 A This audit, of course, is done every six months.  
24 It is probably our most crucial audit. It's required by  
25 tech specs to be done that way, every six months. Now,

1 doing this audit with Rich Fitzsimmons as lead and I'm  
2 working on the audit, one of the -- we have several things  
3 to verify. One of them is to verify that people are writing  
4 DERs for deficiencies. I'm interviewing people to make sure  
5 they're writing DERs, they understand they have to write  
6 DERs for deficiencies, this type thing. Now, I talked to a  
7 fellow. I'll give you -- I've never given anybody this  
8 guy's name before. Herb Caswell, who is an inspector in the  
9 audit group -- in the inspection group. Herb tells me  
10 that -- about the situation, about the tack weld not being  
11 inspected. He is a welding inspector. He's a level three  
12 welding inspector. And he says, "For God sakes, don't tell  
13 Bradish I told you. I tried to get them to issue a DER, and  
14 they won't do it."

15 Q Now, that's on this hold point, I believe it is --

16 A Yes.

17 Q -- that had not been verified?

18 A Yes, yes.

19 Q Okay. So Mr. Caswell was aware of --

20 A Yes.

21 Q -- this error or nonverification.

22 A Right. And what I was doing at the time, as I  
23 said, interviewing people, and I was also looking at  
24 completed work packages for installations that had been made  
25 in the plant to see if deficiencies were identified in those



1 work packages and if the deficiency required a DER and, if  
2 so, if a DER was written. So, when Herb Caswell told me  
3 about this situation, he gave me that work package number,  
4 so I requested that one so I could review it. I looked  
5 around for it, had a hard time finding it. I finally found  
6 it with the authorized nuclear inspector. He is an  
7 independent inspector who does ASMI code-type inspections.  
8 When I found this -- late in the audit I gave up. I thought  
9 I was never going to find it, you know. I was doing other  
10 ones. And so I said, "Well, I won't be able to find the one  
11 Herb talked about, so I won't be able to look into his  
12 problem." But I happened to come across when I was doing  
13 the interview of that inspector. And he was aware of it,  
14 and he had been writing letters to Bradish, it turned out,  
15 for several weeks there trying to get this thing resolved  
16 about the inspection that was not documented properly or  
17 maybe not even performed. I made a copy of that work  
18 package, and I went to see Bradish about it. And it turned  
19 out that Bradish knew, which I already knew anyway by  
20 looking at the package and from what I heard from the  
21 inspector, that Bradish already knew about the situation. I  
22 told him that he should write the DER. Then I'll put in my  
23 audit report that he's written the DER, and we'll go with it  
24 that way because really he was responsible for doing that.  
25 He become very upset with me. And we had a table about like

1 this one here. He got up and he walks around. He picked up  
2 a large paper clip, and he's fooling with it as he walks  
3 around. And he tells me -- he says he's not going to write  
4 the damn DER, and if I write it, "You'll get it shoved up  
5 your ass."

6 Q Okay. Now, why would he not write the DER? Did  
7 he claim that they had already taken necessary investigation  
8 to verify this?

9 A He told me that -- yeah. He told me that they had  
10 talked to the welder, and the welder recalls the inspector  
11 being there. I said that's not good enough. It's a  
12 deficiency. Even if it's not -- even if the deficiency is  
13 that it's not documented properly, it's still a deficiency.  
14 The DER is required. It's an ASMI code hold point that has  
15 to be inspected. And, besides --

16 Q Well, the DER --

17 A -- you can't just take a welder's word --

18 Q Right.

19 A -- for it anyway.

20 Q The DER is to assure the root cause --

21 A That's right.

22 Q -- will be corrected.

23 A That's right.

24 Q And even if the particular situation has been  
25 corrected --

- 1           A     Right.
- 2           Q     -- this assures that it won't happen again.
- 3           A     Right.
- 4           Q     Now --
- 5           A     And that's what I put in my audit report.
- 6           Q     Now, this Herb Caswell is an inspector within the
- 7     quality assurance inspection program?
- 8           A     Yes, he is.
- 9           Q     Why did he not write a DER on this? Do you know?
- 10          A     He had been -- he had tried to get them to write
- 11     it, and they wouldn't let him.
- 12          Q     But anyone can write a DER, is that correct?
- 13          A     That's true.
- 14          Q     And you can write it anonymously?
- 15          A     Well, they -- he knew I was doing the audit on
- 16     this. He knew that if he told me about it I would follow up
- 17     on it. Yeah, he could have done it -- and you're right
- 18     about that -- and probably should have. But the way I'm
- 19     looked at out there and the way I always have been looked
- 20     at, I've been the guy to carry the ball, and a lot of these
- 21     people have brought me problems knowing that I will carry
- 22     it, I guess.
- 23          Q     Okay. Now, what would have happened had you
- 24     written the DER on this particular issue?
- 25          A     Had I -- I did write -- I did write one.

1           Q     You did -- you wrote a DER regarding the  
2     corrective action on the missed hold point?

3           A     What I wrote the DER on -- well, not -- when  
4     Bradish walked around, jumped up and said, "You'll get it  
5     shoved up your ass if you write it," and he threw a paper  
6     clip across -- hit the wall behind me, I got up, and I said,  
7     "Well, I've already talked to Fred Abramson about this, and  
8     I told him I was going to try to get you to write it so I  
9     wouldn't have to write it up. Now I got a write a DER that  
10    you won't write a DER. That's what my DER is going to be.  
11    Okay. My DER is going to be that you won't write a DER for  
12    a deficiency that you know exists." He said, "If Fred said  
13    that, he'll get it shoved up his ass, too." I walked right  
14    out of the room, went back, and I told Fred what had  
15    occurred. And I told the other members of the audit group,  
16    including Rich Fitzsimmons, what had occurred. And then I  
17    wrote the DER.

18          Q     Okay. Now, that's DER 310?

19          A     Yes.

20          Q     Did anyone write a DER on the missed hold point?

21          A     No.

22          Q     Okay. Now, why didn't someone write that since  
23    that was the root cause?

24          A     Well, that --

25          Q     That's the root issue anyway.

1           A     That's what I recommended they do when I wrote  
2     310.

3           Q     Okay.  It --

4           A     Okay.  Now, what -- the reason they didn't write  
5     it was they said, "We will resolve it with 310.  We'll  
6     include that in our resolution for 310."  And that's what  
7     they -- they took it that way.  And what they did in 310,  
8     they changed the welding procedure.  It isn't as what's his  
9     name?  Selhi?  It isn't as he reported it.  It's different.  
10    What they did is they made changes to the welding procedure  
11    to help clarify when -- how you inspect the hold point.  
12    They had a lessons learned --

13          Q     Now, excuse me.  Let me show you --

14          A     Okay.

15          Q     -- so you can help me with this because --

16          A     Okay.

17          Q     -- these are -- I've been studying these  
18    documents, and sometimes --

19          A     Yeah.

20          Q     -- they're a little hard to understand.  This  
21    particular -- if you'll take a look at it and --

22          A     Yeah.

23                MR. ANDERSON:  And, George, you have a copy of  
24    this, don't you?

25                MR. WASHINGTON:  Yes, I do.

1 MR. ANDERSON: Have you seen this?

2 MR. WASHINGTON: Yeah.

3 BY MR. ANDERSON:

4 Q If you can just kind of walk me through this so  
5 that I can understand. Your initial notification is that  
6 Abramson would not write the DER, is that correct?

7 A Now, you're talking about Bradish?

8 Q I'm sorry. I meant Bradish.

9 A Yeah.

10 Q That was the initial DER?

11 A Yes.

12 Q But where is it included regarding the missed weld  
13 or the hold point?

14 A Okay. When I wrote this DER I made  
15 recommendations. My first recommendation was to issue a DER  
16 for resolution of a noted condition. Noted condition was  
17 that they had not written a DER. My first recommendation  
18 was write a DER. Okay. All this is my writing here. And I  
19 said, "Determine the cause for not issuing a DER at the time  
20 of discovery and provide corrective action to prevent  
21 recurrence to include retraining of appropriate personnel as  
22 necessary in the requirements for documenting conditions  
23 adverse to quality on DERs."

24 Q Okay.

25 A Now --



- 1 Q Now, wait a minute.
- 2 A Okay.
- 3 Q Would this, in effect -- this is subtly saying,  
4 "Mr. Bradish, you haven't done your job?"
- 5 A Right.
- 6 Q Okay. But, again, where is a DER for the missed  
7 point?
- 8 A Okay. Okay.
- 9 Q That's what I really would like to find.
- 10 A They did not write this DER I recommended they  
11 write. They still did not write it. What they did was come  
12 in here and took the actions. They did the research on this  
13 DER --
- 14 Q Um-hmm.
- 15 A -- that they would have done on the other DER if  
16 they wrote it. That way they did it all on one DER.
- 17 Q But where does it state that? That's what I'm  
18 trying to find.
- 19 A Based on research done when deviation was  
20 discovered and meetings with ANII, DER was not determined to  
21 be necessary by PQA. Then it goes, "See attached letter."
- 22 Q Now, wait a minute.
- 23 A Okay.
- 24 Q PQA, that would have been Bradish's group?
- 25 A Yes, yes.

1 Q Okay.

2 A Okay. Then it goes in here, and here's the letter  
3 that they -- some letters that they had written. So what  
4 they did was go on and based on the interviews and all  
5 the -- and some -- this was from the welder remembering the  
6 guy being there. They did a lessons learned. That's still  
7 the lessons learned.

8 Q Right. Now, this comes, though, from Mr. LeComp  
9 again --

10 A Yeah.

11 Q -- is that correct?

12 A Yes.

13 Q Okay. But did you or anyone -- was there an  
14 actual specific wording identifying the problem that needed  
15 to really be corrected, the root cause? Now, you're having  
16 a --

17 A Yeah.

18 Q -- real personality --

19 A Yeah, yeah.

20 Q -- and a war with Mr. Bradish.

21 A Yeah.

22 Q But the bottom line -- excluding this issue up  
23 here, the bottom line was that there was a missed hold  
24 point, and that was something that needed to be corrected  
25 because it needed to be looked into. Where would that --

1 who would that -- how was that ever actually identified and  
2 corrected?

3 A They took the position that it was inspected, even  
4 though it wasn't documented properly.

5 Q Now, "they" meaning --

6 A "They" meaning the inspection group.

7 Q That's Bradish's --

8 A Bradish.

9 Q -- group?

10 A Bradish, right. They took that position. They  
11 documented that here, stayed with that, did not actually go  
12 out and do another -- of course, they had already --  
13 according to I think what they said was that they already  
14 had an NDE performed on that, so it was okay. And then  
15 they -- so it come down to a problem of not being documented  
16 properly from their position. Even that itself required a  
17 DER. Then they had a lessons learned to say, "Okay. Now  
18 you write DER and you document things properly." They  
19 changed the welding procedures to clarify when they would  
20 have to inspect -- do that inspection. So they worked it  
21 all on this DER. That's what they're saying. Now, it  
22 turned out that that had to be taken as their word that  
23 that's the determination -- they did the evaluation, and  
24 that's what they determined, that it was adequate the way it  
25 was.

1 Q "They" meaning Bradish's group?

2 A Yes.

3 Q But that's asking the fox to guard the henhouse.

4 A Yeah. I agree. I pressed for a long time for  
5 them. I said, "No. You should write a DER." I talked  
6 with -- I can't even remember who all I talked to, but I  
7 talked to the supervision that I think they should write a  
8 DER for that and resolve it that way.

9 Q Okay.

10 A They took the position that this was good enough.

11 Q Now, in '88, '89 and '90 obviously you were doing  
12 audits on other areas besides Mr. Bradish's group.

13 A Oh, yeah, yes.

14 Q Was there starting to develop a personality thing  
15 here between you and Mr. Bradish because it seems like when  
16 you were coming over to his group you were finding problems  
17 with his operation?

18 A Um-hmm.

19 Q And, you know, just as a human being --

20 A Yeah.

21 Q -- I probably wouldn't be too happy with every  
22 time the same -- this individual came over he found some  
23 serious defects.

24 A Yeah. They weren't like -- it was like, you know,  
25 shooting fish in a barrel. He couldn't miss them. They

1 were there.

2 Q Okay.

3 A I mean if you know anything about what you were  
4 doing --

5 Q Were other auditors finding problems also,  
6 other --

7 A I think -- no.

8 Q -- within your group?

9 A No. I'm the only one that did the audits, it  
10 seemed like, in his area. Yeah. Other auditors did find  
11 them, too, because in '91 they really found a bunch --

12 Q Okay.

13 A -- because I was removed from there then.

14 Q Were you aware of any problems that Bradish was  
15 having with some of your fellow auditors with their findings  
16 and their DERs that they were writing up and some of these  
17 threats that were being made?

18 A At that time, '89, no.

19 Q '89, '90 --

20 A '91, yes.

21 Q -- moving into '91.

22 A Yeah.

23 Q Okay.

24 MR. ANDERSON: George, do you have anything on  
25 this particular --

1 BY MR. ANDERSON:

2 Q Oh, wait a minute. DER 0324 -- 90-0324 --

3 A Um-hmm.

4 Q -- are you familiar with that?

5 A Yes.

6 Q Now, that was issued on this particular subject,  
7 is that correct?

8 A That was issued on this particular audit, yes.

9 Q But that had to do with --

10 A Same audit.

11 Q Same audit but a different issue?

12 A Same time, yes. And what happened was when I was  
13 reviewing those work packages I also found an inspection for  
14 an RHR lipsey valve --

15 Q Um-hmm.

16 A -- that it wasn't documented properly that the  
17 inspection was performed. This work package was completed  
18 and going to the vault. This was something that was in the  
19 dry well, and it was closed up. The plant was operating. I  
20 had a question about whether it was ever inspected. I also  
21 took that package over to Bradish. This is right in the  
22 same time frame, right in the same week probably. Now, I  
23 took that package over to Bradish and showed him that the  
24 inspection wasn't in there. He looks at it and says, "Yes,  
25 it is, right here," and he takes his pen. He's standing up

1 over my shoulder. And he checks it off right where it's  
2 supposed to be. I told him, "You can't do that." Well, I  
3 had a copy anyway. I didn't have the original. But he  
4 didn't know that. I said, "What do you think you're doing?  
5 You can't do that." Anyway, he didn't understand the  
6 problem. He didn't understand inspection. So I went to  
7 LeComp, who put me with Darryl Topel, and Darryl Topel  
8 understood my problems, and he wrote the DER 24, I think it  
9 is.

10 MR. WASHINGTON: What was the number on that  
11 again?

12 MR. ANDERSON: 0 -- excuse me.

13 THE WITNESS: 024.

14 MR. WASHINGTON: 0234, I think.

15 MR. ANDERSON: 0324.

16 THE WITNESS: 0324.

17 MR. WASHINGTON: 0324.

18 MR. ANDERSON: 90-0324.

19 BY MR. ANDERSON:

20 Q Now, why did you have -- what was his name?

21 Darryl --

22 A Topel.

23 Q Topel?

24 A T-o-p-e-l.

25 Q Why did you have Mr. Topel write the DER? Why



1 didn't you write the DER?

2 A The reason I -- I did include this in my audit  
3 report. It did get put in the report itself. I did write  
4 up the narrative on it in the report. The reason I asked  
5 Topel to write it -- here's another QA group, you know, and  
6 I'm trying to make peace with these people. I'm giving them  
7 a chance to identify their own deficiency, not -- it doesn't  
8 give me -- I don't get any gratification out of identifying  
9 a deficiency. If they'll do it, great. I still have to  
10 report it. That's what I tried to do with Bradish on the  
11 missed weld. I tried to get him to write it so I wouldn't  
12 have to.

13 Q Okay. Now, was this particular -- the engineering  
14 design package, was this particular issue before or after  
15 the infamous paper clip?

16 A They were the same week. I'm not sure which one  
17 was first. I think it was after.

18 Q Okay. My question would be did you think of  
19 circumventing Mr. Bradish and just going right straight  
20 through your group and allowing it to go up through Mr.  
21 Delk, through Mr. Abramson --

22 A Well --

23 Q -- and then allowing him to deal with Mr. Bradish?

24 A Well, what I -- okay. I have to tell you this  
25 now, too. When Bradish had thrown the paper clip to me I

1 went back and I told my group -- I told Abramson what had  
2 been said. Fred said, "Oh, yeah." I told him he'd get it  
3 shoved up his ass. He said, "Oh, yeah." Rich Fitzsimmons  
4 and I -- I said, "We better go talk to Stafford," and Rich  
5 and I went and talked to Stafford. Stafford agreed with us,  
6 yes, the DER needs to be written for that subject.

7 Q Now -- excuse me.

8 A Okay.

9 Q This, again, is the engineering design package?

10 A That's the one about the -- the missed hold point.

11 Q Oh, I'm sorry. Okay.

12 A See, I hadn't got into this now.

13 Q Okay.

14 A We talked to Stafford, and he suggests the DER  
15 needs to be written. And we told him about the problems I  
16 was having with Bradish over there. Then I told him how  
17 Bradish had cussed me and thrown things at me. All Stafford  
18 did was sit up in his seat and say, "Oh, yeah." I mean it  
19 : his attention, but he didn't say any more, anything but,  
20 "Oh, yeah." I really wasn't worried, you know, that  
21 something would happen to me, but I felt like I needed to  
22 make sure that they knew about this situation. Okay. Then  
23 later -- maybe two days later, I think it was, I found the  
24 thing about the 324. Again, I went to Bradish because I  
25 think I owed it to him to go to him. He didn't understand

1 it, so I went to LeComp, who was his lead in the group.  
2 LeComp understood. He got Topel, who understood. I left  
3 the package with them overnight, and the next day Topel  
4 brought it back to me with the DER written, and I agreed  
5 with the way he wrote it, so, you know, everything went  
6 pretty well there from that point.

7 Q Now --

8 A Now, Delk -- I also talked to Delk, who was my  
9 group lead, and Delk had told me and the other auditors that  
10 he always wants two auditors present when you talk to  
11 Bradish because he lies. That's the way he put it.

12 Q By this time you readily agreed.

13 A Yes.

14 Q Okay. Any repercussions off of the second DER  
15 that would have been written by Topel from Bradish or any  
16 other individuals?

17 A No. No, I don't --

18 Q Okay.

19 A Once it passed over that point. Now, the next day  
20 after we had talked to Stafford LeComp called me the next  
21 morning. About eight o'clock in the morning the phone rang.  
22 He called me, and he apologized because he was supporting  
23 Bradish on the 310 issue, on the missed hold point. He  
24 apologized and said he was wrong and he should have written  
25 the DER. And he said, "Bradish should call you and

1 apologize," but Bradish -- of course, Bradish never did.  
2 When he apologized -- when LeComp apologized he says, "Is  
3 Rich Fitzsimmons there?" I said, "Yes, he is." I called  
4 Rich over to the phone, and he apologized to Rich also.

5 Q Now, in the resolution of 310, because basically  
6 310 had to do with the fact that a supervisor -- or not just  
7 a supervisor but a DER should be written. It had nothing to  
8 do with the actual DER for the missed hold.

9 A That's right. That's right.

10 Q This had to do with failing to write a DER when  
11 that's should be done.

12 A That's right.

13 Q Was there any repercussion by Bradish other than  
14 this incident with the -- you know, the screaming at you and  
15 the threat?

16 A Well, in other words, he was telling me I'd get it  
17 shoved up my ass. I knew that I was -- I knew I was  
18 threatened, but --

19 Q But as this DER then went into the system and as  
20 it was being worked and massaged by the various people,  
21 obviously there would be feedback to Bradish that he was  
22 wrong and needed to, in fact --

23 A Yes.

24 Q -- write DERs. Who would have been the one who  
25 would have told him that? Would that have been Stafford?

1           A     I never talked with Stafford after that. Yeah, it  
2 should have been. Yeah, it should have been. I don't think  
3 anyone else approached him. The whole audit group at that  
4 time, nobody wanted to go in the area where the inspection  
5 group was because of Bradish. He had those people over  
6 there so intimidated, you wouldn't want to go over and talk  
7 to anybody. Nobody did. I mean you'll have to find that  
8 out for yourself, but that's true.

9           Q     Okay.

10           MR. ANDERSON: Any other issues on this particular  
11 subject, George?

12           MR. WASHINGTON: No.

13           MR. ANDERSON: Okay.

14 BY MR. ANDERSON:

15           Q     The next issue that I have was regarding a fire  
16 protection program, I guess, was under a conflicting  
17 supervisor. There was one supervisor over two programs.  
18 That would cause a conflict of interest there.

19           A     Yeah.

20           Q     And how was that identified, and what was the  
21 resolution of that particular --

22           A     I had identified -- well, our UFSAR requires a  
23 fire protection specialist inside the plant that reports to  
24 operations. When Stafford had come in, he had taken over  
25 plant safety. That fire protectionist's job was within

1 plant safety, so that meant he was reporting to the QA  
2 director and not to operations. I'm the QA expert for fire  
3 protection. I did all the fire protection audits. I've did  
4 every one at Fermi. When this thing happened I said, you  
5 know, "We got a conflict of interest here," and nothing was  
6 done about it. But also I looked in the UFSAR and I showed  
7 him where we have committed that the fire protection  
8 specialist would report to operations. We got him reporting  
9 to QA, and QA is doing the audits on that program. I wrote  
10 this up a couple years in a row, and -- on an observation  
11 and also talked to licensing. Lynn Goodman was in charge of  
12 licensing at the time. She agreed with me. We either got  
13 to change the UFSAR or we've got to change the program, you  
14 know, or put him back where he's supposed to be. They  
15 wouldn't do anything about it. Finally in the 1990 audit --

16 Q '90 or '91?

17 A '90.

18 Q Okay.

19 A '90 I think it's -- is it 3-26?

20 MR. WASHINGTON: I have 02-16. Is it?

21 THE WITNESS: Oh, that's right. 2-16.

22 MR. WASHINGTON: 2-16, yeah.

23 THE WITNESS: Yes, yes.

24 MR. WASHINGTON: That's the 1-6 --

25 THE WITNESS: Yeah.



1 MR. ANDERSON: That's the DER --  
2 THE WITNESS: No. That's the audit --  
3 MR. ANDERSON: -- or that's the audit number?  
4 THE WITNESS: That's the audit number.  
5 MR. ANDERSON: Okay.  
6 THE WITNESS: Okay.  
7 MR. ANDERSON: Is that a '90, George?  
8 THE WITNESS: Yes. And that was -- and that was  
9 gone in September.  
10 MR. ANDERSON: 02-16?  
11 MR. WASHINGTON: Yes.  
12 THE WITNESS: I believe that was September.  
13 MR. ANDERSON: Okay.  
14 THE WITNESS: What we found in that audit -- we  
15 had 12 DERs written in that audit, and, as I say, I was the  
16 lead on the audit. We found things such as combustibles not  
17 being controlled properly, the fire -- the Frenchtown Fire  
18 Department drills were not being done annually as required,  
19 quite a few things that if we tied back, and this  
20 organization alignment is causing these problems because no  
21 one knew who was required -- who had the job of setting up  
22 these drills with the Frenchtown Fire Department. These  
23 drills are required by Appendix R and our UFSAR. These  
24 things had fallen through the cracks because no one knew who  
25 was required, and we attributed a lot of that to the



1 organization. The fire protection specialist could not get  
2 resolution to a lot of the combustibles not being stored  
3 properly in the plant because he didn't have access up  
4 through the operations where he should have been in. He was  
5 over in the -- reporting through QA, and QA wasn't taking  
6 care of it. We identified this -- these facts in an audit  
7 report. Now -- so what happened then, I was told by Miller  
8 not to write that observation in this audit report. He  
9 said, "It's not a problem, and don't write it."

10 BY MR. ANDERSON:

11 Q Okay. Now, wait a minute. Miller now had become  
12 director?

13 A Yes, sir.

14 Q Okay. So --

15 MR. WASHINGTON: Of the audit group --

16 THE WITNESS: Yeah.

17 MR. WASHINGTON: -- or the audit --

18 THE WITNESS: Yeah.

19 MR. ANDERSON: Right. He was the director of QA.

20 MR. WASHINGTON: Correct.

21 THE WITNESS: Under Stafford, yes.

22 MR. WASHINGTON: Yeah.

23 THE WITNESS: Stafford was the general director.

24 Miller was the director.

25 MR. WASHINGTON: It's a new position created.

1 THE WITNESS: Yes, right.

2 MR. ANDERSON: Oh, okay. Before -- I want to make  
3 sure that I get the organizational --

4 MR. WASHINGTON: Yeah, yeah.

5 MR. ANDERSON: -- structures correct.

6 THE WITNESS: Yes.

7 BY MR. ANDERSON:

8 Q So Stafford was still director?

9 A He was still the general director --

10 MR. WASHINGTON: General.

11 THE WITNESS: -- so he was director of various  
12 groups, the plant safety group, security and --

13 BY MR. ANDERSON:

14 Q Oh, he'd been promoted then, in effect --

15 A Yes.

16 Q -- was he not?

17 A Yes.

18 Q Okay. So Stafford was no longer just the director  
19 of the quality assurance program. He actually had stepped  
20 up.

21 A Stepped up, and he put Miller in as director of  
22 the program reporting to him.

23 Q So now Miller -- so you're still reporting to  
24 Stafford, but he is --

25 A Yes.

- 1 Q -- at a higher level.
- 2 A Yes.
- 3 Q Miller is now the director.
- 4 A Yes.
- 5 Q Okay. But you're still in the audit program.
- 6 A Right.
- 7 Q And is Abramson still your supervisor?
- 8 A Yes, he is. At the start of that audit he was,  
9 but by the time the audit was completed he was -- he had  
10 transferred out.
- 11 Q And Mr. Walda had been transferred in or --
- 12 A No. Delk stepped in and was acting director --
- 13 Q Okay.
- 14 A -- till completion of the audit.
- 15 Q Okay. So, when this audit started, Miller told  
16 you not to write this?
- 17 A Yes. Well, he didn't tell me till I'd already got  
18 into the audit, and I said, "This thing that they haven't  
19 corrected is causing the problems, and here they are." He  
20 was saying, "Don't write that because it's a problem."  
21 Actually before he was made the director he had been  
22 director of the safety group, who had the responsibility for  
23 straightening out that problem previously when I identified  
24 it.
- 25 Q Okay.

1           A     And so he told me not to write it. I did write  
2     it, but he reviewed the audit report before it got issued.  
3     And when I gave him the audit report and he reviewed it, he  
4     says to me -- he says, "I thought you wasn't going to put  
5     this in the report." I said, "Well, it's an issue. You can  
6     take it out, but this is the way I see it." He left it in  
7     the report. And I forget the words, if we used  
8     unsatisfactory or marginal, but the program was assessed as  
9     marginal or unsatisfactory, whichever term we used.

10           Q     Excuse me. What program was assessed as --

11           A     The fire protection program.

12           Q     Okay.

13           A     That's the subject we were auditing.

14           Q     Got it.

15           A     We had 12 findings in that audit.

16           Q     Okay. And what were the resolutions on those  
17     DERs? Those had to go up through Miller, though, is that  
18     correct?

19           A     Yes. Well, I don't know if Miller saw them or  
20     not, but, yeah, they -- yeah, he would have seen them. They  
21     went through him.

22           Q     So the very issues that you're bringing up in the  
23     audit are now specifically identified in those 12 DERs --

24           A     Right.

25           Q     -- which he would have had to have addressed

1        anyway, even -- you see what I'm saying --

2            A        Yes.

3            Q        -- because the very foundation of the audit is  
4 bringing out --

5            A        That's right.

6            Q        -- problems --

7            A        Right.

8            Q        -- that are specifically identified, which he now  
9 has to make --

10          A        Yeah.

11          Q        -- take action on.

12          A        Well, see, the audit report -- when we -- in our  
13 audit report we give an assessment statement, and that goes  
14 to upper management. They may not read all the findings,  
15 but they'll read that statement. And these things will bear  
16 on the people who are responsible when upper management  
17 looks at these and including the NRC. When they look at  
18 these, they'll look at that statement, and so he didn't  
19 like -- he didn't like me issuing that statement. He went  
20 to the -- he had a meeting with a sub-group of the NSRG.  
21 They have a subcommittee that reviews audit reports. He  
22 wanted to change that to satisfactory, and they agreed with  
23 me, no, it should be less than satisfactory. He didn't like  
24 that either, but they agreed, and that's the way it --  
25 that's the way the report went out.

1 Q Okay. Wait; wait. Where did Mr. Miller come from  
2 before? You said he was the director of the safety group  
3 prior to becoming --

4 A Yes.

5 Q -- director of --

6 A Yes.

7 Q -- quality assurance.

8 A Yes. Oh, he's been with Edison probably for --  
9 since 1980, I imagine.

10 Q Okay. But the subcommittee of the NSRG left the  
11 unsatisfactory --

12 A Yes. I'm not sure if that's --

13 Q -- or less than satisfactory?

14 A Yeah. I'm not -- less than satisfactory. I think  
15 that's the right term that we used.

16 Q Less than. Okay. Now, were, in fact, these 12  
17 DERs identified? Were they, in fact, resolved and the root  
18 cause identified and corrected --

19 A Yes.

20 Q -- that you're aware of?

21 A Yes.

22 Q Was the line organization for this fire protection  
23 group ever changed? Were your recommendations followed?

24 A What they did originally was change the UFSAR, but  
25 now it's been changed to report to operations. And that

1 change just occurred back when they did this staffing  
2 transition. And the people are much happier. They feel  
3 like they're where they should be.

4 Q Are you aware of any adverse action taken against  
5 you for this particular finding?

6 A Yes.

7 Q Okay. What was that?

8 A Well, we go back through a -- let's see. That was  
9 in September of '90. Well, in February of '91 Stafford and  
10 Miller called a round-table discussion with the QA  
11 organization.

12 Q This was a breakfast?

13 A It was a breakfast. And at that meeting both of  
14 them talked a good bit, but they said that during this  
15 upcoming outage -- well, first of all, they ran down QA,  
16 that we weren't finding many real problems. We were  
17 findings things like people needing training, procedures  
18 need to be revised, discrepancies with procedures and  
19 training. That's what Stafford had said. Then Miller got  
20 into saying that during the upcoming outage QA people could  
21 look to be assigned to various functions in the plant such  
22 as maintenance people working on pumps or whatever, and --  
23 he didn't say pump, but that's -- working in maintenance and  
24 working in RP and in these various areas. Also, it's sort  
25 of a bitch session, like. It says, "Anybody have any



1 problems with anything?" So on my evaluation I had been  
2 given a statement in there about taking directi which I  
3 just had an evaluation. Don Delk had given it to me a few  
4 days before this. Still had it with me at that meeting. As  
5 a matter of fact, it was still in my folder. And they  
6 asked, "What about evaluations?" And no one spoke.  
7 Finally, I said, "Well, I got a question. I mean I can't  
8 understand this." And what it was referring to was me not  
9 taking directions from Miller by not writing that  
10 observation about the organization alignment. At any rate,  
11 I didn't know that at the time. That's what comes out. At  
12 any rate, Stafford says, "Well, tomorrow morning" -- told  
13 Miller to meet with me on my evaluation. We wanted to talk  
14 some about it. I left there that day. I think this was  
15 February 13th. When I left there that day I went home at  
16 night, and I wrote Miller a letter about his perception of  
17 QA. And, first of all, I thought that we were -- these  
18 findings were -- that he's talking about, needing training  
19 and needing procedure changes and this type thing, I thought  
20 they were good, and I thought that QA should be performing  
21 in the plant QA function because that's a good time to find  
22 problems when they're doing these -- working these work  
23 packages during the outage and not really be performing jobs  
24 in the plant. And I was really concerned about his  
25 perception of QA. The next morning on my way in I dropped

1 it off at his office. He wasn't there. I gave it to his  
2 secretary. Later that day I met with him, and we went over  
3 my evaluation. At that time he told me -- he says, "Fred  
4 Abramson has put you in for a promotion, but you're not  
5 going to get it because you embarrassed me with that fire  
6 protection audit." So we --

7 Q Now, what would have the promotion been to?

8 A M-4 position. I'm an M-2 now.

9 Q M-4. Would that have been this lead auditor or --

10 A No, no. It would have just been just --

11 Q Oh, it's just --

12 A -- higher pay and -- could have been -- could have  
13 been a supervisor. With the M-4 grade you can be a  
14 supervisor, but it would have just been higher pay really.

15 Q Okay.

16 A But it's a step in the chain. He said, "But  
17 you're not going to get it because, you know, you  
18 embarrassed me writing me up." I said, "Well, look. You  
19 could have taken the finding out," the observation out, as  
20 it was, I said, "but I think -- I thought it needed to be in  
21 there." Then we talked more about that, and we ended up  
22 having a meeting with Don Delk on it, too, because Don Delk  
23 had actually give that to me. But then he brought up the  
24 fact about the letter I dropped off because he had read it  
25 already. And he says, "You're wrong about this, and I want

1 you to go back and write back to me and tell me that you  
2 were wrong." And then he says, "There's still a chance you  
3 might get that promotion," and he asked me -- well, first of  
4 all, when he gave me the letter, he said, "Did you copy the  
5 NRC on this?" And I told him, "No, I didn't, but I did copy  
6 Stafford."

7 Q Okay.

8 A Now, so I went back. About two weeks later he  
9 called me, and he says, "Have you written me back yet? Are  
10 you going to write it?" I told him, "No. I thought about  
11 it, and I think the letter is accurate." And probably  
12 another two weeks he sends me a letter, and he starts the  
13 letter off by saying that I acknowledged that I was wrong,  
14 which I never did. And he wrote about a four-page letter  
15 back to me saying a lot of things that were not relevant to  
16 what I was talking about, but -- and then --

17 Q Did you, in fact, receive the promotion?

18 A No.

19 Q When was the promotion to take place if it had --  
20 were you aware --

21 A No, I wasn't. Well --

22 Q Had you been aware that Abramson had put you in  
23 for a promotion?

24 A No, no. Let me tell you this, too. Now, after he  
25 had told me that, when I left his office that day I went

1 over to see Abramson. Now, he -- Abramson at this time has  
2 been transferred over to training.

3 Q Um-hmm.

4 A And he was the assimilator supervisor for  
5 training. And I went in and told Fred what had happened and  
6 what Miller had told me, and Fred said, "Yeah. I'm not  
7 supposed to tell you this," you know. He says, "Yeah, but I  
8 did put you in for a promotion." And I told him -- of  
9 course, Fred was aware of that observation that I had  
10 been -- I had identified it for a couple audits there in a  
11 row. And I told him that Miller -- so Fred said, "Well, why  
12 did you write the observation when he told you not to?" I  
13 said, "Because it" -- quote, I said, "Because it raised its  
14 ugly head again." Fred just laughed and said, "Yeah, I  
15 guess you had to," and that was it. And Fred said that  
16 Miller -- he'd been on Miller, why Miller didn't give me the  
17 promotion. And Miller had told him, he said, it was because  
18 I didn't have a four-year degree. Then Fred told me that he  
19 had talked to Osser, the vice president, and Osser said that  
20 was not -- it was not required that I have a four-year  
21 degree. Also, Fred had promoted at least two other people  
22 who had not had four-year degrees and I don't even think had  
23 two-year degrees, which is what I had.

24 Q Okay. So Abramson was aware that Miller came  
25 back -- did Miller ever talk to you about not getting the

1 promotion? Did he ever come back and tell you that --

2 A Again?

3 Q -- you're not getting it?

4 A Never mentioned it again.

5 Q This is hindsight, of course, but at that time did  
6 you consider filing a suit for discrimination --

7 A No.

8 Q -- based upon your findings?

9 A No. No, I didn't. What had happened then -- the  
10 next step that happened along that line was Jeff Holmes came  
11 in, and he came to me and wanted to see my audits for the  
12 last four years on fire protection. I spent a good six or  
13 eight hours with him. At the conclusion he looked at -- he  
14 said, "You've got some very good audits here, very good  
15 findings, including that one that we mentioned, the one  
16 about the organization." He said, "We would eventually have  
17 found that." In one of my reports I had written in there  
18 just because the NRC hasn't found this doesn't mean --  
19 because they had been telling me, "The NRC hasn't said  
20 anything about this." I said, "Well, just because they  
21 haven't found it doesn't mean that it doesn't exist."  
22 That's what I said in one of the reports. Jeff laughed and  
23 says, "Yeah. We would have found it eventually." At any  
24 rate, at the end of that conversation on the -- on those  
25 reports, Jeff said, "Have you received any unfavorable

1 treatment because of these findings?" I didn't know why he  
2 asked me that question, but evidently somebody had said  
3 something to him. And before he had been with me he had  
4 been talking to some of the other fire protection people, so  
5 it was pretty well-known that I had. So I said, "Yes, I  
6 have," and I told him about the promotion thing, and I also  
7 showed him the letter that I had written. Before that when  
8 Miller asked me had I given it to the NRC I said, "No," but  
9 now I showed it to Jeff. And another thing in hindsight,  
10 too, I would have given him a copy. He asked me for a copy,  
11 as a matter of fact, and I said, "Well, Miller has responded  
12 now, and now I've got to write back to him again. I hate to  
13 do this, but I've got to because he responded saying that I  
14 acknowledged that it was wrong. I can't let that stand, so  
15 I've got to write back to him again. I don't have his  
16 letter with me, so I can't give you the whole thing, so I  
17 just won't give it to you now." He says, "Okay."

18 Q Now, do you have copies of this letter, this  
19 correspondence --

20 A Yes.

21 Q -- between the two of you?

22 A Yes.

23 Q Can I get copies of that?

24 A Yes.

25 Q I would like that.



1           A     I got it with me in the --

2                   MR. WASHINGTON: Do you? Okay. Fine.

3                   MR. ANDERSON: That's okay.

4                   THE WITNESS: And so then what happened after that  
5     is I brang up the fact of the conflict of interest about  
6     using people on audits that are not -- that are not -- that  
7     are working in other groups and this type thing in my  
8     letter, too. Miller goes to a -- on that fire protection  
9     audit, Miller had tried to use their own fire protection  
10    engineer to work on the audit. You can't do that. I had to  
11    go around him and go to Stan -- get a letter to Stan Kattola  
12    to stop it. Him and -- Miller and Stafford both were  
13    insisting we use their own fire protection engineer on the  
14    audit. I had a letter that was written to Kattola by  
15    Krastin, who was the director of engineering. And the way  
16    that came about was I went to engineering and told them what  
17    was happening, gave them a copy of this letter dated 2-21,  
18    which is what you have on the audit. They took that and  
19    took it to Kattola and stopped Stafford and Miller from  
20    using their own fire protection engineer. That's on that  
21    same audit, the 2-15. In other words, I wasn't cooperating  
22    too good with those people.

23                  BY MR. ANDERSON:

24                  Q     Okay. Now, wait a minute, though. I have a  
25     situation I was going to bring up in '91 called the updated



1 final safety analysis report. Is that a separate issue?

2 A Well, this was in the updated -- this was in  
3 there. This requirement --

4 Q Maybe that's --

5 A This requirement was in there. This was UFSAR.  
6 That's what they --

7 Q I've got it.

8 A Okay.

9 Q Okay. Okay. Because I have UFSAR, but it's US --  
10 what's the initials?

11 A No. UFSAR. UF, up --

12 Q Yeah. USSAR.

13 A Updated Final Safety Analysis Report.

14 Q Okay. This is part of this fire protection?

15 A Yeah.

16 Q Okay.

17 A That's where that requirement was. It was in the  
18 UFSAR.

19 Q I got it. Okay. Because I was getting confused  
20 as to where that was.

21 A Yeah.

22 Q Okay. Okay.

23 A Now, also during this audit when Miller was  
24 trying -- I skipped over this part. When Miller was trying  
25 to get me to change my assessment we had a consultant come

1 in from -- he was out at Trojan, and we finally caught up  
2 with him. He was from California. He worked with me on the  
3 audit. I said -- you know, he sees the audit the way I see  
4 it, and if you change what I'm saying, how you going to  
5 change what he says? If it gets out that you had a  
6 specialist come in to review this and you change his  
7 assessment, it's going to look pretty bad. We got him on  
8 the -- we faxed things to him trying to get him to change  
9 his opinion. He faxed things back to me and says he  
10 wouldn't change it. I've got that with me also.

11 Q And his name was?

12 A Cal Lewis. He was the best fire protection  
13 auditor I've seen.

14 Q What company is he with?

15 A I'm not sure who he's with. He's, a contractor,  
16 you know. He goes around --

17 Q Right.

18 A -- doing these audits.

19 Q Okay.

20 A He's from California. That's all I know.

21 Q So he wouldn't change, and, therefore, there's no  
22 way that anyone could change that.

23 A No. I'm saying the NSRG subcommittee also backed  
24 me up on it, so --

25 Q Right.

1           A     So -- see, Miller had been in charge of that  
2 program just before he came in as director, so by us giving  
3 them a low assessment, that affects him.

4           Q     What was your working relationship with Stafford?  
5 Could you have gone to Stafford and said, "Hey, look, you  
6 know, I'm not changing. We've got this consultant who won't  
7 change. And here I'm being denied a promotion. Other  
8 individuals are being promoted. I'm not because, you know,  
9 Miller won't" --

10          A     I don't think I could have gone to Stafford  
11 because I found out about Stafford a long time ago like when  
12 him and Bradish -- him and Bailey sitting there winking at  
13 each other. He didn't do nothing about it when I got the  
14 threats from Bradish. And I was told by other people  
15 like -- who dealt with him said he's a politician. He  
16 agrees with the last person that's in here. He'll talk to  
17 you, ~~which~~ he always did, but you leave there he agrees with  
18 the other person.

19          Q     Okay.

20          A     And he -- actually just no effect.

21          Q     But at this point you're now being denied a  
22 promotional opportunity based upon your merit because you  
23 refused to back down on an issue that you have identified as  
24 an auditor.

25          A     Yeah.

1 Q Did you bring this up to anyone? Did you discuss  
2 this with anyone? Did you go to anyone?

3 A Well, I --

4 Q Did you go to Osser --

5 A No.

6 Q -- anyone to --

7 A I brought it up to Fred Abramson, who had himself  
8 brought it up to Osser, and he told me he'd talk to Osser.  
9 And Miller -- when I left with Miller that time, Miller told  
10 me -- he says, "You still might get it," but, of course, he  
11 was trying to get me to change that letter.

12 Q Well, yeah. Certainly.

13 A Yeah.

14 Q That's a conditional promise.

15 A Yeah.

16 Q And obviously when you would not take it out,  
17 especially when the consultant is also there, I'm surprised  
18 that Miller would even discuss that since the consultant  
19 refuses to change his findings also.

20 A Yeah. Well, see, there's nobody talking to me and  
21 Miller in this room at the time, so -- when he's telling me  
22 this --

23 Q Uh-huh.

24 A -- that you're not going to get it, this kind of  
25 stuff, so I figured he'd feel like he was pretty safe in

1 saying that.

2 Q So the company's official statement -- or  
3 position -- I'm sorry -- was that because you had no four-  
4 year degree --

5 A Yes.

6 Q -- is why you did not get the promotion from M-2  
7 to M-4?

8 A Yes.

9 Q Do you know if that was ever put on paper? Did  
10 you ever see any paper regarding this --

11 A No.

12 Q -- at all?

13 A No.

14 Q This was all hearsay?

15 A No. I never saw any paper. I talked to Fred a  
16 few days ago, mentioned that -- all I said was, you know,  
17 "Fred" -- I don't talk to him very much, but he always  
18 speaks. I said -- he come by, and he said, "How's your case  
19 going?" And I said, "Well, I'm not allowed to talk about  
20 it. I've been told not to talk about it." He says, "Well,  
21 I haven't." I said, "Well, it's going okay." He says -- I  
22 said, "Well, you remember about that promotion thing." He  
23 says -- you know, he says, "I looked in my files the other  
24 day." He said, "I looked in the files." I'm not sure what  
25 files. He says, you know, "Some of that paperwork seems to

1 have mysteriously disappeared," he says, "but I still got  
2 some things," he said. I said, "Good."

3 Q Okay.

4 A I'm not sure what he meant by that because I'm not  
5 sure what paperwork he's referring to.

6 Q Okay.

7 MR. ANDERSON: Any more on this particular issue,  
8 George, that you want to bring up?

9 MR. WASHINGTON: Give me one second.

10 MR. ANDERSON: You bet. Do you want -- should we  
11 take a break right now?

12 MR. WASHINGTON: I think we should take a break,  
13 yeah.

14 MR. ANDERSON: Let's go off the record.

15 (At 9:10 p.m., off the record)

16 (At 9:25 p.m., on the record)

17 MR. ANDERSON: We're now back on the record.

18 BY MR. ANDERSON:

19 Q Mr. Martin, there's some other information you  
20 would like to add to this particular incident?

21 A Yeah. I'd like to talk a little bit about my  
22 conversation with Jeff Holmes. When Holmes had asked me had  
23 I received any unfavorable treatment -- and I told him about  
24 the promotion that I was denied and, I told him about the  
25 problems that I was having with Miller because I had issued

1 those findings, and I also showed him the letter where we  
2 had to go to Kattola to keep from using their own fire  
3 protection auditor. I showed him the letter that I had  
4 written to Miller, and he asked for a copy, and I didn't  
5 give him a copy because I had to respond to Miller's letter,  
6 which I didn't have with me. Mr. Holmes also said, "If you  
7 have any other problems, be sure and call me," and he wrote  
8 down his telephone number at the -- in the -- Chicago, his  
9 office number. And he says, "I'll speak to the resident  
10 also." And that's it. That's what I had to add.

11 Q But you did tell him about the fact that you --  
12 wait a minute. At that time, you did not know whether you  
13 were going to receive a promotion --

14 A That's right.

15 Q -- or not.

16 A That's right.

17 Q But you had been told that you were not going to  
18 get it by -- or no -- he didn't say that. He merely hinted  
19 that you may not get the promotion --

20 A Well --

21 Q -- at this point when you talked to Holmes.

22 A Yeah. I still at that time -- when I left Miller,  
23 he said, "You still might get it." That's when he was  
24 trying to get me to change my letter. Previously in the  
25 same conversation he had said, "You're not going to get it."



1 Q And this information was relayed to Jeff Holmes,  
2 though, of the NRC?

3 A Yes.

4 Q Okay.

5 A I have the feeling he already knew it before I  
6 told him, and I think the way he knew it was he had  
7 interviewed other individuals who knew that.

8 Q Wait a minute. When you say he knew it --

9 A Yeah.

10 Q -- what's the "it"?

11 A The "it" is about being denied a promotion.

12 Q Okay.

13 A And the reason I feel he knew it was because he  
14 asked me, "Have you received unfavorable treatment?" There  
15 are lot of people that knew about it, so I figure someone  
16 had told him. I don't know who.

17 Q Okay. But at that time you did not think of  
18 filing any kind of a complaint or any kind of an action with  
19 the NRC?

20 A No. At that time -- okay. I knew that I still  
21 might get it somehow, but I didn't know that -- I knew that  
22 Fred Abramson had talked to Osser. I knew that Fred  
23 Abramson was still trying to get it.

24 Q Okay. When did you know for sure that you were  
25 not going to get it, the promotion?

1           A     I'd say it was about -- well, I didn't know for  
2     sure. I would say I was sure by July of '91 that I was  
3     never going to get it.

4           Q     And did you notify Holmes at that time?

5           A     No.

6           Q     And why not?

7           A     You know, the heck with it.

8           Q     Okay. But you had not received your yearly  
9     evaluation at this point?

10          A     No.

11          Q     But you had received your quarterly evaluation?

12          A     Yeah. I'm sure I had, yeah.

13          Q     And what was your quarterly evaluation?

14          A     Well, quarterly they don't really give you an  
15     overall like satisfactory or just -- they just want -- they  
16     just give you an evaluation and say, "Yeah. You're coming  
17     along okay." It isn't really a -- it's not really an annual  
18     final evaluation.

19          Q     Okay.

20                MR. ANDERSON: Any more on this particular  
21     issue --

22                MR. WASHINGTON: No.

23                MR. ANDERSON: -- George?

24                MR. WASHINGTON: Okay.

25                MR. ANDERSON: Okay.

1 BY MR. ANDERSON:

2 Q The next issue I'd like to talk about is in 1991.  
3 It deals with DER 91.0143 again having to do with falsified  
4 reports on qualification and certification required for  
5 certain procedures. Are you familiar with that?

6 A Yes.

7 Q Okay. Now, before we get into that, was Mr.  
8 Miller the director of QA?

9 A He was when that was written.

10 Q Okay. And was Mr. Delk your supervisor at this  
11 point?

12 A Yes.

13 Q And was Mr. Bradish still the supervisor of  
14 quality assurance inspection?

15 A Yes.

16 Q Okay. Now, in this particular situation, was  
17 this, again, this semi-annual inspection of the QA  
18 inspectors?

19 A No. This was an inspection of the measuring and  
20 test equipment controls.

21 Q So this was an entirely different department?

22 A Entirely different.

23 Q This is operational?

24 A It's operational, yes.

25 Q Okay. And who was the lead? Were you the lead

1 auditor on this one?

2 A No, I wasn't. I think it was Terry Byrd.

3 Q And you were assisting on this audit?

4 A Yes.

5 Q And what happened on this particular situation?

6 A Well, in this audit I was taking the -- I took the  
7 tech group to review their controls of measuring and test  
8 equipment. In reviewing their controls, I found out that  
9 they were not keeping records. They were not recording  
10 where measuring and test equipment was being used. They  
11 were storing it improperly. They weren't keeping any  
12 history folders. Just about everything. The program was  
13 just shot. And to do some of this I had to review some of  
14 the work packages where work had been performed, so I picked  
15 some tech spec surveillances that had been performed using  
16 control measuring test equipment. And in looking at these  
17 packages -- really looking for the control of equipment I  
18 ran across the qualifications of the individuals that were  
19 using the equipment. There's a strong requirement in there  
20 that the individuals doing the control center HVAC and the  
21 off -- not the off -- standby VAC treatment be -- have  
22 certifications in 45.26 and have extensive training in  
23 ANSI/ASME N510.

24 Q Okay. Yeah. I don't want to get into --

25 A Okay.

- 1 Q -- all the technical --
- 2 A Okay.
- 3 Q But basically these individuals were not certified
- 4 or they had not met the criteria?
- 5 A That's right.
- 6 Q They were not qualified?
- 7 A That's right. They were not qualified.
- 8 Q They had not received the training?
- 9 A They had not received the training, and --
- 10 Q And who had --
- 11 A -- they had not had the certification.
- 12 Q And who had certified them?
- 13 A They weren't certified.
- 14 Q Not at all?
- 15 A Not at all.
- 16 Q And who was their supervisor that allowed this to
- 17 take place?
- 18 A The supervisor of that group would have been
- 19 Fessler. Now, they may -- the group supervisor may have
- 20 been Jim Droder, but the tech group was -- director was
- 21 Fessler.
- 22 Q Okay. Now, when you identified this, that there
- 23 were individuals doing certification who had not met the
- 24 basic qualifications --
- 25 A They were doing testing is what they were doing.

1 Q Doing testing. Did you bring this information up  
2 to Mr. Byrd?

3 A Oh, yes.

4 Q Okay. And at the same time did you write a DER on  
5 it?

6 A Yes.

7 Q And that DER, of course, was critical of this and  
8 needed to correct --

9 A Yes.

10 Q -- the situation. Now, was there any problems  
11 that came from this particular DER?

12 A Yes. Quite a few. First of all, I had talked to  
13 the individuals who signed off that they had these  
14 qualifications. They admitted to me that they knew they  
15 didn't have the qualifications. They had brought it up to  
16 their supervisor. Their supervisor had directed them to go  
17 ahead and sign the statement anyhow. I went to the -- of  
18 course, I told my lead, which was Terry Byrd. I also went  
19 to Fessler, who was the director of that group -- that's  
20 Paul Fessler -- and told him. Paul's direction was for me  
21 not to write a DER, that, "We will look into it. Don't  
22 write the DER." I said, "Well, I'm doing it. I'll have to  
23 write a DER on this." And he says, "Well, you can write an  
24 observation, and we'll look into it. And if a DER is  
25 required, we'll write it." I said, "No. This has to get

1 identified now. This could be very serious." I wrote the  
2 DER. In this case, I took the DER to Miller, who was still  
3 the director, my director. And Miller said, "Don't use the  
4 word 'falsification.' Just say that there's -- they do not  
5 have the qualifications."

6 Q Excuse me one second. Why did you -- did you go  
7 to Delk?

8 A Delk knew about it, but I don't recall going to  
9 Delk. I mean I'm sure he knew about it, but I went to  
10 Miller because this was very serious. I think I went to --  
11 I went to the top people, the director of the tech group,  
12 which is Fessler, and I went to Miller because I knew this  
13 was serious. And I know that Delk knew about it, too, but I  
14 don't recall talking to Delk.

15 Q Okay. And why didn't he want the word  
16 "falsification" used?

17 A Well --

18 Q I mean isn't this your job to --

19 A Yeah.

20 Q -- identify these problems?

21 A Well, I guess it really hadn't been proven that it  
22 was falsification yet, you know. That's a strong word to  
23 use.

24 Q He did not have a problem with the DER?

25 A No. No, he didn't.



1 Q It was just --

2 A I let me use the DER.

3 Q He just did not want this word?

4 A Yeah, right. No. He didn't give me any trouble  
5 with the DER. He signed the DER, which would validate the  
6 DER. I had already signed it. Now he validated it. I took  
7 the DER immediately over to plant safety to have them review  
8 it for reportability because I figured this might be  
9 reportable.

10 Q Um-hmm.

11 A They couldn't make a determination. They told me  
12 to take it to the control room, and at that time it was my  
13 understanding that I had to get it up there within an hour.

14 Q Um-hmm.

15 A So I went back to the tech group to see if I could  
16 get one of those guys to go with me because they were going  
17 to have to explain it to the NSS because he's going to be  
18 asking me questions, do I have an operable system. They're  
19 going to have to explain it, not me, because I can't tell  
20 you if he does or doesn't. Nobody would go with me, the  
21 ones I talked to. I think I talked to Mark Hart, and he  
22 wouldn't go with me. So I said, "Okay. Be ready for a  
23 phone call." I left, and on my way up there I ran into Jim  
24 Droder coming out of the RCA, and I told Jim Droder, "You  
25 want to go with me to the control room?"

1 Q Now, who's Jim Droder?

2 A He was the supervisor that had told these guys to  
3 go ahead and sign it.

4 Q Okay.

5 A He said, no, he wouldn't go with me. I went to  
6 the control room, and when I key-carded in and went in,  
7 coming out they had a -- inside -- if you're familiar with  
8 it, it has a little turnstile up there also after you go  
9 through the security door. And Ken Howard was coming out  
10 the turnstile. He is Droder's supervisor. So I asked Ken  
11 Howard -- I said, "I've got to present this to the NSS.  
12 Would you come with me?" And he says, "Let me read it." I  
13 said, "Okay." We go back into the NSS's office, and he  
14 reads the DER. And then he says -- he became very upset,  
15 and he says, "I want to make some comments on here." I  
16 said, "Fine. You can make them, but realize I'm under a  
17 time here. If you make them just sign for them because it's  
18 your statement, not mine. Mine is on there, and I've signed  
19 for it." At that -- now, this isn't really -- I don't  
20 really want to make this a big problem, but he threw the DER  
21 down on the floor and just got all flustered about it and  
22 started jumping around. The NSS is sitting at his desk, and  
23 he's watching this whole thing. I said, "Look, I'm just  
24 saying if you're going to write something, sign what you're  
25 going to write." He picks it back up, sits back down over

1 in one of the side chairs, sits there a few minutes, and he  
2 says, "I can't think."

3 MR. ANDERSON: Let's go off the record right now.

4 (At 9:40 p.m., off the record)

5 (At 9:41 p.m., on the record)

6 MR. ANDERSON: Okay. Let's continue.

7 BY MR. ANDERSON:

8 Q You said the NSS was observing this and that he --

9 A Yes.

10 Q Holmes picked -- or Howard picked it back up.

11 A Yeah. Howard said, "I can't think." I said,  
12 "Well, let's talk about it to the NSS." So I told the NSS,  
13 gave him the thing -- the DER, and the NSS said, "Well, do I  
14 have an operable system out there?" because if he doesn't,  
15 of course, he's got an LCO.

16 Q An OCO?

17 A LCO. Limited condition of operation.

18 Q Okay.

19 A So, anyway, Howard starts explaining, "Well, we  
20 had Martin Nunnley in here." Martin Nunnley is DECO's  
21 expert for this type of testing. And I said, "That's fine,  
22 but Martin Nunnley's name doesn't appear anywhere in this  
23 package, not only not for that step but nowhere is it shown  
24 that he's in here." So that's why the DER had to be  
25 written. So I left it with them, the two of them, to go

1 ahead and resolve it at that point to find out if they had a  
2 reportable situation or what it was.

3 Q Did they, in fact, have one?

4 A No. They did not report it.

5 Q Okay.

6 A Now, it must have been a day or so later that I  
7 got a call from Ken Howard. He apologized. That's why --  
8 he'll say this about what happened there, but I figure I  
9 might as well keep everything on the record. He apologized  
10 to me for acting the way he did. And so I've never said  
11 anything else about it until now --

12 Q Okay.

13 A -- for that reason.

14 Q Now, in one of the correspondence, though, you  
15 mention that Stafford blamed you for Bradish's failure on  
16 this particular --

17 A No.

18 Q -- issue.

19 A No. That was different. That was in inspection.  
20 That's an inspection audit.

21 Q Okay.

22 A This comes up right after this one.

23 Q Okay. So that had nothing to do with this  
24 particular --

25 A No.

1 Q -- incident?

2 A No.

3 Q Okay. So, other than that, was there any  
4 repercussions that came against you for identifying this?

5 A Yes. What happened was with that the DER got  
6 issued. Now, things changed again, and, see, this is like  
7 in July -- June of '91, June or July. I've got the numbers.  
8 I've got the --

9 Q That's fine.

10 A But, anyway, things changed again. Bradish  
11 becomes supervisor of the audit group. They move him out of  
12 inspection, make him supervisor of the audit group. Now,  
13 I'd written two DERs. That was one of them. The other DER  
14 was on failure to control the equipment properly, the  
15 records and all this good stuff, with the MTE. The one was  
16 on them making a false statement, which I didn't use that  
17 word, but there were two DERs involved there. Bradish  
18 becomes the supervisor. First thing he does -- now he's my  
19 supervisor. The first thing he does -- it seemed like the  
20 first thing he does anyway, he comes and jumps on me about  
21 those two findings, and he wants me to close them. I'd  
22 gotten responses back on both of them several times and  
23 rejected the responses because they weren't adequate. One  
24 of them they wanted to throw away what records they had.  
25 These are required records. You can't throw them away. He

1 agreed to that, and then he got really irate when I wouldn't  
2 agree to it. And the other one was on this situation where  
3 these guys had signed this thing off. He wanted me to close  
4 that one also. They had never, never corrected that  
5 problem. They had ever got these people trained. They had  
6 never really resolved the fact that -- whether there was  
7 anyone else there or not. No documentation could support  
8 their position. So I wouldn't close that one. First thing  
9 he did is to jump on me about that. At this time --

10 Q Well, when you say he jumps on you, he wants you  
11 to close this knowing full well that --

12 A Well --

13 Q -- the proper documentation is not there?

14 A I don't think he know -- I really don't think he  
15 knows the difference. Yeah, he knew the documentation  
16 wasn't there on that one, yes. I wrote to him. I got the  
17 note. I still go the note I wrote to him -- or a copy of it  
18 telling him, "No, you can't do this." And I wrote a letter  
19 back to the people who were saying they were going to do it,  
20 "You can't do this." In fact, I went and talked to him,  
21 said -- you know, I even gave him the UFSAR requirement and  
22 all that.

23 Q Okay. Why didn't Bradish -- or why did Bradish  
24 want these things closed so quickly?

25 A I don't really -- I don't really have any answer

1 for that except that he wanted to jump on me.

2 Q Okay.

3 A I think he wanted to come in and show, "Now I'm  
4 your boss," I think.

5 Q Okay. But was he aware that Miller knew about  
6 this situation --

7 A Yeah.

8 Q -- that others had been aware of it and had signed  
9 off on it; that it was, in fact, a serious issue?

10 A Yeah. Oh, yeah.

11 Q Okay. Did you resolve this? I mean, did --

12 A Well, I wouldn't --

13 Q Did you leave it open or --

14 A I wouldn't close it.

15 Q Okay.

16 A Okay. And the last one was the one about throwing  
17 away the records. The day I did that one I walked over,  
18 talked to Stan Stacy after Bradish had jumped on me. John  
19 Walda -- I don't know if John Walda is going to remember  
20 this now, but John Walda and Don Delk were in -- they were  
21 all in Delk's office. And Bradish come -- and I was in  
22 there with them. Bradish come in and wanted to know why I  
23 had to be such a hard ass and wouldn't close that finding on  
24 one of the records.

25 Q Walda wanted to know this?



1           A     No. Bradish came in and wanted to know.

2           Q     Bradish. I'm sorry.

3           A     But John Walda and Delk were sitting there. I've  
4 never talked to them about this, so I don't know if they  
5 remember it or not. And I said, "Look, if you want to close  
6 it, you go ahead and close it, but I cannot close it and  
7 agree to throw away quality records." And I walked out of  
8 there and went to see the resident inspector. While I was  
9 in there with the resident inspector, I told him what was  
10 going on, told him why I was concerned about those. He told  
11 me that he had a schedule to look at the control of the  
12 measuring and test equipment, but it was coming up in the  
13 future, but he might move that date up. He told me that he  
14 would talk to Miller about this situation. And while we  
15 were talking, he asked me -- he says, "Do you want me to get  
16 back with you?" I said, "I don't really care." I said,  
17 "This is a serious matter. I think if you look into it, I'm  
18 satisfied." He has a glass -- he had a -- at the time he  
19 had a glass partition up at the door, and he says, "Don't  
20 look around now," he said, "but Miller is standing back  
21 there." Miller had walked into his office. I said, "Well,  
22 I think Miller knows why I'm here," because this was my hot  
23 issue at the time. And he said, "I'm going to talk to  
24 Miller about this." He said, "Do you want to remain  
25 anonymous?" I says, "It doesn't really matter now, I

1 guess." I said, "I'd like to, but I think he knows," and  
2 that's -- that was the end of it. That wasn't the end of  
3 it, of course, but -- because I pursued those findings, then  
4 closed them out. They were closed out later.

5 Q But Miller would have ultimately signed off on  
6 those, is that correct?

7 A Well, he doesn't have a signature place on them,  
8 but what's been going on is the -- as I understand it, the  
9 QA director has been initialing them. There's no place on  
10 there that requires him to sign them, so I think he would  
11 have signed them. He's been -- they have been practicing  
12 that, but there's no -- it's not required.

13 Q Okay. But did -- are you aware of any  
14 repercussions at that time that Bradish took against you  
15 because you refused to close these out?

16 A No, other than just cussing me out, you know.  
17 That's all. I mean --

18 Q But were there other DERs that were open at this  
19 time that you were working on?

20 A Those are the only two I can think of.

21 Q So you only had two DERs, and he wanted these  
22 closed out immediately.

23 A Well, I had --

24 Q Obviously other auditors --

25 A I had responses, but I wouldn't accept them. Now,

1 when I reject a response, he has to agree with my rejection.  
2 Okay. I write down why I reject this response. I have to  
3 take it to him to get him to agree. He doesn't want to  
4 agree with me, you know, and that's where he had the  
5 opportunity to get me to accept it.

6 Q See, what I'm trying to find out is did he,  
7 Bradish, have any ulterior motive other than the fact that  
8 you're just -- you two don't like each other? I mean did he  
9 have something going with Holmes -- or Howard, I mean, or  
10 the Stroder --

11 A No.

12 Q Were they working together?

13 A No.

14 Q Was there a reason why, "Hey, forget the system.  
15 Forget everything. We're just going to close these things  
16 out. The hell with the system?"

17 A No. I don't think they were working together at  
18 all.

19 Q You know, why did he --

20 Q I don't think -- Bradish doesn't understand  
21 quality or what it's all about. I mean that's a fact. He  
22 doesn't understand that. He did the same thing with the  
23 inspection group there. He intimidates to just to  
24 intimidate.

25 Q Well, what about other auditors? Was he demanding

1       them closing audits out? Was he putting the same  
2       pressure --

3             A       I can't say for sure. I don't know. But I think  
4       you find that's true. I don't know, but I think you will.

5             MR. WASHINGTON: Can I suggest something here?  
6       What effect does it have on Stafford if these audits are not  
7       closed out, and what are Bradish's and Stafford's relations?

8             THE WITNESS: Well, they could be removed. If  
9       Stafford is in charge of the corrective action program and  
10      if he -- like he was closing administratively, he wants to  
11     get them closed because if they're not closed he looks bad.  
12     He could be removed from his job. And, of course, the  
13     relationship with them -- I don't what the relationship is,  
14     but it's pretty tight because Stafford definitely protects  
15     Bradish.

16            BY MR. ANDERSON:

17            Q       Did he not bring Bradish from --

18            A       Yes.

19            Q       -- the other company?

20            A       Yes. And he puts him in lead positions all along  
21     the line which he's not qualified to do. He might be  
22     qualified on paper. I don't know. But he darn sure isn't  
23     qualified, you know, from actual performance.

24            Q       Okay. So from what period of time to what period  
25     of time was Bradish your immediate supervisor then?

1           A     He came in, as I understand it, in July, and --  
2     between July and September.

3           Q     Of '91 to September of '91?

4           A     Yes.

5           MR. WASHINGTON: Can we hold on one second? Just  
6     in terms of what Bradish's motive was, I mean in some sense  
7     we're speculating, but what I was -- why don't you tell him  
8     about it?

9           THE WITNESS: Yeah. Well, one of the things they  
10    monitor the plant by is how many DERs. You got a corrective  
11    action. Is it timely, this type thing. If you get them  
12    closed faster, then the corrective action group is going to  
13    look better. That's Stafford's group. And that's one thing  
14    that we're getting a violation on are the -- the fine that  
15    we're getting now is our corrective action program, is that  
16    it's not really effective. But, anyway, that's --

17    BY MR. ANDERSON:

18           Q     But let me see if I can understand this --

19           A     Yeah. That's the only thing I can --

20           Q     -- because I want to make sure that I have a clear  
21    understanding. It's one thing to identify a problem, write  
22    up a DER, which is what you're supposed to do, but then they  
23    want you to close it immediately, but then you've already  
24    identified the fact that they were closing DERs without  
25    proper corrective action, which makes it even a more serious

1 offense. So what they're asking you to do is the same thing  
2 that they've already had problems on once before.

3 A That's true.

4 Q So why even write the DER up? I mean what's the  
5 whole purpose of DERs then?

6 A Well, they don't do this on all DERs, but the  
7 thing of it -- yeah, that's true.

8 Q See --

9 A That's one thing -- that's why we do that  
10 corrective action out here every six months. We look for  
11 those type things --

12 Q Right. So --

13 A -- to see if there's effective corrective action.

14 Q So, if this DER had been closed, as Bradish wanted  
15 it to --

16 A Yeah.

17 Q -- who would have identified it, though? I mean  
18 this --

19 A Maybe nobody.

20 Q Yeah, because this is your group who's writing it,  
21 and you would be auditing the very thing that you did --

22 A Um-hmm.

23 Q -- which is totally --

24 A Yeah. Probably nobody. We probably would not  
25 have pulled those DERs to look at during the corrective

1 action audit. Probably nobody would have identified it  
2 until something happened, and then somebody might have  
3 looked back and said, "Yeah. Look. You didn't straighten  
4 this out back when you had a chance." Most likely no one  
5 would have found it before something happened.

6 Q Okay. Anything else on this particular issue?

7 A So -- yeah. What happened -- well, from that  
8 point, of course, you're aware of the review that was done  
9 by the inspector back in September --

10 Q Um-hmm.

11 A -- this year. I think they gave him some  
12 misleading information because I have looked at the security  
13 access also. The two guys that they said were in there at  
14 the time were not in there all the time. They weren't in  
15 there for any of the standby VAC treatment. They were only  
16 in there for part of the control center's HVAC treatment.

17 Q Okay. But you've identified that in a letter to  
18 the NRC?

19 A That's right. And that's the problem.

20 Q Yeah. I don't want to get into that right now --

21 A Okay.

22 Q -- because that's an inspection area --

23 A Yeah.

24 Q -- that I don't want to be involved in --

25 A Okay. Now, the --



1 Q -- only because that's not my area right now.

2 A These individuals actually told me that they were  
3 told to sign off on those. I'm not trying to get anybody in  
4 trouble for signing those off, but they were actually told  
5 to go ahead and sign off even though they knew they didn't  
6 have the training.

7 Q Okay. But the bottom line is that you did not  
8 sign those DERs off and did not close them until proper  
9 action had been taken --

10 A That's right.

11 Q -- which, in this particular issue, was the actual  
12 certification of these individuals.

13 A No. What happened with that is they continued on  
14 with that, and at the time they told me they had set up some  
15 training. I think they had to go to Indiana or someplace  
16 for some training for one or two of the individuals. Then  
17 at the very end they decide, no, we're not going to do the  
18 training. We'll give them waivers. I didn't like that, but  
19 there's nothing I could do about it. I say there's nothing  
20 I could do about it because I wasn't going to have any  
21 backing to do anything about it.

22 Q Is that permissible?

23 A Well, yes. By the program you can -- if the right  
24 people sign off on it, you can give them waivers. I didn't  
25 like that, but I had a comfortable feeling that the NRC was

1 going to be looking into this, so the DER was closed. I'm  
2 one link in the chain to close the DER, but I said I was --  
3 I ran out of room there. They gave them waivers. and I  
4 said, "Okay. I'll have to accept the waivers, but I really  
5 think they should have the training."

6 Q Um-hmm.

7 A And I think when they looked at it later they feel  
8 the same way. I don't know.

9 Q Let me ask you a question. Now, obviously this is  
10 a program -- this a two-year program, this audit. This is a  
11 bi-annual review of this --

12 A Yes.

13 Q And you had had problems back in 1989, and  
14 Stafford was aware that you had identified problems that was  
15 embarrassing to a lot of people.

16 A Yes.

17 Q Why would they allow you, a person who has been  
18 bringing up unbelievable amounts of embarrassment -- why  
19 would they allow you to go back in and reaudit again knowing  
20 full well --

21 A Well, this wasn't --

22 Q -- you're going to find the problems, embarrass  
23 them, and they get upset because you're finding the --

24 A This wasn't the same audit. This was an audit of  
25 measuring and test equipment. What I identified back in '89

1 was a corrective action audit. I mean you get into some of  
2 the same things because a DER is written on everything, but  
3 it's not the same audit. They have never let me do the  
4 corrective action audit again even though I've been  
5 recognized as the expert in that area.

6 Q Well, it seems like they're starting to criticize  
7 every audit that you're doing at this point.

8 A Well, the only thing -- let's see. I'm finding  
9 findings with the audit -- with the QA group. I'm the only  
10 auditor there that has written up the QA group, you know,  
11 the things that Stafford does.

12 Q The QA group is the QA inspectors?

13 A QA inspectors, yes. And there's another one to  
14 come after this one was even --

15 Q Okay. But are you saying that other auditors  
16 didn't find these problems?

17 A Quite a few of them didn't find these problems,  
18 yes.

19 Q Why would they not have? Do you know? Do you  
20 have any idea?

21 A What I was told by one of the guys in the  
22 inspection group was, "You're the guy that's doing what  
23 you're supposed to do. The other guys should be doing what  
24 you're doing." That's all I can say. That's what I was  
25 told.

1 Q Okay. Anything else on this particular issue now?

2 A No. That's where it ends.

3 Q Okay. Let me just finish up the ones I have, and  
4 then you can bring up --

5 A Okay.

6 Q -- if there's others. The two other ones I have  
7 has to do with the Karalewitz investigation, and I really  
8 don't want to go into the investigation because I'm --

9 A Good.

10 Q -- very familiar with that. But you mentioned  
11 that John Walda, who I believe now was your supervisor, is  
12 that correct --

13 A Yes, yes.

14 Q Did Mr. Walda become your supervisor in -- after  
15 September of '91?

16 A September of '91 sometime.

17 Q And where did Mr. Bradish go at that point?

18 A He was in the -- as I say, he come into the audit  
19 group as supervisor in July, and he was still there. And  
20 that's where he was until last Friday.

21 MR. WASHINGTON: Jim moved out.

22 MR. ANDERSON: Oh, okay.

23 MR. WASHINGTON: Jim moved out.

24 THE WITNESS: I moved out.

25 MR. WASHINGTON: Jim moved into quality

1 engineering to get away from Bradish.

2 MR. ANDERSON: Okay.

3 BY MR. ANDERSON:

4 Q So when did you leave then the audit group?

5 A September.

6 Q Okay. Wait a minute. Let me change this so I can  
7 correct it. July '91 to present. And --

8 A Yeah.

9 Q And then you left --

10 A Yeah.

11 Q -- September --

12 A Yes.

13 Q -- of '91. And how did that transfer take place?  
14 Who did you talk to?

15 A I talked to Miller, and I asked Miller to transfer  
16 me into the engineering group.

17 Q And was there an opening there?

18 A No. They transferred a guy from the engineering  
19 group -- it was a swap. It was actually a three-way swap.  
20 The guy from the engineering group went to procurement, and  
21 the guy from procurement went to the audit, and I went to  
22 engineering.

23 Q Now, over this period of time from '89 through  
24 '91, '92, had they been moving people back and forth between  
25 these different groups?

- 1           A     Yeah, yeah.  There'd been some movement.
- 2           Q     So this is not something that was --
- 3           A     No.  This was a --
- 4           Q     -- totally unique?
- 5           A     This was a business plan item to do that.
- 6           Q     It was part of your development?
- 7           A     It was part of development, yes.
- 8           Q     I see.  So you now are over in the engineering
- 9     group, which is a small group, is that correct?
- 10          A     Yes.
- 11          Q     Approximately six individuals?
- 12          A     Approximately six, yeah.
- 13          Q     Nw, this is a group that basically audits the
- 14     engineer and the operational end, is that correct?
- 15          A     Well, the engineering, yes, and plus we still do
- 16     audits also, but we do more of the engineering type audits.
- 17          Q     Right.  You don't audit the QA inspection group.
- 18          A     No.
- 19          Q     And you don't audit the auditors?
- 20          A     No.  We could audit those groups.  I mean we could
- 21     assist in auditing those groups.  But basically we do more
- 22     of the engineering audits.
- 23          Q     Right.  Okay.  And Mr. Walda is your supervisor at
- 24     this point?
- 25          A     Yes.

1 Q Okay. And it's at that point that you were asked  
2 to do the investigation -- or the -- yeah -- the  
3 investigation into Karalewitz?

4 A Yes.

5 Q Now, you state that Mr. Walda criticized you for  
6 this investigation. Why was that?

7 A Well, okay. When I got my evaluation for the  
8 year -- this was done in -- this investigation was done in  
9 '92.

10 Q Um-hmm.

11 A And the '92 evaluation for that year I received in  
12 February of '93.

13 Q Okay. First of all, what did you receive February  
14 of '92 for '91's year?

15 A Satisfactory plus evaluation, very -- I mean it  
16 was a real good evaluation.

17 Q And who did that eval?

18 A John Walda.

19 Q So he's basically evaluating you for the year of  
20 '91 --

21 A Uh-huh

22 Q -- which had to include just a short period of  
23 time that he actually supervised you --

24 A Yeah.

25 Q -- approximately four months.



1           A     I think John Walda, and I think John O'Donnell  
2 probably participated in that also, but it was a good  
3 evaluation.

4           Q     Okay. Now, so in '92 -- that would have been in  
5 February of '92. Now, you were asked to look into this  
6 Karalewitz investigation. What was the problems that was  
7 associated with your evaluation and the critique that came  
8 from --

9           A     When I received my evaluation the staffing  
10 transition plan had already been announced in January.

11          Q     No, no, no.

12          A     I got my evaluation in February.

13          Q     Of '90 --

14          A     '93.

15          Q     '93?

16          A     Yeah. We're talking about '93. I got my  
17 evaluation in February. Don Delk had been giving me my  
18 evaluations because he had been filling in for John Walda  
19 because John Walda had been out of the group for a while.  
20 He gave me an evaluation. John Walda was still there, still  
21 reporting to him, still taking direction. When Don Delk  
22 gave -- Don Delk is also now over in that group, by the way.

23          Q     Was he the supervisor?

24          A     No. He was acting at the time off and on. Give  
25 me an evaluation -- it was a good -- it was a satisfactory

1 plus evaluation, but there was a big statement in there  
2 about going too far in my investigations, which was really a  
3 weird statement. And when I asked Delk -- do you want the  
4 actual statement? I've got it if you want to read it. It's  
5 a paragraph, but --

6 Q Do you have a copy of that?

7 A Yeah.

8 Q We can get that later?

9 A Okay. It's -- yeah. Anyway, it says that I  
10 appear to be going too far in my investigations.

11 Q Now, who wrote that?

12 A I don't know who actually wrote the words on  
13 there, but Don Delk presented it to me, so I assume he wrote  
14 it. I don't know. I think Walda wrote it. I don't know  
15 for sure. I never asked who wrote it. When Don Delk gave  
16 that to me, he says -- I pressed him on that. I said, "What  
17 does this mean?" This is something I've never heard before.  
18 He says, "Well, you're always on time, for one thing, and  
19 you never have anything that comes back on you. All your  
20 findings always stand. They never get rejected like some of  
21 them do." And he says, "Look at your overall." He says,  
22 "You're satisfactory plus." I said, "Yeah, but I want to  
23 know what this statement means because this is really  
24 weird." And finally he said to me -- he says, "You'll have  
25 to ask John Walda." Now, John Walda had already signed my

1 evaluation, and so had Lynn Goodman. Now, he says, "You're  
2 getting the best evaluation of the group," also, of all the  
3 other engineers in the group.

4 Q Now, did you take that to mean that the others  
5 received a satisfactory?

6 A Yes. In fact, I know they did. There was a  
7 couple of guys that were very upset.

8 Q Okay.

9 A Now, this staffing transition is going on at the  
10 time, and Walda moves from my group to the tech group. He's  
11 no longer the supervisor.

12 Q Um-hmm.

13 A Okay. But he still sits over there close to me.  
14 He's still got a desk close to me. In the meantime, I  
15 didn't get to see Walda, but I did see Lynn Goodman, so I  
16 decided, "Well, I'll ask her." So I asked her what the  
17 statement means, and she didn't know, although she had  
18 signed that. And I said, "Well, you know, John Walda has  
19 never said anything to me like this all year long. Why does  
20 this statement appear at the end of the year?" She said,  
21 "Well, I'll have to tell John from now on to, you know,  
22 bring this out when it happens." I said, "I don't know what  
23 it means." I knew what it meant, by the way. I knew that  
24 it had to do with the --

25 MR. ANDERSON: Let's go off the record for one

1 second.

2 (At 10:06 p.m., off the record)

3 (At 10:07 p.m., on the record)

4 BY MR. ANDERSON:

5 Q Okay. Now, you stated that you knew what the  
6 statement meant.

7 A Yes.

8 Q What did it mean?

9 A Well, I knew it was referring to the security  
10 investigation that I did on that Karalewitz deal. The way  
11 it was worded by the investigation -- usually we call  
12 audits, you know, audits, assessments. This was called an  
13 investigation going too far and this type thing. I knew  
14 that -- I knew that's what it had to mean. Also I had given  
15 a deposition back on October 31st, I think it was, and  
16 Karalewitz's attorney -- and this deposition had taken about  
17 four hours or so. And after the deposition the first thing  
18 I did was go back and report to Stafford what had transpired  
19 there, and so I knew that this had to come from Stafford.  
20 He's the only person I talked to. Lynn Goodman did sit in  
21 on it when I briefed Stafford. Just Lynn Goodman and  
22 Stafford was there. Lynn Goodman didn't know anything about  
23 it because she had never been involved, but Stafford had.  
24 Stafford is the director of security plus he's the general  
25 director of security plus he had been director -- he was my

1 director also. And so I knew this had to come from that  
2 just by the way it was worded, but no one had told me that.  
3 So I pressed Lynn Goodman, and she wouldn't tell me. She  
4 said, you know, she didn't know. And I know Lynn Goodman.  
5 She doesn't sign anything if she doesn't know what she's  
6 signing.

7 Q Okay. But bottom line, who wrote it and why?

8 A Okay. Now, what happened was a few days later I  
9 see John Walda. Now, he's already over in the other group.  
10 So I asked John about that. I said, "What about the  
11 statement on there?" John starts off by saying Delk gives  
12 very negative evaluations. I said, "I know that. I've  
13 dealt with him over the years. I know he does." And then  
14 he says, "I can tell you one thing. He won't be giving you  
15 an evaluation next year." I said, "What does that mean?  
16 Does that mean one of us won't be here?" He said, "Oh, no.  
17 I'm not saying that." And then I said, "Well, John, let me  
18 tell you. Delk told me that you wanted this statement --  
19 you wanted this on here." And I said, "I want to know what  
20 it means." And John said it just one time. He said it was  
21 because of the security investigation. That's the only  
22 security investigation I've done.

23 Q But did anybody explain what -- see, we're going  
24 around in circles, but --

25 A Yeah.

1 Q I mean what did it mean? Is this -- because your  
2 investigation was complete investigation --

3 A Yeah, I know.

4 Q Did someone say that you --

5 A No.

6 Q -- shouldn't have found things in it? What's  
7 the --

8 A No.

9 Q -- bottom line here?

10 A No. I drew that conclusion. The conclusion was  
11 that Stafford -- this guy -- I gave the guy some ammunition  
12 to use against Detroit Edison, you might say, because I  
13 found fault with security. It was -- hey, it was there. I  
14 had to identify it. Security didn't do a good  
15 investigation. They didn't interview the other  
16 participants. They didn't know that the guy -- didn't  
17 interview the guy. They gave this other guy the equipment  
18 and says, "Here. I'm giving it to you."

19 Q No. I'm intimately aware of the --

20 A Okay. You know all that. Now --

21 Q But who and why? Why was this statement included?  
22 I'm at a loss. And who put it there? Do you know?

23 A I can't tell for sure who put it there. I assume  
24 it was -- I think it was Walda. We can look at the  
25 handwriting if you want to. I don't know. I still got it.

1 Q But Walda basically did not tell you why it was  
2 put there?

3 A He said it was because of the security  
4 investigation.

5 Q But he didn't explain why?

6 A He didn't explain why. I knew why. I didn't  
7 have -- he didn't have to explain it. I knew that Stafford  
8 was in charge of security. I knew that Stafford was over  
9 me. I knew that Stafford could make that statement be put  
10 there. All he had to do is let it be known he wanted it to  
11 be put there. Him -- it was either -- and it may even have  
12 come from their legal department because they had to know  
13 that what I was doing -- what I had done had caused them  
14 some problems. And I'm sorry, but that's the way it was,  
15 and I knew that.

16 MR. ANDERSON: George, do you have anything you  
17 want to add on that?

18 MR. WASHINGTON: Hold on just a second. I mean I  
19 don't know if you've got the -- whether you want to pick it  
20 up now or not, but there are subsequent conversations  
21 between --

22 THE WITNESS: Yeah.

23 MR. WASHINGTON: -- Jim and John Walda.

24 THE WITNESS: Yeah. I got to go on with that a  
25 little bit.



1 BY MR. ANDERSON:

2 Q Regarding this?

3 A Yes.

4 Q But is it of substance? I don't want to go on --

5 A Yeah.

6 Q -- just hearsay and so forth.

7 A No, no, no. I got to --

8 Q I mean is there something --

9 A Yeah.

10 Q -- that adds to --

11 A Yeah.

12 Q -- why the statement was in there?

13 A Yeah.

14 Q Okay. Let's limit it because of time.

15 A Okay. So what happened was that I said to Walda  
16 then -- I said -- he said it was the security investigation.  
17 I said, "John, I didn't go too far in that security  
18 investigation. As a matter of fact, my own feeling is I  
19 didn't go far enough." John says, "Oh, no, no, no, no, no.  
20 You went far enough," you know. Okay. So we dropped it.  
21 Then again -- then Walda also said, "You got the best -- you  
22 got the best evaluation." He said, "The other guys in this  
23 group are M-6s. You're only an M-2, and you do the same  
24 work they do." He says, "You got the best evaluation."  
25 Okay. A few weeks later I was out. I was deselected. In

1 talking to John Walda, John Walda says that it was wrong for  
2 you to get -- first let me go back a little bit. He says to  
3 me in that same conversation -- I said, "John" -- I says, "I  
4 can tell right now I won't have a job here in a few weeks,"  
5 because I knew this was -- this staffing was about to end up  
6 now. And he says -- I said, "Besides, Bradish will be  
7 making the selection," because John Walda is gone now, so  
8 Bradish is going to take over, you know, the whole group.  
9 The engineering group is going to be merged into the other  
10 two groups. Okay. So I said, "I'll be out of a job." And  
11 he says -- John says, "No. Oh, no." He says, "Level heads  
12 will intervene." Okay. And so that's where we left it.  
13 But in a few weeks I was out of a job. Okay. Now, I talked  
14 to Walda on the telephone, and John says, "I'll give you a  
15 letter of recommendation." And I say to -- I say to  
16 Walda -- I say, "Well, I really appreciate that." I said,  
17 "When you do," I said, you know, "it's going to be very hard  
18 to explain to anybody that big negative on my evaluation," I  
19 said, "the one that mentioned about security." I said,  
20 "Would you do something about that?" When I get his -- he  
21 mails me a letter of recommendation, and in that he puts on  
22 there that I did a good job with the security investigation.

23 Q Okay.

24 A And I can give you a copy of that letter.

25 Q And so the letter of recommendation he gives, he

1       negates that statement?

2           A     Yes.

3           Q     Okay. Okay. Anything else?

4           A     No. That's it.

5           Q     Okay. Now --

6           MR. ANDERSON: George?

7           MR. WASHINGTON: Not on that. There are other  
8       comments from Walda, but we'll get to them, I assume,  
9       later --

10          MR. ANDERSON: Okay.

11          MR. WASHINGTON: -- on yellow-lining and stuff  
12       like that.

13          MR. ANDERSON: Yeah. That's the last one I want  
14       to talk about is --

15          MR. WASHINGTON: Yeah.

16          MR. ANDERSON: -- the yellow-lining.

17       BY MR. ANDERSON:

18           Q     Which took place, I believe, in '92, is that  
19       correct?

20           A     Yes.

21           Q     And, again, you were with the engineering group?

22           A     Right.

23           Q     And Mr. Walda was your supervisor at this time?

24           A     Yeah. But Walda had -- because they didn't have a  
25       supervisor over in the inspection group, Walda had moved

1 over to supervise that group during this refuel outage in  
2 September of '92. And so Delk --

3 Q So this is September of '92?

4 A Yeah. And so Delk is filling in as just acting  
5 supervisor for the engineering group.

6 Q Okay. And what kind of an audit are you doing at  
7 this point?

8 A I'm doing a -- well, I did -- I was doing -- I  
9 wasn't doing an audit. I was doing a surveillance. And  
10 what I was doing was looking at several different  
11 engineering design packages to see how they were being  
12 implemented, and -- including looking at the engineering  
13 function itself and looking at the design. But, anyway,  
14 this particular one was on the snubber reduction. And what  
15 they're doing is removing certain snubbers from nuclear  
16 piping within the dry well. And this would save them money  
17 over a period of time because they have to inspect these.  
18 Very often they have a fluid drive in there where they  
19 inspect. Now, I think they removed about 50 snubbers, and  
20 some of these snubbers had to be replaced with struts. And  
21 the engineering design package required the QA  
22 verification -- QC verification, that is, to make sure the  
23 right strut was being put in -- was being put in properly as  
24 well as the right snubbers were being removed, and there  
25 were some clamps that were left on some -- under some

1 insulation that they want them to verify also that those  
2 clamps were actually left in the right place. And I  
3 interviewed the inspectors who were doing this, and one of  
4 the inspectors I interviewed -- I also looked at, of course,  
5 their inspection report. I found out that they weren't  
6 verifying those properly, so in interviewing the inspector  
7 he admitted to me that he was not doing a yellow line  
8 verification that was required.

9 Q Now, this is the group that's now reporting to  
10 Walda.

11 A No. It's reporting to Szkotnicki. This is the  
12 inspection group.

13 Q Oh, okay. This is not part of the QA inspection  
14 group?

15 A No, not -- it's the QA inspection group.

16 MR. WASHINGTON: Yeah. Bradish, don't forget, has  
17 come over to QA audit.

18 BY MR. ANDERSON:

19 Q Well, no, no.

20 A Oh, you're right. Wait a minute. You're right.  
21 You're right.

22 Q I thought you told me that Walda left there and  
23 went over to QA inspection.

24 A Hold it. Hold it. You're right. You're right.  
25 They're not now reporting but they were at that time, yes.

- 1 Q Right.
- 2 A Yeah. I got confused on the time.
- 3 Q Okay. So Walda's people are the QA inspectors?
- 4 A Yes.
- 5 Q And they were not verifying this correctly?
- 6 A That's right. Now, what I did, I talked to this  
7 one guy, and I seen his reports. I knew he didn't do it,  
8 and he'd already admitted to me he wasn't doing it because  
9 had he told --
- 10 Q Who was that?
- 11 A This was Rob Bordua.
- 12 Q Rob --
- 13 A Yeah.
- 14 Q -- Bordua?
- 15 A Yeah.
- 16 Q B-o-a-r-d-a-?-d?
- 17 A B-o-r-d-u-a.
- 18 MR. WASHINGTON: I think it's B-o-r-d-u-a, I  
19 believe.
- 20 THE WITNESS: It ends in A I know, yeah.
- 21 MR. WASHINGTON: Yeah.
- 22 MR. ANDERSON: Oh, okay.
- 23 BY MR. ANDERSON:
- 24 Q And he's an inspector?
- 25 A Yes. And so I went to Herb Caswell, who is a more

1 experienced inspector, and I brought this up to Herb. I  
2 said, "Hey, you know, this -- these haven't been inspected  
3 properly." And Herb said, "Oh, yeah. We're doing it.  
4 We're doing it. And I said, "Well, then show me." So he  
5 goes and gets some inspection reports, and I wait for him.  
6 It takes him a while, but he comes up with one report. It  
7 wasn't yellow-lined properly, but the inspector had written  
8 down at the bottom that he inspected that item to make sure  
9 the right strut had been put in. So I said, "Well, that's  
10 pretty good." There were some other things on there that  
11 weren't there. But I said, "Well, that makes me a feel a  
12 little better, but I do know that one inspector, at least,  
13 didn't do it." However, I pulled all 11 reports, and it  
14 turns out that that one he showed me was the only one that  
15 even had any verification of that item. So then I go to --  
16 there were two other guys that were under Walda in there as  
17 supervisor, and that was Jerry Bragg and Dave Rowe. I go to  
18 them and tell them what was doing on. They didn't agree  
19 with me that that had to be done. However, neither one of  
20 these guys are certified inspectors, and so that didn't give  
21 me -- you know, I didn't take that too seriously. So I go  
22 to Walda, and Walda makes them go out and do the inspections  
23 properly.

24 Q So Walda agreed with you?

25 A Oh, yes, yeah. Oh, yeah.



1 Q Okay. Did you write up a DER on this?

2 A Yes. No, I didn't write a DER. I'm sorry. I  
3 wrote an observation.

4 Q Now, why wouldn't you write a DER --

5 A Okay.

6 Q -- on this because it's --

7 A Okay. The reason --

8 Q -- again, people certifying that aren't --

9 A The reason I didn't write a DER on this was  
10 because they corrected the problem. You know, it wasn't  
11 something that had already been bought off. Before this  
12 thing was finished they corrected the problem. Had they  
13 bought it off, had these already been finished and turned in  
14 and the package closed, then there would have been a DER.  
15 But since it was in process and they corrected it, I didn't  
16 write a DER. Now, but, however, I felt -- I interviewed  
17 several other inspectors after this, you know, while this  
18 was going on, and, however, I found out that some people  
19 didn't seem to understand the requirements of inspection --  
20 yellow-lining required by the engineering package. So I --

21 Q Excuse me. Is this lack of training on the part  
22 of the --

23 A Yes.

24 Q It sounds like this QA inspector group is really a  
25 bunch of yahoos --

1 A Yeah.

2 Q -- who were out there without any training, any  
3 certification at all.

4 A Yeah. They had their problems.

5 Q As just a casual observer, it seems like every  
6 time you walk over there you're getting problems with these  
7 guys.

8 A That I'm not even looking for. I'm not inspecting  
9 it. But, anyway, so I interviewed some people, and most of  
10 them did understand what to do. There were some that  
11 didn't. And so I'm writing my report that I'm writing up on  
12 this, and so I said I've got to issue an observation on  
13 this. This is a generic-type concern. They need training.  
14 They need a procedure. And so I got to write it up. I  
15 wrote it up, and, of course, Lynn Goodman, she was keeping  
16 track of what was going on with QA during this outage pretty  
17 good. She's a director now. I don't know when I -- I don't  
18 know if I told when she got involved. Anyway, she's a  
19 director now. Her comments to me was she didn't know why I  
20 was writing that because they had corrected the problem when  
21 it was identified. I said it had to be -- this has to be  
22 brought up because this is a generic concern before  
23 something really serious happens. Okay. Okay. John Walda  
24 comes back to our group now. The outage is over in  
25 November, December of whenever. He comes back to the

1 group -- engineering group. They bring Szkotnicki in as a  
2 supervisor of the inspection group now, make him the  
3 supervisor. He had been in plant safety as a director  
4 there. Szkotnicki responds to my observation. I required a  
5 response to that observation, by the way. And I won't  
6 accept his response because he hasn't -- first of all, I  
7 wanted -- I recommended they get with engineering and just  
8 get some training or get some clear directions of what  
9 they're doing. They didn't do that properly, so I would not  
10 accept it. However, since this was a QA group, I'm going to  
11 help them. So I go to engineering for them and ask  
12 engineering to -- I write a letter to engineering -- I  
13 talked to them also first -- and asked engineering to give  
14 them some clear directions on how to -- what to inspect for,  
15 how to do yellow-lining and this type thing and what it  
16 means. Engineering responds to me, and I take that back to  
17 Szkotnicki and said, "This is what I want. Do you have any  
18 problems?" And he says, no, he didn't have any problems.  
19 The only thing I added to what engineering had given me was  
20 I added -- I said, "You need a procedure. You need to  
21 develop a procedure also along with your training." And  
22 it's along about this time that I get deselected and thrown  
23 out. On my rating form -- Szkotnicki did a rating on me  
24 also, and this is the only really -- really you might say  
25 this is the only contact I've really had with Szkotnicki.

1 On his rating he puts down the yellow-lining requirement as  
2 the reason he wouldn't select me. He never said he had a  
3 problem. I knew he didn't understand, so I tried to help  
4 him with it. And so, first of all, the way that came about  
5 when I was deselected, Lynn Goodman says she will show me  
6 the forms, you know, where I got deselected. When it turns  
7 out I found out that Szkotnicki had made that statement, I  
8 tell Lynn Goodman -- I said, "Well, gosh, that's a real --  
9 you better be concerned about that," because by now the NRC  
10 had been on this recorder problem in the control room where  
11 the -- that had not been inspected properly and they put the  
12 wrong recorder in. I don't know if you know about that one.  
13 And that they contribute somehow to yellow-lining also.  
14 That was one of the problems there. Lynn Good tells me --  
15 says -- I told her -- I said, "That's a real good finding.  
16 I mean you better get that straightened out." I've already  
17 been deselected, but I'm telling her this. And I said, "I  
18 can't understand Szkotnicki saying that," and Lynn Goodman  
19 says, "Well, I don't understand that either," meaning that  
20 she didn't understand why I wrote that. And she said, "And  
21 you couldn't explain it to us at the meeting." I said,  
22 "What meeting?" She said, "The meeting we had in the war  
23 room." I said, "I was never in a meeting in the war room on  
24 this subject." And finally she thinks about it a little bit  
25 more, and she says, "No. Ram was there. He represented

1 you." I said what's he doing representing me? He doesn't  
2 even know anything about this." And then finally she  
3 thought about it, and she said, "No. Ram was talking about  
4 a different subject. I'm sorry." I said, "Well, does this  
5 change my rating? What goes on?" And she didn't answer me.  
6 So that's the repercussions that I received on that. A  
7 little bit further with that, though, I called Bruce  
8 Burgess, and I faxed him 11 pages on that report and --

9 Q On this yellow-lining?

10 A Yeah. He used that in the enforcement conference  
11 on July 1st. And one of their first subjects on NRC  
12 concerns was yellow-lining. I saw that in the document.

13 Q Okay. So Szkotnicki, who rated you, gave you a  
14 low rating based upon the yellow-lining issue?

15 A Yes.

16 Q And does he state that in there, that it's --

17 A Yes. On my rating form.

18 MR. WASHINGTON: It's phrased in some sense of not  
19 understandable or not decisive or something.

20 THE WITNESS: Well, not knowing what I was doing,  
21 not going far enough or something like that.

22 BY MR. ANDERSON:

23 Q When, in fact, he didn't understand the issue?

24 A He's the guy that didn't understand it. That's  
25 right.

1 MR. WASHINGTON: And, again, there's the later  
2 statement here by Walda. I don't know if you want to --

3 MR. ANDERSON: Okay. Yeah. Why don't we get into  
4 that? I mean we're there now, so --

5 THE WITNESS: Well, which one are you referring  
6 to?

7 MR. WASHINGTON: Where you ask him about the  
8 yellow-lining statement.

9 THE WITNESS: Oh, yeah, yeah. Oh, well, this is  
10 after I'm already out. I ran into Walda down at the carry-  
11 out one day, at the -- he stopped there, and I happened to  
12 be there. He come by. And I told him what was on my rating  
13 form about that and also about the ones that Bradish had put  
14 on there. The same ones that we talked about earlier before  
15 are the ones that Bradish rated me down on, too, the ones  
16 about those DERs, 310 and 324. He gave me bad ratings on  
17 those and also another inspection that was done on the  
18 inspection group, another audit that was done. But, anyway,  
19 I told Walda about that and about the yellow-lining, and  
20 Walda said, "No. They're dead wrong about that. That was  
21 correct. You did the right thing." Actually Walda had  
22 signed the letters I wrote anyway.

23 BY MR. ANDERSON:

24 Q And this was after -- this was just recently?

25 A It was after I got thrown out. This was in like

1 September somewhere.

2 Q Yeah. September of '93.

3 A Yeah.

4 Q Okay.

5 A Now, there's one more audit that's very important.  
6 It's another inspection audit, the one that came up in '91.  
7 We talked about the '89. The '91 audit was done by Dave  
8 Barwick and Al Brooks. They followed up on my '89 audit  
9 when they did the '91, and they looked back into the  
10 certification of the inspectors.

11 Q Um-hmm.

12 A And what they found was that now -- now, see, at  
13 this time Bradish is in there. Bailey is gone. I think he  
14 had already been fired by now. But Bradish was in there.  
15 And they wrote up a lot of the same concerns about not  
16 proper certification and this type thing. At the end of  
17 that audit they held an accountability meeting, maybe ten  
18 people in the room. And we were waiting. The reason I'm in  
19 the room now is because Barwick and Brooks consulted with me  
20 about some of these findings and about the inspection group,  
21 so I'm involved even though I'm not really a part of that  
22 audit. So I'm in this accountability meeting, and Stafford  
23 and Bradish are the last two people to walk into the room.  
24 And there was a big -- it's a big table with about ten  
25 people. They walked into the room, and Stafford points at



1 me and says, "I'm disappointed with that man right there."  
2 And I'm sitting there dumbfounded, as everybody else is in  
3 the room.

4 Q Was Walda there at that meeting?

5 A Yes.

6 Q Okay.

7 A And this goes on, you know, and they talk about  
8 the previous audit. Stafford had turned around had gave  
9 some people waivers on that audit, at least one guy waivers,  
10 which I objected to. Okay.

11 MR. WASHINGTON: On the certification, you mean?

12 THE WITNESS: Yeah. On the previous audit, yes.

13 MR. WASHINGTON: Okay.

14 THE WITNESS: First of all, they weren't giving  
15 the exams. Then they gave waivers. I objected to that. He  
16 also came up with a procedure which I didn't like, but he  
17 approved it. He's the director. I didn't care for that.  
18 Now they got in trouble again with Bradish in there, and  
19 they come in and they say they're disappointed with me. And  
20 when it came my turn to speak in there, I said, "I don't  
21 know where you're coming from. You know, you ought to  
22 accept responsibility for your own actions." They wouldn't  
23 do it. We left the meeting. As it turned out, they had to  
24 bring a contractor in to give those -- give the inspectors  
25 exams and recertify them, including the guy that he gave

1       waivers to.

2       BY MR. ANDERSON:

3           Q       Wait a minute. I'm confused.

4           A       Okay.

5           Q       Bradish is the one who failed on this?

6           A       That's right.

7           Q       But why would Stafford blame you for Bradish's  
8 failure?

9           A       I have no idea.

10           MR. WASHINGTON: Shooting the messenger.

11       BY MR. ANDERSON:

12           Q       Well, did you ever ask him?

13           A       Oh, yeah. I told him. I said, "I'm not to blame,  
14 you know. You guys have to accept responsibility for your  
15 own actions." Now, we had -- Miller is the director now  
16 under Stafford. Miller, Bradish, myself, Dave Barwick, Al  
17 Brooks, we all have meetings subsequent to that  
18 accountability meeting. And Bradish still blames me for his  
19 problems, and he --

20           Q       When you say he blames you, what is --

21           A       Well, he says --

22           Q       -- what is he blaming you for? I mean  
23 specifically.

24           A       About that they went off course again. And we had  
25 closed those other findings from the '89 audit, and they

1 went off course again. Now, Stafford had gave them waivers  
2 on that. I had to close them. It wasn't just me closing  
3 them anyway. Stafford signed them off, not me. You know, I  
4 was a link in the chain.

5 Q Excuse me. Let me back up. He's blaming you.  
6 Bradish is blaming you because in '89 there was this -- the  
7 certification of these inspectors.

8 A Yeah.

9 Q But you're saying now that they were signed off?  
10 These DERs were signed off?

11 A Yeah. The DERs, and there was also an  
12 observation, the one on the qualification cards.

13 Q Right.

14 A That was also signed off.

15 Q But now when the inspectors are doing the same  
16 thing again two years later, they're saying that you're at  
17 fault for this?

18 A Yes.

19 Q I'm at a loss.

20 A Well, first of all --

21 Q You're going to have to explain it.

22 A Well, me, too. First of all, Stafford is not  
23 going to hold Bradish responsible for anything to protect  
24 him. Bradish is just -- I don't know if you know him or  
25 not, but he's just -- he's not going to take responsibility

1 for anything either. He's going to blame somebody around  
2 him.

3 Q But you're not even --

4 A I know. Well --

5 Q You're not a head of that group.

6 A I know that. So what we did -- I mean I can go on  
7 with this. What we did was we had to do a lessons learned.  
8 A lessons learned come out that I wasn't responsible from  
9 our group. Everybody knows I wasn't responsible. A lessons  
10 learned come out. What they did on the qualifications card  
11 to keep them straight, the audit group had scheduled  
12 surveillances to keep looking at Bradish because they knew  
13 he was out of line over there. I mean they knew he was  
14 dangerous in that zone, so they scheduled surveillances to  
15 see how he was coming along with his training and  
16 qualifications cards, right? I volunteered to do those and  
17 was never permitted to do them. They had three other QA  
18 people do them. They didn't pick up --

19 A Who was "they" had three others, "they" meaning --

20 Q They were the audit group, Don Delk and --

21 Q Okay. Delk assigned someone else to do it?

22 A Yeah, yeah. He assigned -- well, I can give you  
23 their names.

24 Q No. That's okay.

25 A Okay. And so they did it. They went over to look

1 and see how he was coming. They didn't pick up the fact  
2 that he was going off course. Okay. Had I had been going  
3 through it, I would have picked it up. And I volunteered to  
4 do it, but I guess they didn't want me over there. But,  
5 anyway, it wasn't picked up, so now two years later when it  
6 comes up again he blames me. I show them -- I said, "I  
7 didn't even get a chance to look at it." There were three  
8 surveillances that were done, and I didn't do them. I would  
9 have picked it up. To me it's like, you know, a drunk  
10 having an accident and saying, "The police didn't catch me,  
11 so it's their fault. They should have stopped me from  
12 driving." I mean that's the way -- I can't blame those guys  
13 for not finding it, but --

14 Q Okay. When they blamed you, is this -- I mean was  
15 this just a vocal thing or was there anything in writing?

16 A It was vocal with a room full of people.

17 Q And Walda was there and witnessed this?

18 A Yes. Now -- okay. Now, at the same time right  
19 after this happens -- now, this is the '91. This is like  
20 the June of '91. Right after this happens Miller -- that's  
21 when Miller says that Bradish is coming over to be the  
22 supervisor of the audit group. And before those findings  
23 were even closed he was the supervisor of the audit group,  
24 and that's when he comes over, and the first thing he does  
25 is jump on me about those, the one about the MTE, you know.

1 We kind of got out of sequence here, but that's what  
2 happened. Now, at the same time, though, Miller leaves. At  
3 that time Miller leaves and goes to the tech group as  
4 director. And at the time he moved to the tech group they  
5 put Walda in as acting QA director, so now Walda is over  
6 Bradish. So I'm transferring to Walda's group now in  
7 September, and Walda is doing my three quarter evaluation.  
8 He puts on there -- he says -- he comes to me, and he says,  
9 "I'm not going to let Bradish do the evaluation," he says,  
10 "because I know what you'll get." He said, "I'm going to do  
11 it myself." So he does my evaluation, and he puts on my  
12 evaluation that the problems that I found with the  
13 inspection group were -- kept the plant out of trouble with  
14 the NRC and everybody else like probably -- so he put -- I  
15 don't know if he put NRC or not, but I know he said these  
16 were very good findings that kept the plant out of -- keeps  
17 the plant out of trouble.

18 Q Do you have a copy of that?

19 A Yes.

20 Q That I'd like to get to.

21 A Yeah.

22 THE WITNESS: You have it, I'm sure.

23 MR. WASHINGTON: Yeah, I do.

24 THE WITNESS: I don't know if I got it with me or  
25 not. I may have.

1 MR. WASHINGTON: I'm sure I've got it.

2 THE WITNESS: And Walda writes that on my  
3 evaluation. I think, you know, that's in the middle of --  
4 then we got into the MTE right after that.

5 MR. WASHINGTON: This is three quarter evaluation?

6 THE WITNESS: Yes.

7 MR. WASHINGTON: Okay.

8 THE WITNESS: Well, it would be with the whole  
9 thing. I mean the final would be the same thing, '91  
10 evaluation.

11 MR. WASHINGTON: Okay.

12 BY MR. ANDERSON:

13 Q Anything else?

14 A No. That's it for that issue.

15 Q Okay. Do you have other issues?

16 A Well, I'll tell you what I did, though. He kept  
17 saying to me --

18 Q "He" is who?

19 A Bradish. At the subsequent meetings he kept on  
20 saying that I should have a DER written on me. Okay. So  
21 finally --

22 Q On what? For what?

23 A For closing those findings or whatever. Them  
24 findings got closed, you know. So at the next meeting we  
25 had -- we had two or three of them, and I think maybe the



1 third meeting we had on it I wrote the DER and I put it on  
2 the table and said, "here it is," and gave it to Miller.  
3 And I copied Linda Bagosi and Don Delk, I think. I said,  
4 "Here's the finding. I've written the finding. I've  
5 written a DER." And the DER didn't name me, but the DER  
6 said that these things were closed, and we wanted to know  
7 why they were closed and this type thing. And I said, "I  
8 think it's important that this DER get issued because if  
9 we're closing things down improperly we need to investigate  
10 it," because if it had been investigated we'd have found out  
11 that Stafford is the one that got them closed. Stafford is  
12 the one who approved that training program. Stafford is the  
13 one that gave the waivers, you know. So they threw the DER  
14 back across the table. As a matter of fact, I didn't pick  
15 it up. I left it there. I kept my copy, though. And I got  
16 plenty of witnesses. Barwick saw it. Brooks saw it. Linda  
17 Bagosi saw it. I gave them copies. They wouldn't issue  
18 that DER. So I said, "Well, you know, it wasn't my fault,  
19 but if we want to find out who's at fault here, let's get  
20 this DER out and get it really evaluated."

21 Q But this was in '91?

22 A Yes.

23 Q Okay. Any other issues?

24 A Well, you know, like I say, I think this conflict  
25 of interest, the protection of Bradish and Bailey and

1       Stafford, and it gets -- I think this whole conflict of  
2       interest is where this whole thing --

3           Q       Now, did you see the evaluation that Bradish did  
4       for you during the --

5                   MR. WASHINGTON:   The staffing transition, you  
6       mean?

7       BY MR. ANDERSON:

8           Q       -- this staffing transition?

9           A       Yes.

10          Q       And what on there was it that you -- was there  
11       things that he wrote on there that -- you know, regarding  
12       any of these issues, regarding closing out DERs or anything?

13                   MR. WASHINGTON:   Just one second.   Now, if you  
14       want to look at that we can get a copy, or if you think --

15                   THE WITNESS:   Well --

16                   MR. WASHINGTON:   -- you can do it from memory --

17                   THE WITNESS:   Well, I can do most of it from  
18       memory, I think.   I probably should see it, though.

19                   MR. ANDERSON:   Okay.

20                   THE WITNESS:   You know, I know that the  
21       qualification cards -- he downgraded me on that.   They got  
22       an INPO good practice because I identified that.

23       BY MR. ANDERSON:

24          Q       I'm sorry.   They got what?

25          A       An INPO good practice.   You know what that is?

1 Q No.

2 A Well, you know what INPO is?

3 Q No.

4 A Okay. That's the organization of nuclear plants  
5 that -- they review each other just like the NRC reviews  
6 them. They give them marks, give them grades. INPO come  
7 in, looked at that -- my recommendation for qualification  
8 cards and gave them a good practice for that --

9 Q Okay.

10 A -- which is high mark. But, anyway, he used that.  
11 He was saying that he downgraded me because of those  
12 qualification cards.

13 Q Okay. Do you know how many positions that you  
14 were considered for?

15 A Just the QA.

16 MR. WASHINGTON: Three positions.

17 MR. ANDERSON: Three positions?

18 MR. WASHINGTON: QA lead -- or I'm sorry --  
19 supervisor -- QA supervisor, QA auditor and inspectors. If  
20 you want to hang on one second, I'll go get those things.

21 MR. ANDERSON: Yeah.

22 MR. WASHINGTON: Okay.

23 (At 11:40 p.m., off the record)

24 (At 11:45 p.m., on the record)

25 MR. ANDERSON: Okay. We're back on the record.

1 BY MR. ANDERSON:

2 Q The three positions would be group lead, QA  
3 auditor and QA inspector, is that correct?

4 A Yes.

5 Q Are you familiar or aware of how many times Mr.  
6 Bradish rated you? Did he rate you on all three of these?

7 A No. He rated me just for the auditor section.

8 Q Oh, auditor?

9 A Yeah. And Szkotnicki rated me for the inspection  
10 and the group lead.

11 Q Were those the same ratings?

12 A What do you mean?

13 MR. WASHINGTON: You mean were the totals the same  
14 or something?

15 MR. ANDERSON: Yeah.

16 BY MR. ANDERSON:

17 Q Or did he do a new evaluation on each one of them?

18 A They were -- they had a little bit -- had a little  
19 different categories on some of them.

20 Q Okay.

21 A So where the categories were the same they were  
22 the same, and then, you know, they -- I guess the group lead  
23 had a few more categories.

24 Q Now, during this period of time individuals were  
25 being selected for various groups. Eventually you were not

1 selected. Were you then laid off or terminated?

2 A Yes.

3 Q And when did that take place?

4 A I was terminated actually July.

5 Q Of '93?

6 A Yes.

7 MR. WASHINGTON: 26th, I think.

8 THE WITNESS: 26th, yeah.

9 BY MR. ANDERSON:

10 Q July 26? And then subsequent to that you were  
11 reselected, is that correct --

12 A No. I wasn't --

13 Q -- for a position or did they hire you --

14 A I wasn't reselected. It had nothing to do with  
15 this transition thing because once this thing was -- once  
16 you're terminated, you're terminated --

17 Q Okay.

18 A -- so this don't come back into play.

19 Q Okay.

20 A You know, I received a letter offering me a choice  
21 of two jobs.

22 MR. WASHINGTON: Yeah. Let me -- I mean, frankly,  
23 they came to us and tried to settle the whole case and get  
24 us to drop all the administrative charges and everything,  
25 and we just told them no. And a little bit later out comes

1 this offer to be reinstated.

2 MR. ANDERSON: Okay. Now, who came to you,  
3 George?

4 MR. WASHINGTON: Stanley Slazinski.

5 MR. ANDERSON: Stan Slazinski?

6 MR. WASHINGTON: Yep.

7 MR. ANDERSON: And what was his initial offer and  
8 when did this occur?

9 MR. WASHINGTON: Oh, I would have it here, but  
10 it's going to be in August or September. And the initial  
11 offer is reinstatement, drop the lawsuit and \$6,000.

12 THE WITNESS: No. I think it was one.

13 MR. WASHINGTON: \$1,000. It was some, you know,  
14 amount of money that we was --

15 MR. ANDERSON: Drop -- okay. Reinstatement, drop  
16 lawsuit and \$1,000, approximately.

17 MR. WASHINGTON: Some small figure, yeah.

18 MR. ANDERSON: Yeah. A figure.

19 MR. WASHINGTON: Yeah.

20 THE WITNESS: Yeah.

21 MR. WASHINGTON: Yeah.

22 MR. ANDERSON: I'm not going hold you to the  
23 exact -- okay. And that's -- that was an offer they made.  
24 Did they make that in writing or was that a verbal offer to  
25 you?

1 MR. WASHINGTON: I think it was made in writing.

2 I think it was made in writing.

3 MR. ANDERSON: And you declined that --

4 MR. WASHINGTON: That's correct.

5 MR. ANDERSON: -- offer at that time?

6 MR. WASHINGTON: Yeah.

7 MR. ANDERSON: Then what happened?

8 MR. WASHINGTON: Then about two days after we  
9 declined it we got a letter from them to me saying, "We are  
10 offering Jim Martin his choice of two positions,  
11 unconditional offer to return to work, and you've got to  
12 respond by such-and-such a date."

13 BY MR. ANDERSON:

14 Q What were those two offers?

15 A An RERP --

16 Q RERP?

17 A RERP, yeah.

18 Q And that is what?

19 A That's a radiological emergency response --

20 Q Operation?

21 A Yeah. Or let's see. Radiological --

22 Q Or office? Radiological emergency response office

23 or --

24 A Yeah, yeah. Response organization really.

25 Q And what pay would that be? Would that have been



- 1 an M-2?
- 2 A Yes. It would have been the same pay.
- 3 Q And reinstatement of benefits and --
- 4 A Yes.
- 5 Q -- retirement and everything?
- 6 A Yeah, yeah. Everything.
- 7 MR. WASHINGTON: Um-hmm. Both of them were with
- 8 full --
- 9 THE WITNESS: Yeah. Both of them that way.
- 10 MR. WASHINGTON: -- everything, yeah.
- 11 MR. ANDERSON: Okay.
- 12 THE WITNESS: And the other position was a
- 13 licensing engineer.
- 14 BY MR. ANDERSON:
- 15 Q Okay. And what does this RERO position entail?
- 16 A RERP?
- 17 Q Oh, RP, is it?
- 18 A RERP.
- 19 Q I'm sorry.
- 20 A Radiological emergency --
- 21 Q Program.
- 22 A -- response --
- 23 Q Or -- okay.
- 24 A -- response program.
- 25 Q Okay. And what does that entail?

1           A     Well, that's -- okay.  If you have an accident or  
2     a release of radiation, they have a crew that keeps up with  
3     what's happening with the plant.

4           Q     And coordinates with the NRC?

5           A     Coordinates with the NRC, with all the emergency  
6     organizations, the State Police, the hospitals, all those  
7     type things.  And, of course, we had drills all the time,  
8     and that's the group that sets these drills up.

9           Q     Coordinates it --

10          A     Yeah.

11          Q     -- and establishes them and sets --

12          A     Yes.

13          Q     -- the scenario and so forth.

14          A     Right.

15          Q     Okay.  And then the licensing engineer, of course,  
16     that would be -- that coordinates the license condition --

17          A     Right, yeah, with you guys.

18          Q     In that position can you write DERs?

19          A     Yeah, but what happened -- I took the licensing,  
20     of course, and what's happened, of course, is -- I just  
21     showed George my assignments.  I haven't did anything since  
22     I've been there.  I've been there since November and  
23     basically no work.

24          Q     Okay.  November --

25          A     Basically I think they want me to leave.

1 Q -- of '92? And how many people are in the --

2 A No, no, no. Yeah. November of '93.

3 MR. WASHINGTON: '93.

4 MR. ANDERSON: Excuse me. '93.

5 BY MR. ANDERSON:

6 Q How many people are in that group?

7 A They have that group divided in -- let's see -- I  
8 would say about 14.

9 Q Fourteen individuals. And what do most of those  
10 individuals do?

11 A Coordinate NRC inspections, you know, any reports  
12 to the NRC, write LERs, this type thing, licensing event  
13 reports, any changes to the UFSAR or tech specs.

14 Q And are individuals in there busy?

15 A Yeah, yeah, very busy. They seem to be -- mostly  
16 paperwork -- pretty busy.

17 Q And you're not busy?

18 A I'm not busy. In fact, I go around to most of  
19 them and ask them can I help.

20 Q Who's the supervisor of that?

21 A Right now the supervisor is Newkirk.

22 Q Newkirk?

23 A Newkirk, yeah. Bob Newkirk.

24 Q And --

25 A He's a lame duck, though. Lynn Goodman is coming

1 back.

2 Q And he has not assigned you anything?

3 A Well, yeah. I mean I've did some -- I've did some  
4 work. I can't -- you know, but it's mostly leg work. Go  
5 over there and get this and bring it back, this type thing,  
6 you know, pick up this or pick up that, you know, go get  
7 this or -- there hasn't been -- I haven't did any of the  
8 work I should be doing.

9 Q Okay. That the other individuals are doing?

10 THE WITNESS: Do you have that list I gave you  
11 today?

12 MR. WASHINGTON: Yeah. I've got in here. Oh,  
13 yeah. It's right here. I'm sorry. I was just trying to  
14 find the typed version that's got Szkotnicki's evaluation  
15 because the handwritten isn't very legible. Here's --

16 THE WITNESS: Yeah. Well, this is a work list for  
17 the group, and it was just -- this was just about a week or  
18 so ago, and I'll show you. It's by engineer -- by initials  
19 out here.

20 MR. ANDERSON: Um-hmm.

21 THE WITNESS: Okay. The only assignments I have  
22 on here are these two right here. One of them is on hold,  
23 look at the locked valves program. And the other one is to  
24 respond to the NML -- that's the Nuclear Mutual Insurance --  
25 respond to their -- which I've already done that. That's

1       been done. I don't have anything.

2       BY MR. ANDERSON:

3             Q       Okay. Let me just take a look at it.

4             A       There's no work there for me. I even go by some  
5       of those other guys and ask them can I help them. I even go  
6       ask the secretary if there's anything I can do her. And a  
7       lot of times she'll say, "Well, I have to pick up this  
8       folder over with Doug Gibson or something, so I say, "I'll  
9       pick it up," so I go pick it up.

10            Q       Have others expressed to you the fact that they  
11       have more than enough to do?

12            A       Yes.

13            Q       And could, in fact, share work with you?

14            A       Yes.

15            Q       And have you approached Mr. Newkirk regarding  
16       this?

17            A       Yes.

18            Q       And what has he said?

19            A       He said -- mostly he says I got to talk to  
20       Fessler. Fessler is who he reports to. I think they're  
21       very careful of where they want me look at or do.

22            Q       And that's the extent of it, what he says --

23            A       Um-hmm.

24            Q       -- "I got to talk to Fessler." And then he never  
25       gets back to you?

1           A     You know, we've got some documents there we  
2 withhold from public disclosure, of course, and then we've  
3 been stamping NRC stuff that we have said to withhold from  
4 public disclosure. Everybody else in the group can look at  
5 those documents in our group because they may have to from  
6 time to time. I've asked to see some of the documents. I  
7 can't look at them.

8           Q     Where are they kept? Are they kept in a locked --

9           A     They're in a locked safe. They're really in the  
10 safeguards. Now, that's fine, but I don't care about seeing  
11 the safeguards, and -- but everybody else in our group can  
12 look at these but I can't. And I asked Newkirk could I see  
13 a document that I had something to do with, and he said,  
14 "I'll have to ask Fessler."

15          Q     And you never did see it?

16          A     Never did see it. Finally I said, "Don't worry  
17 about it. If I have to see it, I'll subpoena it. Forget  
18 it." I mean there's no sense in going through all this  
19 stuff, you know.

20          Q     So you're basically sitting at a desk doing  
21 nothing?

22          A     Yeah.

23          Q     Okay.

24          A     I've had another person tell me that one of the  
25 other engineers has told him that he has so much work to do

1 that they wish -- that he wishes they could use me, and he's  
2 one that I've been -- I've approached and asked him could I  
3 help -- could I help him. And he didn't tell me this, but  
4 he told another person that they can't -- they don't want to  
5 use me.

6 Q Newkirk doesn't want to use you?

7 A Well, Newkirk won't admit that, of course, but --

8 Q When you said "they" --

9 A "They" -- I'm talking about the licensing group.  
10 It would have to be Newkirk, yes. I don't think Newkirk can  
11 do it because I don't think he can do anything without  
12 Fessler's okay.

13 Q Okay. When you first came back, what did they  
14 tell you what your job was and what your responsibilities  
15 were going to be?

16 A When I -- I met with them a few days before, and  
17 they had a little list there about things that I -- possible  
18 jobs that I could do, and most of them were assisting  
19 someone else in doing their job, assist -- and UFSAR, assist  
20 in this or that, you know. I don't have the list now, but  
21 that's what they were saying. Okay. Get back over there,  
22 because really I'm not even assisting, you might say.

23 Q But you say there's individuals that have more  
24 work than they know what to do with.

25 A Yeah.



1 Q Could you not assist those individuals --

2 A Sure.

3 Q -- with that work?

4 A Yeah. I ask them, and about the only thing they  
5 give me to do basically is to go get something. Now,  
6 lately -- you know, we put out a report every month like  
7 what's happened, how many LERs you had, how many violations  
8 you may have got, this type thing. It's a, you know,  
9 publication for the site there. These things are already  
10 documented. I've been told lately I could put that  
11 together. It's just, you know, a couple hour job, but  
12 that's it.

13 Q Okay. So basically you're told to assist, but  
14 then no one wants your assistance?

15 A That's right, except they let me go get things.

16 Q Yeah. A gofer.

17 A I actually don't -- you know, I think there's some  
18 days I don't think they would know I'm not even there if I  
19 didn't show up.

20 Q Are you -- do you have any scheduled meetings with  
21 DETCO individuals regarding any outstanding DERs or any  
22 issues --

23 A No.

24 Q -- that you raised while you were with the QA  
25 group?

1 A No, no.

2 Q You have no meetings coming up with anyone --

3 A No. They don't --

4 Q -- or requested any hearings or requested any  
5 meetings?

6 A Where they have, you mean?

7 Q No. That you have --

8 A No.

9 Q -- or will participate in any meetings regarding  
10 any DERs or any audits that you performed?

11 A No.

12 Q Okay. Have you had a chance to talk with anyone  
13 at the QA department?

14 A Yes, uh-huh, yeah.

15 Q And has there been any feedback regarding you  
16 specifically and the work that you've done there from any of  
17 those individuals?

18 A No. Actually they're very cautious about talking  
19 to me or being seen talking to me. This is that way all  
20 over the whole site but especially that group. Mainly --  
21 where I sit now is right adjacent to where Bradish's group  
22 is, the QA group. These guys -- if Bradish is not around  
23 they'll speak to me, but if he's around they turn their head  
24 and keep walking, you know, this type thing.

25 Q You might have much conversation in the next few

1 weeks.

2 A Yeah. I might, yeah. That's true. But that's  
3 what's happening out there. Actually no one even wants to  
4 be seen going to lunch with me. The best -- the guy I eat  
5 with out there mostly is Dave Barwick. The last time I went  
6 to lunch with him I didn't say anything. He says, "I know  
7 that somebody is going to see us and say something." I  
8 said --

9 Q When you say "go to lunch," off site or on site?

10 A Yeah.

11 Q Off site?

12 A We went off site, yeah.

13 Q I see.

14 A Just ran down to like Wendy's and got a hamburger.

15 Q Okay.

16 MR. ANDERSON: George, do you have anything you  
17 want to add?

18 MR. WASHINGTON: Yeah, yeah. I don't know if  
19 you've looked at these evaluations of the people who were  
20 picked over Jimmy, but I mean there's some incredible things  
21 here. I mean, for example -- just a second. On the audit  
22 candidates they picked a guy named Tom Thomas, who has about  
23 a couple years' experience as a security guard, and somehow  
24 he stays as an auditor. And Jim has got 26 years or 24  
25 years.

1 THE WITNESS: I got 25 years.

2 MR. WASHINGTON: Twenty-five years -- in  
3 between -- on, you know, submarines and different plants and  
4 that they sent all over the country to investigate, and  
5 we've got those letters. He's like, you know, that this  
6 Thomas Thomas is rated higher across the board in these  
7 categories. And then you can go beyond that. There are a  
8 number of other individuals who are -- you know, just have  
9 much less experience. For example, Mr. Rotondu, who just --  
10 it's his first job in quality assurance.

11 THE WITNESS: Well, he's been a QA inspector --

12 MR. WASHINGTON: Inspector, yeah.

13 THE WITNESS: -- but not an auditor.

14 MR. WASHINGTON: He's been in inspection.

15 THE WITNESS: Yeah. He's been --

16 MR. WASHINGTON: But he's not been an auditor.

17 THE WITNESS: He's got -- he's good in inspection.

18 Matter of fact, he should be in inspection, not auditing,  
19 because that's where he's really qualified good.

20 BY MR. ANDERSON:

21 Q Now, under the new organization which group was  
22 eliminated? Was it the inspectors or the engineers?

23 A The engineers. And what it was was all they did  
24 was lose the supervisor because the audit -- the QA group  
25 actually increased in size. It didn't decrease. It

1 increased. And what they did was take the -- those groups  
2 and just combine them. Instead of having four supervisors,  
3 now you got three. That's all. The functions are still  
4 there, you know. They just got rid of Walda's position.

5 Q Um-hmm.

6 A But that's all.

7 MR. WASHINGTON: There are other guys. There are  
8 a number of guys, Wickman, that just don't have the kind of  
9 experience or training or anything as Jimmy. And in the  
10 whole audit -- I'm sorry -- quality assurance section  
11 there's one person who ultimately lost their job in the  
12 staffing transition.

13 MR. ANDERSON: You mean besides --

14 THE WITNESS: No.

15 MR. WASHINGTON: No.

16 THE WITNESS: Just me.

17 MR. ANDERSON: Oh, just --

18 MR. WASHINGTON: That's it.

19 THE WITNESS: Yeah.

20 MR. ANDERSON: The only one?

21 MR. WASHINGTON: The only guy who apparently --

22 BY MR. ANDERSON:

23 Q Because Mr. Walda was taken out of --

24 A Well, no, he wasn't. No, no.

25 Q -- QA and moved over to another section?

1           A     He moved over.  He did that himself.

2                     MR. WASHINGTON:  Yeah, yeah.

3                     THE WITNESS:  He requested to go.  He bid on that.  
4     He wanted that.

5                     MR. ANDERSON:  On, I see.

6                     MR. WASHINGTON:  Yeah.  Other than that everybody  
7     is still there.

8                     THE WITNESS:  And there some other people that  
9     left also out of audits and out of inspection.  They asked  
10    to leave, but that even made it even better.  That even  
11    opened up more holes.  I still wasn't -- you know, they  
12    had -- I think they had about nine people leave out of all  
13    of QA during that, but they left voluntarily.

14                    MR. WASHINGTON:  They took early retirements  
15    and --

16                    THE WITNESS:  So that left nine openings there  
17    plus they increased in size.

18    BY MR. ANDERSON:

19            Q     They added more individuals --

20            A     They added more.

21            Q     -- to the organization?

22            A     Yeah.  They filled those nine plus one or two  
23    other -- or maybe two or three more.

24            Q     Um-hmm.

25            A     So the organization actually increased.

1 MR. WASHINGTON: They were a little clever. Some  
2 of them they called QA engineers, you know. If they had  
3 somebody who had an engineering degree they'd call the  
4 position a QA engineer, but they're doing the same work that  
5 Jim did.

6 MR. ANDERSON: Um-hmm.

7 MR. WASHINGTON: And they say, "Well, okay.  
8 You're not qualified because you're not an engineer," but  
9 that never -- I mean he was an engineering audit, and  
10 Walda's recommendation letter, which I assume you have,  
11 talks about how they always wanted to pick Jimmy on the most  
12 difficult audits. Do you have a copy of that letter?

13 MR. ANDERSON: Um-hmm.

14 MR. WASHINGTON: Okay. And I don't know. Do you  
15 also have the letters which were given by the other power  
16 companies where Jim was picked as the guy to go out and --

17 MR. ANDERSON: No.

18 BY MR. ANDERSON:

19 Q I wanted to ask you about that. You were a part  
20 of this team that was selected for other --

21 A Um-hmm.

22 Q -- audits at other utilities --

23 A Yeah.

24 Q -- is that correct?

25 A The JUMA is what they call it.



1           Q     Right.  And how many people within that group,  
2     your QA audit group, were selected for this particular  
3     position?

4           A     Jerry Bragg, who is an M-6, he did that -- those  
5     type of audits.  Don Delk, M-6, he did those type of audits.  
6     I think Ram, -- how do you spell that one -- he did those --  
7     he did one of those audits.  He's an M-6.  I'm only an M-2.

8           Q     Now, are those individuals degreed?  Do they have  
9     college degrees?  Is that why they're M-6s?

10          A     No.  Jerry Bragg doesn't have a college degree,  
11     and he's --

12          Q     Then what is it --

13          A     Ram does and --

14          Q     -- why he's an M-6?  Do you have any idea?

15          A     No.  He just --

16          Q     Experience or --

17          A     Just, you know, experience and work.

18          Q     -- longevity?

19          A     Yeah, yeah.  Got promoted up through the ranks  
20     there.  He's a good man, and he deserves it.

21          Q     Now, excuse me.  Is the natural progression for a  
22     promotion an M-2 to an M-4 to an M-6 or is it three, four,  
23     five, six?

24          A     Well, no.  Mainly there's two steps, but you can  
25     get the threes and fives thrown in sometimes, but usually

1 it's the -- you know, by twos.

2 Q And what's the highest one could have there?

3 A Far as I know it's an M-15 as I seen on the -- I  
4 don't know. I'm not really sure.

5 Q Okay. Were you a part of any union at all?

6 A No.

7 Q You're considered professional staff?

8 A Yes.

9 Q Salaried and, therefore, not a member of any  
10 union?

11 A That's true.

12 Q Okay.

13 A Now, like I say, on these JUMA audits that they  
14 picked me to go on I am the only person that's an M-2 that's  
15 gone on those audits.

16 Q And you were selected for more than one?

17 A Yeah. I went to Clinton, and I went to Perry.

18 Q And you received good letters of recommendation  
19 or -- of acceptance of your work --

20 A Yes, I did.

21 Q -- at the conclusion of those audits --

22 A Yes.

23 Q -- that were sent back to you at Detroit Edison?

24 A Right.

25 MR. ANDERSON: And you do have copies of those --

1 MR. WASHINGTON: Yes, I do.

2 MR. ANDERSON: -- because I do not have copies of  
3 those.

4 MR. WASHINGTON: Okay. Yeah. I can get you  
5 those.

6 MR. ANDERSON: Okay.

7 THE WITNESS: Yeah.

8 MR. WASHINGTON: The other thing is -- I mean some  
9 of the guys they kept in QA don't even have the auditor's  
10 certification. I mean they've got people who aren't -- or  
11 at least of the time Jim left -- I don't know if they've got  
12 them now -- I mean keeping uncertified people with a tenth  
13 of his experience. And I don't know if you looked through  
14 these --

15 THE WITNESS: Well --

16 MR. WASHINGTON: -- evaluations, but I mean it's  
17 purely subjective. You know, my grandmother could be rated  
18 very high on these if somebody decided they wanted to do it.

19 MR. ANDERSON: Um-hmm.

20 THE WITNESS: I have -- like I said, I've got 25  
21 years' experience in nuclear, and 8 years of that has been  
22 engineering design. I worked on design of submarines and  
23 aircraft carriers, nuclear carriers and plus power plant  
24 design. Seventeen years has been in the quality assurance  
25 field. At my time at Fermi I probably did over a hundred

1 audits and surveillances combined, and that's far more than  
2 anybody else there. And I've identified more deficiencies  
3 and got them corrected than anyone else at the plant. I  
4 mean I'm sure that's true. I looked at the log the other  
5 day to see how many DERs Tommy Thomas has written just for  
6 the heck of it. I think he's written one.

7 BY MR. ANDERSON:

8 Q That would be in approximately a year's period of  
9 time?

10 A Yeah, right.

11 Q Okay. All of my -- every deficiency that I have  
12 identified has stood. I mean it hasn't been -- none of them  
13 has been rejected. I might not have always got the  
14 corrective action I wanted to get or got it straightened out  
15 the way I want, but none has been rejected.

16 MR. ANDERSON: Okay. I have no other questions.  
17 George, do you have anything?

18 MR. WASHINGTON: You want to talk for one second?

19 THE WITNESS: Yeah.

20 MR. WASHINGTON: Give us a second. I'm sorry.

21 MR. ANDERSON: We'll go off the record.

22 (At 11:10 p.m., off the record)

23 (At 11:20 p.m., on the record)

24 MR. WASHINGTON: Dick, first of all, there are the  
25 letters --

1 MR. ANDERSON: Thank you.

2 MR. WASHINGTON: -- two letters. I don't know if  
3 you want to read them into the record or not, but --

4 MR. ANDERSON: JUMA, J-U-M-A. No. That's okay,  
5 as long as I have these for the record.

6 MR. WASHINGTON: Then we have the -- I think you  
7 wanted a copy of the '91 performance evaluation with the --

8 MR. ANDERSON: Yes.

9 MR. WASHINGTON: -- comment on it about  
10 complimenting Jim for the audit of inspector certifications  
11 identified deficiencies and not corrected because it  
12 seriously impacted Fermi II quality assurance. Part of the  
13 bottom of this is cut off, but that's the original of the  
14 copy we have, so --

15 MR. ANDERSON: Okay. Very good.

16 MR. WASHINGTON: There maybe be a better one in  
17 the Fermi records. Then we have the DER which was -- Jim  
18 suggested they write when they said that a DER should be  
19 written up on him.

20 MR. ANDERSON: Oh, okay. This is the one that  
21 they proposed.

22 THE WITNESS: It's the one that --

23 MR. WASHINGTON: He proposed --

24 THE WITNESS: It's the one that they said --  
25 Bradish kept on saying a DER should be written --

1 MR. ANDERSON: Right.

2 THE WITNESS: -- so I wrote it.

3 BY MR. ANDERSON:

4 Q But they never submitted it.

5 A They never submitted it.

6 Q They never requested a number?

7 MR. WASHINGTON: No.

8 MR. ANDERSON: Okay. Do you have the evaluation  
9 from --

10 MR. WASHINGTON: Szkotnicki?

11 MR. ANDERSON: -- Szkotnicki that has to do with  
12 the comment regarding too in-depth detail.

13 MR. WASHINGTON: Yes, I do, and I was --

14 MR. ANDERSON: We can get that afterwards.

15 MR. WASHINGTON: Okay. Fine. Yeah. I do have  
16 it. I have it in a handwritten form. You should -- the  
17 other thing is I think Jim should say something about some  
18 of these. I mean the people they kept -- for example, in  
19 surveillance, they kept -- I'm sorry -- in inspection --  
20 they also kept people there who have almost no experience.  
21 I don't know if you want to say anything about it.

22 THE WITNESS: Yeah. They brought some in, yeah.

23 MR. ANDERSON: Well, I'll tell you what. I have  
24 all the qualifications on those individuals.

25 MR. WASHINGTON: Fine. But I mean people he

1 trained, for example, Jahn, J-a-h-n.

2 THE WITNESS: Yeah.

3 MR. WASHINGTON: He was trained.

4 THE WITNESS: Well, what happened, Paul Jahn had  
5 been in licensing where I am now, and he had been deselected  
6 already. So what he did -- he was still hanging around,  
7 so -- he was hoping maybe to get in QA, so I was training  
8 him. He did -- he knew absolutely nothing about QA. I was  
9 training him when this thing happened. They deselected me.  
10 They selected him. I saw him since I've been back, and he's  
11 told me -- he's told a couple of times, but he told me just  
12 the other day -- he said, "There's no way they should have  
13 selected me instead of you." I said, "Well, look. Don't  
14 worry about it. I'm glad you got a job," this kind of  
15 thing, you know. He says, "Well, look. They can't tell me  
16 there's a better QA man on the site than you." And he says,  
17 "I've been here like a year now, so I know that." And I  
18 said, "Don't worry about it. It wasn't -- had nothing to do  
19 with you, them doing this. They were going to use this to  
20 get me. There's no doubt." And I said, "Don't worry about  
21 it," so -- that's what he came out and told me.

22 MR. ANDERSON: Okay.

23 MR. WASHINGTON: Do you have the Bradish  
24 evaluation form?

25 MR. ANDERSON: Yes, I do.



1 MR. WASHINGTON: You do. Okay.

2 MR. ANDERSON: Yes, I do.

3 MR. WASHINGTON: But you want the Szkotnicki.

4 Okay.

5 MR. ANDERSON: No. I have Szkotnicki -- I have  
6 all three of them.

7 MR. WASHINGTON: Oh, you do?

8 MR. ANDERSON: Yeah. And I have the evaluations.  
9 I have the individuals and the qualifications.

10 MR. WASHINGTON: Oh, okay. I thought that's what  
11 you wanted, the Szkotnicki evaluation.

12 MR. ANDERSON: No, no. The one I wanted -- I'm  
13 sorry, George. I said Szkotnicki, but -- yeah -- no -- it  
14 was the evaluation form -- maybe it's my error -- where he  
15 evaluated and stated that you went too far in the  
16 investigation. Is that what we're talking about? You  
17 remember he wrote on there and that you had questions on  
18 that and you went to a number of people, but no one --

19 MR. WASHINGTON: That's not Szkotnicki. That's  
20 Goodman.

21 THE WITNESS: Yeah. That's not a -- that's a --  
22 no. That's not --

23 MR. ANDERSON: No, it wasn't Szkotnicki. I'm  
24 sorry. It was --

25 MR. WASHINGTON: Walda, Goodman and Delk.

1 THE WITNESS: Yeah.

2 MR. ANDERSON: Correct.

3 BY MR. ANDERSON:

4 Q But it was --

5 A That wasn't --

6 Q -- partially prepared by Walda and Delk, I guess  
7 it was --

8 A Yeah.

9 Q -- wasn't it? Do you happen to have that one?

10 A I'm not sure who actually wrote the words, but  
11 Delk presented them to me, yes. I know what you're talking  
12 about. I may have that. I don't know.

13 MR. WASHINGTON: This is the -- it would be the  
14 annual evaluation for --

15 THE WITNESS: Yeah.

16 MR. WASHINGTON: -- '92.

17 THE WITNESS: That's right. '93.

18 MR. WASHINGTON: Yeah. I'm sure we --

19 THE WITNESS: '93

20 MR. WASHINGTON: For '93, correct.

21 MR. ANDERSON: '93.

22 MR. WASHINGTON: Yeah, I would have that.

23 THE WITNESS: I'm sorry. '92. I got it in '93,  
24 but it was for '92.

25 MR. WASHINGTON: Okay. Hold on one second.

1 MR. ANDERSON: Okay. Let's go off the record.

2 (At 11:24 p.m, off the record)

3 (At 11:26 p.m., on the record)

4 MR. ANDERSON: I have no further questions. Mr.  
5 Washington, do you have anything that you would like to add  
6 for the record?

7 MR. WASHINGTON: Just what Jim had indicated off  
8 the record, which is that Mr. Bradish had not checked with  
9 Mr. Walda, who would have known that some of the things put  
10 on this candidate rating form are just absolutely untrue.

11 MR. ANDERSON: Okay.

12 MR. WASHINGTON: And other than that and other  
13 than -- I mean I'd be happy to go through any of the  
14 specifics, but at this point we'll let it go at that.

15 BY MR. ANDERSON:

16 Q Mr. Martin, anything that you would like to add?

17 A No, not at this time. I think we've covered it  
18 pretty good.

19 Q Okay. Have I or any other NRC representative at  
20 any time offered you any reward or threatened you in any  
21 manner in return for this statement?

22 A No, you haven't --

23 Q Have you given --

24 A -- and no one else has.

25 Q Have you given the statement freely and

1 voluntarily?

2 A I certainly have, yes.

3 MR. ANDERSON: We will conclude this interview  
4 then at 11:27 p.m.

5 (At 11:27 p.m., proceedings concluded)  
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## REPORTER'S CERTIFICATE

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

NAME OF PROCEEDING: Interview of Martin

DOCKET NUMBER:

PLACE OF PROCEEDING: Detroit, MI

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

Dana Stern  
Official Reporter  
Ann Riley & Associates, Ltd.

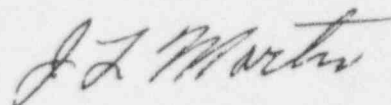
4/28/93

Detroit Edison  
Human Resources Department.

Dear Sir:

Please evaluate the attached employee complaint for resolution. I am requesting that this complaint be heard by the management appeal board.

Sincerely,



J.L. Martin

Employee No. 50647

5/15/93 - 013

EXHIBIT 3  
PAGE 1 OF 6 PAGE(S)

*Release*

*A/20*

Employee Complaint

J.L. Martin - Employee No. 50647 *JLM*

I am writing this complaint to make known that my employment with Detroit Edison, Fermi 2 Nuclear Quality Assurance Department has been terminated in retaliation to my reporting of quality concerns. This is in violation of legislation protecting employees. The Energy Reorganization Act- 1974, 10 CRF 50.7, State of Michigan Whistleblower legislation.

This termination was accomplished through the staffing transition program. However, it is my contention that my employment termination was due to the quality concerns that I have identified. Many of these concerns were the result of failures, that were the responsibilities of the Quality Assurance Management and Supervision. This is the reason for the retaliation.

My prime responsibility with the Nuclear Quality Assurance Department has been to perform independent audits and surveillances required by the Fermi 2 Quality Assurance Program, Technical Specifications and ( 10CFR50 Appendix B ).

EXHIBIT 3  
PAGE 2 OF 6 PAGE(S)



The present audit group supervisor ( Mr. Bradish ) was the previous QA Inspector group supervisor. During the time that he was the inspection group supervisor I was involved in the identification of several major concerns with the inspection program. As a result, I was harassed and threatened by Mr. Bradish.

Some of the conditions that brought about this retaliation are:

(1). During the 1989 and 1991 audits of the inspection program, findings and observations were identified concerning the implementation of requirements for Qualification/Certification of QA inspectors. After the 1991 audit, an accountability meeting was held with Mr. Stafford ( NQA General Director ). At this meeting, Mr. Stafford blamed me for Mr. Bradish's failure to adequately implement the program. Several other meetings were held with the audit team, where Mr. Bradish blamed the auditor for his failures. There were several witnesses to these events.

(2). During the 1990 audit of the Evaluation and Corrective Action Program, it was noted that Mr. Bradish knew about a discrepancy and refused to issue the required Deviation Event Report ( DER ) for resolution. Consequently, I issued a DER for a missed QA inspection of tack welds incorporated into the welding of a QA Level 1 ASME Code Valve. I tried to discuss this condition with Mr. Bradish and have him issue the DER so that I would not have to issue another DER for his failure to do so. (continued)

EXHIBIT 3

PAGE 3 OF 6 PAGE(S)

Mr. Bradish became very irate and refused to write up the condition. He angrily threw a large paper clip across the table that just missed hitting me in the face. I told him that I had discussed this with Mr. Abramson ( my supervisor ), and that I would have to issue a DER. He said, " go ahead and you and Fred ( Mr. Abramson ) will get the damned thing shoved up your ass " .

Also during this same audit a condition of undocumented QA verification was identified. This QA verification was required by the Engineering Design Package for completed work on a RHR LPCI line check valve. Again, I tried to discuss the condition with Mr. Bradish, and have him resolve the condition by issuing a DER. As previously, he became very verbally irate. He did Not understand the problem, or enough about the inspection program to understand that a problem, could exist. Later, I was able to get a QA inspector to issue a DER for resolution.

The lead auditor working with with me ( Mr. Fitzsimmons ) on this audit, and I discussed these concerns and the attitude of Mr. Bradish with the NQA Director. The next day, Mr. LeCompt called and apologized for Mr. Bradish's behavior, and stated that Mr. Bradish would call and apologize himself, but Mr. Bradish never called.

(3). During the 1991 audit of the M&TE Program several concerns were identified, and I was working with the Tech Engineering Group in resolving the conditions. Mr. Bradish had now become the audit group supervisor, and began to interfere with an adequate resolution, by telling the Tech Group that they did not need to vault the M&TE records. When I received the DER for closeout and learned that the records were not going to be vaulted, I would not accept the action. He became very irate again. I was later able to convince him and the Tech Group that the records were required to be vaulted.

Other Quality related concerns that I have had with the QA management and supervision include:

- Fire Protection Program - organization and implementation
- Corrective Action - management closeout of DER's
- Control of M&TE - use records, history folders and qualifications
- NQA Inspection - qualification/Certification and Implementation
- NQA Audits - The Functions and Independence of Auditors

I am fifty-eight (58) years old, the oldest person in the Quality Assurance Department, with 16 years experience in Quality Assurance, and a total of 23 years Nuclear experience.

It is my contention, that some younger, less qualified personnel have been selected for the audit and surveillance groups, and that my deselection is in direct retaliation of the Quality concerns that I have expressed, and my age. Mr. Bradish has been able to act on this retaliation because he is now the audit group supervisor.

Because of NQA Management actions many of these concerns were discussed with NRC Inspectors. I am positive that those discussions with the NRC Inspectors also resulted in the retaliation.

I would like to have the opportunity to discuss these and other concerns, if a meeting can be arranged with the proper authority. At that time I will provide a list of witnesses who can substantiate my position.

REPORT OF INTERVIEW  
WITH  
JIMMY LEE MARTIN

On May 25, 1993, Jimmy Lee MARTIN, Quality Assurance (QA) Specialist for the Detroit Edison Company (DECo) Fermi 2 Nuclear Plant (Fermi) was interviewed at the Bob Evans Restaurant, 1950 Welcome Way, Monroe, Michigan, by NRC:OI Investigators Richard T. ANDERSON and Richard L. DeVITTO. Mr. MARTIN was interviewed regarding his recent complaint to the Region III (RIII) Allegation Coordinator concerning what he believed was employment discrimination by DECo as a result of airing previous safety concerns to the NRC. This allegation was pursued under Section 211, "Employee Protection," of the Energy Reorganization Act of October 21, 1992.

MARTIN indicated that he had worked directly for Fermi for at least 8 years and previously for 2 years as a Bechtel contract employee at the plant. MARTIN said he has a total of 24 years in the nuclear field, including submarine design and refueling.

MARTIN advised that he had been de-selected for his current position as a QA specialist as a result of an economic downsizing re-organization at Fermi and that at least a total of 50 persons were being discharged from the plant. MARTIN's current status at the plant was in a "skills reserve status" (internal job search candidate), and he said that he had been the only auditor in the quality engineering group not to be placed in another position. MARTIN indicated that the next step was a voluntary separation offer which he had no intention of accepting. MARTIN explained that his position was part of Fermi's professional management staff (non-union) and that his salary was \$56,000 per annum.

MARTIN related that he had been involved in a plant quality assurance review of the Security Department in the KARALAWITZ matter (Re: OI CASE No. 3-92-030, Alleged False Information to the NRC). MARTIN said he had later been criticized by J. J. WALD, Quality Engineering Supervisor, for going too far during his review.

MARTIN explained that he had gotten a satisfactory plus on his 1992 job performance appraisal and had learned from others in his work group that he had done the best of all his peers. MARTIN indicated that he was the oldest, age-wise, and the most experienced QA person in his group. Yet he (MARTIN) was the only one de-selected in his group. MARTIN also made the comment that most people de-selected at Fermi appear to have been older.

MARTIN identified a number of incidents and comments cited on his last performance evaluation that he felt were unjustified and that may have contributed to his de-selection: (1) That he never



volunteered for anything; (2) That during a November 1992 outage, MARTIN wrote an audit report that was critical of Quality Control (QC) in that they failed to verify proper strut placement (Yellow Lining QC Verification). MARTIN was later criticized for not conducting the audit properly. MARTIN also said that Tom BRADDISH, another audit group manager who he never worked for directly, had thrown paper clips at him on one occasion. BRADDISH, who had a reputation for being abusive with others felt that he (MARTIN) wasn't thorough enough during his audits and; (3) During 1989, MARTIN did a review of the on-the-job qualification cards of Level II Inspectors. MARTIN said he found certain deficiencies during this audit, but was later criticized on his performance evaluation for his methods.

MARTIN also said that on one occasion, March 14, 1991, he was approached by Fermi Resident Inspector Jeff HOLMES and was asked about Updated Safety Final Analysis Report (UFSAR) requirements. MARTIN said that he had identified in a formal audit report (Re: DECO No. 90-216, November 9, 1990) certain UFSAR deficiencies. Subsequent to this incident, February 1991, MARTIN learned from W. E. MILLER, Director of QA, that he (MILLER) had been embarrassed by MARTIN's audit report. MARTIN also indicated that following a February 13, 1991, roundtable discussion, MILLER told him privately that he (MARTIN) would never be promoted. MARTIN related that he had told the following people about the MILLER incident: Don DELK, Linda BUGOCI, and Dave VARWIG, Plant Safety Inspections.

MARTIN recalled that he spoke to NRC:RIII Inspector BARGER regarding a management closeout of 89/90, which DECO received a Level IV violation from the NRC.

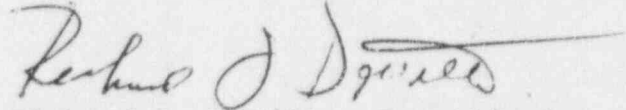
MARTIN also identified another DECO audit report (RE: No. 91-0143) and indicated that he had spoken to Stan STACEK, former Fermi Resident Inspector, about it during August 1991. MARTIN said it involved "Tech Spec Surveillance" and people signing off on tests who weren't qualified to do. MARTIN said that NRC:RIII Section Chief Bruce BURGESS was familiar with the incident, however, MARTIN claims never to have heard anything further about the situation.

MARTIN concluded the interview by saying he has contacted an attorney (Billy GARDE) about his current dilemma and has seriously considered an age discrimination action with EEOC.

INVESTIGATOR'S NOTE: MARTIN had not been separated from Fermi at the time of this interview, but was reminded about the 180 day DOL filing time limit for alleged discrimination. Also at no time during this interview did MARTIN indicate that he ever initiated any contact with the NRC regarding his audit reports.

Furthermore, all communication with the NRC, except this discrimination complaint, was in the course of his official duties with DECo.

This Report of Interview was drafted on June 7-8, 1993.



Richard L. DeVitto, Investigator  
Office of Investigations  
Field Office, Region III



Richard T. Anderson, Investigator  
Office of Investigations  
Field Office, Region III



2-45-0131L

JURY FEE PAID

THIS DATE:

AUG 11 1993

STATE OF MICHIGAN

BY:

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JIMMY MARTIN and  
BARBARA MARTIN, \_\_\_\_\_

Plaintiffs,

-VS-

DETROIT EDISON COMPANY,

Defendant.

93-322799 CL 8/11/93  
JUDGE: MICHAEL L. STACEY  
MARTIN JIMMY  
VS  
DETROIT EDISON CO

\_\_\_\_\_  
GEORGE B. WASHINGTON (P-26201)  
GREENSPON, SCHEFF & WASHINGTON, P.C.  
Attorney for Plaintiffs  
One Kennedy Square - Suite 2137  
Detroit, Michigan 48226  
(313) 963-1921

There is no other pending or resolved  
civil action arising out of the  
transaction or occurrence alleged in  
the Complaint.

COMPLAINT

Pursuant to the Michigan Rules of Court, the plaintiffs  
Jimmy and Barbara Martin, by and through their attorneys,  
GREENSPON, SCHEFF & WASHINGTON, P.C., state that the defendant  
Detroit Edison Company violated their statutory and common law  
rights in the following manner:

INTRODUCTION

1. In this action, the plaintiff Jimmy Martin contends that  
after almost eight (8) years of discipline-free employment with  
the Detroit Edison Company as a nuclear quality assurance  
specialist at the company's Fermi 2 plant, Detroit Edison  
terminated his employment and subsequently refused to place him  
in any other positions within the company because he had been too

2-93-013

COPY TO: OT (9/13/92)

EXHIBIT 5  
PAGE 1 OF 11 PAGE(S) A/22

vigorous in reporting quality concerns and violations of federally-mandated nuclear safety standards and procedures to the United States Nuclear Regulatory Commission (NRC) and because he refused to perform his work in violation of the requirement that he continue to vigorously report such quality concerns and violations to the NRC. The plaintiffs contend that this termination violated Martin's statutory rights under Michigan's Whistleblower Protection Act, MCL 15.241 et. seq., and under Michigan's common law, which proscribes discharges in violation of public policy, in violation of Detroit Edison's own policies and procedures, and in violation of Detroit Edison's oral and written promises of job security to Martin. The plaintiffs claim substantial damages, as more particularly set forth below.

#### PARTIES

2. The plaintiff Jimmy Martin is a citizen and resident of Erie, Michigan.

3. The plaintiff Barbara Martin is also a citizen and resident of Erie, Michigan, who has been, for some sixteen (16) years, married to Jimmy Martin.

4. The defendant Detroit Edison Company is a Michigan corporation licensed to do business and doing business in Michigan. Its principal place of business is in Detroit, Michigan.

#### FACTS

5. In 1983, Jimmy Martin first began work at the Fermi 2 plant as an employee of the Bechtel Company, which was, among other tasks, under contract to assist in nuclear quality

assurance at the Fermi 2 site.

6. In 1985, Bechtel proposed to transfer Martin to other nuclear operations in Georgia.

7. In order to retain Martin's services at the Fermi II plant, Detroit Edison offered him employment with Detroit Edison.

8. When Martin declined Edison's initial offer of employment, the Company extended further offers to Martin, stressing to him the job security which he would have with Edison, including the right to be free from discharge except for just cause.

9. In reliance on those promises, including the promises of job security, Martin resigned his employment with Bechtel, turned down an offer of employment from Georgia Power, and accepted employment at Detroit Edison in September, 1985, as a nuclear quality assurance specialist.

10. As a nuclear quality assurance specialist on staff with Detroit Edison, Martin's duties included performing audits for assuring that the Fermi 2 plant adhered to the extensive nuclear safety regulations imposed by the NRC.

11. Under the governing federal regulations, Martin, as a nuclear quality assurance specialist, was required to submit true, complete and accurate reports of any quality concerns and violations of nuclear safety standards, along with recommendations for correction of those quality concerns and violations. These reports, including all "Deviation Event Reports," were required by law to be made available by the

Company for inspection by NRC investigators, including NRC investigators stationed at the plant, as well as those who periodically audited the plant.

12. In addition to the requirement that he submit such DERs to the company so that the deviation would be corrected and they could be inspected by the NRC, Martin was authorized and required to directly contact the NRC to report any safety and quality related concerns and violations which, in Martin's view, had not been properly remedied by the Company.

13. At all times, the plaintiff Martin conscientiously and competently carried out his duties as a nuclear quality assurance specialist.

14. Commencing in 1988, however, Martin began having increasing difficulty with the new management at the Fermi 2 plant, which attempted to limit and suppress Martin's efforts to report nuclear quality and safety related concerns.

15. As a result of these actions by management, Martin was forced to directly report to the NRC violations of federally-mandated nuclear safety standards by Detroit Edison, including in the following instances:

A. In 1989, Martin reported to the NRC the Company's practice of closing out reports of deviations requiring corrective action before the deviations had been corrected. In part as a result of Martin's complaint, the NRC cited Detroit Edison for violations of the Atomic Energy Act.

B. In 1991, Martin reported to the NRC the Company's attempts to prevent him from identifying problems in the Company's fire protection program and from objecting to the organizational structure which improperly placed the quality assurance functions under the same component as various other operations.

C. Also in 1991, Martin reported to the NRC the fact that personnel performing various tests on emergency and other equipment at the plant had falsely reported that they had the qualification and certification required by procedures to perform such tests, which complaint resulted in an NRC investigation of Detroit Edison.

16. From 1988 forward, Martin also wrote, or participated in writing, numerous DERs, which recorded quality concerns in performance of nuclear safety procedures and which were made available in the normal course of business to NRC inspectors. Many of these reports were written despite requests from Detroit Edison management that they not be written or be written in such a way as to conceal some quality and safety related concerns and possible violations. Martin was also the only active quality assurance specialist who wrote up quality concerns regarding the quality assurance functions themselves.

17. Among these DERs was an investigation of nuclear security arrangements at Fermi 2, which required Martin to testify in a deposition in a suit brought by a third party against Detroit Edison.

18. As a result of Martin's direct reports to the NRC, his internal reports which were made available to the NRC, and his truthful testimony at deposition, Detroit Edison management officials expressed extreme verbal displeasure with Martin, downgraded his evaluations, denied him a promotion, and, on one occasion, threw an object at him during the course of a discussion concerning a nuclear quality assurance audit that identified quality concerns with improper quality control inspections.

19. Because of Martin's excellent work performance, however, management was not able to issue any discipline against him at any point during his employment.

20. In January, 1993, however, Detroit Edison announced a "Staffing Transition Plan" for the Fermi 2 plant which was supposed to result in the retention, placement or termination of individuals based upon their merit and fitness for the available jobs at the Fermi 2 plant.

21. As the best trained, best qualified, and most experienced nuclear quality assurance lead auditor, Martin should have retained his employment with Detroit Edison under this plan. However, Detroit Edison officials used the Staffing Transition Plan as a subterfuge to discharge Martin on account of his direct reports to the NRC, his other reports of quality concerns and violations of nuclear safety standards and his truthful testimony at a deposition.

22. Thus, on April 22, 1993, Detroit Edison informed Martin that his position at Fermi 2 was terminated on that date and that he would be terminated from the Company on July 26, 1993, if he had not been placed in another position by that date.

23. Upon information and belief, Detroit Edison refused to place Martin in other vacant positions at Fermi 2, and throughout Detroit Edison, because of the actions described above.

24. As a result of Jimmy Martin's termination, the plaintiffs have suffered and will suffer substantial damages, as more particularly set forth below.

COUNT I - WHISTLEBLOWER PROTECTION ACT

25. The allegations of paragraphs 1 through 24 are repeated as if fully set forth herein.

26. In informing the NRC of violations of nuclear safety standards at the Fermi 2 plant, Martin was reporting, in good faith, suspected violations of federal statutes and regulations to a law enforcement agency within the meaning of MCL 15.361(d)(v).

27. In discriminating against Martin by selecting him for termination because of such reports, Detroit Edison violated Martin's rights under the Whistleblower Protection Act, MCL 15.361 et. seq., and more particularly his rights as guaranteed by MCL 15.362.

28. As a result of this violation of his rights, the plaintiff Jimmy Martin has suffered, and will suffer, loss of wages and benefits, as well as emotional pain, suffering and



distress, while the plaintiff Barbara Martin has suffered, and will suffer, the loss of society, companionship and consortium of her husband, Jimmy Martin.

WHEREFORE, the plaintiffs Martin request that this Court award them damages in the amount of One Million Dollars, order reinstatement of Jimmy Martin with back pay and back benefits to his position as a nuclear quality assurance specialist, and award attorneys' fees and costs, and such further relief as is just and equitable.

COUNT II - PUBLIC POLICY

29. The allegations of paragraphs 1 through 28 are repeated as if fully set forth herein.

30. In discriminatorily selecting Martin for deselection because of his exercise of his rights to report quality and safety concerns and violations of nuclear safety procedures, because of his refusal to perform his work as a nuclear quality assurance specialist in violation of a federally-mandated duty to report such violations, and because of his truthful testimony at a deposition, Detroit Edison discharged Martin in violation of the well-established public policy of the State of Michigan.

31. As a result of this termination in violation of public policy, the plaintiff Jimmy Martin has suffered, and will suffer, loss of wages and benefits, as well as emotional pain, suffering and distress, while the plaintiff Barbara Martin has suffered, and will suffer, the loss of society, companionship and consortium and other damages associated with the loss to Jimmy

Martin.

WHEREFORE, the plaintiffs demand judgment in an amount sufficient to compensate them for their damages, which amount exceeds One Million Dollars, as well as other relief to which they may be entitled.

COUNT III - VIOLATION OF LEGITIMATE EXPECTATIONS

32. The allegations of paragraphs 1 through 31 are repeated as if fully set forth herein.

33. In addition to the requirements of federal and state law, Detroit Edison has promulgated and published to its employees its own policies promising protection for employees who report suspected violations of nuclear safety procedures.

34. These policies include, but are not limited to, the procedures attached as Exhibit A, entitled "Addressing Nuclear Safety and Quality Related Concerns."

35. Included among the procedures promulgated by Detroit Edison are the following statements:

"Detroit Edison and its nuclear generation organization are committed to maintaining an environment that encourages employees at all levels to identify and report nuclear safety or nuclear quality concerns...Any employee who after investigation, is found to have intimidated, harassed, retaliated, or discriminated against another employee because the employee properly raised nuclear safety or nuclear quality concerns, shall be subject to discipline up to and including discharge."

~~Under the terms and other policies, Detroit Edison raised~~  
~~unreasonable expectations in Martin and others that they could~~  
~~perform their duties without fear of retaliation or discrimination.~~  
~~37. In selecting Martin for layoff because of his reporting~~  
~~of nuclear safety and quality related concerns violations and~~  
~~because of his refusal to perform work in violation of nuclear~~  
~~safety standards, Detroit Edison breached Martin's legitimate~~  
~~expectations of job security as contained in its employment~~  
~~contract.~~

38. As a result of this breach, Martin has suffered, and will suffer, loss of wages and benefits and other damages.

WHEREFORE, the plaintiff Martin demands damages in an amount sufficient to compensate him for his losses, which amount exceeds One Million Dollars, demands reinstatement to his old position without loss of benefits, and demands such further relief as is just and equitable.

#### COUNT IV - BREACH OF CONTRACT

39. The allegations of paragraphs 1 through 38 are repeated as if fully set forth herein.

40. In using the deselection process as a subterfuge to terminate Martin without just cause, Detroit Edison breached its contract of employment with Martin.

41. As a result of this violation, Martin has suffered, and will suffer, lost wages and benefits, as well as other economic damages.

WHEREFORE, the plaintiff Jimmy Martin demands judgment against Detroit Edison in the amount of One Million Dollars and such further relief, including reinstatement, as is just and equitable.

By Plaintiffs' Attorneys,

GREENSPON, SCHEFF & WASHINGTON, P.C.

BY: George B. Washington  
GEORGE B. WASHINGTON (P-26201)  
One Kennedy Square - Suite 2137  
Detroit, Michigan 48226  
(313) 963-1921

Dated: August 11, 1993

DEMAND FOR JURY TRIAL

The plaintiffs Jimmy and Barbara Martin, by and through their attorneys, GREENSPON, SCHEFF & WASHINGTON, P.C., demand a trial by jury on all issues of fact.

By Plaintiffs' Attorneys,

GREENSPON, SCHEFF & WASHINGTON, P.C.

BY: George B. Washington  
GEORGE B. WASHINGTON (P-26201)  
One Kennedy Square - Suite 2137  
Detroit, Michigan 48226  
(313) 963-1921

Dated: August 11, 1993



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Christopher C. Nem  
 Vice President  
 and General Counsel

Certified Mail  
P 710 746 633

Hand Delivered

Thomas A. Hughes  
 Manager and  
 Associate General Counsel

October 14, 1993

Stephen M. Carpmen  
 General Attorney  
 Contracts / Employee Relations

Jack H. Erpe  
 General Attorney  
 Claims / Litigation

George B. Washington, Esq.  
 Greenspon, Scheff & Washington, P.C.  
 One Kennedy Square, Suite 2137  
 Detroit, MI 48226

Peter A. Marquardt  
 General Attorney  
 Nuclear/Environmental  
 and Real Estate

Re: Jimmy Martin and Barbara Martin v. Detroit Edison  
Unconditional Offer of Reemployment

Dear Mr. Washington:

H. Flynn  
 George H. Hathaway  
 Frances B. Rohman  
 Walter S. Schwartz  
 Jene K. Sauria  
 Frank D. Stellingwerf  
 Raymond G. Sturdy, Jr.  
 Senior Attorneys

I have been so authorized by The Detroit Edison Company, and do hereby make the following unconditional offer of reemployment to your client, Jimmy Martin.

Rosemary Black  
 David L. Clark  
 Michael D. Gladstone  
 Laura Reyes Kopeck  
 William J. Lange  
 Bruce R. Meters  
 Alec J. McLeod  
 Robert J. Rogers  
 Randall L. Rutkofsky  
 Jessiaphine W. Summerville  
 Danielle F. Sussner  
 Wm. H. VanSlingerland  
 Attorneys

Within 30 days of the date of this letter, Detroit Edison unconditionally offers to reemploy Mr. Martin in the job position of either Emergency Response Planner-Radiological Emergency Response Program or Engineer (Licensing) at Mr. Martin's choice. Both jobs are physically located at Fermi 2. A position summary for each of these jobs is enclosed. Both jobs are offered to Mr. Martin at the job pay grade of M-2, and at the same rate of pay which Mr. Martin earned at Detroit Edison at the time of his recent termination from employment. Both jobs are of like nature to the job position previously held by Mr. Martin. The job of Emergency Response Planner immediately reports to Mr. Kevin Morris; the position of Engineer (Licensing) immediately reports to Mr. Robert Newkirk.

Jack M. Abella  
 Thomas P. Beagen  
 Frederic E. Champnella  
 Stanley H. Siazinski  
 Kathryn L. Westman  
 Special Counsel

Should Mr. Martin accept this unconditional offer of reemployment, his wages, hours and other terms and conditions and benefits of employment will

Robert Pierce  
 Manager and  
 Special Counsel

EXHIBIT 6

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be governed by such standard practices as are in effect at Detroit Edison and, more particularly, at Fermi 2.


This unconditional offer additionally provides Mr. Martin with continuous service under Detroit Edison's policies for that period of time between his recent termination of employment and his acceptance of this offer. Accordingly, upon the acceptance of this offer, Mr. Martin would not experience any break in employment service in terms of Detroit Edison fringe benefits. Employment under this offer would be as a non-probationary employee.

This offer is unconditional and does not require Mr. Martin to abandon or compromise his litigation against Detroit Edison. However, it has been held as a matter of law, that an unconditional offer of reemployment will toll an employer's liability for lost wages, since rejection of such an offer constitutes a failure to mitigate damages. [see: *Rasheed v. Chrysler Motors*, 196 Mich App 196, 204 (1992); *Ford Motor Company v. Equal Employment Opportunity Commission*, 102 S. Ct. 3057 (1982)]

During the interim period, I encourage you to provide me with any questions which you or Mr. Martin may have regarding this unconditional offer and I will endeavor to promptly respond.

Please present this offer to your client. I look forward to hearing a favorable response to this offer on or before the close of business on November 2, 1993. If I don't receive a formal response from you by such date, I will presume, by your silence, that Mr. Martin has rejected this unconditional offer of reemployment.

Very truly yours,

  
Stanley H. Slazinski

SHS/mh  
Enclosures  
cc: Douglas R. Gipson,  
Senior Vice-President