

EXHIBIT 50

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF : Docket No. 4-95-016

JIMMIE DALE DAVIS :

:

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Thursday, June 22, 1995

Room 308

Quality Suites Motel

Baton Rouge, Louisiana

The above-entitled interview was conducted at 8:00
a.m., when where present:

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1 ON BEHALF OF THE NUCLEAR REGULATORY COMMISSION:

2 JONATHAN ARMENTA, JR., Investigator

3 DENNIS BOAL, Investigator

4 U.S. Nuclear Regulatory Commission

5 Office of Investigations

6 611 Ryan Plaza Drive, Suite 400

7 Arlington, Texas 76011

8

9 ON BEHALF OF THE WITNESS:

10 (None)

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PROCEEDINGS

MR. BOAL: For the record, this is an interview of Jimmie Davis.

Mr. Davis, could you give us your full name, please.

MR. DAVIS: Jimmie Dale Davis.

MR. BOAL: And what is your residence address?

MR. DAVIS: (REDACTED)

MR. BOAL: And your home telephone number?

MR. DAVIS: (REDACTED)

MR. BOAL: And your date of birth?

MR. DAVIS: (REDACTED)

MR. BOAL: Currently you are on medical disability from Riverbend Station. Is that correct?

MR. DAVIS: Yes.

MR. BOAL: What was your job title before you went on disability?

MR. DAVIS: Quality specialist IV.

MR. BOAL: And who was your supervisor?

MR. DAVIS: Don Derbonne.

MR. BOAL: Today's date is June 22, 1995, and the time is approximately 8:15 a.m. In addition, present at this interview is Mr. Jonathan Armenta, Jr., investigator, NRC Office of Investigations, Region IV; Mr.

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1 Dennis Boal, investigator, NRC Office of Investigation,
2 Region IV. In addition, this interview is being tape
3 recorded by court reporter Mr. Wayne Marshall.

4 This interview is an investigation interview
5 pertaining to alleged violations of 10 CFR 50.7,
6 generically known as whistleblower provisions of the NRC
7 regulations.

8 At this time, Mr. Davis, may I ask you to
9 please rise, so I can administer an oath to you.
10 Whereupon,

11 JIMMIE DALE DAVIS
12 having been first duly sworn, was called as a witness
13 herein and was examined and testified as follows:

14 MR. BOAL: Thank you, sir.

15 EXAMINATION

16 BY MR. BOAL:

17 Q Mr. Davis, could you give us a general
18 background of your education and experience in the nuclear
19 field.

20 A In general, I come into the Navy nuclear
21 program in 1956, completed a 20-year career in the Navy,
22 stayed in the nuclear program until 1971, when I retired
23 from the service. I was in my own business for three
24 years, and then I went to work for Stone & Webster
25 Engineering and worked on construction of nuclear plants

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1 and maintained employment in the nuclear industry all the
2 way up until the present time.

3 Q When did you go to work at Riverbend Station?

4 A At Riverbend Station, I worked for Stone &
5 Webster Engineering, went to work for -- at Riverbend in
6 1979. It was about April, I believe.

7 Q With Stone & Webster?

8 A Yes.

9 Q Did you swap over to GSU at some point?

10 A Yes. It was November 30 of 1994.

11 Q '94?

12 A '84. Pardon me.

13 Q And which group did you move into at that time?

14 A Quality assurance.

15 Q And who was your supervisor?

16 A Ken Hodges was his name.

17 Q Could you give us a little more detailed
18 history of your employment from -- at Riverbend Station,
19 from '84 until current.

20 A Under GSU and Entergy?

21 Q Yes, sir.

22 A I was in quality systems, working as an auditor
23 primarily -- I had other duties -- for a few years, and
24 then I went into quality operations, doing surveillances
25 in the plant and watching how the plant was being run.

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1 Q Who was your supervisor in quality operations?

2 A Roger Backen.

3 Q Okay.

4 A For a period of time; also before that for a
5 period of time was Glenn Kimmel.

6 Q Okay.

7 A And after three or four years down in quality
8 operations, I went back to quality systems, which was the
9 audit group again, and continued doing audits.

10 Q And who was --

11 A Also I had the quality concern program for a
12 period of time.

13 Q And who was your supervisor under that?

14 A Roger Backen, who had also transferred up
15 there. Towards the end was Bob Biggs. And then about,
16 oh, I guess it was, about ten months ago or nine months
17 ago, I transferred over to -- out of QA into nuclear
18 safety, to -- for other duties.

19 Q And who was your supervisor there?

20 A When I went into there, George Zinke was the
21 supervisor, and he was replaced by Don Derbonne. I worked
22 for him until I left.

23 Q Could you give us your understanding of the
24 ranking process employed by EOI. What we are trying to
25 find out is how it was explained to you and your recall of

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1 that, and what the purpose of the program was.

2 A The ranking process, as I understand it, was
3 ranked on two items: potential and performance, where a
4 grid of 1 to 3 across the top would be performance and 1
5 to 3 down the side would be potential, and then the 9
6 would be, of course, in a 3 in each category. It would be
7 1, 2, 3; 4, 5, 6; 7, 8, 9. So if you was in the bottom in
8 performance and in potential, you would be in the 9
9 category.

10 Q Okay. And what was the purpose of doing that
11 as explained to you by EOI?

12 A The purpose of doing that was to upgrade the
13 company to have -- to maintain employment for the higher
14 potential and higher performing personnel; to make the
15 company so that it had the best employees that they could
16 have, as explained by EOI.

17 Q Were you informed what your ranking was?

18 A Yes.

19 Q What is your ranking?

20 A Nine.

21 Q And who informed you of that?

22 A Don Derbonne and Jim Fisicaro.

23 Q And what did they tell you were your options,
24 once you were informed you were a category 9?

25 A Well, the way it was explained is that you had

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1 two options. One was to go ahead and accept -- and you
2 were offered a package at this time. At this meeting, you
3 was offered a package which had to be accepted within a
4 certain period of time. I think it was around 30 days; I
5 don't remember exactly -- a severance package. That was
6 one option.

7 The other option was not to accept that and
8 then be -- go into an improvement program, and an
9 improvement program would be arranged for you, and you
10 would go into this improvement program and be evaluated
11 periodically, and at any time that you didn't appear good
12 in this improvement program, you could be terminated, and
13 also you would be ranked again at the end of this one-year
14 period.

15 And the outlook as put across by the people
16 who were interviewing me was that it would be near
17 impossible to do well enough to continue to be employed.
18 It could be done, but it would be very, very difficult.

19 Q Did they explain how they arrived at your
20 category 9 ranking?

21 A It was discussed. I brought up the fact that
22 since I was [REDACTED] a senior person, it was
23 fairly obvious that my potential was -- since I am older,
24 it was obvious to me that my potential wasn't that great.
25 I mean, how can you -- you know, a guy that is [REDACTED] years

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1 old, how can you say he has a great potential?

2 I was told that that didn't enter into it, and
3 I still don't believe that today, but -- because if you
4 look at all the people that got 9s and look at the average
5 age of those people, you find out many of them were people
6 who were older, more senior people.

7 Q Well, did they explain why, then, you were a 9?

8 A What I remember from that was that Jim
9 Fisicaro's interpretation of what a senior person should
10 be was a person who pretty much acted on their own and
11 didn't require but very little supervision, and I hadn't
12 performed to that standard.

13 Q Did you agree with his analysis?

14 A Definitely not. It had always been my practice
15 to work on my own; I had always worked on my own well.
16 Many people agreed with that. Don Derbonne himself told
17 me that he thought that is the way I always worked. But
18 he wasn't the one that assigned the 9. He come in to be
19 my supervisor, just in time to be able to tell me that I
20 got a 9. But --

21 Q Then who assigned the 9 to you?

22 A That would have been George Zinke.

23 Q Did you ask --

24 A And I can comment here that at the time that I
25 went to work for George Zinke, I was interested that I was

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1 doing the things that he wanted me to do, and I asked him
2 periodically, was I doing everything he wanted, was I
3 doing okay, did he have any problems. He never had any
4 problems with my performance; he never mentioned any
5 problems with my performance. As a matter of fact, he
6 told Ken Giadrosich that it was nice to have somebody
7 around that got things done without any problem.

8 Q Does --

9 A And somebody that returned more than he asked
10 for.

11 Q Your performance evaluations over the years,
12 what were they like?

13 A I have got those with me. As a matter of fact,
14 my evaluation that ended -- I think it was discussed with
15 me in January or February of this year for 1994 was a very
16 good evaluation.

17 Q And that was by Mr. Zinke?

18 A The evaluation was done by Bob Biggs, who at
19 the time was not my supervisor, but had been for the
20 majority of 1994, so he did the evaluation.

21 Q And it was a very good evaluation.

22 A Yes. And I have got that with me.

23 Q Do you have a copy of it, that we can --

24 A Yes, I do.

25 Q -- carry with us?

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1 A Yes, I do. And one interesting thing on that
2 is that the whole evaluation is good; it was given to me
3 to sign, and I said, Hey, there is one block on here that
4 says that my ranking is a 9, you know. This is the only
5 detrimental thing in the whole thing. And he says, Well,
6 you was ranked a 9, so I have to put that down. But the
7 whole evaluation is great.

8 Q So --

9 A And so I wrote on there, I said, This
10 evaluation is not commensurate with this comment, or some
11 words to that effect. It is on the paper. I have got it
12 with me.

13 MR. ARMENTA: Can I ask a question here?

14 BY MR. ARMENTA:

15 Q If you were ranked high in performance yet you
16 think that your potential because of your age was ranked
17 low, that would put you on the extreme -- if I am right,
18 to the extreme right of that grid.

19 A Well --

20 Q On potential being the lowest?

21 A Depending -- if you put potential across the
22 top here, that would put me on the extreme right of that.

23 Q But performance was --

24 A The performance would be good, and that would
25 put me over here, so I wouldn't be a 9. But as has been

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1 explained to me by several people, if they didn't get
2 enough people in this category, some of the people were
3 forced out of these other categories into the 9 category,
4 because they wanted to get at least 10 percent, and they,
5 in fact, got around 13 percent. And so some of them that
6 didn't fall in this category were forced out of here and
7 given the low ranking.

8 Q That seems to be practicing what they didn't --
9 not practicing what they preached.

10 A That is true.

11 Q So it is a forced ranking, what you are talking
12 about?

13 A Yes.

14 Q Even though you perform well, your potential
15 didn't classify you as a 9, they still put you as a 9.

16 A Yes.

17 Q Well, that has got me puzzled, Mr. Davis.

18 A Well, it has me puzzled, too. Don Derbonne
19 told me that this is what happened specifically. And
20 there has been much discussion about it. I don't think
21 there is any secret that people were forced from other
22 categories. There is a few other people that could fit --
23 were forced into that category.

24 ([REDACTED]) for instance, was forced into
25 that category. ([REDACTED]) who was the ([REDACTED])

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1 was forced into that category.

2 Q Well, at the beginning of the interview, you
3 said that this was a way for EOI to maintain their top
4 performers and potential personnel.

5 A You asked me what they explained to me.

6 Q Yes. Now I am going to ask you --

7 A I didn't state that that is what it was
8 effective in doing.

9 Q Let me ask you: What is your understanding of
10 the real purpose of this ranking process?

11 A All I have is a perception, Jonathan.

12 Q Sure. That is what I need to hear, because I
13 am not going to get this perception from somebody else.

14 A If you will look at what has happened out
15 there, particularly in the nuclear safety area or QA area,
16 you have a lot of very senior people. There is a reason
17 that QA people are senior people, because of the work they
18 do primarily. An awful lot of the people who fell in this
19 category, in the 9 category or senior people, these are
20 people who are making pretty good money; they can go out
21 and they can get more people, younger people, do a better
22 job for less money.

23 Not a better job particularly, but they can do
24 a job for less money than these other people. The older
25 people have been around for a while. They -- I guess they

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1 don't change their ways so easily as some of the younger
2 people, although I haven't had any real difficulty in
3 changing with the tide.

4 It is a way of forcing out people. Let me
5 just explain my perception of what has happened out there
6 in the long run.

7 Q Okay.

8 A GSU before Entergy wasn't very good at
9 personnel evaluations, and it was kind of a good-old-boys'
10 club, and people -- supervisors and managers were very
11 reluctant to evaluate a person honestly, the way they
12 should evaluate a person, and what happened is GSU ended
13 up with people they should have gotten rid of, that should
14 have been fired, that was still employed.

15 So they over a period of time had more and
16 more people who were not good performers, people who just
17 didn't perform well. There were people in supervisory
18 positions who did not perform well, which should have been
19 terminated some time before. They just didn't do a good
20 job.

21 Now, a good program is they should evaluate
22 people honestly, you know, as they go along, and those
23 people that are not performing well, let them know they
24 are not performing well, and upgrade their performance, or
25 if they are incapable of upgrading their performance, then

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1 terminate them for poor performance and get somebody else,
2 and maintain your employment level at a point where you
3 have some talented people.

4 But GSU was not very good at that. They were
5 taken over by Entergy, and of course, Entergy hasn't been
6 there for a real long time; they didn't have time to
7 correct it very well, but even in the very beginning, it
8 didn't appear that Entergy was on the right track of
9 evaluating people correctly.

10 A lot of supervisors are very reluctant to
11 call a spade a spade and say, Look, you are not performing
12 well. It is human nature, to a point, I guess. So
13 evaluation is a very tricky thing. It is hard to do; some
14 people are very reluctant to do it, and what they need to
15 do is to force their supervisors to evaluate people
16 correctly.

17 So they come along with this ranking system,
18 and they said -- and this wasn't just for Riverbend; this
19 was company-wide. Gee, we have got a system here that has
20 a lot of people we really shouldn't have, and we need to
21 get rid of some of these people. So they come up with
22 this method.

23 And I will agree that Riverbend in
24 particular -- I don't know about the other sites; I am not
25 acquainted with the other sites, but Riverbend in

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1 particular had a number of people that they really needed
2 to get rid of who were not performing well.

3 There were some people in QA who were not
4 performing well, and really needed to be terminated for
5 poor performance. This didn't happen over a period of
6 years, and we ended up with people still employed who
7 shouldn't have been in reality.

8 Now, this ranking process got the most of
9 those, not all of them, but it pretty much got the most of
10 them. The problem with it is that it got a lot of other
11 people, too.

12 My reaction to this whole thing was -- and I
13 will just go on and babble here while I am at it. My
14 reaction to this whole thing was I was in total shock when
15 they told me I was ranked a 9. I couldn't believe,
16 because I know darn well that I don't perform in that
17 manner. I have always performed well. I have always had
18 good evaluations, and I will give you the record here that
19 shows that.

20 So my reaction to that was initially I was
21 just devastated, and I thought, Okay, I will accept the
22 severance package, because there is no future here. Well,
23 being nearly  years old, I am not looking for a future;
24 I am looking to stay employed for a few more years and go
25 ahead and retire. And I thought this was unfair; this is

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1 not right. I haven't performed poorly.

2 For instance, the biggest audit that has ever
3 been done on the site during the outage of '94, I was the
4 lead auditor on, which covered maintenance, radiation
5 protection, M&TE. We did a huge audit. The audit was a
6 very good audit; it was a success. Management thought it
7 was a really super audit, that it brought out an awful lot
8 of information that was helpful, to help correct the
9 problems on the site, to make things better. It was a
10 very successful audit. I did a very good job on that.

11 So I know my performance wasn't bad, and so I
12 just told myself, I said, I am not taking this; I am not
13 going to just walk away and say -- and give up and say I
14 agree my performance is bad, because it is not. And so I
15 decided not to accept that package and to hang in there
16 and show them that, by golly, my performance was
17 satisfactory. And if they then decided to go ahead and
18 terminate me, I would fight it and take it to court,
19 because I could prove otherwise.

20 As it turned out, I went on medical
21 disability, so that is not necessary. But you asked me
22 the question; I am telling you how it is, in my opinion
23 and my perception. And I don't have any axe to grind with
24 Entergy. I really don't.

25 And like I said before, they have a problem;

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1 they have employees or had employees that needed to be
2 gotten rid of because of a history of their inability to
3 do it properly over a period of years. Well, that is not
4 those people's fault; that is not the employees' fault;
5 that is management's fault.

6 And management needs to come up with a way to
7 do that that is fair and correct, instead of just coming
8 along with a big hatchet and lop off this end and say,
9 Everybody on that end is trash, and get rid of them. That
10 is unfair to employees who have been working there in good
11 faith and trying to do a good job and doing the best job
12 they could, and in fact, many of those employees doing a
13 very good job, which in my case was true. I had done a
14 very good job.

15 And if I had been performing well and doing a
16 good job -- and my evaluations bear that out -- then there
17 is no way that I should have been ranked in that category.

18 Q Do you suspect that the ranking process will
19 continue?

20 A I have heard it stated that the CEO or somebody
21 under the CEO, one of those people, senior managers, does
22 not like the ranking process. I understand that the word
23 is out among management that we don't want to discuss the
24 ranking process anymore. I don't know what their
25 intentions are.

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1 BY MR. BOAL:

2 Q Do you know what the source of that ranking
3 process was?

4 A No.

5 Q Where it came from?

6 A I know it is something that had been used
7 somewhere else. You see, when this whole thing came up, I
8 didn't pay a whole lot of attention to it, because it
9 didn't -- I wasn't personally afraid of it, and I kind of
10 suspected that they would use it in the manner that it
11 should have been used, and in fact, if a person is in the
12 bottom category on performance and in the bottom category
13 on potential and the bottom category on both of those,
14 then maybe termination should be considered. That made a
15 certain amount of sense to me.

16 The way it was done, in fact, is something
17 different than what I had perceived it to be in the
18 beginning, but I didn't really worry about it, because I
19 knew that there was no way that I could end up in that
20 category in the first place.

21 It did concern me that it could be bad, and it
22 could have a bad effect if it wasn't done exactly as it
23 should be.

24 Q Do you believe that this process had a chilling
25 effect particularly on the QA people as to raising safety

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1 concerns?

2 A I think that could be. I think that potential
3 is there. I know it had that effect on me, because after
4 I was told that I was a 9 -- and talk about something that
5 is degrading. You are a 9, and it is like a piece of
6 trash, you know.

7 After I was told that, I got to thinking back
8 about it, and I remember my first encounter with Jim
9 Fisicaro when he took over. I was in charge of quality
10 concerns at the time, and we had a quality concern that
11 had to do with an employee. It was another 50.7 type
12 case. And this thing had gotten to be a mess because of
13 mishandling by management actually.

14 This was the guy -- Jonathan, you will
15 probably remember the case, and I can't think of his name
16 right now, but you will, I am sure -- was in -- it had to
17 do with a welding thing. Can you remember the guy's name?
18 I can't think of it. You know the one I am talking about.

19 MR. ARMENTA: Yes. I think I know which one.

20 THE WITNESS: Anyway, we were at a particular
21 point, and I then was told by management how to handle
22 this thing and what to do. I had done what I should do,
23 and I went to report to -- all of a sudden, I have got a
24 new guy here. Right? Jim Fisicaro has replaced this
25 other guy.

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1 And -- O'Dell was the other one, and he had
2 replaced O'Dell. And so when I got an opportunity, as
3 soon as I got an opportunity soon after he was on site, I
4 went to him to discuss this thing with him. Well he got
5 very upset about the way it was being handled, and it was
6 like shoot-the-messenger time, you know.

7 It is not my fault. I did what I said -- what
8 I was told to do. And now I am going back to report to
9 management. Well, I got a new guy in management, and he
10 got very upset about this whole thing, and I felt like he
11 blamed it on me. Not my fault; I didn't deserve to take
12 the blame for it.

13 And soon after that, I was replaced as the
14 quality concern guy, and I think that that incident had
15 something to do with me being categorized as a 9. I
16 really feel that to be true. I can't prove that, but that
17 is my perception.

18 BY MR. BOAL:

19 Q Did Mr. Fisicaro have input into your ranking,
20 do you believe?

21 A Yes.

22 Q So you believe that Mr. Fisicaro recalling his
23 first encounter with you --

24 A Yes.

25 Q -- and held that against you?

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1 A Yes.

2 Q What was it about that encounter that appeared
3 to be -- arouse Mr. Fisicaro's --

4 A He didn't like the way it was being handled,
5 which I can understand. It was not handled well. P
6 that was not my fault; I didn't do it. I carried out
7 management's wishes, and, you know, we had gone out to
8 this guy and made offers to him to settle and one thing
9 and another, and we really didn't handle it very well.

10 But all I was doing was as directed by
11 management. I shouldn't even have been doing what I was
12 doing in actuality, but --

13 Q Are you quoting Mr. Fisicaro, or --

14 A No. I shouldn't have been doing the things
15 with this particular concernee that I was doing.

16 Q What kind of things is that?

17 A Such as making him offers on settlement. That
18 was not something I should have been doing. That is not
19 my job as a QA person.

20 Q That is more personnel.

21 A Yes.

22 Q Was that Mr. Fisicaro had a dislike about?

23 A I don't know for sure. I can't get inside his
24 brain. I don't know for sure all of the specifics that he
25 was upset about, but he was very short in the discussion

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1 of that, so I really couldn't gain much out of it.

2 BY MR. ARMENTA:

3 Q I worked that case here. It was [REDACTED]

4 [REDACTED]

5 A That is the guy.

6 Q And --

7 A [REDACTED] I couldn't think of his name.

8 Q I was rather curious as to what GSU's direction
9 was on that.

10 BY MR. BOAL:

11 Q So after you discussed that with Mr. Fisicaro,
12 then did -- you said you were shortly thereafter moved out
13 of quality or employee concerns program.

14 A Yes. I never heard any more about the [REDACTED]
15 [REDACTED] case; nothing ever.

16 Q When was that roughly, that Mr. Fisicaro was
17 talking with you about that? I guess it had to be after
18 January '94.

19 A It was very soon after he took over for O'Dell.
20 I don't know just exactly when that was.

21 BY MR. ARMENTA:

22 Q Mr. Fisicaro arrived about September '93.

23 A It was probably then at the end of '93
24 sometime, I would expect.

25 BY MR. BOAL:

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1 Q So I am still trying to figure out how long it
2 was in between the incident then that you were moved to
3 other duties.

4 A I don't recall. It was not a long period of
5 time. It was probably within three months.

6 BY MR. ARMENTA:

7 Q Jim, had the concerns on the quality concern
8 program, had they been declining?

9 A Somewhat, I think. Yes. I think so.

10 Q Earlier Mr. Boal asked you whether there was a
11 chilling effect. My question is similar to that. Do you
12 think that this ranking process has had an effect on
13 employees, that they may be hesitant or may think twice
14 before raising issues of concern, in fear that management
15 may remember them at evaluation time?

16 A Well, I have got two answers for that.

17 Q All right.

18 A Unfortunately. Yes, I think that is true with
19 a lot of people. I think that could be.

20 Q Is this -- before you go any further, on that
21 answer that you gave me, is it your perception, or is it
22 because you have had people contact you and tell you
23 something similar to this? Or both?

24 A It is a feeling I get through discussions with
25 people. In my own case, I never have had a problem, and I

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1 will bring up a point that needs to be brought up
2 regardless. I guess that maybe that is one thing that got
3 me in trouble. I don't know.

4 But -- no, I shouldn't say that. Strike that.

5 But I can see that particularly after a guy is
6 told that he is ranked a 9, I can see where that would
7 have a chilling effect with a lot of people. As a matter
8 of fact, since I was told I was a 9, I don't know if you
9 could call it a chilling effect, but I have certainly been
10 very careful about what I said to who.

11 Q How about those that were perhaps ranked 8, 7,
12 6, 5?

13 A I don't know if they knew what they were.

14 Q Well, suppose you are not ranked a 9; that
15 means that you could be an 8 or 7 or a 6 or a 5. But one
16 step further with this question would be that: Has it
17 instilled a fear in people, a reluctance or you are not as
18 free as you were to express those concerns?

19 A Well, I think one thing that it has done,
20 Jonathan -- and I guess you can relate it -- it has
21 created an atmosphere of noncooperativeness. For
22 instance, why should I help you? You are my co-worker.
23 Why should I help you, because I have got to compete with
24 you; I have got to stay employed. Do you understand what
25 I mean?

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1 Q Sure. You are competing, so you won't be --

2 A Where that is not the theme within what you
3 should be working. If you are working together in a
4 department, you should work together to get the right
5 things done, so that your work product from your
6 department is the best that it can be, not a competitive
7 environment, where I have got to do so much better than
8 you, just to stay employed. I don't want you to look
9 better than me, because if somebody gets the axe, it is
10 going to be you; it ain't going to be me.

11 And it created some of that. I saw people get
12 less cooperative between themselves, and that happened
13 particularly in QA. People got to be less cooperative
14 with each other, and I tried to -- even after all of this
15 happened, I tried to convince people that that is not what
16 they should do, that they should maintain their
17 cooperativeness and show the department is doing well,
18 which is what I felt they should do.

19 But I can see that happening, where they were
20 being noncooperative with each other and a lot of internal
21 struggles.

22 Q I understand there is a -- something to the
23 effect that within the next year or two or three, the work
24 force is going to be reduced to approximately 600. Have
25 you heard that?

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1 A Yes.

2 Q Is it true?

3 A I heard that from Don Derbonne.

4 Q What did he tell you?

5 A He said that he got that from the personnel
6 people in the leadership course that he was going to.

7 Q And can you expand on that a little bit more,
8 what he told you?

9 A I don't remember the exact number. It was
10 somewhere around 600; it was in that ball park. His
11 comment was, I don't know how they can do that. I agreed
12 with that comment. I don't see how they can operate
13 efficiently at that staffing level, seeing as I don't know
14 of any other nuclear plant in the country that is able to
15 do that.

16 I mean, just based on -- if the average single
17 nuclear plant was 700 and they wanted to go to 600, I
18 could see maybe there is a shot at it, but I think they
19 are trying to push it too far.

20 On the other hand, if they set that as a goal
21 and strive for it and aren't able to make it, and never
22 push it beyond the point where they get themselves in
23 trouble, it is probably not so bad.

24 In other words, if I set a goal at 600 and I
25 start reducing personnel, reducing staffing, and still

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1 maintain an adequate staff, whatever that number is, and I
2 get to 750, it doesn't matter that the goal was 600.
3 Right? Because I never got there; I only got to 750 and
4 found out that is as far as I could go.

5 Q Do you think the QA department is getting more
6 of a cutback than other departments?

7 A Oh, it certainly is. There are certain
8 departments that really took a beating on this 9 thing.
9 QA department was one; maintenance planning was another
10 one. There were some departments that didn't hardly lose
11 anybody.

12 MR. BOAL: Mr. Davis, we are going to use the
13 information that you provided us up to this point in each
14 of our separate investigations, because we consider it the
15 background and the general discussions of these items.

16 Now we would like to focus more specifical
17 on one of our allegations right at this point, and that is
18 numbered 4-95-016, and it is titled, Roger Backen, alleged
19 violation of 10 CFR 50.7.

20 BY MR. BOAL:

21 Q I would like to ask you at this time -- you
22 said at one point that you did work for Mr. Backen, that
23 he was your supervisor.

24 A Yes.

25 Q Could you discuss for us your experience with

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1 Mr. Backen.

2 A Well, what do you want to know? He was my
3 supervisor.

4 Q He was your supervisor. Was he --

5 A For a period of time in quality operations and
6 then in systems QA.

7 Q Okay. How did you get along with Mr. Backen?

8 A Very bad.

9 Q Okay. Did you consider Mr. Backen to be a
10 competent supervisor?

11 A No, I didn't.

12 Q Is that -- was it personality, or was that his
13 technical competency?

14 A You know, it is certainly not personality,
15 because personally I like Roger. And personally I get
16 along with him fine. Technically and supervisory-wise, I
17 have known a lot of supervisors in my life, and I have
18 been a supervisor. In fact, I have been asked to be
19 several times -- to be a supervisor on this site out here,
20 and I have said, no, I don't want to be; I have already
21 been there. The only person I have to prove it to is
22 myself.

23 I am too old; I don't want to go through that.
24 But -- and I am just trying to explain to you that I
25 understand what a supervisor is. I have done it; I have

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1 been there. I have had good supervisors and bad
2 supervisors. Roger is a person who just does not have
3 supervisory capability, and he is just not a good
4 supervisor.

5 He kind of is kind of a guy who he has worked
6 his way up through the ranks; he has gotten to be a
7 supervisor finally, and he has never figured out how to be
8 a good supervisor.

9 I went out of my way to try to help him and
10 closed the door and sat down with him, and Roger, I said,
11 you have got the troops upset. You are having some
12 problems in the supervisory area. And explained to him
13 what some of these problems were.

14 He agreed with me that he needed improvement,
15 and this was during the time when he was in quality
16 operations. And I thought I was getting somewhere, and he
17 improved for a while. He got to be a better supervisor
18 for about two weeks. And right back down hill again.

19 He has never been a good supervisor. In fact,
20 if you talk to all the people that ever worked for him, I
21 think they will basically all tell you about the same
22 thing, because I have talked to all those people. I have
23 listened to them; I know what they have to say.

24 Q Do you know what his ranking was in that
25 ranking process?

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1 can and as I truly believe. If the result of that answer
2 doesn't answer your question, I am sorry.

3 Q I wasn't trying to argue about that. I am
4 trying to tell you why we are asking the questions we are,
5 because, you know, not you but some other people have
6 said, Well, that is possible, and we understand it is
7 possible. But we are trying to see if there is anything
8 that maybe you heard or might lead us to believe that it
9 is more subjective than it appears to have been.

10 You may not have heard or seen that, but we
11 are trying to find out.

12 A No. I can't help you there.

13 Q So your answer would be it may have been -- the
14 whistleblower part may have been considered, but to your
15 knowledge, you don't know.

16 A That is true.

17 MR. BOAL: Okay. That is all the questions I
18 have on that particular case. Mr. Armenta?

19 MR. ARMENTA: No questions.

20 MR. BOAL: Okay. It is -- we are not going to
21 bring up any more specific questions tailored to Mr.
22 Backen, but before we go off the record on Mr. Backen, I
23 would like to ask if perhaps you might have something that
24 we haven't brought up about Mr. Backen that you may think
25 is something that is important we need to consider, and

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1 offer you the opportunity to discuss it with us at this
2 point.

3 THE WITNESS: I think I have pretty much
4 covered Roger Backen's performance. Maybe the only thing
5 I didn't really adequately cover was -- and I did talk
6 about his supervisory ability. When he was a supervisor
7 of quality systems, he had the people that worked for him
8 very upset, but that related to his poor supervisory
9 capabilities, so I guess I have covered it.

10 MR. BOAL: Okay. We appreciate your
11 discussing that with us. And it is now approximately 9:12
12 a.m., and that is going to conclude the interview record
13 pertaining to case number 4-95-016, Mr. Roger Backen.

14 (Whereupon, at 9:12 a.m., the interview in the
15 above-entitled matter was concluded.)
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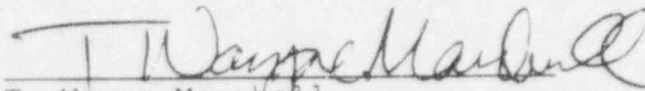
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: JIMMIE DALE DAVIS

Docket Number(s): 4-95-016

Place of Proceeding: St. Francisville, LA

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.



T. Wayne Marshall
Official Reporter
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