

EXHIBIT 2

Information in this record was deleted
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Act, exemptions 7C
EOIA- 99-76

2/14

EXHIBIT 2

REPORT OF INTERVIEW
WITH

On September 29, 1995, [REDACTED] at The Wackenhut Corporation (THC), was telephonically interviewed at [REDACTED] by Nuclear Regulatory Commission (NRC), Office of Investigations, Region IV (RIV), Investigator Dennis Boal regarding an allegation of employment discrimination at Waterford 3 Steam Electric Station (WF3). [REDACTED] provided the following information in substance:

[REDACTED] said [REDACTED] was fired from WF3 in August 1995 for not conducting a fire watch even though [REDACTED] provided a sworn statement that [REDACTED] had performed duties correctly. [REDACTED] said [REDACTED] was at WF3 and that was why [REDACTED] was fired.

[REDACTED] said [REDACTED] was the only [REDACTED] "challenged by a Quality Assurance (QA) audit" at WF3. [REDACTED] said a WF3 QA auditor allegedly hid in a room waiting for [REDACTED] to enter as a fire watch and said [REDACTED] did not enter the room. [REDACTED] said the room [REDACTED] was alleged not to have entered during [REDACTED] "rounds" did not have a card reader. WF3 reviewed the card reader records for the previous door and the subsequent door and concluded [REDACTED] did not enter the room to conduct a fire watch and [REDACTED] employment was terminated. [REDACTED] said that [REDACTED] did not see the auditor in the room when [REDACTED] conducted the fire watch and felt that a time discrepancy may explain the incident. [REDACTED] explained that the computerized clocks used by security are 2 minutes different from the rest of the plant.

[REDACTED] said [REDACTED] had no knowledge of any safety concerns at WF3, did not know of any problems reporting safety concerns, and felt [REDACTED] was fired for [REDACTED]. [REDACTED] said [REDACTED] would cooperate with the NRC and provide further information upon request. [REDACTED] said [REDACTED]

This report prepared on October 2, 1995, from investigator's notes.

Dennis Boal

Dennis Boal, Investigator
Office of Investigations Field Office, RIV

4-35-044

Exhibit 2
Page 1 of 1

Porter
7C

EXHIBIT 3

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EXHIBIT 3

REPORT OF INTERVIEW
WITH
GREGORY L. FEY

On October 4, 1995, FEY, Corrective Action Supervisor, Entergy Operations, Inc. (EOI), Waterford 3 Nuclear Station (WF3), was interviewed by Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), Investigator Dennis Boal about allegations of fire watch irregularities at WF3. FEY provided the following information in substance:

FEY said that he is conducting a WF3 Quality Assurance (QA) investigation into allegations about The Wackenhut Corporation (TWC) conducting ineffective fire watches at WF3. FEY said in July 25, 1995, Homer COOPER, Security Manager, EOI, received an anonymous telephone call about irregularities with the conduct of fire watches. The caller informed COOPER that tape was placed on the doors and if the tape was not moved, it was not opened for a fire watch. The caller also said the security computer failed on August 21, 1994, and a compensatory guard was not reinstated at a designated post resulting in a compensatory post not being staffed. The caller said when he brought the situation to TWC attention and the situation was ignored. FEY said COOPER called John J. LEDET, Security Superintendent, EOI, and provided him the information the anonymous caller provided.

FEY said LEDET assigned Jerry W. GREMILLION, Senior Security Coordinator, EOI, to follow-up on the allegations. FEY said GREMILLION assigned John MAIKEL, TWC, Lead Security Officer, to go into the plant and look at the doors to determine if they were taped as alleged. FEY said GREMILLION also asked a clerical person, Lutteria MAES [NFI], who once worked as a fire watch if she had observed irregularities. FEY said MAES provided a memorandum dated July 29, 1995, to GREMILLION that listed five more allegations about irregularities regarding the fire watches at WF3. FEY said MAIKEL reported to GREMILLION he was unable to locate any tape on the doors. FEY said GREMILLION provided the information he obtained from MAIKEL and MAES to LEDET.

FEY said that on August 2, 1995, LEDET requested that Timothy BROOKS, TWC Security Force Coordinator, conduct an investigation about MAES' allegations and the taping allegation. FEY said that BROOKS developed an interview list of nine employees involved in the allegations. FEY said that two of the employees had left employment at WF3; therefore, seven employees were interviewed by BROOKS. FEY said his review of BROOKS' interview documentation indicated three employees admitted knowledge about the taping of doors; however in the BROOKS' report, the allegation about taping the doors was unsubstantiated. During the BROOKS investigation, FEY said [redacted] [sp] [NFI] admitted to BROOKS that he had signed the fire watch logs as completing fire watches when someone else [NFI] in reality conducted the fire watch. FEY said BROOKS terminated [redacted] employment with TWC. FEY said BROOKS wrote a condition report (CR) about [redacted] and provided a report to

7C


LEDET on August 16, 1995, that said the investigation was resolved with no further substantiation. FEY said upon review, he did not agree with the BROOKS' conclusion.

FEY said on August 18, 1995, WF3, QA, conducted a routine monthly surveillance of the fire watch activity. FEY said a QA auditor [NFI] waited in a room for the fire watch to enter and the fire watch never entered the room. FEY said the QA auditor then walked a "round" with the fire watch. [REDACTED] and [REDACTED] did check the room. FEY said [REDACTED] was subsequently fired. FEY said the WF3 plant manager requested QA to conduct an investigation into the fire watch irregularities and on August 18, 1995, WF3 notified the NRC about the situation. FEY said this was the first documented conversation with the NRC about the fire watch situation. 7C

FEY said WF3 installed "Morris Watchman" devices on the doors to prevent the falsification of fire watches. FEY said on September 18, 1995, the QA auditors found and photographed tape on some doors and evidence of taping on other doors. FEY said he met with the plant manager and requested that [REDACTED] be placed on administrative leave while the investigative interviews were conducted. FEY added they were reinstated on October 2, 1995. FEY said he additionally requested legal or security assistance, and Douglas E. LEVANWAY, Wise, Carter, Child and Carraway, a EOI contract law firm, was assigned to assist. 7C

FEY said currently his QA investigation has concluded interviewing, and he is in the process of reviewing and organizing the information into a report to respond to the NRC by the October 13, 1995; however, FEY added he may have to request an extension. FEY said that LEVANWAY has not completed a report and hoped LEVANWAY would complete a report that he could incorporate into his own report. FEY said his report is complicated by human resource issues that were identified during his investigation. FEY said that TWC employees recently selected union representation; but he did not think there was a completed contract agreement.

This report prepared from investigator's notes on October 4, 1995:


Dennis Boal, Investigator
Office of Investigations Field Office, RIV

October 15, 1995
Garry L. Fay, Collective Action Supervisor

7/25/95 - employees phone calls ex-employee to Henry Cooper
Security manager - Tape on doors, failure to make a
compensating post. Computer failed, failed to report
when reported [8-21-94]

He called Steve Seintz [Leddett]
some investigating, was Jerry & Remini to F/A
an allegation he > sent John Michael out to look
for tape as a [redacted] admitted [redacted] knew about
Lutherel Maes submitted memo 7-29-95 E. J. 7C

John Michael - did not find any tape

6/2/96 Leddett asked Timothy Brooks TWC to do an
investigation

6/7 Brooks developed a interim list (9) employees
possible violation (2) were gone [3 interviewed say tape was true
(Joel Robinson) - admitted signing when
he did not do fire work and
was fired

TWC report

Port 7C
2/16

(2)

Book (column - 1) Termination, no other
8/16/95

8/17/95 Termination [redacted] met a CR 7C

8/18/95 At Surveillance of fire watch, got audiotape sent into
a room, when on tape with [redacted] with 7C
terminated. we called the NRC. Plant manager
asked to do investigation about security work practice

notes with man
Installed a moving time recorder to prevent偷
from moving

8/19/95 Letter from NRC (1) ask response
(2) pass away allegations and
done

8/20/95 off time tape, met with plant manager

I talked to security, removed brains and
cables. I did not agree

I asked for help

9/09/95 Nuclear Emergency

put on Admin Leave Ledet
 Gummaway
 Brooks
 ~~XXXXXXXXXXXX~~
 John MAIKel } Bul 10/2

provided preliminary findings

TWC - will take care of this problem

Brooks - TWC oversight coordinator

Documented first conversation on 8/18/95 SRI/NRC

John J.	Ledet, EOI	Security	Superintendent
Jerry W.	Gremillion, EOI	Security	Senior Coordinator

Timothy	BROOKS, TWC,	Security force coordinator
John	MAIKel, TWC,	Lead Security Officer.

UNION voted does not yet have a contract
not FNU but maybe EOI and TWC

Two units

TROY
~~Tony~~ Pruitt
Be

SR 1

WF3

[REDACTED] 7C

< JPE > says

[REDACTED]

7C

Series of Tiquant victims

How many employees filed employee claims!
get bank's pers appraisal?

Fire Water { 4.75.535
 1.044
 .097

EOI Bell Pendugars
Tim gaudet

[REDACTED]

7C

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734 all comm = 451 persons

Portions
7C 17
2/HB

REPORT OF INTERVIEW
WITH
[REDACTED]

7C

On September 29, 1995, [REDACTED] at The Wackenhut Corporation, was telephonically interviewed at [REDACTED] by Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), Investigator Dennis Boal regarding his allegations of employment discrimination against a [REDACTED] at the Waterford 3 Steam Electric Station. [REDACTED] provided the following information in substance:

7C

[REDACTED] said information about the terminated [REDACTED] would be best obtained from the [REDACTED] and provided [REDACTED] name, [REDACTED] and telephone number [REDACTED] for contact by OI. [REDACTED] said he would cooperate with the NRC and provide further information upon request.

7C

This report prepared on October 2, 1995, from investigator's notes.

Dennis Boal

Dennis Boal, Investigator
Office of Investigations Field Office, RIV

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2/18

WATERFORD 3

CASE CHRONOLOGY

FILE NUMBER

4-95-844

DATE OPENED

8-29-95

OPENED BY

BOAL

DATE

ACTIVITY

4/24/95	discussed with FOD while await license report
10/4/95	travel to WFS discussed this with QA conducting untypical at WFS. Inform report to be discussed with FOD, AXP
10/17/95	review license report
10/18/95	draft ROI to FOD review
11/21/95	discuss with FOD, close as substantiated include (redacted) TC
10/2/96	review + rework ROI 8-10
12/5/95	ROI to FOD for review, determined to hold for 30 days to allow WFS time to act.
1/12/96	discussed finalizing ROI with FOD - move to review
1/21/96	called AVSA - William Sellers, left message, to return called said he wouldn't + privacy. ROI to finalizing
2/6/96	did final review and typing on ROI
2-8-96	Case FOD - DOJ declined 1-22-96

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2/19

CASE No. 4-95-047

**United States
Nuclear Regulatory Commission**



Report of Investigation

WATERFORD 3 STEAM ELECTRIC STATION:

**ALLEGED DISCRIMINATION FOR REPORTING FIRE WATCH
CONCERNS TO SITE MANAGEMENT**

Office of Investigations

Reported by OI: **RIV**

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2/20

Title: WATERFORD 3 STEAM ELECTRIC STATION:

ALLEGED DISCRIMINATION FOR REPORTING FIRE WATCH CONCERNS TO SITE
MANAGEMENT

Licensee:

Entergy Operations, Inc.
P.O. Box B
Kilona, LA 70066

Docket No.: 50-00382

Case No.: 4-95-047

Report Date: January 31, 1996

Control Office: OI:RIV

Status: CLOSED

Reported by:

Reviewed and Approved by:

Dennis Boal

Dennis Boal, Investigator
Office of Investigations
Field Office, Region IV

E. L. Williamson

E. L. Williamson, Director
Office of Investigations
Field Office, Region IV

WARNING

The attached document/report has not been reviewed pursuant to
10 CFR Section 2.790(a) exemptions nor has any exempt material been
deleted. Do not disseminate or discuss its contents outside NRC.
Treat as "OFFICIAL USE ONLY."

SYNOPSIS

On September 6, 1995, the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), initiated an investigation to determine whether an alleged was discriminated against at Entergy Operations, Inc., Waterford 3, for reporting a fire watch concern to site management.

The evidence developed during this investigation revealed the alleged was terminated from employment, by the licensee, for falsifying fire watch records. The allegation that the alleged was discriminated against for reporting fire watch concerns to site management was unsubstantiated.

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DETAILS OF INVESTIGATION

Allegation

Alleged Discrimination for Reporting a Fire Watch Concern to Site Management

Applicable Regulations

10 CFR 50.5: Deliberate Misconduct (1995 Edition)

10 CFR 50.9: Completeness and Accuracy of Information (1995 Edition)

Purpose of Investigation

This investigation was initiated (Exhibit 1) by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine whether Michelle FOLSE, former Security Officer for The Wackenhut Corporation (TWC), was discriminated against for reporting fire watch concerns to Entergy Operations, Inc. (EOI), Waterford 3 (WF3).

Background

On August 31, 1995, Troy PRUETT, NRC Resident Inspector at WF3, met with Nicholas J. GLOVER, Jr., TWC Security Officer, who identified numerous concerns, including a security guard's improper employment termination; intimidation by EOI management; cancellation of fire impairments without adequate correction; inadequate fire watch patrol logs; freon drums reported missing in 1994 and 1995 had been used to maintain leaking equipment; the security shift superintendent (SSS) had failed to transfer fire impairments from a routing sheet to fire patrol logs for 2-3 days; and an SSS pulled an "armed" weapon on other security officers on three different occasions.

Coordination with the NRC Staff

On September 5, 1995, the RIV Allegation Review Panel (ARP) requested that OI:RIV interview the alleged to obtain additional information regarding his concerns.

On September 7, 1995, OI:RIV spoke with PRUETT who said the concerns were received from a [REDACTED]

[REDACTED] PRUETT said the alleged is still employed at WF3 and was not directly involved in two recent incidents involving alleged falsification of records and/or failure to make required fire watch rounds. PRUETT said the allegations were a compilation of concerns by the alleged, a [REDACTED] who are still employed at WF3 [NFI].

JC

Postcard
7C

Interview of Allegor, (██████████) (Exhibit 2)

On September 29, 1995, ██████████ was telephonically interviewed regarding his allegations of employment discrimination against a ██████████ at WF3. ██████████ advised that he did not have firsthand information about the allegations and provided ██████████ name and telephone number for OI:RIV contact. ██████████ said ██████████ would be able to provide further specific information about the allegations. 7C

Interview of Allegor, ██████████ (Exhibit 3)

On September 29, 1995, ██████████ was telephonically interviewed regarding an allegation of employment discrimination at WF3. ██████████ said ██████████ was fired from WF3 in August 1995 for not conducting a fire watch even though ██████████ provided a sworn statement that ██████████ had performed duties correctly. ██████████ said ██████████ at WF3 and that was why ██████████ felt ██████████ was fired. 7C

██████████ said ██████████ was the only ██████████ "challenged by a Quality Assurance (QA) audit" at WF3. ██████████ said a WF3 QA auditor allegedly was hidden in a room waiting for ██████████ to enter and conduct a fire watch. ██████████ said the WF3 QA auditor reported ██████████ did not enter the room. ██████████ said the room was alleged not to have entered during ██████████ "rounds" did not have a card reader. ██████████ said that WF3 reviewed the card reader records for the previous door and the subsequent door and concluded ██████████ did not enter the room to conduct a fire watch and ██████████ employment was terminated. ██████████ said that ██████████ did not see the auditor in the room when ██████████ conducted the fire watch and felt that a time discrepancy may explain the incident. ██████████ explained that the computerized clocks used by security are 2 minutes different from the rest of the plant. ██████████ said ██████████ had no knowledge of any safety concerns at WF3, did not know of any problems reporting safety concerns, and felt ██████████ was fired for ██████████. 7C

Coordination with the ARP

On October 3, 1995, the NRC:RIV Senior Allegations Coordinator (SAC) informed OI:RIV that the ARP had requested the licensee report regarding an internal investigation about the fire watch at WF3. Additionally, the SAC informed OI:RIV that the Division of Reactor Safety (DRS) was scheduled to conduct an inspection at WF3 into these issues.

On October 10, 1995, the ARP recommended closure of the alleged discrimination issue because the allegor (██████████) acknowledged ██████████ had been terminated for ██████████ not because of reporting safety concerns. DRS agreed to address the other allegations in a fire protection/security access inspection scheduled the last 2 weeks of November 1995. The results of those inspection efforts will be reviewed in concert with the technical staff. 7C

Review of Licensee Investigation Report, dated October 13, 1995 (Exhibit 4)

OI conducted a review of the Waterford 3 Investigation Report which was prepared by the licensee in response to NRC letters dated September 13, 1995, and September 14, 1995, regarding NRC allegations RIV-95-A-0113 and RIV-95-A-0147 about fire watch irregularities. This report stated that allegations referred to WF3, by NRC:RIV, were substantiated and the two [REDACTED] involved, [REDACTED] were terminated from employment. 7C

The licensee report related that in addition to the employment terminations, the licensee installed electronic devices throughout the plant to validate all future fire watches. Additionally, the licensee described that training classes will be conducted with security personnel to reemphasize management's expectations regarding fire watches with proper and accurate "logkeeping practices."

Conclusions

The evidence developed during this investigation revealed that [REDACTED] was terminated from employment by the licensee for falsifying fire watch records. The allegation that [REDACTED] was discriminated against for reporting fire watch concerns to site management was unsubstantiated. 7C

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7C

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated July 24, 1995.
2	Report of Interview of [REDACTED] dated September 29, 1995.
3	Report of Interview of [REDACTED] dated September 29, 1995.
4	WF3 Investigation Report, dated October 13, 1995.

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EXHIBIT 1

LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE

INVESTIGATION STATUS RECORD

Case No.: 4-95-047 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0153 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 09/06/95
Source of Allegation: ALLEGER (A) Priority: N (L. J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: T. PRUETT, WF3 RI
Category: IH Case Code: RP
Subject/Allegation: ALLEGED DISCRIMINATION FOR REPORTING FIRE WATCH CONCERNS
TO SITE MANAGEMENT

Remarks: 10 CFR 50.7

Monthly Status Report:

09/06/95: On August 31, 1995, Nuclear Regulatory Commission (NRC) Resident Inspector at Waterford 3 (WF3), Troy Pruett, met with the allegor who identified numerous concerns, including a security guard's improper employment termination; intimidation by Entergy management; cancellation of fire impairments without adequate correction; inadequate fire watch patrol logs; freon drums reported missing in 1994 and 1995 had been used to maintain leaking equipment; security shift superintendent (SSS) has failed to transfer fire impairments from routing sheet to fire patrol logs for 2-3 days, and SSS pulled an "armed" weapon on other security officers on three different occasions. An Allegation Review Panel (ARP) held on September 5, 1995, requested that the Office of Investigations (OI), Region IV, interview the allegor to obtain additional information regarding his concerns. On September 7, 1995, OI:RIV spoke with Pruett who said these concerns were received from a [REDACTED]

[REDACTED] This individual is still employed at WF3 and was not directly involved in two recent incidents involving alleged falsification of records and/or failure to make required fire watch rounds. The allegations were a compilation of concerns by the allegor, [REDACTED]

[REDACTED] who are still employed at WF3 [NFI]. Status: FWP ECD: 12/95 (90-day)

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[REDACTED] said information about the terminated [REDACTED] would be best obtained from the [REDACTED], and provided [REDACTED] name, [REDACTED] and telephone number [REDACTED] for contact by OI. [REDACTED] said he would cooperate with the NRC and provide further information upon request.

This report prepared on October 2, 1995, from investigator's notes.

Dennis Boal
Dennis Boal, Investigator
Office of Investigations Field Office, RIV

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REPORT OF INTERVIEW
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Dennis Boal
Dennis Boal, Investigator
Office of Investigations Field Office, RIV

Review of Documentation
of Accumulated Evidence

7C

7:30 am (8:00)

QA inspector hid in a room, within statute
and leads, they went, time it took
to

Maybe because

7C

Another Reason I worked WACKENTHUT;

August

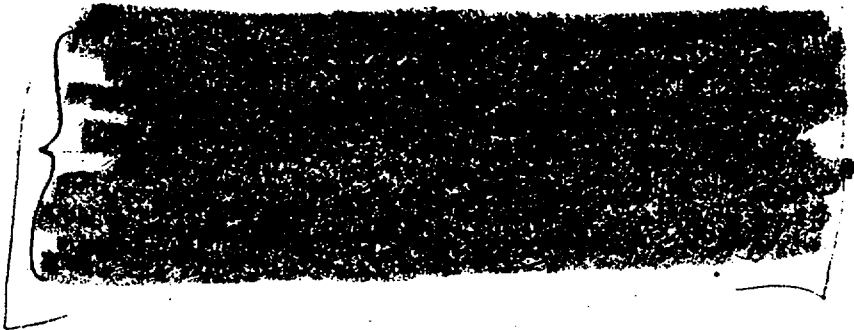
I was only person that was challenged by QA
audit. Only thing was tried for not checking
File impaired by D tag, what he said we were
checking the area, I suppose LOI and WACKENTHUT
lying on ALL report.

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Returned 7C 2/24

2, 10, 12, 13 not registered

relative to team



PSB - CNG in Field Officer

license conducted - whether had not good

the had 97 - did not answer completely

went to law firm in Jackson, Mississippi

provide: Reg firm investigation by license to get answers around

1, 2, 3, 10

Monday
Friday
10/3
10/4

phone
7c

On September 29, 1995, discussed with [REDACTED] he provided the contact information for the alleged: [REDACTED]

Additionally [REDACTED] explained that initially the licensee asked WACKENHUT to investigate and then requested the QA department to investigate and has now contracted with a Jackson, Mississippi law firm [NFI] to investigate the allegations. 7c

REPORT OF INTERVIEW
WITH
GREGORY L. FEY

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FEY said that he is conducting a WF3 Quality Assurance (QA) investigation into allegations about The Wackenhut Corporation (TWC) conducting ineffective fire watches at WF3. FEY said in July 25, 1995, Homer COOPER, Security Manager, EOI, received an anonymous telephone call about irregularities with the conduct of fire watches. The caller informed COOPER that tape was placed on the doors and if the tape was not moved, it was not opened for a fire watch. The caller also said the security computer failed on August 21, 1994, and a compensatory guard was not reinstated at a designated post resulting in a compensatory post not being staffed. The caller said when he brought the situation to TWC attention and the situation was ignored. FEY said COOPER called John J. LEDET, Security Superintendent, EOI, and provided him the information the anonymous caller provided.

FEY said LEDET assigned Jerry W. GREMILLION, Senior Security Coordinator, EOI, to follow-up on the allegations. FEY said GREMILLION assigned John MAIKEL, TWC, Lead Security Officer, to go into the plant and look at the doors to determine if they were taped as alleged. FEY said GREMILLION also asked a clerical person, Lutteria MAES [NFI], who once worked as a fire watch if she had observed irregularities. FEY said MAES provided a memorandum dated July 29, 1995, to GREMILLION that listed five more allegations about irregularities regarding the fire watches at WF3. FEY said MAIKEL reported to GREMILLION he was unable to locate any tape on the doors. FEY said GREMILLION provided the information he obtained from MAIKEL and MAES to LEDET.

FEY said that on August 2, 1995, LEDET requested that Timothy BROOKS, TWC Security Force Coordinator, conduct an investigation about MAES' allegations and the taping allegation. FEY said that BROOKS developed an interview list of nine employees involved in the allegations. FEY said that two of the employees had left employment at WF3; therefore, seven employees were interviewed by BROOKS. FEY said his review of BROOKS' interview documentation indicated three employees admitted knowledge about the taping of doors; however in the BROOKS' report, the allegation about taping the doors was unsubstantiated. During the BROOKS investigation, FEY said [redacted] [sp] [NFI] admitted to BROOKS that he had signed the fire watch logs as completing fire watches when someone else [NFI] in reality conducted the fire watch. FEY said BROOKS terminated [redacted] employment with TWC. FEY said BROOKS wrote a condition report (CR) about [redacted] and provided a report to [redacted] 7C

Case No. 4-95-044

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Act, exemptions 7C
FOIA- 99-76

Exhibit
Page of

2/26

LEDET on August 16, 1995, that said the investigation was resolved with no further substantiation. FEY said upon review, he did not agree with the BROOKS' conclusion.

FEY said on August 18, 1995, WF3, QA, conducted a routine monthly surveillance of the fire watch activity. FEY said a QA auditor [NFI] waited in a room for the fire watch to enter and the fire watch never entered the room. FEY said the QA auditor then walked a "round" with the fire watch, [REDACTED] and [REDACTED] did check the room. FEY said [REDACTED] was subsequently fired. FEY said the WF3 plant manager requested QA to conduct an investigation into the fire watch irregularities and on August 18, 1995, WF3 notified the NRC about the situation. FEY said this was the first documented conversation with the NRC about the fire watch situation. 7C

FEY said WF3 installed "Morris Watchman" devices on the doors to prevent the falsification of fire watches. FEY said on September 18, 1995, the QA auditors found and photographed tape on some doors and evidence of taping on other doors. FEY said he met with the plant manager and requested that [REDACTED] be placed on administrative leave while the investigative interviews were conducted. FEY added they were reinstated on October 2, 1995. FEY said he additionally requested legal or security assistance, and Douglas E. LEVANWAY, Wise, Carter, Child and Carraway, a EOI contract law firm, was assigned to assist. 7C

FEY said currently his QA investigation has concluded interviewing, and he is in the process of reviewing and organizing the information into a report to respond to the NRC by the October 13, 1995; however, FEY added he may have to request an extension. FEY said that LEVANWAY has not completed a report and hoped LEVANWAY would complete a report that he could incorporate into his own report. FEY said his report is complicated by human resource issues that were identified during his investigation. FEY said that TWC employees recently selected union representation, but he did not think there was a completed contract agreement.

This report prepared from investigator's notes on October 4, 1995.

Dennis Boal

Dennis Boal, Investigator
Office of Investigations Field Office, RIV

WATERFORD 3

ILY Award

44-38861-1047

62-10681-1178

9-6-95

განმარტებული

3042

DATE

ACTIVITY

3/15/91

interviewed SAC office see file, discussed with FOD examined
interview with WLC also contacted SBI he had no information
to contact [REDACTED] will continue contact this weekend, contact made
internal Ad person at WFS conducting review of this situation
will discuss with FOD

56/10/01.

Asst. Remanded denied

6/17/95

Planned Minor Repair

10/18/98

POI dest to FOI

86/12/11

diminish with FOD spread as low priority, ROI to FOD for psmo

5/25/11

ROI is due to typing, Final

11/2/96

Plum with FOS

1/22/96

~~[REDACTED]~~ ROI to five years.
~~[REDACTED]~~

1-31-96

Case For closed

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FOIA. 79-76

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INVESTIGATION STATUS RECORD

Case No.: 4-95-047 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0153 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 09/06/95
Source of Allegation: ALLEGER (A) Priority: N (L. J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: T. PRUETT, WF3 RI
Category: IH Case Code: RP
Subject/Allegation: ALLEGED DISCRIMINATION FOR REPORTING FIRE WATCH CONCERNS
TO SITE MANAGEMENT

Remarks: 10 CFR 50.7

Monthly Status Report: Page 2

09/30/95: Alleger interviews and field work to be scheduled the week of October 2, 1995. Status: FWP ECD: 12/95 (90-day).

10/31/95: On September 29, 1995, the allegor, [REDACTED] were interviewed. The information they provided did not identify apparent NRC violations. On October 6, 1995, OI:RIV interviewed the licensee investigations coordinator who anticipated completing the licensee investigation by October 13, 1995. OI:RIV provided this information to the ARP and on October 10, 1995, the ARP recommended closure of this allegation as apparent NRC violations were not identified. On October 17, 1995, OI:RIV received the licensee report that identified a [REDACTED] [REDACTED] had falsified fire watch logs and terminated the [REDACTED] employment. The licensee also identified that [REDACTED] had not conducted a fire watch and had noted in the fire watch log that [REDACTED] had completed the fire watch. [REDACTED] was also terminated from employment. The 90-day decision point has been met and the initial ECD is being established for 05/96. Draft ROI in preparation. Status: RID ECD: 05/96

11/30/95: ROI in FOD review. Status: RIO ECD: 05/96

12/31/95: ROI in FOD/Administrative review. Status: RIO ECD: 05/96

01/31/96: Case FOD closed on 01/31/96.

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Act, exemptions 7C
FOIA- 99-76

Closed: 01/31/96

Issued: 01/31/96

Closed Action: U

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INVESTIGATION STATUS RECORD

Case No.: 4-95-047 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0153 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 09/06/95
Source of Allegation: ALLEGER (A) Priority: N (L. J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: T. PRUETT, WF3 RI
Category: IH Case Code: RP
Subject/Allegation: ALLEGED DISCRIMINATION FOR REPORTING FIRE WATCH CONCERNS
TO SITE MANAGEMENT

Remarks: 10 CFR 50.7

Monthly Status Report:

09/06/95: On August 31, 1995, Nuclear Regulatory Commission (NRC) Resident Inspector at Waterford 3 (WF3), Troy Pruett, met with the allegor who identified numerous concerns, including a security guard's improper employment termination; intimidation by Entergy management; cancellation of fire impairments without adequate correction; inadequate fire watch patrol logs; freon drums reported missing in 1994 and 1995 had been used to maintain leaking equipment; security shift superintendent (SSS) has failed to transfer fire impairments from routing sheet to fire patrol logs for 2-3 days, and SSS pulled an "armed" weapon on other security officers on three different occasions. An Allegation Review Panel (ARP) held on September 5, 1995, requested that the Office of Investigations (OI), Region IV, interview the allegor to obtain additional information regarding his concerns. On September 7, 1995, OI:RIV spoke with Pruett who said these concerns were received from [REDACTED]. This individual is still employed at WF3 and was not directly involved in two recent incidents involving alleged falsification of records and/or failure to make required fire watch rounds. The allegations were a compilation of concerns by the allegor, [REDACTED] who are still employed at WF3 [NFI]. Status: FWP ECD: 12/95 (90-day)

ALLEGATION ASSIGNMENT FORM

Allegation Number: **RIV-95-A-0113**

Licensee/Facility or Location: **WATERFORD-3**

Discussed at ARP meeting on: **7/24/95**

Assigned to: **DRP, DRS, DRSS, SAC** Branch:

OI involvement? OI tracking number:

Allegation Summary: *Region IV office was informed that contract fire watches were placing tape on doors without cardreaders and instead of entering all of the doors, only enter the doors when the tape has been broken, permitting faster rounds to be performed. Another issue regarding compensatory posting was identified, but insufficient information was provided to assist in our review. The alleged agreed to contact RIV on 7/18 but no calls have been received.*

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

*OI contact alleges +
IRB to conduct on 14 Aug 95 follow-up
inspection.*

[REDACTED] *7C*

Submitted by: _____ Date: _____
cc: Allegation File, ARP Meeting File, OI

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2/29

Facility: Waterford-3

Docket No. 50-382

Functional Area: Plant Support (Security)

Number of concerns: 14

Source: Contract Security Officer. Also serves as [REDACTED]

Date Received: August 31, 1995 at 1:30 PM

Received by: Troy W. Pruett, Resident Inspector

Location: Resident Inspector Office

Name of Allegor: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

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Act, exemptions 7C
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On August 31, 1995, the allegor expressed several concerns to the resident inspector. The statement in RN 0127 was read to the allegor and the allegation process was discussed with the individual. Additionally, the resident informed the allegor that he should contact DOL with a written complaint within 180 days if he felt discriminated against. The following concerns were expressed by the allegor:

1. A security officer was improperly terminated on August 31, 1995, following concerns raised by the QA department on August 18, 1995. Specifically, a two minute discrepancy existed between the security computer clock and the QA inspector's watch such that the fire patrol entered the room prior to the QA inspector entering the room. The allegor stated that the officer was terminated primarily [REDACTED] because the contract security supervisor was pressured by Entergy management to terminate the employee. The allegor also stated that the decision to terminate the employee was based on security and fire patrol card reader histories which are not valid because the door to the space in question does not require key card access. The licensee used the entry times on door 150 (RCA Door) and door 121, to determine if the individual could have entered door 126. The Allegor was unsure if the QA inspectors card reader history was pulled to determine the actual time the QA inspector was in the space in question. OI
7C
2. Allegor stated that Entergy terminated the employee partly for union busting tactics and partly because of NRC involvement in the issue. OI
3. Allegor stated that some personnel feel intimidated by Entergy management due to comments made concerning union negotiations. Some security personnel feel that they could be retaliated against for bringing concerns forward to management. OI

2/30

4. Fire Impairment 95-244 dated May 25, 1995 was initiated by the operations shift supervisor but not acknowledged by the security department until August 11, 1995. The area affected by the impairment was not toured during the period of May 25-August 11, 1995, and no personnel were disciplined for the oversight. This issue was discussed with the supervisor who did not take any action to correct the discrepancy. The alleged stated that a security officer initiated a condition report (CR) and that the CR was not acted on by management. Alleged stated that this was one example of several instances where fire impairments have been initiated but not added to the security/fire watch patrol logs.
5. Fire impairment 95-356 dated August 24, 1995 specified that door 149 was to be checked on a hourly basis. However the fire watch log reflected that the corridor was to be checked hourly. Security management was notified of the discrepancy on August 25, 1995, but did not take any actions to remedy the issue as of August 28, 1995, and did not initiate a CR.
6. In 1993 and 1995, door 220 and the area within had fire impairments. When the door was repaired the impairments for the area and the door were removed even though the condition which required the area impairment had not been corrected. This issue was discussed with supervision on both occasions. Supervision corrected the discrepancy but did not initiate any CR's.
7. In 1994 and several years preceding, the fire patrol logs required hourly checks on door 191. However the actual impairment was for the enclosure across from door 191. Supervision was informed and corrected the discrepancy; however, failed to initiate a CR.
8. Fire patrol logs required hourly patrols of protected area on the east side of the turbine building adjacent to door 59. However the impairment was for the north wall of the turbine building near door 193. Supervision was informed of the discrepancy and stated that the area in question was covered by another impairment. However, the impairment for the north wall had existed for several months prior to the issuance of the second impairment. The supervisor did not initiate a CR and did not follow-up on the reason for the initial discrepancy.
9. Alleged stated that there are numerous discrepancies between the fire watch patrol log requirements and the requirements specified in the fire impairment log.
10. Alleged stated that the missing freon drums reported in 1994 or 1995 had not been stolen but had been used by the facility to maintain equipment in service instead of repairing the leaking component. The alleged stated that this information was received from personnel within the maintenance department.
11. Alleged stated that on some occasions the shift security superintendent has delayed transferring fire impairments from the routing sheet to the fire patrol logs for periods of 2-3 days.

12. Allegor stated that adverse actions were taken against contract security employees for missing copper when the copper had actually been on site in an area outside the protected area.
13. Allegor stated that employee evaluations included a section for rating the employee's safety practices including deduction of points for lost time accidents. The deduction of points could result in the individual not receiving merit promotions or pay raises and promotes unsafe work practices. *Ex 7C*
14. Allegor expressed several concerns regarding a security shift superintendent [REDACTED] *DSS*. Specifically, the allegor cited three examples were the individual pulled an armed weapon on other security officers while in the Protected Area. In some cases the individual used an unauthorized personal firearm. Supervision was notified of the instances but did not take any action because the employees did not express an opinion that they had been threatened. In one case a security officer stopped the SSS to perform a search while he was exiting the protected area. The SSS pointed his weapon at the security officer and stated that his weapon was all that he needed to exit. The security officer stopped the search and allowed the SSS to exit the protected area.

The SSS assaulted one employee in his private home, however supervision did not take any actions to remedy the actions of the SSS.

The allegor expressed a concern that security officers would not bring forward items of potential safety significance in areas under the cognizance of the SSS for fear of retaliation.

Allegor stated that the SSS had been let go by the Alexandria police force under suspicious circumstances which should be evaluated by NRC.

ALLEGATION ASSIGNMENT FORM

Allegation Number: **RIV-95-A-0153**

Licensee/Facility or Location: **WATERFORD - 3**

Discussed at ARP meeting on: **9/5/95**

Assigned to: **DRP, DRS, DRSS, SAC** Branch: **PSB, RIB**

OI involvement? **YES** OI tracking number:

Allegation Summary: *The allegation was received from a [REDACTED] who appears to be one of the individuals involved in RIV-95-A-0147 (fire watch rounds). The allegor has identified 14 concerns including termination from employment, intimidation by Entergy management, disposition of fire impairment 95-244, poor instructions to the fire watches, cancellation of fire impairment without adequate correction, inadequate fire watch patrol logs, missing freon drums reported in 1994 and 1995 had been used to maintain leaking equipment, security shift supervisor has failed to transfer fire impairments from routing sheet to fire patrol logs for 2-3 days, and security shift supervisor pulled an "armed" weapon on other security officers on three different occasions.* 7C

ARP instructions/guidance: **DRS:PSB** will review part of concern 1, and concerns 4-9, & 11. **DRSS:RIB** will review concern 14. Concerns 10, 12 and 13 are not NRC regulatory issues, and the allegor will be advised. OI will interview the allegor relative to termination. SAC will prepare acknowledgement letter to the allegor with DOL information.

ARP Chairman: J. E. Dyer *Dyer* Date: 9/7/95

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

Submitted by: _____ Date: _____
cc: Allegation File, ARP Meeting File, OI

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ALLEGATION ASSIGNMENT FORM

Allegation Number: **RIV-95-A-0153**

Licensee/Facility or Location: **WATERFORD - 3**

Discussed at ARP meeting on: **9/5/95**

Assigned to: **DRP, DRS, DRSS, SAC** Branch:

OI involvement? OI tracking number:

Allegation Summary: *The allegation was received from a [redacted] who appears to be one of the individuals involved in RIV-95-A-0147 (fire watch rounds). The alleger has identified 14 concerns including termination from employment, intimidation by Entergy management, disposition of fire impairment 95-244, poor instructions to the fire watches, cancellation of fire impairment without adequate correction, inadequate fire watch patrol logs, missing freon drums reported in 1994 and 1995 had been used to maintain leaking equipment, security shift supervisor has failed to transfer fire impairments from routing sheet to fire patrol logs for 2-3 days, and security shift supervisor pulled an "armed" weapon on other security officers on three different occasions.*

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

OI to interview alleger -

Homes of other security officers

Item 1, 2,

Submitted by: _____

Date: _____

cc: Allegation File, ARP Meeting File, OI

For time
7C

ALLEGATION ASSIGNMENT FORM

Allegation Number: **RIV-95-A-0153**

Licensee/Facility or Location: **WATERFORD 3**

Discussed at ARP meeting on: **10/10/95**

Assigned to: DRP, DRS, DRSS, SAC Branch:

OI involvement? YES OI tracking number: OI 4-95-047 DB

Allegation Summary: The allegation was received from a [REDACTED] who appears to be one of the individuals involved in RIV-95-A-0147 (fire watch rounds). The alleged has identified 14 concerns including termination from employment, intimidation by Entergy management, disposition of fire impairment 95-244, poor instructions to the fire watches, cancellation of fire impairment without adequate correction, inadequate fire watch patrol logs, missing freon drums reported in 1994 and 1995 had been used to maintain leaking equipment, security shift supervisor has failed to transfer fire impairments from routing sheet to fire patrol logs for 2-3 days, and security shift supervisor pulled an "armed" weapon on other security officers on three different occasions. After interviewing the alleged, OI has requested this case to be re-paneled.

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

ARP- recommended closure by OI - no apparent SO.7
Alleged admitted (he) was fired for (the union
activities) not for reporting safety concerns.

Submitted by: _____ Date: _____
cc: Allegation File, ARP Meeting File, OI

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Porter
7C

2/32

ALLEGATION ASSIGNMENT FORM

Allegation Number: **RIV-95-A-0153**

Licensee/Facility, or Location: **WATERFORD-3**

Discussed at ARP meeting on: **1/22/96**

Assigned to: DRP, DRS, DNMS, SAC Branch:

OI involvement? YES OI tracking number: 4-95-047 DB

Allegation Summary: The allegation was received from a [REDACTED] who appears to be one of the individuals involved in RIV-95-A-0147 (fire watch rounds). The allder identified 14 concerns including termination from employment, intimidation by Entergy management, disposition of fire impairment 95-244, poor instructions to the fire watches, cancellation of fire impairment without adequate correction, inadequate fire watch patrol logs, missing freon drums reported in 1994 and 1995 had been used to maintain leaking equipment, security shift supervisor has failed to transfer fire impairments from routing sheet to fire patrol logs for 2-3 days, and security shift supervisor pulled an "armed" weapon on other security officers on three different occasions. After interviewing the allder. Awaiting DRS review. Will exceed 180 days on 3/1/96.

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

DRS-PSB - another example failure to post
compensatory firewatch

DRS-AB - will address security issues. More
follow-up

Submitted by: 8

Date: _____

cc: Allegation File, ARP Meeting File, OI

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2/33

ALLEGATION ASSIGNMENT . ORM

Allegation Number: **RIV-95-A-0153**

Licensee/Facility or Location: **WATERFORD-3**

Discussed at ARP meeting on: 2/20/96

Assigned to: DRP, DRS, DNMS, SAC Branch:

OI involvement? YES OI tracking number: 4-95-047 DB

Allegation Summary: *The allegation was received from a [REDACTED] who appears to be one of the individuals involved in RIV-95-A-0147 (fire watch rounds). The alleged identified 14 concerns including termination from employment, intimidation by Entergy management, disposition of fire impairment 95-244, poor instructions to the fire watches, cancellation of fire impairment without adequate correction, inadequate fire watch patrol logs, missing freon drums reported in 1994 and 1995 had been used to maintain leaking equipment, security shift supervisor has failed to transfer fire impairments from routing sheet to fire patrol logs for 2-3 days, and security shift supervisor pulled an "armed" weapon on other security officers on three different occasions. The licensee terminated the alleged for falsifying fire watch records. OE has reviewed the investigation and recommends no further action. However all technical concerns have not been addressed.* 7C

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

Submitted by: _____ Date: _____

cc: Allegation File, ARP Meeting File, OI

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2/34

CASE No. **4-97-003**



United States
Nuclear Regulatory Commission

Report of Investigation

RIVER BEND STATION:

**FAILURE TO CONDUCT FIRE WATCH ROUNDS
AND FALSIFICATION OF FIRE WATCH LOGS**

Office of Investigations

Reported by OI: **RIV**

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Act, exemptions 7C
FOIA- 99-76

2/35

Title: RIVER BEND STATION:

FAILURE TO CONDUCT FIRE WATCH ROUNDS AND FALSIFICATION OF
FIRE WATCH LOGS

Licensee:

Entergy Operations, Inc.
River Bend Station
P.O. Box 220
St. Francisville, LA 70775

Docket No.: 50-458

Case No.: 4-97-003

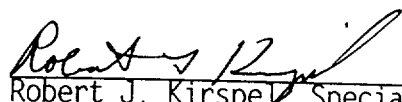
Report Date: April 11, 1997

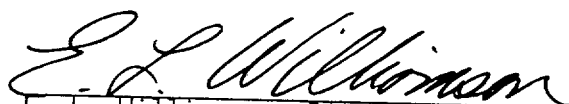
Control Office: OI:RIV

Status: CLOSED

Reported by:

Reviewed and Approved by:


Robert J. Kirspe, Special Agent
Office of Investigations
Field Office, Region IV


E. L. Williamson, Director
Office of Investigations
Field Office, Region IV

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OF THE APPROVING OFFICIAL OF THIS REPORT. UNAUTHORIZED DISCLOSURE MAY
RESULT IN ADVERSE ADMINISTRATIVE ACTION AND/OR CRIMINAL PROSECUTION.

SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission, Office of Investigations, Region IV, on January 23, 1997, to determine if an Entergy Operations, Inc., River Bend Station (RBS), contract fire watch had deliberately failed to conduct fire watch rounds and falsified fire watch logs by indicating on the fire watch logs that he had performed the fire watch rounds.

Based on a review of documentation submitted by the licensee and a review by a RIV security inspector, the allegation that a RBS contract fire watch had deliberately failed to conduct fire watch rounds and falsified fire watch logs was substantiated.

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OFFICE OF INVESTIGATIONS, REGION IV~~

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DETAILS OF INVESTIGATION

Allegation

Failure To Conduct Fire Watch Rounds and Falsification of Fire Watch Logs

Applicable Regulations

10 CFR 50.5: Deliberate Misconduct (1996 Edition)

10 CFR 50.9: Completeness and Accuracy of Information (1996 Edition)

10 CFR 50.48: Fire Protection (1996 Edition)

Purpose of Investigation

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), on January 23, 1997, to determine if Christopher STURDIVANT, Contract Fire Watch, employed by The Wackenhut Corporation at Entergy Operations, Inc.'s (Entergy) River Bend Station (RBS), had deliberately failed to conduct fire watch rounds and falsified fire watch logs to indicate he had performed his assigned fire watch rounds (Exhibit 1).

Background

On January 6, 1997, an RBS [REDACTED] informed the RBS security shift supervisor that he believed a complete tour of all assigned buildings had not been conducted by STURDIVANT. RBS's security superintendent initiated an internal investigation. STURDIVANT was interviewed and admitted that he did not perform all fire watch rounds on January 6, 1997, but had initialed the fire watch route log indicating he had performed the fire watch rounds. The RBS investigation determined that STURDIVANT had not been completing fire watch rounds since November 21, 1996. RBS reviewed the key card histories of other fire watch personnel and determined there were no discrepancies. The licensee terminated STURDIVANT and revoked his unescorted access for a period of 5 years for not being trustworthy and reliable. On January 21, 1997, this matter was reviewed by the RIV Allegations Review Board (ARB). The RIV:ARB requested that OI:RIV and the Division of Reactor Safety, Plant Support Branch, review the RBS internal investigation and that the RIV Senior Allegation Coordinator (SAC) determine if the licensee has additional investigative information. 7C

Review of Documentation

A review of RBS Condition Report 97-0007 dated January 6, 1997, initiated by Joseph DILLARD, RBS Security Department, indicates that a contract fire watch failed to complete an hourly fire watch tour through assigned areas (Exhibit 2).

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OFFICE OF INVESTIGATIONS, REGION IV

An RBS Security Statement by DILLARD, dated January 6, 1997, indicated that at approximately 0815 hours on January 6, 1997, he [DILLARD] was told that a fire watch tour was not completed properly (Exhibit 3). DILLARD explained that STURDIVANT was assigned to the tour in question and that STURDIVANT entered the auxiliary building at 0704 hours and exited at 0711 hours. DILLARD stated that the auxiliary building was the only area checked by STURDIVANT. DILLARD explained that the fuel building, B tunnel and A tunnel, was not checked. DILLARD stated he questioned STURDIVANT about his failure to properly complete his tour, and STURDIVANT stated that he felt sick and did not complete his tour. DILLARD said he told STURDIVANT that he should have told him [DILLARD] that he was sick. DILLARD stated that STURDIVANT said he did not know how to get in touch with him [DILLARD]. DILLARD indicated that STURDIVANT then stated that he [STURDIVANT] did not have a reason for not completing his tour.

On January 7, 1997, STURDIVANT completed an RBS Security Statement (Exhibit 4). STURDIVANT explained that on January 7, 1997, he was suppose to make a fire watch tour of the auxiliary building, but he did not make a tour of the fuel building. STURDIVANT explained he did not tour the fuel building because he had a cold and did not feel well. STURDIVANT said that he did not feel well enough to complete the second tour of the area and did not contact a security officer and ask to be relieved of duty. STURDIVANT stated that he neglected his duties and recognized his actions could have endangered other lives if there had been a fire.

Review of Licensee Internal Report

On February 26, 1997, Rick KING, Entergy's Director, Nuclear Safety & Regulatory Affairs, provided Russell WISE, NRC:SAC, the results of Entergy's internal investigation (Exhibit 5). Entergy's security management, using key card history printouts, determined the firewatch tour in question was improperly completed. Further investigation identified that between November 1, 1996, and January 6, 1997, STURDIVANT, conducted 105 improper fire watch tours. No other improper fire watch tours were identified. STURDIVANT was terminated on January 8, 1997, and his unescorted access was revoked for at least 5 years for falsifying records and for not being trustworthy and reliable.

Coordination with NRC Staff

On March 12, 1997, Thomas DEXTER, Senior Physical Security Specialist, RIV, provided WISE a copy of his [DEXTER's], review of RBS's internal report (Exhibit 6). DEXTER concluded that based upon a review of the information the licensee provided, it appeared that the licensee was in violation of 10 CFR 50.48, Appendix R requirements. DEXTER concluded the licensee had identified that firewatch tours were not being properly conducted by STURDIVANT and that STURDIVANT submitted information that he knew to be inaccurate or incomplete. DEXTER said the licensee's internal investigation was thorough and complete.

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Conclusions

Based on a review of documentation submitted by the licensee and a review by a RIV security inspector, the allegation that STURDIVANT deliberately failed to conduct fire watch rounds and falsified fire watch logs was substantiated.

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SUPPLEMENTAL INFORMATION

On April 1, 1997, William P. SELLERS, Esq., Senior Legal Advisor for Regulatory Enforcement, Fraud Section, Criminal Division, U.S. Department of Justice, Room 2428, 1400 New York Avenue, N.W., Washington, D.C. 20530, was apprised of the results of the investigation. Mr. SELLERS advised that, in his view, the case did not warrant prosecution and rendered an oral declination.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated January 1, 1997.
2	RBS Condition Report 97-0007, dated January 6, 1997.
3	RBS Security Statement by DILLARD, dated January 6, 1997.
4	RBS Security Statement by STURDIVANT, dated January 6, 1997.
5	Letter from KING to WISE, dated February 26, 1997.
6	Memorandum from DEXTER to WISE, dated March 12, 1997.

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OFFICE OF INVESTIGATIONS, REGION IV~~

EXHIBIT 1

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EXHIBIT 1

2/36

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INVESTIGATION STATUS RECORD

Case No.: 4-97-003 Facility: RIVER BEND STATION.
Allegation No.: RIV-96-A-0007 Case Agent: KIRSPEL
Docket No.: 50/458 Date Opened: 01/23/97
Source of Allegation: LICENSEE (L) Priority: N (P. T. GWYNN, ARA:RIV)
Notified by: SAC:RIV Staff Contact: N/A
Category: WR Case Code: RP
Subject/Allegation: FAILURE TO CONDUCT FIRE WATCH ROUNDS AND FALSIFICATION OF
FIRE WATCH LOGS
Remarks: 10 CFR 50.9

Monthly Status Report: Page 1

01/23/97: On January 6, 1997, an Entergy Operations, Inc., River Bend Station (RBS), [REDACTED] informed the RBS security shift supervisor that he believed a complete tour of all assigned buildings had not been done by a fire watch employee. On January 7, 1997, RBS's security superintendent initiated an internal investigation. RBS contract fire watch employee, Christopher STURDIVANT, was interviewed and admitted that he did not perform all fire watch rounds on January 6, 1997, but had initialed the fire watch route log indicating he had performed the fire watch rounds. The RBS investigation determined that STURDIVANT had not been completing fire watch rounds since November 21, 1996. RBS reviewed the key card histories of other fire watch personnel and determined that there were no discrepancies. The licensee terminated employment of STURDIVANT and revoked his unescorted access for 5 years for not being trustworthy and reliable. On January 21, 1997, this matter was reviewed by the Allegations Review Board (ARB), Region IV (RIV). The ARB requested the Office of Investigations, RIV, review the RBS internal investigation and DRS:PSB will review the internal report and the RIV Senior Allegation Coordinator will determine if the licensee has additional investigative information. Status: Field Work in Progress (FWP) ECD: 04/97 (90-day) 7C

CASE NO. 4-97-003

Exhibit 1
Page 1 of 1

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EXHIBIT 6

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EXHIBIT 6

March 12, 1997

MEMORANDUM FOR: Russell W. Wise
Allegation Coordinator

FROM: Thomas W. Dexter
Senior Physical Security Specialist

SUBJECT: Allegation 97-A-0007 River Bend Station

The licensee's Condition Report 97-0007 documented that a firewatch admitted not performing all firewatch rounds on January 6, 1997 but had initialed firewatch log that rounds had been completed. The licensee's investigation concluded that the firewatch had been doing rounds since November 21, 1996. The licensee also concluded that failure to complete firewatch rounds appeared to be isolated to this one individual. The individual was terminated.

A review of the licensee's investigation summary was conducted on March 12, 1997, by the region office.

The licensee's investigation determined that between November 1, 1996, and January 6, 1997, the individual documented 305 roving firewatch tours; 105 of which were determined to be improperly performed. The licensee further determined that all other firewatch tours during the same period were properly completed and documented. Also, during this same period, security supervisors performed direct oversight of 198 roving firewatch tours, thirteen of which were with the specific individual. It appears that the licensee's investigation was thorough and complete.

Based upon a review of the information the licensee provided it appears that the licensee was in violation of [redacted] procedures. [redacted]

[redacted]

EPS

ALLEGATION ASSIGNMENT FORM

4-47-003
w/ brackets
Ex. 5

Allegation Number: RIV-97-A-0007 Licensee/Facility: RIVER BEND

ARB Date: 4/7/97 > 120 days: 5/14/97 > 180 days: 7/13/97

Assigned to: DRP, DRS, DNMS, SAC Branch:

Referral to Licensee: _____ Referral Criteria Reviewed: _____

OI involvement? OI Case Number:
ARB Recommended Priority: _____

Allegation Summary: *Condition Report 97-0007 described that a contractor firewatch admitted not performing all fire watch rounds on 1/6/97, but had initialed the fire watch route log that he had performed these watches. Licensee investigation concluded that he had been doing this since 11/21/96, but that it was an isolated case. The individual was terminated. The 1/21/97 ARB requested the results of the licensee's investigation. DRS:PSB reviewed the licensee's response and determined that the licensee had apparently violated [REDACTED] procedures.*

EF5

ARB Instructions:

ARB Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARB meeting):

*Violation will be addressed after OI
issue right - will be reviewed by OS*

Submitted by: _____ Date: _____

ARB Attendees: _____, DRP _____, DRS _____, DNMS
W. L. Brown, RC _____, OI _____ R. Wise, SAC _____
R. Mullikin, AC _____, Enforcement Other: _____

WCFO Staff: K. E. Perkins _____; D. F. Kirsch _____; H. J. Wong _____;
F. A. Wenslawski _____

cc: Allegation File, ARB Meeting File, OI

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Act, exemptions _____
FOIA- 99-76

2/38

CASE No. 2-96-008



United States
Nuclear Regulatory Commission

Report of Investigation

BROWNS FERRY NUCLEAR PLANT:

CONTINUING DISCRIMINATION AGAINST FORMER
STONE AND WEBSTER IRONWORKER FOR RAISING
SAFETY CONCERNS IN THE PAST REGARDING
FIREWATCHES

Office of Investigations

Reported by Of: RII

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EXEMPTIONS

EXEMPTIONS

Title: BROWNS FERRY NUCLEAR PLANT:

CONTINUING DISCRIMINATION AGAINST FORMER STONE AND WEBSTER
IRONWORKER FOR RAISING SAFETY CONCERNS IN THE PAST
REGARDING FIREWATCHES

Licensee:

Case No.: 2-96-008

Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Report Date: November 20, 1996


Control Office: OI:RII

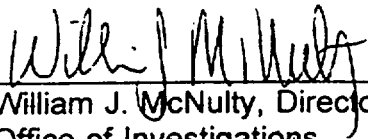
Docket Nos.: 050-259/260/296

Status: CLOSED

Reported by:

Reviewed and Approved by:


James D. Dockery, Special Agent
Office of Investigations
Field Office, Region II


William J. McNulty, Director
Office of Investigations
Field Office, Region II

WARNING

This Report of Investigation consists of pages 1 through 13, with exhibits 1 through 8. It has not been reviewed pursuant to 10 CFR § 2.790(a) exemptions nor has any exempt material been deleted. Do not disseminate, place in the Public Document Room or discuss the contents of this report outside NRC without authority of the approving official of this report. Treat as "OFFICIAL USE ONLY."

SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region II, on March 18, 1996, to determine whether the Stone and Webster Engineering Corporation (SWEC) illegally discriminated against an ironworker formerly employed by SWEC at the Browns Ferry Nuclear Plant (BFN) operated by the Tennessee Valley Authority (TVA), an NRC licensee. A complaint to the Department of Labor (DOL) Wage and Hour Division was filed on behalf of the complainant/allegor on February 23, 1996. The complaint alleged that since being laid off by SWEC after raising concerns about fire watch procedures in 1993, he was not rehired by SWEC during several work callbacks at BFN, despite being trained and at least as qualified as the ironworkers who were recalled. It was alleged that the failure to rehire him was an act of retaliation and ongoing discrimination by SWEC.

The complaint was investigated by the DOL Wage and Hour Division which issued an investigative finding that SWEC presented clear and convincing evidence the company did not discriminate against the complainant. The finding in favor of SWEC was appealed by the allegor and the matter was assigned to a DOL Administrative Law Judge for adjudication. Prior to the formal ALJ hearing, both parties submitted a mutual, voluntary stipulation of dismissal of the complaint, with prejudice. The stipulation was accepted by DOL and the complaint was ordered dismissed on September 27, 1996.

An investigation of the discrimination complaint was also conducted by the TVA Office of the Inspector General (TVA/OIG). The TVA/OIG investigation determined that there was insufficient evidence to conclude that SWEC had not rehired the allegor at BFN since 1993 in retaliation for his expression of a safety concern.

Based on the evidence and documentation reviewed by OI, the allegation that SWEC illegally discriminated against the allegor was not substantiated.

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DETAILS OF INVESTIGATION

Applicable Regulations

Allegation: Alleged Continuing Discrimination Against a Former SWEC Ironworker for Raising Safety Concerns

10 CFR 50.7: Employee Protection

Section 211 Energy Reorganization Act of 1974 (as amended): Employee Protection

10 CFR 50.5: Deliberate Misconduct

Purpose of Investigation

This investigation was initiated by the Nuclear Regulatory Commission, Office of Investigations (OI), Region II, on March 18, 1996 (Exhibit 1), to determine whether the Stone and Webster Engineering Corporation (SWEC) illegally discriminated against Douglas HARRISON, an ironworker formerly employed by SWEC at the Browns Ferry Nuclear Plant (BFN).

Background

In a February 23, 1996, letter (Exhibit 2) to the Department of Labor (DOL) Wage and Hour (W&H) Division by HARRISON's attorney, it was alleged that SWEC had engaged in "...continued retaliation arising out of certain safety complaints [HARRISON] made while employed by [SWEC] at the Brown's(sic) Ferry Nuclear Plant in February of 1993." At that time HARRISON allegedly voiced concerns about BFN fire watch procedures after which he was demoted, transferred, and eventually laid off by SWEC. HARRISON filed a complaint with the DOL in March 1993, related to that series of events. The 1993 complaint was investigated by DOL W&H and the Tennessee Valley Authority Office of the Inspector General (TVA/OIG) and determined by each to be unsubstantiated.

The DOL W&H finding was appealed by HARRISON to a DOL Administrative Law Judge (ALJ). Based on the submission of briefs and evidence presented at a formal hearing, the ALJ ruled on November 8, 1994, that HARRISON "...failed to set forth a prima facie case of retaliatory discharge" in his allegations against SWEC.

The DOL W&H and TVA/OIG investigations and evidence presented before the ALJ were reviewed by OI in the course of OI Investigation 2-93-030. Based on the

evidence, the OI investigation concluded on December 15, 1994, that the allegation that SWEC discriminated against HARRISON for engaging in protected activity was not substantiated.

In September 1995 the U.S. Secretary of Labor issued a Decision and Order finding that SWEC did discriminate against HARRISON as alleged in his 1993 complaint. SWEC appealed the Secretary of Labor finding to the U.S. Court of Appeals for the Eleventh Circuit. Oral arguments in the matter of the appeal, SWEC v. The Secretary of Labor, were scheduled before the Court of Appeals on October 30 and 31, 1996.

AGENT'S NOTE: At the time this Report of Investigation was being drafted, the Court of Appeals had not yet issued a decision regarding the SWEC appeal.

In the February 23, 1996, complaint to the DOL, HARRISON alleged that after he was laid off at BFN in 1993 there had been 5 recalls by SWEC requesting a total of 28 ironworkers for temporary work at BFN as of February 20, 1996 (Exhibit 2, attachment).

AGENT'S NOTE: The attachment to Exhibit 2 incorrectly reflects a sixth call for four ironworkers in November 1995. This was found to be erroneous. In fact, subsequent investigation determined that there were actually 10 calls for ironworkers during the time period covered by HARRISON's complaint.

HARRISON was not among the ironworkers recommended by his union, and according to his complaint:

Mr. HARRISON believes that he was as qualified or more so than the ironworkers who were hired back and that any allegations that he lacked requisite training or certification are hollow efforts to disguise purposeful retaliation.

The complaint also implies (without articulating any evidence) that HARRISON's labor union, which is responsible for referring the ironworkers names to SWEC, may have acted in collusion with SWEC in discriminating against HARRISON.

DOL W&H Division Investigative Conclusions

In an investigative report dated May 6, 1996 (Exhibit 3), DOL W&H Investigator Curtis M. (Mack) CASEY concluded that the failure of SWEC to hire HARRISON for work at BFN between 1993 and March 1996 was not the result of HARRISON's engagement in protected activities.

Other DOL Activity

The DOL W&H District Director notified George HUDDLESTON, HARRISON's Attorney, on May 8, 1996 (Exhibit 4), that the W&H inquiry determined that at no time when a request for ironworkers was made by SWEC, for work HARRISON was qualified for, was HARRISON's name "reachable" on his labor union's "out of work" list so that the allegor could have been referred. The W&H District Director also advised HUDDLESTON that:

...Stone and Webster has presented clear and convincing evidence they have not discriminated against Mr. HARRISON because of his protected activity under the Energy Reorganization Act (Exhibit 4, p. 2).

The W&H finding was appealed by HARRISON and assigned to a DOL Administrative Law Judge (ALJ) for hearing. Prior to formal hearing of the matter, both parties submitted a voluntary stipulation of dismissal of the allegor's complaint, with prejudice. The stipulation was accepted by the DOL and the complaint was ordered dismissed on September 27, 1996.


TVA/OIG Investigative Conclusions

At the request of Oliver D. KINGSLEY, Jr., TVA President and Chief Nuclear Officer, the TVA/OIG investigated the allegations documented in HARRISON's DOL complaint. The investigation summary report for TVA/OIG File 2D-164, dated April 29, 1996 (Exhibit 5), by Special Agent W. Chris McRAE, documented the investigative finding that:

There is insufficient evidence to conclude that SWEC did not re-hire HARRISON at BFN since 1993 in retaliation for his expression of a safety concern.

Coordination with Regional Counsel

On November 1, 1996, OI conferred with Region II Regional Counsel to determine whether a labor union could be construed as an "employer" capable of engaging in illegal discrimination as delineated in 10 CFR 50.7. Regional Counsel opined that



Evidence

DOL W&H Investigation

As documented in the DOL W&H investigation, the recruiting of ironworkers at BFN was governed by a legally binding collective bargaining agreement between SWEC and the International Association of Bridge, Structural, Ornamental and Reinforced Iron Workers Local Union No. 477 (the union). The agreement calls for the union to maintain a list of ironworkers, available for work, which is provided to SWEC when the vendor puts out a request (to union management) for craft labor. The union list of available workers is rotational; names at the top of the list have not worked for the longest period while names at the bottom have worked most recently. Over time, a worker's name moves higher on the list, and depending on how many workers are required by SWEC on each occasion, the request may or may not "reach" low enough on the list to include a given worker. By virtue of the collective bargaining agreement, in almost all cases SWEC could only select (or discriminatorily not select) a specific worker if SWEC was afforded the opportunity to do so by the union. The union controls the identification and referral of available craft workers.

From April 1993 until March 1996, SWEC made 10 requests to the union to fill a total of 49 ironworker positions. Evidence indicates that, by virtue of being unavailable due to involvement in other temporary employment (some union-referred), incapacitating injury or low position on the availability list, HARRISON was not available to be selected for employment by SWEC in 9 of the 10 instances. In one instance during March 1994, HARRISON was available for selection (i.e., high enough on the union availability list) but was not selected. In that instance, SWEC requested four specific former workers by name, a procedure that was sanctioned by and fully permissible under the collective bargaining agreement. It was also noted that in the March 1994 instance HARRISON was not the only ironworker who was passed over on the availability list in favor of a specifically named individual (Exhibit 3, pp. 3-4).

The W&H investigator recognized that, although SWEC could only select craft workers from the list of names provided by the union, SWEC could potentially manipulate that list if SWEC could coerce or enlist the appropriate union officials in a conspiracy to ensure that employment of HARRISON could be avoided by SWEC. Such complicity with the union could effectively provide SWEC with an alibi against any allegation of illegal discrimination against HARRISON. Recognizing this potential subterfuge, the W&H attempted to uncover evidence of such coercion or conspiracy. No such evidence was found and W&H documented that "...our investigation did not reveal collusion between the union and [SWEC]" (Exhibit 3, p. 4).

On November 6, 1996, Special Agent J. Dockery discussed the W&H investigation with the DOL Investigator, CASEY. CASEY reiterated and amplified upon his investigative findings and the evidence he reviewed regarding HARRISON's complaint (Exhibit 6).

OI review of the DOL W&H investigation and exhibits thereto determined that the W&H investigative conclusion, that SWEC did not illegally discriminate against HARRISON, is supported by and consistent with the evidence considered.

TVA/OIG Investigation

The TVA/OIG investigation "...was conducted to determine if SWEC violated provisions of its contract with TVA by violating TVA policy against retaliation against individuals expressing safety concerns" (Exhibit 5, p. 3).

AGENT'S NOTE: On October 31, 1996, Special Agent Dockery discussed the TVA/OIG investigation of HARRISON's complaint with Ron W. TAYLOR, TVA/OIG Manager of Internal Investigations. TAYLOR pointed out that, although his organization had clear, contract-based jurisdiction to investigate SWEC as a contractor to TVA, the OIG did not have the requisite jurisdiction to investigate and demand information from the involved labor union. Consequently, the TVA/OIG investigation is not in clear agreement with the DOL W&H investigation with respect to the number of times SWEC issued requests to the union for ironworkers. The W&H investigator had access to union records, the TVA/OIG did not.

The TVA/OIG investigation generally corroborated the W&H findings that SWEC could only select HARRISON for employment if he was identified as available by his union. The TVA/OIG investigation also recognized the possibility that SWEC and HARRISON's union could engage in a conspiracy to prevent HARRISON from obtaining employment at BFN, thereby illegally discriminating against him. However, as documented by the TVA/OIG (Exhibit 5, p. 5), HARRISON's own attorney, HUDDLESTON,

...stated that he had no evidence or information to support HARRISON's allegations that he had not been rehired by SWEC at BFN because of continuing retaliation. Additionally, HARRISON stated that he does not believe that there were any discussions between SWEC and the union about SWEC not wanting HARRISON referred to SWEC for future work, nor did he know of any "smoking gun" that would tend to prove HARRISON's allegation.

Furthermore:

...HUDDLESTON said that he has a theory (emphasis added) that there is an "unspoken conspiracy" by SWEC and the union to retaliate against HARRISON (Exhibit 5, p. 5).

AGENT'S NOTE: In the sense "theorized" by HARRISON's attorney, "unspoken" and "conspiracy" would seem to be mutually exclusive terms. A conspiracy must, by definition, include an agreement between the two or more entities involved, to engage in activity that promotes the objective of the conspiracy. Absent some expression of agreement (spoken or otherwise) between the entities involved, acts of the entities in furtherance of an unstated mutual objective are merely coincidental. The existence of a theoretical "unspoken conspiracy" is unprovable.

The TVA/OIG investigation also noted that "HARRISON did not provide any information (to DOL) identifying any individuals with SWEC and/or with his union who were continuing to retaliate against him for his 1993 safety concern" (Exhibit 5, p. 6).

SWEC Response to HARRISON's DOL Complaint

SWEC was notified of HARRISON's complaint against the company in a February 26, 1996, letter from the DOL W&H Division. The letter notified SWEC that the company had 5 days from receipt of that letter "...to provide 'clear and convincing' evidence that the unfavorable action (alleged by HARRISON) would have occurred absent the protected conduct." SWEC responded to the DOL W&H notification in a March 7, 1996, letter (Exhibit 7) submitted on behalf of SWEC by its legal counsel, the law firm of Winston & Strawn.

In the March 7, 1996, letter SWEC asserts, correctly, that contractually and according to the collective bargaining agreement with HARRISON's labor union, SWEC could only have discriminated against HARRISON if afforded an opportunity by the union to employ him. According to SWEC, the opportunity to employ HARRISON during the period from April 1993 until February 1996 was never an option. Therefore, even if so inclined, SWEC could not have discriminated against HARRISON.

SWEC also asserts that mere speculation by HARRISON's attorney, unsupported by even circumstantial evidence that SWEC conspired with HARRISON's labor union to discriminate against him, is an insufficient basis for DOL to make a prima facie finding in HARRISON's favor. SWEC supported this position by citing precedential decisions by the Secretary of Labor and ALJ opinions.

Information Provided by SWEC Legal Counsel

On November 4 and 5, 1996, Special Agent Dockery discussed HARRISON's complaint against SWEC with that company's legal counsel, Robert M. RADER, with the law firm of Winston & Strawn. As documented in Exhibit 8, HARRISON's own attorney eventually decided that HARRISON's complaint against SWEC should be dismissed, with prejudice, after the attorney had the opportunity to interview the SWEC project manager for the BFN site. According to RADER, after interviewing the SWEC project manager about SWEC's relationship with HARRISON, HARRISON's attorney realized his client did not have a provable case of discrimination against SWEC.

RADER advised that HARRISON also made a complaint to the National Labor Relations Board (NLRB) alleging unfair labor practices by the labor union and SWEC relative to his failure to be selected by SWEC for work at BFN after February 1993. The allegations against HARRISON's union was investigated by the NLRB at the regional level. The NLRB investigation resulted in a finding that HARRISON's complaint, that the union and SWEC engaged in unfair labor practices toward HARRISON, was without merit (Exhibit 9). HARRISON did not appeal the NLRB finding.

Conclusion

Based on the evidence and documentation reviewed by OI, the allegation that SWEC illegally discriminated against HARRISON was not substantiated.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigative Status Record, dated March 18, 1996.
2	February 23, 1996, Letter (with attachment) from HUDDLESTON to Lyndel ERWIN, District Director, DOL W&H Division.
3	May 6, 1996, Narrative Report by DOL W&H Investigator CASEY.
4	May 8, 1996, Letter from the DOL W&H District Director to HUDDLESTON, attorney for the allegor (with attachment).
5	April 29, 1996, Investigation Summary by TVA/OIG Special Agent McRAE.
6	November 6, 1996, Memorandum to Case File 2-96-008 by Special Agent James D. Dockery.
7	March 7, 1996, Letter from RADER, Attorney for SWEC, to CASEY, DOL W&H Investigator.
8	November 5, 1996, Memorandum to Case File 2-96-008 by Special Agent James D. Dockery.
9	September 18, 1996, Letter from NLRB Regional Director Martin M. ARLOOK to HUDDLESTON.

CASE CHRONOLOGY

2-96-008

(ALLEGATION NO. RII-96-A-0038)

DATE OPENED: 3/18/96

OPENED BY: J. Dockery

DATE/INT'LS

(PAGE 4)

ACTIVITY

11/5/96 9:04-9:10p - Telcon w/SWEC atty R. Rader re:algr HARRISON's NLRB complaint (dismissed - see memo to file).

11/6/96 10:02-10:21a - Telcon with DOL Wage & Hour Division Investigator C. Mack Casey (Huntsville AL, Ph. 205 895-5542). See Memo to File.

11/12/96 7:50a - First draft of ROI to PAT1 for finalization.
10:15a - Investigative exhibits requested from TVA:OIG received.
Content of the exhibits to the TVA:OIG investigation support findings documented in OI ROI. *Pauline Thompson*

11/13/96 11:30a - First draft (typed) of ROI rcd. from PAT1 for review.

11/14/96 10:15p - Revised/edited draft ROI referred back to PAT1 for final typing. *Pauline Thompson*

11/15/96 2:15p - Final draft ROI signed and TOT FOD, with exhibits, for review/approval.

11/20/96 ROI Signed Issued By FOD.

CASE CLOSED *Janet Dockery*

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Act, exemptions 7C
FOIA 99-70

2/40

CASE CHRONOLOGY

2-96-008

(ALLEGATION NO. RII-96-A-0038)

DATE OPENED: 3/18/96

OPENED BY: J. Dockery

DATE/INT'LS

(PAGE 3)

ACTIVITY

10/31/96

10:35-10:55a - Telcon w/TGA:OIG mgr Ron Taylor about OIG's HARRISON investigation. Request RT have Jim Vorse (currently at TVA HQS) review investigative file, evidence and exhibits and copy report to bring back to RII.

1:30p - Telcon w/J. Vorse. Request that he review case HARRISON investigative file and assess the adequacy of coverage and consistency of the OIG finding with the evidence considered. OK, JV will copy ROI and provide on return.

11/1/96

10-10:45a - Confer w/RII Reg. Counsel. Advised that a labor union, representing a "whistleblower" could not be considered an "employer," for purposes of ERA 211/10 CFR 50.7, capable of "discriminating" against a whistleblower absent the existence of a conspiracy between the union and the (potential) employer(s).

11/4/96

8:47a - Telcall to DOL W&H Investigator C. Mack Casey (DOL Birmingham, AL - 205-895-5542). V-mail message left requesting MC call to discuss HARRISON investigation.

9:00a - Receive copy of TVA:OIG investigative summary re: HARRISON allegation from JYV. Also requested several "investigative inserts" (Exhibits to report) but does not know how long they will take to arrive due to shortage of clerical staff at TVA:OIG.

9:27-9:42a - Telcon from SWEC Atty Bob RADER (Winston & Strawn), explained "Stipulation" by HARRISON's atty that he had no case (or inadequate evidence) to proceed against SWEC but, has since filed complaint against labor union (& SWEC) w/NLRB (See Memorandum to File on this date).

9:45a - Conf. w/FOD and advise of above. Advise that I can finish ROI by 11/30 ECD but will not be able to adequately address possible "discrimination" against labor union. Raises jurisdictional questions i.e. question about definition of "employer" discussed with Reg. Counsel on 11/1 (see above). Per FOD, close case based on DOL action against SWEC as vendor to a licensee because of questionable jurisdiction over union. OK.

9:50a - Telcall to SWEC Atty Rader to request he forward copy of HARRISON's NLRB complaint against the labor union and SWEC as correspondent. OK will locate and forward.

CASE CHRONOLOGY

2-96-008

(ALLEGATION NO. RII-96-A-0038)

DATE OPENED: 3/18/96		OPENED BY: J. Dockery
DATE/INT'LS	(PAGE 2)	ACTIVITY
8/8/96	(CONT)	referral to respondent's job site after his termination on April 14, 1993..."
9/23-10/2/96	JDD	in Travel Status - FLETC and 2-94-024(Houston).
10/17/96	2:05p	- Check EICS DOL file on alleged HARRISON for most recent DOL/ALJ activity. Per A. Boland and L. Slack (activity log checked), no apparent activity since 7/19/96 ALJ order referenced above.
10/21/96	9:30a	- Rcv (In-box) copy of "Administrative Review Board" "Order of Dismissal" based on ALJ recommendation and submission of a "stipulation of dismissal with prejudice" by both parties (HARRISON and STONE & WEBSTER) entered into prior to (ALJ?) hearing.
10/28/96	11:45a	- Apprise FOD of DOL events (above) and probable need to extend current 11/96 ECD. Per FOD, obtain TVA:OIG investigation and review DOL W&H investigation. If adequate coverage, adopt, document and close without additional field work.
	1:10p	- Telcall to TVA:OIG MGR. Ron Taylor to request HARRISON investigative report. V-mail message left.
	2:00p	- Telcall to Atty. Robert M. RADER, legal counsel (Winston & Strawn - 202-371-5745 Dir.) for Stone & Webster against algr HARRISON. ID, subject & request for call back left on Vmail.
	2:35p	- Telcall from RADER's sec'y (GAIL). RADER out of town will not be available to return call until tomorrow.
10/30/96	7:30a	- Telcall fr. TVA:OIG Mgr R. Taylor. Is out of office but will call on return and determine whether to send report or JDD will need to review w/exhibits in Knoxville.
	9:??a	- Telcall msg from Atty Robt. RADER suggesting call to his secy (202-371-5829) to obtain copy of DOL orders of dismissal. Per Rader, <u>will be in Atlanta today tomorrow for oral arguments before 11th Circuit on "HARRISON 1" case.</u>
	12:15p	- Conf. w/FOD re:ECD of this invest. Per FOD, close ASAP. Review TVA invest., DOL W&H and licensee response/rebuttal to complaint. If sufficient in terms of coverage, adopt finding (unsubstantiated) and close by 11/96 ECD.

CASE CHRONOLOGY

2-96-008

(ALLEGATION NO. RII-96-A-0038)

DATE OPENED: 3/18/96		OPENED BY: J. Dockery
DATE/INT'LS	(PAGE 1)	ACTIVITY
3/18/96		Case Opening. Per FOD, opened to monitor DOL proceedings. Await/review DOL Wage and Hour findings.
5/23/96		Receive copy of May 8, 1996 of DOL W&H letter informing alleger HARRISON's attorney that Stone & Webster "presented clear and convincing evidence they have not discriminated against" HARRISON. 2p - Discuss W&H finding w/FOD. Per FOD, review TVA OIG investigative file (if one exists) and W&H investigation and if coverage adequate/findings conclusive adopt for ROI.
5/28/96		Per JYV, TVA/OIG Manager of Investigations, Ron Taylor, unavailable until next week due to [REDACTED] Will contact RT on return re: OIG investigation/review of HARRISON's most recent DOL complaint. 7C
6/12/96		9:40a-9:50a - Telcall to Ron Taylor, TVA:OIG Mgr. OIG did open a limited inquiry based on the HARRISON DOL complaint. Work done by S/A Chris McRae, Huntsville, AL. Found no reason to disagree with W&H finding
6/21-28/96		Acting RII:OI FOD.
6/26/96		8:50a - Check EICS DOL files. W&H investigator's "narrative report" requested by B. Uryc by letter dated 5/21/96. Not yet received.
6/29-7/7/96		JDD ON ANNUAL LEAVE
7/15/96		Per discussion w/EICS A. Boland 7/12/96, send E-mail to AB requesting she determine whether DOL W&H file in this case received by EICS.
7/17/96		11a - E-mail response received from EICS AB. Alleger's DOL W&H file not yet received. Did note from file that matter was scheduled for "hearing" (ALJ?) 7/9, 12/96. Unknown whether hearing occurred. DOL Docket # 96-ERA-00019.
7/18/96		1:50p - Receive copy of entire EICS DOL W&H investigation (per 7/15 & 7/17 entries above).
8/8/96		Receive copy of 7/19/96 DOL ALJ ORDER in 96-ERA-19 responding to motions by HARRISON and respondent Stone & Webster Engineering Co. dismissing H's complaint insofar as any claim to wrongful discharge in 1993. But stating that the ALJ "shall take...under consideration" the assertion that S&W had "...a duty to take or to have

CASE No. 2-96-009



**United States
Nuclear Regulatory Commission**

Report of Investigation

SEQUOYAH NUCLEAR PLANT:

ALLEGED FALSIFICATION OF FIREWATCH JOURNALS

Office of Investigations

Reported by OI: RII

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions b(7)(C), b(7)(D)
FOIA 9-1-76

Handwritten signature and date 2/91

Title: SEQUOYAH NUCLEAR PLANT:
ALLEGED FALSIFICATION OF FIREWATCH JOURNALS

Licensee:

Case No.: 2-96-009

Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

Report Date: January 24, 1997

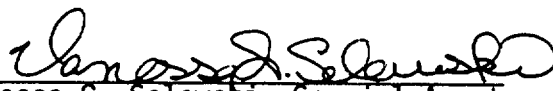
Control Office: OI:RII

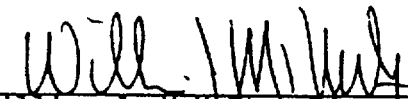
Docket No.: 050-327; 050-328

Status: CLOSED

Reported by:

Reviewed and Approved by:


Vanessa G. Selewski, Special Agent
Office of Investigations
Field Office, Region II


William J. McNulty, Director
Office of Investigations
Field Office, Region II

WARNING

This Report of Investigation consists of pages 1 through 11, with exhibits 1 through 10. It has not been reviewed pursuant to 10 CFR § 2.790(a) exemptions nor has any exempt material been deleted. Do not disseminate, place in the Public Document Room or discuss the contents of this report outside NRC without authority of the approving official of this report. Treat as "OFFICIAL USE ONLY."

SYNOPSIS

The U.S. Nuclear Regulatory Commission (NRC), Region II, Office of Investigations (OI) initiated this investigation on March 22, 1996, to determine if two firewatch personnel who were formerly employed at the Tennessee Valley Authority (TVA), Sequoyah Nuclear Plant (SQN), failed to patrol their assigned areas and documented the firewatch journals as though they had completed their patrol.

The evidence developed during this investigation substantiated that both firewatch personnel failed to patrol their assigned firewatch areas and falsified their firewatch journals by claiming these areas were inspected.

The evidence did not substantiate that their actions were intentional or willful.

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DETAILS OF INVESTIGATION

Applicable Regulations:

Allegation: Falsification of Firewatch Journals

10 CFR 50.5: Deliberate misconduct

10 CFR 50.9: Completeness and accuracy of information

Purpose of Investigation

The U.S. Nuclear Regulatory Commission (NRC), Region II, Office of Investigations (OI), initiated this investigation on March 22, 1996, to determine if two firewatch personnel, Kimshe R. WARE and Joy F. HUTSELL, who were formerly employed at the Tennessee Valley Authority (TVA) Sequoyah Nuclear Plant (SQN), failed to patrol their assigned areas and documented their firewatch route sheets and journals as though these areas had been patrolled (Exhibit 1).

Background

SQN notified the NRC through a Licensee Event Report No. 96001, that during a routine audit of access control records, it was discovered that WARE and HUTSELL had not completed their assignments (Exhibit 2). On January 29, 1996, TVA terminated WARE and on February 1, 1996, HUTSELL was terminated. WARE and HUTSELL were terminated for falsifying Quality Assurance (QA) documents and for not completing their firewatch routes as required by procedures. TVA Problem Evaluation Report SQ960136 provides additional details surrounding these events (Exhibit 3).

Coordination with NRC Staff

SPECIAL AGENT'S NOTE: Reference WARE's testimony (Exhibit 6) in which she stated she documented the firewatch journal as completed, prior to walking the route.

On January 21, 1997, Mark S. LESSER, Branch Chief, Division of Reactor Projects, advised it is "poor practice" to document the times and sign the firewatch journal before the firewatch is completed. The TVA/SQN Fire Protection Instruction (FPI) 0180 does not specify when the firewatch journal should be completed (Exhibit 9).

Summary

The following individuals were interviewed by OI and their testimony is summarized below. Additional details can be obtained through perusal of the attached testimony and exhibits.

NAME	POSITION	DATE OF INTERVIEW
Jerry L. CARPENTER	Facilities and Tools Manager SQN Maintenance and Modifications	08/16/96
Ronald G. WALKER	Facilities and Tools Foreman SQN Maintenance and Modifications	08/16/96
Kimshe R. WARE	Former SQN Firewatch Laborer	10/09/96
Joy F. HUTSELL	Former SQN Firewatch Laborer	10/09/96

Evidence

Interview of WALKER and CARPENTER (Exhibit 4)

SPECIAL AGENT'S NOTE: Reference Exhibits 9 and 10 to follow the firewatch route map.

During an OI interview, WALKER and CARPENTER provided the following information and attached documents. In November 1995, the firewatch laborers and responsibilities were transferred from Fire Operations to Maintenance and Modifications due to a reorganization. On January 26, 1996, a routine random review of the access control system computer printouts was conducted of everyone walking the firewatch route during the weekend of January 21. This printout showed that on January 21, during the 4:00 a.m. patrol, WARE missed checking the control building computer room (C-23) on elevation 685 and the communications room door (C-10) on elevation 669. During these firewatch routes, WARE documented the firewatch journal as though she had inspected these areas.

Following this discovery, WALKER requested an access control system printout for personnel assigned to firewatch from January 3 to January 30, 1996. This printout revealed that HUTSELL had missed the control building computer room door (C-23) on January 8 and 17. HUTSELL documented on the firewatch log that she entered and checked the computer room, when she did not.

WARE completely missed her assigned control building route because she went from elevation 669 to elevation 706 in 2 minutes. WALKER, CARPENTER, and SQN Human Resources Officer, Marvin RIDGE, walked this route and verified that it takes an average of 5 minutes. According to WALKER and CARPENTER, it is physically impossible to walk this route in 2 minutes.

HUTSELL had walked this same route for 3 years. Door C-23 had just been added to the route prior to WALKER's group assuming the firewatch responsibilities. WALKER and CARPENTER felt that HUTSELL had something else on her mind and missed the door. WALKER and CARPENTER timed the route HUTSELL walked and it matched her times within a few seconds. They determined that HUTSELL had walked the route, yet missed the door.

On January 29, RIDGE, WALKER, and CARPENTER, met with WARE and discussed the violation of procedures. Initially WARE stated that she started at door C-28 and thought she had gone down to the other areas. WARE was shown the printout which showed she had missed those areas and she became agitated and said the card reader must not have picked up her card. WALKER and CARPENTER informed WARE there was nothing wrong with the card reader. WALKER and CARPENTER opined that WARE was lazy and did not want to walk the route.

During the meeting with WALKER and CARPENTER on February 1, 1996, HUTSELL stated that door C-23 was an "add on" and she did not miss the computer room door on purpose or intentionally. RIDGE showed HUTSELL the TVA Business Practice which documents that the firewatch journal is a QA document. HUTSELL told WALKER and CARPENTER that she lost a good job due to stupidity.

During the time of these incidents, the firewatch personnel were not required to complete the firewatch journal entries as they checked the doors. Now they are required to do this. Prior to the maintenance group assuming the responsibilities from Fire Operations, the firewatch personnel were using a bar code reader system which reads a code placed at the door to the areas required to be checked. The bar code gun stores the time and door or area number in the gun for 12 hours. This information is then downloaded into a computer and printed out. This printout provides proof that the route was walked and the required areas checked.

WALKER plans to reinstate the bar code system and feels this will keep similar incidents from happening in the future. WALKER has talked to the firewatch personnel regarding the importance of walking the route and not falsifying the QA records. He continues to monitor the routes on a random basis.

Interview of HUTSELL (Exhibit 5)

HUTSELL worked as a Bechtel firewatch laborer at SQN for 4 years and began as a permanent TVA firewatch laborer in November 1995 when the reorganization took place. HUTSELL stated when she missed the computer room door (C-23), it was an honest mistake. HUTSELL conceded that she was under a lot of stress and that she had a difficult time getting to work and home due to the snow and added, "...but that was really no excuse, I guess" (Exhibit 5, p. 9). HUTSELL documented that she had checked the door because she thought she had. She did not realize she had missed the same door twice, on January 8 and 17, until she was called in for her termination.

Additionally, the route changed when door C-23 was added to the route and HUTSELL was not in the habit of checking that door. HUTSELL denied that she skipped the same door twice on purpose or intentionally and added, "Well, if I was going to skip something, I certainly wouldn't skip a card door" (Exhibit 5, p. 13).

The CO2 lights (Exhibit 10) are outside the computer room and HUTSELL usually documented the CO2 lights as "OK" at the same time that she wrote that the computer room was OK. HUTSELL admitted that documenting the CO2 lights together with door C-23 was not "good policy." HUTSELL explained that she had a habit of documenting those areas at the same time.

In conclusion, HUTSELL stated, "...I know what I did was wrong and I'm not going to lie about it and there's no -- I made an honest mistake" (Exhibit 5, p. 24).

Interview of WARE (Exhibit 6)

SPECIAL AGENT'S NOTE: The majority of this transcript consists of WARE appearing to be confused and not recalling how she conducted the firewatch route on January 21, 1996. During the interview, the FPI 0180 route (Exhibit 9) and the Control Building route (Exhibit 10) were referenced.

WARE was a Bechtel laborer from August 1995 to October 28, 1995, and TVA hired her as a permanent firewatch laborer on November 6, 1995. WARE acknowledged that she was supposed to start at the bottom level in the communications room, door C-10. Normally, she was required to start her route on elevation 669; however, on January 21, she started the route on elevation 734. She stated she started at the top and went down. WARE stated she may have started her route at the spreader room (Cable Spreading Room, Control Building, Elevation 706) and went down the steps to the communications room, and then to the mechanical room (Control Building Elevation 669) and back up through the spreader room to start her route. WARE denied that she missed checking the communications room, door C-10 in the Control Building, yet admitted she possibly missed checking the computer room, door C-23. In reference to WARE's missing doors C-10 and C-23, OI Special Agent Vanessa G. Selewski stated, "...the computer printout shows that's what happened. I can't dispute that." WARE replied, "Right. I can't either although I've been trying" (Exhibit 6, p. 28).

WARE admitted that she documented her journal/log with the times and rooms/ areas before she started walking her route. Referencing the journal/log, she stated, "Really to be honest I'm going to tell you how I did it, how everybody does it. This line here, say 4:05 when you start up. I wrote all this in while I was in the shop. Everybody did it...this paper here, you just have to worry about writing your time down" (Exhibit 6, pp. 35-36). WARE estimated what time she would "hit" the rooms and wrote the times prior to walking her route. WARE claimed that other firewatch laborers had also documented their journals prior to walking their route. WARE conceded, "But I know you shouldn't have. I know we shouldn't have done that. But it was one of those, I don't know, I don't know what you call it. Everybody did it" (Exhibit 6, p. 36). In reference to the reason she falsified the document WARE stated, "To save time. That's the only thing I can think of to be honest. I really don't know. I mean I was following along with the rest of the gang" (Exhibit 6, p. 37).

WARE stated she did not intentionally falsify the document. WARE added that this job was the best job she could have [REDACTED] and she worked hard. She would not intentionally "mess up" her job. She added, "I mean I didn't intentionally miss the room. If I did, I'm sorry" (Exhibit 6, p. 38). Initially, WARE denied missing the communications room, yet she possibly missed the computer room, door C-23. Later, WARE agreed that there was a

7C

chance she also missed checking the communications room, door C-10 (Exhibit 6, p. 40).

SPECIAL AGENT'S NOTE: During followup telephonic contact with WALKER, he stated that other firewatch laborers have not completed their firewatch journals in advance (Exhibit 4).

Document Review

A review of HUTSELL and WARE's TVA personnel files showed memoranda from SQN Human Resources to TVA Nuclear Security, notifying Nuclear Security that neither WARE or HUTSELL are allowed to work at SQN in the future as contractors (Exhibit 7).

The personnel files also contained an attachment to HUTSELL and WARE's TVA application, titled, "Completeness and Accuracy of Information." This form was signed by HUTSELL and WARE on November 6, 1995, in which they claimed they understood that the Code of Federal Regulations (CFR) requires that all information maintained by TVA and information communicated to the NRC, be complete and accurate in all material respects (Exhibit 8).

SQN FPI 0180 outlines the duties and responsibilities for compensatory firewatch personnel at SQN. This instruction specifies that firewatch logs are to be treated as QA records and any mistakes are to be "single lined," initialed, and dated (Exhibit 9).

The Control Building firewatch route shows the doors which were missed by HUTSELL and WARE (Exhibit 10).

Conclusion

The evidence developed during this investigation substantiated that WARE and HUTSELL failed to patrol their assigned firewatch areas and falsified their firewatch journals by claiming these areas were inspected. The evidence did not substantiate that their actions were intentional or willful.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated March 22, 1996.
2	NRC Licensee Event Report, dated February 20, 1996.
3	TVA/SQN Problem Evaluation Report SQ960136, dated January 29, 1996.
4	WALKER/CARPENTER Report of Interview, dated October 30, 1996 with attachments.
5	Transcript of Interview of HUTSELL, dated October 9, 1996.
6	Transcript of Interview of WARE, dated October 9, 1996.
7	Memoranda from SQN Human Resource Manager, James R. HAEMSCH to TVA Nuclear Security Manager, Ron L. CASEY, dated January 30 and February 1, 1996.
8	"Completeness and Accuracy of Information" Statements signed by HUTSELL and WARE, dated November 6, 1995.
9	TVA/SQN Fire Protection Instruction (FPI 0180), with Firewatch Map, dated February 23, 1996.
10	Note from WALKER to OI Special Agent Selewski, undated, with attached Control Building Firewatch Route.

EXHIBIT 4

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions b1, b7C
FOIA- 99-76

Case No. 2-96-009

2/4/22 EXHIBIT 4

REPORT OF INTERVIEWS

Name: Jerry L. CARPENTER

Ronald G. WALKER

Address: [REDACTED]

Telephone: [REDACTED]

Work Info: Facilities and Tools Manager
Maintenance and Modifications
TVA Sequoyah Nuclear Plant (SQN)
P.O. Box 2000
Soddy-Daisy, TN 37379
423-843-6827

Facilities and Tools General Foreman
Maintenance and Modifications
TVA/SQN
P.O. Box 2000
Soddy-Daisy, TN 37379
423-843-7216

On August 16, 1996, Region II, Nuclear Regulatory Commission, Office of Investigations (OI), Special Agent Vanessa G. Selewski, interviewed CARPENTER and WALKER regarding two firewatch laborers, Kimshe R. WARE and Joy F. HUTSELL, who failed to patrol their assigned areas and falsified their firewatch journals (Quality Assurance (QA) documents). CARPENTER and WALKER provided the following information and attached documents. Additional information was obtained during a telephone conversation on October 30, 1996, and via fax communications.

In November 1995, the firewatch laborers and responsibilities were transferred from Fire Operations to Maintenance and Modifications due to a reorganization. On January 26, 1996, a routine, random review of the access control system computer printouts was conducted of everyone walking the firewatch route during the weekend of January 21. This printout showed that on January 21, 1996, during the 4:00 a.m. patrol, WARE missed checking the Control Building computer room door (C-23) on elevation 685 and the communications room, door C-10 on elevation 669 (Attachment 1). During these firewatch routes, WARE documented the firewatch journal as though she had inspected these areas (Attachment 2).

Following this discovery, WALKER requested an access control system printout for personnel assigned to firewatch from January 3 to January 30, 1996. This printout revealed that HUTSELL had missed door C-23 on January 8 and 17. HUTSELL documented on the firewatch log that she entered and checked the computer room, when she did not (Attachment 3).

WARE completely missed her assigned Control Building route because she went from elevation 669 to elevation 706 in 2 minutes (Attachment 4). WALKER, CARPENTER, and SQN Human Resources Officer, Marvin RIDGE walked this route and verified it takes an average of 5 minutes. WALKER and CARPENTER stated it is physically impossible to walk this route in 2 minutes.

HUTSELL had walked this same route for 3 years. Door C-23 had just been added to the route prior to WALKER's group assuming the firewatch responsibilities. WALKER and CARPENTER felt that HUTSELL had something else on her mind and missed the door. WALKER and CARPENTER timed the route HUTSELL walked and it matched her times within a few seconds. She had walked the route but missed the door.

On January 29, 1996, RIDGE, WALKER, and CARPENTER, met with WARE to discuss the violation of procedures. WARE was told that she had missed two doors during her firewatch route and had falsified the firewatch document by claiming she had checked doors when she did not. Initially, WARE stated that she started at door C-28 and thought she had gone down to the other areas. She was shown the printout which showed she missed those areas. WARE stated she thought she had gone to the other areas (Attachment 5). WARE stated that she knew when she was hired by TVA there would be some "bullshit." WARE indicated that she was being "picked on" because she was a black employee. WALKER and CARPENTER showed WARE the printout and she became agitated and said the card reader must not have picked up her card and they informed her there was nothing wrong with the card reader (Attachment 6). WALKER and CARPENTER opined that WARE was lazy and did not want to walk the route.

During the meeting with WALKER and CARPENTER on February 1, 1996, HUTSELL stated that door C-23 was an "add on" and she did not miss the computer room door on purpose or intentionally. RIDGE showed HUTSELL the TVA Business Practice which documents that the firewatch journal is a QA document. HUTSELL stated she lost a good job due to stupidity. (Attachment 7).

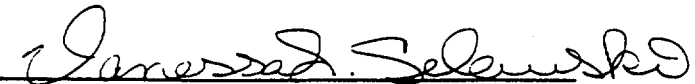
During the time of these incidents, the firewatch personnel were not required to complete the firewatch journal entries as they checked the doors. Now they are required to make their entries into the journal as they check the doors and walk their route. Prior to the maintenance group assuming the firewatch responsibilities from Fire Operations, the firewatch personnel were using a bar code reader system which reads a code placed at the door to the areas required to be checked. The bar code gun stores the time and door or area number in the gun for 12 hours. This information is then downloaded into a computer and printed out. This printout provides proof that the route was walked and the required areas checked.

WALKER is planning to bring this system back into operation. WALKER feels this will keep similar incidents from happening in the future. WALKER has talked to the firewatch personnel regarding the importance of walking the route and not falsifying the QA records. He is still monitoring the routes on a random basis.

Training for firewatch personnel consists of verbal instruction regarding the firewatch procedures and review of the route maps and drawings. Personnel is also informed of the average time of 45 minutes that it takes to walk the route. They are allowed up to an hour to complete the route. Additionally, the new firewatch laborer is placed with a competent firewatch laborer and walks the route with them until they feel comfortable walking the route alone. Some individuals are ready to walk the route in 1 day, some 2 or 3 days. The trainer will then follow the trainee while they walk the route, to ensure they understand the route.

SPECIAL AGENT'S NOTE: During a followup telephone call with WALKER, on October 30, 1996, this agent referenced WARE's statement during her OI interview that she had completed the firewatch journal prior to beginning her firewatch to save time and because it was convenient. I informed WALKER that WARE stated since they know the approximate times each door is to be checked, it is all written in, along with their name and areas checked. WARE stated this is common practice and others have done this. WALKER stated this is not true. According to WALKER, other firewatch laborers have not completed their firewatch journals in advance.

This report of interview was prepared on October 30, 1996.



Vanessa G. Selewski, Special Agent
Office of Investigations
Field Office, Region II

Attachments: 7, as stated

EXHIBIT 5

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA- 99-76

Case No. 2-96-009

2/4/3

EXHIBIT !

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 -----X
7 IN THE MATTER OF:

:

8 INTERVIEW OF

: Case File No.

9 JOY HUTSELL

: (2-96-009)

10 -----X
11 Wednesday, October 9, 1996

12
13 Fairfield Inn

14 2350 Shallowford Village

15 Chattanooga, TN

16 (Telephonic interview)

17
18 The above-entitled interview was conducted.

19
20 BEFORE:

21 VANESSA SELEWSKI - Special Agent

22
23
24
25 CASE NO. 2-96-009

EXHIBIT 5
PAGE 1 OF 38 PAGE(S)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

P R O C E E D I N G S

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SPECIAL AGENT SELEWSKI: Let me just go ahead and
get some basic information.

MS. HUTSELL: Let me turn the TV off.

SPECIAL AGENT SELEWSKI: Okay.

(Pause.)

MS. HUTSELL: I got home and I told my son well
that woman didn't show up.

SPECIAL AGENT SELEWSKI: Oh well, I didn't even
think to come outside. I thought that you would come in and
there in the little front area. I didn't even think to come
out and look for you. I just thought well, she'll come in
and I'll just stand here and wait for her.

MS. HUTSELL: You know I can't hardly hear you.

SPECIAL AGENT SELEWSKI: I don't know why. Do
we have a bad connection? Are you on a cell phone or a
cordless phone?

MS. HUTSELL: No. But now -- maybe --

SPECIAL AGENT SELEWSKI: Is there another phone
that's better?

MS. HUTSELL: I tried that.

SPECIAL AGENT SELEWSKI: I don't know what it is.
There's not another phone you can get on?

MS. HUTSELL: Let me go see.

1 SPECIAL AGENT SELEWSKI: Okay.

2 (Pause.)

3 SPECIAL AGENT SELEWSKI: Are you there?

4 MS. HUTSELL: Yes.

5 SPECIAL AGENT SELEWSKI: Is that better?

6 MS. HUTSELL: You're on the speaker.

7 SPECIAL AGENT SELEWSKI: That's a better
8 reception though? You can hear me better?

9 MS. HUTSELL: Let me -- okay, are you there?

10 SPECIAL AGENT SELEWSKI: Yes. Is that a better
11 reception?

12 MS. HUTSELL: I believe so, yeah.

13 SPECIAL AGENT SELEWSKI: Okay, good, maybe it
14 just was the phone or something.

15 Like I said, I'm taking notes and what I want to
16 do is record this too, just so that I get everything down and
17 don't miss anything.

18 MS. HUTSELL: Okay.

19 SPECIAL AGENT SELEWSKI: Sometimes we just take
20 notes. Sometimes we record our interviews. Sometimes we do,
21 we have a court reporter. It just depends on the situation.
22 But -- and what I mentioned to you before on the phone is
23 we're just investigating TVA referred this to us because they
24 were required to report this to us and it's considered a
25 falsification of a QA document which that was the log -- what

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1 do you call that?

2 MS. HUTSELL: Wait a minute. Let me go hang the
3 other phone up.

4 SPECIAL AGENT SELEWSKI: Okay.

5 (Pause.)

6 MS. HUTSELL: Okay.

7 SPECIAL AGENT SELEWSKI: Now is it better?

8 MS. HUTSELL: Uh-huh. It's fine. We've had a
9 terrible time about this.

10 SPECIAL AGENT SELEWSKI: Yes.

11 MS. HUTSELL: Did you get a hold of Kimshe?

12 SPECIAL AGENT SELEWSKI: Yeah, I did. And
13 hopefully we'll talk to her tomorrow.

14 Were you friends with her when you were there?

15 MS. HUTSELL: Well, I knew her.

16 SPECIAL AGENT SELEWSKI: Yeah. What I want to
17 do is just get your -- I think I've got your correct address
18 here in [REDACTED]

19 MS. HUTSELL: Uh-huh.

20 SPECIAL AGENT SELEWSKI: [REDACTED]

21 MS. HUTSELL: [REDACTED]

22 SPECIAL AGENT SELEWSKI: [REDACTED]

23 MS. HUTSELL: Uh-huh.

24 SPECIAL AGENT SELEWSKI: Okay. And it's Joy Faye

25 Hutsell?

1 MS. HUTSELL: Uh-huh.

2 SPECIAL AGENT SELEWSKI: How long have you been
3 working -- you've worked for TVA before at Sequoia doing --

4 MS. HUTSELL: I did that fire watch for going on
5 five years.

6 SPECIAL AGENT SELEWSKI: Off and on?

7 MS. HUTSELL: No, not off and on. Continuously.
8 But see I work for contractor for four years.

9 SPECIAL AGENT SELEWSKI: Oh. Okay. Who did you
10 work for for four years?

11 MS. HUTSELL: Bechtel. I worked out of the Fire
12 Department. We've had people to you know -- we'd being
13 checked and -- but we did it a little different. We had a
14 gun that we used and with that there was no way to make a
15 mistake.

16 SPECIAL AGENT SELEWSKI: Uh-huh. You mean before
17 when you did it?

18 MS. HUTSELL: Uh-huh. If we had an add-on, why,
19 we would check it, you know, like that.

20 SPECIAL AGENT SELEWSKI: Well, because I know
21 they went from the Fire Department or whatever division that
22 was into the, under the maintenance people and I don't know
23 if rules changed then or something changed --

24 MS. HUTSELL: Uh-huh, the complete route changed.

25 SPECIAL AGENT SELEWSKI: The complete route

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1 changed?

2 MS. HUTSELL: Uh-huh. See, I only worked for --
3 had the annual job from -- see, I went from the Fire
4 Department to an annual job with TVA. And I only had it from
5 October, no, November until I say November to February 2nd.

6 SPECIAL AGENT SELEWSKI: Okay. November '95 to
7 February when you were terminated?

8 MS. HUTSELL: February 2nd.

9 SPECIAL AGENT SELEWSKI: February 2, 1996?

10 MS. HUTSELL: Uh-huh.

11 SPECIAL AGENT SELEWSKI: Okay, so in November
12 that's when they turned it over to the maintenance shop?

13 MS. HUTSELL: Uh-huh.

14 SPECIAL AGENT SELEWSKI: Or Maintenance Division.

15 MS. HUTSELL: Uh-huh.

16 SPECIAL AGENT SELEWSKI: Do you know why they
17 changed the whole route at that point?

18 MS. HUTSELL: No, I don't. No, I really don't.
19 I mean I know they weren't using the same equipment like the
20 guns that the Fire Department had.

21 SPECIAL AGENT SELEWSKI: What do you mean when
22 you say "guns"?

23 MS. HUTSELL: It was a computer.

24 SPECIAL AGENT SELEWSKI: Uh-huh.

25 MS. HUTSELL: It was on computer. And at the end

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1 of every shift it was -- they had a read out on it.

2 SPECIAL AGENT SELEWSKI: Uh-huh. And this would
3 show you if you missed any doors?

4 MS. HUTSELL: Oh yes.

5 SPECIAL AGENT SELEWSKI: And what would you do
6 if it said that you missed a door?

7 MS. HUTSELL: You never missed a door because if
8 you missed a door, when you got to the next one it would tell
9 you to go back. It would say "do you wish to skip one
10 position?"

11 SPECIAL AGENT SELEWSKI: Uh-huh. So you didn't
12 make any mistakes with this?

13 MS. HUTSELL: No, you made no mistakes.

14 SPECIAL AGENT SELEWSKI: So this was a hand held
15 computer thing?

16 MS. HUTSELL: Uh-huh.

17 SPECIAL AGENT SELEWSKI: And you'd go through
18 each door and -- I'm just trying to understand how that
19 works.

20 MS. HUTSELL: Well, you had bar codes. You know
21 like at the grocery store?

22 SPECIAL AGENT SELEWSKI: Uh-huh.

23 MS. HUTSELL: You had those at certain stops.

24 SPECIAL AGENT SELEWSKI: Uh-huh.

25 MS. HUTSELL: And you went to those stops and you

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1 would pull the trigger on the gun and it would record it.

2 SPECIAL AGENT SELEWSKI: Oh. Okay. And that
3 just kept you from missing any doors?

4 MS. HUTSELL: It kept you from making mistakes.

5 SPECIAL AGENT SELEWSKI: And you don't know why
6 they changed?

7 You obviously didn't have that when you were
8 going through this time, on this instance in January '96?

9 MS. HUTSELL: Okay.

10 SPECIAL AGENT SELEWSKI: What?

11 MS. HUTSELL: The door that I missed was an add
12 on door that we didn't always do. I mean, you know --

13 SPECIAL AGENT SELEWSKI: Yeah, that's what they
14 were telling me, that it was an add on and you probably just
15 didn't think of it.

16 MS. HUTSELL: Well, no.

17 SPECIAL AGENT SELEWSKI: Just go ahead and talk
18 about what happened and what, you know -- I believe it was
19 January --

20 MS. HUTSELL: It was just an honest mistake. I
21 just missed the door.

22 SPECIAL AGENT SELEWSKI: And this was -- what was
23 it, C-23?

24 MS. HUTSELL: It was the computer room.

25 SPECIAL AGENT SELEWSKI: Computer room. When did

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1 they add it on?

2 MS. HUTSELL: I don't remember. I mean it was
3 something that I wasn't used to doing all the time.

4 SPECIAL AGENT SELEWSKI: So it wasn't something
5 that say the week before you had done?

6 MS. HUTSELL: It probably was, but I just, you
7 know. It was something that I wouldn't -- you know, I had
8 done this hour watch, route so long, you know, and it was
9 something that I just, you know, I just missed.

10 SPECIAL AGENT SELEWSKI: But what time was it?
11 Was it in the morning like at 1 a.m. or something?

12 MS. HUTSELL: It was in the morning.

13 SPECIAL AGENT SELEWSKI: Yes.

14 MS. HUTSELL: At that time it was really, I was
15 under a lot of stress. It was during, when we were having
16 a lot of snow and I had a hard time getting to work and
17 getting home and it was just -- but that was really no
18 excuse, I guess.

19 SPECIAL AGENT SELEWSKI: Well, according to TVA
20 it wasn't.

21 MS. HUTSELL: But you know what? I don't
22 understand why the same rules don't -- in terminating people
23 for falsifying Government documents which I don't know why
24 the same rules don't apply to everybody at TVA.

25 SPECIAL AGENT SELEWSKI: Well, you mean other

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1 people that have falsified fire watch logs?

2 MS. HUTSELL: No, not fire watch, but there was
3 some HTs that falsified records, not long after we -- I mean,
4 not long after we got terminated and they only got a week
5 off.

6 SPECIAL AGENT SELEWSKI: Hm. I don't know what
7 if NRC -- I mean sometimes, I really can't explain that. I
8 don't know if there's a difference because it's fire watch
9 and it's more of a sensitive and important aspect that NRC
10 oversees, or if there is a difference, but the completeness
11 and accuracy of the information which is really what the rule
12 is --

13 MS. HUTSELL: Pardon?

14 SPECIAL AGENT SELEWSKI: The completeness and
15 accuracy of information that's the actual NRC rule that was
16 violated and that's considered falsification is when you
17 write something down that really didn't happen and --

18 MS. HUTSELL: I realize that. What I did was I
19 wrote down -- we had to record that we were checking the
20 door.

21 SPECIAL AGENT SELEWSKI: Yes.

22 MS. HUTSELL: And then I just put okay because
23 I actually had thought I had checked the door.

24 SPECIAL AGENT SELEWSKI: That was going to be my
25 question. Was when you put okay and I've got it right here

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1 in front of me, you wrote -- I think this was the January 8,
2 '96, you wrote "Hutsell started route CO2 lights and computer
3 room, okay."

4 MS. HUTSELL: Uh-huh.

5 SPECIAL AGENT SELEWSKI: That was my question.
6 Did you know that you had missed it or you had thought you
7 had went in there?

8 MS. HUTSELL: No, I didn't know that.

9 SPECIAL AGENT SELEWSKI: You didn't even realize
10 that you had missed it?

11 MS. HUTSELL: I didn't realize that I missed it
12 until they called me down and terminated me.

13 SPECIAL AGENT SELEWSKI: Okay. Now I think that
14 you missed it twice. Let's see, I was looking on here. The
15 same computer room twice, I think January 8th -- let me find
16 my notes. Did they tell you about that? There were two
17 times?

18 MS. HUTSELL: I didn't -- no, I don't think so.
19 I don't know.

20 SPECIAL AGENT SELEWSKI: January 17th, it looks
21 like. You missed that door two different times.

22 MS. HUTSELL: On the same night?

23 SPECIAL AGENT SELEWSKI: No, January 8th you
24 missed it and then again on January 17th, they're saying.

25 MS. HUTSELL: Well, see I didn't even realize I

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1 had missed it.

2 SPECIAL AGENT SELEWSKI: Yeah, and I don't know
3 if I've got the one showing January 17th where you documented
4 it, but -- so you -- did you have a lot on your mind? You
5 said you had stress, you were having a hard time getting to
6 work. Was there anything else?

7 MS. HUTSELL: No. I just made an honest mistake.

8 SPECIAL AGENT SELEWSKI: This is something you've
9 been doing for years and they changed -- they added that on
10 and you just missed it.

11 MS. HUTSELL: Well, the route had changed. It
12 was changed from the way we were accustomed to doing it, but
13 really I guess that's no excuse.

14 SPECIAL AGENT SELEWSKI: Well, it just appears
15 you got caught. Maybe it's been done before, but at this
16 point you know they were doing a random run of the routes to
17 see how it was going and that's when those -- that showed up.

18 MS. HUTSELL: But we had been checked before,
19 when I worked with the Fire Department.

20 SPECIAL AGENT SELEWSKI: Yeah.

21 MS. HUTSELL: A lot of times.

22 SPECIAL AGENT SELEWSKI: You mean randomly
23 checked for -- to be sure people were going and doing their
24 route?

25 MS. HUTSELL: Uh-huh.

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1 SPECIAL AGENT SELEWSKI: Did other people make
2 mistakes then and not get terminated?

3 MS. HUTSELL: No. People didn't make -- when we
4 had the guns, you didn't make any mistakes.

5 But before then we didn't make mistakes. I just
6 -- you know, I was just -- as I said I was having a hard time
7 getting to work. I drive -- I was driving about 60 miles to
8 work and in the snow and stuff, you know, but that's still
9 really no excuse.

10 SPECIAL AGENT SELEWSKI: Uh-huh. Let's see. Let
11 me look through here and look at my notes here. So it wasn't
12 anything purposeful or wilful or intentional.

13 MS. HUTSELL: Oh no.

14 SPECIAL AGENT SELEWSKI: It was just an honest
15 mistake.

16 MS. HUTSELL: Well, if I was going to skip
17 something I certainly wouldn't skip a card door.

18 SPECIAL AGENT SELEWSKI: Where it would show up.

19 MS. HUTSELL: I mean, but I'm not going to -- I
20 mean everybody that knows me knows that I do my job the best,
21 with the best of my ability and just like showing up for
22 work. I probably missed two days in four or five years. And
23 I just don't do things like that.

24 SPECIAL AGENT SELEWSKI: This is not your record
25 or history to do that kind of thing.

1 MS. HUTSELL: Pardon?

2 SPECIAL AGENT SELEWSKI: This is not your history
3 or your record to do this or to be that way.

4 MS. HUTSELL: No. It was really a surprise to
5 me.

6 SPECIAL AGENT SELEWSKI: And I think Ron Walker
7 and Jerry Carpenter called you in or was it just Ron Walker?

8 MS. HUTSELL: No, Ron Walker and Jerry Carpenter.

9 SPECIAL AGENT SELEWSKI: They just told you that
10 it happened and --

11 MS. HUTSELL: Uh-huh.

12 SPECIAL AGENT SELEWSKI: And explained it to you?

13 MS. HUTSELL: Uh-huh. I mean there was no --

14 SPECIAL AGENT SELEWSKI: You didn't question it?

15 MS. HUTSELL: Pardon?

16 SPECIAL AGENT SELEWSKI: You didn't really
17 question it at all because --

18 MS. HUTSELL: No, when you've done something and
19 whether you meant to do it or you know.

20 SPECIAL AGENT SELEWSKI: Uh-huh.

21 MS. HUTSELL: I guess with TVA, you just don't
22 -- I didn't question it.

23 SPECIAL AGENT SELEWSKI: Yeah. What kind of
24 training did you have? I don't know if you had it every time
25 you -- I mean the whole, I guess since you were there four

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1 years straight or five years straight, doing fire watch?

2 MS. HUTSELL: Going on five years.

3 SPECIAL AGENT SELEWSKI: So did you have training
4 every so many months?

5 MS. HUTSELL: No.

6 SPECIAL AGENT SELEWSKI: One time training?

7 MS. HUTSELL: Uh-huh.

8 SPECIAL AGENT SELEWSKI: And so that would have
9 been what, 199 --

10 MS. HUTSELL: 1991 or something. I don't know.

11 SPECIAL AGENT SELEWSKI: What kind of training
12 did you have with fire watch?

13 MS. HUTSELL: Well, somebody just shows you the
14 route and I've trained I don't know how many people to do the
15 fire watch route.

16 SPECIAL AGENT SELEWSKI: Just show you the route,
17 go through it with you and then you start doing it by
18 yourself when you feel comfortable or --

19 MS. HUTSELL: Pardon?

20 SPECIAL AGENT SELEWSKI: Then you just start
21 doing the route, you just start doing the route by yourself
22 when you feel comfortable that you can handle it?

23 MS. HUTSELL: Uh-huh.

24 SPECIAL AGENT SELEWSKI: And did someone come
25 behind and check on the new person that's being trained to

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1 make sure they're hitting the doors and everything?

2 MS. HUTSELL: Uh-huh.

3 SPECIAL AGENT SELEWSKI: Are you given any kind
4 of procedure to tel you about fire watch?

5 MS. HUTSELL: Well, you go through fire watch
6 training. I think you have fire watch training once a year.
7 I'm wrong there.

8 SPECIAL AGENT SELEWSKI: Every year?

9 MS. HUTSELL: Uh-huh.

10 SPECIAL AGENT SELEWSKI: Okay. And what does
11 that consist of?

12 MS. HUTSELL: That just tells you basically, let
13 me see, about how fires start and what to do in case you find
14 a fire, who to report it to and this and that and the other.

15 SPECIAL AGENT SELEWSKI: Do they talk about in
16 the training how important it is to be sure that hit every
17 door?

18 MS. HUTSELL: No, that this is not have to do
19 with that. This is just the fire watch in general.

20 SPECIAL AGENT SELEWSKI: Okay.

21 MS. HUTSELL: Oh, I know it's important to check
22 all the doors.

23 SPECIAL AGENT SELEWSKI: I'm just wondering did
24 they ever say look, this is something that is -- that NRC
25 oversees very closely or that --

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1 MS. HUTSELL: I knew that. Knowing that and
2 knowing that I knew that, you know I wouldn't do that, I
3 wouldn't miss the doors.

4 SPECIAL AGENT SELEWSKI: Right.

5 MS. HUTSELL: Intentionally, and if I was going
6 to miss one, after four years, if I was going to pick one to
7 miss it certainly wouldn't be one where you card it in,
8 because see all the checkpoints are not card in.

9 SPECIAL AGENT SELEWSKI: So you could actually
10 not check something and it not show up because it's not a
11 computer access door or card access door?

12 MS. HUTSELL: Uh-huh, but you have to start at
13 the bottom and end up at the top floor, so basically you
14 check everything anyway, except that room I didn't go in.

15 SPECIAL AGENT SELEWSKI: But when you're in your
16 training, what I'm asking you to do -- they do emphasize NRC
17 --

18 MS. HUTSELL: Oh we know, yes.

19 SPECIAL AGENT SELEWSKI: The documentation and
20 be sure that yo document and did they talk about falsifying
21 your log?

22 MS. HUTSELL: Uh-huh.

23 SPECIAL AGENT SELEWSKI: Everything like that?
24 Did they ever say really be sure and don't falsify your log?

25 MS. HUTSELL: Well, everybody knows that you're

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1 not suppose to falsify a log.

2 SPECIAL AGENT SELEWSKI: But is it emphasized in
3 the training at TVA?

4 MS. HUTSELL: No. I don't think so. I don't
5 remember.

6 SPECIAL AGENT SELEWSKI: Okay. Because what if
7 you went and you knew that you missed a door and then didn't
8 document it or did you go tell your supervisee look, I missed
9 this door, I want to be sure -- or do you document "missed
10 door, went back", or how do you do that?

11 MS. HUTSELL: If you found out you missed a door,
12 I mean if you knew you missed a door by the time you ended
13 your route, you would just go back and check it. And
14 document that you missed it and checked it.

15 SPECIAL AGENT SELEWSKI: So as long as you
16 document that that's what happened and go back and check it,
17 it's okay? I just was wondering how that worked.

18 Let's see, do you remember reading that one form
19 and I know TVA has all kinds of forms but I just want to
20 pull this out. I know you can't see it, but I want to see
21 if you remember it. It's -- you signed it in November '95
22 and it's called completeness and accuracy of information?

23 MS. HUTSELL: Uh-huh.

24 SPECIAL AGENT SELEWSKI: It talked about the code
25 of federal regulations and NRC and the importance of not

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1 falsifying documents. Do you remember that? That form?

2 MS. HUTSELL: No, I don't.

3 SPECIAL AGENT SELEWSKI: I'm only bringing this
4 up because you signed it and I know that you said that you
5 made an honest mistake and I believe you and that you did not
6 intentionally put that down on the log. I just want to read
7 this kind of summarize this for you.

8 It just says that all information maintained by
9 TVA and information communicated to the NRC must be complete
10 and accurate in all material respects.

11 Do you remember that?

12 MS. HUTSELL: No, I don't remember it. But let's
13 see --

14 SPECIAL AGENT SELEWSKI: When communicating with
15 NRC, whether in writing or in conversation, employees should
16 assure that the information which they provide is accurate.

17 MS. HUTSELL: Oh, I remember that on a question,
18 on that test.

19 SPECIAL AGENT SELEWSKI: ON the test in the
20 training?

21 MS. HUTSELL: No, when we were going through the
22 -- well, probably some kind of training at one time. I know
23 that all the information that you -- for NRC is supposed to
24 be accurate.

25 SPECIAL AGENT SELEWSKI: Okay. I just wanted to

1 bring that up because this is the form that you read and you
2 sign, saying that you've read it and you understand it.

3 MS. HUTSELL: Uh-huh.

4 SPECIAL AGENT SELEWSKI: I just want to make a
5 note of that.

6 Let me see if there's anything else here. So you
7 think maybe even a week or two before you missed the
8 computer, you probably hit the computer room? But because
9 of the stress and the snow and the driving that that one, two
10 times you just missed it?

11 MS. HUTSELL: I just missed it two times. If I
12 -- you know. I just weren't -- I just wasn't used to doing
13 that room and I just missed it.

14 SPECIAL AGENT SELEWSKI: Let's see. That pretty
15 much takes care of what happened. I mean you told your side
16 and told me why it happened and why it was documented and if
17 there is anything else you can think of?

18 MS. HUTSELL: No, I tell you why, usually --
19 okay, the CO2 lots are right outside the computer room, I
20 mean it's on the same floor of the computer room, you know
21 where I wrote down CO2 lots.

22 SPECIAL AGENT SELEWSKI: Yes.

23 MS. HUTSELL: Which was not a good policy. I
24 would write down when I would -- okay, when I checked the CO2
25 lots I would write down CO2 lots and computer room okay.

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1 See, I would do it right when I checked the CO2 lots.

2 SPECIAL AGENT SELEWSKI: Yeah.

3 MS. HUTSELL: So that's why.

4 SPECIAL AGENT SELEWSKI: Because you were doing
5 them both at the same time?

6 MS. HUTSELL: Well, I was writing, instead of
7 writing it down twice, I mean writing twice, I would just
8 write CO2 lots and computer room okay.

9 SPECIAL AGENT SELEWSKI: Because they're right
10 next to each other?

11 MS. HUTSELL: Uh-huh.

12 SPECIAL AGENT SELEWSKI: Okay. And it was
13 probably just a habit for you to write that together?

14 MS. HUTSELL: It was. That's what I'm saying. It was
15 just a habit.

16 SPECIAL AGENT SELEWSKI: Yeah. Let me see if
17 there was anything else here. Let's see. And when you went
18 and talked to Walker and Carpenter, they were pretty much,
19 they just explained what happened and did they -- you know,
20 summarize what they said, did they tell you right then that
21 you would be terminated?

22 MS. HUTSELL: Uh-huh. I mean they acted like,
23 well, to me they acted like they really hated to do it.

24 SPECIAL AGENT SELEWSKI: Yeah. Well, you'd been
25 there so long.

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1 MS. HUTSELL: Well, yeah, and they knew I was a
2 good worker too.

3 SPECIAL AGENT SELEWSKI: Uh-huh. Let's see, I
4 was trying to find that other -- I was thinking I had the
5 document, but I may have it somewhere dated January 17th
6 where you did the -- put the same thing, you know, started
7 route, computer room okay, but I think I've got it somewhere.

8 Did they show you your log where you put it down?

9 MS. HUTSELL: Pardon?

10 SPECIAL AGENT SELEWSKI: Did they show you the
11 log where you wrote down --

12 MS. HUTSELL: Uh-huh.

13 SPECIAL AGENT SELEWSKI: Do you remember the 17th
14 or do you remember just the 8th of January?

15 MS. HUTSELL: You know, really, I don't remember.

16 SPECIAL AGENT SELEWSKI: Wait a minute.

17 MS. HUTSELL: I didn't remember two times, you
18 know.

19 SPECIAL AGENT SELEWSKI: I found it. Here's the
20 17th. It's a different journal though. It's dated -- it's
21 got the date at the top. It's got the times on the left hand
22 side. Let's see. So it's here somewhere.

23 Now, you didn't -- the thing that Kimshe did the
24 night that she said she went in when she didn't wasn't -- I
25 don't think it was the same night that you did it. I believe

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1 it was a totally different night.

2 Do you know anything about what she did or why
3 she did what she did?

4 MS. HUTSELL: You know I don't know anything
5 except they said she skipped half the route. I mean from the
6 bottom floor up to the spreader room, I believe.

7 SPECIAL AGENT SELEWSKI: Yeah. What should have
8 taken her I think five minutes to do between doors, she wrote
9 down only a 2 minute time frame which showed a time that
10 there was a problem there because she couldn't have done it
11 two minutes, what she said she did and the route timing.

12 MS. HUTSELL: Uh-huh.

13 SPECIAL AGENT SELEWSKI: But did she ever talk
14 to you and say I got fired too.

15 MS. HUTSELL: Oh, she got fired before I did.

16 SPECIAL AGENT SELEWSKI: I was thinking you were
17 fired on the same day.

18 MS. HUTSELL: No, she got fired the night before
19 I did, I believe.

20 SPECIAL AGENT SELEWSKI: Did you talk to you
21 about it, tell you --

22 MS. HUTSELL: We have talked, but not really --
23 I don't know I believe what she said.

24 SPECIAL AGENT SELEWSKI: Well, I know TVA doesn't
25 and that one of her comments is that she was set up or that

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1 the computer was wrong or the doors, the computer was messed
2 up or something.

3 MS. HUTSELL: That's not so.

4 SPECIAL AGENT SELEWSKI: I don't think so either.

5 MS. HUTSELL: I mean see, I know what I did was
6 wrong and I'm not going to lie about it and there's no -- I
7 made an honest mistake. And what I did was you know I mean
8 I shouldn't have written down that I checked -- that was a
9 bad habit to do what I -- you know, like to write down CO2
10 lots and computer room door, okay. You mean that was -- I
11 shouldn't have done that.

12 SPECIAL AGENT SELEWSKI: Well, I mean you're
13 being honest.

14 MS. HUTSELL: I mean it's not a good policy, you
15 know, to do that.

16 SPECIAL AGENT SELEWSKI: Right. I'm just you
17 know from what I understand TVA just felt like she was just
18 lazy and just didn't want to cover those areas and just
19 didn't and said she did.

20 MS. HUTSELL: Well, that's kind of what I think.
21 But it's off the record, isn't it?

22 SPECIAL AGENT SELEWSKI: I won't put that in
23 there.

24 I just was wondering if she talked to you about
25 it because I'm going to --

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1 MS. HUTSELL: No.

2 SPECIAL AGENT SELEWSKI: I'm going to get the
3 same story and I'm not going to --

4 MS. HUTSELL: Pardon?

5 SPECIAL AGENT SELEWSKI: I'm going to get the
6 same story from her that it was a computer thing or that it
7 was a set up and I'm just wondering what she told you.

8 MS. HUTSELL: Well, you know, in the -- in all
9 the years I've been there, I hadn't noticed anybody having
10 the computer being messed up like that or anything.

11 SPECIAL AGENT SELEWSKI: Well, I'll just go
12 ahead. Is there anything else you can think of that you want
13 to add or -- did they tell, they did tell you that you
14 couldn't work in a nuclear plant for what three years?

15 MS. HUTSELL: Three or -- I don't know whether
16 it's three or five years. I think it's three years.

17 SPECIAL AGENT SELEWSKI: I can't remember.
18 Somebody mentioned it to me, but you've worked at Whittle's
19 Creek and you've had worked through the Union since this
20 time?

21 MS. HUTSELL: Oh, I have plenty of -- I've had jobs
22 ever since I've been out of the --

23 SPECIAL AGENT SELEWSKI: Out of Sequoia. Well,
24 that's good. You're not just sitting at home.

25 MS. HUTSELL: No. I work hard. I've been in the

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1 Union a long time. You know? I worked before I went to
2 Sequoia.

3 SPECIAL AGENT SELEWSKI: Yeah. What are you
4 doing out at Bowater?

5 MS. HUTSELL: Oh, just we poured concrete today.

6 SPECIAL AGENT SELEWSKI: Did you?

7 MS. HUTSELL: Yeah.

8 SPECIAL AGENT SELEWSKI: That sounds exciting.

9 MS. HUTSELL: See, I like that type of work.

10 SPECIAL AGENT SELEWSKI: That's good.

11 MS. HUTSELL: That's what I started out doing.

12 SPECIAL AGENT SELEWSKI: that's good if you like
13 that kind of stuff. I like to see women doing that kind of
14 stuff.

15 MS. HUTSELL: I enjoy it.

16 SPECIAL AGENT SELEWSKI: That's good.

17 MS. HUTSELL: But I don't know, I know about, you
18 know about Kimshe, I don't know. I mean I know what happened
19 to me.

20 SPECIAL AGENT SELEWSKI: I understand that. I
21 don't want to put you in a spot. I was just wondering if she
22 talked to you and what she told you, but I've got the story
23 from the --

24 MS. HUTSELL: She told me that -- I'll tell you
25 what she told me, that this man was supposed to do the --

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1 supposed to have done, that Irvin Childers was supposed to
2 have done the rest of that route, the first part of it down
3 there. That's what she told me.

4 SPECIAL AGENT SELEWSKI: Why would he do the
5 first part?

6 MS. HUTSELL: You know, i couldn't figure that
7 out either.

8 SPECIAL AGENT SELEWSKI: I mean wasn't she
9 responsible for doing the whole route?

10 MS. HUTSELL: Well, she said he sent her up to
11 do a fire watch or something. I wasn't working that night.
12 I don't think.

13 No, I was off that night.

14 SPECIAL AGENT SELEWSKI: And he was supposed to
15 do it and he didn't do it.

16 MS. HUTSELL: That's what she said.

17 SPECIAL AGENT SELEWSKI: Well, if she was
18 responsible, then she should have done it, from what TVA said
19 that she was the one who should have done it. So I don't
20 know.

21 MS. HUTSELL: I don't know. I know she's sort
22 of -- she's the type of person that thinks that somebody has
23 got it in for her at Sequoia and this and that and the other.

24 SPECIAL AGENT SELEWSKI: Uh-huh. Well, you know,
25 she wasn't the only one terminated.

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1 MS. HUTSELL: No, I got terminated too.

2 SPECIAL AGENT SELEWSKI: Yep. But the argument
3 is not going to work, but I'll just go ahead and is there
4 anything else you want to add?

5 MS. HUTSELL: No, but they didn't think I did
6 mine intentionally, did they?

7 SPECIAL AGENT SELEWSKI: No, they didn't. They
8 felt bad about terminating you. They really did.

9 MS. HUTSELL: I thought so.

10 SPECIAL AGENT SELEWSKI: Said you were a good
11 worker and they just hated doing it and that you --

12 MS. HUTSELL: I guess that's what they had to do.

13 SPECIAL AGENT SELEWSKI: Right.

14 MS. HUTSELL: See, I understood that.

15 SPECIAL AGENT SELEWSKI: If they hadn't done it,
16 then NRC would have had a problem with them.

17 MS. HUTSELL: But I'm going to ask you one other
18 thing. Do you know anything about a whole body count?

19 SPECIAL AGENT SELEWSKI: Whole body count?

20 MS. HUTSELL: Uh-huh.

21 SPECIAL AGENT SELEWSKI: Not really. I haven't
22 worked any cases related to that.

23 MS. HUTSELL: Well, you know I couldn't
24 understand it. When you leave the plant and you're laid off,
25 you know, you have to have a whole body count. But they told

1 me they'd check me out and then they said that my TLD would
2 pick up the -- would pick up the internal, but TLD doesn't
3 do that. It picks up external.

4 SPECIAL AGENT SELEWSKI: Yep. They didn't do a
5 whole body count on you?

6 MS. HUTSELL: No.

7 SPECIAL AGENT SELEWSKI: And they said your TLD
8 would pick it up?

9 MS. HUTSELL: That's what they said.

10 SPECIAL AGENT SELEWSKI: I don't know.

11 MS. HUTSELL: I don't think -- you're not
12 supposed to be -- to -- before you leave employment of a
13 nuclear plant, you're supposed to have a whole body count.

14 SPECIAL AGENT SELEWSKI: Yeah, I know that's
15 standard practice from what I understand.

16 MS. HUTSELL: And they just told me they'd
17 checked me out.

18 SPECIAL AGENT SELEWSKI: They just checked you
19 out and you didn't have a whole body count?

20 MS. HUTSELL: No, uh-uh.

21 SPECIAL AGENT SELEWSKI: Who did this?

22 MS. HUTSELL: Well, that's what all -- that man
23 down at Human Resources and Jerry Carpenter and Ron Walker,
24 that's what they said.

25 But I don't remember which one said that. I mean

1 which of the three.

2 SPECIAL AGENT SELEWSKI: Marvin Ridge was one of
3 them?

4 MS. HUTSELL: Yeah. But I don't know which one
5 it was. But they said that I didn't have to go around and
6 that they'd check me out.

7 SPECIAL AGENT SELEWSKI: That's something that
8 I can check into. I don't know if that's something that
9 they're allowed to do and it's okay or if they should have
10 done the whole body count.

11 MS. HUTSELL: I don't know.

12 SPECIAL AGENT SELEWSKI: I can ask and find out
13 what the standard practice is and look into it or have maybe
14 someone else look into it there at NRC. I'll talk to the
15 resident inspector out there and see if that's something
16 that's okay.

17 MS. HUTSELL: I don't know whether it is or not.

18 SPECIAL AGENT SELEWSKI: I don't know, it may not
19 be.

20 MS. HUTSELL: I know it's not a standard
21 practice.

22 SPECIAL AGENT SELEWSKI: It doesn't sound like
23 it is. From my understanding it's done every time for --

24 MS. HUTSELL: That's what I thought too.

25 SPECIAL AGENT SELEWSKI: Terminates like that and

1 then they have that on record. But I'll check into it.

2 MS. HUTSELL: Okay.

3 SPECIAL AGENT SELEWSKI: Now you're labor at
4 Bowater?

5 MS. HUTSELL: Okay.

6 SPECIAL AGENT SELEWSKI: Are you going to be
7 there a while?

8 MS. HUTSELL: You know, I really don't know. I
9 probably will be there until Christmas.

10 SPECIAL AGENT SELEWSKI: Okay. I think I've got
11 everything. What I do is I'll just write -- I do all the
12 interviews together and I write up a report on my findings.
13 What we're looking at was it intentional, was it willful, was
14 it purposeful and was the documentation done on purpose like
15 that, falsified on purpose and that's what we're trying to
16 determine.

17 MS. HUTSELL: Well, I didn't do it on -- I mean,
18 it was a mistake.

19 SPECIAL AGENT SELEWSKI: Okay. I can understand
20 where you've got a lot on your mind and you're doing
21 something so routine that you --

22 MS. HUTSELL: You've done it so long.

23 SPECIAL AGENT SELEWSKI: Uh-huh.

24 MS. HUTSELL: I just really hated it. Because
25 you know, --

1 SPECIAL AGENT SELEWSKI: That probably was a good
2 job for you.

3 MS. HUTSELL: Well, do you know I'm happier in
4 the job that I'm doing now than I was in that job?

5 SPECIAL AGENT SELEWSKI: It's a lot more
6 interesting, I would guess.

7 MS. HUTSELL: Well, that job is so hard. And
8 there's so much air pressure on the doors sometimes, they're
9 so hard to open and I think I have nerve damage in my neck
10 from pulling on those doors.

11 SPECIAL AGENT SELEWSKI: You may have.

12 MS. HUTSELL: And all those steps to climb. It's
13 a hard job.

14 SPECIAL AGENT SELEWSKI: It's a lot of walking.

15 MS. HUTSELL: Uh-huh, well, i see I walked before
16 I ever went there, but somebody that's never walked, I don't
17 know how they do it.

18 SPECIAL AGENT SELEWSKI: Yeah.

19 MS. HUTSELL: It's not an easy job.

20 SPECIAL AGENT SELEWSKI: I can see why.

21 MS. HUTSELL: And it's stressful.

22 SPECIAL AGENT SELEWSKI: Uh-huh.

23 MS. HUTSELL: It's -- I mean, it's just -- and
24 it's the same over and over day in day out.

25 SPECIAL AGENT SELEWSKI: Yup, and that kind of

1 thing can just get -- just kind of get so boring and
2 monotonous, it's just hard to keep your mind on it. I can
3 see that.

4 MS. HUTSELL: But I'm really, I'm happier now in
5 the job that I'm doing, you know.

6 SPECIAL AGENT SELEWSKI: That's good.

7 MS. HUTSELL: But I would have never changed
8 jobs, but I hate that that happened, because I just don't
9 like -- I've never been fired from a job hardly.

10 SPECIAL AGENT SELEWSKI: Well, they didn't waste
11 any time with it.

12 MS. HUTSELL: No.

13 SPECIAL AGENT SELEWSKI: As soon as they found
14 out, you were gone.

15 MS. HUTSELL: That was it. I was gone. You mean
16 I never, for misconduct or anything, you know.

17 SPECIAL AGENT SELEWSKI: Uh-huh. Well, as long
18 as it doesn't keep you from getting other jobs, you go
19 through the union and it hasn't kept you being hired, has it?

20 MS. HUTSELL: Oh no.

21 SPECIAL AGENT SELEWSKI: That's good.

22 MS. HUTSELL: Well, you can work in fossil plants
23 or --

24 SPECIAL AGENT SELEWSKI: Yeah, you can still work
25 for TVA.

1 MS. HUTSELL: Or hydro.

2 SPECIAL AGENT SELEWSKI: And you have so far, so

3 --

4 MS. HUTSELL: For contractors.

5 SPECIAL AGENT SELEWSKI: Uh-huh. Now are you
6 with a contractor now or are you just working right out at
7 Bowater for them?

8 MS. HUTSELL: No, I'm working for contractor.

9 SPECIAL AGENT SELEWSKI: Is it still Bechtel?

10 MS. HUTSELL: Huh?

11 SPECIAL AGENT SELEWSKI: Is it still Bechtel?

12 MS. HUTSELL: No.

13 SPECIAL AGENT SELEWSKI: What contractor is it?

14 MS. HUTSELL: Macabee.

15 SPECIAL AGENT SELEWSKI: Is that like an
16 engineering company or something? Or is it like a
17 construction company?

18 MS. HUTSELL: Uh-huh.

19 SPECIAL AGENT SELEWSKI: When I write this up I
20 have to put which contractor you're with, Macabee
21 Construction, work at Bowater. Is it called Macabee
22 Construction Company?

23 MS. HUTSELL: Uh-huh.

24 SPECIAL AGENT SELEWSKI: Where are they located?

25 MS. HUTSELL: You know, I don't know.

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1 SPECIAL AGENT SELEWSKI: The Union just puts you,
2 hooked you up with them?

3 MS. HUTSELL: Uh-huh. Did your Union help you
4 find Kimshe's room?

5 SPECIAL AGENT SELEWSKI: Yeah, they did.

6 MS. HUTSELL: Uh-huh.

7 SPECIAL AGENT SELEWSKI: Yeah, they did. Plus
8 I had called and left a message with her dad.

9 MS. HUTSELL: Uh-huh.

10 SPECIAL AGENT SELEWSKI: And she called me back
11 the next morning.

12 So they were very helpful.

13 MS. HUTSELL: She's not going to be an easy
14 person to talk to.

15 SPECIAL AGENT SELEWSKI: Well, I gathered that
16 from what little we talked about on the phone and I won't
17 have a lot of time --

18 MS. HUTSELL: Pardon?

19 SPECIAL AGENT SELEWSKI: I won't have a lot of
20 time to talk to her, so it will be to the point.

21 MS. HUTSELL: She's a real bitter person.

22 SPECIAL AGENT SELEWSKI: Uh-huh. Yeah. There
23 seems to be some bitterness, I could tell, yeah, and that's
24 unfortunate.

25 MS. HUTSELL: There's no reason to be bitter

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1 because you do your own --

2 SPECIAL AGENT SELEWSKI: You choose what you --
3 you choose your life and you choose what you do in your life
4 and you choose your paths and --

5 MS. HUTSELL: So, there's no need in being
6 bitter.

7 SPECIAL AGENT SELEWSKI: Well, is there anything
8 else you want to say or add on this?

9 MS. HUTSELL: No, I guess I've done it all.

10 SPECIAL AGENT SELEWSKI: And you've got my number
11 in case you come up with something else and know how to reach
12 me in Atlanta.

13 MS. HUTSELL: Okay.

14 SPECIAL AGENT SELEWSKI: I'll check this out on
15 this whole body count. And see what the problem was with
16 that or even if it was a problem.

17 MS. HUTSELL: Okay.

18 SPECIAL AGENT SELEWSKI: Somebody may want to
19 talk to you, get some more information from you.

20 MS. HUTSELL: Okay.

21 SPECIAL AGENT SELEWSKI: Give you a call. I
22 appreciate your time and I'm sorry we got that mixup. Here
23 I am inside and you're outside and neither one of us --

24 MS. HUTSELL: I was outside and you was inside.
25 So okay.

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1 SPECIAL AGENT SELEWSKI: Thanks a lot, Joy.

2 MS. HUTSELL: Bye-bye.

3 SPECIAL AGENT SELEWSKI: Bye.

4 (Whereupon, the interview was concluded.)

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C E R T I F I C A T E

This is to certify that the attached
proceedings before the United States Nuclear
Regulatory Commission in the matter of:

Name of Proceeding: Interview of Joy Hutsell

Docket Number: 2-96-009

Place of Proceeding: Chattanooga, TN

were held as herein appears, and that this is the original
transcript thereof for the file of the United States Nuclear
Regulatory Commission transcribed by me from recorded tapes
provided by the Nuclear Regulatory Commission, and that the
transcript is a true and accurate record of the foregoing
proceedings to the best of my belief and ability.



Francesca Zook

Transcriber

Neal R. Gross and Co., Inc.

EXHIBIT 6

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA 99-76

Case No. 2-96-009

2/44
EXHIBIT 6

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS
5 INTERVIEW

6 -----X
7 IN THE MATTER OF: :
8 INTERVIEW OF : Case File No.
9 KIMSHE WARE : (2-96-009)
10 -----X

11 Wednesday, October 9, 1996

12
13 Tennessee Valley Authority
14 Office of Inspector General
15 Warehouse Row
16 1110 Market Street
17 Chattanooga, Tennessee

18
19 The above-entitled interview was conducted.

20
21 BEFORE:

22 VANESSA SELEWSKI - Special Agent
23
24

25 CASE NO. 2-96-009

EXHIBIT 6
PAGE 1 OF 42 PAGE(S)

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2
PROCEEDINGS

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SPECIAL AGENT SELEWSKI: For the record, it is October 10, 1996. This is an interview of Kimshe Ware with SA Vanessa Selewski, Special Agent.

We'll go ahead and go on the record and tell you what the allegation is, Kimshe, and then go with questions.

That QA documents were falsified by you and that there was some fire watch areas that were missed and I've got the date of January 17th, 1996 as the date that this happened.

MS. WARE: I thought it was the 21st because I was fired on the 27th.

SPECIAL AGENT SELEWSKI: Let me double check here then. I've got the log here. It was January 21st, sorry, January 21, 1996 is the date that this occurred.

I'm going to go ahead and get some identifying information from you. Full name, home address and telephone number.

MS. WARE: My full name now is Kimshe Freeman Moss. Kimshe Renee Moss. My home address is [REDACTED]

[REDACTED] That's spelled [REDACTED]

[REDACTED] I do not have a home phone, but I can be reached at [REDACTED] which is my [REDACTED] house or I can be reached at my work from 8 to 4 Monday through Friday at 236-5000.

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1 SPECIAL AGENT SELEWSKI: Okay, and how long had
2 you worked at TVA, when did you start and when did you end
3 at TVA?

4 MS. WARE: I started November 6th as an annual
5 employee and the letter they sent me to terminate me January
6 29th of 1996. I started November 6 of '95.

7 SPECIAL AGENT SELEWSKI: Okay, so you a temporary
8 before you were an annual?

9 MS. WARE: Yes, I was a contracted employee
10 through Bechtel. I started August the 14th and my
11 termination a week from this date, exactly.

12 SPECIAL AGENT SELEWSKI: So around --

13 MS. WARE: It was October 28th, I believe, I got
14 laid off, from Bechtel.

15 SPECIAL AGENT SELEWSKI: And TVA picked you up
16 as an annual permanent employee?

17 MS. WARE: Uh-huh.

18 SPECIAL AGENT SELEWSKI: So you were a contract
19 employee from August until October.

20 MS. WARE: Uh-huh.

21 SPECIAL AGENT SELEWSKI: Had you worked at TVA
22 before that?

23 MS. WARE: No ma'am.

24 SPECIAL AGENT SELEWSKI: And you just had the
25 fire watch duties when you were contractor or did you have

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1 something else that you were doing?

2 MS. WARE: I worked trash and laundry duty. I
3 went around and picked up all the contaminated laundry that
4 was in the laundry baskets and the contaminated trash and
5 delivered those to the designated areas of the plant. When
6 I became an annual employee, they put me on -- I started out
7 just a clean up. Well, that's a laborer cleaning up and then
8 they trained me for fire watch and I did that. I don't know
9 exactly what date they trained me or when I started, but I
10 did took a fire watch test, I passed it and I think I made
11 a 90 or 80 on it. I did fire watch from that day on. I did
12 fire watch from November, it was like in the middle of
13 November when I started doing the fire watch.

14 SPECIAL AGENT SELEWSKI: What did the training
15 consist of? Did you have classroom training and then go
16 through the fire watch routes? How did that work?

17 MS. WARE: Actually, they told me they were going
18 to show me a film on the fire watch and how to put out a fire
19 and all of this. Well, they were desperately in need of fire
20 watch. They didn't do that. They gave me a book, I read it
21 while I was on work on my third shift. I worked 11 to 7 and
22 that morning at 8 o'clock I took the test and they told me
23 it was easy. I asked them could I watch the film because I
24 wasn't sure I could pass it. They told me, well, that's part
25 of your job, you have to pass that test. If I don't that's

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1 terms for termination. I said well, let me watch the video
2 and go through the proper procedures and if I fail you have
3 to give me another chance. They said okay, we'll just try
4 it. We don't have time to let you go through and put out a
5 fire. I said okay. I took the test. I made a 80 or a 90
6 on it and that following night, my next work day I started
7 doing fire watch training which I was with -- they put a
8 temporary in. Here name was Deborah Settles. She trained
9 me on the fire watch. She trained me for three or four days
10 or nights rather, working third shift and then I worked with
11 a lady by the name of Joy Hutsell who had been doing fire
12 watch supposedly for five years. So I'm not sure about all
13 that.

14 Joy, she showed me the fire watch the right way
15 and she also showed me short cuts. Her and Debbie had
16 conflicts. Debbie was like you need to do it like this. And
17 me, the circumstance of how I got the job I knew I had to do
18 the job right because I figured somebody was out to get me.
19 So that's what I did. What else?

20 SPECIAL AGENT SELEWSKI: You went through the
21 training, you went through the routes and you met with the
22 three or four day thing.

23 MS. WARE: Yes.

24 SPECIAL AGENT SELEWSKI: Okay. And then in
25 November you started your regular route and that's the route

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1 you end up with when you were terminated in January? Same
2 route?

3 MS. WARE: Uh-huh.

4 SPECIAL AGENT SELEWSKI: Okay. Did they talk to
5 you during the training or any point when you started your
6 fire watch routes, did they talk to you about QA documents,
7 it was important that this fire watch log and route sheet was
8 a QA document and that you need to be true and accurate when
9 you completed it?

10 MS. WARE: Yes, they did. They did. They told
11 me that during -- right before I took the test. And when
12 they terminated me.

13 SPECIAL AGENT SELEWSKI: Uh-huh.

14 MS. WARE: They told me, but as far as the log
15 in sheet, the way we did it, I don't know. The way it was
16 explained was that I could go ahead and put down like my
17 initials all the way down through here which I don't think
18 that was right, but I knew because no one ever told me
19 different. Put my initial all the way down through. You
20 could put the hour, but not put the minutes until you
21 actually walk by that point or get to that point. So that's
22 how I was trained. They said that would save you time.

23 SPECIAL AGENT SELEWSKI: You were going, as you
24 got each door, you were to --

25 MS. WARE: Write the time, that minute when you

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1 got right to that point. And there were little -- we used
2 to have a gun when I first started like a little scanner, you
3 know, that let's you know exactly what time you got to that
4 point, but they stopped doing that.

5 SPECIAL AGENT SELEWSKI: After the gun was done
6 away with you used, you just looked at your watch?

7 MS. WARE: Everyone tried to synchronize their
8 watch at the same time.

9 SPECIAL AGENT SELEWSKI: But the gun was helpful
10 because it told you the exact time. Would it identify the
11 room that you --

12 MS. WARE: It would identify the time you hit the
13 buzzer. It identified the room you were at and what level
14 you were on.

15 SPECIAL AGENT SELEWSKI: Okay. And was that --
16 did that -- is the card key something you used too?

17 MS. WARE: Yes, you had to use your card key in
18 order to get in and out of certain rooms. You had to use
19 your card key for every room, but like for the communication
20 room, the one I supposedly missed, yes, you had to use your
21 card key to get into that room.

22 SPECIAL AGENT SELEWSKI: Uh-huh.

23 MS. WARE: The computer room, also, yes, you had
24 to use your card key to get into that.

25 SPECIAL AGENT SELEWSKI: Okay. And that printout

1 from that shows the time that you were in and out?

2 MS. WARE: Uh-huh.

3 SPECIAL AGENT SELEWSKI: What I'm going to do --

4 MS. WARE: As I said before when I talked to you
5 on the phone, they knew they were having problems with the
6 printouts because like the communication I was supposedly
7 marking it all the times. When I, okay, I worked there when
8 I was an annual and when I was a contractor. We just walked
9 into that room. The door either didn't latch all the way or
10 security might have went in and when they come out, it didn't
11 fasten or something. But there was times when we could just
12 walk in without key card. But that particular night I don't
13 think that's what I did.

14 I mean like I told them why I -- I started the
15 route.

16 SPECIAL AGENT SELEWSKI: Let me go ahead and pull
17 a map out and ask you to -- let's see. Let me ask you to go
18 through -- I thought I had another one somewhere. Go through
19 and show me what routes, what the route was on the 21st. Let
20 me see, I think I have another copy.

21 After seeing a map of your route you just walked
22 it and learned it that way?

23 MS. WARE: Yeah.

24 SPECIAL AGENT SELEWSKI: Let me see. This is --
25 where were you supposed to start? Do you remember what room?

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1 MS. WARE: The bottom level. It was
2 communications room, C-10. Do you see C-10 on here? The
3 communications room was right here.

4 SPECIAL AGENT SELEWSKI: So this would have been
5 door C-10?

6 MS. WARE: Uh-huh.

7 SPECIAL AGENT SELEWSKI: Is that the very bottom
8 level where you were supposed to start?

9 MS. WARE: Yes ma'am. At that time, the work
10 changed kind of in the middle. I'm trying to remember. At
11 one point we were having to go through the turbine building,
12 through the spreader room, down to the communication room and
13 then we still started with the communication room, but you
14 walked through and they had us, as we walked through this
15 spreader room, we had to key card it to that door so that's
16 where we actually started the route, but you just go down the
17 steps and they come back up from the communications room.

18 SPECIAL AGENT SELEWSKI: In the spreader room?

19 MS. WARE: I'm trying to think. At that time,
20 I believe we were -- security was updating. We couldn't go
21 through C-14 and 16 or 15 and 16. That's how I learned it,
22 through C-14. And that was going in that way. I came
23 through C-14 and went all the way across down and into the
24 communications room and then I came back up, I came through
25 the spreader room. But if we started in the turbine building

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1 and through the turbine building, through the spreader room
2 I went down, communications came back up and we went back
3 through on up.

4 SPECIAL AGENT SELEWSKI: Okay. On the 21st is
5 this where you started?

6 MS. WARE: On the 21st, actually where I started
7 I was on the 734 level. That was another route that came up
8 all of a sudden. I don't know -- I don't know if I had any
9 documentation to do for that. The firemen called it in. I
10 was on the Atlanta shop (phonetic). They said you need a
11 fire watch up on 749, I believe. I went up there and he said
12 I just need you to go from this room to this room and just
13 making a circle all the way up on that floor, continuous,
14 nonstop because there was something going off that they
15 didn't know what it was.

16 I did that on my hour off. Okay? Now I paged
17 my foreman was the other guy working with me which was Irvin
18 Childers. I paged him. I told him what was going on. I
19 told him to meet somewhere so I could start the route. He
20 said okay, where are you at? I told him I was in 734. He
21 said okay, I'll start the route from the bottom and when I
22 get to 734, you can take it over. That way we won't be off
23 the track.

24 Well, when he got up there he told me I didn't
25 start the route. I said well, I said "shit, that means I got

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1 to go all the way down." So I took off, the elevator was
2 broke. I took off down the steps from 734, all the way down
3 to the communication room. It was from the top to the
4 bottom. I went in because I was running down the steps. The
5 reason I know, the reason I remember me going into the
6 communications room to start my route there because my
7 shoestrings were untied and I had to lay everything down and
8 I had to tie my shoe and I was out of breath. Now usually
9 on the route the person before gets done a little bit before
10 time and so therefore when he got to me, I just took off and
11 when I got done there, I logged that time, whatever time it
12 was.

13 SPECIAL AGENT SELEWSKI: Uh-huh.

14 MS. WARE: I started throughout. I went up to
15 the computer room which was the -- I think as you go up,
16 well, actually two flights of steps to go through another
17 door, you need the key card and then you go into the computer
18 room. You key card the computer room which that was added
19 on after I learned the fire watch. That was added on later.

20 They told us we cannot miss that door. Okay.
21 That was on my mind. I cannot miss this computer room. Okay,
22 so they said I didn't go through C10. I didn't go to the
23 computer room which I said I did because I remember me tying
24 my shoe and I remember me laying my book down on the table
25 in C-10.

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1 SPECIAL AGENT SELEWSKI: But it sounds like you
2 might have been frazzled and in a hurry --

3 MS. WARE: In a hurry, yes.

4 SPECIAL AGENT SELEWSKI: Is there a chance you
5 might not have key carded in when you were in the computer
6 room, you might have been in there, but not key card it?

7 MS. WARE: There's no way that you -- in that
8 door, there's no way you can walk through without key
9 carding.

10 SPECIAL AGENT SELEWSKI: So you were actually in
11 the communications room?

12 MS. WARE: Uh-huh.

13 SPECIAL AGENT SELEWSKI: You're sure? Or is
14 there a chance that you meant to go in there, it was on your
15 mind, but you didn't because you stopped and tied your shoe
16 and you were all -- your whole routine was really upset
17 because you had to start on a different level?

18 Because the printout shows you did not go in
19 there.

20 MS. WARE: There's a possibility, like you said.
21 It's a possibility, but I honestly don't think I missed those
22 doors.

23 SPECIAL AGENT SELEWSKI: Okay, that's what I was
24 going to look at here.

25 So you actually normally start on a regular night

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1 would start your route probably right here where that X is
2 here on -- this is level, control room, control building 669,
3 elevation. Start in the mechanical room or whatever that
4 mechanical -- somewhere right in here, is that --

5 MS. WARE: Yeah, and then we walk down the hall.
6 Yeah, the first one -- I forgot about that room. The first
7 room we didn't have to key card in. We just had to go in and
8 look around and make sure. And then we came out and walked
9 down, kind of looked, checked these rooms as you're walking
10 now, and then we walked down and this is the door that we
11 actually key card on.

12 SPECIAL AGENT SELEWSKI: But that night you
13 didn't. You started on --

14 MS. WARE: 734.

15 SPECIAL AGENT SELEWSKI: 734. Do I have that
16 map? I think that's one I had a copy of. 706, C-28 was?
17 The cable spreading room? Is this where you started?

18 MS. WARE: No, this is like the turbine building,
19 I guess. Do you know this --

20 SPECIAL AGENT SELEWSKI: This is the code
21 building. The chart storage, it says here, looks like
22 there's one in each hall.

23 MS. WARE: Okay, I missed that. It was just a
24 long room with -- I can't remember that level. I really
25 don't. I mean I memorized everything. I just remember 734

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1 because that was the top floor.

2 SPECIAL AGENT SELEWSKI: So you actually start
3 at the top and went down?

4 MS. WARE: I had to start at the top and go down
5 and then start my route.

6 SPECIAL AGENT SELEWSKI: So you started at C-28,
7 walked, went down the steps to the next level, right? Or is
8 this where he came up and --

9 MS. WARE: It was level 734.

10 SPECIAL AGENT SELEWSKI: Okay.

11 MS. WARE: In the dressing room, dress out room.

12 SPECIAL AGENT SELEWSKI: Was it level 732? It
13 wasn't this level, was it?

14 MS. WARE: No, it was 734.

15 SPECIAL AGENT SELEWSKI: Now 734 was the next
16 floor down? Or where was 734?

17 MS. WARE: That's the top floor. It's up there
18 where the fuel pit is.

19 SPECIAL AGENT SELEWSKI: So 706 is not the top
20 floor?

21 MS. WARE: No.

22 SPECIAL AGENT SELEWSKI: Okay, but this is where
23 you started?

24 MS. WARE: No, I actually, I met him with the
25 book to get the book for him coming up. I met him at 734.

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1 I ran down, now we did -- okay, this is the spreader room.

2 I might have started at the spreader room.

3 SPECIAL AGENT SELEWSKI: That's where I was
4 thinking.

5 MS. WARE: I can't remember, I mean, but I
6 started at the spreader room. I went down the steps to the
7 communications room, went to the mechanical room, came down
8 to the communications and then went back up but through the
9 spreader and came to my route.

10 SPECIAL AGENT SELEWSKI: Okay, that's where I was
11 just trying to understand exactly what you did. It's kind
12 of tedious, but it's something that I need to know. Okay.

13 Was this the level underneath, the next level
14 under?

15 See how that works?

16 MS. WARE: Yes.

17 SPECIAL AGENT SELEWSKI: Cable down in the
18 communications room?

19 MS. WARE: Uh-huh. The way things were set up,
20 if I came up this door, checking out this door here, this end
21 of the log, I can come here and I'd be right here at this
22 room.

23 SPECIAL AGENT SELEWSKI: Okay. Let me see my
24 notes here.

25 This is where you were supposed to have started

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1 this on the floor with the communication.

2 MS. WARE: Uh-huh.

3 SPECIAL AGENT SELEWSKI: So you went down to the
4 communications room, that's where you stopped to tie your
5 shoe?

6 MS. WARE: Uh-huh.

7 SPECIAL AGENT SELEWSKI: And there's a
8 possibility that you didn't key in, but you think you did.

9 MS. WARE: On the communications room?

10 SPECIAL AGENT SELEWSKI: Yeah.

11 MS. WARE: No, I had to key in to get in.

12 SPECIAL AGENT SELEWSKI: Okay, that's C-10. Is
13 that the other door?

14 MS. WARE: Yes. C-10 and the computer room.

15 SPECIAL AGENT SELEWSKI: You mentioned a while
16 ago you may not have keyed in and went in because you were
17 tying your shoes. Is that where you were tying your shoes?

18 MS. WARE: I tied it inside that room.

19 SPECIAL AGENT SELEWSKI: Is that one of the rooms
20 they said you missed?

21 MS. WARE: Uh-huh.

22 SPECIAL AGENT SELEWSKI: And you can't get in
23 without key carding in?

24 MS. WARE: Uh-huh. There were times when they
25 were working on the system, the key card system, they were

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1 training it out, there were times where that door was not
2 always locked. You could just walk in, but that particular
3 night it was not because security just left because their
4 route was close to ours. And they have to double check those
5 doors.

6 SPECIAL AGENT SELEWSKI: So you're sure that you
7 went in?

8 MS. WARE: I'm positive I went in room C-10. Now
9 the computer room, that's the one you asked me about that I
10 might have been frazzled about, the computer room, maybe, but
11 the C-10, I would take a lie detector, I would put my life
12 on it. I went in that room because I tied my shoe up.

13 SPECIAL AGENT SELEWSKI: Okay, so you went down
14 to the communications room, tied your shoe. Did you go down
15 this way and looked in the other doors?

16 MS. WARE: Yes. When I came out of the spreader
17 room, yes.

18 SPECIAL AGENT SELEWSKI: Went all the way down
19 there. What did you do, come back?

20 MS. WARE: No, when I came out of the spreader
21 room, I really back tracked and came -- because I knew I was
22 going to have to hit that mechanical room. It's the door,
23 it said I was at the door at either end of the hallway and
24 when you come down to be at this end or you can be at this
25 end.

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1 SPECIAL AGENT SELEWSKI: Uh-huh.

2 MS. WARE: I came down, I came through the
3 spreader room. I said I came to the spreader room, I'm on
4 this end here, lined up with the communication room. But I
5 backtracked and came down this door because I know I had to
6 hit this room and come down. Does that make sense?

7 SPECIAL AGENT SELEWSKI: Kind of. At that point,
8 really, you had not started your fire watch route the way it
9 should have been started.

10 MS. WARE: Should have, right.

11 SPECIAL AGENT SELEWSKI: Because you had started

12 --

13 MS. WARE: My supervisor, assistant supervisor,
14 whatever he's supposed to be, I mean, he supposedly was going
15 to start the route, but he did not --

16 SPECIAL AGENT SELEWSKI: What was his name?

17 MS. WARE: Irvin Childers. That would have been
18 more common sense because he had to walk all the way up to
19 734. To me, it was a set up and that was part of the set up.

20 SPECIAL AGENT SELEWSKI: Uh-huh. Well, you were
21 up in the cable spreading room area. This is where you were
22 going around in circles because there was something going on
23 up there?

24 MS. WARE: No, I was on 734.

25 SPECIAL AGENT SELEWSKI: I don't have that.

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1 MS. WARE: The very top floor.

2 SPECIAL AGENT SELEWSKI: Okay. So it started off
3 kind of messed up anyway because there you were on another
4 floor starting off --

5 MS. WARE: I know I'd been there a few months,
6 but knowing that plant, I really -- it took me a while. I
7 forgot the fireman's name, but it took me a while to find him
8 to get to the other route that I was doing and I told him I'm
9 sorry, I don't know my way around that well. If I'm not on
10 my fire route, I couldn't go just to that room. You see what
11 I'm saying? Because I didn't know the plant that well.

12 SPECIAL AGENT SELEWSKI: Okay, you went down to
13 the communication room and you backtracked back up to the
14 cable spreader room?

15 MS. WARE: Uh-huh.

16 SPECIAL AGENT SELEWSKI: And then you went to the
17 computer room?

18 MS. WARE: I was supposed to. Now that run I
19 might have missed. I'll say this.

20 SPECIAL AGENT SELEWSKI: This whole route here?

21 MS. WARE: Just that, just going to that. When
22 you're walking down the hall that's the only door you have
23 to go before you get to another door. It's a little short
24 walkway.

25 SPECIAL AGENT SELEWSKI: Is this the floor

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1 underneath the communications room?

2 MS. WARE: No. This is the one above.

3 SPECIAL AGENT SELEWSKI: Directly above it like
4 this? Or was it above the cable spreading room?

5 MS. WARE: I think it was probably right above
6 the communications room.

7 I'm not really sure. I really don't remember.

8 SPECIAL AGENT SELEWSKI: I'm thinking that what
9 TVA was saying was that you started up on C-28 and went up
10 from there, that you never went down either one of these
11 routes or to where the computer room was or to where the
12 communications room. They're saying you totally missed these
13 two routes. You started here and you went up, you didn't go
14 down. That's what they're saying. You completely missed
15 these two floors or routes or whatever that is supposed to
16 be called.

17 MS. WARE: Uh-huh, that's what they're saying.

18 SPECIAL AGENT SELEWSKI: Uh-huh. And what do you
19 say to that?

20 MS. WARE: I don't agree with it.

21 SPECIAL AGENT SELEWSKI: So if the computer room
22 is right above the communications room or that route, when
23 you were up in the cable spreader room, you would have had
24 to have gone down two levels to get to the communications
25 room?

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1 MS. WARE: Right. When we started the route, see
2 that's what I'm saying. They're saying I started here, but
3 I did not. Look, where is the log.

4 SPECIAL AGENT SELEWSKI: Right here.

5 MS. WARE: Do you have both pages?

6 SPECIAL AGENT SELEWSKI: I think I do. That's
7 a log in. I've got it.

8 MS. WARE: This is what I want to show you. I
9 wrote on here at the bottom of the printout here, right here,
10 started route -- started route, continued fire watch, had to
11 meet Childers on 734 to take over route in the AB, Kimshe
12 Ware.

13 SPECIAL AGENT SELEWSKI: And AB is auxiliary
14 building?

15 MS. WARE: Yes. I met him on 734. That's above
16 all these floors, okay?

17 SPECIAL AGENT SELEWSKI: Okay. At the top.

18 MS. WARE: The very top. This is where I started
19 out. I came down, I mean running. I came down because I
20 knew they told me if I didn't hit these points around the
21 exact same time I could still be penalized, so I came down
22 running from the top to the bottom. It's possible -- what
23 they told me, they said it's not possible for me to have ran
24 down the steps in five minutes.

25 SPECIAL AGENT SELEWSKI: Two minutes.

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1 MS. WARE: Well, whatever it was.

2 SPECIAL AGENT SELEWSKI: They were saying from
3 C-28 to I guess the next floor up which would have been C-60.
4 It takes five minutes, not two minutes is what they're
5 saying.

6 MS. WARE: No, not really.

7 [TAPE 1, SIDE 1 ENDS; BEGIN TAPE 1, SIDE 2.]

8 SPECIAL AGENT SELEWSKI: We're on side 2. They
9 were saying that you completely missed the bottom two levels
10 and you actually started on C28 and went from C28 to C16.
11 It takes five minutes. And you documented that it took 2
12 minutes.

13 MS. WARE: But, it's right here. How would I
14 meet him on 734 and then why would I go all the way out and
15 come through the trade building at C28? See what I'm saying?
16 I would have to go all the way out in order to get this
17 building and then back through the terminal building to start
18 this route. No. I told them what I did right here.

19 SPECIAL AGENT SELEWSKI: What's that saying, what
20 time?

21 MS. WARE: 6:10.

22 SPECIAL AGENT SELEWSKI: 6:10 in the morning?

23 MS. WARE: Yeah.

24 SPECIAL AGENT SELEWSKI: That's when you met him
25 at 734.

1 MS. WARE: Uh-huh, right here.

2 SPECIAL AGENT SELEWSKI: But what time was it
3 that you were up on the other -- 4:10 you were on looks like
4 that would have been 669 and than at 4:12 you were on the
5 next level.

6 MS. WARE: It doesn't take that long. It really
7 doesn't.

8 SPECIAL AGENT SELEWSKI: Took you two minutes.
9 From C10 to --

10 MS. WARE: To cable spreader. A flight of steps.

11 SPECIAL AGENT SELEWSKI: You were on -- I'm
12 getting a little confused on this. That's where you're
13 supposed to start, 669?

14 That was at the communications room. So it took
15 how many minutes, two minutes to get to the communications
16 room up to C28, right?

17 MS. WARE: Uh-huh.

18 SPECIAL AGENT SELEWSKI: But you said you met him
19 at 6 something?

20 MS. WARE: 734.

21 SPECIAL AGENT SELEWSKI: What time was it?

22 MS. WARE: I don't know. Which one are we
23 talking about, the 6 o'clock one?

24 SPECIAL AGENT SELEWSKI: You met him at the end
25 and at the beginning, right?

1 MS. WARE: Right here.

2 SPECIAL AGENT SELEWSKI: What time did your fire
3 watch actually start?

4 MS. WARE: Right here is where I started. This
5 is my last -- where I finished. 6:10.

6 SPECIAL AGENT SELEWSKI: You started at 6:10 and
7 you ended at 4:49?

8 MS. WARE: No.

9 SPECIAL AGENT SELEWSKI: That's going back.

10 MS. WARE: This is what I'm saying -- I'm asking
11 which time are they talking about, in which time frame? Is
12 it the 6 o'clock time frame?

13 SPECIAL AGENT SELEWSKI: The 4:05, they're saying
14 you missed at 4:05.

15 MS. WARE: This right here is what they're
16 talking about?

17 SPECIAL AGENT SELEWSKI: Yeah. Between 4:05 and
18 4:10 you were somewhere. What they're saying is that you
19 went and let me just go back over this. According to the
20 computer printout showing your times that you were -- between
21 C28 and C60, right here. I guess those doors on the printout
22 are in between, 710 and 823. That if you had gone in there
23 they would have shown up in here.

24 MS. WARE: Right.

25 SPECIAL AGENT SELEWSKI: They're saying you

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1 missed those two doors and that it took you from C28, right
2 here, looks like you started at 4:09, if I'm looking at it
3 right, and by 4:11, if I'm reading it right or maybe it was
4 -- you're saying 2 minutes. It might have been either 4:11,
5 or 4:13 or 4:09 to 4:11.

6 MS. WARE: Yeah.

7 SPECIAL AGENT SELEWSKI: Two minutes one way or
8 the other. I can go back and talk to them, but it took you
9 two minutes to go from C28 to C60. Because you skipped those
10 doors, it didn't take you -- it was just one level, it looks
11 like, but it takes you really five minutes to go -- it looks
12 like because you missed those doors, it was a lot shorter.

13 MS. WARE: Okay.

14 SPECIAL AGENT SELEWSKI: You whizzed right
15 through. And I'm trying to establish what you did. Did you
16 miss them? Did you completely skip those two routes and just
17 start at C28 and go up one level to C60?

18 MS. WARE: If I skipped them, it wasn't on
19 purpose. But I don't think that I skipped them. I have no
20 way of proving that I didn't. And like I said they're on the
21 computer printout. I can't beat it, okay? In my heart, I
22 honestly, I really honestly, I don't think I missed it, but
23 I mean you said I did. So I mean -- I don't know what else
24 to say. I told them and told them and told them and right
25 after that -- I said okay, I asked the Human Resource man,

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1 Marvin Reach, I said have they been having problems, which
2 I knew they had. He told me no. The computer is accurate.
3 Computers don't lie. After I was terminated, maybe a month
4 or so, they got a whole new system in because it was not
5 accurate. Like I asked them before, is there any way that
6 they could have made a mistake. They said no, they couldn't
7 have made a mistake. They were in such a hurry to get me
8 out, no, they couldn't have made a mistake. This was all the
9 information they needed.

10 SPECIAL AGENT SELEWSKI: I think what got
11 confusing was we started on at the door C28 which was two
12 levels up from where you were supposed to have started.

13 MS. WARE: Uh-huh. Supposed.

14 SPECIAL AGENT SELEWSKI: Yeah, because you were
15 supposed to start at the communications room.

16 MS. WARE: Or the mechanical, yeah. Right here.

17 SPECIAL AGENT SELEWSKI: Because you started up
18 there, you were told to circle that floor?

19 MS. WARE: I was -- it was 749 that I was doing
20 before. I did that at 5 o'clock so this was before this
21 supposedly happened. That doesn't really -- I was doing that
22 at 5 o'clock.

23 SPECIAL AGENT SELEWSKI: That's what got
24 confused, it appears. You were up there and from what
25 they're saying you didn't go down at all. You went straight

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1 up to the next --

2 MS. WARE: I just started straight up.

3 SPECIAL AGENT SELEWSKI: Yeah. And you did that
4 route in two minutes. It usually takes five minutes. You
5 completely missed those, C10 and C23.

6 MS. WARE: Are you asking me?

7 SPECIAL AGENT SELEWSKI: I'm just trying to --

8 MS. WARE: I'm sorry.

9 SPECIAL AGENT SELEWSKI: They're saying it took
10 five minutes. Do you remember doing this route before and
11 it taking five minutes?

12 MS. WARE: I did that route, that's all I did was
13 that route. That's all. I never even got the records and
14 pulled the records and looked. I never -- it was never a
15 problem before. This was the only time.

16 SPECIAL AGENT SELEWSKI: It was different because
17 you started on a different floor, C28.

18 MS. WARE: Right. And one thing, I'm not blaming
19 anyone, but they -- when I first started out, I started out
20 coming through C-14 or 15, something like that and they're
21 re-doing the system and they changed the route. You got to
22 start at the terminal building, through C48. Okay. Then
23 they changed it back. Now well you could start -- you could
24 do either one. C14 or C28. I guess C28 is the terminal
25 building. I don't know what door that was.

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1 So I mean at 4 o'clock, I must have started at
2 the turbine and they said I didn't go down, I went straight
3 up instead of going down and coming to the mechanical and
4 communication. I just went up.

5 SPECIAL AGENT SELEWSKI: You documented that you
6 went down to the computer room.

7 MS. WARE: Right.

8 SPECIAL AGENT SELEWSKI: And everything was okay.
9 You documented that you went down when you didn't, you just
10 went up.

11 MS. WARE: That's what they're saying. That's
12 not what I'm saying.

13 SPECIAL AGENT SELEWSKI: Well, the computer
14 printout shows that's what happened. I can't dispute that.

15 MS. WARE: Right. I can't either although I've
16 been trying.

17 SPECIAL AGENT SELEWSKI: Logic says that's what
18 happened. You just started on C-28 and you went one level
19 for whatever reason. And it sounds like it was a confusing
20 act.

21 MS. WARE: If I did, I really honest to God I
22 needed my job. I really did because I was a [REDACTED]
23 [REDACTED] and that was the best thing that was
24 going on in my life at that time besides [REDACTED] but --
25 excuse me.

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1 SPECIAL AGENT SELEWSKI: that's all right. We
2 can take a break if you want to.

3 MS. WARE: Like I said, I don't think I missed
4 those doors.

5 SPECIAL AGENT SELEWSKI: It's a possibility?

6 MS. WARE: Could have been.

7 SPECIAL AGENT SELEWSKI: The printout shows that
8 it happened and just from what you told me it sounds like it
9 started out to be confusing that night.

10 MS. WARE: Uh-huh.

11 SPECIAL AGENT SELEWSKI: That makes it, you know,
12 hard to remember what happened. But before you were saying
13 you thought you went down to the communications room and you
14 tied your shoe. Is there a chance you got maybe some nights
15 mixed up? Because you did it every night and this is a
16 routine thing where it's --

17 MS. WARE: No. The reason I can remember it was
18 that night because of the fire watch that normally didn't go
19 on. That's why I remember that specific night. that's why
20 when you told me the date I said no, it was the 21st. I
21 remember the night because of that.

22 SPECIAL AGENT SELEWSKI: And Childers was telling
23 you I'm going to -- I'll start down here at the bottom level
24 and I'm going to come up.

25 MS. WARE: And he didn't.

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1 SPECIAL AGENT SELEWSKI: And he didn't.

2 MS. WARE: Right.

3 SPECIAL AGENT SELEWSKI: And then you -- it was
4 a lot later.

5 MS. WARE: That was my last route. When they
6 terminated me, they had me believing it was on my 6 o'clock
7 route. I never even looked at the 4 o'clock, because they
8 told me it was the 6 o'clock, that's why I went through all
9 that before because I was trying to tell you about that.

10 SPECIAL AGENT SELEWSKI: It looks like you got
11 your 6 o'clock route mixed up with your 4 o'clock route
12 because when you went to your 6 o'clock route, you were doing
13 the same exact route, right?

14 MS. WARE: Yes.

15 SPECIAL AGENT SELEWSKI: That we just went over
16 that you did at 4 o'clock?

17 MS. WARE: Uh-huh.

18 SPECIAL AGENT SELEWSKI: The Childers event
19 didn't happen at 4, it happened at 6?

20 MS. WARE: Right, right. It happened at 6.

21 SPECIAL AGENT SELEWSKI: So at 4, it was just a
22 matter of starting at C28.

23 MS. WARE: Coming down.

24 SPECIAL AGENT SELEWSKI: And going up?

25 MS. WARE: That's what -- yeah.

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1 SPECIAL AGENT SELEWSKI: And you went from 4:10
2 to 4:12, you went from C28 which was on 669.

3 MS. WARE: Let me see if I got that right.

4 SPECIAL AGENT SELEWSKI: That says 669 and that
5 says 706. Stopped at 706 at 4:12. Are there levels in
6 between here that you went through? Or some other rooms that
7 just aren't documented on there?

8 MS. WARE: Let me see. 669 -- where is the
9 communication room at? What level? That's the communication
10 room.

11 SPECIAL AGENT SELEWSKI: Yes, 669, okay.

12 MS. WARE: I started at the mechanical room and
13 came down. See, like the printout has I went through C28
14 which I probably did and we were leaving, I would leave about
15 three or four minutes earlier because I know I had to go down
16 and start my route. It was a lot of backtracking. So I did
17 leave the shop or whatever earlier and what they told us, you
18 may get to the communication room before your route actually
19 starts. Don't start your route until exactly on that hour.
20 We may sit in that communication room for two or three
21 minutes. You may have that time to spare.

22 That's where it's 4:10. We weren't starting our
23 route. They didn't want us to leave the shop until right on
24 the hour.

25 SPECIAL AGENT SELEWSKI: Uh-huh.

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1 MS. WARE: And by the time you do all your
2 backtracking it took me 10 minutes to start my route. And
3 it always took me 10, straight to there. So then from there
4 you were on your way.

5 SPECIAL AGENT SELEWSKI: what level is that, 706?

6 MS. WARE: Uh-huh. So it was 669. Is that a
7 669?

8 SPECIAL AGENT SELEWSKI: Yes.

9 MS. WARE: And you go up to the next level which
10 is 706. Where is 706 at?

11 SPECIAL AGENT SELEWSKI: Right here.

12 MS. WARE: 669, 706, 730, 734. I just go up one
13 level. In between that level you do have to hit, I do
14 remember you do have to hit the computer room and in that
15 room I told you yes, I may have skipped, but not on purpose.

16 SPECIAL AGENT SELEWSKI: So the computer room is
17 right here, right?

18 MS. WARE: Uh-huh.

19 SPECIAL AGENT SELEWSKI: Why I was thinking C28
20 -- where did C28 go? C28?

21 MS. WARE: Because we actually had to come
22 through this door to start.

23 SPECIAL AGENT SELEWSKI: Okay.

24 MS. WARE: Do you understand? Everybody at that
25 time I guess had to start at this door because at one time

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1 we had to start at C28, but we had to go down. Do you
2 understand? And then we had to start -- somehow when I went
3 down I was at the mechanical room. I figured I had to be in
4 the mechanical room. I came down it and I approached the
5 communications room and then we had to come, we ended up here
6 as we came down, we walked across, we came up to go over and
7 hit the computer room, came up into the spreader room.

8 Okay, they're saying from here -- okay, they're
9 saying from the time I was supposedly starting my route
10 coming in, going down, okay, there's no possible way I could
11 have did it.

12 Now I'm understanding it myself. See, I didn't
13 understand it at first.

14 SPECIAL AGENT SELEWSKI: It's confusing.

15 MS. WARE: Do you understand? They're saying
16 instead of me coming here and started down this, I just
17 started here and then came up, just went up from there.

18 SPECIAL AGENT SELEWSKI: Right, they're saying
19 you went straight from C28 up one level, C60 and that's what
20 I understand they're saying.

21 MS. WARE: Yeah. That means I didn't even do
22 these two levels at all. These two levels disappeared.

23 SPECIAL AGENT SELEWSKI: Right. You didn't even
24 do them.

25 MS. WARE: Right.

1 SPECIAL AGENT SELEWSKI: Do you remember doing
2 them? I'm just trying to understand, is there a chance you
3 did forget those two levels and just went straight?

4 MS. WARE: No, the one thing for me is I did
5 these, but looking at my watch because it was 4 o'clock in
6 the morning and I didn't have a digital watch. I had a watch
7 like this with no numbers, actually it was a watch with no
8 numbers at all. I was guessing with minutes to be exact.
9 To me. That's what I did. I don't even have that watch any
10 more. But the watch I had before it just had a little
11 diamond up here for the 12 and then it had nothing and the
12 dial just had hands and in between there, me not looking,
13 obviously it couldn't take me two minutes. It could have
14 been 4:15, 4:16, but looking at a clock with no numbers or
15 nothing, you know, and we asked them to get like a stop clock
16 or a stop watch so that everybody will have the exact time,
17 and we wouldn't have this problem. See what I'm saying?

18 SPECIAL AGENT SELEWSKI: Uh-huh.

19 MS. WARE: No, I did not miss these rooms. Yes,
20 the time may be wrong, okay? I might have wrote the time down
21 wrong, but no, I honest to God, I would take a lie detector
22 test. I did not miss those.

23 SPECIAL AGENT SELEWSKI: Those two lower routes?

24 MS. WARE: No.

25 SPECIAL AGENT SELEWSKI: Now you're saying you

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1 didn't miss the communications room --

2 MS. WARE: There's a possibility of the computer
3 room, a possibility. the communications room, no. The time
4 wrong, yes. I will agree to that. I will confess to a time
5 failing, yes.

6 SPECIAL AGENT SELEWSKI: And then on this
7 documentation where you -- here, what's wrong with this?
8 This is saying you went in the computer room.

9 MS. WARE: Really to be honest I'm going to tell
10 you how I did it, how everybody does it. I don't know
11 whether they'll tell you the truth or not, but I'm going to
12 tell you. This line here, say 4:05 when you start up, I
13 wrote all this in while I was in the shop. Everybody did it.

14 SPECIAL AGENT SELEWSKI: You didn't write it in
15 the room?

16 MS. WARE: No, I did not. I wrote over here at
17 computer room, I wrote okay. Okay, the time, I wrote that
18 on there.

19 SPECIAL AGENT SELEWSKI: You wrote that when?

20 MS. WARE: We can't write the time there. Well,
21 I probably did all of it together to be honest, because
22 that's how everybody did it. They said when you're starting
23 a route, it just saves time. You just hit those rooms and
24 keep going. I just wrote it in and then from there you don't
25 have to worry about this any more. This paper here, you just

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1 have to worry about writing your time down.

2 SPECIAL AGENT SELEWSKI: Uh-huh.

3 MS. WARE: But to be honest, yes, I did -- I
4 would say I did write all that in before I actually got to
5 those rooms.

6 SPECIAL AGENT SELEWSKI: Including the time?

7 MS. WARE: Including the time.

8 SPECIAL AGENT SELEWSKI: And that was something
9 a lot of people did?

10 MS. WARE: That was something that everybody did.

11 SPECIAL AGENT SELEWSKI: And so --

12 MS. WARE: Childers did. It saved time.

13 SPECIAL AGENT SELEWSKI: So you were estimating
14 about what time you should have been there?

15 MS. WARE: I should have been there, yes.

16 SPECIAL AGENT SELEWSKI: And other people
17 estimated based on previous fire watch timings?

18 MS. WARE: Uh-huh.

19 SPECIAL AGENT SELEWSKI: Okay.

20 MS. WARE: but I know you shouldn't have, I know
21 we shouldn't have done that. But it was one of those, I
22 don't know, I don't know what you call it. Everybody did it.

23 SPECIAL AGENT SELEWSKI: It was convenient?

24 MS. WARE: Yeah. I don't know if they'll tell
25 you they did that or not, but I'm telling you yes, they did,

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1 and yes, I did.

2 But I can't speak for nobody else.

3 SPECIAL AGENT SELEWSKI: Okay, so did you --

4 MS. WARE: To me I wasn't falsifying documents
5 I mean I actually you know --

6 SPECIAL AGENT SELEWSKI: Well, you were
7 falsifying documents, but what was your reason? I mean
8 that's falsification right there.

9 MS. WARE: yeah, that one right there. To save
10 time. That's the only thing I can think of to be honest.
11 I really don't know. I mean I was following along with the
12 rest of the gang.

13 SPECIAL AGENT SELEWSKI: Uh-huh.

14 MS. WARE: I shouldn't have did, that's all.
15 That's the honest answer. I was just going along with what
16 everybody else did.

17 SPECIAL AGENT SELEWSKI: Uh-huh. Was it done for
18 any type of evil intent or --

19 MS. WARE: To do this?

20 SPECIAL AGENT SELEWSKI: Uh-huh.

21 MS. WARE: No, no. I mean like I said the way
22 I got my job, I really didn't like it and it was a lot of
23 stress of me working there under the circumstances, but that
24 was the best job for a [REDACTED] could ever
25 have, to me. I worked hard. I worked. I really did and I

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1 would not intentionally mess this up, you know, to mess up
2 my job. Because I didn't want to lose my job. That's not
3 how I am. I mean I don't know if one will tell you or
4 whoever, but I was a good worker when I worked as a
5 contractor. If they had left me alone, I would have been
6 fine. But no, they ran scared, so they're trying to cover
7 their mess and then I got tangled up in the web. That's all
8 it comes out to.

9 I mean like I said, I was there -- you know you
10 can work somewhere where you can tell you're not wanted? And
11 there was a lot of stress and I was trying to make myself be
12 liked by these people because I knew I was having to work
13 there and I was having to make a living and that was the best
14 living I had been making for me [REDACTED] but the stress
15 was unbearable and when this happened, after it soaked in,
16 I was really relieved that I didn't have to be under that
17 stress any more. I didn't have to worry about the fire watch
18 if I was going to mess it up or not.

19 But no, this was not done intentionally. I don't
20 know how to make anyone believe it, but no, it was not. It
21 wasn't because I was tired or any of that. They tried to put
22 that in, maybe you was tired. No, that was not it. I'd been
23 on this job since November 6th and you know what I'm saying?
24 My body was used to it. I don't know. I mean I didn't
25 intentionally miss the room. If I did, I'm sorry. I really

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1 didn't -- I just wished they had never gave me a job.

2 SPECIAL AGENT SELEWSKI: Did they ever tell you
3 that you falsified your journal or something on it wasn't
4 true, that you could get terminated if you were caught for
5 it?

6 MS. WARE: Well, I read it in my handbook.

7 SPECIAL AGENT SELEWSKI: In the beginning when
8 you were going through training?

9 MS. WARE: The only training I went through is
10 you know a contractor person trained me and this other lady,
11 she was a contractor to her husband but then she came over
12 and was with me and they fired her for the same thing.

13 I read the journal, I read the handbook on my
14 own. It was not something -- like I said, the fire watch
15 training I took the -- I read the -- you know how they give
16 the retest. That's what they gave me. The paper that give
17 everybody to take a retest, since it was my first time. They
18 didn't actually sit down and show me a movie and talk to me
19 and give me a fire watch class. No, they didn't.

20 But I took the test because they told me it was
21 my job, you know, so that part was not my fault.

22 SPECIAL AGENT SELEWSKI: but you're saying that
23 you did not miss those two lower floors?

24 MS. WARE: Computer room, maybe. Communications,
25 no.

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1 SPECIAL AGENT SELEWSKI: Is there a chance that
2 you missed the computer room floor?

3 MS. WARE: Yes.

4 SPECIAL AGENT SELEWSKI: Because they're saying
5 you missed both.

6 I just want to be sure of what you're saying.

7 MS. WARE: Uh-huh.

8 SPECIAL AGENT SELEWSKI: That pretty much
9 explains it as far as I'm concerned, the reason this was
10 pulled out beforehand, the time as put down ahead of time,
11 the fact that you said you went into the computer room and
12 it was all written ahead of time. You didn't go into the
13 computer room or you don't -- you said you probably didn't
14 or you didn't go into the computer room.

15 MS. WARE: But not intentionally.

16 SPECIAL AGENT SELEWSKI: Right. And this is
17 something that everybody did.

18 Did you want to add anything else to this as far
19 as your explanations or anything?

20 MS. WARE: No. Is there anything else you want
21 to ask me?

22 SPECIAL AGENT SELEWSKI: I can't think of
23 anything right now. I may have to call you if I have
24 something else that I want to -- if I have a question I may
25 call you and ask you on the phone.

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1 MS. WARE: Okay.

2 SPECIAL AGENT SELEWSKI: We'll go ahead and
3 conclude unless there's something you want to ask?

4 MS. WARE: After this investigation, what is
5 going to happen?

6 SPECIAL AGENT SELEWSKI: With TVA I can't say.
7 NRC, I'm an investigator so I do the investigation. I just
8 gather the facts and get the story and I write it up exactly
9 as you say it in a report. The report goes to --

10 MS. WARE: Can I get a copy?

11 SPECIAL AGENT SELEWSKI: You can ask for a copy.
12 I think you can get a copy. There may be some markings --
13 [END OF TAPE 1, SIDE 2.]

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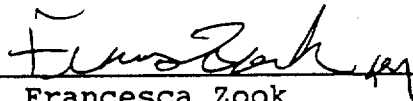
This is to certify that the attached
proceedings before the United States Nuclear
Regulatory Commission in the matter of:

Name of Proceeding: Interview of Kimshe Ware

Docket Number: 2-96-009

Place of Proceeding: Chattanooga, TN

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission transcribed by me from recorded tapes provided by the Nuclear Regulatory Commission, and that the transcript is a true and accurate record of the foregoing proceedings to the best of my belief and ability.



Francesca Zook
Transcriber
Neal R. Gross and Co., Inc.

SDN

CASE CHRONOLOGY

FILE NUMBER	DATE OPENED	OPENED BY
2-96-009		V.G. Sclander
DATE	ACTIVITY	
8-16-96	Interview of Ronald Walker & Terry Carpenter at SDN - they will find documents related to event. Received package from Walker.	
10-7-96	Evening TC to Fay Hutsell at home to set interview. She is working at Bonita & just finished at Windows Creek. Set interview for 10-9-96 at 2:30 at Cleveland, TN Cocker Barrel. TC to Kimshe Ware's parents house in [REDACTED] 7C [REDACTED] I left message for her to call me. TC to Union 267-1802 said she works at Chatta. Choo Choo. 265-5000	
10-8-96	TC from Kimshe - working at Chatta. Choo Choo Hotel. Set interview for 10-10 at 5:30.	
10-9-10-10	Interview. Ware & Hutsell - Transcribed tape recordings.	
11-96	Began Rough Draft of Report.	
1-21-97	See Memo to File	
1-24-97	Case Closed - Report issued 1-24-97.	

Information in this record was deleted

in accordance with the Freedom of Information

Act, exemptions

FOIA

2/45

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RTI 96-A-033

CASE CHRONOLOGY

FILE NUMBER	DATE OPENED	OPENED BY
2-96-009	SQL	V.G. Sclausky
DATE	ACTIVITY	
3-28-96	Received case. U.G.S.	
4-1-96	Visited TVA/OIG on another case & asked about Kinsku & Huttsel - & to do indices check to see if they had same case or similar. No match for Kinsku Ware & Huttsel was matched on one case as a witness for sexual harassment case. TVA-OIG had no active case now for this allegation but may be later.	
4-15-96	File Review w/ FOD - discussed taking on 2 Florida cases as priority over this one.	
4-17-96	Looked up phone & address on Phone CD-ROM Ware & Huttsel	
7-22-96	Visited SQL Personnel Office - Obtained copies of Ware & Huttsel's personnel files - Microfiche, hard copy, & CDROM files. Told H.R. Mgr. I would be contacting him for an interview.	
8-8-96	JC to Ridge Dept interviewed w/ him, Jerry Carpenter & Ronald Walker for 8-16.	
ACTIVITY CODES	L/M = letter or memo MTG = meeting	TC = telephone call INV = investigation INSP = inspection RES = report issued

Hutsell Joy
Hutsell J E
Hutsell Robert J
Hutsell William J
Hutsell Ashley & Joy
Hutcherson J H
Hutsell Joe
Hutsell John T
Hutsell David & Judy
Hutsell Roy
Hutcherson J H Rev
Hutsell Billy J
Hutsell Douglas J
Hutsell J
Hutsell J G
Hutsell J G
Hutsell J J
Hutsell Johnny W
Hutsell Joseph
Hutson A J
Hutson J J
Hutson M J
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Hutsell Jonathan
Hutson J D
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Hutchens J M
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Hutchens J P
Hutsell C D Jr
Hutsell Fred O
Hutsell Jim
Hutsell Mary O
Hutsell William C Jr
Hutson J Marvin
Hutter J L
Hutcherson Jo V
Hutcheson J C
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Hutcheson J M
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Hutsell Don
Hutsell Jack
Hutsell Jack T
Hutsell Jane
Hutsell Ora Nell
Hutsell Tom & C W
Hutson Betty Jo
Hutson Billy J
Hutson J
Hutzler A J
Hutchens B J
Hutcherson J
Hutsell James
Hutsell James C
Hutsell James C
Hutsell James D
Hutsell James E
Hutsell Jerry And Sylvia
Hutsell Jimmy E
Hutsell Noel F
Hutson Timothy J
Hutchens Robert J
Hutcherson J A
Hutcherson J L
Hutcherson J L
Hutcherson J P
Hutcheson A J
Hutcheson J Eric
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Hutsell Connie
Hutsell Donald E
Hutsell Donald R
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Hutsell Howard
Hutsell Howard G

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Hutsell Monty
Hutsell Monty & Pat
Hutsell Rick & Donna
Hutsell Robert S
Hutsell Robert T
Hutsell Robert W
Hutsell Ronnie
Hutsell Thomas A & Susan
Hutsell W Clyde
Hutson J Marvin Cpaa
Hutcheson Lowell J
Hutsell A K
Hutsell Allen
Hutsell Alva Ruth
Hutsell Angela
Hutsell Bennett C

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Ware William & Kim
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Ware Jeffery K
Ware Kimberly
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Warner K W
Warren Kim
Warner James K
Warner K
Warner Lisa K
Warren James K
Warren James K
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Ware Jimmie
Ware Kenneth & Kristan
Ware Timothy David & Alice
Warren K C
Warren K N
Ware Michael
Ware Michael
Ware Michael S
Ware Michael W
Ware Micheal W
Warner Shirley K
Warren Rita K
Ware Katherine
Ware Ritchie & Lisa
Warren Cindy K
Ward Kim
Ward Kim
Ward Kim
Ward Kim & Scotty
Ward Kim L
Ward Kim Mountain
Ware Basheel
Ware Jim
Ware Jim & Judy
Ware Jim & Robin
Ware Lisa M
Ware Mitchell
Ware Tim & Cindy
Ware Tim & Linda
Warren William K
Ward W R & K P
Warden M K
Ware Brian K
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Ware K M
Ware Michael K
Ware Michael K
Ware Roselle K
Ware Thomas K
Warren B K
Warren B K
Warren Brian K Atty
Warren G K
Warren J K
Warren J K
Warren John K
Warren L K
Warren L K
Warren Mary K
Warren R K
Warren Steve & Kim
Warren William K Jr
Ward K M

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