

INVESTIGATION STATUS RECORD

Case No.: 3-93-001

Facility: THERMAL SCIENCE, INC.

Allegation No.: RIII-92-A-0139

Case Agent: PAUL

Docket No.:

Date Opened: 01/13/93

Source of Allegation: A

Notified by: OAC:RIII

Priority:


Category: IH

Case Code: RV

Subject/Allegation: ALLEGED EMPLOYMENT DISCRIMINATION AGAINST AN EMPLOYEE FOR HIS  
REFUSAL TO FALSIFY RECORDS

Remarks:

Monthly Status Report:

01/13/93: On November 20, 1992, Paul H. Wyatt filed a discrimination complaint with DOL as a result of his termination by TSI. On December 15, 1992, DOL closed their investigation based on TSI reinstating Wyatt with full back pay and benefits. This investigation has been held in abeyance pending completion of the criminal case against TSI (OI Case No. 3-91-006)  


7C

EXHIBIT 1

PAGE 1 OF 1 PAGE

3-93-001

## CASE CHRONOLOGY

Case Number	Date Opened	Opened By
3-93-001	01-13-93	Paul
Date	Activity	Information in this record was deleted in accordance with the Freedom of Information Act. exemptions <u>7C</u> FOIA- <u>99-76</u>
01-13	Opened for evaluation	
02/93	Reviewed w/ In EIT	TC
10/93	Reviewed w/ In EIT	
11/2/93	MTG Discussed with G. Mulley, OIG. [REDACTED]	
	[REDACTED] it was decided with OIG	
	concerned not to pursue this investigation at this time since	
	premature disclosure of this issue. [REDACTED] X	
	[REDACTED] It was also decided	
	that this issue be held pending completion of 3-91-006	
10/15/93	TC It was heard from OIG that Wyatts no longer employed	
	by TSI [REDACTED]	
	[REDACTED]	
	This issue is held in abeyance	X
1/15/93	Reviewed w/ In EIT	
3/93	Reviewed w/ In - Will maintain in open status until	
	3-91-006 TSI In is concluded EIT	
1/9/94	EIT Reviewed w/ In	
10/94	TC Call OIG, Mulley re possible action	
11/10/94	Reviewed w/ In EIT	
11/11/94	HM Request All then Frank	
1/19/94	TC attempted to contact B. Wyatt member no longer in service	
8/22/94	MTG ANB decided to be left open	
Activity Codes	L/M = Letter or Memo MTG = Meeting	TC = Telephone Call INV = Investigation INSP = Inspection REP = Report Issued
2/15/94	EIT Reviewed w/ In	
1/15/94	EIT Reviewed w/ In	

Date Opened

Opened By

[illegible]

1/5/94	TC Discussed w/ D. Mulley re. going forward of investigation. DOJ (AUSABenn) requested OI hold off on further progress at this time
1/5/94	Revised W/Inv <del>ET</del>
2/95	Revised W/Inv <del>ET</del> Per request from U.S. Atty, will need to assign to new investigator.
3/95	Case is officially re-assigned to OI Senior Investigator H.B. WALKER.
6/95	Revised W/Inv <del>ET</del>
22/95	Report drafted
30/95	Report in final
11/95	" to review

## ivity Codes

L/M = Letter or Memo  
MTG = Meeting

TC = Telephone Call  
INV = Investigation

INSP = Inspection  
REP = Report Issued



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99-76

CC/12

REPORT OF INTERVIEW  
WITH  
LARRY SMEAD

Mr. Larry SMEAD, Security Operations Supervisor, Donald C. Cook Nuclear Power Plant (Cook), Stevensville, Michigan, was telephonically interviewed (616/465-5901) on December 16, 1994, by NRC:OI Investigator Richard L. DeVitto. SMEAD was interviewed regarding the potential falsification of fire watch tour logs by a former contract fire watch employee identified as [REDACTED] SMEAD's report and investigation of this matter was earlier provided to this investigator by the Cook NRC resident inspector and is indexed as Exhibit 2.

SMEAD recalled a review of fire watch tours performed by [REDACTED] from November 17, 1993, through December 31, 1993, and identified 22 tours which were not verifiable via card reader or other sources. 7C

SMEAD stated he interviewed [REDACTED] on May 24, 1994, in the company of Scott GANE, Cook Compliance Coordinator. [REDACTED] during the interview, denied falsifying the tours in question and maintained that [REDACTED] checked the areas as reported. 7C

SMEAD said that since not all watch areas in question were access controlled, [REDACTED] was not disciplined or let go for cause. However, [REDACTED] was let go when the new fire watch contractor failed to retain [REDACTED] based [REDACTED] SMEAD further indicated that at least four of these tours exceeded the technical specifications for one hour fire watch patrols. The remaining tours were only violations of administrative procedures and did not violate technical specifications. 7C

This Report of Interview was drafted on December 16, 1994.

*Richard L. DeVitto*

Richard L. DeVitto, Investigator  
Office of Investigations Field Office  
Region III

*Portions*  
*7C*

## CASE CHRONOLOGY

Case Number		Date Opened	Opened By
3-94-059		6-21-94	7/10/94 K
Date	Activity		
	NATURE AND VERIFIABLE BY OTHERS. FOD ADVISED OF CONTRACT AND ADVISED THAT BE REBOARDED AND CLOSED.		
12-21-94	ADVISED FOD OF PREVIOUS ARB, IN WHICH IT WAS AG RECD AND WOULD BE RECD OUT NOW PRIORITY, INSTEAD OF NO REGULATORY CONCERN. REAT FINAL DIRCT TO FOD.		
1/9/95	Removal of Inc OIP will be done out by end of Jan 95		
<p>Information in this record was deleted in accordance with the Freedom of Information Act, exemptions <u>7C</u></p> <p>FOIA- <u>99-76</u></p>			

### Activity Codes

L/M = Letter or Memo  
MTG = Meeting

TC = Telephone Call  
INV = Investigation

INSP = Inspection  
REP = Report Issued

## CASE CHRONOLOGY

Case Number	Date Opened	Opened By
3-94-259	4-21-94	Drew H. K.
Date	Activity	7C
11-28-94	Access Records (computer system) indicated [redacted] had no external certain areas prescribed for watch. Not w/ FOD who advised that this case needed to be passed out w/ RAT. Contacted RICHARD ORSINI to request D.O. Book 2027. Security Investigations DEPT.	
12-5-94	Met w/ FOD, who advised to contact Plant Protection Representative to determine if FOD employee was interviewed regarding potential falsification of Records.	
12-16-94	Obtained copy of Plant Security Report on Incident and telephonically spoke to LARRY SHERID, Book Plant Protection. He advised that FOD [redacted] was interviewed re: [redacted] EW TOURS. [redacted] was let go. This to investigation by new contact [redacted] Plant unable to verify her TOURS, which were expected took spots and not of regulatory concern, because they were of administrative.	7C

Activity Codes

L/M = Letter or Memo  
MTG = MeetingTC = Telephone Call  
INV = InvestigationINSP = Inspection  
REP = Report IssuedPotter  
7C



## CASE CHRONOLOGY

Case Number	Date Opened	Opened By
3-94-059	9-21-94	Fawcett
Date	Activity	
10-11-94	Reviewed GAGE AND DISCUSSED EVAL. WITH FOD. ADVISED BY FOD THIS EVALUATION TO BE MONITORED ONLY - LOW PRIORITY.	
10-18-94	MEETING W/ FOD ADVISED TO ATTEMPT TO INTERVIEW W/ RONGDORE AND CONTACT PIANT TO DETERMINE IF THEY DID INTERNAL INVESTIGATION.	
10-18-94	ADVISED BY FOD TO CLOSE OUT LOW PRIORITY UNDER OLD SYSTEMS AS EVALUATION.	
10/18/94	Reviewed W/ IAW GTP	
10/19/94	Met w/ TIM BELANGER REGARDING THIS ALLEGATION. BELANGER INDICATED THAT MATTER IS OF LOW PRIORITY AND OF NO CONSEQUENCE. PIANT HAS NOW CONTRACTED W/ STANLEY SMITH SECURITY AS NEW FIRE WATCH FIRM BASED ON SELECTION AUDIT OF PROGRAM. BELANGER SAID [REDACTED] 94X1042 INVOLVED IN POSSIBLE FALSIFICATION REMOVED FROM PIANT ACCESS AND TERMINATED BY PROR CONTRACTOR. ISSUE OF FALSIFIED RECORDS MAYNOT HAVE BEEN MATERIAL, BECAUSE EMPLOYEES MAY HAVE SATISFIED BASIC FIRE REQUIREMENTS OF YOURS DESI SKIFT. EMPLOYEES DENIED FALSIFYING RECORDS, HOWEVER	
Activity Codes	L/M = Letter or Memo MTG = Meeting	TC = Telephone Call INV = Investigation INSP = Inspection REP = Report Issued

CASE No. 3-96-032

**United States  
Nuclear Regulatory Commission**



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# **Report of Investigation**

**DONALD C. COOK PLANT**

**Falsification of Firewatch Records**

**Office of Investigations**

Reported by OI: **RIII**

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions S17C  
FOIA- 99-76

CC/14

Title: DONALD C. COOK PLANT

FALSIFICATION OF FIREWATCH RECORDS

Licensee:

Indiana Michigan Power Company  
1 Riverside Plaza  
Columbus, OH 43216

Docket Nos.: 50-315; 50-316

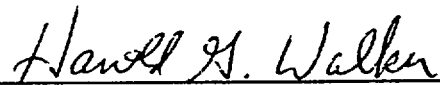
Case No.: 3-96-032

Report Date: September 30, 1996

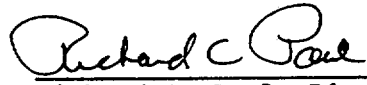
Control Office: OI:RIII

Status: CLOSED

Reported by:

  
Harold G. Walker, Senior Special Agent  
Office of Investigations  
Field Office, Region III

Reviewed and Approved by:

  
Richard C. Paul, Director  
Office of Investigations  
Field Office, Region III

WARNING

This Report of Investigation consists of pages 1 through 7, with exhibits 1 through 5. It has not been reviewed pursuant to Title 10 CFR Subsection 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 U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region III (RIII), on June 28, 1996, to determine if an employee of American Electric Power (AEP), at the D.C. Cook Plant (DCCP), removed a bar code strip from the door leading to the Unit One Reactor Cable Tunnel used by security guards to validate firewatch tours. This action would inhibit the security guards ability to confirm entry into the area designated by the bar code.

After a preliminary review of this matter and coordination with the Regional Administrator, RIII technical staff and Regional Counsel, it has been determined that the misplacement of the bar code was not a violation of a regulatory requirement.

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## DETAILS OF INVESTIGATION

### Applicable Regulations

Technical Specification 3.7.10.

50.5 Deliberate misconduct (1996 Edition).

### Purpose of Investigation

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region III (RIII), on June 28, 1996, to determine if an employee of American Electric Power (AEP), at the D.C. Cook Nuclear Power Plant (DCCP), removed a bar code strip from the door leading to the Unit One Reactor Cable Tunnel used by security guards to validate firewatch tours. This action would inhibit the security guards ability to confirm entry into the area designated by the bar code (Exhibit 1).

### Background

On May 11, 1996, Incident Report No. 62446 was reported by Security Officer Patrick OMAN. OMAN reported that while conducting a fire tour in the Unit #1 turbine building, he passed through fire door #333 and noticed the bar code tag was not visible at eye level as it had been on previous occasions. Following a brief search, the tag was found still on door #333, but had been placed into a very small space behind the door closure hardware; causing the tag to be hidden from clear view. The tag had been moved approximately 18 inches. The bar code tag was discovered 10 minutes from the time it was first discovered missing (Exhibit 2).

### Interview of LABIS (Exhibit 4)

On August 28, 1996, Jim LABIS, Security Operations Supervisor at DCCP, was interviewed at the DCCP by Senior Special Agent H. Walker. LABIS provided copies of Incident Report No. 62446, dated May 11, 1996, wherein Security Officer Patrick OMAN related events associated with his observation that fire door #333's bar code tag was apparently missing. LABIS also provided a copy of Condition Report Number 96-0778, dated May 13, 1996, with additional information related to the alleged missing bar code. The misplacement of the bar code tag by [REDACTED] resulted in [REDACTED] receiving a warning letter and psychological screening (Exhibit 3-5).

### Coordination with NRC Staff

On September 9, 1996, the NRC:RIII Allegation Review Board reconvened to discuss the matter. After discussion, the information provided by LABIS and reviewing the documentation from DCCP, the board concluded that there was no violation of a regulatory requirement and that further investigation by OI:RIII is not warranted.

7C



Closure Information

After a preliminary review of this matter and coordination with the Regional Administrator, RIII technical staff and Regional Counsel, it has been determined [REDACTED] 5

## LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record (ISR), dated June 28, 1996.
2	Incident Report, dated May 11, 1996.
3	Condition Report No. 96-0778, dated May 13, 1996.
4	Interview Report with Jim LABIS, dated August 28, 1996.
5	Copy of Memo to file from J.F. LABIS, dated May 16, 1996.

# EXHIBIT 2

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions b7c  
FOIA 99-76

cc/15



STANLEY SMITH SECURITY, INC.

Rev. 10-A

# INCIDENT REPORT

Incident Number: 62446

Date: 5-11-96

Type of Incident: Unauthorized movement of bar-code tag

Date of Incident: 5-11-96

Time of Incident: Between 1040 - 1107

## People Involved

Name	Company	Key Card#	Ext. #
<u>Patrick Omen</u>	<u>Stanley Smith Security</u>	<u>[REDACTED]</u>	<u>1306</u>
<u>[REDACTED]</u>	<u>AEP</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>Ronald Whirk</u>	<u>Stanley Smith Security</u>	<u>[REDACTED]</u>	<u>1306</u>

Immediate Notification Made To: Boyce Roberts - P.F.P. + then Cpt. J. Newton

Narrative of Incident (Complete report of what happened, how it happened, where it happened, why it happened, what immediate corrective action was taken and any other pertinent information). If more space is needed, fill out the supplement form

On Saturday, 5-11-96, upon completion of my fire tour of the unit #1 turbine building, I exited to unit R.C.T. via the 247. My last tour point had been a gap seal in the R.C.T. with the bar-code tag on fire door #333. When I made that last check the bar-code tag had been at about eye level as door. As I was leaving the area S.A.S. operator Lt. <sup>S. Gatz to 5-11-96</sup> ~~Thorne~~ called me to respond to an alarm on the 247 Dr. When I arrived at the 247 Dr. I saw ~~[REDACTED]~~ from operations immediately inside door. I checked the door for security. It was secure. ~~[REDACTED]~~ asked me at that time if I had received an alarm on the door. I said <sup>no 5-11-96</sup> that he shouldn't worry about it because the apparent cause was air pressure on the door. I then exited the area at approximately 1040 hrs. When I returned to the unit one R.C.T. for my 1100-1130 fire tour I was unable to locate the bar-code tag on fire door #333. After a search of the area I was still unable to locate the tag. I then exited the R.C.T. and contacted Boyce Roberts at 1104 hrs. and asked him if anyone in Fire Protection had removed the tag and for him to let me know. He said no and that he believed someone was "messing" with me. He told me to have another tag sent out to me. I then contacted Cpt. Jack Newton to relate the story to him at 1116 hrs. At 1120 hrs. I returned to the R.C.T. to look for the missing tag as I was convinced it must have fallen off of the door. At 1123 hrs. Officer Ron Whirk met me inside the R.C.T. to assist me in my search. It was Officer Whirk who found the tag. It was still on fire door #333, however it was shoved into a very small space behind the door closure. It was obvious that the tag had been deliberately moved a distance of at least 18 inches and moved into a place where its presence was hidden from clear view. Together we exited the R.C.T. at 1131 hrs. and contacted Cpt. Newton.

Reported by (Signature) Patrick Omen

Reviewed by Supervisor Ronald Whirk

EXHIBIT 2

AFTER ASSESSMENTS INDICATE NOTIFICATIONS MADE

Notifications Made: (1) D.C.S. ☒ Scott Gane  
Name

(2) Plant Protection ☐  
Superintendent (Copy) Name

(3) Site Manager ☐  
(Original) Name

(4) Shift Sec. Supv ☒ JACK Newton  
(Copy) Name

(5) FFD Coord. ☐  
if FFD Related Name

(6) NRC/By ☐ Name

(7) Cognizant Plant ☐  
Rep (Required by  
phone or E-Mail) Name

(8) Cont. Site Mgr ☐  
(Required by phone  
or E-Mail) Name

SSS/FPSS Comments to include corrective action if needed: DUTY CALL SUPERVISOR  
NOTIFIED, SS GUY TOLLAS NOTIFIED, I.R. AND SUPPLEMENTS WRITTEN.

David Busch  
Signature

Comments on Preventive Action Needed by SSS/FPSS (Explain):

Signature

Plant Protection Superintendent:

[Signature]  
Signature

Site Manager: Reviewed

[Signature]  
Signature

Condition Report Submitted: Yes ☐ No ☒

Turned over to Stanley Smith Safety Committee: Yes ☐ No ☒



STANLEY SMITH SECURITY, INC.

Rev. 5-A

# SUPPLEMENT TO INCIDENT REPORT

Incident Number: 62446 Page 1 of 1

Date: 5-11-96

Type of Incident: Missing FIRE TALK BAR CODE (UNAUTHORIZED MOVEMENT)

Reported By: RONALD UHRIG

Incident Facts: While on 6-5, I Went to Help 6-4  
Locate the BARcode on U-1 RCT. The BARcode  
WAS in the middle of the Door ABOUT Eye  
Level when I WAS 6-4, BARcode WAS moved  
TO TOP OF Door under the Door closure.  
BARcode WAS Found ABOUT 11:25

Reported By (Signature) Ronald Uhrig

Supervisor's Signature John Barack

CASE NO. 8-0-032

EXHIBIT 2  
306 PAGES

SUPPLEMENT TO INCIDENT REPORT

Incident Number: 62446 Page 1 of 2

Date: May 11, 1996

Type of Incident: Missing Fire Tour BAR CODE (Unauthorized Movement)

Reported By: Captain Jack Newton

Incident Facts: At approximately 1115 AM this date Security Officer Pat Oman reported to me a missing fire tour bar code that was located inside the unit one R.C.T. DRT247. The BAR CODE is normally located At eye level on the outside of the 3rd door inside the R.C.T. of Unit One. Officer Oman stated the BAR CODE was in it's proper location during the 1030 AM to 1100 AM tour. A computer transaction was made on the door from 1000 AM to 1130 AM this date. For the time period in question only two people had entered the R.C.T. S/o Oman and [REDACTED] I called the Unit one Control Room and talked with [REDACTED] who had just returned from a tour. I asked [REDACTED] if he seen the missing BAR CODE or had noticed one on the floor inside Unit One's R.C.T. He said NO. I told him one was missing and we were just trying to located it. At 1130 AM S/o Oman & S/o Ron Uhrick stated they had found the missing Bar CODE. Someone had moved it from Eye level center door up under the door closure out of sight. I then

Reported By (Signature) Jack Newton TC

Supervisor's Signature Quinn Burnett



STANLEY SMITH SECURITY, INC.

## SUPPLEMENT TO INCIDENT REPORT

Incident Number: 62446 Page 2 of 2Date: May 11, 1996Type of Incident: Missing Fire Tour BAR CODEReported By: Captain Jack Newton

Incident Facts: placed a second call to [REDACTED] inside Unit One Control. I told him the BAR CODE had been located and gave him its new location. He was told that a computer transaction showed that he was the only person in this area during the time period in question. He then stated to me that He had moved the BAR CODE. I asked him why, and he said I just moved it. That was the end of our conversation. At 11:40 I called Ext. 1231 and talked with Shift Supervisor Guy Tallas and informed him of the problem. I also informed the call duty supervisor Mr. Scott Gane. Photo One is the proper location of BAR CODE. Photo Two shows where the missing Bar CODE was found.

Reported By (Signature)

Supervisor's Signature

EXHIBIT

2

5 c 6

PA



Date May 11, 1996  
Subject Letter of Instruction  
From Guy Tollas  
To [REDACTED] 7C

The purpose of this letter is to reinforce expectations concerning operator conduct.

On 5-11-96, while in the Unit One Reactor Cable Tunnel, you moved a bar code plaque on a door from a line of sight location to a location on the door where it was difficult to locate. Your actions caused our Security Force as well as the Operations Dept. to spend time and resources investigating and dealing with the missing bar code.

Our Plant Protection Dept. uses these bar codes to verify Tech. Spec. required fire watch tours are conducted in accordance with our license to operate the plant. Disrupting such a tour could lead to our inability to meet license commitments. Failure to meet just one tour requirement could lead to significant negative consequences for the plant from both a License and financial standpoint.

After discussing this event with both Yourself and the Security Captain, I do not believe there was malicious intent in this case but rather, "horseplay". This is unacceptable behavior and is not allowed at any AEP site. The expectation is that we conduct ourselves in a professional manner with any interactions between people or Departments done so for the benefit of one another. From our discussion, I believe you now realize the seriousness of this event.

Your work record has shown you are a conscientious employee with a good work ethic. You are relied upon by plant personnel as well as the general public to operate the Cook Plant in a professional manner.

Future events of this nature may lead to disciplinary action up to and including discharge.

Guy Tollas

EXHIBIT

2

6

OF

6

PAGE(S)

# EXHIBIT 3

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

CC/16

A119752

P-3-7030  
-REVISION No

## Part A (Originator)

Reported By Larry SmeadCondition Report Number 96-0778Department/Section Plant Protection (PRO)Report Date 5-13-96

Print and Sign

Date/Time of Condition 5-11-961168 96-0778PAGE 11 OF 15Unit Affected: ☒ 1 ☐ 2 ☐ Both ☐ N/A

## Condition Identification and Description

Description of Condition: On 5-11-96, a Fire Tour of Unit 1 CR7 was being conducted in accordance with T.S. 3.7.10. At 1114 hours, the tour officer identified the Bar Code, which was placed on the inner side of Door 333 was missing. Subsequent investigation identified the Bar Code had been moved, and placed on the back side of the door closure between the closure and door on a small area which without close investigation could not have been seen. The Bar Code was originally located at eye level, center of the door. Security computer transactions identified [REDACTED], Operations, as being in the area. A phone call was made to the Control Room and [REDACTED] questioned [REDACTED] stated he knew nothing about the missing Bar Code. After finding the Bar Code a second phone call was made to the Control Room and [REDACTED] spoken with. When [REDACTED] was told he had been identified as being in the CRT area, he stated he had moved the Bar Code. When asked why, he stated he had just moved it, and

☒ Continuation SheetMethod of Discovery: Tour being performed in accordance with Tech Spec 3.7.10.☐ Continuation Sheet

Immediate Action Taken: Call made to Fire Protection Supervisor to have Bar Code replaced. Search for original Bar Code and investigation initiated.

☐ Continuation SheetOutage Management Notified: ☐ Yes ☒ NoOriginator's Supervisor Review: Larry Smead

Name

☒ N/A

Date

Supervisor's Comments: This event impacts on the credibility and trustworthiness of the individual involved as a nuclear plant worker. Further investigation should be performed to determine if continued unescorted access should be granted.

Determined Not Reportable

## References

## Reference Documents:

QA/NSDRC Audit/Surv. Number \_\_\_\_\_

NRC Inspection Report/Finding Number \_\_\_\_\_

Specification(s) Tech Spec 3.7.10Procedure Number(s) PMI 2270

Drawing Number(s) \_\_\_\_\_

Design Change Number \_\_\_\_\_

JO Number \_\_\_\_\_

Purchase Order \_\_\_\_\_

Code/Standard 10 CFR 73.71, (I) (3)

Other (i.e., Previous PRs or CRs, etc.) \_\_\_\_\_

Equipment Involved: ☒ Yes ☐ NoComponent FDB Identification Number: 8G-07Functional Name: Gap SealEXHIBIT 3

1-15 DATES

Pg  
Rc

CR 96-0778

PAGE 2 OF 15

Continuation of Part A  
Description of Condition:

offered no further information.

██████████ admitted to deliberately moving a Bar Code which was being used to verify tour completion and compliance with Tech Spec 3.7.10. Moreover, when questioned, ██████████ deliberately and willfully obstructed a security investigation by originally stating he knew nothing of the event.

7C

Condition Report Number

96-0778

CR 96-0778

Part B (SS Review)

PAGE 3 OF 15

Tech. Spec. Action Statement Entered:

Unit 1

☐  
☐

Unit 2

☐  
☐

N/A

☒  
☒

Tech. Spec. Compensatory Action Initiated:

Non-ENS Off-Site Notifications

N/A

☒

	Name of Person Contacted	Contacted By	Date	Time
NRC				
AEPS				
I&M				
State of Michigan				
NRC Resident Inspector				

Shift Supervisor Review by: [Signature] Date 5/13/96 Time 1617

Comments

Part C (STA Review)

Unit One Mode

Reactor Trip ☐ Yes ☒ No

ESF Actuation ☐ Yes ☒ No

Tech. Spec. Reference(s) None

Unit Two Mode

Reactor Trip ☐ Yes ☒ No

ESF Actuation ☐ Yes ☒ No

Tech. Spec. Table Reference(s) None

Prompt Operability Determination:

Required?

☐ Yes (See Attached)

☒ No

Safety Related Equipment Involved

☐ Yes

☒ No

Safety Related Equipment Inoperable

☐ Yes

☒ No

Prompt Reportability Determination:

Licensing Coordinator Contacted

☐ Yes

☒ No

Name of Contact

NRC ENS Notification Made

☐ Yes\*

☒ No

\*If Yes, attach Event Notification Worksheet (see PMP 7030.001.001)

STA Comments None

[Signature] Date 5/13/96 Time 1622

H117752

CR 96-0778

Condition Report Number

96-0778

PAGE 4 OF 15

Part D (CAG Review)

Transfer to AEPSC/Plant CAG

Date \_\_\_\_\_ Initial \_\_\_\_\_

Potential to impact Fire Protection Documents: ☐ Yes ☒ No

Potential Environmental Qualification issue: ☐ Yes ☒ No

Backup Operability Determination Required: ☐ Yes ☒ No If Yes, Assigned to \_\_\_\_\_ Due \_\_\_\_\_

Risk M Uncertainty L Level of Root cause indicated by matrix C Level of Root Cause assigned C

To be Resolved Prior to: \_\_\_\_\_ or Mode Number \_\_\_\_\_

Time allotted for investigation \_\_\_\_\_ (Normally 15 days for High Risk, 30 to 45 days for Moderate Risk, and 30 days for Low Risk)

Investigation Due Date 6-27-96

Assigned to: G. H. Espinoza

Dept. PIPA            

Evaluation Team Leader: \_\_\_\_\_

Evaluation Team Members: \_\_\_\_\_

Level of Review/Approval Required: ☒ Department Superintendent/Section Manager  
☒ Assistant Plant Manager/Division Manager  
☒ Plant Nuclear Safety Review Committee

CAG Comments PNSRC Required by CAG

☐ Documented discrepancy determined not to constitute an adverse condition  
☐ Drawing discrepancy to be transferred to appropriate AEPSC Design organization for resolution

CAG Review by Randy P. Houch Date 5/14/96

PRELIMINARY REPORTABILITY REVIEW

Reportable to Offsite Agency(s): ☐ Yes ☒ No ☐ To Be Determined (Potentially Reportable)

☐ LER (Per 10CFR) Due Dates: PNSRC Critique \_\_\_\_\_ NRC \_\_\_\_\_

☐ INPO VIA HPES

☐ INPO VIA NETWORK

☐ Other, To \_\_\_\_\_ Due Dates: PNSRC \_\_\_\_\_ Applicable Recipient \_\_\_\_\_

Licensing Activity Coordinator (AEPSC CAG) Randy P. Houch DATE 5/14/96

Comments \_\_\_\_\_

Condition Report Number 96-0778CR 96-0778

Part E (Evaluator)

PAGE 5 OF 15

Investigation

See Operability Determination Sheet: ☐SEE ATTACHEDContinuation Sheet: ☐Subject event meets definition of Maintenance Rework: ☐ Yes ☒ No If yes enter rework factor (a-m) which resulted in event \_\_\_\_\_

Cause Description

SEE ATTACHEDContinuation Sheet: ☐

## Trending/Tracking Data:

Causal

Human Behavioral

Factor Codes

Factor Codes

SC.01 PrimaryL.76 Primary

\_\_\_\_ Secondary

\_\_\_\_ Secondary

\_\_\_\_ Possible

\_\_\_\_ Possible

☒ ☐ ☐ ☐ SEE 8/14/96  
Department☐ ☐ ☐ Supervisory Group☐ ☐ ☐ Contract Organization (if applicable)

## Maintenance Rule Data:

☒ N/A

Functional Failure

☐ Yes ☐ No

Maintenance Preventable FF

☐ Yes ☐ No

Repetitive MPFF

☐ Yes ☐ No

Unplanned Power Reduction

☐ Yes ☐ No

Scram/Safety System actuation

☐ Yes ☐ No

PMI 4100 Violation

☐ Yes ☐ No

Train Code (A, B, or N if applicable)

☐

Functional Group Code (see 12 PMP 7030 MNT.001) \_\_\_\_\_

Corrective Action

SEE ATTACHEDContinuation Sheet: ☐

Preventive Action

SEE ATTACHEDContinuation Sheet: ☐

Evaluator

W. J. R. / R. M. J. / W. J. R.Date 6-11-96

Condition Report Number 96 0778

Part F (Commitments)

LER No.	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
Job Order No.	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
Procedure No.	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
Drawing No.	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
Design Change No.	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
Specification No.	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
Purchase Order No.	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
AEP:NRC No.	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
Other	Mode	Concur	Dept./Sec.	Due Date	Compl. Date
SHIFT SUPERVISOR BRIFING	NA	NA	OPR	6/30/96	6-30-96



## Part G (Investigation Approval)

- ☒ Yes ☐ No ☐ N/A 1. Investigation is Sufficient to Determine Root Cause or To Validate that Cause Cannot be Determined
- ☒ Yes ☐ No ☐ N/A 2. Corrective Actions Taken/Scheduled To Remedy Symptoms of Problem
- ☒ Yes ☐ No ☐ N/A 3. Preventive Actions Taken/Scheduled To Preclude Recurrence of Cause
- ☐ Yes ☒ No ☐ N/A 4. Investigation Reveals Potential Outside Agency Notification Required (10CFR21, INPO, Network, etc.)
- ☐ Yes ☒ No ☐ N/A 5. Operability Determination Indicates Inoperable Component
- ☒ Yes ☐ No ☐ N/A 6. Investigation Adequately Addresses Regulatory Significance And Safety Impact
- ☒ Yes ☐ No ☐ N/A 7. Trending/Tracking Data Correctly Reflects Root Cause Text Statement
- ☒ Yes ☐ No ☐ N/A 8. In-house Operating Experience Reviewed in Accordance with Section 12.2.1 (Applicable to Category A, B, or C)
- ☒ Yes ☐ No ☐ N/A 9. Industry Operating Experience Reviewed in Accordance with Section 12.2.1 (Applicable to Category A, B, or C)
- ☒ Yes ☐ No ☐ N/A 10. Operating Experience (in-house and industry) Lessons Learned Incorporate into Corrective/Preventive Actions. (If not Incorporated Provide an Explanation in CR Investigation, Applicable to Category A, B, or C)
- ☒ Yes ☐ No ☐ N/A 11. Concurrence Obtained For All Open Items
- ☒ Yes ☐ No ☐ N/A 12. CR Forms Are Filled Out Properly

Department Superintendent/Section Manager R. G. Hillis Date 6-17-96

Final Reportability (AEPSC Only) \_\_\_\_\_ Date \_\_\_\_\_

Final Disposition Approval John R. Hillis Date 6/18/96

## Part H (PNSRC Review)

Approved ☒ Yes ☐ No PNSRC Meeting # 2982 Date 8-6-96Comments Requested changes made to CR text. N/A 8-6-96

### INVESTIGATION

On May 11, 1996, a bar code tag, used to verify fire watch tour compliance, was discovered to have been moved from its normal location near the center of Reactor Cable Tunnel (RCT) fire door #333, to a location partially obstructed from view by the door's automatic closing device.

Technical Specification (T.S.) 3.7.10 requires, in part, the performance of hourly fire watch tours for an inoperable fire rated assembly and/or sealing device.

Plant Protection Personnel use magnetic bar code tags and bar code readers to verify the completion of security and fire tours. The tags are magnetic so they may be used at various locations throughout the plant depending on the area to be toured.

Due to inoperable gap seal 8G-07, located in Quad #4 of the Unit One Reactor Cable Tunnel, security personnel were performing fire watch tours to comply with the action statement of T.S. 3.7.10.

At approximately 1114 hours, a security officer approached Fire Door #333 but was unable to readily locate the magnetic bar code plaque normally located approximately at eye level.

As the same officer had performed the previous tour, it was apparent the bar code had been moved within the previous thirty minutes. The officer called fire protection personnel to ask whether they had removed the tag. The fire watch supervisor indicated that the fire tour responsibilities had not changed and that the tag should still be in place.

At approximately 1116 hours, the security officer contacted the Shift Security Supervisor (SSS) to inform him of the condition. The SSS contacted a second security officer to assist in looking for the missing bar code. At 1123 hours, the second security officer arrived at fire door #333. At 1125 hours, upon closer scrutiny, the bar code was located in the vicinity of the door's automatic closing device.

Shortly after being notified of the missing bar code, the SSS performed a security computer search to identify personnel traffic in the RCT. It was determined that the only individual to have entered the RCT other than fire tour personnel, was a [REDACTED] performing routine tour activities. 7c

The SSS contacted the [REDACTED] and asked if he had seen a missing bar code inside the DRT 247 (Fire Door #339). The [REDACTED] requested the SSS to clarify the door in question. The SSS stated the door in question was the first door as you enter into the RCT. As this was not the door in which the [REDACTED] had moved the bar code, (Door #333) he told the Shift Security Supervisor that he had not noticed anything unusual at that location. 7c

7C When the SSS was notified the bar code had been located, the security supervisor again called the [REDACTED] and relayed to him that the bar code tag had been found behind the door closure. After being told that he had been the only other person in the area, the [REDACTED] stated that he had moved the bar code on fire door #333. When asked why, the [REDACTED] stated he "did not know."

The fire tour was completed without further incident.

#### CAUSE DESCRIPTION

The cause of the event was personnel error.

7C While performing a normal tour of the RCT, the [REDACTED] noticed the magnetic bar code and picked it up to examine it. Not being fully aware of the purpose of the bar code, the [REDACTED] replaced the tag behind the automatic door closure.

7C When initially questioned about the missing bar code tag, the [REDACTED] stated he had not seen anything unusual. Although the door in question was initially misrepresented by the Shift Security Supervisor, the [REDACTED] failed to offer any clarifying information that could have expedited the finding of the missing tag.

7C After being contacted a second time, the [REDACTED] realized the seriousness of his action and informed the SSS that he had, in fact, moved the tag. Subsequent interviews with the individual discovered he lacked the knowledge of the purpose of the bar code. He believed it was a device that the fire brigade used to identify a door on fire tours and that any security purposes were identified by the fixed bar code on the door. His actions were an attempt to play a prank on a fellow worker, i.e., a fire brigade member.

7C When initially asked by the Security Supervisor why he moved the bar code, the [REDACTED] initially stated he "did not know". Subsequent discussions revealed the [REDACTED] realized his lack of professionalism and was embarrassed to admit to the SSS his attempt at a prank on a fellow employee.

#### CORRECTIVE ACTION

Upon discovery of the missing bar code, security personnel contacted fire protection personnel to have the missing bar code replaced. Security personnel continued to search for the missing bar code and were able to locate it approximately 10 minutes from the time it was discovered missing.

PREVENTIVE ACTION

A lessons learned E-mail describing the event and the purpose of the bar code was distributed to all operations personnel.

The event was discussed with the individual involved. The potential consequences of his error in judgement were stressed. Included in the discussion was the high degree of integrity and professionalism expected to be prevalent in all aspects of operator performance.

Appropriate disciplinary was taken with the individual involved.

KTP and Operating Experience searches were performed concerning this subject. The corrective action program has not identified previous related problems nor an adverse trend in this area of personnel error. This appears to be an isolated incident.

The Shift Supervisors will discuss this event with shift personnel. Included in the discussion will be managements expectation for professionalism and operator integrity.

No further actions are deemed necessary at this time.

*The individual operator has subsequently completed a psychological screening evaluation.*

*A "lessons learned" from this event was distributed to Department heads for their use.*

To: ALLSHIFT@OPS SHIFT@COOK  
Cc:  
Bcc:  
Subject: Guy A Tollas@OPS SHIFT@COOK  
Date: Tampering  
Monday, May 13, 1996 13:20:51 EDT  
Attach:  
Certify: N  
Forwarded by: Guy A Tollas@OPS SHIFT@COOK

CR 96-0778

PAGE 11 OF 15

Forwarded to: RONALD E HARRAH@OPS SHIFT@COOK  
CC:  
Forwarded date: Friday, June 7, 1996 15:59:36 EDT  
Comments by: Guy A Tollas@OPS SHIFT@COOK  
Comments:

Forwarded to: Bob K Gillespie@OPS SUPPORT@COOK  
CC:  
Forwarded date: Friday, May 24, 1996 16:34:20 EDT  
Comments by: Guy A Tollas@OPS SHIFT@COOK  
Comments:

info

----- [Original Message] -----

The intent of this letter is to inform everyone about situation that occurred and needs sensativity. During a plant tour, a person moved a

reader plaque from a line of sight position to a relatively non-conspicuous location on a fire door. Why the person did this is not the purpose of this letter or discussed here. The objective of this letter is let everyone know what the purose of the bar codes are and how moving them is viewed.

The bar code readers are used by security as a means of verifying peronnel are performing their assigned tours at the required frequencies. These tours may be in the Security area or the T/S roving firewatch arena. In either case, they are being used to support a function that helps us verify our license commitments. Failure to meet these commitments could result in LERs, increased NRC oversight and plenty of expense to the company.

When a person interrupts the normal functioning of plant operations by repositioning a piece of plant equipment, it is viewed, as is should be, as tampering with plant equipment. Tampering with plant equipment could be viewed in many ways up to and including a Federal Offence which could result in prison time. At the very least, it has to be investigated by Security and anyone else involved, at considerable expense to the company.

My advice on this, use the Think part of the STAR process. Consider the consequences of your actions prior to taking them.



# 1



# 2

To: \*@RP@Cook  
Cc: John R. Sampson@Managerial@COOK  
Bcc: Bob K Gillespie@OPS SUPPORT@COOK  
Subject: Douglas L Noble@RP@Cook  
Date: No No's  
Friday, June 28, 1996 7:27:10 EDT  
Attach:  
Certify: N  
Forwarded by:

CR 96-0778

PAGE 13 OF 15

-----  
A recent condition report was sent through which described an individual removing a bar code from a door and hiding it behind the auto-closer. The individual stated that he was pulling a prank and did not realize the significance of the bar code. The bar code is used by Security to document their tours.

To compound matters, the individual denied any knowledge of the incident until pressured with a second phone call and pressing questions, resulting in a trustworthiness issue which has caught the attention of the NRC.

Message:

- \* Do not disturb items installed in the Plant unless you have direction to do so. Apply techsense here.
- \* If you make a mistake, fess up. If you are quizzed about something, do not hold back or play games. Doing so will inflame the situation for all involved.

always, if you have any questions or comments do not hesitate to ask.

Have a good weekend!

To: wc  
David N Walker@MT@Cook, David N Rupert@MT@Cook  
Steven C Hoepner@MT@Cook, Cindy L Granger@MT@Cook  
John A McElligott@MT@Cook, Patrick M McCarty@MT@Cook  
Lloyd F Dopp@MT@Cook, William E Southworth@MT@Cook

Cc:  
Bcc:  
From: Timothy M Walsh@MT@Cook  
Subject: Bar Codes On Doors  
Date: Thursday, June 27, 1996 13:37:53 EDT  
Attach:  
Certify: N  
Forwarded by: Timothy M Walsh@MT@Cook

-----

Forwarded to: Bob K Gillespie@OPS SUPPORT@COOK  
CC:  
Forwarded date: Friday, June 28, 1996 7:10:56 EDT  
Comments by: Timothy M Walsh@MT@Cook  
Comments:

I sent this to my people based upon what you presented at PNSRC yesterday, I tried to avoid pointing fingers at individuals or Departments, other than to say it wasn't Maintenance. If it's any help feel free to use it.

----- [Original Message] -----

A Condition Report was written on an event which while not directly tied to Maintenance caused me to raise my eye brows enough to want to make you aware of it. In May of this year a moveable bar code used by Security to record tour locations and verify Tech Spec compliance was moved. A review of "Big Brother" revealed only one individual was in the area between the time the bar code was on the door and the tour that discovered it missing, approximately 30 minutes. When contacted this individual denied knowing what had happened to the bar code. The bar code was eventually located behind the door closure mechanism, ie it hadn't fallen off it had to have been physically relocated to get there. The individual was again contacted and this time admitted to having moved the bar code.

Part of the investigation indicated that the purpose of the bar code was not understood by the person moving it, he assumed the fire watches use the code and he was playing a prank on a friend. Which is why I'm sending this e-mail to you. The bar code is important, messing with it can be considered tampering and can result in disciplinary action beyond anything you might image. This has blown up to where a special NRC team from the Department of Investigation is coming in to determine if any criminal charges should be brought against the individual. We're talking possible jail time and fines here, for what started as a prank.

Best advice I can give is to be professional in your behavior on site.



Date: 7/18/96

Subject: CR 96-0778 Moving of Bar Code

From: W. A. Nichols, INC

To: Department Heads

Attached is a copy of a condition report for an event in which an operator moved the location of a bar code that is used to verify that personnel are performing their assigned tours at the required frequencies. The purpose of distributing this condition report is to facilitate your communication of this event to personnel in your department as you see fit. What became obvious following the investigation of this event is that the individual involved did not understand the significance of the bar code.

Two lessons learned came out in the investigation of this event. Bar codes are used by security as a means of verifying personnel are performing their assigned tours at the required frequencies. These tours may be in the Security area or the tech spec roving firewatch arena. In either case, they are being used to support a function that helps us verify our license commitments. Failure to meet these commitments could result in LER's, increased NRC oversight and additional expense to the company. When a person interrupts the normal functioning of plant operations by repositioning a piece of plant equipment without direction to do so, it can be considered as tampering. The lesson learned with this is to not disturb items installed in the Plant unless you have direction to do so.

The second lesson learned from this event is that if you make a mistake, admit it. If you are asked questions about something you may have knowledge of, do not hold back or conceal the information. Doing so can only inflame the situation for all involved.

W. A. Nichols

cc. J. R. Sampson  
M. B. Depuydt

# EXHIBIT 4

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions b7C  
FOIA- 99-16

cc/17

Interview Report  
with  
Jim LABIS

Jim LABIS, Security Operations Supervisor at the D.C. Cook Nuclear Power Station (DCCNPS) was interviewed on August 28, 1996 at approximately 11:00 a.m. edt at the training building of DCCNPS, by OI:RIII Senior Special Agent Harold G. Walker. LABIS related the following information in substance:

LABIS was interviewed in order to determine the extent of the licensee's investigation into the May 11, 1996 misplacement of a firewatch Bar Code tag on the Unit One Reactor Cable Tunnel by [REDACTED] an employee of American Electric Power (AEP) at DCCNPS. The Bar Code Tag was being used to verify tour completion and compliance with Technical Specification 3.7.10. 7C

LABIS provided copies of Incident Report No. 62446, dated May 11, 1996, wherein security officer Patrick OMAN related events associated with his observation that fire door No. 333's Bar Code tag was apparently missing. Security Officer Ron UHRIK assisted OMAN in finding the Bar Code Tag, which was still on the door but put in a position where the tag was not visible, as it was placed into a very small space behind the door closure device. The tag was approximately 18 inches from the original position in the center of the door at approximately eye level.

Security Captain Jack NEWTON stated in his report (attached to the Incident Report) that a computer transaction was made on the door from 1000 am to 1130 am on May 11, 1996. There were only two individuals identified by their key cards, they were Security Officer OMAN and [REDACTED], upon being questioned by NEWTON denied any knowledge of the missing Bar Code Tag. NEWTON however confronted [REDACTED] with the information retrieved from the computer which identified that he [REDACTED] was the only person other than security officer OMAN who was in the area at the time the tag was misplaced. [REDACTED] subsequently acknowledged that he had moved the tag. 7C

Condition Report Number 96-0778 was prepared on May 13, 1996 wherein the Condition Identification and Description was addressed, and the investigative report attached. It was determined that [REDACTED] was unfamiliar with the purpose of the bar code and that his actions were an attempt to play a prank on a fellow worker. 7C

The resulting disciplinary actions were as follows:

1. A lessons learned E-Mail describing the event and the purpose of the bar code was distributed to all operations personnel.
2. The event was discussed with [REDACTED] and the potential consequences of his error in judgement were stressed. 7C
3. A warning letter was placed in [REDACTED] personnel file wherein he was advised that any future events of this nature may lead to disciplinary action up to and including discharge. 7C
4. [REDACTED] completed a psychological screening evaluation. 7C

EXHIBIT

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PAGE(S)

7C LABIS further stated that there were no falsified reports resulting from ~~LABIS~~ actions and that the misplaced bar code was located approximately 10 minutes from the time it was discovered missing.

This report was prepared on August 29, 1996 from notes and documents referred to by LABIS.

*Harold G. Walker*

Harold G. Walker, Senior Special Agent  
Office of Investigations Field Office  
Region III

EXHIBIT

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PAGE

2

OF 2

PAGE

CASTED 9-0-032

# EXHIBIT 5

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

CC/18



Date 5-16-96

Subject Unauthorized Movement of Barcode Tag

From J. F. Labis

To File

On 5-16-96 the person involved in this incident was questioned by Pat Russell and Jim Labis. Present during the questioning was [REDACTED] supervisor, Guy Tollas. Pat Russell explained the purpose of the bar code tags and the ramifications of missing fire protection tours. [REDACTED] was advised of the reportability issues and of the cost of completing investigations, regardless of the cause. The Code of Federal Regulations was utilized to explain the definition of tampering and the basis for reportability determination. [REDACTED] was reminded of the efforts that went in to screening him for unescorted access and that a persons access privileges are re-assessed on a regular basis as well as after events such as this. 7C

[REDACTED] acknowledged his involvement and demonstrated remorse for his actions. He explained that his actions were merely horseplay and in retrospect he understands that his actions caused additional work and stress for numerous individuals who were ultimately involved in the investigation and follow-up actions. When questioned about the door alarm that was generated at the approximate time he was near the area he said that he did not intentionally cause the alarm and in fact asked the security officer if he got an alarm on that door. He noticed air pressure problems and thought he closed and checked the door to assure it was secure. 7C

It is believed that this incident was not an act of tampering to cause damage or initiate a reportable event, even though the results of [REDACTED] actions could have done so. [REDACTED] was not aware of the importance of the bar code tags to the fire protection program and and felt his moving of the tag was nothing more than insignificant horseplay. 7C

[REDACTED] received a Letter of Instruction from his supervisor and understands that future incidents of a like nature will result in disciplinary action up to and including termination of employment. A Condition Report was written and assigned to Operations for further action as deemed applicable. 7C

EXHIBIT

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## CASE CHRONOLOGY

Case Number

3-96-032

Date Opened

6/28/96

Opened By

W. McNulty

Date

Activity

7/16/96 FOP review. wdf

7/25/96 left message for SRI @ D.C. Cook to call back  
616-465-6775 - Bruce Bartlett

7/26/96 Telecon w/ Bartlett regarding issue of "unauthorized movement of BAR Code Tag". Advised Bartlett that I was contacting the D.C. Cook Security Ops Supervisor, Jim Labis (616) 466-3341 for additional information! Labis is on VACATION and will call upon his return to D.C. Cook.

8/12/96 Spoke w/ Labis @ approx 2:01 pm. Labis indicated that the subject of the investigation, [REDACTED] 7C [REDACTED] had undergone additional Tng and psych Tests and is currently working w/ [REDACTED] unescorted access.

8/27/96 Contacted Bartlett, notified that I would visit D.C. Cook, tomorrow on 8/28/96. Notified Jim Labis of visit!

8/28/96 Traveled to D.C. Cook NPS to meet with Jim Labis. Reviewed Licensee investigation

8/29/96 Rpt of interview and memo to E.C. prepared and forwarded to R.P.

9/9/96 During ARB, it was determined there was no regulatory requirement. Person was present, etc.

9/26/96 DRAFT ROI TO RCP

Activity Codes L/M - Letter or Memo TC - Telephone Call INSP - Inspection  
MTG - Meeting INV - Investigation REP - Report Issued

OFFICIAL USE ONLY -- DO NOT DISCLOSE

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

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ACTION ITEM # 00CR- 2-950059

RESPONSE: (Print/type response. Use black ink only. Provide originals to IHEA.)

**SEE ATTACHED ROOT CAUSE EVALUATION****RECEIVED**  
**MAR 30 1995**

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

(Continue on 1000.104I if required.)

This response is verified to be technically accurate and complete. Supporting documentation is attached/referenced.

ACTION COMPLETED BY: WALT PERKS [Signature] DATE: 03-29-95CODE INSPECTOR REVIEW: \_\_\_\_\_ DATE: \_\_\_\_\_  
(If required)This response provides adequate resolution to the action. I have ☒ have not ☐ issued any follow-up actions:APPROVED: [Signature]  
(Assigning Manager)DATE: 3/29/95

NOTE: Should the response determine that any equipment/system is inoperable, immediately contact the Control Room.

FORM TITLE:  
**CONDITION REPORT - CORRECTIVE ACTION RESPONSE**FORM NO.  
**1000.104F**REV.  
**11**



Entergy Operations,  
ANO UNIT TWO

---

# Root Cause Analysis Report

CR -2-95-0059 Dated 02-07-95

REPORT DATE : 03-28-95

Prepared by: William H. Gregory *W.H.G.*

Reviewed by: JSS-IEA

Approved by: *[Signature]*

Responsible Manager

{STANDARDS }

CR -2-95-0059

EXHIBIT 3  
Page 2 of 19 pages

# Problem Statement

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A contract employee (Fire Watch) failed to make the 09:00 and 10:00 hour checks, but falsely recorded that the checks were made. This event was discovered by the Fire Watch Supervisor who was performing a random inspection. The checks were performed within the proper time frames by the Fire Watch Supervisor.

3  
3 19

## Event Narrative

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On February 4, 1995, a contract employee (Fire Watch) was assigned to rove the 317 elevation of Unit 2 Auxiliary Building. Also that day, the Fire Watch Supervisor was performing a random inspection of Fire Watch responsibilities. One of the checks the Fire Watch Supervisor makes is the time of arrival in a randomly selected room within the rounds of a selected Fire Watch.

On this day, the Fire Watch did not arrive within the desired time frame for the 09:00 hour check of the 317' Elevation, Auxiliary Building Unit 2. The Fire Watch Supervisor performed the required inspections.

After performing the inspections, the Fire Watch Supervisor again waited at the 317' Elevation of the Unit 2 Auxiliary Building. Again, the Fire Watch did not arrive, and the Fire Watch Supervisor performed the required inspection.

Upon completing the inspection, the Fire Watch Supervisor contacted a member of his staff at the Fire Watch office. The Fire Watch Supervisor requested that the individual confirm the times logged by the suspect Fire Watch for the given rooms. The individual stated that the Fire Watch was completing the log at that time.

After the Fire Watch had completed the log entries, the individual read the Fire Watch Supervisor the information. The Fire Watch had

3  
4 19 pages

recorded that the two hour roves were performed as required, contrary to the inspection results.

Due to falsifying the records, the Fire Watch Supervisor terminated the contract employee at that time and had the contractor escorted from the site.

5 3 19

# Root Cause Determination

---

This act was intentional. No procedural inadequacies were identified in the Fire Watch program. No unusual characteristics of the work location were noted as contributing to the event. This event involved contract employees.

## Conclusions

The root cause of this error is an intentional act by the contract employee.

## Contributing Causes

Methods do not currently exist to identify all occurrences of failure to visit each required Fire Watch post, whether intentionally or unintentionally. The current method involves use of the Fire Watch Supervisor and random inspections, but only a small portion of the required rooms visited each year is sampled during the inspections.

3  
6 19 pages

# Generic Implications

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**Fire watch postings affect both Unit 1 and Unit 2.**

**Other Entergy Nuclear plants which have a fire watch program could be acceptable to this incident.**

7 3 9 pages

## Previous Occurrence Evaluation

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A keyword search was performed with the assistance of the IHEA reviewer. Four occurrences of this type of event were noted and past corrective actions are being adhered to.

1. CR-1-92-0123 "Fire Watch did not check all designated fire watch posts."(disciplinary action taken)
2. CR-1-93-0370 "Fire Watch did not perform hourly inspection "(terminated contract fire watch)
3. CR-C-94-0137 "Lost documentation of Hourly Fire Watch Inspections"(fire watch supervisor failed to make an audit entree, training of fire watch supervisors)
4. CR-1-94-0346 "Fire Watch failed to perform hourly coverage"(fire watch did not receive a good turnover on area's to inspect)

# Recommended Corrective Action Plan

## IMMEDIATE ACTIONS TAKEN

1. Terminated the contract Fire Watch.
2. The Fire Watch Coordinator performed fire watch patrol on area's suspected for false log entries in the 09:00 and 10:00 inspections.
3. The Fire Watch Coordinator audited other fire watch employees for correct inspections / log entries.
4. A quality work review for the last seven days of the terminated fire watch employees work was completed and no discrepancies noted. See attachment one.

## Recommended Corrective Actions

1. The Fire Prevention Coordinator review with all fire watch shifts the following items:
    - A.. Falsifying records is a serious offense and could lead to, civil penalties and immediate dismissal.
    - B. Fire watch shall know what they are watching . If they do not understand what to do ask their supervisor.
    - C. Audits are conducted by Fire Prevention, QA, NRC, and Plant Supervision.
  2. Place in the fire watch desk guide, guidelines to perform monthly walk downs to ensure that the fire watch is performing the required inspections as delineated in the log book.
  3. Revise fire watch desk guide to include an inspection of card reader doors verified against fire watch log entries.
- 3  
9 19 pages



4. Determine the cost of implementing a bar code system for fire watch inspections record keeping. Provide written recommendations (with cost benefit analysis) to management.
5. Update fire watch lesson plans to include: (NOTE: fire watch requal training is conducted annually)
  - A. Proper record keeping and the results of falsifying records, (employee termination, and employee banned from working at nuclear plants).
  - B. Include a sign off sheet showing that the fire watch understand the results of falsifying records.
6. Conduct a special QA audit to evaluate the fire watch training and the results of training by observing fire watch field inspections during the next Unit 2 outage staffing period.
7. Verify corrective actions on previous CR's and Root Cause Evaluations have been implemented.

10 3 19

## References:

### Documents reviewed:

1. CR-1-92-0123 "Fire Watch did not check all designated fire watch posts."(disciplinary action taken)
  2. CR-1-93-0370 "Fire Watch did not perform hourly inspection " (terminated contract fire watch)
  3. CR-C-94-0137 "Lost documentation of Hourly Fire Watch Inspections"(fire watch supervisor failed to make an audit entree, training of fire watch supervisors)
  4. CR-1-94-0346 "Fire Watch failed to perform hourly coverage"(fire watch did not receive a good turnover on area's to inspect)
- 

### Personnel Contacted:

Walt Perks

John Montgomery

Tom Baker

Bill Gregory

Will Lang

Mike Higgins

EXHIBIT 3  
Page 11 of 19 pages

Attachments: 11

Root Cause Analysis Report

12  
3

I. Quality Work Review

**Attachments:**

pages 13  
3

# ONE ATTACHMENT

QUALITY WORK REVIEW  
FOR  
WORK PERFORMED  
BY  
TAMMY MOLES

The following records were reviewed during the conduct of the Quality Work Review of Tami Moles.

1. The security computer printouts for the period January 27, 1995 beginning at 1359 and ending on February 10, 1995 at 1010 were reviewed. The printout review revealed that Tami Moles followed a typical fire watch patrol route for the time period reviewed.
2. Manual log records that were filled out by Tami Moles for fire deficiencies were reviewed. There were no entries that would indicate that Tami Moles did not perform the fire watch duties correctly.

Fire watch performance is typically evaluated by:

1. Daily Supervisor audits of the manual fire watch records (form 1000.120B) for discrepancies.
2. A random field check for performance of duties.

Ms Moles had worked at ANO for approximately 2 years prior to this event and had exhibited ~~work practices~~ until February 4, 1995. It was during a random field check that the falsification of records was identified. 7C

By [Signature] Date 2-12-95

Reviewed By [Signature] Date 3-2-95

EXHIBIT 3  
Page 14 of 19 pages

(Form Instructions are on Page 7 of 8 of Attachment H)

Assigned by: Randy Edington Date: 02/24/95 CR- 2-95-0059ITEM# 00 ASSIGNED TO: Walt Perks DUE DATE: 3/25/95

Action Description: This CR is "Significant - CARB Required" per the CRG. Evaluate the condition and present your evaluation to me in accordance with the guidelines available from IHEA. Promptly\* contact Larry Smith at Ext. 5417 of IHEA to obtain the guidelines and an explanation of the process (this assistance may be waived if you are familiar with the evaluation process.) Provide your evaluation to IHEA for review prior to submitting it to me for approval.

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected N/AAssigned contacted by N/A - CRG Action Assignment (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

\*Promptly is considered to be within one working day.

ITEM# \_\_\_\_\_ ASSIGNED TO: \_\_\_\_\_ DUE DATE: \_\_\_\_\_

Action Description:

**N/A**Operational Restraint? ☐ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected \_\_\_\_\_

Assigned contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# \_\_\_\_\_ ASSIGNED TO: \_\_\_\_\_ DUE DATE: \_\_\_\_\_

Action Description:

**N/A**Operational Restraint? ☐ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected \_\_\_\_\_

Assigned contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

3  
15 19

FORM TITLE:  
CONDITION REPORT - CORRECTIVE ACTION ASSIGNMENT

FORM NO.  
1000.104E

REV.  
11

(Form Instructions are on Page 7 of 8 of Attachment H)

Assigned By: Walt Parks Date: 2-13-95

CR-2-95-0079

ITEM# 01 ASSIGNED TO: William H. Gregory DUE DATE: 2-28-95Action Description: Review of event and firewatch responsibilities to all fire watch shifts.Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected CAssignee contacted by NA (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# \_\_\_\_\_ ASSIGNED TO: \_\_\_\_\_ DUE DATE: \_\_\_\_\_

Action Description: \_\_\_\_\_

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected \_\_\_\_\_Assignee contacted by NA (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# \_\_\_\_\_ ASSIGNED TO: \_\_\_\_\_ DUE DATE: \_\_\_\_\_

Action Description: \_\_\_\_\_

RECEIVED  
FEB 14 1995Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected \_\_\_\_\_

Assignee contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

EXHIBIT 3  
Page 16 of 19 pages

FORM TITLE:

CONDITION REPORT - CORRECTIVE ACTION ASSIGNMENT.

FORM NO.

1000.104E

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11

*Use as Original BCS 3-30-95*

Page 65 of 73

Assigned By: WALT PERKS Date: 03-14-95 CR-2 95-0059

ITEM# 02 ASSIGNED TO: WILLIAM H. GEGORY DUE DATE: 03-24-95

Action Description:

Place in the firewatch desk guide guidelines to perform monthly walk downs to assure that the firewatch are performing the required inspections as delineated in the log book.

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected 2

Assignee contacted by [Signature] (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# \_\_\_\_\_ ASSIGNED TO: \_\_\_\_\_ DUE DATE: \_\_\_\_\_

Action Description:

N/A

**RECEIVED**  
MAR 30 1995

Operational Restraint? ☐ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected \_\_\_\_\_

Assignee contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# \_\_\_\_\_ ASSIGNED TO: \_\_\_\_\_ DUE DATE: \_\_\_\_\_

Action Description:

N/A

Operational Restraint? ☐ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected \_\_\_\_\_

Assignee contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

FORM TITLE:

CONDITION REPORT - CORRECTIVE ACTION ASSIGNMENT

FORM NO.

1000.104E

REV.

11

pages



**RECEIVED**  
MAR 30 1995

Page 65 of 73

(Form Instructions are on Page 7 of 8 of Attachment H)

Assigned By: WALT PERKS Date: 03-27-95 CR-2 95-0059

ITEM# 03 ASSIGNED TO: WILLIAM H. GREGORY DUE DATE: 04-14-95

Action Description:

Revise fire watch desk guide to include a inspection of card reader doors to be verified against fire watch log entries.

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected C

Assignee contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# 04 ASSIGNED TO: WILLIAM H. GREGORY DUE DATE: 06-30-95

Action Description:

Determine the cost of implementing a bar code system for fire watch inspections record keeping. Provide written recommendations (with cost benefit analysis) to management.

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected C

Assignee contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# 05 ASSIGNED TO: WILLIAM H. GREGORY DUE DATE: 06-30-95

Action Description:

Update fire watch lesson plans to include:  
Proper record keeping and the results of falsifying records, (employee termination, and employee banded from working at nuclear plants).  
A sign off sheet showing that the trainee understands the results of falsifying records.

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected C

Assignee contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

EXHIBIT

3

Page

18

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pages

FORM TITLE:  
CONDITION REPORT - CORRECTIVE ACTION ASSIGNMENT

FORM NO.  
1000.104E

REV.  
11

(Form Instructions are on Page 7 of 8 of Attachment H)

Assigned By: WALT PERKS Date: 3-28-95 CR-2 95-0059ITEM# 06 ASSIGNED TO: DAVID FOWLER/ KEVIN FLOYD DUE DATE: 12-22-95

Action Description:

Conduct a special QA audit to evaluate the fire watch training and the results of training by observing fire watch field inspections during the next Unit 2 outage staffing period..

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected C

Assignee contacted by WILLIAM H. GREGORY (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# 07 ASSIGNED TO: WILLIAM H. GREGORY DUE DATE: 03-31-95

Action Description:

Variety corrective actions on previous CR's and Root Cause Evaluations have been implemented.

RECEIVED  
MAR 30 1995

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected C

Assignee contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

ITEM# \_\_\_\_\_ ASSIGNED TO: \_\_\_\_\_ DUE DATE: \_\_\_\_\_

Action Description:

Operational Restraint? ☒ No ☐ Heatup ☐ Criticality ☐ Misc Unit(s) Affected \_\_\_\_\_

Assignee contacted by \_\_\_\_\_ (sign name) for concurrence with action and due date if outside one's department or marked N/A if within.

FORM TITLE:  
CONDITION REPORT - CORRECTIVE ACTION ASSIGNMENT

FORM NO.  
1000.104E

REV.  
11

pages



**United States  
Nuclear Regulatory Commission**

# **Report of Investigation**

**ARKANSAS NUCLEAR ONE:**

**ALLEGED DISCRIMINATION AND TERMINATION FOR REFUSAL  
TO FALSIFY WORK STEPS (FIRE PROTECTION SEALS)**

**Office of Investigations**

Reported by OI: **RIV**

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

CC/21

Title: ARKANSAS NUCLEAR ONE:

ALLEGED DISCRIMINATION AND TERMINATION FOR REFUSAL TO FALSIFY  
WORK STEPS (FIRE PROTECTION SEALS)

Licensee:

Entergy Operations, Inc.  
1448 S.R. 333  
Russellville, AR 72801

Docket No.: 50-313; 50-368

Case No.: 4-95-004

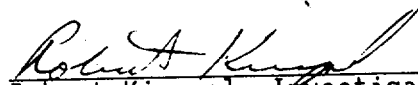
Report Date: February 26, 1996


Control Office: OI:RIV

Status: CLOSED

Reported by:

Reviewed and Approved by:

  
Robert Kirspel, Investigator  
Office of Investigations  
Field Office, Region IV

  
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 January 18, 1995, the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV, initiated an investigation to determine if an insulator, formerly employed by the Bechtel Constructors Corporation (Bechtel), at Entergy Operations, Inc., Arkansas Nuclear One (ANO), Russellville, Arkansas, was the subject of discrimination and was terminated because he refused to sign-off on controlled work packages (CWP) used to install fire barrier penetration seals. The alleged stated that his contract supervisor went into his [alleged's] locker, retrieved a CWP, and had a Bechtel superintendent sign-off as completing the work steps which the alleged had earlier refused to complete because he had not performed the work.

A review of this matter by the Region IV technical staff and Regional Counsel determined that the procedure requiring the CWP work steps was not an NRC record requirement. However, the alleged's supervisor admitted that he caused a Bechtel superintendent to falsify information on the CWP by informing the superintendent that all work steps had been completed which he knew was not correct.

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## LIST OF INTERVIEWEES

	<u>Exhibit</u>
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GOODE, Todd, former Insulator, Bechtel.....	7
PALMER, Nathaniel, Planner, SPEC.....	8
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SURGINER, John, former Insulator, Bechtel.....	4 & 5

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## DETAILS OF INVESTIGATION

### Allegation

Alleged Discrimination and Termination for Refusal to Falsify Work Steps (Fire Protection Seals)

### Applicable Regulations

10 CFR 50.7: Employee Protection (1994 Edition)

10 CFR 50.9: Completeness and Accuracy of Information (1994 Edition)

### Purpose of Investigation

This investigation was initiated on January 18, 1995, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine whether the alleged, John SURGINER, an insulator, formerly employed by the Bechtel Constructors Corporation (Bechtel) at Entergy Operations, Inc. (Entergy), Arkansas Nuclear One (ANO), Russellville, Arkansas, was the subject of discrimination and was terminated from Bechtel because he refused to sign-off on a controlled work package (CWP) prior to the completion of required CWP work steps (Exhibit 1).

### Background

On January 18, 1995, SURGINER reported to the Department of Labor (DOL) that he was the subject of discrimination and was terminated on July 26, 1994, because he refused to sign-off on a CWP used to install fire barrier penetration seals in which the required CWP work steps had not been completed. SURGINER related that several times, in the fall of 1993, he was asked by his supervisor, Nathaniel PALMER, a contractor currently employed by [REDACTED] and formally employed by Bechtel, to sign-off on work steps that had not been completed. SURGINER stated that later, he was asked again to sign-off on a CWP he had not worked on. He said PALMER went into his [SURGINER's] locker, retrieved a CWP, and had Terry SITTMAN, Bechtel Superintendent, sign-off as completing the work steps which he [SURGINER] had earlier refused to complete because he had not performed the work. 7C

On February 27, 1995, SURGINER agreed to settle his complaint as filed with DOL (Exhibit 2).

INVESTIGATOR'S NOTE: During the course of the NRC:RIV OI investigation, the CWP in question was identified as CWP 90-2053/900034-3 (Exhibit 3).

### Interview of Allegor (Exhibits 4 and 5)

On February 8, 1995 (Exhibit 4), and October 27, 1995 (Exhibit 5), SURGINER was interviewed by NRC:RIV OI. SURGINER stated on October 11, 1993, he and

his helper, Todd GOODE, Bechtel Insulator, were insulating penetration seals in a junction box in ANO's Unit 1 control room. SURGINER stated that he did not finish the work on the junction box and told his supervisor, PALMER, that he would finish the work the next day and complete the CWP for that job. SURGINER stated later that night, David GOODE, Bechtel Foreman, came to his [SURGINER's] home and told him that PALMER had Richard BERRY, Bechtel's Site Service Manager, open his [SURGINER's] locker, retrieve the CWP, and give it to PALMER. SURGINER stated he was told by GOODE that PALMER had Terry SITTMAN, Bechtel Superintendent, sign the CWP indicating that all work had been completed on the junction box. SURGINER stated on October 12, 1993, he returned to work and inspected the junction box. SURGINER stated that no additional work had been done, and the junction box was just as he and GOODE had left it on October 11, 1993. SURGINER stated after he confirmed that no additional work had been done on the junction box, he confronted SITTMAN and PALMER. SURGINER stated he told SITTMAN and PALMER that it was wrong to have the CWP completed, indicating that the job had been finished because he had additional work to do on the junction box. SURGINER stated neither SITTMAN or PALMER acknowledged that anything wrong had been done.

#### Testimony

The following individuals were interviewed regarding SURGINER's allegation that he was discriminated against and terminated for refusing to falsify work steps on fire protection seals and they stated substantially as follows.

#### Interview of Terry L. SITTMAN (Exhibit 6)

SITTMAN stated that he has been employed as a civil superintendent for Bechtel since 1990 and has periodically been assigned to work at ANO. SITTMAN stated he had very little knowledge concerning an incident at ANO pertaining to the possible improper handling of a CWP as reported by SURGINER in 1993. SITTMAN stated that he remembered that sometime in the fall of 1993, SURGINER's locker was opened after SURGINER left work, but he could not recall if he was present when the locker was opened. SITTMAN stated he recalled that a step on the CWP needed to be completed. SITTMAN stated he was not sure when, but believed he was also told by PALMER that SURGINER had left the cover off the junction box in question. SITTMAN stated he had no other knowledge concerning the incident.

INVESTIGATOR'S NOTE: SITTMAN was informed that George KING, Bechtel Superintendent, signed the CWP in question without inspecting that the work had been completed. SITTMAN stated that KING should not have signed off on the CWP without first inspecting the job and that it was unusual for KING to sign a CWP.

#### Interview of David GOODE and Todd GOODE (Exhibit 7)

D. GOODE stated that he is an estimator for the [REDACTED], Little Rock, Arkansas, and his son, T. GOODE, is an insulator for [REDACTED]

INVESTIGATOR'S NOTE: D. GOODE and T. GOODE had previously worked for Bechtel at ANO in 1993 and were knowledgeable concerning SURGINER's allegation pertaining to a possible falsified CWP. D. GOODE stated he had been a supervisor for Bechtel, and T. GOODE stated he had been an insulator.

D. GOODE stated that he was not certain of the date, but sometime in October 1993, PALMER told him that he [PALMER] needed someone to open SURGINER's locker at ANO and get a CWP which SURGINER had left in his locker. D. GOODE stated he did not open SURGINER's locker and did not know who did but did know that someone opened SURGINER's locker and retrieved a CWP. D. GOODE stated the CWP pertained to work that SURGINER and T. GOODE had been performing on a junction box located in the unit 1 control room.

T. GOODE stated that he and SURGINER had been working in the unit 1 control room on a junction box approximately 8 feet up from the floor and near the control room back door. T. GOODE stated that he and SURGINER had completed most of the work on the junction box but planned on returning the next day to clean out the box and clean around the area. T. GOODE stated that he and SURGINER put the cover on the junction box before leaving the control room but only secured the cover with a few screws because they were planning on returning the next day to complete the job and the CWP. T. GOODE stated upon returning the next day, SURGINER attempted to locate the CWP but was told that the CWP had been completed and was not available. T. GOODE stated that SURGINER confronted PALMER concerning someone opening his [SURGINER's] locker and removing the CWP, but he [T. GOODE] did not hear the conversation. T. GOODE stated that after SURGINER and PALMER's conversation, he and SURGINER went to the unit 1 control room and observed that the junction box was just as they had left it the previous day. T. GOODE stated that he and SURGINER removed the junction box cover, cleaned out the junction box, replaced the cover, and cleaned around the area. T. GOODE stated that he did not know who signed the CWP indicating that all work had been done because he did not see the CWP after he and SURGINER completed the work on the junction box. T. GOODE stated he believed that whoever signed the CWP indicating that all work had been completed, falsified the CWP because no further work had been done on the junction box since the previous day.

#### Interview of Nathaniel PALMER (Exhibit 8)

PALMER stated he was familiar with SURGINER's concern pertaining to CWP 90-2053/900034-3 and stated he had kept a copy of the CWP for future reference. PALMER initially stated that on October 11, 1993, he asked SURGINER if he had completed work on a junction box as shown in the CWP and was told that he [SURGINER] had to come back the next day and put on the junction box cover. PALMER stated that after SURGINER left work, he told SITTMAN that he needed the CWP and someone [NFI] opened SURGINER's locker, got the CWP, and gave it to him. PALMER stated later on the evening of October 11, 1993, he went to the junction box, determined that the area was clean, the job was finished, and put the cover on the junction box. PALMER stated he then took the CWP to KING who signed work step "L" on the CWP foam seal penetration checklist, indicating that the work had been completed. PALMER stated he then gave the

CWP to lead engineer, Darial BARNHOUSE. PALMER stated on October 12, 1993, SURGINER told him [PALMER] that he [SURGINER] was upset that the CWP had been turned in because the work had not been completed. PALMER stated that he did not say anything to SURGINER because he [SURGINER] was very upset. PALMER stated he was not sure if it was before or after SURGINER talked with him, but he [PALMER] went back to the junction box and put in additional screws. PALMER stated he also took off the cover and double checked the box.

INVESTIGATOR'S NOTE: During the interview of PALMER, the reporting investigator reminded PALMER that the information he was providing was sworn testimony and did not appear to be factual. PALMER stated he wished to provide additional testimony. PALMER stated that after discussing his sworn statement with the reporting investigator, he realized that he had not been totally truthful.

PALMER stated he now believed that on the night of October 11, 1993, when he inspected the junction box, the cover was on the box with just a few screws in it. PALMER stated that he took off the junction box cover and inspected the work but could not be sure if he put the cover back on. PALMER stated he did believe that the area around the junction box had been cleaned. PALMER stated he then took the CWP to KING and told him the work had been completed which PALMER stated was not true. KING then signed the CWP indicating all work steps had been completed. After KING signed the CWP, PALMER gave the CWP to the lead engineer [BARNHOUSE]. PALMER stated that he should not have given the CWP to BARNHOUSE since the job had not been completed. PALMER stated he had no explanation for his actions.

INVESTIGATOR'S NOTE: On November 13, 1995, PALMER furnished a letter to the reporting investigator requesting that his letter be included in OI's final report. PALMER indicated that no hold points were violated and the integrity of the penetrations are in compliance and public safety is not at risk (Exhibit 9).

#### Coordination with NRC Staff

On November 2, 1995, a copy of PALMER's sworn statement, SURGINER, and D. and T. GOODE's reports of interview, CWP 90-2053/900034-3, and ENTERGY's Control of Modification Work procedures were provided to Russ WISE, NRC:RIV Senior Allegations Coordinator, for transmittal to NRC:RIV technical staff for review and assessment of potential violations of regulatory requirements (Exhibit 10).

On December 7, 1995, NRC:RIV technical staff responded to OI:RIV's November 2, 1995 request (Exhibit 11). The technical staff indicated that there appeared to be very minimal safety concern and that the junction box integrity was not an Appendix R concern. The staff indicated that a violation of licensee procedure may have occurred, in that the employee stated that he signed off work as complete, when it was not.

On January 16, 1996, additional clarification regarding a potential violation of procedures was verbally requested by OI:RIV. On January 17, 1996,

Thomas P. GWYNN, Director, RIV, Division of Reactor Safety (DRS), requested the NRC:RIV technical staff review the issue in order to determine whether the work to close the junction box panel was required to be done according to prescribed procedures or if the licensee applied its own procedures in an application where NRC did not have requirements (Exhibit 12).

On January 17, 1996, David B. PEREIRA, NRC:RIV Reactor Inspector, DRS, contacted ANO's electrical modification department to determine if the electrical panel closure was a safety related issue (Exhibit 13). According to ANO electrical modification supervisor, Ray KELLAR, the panel closure was not safety related. On January 17, 1996, PEREIRA reported there was no NRC requirement for the electrical panel to have the cover installed. PEREIRA reported that the fire seal was the safety related NRC requirement and the seal was installed, verified by QC [quality control], and witnessed by appropriate licensee personnel. PEREIRA reported that the electrical panel cover's purpose was to keep the junction box clean and prevent unauthorized entry into the junction box. The record, which was falsified, was the electrical cover reinstallation which is not an NRC record requirement.

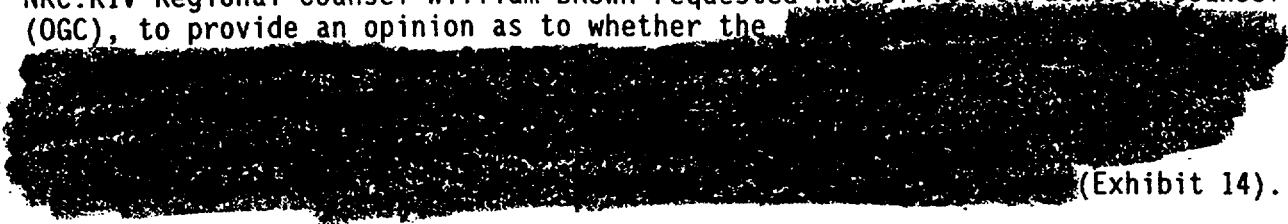

#### Closure Information

A review of this matter by the NRC:RIV technical staff and Regional Counsel determined that the procedure requiring the CWP work steps was not an NRC record requirement. However, PALMER admitted that he caused KING to falsify information on the CWP by informing him [KING] that all work steps had been completed which he [PALMER] knew was not correct.

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SUPPLEMENTAL INFORMATION

NRC:RIV Regional Counsel William BROWN requested NRC Office of General Counsel (OGC), to provide an opinion as to whether the  

(Exhibit 14).

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## LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Report, dated January 31, 1995.
2	Settlement Agreement, dated February 27, 1995.
3	CWP# 90-2053/900034-3.
4	Transcript of Interview with SURGINER, dated February 8, 1995.
5	Report of Interview with SURGINER, dated October 27, 1995.
6	Report of Interview with SITTMAN, dated October 26, 1995.
7	Report of Interview with D. GOODE and T. GOODE, dated October 25, 1995.
8	Sworn Statement of PALMER, dated October 26, 1995.
9	Letter from PALMER to R. Kirspe1, dated October 31, 1995.
10	Memorandum from E. L. Williamson to WISE, dated November 2, 1995.
11	Memorandum from Phil QUALLS, subject: Review of Allegation 95-A-009, dated December 7, 1995.
12	Memorandum from GWYNN, subject: ANO Fire Protection Allegation, dated January 17, 1996.
13	RIV response, subject: ANO Fire Protection Allegation RIV-95-A-0009, from PEREIRA to Chris VANDENBURGH, dated January 17, 1996.
14	Memorandum from Stephen LEWIS, dated February 6, 1996.

EXHIBIT 4

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

CC/22

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Interview of John M. Surginer

Docket Number: 495004

Location: Little Rock, Arkansas

Date: February 8, 1995

Work Order No.: NRC-134

Pages 1-56

NEAL R. GROSS AND CO., INC.  
Court Reporters and Transcribers  
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CASE NO. 4 - 95 - 004

EXHIBIT 4  
Page 1 of 58 pages

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

:

IN THE MATTER OF: :

ARKANSAS NUCLEAR ONE : Docket No. 495004

Interview of: :

JOHN M. SURGINER :

-----X

Wednesday, February 8, 1995

U. S. Department of Labor

TCBY Tower, Room 725

425 West Capitol Avenue

Little Rock, Arkansas

The above-entitled interview was conducted at  
5:40 p.m.

BEFORE:

ROBERT J. KIRSPEL

Investigator

1 MR. KIRSPEL: For the record, this is an  
2 interview of John Surginer, and John, would you spell  
3 your complete name for me, please?

4 MR. SURGINER: John, J-O-H-N, Michael,  
5 M-I-C-H-A-E-L, Surginer, S-U-R-G-I-N-E-R.

6 MR. KIRSPEL: And what is your current  
7 address, please?

8 MR. SURGINER: [REDACTED] 7C

9 [REDACTED]  
10 MR. KIRSPEL: Your date of birth and Social  
11 Security number, please?

12 MR. SURGINER: [REDACTED] 7C

13 [REDACTED]  
14 MR. KIRSPEL: And who are you currently  
15 employed by?

16 MR. SURGINER: I recently was employed by 7C

17 [REDACTED]  
18 MR. KIRSPEL: Are you currently employed?

19 MR. SURGINER: Uh, huh, that's correct. By 7C

20 [REDACTED] that's correct.

21 MR. KIRSPEL: Today's date is February 8th,  
22 1995, and the time is approximately 5:40 p.m.

23 My name is Robert KirspeL, I'm an  
24 Investigator for the Nuclear Regulatory Commission,  
25 Office of Investigation, Region IV, Arlington, Texas.

1 This interview is being transcribed and tape  
2 recorded by Court Reporter, Mark Pigmon.

3 John, if you would stand now and raise your  
4 right hand, I will administer an oath.

5 Whereupon,

6 JOHN MICHAEL SURGINER

7 after first being duly sworn, was examined and  
8 testified, as follows:

9 EXAMINATION

10 BY MR. KIRSPEL:

11 Q John, I understand you have an attorney  
12 that's representing you, but she has advised you that  
13 she does not feel the need to be here today, is that  
14 correct?

15 A That's correct.

16 Q And you have no problem on talking with me  
17 without your attorney being present, is that correct?

18 A That's correct.

19 Q Now, for the record, what is your attorney's  
20 name?

21 A Diana Maulding.

22 Q John, I also need to advise you that this is  
23 a voluntary interview, that you're not compelled to be  
24 here. If, at anytime you wish to end the interview for  
25 any reason, just let me know, and of course, we will



1 stop the interview.

2 If, for any reason you want to go off the  
3 record, let me know and we'll go off the record.

4 Of course, if you don't understand a  
5 question, let me know and I'll try to rephrase it in  
6 such a manner that it will be clear.

7 Do you understand?

8 A Yes, sir.

9 Q What I would like to do, John, before we get  
10 into your concerns is to just very briefly establish  
11 your background.

12 So, if you could, please, if you would tell  
13 me your educational background, and then your work  
14 history, leading us up to your employment with -- or at  
15 Arkansas Nuclear One, please.

16 A I'm a high school graduate. I graduated  
17 from Mills High School in 1974. Do you need any  
18 military service?

19 Q Oh, just very briefly, sure.

20 A I served two years active duty and four  
21 years inactive Reserves in the Marine Corps. After  
22 discharge from the Marine Corps, within a few months, I  
23 entered in apprenticeship school in 1977, for the  
24 Insulators Local Union, and I performed various  
25 insulation tasks on several different jobs during my

1 apprenticeship, until I finished my apprenticeship and  
2 became what's known as a journeyman insulator.

3 My first employment at ANO was in 1978 as an  
4 apprentice, but the first time that I'd ever worked for  
5 Bechtel at ANO, was approximately February of 1990, and  
6 I had left there for a few months to take employment  
7 elsewhere, and then I went back in September of '91 --  
8 I believe it was September 16th, to be exact, of '91 --  
9 and I remained employed there until a brief layoff of  
10 one day on October the 26th of '93.

11 I went back to work the next day, the 27th  
12 of '93, of October, and remained in their employ for  
13 approximately the next nine months, until my layoff of  
14 July 26th of '94.

15 Q At the time you were laid off on July 26th,  
16 1994, what was your title, or your position, with  
17 Bechtel?

18 A Well, Bechtel has like a two-letter  
19 designation for individual crafts, such as I-W for  
20 Ironworker, and mine was an A-W for an Asbestos Worker.  
21 That classification covered basic insulation work, as  
22 well as penetration seals. Penetration seals was  
23 considered part of asbestos workers' work.

24 Q So, you were an asbestos worker employed by  
25 Bechtel, working at Arkansas Nuclear One, correct?

1 A That's correct.

2 Q Did Bechtel give you performance appraisals,  
3 or some type of performance ratings periodically?  
4 Monthly, yearly?

5 A Not to my knowledge. If we were graded, it  
6 stayed in their files. I never was acknowledged as  
7 being a good worker. You get a pat on the back every  
8 now and then saying, "You're doing a good job," but as  
9 far as something written, not to my knowledge.

10 Q Did you ever have any letters of reprimand  
11 or any letters concerning -- any adverse letters going  
12 to your file, that you know of?

13 A No, none at all.

14 Q Anyone at Bechtel ever tell you that you  
15 were not doing a good job?

16 A No, sir, at no time was I ever told that.

17 Q You did occasionally get a pat on the back,  
18 you said though, I guess indicating you did a good job.

19 A Yes, sir, that's correct.

20 Q I know you have some concerns, and of  
21 course, that's the purpose of our talking today, so why  
22 don't I just go ahead and ask you, if you would,  
23 please, tell us your concerns, and I'll for the record  
24 indicate that you have filed a Complaint with the  
25 Department of Labor, is that correct?

1 A That's correct.

2 Q Do you recall when that was filed?

3 A I think it was in the month of early  
4 December of '94. I don't know the exact date. My  
5 attorney would have that information.

6 Q That was filed by your attorney.

7 A Uh, huh, that's correct.

8 Q And in that Complaint, you're basically  
9 alleging what, John?

10 A I'm alleging that my employment was  
11 terminated in the form of a layoff -- I was not fired  
12 -- because of concerns that I had that came up during  
13 the Unit One Fall outage at ANO in 1993, when I had been  
14 assigned to install silicone foam penetration seals in  
15 various locations throughout the plant.

16 I had been asked by an individual named  
17 Nathaniel Palmer who was in charge of generating the  
18 paperwork that was necessary to authorize me to do the  
19 work in the field, and this paperwork was referred to  
20 as a controlled work package.

21 Q That's normally referred to as a CWP, is  
22 that right?

23 A That's correct, we always just called it a  
24 CWP.

25 Q All right. Now, Nathaniel Palmer, what was

1 his position?

2 A Well, he was known as a field engineer. He  
3 wasn't actually -- He did not have a degree in  
4 engineering, but that's what his classification was.

5 Q Did he work for Bechtel?

6 A That's correct. He --

7 Q Excuse me now. Was he your supervisor?

8 A He wasn't classified as my supervisor.  
9 David Geoode was my immediate supervisor. Nathaniel's  
10 main responsibility was to -- now, he would go behind  
11 me as I installed these silicone foam seals, and part  
12 of his job duties included inspecting them, and  
13 depending on the penetration seal, it might require a  
14 quality control, that we always referred to as just QC  
15 -- a personnel from their department would have to also  
16 inspect. It would just depend on what the paperwork  
17 specified. Not all penetration seals had to be  
18 inspected by a QC individual, but Nate would go behind  
19 and inspect all of them.

20 Q Your work, or other insulators, too, or?  
21 Did he have other insulators he inspected besides  
22 yourself?

23 A No, sir, it was just -- During the  
24 Fall outage, it was just me installing the penetration  
25 seals, the best I can recall, and he would inspect the

1 ones I installed.

2 Now, as far as the other insulators on the  
3 job, that had different job assignments?, No, he didn't  
4 have anything to do with them.

5 Q So, the Fall outage of what year again?

6 A 1993.

7 Q So, the process would be, you would go out  
8 to fill a penetration? Is that --

9 A Uh, huh, with silicone foam.

10 Q And after that was completed, then Nathaniel  
11 would, at some point, come in and inspect that  
12 penetration to see that it was properly filled, is that  
13 correct?

14 A That's correct.

15 Q How soon after you completed the work, would  
16 he normally make that inspection?

17 A Well, if he hadn't come around on his own  
18 just to see how the work was progressing, then I would  
19 go tell him that "I'm through with this seal, I'm ready  
20 for you to look at it," and he would come look at it,  
21 if all that was required of that particular seal,  
22 according to the paperwork, was just for him.

23 If it had to have a QC look at it, then we  
24 would go from his office to the Quality Control  
25 Department and get a QC inspector, whoever was

1 available, and all of us together would go and look at  
2 the seal.

3 The procedure, the way we did it, was that  
4 if Nathaniel, or the QC inspector, found anything not  
5 to their liking, then they would call it to my  
6 attention, so that I could fix it, whatever it was, and  
7 make it to their liking, so it would pass inspection.

8 Q Was the QC inspector an Entergy employee  
9 normally, or was he a Bechtel employee?

10 A They were Entergy employees.

11 Q And the procedure then after the inspection  
12 was made by Nathaniel, would he sign someplace on the  
13 CWP that he had completed the inspection?

14 A Yes, sir. There was a column. Each  
15 penetration number has its own, what we referred to as  
16 "check sheet," and every individual work step on that  
17 whole check sheet pertained to just that penetration  
18 number, which would be listed numerically at the top of  
19 the sheet.

20 Q Now, would that check sheet be attached to  
21 the CWP?

22 A Yes, sir, it was part of that work package,  
23 and Nate had a -- Nathaniel had a column under "FE,"  
24 which stood for "Field Engineer," and it was  
25 horizontally off to the side of each work step that had

1 to be completed, before the penetration was through  
2 with, where you moved to the next. And Nate,  
3 Nathaniel, would sign his initials, usually just "NP"  
4 for "Nathaniel Palmer," and then the date, and as I  
5 did, had my own column, a vertical column, right beside  
6 each step, just like Nathaniel, and it was -- On the  
7 paperwork it had FORE, F-O-R-E, and the date, and the  
8 FORE was just short for "Foreman," because there wasn't  
9 enough room in the little block to write "Foreman."

10 But as I performed the work steps, when I  
11 completed each step, well, then, I would sign my  
12 initials. I would sign "JMS," and the date that I  
13 completed that individual step.

14 Q So, it could be a two-part process, you and  
15 then Nathaniel, and or it could be three, you,  
16 Nathaniel, and a QC inspector, is that correct?

17 A That's correct.

18 Q Go ahead then, I kind of interrupted you.

19 A Do you know the one in question that I had  
20 the concerns about or?

21 Q Yes. Why don't you tell me about the one  
22 that you have some concerns about.

23 A It was during the Fall outage of '93. I was  
24 working on several penetrations located in the Unit 1  
25 control room, specifically on the south wall about



1 eight feet up off the floor. I don't recall each  
2 individual penetration number, but they were all  
3 located in one single rectangular shaped junction box,  
4 what an electrician would refer to as a "junction box."

5 Q Do you remember the month?

6 A Late September. Possibly early October.

7 Q Okay, that's fine.

8 A Anyway, I was working on -- There were more  
9 than one penetration in that junction box that had to  
10 be done, where the electricians had run some new cables  
11 through conduits that penetrated the wall, and what we  
12 call "emptied out" into that junction box.

13 And our shift -- when I say "our," my  
14 working partner and myself --

15 Q And who is your working partner?

16 A His name was Todd Geoode, G-E-O-O-D-E. He  
17 didn't sign any paperwork, because he didn't have the  
18 work experience that I had had at this particular line  
19 of work.

20 Q He was just a helper?

21 A He was my helper. Our shift was almost over  
22 and it was time to get ready to go home for the day,  
23 and I was not through with this particular set of  
24 penetrations in this junction box, and the cover was  
25 off. It required several screws to put it on and take

1 it off, and I had some debris inside the box.

2 And so we left the Unit 1 control room, and  
3 I had my paperwork in hand -- when I say "paperwork," I  
4 mean the "CWP." We always had to have that with us  
5 when we performed the work, which it was our  
6 authorization to perform the work. We'd been told  
7 since day one, "You don't do any work without proper  
8 written authorization that you keep in your possession  
9 while you're doing the work."

10 And on our way back to the area of the plant  
11 which was referred to always as the "change house" --  
12 that's where you would change clothes, if you had to,  
13 and your lockers were located, and you kept your --  
14 that's where we ate lunch -- as we were proceeding to  
15 that part of the plant, the route we took, took us  
16 right beside where Nathaniel's office was, and he was  
17 standing outside as we approached the building where  
18 his office was, and he hollered at he that he needed to  
19 look at the paperwork that I had.

20 So, I handed the work package to him, and he  
21 proceeded to look through the different check sheets,  
22 and he noticed on the part of the check sheet where it  
23 says, "Reinstall items removed for accessibility to  
24 penetration" -- I've got that as close as I can, word  
25 for word, I'm doing that part from memory -- and then

1 underneath that and nearby, there's a step that says  
2 something to the effect of "Clean up all your debris  
3 and remove scaffolding." He told me to go ahead and  
4 sign that, and that was pertaining to the penetrations  
5 that I was working on 10 minutes prior up in the  
6 control room, and I explained to him, with Todd Geoode  
7 standing three to four feet away, that I was not  
8 through working on those, and if he would give me maybe  
9 15 or 20 minutes the next morning, that I would have  
10 time to finish that, and I could go ahead and sign the  
11 stuff then, because it would be -- the paperwork --  
12 because it would be done, and all he said was just,  
13 "Uh, huh."

14 But he handed me the paperwork back, and we  
15 left to go home, because it was like 10 minutes before  
16 we was supposed to be going out to the parking lot, and  
17 we still had a ways to walk, because it's a big plant,  
18 to get back to where our lunch boxes were.

19 So, I went back to the change house, and I  
20 locked that paperwork up in my locker. And we got our  
21 lunch boxes, Todd and I, and we proceeded to go toward  
22 the parking lot.

23 Well, the only way you can go out the gate  
24 there, what they call, I think it's called the  
25 "Secondary gate," it wasn't the main gate, but the

1 secondary gate is the one that construction people used  
2 normally. And as we were going out toward that gate,  
3 we saw Nathaniel standing about where he had been a few  
4 minutes prior, and he watched us walk out with our  
5 lunch boxes. I waved, and didn't think much else of  
6 it.

7 Well, Todd's dad, David, was my immediate  
8 foreman, and his [REDACTED] was located -- which is  
9 what we were staying in -- his [REDACTED] was  
10 located 20 or 30 feet away from mine in a [REDACTED] 7C  
11 [REDACTED] and he had to stay 30 minutes over everyday,  
12 because he was a foreman, and sometimes they had  
13 meetings they had to attend, and he knocked on my door  
14 after he got in that evening --

15 Q "He" being?

16 A David Geoode. And I answered the door and  
17 he said that after we had left, he said Nathaniel came  
18 over there and told him, David, that he needed to look  
19 at the paperwork that I had locked up in my locker.

20 So, David didn't know what he wanted to see  
21 it for, he said he didn't tell him, being Nathaniel did  
22 not tell him, so Bechtel's policy was anytime an  
23 employee's locker had to be gotten into when that  
24 employee was not present, required his foreman, the  
25 union site representative, to be present, and the site

1 services manager who had the key, and his name was  
2 Richard Berry -- he was the highest Bechtel  
3 representative onsite, he was a non-manual employee --  
4 but the three individuals, according to David, were  
5 there -- David, Richard Berry, and Buck McManus, who  
6 was the union site rep -- and Richard Berry unlocked my  
7 locker, and of course, Nathaniel was there, because he  
8 was the one that requested access into my locker  
9 anyway, so he retrieved the paperwork, the CWP,  
10 according to David, and took it to my superintendent --

11 Q His name was?

12 A My superintendent was David's boss, and his  
13 name was Terry Sittman.

14 Q Sittman?

15 A Sittman. I believe it was S-I-T-T-M-A-N.  
16 And David said that Terry Sittman signed the paperwork.

17 Q Signed where? Signed your --

18 A Well, he put his initials. I mean, I never  
19 alleged that he forged my initials, or anything like  
20 that, but he signed his initials, Terry's, on the work  
21 steps that Nathaniel had just previously asked me to  
22 sign, but I had explained to Nathaniel that that work  
23 had not been done, so I was not going to sign it.

24 Q Let me make sure I understand this. Terry  
25 Sittman, whose position again is?

1 A He was the superintendent.

2 Q Superintendent. Is he a Bechtel employee?

3 A Correct.

4 Q So, the paperwork, the CWP, with the check  
5 sheet attached, was taken to Terry Sittman, supervisor,  
6 or superintendent -- I'm sorry -- employed by Bechtel,  
7 and Terry Sittman signed in the column that you would  
8 have normally signed in?

9 A That is correct. And that he signed where I  
10 had previously been asked to sign, and refused to do,  
11 because I had not done the work yet. The work was  
12 uncompleted.

13 So, that irritated me very much, and so, of  
14 course, I was already at my [REDACTED] the workday 7C  
15 was over. The next morning --

16 Q Excuse me. Do you remember about what time  
17 of night that would have been?

18 A Oh, it was -- We were working overtime, I  
19 think we were working 10 hours, so it would have been  
20 -- it would have been around 6:00 or 6:30 in the  
21 evening, possibly even 7:00, before -- when I --

22 Q That's when you were told about it.

23 A Uh, huh. It was what I considered to be  
24 pretty late in the evening, after working that many  
25 hours.

1 But the next day at work -- we always took a  
2 break at 9:00 a.m. -- and that was the first  
3 opportunity that I had to confront Terry Sittman,  
4 because I had not seen him before then, about what  
5 David had told me the previous night what had been  
6 done.

7 So, David and I and Todd, his son who was my  
8 working partner, we were all sitting at the end of the  
9 long table in the breakroom, and Terry came around to  
10 the end of the table. Terry said -- And I told Terry,  
11 I said, "You don't need to be signing paperwork that  
12 I'm working on, indicating work has been done when it  
13 hasn't even been done, because that's my job to perform  
14 the hands-on work, and I'm the only one in a position  
15 to know the stage of completion of that work."

16 And his reaction, he threw his arms up, and  
17 he said, "Oh, my god, we're all going to jail," and I  
18 said, "I'm not going to jail, because I haven't signed  
19 anything that I shouldn't be signing."

20 Q Was he joking or was he serious?

21 A Well, I kind of took it in a joking way, I  
22 mean, but I don't know if he was joking or not. I  
23 can't really -- I don't --

24 Q Did he seem concerned?

25 A He seemed very concerned. And he

1 immediately, as he started to leave the vicinity where  
2 I told him that, he said, "I'm going right now and get  
3 Nathaniel in my office. We'll get to the bottom of  
4 it."

5 Q Did you ask him why he signed it?

6 A I don't recall asking him why.

7 Q Did he offer any explanation to you, at that  
8 point?

9 A Well, no, because once I told him that he  
10 didn't need to be signing the paperwork that I was  
11 working on, when he wasn't even doing the work, that's  
12 when he became very concerned and threw his arms up in  
13 the air and there wasn't much discussion after that.

14 Q Okay.

15 A But he did mention on his way out, that he  
16 was going to get Nathaniel into his office, and talk to  
17 him.

18 Within, I'd say five minutes, I left myself  
19 to head over to where his office was -- which the part  
20 of the plant we were in, in the breakroom, to where his  
21 office was, I had to go all the way across the plant,  
22 just like he had to -- because I had a few things I  
23 wanted to say to Nathaniel about getting paperwork out  
24 of my locker and getting someone else to sign it, while  
25 I'm not even present, especially after him previously



1 asking me to sign it and me refusing to do so. I felt  
2 like he was circumventing me, you know.

3 And so anyway, on my way over to Terry  
4 Sittman's office, I went to the Unit 1 control room,  
5 right to where I had been working the previous evening,  
6 and I wanted to visually see for myself, that, in fact,  
7 no other work had been performed on it, because at that  
8 point, I had no way of knowing that, well, Nathaniel  
9 may have gone up there and done that work himself.

10 The work was exactly as I had left it the  
11 afternoon before. Nothing additional had been done to  
12 it.

13 So, in my mind, now we had a situation where  
14 documentation indicated that work had been performed  
15 when it had not been.

16 Q Would the document have indicated that the  
17 work had been completed?

18 A Yes, it would have, because those steps that  
19 he was asking me to sign the previous afternoon, were  
20 the last remaining steps to complete that penetration,  
21 the sealing of that penetration.

22 Q And the safety significance is what, John?  
23 Was the door left off, or something that --

24 A Well, in my -- The way I regarded that was  
25 sort of twofold. The main thing is that you don't sign

1 paperwork -- I don't care who tells you it's minor --  
2 if it hasn't been done. That is a basic and  
3 fundamental thing with me, and I don't deviate from it,  
4 and I didn't then.

5 The other thing was that in my mind, the way  
6 I looked at it, when the unit was down, and it's not  
7 generating power, there may very well be less chance of  
8 a fire in one room that might penetrate through a wall  
9 into the next room, that might contain very sensitive  
10 equipment as in the case of the control room.

11 That may not be a big deal with the unit is  
12 down, not to put a junction box cover back, because  
13 you're going to finish working on it the next morning.

14 As I stated previously, there was a row, a  
15 row of screws around there, and I didn't put it back  
16 that evening, because I wasn't through with it, and  
17 also, because all of that just to do 15 minutes work  
18 the next morning -- and there was nothing that said  
19 that it had to be put back before and then taken off  
20 the next morning. That was sort of a judgment call on  
21 my part, just as it was I judged -- it was a judgment  
22 call that I wasn't going to sign something saying that  
23 I had done put this thing back, done cleaned up  
24 everything, removed anything that I had to have to gain  
25 access to this penetration -- I wasn't going to be a

1 party to something like that.

2 But when I left the Unit 1 control room,  
3 after visually verifying that nothing additional had  
4 been done, I proceeded on over to Terry Sittman's  
5 office, and he did, in fact, have Nathaniel sitting in  
6 his office across from his desk. The door was open, I  
7 just walked in.

8 And then I told Nathaniel in front of Terry,  
9 that he was wrong in getting any paperwork out of my  
10 locker, and getting Terry or anyone else to sign it,  
11 indicating work had been performed, when it hadn't.

12 And then I told Terry, I said, "The  
13 procedure does not give you the luxury of deciding  
14 what's minor and what's major, and it's okay to sign  
15 this, because ..." and then I reminded Terry, I said,  
16 "Terry, because of you signing this, now we've got a  
17 situation where the paperwork shows that thing is  
18 through and nothing else is to be done to it, and  
19 that's wrong, because I've got to go up there and  
20 finish working on it," and I said, "We don't sign  
21 paperwork and then go out in the field to do the work.  
22 We do the work and then sign the paperwork."

23 Well, it was in, oh, it was in the month of  
24 October, and it was toward probably the second or third  
25 week in October, as I was reporting for work, and

1 during this particular time -- this is after what I  
2 have just finished describing --

3 Q Okay. This was weeks later then?

4 A Well, it wasn't -- I wouldn't -- Not weeks  
5 and weeks, because when this happened was sometime in  
6 late September or early October, as I previously  
7 stated?

8 Q Uh, huh.

9 (Time Noted: 6:00 P.M.)

10 A Okay. I'd say within a couple of weeks or  
11 thereabouts. As I was reporting to work one morning,  
12 during probably the third week in October, or something  
13 like that, I met Richard Berry, the site services  
14 manager, and he's the one that had the key to get in my  
15 locker that night, and I told him about all this.

16 I never got any satisfaction from Terry  
17 Sittman to the point that, you know, he acknowledged he  
18 ever did anything wrong. Never acknowledged he was  
19 wrong, not to me. Now, they may have acknowledged that  
20 he was wrong in doing that to Terry, but I'm just  
21 saying to me, and I felt like, as we were told since we  
22 first hired in, "If you don't feel like your concerns  
23 were adequately addressed, then you go up the chain of  
24 command to the next higher level," and that's exactly  
25 what I did, so I told Richard Berry about it.

1 And there is an individual that many times  
2 during my employment up there -- he's an Entergy  
3 employee and his name is Jim , a lot of  
4 people refer to him as just "Jim Mack," but his  
5 initials are S. J. McWilliams, I think the "J" is for  
6 "James," but everybody referred to him as "Jim  
7 McWilliams" -- he had come into, when we would have  
8 safety meetings, quite often, and he would tell us --  
9 even though, you know, he was an Entergy employee and  
10 not Bechtel -- that if we had any concerns, if anything  
11 that we thought was not right, whether it was safety,  
12 nuclear, whatever, feel free to let him know about it  
13 at anytime, and you know, he would reiterate that his  
14 door was always open.

15 I had not spoken to him really before then,  
16 other than to say "Hi" to him in passing, during the  
17 workday.

18 But I told Richard Berry the morning that I  
19 met him, as I reported to work, and informed him of all  
20 the previous events that I've described, and I told  
21 him, I said, "Don't you think that Jim McWilliams ought  
22 to know about this, because this is pretty serious when  
23 it concerns what I allege is falsification of  
24 documents," and I saw no other way to describe other  
25 than just that.

1 Q Those were the words you used?

2 A That's exactly what I told him.

3 Q And you told this to who, again?

4 A Well, at this particular morning, about the  
5 third week in October, was, it was Richard Berry, this  
6 is Bechtel's site services manager, and he agreed. He  
7 said, "Yeah," but said, "I'll have to tell Jim Mack  
8 this a little bit at a time," that was the way he  
9 described it.

10 So, at that point, I felt like, "Well, I've  
11 done what I'm supposed to do, as far as up through the  
12 chain of command," and I felt like he needed -- he  
13 deserved time to -- ever how he deemed appropriate --  
14 give this information to Jim McWilliams. I can't tell  
15 Bechtel's site services manager how to do his job when  
16 he's given the information.

17 So, anyway, as I'm assuming is standard  
18 procedure on any operating nuclear plant, you have --  
19 you go through a series of tests, classes, you have to  
20 pass a passing score of 70, you know, before you can be  
21 employed there. It's called -- We always called "GET  
22 training," G-E-T, that's General Employee Training.  
23 There's different levels of the training.

24 But the reason I'm bringing this up is we  
25 had to requalify once a year. It's just a -- I guess

1 it's an NRC procedure, I don't know, but I know we had  
2 to do it every -- once a year.

3 And on October the 26th, 1993, this is  
4 within a short period of time after I informed Richard  
5 Berry, and told him my concerns that morning and  
6 suggested that he inform Jim McWilliams, I was told  
7 that I was scheduled for my annual requalification  
8 training, and the training facility at ANO is not right  
9 there on the plant site itself. It's not in what is  
10 called the "protected area," it's up on the hill a  
11 half-mile from the plant.

12 So, I went on up there and began my  
13 requalification training, and I finished that training  
14 about 2:00 that afternoon.

15 So, I went back down to the plant, because  
16 the workday was not over, and I was going to finish  
17 working before I went home, and as I got back to the  
18 plant, I was notified that I had been laid off, and I  
19 found that strange why I would be laid off on the same  
20 day I'm told to take requalification training, which  
21 would be good for another year, of course.

22 So, when you're laid off, you have to -- you  
23 get what's called a "checkout sheet," and you have to  
24 go around to the various locations in the plant, the  
25 tool room and other places, and make sure you're square

1 with them and you don't owe them any tools and stuff,  
2 and they all sign it.

3 So, I was going around and doing that, and I  
4 met in passing, what I later learned in terms of his  
5 rank, of the rank structure, a gentleman who is an  
6 Entergy employee, and his name was Ben Stewart, and he  
7 was directly under, on the rank ladder, Jim McWilliams.

8 And I don't deny the fact that I was bitter,  
9 because I had been employed since September the 16th of  
10 '91, that I was being laid off after such a long time  
11 of employment -- never been reprimanded, I had an  
12 excellent attendance record, no problems that I knew of  
13 -- and there were, in fact, about six, possibly seven  
14 other employees of Bechtel, even in my own craft --  
15 they were insulators -- and we were all in this group  
16 being laid off on October the 26th -- but everyone of  
17 those other insulators had been employed just for the  
18 outage. They were employed, I think their employment  
19 began sometime during the month of August of '93, which  
20 was during a time when Bechtel did what was called  
21 "ramp up" for the upcoming outage. They wanted  
22 everybody in place when they shut the reactor down and  
23 opened the doors, so that they could run us in there,  
24 you know. But no one else had been up there near as  
25 long, that was in that group of layoff, as I had.



1 Q Did they keep any insulators on?

2 A Yes, they did. They didn't lay off all the  
3 insulators.

4 Q Were there any insulators that were kept on,  
5 that had less seniority or time on the job than you  
6 did?

7 A Yes, sir, they did. There were insulators  
8 kept on that had been there less time than I had.

9 Q Okay. As far as seniority, were there any  
10 that had less seniority than you did, and I don't know  
11 how the seniority is established. I guess that's one  
12 thing we might should talk about a little bit.

13 Now, you're with a union, is that correct?

14 A That's correct.

15 Q Okay. Were all of the insulators with the  
16 union?

17 A Yes, sir.

18 Q Maybe it would help if you would explain to  
19 us the seniority process, and as far as retention  
20 rights, if there are any.

21 A Well, the union, per se, doesn't really  
22 have, to my knowledge, a seniority system.

23 (Note: A lady enters the room)

24 MR. KIRSPEL: Let's go off the record for  
25 just a second.

1 (Off the record)

2 MR. KIRSPEL: We're back on the record and  
3 the time is approximately 6:15. We went off just for a  
4 minute to discuss some additional information.

5 BY MR. KIRSPEL:

6 Q Okay, John, we were talking and you had just  
7 been told that you were in the process of being laid  
8 off, and you had seen Ben Stewart, and you were having  
9 a conversation with him. So, let's go ahead and pick  
10 up there.

11 A I told Ben Stewart, during the course of me  
12 checking out, I said, "It's just not right, it's not  
13 fair to be told to falsify something, to refuse to do  
14 it, and ultimately cost me my job, and that's exactly  
15 what I feel, in my opinion, has happened."

16 And he said, "John, I don't want you to  
17 leave with concerns, especially if they're safety  
18 related," and he said, "I'd like for you to discuss  
19 this with Jim McWilliams, who is my boss at a meeting  
20 that we will get scheduled tomorrow," and I said,  
21 "Well, that's fine with me."

22 The meeting was held at approximately 9:00  
23 a.m., the next morning. It was attended by -- do you  
24 want -- I can pretty well remember names, each name of  
25 every individual that was in that meeting and tell you

1 whether they were Entergy employees or not. Do you  
2 want that, or just --

3 Q No, the names and titles would help, as best  
4 you can.

5 A Okay. Jim McWilliams was the senior most  
6 Entergy official at the meeting. I guess you could  
7 call him the chair person of the meeting. His  
8 immediate subordinate was Ben Stewart, who I had talked  
9 to the afternoon before, the evening before. I think  
10 his job title is Engineering Supervisor for Entergy. A  
11 gentleman named Milton Teeter was there. He was a  
12 Modifications Supervisor for Entergy. Bill James was  
13 there, an Entergy Engineering Supervisor, as best I can  
14 recall his title -- I'm sure of his name, Bill James.  
15 Entergy had their own investigator and his name was  
16 Dennis Provencher. He was present.

17 Those are all the Entergy employees that I  
18 can recall, and of course, there was myself, my union  
19 site representative, Buck McManus, and my immediate  
20 foreman, David Geoode, was present at the meeting.

21 I went through everything that I've  
22 described here this evening in detail.

23 I told Jim McWilliams just what I've said  
24 here. I informed Jim McWilliams that I had told  
25 Richard Berry, and gave him this information, and even

1 suggested to Richard Berry that he inform Jim  
2 McWilliams, and his reply was that Richard Berry had  
3 not told him all of this.

4 And I said, "Mr. McWilliams, whatever  
5 Richard Berry chooses or chooses not to tell you, is  
6 kind of between you and him, I don't have anything to  
7 do with that. All I can do, I went through the chain  
8 of command, I went by the book."

9 He looked at -- Well, before he looked at  
10 Ben Stewart and told him that he wanted that layoff  
11 overruled, and that was his words, and then he said,  
12 "No one is getting laid off today."

13 He told me that he was a little irritated at  
14 me, because I didn't come to him personally, and he  
15 said, "I have told y'all many times in a safety  
16 meeting, that my door is always open. If you have any  
17 concerns, feel free to come to me personally," and my  
18 reply to that was, was that I thought that I should go  
19 through the chain of command, and I did exactly that,  
20 and wound up ultimately coming to him myself, which I  
21 was doing at that meeting that day.

22 And so, at that point, the meeting was  
23 adjourned, and Buck McManus told me to wait with him  
24 down the hall in a small room, which we did, from where  
25 we had just had that meeting.

1 I saw Richard Berry go by down the hall by  
2 this little room we were in, because the door was open,  
3 and he went down to Jim McWilliams' office, so I'm  
4 assuming Jim McWilliams paged him, and he answered the  
5 call and came up there.

6 I don't know what was said between the two  
7 gentlemen, it's none of my business. Their door was  
8 shut anyway, and after about approximately 10 minutes,  
9 Richard Berry came down the office, walked down the  
10 hall into the little room that Buck McManus and myself  
11 were sitting in, and he just looked at me and all he  
12 said was, "You can go back to work." So, I immediately  
13 went back to work.

14 And Richard and I, up until that point -- I  
15 say "Richard," I mean Richard Berry -- we had always  
16 had what I considered a good relationship. We would  
17 actually tell jokes to each other, as we would meet in  
18 passing during the workday.

19 But from that moment on, for the next nine  
20 months that I stayed employed at ANO, he did not speak  
21 to me, for nine months, and neither did Terry Sittman.

22 Q How about Nathaniel?

23 A Nate didn't speak to me either, and I -- For  
24 a brief period of time after this, I continued doing  
25 foam penetration seals, and as I was going to the

1 change house one afternoon, David Geoode told me that a  
2 gentlemen named Cloy Ross, C-L-O-Y, R-O-S-S, who was  
3 David's boss -- Cloy's job title was General Foreman.

4 Q And he worked for?

5 A Bechtel. David told me -- and David was  
6 telling me this on the outside of the change house --  
7 Cloy started walking up, and he said, "John, you need  
8 to go see John McWilliams." I said, "What for?" He  
9 said, well, Cloy said to David Geoode that Nathaniel  
10 had come over there and told Cloy, face to face, that  
11 he did not want me working on foam penetration seals  
12 anymore

13 In Nathaniel's position, he was not in a  
14 position to decide who worked on that, to place the  
15 mean, as we always referred to it as. That was not his  
16 job.

17 And this was all news to me. So, I asked  
18 Cloy, I said, "Well, did they tell you that?" He said,  
19 "Yeah, he told him he didn't want you working on the  
20 foam seals no more."

21 And so, I went to a phone. I called and got  
22 ahold of Jim McWilliams' secretary. Maybe I should  
23 have called Richard Berry, but as I said, Richard Berry  
24 wasn't speaking to me anymore.

25 So, I called Jim McWilliams' secretary, and

1 he was out of the office, and she took my number at the  
2 phone I was at in the change house, and she said, "When  
3 he comes in, I'll have him return your call," which he  
4 did, just a few minutes later, and I said, "I think we  
5 need to meet, Cloy, and myself, and you." So, we went  
6 over to his office.

7 He shut the door. I told him what had just  
8 been told to me, and then Cloy was sitting right beside  
9 me, and he asked Cloy, he said, "What did Nathaniel  
10 tell you? I want to know word for word what he told  
11 you."

12 He said, "Well, Mr. McWilliams," he said,  
13 "he told me that he did not want John working on  
14 penetration seals anymore."

15 So, Jim McWilliams assured Cloy and I, he  
16 said, "Well, Nate doesn't tell me who works on what,  
17 and I will get to the bottom of this, I can assure  
18 you," and he opened the door, which we knew it was time  
19 to go.

20 And at this point, within, to the best of my  
21 recollection, within two to three days, I was told to  
22 get a pad, just a little notebook, a spiral notebook  
23 and a pen, and go around Unit 1, specifically starting  
24 out in the Turbine building, and go do nothing but  
25 locate deteriorated insulation, things that needed to

1 be repaired, write down the location of it as to how  
2 much material it would take to redo, and then go fill  
3 out a material request form, get an authorized  
4 signature, go to the warehouse, get the material, take  
5 it up there, cut it, and put it on.

6 It really didn't make that much difference  
7 to me, because it was still a paycheck. I suffered no  
8 reduction in wages.

9 Q Who told you to do this?

10 A Cloy told me, specifically to me, but he  
11 told me, at that time -- See, you have to understand  
12 that during an outage and immediately after an outage,  
13 there are Bechtel management personnel that don't stay  
14 there during the long period of time between outages.  
15 They may be shipped off to another job somewhere.

16 But this particular individual was named  
17 George King, and he was directly under Richard Berry,  
18 and he was like a superintendent, if you will.

19 According to Cloy, George King told Cloy to  
20 tell me to get a pad and a pencil and go do what I just  
21 got through describing.

22 Now, who told George King, I don't know, to  
23 tell me to do that. It may have been Richard Berry,  
24 who was -- he may have been told by Jim McWilliams, I  
25 don't know. All I know is that I did what I was told,



1 and I continued to do that for about eight weeks,  
2 something like that.

3 Then Cloy came to me one day and said, John,  
4 they need someone over on Unit 2 maintenance, and on  
5 maintenance, whether you're working for Unit 1 or Unit  
6 2, it doesn't matter, you were still a Bechtel  
7 employee, you drew a Bechtel paycheck, you wore a  
8 contractor badge, but you came under Entergy's  
9 supervision. Bechtel supervision no longer gave you  
10 your job assignments. Entergy personnel now did that.  
11 You were sort of like on loan to Entergy.

12 And that's what I did until -- I worked the  
13 Unit 2 outage in the Spring. I was the night shift  
14 foreman.

15 Q Was that a promotion for you?

16 A Well, not really a promotion. It's just in  
17 the contract that if you're assigned a foreman's  
18 position, then they have to give you \$1.00 an hour  
19 premium. Maybe some people would consider it a  
20 promotion, I don't know.

21 Q You got more money.

22 A Yes, sir. So, I got \$1.00 an hour more, and  
23 I was not doing anymore penetration seals, and I did  
24 work the entire outage of Unit 2 in the Spring of '94  
25 -- yeah, it would be the Spring of '94.

1                   And on July -- Of course, the outage was  
2 over, you know, in the Spring, and then I was  
3 transferred back to days, and I remained employed there  
4 up until July the 26th, and I was transferred back to  
5 what was called the Modifications Department, which is  
6 where I had been employed when I was doing penetration  
7 seals, and did, in fact, come under direct Bechtel  
8 supervision.

9                   I was transferred over there that morning  
10 about 9:00. It might even have been 8:30, or so, but  
11 it was early in the morning, not long after our shift  
12 started, and at 12:00 noon, I was told I was laid off,  
13 and I was the only insulator to be laid off.

14                  Q     What happened to the other six insulators  
15 that were to be laid off at the first time you thought  
16 you were going to be laid off?

17                  A     They laid -- They went on, they were laid  
18 off. Those were the ones that were hired approximately  
19 in August, just before the outage. It's many  
20 insulators that do that, they come up there just to  
21 work the overtime, and then they want laid off.

22                  But they did, to answer your question, they  
23 were laid off.

24                  Q     Now, when you were laid off on July 26th,  
25 were there any other insulators that were laid off?

1 A No, sir, I was the only one.

2 Q You were the only insulator laid off, at  
3 that time.

4 Were there other insulators still employed  
5 by Bechtel, working at the ANO facility?

6 A That is correct. Under the -- To be more  
7 specific with my answer, if I may, there were -- My  
8 foreman, David Geoode, who had been my previous  
9 foreman, see, he also had been transferred to Unit 2  
10 maintenance. Now, he stayed employed on the Unit 2  
11 maintenance.

12 Okay. Under the Modifications group, there  
13 were four insulators there. When I got transferred  
14 over there, I was like, the fifth one, and I can give  
15 you their names if you need them.

16 Q Why don't you go ahead and do that now.

17 A The four that were employed under the  
18 Modifications group, or department, was Tracy Rather,  
19 he was the foreman, John Sharp, Cecil Meggs, and  
20 Phillip Oliver.

21 Q Now, I think what we kind of need to  
22 establish here, John, is -- you know, obviously we have  
23 your concern, and why you think maybe you were laid  
24 off, but we need to establish what you feel the layoff  
25 policy should have been. Why you feel you were singled

1 out.

2 In other words, we need to distinguish  
3 between what may have been the normal procedure, as  
4 opposed to someone laying you off because you took  
5 concerns forward to management.

6 Can you tell me why you think you were  
7 different, why you were singled out?

8 In other words, why this wasn't a normal  
9 procedure to lay you off? Was your work done? Were  
10 there other people there that had less seniority than  
11 you?

12 Do you see where I'm headed?

13 A Well, I think it's noteworthy that all four  
14 of the individuals who I just gave you their names, had  
15 less seniority than I had. They had not been up there  
16 near as long as I had.

17 Q Employed by Bechtel.

18 A That's correct, under the Modifications  
19 Department.

20 Q Was seniority a factor normally in layoffs,  
21 as far as you know?

22 A I thought it was. I was under the  
23 impression -- I can't say 100 percent sure -- but I  
24 know I had seen it too many times, in even other  
25 crafts, where an employee who had been there a long

1 period of time, he wound up as a foreman, and when  
2 other individuals in his craft came up there to work an  
3 outage, they didn't lay him off after he had been there  
4 that long and had been promoted to foreman, and then  
5 keep someone who had just come up there for the outage.

6 They didn't do that, and I felt like, well,  
7 why are they doing that with me?

8 Q So, you felt that you had worked there  
9 longer than some of the other people they were keeping  
10 and --

11 A That's half of it. The other half, I think  
12 is because of the concerns that I brought forth. I  
13 felt like that I had caused some problems for the  
14 Bechtel site service manager, by Jim McWilliams getting  
15 on him. I feel like he, he stopped the layoff.

16 And I feel like the other half is that I  
17 voiced concerns which, in turn -- Bechtel did nothing  
18 with the concerns after I made the information  
19 available, so when I went above their head, they got  
20 into maybe some problems with it, and I felt like they  
21 thought the best thing to do is just get me off the job  
22 site.

23 Q Did anyone explain to you, why you were  
24 being laid off?

25 A No. It just said on the thing, it was a

1 reduction in force.

2 Q And there were no other insulators laid off  
3 on that day.

4 A That is correct.

5 Q Were there other insulators, that you know  
6 of, that may have been laid off a week or so prior to  
7 that, or a week or so after your layoff on the 26th?

8 A No. No. The only other layoff of  
9 insulators, occurring prior to July 26th, was the  
10 layoff at the end of the Unit 2 Spring outage, which is  
11 customary, that when the outage is over with, they lay  
12 off people.

13 Q And that would have been?

14 A In the Spring of '93. That would have been  
15 -- That was during the time when I was working on the  
16 night shift, and at the end of -- But at that time,  
17 see, I was transferred over to Unit 2 maintenance, when  
18 I did not come under Bechtel's supervision.

19 Bechtel, during the whole time I was up  
20 there, Bechtel never laid off, just went over to either  
21 Unit 1 or Unit 2 maintenance, and just laid off a  
22 Bechtel employee, simply because those employees were  
23 needed there, or they wouldn't be there, and they came  
24 under Entergy's supervision, who gave them their job  
25 assignments.

1 Q But going back, when you said there was  
2 never just an individual employee laid off, your  
3 initial layoff was in October --

4 A Of '93.

5 Q -- of '93. So, might it be that the purpose  
6 of keeping you on, was to resolve the issue of your  
7 complaint?

8 A I don't know that. I mean, no one ever told  
9 me, said, "John, we are .." Even Jim McWilliams didn't  
10 tell me, when he stopped the layoff that next morning  
11 on October 27th, the day of the meeting? No one  
12 specifically and verbally told me, said, "We're  
13 stopping this just until we get your concerns  
14 resolved." I mean, I stayed employed for nine more  
15 months, and surely it doesn't take that long to get  
16 concerns resolved.

17 Q The October 26, 1993, layoff, in which there  
18 were seven of you targeted to be laid off, and six were  
19 laid off, at that time, John, were there other  
20 insulators who had less seniority than you, that were  
21 not laid off?

22 A Would you rephrase that, please?

23 Q Okay. On October 26th, 1993, you indicated  
24 that you were told that you and six other insulators  
25 were going to be laid off.

1 A Uh, huh.

2 Q In fact, six were laid off, and you were  
3 kept on for another nine months.

4 A Uh, huh.

5 Q Of the seven that were targeted to be laid  
6 off, at that time -- six were, you were kept -- were  
7 there other insulators kept on by Bechtel, at that  
8 time?

9 A Uh, huh.

10 Q Those other insulators that were kept on,  
11 employed by Bechtel, did some of them have less  
12 seniority than you did?

13 A They all had less seniority than I did.

14 Q So, it would have been unusual, in your  
15 opinion then, to have been even laid off, at that time,  
16 because you had more seniority than other insulators  
17 that were kept on?

18 A That's correct.

19 Q Okay. I wanted to make sure that we got it  
20 clear that you felt the October 26th layoff was not  
21 correct either.

22 A I didn't think it was, no, because the  
23 concerns that I had voiced up until October the 26th,  
24 at that point in time, had been up the chain of command  
25 of Bechtel. I had not gone to Entergy as of October



1 the 25th. All right. And I felt like I inadvertently  
2 created a sense that I was a troublemaker with Bechtel  
3 management, and "Let's get rid of this guy," and by  
4 lumping me in there with seven or maybe even eight  
5 individuals who hadn't been there except for the  
6 outage, I was the only one in that group that had been  
7 there as long as from September the 16th of '91.

8 I felt like that that was their way of  
9 saying, "Well, this doesn't look like we're singling  
10 John out, we've got him in there with seven or eight  
11 others," and so, I -- And you know the sequence of  
12 events since then.

13 Q But you weren't in the same category as  
14 those other insulators on October 26th, that were laid  
15 off.

16 A No, because -- Well, now, Todd, my working  
17 partner? As best I recall, he was in [REDACTED] and 7C  
18 Todd [REDACTED], but that was beside the point.  
19 Todd is the only one out of that group that had  
20 actually helped me on these penetration seals. All the  
21 other ones were just doing regular outage related --  
22 they'd go in the Reactor building, mere insulation in  
23 the Turbine building, steampiping and vessel  
24 insulation. None of the others, with the exception of  
25 Todd, were doing foam penetration seals.

1 Q Well, he was a helper though.

2 A He was my helper, yeah.

3 Q When you were finally laid off, which was  
4 July 26th, 1994, was there still work left for  
5 insulators to do?

6 A Yes, sir. As I stated earlier, it was  
7 around noon when I was informed that day on July 26th,  
8 that I had been laid off. Well, the few hours that I  
9 worked, I worked with the individuals that, as I stated  
10 previously, hadn't been there near as long as I had.

11 In the areas that we worked in -- as I  
12 recall, one area was called the boric acid mixing room,  
13 or something to that, yeah, boric acid, or tank mixing  
14 room, and we were installing insulation board, double  
15 layered, that had to go on the walls, all the walls,  
16 the ceiling. There was a huge amount of work.

17 One of my co-workers, Phillip Oliver, told  
18 me, he said, "We've got all kind of work coming up.  
19 Not just in this room, but other places." He didn't  
20 specify what other places.

21 But from what I could see myself, during the  
22 few hours that I did work after I had been transferred  
23 back over there in this boric acid tank mixing room,  
24 there was a large volume of work to be done right  
25 there.

1 Now, as I was checking out that day on July  
2 26th, I remember I had to take my checkout list to an  
3 Entergy employee who had to sign -- whenever you lost  
4 some tools and you didn't know where they were, the  
5 tool room required you to get an Entergy employee to  
6 sign your checkout sheet. Ben Stewart was the one that  
7 signed my sheet, and he told me that they didn't know,  
8 "they" being Entergy, that they were going to have to  
9 have a layoff until that morning.

10 So, you know, Bechtel's position is, from  
11 what I understand, is that they had no choice. Entergy  
12 told them they had to lay off one insulator, and my  
13 position is, "Well, did I draw the short straw, or  
14 what?"

15 Q Because, at that point, you still felt that  
16 you were not in line to be laid off, seniority wise.

17 A Well, as I -- It's sort of similar to the  
18 first time. It sort of, in mind, it's a 50/50 thing.  
19 Half of it is because of the seniority. The other half  
20 that I feel like I wasn't in line, or should not have  
21 been in line, is because of the volume of work that was  
22 still there to be done. But as I understand -- From that  
23 I've heard, it's budget cutbacks. So --

24 Q Do you know, since you've been laid off, if  
25 they've hired additional insulators? "They" being

1 Bechtel?

2 A Well, word came to me that around the first  
3 week in October --

4 Q Of 1994?

5 A '94. One of the individuals who was  
6 employed, of the four that was employed there when I  
7 got transferred back over there for those few hours,  
8 Phillip Oliver, he quit and took employment in West  
9 Virginia. I guess it was some overtime, or something,  
10 more money or whatever, but that created a vacancy.

11 Now, during this time, I was unemployed, and  
12 had been unemployed since July 26th of '94, and a  
13 gentleman that's a fellow member in our union hall  
14 named Rodney Proctor, who was on a job in West  
15 Virginia, with our business manager, whose name was  
16 Jimmy Kimbrough, filled the position that Phillip  
17 created when he quit. And during this time, I'm  
18 remaining unemployed.

19 My union hall didn't contact me and tell me  
20 I could go back up there.

21 Q Did you ask anyone why they didn't contact  
22 you?

23 A Well, the way the sequence of events turned  
24 out, is that when -- I only recently found out through  
25 the guy who used to be my foreman, David Geoode, now he

1 told me that before he left -- see, David left around  
2 the first week in November of '94, to take employment  
3 elsewhere -- and David told me that before he left,  
4 Cecil Meggs, who was one of the, also one of the four  
5 -- Cecil and Phil were like, they were rooming buddies  
6 in the motel room -- David told me that Cecil told him  
7 that when Phillip quit to go to West Virginia, that he  
8 knew, "he" being Cecil, knew that if my union -- when  
9 Bechtel put in a call for one man to replace Phillip --  
10 that if my union hall sent me up here to replace him,  
11 Bechtel would just simply cancel the call for the one  
12 man.

13 Now, that very well could be considered  
14 hearsay. I don't have a videotape of it, but I'm just  
15 saying what was related to me.

16 Q Okay.

17 A And the only time that my union hall -- the  
18 only time that I was offered a job is the one that I  
19 took two days ago to go to work for [REDACTED]

20 [REDACTED] 7C  
21 MR. KIRSPEL: Let's go off the record for  
22 just a minute.

23 (Off the record)

24 MR. KIRSPEL: We're back on. Okay. The  
25 time is approximately 6:50 p.m. We're back on the

1 record. The purpose of going off was just to take a  
2 break.

3 BY MR. KIRSPEL:

4 Q So, John, we were kind of headed towards the  
5 end of your statement, but as we were talking off the  
6 record, I think there's a couple of things that we need  
7 to clear up, and my question was, why did Nathan Palmer  
8 go through such a routine to get this document signed,  
9 why was it so important to him, and you have some  
10 information you'd like to tell me now about that.

11 A Well, after the meeting that I previously  
12 described with Entergy officials, other than my union  
13 site rep and my immediate foreman, Jim McWilliams  
14 stopped me in passing, approximately two days later  
15 after that meeting. This would have been sometime  
16 around the 29th, maybe the 30th, it was three days of  
17 October, of '93, and he told me that their, meaning  
18 Entergy's investigator named Dennis Provencher, who was  
19 present in that meeting that day, wanted to meet with  
20 me in private, just he and I, and Jim McWilliams  
21 explained to me that he would not be present in the  
22 meeting, because he felt like it might be intimidating  
23 for me, and he said that the main reason of the -- the  
24 purpose of the meeting was so that Mr. Provencher could  
25 make sure that my concerns had been dealt with, and

1 that I was satisfied that every effort had been made to  
2 address my concerns.

3 And so, of course, I went to the meeting at  
4 the designated time. I don't remember what time of  
5 day, it was in the morning. But one main question that  
6 I wanted answered, I asked Dennis Provencher, who had  
7 -- Dennis told me at the meeting in private, he said  
8 that he had met with Nathaniel Palmer in private, just  
9 like he was doing with me, and discussed these concerns  
10 with Nathaniel, and after he let me know that he had  
11 met with Nathaniel, I asked Dennis, I said, "Why -- Did  
12 you ask Nate, why did he tell me to sign something  
13 indicating work had been performed, when, in fact, it  
14 had not, and then call it minor? Did you ever ask him  
15 why he did that?"

16 And Dennis said, yes, he did, because that  
17 was a main concern of their's, and he said Nathaniel's  
18 answer was that he had been under a lot of pressure  
19 from his superiors to get those CWP's closed out, and  
20 my reply to Dennis, I said, "Well, in my opinion, if  
21 that's how he chooses to deal with pressure, then he  
22 might not ought to be in the position that he's in."  
23 And so, that was basically it.

24 He just wanted to make sure that my concerns  
25 had been addressed, and up until that point, I was

1 satisfied that they had done everything they could.

2 Q Dennis Provencher told you that Nathan said  
3 he was under a lot of pressure from Entergy?

4 A Well, it would have been -- Nathaniel, in  
5 his position, his supervisors were Entergy employees.

6 Q But did Dennis --

7 A But he still came under Bechtel, too. I  
8 don't mean to give the impression that Bechtel, you  
9 know, couldn't touch him, or anything like that. He  
10 was still a Bechtel employee.

11 Q But did Dennis Provencher tell you that the  
12 pressure was coming from, according to Nathaniel, the  
13 pressure was coming from Entergy, or Bechtel?

14 A Well, I really don't know how to give you  
15 almost a yes or no answer on that. His specific words  
16 were, "Nathaniel said he was under a lot of pressure  
17 from his superiors to get the CWP's closed out." Now,  
18 that could be interpreted either way.

19 Q Okay. Another thing we had talked about was  
20 whether Richard Berry brought forth your concerns to  
21 anyone at Entergy or ANO, and let's just cover that  
22 briefly.

23 A Okay.

24 Q Your knowledge of Mr. Berry's bringing forth  
25 the concerns is what?



1           A     Well, in a meeting that day of October 27th,  
2 I told Jim McWilliams -- he and I were sitting next to  
3 each other at this table -- and I looked at him and  
4 told him, when he asked me why didn't I come to him, I  
5 said, "Well, I went up through the chain of command and  
6 I told Richard Berry everything I told you here today,"  
7 and that's kind of when -- it was toward the end of the  
8 meeting, and I said, "If he chose not to divulge  
9 whatever information I gave to him, that's between you  
10 and him, I ain't got nothing to do with that."

11               But as I found out, Richard Berry had not  
12 told Jim McWilliams, an Entergy employee, everything  
13 that I had told Richard Berry.

14           Q     And how did you find that out?

15           A     Well, Jim McWilliams said right there in the  
16 meeting, he said, "He did not tell me all of this,"  
17 which left me with the impression that Richard Berry  
18 had, in fact, told him maybe bits and pieces of it, but  
19 even Jim Mack said he didn't tell him everything that I  
20 had told him in that meeting that day.

21           Q     Did you expect Richard Berry to bring forth  
22 your concerns to Entergy, or ANO?

23           A     Why I thought for sure he would, I mean, but  
24 I couldn't tell him at what speed to do it. I mean, I  
25 was just a craft person, and he's a site services

1 manager. Once I relayed the information to him, I felt  
2 like, at that time, that's all I could do.

3 Q But your expectations were that by reporting  
4 the information to Richard Berry, that that information  
5 would eventually get to the proper channels at ANO or  
6 Entergy, is that correct?

7 A Well, that's correct, yes, sir.

8 Q Besides this one case we've talked about  
9 where the documents were signed by someone other than  
10 yourself, are there any other cases where Nathaniel  
11 Palmer had asked you to sign some document, when the  
12 work had not been completed?

13 A There were other occasions -- there were several  
14 other occasions during the outage.

15 Nathaniel never asked me to sign something,  
16 showing that I had sealed the penetration when, in  
17 fact, I had not sealed it. That's what, you know, even  
18 he would have considered major.

19 It was minor, what he called minor stuff.  
20 To me, it was not minor, because if you falsified it,  
21 you falsified it. You can't sugarcoat it. And I  
22 always refused, and --

23 Q Excuse me. Had he specifically asked you to  
24 do something similar to what we just talked about?

25 A Yes, he did, and if I may, that brings to

1 mind something that I brought out in the meeting, and  
2 that's the way I still feel, is when he told me this  
3 was minor and no big deal, go ahead and sign it, I told  
4 them in the meeting that day of October 27th, told Jim  
5 McWilliams, I said, "Gentlemen, I'm not an operator at  
6 a nuclear plant, don't claim to be, but the way I look  
7 at this is that if somebody tells .." -- it's  
8 specifically on there what I was asked to sign about  
9 remove scaffolding, or whatever you needed to gain  
10 accessibility to the penetration -- I said, "I was  
11 scared that there could be very easily a scenario  
12 created where a scaffold has been erected to get access  
13 to a penetration, a tall scaffold, and that scaffold  
14 may be right in front of a great big valve with a chain  
15 on it that might not be that critical as long as the  
16 unit is down, but when it goes up to power, or is going  
17 up, an operator may need to gain access to that big  
18 valve to either open it or close it." I said, "There's  
19 just a host of things that could go wrong. But if I  
20 would have signed this, paperwork would have indicated  
21 that scaffold wasn't even there, but physically it's  
22 still there, and it could cause a problem."

23 And what I brought out was that whoever  
24 designed this system of checks and balances on these  
25 CWP's was pretty sharp, in my opinion, because if you

1 go by the steps and you follow the rules, you don't  
2 have anything to worry about.

3 Q So, Nathan had asked you sign some documents  
4 indicating work was done, or the job was completed,  
5 when, in fact, it was not, in the past. But the case  
6 we've talked about, is the only time that you know of  
7 where he actually got someone else to sign for you, is  
8 that correct?

9 A That's correct, and that's the only time  
10 that he actually went into my locker and retrieved a  
11 CWP that he had previously asked me to sign and I  
12 wouldn't do it, and then went and got someone else to  
13 sign it.

14 Q But per your definition, this is the only  
15 case of falsification of records that you're aware of,  
16 is that correct?

17 A Yes, sir.

18 Q There were other occasions where you were  
19 asked, in your opinion, to falsify records, but you  
20 didn't do it.

21 A I didn't do it.

22 Q And it was not done, to your knowledge.

23 A No.

24 Q I don't believe I have any other questions,  
25 but I'll certainly give you the opportunity if you want

1 to take a few minutes, or if you can think of anything  
2 else that we need to discuss, we'll sure do that.

3 A No. The best I can tell, at this time, I've  
4 pretty well covered it.

5 Q Well, you have my card, and of course, feel  
6 free to call me if something comes to mind that we  
7 have not covered, and we will certainly discuss that.

8 Well, if there's nothing else then, I'll ask  
9 you a few questions and we'll go ahead and close the  
10 interview.

11 Have I threatened you in any manner or  
12 offered you any rewards in return for your statement?

13 A No, not at all.

14 Q Have you given the statement freely and  
15 voluntarily?

16 A I have, in fact.

17 Q Is there anything further you care to add  
18 for the record?

19 A No, sir.

20 MR. KIRSPEL: The time is approximately 7:00  
21 p.m., the record is closed.

22 (Whereupon, at 7:00 p.m., the above  
23 interview was closed.)

24 /

25 /

C E R T I F I C A T E

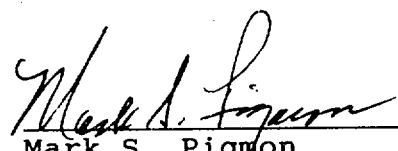
This is to certify that the attached  
proceedings before the United States Nuclear Regulatory  
Commission in the matter of:

Name of Proceeding: Arkansas Nuclear One

Docket Number: 495004

Place of Proceeding: Little Rock, Arkansas

were held as herein appears, and that this is the  
original transcript thereof for the file of the United  
States Nuclear Regulatory Commission taken by me and  
thereafter reduced to typewriting by me or under the  
direction of the court reporting company, and that the  
transcript is a true and accurate record of the foregoing  
proceedings.

  
Mark S. Pignon  
Official Reporter

NEAL R. GROSS AND CO.

, INC.

EXHIBIT 5

Information in this record was deleted  
in accordance with the Freedom of Information

Act. exemptions 7C

FOIA- 99-76

CC/23

EXHIBIT !

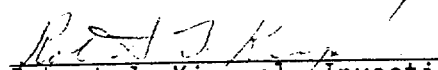
REPORT OF REINTERVIEW  
WITH  
JOHN M. SURGINER

On October 27, 1995, SURGINER was reinterviewed by Nuclear Regulatory Commission, Office of Investigations Investigator Robert J. Kirspe1.

SURGINER stated that on October 11, 1993, when he left work at Arkansas Nuclear One, he had not completed all work on the construction work package (CWP) in question. SURGINER stated there was debris in and around the junction box on which he and his assistant, Todd GOODE, had been working. SURGINER stated that on the morning of October 12, 1993, he returned to the junction box in question, and it was just as he and GOODE had left in on October 11, 1993. SURGINER stated that he took off the junction box cover, cleaned out the box, replaced the cover with 18-20 screws, and cleaned around the work area.

SURGINER was told by the reporting investigator that while reviewing the CWP in question with Nathaniel PALMER, that PALMER indicated he [SURGINER] had improperly completed item "J" of the CWP by indicating that the junction box cover had been reinstalled. SURGINER stated he told PALMER that he had not finished the work on the CWP. SURGINER stated that he had reinstalled the cover with only two or three screws because he knew he had to return the next day and finish the job. SURGINER stated that on October 11, 1993, while he was preparing to leave work, PALMER asked him to sign the CWP as being completed, and he told PALMER that he was not going to falsify a document no matter how insignificant it might be.

This report prepared on November 2, 1993, from investigator's notes.

  
Robert J. Kirspe1, Investigator  
Office of Investigations Field Office, RIV



Re-interview with  
John Surgenor  
Telephone interview

10-27-95

K. W. J. C.

5:55 PM

When went out on 10-11 - job not finished  
job was in Junction box & needed to  
clean up next morning. Had to take off  
cover on the 12<sup>th</sup> & clean up the box

As the item ~~is~~ being completed, JS said  
he put 2-3 screws in box to hold so technically  
he complied with item ~~is~~ & told Naze  
had job to clean up. And 18-20  
screws to put in <sup>box</sup> Remember had put  
2-3 screws in Box because it weighed 7-8 lbs  
& was afraid it would fall off & hit someone

old Naze  
Wasn't going to falsify document ~~to~~ <sup>no</sup> matter  
how insignificant it might be.

7C [redacted] told JS to lock up the CWP's  
in his locker so the next morning he (JS) would  
not have to wait 20-30 mins for [redacted]  
to get CWP's

7C

EXHIBIT 6

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions b7C  
FOIA b7D

CC/24

EXHIBIT

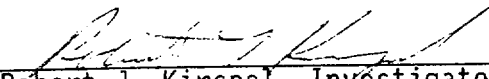
REPORT OF INTERVIEW  
WITH  
TERRY L. SITTMAN

On October 26, 1995, SITTMAN was interviewed by Nuclear Regulatory Commission, Office of Investigations Investigator Robert J. Kirspel. SITTMAN stated that he has been employed as a civil superintendent for Bechtel Construction Company (Bechtel) since 1990 and has periodically been assigned to work at Arkansas Nuclear One (ANO).

SITTMAN stated he had very little knowledge concerning an incident at ANO pertaining to the possible improper handling of a construction work package (CWP) as reported by Bechtel employee, John SURGINER, in 1993. SITTMAN stated that he remembered that sometime in the fall of 1993, SURGINER's locker was opened after SURGINER left work but he could not recall if he was present when the locker was opened. SITTMAN stated he recalled that a step on the CWP needed to be completed. SITTMAN stated he was not sure when but believed he was also told by Bechtel employee, Nathaniel PALMER, that SURGINER had left the cover off the junction box in question. SITTMAN stated he had no other knowledge concerning the incident.

INVESTIGATOR'S NOTE: SITTMAN was informed that Bechtel superintendent, George KING, signed the CWP in question without inspecting that the work had been completed. SITTMAN also stated that KING should not have signed off on the CWP without inspecting the job and that is was also very unusual for KING to ever sign a CWP.

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

  
Robert J. Kirspel, Investigator  
Office of Investigations Field Office, RIV

10-28-95

K. L. King

75



Interview of  
Terry L. Sittman  
Civil Servant  
Battled since 1990  
after on & on.

All I heard was a stop needed to be done

No real knowledge.

Can't remember if then when Sargent's letter was opened

According to Sittman, George King should not have

signed off on the check list without visually inspecting

Also very unusual for King to sign

was told by Kate Palmer that the Sargent had

left down off the ~~check~~ Transition Box.

EXHIBIT 7

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

CC/25

EXHIBIT

REPORT OF INTERVIEW  
WITH  
DAVID GOODE AND TODD GOODE

On October 25, 1995, David GOODE and Todd GOODE were interviewed by Nuclear Regulatory Commission Investigator Robert J. Kirspel. D. GOODE stated that he is an estimator for the [REDACTED], Little Rock, Arkansas, and his son, T. GOODE, is an insulator for [REDACTED] 76

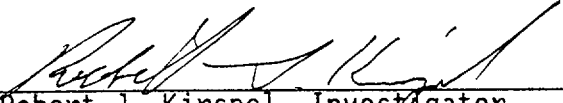
INVESTIGATOR'S NOTE: D. GOODE and T. GOODE had previously worked for Bechtel Construction Corporation (Bechtel) at Arkansas Nuclear One (ANO) in 1993 and were knowledgeable concerning John SURGINER's allegation pertaining to a possible falsified controlled work package (CWP). D. GOODE stated he had been a supervisor for Bechtel, and T. GOODE stated he had been an insulator.

D. GOODE stated that he was not certain of the date, but sometime in October 1993, Nate [Nathaniel] PALMER, a Bechtel supervisor, told him that he [PALMER] needed someone to open SURGINER's locker at ANO and get a CWP which SURGINER had left in his locker. D. GOODE stated he did not open SURGINER's locker and did not know who did but did know that someone opened SURGINER's locker and retrieved a CWP. D. GOODE stated the CWP pertained to work that SURGINER and T. GOODE had been performing on a junction box located in the unit 1 control room.

T. GOODE stated that he and SURGINER had been working in the unit 1 control room on a junction box approximately 8 feet up from the floor and near the control room back door. T. GOODE stated that he and SURGINER had completed most of the work on the junction box but planned on returning the next day to clean out the box and clean around the area. T. GOODE stated that he and SURGINER put the cover on the junction box before leaving the control room but only secured the cover with a few screws because they were planning on returning the next day to complete the job and the CWP. T. GOODE stated upon returning the next day, SURGINER attempted to locate the CWP but was told that the CWP had been completed and was not available. T. GOODE stated that SURGINER confronted PALMER concerning someone opening his [SURGINER's] locker and removing the CWP, but he [T. GOODE] did not hear the conversation. T. GOODE stated that after SURGINER and PALMER's conversation, he and SURGINER went to the unit 1 control room and observed that the junction box was just as they left it the previous day. T. GOODE stated that he and SURGINER removed the junction box cover, cleaned out the junction box, replaced the cover, and cleaned around the area. T. GOODE stated that he did not know who signed the CWP indicating that all work had been done because he did not see the CWP after he and SURGINER completed the work on the junction box. T. GOODE stated he believed that whoever signed the CWP indicating that all work had been completed falsified it because no further work had been done on the junction box since he and SURGINER had left the previous day.

Both T. GOODE and D. GOODE stated they believed SURGINER was terminated from ANO for reporting concerns to ANO management.

This report prepared on October 31, 1995, from investigator's notes.

  
Robert J. Kirspel, Investigator  
Office of Investigations Field Office, RIV

Interview at

David & Todd Goodie

Little Rock AR

Sept 25, 1995

Kinspel

Person 1993 (M<sup>2</sup>) David

Was approached in a field and needed to be interviewed

~~He~~ to get some papers

in of Boring ground location - Back McManis' <sup>location</sup> ~~stayed there~~  
control Room unit 1 Bank door ~~by Boring~~ <sup>as soon as soon as</sup>

The door on / right. Went back to get papers.

Swampy got papers out of locker. Don't know who he

gave it to

~~Boring had a copy of the~~

7C

Todd & John next day went to ~~the~~ to it

Ph 800 Went to Turner Box & got not complete.

Entered it up & put some on right. Was eventually D. He

did it the day before. Nothing clear. Believes when <sup>signed</sup>  
the checkers might have looked at him with clear when  
Neither David or Todd saw who signed the CR.

Question: Are there other signed CR on CR / papers ..

John David & Todd still JS ~~and~~ signed CR because he  
thought there were - still there was still some  
here & there in the

David  
7C



EXHIBIT 8

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

CC/JP

EXHIBIT



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

STATEMENT

Name of Person Interviewed NATHANIEL PALMER Street 1448 S.R. 333  
City Russellville State AR Zip 72801  
Location Arkansas Nuclear One (ANO) Telephone No.: ( )  
Case No.: 4-95-004 Date: 10-26-95 Time:

I, NATHANIEL PALMER, hereby make the following voluntary statement to ROBERT J. KIRKPICK, who has identified himself/herself to me as an investigator with the U.S. Nuclear Regulatory Commission. I make this statement freely with no threats or promises of reward having been made to me.

I am employed by ~~ANO~~ (REDACTED) AT ANO 7C  
As a planner. I have worked for ~~ANO~~ as a planner  
Since Jan 1995. I started to work at ANO as an  
installer for Bechtel in Sept 1990. I am familiar  
with the concerns of John M. Surginer pertaining  
to a Construction Work Package (CWP). The CWP  
in question is CWP # 90-2053/900034-3, Oct, 1993.  
On Oct, 11, 1993 I asked John Surginer if he had  
completed the work on a junction box as shown  
in CWP 90-2053/900034-3. He told me he had  
to come back the next day and put the cover on  
the box. After Surginer left work I asked  
one of the superintendents (WPT) ~~Bobbie Baldor~~ (AKA Grampy) where the CWP was and  
he told me he didn't have it. I told a superintendent,  
who I believe was Torrey Sittman that I needed the

Initials of Person Making Statement YH

Exhibit 8

Page 1 of 4

CASE NO. 4-95-004



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

STATEMENT

(CONTINUED)

CWP. I don't know who but someone opened Surgeon's locker and got the CWP. Surgeon should not have had the CWP in his locker. I don't remember who gave me the CWP. Later that evening, OCT. 11, 1995, I went to the junction box, inspected that the area was clean, the job was finished and I put the cover on the box. I then took the CWP to George King (Superintendent) and he signed work stop 'L' on the Foam Seal Penetration Checklist. After King completed signing I took the CWP to the lead engineer, DARIAL BARNHOUSE and gave it to him. ON OCT 12, 1995, JOHN SURGEON and his helper Todd Goode told me that he (Surgeon) was upset that the CWP had been turned in because the work had not been completed. I didn't say anything because Surgeon was very upset and it wouldn't have done any good. I am not sure if before or after Surgeon talked to me, but I went back to the junction box and put in additional screws. I also took off the cover and double checked the box.

Initials of Person Making Statement

WB

Exhibit 8

Page 2 of 4

CASE NO. 4 - 95 - 004



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

STATEMENT

(CONTINUED)

After discussing the above statement with you (Kinspel), I realize I have not been totally truthful. I now believe that when I went to the junction box on the night of Oct. 11, 1993, that the cover was on the junction box with just a few screws in it. I took the junction box cover off and inspected the work but I can't be sure if I put it (the cover) back on. I do believe that the area had been cleaned up. I then took the CWP to George King and told him all work had been completed, which was not true. I should not have given the CWP to the local engineer since the work had not been completed. I have never done anything like this before or after. I don't know why I did this.

Initials of Person Making Statement

DB

Exhibit 8  
Page 3 of 4



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

STATEMENT

(CONTINUED)

I have read the foregoing statement consisting of Three handwritten/~~typed~~ pages. I have made and initialed any necessary corrections and have signed my initials at the bottom of each page. I fully understand and have discussed the statement with Investigator Robert J. Karpel. This statement is the truth to the best of my knowledge and belief.

Signature: ~~W. Palmer~~ W. Palmer  
Name

Subscribed and sworn to before me this 26 day of Oct,  
1995, at AWO.

Investigator: Robert J. Karpel  
Authority: Section 161c AEA 1954, as amended

Witness: Robert M. Cohen Licensing Specialist  
Name/Title

Initials of Person Making Statement

Exhibit 8  
Page 4 of 4

CASE NO. 4 - 95 - 004

Interview of:

OCT 26, 1993  
KinspeL

NATHANIEL (Nate) PALMER

~~Planner~~ <sup>Planner</sup> — Sept 90 - Beethel  
Planner JAN of 95 Spec Cons.

[REDACTED]

George King Superintendent for Beethel in 1993.

Bobbie Bolden [REDACTED]

Because in the contract there  
deadline to meet - the up  
payments.

1) OCT 11, 1993 — Asked JS had he completed the  
work. Said he was going to come back tomorrow  
& put the cover on.

1) OCT 11, 1993. Asked Bobbie Bolden where CWP was. Told a  
superintendent (NFI) that needed the CWP.

Don't know who went to JS locked but do know  
he was not suppose to have the CWP in his locked. Some  
time later someone (NFI) brought me the CWP.

OCT 11, 1993. Before NP got the CWP he went to the  
Junction Box and inspected the area. Observed  
that cover was off junction box and NP put it  
on. Area was cleaned up neatly - nothing to remove.

1) OCT 11, 1993. NP took checklist to George King & told  
him work completed. King signed off on  
checklist. King did not inspect junction box.

1) OCT 11, 1993. Turned in paperwork to Lead Engineer,  
Daniel Brantner.

OCT 12, 1993. Todd & JS talked - NP. JS was loud  
to Terry S. Timmon. JS said it was not

Finished. NP didn't talk with TS. TS wanted his  
classification.

27 12, 1993 NP started not sure if before or after  
TS crossed him but NP went back and  
put additional sensors in. Took cover back  
off & double checked.

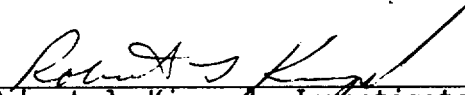
Vacation Bob Brown was on - few sensors. Took  
it off & don't know for sure if put it back on.  
IT was cleaned up & job done. Told Superintendent  
at that time job was completed but that was not  
true. Don't remember

REPORT OF INTERVIEW  
WITH  
TRACY W. RATHER

On October 25, 1995, RATHER was interviewed by Nuclear Regulatory Commission, Office of Investigations Investigator Robert J. KirspeI. RATHER stated he has been employed as a general foreman for Bechtel Construction Company, (Bechtel), at Arkansas Nuclear One (ANO), since 1990. RATHER stated he recalled in either October or November 1993 being asked by Cloy ROSS to cover a junction box on which John SURGINER had been working and stated that after covering the junction box, he signed off on the penetration checklist. RATHER stated he had no other knowledge concerning this incident.

INVESTIGATOR'S NOTE: It was later determined, after RATHER's interview, that the incident he described did not pertain to the incident under investigation by OI.

This report prepared on October 31, 1995, from investigator's note.

  
Robert J. KirspeI, Investigator  
Office of Investigations Field Office, RIV

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Act, exemptions 7C  
FOIA- 99-76

CF/28



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CC/28

Jim McCullum

Don's presence  
came in and out

Remember 7 at the camp  
This is not the camp in question - NO knowledge  
to find signature wear. Had authority to sign.  
Camp also there. Didn't think it was wanted to be asked by Ross  
on initial presentation checklist. Sees like S. 7  
happy at CFE. He didn't want wear needed. TR signed  
over on a Junction box. Soul had already been  
In Oct/Nov 93 ASK TR to replace the

Leg Ross - you and Thomas are parts  
Rec'd the Employer.

Rec'd the EMP - June 1992

General Form - Insurance

I have with Tracy W. Foster



10-25-95

1 Kinspo

9C

John M. Sanyal

February 8, 1995

301.415-7551

47C

Mark Pigion

Other layoffs

Who told to

Layoff

Personal Conflict

Union / Seniority

Richard Bony

David Goodie

Buck McManis

Tim McWilliams

Any other cases?

1978 1st employment

990 Baital & INC.

Sept 1991 Baital

Oct 26 1993 Project

27

3) Was there still work to do?

Why did Nathan ask JS  
to sign? Why?

(2) Did Richard Bony tell ABC concerns?

July 26, 1994 Layoff (Bony) / Short work

in 1993

493

National Personnel

Field Engineer - Baital

(CUP)

Checksheet FE

David Goodie - Supervisor / Foreman - Station

Control Room

Time - 8:00 AM to 8:30 AM

Todd Goodie helped witness National / JS construction

Richard Bony & last Baital Repression was serious matter

For a while in 1993 - 1994

Timothy S. Thomas - Supervisor

For a while in 1993 - 1994

Timothy S. Thomas

Ben Strong - worked for Tom McWilliams

David Goodie

CC/30

information in this record is exempt from release under the Freedom of Information Act, exemptions 7C  
99-76

7C

SEARCHED FOR (REDACTED)

For C.C.P. from 1-17-93 to 1-1-93  
Time sheet for date 2-2-93  
Cost given back have not been entered

John H. Allen (DCL)

1-13-95

Not a attorney out of Baton Rouge.

5 AC claims a national issue, worried for Black Supremacy  
said off 7 employees @ the same time as Jon Surgenor  
10-75

Jon Surgenor

(REDACTED)

DOL 2-6-95

7C

9/16/95

1) Mr. Daniel Palmer: Independent CWP for JS.  
Dad: Independent JS's source. Requested  
JS's assistance, and asked JS to sign CWP but JS did  
not sign it.

2) Todd Geode: JS's working partner/helper.

3) Dan Geode: JS's supervisor. Told JS that  
Palmer wanted to get a his license.

4) Richard Remy: Located site where the pipe is placed  
under certain aspects.

5) Tony Stinson: Located Superintendant's apartment  
and where JS did his work.

6) ... 25 ...  
...  
...

CASE No. 4-95-032

**United States  
Nuclear Regulatory Commission**



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# **Report of Investigation**

**WASHINGTON NUCLEAR POWER 2:**

**ALLEGED FALSE STATEMENTS BY FIRE WATCHES  
TO NRC INSPECTORS**

**Office of Investigations**

Reported by OI: **RIV**

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in accordance with the Freedom of Information  
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Title: WASHINGTON NUCLEAR POWER 2 (WNP-2):

ALLEGED FALSE STATEMENTS BY FIRE WATCHES TO NRC  
INSPECTORS

Licensee:

Washington Public Power Supply System  
P.O. Box 968  
Richland, WA 99352-0968

Docket No.: 50-397

Case No.: 4-95-032

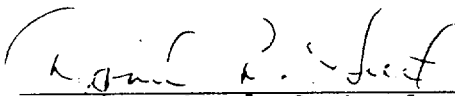
Report Date: October 5, 1995

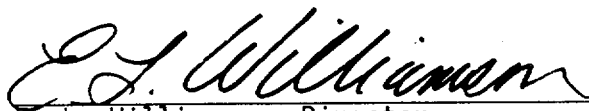
Control Office: OI:RIV

Status: CLOSED

Reported by:

Reviewed and Approved by:

  
Daniel R. Gietl, Senior Investigator  
Office of Investigations  
Field Office, Region IV

  
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  
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## SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), on June 27, 1995, to determine if statements provided by two Washington Public Power Supply System (WPPSS) contractor craftsmen, employed at Washington Nuclear Power 2 (WNP-2), to NRC inspectors were false. The craftsmen had performed grinding operations and were required by procedures to maintain a 30 minute fire watch. Two NRC inspectors found the area not covered by a fire watch and subsequently questioned the responsible craftsmen. The craftsmen later provided written statements of their activities which were inconsistent with the observations and recall of the two NRC inspectors.

After a preliminary review of this matter and coordination with the RIV Allegations Review Panel (ARP), the Regional Administrator, and Regional Counsel, it has been determined this is a low priority matter and is being closed due to OI:RIV pursuing investigations with higher priorities.

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## DETAILS OF INVESTIGATION

### Allegation

Alleged False Statements by Fire Watches to NRC Inspectors

### Applicable Regulations

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

42 U.S.C. 2273: Violations of Sections Generally

### Purpose of Investigation

The investigation was initiated on June 27, 1995 (Exhibit 1), by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if statements provided by two Washington Public Power Supply System (WPPSS) contractor craftsmen, employed at Washington Nuclear Power 2 (WNP-2), to NRC inspectors were false regarding fire watch responsibilities as required by procedures.

### Background

During a May 1995, inspection, Greg WERNER, RIV Project Engineer, and Dave PROULX, WNP-2 Resident Inspector, on a plant tour, identified that a fire watch did not remain in the area for 30 minutes following the completion of "hot work" as required by procedures. The inspectors questioned [REDACTED] a contractor craftsman who had previously performed the "hot work" regarding the fire watch. [REDACTED] told the inspectors he had relieved the fire watch from [REDACTED] another craftsman who had performed "hot work" in the area. The NRC inspectors reported that [REDACTED] was not in clear view of the area to perform the fire watch. The NRC inspectors provided this finding to WNP-2 management during an exit interview. WNP-2 management later provided three written statements to the NRC from [REDACTED]. The NRC inspectors believed these written statements were inconsistent with their recall of the conversation with [REDACTED] and their observations. 7C

### Coordination with RIV Staff

On June 26, 1995, a RIV Allegation Review Panel discussed the allegation and decided to ask the licensee to respond to the apparent conflict in testimony.

Region IV Division of Reactor Projects (RIV:DRP) requested WNP-2 provide comments on the apparent discrepancy between the inspectors' findings and the statements provided by the three contract personnel.

## Documentation Review

A handwritten statement by [REDACTED] (Exhibit 2) reflected he did leave the immediate area of the fire watch for 1 1/2 minutes, but was on the telephone some 25 feet from the fire watch area. [REDACTED] wrote that [REDACTED] was in the immediate fire watch area kneeling at the base and rear of the valve pump to clean valve parts. 7C

INVESTIGATOR'S NOTE: [REDACTED] did not state that [REDACTED] was the fire watch. 7C

A handwritten statement (Exhibit 3) from [REDACTED] states he was behind the valve cleaning parts while the NRC inspectors were in the area. [REDACTED] stated the NRC inspectors did not see him. 7C

INVESTIGATOR'S NOTE: [REDACTED] did not state he was the fire watch, but said [REDACTED] was in the work area with him. 7C

A hand written statement by [REDACTED] (Exhibit 4) stated he had been grinding on the valve and had to leave the area to get a pipe wrench. [REDACTED] stated that when he left the area, both [REDACTED] remained in the fire watch area. 7C

## WPPSS Response to RIV Inquiry

In a response letter from WPPSS to NRC, dated August 1, 1995 (Exhibit 5), WPPSS denied any violation of the fire watch procedures and contended that [REDACTED], although on the telephone some 25 feet away, met the requirements. WPPSS wrote, "Although the craftsman's performance was not in conformance with his training and did not meet management's expectations, his actions were adequate to ensure prompt detection and response to a incipient fire." WPPSS added, "Due to the proximity of the phone to the work site, the Supply System believes he was still capable of seeing or smelling the smoke from an incipient fire." 7C

WPPSS stated there were three significant differences between the NRC inspectors findings and the results of their [WPPSS] follow-up of the issue. WPPSS cited the three differences as "the time the craftsman was gone from the immediate work site while paging his coworker, the presence of an individual behind the CRD motor, and the difference between the inspectors' discussion with the craftsman and his subsequent statement."

WPPSS provided information that would show the craftsman was away from his immediate area for about 2 minutes, rather than the 5 minutes described in the inspection report. WPPSS provided information that [REDACTED] was working low on the back of the valve, and "The Supply System agrees that it would be difficult [but not impossible] to not see a person crouched behind the CRD pump. Follow-up discussions with the NRC inspectors and the inspection report description of the event confirmed that the inspectors had not specifically 7C

looked directly behind the pump." The third area was the difference between the inspector's conversation with the craftsman and his subsequent statement. WPPSS said the craftsman never told the NRC that "the [redacted] was acting as the fire watch while he was paging the other pipefitter." WPPSS said, during subsequent meetings with the NRC resident inspectors, "Supply System staff [redacted] apparently gave the inspectors the impression that the craftsman claimed the [redacted] had assumed the fire watch duties while he was on the phone. The craftsman did not make this claim, because he did not believe using the phone compromised his ability to perform fire watch duties." 7c

#### Coordination with NRC Staff

On September 11, 1995, the RIV Allegation Review Panel (ARP) advised that no further action was required by OI:RIV, that this issue was low priority, and the RIV Division of Reactor Projects would track this issue through their response to WPPSS' reply to the violation.

#### Closure Information

After a preliminary review of this matter and coordination with the RIV:ARP, the Regional Administrator, and Regional Counsel, it has been determined this case is a low priority and is being closed due to OI:RIV pursuing investigations with higher priorities. If at a future date information is developed which raises the priority of this case, OI:RIV will reevaluate the matter.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Report, dated June 27, 1995.
2	[REDACTED] Handwritten Statement, Undated.
3	[REDACTED] Handwritten Statement, Undated.
4	[REDACTED] Statement, Undated.
5	WPPSS Response Letter to NRC, dated August 1, 1995.

7C

EXHIBIT 2

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EXHIBIT 2



REPORT OF INTERVIEW  
WITH  
CHRISTOPHER L. TURNBULL

TURNBULL was interviewed by telephone [REDACTED] from his residence on January 17, 1996, by Nuclear Regulatory Commission (NRC), Senior Special Agent Virginia Van Cleave, regarding his allegation that a fire watch at Entergy's Waterford 3 was directed by a security shift supervisor (SSS) to relocate a "Morse Watchman Key" while the fire watch was on patrol. TURNBULL related the following information in substance. 7C

TURNBULL said he was a security officer for The Wackenhut Corporation (TWC) at Waterford 3, a position he has held since 1983. TWC's 46 hourly employees are supervised by 5 Captains, who are employed by Entergy Inc. TWC guards also serve as fire watch personnel, but during outages, Entergy hires additional contract guards to perform fire watch duties. According to TURNBULL, the security force recently unionized, and he is his security shift's Union representative.

TURNBULL said Sonny HANSON was a temporary fire watch hired for refueling 7 outages and who was employed at Waterford 3 for approximately 3 months. According to TURNBULL, HANSON had a personality conflict with Entergy SSS Marion SLATE. TURNBULL said SLATE is a [REDACTED] who has caused problems for numerous guards. Sometime in early November 1995, SLATE noticed HANSON leaning on "something" after HANSON had been on his feet for 4 hours "posted on the hatch." HANSON told TURNBULL that SLATE "chewed" him out and cursed him. As a result of this incident, HANSON "wrote SLATE up" by turning in a report about him to his [HANSON's] supervisor, Glenn COMO, who conveyed the information to Tim BROOKS, TWC's site representative. 7C

TURNBULL explained that on November 30, 1995, 2 to 3 weeks after HANSON's clash with SLATE, he [HANSON] was asked by SSS Edward AVILES, an Entergy employee, to change the position of a "Morse Watchman Key" while he [HANSON] was performing a fire watch patrol. The previous day, Quality Assurance (QA) had performed an audit of security and recommended that this key be moved further into the room. AVILES, who had designed the program, agreed to do that and told HANSON to move it during his patrol. HANSON refused to do so because he believed he was not supposed to perform any duties except fire watch duties during patrol. TURNBULL said this was a 35 to 40 minute patrol which had to be completed within 45 minutes to 1 hour. In order to move the "Morse Watchman Key" properly, HANSON would have had to pry it off the wall and glue it to another location. The glue would have to cure 3 to 5 minutes before the key would adhere properly to the wall. TURNBULL said after HANSON completed his patrol, AVILES again asked him to move the "Morse Watchman Key," since his patrol was completed. TURNBULL again refused, and AVILES sent him home for refusal to comply with his supervisor's orders. TURNBULL said he did not believe HANSON provided AVILES with a reason for refusing AVILES' second request, but in his [TURNBULL's] opinion, HANSON thought he was "being picked on."

TURNBULL said, although HANSON was not a Union member since he was a temporary employee, HANSON contacted him after the incident with AVILES. HANSON asked him if fire watch personnel were required to perform other duties. TURNBULL said Waterford 3 procedures [FP-001-014 6.1.5] prohibited performance of other duties during the performance of fire watch duties.

TURNBULL said he conveyed HANSON's complaint to BROOKS, but BROOKS told him this was an administrative procedure, and HANSON should have complied with AVILES' request. HANSON never came back on site at Waterford 3, and he was fired or allowed to resign as a result of this incident. TURNBULL believed what happened to HANSON was unfair which was why he complained to the NRC Resident Troy PRUETT. TURNBULL said he was not present during either discussion between HANSON and AVILES, and the information he was providing was as given to him by HANSON.

AGENT'S NOTE: On January 18, 1996, TURNBULL provided the reporting agent with HANSON's parent's telephone number where a message could be left for HANSON [REDACTED] 7C

This report prepared on January 18, 1996, from agent's notes.

*Virginia Van Cleave*  
Virginia Van Cleave, Senior Special Agent  
Office of Investigations Field Office, RIV

EXHIBIT 5

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EXHIBIT 5

REPORT OF INTERVIEW  
WITH  
SONNY E. HANSON

HANSON was interviewed by telephone [REDACTED] from his residence on March 12, 1996, by Nuclear Regulatory Commission (NRC) Senior Special Agent Virginia Van Cleave, regarding an allegation that he was directed by a security shift supervisor (SSS) to relocate a "Morse Watchman Key" at Entergy's Waterford 3 while he was on patrol. HANSON related the following information in substance. 7C

HANSON stated he has been employed as a [REDACTED] since Christmas 1995. From approximately September 1995 to November 1995, he was employed as a temporary fire watch by The Wackenhut Corporation (TWC) at Waterford 3. His duty was to perform hourly fire watch patrols during his 12 hour shifts. This was his only experience working at a nuclear facility. During his last month at Waterford 3, he worked on the night shift. His immediate supervisor was a TWC Lieutenant named Woody, but he could not remember Woody's last name. Woody's supervisor was an Entergy employee, Captain Edward AVILES. 7C

HANSON recalled that one night in November 1995, Woody told him that AVILES wanted him [HANSON] to move a Morse Watchman Key further back in one of the rooms HANSON checked during patrol. HANSON said he refused to do so, because the Morse Watchman Keys were AVILES' idea, should have been his sole responsibility, and he [HANSON] would be held accountable if he put it in the wrong place. In HANSON's opinion, AVILES wanted him to move the key because he [AVILES] was too lazy to do it himself. He said AVILES and other supervisors did almost nothing and the lower level workers did everything.

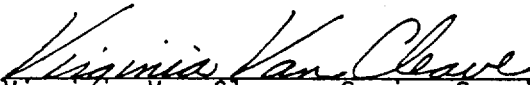
HANSON said he told Woody moving the Morse Watchman Key was AVILES' job, he [HANSON] did not get paid to do AVILES's job, he did not want to do it, and he was not going to do it. HANSON said Woody asked him two more times that evening to move the key, and each time he refused to do so. The third time Woody told him he would have to leave if he refused to move the key again, and HANSON said "good" and left the site. HANSON said he could have easily moved the Morse Watchman Key in about five minutes, but he refused to do so out of "principle."

HANSON said he reported to work the next evening as usual and was told to report to TWC's site representative, Tim BROOKS, who told him he [HANSON] needed to perform job duties as assigned. HANSON told BROOKS he was not paid to move Morse Watchman Keys, this was not part of his specific assigned duties, and he would not do anything other than the specific duties assigned to a fire watch. BROOKS told him he would be terminated if he refused to comply with this type of request by Entergy supervision. HANSON said he and BROOKS reached a "mutual agreement" that he would be terminated by TWC.

HANSON said he had been involved in an earlier conflict with SSS Marion SLATE, but SLATE was "not involved in this [key incident] at all," and the previous incident with SLATE was totally unrelated to the incident with AVILES.

HANSON commented that he thought the reporting agent was calling to discuss an incident he had previously been questioned about by NRC Senior Physical Security Specialist Thomas DEXTER. He said he and other fire watches were posted on two doors that required armed officers, but they were not armed, and he confirmed this incident to DEXTER.

This report prepared on March 12, 1996, from agent's notes.

  
Virginia Van Cleave, Senior Special Agent  
Office of Investigations Field Office, RIV

1/17/96

Chris Turnbull

[REDACTED]

7C

G.T. later said he was incorrect - wasn't on floor  
Guy found key on floor & they wanted him to  
interrupt his tour of fire watch duty to get glue &  
put key back

Hanson was temp - hasn't been there a while  
for outage

Hanson thought he was being picked on

C. T. is Union Shift Rep - works for Wackenhut  
been there 12 years, is hourly employee  
since 1983

Guards are assigned to fire watch  
Hanson hired for, reful 7 outage  
He was there about 3 months  
Hanson was subsequently fired or allowed to resign  
because of this incident  
He never came back on site  
5 Captains are Entergy employees, & 46 Wackenhut hourly employees  
One Captain didn't like him  
(Marion Slate)  
Slate works for Entergy administratively  
Tom Dexter is looking into something to do with  
Slate now

SSS Aviles is Entergy employee

35-40 minute patrol Hanson was doing & had to be  
finished within 45 minutes to one hour

Turnbull (Cont.)

Start changed Hanson out for cleaning on "Something" supposedly caused him

after 4 hours  
C. T. or. later X  
standing up

Hanson "wrote I hate you" - turned  
report to his supervisor  
~~the~~ Glenn Conno, X got  
to Tim Brooko who is in charge  
of Wack. on site

About 2-3 weeks later, incident with Ariles  
repeated

Hanson called C. T. after incident (Hanson not  
Union)

After his patrol, they told him to go back X  
give they

GA had done audit & they wanted they moved  
further into room. Next day Ariles (who designed  
the program) decided they needed to be moved  
per GA & told Hanson to move it during  
patrol. Hanson told him no because he  
wasn't supposed to do anything except firework

After patrol, Ariles told Hanson to go back X do it  
but Hanson refused. Second time X Ariles sent  
him home

C. T. was not present during these occurrences,  
but Hanson went to C. T.

Tim Brooko (verbally)

~~He~~ recorded to C. T. a complaint but  
said this was administrative procedure X  
Hanson should have done it

C. T. doesn't know who finally moved her, but  
was probably not present - ~~She~~ Cherie Dent &  
Dolores

Tanball (Cont)

Hanson has another job; C.T. will try to reach him



3/11/96

[REDACTED]

7C

Sonny Edward Hanson - currently employed in  
[REDACTED] since Christmas 1995

for Washington

Temple at Washington from Sept. to Nov 1995

His first experience at nuclear

Post - once he performed his duties very well

during 12 hour shifts frequently for alarm

activation, no problems, seemed like a lot of

experience. They were relying on humans who

made mistakes about computer run

the last month he worked my 12

hour (Caplan, Edward Arlio) employed by

Edwards told him to move house (my 12

hour shift) (that is already in, underway) put it

there. My wife totally Arlio's wife & responsibility

& he would have moved it, Arlio did almost

nothing & was too busy to move it.

Hanson told Arlio it was Arlio's job. I didn't

get paid for this. He didn't want to do it

Hanson & Arlio went back & forth 3 times &

last time Hanson refused. The last time

Arlio told him he would have to leave if he

wouldn't do it & Hanson said "good" & left

Arlio said that Hanson went to work &

Arlio told Hanson to tell him Hanson

needed to do what he was asked to do Hanson

told him the worst part of his duties he was

told to do & he wasn't going to

do any thing else, so was mutual agreement

Hanson would be terminated

should have only told him about 5 minutes & could

have been terminating earlier, but it was the

dispute of it

He was not informed on this. it all & previous

incident was totally unrelated to this.

CC/35

Hanson

Hanson said he & other firewatchers were posted on 2 doors that required armed officers - he was interviewed ~~by~~ Dexter about this & confirmed it.

