

REPORT OF INTERVIEW  
WITH  
THOMAS DOUGHERTY

On June 2, 1995, DOUGHERTY was interviewed under oath by the reporting investigator. The interview was conducted at the New York Power Authority (NYPA), 123 Main Street, White Plains, NY, and was a continuation of a April 20, 1995 interview. DOUGHERTY provided the following information:

DOUGHERTY was first questioned regarding allegations that NYPA contractor John TARPINIAN was harassed for identifying and pursuing fire protection (FP) issues at Indian Point 3 (IP3) Nuclear Power Plant. DOUGHERTY does not know if Hugh GILMARTIN asked to review TARPINIAN's and Jim STRAUSSER's (another NYPA contractor) resumes or if GILMARTIN conducted an investigation into their backgrounds.

DOUGHERTY said that he became aware that TARPINIAN may have felt that he was harassed or that he was concerned about something. He spoke to TARPINIAN about his concerns regarding the Walter WITTICH incident. DOUGHERTY is unsure of the date he became aware of the concerns and the date that he discussed them with TARPINIAN. DOUGHERTY said that TARPINIAN was very comfortable with Alan ETTLINGER's assurances that he was happy with his work and that he should have no fear of losing his job. At that time, TARPINIAN did not claim that he was being harassed.

DOUGHERTY said that on January 6, 1995, Andrew BARTLIK informed Mike TRESSLER that he knew that Ken VEHSTEDT and Tom KLEIN had initiated the WITTICH incident. DOUGHERTY said that BARTLIK also told him that he believed that KLEIN had talked to Cataract about TARPINIAN. DOUGHERTY does not think that he followed up on that; he may have asked ETTLINGER to talk to Cataract. DOUGHERTY heard that Cataract denied that KLEIN had called them about TARPINIAN. DOUGHERTY said that he advised CAHILL of this information, and CAHILL suggested that since BARTLIK had provided the information to TRESSLER, TRESSLER should speak to TARPINIAN about it. TRESSLER reported back to DOUGHERTY that he had spoken to TARPINIAN and that TARPINIAN had no knowledge as to who had provided TRESSLER with the information, also that he did not have any concerns about his work environment.

DOUGHERTY said that on January 27, 1995, he spoke to TARPINIAN about the WILKIE incident. DOUGHERTY said that during that conversation, TARPINIAN told him that he viewed the WITTICH incident, VEHSTEDT telling him "see you later pal," and WILKIE incident as a trend, and that somehow they were linked. DOUGHERTY said that he viewed TARPINIAN's manner and words to mean "don't get rid of me before my time." DOUGHERTY said that he was a little taken back by TARPINIAN's implication. DOUGHERTY felt that in some way TARPINIAN was "setting him up" and felt that he had been supportive and aggressive in looking at TARPINIAN's concerns. DOUGHERTY said that he informed CAHILL of the WILKIE incident, and CAHILL instructed him to have TARPINIAN take his concern to Speakout.

DOUGHERTY was also questioned regarding allegations that Ulrich WITTE had received a poor performance appraisal, and had been demoted because his group raised and pursued FP issues at IP3. DOUGHERTY said that in October 1993 he led a review group that looked at the NYPA engineering organization, and how

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to best support the plants. At that time, Paul BORER (then acting VP of Engineering) and Ralph BEEDLE, Chief Nuclear Officer, were "hot" on relocating engineering resources to the sites. The group recommended that the majority of the functions be taken away from Configuration Management (CM) and move them to the sites. Also, other functions, to include the Design Basis Document (DBD) group, were taken away from CM. DOUGHERTY said that in December 1993 BEEDLE left NYPA and William JOSIGER took over as the Chief Nuclear Officer. JOSIGER was uncomfortable in making the recommended changes, but when JOSIGER was replaced by FREEMAN in early 1994, FREEMAN commissioned a "90 day Study" on the reorganization. DOUGHERTY said the study endorsed the reorganization recommended by his 1993 group.

DOUGHERTY added that in October of 1994, GILMARTIN replaced ETTLINGER as Director of Engineering Support. At that point, CM was one of four direct reports to GILMARTIN. The reorganization placed CM's function in Dick BECHT's group, and the position of Manager of CM was abolished. DOUGHERTY said that there are no plans to recreate the group. DOUGHERTY said that other engineering department managers also lost their jobs in the reorganization and downsizing. He listed Navine MATHER, Gus MAVRIKIS, Brian YOUNG, and Steve MUNOZ as examples. DOUGHERTY said that there are many others who were downgraded in title, but not in salary, as WITTE has been downgraded.

DOUGHERTY maintained that WITTE's demotion was in no way related to his group raising safety issues. DOUGHERTY said that he had conversations with GILMARTIN before the reorganization on who he (GILMARTIN) was going to select as the managers in his new organization. DOUGHERTY said that the gist of that conversation was that WITTE was not a good supervisor. DOUGHERTY said that he made GILMARTIN aware that WITTE was not one of his high choices as a manager in the new reorganization.

DOUGHERTY added that he had dealt with WITTE for a few years and believes that WITTE always had his own agenda. He has known WITTE to go to meetings where agreements are reached on a course of action, but that after the meeting, WITTE went off and did what he wanted to do. DOUGHERTY cited an example where he received a phone call from VEHSTEDT, who thanked him for getting WITTE up to IP3 to support him at the plant. DOUGHERTY said that he relayed to WITTE what a good job he had done on at that meeting at IP3, when a week later, he received irate calls from IP3, complaining that WITTE gave them a product that what was not agreed upon. DOUGHERTY is aware of similar problems and complaints he received about WITTE from employees at the James A. Fitzpatrick Nuclear Power Station (JAF), opining that WITTE has a tough time dealing with people, especially people below him.

DOUGHERTY said that toward the end of 1993, WITTE came to him after talking with BORER, who told him he didn't get along with people and suggested that he speak to DOUGHERTY about it. WITTE asked him to be his mentor, asking if he could come to him with items. DOUGHERTY said that he told WITTE that he was busy, but if he wanted to talk, he would make the time. WITTE never followed up on that request.

DOUGHERTY said that WITTE also had problems with his travel expense statements that were submitted to NYPA. DOUGHERTY believed that if person could not

manage his own expenses, he could not manage NYPA resources. DOUGHERTY said that prior to the October 1994 issue with WITTE's travel expenses, he was not aware of any concerns with WITTE's travel, and, at no time, was it restricted. Once the issue of the expense statement came up, DOUGHERTY became very concerned with how WITTE was going to travel, because his American Express credit card had been taken away. DOUGHERTY said that he wanted to make sure WITTE's travel was monitored and instructed GILMARTIN to do that.

DOUGHERTY felt that the NYPA Audit Department's audit of WITTE's travel expenses was warranted. DOUGHERTY said that GILMARTIN told him of late expense claims and the concerns he had with them. GILMARTIN told him he was going to bring his concerns to NYPA Audit Department Manager, Joe BRENNAN. DOUGHERTY said that BRENNAN's initial reaction, on review of WITTE's travel, was that WITTE should be fired. DOUGHERTY said that he asked BRENNAN if the audit was justified, and BRENNAN told him that he wished more NYPA employees asked his department to perform that type of audit.

INVESTIGATOR'S NOTE: WITTE alleged to the reporting investigator that GILMARTIN has personality conflicts with everyone and his reputation for that was known far and wide.

DOUGHERTY commented that GILMARTIN gets along with most everyone, and the perception is that he is close to people at the working level. DOUGHERTY opined that GILMARTIN may have problems dealing with people of a higher level, but that people at the plants love him. DOUGHERTY said that GILMARTIN does have a task master in him and is unafraid of confronting people with problems. He added that, if there are problems, GILMARTIN confronts them and holds people accountable. DOUGHERTY offered that a lot of NYPA employees are going thorough a bit of culture change that some people are not enjoying. DOUGHERTY understands that another NYPA Manager, Bob PENNY, is telling his employees that their raises will be based on their job performance.

INVESTIGATOR'S NOTE: BARTLIK is currently working for PENNY.

DOUGHERTY was questioned regarding a February 1, 1995, memorandum (attached) to him from WITTE. WITTE claimed harassment regarding GILMARTIN's and the Audit Department's review of travel expense claims. DOUGHERTY said that he did not support WITTE on that and told him it was his responsibility to have the expense claims submitted in an accurate and timely manner. DOUGHERTY said that, after receiving that memorandum, he called BRENNAN to see if he viewed the concern as harassment. BRENNAN told him that it was not harassment and that NYPA was within its rights to review the travel claims. BRENNAN told him that he wished more NYPA employees would ask his department to review those types of issues.

DOUGHERTY is positive he did not tell WITTE that the expense concerns were a non issue, but he thinks that WITTE felt that he was going to be supportive of him. DOUGHERTY said that he made it clear to WITTE that he was not supportive of his position, and that he supported GILMARTIN. DOUGHERTY said that he told WITTE that he needed to take responsibility for his travel expenses. DOUGHERTY said that NYPA had lost confidence in WITTE's travel claims.



Regarding WITTE's performance reviews, DOUGHERTY said that in 1992 WITTE was not in his chain of command. In 1994, WITTE was in his chain of command, but he had no input into WITTE's 1994 performance review. He recalls that GILMARTIN told him that WITTE was going to receive a Does Not Meet Expectations (DNME) review. DOUGHERTY said that he has seen no evidence that would make him believe that WITTE's DNME was caused by WITTE's group raising safety issues, and did not view it as any type of retaliation. DOUGHERTY said that he has three major concerns with WITTE's job performance: 1) WITTE's inability to communicate and deal with people; 2) WITTE has his own agenda, and is not willing to work with people; and 3) WITTE's inability to manage his own travel expenses, which caused doubt that WITTE could manage NYPA resources. DOUGHERTY said that there is now the perception that WITTE views that going to Speakout offers him protection. DOUGHERTY added that there is no doubt in his mind that WITTE is not one of top performers in NYPA.

DOUGHERTY said that many NYPA employees are upset with the new performance ranking system, and that NYPA is now really holding people accountable for their performance.

DOUGHERTY was then questioned regarding allegations that BARTLIK received a negative mid cycle review for identifying and pursuing FP issues at IP3. DOUGHERTY said that his first involvement in it occurred when BLOISE came to him in the middle of 1994. He recalls BLOISE telling him that he had a performance problem with one of his (BLOISE's) employees. DOUGHERTY said that he told BLOISE that he needed to confront the problem. DOUGHERTY is not sure if BLOISE identified that the problem was with BARTLIK, but he assumes that he was aware that it was BARTLIK. DOUGHERTY said that suggested to BLOISE that he confront the individual and document the discussion. DOUGHERTY recalls BLOISE telling him that the employee is not team player, does not communicate with people at the site, and was not doing what he has been asked to do. DOUGHERTY told BLOISE that he needed to tell the employee about the deficiencies. BLOISE told him that it was the middle of the year and reporting cycle. DOUGHERTY said that he told BLOISE to sit down with the employee and lay out the problem areas, and put down actions that needed to be resolved, and document the conversation and issues that were discussed. DOUGHERTY said that he did not direct BLOISE to perform a mid cycle review, but believes that BLOISE went to the NYPA Human Resource Group's Lori STEINMETZ, who suggested that the review be conducted.

BARTLIK came to him on July 29, 1994, after receiving the mid cycle review. DOUGHERTY said that he called in BLOISE to discuss the review. DOUGHERTY told BLOISE that reading the performance review from BARTLIK's shoes, one could see how BARTLIK felt that the reason that he got the bad review was because he told IP3 of their FP problems, and then IP3 told BLOISE that he (BARTLIK) was not a team player and that, he was the problem. DOUGHERTY believes that there was a regular cover form on the mid cycle review which rated BARTLIK as overall meeting expectations. DOUGHERTY said that he agreed with everything that BLOISE wrote in the review, but also agreed that it could be interpreted by BARTLIK as harassment. DOUGHERTY added that BARTLIK does have problems in dealing with people.

DOUGHERTY said that he talked to BLOISE and told him that the review would

have to be pulled back because it could be interpreted that BARTLIK was raising safety issues and being told to go away. The review was rescinded on CAHILL's direction.

DOUGHERTY said that BARTLIK also told him, at that time, that he was upset that he did not get an exceeds expectations in his 1993 performance review, and blamed it on employees at IP3. DOUGHERTY said that BARTLIK did not specifically mention VEHSTEDT as the reason for that. DOUGHERTY said that he asked MAVRIKIS and BLOISE about it, even though, at that time, he was not the VP of Nuclear Engineering. DOUGHERTY said that BLOISE told him that he was going to put BARTLIK in for exceeds, but he first informed MAVRIKIS. MAVRIKIS asked him to justify the rating because MAVRIKIS believed that, because BARTLIK was a level five engineer, he should be expected to do that level of work. DOUGHERTY said that BLOISE told him that he agreed with MAVRIKIS on that. DOUGHERTY said that BARTLIK "beefed" that to him, complaining that not getting the exceeds rating had cost him eight hundred dollars in salary. DOUGHERTY said that he reviewed the matter and told BARTLIK that nothing had been done to deliberately hurt him. DOUGHERTY said that he was frustrated with BARTLIK over that, because if BARTLIK had a real concern, he should have brought it to him much earlier.

DOUGHERTY was asked what the difference was in the work done on the FP DBD's at JAF and IP3. DOUGHERTY said that there was almost no dissenting viewpoints on FP issues at JAF where BEEDLE and ZULA said that the issues would be handled by WPO FP group. DOUGHERTY said that IP3 was a different story because the NRC concerns with the IP3 FP program were not as serious as those at JAF. DOUGHERTY said that NRC employee Tom MADDEN stated that IP3 had a good FP plan. As a result of that, not as much money was spent at IP3. DOUGHERTY said that the consultants brought in to help resolve the FP issues at IP3 said that today's standards require more in the area of FP, but that didn't mean that IP3 didn't comply with Appendix R as it was in 1984. DOUGHERTY said that BARTLIK was still not happy with what NYPA was doing regarding the Licensee Event Report (LER) revision that was to be sent to the NRC. DOUGHERTY said that BARTLIK believed that NYPA should state that all of the concerns were reportable. DOUGHERTY said that the LER is still in draft, and was not positive of what would be reported to the NRC.

DOUGHERTY said that BARTLIK has told him that he views his role as identifying problems, not to provide the answers to them. DOUGHERTY said that it is very difficult in trying to get BARTLIK to provide details of his concerns and to document his concerns in writing. DOUGHERTY believes that is what BLOISE was trying to say when he wrote BARTLIK's mid cycle review. Regarding the safety of a building at JAF, mentioned in DOUGHERTY's earlier report of interview, DOUGHERTY believes that GILMARTIN may have the memorandum written by John DONOVAN requesting BARTLIK to document his concerns on that issue.

DOUGHERTY said that he became aware of an issue where BARTLIK alleged, in writing, that he had been called "scumbag" by Carl JESSEN at a FP meeting at IP3. DOUGHERTY said that he talked to Les HILL about that and another document where BARTLIK's technical concerns were called "Bartlikisms". He told HILL that JESSEN and Roger LAURACELLA (who DOUGHERTY believed had written the Bartlikisms document) needed to be aware that that should not have been

done. HILL told him that he would take care of it, but he is not sure what HILL did. DOUGHERTY said that he spoke to DUBE about LAURACELLA and told him that, if LAURACELLA had that opinion, he should keep it to himself. DOUGHERTY said that DUBE told him that he would talk to LAURACELLA about it.

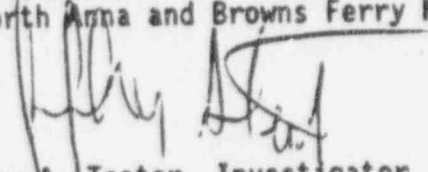
DOUGHERTY said that BARTLIK is a very smart guy whose mind moves very fast when he talks. DOUGHERTY said that people don't like arguing with BARTLIK, because he is very sharp and quick.

DOUGHERTY opined that he does not think there was any intent to retaliate against BARTLIK because he had raised and pursued FP issues at IP3. DOUGHERTY said that there may have been a possibility that BLOISE started to agree with the IP3 people that BARTLIK was out of control and that the mid cycle review may have been an attempt by BLOISE to try to get BARTLIK under control. DOUGHERTY said that the root of the matter may have been that BLOISE was kind of in the middle between VEHSTEDT, DUBE, and Chuck HAYES telling him that BARTLIK had no legitimate issues, and that they had other things that they needed to do besides working on BARTLIK's concerns. DOUGHERTY believes that BLOISE may have started to get frustrated with BARTLIK because of that.

DOUGHERTY believes that BLOISE ran all of the FP issues through HAYES in an effort to find out who was right, VEHSTEDT or BARTLIK. DOUGHERTY said that there are legitimate reasons to support the belief that things at IP3 were not as screwed up as BARTLIK thought they were. DOUGHERTY said that the common problem at IP3 was that there was a lack of documentation to support the original work done on the IP3 1984 Appendix R document. DOUGHERTY said that there were no documents, and the attitude was that, if you had to go look for it, it was better to re-do it, because it was too much effort to find it.

DOUGHERTY was asked if BLOISE was technically qualified enough to be able to know if BARTLIK or VEHSTEDT were correct on the FP issues that could not be agreed upon. DOUGHERTY said that BLOISE would not be the ideal choice if it were done all over again. He opined that BLOISE did not have extensive knowledge of FP or Appendix R concerning IP3, and that BLOISE was "not the greatest supervisor." He added that VEHSTEDT was much more technically qualified to do the FP work than BLOISE, and that BLOISE did not know Appendix R as well as BARTLIK. DOUGHERTY stated that BLOISE knows enough of the basics of FP and Appendix R to determine if there was a safety issue. DOUGHERTY added that BLOISE agreed with BARTLIK on some of the DER's and other issues raised by BARTLIK.

DOUGHERTY said that he has heard rumors that BARTLIK had raised harassment and discrimination issues previously at the North Anna and Browns Ferry Nuclear Power Plants.

  
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