

REPORT OF INTERVIEW
WITH
THOMAS F. DOUGHERTY

On April 20, 1995, DOUGHERTY was interviewed by Senior Investigator Richard J. Walsh and the reporting investigator. The interview was conducted under oath in DOUGHERTY's office, 12th floor, New York Power Authority (NYPA), 123 Main Street, White Plains, New York. DOUGHERTY provided the following information:

DOUGHERTY was born on [REDACTED] in [REDACTED]. His social security number is [REDACTED]. His drivers license number is [REDACTED]. In [REDACTED] he graduated from Queens College with a Bachelor of Arts in Mathematics. In [REDACTED] he graduated from Columbia University with a Master of Science in Nuclear Engineering. DOUGHERTY was hired by NYPA in June 1979. Since April of 1994, he has been the Vice President of Nuclear Engineering.

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DOUGHERTY was questioned as to why Ken VEHSTEDT was transferred from the NYPA White Plains Office (WPO) to the Indian Point 3 Nuclear Power Plant (IP3) and given responsibility for fire protection (FP) issues. Through hearsay, DOUGHERTY heard that former IP3 Resident Manager John GARRITY was concerned that the FP issues would "get out of control," and cost as much as the 60 million dollars spent on the James A. Fitzpatrick Nuclear Power Plant (JAF) FP issues. DOUGHERTY heard that NYPA employee Sal ZULA, and Paul BORER (on loan from the Institute of Nuclear Power Operations (INPO)), NYPA Acting Vice President of Nuclear Engineering, were asked by GARRITY if VEHSTEDT could be transferred to IP3 to be responsible for FP issues. ZULA and BORER agreed to GARRITY's request. DOUGHERTY believes that in March 1995 the IP3 Resident Manager, Les HILL, selected VEHSTEDT to be the IP3 Technical Services Manager.

DOUGHERTY and others at NYPA were concerned with VEHSTEDT's transfer, because the Nuclear Engineering Department's Fire Protection Group would not be in control of the IP3 FP issues, even though they were the actual responsible organization. DOUGHERTY said the transfer created "a natural clash" between IP3 and WPO, because they had different interpretations of FP issues. DOUGHERTY added that VEHSTEDT was a technically competent person, who formerly worked in the NYPA Licensing Department. Joseph DUBE was the head of FP at IP3, and VEHSTEDT was put under DUBE's supervision to try to add VEHSTEDT's technical and licensing knowledge of Appendix R to the resolution of the FP issues.

DOUGHERTY also offered that in 1993 he led a task force at NYPA that looked at relying less on contractors to perform NYPA work. The new NYPA Chief Executive Officer, FREEMAN, also felt that NYPA should rely less on contractors. DOUGHERTY said that from his perspective, and others, NYPA made a mistake by having contractors put together NYPA's design basis documents (DBD's), because the knowledge gained in putting together the DBD's was lost when a contractor left the company.

In September 1993, DOUGHERTY became BORER's assistant. BORER asked him to attend a March 29, 1994, FP budget meeting. DOUGHERTY chaired the meeting. He said that it was his job to keep the meeting focused. DOUGHERTY provided a copy of the meeting minutes (attached), which lists the attendees. DUBE, VEHSTEDT, John TARPINIAN, and Bob VENTURA were among the attendees. DOUGHERTY

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said that the purpose of the meeting was to get the FP issues on the table, and to discuss the budget availability. They needed to decide what work could be done in 1994, and what could be deferred until 1995. They also needed to decide what were start up issues, and what were not. Prior to the meeting, Project Engineer Bob VENTURA told him of the budget costs of the FP issues. VENTURA was in charge of the FP budget.

DOUGHERTY said that, at some point during the meeting, he believes that he brought up whether the 1994 funding for the FP DBD safe shutdown analysis could be used to pay for some other FP issues. It was proposed that the analysis work be deferred until 1995. DOUGHERTY said that there were strong, opposing views voiced about the proposal, and at times, the conversation became "confrontational" from a "budgetary standpoint." It is DOUGHERTY's guess that VENTURA, DUBE, and VEHSTEDT held the view that the analysis should be deferred until 1995, with the already budgeted funds used to address other FP issues. DOUGHERTY said that he does not recall TARPINIAN saying anything during that meeting. DOUGHERTY could not recall what VENTURA, DUBE, and VEHSTEDT wanted to use the money for, but DOUGHERTY was aware that unfunded FP issues had come up. He added that the estimated cost of the budgeted work was greater than had been budgeted. DOUGHERTY did not know if NYPA had committed to the NRC to do the DBD/safe shutdown analysis before the IP3 restart.

DOUGHERTY believes that VEHSTEDT stated during the meeting that he didn't have any more time to talk about problems, because he had some to solve. DOUGHERTY said that during the meeting he saw VEHSTEDT get up, and walk over to TARPINIAN, and say, "see you later pal or bud." DOUGHERTY does not remember what caused VEHSTEDT to do this, but he believes that VEHSTEDT was frustrated during the meeting, and frustrated with the issues in general. DOUGHERTY said that VEHSTEDT had a lot of work that needed to be done, and believes VEHSTEDT wanted the meeting to end. DOUGHERTY believes that the meeting lasted from 10:00 a.m. until 1:00 p.m. He believes that VEHSTEDT believed that the meeting was a waste of time, and that NYPA didn't need to do the DBD. At the time, DOUGHERTY did not view VEHSTEDT's actions as wrong. DOUGHERTY believes that TARPINIAN could have perceived that he would lose his job if the DBD was deferred.

DOUGHERTY said that, until TARPINIAN spoke to him, he did not view VEHSTEDT's actions as inappropriate. To DOUGHERTY's knowledge, there was no intent to cause TARPINIAN any harm by trying to get the safe shut down analysis deferred until 1995. Since that meeting, he has seen no evidence to change that opinion.

DOUGHERTY stated that he has known VEHSTEDT for 12 years. He said that some people have problems with VEHSTEDT's work style. He described VEHSTEDT as smart, sharp, and very opinionated. VEHSTEDT is the kind of person who speaks his mind, and is not afraid to challenge people if he believes they "are off." From DOUGHERTY's perspective, if VEHSTEDT did that to him, he would have viewed it as a sign of friendship. VEHSTEDT has done that sort of thing to him. DOUGHERTY said that VEHSTEDT openly displays his feelings, and that people know when VEHSTEDT is "getting mad." DOUGHERTY added that VEHSTEDT was the first person to identify JAF's Appendix R compliance issues. That led to the JAF FP DBD being done.

DOUGHERTY became aware of an issue regarding an Ebasco employee, Walter WITTICH. WITTICH had been called by a NYPA employee who complained about TARPINIAN. As a result of that, DOUGHERTY spoke to WITTICH, who refused to give him the name of the NYPA employee. DOUGHERTY recalls that he told WITTICH that, "the day may come when you will have to give us that name." DOUGHERTY said that he may have asked WITTICH if it was VEHSTEDT who complained to him about TARPINIAN. DOUGHERTY is not aware of any disciplinary action taken against WITTICH, but said that he would not have been surprised if WITTICH's access badge to IP3 was revoked for not cooperating with the NYPA investigation. DOUGHERTY could provide no more specific information regarding that incident.

DOUGHERTY said that he was called by ETTLINGER on January 24, 1995, about a conversation that Steve WILKIE had with TARPINIAN regarding a letter sent by Robert POLLARD, of the Union of Concerned Scientists, to CAHILL. On January 25th, he called ETTLINGER from JAF, and then called CAHILL. DOUGHERTY said that CAHILL was very upset, and wanted to know if WILKIE was a "good guy." DOUGHERTY said that he convinced CAHILL that it was probably an innocent thing between WILKIE and TARPINIAN. DOUGHERTY told CAHILL that WILKIE was a very hard worker and a good person, because CAHILL talked about firing WILKIE. DOUGHERTY then telephoned WILKIE from JAF to talk about the situation. He got WILKIE's side of the story. He told WILKIE that they would meet when he got back to White Plains on January 27th. On January 27th, DOUGHERTY met with ETTLINGER and WILKIE to discuss the situation. From that discussion, DOUGHERTY determined that WILKIE did not intend to harass TARPINIAN. He saw no evidence that WILKIE had been prompted by VEHSTEDT to ask TARPINIAN about the POLLARD letter. DOUGHERTY informed WILKIE that he (WILKIE) had to view the incident from TARPINIAN's point of view as another indication that he was being harassed.

DOUGHERTY then met with TARPINIAN and ETTLINGER. He recalls that TARPINIAN said that he was not concerned with the incident and felt that it was innocent. TARPINIAN did not want anything to happen to WILKIE. DOUGHERTY said that he told TARPINIAN to bring his harassment concerns to the NYPA Speakout Program. He also asked TARPINIAN to put his concerns in writing. CAHILL agreed with DOUGHERTY on that course of action.

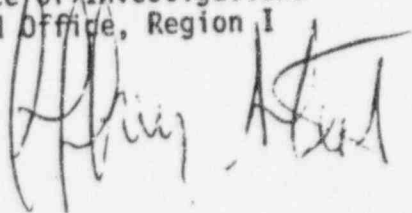
DOUGHERTY was then asked some questions regarding NYPA employee Andrew BARTLIK. DOUGHERTY said that BARTLIK throws problems out on the table without all of the facts. DOUGHERTY had a "confrontation" with BARTLIK when BARTLIK told him that a building at JAF was not safe. DOUGHERTY asked BARTLIK what he meant, and BARTLIK said to him, "you don't want to hear about it." DOUGHERTY told BARTLIK, "come on, we will call fire protection now and evacuate the building" if it is unsafe. DOUGHERTY told BARTLIK to write up the concern. DOUGHERTY also asked Hugh GILMARTIN to follow up on that request to BARTLIK. A memorandum was also sent to BARTLIK asking him to document his concern. BARTLIK has not documented the concern, but BARTLIK brought up the issue again one month ago.

DOUGHERTY said that BARTLIK came to him on July 29, 1994, about a draft performance review. BARTLIK "got spun up" about it, and thought that the poor rating was the result of him raising FP issues at IP3. BARTLIK told him that

he was going to "go to somebody" about the review. DOUGHERTY inferred from the conversation that BARTLIK felt that he was being told to not raise safety problems. DOUGHERTY later met with BARTLIK, who told him that VEHSTEDT suppressed safety issues and was dishonest. BARTLIK also told him that VEHSTEDT had complained to Ebasco about someone. DOUGHERTY said that he informed William JOSIGER, CAHILL, and NRC Senior Resident Inspector Glenn TRACEY of that information.

DOUGHERTY reviewed his work diaries in an attempt to provide specific dates. During the interview, he was unable to provide those dates. DOUGHERTY said that he would attempt to produce a time line of events regarding FP issues and the allegations of harassment, intimidation, and discrimination. DOUGHERTY will be re-interviewed by the reporting investigator.

Jeffrey A. Teator, Investigator
Office of Investigations
Field Office, Region I



attachments:
as stated

TELECOPY TRANSMITTAL SHEET
ELECTRICAL / INSTRUMENT & CONTROL
DESIGN ENGINEERING

from T. Dougherty
4/20/95

Date: April 19 1995

Sending No: 914-734-6080
Confirmation No: 914-736-6070

To: Tom D 5450

From: Bob V

Number of pages including transmittal sheet: _____

Mtg Min of March 29 94 - FP Budget

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