

CASE No. 2-1998-014

**United States
Nuclear Regulatory Commission**



Report of Investigation

BRUNSWICK STEAM ELECTRIC PLANT:

DISCRIMINATION AGAINST AN [REDACTED]
[REDACTED] WORKER FOR
RAISING SAFETY CONCERNS TO THE NRC

7C

Office of Investigations

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Title: BRUNSWICK STEAM ELECTRIC PLANT

DISCRIMINATION AGAINST AN [REDACTED] WORKER FOR RAISING SAFETY CONCERNS TO THE NRC

7C

Licensee:

Case No.: 2-1998-014

Carolina Power and Light Company
P.O. Box 1551
Raleigh, North Carolina 27602

Report Date: January 12, 1999

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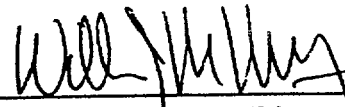
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PROSECUTION.



SYNOPSIS

The U.S. Nuclear Regulatory Commission (NRC), Office of Investigations, initiated this investigation on April 29, 1998, to determine whether an [REDACTED] [REDACTED] manager at the Brunswick Steam Electric Plant threatened to fire individuals who brought safety concerns to the NRC, and if these actions caused a chilling effect and a hostile working environment within the [REDACTED].

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Based on the evidence developed during the investigation, the allegations that the manager's actions caused a hostile working environment were unsubstantiated.

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DETAILS OF INVESTIGATION

Applicable Regulations

Allegation: Alleged Harassment and Intimidation for Raising Safety Concerns

10 CFR § 50.5: Deliberate misconduct

10 CFR § 50.7: Employee protection

Purpose of Investigation

The U.S. Nuclear Regulatory Commission (NRC), Region II (RII), Office of Investigations (OI), initiated this investigation on April 29, 1998, to determine whether [REDACTED] Manager at the Carolina Power and Light Company's (CP&L) Brunswick Steam Electric Plant (Brunswick), threatened to fire individuals who brought safety concerns to the NRC, and if [REDACTED] actions created a chilling effect and a hostile working environment in the [REDACTED] (Exhibit 1). 7C

Background

On April 7, 1998, [REDACTED] employee, Brunswick, provided information to NRC Resident Inspector Eva A. BROWN. [REDACTED] alleged [REDACTED] had made comments that individuals who brought safety concerns to the NRC would be fired, if identified. [REDACTED] reported personnel actions had been taken against several [REDACTED] employees for reporting safety concerns to the NRC and a hostile working environment existed within the [REDACTED]. On April 16, 1998, the RII Allegation Review Board met and reviewed the allegations against [REDACTED]. 7C

Interview of Allegor

[REDACTED] was interviewed by OI on June 9, 1998 (Exhibit 2). [REDACTED] reported [REDACTED] employee, had told [REDACTED] and other employees he had heard [REDACTED] state [REDACTED] would fire anyone [REDACTED] found going to the NRC with safety concerns. The statement was allegedly made during a morning meeting attended by [REDACTED] direct supports [REDACTED] identified [REDACTED] personnel [REDACTED] as individuals who had been moved or disciplined for providing information to the NRC. 7C

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Review of Documentation

On August 11, 1998, Rose KENYON, CP&L Attorney, agreed to provide personnel records and [REDACTED] regarding [REDACTED]. A review of these documents disclosed [REDACTED] received a [REDACTED] on all but two areas on [REDACTED] annual performance appraisal dated March 23, 1998. [REDACTED] received a [REDACTED] on Communications and Human Resource Management. In addition, the following [REDACTED] relating to [REDACTED] were received and [REDACTED].

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Copies of the above [REDACTED] are provided as Exhibits 3-10.

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Evidence

The following individuals were interviewed regarding [redacted] allegations that [redacted] had created a chilling effect within [redacted] branch by making statements [redacted] would fire individuals found to be reporting safety concerns to the NRC, had taken adverse action against employees that had provided information to the NRC, and had created a hostile working environment. 7C

Interview of [redacted] (Exhibit 11)

On June 9, 1998, [redacted] was interviewed. [redacted] recalled [redacted] in late 1997, stating [redacted] had made a statement about firing the person who provided information to the NRC (Exhibit 11, pp. 4-5). [redacted] said [redacted] claimed he heard [redacted] make the statement at a morning meeting attended by [redacted] [redacted] provided information that [redacted] employee, was present when [redacted] made the statement. 7C

Interview of [redacted] (Exhibit 12)

On June 9, 1998, [redacted] was interviewed. [redacted] recalled that during late 1997 or early 1998, [redacted] was in the dosimetry office talking about a concern reported to the NRC. According to [redacted] claimed [redacted] stated [redacted] would fire the person reporting concerns to the NRC (Exhibit 12, p. 4). 7C

Interview of [redacted] (Exhibit 13)

On June 9, 1998, [redacted] was interviewed. [redacted] reported being told by [redacted] on approximately three separate occasions that [redacted] had said if [redacted] knew who had provided information to the NRC, [redacted] would fire the individual (Exhibit 13, p. 5). 7C

[redacted] provided details of an incident which occurred during [redacted] According to [redacted] prepared a CR and provided a copy of the report to NRC Resident Inspector BROWN. Subsequently, [redacted]

[redacted] meeting was being conducted and during the meeting [redacted] for providing the information to the NRC (Exhibit 13, p. 11). [redacted] claimed the number of CRs had declined since [redacted] became the [redacted] manager. In fact, [redacted] stated he stopped writing CRs on significant problems and [redacted] 7C

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[REDACTED]

[REDACTED] reported he had been [REDACTED] as a result of reporting safety concerns, but did not wish to claim adverse action (Exhibit 13, p. 19). [REDACTED] explained he has not received a [REDACTED] performance evaluation and when he asked why he was being moved, his direct supervisor, [REDACTED] advised the move was not based on [REDACTED] performance.

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Interview of [REDACTED] (Exhibit 14)

On June 10, 1998, [REDACTED] was interviewed. [REDACTED] reported he had provided information to the NRC in the past and subsequently given a [REDACTED] on his performance evaluation and moved (Exhibit 14, pp. 9-11). [REDACTED] explained he was suppose to be moved from [REDACTED] because, as [REDACTED] put it, [REDACTED] was not a [REDACTED]. However, [REDACTED] found a position in [REDACTED] instead. [REDACTED] noted the [REDACTED] was a [REDACTED] and he did not want to claim adverse action.

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[REDACTED] revealed he was not writing CRs because [REDACTED] would criticize and humiliate the authors of CRs (Exhibit 14, pp. 29-30). [REDACTED] further claimed the severity level of CRs were being changed after submission (Exhibit 14, pp. 34-35).

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[REDACTED] furnished details of a statement allegedly made by [REDACTED] involving firing individuals reporting safety concerns to the NRC (Exhibit 14, pp. 39-40). [REDACTED] recalled the NRC had conducted an inspection during late 1997 and [REDACTED] felt like someone had tipped the inspector to look at specific areas. [REDACTED] claimed he was returning to his office with [REDACTED] and [REDACTED] said if [REDACTED] knew who provided information to the NRC [REDACTED]. Additionally, [REDACTED] reported being told by [REDACTED] that he had heard [REDACTED] make similar statements. [REDACTED] indicated he was willing to take a polygraph examination to prove his truthfulness in [REDACTED] having made the above statement.

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Interview of [REDACTED] (Exhibit 15)

On June 10, 1998, [REDACTED] employee, was interviewed. [REDACTED] stated the NRC conducted an inspection in December 1997 and after the inspection, the NRC inspector had a meeting with [REDACTED]. Afterwards, [REDACTED] was very upset. [REDACTED] claimed he never heard [REDACTED] make a statement about firing individuals reporting information to the NRC, but was told by [REDACTED] employee, the comment was made (Exhibit 15, p. 6). [REDACTED] acknowledged sharing the information with [REDACTED].

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several other [redacted] employees, but never claimed to have heard it first hand. [redacted] claimed he was later interviewed by [redacted] about the statement during a [redacted] [redacted] recalled reporting he did not hear [redacted] make the statement and no further explanation was requested or offered. 7C

Interview of [redacted] (Exhibit 16)

On June 10, 1998, [redacted] was interviewed. [redacted] claimed he never heard [redacted] make a statement about firing anyone and he never told [redacted] or anyone else he had heard such a statement (Exhibit 16, p. 5). 7C

Interview of [redacted] (Exhibit 17)

On June 22, 1998, [redacted] was interviewed. [redacted] provided details of the [redacted] from NRC Resident Inspector BROWN's desk by [redacted] (Exhibit 17, pp. 4-5). [redacted] reported [redacted] [redacted] revealed he had written a letter to CP&L's nuclear officer over the [redacted] [redacted] related he later transferred [redacted] at his own request. [redacted] stated [redacted] had told him [redacted] (Exhibit 17, p. 7). 7C

[redacted] noted he had never heard [redacted] make a statement about firing anyone for reporting safety concerns (Exhibit 17, p. 8). 7C

Interview of [redacted] (Exhibit 18)

On June 25, 1998, [redacted] was interviewed. [redacted] stated he had never heard [redacted] make a statement concerning firing individuals reporting safety concerns, but had heard it second hand (Exhibit 18, p. 4). [redacted] related [redacted] had never taken adverse action against him for writing CRs, but did admonish him for suggesting poor corrective action on a CR (Exhibit 18, p. 5). 7C

[redacted] provided details of an incident that occurred in November 1997 where a CR was not written and someone reported the fact to the NRC. Afterwards, the NRC investigated the incident and fined CP&L. [redacted] explained CRs were not written because [redacted] would tell staff they were [redacted] [redacted] Therefore, the reason behind not reporting safety concerns had nothing to do with the NRC, but fear of repercussions from [redacted] danger (Exhibit 18, p. 13). [redacted] originally reported hearing [redacted] make a statement during a [redacted] that if [redacted] found out who went to the NRC some type [redacted] 7C

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of action would be taken (Exhibit 18, pp. 14-15). However, after referring to his notes, he testified [redacted] statement was that the issue brought to the NRC was a malicious and personal attack against [redacted] was full of liars, and the incident was an attempt to get rid of [redacted] (Exhibit 18, p. 17). 7C

[redacted] advised he quit CP&L on his own accord and was not claiming adverse action (Exhibit 18, p. 14). 7C

Interview of [redacted] (Exhibit 19)

On August 10, 1998, [redacted] was interviewed concerning statements made to him by [redacted] reported he had applied for a position as a [redacted] under [redacted] and during [redacted] he had a conversation with [redacted] concerning [redacted] choice for the position. According to [redacted] [redacted] related how people within [redacted] organization did not trust [redacted] and were going to the NRC with information [redacted] wanted held within [redacted] organization (Exhibit 19, p. 7). 7C

[redacted] identified [redacted] and [redacted] as the first two individuals [redacted] discussed. He claimed [redacted] Furthermore, [redacted] was stewed over the incident since it occurred and would never get over it. [redacted] claimed [redacted] stated the best thing for [redacted] was to find another job (Exhibit 19, p. 7). 7C

Secondly, [redacted] disclosed [redacted] discussed [redacted] as well. [redacted] stated the [redacted] manager reported working with [redacted] but since [redacted] had been reporting to Brunswick, [redacted] was concerned he was in [redacted] organization. [redacted] alleged [redacted] stated [redacted] was detrimental to [redacted] organization by going behind her back and reporting information to the NRC [redacted] felt should not be shared with them. In addition, [redacted] said between [redacted] and [redacted] they would find [redacted] another job (Exhibit 19, pp. 8-9). 7C

[redacted] reported [redacted] made an additional statement about an unidentified individual whom he assumed was [redacted] advised an investigation to determine if a hostile working environment existed for individuals providing safety concerns to the NRC had recently ended and [redacted] felt an individual within [redacted] organization reported the concern [redacted] recalled [redacted] making the statement [redacted] had stewed over the incident and would never get over it. Therefore, the best thing the individual reporting the information to the NRC could do is get another job (Exhibit 19, p. 11). 7C

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[REDACTED] reported he had been contacted by an attorney for CP&L during July 1998 (and explained he had reported the above information to NRC OI.)

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Interview of [REDACTED] (Exhibit 20)

On August 13, 1998, [REDACTED] provided additional information identifying his move from [REDACTED] to [REDACTED]. [REDACTED] furnished documents detailing conversations he had with [REDACTED] concerning his move, along with job action authorizations from CP&L Human Resources (HR).

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[REDACTED] claimed he asked [REDACTED] why he was being moved and was not given an answer. [REDACTED] added he told [REDACTED] he thought it was retaliation. [REDACTED] He stated he was asked by [REDACTED] to wait until [REDACTED] could be contacted and questioned about the move. Subsequently, [REDACTED] called [REDACTED] into [REDACTED] office and became upset with [REDACTED] over [REDACTED] (FULL NAME) and [REDACTED] contacting [REDACTED] about the move. [REDACTED] explained he had a later discussion with [REDACTED] where a new job action authorization from HR was provided. However, he was still not guaranteed [REDACTED].

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Interview of [REDACTED] (Exhibit 21)

On September 16, 1998, [REDACTED] was interviewed. [REDACTED] explained [REDACTED] and the results given to the plant general manager. Afterwards, the manager with responsibility over the area of concern has to respond to the recommendation identified by the plant general manager or employee concern. [REDACTED] reported some employees may have perceived the ECP was not working because corrective measures to concerns involving [REDACTED] did not include termination.

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Several concerns relating to [REDACTED] were discussed. [REDACTED] claimed none of the investigations [REDACTED] on the part of [REDACTED]. However, he noted investigations showed employees were [REDACTED]. [REDACTED] added other sources were being utilized. [REDACTED] identified the number of CRs had dropped, but potential layoffs in the organization were a prime factor for employees being fearful to write a CR. [REDACTED] disclosed he had learned during the course of [REDACTED] that [REDACTED] had made potentially inflammatory remarks to employees relating to contact with the NRC. As a result of employee concerns and other problems within the [REDACTED] [REDACTED] explained his [REDACTED].

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Interview of [REDACTED] (Exhibit 22)

On September 16, 1998 [REDACTED] was interviewed. [REDACTED] reported he became [REDACTED] in August 1997. [REDACTED] disclosed the [REDACTED] organization had been through several managers within the past several years and one of the poorer performers within the organization prior to [REDACTED] becoming manager. 7C

[REDACTED] provided information he had written [REDACTED]. [REDACTED] explained he had given [REDACTED]. He recalled answering an alert line issue dealing with [REDACTED] and [REDACTED]. According to [REDACTED] he concluded the [REDACTED] made comments potentially inflammatory. [REDACTED] felt [REDACTED]

[REDACTED] was willing to address the issues. The [REDACTED] reported he [REDACTED]

The [REDACTED]. In addition [REDACTED]

[REDACTED] stated he did not feel the [REDACTED] tried to stop safety concerns from being brought to the NRC, but wanted to make sure the information was accurate before reporting it (Exhibit 22, pp. 14-15). [REDACTED] described the corrective action program as one which begins with the CR, but also provides a root cause analysis and corrective action. [REDACTED] stated [REDACTED] wanted to make sure the last two elements were properly addressed before issuing the CR. In addition, some of [REDACTED] assertiveness towards [REDACTED] subordinates involved the quality of the CR's root causes and corrective actions (Exhibit 22, p. 15). 7C

[REDACTED] reported he saw no adverse action taken against [REDACTED] employees. He stated [REDACTED] had ask for a [REDACTED]

[REDACTED] explained the [REDACTED] was to develop the employee by learning new skills and was a reward for the employee (Exhibit 22, pp. 24-25). According to [REDACTED] the whole process was to be handled by [REDACTED] claimed [REDACTED] was not moved because the [REDACTED] was a reward and [REDACTED] did not view it as such (Exhibit 22, p. 23). [REDACTED] reported before he spoke to [REDACTED]

[REDACTED] indicated he did a [REDACTED] to [REDACTED]. [REDACTED] recalled there being concern over [REDACTED] performance in late 1997, but during early 1998 he was getting positive feedback on [REDACTED] from [REDACTED] and the [REDACTED] would have been to meet a request by [REDACTED] stated he did not believe [REDACTED] proposed move had anything to do with [REDACTED] wanting to demote [REDACTED] (Exhibit 22, p. 30). [REDACTED] move was also discussed. [REDACTED] reported [REDACTED] was moved [REDACTED]

According to [REDACTED]

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the move would not have been a demotion. [redacted] pointed out the [redacted] went through a reorganization and downsizing in December 1997, at that time [redacted] had an opportunity to terminate anyone [redacted] wanted to. However, [redacted] reported he was involved in the work shops determining who would lose their positions in the reorganization and he did not see [redacted] trying to pressure [redacted] or [redacted] out of the organization (Exhibit 22, pp. 43-44). 7C

[redacted] discussed a quality concern reporting [redacted] had directed individuals not to talk with [redacted]. It was disclosed to the [redacted] that the [redacted] was not wanting individuals to talk with was [redacted] (Exhibit 22, pp. 54-55). An investigation determined [redacted] had his own agenda and [redacted] was afraid he was settling a vendetta (Exhibit 22, p. 60). 7C

[redacted] reported he saw a positive difference in [redacted] attitude after [redacted] and received positive feedback on [redacted] from the staff (Exhibit 22, pp. 63-64). Additionally, management had put in place a series of employee interviews to assess if the corrective measures were effective. [redacted] disclosed after the handling of [redacted] proposed reassignment and interviews with other employees it was decided [redacted]. 7C

Interview of [redacted] (Exhibit 23)

On September 16, 1998, [redacted] was interviewed. [redacted] reported he had worked in his present position since [redacted] and has known [redacted] since 1983-84. [redacted] reported he had never heard the [redacted] tell employees they could not have direct contact with the NRC. 7C

[redacted] provided the details of [redacted] proposed transfer. [redacted] revealed he suggested [redacted] after [redacted] had requested [redacted]. Subsequently, an opening in an area [redacted] had previous experience in [redacted] opened and he decided to place [redacted] in the position (Exhibit 23, pp. 6-7). The position was as [redacted]. [redacted] claimed the new position would have been a [redacted] and he did not fully understand company policy on the [redacted]. [redacted] describe the assignment to [redacted] in terms of [redacted] (Exhibit 23, p. 8). [redacted] claimed he checked into the situation with HR and learned [redacted] would come back after the [redacted]. In addition to the opening which needed filling, [redacted] reported other superintendents suggested [redacted] needed a change (Exhibit 23, p. 10). [redacted] claimed he told [redacted] he would [redacted] but [redacted] still did not want the position as it was not in an area he wanted. [redacted] explained he needed to fill the position and [redacted]. 7C

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had expertise in the area. [redacted] advised [redacted] input into the transfer was that an opening existed, [redacted] had the experience and wanted a transfer, so the move would help everyone (Exhibit 23, p. 14). However, [redacted] was emphatic [redacted] did not want to lose [redacted] experience by sending him to [redacted]. [redacted] pointed out the [redacted] position was not out of [redacted] organization. [redacted] reported the move did not occur because [redacted] did not feel [redacted] was enthusiastic about the opportunity. 7C

[redacted] explained he also was the reason behind [redacted] transfer. [redacted] furnished information [redacted] was moved for [redacted] (Exhibit 23, pp. 16-17). [redacted] elaborated on [redacted] skills and need to direct them in an area best for the employee and the organization. [redacted] explained he found a position in [redacted] but in the interim [redacted] advised neither [redacted] were moved as a result of raising safety concerns. [redacted] described how after [redacted] to identify problem areas and to write CRs. 7C

[redacted] explained he felt [redacted] impact on people led them not to report safety concerns, not the fact [redacted] did not want concerns reported (Exhibit 23, pp. 20-21). [redacted] described how the standard in writing CRs prior to [redacted] was to say a problem existed and then fail at writing the root cause and corrective action analysis. However, [redacted] came in and began reviewing the CRs for root causes and voicing [redacted] displeasure in a communication style upsetting to some people. 7C

[redacted] reported [redacted] had nothing to do with the proposed moves of [redacted] and [redacted] (Exhibit 23, p. 22). Additionally, he was not aware of any quality concerns written about safety problems by individuals discussed above (Exhibit 23, p. 30). 7C

Interview of [redacted] (Exhibit 24)

On October 5, 1998, [redacted] was interviewed to clarify information previously offered. [redacted] stated he had asked for [redacted]. However, he expressed a concern to [redacted] he thought the move was a demotion and he didn't want the position (Exhibit 24). 7C

Interview of [redacted] (Exhibit 25)

On November 4, 1998, [redacted] was interviewed concerning the proposed move of [redacted]. [redacted] reported [redacted] had voiced an [redacted] (Exhibit 25, p. 4). However, 7C

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after speaking with [redacted] and [redacted] learned the assignment was in response to a request for a [redacted] (Exhibit 25, p. 5). [redacted] noted CP&L does not guarantee ones previous status upon completion of [redacted] but will make every effort to return an individual to their previous status (Exhibit 25, pp. 7-8). [redacted] recalled hearing the transfer did not go through because [redacted] felt [redacted] did not want the job (Exhibit 25; p. 11). TC

Interview of [redacted] (Exhibit 26)

On November 4, 1998 [redacted] was interviewed. The [redacted] reported the [redacted] had gone through a series of managers over the past five years. The previous managers lacked experience in the [redacted] and were not very involved in the closure of work reports. [redacted] stated [redacted] expected to see the work product and discuss the quality of the work (Exhibit 26, pp. 14-17). Therefore, the personnel resented [redacted] involvement. Subsequently, [redacted] became frustrated with the employees' failure to conform to [redacted] expectations and [redacted] used [redacted] (Exhibit 26, pp. 18 and 25-28). [redacted] provided an explanation for why [redacted] had [redacted] (Exhibit 26, pp. 29-34). [redacted] stated the information was not [redacted] to keep information from the NRC, but to provide information with the correct context. [redacted] added [redacted] may have used the word [redacted] when referring to [redacted] but it was over frustration with the employees providing information late and without context. [redacted] reported CP&L [redacted] (Exhibit 26, pp. 34-37). The [redacted] discussed [redacted] policy on providing information to the NRC. [redacted] stated [redacted] never intended to prohibit the flow of information to the NRC, but to review information for context and completeness. [redacted] provided information concerning allegations [redacted] was upset with [redacted] for providing information to the NRC (Exhibit 26, pp. 39-41). [redacted] identified how staff was reluctant to report safety problems because of the subsequent required interface with [redacted] (Exhibit 26, pp. 42-47). [redacted] described a statement [redacted] made after a December 1997 exhibit briefing by an NRC inspector (Exhibit 26, pp. 53-60). [redacted] recalled [redacted] was upset and embarrassed and made a statement to the effect [redacted] explained maybe someone took the statement to mean [redacted] would fire [redacted] employees over the matter. [redacted] reported [redacted] did not recall speaking to anyone about [redacted] (Exhibit 26, pp. 61-67). Likewise, [redacted] did recall making a statement to [redacted] about firing persons found to be providing information to the NRC (Exhibit 26, pp. 68-71). TC

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[redacted] furnished information [redacted] may have made a statement to the effect [redacted] did not want supervisors in the organization who would pick up the phone and report a problem to the NRC. [redacted] felt a good supervisor would find a problem and document it. The former [redacted] stated [redacted] did not have knowledge that any of [redacted] staff was reporting safety concerns to the NRC (Exhibit 26, pp. 62-63). In regards to the adverse action, [redacted] disclosed [redacted] had [redacted] [redacted] However, [redacted] decided to keep [redacted] after receiving [redacted] [redacted] In addition to [redacted] pointed out [redacted] could have deselected any of the [redacted] employees during the 1997 reorganization (Exhibit 26, pp. 66-68). [redacted] reported [redacted] had requested an assignment not related to [redacted] and there was an opening in [redacted] (Exhibit 26, pp. 72-76). [redacted] explained [redacted] miscommunicated the offer to [redacted] without researching the move with HR. Subsequently, the move never took place. [redacted] advised if [redacted] were to take a polygraph to show [redacted] never made statements about firing individuals [redacted] would pass the examination. 7c

Agent's Analysis

Investigative efforts including interviews with branch personnel, branch management, and plant management were carried out. In addition, document reviews pertaining to ECP investigations, personnel files, and NRC allegations were conducted. Areas of concern addressed were possible hostile working environment, chilling effect, and adverse action in the [redacted] Allegations of a hostile working environment involved the use of inflammatory name calling by [redacted] towards employees. [redacted] [redacted] It was determined the [redacted] stemmed from [redacted] becoming upset with members of [redacted] staff for failing to contribute to [redacted] efforts in raising the quality level of the [redacted] In addition, [redacted] CP&L management was made aware of the allegations and [redacted] in an effort to correct the potential impact of such statements. 7c

Allegations of adverse action were made in [redacted] The alieger claimed adverse action against several of the [redacted] for providing safety concerns to the NRC. Interviews disclosed only [redacted] may have been potentially adversely effected, but neither [redacted] claimed adverse action. The other employees either left the company or found other jobs within CP&L. [redacted] proposed move to a [redacted] was determined to be a result of [redacted] request for a [redacted] fill a vacancy. [redacted] acknowledged he handled the job offer poorly, but stated he was unfamiliar with CP&L policy on [redacted] CP&L HR disclosed the initial 7c

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[REDACTED] was wrongly described to [REDACTED] but the subsequent offer met CP&L policy. In addition, it was noted if [REDACTED] had wanted to cause adverse action against [REDACTED] had the opportunity to have him removed during a reorganization in 1997. Interviews suggest neither [REDACTED] nor any other CP&L manager knew [REDACTED] 7C
[REDACTED] was moved from [REDACTED] to [REDACTED] but prior to reporting, [REDACTED] obtained a [REDACTED] [REDACTED] reported he had received a [REDACTED] prior to the [REDACTED]. Statements made by [REDACTED] regarding [REDACTED] alleged statements about finding other jobs for [REDACTED] and [REDACTED] could not be independently substantiated.

Coordination with Regional Counsel

7C On October 6, 1998, Carolyn F. EVANS, Regional Counsel, was provided a copy of [REDACTED] transcript for review and comment. On November 23, 1998, EVANS advised [REDACTED] 5

Conclusion

Based on the evidence developed during the investigation, the allegation that the manager's actions caused a hostile working environment was unsubstantiated.

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SUPPLEMENTAL INFORMATION

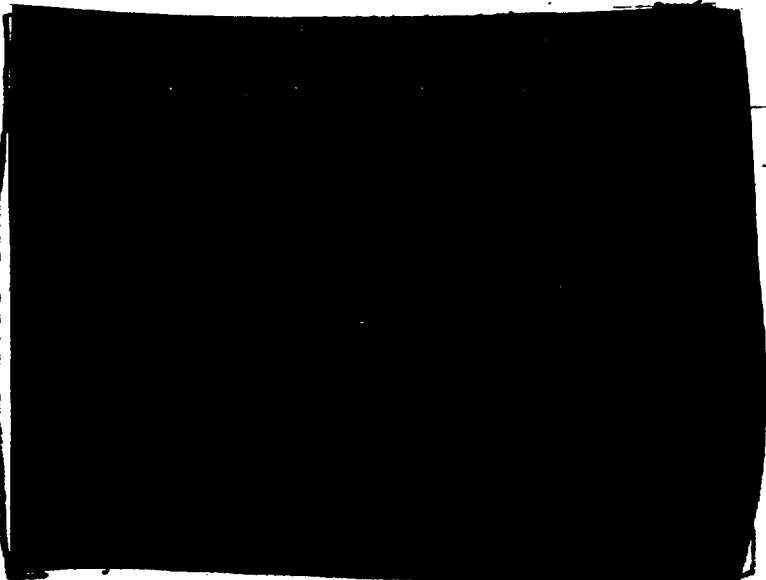
The chilling effect issue involved statements allegedly made by [REDACTED] that [REDACTED] would fire individuals for reporting safety concerns to the NRC. The allegations were discussed in [REDACTED]. Interviews of [REDACTED] staff could not substantiate the original allegation. Additionally, [REDACTED] denied making such a statement. [REDACTED] theorized a statement [REDACTED] made after the [REDACTED] failed to correct a known problem, and CP&L received a fine from the NRC, may have been misunderstood. The statement was to the effect that if a similar event occurred in other companies, people would lose their jobs. Although the statement related to a failure to correct safety concerns and not to reporting safety concerns, the statement was apparently presented to other employees in the opposite light. Subsequently, rumors began that [REDACTED] had threatened to fire people providing information to the NRC. Interviews with [REDACTED] and [REDACTED] identified two additional instances when [REDACTED] allegedly made threats of firing individuals. [REDACTED] explained [REDACTED] may have commented to [REDACTED] that [REDACTED] wanted problems documented, but [REDACTED] did not want supervisors in the organization that called the NRC after finding a problem. Although [REDACTED] could not recall a discussion regarding finding employees other jobs, [REDACTED] statement following the December 1997 exit meeting, combined with the statement to [REDACTED] gives credence to [REDACTED] statement. The combination of the three incidents created a chilling effect within the [REDACTED]. Furthermore, although not intentional, [REDACTED] name calling and intimidating management style created an atmosphere where employees were reluctant to report safety problems.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated April 29, 1998.
2	Transcript of Interview with (b)(7)(C) dated June 9, 1998. 7C
3	
4	
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10	
11	Transcript of Interview with (b)(7)(C) dated June 9, 1998
12	Transcript of Interview with (b)(7)(C) dated June 9, 1998.
13	Transcript of Interview with (b)(7)(C) dated June 9, 1998.
14	Transcript of Interview with (b)(7)(C) dated June 9, 1998. 7C
15	Transcript of Interview with (b)(7)(C) dated June 10, 1998.
16	Transcript of Interview with (b)(7)(C) dated June 10, 1998.
17	Transcript of Interview with (b)(7)(C) dated June 22, 1998.
18	Transcript of Interview with (b)(7)(C) dated June 22, 1998.

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<u>Exhibit No.</u>	<u>Description</u>
19	Transcript of Interview with [REDACTED] dated August 10, 1998.
20	Report of Interview with [REDACTED] dated August 13, 1998.
21	Transcript of Interview with [REDACTED] dated September 16, 1998.
22	Transcript of Interview with [REDACTED] dated September 16, 1998.
23	Transcript of Interview with [REDACTED] dated September 16, 1998.
24	Report of Interview with [REDACTED] dated October 5, 1998.
25	Transcript of Interview with [REDACTED] dated November 4, 1998.
26	Annotated Copy of Transcript of Interview with [REDACTED] dated November 4, 1998.

7C

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