

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

8/12/82

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD '82 AGO 16 P2:10

In the Matter of

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY, ET AL. FOR  
AN OPERATING LICENSE FOR  
COMANCHE PEAK STEAM ELECTRIC  
STATION UNITS #1 AND #2  
(CPSSES)

EXHIBIT

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
SEARCH

Docket Nos. 50-445  
and 50-446

*Long*

MOTION FOR PROTECTIVE ORDER  
BY CASE (CITIZENS ASSOCIATION FOR SOUND ENERGY)

We have just received a copy of the telegram dated 8/12/82 from Nicholas S. Reynolds, Counsel for Applicants, in which he makes spurious allegations regarding CASE witness Darlene Stiner, who is under subpoena to appear at the September 13 hearings.

CASE has been in the process of working on a motion to the Board for the past several days asking the Board to protect Mrs. Stiner from what it is becoming obvious is the prelude to her being fired from her job at Comanche Peak in retaliation for her testifying in the operating license hearings for Comanche Peak. The delay has been because it has not been clear to us, since we are not represented by an attorney, exactly what part of the regulations to make the motion under. However, we are certain that there must be some NRC regulation to protect witnesses who are testifying in these proceedings from losing their jobs for coming forward. We are therefore making the motion under 10 CFR 2.740(c) as being the closest regulation we have thus far found to what we wish the Board to do. If this is the incorrect regulation, we ask the Board's indulgence and request that they consider it under the appropriate regulation.

For some time (long before CASE had any idea Mr. and Mrs. Stiner would be testifying in these proceedings), Mr. Stiner has been attempting to obtain a copy of his records and to clarify and correct what he considers to be his wrongful

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firing. (See attached copy of the September 28, 1981 letter from Ray Yockey, Manager, Personnel Services, Brown & Root, in response to Mr. Stiner's September 21, 1981 letter.) Both Mr. and Mrs. Stiner attempted to obtain copies of their personnel records by mail on August 6, 1982, following Mrs. Stiner's unsuccessful attempt to obtain copies of her personnel records (including her certifications) on Thursday, August 5, 1982. Mr. Yockey's August 9, 1982 letter (copy attached) stated that "your request must be denied in that honoring the request would violate company policy."

On August 9, 1982, Mrs. Stiner wrote a three-part memo to Mr. Tom Brandt:

"I respectfully request a copy of my non-asme training files. Because my length of employment at C.P.S.E.S is unsure these files will assist in making a personal port-folio, If my employment ever took me to another company other than B&R."

Mr. Brandt refused to accept the memo, according to Mrs. Stiner, and further refused to sign it showing that he had seen it or to supply a written answer to her. She had gone through her proper chain of command to him. Her concern, as expressed in her 8/9/82 memo, was occasioned by events recently whereby the utility and/or Brown & Root have changed their past practice of providing a copy of each of Mrs. Stiner's NCR's to her, refused to supply her with a requested copy of her training and personnel files, and more recently, moved her four times in the past two days from one end of the plant to the other. She is currently (at least when I last spoke to her yesterday) in a little metal building alone, away from everybody else, with no telephone (and she has been informed that she will not be getting a telephone). She has been ordered to (and has complied) instruct someone else in her former duties and has been given other less important work to do.

As far as Mr. Reynolds' insinuations (which have been made previously but not quite so bluntly) that CASE has suggested or requested that Mrs. Stiner or anyone else for that matter steal documents from Comanche Peak, we want

the Board to know that we have not in the past, are not presently, and will not in the future suggest or request that anyone steal documents. As the Board and particularly Mr. Reynolds should be well aware by now, CASE has never been shy about asking for documents through the normal procedures and channels provided by NRC regulations.

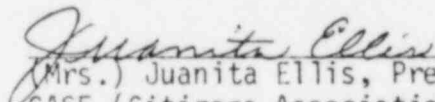
We had made requests for documents pertaining to our witnesses and their testimony in our Twelfth and Thirteenth Set of Interrogatories to Applicants and Requests to Produce dated August 9, 1982. We believe that these requests are reasonable and necessary for us to be able to properly prepare for the September hearings and to use in depositions we may wish to take from Applicants' employees or witnesses. We had not received the Board's August 6, 1982, Scheduling Order until today (thanks to the Post Office's chewing it up) and had not understood that discovery on Contention 5 insofar as it might pertain to testimony or rebuttal testimony and issues to be covered at the September hearings are concerned.

We therefore move that the discovery requests in CASE's two 8/9/82 Sets of Interrogatories to Applicants be allowed. We assume that Applicants may wish to put on rebuttal testimony to CASE's witnesses' testimony (both those who have already testified and who are yet to testify). The information and documents requested in our 8/9/82 two Sets are essential in order for us to have sufficient information to be able to adequately prepare our case, to prepare for cross-examination of Applicants' witnesses, and to take depositions from Applicants' witnesses or employees. Pursuant to 10 CFR 2.740(b), we therefore move that the Board grant us leave to file and receive documents and responses to our two 8/9/82 Sets of Interrogatories to Applicants and Requests to Produce (Twelfth and Thirteenth Sets).

When I spoke to Mrs. Stiner on Monday night, August 9, and she told me about her problems at work, I requested that she immediately sit down and write up a summary of what had happened while it was fresh in her mind, so that I could inform the Board about it. She did so, and the attached hand-written August 9, 1981 (should be 1982) information is her summary. Since that time, she has told me in telephone conversations (all of which took place after she got home from work) about her having to train someone else to take over her job and being shuffled around all over the plant site.

It is obvious what has been going on and where this is ultimately intended to lead --- to her firing. Potential witnesses at the plant are afraid if they come forward they will lose their jobs. This fear has been greatly exacerbated -- by the firing of Charles Atchison from his job at the Waterford plant in Louisiana on Monday, August 2, 1982, immediately following his testifying at the July hearings. We urge that the Board put a stop immediately to the harassment, discrimination, and attempted intimidation to which Mrs. Stiner is presently being subjected -- not only for the sake of Mrs. Stiner, but also for the sake of having the truth presented to this Board in these proceedings.

Respectfully submitted,

  
\_\_\_\_\_  
(Mrs.) Juanita Ellis, President  
CASE (Citizens Association for Sound Energy)  
1426 S. Polk  
Dallas, Texas 75224  
214/946-9446

**Brown & Root, Inc.** Post Office Box 1001. Glen Rose, Texas 76043



August 9, 1982

Mr. and Mrs. Henry A. Stiner  
P.O. Box 1441  
Glen Rose, Texas 76043

Dear Mr. and Mrs. Stiner:

Your letter dated August 6, 1982 requesting copies of your personnel record has been considered. Please be advised that your request must be denied in that honoring the request would violate company policy.

Should you have a specific question regarding your records, please advise and I shall respond accordingly.

A handwritten signature in cursive script, appearing to read 'Ray Hockey'.

Ray Hockey  
Manager, Personnel Services

RY/ps



# Brown & Root, Inc.

P.O. BOX 1001 GLEN ROSE, TEXAS 76043

## MESSAGE

## REPLY

To

Tam Brandt

DATE

8-9-82

DATE

I respectfully request a copy of my non-accrue training files. Because my length of employment at C.R.E.E. is unsure these files will assist in making a personal post-plea. If my employ ment ever took me to another company other than C.R.E.

BY

JHX-Darlene Stone

SIGNED

INSTRUCTIONS TO RECOVER:  
 1. SEND TO JOB, FILE 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.  
 INSTRUCTIONS TO RECEIVER:  
 1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.



August 9, 1981

On Thursday August 5, 1982  
at approx. 2:30 PM I went to the  
training coordinator (Mr. Opalikay)  
I requested a copy of my QC  
training files. I informed him  
of my reasons for this request.  
He referred me to a girl named Nancy  
& informed me that she would  
be able to copy any ASME files  
for me since ASME was all  
there office had access too.  
Mr. Opalikay also informed me  
that Tom Smith could get any  
copies I needed for non-ASME  
tests. I was given ASME files  
from a clerk named Loren. I  
then went to Tom's office where  
I was told she was not in & that  
the other clerk in the office whom  
was temporarily taking her place could  
make the copies for me. Donna Lassiter  
(QC R coordinator) told me that the  
copies would be ready on Monday or  
Tuesday of the week to follow.

I was not informed of any problems  
at this time.

On Monday August 9, 1982 I returned  
to the DC Office and asked if my  
copies were ready. I was told that  
the matter had been brought to Bob  
Scott's attention & that he had instructed  
the file to wait until he could  
check with Mr. Tolson. Mr. Tolson  
informed me that I should  
be told if I wanted a copy of  
these training files to request them  
from him. I was told this, I  
then asked Dome Lewellen if she  
could please check her log book to  
verify an NCR I had written previously  
on some secured matter in the Cox file  
on 8/10/82. I told her that I  
hadn't received my usual copy &  
wondered if it was possible to have  
one made so I could add it to my  
other ones she'd given me. She  
went through some pages in her log  
and told me she couldn't find  
any such NCR.



I told her I would check & see if Randy Smith had a copy in his log book & get back to her on this. She didn't mention any problems or registration changes in copying NR's for the inspectors we.

Later I called Randy Smith & informed him of this meeting & instructions to make my request to Mr. Tolson. I asked him had I should go about this. He instructed me to write a Spot Memo to Mr. Brandt informing him of my instructions & request. I did so.

Approx 2 hours later Randy Smith came in the office & asked me if he could talk to me privately. He told me that he had been told to tell me that under no circumstances would I be allowed a copy of any of my training files that ~~they~~ they were BTR property & under no circumstances would I be given any part of these files. He said that

if I wished to see my records  
I would be allowed to view them  
only in the presence of a QA  
supervisor. He also told me that  
we (I) would not be allowed to  
copy or request copies of NCR's.

At this point I had not  
informed him or anyone else of  
my request for the copy of  
my NCR for wear welding.

The NCR coordinator ~~was~~  
~~and~~ I assume went directly to  
Mr. Tolson & informed him of  
the request. For what reason I  
don't know however my supervisor  
informed me that he was told to  
tell me that if I tried to run  
copies of any NCR's or other documentation  
I would be in front of Tolson.

I would like to add at this point  
I have never run off copies of NCR's  
for my personal files (benefit) since  
a copy, at least one, sometimes more  
were always provided by Donna Saville.



I told my supervisor that I wondered why all the secret about my training files since I had had no trouble at all obtaining all copies of ASME records & that he knew that non ASME was far less important than ASME files. I also told him that I wanted to know what had happened to my MCR & that he knew I had written this MCR. He stated and I quote "Oh, I know you wrote it I remember you writing it. I said, I know you remember because I turned it in to you."

He then told me he was going to Mr. Bob Purdy to try to find out what was going on & why. He told me to wait there. I told him I would like an explanation & signature/date on my 3-part Memo in which he had returned to me. My supervisor told me to take the memo to Mr. Brant & asked him for exp. & sig/date. I did & explained to him that I didn't feel I would have any problems.

with such a request since I had  
been given my ASME files. He  
asked me when I got these copies,  
I stated that I had gotten them  
a few days before. I asked him  
what was the secret with the work ASME  
files. He immediately informed me there  
was no secret it was merely not  
procedure. I then asked him if he  
would please write some short typed  
explanation and sign & date this memo.  
He told me he would get back to me

My supervisor told me after I  
returned to my office that Mr. Berdy  
said he didn't think this was a BFR  
policy but he would let him know on  
Tuesday.

Date:

I didn't notice until later that  
my ASME training file was not complete  
when Mr. Hawkins was at CPSES.  
I furnished him directly with a copy  
of a Level II Visual exam. This



name was not in my file on  
2-5-82 when I received copies of  
them. Therefore they didn't furnish  
full copies of items were omitted.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

the Matter of

REGISTRATION OF TEXAS UTILITIES  
REGULATING COMPANY, ET AL. FOR AN  
OPERATING LICENSE FOR COMANCHE  
STEAM ELECTRIC STATION  
#1 AND #2 (CPSES)

X  
X  
X  
X  
X  
X

Docket Nos. 50-445  
and 50-446

CERTIFICATE OF SERVICE

My signature below, I hereby certify that true and correct copies of \_\_\_\_\_  
Motion for Protective Order by CASE (Citizens Association for Sound Energy)

has been sent to the names listed below this 12th day of August, 1982, by:  
Registered Mail where indicated by \* and First Class Mail elsewhere.

Administrative Judge Marshall E. Miller  
Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Washington, D. C. 20555

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Environmental Protection Division  
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Kenneth A. McCollom, Dean  
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Panel Law Clerk  
U. S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Washington, D. C. 20555

Richard Cole, Member  
Atomic Safety and Licensing Board  
Nuclear Regulatory Commission  
Washington, D. C. 20555

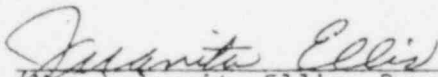
Atomic Safety and Licensing  
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U. S. Nuclear Regulatory Commission  
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\_\_\_\_\_  
(Mrs.) Juanita Ellis, President  
CASE (Citizens Association for Sound Energy)