



United States  
Nuclear Regulatory Commission

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# Report of Investigation

TURKEY POINT NUCLEAR STATION AND ST. LUCIE NUCLEAR PLANT:

ALLEGED FALSIFICATION/ALTERATION/DESTRUCTION OF REQUIRED  
PLANT MAINTENANCE RECORDS AND POSSIBLE HARASSMENT AND  
INTIMIDATION OF PLANT TECHNICIANS

Office of Investigations

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Title: TURKEY POINT NUCLEAR STATION AND ST. LUCIE NUCLEAR PLANT:

ALLEGED FALSIFICATION/ALTERATION/DESTRUCTION OF REQUIRED PLANT  
MAINTENANCE RECORDS AND POSSIBLE HARASSMENT AND INTIMIDATION OF PLANT  
TECHNICIANS

Licensee:

Florida Power and Light Company  
700 Universe Boulevard  
P.O. Box 14000  
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Case No.: 2-88-012

Report Date: January 22, 1990

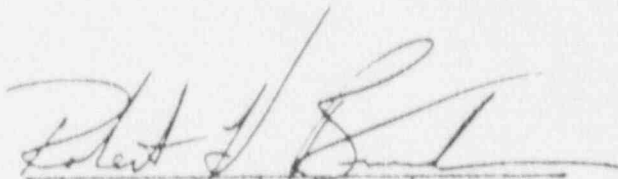
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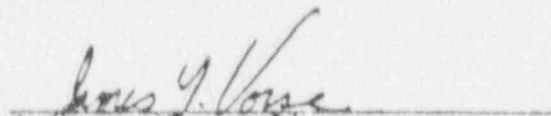
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## SYNOPSIS

This investigation was requested by the U.S. Nuclear Regulatory Commission (NRC), Region II (RII) Regional Administrator (RA), initially to resolve concerns from an allegor which were reported in his December 5, 1988, letter to the NRC, regarding falsification and destruction of maintenance records in the Instrument and Control (I&C) Department, including Plant Work Orders (PWOs) and associated documents, at Florida Power and Light Company's (FPL), the licensee, Turkey Point Nuclear Station (TPNS) facility. Subsequent RII RA requests for investigative assistance were received, based upon additional concerns and complaints from the allegor in numerous telephone conversations or 10 CFR § 2.206 petitions to the NRC, to resolve allegations of: (1) harassment and intimidation, discriminatory practices, and threats of reprisals from TPNS management officials involving bargaining unit employees for discussing, identifying, and reporting nuclear safety-related issues (chilling effect), (2) willful and deliberate falsification of PWO work package documents at the licensee's St. Lucie Nuclear Plant (SLNP) facility, (3) discrimination against the witnesses of the allegor (complainant) at his U.S. Department of Labor (DOL) hearing in January and February 1989 to resolve alleged protected activity violations (Section 210, EPA) by the licensee, and (4) unethical and improper behavior and actions of the licensee's counsels, including acts of harassment and attempts prior to and during the DOL hearing to adversely influence and coerce the testimony of witnesses (licensee employees) for the complainant.

The allegor, who had been involuntarily terminated by the licensee on December 22, 1988, for acts of insubordination, was interviewed on January 12, 1989, at which time he reiterated his concerns regarding the falsification and destruction of PWO documents to conceal I&C procedure violations at the TPNS facility. He also reported a chilling effect persisted there, to the extent that other I&C technicians were fearful of voicing nuclear safety-related concerns because of reprisals and retaliation by management officials, and that the counsel representing the licensee at his DOL hearing acted improperly by discouraging or impugning the testimony of subpoenaed witnesses. The allegor also related that an electrical foreman at the SLNP facility had intentionally falsified, and then destroyed, a nuclear safety-related PWO work package, or portions thereof, to conceal a procedure violation. Other alleged technical violations identified by the allegor during his interview were referred to the RII technical staff for review and appropriate resolution.

The investigation activities to resolve alleged harassment and intimidation of bargaining unit personnel and their reluctance to report nuclear safety concerns for fear of management reprisals consisted of interviews with 40 personnel throughout the plant, including technicians, I&C supervisors, and the site quality assurance (QA) superintendent at the TPNS facility. Although none of the interviewees acknowledged they were aware of harassment and intimidation or the perception that a chilling effect existed with respect to reporting and discussing bona fide nuclear safety-related hazards, concerns, and issues, a significant number of the I&C technicians did report egregious deficiencies and discrepancies in their current work procedures. These I&C interviewees related that technicians who repeatedly complained about inadequate and deficient work procedures were categorized as non-team players and often appeared to receive undesirable work assignments (high temperature/

radiation area) or were at times harshly chastised and criticized by some supervisors. Investigative disclosures revealed, and numerous interviewees confirmed, the absence of "management feedback" when any concerns (quality and non-quality related) are reported, apparent management favoritism of U.S. Navy-trained technicians, humiliation in the form of verbal abuse from some supervisors and managers, alienation of personalities, general disharmony between I&C bargaining unit and Maintenance Department management personnel, apathy and insensitivity by some supervisors towards technicians and the uncompromising and rigid nature of some supervisors in their relationships with technicians does exist. Some noted that since the dismissal of the alleged, the work environment was moderated significantly, friction has lessened, and managers have become "technician sensitized." Several technicians noted that probationary employees are reluctant to complain about any topic since their job status could be in jeopardy, but advised they knew of none who had failed to report nuclear safety concerns. The site QA superintendent and I&C supervisors adamantly denied that they are aware of any harassment and intimidation or the presence or perception of a chilling effect for reporting nuclear safety-related concerns. Based upon the testimony obtained from all of these interviewees, no evidence was developed to support the allegation that technicians at the TPNS facility are harassed and intimidated or that they fear retaliation from management personnel for identifying, reporting, and discussing actual or suspected nuclear safety-related (emphasis added) issues and incidents.

The investigation activities to resolve alleged falsification/destruction of TPNS nuclear safety-related records in the I&C Department included the review and analysis of 16 Quality Control (QC) and non-QC PWOs and associated documents which were either positively identified by the alleged or described in some detail by him. Additionally, the site QA superintendent, the I&C Department support supervisor who is intimately knowledgeable of the PWO work package documentation process, seven current or former technicians, and four supervisors were interviewed to obtain specific information regarding this allegation. Essentially, the documentation review activities accomplished by the reporting investigator, with the assistance of the site QA superintendent and the support supervisor, disclosed no evidence of any discrepancies, alterations, or improper entries and the records appeared to be accurate and complete in all respects. Further, the support supervisor, during a separate interview, categorically reiterated that all of the PWOs appear to have been properly completed and the work represented by these documents was apparently accomplished according to applicable requirements. The technicians and supervisors were questioned extensively regarding specific alleged documentation improprieties and all provided forthright information and unequivocal explanations concerning their alleged wrongdoing relating to I&C work process documents. All 12 interviewees emphatically denied any knowledge of improper actions or allegations associated with work process documentation (PWOs) and 11 additional I&C technicians, who were interviewed to resolve the alleged harassment and intimidation of other technicians and the chilling effect condition for reporting nuclear safety concerns, advised they were not aware of any improprieties regarding the preparation of the I&C work package documents. In essence, investigative activities disclosed no substantive evidence to confirm the alleged's concern regarding willful, deliberate falsification and/or destruction of records to avoid compliance or to conceal procedure violations.

Activities by the Office of Investigations (OI) to address and resolve the alleged falsification and destruction of SLNP maintenance records consisted of reviewing a complete and original copy of the specific non-QC related PWO work package identified by the alleged and which reportedly contained false information and entries, and interviewing pertinent facility technicians and managers who were involved in the particular maintenance function. In essence, the work process regarding this matter consisted of re-installing a condensate pump motor (CPM) after it was returned to the SLNP facility from the overhaul vendor. Further, it was noted during the document review process that: (1) an entry in the Journey Work Report was recorded by an electrical foreman who signed the name of a journeyman electrician rather than his own, (2) an incorrect meter serial number was entered on the SLNP Form 3918, Insulation Resistance Test Section and then lined out, and (3) the electrical foreman signed the initials of a second journeyman electrician on the work procedure form for work he (the foreman) performed. Two current electricians at the SLNP provided pertinent background data and information relating to August and September 1988 licensee activities associated with the CPM event and its documentation and the proposed disciplining of the foreman for unacceptable recordkeeping practices. These two interviewees steadfastly maintained that the foreman had actually performed the required work activities in place of the two electricians and had properly annotated the work file but said he did, in fact, utilize the name and initials of two electricians to conceal his identity, thus disguising a violation of a clause in the union contract which prohibits a supervisor from "working with tools." Upon interview, the electrical foreman immediately acknowledged that he had utilized the name and initials of the two electricians in the manner and for the reasons previously stated herein. He also satisfactorily explained the circumstances of the deleted equipment serial number and categorically maintained he personally performed all the work as indicated in the PWO work package. Three Maintenance Department managers concurred with the testimony of the foreman and the two electricians and they advised, in essence, that although the records were incorrectly annotated, the foreman only intended to complete the work assignment and not to willfully and deliberately falsify a record to avoid compliance with the procedure. The investigation substantiated that the maintenance record (PWO work package) was improperly annotated as described but it appears to be mitigated by the fact it was a non-QC related work activity, the licensee was aware of the incident and there was no apparent attempt to circumvent the requirements of a work procedure.

The investigation activities regarding discrimination by TPNS officials after the witnesses for the complainant testified at his DOL hearing consisted of interviewing alleged victims and pertinent management personnel at the facility. A total of 12 licensee employees provided information relative to this aspect of the investigation and 2 alleged victims unequivocally denied they were aware of any harassment and intimidation of I&C technicians who testified for the alleged at his DOL hearing. Two other I&C technicians reported they were not harassed, intimidated, or discriminated against by any TPNS manager or supervisor after testifying for the complainant but related that a co-worker who had served for a brief time as a temporary relieving (TR) supervisor, was demoted to the bargaining unit (technician) after returning to the site from the DOL hearing. This technician who was allegedly demoted was interviewed extensively regarding the purpose of the investigation and provided comments regarding the return to the bargaining unit after participating in the DOL hearing. This individual categorically denied the demotion was related to

participation in the DOL matter and essentially explained the return to the bargaining unit was voluntary and resulted from a misunderstanding over the promise of an office space that was a condition of the TR promotion. The interviewee related the TR position was immediately restored by the plant manager who personally resolved the office space issue. The technician selected to fill the TR position after it had been vacated, unequivocally confirmed the conditions and circumstances of the incident as described by the vacating employee. Two I&C supervisors who testified in favor of the complainant at the DOL hearing denied they had received discriminatory treatment as alleged for participating in this event. Current and former I&C and Maintenance Department officials and the TPNS plant manager categorically denied discrimination against witnesses for the complainant and all concurred that the TR promotee voluntarily vacated the TR position due to a misunderstanding over an office space but was restored to the supervisory status upon immediate resolution of this issue. Based upon the testimony of the interviewees, the allegation that witnesses for the alleged at the DOL hearing were harassed and discriminated against could not be substantiated.

Activities by OI to resolve allegations that licensee's counsel at the DOL hearing acted improperly by influencing and coercing complainant witnesses and that the licensee's independent law firm harassed the alleged while conducting an investigation of alleged concerns at the TPNS facility consisted of interviews with nine pertinent individuals. A partner with the independent law firm explained the role and responsibilities of the law firm while independently investigating and reviewing the harassment and intimidation concerns of the alleged at the TPNS facility and he also categorically denied harassing the alleged during this process. Three I&C personnel who were allegedly coerced and influenced by the licensee's labor hearing counsel essentially denied that this activity had occurred. One of these interviewees did relate that the attorney for the alleged attempted to persuade him, in his view, to make false and derogatory statements regarding the licensee at the DOL hearing. The site QA superintendent, the current plant manager, the former site vice president, and the former senior vice president - nuclear, all denied that the independent law firm was employed to harass the alleged and further, each of these interviewees related unequivocally that the licensee's labor counsel did not attempt to influence or coerce witnesses for the alleged at the DOL hearing. The labor attorney fully explained his role as counsel for the licensee during the DOL hearing and acknowledged contacting some of their employees to obtain facts and information but he denied any efforts to intimidate and harass witnesses or to coerce and influence their testimony. Based upon the testimony of these interviewees, the allegations of unethical behavior, improper actions, and/or misconduct of attorneys employed by the licensee could not be substantiated.

A review of other pertinent records was conducted during the investigation. The licensee purchase order (PO) document relating to the utilization of the independent law firm indicates the licensee contracted with this firm to "furnish confidential, independent investigative services" and to "conduct an independent investigation into allegations made by an [FPL] employee in a letter" to the NRC and the DOL. According to the PO, the allegations to be investigated by the independent law firm include discrimination, harassment, lack of fitness for duty of supervisory personnel, and concerns for the health and safety of the public.

A review and analysis of the entire Report of Investigation prepared by the independent law firm fails to reveal information pertinent to the purpose of the CI investigation. Essentially, this document fails to relate that the independent investigation disclosed evidence of employee harassment and intimidation and it did not reveal maintenance records improprieties, discriminatory practices, or retaliation by the licensee against individuals who report nuclear safety-related concerns.

An interview transcript prepared by the site QA superintendent records his attempt to interview the alleged on November 22, 1988, for the purpose of identifying the alleged's nuclear safety-related allegations and concerns that impact the health and safety of licensee employees and the general public. In essence, this document reflects that the alleged repeatedly refused to respond to requests for this information and continually impeded the integrity and independence of the QA function at the TPNS facility. The DOL Recommended Decision and Order dated June 30, 1989, summarizes the historical aspects of the complainant's case and concludes that this individual failed to present a "prima facie" case that he was dismissed by the licensee for engaging in protected activity.

Finally, the OI investigation concludes, based upon the large volume of testimony received from numerous witnesses and interviewees and the extensive review and analysis of pertinent records, correspondence, and documents, that the allegations of employee harassment, the chilling effect condition, and licensee discrimination against individuals who reported or identified nuclear safety-related concerns could not be substantiated as alleged. Further, notwithstanding the incorrect documentation incident at the SLNP facility, there was insufficient evidence to substantiate the allegations that maintenance (I&C) records were willfully and intentionally falsified, altered, and/or destroyed to conceal procedure violations. Also, it is concluded that no TPNS employee who testified for the alleged at the DOL hearing was knowingly harassed or discriminated against by the licensee for this activity and that evidence failed to reveal attorneys for the licensee acted improperly or behaved in an unethical manner during the independent law firm investigation or the DOL matter.

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## ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 2-88-012) will not be included in the material placed in the Public Document Room. They consist of pages 7 through 61.

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## APPLICABLE REGULATIONS

- 10 CFR 50 - Domestic Licensing of Production and Utilization Facilities
- 10 CFR 50.7 - Employee Protection
- 10 CFR 50.9 - Completeness and Accuracy of Information
- 10 CFR 50.72 - Immediate Notification Requirements for Operating Nuclear Power Reactors

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## DETAILS OF INVESTIGATION

### Purpose of Investigation

This investigation was initially requested by the Region II (RII), Regional Administrator (RA), U.S. Nuclear Regulatory Commission (NRC) on December 21, 1988, to resolve alleged falsification/alteration/destruction of plant nuclear safety-related documents (plant work orders) at the Florida Power and Light Company's (FPL), the licensee, Turkey Point Nuclear Station (TPNS) and St. Lucie Nuclear Plant (SLNP) to conceal maintenance procedure violations by licensee technicians. Subsequent RA requests of January 6, February 8, March 9, and August 28, 1989, to the RII Office of Investigations (OI) sought additional assistance to resolve allegations that licensee employees at the TPNS facility were harassed and intimidated for reporting nuclear safety-related deficiencies and concerns and that some licensee officials have created a "chilling effect" at the plant by threatening to retaliate against individuals who openly discussed or reported these issues.

Further, the alleged (Thomas J. SAPORITO, Jr.) claimed, in various 10 CFR § 2.206 petitions to the NRC, that licensee personnel, representatives, and/or contract officials (attorneys) interfered with U.S. Department of Labor (DOL) proceedings by threatening his witnesses (licensee employees) or by offering them favorable employment opportunities if they declined to testify in his behalf. Finally, the alleged accused the licensee's counsel of influencing the testimony of witnesses and engaging in conduct and behavior prior to and during the DOL hearing which stymied the presentation of facts on behalf of the complainant (SAPORITO).

### Background

In a December 21, 1988, letter (Exhibit 1), the RII RA advised OI:RII that Regional Allegation Coordinator (RAC), Oscar DeMIRANDA, had received a voluminous report of allegations dated December 5, 1988, from the alleged. According to the RA request letter, the SAPORITO document contained 35 separate attachments relating to his nuclear safety-related allegations and concerns at the two FPL nuclear plant locations licensed by the NRC. Then an Instrument and Control (I&C) technician in the TPNS Maintenance Department, he alleged in his report numerous regulatory violations and procedural deficiencies associated with tasks performed and supervised by various I&C technicians and managers.

The RA request letter further advised that after a RAC review of the alleged's report with the 35 attachments, 42 alleged violations were noted and that 2 attachments (23 and 33) addressed the possible deliberate alteration or falsification of plant maintenance documents (plant work orders) at the TPNS facility. In essence, attachment 23 alleges that the I&C production supervisor acknowledged he had altered plant maintenance records to conceal the fact that a journeyman technician did not follow the correct procedure in performing a task. Additionally, attachment 33 reports that an apprentice I&C specialist informed the alleged that "in June or July of 1988" the TPNS Operations Department conducted a "test run" on the emergency diesel generators using an incorrect procedure and the event was concealed from licensee management and NRC officials.

The December 21, 1988, RA letter also states that in a December 14, 1988, telephone conversation between the RAC and the alleged, he identified an alleged records falsification incident at the SLNP facility. Reportedly, journeyman technicians returned an incomplete plant work order (PWO) to their electrical foreman who completed the document by initialing the steps without actually performing the work. According to the alleged, the incident was subsequently reported to the union job steward who attempted to discipline the foreman through union procedures but found the particular maintenance record had been destroyed by licensee management to conceal the incident from the NRC.

In a January 6, 1989, memorandum and after SAPORITO's involuntary termination from the TPNS facility on December 22, 1988, reportedly for acts of insubordination, the RA forwarded a Supplemental Request for Investigation to OI:RII to resolve incidents of alleged harassment and intimidation involving other licensee technicians at the TPNS facility (Exhibit 2). SAPORITO, who had previously filed an Energy Reorganization Act, Section 210 discriminatory employment practices complaint with the DOL, Employment Standards Administration, Wage and Hour Division, advised the NRC in a January 3, 1989, 10 CFR § 2.206 petition that "other employees at the [TPNS] may have knowledge of additional safety concerns which may not readily surface as these employees are being intimidated by the licensee." According to the requester, the alleged further stated that "these employees have witnessed my consequences [termination] as I have made known my safety concerns to outside agencies and they are, therefore, reluctant to come forward with their concerns..." The supplemental request memorandum reports that the NRC RII staff views the alleged's statements as "indicating there may be a possible chilling effect at the facility which could potentially impact on the willingness of employees to raise safety issues or identify nonconforming conditions." The alleged subsequently furnished the RAC with the identities of the TPNS technicians who reportedly have nuclear safety concerns but are unwilling to report them for fear of reprisals or retaliation by the licensee and these individuals are identified in the supplemental request memorandum.

In a February 6, 1989, memorandum, the RA further requested that OI:RII resolve additional complaints of harassment and intimidation from SAPORITO involving TPNS employees who were subpoenaed as favorable witnesses in his DOL proceedings 89-ERA-07 and 89-ERA-17 (Exhibit 3). According to the requester, the alleged, in a February 7, 1989, letter to the NRC, advised that four specific licensee technicians "have either been approached by [licensee] management because of their pending testimony or have otherwise been discriminated against and harassed because of their testimony." Further, the requester related that during a February 7, 1989, RAC telephone conversation with the alleged and his attorney, it was reported that an I&C technician was temporarily promoted to a supervisory position by licensee management "as an effort to keep her quiet." The requester related that, according to SAPORITO, the technician subsequently testified of "discriminatory employment practices" and following her return to the TPNS facility was removed from the acting supervisory position as a retaliatory measure.

On March 9, 1989, the RAC verbally advised the OI:RII investigator that the alleged had forwarded a second report containing 45 nuclear health and safety concerns to the NRC RII staff. According to the RAC, a review of SAPORITO's second report disclosed that two items related to alleged incidents of



falsification and/or destruction of plant maintenance documentation (PWOs) by I&C personnel at the TPNS facility. Specifically, in section I, page 34, SAPORITO alleges a journeyman technician failed to document the work he performed on a copy of the applicable procedure which was subsequently destroyed and a new copy substituted by a field supervisor. Further, in section I, page 106, the allegor states that the I&C production supervisor altered maintenance documentation by falsely indicating he had performed review requirements. A copy of the RII Memorandum for Case File, dated March 9, 1989, and prepared by the RAC, indicating referral of the two items to OI, is Exhibit 4 to this Report of Investigation (ROI).

On August 28, 1989, after OI had concluded its field work regarding the initial and subsequent investigation requests but before the documentation of the results had been completed, the RA verbally requested assistance to resolve additional incidents of alleged improprieties by the licensee contained in SAPORITO's August 12, 1989, 10 CFR § 2.206 petition to the NRC's Executive Director for Operations (EDO). The requester, in a RAC Memorandum for Case File, dated August 28, 1989, advised that the NRC's Office of Nuclear Reactor Regulation (NRR) is preparing a response to the petition and had inquired as to the status of the OI activity regarding all harassment and intimidation allegations at the TPNS facility, including the additional concerns reflected in the August 12, 1989, petition to the NRC (Exhibit 5). In essence, SAPORITO had reported to the NRC that certain activities by the licensee, including the use of an independent law firm (STIER, ANDERSON, and MALONE) to investigate his health and safety concerns at the TPNS and SLNP sites and the unethical conduct and behavior of licensee attorney James S. BRAMNICK prior to and during the DOL hearing were, in his opinion, harassing and intimidating actions which interfered with his participation in the DOL matter. An NRC memorandum dated August 30, 1989, regarding the 10 CFR § 2.206 petition from SAPORITO dated August 12, 1989, confirms NRR's interest in the resolution of the concerns reported by the allegor (Exhibit 6).

#### Summary of Allegations

The allegations/concerns reported by the allegor and referred to in the Background Section of the ROI are summarized herein. These allegations will be subsequently addressed in the applicable sections of the ROI in the order in which they are enumerated.

1. Employees of the TPNS facility are reluctant to report nuclear safety concerns for fear of reprisal/retaliation by the licensee, thus creating a "chilling effect" which could potentially impact on the willingness of these individuals to identify safety issues or nonconforming conditions.
2. An I&C production supervisor (HARLEY) at the TPNS facility admitted to the allegor that he (the supervisor) had altered nuclear safety-related PWOs to conceal the fact that an I&C journeyman technician (ALEXANDER) failed to follow a required procedure.
3. An apprentice I&C technician (HANLEY) at the TPNS facility informed the allegor he (HANLEY) was aware that the Operations Department had conducted a "test run" of emergency diesel generators without following procedures, and the violation was concealed from management officials.

4. A journeyman I&C technician (ALLEN) allegedly failed to document the work he performed on a copy of the applicable procedure which was reportedly destroyed and a new copy was supposedly substituted by the field supervisor (KORAN). Other field supervisors verbally authorized technicians to eliminate an item (step(s)) in the PWO procedure, thus intentionally violating the procedure.
5. An I&C production supervisor (HARLEY) allegedly falsified on-the-spot changes (OTSCs) maintenance documentation by indicating he had performed review requirements when he had not accomplished these tasks.
6. An electrical foreman (SCHWEPPE) at the SLNP facility completed PWO documentation on safety-related equipment for two journeyman electricians without ensuring all required tasks were accomplished, and the documentation was subsequently destroyed by the licensee to conceal the incident from the NRC.
7. The licensee is engaging in discrimination and harassment against numerous employees (specifically MATHIS, ROBERTS, McCARTHY and VERHOEVEN) who are subpoenaed witnesses for SAPORITO in DOL proceedings 89-ERA-07 and 89-ERA-17. One employee (MATHIS) was involuntarily removed from a temporary relieving (TR) supervisor position because he provided testimony regarding licensee's "discriminatory employer practices."
8. The licensee intimidated and coerced the allegor by utilizing the independent law firm of STIER, ANDERSON, and MALONE to interrogate him regarding operations at the TPNS facility and his contacts with the NRC.
9. The conduct and behavior of the licensee's counsel (BRAMNICK) adversely affected the allegor by influencing and coercing his witnesses in the DOL hearing.

#### Review of Allegor Documentation

Throughout the investigation copies of correspondence originated by SAPORITO, including reports, letters, and/or petitions, were provided to the reporting investigator, either directly from the allegor or from NRC officials involved with the resolution of his nuclear safety allegations and 10 CFR § 2.206 issues. The purpose of this section of the ROI is to enumerate and briefly describe documentation originated by the allegor which is regarded as pertinent to the OI activities and to cross-reference his correspondence with specific allegations summarized in the previous report section. The number(s) in parenthesis following the description of the allegor's documentation relate to the applicable summarized allegation(s).

1. A copy of pertinent portions of the allegor's report to the NRC, dated December 5, 1988, identifies 42 alleged nuclear health and safety violations (Exhibit 7). Attachments 23 and 33 allege records improprieties by I&C personnel at the TPNS facility, (2,3).
2. A copy of a December 21, 1988, letter to the NRC attached to Exhibit 2, alleges numerous technical violations at the TPNS facility. The document concludes with the allegation that licensee employees at this plant are

- being subjected to harassment and intimidation for reporting/identifying nuclear safety-related deficiencies (chilling effect), (1).
3. A copy of a January 13, 1989, 10 CFR § 2.206 petition to the NRC (Exhibit 8), alleges "willful falsification and destruction of safety-related plant documents," and advises that a "severe chilling effect of the station personnel" at the TPNS facility currently exists, (1,2,3).
  4. A copy of a January 30, 1989, 10 CFR § 2.206 petition to the NRC (Exhibit 9), alleges "the failure of personnel to follow procedures" and relates that the TPNS "is experiencing a severe chilling effect due to sophisticated reprisals enacted on employees at the plant when they voice concerns of the plant," (1,2,3).
  5. A copy of a February 7, 1989, 10 CFR § 2.206 petition to the NRC attached to Exhibit 3, alleges a "severe chilling effect" and reports that the licensee "is engaged in discrimination and harassment" against subpoenaed witnesses in the SAPORITO/DOL proceedings, (1,7).
  6. A copy of a March 1, 1989, 10 CFR § 2.206 petition to the NRC (Exhibit 10), advises his allegation regarding "willful falsification of safety-related plant documentation" at the TPNS facility was "collaborated" (apparently intended to use the word "corroborated") during the DOL proceeding. This document further reflects an I&C technician (COLSTON) informed the alleger that a supervisor is "harassing and discriminating against him because of his participation as a witness" in the DOL proceeding and this action demonstrates a "severe chilling effect at the plant," (1,2,3,7).
  7. A copy of a March 2, 1989, 10 CFR § 2.206 petition to the NRC (Exhibit 11), appears to be identical in all respects to the previous document with the exception of the date change, (1,2,3,7).
  8. A copy of a March 3, 1989, letter to the reporting investigator (Exhibit 12) cites additional examples of alleged falsification of maintenance records by TPNS technicians and supervisors. Additionally, the alleger reiterates the alleged harassment and discrimination against a technician (COLSTON) because of his DOL testimony and identifies the participants in the SLNP incident involving the falsification and destruction of maintenance records, (1,2,3,6,7).
  9. A copy of pertinent portions of the alleger's second report to the NRC dated March 3, 1989, identifies 45 nuclear health and safety concerns at the TPNS facility (Exhibit 13). At pages 34 and 106, the alleger relates falsification and/or destruction of TPNS maintenance documents by an I&C technician (ALLEN) and two supervisors (KORAN and HARLEY), (4,5).
  10. A copy of a March 7, 1989, letter to the reporting investigator cites an additional example of alleged falsification and destruction of TPNS maintenance records (Exhibit 14). According to the alleger, I&C technicians (CAPERA and MAGOOGAN) violated the requirements of a procedure by eliminating "several steps" while performing a test and the supervisor (WILLIS) destroyed the original documentation when the deficiency was noted, (2,3).

11. A copy of a July 7, 1989, 10 CFR § 2.206 petition to the NRC (Exhibit 15), reiterates the allegation that TPNS employees "suffered reprisals for voicing safety concerns" and that licensee personnel who testified in the alieger's behalf at the DOL proceedings were harassed and intimidated by licensee management, (1,7).
12. A copy of an August 12, 1989, 10 CFR § 2.206 petition to the NRC (Exhibit 16), alleges the licensee employed an independent law firm to harass and intimidate the alieger. Further, this document reports alleged improper and unethical conduct and behavior by a licensee attorney (BRAMNICK) prior to and during the DOL proceeding and accuses him of affecting testimony, influencing witnesses, and intimidating subpoenaed employees, (8,9).

Interview of Thomas J. SAPORITO, Jr.

SAPORITO, interviewed on January 12, 1989, provided requested biographical and employment data, and he reiterated his nuclear health and safety concerns regarding alleged falsification/alteration and/or destruction of I&C maintenance documents at the TPNS facility (Exhibit 17). He noted that he was involuntarily discharged from his I&C technician position at TPNS, supposedly for insubordination, in December 1988, and said he had initially contacted the DOL in October 1988, requesting protection under the whistleblower act."

SAPORITO acknowledged he filed a voluminous report of nuclear safety allegations and concerns with the NRC (DeMIRANDA) in December 1988, and recalled that attachments 23 and 33 of his report addressed specific incidents of willful, deliberate records deficiencies and improper documentation practices by I&C Department personnel. He related that, with respect to attachment 23, the production manager admitted in a private conversation he had completed a temporary system alteration document for a journeyman technician (ALEXANDER) after the work had been completed rather than before as required by the procedure. SAPORITO advised his concern regarding this particular incident is that the procedure for performing the assignment (pressurizer valve calibration) was violated by the failure of the technician to follow the prescribed steps. He further noted that, in his opinion, the violation was compounded when HARLEY completed the document for the technician without witnessing the assignment and by completing it in the incorrect sequence.

SAPORITO recalled another incident (calibration of the boric acid storage tank level transmitter) in which assigned technicians CAPERA, HANLEY, and MAGOOGAN incorrectly performed a procedure by omitting "several pages." He related he informed the technicians and field supervisor WILLIS of the procedural violation and WILLIS reportedly replied he had proper written authority to verbally direct work processes and to authorize the elimination of certain steps in particular procedures. SAPORITO advised it is "common management practice for field supervisors to redirect written instructions in safety-related documents and [PWOs]" and they have "verbally altered" procedures by directing technicians to eliminate "steps in procedures and plant work orders." He said he personally remembered being asked by field supervisors "at least a dozen times" to violate a work assignment procedure or written process control instructions by eliminating and excluding some of the written steps in these documents. He stated he has also overheard I&C field supervisors, including WILLIS and KORAN, verbally instruct technicians to eliminate procedure or work control

document steps, a practice SAPORITO said opposes and is in direct conflict with the TPNS maintenance philosophy of "verbatim compliance" with written procedures.

SAPORITO next commented regarding the concern in his December 5, 1988, report package, identified as attachment 33, which addresses an alleged "cover up" of a procedure violation. He related that in a June 1988 conversation with I&C apprentice technician HANLEY regarding "verbatim compliance" HANLEY told him he witnessed an emergency diesel generator "test run" utilizing an incorrect procedure. He said HANLEY told him that when it was realized the test had been documented using the incorrect procedure, the "initial paperwork" was destroyed to conceal the incident and a corrected page from the procedure was completed.

SAPORITO, during his interview, cited additional incidents which, in his opinion, demonstrated that I&C supervisors do not obtain the proper Operations Department authorizations to perform calibration and/or repair assignments. He said he regards these actions as procedure and work process document violations and a failure to observe the "verbatim compliance" policy promulgated by the TPNS site vice president and the former plant manager.

SAPORITO also recalled an April 1988 incident involving the I&C inspection of oil levels in the governors of three auxiliary feedwater (AFW) pumps. He related that the data recorded in the reactor operator shift log regarding the oil levels in the three sight glasses differed from the observations he made when he inspected these components. SAPORITO related he regards this incident as another example of falsification of records by TPNS personnel, inasmuch as he is of the opinion the operators did not physically inspect the oil levels as indicated. SAPORITO advised that the independent law firm of STIER, ANDERSON, and MALONE from New Jersey was actively investigating the incident since the supervisors of the Operations and I&C Departments had been contacted by one of these attorneys for information concerning this matter.

INVESTIGATOR'S NOTE: The law firm of STIER, ANDERSON, and MALONE was employed by the licensee in October 1988 to investigate and resolve the SAPORITO concerns and allegations regarding harassment and intimidation. One issue which was extensively reviewed by this firm during their investigation prior to OI's involvement at the TPNS facility is the AFW incident. A further discussion of the STIER, ANDERSON, and MALONE investigation results of this issue will be reflected in a subsequent section of the ROI.

SAPORITO next discussed a condition among technicians at the TPNS facility which he described as a "chilling effect" or a fear of reprisals by licensee management if nuclear health and safety issues are openly discussed with outside (nonlicensee) officials. He reported several incidents in which these licensee employees, including his former co-workers in the I&C Department, expressed a fear of retaliation from the then I&C Department manager (TOMASZEWSKI) if they reported safety issues to the NRC. SAPORITO also related that BRANNICK, the counsel for the licensee in the DOL proceeding, has allegedly discouraged subpoenaed witness WILLIS and others from testifying, an action which he stated indicates harassment and intimidation of these individuals.

SAPORITO also advised that he was aware of an alleged incident involving the falsification of a safety-related maintenance record at the SLNP facility. He stated that labor union (International Brotherhood of Electrical Workers or IBEW) steward Laurence D. HIEGEL informed him in November 1988 that Gerhard G. SCHWEPPE, an electrical foreman, had signed the names of two electricians on a work process document or safety-related procedure indicating they had performed the assignment when, in fact, the foreman had personally completed the activity. According to SAPORITO, the document was destroyed to prevent SCHWEPPE from being disciplined when licensee management and/or the union officials learned of the incident and to conceal a possible safety violation.

SAPORITO also provided voluminous testimony regarding other aspects of his December 5, 1988, report of concerns and allegations to the NRC RII staff. He broached topics involving both the TPNS and/or SLNP facilities, including the alleged use of non-nuclear qualified replacement parts on safety-related equipment, requalification training deficiencies, improper and careless maintenance practices, inadequate maintenance procedures, nonlicensed operator misconduct, fitness for duty and ALARA program violations, management interference with Quality Assurance (QA) functions, and other apparent technical discrepancies.

INVESTIGATOR'S NOTE: The NRC RII staff, and specifically Richard V. CRLENJAK, was immediately provided with a copy of the SAPORITO transcript to identify and resolve health and safety concerns he alleged during his interview

SAPORITO concluded the interview by reciting into the transcribed record that, in his opinion, the TPNS facility was an unsafe plant, and essentially that it should immediately cease operations until all of his safety allegations and concerns have been addressed and resolved.

#### Investigation Regarding Alleged Harassment and Intimidation of Licensee Employees (Chilling Effect)

After the investigation was initiated and on several different occasions during the subsequent DOL hearing, SAPORITO, in 10 CFR § 2.206 petitions and conversations with NRC officials, alleged that licensee management had harassed and intimidated TPNS technicians and plant employees to the extent they were fearful of management retaliation and reprisals if they discussed nuclear health and safety concerns (Allegations Summary Item Number 1). Additionally, the alieger advised that because of this "chilling effect" condition, these employees were reluctant to report plant health and safety problems or issues for fear of suffering adverse employment actions, such as termination, undesirable assignments, loss of overtime opportunities, etc. In an effort to determine whether the alleged actions by licensee officials had discouraged and/or inhibited open and candid discussions regarding actual or potential nuclear health and safety-related issues at the TPNS facility, extensive interviews of numerous I&C Department and other plant technicians were conducted.

#### Interviews with TPNS Personnel

The licensee personnel (mostly bargaining unit) listed in this section of the report, with department locations and employment dates at FPL noted (if

obtained), were interviewed regarding this aspect of the  
 Interviewees identified with an asterisk (\*) are those in  
 SAPORITO advised could personally verify his allegation re  
 "chilling effect" condition at the TPNS facility. Additio  
 identified with the pound sign (#) were accompanied during  
 IBEW, Local Number 359, Miami, FL, job stewards employed a

1. \* Homer L. WHITE, Jr. - I&C (2/84)
2. \*# Brian W. McCARTHY - I&C (12/84)
3. \*# Coleman R. McDONALD - I&C (3/86)
4. \*# William P. McINTYRE - I&C (9/86)
5. \*# William C. LAZENBY, Jr. - I&C (3/85)
6. \*# Richard R. BOYLE - I&C (12/85)
7. \*# Phillip E. BENNETT - I&C (6/88)
8. \*# Kyle E. ROBERTS - I&C (1/88)
9. \*# Richard A. COLSTON - I&C (7/86)
10. \*# Gary L. PHIPPS - I&C (2/78)
11. \*# William F. DINAN - I&C (10/86)
12. \*# Kenneth S. HALL - Mechanical Maintenance  
and Union Representa  
Safety Committee (12
13. # Arthur (n) PIQUE - I&C (1/86)
14. # Lawrence A. ASCROM - I&C (6/86)
15. # Jeron F. LINDER - I&C (2/81)
16. # David S. KIRBY - I&C Temporary Field S.
17. # Darrell M. GARNER - I&C (2/86)
18. # Wannie G. DILLON - I&C (8/82)
19. Jesse W. BALCERZAK - I&C (2/88)
20. James B. BRANCH - I&C (10/84)
21. Charles E. CULLOP - I&C (6/85)
22. Benjamin (n) YOUNG - Electrical Maintenance  
(11/75)
23. David L. SINGLETON - EM (12/79)
24. \* Jon D. RAHN - former TPNS employee an  
(4/87 - 12/88)
25. # Jesse (n) KIRKSEY - MM (7/75)
26. # Stanford J. WARNER - MM (2/76)
27. # Daniel (n) GONZALEZ - MM
28. # Florecio (n) MORALES - MM
29. # Charles (n) DAYTON - EM
30. # Charles A. SCHOTT - MM
31. # Tyrone E. DAMON - MM
32. # Richard J. ARNOLD - EM
33. Mark G. WILSON - Operations Department
34. Darrell M. COX - Operations Department
35. Dale A. YOUNGMAN - Health Physics Technician
36. Michael R. DARR - Health Physics Technician
37. Adriano S. PORTORREAL - I&C
38. Lloyd W. BLADOW, Jr. - QA Superintendent, TPNS

INVESTIGATOR'S NOTE: MATHIS, an I&C production coordinator  
 technician, also provided information pertinent to harassme  
 tion of bargaining unit personnel and the alleged chilling e  
 Her comments are summarized in a following section of the RC

ally, remarks by supervisors WILLIS and VERHOEVEN regarding these topics are reported in the same subsequent section of the ROI.

WHITE related that, before September 1987 when he transferred from the I&C Department, he was never personally harassed or intimidated for discussing and reporting nuclear health and safety concerns. He did relate that he once was reassigned to what he regarded as an undesirable task because he continuously complained about inadequate and deficient work procedures (Exhibit 18). He also reported that some I&C technicians had been categorized by field and production supervisors as not being "team players" because their complaints about these deficient procedures slowed the work process. WHITE also advised that some I&C technicians previously believed that complaints (regarding procedures) to supervisors would cause some humiliation and/or verbal abuse inasmuch as this was viewed as efforts to impede the completion of work assignments. He also stated that at one time technicians who had previous experience in the U.S. Navy nuclear program appeared to enjoy preferential treatment in employment assignments and promotion opportunities in the I&C shop, but said he is not aware that this condition currently exists.

WHITE related he was familiar with SAPORITO and his involuntary dismissal from the TPNS facility in December 1988 [REDACTED]

He stated some I&C technicians may possibly be concerned they would suffer similar management reprisals for complaining; however, he said unequivocally he knows of no nuclear safety issues which have not been properly addressed when reported. He reiterated that he is personally unaware of technicians being harassed or intimidated by supervisors for reporting nuclear safety concerns.

McCARTHY, during his initial interview, related he has served since February 1988 as the I&C technician at the simulator, a position requiring his full time presence at the training facility (Exhibit 19). Questioned extensively regarding the alleged "chilling effect" involving technicians at the TPNS facility and specifically in the I&C Department, McCARTHY related he observed from early 1986 to early 1988 that I&C personnel who complained about inadequate or deficient work procedures were "methodically penalized." He also advised that, in his opinion, concerns about these procedures were "generally not addressed" and that "jobs were switched to less knowledgeable people" by I&C supervisors in order to have them completed "without addressing the safety procedure concerns." He agreed with WHITE that the former I&C Department manager favored technicians with U.S. Navy nuclear experience over other individuals who may have been more qualified.

McCARTHY further stated that he is of the opinion he was personally assigned to undesirable work locations in the plant (high temperature and radiation areas) because he reported procedure concerns or otherwise complained about working conditions to supervisors. He clarified that the concerns about which he complained involved the requirement to utilize I&C maintenance procedures he considered inadequate, deficient, vague, and/or incorrect for the particular assignment. He stated that maintenance supervision has insisted upon the "verbatim compliance" concept regarding the use of procedures and oftentimes it was impractical and unproductive to comply with this policy since the procedure is deficient or inadequate to complete the assignment.



McCARTHY, throughout the remainder of his first interview, continued to discuss his perception that individual technicians in the I&C Department are reluctant to candidly address the inadequacies of safety-related procedures to their managers. He reiterated that, in his opinion, due to his previous complaints about work procedure deficiencies he has received verbal abuse and undesirable work assignments; he has been excluded from overtime opportunities, received close scrutiny by supervisors, and suffered humiliation. He also noted that supervisors and managers have often addressed technicians in a harsh and imposing manner to emphasize compliance with the work procedures and to encourage maximum production. In summary, McCARTHY's testimony did not develop any substantive information to indicate that technicians were reluctant to report unsafe or hazardous nuclear health and safety conditions, but it did reveal they were hesitant to complain about I&C maintenance procedures which were perceived to be inadequate, deficient, or impractical to utilize in a "verbatim compliance" manner.

McDONALD categorically denied that he has personally received harsh, abusive, intimidating, or discriminatory treatment for discussing any nuclear safety-related concerns or issues with his supervisors (Exhibit 20). He noted that, in his opinion, some technicians, including McCARTHY, may have received undesirable assignments from various field supervisors for voicing concerns and complaints regarding deficient and inadequate I&C maintenance procedures. He further advised that I&C supervisors have, at times, spoken harshly and abruptly with technicians regarding their work habits, but said he has never known any of these individuals to suffer adverse employment actions or reprisals for raising nuclear safety-related concerns.

McDONALD discussed his knowledge of SAPORITO's dismissal from the TPNS facility and indicated other technicians may view this action as a warning signal by management to refrain from complaining about the procedures. He said that because of this perception by some technicians, it is possible they are reluctant to discuss the procedure deficiencies with supervisors since it could jeopardize their employment, but indicated he knows of no one who is fearful of reporting a genuine nuclear safety-related matter.

McINTYRE commented regarding his perception of employee harassment and intimidation and the alleged "chilling effect" at the TPNS facility (Exhibits 21 and 22). He stated he personally has no knowledge of harassment and intimidation in his work environment but said he is of the opinion some I&C employees may be reluctant or hesitant to discuss issues with their supervisors because they (supervisors) have not reacted to or provided feedback regarding employee concerns. McINTYRE said that, in his opinion, the night shift technicians possibly have received undesirable assignments (high temperature and radiation areas) because the former department manager may have disliked the night shift field supervisor for his inflexible and rigid compliance with the work procedures which may have slowed the work process. He also related that, in his opinion, it appears other technicians have received undesirable assignments for complaining about these same inadequate procedures. McINTYRE further stated he had difficulty discussing issues with the former department head and alluded he was at times unpredictable in the manner in which he would react or respond to information from the technicians.

McINTYRE discussed the "verbatim compliance" policy expected of the technicians and indicated attempts to observe this practice were not always possible,

practical, or productive. He further identified several examples in which I&C technicians were confronted in a hostile manner by their field supervisors due to differing opinions concerning the interpretations of procedures. He said he believes these technicians may have been assigned to undesirable work locations or "high radiation" areas for complaining about deficient or inadequate procedures. McINTYRE advised that at times actions and mannerisms of first and second line supervisors (field and production supervisors) may appear to be harassing, intimidating, and threatening and some bargaining unit employees could perceive a "chilling effect" at the TPNS facility because of this behavior. In conclusion, McINTYRE advised he was unable to cite specific incidents in which employees had suffered adverse employment circumstances or other discrimination for reporting concerns and complaints but steadfastly maintained he believes some individuals may have been assigned to undesirable work locations for complaining about ambiguous and deficient work procedures.

LAZENBY advised unequivocally that he has never hesitated to report or discuss nuclear safety-related concerns, including I&C work procedure deficiencies, with his managers and supervisors in the I&C Department (Exhibit 23). He related that, in his opinion, because he has previous U.S. Navy nuclear experience, he has received preferential treatment and favorable assignments from his I&C manager. He did relate that, in his opinion, some I&C supervisors are not ideally suited for this position nor are they qualified to supervise because they lack the maturity, ability, and experience for directing the daily activities of the technicians.

LAZENBY reiterated that he is personally unaware of any discriminatory treatment or harassment of technicians by supervisors for discussing nuclear safety issues. He said I&C work procedures "are a mess," clarifying that they are often proven to be incorrect, inadequate, and deficient which result in confusion, irritation, loss of production, and unnecessary work activities. He noted that some technicians who complain vociferously about these procedure problems may appear to be assigned to undesirable work locations, but said he is personally unaware that any individuals at the TPNS facility have suffered adversely for discussing nuclear safety concerns.

BOYLE, serving as a job steward at the time of his initial interview, remarked he is also unaware of any nuclear safety-related concerns in the department which have not been referred to a manager or supervisor for resolution (Exhibit 24). He also stated he has "never felt any fear of any reprisals whatsoever" for reporting any nuclear safety-related concern to management but added that during his probationary period (first 6 months) he may have been reluctant to pursue them to ensure corrections or "feedback." He related that the "turbulence" at the TPNS facility "as a result of the allegations brought forth by Tom SAPORITO" has created "a much more friendly environment to work in if you have concerns" and "management in the I&C Department tends to be more responsive now than they have ever been in the past." He noted that previous "pressure" from I&C field supervisors to complete assignments in spite of "restrictive" procedures has, for the most part, disappeared and currently does not exist.

BOYLE said that, in his opinion, he has previously experienced on the back or peak shifts, harassment and intimidation from supervisors in the form of undesirable job assignments, but inferred these actions resulted from

complaints regarding procedures rather than from reporting the existence of a nuclear safety-related problem. He related further that, in his opinion, the level of openness, trust, and sensitivity between technicians and their field supervisors has improved greatly since he began his employment but agreed there is still a need for improvement. BOYLE concluded that although he is unaware of an instance in which licensee management retaliated against I&C technicians for reporting nuclear safety concerns, their failure to provide "feedback" to the technicians may have created an environment of apathy which contributes to a reluctance to express potential safety issues.

BENNETT stated he has never had difficulty resolving nuclear safety-related issues with I&C management and said he has not been harassed or intimidated for reporting any type of safety-related concerns (Exhibit 25). He did report that probationary employees (less than 6 months of service) are sometimes hesitant to complain regarding any issue because they "can be terminated at the slightest provocation." He explained that for the sake of remaining "okay with the company" during the probationary period, employees will seldom "make any waves" but indicated he is unaware of any technician who would refrain from reporting a nuclear safety concern or issue.

BENNETT stated although he has never feared reprisals or retaliation from management for reporting nuclear safety-related issues, he said SAPORITO told him on several occasions he (SAPORITO) was the target of licensee management retaliation for voicing nuclear safety concerns and "calling in outside agencies." He related that some I&C employees are essentially divided in their reactions and beliefs regarding SAPORITO's dismissal, while others have expressed no opinion concerning this matter. BENNETT further indicated that most all I&C technicians have, at one time or another, complained to their supervisor regarding an inadequate or deficient work procedure and this often agitates these individuals because it delays the completion of work assignments. He concluded by reiterating that although morale is low and favoritism does exist which causes employee unrest and dissatisfaction, he has never been harassed or intimidated for reporting nuclear safety concerns. He stated emphatically he is not aware of anyone who is fearful of retaliation or reprisals from licensee management if they report these concerns.

ROBERTS, currently an I&C field supervisor, related he has never at any time experienced harassment or intimidation as an employee at the TPNS facility, and said he has never been hesitant or afraid to report or discuss nuclear safety concerns (Exhibit 26). He advised it is rumored at the TPNS facility that SAPORITO's termination may have been an act of harassment and discrimination by his supervisors for raising safety concerns but said he has no evidence to support this position. ROBERTS next commented regarding his participation in the DOL hearing as a witness for SAPORITO and expressed disdain with the style and mannerisms of the licensee attorney but said he did not regard the conduct of this individual as harassment and intimidation of the witnesses. He concluded he is not aware of any technician who has been punished or discriminated against for reporting nuclear safety concerns, and categorically maintained he does not believe a "chilling effect" condition exists at the TPNS facility.

COLSTON related, in his opinion, the I&C work procedures "are routinely screwed up" and efforts to complete assignments utilizing these deficient and inadequate documents have previously resulted in frustration and anger for

both the technician and the supervisor (Exhibit 27). He reported that occasionally his attempts to follow a deficient, inadequate, or incomplete procedure, as it is written, has delayed work and his complaints may have been the reason he was assigned to undesirable locations in the plant. COLSTON adamantly denied any personal knowledge of management or supervisory retaliation for discussing nuclear safety concerns and categorically stated he has never been reluctant to report these issues to any level of supervision. He did advise that, in his opinion, SAPORITO was treated unfairly by TPNC Maintenance Department officials before his dismissal but he did not regard the apparent mistreatment as a reprisal or retaliation for reporting nuclear safety-related concerns.

PHIPPS stated he has voluntarily elected to work the I&C Department night shift for approximately 8 years and noted he frequently performs his assigned duties without the benefit of a direct supervisor (Exhibit 28). He described his participation in an event during November 1988 involving a nuclear safety-related component (diesel generator) which resulted in him receiving derogatory comments and ridicule from supervisors because he attempted to perform the assignment precisely according to the work procedure. He recalled that previous complaints regarding deficient or inadequate work procedures involving nuclear safety components may have resulted in him receiving unfavorable work assignments or eliminated him from promotion considerations.

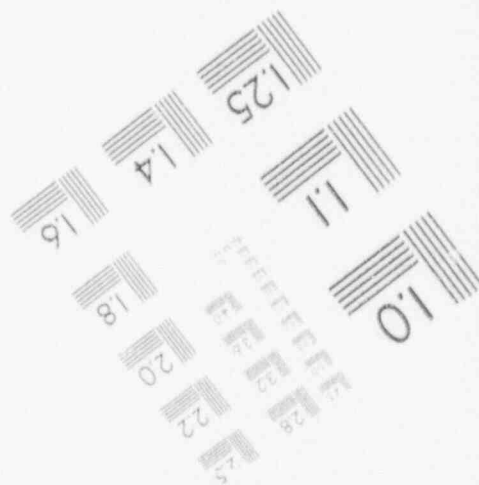
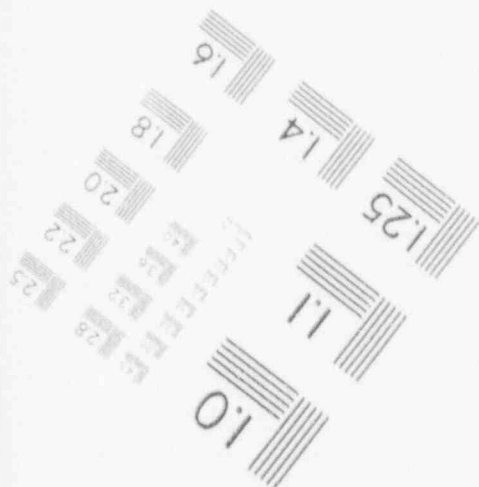
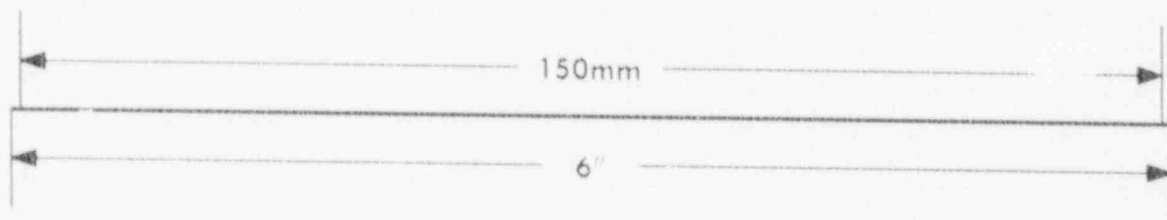
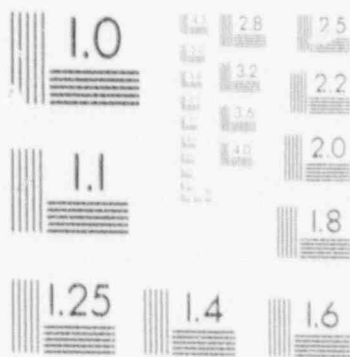
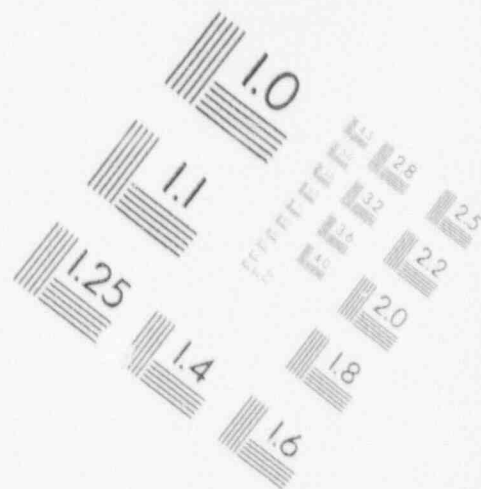
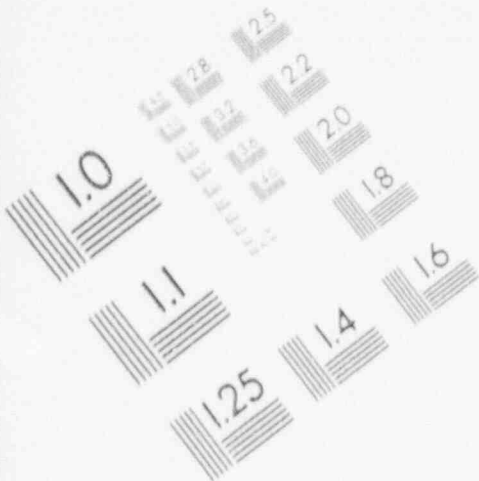
PHIPPS noted that although supervisors, in his opinion, do not appear to intentionally harass and intimidate technicians, frequent procedure complaints from a technician causes them to "turn a deaf ear" and label the complainant as a "black sheep" and "not a team player." He indicated during lengthy testimony that I&C Department management at all levels frequently fail to provide complainants with adequate feedback regarding any type of concern they report, a situation which gives the impression managers are either ignoring the concern or doubt the credibility of the technician. He advised that because of the apparent attitude of supervisors towards technicians who voice concerns, some individuals may be reluctant to have conversations with I&C management personnel. Notwithstanding criticisms expressed by PHIPPS, he strongly indicated he is unaware of any technician who would fail to report a nuclear safety-related incident.

DINAN advised that, in his opinion, he has experienced supervisory pressure to complete work assignments which he perceives as a form of harassment and intimidation for expressing concerns to management and for pursuing unresolved issues (Exhibit 29). He also noted that technicians who complain to supervisors about an inadequate or deficient work procedure or an unsafe working condition (industrial safety) are usually, in his opinion, labelled as malcontents or disgruntled individuals and they may receive a disproportionate share of the undesirable job assignments. He indicated also that probationary technicians, may also have been particularly vulnerable to undesirable assignments because if they complained to supervisors about procedures, concerns, or issues their employment status could have been in jeopardy.

DINAN summarized that the I&C work procedures, because they are inadequate, deficient, and at times counter-productive, have created an adversarial environment between the I&C technicians and their supervisors, resulting in confusion, job delays, pressure to complete assignments, and alienation of personalities. He related that I&C supervision insists only upon "getting the

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## IMAGE EVALUATION TEST TARGET (MT-3)



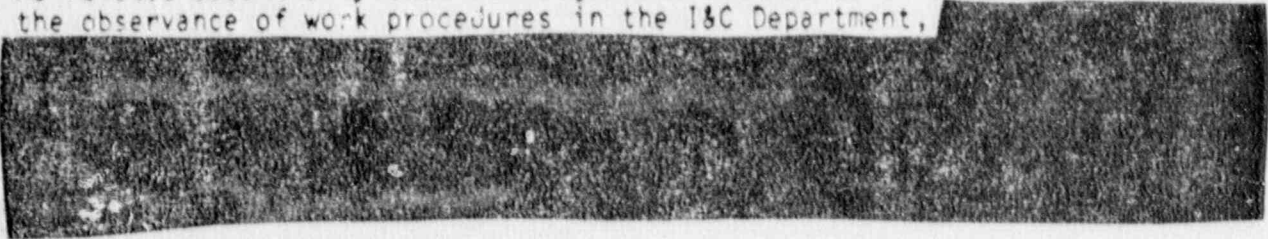
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770 BASKET ROAD  
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WEBSTER, NEW YORK 14580  
(716) 265-1600

job done," whereas the technicians have to comply literally with work procedures which, if observed to the letter (verbatim compliance), sometimes cause lengthy delays in completing assignments. He reiterated his observations regarding the cause of disputes between technicians and supervisors and advised that as long as deficient I&C work procedures exist, the disharmony will remain.

DINAN advised that, although he has never known an I&C technician to be dismissed by the licensee for reporting or discussing nuclear safety concerns, he is of the opinion SAPORITO's termination resulted from discussing issues with NRC representatives. He noted that other I&C technicians, including MATHIS and McCARTHY, also may have experienced unfair or discriminatory treatment such as undesirable job assignments and not being considered for promotions as a result of their complaints regarding deficient and inadequate I&C work procedures. DINAN concluded his testimony by discussing participation in the DOL hearing involving SAPORITO and he reiterated his belief that certain I&C technicians, because of an unusual circumstance, may have been treated with less respect than their more favored peers.

HALL, a safety committeeman on the joint Union-Management Plant Safety Committee, related he has had no difficulty relating or reporting any type of safety concern to supervision (Exhibit 30). He noted, however, that he has observed technicians and supervisors arguing about work activities and processes which should have been addressed in the procedure for accomplishing a particular assignment. He advised he is aware that the I&C Department has "a lot of problems because of their low seniority" for field supervisors which often means that supervisory positions are filled with individuals who have less knowledge about the plant than the technicians who are performing the assigned maintenance and calibration activities.

HALL recalled that, as a safety committeeman, he initially reviewed SAPORITO's safety concerns regarding plant clearance procedures and found the I&C Department personnel were inadvertently not complying with clearance requirements. He related essentially that although SAPORITO had some valid concerns about the observance of work procedures in the I&C Department,



HALL advised that, in his opinion, some technicians in his MM Department may be reluctant to discuss problems with a supervisor but he clarified that he is unaware of any co-worker who would fail to report nuclear safety-related concerns. He denied any knowledge that a "chilling effect" condition prevailed at the TPNS facility, and concluded he knew of no one who had been harassed or threatened in any manner for reporting nuclear safety concerns.

PIQUE denied he has ever been discouraged or prohibited by I&C managers from reporting or discussing nuclear safety concerns and said he seriously doubts that other technicians have been harassed or intimidated for discussing bona fide issues "concerning the safety of the plant" (Exhibit 31). He stated it is possible that some I&C technicians may have experienced adverse and/or harsh

reactions from a field supervisor for blaming work suspensions and delays on an inadequate or deficient I&C work procedure. He also noted that certain "lazy" and controversial technicians, those who complain about procedure deficiencies "to avoid doing work," may be assigned to the least desirable jobs in the plant but reiterated they have never been penalized, harassed, or intimidated for reporting plant safety issues.

He concluded he is unaware of any nuclear safety concerns that have not been reported or discussed by technicians because of a fear of retaliation from licensee supervisors and managers.

ASCROM, in response to questions regarding the alleged reluctance of I&C technicians to report or discuss nuclear safety-related concerns with supervisors and managers, stated he is personally unaware of any such circumstances or conditions at the TPNS facility (Exhibit 32). He readily acknowledged that in the recent past, there have been numerous problems and controversies involving inconsistent, inadequate, and deficient I&C work procedures. He clarified that at times it has been nearly impossible and often extremely time-consuming to perform an assignment in a "verbatim compliance" manner while trying to complete it within the time expectations of a field supervisor. He inferred that as a result of the frustrations with procedures by the technicians, supervisors become agitated and "push" for the completion of work assignments and the associated PWO documentation. He also related that I&C field supervisors are young and inexperienced, they lack "people" skills and most are aspiring for a higher management position or some type of recognition.

ASCROM reiterated that he has never hesitated to report or discuss nuclear or other safety-related issues with I&C managers and when he has done so, all of his concerns were properly addressed. He did relate that during the probationary employment period, technicians are cautious not to complain because of their precarious situation but said he is unaware of a single instance in which I&C technicians feared their employment was in jeopardy if they reported nuclear safety-related issues to their managers.

ASCROM, in response to questions regarding employee harassment, advised that SAPORITO may have been the object of discriminatory actions by HARLEY since it was obvious that they had conflicting personalities.

ASCROM clarified that HARLEY's actions were unrelated to SAPORITO reporting nuclear safety concerns, and he said he has never known a supervisor to penalize or discriminate against SAPORITO or any other technician for identifying or discussing nuclear safety matters.

LINDER expressed his opinions and reported observations regarding alleged harassment of technicians and the alleged "chilling effect" among technicians at the TPNS facility (Exhibit 33). He too noted that probationary employees may have difficulty communicating concerns to supervision because they are conscious of protecting their employment status. He denied that he has experienced any retaliatory actions by supervisors for voicing any concerns and stated he did not perceive a "chilling effect" among the I&C technicians with whom he worked.

KIRBY reported his duties and responsibilities as an I&C field supervisor at the TPNS facility (Exhibit 34). He advised that, as a supervisor, he encourages his technicians to openly discuss any problems they may encounter and said he is unaware of any intimidation or harassment of I&C personnel or reprisals against these individuals for reporting nuclear safety concerns. KIRBY stated that, in his opinion, all employees are afforded equal treatment by supervisors and said he does not believe any technician has ever been discouraged from identifying or discussing nuclear safety-related issues.

GARNER related he has "no first hand knowledge" that any I&C technician has been harassed or maligned for reporting or discussing nuclear safety concerns (Exhibit 35). He advised that apparently some members of the I&C staff at the TPNS facility may believe that supervisors would retaliate if technicians discussed safety concerns; however, he reiterated he has never perceived a "chilling effect" condition and is unaware of anyone who has suffered any reprisals for reporting or discussing these issues.

DILLON, in relating his professional background, work experience, and employment history with the licensee, was responsive to questions regarding the purpose of the investigation (Exhibit 36). Essentially, he concurred that, in his opinion, some favoritism is extended to technicians with U.S. Navy nuclear experience but he categorically stated he is unaware of harassment or intimidation involving any bargaining unit personnel. He concluded he knows of no instances of retaliation or reprisals from managers involving technicians who reported or discussed nuclear safety-related concerns and issues.

BALCERZAK candidly advised, in response to questions regarding the purpose of the investigation, that he too is unaware of harassment or intimidation of I&C technicians for reporting nuclear safety concerns (Exhibit 37). Further, he concluded that, in his opinion, there is no reluctance by any employee to report or discuss these concerns with I&C supervisors at the TPNS facility.

BRANCH emphatically stated that he has never been harassed or intimidated and said he has never feared reprisals from supervisors for discussing or reporting nuclear safety-related concerns (Exhibit 38). He also advised he does not perceive a "chilling effect" condition in the I&C shop and said he is unaware of any technician who has been punished or disciplined for reporting safety issues.

CULLOP was queried extensively regarding the alleged "chilling effect" at the TPNS facility and harassment of technicians for reporting safety concerns (Exhibit 39). He categorically denied any knowledge of or discussions with his co-workers regarding this topic and said emphatically that technicians are encouraged to report safety concerns and to have candid discussions with supervisors.

YOUNG related he has never personally experienced harassment or intimidation from supervisors but noted some maintenance technicians have had difficulty with the "profane and embarrassing management style" of some supervisors (Exhibit 40). He reported no evidence of a "chilling effect" at the TPNS facility and advised he is not reluctant to report or discuss nuclear safety-related issues with his superiors.



SINGLETON advised that he did not fear retaliation for reporting nuclear safety-related concerns and said he has never experienced harassment and intimidation from any supervisor (Exhibit 41). He did relate that, in his opinion, TPNS management could improve communications with department employees and display a higher commitment to the personal or industrial safety of the employees.

RAHN, a former licensee employee who was telephonically contacted for a personal interview appointment, was queried briefly to determine his knowledge of the harassment and chilling effect allegations by SAPORITO (Exhibit 42). He acknowledged he had voluntarily terminated his employment with the licensee in December 1988 and said this decision in no way reflected adversely upon FPL or the TPNS facility. He categorically denied any knowledge of or information concerning improprieties relating to nuclear safety-related maintenance records, intentional violations of procedures by technicians or supervisors, or harassment and intimidation of licensee personnel by licensee management for reporting or discussing nuclear health and safety concerns.

KIRKSEY related in essence he has no inhibition or reluctance to report nuclear safety-related matters with his supervisors. Further, he too claimed no knowledge of a "chilling effect" condition of the TPNS facility (Exhibit 43).

WARNER concurred with KIRKSEY regarding the alleged harassment of technicians and "chilling effect" at the TPNS facility (Exhibit 44). Interviewees GONZALEZ, MORALES, DAYTON, SCHOTT, DAMON, ARNOLD, WILSON, COX, YOUNGMAN, DARR, and PORTORREAL all advised they have not personally experienced harassment or intimidation nor are they aware of such actions. Further, they stated they are not aware of any licensee employee who is reluctant or afraid to discuss nuclear safety-related problems or issues with a supervisor (Exhibit 45).

BLADOW, represented during the interview by Brian J. STACK, Attorney with the licensee's general counsel, discussed the TPNS facility corrective action and quality concerns programs involving the review and resolution of nuclear safety- and quality assurance-related issues and complaints reported by TPNS employees (Exhibit 46). He related his role in this process and noted that his functions and responsibilities as the site OA superintendent are independent of TPNS management influence and interference.

BLADOW reported his initial participation in and investigation of the first allegation by SAPORITO to the DOL (October 1988) that he was harassed for engaging in protected activity at the TPNS facility. He discussed his knowledge of the STIER, ANDERSON, and MALONE investigation and advised that the primary thrust of their efforts was to identify and document allegations by SAPORITO that licensee employees were being harassed and intimidated by management officials for reporting safety concerns. BLADOW stated unequivocally he is not aware of any incidents in which technicians or other employees have been harassed for reporting nuclear safety concerns. He adamantly advised that no employees have expressed a fear of retaliation from supervisors for discussing these issues and said TPNS personnel are "encouraged to voice concerns" to all levels of supervision.

## Investigation Regarding Alleged Falsification/Destruction of TPNS Safety-Related Documents

The initial concerns of SAPORITO reported in his December 5, 1988, correspondence to RII officials identified two separate instances of alleged alteration or falsification of plant maintenance documentation (PWOs) at the TPNS facility. In subsequent separate letters or 10 CFR § 2.206 petitions to the NRC dated January 13, 1989, January 30, 1989, March 1, 1989, March 2, 1989, March 3, 1989, and March 7, 1989, SAPORITO also alleged TPNS maintenance records improprieties involving facility technicians and/or supervisors. This section of the ROI reflects the investigative activities to review and resolve all of the alleged incidents of alteration/falsification/destruction of TPNS maintenance records which are summarized in Allegation Summary Items 2, 3, 4, and 5.

Further SAPORITO, in other direct contacts with the reporting investigator, alleged two falsification incidents involving maintenance records (PWOs) at the TPNS facility which were already being reviewed and investigated by the independent law firm of STIER, ANDERSON, and MALONE. A description and explanation of these two incidents and the results of the activities of the law firm concerning their review of these events will be reported in a subsequent section of the ROI.

### Review of PWO Documents

Based upon the descriptions of and information concerning the alleged maintenance records improprieties, pertinent 1988 PWO documents were identified and copies were obtained from the TPNS document control system. PWO Numbers 6188, 6189, 6734, 6775, 6776, 7425, 7674, 7809, 8018, 8041, 8042, 8063, 8143, 8421, 8811, and 8821 and associated records were retrieved and reviewed during this phase of the investigation. These "work packages" were reviewed with the assistance of site QA Superintendent BLADOW and I&C Support Supervisor (Auditor) KOVARIK for accuracy and completeness and to identify any apparent discrepancies, deficiencies, alterations or false entries contained therein. This review and analysis of the copied PWOs and attached documents which are apparently relevant to SAPORITO's allegations disclosed no evidence of discrepancies, alterations, or improper entries and they appeared to contain all of the information and data customarily recorded in PWO documents. In view of the voluminous quantity of paperwork contained in a completed "work package," copies of the PWO documentation reviewed during the investigation are being retained in the OI case file.

### Interview with Jerry George KOVARIK

KOVARIK, a graduate engineer at the TPNS facility and currently serving as a support supervisor with the I&C Department, advised he is "fully aware of how packages [work] are originated, planned, and assembled for the supervisor and the journeymen" to accomplish a particular assignment (Exhibit 47). He advised that he is presently responsible for auditing the PWO packages to ensure "the activities documented therein are in fact...performed as indicated and the work has been completed." He explained he has reviewed the PWO work packages in the same precise and meticulous manner in which a Quality Control (QC) auditor would perform his duties.

KOVARIK, throughout the course of his interview, discussed the PWO work packages, including "QC required" (nuclear safety-related) and "QC not required" (not nuclear safety-related) assignments in which SAPORITO alleged alterations, destruction, and/or falsifications had occurred. He steadfastly maintained, in essence, that all of the PWOs and associated documents presented for his review appeared to be accurate and complete and that, in his opinion, all applicable processes and procedures were observed while work was being performed and documented. KOVARIK noted individual and/or distinctive characteristics and differing styles of the technicians performing the work and completing the documents associated with the PWO but added emphatically that all such activities appear to be complete and within the limits and requirements of the work procedures and PWO instructions. He acknowledged that it is possible for an individual who is not fully aware of a particular assignment which has peculiar or unusual ramifications to interpret the actions or activities of individuals involved in the assignment as improper or as a violation of the procedure.

KOVARIK noted an administrative error (incorrect procedure number listed) on one PWO but clarified that this related to the circumstances which permit field supervisors to eliminate the "independent verification" (IV) step on the PWO.

INVESTIGATOR'S NOTE: SAPORITO frequently reported that field supervisors routinely eliminated a PWO instruction item (procedure step), thus invalidating the entire procedure, which apparently was his basis for alleging altered/falsified documentation. KOVARIK explained the permissible circumstances for the elimination of an IV item by the field supervisor and related this activity did not invalidate the work process.

He advised that even though the IV step was eliminated in this instance by the field supervisor, the procedure was properly observed, documentation appears accurate, and the work was accomplished according to the requirements for the assignment. He again reiterated that it is possible a technician who is not familiar with this administrative process (eliminating IV) and the particular assignment involved could interpret the verbal authorization from a field supervisor to eliminate this step as a deliberate work procedure violation. KOVARIK concluded that, notwithstanding, some administrative type errors noted in the PWOs he reviewed, there is no evidence to suggest any improper record-keeping, documentation, or work performance practices involving any of the assignments.

#### Additional Interviews with TPNS Personnel

During this phase of the investigation to resolve alleged incidents in which PWOs were intentionally altered, falsified, and/or destroyed by I&C Department technicians and/or supervisors, TPNS personnel, who according to SAPORITO either participated in or had some knowledge of these activities, were interviewed. The individuals listed in this section of the report, with titles noted, were interviewed regarding these alleged improprieties and employees identified with the pound sign (#) were accompanied during their interview by IBEW Local Number 359 job stewards employed at the TPNS facility.

1. # Godfrey D. ALEXANDER - I&C Technician
2. Jeffrey J. HANLEY - I&C Technician

3. # Steven R. ALAN - former I&C Technician and current Operator License Trainee
4. # Leonardo (n) CAPERA - I&C Technician
5. # William P. JONES - I&C Technician
6. Loretha (n) MATHIS - TR Senior Plant Technician
7. # Coleman R. McDONALD - I&C Technician
8. # Kyle E. ROBERTS - I&C Technician
9. Steven G. VERHOEVEN - I&C Field Supervisor
10. Bruce K. KORAN - I&C Field Supervisor
11. Gerard F. HARLEY - former I&C Production Supervisor

ALEXANDER, who allegedly violated a work procedure by improperly completing required documentation, was interviewed under oath and recalled the details of an October 1988 incident which involved a temporary system alteration (TSA) procedure document (Exhibit 48). He advised that due to the length of the particular assignment involving the pressurizer PORV valve, he inadvertently failed to complete the TSA prior to leaving the plant site at the end of the work day. He stated he was notified at home by his Field Supervisor, VERHOEVEN, that the I&C Department (evening shift) planned to accomplish this task by beginning with a new TSA document. He reported that the only participation in this particular project by HARLEY was when he (HARLEY) assigned the job to VERHOEVEN for completion. He said he was not involved with this matter again until approximately 2 months later when co-worker McDONALD informed him SAPORITO had become interested in the circumstances involving the completion of the TSA document.

ALEXANDER reviewed the two PWO "work packages" and noted they represented the pressurizer PORV task to which he had been assigned. In reviewing these documents, he related he performed the portion of the work he had accomplished according to the written procedure and said with the exception of signing the TSA, he documented it in a timely manner. He categorically denied any deliberate, intentional procedure violation and adamantly stated he did not alter, falsify, or destroy any records associated with this or any other I&C Department work assignment.

ALEXANDER related he vaguely recalled a conversation that occurred in the I&C shop in October 1988 during which HARLEY informed attendees that he would discipline anyone for altering records. He said HARLEY's remark regarding discipline resulted from a statement by SAPORITO about false records. He advised he did not know SAPORITO's motive for pursuing the pressurizer PORV issue since in his (ALEXANDER's) opinion, there were no improprieties committed by any technician involved with this matter.

He concluded that he has never been asked, directed, or coerced by a supervisor to violate procedures or avoid complying with work requirements for the sake of accomplishing or completing a particular assignment.

HANLEY who reportedly witnessed a diesel "test run" procedure violation in the TPNS Operations Department was interviewed under oath regarding this matter (Exhibit 49). He related his employment experiences and assignments as both an Operations and I&C Department employee and acknowledged he worked with SAPORITO while serving his I&C apprenticeship. HANLEY was queried extensively

concerning the statement allegedly made in the presence of SAPORITO that he (HANLEY) had witnessed a diesel "test run" procedure violation in June or July 1988. He repeatedly and categorically denied that he had witnessed such an act or knew of a diesel "test run" procedure violation. He further denied he had informed SAPORITO that such a deliberate violation had occurred.

HANLEY reviewed PWOs to which he was assigned and he was questioned further regarding the allegation by SAPORITO that QC-related maintenance (I&C) records had been falsified and/or improperly maintained by technicians and that work procedures were violated by these individuals with supervisory consent. He candidly advised he was not aware of a single incident in which PWO work package records were deliberately and intentionally falsified or that work procedures were circumvented or eliminated. He recalled that SAPORITO frequently complained to field supervisors and, at times, became confrontational with them regarding procedures which he (SAPORITO) believed were incorrect, inadequate, or deficient in some manner. He advised he has never known any field supervisor to direct or coerce technicians to maliciously violate or avoid compliance with an I&C work procedure. He said that he is unaware of any record or procedure impropriety during his entire employment at the TPNS facility.

ALLAN, who allegedly failed to adequately document a work procedure which was subsequently destroyed by Field Supervisor KORAN and replaced by a second copy, was interviewed under oath concerning this matter (Exhibit 50). He related previous experiences as an I&C technician and said he recalls generally some concerns and allegations reported by SAPORITO when he was employed at the TPNS facility. ALLAN too, reviewed QC and non-QC related PWOs which reflect his work accomplishments and he discussed his participation in and documentation of these activities. He acknowledged that he was involved in performing work on one particular assignment which was eventually completed by another technician. He recalled that his Journeyman Work Report (JWR) attached to the PWO for the assignment reflects the portion of the work he performed but the initial copy of the work procedure in the work package was apparently discarded. He noted that for the sake of "simplicity" (eliminating unnecessary paperwork) the technician who completed the task completed another copy of the work procedure and placed it in the work package for retention. ALLAN related this method of documenting work is customary and said it does not indicate or suggest improper recordkeeping or documentation practices or a devious destruction of records. He categorically denied that he has ever intentionally falsified records or destroyed work package documents to conceal a procedure violation.

ALLAN next responded to questions relating to the allegation that TPNS field supervisors in the I&C Department verbally instructed technicians to violate work procedures. He adamantly denied he has ever been directed, influenced, or coerced by a supervisor to deviously eliminate or maliciously avoid compliance with any required procedure or portion thereof. He concluded by stating he "did not know of any journeyman, or supervisor for that matter, who has ever signed for anything unless they were absolutely sure" the assigned work was properly performed.

CAPERA who along with a second technician, allegedly violated a procedure with supervisory concurrence by eliminating an item(s) in the PWO documentation was interviewed under oath regarding this incident (Exhibit 51). He reviewed a

copy of a PWO and associated documents which reflect his participation in an I&C calibration assignment and he was queried extensively regarding the alleged procedure violations while accomplishing this task. CAPERA noted unequivocally that the assignment was performed completely in accordance with the instructions and governing procedures attached to the work package and that no items, steps, or pages were eliminated or avoided by him or other technicians during the entire process. He said he did not recall any conversations with SAPORITO concerning this PWO and he also denied that any of his field supervisors, including WILLIS, VERHOEVEN, and KORAN have ever directed, coerced, or influenced him to violate, circumvent, or partially comply with procedures to prepare false or inaccurate documentation, to destroy, or to discard work package documents.

CAPERA was questioned further regarding an alleged conversation between Field Supervisor WILLIS and SAPORITO during which he (CAPERA) reportedly witnessed SAPORITO accuse WILLIS of violating the requirements in a nuclear safety-related work procedure. He again responded candidly and unequivocally that he did not recall such a conversation or any other discussion by SAPORITO or others regarding I&C work procedure violations. He described and discussed the prescribed, authorized method of changing the requirements of a written work procedure through use of the OTSC provision but related this process requires specific documentation activities to implement. He acknowledged that it is possible for an individual to perceive that a procedure is being violated or circumvented if that person is not aware an OTSC has been initiated. He also noted that in instances when data is transferred from a contaminated sign-off page of a procedure to a clean page, the contaminated document is discarded as "rad waste" which could give the impression of unauthorized destruction of records. He concluded that he is not aware of any improprieties regarding the performance of work by I&C technicians, the documentation associated with work assignments, or the retention of documents which report the work activities.

JONES who reportedly witnessed discussions and heated confrontations between I&C technicians and their field supervisors regarding inadequate or deficient work procedures confirmed that these incidents did occur during 1988 (Exhibit 52). He noted these disputes related to the then TPNS maintenance concept of "verbatim compliance" with procedures which were not always practical or possible due to the particular circumstances of an I&C calibration or repair assignment. JONES also reviewed PWOs that allegedly contained false information and advised, in his opinion, these documents revealed no evidence of deficiencies or discrepancies. He recalled that SAPORITO, while employed at the TPNS facility, was "an outspoken critic of the I&C supervisors" because he doubted the legitimacy of their authority to deviate from printed directions and instructions contained in the PWO document. JONES concluded he is unaware of any improprieties involving the I&C work process or its documentation at the TPNS facility.

MATHIS and McDONALD who were supposedly present during a discussion between I&C Technicians SAPORITO and HANLEY and I&C Field Supervisor WILLIS regarding the elimination of items or steps in an I&C work procedure were interviewed separately concerning the purpose of this portion of the investigation (Exhibit 53). MATHIS, in essence, recalled SAPORITO and HANLEY engaged in a conversation with WILLIS "about the fall of 1988" regarding the circumstances

under which a field supervisor could authorize a change in the work procedure. She advised, in essence, that SAPORITO had adamantly maintained any departure (emphasis added) from "verbatim compliance" involving a written procedure was an illegal and willful violation which then resulted in the falsification of the work package.

MCDONALD, in essence, agreed with MATHIS regarding the aforementioned discussion involving SAPORITO and WILLIS, as well as other technicians and supervisors, and both interviewees acknowledged that intense turmoil, tension, and conflicts between most I&C technicians and their field supervisors regarding the "verbatim compliance" issue was prevalent during 1988. Additionally, these interviewees vouched for the integrity of WILLIS and other supervisors and steadfastly maintained they have never been instructed or directed to disregard procedures for any reason.

ROBERTS, who allegedly witnessed records improprieties and procedure violations, related his employment experiences and peer contacts with SAPORITO as a co-worker during 1988 at the TPNS facility (Exhibit 54).

INVESTIGATOR'S NOTE: ROBERTS was also subpoenaed by SAPORITO's attorney on behalf of SAPORITO at his DOL hearing in Miami, FL, during January and February 1989.

He recalled numerous general complaints from SAPORITO regarding inadequate procedures or the inability to perform an assignment because he (SAPORITO) believed the work descriptions or instructions in the PWO were deficient or incorrect. ROBERTS, in essence, said he agreed with SAPORITO regarding the status and condition of some I&C work procedures and noted that SAPORITO and field supervisors frequently had direct confrontations concerning different interpretations of a particular procedure. ROBERTS continued to respond to questions regarding the allegation that supervisors directed technicians to willfully violate procedures and he stated very candidly he did not believe "any supervisor would ever tell anybody to directly violate a procedure." He concluded he was not aware of any I&C work assignment during which deliberate procedure violations had occurred and said he knew of no incidents in which I&C work package records were maliciously destroyed, altered, or falsified by a technician.

VERHOEVEN, a field supervisor who allegedly directed or concurred with procedure violations and alteration/falsification of records, reviewed PWOs and responded to questions regarding this issue (Exhibit 55). He discussed the work package documentation process and his activities as they relate to a specific I&C assignment involving technician ALEXANDER and noted he (ALEXANDER) had unintentionally neglected to verify (sign) a work action. VERHOEVEN advised that another technician had verified and signed the work action in this particular instance but said he (VERHOEVEN) did not view this as a deceitful or devious act. He discussed procedure compliance by I&C personnel and related that directions from supervisors to technicians regarding the elimination of a portion of the work instructions in a work package is authorized under the proper conditions, by separate instructions. He stated emphatically he has never directed, influenced, or coerced technicians to maliciously and deliberately violate procedures or to misrepresent their accomplishments in written documentation.

KORAN, who according to SAPORITO falsified/destroyed work package documents and inserted new copies in the place of those discarded, characterized SAPORITO's work habits and work ethics as an I&C technician (Exhibit 56). He acknowledged personality clashes with SAPORITO and, in essence, indicated he (SAPORITO) repeatedly failed to recognize the authority and responsibility of the field supervisors.

[REDACTED]

KORAN responded to extensive questions concerning the authority of the field supervisor relating to I&C work procedure compliance and the documentation process and he reviewed specific PWOs and work package forms on which his name appears as the field supervisor. He explained his role as the supervisor with these work assignments and said in these instances where SAPORITO was the assigned technician, he (SAPORITO) repeatedly objected to and "took exception to" verbal directions and instructions from him as the field supervisor. He again reiterated that SAPORITO [REDACTED] challenged [field supervisor's] authority to make interpretations and make field decisions on nearly every job."

KORAN, after reviewing specific PWO documentation, was queried extensively regarding allegations of I&C records improprieties, including falsification and/or destruction of I&C work package documents. He candidly and unequivocally responded to all questions concerning the alleged improprieties and adamantly denied that he had falsified or destroyed records or had acted in any manner which was contrary to I&C procedure requirements. He conceded that the recordkeeping systems need improvement but said, in essence, he is not aware of any willful, deliberate acts to conceal information or intentionally mislead the NRC or the licensee by falsifying or destroying documentation.

HARLEY, who allegedly participated in, or had knowledge of, the falsification and/or destruction of I&C work-related documents, was interviewed under oath regarding these issues (Exhibit 57). He responded to inquiries concerning his work experiences and style of supervision at the TPNS facility and he related professional and personality disputes with I&C technicians, including SAPORITO. He further discussed the I&C work procedure compliance and documentation process and indicated there were numerous problems and differing opinions between technicians and supervisors concerning the interpretation of directions and instructions contained in these work documents. He related the expenditure of extensive efforts by I&C Department management and supervisors to appease and placate dissident technicians, including SAPORITO, in an attempt to motivate them to perform their assigned duties.

[REDACTED]

He further commented regarding the turmoil and strife between I&C bargaining unit employees and their management personnel and noted that these two elements were extremely polarized in the I&C Department.

HARLEY, in response to questions regarding specific allegations, vehemently denied that he ever intentionally or deliberately perpetrated acts of harass-



ment or intimidation upon SAPORITO or any other technician, but acknowledged that he and other managers frequently attempted to motivate them in various legitimate ways to perform assigned work. He reviewed PWO documents allegedly containing questionable entries or false information about which he reportedly has knowledge and he fully explained his participation in the work assignments reflected therein. HARLEY again categorically related that all of his actions relative to these PWOs were completely in accordance with the applicable procedures. He stated, in essence, that at no time has he ever documented or signed any work process without assuring himself that the particular task was accomplished. He further denied that he has ever directed, coerced, or influenced any technician to violate a work procedure or to avoid compliance with any written instructions contained in work package documentation. HARLEY also advised he did not recall any conversations with SAPORITO during which the falsification/alteration of specific records was discussed by either SAPORITO or himself. In conclusion, HARLEY stated he has never intentionally or deliberately committed improper acts or violated procedures regarding the performance or documentation of I&C work nor is he aware of any employee who has not performed according to the requirements of a particular procedure.

During the interviews of I&C technicians reported in the alleged "chilling effect" section of the ROI, some of these individuals were also questioned regarding allegations that I&C records were falsified/altere, work procedures and work package instructions were routinely violated, and records were destroyed/discarded and replaced with revised documents to conceal improprieties. In essence, licensee employees RAHN, McDONALD, LAZENBY, PHIPPS, PIQUE, ASCROM, KIRBY, GARNER, BALCERZAK, BRANCH, and CULLOP categorically denied knowledge of any deliberate or intentional violations by technicians or supervisors relating to work procedures and work process documentation.

#### Investigation Regarding Alleged Falsification/Destruction of SLNP Maintenance Records

During the January 12, 1989, interview of SAPORITO, he reported that SLNP employee HIEGEL informed him in November 1988 of the alleged falsification of a nuclear safety-related maintenance record (PWO) at the SLNP facility (Allegation Summary Item Number 6). SAPORITO also provided the identities of the technicians who allegedly falsified and subsequently discarded the record and of other witnesses and participants in the event who could provide pertinent information regarding this matter. This section of the ROI reports and documents the review of pertinent SLNP maintenance records and the interviews of licensee personnel at this facility who were reportedly involved in, or are knowledgeable of, this event.

#### Review of SLNP Maintenance Records

Based upon the information provided initially by SAPORITO, and later by the SLNP employees who reportedly were aware of the alleged falsification incident, the PWO document in question was identified and the entire work package was retrieved for the reporting investigator by SLNP facility Acting Maintenance Superintendent Robert E. DAWSON (Exhibit 58). A review of a copy of this documentation disclosed that PWO Number 8485, dated May 16, 1988, a "QC not required task" or non-nuclear safety-related was initiated to overhaul the electrical motor for condensate pump 1B, Unit Number 1, SLNP during a normal

maintenance outage. According to the "work description" section of the PWO, the motor was to be disconnected and loaded onto a truck for transportation to the overhaul facility (off site), after which it was to be returned to the SLNP facility and reinstalled. The PWO reflects that all of the work performed by the licensee's maintenance personnel was to be in accordance with Maintenance Procedure Numbers 0930066 and 0920062, copies of which are contained in the work package. The discrepancies/deficiencies in the PWO and associated work process papers which have been bracketed and highlighted with a pound sign (#) were identified during the interview of SLNP Electrical Foreman SCHWEPPE and are found at pages 5, 9, and 42 of the work package. A complete description of each of these inaccurate entries in the work package will be noted in the interview summaries of SCHWEPPE and/or other licensee employees at the SLNP facility. In essence, the page 5 discrepancy is an entry in the JWR written by SCHWEPPE but for another journeyman technician. The page 9 discrepancy is an incorrect reference to the insulation resistance test meter (megger) used during reinstallation, and the page 42 discrepancy relates again to SCHWEPPE accomplishing two work procedure steps for a journeyman and using the initials of the journeyman to certify the work instead of his own. As reflected on page 42 of the PWO package, SCHWEPPE subsequently "lined out" the initials of the other journeyman and inserted his own initials beside them.

INVESTIGATOR'S NOTE: On March 23, 1989, members of the NRC RII technical staff, including CRENJAK, Section Chief, were advised of the results of the OI activities at the SLNP facility. Additionally, CRENJAK reviewed the copy of PWO Number 8485 and confirmed that the condensate pump motor overhaul activity was not a nuclear safety-related matter, and that the discrepancies noted in the work package did not impact health and safety considerations.

During the investigation at the SLNP facility, documentation relating to the equipment utilized for insulation resistance tests (FPL Electrical Department Retest Record) recorded on Form 3918 (page 9 of the work package) was requested from plant maintenance officials. As an attachment to licensee response letter L-89-170 to the reporting investigator, pages from the Test Equipment Checkout Log for the period during which the overhauled condensate pump motor was being reinstalled were provided (Exhibit 59). This documentation revealed, at pages 9 and 11, that on August 27, 1988, SCHWEPPE checked out resistance test equipment (megger meter) Serial Number E/260 to perform work associated with PWO 8485 and that on August 29, 1988, a meter with Serial Number E/201 was utilized on the same PWO assignment. This information is consistent with entries on Form 3918 (page 9) of the PWO work package. The single line deletion (E/SU84) on the Form 3918 document, under the Insulation Resistance Tests Section adjacent to the two megger meter serial number entries is an apparent inadvertent entry by SCHWEPPE which was explained by him during his interview. According to SCHWEPPE and the information contained in the aforementioned transmittal letter, E/SU84 is not a megger meter and, therefore, could not have been utilized to perform the required insulation resistance test.

INVESTIGATOR'S NOTE: It was alleged by SAPORITO that falsified PWO work package documents at the SLNP relating to this incident were subsequently destroyed by maintenance officials. In view of the fact that a copy of the complete PWO work package applicable to the allegation and pertinent pages from the Test Equipment Checkout Log were provided to the reporting

investigator, it does not appear that the "destruction" portion of the allegation is credible.

#### Interviews with Pertinent SLNP Personnel

During the OI activities to resolve the alleged falsification of maintenance records (PWO work package) at the SLNP facility, maintenance personnel reportedly aware of, or involved in, the incident were interviewed. The following individuals, with titles/positions noted were interviewed regarding this matter and those identified with an asterisk (\*) were accompanied by an IBEW representative employed at the SLNP facility:

1. \* Laurence D. HIEGEL - Electrician and former Acting Chief Job Steward and Treasurer, IBEW Local Number 627
2. \* Randy J. WATSON - Electrician and current Job Steward, IBEW Local Number 627
3. \* Gerhard G. SCHWEPPE - Chief Electrician (foreman in bargaining unit)
4. Michael F. FLANAGAN - Electrical Supervisor
5. Ronald L. HOSKINS - Electrical Supervisor
6. Robert E. DAWSON - Acting Maintenance Superintendent

HIEGEL explained his duties and responsibilities regarding the representation of bargaining unit employees in grievance matters or in any adverse action planned or proposed by SLNP site or licensee corporate management officials (Exhibits 60 and 61). He related that in September 1988, SCHWEPPE was involved in a grievance resolution process with SLNP management officials which resulted from his completion of a PWO document for a journeyman electrician. HIEGEL advised he was present at the grievance meeting, serving as the acting senior job steward representing IBEW Local Number 627 and its contract between SLNP management and bargaining unit employees, and acknowledged that he subsequently discussed the alleged falsification incident and [REDACTED] with former associate SAPORITO and other SLNP bargaining unit personnel.

HIEGEL related the circumstances that occurred which required his presence at the SCHWEPPE grievance meeting and explained that DAWSON asked him to attend one of several meetings "to discuss [SCHWEPPE's] falsification of a document and other peer performance items that [SLNP maintenance] management felt" he was exhibiting. He said SCHWEPPE admitted at the grievance meeting he had "performed bargaining unit work" (according to the union contract a foreman assigns but does not perform craft work) and that he had signed the initials of a journeyman electrician (page 42, work package), possibly on work procedure and Form 3918 (page 9, work package) documents. HIEGEL further related that SCHWEPPE persistently and categorically vowed that he had personally performed the particular work process and only utilized the initials of a journeyman electrician on the documents to conceal the union contract violation. He related unequivocally he is convinced SCHWEPPE actually performed the work and that he had attempted to conceal this fact in the exact manner he described the event.

HIEGEL further related and described other aspects of the grievance meeting he attended which involved discussions regarding resolution of the PWO documentation issue and discipline options for SCHWEPPE due to poor performance and substandard work activities. He again reiterated that SCHWEPPE had admitted performing bargaining unit work associated with PWO Number 8584, that he had certified the work with the initials of a technician and that he had attempted to conceal the contract violation from union and management personnel but firmly stated he did not believe it was "any deliberate attempt to falsify any documentation or procedures." HIEGEL related he requested that DAWSON provide, for his examination, a copy of the documents that SCHWEPPE had allegedly falsified but said "he [DAWSON] never produced any document that Gerry signed or allegedly falsified." He concluded that, in his opinion, the only "falsification" in this incident consisted of SCHWEPPE signing the initials of another journeyman on the PWO documents instead of using his own to certify work he (SCHWEPPE) had performed.

WATSON recalled he also attended three meetings with IBEW union and SLNP management personnel to discuss potential discipline for SCHWEPPE relating to him signing the initials of another journeyman on condensate pump motor overhaul procedure documents (Exhibit 62). In essence, WATSON agreed with HIEGEL that SCHWEPPE, a chief electrician (foreman), had performed bargaining unit work on a condensate pump motor in violation of the union contract and he attempted to conceal his participation in the work assignment by signing the initials of a journeyman in the work package documentation. He also stated SCHWEPPE related to him, with confidence, that he had performed the work but after realizing he had made a mistake by using the initials of another journeyman, lined them out and signed his own initials on the work procedure. WATSON, from personal notes he brought with him to the interview, related the meeting discussions and noted that the topic at each involved [REDACTED] the condensate pump motor PWO work package discrepancy [REDACTED]

WATSON related he did not view SCHWEPPE's actions as a falsification of a procedure and said he (SCHWEPPE) was attempting only to "get the job done" with the limited resources (work crew members) available to him. He advised that SCHWEPPE was counselled by him and other IBEW representatives for performing bargaining unit work and signing the initials of another journeyman on the work procedure and said he (SCHWEPPE) was required to ensure these individuals this behavior would not be repeated.

SCHWEPPE acknowledged immediately that he had violated the memorandum of agreement or contract between the IBEW and FPL about September 1988 when he, as a chief electrician, performed bargaining unit work (Exhibit 63). He related the circumstances of the particular event, noting he was assigned by HOSKINS to off-load the Unit 1 condensate pump motor which had just returned from the overhaul facility. He further admitted he personally performed a work process (meggered the motor), signed the initials of one journeyman in the work procedure (page 42, work package), and wrote a narrative remark in the JWR (page 5, work package) using the name of a second journeyman. SCHWEPPE also acknowledged that, prior to the condensate pump motor incident, he has also signed the initials of journeyman electricians for work either he or they completed. He adamantly and categorically maintained he has never signed procedures indicating

work was accomplished unless he was absolutely certain it had been properly and totally completed.

SCHWEPPE further explained the discrepancy noted in work package Form 3918 regarding the deletion of a resistance test equipment serial number. He related that he mistakenly entered a serial number in the Insulation Resistance Test Section of the form which was an incorrect number (E/SU84) and said several days later he lined this entry out and initialed it upon realizing his mistake. He also discussed the meetings with IBEW union and SLNP management personnel during which the PWO discrepancies associated with the condensate pump motor were reviewed [REDACTED]. He concluded that he did not intentionally or deliberately violate a work procedure when he signed PWO documentation using the names of other electricians and said the only improper action on his part was the performance of bargaining unit work in violation of the union-management contract.

FLANAGAN, in essence, confirmed the testimony of both HIEGEL and WATSON regarding SCHWEPPE's involvement in the condensate pump motor incident (Exhibit 64). He reported that when it was recognized by maintenance management official HOSKINS that SCHWEPPE had performed bargaining unit work (meggered the condensate pump motor) and had attempted to disguise it by signing the name and/or initials of other electricians on PWO documentation, a meeting was convened with SCHWEPPE to counsel him regarding his performance and the manner in which "he handles his paper work." FLANAGAN recalled that SCHWEPPE, previous to the condensate pump motor incident, [REDACTED]

[REDACTED] He advised the union (IBEW Local) representatives [REDACTED] for SCHWEPPE relating to the manner in which he had completed the documentation of the condensate pump motor incident, and as a result, several additional meetings with both union and management representatives present were convened to resolve this matter. He continued to discuss the various aspects of the [REDACTED] with SCHWEPPE regarding this incident and he steadfastly maintained he is unaware of "any deliberate, intentional records falsification" concerning this matter.

HOSKINS related he assigned SCHWEPPE and his crew the task of receiving the condensate pump motor on site from the overhaul vendor and in so doing, provided the applicable PWO (Number 8485, dated May 16, 1988) and procedure documentation to accomplish the work. He recalled that SCHWEPPE returned the PWO work package to his (HOSKINS') desk the following day which indicated the pump motor receipt activities had been completed. He advised he reviewed the work package and, by chance, spoke with the itinerant electrician on loan from the TPNS facility whose initials appeared beside two procedure items, indicating he was the technician who had accomplished the assignment. He related the itinerant electrician informed him the initials were not his handwriting and that he had not been involved in the work items which contained his initials.

HOSKINS stated that, after his discussion with the TPNS electrician, he confronted SCHWEPPE who immediately acknowledged that he had signed the initials of the itinerant. He recalled he then discussed the incident with his supervisor (DAWSON) and they agreed to convene [REDACTED] to decide options for resolving SCHWEPPE's apparent deficiencies regarding current and former PWO

documentation activities. HOSKINS said he returned the incorrect PWO procedure document to SCHWEPPE who entered appropriate corrections to reflect that he, rather than the itinerant electrician, had performed the work. He steadfastly emphasized that he and other maintenance management personnel believe SCHWEPPE completed the assignment according to the procedure items, but he failed to accurately document his activities because he apparently attempted to conceal or disguise the fact an electrical foreman had performed bargaining unit work.

HOSKINS continued to discuss SCHWEPPE's apparent actions and documentation practices relating to the pump motor incident [REDACTED]

[REDACTED] HOSKINS emphasized throughout the interview that the purpose of the meetings with SCHWEPPE was not to discuss the falsification of the PWO records since management believed the work had actually been accomplished but to determine [REDACTED]

[REDACTED] He concluded that although SCHWEPPE obviously documented the work he accomplished on the condensate pump motor incorrectly, his actions are not regarded as a falsification of a PWO procedure since the task was completed according to the applicable instructions.

DAWSON, who was interviewed with John T. BUTLER, Attorney, present, confirmed the testimony of HOSKINS and other interviewees regarding SCHWEPPE's involvement in the condensate pump motor incident (Exhibit 66). He reiterated SCHWEPPE's apparent rationale for signing the initials of an electrician adjacent to work procedure items and for personally annotating a JWR for another journeyman. He related activities and described discussions at several [REDACTED] with SCHWEPPE, union and management personnel present in September and October 1988 to resolve [REDACTED]

DAWSON advised that the licensee's maintenance management officials, including HOSKINS, FLANAGAN, and himself, are convinced that SCHWEPPE actually performed the work but to disguise this fact, he wrote the initials/name of other electricians in the PWO work package. He said that, in his opinion, SCHWEPPE's actions "did not represent an intentional act of falsifying a permanent document"; however, "signing somebody else's name was inappropriate" and "not to be condoned." He reiterated that "his inappropriate signatures did not result in falsification" since "I believe that the work was performed." He admitted that "it was a sloppy work effort on the part of the foreman" and said the licensee failed to promptly process the PWO documentation because of the deficiencies contained therein. DAWSON concluded by reiterating that he is not convinced SCHWEPPE maliciously and deliberately violated a procedure or falsified a record but rather used another's name to conceal his identity as the actual performer.

#### Investigation Regarding Alleged Discrimination Against Complainant's Witnesses at the DOL Hearing

During the investigation and for the first time on approximately February 7, 1989, SAPORITO alleged that the licensee "is engaged in discrimination and harassment" against TPNS employees who have been subpoenaed to testify for him

in the DOL hearing (Allegation Summary Item Number 7). On March 1, 2, and 3, 1989, and again on July 7, 1989, SAPORITO, in essence, advised the NRC in 10 CFR § 2.206 petitions, that his witnesses (licensee employees) were being harassed and intimidated after returning to the TPNS facility from testifying at the DOL hearing.

According to SAPORITO's February 7, 1989, letter, TPNS employees MATHIS, ROBERTS, McCARTHY, and VERHOEVEN "have either been approached by management because of their pending [DOL hearing] testimony or have otherwise been discriminated against and harassed because of their testimony." The March and July 1989 letters to the NRC further allege harassment and intimidation of SAPORITO's DOL hearing witnesses and report that one witness (MATHIS) was removed from a TR (supervisor) position by licensee management because of her testimony in his behalf. Based upon SAPORITO's allegations, investigative assistance was requested to resolve these issues and this section of the ROI documents the OI activities relating to this matter.

#### Interviews with Pertinent TPNS Personnel

During this aspect of the OI activities at the TPNS facility, the following individuals, with titles/positions noted, were interviewed and those identified with an asterisk (\*) were accompanied by an IBEW representative:

- |     |                          |  |
|-----|--------------------------|--|
| 1.  | * Brian W. McCARTHY      | - I&C Technician   |
| 2.  | * Richard R. BOYLE       | - I&C Technician and Job Steward, IBEW<br>Local Number 359 |
| 3.  | Loretha (n) MATHIS       | - I&C Technician and TR Production<br>Coordinator          |
| 4.  | * Jeron F. LINDER        | - I&C Technician   |
| 5.  | Stephen G. VERHOEVEN     | - I&C Field Supervisor                                     |
| 6.  | Michael E. WILLIS        | - I&C Field Supervisor                                     |
| 7.  | Marie C. STANTON         | - then I&C Department Manager                              |
| 8.  | Daniel J. TOMASZEWSKI    | - former I&C Department Manager                            |
| 9.  | Raymond J. GIANFRANCESCO | - TPNS Maintenance Department Manager                      |
| 10. | James E. CROSS           | - TPNS Plant Manager                                       |

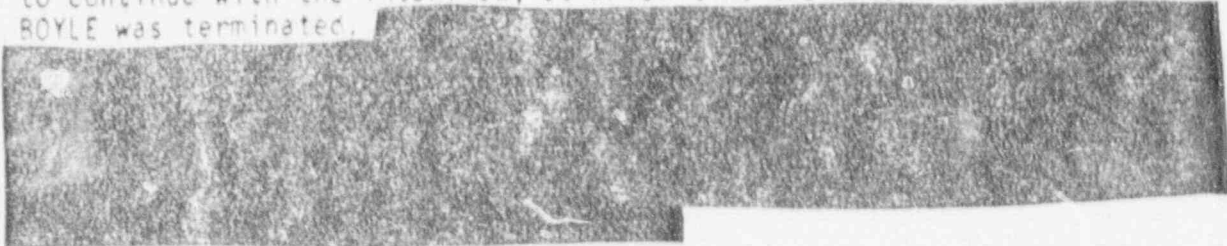
McCARTHY acknowledged that he had voluntarily attended some sessions of the DOL hearing as an interested party only but said he was subsequently subpoenaed to testify as a witness for SAPORITO (Exhibit 67). He further related that concurrent with his DOL involvement, he was contacted and interviewed by QA Manager BLADOW and/or by a member of the independent law firm of STIER, ANDERSON, and MALONE on several occasions regarding his "policy [procedure] and management" concerns at the TPNS facility. He again discussed a specific work assignment to illustrate his concerns for inadequate and deficient work procedures and noted that management is currently listening to his concerns and working with him to resolve these issues.

McCARTHY was queried extensively regarding the allegation that witnesses for SAPORITO in the DOL hearing are targeted for discriminatory actions upon their return to the TPNS facility. He related unequivocally that no licensee manager has attempted to influence or coerce his potential DOL hearing testimony and said he is personally unaware of any employee who has suffered discrimination because of actual or proposed testimony.

McCARTHY did relate, with the assistance of IBEW, Acting Job Steward, JONES, who was present during the interview, that MATHIS was promoted to a TR position (first line supervisor) from the bargaining unit just prior to testifying for SAPORITO in the DOL matter, and that upon her return to the facility, she was returned to an I&C technician position. He related, in essence, that her DOL testimony was in no way a factor in the demotion but instead voluntarily decided to return to the bargaining unit when she (MATHIS) was not given the office space she was apparently promised when she accepted the TR promotion. He noted in conclusion, that then Site Vice President, ODOM, was "fair minded" and "he doesn't care which way the chips fall" as long as he can resolve concerns and personnel problems at the TPNS facility, meaning that he (ODOM) would not resort to this type of tactic.

BOYLE, who had already testified in the DOL hearing as a SAPORITO witness, was interviewed to determine whether he was aware of alleged discrimination involving other employees who had participated in this matter (Exhibit 68). He acknowledged he had discussed this topic (DOL testimony) with MATHIS, ROBERTS, McCARTHY, and VERHOEVEN and only the latter indicated he "did not believe that he was harassed or intimidated" for this activity. He advised candidly, however, he "could not prove any harassment or discrimination as a result of any individual" testifying for SAPORITO at the DOL hearing.

INVESTIGATOR'S NOTE: During this interview with BOYLE, he was requested to discuss any comments or information that the four licensee employees had shared with him relative to feeling harassed and intimidated or discriminated against for testifying on behalf of SAPORITO at the DOL hearing. He stated that "what the individuals told me was in confidence and I intend to keep it that way." He then agreed that he did not desire to continue with the interview, at which time the interview session with BOYLE was terminated.



MATHIS, interviewed on two occasions regarding alleged harassment and intimidation of licensee employees for reporting nuclear safety-related concerns (chilling effect) and for discriminatory practices by licensee management involving witnesses who testified for SAPORITO at his DOL hearing, began by voicing general opinions and problems concerning I&C Department personnel (Exhibits 69 and 70). She claimed no knowledge of unresolved nuclear safety issues while she expounded upon her 9 years of experience as an I&C technician at the TPNS facility. MATHIS basically objected to the inadequate and deficient work procedures and to the absence of management "feedback" on matters referred to them for resolution and/or consideration. She discussed problems resulting from inadequate procedures and expressed the opinion that some technicians, including herself, may have in the past received more than an equal share of undesirable work assignments for complaining about these matters. She said at one time favoritism was a significant problem in the I&C shop but she was unable to correlate this perceived condition with any type of harassment for



reporting nuclear safety-related concerns. MATHIS indicated that the arrival of CROSS as the plant manager, recent management changes in the Maintenance and I&C Departments, the "SAPORITO incident," the independent investigation currently being conducted by the STIER, ANDERSON, and MALONE law firm, and the OI investigation have all contributed to improved working conditions for bargaining unit personnel.

MATHIS persisted that she may have been harassed and disliked by I&C supervisors for repeatedly complaining about inadequate or deficient procedures; however, she could not relate specific acts of discrimination or intimidation involving her or other technicians for reporting or discussing nuclear safety concerns. She also reported personnel disputes and instances of turmoil, frustration, and strife in the I&C Department, most of which resulted from attempting to comply with work procedures that needed to be revised or rewritten.

MATHIS was questioned regarding the allegation that witnesses who testified for SAPORITO at the DOL hearing were mistreated in some way upon their return to the TPNS facility. She described the conduct of the licensee's labor attorney and indicated his mannerisms, speech, and tone of voice were initially menacing but said he acted more normal following the first day of her testimony.

MATHIS, while reviewing topics previously discussed, related extensive facts and circumstances of her promotion to TR (supervisor) in January 1989, just prior to her participation in the DOL hearing (early February 1989), and the events that resulted in her temporary demotion to the bargaining unit (non-supervisory) for several days before she again became a TR after her return to the TPNS facility. She stated adamantly that the offer from management to serve as a TR was not, in her opinion, related to the fact she had been subpoenaed to testify for SAPORITO and said unequivocally, this promotion did not influence her testimony at the DOL hearing. She reiterated that her promotion occurred because of her persistent discussions with CROSS about this matter, beginning when he assumed the position of plant manager. She related that when she returned from the DOL hearing on February 6, 1989, she learned that she was not moving into the office space promised as part of the "promotion package" and informed her supervisor (STANTON) unless she could have this space, she would voluntarily return to the shop as a technician. MATHIS advised that after her discussions with GIANFRANCISCO and CROSS regarding the office space issue, they arranged for her to occupy the office offered when she was promoted. MATHIS reiterated unequivocally that her TR experiences were not related to the DOL hearing and she categorically denied that she had been harassed, intimidated, or mistreated because of her testimony as a SAPORITO witness.

LINDER, who was selected to fill the TR position vacated by MATHIS following her DOL testimony, related the circumstances concerning this matter (Exhibit 71). In essence, he confirmed the dispute between STANTON and MATHIS regarding an office space assignment which prompted MATHIS to voluntarily return to the I&C shop as a technician for only 1 or 2 days. He advised that once the office space issue was resolved, MATHIS was restored to the TR position of production coordinator in the I&C Department. He related that he did not view the TR incident as retaliatory against MATHIS because of the DOL matter and said he could not "connect her testimony [at the DOL hearing] with what happened at the plant."

VERHOEVEN, who was allegedly "approached by management" because of his DOL testimony, related he was currently (February 23, 1989) assigned to a TR field supervisor position (Exhibit 72). In response to general questions concerning the alleged "chilling effect" and harassment and intimidation of I&C technicians for reporting nuclear safety concerns, he related "I don't see any intimidation" and said he "didn't feel any pressure from the supervisors or my peers." VERHOEVEN acknowledged that he befriended SAPORITO during his employment (March to December 1988) at the TPNS facility and said, in his opinion, SAPORITO's concerns regarding I&C procedure deficiencies "were valid 90 percent of the time." He also noted that he had testified for SAPORITO at the DOL hearing but categorically denied he had received discriminatory treatment or that he had been harassed or promised any rewards by TPNS management as a result of his participation in this matter.

WILLIS concurred with VERHOEVEN's remarks regarding the alleged "chilling effect" and harassment and intimidation of I&C technicians for reporting nuclear safety concerns (Exhibit 73). He clarified that on an isolated basis, some technicians who are disliked by supervisors may have received undesirable work assignments while other, more personable and less controversial employees, were extended preferential considerations from managers. WILLIS adamantly advised he is not aware of any correlation between this apparent behavior of supervisors and the reporting of nuclear safety concerns. He explained his knowledge of, and association with, SAPORITO prior to his December 1988 involuntary separation and in the process described him [REDACTED]

[REDACTED] WILLIS related he too was subpoenaed to testify for SAPORITO by his attorney, and he noted that the licensee's attorney also contacted him on several occasions, in preparation for the hearing, prior to his (WILLIS's) participation in the DOL matter. He concluded that he is not aware of any TPNS employee who has been harassed or treated unjustly because of their testimony for SAPORITO at the DOL hearing.

STANTON, who assumed the I&C Department manager position on January 20, 1989, as a result of general TPNS Maintenance Department reorganization activities, outlined her licensee employment experiences, duties, and responsibilities (Exhibit 74). She acknowledged current difficulties in complying with some I&C procedures as they are written and advised that a procedure upgrade program is presently underway at the plant. She noted there have been disagreements in the I&C Department between technicians and their supervisors involving procedure interpretations, but denied that supervisors have suppressed discussions or acted in a retaliatory manner towards any employee for expressing their concerns. She also related that personality conflicts between employees, together with impulsive and insensitive managers, have contributed to strained relationships in the I&C Department, but she categorically denied knowledge of a "chilling effect" or harassment and intimidation of technicians for reporting nuclear safety-related matters.

STANTON discussed the circumstances of the TR incident involving MATHIS and described the qualifications for considering and selecting an individual for a first level supervisory position. She noted that MATHIS had participated in the DOL hearing as a witness for SAPORITO after she had been selected for a TR position. She related that, as her (MATHIS) supervisor, she had attempted to relocate MATHIS to a different office space upon her return to the facility

not realizing that former I&C Department Manager TOMASZEWSKI had promised MATHIS a specific office space as a promotion condition. STANTON advised that MATHIS volunteered to return to the I&C shop if she was moved from the office space originally promised. She said after discussions with the plant manager and the Maintenance Department manager, MATHIS was reassigned to the office space initially promised to her, without any break (emphasis added) in her TR service, and this decision appeared to resolve the issue. STANTON concluded that, to her knowledge, no TPNS employee has been a target of discriminatory actions or harassment by any licensee manager or supervisor because of their participation in the DOL hearing as a SAPORITO witness.

TOMASZEWSKI who had previously selected MATHIS for the TR position concurred with the comments of other interviewees regarding her promotion from a bargaining unit employee to the production coordinator in the I&C Department (Exhibit 75). He discussed his reasons for promoting her into a TR supervisory position and noted that this action was endorsed by the plant manager who had taken a personal interest in the matter to ensure she was considered for the job.

TOMASZEWSKI, in recalling whether MATHIS had been offered a particular office space by him as a condition of her promotion to a TR supervisor, advised he could not recall such an offer but said HARLEY, also affected in the reorganization, had arranged for her to occupy his office space since it was becoming vacant. He advised that he is personally unaware of any TPNS employees, including MATHIS, who were penalized or harassed by the licensee because they testified for SAPORITO at the DOL hearing. He noted that an apparent misunderstanding between MATHIS and STANTON about a particular office space is the reason MATHIS decided to return to the bargaining unit. He reiterated that her DOL testimony in behalf of SAPORITO was not, to his knowledge, a factor in this decision. In essence, he denied any knowledge of, or participation in, acts of harassment or intimidation of I&C technicians and advised he is also unaware of a "chilling effect" condition at the TPNS facility.

GIANFRANCESCO essentially concurred with other interviewees while explaining the circumstances of the promotion of MATHIS to a TR position prior to her participation in the DOL hearing and the apparent misunderstanding regarding office space (Exhibit 76). He noted he intervened for MATHIS and learned that she, in fact, had been offered a specific office space as a condition of her promotion to the TR position so he, as the Maintenance Department manager, ensured that she was moved in accordance with this promise. He advised that MATHIS had considered returning voluntarily to the bargaining unit if she was unable to retain the office space promised to her. He concluded that he is unaware of any relationship between her testimony at the DOL hearing and the office space incident.

CROSS, in essence, concurred with remarks made by other interviewees and related unequivocally that the appearance by MATHIS as a witness for SAPORITO at the DOL hearing was not a factor in her decision to return to the bargaining unit (Exhibit 77). He further categorically denied knowledge of any improprieties by licensee management regarding their behavior, conduct, or actions towards personnel who testified for SAPORITO at the DOL hearing.

Finally, during the previous interviews of ROBERTS and COLSTON, both technicians were questioned regarding the SAPORITO allegation that his DOL witnesses were harassed, intimidated, and/or threatened by FPL management upon their return to the TPNS facility. In essence, they reported unequivocally that they were unaware of any acts of harassment or intimidation directed to any witness who testified for SAPORITO at the DOL hearing.

#### Investigation Regarding Allegation That the Licensee's Counsel Influenced and Coerced Complainant's Witnesses

In an August 12, 1989, petition to the NRC, pursuant to 10 CFR § 2.206, SAPORITO alleged that the licensee and/or its counsel in the DOL matter engaged in activities to influence the testimony and behavior of potential witnesses, and he further reported the licensee had retained an independent law firm to harass and intimidate him (Allegation Summary Item Numbers 8 and 9). Specifically, SAPORITO alleged that the licensee, through the independent law firm of STIER, ANDERSON, and MALONE, "appears to have intimidated and coerced petitioner by hiring this firm to interrogate petitioner concerning information which he conveyed to the NRC" regarding "operations at the licensee's Turkey Point facility." Additionally, SAPORITO alleged that licensee counsel BRAMNICK may have attempted to prevent him "from delineating additional information to the [NRC] by offering petitioner a transfer to the St. Lucie facility."

Finally, SAPORITO alleged that BRAMNICK "appears to have influenced" witnesses WILLIS and PAWLEY to the extent their "testimony could not be relied upon" during the [DOL] hearing and he (BRAMNICK) "appears to have intimidated and coerced" VERHOEVEN by ordering him to submit to questioning regarding the DOL matter. This section of the <sup>POI</sup> addresses the allegations relating to the improper conduct and behavior of attorneys employed by the licensee.

#### Interview with Pertinent Individuals

During the investigation activities to resolve alleged unethical behavior, coercion of witnesses who are licensee employees, and other improper actions and conduct by attorneys for the licensee, the following individuals, with titles/ positions noted, were interviewed and those identified with an asterisk (\*) were accompanied by a licensee attorney:

- |    |                      |  |
|----|----------------------|--|
| 1. | Howard T. ANDERSON   | - Attorney                               |
| 2. | Michael E. WILLIS    | - I&C Field Supervisor                   |
| 3. | Andrew M. PAWLEY     | - I&C Supervisor                         |
| 4. | Stephen G. VERHOEVEN | - I&C Field Supervisor                   |
| 5. | * Lloyd W. BLADOW    | - QA Manager                             |
| 6. | * James E. CROSS     | - Plant Manager                          |
| 7. | * John S. ODOM, Jr.  | - former Site Vice President             |
| 8. | * James S. BRAMNICK  | - Attorney                               |
| 9. | William F. CONWAY    | - former Senior Vice President - Nuclear |

ANDERSON discussed the contract between STIER, ANDERSON, and MALONE and the licensee to conduct an independent investigation of the SAPORITO allegations regarding harassment at the TPNS facility (Exhibit 78). He explained the investigative methodology and the disclosures and conclusions of these activities by his law firm. He noted unequivocally that no evidence was revealed to

support the allegation by SAPORITO he was harassed for reporting nuclear safety-related deficiencies, concerns, and problems. In essence, ANDERSON acknowledged that SAPORITO's employment status was affected after he (SAPORITO) engaged in activity he believed was embraced by 10 CFR 50.7 (protected activity) but again categorically denied that his employment was affected as a result of engaging in this activity. He further denied that his law firm was employed by the licensee to intimidate or coerce SAPORITO concerning information he conveyed to the NRC. ANDERSON also emphatically denied the independent investigation conducted by his law firm interfered with the concurrent DOL hearing. He also stated the investigation revealed no evidence of harassment of other TPNS employees and it did not disclose the presence of a "chilling effect" at the TPNS facility. He concluded that the extensive investigation activities by his law firm also failed to disclose any evidence of record or PWO deficiencies or improprieties at the TPNS facility.

WILLIS, a potential SAPORITO witness who was allegedly "influenced" by BRAMNICK, was reinterviewed concerning this allegation (Exhibit 79). He reported, in essence, that he was associated with the DOL hearing involving SAPORITO but said he was never called to testify as a witness. He recalled that prior to the hearing, he was contacted by SAPORITO's attorney which, in turn, prompted him (WILLIS) to freely and voluntarily advise licensee's counsel (BRAMNICK) of this inquiry. He related that SAPORITO's attorney (STEELE) did, during his contact, attempt to influence potential testimony by persuading him (WILLIS) to make false and derogatory statements about I&C supervisors and managers at the TPNS facility. WILLIS categorically denied any improprieties or unethical actions by BRAMNICK and he stated unequivocally that BRAMNICK by no means attempted to influence him to testify adversely regarding SAPORITO.

PAWLEY, reportedly a potential SAPORITO witness who was allegedly "influenced" by BRAMNICK, related his knowledge of and association with SAPORITO at the SLNP job site for approximately 3 months in early 1988 (Exhibit 80). He noted that SAPORITO, a member of his work crew, was [REDACTED] "not on the same level" as other technicians with equal years of experience. PAWLEY advised he had no contacts with SAPORITO except two telephone calls from him or his attorney after his transfer to the TPNS facility in April 1988. He advised SAPORITO called him once in February 1989 and asked if he would be a character witness for him and relate derogatory and unfavorable remarks about FPL managers and supervisors at the DOL hearing. He advised he informed SAPORITO he would not be a good character witness for him. [REDACTED]

PAWLEY advised that in January 1989 he was telephonically and personally contacted by FPL's attorney BRAMNICK and SAPORITO's attorney regarding the DOL matter. He related he informed SAPORITO's attorney he could not testify favorably for SAPORITO. [REDACTED]

[REDACTED] He said he was impressed with the manner in which BRAMNICK sought facts rationally and reasonably without influencing his responses, and said he did not view BRAMNICK's questions or actions as improper or unethical.

VERHOEVEN, who was allegedly coerced, intimidated, and ordered to submit to questioning by BRAMNICK, recalled his professional association with SAPORITO

at the TPNS facility (Exhibit 81). He related his limited knowledge of the DOL hearing issues and noted he was subpoenaed by SAPORITO's attorney to testify regarding this matter. He advised that prior to appearing as a witness at the hearing, he was directed by his supervisor (TOMASZEWSKI) to talk with licensee attorney BRAMNICK, but he was immediately dismissed when he informed BRAMNICK he did not wish to be interviewed. VERHOEVEN concluded that although he initially believed he had been compelled to submit to questions from BRAMNICK before he testified at the DOL hearing, he denied any intimidation or coercion regarding this process.

BLADOW, during his interview, essentially explained the role of the contract independent law firm of STIER, ANDERSON, and MALONE during its review and investigation of SAPORITO's intimidation allegations at the TPNS facility (Exhibit 82). He advised that he firmly believes FPL "bent over backwards to make sure that he was not harassed or discriminated due to the "sensitivity of the issues." He further noted that he is unaware of any improprieties by the contract law firm or by other attorneys or individuals representing the licensee during the DOL hearing.

CROSS and ODOM essentially commented on their knowledge of the development of the SAPORITO allegations at the TPNS facility and the subsequent utilization of an independent law firm to investigate these issues (Exhibits 83 and 84, respectively). Both sources categorically denied that the law firm was employed to harass or intimidate SAPORITO and steadfastly maintained that it was utilized to investigate and resolve employee harassment allegations which he had raised.

BRAMNICK explained his role as the labor counsel for FPL during the DOL hearing to resolve allegations by SAPORITO that he was harassed for engaging in protected activities (Exhibit 85). He acknowledged personal and telephone interviews and contacts with FPL employees to obtain facts, information, and potential witnesses for use during the DOL hearing. He candidly discussed his methodology and demeanor while interviewing FPL employees and he categorically denied he had attempted or considered harassment, coercion, or promise of reward in exchange for testimony favorable to the licensee.

CONWAY essentially concurred with the testimony of interviewees BLADOW, CROSS, and ODOM and related unequivocally he is unaware of any improper behavior, unethical actions, harassment of FPL employees, or coercion of witness testimony by any attorney representing the licensee (Exhibit 86).

#### Review of FPL Purchasing Department Document

A review of FPL Purchase Order (PO) Number B89633-8004 dated January 10, 1989, disclosed the licensee contracted with the law firm of STIER, ANDERSON, and MALONE (in October 1988) "to furnish confidential independent investigative services associated with allegations at Florida Power and Light Company's Turkey Point Power Plant" (Exhibit 87). Further, the PO states that the contractor will "conduct an independent investigation into allegations made by a Florida Power and Light Company employee in a letter sent to the USNRC and U.S. Department of Labor." According to the contract, "these letters alleged discrimination, harassment, lack of fitness for duty of supervisory personnel, and concerns for the health and safety of the public." Additionally, the PO

reflects that "the investigation will determine the facts surrounding these allegations and conclude with a written report of the findings to management. No recommendations will be made."

#### Review of STIER, ANDERSON, and MALONE Documentation

At various intervals during the STIER, ANDERSON, and MALONE investigation of the SAPORITO allegations and upon the completion of its documentation activities, pertinent disclosures were provided to the reporting investigator. One SAPORITO allegation, contained in his March 3, 1989, letter to OI and discussed during his January 12, 1989, interview and identified as the AFW Pump Governor incident, involves an apparent intentional failure to record accurate information (falsification) in the "plant equipment logbook." When the reporting investigator arrived at the TPNS facility to conduct investigative activities regarding alleged records improprieties, it was determined that the STIER, ANDERSON, and MALONE inquiry had also identified the AFW allegation and these attorneys were actively reviewing records and interviewing licensee personnel to resolve the deficiency.

A subsequent review of the STIER, ANDERSON, and MALONE report to the licensee which contains information concerning the AFW allegation disclosed extensive effort was expended to resolve this matter (Exhibit 88). The report concludes, based upon investigative disclosures, that SAPORITO intentionally made statements concerning the AFW incident which were untrue and that he attempted "to direct attention and blame away from his own conduct." No evidence of apparent willful, deliberate falsification of records was revealed during the investigation by the contract law firm. Based upon the report documentation, OI concurs that the STIER, ANDERSON, and MALONE review of the AFW issue is a comprehensive effort and that no additional investigative activities are warranted.

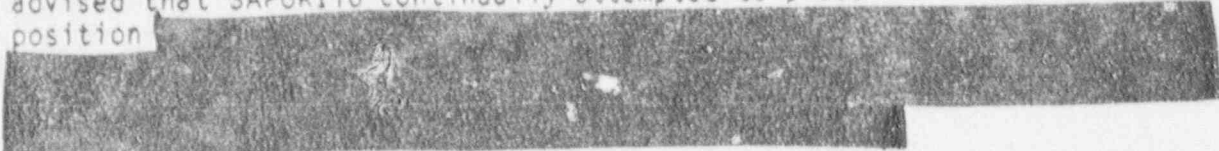
A second allegation by SAPORITO regarding falsification of Refueling Water Storage Tank (RWST) work orders was also examined extensively during the STIER, ANDERSON, and MALONE investigation (Exhibit 89). The section of the report regarding this issue was reviewed during the OI investigation and reflects that "a relatively minor flaw in his (SAPORITO's) performance of the job [moving set point markers] was severely compounded by his actions and statements afterwards." Further, it is indicated that SAPORITO misrepresented information to his supervisor to give the impression that an "unknown cause" was responsible for the abnormal condition. No evidence regarding records improprieties relating to this issue was noted in the report by the independent law firm. OI also concurs with the STIER, ANDERSON, and MALONE investigation results and no additional activities concerning this matter appear to be warranted.

The executive summary report of 103 pages prepared by STIER, ANDERSON, and MALONE for the licensee condenses the information, findings, and conclusions contained in all of the appendices (Exhibit 90). A review of this document revealed no identified licensee improprieties regarding harassment and intimidation of SAPORITO or other employees for reporting nuclear safety concerns. Further, no evidence appears in the report to indicate or confirm the alleged malicious, willful, and deliberate falsification/destruction of PWO documents or other I&C records by licensee employees at the TPNS facility.

## Review of TPNS QA Interview Transcript

During the OI investigation it was learned that BLADOW, in the presence of three union stewards (BOYLE, HALL, and MATHIS), had interviewed SAPORITO and prepared a transcript of this interview on November 22, 1988. The purpose of the interview was to identify, clarify, and enumerate his "nuclear safety concerns that affect the health and safety of the public" (Exhibit 92). It appears from reviewing this document, a copy of which was provided by BLADOW, that the interview occurred in an environment that was made increasingly hostile and adversarial by SAPORITO as the session progressed. The union representatives present also appear to repeatedly assail and criticize the motives of the QA superintendent and they consistently accused the QA Department of not "being apart or independent from the plant." Further, according to the transcript, SAPORITO repeatedly refused to respond to BLADOW's request regarding the identification of his nuclear safety concerns which impact or endanger the health of the public. The transcript also reports, in essence, that the union representatives allude to the independent investigation (STIER, ANDERSON, and MALONE) as a devious action of the TPNS plant manager. It is noted that repeated requests to SAPORITO by BLADOW to identify his nuclear safety concerns are essentially ignored by SAPORITO or union representatives who respond by asking BLADOW to provide them with information. The interviewees rationalize that since, in their opinion, BLADOW and the QA organization are not independent of the plant manager, they are not compelled to and will not answer his questions. They further indicate that the NRC is the proper forum for addressing and resolving SAPORITO's concerns since the "whole department [QA] was a nuclear safety concern because they were not independent." The entire document appears to be essentially a compilation of charges and accusations by the union representatives regarding the independence of the QA Department, the integrity of the plant and corporate management, suspicions regarding BLADOW's motives, and the apparent deceptive nature of the independent investigation. The interview concludes with the comment from SAPORITO that "he believes he has enough proof that Mr. BLADOW is not independent" and that he (SAPORITO) "will provide that proof to the NRC."

INVESTIGATOR'S NOTE: BLADOW advised, during the OI investigation, that the November 22, 1988, interview with SAPORITO was a genuine and sincere attempt by the licensee to identify his alleged nuclear safety-related concerns. BLADOW confirmed that the interview session with SAPORITO and the three union stewards was, almost from the outset, an adversarial and confrontational experience and that SAPORITO, with the assistance of union representatives, repeatedly stonewalled or resisted providing any information regarding alleged nuclear safety concerns. BLADOW further advised that SAPORITO continually attempted to place him in a defensive position.



## Review of DOL Documentation

During the OI investigation voluminous DOL documents, transcripts, and miscellaneous correspondence generated before, during, and following the DOL hearing were reviewed. A June 30, 1989, Recommended Decision and Order Denying



Complaint (RDO) from the Office of the Administrative Law Judge summarizes the history and proceedings of the SAPORITO cases (89-ERA-7 and 89-ERA-17) before the DOL and concludes that complainant "has failed to present a prima facie case" that he was dismissed by FPL for engaging in protected activity (Exhibit 91). The RDO is currently being reviewed for approval/denial by the Secretary of the DOL. Finally, information received by the RAC indicates SAPORITO intends to appeal the RDO or any unfavorable ruling by the Secretary in this case.

#### Investigator's Conclusions

The investigation, requested initially by the RII RA, sought to resolve allegations by SAPORITO of apparent falsification/destruction of plant nuclear safety-related documents (PWOs and related records and procedures) at the licensee's TPNS and SLNP facilities. Allegedly, the purpose of these records improprieties was to conceal maintenance procedure violations by technicians. Following the initial request, subsequent supplemental requests by the RII RA for OI assistance were received to investigate and resolve additional allegations from SAPORITO, mostly in the form of 10 CFR § 2.206 petition correspondence. The topics of the supplemental investigation requests relate to alleged harassment and intimidation of licensee employees for reporting nuclear safety concerns (chilling effect), alleged licensee discrimination against witnesses who testified for SAPORITO at the DOL hearing, and allegations that licensee counsels acted unethically and improperly and influenced the testimony and behavior of potential witnesses favorable to SAPORITO. Since the various categories of allegations and concerns by SAPORITO required extensive investigative activities, the investigator conclusions, comments, and remarks will be separately reported for each category of the allegations in this section of the report.

First, the allegations that licensee employees were harassed and intimidated for reporting nuclear safety-related concerns and that a "chilling effect" pervades the journeyman/technician work environment at the TPNS facility were initially addressed. The term "chilling effect" was defined by the allover as the reluctance of employees "to come forward with their concerns, thereby preventing the address and resolution of any safety concerns they may be aware of" due to fear of a fate similar to that of the allover (involuntary termination). In an attempt to determine the validity of these allegations, numerous technicians and supervisors, mainly from the I&C Department but also from other operating areas in the plant, were interviewed regarding this matter. Several I&C Department interviewees, including some specifically identified by SAPORITO, reported they sensed they had been assigned to difficult jobs or had experienced some unusual or negative reaction from supervisors on a more frequent basis than some of their peers because they had complained to management about deficient and inadequate procedures associated with certain work tasks and functions. Other interviewees from the I&C Department and throughout the plant related they perceived no harassment and intimidation for complaining to management regarding defective procedures or for discussing any problems or issues including nuclear safety-related matters. Based upon witness testimony, the investigation failed to substantiate the allegation that TPNS or I&C Department employees are being harassed and intimidated for reporting nuclear safety concerns. Further interviewees, when questioned regarding the allegation that they were fearful of or reluctant to report nuclear safety-related

conditions that impact the health and safety of plant workers or local communities because of management discrimination, adamantly denied that they feared reprisals if they discussed nuclear safety concerns to any management or licensee official. The site QA superintendent (BLADOW) and I&C field supervisor also related unequivocally, that they are unaware of alleged employee harassment and intimidation or of a "chilling effect" condition at the TPNS facility.

Secondly, the allegations of numerous incidents of falsification/alteration and/or destruction of maintenance records involving TPNS nuclear safety-related documents (JWR, completed procedures, etc.) which comprise the PWO work package were investigated. Specific PWOs identified by SAPORITO, which reportedly contained examples of some intentional, deliberate inaccuracies or willful omissions of information to conceal procedural violations, were reviewed. The technicians and field supervisors associated with the performances of tasks represented by this documentation were extensively interviewed regarding these alleged improprieties. Two licensee managers who have audit and analysis experience involving PWO work packages, participated in a review of questioned documents and noted no apparent deficiencies or omissions therein. As a result of these activities, the investigation did not disclose any evidence of willful, deliberate falsification, alteration, or destruction of documents as alleged.

Thirdly, the allegation regarding alleged falsification/destruction of maintenance records at the SLNP facility pertains to a PWO package which according to documentation, does not involve a QC required or nuclear safety-related component (condensate pump motor). Essentially, the alleged falsification action consisted of an electrical foreman (SCHWEPPE) writing information for a journeyman in a JWR, deleting (lining out) data on an Electrical Department Retest (insulation resistance) Record form, and signing the initials of an itinerant electrician in the maintenance procedure after he (the foreman) had performed the work. Based upon the investigation activities, it appears that SCHWEPPE did personally complete the work assignment but used the name and the initials of two other electricians during the documentation process to conceal his participation, since the current IBEW union contract with the licensee prohibits a supervisor from performing bargaining unit work. Reportedly, the rationale for this contract provision is to protect the journeyman and to ensure that union members are not deprived of the work process. SCHWEPPE acknowledged his wrongdoing and the the noted deficiencies/discrepancies, explained the reason for his actions, and related he did not verify or record any information in the PWO that was inaccurate. The incident appears to be mitigated by the fact that the licensee was aware of the incident and had resolved it and that it was a non-QC related matter. The intent of the foreman appears to be expeditious completion of the assignment rather than a willful, malicious attempt to violate a procedure.

During the investigation, activities to resolve allegations that licensee employees appearing as witnesses for SAPORITO in the DOL hearing were harassed and discriminated against by the licensee were conducted. According to SAPORITO, these individuals "have either been approached by management because of their pending testimony or have otherwise been discriminated against and harassed because of their testimony" at the DOL hearing. Further, in his March 1, 2, and 3, 1989, correspondence, SAPORITO alleged that an I&C technician suffered discriminatory actions because the technician participated as a

"friendly witness" in the DOL hearing. In the July 7, 1989, letter he alleges general harassment and intimidation of technicians because of their testimony at the DOL hearing. Twelve licensee employees at the TPNS facility, including alleged victims of harassment and intimidation, and plant management officials, were interviewed regarding this matter. In essence, all interviewees related they were unaware of any specific acts of harassment and intimidation due to the testimony of SAPORITO witnesses at the DOL hearing. Based upon the information furnished by the interviewees, there was no substantive evidence to indicate any harassment and intimidation or that SAPORITO witnesses were treated differently by the licensee than those individuals who were subpoenaed to testify for the company.

Extensive investigation activities were conducted to resolve the alleged unethical behavior, actions, and misconduct by the licensee's counsel prior to and during the DOL hearing. During the investigation to resolve this allegation, a member of the independent law firm which conducted inquiries and reviews at the TPNS facility regarding SAPORITO's allegations described the goals and objectives of their activities and denied they had harassed SAPORITO during their investigation. In essence, the licensee employees who were allegedly harassed and intimidated by an attorney representing FPL in the DOL hearing denied they were harassed, threatened, or coerced by this individual prior to, during, or following the DOL hearing. One interviewee recalled that he sensed an attempt by SAPORITO's attorney, prior to the DOL hearing, to influence and coerce false and derogatory statements regarding the conduct and behavior of I&C managers and supervisors. Licensee managers and a former senior vice president categorically denied knowledge of any attempts to discredit witnesses for SAPORITO or to influence or coerce unfavorable testimony concerning this individual. The licensee's labor attorney forcefully denied any unethical or improper conduct or practices as alleged. Based upon the testimony of these witnesses SAPORITO's allegations contained in the August 12, 1989, letter to the NRC pursuant to a 10 CFR § 2.206 petition could not be substantiated. Disclosures from the investigation report provided by the independent law firm regarding their investigation activities revealed no apparent evidence of the alleged improprieties. Remarks in this documentation essentially characterize SAPORITO as one who misrepresents facts and exploits situations for his own gain and edification.

#### Status of Investigation

During the entire investigation, interviewees often discussed various issues which involved systems, hardware, components, devices, and mechanisms at the TPNS and SLNP facilities. Upon the completion of all interviews summarized in the applicable ROI sections relating to the alleged harassment of employees, the "chilling effect," and the falsification issues, NRC RII staff officials CRENJAK and WILSON reviewed transcripts for any nuclear health and safety issues which required immediate resolution. Further, all pertinent investigation activities have been completed and no additional assistance has been requested. This investigation is CLOSED.

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Initial Investigation Request Memorandum, dated December 21, 1988.
2	Supplemental Investigation Request Memorandum, dated January 6, 1989, with SAPORITO letter, dated December 21, 1988, attached.
3	Supplemental Investigation Request Memorandum, dated February 8, 1989, with SAPORITO letter, dated February 7, 1989, attached.
4	Copy of RAC Memorandum to Case File, dated March 9, 1989.
5	Copy of RAC Memorandum to Case File, dated August 28, 1989, with portion of SAPORITO's letter, dated August 12, 1989, attached.
6	Copy of NRR Memorandum, BERKOW to EDISON, dated August 30, 1989.
7	Copy of SAPORITO letter to NRC, dated December 5, 1988, with pertinent allegation documents attached.
8	Copy of SAPORITO letter to NRC, dated January 13, 1989.
9	Copy of SAPORITO letter to NRC, dated January 30, 1989.
10	Copy of SAPORITO letter to NRC, dated March 1, 1989.
11	Copy of SAPORITO letter to NRC, dated March 2, 1989.
12	Copy of SAPORITO letter to NRC, dated March 3, 1989.
13	Copy of SAPORITO letter to NRC, dated March 3, 1989.
14	Copy of SAPORITO letter to NRC, dated March 7, 1989.
15	Copy of SAPORITO letter to NRC, dated July 7, 1989.
16	Copy of SAPORITO letter to NRC, dated August 12, 1989.
17	Transcript of Interview with SAPORITO, dated January 12, 1989.
18	Transcript of Interview with WHITE, dated January 23, 1989.
19	Transcript of Interview with McCARTHY, dated January 23, 1989.

<u>Exhibit No.</u>	<u>Description</u>
20	Transcript of Interview with McDONALD, dated January 25, 1989.
21	Transcript of Interview with McINTYRE, dated February 7, 1989.
22	Transcript of Interview with McINTYRE, dated February 8 1989.
23	Transcript of Interview with LAZENBY, dated January 25, 1989.
24	Transcript of Interview with BOYLE, dated February 7, 1989.
25	Transcript of Interview with BENNETT, dated February 7, 1989.
26	Transcript of Interview with ROBERTS, dated February 8, 1989.
27	Transcript of Interview with COLSTON, dated February 8, 1989.
28	Transcript of Interview with PHIPPS, dated February 8, 1989.
29	Transcript of Interview with DINAN, dated February 8, 1989.
30	Transcript of Interview with HALL, dated February 8, 1989.
31	Transcript of Interview with PIQUE, dated January 25, 1989.
32	Transcript of Interview with ASCROM, dated January 25, 1989.
33	Report of Interview with LINDER, dated February 8, 1989.
34	Transcript of Interview with KIRBY, dated February 7, 1989.
35	Transcript of Interview with GARNER, dated January 25, 1989.
36	Transcript of Interview with DILLON, dated February 7, 1989.
37	Transcript of Interview with BALCERZAK, dated February 7, 1989.

<u>Exhibit No.</u>	<u>Description</u>
38	Transcript of Interview with BRANCH, dated February 7, 1989.
39	Transcript of Interview with CULLOP, dated February 7, 1989.
40	Report of Interview with YOUNG, dated February 8, 1989.
41	Report of Interview with SINGLETON, dated February 8, 1989.
42	Report of Interview with RAHN, dated January 20, 1989.
43	Transcript of Interview with KIRKSEY, dated February 7, 1989.
44	Transcript of Interview with WARNER, dated February 7, 1989.
45	Report of Interviews with GONZALEZ, MORALES, DAYTON, SCHOTT, DAMON, ARNOLD, WILSON, COX, YOUNGMAN, DARR, and PORTORREAL, dated February 8, 1989.
46	Transcript of Interview with BLADOW, dated January 25, 1989.
47	Transcript of Interview with KOVARIK, dated June 21, 1989.
48	Transcript of Interview with ALEXANDER, dated June 20, 1989.
49	Transcript of Interview with HANLEY, dated June 20, 1989.
50	Transcript of Interview with ALLAN, dated June 21, 1989.
51	Transcript of Interview with CAPERA, dated June 21, 1989.
52	Report of Interview with JONES, dated May 4, 1989.
53	Report of Interviews with MATHIS and McDONALD, dated May 3, 1989.
54	Transcript of Interview with ROBERTS, dated June 20, 1989.
55	Transcript of Interview with VERHOEVEN, dated June 21, 1989.
56	Transcript of Interview with KORAN, dated June 21, 1989.
57	Transcript of Interview with HARLEY, dated June 22, 1989.

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Description

- 58 SLNP PWO Number 8485, dated May 16, 1988, with attachments.
- 59 FPL letter, L-89-170, to OI, received May 8, 1989.
- 60 Transcript of Interview with HIEGEL, dated March 14, 1989.
- 61 Transcript of Interview with HIEGEL, dated March 15, 1989.
- 62 Transcript of Interview with WATSON, dated March 15, 1989.
- 63 Transcript of Interview with SCHWEPPE, dated March 16, 1989.
- 64 Transcript of Interview with FLANAGAN, dated March 15, 1989.
- 65 Transcript of Interview with HOSKINS, dated March 15, 1989.
- 66 Transcript of Interview with DAWSON, dated March 16, 1989.
- 67 Transcript of Interview with MCCARTHY, dated February 8, 1989.
- 68 Transcript of Interview with BOYLE, dated February 22, 1989.
- 69 Transcript of Interview with MATHIS, dated February 8, 1989.
- 70 Transcript of Interview with MATHIS, dated February 22, 1989.
- 71 Transcript of Interview with LINDER, dated February 22, 1989.
- 72 Transcript of Interview with VERHOEVEN, dated February 22, 1989.
- 73 Transcript of Interview with WILLIS, dated February 22, 1989.
- 74 Transcript of Interview with STANTON, dated February 22, 1989.
- 75 Transcript of Interview with TOMASZEWSKI, dated February 23, 1989.
- 76 Transcript of Interview with GIANFRANCESCO, dated February 22, 1989.

<u>Exhibit No.</u>	<u>Description</u>
77	Transcript of Interview with CROSS, dated February 21, 1989.
78	Transcript of Interview with ANDERSON, dated November 6, 1989.
79	Transcript of Interview with WILLIS, dated September 27, 1989.
80	Transcript of Interview with PAWLEY, dated September 27, 1989.
81	Transcript of Interview with VERHOEVEN, dated September 27, 1989.
82	Transcript of Interview with BLADOW, dated September 27, 1989.
83	Transcript of Interview with CROSS, dated September 27, 1989.
84	Transcript of Interview with ODOM, dated September 26, 1989.
85	Transcript of Interview with BRAMNICK, dated September 26, 1989.
86	Transcript of Interview with CONWAY, dated October 3, 1989.
87	Copy of FPL Purchasing Department PO Number B8963380004, dated January 10, 1989.
88	Copy of STIER, ANDERSON, and MALONE Report Addendum, pages 15-29, dated June 16, 1989.
89	Copy of STIER, ANDERSON, and MALONE Report Addendum, pages 30-56, dated June 16, 1989.
90	Copy of STIER, ANDERSON, and MALONE Executive Summary Report, dated June 16, 1989.
91	Copy of DOL Recommended Decision and Order Denying Complaint, dated June 30, 1989.
92	Copy of TPNS QA Transcript of Interview with SAPORITO, dated November 22, 1988.