



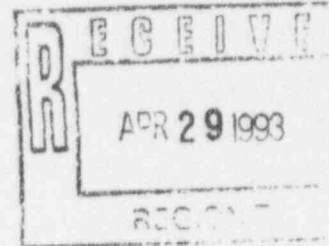
Public Service

Public Service
Company of Colorado
P O BOX 840
DENVER CO 80201-0840

A. Clegg Crawford
Vice President
Electric Production

April 29, 1993
Fort Saint Vrain
Unit No. 1
P-93042

U.S. Nuclear Regulatory Commission, Region IV
ATTN: Mr. James Milhoan, Regional Administrator
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011



Docket No. 50-267

SUBJECT: APPARENT VIOLATION OF 10 CFR 50.7

REFERENCE: NRC Letter Milhoan to Crawford, March 19, 1993

Dear Mr. Milhoan:

In accordance with your request in the above referenced letter, please find enclosed a package of information containing various documents pertaining to the investigation of charges made by the Complainant and circumstances surrounding the release of the Complainant from the Fort Saint Vrain work force.

The Department of Labor findings were keyed primarily on the issue that we released the Complainant after we learned of complaints to our Quality Assurance Department and the Health Physics Supervisor. Our preparation for litigation was therefore focused in this area. The referenced letter raises another issue concerning the Complainant's alleged complaints to Public Service Company of Colorado management about the performance of a radiation technician with respect to safe radiation safety practices. Given this situation, we have also included some documentation in the enclosed package that addresses events which involved both the Complainant and the radiation technician. The contents of the document package are summarized on the cover sheet of the attachment.

With the time that has passed since the Office of Inspection investigation and the situation described above concerning the alleged employee conflict, we had some difficulty identifying the specific documentation referenced in our June 10, 1992 letter to you. In this respect we have included a variety of documents from our plant files as well as the files of our attorney.

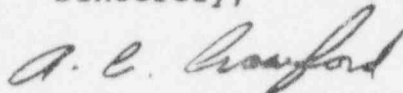
93-1085

B/H

April 29, 1993
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We understand that the enforcement conference has been established in your regional office for May 10, 1993, at 1:00 pm. We will plan to meet with you at that time. Public Service Company will be represented by Ted Borst, Charles Fuller, Salie O'Malley, Don Warembourg and A.C. Crawford. If you have any questions on the documentation package or need any other information, please give Mr. Don Warembourg a call at (303) 620-1009.

Sincerely,



A.C. Crawford
Vice President
Electric Production

ACC/DWW

Attachments

cc: (w/o Attachments)

Mr. Ramon E. Hall, Director
Uranium Recovery Field Office

**ATTACHMENT TO P-93042
DOCUMENTATION PACKAGE CONTENTS**

09-15-88 Memo, Woodard to Porter, Disciplinary Action

10-03-90 Memo, Woodard to Porter, Two Week Suspension

10-25-90 Nuclear Directive, Stop Work Authority

11-16-90 Memo, Quintana to Fuller

11-12-90 Fuller Narration of Sequence of Events, Marna Porter
thru
11-19-90 Incident

02-06-91 Information/Night Log

02-18-91 Litigation Documentation Prepared by Fuller, Destaffing
Plan

03-13-91 H.P. Tech Log Sheet

03-14-91 H.P. Tech Log Sheet

03-22-91 Woodard Narration of Events, McTiernan/Porter

03-26-91 Letter, McTiernan to Dept. of Labor

04-01-91 Letter, Dept. of Labor to Woodard

04-01-91 QA Monitoring Results, QAC-91-0146 thru QAC-91-0148

04-18-91 Memo, Crawford to all Employees, Authority on Safety

04-22-91 Dept. of Labor Interviews, Borst, Woodard, Alps, Baird,
Stroud

05-02-91 Borst, Preparation for Litigation Memo

05-23-91 Fuller, Summary of Events Covering the Period of February
22, 1991, thru April 29, 1991

02-21-92 Letter, PSC Law Firm to Don Gietl

Interoffice Memo



Public Service

Public Service Company of Colorado

PCC-88-0063

DATE: September 15, 1988
 TO: Marna Porter, Health Physics Technician
 FROM: Bill Woodard, Health Physics Supervisor (acting)
 SUBJ: DISCIPLINARY ACTION, FALSIFICATION OF SURVEY RECORDS

On 9/13/88 you were placed on indefinite suspension pending completion of an investigation involving the falsification of survey records. These survey records were for the time period of 9/03/88 through 9/07/88, 9/11/88, and 9/12/88. A meeting was held on 9/12/88 with you discussing the initial results of the investigation. You indicated you had falsified survey records by not taking a survey on 9/07/88, and taking only partial surveys on 9/03/88, 9/04/88, 9/06/88, and 9/12/88. You also indicated you had falsified surveys on three separate occasions several weeks previous. Your reason was you were not feeling well.

You recognize that these are very serious infractions which could jeopardize the health and safety of the public and plant personnel. Based on the seriousness of this matter, you are being given the maximum disciplinary action that can be taken outside of employment termination. You are hereby suspended for three days without pay. The dates of the suspension are 9/13/88, 9/14/88, and 9/15/88. Any future infractions will be cause for further disciplinary action up to and including termination.

Marna K. Porter
 Marna Porter
 Health Physics Technician

Bill Woodard
 Bill Woodard
 Health Physics Supervisor

Timothy Schleiger
 Timothy Schleiger
 Superintendent of Chemistry
 and Radiation Protection

cc: Employee File
 Fuller, C.
 Labor Relations
 Novacek, F.
 Schleiger, T.

Bw:dm



Public Service

Public Service Company of Colorado

Interoffice Memo

PCC-90-0105
October 3, 1990
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Any future infractions will be cause for further disciplinary action up to and including termination.

Marna Porter
Marna Porter
Senior Health Physics

Bill Woodard
Bill Woodard
Health Physics Supervisor

Frederick J. Borst
Frederick J. Borst
Nuclear Training &
Support Manager

Timothy E. Schlegel
Timothy E. Schlegel
Superintendent Of Chemistry &
Radiation Protection

**Public Service**

Public Service Company of Colorado

Interoffice Memo

PCC-90-0105

DATE: October 3, 1990
TO: Marna Porter, Senior Health Physics Technician
FROM: Bill Woodard, Health Physics Supervisor
SUBJ: TWO WEEK SUSPENSION

On September 19, 1990, you provided Health Physics coverage for access into the Hot Service Facility (HSF) to bag and remove five radioactive samples drilled from a Region Constraint Device (RCD) and two Metal Clad Reflector Elements. These elements had radiation levels as high as 930 R/hr. and the sample radiation levels were unknown. You allowed Mr. Halvorson, a Maintenance Mechanic, to enter the HSF under RWP #11377 prior to any survey being taken, even though the conditions in the HSF could reasonably have changed since the last survey. Because no survey was taken, a proper evaluation of protective and monitoring equipment such as respiratory protection equipment, extremity dosimetry, stay times, etc., could not be performed.

This resulted in an individual going into a potentially extremely high radiation area. Also, when the samples were brought out of the HSF into the access area, an uncontrolled 10 mR/hr. radiation area was left for approximately nine hours without proper posting to control access.

Your actions violated requirements of HPP-115, HPP-125, NPAP-10, and NPAP-29.

I discussed the events with you during a counselling session on September 21, 1990, and at that time you recognized the seriousness of your actions when you asked me if you were going to be terminated. You did say that you accepted responsibility for your actions and were not thinking straight.

You recognized that this event was a very serious lack of control necessary to protect the health and safety of plant personnel and could have easily resulted in an over-exposure. One of the basic and primary responsibilities of the Health Physics staff is to protect the health and safety of the public and plant personnel.

Based on the seriousness of this matter, you are being suspended, without pay, for a period of two weeks. The suspension dates are October 4, 1990, through October 17, 1990.



NUCLEAR DIRECTIVE - NO. 10

EMPLOYEE STOP-WORK AUTHORITY

I. PURPOSE

This directive describes the Nuclear Operations policy concerning the management approach and philosophy regarding the performance level employee's authority, and responsibility, to stop work in those instances where the employee has concerns about his ability to comply with approved procedures or where the employee has concerns about his ability to complete the job in a safe manner.

II. APPLICABILITY

- A. This directive applies to all personnel within Nuclear Operations.
- B. This directive provides guidance for those situations in which the employee determines that a procedural or personnel safety problem exists with a job in progress.
- C. For the purposes of continuity, the policy of Nuclear Operations concerning safety and procedural compliance dated June 26, 1990, (VPO-90-0122) is repeated in its entirety:

EACH NUCLEAR OPERATIONS EMPLOYEE WILL COMPLY WITH ALL FORT ST. VRAIN SAFETY POLICIES AND PROCEDURAL REQUIREMENTS. IF IT IS DETERMINED THAT YOU CANNOT COMPLY, OR YOU MUST GO BEYOND THE PROCEDURAL REQUIREMENTS, THEN THE JOB WILL BE STOPPED UNTIL SATISFACTORILY RESOLVED. MOREOVER, IF AN INDIVIDUAL OBSERVES UNSAFE WORK PRACTICES/CONDITIONS OR UNAUTHORIZED DEVIATION FROM PROCEDURES, THAT INDIVIDUAL MUST NOTIFY THE INDIVIDUALS INVOLVED AND ASK THAT THE JOB BE STOPPED.

III. STOP-WORK AUTHORITY

IF an employee determines that a procedure compliance problem exists
OR observes unsafe work practices/conditions
OR observes unauthorized deviation from procedures,
THEN the employee stops work
OR notifies individuals involved and stops work.

Date Issued: October 25, 1990

Revision: New

Signed:

A. Clegg Crawford
A. Clegg Crawford
Vice President
Nuclear Operations



IV. RESOLUTION OF SAFETY CONCERNS

- A. Employee informs first line supervision that work has been stopped and that resolution of a safety concern is necessary.
- B. Supervisor and employee(s) discuss the problem and develop an approach for resolution. Involved personnel should obtain assistance as necessary for problem resolution; Quality Assurance, the Systems Engineering group, or Safety Committee personnel should be involved as appropriate.
- C. First line supervision is responsible for defining activities necessary to resolve the problem.
- D. Supervisor informs employee(s) of planned resolution and obtains employee(s) agreement.
- E. IF employee(s) and supervisor cannot agree on resolution of problem, THEN supervisor informs next level of line management of the problem.
- F. Supervisor, employee(s), and manager discuss problem and develop approach for resolution.
- G. Involved management is responsible for defining activities necessary to resolve the problem.
- H. Manager informs employee(s) of planned resolution and obtains employee(s) agreement.
- I. IF employee(s) and manager cannot agree on resolution of problem, THEN division management will determine the appropriate course of action.
- J. After the problem is resolved, work will resume.

V. RESOLUTION OF PROCEDURAL PROBLEMS

- A. Employees are empowered by the administrative controls established in G-2, "FSV Procedure Systems," to initiate corrections to procedural inadequacies at any time. If an employee believes that it is not possible to accomplish an activity within the bounds of the procedure, then he/she should inform first line supervision that a problem exists.



- B. The employee(s) and first line supervision discuss the problem and develop a plan for resolution. As with safety concerns, other expertise should be involved to assist in problem resolution. Supervisors should involve procedures coordination personnel as soon as possible.
- C. Either the employee(s), supervision, or procedures coordinator may initiate procedure revision in accordance with G-2. It is the responsibility of the first line supervisor to obtain agreement with the employee(s) that the resolution is adequate.
- D. IF the proposed procedure change is not acceptable, THEN either the supervisor or the procedure coordinator informs the next level of line management of the problem.
- E. Management, supervision, procedures coordinator, and the employee(s) discuss the problem and develop a plan for resolution.
- F. Procedure revision in accordance with G-2 is initiated. It is the responsibility of the involved manager to obtain agreement with the employee(s) that the resolution is adequate.
- G. IF the resultant procedure change is not acceptable, THEN the division manager is notified. If necessary division management will determine the appropriate course of action.
- H. Once an acceptable resolution is accomplished within the requirements of G-2, work will resume.

November 16, 1990

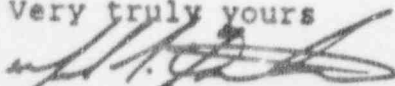
Mr. Charles Fuller
Manager Nuclear Production
Public Service Company of Colorado

Dear Mr. Fuller

I feel it incumbent upon me to formally inform you of the situation in the Health Physics Department which I believe needs the full attention of you and your management team immediately. I'm sure that you are some what aware of the present situation in the Health Physics Department between Ms. Marna Porter and other members within her department. In the past week Ms. Porter has been the subject of malicious acts directed towards her, the destruction of her safty equipment, the spreading of trash within her work area, and a number of her H.P. records which have turned up missing. The records in question were her daily log entrees dated October 18th through October 27th and November 2, 1990. Along with the above mentioned missing documents, her daily surveys records from October 27th through November 2nd are also missing. More recently and most concerning to her and I, was the flatting of her right rear tire in the parking lot on November 13th. I believe that these actions are totally out of place at this site or any work location. These acts place Ms. Porter in a very uncomfortable working environment. The fact that these incident have occurred within the same short period of time can almost discount coincidence. I would request at this time you and your management team do everything within your power to put a halt to these acts. We as an organization can not put up with this kind of conduct.

Thank you for your cooperation

Very truly yours


Mark Quintana Chief Steward
Fort St. Vrain

cc: IBEW Local 111
Crawford, A. C.
Borst F. J.

Monday, 11/12/90

Received a call from Mark Quintana at home at about 2145 hours. Mark said that he had just gotten off of the phone with John O'Donoghue at the plant. John was very upset because Marna Porter's logs for the period from 10/22/90 to 11/2/90 were missing. John was suspicious that the missing logs might have something to do with Marna's discipline subject.

Mark asked me if I knew anything about it. I told him that I didn't have the slightest idea. I also told him that it didn't make much sense that it was associated with the discipline subject, since that subject was all over with long before 10/22/90. Mark agreed.

I told Mark that I would call Ted Borst to see if he knew anything about it. Mark appreciated that and said that he would call John back at the plant and tell him that I didn't know anything about it.

I called Ted after Mark and I finished. Ted did not know anything about it either. He agreed that it didn't make much sense that it would be associated with the discipline issue. Ted said that he would follow-up on it in the morning.

Tuesday, 11/13/90

Ted had come in early to discuss the missing logs issue with Bill Woodard and Tim Schleiger. Ted then had to go down town.

At about 0745, I paged Tim and asked him to come to my office to discuss the issue.

Tim told me that John had been doing his routine activities, one of which is collecting the logs for transmittal to Record Storage. It was at that time that John noted that Marna's logs (and only Marna's logs) were missing.

Tim told me that he and Bill had had a staff meeting with the HP Techs this morning and told them in no uncertain terms that they were concerned with the loss of the logs. One implication is that records of surveys are lost and that could have serious repercussions to the plant.

Tim also told me that he was made aware this morning that Marna's hard hat had been broken about a week ago, and this was the first he had heard about it. Marna had apparently told Bill about it at the time. Bill had logged it, but noted that it was one event. However, Marna has now also had trash thrown under her desk. Putting all those together seems to indicate that there could be someone out there that is trying to make Marna look bad.

Tim and Bill discussed this with the staff and told them that they needed to be on the lookout for any unusual activity. They also told them that such behavior would not be tolerated. Finally, according to what Tim relayed on to me, Bill made it very clear that he wanted the staff to make him immediately aware of any unusual activities involving Marna.

Wednesday, November 14, 1990

At about 0715, discussed yesterday's information with Ted Borst. Ted confirmed that the logs for the cited dates were missing and not yet found. Ted also mentioned that the daily survey form(s) were missing. Ted is sure that the logs and surveys were completed because they are reviewed on a daily basis. If they had not been done, it would have been noted by the reviewer.

Ted and Bill discussed the action to take for the missing logs. Bill will generate a memo stating that the information was obtained and reviewed, and that there were no unusual readings/results. Bill will then have the involved HP techs sign the memo. Hopefully, this will provide sufficient documentation to satisfy the Tech Spec requirements.

Ted also informed me that Marna had a flat tire yesterday on the way home from work. According to the rumor mill, it is possible that there was part of a pair of scissors in the tire. As a result of this, Ted, Tim, and Bill looked around the parking lot this am to see if they could find the rest of the scissors. At this time, we do not have first hand information. Apparently Marty Stoecklein, Maintenance Supervisor, helped Marna change the tire. Ted will discuss the problem with Marty as soon as they can get together, probably this morning.

Ted will call the NRC (Baird) to let them know about the missing logs.

Ted and I discussed the possibility of bringing in an investigator to evaluate the situation. We concluded that this may be desirable if we start to get more definitive information.

With respect to the Second Step Grievance, Bruce alleged that "Arbitration Law" and "Due Process" were violated because Ted sat on the Company Committee. Called Labor Relations to identify the Company position on this. On several occasions in the past this has happened and no protest from the Union was presented.

Walt Wagner returned my call with respect to the above paragraph. Walt stated that in no uncertain terms does the Union have the right to dictate who is on the Company Committee. This is in accordance with the contract which only requires the "appropriate division manager and two of his associates." Walt believes that this point could have been made at second step. However, one or two sentences in the response letter should be made to ensure that the company intends to enforce our rights under the contract.

Thursday, 11/15/90

Talked to Ted at about 0645 about Marna's flat tire. Marty Stoecklein helped Marna in the parking lot. When Marna brought the tire in to be fixed, a three to four inch piece of scissors was found in the tread. There is no evidence either way that this was or was not a deliberate act.

Ted also brought Mark Q. up to speed on the event. Mark indicated that he believes management is taking the appropriate actions. Ted also discussed the possibility of the investigator with Mark. At this time Mark advises that we do not bring in an investigator until after the grievance is resolved. There could be a perception that the investigator was trying to find out more to support the grievance rather than investigating the recent events with Marna. Mark's advice will be considered.

Discussed the possibility with Ted of conducting interviews with the HP staff (and possibly others) to see if we can determine any more information. We will pursue this and probably do the interviews personally. Ted will get back with Bill to determine who will be available on Monday and Wednesday of next week.

Friday, 11/16/90

Received a letter from Mark Quintana expressing his concern with the situation in HP. I agree with the concerns expressed in the memo, and agree that such actions, if deliberate, are totally out of place in the work place. Ted and I will be conducting the interviews mentioned above on Monday.

Monday, 11/19/90

Ted discussed the interview schedule. First one will be at about 1000 hours.

At about 0715, Bill showed me the piece of scissors that had punctured her tire. The broken end looks like it has had some wear on it, indicating that she had possibly driven some small distance with it in the tire. Marna had given the piece to Bill. It looks more like the insertion of the piece of scissors did not occur in the parking lot. Perhaps this isn't something to indicate harassment after all. Hopefully, the interviews can shed some light on this.

02/06/91

INFORMATION/NIGHT LOG

- 1) PSCo time cards through 02/17/91 by 02/13/91 at 1300 due to th President's Day holiday.
- 2) Everyone has received a copy of 'System Numbers' as a reference for determining what numbers go on survey forms. Thanks Marna for putting this out.
- 3) Attached is a copy of the ISSUES and primary assigned individuals. Give your input to these individuals if you have suggestions/comments. If any other things anyone sees that can improve our Health Physics program, contact me, so I can add it to the list.

J.O. [Signature]
G.T. [Signature]
M.P. [Signature]
R.R. _____
E.S. [Signature]
T.M. T.M.

G.Mc. [Signature]
K.S. _____
T.S. [Signature]
K.B. [Signature]
D.Bl. [Signature]
G.B. [Signature]

A.U. [Signature]
G.D.M. [Signature]
L.H. [Signature]
D.B. [Signature]

STATUS AS OF 02/06/91

1) RWP JOB BRIEFINGS

NEED: CRITERIA ESTABLISH TO DETERMINE WHEN A RADIOLOGICAL JOB BRIEFING IS REQUIRED, WHAT INFORMATION NEEDS TO BE DISCUSSED AND WHAT DOCUMENTATION IS REQUIRED.

ASSIGNED TO: RANKIN, STEVENSON

STATUS: INTERIM CONTROLS ESTABLISHED ON 02/01/91. PERMANENT CONTROLS DEVELOPED FOR PROCEDURE CHANGES TO NPAP-10. PDR TO BE SUBMITTED AND EFFECTIVE ON 02/07/91

2) HOT SERVICE FACILITY AIR SAMPLING

NEED: --DEVELOP A METHOD TO TAKE AIR ACTIVITY IN THE HSF PRIOR TO ENTRY.

ASSIGNED TO: TILLMAN, ~~URICH~~ ^{SALICH}

STATUS: POSSIBLY MOVE PING TO LEVEL 9 SO IT CAN BE USED, WHEN NEEDED TO MONITOR THE AIR INSIDE THE HSF. AN OLD BETA PARTICULATE MONITOR IS BEEN SET UP TO PROVIDE THIS FUNCTION WITHIN A COULE OF WEEKS.

02/06/91 BETA PARTICULATE MONITOR SET UP OUTSIDE HSF, LEVEL 9 AND HAS BEEN REPAIRED AND CALIBRATED. NEED SAMPLE HOSE INSTALLED INTO HSF, FREQUENCY OF FILTER CHANGE, WHEN, WHERE AND HOW WE SAMPLE, SOURCE RESPONSE TESTING FREQUENCY ETC,

3) RFF RADIOLOGICAL CONTROLS:

NEED: DETERMINE HOW TO PROPERLY CONTROL THE RFF WORK AREA TO PROVIDE BETTER CONTAMINATION/EXPOSURE CONTROL.

ASSIGNED TO: R RANKIN, J O'DONOGHUE, D BLAIN

STATUS: 01/31/91 A DIAGRAM OF THE PROPOSED CONTROL AREAS HAS BEEN DEVELOPED. THIS WILL BE DISCUSSED WITH THE RFF SUPERINTENDENTS BY WOODARD. THE RWP CRITERIA WILL BE DEVELOPED.

02/06/91 THIS IS COMPLETE WITH THE ESTABLISHMENT OF THE RFF CONTROL AREA AND RWP CONTROL.

4) WIPE COUNTING WITH FRISKER:

NEED: DEVELOP THE ABILITY TO COUNT WIPES USING A FRISKER AND WHEN IT CAN BE DONE.

ASSIGNED TO: PORTER, BARE

STATUS: 02/05/91 ESTABLISHMENT OF THE RFF CONTROL AREA HAS CORRECTED THE PROBLEM OF PEOPLE WALKING ACROSS POTENTIALLY CONTAMINATED AREAS. NEED TO EVALUATE THIS OPTION IN OTHER COVERAGE THAT WE PROVIDE.

5) BLANKET RWP FOR HP TECHNICIANS:

NEED: TO DEVELOP A STANDING RWP FOR HP TO WORK UNDER TO INCLUDE GUIDELINES AS TO WHEN IT SHOULD BE USED.

ASSIGNED TO: HP GROUP

STATUS: 02/06/91 TILLMAN HAS A COPY OF ONE FOR REVIEW FROM THE HP GROUP MEETING ON 02/04/91.

6) RWP SURVEY INFORMATION:

NEED: DEVELOP AS SYSTEM FOR TO PROVIDE ADDITIONAL INFORMATION ON RWP'S FOR THE WORKERS AND HP. IE: ATTACH SOME SURVEY RESULTS

ASSIGNED TO: MILLER, BLACKERT

STATUS: 02/05/91 ADDRESSED IN THE NIGHT LOG DATED 02/05/91. FURTHER REFINEMENT TO BE INCLUDED IN PROCEDURE NEEDED.

8) EXPOSURE TRACKING:

NEED: A MEANS TO KEEP THE WORKERS AND/OR HP TECHNICIANS INFORMED OF CURRENT DAILY, WEEKLY, QUARTERLY AND ANNUAL EXPOSURE.

ASSIGNED TO: MCTIERNAN, ULRICH

STATUS: 02/06/91 NO ACTION ON THIS YET.

9) POSTING INFORMATION:

NEED: WHAT ARE REQUIRED FOR POSTING, CONSISTENCY, INFORMATION, UPDATE FREQUENCY ETC. IE: IS POSTING AREAS AS 'RADIOLOGICAL CONTROL AREAS' OK?

ASSIGNED TO: RANKIN, STEVENSON

STATUS: NO ACTION IN THIS AREA YET.

10) PROTECTIVE CLOTHING CONTROL

NEED: PROTECTIVE CLOTHING NEEDS SOME TYPE OF CONTROL TO PREVENT BEING TAKEN TO UNCONTROLLED AREAS.

ASSIGNED TO: STROUD, BRAATHEN

STATUS: 02/06/91 NO ACTION IN THIS AREA YET.

11) AIR SAMPLING REQUIREMENTS

NEED: DEFINE WHEN, WHAT TYPE, WHERE AIR SAMPLES ARE TAKE AND WHAT AIR SAMPLE INFORMATION NEEDS TO BE ON THE RWP

ASSIGNED TO: STROUD, BRAATHEN

STATUS: 02/06/91 NO ACTION IN THIS AREA YET.

12) RELEASE OF RADIOACTIVE MATERIAL

NEED: BETTER DEFINITION OF WHEN RADIOACTIVE MATERIAL CAN BE RELEASED

ASSIGNED TO: STROUD, GIVE INPUT TO ED...

STATUS: 01/24/91 INITIAL SUGGESTION INCLUDED THE FOLLOWING CRITERIA.

LESS THAN 1000 DPM/100CM2

NDA ON FRISKER

NDA WITH MICRO-R METER

02/06/91 NO CHANGE IN STATUS YET.

10) TOOL CONTROL

NEED: METHOD TO IDENTIFY TOOLS WITH FIXED CONTAMINATION

ASSIGNED TO: STROUD, ...

STATUS: 01/24/91 POSSIBLE COLOR CODING TOOLS WITH FIXED CONTAMINATION

11) LABELING OF RADIOACTIVE MATERIALS

NEED: BETTER DIRECTION FOR WHEN/HOW RADIOACTIVE MATERIALS NEED TO BE LABELED.

ASSIGNED TO: BLAIN, STROUD,...

STATUS: 01/31/91 PRELABELED BAGS HAVE BEEN ORDERED. NEED TO IDENTIFY WHAT OTHER CONTROLS ARE NEEDED.

02/06/91 NIGHT LOG DATED 02/05/91 ADDRESSES INTERIM ACTION FOR MATERIALS COMING OUT OF CONTROL AREAS. NEED FURTHER EVALUATION AND

12) RADIOACTIVE MATERIALS BEING IN THE SAME AREAS THAT EATING, DRINKING AND SMOKING IS ALLOWED. IE: HP OFFICE

NEED: IDENTIFY AREAS IN WHICH THIS OCCURS AND WHY IT OCCURS.

ASSIGNED TO: WOODARD

STATUS: 02/06/91 GOOD HP PRACTICE REQUIRES THAT RADIOACTIVE MATERIALS WHICH COULD CAUSE A SPREAD OF CONTAMINATION NOT BE BROUGHT INTO EATING AREAS: IE HP OFFICE. THIS APPLIES TO WIPES, CONTAMINATED MATERIALS, ETC. GIVE ME INPUT ON THE RADIOACTIVE SOURCES AS THESE ARE PERIODICALLY BROUGHT INTO THE OFFICE.

14) HP LOGS

NEED: DETERMINE WHAT CHANGES NEED TO BE MADE TO THE WAY HP LOGS INFORMATION

ASSIGNED TO: PORTER, BARE

At your request, and in preparation for litigation, I have prepared the following chronological information regarding the situation with Mr. George McTieman.

Monday, February 18, 1991

On this day at 0745 hours, I met with members of my staff to discuss the subject of reducing our staff size. In attendance were Ms. Kitzman, Messrs. Reigel, Deniston, McCauley, Borst, and myself. This was brought about by the fact that shipping to Idaho had been postponed from beginning the week before. As a result of this postponement, Executive Management (i.e., Mr. A. Clegg Crawford) had directed that we review our 1991 staffing plan. These instructions were given at the ELT meeting of 2/12/91. Mr. Crawford directed that we review the staffing plan with respect to two scenarios. The first scenario was to assume that we received permission to ship in the near future. Specifically, it was to be assumed that the shipping campaign would begin April 2, 1991. The second scenario was to assume that we did not receive permission to ship to Idaho. Instead, we were to staff in accordance with completion of the ISFSI, and begin defueling to the ISFSI on 12/1/91. Mr. Crawford indicated that his strong inclination was that he would recommend to Mr. Hock that we pursue Scenario #2, and we should concentrate our efforts on that plan. The results of these reviews were to be finalized and submitted to the Program Office no later than 3/10/91 (effectively 3/8/91 because 3/10/91 was Sunday).

I had prepared a handout for discussion with the staff (Exhibit 1). In particular, I asked them to fill out the Scenario 2 destaffing table, or equivalent. We discussed the work activities that needed to be done, so that everyone would have a common understanding of resource requirements (Exhibit 2). I then directed the staff to have the staffing information put together by Friday, February 22, 1991, for a meeting at 10:00 am. This date is distinctive for several reasons:

1. A staff meeting had already been set up for that date.
2. On February 18, 1991, I apologized for the short response time to my staff, but the week of February 25, 1991, was out of the question because my schedule was packed solid, and the

following week was too late to resolve problems if they should develop.

3. Mr. McCauley's staffing results (Exhibit 3, last page), shows his actual staffing on February 22, 1991.

Friday, February 22, 1991

I met with my staff at 10:00 am in my conference room to discuss the results of their reievew. All of the staff had come prepared with the results. Ms. Kitzman took notes so that she could update our staff size data base and provide me with information to use for transmittal to the Program Office.

We reviewed each of the results provided by the management staff. In particular, note Mr. Borst's results that states that he planned on releasing four contract personnel "now", with the caveat that he was assuming that we ould be staffing fuel deck related work on a one shift/day basis. Single shift coverage had not yet been decided.

Ms. Kitzman summarized the information and provided a typed version from her notes (Exhibit 5). Ms. Kitzman's summary substantiates the meeting results.

LAST DAY

R GASS	02/11/91
- T STEVENSON	02/22/91
D BRAATHEN	03/11/91
- A ULRICH	03/15/91
G MCTIERNAN	03/22/91

SCENARIO #2

NAME	TITLE	WHEN RELEASED	WAGES PER MONTH	REMARKS
MA PAMIC	MS. TING SPEC			will get 90d notice - EGD is paying wage
Boboff	EGD ~ 6/1	note 1		
Beardy	EGD ~ 6/1	note 1		
	EGD ~ 4/1	note 1		
Smart or Baker	MS. TING SPEC	~ 8/1		will be offered to EGD. First depends on Customer +
Evans, J.	" "	?		Electricians & I & C. (note)
Mullison	EP Coordinator	~ 9/1		if annual exercise is not negd, if "negd, 12/31
A HP Techs		now		Assumes 32 staff/day Cap cut up If 3/day - no reduction If 15FSI, HP Techs @ 15FSI

SCENARIO #2

90 DAY

DATE

TITLE

WHEN
FILED

WAGE PER
MONTH

RETURNS
ASSUMING 6 FUEL HANDLERS
ONLY ON TOP HEAD / HSE.

NO PGL IMPACT
" " "
" " "

ASSUMING 4 MILLWRIGHTS
ON SYS. CHARACTERIZATION

ASSUMING 15,31 CM COMPLETE
TRANSFER TO PANNER
CAN BE A LOANER.

3 PSC CONST. ON SITE
NOW. CAN BE STAFFED
DOWN PRIOR TO AUG.

2 MILLWRIGHTS
2 WELDERS

3/11/91
3/11/91

1 WELDER
1 MILLWRIGHT
1 MAINTENANCE

4/15/91
4/15/91
4/15/91

1 SUPERVISOR

3/11/91

1 ELECTRICIAN
1 MILLWRIGHT

JUNE
JUNE

1 CONST. SPEC. AUG.

90 DAY
RETURNS

All wages straight to his/ her

SCENARIO #2

Present Staff

MANE'S

MANE'S	MANE'S	MANE'S	MANE'S	MANE'S	MANE'S
Chris Evans	Reactor Operator	38300	REPLIES	Presently on semi-permanent loan to QA (budgeted by CIA)	
Steve Shafer	Shift Supervisor	5139		Required by Tech. Spads.	
Tom Dice	"	5064			
Gary Moore	"	4941			
Bob Keenan	"	4846			
Gene Weller	"	4823			
John Maynard	Dir. Reactor Op.	4640		5 of 6 required by Tech. Spads. There is no way to replace license if we lose the R.O. Could release one but would put us in a precarious situation.	
Shaw Koleski	"	4640			
Bill Vanechbergand	"	3120			
Phil Morgan	Reactor Operator	3830			
Mike Kasten	"	3830			
Brian Frost	"	3830			
John Dahlstrom	Equip. Operator	3220		3 per shift required by 100FRSO Appendix R for Fire Brigade. ANSI qualifications required and no initial training available. Could release Nichols early by using E.O. to cover relief shift	
Jim Moore	"	3210			
Gary Wierzbinski	"	3220			
Emil Sheron	"	3170			
Majorman	"	3220			
Cliff Ard	"	3220			
Vic Smith	"	3220			
Doug Tobias	"	3220			
Gene Johnson	"	3220			
Mike Ferris	Aux Tech	2780			
Steve Hanson	"	2780			
Frank Nichols	"	2780			
Tom Harju	"	2780			
Greg Largent	"	2780			

If we release a R.O. and for in A.T. much of the savings would be offset by overtime additional over time. These are all shift workers and all disbursements have to be covered.

* We accepted transfer to Arthur Brock. Must release him by 12/8/71. Needs 60 days notice to get out of housing contract.

SCENARIO # 1

This is the "Reference Schedule"

Begin Shipping Campaign on 4/2/91

Be able to pull back by 2 weeks

Be able to expand by 2 months

Assume we have the POL by 3/15/91

Assignment

Determine if there are ^{Unimmediate} short-term labor savings we can implement w/r ~~the~~ ~~to~~ ~~the~~ ~~existing~~ ~~schedule~~

Revise our existing schedule to the Reference Schedule

Feedback needed on:

How long do we have meaningful work without POL?

How long do we have meaningful work with POL?

How many people can you let go temporarily?

How many people can you later fill with contractors?

reference from letter??

SCENARIO # 2

This is the "Worst Case" schedule

Begin Defueling to ISFSI on 12/1/91

Retain ability to ship to Idaho, at rate, at any time

"Retain" does not necessarily mean "on-site"

Be able to pull back by 3 months

Be able to expand by 2 months

Assume we have POL by 3/15/91

Assume we go to "Projectized Organization"

Assignment

Consider all possible means to reduce staff

Loanees

90-Day notices

Backfill with contractors

Answer the following:

How Many?

When?

How much do we save?

Remarks

Consequences

Considerations

Use the attached format

SCENARIO #2

ISSUES

NAME

TITLE

**WHEN
PLACED**

**WAS
IT
PLACED**

REMARKS

**90-DAY
NOTES**

110 HCCS
EVAWS

- 12/8/91
- 40% in QA

Department	Name	Title	Num.	When	Monthly Wages	Comments
Operations	None	Reactor Operators Equipment Operators Auxiliary Tenders Shift Supervisors	0	N/A	N/A	Operations is at minimum staff. One already identified Auxiliary Tender could be released early, but savings would largely be offset by overtime
I&C	Scott Olson	Sr. Inst. Tech.	1	Done	\$3350	Loanee to Vermont to cut back on costs (Bassman)
	Bruce Hogan? A. F. Hill	Sr. Inst. Tech	1	Near Term	\$3400	Loanee to Gamme. Lending of these two techs impacts fossil training program for staff. I&C is already under proposed staffing level. Do not now have ability for 24-hour coverage.
	Thornburg Dale Stewart	Sr Inst Tech Contract Scheduling Engineer	1	Near Term Late April	\$3200 \$6300	Release would severely impact scheduling expertise. Investigating possibility of reducing hours to about 30 hrs/wk as alternative.
P&S	Betty Rutt	Scheduling Tech	1	Late April	\$1950	Release possible but unwise. Technician responsible for administering the Tech Spec Surveillance program. Function must continue, so would have to pick up elsewhere in the organization.
	Bonnie Case	Contract Clerk	1	Near Term	\$1900	Release will preclude ability to provide variance reporting data. Investigating four days per week as alternative.

Dickson
in
\$110

110 HCC possible X-201
EVAWS

THU Y

Hood } at Vermont for 30 days.
Hessie }

Department	Name	Title	Num.	When	Monthly Wages	Comments
Maintenance	By Seniority	Milwrights	3	Late April	\$9800	Loanees, and assumes: Fuel Handlers only on Top Head and CRD project No component removal beyond CRDs and RCDs No backlog reduction (present NRC issue) No multi-shift coverage
	By Seniority	Welders	3	Late April	\$9800	Loanees with above assumptions, and no additional welding work (contrary to experience in 1990)
	By Seniority	Machinist	1	Late April	\$3150	Loanee with above assumption
	By Seniority	Electrician Specialist	1	Late June	\$3400	Release-assumes all ISFSI CN work for electricians is completed, and no new surprises requiring PSC electricians for ISFSI.
	Larry Cogdill	Maintenance Supervisor	1	Late April	\$3050	Loanee for Maintenance crew
	Alan Koppman	Milright	1	Late June	\$3150	Release (transfer early), after current work completed
	Robert Garnhart	Construction Spec.	1	Late August	\$3550	Release. Assumes ISFSI completed and Corporate Hazardous Waste program upgrades completed (many of which remain to be identified).
	As assigned by PSC Construction	PSC Construction department	3	Late August	\$11000	Release. Assumes ISFSI, Berms, Trailer Phase 2, HazMat Storage area completed.
	Przybyski Foy	Contract HVAC	2	September	\$4000	Cut work by additional 50% after summer. Currently on 4 days/week. Go to "break before work" program, versus current effective PM program.

Department	Name	Title	Num.	When	Monthly Wages	Comments
Training	Gotschall	Nuc. Training Spec.	1	Now	\$3650	Loanee, currently to Electric and Gas Distribution (EGD). Will release when they no longer need.
	John Evans	Nuc Training Spec.	1	Late April	\$3250	Loan to EGD or release. Assumes we drop all Electrician and I&C training (some NRC exposure)
	Phil Bearly	Nuc. Training Spec.	1	Late April	\$3650	Loan to EGD or release. Assumes no new identified ISFSI or SSLO training.
	Wayne Magnise Duff Botiorff	Nuc. Training Spec.	2	June	\$7000	Loan to EGD or release. Assumes no new identified ISFSI or SSLO training.
	Greg Smoot, or Dexter Bates	Nuc Training Spec.	1	Late August	\$3600	Loan to EGD or release. Assumes ISFSI training as part of Functional Test program is completed (ISFSI built and ready for FT.)
Emergency Planning	Renee Millison	Sr. Emergency Planning Specialist	1	September or December	\$3350	Release in September if no exercise, or December if exercise. Assumes no future emergency planning effort required (NRC exemption?)
Health Physics	TBD	Contract HP technicians	4	April	\$14000	Can release soon if no multi-shift coverage on fuel deck. Re-hire when defueling resumes. Will need more than four more if ship to ISFSI.
Nuclear Documents	TBD	contract clerk	1	Late June	\$1800	Just a guess

B. Pinner *Contract Clerk*

2071.00 6/3/91

Department	Name	Title	Num.	When	Monthly Wages	Comments
Fuel Deck	Neil Snyder	Fuel Deck Manager	1	March 11		Reassigned to Comanchee
	Rob Gappa	Fuel Deck Supt.	1	Late April		On 90-day notice. Release after HSF resolved and turnover to Redmond Reassigned to NED for assistance on ISFSI design project.
	Dan Johnson	Fuel Deck Supt.	1	Now		
	John Hak	Fuel Deck Supt.	1	April (11)		Investigating possibility of sending to SynHytech plant for assistance in their startup
	Joe Hunter	Fuel Deck Supt.	1	March		Reassigned to NED to assist in development of Dec. or. reassigning procedures. No savings to N.O.
Staff	Dave Weber	Staff Assistant	1	March		Same as Hunter. Also, drop "issue Last" procedure effort, reassign ISFSI proodures, divisions assume responsibility for their own procedure push. No savings to N.O.
	<i>Bill Funnick</i>	"	1	4/11		

HP TECHNICIAN LOG

SHIFT: GRAVES (WED)
 DATE: 3-13-91
 TECHNICIAN: PORTER

Plant Status at: 0620
 Purif A: — B: —
 Pri: Press: 11^{PS} Temp: 130°F Dewpoint: — Moisture: —
 GW: A: 120^{PS} B: φ*
 LW: A: 10" B: φ" Mon: 136"(R)
 RBS: BELOW 3RD STEP

Time Remarks

2300	T/O FROM GEORGE MSTERMAN.
2315	C/R BRIEFING - RT 73437-1 IS OOS. ? No TECH SPEC. SAMPLING REQUIRED
2345	REV'D GW #2472 FOR FINAL SIGNATURES → RC LAB.
0015	CANCELLED RWP# 11583; NOT REWRITTEN, NO ONE SIGNED IN TO IT. UPDATED EXPOSURE. RWP#s 11588 & 11589 NOT IN RWP FILE! AFTER USE? UPDATED SSRs.
0045	FOUND IN SOURCE STORAGE ROOM? - 3 BROKEN RMA PROBE DETECTORS - NO POWER TO ANY RMA ON SHELF - SOURCE SAFE STANDING OPEN?
0130	ROUTINES, WALKDOWNS, DAILY SURVEY, LAUNDRY, WKLY COMP LVL 3, 2, & 1 FOUND: RWP# 11589 ON RFF DESK; ICEVEST AT COUNTROOM RWP# 11588 ON FLOOR AT HSF ACCESS RO2 INSIDE HPCA AT HSF ACCESS RO2 INSIDE HPC. AT LVL 3 DEHIN AREA.
0055	LATE ENTRY - OPS REPORTS MON. TANK ON REIRC.
0400	REQUIRED HP210 PROBES - BACK IN ^{INSTALLMENT} EQUIP ROOM.
0530	COMPLETES SURVEY PAPERWORK. CLEAN COUNTROOM. UPDATED SSRs.
0630	SHIFT REPORT PLANT STATUS. NEED PLACHETTES FOR TASC-12.
0700	T/O TO DAYSHIFT.

3/22/91

0640

McTernan called from badge cube.
said He needed to get on site. I had
him wait until 0715 to allow WBC's
to get ready and people on site

0715

Visited with Mr. McTernan, told him
we were busy with him now instead of later
because of his statements & other information as
we felt he would not be able to provide us
with. He said "fuck" not laid off.
I said laid off. He said he had seen
a labor union lawyer and needed access
to lots of records. I said not at this
time. He said he was filing against me.
He said he would write down everything
I said. He asked about the Feb
monthly survey and wanted to know if
Mo and Paul Gil were stolen. I said
I would not discuss this. I asked him
if he would like to talk to Mr. J. B. Bond,
NRC. He said yes.

WBC's & cleared out desk & was escorted
off site at 0830. He again asked if I had
received a phone call from a reporter. I said
no. He said I would. I also said he
was being fired for talking to RA. Again, I
told him no he was not being fired &
so it was not because he had talked to
RA

12/5/90

Mona notified me that the app on the
Terminal had not been updated. Verified
this by the print out. It shows the app
has not been updated for the last five days.
George McTernan is working on it.
The program has been updated.

12/6/90

George called me and said R Rabin had
told him it had not been updated.
George reviewed the procedure and verified
what needed to be done. He was aware
that it is required to be done and he
has not done it.

This appears to be an isolated incident.

Bill Whelan

Tue 2/26/91

0610

G Mc Turner (mid shift Tech) said he was looking for some survey and found the moral survey on M Porter's desk with the wipes under the map. He said because the Night Log said to keep all radioactive materials out of the office he took the wipes and counted them. I said how to give her a print out so she could complete her survey. He said he had to run the results away. But everything was less than MDA. I said I appreciated his effort. Is any radioactive material out of the office but he should have just the results for her. He said he felt she was hiding the wipes and she had read the Night Log. I said I would discuss the survey & radioactive materials with her to clarify what radioactive materials included. I asked her not to disturb items on people's desks.

Wed. 2/27/91

0600

I asked G. McTier to leave Maira
a note indicating he had counted her
wipes for her so she could persist in
studies. I told him that in the
future if he counted wipes for someone
he needed to keep the results and give
them to that person.

T. Mur. 2/28/91

-1510

Maura Porter gave me the note that George had left and was upset that he had taken the maps off his desk and that they could not be seen unless the maps were moved. I asked her if she had seen the Night Log or radioactive materials in the office. She said no, it was busy that morning and she had class in the afternoon. I told her that we did not want to have radioactive materials in the office. I said I wanted to get George McTurran and her together to work through this problem. Maura said if we did, she wanted a Union Rep with her.

FM.

3/1/71

0000 I told George that the note was inappropriate and in the future his communications would be handled in a professional manner

the note said that I would have put the results down for her but the survey points were not on the map so he couldn't. He did not know how she could do a survey without putting that information down but that was her business

3/21/91

- 1330 (V)

Called George McTivhan into my office
 & told him that we were going to
 lay him off to reduce man power. The
 reason I was selected was his
 negative effect on the environment as a
 whole, not his work. We want to
 build a better work group and since
 December with overtime issue, new contract
 Tech pay, and in Porter issue, he was not
 a positive factor in this
 He was upset, asked if there was
 recourse. I said no but I would
 keep him long enough so he can find
 another job. He continued to be very
 upset and said he felt we were
 getting rid of him because he talked to
 QA, Paul Miles. I asked him what he
 meant. He said about March, not completely
 the night survey when she could have
 used the BC-4. I said I had talked
 to Paul about that, and no, that was not the reason.
 He continued to be very upset. He
 said he was going to NRC right now
 & a night now. He would file a
 lawsuit. Then he said, would not
 be able to buy a car if he had to
 go on the road. He asked if I was going
 to keep him from being with SEB. I
 said they have seen his work and will
 make their own decision. He remained upset.
 He said he probably could not afford a
 lawsuit and probably would not do
 anything. He asked if he could leave
 now. I said 6 hours. I said wait just
 a little while as I needed to talk to
 other management. He again said he
 was going to the NRC. He said we should
 get rid of the job Tech first not him.
 He again said we were in this

He asked if he could leave now because he had
his six hours in and wanted to think about
this. I said well just a little while I
could deal with other management. He left his
office. I called D Alps & discussed with him.
I called G back in and said I was
going to the fire. He said he did
not want to. That he would get statements
from maint. supervisors and had a lot of
people to see. I said ok, he was not paid
for that and I wanted him to go. He went
to the phone. Tried to call D Bissin. He
got a hold of David and said "Saw local
there taking in of site, as you can see
back me up." He then called J.B. Baird &
I expected him to the Bissin case.
I had security pull his body for now.
While waiting at B.L. say G.M. come on
other side of page J.B. Baird.

I called Mr. Bissin and informed him of what
happened.

I called D Alps, he asked for a form 3 &
recommended we bring him in as a
visitor.

I called ARC to leave a message. No return.

I called Ed Stovall & informed him (ARC
site coordinator).

I called Paul Moore & informed him

~ 1530 G McTurner called me & asked for my home
phone number and said that some people may
be calling me. I gave it to him.

Ed Luty, Luby relations called back & said we
could say a contract was & do not need a record.
He recommended we in future I let the contract for
Jared T.A.

George S. McTiernan
9528 Miramar Road #164
San Diego, Ca. 92128

United States
Department of Labor
Wage/Hour Division
P.O. Drawer 3505
Denver, Co. 80294



03-26-91

Dear Department Personnel,

Following is a written complaint to your office, submitted within thirty days of the violation, regarding an illegal termination of employment effected against me by the Public Service Company at the Fort St. Vrain Nuclear Generating Station.

I claim that the termination was illegal because it was directly related to my having answered questions by the site QA inspector one week previously. Additionally, a "layoff with two week notice" was changed to an immediate dismissal after I had indicated a desire to talk to the resident NRC inspector and pursue legal recourse against the layoff. I believe that represents a violation of 10 CFR 19.

I am a contract Health Physics Technician. I had been at Ft. St. Vrain for 17 months. The actual company I work for is Allied Radiological, out of Georgia. (1-800-241-5575) None of my complaint is directed toward ARC. They had no involvement in this violation.

I was terminated from Ft. St. Vrain for reporting numerous radiological safety violations and poor work practices of one particular technician. Initial reports to the Health Physics Supervisor were ignored. At one point in my job, I was approached by one of the PSCo QA inspectors. I did not seek out this Inspector, rather he was monitoring the task at hand and asked questions regarding my performance.

The Technician I had been reporting, Marna K. Porter, had worked the midnight shift. In that capacity, she was responsible for performing the daily radiological survey in the reactor building, and also prepare our counting instrumentation for the next day's use.

We had only two counting instruments available, an "automatic" counter and a counter that samples need to be loaded into one at a time. Each sample takes one minute to count.

When Ms. Porter performed her rounds, she found that the automatic changer had been cross-contaminated during that day's work and needed to be wiped down prior to use. This takes about 20 or 30 minutes to perform. Ms. Porter did not do this. Additionally, she didn't use the manual counter to analyze the samples from her survey, but rather left them for dayshift to perform.

On dayshift, I had my own responsibilities; Checking work areas radiologically prior to maintenance in them, performing contamination analysis of tools and equipment leaving the protected area, and providing HP coverage while different covers were removed from the core area for inspections.

All of my duties required the use of the instruments I described earlier. The automatic changer was not available, until a specifically assigned crew had "deconned" it and counted the two hours worth of samples Ms. Porter had left behind. The manual changer was only sporadically available, since it was being shared by every technician doing coverage that day. A GA Inspector noticed my difficulty and asked questions regarding them.

Thursday, the 14th of March is the date that this was discussed with GA. One week later, on the 21st of March, I was laid off with a two week notice, and the next morning I was terminated. That morning, I did interview with Mr. J.B. Baird, the resident NRC inspector. (758-2281) The PSCO supervisor that directly supervised me and effected the termination was Mr. Bill Woodard. (620-1130) The GA inspector I had worked with is Mr. Paul Miles. (620-1550)

I want to add that just two weeks earlier I had been ensured that there would be no man-power based layoffs before August, and when I was laid off it was over two unqualified persons with less than two months on site. I had been there 17 months and had qualified as "Shift Technician."

The violation that I reported to GA was not a major safety concern. However, Ms. Marna K. Porter has such a history of poor performance, including the falsification of records and knowingly violating procedures, that supervision's reluctance to in any way enforce accountability for this individual results in an unsafe working environment.

Following are examples of the problems that exist. Dates are approximate when necessary, as my access to records has been removed. In closing I will include a list of personnel that can verify and substantiate the listed occurrences.

August, '90 - Ms. Porter caused a potential for overexposure, and created a radiation area that went undetected for two shifts. The cause was from improper job briefings, improper surveys, (She had given the radiation dose rate meter to an unqualified worker, and told him to monitor himself. The task called for continuous, on-the-spot coverage.) (Maintenance worker - John Halverson, 620-1268)

Ms. Porter was not to be disciplined for this, until an exiting employee informed the NRC of the occurrence. The NRC came back with five "Notices of Violation" against PSCO. No civil penalty was assessed. Marna Porter received one week off, no pay.

(Summer, '89 - Ms. Porter was given one week off for falsifying documents. She claimed to perform nightly surveys, yet no record of "Key-card" entries into the controlled area existed.)

February, 91 - Marna Porter was to perform the monthly survey of the FSV site. This job is cycled among techs each month.

Several days into the month, I was working a midnight shift. One duty included the writing and updating of Radiation Work Permits. I was looking for an older package, that should have been processed and filed by Ms. Porter. Not finding it in the proper location, I looked on her desk.

I found the wipe samples from the monthly survey on Ms. Porter's desk. A policy adopted shortly before by the department restricted bringing wipes, samples, and other contaminated materials into the lunch room. It is against sound radiological practices to bring radioactive materials into the food area. A safety issue exists, but the level is low.

The next morning, I informed Bill Woodard, Health Physics Supervisor, of finding the wipes. I had removed the wipes from the lunch area, and analyzed them. I told Mr. Woodard of the results. (Counting the wipes indicated that they weren't contaminated)

Mr. Woodard indicated that he would not be speaking to M. Porter regarding bringing wipes into the lunch room. He assigned me to write M.Porter a note indicating that I had counted the wipes for her. A hand written note was generated. The original was in the possession of E.Woodard but has disappeared. The note read,

Marna,

I found wipes on your desk. Wipes are not allowed in the lunch room, as per the night orders of (Date), which you initialed.

I counted your wipes, and all read <MDA. I would have recorded the information on your survey sheets, but you have all your wipes taken without having logged any locations on your map. I've never seen a survey done this way, but I guess that's your buisness.

Well, <MDA, that's what I wanted to tell you.

George

M.Porter claimed that I had harassed her. I was counselled.

Within one week, a different H.P. Technician, Mr. George Tillman, found air samples on M.Porter's desk. Air samples have a higher potential for being contaminated then do routine wipe samples. Mr. Tillman approaches M.Porter about the air samples on her desk. They remained there two additional days.

On the third day, the air samples disappeared. These samples require a three-part process; initial paperwork done by the technician, a request form filled out in the Radiochemistry lab, and subsequent analysis by the lab. This was not performed on any of the air samples that M.Porter brought into the lunch room. The contamination levels on those air samples are not known. The airborne contamination levels for the work that the samples were drawn for are not known.

March, 91 - Continuing with the monthly survey...

Three weeks after the survey is due, D. Blain (620-1779), acting in a supervisory role, and R. Rankin, (620-1127) performing a monthly task of records collection and storage, find the survey in M.Porter's desk. This was on 3/19/91. The top two pages of the survey were incomplete, and the remainder were blank. Copies were made.

M.Porter has claimed that this work was completed, and someone has stolen her work.

(Several months ago, M.Porter was assigned, thru written night orders, repeatedly and specifically to check certain equipment for contamination and release it from the Refuel Floor controlled area. M.Porter refused to do this work, and at the end of the week all the night orders and all of M.Porter's written logs and surveys disappeared. The surveys have been reconstructed for proper record keeping.)

In closing, I maintain that I was fired for complaints against an unsafe co-worker. I had just been told that I would not be laid off for manpower reasons until August at the earliest. My performance is above average. I had recently received a commendation hand-signed by Marty Denisson, Ted Borst, Tim Schlieger, and Bill Woodard for work I had done for them. After talking to GA, I was fired within a week, ahead of two junior personnel.

The following personnel can provide verification:

Mr. Paul Miles...GA Inspector, fired as a result of talks with this gentleman. 620-1550

Mr. Bill Woodard...H.P. Supervisor. Responsible for firing me after talking to GA. 620-1130

Mr. Darrell Blain...Health Physicist. Involved with Air Sample and Monthly Survey occurrences. As Refuel Floor Coordinator, can provide personal reference with regard to work ethics and job performance. 620-1779

Mr. George Tillman...H.P. Technician. Involved with Air Sample occurrence. Can verify dates and provide information regarding work performance levels of co-workers and general conditions within the department. 620-1127

Mr. Ed Stroud...H.P. Technician, ARC Site Representative. can verify that I had been told that no personnel were to be laid off until at least August. Can attest to performance levels of co-workers.

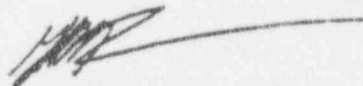
Many character references are available.

I will be leaving the Colorado area on Friday, the 29th of March, to work for Allied radiological at the Limerick Nuclear Station. My permanent address will be:

9528 Miramar #164
San Diego, Ca. 92126

If you need to contact me by phone, you may do so thru my brother, David McTiernan, at 429-8606.

Thank you for your efforts toward correcting this situation.



George S. McTiernan
Senior Health Physics Technician

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division
P.O. Drawer 3505
Denver, Colorado 80294



April 1, 1991
CERTIFIED MAIL P 471 793 737

RECEIVED ADD 08 1004

Mr. Bill Woodard, H.P. Supervisor
Public Service Company of Colorado
Fort St. Vrain Nuclear Generating Station
Platteville CO 80651

Dear Mr. Woodard:

This will notify you that the Wage and Hour Division of the U.S. Department of Labor has received a complaint from George S. McTiernan alleging discriminatory employment practices in violation of the Energy Reorganization Act. This charge was received by our office on March 29, 1991. We have enclosed a copy of the complaint, a copy of Regulations, 29 CFR Part 24, and a copy of the pertinent section of the Act.

The Act requires the Secretary of Labor to conduct an investigation into the alleged violations. This case has been assigned to George Anderson whose first action will be to try and achieve a mutually agreeable settlement. If this is not possible, the law requires that a fact-finding investigation be conducted as soon as possible. You are encouraged to present any relevant information or evidence to our representative and will be given every opportunity to do so.

Thank you for your cooperation in this matter.

Sincerely,

Gerald H. Hill
District Director

Enclosures

cc: Nuclear Regulatory Commission
Associate Regional Solicitor of Labor, Henry Mahlman
Regional WH Administrator, Loren Gilbert
James McCotter

Interoffice Memo

QAC-91-0146



Public Service

Public Service Company of Colorado

DATE: April 1, 1991
TO: Mr. L. R. Sutton, Supervisor, QA Auditing, Fort St. Vrain
FROM: P. F. Moore, Supervisor, QA Technical Support, Fort St. Vrain
SUBJ: QA MONITORING CONDUCTED IN AUDIT AREA: ERCN

QA monitoring activity, QAMP-RAP-08-91-03 (Radiation Work Permits), was performed during March 1991. This monitoring activity:

Identified problem(s) in area(s): _____

for which corrective action was initiated. Refer to
CARs/QDRs: _____

Identified minor inconsistencies and/or requires follow-up,
in area(s): _____

for which corrective action was not deemed necessary.

Indicated compliance/conformance to monitored area's
requirements.

Indicated outstanding/exemplary conformance to monitored
area's requirements.

The subject monitoring report is available for your review in the QA Monitoring File, maintained by QA Clerical. If you have any questions regarding this or other QA Monitoring activities, please let me know.

P. F. Moore
P. F. Moore

PFM/REM/slw

cc: QAMP-RAP-08-91-03 File

QA MONITORING PROGRAM REPORT

QAMP - RAP-08-91-03
Monitoring Category - Area Number

TITLE: RADIATION WORK PERMITS (RWPs)

Prepared by	<u>Paul E. Mills</u>	Date	<u>3-11-91</u>
Reviewed by	<u>[Signature]</u>	Date	<u>3-11-91</u>
Performed by	<u>Paul E. Mills</u>	Date	<u>3-14-91 / 3-29-91</u>
		Date	_____
		Date	_____

1.0 PURPOSE

The purpose of this monitoring is to review and evaluate the following plant activity or functional area activity to determine the effectiveness of the activity.

Verify by performance based monitoring that the guidelines
for establishing Radiation Work Permits and the applicable
procedures governing Radiation Work Permits are adhered
to and properly implemented.

2.0 SCOPE

This monitoring activity will include direct observation and/or review of the following specific items/attributes (e.g., work performance, procedures, technical specifications, radiation protection, QC) of the subject area.

Review of active RWPs.

Observation of persons entering, working in, and exiting
the RWP area to verify compliance to:

- Adherence to RWP instructions

- Standard HP practices

- Standard safety practices

3.0 METHODS

The following methods were utilized for development and/or performance of this monitoring activity:

3.1 A review of the following previously completed QAMP(s) was performed to determine trends or recurring deficiencies.

None

3.2 A standard checklist (attached), or

The specially developed checklist (attached) was utilized for direction and guidance for performance of this monitoring.

3.3 The following personnel were contacted in conjunction with this monitoring.

Georgy M. Nisnev, Bill G. Woodard

4.0 REFERENCES

The following documents were utilized during development or performance of this monitoring (List applicable issue number or rev.)

NPAP-10, issue 5

RWPs 11589

11593

11594

5.0 CONCLUSIONS

It is the conclusion of this monitoring activity that the RWPs observed were effectively implemented and properly closed.

A concern identified was pursued under QAMP-RAP-15-91-02.

Signature

Paul C. Miles Date 3/3/91

6.0 FOLLOW-UP

6.1 Follow-up Required: Yes ___ No ; if Yes, by Date _____

6.2 Corrective Action Initiated (QDRs/CARs/NCRs):

N/A

Approved by *Adame* Date 4-2-91

Approved by *[Signature]* Date 4/4/91

Approved by _____ Date _____

RADIATION WORK PERMIT (RWP)

				COMMENT	
<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>No.</u>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1.	Is the RWP form properly filled in? (NPAP-10, 4.1)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2.	Are the protective clothing requirements clearly marked? (NPAP-10, 4.1)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3.	If applicable, are any special instructions clear and easily understood? (NPAP-10, 4.1)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4.	Is the protective clothing specified by the RWP being properly worn by the personnel in the RWP area? (NPAP-10, 4.2.2.c)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5.	When existing, is the protective clothing properly removed? (NPAP-10, 4.2.3)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6.	If applicable, does H.P. provide job coverage for the controlled area? (NPAP-10, 4.2.3)

Completed by: *Paul Mills* Date 3-21-91

COMMENTS:

- On 3/14/91 reviewed RWP's 11589, 11593, & 11594. The RWP's were correct in completion standard instructions and special instructions.
- Observed personnel within the specified controlled areas and verified the number of personnel, names of personnel, and the protective clothing required.
No concerns were identified.

A possible concern was identified in that the required number for the mid-shift were not performed. In discussion with the Shift Leader on day shift, this will have a negative impact on the maintenance work activities.

Shall pursue this further.
(See QAMP-RAP-91-02)

13

Completed by: Paul Miles Date 3-3-91

Interoffice Memo



Public Service

Public Service Company of Colorado

QAC-91-0147

DATE: April 1, 1991
TO: Mr. L. R. Sutton, Supervisor, QA Auditing, Fort St. Vrain
FROM: P. F. Moore, Supervisor, QA Technical Support, Fort St. Vrain
SUBJ: QA MONITORING CONDUCTED IN AUDIT AREA: MCPC

QA monitoring activity, QAMP-MNT-18-91-03 (Maintenance Work Control - Fuel Deck), was performed during March 1991. This monitoring activity:

Identified problem(s) in area(s): _____

for which corrective action was initiated. Refer to CARs/QDRs: _____

Identified minor inconsistencies and/or requires follow-up, in area(s): Department's impact on Fuel Deck schedule

for which corrective action was not deemed necessary.

Indicated compliance/conformance to monitored area's requirements.

Indicated outstanding/exemplary conformance to monitored area's requirements.

The subject monitoring report is available for your review in the QA Monitoring File, maintained by QA Clerical. If you have any questions regarding this or other QA Monitoring activities, please let me know.

P. F. Moore
P. F. Moore

[Signature]
PFM/PEP:slw

cc: QAMP-MNT-18-91-03 File

QA MONITORING PROGRAM REPORT

QAMP - MNT-18- 91-03
Monitoring Category - Area Number

TITLE: Maintenance Work Control

Prepared by Paul C. Miles Date 3-11-91

Reviewed by Adalberto Date 3-12-91

Performed by Paul C. Miles Date 3-11-28-91

_____ Date _____

_____ Date _____

1.0 PURPOSE

The purpose of this monitoring is to review and evaluate the following plant activity or functional area activity to determine the effectiveness of the activity.

Performance based monitoring of Mechanical, Electrical, and
I&C Maintenance project activities to verify adherence to
Administrative Procedures, safety policies, and
good work practices.

2.0 SCOPE

This monitoring activity will include direct observation and/or review of the following specific items/attributes (e.g., work performance, procedures, technical specifications, radiation protection, QC) of the subject area.

Monitoring of activities associated with maintenance
department routine work and/or special projects.

Monitoring is to consist of, but is not limited to, the
review of documentation and the observation of work in
progress for 1) adherence to safety, 2) adherence to
procedures, and 3) technical ability.

3.0 METHODS

The following methods were utilized for development and/or performance of this monitoring activity:

- 3.1 A review of the following previously completed QAMP(s) was performed to determine trends or recurring deficiencies.

None

- 3.2 A standard checklist (attached), or

The specially developed checklist (attached) was utilized for direction and guidance for performance of this monitoring.

- 3.3 The following personnel were contacted in conjunction with this monitoring.

Rob Lopez, George M. Spiran
George D. Wilman, Bill Woodard

4.0 REFERENCES

The following documents were utilized during development or performance of this monitoring (List applicable issue number or rev.)

- P-7, issue 17
- FHPWP Manual, issue 33
- SSR 91500204, 91500468
- MPF-1094, MPF-1093, issue 3
- FHPWP-212.7

5.0 CONCLUSIONS

It is the conclusion of the monitoring activity that the maintenance work controls were effectively implemented for the activities observed and reviewed. No maintenance concerns identified.

Signature Paul C. Miles Date 3-28-91

6.0 FOLLOW-UP

6.1 Follow-up Required: Yes ___ No ; if Yes, by Date _____

6.2 Corrective Action Initiated (QDRs/CARs/NCRs):

n/a

Approved by *[Signature]* Date 4-2-91

Approved by *[Signature]* Date 4/4/91

Approved by _____ Date _____

MAINTENANCE WORK CONTROL

YES	COMMENT			No.	
	NO	N/A	No.		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>1</u>	1.	Is the procedure the latest revision?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>—</u>	2.	Was the procedure followed during the course of the task?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>2</u>	3.	Was the procedure adequate as written to complete the task?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>—</u>	4.	Were there any temporary changes in the procedure, and if so, were they properly entered and used?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>3</u>	5.	Was it a <u>working copy/controlled</u> or information only?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>2</u>	6.	If required, were all personnel observed signed in on the proper RWP for the job?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>3</u>	7.	Were the requirements of the RWP adhered to?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>—</u>	8.	Were instruments used in calibration?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>4</u>	9.	Is QC involvement required?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>—</u>	10.	Was portable maintenance and test equipment (M&TE) used, and if so, was it's calibration current?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>—</u>	11.	Was installed plant equipment used, and if so, was it's calibration current?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>—</u>	12.	Was M&TE used suitable to the application?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>—</u>	13.	Was a clearance required and used per SM&P-19?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>—</u>	14.	Was Control of Equipment maintained by Operations?

Completed by: Paul Miles Date 3-31-91

MAINTENANCE WORK CONTROL

COMMENT			
YES	NO	N/A	No.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15. Were any unsafe conditions noted? (Safety belts, hard hats, eye protection, etc.)

16. Was an SSR required, and if so, was it filled out correctly for the job observed?

17. Did all documentation have proper approvals?

Completed by: Paul Miller Date 3-31-91

COMMENTS:

This monitoring activity was for a period of time resulting in more than one monitoring of the fuel deck.

1. Had the procedures review on each separate monitoring, no concerns were identified.

2. Numerous changes are being made to the procedures as activities are performed.

3. See QAMP-RAP-08-91-03

4. O.C. involvement was as required.

A concern identified in QAMP-RAP-08-91-03 did have a negative impact on maintenance activities on the fuel deck on 3-15-91. ^{RA 3-29}

In discussion with the Superintendent of the Fuel Deck on 3-15-91, the activities of 3-14-91 were delayed and not all completed because O.C. could not support with timely surveys.

This concern was addressed with the O.C. supervisor. Ref QAMP-RAP-15-91-02.

Completed by:

Paul C. Miles

Date

3-31-91



Public Service

Public Service Company of Colorado

Interoffice Memo

QAC-91-0148

DATE: April 1, 1991

TO: Mr. L. R. Sutton, Supervisor, QA Auditing, Fort St. Vrain

FROM: P. F. Moore, Supervisor, QA Technical Support, Fort St. Vrain

SUBJ: QA MONITORING CONDUCTED IN AUDIT AREA: ERCN

QA monitoring activity, QAMP-RAP-15-91-02 (H.P./ALARA Practices), was performed during March 1991. This monitoring activity:

Identified problem(s) in area(s): _____

for which corrective action was initiated. Refer to CARs/QDRs: _____

Identified minor inconsistencies and/or requires follow-up, in area(s): Completion of required Mid-shift surveys in a timely manner, for which corrective action was not deemed necessary.

Indicated compliance/conformance to monitored area's requirements.

Indicated outstanding/exemplary conformance to monitored area's requirements.

The subject monitoring report is available for your review in the QA Monitoring File, maintained by QA Clerical. If you have any questions regarding this or other QA Monitoring activities, please let me know.


 PFM/EM:slw


 P. F. Moore

cc: QAMP-RAP-15-91-02 File

QA MONITORING PROGRAM REPORT

QAMP - RAP - 15 - 91 - 02
Monitoring Category - Area Number

TITLE: H.P./ALARA PRACTICES

Prepared by Paul C. Miles Date 3-11-91

Reviewed by [Signature] Date 3-11-91

Performed by Paul C. Miles Date 3-11-29-91

_____ Date _____

_____ Date _____

1.0 PURPOSE

The purpose of this monitoring is to review and evaluate the following plant activity or functional area activity to determine the effectiveness of the activity.

Performance based monitoring activity to evaluate
Health Physics (H.P.) and ALARA practices relative
to activities associated with Controlled Areas.

2.0 SCOPE

This monitoring activity will include direct observation and/or review of the following specific items/attributes (e.g., work performance, procedures, technical specifications, radiation protection, QC) of the subject area.

Specific attention will be given to the observation of

H.P. personnel performance relative to:

- Controlling activities in controlled areas.

- Maintaining survey readings of a controlled area.

- Interaction with other departments.

3.0 METHODS

The following methods were utilized for development and/or performance of this monitoring activity:

3.1 A review of the following previously completed QAMP(s) was performed to determine trends or recurring deficiencies.

None

3.2 A standard checklist (attached), or

The specially developed checklist (attached) was utilized for direction and guidance for performance of this monitoring.

3.3 The following personnel were contacted in conjunction with this monitoring

Bill Woodard, George Williams
George McBurnah

4.0 REFERENCES

The following documents were utilized during development or performance of this monitoring (List applicable issue number or rev.)

HPP-105, Issue 2	RWPs 11580	11589
HPP-120, Issue 4	11581	11593
HPP-125, Issue 5	11583	11594
HPP-130, Issue 6	11586	
NPAP-10, Issue 5		

5.0 CONCLUSIONS

It is the conclusion of this performance based monitoring activity that the and ALRA practices are being effectively implemented.

Signature

Paul C. Miles Date 3-31-91

6.0 FOLLOW-UP

6.1 Follow-up Required: Yes ___ No ; if Yes, by Date _____

6.2 Corrective Action Initiated (QDRs/CARs/NCRs):

N/A

Approved by *H. Almeida* Date 4-2-91

Approved by *[Signature]* Date 4/4/91

Approved by _____ Date _____

H.P./ALARA PRACTICES

Radiation Work Permits (RWPs)

		COMMENT		
YES	NO	N/A	No.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Were all personnel observed signed into the Rad area, signed in on the proper RWP for the job?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Were the requirements of the RWP adhered to?
				3. Verify that prior to entering the area, workers shall:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a) Be qualified to enter the area and complete work.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b) Notify Health Physics prior to entry into the area initially and prior to resuming work after exit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c) Ensure the area is adequate to support the work to be completed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	d) Read and understand the RWP.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	e) Ensure sufficient radiation exposure is available to complete work.
				f) Attend radiological pre-job briefing by HP which would include:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Radiological conditions discussed with workers and applicable survey data available.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Workers instructed in the use of proper radiological practices unique to job scope.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Workers instructed in the use of respiratory protection equipment as required by the RWP.

Completed by: Paul Miles Date 3-31-91

H.P./ALARA PRACTICES

Radiation Work Permits (RWP)

YES	NO	COMMENT		
		N/A	No.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Health Physics involvement discussed with workers.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Procedural review completed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. Job briefings performed for jobs which exceed the limits set in NPAP-10, 4.1.2.N, will be documented on Attach. NPAP-10D.
				<u>NOTE:</u> The signature indicates RWP has been read and understood, job briefing by HP has been given, and the individual will comply with all requirements of both.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	g) Sign the RWP sign in sheet similar to Attachment B, and complete applicable data.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	h) Dress in protective clothing and wear dosimetry as required by the RWP.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) Report the presence of open or untreated wounds to Health Physics.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. During work in an area controlled by an RWP, Health Physics personnel shall:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a) Take action to prevent the spread of contamination including maintaining good housekeeping.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b) Periodically read self reading dosimetry, if provided.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c) Wear protective clothing properly as required by the RWP.

[Handwritten signature]
 3-31-91

Completed by: *[Handwritten Signature]* Date 3-31-91

H.P./ALARA PRACTICES

Radiation Work Permits (RWPs)

YES	NO	COMMENT		
		N/A	No.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	d) Limit the amount of material that has to be decontaminated or disposed of as radioactive waste.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	e) Leave the area if conditions unexpectedly deteriorate significantly.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	f) Obey instructions from Health Physics including "stop work orders."
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	g) Decontaminate the area or equipment as instructed by Health Physics.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	h) Properly remove protective clothing when exiting the area.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) Inform HP of changing work scope or radiological conditions.
5. During work in an area controlled by an RWP, Health Physics personnel shall:				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a) Provide job coverage as required by the RWP.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b) Conduct radiation, contamination, and airborne radioactivity surveys as necessary to determine changing radiological conditions.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	c) Update the RWP survey results if radiological conditions change significantly. For example, contamination levels change by a factor of ten or more; radiation levels change by a factor of two or more, or; airborne radioactivity levels change by more than 25% of the applicable MPC or approach 25% of the applicable MPC.

Completed by: Paul Miller Date 3-31-91

H.P./ALARA PRACTICES

Radiation Work Permits (RWP)

YES	NO	COMMENT		
		N/A	No.	
—	—	✓	—	d) Prepare revisions to the RWP or issue a new RWP if radiological conditions warrant a change.
—	—	✓	—	e) Trend exposure per Section 4.5 informing the HP Supervisor and worker if administrative exposure limits are being approached.
				6. After exit from the area workers shall take the following actions.
✓	—	—	—	a) Frisk or be frisked for contamination as required by the RWP.
✓	—	—	—	b) Sign out on the RWP.
✓	—	—	—	c) Return the RWP to the Health Physics Office if work is to be discontinued for more than one shift.
✓	—	—	—	d) Notify Health Physics of job completion or cancellation.
				7. After job completion, cancellation, or RWP termination date Health Physics shall terminate the RWP by the following actions:
✓	—	—	<u>2</u>	a) Complete the RWP log for the activity type.
✓	—	—	<u>2</u>	b) Destroy the pink and yellow copies of the RWP.
✓	—	—	<u>2</u>	c) Review the RWP and sign in sheets for accuracy and errors. Sign and date the termination blank.
✓	—	—	<u>2</u>	d) Forward the RWP for an independent review and signature prior to filing.

Completed by: Paul Spiller Date 3-2-91

COMMENTS:

1. On one interview with a maintenance person, he was not exactly sure of RWR information, but was clear enough to provide readings of the RWR. Suggest that he be more sure in the future.

During month reviewed H.P. survey on elevator doors to assess trash charge out. No concerns identified.

Discussed several different fuel deck activities with Mr. Kola. Mr. Kola had a good knowledge and understanding of the activities from 1. a maintenance function & 2. radiological conditions. No concerns identified.

An ALARA meeting was attended on 3-22-91. Addressed conditions with no special test addressed.

COMMENTS:

2. Performed a tracking of three RVPs, 11589, 11593 and 11594, from the fuel deck to completion. Also reviewed other completed RVPs. No concerns identified.

On 3-14-91 identified that surveys for use on the day shift were not completed on the mid shift as required by procedure.

In discussion with the P. Supervisor he felt this was an isolated incident caused by the contamination of the automatic counter. Concern closed.

The supervisor did agree the mid shift could have been conducted better possibly allowing the mid shift survey to be completed on time.

Completed by

Paul C. Miles

Date 3-31-91



This report is authorized by Section 11 of the Fair Labor Standards Act and other Wage Hour laws. While you are not required to respond, your cooperation is needed for the Wage Hour Division to make a determination of compliance under the applicable Act(s).

4/22/91
(Date)

Mr. ~~Mr.~~ Ted Boyer of 4331 Franklin
(Name of employee) (City or town) (State) (Number, street, apt. no.)
Lowland 80538.663-1730
(City or town) (State) (ZIP code) (Telephone number)

21+ years of age, (has/have been) employed by PSC
(Establishment)

(Location of establishment) for the approximate period from 6/80 to present
as Nuclear Training and Support Manager
(Occupation or description of duties) (If still employed state "present")

Statement: I am the immediate supervisor of Bill Woodard.

On 3/6 Bill and Marna and O'Conoughue, (Union Rep for H.P. for PSC) and me met. meeting was requested by Marna and O'Conoughue to express concerns about George Mc Triman. Marna and John are Peers. Marna said she was being harassed by George and John supported her. She felt George was treating her different than other H.P.s and it was sexual harassment; she is the only female H.P. They requested management investigate and take action. Marna thought George should be released.

0102/17 m. 0:10 17

were poor. George said he didn't have
problem and was unwilling to change.
I told him we must work together
as a team.

4 contract techs were to be released.

3 were case drivers. 4th would be George
or Keith Baer. I got to know Keith and
found his work very good. He started
here about 11/90. George was raising con-
cerns about pay rates of new workers
and amount of overtime work. Connor Rott
thought Keith was real good. Based on
all these facts I decided after the
meeting on 3/7 that George should
be the 4th tech to be laid off. ^{CPB 4/22/91} _{meard}

me and Bill were in Texas on business Mar
14-18 and agreed George should be laid off.
Paul Miles didn't talk to Bill until we
returned here 3/18.

This represents an accurate summary of our
meeting. on 4/22/91

Witness: R. Anderson, CO

J. Borst 4/22/91

Interoffice Memo



Public Service

Public Service Company of Colorado

PPC-91-0519

DATE: April 18, 1991
TO: All Nuclear Operations Personnel
FROM: A. C. Crawford, Vice President, Nuclear Operations
ATTN: J. B. Baird, NRC Senior Resident Inspector
SUBJ: CONCERN RAISED DURING ALL-EMPLOYEE MEETINGS

At one of my recent all-employee meetings, a concern was raised regarding the ability to identify safety concerns to QA or the NRC without fear of reprisal from management. I want to make my position crystal clear in this regard. Every employee has the right and responsibility to raise safety concerns when identified. This is no different than the responsibility each employee has to stop work if it is not being performed safely or in accordance with regulatory or procedural requirements. Concerns should normally be first raised to your management for resolution prior to taking them outside of your organization. But if this is not possible or has not met with success, do not hesitate to take your issue to QA or the NRC. Federal law prohibits management from discharging or otherwise discriminating against any employee as a result of raising safety concerns to QA or the NRC.

I hope this allays any concerns you may have with respect to reporting safety issues.

A. C. Crawford

Vice President, Nuclear Operations

ACC:FJB:djm

This report is authorized by Section 11 of the Fair Labor Standards Act and other Wage Hour laws. While you are not required to respond, your cooperation is needed for the Wage Hour Division to make a determination of compliance under the applicable Act(s).

4/22/91
(Date)

Mr. Bill Woodard of 615 Mt. Evans Plant
(Name of employee) (Place of interview)
Longmont (City or town) 80501 678-0818
(Telephone number)
21+ years of age, (has/have been) employed by Public Service
(Establishment)
H.P. supervisor for the approximate period from 72 to Present
(Location of establishment) (Occupation or description of duties) (If still employed state "present")

Statement: On 3/4 I called meeting of H.P. techs and said there would probably be no layoffs until 8/91. Except Dale and Keith would be laidoff by end of March I considered job performance, seniority and ability to get along as factors in picking Dale and Keith. I was only dealing with ARC workers, not PSC. There could be no guarantee of employment.

In late '90 I increased staff from ARC to handle temporary increase in work. There were 12 H.P. techs from ARC here on 3/11.

On 3/14 Mary Foster decided not to proceed with counting wipe surveys because counting instruments were contaminated; instead she tried to clean and decontaminate. Kevin McJirnan was to provide

radiological coverage on floor. I told another H.P. to decontaminate counter, and count wipes. George therefore had slower conditions because he had to use manual counter. Paul Miles saw some problem and talked to George.

On 3/18 Miles reported these facts to me. It was just work slowdown.

On 3/21 at 1 PM I called George into my office. I told him he would be let go, with several weeks more to work so he could find another job. He was upset - he thought it was because he talked to Paul Miles. I didn't know what he was talking about. George explained it was 3/14 incident but I said no. I told George his methods of communication within dept are bad.

George's work as tech was good. Ted Bowt made primary decision to layoff. He had decided on 3/7 to layoff George based on 7 PSC techs' conversations, and our meeting on 3/7 with George where we pointed out his style, and George said his abrasive style is c

BW

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P. J.
(Name)

1. Mr. Bill Woodard of _____
(Name of employee)

(Place of interview)

(Number, street, apt. no.)

(City or town)

State

ZIP code

(Telephone number)

years of age, (was/have been) employed by _____

(Establishment)

(Location of establishment)

for the approximate period from _____ to _____

(If still employed state "present")

(Occupation or description of duties)

Statement:

Forst decided after this meeting that George should be laid off.

Now 3/21 meeting George was irate, and wild illogical. He threatened to go to O.A., N.R.C., news media; he would get a lawyer. George requested early leaving that day. I called Don Alps and told him George would be leaving, and his reaction. I just consulted Don because he is manager. I escorted George off premises. I told George to call me tomorrow from guard shack.

On night of 3/21 George called me here at work and asked for my home telephone number and said I should expect phone calls. I did give him my number. I was irate.

sure n. of. at. v. u. u. -

On 3/27 George did call me from
quaid shack and I went there to pick
him up (his badge was already taken
away). I told him he was laid off immediately.
I told him he could go to NRC onsite

11-22/10-10-001

right away. We went to NRC trailers and
I conferred with J.P. Quaid. I wasn't
in room with George and Quaid. I then
took George for our checkout procedure,
then to office. Finally I took him
offsite.

Mr and Ted Borat decided not to let
George work anymore because of his
bad state of mind; he wouldn't do us
any good.

I read the above and found it ^{to be} ~~to be~~ ^{an} ~~an~~
accurate summary of our discussion.

Bill Whelan

Witness: G. Anderson, CO

This report is authorized by Section 11 of the Fair Labor Standards Act and other Wage Hour laws. While you are not required to respond, your cooperation is needed for the Wage Hour Division to make a determination of compliance under the applicable Act(s).

4/22/91
(Date) *PLS*

Mr. *Donald Alpt* of *601 8th St*
(Name of employee) (Number, street, apt. no.)
Borlind
(City or town) *80513* *532-2723*
(ZIP Code) (Telephone number)

21 years of age, (has/have been) employed by *PUBS*
(State)
St. Vrain for the approximate period from *14 years* to *present*
(Location of establishment) (Establishment) (If still employed state "present")

Security supervisor
(Occupation or description of duties)

Statement: *All my time has been here.*
On 3/21 afternoon Bill Woodard called me and said he wanted to delete unescorted access for George McTiernan and he wanted to know how to do it. I told Bill to do form 3 but I don't advise him what reason to check.

Later George told me he wanted to get at truth of whole matter and that's why he wrote letter to Labor Dept.

On 3/21 Bill just wanted to know how to delete access for George. He indicated no security issues were involved. He did not say why George was being laid off. I didn't talk to George that day. I read the above and found it true.



This report is authorized by Section 11 of the Fair Labor Standards Act and other Wage Hour laws. While you are not required to respond, your cooperation is needed for the Wage Hour Division to make a determination of compliance under the applicable Act(s).

4/22/91
(Date)

Mr. J. B. Baird of P.O. Box 640
(Name of employee) (Place of interview)

Plattsville (City or town) 80651 (Number, street, apt. no.) ZIP code 785-2781 (Telephone number)

21+ years of age, (was/have been) employed by NRC (Establishment)

for the approximate period from 17 years to present (Location of establishment) (If still employed state "present")
Senior Resident Inspector (Occupation or description of duties)

Statement: I have worked at St. Vrain since 1/91. I am specialist in radiological protection. Really here only; months.
George Mc Linnan called me at 1 P.M. on 3/1/91. He said he was being laid off and had been prevented from talking to me before. PSC had chosen to escort him offsite immediately instead of bringing him to me. George wanted to come to me rightaway. Bill Woodard escorted him offsite immediately because of upset behavior. I notified my allegations coordinator right away but we were unable to recontact George that day. George also claimed he was being fired because of previous contact with QA person.

On 3/72 morning Bill Woodard told me George wants to confer with me. We set appointment at 9:45 PM in my office on site. Woodard brought George to my office; just me and George talked. Then we got on conference call with Mike Murphy

in Texas. George told us he was being laid off and was prevented from contacting me. George was in control but upset when he called me previous afternoon.

another claim was that he had been told there wouldn't be more layoffs.

3rd claim was he had worked here 17 years and was qualified tech. 2 unqualified techs were junior to him and had not been laid off.

4th claim was good performance and he was commended in writing.

5th was he had been questioned by QA regarding work by another tech;

George said there was no safety issue miles had questioned him about contaminated instruments for counting.

George gave me list of Marny Porter's bad performance. Question of safety-connection. We believe there are no safety issues requiring immediate attention.

GBB

This report is authorized by Section 11 of the Fair Labor Standards Act and other Wage Hour laws. While you are not required to respond, your cooperation is needed for the Wage Hour Division to make a determination of compliance under the applicable Act(s).

1. 2
(Date)

Mr. F. J. Baird
(Name of employee)

(Place of interview)

(Number, street, apt. no.)

(City or town)

State

ZIP code

(Telephone number)

years of age, (was/have been) employed by

(Establishment)

(Location of establishment)

for the approximate period from

to

(If still employed state "present")

(Occupation or description of duties)

Statement:

NBC inspectors will follow up on his claims and see what action PSC has taken, and whether safety issues really were important. This will be a normal inspection. George told me there were no radiological hazards to personnel.

Our meeting was 20-30 minutes on 3/27. George said his firing was illegal because he had talked to quality assurance. We will interview QA to see what George told him - what he's blowing.

I read the above and found it true.

J. B. Baird

Witness: George Anderson

4/25 - Baird did not request confidentiality.

This report is authorized by Section 11 of the Fair Labor Standards Act and other Wage Hour laws. While you are not required to respond, your cooperation is needed for the Wage Hour Division to make a determination of compliance under the applicable Act(s).

4/22/91
Plant
5215 Collins Way
999-7305

Mr. Ed Stroud
Builder
21 years of age, (will have been) employed by ARC

for the approximate period from 4/89 to present
Senior H.P. Tech

Statement: I am site coordinator here. I've been here 7 years and have worked for ARC at other locations. I am 1 of regular workers in H.P., not supervising. I am liason between ARC in Georgia and our workers here, also some interaction with PBSO as requested.

On 3/4/91 Bill Woodard called meeting of all H.P. techs to tell us that Keith Baker and Dale Brathen would be laidoff by end of March; others will be retained thro 8/91. Bill did this so other techs wouldn't quit immediately to find permanent jobs. I have no influence on who will be laidoff, nor is there anything in our contract about that. Dale and Keith were recent hires here.

has considered last hired to be first hired.
Vale found another job and quit. Keith is
still here.

On 3/20 Woodard called me in and said
he changed layoff schedule; it would

be George McTierman instead of Keith. I
was shocked and asked why. Bill said
George has bad attitude. Bill said final
decision had been made. Bill thought
George is good technician.

I think Kwon was frustrated by safety issues.
Bill might have thought George has bad
attitude because he raised these issues.
This site has lax safety standards - I
have been at 11 sites. All of us have
been frustrated. George is more vocal on
safety and wants matters corrected. He
is a good technician and deals well with
other coworkers.

Mary Porter is hard to get along with; I
would have fired her for incompatence.

On 3/21 Bill called me at home to
say he will lay him off. Bill told me

FL

This report is authorized by Section 11 of the Fair Labor Standards Act and other Wage Hour laws. While you are not required to respond, your cooperation is needed for the Wage Hour Division to make a determination of compliance under the applicable Act(s).

(Date)

Mr. **Ed Stroud** of _____
(Name of employee)

(Place of interview)

(Number, street, apt. no.)

(City or town)

State

ZIP code

(Telephone number)

_____ years of age, (was/have been) employed by _____

(Establishment)

(Location of establishment)

for the approximate period from _____ to _____

(If still employed state "present")

(Occupation or description of duties)

Statement:

George is irate and will go to media and NRC. Bill said he would decide Friday whether to fire George immediately or let him work 3 more weeks.

I read the above and found it true.

Witness: G. Anderson, CO

Edward D. Stroud



This report is authorized by Section 11 of the Fair Labor Standards Act and other Wage Hour laws. While you are not required to respond, your cooperation is needed for the Wage Hour Division to make a determination of compliance under the applicable Act(s).

4/25/91

(Date)
Denver CO

(Place of interview)

I, ~~Mr.~~ ~~Other~~ ~~Miss~~ ~~Ms.~~ Ed Stroud, of _____
(Name of employee) (Number, street, apt. no.)

_____, _____, _____, _____
(City or town) State ZIP code (Telephone number)

_____ years of age, (year/have been) employed by _____
(Establishment)

_____ for the approximate period from _____ to _____
(Location of establishment)

page 3 of 3

(If still employed state "present")

(Occupation or description of duties)

Statement: TELEPHONE

Ed reported about a meeting which he believes occurred 3/6 according to notes on his calendar. Ed, George McTiernan, Bill Woodard, Marna Porter, and John O'Donahugue (union steward representing Marna) all met together. Meeting was a followup on George's memo on 2/10 (approx) to Marna criticizing her work. (Bill had directed George to write the memo.) Now Marna demanded apology from George for harsh tone of the memo. George apologized at the meeting but Marna wasn't satisfied. She complained to Bill that all H.P. technicians were against her. Ed questioned whether she was complaining specifically about George or all H.P. techs; Marna replied it was all of them, especially contract (ARC) techs. She said she didn't want anymore criticism from coworkers. Bill indicated he will handle the problem. Ed and George were dismissed from meeting.

Stroud reports that Marna is always in conflict with other employees. Her personality is hard to interact with and she is incompetent. When I indicated to Ed that Marna may have made some type of claim of sex discrimination or harrassment against George, Ed responed "baseless and ridiculous". In his position as ARC site representative at Fort St. Vrain, Ed acts as liason and intermediary between PSCo and ARC and often is present at meetings between workers and supervisors. At no time until I mentioned sex harrassment did Ed every hear anything like this. Ed believes it's

most unlikely such serious charges would be made against an ARC worker without himself knowing about it. Another common procedure if there is problem between PSCo and ARC is for the former to contact Robert Grant, personnel manager in ARC main office in Georgia, if it involves employees. Ed checked with Grant and learned PUBSco had not contacted him regarding George or any sex charge.

I asked Stroud whether he requests confidentiality for all the information he

furnished in the 2 statements. He said no--if his information will help speed the case to conclusion.

CO Anderson

**Public Service**

Public Service Company of Colorado

Interoffice Memo

PCC-91-0046

DATE: May 2, 1991

TO: Ms. Salie O'Malley, Kelly, Stansfield, & O'Donnell, HOB, Suite 900

FROM: Frederick J. Borst, Nuclear Training and Support Manager, FSV

ATTN: Messrs. A. C. Crawford and C. H. Fuller

SUBJ: PREPARATION FOR LITIGATION

The following information has been prepared per your request in anticipation of litigation. We are also seeking your legal advice in this matter.

Late in 1990, we brought four (4) contract Health Physics Technicians to Fort St. Vrain through our contractor, ARC, in order to support fuel shipping, which was scheduled to begin in February of 1991. Shortly after February 1, 1991, it became obvious that we were not going to ship, so we began to prepare to downsize four (4) contract Health Physics Technicians. Initially it was thought that we would simply release the four (4) newest Technicians, which would leave Mr. McTiernan on site. However, through February and early March, several things happened which led me to decide to release Mr. McTiernan and keep, instead, Mr. Keith Bare, one of the new contract Health Physics Technicians. These included the following:

I was getting indication from Mr. Bill Woodard, Health Physics Supervisor, that Mr. McTiernan's attitude and morale had been declining since the first of the year, because he was unhappy that the new Technicians were making the same salary that he was, and that we were treating contractors differently in terms of eligibility for overtime. I was able to confirm Mr. McTiernan's change in attitude through personal observation.

I was becoming more and more impressed with Mr. Keith Bare, both technically and interpersonally. I felt that his response to the contamination event in the Hot Service Facility was noteworthy. When asked, the PSC Health Physics Technicians were unanimous that Keith should be kept.

On March 6, 1991, Mr. John O'Donoghue, the Health Physics Union Steward, and Ms. Marna Porter, one of our PSC Health Physics Technicians, requested a meeting with Bill Woodard and me. At that meeting, Marna expressed her concern with the treatment that she was receiving from Mr. McTiernan, and stated that she felt that it constituted sexual harassment. Mr. O'Donoghue supported her concerns. Management was requested to review the situation and take appropriate action.



Public Service

Public Service Company of Colorado

Interoffice Memo

PCC-91-0046

May 2, 1991

Page 2

On March 8, 1991, Mr. Woodard and I met with Mr. McTiernan to discuss concerns relative to his interpersonal skills. Mr. McTiernan denied that he had a problem, while acknowledging that he was sarcastic. He indicated that he felt that his communications style was appropriate, and indicated that he was not willing to change. Immediately following this meeting, I made the decision that Mr. McTiernan would be the fourth and final contract Health Physics Technician to be released due to the fact that we were not shipping fuel. I discussed this decision with Mr. Chuck Fuller on March 8, 1991, and he concurred. This was six (6) days prior to the discussion that George had with Mr. Paul Miles, a Quality Assurance Inspector, and thirteen (13) days prior to Mr. McTiernan being informed that he would be released.

It should be noted that Mr. Woodard continued to champion keeping Mr. McTiernan based on his technical competence, and the decision to release Mr. McTiernan was made by me based on my perceived fit of George into the Health Physics Unit from a team building aspect. One of the stated goals for the Health Physics organization is to have an excellent Radiation Protection Program during the Defueling and Decommissioning of Fort St. Vrain. To have such a program requires a cohesive and cooperative group. Mr. McTiernan did not fulfill these requirements.

On March 21, 1991, Mr. McTiernan was informed that he was being released, and he became very upset. He demanded that he be allowed to leave the site immediately, and after conferring with Mr. Don Alps, Security Supervisor, Mr. Woodard decided to let him go for the day and pull his unescorted access to the protected area. Mr. Woodard called me and informed me of these events at approximately 1:30 pm. I concurred with Mr. Woodard's decision, and immediately called Mr. Fuller to discuss the events of the day, along with my thought that we consider releasing Mr. McTiernan on March 22, 1991, rather than allowing him to stay for several more weeks. Mr. Fuller concurred with the decision of Mr. Woodard, and agreed that we should discuss Mr. McTiernan's release date the next day, March 22, 1991.

Later on March 21, 1991, after leaving the site, Mr. McTiernan called Mr. Woodard, requested his home phone number, and indicated that he should be expecting some telephone calls at home that night. When Mr. Woodard informed me of this at approximately 4:30 pm on March 21, 1991, my interpretation was that Mr. McTiernan was threatening Mr. Woodard with harassment or physical harm.

**Public Service**

Public Service Company of Colorado

Interoffice Memo

PCC-91-0046

May 2, 1991

Page 3

On the morning of March 22, 1991, Mr. McTiernan arrived at the site and announced to all who entered the protected area that he was being fired for talking to Quality Assurance. Based on my belief that Mr. McTiernan was no longer going to be a productive member of the Health Physics Unit, I made the decision to release him that day. This decision was agreed to by Mr. Fuller. In order to allow Mr. McTiernan the opportunity to freely express his concerns, Mr. Fuller and I initiated a private meeting between Mr. McTiernan and Mr. J. B. Baird, U. S. Nuclear Regulatory Commission Senior Resident Inspector, on March 22, 1991, inside the protected area. Mr. McTiernan left the site late the morning of March 22, 1991.

Frederick J. Borst

Frederick J. Borst

FJB/alk

CHRONOLOGY OF MCTIERNAN EVENT

Prepared for discussion with counsel on 5/23/91

Monday, February 18, 1991

First staff meeting

Issued "Scenarios" developed at ELT of 2/12/91

Next meeting 2/22/91

Discussed work activities

Friday, February 22, 1991

Reviewed proposed changes

Ted submitted "four HP" to be released "now"

Actually two of four already gone

Wednesday, March 6, 1991

Fuller transmitted destaffing table to Fisher at 0900

Fuller incorporates April date if Multi-shift coverage

Release soon if no Multi-shift coverage

Borst/Woodard meet with Porter/O'Donoghue

Porter feels she is harassed by Mr. McTiernan

Friday, March 8, 1991

New staffing plan due to Crawford

Borst/Woodard meet with Mr. McTiernan regarding Porter

Mr. McTiernan denies he has problem

Mr. McTiernan states he will not change

Borst talks to Fuller about letting Mr. McTiernan go

Mr. McTiernan is technically qualified

Woodard would like to keep Mr. McTiernan

Mr. McTiernan not a team player-major HP issue

Impact on HP staff adverse to making changes

Decide to let Mr. McTiernan go

Fuller concurs

Discussed keeping two weeks after notification to give George time to adjust-OK

Tuesday, March 12, 1991

Crawford informs ELT that decision on Hiatus staffing is forthcoming, but plan on it (ie early release)

Thursday, March 14, 1991

Miles performing monitoring of activities on Fuel Deck

Overhears Mr. McTiernan and Miller (?)

Miles approaches Mr. McTiernan

Mr. McTiernan complaining that Porter did not get wipes counted on graveyard shift

Would impact schedule on Fuel Deck

Mr. McTiernan complains that he would have to finish graveyard counts, plus dayshift counts-schedule impact

Problem was that Automatic counter was down

Technically a possible procedural violation

Friday, March 15, 1991

Miles talks to Gappa

Asks how things went on 14th

Gappa says OK but didn't get everything done they wanted to because of counting delay

Miles intends to talk to Woodard

Woodard in Texas

Decides to talk to him on Monday, March 18, 1991

Monday, March 18, 1991

Miles talks to Woodard

See if procedural violation occurred due to counts not being read on graveyard shift of 3/14/91

Bill explains problem with Auto counter

Counter contaminated on dayshift 3/13/91

Graves on 3/14/91 couldn't use counter

Better anticipation on part of Graveyard HP tech could have been done, but not a serious problem.

No names mentioned between Woodard and Mr. Miles at this time

Miles talks to his supervisor (Moore) about the event

Miles tells supervisor that he considers it an isolated instance

Miles tells Moore that "Appears to be internal HP problem, not a safety issue"

Moore tells Miles that it is not QA role to get involved in internal problems-agrees not a safety issue

Miles thinks issue is dead

Thursday, 3/21/91

Miles on vacation

Woodard informs Mr. McTiernan of his release, offering two week notice or reasonable time to get another job

Mr. McTiernan becomes extremely irate

Demands to be allowed to go home

Rants that Woodard can't release him because he is buying a new truck

Accuses Woodard of using QA issue to release him-Bill doesn't immediately recall issue

Mr. McTiernan threatens law suit if released

Demands to see NRC/QA immediately, then demands to be let off to go home immediately

Accuses SEG (site contractor) of blackballing him

Retracts statement about law suit-again demands to go home

Woodard confers with Alps on letting Mr. McTiernan go for the day

Releases Mr. McTiernan for the day

Administratively withdraws unescorted access due to Mr.

McTiernan's emotional behavior-Alps recommendation

Woodard escorts Mr. McTiernan off-site

Mr. McTiernan gets on Gaitronics-says ???

Woodard calls Baird and fills him in on the situation

Woodard calls ARC and informs them

When Borst returns, Woodard discusses with Borst, and Borst concurs with Woodard's action

Borst calls Fuller to let him know of the behavior of Mr. McTiernan when he was informed, and of Mr. Woodard's decision to let Mr. McTiernan go home for the day

Borst recommends immediate release, versus two week notice

Borst concerned about Mr. McTiernan's unstable behavior

Borst/Fuller agree to decide the next day

Perhaps Mr. McTiernan will have calmed down

Mr. McTiernan calls Woodard and demands to know Bill's home telephone number

Tells Woodard to expect several phone calls that night

Woodard provides phone number

Woodard feels intimidated and threatened

Woodard tells Borst of this phone call

Friday, 3/22/91

Fuller arrives on-site at about 0645

Observes Mr. McTiernan at main entry, announcing to all that he was released for talking to QA-nearly out of control, emotionally

Accuses PSC of refusing to let him talk to NRC

Loudly pronounces that he is going to sue PSC and "get them"

Fuller immediately proceeds to Borst's office to discuss with Borst

Borst informs Fuller of Mr. McTiernan's phone call demanding Woodard's number

Fuller asks Borst about Mr. McTiernan's allegation on refusal to permit access to NRC

Borst questions how PSC was doing that when everyone on site knows JB and his number is published. Also Woodard informed Jb of incident previously

Borst calls Baird and informs him that we have an employee who is alleging PSC refuses to let him talk to NRC-sets up meeting between JB and Mr. McTiernan

Based on Mr. McTiernan's continued emotional behaviour, Fuller/Borst decide immediate release is appropriate

Private meeting between Baird and Mr. McTiernan occurs

Miles on vacation

3/25/91

Mr. Miles hears rumor from Moore that Mr. McTiernan is saying he was released because of his talking to QA

Mr. Miles stresses to Moore that he (Miles) had approached Mr. McTiernan, and not the other way around

Ed Stroud (ARC rep) comes over to QA to talk to Miles.

Insert interview with Miles

Insert comment from Miles that he had heard that we were going to be forced to bring George back

Insert comment that Miles stated he had been interviewed but that he didn't know if he had done any good. My comment to tell it like it is

4/26/91

Walked into Ted's office this pm while he was having a phone conversation with Mary Will. Mary stated that she was under the understanding that the decision on George was going to go against us. I asked on what basis and she said that she wasn't positive, but that it looked like it would be on the fact that the Labor rep. thought that there was some basis to George's assertion that the reason he was let go was because he had talked to QA about a safety issue. This surprised me since George's discussion with QA was not a safety issue at all.

I asked Mary what our options were and she stated that we could either pay George the one week's salary that he had lost (between jobs) or that we could go to hearing. I asked what "going to hearing" meant, and she said that is where we could present our case. Obviously, going to hearing would involve a great deal more expense to PSC than one week's salary, but Mary stated that it was really a management decision on what we wanted to pursue.

The conversation ended with Mary telling us that she would keep us posted. Apparently the Labor rep still had to get his recommendation through his boss before anything formal came back to PSC. Mary thought that we could be expecting something soon, probably on Monday.

4/29/91

At about 3:40 pm received a call from Frank Novachek. Frank had apparently received an inquiry from the Rocky Mountain News (presumably via Media Relations or Labor Relations) regarding the dismissal of George McTiernan. Frank was unaware of the subject. I filled Frank in on what had gone on from my perspective. I indicated to Frank that I was astounded about the allegation since it

had no merit. Frank specifically wanted to know if we had received anything from the Dept. of Labor regarding the decision from them. I told him I did not know, and that I personally had not received anything. We also discussed the fact that I had been in Ted's office last Friday (4/26/91) when Mary Will's had relayed on her understanding of what the Labor Dept investigator's opinion was (see above).

From home, I called Ted Borst to see if he had heard of any formal decision. He said that he had not, but he had been assured by Sally O'Malley and Mary Will that they would let him know as soon as they had gotten anything official. During the course of this conversation, Ted asked me if I recalled that he and I had discussed the release of George McTiernan before the incident with QA, so it didn't make any sense that George could assert that that was the reason he was let go. I told Ted that I would have to check my notes, but that is also exactly how I remembered it.

I also asked Ted if he felt there was any way he or I could be on the "garden path". He said he didn't think so--everything was on the up and up. We discussed the fact that Bill Woodard was very supportive of George with respect to not letting him go because of George's technical skill. Again, neither Ted, nor Bill, nor I had any heartburn with George's technical skill. In fact, from a technical perspective, Bill was in favor of letting Keith Bear (?) go and keeping George. Ted and I had discussed that earlier (again before the QA incident) and concluded that equally important to the technical issue was the teamwork issue. George had a reputation of not being a team player within HP and elsewhere, and this is exactly what the major issue was in HP, both from our prospective and the NRC. Ted and my objective was to develop a better team in HP

I also asked Ted about Mary Will's passing comment on the Friday conversation about sexual discrimination with regard to her belief that Marna had said that during her interview. Ted stated that on March 6, 1991, during Ted's interview with Marna (John O. was present) Marna had said that she felt that George was discriminating against her just because she was a woman in HP. This is different than Marna's statements to me previously, (back in November, 1990) in which she stated that she wasn't sure what was meant by sexual discrimination, but she didn't think so. Ted and I both remember that during those interviews, Marna didn't really want to point the finger at anybody (regarding the possible harassment she was

getting--see the Marna Porter file) but that she was suspicious of one person. I had to press Marna to say who that was, but she eventually indicated that her feelings were directed at George McTiernan.