

REPORT OF INTERVIEW
WITH
FREDRICK JON BORST

BORST was interviewed by Nuclear Regulatory Commission (NRC), Senior Investigator Daniel R. Gietl, Office of Investigations, Region IV, on February 13, 1992, at Fort St. Vrain (FSV) nuclear power plant in Platteville, Colorado. BORST requested that Attorney Salie O'MALLEY with the law firm of KELLY, STANSFIELD, and O'DONNELL, be present during this interview as his representative. This firm represents the Public Service Company of Colorado (PSC). O'MALLEY attended this entire interview.

BORST stated he had been employed by PSC for 11 1/2 years and has been in his present position as radiation protection manager since July 1, 1991. Prior to that time, he was the nuclear training and support manager from late 1988 until his present position.

BORST was provided a copy of his statement dated April 22, 1991, to the Department of Labor (DOL). BORST read this document, identified it as a statement he gave to DOL and stated that it was an accurate representation, except for one item. BORST noted that on the first page, it referenced that there was a meeting on March 7, 1991, between himself, Bill WOODARD, Health Physics (HP) Supervisor; and [REDACTED] Health Physics Technician (HPT); however, the meeting actually took place on March 8, 1991. BORST stated he realized the error after he had talked to the DOL investigator and had checked his calendar. BORST also identified a copy of a document entitled, "Notes of Meeting held March 7, 1991," as a document he had prepared after [REDACTED] departure from FSV. BORST noted that he had altered the date to reflect the March 8, 1991, meeting and this was after checking his calendar and after he presented a copy of these notes to the DOL investigator. 10

BORST was given a copy of PSC interoffice memorandum, PPC-91-0239, and he identified this as the document provided to the NRC investigator the day before this interview. BORST was then shown a second copy of the same memorandum that had notes written on it by Tim SCHLEIGER, Superintendent of Chemistry Radiation Protection, and WOODARD that were additional commendation notations. BORST explained that the copy that he provided to the NRC investigator was from the document system, and the copy the NRC investigator had was a copy that had been given to SCHLEIGER. BORST was asked if there was any other personnel file other than the one presented to the NRC investigator on Tuesday, February 10, 1992, which only reflected documents concerning the DOL suit and a copy of BORST notes as to his March 8, 1991, meeting. Specifically, BORST was asked for a copy of a commendation memo from WOODARD to [REDACTED] dated July 1990 that congratulated [REDACTED] on being a hard working and personable individual. BORST was advised this document had been reviewed by the DOL investigator during the course of that investigation. BORST stated that he is not familiar with that memorandum and had not been able to locate it and did not know what kind of personnel file the DOL investigator was talking about.

BORST was asked why [REDACTED] had been terminated. BORST stated that [REDACTED] had not been terminated, only Applied Radiological Controls, Inc. (ARC) could terminate one of their employees. BORST said he simply advised

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ARC that [REDACTED] was no longer needed. BORST was asked why [REDACTED] had been laid off. BORST stated that there were a few reasons. Primarily, according to BORST, PSC was down sizing because of the uncertainties in sending spent fuel to Idaho; therefore, they needed to lay off certain HPTs. BORST was asked to specifically address why [REDACTED] was selected as one of the two technicians to be laid off. BORST stated that it is usually based on seniority, and [REDACTED] had been selected to stay during an initial cut. BORST stated that he later changed his mind and decided to keep [REDACTED], another contract HPT, and lay [REDACTED] off. BORST stated that there were several things that came up after this initial cut to cause him to change his mind in letting [REDACTED] go and keeping [REDACTED]. The reasons were:

- (1) BORST stated that WOODARD reported that [REDACTED] attitude and morale had been declining;
- (2) BORST said [REDACTED] was complaining to his supervisor, WOODARD, that with the new contract, the HPTs were making the same salary as he was, and he [REDACTED] felt he should make more because he had been there longer;
- (3) BORST said [REDACTED] did not feel that the contract HPTs were treated like the PSC HPTs as to overtime. BORST stated that [REDACTED] was correct and that was due to the labor agreement. Management must offer the PSC HPTs the overtime first, and if they don't want it, then it can be given to contract HPTs;
- (4) BORST stated that his personal observation was that [REDACTED] was declining in morale and attitude and that he found himself in agreement with WOODARD on this point. Further, BORST noted that [REDACTED] was more volatile, having mood swings from being very happy to very sad and that this was a different attitude than previously exhibited by [REDACTED];
- (5) BORST stated that he also observed [REDACTED] performance and found him to be a very hard working individual that did a good job;
- (6) BORST stated that there was a specific incident in February 1991 regarding the hot service facility. Some equipment was being cut up and contamination spread due to inadequate controls. [REDACTED] according to BORST, responded excellently to that clean-up and made recommendations. Further, [REDACTED] was very outspoken in a constructive way in how industry does things and how to improve the situation in the future. It was obvious to BORST that [REDACTED] had great industry experience;
- (7) BORST stated that some concerns had been raised to him by [REDACTED] a PSC HPT, accompanied by John O'DONOGHUE, who is the union steward for the PSC HPTs. On March 5, 1991, O'DONOGHUE approached BORST and told him that [REDACTED] was considering filing a grievance because [REDACTED] had been rifling through [REDACTED] desk.

BORST stated that on March 6, 1991, he met with [REDACTED] and O'DONOGHUE concerning this incident. According to BORST, [REDACTED] basis for the sexual harassment was that [REDACTED] treated her differently than other HPTs and that was because of her gender. BORST stated that at the time, [REDACTED] was the only female HPT at FSV. According to BORST,

O'DONOGHUE supported this position and O'DONOGHUE made an official request that management investigate and take appropriate action. BORST asked O'DONOGHUE and [REDACTED] what they thought would be appropriate and they stated that they thought [REDACTED] should be let go.

BORST stated that he and WOODARD met with [REDACTED] on March 8, 1991, and he referred to the minutes of that meeting, previously identified in this interview. BORST, when asked, stated that the notes summarized accurately what transpired during that meeting of March 8, 1991. BORST said the notes of that meeting reflected that he talked to [REDACTED] about his poor relationships, interactions, and communication with the other HPTs and that [REDACTED] told him that he was not going to change the way he did things. BORST stated that he met with his supervisor, Chuck FULLER, Manager Nuclear Production, PSC, later on March 8, 1991, and described [REDACTED] complaints and BORST's subsequent meeting with [REDACTED]. BORST stated he told Fuller that it was his recommendation that [REDACTED] be let go, and FULLER concurred with that recommendation.

BORST was asked if WOODARD, [REDACTED] immediate supervisor, agreed with his decision to lay [REDACTED] off, and BORST stated no, that WOODARD had always been a champion of [REDACTED] and believed that [REDACTED] should be kept. BORST acknowledged that the initial cut was made in very late FEBRUARY 1991, just before and prior to WOODARD issuing a night log on March 4, 1991, and WOODARD subsequently having a staff meeting during which the two individuals to be laid off were identified. BORST admitted that the night log did reflect his initial cut, and [REDACTED] was not one of the HPTs identified to be laid off.

It was pointed out to BORST that something must have occurred between March 4 and March 8, 1991, that caused him to change his mind and to let [REDACTED] go and to keep [REDACTED]. BORST was asked if [REDACTED] complaints cited earlier about the new HPTs salary occurred before March 1991. BORST admitted the complaint was made at the end of 1990, as that was the last time any new HPTs were hired. BORST further admitted this complaint was known to him before he made his initial cut on March 4, 1991. BORST also admitted WOODARD's report of [REDACTED] declining morale and attitude was made prior to his initial cut of March 4, 1991. BORST was asked about his reason #3, regarding [REDACTED] complaints about the overtime, whether he or WOODARD had ever explained to [REDACTED] about the labor contract. BORST stated that he had not talked to [REDACTED] about this and assumed, although he doesn't know, that WOODARD would have explained the overtime provisions to [REDACTED]. BORST admitted the overtime complaints were known to him before making his initial cut of March 4, 1991. BORST was asked what personal observations were made between March 4 and March 8, 1991, that changed his mind about [REDACTED] morale and attitude. BORST stated he could not cite any specific example of what occurred during the March 4 to March 8, 1991, period that he had not already seen prior to his initial cut of March 4, 1991. BORST stated, however, that he did have an opportunity to see [REDACTED] about every 2 days and that he did attend some morning meetings and other informal meetings, and he did see a change in [REDACTED].

As to items #5 and #6, BORST was asked if his observation of [redacted] and the specific incident in February 1991, were known to him when he made his initial cut by March 4, 1991. BORST acknowledged that he was aware of [redacted] prior to his initial cut, but BORST continued to be impressed by [redacted] 7C

It was pointed out to BORST that it appears that only item #7, an event that occurred during the March 4 to March 8, 1991, period, must have been the triggering event to have BORST change his mind. Further, that the other six items were all known to BORST prior to him making his initial cut by March 4, 1991, which was to retain [redacted] BORST did not respond to this statement.

BORST was asked about the meeting on March 6, 1991, with [redacted] and O'DONOGHUE, when they requested an investigation and appropriate action be taken by management. BORST was asked to describe his investigation of this sexual harassment. BORST stated his investigation centered primarily around the meeting with [redacted] which took place on March 8, 1991. BORST was asked if he investigated the allegation that [redacted] had rifled through [redacted] desk. BORST stated he was not able to determine if [redacted] rifled [redacted] desk. BORST was asked if this was the same incident where [redacted] left uncounted wipes on her desk in the HPT area and were found by [redacted] BORST admitted this was the same incident in which uncounted wipes had been left by [redacted] on her desk and were found and counted by [redacted] BORST acknowledged that [redacted] did an appropriate job when locating these wipes. He immediately, without direction, counted them and determined that the levels were not significant problems. BORST stated it was also appropriate for [redacted] to have reported this to his supervisor, WOODARD. BORST did not believe that [redacted] leaving uncounted wipes on her desk in the HPT area, was a potential safety violation.

BORST stated the policy that no contaminated items should be brought into the HPT area was a good practice, but he contended that there was no safety problem with this incident. It was pointed out to BORST that every other HPT interviewed found the incident to be a potential safety violation. BORST responded that everybody is entitled to their opinion.

BORST was asked if this particular incident, where [redacted] found contaminated wipes, in violation of policy, unread on [redacted] desk and reported the incident to WOODARD after assuring they did not exceed safety levels, would constitute harassment or was [redacted] simply doing his job. BORST stated that [redacted] was doing his job and that there was no harassment. BORST was asked why [redacted] was not asked for his side of the story during the March 8, 1991, meeting. BORST stated that [redacted] had been given an opportunity to present his story during the meeting. It was pointed out that BORST's notes of that meeting do not reflect [redacted] was given such an opportunity, but rather the notes indicate a one-sided meeting where [redacted] was told of his deficiencies with interpersonal skills and that others in the organization felt [redacted] had a problem. Further, BORST's notes reflect that [redacted] responded that he did not have a problem and was not going to change. 7C

BORST stated he must have been confused because this incident was not as important as other harassment problems raised by [redacted] at the March 6, 1991, meeting. BORST stated that [redacted] also alleged that [redacted] was more harsh in his criticism of her and called her down in front of the other employees at

meetings. BORST was asked why the wipe incident was not discussed at the March 8, 1991, meeting. BORST stated their investigation of the incident was not completed until after the March 8, 1991, meeting.

There was a lengthy discussion at this point with BORST regarding his point #7, as to why sexual harassment was part of the reason for his decision to let [redacted] go. Again, BORST brought up [redacted] inability to get along with other HPTs. BORST was again asked whether or not there was sexual harassment with the wipe incident, based on the facts as he knows them now. BORST stated there was no sexual harassment with the wipe incident; however, he was unable to determine if there was sexual harassment regarding the harsh criticism and the calling down of [redacted] in front of the other HPTs. BORST stated he and WOODARD investigated the harassment charges. It was pointed out to BORST that about 1 hour earlier, WOODARD told the investigator that he had never discussed harassment with BORST. BORST stated he did not know why WOODARD would state that because WOODARD was at the March 6, 1991, meeting when harassment was initially alleged by [redacted] and O'DONOGHUE.

It was again pointed out to BORST that of the seven items he listed as reasons for changing his mind between March 4 and March 8, 1991, to lay off [redacted] that the only item occurring during this period was the incident that [redacted] brought up on March 6, 1991. Since BORST had determined that [redacted] had not been sexually harassed and [redacted] was doing his job, why would that have been part of a determination for letting [redacted] go. BORST stated that incident was not the only issue and that he was still concerned with [redacted] ability to get along with 50 percent of his PSC HPT staff. BORST was asked how he arrived at the 50 percent figure, and BORST responded that he had four PSC HPTs. Two liked and got along with [redacted] and two did not, and he could not have that in his department. It was pointed out that there were 10 HPTs at the time, and it would seem that 20 percent, or two HPTs, did not get along, while 80 percent did get along with [redacted]. BORST stated that he was not concerned with the contract HPTs. He was concerned with his own PSC HPTs because that is where his loyalty lies. BORST continued, that he still could not determine whether or not there was other sexual harassment on the part of [redacted] besides the uncounted wipe incident. BORST was asked why he would use an unfounded allegation as one of his reasons for letting [redacted] go. Specifically, regarding the two sexual harassment charges, on one allegation, it had been determined there was no sexual harassment, but just the opposite, a good job by [redacted]. BORST responded again that 50 percent of his PSC HPTs did not get along with [redacted] and BORST could not have that in his department; therefore, he decided to let [redacted] go.

BORST admitted that he had complaints from the other HPTs about [redacted] for the last couple of years. BORST acknowledged that [redacted] had received more complaints from the other HPTs for performance problems than any other HPT. BORST also acknowledged that in previous years [redacted] had been disciplined twice [redacted] for not doing surveys and for falsifying records. BORST stated the falsification of records resulted in five NRC violations, and [redacted] had been [redacted] for these violations. Upon further questioning, BORST admitted that this last disciplinary action happened in October 1990, about 3 months prior to her allegations about [redacted].

BORST stated he attempted to let the HPTs, who were to be laid off, know as soon as possible, so that they had time to get another job before summer. BORST was asked why he waited until March 21, 1991, to inform [redacted] if he had decided on March 8, 1991, to lay him off. BORST stated that WOODARD apparently had some reservations and was not comfortable in letting [redacted] go; therefore, he did not tell [redacted] until March 21, 1991. BORST was asked who actually made the decision to lay off [redacted], and BORST responded that it was his decision. BORST was asked why his manager did not follow his directions. BORST stated that he was not sure, but WOODARD was uncomfortable. During their trip on March 14, 1991, BORST said he told WOODARD that he must tell [redacted] as soon as they return from their trip so [redacted] would have time to find another job. BORST was asked why WOODARD waited until Thursday, March 21, 1991, to tell [redacted] as they returned from their trip on Monday, March 18, 1991. BORST stated he did not know why WOODARD delayed telling [redacted].

BORST stated that he was familiar with the Quality Assurance (QA) Engineer, Paul MILES, incident where wipes left by [redacted] had not been counted; however, BORST stated he had already made his mind up about letting [redacted] go and nothing in that event affected his decision.

BORST was asked what happened to the note that [redacted] wrote to [redacted] that caused the alleged sexual harassment claim. BORST stated that WOODARD threw it away and does not know if anyone else other than [redacted] or WOODARD had read the note. BORST does not recall if the incident regarding the note was brought up in his March 6, 1991, meeting with O'DONOGHUE and [redacted] where they alleged that [redacted] was rifling through [redacted] desk.

BORST was asked if he was aware that WOODARD had called a meeting on March 7, 1991, between [redacted] Ed STROUD, ARC site representative; and O'DONOGHUE. BORST stated he was not aware of the meeting. BORST was asked that if he had known about the March 7, 1991, meeting where [redacted] apologized for the tone of the message and had agreed with [redacted] to work to improve communications, would this have made any difference in his decision. BORST stated no, it would not have made any difference at all because it was obvious from [redacted] attitude that there was a problem. BORST was asked why the March 7, 1991, meeting was not discussed at the March 8, 1991, meeting. BORST responded that it was [redacted] fault because he never raised any issues at that meeting. BORST was asked why WOODARD, who conducted the meeting and was part of the HP management team, did not advise him [BORST] of that meeting. BORST stated he did not know why WOODARD had failed to tell him about that meeting. BORST was asked, if considering all that he knew about the March 7, 1991, meeting, would he have reacted any differently at the March 8, 1991, meeting if he had been in [redacted] place. BORST said he could not comment on how he would have handled the situation. BORST was asked if he confronted [redacted] about the sexual harassment charges at any time. BORST stated he did not inform [redacted] of the sexual harassment charges at that meeting. BORST was asked why he had not, considering he had not investigated the desk incident until after the March 8, 1991, meeting, so apparently BORST must have assumed that it was a legitimate complaint. BORST stated that he just did not go into that area with [redacted].

BORST stated that he decided, on the morning of March 22, 1991, that (b) would not be able to return for 2 or 3 weeks, and his lay off would be effective immediately. BORST stated his decision was based on the March 21, 1991, reaction that (b) exhibited to WOODARD when told about the lay off and secondly, on the morning of March 22, 1991, (b) was at the front gate informing those that were coming in that he was being let go for having talked to QA. BORST stated that some of the employees commented to him that (b) was "nuts." BORST was asked why he accepted WOODARD's version of (b) behavior at the March 21, 1991, meeting as BORST was aware that WOODARD did not always tell him everything. BORST stated that WOODARD did not always tell him everything, but he did believe WOODARD's observations.

BORST stated that he was familiar with DOL's initial findings; however, he felt that they were inaccurate. BORST stated he did not let (b) go because (b) raised some safety procedure problems, but was let go for the reasons set forth in this interview. BORST stated that he had not seen a copy of the DOL report, only a letter summarizing the findings.

BORST was asked whether he had ever considered removing (b) from her position due to bad performance. BORST stated yes, after her second violation in October 1990. BORST said (b) was on probation and with an additional incident, she would have been terminated. BORST admitted that he gives more creditability to his PSC HPTs than he does to the contract HPTs. BORST admitted that (b) had been (b) twice for falsifying records and not doing required surveys. BORST also admitted that (b) a contract HPT, had not been disciplined for performance or integrity and he (b) enjoyed a good reputation. BORST stated he still give more creditability to (b) as he was more loyal to the PSC HPTs. 7c

BORST stated that in October to November 1990, there was a meeting wherein several incidents were reported to him by (b). According to BORST, (b) found her car with a flat tire with scissor tips stuck in the tire; dirt from the area swept under her desk; missing files; and a defaced cracked hard hat. BORST stated that he and FULLER met with (b) and she thought she was being harassed, but did not know by whom, although she thought it might be someone in the health physics area. According to BORST, (b) believed this because only someone in health physics would know when she came and went. BORST asked (b) what she wanted done, and (b) said she wanted to wait and see and did not want the HPTs interviewed. BORST stated that about 2 weeks had passed between these incidents and this meeting and no other incidents occurred, so things were put on hold at that time. (b)

This report prepared on February 13, 1992, from investigator's notes.



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