



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406 1815

JUN 24 1991

June 24, 91

6-71

(17)

[ ]

Dear [ ]

SUBJECT: CONCERNS YOU RAISED TO THE NRC REGARDING ACTIVITIES AT MILLSTONE UNIT 2

This refers to your conversations with Peter Habinghorst on May 31 and June 20, 1991, during which you expressed a belief that you were harassed.

This is not a safety issue and the NRC therefore plans to take no action on this matter. The Department of Labor (DOL) has the authority to investigate issues of harassment. As you've previously been informed, in order to protect your rights, you must file a written complaint with DOL within 30 days of the occurrence of the discrimination. Any such complaint can be filed with your local DOL office or:

The Office of Administration  
Wage and Hour Division  
Employment Standards Administration  
U.S. Department of Labor, Room 53502  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Your complaint must describe the firing or discrimination you feel occurred. A copy of the DOL's "Procedures for Handling of Discrimination Complaints Under Federal Employee Protection Status" is also enclosed for your attention.

Should you have any additional questions, or if I can be of further assistance in this matter, please call me collect at (215) 337-5183.

Sincerely,

*Eugene M. Kelly*  
Eugene M. Kelly, Chief  
Projects Section

Enclosure: as stated

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 7C  
FOIA 93-162

T/116

Dec 1976

J. Stewart

W. Raymond

Allegation File No. RI-91-A-0124 ~~2/1/77~~

0124

10/11

19

Information concerning a hearing in the [redacted] vs Millstone DOL complaint.

In this complaint, [redacted] alleged discrimination in that a co-worker was chastised for his associations and discussions with [redacted]

The Area Director, in a letter dated July 11, 1991, did not accept the complaint. In not accepting the complaint, DOL noted that the facts show that no adverse action was taken against [redacted] appealed to an ALJ.

Awaits action by the DOL ALJ. For the Allegation Panel.

- cc: T. Martin
- W. Kane
- C. Hehl
- E. Wenzinger
- ~~D. Haverkamp~~ E Kelly
- K. Smith
- C. White
- R. Fuhrmeister
- J. Lieberman

*Rich*  
*FXT*  
*There's an allegation open on this*

DJH  
 10/17/91

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 FOIA- 92-162

*7/18*

0124

1471

(20)

DOL ALJ Recommended Decision and Order Granting Respondent's Motion for Summary Judgement and Dismissing the Complaint in the [redacted] vs. Millstone DOL complaint.

In this complaint, [redacted] had alleged discrimination in that a co-worker was chastised by his supervisor for his associations and discussions with [redacted]

The Area Director, in a letter dated July 11, 1991, did not accept the complaint. In not accepting the complaint, DOL noted that the facts show that no adverse action was taken against [redacted] appealed to an ALJ.

The ALJ, in the attached recommended ruling, recommends dismissal of the complaint on the grounds that it was not timely filed, and because the alleged incident does not equate to or rise to the required level of adverse employment action against the complainant by the employer, and thus fails to state a claim under Section 210 of the Act upon which relief may be granted.

Awaits action final review of the ALJ recommendation by the Secretary of Labor.

- cc: T. Martin
- W. Kane
- C. Hehl
- E. Wenzinger
- G. Kelly
- K. Smith
- C. White
- R. Fuhrmeister
- J. Lieberman

DJH  
12/04/91

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FOIA- 92-162

T/19

0124

1/7-

(21)

DOL Secretary of Labor Order establishing a briefing schedule in the [redacted] vs Millstone DOL complaint.

The DOL ALJ had issued a Recommended Decision and Order Granting Respondent's Motion for Summary Judgement and Dismissing the Complaint.

In this complaint, [redacted] had alleged discrimination in that a co-worker was chastised by his supervisor for his associations and discussions with [redacted]

The Area Director, in a letter dated July 11, 1991, did not accept the complaint. In not accepting the complaint, DOL noted that the facts show that no adverse action was taken against [redacted] appealed to an ALJ.

The ALJ, in the recommended ruling, recommends dismissal of the complaint on the grounds that it was not timely filed, and because the alleged incident does not equate to or rise to the required level of adverse employment action against the complainant by the employer, and thus fails to state a claim under Section 210 of the Act upon which relief may be granted.

Awaits action by the Secretary of Labor.

- cc: T. Martin
- W. Kane
- C. Hehl
- E. Wenzinger
- G. Kelly
- K. Smith
- C. White
- R. Fuhrmeister
- J. Lieberman

DJH  
01/03/92

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FOIA- 92-162

T/20

0124

R1-91-A-0211

7-17-92

Secretary of Labor Final Order Approving Settlements and  
Dismissing Complaints in 11 DOL ERA cases involving [REDACTED]  
[REDACTED] vs Northeast.

22

The SOL found that the terms of the settlement are fair, adequate,  
and reasonable.

For action by the panel.

- cc: T. Martin
- W. Kane
- C. Hehl
- J. Wiggins
- R. Blough
- L. Doerflein
- E. Wenzinger
- G. Kelly
- K. Smith
- B. Letts
- R. Fuhrmeister
- J. Lieberman, OE

DJH  
07/17/92

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Act, exemptions 7C  
FOIA- 92-162

7/21

DOL Area Director finding in a [redacted] vs Millstone DOL complaint. DOL found that the facts upon which [redacted] based his complaint were not within the DOL jurisdiction and the complaint was not accepted.

The initial complaint, dated June 20, 1991, as well as the DOL letter, dated July 11, 1991, informing [redacted] of the DOL finding, were just received from the DOL.

In his complaint, [redacted] alleged that a coworker was chastised/discriminated against for his associations and discussions with [redacted]. In not accepting the complaint, DOL noted that the facts show that no adverse action was taken against [redacted].

In his complaint, [redacted] also stated that he informed the NRC of this matter on May 31, 1991 and was informed of the right to go to DOL, and that the Allegation process would recommend he go to DOL.

For action by the allegation panel. I note that the DOL also sent the investigator's narrative report. That report may not be reproduced or disclosed outside the NRC. Protect accordingly. I have attached a document cover sheet that provides that warning.

- cc: T. Martin
- W. Kane
- C. Hehl
- J. Wiggins
- E. Wenzinger
- G. Kelly
- K. Smith
- C. White
- R. Fuhrmeister
- J. Lieberman

DJH  
08/06/91

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FOIA- 92-162

T/17



RI-91-A-0124

U.S. Nuclear Regulatory Commission

## DOCUMENT COVER SHEET

# WARNING

THE ATTACHED DOCUMENT CONTAINS INFORMATION OBTAINED FROM THE DEPARTMENT OF LABOR UNDER A SPECIAL ARRANGEMENT WITH THE NRC. THE INFORMATION MAY CONTAIN CONFIDENTIAL SOURCES AND MAY NOT BE REPRODUCED OR DISCLOSED OUTSIDE NRC WITHOUT PRIOR APPROVAL OF DIRECTOR, ENFORCEMENT STAFF.

The attached document/report has not been reviewed pursuant to 10 C.F.R. § 2.790(a) exemptions nor has any exempt material been deleted. Do not disseminate nor discuss its contents outside NRC. Treat as "OFFICIAL USE ONLY".

DATE:



0156

103

### ALLEGATION RECEIPT REPORT

Date/Time Received: 06/19/91 / 9:20 a.m.

Allegation No. R1-91-~~A~~-0156  
(Leave blank)

Name: f \_\_\_\_\_  
Phone: f \_\_\_\_\_

Address: S \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

**Confidentiality:**

Was it requested?	Yes	_____	No	_____
Was it initially granted?	Yes	_____	No	_____
Was it finally granted by the allegation panel	Yes	_____	No	_____
Does a confidentiality agreement need to be sent to allexer?	Yes	_____	No	_____
Has a confidentiality agreement been signed?	Yes	_____	No	_____
Memo documenting why it was granted is attached?	Yes	_____	No	_____

Allegor's Employer: Northeast Utilities

Position/Title: T&C Tech

Facility: Millstone Unit 2

Docket No.: 50-336

(Allegation Summary (brief description of concern(s): \_\_\_\_\_

SEE ATTACHMENT

Number of Concerns: 1

Employee Receiving Allegation: R. A. MATAKAS  
(first two initials and last name)

Type of Regulated Activity

(a) <input checked="" type="checkbox"/> Reactor	(d) <input type="checkbox"/> Safeguards
(b) <input type="checkbox"/> Vendor	(e) <input type="checkbox"/> Other: _____
(c) <input type="checkbox"/> Materials	(Specify)

Materials License No. (if applicable): \_\_\_\_\_

Functional Area(s):

<input checked="" type="checkbox"/> (a) Operations	<input type="checkbox"/> (e) Emergency Preparedness
<input type="checkbox"/> (b) Construction	<input type="checkbox"/> (f) Onsite Health and Safety
<input type="checkbox"/> (c) Safeguards	<input type="checkbox"/> (g) Offsite Health and Safety
<input type="checkbox"/> (d) Transportation	<input type="checkbox"/> (h) Other: _____

(NRC Region I Form 207 Revised 10/89)

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FOIA- 92-162

T/22

Detailed Description of Allegation: Alleger inquired into the status of a previous allegation he had given to Region I. Specifically, he wanted to know if his allegation concerning an HP friend being "pulled in and questioned" for talking to [REDACTED] had been referred to OI. I informed [REDACTED] that I had no knowledge of the allegation (the matter was subsequently discussed with J. Wiggins, DRP, and it was determined that the matter had been dispositioned at an earlier panel meeting with [REDACTED] being advised of his DOL rights). This information was provided to [REDACTED] on June 20, 1991 (he called me at 8:15 a.m.).

Secondly, [REDACTED] related second hand information from the site nurse whom he identified as [Candy (nfi)]. He stated as follows: an incident occurred about 3-4 years ago, prior to implementation of 10 CFR 26 . . . A couple of reactor operators were "not fit to be on duty" due to consumption of alcohol . . . the then Operations Supervisor, [Jack Keenan], was informed of their condition but allowed them to work their shift . . . [REDACTED] did not know the names of the operators and indicated [Candy] could provide more details of the incident.

Allegation

{Nurse Condy} knows of two control room operators who were not fit for duty and when this was reported to the {Operations Manager, Jack Keenan} the individuals were allowed to stay on duty

NRC Question

I understand that ...

- several years ago two ROs were on duty who were not fit for duty
- the ROs were allowed to stay on shift
- you might have first-hand information about such an incident(s).

Can you confirm this? Please tell me what you know.

Interview With {C. Marien} on June 20, 1991 Regarding Past FFD Events

I met with {Nurse Carmela Marien} at 9:00 am regarding this matter. {Nurse Marien} acknowledged she knew of two separate events that occurred in the past. {Nurse Marien} could not recall the exact dates of the events, but stated the events occurred when she was still providing nursing services at Millstone in a contractor status. Since she became a NU employee in 1984, {Nurse Marien} estimates the second event took place in the that time period. The first event probably occurred in 1983. {Nurse Marien} has no written assessment of the events since she was in a contractor status at the time and did not have direct responsibility for the FFD program.

Event #1 - 1983

{Nurse Marien} states she was outside her office at the start of the swing shift and was in a position to observe workers arriving

from the PAP. A plant equipment operator <sup>o</sup> (PEO) appeared under the influence by the way he walked from the PAP. The PEO's supervisor, a shift supervisor (SS#1), arrived just behind the PEO and approached Nurse Marien to ask if she thought the PEO appeared under the influence. Nurse Marien confirmed the SS observation since she smelled alcohol. Although the PEO and SS entered the plant, the PEO was sent home and was not allowed to work that day. Nurse Marien knows this from her subsequent discussion on that day with the duty shift supervisor (SS#1).

Nurse Marien stated she did not have a conversation with Jack Keenan about this event. Nurse Marien stated the PEO had a known drinking problem and that management was dealing with the matter. Shortly after this event, the PEO entered the Stonington Institute for treatment. The PEO was terminated from NN&CO employment ("resign or be fired") shortly after the treatment session.

#### Event #2 - 1984

Nurse Marien met a supervisory control room operator <sup>o</sup> (SCO) in the lunch room that day at about 3:00 pm. The SCO was arriving for work and was obviously impaired. Nurse Marien reported her observation by phone to Jack Keenan and expressed her opinion that the individual was not fit for work. Mr. Keenan acknowledged her report. Nurse Marien stated that the SCO was not allowed to stand watch, but was sent to a room where he was allowed to "sleep it off". Nurse Marien knows this from her subsequent discussion on that day with the duty shift supervisor (SS#2).

Nurse Marien stated that the SCO had a known drinking problem. This was not the first instance where management intervened due to his being under the influence. Although his situation was "accommodated", Nurse Marien is not aware of an instance in which he was allowed to perform licensed duties while under the influence. The SCO retired from the company in the 1985 time period. Nurse Marien stated the SCO later worked at the site as a contractor with NSS. In 1989, he was escorted off site for being

found under the influence and his access was terminated. He has not been back since then.

### Conclusions

1. No violations of NRC requirements appear to have occurred. Persons who were impaired were not allowed to assume licensed duties. Further inspection would be required to ascertain how minimum staffing requirements were met for the events in question. I don't think it is worth the time to establish that, since we have independent confirmation of the more important issue - that the impaired individuals did not stand shift. (Nurse Marien) stated that both SS#1 and SS#2 has since retired and thus they would not be immediately available for followup interviews.

2. No management improprieties appear to have occurred. The events occurred under a FFD program that was less stringent than today's and which relied heavily upon supervisor observation and intervention. By the account from this source, it appears management was dealing with known problems.

### Recommendation

No further NRC followup is warranted. The events are too old. All individuals involved except (Keenan) are no longer working at the station. There is insufficient evidence at this point that the (Operations Manager) acted improperly. The present day FFD program provides greater assurance that alcohol abuse problems will be detected and dealt with. NNECO's periodic reports on the FFD program results show a low percentage of abuse by Millstone staff.

.....

- ⊙ Plant Equipment Operator - (Jack Wilson), not licensed
- ⊙ Supervisory Control Room Operator - (Ben Newman, SRO)

.....

Impact Assessment - Followup and documentation of this allegation required 4 hours of SRI time.

*William Raymond*