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RELATIVE CORRESPONDENCE

November 6, 1984

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289 SP
)	(Restart-Management Remand)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

NOTICE TO COMMISSION, APPEAL BOARD
LICENSING BOARD AND PARTIES

Enclosed for information of Commission, Appeal Board, Li-
censing Board and parties is copy of a report in the form of a
memorandum of November 1, 1984, with attachments from Edwin H.
Stier to Philip R. Clark concerning a TMI-2 Staff Meeting of
March 23, 1983. The memorandum report discusses Mr. Stier's
findings on the purpose of the meeting and statements made at
the meeting regarding Mr. Richard Parks' coincident public re-
lease of various allegations related to operations at TMI-2.
NRC staff findings regarding this meeting are discussed in
NUREG-0680, Supp. 5 at pages 10-5 and 10-18.

Respectfully submitted,

Ernest L. Blake, Jr.

Ernest L. Blake, Jr., P.C.
Counsel for Licensee

November 6, 1984
Enclosure
cc: Service List

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TO: PHILIP R. CLARK
FROM: EDWIN H. STIER
DATE: NOVEMBER 1, 1984
RE: TMI-2 STAFF MEETING OF MARCH 23, 1983

INTRODUCTION

At your request, we have conducted an inquiry concerning a staff meeting that was held on March 23, 1983, in anticipation of the public release of various allegations by Richard Parks concerning operations at TMI-2. During our inquiry, we reviewed the NRC staff report entitled "TMI-1 Restart" (NUREG 0680, Supplement No. 5) and its exhibits; and written statements by Edwin H. Gischel pertaining to the March 23 meeting. We then interviewed ten persons who attended the meeting, including Gischel.¹

In the "TMI-1 Restart" report, the NRC staff found, "The comments by [John] Barton, [Deputy Director, TMI-2] (GPUN), during a GPUN and Bechtel management meeting, threatening to fire or suspend Parks for having publicly aired allegations, were improper."² That report also states that the decision to suspend Parks with pay was made during the meeting.³

Prior to our interview of Gischel, his description of the March 23, 1983, meeting was contained in two sworn statements:

his affidavit dated April 2, 1983, and a statement to the NRC signed on May 10, 1983. The Gischel statements contain the following descriptions of occurrences at the March 23 meeting:⁴

Bahman Kanga, Director of TMI-2, advised the attendees that Richard Parks was about to make public allegations about unsafe conditions at TMI-2. Robert Arnold, President of GPUN, discussed the issues raised by Parks. Arnold said investigators would not find anything, the Udall Committee would not speak with witnesses, Parks would be returning to work the next day, and that TMI-2 personnel should be "cool and calm."

In response, Barton said that Parks should be fired and not allowed back on the Island. Prior to Barton calling for the firing of Parks, Arnold had told everyone to be cooperative and that Parks should be given any correspondence and memos that he requested. However, after Barton's statement, Gischel contends Arnold stated that Parks should not be extended cooperation, should not be given any documents and should be restricted from protected areas.

The Gischel statements describe Kanga's response to Barton's call for Parks to be fired as follows: "We couldn't do it like that because Parks had gone to the NRC and was protected by the Atomic Energy Act. That meant we had to be careful." Gischel also claims that Kanga said, "We could just transfer him or put him on a leave of absence for a month and then get rid of him quietly."⁵

The NRC TMI-1 Restart report found that the statements attributed to Barton "bear on" GPUN management integrity.⁶ Our inquiry focused not only on the Barton statements, but also on similar statements attributed to others that might be construed as evidence of harassment of Parks. We attempted to determine what statements were made at the March 23 meeting and to understand the context in which the discussion took place, including the purposes for which the meeting was convened.

During our inquiry, we interviewed key management personnel who attended the March 23 meeting. Those interviews are summarized in memoranda attached as exhibits to this report. We found that most of those interviewed could remember very few details of what occurred at the meeting. In our view, further interviews would be unlikely to yield additional information. However, from what witnesses have been able to recall, we are able to reach a number of conclusions about the March 23 meeting.

CONCLUSIONS

1. The purpose of the March 23 meeting was to advise TMI-2 management personnel that Parks was about to publicly release damaging allegations. The meeting was not intended to decide what action, if any, would be taken against Parks.
2. Barton, as well as others, made comments calling for the firing or suspension of Parks. Barton stated that

Parks should not be allowed back on the Island. These comments were spontaneous personal reactions and were not treated as recommendations to be decided upon at the meeting.

3. Arnold stated at the meeting that Parks had legal rights that had to be protected; Parks would be returning to the Island; and the company was studying Parks' allegations. He also instructed those present to cooperate with any investigation that might result.
4. As a result of a discussion at the meeting, Arnold advised those in attendance that it was company policy not to permit the removal of company documents from the Island. Therefore, Parks should be given only those documents he required to perform his duties.
5. Kanga stated at the meeting that Parks' employment status would be determined at a later time by Bechtel Corporation. We cannot determine whether anything Kanga said at the meeting might have been construed as indicating that Parks might be put on a leave of absence and gotten "rid of quietly." However, it is clear that Kanga emphasized that Parks had legal rights that had to be protected.

Our findings are based on a consensus of the statements obtained from the witnesses.

RESULTS OF INVESTIGATION

On the afternoon of March 22, 1983, Douglas Bedell (Manager - Communication Services, TMI) was advised by UPI that an organization known as Government Accountability Project had issued a press release containing allegations by Richard Parks relating to safety issues at TMI-2. He was also advised that a press conference for Parks had been scheduled to take place on the following day. Shortly thereafter, Parks confirmed this information in a meeting with Kanga and Bedell.⁷ Arnold was advised of these developments by Kanga. Arnold felt it was necessary to hold a meeting to advise his senior staff at TMI-2 of what was about to take place. He felt this was necessary so that the staff did not first hear of the allegations in the media. He also wanted to maintain good morale and to control the development of rumors. He, therefore, asked Kanga to schedule the meeting for the following morning.⁸

The meeting began at approximately 9:00 a.m. on March 23. Arnold and Kanga began the meeting by advising the attendees of Parks' allegations and of the press conference that was to occur later in the day.⁹ Although Arnold and Kanga had received a copy of Parks' affidavit shortly before the meeting, their information was based primarily on Bedell's briefing the previous day.¹⁰

After hearing from Arnold and Kanga, some of those present expressed anger, suggested that Parks not be allowed back on the Island and that he be suspended or fired.¹¹ Other than Barton, we have not been able to identify those who made such comments. Two witnesses recall specifically that Barton suggested that Parks be fired and not allowed back on the Island.¹² Barton believes he might have suggested that Parks not be allowed to return to the Island since he felt it would be difficult for Parks to work with people after "going public" with his allegations. He does not recall stating that Parks should be fired, although he freely admitted that making such a statement would not have been uncharacteristic of him.¹³

Arnold and Kanga responded to such comments by stating that Parks had certain legal rights that had to be protected and that Parks' allegations had to be studied before a decision could be made about a response.¹⁴ Arnold specifically advised the group that Parks would be returning to the site and should be treated properly.¹⁵ In addition, everyone was advised to cooperate with any investigation that might result from Parks' allegations.¹⁶

At the meeting, Arnold was asked whether Parks should be allowed access to company documents if he asked for them because of the possibility that documents might be removed from the Island. Arnold recalls stating that it was company policy not to allow employees to remove company documents from the Island. He also believes that he may have given instructions that Parks

was not to be provided with any company documents.¹⁷ Other witnesses recall Arnold stating that Parks should be provided only with documents he needed to perform his duties.¹⁸

Most of those interviewed recall that, in response to comments from the group, Kanga stated that Parks had legal rights which had to be protected.¹⁹ No one other than Gischel can recall Kanga stating that Parks would be put on a leave of absence and gotten "rid of quietly." However, two witnesses, Henry Hukill and James Larson, have some recollection that Kanga at some point discussed the possibility of a transfer of Parks. They are uncertain whether Kanga mentioned a transfer at the meeting or at a later time. Neither recalls the Kanga statement as Gischel described it.²⁰

Kanga does not recall making a statement similar to the one attributed to him in Gischel's affidavit. Moreover, he believes that since he did not have the authority to decide what action to take concerning Parks, it is highly unlikely he would have made such a statement.²¹

Except for Gischel, everyone who recalled attending the meeting stated that they believed the purpose of the meeting was to advise Unit 2 staff of Parks' allegations and that they were going to be made public.²² They did not believe the purpose of the meeting was to discuss what to do with Parks.²³ They were not advised at the meeting of any decision as to Parks' employment status.²⁴ Gischel concedes that Kanga stated Parks' status was being looked into and that further discussion regarding Parks was

"tabled."²⁵ Despite the fact that no decision regarding Parks was announced at the meeting, Gischel, nevertheless, was left with the impression that a decision to fire Parks had been made.²⁶

Arnold stated that he made the decision to prohibit Parks' return to work at Three Mile Island after consulting with Bechtel management in Washington, D. C. later in the day on March 23, 1983. Arnold did not believe that it would be possible for Parks to come back to the Island and work productively with the same people he had criticized in his affidavit.²⁷

NOTES

1 Gischel was interviewed by two members of my staff on September 11, 1984. That interview was arranged by me in a telephone conversation with Gischel. After the interview, we forwarded a copy of our memorandum of the interview to Gischel for his review and comments. In response, we received a letter from Gischel stating the following:

When Ed Stier called me and asked that I review with you my recollections of the 3/23/83 TMI-2 meeting called to discuss the Parks' situation, my first reaction was to say no. However, Mr. Stier eventually persuaded me to review the meeting with you on the basis that you only needed additional background information. Furthermore, it was understood that I was not going to make any kind of formal statement, nor was I to be quoted. The discussion was simply supposed to be for you to determine what you had already obtained from others.

Your letter of September 28, 1984, containing a statement that you drafted after our conversation is in direct violation of our agreement. Furthermore, there are several significant inaccuracies in your characterization of the contents of our discussion.

Apparently I must remind you in writing that I do not want you to include any statements purported to be from me as a part of your investigative report.

Gischel is inaccurate in stating that we had an understanding that no record would be made of his interview. In my telephone conversation with him, he stated that he did not wish to swear to or sign any statements. I told him that we would respect his desires, but that we wished to interview him in order to complete our understanding of his allegations and consider his views in our analysis. At no time did I agree that an interview could be "off the record" in any sense. We forwarded our memorandum to Gischel only to assure that he had an opportunity to contribute to its accuracy. We did not ask him to sign it or swear to its accuracy.

Our memorandum of Gischel's interview has been reviewed by the members of my staff who conducted the interview and they are satisfied that it accurately describes what occurred. Since Gischel will not specify any inaccuracies he believes it contains, we are unable to make any editorial changes which might satisfy him.

- 2 U. S. Nuclear Regulatory Commission Report, TMI-1 Restart
NUREG-0680, Supp. No. 5), July 1984, p. 10-18.
- 3 Ibid., p. 10-5.
- 4 Gischel affidavit (April 2, 1983), pp. 15-16
Gischel affidavit (May 10, 1983), pp. 6-7
- 5 Ibid., p. 15.
- 6 U. S. Nuclear Regulatory Commission Report, TMI-1 Restart
NUREG-0680, Supp. No. 5), July 1984, p. 10-18.
- 7 Bedell Interview Report, p. 1.
- 8 Arnold Interview Report, p. 1.
- 9 Ibid., pp. 1-2.
Barton Interview Report, p. 1
Hukill Interview Report, p. 1
Kanga Interview Report, p. 1
Larson Interview Report, p. 1
Pastor Interview Report, p. 1
- 10 Arnold Interview Report, p. 1
Barton Interview Report, p. 1
Bedell Interview Report, p. 1
Kanga Interview Report, p. 1
- 11 Arnold Interview Report, p. 2
Ballard Interview Report, p. 1
Bedell Interview Report, p. 2
Hukill Interview Report, p. 1
Larson Interview Report, p. 1
Pastor Interview Report, p. 1
- 12 Gischel Interview Report, p. 1
Larson Interview Report, p. 1

- 13 Barton Interview Report, p. 1

- 14 Arnold Interview Report, p. 2
Ballard Interview Report, p. 1
Hukill Interview Report, p. 1
Kanga Interview Report, p. 1
Larson Interview Report, p. 1

- 15 Larson Interview Report, p. 1
Pastor Interview Report, p. 1

- 16 Bedell Interview Report, p. 2
Larson Interview Report, p. 1

- 17 Arnold Interview Report, p. 2

- 18 Pastor Interview Report, p. 1

- 19 Arnold Interview Report, p. 2
Ballard Interview Report, p. 1
Hukill Interview Report, p. 1
Kanga Interview Report, p. 1
Larson Interview Report, p. 1

- 20 Hukill Interview Report, p. 2
Larson Interview Report, pp. 1-2

- 21 Kanga Interview Report, p. 2

- 22 Arnold Interview Report, p. 1
Ballard Interview Report, p. 1
Barton Interview Report, p. 1
Bedell Interview Report, p. 1
Hukill Interview Report, p. 1
Kanga Interview Report, p. 1
Larson Interview Report, p. 1
Pastor Interview Report, p. 1

- 23 Arnold Interview Report, p. 1
Bedell Interview Report, p. 2
Hukill Interview Report, p. 2
Kanga Interview Report, p. 1
Larson Interview Report, p. 2
Pastor Interview Report, p. 1
- 24 Ballard Interview Report, p. 1
Pastor Interview Report, p. 1
- 25 Gischel Interview Report, p. 2
- 26 Ibid., p. 2
- 27 Arnold Interview Report, p. 3

Exhibits are arranged in the following way:

Exhibit 1 - Excerpts from NRC NUREG-0680, Supp. 5
July, 1984

Exhibit 2 - Excerpts from Gischel affidavit, April 2, 1983

Exhibit 3 - Excerpts from Gischel affidavit, May 10, 1983

Exhibit 4 - Interview Reports arranged alphabetically

EXHIBIT 1

The DOL investigator took note of the fact that before the beginning of the polar crane controversy and Parks' involvement therein, Parks had received a performance evaluation on August 27, 1982, indicating he met or exceeded all job requirements. Among the "exceeds" categories were job knowledge, flexibility, cooperation, client relations, initiative, and problem analysis. Overall he was rated "Exceeds Requirements." Id. at 1.

The DOL investigation found (1) the four claimed discriminatory actions occurred over a 4-week period between February 23 and March 24, 1983, and (2) the four actions were progressive in nature:

[L]osing his voice and input as alternate startup and test supervisor for the entire Unit [2]; being subjected to an examination involving the West Coast main office internal audit staff over a seemingly minor infraction of a work conflict rule he had not been made aware of; being dropped as the Site Operations lead man on the Test Working Group for the very project he was most concerned about; and finally being suspended from his job, albeit with pay, the day following his filing of his whistleblower complaint and his press conference on the event. Id. at 11.

DOL found that there existed "such a concentration of complaints to authority and of claimed discriminatory actions, of such immediacy of occurrence, and of such cumulativeness of impact that in reality most of the aspects of the complaint were related to most of the aspects of discrimination. The necessary causal connections are of a network nature." Id.

Further, DOL found that the timing of Parks' suspension, a day after his public filing of the complaint about the polar crane and related safety issues, was a clear instance of causal connection. "Mr. Gischel's description of the large staff meeting to decide on a reaction to Parks' complaint, ranging from firing to suspension, shows that the fact that the complaint was filed is at least a factor in the suspension from duty that was announced that day." Id. at 13.

About March 23, 1983, after Parks had filed his DOL complaint and publicly stated his concerns about the polar crane, Arnold (President, GPUM) called a meeting attended by Kanga (Director TMI-2, Bechtel), Barton (GPUM), other Bechtel people, and the entire senior staff of the integrated GPUM/Bechtel management team--about 25 to 30 people. During this meeting, Barton became angry and recommended firing Parks. A discussion was held about restricting Parks' activities; they decided, during the meeting, to suspend Parks with pay. Id. at 9; Id. Ex. 3-2 at 5.

On the basis of its investigation, DOL recommended that Parks be granted relief and that Bechtel take remedial action consisting of the following:

1. Refraining from taking any actions which prevent Mr. Parks from engaging in activities protected by the law.

- (3) The removal by Kanga (Director, TMI-2) of Parks on March 17, 1983, as the primary SO Department representative on the TWG for the reactor building polar crane project was improper.
- (4) The action by Wheeler on March 24, 1983, placing Parks on leave of absence with pay and prohibiting his entry to the job site without permission from Bechtel was improper.

DOL was primarily concerned with correcting the harm that had befallen Parks, so their investigation went only as far as they felt was necessary to determine that Park's employer, Bechtel, had improperly discriminated against him for having raised concerns about the safety of the polar crane project. Once they reached that determination, they directed remedial action satisfactory to Parks. There was no DOL judgment issued and Bechtel did not appeal the Compliance Officer's findings or directed remedial action. Parks and Bechtel reached a mutually amicable agreement to return Parks to full-time work with the company on August 4, 1984. As a result, Parks subsequently withdrew his complaint before the Department of Labor.* NRC's review of this matter has led to additional findings which extend beyond those of DOL and bear on the integrity of GPUN management:

- (1) The comments by Barton (GPUN), during a GPUN and Bechtel management meeting, threatening to fire or suspend Parks for having publicly aired his allegations were improper.
- (2) The comments to Parks by Kanga, threatening him not to publicly state his concerns about the polar crane and telling him that another employee who had tried to publicly state his safety concerns had been humiliated, clearly represented harassment.
- (3) Kanga told Parks that he had put Bechtel in a bad light with a client (presumably by raising safety concerns about the crane) and stood a good chance of being fired. This, in the staff's view, was a clear threat of retaliation.

*Pursuant to 10 CFR 50.64(f), the licensee was formally requested on June 14, 1984, to provide information concerning, among other things, its own investigation of Parks' allegations of harassment. The licensee's response in a letter dated June 26, 1984, advised that Bechtel was performing its own inquiry and that Stier (the licensee's investigator of other aspects of Parks' allegations), therefore, did not investigate this matter. In a letter dated July 5, 1984, from K. P. Richardson (counsel for Bechtel on the Parks matter) to R. C. DeYoung (NRC), several unsupported claims were made by Richardson concerning his determination that Parks' allegations of harassment were without merit. No documentation or evidence, beyond that already available to the staff, was provided by Richardson (i.e., counsel for Parks' letter of August 4, 1983, to the Honorable John Earmen, Administrative Law Judge, DOL, with similar letters to Congressman Udall and NRC Chairman Palladino). If such documentation or evidence exists, it has not been provided; therefore, the staff is unable to evaluate these unsupported claims of Bechtel's counsel.

EXHIBIT 2

File

simply didn't. I knew him as a dedicated, hard worker who was driven to total frustration when he reported classroom program violations and top management refused to correct the abuses. Indeed, they insisted on perpetuating them.

I have read Mr. Spinks' 5/24/68 affidavit. I confirm the substantial accuracy of all portions of the affidavit that refer to me, or for which I have personal knowledge.

I want to emphasize that it was Nick's own initiative to go public with the abuses. His decision was based on his own frustration, rather than some financial conspiracy. I advised him, however, for having the courage to break the ice.

On March 21, the day Mr. Spinks released his affidavit, there was a major meeting scheduled for 8:00 a.m. to discuss his charges. The meeting was cancelled and a date later to be decided. Nearly all of the department and school staff were in attendance, including Messrs. Nichols, Kenna and Nelson. They had discussed the situation with Mr. Spinks' representatives. I knew that one of the top management people had a copy of the affidavit before that time with the initials. I also seem to recall that the affidavit was held in the air for a while in connection with other to be held shortly. Mr. Kenna queried with an announcement that Nick was going public with his charges. Mr. Nichols went over the charges and said he was sure the committee would do a better job than the school staff could. He stated that the investigation would be fair, and the Staff Committee would speak with the witnesses. Mr. Nichols said that Nick Spinks would be back tomorrow and we should all be cool and calm.

Mr. Nelson stated that Spinks would be back. He added that the "S.O.B." would not be allowed back on the island. Mr. Kenna re-

Handwritten initials

suggested that we couldn't do it like that, because Marks had gone to the XPC and was protected by the British Embassy. That meant we had to be careful. Marks said we could just threaten Marks or put him on a leave of absence for a month, but then get rid of him quietly.

Mr. Arnold stated that when Marks returned we should not give him any documents, and should restrict his movement to protected areas. Mr. Gordon recommended that we should not give anything to Marks, should not speak to him and should not let him back on the island at all.

Mr. Marks said that we're looking into this but the agreement would have to be handled carefully, because Marks had changed his mind and there are lots to protect him.

Mr. Arnold then stated that the Civil Committee would review Marks' activities but not his right to security. He said that he felt sure it would all be all right. The meeting ended shortly after 10:00 a.m.

After this meeting it was understood by Messrs. Gordon and Cole, a review of the situation was to be done. The investigation was to be done by Mr. Arnold or Mr. Gordon of the Civil Control Group. The meeting had been completely satisfactory. Marks had been told that he could speak. They also had talked to Mr. Marks and Mr. Gordon, according to these instructions. It was one of the best attended meetings, although it had played a central role in relation to the future investigation.

It was also understood that it was to be done to look into the system and some give it to the local people. For approximately the next four or five days it was to be done. It was to be done in all the houses up to the point of my assignment. It was also to be done in the houses of a private citizen in the village and suburbs. It was to be done

EXHIBIT 3

In regards to the committees that were set up to investigate the Polar Crane, from which I was excluded. It was my general impression, based on my prior experience, that these committees would not seriously consider the points brought up on the polar crane by Site Operations. It was all a word game. For example, Mr. ARNOLD, in his media releases, stated that a 210 ton headlift load test would prove that the crane is structurally fit. However, the load test that needed to be conducted first was the load test for the 40 ton missile crane's legs.

Handwritten: Arnold

In reference to my statement on page 14 wherein I state that other DO staff conducted the challenge polar crane short cuts, I received harassment and intimidation. These other individuals were Jerry KING and Robert BIRK.

With respect to the March 27th meeting at 8:30 a.m., listed on page 18 of my affidavit, wherein the BIRK allegations were discussed. My recollection of the meeting's content is that meeting was held on 3/27/82, 3/28/82, 3/29/82, 3/30/82, 3/31/82, 4/1/82, 4/2/82, 4/3/82, 4/4/82, 4/5/82, 4/6/82, and as

referred to in the affidavit, BIRK, KING and ARNOLD. These were the only individuals present. *Handwritten:* BIRK KING ARNOLD

In that meeting, first, Mr. ARNOLD stated that everyone on site should be cooperative and helpful concerning inquiries about the BIRK allegations. ARNOLD stated that as a result of the BIRK the consequences are severe, etc., that he intended. However, after Mr. BIRK gave the statements that BIRK would be fired and that he would be allowed to leave the island, Mr. ARNOLD immediately stated that BIRK would not be awarded any compensation. Concerning the Staff Committee Inquiry of the allegations, it was my impression that Mr. ARNOLD had

already spoken to someone connected to the Committee in some form or another and that Mr. ARNOLD felt the whole matter would soon pass.

In regards to the March 23rd meeting I had with Messrs. GRUBBS and LOAN, which is mentioned on page 16 of my affidavit. It appeared that the scope of their investigation, based on the questions that they asked me, centered on KING's allegation that he had been Vice President, Mr. PAUL CLARK. I will state that they were very professional in their questions and in their handling of their comments were in line with others that they had previously interviewed. However, I only have general knowledge that these gentlemen interviewed for GRUBBS and the CLARKS. Also, Mr. GRUBBS is an engineer and comes in by other associations and contacts with him, I think he respects my professional opinion. Both Mr. GRUBBS and Mr. LOAN, who is a lawyer, are ~~connected to the~~ ^{connected to the} ~~subject~~ ^{subject} of KING's General Office Review Board (GORB).

Handwritten note: I think I should mention that...

On page 17, I mentioned the March 23rd meeting that Mr. ARNOLD called in reference to the Ray, Clark, and King. This meeting was called for the purpose of the Operation only, and was attended by Messrs. ARNOLD, GRUBBS, LOAN and the Vice President GRUBBS. ARNOLD also mentioned that he had contacted the ~~subject~~ ^{subject} and that he was very busy with the necessary preparation of contacts with the ~~subject~~ ^{subject}.

On page 18, I have a statement about the necessary program to be put into effect. I stated that on March 23rd some of my staff were contacted and that I advised the staff of the ~~subject~~ ^{subject} control system in an attempt

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EXHIBIT 4

Interview of

ROBERT C. ARNOLD

Interview of Robert Arnold
on 8/22/84

Robert Arnold indicated that he had little specific recollection of the March 23rd 1983, meeting. In order to refresh his recollection he was provided with copies of the portions of the affidavits of Edwin H. Gischel that pertain to the meeting in question. After reviewing the affidavits, Arnold stated that, although his recollection was still somewhat vague, he believes that sometime during the evening of March 22nd, 1983, he was advised that Douglas Bedell had obtained a copy of a press release which was to be issued by Richard Parks at a press conference on March 23rd. Arnold was not sure whether he was provided with a copy of Parks' affidavit at that time. He believes he was not. He is certain that he did not read the affidavit, if in fact, he was provided with it prior to the meeting.

In any event, Arnold decided that it would be wise to schedule a meeting to advise senior staff at Unit 2 of Parks' allegations to the extent the company knew about them, before they learned of them in the media. Because of the nature of the allegations, he felt that such a meeting was necessary to maintain morale during the cleanup and recovery project and to control the development of rumors. He stated emphatically that he did not schedule the meeting to decide Parks' employment status since that type of decision would not be appropriate for a general staff meeting. He instructed Bahman Kanga to notify the senior staff at Unit 2 to be present at a meeting on the morning of March 23rd.

Arnold recalls that Bahman Kanga called the meeting to order and explained its purpose. Arnold then summarized the contents of the press

release. After learning of the Parks' allegations, some of those present began to express their views and to ask questions of Arnold and Kanga. Although Arnold could not recall precisely what was said and by whom, it was his impression that the initial reaction to the allegations was a sense of outrage by some of those in attendance. He believes that some Unit 2 staff members expressed the opinion that Parks should be dismissed and not allowed back on the Island. He could not recall any particular individual who made such comments. When asked directly whether John Barton stated that Parks should be fired, Arnold said that while such a statement by Barton was entirely possible, he did not specifically recall him having made it.

It is Arnold's recollection that both he and Kanga responded to the group's comments and questions by indicating that they were studying the Parks' allegations and the appropriate response to them. Arnold stated that he recalls that the group was advised by both he and Kanga that there were laws that had to be taken into consideration before a decision could be made regarding the company's response to Parks' conduct.

He pointed out that Barton was not conducting the meeting although he was seated with Kanga and himself.

Arnold had no recollection of any comment of the nature of the comment attributed to Kanga by Gischel that Parks would be gotten rid of quietly. He does not recall advising anyone not to cooperate or speak to Parks when he returned to the Island. He does recall, however, advising those present that it was company policy not to allow employees to remove company documents from the Island, and that it is possible he could have advised those present not to provide Parks with any documents. Arnold

does recall advising the group about the Udall Committee's request to interview company employees. It was his belief at the time that the Udall request pertained to the mystery man allegation and that after the Committee staff looked into it, they would conclude that there was no merit to the allegation. As a result, he did not believe that anyone would have to go to Washington and testify at hearings. Arnold believes he was not aware at that time that the Udall Committee would conduct an inquiry into the Parks' allegations set forth in his affidavit.

Arnold is absolutely certain that no decision was made at that meeting as to Parks' employment status or his return to the Island.

Arnold was supplied with a copy of a letter dated March 24th, 1983, which was written by Mr. Richard A. Wheeler to Parks. The letter informed Parks that he was being placed on an indefinite leave of absence with pay, effective immediately. Arnold stated that the decision to not have Parks return to work at Three Mile Island was made by him after consulting with Bechtel management people in Washington, D.C. later in the day on March 23rd, 1983. He stated that on the flight down to Washington he had an opportunity to read the affidavit. Based on what occurred at the meeting and the contents of that affidavit, he did not think it possible for Parks to come back to the Island and work productively with the same people whom Parks had criticized in his affidavit. It was his opinion that the return of Parks to the site would be detrimental to the project and in light of the potential animosity between himself and coworkers.

Interview of

BLAINE BALLARD, Sr.

Statement of Blaine Ballard, Sr.
dated 8/30/84

Ballard recalls attending the meeting on March 23, 1983. He remembers that the meeting was conducted by Kanga. He does not remember Arnold being present and he did not get the impression that Barton was conducting the meeting. It was his understanding that the purpose of the meeting was to provide information about the press conference Parks was going to hold later in the day. According to him, after the group was advised of Parks' allegations, several individuals expressed the view that he should be fired or suspended. Although he does not specifically recall any comments, he believes Kanga responded to this by stating that Parks had certain rights and that Bechtel was meeting with Parks to work out his concerns, and that they should not overreact to Parks' allegations. He also believes there was some discussion as to whether Parks should be allowed on the Island and afforded access to company documents. He believes that the response to these comments was that most likely Parks would still be on site and people would have to deal with him. Ballard stated he did not leave the meeting with a sense of knowing how Parks was going to be dealt with. When asked specifically about comments attributed to Arnold, Barton and Kanga in the Gischel affidavit, he stated that he does not recall any comments by Arnold since he does not recall him being present. In respect to the comment alleged to have been made by Barton as to firing Parks, Ballard said he does not remember Barton making such a comment, although he could have said it. He does not recall any comment by Kanga indicating that Parks be gotten rid of quietly. He does recall Kanga advising the group that Parks had been to the NRC with his allegations and therefore had certain legal rights.

Interview of

JOHN BARTON

Statement of John Barton
Dated 8/30/84

Barton was interviewed in his office. His attorney, Michael Maupin, took part in the interview via a conference call.

Barton recalled attending the meeting on March 23rd, 1983. He believes that Arnold conducted the meeting and advised those present about the contents of Parks' affidavit, which was to be made public by Parks at a press conference later that day. Barton believes that just prior to the meeting he saw a copy of the Parks affidavit although he did not have an opportunity to read it in its entirety. He recalls Arnold further advising those present that the complete contents of the affidavit would have to be studied and, therefore, would not be specifically discussed at the meeting.

Barton was provided a copy of Gischel's affidavits and asked whether he recalled making the statements attributed to him. He did not recall stating that Parks should be fired, but he thinks he did say that he should not be allowed back on the Island. He indicated that he felt this way because he thought that it would be difficult for Parks to work with people after going public with his allegations. He was concerned that the project might suffer and he was also concerned about Parks' safety. When asked whether it was possible that he could have said Parks should be fired, Barton replied "I have been known to say things like that, but I don't remember such a statement being made at the meeting." Barton was asked whether or not he recalled the statements attributed to Arnold and Kanga in the Gischel affidavit. He does not recall any specific

statements by either individual. He was asked whether he recalled Arnold or Kanga stating Parks had certain rights. Again he indicated he did not recall any specific statements made by either individual. When asked whether or not he remembered any comments by Arnold about the Udall Committee, Barton said he seemed to recall some discussion about the Udall Committee and Henry Myers; however, he did not recall any specifics. Barton was asked whether there was a decision made at the meeting as to what Parks' status would be with the company. He did not recall any specific discussion about Parks' status. It is his belief that any discussion about Parks concerned making sure he was not harrassed when he returned to the Island bacause of what he said in his affidavit.

Interview of

DOUGLAS H. BEDELL

Statement of Douglas H. Bedell
8/29/84

About 3:30 P.M. on March 22, 1983, Bedell received a call from Robert St. George of UPI advising him that he had a copy of a press release by GAP which referred to allegations contained in an affidavit of Richard Parks and that a press conference was scheduled for March 23rd with respect to the contents of the affidavit. St. George orally advised Bedell of the nature of the allegations. Bedell stated he then went to Bahman Kanga and informed him of what he had learned. At that point, Kanga called Parks to his office, whereupon Bedell asked Parks whether or not in fact he had a press conference scheduled for the next day. Parks stated that he did. No further questions were asked of Parks and he left.

Kanga asked Bedell if he could get a copy of Parks' affidavit before the scheduled press conference by Parks. At 11 p.m. that night, Bedell obtained a copy of the affidavit from a confidential source. He was advised the next day to attend a staff meeting in the morning. Just prior to this staff meeting he provided a copy of the affidavit to Kanga and perhaps to Gifford and Arnold. That is the first time he provided anyone with a copy of the affidavit he had obtained. His recollection is that Kanga, Arnold, and Barton were in the front of the room at the beginning of the meeting. He does not recall the statements of any particular individual, but the purpose of the meeting seemed to be to advise Unit 2 staff personnel of the anticipated press conference and to try to keep their spirits up during the cleanup and recovery project.

With respect to the allegation that Kanga said Parks would be taken care of quietly, Bedell does not recall any discussion as to strategy to be followed by the company in regards to Parks.

He believes there was some grousing and spontaneous remarks made by members of the group in reference to Parks' conduct, but Bedell does not recall that any specific proposals or decisions regarding Parks were made at the meeting. Bedell stated he did not leave the meeting with the impression that a decision had been made regarding the employment status of Parks. Specifically, he did not have the impression that Parks was going to be fired.

When Bedell was asked whether he recalled Bob Arnold commenting that this problem was just a flash in the pan, he indicated he did not remember such a comment. He believes there were general statements that the matter was going to be investigated and that everyone should cooperate. Bedell was shown a copy of Gischel's affidavit of April 4, 1983. He did not recall the statements attributed to Barton in that affidavit. He believes that an upcoming hearing of the Udall Committee was mentioned as one of the forums in which the investigation was likely to occur. But he does not recall the reference to the Udall Committee being in the context of the Gischel affidavit -- that Robert Arnold suggested that Parks would not be invited to testify or said that "he felt sure it would all be squashed."

Interview of

JOHN C. DE VINE, Jr.

Statement by John C. DeVine, Jr.
dated 8/30/84

Devine has no specific recollection of attending the meeting on March 23, 1983. When shown a copy of the Gischel affidavit, whereby Gischel indicates he was present at the meeting, DeVine stated that he may have attended the meeting, but again has no specific recollection of what occurred. He indicated that on that day he was scheduled to take a flight to San Francisco at 11 o'clock in the morning, and that perhaps he was distracted. However, he does recall reading a copy of Parks' affidavit on the flight to the West Coast. It is his belief that either he was provided a copy of that affidavit before leaving, or obtained it at the March 23rd meeting. In any case, he does not recall anything further.

Interview of

EDWIN H. GISCHEL

Statement of Edwin H. Gischel
dated 9/11/84

Mr. Gischel recalls attending the meeting on March 23rd, 1983. Prior to attending the meeting, he advised that he was aware that Parks had been preparing an affidavit outlining his safety concerns relating to the cleanup and recovery project. In addition, he also had some brief discussions with Parks concerning the Udall Committee's desire to talk to Parks. Just prior to the start of the meeting he believes it is possible that he was either advised by his secretary or by others in attendance that the meeting would pertain to Parks' allegations and what would be done with Parks as a result of him going public with these allegations.

Gischel stated that he thinks that Arnold, Kanga and Barton came into the meeting together. He believes that Kanga opened the meeting and that most of the statements were made by these three individuals. Although Gischel does not recall specific remarks concerning the purpose of the meeting, it was his impression that they were there to discuss what should be done about Parks as a result of his actions. How people should react to Parks when and if he returned to the Island was also discussed. There was some discussion of morale and continuing work on the cleanup project but Gischel cannot recall any specifics. He is not certain that there was any discussion about ensuring that Parks was not harrassed when he returned to the Island. Gischel was shown a copy of his affidavits and asked whether or not it was still his recollection that the comments that he attributed to Arnold, Kanga and Barton were made at that meeting. After reviewing his affidavits, Gischel stated that he believes

that the comments were made by those individuals as he previously reported. When asked to discuss the specific statements that he could recall, he stated that his present recollection was somewhat vague, but he remembered the discussion that related primarily to Barton's statement that Parks should be fired. It is at this point he believes Kanga made the comment about transferring Parks and getting rid of him quietly. Gischel believes that after Barton made the statement, Kanga advised that they had to be careful how they talked and that Parks could not just be fired like that. Gischel stated that Barton replied that Parks should not be allowed back on site. He recalls Arnold making a statement that Parks should be provided with documents if he requested them. He believes that at that point Barton objected and said that nothing should be provided to him. It is Gischel's belief that Arnold then changed his position and advised the group not to provide any documents to Parks. Gischel also seems to remember Kanga stating that Parks' status had to be looked into and that further discussion regarding Parks was thereafter "tabled."

Gischel states that, although no decision was made as to Parks' status at the meeting, he left with the impression that Arnold, Kanga and Barton intended to fire Parks.

Interview of

HENRY HUKILL

Statement of Henry Hukill
taken 9/30/84

Hukill stated that at some time the morning of March 23, 1983, he was asked to attend a meeting of primarily Unit 2 personnel. The meeting, as he recalls it, was conducted by Bob Arnold and Bahman Kanga. Both individuals made statements advising those present that Parks was about to go public with charges relating to safety issues at Unit 2, - among his complaints would be safety allegations against GPU and Bechtel personnel with respect to the conduct of the polar crane project.

It was Hukill's impression, based on the comments by Arnold and Kanga, that they were attempting to keep the meeting as positive as possible in an effort to keep morale up and continue the project. It was Hukill's belief that some people were upset with Parks' allegations and a few of them may have expressed their anger during the course of the meeting. He believes Arnold advised the group that the issues raised by Parks would be investigated but that the project must keep going. There was some discussion as to how Parks should be treated when he came back on the Island. Hukill believes Bahman Kanga advised the group that Parks had legal rights that had to be protected.

Hukill cannot recall specifically any remarks made about Parks. He has no recollection of statements made by John Barton. He does not recall any discussion about allowing Parks access to company documents. He vaguely recalls some mention of the Udall Committee but remembers no specifics. Hukill explained his lack of recollection as to specific

comments by stating that the meeting primarily involved Unit 2, and that he was not responsible for any of the individuals mentioned in Parks' affidavit.

He did recall, possibly, of hearing at some time from Kanga that Parks would be transferred without loss of pay. He may have heard this at the March 23rd meeting or at some later point. He is certain, however, that he did not get the impression that the purpose of this meeting was to discuss what would be done with Parks.

Interview of

BAHMAN KANGA

Interview of Bahman Kanga
on 8/22/84 and 9/12/84

Mr. Kanga was interviewed on the dates above over the telephone. He expressed little specific recollection of what occurred at the March 23, 1983 meeting. Kanga does generally recall, however, that Arnold asked him to schedule a meeting with all the Unit 2 department managers and their immediate subordinates for the morning of March 23rd so that he could brief them on a press conference which was to be held by Parks later that day.

Kanga does not recall who opened the meeting, but he believes that he and Arnold spoke about what Parks was going to say at the press conference. He also believes that Arnold may have read a summary of the press release to the group. Kanga is not sure whether the affidavit was even available at that time. In any event, it is his belief that neither he nor Arnold had an opportunity to review in detail the affidavit of Parks prior to the meeting.

Kanga is certain that it was not the purpose of the meeting to make a decision regarding disciplinary action against Parks. In responding to questions and statements from the people attending the meeting, it is Kanga's recollection that both he and Arnold advised them that Parks had to be treated properly and that he had certain rights. He vaguely recalls that there was some discussion about restricting Parks to certain specific areas on site when he returned. He does not recall a discussion about allowing Parks access to company documents. It is his recollection

that the discussion regarding Parks focussed on how he was to be treated when he returned to the Island and not how he was to be disciplined. Kanga believes it is highly unlikely that he or Arnold would have discussed that type of matter in a meeting with over twenty people.

Kanga was read the contents of the Gischel affidavit pertaining to the March 23, 1983 meeting. When asked specifically whether or not he recalls any of the conversations mentioned in the Gischel affidavit, Kanga indicated he had no specific recollection of any of the specific remarks attributed to him or any of the other individuals mentioned in the affidavit. When asked specifically whether he could have said Parks would be gotten rid of quietly after being put on a leave of absence, he did not recall saying that, and strongly doubts he would have made such a statement. In addition, Kanga pointed out that apart from matters of job site deployment, as Director of Three Mile Island Unit 2, he did not have the authority to decide what action to take in respect to Parks' conduct and that the decision would have to be made by Bechtel officials in Gaithersburg. As a result, he believes it highly unlikely that he would have made such a comment. Kanga was also asked whether he recalls Robert Arnold originally taking a position that Parks should be extended cooperation and then later changing that position when objections were raised by John Barton. Kanga stated that he does not recall that and doubts if Robert Arnold would have changed his position because of Barton's objections.

It was Kanga's recollection that the discussion regarding Parks focussed on affording him proper treatment if and when Parks returned to the Island. It was not until later that a decision was made by Bechtel to put Parks on a leave of absence. It is his recollection that the basis of this decision was that Parks had made a number of inflammatory and disparaging allegations which would prevent him from effectively working with other employees at the TMI-2 site and that his presence on site would disrupt the work of other employees. Kanga did not recall any discussion of the Udall Committee at the March 23, 1983 meeting referred to by Mr. Gischel.

Interview of

JAMES LARSON

Interview of James Larson
dated 8/30/84

Larson recalls attending the meeting on March 23rd, 1983. He believes that the purpose of the meeting was to inform Unit 2 supervisory staff that Parks was going to attend a press conference during which he would make public certain safety concerns that he had regarding the conduct of the Unit 2 cleanup and recovery project. He recalls that Arnold informed the group of the Parks' allegations and instructed them to cooperate with any investigations that resulted from the allegations. Larson believes Arnold also instructed the group to be careful as to what they said so that nothing could be misinterpreted. Larson was provided with a copy of Gischel's affidavit. After reading it, he was asked whether or not he recalled the statement attributed to John Barton in that affidavit. Larson indicated that the statement attributed to Barton was a fair characterization of what he had said. He believes others may have made similar statements, but cannot recall anyone specifically. Larson stated that it is his recollection that Arnold and Kanga responded to Barton's comment by stating he (Parks) had legal rights which had to be respected and that in all likelihood he would be returning to the Island. He believes that they further stated that there was to be no physical or mental abuse to Parks when in fact he did return.

Larson was asked whether or not he recalled that Kanga had stated that Parks would be taken care of quietly, as reported in the Gischel affidavit. He does not recall Kanga saying that. He is not certain, but he believes Kanga may have mentioned that Parks possibly could be

transferred. Larson added that he could not swear to this since he was uncertain as to whether Kanga, in fact, said that at the meeting or at some other time. Larson does not recall any discussion about allowing Parks access to company documents. It is his impression the overall content of the meeting concerned advising the group as to Parks' allegations and that everyone should remain cooperative. In addition, he feels that there was a general instruction to be careful that their remarks were not taken out of context. Larson also believes that there was a clear indication to those attending the meeting that there was to be no retaliation against Parks.

Interview of

KENNETH PASTOR

Statement of Kenneth Pastor
dated 8/29/84

Pastor recalls attending the meeting of March 23rd, 1983. He believes that after the meeting was called together by Bahman Kanga, Robert Arnold advised those in attendance that Parks was going to hold a press conference regarding concerns he had about safety problems at the TMI-2 site. He believes Arnold also stated that Parks would be coming back on site and that he was to be treated properly and not harassed. He understood this to be a direction from Arnold to the group.

It is his recollection that a number of those attending the meeting expressed displeasure with what Parks had done and that some may have said that Parks should not be allowed back on the Island. Pastor recalls that Arnold said something to the effect that Parks was not to be provided with company documents but was to be supplied with anything he needed to perform his duties. When specifically asked whether he recalled Kanga stating that Parks would be taken care of quietly after he returned, Pastor said he does not recall such a statement. He also did not recall Barton stating that Parks should be fired. He did not recall any statement by Arnold whereas Arnold classified the problem as a "flash in the pan." He does believe some reference to the Udall Committee was made but can provide no specifics.

It is Pastor's belief that there was no decision at that meeting as to how the company would deal with Parks as a result of his going public with the allegations. The problem of how Parks should be dealt with was viewed as a personnel matter that should be resolved by Bechtel and not by GPU.