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DATE: July 9, 1984



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION IV  
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ARLINGTON, TEXAS 76011

DATE: July 9, 1984

REPORT OF INVESTIGATION

TITLE: COMANCHE PEAK STEAM ELECTRIC STATION:  
ALLEGED INTIMIDATION OF QC PERSONNEL

SUPPLEMENTAL NO. DN 50-445/50-446

CASE NUMBER: 4-84-008

CONTROL OFFICE: OI FIELD OFFICE: REGION IV STATUS: CLOSED

PERIOD OF INVESTIGATION: September 15, 1983 - February 9, 1984

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## SUMMARY

On September 15, 1983, a former Brown & Root, Inc. Quality Control (QC) inspector at the Comanche Peak Steam Electric Station (CPSES) was interviewed by a U. S. Nuclear Regulatory Commission (NRC) investigator during a related investigation. The allegor stated she was subjected to a series of about eight meetings with QC supervisors following her appearance before the CPSES Atomic Safety and Licensing Board (ASLB), and that the meetings were intended to intimidate and discourage her in the performance of her work. She advised that during the meetings the Texas Utilities Generating Company (TUGCO) Site Quality Assurance (QA) Supervisor and an Ebasco Services Incorporated (Ebasco) QC Supervisor questioned her about her continued ability to perform her inspection duties [REDACTED]

Inquiries revealed that on July 14, 1982, the TUGCO and Ebasco supervisors along with the Brown & Root Project Manager, Personnel Services at CPSES, called the allegor to a meeting and explained her [REDACTED] employment options to her.

On September 1, 1982, the allegor testified as a witness before the CPSES ASLB and alleged various improper construction practices.

Investigation disclosed that soon after her appearance before the ASLB, the allegor's work area and inspection duties were changed from field inspections to inspections in the fabrication shop. Additionally, [REDACTED] the allegor was allowed to park in a restricted area near the site entrance and was provided transportation to and from her work area.

Inquiries determined that on October 14, 1982, the allegor attended a conference with the Brown & Root QA Administration Manager, during which she was provided an opportunity to ask questions and receive counseling regarding her employment entitlements [REDACTED] and unemployment compensation when she left her job with Brown & Root [REDACTED]. The investigation surfaced no additional meetings subsequent to the allegor's appearance before the ASLB.

On December 15, 1982, the allegor ended her employment with Brown & Root in a reduction of force held at her request as documented in her Brown & Root personnel records. A Brown & Root personnel officer noted the reduction of force qualified the allegor for unemployment compensation, a benefit not received if an employee requests a leave of absence [REDACTED]

The QC supervisors who allegedly conducted meetings for the purpose of intimidation, explained that the meeting with the allegor prior to her appearance before the CPSES ASLB, was held to discuss her problems [REDACTED]

[REDACTED] as they related to the physical requirements of her QC inspection duties. The QC supervisors said the second meeting with the administration manager in attendance was held to inform the allegor of her employment options in consideration

said the allegor's

The QC supervisors

and her status

as a witness before the ASLB all led to the concessions and the consideration extended to her beyond normal employment benefits. The QC supervisors and the two Brown & Root personnel officers denied the meetings with the allegor or the changes in her inspection duties were intended to intimidate her or cause her to leave her employment at CPSES.

DETAILS

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Purpose of Investigation

The purpose of this investigation was to determine if Darlene STINER was subjected to attempted intimidation or harassment during several meetings by QC supervisors following her testimony before the Comanche Peak Steam Electric Station (CPSES) Atomic Safety and Licensing Board (ASLB).

## Background

On September 1, 1982, Darlene STINER, a Brown & Root, Inc. Quality Control (QC) inspector at the CPSES, testified before the CPSES ASLB concerning improper construction practices. During a related Nuclear Regulatory Commission (NRC) investigation (4-84-006) conducted in September 1983, STINER was interviewed regarding her knowledge of intimidation or harassment of employees at CPSES. STINER alleged she had been harassed by the Site Quality Assurance (QA) Supervisor, Ronald TOLSON, and the Non-ASME QC Supervisor, Thomas BRANDT, during a series of meetings conducted in TOLSON's office

and that these meetings occurred following her testimony before the CPSES ASLB.



### Interview of Darlene STINER

On September 15, 1983, Darlene STINER, a former Brown & Root, Inc. QC inspector at the CPSES, was interviewed by NRC Investigator H. Brooks GRIFFIN in a related investigation. STINER executed a signed, sworn statement which is included with this report as Exhibit (1).

STINER stated she was first employed by Brown & Root at CPSES as a file clerk in August 1977. STINER said she certified as a welder in February 1978, and then became a QC inspector in June 1980. STINER said she worked as a QC inspector until December 1982, when she left her employment at CPSES in a reduction of force.

STINER stated that in September 1982, she testified as a witness before the CPSES ASLB. STINER stated that soon after her appearance before the ASLB, she was called to Ronald TOLSON's office for a series of about eight sessions with Ronald TOLSON (Texas Utilities Generating Company Site QA Supervisor) and Thomas BRANDT (Ebasco Services Incorporated QC supervisor) in which TOLSON questioned her about her health. STINER alleged the purpose of these sessions was to intimidate and discourage her.

INVESTIGATOR'S NOTE: Other instances of alleged harassment and/or intimidation which are included in STINER's statement (Exhibit [1]) were reported in Report of Investigation 4-84-006. Further, all of STINER's allegations have been furnished to the ASLB.

## Interview of Ronald TOLSON

On December 2, 1983, Ronald TOLSON, the Texas Utilities Generating Company (TUGCO) Site Quality Assurance Supervisor, was interviewed by NRC Investigators H. Brooks GRIFFIN and Donald D. DRISKILL at CPSES. TOLSON's testimony was recorded by an NRC contract court reporting service, and a copy of the transcript is included with this report as Exhibit (2). TOLSON was represented by McNeill WATKINS of Debevoise and Lieberman, Attorneys at Law.

TOLSON recalled he had held two meetings with Darlene STINER (supra)

TOLSON indicated that since he had heard that STINER had a he was uncomfortable with the idea of a woman with a conducting physical field inspections. TOLSON recalled that during his second conference with STINER, he counseled her regarding her rights to insurance coverage if she applied for a leave of absence. TOLSON stated he also communicated to STINER her job options related to her and other medical benefits.

TOLSON recalled that during his second conference with STINER which followed her testimony before the CPSES ASLB, he had recommended that she consider taking a leave of absence which would extend her medical benefits. TOLSON stated that STINER's appearance before the CPSES ASLB had influenced his decision to grant special privileges to STINER such as moving her closer to her work site, offering her transportation to and from the front gate, and giving her parking privileges near the front gate. TOLSON said he considered STINER's job situation, her testimony before the ASLB, "like sitting on a keg of dynamite." TOLSON stated it was a common practice to assign employees lighter duty.

TOLSON said he had not requested the meetings with STINER to threaten, harass, intimidate, or attempt to make her leave her employment with Brown & Root. TOLSON indicated STINER had not been threatened or mistreated during the meetings, but was instead informed of her job options in light of her

INVESTIGATOR'S NOTE: TOLSON's testimony regarding his meetings with Darlene STINER is recorded on pages 13 through 17 of TOLSON's transcript (Exhibit [2]).

## Interview of Thomas BRANDT

On December 1, 1983, Thomas BRANDT, an Ebasco Services Incorporated Quality Control supervisor at the CPSES was interviewed by NRC Investigators H. Brooks GRIFFIN and Donald D. DRISKILL at CPSES. This interview was recorded by an NRC contract court reporter, and the transcript of BRANDT's testimony is included with this report as Exhibit (3). BRANDT was represented by McNeill WATKINS, attorney for Debevoise and Leiberman, Attorneys at Law.

BRANDT said he recalled a meeting with Ronald TOLSON, the Texas Utilities Generating Company Site Quality Assurance Supervisor, Darlene STINER, a Brown & Root QC inspector, and himself in TOLSON's office to discuss STINER's

BRANDT said he did not know exactly when this meeting occurred, but said he believed it was before STINER's testimony before the CPSES ASLB.

BRANDT said STINER was \_\_\_\_\_ and he had heard she had \_\_\_\_\_. BRANDT indicated this meeting was held to determine if STINER was physically capable of performing her duties.

BRANDT said he recalled a second meeting with STINER to make her aware of her options regarding a leave of absence. BRANDT said he also recalled that Raymond YOCKEY, the Brown & Root Site Personnel Manager, was present in the meeting to inform STINER of her employment options and to discuss her

INVESTIGATOR'S NOTE: This meeting occurred before STINER'S testimony before the ASLB.

BRANDT said he also recalled STINER was counseled regarding her need to acquire a high school graduate degree or a GED to comply with the requirements of the American National Standards Institute (ANSI) N452.6 for certification of inspection personnel. BRANDT stated he counseled STINER regarding the need to acquire a GED prior to STINER's testimony before the CPSES ASLB.

BRANDT recalled that prior to Darlene STINER's meeting with YOCKEY, she had made statements to her peers that she could no longer do her job because of her

physical limitations

BRANDT stated that in consideration of her , he and TOLSON (supra) had made the decision to transfer STINER to the Fabrication (Fab) Shop so she would not have to conduct the more arduous field inspections. BRANDT said STINER's reassigned office was only about 10 yards away from the Fab Shop, and she was able to conduct her inspections more easily. BRANDT said STINER continued to work as a QC inspector

BRANDT said STINER was even provided with transportation to and from her work area because she had complained of threats against her by other employees. BRANDT indicated the transportation had been provided to STINER after her testimony before the CPSES ASLB. BRANDT recalled that STINER was also permitted to park in the Texas Utilities Service Company parking lot which was close to the entrance to the site in consideration of BRANDT said he did not recall exactly what advice or recommendations TOLSON made to STINER regarding but said that TOLSON might have recommended a leave of absence to her.

BRANDT said the parking privileges and the transportation to and from her work site were implemented following the intervenor's filing for a protective order for STINER with the Chairman of the ASLB. BRANDT indicated he did not know of any other on site who were extended special treatment or privileges.

BRANDT was questioned as to his knowledge of Brown & Root policy regarding

BRANDT said he was not aware of the policy, other than the phrase stating, "you may only perform your job as long as you are physically capable of performing your job." BRANDT concluded that all the special considerations and privileges provided to STINER were in consideration of her health, her testimony before the ASLB, and her witness status with the intervenor, CASE. BRANDT said STINER was not threatened, intimidated, or harassed during either meeting, and that the meetings had not been intended to intimidate or harass STINER.

INVESTIGATOR'S NOTE: BRANDT's testimony regarding the above described meetings with Darlene STINER is recorded on pages 45 through 53 of BRANDT's transcript, which is included in this report as Exhibit (3).

Interview of Raymond YOCKEY

On January 24, 1984, Raymond YOCKEY, the Brown & Root, Inc. Project Manager, Personnel Services at the CPSES, was interviewed by NRC Investigator H. Brooks GRIFFIN. YOCKEY provided the NRC with a signed, sworn statement which is included with this report as Exhibit (4). YOCKEY said he was first employed at CPSES in September 1975, and was promoted to his present position in November 1978.

YOCKEY stated he attended a meeting on July 14, 1982, in Ronald TOLSON's office with TOLSON, Thomas BRANDT, and Darlene STINER in attendance. YOCKEY said TOLSON had requested his presence at the meeting to advise STINER of her employment options in consideration of \_\_\_\_\_ YOCKEY said he believed his participation in the meeting was more as a technical adviser regarding Brown & Root policy.

YOCKEY recalled he had heard Darlene STINER discussed as a "personnel problem," but he said he did not recall the nature of the problem or who had told him. YOCKEY said he had also heard a rumor, prior to the meeting, that STINER had previously had difficulties

YOCKEY said STINER inquired about the possibility of her being laid off so that she would be eligible for unemployment compensation. YOCKEY said he explained to STINER that Brown & Root did not hold "reductions of force" (ROFs) for individual employees and that applicants were presently being interviewed for her position.

YOCKEY said the Brown & Root policy for application for "leave of absence" was explained to STINER, and she was told she would continue to qualify for insurance benefits. YOCKEY explained that Brown & Root policy dictated that a \_\_\_\_\_ who had worked for Brown & Root for at least 1 year could apply for a 6 month leave of absence if she provided the personnel office with a doctor's note listing an expected date of delivery and the employee paid 1 month's insurance in advance. YOCKEY said the 6 month leave could be extended if requested, but the employee was not paid for any time during a leave of

absence. YOCKEY further explained that following a leave of absence, an employee had to compete with all other applicants in consideration of reemployment.

YOCKEY said that STINER was told during the meeting that a reduction in force was not an option open to her. YOCKEY explained that it was not consistent with Brown & Root policy to ROF an employee just so the employee could qualify for unemployment compensation. YOCKEY said that STINER's personnel file indicated she was included in a ROF on December 15, 1982, at her request. YOCKEY said he did not believe STINER's ROF on December 15, 1982, was proper because Brown & Root ultimately had to pay for the compensation and other inspectors were being hired at the time. YOCKEY stated he learned, during the meeting with STINER, that her duties had been changed

YOCKEY said he was not aware of what those changes were.

YOCKEY said STINER was not intimidated or harassed by TOLSON, BRANDT, or himself during the meeting, nor did he believe the meeting was held for the purpose of harassing STINER. YOCKEY said his only participation in the meeting was to advise STINER of her employment rights. YOCKEY said STINER did not appear distressed or uncomfortable during the meeting.

YOCKEY provided the NRC with a copy of a memorandum he made of the July 14, 1982, meeting with STINER (Exhibit 4-1), a copy of the Brown & Root, Inc. policy regarding Authorized Leave of Absence (Exhibit 4-2), and a copy of an October 14, 1982, memorandum prepared by D. K. EGBERT following a conversation with STINER (Exhibit 4-3). YOCKEY indicated these copies were contained in STINER's Brown & Root personnel file.

Telephonic Interview of D. K. EGBERT

On February 3, 1984, D.K. EGBERT, the Brown & Root, Inc. Assistant Manager of Land Operations, Office Services in Houston, Texas, was telephonically interviewed by NRC Investigator H. Brooks GRIFFIN. EGBERT stated he had been a Brown & Root employee since 1976, and had worked as the Brown & Root QA Administration Manager at the Comanche Peak Steam Electric Station prior to his present position.

EGBERT stated that on October 14, 1982, he held a conference with Darlene STINER at CPSES to inform STINER of her . . . EGBERT said he explained STINER's options regarding reduction of force or leave of absence. EGBERT said he also answered STINER's questions concerning medical benefits and vacation entitlements. EGBERT said that Brown & Root had, on occasion, held a reduction of force (ROF) for the benefit of individual employees. EGBERT recalled STINER seemed pleased that someone was willing to explain the benefits available to her.

EGBERT said he also contacted the Unemployment Claims Department in STINER's behalf, and later contacted STINER and transmitted the results of his inquiries to her. EGBERT recalled a discussion he had with STINER concerning problems

EGBERT said STINER's . . . was the first time he had been involved in personnel decisions involving a . . . EGBERT said the sole purpose of his meeting with STINER was to assist her in making an employment decision . . . EGBERT said he was not aware that STINER had made allegations of improper construction practices at CPSES at the time of his meeting with her.

EGBERT confirmed he had prepared the "confidential interoffice memorandum" (Exhibit 4-3 pertains) documenting the details of his conversations with STINER, and that this memorandum was part of STINER's Brown & Root personnel file.



Status of Investigation

The status of this investigation is CLOSED.

EXHIBITS

(1)	Statement of Darlene STINER	9-15-83
(2)	Transcript of Testimony of Ronald TOLSON	12-02-83
(3)	Transcript of Testimony of Thomas BRANDT	12-01-83
(4)	Statement of Raymond YOCKEY	1-24-84
(4-1)	Copy of Memorandum by Raymond YOCKEY (Regarding 7-14-82 Meeting with STINER)	7-14-82
(4-2)	Copy of Brown & Root, Inc. Policy No. 01 - 03 (Regarding Authorized Leave of Absence)	7-07-78
(4-3)	Copy of Memorandum by D. K. EGBERT (Contained in Darlene STINER's Brown & Root Personnel File)	10-14-82