



UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

DATE: July 26, 1984

REPORT OF INVESTIGATION

TITLE: COMANCHE PEAK STEAM ELECTRIC STATION:
ALLEGED DISCRIMINATION AGAINST QUALITY CONTROL INSPECTOR


SUPPLEMENTAL NO. DN 50-445/50-446

CASE NUMBER: 4-83-016

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

PERIOD OF INVESTIGATION: August 29, 1983 - March 1, 1984

REPORTING INVESTIGATOR:

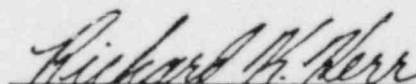

Donald D. Driskill, Investigator
Office of Investigations Field Office, Region IV

PARTICIPATING PERSONNEL:

H. Brooks Griffin, Investigator
Office of Investigations Field Office, Region IV

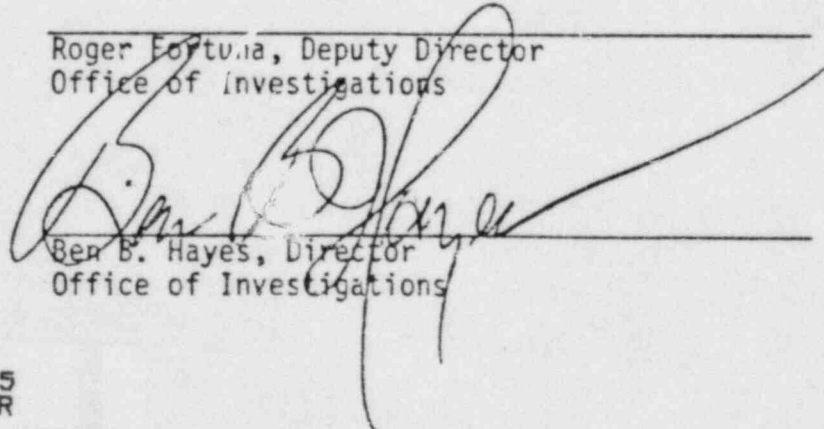
Wendel E. Frost, Investigator
Office of Investigations Field Office, Region IV

REVIEWED BY:


Richard K. Herr, Director
Office of Investigations Field Office, Region IV

Roger Fortuna, Deputy Director
Office of Investigations

APPROVED BY:


Ben B. Hayes, Director
Office of Investigations

8410310209 840726
PDR ADOCK 05000445
Q PDR

SUMMARY

This investigation was initiated subsequent to the receipt of an allegation that a Comanche Peak Steam Electric Station (CPSES) protective coatings Quality Control (QC) lead inspector was fired after having made statements in a QC meeting to the effect that a coatings QC supervisor was intimidating and not supporting his personnel. The alleged claimed the rationale for his termination had an intimidating effect on the QC coatings inspectors.

Seven protective coatings QC inspectors were interviewed who attended the meeting at which the alleged reportedly spoke out regarding intimidation. All expressed their opinion that the alleged was terminated by Brown & Root, Inc. (B&R) because he complained about intimidation during the meeting. In view of this belief, all stated his termination had an intimidating effect on them since they no longer felt free to discuss their QC concerns and work-related problems with CPSES management. However, none indicated that this intimidating condition prevented them from performing their duties properly.

Eight CPSES management personnel, associated directly or indirectly with the alleged's termination, were interviewed. All asserted the alleged was terminated solely as a result of his refusal to accept counselling regarding his reportedly disruptive behavior during the meeting and statements he made to the supervisor attempting to counsel him.

The alleged filed a discrimination complaint with the Department of Labor (DOL) claiming he was fired for discussing a problem with upper management. B&R refused to conciliate the termination with the alleged. A DOL investigation of the alleged's complaint resulted in a finding that he was discriminated against in violation of Section 210 of the Energy Reorganization Act. B&R has appealed this finding and a DOL Administrative Law Hearing has been held concerning this matter. To date, no verdict has been reached regarding the appeal.

Additionally, the supervisor who the alleged accused of intimidation is the same individual who was previously identified and investigated (OI Case No.

4-83-001 pertains) for having made threatening and intimidating statements to coatings inspectors in early 1983. This previous investigation corroborated the allegation that the supervisor, at that time, did make statements to inspectors which had an intimidating effect.

DETAILS

TABLE OF CONTENTS

<u>PAGE TITLE</u>	<u>PAGE NUMBER</u>
Purpose of Investigation	1
Background	2
Contact with Robert FORTMAN	3
Interview of William A. DUNHAM	4
Reinterview of William A. DUNHAM	6
Meeting with Robert C. RICE	7
DOL Conciliation Effort	8
Interview of Thomas F.W.P. KELLY	9
Telephonic Interview of Jerome FIRTEL	10
Interview of Jerry ARTRIP	11
Interview of ██████████	12
Interview of ██████████	13
Interview of Walter T. ELLIOTT	14
Interview of ██████████	15
Interview of Donald R. DAVIS	16
Interview of ██████████	17
Interview of Harry O. WILLIAMS	18
Interview of Evert R. MOUSER	19
Interview of Myron G. (Curly) KRISHER	20
Interview of Gordon Raymond PURDY	22
Interview of Charles Thomas BRANDT	24
Interview of Ronald G. TOLSON	25
Receipt of Texas Utilities Generating Company	26
Investigative Report	
Reinterview of Charles Thomas BRANDT	27
Interview of David N. CHAPMAN	28
Interview of B. R. CLEMENTS	29
Other Investigative Matters	31
Department of Labor Findings	32
Status of Investigation	33
Exhibits	34

Purpose of Investigation

The purpose of this investigation was to determine whether the allegedly discriminatory termination of William A. DUNHAM and/or the circumstances which were reportedly responsible for that termination had an intimidating effect on DUNHAM's co-workers at CPSES.

Background

On August 29, 1983, William A. DUNHAM, former Lead Protective Coatings QC Inspector, employed by B&R at CPSES, Glen Rose, Texas, telephonically contacted reporting investigator and stated he was "fired" on August 26, 1983. DUNHAM stated B&R documented the reason for his termination as "insubordination." However, he explained that he was actually terminated due to comments he made regarding the intimidation of coatings inspectors during an August 24, 1983, QC meeting with two Ebasco Services Incorporated (Ebasco) Corrosion Engineers who were working at CPSES. DUNHAM remarked that his termination serves as a warning to other QC inspectors that they should not openly discuss such sensitive issues, and therefore he opined his termination would have an intimidating effect on other QC inspectors at CPSES.

Since DUNHAM maintained his termination was the result of discriminatory action on the part of B&R, he was advised he had the right to file a complaint with the U. S. Department of Labor (DOL) under Section 210 of the Energy Reorganization Act (29 CFR Part 24).

Contact with Robert FORTMAN

On August 29, 1983, Robert FORTMAN, Assistant Area Director, U. S. Department of Labor, Wage & Hour Division, Fort Worth, Texas, was apprised of DUNHAM's complaint and the fact that DUNHAM was considering filing a complaint with DOL relative to the circumstances associated with his termination.

Interview of William A. DUNHAM

On August 31, 1983, William A. DUNHAM, former Lead Protective Coatings QC Inspector employed by B&R at CPSES, Glen Rose, Texas, was interviewed by U.S. Nuclear Regulatory Commission (NRC) Investigator Donald D. DRISKILL at Cleburne, Texas, regarding the circumstances relating to his termination by B&R. DUNHAM provided a sworn statement which is included with this report as Exhibit (1).

DUNHAM stated that in early August 1983, he discussed with Gordon PURDY, B&R Site Quality Assurance (QA) Manager, the fact that Harry WILLIAMS, CPSES Coatings QC Supervisor, was harassing and intimidating coatings inspectors and forcing inspectors to sign inspection reports approving sub-standard coatings applications. DUNHAM stated that during this meeting, PURDY appeared sympathetic to his (DUNHAM's) concerns and assured him that he would keep their discussion confidential. DUNHAM stated that about one hour later, he was called into Ronald TOLSON's (site QA manager) office. He stated TOLSON, Thomas BRANDT (site Non-ASME QA supervisor) and PURDY were present. DUNHAM stated he "underwent an extensive interrogation by TOLSON and BRANDT" regarding the concerns he had discussed (confidentially) with PURDY. He continued that following this discussion TOLSON said, "I'll look into it," and he was then dismissed.

DUNHAM related that on August 24, 1983, two Ebasco Corrosion Engineers (names unknown) held a meeting with CPSES coatings inspectors at the site to explain changes they were making in the coatings QC program. DUNHAM stated that during the meeting, he asked several questions and pointed out quality control problems his department was experiencing. DUNHAM explained that one of the concerns he pointed out during the meeting was that coatings inspectors were ordered by management to sign inspection reports containing data they (the inspectors) disagreed with.

DUNHAM stated that on August 26, 1983, Evert MOUSER, Lead Coatings QC Inspector, informed him (DUNHAM) that they were required to attend a meeting with PURDY at 4:30 p.m. that day. DUNHAM stated that at 4:30 p.m. he met with

MOUSER, curly KRISHER (CPSES coatings QC supervisor) and PURDY at PURDY's office. DUNHAM stated that upon being seated, PURDY gave him a sheet of paper which was a counselling report which stated he (DUNHAM) was a "disruptive influence" in the August 24, 1983, meeting and that any further demonstration of this attitude would be cause for immediate termination. DUNHAM stated he refused PURDY's instructions that he (DUNHAM) sign the counselling report. DUNHAM stated PURDY told him that if he would not sign the report, "I'll have to take you to the gate then." DUNHAM stated he told PURDY he would not sign the report. DUNHAM stated he was allowed to go to the QC office and gather his personal effects prior to being taken to the B&R Time Office for termination. DUNHAM explained he refused to sign the counselling report because he had not been disruptive during the August 24, 1983, meeting. DUNHAM stated that had he signed the report he believed it would be later used as a basis for his termination.

INVESTIGATOR'S NOTE: The two Ebasco corrosion engineers referred to by DUNHAM as being present during the August 24, 1983 meeting were subsequently identified as T. KELLY and J. FIRTEL.

Reinterview of William A. DUNHAM

On September 2, 1983, William A. DUNHAM, supra, was reinterviewed by NRC Investigator Donald D. DRISKILL at Cleburne, Texas. A Results of Interview is included with this report as Exhibit (2).

DUNHAM advised he had contacted B&R, located in Houston, Texas, and eventually spoke with Peter R. McCLAIN, Attorney, B&R, Houston, Texas. DUNHAM stated he apprised McCLAIN of the circumstances relating to his termination by B&R, and McCLAIN stated he would investigate the matter during the week of September 5-9, 1983.

DUNHAM stated that McCLAIN met with him on September 9, 1983, and recommended that he (DUNHAM) seek other employment. DUNHAM stated it was obvious that McCLAIN's investigation would not find in his (DUNHAM's) favor. DUNHAM stated McCLAIN showed him a counselling report he (McCLAIN) had obtained from Gordon PURDY. DUNHAM stated he told McCLAIN that although this document contained many of the same statements which were on the three-part memorandum presented to him (DUNHAM) at the time of his termination, it was not the same document.

Meeting with Robert C. RICE

On September 27, 1983, Robert C. RICE, Compliance Officer, U. S. Department of Labor, Wage & Hour Division, Wichita Falls, Texas, met with NRC Investigator Donald D. DRISKILL at the Office of Investigations (OI) Field Office, Region IV. RICE provided copies of DUNHAM's statement to DOL relative to his alleged discriminatory termination which is included with this report as Exhibit (3). RICE stated he wanted to meet with B&R the following day in order to present them with DUNHAM's complaint and to initiate efforts to achieve a mutually agreeable settlement of the matter. RICE advised that if conciliation efforts were unproductive, he wanted to immediately undertake an investigation of DUNHAM's complaint. RICE was advised that NRC intended to investigate DUNHAM's statement that his termination would have an intimidating effect on other coatings inspectors at CPSES. It was mutually agreed that concurrent investigations would be undertaken by DOL and NRC on September 27, 1983, regarding the issues of DUNHAM's termination and the alleged intimidating effect of this action.

DOL Conciliation Effort

On September 28, 1983, Robert C. RICE, supra, advised reporting investigator that he met with Gordon R. PURDY, Site QA Manager for B&R at CPSES, and discussed DUNHAM's complaint and B&R's right to conciliate the matter. PURDY informed RICE that B&R did not wish to conciliate the matter. RICE advised PURDY that in view of the situation, DOL would conduct an investigation of the circumstances relative to DUNHAM's termination.

Interview of Thomas F.W.P. KELLY

On September 28, 1983, Thomas F.W.P. KELLY, Principal Corrosion Engineer, Ebasco Services Incorporated, Houston, Texas, was interviewed by NRC Investigator Donald D. DRISKILL at CPSES. KELLY stated he was temporarily assigned, by Ebasco, to CPSES for the purpose of studying the CPSES protective coatings specifications, application procedures and QC procedures. KELLY provided a sworn statement which is included with this report as Exhibit (4).

KELLY stated that on August 24, 1983, he and Jerome FIRTEL, Principal Corrosion Engineer, Ebasco Services Incorporated, New York, New York (also on temporary assignment at CPSES) held a meeting with a number of Protective Coatings QC Inspectors at CPSES. KELLY stated the purpose of the meeting was to explain to the inspectors proposed changes in coatings specifications, procedures and QC criteria. KELLY stated the meeting format was open, enabling attendees to ask questions at any time.

KELLY stated that during the meeting, DUNHAM was "discourteous" since he frequently interrupted other persons and made statements not relevant to the matters under discussion. KELLY described these statements by DUNHAM as referring to a lack of support by his supervisory personnel, craft intimidation of inspectors and the fact that he (DUNHAM) was a better painter than anyone on the job site. KELLY described DUNHAM's comportment during the meeting as "obnoxious."

Telephonic Interview of Jerome FIRTEL

On October 12, 1983, Jerome FIRTEL, Corrosion Engineer, Ebasco Services Incorporated, New York, New Ycrk, was telephonically interviewed by NRC Investigator Donald D. DRISKILL. A Results of Interview of FIRTEL is included with this report as Exhibit (5).

FIRTEL stated he was at CPSES for about four days in August 1983 to assist Thomas KELLY, supra, perform an evaluation of the CPSES protective coatings program. He stated that while there, he and KELLY were asked to have a question and answer session with the protective coatings inspectors to answer any technical questions they might have.

FIRTEL stated that during the meeting, one inspector (presumably DUNHAM) attempted to use the meeting as a forum to air personal grievances. FIRTEL described DUNHAM as having a "poor attitude," being "disruptive" and "out of line" in bringing up "such matters" in front of "guests" (which FIRTEL believed he and KELLY were). FIRTEL, when asked whether comments made by DUNHAM concerning inspectors being intimidated by supervisors were personal problems, answered, "Yes." FIRTEL stated the topics brought up by DUNHAM were irresponsible because neither he nor KELLY had any control over management employee relations at CPSES.

Interview of Jerry ARTRIP

On September 28, 1983, Jerry ARTRIP, Protective Coatings QC Inspector employed by Ebasco at CPSES, was interviewed by NRC Investigators Donald D. DRISKILL and Wendel E. FROST at CPSES. ARTRIP's sworn statement is included with this report as Exhibit (6).

ARTRIP stated he attended the August 24, 1983, meeting held by the Ebasco Corrosion Engineers (KELLY and FIRTEL). ARTRIP stated he did not feel that DUNHAM's demeanor during the meeting was disruptive. ARTRIP stated DUNHAM had asked several technical questions which "were not out of the ordinary." He stated DUNHAM had also made statements indicating that protective coatings inspectors were "receiving pressure to buy off on inspections." ARTRIP stated KELLY tried to reconcile DUNHAM's concerns with technical answers. ARTRIP stated some of KELLY's statements had prompted a further response from DUNHAM. ARTRIP stated he believed, at that time, DUNHAM would be in trouble for bringing up "problems that were happening in the field." ARTRIP stated DUNHAM's firing confirmed his (ARTRIP's) belief that he too would be fired for bringing up problems of this nature to his supervisor. ARTRIP related no instances where he improperly reported or failed to report QC inspection findings as a result of his belief.

Interview of Walter T. ELLIOTT

On September 28, 1983, Walter T. ELLIOTT, Protective Coatings QC Inspector employed by Ebasco at CPSES, was interviewed by NRC Investigator Donald L. DRISKILL at CPSES. ELLIOTT's sworn statement is Exhibit (11).

ELLIOTT stated he attended the August 24, 1983, meeting of coatings inspectors. ELLIOTT stated that during the meeting, DUNHAM "pointed out that technical specifications were not the only problem coatings inspectors have." He said DUNHAM pointed out that inspectors experience "harassment and lack of support" from QC management when attempting to document deficient conditions found during inspections. ELLIOTT stated he does not believe DUNHAM's demeanor was in any way disruptive or unprofessional.

ELLIOTT stated he feels intimidated as a result of what happened to DUNHAM in that he (ELLIOTT) feels "vulnerable if I speak out in meetings or otherwise regarding program matters which concern me." He stated that what happened to DUNHAM "affects the way I see all aspects of my job" and "limits my freedom to properly do my job as a QC inspector." ELLIOTT related no instances where he has failed to report or improperly reported QC inspection findings as a result of his belief.

Interview of Donald R. DAVIS

On September 28, 1983, Donald R. DAVIS, Protective Coatings QC Inspector employed by B&F. at CPSES, was interviewed by NRC Investigator Donald D. DRISKILL at CPSES.

DAVIS stated he attended the August 24, 1983, meeting of coatings inspectors. DAVIS stated DUNHAM did make some comments to the engineers relative to "harassment and intimidation" experienced by the coatings inspectors in the field. DAVIS stated that the engineers would not address these issues. DAVIS stated he does not believe DUNHAM was discourteous or rude during the meeting, nor did he (DUNHAM) dominate the conversation. DAVIS stated he believes DUNHAM was fired for "bringing up problems." He also stated he feels management used DUNHAM as an example to discourage other inspectors from bringing up problems.

When questioned concerning the effect DUNHAM's termination would have on his work, DAVIS stated, "DUNHAM's termination doesn't intimidate me." "I'm not going to shut up." DAVIS stated that he now knows he can't discuss work-related problems with QC supervisors. He commented that "this is the only place I know where you can get fired for doing your job."

Interview of Harry O. WILLIAMS

On November 7, 1983, Harry O. WILLIAMS, former Non-ASME QC Supervisor employed by Dravo Constructors, Inc. at CPSES, was interviewed by NRC Investigators Donald D. DRISKILL and H. Brooks GRIFFIN at the Dravo offices in Pittsburgh, Pennsylvania. WILLIAMS was represented by John S. KINSEY, Jr., Attorney for LeBoeuf, Lamb, Leiby and MacRae of New York, New York. WILLIAMS' testimony is included with this report as Exhibit (16).

WILLIAMS stated he was present during the meeting of coatings inspectors at CPSES On August 24, 1983. WILLIAMS stated the purpose of the meeting was for the two Ebasco engineers to discuss their review of the coatings program and explain the technical rationale relative to procedural changes being made. WILLIAMS stated that during the meeting, DUNHAM "was loud, boisterous, and ranting and raving." WILLIAMS stated DUNHAM made comments that coatings craft personnel are "getting away with everything" and QC supervisors are allowing these things to occur. WILLIAMS also stated DUNHAM made comments indicating that he (WILLIAMS) was not "backing them" (coatings QC personnel) in their documenting coatings nonconformances.

WILLIAMS stated that on August 25, 1983, he met with Tom BRANDT concerning DUNHAM's conduct during the meeting and was told by BRANDT that a decision had been made to counsel DUNHAM and give him three days off for his conduct during the meeting. WILLIAMS stated that Gordon PURDY and Tom BRANDT "figured they might have a problem with him (DUNHAM)" relative to his accepting the disciplinary action; however, he (WILLIAMS) stated he did not know what they would do, at that time, if a problem arose (see pages 25, 26 and 27 of Exhibit [16]).

WILLIAMS stated that due to a back ailment he was not present at CPSES when DUNHAM was fired on August 26, 1983. He stated he was told of DUNHAM's termination by Evert MOUSER on August 29, 1983.

Interview of Evert R. MOUSER

On November 15, 1983, Evert R. MOUSER, former Non-ASME QC Supervisor of Coatings, Ebasco Service Incorporated, CPSES, was interviewed by NRC Investigator Donald D. DRISKILL at Midland, Michigan. A Results of Interview of MOUSER is included with this report as Exhibit (17).

MOUSER stated he attended the August 24, 1983, meeting of coatings inspectors at CPSES. MOUSER stated the purpose of the meeting was to discuss technical protective coatings concerns with two Ebasco engineers who were reviewing the CPSES protective coatings program. MOUSER stated that during the meeting DUNHAM became loud and dominated the meeting with questions and comments. MOUSER stated he felt DUNHAM was "out of line" in the presence of "guests" (the Ebasco engineers).

MOUSER stated he attended a meeting on August 25, 1983, with Harry WILLIAMS, Goruon PURDY, and Curly KRISHER at Tom BRANDT's office where DUNHAM's conduct was discussed. MOUSER stated, however, that he does not recall any discussion of disciplinary action at this meeting.

MOUSER stated that on August 26, 1983, KRISHER told him that a decision had been made to counsel DUNHAM regarding his conduct during the meeting. MOUSER stated KRISHER indicated that an initial decision to order a three day suspension of DUNHAM, without pay, was cancelled due to a delay in imposing the discipline.

MOUSER stated he subsequently escorted DUNHAM to PURDY's office at about 4:00 p.m., August 26, 1983. MOUSER stated DUNHAM became angry upon looking at the counselling report and told PURDY, "I won't change. Just walk me to the gate. I won't sign it." MOUSER stated PURDY said, after unsuccessfully attempting to calm DUNHAM, "If that's the way it is, just walk him to the gate." MOUSER stated it was his impression that DUNHAM had quit, although he later learned DUNHAM was fired.

Interview of Myron G. (Curly) KRISHER

On November 28, 1983, Myron G. (Curly) KRISHER, Supervisor of Non-ASME activities in Reactor Building I, employed by Ebasco Services Incorporated at CPSES, was interviewed by NRC Investigators Donald D. DRISKILL and H. Brooks GRIFFIN at CPSES. A transcript of KRISHER's sworn testimony is included with this report as Exhibit (18).

KRISHER stated he was present at the August 24, 1983, meeting of coatings inspectors at CPSES. KRISHER stated that DUNHAM dominated the conversation and allowed no one (with one exception) to communicate with the engineers. KRISHER stated that DUNHAM was totally negative in all his charges, which primarily focused on his assertion that CPSES engineering was collapsing to the pressure of the construction schedule and site management to make changes which were not warranted. KRISHER described DUNHAM's conduct as a "dominate negative influence...not in the best interest of the protective coatings program."

KRISHER stated that following the August 24, 1983, meeting, he returned to his office which he shared with Tom BRANDT. KRISHER stated he informed BRANDT that DUNHAM was a "negative influence" during the meeting and that corrective action should be taken to change DUNHAM's attitude.

KRISHER stated that on the morning of August 25, 1983, he attended a meeting with Harry WILLIAMS and Evert MOUSER in BRANDT's office. He stated that during the meeting, Gordon PURDY came in and said he had discussed the DUNHAM matter with Ron TOLSON. According to KRISHER, PURDY related he (PURDY) and TOLSON had decided DUNHAM would be counselled and possibly given three days off without pay to "alert DUNHAM to the program."

KRISHER stated that on August 26, 1983, PURDY told him that DUNHAM would be counselled later that day, but that he (DUNHAM) would not be given three days off due to the delay. KRISHER stated that during that day, he prepared the B&R counselling report for PURDY which was typed (on the form) by BRANDT's secretary. A copy of this report is incorporated in Exhibit (3) of this report of investigation.

KRISHER stated that at about 4:00 p.m. on August 26, 1983, he was present when DUNHAM was escorted to PURDY's office by MOUSER. KRISHER stated PURDY handed DUNHAM the counselling report and stated, "I'd like you to look at this." He observed that several seconds later, DUNHAM slammed the report down on the table and made a statement to the effect, "I'm not going to change. You know this is a lie." KRISHER stated DUNHAM then said, "You might as well get my time and take me to the gate..." KRISHER stated PURDY unsuccessfully attempted to calm DUNHAM. He stated DUNHAM made several more comments indicative of his refusal to change his attitude and indicated his willingness to terminate his employment. KRISHER stated PURDY then said, "Okay, I can take care of that." KRISHER stated DUNHAM was then escorted to the QC trailer to collect his personal effects, and was then taken to the B&R Time Office for termination. KRISHER expressed his opinion that DUNHAM had quit after refusing to accept counselling.

KRISHER stated his only other conversation with DUNHAM was in about early August 1983. He explained that at that time, DUNHAM had complained about the intimidation and harassment being experienced by Coatings QC personnel. KRISHER stated he looked into this allegation and found "that the intimidation and harassment was, as usual, a matter of perception." He stated his investigation did not identify any specific instances of intimidation or harassment.

Interview of Gordon Raymond PURDY

On December 1, 1983, Gordon Raymond PURDY, Site QA Manager for B&R at CPSES, was interviewed by NRC Investigators Donald D. DRISKILL and H. Brooks GRIFFIN at CPSES. A transcript of PURDY's sworn testimony is included with this report as Exhibit (19). PURDY also provided a previously prepared statement relative to the matter of DUNHAM's termination which is appended as Exhibit (20). PURDY was represented by McNeill WATKINS II, Attorney, Debevoise & Lieberman, Washington, D. C.

PURDY's prepared statement explains that DUNHAM, although a B&R employee, worked for Tom BRANDT in the protective coatings QC inspection program in the Non-ASME activities at CPSES. PURDY stated that he (PURDY) has the ultimate responsibility for administering disciplinary action arising out of any serious performance or conduct problems by B&R employees. PURDY stated that although he has no involvement in the technical aspects of the Non-ASME programs at CPSES, he does share in the administrative responsibility of all B&R QA/QC personnel at CPSES.

PURDY stated that on August 25, 1983, he was informed by BRANDT (with KRISHER, WILLIAMS, and MOUSER present) of the "obnoxious and very unprofessional" attitude of DUNHAM during the August 24, 1983 meeting of coatings inspectors. PURDY stated he was told the meeting, held to improve or clarify the protective coatings program, "had turned into a dismal failure because of DUNHAM's attitude and his conduct at the meeting." PURDY stated BRANDT recommended DUNHAM be counseled and given three days off without pay. PURDY stated he concurred with the recommendation.

PURDY explained that the counselling of DUNHAM was delayed until the afternoon of August 26, 1983, and as a result of the delay, Ron TOLSON asked that the three days off without pay portion of the disciplinary action be disregarded.

PURDY stated that at about 4:30 p.m. on August 26, 1983, DUNHAM was escorted to his office by MOUSER. He stated KRISHER was also in attendance at the counselling session. PURDY stated he handed DUNHAM the counselling report,

previously prepared by KRISHER, and upon a "quick perusal," DUNHAM threw it back across the table. PURDY stated DUNHAM said, "...I am not going to change and you might as well walk me to the gate." PURDY stated he tried to discuss the matter with DUNHAM, however, DUNHAM persisted in the same type attitude. PURDY stated he very clearly construed DUNHAM's attitude to be insubordinate, "especially in front of other people." PURDY stated, "I would not tolerate that, and ...made up my mind to terminate Mr. DUNHAM." PURDY stated DUNHAM was then escorted to the B&R Time Office for termination.

Interview of Charles Thomas BRANDT

On December 2, 1983, Charles Thomas BRANDT, Non-ASME QC Supervisor employed by Ebasco at CPSES, was interviewed by NRC Investigators Donald D. DRISKILL and H. Brooks GRIFFIN at CPSES. BRANDT, during this interview, was represented by Attorney McNeill WATKINS II, supra. A transcript of BRANDT's sworn testimony is included with this report as Exhibit (21).

WATKINS inquired as to the possibility that the transcript of instant interview of BRANDT might be presented as evidence in the DOL Administrative Law Hearing relative to the termination of DUNHAM. WATKINS was advised that DOL had the right to request a copy of the transcript of the interview. Subsequent to consultations between WATKINS and BRANDT, WATKINS advised that BRANDT would prefer that OI "put him (BRANDT) under subpoena to answer any further questions...regarding the William DUNHAM matter" at CPSES.

Based on the foregoing request, this interview was terminated.

Interview of Ronald G. TOLSON

On December 2, 1983, Ronald G. TOLSON, Site QA Supervisor employed by Texas Utilities Generating Company (TUGCO) at CPSES, was interviewed by NRC Investigators Donald D. DRISKILL and H. Brooks GRIFFIN at CPSES. TOLSON was represented by Attorney McNeill WATKINS II, supra. A transcript of the sworn testimony of TOLSON is included with this report as Exhibit (22).

TOLSON stated that on August 25, 1983, BRANDT apprised him of DUNHAM's conduct in the August 24, 1983, meeting of coatings inspectors at CPSES. TOLSON stated that during the discussion with BRANDT, they decided that DUNHAM should be counselled regarding the matter and given three days off without pay. TOLSON stated this decision was transmitted by either he or BRANDT to Gordon PURDY, the Senior B&R QA representative on site.

TOLSON stated that on the morning of August 26, 1983, he decided to rescind the three days off without pay disciplinary action against DUNHAM because of the delay in imposing the action.

TOLSON stated that PURDY advised him of the termination of DUNHAM after it had occurred. TOLSON stated PURDY's verbal description of what occurred during the counselling session left him with the impression that DUNHAM had resigned.

TOLSON stated that prior to the termination of DUNHAM, he was involved in no discussion relative to the termination of DUNHAM or discussion of DUNHAM's reaction to the counselling.

Receipt of Texas Utilities Generating Company Investigative Report

On December 13, 1983, R. J. GARY, Executive Vice President, TUGCO, forwarded to John COLLINS, Regional Administrator, Region IV, NRC, an internal TUGCO investigative report, which is included with this report as Exhibit (23), concerning allegations made by William DUNHAM. This report also contains DUNHAM's complaints to the DOL and Texas Employment Commission. The principal findings of this investigative report reflect that DUNHAM was not terminated for identifying quality problems at CPSES, and that technical concerns expressed by DUNHAM and other persons interviewed are "unwarranted."

The TUGCO report relates details concerning PURDY's counselling session with DUNHAM and concludes that DUNHAM's statements in the session "constitute a request for voluntary termination."

The TUGCO report additionally addresses harassment, intimidation and threats against protective coatings QC inspectors which were alleged by DUNHAM. The report states that investigation of these subjects was hampered due to the interviewees' varying interpretations of harassment, intimidation and threats. The report indicates that a recurring complaint of interviewees was that Harry WILLIAMS, the former coatings QC supervisor, had "admonished" inspectors for "nit picking" during their inspections and did not support inspectors' decisions. The report states that WILLIAMS' handling of the "nit picking" matter is "indicative of poor supervisory practice." According to the report, complaints of situations wherein WILLIAMS allegedly did not support his personnel resulted from a "very vocal and articulate group of inspectors...who have a disproportionate amount of influence within the Protective Coatings QC force."

The report also discusses the fact that during the last one and one-half to two years, Ron TOLSON "was under a restraint from QA management in Dallas" with regard to reassigning WILLIAMS to a nonsupervisory position. The report states the TUGCO QA management decision to retain WILLIAMS was based on the fact that his (WILLIAMS') only known shortcoming was his inability to communicate with his subordinates. A decision was made by QA management in Dallas to "phase out WILLIAMS over a period of time."

Reinterview of Charles Thomas BRANDT

On January 9, 1984, pursuant to a subpoena, Charles Thomas BRANDT, Project QA Supervisor employed by Ebasco at CPSES, was interviewed by NRC Investigators Donald D. DRISKILL and H. Brooks GRIFFIN at the NRC OI Field Office, Region IV, Arlington, Texas. Also present, representing BRANDT, was Bruce L. DOWNEY, Attorney at Law, Debevoise & Liberman, Washington, D. C. A transcript of BRANDT's second sworn testimony is Exhibit (24).

When questioned concerning events associated with the termination of William DUNHAM, BRANDT stated he did not attend the August 24, 1983, meeting of coatings inspectors. He stated that on that day, Curly KRISHER, supra, advised him of DUNHAM's comments during the meeting and characterized DUNHAM as "being a disruptive force." BRANDT stated that on August 25, 1983, he talked with Tom KELLY, one of the two Ebasco Corrosion Engineers at the meeting, who described DUNHAM's behavior as "obnoxious and disruptive." BRANDT stated his original thought was to give DUNHAM three days off to "think about his attitude." He stated he discussed this with Ron TOLSON, who concurred in this proposal. BRANDT stated he talked with Gordon PURDY, who agreed to counsel DUNHAM regarding his (DUNHAM's) behavior and impose disciplinary action of three days off without pay. BRANDT stated he was in Dallas on August 26, 1983 when Ron TOLSON called David CHAPMAN, the TUGCO QA Director, at approximately 5:00 p.m. and informed him that DUNHAM had quit. BRANDT stated he was apprised of the details of the incident on Monday, August 29, 1983, and based on what he was told regarding DUNHAM's statements in the counselling session, he believed DUNHAM resigned.

When questioned concerning Harry WILLIAMS, Supervisor of CPSES coatings inspectors, BRANDT related that he was aware that WILLIAMS had some shortcomings as a supervisor. BRANDT characterized one of WILLIAMS' problems by saying, "Oftentimes what Harry meant to say is not what people perceived he had said." BRANDT stated he discussed his concerns regarding WILLIAMS' leadership shortcomings in 1982. BRANDT stated he was aware that in 1982, TUGCO QA management decided not to allow CPSES site management to replace WILLIAMS. BRANDT declined to comment regarding any possibility that DUNHAM's remarks in the August 24, 1983, meeting may have stemmed from his (DUNHAM's) frustrations with WILLIAMS.

Interview of David N. CHAPMAN

On January 16, 1984, David N. CHAPMAN, QA Director, TUGCO, was interviewed by NRC Investigators Donald D. DRISKILL and H. Brooks GRIFFIN in Dallas, Texas. A Results of Interview of CHAPMAN is included with this report as Exhibit (25).

CHAPMAN stated he was apprised, on about August 25, 1983, by Ron TOLSON (supra) of the disruption caused by DUNHAM during a Protective Coatings QC Inspectors meeting. CHAPMAN stated TOLSON informed him of the plan to counsel DUNHAM and give him three days off without pay. CHAPMAN stated that on about August 26, 1983, TOLSON told him of the cancellation of invoking the three days off portion of the disciplinary action. CHAPMAN stated that on either August 26 or 27, 1983, TOLSON informed him of DUNHAM's conduct and statements he made during the counselling session conducted by Gordon PURDY (supra). CHAPMAN stated that initially he believed DUNHAM had quit, based on the information provided by TOLSON. CHAPMAN stated that he later learned PURDY had fired DUNHAM, and he remarked that he believed this was the proper action to take as a result of DUNHAM's attitude.

CHAPMAN stated the reason TUGCO management offered DUNHAM re-employment was to avoid lengthy civil litigation. CHAPMAN stated the decision to offer DUNHAM re-employment in no way implied that management did not support PURDY's actions.

Interview of B. R. CLEMENTS

On March 1, 1984, B. R. CLEMENTS, Vice President, Nuclear Operations, TUGCO, was interviewed by NRC Investigator Donald D. DRISKILL at CPSES in Glen Rose, Texas.

CLEMENTS stated that on August 24 or 25, 1983, David CHAPMAN, supra, notified him that a coatings QC meeting was held on August 24, 1983, at CPSES and that one of the inspectors in attendance had "caused problems." CLEMENTS stated CHAPMAN advised that TOLSON, BRANDT and PURDY had decided to call the individual in, counsel him and give him three days off without pay. CLEMENTS stated he told CHAPMAN, "That's ok, if it's justified." CLEMENTS stated that to his knowledge, there was no intent to fire the individual (DUNHAM) at that time.

CLEMENTS stated that at about 6:30 p.m., August 26, 1983, CHAPMAN called and informed him (CLEMENTS) regarding what occurred during the counselling session with DUNHAM, including the fact that DUNHAM was terminated. CLEMENTS stated he was advised that DUNHAM used profanity and was insubordinate to PURDY during the counselling session. CLEMENTS stated he was also told DUNHAM made statements to the effect that he wanted to resign.

CLEMENTS stated he wrote a September 19, 1983, memorandum to CHAPMAN requesting a TUGCO investigation of the allegations DUNHAM made to the Texas Employment Commission. CLEMENTS stated this document contained statements by DUNHAM indicating he (DUNHAM) was fired for "pointing out quality defects" at CPSES. CLEMENTS stated he reviewed the resulting TUGCO investigative report (Exhibit [23]) prepared by Anthony VEGA.

When specifically questioned concerning statements in that report which indicated TUGCO QA management had not allowed TOLSON "to remove WILLIAMS from a supervisory role," CLEMENTS stated he had knowledge concerning that matter. CLEMENTS stated he witnessed a conversation between TOLSON and CHAPMAN during 1982, wherein TOLSON requested authority to remove WILLIAMS from his supervisory capacity. CLEMENTS stated that CHAPMAN, subsequent to discussing

TOLSON's rationale for the request, stated WILLIAMS was not guilty of anything except using poor communication skills. He stated CHAPMAN also said he did not want WILLIAMS to carry the stigma of being fired, and it was decided that an effort would be made to "phase him (WILLIAMS) out." CLEMENTS stated that neither he nor CHAPMAN got the impression from TOLSON that WILLIAMS had done anything wrong.

When questioned concerning the TUGCO decision to offer DUNHAM re-employment, CLEMENTS stated the decision was made by R. J. GARY, supra. CLEMENTS stated the decision was made to avoid lengthy and expensive litigation of the matter, rather than because anyone believed DUNHAM had been improperly terminated.

Other Investigative Matters

This report of investigation and attached exhibits contain information relative to a variety of topics associated with the termination of DUNHAM. This includes information pertaining to the CPSES coatings program which was not pursued or reported in this investigation. This additional information (set forth primarily in exhibits) was solicited to support other ongoing investigative matters at CPSES (Q4-83-025 and Q4-83-026 pertain).

Additionally, OI Report of Investigation No. 4-83-001 reports a previous investigation of alleged intimidation of protective coatings QC inspectors by their supervisor, Harry WILLIAMS. DUNHAM's complaints in the August 24, 1983 meeting of coatings inspectors, reported herein, were based on his belief that he and his co-workers were being threatened and intimidated by WILLIAMS. Accordingly, additional information (Exhibit [23] pertains) relative to WILLIAMS was obtained and reported herein.

Department of Labor Findings

On October 18, 1983, the U.S. Department of Labor, Wage and Hour Division, Fort Worth, Texas, issued its report, which is included with this report as Exhibit (26), relative to the investigation of DUNHAM's complaint that he was terminated in violation of Section 210 of the Energy Reorganization Act.

The DOL report states that subsequent to unproductive efforts to conciliate the matter, an investigation was conducted. The report concludes that "DUNHAM was a protected employee engaging in a protected activity within the gambit of the Energy Reorganization Act, and that discrimination...was a factor in the actions which comprise his complaint."

STATUS OF INVESTIGATION

The status of this investigation is CLOSED.

EXHIBITS

(1)	Statement of William A. DUNHAM	8/31/83
(2)	Results of Telephonic Interview of William A. DUNHAM	9/12/83
(3)	Department of Labor Letters	9/26/83
(4)	Statement of Thomas F.W.P. KELLY	9/28/83
(5)	Results of Telephonic Interview of Jerome FIRTEL	10/12/83
(6)	Statement of Jerry ARTRIP	9/28/83
(7)	Confidentiality Agreement of [REDACTED]	
(8)	Statement of [REDACTED]	
(9)	Confidentiality Agreement of [REDACTED]	
(10)	Statement of [REDACTED]	
(11)	Statement of Walter T. ELLIOTT	9/28/83
(12)	Confidentiality Agreement of [REDACTED]	
(13)	Statement of [REDACTED]	
(14)	Confidentiality Agreement of [REDACTED]	
(15)	Statement of [REDACTED]	
(16)	Transcript of Testimony of Harry O. WILLIAMS	11/07/83
(17)	Results of Interview of Evert R. MOUSER	11/15/83
(18)	Transcript of Testimony of Myron G. KRISHER	11/28/83
(19)	Transcript of Testimony of Gordon Raymond PURDY	12/01/83
(20)	Statement of Gordon Raymond PURDY	10/11/83
(21)	Transcript of First Testimony of Charles Thomas BRANDT	12/02/83
(22)	Transcript of Testimony of Ronald G. TOLSON	12/02/83
(23)	Texas Utilities Generating Company Investigative Report	12/13/83
(24)	Transcript of Second Testimony of Charles Thomas BRANDT	1/09/84
(25)	Results of Interview with David N. CHAPMAN	1/16/84
(26)	Department of Labor Report of Findings Letter	10/18/83