

COMANCHE PEAK STEAM ELECTRIC STATION:
ALLEGED CLIMATE OF INTIMIDATION

SUPPLEMENTARY REPORT

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ABSTRACT

COMANCHE PEAK STEAM ELECTRIC STATION:

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SUPPLEMENTARY REPORT

May 1985

NRC contracted with EG&G Idaho, Inc., to continue its investigation of the work climate at Comanche Peak Steam Electric Station (CPSES), and to update its opinion concerning intimidation of QA/QC personnel based on data reviewed from September 1984 through April 1985. The resulting expert opinion, developed by the same study team that produced the original EG&G report, is presented in this supplement.

The study team assessed depositions, prefiled testimony, hearing transcripts, NRC reports, survey data, and other available information. Using a broadened definition of intimidation they formulated opinions on individual incidents of intimidation and the overall work climate.

Key findings were that some incidents of intimidation did in fact occur. The overall pattern of incidents, including the number of alleged incidents, alleged perpetrators, and named intimidators, does not support a conclusion that a climate of intimidation exists or existed at CPSES. It was also found that certain management practices, while not constituting intimidation, may have negatively impacted performance of QA/QC personnel.

This investigation resulted in findings that support the conclusions in the original report. In the judgment of the study team a climate of intimidation did not and does not exist at Comanche Peak Steam Electric Station.

COMANCHE PEAK STEAM ELECTRIC STATION:
ALLEGED CLIMATE OF INTIMIDATION

SUPPLEMENTARY REPORT

1. INTRODUCTION

An initial report (Comanche Peak Steam Electric Station: Alleged Climate of Intimidation) on the issue of intimidation of QA/QC personnel at Comanche Peak was written by this team in September 1984. Conclusions in that report were based on information that had been received and analyzed by the team up to that time. This report is presented as a supplement to that initial report and is based upon the incorporation of all information received prior to May 1985.

The numbering of the sections in this Supplementary Report generally follows the outline of the original report to facilitate the comparison of related sections between the two reports. It is not intended that this report stand alone. It is a supplement to the original report and must be read in conjunction with it.

The report is divided into a number of sections as follows. Section 2 presents listings of the additional

data received and reviewed since preparation of the original report. Section 3 presents the analyses carried out based on the additional data and includes conclusions based on the entire data set. This section is divided into subsections dealing with transcribed data, the 1979 and 1983 surveys, NRC Reports of Investigation and Inquiry, and observations concerning management practices at CPSES. Section 4 presents a summary of findings and the conclusions reached in the study. Appendix A is an analysis by David G. Bowers of the 1979 Management Review Board Survey, and Appendix B presents brief summaries of the alleged incidents of intimidation.

2. DATA SOURCES

Information in addition to that used in preparing the original report was received and utilized in arriving at the supplementary conclusions presented here. This information is listed in the following sections.

2.1 Depositions

Depositions of two individuals were received and reviewed after September 1984:

1. H. Brooks Griffin, NRC Investigator
2. Evert Mouser, former QC Supervisor, Coatings

2.2 Survey Data

No additional survey data were obtained. However, an additional analysis of both the substance and pattern of responses was performed on the 1979 Management Review Board Survey data by David G. Bowers, the same expert in survey methodology who previously analyzed the 1983 QA/QC Questionnaire Survey.

2.3 NRC Reports

A number of additional NRC Office of Investigation Reports of Investigation and Reports of Inquiry have been reviewed since September 1984:

Inquiry Reports

Q4-82-0005

Q4-82-0011

Q4-82-025

Q4-83-009

Q4-83-011

Q4-83-021

Q4-83-022

Q4-83-023

Q4-83-025

Q4-83-026

Q4-84-001

Q4-84-007

Q4-84-011

Q4-84-014

Q4-84-016

Q4-84-037

Q4-84-046

Investigation Reports

4-82-012

4-83-005

4-83-006

4-83-011

4-83-016

4-84-008

4-84-012

2.4 Prefiled Testimony

Prefiled testimony from the following nineteen individuals was also received and reviewed:

1. Antonio Vega
2. Gregory Bennetzen
3. Neil Britton
4. William Darby

- 5,6,7. Liford, Johnson, and Callicut
8. Richard Simpson
9. Gordon Purdy
10. Robert Duncan
- 11,12. James Zwahr and Daniel Wilterding
13. Ronald McBee
14. Alan Justice
15. James Brown
16. Witness "F"
17. Samuel Hoggard
18. Arthur London
19. David Ethridge

2.5 Hearing Transcripts

The following listed transcripts of hearing testimony were received and reviewed:

<u>DATE</u>	<u>PAGES</u>	<u>SUBJECT</u>
9/09/84	14,403-14,771	<u>In Camera</u> Session: Witness "F"
9/10/84	14,772-15,171	M. Spence, A. Vega
9/11/84	15,172-15,573	Vega (cont.), B. Clements, C. Thomas Brandt
9/12/84	15,574-15,951	Brandt (cont.), I. Goldstein
9/12/84	15,952-16,389	Brandt-Travelers, G. Purdy
9/14/84	16,390-16,647	Tolson, Downey on Travelers
9/18/84	16,648-17,008	Tolson, Vega, Brandt (cont.),

		C. Allen
9/19/84	17,009-17,740	Allen, Brandt (cont.), Liford, Calicut, etc.
9/20/84	17,741-18,158	G. Eennetzen, D. Chapman, Duncan
9/21/84	18,159-18,504	<u>In Camera</u> : two witnesses
10/01/84	18,505-19,028	D. Hunnicutt, J. Norris, T. Matheny
10/02/84	19,029-19,262	Norris (cont.), G. Purdy
11/19-84	19,586-19,846	O. B. Cannon: J. Lipinsky
11/20/84	19,847-20,179	Lipinsky (resumed), R. Roth
11/21/84	20,180-20,450	Roth (cont.)
11/26/84	20,451-20,774	G. Chaney - Handwriting Expert, Brandt
11/27/84	20,775-21,091	Brandt (resumed)
11/28/84	21,192-21,405	Brandt (resumed)
12/03/84	21,406-21,748	Brandt (resumed), Roth (resumed)
12/04/84	21,749-22,006	J. Lipinsky
12/05/84	22,007-22,254	Lipinsky (resumed)
1/07/85	23,112-23,422	J. Norris (resumed)
1/08/85	23,423-23,734	J. Norris (resumed)
1/09/85	23,735-24,032	J. Norris (resumed), R. Trallo

2.6 Other Information

Two additional documents received in response to NRC requests to Texas Utilities for specific information were reviewed.

1. The Responses of Texas Utilities to the NRC's

Questions Concerning the 1979 and 1983 Surveys of
Quality Control Inspectors at Comanche Peak.

2. A series of organizational charts and a summary table
(dated 2-16-85, 2 pages) indicating the company,
organizational unit, and position of alleged
intimidators.

The Licensing Board Memorandum (Concerning Welding
Issues) LBP-84-54, dated December 18, 1984, was reviewed.

3. ANALYSIS

The analysis which follows presents updated findings of the study team. The conclusions reached are the result of a review of the materials received subsequent to the drafting of the original report, analysis of those materials, and integration of that analysis with the work previously done.

The final conclusions in this report were based on the several different types of data available for analysis. Of central interest was whether or not the analyses of different types of data (e.g. depositions, survey data, etc.) led to the same conclusions. Similarity among conclusions derived from different data sources enhances the reliability of the overall conclusions.

The following sections of this report deal successively with data from the depositions, prefiled testimony, and hearing transcripts; survey data; and NRC investigation and inquiry reports.

In addition to dealing with intimidation the report also addresses other climate factors affecting the quality of work at CPSES that would not be classified as "intimidating". These will be discussed later in Section 3.4 of this report which deals with managerial practices.

3.1 Analysis Using Depositions, Prefiled Testimony, and Hearing Transcripts

3.1.1 The Concept of Organization Climate

This section analyzes the extent to which a climate of intimidation existed at CPSES. (This concept is defined in detail in Section 1.3 of the original report.) In making this determination the study team not only noted the frequency and distribution of incidents of alleged intimidation, but also made some judgments regarding the likely impact of the incidents on individuals in the work setting other than the alleged.

In the original report the study team defined intimidation as a process involving three major components: 1) the incident, action, or statement inducing the effect, 2) the resulting feeling or emotion experienced by the recipient, and 3) the ensuing action on the part of the recipient who, because of fear, is forced into behavior that otherwise would be rejected, or is deterred from actions that would otherwise be taken. Intimidation was therefore treated as an incident, action, or statement that caused an employee to act contrary to, or refrain from acting in compliance with, written procedures.

The study team has now broadened the definition of intimidation to include the impact the incident could be expected to have had on reasonable individuals in the work setting who experienced, witnessed, or became aware of the event, regardless of their actual responses to the alleged intimidation.

3.1.2 Extent of Allegations of Intimidation

At the time of the original report, September 1984, the analysis, and therefore the conclusions reached, was based on the data the study team had received and analyzed up to that point in time. This supplemental report incorporates review and analysis of information available through April 1985.

This section analyzes the extent of allegations of intimidation based on depositions, prefiled testimony, and hearing transcripts.

The depositions analyzed were taken from 83 individuals up to September 1984 and from two additional individuals after September. A summary list of these data sources is shown in Table 1 of this section.

In addition to the depositions, 19 individuals

provided data in the form of prefiled testimony, and numerous individuals provided testimony at the hearing (as listed in Sections 2.4 and 2.5). For the most part these individuals supplemented or repeated information provided in the depositions. In some cases these were new data providers elaborating on incidents identified in the depositions.

TABLE 1
SUMMARY OF DATA PROVIDERS FOR DEPOSITIONS

Total Data Providers: 86

QA/QC Managers: 17

David Chapman
Gordon Purdy
Mark Welch
Thomas Brandt
James Patton
G. S. Keeley
Richard Kahler
Robert Spangler
Billy Ray Snellgrove
Ronald Tolson
Robert Siever
Dwight Woodyard
Antonio Vega
Jack Stanford
Billie Ray Clements
Myron Krisher
Evert Mouser

Non-QA/QC Managers: 24

James Callicut
Freddie Leon Powers
Perry Brittain
Richard Camp
Jimmie Green
Thomas Locke
Ray Yockey
Joe George
Robert Messerley
John Blixt
Louis Fikar
Doug Frankum
Michael Spence
Ronald Dempsey
Kenneth Liford
Fred Coleman
John Hallford
Charles Tedder
Hollis Hutchinson
Carmen Baker
Michael Hall
John R. Johnson
Samuel Hoggard
Boyce Grier

NRC Personnel: 4

James Cummins
Robert Taylor
Frank Hawkins
H. Brooks Griffin

QA/QC Employees: 26

Darlene Stiner
Meddie Gregory
Jack Pitts
Joe Krolak
Debra Anderson
Susan Spencer
Albert Boren
Houston Gunn
Deborah Anderson
Sue Ann Neumeyer
Curtis Biggs
Greg Fanning
Pandy Whitman
James Uehlein
William Dunham
Jimmie McClain
Wayne Mansfield
Larry Wilkerson
Kenneth Whitehead
Marvin Coates
Linda Barnes
Michael Rhodes
William Simms
Melvin Todd
Sherry Burns
Cecil Manning

Craft Employees: 15

Henry Stiner
Mark Wells
Kenneth Luken
Lester Smith
James Scarbrough
David Ethridge
Ivan Vogelsang
Dennis Culton
Bobby Murray
Stanley Miles
Gary Krishnan
Ronnie Johnson
James Keller
Larry Howard
Witness "F"

The study team reviewed the specific incidents of reported intimidation. This analysis had two purposes: 1) to discern how the incidents were dispersed over time, and 2) to identify which instances appeared to be "legitimate" incidents of intimidation according to the definition used in the study.

Analysis of the incidents over time indicates that there were 31 reported incidents spanning the period from 1979 to 1984. (See Appendix B for a complete listing.) The dispersion is shown in Table 2.

TABLE 2
DISPERSION OF INCIDENTS OVER TIME

Year	# Incidents	
1979	1	
1980	0	
1981	4	(3 from one alleged)
1982	6	(5 from one alleged)
1983	11	(5 from one alleged)
1984	9	(6 from two alleged)

Table 2 shows that the reported incidents were concentrated from 1982 through 1984. In 1981 four incidents were reported by two individuals, one of whom provided three of the reports. In 1982, five of the six

incidents reported were also from the same individual who reported three incidents in 1981. So, of these ten incidents in 1981 and 1982, eight involve that one individual. As a result, for the years 1979 through 1982 there were only four different individuals alleging intimidation.

Table 2 also shows that in 1983, 11 incidents were reported by a total of five allegeders. Of these 11 incidents, five were reported by one allegeder. In 1984, nine incidents were reported by a total of six allegeders. Six of these incidents were reported by two allegeders. One of the eight incidents involved the termination of three individuals. Over the time period of 1979 through 1984 the 31 incidents were reported by a total of 13 individuals. Overall, two-thirds of the incidents (21 of the 31) were reported by only four individuals.

In using these data to assess the climate the study team noted that the number of QA/QC personnel employed at the site from 1979 to 1984 was between 150 and 250 at any one time, with a total of perhaps 500 different individuals employed over that time period. If approximately 200 inspectors had worked 250 days each year doing an average of two inspections per day over the six-year period, then there would have been 600,000 opportunities for conflict or intimidation to occur. Considering the normal pressures

created by scheduling and economic considerations, the natural conflicts between Craft and QA/QC, some inevitable personality clashes, and the number of opportunities for problematic interactions during the course of the work, it would be reasonable to assume that even under the best of circumstances hundreds of incidents which might have been classified as intimidation occurred over the six year period.

Viewing the situation at CPSES from this perspective, the study team concluded that the small number of incidents, the limited number of alleged intimidators, and the few alleged intimidators are insufficient to establish the existence of a climate of intimidation. There were relatively few reported incidents of intimidation over the six-year period involved, with a substantial majority of these incidents being alleged by a total of only four individuals. In fact, it would take more than a few additional allegations of intimidation for the study team to change its conclusions based on this approach to analysis of the climate. Nevertheless, the small number of reported incidents can not eliminate the possibility of such a climate.

Depending on the nature of the incidents reported, a conclusion that an intimidating climate existed could be reached even with few reported instances. If, for example,

the incidents reported were perceived to be of a very serious nature, and there was widespread knowledge of the events, and that knowledge persisted for some time in the organization, then a conclusion of intimidation might be reached based on a relatively small number of reported events. This approach to the analysis of climate is considered further in Section 3.2.2 of this report.

The September report indicated that there were relatively few allegations and relatively few named intimidators. Having now reviewed all the depositional material, the conclusions of the study team do not differ from those original conclusions. The findings fail to indicate the existence of widespread intimidation at CPSES.

3.1.3 Review of Specific Incidents of Intimidation

The analysis presented thus far has made no judgments regarding the validity of the allegations themselves. Each alleged incident was simply counted without judging whether or not it actually involved intimidation. The study team subsequently reviewed each incident according to its definition of intimidation and made a judgment as to its validity. These judgments were based on: 1) whether the data supported a clear conclusion as to what actually occurred, 2) the extent to which a clear threat was made or implied, and 3) the likelihood that a reasonable person directly or indirectly involved would have been intimidated

in the given situation. It should be noted that a conclusion concerning any one specific incident, in and of itself, would not lead to any conclusion about the climate of intimidation. The overall pattern of the incidents must be considered for the purpose of assessing the climate.

Analysis of the 31 incidents led to nine incidents being judged as cases of probable intimidation. These are listed in Table 3. In performing this analysis all available data were utilized, including depositions, prefiled testimony, OI reports, hearing transcripts, and the ASLB Memorandum on welding issues. Each incident evaluated is listed and briefly discussed in Appendix B.

TABLE 3

DISPERSION OF INCIDENTS JUDGED AS INTIMIDATING

<u>Year</u>	<u># Incidents</u>	<u>Description</u>
1979	0	-----
1980	0	-----
1981	1	D. Stiner - Weave Welding
1982	1	D. Stiner - Circuit Breaker Article
1983	6	Dunham - Intimidation of Coatings Inspectors - Nitpicking Dunham - Termination Neumeyer - Liner Plate Traveler Allen - ALARA and DCA Reviews Allen - Detergent on Painted Surface Allen - Cigarette Filters
1984	1	T-Shirt Incident

When judgments about the legitimacy of the incidents are made, the case against a climate of intimidation is even stronger. There are very few incidents in the opinion of the study team that could be classified as "intimidating". Of the incidents included as probable acts of intimidation, some were not very clear or were counted only because they fit narrowly or technically within the definition as intimidating. These cases were, however, included in the

listing above.

These nine incidents involve four different allegeders excluding the T-Shirt Incident which involved some eight "targets" of potentially intimidating actions. Clearly, all of these incidents do not deserve equal weight as significant events in creating a possible climate of intimidation. The most significant incidents from an overall intimidation climate assessment were the Stiner Circuit Breaker Article incident, the two Dunham related incidents, and the T-Shirt Incident.

3.1.4 Conclusions On Intimidation Incidents

In conclusion, review of the available information regarding the number of alleged incidents of intimidation and their dispersion over time, and review of the specific incidents themselves, resulted in no change in the original findings of the study team. The data do not support a conclusion that a climate of intimidation exists or exists at CPSES.

3.2 Analysis of the 1979 Management Review Board Survey

The original report included a content analysis of a subset of questions from the 1979 Management Review Board Survey. Additional analysis has now been performed of both the substance and the pattern of responses on an expanded set of questions from that survey. This analysis was completed by the same expert in survey methodology who previously analyzed the 1983 QA/QC Questionnaire Survey, and the results are summarized below. The complete analysis is attached to this report as Appendix A.

3.2.1 1979 Management Review Board Survey

To provide a more complete picture of findings from the 1979 survey, a more extended analysis of the data was undertaken. In addition to the five survey questions to which responses were analyzed in the earlier report, 21 additional questions were included representing all questions which seemed likely to contain information at all relevant to the issue of intimidation. Appendix A, pages A-17 through A-23, contains a complete listing of these questions. All 120 respondents were included. Their responses were content analyzed into code categories developed from initial inspection of a sample of questionnaires. As in the case of the 1983 questionnaire data, the responses were then analyzed to determine whether either their pattern or substance reflected possible

intimidation.

Concerning the pattern of response, the principal findings were:

- * The non-response rate was quite low; on the average, 92 percent of the respondents gave usable responses to any particular question.
- * The overall pattern was positive; 78 percent of the responses were positive (favorable).
- * Although the average favorability was quite high, there was not an absence of negative opinion. Approximately one response in four was negative.
- * The most negative responses were to the most threatening items, not the reverse (which one might expect from a pattern of intimidation).

The conclusion, therefore, is that the pattern of response did not suggest any noticeable amount of intimidation. The substance of response was another matter, however.

Since the 1979 survey, unlike that in 1983, was not focused upon the issue of intimidation, one would expect that most of the responses would refer to issues other than that. Indeed, such was the case. In general, on those items to which the average response was least positive, the concerns were primarily those of money, lack of formal preparation, or "other" (a mixture of miscellaneous

concerns or complaints).

Perhaps an exception to this general pattern occurs for Question 2A ("How would you rate management support of QC?"): 28 percent responded marginal or inadequate.

Information which perhaps explains or amplifies these responses on Question 2A came from an analysis of all written comment conceivably relating to intimidation. There were 38 relevant comments of this type, given by 32 persons. An analysis of these specific comments indicated that the acts of intimidation came almost exclusively from craft/construction, not from QA/QC management or supervision. For a minority of these 32 persons there was also the perception that QA/QC management had too often acquiesced to craft/construction, rather than backed QC.

3.2.2 A Comparison of 1979 and 1983 Survey Results

Consideration of both the 1979 and 1983 survey results jointly presents some interesting and perhaps useful similarities and contrasts. In neither year did the pattern of response reflect any indication of widespread feelings of intimidation. Indications of intimidation occurred with any frequency only for the substance of response, and only for the 1979 survey. That this was true despite the fact that that survey involved face-to-face interviews, rather than anonymous questionnaires, and was

generally focused upon issues other than intimidation, seems significant. Had there been pervasive intimidation throughout this five-year period, it seems likely that it would have been more in evidence in 1983 than in 1979, simply because the 1983 format made it easier and safer to respond. This was not the case, however.

Instead, what appears to be the more straightforward explanation is that there was, in fact, intimidation in 1979, that it was felt to various degrees by at least a minority of persons, and that it came almost exclusively from craft/construction. For a minority of that minority there was a perception that management too often acquiesced to craft/construction. This explanation would suggest, however, that by 1983 the problems had all but disappeared.

The reason for this change can only be a matter of speculation. Perhaps programs and actions by management to correct and prevent such instances had the necessary effect. Perhaps there was a shift in the nature of persons doing craft/construction work over the period, e.g. from rough-and-tumble concrete workers to more skilled crafts such as electricians.

Previously, in Section 3.1.2, the possibility was raised that even though few reported instances of intimidating events were found, a climate of intimidation

still might have been present. It could be argued that even a few cases of intimidation widely known throughout the organization might be sufficient to create a climate in which people felt intimidated. If such were the case then one would expect to find pattern responses indicating feelings of intimidation on the part of the survey respondents and, particularly in the 1983 survey, knowledge on the part of a significant number of respondents of intimidating incidents involving either themselves or others. Such was not the case, however. A minority of the 1979 survey respondents indicated knowledge of intimidating events, and by 1983, even with a survey format under which it was easier to address intimidation issues, such statements had all but disappeared. Perhaps more significantly, neither survey revealed pattern responses among participants that would indicate they felt intimidated.

What these two sets of survey data taken together do say is that there was no indication of a pervasive climate of intimidation on the part of, or fostered by, management or supervision. At most, there is a perception (by less than 10 percent of respondents) that management often did not take action on intimidation by craft/construction strongly enough, soon enough.

3.3 OI Investigation and Inquiry Reports

In addition to the three NRC Office of Investigation reports discussed in the initial report, seven investigation reports and seventeen inquiry reports have since been reviewed. Most of the events triggering these investigations and inquiries were touched on, and in some cases covered in depth, in the depositions, prefiled testimony and hearing records. Some useful information related to the issue of intimidation was gleaned from these reports.

3.3.1 Inquiry Reports

Seventeen inquiry reports were examined by the study team. Of these, 15 reports were not particularly useful in evaluating the climate. Of the remaining two reports, one described an instance where the climate was not intimidating, and one described an instance where it was. The 15 inquiry reports that were not particularly useful and their subject matter were as follows:

Q4-82-0005 Alleged Improper Weld Practices

Q4-82-0011 Alleged Improper Termination of a QC
Inspector

Q4-82-025 Alleged Radiographic Irregularities

Q4-83-009 Alleged Inadequacies in As-Built QC

Inspection Program

Q4-83-011	Alleged Poor Construction Practices
Q4-83-022	Alleged Improper Implementation of Technical Procedures
Q4-83-023	Alleged Poor Management Practices
Q4-83-025	Alleged QA Supervisor Discouraging the Use of Nonconformance Reports
Q4-83-026	Alleged Deficiencies in Coatings Program
Q4-84-007	Alleged Violations of Construction Practices
Q4-84-011	Alleged Intimidation of a BOP Inspector
Q4-84-014	Preserved Testimony of a Witness
Q4-84-016	Alleged Improper Construction Practices
Q4-84-037	Alleged Threat of "Blackballing" a Former QC Inspector
Q4-84-046	Suspected Harassment of a QC Inspector

The two inquiry reports which appear to present some information that is useful in evaluating whether a climate of intimidation may have existed at CPSES are discussed below.

Q4-83-021 Alleged Intimidation of Electrical Craft Personnel

A former Electrician's Helper contacted the NRC with several concerns regarding practices in the CPSES Electrical Department. His primary concern related to the lack of training provided to Electrical Department

personnel for the fabrication and installation of electrical conduit hangers. These personnel are alleged to be required to read a 400 to 500 page technical manual, S-0910, the first day on the job and sign a form stating they have read and understand Manual S-0910. A forty-hour training course is given on the manual. However, since it is voluntary, unpaid, and off-duty, the alleged estimated that less than three percent attend the course and that most electrical personnel have inadequate working knowledge of S-0910.

The alleged intimidating aspects of this training problem are that the TUGCO Work Sampling Group lists referring to S-0910 as idle time, so electrical supervisors tell the electricians they should not get caught reading the manual, thereby discouraging its use.

Another concern was poor morale of electrical craft workers resulting from threats of firing and harassment by the Electrical Department superintendent. As a result of this, it was alleged that some electrical personnel had commented that they might commit acts of electrical equipment sabotage.

These allegations, although not specific to QA/QC, indicate a climate of intimidation may have existed in the electrical construction department. The inquiry did not delve into the specific allegations sufficiently to confirm or deny their veracity. However the allegor sounded credible. Even though the facts did not support a conclusion of intimidation, the allegations point to poor supervisory skills and management practices in training, work sampling, and personnel relations.

Q4-84-001 Alleged Improper Construction Practices

Several specific allegations were contained in this report. In two instances, one involving disassembling pump couplings without authorization and the other involving work on an air accumulator without the proper paperwork, a QC inspector caught the violations and stopped the work until the proper paperwork was obtained. These incidents are examples of QC inspectors acting independently, with appropriate authority, and without being intimidated.

Two other incidents alleged that workers were threatened with dismissal if they did not meet production demands and were told they were not to come back to work the next day if they did not finish a specific job. In neither instance did anyone lose

his job. In the final incident the alleged refused to sign off maintenance cards inappropriately despite being instructed to do so by his superior. No threat was involved in this situation, and no adverse action was taken against the employee. These three events tend to indicate a somewhat autocratic and insensitive management style, but do not support a climate of intimidation.

3.3.2 Investigation Reports

The NRC investigation reports generally went into considerably more depth than did the inquiry reports. These reports are discussed briefly below together with the conclusions drawn in each.

4-82-012 Alleged Electrical Deficiencies

A former Electrical Department worker identified four areas of alleged deficiencies, which had purportedly occurred in the 1980 time frame:

- * Use of a 750 MCM lug that was drilled to accept a 1000 MCM cable in the circulating water system motor control center.
- * Use of the wrong size lug on a terminal block in the Auxiliary Building of Reactor No. 1.
- * Use of the wrong size lugs on terminal blocks in the Switch Gear Room of Reactor No. 1.

- * Improper cable splicing and wiring to the wrong side of lugs in the annunciator logic panels of the Reactor No. 1 Control Room.

The NRC Senior Resident Inspector personally inspected each of the above areas in August 1982 and found no improper wiring in any of them.

No implications for the issue of intimidation were apparent in this report.

4-83-005 Alleged Improper Construction Practices

A former CPSES supervisor provided allegations of improper practices and procedural violations in several areas of mechanical and civil construction, including unauthorized cutting of rebar, main steam line overtensioning, use of a cutting torch on hanger material, and failure to purge stainless steel piping during welding.

Ten individuals alleged to have knowledge of improper rebar cutting provided sworn statements to the effect that all rebar cuts were made with proper authorization.

Four witnesses testified that the relocation of the main steam line was done under the direction of engineers to remove stress on the line.

Six witnesses testified to having no knowledge of improper use of cutting torches on hangers. Two witnesses testified to the scrapping of a hanger due to procedural violation, with replacement by new material.

In addition, a former employee, who came forth in January 1984 after reading of these allegations in the newspaper, refuted several of the allegations as reported in the Inquiry Report Q4-84-007.

The weight of evidence appeared to disprove the allegations and did not support the existence of a climate of intimidation.

4-83-006 Alleged Falsification of QC Records

A QC inspector alleged that a signature had been forged on an NCR that had previously been an issue before the ASLB.

The former QC inspector who had identified the nonconforming condition was interviewed as was the former Quality Assurance supervisor. There was testimony that the NCR had been handled appropriately and the investigation disclosed no evidence of forged signatures.

There was insufficient evidence in this report to indicate intimidation or a climate of intimidation.

4-83-011 Suspected Falsification of QC Records

A QC Inspector alleged that records of some of his inspections had been altered or falsified. He suspected this had been done by reviewing supervisors. Of three other inspectors interviewed, two indicated that this particular inspector was deficient in completing his reports and one stated that he had heard rumors that other inspection personnel regularly helped this inspector by completing his paperwork. This paperwork situation was confirmed by a document clerk, while two clerks testified they did not know of any falsifications of inspector checklists. QA/QC supervision and management denied knowledge of alteration or falsification of coatings records.

Upon re-interviewing, the investigator found that the alleged had been unaware that earlier inspection practices permitted the copying of records. The alleged knew that making copies was now a violation of procedures and he had assumed that reviewing supervisors must have improperly made the copies he originally alleged had been changed.

Much of the testimony developed in these interviews related to various other allegations that have been considered in other portions of this supplement and in the original study team report.

As it relates specifically to the issue of intimidation, the data do not indicate intimidation nor support the possible existence of a climate of intimidation.

4-83-016 Alleged Discrimination Against QC Inspectors

The allegation was that a QC lead inspector was fired for complaining in a meeting about intimidation by a supervisor and about lack of support for QC inspectors, and that this termination had an intimidating effect on the QC coatings inspectors.

There is much testimony and many depositions that relate to this particular event with a clear difference of opinion between management and the alleged as to the reason for his termination. It is apparent that there was some reason for the alleged's concerns about the supervisor, and it is probable that the alleged had been disruptive to some extent in the QC meeting. It is also quite clear that the reasons for termination were not communicated well to supervision or inspectors. Consequently, the study

team concluded that the incident could have had an intimidating effect on the coatings inspectors by leaving them with the impression that complaining about lack of management support for inspectors could result in termination.

4-84-008 Alleged Intimidation of QC Personnel

This report covered several instances of intimidation alleged by a QC inspector. The specific allegations were that the inspector was subjected to a series of eight meetings intended to intimidate and discourage her in the performance of her work following her appearance before the ASLB.

It appears that, in fact, the company provided information on maternity benefits six weeks before her ASLB appearance as well as approximately six weeks after. Many management actions alleged to be discrimination against her were in fact attempts to accommodate her special needs and produce a more agreeable work situation for her. Soon after her ASLB appearance the alleged's work duties were changed from field to shop inspections. An office was arranged near the fabrication shop, and special arrangements were made for parking and transportation to and from her work area. Finally, at her request, she was allowed to terminate by an ROF rather than

take a leave of absence, in order to be eligible for unemployment compensation.

The study team feels that CPSES management gave her more than normal consideration, perhaps because of the alleged's appearance before the ASLB. These incidents do not support the existence of a climate of intimidation.

4-84-012 Alleged Intimidation of Welding Crews

An ironworker alleged that an ironworker superintendent regularly threatened and intimidated his subordinates. Interviews with fifteen individuals determined that seven either had personal knowledge or knew of this superintendent's reputation as an intimidator.

In a specific incident investigated, it was alleged that the superintendent forced the ironworker to chip concrete in a room in which safety system welding was being performed. It is likely that this was a case of intimidation of the ironworker by the superintendent.

With regard to intimidation of QA/QC personnel, a QC inspector, when advised of the problem, shut the welding job down until the chipping was stopped and the dust settled. This shutdown occurred despite its

going against the orders of a superintendent known to many as an intimidator. This incident, while showing intimidation of a craftsman, also is another example of a QC inspector acting independently within the authority of his role and without being intimidated by the crafts.

3.3.3 Conclusions From Investigation and Inquiry Reports

Analysis of 24 NRC Reports of Inquiry and Investigation resulted in four incidents that provide some indication of intimidation in both Craft and QA/QC at CPSES. One of these incidents (4-83-016) involved the termination of a lead QC inspector, and one (4-84-008) consisted of a series of events involving one QC inspector. These two events are included in Table 3 as the Dunham-Termination and the D. Stiner-Circuit Breaker Article incidents. The third report (4-84-012) dealt with a possible climate of intimidation in a craft department; it was also an example of a QC inspector acting independently and utilizing the authority of his role. A fourth report (Q4-83-021) dealt with Craft intimidation by Craft supervision, but provided too little information to confirm or deny whether intimidation actually existed.

In the total of 27 inquiries and investigations, including the three utilized in the original report, a preponderance of allegations of intimidation were

unsupported. In the extensive investigations and interviews a large number, approximately 202, of present and past employees refuted the charges of the alleged, and approximately 48 supported the allegations. Of the 48, nearly half were craft, supporting the claims of intimidation of craft on the part of craft supervision. Hence, approximately 26 individuals, among a total of about 250 persons, supported claims of intimidation of QA/QC personnel. Fourteen of the 26 were related to two specific incidents, the Dunham-Nitpicking and Dunham-Termination incidents. Seven other claims were unsubstantiated by persons other than the alleged, leaving five other substantiated claims.

Based on this analysis of OI reports there did not appear to be widespread allegations, numerous incidents, a pervasive atmosphere of fear, or other evidences of a climate of intimidation at CPSES. The analysis of these additional NRC Office of Investigation Reports of Inquiry and Investigation resulted in no findings that modify the conclusions of the study team in their original report.

3.4 Observations On Managerial Practices

The study team stated in its discussion of management style in the September report (Section 3.3, pages 37-40) that there are many factors which contribute to individual performance on the job. Intimidation, or the existence of an "intimidating climate", is only one such factor.

One problem that the study team faced in making its assessment was the fact that organizations are complex mechanisms of interacting systems, procedures, and behaviors. This makes it illogical to assume that any one factor can be isolated in drawing cause-and-effect conclusions. In the study of organizational phenomena, often the best that can be done is to show that certain outcomes seem to be correlated with, that is to occur in conjunction with, the presence of certain other factors. This correlative relationship does not prove the existence of any causal relationship, nor can the direction of any possible causation be inferred from mere correlation alone.

Inspection of data from all the sources led the study team to conclude that factors contributing to the performance of QA/QC personnel at CPSES included: their job skills and competencies, the quality of their motivation, the levels of compensation and the perceived equity of the compensation system, the structure of the organization

including the effective management of interfaces with other functions or departments, the establishment and communication of clear standards for their performance, and supervisory style. It is the opinion of the study team that management issues such as these may have had an impact on the performance of work at CPSES.

3.4.1 Job Skills and Competencies

The data indicate that a number of inspectors may have felt inadequately prepared to perform their work. The inadequacy of training and the poor communication between inspectors and management were clearly identified as areas of concern in the 1979 survey. In response to a question on "problems at CPSES", technical training of inspectors was the second most mentioned item. In addition, in both the 1979 and 1983 surveys, there were some concerns expressed about the lack of feedback on job performance. To the extent that inadequate job training and infrequent feedback on performance are characteristic of a job, they can inhibit the development of job skills with a resulting impact on performance.

3.4.2 Clear Performance Standards

Closely related to the concerns involving job skills and competencies are issues regarding performance standards. In the surveys, depositions, and CI Reports there were concerns about the clarity of standards, the

usefulness of some procedures, the frequent changes to procedures, and the seeming lack of consistent application of these procedures. Procedures are obviously designed to accomplish certain results. However, when coupled with consistent concerns about communication, there is the possibility that the procedures themselves, or their usefulness and purposes, may not have been fully understood. There is some evidence in the depositions and in some of the alleged "intimidating incidents" identified, that procedures may have been applied rather mechanically, or that inspectors were asked to perform operations without fully understanding what was expected and why certain procedures were to be performed in particular ways.

3.4.3 Compensation and Wage Inequities

The perception that there are inequities in the administration of wage and salary programs and the general dissatisfaction with compensation could have a demotivating effect on individuals and on the subsequent performance of their jobs. This issue was the most mentioned item on the 1979 survey. Complaints about wages were also dominant in the 1983 survey. As an example, one complaint was that inspectors working for different employers on the site received different wages.

3.4.4 Interface Management

There should be little doubt that there are multiple,

complex, and difficult interfaces which must be effectively managed in the CPSES environment. There does seem to be some concern that these interfaces are a continual source of conflict and problems. It also appears that these resulting difficulties are accepted as given in the situation, as a reality to be lived with rather than effectively managed.

The entire body of the data reviewed point to difficulties in the QC-Craft interface. Complaints about lack of cooperation, the inability of management to deal adequately with these difficulties, the perceived lack of QC management support of inspectors, the problems with "personalities", and the impression that the Craft personnel don't "understand the role of QC", all lead to the conclusion that the interface management processes do not seem to be very effective. The interface between Craft and QC is viewed as an adversarial one. Intimidation internal to the Craft organization may have exacerbated the situation. While the nature of the working relationship must include checks and reviews by QC of work performed by Craft, little attention is devoted to improving or managing the interface to foster a more cooperative working relationship. Managing these interfaces requires special skill and sensitivity, an ability to see the whole and to understand the various nuances of personal and technical issues that arise.

Another factor influencing the interface between Craft and QA/QC is the role and working relationships of the NRC which create some ambiguity in managing interfaces among the relevant parties. While there is very little information specific to this subject, there are some comments in the depositions and surveys that indicate the NRC is a primary player and does influence the overall working relationship between Craft and QC. As an example, responses to the 1979 survey seem to indicate that management was not clear concerning what issues or when it was legitimate for employees to communicate to the NRC, or whether they would, in fact, encourage such communication.

Evidence from the transcribed material and from the surveys leads to the conclusion that CPSES is not without significant interface management problems in the QA/QC area, and that these problems are worthy of attention.

3.4.5 Supervisory Style

Another factor affecting performance is supervisory style. There was some discussion of its importance in the September report. One of the factors discussed briefly was that of management philosophy and the manner in which the prevailing philosophy might influence organizational behavior. The style of supervision at CPSES is related to issues identified above in this section of the report.

The supervisory methods utilized at CPSES reflect an operating philosophy commonly found in construction and utility organizations. These organizations are often impersonal, viewing good human relations as unnecessary, and in fact maintaining that such practices simply impede the rapid accomplishment of tasks. Loyalty and compliance are considered important requirements for effective functioning, and unquestioned loyalty and compliance are therefore often demanded by such organizations. However, because of the impersonality and lack of management attention to the human dimension, these organizations often generate mistrust, suspicion, and lack of credibility of management. Accounts of management actions found in the depositional data support a conclusion that this description is fairly characteristic of management at CPSES. The study team classified a number of events as intimidating not because of management's intent to threaten people or cause them to act inappropriately, but because of the manner in which they handled a situation or communicated with those involved (e.g. the Dunham - Termination incident, the T-Shirt Incident, and the D. Stiner Circuit Breaker Article incident).

The degree to which this style of supervision affects the work performance of any individual at CPSES is difficult to assess. This style can negatively influence

morale and motivation, and these factors may affect job outcomes.

In summary, there were a number of managerial practices which, while not intimidating, may not have been conducive to good job performance. The job skills of inspectors may have been negatively impacted by poor communication with their supervisors, inadequacy in their job training, and infrequent feedback on performance. There was some evidence that inspectors were asked to perform tasks without adequately understanding what was expected or why the work was performed. Difficulties in dealing with crafts were apparently accepted rather than managed, with little attention devoted to fostering more cooperative working relationships. A lack of clarity was seen regarding appropriate employee interfaces with the NRC. The general lack of supervisory attention to the human dimension may have generated mistrust, suspicion, and some lack of credibility with employees.

4. SUMMARY AND CONCLUSIONS

Information reviewed by the EG&G study team after the issuance of their September 1984 report, Comanche Peak Steam Electric Station: Alleged Climate of Intimidation,

formed the data base for this supplemental report. These data included depositions, prefiled testimony, hearing transcripts, NRC Office of Investigation reports, survey data, and other information. The data base continued to be limited, primarily reflecting information from allegeders, managers, and related individuals focusing on specific incidents of intimidation. A summary of the findings and conclusions follows.

The number of alleged incidents of intimidation, allegeders, and named intimidators was very small. Approximately 31 incidents reported by 13 individuals occurred between 1979 and 1984. A substantial majority were concentrated between 1982 and 1984. Four individuals accounted for 21 of the 31 allegations made. Of the 31 alleged incidents, only nine were judged by the study team to meet the criteria for intimidation. This seems well within the number of events that would be expected to occur even under the best of circumstances. This small number of incidents, while not eliminating the possibility that a climate of intimidation could have existed, falls short of positively establishing that such a climate did exist at CPSES.

Analysis of the 1979 survey, when coupled with that done on the 1983 survey, showed no indication of a pervasive climate of intimidation. Neither the pattern nor

content analyses of the survey data indicated widespread knowledge of intimidation. At most there was a perception by less than 10 per cent of the respondents to the 1979 survey that management did not take action on intimidation by craft/construction strongly enough, soon enough.

NRC Office of Investigation reports indicated 26 people supporting claims of intimidation of QA/QC personnel and 202 individuals refuting such claims. Analysis of these reports did reveal some isolated cases of intimidation, but resulted in no findings that would modify the conclusions of the study team in their original report.

If a climate of intimidation had existed at CPSES one would expect to find knowledge on the part of a significant proportion of employees of intimidating incidents involving either themselves or others. Furthermore, one would expect those making allegations to relate multiple valid examples of such incidents. Analysis of the transcribed material, surveys, and OI reports demonstrated that such was not the case, and thus failed to support a conclusion that a climate of intimidation existed at CPSES.

Some management practices at CPSES, while not constituting intimidation, were of concern to the study team because they are generally not conducive to good job performance. Poor communications, inadequacy of training

and infrequent feedback on performance were found. Inadequate attention devoted to cooperation between QA/QC and Craft and a lack of clarity regarding appropriate employee interfaces with the NRC were observed. This general lack of attention to the human dimension may have created mistrust and suspicion of management by some employees and reduced management credibility.

Overall, a good deal of compatibility was found in what the data from different sources indicated. Analysis of data from the transcribed material, analysis of both the content and pattern of responses from the 1979 and 1983 surveys, analysis of the NRC Office of Investigation Reports of Investigation and Inquiry, and the analysis of the individual incidents alleged to have been intimidating all lead essentially to the same conclusion.

These findings taken together lead the study team to reaffirm the conclusions reached in their September report. In the judgment of the study team the data reviewed do not indicate that a climate of intimidation did, or does, exist at CPSES.

APPENDIX B

SUMMARIES OF ALLEGED INCIDENTS OF INTIMIDATION

EIGHTH DRAFT

EIGHTH DRAFT

EIGHTH DRAFT

SUMMARIES OF ALLEGED INCIDENTS OF INTIMIDATION

This appendix to the Supplementary Report contains a brief summary and analysis of each of 31 incidents alleged to involve some aspect of intimidation. The table below provides a list of the incidents, the individuals making the allegations, and the year in which each incident occurred. Those incidents identified with an asterisk (*) are those the study team judged to actually be intimidation.

TABLE B1

ALLEGED INCIDENTS OF INTIMIDATION

<u>Year</u>	<u>Allegor</u>	<u>Incident</u>
1979	Messerley	Foreman Intimidating QC Inspector
1980	-----	----- (no alleged incidents)
1981	H. Stiner	Termination
	* D. Stiner	Weave Welding
	D. Stiner	Diesel Generator Skids
	D. Stiner	Polar Crane NCR
1982	* D. Stiner	Circuit Breaker Article
	D. Stiner	Office Relocation
	D. Stiner	Meetings Related to Pregnancy
	D. Stiner	Harassing Letter
	D. Stiner	Weld Symbols
	Miles	North Valve Room

1983	* Dunham	Intimidation of Coatings Inspectors
	* Dunham	Termination
	* Neumeyer	Liner Plate Traveler
	Allen	Job Interview
	* Allen	ALARA and DCA Reviews
	Allen	Craft Foreman
	* Allen	Detergent On Painted Surface
	* Allen	Cigarette Filters
	Barnes	Valve Disk Incident
	Witness "F"	Building Manager Threat Over SWA
	Witness "F"	ES-100/RG-1.75 Conflict
1984	Witness "F"	Threat to "Pull Your Chain"
	Witness "F"	Ferro-Resonant Transformers
	Witness "F"	Problems/Quantity of Work Comment
	Neumeyer	Stanford Incident
	Gregory	Pressure On N-5 Reviewers
	Gregory	QES Review Sheet
	Gregory	Reduction of Force (ROF)
	* -----	T-Shirt Incident
Hamilton, Krolak, Shelton Refusal to Inspect Coating		

Summaries of each of these incidents are presented in the remaining pages of this appendix.

1979 - R. Messerley - Foreman Intimidating QC Inspector

Mr. Messerley claimed that a QC inspector was verbally and physically intimidated by a much larger general foreman for red tagging too many cable tray supports. This purported incident had occurred five years before it was brought out by Messerley and had not been mentioned in testimony or statements by him on three prior occasions in sworn testimony or depositions. There was no testimony supporting the contention, despite the claim that the altercation was very loud, lasted for 10 or 15 minutes and was witnessed by a crowd. In addition, several other Messerley allegations related to improper workmanship and handling of hardware were contradicted by a number of individuals who had worked for Messerley at the time of the alleged incidents (See discussion of Investigation Report 4-83-005 in Section 3.3.2 of the Supplementary Report). In the opinion of the study team, Mr. Messerley's allegation regarding the red tagging intimidation incident was not proven.

1981 - H. Stiner - Termination

Mr. Stiner alleged that he was fired for reporting a gouge in a pipe to a QC inspector, Ms. Neumeyer. The weight of evidence, including the ASLB Memorandum on welding issues of December 18, 1984, appears to support the applicant's assertion that Stiner was terminated for absenteeism. The

study team does not believe this incident met the criteria for intimidation.

1981 - D. Stiner - Weave Welding on Pipe Support

Ms. Stiner testified that she observed weave welding being performed on a hanger in violation of welding procedures. She claims to have told her supervisor, Mr. Williams, about the event and stated that he supported her in writing an NCR. Stiner also claimed that later Williams discussed the matter with craft and directed her to sign off on the weld with a threat of firing her if she didn't. No NCR was found, but the finding of an IR signed by Stiner indicating she had inspected and accepted some weave welding on a hanger provides some support to her allegation. No specific instances of weave welding violations were substantiated. However, Ms. Stiner could have felt a lack of management support or even threat in this alleged incident. The study team has, therefore, classified this as a possibly intimidating event in that the threats and lack of management support, if they in fact occurred, were reasonably likely to have influenced Ms. Stiner to refrain from performing work in accordance with requirements.

1981 - D. Stiner - Diesel Generator Skids

Ms. Stiner, a QC inspector, alleges she was harassed and intimidated by her supervisor when he assigned her to conduct inspections on welds on the diesel generator skids,

even after she protested that she was unqualified to conduct these inspections. The preponderance of evidence seems to indicate that she was asked to help another inspector on the diesel generator inspections. She had trouble reading drawings and may have felt uncomfortable with the assignment. When it became apparent to supervision that she was not doing the job, she was reassigned. This is not considered to be an incident of intimidation.

1981 - D. Stiner - Polar Crane NCR

Ms. Stiner alleged that an NCR she wrote regarding a hole in the polar crane rail was improperly voided and the hold tag on the instrument panel was improperly removed. No evidence of a hole or repaired hole was found. A Stiner NCR for about the right time period on the polar crane bus box was found. This NCR was voided appropriately because the bus box was non-Q and outside the scope of the QA program. The study team does not consider this to be an incident of intimidation.

1982 - D. Stiner - Circuit Breaker Article

Ms. Stiner testified at a public ASLB hearing in 1982. Although her testimony had received wide publication in the local press, the applicant focused unfavorable attention on Stiner through an article in the site newsletter, the "Circuit Breaker". As a result of this article, Stiner

claims she was refused a ride to the plant on a private bus that she rode occasionally, that she was ridiculed by people on the bus, and that she was threatened with being beaten up by two women employees at CPSES.

There was no supporting evidence for the bus incident. In fact, all the available testimony from witnesses to the event refuted Stiner's testimony. There was also no support for the alleged threats by the two fellow employees. Despite these specific refutations of specific claims, there is a broader aspect of this event that is pertinent to a climate of intimidation. Although the hearing testimony was given wide play in local newspapers, the fact that management called additional attention to her position in the Circuit Breaker article may have exacerbated the adverse reaction of her peers and resulted in threats against her, even though such threats were not confirmed. Highlighting the fact that an employee testified against the company could deter other employees from coming forward in a public way to identify safety problems.

The study team concludes that this event meets the criteria for an event of intimidation both to Ms. Stiner and to other employees who could get the message that the company focused unfavorable attention on employees who testified against it.

1982 - D. Stiner - Office Relocation

Ms. Stiner claims she was harassed by being moved four times over a two-day period and finally being placed in a small, dirty shack with a broken air conditioner, right on the road. It appears that in fact she was moved in one day to two temporary locations because her new office was not cleaned up and there was no air conditioner. While awaiting correction of these deficiencies Ms. Stiner was moved to a crowded trailer for a couple of hours and then in with her supervisor for several hours. Finally, she was moved to the office adjacent to the fab shop. This eliminated the need for her to walk uphill between one half and one mile to her new work location from either the new offices of her group or her old office. The evidence does not support the harassment accusation, and the study team finds this event did not meet the criteria for intimidation.

1982 - D. Stiner - Meetings Related to Pregnancy

Ms. Stiner alleged that she was subjected to a series of eight meetings intended to intimidate and discourage her in performance of her work following her appearance before the ASLB. In fact, it appears that the company provided information on maternity benefits six weeks before her ASLB appearance and approximately six weeks after, for a total of only two meetings. There is a lack of corroborating

evidence to support Ms. Stiner's contention. As considered in more detail in Section 3.3.2 of this report in the discussion of Investigation Report 4-84-008, the study team does not view this event as intimidating.

1982 - D. Stiner - Harassing Letter

Ms. Stiner alleged that a letter sent to Ms. Ellis of CASE accused her of stealing and lying, and threatened termination if caught. In actuality, a telegram was sent to Ms. Ellis suggesting that she was improperly encouraging Ms. Stiner to copy and remove documents from on-site. The study team, under its criteria, does not find this to be an intimidating event.

1982 - D. Stiner - Weld Symbols

Ms. Stiner claims she was told by Mr. Brandt to improperly accept doors which had not been properly welded in accordance with weld symbols on design drawings. The evidence fails to support the allegation and it is not clear that Ms. Stiner understood the drawings, which showed the type of welds required and indicated that the lifting lugs themselves were not nuclear safety related. At worst there may have been a failure to communicate well with Ms. Stiner as Brandt may have failed to provide adequate explanation before directing her to accept the work. The study team concluded that this was not an incident of intimidation.

1982 - S. Miles - North Valve Room

Mr. Miles alleged, in a deposition in July, 1984, that stainless steel welding was being done in the North Valve Room in early 1982 while arc gouging was going on overhead. A young QC inspector was purported to have left in a rush to stop the work, then returned and ignored the arc gouging and the welding that was going on "contrary to procedures" for clean air. Miles believed the inspector had been intimidated by someone. There was no corroborating testimony. Miles had provided the following: a deposition on July 2, 1982; testimony to the Board shortly thereafter; supplemental testimony a few days later; an interview with an NRC investigator a year later; an affidavit in the fall of 1983; and a handwritten statement dated January 22, 1984. In none of these had the alleged incident been mentioned. The study team concluded that the evidence was not sufficient to indicate this was an incident of intimidation.

1983 - W. Dunham - Intimidation of Inspectors - Nitpicking

As a result of a specific inspection by coatings inspectors in the skimmer pump room, Mr. Williams, the coatings QC supervisor, called two meetings of his inspectors to discuss uniformity of inspection criteria. Williams admitted he threatened the inspectors with retraining or pulling their certifications if they were found repeatedly

making inspection errors. Williams used the term "nitpicking" to describe some of the rejectable findings. The study team believes that the statements could have been and, in fact, were interpreted by some QC inspectors as instructions not to inspect in accordance with procedures. Williams later conceded that his statements could have been viewed as intimidating even though that was not his intent. The study team believes that his statements were reasonably likely to influence employees to refrain from performing their work in accordance with requirements, and thus this incident meets the criteria for being judged as an intimidating event.

1983 - W. Dunham - Termination

Mr. Dunham attended a meeting of QC inspectors and supervision, the purpose of which was to have two coatings experts explain proposed technical changes in coatings specifications and procedures. During the course of the meeting, Dunham apparently spoke out regarding intimidation of inspectors and lack of support from supervisors. It is not clear to what extent those or other Dunham comments were disruptive. However, there is no evidence that any management action was taken during the meeting to respond to Dunham, to control his purported "disruptiveness" or to keep the meeting to its express purpose, if Dunham was in fact being disruptive.

Subsequent to the meeting a counseling session was arranged with Dunham to discuss his behavior in the meeting. During this session Dunham's employment was terminated, either by his quitting or being fired--it is not clear which. This termination was considered by most of the QC coatings inspectors that attended the meeting to result from Dunham's complaining about intimidation during the meeting. Regardless of the facts regarding Dunham's conduct in the meeting or the cause of his termination during the counseling session, the study team finds that his termination was reasonably likely to influence other QC inspectors to refrain from reporting intimidation concerns, and thus meets the criteria to be classified as an intimidating event.

1983 - S. A. Neumeyer - Liner Plate Traveler

Ms. Neumeyer alleged she was instructed to sign off a number of weld hold points on some old liner plate travelers that she felt were inadequately documented. According to her, she was threatened with loss of a weekend off if she failed to obey. Ms. Neumeyer voiced to her supervisors and co-workers her concerns about the impropriety and signed off on some of the work under protest. The actions of her supervisor, including the use of threats, were reasonably likely to influence her and other employees to perform work they believed was not in accordance with requirements. Thus the study team

concludes that this incident meets the criteria for being intimidating.

1983 - C. Allen - Five Alleged Incidents

Mr. Allen was hired as a coatings inspector despite having significantly more education than was required for that position. He has an undergraduate degree in chemistry and a master's degree in polymer chemistry.

1 - Job Interview

Mr. Allen felt that during his job interview he was told that despite his expertise he was not to question QC procedures or engineering judgments. The study team feels that this was an effort by management to make clear to Allen what his job function as an inspector would be and is not viewed as an intimidating event.

2 - ALARA and DCA Reviews

Mr. Allen raised questions about ALARA reviews and Design Change Authorization (DCA) reviews to the training coordinator, who was unable to answer the questions and took him to Mr. Tolson's office for an explanation. A day or so later, Mr. Brandt called him in to discuss the same matter. The study team feels these repeated meetings with senior QC supervisors could have been intimidating.

3 - Craft Foreman

Mr. Allen alleged in a letter that he was ordered by a craft foreman to reinspect work in an area reachable on scaffolding. In the same letter he listed problems he had within the space of a week with a general foreman and three other different foremen. These purportedly included "shouting matches" with the three. Brandt's reaction to this complaint was to discuss the matter with construction management, Allen, and Allen's supervisor. QA apparently was not intimidated by craft as Brandt formally responded to Allen's complaint as follows: "This type of harassment must cease. Construction has assured us that they will implement corrective action (as necessary) immediately. As we discussed verbally, if the situation does not improve, please notify me again." The study team believes that Brandt's actions were appropriate and does not see this as an intimidating set of events.

4 - Detergent On Painted Surface

As a consequence of writing an NCR regarding use of detergents to wash down coated surfaces, Mr. Allen was sent to Brandt's office to defend his action. This probably tended to make Allen refrain from writing NCR's of a technical nature in situations where he felt one should be written. The study team finds this incident to meet their criteria for intimidation.

5 - Cigarette Filters

Mr. Allen learned that cigarette filters were being used by painters in the cheater valves of spray guns to assure passing the air acceptability test. Mr. Allen was dissuaded from writing an NCR because his management felt the use of cigarette filters was not a violation of any procedural requirement. Management also felt that final inspections would pick up the presence of oil or water in the paint. The study team assesses this event as having been intimidating because apparently the cigarette filters should not have been used and an NCR should have been written. A reasonable person in Mr. Allen's situation in this incident would feel pressure to perform in a manner not in conformance with requirements.

1983 - L. Barnes - Valve Disk Incident

Ms. Gregory, a trainee, is purported to have brought a traveler to Ms. Barnes which had a disk number that did not match the disk number in the Data Report. It is alleged that Barnes' supervisor, Mr. Bennetzen, told her it didn't matter and would cost too much money to check. Finally, Gregory was purportedly told she could sign the documentation off if she wanted to, but that Barnes wasn't going to. Despite this statement, Barnes alleged that Gregory signed off the traveler. Gregory did not provide corroboration of this event. The study team concluded that this incident was not substantiated as an instance of intimidation.

1983 & 1984 - Witness "F" - Several Allegations

This witness provided a number of technical allegations as prefilled testimony shortly after he quit his job at CPSES. The witness also stated that he had been subjected to harassment and intimidation by bringing his concerns to his supervisors and others. Witness "F" described five incidents which he believed were examples of intimidation or threats against him, as follows:

1 - Building Manager Threat Over SWA - 1983

Witness F alleged that a TUGCO building manager told him, "You're treading on thin ice," in response to Witness F's refusal to sign a startup work authorization (SWA) because of his belief that there was an inconsistency between ES-100 and Regulatory Guide 1.75 (RG-1.75). The witness, after having agreed to sign the SWA during a meeting where the technical problems were resolved, then unreasonably refused to do it until he got a call from New York. The position of management in the incident appears to have been correct and the ensuing altercation should not have discouraged the witness from performing his job properly.

2 - ES-100/RG-1.75 Conflict - 1983

Witness F alleged that a startup manager tried to discourage Witness F from calling the NRC on the ES-100/RG-1.75 conflict. It appears that the technical resolution

of the witness's concerns was being pursued appropriately and that the problem was one of technical misunderstanding on the part of Witness F. Because of this the study team feels that he was not intimidated by management from calling the NRC on this matter.

3 - Threat To "Pull Your Chain" - 1984

Witness F alleged that a TUGCO plant electrical engineer threatened that he would get a superior to "pull his chain." More credence is given to the testimony of Mr. Vogelsang, the alleged threatener, that he was being bothered excessively by Witness F regarding a Part 21 report on the ferro-resonant transformer problem. Vogelsang admits to having threatened to have Witness F reined in by his manager to get him out of Vogelsang's business. The words he recalls using were "shorten your reins, pull in your reins." Management does not appear to have discouraged Witness F from performing his proper job function, and thus this incident is not judged to have been intimidating to Witness F.

4 - Ferro-Resonant Transformers - 1984

Witness F claimed that a startup supervisor harassed and threatened him in connection with the problem with the ferro-resonant transformers. There is some evidence that the witness was using the ferro-resonant transformer situation and, specifically, filing of a 50.55(e) report to

harass one of his supervisors, Mr. Luken, who was a Westinghouse employee. Witness F also was believed to have accused Luken of trying to cover up a safety issue, a very serious charge. On the basis of the testimony it is concluded that Luken was very angry and did indirectly threaten the witness. However, the study team did not conclude that the witness was intimidated.

5 - Problem Finding and Quantity of Work Comment - 1984

Witness F stated that the startup supervisor, Mr. Luken, told him that if he had enough time to find problems (such as the ferro-resonant transformer problem and the purported conflict between ES-100 and RG-1.75), then he had time to do more work. This event apparently did happen. However, based on the history of these two matters, including the continuing attention being directed toward them by Witness F, the criticism appears to have been justifiable management comment and not intimidating.

The witness also claims his former employer at CPSES has continued to engage in harassment and intimidation against him by blacklisting him with other companies. Insufficient evidence exists to assess this allegation.

As indicated in the five specific incidents, in the opinion of the study team the evidence failed to support the allegations of Witness F that he was intimidated.

1984 - S.A. Neumeyer - Stanford Incident

Ms. Neumeyer wrote an NCR which she believed was required. Management supported her in writing it and conducted the necessary investigation as a result of it. Management found no problem and therefore voided the NCR in an appropriate fashion. Neumeyer continued to be concerned because she felt the records used to void the NCR were re-created after the fact and were not valid. Management's failure to communicate adequately with Neumeyer apparently left her feeling uncomfortable after the event. The evidence indicates that management handled this situation in accordance with good practice and, according to the study team's criteria, the event should not be classified as intimidating.

1984 - M. Gregory - Pressure on N-5 Reviewers

Ms. Gregory alleged that undue pressure was applied to QA/QC document reviewers in that her supervisor, Mr. Bennetzen, demanded 40 ISO's a week, threatened the use of job shoppers and commented on company loyalty in line with keeping one's job. It does not appear to the study team that an allegation of intimidation was substantiated in this incident since:

- * Gregory was not a document reviewer and there was no substantiation that the reviewers felt excessively pressured.

- * The use of job shoppers was suggested by higher management as additions to the N-3 reviewers, and Bennetzen was trying to avoid bringing in shoppers by increasing the group's output.
- * Bennetzen apparently did make some comments related to company loyalty on a day that two people quit without notice and to job security related to a specific individual. It is felt that Gregory took these comments out of context as a warning to her. There is no substantiation for her interpretation

1984 - M. Gregory - QES Review Sheet

Ms. Gregory alleged that her supervisor ordered a reviewer, W. Darby, to sign off a Quality Engineering Systems (QES) review sheet without doing the review. This incident resulted from the fact that a package to be vaulted had been returned from the Authorized Nuclear Inspector (ANI) with the cover sheet (QES review sheet) missing. In view of the fact that the ANI's will not review the package without the QES review sheet attached, and an ANI had signed off, it was apparent to Darby that the cover sheet had been lost after ANI review. He checked the package to make sure the documents included were listed on the QES review sheet and sent it to the vault. This was in accordance with procedures. The study team finds sufficient evidence to conclude this was not an incident of

intimidation.

1984 - M. Gregory - Reduction of Force (ROF)

Ms. Gregory alleged that there was something wrong with the way employees were selected for a ROF in that more qualified people were ROF'd while less qualified were retained. The applicant responded that there is a comprehensive, mainly objective method for ROF selection that includes assessment of clearance capability, certifications, and absenteeism. The study team did not feel that adequate information was available to assess this allegation.

1984 - T-Shirt Incident

Apparently as a result of the Williams "nitpicking" event, a number of electrical inspectors showed up on site on two days one week wearing T-shirts indicating they were nitpickers because they picked nits. On the second occasion eight inspectors were sequestered in an office and ultimately sent home after their desks were searched and some personal and company property seized. Most of the eight involved were subsequently transferred or terminated.

This incident occurred about the same time that allegations had been voiced by craft of destructive testing by electrical inspectors. The inspectors' T-shirts could have been read to convey a message that their job was to report

safety concerns described by Craft or coatings foreman Williams as "nits". Management's response was inappropriately severe to an occurrence that possibly was intended as a joke. That response, highly visible to other employees, was reasonably likely to dissuade employees from identifying or reporting some safety concerns or otherwise making waves. The study team has concluded that this incident was one of intimidation.

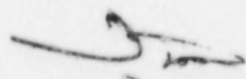
1984 - Hamilton, Krolak, Shelton - Refusal to Inspect Coating
Three QC inspectors, Hamilton, Krolak, and Shelton, were terminated for refusing to inspect coatings on the Reactor Building No. 2 rotating access platform rail. There was scaffolding in position from which the painters had worked, and a lifeline safety system was properly in place. Apparently the three inspectors had not actually climbed up to look at the rail or scaffolding. Testimony from several individuals who climbed to the rail indicated it was safe to perform the inspection and that the three inspectors had made no attempt to determine conditions of the rail or scaffolding.

After their initial refusal to perform the inspection, the three inspectors were advised that supervision and the Safety Department had evaluated the area and found it safe. The three were then offered the opportunity to reconsider their stance. When they refused to reconsider, they were

terminated for refusing to perform their assigned tasks.

The study team feels that management acted properly throughout this incident, and that this was not a case of intimidation.

1
This is a matrix I made
I prepared to look at all
of the OI material in the
E20 filing. This shows those
that the study team reviewed,
those that we reviewed and those
for which a decision has been made
by us ~~or~~ on the study team.



Working matrix
sent to IHP
in summer 1986

FOIA-85-799

B/1

	OI REPORT NUMBER	ITEM NO. IN ELD FILING	REVIEWED BY CONSULTANTS	ASSIGNED TO PANEL MEMBER	REVIEWED BY PANEL	INCIDENT FOUND TO BE INTIMIDATING (study team)
1	Q4-82-005	1	yes			(No)
2	Q4-82-011	2	yes			(No)
3	Q4-82-025	3	yes			(No)
4	Q4-83-009	5	Sent to consultants			(No)
5	Q4-83-011	6	Sent to consultants			(No)
6	Q4-83-021	7	Sent to consultants	yes (Axelrad)	yes	No (Possible)
7	Q4-83-022	8	Sent to consultant			(No)
8	Q4-83-023	9	Sent to consultants	yes (Lieberman)		(No)
9	Q4-83-025	10	yes	yes (Gagliardo)	yes	No (No)
10	Q4-84-001	18	Sent to consultants			(No 'mynt prob)
11	Q4-84-007	19	yes			(No)
12	Q4-84-011	20	yes	yes (Hunter)	?	(No)
13	Q4-84-014	21	yes			(Possible)
14	Q4-84-016	22	yes			(No)
15	Q4-84-037	23	Sent to consultants	yes (Lieberman)	-	(No)
16	Q4-84-046	24	Sent to consultants	yes (Lieberman)	-	(No)
17	A4-83-002	11				
18	A4-83-005	12				(No)
19	4-82-012	4	yes			(No)
20	4-83-001	13		yes (Gagliardo)	yes	yes
21	4-83-006	14	yes			(No)?
22	4-83-011	15	yes			(No)
23	4-83-013	16		yes (Gagliardo)	yes	No
24	4-83-016	17	yes	yes (Gagliardo)	yes	yes (YES)
25	4-84-006	25		yes (Hunter)		
26	4-84-008	26	yes	yes (Lieberman)	yes	yes (No)
27	4-84-012	27	yes	yes (Hunter)	yes	No (No)
28	4-84-40	28				

VINCE, Jim

11/10/84

(14)

1. REVIEWED MOUSER'S DEPOSITION AND JUDGE BLOCH COMMENTS.

- JUDGE BLOCH APPARENTLY WANTS THE INTIMIDATION STAFF TO LOOK INTO THIS.

- STU TREBY VOLUNTEERED TRT BASED ON HIS UNDERSTANDING, (SEE ATTACHMENT)

2. I TOLD CHARLIE TO INTERFACE WITH TREBY AND FIND OUT EXACTLY WHAT IS WANTED BY THE BOARD.

3. PLEASE HAVE WHOEVER IS SETTING UP A SITE VISIT WITH MOUSER, STOP, UNTIL WE CAN DETERMINE WHAT WE ARE GOING TO DO AT THE SITE.

4. WITH SSER SCHEDULES AND QA/QC MTG NEXT WEEK I CAN'T SUPPORT A SITE VISIT.

Conrad

FOIA-85-749
B/14

1 JUDGE BLOCH: We are done.

2 MR. TREBY: But my concern and the reason I
3 raised the objection so the record is complete is that
4 there is a possibility at some point that people may ask
5 that this whole record be put into this -- this deposition
6 record be put into the evidentiary record.

7 JUDGE BLOCH: Would you object to that?

8 MR. TREBY: I would think that this subject here
9 appears to me to be outside the intimidation matters.

10 JUDGE BLOCH: I haven't ruled on that.

11 MR. ROISMAN: Okay. Because I think the only
12 arguable matter is whether it's outside the scope of the
13 deposition. I think it's the heart of the intimidation
14 issues before the board.

15 JUDGE BLOCH: I hope the Staff working
16 intimidation will consider what Mr. Mouser has said and
17 his familiarity with these questions.

18 MR. WATKINS: I'm confused about what that means.
19 What information?

20 JUDGE BLOCH: The last few pages of this
21 transcript.

22 MR. TREBY: I understand what the Chairman is
23 asking is that we make sure that the technical review team
24 is aware of the information that's being developed in this
25 deposition.

APPLES
+
ORANGES

This is an allegation against
one of our investigators. I don't
know why we receive N. There is
nothing in N which could be classed
as intimidating. I plan nothing
on this.



FOIA-85-799
B/15