(40)

J. Lieberman

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

JAN 2 1985

MEMORANDUM FOR: Comanche Peak Intimidation Panel

FROM: J. E. Gagliardo, Chairperson

SUBJECT: SUMMARY OF PANEL MEETING ON DECEMBER 21

The CPSES Intimidation Panel met on the morning of December 21, 1984, at the Phillips Building. The following members were present:

Jane Axelrad
James Lieberman
Jim Gagliardo

The following advisors/guests were present:

Vincent Noonan, Advisor (part time)
Stewart Treby
Edward Christenbury

The following summarizes the actions and activities of the panel:

1. Panel members raised a question regarding the procedures to be used by the Panel to review all of the applicable material. Mr. Christenbury proposed three options. The Panel decided to use a combination of two options. It was decided to have each member review part of the large volume of material related to intimidation and to have a consultant group review all of the material. The Panel member so assigned and the consultant group will brief the Panel on the material reviewed.

2. The consultant group will prepare a matrix to be used to analyze the material reviewed.

3. The consultant group will prepare or obtain applicant organization charts for the time periods during which the alleged intimidation occurred.

4. S. Treby expressed concern with the definition of intimidation used by the Panel. He agreed to provide the Panel with transcripts of the prehearing conference of June 1984 which includes the definitions of intimidation proposed by the applicant, the intervenor group, and by the staff.

FOIA-85-799 B/43

5. Mr. Treby agreed to try and provide the Panel with the material (transcripts, depositions, etc.) applicable to the approximately 20 allegations of intimidation being reviewed by the hearing board.

6. The Panel made assignment for the OI investigation reports and inquiry reports as shown in the Attachment.

7. The Panel will meet again at 8:45 a.m., on January 4, 1985.

The meeting adjourned at about 10:30 a.m.

J. E. Gagliardo
Chairperson

Attachment:
As stated

cc:
D. G. Eisenhut, NRR
Panel Advisors
E. Christenbury, ELD

ATTACHMENT

OI ASSIGNMENTS TO THE PANEL

OI Document	Panel Member Assigned
Q4-83-021	Axelrad
Q4-83-023	Lieberman
Q4-83-025	Gagliardo
Q4-83-026	Axelrad
Q4-84-011	Hunter
Q4-84-037	Lieberman
Q4-84-046	Lieberman
4-83-001	Gagliardo
4-83-013	Gagliardo
4-83-016	Hunter
4-84-006	Gagliardo
4-84-008	Lieberman
4-84-012	Hunter
4-84-13	Axelrad
4-84-025	Lieberman
4-84-050	Hunter

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

COMANCHE PEAK INTIMIDATION PANEL MEETING

The meeting was held on January 7, 1985, from 10:00 a.m. to 11:00 a.m.

Attendees were:

Members	Advisors	Invited Guests
J. Axelrad	B. Kaplan	L. Chandler, ELD
J. Gagliardo	J. Scinto	S. Treby, ELD
D. Hunter		
J. Lieberman		

Topics Discussed:

1. S. Treby provided the panel with a detailed listing of intimidation incidents that had been addressed by the hearing board. The listing includes references to applicable hearing transcripts, depositions, OI reports, prefiled testimony, and affidavits.

2. The panel reviewed the listing and made the following assignments to panel members:

Intimidation Incident	Assigned Panel Member
D. Carlton	Not to be reviewed
R. Messerly	Gagliardo
S. Miles	Hunter
S. Neumeyer (Stanford Incident)	Lieberman 8
W. Dunham (H. Williams)	Gagliardo
W. Dunham (Termination)	Gagliardo
T-Shirt	Axelrad
S. Neumeyer (liner plate)	Lieberman 6
Liner Plate (QC breakdown)	Lieberman
D. Stiner (polar crane)	Lieberman
D. Stiner (weave welding)	Lieberman
D. Stiner (DG skids)	Lieberman
D. Stiner (Weld sign tools on doors)	Lieberman
D. Stiner (Relocation of office)	Lieberman
D. Stiner (Telegram)	Lieberman

15

FOIA-85-799 B/44

Intimidation Incident	Assigned Panel Member
D. Stiner (Incident to force her to leave)	Lieberman
C. Allen	Gagliardo
Lipinsky trip report	Axelrad
H. Stiner	Axelrad
L. Barnes (valve disk)	Hunter
M. Gregory (pressure on reviewers)	Hunter
M. Gregory (QES review sheet)	Hunter
M. Gregory (ROF issue)	Hunter
Witness "F"	Hunter

3. The panel discussed the review format to be used and the documentation of the review.

4. The panel discussed the use of the consultants for independent review and preparation of a review matrix.

Next Meeting

The next meeting of the panel is scheduled for 8:30 a.m., Friday, January 25, 1985, in the Phillips Building.

A conference call meeting will be held on Friday, January 18, to discuss the review progress of the panel.

NOTE

The members of the panel plus the additional individuals listed below reviewed the case of the potential material false statement, regarding U-bolt torque valves, prior to convening the panel meeting. It was decided that Dave Tereo and Paul Chen will develop a list of cases for which incomplete information was submitted and Jane Axelrad will use this information to request a special investigation by OI.

Additional Attendees

G. Bagchi, TRT
W. Chen, ETEC
C. Haughney, COMEX (TRT)
G. Holler, IE
J. Scinto, ELD
J. Sinclair, OI
D. Terao, NRR/TRT

(42)

Lieberman

COMANCHE PEAK INTIMIDATION PANEL

Meeting 1/4/85 9:00 am

Attendees

J. Zudans
D. Hunter
S. Treby
J. Lieberman
B. Kaplan
C. Poslusny
L. Chandler

Highlights

1. EG&G role in review was defined - Kaplan to report on subcontractors schedule.

2. S. Treby provided list of seven allegations (hearing identified) referenced transcript records (attached) which were assigned for review to group members.

3. OI report reading to be completed by 1/11/85.

4. Transcript of feedback interviews and list of allegers will be provided by J. Zudans to the panel.

5. Record Review Team (EG&G) documentation of intimidation incidents and transcript references will be provided to the panel when available.

6. Panel definition of intimidation will be provided to Record Review Group.

7. Next meeting - 9:00 am on 1/11/85 to discuss OI reports and develop assignments.

FOIA-85-799

B/39

I. NRC Intimidation in an Interview of an Alleger

Dennis Culton, a former electrical helper and draftperson at CPSES, alleged that NRC Region IV inspectors intimidated him in an interview.

The evidence consists only of:

Mr. Culton's July 25, 1984 deposition; (Tr. 58,500-591)

tape recording of the alleged intimidating interview

written transcript of that interview.

III. Intimidation of QC Inspector in Auxiliary Building

Mr. Robert Messerley alleged he observed Mike Robinson, a general foreman for cable tray supports, yelling and shouting obscenities at a QC inspector for "red-tagging" too many cable tray supports.

The evidence on this incident consists only of Mr. Messerley's testimony on this matter. Deposition of Robert Messerley (July 12, 1984). (Tr. 50,000-087)

IV. Intimidation of Welding QC Inspector in North Valve Room

Mr. Stanley Miles, a former iron worker at CPSES, alleged that he saw QC inspector identify improper welding in the North Valve Room. According to Mr. Miles, the QC inspector left, saying he was going to stop it, but later returned and did not stop the improper welding.

The evidence on this issue consists solely of Mr. Miles' testimony. Deposition of Stanley G. Miles (July 12, 1984) (Tr. 50,600-628)

V. Voiding of NCR on Polar Crane

Mrs. Darlene Stiner alleged that an NCR which she wrote regarding a hole in the polar crane rail was improperly voided and the hold tag improperly removed.

Mrs. Stiner's testimony on this concern is located in her evidentiary deposition (July 13, 1984); Tr. 52,005-010; 52,079-084; 52,182-190, and in CASE Exhibit 667, pp. 54-55.

Applicants' testimony on this concern was submitted by Mr. C. Thomas Brandt. Deposition of C. Thomas Brandt (July 11, 1984); Tr. 45,273-76.

VI. Stanford Incident

Alleged intimidation regarding voided NCR written by Sue Ann Neumeyer.

Neumeyer wrote NCR on QC inspector Stanford indicating he had falsified dates, thus enabling craft to bypass QC hold points. NCR was voided. Applicants assert that dates were changed only to correct error.

The witnesses and their testimony which deal with the alleged incident are as follows:

Deposition of Sue Ann Neumeyer; August 1, 1984 (Tr. 59,540-598) and August 2, 1984 (Tr. 59,754-825)

Deposition of Linda Barnes; July 28, 1984 (Tr. 59,006-117, 129-149)

Deposition of Dwight M. Woodyard; July 24, 1984 (Tr. 56,505-572)

Deposition of Jack Ray Stanford; July 25, 1984 (Tr. 57,500-587)

Deposition of John T. Blixt, Jr.; July 25, 1984 (Tr. 57,048-076)

Deposition of Robert Siever; July 25, 1984 (Tr. 58,067-080)

Deposition of Gordon Raymond Purdy; July 10, 1984 (Tr. 41,156-188)

Testimony of Robert Marshall Duncan; Tr. 17,420-523 (9/19/84); Tr. 18,091-152 (9/20/84)

Prefiled Testimony of Richard W. Simpson; August 15, 1984 (pp. 1-38)

Prefiled Testimony of Danny Ray Wright; Augusdt 16, 1984 (pp. 1-9)

Prefiled Testimony of Ronald D. McBee; August 16, 1984 (pp. 1-24)

Prefiled Testimony of Alan Dale Justice; August 16, 1984 (pp. 1-20)

Prefiled Testimony of James Edward Zwahr and Daniel Thomas Wilterding; Augsut 15, 1984 (pp. 1-21)

Prefiled Testimony of James E. Brown, August 15, 1984 (pp 1-21)

VII. Dunham's Termination

Allegation that QC inspector was terminated because of his complaints concerning QC.

Dunham's termination paper states he was terminated for insubordination. Dunham filed a complaint with the Department of Labor claiming he was fired for criticizing the QC program, and one Harry Williams in particular.

The parties have stipulated that Dunham's testimony is contained in the record of the DOL/hearing, Dunham v. Brown & Root Inc., 84-EPA-1 (February 13 and 14, 1984).

During the evidentiary depositions in this proceeding, Applicants presented further testimony on circumstance surrounding Mr. Dunham's termination:

Deposition of Gordon raymond Purdy; July 10, 1984 (Tr. 41,247-259)

Deposition of C. Thomas Brandt; July 11, 1984 (Tr. 45,196-198)

Deposition of Myron G. "Curly" Krisher (Tr. 37,011-064; July 9, 1984

Testimony was also given by Applicants during the hearing sessions of September 11 and 18, 1984:

Testimony of B. R. Clements; Tr. 15,460-63 (9/11/84)
Testimony of Thomas Brandt; Tr. 16,777-794 (9/18/84)

By Order dated November 30, 1984, the ALJ in the DOL proceeding dismissed Dunham's complaint (Dunham v. Brown & Root, Inc., 84-EPA-1, "Recommended Decision and Order").

VIII. T-Shirt Incident

Intervenor alleged that electrical QC inspectors wearing T-Shirts were intimidated by management.

Certain electrical QC inspectors were wearing T-shirts referring to "nitpickers." They were subsequently sequestered by management and their desks searched. (There is a question of their prior involvement with "destructive testing" prior to the incident.) Some of those involved were later transferred or terminated. Applicatns assert management might have overreacted, but the actions taken were not intimidation.

Evidentiary depositions:

Deposition of Mark Welch; July 16, 1984; (Tr. 53,000-264)

Deposition of Kenneth Whitehead; July 17, 1984; (Tr. 55,000-164)

Deposition of Jack Pitts; July 31, 1984; (Tr. 73,500-553)

Deposition of Ronald Tolson; July 10, 1984 (Tr. 40-546-562)

Deposition of B. R. Clements; July 10, 1984; (Tr. 40,096-105)

Deposition of Thomas Brandt; July 11, 1984; (Tr. 45,128-149)

Deposition of Boyce Grier; July 11, 1984; (Tr. 45,591-599)

Deposition of Gordon Purdy; July 10, 1984 (Tr. 41,198-199)

Deposition of James Cummins; July 17, 1984 (Tr. 54,008-055)

Hearing Testimony:

Testimony of Michael Spence, Tr. 14,924-930 (9/10/84)

Testimony of Antonio Vega, Tr. 15,055-060; 15,191-193; 15,197-251; 15,278-416 (9/10/84)

Testimony of B. R. Clements, Tr. 15,418-428; 15,470-503; 15,514-521 (9/11/84)

Testimony of Thomas Brandt, Tr. 16,107-133; 16,175-201 (9/13/84)

Testimony of Gordon Purdy; Tr. 16,358-373 (9/13/84)

Testimony of Ronald Tolson, Tr. 16,399-575 (9/14/84); Tr. 16,652-658 (9/18/84)

Testimony of Gregory Bennetzen, Tr. 17,745-934; 17,954-968 (9/20/84)

Testimony of David Chapman, Tr. 17,969-18,031 (9/20/84)

Testimony of Doyle Hunnicutt, Tr. 18,515-669 (9/20/84)

(43)

1167 8:30

Time-Line

Attached is a time-line of CPSES alleged incidents of intimidation summarized in the Treby incident outline. Solid brackets ([ ) indicate an event occuring over an extended period of time. Dotted brackets ([ ) indicate an approximate time-frame in which a single incident occurred.

1981

Jan

March — D. Steiner: Incore welding on a Pipe Support

May — D. Steiner: Welding D. Generator Skid's re- [illegible]

June

July — H. Steiner: Termination of H. Steiner

Dec

1982

Jan

Early '82 — Mites: Intimidation of a welding Q.C. inspector in N. Valve Room

June

July-Sept 13 — D. Steiner: Telegram re: improper copying

July-Sept — D. Steiner: Relocation of an office

Sept. 13-14 — D. Steiner: Bus incident

Sept-Dec. — D. Steiner: Harressiment to leave

Oct — D. Steiner: Weld Symbols on Doors

	Jan.	Jan	Dunlevy: Interv. of Protective Coatings Inspectors
		Jan-Dec	Cary Allen (5 incidents)
		Spring-Early Summer	Neumeyer: Liner Plate Traveler incident
		May-Dec	Witness F: Dick Camp (ES-100/RG-1.75 conflict) and Fred Bowers (SWI's)
1983	June	Mid-Summer	D. Steiner: Power Crane, voiding an NRC
		July	Lipinski: O.B. Canyon trip report
		August	Denhern's termination
		Sept	L. Barnes: Valve Disc incident
	Dec		
	Jan.		
		Mid-Jan	Neumeyer: Stanford incident
		Jan 24	Witness F: "Vogelsang" pull his chain"
		Feb 8	F: Lukins, Temporary transfers
		Early 84	F: Lukins, problem finding & quantity of work comment
		March 8	T Shirt incident
1984	June	Late June	M. Gregory: Pressure on N-5 Viewers
		Late June, Early July	M. Gregory: QES Review Sheet incident
		July	M Gregory: ROF Incident
	Dec.		

Jan

1

1979

Incorrectly: Intimidation of Q.C. Inspector in Auxiliary Building (Sometime in '79)

Dec

Jan

1980

OGP (4)

ATTACHMENT

OI ASSIGNMENTS TO THE PANEL

OI Document	Panel Member Assigned
Q4-83-021	Axelrad
Q4-83-023	Lieberman
Q4-83-025	Gagliardo
Q4-83-026	Axelrad
Q4-84-011	Hunter
Q4-84-037	Lieberman
Q4-84-046	Lieberman
4-83-001	Gagliardo
4-83-013	Gagliardo
4-83-016	Hunter
4-84-006	Gagliardo
4-84-008	Lieberman
4-84-012	Hunter
4-84-13	Axelrad
4-84-025	Lieberman — closed this
4-84-050	Hunter

FOIA-85-199 B/42

COMANCHE PEAK INTIMIDATION PANEL MEETING SUMMARY

Meeting was held on December 14, 1984 from 8:00 am to 12:00 pm.

Attendees were:

D. Hunter, RIV	B. Kaplan, EE&G
C. Poslusny, TRT	J. Axelrad, IE
J. Lieberman, OELD	J. Gagliardo, IE
S. Treby, OELD	B. Griffin, OI

Topics Discussed:

1. Definitions of intimidation, harassment, discrimination were as agreed upon at previous meetings and analysis format were distributed (attached).

2. A decision to change the role of B. Kaplan from full member to advisor was made.

3. A question was raised about the groups judgements of intimidation standing up in a hearing, considering the experience and background of panel members. Discussions of panel objectives and direction of activities to determine existence of intimidation followed.

4. Brooks Griffin provided selected OI reports to each panel member for review. He then provided a description of OI investigative effort and the details on each provided package. Based on panel review, attachments to reports may be requested.

Commitments:

1. Provide a list of OI documents provided to Panel and number of copies (for the record) with specifics on enclosures of lack thereof - B. Griffin.

2. Determine if INEL contract which procures B. Kaplan's services addresses the receipt and control of confidential information - C. Poslusny.

3. Provide, if possible, a matrix of allegers and supervisors - J. Gagliardo

4. Provide detailed organization chart of TUGCO with details on responsibilities of allegers - D. Hunter.

5. Provide results of TRT follow up effort on allegations (intimidation related) addressed in OI reports - V. Noonan.

6. Provide details on regional follow up on allegations addressed in OI reports - D. Hunter.

7. Provide hearing records, past and current (as obtained) related to intimidation issues to be maintained in TRT office - S. Treby, C. Poslusny.

8. Develop and maintain index of materials provided to panel and/or maintained in TRT office - C. Poslusny.

9. Obtain data on turnover rate (transfer or removal) of QA/QC staff at Comanche Peak - J. Gagliardo, D. Hunter.

10. Follow-up with OI, Region IV on release of an OI report to ASLB - J. Axelrad.

11. Expedite copy of OI Report 48-4-025 and expedite completion of outstanding investigations concerning intimidation for panel consideration - B. Griffin.

12. Provide TUGCO report relative to intimidation of QA inspectors - B. Griffin.

Next Meeting

The next scheduled meeting will be held on December 21 at 8:30 am, Room P412, Phillips Building.

Activities will include:

1. Discussions of further review of OI reports.

2. Discussions of panel follow-up actions.

DEFINITION OF INTIMIDATION, HARASSMENT AND DISCRIMINATION

Intimidation or Harassment: Incidents, statements or other actions that are reasonable likely to influence employees to refrain from performing safety-related work in accordance with requirements or identifying or reporting quality discrepancies or safety problems. In determining whether the incident, statement or actions was reasonably likely to influence employees, a number of factors will be considered including: 1) the nature of the statement or action; 2) the intent of the person making the statement or taking the action; 3) the perception of the recipient of the statement or action; and 4) the positions of and relationship between the person making the statement or taking the action and the recipient.

Discrimination: The showing of prejudice in the treatment of employees for performing safety-related work or reporting quality discrepancies or safety problems to their management or to the NRC. The showing of prejudice may include adverse actions such as discharge or other actions that relate to the terms, conditions, and privileges of employment.

FORMAT FOR ANALYSIS OF INTIMIDATION AND DISCRIMINATION AT COMANCHE PEAK

1. Description of the intimidation/discrimination incident including:

   a) Name, position and duties of person subject to intimidation;

   b) Name, position and duties of person alleged to have intimidated;

   c) Names and positions of other persons either subject to or involved in the incident;

   d) Area of work involved - welding, coatings, etc.;

   e) Date and place of incident;

   f) the nature of the statement or action;

   g) the intent of the person making the statement of taking the action;

   h) the perception of the recipient of the statement or action; and

   i) the positions of and relationship between the person making the statement or taking the action and the recipient.

3. The effect of the statement on the recipient including any specific failures to report safety problems and the basis for the conclusion that the effect occurred.

4. Reference to documents where incident is described such as Investigation Reports, deposition, hearing transcripts, etc. (title, dated, pages).

Document Name:
CP PANEL MTG

Requestor's ~~IDI~~
DEDIRO2

Author's Name:
Chet 12/17 pf

Document Comments:
CP intimidation panel meeting summary