

1999-0153

2



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Ms. Nancy Chapman

DATE

AUG 16 2000

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **C** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES **C** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT *

\$

You will be billed by NRC for the amount listed.

None. Minimum fee threshold not met.

You will receive a refund for the amount listed.

Fees waived.

* See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

1999-0153

AUG 16 2000

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

C

Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.

Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.

Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.

Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).

Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.

Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).

The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).

Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:

Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.

Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)

Attorney-client privilege. (Confidential communications between an attorney and his/her client)

Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.

Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.

(A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).

(C) Disclosure would constitute an unwarranted invasion of personal privacy.

(D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.

(E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.

(F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.

OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Guy Caputo	Director, Office of Investigations	Appendix C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	06/19/96	Report of Investigation 1-95-040, Millstone Unit 1: Alleged Discrimination Against a Senior Engineer for Raising Safety Concerns Regarding Spent Fuel Pool Cooling (35 pages) EX. 7C
2.	01/23/97	Report of Investigation 1-95-046, Millstone Unit 1: Discrimination Against a Senior Engineer for Raising Concerns Related to the Millstone Unit 1 Spent Fuel Pool (50 pages) EX. 7C

CASE No. **1-95-040**

**United States
Nuclear Regulatory Commission**



Report of Investigation

MILLSTONE UNIT 1:

**Alleged Discrimination Against a Senior Engineer for
Raising Safety Concerns Regarding Spent Fuel Pool Cooling**

Office of Investigations

Reported by OI: **RI**

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7E
FOIA- 99-153

cll

Title: MILLSTONE UNIT 3:

ALLEGED DISCRIMINATION AGAINST A SENIOR ENGINEER FOR RAISING
SAFETY CONCERNS REGARDING SPENT FUEL POOL COOLING

Licensee:

Northeast Nuclear Energy Company
P.O. Box 270
Hartford, Connecticut 06141

Docket No.: 50-423

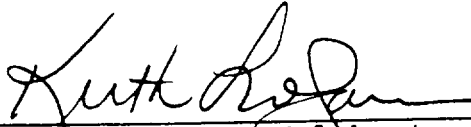
Case Number: 1-95-040

Report Date: June 19, 1996

Control Office: OI:RI

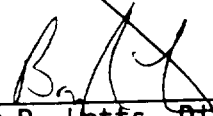
Status: CLOSED

Reported By:



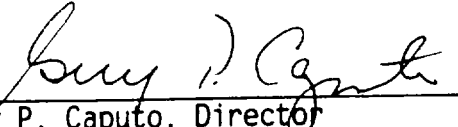
Keith G. Logan, Special Agent
Office of Investigations
Field Office, Region I

Reviewed By:



Barry R. Letts, Director
Office of Investigations
Field Office, Region I

Approved By:



Guy P. Caputo, Director
Office of Investigations

WARNING

DO NOT DISSEMINATE. PLACE IN THE PUBLIC DOCUMENT ROOM OR DISCUSS
THE CONTENTS OF THIS REPORT OF INVESTIGATION OUTSIDE NRC WITHOUT
AUTHORITY OF THE APPROVING OFFICIAL OF THIS REPORT. UNAUTHORIZED
DISCLOSURE MAY RESULT IN ADVERSE ADMINISTRATIVE ACTION AND/OR
CRIMINAL PROSECUTION.

SYNOPSIS

On September 5, 1995, the NRC, Office of Investigations (OI), Region I (RI), initiated this investigation to determine whether Northeast Utilities (NU) discriminated against a senior engineer for his involvement in protected activities.

Based upon the evidence developed during this investigation, OI:RI did not substantiate the allegation that NU discriminated against the employee because of his involvement in protected activities.

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ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 1-95-040) will not be included in the material placed in the Public Document Room. They consist of pages 3 through 33.

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LIST OF ACRONYMS

ACR	Adverse Condition Report
CY	Connecticut Yankee
GRPI	Goals, Roles, Process and Interpersonal
ISAP	Integrated Safety Assessment Program
NFE	Nuclear Fuel Engineering
MNPS	Millstone Nuclear Power Station
NRC	Nuclear Regulatory Commission
NSCP	Nuclear Safety Concerns Program
NU	Northeast Utilities
OD	Operability Determination
OI	Office of Investigations
OIG	Office of Inspector General
PORC	Plant Operations Review Committee
REF	Reportability Evaluation Form
RI	Region I
SER	Safety Evaluation Report
SSC	System Structure and Components
USQ	Unresolved Safety Question
U-1	Millstone Unit 1
U-2	Millstone Unit 2
U-3	Millstone Unit 3

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LIST OF INTERVIEWEES

EXHIBIT

AUSTIN, Peter, Manager, General Nuclear Training,
Northeast Utilities (NU) 30

BETANCOURT, George, Senior Engineer, NU 5, 23, & 33

BONACA, Mario, Director, Nuclear Engineering Services, NU 29 & 38

CHANDRA, Subhash, Principle Engineer, Charter Oak Development Corp. 60

CHATFIELD, Larry, Director, Nuclear Safety Concerns 6, 37, 54, & 63

CHOBANIAN, Elaine, Secretary, NU Contractor 7

CIZEK, Al, Senior Engineer, NU 32

DEBARBA, Eric, Vice President, Nuclear Engineering Services
Group, NU 8 & 57

GUERCI, John, Manager, Nuclear Fuel Engineering, NU 9 & 40

HARNAL, Rajinderbir S., Senior Engineer, NU 45

HARRIS, Drexel, Senior Licensing Engineer, NU 10

HILLS, Michael, Reactor Engineering Supervisor, NU 28

HINKLE, Robert, Engineer, NU 48

HONAN, Timothy, Supervisor, Reactor Performance Section, NU 11 & 39

JOHNSON, Donald, Project Engineer, Yankee Atomic (NU Contractor) 12

KACICH, Richard, Director, Nuclear Operational Standards, NU 66

KEEFE, Thomas, Cost Engineer (NU Contractor) 13

KINSMAN, Jerry F., Senior Engineer, NU 47

KOCON, Forrest A., Senior Engineer, NU 27

KOSTE, Wolf, Supervisor, Radiation Waste Engineering
Group, NU 14, 15, & 41

KUPINSKI, Matthew, Manager, Nuclear Engineering Support Services, NU 34

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MARTINEZ, Isadore, Planner/Scheduler, SECOR (NU Contractor)	25
MAWSON, Tom, Supervisor, Technical Support Group, U-3, NU	42
McHALE, Sharon, Secretary, NU	16 & 52
McNAMARA, Michael, Manager, Spent Fuel Storage Project, NU	17, 18, & 51
MULLARKEY, Edward, Senior Engineer, CY, NU	58
NERON, Gary, Engineering Technician, U-2, NU	46
NOVAK, Peter, Senior Internal Auditor, NU	19
PARUOLO, Robert, Engineer, Emergent Work Group, NU	31 & 44
POKORA, Bohdan, Supervisor, Nuclear Mechanical Engineering Support Group, NU	35
RISLEY, H.P. "Bud," Director, Nuclear Engineering, NU	26
RONCAIOLI, Janice, Manager, Equal Opportunity and Diversity Programs, NU	20
RUSSO, Ralph, Project Engineer, Raytheon (NU Contractor)	24
SANKOWSKI, Marie A., Personnel Representative, NU	21
SCHMIDT, Richard, Manager, Radiological Assessment Branch, NU	49
SCULLY, Christopher, Associate Engineer, NU	64
SINGER, Linda, Personnel Manager, NU	22
SINGH, Krishna, President, HOLTEC International	59
van NOORDENEN, Gerald, Supervisor, Licensing Services, NU	65
VanVOORHIS, Gary, Nuclear Safety Concerns Representative, NU	36

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DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 50.5: Deliberate Misconduct.
10 CFR 50.7: Employee Protection.

Purpose of Investigation

On September 5, 1995, the NRC, Office of Investigations (OI), Region I (RI), initiated this investigation to determine whether Northeast Utilities (NU) discriminated against George BETANCOURT, a Senior Engineer, for his involvement in protected activities (Exhibit 1).

Background

On August 21, 1995, Ken JENISON, Project Engineer, NRC:RI, received a telephone call from BETANCOURT addressing concerns about the Millstone Nuclear Power Station (MNPS) Unit 1 spent fuel pool and other licensing issues regarding Units 1 and 3. BETANCOURT alleged that, as a result of a series of contacts with an NRC Inspector (JENISON), he was counseled and reassigned (Exhibit 1 and Exhibit 5, p. 122). On August 22, 1995, BETANCOURT sent a fax to JENISON indicating his filing of a formal allegation with the NRC (Exhibit 2). On August 23 and 30, 1995, BETANCOURT provided JENISON with additional information on his concerns (Exhibits 3 and 4).

BETANCOURT, and others, provided information to JENISON regarding an inspection JENISON was conducting at MNPS. BETANCOURT alleged that he was supposed to attend an entrance meeting with the NRC inspector and was intentionally provided with the wrong room number in an attempt to prevent him from attending the meeting with the inspector (Exhibit 5, pp. 233-235).

AGENT'S NOTE: Drexel HARRIS, Senior Licensing Engineer, indicated that BETANCOURT was a self-invited participant and, along with several others, ended up at the wrong room for the entrance meeting with JENISON. HARRIS denied any intent to send BETANCOURT and others to the wrong room. BETANCOURT and the others were interviewed by the inspector (Exhibit 10, pp. 9-12).

Interview of Allegor

BETANCOURT was interviewed by the Office of Inspector General (OIG) and OI on September 12, 1995 (Exhibit 5). During the course of the OI interview, OI confirmed with BETANCOURT that he advised JENISON on August 21, 1995, that he (BETANCOURT) had been harassed by NU management as a result of his raising safety concerns regarding the MNPS-1 spent fuel pool cooling system. BETANCOURT specifically indicated that:

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1. he was counseled on three separate occasions following a series of contacts with an NRC inspector between July 10 and 14, 1995;
2. he was reassigned to a position in which he had to report to a supervisor (Michael McNAMARA) that was involved in the issues that he discussed with the NRC inspector, and that this supervisor did not share his concern for safety issues;
3. he is enduring harassment from his supervisor and others; and
4. he believes he will be fired as a result of his discussions with the NRC regarding the Unit 1 refueling activities (Exhibit 5, pp. 122-124).

BETANCOURT also noted that on August 21, 1995, he filed a nuclear safety concern (NFE-95-328) with Larry CHATFIELD, Nuclear Safety Concerns Program Director, regarding systematic retaliation for engaging in a protected activity (Exhibit 5, p. 125). BETANCOURT indicated that he filed a second memorandum with CHATFIELD on August 23, 1995 (NFE-95-328, Supplemental), to "denote additional thoughts and information." BETANCOURT indicated that he advised NU that he had been systematically retaliated against for cooperating in an NRC investigation regarding the spent fuel pool, and that he expected NU's actions to escalate into deliberate harassment, intimidation, and discrimination, upon NU being notified that he felt there were similar violations with the MNPS U-3 spent fuel pool cooling system respective to License Amendment Nos. 39 and 60 (Exhibit 5, pp. 126 and 127; see also CHATFIELD, Exhibits 6 and 37).

BETANCOURT went on to list several points which were in a chronology he prepared, and which he believed supported his allegation. These points are discussed in detail by BETANCOURT in his OI interview (Exhibit 5, pp. 130-211 and Exhibit 23, p. 4). BETANCOURT also mentioned that he believed CHATFIELD, HONAN, and McNAMARA breached his NU confidentiality regarding the concern he raised with CHATFIELD and the Nuclear Concerns Program, NFE-95-334 (Exhibit 5, pp. 211, 226-230).

AGENT'S NOTE: This breach allegedly occurred during a period when BETANCOURT was working for both HONAN and McNAMARA, and each was responding to a concern BETANCOURT raised at NU. This issue was not separately investigated, but was addressed in several OI interviews. (See Exhibits 6, 9, 11, 17, 18, and 37.)

BETANCOURT also indicated that at a meeting with RONCAIOLI on July 18, 1995, she discussed BETANCOURT's [REDACTED] (Exhibit 5, pp. 181 and 203). 76

AGENT'S NOTE: RONCAIOLI denied that a meeting took place on that date or that she ever used the term [REDACTED] (Exhibit 20, pp. 35 and 54). She acknowledged discussing "conflict mediation" and a "Human Interrelation Workshop," but "never suggested 7C

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that George [BETANCOURT] go for a [REDACTED] (Exhibit 20, pp. 43, 46, and 47).

On December 15, 1995 and January 3, 1996, BETANCOURT was re-interviewed regarding his allegation of continued harassment, retaliation, and discrimination by NU. BETANCOURT reiterated that he was "forced" by NU to cooperate with the NRC, after he told his supervisors (HONAN and GUERCI) that he did not want to be interviewed, and preferred to go on leave (Exhibit 5, pp. 134-142; Exhibit 23, p. 10; see also Exhibit 57, pp. 18 and 19); BETANCOURT alleged that as a result of cooperating with OI, and speaking against NU at a public meeting, NU has continued to subject him to harassment and discrimination (Exhibit 23, p. 130).

Although the initial focus of BETANCOURT's allegation was the period following his contacts with his supervisors and NU legal counsel (Lillian CUOCO, Esq.) in 1994 (Exhibit 5, pp. 134-137, 205, and 206; and Exhibit 23, p. 10), BETANCOURT stated in a subsequent OI interview that he now believes that the harassment for raising safety concerns started in 1989; this was after he was involved in the Boraflex issue and in the filing of several REFs (Exhibit 23 pp. 8-12 and 15-21). He noted that he originally perceived the adverse treatment by NU as the result of ethnic discrimination, because of his [REDACTED] heritage. 7C

AGENT'S NOTE: NU completed an investigation on this allegation and RONCAIOLI's report is included as an exhibit to this report (Exhibits 20 and 50). NU did not sustain BETANCOURT's allegation.

BETANCOURT indicated that his reassignments within NU, both at Berlin and Millstone, were a result of his involvement in issues that NU did not want him to raise, because he was taking positions contrary to the interests of the corporation (Exhibit 23, pp. 8-12 and 15-21). He indicated that he is a nationally recognized expert in spent fuel pool issues. He has worked in a variety of arenas while dealing with the public, other utilities, vendors, colleagues, and professional organizations. He believes such activities show that his interpersonal skills are an asset and not a basis for poor evaluations or disciplinary action. In particular, he stated he has received numerous letters recognizing the work he has done (Exhibit 23, pp. 45-49 and Exhibit 43).

One of the points BETANCOURT raised with the NRC was that he was required to inform NU of OI requests, pursuant to the OPEKA letter dated June 13, 1994 (Exhibit 53, see also Exhibit 55), and as enumerated in Nuclear Group Policy 4.2 (Exhibit 61). By doing this, he noted that confidentiality could never be maintained. BETANCOURT indicated, referring to the words in the instructions, that he believed that "should" was "a positive strong statement, not as strong as shall, but not as weak as may or could." In his conversation with CUOCO, he was led to believe that "should means thou shall." He does not believe that the supplemental OPEKA letter, dated October 17, 1995, clarifies the meaning of "should," but simply indicates that it is not mandatory, which he

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feels is a little late for him, since he has already notified the NU of his contacts with OI (Exhibit 23, pp. 55-60).

AGENT'S NOTE: While the position of NU is that it was not required; it was certainly something that NU would like to be aware of.

Coordination with Regional Staff

Several allegation panel meetings were held with the RI staff, and the staff was apprised of the initial findings of this investigation. Copies of the allegor's OI interviews, with attachments, have been forwarded to the RI staff (D. VITO) to ensure that all of BETANCOURT's technical issues were addressed.

Allegation: NU Discriminated Against George BETANCOURT Because of His Involvement in Protected Activities

Summary

The following individuals were interviewed by OI:RI on the dates indicated, regarding the allegation that BETANCOURT was discriminated against for raising safety concerns.

<u>Name</u>	<u>Position</u>	<u>Date(s) of Interviews</u>
Peter AUSTIN	Manager, General Nuclear Training, NU	November 30, 1995
George BETANCOURT	Senior Engineer, NU	September 12, 1995 December 15, 1995 January 3, 1996
Mario BONACA	Director, Nuclear Engineering Service, NU	November 29, 1995 January 17, 1996
Subhash CHANDRA	Principle Engineer, Charter Oak Development Corporation	February 8, 1996
Larry CHATFIELD	Director, Nuclear Safety Concerns	November 15, 1995 December 13 and 14, 1995 March 3, 1996
Elaine CHOBANIAN	Secretary (NU Contractor)	November 15, 1995
Al CIZEK	Senior Engineer, NU	November 30, 1995
Eric DEBARBA	VP, Nuclear Engineering Services Group, NU	October 19, 1995 March 6, 1996
John GUERCI	Manager, Nuclear Fuel Engineering, NU	October 18, 1995 January 18, 1996

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Rajinderbir S. HARNAL	Senior Engineer, NU	February 14, 1996
Drexel HARRIS	Senior Licensing Engineer, NU	October 4, 1995
Michael HILLS	Reactor Engineering Supervisor, NU	November 29, 1995
Robert HINKLE	Engineer, NU	February 13, 1996
Timothy HONAN	Supervisor, Reactor Performance Section, NU	October 18, 1995 January 17, 1995
Donald JOHNSON	Project Engineer, Yankee Atomic (NU Contractor)	October 19, 1995
Richard KACICH	Director, Nuclear Operational Standards, NU	March 25, 1996
Thomas KEEFE	Cost Engineer (NU Contractor)	November 15, 1995
Jerry F. KINSMAN	Senior Engineer, NU	February 13, 1996
Forrest A. KOCON	Senior Engineer, NU	November 29, 1995
Wolf KOSTE	Supervisor Radiation Waste Engineering Group, NU	November 15, 1995 January 18, 1996
Matthew KUPINSKI	Manager, Nuclear Engineering Support Services, NU	December 12, 1995
Isadore MARTINEZ	Planner/Scheduler, SECOR (NU Contractor)	November 28, 1995
Tom MAWSON	Supervisor, Technical Support Group, U-3, NU	February 14, 1996
Sharon McHALE	Secretary, NU	November 13, 1995 January 17, 1996
Michael McNAMARA	Manager, Spent Fuel Storage Project, NU	October 5 & 19, 1995 January 4, 1996
Edward MULLARKEY	Senior Engineer, CY, NU	March 6, 1996
Gary NERON	Engineering Technician, U-2, NU	February 14, 1996
Peter NOVAK	Senior Internal Auditor, NU	October 4, 1995

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Bob PARUOLO	Engineer, Emergent Work Group, NU	November 30, 1995 February 14, 1996
Bohdan POKORA	Supervisor, Nuclear Mechanical Engineering Support Group, NU	December 12, 1995
H.P. "Bud" RISLEY	Director, Nuclear Engineering, NU	November 29, 1995
Janice RONCAIOLI	Manager, Equal Opportunity and Diversity Programs, NU	October 18, 1995
Ralph RUSSO	Project Engineer, Raytheon (NU Contractor)	November 28, 1995
Marie A. SANKOWSKI	Personnel Representative, NU	November 14, 1995
Richard SCHMIDT	Manager, Radiological Assessment Branch, NU	February 13, 1996
Christopher SCULLY	Associate Engineer, NU	March 5, 1996
Linda SINGER	Personnel Manager, NU	November 15, 1995
Krishna SINGH	President, HOLTEC Int'l	March 29, 1996
Gerald van NOORDENNEN	Supervisor, Licensing Services, NU	March 5, 1996
Gary VanVOORHIS	Nuclear Safety Concerns Representative, NU	December 12 & 13, 1995

The testimony provided by the preceding individuals was reviewed to determine if NU discriminated against BETANCOURT for raising safety concerns. In addition, various documents related to this investigation were also reviewed. Copies of witness interviews and documents obtained by OI:RI are attached as exhibits to this report.

Documents Reviewed

OI met with NU Human Resources personnel and reviewed BETANCOURT's personnel file [REDACTED], OI received and reviewed copies of BETANCOURT's performance ratings dated 3/4/83, 2/24/84, 3/21/85 (8/2/85), 9/3/86 (9/5/86), 2/11/87 (2/23/87), 1/18/88 (1/25/88), 12/14/89 (1/11/90), 12/29/91 (1/3/92), 7/7/93, 12/15/93, and 12/16/94, as well as other documents contained in BETANCOURT's file. Performance rating documents are included as attachments to this report (Exhibit 56).

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OI also reviewed records from the Nuclear Safety Concerns Program, Internal Audit, and numerous notes/records retained and/or prepared by witnesses who were interviewed in the course of this investigation.

Documents were provided to OI by BETANCOURT, directly and through his attorney (L. FERRERI) and by NU, through its attorneys (Morgan, Lewis & Bockius). The former documents are attached to this report as Exhibit 43; the latter documents are date stamped and are retained in the OI case file. NU, through its attorneys, has requested the withholding of documents provided to the NRC from public disclosure pursuant to 10 CFR Section 2.790; the attorneys also noted that many of the documents contain personal information, the disclosure of which would be an unwarranted invasion of personal privacy.

Evidence

The issue of whether BETANCOURT was the victim of discrimination between "1989-1993" is very similar to his original claim of discrimination between "1994-1996." BETANCOURT stated that his problems first started as a result of having raised concerns through the REF process in 1989. Rick KACICH developed and managed the REF process for NU. Between 1987 and 1992, he stated that he had not heard of BETANCOURT as an individual who was involved in raising concerns and did not have any name recognition of him in association with the REF process (Exhibit 66, pp. 46 and 47).

An interview with BETANCOURT's first supervisor, Tom MAWSON, shows BETANCOURT was experiencing problems early on in his NU career. It became apparent to MAWSON that BETANCOURT's [REDACTED] from the beginning. MAWSON indicated that BETANCOURT was [REDACTED] When MAWSON completed BETANCOURT's first evaluation and tried to mark BETANCOURT as [REDACTED] BETANCOURT left the room and tried to recruit a fellow employee to tell MAWSON that he (BETANCOURT) was [REDACTED] MAWSON had to go out to the group, get BETANCOURT back into his office, and calm BETANCOURT down. MAWSON then changed BETANCOURT's overall rating with the understanding that BETANCOURT would improve in that area. MAWSON indicated that subsequent reviews went "fairly well" (Exhibit 42, pp. 7-9). 7C

MAWSON also indicated that he never recalled BETANCOURT raising a safety concern. But he did note that he spent about "40 per cent" of his time interfacing with BETANCOURT because of the problems that came up in his dealings with people (Exhibit 42 p. 38). MAWSON also had other problems with BETANCOURT, including being able to have him perform certain tasks in a timely manner (Exhibit 42 p. 12). KUPINSKI recalled that MAWSON and BETANCOURT would have disputes which would end up in his office for follow-up and resolution (Exhibit 34, p. 14).

While working for MAWSON in August 1989, BETANCOURT applied for a Senior Engineer position in the Nuclear Unit and Generic Licensing Section (Vacancy Announcement No. JP89-293EX (16147)). When he was neither interviewed nor

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selected for that position, he complained to personnel and raised the issue of discrimination (i.e., national origin) in the selection process. Handwritten notes which BETANCOURT provided to the NRC surrounding his non-selection indicated that he was not interviewed based upon his interpersonal skills (Exhibit 43, p. 12). An interview with Gerald van NOORDENNEN, the selecting official in Licensing, confirmed this. Van NOORDENNEN stated there were times when BETANCOURT would state his position in such a manner as to "alienate" people (Exhibit 65).

It was while working for Subhash CHANDRA (circa 1990) that BETANCOURT indicated he raised several concerns using the REF process. He stated that this is when his problems began and this is what identified him to management as someone who raised safety concerns. It was also in the 1991 time frame that NU restructured some of the engineering functions, which led to BETANCOURT's transfer from CHANDRA to KOSTE. CHANDRA indicated that BETANCOURT was not very theoretical, but very good at practical things, like making tools and reactor internals. BETANCOURT raised issues concerning Boraflex and the spent fuel pool and he supported him. CHANDRA felt that this support led to the transfer of the function to KOSTE in 1991 (Exhibit 60).

DeBARBA noted that when he returned to Millstone in 1990 it was apparent to him that BETANCOURT had become more aggressive, even the tone of BETANCOURT's statements and physical appearance had changed. BETANCOURT was quick to use ethnic comments with DeBARBA, "directly almost out of the blue about his background ([REDACTED])". DeBARBA tried to maintain an open door policy and, out of the 570 odd people he supervised, BETANCOURT used it the most (Exhibit 8, pp. 11 and 12). There were numerous incidents where BETANCOURT has been very aggressive with KOSTE, SCHMIDT, HONAN, GUERCI, McNAMARA, DeBARBA, and others. DeBARBA said that, "if you disagree with George, he cannot accept it. He cannot accept change . . . Times are changing and George is having a very tough time with it" (Exhibit 8, pp. 40 and 41). 7C

BETANCOURT has alleged discrimination while working for KOSTE (1991-1993). It is apparent from the interviews of BETANCOURT, KOSTE, AUSTIN, SCHMIDT, and others who worked with them during that period, that KOSTE's style of supervision and management was incompatible with BETANCOURT style of performance. It became obvious that the "oil and water combination" of BETANCOURT and KOSTE would not work. KOSTE stated that his first discussion with BETANCOURT occurred a few months after he joined KOSTE's group; they also had discussions about what KOSTE perceived would be the scope of BETANCOURT's work (Exhibit 15, pp. 6, 7, and 12). There were numerous disagreements between KOSTE and BETANCOURT, while others in the group experienced similar problems with BETANCOURT (Exhibits 8, 15, 30, 45, 46, 48, 49, and 64). According to KOSTE, these disagreements ranged from the signing of an SER, to contractor relationships, to acceptable work place conduct (Exhibit 15, pp. 14 and 19). On November 23, 1992, KOSTE gave BETANCOURT a ([REDACTED]) because of the language BETANCOURT used in the work place (Exhibit 15, pp. 32, 33, 62, and 63). KOSTE also noted that he had several conversations with BETANCOURT regarding possible ([REDACTED]) in the work place by 7E

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BETANCOURT, as a result of BETANCOURT's language (Exhibit 15, pp. 93 and 94; Exhibit 23 pp. 28-30; see also Exhibit 57, pp. 33-41).

This conflict came to a head in December 1992, when KOSTE attempted to give BETANCOURT [REDACTED]

[REDACTED] KOSTE based his evaluation on BETANCOURT's [REDACTED] both within and outside the group, and BETANCOURT's [REDACTED] in an appropriate manner (Exhibit 15, pp. 58-65 and 80-83). KOSTE's notes and draft evaluation were retained by KOSTE and are attached to this report (Exhibits 14, 15, and 21). KOSTE said he would not rehire BETANCOURT because BETANCOURT's disruptive behavior would bog the group down and prevent it from functioning (Exhibit 41). DeBARBA recalled that KOSTE took a stand as a supervisor when challenged and confronted by BETANCOURT. According to DeBARBA, when KOSTE told BETANCOURT "we need to work this out, in a certain way," BETANCOURT slammed the door in KOSTE's face and said he was not going to work it out, "You're wrong and I'm right" (Exhibit 8, p. 16). 7C

SCHMIDT, KOSTE's supervisor, recalled having conversations with KOSTE about the problems that BETANCOURT was causing, and how BETANCOURT had threatened to "take him (KOSTE) down" (Exhibit 15, pp. 33, 34, 23, and 37-41; and Exhibit 49, p. 17). SCHMIDT, BONACA, and KOSTE met on November 27, 1992, discussed giving a written warning to BETANCOURT, and set up a meeting with Linda SINGER of Human Resources (Exhibit 49, p. 18; see also Exhibit 15, p. 37 and Exhibit 19, pp. 33-36). On December 2, 1992, BETANCOURT [REDACTED] with SCHMIDT, indicating that KOSTE sought to diminish both the scope BETANCOURT's work and his promotional prospects (Exhibit 49, p. 24). On December 7, 1992, KOSTE gave BETANCOURT a letter regarding "continued disruptive threatening and abusive behavior in the work place" (Exhibit 49 p. 47). BETANCOURT alleged that this letter was in retaliation for his having [REDACTED] on December 2, 1992. The testimony indicates that problems arose regarding BETANCOURT's interpersonal skills and there were discussions about what action should be taken regarding BETANCOURT's behavior, prior to BETANCOURT's [REDACTED] (See Exhibits 15, 41, 42, 47, 48, and 49.) 7C

While SCHMIDT indicated that he found it difficult to figure out the basis for BETANCOURT's concerns, he advised BETANCOURT on December 23, 1992, that he did not find a [REDACTED] (Exhibit 49, pp. 24, 29, and 34). SCHMIDT recalled a conversation with BETANCOURT about why he filed the [REDACTED] wherein BETANCOURT responded that he "had to play every card he had" (Exhibit 49, p. 31). SCHMIDT also recalled that, although BETANCOURT complained about maintaining his area of expertise, BETANCOURT posted out for other jobs three times; BETANCOURT was not selected for any of them (Exhibit 49, p. 33). 7C

SCHMIDT, HINKLE, and HARNAL noted that Kathleen BARBER expressed some discomfort with BETANCOURT's use of foul language, and they remarked about the tension in the group that was attributable to BETANCOURT (Exhibit 49, p. 72; Exhibit 48, pp. 13 and 14; and Exhibit 45, p. 5). (This is similar to the

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statements made by BETANCOURT's coworkers under McNAMARA (see Exhibits 7, 13, 24, 25, 27, 31, and 44.) As a coworker of BETANCOURT's, HINKLE also noted that he had observed the rocky relationship that BETANCOURT had with both KOSTE and HONAN (Exhibit 48, pp. 5-17).

Per BONACA, in BETANCOURT's discussions with DeBARBA and others, BETANCOURT negotiated a transfer from KOSTE to HILLS (Exhibit 29, pp. 48-54). HILLS said BETANCOURT was easy to get along with, as long as BETANCOURT stayed in the areas of his technical expertise. But, HILLS admitted that BETANCOURT and he had a couple of minor problems; one was when BETANCOURT accused him of "being biased toward him as [REDACTED]" HILLS noted that it took a lot of work for him to keep BETANCOURT focused (Exhibit 28, p. 12; see also Exhibit 11, p. 25). Upon being detailed to HILLS' group, BETANCOURT was placed on a [REDACTED] to get BETANCOURT refocused on his work and to get BETANCOURT not to be antagonistic when he did not get his way (Exhibit 28, p. 9). 7C

BONACA felt this should have been more of a [REDACTED] and told BETANCOURT that if he expected "to become a principal engineer," he had [REDACTED] (Exhibit 29, pp. 54 and 55). BONACA noted that BETANCOURT admitted to him that he did have a [REDACTED] and that he "should not do these things" (Exhibit 29, pp. 17 and 18). KOSTE's December 1992 evaluation of BETANCOURT was set aside in favor of HILLS' evaluation, which was completed six months later in 1993; BETANCOURT agreed to sign it. HILLS did note that, had he experienced the same degree of antagonism that KOSTE did from BETANCOURT, he would also have rated BETANCOURT [REDACTED]. 7C

In 1994 HILLS left to assume a new position at Millstone. HILLS was replaced by HONAN. While HONAN indicated that he was not aware that BETANCOURT had a reputation for raising safety concerns, he did acknowledge BETANCOURT's spent fuel pool expertise and that BETANCOURT told him he might be called as a witness in an NRC investigation (Exhibit 11, pp. 5-9 and 18). HONAN stated that until August 1995, he was unaware that BETANCOURT had raised any safety concerns (Exhibit 11, p. 44). BETANCOURT told HONAN that he would not discuss with him the concern he had raised with CHATFIELD (Exhibit 11, pp. 29, 32, 46, 50, 51, and 53).

During BETANCOURT's time with HONAN, BETANCOURT exhibited some of the same interpersonal problems as with his earlier supervisors, MAWSON and KOSTE. HONAN related some of the difficulties he had with BETANCOURT in December 1994, regarding a performance evaluation (Exhibit 11, p. 10). HONAN noted that a lot of issues had come up. One particular weakness was BETANCOURT's [REDACTED] and HONAN attempted to rate him [REDACTED] on that factor. HONAN recalled that BETANCOURT admitted to him that he already had [REDACTED] about interpersonal difficulties in the past. After two days of discussions, HONAN [REDACTED] with the understanding that [REDACTED] was going to be necessary to maintain a [REDACTED] rating" (Exhibit 11, pp. 20-25). HONAN remembered that BETANCOURT looked at him and said that, if he was going down, he was not 7C

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going down alone (Exhibit 11, pp. 26 and 32). HONAN recalled that BETANCOURT was verbally abusive and spoke to him with "anger;" this was very "distressing" for HONAN (Exhibit 11, pp. 53 and 54). HONAN also recalled numerous references BETANCOURT made to disparate treatment because of his [REDACTED] (Exhibit 11, pp. 54-59). 7C

After BETANCOURT was detailed to work part-time on the Spent Fuel Task Group with McNAMARA at Millstone, HONAN felt caught in the middle in what was going on with BETANCOURT and McNAMARA. HONAN indicated that he found himself in the middle of disagreements between McNAMARA and BETANCOURT. BETANCOURT would come to him very angry; being in the middle with BETANCOURT has worn him down (Exhibit 11, p. 34). HONAN said that every time he had a conversation with BETANCOURT, he gave a piece of himself, and over months, it got to the point where he did not feel that he had anything left (Exhibit 11, p. 35). HONAN became exasperated with BETANCOURT and said he would be unwilling to rehire BETANCOURT because of what he has been through with him (Exhibit 39). Similar thoughts were expressed by GUERCI, HONAN's supervisor, who felt that BETANCOURT is intimidating and relayed incomplete information to people (Exhibits 40 and 9; see also McNAMARA @ Exhibit 51, p. 20). GUERCI's notes indicate that, "All of NFE knows his business from him." GUERCI indicated that BETANCOURT was quite outspoken about all the issues that had been ongoing and his contentions relative to NU (Exhibit 9, p. 58).

McHALE was GUERCI's secretary at the time BETANCOURT was assigned to HONAN. She considers herself a friend of BETANCOURT, [REDACTED] BETANCOURT (Exhibit 16, p. 6). GUERCI noted that McHALE had complained to him that BETANCOURT had badgered her as to GUERCI's whereabouts, and there was nothing wrong with telling employees that this was confidential (Exhibit 9, p. 58). McHALE expressed concern to GUERCI about her reputation as a confidential secretary, if she was being dragged into this matter with BETANCOURT (Exhibit 9, p. 59). 7C

McHALE acknowledged that GUERCI and HONAN would rather lose a function than have to deal with BETANCOURT; they tried to distance themselves from BETANCOURT. Based upon her observations, McHALE did not believe that BETANCOURT was discriminated against for having been involved in protected activities (Exhibits 52 and 16).

AGENT'S NOTE: All of this brings the investigation up to BETANCOURT's original allegation and the alleged acts of discrimination by NU and, in particular, McNAMARA. BETANCOURT raised safety concerns, worked on the Spent Fuel Task Group, met with NRC inspectors and investigators, [REDACTED] 7C

In his OI interviews, BETANCOURT told the NRC he also raised questions about McNAMARA's management ability and integrity, and questioned McNAMARA's concern for safety issues (Exhibit 5, p. 124; see also Exhibits 23 and 33). Per NOVAK, a Senior Internal Auditor at NU, McNAMARA raised BETANCOURT's concerns

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about him to NU's Internal Audit staff. NOVAK reviewed the internal concerns made by BETANCOURT against McNAMARA, but found "no evidence to support willful acts of wrongdoing by the Spent Fuel Project" (Exhibit 19, pp. 8 and 11).

AGENT'S NOTE: The allegations that BETANCOURT raised against McNAMARA were not related to nuclear safety concern issues. However, NOVAK's report did not address the issue of whether NU's actions were in retaliation for BETANCOURT's having raised safety concerns, or in response to his professional conduct and work product.

In January 1995, BETANCOURT also raised issues with GUERCI (which he communicated to McNAMARA and BONACA) concerning the propriety of the work HOLTEC was doing on the project (Exhibit 9, p. 35). In April 1995, BETANCOURT raised issues with GUERCI relating to ethics and contractor training; BETANCOURT did not believe that McNAMARA was administering some of the processes correctly (Exhibit 9, p. 36). GUERCI also stated that BETANCOURT asked him what his rights were, since he believed he might be named as an individual who had information in an OI investigation. It was at that point that GUERCI contacted CUOCO and asked her to speak with BETANCOURT, which she did (Exhibit 9, p. 37; see also Exhibit 5, pp. 134-137; Exhibit 8, pp. 37 and 38; and Exhibit 37, pp. 22-27, 50, 54-56, 62-63, and 78).

GUERCI recalled a conversation in May 1995, with RISLEY and DeBARBA, wherein it was decided that BETANCOURT would be transferred from Berlin to Millstone to work on the spent fuel project; upon telling BETANCOURT the news, BETANCOURT called him a "traitor" (Exhibit 9, pp. 41 and 42). BETANCOURT expressed some concern to him that McNAMARA would retaliate against him because he brought up issues about McNAMARA while on the detail. GUERCI noted that BETANCOURT's issues were business items and not safety concerns (Exhibit 9, p. 43). BETANCOURT discussed with GUERCI what he believed was discrimination, and it was decided to postpone any permanent transfer of BETANCOURT to Millstone until the concerns were resolved (Exhibit 9, pp. 44-47). GUERCI noted that it was not until May 21, 1995, that he ever heard BETANCOURT indicate he had a safety concern (Exhibit 9, pp. 60 and 61). It was also about this time that DeBARBA asked BETANCOURT to put a list together of items that BETANCOURT believed were safety issues (Exhibit 9, p. 62; see also Exhibit 8, pp. 77-79). RISLEY noted that he thought that BETANCOURT raised several issues as a backlash, when he learned that he might be reassigned to Millstone (Exhibit 26, p. 24).

GUERCI also recalled discussions with DeBARBA, BONACA, and Rick BIGELOW in September 1993, as to how things were set up and "how spent fuel overall might want to be organized or integrated from strategy . . . to projects implementation" (Exhibit 9, p. 12). In November 1994, DeBARBA, BONACA, HONAN, and GUERCI discussed with BETANCOURT what his role would be on the Spent Fuel Project. At that time, DeBARBA indicated to BETANCOURT that he believed it was necessary for BETANCOURT to become a full-time member of the team for it to be successful. However, BETANCOURT was initially assigned to the project on a part-time basis. The specifics were to be worked out among BETANCOURT, HONAN, and McNAMARA. At first, HONAN would remain as BETANCOURT's

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administrative supervisor (Exhibit 9, pp. 51 and 52). Later, BETANCOURT was transferred directly to McNAMARA. DeBARBA noted that BETANCOURT working for both HONAN and McNAMARA did not work; neither one was being served well. It was pulling the organization apart. They needed BETANCOURT's expertise full-time on the project (Exhibit 8, p. 58).

AGENT'S NOTE: BETANCOURT indicated that when he was transferred to Millstone, though a change in his cost control center, he was not afforded any relocation assistance. DeBARBA advised that BETANCOURT is receiving mileage for driving to Millstone and will receive relocation assistance when the rest of the Berlin based engineers are transferred down to Millstone (Exhibit 8, p. 63).

DeBARBA recalled that McNAMARA was selected as the project manager because "he had very good project management skills as demonstrated by the 15 million dollar refurbishment of the Millstone 3 intake structure that he had performed." DeBARBA believed that BETANCOURT would be a [REDACTED] to head the team because of his [REDACTED] but, because of his technical skills, BETANCOURT was needed on the team (Exhibit 8, p. 22; see also Exhibit 26, pp. 10-12). DeBARBA indicated that BETANCOURT did not want to be a subordinate of McNAMARA's and felt that he ought to be on an equal level, and not take directions from McNAMARA. DeBARBA stated that BETANCOURT "felt that he had responsibility that transcended Mike's [McNAMARA's] knowledge, Mike's capability, Mike's authority" (Exhibit 8, p. 24). 7C

McNAMARA acknowledged that BETANCOURT made derogatory comments about members of the group and about him [REDACTED]; BETANCOURT also asserted that McNAMARA was incompetent and that the team would fail (Exhibit 18, p. 8). McNAMARA indicated that BETANCOURT was overheard (while he was sitting next to HONAN) telling someone that "he was working for an asshole who was in his shorts." When confronted by McNAMARA, BETANCOURT told him that he could not remember making the statement (Exhibit 18, pp. 19 and 29; see also Exhibit 23, p. 29; and Exhibit 54, p. 18). 7C

RONCAIOLI initiated an investigation as a result of a call made by McNAMARA. She indicated that BETANCOURT alleged that he (McNAMARA) was discriminating against BETANCOURT, "based upon his ancestry, which is [REDACTED]" (Exhibit 20, pp. 6, 21 and 22; see also Exhibit 21). At no time did BETANCOURT tell her "that he had a safety concern or that he had reported a safety concern" (Exhibit 20, p. 20). The findings of her investigation did not sustain BETANCOURT's allegation. But, she did offer to send BETANCOURT to a conflict mediation program at the National Training Institute. Although he initially agreed to attend the program, in a later meeting with RONCAIOLI and DeBARBA, he denied having made the statement (Exhibit 20, pp. 29 and 30). In her view, BETANCOURT's own behavior cut him off from opportunities at NU and was creating his problems. She denied threatening his job, having a meeting with him on July 18, 1995, discussing [REDACTED] with him, or discussing his attendance at any program which lasted for two years (Exhibit 20, pp. 31-37, 44, and 45; see also Exhibit 5, pp. 177-210). 7C

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McNAMARA noted, at several points during his OI interviews, that he would ask BETANCOURT for information on work and other matters, and BETANCOURT would refer McNAMARA to HONAN and DeBARBA (and others), instead of answering his questions directly. In matters which related to BETANCOURT's raising of concerns, McNAMARA indicated that there were times when BETANCOURT would inquire of other OI witnesses how their OI interviews were going. When McNAMARA and others would ask BETANCOURT about his safety concerns, BETANCOURT would not share that information with them (Exhibit 51, p. 54).

As is reflected in his interviews, McNAMARA experienced the same kind of problems with BETANCOURT as had BETANCOURT's other supervisors. At the top of McNAMARA's list was BETANCOURT's interpersonal skills and how BETANCOURT related to others in the work group. During their OI interviews, none of the individuals in McNAMARA's group provided any substantiation to BETANCOURT's allegation of harassment or retaliation (Exhibits 7, 13, 24, 25, 27, 31, and 44). In fact, they proffered that BETANCOURT received more favorable treatment from McNAMARA, and others, than they would have received if they acted as BETANCOURT was acting. McNAMARA even noted that DeBARBA has given BETANCOURT a "wider berth than most people" (Exhibit 51, p. 88). McNAMARA indicated that he has "bent over backwards trying to accommodate" BETANCOURT, but BETANCOURT has "an agenda" that he can not figure out (Exhibit 18, p. 51).

RISLEY commented that, BETANCOURT [REDACTED] George has his agenda and has for years been permitted to arrive when he wants, arrive where he wants and do what he wants [RISLEY] said he should be treated just like any other employee. We have a place to come. We know what our job is, and we have a prescribed time from in which to do that And George doesn't like that. And so, he's very much balking at the notion of having to come and be part of a team 40 hours a week" (Exhibit 26, p. 23). 7C

BETANCOURT received [REDACTED] from McNAMARA (on 4/21/95, 8/3/95 and 9/8/95 (Exhibit 18, pp. 20, 25, and 27)) and one from HONAN (4/21/95) (Exhibit 51, pp. 69-71; see also KOSTE @ Exhibit 15, pp. 32 and 33). In April 1995, HONAN was the supervisor of record. In addition, BETANCOURT received [REDACTED] dated December 18, 1995, from McNAMARA (Exhibit 51, pp. 66-73). (This is in addition to the KOSTE letter of December 7, 1992.) BETANCOURT claimed that these actions by McNAMARA were a result of his having been involved in protected activities, including speaking at a public forum where the NRC-OIG presented its investigative findings at the Radisson Hotel in New London (Exhibit 23, pp. 129 and 130; and Exhibit 57, pp. 29-33). The letter was already in the works before BETANCOURT spoke at the meeting, and McNAMARA stated it was based upon BETANCOURT's conduct at NU, including three prior verbal reprimands (Exhibit 51, pp. 63-68). 7C

Gary NERON is an individual who BETANCOURT indicated could substantiate McNAMARA's harassment of him. NERON indicated that he observed an exchange between McNAMARA and BETANCOURT, at about noontime, in front of the fifth floor elevator, on what appears to be the day BETANCOURT received his letter from McNAMARA. BETANCOURT was being asked by McNAMARA to attend a meeting; although he could not tell what was being said, he noted that, based upon

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BETANCOURT's body language (he appeared agitated and defensive), it appeared to be an inappropriate place to have had a confrontational conversation (Exhibit 46, pp. 4-6; see also Exhibit 23, pp. 130-132).

BETANCOURT claimed that he was being denied work and not permitted to further investigate the safety concerns that he raised. McNAMARA indicated that BETANCOURT was more interested in defining roles than taking initiative (Exhibit 18, p. 41). McNAMARA claimed that BETANCOURT failed to accept assignments given to him and, in other cases, complete assignments in a timely manner (Exhibit 18, pp. 33-42). In one case, McNAMARA questioned whether the work BETANCOURT turned in to him was even produced by BETANCOURT (Exhibit 17). In another encounter, McNAMARA indicated that BETANCOURT told McNAMARA that he would not work to McNAMARA's priorities, would not take instruction from McNAMARA, and would only work on issues that he believed were important, i.e., his own priorities. McNAMARA indicated that BETANCOURT refused verbal instruction from him and would only accept written direction from DeBARBA (Exhibit 51, pp. 19-22).

AGENT'S NOTE: It appears, from both BETANCOURT and McNAMARA, that BETANCOURT had a different idea as to how the project should be run and exactly what his responsibilities were as an NU employee. BETANCOURT has told several individuals that he should have been the Project Leader and not McNAMARA.

McNAMARA also discussed several telephone calls he has had with SINGH, President of HOLTEC. SINGH advised McNAMARA of several situations involving BETANCOURT. One incident involved a call from BETANCOURT to Yu WANG (HOLTEC). BETANCOURT reportedly encouraged WANG to raise the price of the Refueling Outage (RFO) 15 work, because NU was over a barrel and they could charge whatever they wanted to charge (Exhibit 18, pp. 48 and 49 and Exhibit 59). McNAMARA also indicated that SINGH related an incident where BETANCOURT said that, if he was fired, he expected HOLTEC to hire him. SINGH told BETANCOURT that HOLTEC could not hire him, "nor could anyone else who knew of his antics and fabrications" (Exhibit 17, p. 86, and Exhibit 59). SINGH also told McNAMARA that he cautioned BETANCOURT about calling NU managers names (Exhibit 17, p. 85).

SINGH has known BETANCOURT for many years and confirmed many of McNAMARA's statements attributable to him. SINGH went on to indicate that BETANCOURT would not fit in at HOLTEC, and if BETANCOURT acted at HOLTEC the way he did at NU, BETANCOURT would be out the door (Exhibit 59). SINGH stated that he tried to act as a mediator between BETANCOURT and McNAMARA. SINGH was aware that others had problems with BETANCOURT. Based on his knowledge, SINGH did not believe that BETANCOURT had been discriminated against for raising safety concerns (Exhibit 59).

BETANCOURT provided a draft memorandum from KUPINSKI to BONACA, dated June 6, 1995, to support his contention that he was the victim of discrimination. The memorandum talks about a "chilling environment" at NU and addresses a technical issue (1-CU-29) which arose in 1992 and was not finally resolved

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until 1995. KUPINSKI stated that the memorandum only addressed a "chilling environment" with regard to the 1-CU-29 issue. KUPINSKI was not aware of a "chilling environment" existing at NU for any other issues (Exhibit 34, pp. 27-29). KUPINSKI also noted that he was "not aware that . . . [BETANCOURT] was being harassed or intimidated because he raised safety issues" (Exhibit 34, pp. 21-23; see also Exhibit 57, pp. 4-8).

Since December 1993, CHATFIELD has been the Director of the NU Nuclear Safety Concerns Program at Millstone. He worked with BETANCOURT on the Spent Fuel Pool Task Force, reporting to DeBARBA, and he received several allegations from BETANCOURT alleging discrimination for his involvement in protected activities. While CHATFIELD had not completed a review of all of BETANCOURT's concerns (i.e., at the time of the OI interview), he did not believe that BETANCOURT had been harassed, intimidated or discriminated against by NU or any of its employees (Exhibit 67 pp. 41-41; see also Exhibit 54).

According to CHATFIELD, BETANCOURT has made comments to him that if NU wanted him to make a career change, DeBARBA would have to "pay him off" (Exhibit 54, pp. 5, 6, and 16). CHATFIELD stated that BETANCOURT went on to say that he would be filing concerns until NU fired him. CHATFIELD took that to mean that BETANCOURT would be "so much of a pain in the neck" until NU got tired of him (Exhibit 54, p. 52).

Agent's Analysis

This investigation was initiated to determine whether an employee was retaliated against by his employer for having been involved in protected activities, which included raising safety concerns and cooperating with NRC inspections and investigations. BETANCOURT was someone with a personality that did not mesh well with most supervisors and coworkers (NU employees and contractors) within the NU environment. BETANCOURT's conduct and interpersonal relations with coworkers make it difficult to separate what could be construed as retaliation, from what is a reasonable reaction to disruptive conduct by a recalcitrant employee.

Most of the witnesses did not question BETANCOURT's technical ability, and none of the witnesses provided first hand knowledge of acts of discrimination by NU. Most of the witnesses who perceived possible discrimination were simply reiterating information and perceptions passed directly to them by BETANCOURT, or by similar hearsay information. However, after interviewing numerous managers, supervisors and coworkers, it does appear that BETANCOURT was someone who could be abrasive and difficult to get along with, particularly with his supervisors or someone who sought to question his actions. Numerous individuals recited examples of BETANCOURT's conduct which they observed, and/or heard, and believed was personally offensive and disruptive to the work environment. BETANCOURT's interpersonal behavior has overshadowed his expertise in the spent fuel pool area. The nexus between BETANCOURT's involvement in a protected activity and the problems he experienced are not clear; but what is clear is the nexus between his conduct and the disciplinary and remedial action taken by his supervisors.

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of NU nuclear plants, and that the [redacted] concerns which BETANCOURT raised were [redacted] to him however there have been numerous [redacted] prepared [redacted] also true that BETANCOURT has been reassigned [redacted] during his tenure with him and has been [redacted] in [redacted] fuel pools. He stated that some of these projects were not appropriately assigned to a senior engineer of his stature and not within what he believes is his expertise. (See DeBARBA @ Exhibit 57, pp. 41-49.)

The thrust of many of BETANCOURT's arguments has been twofold: (1) that NU cannot take away his work, and (2) that he should be permitted to investigate any concerns which he raises. Different NU supervisors acknowledged that they have permitted BETANCOURT to follow-up his concerns on many occasions, but have told him on several occasions that he could not. BETANCOURT noted that DeBARBA told him that unless he disclosed and discussed his suspicion of a concern with his supervisor, he would not be permitted to research the potential concern. (See BETANCOURT @ Exhibit 23 pp. 126-129.)

The Code of Federal Regulations does not dictate what tasks a licensee employee may perform, or that an employee has a right to resolve a safety concern which he has raised. While retaliation can take place with changes in work conditions, it is not evident that such action has happened to BETANCOURT. While it may be ideal to permit each alleege to investigate any and all issues they deem appropriate, it is not within the jurisdiction of the NRC to tell NU "who" must perform "what tasks" to ensure the safe operation of its facility. It is clearly a labor/management issue, and outside the scope of this investigation, when the question is what an employee will do on any given day. (See DeBARBA @ Exhibit 57, pp. 25-28). The exception to this is when an employer does change an employee's working conditions, or creates a hostile work environment, in retaliation for having raised safety concerns. While an employee may raise safety concerns, it is the licensee's responsibility to resolve the concerns.

While BETANCOURT appears to be somewhat respected for his technical ability, he apparently has chosen to take a path which personally pits him against many fellow workers and supervisors. BETANCOURT's use of foul and offensive language, around and about some of his coworkers and supervisors, has created a hostile environment for many individuals who must work with BETANCOURT. Because of this, his claim of retaliation for involvement in protected activities cannot be substantiated.

BETANCOURT has made comments to CHATFIELD about how he (BETANCOURT) wants to be "paid off" and that he will keep filing concerns until NU fires him, which leads the reporting agent to question BETANCOURT's motivation for, what appears to be, an escalation of his disruptive behavior, at the same time he is questioning NU's handling of it's spent fuel pool and other matters (Exhibit 54, pp. 5 and 6, 16, 48, 52, and 55).

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Having spoken with many individuals who have worked with BETANCOURT at NU, it is the reporting agent's opinion that BETANCOURT can be a cooperative, productive team player when he chooses to do so. When he does not, he can become more than a catalyst for change; he can become a disruptive force, which tends to obfuscate the prompt resolution of technical issues and the smooth operation of an engineering staff. BETANCOURT's demeanor has exasperated many of the individuals with whom he must work. This is reflected in the interviews of KOSTE, HINKLE, HONAN, GUERCI, McHALE, RUSSO, KOCON, MARTINEZ, JOHNSON, McNAMARA, and others. Because BETANCOURT's own actions have totally overshadowed his work history at NU, the reporting agent does not find a basis for BETANCOURT's claim of harassment, intimidation or discrimination.

Conclusion

It is concluded that the evidence developed during this investigation did not substantiate the allegation that NU discriminated against BETANCOURT because of his involvement in protected activities.

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SUPPLEMENTAL INFORMATION

BETANCOURT made a recording of a meeting he had with RONCAIOLI and DeBARBA on August 1, 1995, regarding concerns raised by BETANCOURT, which appear on the recording to be about McNAMARA. After several requests by OI, the tape was provided to OI by Lou FERRERI, BETANCOURT's attorney, on April 17, 1996. A review of the conversation on the tape did not provide any substantiated information regarding the representations made by any of the parties. The second side of the tape appears to be a recording of BETANCOURT explaining certain events to a family member, perhaps at his home. There is no indication that the second side contains relevant statements by anyone other than BETANCOURT. Accompanying the tape are two pages of notes. Although neither the tape nor the notes are included as part of this report, they are being retained in the OI:RI office and available for review.

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LIST OF EXHIBITS

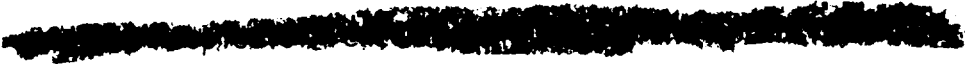
<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated September 5, 1995.
2	Fax from BETANCOURT to JENISON, dated August 22, 1995.
3	Note to NICHOLSON from JENISON, dated August 24, 1995.
4	Note to NICHOLSON from JENISON, dated August 30, 1995.
5	Transcribed Interview of BETANCOURT, dated September 12, 1995.
6	Transcribed Interview of CHATFIELD, dated November 15, 1995.
7	Transcribed Interview of CHOBANIAN, dated November 15, 1995.
8	Transcribed Interview of DeBARBA, dated October 19, 1995.
9	Transcribed Interview of GUERCI, dated October 18, 1995.
10	Transcribed Interview of HARRIS, dated October 4, 1995.
11	Transcribed Interview of HONAN, dated October 18, 1995.
12	Transcribed Interview of JOHNSON, dated October 19, 1995.
13	Transcribed Interview of KEEFE, dated November 15, 1995.
14	Interview Report of KOSTE, dated November 15, 1995.
15	Transcribed Interview of KOSTE, dated November 15, 1995.
16	Transcribed Interview of McHALE, dated November 13, 1995.
17	Transcribed Interview of McNAMARA, dated October 5, 1995.
18	Transcribed Interview of McNAMARA, dated October 19, 1995.
19	Transcribed Interview of NOVAK, dated October 4, 1995.
20	Transcribed Interview of RONCAIOLI, dated October 18, 1995.
21	Transcribed Interview of SANKOWSKI, dated November 14, 1995.
22	Transcribed Interview of SINGER, dated November 15, 1995.

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23 Transcribed Interview of BETANCOURT, dated December 15, 1995.
24 Transcribed Interview of RUSSO, dated November 28, 1995.
25 Transcribed Interview of MARTINEZ, dated November 28, 1995.
26 Transcribed Interview of RISLEY, dated November 29, 1995.
27 Transcribed Interview of KOCON, dated November 29, 1995.
28 Transcribed Interview of HILLS, dated November 29, 1995.
29 Transcribed Interview of BONACA, dated November 29, 1995.
30 Transcribed Interview of AUSTIN, dated November 30, 1995.
31 Transcribed Interview of PARUOLO, dated November 30, 1995.
32 Transcribed Interview of CIZEK, dated November 30, 1995.
33 Transcribed Interview of BETANCOURT, dated January 3, 1996.
34 Transcribed Interview of KUPINSKI, dated December 12, 1995.
35 Transcribed Interview of POKORA, dated December 12, 1995.
36A Transcribed Interview of VanVOORHIS, dated December 12, 1995.
36B Transcribed Interview of VanVOORHIS, dated December 13, 1995.
37 Transcribed Interview of CHATFIELD, dated December 13, 1995.
38 Interview Report of BONACA, dated January 17, 1996.
39 Interview Report of HONAN, dated January 17, 1996.
40 Interview Report of GUERCI, dated January 18, 1996.
41 Interview Report of KOSTE, dated January 18, 1996.
42 Transcribed Interview of MAWSON, dated February 14, 1996.
43 Documents provided to the NRC by BETANCOURT, through counsel
(L. FERRERI), relative to BETANCOURT's transcribed interview on
January 3, 1996.
44 Transcribed Interview of PARUOLO, dated February 14, 1996.
45 Transcribed Interview of HARNAL, dated February 14, 1996.

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- 46 Transcribed Interview of NERON, dated February 14, 1996.
- 47 Transcribed Interview of KINSMAN, dated February 13, 1996.
- 48 Transcribed Interview of HINKLE, dated February 13, 1996.
- 49 Transcribed Interview of SCHMIDT, dated February 13, 1996.
- 50 Complaint/Decision and Recommendations, dated June 14, 1995.
- 51 Transcribed Interview of McNAMARA, dated January 4, 1996.
- 52 Interview Report of McHALE, dated January 17, 1996.
- 53 Legal Policy Memorandum (Opeka Memorandum), dated June 13, 1994.
- 54 Transcribed Interview of CHATFIELD, dated December 14, 1995.
- 55 Legal Policy Clarification Memorandum (Opeka Memorandum), dated October 17, 1995.



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- 57 Transcribed Interview of DeBARBA, dated March 6, 1996.
- 58 Transcribed Interview of MULLARKEY, dated March 6, 1996.
- 59 Interview Report of SINGH, dated March 29, 1996.
- 60 Interview Report of CHANDRA, dated February 8, 1996.
- 61 NU Nuclear Group Policy 4.2, Rev. 2, dated December 10, 1995.
- 62 Interoffice Memorandum from KUPINSKI to BONACA, dated June 6, 1995.
- 63 Transcribed Interview of CHATFIELD, dated March 3, 1996.
- 64 Interview Report of SCULLY, dated March 5, 1996.
- 65 Interview Report of van NOORDENNEN, dated March 5, 1996.
- 66 Transcribed Interview of KACICH, dated March 25, 1996.
- 67 Transcribed Interview of CHATFIELD, dated March 26, 1996.

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CASE No. **1-95-046**

**United States
Nuclear Regulatory Commission**



Report of Investigation

MILLSTONE UNIT 1:

**Discrimination Against a Senior Engineer for Raising
Concerns Related to the Millstone Unit 1 Spent Fuel Pool**

Office of Investigations

Reported by OI:

RI

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA- 99-153

C/2

Title: MILLSTONE UNIT 1:

DISCRIMINATION AGAINST A SENIOR ENGINEER FOR RAISING CONCERNS
RELATED TO THE MILLSTONE UNIT 1 SPENT FUEL POOL

Licensee:

Northeast Nuclear Energy Company
P.O. Box 270
Hartford, Connecticut 06141

Docket No.: 50-245


Case No.: 1-95-046

Report Date: January 23, 1997


Control Office: OI:RI

Status: CLOSED

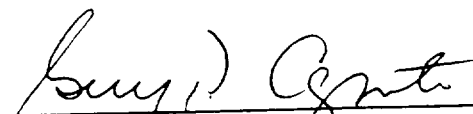
Reported by:


Keith G. Logan, Special Agent
Office of Investigations
Field Office, Region I

Reviewed by:


Barry R. Letts, Director
Office of Investigations
Field Office, Region I

Approved by:


Guy P. Caputo, Director
Office of Investigations

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ORGANIZATION CHART

[SEE Exhibits 3 & 4]

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LIST OF ACRONYMS

ACR	Adverse Condition Report
CIV	Containment Isolation Valve
CY	Connecticut Yankee
EPRI	Electric Power Research Institute
FCAT	Fundamental Cause Assessment Team
GRPI	Goals, Roles, Process and Interpersonal
ISAP	Integrated Safety Assessment Program
IST	In-Service Testing
LCM	Life Cycle Management
MECAT	Millstone Employee Concerns Assessment Team Report
MOV	Motor Operated Valve
NRC	Nuclear Regulatory Commission
NSCP	Nuclear Safety Concerns Program
NU	Northeast Utilities
OD	Operability Determination
OI	Office of Investigations
OIG	Office of Inspector General
PORC	Plant Operations Review Committee
REF	Reportability Evaluation Form
RI	Region I
SER	Safety Evaluation Report
SSC	System Structure and Components
TBCCW	Turbine Building Closed Cooling Water
TBSCCW	Turbine Building Secondary Closed Cooling Water
USQ	Unresolved Safety Question
VP	Vice-president

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Case No. 1-95-046

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6

LIST OF INTERVIEWEES

Exhibit

BONACA, Mario, Executive Director, Nuclear Safety & Analysis,
 NU 23, 24, 57, & 58

CHATFIELD, Larry, former Director, Nuclear Safety Concerns
 Program, Millstone, NU 5, 7, 8, 10-12, 33, & 43

CIZEK, Al, Senior Engineer, Nuclear Safety Concerns Program,
 Millstone, NU 18, 19, & 36

DEBARBA, Eric, former Vice-president , Nuclear Technical
 Services, NU 16 & 17

DIMARZO, Joseph, Senior Investigator, Nuclear Mechanical Engineering
 Branch, Millstone, NU 26

FLEMING, Virginia, Personnel Manager, Nuclear, NU 35

GALATIS, George, former Senior Engineer, Nuclear Engineering Support
 Services Group, NU 2

GERBER, Don, Manager, Technical Support, Unit 3, Millstone, NU 49

GRISE, Cheryl, Senior Vice-president, Human Resources, NU 54

HAYNES, Harry, former Director, Unit 1, Millstone, NU 25

HYKYS, Richard, Senior Engineer, Design Engineering, Unit 1,
 Millstone, NU 30

KELLER, Robert, Supervisor, Rapid Response Engineering Team,
 Millstone, NU 75

KOWAL, Joan, Engineer, Wholesale Marketing Group, NU 46

KUPINSKI, Matthew, Manager, Nuclear Engineering Support Services,
 Millstone, NU 34, 56, & 61

LASSONDE, Andre, Senior Engineer, Plant Engineering, Unit 2,
 Millstone, NU 28

LEPPER, William, Senior Electrical Engineer, Electrical Design
 Engineering, Unit 1, Millstone, NU 47

McGOVERN, George, Senior Engineer, Condition Based Maintenance,
 Millstone, NU 27

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McNATT, Terry, Senior Engineer, Balance of Plant Group, Unit 3, Millstone, NU	44
NECCI, Ray, Director, Nuclear Engineering, Unit 2, Millstone, NU	22
PARULIS, Paul, Supervisor, Technical Support, Unit 3, Millstone, NU	31 & 32
PARUOLO, Robert, Engineer, Design Engineering, Unit 1, Millstone, NU	74
PATRIZZ, Anthony, Fire Protection Program Coordinator, Millstone, NU	52
PITMAN, George, former Director, Nuclear Engineering, Unit 3, Millstone, NU	14 & 50
POKORA, Bohdan, Supervisor, Nuclear Mechanical Engineering Support Group, Millstone, NU	20, 21, 59, 60, & 62
STOCKWELL, Kathleen, Representative "A" (former Nuclear Technician "B"), Simsbury District, NU	48
SWIDER, Gary, acting Supervisor, Balance of Plant Technical Support Group, Unit 3, Millstone, NU	45
Van WEY, Roger, Senior Engineer, acting Supervisor, Maintenance Engineering, Unit 3, Millstone, NU	51
WADKINS, Michael, Senior Engineer, Electrical Equipment Qualification, Unit 1, Millstone, NU	55
WILSON, Michael, Operations Manager, Unit 2, (former Manager, Nuclear Licensing), Millstone, NU	15
VERONESI, Kathlyn, Nuclear Assistant, Mechanical Engineering Support, Millstone, NU	53

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DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 50.5 Deliberate misconduct

10 CFR 50.7 Employee protection

Purpose of Investigation

On October 31, 1995, this investigation was initiated to determine whether Northeast Utilities (NU) discriminated against George GALATIS, an NU senior engineer, for his involvement in protected activities (Exhibit 1).

Background

This case was separated from the Office of Investigations (OI) Case No. 1-94-021, which addressed safety issues raised by GALATIS regarding the Millstone Unit 1 spent fuel pool. GALATIS had been previously interviewed by OI as part of that investigation.

AGENT'S NOTE: During other OI interviews, GALATIS raised issues of harassment which were used as the basis for the initiation of this investigation, which focused only on his discrimination concerns.

GALATIS raised concerns regarding the Unit 1 spent fuel pool in an NU internal document, (REF 92-73). Since 1992, NU has undergone several reorganizations, one of which affected GALATIS' assignment from the Berlin, CT, corporate offices to Unit 3 at the Millstone Nuclear Power Station (Millstone).

In a memorandum (Exhibit 29) dated November 8, 1993, from John OPEKA, former Executive Vice-president and Chief Nuclear Officer (retired), NU announced the results of its reorganization (also known as an engineering re-integration). This effort restructured the nuclear engineering staff located at the corporate offices in Berlin and placed most of that staff at Millstone, supporting the three units. The memorandum contained a listing of new positions, new supervisors and new managers. There were fewer supervisory and management positions in the new organization. According to OPEKA, as result of the engineering reintegration, there were numerous job changes for supervisors, managers and directors (Exhibit 13, pp. 66 and 67). And, with those changes, there were numerous changes in the location of the supporting staff positions. This reorganization resulted in GALATIS' transfer to Millstone Unit 3.

Interview of the Allegor

Pursuant to the opening of this investigation, GALATIS was interviewed by OI on January 31, 1996 (Exhibit 2). Also present during this interview was GALATIS' attorney, Ernest HADLEY.

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GALATIS started working for NU in 1982 as an engineer in its Fossil Hydro Production Department. In 1985, he transferred to the nuclear group and his supervisor was Al CIZEK. GALATIS was promoted to senior engineer in 1986, a position he held [REDACTED] X

GALATIS indicated that he was the victim of harassment, intimidation and discrimination as a result of having been involved in protected activities. These activities involved the raising of safety concerns about the Unit 1 spent fuel pool and supporting others who had raised concerns (Exhibit 2, pp. 4 and 5). One of the individuals he supported was CIZEK, his former supervisor (see OI Case No. [REDACTED]) 7C

Protected Activities

GALATIS claimed to have first identified a safety concern regarding the Millstone Unit 1 (MS1) spent fuel pool in March 1992. His concern was formally documented in a memorandum in June 1992, and is the subject of REF 92-73. He advised management that NU was in violation of its license because of how it performed its refueling at Unit 1. He indicated that, as a result, NU had an unresolved safety question, which he stated was in violation of 10 CFR 50.59. He also raised an issue with regard to NU's not having updated its final safety analysis report (FSAR) in four years, which he stated was a violation of 10 CFR 50.71(e). After reviewing the spent fuel pool cooling issue, GALATIS stated that he further advised management that NU had additional deficiencies in supporting systems. GALATIS stated that he received "tremendous support" from CIZEK, as they started the formal REF process (Exhibit 2, pp. 5-7; see also Exhibits 67-70).

AGENT'S NOTE: GALATIS discussed several of his concerns with Larry CHATFIELD, Director, Nuclear Safety Concerns Program, NU. CHATFIELD maintained extensive notes of his conversations with GALATIS and others at NU. These notes were read into the record of CHATFIELD's interviews and support that fact that GALATIS raised safety issues and document the numerous conversations that CHATFIELD had on those issues (See Exhibits 5, 7, 8, 10-12, 33, and 43).

On several occasions, GALATIS discussed his concerns and other issues with Eric DEBARBA, Vice-president, Nuclear Engineering. GALATIS stated that DEBARBA knew that he had gone to the NRC and that he (GALATIS) had raised a lot of allegations, including his involvement in the issues raised by CIZEK and Subhash CHANDRA (Exhibit 2, pp. 151 and 152).

Assignment to Instrument Air

In December 1993, along with many other engineers, GALATIS was reassigned to Millstone. He was initially assigned to work for Robert KELLER, Supervisor of the Auxiliary Support Engineering Group. Shortly after his arrival, GALATIS was re-assigned to work for Paul PARULIS, Supervisor of the Balance of Plant Systems Group; both supervisors reported to Don GERBER, Manager, Technical

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Support Engineering, and George PITMAN, Nuclear Engineering Director, Unit 3 (Exhibit 2, pp. 99-105).

GALATIS indicated that he had a lot of "exposure at the VP level, and the executive vice president level, and the director of Nuclear Licensing." GALATIS noted that other individuals, such as CIZEK and CHANDRA, who raised issues, had been demoted in the reorganization, but he could not be demoted because he was a senior engineer. He stated that what NU could do was to give him "something on the order of a sweeping the floors to send . . . [him] a message that, hey, you're not really important here, buddy." GALATIS felt that some of the people who were promoted did not deserve to be promoted. He likened his assignment to work in Unit 3, in "instrument air," to "sweeping the floors." GALATIS felt this was basically an act of discrimination and an attempt to stifle him from further involvement in critical issues or high visible issues. He kept his same grade and same pay, and it was a position that he could perform with a high level of competency based upon his skills and ability. GALATIS indicated that it was also the type of position that would ensure that he was not involved in visible and critical issues such as the spent fuel pool. GALATIS stated that "[y]ou would not get nuclear safety concerns from instrument air. You would not be going to the NRC because of instrument air. Or you would be getting -- you would certainly get disillusioned." GALATIS believed that the message to him was "we don't really want to hear from you and that's why you're going to work with instrument air." GALATIS indicated that it was a conscious decision to assign him out of the way; it was enough of a sophisticated position that he would still be working in an engineering area suitable for a senior engineer, but one that he was over qualified for. GALATIS stated that, "one, they couldn't fire me and legally get away with it. Two, they had no basis for demoting me because my performance reviews are exceedingly high. The only choice they had was to put me in a corner some place in an area that I could cause the least amount of damage" (Exhibit 2, pp. 115-118).

AGENT'S NOTE: HADLEY described NU management as "folks . . . who have the ability to be very artful co-conspirators. And who have learned through trial and error, probably mostly by error, that there are effective forms of harassment and intimidation which are not as direct and which are much harder in the end to prove. And of which I [HADLEY] think this is one example" (Exhibit 2, p. 118).

GALATIS also wanted NU to consider taking a look at parallel issues, including CIZEK's issue (1-CU-29), the TBS issue, the TBCCW issue, and the reactor head stud tensioning issue. He indicated that what he wanted NU to do, what it did for Unit 2 back in 1993, was assess whether the plant was safe enough to start up. GALATIS stated that a team was chartered to investigate "all this stuff" which he raised, and come up with a lessons learned thing; but the team was not going to determine whether or not the unit was safe for start up. GALATIS characterized the result as a "scam." He believed that NU was not going to delay start up. The unit was going to start up some time in the beginning of May and that the report had to be done by May 20, 1994. He stated that he

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went to the NRC after the team charter was issued, which was April 26th, and reported all of his allegations (Exhibit 2, pp. 122-123).

Time Records (070/000)

While working for PARULIS in Unit 3, GALATIS indicated that his time sheet inappropriately reflected "personal time, 070," for time he spent meeting with the NRC. He perceived this to be a form of harassment, which might lead to his being discharged for taking "excessive personal time off." He told PARULIS, his supervisor, a couple days in advance of his meeting with the NRC, because he knew he would be out of the office. When he filled out his time sheet, he charged his time to company time, work related activities. GALATIS recalled that he got a note back from PARULIS which indicated that he should charge the day of the meeting with NRC to personal time, 070, but the company would pay him. GALATIS questioned if everyone else who met with the NRC during a recent inspection also charged personal time. After a short verbal exchange, GALATIS stated that PARULIS grabbed the note from his hand. He told PARULIS that PARULIS was going to have to deal with this because he was going to report it. GALATIS recalled that PARULIS' response to him was: "George, I was told [by Don GERBER] to follow you. To keep an eye out for you." GALATIS stated that he reported all of this to DEBARBA, accusing NU of harassing him. GALATIS stated that NU was trying to intimidate him, and that he felt threatened in his position because he was being told that GERBER told PARULIS to watch him (Exhibit 2, pp. 146 and 147).

GALATIS noted that, even today, people will make comments about him, like, "oh, there's George. I don't want to eat lunch with him because if I eat lunch with him I'll get fired." GALATIS did not believe that these people were doing that in jest. GALATIS asked DEBARBA why would a supervisor expect an employee, who told his supervisor that he is going to meet with the NRC, to charge his time to personal time. The only reason GALATIS believed his supervisor was doing this was to eventually get him fired for using an excessive amount of personal time (Exhibit 2, p. 148).

GALATIS told DEBARBA that he felt threatened down at Unit 3. And he was in a situation with GERBER and PITMAN, where he believed that he could not succeed, no matter how well he did. GALATIS stated that he would come into work every day wondering what was next. He stated that he was afraid to take sick days off because he wasn't sure how they would look at him being out sick (Exhibit 2, pp. 151 and 152). While GALATIS acknowledged that no one had actually made a physical threat against him, he stated that he would not put it past NU to "create a situation where . . . [he could] get harmed physically, let alone emotionally" (Exhibit 2, pp. 154 and 155).

GALATIS stated that Bob PARUOLO, another engineer he worked with, told him that he was "controversial" and "crazy" to attend a meeting which was scheduled for October 25, 1995, on Millstone operations. GALATIS recalled that PARUOLO stated that his health or physical being would be jeopardized if he attended; he could get hurt. HADLEY also stated that he had concerns for his client's physical safety (Exhibit 2, pp. 208-210).

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In about September 1994, GALATIS was transferred back to Berlin. GALATIS recalled a conversation he had with PITMAN a couple of weeks before he returned to work in Berlin at the NU corporate offices. GALATIS stated that PITMAN implied that he had a job for life if he'd "just kind of shut up and go along. Just kind of go along" (Exhibit 2, p. 150).

Transfer Back to Berlin

In Berlin, GALATIS was assigned to work for Bohdan POKORA, supervisor, Nuclear Mechanical Engineering Support Group, reporting to Matt KUPINSKI, Manager, and Mario BONACA, Director, Nuclear Engineering (Exhibit 4).

GALATIS alleged that he was being further harassed by his new supervisor, POKORA. For example, GALATIS recalled that, after returning from a meeting with the NRC (Special Agent Don Driskill, with OI), POKORA asked GALATIS when he going to start doing real work for the company (Exhibit 2, pp. 149 and 150).

GALATIS stated that he believed that a company policy (Exhibit 72), which had recently been revised (Exhibit 73), required him to notify NU when he was meeting with OI. GALATIS felt that such notification was a breach of his confidentiality and that he shouldn't have to notify NU when he met with OI (Exhibit 2, pp. 157 and 158). He indicated that he discussed this issue with DEBARBA, BONACA, Virginia FLEMING, a manager of Human Resources, POKORA, KUPINSKI, PARULIS, GERBER, PITMAN, and CHATFIELD. GALATIS recalled that most of the people in his "direct management did not acknowledge the fact that it was not a mandatory requirement. They viewed it differently as a -- they viewed it as a requirement. It was a difference of opinion. That's the way it came across. It didn't come across as a resolution. It came across as well, that's a difference of opinion. There was no real acknowledgement as to, yes, you're right or, yes, I'll go talk to Lillian CUOCO [NU Senior Regulatory Counsel] about this and get some clarification on it. It was just the opposite. It was an area of conflict" (Exhibit 2, pp. 168 and 169).



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He raised his concern about his performance evaluation to Virginia FLEMING, Personnel Manager; Cheryl GRISE, Senior Vice-president, Human Resources; and others. GALATIS recalled that when BONACA got pulled into this, BONACA was extremely upset with the fact that "KUPINSKI did not champion this [GALATIS' evaluation]." Once his performance review was eventually changed by BONACA, he recalls being told personally by POKORA that he (POKORA) was his supervisor for 1995 and would be able to see him for the entire year, and "That when it comes to nuclear group procedures . . . (he) better not challenge him on them because he will not change his mind." GALATIS believed that POKORA wanted to know more about what he was doing, and GALATIS wouldn't tell him (Exhibit 2, pp. 183-186; see also Exhibit 60).

GALATIS stated that when he came back from NRC interviews he would be harassed by POKORA. POKORA would inform management, including legal. For example, after a meeting with OI, the next day POKORA, in the presence of his colleagues, would ask GALATIS if he completed an assignment. GALATIS would then have to say "no," because he met with the NRC yesterday. He would tell POKORA that "raising nuclear safety concerns and getting those addressed is real work for the company. Meeting with the NRC is real work for the company" (Exhibit 2, pp. 186 and 187). He recalled that POKORA would respond to him with statements like: "when are you going to do some work that the company is paying you for?" or "Have you gotten approval to spend company time addressing your allegations?"

AGENT'S NOTE: GALATIS provided copies of two memoranda for review, one dated June 9, 1995, and the other dated September 21, 1995. GALATIS noted that the following individuals were listed as being part of the distribution of the memoranda: KUPINSKI, DEBARBA, CHATFIELD, MILLER, CUOCO, FLEMING, REILLY, and BONACA. Neither GALATIS nor his attorney, HADLEY, would provide copies of the memoranda to OI. A request for these documents was made to NU. The request was denied, with a claim of attorney/client privilege raised by C. THEBAUD, Esq., on behalf of NU (Exhibit 2, pp. 188-190).

Spot Recognition

NU hired a consultant (Jim PARTLOW) to work with GALATIS on several of the issues GALATIS raised. GALATIS recalled that PARTLOW told him that he (PARTLOW) was meeting with OPEKA on GALATIS' issues and having "roundtable discussions" with OPEKA. In the March 1996 time frame, GALATIS indicated that PARTLOW sent a memorandum (Exhibits 40 and 41) to Rick KACICH regarding GALATIS' work (Exhibit 2, pp. 120 and 121; see also Exhibit 71).

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GALATIS believed that the memorandum validated his concerns. He noted that PARTLOW pointed out that, if the NRC came in, they would probably cite the utility for 10 CFR 50.59, 50.9, and 50.71E violations. GALATIS stated that PARTLOW said that the engineering organization needed to be intrusive; it was not intrusive and the most successful nuclear organizations had intrusive engineering organizations. GALATIS also indicated that PARTLOW noted to OPEKA about the timeliness of resolving his (GALATIS') issue and mentioned that he should be rewarded. GALATIS recalled that PARTLOW mentioned that a sufficient reward would be if OPEKA just sat down with BONACA and GALATIS over a cup of coffee and talked. GALATIS stated that OPEKA never did that (Exhibit 2, pp. 121 and 122).

GALATIS also claimed to have been helping CIZEK with the 1-CU-29 issue, during the April to June time frame. He stated that he got involved in that because, in an indirect way, it was part of the allegation that he raised. He told CIZEK about the games that NU would play. He advised CIZEK not to take somebody's word, to get the paper work, and make sure that what they said they did turned out to be valid, in terms of finally getting the issue properly addressed (Exhibit 2, p. 198).

GALATIS indicated that he had identified issues which were later substantiated, and he did not receive any recognition for his work. He indicated that he received neither a "spot recognition" nor a "President Excel Award" (Exhibit 2, pp. 95, 97, and 215).

HADLEY, with agreement by GALATIS, noted that Bob BUSCH's article in "TO THE POINT," dated December 19, 1995, and Bernie FOX's issue of TO THE POINT, denying any wrongdoing after the issuance of the NRC OIG statements on December 5, 1995, was a continued effort to discredit GALATIS and another form of harassment (Exhibit 2, pp. 212-214).

AGENT'S NOTE: At the conclusion of the initial interview, GALATIS requested an opportunity to review his transcribed interview and OI indicated that it would like to meet with GALATIS to refine some of the information GALATIS presented during his interview. When the transcript was available, HADLEY would not return telephone calls made in an attempt to setup a meeting for the review. In a letter dated March 11, 1996, HADLEY wrote that his client was "terminating all contact with" OI. HADLEY went on to indicate that he would "no longer allow . . . [his] client to participate in any further interviews" with OI.

Coordination with Regional Staff

Several allegation panel meetings were held with the RI staff, and staff was apprised of certain facts identified during this investigation. A copy of the allegor's OI interview, with attachments, was forwarded to the RI staff (D. VITO) to ensure that all of GALATIS' technical issues were addressed.

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Allegation: NU Discriminated Against GALATIS For Raising Safety Concerns

Summary

The following individuals were interviewed by RI:OI on the dates indicated regarding the allegation that GALATIS was discriminated against for raising safety concerns.

<u>Name</u>	<u>Position</u>	<u>Date(s) of Interviews</u>
Mario BONACA	Executive Director, Nuclear Safety & Analysis, NU	May 8, June 26, August 7, & October 30, 1996
Larry CHATFIELD	former Director, Nuclear Safety Concerns Program (NSCP), Millstone, NU	November 14, 1995, January 24 & 25, February 20 & 22, & March 19 & 20, 1996
Al CIZEK	Senior Engineer, NSCP, Millstone, NU	November 30, 1995, January 24 & June 12, 1996
Eric DEBARBA	former VP, Nuclear Technical Services, NU	March 6 & July 18, 1996
Joseph DIMARZO	Senior Engineer, Nuclear Mechanical Engineering Branch, Millstone, NU	September 11, 1996
Virginia FLEMING	former Personnel Manager, Nuclear, Millstone, NU	December 14, 1995
George GALATIS	former Senior Engineer, Nuclear Engineering Support Services Group, NU	January 31, 1996
Don GERBER	Manager, Technical Support, Unit 3, Millstone, NU	September 24, 1996
Cheryl GRISE	Senior Vice-president, Human Resources, NU	October 10, 1996
Harry HAYNES	former Director, Unit 1, Millstone, NU	May 15, 1996
Richard HYKYS	Senior Engineer, Design Engineering, Unit 1, Millstone, NU	September 12, 1996

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Robert KELLER	Supervisor, Rapid Response Engineering Team, Millstone, NU	December 5, 1996
Joan KOWAL	Engineer, Wholesale Marketing Group, NU	September 19, 1996
Matthew KUPINSKI	Manager, Nuclear Engineering Support Services, Millstone, NU	December 12, 1995, May 8 & October 29, 1996
Andre LASSONDE	Senior Engineer, Plant Engineering, Unit 2, Millstone, NU	September 12, 1996
William LEPPER	Senior Electrical Engineer, Electrical Design Engineering, Unit 1, Millstone, NU	September 24, 1996
George McGOVERN	Senior Engineer, Condition Based Maintenance, Millstone, NU	September 12, 1996
Terry McNATT	Senior Engineer, Balance of Plant Group, Unit 3, Millstone, NU	September 18, 1996
Ray NECCI	Director, Nuclear Engineering, Unit 2, Millstone, NU	May 14, 1996
Paul PARULIS	Supervisor, Technical Support, Unit 3, Millstone, NU	January 4 & September 19, 1996
Robert PARUOLO	Engineer, Design Engineering, Unit 1, Millstone, NU	December 3, 1996
Anthony PATRIZZ	Fire Protection Program Coordinator, Millstone, NU	October 10, 1996
George PITMAN	former Director, Nuclear Engineering, Unit 3, Millstone, NU	May 15 & September 25, 1996
Bohdan POKORA	Supervisor, Nuclear Mechanical Engineering Support Group, NU	December 12, 1995, February 20, March 18, May 8, & October 30, 1996

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Kathleen STOCKWELL	Representative "A" (former) Nuclear Technician "B"). Simsbury District, NU	September 25, 1996
Gary SWIDER	acting Supervisor, Balance of Plant Technical Support Group, Unit 3, Millstone, NU	September 18, 1996
Roger Van WEY	Senior Engineer, acting Supervisor, Maintenance Engineering, Unit 3, Millstone, NU	September 19, 1996
Michael WADKINS	Senior Engineer, Electrical Equipment Qualification, Unit 1, Millstone, NU	October 30, 1996
Michael WILSON	Operations Manager, Unit 2 Millstone, (former Manager, Nuclear Licensing), NU	June 12, 1996
Kathlyn VERONESI	Nuclear Assistant, Mechanical Engineering Support, Millstone, NU	October 10, 1996

Documents Reviewed

OI also reviewed records from the Nuclear Safety Concerns Program and numerous notes/records retained, and/or prepared, by witnesses who were interviewed in the course of this investigation.

Documents were provided to OI by witnesses and NU, through its attorneys. Also, through its attorneys, NU has requested the withholding of documents from public disclosure pursuant to 10 CFR Section 2.790; the attorneys noted that many of the documents contain personal information, the disclosure of which would be an unwarranted invasion of personal privacy.

Evidence

Protected Activities

In the 1992-1993 time frame, CIZEK indicated that his group (which included GALATIS) was heavily involved with the IST program and REFs (reportability evaluation forms used to address operability issues); and, as with other elements of the organization, they were also responsible for making

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operability determinations related to engineering issues involving the plant. During that time GALATIS "was assigned an ISAP topic which dealt with the spent fuel pool in Millstone 1, and in the process of doing that he [GALATIS] identified what appeared to be a concern with a license [I]t appeared that . . . [NU was] moving fuel in a manner which was not consistent with . . . [NU's] license." CIZEK brought this to the attention of his management and supported GALATIS (Exhibit 18, p. 8, Exhibit 62, pp. 32 and 33). POKORA, who would later become GALATIS' supervisor, was, along with others, responsible for resolving issues associated with the spent fuel pool concerns raised by GALATIS (Exhibit 62, pp. 34-46, and 49).

Another point CIZEK noted was the visibility of GALATIS. CIZEK was the supervisor responsible for the ISAP economic performance attribute. At the time, the four attributes for ISAP prioritization dealt with: public safety, personnel safety, personnel productivity and economic performance or the ability of the plant to generate megawatts (Exhibit 37, and Exhibit 19, pp. 39, 40, 44, and 45). ISAP was evaluating a rerack of the spent fuel pool. CIZEK noted that GALATIS came across an inconsistency between the offload as defined by the most recent license amendment and common or routine practices. CIZEK supported GALATIS in an effort to resolve this problem (see also OI Case Nos. 1-94-021 and ██████████). The licensing organization and CIZEK's supervision (Peter AUSTIN, Manager, and Bob HARRIS, Director, Engineering Department) were aware of the problem identified by GALATIS (REF 92-73) and the support CIZEK gave to its resolution. GALATIS recalled CIZEK telling him that AUSTIN said GALATIS was making a big deal out of something little, inferring that GALATIS had better things to work on (Exhibit 2, pp. 56-58). 7C

CIZEK noted that, in June 1993, he was asked to participate in a spent fuel pool task force composed of Burt ELIAS, AUSTIN, GALATIS, HARRIS, DEBARBA, and, from time to time, Harry HAYNES (Director, Unit 1) and Richard KACICH (Director, Nuclear Licensing). During these meetings, GALATIS also brought up REF 92-84. CIZEK became "the scribe" for the group, responsible for taking notes (Exhibit 19, pp. 30, 31, and 33). GALATIS, CIZEK and others wrote several memoranda regarding the spent fuel pool issue; DeBARBA and others were aware of GALATIS' and CIZEK's concerns at the same time people were making decisions on personnel selections for the new engineering organization (Exhibit 19, pp. 35 and 36).

CIZEK noted that GALATIS became very unhappy with the way things were going on the spent fuel pool issues and made everyone aware of it; GALATIS even withdrew from the task force in October 1993 (Exhibit 19, pp. 30, 36, and 37). CIZEK also noted in a confidential memorandum to DEBARBA, dated October 15, 1993, that GALATIS "has the fortitude to contact the NRC unless reasonable complete satisfaction is acquired. Furthermore, George [GALATIS] expressed his desire to take definitive action, possibly with the NRC I [CIZEK] feel compelled to convey this to you directly to preclude any regrets I . . . support the recommendation made by George" (Exhibit 19, pp. 35-39 and Exhibit 42).

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BONACA recalled that he spent a lot of his time with GALATIS and PARTLOW on the resolution of GALATIS' spent fuel pool concerns. BONACA stated that his interaction with Bud RISLEY was "pretty intense, because . . . [BONACA] was irritated that the call hadn't been made the way it should be made" on 1-CU-29. BONACA also spoke with CHATFIELD and DEBARBA about the operability of 1-CU-29. BONACA recalls telling DEBARBA, "This is a hell of a problem, because you guys are not making a call. You've got to make a call. And it seems to me, the more you beat around the bush, the more this valve seems inoperable" (Exhibit 23, pp. 46 and 48).

BONACA noted that KUPINSKI, CIZEK, GALATIS and others attended a meeting he (BONACA) called on the status of the 1-CU-29 issue. At the time, BONACA was concerned about how long it was taking to resolve the issue. Additionally, he had discussions with GALATIS about the valve (1-CU-29). GALATIS had also advised the NRC resident inspector about the meeting, and the resident inspector called BONACA during the meeting. BONACA felt that it was more than just a resolution of an issue with GALATIS. BONACA felt he was being "set up" by GALATIS by having the resident call during a meeting on 1-CU-29. BONACA acknowledged that he was "irritated" by GALATIS' presence, since GALATIS had not been invited by him and was "already involved and very active . . . on all kind[s] of issues" (Exhibit 23, pp. 46-48, 53, and 54; see also Exhibit 57).

BONACA noted that he found a chilling effect at NU which worked in several ways. He believes that it existed with regard to issues, such as 1-CU-29, and perhaps other issues that were raised by GALATIS. But, he also felt a chilling environment existed in the way some individuals have raised issues with managers; and, then put that person (the manager) on the spot because of the chilling way they reacted. BONACA stated that "once you develop an adversarial relationship . . . , then suddenly, you . . . have a general chilling effect all over the place. There is no more openness. There is a lack of trust." BONACA recalled that DEBARBA referred to CIZEK as "not very effective in closing issues," which he suspected were GALATIS' issues (Exhibit 23, pp. 63-65).

Mike WILSON, a Nuclear Licensing Manager, stated that he had discussions with GALATIS regarding the spent fuel pool concerns (REF 92-73) that he raised (Exhibit 15, pp. 45-48). HAYNES, former Unit 1 Director, indicated that he became aware of the issues raised by GALATIS, regarding the spent fuel pool, between 1991 and 1994. HAYNES did not recall discussing this issue outside of his Unit 1 organization. While HAYNES indicated that he was generally aware of 1-CU-29, he did not have any specific recollection of it and its ultimate resolution prior to his departure as the unit director (Exhibit 25, pp. 13-21; see also Exhibit 8, pp. 71 and 72).

BONACA stated that it was his opinion that employees who raise concerns do not have a right to investigate those concerns, but, when possible, the employee should be part of the process. The concerns resolution process should be open, so the person can know about the progress of the resolution of the allegation (Exhibit 57).

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1993 Engineering Reintegration

According to NU, the "engineering reintegration" of 1993 was designed to improve the operation of NU's nuclear facilities. The selection of vice-presidents, directors, managers and supervisors was announced publicly with the issuance of OPEKA's memorandum on November 8, 1993 (Exhibit 29).

In an October 31, 1995, letter (Exhibit 6), addressing the resolution of a safety concern regarding 1-CU-29, CHATFIELD identified a decision process at NU which showed "a pattern where the site engineering organization looked very myopically at determinations involving operability." CHATFIELD stated that "they weren't looking closely enough at operability determinations from a yea/nea standpoint. They were tainting them toward keeping the plant operable." When CHATFIELD talked with "DEBARBA about that, he [DEBARBA] noted that that was part of the reason that a reorganization was made November, 1993." CHATFIELD also stated that, "DEBARBA indicated that there had been an inherent conflict between [the] engineering division and the drive to complete operation, and that is what he saw as one of the major thrusts in reorganizing the engineering department . . ." (Exhibit 5, pp. 21 and 22; Exhibit 6, p. 3). From a conversation with BONACA, CHATFIELD recalled them agreeing that NU was operationally conceited to myopically looking at keeping the plant operating and that sometimes sound engineering was out of balance (Exhibit 7, p. 10).

The 1993 Reorganization Selection Process

OPEKA said that, based upon self assessments that were done in 1990-1991, NU determined that they had some significant problems that needed to be addressed. They came up with a Performance Enhancement Program (PEP) and committed to hire 450 people; but, they did not have time to integrate the engineering and maintenance functions (Exhibit 13, pp. 6-8). After the new structure was created, they were aware that a number of positions would be eliminated because of the duplication which existed. The decision was made, in August 1993, to place all engineering functions under one vice president, DEBARBA (Exhibit 13, pp. 8-10; Exhibit 16, pp. 59 and 62-74).

OPEKA stated that he was the person who made the final decision on who would fill a particular position, but he relied heavily on the people that reported to him. "[He] did not know a lot of the people that were being selected at the supervisory ranks and relied heavily on his officers, but probably most heavily on the director of unit engineering" for people in the new organization. The directors told him that they had a lot of non-supervisory people that probably had better skills than some of the existing supervisors and should be considered for the reorganization (Exhibit 13, p. 29).

NECCI recalled that the unit directors had a lot to say about who had the qualities that they were looking for in the new organization's supervisors. NECCI stated that DEBARBA had discussions with the unit directors about certain people. Although NECCI did not recall any rankings which were placed on paper, he did say that DEBARBA, RISLEY, and PITMAN knew the people and were a good check to see if they were customer focused, etc. (Exhibit 22).

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pp. 32-34). NECCI stated that there was "a general discussion about people to fill positions" and they "supported each other with discussions of people's backgrounds and questions" about where people were in the organization. He relied on DEBARBA and the other engineering directors in staffing his organization (Exhibit 22, pp. 28-30). At the time of the reorganization, GALATIS was a senior engineer and was not asked to undergo any pre-screening by the HAY Group, nor was he considered for appointment to a supervisory position in the new organization.

OPEKA stated that he generally accepted incumbents, where the same position existed in the new organization, unless there was an issue of performance (Exhibit 13, pp. 29-31). DEBARBA stated that "everyone was on an equal footing" and they selected the people they felt were "the best candidates for those positions regardless of where they were previously." DEBARBA indicated that they did not do an analysis of each candidate and compare one against the other; they simply asked "who is a good selectee for that particular position" (Exhibit 17, pp. 53 and 54).

POKORA, who was a principal engineer at the time, was promoted to a supervisory position in the new organization. POKORA did not receive any prior screening by the HAY Group and did not receive any notice of his selection prior to November 8, 1993, when supervisory and management appointments were announced to the company (Exhibit 62, pp. 10 and 11).

OPEKA stated that he had never considered, or discussed, whether someone had raised a safety concern, in his decision to select an individual for a position in the new organization. He did note that had people been laid off or out placed that might have been an issue for discussion (Exhibit 13, pp. 51 and 52). DEBARBA acknowledged that they looked for who could work with each other, team players with predicable performance (Exhibit 17, pp. 31 and 32).

DEBARBA described the selection process as follows:

I think that typically there would be a discussion on the merits of the person that's being proposed. And there may be some discussion that ensued. And if somebody had a question about somebody, that question was pursued I can't remember any specific instances -- but there may have been someone's name proposed and somebody said, "Oh, gees, you know, I've worked with that person," or, "That person worked for me at one point in time, and I've observed this."

You know, "How has his performance been lately? Are you still observing that characteristic? I've got this question in my mind," or, "Yes, you got that person, but what about this person? Did you consider that person because I think that person would be a good candidate, too, for that job." So it was with those kind of discussions that ultimately led to a consensus relative to, "Okay, we've got that person or persons as candidates -- any questions? Yes, there's some questions" -- questions get

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answered. Either a change is made or it's left. That's the way it went (Exhibit 17, pp. 59 and 60).

BONACA did not recall attending any meetings at which the selection of all the supervisors was discussed. However, he did discuss with DeBARBA the filling of one supervisory position (Exhibit 23).

PITMAN discussed the selection process, whereby he picked some managers and others were already in place. PITMAN noted that he did not know PARULIS, who had worked in another unit before the reorganization. PARULIS was assigned to him in Unit 3 without discussion; PARULIS' name was already in a box on the chart (Exhibit 14, pp. 16 and 17). PITMAN also indicated that he did not know GALATIS at the time of the 1993 reorganization (Exhibit 14, pp. 32 and 33).

Re-assignment to/from Unit 3

PITMAN did not recall selecting GALATIS to work in Unit 3 in December 1993. In the same context, he did not recall whether one of his managers may have had GALATIS on a list, or that he bid for GALATIS. At that time, he only recalled GALATIS by name, not by face, and he was not aware that GALATIS had raised any safety concerns with regard to Unit 1 in 1993. He did not recall having any discussions with DEBARBA regarding the placement of GALATIS at Unit 3 in December of 1993 (Exhibit 50, pp. 6-8, 46, and 47). However, PITMAN advised OI, in an earlier interview, that, "George was put on unit 3 as a place to have an opportunity to do a good job" (Exhibit 14, p. 32). PITMAN stated that his earlier statement was probably based on what he learned later. He further stated that the earlier statement was conjecture on his part (Exhibit 50, p. 12).

BONACA stated that, during the selection and placement of engineers, he recalled GALATIS' name being mentioned by PITMAN. After hearing GALATIS' name, PITMAN said, "he's a good engineer" and then took GALATIS for Unit 3. During this process, they were trying to accommodate personal preferences about staying in Berlin (Exhibit 24 and Exhibit 58, pp. 109-112).

At the time GALATIS was being reassigned from Unit 3 to Berlin, PITMAN denied telling GALATIS that, "if he would just shut-up and go along, he'd have a job for life" (Exhibit 50, p. 16). PITMAN acknowledged that GALATIS wanted to work in Berlin from the beginning, and that being assigned to Berlin was initially one of GALATIS' three choices. PITMAN also indicated that he "made a point of finding out where . . . (GALATIS) sat, once he [GALATIS] came to Millstone, and going over and introducing" himself and trying to strike up a relationship (Exhibit 14, p. 33). PITMAN indicated that this was not an attempt to single GALATIS out as a new employee. PITMAN indicated that he tried to meet with other new employees as well (Exhibit 50, pp. 18 and 19).

PITMAN indicated that the time GALATIS spent in Unit 3 was "non-productive" (Exhibit 14, p. 33 and Exhibit 50, pp. 19 and 20). PITMAN explained that his comment referred to GALATIS' lack of production and spotty, not poor, performance on Unit 3 activities (Exhibit 50, pp. 19 and 20).

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GERBER recalled that GALATIS had been assigned to his group by "upper management," referring to the director and vice-president level of management. PITMAN brought GALATIS into Unit 3. GERBER does not recall if his input was solicited by PITMAN regarding GALATIS. But, GERBER stated that GALATIS was not someone he selected. GERBER did note that this was a difficult time for him, since five or six people who had been demoted were assigned to him, including the [REDACTED]

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In late 1993, PARULIS received a call from PITMAN, the new Engineering Director, Unit 3, who indicated that PARULIS was selected as a supervisor in Unit 3. This was a lateral transfer for him, since he was already a supervisor in Unit 2 prior to his Unit 3 appointment. He recalled that Bob KELLER, Steve SUDIGALLA, GERBER, and he met with PITMAN regarding the selection and appointment of engineers for their groups. PITMAN had a list of engineers who were displaced in the reorganization and were reassigned to Unit 3. KELLER was the Auxiliary Group (diesel generator, ventilation systems, and the air & gas systems) supervisor, and SUDIGALLA was the supervisor of a group responsible for the NSSS (Nuclear Steam Supply System) and reactor coolant system. Each of the supervisors selected people they needed for their groups (Exhibit 32).

GERBER recalled that GALATIS' desire was to remain in Berlin. GERBER stated "that in terms of trying to resolve issues with George [GALATIS], that it was felt that a change in venue might benefit the situation." However, he could not recall who said that to him, but he did recall that it was the "philosophy that . . . [he] was dealing under." He recalled that "the purpose of the assignment to Millstone was to provide . . . a different set of challenges . . . a change in career path" (Exhibit 49, pp. 10 and 11).

GERBER stated that he was present in the Berlin conference room when selections were being made of the displaced engineers, and that he was not even sure if GALATIS' name was among the pool of individuals. He thinks that perhaps GALATIS' name was slotted in with Matt KUPINSKI's group, with the engineers who were going to remain in Berlin, and that's why he did not recall it (Exhibit 49, pp. 13 and 14).

GERBER assigned GALATIS to work for PARULIS. He believed that GALATIS had worked in a similar group while in Berlin, and that PARULIS' group was best suited for GALATIS' talents (Exhibit 49, p. 20).

GERBER first became aware of the fact that GALATIS had "outstanding issues of nuclear concerns" at the time GALATIS was assigned to his group in 1993. He learned about GALATIS from a conversation with either DEBARBA or PITMAN. GERBER speculated that the assignment to his unit was an opportunity for GALATIS to interact with "different personalities," although he was not aware of whether there were any personality conflicts in GALATIS' previous assignment (Exhibit 49, pp. 14-17).

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GERBER spoke with GALATIS when he first arrived in his group and thought that "perhaps management had not listened to him in the past, when he had a concern." GERBER said he made an effort to determine if GALATIS felt comfortable in his new environment, and he wanted to learn from GALATIS "where potentially management had failed in the past." GALATIS told him that the concerns he raised related to Unit 1 and that he did not have any concerns about Unit 3 (Exhibit 49, pp. 17 and 18).

In September 1994, GERBER felt that GALATIS was productive at Unit 3 and GERBER was "happy with the work he was doing." But a decision was reached among DEBARBA, PITMAN and BONACA to transfer GALATIS back to Berlin to work for BONACA (Exhibit 49, pp. 37 and 38). GERBER did not recall any discussions he had with GALATIS where GALATIS expressed a concern for his personal safety (Exhibit 49, pp. 54 and 55).

PARULIS recalled that GALATIS started working for him in December 1993, as a result of a reorganizational transfer (Exhibit 31, p. 6). He knew GALATIS was a mechanical engineer, strong in theory, who was previously assigned in Berlin. PARULIS selected GALATIS based on GALATIS' strong mechanical engineering background, which he believed would fit well into his new group (Exhibit 32). PARULIS described GALATIS as an engineer, with a good background in engineering mechanics and not much experience with plant operation, so there was going to be some transition period where GALATIS "would have to learn more about dealing with the day-to-day plant operations and would have less and less theoretical type engineering" (Exhibit 31, pp. 6-8). At that time, PARULIS stated he was not aware that GALATIS had raised safety concerns (Exhibit 32) and did not have any "recollection of a reputation" for GALATIS (Exhibit 31, p. 9).

KELLER recalled meeting with GALATIS upon GALATIS' arrival at Unit 3. GALATIS was with KELLER only a short period of time before being re-assigned to PARULIS' group. KELLER recalled that, after discussions with GALATIS and PARULIS, it was decided GALATIS' background would better fit within PARULIS' group than his. KELLER stated that GERBER was advised of the change, but GERBER was not part of the discussions he had with PARULIS (Exhibit 75).

PARULIS recalled that GALATIS told him, when first assigned to his group, that he (GALATIS) had raised a safety concern about Unit 1. He remembers that GALATIS told him that it could get ugly and that NU was not listening to him (GALATIS). GALATIS also told him that NU hired a consultant (PARTLOW) to work with him on his concerns, but that things were not progressing well (Exhibit 32; see also Exhibit 31, pp. 11-13).

PARULIS thought that GALATIS was paranoid. PARULIS recalled that GALATIS would tell him that site security was watching him (GALATIS), and that someone was watching his (GALATIS') car (Exhibit 32).

POKORA stated that GALATIS started working for him in about October 1994, as a senior engineer, and he was assigned responsibility for the Life Cycle Management program. POKORA indicated that one day he was called into

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KUPINSKI's office and told that GALATIS was going to be transferred from Millstone to Berlin because he (GALATIS) "felt that his safety was jeopardized at the Millstone site because he had raised safety concerns" (Exhibit 20, pp. 5 and 6; see also Exhibit 34).

POKORA and KUPINSKI had several discussions and POKORA agreed to accept GALATIS into the group, creating the Life Cycle Management Coordinator position for him. POKORA recalled that BONACA told him that GALATIS felt his life was in jeopardy, but he does not recall ever discussing this issue with GALATIS' previous supervisor, PARULIS. POKORA described himself as being somewhat skeptical of GALATIS' claim and really did not pursue that issue after GALATIS arrived at his group. POKORA indicated that he had no reason to believe that GALATIS' talk about a threat was credible (Exhibit 20, pp. 6-10).

GALATIS indicated to OI that PARUOLO told him he was crazy to attend an October 25, 1995, meeting (Exhibit 2, pp. 208-210). While PARUOLO may have said GALATIS was "controversial," PARUOLO denied telling GALATIS that his health or safety was in jeopardy if he went to the meeting. PARUOLO acknowledged that he may have said it would be "stressful," in light of the ~~Time~~ magazine article and the 2.206 petition (Exhibit 74).

Time Records (070/000)

Referring to his notes, PARULIS recalled that on August 26, 1994, GALATIS came to speak to him about his "meetings next week with the NRC about his allegations." GALATIS told him that he would "be using the incident where . . . [PARULIS] had originally requested him to change his time a few months ago to Personal Code 070 as an example of how the company harasses employees who talk to the NRC." In addition GALATIS told him that he would be with the NRC August 29 and 30, 1994 (Exhibit 31, pp. 27-35 and Exhibit 32)

PARULIS noted that during the week ending April 30, 1994, there were fourteen total hours that were indicated as an 070 submittal for GALATIS. Because PARULIS was trying to deal with how to document the hours that GALATIS was away from the station, he felt that an 070 code was applicable to this type of situation. GALATIS was not involved in Unit 3 specific work, and GALATIS' time away did not involve systems that were his responsibility at Unit 3. In his discussions with GERBER, it was agreed that 070 was an appropriate code for extended periods of time that were taken away from Unit 3 specific activities. PARULIS noted that code 070 does not hold any type of penalty; it's simply a code that indicates that you were not performing unit specific work at the time. When he looks at 070, it just means that the person was not performing engineering functions within the unit, and it did not fall under one of the other codes for non-productive work. At the time, he felt that the assignment of this code was appropriate. After checking, there are no other similar entries. PARULIS did not feel that seeing a code like 070, that appears every once in a while on someone's time sheet, would cause an alarm to GALATIS, especially if he knew why that person had to assign that code. PARULIS acknowledged that GALATIS discussed his concern about the

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inappropriate use of an 070 code and, after discussing it with GERBER, it was agreed not to be used again (Exhibit 31, pp. 27-35 and Exhibit 32).

PARULIS stated that he did not oversee GALATIS any more than he did other individuals in his group. He would go out to the field and check work for all the engineers in his group (Exhibit 32).

PARULIS admitted that he told GALATIS to use code 070, personal time, on GALATIS' time sheet, when GALATIS met with the NRC. PARULIS had also spoken with GERBER and PITMAN on this subject and they advised him that it was the correct action to take. PARULIS stated that, as a supervisor, he had never received any instruction on which codes should be used; to him, it was just common sense. He recognizes that meeting with the NRC is company business. PARULIS noted that using 070 for personal time would not affect GALATIS' leave or anything else. PARULIS stated that he believed that going to the NRC was not Unit 3 productive work and, therefore, GALATIS' time should not receive a Unit 3 work code (Exhibit 32).

AGENT'S NOTE: In his first OI interview PARULIS did not recall discussing the use of 070 with anyone other than GERBER. However, in his second interview, nine months later, PARULIS recalled discussing the same issue with both GERBER and PITMAN (Exhibit 31, p. 28 and Exhibit 32).

PARULIS recalled that GERBER told him to "keep an eye" on GALATIS, to watch what GALATIS was doing. PARULIS believed he was supposed to track how much time GALATIS was spending away from the unit, meeting with the NRC. PARULIS did not believe that he was doing anything wrong and was just following the instructions he received from GERBER. He did not keep any written records or documentation on GALATIS and the meetings GALATIS had with the NRC. But, PARULIS would call GERBER and tell him when GALATIS was going to be out of the office for an extended period to meet with the NRC. PARULIS stated that GERBER told him that there was a concern that GALATIS was spending too much time away from the office in dealing with the NRC; but PARULIS could not say how much time was appropriate. He did not question GERBER about who was concerned with how much time GALATIS was away, or why the question was being raised. PARULIS stated that neither GERBER nor PITMAN approached him on any of the technical issues that GALATIS was involved in. He knew GALATIS was working with BONACA on the resolution of concerns (Exhibit 32).

AGENT'S NOTE: When he was first interviewed by the NRC-OI on January 4, 1996, PARULIS was asked whether he had ever "watched" or "kept book" on GALATIS. PARULIS responded "Absolutely not" (Exhibit 31, p. 37). PARULIS clarified his original response with a written annotation to that transcript. He noted that, at that time, he was really responding to whether he was "keeping book" on GALATIS, i.e., keeping detailed written records or having people follow GALATIS. PARULIS stated that he did not keep any records on the total hours that GALATIS spent with the NRC. But, as per GERBER's instructions, he did keep track on the time GALATIS spent with the NRC. As an example, he noted that when GALATIS

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was going to be away from work for a two day meeting with the NRC, he informed GERBER. He cannot recall how many other times, if there were any, he reported to GERBER on GALATIS' meetings with the NRC. PARULIS clarified his earlier interview with the following statement: "The previous question should be clarified to state that I would absolutely not follow him, have him followed or keep detailed written notes on his behavior or activities. We both were aware that his time outside the normal work activities assigned on MP3 may be monitored (Exhibit 32).

GERBER recalled that GALATIS spent a "significant amount of time" involved with the NRC, PARTLOW, DEBARBA, BONACA, and others working on Unit 1 problems, and not able to support Unit 3 activities. GALATIS was initially charging his time to "000," which is the normal time code for GERBER's organization. At some point, GERBER said he was called into a meeting in his office with PITMAN and DEBARBA. This was the only time that they were ever in his office together the entire time he worked for NU. After a considerable amount of discussion, the meeting was over. He left that meeting with the understanding that GALATIS should be charging his (GALATIS') activities to something other than "000." He cannot specifically recall if it was personal time, "070." GERBER recalled that the key part of the discussion was that the time away from Unit 3 should not be "000" coding; it was inappropriate (Exhibit 49, pp. 23-25, 28, and 34).

GERBER stated that GALATIS was the center of their discussion. He recalled PITMAN telling him that, "this is how you charge the time, that is how we charge everybody's time." But, there were not any other individuals he was aware of who were raising concerns with the NRC. As a result of the meeting, he did not give any instructions to any other supervisors with regard to any other employees. GERBER acknowledged that, based upon the directions he was given, the only person who was being treated differently concerning the recording of time, as a result of having meetings with the NRC, was GALATIS (Exhibit 49, pp. 49-51). GERBER noted that Unit 3 has multiple owners who are responsible for the costs of its operation. There was some question in his mind as to whether a Unit 3 code ("000") should be used when GALATIS' issues concerned Unit 1 and not Unit 3. The time that was to be recorded as "070" was to be the time away from Unit 3 and not just the time with the NRC (Exhibit 49, pp. 51-54). GERBER is unaware of any policy which requires an NU employee to advise management that they are meeting with the NRC (Exhibit 49, pp. 55-58).

GERBER felt he was "admonished, for having been too loose in terms of giving George (GALATIS) the freedom to resolve those issues" which he raised. Within his organization, he had other people pick up GALATIS' workload. He left the "meeting [with DEBARBA and PITMAN] with [a] very strong understanding that the action that . . . [he] had taken in the past was inappropriate," that he needed to change and "to expect a normal week out of George" (Exhibit 49, pp. 25-27).

The next day GERBER directed PARULIS to modify the time keeping according to the direction he received at the meeting. GERBER also gave PARULIS directions

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that GALATIS "would be putting in a 40-hour week, working on the unit projects." GERBER stated that he probably told PARULIS that if GALATIS was going to be working on the concerns, GALATIS would have to do it on his time. GERBER does not recall telling PARULIS to "keep an eye" on GALATIS any more than he would have for other employees. However, he suspects that he gave PARULIS "direction . . . to keep sufficient watch to ensure that . . . the expectations that" he had been given were upheld Exhibit 49, pp. 28-31).

Within a week of the meeting with them, word came back to him from PITMAN and DEBARBA that he had not done what they intended, and that he was to cease. GERBER remembers being "very upset with this situation" and feeling as though his legs had been "cut out from under" him. He expressed his frustration to PITMAN, in the context of, "what is going on here?" GERBER felt that the only reason that it came back to him was that it created a problem "in the higher levels of the company." GERBER stated that he lost a "fair amount of trust" and felt as though he "had been cast adrift." GERBER stated that, because of this incident, he had "lost credibility" with GALATIS and was "not getting support from above"; he "felt betrayed" (Exhibit 49, pp. 31-34).

PITMAN's first recollection of anything specific to GALATIS was DEBARBA's questioning of him as to why GALATIS "didn't charge personal time for some visits he had with the NRC" (Exhibit 50, p. 9). PITMAN also discussed with DEBARBA the issue of GALATIS spending time on other units while a part of Unit 3; he passed that question on to PARULIS (Exhibit 50, pp. 9 and 10). PITMAN suspects that the issue arose because GALATIS was spending a lot of time dealing with the NRC on another unit's issue that caused him to raise an issue of how GALATIS' time was being charged at Unit 3. However, PITMAN could not recall if these conversations took place before or after GALATIS raised the issue about having to take personal time to meet with the NRC. PITMAN could not recall having a conversation on a similar subject with GERBER (Exhibit 50, pp. 10 and 11).

PITMAN denied that he suggested that GALATIS charge his time to 070, when GALATIS met with the NRC. He recalled being told by PARULIS that it was GALATIS who suggested the "070" designation on his time card. He may have agreed with it, but it was not his suggestion. He did not remember DEBARBA saying anything about that subject, but did recall DEBARBA stating that GALATIS should be working on Unit 3. He recalled that a meeting and conversation may have taken place in DEBARBA's or GERBER's office. He took from DEBARBA's statement that GALATIS should be taking "vacation time or something" for those meetings; he does not think that they specifically talked about how to charge that time (Exhibit 50, pp. 23-25, and 51).

PITMAN acknowledged that there may have been a meeting with DEBARBA, GERBER, and him about keeping track of GALATIS' time, but denied ever directing GERBER, or anyone else, to use a particular time code. PITMAN said it would be unusual for someone to even ask what time code to use, and thinks that, perhaps, he was being setup by GALATIS when the question was asked. PITMAN denied ever telling GERBER to "keep an eye on him, or anything like that" (Exhibit 50, pp. 25-30).

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PITMAN expected PARULIS, in his status of supervising professionals, to "simply speak to George (GALATIS) about the need to pay more attention to Unit 3." He expected PARULIS to "have an increased awareness of George's production on Unit 3, as a result of the feedback" he received from DEBARBA about GALATIS (Exhibit 50, pp. 30 and 31). PITMAN was aware that GALATIS had raised an issue of personal safety while working at Unit 3, but chose not to discuss the problem with him. PITMAN interpreted GALATIS' statement about personal safety as simply a pretext, "as a reason to get back to Berlin . . . (and PITMAN) presumed that anybody working in the field as long as he (GALATIS) did, didn't think that it would have been aberrant reaction, accident that put his life at risk, or his ability to leave the site" (Exhibit 50, pp. 34, 35, and 38).

GALATIS also raised with FLEMING an issue relating to his timekeeping. When asked by PARULIS what he was working on, GALATIS would indicate that he was working on nuclear safety issues, which were confidential and could not be disclosed to PARULIS. FLEMING recalled that GALATIS told her that his time should have been recorded as 000, when in fact it was recorded as 070, excused absence, personal. FLEMING acknowledged that this issue was resolved, but that GALATIS still considered it to be an example of harassment by NU. FLEMING stated that GALATIS told her that, after the time keeping situation with PARULIS, GERBER asked PARULIS to keep a better handle on where GALATIS was, "what he was doing, what work he was engaged in, and so on." She recalled that GALATIS related to her that PARULIS told GALATIS that he had been instructed to have a better knowledge of GALATIS' whereabouts (Exhibit 35, pp. 21-24).

Instrument Air

PARULIS recalled having assigned to GALATIS the following:

- Condensate Storage: There was a problem with either a relief valve or lifted disc in an overpressure system for condensate storage. This was general mechanical system work.
- Vacuum System: There was a problem with not getting proper vacuum. He assigned GALATIS to troubleshoot; GALATIS did a very good job.
- Safety Evaluation for Abnormal Plant Condition: GALATIS prepared an SER.
- Special Training: With short notice, GALATIS attended a special school for backflow preventer training.

PARULIS did not view Instrument Air as an insignificant system. He stated that if this system does not work, the plant will not operate. PARULIS noted that he may have told GALATIS that GALATIS was going to be assigned to Instrument Air, but he is not sure if GALATIS ever spent any time working on that system. PARULIS stated that this system was eventually transferred from

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his group to KELLER's group and Jeff YOUNG was the engineer assigned to it (Exhibit 32). GERBER stated that he did not see instrument air as a dead end, sweeping the floor system. While there were some systems that he could put in that category, Instrument Air was not one of them (Exhibit 49, pp. 40 and 41).

KELLER believed that Instrument Air had been part of his group since he was its supervisor in December 1993. KELLER did not recall ever assigning Instrument Air to GALATIS, but he could have. Instrument Air is a system he was very familiar with. While he feels that Instrument Air is an important system, it is not a critical safety system, nor is it real challenging. Instrument Air certainly would not have been the best assignment match with GALATIS' background, but it would have been a reasonable assignment and within GALATIS' skill, to work on that system. When assigning work, he made assignments based on the work he was responsible for, and the individuals in his group who could do the work. KELLER stated that he could understand how GALATIS may have felt that being assigned to Instrument Air was beneath him (GALATIS), but any assignment like that by KELLER would simply have been on the basis of the work available. Instrument Air is a system that would have had to be assigned to someone else, if not assigned to GALATIS (Exhibit 75).

None of GALATIS' coworkers agreed with GALATIS' concern that being assigned to Instrument Air was an adverse action. Joan KOWAL, an engineer who worked with GALATIS at Unit 3, stated that Instrument Air is an important system within the plant; it is a primary system for the balance of plant. She does not believe that it is demeaning to be assigned Instrument Air as a system. She did not see PARULIS treat GALATIS any differently than others in the group; nor did she see that PARULIS paid any more attention to GALATIS than anyone else (Exhibit 46).

Terry McNATT, another senior engineer coworker at Unit 3, also disagrees with GALATIS' comment that an assignment to instrument air was beneath a senior engineer with GALATIS' experience. Because GALATIS was assigned to a group which already had engineers assigned to it, it would be appropriate to assign GALATIS whatever was left. He also feels that Instrument Air is an important system. It has safety aspects, but it is not as glamorous as reactor coolant or the feed and condensate systems. He believes that the new people in the group were given systems that others decided not to keep, as new engineers joined the group (Exhibit 44).

Roger Van WEY, another senior engineer at Unit 3, stated that he was assigned system air, also called Instrument Air. He described it as not an "exotic" system, but a system which had some problems. Van WEY thought that it was an interesting system to deal with. While it was not real challenging in the technical sense, he found real challenges in dealing with the problems that arose. It is his understanding that Instrument Air was not designed as a safety system. He did not feel that when he was assigned to the system that someone was, in some way, dumping on him, or that it was harassment. He thought that everyone was assigned a major system and less significant systems. He does not feel that an Instrument Air assignment is an indication

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that someone has less ability. He is unaware of what work or systems were assigned to GALATIS (Exhibit 51).

Performance Evaluation Scores

PARULIS recalled that he did a performance evaluation of GALATIS and sent it to POKORA for completion. PARULIS indicated that GALATIS was with him until September 1994, and then transferred to the Berlin engineering offices. During September, the plant was returning from a shutdown. December 1994 and early January 1995 was when performance evaluations were done. During those months, PARULIS stated he was actually working at Unit 2, on loan for the refueling outage. He prepared performance evaluations of the people who had worked for him during 1994. Knowing that GALATIS was not in his group anymore, PARULIS knew that something had to be done to get GALATIS an evaluation for the period of time GALATIS worked for him. Consequently, he coordinated that with POKORA, so that he would do a performance evaluation, to the best of his knowledge, and send it to POKORA. The remainder of that performance evaluation would be completed by POKORA and management in Berlin (Exhibit 31, pp. 9 and 10; see also Exhibit 66).

PARULIS kept notes on the work GALATIS performed as part of his group. At the time of his OI interview, PARULIS noted that he still had copies of his "performance evaluation" of GALATIS for 1994, a "reference to a previous evaluation that was performed by his previous supervisor," and a listing of occurrences where people who work for him perform activities that he feels are noteworthy. There were three areas that PARULIS listed as noteworthy for GALATIS. PARULIS identified them as follows:

(1) February 10th through 12th, the D Feed Regulating Valve Oscillations. The feed regulating valves are very important components in the plant, they allow feed water from the secondary system to go to the steam generators to keep them filled. PARULIS indicated that he had notes from operations that there were some oscillations in the valve and it was not performing smoothly. GALATIS aided the investigation by the Instrument and Control Department for evaluating these oscillations and performing some troubleshooting to restore that feed regulating valve to a smooth operating condition. This work had not been assigned to GALATIS, but he took the initiative to go out and support this activity.

(2) April 29th through May 20th, the E Condenser Water Box Failure and Recovery. During that period of time, PARULIS indicated that they had a outlet valve that closed and ruptured the E Condenser Water Box. During the recovery, GALATIS provided engineering input to the operability issues for running a condenser with one sump pump and some of the set points for the steam dump valves associated with the operation of the condenser at power. He remembered this being a review that GALATIS had done and had provided some good engineering justification.

(3) GALATIS worked with KOWAL during the May/June time frame on vacuum priming problems. GALATIS took over the vacuum priming system. There

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are two separate systems that comprise vacuum priming. One is a plant vacuum priming, which essentially takes air and non-condensable gases out of the condenser. The other vacuum priming system is a system that extracts air from the discharge canal, which allows the outfall of the circulating water and service water to discharge from the plant more efficiently.

GALATIS spent quite a bit of time working on the yard vacuum priming system, which takes the air out of the discharge canal. He did troubleshooting for this system, which had been a problem at NU for some time. GALATIS developed a troubleshooting plan and executed the plan with the Maintenance Department.

PARULIS felt those results showed a good effort by GALATIS. In August, there was a period of time when he did not have the people that he thought he would have available to attend a "back flow preventor training session." At the last minute, PARULIS asked GALATIS if he could represent the group and attend this training; GALATIS attended the training. PARULIS also thought that was a very good effort and a very good response by GALATIS, i.e., to attend the training when it was not initially part of his responsibilities (Exhibit 31, pp. 11-19).

PARULIS stated that when he completed GALATIS' evaluation he reviewed the "[REDACTED] of his [GALATIS'] previous supervisor" with the ones that he gave. PARULIS claimed that the evaluation was based on his evaluation and interpretation of GALATIS' performance. He did not compare the one he did with previous evaluations, but simply used them as a reference to see what other people had said about GALATIS in the past. He recalled that he probably reviewed CIZEK's evaluation of GALATIS just prior to doing his evaluation of GALATIS. What PARULIS said he would be looking for in a previous evaluation were areas of improvement that would be noted, or noteworthy events that may have occurred that he should be aware of, or any particular requests that the employee had made, under an employee development plan, to see whether those were fulfilled during that period. At no time, did he contact the previous supervisor, CIZEK, for input (Exhibit 31, pp. 19-21). 7C.

PARULIS knew that he would have to prepare an evaluation. Since he supervised GALATIS for the majority of 1994, he felt that it was important for him to do the majority of the evaluation and provide it to POKORA. PARULIS stated that he did not know what POKORA did with the evaluation he prepared. Until he spoke with counsel (prior to the OI interview), he was unaware of how GALATIS received his 1994 evaluation (Exhibit 31, pp. 22-24).

PARULIS did note that he had some other records concerning GALATIS. For example, he had notes which indicated that on April 28, 1994, GALATIS notified him "that he submitted [a] nuclear safety concern for issues associated with Unit 1." PARULIS felt that this was significant enough to warrant noting it in his records because GALATIS had come to him stating that he was raising a safety concern. When he had originally come to the group, GALATIS mentioned prior concerns that were raised, but this was different, because it was done

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while GALATIS worked for him and he was specifically told about it. It may well have been the same concerns that GALATIS mentioned to him in December 1993 (Exhibit 31, pp. 25-27).

PARULIS stated that he did not view the evaluation he gave GALATIS as a [REDACTED] in his performance rating. PARULIS indicated that he based the performance evaluation on his understanding of the work that GALATIS performed while working for him at Unit 3. The performance evaluation done by his previous supervisor (CIZEK) was done for an engineer who was working in the Berlin office and performing certain tasks. Those tasks are not necessarily the same tasks that are performed down at the site. PARULIS stated that he could only evaluate GALATIS based on his performance, and in his (PARULIS) understanding and in comparison to the other people within his organization. From what he observed, GALATIS was "very adequate, a [REDACTED] is very acceptable, there were [REDACTED] on his evaluation." PARULIS did not feel that there was a deficiency in any area that really would have required GALATIS to perform some extraordinary duties to bring him back up to a [REDACTED] PARULIS felt that GALATIS' performance was "either [REDACTED]" and based on his understanding of the work that GALATIS performed for him (Exhibit 31, pp. 40-42). 7C

PARULIS felt that GALATIS [REDACTED]

[REDACTED] but that's something that GALATIS could build on as time went on. He added, "That is an acquired trait in many cases, learning who the people are, learning what they do, learning how to best interface with organizations at the site, and that takes time to develop" (Exhibit 31, pp. 40-42). 7C

POKORA indicated that, at the time he did his review in December 1994, GALATIS was not, to his knowledge, spending a great deal of time working on GALATIS' safety concerns. POKORA felt GALATIS was more oriented towards doing the work that was assigned to him. In preparing GALATIS' evaluation (Exhibit 66), he had not seen any copies of his previous performances, so he did not know whether the evaluation he (POKORA) gave was better or worse than what he (GALATIS) had received in the past. In comparison to the other performance reviews that were done within POKORA's group for that particular year, POKORA believed that GALATIS received [REDACTED]. As a supervisor of a newly formed group, POKORA's policy was that they were all starting from ground zero; a [REDACTED] was a good [REDACTED] then he would work it either up or down (Exhibit 21, pp. 6-8). 7C

POKORA recalled looking at the evaluation done by GALATIS' previous supervisor at Unit 3, PARULIS, and he also looked at the additional input that was provided by Rick KACICH, Don MILLER, and CHATFIELD. In his mind, there didn't seem to be any basis for substantive or a substantial change in the performance review. While POKORA acknowledged that he probably discussed GALATIS' evaluation with KUPINSKI, he did not recall discussing it with BONACA, even though BONACA made changes in the evaluation (Exhibit 21, pp. 6-8).

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POKORA stated that whether GALATIS was involved in raising safety concerns, or working on NRC related matters, was not an issue in the performance evaluation he prepared, in terms of whether GALATIS received [REDACTED] than GALATIS thought was appropriate. He does not recall asking GALATIS "when he was going to stop working on NRC related matters and do some real work for the company?" POKORA stated that he has never asked anyone to follow or keep an eye on GALATIS (Exhibit 21, pp. 8-10). But, he did have a concern as to whether GALATIS was in fact meeting with the NRC on all the occasions GALATIS left work, purportedly, to meet with the NRC (Exhibit 21, p. 19 and Exhibit 60). POKORA denied ever telling GALATIS: "that when it comes to nuclear group procedures he better not challenge him on them because he will not change his mind" (Exhibit 60). 7C

AGENT'S NOTE: THEBAUD, representing NU and others, noted that due to pending negotiations between GALATIS' attorney, HADLEY, and NU, it was agreed that POKORA would not prepare a performance evaluation of GALATIS for 1995 (Exhibit 21, pp. 22 and 23; see also Exhibit 20, pp. 13-15).

POKORA noted that GALATIS' evaluation for 1994 represented work that GALATIS did under two different supervisors, and it included comments from both supervisors. KUPINSKI and he signed the evaluation. He recalled that, as of February 2, 1995, GALATIS did "not believe that this performance review adequately describes his contributions to the company over the past year and therefore, refused to sign it." POKORA noted that there are four possible ratings: unsatisfactory, which is "U," needs improvement, "N," "Q," which means quality work, and "E," which is excellent or exceptional work. GALATIS' evaluation contained comments from: CHATFIELD, KACICH, and Don MILLER, former Senior Vice-president at Millstone Station, BONACA and DEBARBA (Exhibit 20, pp. 14-29 and Exhibit 66).

POKORA indicated that the evaluation he prepared contained input from each of the preceding individuals. After talking with KACICH, MILLER, and CHATFIELD, he noted that GALATIS deserved recognition for his safety significant work. POKORA understands that, after [REDACTED] POKORA indicated that, in many respects, he deferred to the ratings assigned by PARULIS, since PARULIS had supervised GALATIS for most of the year. While he deferred to PARULIS' opinion, he felt that GALATIS had a [REDACTED] review. POKORA stated that GALATIS never told him that his (POKORA's) rating of him was "harassment, intimidation or retaliation" (Exhibit 20, pp. 15-29). 7C

FLEMING recalled that she met with GALATIS on February 14, 1995, to discuss several issues, one of which was GALATIS' 1994 performance evaluation; GALATIS received the performance evaluation in accordance with NU's Performance Management Program (PMP) (Exhibit 35, p. 17; see also Exhibit 12, pp. 71-78).

FLEMING noted that GALATIS felt that he deserved [REDACTED] And, GALATIS also made reference to his 1993 performance review and that those factors had been highly rated qualities 7C

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by his supervisor at that time. She recalled that GALATIS wrote comments to his 1994 performance review, and POKORA told him that he was going to staple the comments to it. The comments of MILLER, CHATFIELD, and KACICH would also become part of the permanent record (Exhibit 35, pp. 27-31).

GALATIS told her he felt that was not sufficient recognition for his efforts. GALATIS indicated that he continued to seek, through management,

After this happened, GALATIS' comment to her was: "I deserve it, you know, I mean, these are things that I feel I need to have happen." She recalled that BONACA made some additional changes to GALATIS' performance review before the issue was closed (Exhibit 35, pp. 27-31 and Exhibit 66). 7C

FLEMING recalled GALATIS telling her that he felt his performance had been deliberately degraded by POKORA and PARULIS to harass and intimidate him; and, this was also done to start a degradation trail that would eventually lead to his discharge. GALATIS was alleging that they couldn't do an adequate review and that they were intentionally harassing him (Exhibit 35, pp. 39-40). After reviewing GALATIS' 1994 evaluation, FLEMING indicated that she thought that it was a [REDACTED] (Exhibit 35, p. 47). 7C

In reviewing her notes, FLEMING indicated that BONACA went through the performance review with GALATIS and made changes to it in terms of upgrading some of the competencies, literally changing them while she watched. BONACA also prepared a memorandum on GALATIS' performance. She recalled that BONACA indicated that, while GALATIS' teamwork was indeed noteworthy, he could be difficult and hard. BONACA went on to indicate that if people disagreed with GALATIS, GALATIS could be pretty rigid; there were times when people had difficulty in communicating their point of view to GALATIS. She stated that BONACA talked about the fact that there had been no intentional degradation of performance ratings by GALATIS' supervisors, and he also pointed out that POKORA and PARULIS believed that they had rated him fairly, according to what they knew about his performance. FLEMING recalled that, in BONACA's opinion, GALATIS had some very significant job responsibilities and that GALATIS had been recognized as a competent employee. FLEMING noted that GALATIS talked about the fact that, if POKORA and KUPINSKI wouldn't champion a fair performance review for him, why would he bring a nuclear safety concern to them (Exhibit 35, pp. 55-59).

FLEMING indicated that POKORA sent her a note, dated May 22, 1995, which talked about POKORA being in an intolerable situation in his dealings with GALATIS. The situation undermined POKORA's credibility as a supervisor and

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made him unable to meet his work commitments. It forced POKORA to sign work timesheet approvals of an unspecified nature, and it was affecting the morale, motivation, and cohesiveness of his group. This note was attached to a memorandum to the company (NU) requesting some clear and specific direction on the issue of dealing with GALATIS. POKORA was concerned that GALATIS was pursuing nuclear safety concerns work that GALATIS had given a higher priority over his scheduled assignments, including the Life Cycle Management work. POKORA was finding it very difficult to sign off on timesheets, when, in fact, he really didn't always know where GALATIS was or what he was working on (Exhibit 35, pp. 73 and 74 and see also Exhibit 56).

GERBER did not have any specific recollection of talking to PARULIS about GALATIS' evaluation in 1994 (Exhibit 49, pp. 22 and 23).

Spot Recognition

PARTLOW was hired by NU to work on the resolution of GALATIS' safety concerns. In a March 7, 1994, memorandum to KACICH, PARTLOW noted that the originators of REF 92-73 and REF 92-84 were "left with the impression that these REFs were not viewed as being necessary and could result in the need for plant modifications which were not considered necessary by the plant staff" (Exhibit 41, p. 3). In a second memorandum, PARTLOW recommended to KACICH that "management should favorably recognize . . . Galatis for his willingness to work within the NU system over a long period of time seeking resolution of an issue" (Exhibit 40, p. 2).

On several occasions, CHATFIELD suggested to DEBARBA that some kind of recognition be given to GALATIS and others for the work they had done (Exhibit 39). In his initial response to OI questions, DEBARBA could not recall specifics about his discussions with CHATFIELD or spot recognition recommendations. In particular, he stated that he did not recall any specific recommendation, to him from PARTLOW, concerning GALATIS. However, in his second OI interview, DEBARBA did recall that there were some discussions about recognition for individuals, but he could not recall anything as specific as a recommendation (Exhibit 17, pp. 8-12 and Exhibit 16, pp. 10-13).

On July 17, 1995, CHATFIELD and DEBARBA discussed the consideration of spot recognitions for GALATIS and CIZEK on 1-CU-29, and GALATIS on the spent fuel issues. They also discussed possible "spot recognitions" for two others. CHATFIELD stated that the basis for the recognition might be fortitude, since each "persevered through thick and thin to bring their issues forward" (Exhibit 10 pp. 285 and 286). On August 4, 1995, CHATFIELD talked to DEBARBA about their previous discussion regarding "spot recognitions;" DEBARBA indicated that it was not a closed issue and recommended that CHATFIELD send him an E-mail, after DEBARBA's vacation, to remind him of their discussion (Exhibit 11, pp. 15 and 16).

In a memorandum (E-mail) dated August 10, 1995, CHATFIELD specifically recommended to DEBARBA a "spot recognition" for GALATIS, CIZEK and George BETANCOURT. CHATFIELD wrote that he "felt (they) deserved recognition

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for their fortitude in sticking with and fighting for issues that they felt strongly about until proper resolution (had) been achieved." In particular, CHATFIELD wrote that in GALATIS' case it would be for "his involvement and perseverance on the MP-1 spent fuel pool issue as well as . . . his involvement on MP-1 valve 1-CU-29" (Exhibit 39).

After reading PARTLOW's memorandum, DEBARBA recalled PARTLOW's recommendation that OPEKA, BONACA, CHATFIELD and GALATIS sit down over a cup of coffee; but, he does not recall if that happened. DEBARBA indicated that he declined to give CIZEK a "spot recognition" for the work GALATIS had done, because he thought it would be perceived by the organization "as disingenuous, that given what had transpired with these situations, that these individuals would not feel that it was being awarded to them in a way that it was originally intended." DEBARBA stated that he thought that such an award "would have been a wrong message to them . . . [and] to the organization." DEBARBA also noted that he thought that GALATIS and CIZEK "would have received it negatively" (Exhibit 17, pp. 11-15).

Harassment, Intimidation, Etc.

With the exception of GALATIS, none of the individuals interviewed as part of this OI investigation indicated that, based upon their observations, NU or any of its employees harassed or discriminated against GALATIS. However, in CHATFIELD's notes of a conversation with GALATIS, CHATFIELD indicated that the organization certainly could have been capable of retaliation, although he had not identified any retaliation (Exhibit 8, p. 110).

AGENT'S NOTE: At the time that CHATFIELD made the statement to GALATIS about retaliation, CHATFIELD was referring to the results of an investigation he conducted on a concern raised by [REDACTED]

7C

PARULIS, GERBER, PITMAN, POKORA, KUPINSKI, BONACA, and DEBARBA all denied any discriminatory treatment of GALATIS (Exhibits 14, 20, 21, 23, 24, 31, 32, 34, 49, 50, 54, and 56-61). CIZEK, DIMARZO, McGOVERN, LASSONDE, HYKYS, McNATT, SWIDER, KOWAL, LEPPER, PATRIZZ, STOCKWELL, VanWEY, VERONESI and WADKINS, all coworkers of GALATIS at some point, were unable to identify any examples of harassment, intimidation, discrimination, or retaliation which they had observed. While several individuals thought that there might have been discrimination, their conclusions were based upon what they learned from the media and statements made by GALATIS (Exhibits 18, 19, 26-28, 30, 36, 44-48, 51-53, and 55).

One former coworker, Joe DIMARZO, a senior engineer, stated that, based on what GALATIS had told him, he believes that GALATIS was the victim of harassment and intimidation. But, DIMARZO does not have any first hand knowledge or personal observations which he could provide to support that statement. DIMARZO stated that he does believe what GALATIS told him, because GALATIS is an honest and moral person. DIMARZO stated that NU's failure to respond to GALATIS' concerns, in a timely manner, was a form of harassment.

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DIMARZO understands, from his conversations with GALATIS, that NU was playing games with GALATIS at meetings in response to his issues (Exhibit 26).

PATRIZZ worked with GALATIS under POKORA. PATRIZZ did not see that POKORA treated GALATIS any differently than others in the group. He learned about GALATIS' raising of concerns from GALATIS, and while he never observed any harassment, PATRIZZ did talk to GALATIS about being too loud on the telephone (Exhibit 52, pp. 12-18).

BONACA believes that the way GALATIS acted has also created a "chilling environment" at NU. By example, BONACA recalled GALATIS' intervention on issues such as 1-CU-29. When BONACA called a meeting with KUPINSKI, Don DUBE, and CIZEK, CIZEK appeared with GALATIS. By that point in time, GALATIS was already involved with issues other than the spent fuel pool. BONACA indicated that CIZEK told him that he (CIZEK) needed help on the 1-CU-29 issue and asked GALATIS to come to the meeting. He let GALATIS attend. During the meeting, BONACA stated that he received a telephone call from the NRC resident inspector, inquiring how the meeting was going. BONACA felt that GALATIS was setting him up, by attending a meeting he (BONACA) called on CIZEK's issue and then having the NRC resident inspector call during the meeting (Exhibit 57; see also Exhibit 23, pp. 46-48, 53, and 54).

BONACA does not believe that he has treated GALATIS unfairly on any issue, but recognizes GALATIS' tenacity. BONACA feels that it may be that same tenacity which resulted in [REDACTED]

[REDACTED] BONACA does not believe that NU discriminated against GALATIS, but indicated that NU did not respond fast enough to GALATIS' concerns. The units were not listening to anyone about GALATIS' spent fuel pool concerns. GALATIS took everything that he (GALATIS) did not like as discrimination (Exhibit 57). 7c

Also, while in BONACA's division, GALATIS worked for POKORA and KUPINSKI. GALATIS was assigned the LCM project. BONACA felt LCM is a "choice job." GALATIS also attended EPRI (Electric Power Research Institute) meetings. BONACA noted that GALATIS complained to him because he (GALATIS) did not want to travel on the weekend to an EPRI meeting and wanted NU to pay for him to travel on Friday. BONACA did not see that having GALATIS travel on the weekend was treating him unfairly; there were twelve other individuals who traveled on Sunday for a Monday meeting (Exhibit 57).

BONACA observed that people did not want to associate with GALATIS, because they were afraid he (GALATIS) would start something, not because there was any discrimination involved. When GALATIS was called to a meeting, GALATIS would not go or would say "call my lawyer." He believes that NU drove GALATIS to not being perceived as a team player by not responding to GALATIS' issues (Exhibit 57).

BONACA indicated that the "chilling effect" throughout the company is really NU's inability to handle allegers. GALATIS talked about handling technical concerns, while NU talked about Mark training as a way to handle employee

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concerns. No one knew how to handle GALATIS. BONACA stated that, at NU, there is misdirection in dealing with people and not learning how to deal with the substantive issues they raise.

According to BONACA, unresolved allegations at NU create a "chilling effect." This comes from an apparent rejection of technical issues and how that rejection can affect your job. Actions are directed at pleasing, supporting the plants. You have to go through a certain process to get unpleasant engineering decisions accepted. It is very hard to tell the plants that it will cost money to do something or they will have to shut down. Tenacity is required. But, it is the same tenacity which is used by the service provider that does not please the plants. BONACA stated that NU's lack of sensitivity to the requirements of the CFR caused the problems (Exhibit 57).

1996 Reorganization

On January 11, 1996, NU laid off approximately one-hundred employees, many of whom were involved in licensed activities associated with Millstone, as part of what NU has referred to as a workforce reduction. The process, according to NU, "force ranked" employees "based on their last two performance reviews and how the manager believed the employee was likely to perform in the future." The employees were ranked among their peers and against five fixed competencies and five supplemental nuclear competencies. These rankings were prepared by managers on a matrix (Exhibit 9; see also Exhibit 63). GALATIS was one of many employees who were ranked and not released by NU.

As GALATIS' responsible manager, KUPINSKI stated that he asked each of his supervisors to do the matrix evaluations for his group. Then, based on the competencies and performance assessments, his supervisors recommended candidates to be considered for workforce reduction based on their performance or lack of competencies (Exhibit 61, p. 24). Based upon a second review by his staff, KUPINSKI had eight candidates that were put on a summary list of the lowest rated candidates; this included a cross-section of people's names from all the groups that were under his management (Exhibit 61, pp. 26 and 27).

In preparing the matrix, KUPINSKI noted that they looked at the people, their value to his organization, and the impact of their departure to his group. With this in mind, KUPINSKI and others believed that GALATIS should certainly be one of the candidates considered for workforce reduction (Exhibit 61, p. 30 and Exhibit 56). However, he recalls [REDACTED] the original rating having been done by POKORA (Exhibit 61, pp. 39-42). KUPINSKI believed that the change he made was either in team work or effectiveness (Exhibit 61, pp. 31-33). 7c

POKORA recalled that he got together with the other supervisors and KUPINSKI, and they had a "fairly vigorous discussion" as to who the one person was that they would be losing. It was decided that [REDACTED] 7c

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ever been involved in raising safety concerns and the subject was not discussed (Exhibit 59, pp. 17-19 and Exhibit 56).

POKORA noted that GALATIS was the individual with the [REDACTED] POKORA indicated that GALATIS did not do work that was assigned to him and did not keep POKORA informed of work that he was involved in. POKORA described GALATIS as [REDACTED] While POKORA was technically GALATIS' supervisor, based upon management and legal advice, he was no longer required to evaluate GALATIS' performance. At the same time, POKORA prepared a matrix, addressing a number of factors, including team building, communication, job performance, etc. (Exhibit 59, pp. 20-27 and Exhibit 56). 7C

BONACA recalled making one change to the matrices which were prepared and sent to him; it was for GALATIS. BONACA felt that GALATIS' [REDACTED] BONACA told KUPINSKI. [REDACTED] 7C

BONACA recalled getting a telephone call from DEBARBA, who told him that he had "a problem . . . with the rating on teamwork for George Galatis because it seems very high, given the fact that nobody can work with the guy. I mean he doesn't want to work with anyone," et cetera. BONACA told DEBARBA that he instructed KUPINSKI to raise GALATIS' rating in consideration of GALATIS' protected status. DEBARBA reminded BONACA that they "should not have any considerations on these ratings based on any issue that has nothing to do with the work activity." Consequently, after talking to DEBARBA, he reduced GALATIS' rating back down to where KUPINSKI had it. BONACA was concerned because "the story from Human Resource was you go through the matrix, et cetera, and if there are special considerations . . . [they would] have legal consideration of the issue . . . at the end of the process . . . we will recognize protected status." BONACA indicated that, after his conversation with DEBARBA, Jeb DELOACH (Executive Associate to DEBARBA) brought the matrices back to BONACA and KUPINSKI changed the scores. He recalled that, at this point, no one had been X'd or identified for termination (Exhibit 58, pp. 50-52).

After submitting the matrices back to DEBARBA, DEBARBA called BONACA and indicated that he "had looked at the matrix, looked at the bottom of the four branches, and . . . he picked up . . . seven or eight names that were on the bottom of the four branches" (Exhibit 58, pp. 45-59 and 87-95). BONACA received the names of those who were to be released from DEBARBA, with the understanding that they were the lowest on the matrix list. BONACA believed that if they were not the lowest then he could have changed the names (Exhibit 58, p. 130).

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BONACA stated that he "would have a problem with George Galatis being laid off" because he had an issue about whether or not GALATIS' performance really was [REDACTED] in the department. BONACA questioned whether GALATIS' teamwork was [REDACTED] because he's born with this kind of terrible trait or "was NU "driving him to that kind of situation?" BONACA acknowledged that GALATIS "was probably one of the most effective guys in bringing up a number of issues of important (sic)" and "should be rated [REDACTED] He should be right to the top." These were the kinds of considerations that BONACA did not see being identified at the time of the layoff (Exhibit 58, pp. 96-100). BONACA feels that he went overboard to protect GALATIS in the layoffs, when others, like KUPINSKI, wanted GALATIS placed on the list (Exhibit 57). 7C

BONACA had several conversations with DEBARBA, explaining that he had already lost people to retirements and vacancies, and that he could not afford to lose more people. DEBARBA held fast and gave him several names from the matrices that BONACA's group prepared, indicating to BONACA that they were on the bottom of his lists. GALATIS' name was not among those identified for release (Exhibit 58, pp. 69-84). BONACA stated that during this process he "never felt undue pressure" from DEBARBA to give him a particular name (Exhibit 58, p. 129).

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SUPPLEMENTAL INFORMATION

On June 20, 1996, GALATIS entered into [REDACTED]

GALATIS is

presently [REDACTED]

(see also [REDACTED])

with C. GRISE, Senior Vice-president, NU).

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated October 31, 1995.
2	Transcribed Interview of GALATIS, dated January 31, 1996.
3	Organization Charts, dated October 1993.
4	Organization Charts, dated April 1994.
5	Transcribed Interview of CHATFIELD, dated November 14, 1995.
6	Letter to Concernee from CHATFIELD, dated October 31, 1995.
7	Transcribed Interview of CHATFIELD, dated January 24, 1996.
8	Transcribed Interview of CHATFIELD, dated January 25, 1996.
9	Letter from FEIGENBAUM to LANNING, dated February 15, 1996.
10	Transcribed Interview of CHATFIELD, dated February 22, 1996.
11	Transcribed Interview of CHATFIELD, dated March 19, 1996.
12	Transcribed Interview of CHATFIELD, dated February 21, 1996.
13	Transcribed Interview of OPEKA, dated May 14, 1996.
14	Transcribed Interview of PITMAN, dated May 15, 1996.
15	Transcribed Interview of WILSON, dated June 13, 1996.
16	Transcribed Interview of DEBARBA, dated March 6, 1996.
17	Transcribed Interview of DEBARBA, dated July 18, 1996.
18	Transcribed Interview of CIZEK, dated January 24, 1996.
19	Transcribed Interview of CIZEK, dated June 12, 1996.
20	Transcribed Interview of POKORA, dated December 12, 1995.
21	Transcribed Interview of POKORA, dated February 20, 1996.
22	Transcribed Interview of NECCI, dated May 14, 1996.

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- 23 Transcribed Interview of BONACA, dated June 26, 1996.
24 Interview Report of BONACA, dated August 7, 1996.
25 Transcribed Interview of HAYNES, dated May 15, 1996.
26 Interview Report of DIMARZO, dated September 11, 1996.
27 Interview Report of McGOVERN, dated September 12, 1996.
28 Interview Report of LASSONDE, dated September 12, 1996.
29 OPEKA Memorandum, dated November 8, 1993.
30 Interview Report of HYKYS, dated September 12, 1996.
31 Transcribed Interview of PARULIS, dated January 4, 1996.
32 Interview Report of PARULIS, dated September 19, 1996.
33 Transcribed Interview of CHATFIELD, dated March 20, 1996.
34 Transcribed Interview of KUPINSKI, dated December 12, 1995.
35 Transcribed Interview of FLEMING, dated December 14, 1995.
36 Transcribed Interview of CIZEK, dated November 30, 1995.
37 Interoffice Memorandum from KACICH to HARRIS, dated February 16, 1993, Re: ISAP.
38 Draft Interoffice Memorandum from KUPINSKI to BONACA, dated June 6, 1995.
39 Memorandum from CHATFIELD to DEBARBA, dated August 10, 1995.
40 Memorandum from PARTLOW to KACICH, dated March 9, 1994.
41 Memorandum from PARTLOW to KACICH, dated March 7, 1994.
42 Memorandum from CIZEK to DEBARBA, dated October 15, 1993.
43 Transcribed Interview of CHATFIELD, dated February 20, 1996.
44 Interview Report of McNATT, dated September 18, 1996.
45 Interview Report of SWIDER, dated September 18, 1996.
46 Interview Report of KOWAL, dated September 19, 1996.

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- 47 Interview Report of LEPPER, dated September 24, 1996.
48 Transcribed Interview of STOCKWELL, dated September 25, 1996.
49 Transcribed Interview of GERBER, dated September 24, 1996.
50 Transcribed Interview of PITMAN, dated September 25, 1996.
51 Interview Report of Van WEY, dated September 19, 1996.
52 Transcribed Interview of PATRIZZ, dated October 10, 1996.
53 Transcribed Interview of VERONESI, dated October 10, 1996.
54 Transcribed Interview of GRISE, dated October 10, 1996.
55 Transcribed Interview of WADKINS, dated October 30, 1996.
56 Interview Report of KUPINSKI, dated October 29, 1996.
57 Interview Report of BONACA, dated October 30, 1996.
58 Transcribed Interview of BONACA, dated May 8, 1996.
59 Transcribed Interview of POKORA, dated May 8, 1996.
60 Interview Report of POKORA, dated October 30, 1996.
61 Transcribed Interview of KUPINSKI, dated May 8, 1996.
62 Transcribed Interview of POKORA, dated March 18, 1996.

- [REDACTED] → C
- 64 Executive Summary of the Millstone Employee Concerns Assessment Team Report, dated January 29, 1996.
65 Executive Summary of the Report of the Fundamental Cause Assessment Team, dated July 12, 1996.

- [REDACTED] 7C
- 67 Memorandum from OPEKA to GALATIS, dated October 26, 1993.
68 Memorandum from GALATIS to OPEKA, dated October 27, 1993.
69 Memorandum from OPEKA to GALATIS, dated October 28, 1993.
70 REF 92-73 Memorandum, dated September 28, 1993.

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- 71 Memorandum from KACICH to PARTLOW, dated December 14, 1993.
- 72 NU Nuclear Group Policy 4.2, dated December 10, 1994.
- 73 Memorandum from OPEKA to All Nuclear Group Employees, dated
October 17, 1995.
- 74 Interview Report of PARUOLO, dated December 3, 1996.
- 75 Interview Report of KELLER, dated December 5, 1996.

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