

WITHHOLD FROM PUBLIC DISCLOSURE

ATTACHMENT

GSU Response to J. L. Milhoan's July 31, 1992
Letter to J. C. Deddens

I. Background and Summary

Your letter of July 31, 1992 refers to a Complaint, dated May 21, 1992, filed by Michael Holden, a former employee of S&W Technical Services, Inc. ("S&W") and General Electric - Nuclear Services, with the U.S. Department of Labor. Mr. Holden alleges discrimination by Gulf States Utilities Company ("GSU") pertaining to his employment at the River Bend Station in violation of Section 210 of the Energy Reorganization Act.

By letter dated June 26, 1992, the District Director of the Wage and Hour Division, Employment Standards Administration, Department of Labor, found that "Michael W. Holden was a protected employee engaged in a protected activity within the scope of the Energy Reorganization Act and that discrimination . . . was a factor in the actions which comprise his complaint." Because GSU strongly disagrees with that finding, for the reasons outlined below, an appeal was promptly filed on July 2, 1992. The matter has been set for hearing on January 12, 1993 before Department of Labor ("DOL") Administrative Law Judge Richard D. Mills.

Mr. Holden's Complaint alleges discrimination in the termination of his employment at the River Bend Station related to two outages -- the scheduled refueling outage from September 29 to December 4, 1990, and the unscheduled outage for generator repair from December 7, 1991 to January 21, 1992. Mr. Holden also complains of alleged blacklisting, i.e., the giving of bad references to potential employers following termination of employment at River Bend.

Mr. Holden's claims were part of an investigation of overall quality concerns pursued by GSU management since the Fall of 1991. As discussed below, two reports on these matters prepared by an independent investigator in October 1991 and January 1992 are available for examination at the site. These reports contain conclusions which in some respects find fault with two GSU supervisors and question their intentions. In many critical respects, however, we found the reports inconclusive. Therefore, when the Wage and Hour Division issued its findings on Mr. Holden's employment claims on June 26, 1992 and the NRC subsequently requested an explanation of actions related to Mr. Holden's employment, GSU management requested our outside counsel to conduct a fresh, independent investigation into the facts. The

WITHHOLD FROM PUBLIC DISCLOSURE

results of the recent investigation, which we have reviewed for accuracy and completeness, are summarized below.

Michael Holden's claims against GSU pertain to two periods of employment. During the third refueling outage in the last quarter of 1990, Holden, an S&W employee, was engaged at River Bend as an ASME Technician. After several weeks, his supervisor admonished him that his absences and lateness to work would not be tolerated, and that his job performance and productivity were below expectation. Holden's job performance did not improve, and he continued to miss work on his assigned shift. As a result, Holden was terminated in anticipation of a reduction in force toward the end of the outage.

Holden's second period of employment at River Bend occurred when he was hired as a millwright by General Electric during a generator repair outage in December 1991 - January 1992. Holden worked at River Bend until the completion of this outage. A GSU employee mentioned in passing to a GE representative his surprise that Holden and others were scheduled to work on Christmas day. No adverse action against Holden was suggested by the GSU employee, nor was any taken by GE. Holden worked on Christmas day, as scheduled, with others on his work crew. He was routinely terminated by GE on January 22, 1992, the day after the end of the outage. At no time did this GSU employee discuss with GE its decision to hire Holden, his performance as a millwright, or whether GE should employ or re-employ Holden.

Between these two periods of employment at River Bend, Holden filed a quality concern with the GSU Quality Concern Program, alleging that his first supervisor had given "bad references" about him to prospective employers. However, Holden withdrew this concern the following day. Later, when Holden was employed as a millwright by GE during the generator repair outage in December 1991, he filed another quality concern re-alleging the claim of "bad references" to prospective employers. However, the only person named by Holden as hearing the GSU supervisor give such "bad references" emphatically denies Holden's claim. Holden apparently drew an inference that he was being given "bad references" because he could not find work as an ASME Technician after the third refueling outage at River Bend. Our discussion with the job shop which referred Holden to River Bend, however, showed that Holden's difficulty in finding other than craft work is not unexpected, given his qualifications. This is confirmed by our own experience with Holden's work at River Bend -- that he did not know and could not properly apply ASME Code requirements, which led in part to his termination.

WITHHOLD FROM PUBLIC DISCLOSURE

Finally, Holden claimed in his second quality concern that his termination by GSU in 1990 resulted from his supervisor's interception of certain documents intended for a GSU QA Engineer. We have determined that this claim has no merit because (1) substantial reasons (poor performance and poor attendance) already existed for Holden's termination; (2) Holden did not produce or compile the documents in question, but was merely asked by a fellow employee to deliver them; (3) no adverse action was taken against the employee who did assemble the documentation -- he remained at the site until July 10, 1992, when he left voluntarily; and (4) the supervisor in question immediately turned over the documents to the QA Engineer for whom they were intended.

On the basis of our investigation, we have concluded that there were no actions taken against Mr. Holden by GSU employees as a result of his having engaged in protected activities under Section 210 of the Energy Reorganization Act, and that there are no actions taken by GSU employees respecting Mr. Holden's employment which have had or are likely to have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

II. Discussion

Mr. Milhoan's letter of July 31, 1992 first requests a response which:

1. Provides the basis for the employment action regarding the former contract employee and includes a copy of any investigation reports you have regarding the circumstances of the action.

Holden's Employment History

Michael Holden entered into a contract with S&W Technical Services, Inc. for assignment to River Bend as an ASME Technician, by which employment agreement Holden commenced work at River Bend on September 24, 1990 during the third refueling outage ("RF-3"). Holden was assigned to a work crew under the direct supervision of

[REDACTED] crew of ASME Engineers and Technicians was responsible for interpreting ASME Code requirements for craft personnel performing valve work during RF-3, which commenced September 29, 1990. Other contract employees assigned to [REDACTED], all of whom were similarly selected by GSU from resumes submitted by S&W, were [REDACTED]

WITHHOLD FROM PUBLIC DISCLOSURE

[REDACTED], also worked on the crew. [REDACTED] was a referral from [REDACTED], which was subsequently purchased by S&W. [REDACTED] by S&W and [REDACTED] was assigned to a different work crew under the supervision of [REDACTED] the [REDACTED], rather than [REDACTED]

As with all workers on this crew (and others during the outage), Holden was scheduled to work six 12-hour shifts weekly during the course of his employment. On September 24, 1990, Holden commenced General Employee Training, which lasted through September 29. Holden failed to show up for work on September 30, 1990, his first scheduled day of work on the job. A graph depicting Holden's daily work log is attached as Reference 1. No advance notice or subsequent explanation was given for his absence. The following day, Holden worked only eight hours of his regularly scheduled 12-hour shift. On October 5, 1990, Holden failed to work for an hour of his scheduled shift. Again, no reason for this early departure and absence is reflected in the log maintained by the crew foreman. On October 12, 1990, Holden worked only three hours and went home sick. The next day, he was one-half hour late for work. On October 18, 1990, Holden again failed to show up for work. On October 26, Holden worked two and a quarter hours and again went home sick.

As Holden's [REDACTED] discussed Holden's performance with his immediate superior, [REDACTED] the GSU [REDACTED] also received input from [REDACTED]. As a result of discussions with [REDACTED] became increasingly convinced that Holden did not have the knowledge of ASME Code Sections III and XI claimed in his resume, and that he could not perform his responsibilities as an ASME Technician adequately. [REDACTED] of one incident, for example, [REDACTED] which [REDACTED] to check the drywell to determine whether the valves were manufactured by Dresser or Velan. Holden reported approximately 10 of the 20 valves incorrectly, as determined by another crew member who rechecked the valves. Holden had no explanation for misidentifying the valves. The inference was inescapable that he had either failed to check the valves at all or did not know how to distinguish between the two types.

Additionally, [REDACTED] were concerned about Holden's poor attendance record in contrast to the good records of [REDACTED] (References 2 and 3). Yet another concern was Holden's low productivity. While some allowance is generally made

WITHHOLD FROM PUBLIC DISCLOSURE

for personal habits, [REDACTED] concluded that Holden's constant snacking at his desk, followed by retreats to the smoking area for fifteen minutes or more every several hours, seriously interfered with his productivity.

Sometime during the week commencing October 28, 1990, [REDACTED] met with Holden to discuss his absenteeism and inadequate performance. [REDACTED] told Holden at that time that his work was not up to par. Holden was advised that his attendance and job performance had to improve or other actions would be necessary. Holden told [REDACTED] that he was having car trouble, which was making it hard for him to get to work. [REDACTED] an extra day off so that Holden could take care of his car, and told him that he would no longer accept car problems as an excuse for Holden's poor attendance. Holden took off from work on November 1, 1990 to take care of his car. Nonetheless, problems with absenteeism continued. On November 10, 1990, Holden failed to work an hour of his scheduled shift, and on November 13 failed to show up for work altogether.

As the RF-3 outage proceeded, it was the responsibility [REDACTED] in consultation with his subordinates, to determine which individuals should be laid off as work decreased and it became necessary to make reductions in force at the request of GSU Cost Accounting. [REDACTED] periodically to determine which individuals were best qualified to complete the remaining work for the outage as it proceeded. Given the anticipated reduction in force and the problems experienced with Holden's absenteeism and performance, Holden's unexplained absence on November 13, 1990 was the last straw as far [REDACTED] was concerned.

Therefore, owing to his unimpressive job performance and attendance record, Holden was the first of the crew to be terminated by the reduction in force. By letter dated November 15, 1990, GSU Contracts/Procurement informed S&W that, "[d]ue to a reduction in force . . . the services of Mr. Michael Holden will no longer be required effective November 16, 1990." Our investigation therefore shows that Holden was terminated in accordance with normal reduction-in-force procedures. Mr. Holden's termination was fully justified by the non-discriminatory reasons of his weak job performance, low productivity, and poor attendance record, particularly in comparison with [REDACTED] other S&W employees [REDACTED].

WITHHOLD FROM PUBLIC DISCLOSURE

Preparation and Disposition of Condition Report 90-1008

In his findings, the DOL District Director referred to "the interception by supervisor [REDACTED] of an envelope containing papers relating to Quality Concern (QC) #90-1088 that was filed by employee [REDACTED]." Judging from Holden's letter of May 21, 1992 to DOL, we believe DOL was referring to documents relating to Condition Report (CR) 90-1008.

Although Holden was in no way involved in the preparation or disposition of CR 90-1008, he nonetheless claims [REDACTED] tried to block the transmittal of the envelope to GSU Quality Assurance (QA) Engineering personnel. We found his claim to lack credibility because, as discussed below, QA Engineering had already received a copy of CR 90-1008, was well informed of the welding incident described in CR 90-1008, and was actively tracking the investigation and root cause analysis prepared by Maintenance in response to CR 90-1008. Moreover, [REDACTED] personally called the GSU Senior QA Engineer into his office to show him the contents of the envelope at issue. The issuance of CR 90-1008 and the "envelope incident" occurred as described below.

On the evening shift of October 26, 1990, a work crew supervised by [REDACTED] and [REDACTED] was conducting RCIC testing. A guide to be used as a tool was necessary to complete the testing. [REDACTED] asked [REDACTED] to fabricate the tool, but the welder pointed out that he had not been qualified to weld aluminum as required for the fabrication. Nonetheless, he deferred to the judgment of [REDACTED] that the welding fell outside the requirements of the GSU welding procedure for non-ASME Code welding (SPP-7011) because the fabrication did not involve a permanent plant component, but only a tool which would be temporarily used and discarded.

After the welder proceeded, [REDACTED] observed the welding and ordered [REDACTED] to stop. [REDACTED] knew that [REDACTED] was not among the welders qualified to weld aluminum. He also observed that the welder was making his own weld filler material from scrap pieces of aluminum without a Maintenance Work Order (MWO) and weld data sheet package. After a discussion with [REDACTED] took up the matter with [REDACTED] who agreed with the foreman's interpretation that the work was not subject to non-ASME Code requirements under GSU procedures. [REDACTED] subsequently discussed the incident with [REDACTED] [REDACTED] concurred with [REDACTED] interpretation that the welding was outside SPP-7011

WITHHOLD FROM PUBLIC DISCLOSURE

requirements because the fabricated tool was not intended to be used as a permanent component of the plant. But because the welding was completed over his objections, [REDACTED] CR 90-1008.

Following normal procedure for disposition of a Condition Report, CR 90-1008 was logged and then assigned by Outage Director [REDACTED] acting for the Plant Manager, to Maintenance for a response. [REDACTED] in turn assigned this responsibility to [REDACTED] who asked [REDACTED], the GSU Senior Welding Engineer, and [REDACTED] to prepare the response for Block 10 of CR 90-1008 (Investigation, Analysis, Corrective Action, Disposition Details, Work Instructions) and Block 13 (Root Cause and Corrective Action to Prevent Recurrence). When [REDACTED] reviewed the initial draft of Blocks 10 and 13 prepared by [REDACTED] however, he concluded that [REDACTED] would not sign off on the draft response because the draft stated that the violation has resulted from a planned and deliberate attempt to circumvent GSU welding procedures (Reference 4 p. 3A-B). Based on his discussions with [REDACTED] [REDACTED] knew it was [REDACTED] opinion that the supervisors' misunderstanding of GSU welding procedures had caused the violation. In any event, [REDACTED] was unconvinced that the [REDACTED] had deliberately attempted to circumvent those procedures.

[REDACTED] himself prepared a response to CR 90-1008 which explained the violation as resulting from the supervisors' misconception (Reference 4, p. 3). [REDACTED] approved that analysis, including corrective action to retrain welders as to the applicability of GSU welding procedures to non-plant components. Each GSU and contract welder on site at the time (as well as the GSU Mechanical Maintenance foreman whose misinterpretation had resulted in CR 90-1008) was required to certify that he had read and understood the clarification provided by [REDACTED] the GSU Senior Welding Engineer (Reference 4, pp. 4-7).^V

In his corrective memorandum, [REDACTED] advised that "all welding performed during the fabrication of non-code tools should be performed in accordance with SPP-7011," encompassing such activities as truck repair, shop tool fabrication and other miscellaneous welding activities as defined by the Welding Engineer. The memorandum pointed out that welders who wish to

^V CR 90-1008, including both the [REDACTED] and [REDACTED] draft of the Analysis and Root Cause discussion and final disposition, is attached as Reference 4.

WITHHOLD FROM PUBLIC DISCLOSURE

become proficient in a welding process for which they were not yet qualified "may obtain weld filler material for practice\training purposes" under existing procedures.

Following completion of the corrective action, CR 90-1008 was submitted by Plant Maintenance to QA Engineering for review. However, [REDACTED], rejected Blocks 10 and 13 as drafted and sent CR 90-1008 back to Plant Maintenance for revision on July 29, 1991. In the view of the [REDACTED], Blocks 10 and 13 as drafted were "a deliberate attempt to mask the events and actions identified" in the Condition Report. He therefore believed that the "original disposition details (i.e., the draft prepared by [REDACTED]) presented to QA at the time the CR was written, due to request by this QAE, should be utilized." A copy of the QA Condition Report checklist containing these statements is attached as Reference 5.

The statements by the [REDACTED] resulted in a request by [REDACTED] for review by higher management. Because it appeared that an impasse had been reached as to whether the welder's supervisors misunderstood applicable welding procedures or simply ignored them, [REDACTED], requested QA to hire an independent investigator to review the facts. QA employed [REDACTED], a former GSU employee, to conduct the investigation. On October 17, 1991, [REDACTED] filed his report. [REDACTED] interviewed those involved in the welding incident and found disparate evidence as to whether the welding supervisors had misunderstood the applicability of GSU welding procedures for non-ASME Code work to the fabrication of the tool needed for RCIC testing, or had circumvented those procedures in an effort to save time during the outage. [REDACTED] inferred that the two experienced supervisors presumably knew the applicable procedure, which they nonetheless ignored.

Disposition of CR 90-1008 and Related Quality Concerns

At the time CR 90-1008 was undergoing disposition, the GSU Quality Assurance Department was investigating anonymously

✓ [REDACTED] report of investigation is available for inspection at the site. This report was prepared by [REDACTED] at the request of GSU management to determine the need for corrective action. Therefore, GSU has asserted the privilege afforded self-critical analysis to oppose production of this report in the pending DOL proceeding brought by Holden against GSU.

WITHHOLD FROM PUBLIC DISCLOSURE

filed Quality Concerns 90-10-022A (alleging that welders possessed uncontrolled welding material) and 90-10-022B (alleging that the reorganization of Welding Engineering within Maintenance had adversely impacted the Welding Program). These concerns were received anonymously on October 30, 1990, and were investigated by [REDACTED] who would subsequently become involved with the disposition of CR 90-1008.

It was during the course of [REDACTED] investigation of Quality Concerns 90-10-022A & B that [REDACTED] informed [REDACTED] he had initiated CR 90-1008 after discovering the welding violation. [REDACTED] told [REDACTED] because he was concerned about the different disposition of CR 90-1008 drafted by [REDACTED]. Because [REDACTED] deemed this issue pertinent to the management issue raised by Quality Concern 90-10-022B, the disposition of CR 90-1008 became tied to that of the quality concern.

The closure of Quality Concerns 90-10-022A/B is explained in a memorandum of August 4, 1992 issued by [REDACTED]. This memorandum provides the chronology of the earlier actions leading to the closure of the Quality Concern. It states that [REDACTED], discussed with [REDACTED], the results of the investigation conducted by [REDACTED] into the differences of opinion as to how CR 90-1008 should be dispositioned.² Among other things, the [REDACTED] was requested to respond in writing to indicate the actions taken or to be taken, including any disciplinary action:

- a) To insure procedural compliance to the welding program procedures.
- b) To insure an atmosphere that condones deceitful responses to QA no longer exists or is tolerated.
- c) To insure that responses to adverse conditions can be truthfully prepared

² In view of the need to preserve a claim of privilege for self-critical analyses in the pending DOL proceeding, a copy of the August 4 memorandum and attachments thereto are available for inspection at the site. Maintaining these records on site is also necessary to protect the confidentiality of concerns anonymously filed with the GSU Quality Concern Program.

WITHHOLD FROM PUBLIC DISCLOSURE

even when supervision . . . does not agree with them.

Additionally, the [REDACTED] was asked to provide any evidence supporting the concern of the [REDACTED] that the final disposition of CR 90-1008 was deliberately delayed.

By memorandum dated April 8, 1992, the [REDACTED] responded to the questions from the [REDACTED]. The [REDACTED] acknowledged that the standards and expectations established at the plant in pursuit of excellence, including "forthright, truthful communication to QA and all other organizations, internal and external" had not been met in this instance, where "schedule pressure apparently [led] to a bad decision," requiring written reprimand or oral counseling of the Maintenance management personnel involved. The [REDACTED] stated his intention to meet with each of the individuals to discuss the poor judgment exercised, appropriate standards of performance, and the need to exercise integrity and escalate disagreements to higher management. In that regard, the [REDACTED] expressed his opinion that Maintenance Engineering had provided an accurate response to CR 90-1008, but had failed to escalate the situation to higher management when its proposed disposition was rejected. Finally, the [REDACTED] stated that he was unable to find any evidence of a deliberate delay by Maintenance in responding to CR 90-1008.

Following this action, the [REDACTED] personally assumed responsibility for disposition of CR 90-1008. He reinstated the analysis of the welding incident originally prepared by Maintenance Engineering, except to delete the statements in the final paragraph that the procedural violation was a planned and deliberate attempt to circumvent the GSU welding program. [REDACTED] identified the root cause and corrective action to prevent recurrence (Block 13) by reference to his memorandum of April 8, 1992. On this basis, QA Engineering closed out CR 90-1008 with the following notation:

This CR is closed based on the revised disposition provided in corrective action taken by [REDACTED]. [Corrective action] is by judgment of [REDACTED] of a personal nature and will not be made part of this CR. This QAE is in agreement and recommends closure based on block 13 and revised block 10. No additional action is warranted.

WITHHOLD FROM PUBLIC DISCLOSURE

Holden's Claim of Discriminatory Termination Because of the Envelope Incident

As this chronology of events makes clear, Holden had no personal involvement whatsoever in the preparation or disposition of CR 90-1008. His second-hand knowledge of the matters described in CR 90-1008 stemmed completely from his discussions with other individuals. While Holden sided with [redacted] in the difference of opinion which developed between Plant Maintenance management and Welding Engineering over the disposition of CR 90-1008, he had no real part in it. Our investigation also shows that the responsible supervisors ([redacted]) had freely and openly discussed their differing versions with the [redacted] responsible for the closure of CR 90-1008 after the welding incident had occurred.

None of this involved or affected Holden. [redacted] was aware of Holden's generalized remarks that he might "go to the NRC," but thought Holden was referring to problems the Plant was experiencing with the Service Water System (SWS), which had already been the subject of various Condition Reports. He knew that the NRC was aware of SWS problems, and that the NRC had either seen or had easy access to whatever Condition Reports had been logged. His comment to those who informed him of Holden's threats to go to the NRC was that, if Holden wanted to go to the NRC, he should "have at it."

The only involvement claimed by Holden with regard to CR 90-1008 concerns the alleged interception of what Holden described as "substantiating documents" by co-worker [redacted]. Our investigation of these allegations shows that [redacted], the initiator of CR 90-1008, had placed a number of documents relating to CR 90-1008, photos of the SWS, and a computer printout of contract personnel with designated termination dates in an unsealed, string-tied envelope. He gave the envelope to [redacted] to give to Holden for delivery to [redacted], who was coming on the next shift. [redacted] showed the enclosures to [redacted] who decided that he should show them to [redacted]. Hence, [redacted] in no way "intercepted" any documents. In fact, [redacted] immediately called [redacted] to his office and showed [redacted] the documents in the envelope.

Included in the envelope was a computer printout of contract employees on which [redacted] had marked up the names and anticipated termination dates of certain employees, based on the upcoming reduction in force. [redacted] removed this list as well as

WITHHOLD FROM PUBLIC DISCLOSURE

photos of the SWS (which he had personally shot) because those items had been taken from his desk without his permission. [redacted] has confirmed to us that this printout was among the items included in the envelope. Although [redacted] no longer has the printout, there is a strong inference that it contained Holden's termination date of November 15, 1990.

Nothing in our investigation supports the inference that Holden was targeted for termination by [redacted] because [redacted] had intended him to pass along documents to [redacted]. Holden was used only as a conduit in delivering documents to [redacted] -- documents which he already had or (like the personnel list) were of no safety or quality concern. Moreover, [redacted] who compiled the documents for delivery to [redacted], and who presumably knew the identity of the person who had illicitly taken the photos and computer printout from [redacted] desk, remained employed at the site continuously from RF-3 until July 10, 1992. Holden was not terminated because of any protected activity in which he engaged, but because of poor performance evaluated in the course of an ordinary reduction in force.

Our most recent investigation also focused on Holden's allegations in his letter of May 21, 1991 to DOL that management had pressured another co-worker to change the content of a Condition Report to the point of threatening to fire him if he did not alter his findings to suit management. Holden is apparently referring to the welding incident which resulted in [redacted] initiation of CR 90-1008. As discussed above, our investigation showed that [redacted] the Codes & Standards [redacted] had asked [redacted] and [redacted] to draft a response to CR 90-1008. [redacted] however, believed that the draft response made the unwarranted assumption that the welder and his supervisors had deliberately circumvented well-understood welding procedures.

[redacted] personally redrafted the response in accordance with his understanding of the facts. Our investigation showed that [redacted] drafted the revised response on his own, and did not "pressure" either [redacted] to rewrite the response or to endorse his redrafted response. Indeed, the day after the welding incident, [redacted] requested [redacted] to prepare a memorandum describing the incident and documenting his reasons for initiating the Condition Report (Reference 6). Contrary to any threat to fire [redacted] reassured [redacted] after the incident (as [redacted] has acknowledged to us) that [redacted] job was secure. As noted, [redacted] remained employed at the site until July 10, 1992, when he left voluntarily. [redacted] confirmed to us that no one at River Bend threatened to fire him over this or any other incident.

WITHHOLD FROM PUBLIC DISCLOSURE

Ex. 6

The [redacted] denies that he told Holden that "there was nothing they could do, that their hands were tied," regarding a Quality Concern filed by Holden. At the time of his exit interview on November 15, 1990, Holden filed what was logged as Quality Concern 90-11-015. This concern asserted in broad terms a negative attitude in upper management, unspecified problems with the SWS, lack of competent craft personnel and other matters. It was ultimately dispositioned as unsubstantiated by [redacted], in a memorandum dated April 17, 1991. Both the GSU employee who logged this concern, [redacted], deny having made the remark attributed to some GSU employee by Holden.*

Holden's Re-Employment at River Bend as a
Contract Employee of General Electric - ADA Maintenance

During an unscheduled outage from December 7, 1991 through January 21, 1992, General Electric ("GE") provided contract services at River Bend for generator repair. ADA Maintenance is a subsidiary of GE which provided workers and technicians to GE for field work at the plant during this outage. Holden was hired as a millwright by ADA Maintenance for work with GE, and reported with other new hires on or about December 15, 1991. Shortly after he reported to work, he happened to encounter [redacted] the GSU [redacted], on the turbine deck. In their conversation, Holden told to [redacted] that he was working overtime on Christmas. Judging from Holden's tone of voice and choice of words, [redacted] believed that Holden was bragging about his overtime to taunt him.

Later, [redacted] was in the office of [redacted] the GSU [redacted], to discuss ongoing welding repairs. [redacted] the [redacted], a GE subsidiary which performs administrative work for ADA Maintenance, was also present. While [redacted] was on the telephone, [redacted] mentioned to [redacted] Holden's comment about working overtime on Christmas. He also mentioned that GSU had previously had a problem with Holden and had to let him go.

Our investigation showed that [redacted] did not think that [redacted] wanted GE to fire Holden. Rather, [redacted] thought [redacted] was

* Because the confidentiality of quality concerns lodged with the Quality Concerns Program is stringently enforced, Holden's quality concern files will be made available for inspection at the River Bend site in accordance with past GSU practice acceptable to the NRC.

WITHHOLD FROM PUBLIC DISCLOSURE

angry that Holden was bragging about his overtime at a time when GSU workers were having difficulty getting enough overtime. In fact, [redacted] was upset with Holden's boast of overtime work on Christmas because he believed that GSU employees would not be working on Christmas. Therefore, he saw no use for any GE work crews, including Holden or otherwise, to be working on Christmas. At no point did [redacted] report to any GE supervisor or other personnel that [redacted] or anyone at GSU wanted Holden to be fired, nor did [redacted] make any such request on [redacted] own initiative. Moreover, Holden did in fact work on Christmas.

In fact, Holden continued to work for GE until January 22, 1992, after the end of the outage on January 21, 1992. Our investigation shows that he was released by GE in accordance with the normal reduction in force toward the end of the outage. Our investigation also shows that [redacted] for Holden's group and Holden's [redacted] was satisfied with Holden's work as a millwright and had received no complaints regarding his job performance from any GSU or GE personnel. According to [redacted] Holden's termination date was determined by the end of the outage.

At the time [redacted] had discussed the conversation between [redacted] [redacted] had asked Holden to state his version of what happened. Holden acknowledged making comments of the sort attributed to him by [redacted] but denied any intention of boasting about overtime. Apparently upset by his perception that [redacted] was trying to have him removed, Holden complained to [redacted] and stated that he wanted to file another quality concern. [redacted] directed Holden to [redacted] of the GSU Quality Concern Program, who logged his allegations as Quality Concern 91-12-008A/B. This was the second quality concern filed by Holden related to his employment.

On February 12, 1991, Holden had first filed allegations with the Quality Concern Program (logged as Quality Concern 91-02-008) claiming that [redacted] had damaged his reputation with bad references to prospective employers. Holden stated that he was unable to obtain other employment after leaving River Bend during RF-3. He also alleged that [redacted] had overheard [redacted] giving such references. The next day, February 13, 1991, Holden withdrew his concern and requested that it not be pursued.

It was after his conversations with [redacted] on December 31, 1991 that Holden re-initiated essentially the same claim of bad references as Quality Concern 91-12-008A & B. Concern A alleged that Holden was "getting bad references from River Bend"

WITHHOLD FROM PUBLIC DISCLOSURE

and had been unable to obtain employment at other nuclear plants. Concern B related to the "envelope incident" discussed above. These claims have been held open pending disposition of the same claims in Holden's DOL complaint.

When [redacted], was advised of Holden's allegations of bad references, he assigned [redacted] to conduct a second investigation, which resulted in a Report of Investigation on Quality Concern No. 91-12-008A/B, filed January 28, 1992. As part of the Quality Concern Program files, this document is also available for NRC inspection at the site. The report found no evidence that any GSU personnel had given bad references about Holden to prospective employers. Nevertheless, [redacted] concluded in his report, that it was his "impression" that persons in the Codes & Standards group, as well as S&W personnel, had attempted to cast Holden in the worst possible light to destroy his credibility.

[redacted] report did not itself contain evidence to substantiate such an impression, but in view of the formal allegations filed by Holden in his letter of May 21, 1992 to DOL, GSU management authorized outside counsel to conduct a fresh investigation into Holden's termination of employment at River Bend during the RF-3 outage in the Fall of 1990 and the outage for generator repair in December 1991. This new investigation also included Holden's claims that [redacted] had given bad references to prospective nuclear employers. No written report was prepared, but the results of this investigation as reviewed and accepted by management are synopsized in the findings below.

1. Employment history and work records establish that Holden was terminated during RF-3 for poor job performance in anticipation of a routine reduction in force. As discussed above, Holden was hired as an ASME Technician solely on the basis of his resume. Yet, it became increasingly apparent during the outage that Holden's knowledge of ASME Code Sections III and XI was grossly inadequate. Moreover, his documented absences and tardiness, combined with low productivity, fully justified his termination. Other S&W employees who were retained, by comparison, had exemplary attendance records and were far more knowledgeable in the application of ASME Code requirements.

Therefore, we have concluded that Holden's termination in November 1990 was justified upon grounds of his poor employment performance. Also, owing to Holden's lack of ASME Code expertise, the inability of S&W to place Holden in a similar position at other plants is unremarkable. [redacted], and

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[redacted] described Holden as a "field hand," "a machinist," "a millwright," whom they had "given a real break" in placing him at the South Texas plant as a "subject matter expert" for mechanical maintenance training. These individuals stated that S&W had tried to give Holden "the benefit of the doubt" in placing him at South Texas as an instructor inasmuch as he was more aptly qualified as a "nuts and bolts guy."

This has reinforced our judgment that Holden was simply not qualified to work as an ASME Technician at River Bend, and also explains why he has been unable to achieve such a position at other plants.

2. The so-called "envelope incident" played no part in Holden's termination on November 13, 1990 during RF-3. Holden claims that his termination during RF-3 resulted from his receipt of the envelope which [redacted] the initiator of [redacted], had prepared for delivery to [redacted] the [redacted] responsible for approving its disposition. Our recent investigation shows that those involved in the "envelope incident" have responded truthfully concerning the events, and that the incident was unrelated to Holden's termination.

[redacted] had spoken to Holden about his repeated absences and tardiness and had made it clear in no uncertain terms that further absenteeism would not be tolerated. Holden failed to report to work on November 13, 1990. For [redacted] this was the last straw. November 14 was Holden's regularly scheduled day off. On November 15, Holden was notified of his termination, effective the next day.

In any event, our recent investigation found no individual involved in this incident who claims that [redacted] was upset by [redacted] passing documents to [redacted]. Rather, all involved in the incident [redacted] agreed that [redacted] was upset that photographs of the SWS and the contract personnel list had been taken from his desk without his permission. Moreover, Holden's only role in the incident was as a courier. If the envelope [redacted] had handed to [redacted] to give to Holden to deliver to [redacted]. We find no plausible reason why Holden would have been the target of any discrimination based on this very incidental involvement. As noted, [redacted] himself remained employed at the site until [redacted], when he left voluntarily. And [redacted] personally reassured [redacted] at the time of the envelope incident that [redacted] job was secure, even though [redacted] obviously knew who had taken the photos and contract personnel list from [redacted] desk.

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3. [redacted] made no request that General Electric fire Holden and was concerned only about unnecessary holiday overtime. Our investigation has confirmed that [redacted], the [redacted], had a chance encounter with Holden during the generator outage in December 1991 for generator repair in which Holden told [redacted] that he was working overtime on Christmas. It struck [redacted] as unusual that Holden or any contract employee would be scheduled for overtime on Christmas inasmuch as he was unaware of any scheduled work. Because he thought no GSU personnel would be working, [redacted] saw no need for any stand-by crew of contract employees.

In mentioning this concern to [redacted], [redacted] representative, [redacted] tried to make it clear that he was concerned about any contract crew working over Christmas, not just Holden. [redacted] is certain, however, that [redacted] did not ask for Holden to be fired. [redacted] Holden's [redacted] during the generator outage, confirmed that [redacted] did not tell him that [redacted] wanted Holden fired. However, in discussions with [redacted] Holden apparently misinterpreted [redacted] point.

[redacted] was totally unconcerned with whether GE hired Holden. In fact, Holden remained employed as a millwright for GE until January 22, 1992, after completion of the outage on January 21, 1992. [redacted] has stated that Holden's work as a millwright was satisfactory and that he would hire him again. Accordingly, we find no evidence that [redacted] statements to any GE representative adversely impacted Holden's future employment with GE or any other contractor.

4. No GSU employee has given "bad references" concerning Holden to any prospective employer. As discussed above, Holden filed Quality Concern 91-02-008 on February 12, 1991, which he withdrew the next day, and Quality Concerns 91-12-008A & B on December 31, 1991. These concerns allege that [redacted] provided prospective employers with bad references. Our recent investigation has found no such discrimination, nor have we found any reason why any GSU employee would have discriminated against Holden. He was not involved in the preparation or disposition of CR 90-1008 or any other quality or safety-related document at issue, except for the quality concern he filed anonymously at the time of his exit interview on November 15, 1990. Because quality concerns are filed and processed with strict confidentiality to the concernee, no GSU employee outside the Quality Assurance Department and upper management even knew of this concern or its disposition as unsubstantiated. Also, we see nothing in Holden's history of employment at River Bend which would have motivated [redacted] or any

WITHHOLD FROM PUBLIC DISCLOSURE

other GSU employee to "get even" by giving bad references to prospective employers.

As they did at the time of the earlier investigation, both [redacted] the [redacted], the GSU [redacted] vigorously deny giving any bad references concerning Holden to prospective employers or anyone else. Neither individual recalls any inquiries about Holden. More specifically, neither recalls any conversation with any S&W or GE representative about Holden's performance.

[redacted] acknowledges that S&W periodically asks for feedback on some employees, but recalls no conversations with [redacted] or any other S&W employee regarding Holden. [redacted] said he was neither surprised nor concerned when he learned that Holden was working for GE during the generator outage in December 1991. He assumed from Holden's resume and the nature of the generator repair work that Holden was employed as a millwright. He knew that the work required a number of millwrights and thought it was up to GE to decide who it should hire for this work. [redacted] received no request for references regarding Holden from any representative of the Arkansas One plant or any other plant or contractor.

[redacted] also denies giving any bad references to Holden's prospective employers. He acknowledges that, in discussing Holden's bragging about Christmas overtime with [redacted], he explained as background that Holden had been previously terminated during RF-3. [redacted] is unsure how he characterized Holden's termination, but may have attributed it Holden's sub-par performance.

Our recent investigation focused sharply on the recollection of [redacted] since 1987, regarding their contacts with Holden. [redacted] recalls he informed Holden that he had been terminated as of November 16, 1990, based on a telephone call from [redacted] a representative of [redacted] at the site, followed up by a letter to that effect. Both he and [redacted] described this process as very routine. Holden called [redacted] a month or two after he had been terminated. Holden told [redacted] that he had been terminated because of problems he had identified, and that he was going to file a Quality Concern with GSU. [redacted] told him to "make sure your facts are straight."

Holden called [redacted] a second time and spoke with him and [redacted]. During this second call, Holden told [redacted] that he had been unable to find work elsewhere, claiming that [redacted] had given bad references. [redacted]

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says that Holden offered no proof of any bad references, but had apparently drawn the inference because he could not find employment. [redacted] categorically denies the statements Holden attributed to him in his DOL complaint, i.e., that Holden's pursuit of his quality concern on alleged "bad references" would jeopardize Holden's career and possibly compromise [redacted] position. [redacted] further denies saying anything about [redacted] as Holden claimed in his DOL complaint. [redacted] also emphatically denies Holden's contention that [redacted] had told him that he [redacted] had overheard [redacted] giving a bad reference concerning Holden to a representative of the Arkansas One plant. [redacted] denies being present in [redacted] office at the time Holden claims, or overhearing any conversations from someone from Arkansas One.

Our recent investigation also looked into the problems claimed by Holden in obtaining new employment. [redacted] explained that S&W tried to find new work for Holden after his termination at River Bend. S&W submitted a packet of approximately 50-75 resumes to Arkansas One, including Holden's. About 20 S&W employees were hired, but not Holden. [redacted] categorically deny any "blacklisting" of Holden, or that any GSU employee ever asked S&W to exclude Holden from future applications. Attempts by S&W to place Holden at Arkansas One and other plants were nonetheless unsuccessful. [redacted] pointed out that a majority of S&W applications are generally rejected, and S&W never asks prospective employers why they had not selected particular applicants. Regarding Holden's qualifications to perform other than craft work, [redacted] acknowledged that S&W had given Holden a "real break" in placing him at South Texas as an ASME Code instructor and further acknowledged, in retrospect, that Holden's technical qualifications for the ASME Technician position at River Bend were marginal.

The sum of the evidence leads us to conclude that Holden is not a skilled ASME Technician, and that it is not unexpected that Holden would experience difficulty in obtaining work above the craft level at other nuclear power plants. We find no evidence that his inability to obtain such employment can be attributed to any "bad references" or any other statements by GSU employees to prospective employers or job shops regarding his qualifications. Moreover, contrary to the "impression" stated in the [redacted] report of January 28, 1992, our recent investigation uncovered no reason whatever why any GSU employee or S&W representative would consider Holden a threat or have any reason to discredit him.

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Actions Taken to Preclude "Chilling Effects"

Mr. Milhoan's letter of July 31, 1992 also requests a response which:

2. Describes the actions, if any, taken or planned to assure that this employment action does not have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

Fundamentally, GSU's termination of Holden in November 1990 during RF-3 will have no chilling effect in discouraging other employees from raising perceived safety concerns because the termination was made for legitimate, performance-related reasons. Moreover, both GSU and contractor employees who worked with Holden understood the reasons for his dismissal and, at least to some degree, shared management's opinion of Holden's job performance.

With regard to Holden's subsequent employment by GE during the generator outage in December 1991, GSU took no employment action against Mr. Holden whatsoever. Holden completed his scheduled term of employment with GE, which ended just after the completion of the outage. To the extent that [REDACTED] the GSU [REDACTED], questioned Holden's working overtime on Christmas, the GE representatives who heard [REDACTED] comments understood that [REDACTED] was merely questioning unnecessary overtime, not seeking Holden's termination.

With respect to Holden's claims that [REDACTED] the GSU [REDACTED], gave bad references to prospective employers, no chilling effect will occur because no such action was taken. Moreover, Holden's quality concerns were processed confidentially within the GSU Quality Concern Program. Only Quality Assurance Department and management personnel were aware of those claims. Other GSU or contract employees would have no knowledge of Holden's quality concerns or their disposition. Accordingly, their willingness to report safety or quality matters would be unaffected by Holden's unsubstantiated claims of bad references.

Nevertheless, to provide added assurance against the potential for such claims, the GSU [REDACTED] has reinforced existing GSU policy with explicit instructions that any references for contract personnel are to come only from the contractor. Any references for GSU personnel are to come only from the GSU Human Relations Department (Reference 7). Also, the [REDACTED]

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has scheduled a full presentation to be made this Fall by the Human Relations Department on compliance with requirements under Section 210 of the Energy Reorganization Act and 10 C.F.R. § 50.7 for those engaged in protected activities.

GSU managers encourage GSU employees and contract employees to resolve any quality or other safety concern through the GSU Quality Concern Program, including concerns of harassment, discrimination or retaliation of any kind. The anonymity and confidentiality afforded employees who submit such concerns help to assure the continued success of the program. Based on the number of concerns filed since Holden's termination in November 1990, taking into account the number and duration of outages, the allegations in Mr. Holden's letter to DOL have not had any "chilling effect" on the willingness of employees to come forward with concerns.

Finally, notwithstanding our finding that no adverse action was taken against Holden for his filing of quality concerns or engaging in any other protected action, GSU management will not hesitate to take disciplinary and other personnel actions necessary to preclude any violation of 10 CFR 50.7. We sincerely believe that such personnel actions taken to date have successfully deterred harassment and fostered an environment in which employees feel free to raise any safety or quality concerns. Additionally, concerns involving any implication of misconduct by management are reviewed by [REDACTED], with representatives of the Nuclear Review Board. Accordingly, GSU management is confident that, following the NRC's review of Holden's employment at the River Bend site, your conclusion will corroborate our findings that there has been no violation of 10 CFR 50.7 nor any chilling effect on the willingness of GSU employees to raise safety concerns.

III. Conclusion

For the reasons discussed above, no employment action was taken against Mr. Holden in retaliation for his having engaged in any activity protected by federal law. The only employment action taken against Mr. Holden by GSU was his termination on November 15, 1990 for bona fide, performance-related reasons of absenteeism, tardiness, low productivity and an inability to demonstrate a knowledge of the ASME Code commensurate with his position as an ASME Code Technician. No evidence of bad references to prospective employers was uncovered.

Because no employment action was taken against Mr. Holden in violation of federal law, no chilling effect in discouraging

WITHHOLD FROM PUBLIC DISCLOSURE

other licensee or contractor employees from raising perceived safety concerns is likely to result. GSU has nonetheless taken affirmative steps to help assure against future claims that bad references have been given to prospective employers, and also plans to retrain GSU staff on the importance of compliance with federal law protecting those who engage in protected activities.

BOLDENS
DAILY WORK LOG

Week Ending	SUN	MON	TUES	WED	THUR	FRI	SAT	COMMENTS
9/29	SOFF	10	9	9	8	4	SOFF	TRAINING
10/6	OFF	8	12	OFF	12	11	12	12 HR/SF
10/13	12	12	12	OFF	12	3	11.5	
10/20	12	12	12	OFF	OFF	12	12	
10/24	12	12	12	OFF	12	2	13	
11/3	12	12	12	OFF	OFF	12	12	NIGHTS TO DAYS
11/10	12	12	12	OFF	12	12	11	
11/17	12	12	OFF	OFF	8	8		LET GO THUR

cc COST SYSTEMS - MAT



MANIIOUR TRACKING CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MA1



MANHOURL TRACKING CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MA1



MANHOURL TRACKING CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MA1



MANHOURL TRACKING CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MAI



MANIIOUR TRACKING CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MA1



MANHOURL TRACKING
CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MA1



MANIIOUR TRACKING CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MA1



MANHOOR TRACKING CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MA1



MANHOURL TRACKING CONTRACT LABOR

EMPLOYEE:

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EMPLOYEE:

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MANHOOR TRACKING CONTRACT LABOR

EMPLOYEE:

cc COST SYSTEMS - MA1



MANHOURL TRACKING CONTRACT LABOR

EMPLOYEE:

2. ☐ 24 Hrs
3. ☐ 10 Work Days
C. ☐ 30 Cal Days
D. ☐ Outside Date 10-21-90 Time

CONDITION
REPORT
RIVER BEND STATION

7. NO. 11-1191
PAGE 1 of

1. SYSTEM NO. AND NAME 809 / RCIC (ICS) COMPONENT NO. NA
COMPONENT NAME TEMP TEST FIXTURE LOCATION BLDG/ELEV 2222 MACH. SH.
DISCOVERY (DATE/TIME) 10-21-90 / 2100 EVENT DATE/TIME 10-21-90 / 2100
INITIATED BY: ☐ SHIFT SUPERVISOR ☒ OTHER C. PATRICK / MECH. PRINT ENG. NAME:

2. CONDITION DETECTION:
☐ OPERATIONAL ABNORMALITY ☐ PREVENTIVE MAINT. ☐ CORRECTIVE MAINT. ☐ OBSERVATK
☐ ISI ☐ SURVEILLANCE TESTING ☐ SPECIAL INSPECTION ☐ ALARM
☒ OTHER (EXPLAIN) UNQUALIFIED WELDER
REQUIRED REFERENCE (TITLE, DOCUMENT NO., REVISION, DATE, SECTION, ETC.)
☐ TECHNICAL SPECIFICATION ☐ 10CFR ☐ SECTION(S)
☒ PROCEDURE NO. GENERAL MAINT. WELDING MANUAL PARA. 222.221 CAN. TEST. 1
☐ MWO NO. NA ☐ RAD WORK PERMIT NO. NA ☐ OTHER (IDENTIFY) NA

3. DESCRIPTION OF CONDITION AND IMMEDIATE ACTIONS TAKEN:
WELDER [REDACTED] SYMBOL [REDACTED] WAS OBSERVED WELDING (GTAW) AN ALUMINUM
TEST FIXTURE (NON-CODE) FOR RCIC (ICS) TEST IN THE COLD MACHINE SHOP.
WELDER IS NOT QUALIFIED IN ACCORDANCE WITH GSW'S GMMW SPP-7006 REV.
TO PERFORM THIS TYPE OF WELDING. A FURTHER EXAMINATION SHOWED THE WE
WAS MAKING HIS OWN WELD FILLER MATERIAL BY CUTTING SMALL STRIPS OF AL
FROM STOCK MATERIAL AND UTILIZING IT AS WELD FILLER MATERIAL. THIS IS A
VIOLATION OF SPP-7009 REV. 6. WORK WAS BEING PERFORMED WITHOUT A WEL
DATA SHEET BEING ISSUED AS REQUIRED BY SPP-7010 REV. 4. OR A WELDING P
SPECIFICATION BEING UTILIZED, AS REQUIRED BY SPP-7011 REV. 0.
WELDER STATED HE WAS DIRECTED BY HIS FOREMAN TO PERFORM THE WELD

NOTIFIED: FOREMAN [REDACTED]
SHIFT MECH. SUPERVISOR [REDACTED]

☒ ORIGINATOR REQUESTS CLOSED COPY OF CONDITION REPORT

4. ASSOCIATED DOCUMENT INITIATED:
☐ MWO NO. NA ☐ WR NO. NA ☐ OTHER (EXPLAIN) NA

5. NO. DEFICIENCY TAGS 18

6. PLANT CONDITION: 1 2 3 4 5 (CIRCLE ONE) LCO NO. NA
RX POWER/MAT 2 MWE 2 RX PRESSURE RX LEVEL 223
CORE FLOW 10-22 ACTIVITY IN PROGRESS

7. MATERIAL COMPONENT CLASSIFICATION:
☐ O CLASS 1 (SAFETY RELATED) ☒ O CLASS 2 (NON-SAFETY RELATED) ☐ N/A
☒ O PROGRAM APPLICABLE (PASS, RADWASTE, FIRE PROTECTION, CAT II SEISMIC, MATE)

8. REPORTABILITY/OPERABILITY DETERMINATION:
☐ OPERABILITY EVALUATION REQUIRED
☒ REPORT NOT REQUIRED
☐ NRC PHONE NOTIFICATION MADE ON
☐ LER, SECURITY OR SPECIAL REPORT REQUIRED BY
☐ OTHER (PLANT MANAGER, EMER. PLAN NOTIFICATION, ETC.)
COMMENTS:
SS SIGNATURE [REDACTED] (DATE) 10/21/90

9. RESPONSIBILITY ASSIGNMENTS:
INVESTIGATION, ANALYSIS AND CORRECTIVE ACTION ASSIGNED TO [REDACTED]
COMMENTS:

CLOSE OUT REVIEW: ☐ APM-TS ☐ APM-O ☐ APM-M ☐ D-RP ☐ OTHER
BLOCK 13 RESPONSE REQUIRED ☐ YES ☐ NO
PLANT MANAGER [REDACTED] DATE 10-21-90

2. INVESTIGATION, ANALYSIS, CORRECTIVE ACTION, DISPOSITION DETAILS, WORK INSTRUCTIONS

See page 3 of 4 - Investigation
12/12/92
12/12/92

DISPOSITION ACTION

☐ REWORK ☒ REPAIR ☐ USE AS-IS ☒ N/A

☐ REJECT / RECLASSIFY / SCRAP / RETURN TO SUPPLIER (CIRCLE ONE) *REJECT*

10CFR50.59 REVIEW REQ'D ☐ YES ☒ NO

POTENTIAL 10CFR21 ☐ YES ☒ NO

ASME ☐ YES ☒ NO

PREPARED BY *[Signature]* DATE *12/12/92* REVIEWER *[Signature]* DATE *12/12/92*

11. NONCONFORMANCE ☒ YES ☐ OTHER (IDENTIFY) *[Blank]*

REVIEWER *[Signature]* DATE *12/12/92*

12. DISPOSITION ACTION COMPLETED: ☐ YES ☐ NO ☒ N/A TAGS REMOVED: ☐ YES ☐ NO ☒ N/A

VERIFIED BY *[Signature]* DATE *12/12/92*

13. ROOT CAUSE AND CORRECTIVE ACTION TO PREVENT RECURRENCE

See page 3 of 4 - Investigation
See page 3 of 4 - Investigation

CORRECTIVE ACTION COMPLETED: ☒ YES ☐ NO ☐ N/A

PREPARED BY *[Signature]* DATE *12/12/92* REVIEWER *[Signature]* DATE *12/12/92*

14. DOCUMENTATION INITIATED:

1. TWO ☒ MR ☐ OTHER *Corrective Action*

15. QA REVIEW *[Signature]* DATE *7/12/92* ANI REVIEW *[Signature]* DATE *7/12/92*

16. FRC REVIEW ☐ YES ☒ NO SIGNATURE *[Signature]* DATE *7/12/92* MTG. NO. *[Blank]*

LER NO. *[Blank]* SPECIAL REPORT DATED *[Blank]* NRC IR *[Blank]*

17. CLOSE OUT *10CFR 50.59 REVIEW OF DSP. DATED 7/12/91 BY*

This CR is closed based on the revised disposition provided by corrective action taken by PXS. CA is by judgment of the plant manager & QA manager of a personal nature and will not be made part of this CR. This CR is recommended for closure by 11 block 13 and revised block 10. No additional action is warranted.

[Signature] *7/12/92*

FOLLOW-UP EVALUATION DATE *[Blank]* NPO NETWORK ENTRY ☐ YES ☒ NO

TEND ANALYSIS CODE: *[Blank]* KEYWORD: *[Blank]*

PLANT MANAGER DESIGNEE *[Blank]* DATE *[Blank]*



CONDITION REPORT

CONTINUATION PAGE

CR 70-1008

PAGE 3 OF 4

BLOCK 10 - INVESTIGATION & DISPOSITION

INVESTIGATION: The investigation of this event revealed that the welder and his foreman were either misinformed or had a misconception of the total scope and applicability of River Bends welding program. Both individuals failed to realize that fabrication of shop tools by welding was under the scope of the Non-Code portion of the welding program (spp-7011) and consequently must be performed by a qualified welder using properly issued weld filler material. This misconception resulted in the procedural violations denoted in block 3 of this condition report.

The test fixture which was fabricated was used for the ACIC test run and was removed from the power block after the test thus eliminating a plant safety operational concern.

DISPOSITION: N/A

BLOCK 13: ROOT CAUSE AND CORRECTIVE ACTION TO PREVENT RECURRENCE

The root cause of this event was the welder and welder foreman not recognizing the relationship between shop tool fabrication by welding and the requirements of River Bends Non-Code welding program requirements. Training on this event will be provided for all GSU welders and their foreman. Each GSU welder and their foreman shall be required to read and sign the attached letter signifying that they have been made aware of the requirements for fabrication of tools by welding.

BLOCK 10
INVESTIGATION & ANALYSIS

On the night of Oct 16, 1990 at approximate 2000 hours [REDACTED] was observed welding on a aluminum tool fixture by [REDACTED] the night shift [REDACTED]. It was later determined that [REDACTED] was not certified to perform aluminum welding and that he was performing the task without any paper work (i.e. MWO, weld data sheet or MWR) or approved filler material. To be specific he was making his own filler material from small pieces of aluminum. The welding engineer contacted the welders foreman and supervisor and informed them of the procedure violation. At this time no attempt was made to stop the work or comply with the welding procedures by either the foreman or supervisor.

The welding which was being performed is considered non-code welding and falls under the jurisdiction of SPP-7011. General Welding Procedure for Non-Code Activities. This procedure clearly establishes the rules for non-code welding activities such as tool fabrication, truck repair and other activities of this nature and the procedure has been in effect since 1987. The procedure specifically requires that:

Only welders qualified in accordance with GSO's welding program shall perform production welding, temporary welding, tack welding or repair welding and

All welders for QA Categories I, II, III, and non category welding shall be qualified for the material and process in accordance with GSO's welding program and

That welding shall be accomplished using filler metals specified by the welding procedure specification and

That the welding foreman shall be responsible for ensuring that all welding performed is accomplished by employing the requirements of SPP-7011 and

That the designated welding foreman shall issue a weld data sheet for the weld data package before any welding is under taken and the weld data sheet shall identify the applicable WPS to be employed for welding.

Contrary to the procedural requirements denoted above the welding was being performed:

By a welder who was not qualified to the specific process and material and

The weld filler material being used was not in compliance with the appropriate weld procedure specification and

The welder was not carrying a weld data sheet or weld data

package and

The welder was working without a MWO even through a blank MWO for non-code shop welding. All misc tools had been approved and made available to all Mech. foreman and has been used numerous times before and

The foreman nor the supervisor insured the welding was being performed in accordance with SPP-7011.

Discussions with the welder and foreman revealed that they were aware of the procedural requirements for fabrication misc tool by welding and that a blanket MWO was available for this activity. However the individuals were also aware that the MW required that the welding be performed by a qualified welder and that a welder qualified to aluminum was not available at the time, therefore the decision was made to use a unqualified without consulting engineering. This action resulted in the first violation.

GSH's welding program does not allow the insurance of weld filler material to a welder who is not qualified to the process being used therefore the welder could not obtain filler material. In an attempt to get around this blockage the welder was instructed to fabricate filler material from the aluminum plate which results in violation no. 2.

In addition both activities denoted above was performed with the knowledge and consent of the welder's foreman and supervisor. This act violates the requirement established by SPP-7011 and resulted in the third violation. Violation number four occurs when the foreman and supervisor was informed of the procedural problem and they failed to stop work. This is in direct violation of ADM-28.

In conclusion the actions denoted above indicates that the procedural violation documented by this condition report was ~~planned and deliberate attempt to circumvent GSH's established welding program~~ ~~in was not a result of inadequate knowledge of the requirements established by approved procedures~~ ~~and occur.~~

See block 13 for corrective action.

MEMORANDUM

TO: GSO Mechanical Maintenance Foreman
and Welders

November 5, 1990

FROM: [REDACTED]

AFM-M-90-349

SUBJ: NON-CODE WELDING PERFORMED OUTSIDE
OF POWER BLOCK, i.e. TOOL FABRICATION

Please be advised that all welding performed during the fabrication of non-code tools should be performed in accordance with SFP-7011, GENERAL WELDING PROCEDURE FOR NON-CODE ACTIVITIES. The work should be documented in accordance with ISAO R143629, which has been established for this purpose.

Non-Code welding is defined as any welding which is performed that is not subject to ASME, ANSI, AWS or other fabrication code requirements. Non-Code welding encompasses such activities as truck repair, shop tool fabrication and other miscellaneous welding activities as defined by the Welding Engineer. FABRICATION OF LIFTING DEVICES ARE NOT COVERED BY THIS DEFINITION.

Welders who wish to become proficient in another welding process or technique may obtain weld filler material for practice/training purposes. The Maintenance Foreman is responsible for determining the type of welding to be performed during the practice/training activity. He is also responsible for ensuring that the activity is controlled in accordance with the requirements of SFP-7009. All practice/training activities shall be approved by the Welding Engineer/Designee prior to issuance of weld filler material.

2/m

TO: [REDACTED]

PROCEDURE ORIENTATION/REQUIRED READING RECORD (GROUP)

I have read and understand the following:

1. *Procedure/Memo (R Gr. CC) _____
 (Cross Ref.)
2. *Rev/Date _____
 (Cross Ref.)
3. *Title _____
 (Doc. Title)
4. Section(s) _____
5. *SSI _____
 (Cross Ref.)
6. *NAME (Print or type) _____
 (Cross Ref.)
7. SIGNATURE _____
8. DATE COM _____

SEE REVERSE SIDE FOR FURTHER INFORMATION

*Indexing Information

PROCEDURE ORIENTATION/REQUIRED READING RECORD (GROUP)

I have read and understand the following:

1. *Procedure/Memo (R AC. CC) (Cross Ref.)
2. *Rev/Date (Cross Ref.)
3. *Title (Doc. Title)
4. Section(s)
5. *SSA (Cross Ref.)
6. *NAME (Print or type) (Cross Ref.)
7. SIGNATURE
8. DATE COM

SEE REVERSE SIDE FOR FURTHER INFORMATION

*Indexing Information



PROCEDURE ORIENTATION/REQUIRED READING RECORD (GROUP)

I have read and understand the following:

1. *Procedure/Memo IR Gr. CC
(Cross Ref.)
2. *Rev/Date
(Cross Ref.)
3. *Title
(Doc. Title)
4. Section(s)
5. *SS#
(Cross Ref.)
6. *NAME (Print or type)
(Cross Ref.)
7. SIGNATURE
8. DATE COM

SEE REVERSE SIDE FOR FURTHER INFORMATION

*Indexing Information

.1 No weld material shall be issued from this type station for maintenance or production work unless approved by the APM and Welding Engineer for specific projects outside the protected area. A memo to the APM shall identify the scope and extent of the project.

.2 Material issued from this type station shall be issued by the APM, Welding Engineer, or designee.

7.3.2 The issuance and return of all weld filler material shall be controlled and documented on the Weld Material Requisition (WMR), Attachment 8.1.

7.3.3 No weld filler material shall be issued without a properly completed and signed WMR. The issuing attendant shall ensure the WMR is properly completed, signed and the welder is qualified for the WPS listed, except as noted below:

.1 From issue station(s) as described in paragraph 7.3.1.4, where personnel who are training or qualifying are not qualified to the specified WPS.

.2 On special occasions where a vendor or special organization is contacted for repair work, the Welding Engineer may authorize welding/brazing material to be supplied to the vendor for welding or brazing by an operator who is not qualified in accordance with GSU's "General Maintenance Welding Manual". This authorization is based on the following conditions being met prior to any welding or brazing being performed:

.1 A qualified welding/brazing procedure has been submitted and approved by the Welding Engineer.

7.3.1.4 "Test Facility" remote issue station(s) shall be established and located (on a temporary or long term basis) as deemed necessary by the APM and/or Welding Engineer. This type station shall be used for the purpose of weld, braze or thermal spray procedure qualification, welder/brazer or welding/thermal spray operators training and/or qualification and shall incorporate all provisions of this procedure except as follows.

7.3.1.4.1 No weld material shall be issued from this type station for maintenance or production work unless approved by the APM and Welding Engineer for specific projects outside the protected area. A memo to the APM shall identify the scope and extent of the project.

7.3.1.4.2 Material issued from this type station shall be issued by the APM, Welding Engineer, or designee.

7.3.2 The issuance and return of all weld filler material shall be controlled and documented on the Weld Material Requisition (WMR) Attachment 1.

7.3.3 No weld filler material shall be issued without a properly completed and signed WMR. The issuing attendant shall ensure the WMR is properly completed, signed, and the welder is qualified *for the WPS listed.

7.3.3.1 *Except from issue station(s) as described in sub para. 7.3.1.4 where personnel training or qualifying are not qualified to the specified WPS.

7.3.4 No one shall have in his/her possession any welding/brazing filler material or thermal spray powder without a completed and signed WMR.

7.3.5 Only the personnel on the authorized list supplied by the Welding Engineer are permitted to issue a WMR to welders/welding operators, brazers, or thermal spray operators.

7.3.6 Electrodes issued to welders from storage ovens or hermetically sealed containers should be placed in portable rod ovens upon issuance. If portable rod ovens are not available or practical for the application, electrodes may be issued in leather pouches.

*In effect at
Time of incident*

Page 1 of 3Page 1 of 3

Carta Rostered	
DR	CR
/	/
/	/
/	/
/	/
BLOCK - A	
YY/RR/DD	YY/RR/DD

RECEIVED FROM

DECLASSIFIED

1. CONDITION

REPORT NO. 1

90-1008

2. DATE TO CASE:

(11) 07105191

YY NM DD

3. ASSIGNED CASE

412

Initials

4. RETURNED TO:

ADMINISTRATION
OJA (After Set Review)
DESIGN CONTROL COORDINATION
PERMANENT PLANT FILE
MAINTENANCE
OPERATIONS

FRANKS
 OR
 ROBERT FRANKS
 ROBERT
 SHERIFF
 OTHER

5. DATE TO

(11) 910729

QA Clerk:

YY MM DD

42

YY MM DD

5. PAY THE SLOTTING:

14

* BECHTEL ODD




AEI.

7. ~~SECRET~~ ~~SECRET~~

209

RESPONSIBLE DEPT.: MNT

ITEM NO.	CR BLOCK	DEF ORPCT N/A	UNDEF RESOLVED	REVIEW ATTENTION
19	12			ADDITIONAL ROOT CAUSE AND CORRECTIVE ACTION TO PREVENT REOCCURRENCE HAS BEEN PROVIDED FOR FAILURES, MALFUNCTIONS, DEFICIENCIES, DEVIATIONS, DEFECTIVE MATERIAL/EQUIPMENT, ABNORMAL OCCURRENCES, NONCONFORMANCES AND REPORTABLE EVENTS
20	12			VERIFY THAT ONE OF THE INDIVIDUALS SIGNING FOR BLOCK 12 HAS IDENTIFIED ROOT CAUSE TRACKING
21	12			CORRECTIVE ACTION TO PREVENT REOCCURRENCE IS EITHER COMPLETE COES-REFERENCES WITH AN MNO, MR, QAE OR DON (VERIFY DRIVE DED QA TRACKING SYSTEM)
22	13			VERIFY BLOCK 13 IS COMPLETED OR MARKED N/A. PFC REQUIRED FOR ONE-TIME DEVIATIONS, LER'S, SPECIAL REPORTS, MRC IR's, ETC. ORP. ADM-00021

- NOTES:
- 1) IF ADDITIONAL SPACE IS NEEDED, USE THE BACK OF THIS SHEET
 - 2) IF UNSATISFACTORY ITEMS ARE IDENTIFIED, LIST THE VIOLATED DOCUMENT, SECTION AND PARAGRAPH IN ADDITION TO A BRIEF EXPLANATION OF THE PROBLEM. DOCUMENTING A QAE ENTRY, INCLUDE NAMES OF PERSONNEL IN ATTENDANCE AND BRIEF SUMMARY OF THE MEETING.

REMARKS: No QA review provided. This block 10 and 11 are a deliberate attempt to mask the events and actions identified in block 3. The original disposition details asserted to QA at the time the CR was written due to request by this QAE should be utilized. QA will not submit to the misguided utilization of this disposition to redirect a known procedural violation instigated to save time in an outage.
Copy to Quality Concern File.

REPORTED BY	<u>[REDACTED]</u>	DATE	<u>07/29/91</u>	RESOLVED ORPCT REVIEW	DATE	<u>07/29/91</u>	REVIEWED BY	DATE
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October 27, 1990

To:

From:

Subject: Events leading to the writing of C.A. No. 90-1008
Unqualified welder.

On the night of October 26, 1990 at approximately 2000 hours, as I was walking through the cold machine shop, I heard the sound of GTAW being performed using high frequency. Since this is not a common welding process used at River Bend, I went to see what was being welded.

I observed [redacted] Weld Symbol No. R011, welding on an aluminum item. [redacted] was also present, helping him as required. As I looked around the work area I realized that none of the usual documentation required for welding was present, so I spoke a few casual words to [redacted].

I immediately left the area and proceeded to the Weld Material Issue Station. I was sure that [redacted] was not qualified to weld aluminum using the GTAW Process, but I wanted to verify it by checking the Qualified Welders List. A review of this document showed that he was not qualified. I then questioned the weld issue attendants about issuing of aluminum weld filler material, all advised me that they had not issued any. I then searched through the Weld Material Requisitions issued for the 26th of October, this search showed no aluminum weld filler material issued -- was!

I went back to the cold shop and talked to [redacted] the conversation to the best of my knowledge was as follows:

I asked [redacted] "what are you welding on?" He said, "a clamp to be used for RCIC test". I then asked, "where is your paperwork?" He said, "I don't have any". I then asked, "where are you getting your filler material?" He said, "we are making it". I said, "you know you are not qualified to weld aluminum". He said, "I know I was told to weld it by my foreman". I said, "who is your foreman I need to talk to him". He said, [redacted].

I then left [redacted] and went into the foreman's office and told [redacted] I needed to talk to him about the welding that was being performed by [redacted]. To the best of my knowledge the following conversation transpired between us:

I asked [redacted] "did you tell [redacted] to do the welding job he is doing?" He said, "yes". I then asked, "do you know he is not qualified to weld aluminum?" He said, "yes, but we didn't draw any weld material" and he is only making a clamp to be used in the RCIC test which is needed for [redacted]. I said, "I still have a problem with this since it is not in accordance with the welder's

MEMORANDUM

TO: Holders of Nuclear
Procedures Manual

FROM: Senior Vice President - RBNG

PS/MD-026
Effective Date: April 20, 1992
Revision: 5
Page 1 of 4
(RBNP-020)

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APR 24 1992

Nuclear Procedures Manual
Policy Statement/Management Directive (PS/MD)

SDC

SUBJECT: Contract Employee Policies

A. CONTRACT EMPLOYEE PROCUREMENT POLICY

In today's environment at a nuclear power plant, even routine employment decisions can have significant impact on the Company and on the individuals involved in making such decisions. This is particularly true of contractor employees who may be employed at River Bend for only a relatively short time.

To ensure the desired level of control and to minimize problems with potential contractors, current contractors and contract employees, the following procurement policies shall be followed:

- (1) The Senior Vice President-RBNG's approval on a Purchase Requisition is required to authorize the use of contract employees.
- (2) All procurement-related communication, written and oral, for contract employees shall be through the Contracts and Procurement Services (CPS) Group.
- (3) The CPS Group will request resumes from contractors only after the Senior Vice President-RBNG has authorized the use of contract employees per item (1) above.
- (4) The CPS Group will obtain from the low cost supplier resumes of qualified individuals for the requestor's review. GSU will accept only resumes of contract employees requested by the CPS Group. All firms submitting resumes at the request of GSU will be directed to submit those resumes to the attention of the Supervisor-CPS or designee. All resumes submitted will be unpriced. The CPS Group will provide the requesting River Bend line Supervisor with copies of those resumes.