

October 16, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONDOCKETED
USNRC

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289 SP
)	(Restart-Management Remand)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

Notice to Commission, Appeal Board,
Licensing Board and Parties

By notice, dated September 26, 1984, Licensee distributed a letter to Mr. P.R. Clark, President, GPU Nuclear Corporation, from Mr. C.W. Sandford, Deputy General Manager, Bechtel North American Power Corporation, related to allegations of harrassment of Richard D. Parks during his employment at TMI-2. The Sandford letter indicated a full report on the subject was in preparation.

Enclosed is a copy of that full report entitled "Report of Bechtel North American Power Corporation Regarding the Allegations of Richard D. Parks", dated October, 1984. I am informed this report was received by Licensee on October 12, 1984. The report consists in its entirety of the enclosure and some six inches of back-up documentation in a four-volume Appendix. The contents of the Appendix is identified in the report itself at

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pages iii-v. Licensee is providing the entire report including the four-volume Appendix to Mr. Harold Denton, Director, Office of Nuclear Reactor Regulation, NRC.

Respectfully submitted,

Ernest L. Blake, Jr.
Ernest L. Blake, Jr., P.C.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
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METROPOLITAN EDISON COMPANY)	Docket No. 50-289
)	(Restart-Management Phase)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Notice to Commission, Appeal Board, Licensing Board and Parties," dated October 16, 1984, were served on those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 16th day of October, 1984.

Respectfully submitted,

Ernest L. Blake, Jr.
Ernest L. Blake, Jr., P.C.

DATED: October 16, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289 SP
)	(Restart Remand on Management)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

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REPORT OF BECHTEL NORTH
AMERICAN POWER CORPORATION REGARDING
THE ALLEGATIONS OF RICHARD D. PARKS

OCTOBER 1984

REPORT OF BECHTEL NORTH
AMERICAN POWER CORPORATION REGARDING
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EXECUTIVE SUMMARY

This report responds to the conclusions set forth in the NRC Report issued in July, 1984, and numbered NUREG-0680, Supp. No. 5, to the effect that Bechtel North American Power Corporation harassed a former employee named Richard D. Parks. The report points out that, due to the NRC's regulatory focus on the management integrity of General Public Utilities Nuclear Corporation and the fact that Bechtel and Parks settled their differences before a full record was developed in Department of Labor proceedings, the evidence upon which the conclusion that Bechtel harassed Parks is based is incomplete. The report demonstrates that the overwhelming weight of documentary evidence and sworn testimony, most of which was collected in the Stier Investigation, shows that Parks was not harassed in any manner, and, in fact, was treated leniently despite having publicly disparaged the reputations of many of his colleagues. Further, the report demonstrates that Parks' affidavit is so riddled with serious errors that his allegations, on both harassment and non-harassment issues, simply cannot be believed.

I. INTRODUCTION

The Nuclear Regulatory Commission ("NRC") issued a report in July, 1984, entitled "TMI-1 Restart: An Evaluation of the Licensee's Management Integrity as It Affects Restart of Three Mile Island Nuclear Station Unit 1 Docket 50-289" and numbered NUREG-0680, Supp. No. 5 ("Staff Report"), which concludes in part that Bechtel North American Power Corporation ("Bechtel") harassed Richard D. Parks ("Parks"), a former start-up and test engineer at TMI-2, and which also concludes that General Public Utilities Nuclear Corporation ("GPUN") did not harass two employees named Edwin Gischel and Lawrence King. The purpose of the present report is to review all the available evidence regarding Parks' allegations of harassment and to set the record straight about those allegations. The evidence will show that Bechtel did not harass Parks in any way and that Parks' affidavit of March 23, 1983, released at a carefully staged and widely publicized news conference, is so riddled with serious errors and unfounded and malicious allegations against his colleagues that Bechtel had no choice but to remove Parks from TMI.

II. PARKS' HARASSMENT ALLEGATIONS

A. Background

The Staff Report's primary focus is upon the management integrity of GPUN, the licensee of TMI-1, and therefore the harassment allegations of Gischel and King, both former GPUN employees, were reviewed more thoroughly than Parks' allegations of harassment because Parks was a Bechtel employee. In fact, neither the NRC Staff nor the NRC Office of Investigations ("OI") conducted a thorough investigation of Parks' harassment allegations. The Staff Report relies on a report by OI dated May 18, 1984, entitled "Three Mile Island Nuclear Generating

Station, Unit 2, Allegations Regarding Discriminatory Acts for Raising Safety Concerns on Safety Related Modifications, Quality Assurance Procedures and Use of Polar Crane" ("OI Report"). The OI Report, in turn, was based exclusively on a preliminary report of a Department of Labor Compliance Officer ("DOL Report") and not on an independent investigation. (OI Report, pp. 77-78.) 1/

The DOL Report, however, was not intended to be, and in fact was not, a thorough and complete fact-finding investigation and thus does not provide adequate support for the conclusion that Bechtel harassed Parks. The most important limitation of the DOL investigation is that the

1/ Parks filed a complaint with the DOL alleging that he had been harassed for expressing safety concerns about TMI-2. A Compliance Officer from the Wage & Hour Division of the Department of Labor investigated and attempted to conciliate Parks' complaint.

It is significant that the NRC questioned OI regarding the Parks investigation at a public hearing on May 23, 1984. The following testimony of the Director of OI demonstrates that OI's focus was on the regulatory task of reviewing the licensee, GPW, rather than on conducting a thorough inquiry into Parks' allegations:

[Director of OI]: Well, I think the purpose of the [DOL] investigation was to determine whether or not the licensee/Bechtel harassed, intimidated Mr. Parks. The Department of Labor said -- found for Mr. Parks, which, in essence --

[Commissioner 1]: Yes, and you all basically agreed with that.

[Director of OI]: And we, we looked at their investigation and we felt it met our regulatory needs. And the employer and employee came to a mutually agreeable resolution at that point. Whether there's -- whether the Commission or the staff desire additional actions, still yet has to be decided upon a review.

(Footnote 1 continued on next page)

Compliance Officer was required by statute (1) to investigate Parks' complaint "on a priority basis" (29 C.F.R. § 29.4(b)), and (2) "[w]ithin 30 days of the receipt of [Parks'] complaint, [to] complete the investigation, determine whether the alleged violation has occurred, and give notice of the determination which shall contain a statement of reasons for the findings and conclusions therein." (29 C.F.R. § 24.4(d)(1).) Thus, the single DOL Compliance Officer who investigated Parks' complaint was operating under severe time constraints imposed by statute.

The primary purpose of the DOL report procedure also weakens its ability to function as a thorough investigation. The Staff Report itself recognizes that the DOL Compliance Officer's investigation was primarily aimed at remedying the purported injury Parks had suffered:

DOL was primarily concerned with correcting the harm that had befallen Parks, so their investigation went only as far as they felt was necessary to determine that Parks' employer, Bechtel, had improperly

(Footnote 1 from previous page)

[Commissioner 1]: So, you confirmed -- I don't want to put words into your mouth, but I'm trying to find out to what extent you confirmed the Department of Labor finding.

[Director of OI]: Yes. We reviewed their analysis and their investigation and found that they're complete enough, at least in our opinion to meet our regulatory requirements. And that, of course, was made available to the staff. [Emphasis added.]

Thus, OI was only willing to state that the DOL investigation was sufficient for the regulatory purpose of reviewing the management integrity of GPUN.

discriminated against him for having raised concerns about the safety of the polar crane project. (Staff R., p.10-18.) [Emphasis added.] 2/

Given its remedial purpose it would appear that the DOL investigation would not seek to highlight each side's position to determine which side is correct, but instead would downplay the differences between the parties in an attempt to bring about an amicable settlement. In view of the parties' eventual settlement, the DOL investigation achieved this important goal. However, pursuit of this goal sacrifices thoroughness and objectivity which might be expected in a comprehensive fact-finding process.

Thus, the DOL investigation must be evaluated in light of the strict statutory deadlines imposed upon the DOL, and of its admittedly remedial purpose. Given the speed with which the DOL Compliance Officer had to act, a thorough fact-finding process cannot be expected. That is why the Compliance Officer's findings are treated by the Department of Labor as only preliminary, and not as final. It does not seem appropriate for the NRC to give those findings more weight than the Department of Labor itself gives them.

Another reason for not relying on the DOL Report is that it has been superseded by the substantial body of sworn testimony and other evidence contained in the Stier Report of November 16, 1983. The exhaustive evidence in the Stier Report, which was not available to the DOL Compliance Officer, compels the conclusion that Bechtel never harassed Parks, and calls into question Parks' motives and credibility.

2/ The Staff Report will be cited herein as "Staff R."

Edwin H. Stier, a member of the New Jersey law firm of Kirsten, Friedman & Cherin, PC., and former Assistant Attorney General and Director of the New Jersey Division of Criminal Justice, was retained by GPUN on March 25, 1983, to investigate the allegations made by King, Parks, Gischel and Joyce Wenger, and to prepare a report regarding those allegations to be submitted to the NRC as a public document. (Stier R., p.3.) 3/ The report prepared by Mr. Stier comprises four volumes of text totalling over 400 pages which set forth Stier's findings; four volumes of appendices containing the documentary evidence adduced in the investigation; and five volumes of statements of over 90 witnesses taken under oath. One volume of the Stier Report is devoted to Parks' "mystery man" allegation made in his affidavit of March 23, 1984, to the effect that one of his colleagues caused the 1979 accident at TMI-2, and another volume is devoted the harassment allegations of King, Gischel and Wenger.

Although it was not one of Stier's expressed purposes to evaluate Parks' allegations of harassment (Stier R., p.3), much of the subject matter of Parks' affidavit involves safety and management integrity concerns which were intended to be, and were in fact, within the scope of Stier's investigation. Accordingly, Mr. Stier's investigation developed a substantial body of evidence relating to Parks' concerns, and, because of the overlapping nature of Parks' concerns and harassment allegations, the investigation also developed significant evidence which bears directly upon Parks' harassment allegations and his credibility.

3/ The Stier Report will be cited herein as "Stier R."

In light of all the voluminous evidence, in both the Stier Report and the affidavits submitted along with this report, which totally contradicts Parks' allegations, the conclusion that Bechtel acted forthrightly and in a non-discriminatory manner in all actions regarding Parks is inescapable.

B. General Context of Parks' Allegations.

Parks was employed by Bechtel as a start-up engineer assigned to the Site Operations group ("Site Ops") at TMI-2, and in that position he reported directly to Mr. Lawrence King, Site Ops Director. In early 1983, one of the projects underway at TMI-2 was the refurbishment and testing of the polar crane, and Parks was responsible for reviewing a proposed procedure for the load test of the polar crane.

The gist of Parks' harassment allegations is that his superiors attempted to stifle safety concerns that he and other Site Ops engineers were raising regarding the polar crane test program. The specific allegations are that Parks was pressured by Bechtel to abandon his objections to the polar crane test (1) by being threatened with counselling, (2) by being threatened with a transfer, (3) by having job responsibilities removed, (4) by being interrogated about a breach of Bechtel's conflict of interest policy, (5) by being threatened with humiliation and ultimately (6) by being suspended from TMI-2 with pay in retaliation for holding a press conference airing his safety concerns.

Each of these claimed acts of harassment will be addressed later in this report. It will be shown that Parks' allegations of harassment reflect a highly speculative chain of circumstantial evidence which does not stand up. In fact, close scrutiny reveals that many of the links in the chain of circumstances are inferences unsupported by any facts other

than the bald allegations of Parks, and the remaining links are unrelated events blown out of all proportion. However, at the outset several general observations about Parks' allegations must be noted.

1. Purported Retaliation for
Expression of "Safety Concerns."

Despite the implication to the contrary, the undisputed evidence shows that Parks' objections to the polar crane test program had been largely resolved in his favor before the critical incidents about which he complained. Thus, management never endeavored to silence or impede Parks' objections, nor would management have had any incentive to do so in light of the corrective measures it had taken.

The objections which Parks originated were set forth in his comments on the draft polar crane load test procedure dated February 17, 1983. Parks' objections fall into three categories: first, he contended that the load test procedure involved an unreviewed safety question under 10 C.F.R. § 50.59; second, he argued that the formal formatting and administrative requirements of the load test procedure did not conform to Administrative Procedure 1047 ("AP-1047"); and third, he contended that some of the modifications performed on the crane during the course of the refurbishment work were not performed in accordance with the procedural requirements of Administrative Procedure 1043 ("AP-1043"). (Stier R., Vol. IV, p. 67.)

Parks' concern that there was an unreviewed safety question under section 50.59 was resolved when he spoke with Mr. Charles Hansen, Recovery Program's Regulatory Coordinator, on February 22, 1983. Mr. Hansen, who was the Recovery Programs employee primarily responsible for

evaluating licensing matters, told Parks that this issue was covered in the polar crane safety evaluation report ("SER") and, therefore, no section 50.59 issue was present. (Hansen, pp. 30, 35.) 4/

Later in the day of February 22, 1983, a meeting was held to afford an open discussion of Parks' other comments. After this meeting, Mr. Bahman K. Kanga, Director of TMI-2, responded to the concerns regarding AP-1043 and AP-1047 by directing the Quality Assurance ("QA") department to review the load test procedure and the modifications performed on the crane to assess their conformity to the administrative procedures. (Ballard, pp. 10-11.) This instruction reflected Mr. Kanga's general approach of making certain that all questions concerning the polar crane were fully investigated and resolved before the actual load test of the crane.

On the next day, February 23, Mr. Blaine Ballard, manager, TMI, QA, Modifications-Operations, advised management that the modifications of unlike kind performed on the crane without engineering change memoranda might have violated the procedural requirements of AP-1043. (Ballard, pp. 31-32.) At this meeting Mr. Ballard stated that QA would

4/ For the sake of clarity, references to statements taken by Mr. Stier and his associates will refer only to the name of the individual giving the statement and the relevant page or pages. Since some individuals had statements taken on more than one occasion, the date of the statement is also cited when necessary to avoid confusion. These statements can be found in the first three volumes of the appendix.

References to the affidavits appended to this report will refer simply to the specific affidavit, e.g., "Kitler Aff." These affidavits, as well as miscellaneous documents, can be found in the fourth volume of the appendix.

issue a Quality Deficiency Report ("QDR") concerning these modifications and that each modification would be reviewed to ascertain whether the necessary engineering documentation had been prepared. (Ibid.)

Regarding the AP-1047 issue, Mr. Ballard advised management at the February 23 meeting that the substantive technical requirements of AP-1047 had to be met but that it would not be necessary to reformat the load test procedure. (Id., pp. 26-26A.) However, he warned that failure to comply with the formatting requirements would also be addressed by the forthcoming QDR. At the March 4, 1983 T.W.G. meeting, which was convened at Parks' request, the T.W.G. went even farther and decided that the load test procedure would be revised to conform with all of the formal formatting requirements of AP-1047. (T.W.G. Minutes, 3-4-83 (Stier R., App. B, Tab 90).)

To summarize, virtually all of Parks' concerns regarding the polar crane test program were either finally resolved by the March 4 T.W.G. meeting or corrective measures were well underway to satisfy these concerns. It is especially noteworthy that Parks approved of the minutes of the March 4 T.W.G. meeting and gave no indication during that meeting that there were any significant outstanding problems which had not been adequately addressed. (Id.) It is therefore unlikely that management would have harbored a motive to try to silence Parks' objections when in fact they were being met. This conclusion is reinforced by the general consensus that none of Parks' objections were major in the sense that actual safety concerns were involved or that the curative measures would require a substantial expenditure of time and effort. (See, e.g., Hansen, p. 36.) Thus, when the primary events in dispute are considered

in light of other contemporaneous events, Parks' contention that management was motivated by a retaliatory purpose appears quite implausible and no evidence to the contrary has been adduced.

2. Purported Loss of Job Duties.

As a result of expression of his "safety concerns," according to Parks, his job responsibilities were drastically eroded. However, this claim does not withstand reasoned analysis.

Parks' first claimed loss of responsibility, rebutted at length in section II, E, below, is his replacement as alternate start-up and test ("SU&T") supervisor. The alternate serves as acting SU&T supervisor and as chair of T.W.G. in the absence of the supervisor himself. Immediately following Parks' replacement as alternate, however, Parks was appointed by King to T.W.G. as primary Site Ops representative. (Kitler Aff.) Thus, one of Parks' claimed lost responsibilities was in fact immediately regained.

Parks' second claimed loss of responsibility was his replacement from T.W.G. as primary Site Ops representative. As set forth in section II, H, below, Parks' replacement was with his prior knowledge and express consent. Moreover, Parks' replacement was with respect to the polar crane only, and was therefore only limited and temporary in nature.

Last, the most dramatic of Parks' claimed losses of responsibility was his suspension following his press conference. As will be shown, Parks' leave of absence with pay was the most reasonable course of action available to Bechtel after Parks' provocative and libelous press conference which resulted in widespread media coverage since it was carefully staged to occur on the eve of the fourth year anniversary of the unfortunate accident at TMI-2 in March, 1979.

Thus, at the outset it should be noted that Parks' claims of lost responsibility are, in large part, simply illusory. Parks was reappointed to T.W.G. shortly after his replacement as alternative SU&T supervisor; Parks' subsequent replacement on T.W.G. was limited and temporary in nature; and Parks' suspension was a wholly justified response to Parks' irresponsible behavior.

With these general observations in mind, each of Parks' specific harassment complaints, as reflected in the Staff Report, will be addressed.

C. Parks' Specific Harrassment Allegations:
The Purported "Counselling" Threat.

The Staff Report states that "Parks felt that the harassment began as early as January, 1983 when T. Morris, the acting chairman of the Head Lift Task Force, said after a meeting that Parks should be counselled for his negative attitude...." (Staff R., p.10-2.) The basis for this statement is Parks' allegation that

[a]fter a meeting, Mr. Morris told Richard Sieglitz, Manager of Plant Maintenance, that I should be counselled for my negative attitude. I know because Sieglitz described the conversation to a group of Site Operations members including myself. He added that he responded that he shared my attitude and told Morris that I was right. (Aff., p.8.) 5/

The obvious inference which Parks hopes will be drawn from this allegation is that Parks was unjustifiably threatened with a negative performance evaluation.

5/ The Parks affidavit of March 23, 1983, which was released at his widely attended press conference, is cited herein as "Aff."

The evidence in the Stier Report record conclusively rebuts this allegation. First, Mr. Morris' rebuke of Parks was unrelated to the polar crane and was instead a legitimate response to Parks' uncooperative attitude. Mr. Morris states:

In general, any time Mr. Parks was asked for status of what Site Operations was doing to support the Head Lift schedule, Mr. Parks would raise a series of complaints and objections as to why he could not do any number of things. Not once would he suggest a way to get them done, only the fact that [neither] he nor anybody from Site Operations could do them. He did this at every meeting that I was ever at with him. On this particular meeting, I got fed up and I told him: "Don't tell me what I can't do, tell me what I can do." (Morris, p.12.)

Further, Mr. Morris stated that he did tell Mr. Sieglitz that Parks should be counselled for his negative attitude, but

[t]hat's not all I said, though....I told Sieglitz that I did not have any problem with Parks' technical considerations, but I did not like his negative attitude and its impact on the meeting and the people who were trying to perform their job. (Id., p.14.)

Mr. Morris then stated that Mr. Sieglitz agreed with Mr. Morris' comments. (Ibid.)

Mr. Sieglitz' statement corroborates Mr. Morris in every respect and contradicts Parks' version of this incident:

Tom [Mr. Morris] had specifically asked him [Parks]: "Hey, will you find out when it will be ready?" And he says: "Well, historically, you know it takes a while. You cannot tell them when to do it. When they meet, they have a number of other items on their agenda and they set their own agenda." And it was asked a second time please to get a date at which time he [Parks] told him no. And Mr. Morris specifically said to the minute taker at the meeting to put that down as an item that we [Site Ops] were non-supportive of the program....

I did not agree with the way he handled himself at the meeting and I did not think it was professional the way he handled himself at the meeting.

My initial counselling was with Mr. Parks by himself one on one and not in an open arena where he would be embarrassed or chagrined by his peers. But he freely discussed the matter with everyone who was present.... (Sieglitz, pp. 19-22.)

- Q. Did you ever indicate to Mr. Parks that you shared his attitude and told Morris that Mr. Parks was right?
- A. What I told Mr. Parks was that I understood his frustration in having to track a document through the complex approval cycle on the Island and I said: "I can understand why you feel you have better things to do and that's why there are clerks available or there are other people in the office that could do that." I did not agree with him the fact that he flatly refused to find that information out....
- Q. Did you ever tell Mr. Morris that you felt Mr. Parks was right in refusing to track the procedure through the review cycle?
- A. No, I did not. Personally, I felt Mr. Parks was out of place and if I had been sitting closer to him at the time, I would have corrected him there but I did not want to make a public issue in front of a meeting of about twenty-five people. (Id., pp. 24-25.)

When the statements of Messrs. Morris and Sieglitz which directly contradict Parks' self-serving affidavit are considered, it becomes quite clear that Parks' characterization of Mr. Morris' counselling as a threat was grossly distorted, and that Mr. Morris' statement was a legitimate reaction to Parks' uncooperativeness rather than an act of retaliation for any purported expression by Parks of safety concerns. Thus, the first link in the chain in fact does not exist.

D. The Purported "Parking Lot" Threat.

The second link in the chain of circumstance is a purported threat made to Parks in a parking lot on February 18, 1983, by Mr. Edward

J. Kitler, Supervisor of Startup and Test Engineering and Parks' immediate functional superior. The Staff Report states:

Kitler...advised Parks that upper management was upset with him and they had asked Kitler what had to be done to get Parks transferred off the site. Immediately after this conversation, Parks met with King and Kitler and repeated the statements that had been made to him. (Staff R., p. 10-2.)

According to Mr. Kitler, however, Parks seriously overreacted. Mr. Kitler stated only that he had heard a rumor to the effect that Parks was aggravating a number of people in management. (Kitler Aff.) After Mr. Kitler made his comments, Parks repeated them to King and Mr. Joseph J. Chwastyk, Manager, Plant Operations. (Ibid.) King, Chwastyk and Kitler all downplayed the purported rumor. King said Parks would be hired by GPUN if he were transferred by Bechtel; Chwastyk said that the rumor was probably only the result of a personal grudge; and Kitler pointed out that Parks should not take the rumor too seriously because Kitler attributed it to a person who did not have the authority to transfer Parks. (Ibid.) A fair reading of both Parks' and Mr. Kitler's recollections of the purported threat compels the conclusion that Parks inflated a rumor out of all proportion and overreacted to Mr. Kitler's innocuous comments.

E. The Purportedly Retaliatory Removal of Duties as Alternate Start-Up and Test Manager.

The next purported act of harassment is Parks' replacement as alternate start-up and test manager:

At a widely attended meeting, held on February 23, 1983, to discuss the Polar Crane Refurbishment and Test Program, Parks stated that as alternate Startup and Test Supervisor, he was still responsible to

identify potential quality assurance deficiencies. At this point J. Thiesing, Manager of Recovery Programs, informed Parks that he no longer had to worry about that. A memorandum had just been issued appointing a new alternate, thus relieving Parks. (Staff R., pp. 10-2,-3.)

Parks adds in his affidavit that his replacement, "Dwight Walker, had been on the Island less than six months and had little or no knowledge of the testing manual or the modifications control program." (Aff., p.25.)

The fact is that Parks' replacement as alternate Startup and Test Supervisor was a simple change to correct an organizational misalignment. In order to clearly understand Parks' removal, a brief explanation of the makeup of T.W.G. would be helpful.

T.W.G. is an interdisciplinary test review committee comprised of representatives from the Startup and Test ("SU&T"), Plant Operations ("PO"), Plant Engineering ("PE"), Site Engineering ("SE") and Quality Assurance ("QA") departments at TMI-2, and is responsible for review and approval of test procedures and results. (Kitler Aff.) The committee is constituted in this manner so that each of these departments has a voice in test review decisions, and it is therefore critical to its operations that this balanced membership be maintained. (Ibid.) It should be noted that the SU&T and SE representatives are from the Recovery Programs Department ("Rec Pro"), that the PO and PE representatives are from Site Ops, and that the QA representative belonged to neither department and reported independently to the Director of Nuclear Assurance in GPUN headquarters.

In late 1982, Mr. Kitler needed an alternate to act as SU&T Supervisor in his absence. (Ibid.) One of Mr. Kitler's responsibilities

was to chair the meetings of T.W.G., and Kitler's alternate would therefore chair the T.W.G. meetings if he were absent. As Mr. Kitler testified:

[T]here was no one, other than myself, assigned to Site Engineering that was qualified to act as Startup and Test Supervisor. I needed an alternate, mainly to review and approve return to service forms, during my absence. Rick Parks, who was assigned to Site Operations, was qualified and had acted in that position on occasion when he worked for NUS Corp. at the Island. I requested and received approval from my supervisor Dave Buchanan and Rick's supervisor Larry King, to appoint Rick as my alternate on December 6, 1982. This was an unusual situation in that you have the Startup and Test Supervisor assigned to Site Engineering and his alternate out of Site Operations. Really, both these people should be in the same department. (Kitler, 7-27-83, p. 19.)

In January, 1983, an opportunity to correct this situation arose when Mr. Dwight D. Walker, a qualified test engineer, was assigned to the SE Department. Mr. Kitler testified:

At that time, the way the T.W.G. membership was designated, Site Operations would have had the majority vote, during my absence. In order to correct the aforementioned misalignment and to maintain a system of checks and balances and ensure Site Engineering had a voting member, I decided to update the T.W.G. membership and designate Dwight Walker as my alternate. (Id., p. 20.)

With respect to Mr. Walker's qualifications, Mr. Kitler states that he had previously worked with Mr. Walker and knew him to be "very competent." (Id., p. 21.)

Mr. Kitler's statement to the Stier investigators is corroborated at every turn by the testimony of Mr. David R. Buchanan, manager of the SE Department. Mr. Buchanan states that, after Walker's arrival in late 1982, Kitler approached Buchanan and suggested replacing Parks with Walker because Parks was assigned to another department. (Buchanan, 9-7-83, pp.3-4.) Mr. Buchanan reviewed Mr. Kitler's recommendation and agreed that Walker was qualified and should replace

Parks. (Id., pp. 4-5.) Moreover, Mr. Buchanan states that the replacement of Parks with Walker in no way reflected upon Parks' performance, and that Parks' allegation that Dr. Thiesing made the decision was simply inaccurate. (Ibid.)

Dr. James W. Thiesing's testimony taken by the Stier investigators also confirms the inaccuracy of Parks' allegation:

[Parks'] replacement was done by the manager of Start-up and Test for TMI-2, Ed Kitler, in a memo which Mr. Kitler issued. I was not aware of his intention to do that prior to his issuing the memo. I became aware that it had happened after he issued the memo. That was a move to correct an organizational deficiency which existed in that the Start-up and Test function is a responsibility of Site Engineering.

Mr. Parks was assigned to Site Operations organization which is not the organization that's given responsibility for start-up and test, ergo the alternate Start-up and Test Manager should be a representative of the Site Engineering organization. It's not at all clear to me that the gentleman who was appointed alternate Start-up and Test manager is in fact less experienced at start-up and test than Mr. Parks is. (Thiesing, p.56.)

Park's complaint loses even more credibility in view of the fact that Parks was being considered as a replacement for Kitler if Kitler left TMI. (Kitler Aff.) Further, Mr. Kitler anticipated that Parks would be appointed to T.W.G. by Lawrence King as Site Ops' representative, which in fact occurred. (Id.)

This evidence shows that Parks' allegation that his replacement as Mr. Kitler's alternate was an act of retaliation is totally unfounded. In addition to mistaking the true motive for his replacement, Parks mistakenly attributed his replacement to Dr. Thiesing. Finally, Parks' complaint of retaliation is weakened even further by the fact that

he never contemporaneously complained about his replacement. (Buchanan, p.5.) Thus, this purported act of retaliation was in fact a necessary and proper organizational change designed to maintain the integrity of T.W.G.

F. The Purported "Interrogation" of Parks
Regarding His Involvement in Quiltec.

The next link upon which the harassment allegations are based is the purported "interrogation" of Parks regarding his involvement with his direct supervisor's (Lawrence King, Director of Site Ops) business. Some background is necessary to place this allegation in proper context.

In July, 1981, King and several associates including B.J. Slone, J.M. Hoade (King's stepson) and G. King (King's wife) incorporated a business named Quiltec, Inc. ("Quiltec"), which provides engineering services to nuclear power plants. 6/ (Staff R., p.10-6.) At the time of Quiltec's incorporation, both Slone and King worked for GPUN at Three Mile Island, but in June, 1982, Slone left GPUN to work for Quiltec. (Ibid.) In October of 1982 two other GPU engineers, Messrs. Herlihy and Rekart, also left GPU to work for Quiltec. (Ibid.) In late October, 1982, a GPUN engineer who was manager of TMI-2 Plant Operations went to another nuclear plant at King's direction and made a presentation on behalf of Quiltec. (Ibid.) In December of 1982, King had several conversations with yet another GPUN engineer which resulted in the engineer's resignation. (Ibid.)

6/ These businesses are commonly known as "job shops" in the jargon of the industry.

In approximately late February, 1983, GPUN's upper management became aware of King's activities on behalf of Quiltec and began an investigation into King's conduct which resulted in King's termination on March 23, 1983, because of the obvious conflict of interest between GPUN and Quiltec. (Id., pp.10-8,-9.) As King's involvement became known, it came to light that, at Parks' request, Mr. Gallagher's secretary had done some typing for Quiltec at the TMI plant offices. (Gallagher, pp.12,17.) Knowing of GPUN's investigation of King and having evidence that Parks may have been involved with Quiltec, Parks was asked to attend a meeting on March 14, 1983 at TMI-2 with Mr. Wheeler, his Bechtel administrative supervisor, and Mr. Lee Hofmann from the Bechtel Internal Auditing Group in San Francisco. (Staff R., p. 10-3.)

Parks' version, as set forth in the Staff Report, is that, before the meeting began, he requested a copy of Messrs. Wheeler's and Hofmann's notes after the interview but his request was denied. (Ibid.) Parks then stated he wanted an impartial witness present, and the interview was postponed until Mr. Mark Kobi, a friend of Parks, could attend. (Ibid.) Parks then claims that he was "interrogated" about Quiltec, that he admitted asking a secretary to do some typing for Quiltec, and that Mr. Kobi later remarked that the meeting had not been handled "the Bechtel way" and that Parks was "being set up." (Ibid.)

The Staff Report then states that Parks attended a meeting the next day with Wheeler, Hofmann and Mr. C. W. Sandford, a corporate vice-president from Bechtel's Gaithersburg office, during which Sandford allegedly exhibited disinterest in Parks' safety concerns, "accused" Parks of aiding and abetting King, and stated that he had not set a date to pass judgment on the issue but that Parks could be fired for his

activities. (Ibid.) On March 16, Parks delivered a letter to Mr. Sandford stating that Parks had not sought or received financial gain from Quiltec, and that Parks had never been told by Bechtel about any conflict of interest policy. (Ibid.)

In reviewing these allegations, the Staff Report cites the DOL Report's remark that Parks had been "subjected to an examination involving the West Coast main office internal audit staff over a seemingly minor infraction of a work conflict rule he had not been made aware of," (id., p.10-5), and concludes:

Although there may have been, initially, a valid reason for Bechtel to investigate allegations that Parks might have been involved with Quiltec, because of his friendship and close working relationship with King, the March 14, 1983 interrogation of Parks by Wheeler, his administrative supervisor, and Hofmann, Bechtel internal affairs, was improper and constituted intimidation of Parks. (Id., p. 10-17).

The fundamental point which must be underscored is that GPUN's loss of valuable engineering personnel was not a minor issue, but was instead of great concern to GPUN, and therefore was an issue to which Bechtel had to be sensitive as well. It goes without saying, but bears emphasis, that Bechtel would not want any of its personnel doing anything contrary to the interests of its client GPUN. Moreover, Parks' known conduct was in violation of Bechtel's written policy directive (Directive 2-i).

In fact, the Staff Report itself concludes that King's Quiltec involvement justified his termination. (Id., p.10-20.) If King's involvement would justify the severe sanction of termination, it is only

common sense that Parks' known involvement would justify at least the relatively minor inconvenience of an interview to determine the extent of the involvement.

As the quotation above indicates, the Staff Report recognizes that Bechtel had a valid reason to investigate Parks' connection with Quiltec, but it concludes that the valid reason was present only "initially". Parks however, was only interviewed once about Quiltec. The second meeting, on March 15 in Gaithersburg, was held totally at Parks' request. (Hofmann Aff.; Wheeler Aff.) The only investigation, therefore, was the initial one undertaken with good cause. In fact, Quiltec was the only reason Parks was interviewed on March 14. (Sandford Aff.) His purported safety concerns were not considered in any way in making the decision to interview him. (Ibid.)

It is also crucial to emphasize that, contrary to Parks' assertions, both the interview on March 14 and the meeting on March 15 were conducted in a professional, non-intimidating manner. (Hofmann Aff.; Kobi Aff.; Sandford Aff.; Wheeler Aff.) According to Mr. Kobi, who was Parks' impartial witness, Mr. Hofmann was conducting the March 14 interview in a professional manner and it was Mr. Parks who turned the meeting into an adversarial one. (Kobi Aff.)

Similarly, the March 15 meeting with Mr. Sandford was not antagonistic at any time. (Sandford Aff.) Contrary to Parks' assertion, Mr. Sandford at no time leveled any "accusations" against Parks. Rather, Parks explained his involvement in Quiltec and Mr. Sandford explained that he thought Parks' activities were a serious breach of Bechtel conflict of interest policy. (Ibid.) Thus, the characterization of

these discussions as "interrogations" is an inaccurate description of their atmosphere, and the statement that Mr. Sandford "accused" Parks of wrongdoing is an unfair distortion of Mr. Sandford's remarks.

Parks' allegation that Mr. Sandford appeared uninterested in his safety concerns at the March 15 meeting is another twisting of the facts. In reality, Parks refused to discuss his purported safety concerns except in vague generalizations, despite repeated requests from Mr. Sandford. (Ibid.) Thus, any failure of the meeting to address Parks' concerns was a result of Parks' failure to discuss specifics, and not because of any purported lack of interest on Mr. Sandford's part. (Ibid.)

Furthermore, the implication that Mr. Sandford left his decision hanging over Parks' head in order to intimidate Parks is clearly erroneous. In fact, Parks was told on March 22, one week after his meeting with Mr. Sandford, that no disciplinary action would be taken against him regarding the Quiltec matter. (Staff R., p.10-4.) If Bechtel had desired to intimidate Parks, it would have had no reason whatsoever to inform Parks promptly of its decision within one week of the interview.

Parks also claims that he was assured that no "further reprisals" would occur against him. (Ibid.) Parks was not told that no further reprisals would occur since no one at Bechtel thought any reprisals had occurred. (Wheeler Aff.) Even Mr. Hrbac, who allegedly claimed that the investigation of Parks was an act of retaliation, has stated that he did not know of any intimidation or harassment directed at Parks. (Hrbac, p.8.)

G. The Purported Warnings of "Humiliation."

Parks' allegation, as set forth in the Staff Report, is that Mr. Kanga, Director of TMI-2, called Parks to his office on the morning of March 17, 1983, for a two and one-half hour meeting in which Mr. Kanga (1) "warned Parks not to state his concerns publicly;" (2) stated "that once before things had gotten much worse for an employee who had tried that and was 'humiliated;'" (3) stated that it could be as long as two weeks before a decision was reached about the Quiltec matter; and (4) stated that "Parks had put Bechtel in a bad light with a client and, therefore, Parks stood a good chance of getting fired." (Staff R., p.10-4.) 7/

Parks' version of his morning meeting on March 17 with Mr. Kanga fails to reflect accurately either the substance or the tone of the meeting, as Mr. Kanga's statement to the DOL Compliance Officer makes clear. 8/

In fact, it was Parks, not Mr. Kanga, who requested the morning meeting. Parks went to Mr. Kanga's office at 8:00 a.m. on March 17 to discuss Parks' letter to Mr. Sandford which Parks had given Kanga. (Ex.102, p.25.) This was the first time Mr. Kanga learned that Parks

7/ The Staff Report later remarks that Parks presumably put Bechtel in a bad light by raising safety concerns, when in fact Kanga's remark was directed to Parks' involvement with Quiltec.

8/ Kanga's statement to the DOL Compliance Officer will be cited as "Ex.102" because it is included as part of Exhibit 102 of the OI Report of May, 1984.

felt he was being harassed. Mr. Kanga asked Parks why he had not talked with Wheeler, Kanga, John Barton (Deputy Director of TMI-2), Jim Thiesing or the GPUN ombudsman in Parsippany, and Parks said that he was unaware of any policy of discussing problems with supervisory personnel. (Id., p.21.) Mr. Kanga told Parks that Bechtel took such matters seriously, and re-emphasized that Parks had the right and responsibility to bring his concerns to the attention of Messrs. Kanga or Wheeler. (Ibid.) With respect to Parks' safety and procedural concerns, Mr. Kanga told Parks that he would ask Mr. Ballard, Manager, TMI, QA, Modifications-Operations, and Mr. Larson, Licensing and Nuclear Safety Director of TMI-2, to review Parks' concerns. (Ibid. See Ballard, pp. 9-11, 13.)

Parks complained to Mr. Kanga that Messrs. Hofmann and Wheeler had interrogated him regarding Quiltec. Mr. Kanga explained that the interview by internal audit personnel was standard procedure, and he explained the procedure in detail. (Ibid.) Parks asked "why such a big deal was being made of the [Quiltec] issue," (ibid.), and Mr. Kanga replied in part that he "wanted to ensure that Bechtel employees do nothing to embarrass [the] client." (Ibid.)

Most importantly, Mr. Kanga (1) never told Parks not to go public, (2) never spoke of another employee who had been humiliated, (3) never said that Parks had a good chance of getting fired, and (4) never told Parks that he had put Bechtel in a bad light by raising the polar crane issues. (Id., p.25.) Mr. Kanga testified that he said that "Parks' action in having a secretary type resumes [for Quiltec] put Bechtel in a bad position," (ibid.), but Mr. Kanga never discouraged Parks from raising safety concerns in any manner. If Mr. Kanga had wished to

discourage Parks, he would not have gone to such lengths to explain the avenues through which Parks could raise his safety concerns, nor would he have followed up on Parks' concerns by having Messrs. Ballard and Larson review them. Thus, Parks' version of his morning meeting not only twists the facts, but makes no sense in view of Mr. Kanga's efforts to address and resolve the substance of each allegation made by Parks.

H. The Purportedly Retaliatory "Removal"
of Parks as Site Ops Representative on
T.W.G.

The next series of purportedly retaliatory events revolves around Parks' "removal" from T.W.G. as primary Site Ops representative with respect to the polar crane only. In this connection it must be remembered that, after Parks' replacement by Mr. Walker as Mr. Kitler's alternate and parallel loss of duties as acting chair of T.W.G., King immediately appointed Parks to T.W.G. as the primary Site Ops representative. (Kitler Aff.) Subsequently, as discussed below, Parks voluntarily removed himself from T.W.G. because he felt he was taking the polar crane issue too personally.

Parks claims that following the morning meeting discussed in the previous section, he was called to Mr. Kanga's office once again on March 17 for a meeting with Mr. Chwastyk, GPUN's Manager of Plant Operations at TMI-2. During this second meeting, Parks

received a memorandum dated March 17, 1983, from Chwastyk, informing him that, effective immediately, he would be replaced as the primary site operations member on the T.W.G. for the reactor building polar crane project. (Staff R., p. 10-4.)

Thus, Parks' version of these events clearly implies that he received this memorandum out of the blue and that his replacement on T.W.G. was against his will.

Parks' version again twists the facts. In truth, Parks approached Mr. Chwastyk to discuss Parks' difficulties:

Mr. Parks came to me with some concerns he thought he had in relation to the reactor building polar crane. We discussed those concerns and I was able to put them to rest. Mr. Parks then suggested that he may be so close to this project that he is no longer [able] to distinguish real from perceived problems. I suggested then a possible means of getting out of that was removing him from that project. He thought it was a good idea, so I told him, Okay, I'll draft up the letter and we'll go over it and make sure you agree with it and I'll put it out. I did that, drafted up a letter. He reviewed it and may even have made some comments or changes to it, I don't remember, but this [letter] was as a result of that. (Chwastyk, 8-4-83, p. 156.)

Mr. Kanga has testified that he requested Chwastyk to explain the letter in some detail. (Kanga, 7-25-83, p.73.) Mr. Kanga knew from his discussion with Parks earlier in the day that Parks felt intimidated, (id., p.74), and Mr. Kanga "did not want Chwastyk's letter to be interpreted as an act of intimidation." (Ibid.) To make sure that there would be no misunderstanding and to satisfy himself that Parks would not view this change as harassment, Mr. Kanga wanted to talk to Mr. Parks directly. As Mr. Kanga testified:

After discussing this with Mr. Chwastyk, I asked Mr. Parks to come to my office and I went over the same items as I described to you earlier to make sure that Mr. Parks understood that this was not a reflection on his performance, that it was not a step down for him and that it was, I wanted to be a hundred percent sure, that it was not interpreted as an act of intimidation. Mr. Parks basically affirmed my understanding that he understood what the memo said

and that it was not being interpreted by Mr. Parks as being intimidation or a reflection on his work. After that, Mr. Chwastyk signed that memo in the presence of Mr. Parks.

Q. What was Mr. Parks' response to you as to whether he was in agreement with his removal as primary member on T.W.G. on the Polar Crane?

A. Firstly, he's not removed from T.W.G., all this does is to replace him from a primary member to essentially a secondary member. This is not removing him from T.W.G., it is just for that Polar Crane project. In the discussions that we had, Mr. Parks gave me to understand that he understood the memo and he never indicated to me any concern regarding the memo, never indicated to me in that particular meeting that he would consider that as a reflection on his performance or an act of intimidation by either Mr. Chwastyk or myself. (Id., pp. 74-75.)

Mr. Chwastyk's statement corroborates every aspect of

Mr. Kanga's account of these events:

Q. Did Mr. Kanga question Mr. Parks concerning this letter?

A. Yes, he did.

Q. Do you recall what Mr. Kanga's questions of Mr. Parks were?

A. He asked Mr. Parks if Mr. Parks agreed with it, and Mr. Parks made some off the wall comment. He implied to me, and I think Mr. Kanga took it the same way, that he agreed. He also discussed the letter with Mr. Parks and tried to make sure that Mr. Parks knew that it was not any kind of reprimand of any sort or any kind of discriminatory action. Mr. Parks, like I said, was very quiet throughout the meeting. When Mr. Kanga asked him directly if he agreed and does he understand, Mr. Parks said something I thought at the time was strange, but again my impression was that he did agree with it. That's when I signed it. (Chwastyk, 8-4-83, pp. 151-158.)

Thus, Parks' removal from a primary position on T.W.G. with regard to the polar crane only was in no way retaliation or harassment. On the contrary, Parks himself suggested it. Furthermore, when specifically asked, Parks indicated that he did not think the move constituted harassment.

I. The Purportedly Retaliatory Suspension With Pay Allegedly in Response to Parks' Going Public.

The final link in the chain of circumstances is the suspension of Parks with pay on March 24, 1983, the day following Parks' press conference which received wide publicity. Parks' suspension must not be viewed in a vacuum, however, and is easily understood when the substance of Parks' affidavit is considered. When the affidavit is analyzed, it is apparent that the inflammatory substance of the affidavit and press conference, standing alone, justified, and even mandated, Bechtel's suspension of Parks.

Throughout his affidavit, Parks levels several very serious charges against his colleagues at TMI. As will be seen in Part III below, almost every responsible official at TMI, from the Director to fellow staff engineers, is accused of mismanagement, insensitivity to safety concerns or being part of a conspiracy to cover-up problems at TMI. Although Bechtel could not, of course, immediately determine whether all of Parks' allegations were true or false, it was readily apparent that Parks could not return to TMI immediately following his attack on all of those people. By releasing his affidavit at a widely attended and carefully staged news conference, he destroyed his credibility with his colleagues and his ability to participate in a cooperative manner as a member of the TMI engineering team. (See, e.g.,

Larson, p. 92.) It was, therefore, necessary that Parks be suspended with pay while Bechtel investigated his charges. At the least, this would give everyone the opportunity to cool off.

Subsequent investigation revealed that Parks' charges were seriously in error and most irresponsible. As will be shown in Part III, much of Parks' affidavit constitutes gross character assassination. Other parts of it fabricate, with absolutely no basis, a grand conspiracy to injure him. Bechtel's decision to suspend Parks with pay was thus not only the proper short-term decision, but also the proper long-term move because once the falsity of Parks' allegations was demonstrated, it was apparent that he simply could not rejoin those whom he had seriously and erroneously maligned.

Thus, when the substance of Parks' affidavit and the voluminous evidence in the Stier Report demonstrating its falsity are considered, it is apparent that Bechtel's suspension of Parks did not constitute harassment, but rather was a prudent response to Parks' inflammatory accusations.

J. Post-Suspension Conduct of the Parties.

It has been suggested that the post-suspension conduct of the parties supports the conclusion that Bechtel harassed Parks:

Once [the DOL] reached that determination [that Bechtel had retaliated], they directed remedial action satisfactory to Parks. There was no DOL judgment issued and Bechtel did not appeal the Compliance Officer's findings or directed remedial action. Parks and Bechtel reached a mutually amicable agreement to return Parks to full-time work with the company on August 4, 1984. (Staff R., p. 10-18.)

A review of the procedural history of Parks' DOL complaint, however, reveals a pattern of behavior supporting the view that Bechtel handled the Parks case properly. First, after the release of the Compliance Officer's preliminary report, Bechtel timely requested a hearing de novo before an administrative law judge ("ALJ") from the DOL. The effect of such a request is that the ALJ hears all the evidence anew and renders a decision independent of the DOL's initial investigation and proposed findings. (29 C.F.R. § 24.) Thus, while Bechtel may not have, technically speaking, "appealed" the Compliance Officer's findings because procedurally there was no adjudication to appeal (only a finding by a DOL Compliance Officer), Bechtel took all necessary procedural steps to achieve review and reversal of the preliminary findings by requesting a hearing before an independent ALJ.

Second, Parks, not Bechtel, requested postponement of the ALJ hearing, and Parks subsequently dismissed his DOL complaint with prejudice. Further, Parks was paid no attorneys fees or monetary damages despite initially demanding them.

Third, the settlement between Bechtel and Parks called for Parks to work on a project in California, and most emphatically did not allow Parks to return to his job at TMI. Parks' return to TMI was impossible due to his poisoning of his relations with all of his colleagues.

Thus, when the complete procedural history of Parks' DOL complaint is reviewed, it is clear that no inference can be drawn from Bechtel's conduct that Bechtel somehow admitted that it harassed Parks. In fact, all available evidence argues to the contrary. Bechtel had no reason to suspend Parks with pay if it truly desired to punish Parks for

raising safety concerns (which Mr. Kanga in fact encouraged Parks to raise). Moreover, Bechtel had no reason to offer Parks full-time work at another project if it wished to harm him. Last, the fact that the work was offered to Parks at a site other than TMI is consistent with Bechtel's legitimate concern that Parks had destroyed his relationships with colleagues at TMI.

If anything, the post-suspension conduct of the parties indicates that Parks realized that he had burned his professional bridges at TMI-2 and had to go elsewhere. Parks' realization of this fact by accepting employment at another project indicates that Bechtel's suspension of Parks following his press conference was the proper course to follow.

K. Summary

Perhaps because the NRC's regulatory focus has been upon the management integrity of GPUN, the licensee of TMI, the Parks harassment allegations have not been thoroughly investigated. The conclusion that Bechtel harassed Parks is based almost exclusively on the preliminary report of a DOL Compliance Officer. That report, however, was not intended to be, and could not have been, a thorough and complete record of the Parks harassment allegations. More importantly, the DOL Report has been superseded by the Stier Report which provides a significant amount of evidence bearing upon Parks' allegations, even though it reached no specific conclusions regarding them.

Parks alleges that, through a series of linked events, Bechtel reduced his job responsibilities and engaged in other acts of harassment because of his voicing of safety concerns regarding the polar crane

testing program. The evidence, however, shows that virtually all of Parks' safety concerns were resolved in his favor and that he was, in fact, encouraged to raise safety issues. The evidence also shows that the links in Parks' purported chain of harassing events do not exist or were isolated events blown out of all proportion. A reasoned analysis of the available evidence compels the conclusion that Mr. Morris did not threaten Parks; that Mr. Kitler did not intimidate Parks; that neither Dr. Thiesing nor anyone else improperly removed Parks as Mr. Kitler's alternate; that Messrs. Hofmann and Wheeler did not unjustifiably or unprofessionally interview Parks; that Mr. Kanga never threatened to "humiliate" Parks; that Parks voluntarily removed himself from T.W.G. on polar crane issues and was not pressured by Messrs. Chwastyk and Kanga; and that Bechtel's suspension of Parks with pay was one of the few reasonable courses of action available in light of all of the circumstances. The post-suspension conduct of the parties, in fact, confirms the conclusion that Bechtel did not harass Parks in any way.

III. THE OTHER ALLEGATIONS IN PARKS' AFFIDAVIT

Throughout the affidavit released at his carefully staged and widely attended news conference, Parks discusses numerous events not directly related to his harassment allegations. An analysis of Parks' view of these events is helpful in evaluating the harassment charges, however, because it demonstrates that Parks' recollection and interpretation of events is seriously skewed and thus raises serious doubts about the accuracy of his harassment allegations.

Some of the serious errors throughout his affidavit may be the product of a fertile imagination by either Parks or those at the Government Accountability Project who helped Parks prepare the affidavit. Other errors may be intentional misrepresentations. Still others may reflect inadvertent errors based on judgments arrived at hastily without adequate investigation and analysis. Whatever their derivation, the numerous errors throughout the affidavit generally cast doubt on the harassment allegations in three ways.

First, they call into question Parks' credibility. Simply put, it cannot be taken for granted that Parks is telling the truth. The accuracy of the harassment, as well as the non-harassment, allegations, therefore, is presumptively suspect.

Second, Parks' interpretation of many events that did happen is not accurate, especially to the extent that his interpretation is based on his own unsupported perceptions of other people's motivations. Throughout his affidavit, Parks is all too willing to ascribe improper motivations to the professionals at TMI. The numerous errors in fact and judgment in the affidavit, however, demonstrate that Parks is far from the best judge of other people's motivations and character.

The importance of this point cannot be overstated. Whether Bechtel "harassed" Parks in violation of the whistle-blower protection provisions of the Energy Reorganization Act does not depend on whether Parks honestly thinks he was harassed. That is irrelevant. Rather, the issue is whether Bechtel management in fact took retaliatory steps against Parks because of protected conduct. That Parks is not an accurate judge of others' motivations and character necessarily calls into question the accuracy of his assertions of Bechtel's intention to harass.

Third, Parks is also all too willing to attempt to bring his colleagues and others at TMI into the web he tries to weave. His allegations are to a significant extent based on hearsay through which Parks attempts to shift the responsibility for various accusations onto other people. Parks therefore irresponsibly implies that almost everyone in a responsible position at TMI is at least passively engaged in a conspiracy to cover-up safety problems at Unit 2. Even the NRC is supposedly part of this conspiracy. Through this attempt to envelop others in his web, Parks has exhibited poor judgment, strained his relationships with his colleagues and further weakened his ability to function at TMI.

In this section a handful of the innumerable errors throughout the affidavit are set forth to demonstrate that Parks' allegations, on both harassment and non-harassment issues, simply cannot be believed and that Bechtel had good reasons to remove him from TMI.

A. The "Mystery Man" Allegation.

Perhaps the most egregious, but by no means the only significant, error in the affidavit casting doubt on the accuracy of Parks' harassment allegations involves the so-called "mystery man." In his affidavit, Parks accuses George Kunder, chairman of the Plant Operations Review Committee ("PORC") and Safety Review Group ("SRG") of being the

"mystery man" who ordered the safety injection pumps turned off during the March 1979 accident. This mistake was responsible for a great portion of the damage. By stopping the flow of coolant, this mistake had prevented cooling of the core. (Aff., p. 36.)

All of the purported sources of Parks' information regarding Mr. Kunder categorically deny that they either called Mr. Kunder the "mystery man" or stated that he shut off the safety injection pumps. Parks states that "[o]n several occasions Joe Chwastyk and shift supervisor Bernie Smith identified Kunder as the mystery man." Both men have stated under oath that they never called Mr. Kunder the mystery man and they never accused him of having shut off the safety injection pumps. (Chwastyk, 3-31-83, p. 7; B. Smith, 4-5-83, pp. 4-5.)

The other individuals whom Parks claims heard Chwastyk or Smith call Mr. Kunder the mystery man or accuse him of shutting off the safety injection pumps also state that they had never heard the allegations against Mr. Kunder from anyone other than Parks himself. (Auger, pp. 4-8; Gummo, p. 4; Kitler, 4-4-83, pp. 5-8; Marshall, 4-6-83, pp. 4-7; Perry, 4-6-83, pp. 4-7, 12-14; Rogers, 4-1-83, pp. 4-5; Ryan, 4-6-83, pp. 3-4; J. Smith, 3-31-83, pp. 6-10.)

Lawrence King, who Parks also claims heard either Chwastyk or Smith accuse Mr. Kunder of being the mystery man who shut off the safety injection pumps, said in his prepared testimony before a House of Representatives subcommittee that he did not know who shut off those pumps. (King, Prepared Statement Before the Energy and Environment Subcommittee of the House Interior and Insular Affairs Committee 21 (April 26, 1983).) In short, there is absolutely no support for the serious allegation Parks levels.

Although we cannot, of course, be certain of the origin of Parks' mystery man allegation, it may derive from a conversation between Messrs. Chwastyk and Auger, which Parks overheard and misconstrued. Mr. Auger, on Mr. Kunder's behalf, came to Mr. Chwastyk's office, which is located near Parks' office, to ask him when TMI-2 went to the loss-to-ambient cooling mode following the accident. (Auger, pp. 5-6.) Mr. Chwastyk was meeting with someone else and did not want to be bothered. (Auger, pp. 5-6; Chwastyk, 3-31-83, p. 8.) He responded that Mr. Auger should ask Mr. Kunder since he shut off the pumps at the time. (Auger, p. 6; Chwastyk, 3-31-83, pp. 8,9.) To Mr. Chwastyk this remark was a flippant and humorous way of telling Mr. Auger that he didn't have time to deal with his question, and Mr. Auger took the remark in that vein. (Auger, pp. 6-7; Chwastyk, 3-31-83, p. 9.) It was clear to both men that Mr. Chwastyk was referring to the reactor coolant pumps and not the safety injection pumps. (Auger, p. 8; Chwastyk, 3-31-83, pp. 8-10.)

It was, in fact, general knowledge that Mr. Kunder, directly or indirectly, was involved in the decision to shut off the reactor coolant pumps at the time of the accident. This action was neither mysterious nor improper. (Chwastyk, 3-31-83, p. 7; Perry, 4-6-83, pp. 12-13.)

Others who overheard the conversation agreed that Mr. Chwastyk's remark was intended as a joke and that it could only have referred to the reactor coolant pumps and not the safety injection pumps. (Marshall, 4-6-83, pp. 4-7; J. Smith, 3-31-83, p. 9; Warren, 3-31-83, pp. 4-5.)

The mystery man allegation is important for several reasons. First, it demonstrates that Parks' affidavit is not credible testimony and may even be intentionally malicious and fraudulent. Perhaps the most serious allegation in the entire affidavit was, apparently, based on only an overheard and irrelevant conversation.

Second, the falsity and apparent recklessness of the allegation directly and independently justified Bechtel's decision to remove Parks from TMI. In front of the national and international press, Parks levelled a serious and false charge against a co-worker. This, naturally, severely strained the ability of Parks to function in a professional manner at TMI. As James E. Larson, Jr., a GPUN employee who at the time was Licensing and Nuclear Director of TMI-2, stated:

Mr. Parks makes some specific allegations about a gentleman who works for me, a Mr. George Kunder, that have a potential for damaging his career. This area has been looked at several times, and Mr. Kunder has been shown to be without blame in this area. For the record, I strongly resent the capability of one individual to make undocumented, unsubstantiated allegations about another individual and not be able to back them up and still not retract them. (Larson, p. 91.)

Third, that Parks would even make such a serious charge based on an overheard jesting conversation which was highly ambiguous and inconclusive at best, evidences an intellectual sloppiness that cannot be

tolerated at TMI. This allegation alone gave Bechtel no choice but to remove Parks from TMI.

B. Allegations Against PORC/SRG.

Parks also attacks the activities of Mr. Kunder and the safety committees he chaired -- the Plant Operations Review Committee ("PORC") and the Safety Review Group ("SRG"). Parks charges that Mr. Kunder was shirking his responsibilities by refusing to stop what Parks saw as safety violations on the polar crane project. Parks further stated that this was not the first time Mr. Kunder had refused to challenge questionable management conduct. (Aff., p. 36.)

Parks' criticism of Mr. Kunder and his committees is grossly misleading. Parks states that Mr. Gordon Clements, a senior engineer assigned to TMI-2, told him that Mr. Kunder had refused to get into disputes on several occasions. Mr. Clements has testified that he said no such thing. In fact, Mr. Clements was quite surprised at Parks' statement that Mr. Kunder refused to get involved and he immediately went to discuss the situation with Mr. Kunder. Mr. Kunder explained that this dispute was one between Site Ops and management not properly in his domain and that it was being resolved elsewhere. (Clements, 3-31-83, pp. 5-9.)

Parks also states that SRG member Jim Floyd confirmed that Mr. Kunder did not want to get involved. Parks does not, however, state why. In fact, as Mr. Floyd has testified, the applicable administrative procedures do not require that PORC get involved in T.W.G. matters. (Floyd, 4-6-83, pp. 6-11.) Primary responsibility within the integrated GPUN-Bechtel management structure for the polar crane test was with the T.W.G. and thus review of it was not within PORC's domain. The

implication of Parks' statements -- that Mr. Kunder was acting improperly and irresponsibly -- is thus negated by both of the purported proponents of Parks' position.

It should also be noted that despite his allegation that Mr. Kunder repeatedly refused to challenge questionable conduct, the only example Parks gives is one in which intervention by Mr. Kunder would have been inappropriate. Parks therefore presents absolutely no evidence to support his sweeping allegation against Mr. Kunder, PORC and SRG. Parks' charges of irresponsibility are not only wrong, but disingenuous. Until he published his affidavit, Parks' criticism of PORC and Mr. Kunder was that they were too critical in reviewing safety matters. Parks voiced this criticism to Mr. Marshall, another engineer in Site Operations with whom he worked most closely. (Marshall, 4-6-83, pp. 8-10. See J. Smith, 3-31-83, pp. 10-11; Warren, 3-31-83, pp. 6-7.)

In fact, Parks apparently had a personal vendetta against Mr. Kunder. 9/ The animosity Parks had for Mr. Kunder apparently arose out of Mr. Kunder's rejection of engineering proposals prepared by Parks. (Marshall, 4-6-83, p. 8; J. Smith, 3-31-83, pp. 10-11; Warren, 3-31-83, pp. 6-7.) On at least one prior occasion Parks threatened to assault Kunder. (J. Smith, 3-31-83, p. 11.)

That Parks was apparently unable to accept the safety review checks and balances when they required more work from him casts further doubt on both the genuineness of his safety concerns and, once again, his

9/ This vendetta may explain why Parks went public with the wholly erroneous and irresponsible charge that Kunder was the "mystery man." See section III, A, above.

general credibility. The allegations against Mr. Kunder, PORC and SRG and the threat against Mr. Kunder thus provided an additional independent and sufficient reason for removing Parks from TMI.

C. Allegation That Management Stated That
ECMs Would Not Be Used.

Parks also alleges that management repeatedly took the position that the Engineering Change Memoranda ("ECM") procedure "was cumbersome and would force unnecessary schedule delays." (Aff., pp. 6-7.) Parks says that top management generally, and six individuals in particular, stated that because of the cumbersomeness of the ECM procedure, work packages would be used instead.

This allegation is totally erroneous and displays a fundamental misunderstanding of the administrative procedures at TMI with which Parks was purportedly so concerned. Although the ECM procedure was criticized, and discussions were underway to design a more efficient but equally careful review procedure, management never directed or counselled that the ECM procedure not be followed where it was required. Each and every one of the men Parks accuses of directing avoidance of the ECM procedure has testified that he never ordered or counselled that ECMs not be used. (Barton, 9-14-83, p. 47; Buchanan, 9-7-83, pp. 22-24; Freemerman, 7-26-83, pp. 39-40; Hultman, 7-26-83, pp. 14-15; Rider, 7-28-83, pp. 40-41; Thiesing, 7-25-83, pp. 68-69.) In fact, ECMs and work orders are functionally so dissimilar that no one could possibly recommend that one be used instead of the other. (Freemerman, 7-26-83, pp. 40-41; Hultman, 7-26-83, p. 15; Rider, 7-28-83, pp. 40-41; Thiesing, 7-25-83, pp. 68-69.)

This wholly false allegation thus calls into question not only Parks' judgment and credibility generally, but also both the sincerity of his safety concerns and his understanding of his job and the administrative procedures at TMI. It therefore provides further support for removing Parks from TMI.

D. Allegation That Comments About a Stop Work Order
Were Intentionally And Inappropriately Omitted
From TWG Meeting Minutes.

Parks also claims that the minutes of the March 4, 1983 T.W.G. meeting that were prepared by Mr. Dwight Walker, who replaced Parks as alternate start-up and test engineer, improperly omitted certain statements by Mr. John Fornicola, Operations Quality Assurance ("QA") Manager at TMI. (Aff., p. 39.) Mr. Fornicola allegedly said that his department was considering issuing a stop work order on Unit 2 because Recovery Programs had established a trend of noncompliance with procedural requirements. Parks strongly implies that Mr. Walker was appointed to his position because he was willing to keep safety concerns quiet. Parks accuses Walker of not being qualified to be a start-up and test engineer since he had little or no knowledge of either the testing manual or the modifications control program. (Aff., p. 25.) Parks further states that Walker admitted his lack of knowledge of that manual and program. All these allegations, too, are false and presented in a deliberately misleading manner.

Mr. Walker did not include Mr. Fornicola's comments in the minutes of the meeting because those comments were neither relevant nor important. There are several reasons why they were not noteworthy.

First, the potential issuance of a stop work order was not relevant to T.W.G.'s involvement in the start-up and test activities. (Fornicola, 9-7-83, p. 19.) Even if the comment were important, it simply was not relevant to the issues at hand.

Second, the comment really was neither important nor unusual. Mr. Fornicola did not state that his department would issue a stop work order or even that there was a reason to believe that a stop work order would or should issue. Rather, Mr. Fornicola said that the concerns raised regarding the polar crane would be evaluated for a stop work order, just like any other concern. (Id., p. 20.)

Third, the significant portion of Mr. Fornicola's comments regarding his department's review of the polar crane was included in the minutes. Mr. Walker did report the decision to issue a Quality Deficiency Report ("QDR"). (T.W.G. Minutes, 3-4-83 (Stier R., App. B., Tab 90); Walker, 7-27-83, pp. 8-9.)

As to the implication that Mr. Walker himself may have been insensitive to safety concerns or was engaging in some sort of cover-up, it should be noted that others at the meeting did not think the stop work order comment warranted inclusion in the minutes. Two other people took notes at the meeting and those notes were incorporated into the minutes. Neither mentioned the stop work order comment. (Walker, 7-27-83, pp. 8-9.) Mr. Fornicola himself did not think that his comment warranted mention in the minutes. (Fornicola, 9-7-83, p. 20.)

In fact, Parks himself reviewed and approved the minutes. He could have had Mr. Fornicola's comment regarding a stop work order included if he really thought it important. (Ibid.) He obviously did not think it was.

In an effort to belittle Mr. Walker, Parks states that Mr. Walker was not qualified to replace him as alternate start-up and test engineer and that Mr. Walker admitted that he was unfamiliar with the testing manual and modifications control program. (Aff., p. 25.) Mr. Walker's qualifications were carefully scrutinized and were found to be beyond question. Mr. Walker, unlike Parks, has a degree in nuclear engineering and had been a start-up and test engineer for three years. (Walker, 7-27-83, p. 15.) Mr. Kitler testified that he had worked with Mr. Walker on other jobs over a number of years and found him "a very competent test engineer." (Kitler, 7-27-83, p. 21.) Mr. Buchanan carefully reviewed Mr. Walker's qualifications and the requirements for the alternate position and also found him qualified. (Buchanan, 9-7-83, pp. 3-4.)

Further, Mr. Walker never said that he was unfamiliar with the testing manual and modifications control program. Rather, Mr. Walker merely remarked to Parks that he had felt a little uncomfortable chairing a T.W.G. meeting without previously having attended one. (Walker, 7-27-83, p. 15.)

The real issue here, of course, is not whether the March 4 T.W.G. minutes were all-encompassing. Rather, it is Parks' credibility and capability to function at TMI. His allegations about Mr. Walker and the March 4 T.W.G. meeting minutes, like the other false allegations discussed above, demonstrate his total lack of credibility, his penchant for ascribing improper motivations to other people without any reasonable basis, and his tendency to malign and undercut his fellow workers. This episode, too, provides ample support for removing Parks from TMI.

E. Allegations Regarding Electrical Issues.

Parks alleges that he and others at TMI had agreed that the use of welding cable to install temporary power for the polar crane and the installation of dummy fuses in the polar crane were unsafe and poor engineering practices and that, taken together, they could significantly increase the chances of an electrical malfunction or failure. (Aff., pp. 42-43.) Parks claims that he discussed these issues with Jack Lawton, Lou Snyder, Gordon Clements and Pete Grandi and that each one of these gentlemen agreed with his allegations regarding the welding cable and dummy fuses. Once again, all of the independent evidence unambiguously refutes Parks' allegations.

Mr. Lawton, the lead electrical engineer for TMI plant engineering, testified that he never told Parks that the temporary use of welding cable was unsafe or a poor engineering practice. (Lawton, 9-2-83, p. 5.) In fact, Mr. Lawton explained to Parks that the temporary use of welding cable was perfectly satisfactory and consistent with the requirements in the National Electric Code. (Id., pp. 4-5.) It was Mr. Lawton's view that Parks "seemed to just be opposed to the use of that type of cable and he didn't want to hear that it was okay to use it." (Id., p. 5.)

Mr. Clements also never told Parks that the use of welding cable was unsafe or improper. Mr. Clements is not an electrical engineer and in response to inquiries from Parks regarding the welding cable, Mr. Clements agreed to consult with the appropriate experts. Mr. Clements then consulted Mr. Snyder, whom Parks also claims disagreed with the use of welding cable, and Mr. Joe Gannon. These electrical engineers told

Mr. Clements, and Mr. Clements later told Parks, that there were no problems with the temporary use of welding cable and that the use of that type of cable was advantageous because of its greater flexibility due to its straight strand construction. (Clements, 9-1-83, pp. 13-14.) Others agreed that for the planned temporary use, welding cable would be better than power cable. (Jackson, 7-27-83, p. 31.)

According to Mr. Clements, Parks was not persuaded and raised the issue again. In the meantime, Mr. Clements had talked further to electrical engineers and was convinced that temporary use of welding cable was satisfactory, and he so told Parks. This last conversation occurred the day before Parks released his affidavit. (Clements, 9-1-83, p. 16.)

Mr. Grandi also has testified that he never told Parks that the use of welding cable was poor engineering practice or unsafe. (Grandi, 9-6-83, p. 5.) He did state a personal preference for power cable, but never expressed any concern that the temporary use of welding cable was unsound or unsafe. (Id., pp. 4-5.)

Despite the implication in Parks' affidavit, these gentlemen stated that they never met collectively with Parks to discuss the welding cable. (Id., pp. 4-6; Clements, 9-1-83, pp. 15-16; Lawton, 9-2-83, p. 6.) On the contrary, Parks discussed the issue separately with each one and did not disclose that he was discussing the matter with the others. No general agreement as described by Parks, therefore, was possible.

Each of the engineers Parks claims shared his views on the impropriety of dummy fuses and the increased danger created by the combination of dummy fuses and welding cable also fails to support his

positions. Mr. Lawton simply never discussed dummy fuses with Parks. (Lawton, 9-2-83, p. 7.) Therefore, he could not possibly have agreed that the combination about which Parks complains was unsafe.

When Parks asked Mr. Clements about dummy fuses, Mr. Clements again told Parks that he was not an electrical engineer and that he would make inquiries. After discussing the matter with Mr. Parlee, Mr. Clements told Parks that the use of dummy fuses was appropriate and in fact increased the safety of the crane. (Clements, 9-1-83, pp. 17-19.) Others agreed. (Jackson, 7-27-83, pp. 15-16.) Like Mr. Lawton, Clements never told Parks that the combination of welding cable and dummy fuses reduced safety. (Clements, 9-1-83, pp. 18-19.)

Mr. Grandi testified that he also never discussed dummy fuses or the safety effects of the welding cable/dummy fuse combination at all with Parks. (Grandi, 9-6-83, p. 6.) Mr. Grandi further disputes Parks' contention that they discussed a replacement of a 225 amp breaker. (Id., pp. 5-6.)

It is thus apparent that Parks has either negligently misconstrued a series of conversations with the claimed supporters of his electrical claims or willfully misrepresented his colleagues' technical positions. At least one of these conversations, it should be noted, occurred within twenty-four hours of the release of the affidavit. Parks cannot, therefore, be heard to complain that his memory failed him. Regardless of whether these misrepresentations were negligent or willful, they cast further doubt on Parks' general credibility.

F. Other Allegations.

The errors discussed above are by no means the only serious mistakes found in Parks' affidavit. In fact, the affidavit is riddled with erroneous and misleading statements. Although no purpose would be served by a lengthy discussion, the following additional examples of serious misstatements by Parks should be noted as they are further evidence of Parks' lack of credibility and provide further justification for his removal from TMI.

1. Jackson Statement Regarding
Cut-Back of Polar Crane Project.

Parks alleges that Richard Jackson stated at a March 3, 1983 meeting that the polar crane refurbishment program had been scaled down at the personal direction of Mr. Kanga "and not always with technical justification." (Aff., pp. 34-35.) Mr. Jackson and others at the meeting have testified that no statement was made, explicitly or implicitly, alleging that the polar crane project was being cut-back without technical justification. Rather, management made a decision to refurbish only those portions of the polar crane which were needed to perform the functions on the project schedule. There was never any assertion or implication that the limited refurbishment raised any safety or technical concerns. (E.g., Clements, 9-1-83, pp. 19-20; Jackson, 7-27-83, pp. 36-37; Kazanas, 9-12-83, p. 21; Larson, 9-14-83, p. 40; Marsden, 9-7-83, pp. 24-25; Radbill, 9-7-83, pp. 8-9.)

2. NRC Pre-Approval Used to
Pressure TMI Personnel.

Parks also alleges that management used NRC informal or pre-approval to put pressure on TMI personnel to sign-off on various procedures. (See Aff., 41.) This allegation is unambiguously and

strenuously denied not only by management, but also by Parks' co-workers and there is absolutely no evidence to support it. (E.g., Arnold, 9-13-83, p. 74; Fornicola, 9-7-83, p. 27; Marsden, 9-7-83, p. 50; Marshall, 9-6-83, pp. 21-22; Radbill, 9-7-83, pp. 66-67.)

3. Polar Crane Load Test SER
Submitted to NRC.

Parks also alleges that the polar crane load test safety evaluation report ("SER") had been submitted to the NRC for approval at some point before February 14, 1983 and before Site Ops had received it. (Aff., p. 19.) Parks once again is mistaken. The SER was signed-off on by Mr. King of Site Ops, despite whatever reservations he might have had. The SER was submitted to the NRC on February 18, 1983, after King signed-off on the document. (Barton, 9-14-83, pp. 29, 35; Larson, 9-14-83, p. 46; Letter from B. Kanga to L. Barrett, Feb. 18, 1983 (4410-83-L-0037) (Stier R., App. B, Tab 100).) Thus, Site Ops review was not sidestepped and there was no attempt to avoid Site Ops input, despite the fact that the SER could have been submitted to the NRC without it. (Barton, 9-14-83, pp. 33-34.)

4. Allegation That Freemerman
Stated No Replacements of
Unlike Kind Made on Polar
Crane.

Parks claims that at a meeting on February 22, Mr. Ron Freemerman stated that "there had been no replacement of unlike kind" parts in the refurbishment of the polar crane. (Aff., p. 22.) This statement was allegedly made to support an argument that the polar crane refurbishment did not trigger the modifications control requirements of AP-1043. Mr. Freemerman made no such statement. In fact, it was so obvious that unlike kind parts were used, Mr. Freemerman testified, that

no one could possibly claim that no such parts were employed. "How he [Parks] could make such a statement is beyond me." (Freemerman, 7-26-83, pp. 38-39. See, e.g., Thiesing, 7-25-83, p. 35.)

G. Summary

The Parks affidavit is so riddled with errors and false accusations that it is readily apparent that, following release of the affidavit, Bechtel really had no choice but to remove him from TMI. Further, the affidavit's inaccuracy demonstrates that Parks is simply not a credible witness. Some of the false and irresponsible allegations made against co-workers amount to the most serious libel. Other erroneous statements indicate that his knowledge of the administrative procedures with which he was purportedly so concerned was seriously flawed. The sincerity of his concerns, therefore, is highly questionable. In addition to specific erroneous allegations, Parks has implicitly charged that almost everyone in a responsible position at TMI is at least passively engaged in a conspiracy to cover-up safety deficiencies. Parks' misreading of others' intentions is as pervasive as it is reckless. In short, the public release of the affidavit itself so poisoned Parks' reputation and trustworthiness that Bechtel reasonably believed that he could not function effectively at TMI.