

CASE No. 3-0-009

United States
Nuclear Regulatory Commission



Report of Investigation

FERMI 2 POWER PLANT:

ALLEGED EMPLOYMENT DISCRIMINATION

Office of Investigations

Reported by DI: RIII

Investigation of this record was conducted
in accordance with the provisions of the
Atomic Energy Act of 1954, as amended,
and the Commission's regulations thereunder.
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Title: FERM 2 POWER PLANT:
ALLEGED EMPLOYMENT DISCRIMINATION

Licensee:

Detroit Edison Company
2000 Second Avenue
Detroit, Michigan 48226

Docket No.: 50-341

Case Number: 3-90-009


Report Date: March 27, 1992

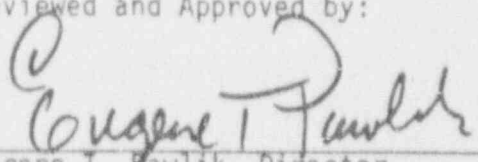
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SYNOPSIS

On May 8, 1990, the U.S. Nuclear Regulatory Commission (NRC) Regional Administrator, Region III, requested that an investigation be initiated to determine if the Detroit Edison Company (DECo) Fermi 2 Power Plant (Fermi 2) senior management discriminated against Sam THOMPSON, Assistant Director of Nuclear Security, for reporting concerns to the NRC. The alleged discrimination for contacting the NRC allegedly occurred when the licensee failed to promote THOMPSON to Director, Nuclear Security (DNS), and instead reassigned him to a special project of rewriting nuclear directives in the DECo Corporate Headquarters Office.

The Office of Investigations investigation substantiated that THOMPSON had not been promoted to the position of DNS and had been reassigned to a special project of rewriting nuclear security directives in the corporate office; however, the investigation did not substantiate the allegation that DECo Fermi 2 senior management had discriminated against THOMPSON as a result of his contact with the NRC.

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ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 3-90-009) will not be included in the material placed in the Public Document Room. They consist of pages 3 through 40.

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TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS	1
ACCOUNTABILITY	3
APPLICABLE REGULATIONS	7
ORGANIZATION CHARTS	9
LIST OF INTERVIEWEES	15
DETAILS OF INVESTIGATION	17
Purpose of Investigation	17
Background	17
Interview of Allegor	17
Coordination with the NRC Staff	18
Allegation (Alleged Employment Discrimination)	18
Summary	18
Evidence	19
Investigator's Analysis	35
Conclusion	36
LIST OF EXHIBITS	37

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APPLICABLE REGULATIONS

Allegation: Alleged Employment Discrimination

10 CFR 50.7(a)(d): Employee protection

(a) Discrimination by a Commission licensee . . . against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission information about possible violations of requirements imposed under either of the above statutes;

(iii) Testifying in any Commission proceeding.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon non-discriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

Atomic Energy Act of 1954, as Amended (42 U.S.C. 5851):

"Sec. 210.(a) No employer, including a Commission licensee . . . may discharge any employee or otherwise discriminate against any employee with regard to his compensation, terms, conditions, or privileges of employment because the employee . . .

"(1) commenced, caused to be commenced, or is about to commence or caused to be commenced a proceeding under this Act or the Atomic Energy Act of 1954, as amended, or a proceeding for the administration or enforcement of any requirement imposed under this Act or the Atomic Energy Act of 1954, as amended;"

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DETROIT EDISON COMPANY (DECo)
FERMI 2 POWER PLANT
July 1984

ORGANIZATION CHART

Frank AGOSTI
Senior Vice President

Jim OLIVER
Vice President/
Employee Relations

Robert LENART
Plant Superintendent

James PIANA
General Director/Administration

Stuart LEACH
Director/Nuclear Security

Sam THOMPSON
Assistant Director/Nuclear Security

Michael CANDELA
Supervisor/Investigation

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DETROIT EDISON COMPANY (DECo)
FERMI 2 POWER PLANT
January 1985

ORGANIZATION CHART

Frank AGOSTI
Senior Vice President

Jim OLIVER
Vice President/
Employee Relations

Robert LENART
Plant Superintendent

James PIANA
General Director/Administration

Wayne HASTINGS
Director/Nuclear Security

Sam THOMPSON
Assistant Director/Nuclear Security

Michael CANDELA
Supervisor/Investigation

Todd MAIRS
Consultant

Vince PIERSANTE
Consultant

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DETROIT EDISON COMPANY (DECo)
FERMI 2 POWER PLANT
September 1985

ORGANIZATION CHART

Frank SYLVIA
Group Vice President

Jim OLIVER
Vice President/
Employee Relations

Robert LENART
Plant Superintendent

James DuBAY
Superintendent/General Services

Robert KELM
Director/Nuclear Security

Sam THOMPSON
Assistant Director/
Nuclear Security

Michael CANDELA
Supervisor/Investigation

Todd MAIRS
Consultant

Vince PIERSANTE
Consultant

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LIST OF INTERVIEWEES

	<u>EXHIBIT</u>
AGOSTI, Frank E., Senior Vice President	23
CANDELA, Michael S., Supervisor of Investigation	28
DuBAY, James, Superintendent of General Services	45
HASTINGS, Wayne, Director of Nuclear Security	24
LEACH, Stuart, Director of Nuclear Security	20
LENART, Robert S., Plant Superintendent	30
MAIRS, Todd, Consultant, Erin Group	39
OLIVER, Jim, Vice President of Employee Relations	47
PIANA, James, General Director of Administration	22
PIERSANTE, Vincent, Consultant	37
SYLVIA, Ralph B., Group Vice President	46
THOMPSON, Sam, Assistant Director of Nuclear Security	5

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DETAILS OF INVESTIGATION

Purpose of Investigation

This investigation was initiated to determine whether Sam THOMPSON was discriminated against by the Detroit Edison Company (DECo) Fermi 2 Power Plant (Fermi 2) senior management when he (THOMPSON) was not promoted to the position of Director of Nuclear Security (DNS) in September 1986, allegedly as a result of his making allegations to the U.S. Nuclear Regulatory Commission (NRC). Further, this investigation was to determine if THOMPSON was also discriminated against by DECo senior management when he (THOMPSON) was reassigned to a "special project" for up to one year rewriting nuclear directives, again allegedly as a result of his allegations to the NRC.

The U.S. Department of Labor (DOL) concluded that DECo had discriminated against THOMPSON by removing him from the assistant director's position because of THOMPSON's alleged cooperation with the NRC in November 1985.

Background

On May 8, 1990, the NRC Regional Administrator, Region III (RIII), requested an investigation (Exhibit 1) to determine the facts and circumstances surrounding DECo Fermi 2 senior management's alleged failure to promote in August 1985, Assistant Director of Nuclear Security (ADNS) THOMPSON to the position of DNS. Another individual, Robert KELM, from outside of DECo, was hired as the DNS (Exhibit 2). THOMPSON was reassigned from Fermi 2, Newport, Michigan, to DECo Corporate Headquarters, Detroit, Michigan, and tasked by Fermi 2 senior management with a special project of rewriting the nuclear directives for the Fermi 2 Security Department.

On September 30, 1986, THOMPSON filed a written complaint with the DOL (Exhibit 3) alleging that he had been "blacklisted" within DECo.

On October 18, 1986, the DOL Assistant Area Director, Valeria SOBECKI, notified DECo Vice President, Nuclear Operations, Ralph SYLVIA, that "THOMPSON was a protected employee engaging in a protected activity . . . and that discrimination as defined and prohibited . . . was a factor in the actions which comprise his complaint" (Exhibit 4, p. 1).

Interview of Allegor (THOMPSON)

THOMPSON was interviewed on March 11, 1991. He provided a sworn statement (Exhibit 5) discussing his being placed in the position as ADNS at Fermi 2 in May 1984; Wayne HASTINGS, a senior manager with no security background, being appointed as DNS in September 1985; the disagreement with HASTINGS over the "drywell incident" and his (THOMPSON) notifying the NRC of the incident after [REDACTED] his (THOMPSON) being "blacklisted" within DECo by senior management by not being selected as the DNS when HASTINGS was reassigned in July 1986 because he (THOMPSON)

6,7C

notified the NRC of the above incident; and his (THOMPSON) transfer from Fermi 2 to corporate headquarters where he was assigned, without supervisory responsibilities, the "special project" of rewriting nuclear directives, a position he deemed to be a menial task.

Coordination with the NRC Staff

On March 21, 1991, the RIII referral (Exhibit 1) was discussed with James CREED, Chief, Safeguards, NRC:RIII. CREED provided the Office of Investigations (OI) with the NRC:RIII SALP Board Report (Exhibit 6) and Security Inspection Reports from November 12, 1985, through August 20, 1986 (Exhibits 7-15).

Allegation: Alleged Employment Discrimination

Summary

The following individuals were interviewed by OI:RIII on the dates indicated regarding the allegation that DECo Fermi 2 senior management discriminated against THOMPSON by not promoting him to the position of DNS and, in fact, reassigned him (THOMPSON) to a nonsupervisory, menial task of rewriting the nuclear directives for the Fermi 2 Security Department.

The pertinent testimony provided by these individuals is documented in the evidence section of this report.


<u>Name</u>	<u>Position</u>	<u>Date of Interview(s)</u>
THOMPSON, Sam	ADNS	March 11, 1991
MAIRS, Todd,	Consultant	April 26, 1991
CANDELA, Michael S.	Supervisor of Investigation	May 7, 1991
PIERSANTE, Vincent	Consultant	June 11, 1991
HASTINGS, Wayne	DNS	June 27, 1991
LEACH, Stuart	DNS	June 27, 1991
DuBAY, James	Superintendent/General Services	July 31, 1991
PIANA, James	General Director of Administration	July 31, 1991
AGOSTI, Frank E.	Vice President of Nuclear Operations	October 1, 1991
LENART, Robert S.	Plant Superintendent	October 1, 1991
OLIVER, Jim	Vice President of Employee Relations	October 1, 1991
SYLVIA, Ralph B.	Group Vice President	October 23, 1991

Evidence

1. THOMPSON was hired by DECo as a senior investigator in the Corporate Security Department on November 3, 1980 (Exhibit 16; Exhibit 5, p. 4).
2. THOMPSON was transferred to the position of Training Coordinator in the Corporate Security Department on November 10, 1980 (Exhibit 16; Exhibit 5, p. 4).
3. THOMPSON was promoted to staff supervisor of security at Fermi 2 Nuclear Security Department on January 9, 1984 (Exhibit 16; Exhibit 5, p. 4).
4. THOMPSON received a [REDACTED] appraisal for 1982 from LEACH, DNS, who wrote, [REDACTED] (Exhibit 17, p. 6). *6,7C*
5. THOMPSON received a [REDACTED] appraisal for 1983 from LEACH who wrote, [REDACTED] (Exhibit 18, p. 8). *6,7C*
6. THOMPSON received a [REDACTED] appraisal for 1984 from LEACH who agreed with the statement, [REDACTED] (Exhibit 19, p. 6; Exhibit 20, pp. 40-45). *6,7*
7. THOMPSON was promoted to ADNS at Fermi 2 on May 14, 1984 (Exhibit 16; Exhibit 5, p. 4).
8. THOMPSON stated that the positions of staff supervisor and assistant director were "the same job functions" (Exhibit 5, p. 6) and that there was no reason why the assistant's position was created except that it was on the organizational chart from the beginning (Exhibit 5, p. 7; Exhibit 21).
9. LEACH stated that NRC inspectors recommended that he (LEACH) should have an assistant director position. LEACH also stated that he believed THOMPSON was pushing for that position to be created; that THOMPSON apparently mentioned the position to LEACH's boss, Dr. Wayne H. JENS, at meetings that LEACH could not attend and THOMPSON substituted for LEACH. LEACH said he "thought it [the position] would relieve some of the burden on me" (Exhibit 20, pp. 6-7, 48-51).
10. LEACH stated that the main duties of the assistant director was to oversee the clerical staff, those who were writing procedures, and to oversee the training instructors (Exhibit 20, pp. 7, 40-41).
11. THOMPSON stated that in the absence of LEACH, the position of assistant director was the same as the director, which included reporting to the NRC (Exhibit 5, p. 8). LEACH acknowledged that the director's position included liaison with the NRC and that the assistant's position "... also would have that responsibility" (Exhibit 20, p. 10).

12. LEACH stated he selected THOMPSON for the ADNS position because "At that time I felt that Sam was the individual that was best suited for that based on some of the interviews and things that occurred" (Exhibit 20, p. 8).
13. LEACH responded, "No," when asked if he had any training in any nuclear regulations prior to taking the position of DNS at Fermi 2 (Exhibit 20, p. 6).
14. THOMPSON stated that when he (THOMPSON) was assigned to Nuclear Security, he (THOMPSON) had no training of the nuclear regulations. THOMPSON stated that he was given the 10 CFR as a guideline and directed to work with the NRC (Exhibit 5, pp. 4-6).
15. LEACH, when asked about his professional working relationship with THOMPSON over the following year (1984), replied that they had a good working relationship; that he and THOMPSON got along well together (Exhibit 20, p. 12).
- 16. LEACH acknowledged that he [REDACTED] 6,7C
(Exhibit 20, pp. 12-13).
17. LEACH stated even though THOMPSON [REDACTED] he (LEACH) 6,7C
would still have rated THOMPSON [REDACTED] from January 1, 1985, through August 1985 (Exhibit 20, pp. 24-25).
18. The NRC released a SALP Board Report for DECo Fermi 2 performance from October 1, 1984, through June 30, 1985. The Security Department was rated "Category 2." Some of the deficiencies that were identified by the NRC were Fermi 2 Security middle management's program implementation and technical solutions (Exhibit 6, p. 15).
19. In July 1985, PIANA removed LEACH from the DNS position [REDACTED] 6,7C
[REDACTED] (Exhibit 22, pp. 3-4).
20. AGOSTI acknowledged that he (AGOSTI) was part of the decision to remove LEACH as DNS because [REDACTED] 6,7C
[REDACTED] (Exhibit 23, pp. 6-7).
21. PIANA acknowledged that he selected HASTINGS, an individual with no security background, to fill the DNS position due to HASTINGS' extensive management and supervisory skills, not only at Fermi 2 but at other facilities at DECo. PIANA also felt HASTINGS' computer knowledge and experience, especially with the security computer system, were an important factor (Exhibit 22, pp. 4-5).
22. AGOSTI acknowledged that HASTINGS position was not a permanent position, stating that it was an "interim measure to determine where the area of need were [sic] at . . . to problem solve and solve the problem identified" (Exhibit 23, pp. 13-14).

23. HASTINGS stated that he felt his assignment to the DNS position was temporary, and that his mission was to have the Security Department up to a SALP 1 rating (Exhibit 24, p. 10).
24. HASTINGS acknowledged that when he took over as DNS, his knowledge of nuclear regulations, as far as the security field, was limited and in a general way; and that he (HASTINGS) relied on his staff as well as to work to increase his own awareness of reporting standards (Exhibit 24, pp. 5, 12-13).
25. When LEACH learned that HASTINGS was to replace him, he (LEACH) stated [REDACTED] (Exhibit 20, p. 31). *6,7C*
26. THOMPSON stated that when he heard that LEACH was being replaced, he (THOMPSON) went to AGOSTI regarding his own promotional opportunity. THOMPSON stated that AGOSTI told him that he (THOMPSON) had done nothing wrong, that there was a political issue, and that HASTINGS was being placed in the DNS position for only three or four months (Exhibit 5, pp. 17-19).
27. AGOSTI acknowledged that he did talk to THOMPSON and informed THOMPSON that HASTINGS' position was only temporary. He also acknowledged that he told THOMPSON that he (THOMPSON) was being considered for the DNS position (Exhibit 23, pp. 14-15).
28. AGOSTI acknowledged that THOMPSON [REDACTED] that was why HASTINGS was placed in the DNS position (Exhibit 23, pp. 8-9, 15). *6,7C*
29. LEACH acknowledged that he felt THOMPSON [REDACTED] (Exhibit 20, pp. 26-28, 48, 56). *6,7C*
30. THOMPSON stated that prior to LEACH leaving the Security Department, the general working conditions were strenuous and that the relationship with upper management was only "fair." This was because of the push by upper management to get Fermi 2 on-line and that everyone was working up to 14 hours each day, six days a week (Exhibit 5, pp. 11-12).
31. THOMPSON stated that he (THOMPSON) had two previous conflicts with HASTINGS before HASTINGS became the DNS. THOMPSON stated that one incident created a minor disagreement between them, but the other incident which involved THOMPSON revoking a number of security key card inserts that HASTINGS issued, caused HASTINGS to become "very, very upset on that one" (Exhibit 5, pp. 19-20).
32. On September 2, 1985, HASTINGS became the DNS (Exhibit 25).
33. Prior to becoming the DNS, HASTINGS had received the following comments on previous annual ratings: 1981 - [REDACTED] *6,7C*

- 
- 6,7C
34. THOMPSON stated that approximately one week after HASTINGS started as the DNS, he (HASTINGS) told THOMPSON to just keep running the show. THOMPSON further stated that he didn't see HASTINGS that often, nor could he remember HASTINGS holding a formalized staff meeting (Exhibit 5, pp. 23, 26-27, 32).
35. CANDELA acknowledged that he didn't recall HASTINGS having a staff meeting to give directions to the staff, or of his (CANDELA) having any meeting with HASTINGS to explain his (CANDELA) function to HASTINGS (Exhibit 28, pp. 17-18).
36. CANDELA acknowledged that he felt PIANA was really running the Nuclear Security Department. CANDELA understood that HASTINGS maintained a desk at the Nuclear Operations Center and spent a lot of time at that facility. CANDELA didn't feel that HASTINGS did a lot of work directly related to security (Exhibit 28, p. 21).
37. THOMPSON stated that for the next month after HASTINGS started as the DNS, THOMPSON felt no animosity toward HASTINGS, and that he (THOMPSON) felt that eventually he (THOMPSON) would be promoted to the DNS position (Exhibit 5, pp. 33-34).
38. HASTINGS stated that he did discuss with THOMPSON his (THOMPSON) responsibilities and duties, and those duties included training the staff and writing adjustments to the security plan (Exhibit 24, pp. 15-16).
39. On Wednesday, October 30, 1985, the drywell head of the Fermi 2 reactor was removed for maintenance purposes. According to the physical security plan of Fermi 2, when this happened a guard or watchman was to be posted 24 hours per day to control personnel and material into that area (Exhibit 5, p. 35; Exhibit 29, pp. 2-3).
40. A guard was posted at 2:53 p.m. on October 30, 1985, however, the guard was inadvertently removed at 6:44 p.m. by a security supervisor. A guard was not replaced until 11:14 a.m. on Friday, November 1, 1985, by a security supervisor. The decision to replace the guard was made not because of the drywell head being removed as per the security plan but due to the exposure of some ventilation holes in the reactor (Exhibit 29, pp. 2-4).
41. At approximately 4:00 p.m. on Friday, November 1, 1985, NRC Security Inspector Terry MADEDA notified THOMPSON and HASTINGS that the NRC had
- 6,7C posters

received an anonymous phone call stating that Fermi 2 Security had failed to control access to the reactor containment for a period of time (Exhibit 29, p. 4).

42. HASTINGS stated that at the time of this incident, he still didn't have adequate knowledge regarding the drywell head, so he relied on THOMPSON to provide the technical expertise (Exhibit 24, p. 53).
43. THOMPSON stated that over the next few hours a number of meetings were held to determine if the lack of posting a guard amounted to a "reportable event" to the NRC. THOMPSON stated that HASTINGS, PIANA, AGOSTI, and Bob LENART were involved in the discussion. THOMPSON stated that their focus was on the size of the ventilation holes, until LENART correctly pointed out that the drywell head was removed, so the size of the ventilation holes became irrelevant. THOMPSON then became adamant that the incident was a reportable event (Exhibit 5, pp. 38-41, 43-46).
44. THOMPSON stated that AGOSTI directed getting the verbiage together so that a call to Bethesda, Maryland, could be made regarding the one-hour reportable event (Exhibit 5, pp. 41-42).
45. THOMPSON stated that HASTINGS, instead, called Jim CREED, Chief, Safeguards Section, NRC:RIII, and, with PIANA listening, HASTINGS advised CREED that there wasn't a problem, but that they, the Fermi 2 Security staff, were continuing to examine the ventilation hole sizes. THOMPSON acknowledged that HASTINGS never mention to CREED that the drywell head had been removed, exposing the reactor (Exhibit 5, pp. 42-43).
46. THOMPSON stated that [REDACTED] (Exhibit 5, pp. 46-47). *6, 7C*
47. LENART acknowledged that notwithstanding his inability to recall certain statements he allegedly made, he didn't disagree with a report written by Vince PIERSANTE of an interview he had with PIERSANTE on October 21, 1986 (Exhibit 30, p. 13). According to that report, LENART recalled that removing the drywell head was a breach of the containment, making the discussion of the open ventilation hole concern moot (Exhibit 31, p. 38).
48. In that report it also was indicated that LENART's impression was that at the end of the meeting (involving THOMPSON, AGOSTI, HASTINGS, and PIANA), the NRC was going to be called regarding the breach of a vital area (Exhibit 31, p. 39).
49. AGOSTI stated that there were two schools of thought; so a call was made to Leo LESSER, consultant from Management Analysis, who also did not come to a resolution. LESSER told them that the wording (of 10 CFR) didn't make sense as it seemed that they (NRC) were describing a PWR (Pressure Water Reactor) and Fermi 2 was a BWR (Boiling Water Reactor) (Exhibit 23, p. 18; Exhibit 31, pp. 37-38). AGOSTI acknowledged that he believed THOMPSON's position was adamant that it was a reportable event, but that no one agreed with THOMPSON (Exhibit 23, pp. 19-20).

50. AGOSTI stated that they did not have the security plan in their hands at the time of the November 1, 1985, meetings (Exhibit 23, p. 18).
51. According to PIERSANTE's report, AGOSTI told the group "to make sense of the 10 CFR, get to its meaning, and then decide if it fit our situation." AGOSTI also understood that a call would be made to CREED before any formal report was made (Exhibit 31, p. 38).
52. PIERSANTE's report indicates that PIANA stated that he thought HASTINGS had told CREED everything they knew about the incident, but that THOMPSON, after the call, stated it was a "one hour reportable." When PIANA challenged THOMPSON to show why it was a "one hour reportable," THOMPSON supposedly said that it was his (THOMPSON) feeling that it was. PIANA also believed LENART wasn't convinced that it was a reportable event (Exhibit 31, pp. 35-36).
53. When AGOSTI was asked why they didn't take THOMPSON's advice, he stated, "Well, he [THOMPSON] could not explain it to me or to Mr. Lesser, who had at that time, 20 years, whatever, in the nuclear industry. Or Bob Lenart, who was longer involved with Fermi than I." When asked if THOMPSON tried to get the security plan to show exactly where it was stated that the event was a "one-hour reportable" event, AGOSTI said, "No" (Exhibit 23, p. 22).
54. When AGOSTI was asked why no one obtained the security plan, he said he didn't know why. He stated that a copy of the plan was in his safe, but "it was not deemed required" (Exhibit 23, p. 21).
55. On Saturday, November 2, 1985, THOMPSON, at approximately 12:50 p.m., consulted with Greg OVERBECK, Plant Superintendent, regarding THOMPSON's interpretation of the drywell head incident. OVERBECK then advised a member of the security staff to notify the NRC and report the drywell incident as a "potentially reportable event" (Exhibit 29, p. 4; Exhibit 5, pp. 48-49).
56. THOMPSON acknowledged that the reason for waiting until Saturday to report the incident was because he was angry over the confrontation with his superiors; that he knew he would be committing suicide to report it; that his actions would have repercussions; but that he knew it was the right thing to do (Exhibit 5, pp. 49-50).
57. PIANA acknowledged that he (PIANA) was onsite at Fermi 2 on Saturday, November 2, 1985, when he was told that THOMPSON had caused the incident to be reported. PIANA stated that it was the right thing to do, but acknowledged that he was taken back when he (PIANA) learned that THOMPSON hadn't informed him of his reporting the event because he (PIANA) believed nothing had changed since Friday night (Exhibit 22, p. 13; Exhibit 31, p. 36).
58. The drywell incident was cited as a potential violation during a November 12 through November 27, 1985, NRC inspection: "Compensatory Measures: Failure to implement required compensatory measures for a degraded vital area barrier (Section 10.b)" (Exhibit 7, p. 4).

59. The drywell head incident being reported to the NRC on November 2, 1985, resulted in a "Five Day Report" being created by the Fermi 2 Security Department to be sent to the NRC no later than November 7, 1985, which explained the incident (Exhibit 29; Exhibit 31, p. 6).
60. During the drafting of this "Five Day Report," HASTINGS had the report typed into the word processor known as the Comprehensive Electronic Office (CEO) (Exhibit 31, p. 7).
61. THOMPSON acknowledged that he and Kate LARRY, a security specialist, advised HASTINGS before HASTINGS had directed the report to be typed on the CEO, not to use the CEO for the report. THOMPSON stated that he advised HASTINGS that the report was classified safeguards material and that the CEO was not secured for safeguards material (Exhibit 5, pp. 54-56; Exhibit 31, pp. 7, 48).
62. A subsequent investigation of this incident conducted by PIERSANTE for DECo concluded, "... HASTINGS ... should have known as much about offsite line capabilities [of the CEO] as anyone onsite. The May 15, 1985, memorandum, his personal followup on specific items with ISO personnel, and his planning activities with Data General people [sic] leads the writer to believe that HASTINGS knew about the CEO's offsite capabilities" (Exhibit 31, pp. 50-51).
63. This incident was cited as a potential violation during a November 12 through December 27, 1985, NRC inspection:
- Physical Protection for Safeguards Information: One document containing safeguards information was entered in a data processing system that did not meet security standards required by the licensee's procedures (Section 14) (Exhibit 7, p. 5).
64. THOMPSON acknowledged that his relationship with HASTINGS did not change over the next two months, and that this relationship never developed into a hostile environment (Exhibit 5, pp. 58, 61-62).
65. HASTINGS acknowledged that his [REDACTED] 6,7C
[REDACTED]
(Exhibit 24, p. 67).
66. CANDELA acknowledged that a [REDACTED] 6,7C
[REDACTED] (Exhibit 28, p. 26).
67. Between November 12 and December 27, 1985, the NRC conducted a reactive safeguards inspection of the Fermi 2 Security Department. The results of the inspection identified 14 potential violations which included the CEO incident and one licensee identified violation which included the drywell incident (Exhibit 7).
68. HASTINGS stated, "By the end of December, our performance was not very good because we had too many violations. All of us were somewhere

between marginal and satisfactory . . . I thought the security management was doing a poor job, and I was part of a poor job" (Exhibit 24, p. 16).

69. HASTINGS stated that he didn't remember giving THOMPSON a formal evaluation for 1985, but he believe he gave THOMPSON [REDACTED] (Exhibit 24, pp. 17-18). *b1,7C*
70. HASTINGS acknowledged that a [REDACTED] (Exhibit 24, pp. 72-73). *b1,7C*
71. PIANA acknowledged that HASTINGS performance for the last half of 1985 was [REDACTED] and in the formal evaluation for HASTINGS for 1985, that is how he (PIANA) rated HASTINGS (Exhibit 22, pp. 7-8; Exhibit 32). *b1,7C*
72. PIANA stated that he agreed with the verbal evaluation of HASTINGS for 1985 that stated, [REDACTED] (Exhibit 22, p. 8; Exhibit 32). *b1,7C*
73. When AGOSTI was asked if THOMPSON had received any type of performance evaluation for the end of 1985, he replied that he assumed THOMPSON would have since it was mandatory to do so. AGOSTI also acknowledged that an employee's salary increase was based upon performance evaluation (Exhibit 23, pp. 28-29).
74. AGOSTI, when asked if he was satisfied with HASTINGS' performance at the end of 1985 stated, [REDACTED] (Exhibit 23, p. 27). *b1,7C*
75. A review of pay increases for 1985 performances revealed that HASTINGS [REDACTED] (Exhibit 33). *b1,7C*
76. On December 24, 1985, JENS received a letter from the NRC that stated in part, "The security organization has been unable to properly implement the provisions of the security plan as evidenced by the numerous violations identified by both Detroit Edison and the NRC" (Exhibit 34, p. 1).
77. In response to this letter by the NRC, DECo management established an Independent Overview Committee (IOC) composed of nuclear utility experts from outside DECo, "to identify, evaluate and analyze problems with management, management structure, and management systems at the Fermi 2 Power Plant" (Exhibit 35; Exhibit 24, pp. 27-28).
78. On January 30, 1986, the IOC recommended in part that DECo should "Acquire an experienced nuclear security professional to improve the overall effectiveness of the security organization" (Exhibit 36, p. 5).
79. THOMPSON believed that he first heard, and then read, the IOC report which recommended that DECo go outside the company to find a security professional for Fermi 2 (Exhibit 5, pp. 58-59).

80. THOMPSON acknowledged that sometime in April he met with AGOSTI again and talked about the director's position. THOMPSON stated that AGOSTI informed him that he (THOMPSON) was going to be put in the DNS position, but now the Independent Overview Committee had indicated that DECO needed to go outside and find a professional security person (Exhibit 5, p. 66).
81. Sometime after the NRC inspection in December 1985, Leon COHAN, Chief Counsel and Vice President, DECO, retained PIERSANTE to look at the operation of the Fermi 2 Security Department to determine if managerial checks and balances were in place and to see if managers were functioning as they should (Exhibit 37, pp. 8-9).
82. PIERSANTE acknowledged that his recommendation to COHAN was [REDACTED] *b1,7C*
[REDACTED] Exhibit 37, pp. 13-14).
83. PIERSANTE stated that THOMPSON had a good rapport and "a great deal of personal relationships" with a great number of security personnel (Exhibit 37, p. 15).
84. PIERSANTE stated that initially he had the impression that THOMPSON knew and had a good grasp of the regulatory responsibilities. PIERSANTE stated that this impression of THOMPSON [REDACTED] *b1,7C*
[REDACTED] (Exhibit 37, p. 15).
85. HASTINGS stated that he felt frustrated in not getting the results he wanted, and he also wanted a nuclear professional who could bring the Security Department in compliance with the plan and, therefore, get a SALP 1 rating (Exhibit 24, p. 66).
86. HASTINGS stated that he didn't remember recommending the "demise" of THOMPSON, but he didn't, later on, encourage THOMPSON toward the goal of the DNS position. HASTINGS did recommend bringing in another assistant who could advance rapidly to the director position (Exhibit 24, pp. 56-57, 61, 66).
87. When HASTINGS was asked if he had any recommendations about THOMPSON being removed from the day to day operations at Fermi 2, he replied that he didn't recall any. HASTINGS stated that as long as he was DNS, THOMPSON was his assistant (Exhibit 24, pp. 46-47).
88. HASTINGS acknowledged that he felt THOMPSON's performance as the assistant director was [REDACTED] *b1,7C*
Therefore, he (HASTINGS) brought in a consultant (Erin Group) to "rewrite the security plan that had been written under Mr. THOMPSON's direction . . . the second thing I did was I personally interfaced significantly with the security shift supervisors and relieved Mr. Thompson of that function" (Exhibit 24, pp. 40-42).

89. HASTINGS added that he felt THOMPSON was doing the best he could and "the way I could help him [THOMPSON] would be to not have him as involved with as many activities as he had been" (Exhibit 27, pp. 42-43).
90. In early March 1986, HASTINGS became aware that LARRY was the security staff member who reported to the NRC that he (HASTINGS) placed the "Five Day Letter" (drywell incident) into the CEO. HASTINGS and PIANA decided to demote LARRY in late March 1986. LARRY filed a discrimination complaint which was eventually adjudicated by the DOL in behalf of LARRY (Exhibit 38, pp. 4, 20).
91. In the Decision and Order by the DOL regarding the LARRY incident, it stated that "During this period, Hastings manifested frustration and anger at NRC pressure. Complainant testified about Hastings' conduct at a staff meeting following an NRC visit. '[Hastings] was . . . angry that the NRC did not understand [Respondent's] staff positioning and . . . organization. [He said] the NRC was too stupid to figure out and their [organization] was hard to understand and he couldn't understand why they couldn't understand ours.' . . . General Director Piana concurred that Respondent experienced difficulty in meeting NRC standards . . . Hastings acknowledged that he preferred his employees not 'to be unduly helpful' to the NRC, and he disapproved of employees reporting violations to the NRC" (Exhibit 38, pp. 8-9).
92. THOMPSON stated that he felt he (THOMPSON) was a roadblock because THOMPSON's security concept was, if there were any questionable events, call it immediately to the NRC and then "research it later on. If we're wrong, we can call it back." That is why, according to THOMPSON, HASTINGS encouraged THOMPSON to apply for a position that THOMPSON (according to THOMPSON) didn't feel qualified for (Exhibit 5, pp. 62-63).
93. THOMPSON stated that the Fermi 2 Security officers [REDACTED] One infraction which involved HASTINGS' safeguard cabinet (Exhibit 14, p. 4) resulted in THOMPSON removing the cabinet from HASTINGS' office, [REDACTED] (Exhibit 5, pp. 65-66). *b1, X*
94. MAIRS, one of the Erin Group Consultants, stated that there was "a schizm [sic] in the organization" [REDACTED] (Exhibit 39, p. 30). *b1, X*
95. In response to a DECo management request in March 1986, all nuclear security management, staff supervisors, and many DECo and contract security officers were interviewed by Safeteam, an organization within DECo (Exhibit 40).
96. One Interviewee expressed the following concern:

[REDACTED]

97. Another concern was expressed as follows:

Interviewee stated that for at least the last three inspections, the NRC has commented that management needed to improve in their relationships with Security. Interviewee further stated that in those same evaluations the uniformed security personnel received excellent ratings. Interviewee questions managements' acceptance of unsatisfactory supervisory personnel and seeming refusal to listen to or care about the lower level employees [sic]. Interviewee suggests that the problem could be [REDACTED]

[REDACTED] (Exhibit 40, p. 16).

98. Yet another concern was expressed as follows:

Concernee feels there is a lack of confidence [REDACTED]

[REDACTED] This lack of confidence causes a decline in morale. As a result, complaints have escalated and productivity has decreased (Exhibit 40, pp. 11-12).

99. During the week of March 21-27, 1986, DECo Fermi 2 senior management undertook the task to contact an executive search group to assist in hiring a nuclear security director (Exhibit 41).
100. PIANA acknowledged that he had input into the criteria for the selection of the new director, emphasizing the point that the successful candidate must have had primary responsibility for security at an operating nuclear facility that had achieved a SALP rating of 1 (Exhibit 22, pp. 14-15; Exhibit 42).
101. AGOSTI also stated that he (AGOSTI) was "looking for an Assistant Director who was definitely promotable in a short period of time" (Exhibit 23, pp. 24, 30).
102. AGOSTI stated, "I was dissatisfied with [REDACTED] that I had a party to make Director" (Exhibit 23, p. 24).
103. AGOSTI further stated that the Fermi 2 Security group was not working in concert; that issues were brought to him that were not security issues, but rather teamwork issues; and that when conflicts arose [REDACTED] (Exhibit 23, pp. 25-27).
104. AGOSTI stated that the decision to remove HASTINGS as DNS was made at the time when "all the issues came up in the computer use . . . computer problem" (Exhibit 23, p. 30).
105. On July 1, 1986, HASTINGS was removed from the day-to-day operations of the Nuclear Security Department (Exhibit 43; p. 1).

106. On July 21, 1986, a Fermi 2 senior management meeting took place at DECo Headquarters, Detroit, Michigan. Among those present at this meeting were SYLVIA, AGOSTI, DuBAY, and PIERSANTE. Part of the meeting centered around the performance of and future of THOMPSON. According to notes by PIERSANTE, it was decided by those present to offer the DNS position to "the man from Pennsylvania" (Robert KELM, Sr.) (Exhibit 44, p. 1).
107. PIERSANTE's notes indicated that those present at the July 21, 1986, meeting perceived THOMPSON [REDACTED] (Exhibit 44, p. 1). *b7C*
108. PIERSANTE, when asked what he meant [REDACTED] (Exhibit 37, pp. 37-38). *b7C*
109. DuBAY, when asked about the word [REDACTED] (Exhibit 45, p. 16). *b7C*
110. PIERSANTE, in his report, stated that he (PIERSANTE) suggested to DECo senior management that THOMPSON be at least considered for an interview for the DNS position so that there would be a different perspective on the problem in the Nuclear Security Department (Exhibit 44, pp. 1-2).
111. DuBAY both stated and wrote that PIERSANTE, who was aware of the problems associated with the Fermi 2 Security Department, agreed with the opinion that THOMPSON should be removed from Fermi 2. DuBAY also stated that PIERSANTE agreed that moving THOMPSON would allow senior management to get a solid perspective of the nuclear security through the new DNS (Exhibit 43, p. 1; Exhibit 45, p. 12).
112. AGOSTI stated that he had specific intentions of taking THOMPSON off the site at Fermi 2 and allowing KELM to establish his own program. AGOSTI stated that the reason for his decision was that [REDACTED] AGOSTI added that if KELM, after establishing himself, wanted an assistant, then THOMPSON would be a candidate (Exhibit 23, pp. 32-33). *b7C*
113. SYLVIA stated that even before he (SYLVIA) was hired by DECo in May 1986, he was aware of the IOC recommendation regarding the hiring of a new DNS. Regarding THOMPSON's position, SYLVIA felt that there wasn't a need for an ADNS position. Therefore, SYLVIA stated that even though others may have reached the same conclusion, he made the decision to remove THOMPSON from the ADNS position so that the new DNS had a "clean slate" to work from (Exhibit 46, pp. 4, 8-9).

114. DuBAY stated that from that meeting it was decided to move THOMPSON to the Corporate Security Department (located in Detroit, Michigan). THOMPSON, however, would report to DuBAY who was still at Fermi 2. DuBAY also stated that he and AGOSTI then developed the work assignment with which THOMPSON would be involved. THOMPSON was to research, write, and review the nuclear operations program directives associated with security for Fermi 2 (Exhibit 45, pp. 4, 19-20, 31-32).
115. DuBAY stated that there were individuals at varying levels of management, equal to and even above THOMPSON's supervisory level, who were writing the nuclear operation procedure directives for the Fermi 2 facility (Exhibit 45, p. 43).
116. OLIVER stated that THOMPSON's assignment to the Corporate Security Department was permanent in that there was no specific time limit for that assignment (Exhibit 47, p. 11).
117. DuBAY, when asked if THOMPSON while on special assignment would be involved in the day-to-day operations of the Fermi 2 Security Department or the Corporate Security Department, replied that THOMPSON would not be involved. DuBAY, when asked about THOMPSON being involved in any supervision or other activity requiring overtime pay, replied that, no, THOMPSON would not be involved in day-to-day supervision nor would be required to work overtime (Exhibit 45, pp. 25-26).
118. DuBAY stated that THOMPSON's special assignment "was initially intended to be about a two to four month assignment" (Exhibit 45, p. 24).
119. DuBAY stated, "No," when asked if he had plans for THOMPSON after the special assignment. However, DuBAY insisted that THOMPSON "was always the assistant director of nuclear security. That was never changed" (Exhibit 45, pp. 24-25).
120. On July 23, 1986, an offer of employment was made to KELM to be the new Fermi 2 DNS (Exhibit 48).
121. HASTINGS was officially transferred on July 28, 1986, from DNS to Assistant to Vice President of Nuclear Operations (Exhibit 49).
122. A short time after KELM was offered the DNS position, THOMPSON requested and was granted a meeting with SYLVIA. THOMPSON stated that he was "trying to go through all the stuff with him" but added that he (THOMPSON) felt SYLVIA had to make a decision and that was why he (SYLVIA) took the IOC's recommendation (Exhibit 5, pp. 80, 83, 84).
123. THOMPSON stated that he indicated to SYLVIA that he (THOMPSON) would do his utmost to help the new DNS, but SYLVIA told him that he (THOMPSON) would not be there. In fact, THOMPSON was told that he would be gone before the new DNS started (Exhibit 5, p. 84).
124. SYLVIA stated that he remembered the meeting with THOMPSON. SYLVIA stated that THOMPSON tried to "convince me he should run security . .

all the focus was on himself and how good he was and how much he knew.

[REDACTED] (Exhibit 46, p. 10).

617C

125. SYLVIA acknowledged it was probably true that he told THOMPSON that THOMPSON would not longer be at the site when the new DNS arrived. SYLVIA again stated his position; THOMPSON needed to leave and KELM needed to start without an assistant (Exhibit 46, pp. 10-11).
126. THOMPSON stated that he was notified on a weekend of his official transfer; however, he stated that he was packed and ready to go on the preceding Friday (Exhibit 5, p. 84).
127. On August 25, 1986, THOMPSON was relocated to the Corporate Security Department on special assignment for up to one year. He reported administratively to Robert DUNGY, Director of Security, but received his work assignment from DuBAY (Exhibit 50).
128. AGOSTI stated that at the time of THOMPSON's transfer, THOMPSON [REDACTED] [REDACTED]. As far as I was concerned he had no future at Fermi" (Exhibit 23, pp. 35, 40).
129. THOMPSON stated that after his reassignment, he had little work to do and that he met with DuBAY on approximately three occasions (Exhibit 5, pp. 94-95).
130. According to DuBAY's notes, he met with THOMPSON on five occasions between August 25 (date of the reassignment) and October 13, 1986 (Exhibit 43, pp. 2-3; Exhibits 51-54).
131. In the memo dated October 3, 1986, DuBAY wrote that he requested THOMPSON to do some additional work. THOMPSON allegedly replied that, "I guess I could do more." DuBAY's written response was, "I said I don't think he [THOMPSON] is very busy" (Exhibit 53, p. 2).
132. DuBAY, when asked if THOMPSON's performance during the "special assignment" was satisfactory, replied [REDACTED] DuBAY stated he did not [REDACTED] (Exhibit 45, p. 29).
133. On September 11, 1986, THOMPSON filed an employee complaint with DuBAY stating, "I feel that I have been unfairly by-passed for the position of Director--Nuclear Security." THOMPSON requested a complete review of the selection process for the DNS position and selection to the DNS position or "the preferred offer of a position of similar status" (Exhibit 55).
134. On September 30, 1986, THOMPSON filed a complaint with the DOL stating that he had been removed as the ADNS and "Blacklisted" within DECO for notifying the NRC of reportable events, rather than 'working it out' as advised by my supervisors" (Exhibit 3, p. 1).
135. On that same day, DOL notified SYLVIA of the complaint by THOMPSON (Exhibit 57).

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136. From notes taken on October 2, 1986, PIERSANTE wrote that THOMPSON told him that the reason he (THOMPSON) was removed was because [REDACTED] [REDACTED] Supposedly, witnesses for THOMPSON, regarding the above accusation, included NRC inspectors and PIERSANTE. PIERSANTE wrote that he informed THOMPSON that "the writer [PIERSANTE] had not ever been told this by anyone in management and that the term was more often used by him [THOMPSON] than anyone else" (Exhibit 44, p. 10). b7C
137. In a written statement to the DOL on October 14, 1986, THOMPSON wrote that PIERSANTE told THOMPSON the topic of the July 21, 1986, meeting. PIERSANTE allegedly told THOMPSON that THOMPSON was not promoted because [REDACTED] [REDACTED] (Exhibit 58, pp. 9-10). b7C
138. In that same DOL statement, THOMPSON wrote that in his meeting with SYLVIA, he (THOMPSON) "met . . . to discuss the rumors that [REDACTED] [REDACTED] (Exhibit 58, p. 10). b7C
139. THOMPSON stated that "Vince [PIERSANTE] made the recommendation that I should get the job and Silvia [sic] said or whomever it was now that I was [REDACTED] . . . To the best of my recollection it was Silvia [sic] but again I have to . . . you know, I'm listening to what Piersante said" (Exhibit 5, 117). b7C
140. SYLVIA stated [REDACTED] [REDACTED] (Exhibit 46, p. 12). b7C
141. THOMPSON stated that on one occasion, CANDELA was present and heard PIERSANTE tell THOMPSON that management thought THOMPSON [REDACTED] [REDACTED] (Exhibit 5, pp. 114-115). b7C
142. In a written statement to DOL on October 21, 1986, CANDELA wrote, "After talking awhile, Vince Piersante said, 'They think that you [THOMPSON] [REDACTED]' (Exhibit 59, p. 1). b7C
143. When asked if he remembered PIERSANTE making that statement to THOMPSON and himself, CANDELA replied, "Yes." When asked who PIERSANTE was referring to when he used the term, "They," CANDELA replied, "Mr. Hasting and Mr. Piana." However, when asked if PIERSANTE specified the two latter individuals, CANDELA replied, "I think it was just understood that they 'they' [sic] was [sic] Hasting and Piana" (Exhibit 28, p. 36).
144. PIERSANTE stated that the only time he ever [REDACTED] [REDACTED] was when he heard a consultant with the Erin Group (he could not remember who) used the term to describe THOMPSON. PIERSANTE stated that he challenged that individual in his claim (Exhibit 37, pp. 59-60, 63). b7C

145. PIERSANTE further stated that THOMPSON himself [REDACTED] to describe himself and then tried to say that PIERSANTE was the one who told THOMPSON about the use. PIERSANTE added that he never heard anyone from DECo management ever use that term when referring to THOMPSON (Exhibit 37, pp. 59, 64). b7C
146. MAIRS stated that the [REDACTED] may have been used, but he didn't remember naming anyone [REDACTED] nor did he remember other people within the Erin Group [REDACTED]. MAIRS further stated, "I can't remember anybody saying [REDACTED] much less affixing it to any individual, including Mr. Thompson." When asked if he heard HASTINGS or other management personnel ever use the term in his presence, MAIRS stated, "He [HASTINGS] may have used the term as a result of possibly our using the term in bringing it up in conversation" (Exhibit 39, pp. 27-28). b7C
147. On October 16, 1986, DuBAY notified THOMPSON that as a result of review of the selection process, DECo's position was that THOMPSON was not unfairly by-passed for the DNS position in that he did not meet the selection criteria established (Exhibit 60, p. 2).
148. On October 28, 1986, the DOL notified SYLVIA that as a result of the DOL investigation "the weight of evidence to date indicates that Samuel L. Thompson was a protected employee engaging in a protected activity within the ambit of the Energy Reorganization Act, and that discrimination as defined and prohibited by the statute was a factor in the actions which comprise his complaint." Relief sought was the reinstatement of THOMPSON to the ADNS position; payment of lost over-time pay; and attorney fees incurred (Exhibit 4, p. 1).
149. On October 29, 1986, DOL Compliance Officer John HORGAN signed his official investigation report of the THOMPSON complaint (Exhibit 62).
150. On November 21, 1986, a Notice of Hearing and Pre-Hearing Order was issued by the DOL Administrative Law Judge MUSGROVE regarding the THOMPSON complaint (Exhibit 63).
151. On November 25, 1986, Attorney Billie GARDE filed an Amended Complaint with the DOL for and in behalf of THOMPSON (Exhibit 64).
152. On December 10, 1986, AGOSTI notified THOMPSON that THOMPSON's second step hearing was denied "since you did not meet the requirements of the job, you were not unfairly treated and remedy sought will not be granted" (Exhibit 65, p. 2).
153. On March 25, 1987, DuBAY notified THOMPSON that an agreement had been reached between DECo's legal counsel and THOMPSON's legal counsel (Exhibit 56).
154. On April 1, 1987, an agreement was reached between DECo and THOMPSON. THOMPSON received [REDACTED] (Exhibit 61, pp. 1-2). b7C

155. When CANDELA was asked if he thought there was a chilling effect on the Security Department after THOMPSON's removal, he replied, "I don't think so" (Exhibit 28, p. 41).

156. CANDELA stated, "I think it was humorous . . . if Sam [THOMPSON] had something to say to the Commission, he'd call them or talk to them right . . . you know, he wouldn't do it anonymously . . . if he didn't like something, he'd tell you" (Exhibit 28, p. 41).

157. When questioned about THOMPSON being open and forthright in dealing with the NRC and, therefore, [REDACTED] not applying to him, CANDELA stated, "I believe . . . yes, that's true" (Exhibit 28, p. 41). 617C

Investigator's Analysis

The initial problem with the treatment of THOMPSON by DECo Fermi 2 senior management started with LEACH failing to notify THOMPSON that THOMPSON's performance was not at a level for promotability to the DNS position. This problem was apparently then compounded by AGOSTI who advised THOMPSON that THOMPSON was being considered for the DNS position, when, in fact, AGOSTI viewed THOMPSON as part of the cause of Fermi 2 Security's poor performance. HASTINGS, who admitted at the time he became the DNS that he had a limited knowledge of nuclear security regulations (the same deficiency that LEACH stated THOMPSON had which is why LEACH felt THOMPSON was not promotable), relied on THOMPSON to provide the technical expertise. Yet, on two separate occasions (the drywell incident and the CEO incident) HASTINGS chose to ignore THOMPSON's advice. These two incidents eventually did result in NRC action.

HASTINGS, as supervisor tasked with identifying problems in the Security Department, never gave THOMPSON any written evaluation wherein he identified THOMPSON's weaknesses so the latter could improve. Instead, HASTINGS either assumed some of THOMPSON's responsibilities or delegated a portion of THOMPSON's responsibilities to consultants.

PIERSANTE, an outside consultant, in January 1986 immediately recommended to DECo Fermi 2 senior management that HASTINGS be removed due to HASTINGS [REDACTED] yet this advice was not heeded until July 1, 1986. 617C

Insofar as the drywell head incident, THOMPSON, in his capacity of ADNS, never once consulted with the Fermi 2 security plan to support his argument in front of his senior management that the event was reportable. Further, he never notified his senior management, and specifically, AGOSTI, that he (THOMPSON) had decided unilaterally to have the drywell incident reported officially to the NRC.

THOMPSON was part of the management team that received 14 potentially identified NRC violations between November 12 and December 27, 1985. This performance led to an independent committee of nuclear experts to recommend DECo seeking an "experienced nuclear security professional."

THOMPSON stated that his relationship with HASTINGS never developed into hostility, yet there is testimony from THOMPSON that on at least one occasion

[REDACTED] Also, there is testimony that THOMPSON [REDACTED] in front of other employees. This discord eventually reached AGOSTI who stated that he had to deal with issues within the Security Department that were teamwork issues and not security issues. 6,7C

In April, AGOSTI again appeared to add to THOMPSON's misconception about his promotability when THOMPSON learned of DECo's search for a DNS. THOMPSON approached AGOSTI who allegedly advised THOMPSON that he (THOMPSON) was going to be the director while in reality the IOC indicated a need to look outside the company for a candidate. AGOSTI should have advised THOMPSON of his perceived deficiencies in becoming the director and given THOMPSON a course of action on which to improve. This never seemed to have been done by DECo Fermi 2 senior management.

THOMPSON apparently created more problems for himself when he was given an opportunity to meet with the new vice president of nuclear operations, SYLVIA. According to SYLVIA, rather than focus on the needs of the security department, THOMPSON focused on himself and his past problems. SYLVIA stated that he felt there wasn't a need for an assistant director's position. He further stated that even though others may have reached the same conclusion, he (SYLVIA) made the decision to move THOMPSON away from the Fermi 2 Security Department so that the new director, KELM, could organize and run the department with a "clean slate."

AGOSTI, in his testimony, appeared to have contradicted himself when he stated that if KELM, after establishing himself, wanted an assistant, then THOMPSON would have been a candidate. Later, AGOSTI stated that when THOMPSON was transferred, THOMPSON [REDACTED] As far as I was concerned he had no future at Fermi." Interestingly, THOMPSON carried the title of ADNS at Fermi 2 up until his resignation on April 1, 1987. 6,7C

Finally, DuBAY indicated that THOMPSON's performance while on "special assignment" [REDACTED] 6,7C

Both parties are culpable. But, THOMPSON's relocation away from Fermi 2 on August 25, 1986, was not due to his notifying the NRC of a reportable event on November 2, 1985.

Conclusion

Based on the evidence developed during the investigation, it is concluded that while THOMPSON was not promoted to the position of DNS, Fermi 2 facilities, and was, in fact, transferred to DECo Corporate Headquarters to research, write, and review the nuclear operations program directives associated with security, he was not discriminated against by DECo Fermi 2 senior management for his actions of notifying the NRC of various reportable events.

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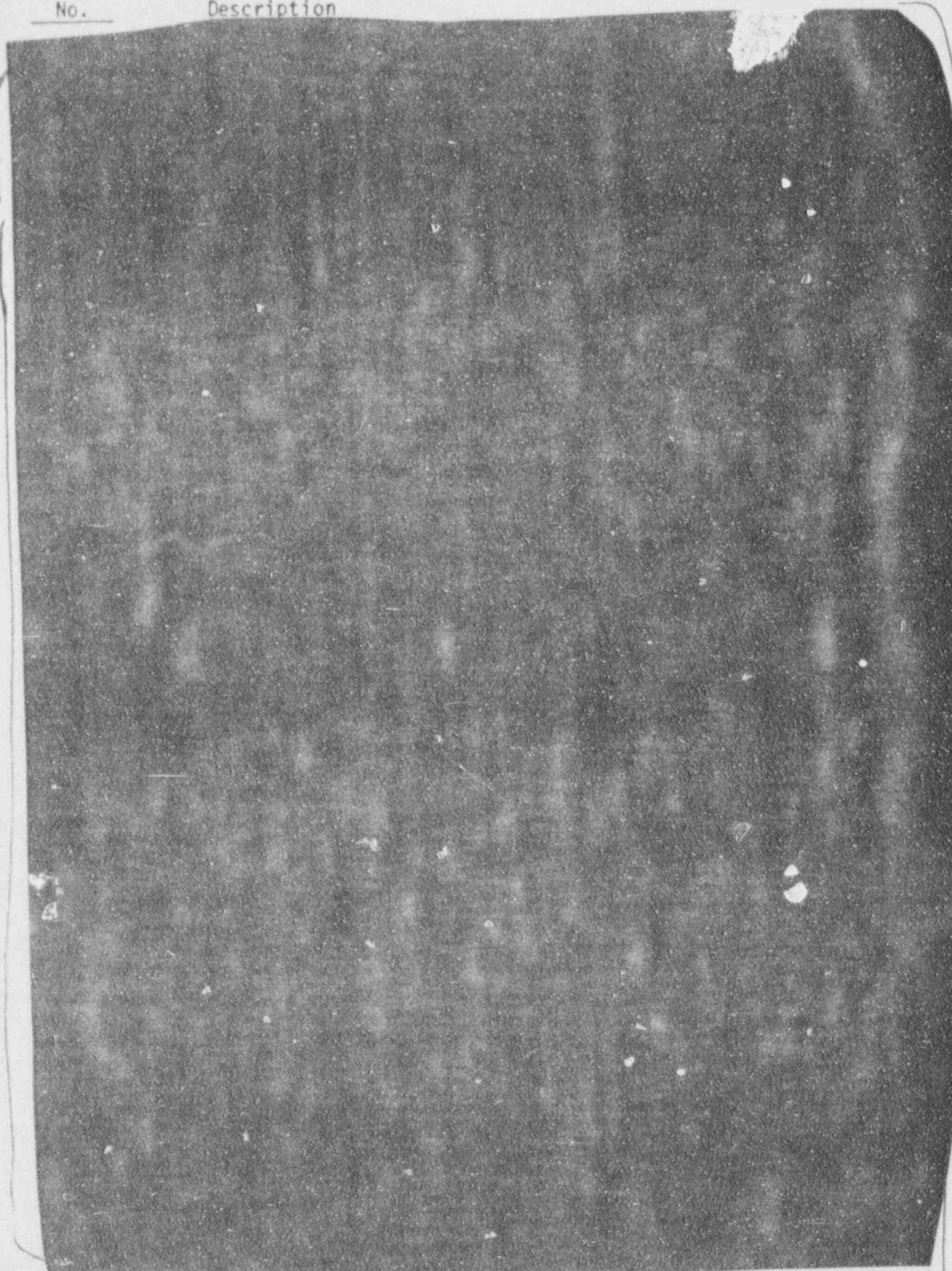
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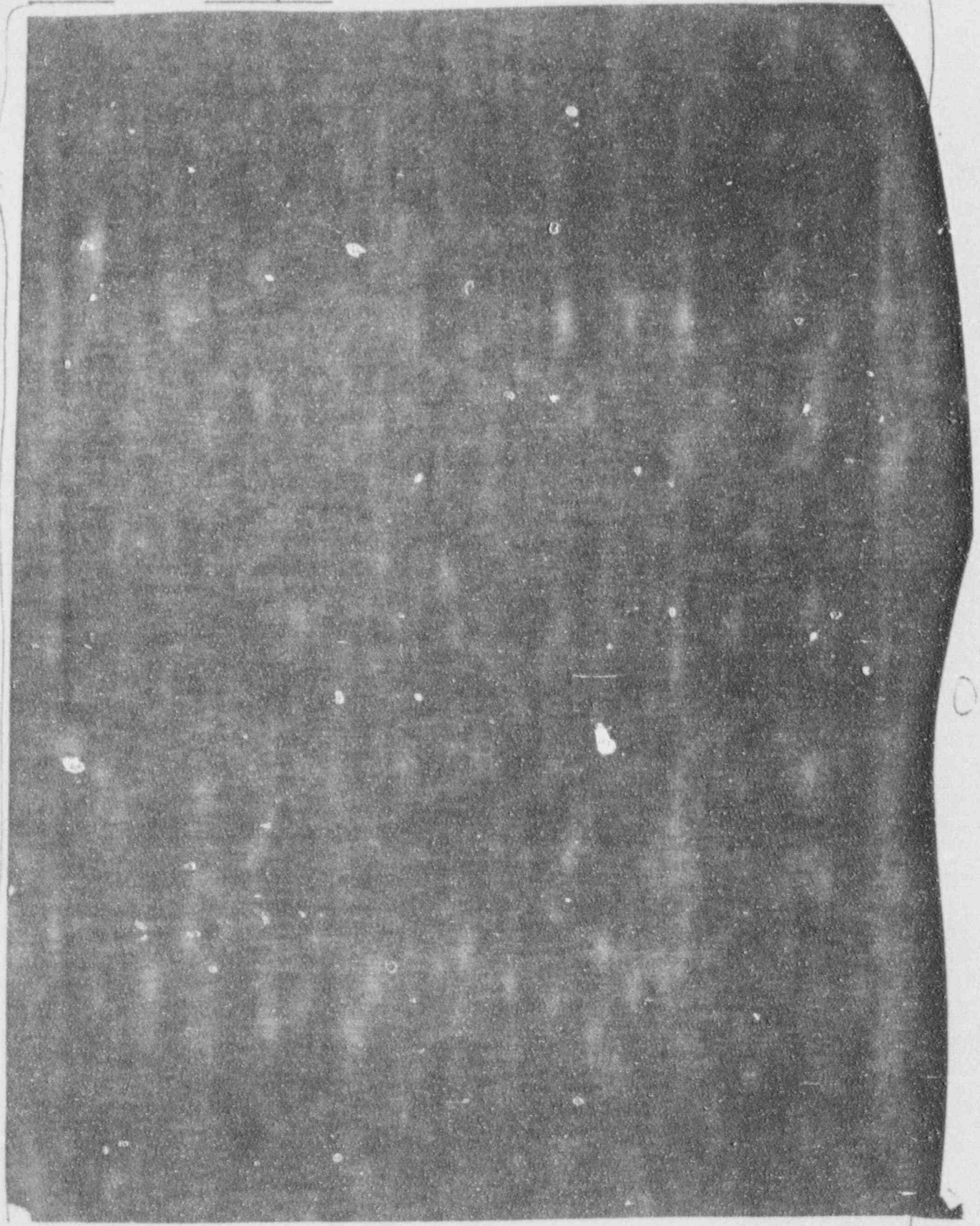
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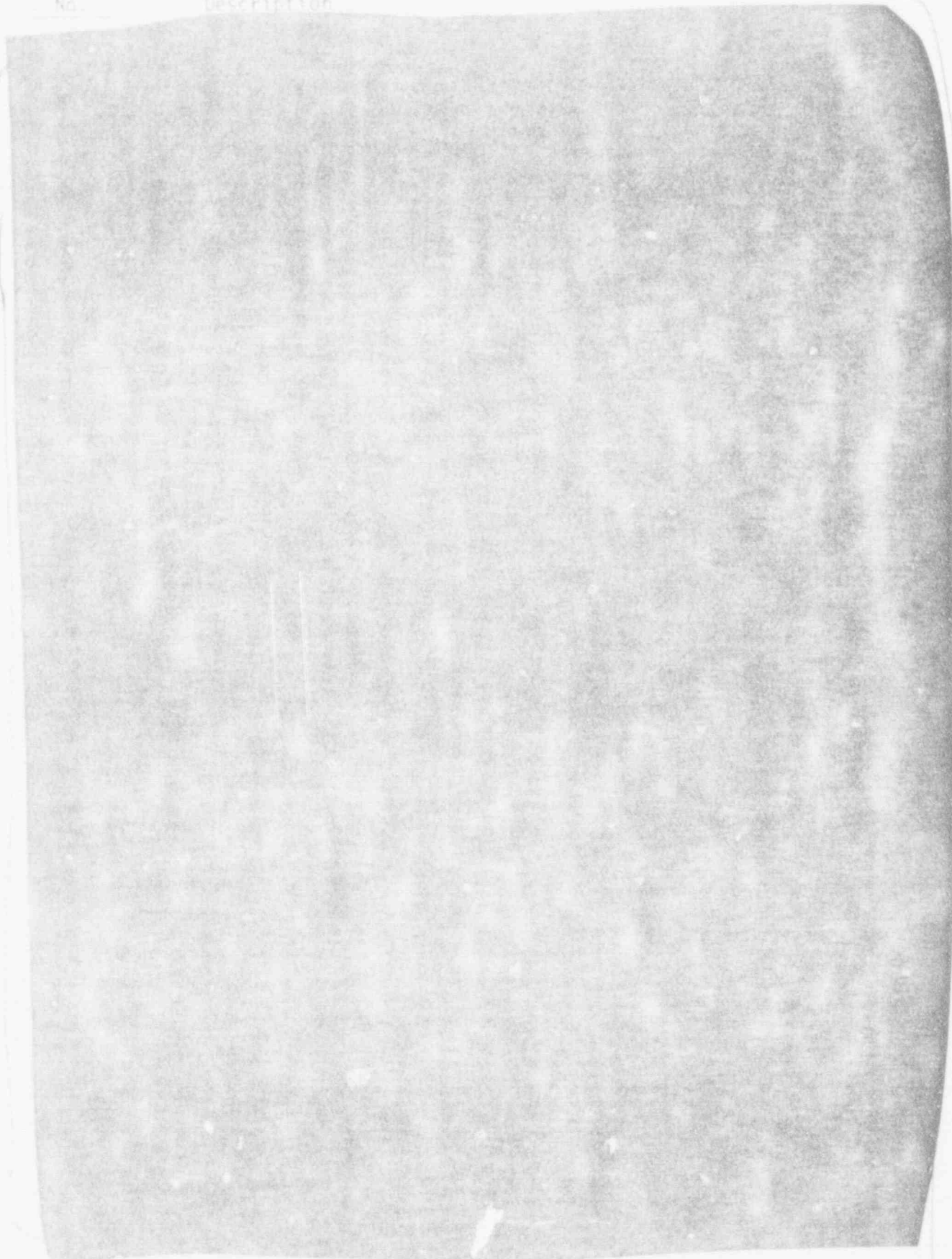
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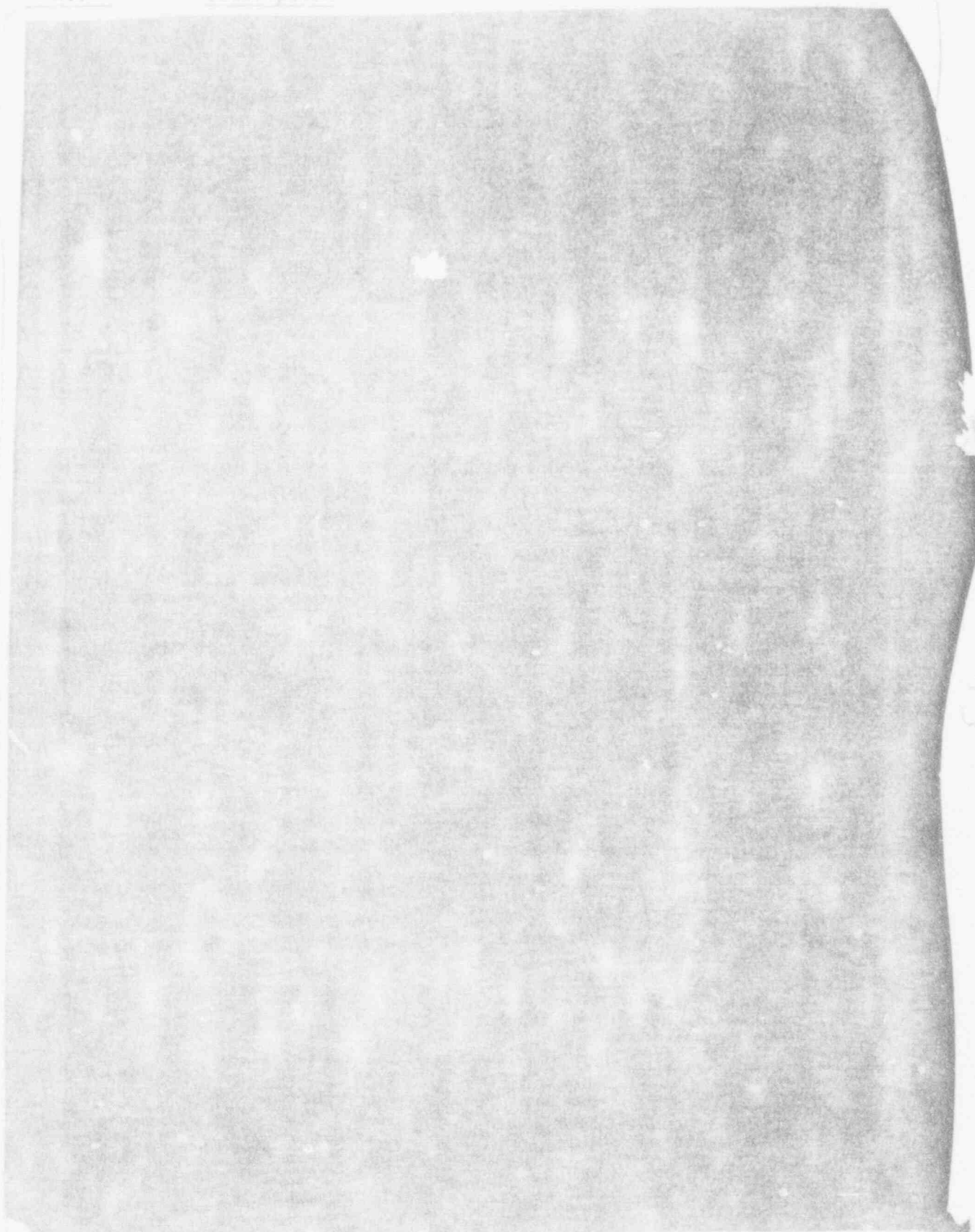


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