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EX 6+7C

March 25, 1999

Russell Wise  
Senior Allegations Coordinator  
United States  
Nuclear Regulatory Commission  
Region IV  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-8064

RE: Allegation No. [REDACTED]

EX 6+7C

Dear Mr. Wise:

This is a supplement to the documentary evidence provided to the US Department of Labor on 3/12/99, enclosure 1. This supplement includes documentary evidence of the discriminatory acts by my employer for the period from [REDACTED] to present. Also it includes a report of further procedural violations and possible misconduct. EX 6+7C

As you know, shortly after I reported allegations to the NRC on 7/9/98 and after reiterating to my supervisors that I was subjected to a suppressed working environment where I was no longer free to report safety concerns to my supervisors with out the fear of retaliation; I have since been

On [REDACTED] I returned to work at Rancho Seco. EX 6+7C

On 1/13/99, [REDACTED] threatened to [REDACTED] if he found out that I reported a plant problem directly to the NRC without first writing a PDQ (i.e., without reporting the problem first to my employer). [REDACTED] insisted that this was a condition the General Manger imposed as a condition for [REDACTED]. This was a clear act of discrimination and a denial of my right to report problems directly to the NRC per Form 3. EX 7

This occurred at a meeting with [REDACTED] is a facilitator/mediator recently contracted by [REDACTED] to improve organizational relationships and communication skills between me and my supervisors/coworkers. The purpose of the meeting was to get me to reveal the concerns I had raised to the NRC that were referenced in my DOL complaint (Enclosure 1, attachments 3 and 6, Letters form [REDACTED] to the NRC dated 8/6/98). These confidential attachments were requested to be withheld from my employer. EX 7

EXHIBIT 9 ~~CONFIDENTIAL~~

PAGE 98 OF 506 PAGE(S)

~~CONFIDENTIAL~~

demanding that I provide these "NRC Concerns" so that PDQs could be written so that management could address them. [redacted] insisted that this was a condition the General Manager imposed as a condition for [redacted]. Please refer to attachment 1, General Manager letter 98-352, condition 5. [redacted] stated, "If you do not write a PDQ it will be deliberate misconduct and I write you up". I replied that I was fully aware of my reporting obligations under NRC Form 3. I said that the NRC prefers that the employee reports problems to his employer, however, the NRC allows for an employee to report directly to the NRC. Mr. [redacted] stated, "If you don't write a PDQ you will be in violation of plant procedures which is deliberate misconduct". I replied, "Well you had better revise your procedure then to read, ... you shall write a PDQ or report to the NRC" I assured [redacted] that I had reported my concerns to the NRC and that I would continue to meet my reporting obligations. [redacted] demanded that I must first write a PDQ before reporting to the NRC. I suggested that [redacted] review NRC Form 3. [redacted] replied, "don't tell me what to do". I also stated that my attorney said that I could report directly and only to the NRC. [redacted] scowled, "Your attorney". [redacted] said, "I know that there has been one NRC Allegation reported regarding Rancho Seco in 1998. If I ever find out that there was an allegation made to the NRC without you having first written a PDQ, I will write you up". [redacted] then asked me, "What are you going to do when he writes you up?" I did not answer. Mr. [redacted] left the meeting.

EX  
6-7C

An hour or so later Mr. [redacted] came back to the meeting and conceded, "In the case where an employee fears that he will be retaliated against for reporting to his employer he may report directly to the NRC". In an expression of relief I said to [redacted] "thank you". Note: I mistakenly thought that [redacted] met privately with Mr. [redacted] on break and had mediated the situation by getting Mr. [redacted] to realize the NRC Form 3 reporting requirements. I mentioned this and [redacted] said that he did not discuss this with Mr. [redacted]. [redacted] then said, "I knew that (the right to report only to NRC) that's why they made me [redacted]"

Whether Mr. [redacted] intended to intimidate me into revealing the concerns I had raised in confidence to the NRC or whether it was a result of his misunderstanding of NRC form 3 reporting requirements, Mr. [redacted] was seriously wrong by stating that he would write me up if I did not write a PDQ before reporting to the NRC. It is my opinion that Mr. [redacted] had a misunderstanding of the NRC Form 3 reporting requirements in that he thought that one must report to one's employer and then if there is still a concern one can then report to the NRC. Never the less, Mr. [redacted] statements and [redacted] question were very threatening to me.

It is important to note that I was [redacted] on 9/3/98, in part, for expressing my reluctance to write PDQs. On 9/2/98, Mr. [redacted] had summoned me into his office and reviewed memo MPC&D 98-136 Attachment 2, "Response to Memo MNTS 98-63 and Nuclear Regulatory Commission Reporting Requirements". Mr. [redacted] warned me that I could be [redacted] if I did not write a PDQ and it would be deliberate misconduct. I again replied that I was in a catch 22 situation in that I would be receive backlash if I wrote PDQs and would be terminated if I did not. I reminded Mr. [redacted] that I had expressed this catch 22 situation to him several times over the years since 1993 to no avail.

~~CONFIDENTIAL~~

This incident is another example of Mr. [redacted] disregard and insensitivity to my situation. I believe this act, especially by a [redacted] in response to an employee's plea that he is being suppressed, was seriously wrong for whatever reason. Whether it was based on a misunderstanding or was intentional.

EX 68  
7C

On 1/14/99, I explained to [redacted] how Mr. [redacted] threats that he would write me up if he found out I went to the NRC without first writing a PDQ was an example of the discrimination I was receiving. I asked [redacted] if he had asked me on 1/13/99, What are you going to do when he writes you up for not writing a PDQ first before going to the NRC. [redacted] replied, "No". I said, we have a serious problem here, we need a tape recorder. [redacted] said that he did not want to be a witness and he would deny memory. It is understandable, that Mr. [redacted] did not understand some of the 1/13/99 discussion since it involved strange terms such as NRC Form 3, Allegations, and reporting requirements. However, [redacted] should have remembered asking me "what are you going to do when he writes you up? And [redacted] coming back to the meeting stating that if an employee feels retaliated against he may report directly to the NRC. On 2/23/99 [redacted] did admit that he did recall these two facts but would not be a witness.

EX 68  
7C

Since the 1/13/99 meeting with Mr. [redacted] where he corrected his misunderstanding of NRC Form 3 reporting requirements but only after having stating that he would write me up if I went to the NRC without first writing a PDQ, Mr. [redacted] has no longer demanded that I reveal the information I provided to the NRC. I believe Mr. [redacted] realized that he had made a serious error on 1/13/99 and is now denying that he ever intended to terminate me for not writing a PDQ on these NRC concerns. The facts of the matter do not support this. Mr. [redacted] suspended me after expressing my concerns over the backlash that I was receiving for writing PDQs and it is now a condition of my employment to show a willingness to report PDQs. The facts of the 1/13/99 discussion of this subject support this.

EX  
68  
7C

It is encouraging that Mr. [redacted] has not since [redacted] for not writing a PDQ on the concerns I had raised to the NRC. However, it is very discouraging that Mr. [redacted] denies telling me that he would write me up if he found out that I had reported to the NRC and not to SMUD as a result of his misunderstanding of the NRC Form 3 reporting requirements. This is evident in his memo to me dated MPC&D 99-033. Attachment 3.

EX  
68  
7C

Since the 1/13/99 incident, Mr. [redacted] has covered up his misunderstanding by issuing memos MPC&D 99-008, 99-034, 99-034 rev. 1, (attachments 4,5,6) and MPC&D 99-033. From a review of these memos it clearly appears that Mr. [redacted] is committed to a free environment for reporting. But these memos do not conform to the facts. He [redacted] me, in part, for expressing my concerns that I was not free to report and made it a condition for my continued employment to demonstrate a willingness to write PDQs. I assure you his actions with regard to me and his denials of the facts have made me even less willing to report problems to SMUD.

EX 68  
7C

**Why I am still reluctant to write a PDQ:**

The following is a current situation, which demonstrates why I am still reluctant to write a PDQ. Please refer to Memo MNTS 98-0066 Attachment 7. On 3/5/97, I verbally informed my supervisor of a problem where construction staff deviated from approved design documents. I did not write a PDQ myself at that time because of the backlash I had received since 1993 for writing PDQs as well documented in Enclosure 1. I was pleased when my supervisor agreed that he would have the responsible party write the PDQ. For nearly 6 months at our weekly meeting I inquired into the status and was told that he was working with [redacted] on writing a PDQ. For over two years now no PDQ has been written.

EX 68  
7C

On 3/3/99, [redacted] summoned me into his office and informed me of a complaint received from [redacted] who claimed I was not cooperative in his inquiry of the Sheriff Radio problem of design changes made without approved documents. I replied that was an unfair criticism and that I had offered to review the DCP package with him to show him the problem. At this time I was not aware that the Facilitator [redacted] was using this circumstance as test of my interpersonal and communication skills. [redacted] requested I contact [redacted] and resolve the problem. On 3/8/99, I called [redacted] and offered my assistance. [redacted] said he would bring the finding of his investigation for my review. We agreed on the problem and collaborated on a solution to locate the Sheriffs radio wherever Security wanted it.

EX 68  
7C

Although we agreed on the corrective action I did not dare suggest that a PDQ be written because of my past experiences. On 1/13/99, [redacted] conceded that when I wrote a PDQ on a very similar circumstance (DQ 95-0091) that he observed that the Electrical Maintenance supervisors were very upset at me for writing this. [redacted] had complained to him about this and Mr. [redacted] had to correct them by saying that [redacted] was right on this issue. This is evidence of the adverse response I would receive for having reported problems that affected another's area of responsibility.

EX 68  
7C

On 3/10/99, [redacted] informed me that I did a great job collaborating with [redacted] on solving the Sheriff's Radio problem. On 3/15/99, [redacted] asked me if there were any other issues open on the Sheriff's Radio problem. I stated that RSAP-1308 has procedural violations as a criteria for writing a PDQ. I reminded him that he should be aware of this case as should [redacted] asked me and reminded me of my conditions of continued employment (i.e., willingness to write PDQs).

EX 68  
7C

On 3/17/99, I discussed the Sheriff's Radio problem with [redacted]. I told him that the interpersonal relationship with [redacted] went very well because I did not insist on a PDQ. [redacted] advised me not to write a PDQ. [redacted] criticized my "principles" which I had claimed were the driving force for me to report problems. [redacted] use the example of police do not arrest every J walker they use discretion.

EX 68  
7C

I am currently [redacted]. I know based on past history that if I write a PDQ it will cause an adverse response from coworkers/supervisors. I do not want to be fired.

EX 68  
7C

Therefore, I am not writing a PDQ on this but rather reporting the problem to the NRC as follows:

1.0 Design Changes Made Without Approved Configuration Documents.:

Procedure Violations:

During construction implementation of DCP 96-002 (Sheriff Radio Mod), construction staff deviated from drawings when installing the Sheriff's Radio without first writing a Field Problem Report or having the DCNs revised. This is a procedure violation of RSAP-0305 step 6.4.1.4 and RSAP-0305. The radio has been used by Security since installation without an interim release. DCP 96-002 is still open and has not been released in violation of RSAP-0303 step 6.8.

Note: This has been a recurring problem as documented in previous DQs 92-0047, DQ 94-008, DQ 95-0091, and DQ 99-0007. Note that this same kind of problem was deemed in the past by the CMRG to be a valid Deviation from Quality (DQs). <sup>99-0008</sup>

Requirements:

RSAP-0303; "Plant Modifications", step 6.4.1.4, states, "All construction work shall be performed in accordance with approved DCNs or FPRs only. Variances from approved configuration documents are not permitted.

RSAP-0303; "Plant Modifications", step 6.8, states, "Interim Releases permits equipment to be placed in service by Plant Operations prior to release of entire DCP.

2.0 Failure to Write PDQ; Procedure Violation of RSAP-1308..

On 3/5/97, I informed my [REDACTED] of discovered problems with the construction implementation of DCP 94-002 (PICS) and DCP 96-002 (Sheriff's Radio Mod) whereby the installation was not per approved design documents as described above. Because of the backlash I had received in the past years from my supervisor and coworkers for writing PDQs I instead reported this problem verbally to my supervisor. My supervisor, [REDACTED] said that he would have the Electrical Maintenance Supervisor, write the PDQ. I meet with my supervisor weekly. At several subsequent weekly meeting I inquired as to the status of writing a PDQ as documented in Attachment 7, Memo MNTS 98-0066. Please refer to Attachment 7. For over two years my supervisors failed to write a PDQ after being notified of these procedure violations.

EX 6 r  
7C

Requirement:

RSAP-1308, "Potential Deviation From Quality", requires a PDQ to be written for procedure violations, items installed without required, and several other listed conditions.

~~CONFIDENTIAL~~

The problem I described on 3/5/97 to my supervisor clearly meets the condition for a PDQ. Note: This has been a recurring problem as documented in previous DQs 92-0047, DQ 94-008, DQ 95-0091, and DQ 99-0007. Note that this same kind of problem was deemed in the past by the CMRG to be a valid Deviation from Quality (DQs).

Sincerely,



EX 6-7C

3

~~CONFIDENTIAL~~