

~~CONFIDENTIAL~~

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7C

FAXED 8/14/99

817-860-8122

October 13, 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]

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Dear Mr. Wise:

This letter is to update the NRC that my [redacted] for refusing to disclose to my supervisors what I had disclosed to the Department of Labor and to the NRC in confidence by my letter dated March 25, 1999 to Russel Wise (NRC) and for, in essence, stating that I would not drop my discrimination complaint. My employer described this action as [redacted] These adverse and discriminatory actions are illegal per 29 CFR 24.2 and NRC Form J..

At this point, I feel very discouraged and let down by the NRC and Department of Labor. I was told by the NRC that I had a right to report safety concerns directly to the NRC and did not have to disclose to my employer what I had reported to the NRC in confidence. This was apparently not true for I have been [redacted]

On 6/8/99, my supervisor directed me to have a meeting with Mr. [redacted] and himself for the purpose of identifying any deterrents I may have for reporting PDQs. EX 62
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I complied with this direction in the best way that I could under the circumstances. As agreed upon, a meeting was scheduled on 6/24/99 for the above purpose in compliance with my supervisors direction. In preparation for this meeting, I felt very intimidated by the circumstances and feared that I would be adversely treated and unfairly evaluated as I had experienced so many times in the past. I feared Mr. [redacted] may abuse his authority again by falsely declaring that I exhibited [redacted] I had requested that I be allowed a representative at this meeting but was denied. In addition, I had earlier issued a memo to Mr. [redacted] dated 3/1/99, "Reply to Memo [redacted]" in which I had expressed my concern that I was being intimidated by this condition to discuss this matter which was a violation of my NRC Form 3 EX 62
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reporting rights. I had already reported to the NRC in confidence and the Department of Labor the deterrents for my reporting of PDQs. In spite of this letter, Mr. [redacted] approved this meeting and my supervisor's direction..

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Therefore, under these circumstances, I felt the best course of action was to simply read a prepared statement [redacted] which identified the deterrents for my reporting of PDQs and then ask to be excused. Again, this approach was planned to avoid any possibility that my statement would be misrepresented and to avoid being [redacted]

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On 6/24/99, the above described meeting was held with Mr. [redacted] and [redacted] (Facilitator), per my supervisors' direction. At this meeting I simply read a prepared statement as memorialized in my memo [redacted] (attachment 1). I then asked Mr. [redacted] if I could be excused. Mr. [redacted] replied, "yes you may be excused". I then left the meeting.. PLEASE READ MEMO [redacted] CAREFULLY

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On 6/30/99, [redacted] memo (attachment 2) from [redacted] placed on [redacted]

[redacted] I received a [redacted] which stated that I was [redacted]

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An important fact to consider is that prior to issuing my memo to [redacted] dated 6/24/99, "Identification of Deterrents to Reporting PDQs" [redacted] (attached), I was still considered by the District to be meeting the conditions of continued employment. As stated in [redacted] memo to me, dated 6/30/99, [redacted] (attachment 2), the decision to [redacted] stemmed from the meeting held where I read a prepared statement (attachment 1) indicating, in essence,

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- that I was meeting the condition of "demonstrating my willingness and follow through in the preparation of PDQs when appropriate", and my NRC Form 3 reporting requirements
- that I felt very intimidated by being required to discuss this sensitive matter with the persons who are the subject of my discrimination complaint,
- that I request that no further direction or condition in this regard,
- that the deterrents to reporting PDQs are well described in my US DOL discrimination complaint
- and most significantly, that I was still pursuing my discrimination complaint and legal action.

Therefore, the essential reason, for [redacted] is based on this prepared statement as memorialized in memo [redacted] Thus, these adverse and discriminatory actions are illegal per 29 CFR 24.2 and NRC Form 3.

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It should be noted that I, as stated in my memo dated 6/24/99, "Identification of Deterrents to Reporting PDQs" [redacted] I had recently written two PDQs [redacted] I stated that I felt somewhat secure in writing these PDQs since I felt that neither my supervisors nor coworkers would take offense by the nature of these described problems. These are the first

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PDQs I had initiated on my own since 1995. I had not felt free to write PDQs since 1993 as a result of the suppressive working environment my supervisors had imposed on me. In this memo I also stated that I have been and will continue to meet my legal responsibility in reporting safety concerns pursuant to NRC Form 3. Thus I had met the condition of continue employment imposed by the General Manager to "demonstrate a willingness and follow through in the preparation of PDQs when appropriate"

I still feared retaliation for reporting concerns to my supervisors. This latest action to [redacted] having read this prepared statement as memorialized in [redacted] is a prime example of why I was still fearful.

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It should also be noted that in a prior meeting with my supervisor I had already discussed in general what deterrents were for reporting PDQ's but had again refused to discuss the specific deterrents as I had reported to the NRC and DOL. In my Interim Probation Evaluation, [redacted] my supervisors' state that I had satisfactorily demonstrated collaborating with my supervisor on discussing the deterrents in writing PDQs in general. It states, "This is viewed as an encouraging effort at collaboration".

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In conclusion, it was illegal for my employer to have [redacted] employer to have [redacted]

It was illegal for my [redacted]

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My engineering career has been ruined for having followed my obligation as a nuclear worker in ensuring federal regulations and codes were complied with, that plant procedures were followed, for reporting illegal activities by my employer and safety concerns to the NRC and for pursuing a discrimination complaint with the NRC. I am absolutely certain that if I would have dropped my complaint and conceded that my complaints to the NRC and DOL were invalid that [redacted]

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CIPAL UTILITY DISTRICT
 MEMORANDUM

TO: _____ DATE: 6/24/99
 FROM: _____ MNTS: _____
 SUBJECT: IDENTIFICATION OF DETERRENENTS TO REPORTING PDQ'S

First, I want to make it very clear that I have been and will continue to meet my legal responsibility in reporting safety concerns pursuant to NRC Form 3. Accordingly, I have been reporting these concerns to my supervisors and/or the NRC as appropriate. I have clearly communicated the subject deterrents in my discrimination complaint filed with the US Department of Labor and in memo [redacted]. I also want to make it clear that I feel very intimidated by this situation imposed upon me to be continually required to discuss this sensitive matter with the persons who are the subject of my discrimination complaint. I have requested to have a representative be present at any meeting on this sensitive subject. Unfortunately, this request was denied. I request that no further direction or condition be made which requires me to be subjected to this intimidating line of inquiry until after pending legal proceedings have been completed.

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As you know, I am very interested in correcting the intolerable and suppressive working environment I am subjected to and to stop any further discrimination at Rancho Saco. In order to ensure that this problem is properly acknowledged, remedied and that corrective actions are taken to ensure that this problem will not recur, I have reported this problem to the NRC and to the Department of Labor. It is under this setting that this matter can be best resolved.

The deterrents against my reporting of problems via PDQ's have been well described in my written complaint to the US Department of Labor. In this complaint I have described many specific adverse, retaliatory and discriminatory actions which have been and continue to be deterrents for me to write PDQ's. Recently, I have written two PDQ's [redacted] which describe problems with the Security Computer System. I discovered these problems while acting as [redacted] I felt somewhat secure in writing these PDQ's since I felt that neither my supervisors nor coworkers would take offense by the nature of these described problems.

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On 3/8/99, Mr. [redacted] expressed his strong desire to avoid a court setting and indicated that we should meet on this matter to demonstrate my ability to successfully communicate and work with you. As you know, this is a [redacted] It is hoped that you will stop intimidating me with this [redacted] Therefore and finally, I request that no further direction or condition be made which requires me to be subjected me to this intimidating line of inquiry until after pending legal proceedings have completed. I look forward to working with you and the District in resolving this matter.

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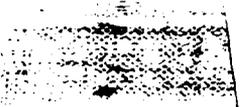
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SACRAMENTO MUNICIPAL UTILITY DISTRICT □ P. O. Box 15830, Sacramento CA 95852-1830. (916) 452-3211
AN ELECTRIC SYSTEM SERVING THE HEART OF CALIFORNIA

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EX67C

Dear

This letter is to notify you that you have been
of circumstances surrounding a meeting you attended with
on June 24, 1999. You will remain

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Personnel File

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DISTRICT HEADQUARTERS □ 6201 S Street, Sacramento CA 95817-1899

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It should also be noted that in a prior meeting with my supervisor I had already discussed in general what deterrents were for reporting PDQ's but had again refused to discuss the specific deterrents as I had reported to the NRC and DOL. In my [redacted] my supervisors' state that I had satisfactorily demonstrated collaborating with my supervisor on discussing the deterrents in writing PDQs in general. It states, "This is viewed as an encouraging effort at collaboration". Ex 6/7C

In conclusion, it was illegal for my employer to have [redacted] for having read memo [redacted] It was illegal for my employer to have [redacted] Ex 6/7C

My engineering career has been ruined for having followed my obligation as a nuclear worker in ensuring federal regulations and codes were complied with, that plant procedures were followed, for reporting illegal activities by my employer and safety concerns to the NRC and for pursuing a discrimination complaint with the NRC. I am absolutely certain that if I would have dropped my complaint and conceded that my complaints to the NRC and DOL were invalid that [redacted] Ex 6/7C

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[redacted]

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