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NEPC

NATIONAL ENVIRONMENTAL PROTECTION CENTER

November 9th, 2002

Gregg R. Overbeck
Senior Vice President, Nuclear
Arizona Public Service Company
P.O. Box 52034
Phoenix, Arizona 85072-2034

RE: PALO VERDE NUCLEAR GENERATING STATION

Dear Mr. Overbeck:

As you are aware, by letter dated September 26, 2002 as supplemented on October 23, 2002, you requested an amendment to the Technical Specifications for the Arizona Public Service Company ("APS"), Palo Verde Nuclear Generating Station ("PVNGS"), Unit-1. The proposed amendment would change a facility technical specification to revise the scope of the required inspection of the tubes in the steam generator tubesheet region of the PVNGS Unit-1 steam generator.

On October 14th, 2002, the National Environmental Protection Center ("NEPC") challenged APS's license amendment request ("LAR") through the filing of a Request for Hearing and a Petition for Leave to Intervene with the U.S. Nuclear Regulatory Commission ("NRC"). On November 4th, 2002, NEPC's undersigned Executive Director also filed a Request for Hearing and Petition for Leave to Intervene with the NRC. On November 8th, both NEPC and the undersigned filed a Joint Amended Request for Hearing and Petition for Leave to Intervene with the NRC. This matter has been identified as DOCKET 50-528-OLA and is currently before the U.S. NRC, Atomic Safety and Licensing Board ("ASLB") for consideration in granting the Petitioner's Request for Hearing and Petition for Leave to Intervene.

On October 27th, 2002, NEPC by and through its undersigned Executive Director, filed a petition under 10 C.F.R. 2.206 ("petition") with the NRC Executive Director for Operations, William D. Travers, seeking certain and specific actions to be taken by the NRC with respect to the aforementioned circumstances surrounding APS's request to the NRC for a LAR. In particular and in part most relevant, the petition requests that the NRC:

- Take actions to cause an investigation into circumstances surrounding DOCKET NO 50-528 ARIZONA PUBLIC SERVICE COMPANY'S AMENDMENT REQUEST within respect to any safety evaluation or review purported to have been completed by NRC as described in the Federal Register Notice Dated October 3, 2002 (Volume 67, Number 192) Pages 62079-62081.

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SECY-02

As a basis for its request, NEPC stated that,

The NRC places a high value on nuclear industry employee's freedom to raise potential safety concerns both to licensee management and to the NRC without fear of reprisal or actual harassment and intimidation. Section 211 of the Energy Reorganization Act (ERA), as amended and 10 CFR 19.20, 30.7, 40.7, 50.7, 60.9, 61.9, 70.7, 72.10, and 76.7 provide that no employer may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee engaged in certain protected activities. These protected activities include notifying an employer of an alleged violation of the Atomic Energy Act or the ERA, refusing to engage in any practice made unlawful by those acts, testifying before Congress or in a Federal or State proceeding regarding any provision of these acts, or commencing, testifying, assisting, or participating in any manner in a proceeding under these acts. Licensees and contractors are responsible for ensuring that they do not discriminate against their employees for engaging in such protected activities. Licensees and contractors that discriminate against their employees who engage in protected activities are subject to sanctions by the NRC. These sanctions include notices of violation (NOVs) and civil penalties (CPs). In addition, under the Deliberate Misconduct Rule (see 10 CFR 30.10 and 10 CFR 50.5) licensee and contractor employees, including senior managers, are subject to sanctions by the NRC for discrimination against other employees who engage in protected activities. These sanctions include orders barring individuals from NRC licensed activities.

The federal employees employed by the NRC are entitled to the very same employee protection provisions of the ERA as described above to protect them from employment discrimination by NRC management for NRC employees exercising their rights under NRC authority to raise perceived safety and health concerns regarding violation of NRC's regulations and/or operations. Indeed, it is imperative that all NRC employees enjoy a work environment which encourages the reporting of violations of NRC regulations and/or operations in furtherance of NRC's Congressional mandate to ensure for the safety and reliable operation of all nuclear facilities licensed by NRC. In this light, it is extremely important that NRC employees perform their respective job functions without feeling pressured by any NRC manager, or any NRC supervisor, or any NRC licensee to act on an "**exigent**" basis to approve an operational license amendment request submitted by any NRC licensee. See, Federal Register Notice Dated October 3, 2002 (Volume 67, Number 192) Pages 62079-62081.

NEPC is unaware of any NRC employee concerns program in force at any NRC location that would provide a means for any NRC employee to "**confidentially**" raise safety concerns about violation of NRC regulations and/or NRC operations without fear of retaliation by NRC management.

As stated in the aforementioned Federal Register Notice Dated October 3, 2002 (Volume 67, Number 192) Pages 62079-62081, NRC licensee Arizona Public Service Company ("APS") submitted a request to NRC to amend its Facility Operating License No. NPF-41, issued to APS by the NRC for operation of the Palo Verde Nuclear Generating Station ("PVNGS") Unit-1 located in Maricopa County, Arizona. The proposed amendment would revise item a.10, definition of steam generator ("SG") tube inspection in Section 5.5.9.4 "Acceptance Criteria" of Technical Specification ("TS") 5.5.9 SG Surveillance Program. See, Federal Register Notice Dated October 3, 2002 (Volume 67, Number 192) at Page 62079.

At Page 62080 of Federal Register Notice Dated October 3, 2002 (Volume 67, Number 192) Pages 62079-62081, NRC stated that:

"The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration." . . . "The licensee is currently scheduling the entry of Unit 1 into Mode 4 for October 26, 2002, and requested in its application that NRC approve the amendment by October 24, 2002. However, by allowing for comments through October 25, 2002, the NRC will maximize the public comment period for the proposed amendment, and should provide a minimum of a 21-day notice period."

On October 14, 2002, NEPC by and through its undersigned Executive Director, Thomas Saporito, submitted a Request for Hearing and a Petition for Leave of the Commission to Intervene in the proceeding.

On October 22, 2002, NEPC sent Jack Donohew, NRC Senior Project Manager, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation an email letter stating in relevant part the following:

"This serves to acknowledge your email letter this date regarding the above-described action. In your letter you seek my opinion about the federal register notice that the proposed amendment may be issued on and exigent basis (i.e., as soon as October 25. 2002). In response to your inquiry, I strongly disagree with that opinion and urge the NRC not to issue the amendment until after the conclusion of the public hearing that NEPC has petitioned the NRC ASLB to convene and until the ALSB renders a determination based on the record evidence and testimony received in that proceeding. To act otherwise would be to subject the general public and the environment to unwarranted risk of a nuclear accident or event which may result in the untimely release of radioactive particles and/or materials into the environment. Indeed **we strenuously object** to the NRC not providing the general public required notice of 30-days to act on the licensee's amendment request! Now, the licensee urges the NRC to rush to judgment and grant their license amendment on an exigent basis for **ECONOMIC** reasons! NEPC strongly objects to any action by NRC to act on an exigent basis in granting the licensee an amendment request at this early stage of evaluation and review, placing the general public and the environment at risk for economic reasons on behalf of the licensee!"

On October 26, 2002, NEPC sent Jack Donohew of the NRC two additional email letters stating in relevant part that:

"This serves to acknowledge the telephone conversation between the U.S. Nuclear Regulatory Commission ("NRC") and the National Environmental Protection Center ("NEPC") on October 25th, 2002 regarding the above-subject matter. It is our understanding from the telephone conversation that the NRC is in agreement with NEPC that the NRC should **NOT** act on an exigent basis regarding the licensee's request that NRC act on an **"exigent"** basis in reviewing the license amendment request which would deny the public the normal 30-day comment period before issuance of an amendment in accordance with 10 C.F.R. 50.91(a)(6). Further it is NEPC's understanding that the NRC is now concerned that the licensee's proposed changes to its

technical specifications to its Facility Operating License No. NPF-41 for Palo Verde Nuclear Generating Station ("PVNGS") Unit 1 are ambiguous and require further clarification prior to any action by the NRC with respect to the licensee's amendment request."

The National Environmental Protection Center ("NEPC") is a nonprofit educational organization advocating the enforcement of environmental laws and regulations under the U.S. Environmental Protection Agency ("EPA"), the enforcement of nuclear safety under the U.S. Nuclear Regulatory Commission ("NRC"), and the enforcement of "whistleblower" employee protection provisions promulgated under 29 C.F.R. Part 24 and implemented under the Clean Air Act ("CAA"), 42 U.S.C. 7622 (1988); the Toxic Substances Control Act ("TSCA"), 15 U.S.C. 2622 (1988); the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 300j-9(i) (1988); the Safe Drinking Water Act ("SWDA"), 42 U.S.C. 6971 (1988); the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. 6971 (1988); and the Energy Reorganization Act ("ERA"), 42 U.S.C. 5851 (1974) as amended. In general, these provisions prohibit employers from retaliating against employees who "blow-the-whistle" or otherwise engage in certain actions in furtherance of the enforcement of environmental statues. Thus, a central function of NEPC is to represent whistleblowers that act in furtherance of the enforcement of NRC regulations on behalf of the public and the environment in exposing NRC licensee wrongdoing at commercial nuclear power stations and at non-NRC regulated industries.

The federal government is mandated through Congressional authority to ensure for the safe operation of all commercial nuclear power plants across the United States of America. The U.S. Nuclear Regulatory Commission ("NRC") is the federal government agency tasked with this grave responsibility to act in furtherance of NRC laws and regulations to ensure for the safe operation of all nuclear power plants in the United States. The NRC accomplishes its mission by establishing and enforcing regulations, which nuclear power plant operators must adhere in operating a nuclear power plant. NRC's regulations prohibit companies like **Arizona Public Service Company** ("APS") from illegally discriminating against its own employees when its employees report perceived safety and health concerns regarding the operation of the Palo Verde Nuclear Generating Station, which appear to violate NRC regulations for the safe and proper operation of the nuclear power plant. Although the NRC has resident NRC inspectors assigned at each nuclear power plant around the United States, the NRC has recognized over the years, the ***importance*** of all employees working at facilities like the Palo Verde Nuclear Generating Station, feel free to raise safety and health concerns so that the safety concerns can be quickly resolved. In this manner, the NRC depends on the eyes and ears of the thousands of employees working at nuclear facilities to report violations of NRC regulations at nuclear power plants so that the NRC can act to ensure that nuclear plant operators like APS take immediate corrective actions.

Over the last 10-years of operation at the APS Palo Verde Nuclear Generating Station several employees who reported significant violations of NRC safety regulations regarding operation of the nuclear plant were retaliated against by APS managers. Notably, Senior APS managers involved in the employee discrimination cases (i.e. Greg Overbeck and James Levine) are still employed by the licensee maintaining high-level positions with authority over nuclear power operations. NEPC notes here that APS Senior Manager Greg Overbeck is directly involved in APS's request to amend the PVNGS Unit-1 license, which is the subject of this petition.

These APS "whistleblowers" ***were harassed, threatened, humiliated, demoted, transferred, and FIRED***. These were loyal employees just doing their jobs to protect public safety and health by reporting significant safety concerns which could have resulted in a nuclear accident releasing radioactive particles and materials into the environment threatening the safety and health of children and others! These loyal employees suffered extreme financial hardship when APS caused them to loose their jobs at the nuclear power plant. These loyal employees had children and families of their own who also suffered from the **illegal** discriminatory conduct by APS managers at the Palo Verde Nuclear Generating Station.

Notably, in one or more of these employee discrimination cases, it was discovered that one or more APS managers lied under oath in testimony to the U.S. Department of Labor, Administrative Law Judge. In addition, attorneys representing APS in court apparently intentionally pressured an APS manager to make false testimony in court; and the APS attorneys submitted falsified record evidence to artificially create a defense for causing the termination of a whistleblower at PVNGS. Now, the very same NRC licensee urges the NRC to **RUSH** to judgment in approving their submitted license amendment request in making a "no significant hazards determination" based on NRC's review of the **LICENSEE's** safety analysis!

On July 1st, 1999, as revised on October 25th, 2000, the NRC published its Transmittal of Directive 8.11, "Review Process for 10 C.F.R. 2.206 Petitions". In sum, the NRC's "new" and improved process for addressing concerns brought to the agency's attention through the filing of a 10 C.F.R. 2.206 petition, includes but is not limited, to the following:

- Addition of an opportunity for the petitioner to address the Petition Review Board (PRB) after the PRB has developed its recommendations on the petition. This meeting or teleconference is similar to those already offered to petitioners before the PRB meets.

- Removal of specific restrictions on the amount of time allowed for petitioners to address the PRB and also allow petitioners to be assisted by a reasonable number of representatives.

- Deletion of the criteria for meetings between the petitioner and the staff. The staff will hold these meetings whenever the staff feels it will be beneficial to its review.

- Addition of a process by which the staff requests and resolves comments from the petitioner and the licensee on the proposed director's decision (i.e., before it is signed). The comments and the staff's resolution become part of the director's decision.

- Revision of the timeliness goal to 120 days from the date of the acknowledgement letter until the date the proposed director's decision is sent out for comment. Add a new goal of 45 days from the end of the comment period until the director's decision is signed.

- Addition of a process flow chart and a petition manager's checklist to assist staff persons involved with petitions.

See, NRC Management Directive 8.11, Review Process for 10 C.F.R. 2.206 Petitions, July 1st, 199 as Revised on October 25th, 2002.

On November 4th, 2002, NEPC sent a letter to David W. Crozier, Program Leader, Emergency Planning, Palo Verde Nuclear Generating Station regarding certain and specific security safety concerns that NEPC has with respect to the perimeter security at the PVNGS facility. NEPC provided the NRC Executive Director for Operations with a copy of that letter. In light of the September 11th, 2001 terrorist attacks taken against the citizens of the United States of America, NEPC believes that the PVNGS perimeter security is deficient in some respects and could subject the PVNGS facility to a terrorist attack and therefore increase the risks that radiation or radioactive particles and/or materials could be released into the environment and cause harm to the general public as well as cause harm to the environment at large. Because of the sensitive nature of this type of nuclear safety concern, the undersigned requested to meet with Mr. Crozier at his convenience to more fully explore this area of concern.

On November 5th, 2002, the U.S. NRC, established an Atomic Safety and Licensing Board pursuant to a notice of consideration of issuance of operating license amendment, proposed no significant hazards consideration determination, and opportunity for a hearing published in the Federal Register (67 Fed. Reg. 62079 (Oct. 2. 2002). The Board is properly identified as ASLBP No. 03-804-01-OLA.

Many, if not all, of the above actions and proceedings will follow a predestinated course of action as prescribed by NRC regulations and federal statues. NEPC has a significant interest in all the aforementioned actions insofar as NEPC is a nonprofit educational organization advocating the enforcement of environmental laws and regulations under the U.S. Environmental Protection Agency ("EPA") and the enforcement of nuclear safety under the NRC, and the enforcement of "whistleblower" employee protections provisions promulgated under 29 C.F.R. Part 24 and implemented under one or more environmental statues. In general, these provisions prohibit employers like APS from retaliating against employees who "blow-the-whistle" or otherwise engage in certain actions in furtherance of the enforcement of environmental statues.

Having said that, NEPC is a strong advocate of safe and efficient nuclear power generation so long as operations in producing that needed energy source are conducted in full compliance with NRC regulations and in full compliance with EPA regulations and statues, and in full compliance with the employee protection provisions of the EPA and under the Energy Reorganization Act of 1974 as amended, 42 U.S.C. 5851. Thus, it is a primary function of NEPC to represent whistleblowers in employment discrimination cases where the employee was fired or otherwise discriminated against in regards to his or her terms of employment at any facility regulated by the NRC or at any facility regulated by the EPA. Further, NEPC recognizes the excellent operating performance of the PVNGS facility over the years in providing a safe, reliable, and efficient source of electrical power for the public. However, as you are most fully aware, the undersigned has many years of experience working in the nuclear industry and has worked as a "Journeyman" Instrument and Control Technician at the PVNGS facility. During that period, I have become exceptionally and uniquely aware that NRC licensees such as APS do, in fact, engage in activities at their nuclear facilities in direct violation of NRC regulations and requirements and that licensee employees who engage in protected activities in bringing this violations to the attention of licensee management, are subject to retaliation by the licensee for so doing. Moreover, there are glaring examples of events where NRC licensee employees have raised substantial safety and health concerns to the NRC where the licensee subsequently

became aware of such protected activities on the part of the employee, and where the licensee illegally retaliated against the employee.

Notably, the undersigned was fired from his employment at the Florida Power & Light Company ("FPL"), Turkey Point Nuclear Plant ("TPNP") three days before Christmas in 1988 after the licensee became aware that he notified the NRC about safety and health concerns regarding operations at that particular nuclear facility. In that particular case, the U.S. Department of Labor, investigator, John Guinness determined that the complainant was in fact illegally fired for his engagement in protected activities. That decision was overturned by an administrative law judge ("ALJ") at a subsequent public hearing. The ALJ's decision was later overturned the Secretary of Labor ("SOL") years later and the case was again remanded back to the ALJ for further proceedings. In the interim, the NRC Chairman. Ivan Selin, apparently at the request of FPL, sent the SOL a letter detailing the NRC's purported position concerning NRC licensee employee' duty to first inform the licensee about any perceived safety concern so that immediate corrective actions could be taken by the nuclear plant operator. Chairman Selin went on to state that in his opinion[1], employees should view the NRC as a "safety valve" in reporting perceived nuclear safety concerns. Fortunately, the SOL had greater wisdom and recognized that employees who refuse to divulge their perceived safety concerns to management and insist on their right to bring those safety concerns directly to the NRC have in effect engaged in protected activity. The SOL went on to find that FPL illegally discriminated against the undersigned when FPL amongst other things fired the complainant. As stated earlier, the SOL remanded the case back to the ALJ some ten years later, but the original ALJ had since retired so the case was assigned to a new ALJ who was not familiar with all the testimony which had been given years back. At the hearing John Odom, the FPL Senior Vice President, Nuclear who made the decision to fire the complaint, testified that one of the three reasons that the complainant was fired – for refusing to see a company doctor – was really not relative because the decision to fire the complainant was made before the complainant was ordered to see the company doctor. Thus, Odom lied at the first hearing when he testified under oath that one of the 3-reasons that the complainant was fired was his refusal to see a company doctor. Mr. Odom was then questioned about whether the complainant would have otherwise been fired, but for his engagement in protected activities, in raising nuclear safety concerns to the NRC. Odom again responded under oath that the complainant would not have been fired if he had not raised the nuclear safety concerns. Notwithstanding this incredible testimony by the decision maker, the ALJ nonetheless ruled in favor of FPL and denied the complaint. On subsequent review by the DOL Administrative Review Board, ("ARB") the ALJ's decision was affirmed even though the complainant was prohibited by the ALJ at hearing to bring testimony of critical witnesses in that case in support of his prima facie case. That case remains before the District Court and it is anticipated that further proceedings will commence on that case in the near future with the possibility of criminal prosecution of one or more FPL former or current employees.

As you can see, and as you are aware, whistleblower cases are an extreme economic burden to both the aggrieved employee as well as the employer as these types of cases can result in protracted litigation encompassing years of litigation. In a recent ruling by an appellant court, a former employee and whistleblower at the Georgia Power Company was awarded **four million dollars** in back pay and the utility was Ordered to reinstate the employee to his former position at the nuclear facility. Over the years, the DOL has deferred the investigations of environmental and one or more non-environmental whistleblower

[1] Selin's opinion was not shared and/or accepted by one or more other NRC employees at that time. Indeed, the NRC subsequently edited an/or modified the Selin letter opinion of the Commission.

complainants to be investigated and otherwise handled through the Occupational Safety and Health Administration ("OSHA"). This action by the DOL has resulted in OSHA investigations which were not completed in a timely manner and/or investigations which were not complete or throughout for one reason or another. This failure by the DOL to timely and properly conduct and complete a whistleblower discrimination complaint within the 30-day statutory time requirements under 29 C.F.R. Part 24 have resulted in even greater harm suffered by employees who are retaliated against for engaging in protected activities. NEPC strongly believes that the inability of the DOL to timely and properly investigate whistleblower complaints in accordance with the statues is in itself illegal discrimination taken against the employee for having engaged in protected activities under 29 C.F.R Part 24 and under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq. ("Title VII"). In particular Title VII prohibits discrimination in employment on the basis or race, sex, national origin and religion. It also is unlawful under the Act for an employer to take retaliatory action against an individual for opposing any employment practice made unlawful by Title VII or for filing a discrimination charge against the employer or assisting in the investigation of such a charge. In this vein, NEPC believes that it is a violation of Title VII to discriminate against employees who blow-the-whistle in engaging in protected activities at companies which are in one way or another regulated by the U.S. Government or by an agency of the U.S. Government such as the NRC or the EPA.

A case in point would be a current case of discrimination being prosecuted by and through NEPC's Executive Director and involving the General Electric Company, GE Medical Systems, Michael Triana and David Burrage – senior level managers at GE Medical Systems, Jeff Immelt the Chief Executive Officer of the General Electric Company, Adecco North America, Adecco Technical and Greg Bradley a senior manager at Adecco Technical, and Julio Arrieta the Chief Executive of Adecco North America. This particular whistleblower case is set for public hearing in Phoenix, Arizona on December 2nd, 2002. In this particular case, as in most whistleblower cases, the employer usually denies any wrongdoing and hires one or more law firms to limit any amount of exposure to their respective companies. Once the case goes to court, the employer and in this particular case GE and ADECCO will attempt to confuse the court with a "smoke and mirrors" defense arguing to the judge that the complainant is simply a chronic whistleblower having filed numerous whistleblower actions in the past, that the court should consider the complainant's well know record of filing whistleblower law suits against many of his former employers, and that the court should rule on that basis that GE and ADECCO were somehow justified in firing the complainant. To be sure, the complainant did, in fact, file many whistleblower law suits during his career in the nuclear power industry and against FPL, APS, Houston Light and Power, and several contract companies involved in those actions and even the Muller and Mintz law firm based in Miami, Florida. However, in each of those cases, the complainant met his prima facie case burden and hence the matter was heard before the DOL, ALJ. Therefore, regardless of the outcome of any of those cases, of which several resulted in after-the-fact settlements, each case must stand on its own merits and must be considered by the ALJ in a de novo approach holding all evidence and testimony received in the record in light most favorable to the complainant. Such is not the case where an employer's conduct in discriminating against whistleblowers shows a pattern and practice by an employer to retaliate against employees who engage in protected activities. When such a showing is made before the ALJ at hearing, it represents strong evidence of retaliatory intent to discriminate against whistleblowers on the part of the employer. In this particular case, NEPC's Executive Director has filed Title VII discrimination complaints against those individuals and companies identified above in addition to the instant action going forward on December 2nd, 2002. NEPC encourages you to attend this hearing so that you may be enlightened about how the DOL process works and so that you may later share that knowledge with others at the PVNGS facility. In any event, you may be called as a material witness at the December

2nd, hearing during the complainant's rebuttal portion of the hearing to rebut any testimony or evidence brought by either GE or ADECCO to improperly undermine the court's ability to prohibit GE and ADECCO from putting such irrelevant evidence on the record. I am confident that you will fully cooperate in providing testimony at the hearing in December. Nonetheless, I will act to secure your testimony in requesting that the court issue a subpoena to insure your appearance and testimony at the hearing in December 2002. I thank you in advance for your cooperation and participation in this most important public policy matter.

In respect to issues raised above regarding the PVNGS facility, I request that you permit NEPC's Executive Director to conduct a random sampling of interviews with employees at the PVNGS facility to learn about the work environment at PVNGS, and whether the work environment allows employees to freely engage in protected activities without fear of retaliation in bringing safety concerns to APS management at any level of the APS chain-of-command or to any NRC inspector or to any government agency or to anyone in furtherance of EPA and NRC regulations and statues. I would like to interview 100 PVNGS employees selected by NEPC at PVNGS and conducted at PVNGS in a private area or room and lasting no more than ten minutes each. The identify of all participants will remain confidential and a summary report will be issued by NEPC and provided to APS and to the NRC with specific recommendations about how the work environment could be improved. In addition, NEPC requests an opportunity to review any APS employee concerns program currently in effect at the PVNGS facility to ensure that it adequately provides assurances that employees are free to confidentially raise safety and health concerns to APS management or to the NRC without first having to contact APS management and without any fear of reprisal for having exercised their rights under the employee protection provisions as identified earlier. By copy of this letter to the NRC Executive Director for Operations and to the NRC ASLB, the NRC is advised accordingly.

On behalf of NEPC and on behalf of all APS employees working at the PVNGS facility, I would appreciate "your" timely written response to NEPC's requests within 5-days of receipt of this communication. In closing, NEPC believes that its interaction with APS at the PVNGS facility will enhance the overall work environment at the PVNGS facility by ensuring that all employees are free to raise safety and health concerns to anyone resulting in a timely resolution of those safety concerns. In this manner, NEPC seeks to act as a liaison between APS and the NRC in the furtherance of safe and reliable nuclear power generation. We look forward to APS's partnership with NEPC and with our nearby community in Tonopah, Arizona where children and their friends and their family live, work, play, and otherwise enjoy a clean environment free of any radioactive materials and/or contamination. Let your actions in representing APS be a guiding light for others in the nuclear power industry, that the nuclear industry might recognize the very important role that employees play to ensure for the safe and reliable operations of nuclear facilities within the United States of America. Since the horrific events of September 11, 2001, all employees in the nuclear industry, more than ever must be ever vigilant in assisting the NRC in identifying violations of NRC regulations and requirements in operations of facilities licensed by that agency in the interest of public safety and health and for the protection of the environment as a whole.

Sincerely,

Thomas Saporito
Executive Director

SERVICE SHEET

William D. Travers
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NATIONAL ENVIRONMENTAL PROTECTION CENTER

APPLICATION FOR MEMBERSHIP

NAME: _____

MAILING ADDRESS: _____

_____

_____

PHONE NUMBER: _____ EMAIL: _____

PLEASE CHECK YOUR MEMERSHIP CHOICE BELOW

_____ Yes, I would like to become a member of the National Environmental Protection Center and I would like to donate $1.00 to NEPC.

_____ Yes, I would like to become a member of the National Environmental Protection Center and I would like to donate $_____ to NEPC.

_____ Yes, I would like to become a member of the National Environmental Protection Center and choose not to donate to NEPC at this time.

MEMBERSHIP APPLICATION MAILING INSTRUCTIONS

Please complete one application for each family member or friend and mail your NEPC membership application to:

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