

DCS  
PDR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

# ORIGINAL

NUCLEAR REGULATORY COMMISSION

THE REVIEW TEAM FOR REASSESSMENT OF THE NRC  
PROGRAM

FOR PROTECTING ALLEGERS AGAINST RETALIATION

PUBLIC MEETING

Embassy Suites Hotel  
3210 N.W. Grand Avenue  
Phoenix, Arizona

Tuesday,  
September 28, 1993



1 NUCLEAR REGULATORY COMMISSION:  
2

3 James Lieberman, Chairman

4 John T. Green

5 Brian Grimes  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



I N D E X

<u>SPEAKERS:</u>	<u>PAGE</u>
Jim Hebison	11
Unidentified	
Robert Evans	14
Linda Mitchell	17
Kathleen Roberson	23
Chris McCamless	30
Sue Taragino	36
Allen Mitchell	37
Byron Whitney	39
Sarah Thomas	42
Joe Napier	47
Peter Rail	48
Mike Salazar	53
Nick Ardido	58
Ralph Bell	63
Jeff Irwin	66
Jerry Dunloff	68
Mark Best	71
Scott Bower	80



P R O C E E D I N G S

(6:00 p.m.)

1  
2 CHAIRMAN LIEBERMAN: Good evening. If  
3 you could take your seats, we have lots of  
4 seats up front.

5 Let me call this meeting to order.  
6 I'm Jim Lieberman, the director of the Nuclear  
7 Regulatory Commission's Office of Enforcement  
8 and the chairman of the review team for  
9 reassessment of the NRC program for protecting  
10 allegers against retaliation.

11 With me today from the review team, on  
12 my left is John Greeves, the director division  
13 of low level waste in the office of nuclear  
14 material of safety and safeguards.

15 On my right is Brian Grimes, the  
16 director of the division of operating reactor  
17 support in the office of nuclear reactor  
18 regulation.

19 Also with us today from the Nuclear  
20 Regulatory Commission is Dick Brady, from the  
21 office of Nuclear Reactor Regulation; Laben  
22 Coblentz, from my office, the office of  
23 enforcement; Randy Huey, our enforcement  
24 officer from Region V; and Gregg Cook, our  
25

1 public affairs officer, also from Region V.  
2 We also have our resident inspector, Jim Sloan  
3 and Howard Warren from Region V.

4 This is the second of four public  
5 meetings to obtain comments from interested  
6 persons, including licensees and their  
7 contractors and their employees. At each of  
8 these meetings we are having an evening  
9 session and a morning session.

10 The purpose of these meetings is to  
11 obtain information to assist the review team  
12 in evaluating current NRC activities and  
13 making recommendations to improve the  
14 regulatory process.

15 The evening session is being provided  
16 to make it easier for workers to provide us  
17 comments. Tomorrow morning we will begin with  
18 a presentation from Arizona Public Service  
19 Company to provide us comments on its efforts  
20 to obtain employee concerns on safety issues.

21 The review team was formed at the  
22 direction of the Commission to consider  
23 whether the NRC is taking sufficient steps  
24 within its authority to create an atmosphere  
25 within licensee organizations where employees,



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

including contractor employees, feel free to raise safety issues without fear of retaliation.

By way of background, there are two federal agencies involved in this area, the Department of Labor and the NRC. The Department of Labor is responsible for doing investigations providing a personal remedy for employees who believe that they may have been intimidated or subject to discrimination for engaging in protected activities. That is raising a safety issue, either to a licensee or to the NRC. The NRC is responsible for enforcement action against licensees to assure that workers are free to raise safety issues.

The review team is considering issues such as:

(1) Whether the NRC has taken sufficient steps through regulations, policy statements and inspections to assure the licensees, encourage their workers and contractors to raise safety issues.

(2) Whether the current NRC process for handling allegations is appropriate from the perspective of the employee feeling free



to raise safety issues.

(3) Whether NRC is sufficiently proactive in cases where employees raise concerns or express fears that they may become subject to retaliation if they do raise safety issues; and

(4) Whether the NRC policies are appropriate when discrimination may have occurred, including relations with the Department of Labor, treating the potential for chilling effects, performing investigations and taking enforcement action.

As I noted, we are seeking comments from both workers and licensees. We have published a federal register notice seeking public comments. Copies of the federal register notice are available on the back table.

We are accepting public comments through mid-October. We have also met with attorneys who represent both workers and licensees.

These efforts, including the meeting today, are intended for the purpose of employees, licensees and other concerned

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 individuals to bring forth issues and ideas  
2 for our consideration.

3 Following the completion of the public  
4 meetings and review of the written comments  
5 and the comments from these meetings, we will  
6 be preparing a report to submit to the NRC  
7 commissioners. It is our expectation that  
8 that report will be completed in January of  
9 1994.

10 The issue before us is an important  
11 one. NRC even with its many inspectors can  
12 only observe a fraction of licensed  
13 activities. We will never have the knowledge  
14 possessed by the thousands of employees in the  
15 nuclear industry. Employees of the nuclear  
16 industry have clearly made contributions to  
17 the public health and safety by bringing forth  
18 concerns, both the licensees and the  
19 Commission.

20 Employees must feel free to raise  
21 potential safety issues to the NRC; however,  
22 in the Commission's view, that is not enough,  
23 just to come directly to the NRC.

24 Licensees have the first responsibility  
25 for safety. Thus employees must also feel

CS



1 free to raise safety issues to their  
2 management. We recognize that there is  
3 dissatisfaction with the current system.  
4 Employees are not always comfortable in  
5 raising safety issues. There are cases where  
6 discrimination has occurred where employees  
7 have engaged in protected activities.

8 We are looking forward this evening to  
9 your ideas and what actions NRC should  
10 consider to cause licensees to foster an  
11 atmosphere where individuals with potential  
12 safety concerns are encouraged to come forward  
13 with their concerns.

14 I want to emphasize that our purpose  
15 today is not to debate or resolve specific  
16 cases, but rather to gain ideas on how to  
17 improve the current regulatory system.

18 The ground rules for this meeting will  
19 be that persons who desire to speak will need  
20 to check in at the table in the back of the  
21 room here. A number will be given to you.  
22 You do not need to provide your name to have  
23 an opportunity to speak.

24 I will call speakers to the microphone  
25 here in the front of the room and, as I call



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

each speaker, I will announce the number of the next speaker. I will call individuals ahead of any licensees who have identified themselves, because this meeting is scheduled for the benefit of the workers.

Speakers will be initially allocated about ten minutes to speak. In that time, if the speaker is not finished, I will ask the speaker to conclude his or her remarks. During and after each presentation, we may ask questions to make sure we understand the concern at issue.

We do not, however, intend to debate the merits of the comments. Please do not take our silence to mean that we either disagree or agree with the comments.

If after all persons who are interested in speaking have made their initial remarks and there are persons who desire to make additional comments, we will, if time remains, go through a second round of comments.

We recognize there may be some here who might not be comfortable in speaking before this audience. Those individuals, as



1 well as any of the speakers, if they have not  
2 done so, are invited to submit written  
3 comments to us on the issues raised in the  
4 federal register notice.

5 We have forms on the back table with  
6 prepare envelopes if you desire to provide  
7 comments to us. Again, we have copies of the  
8 federal register notice in the back.

9 There will also be an opportunity to  
10 provide comments tomorrow morning after Arizona  
11 Public Service has completed their  
12 presentation.

13 We welcome each of you here today and  
14 appreciate your taking the time to meet with  
15 us.

16 This is a transcribed meeting. As I  
17 said earlier, speakers do not need to identify  
18 themselves by name. It would be helpful,  
19 though, if each speaker provided some  
20 background on their involvement in the nuclear  
21 industry so we can understand their comments  
22 and set their comments into context.

23 We will begin now with the first  
24 speak. That will be Number 1 and then  
25 following with Number 2. Can we have the



California Shorthand Reporting

HEARINGS - DEPOSITIONS - ARBITRATIONS

52 Longwood Drive, San Rafael, CA 94901

Tel. (415) 457-4417

Copyright ©

1 first speaker?

2 MR. HEBISON: My name is Jim Hebison.

3 I have been at Palo Verde for  
4 14 years, the last 12 has been in INC  
5 engineering and I think that Palo Verde today  
6 is addressing all safety concerns.

7 One of my jobs in the INC engineering  
8 group is to evaluate these concerns that come  
9 up. One of the problems that we have in  
10 doing so is that we have -- people will submit  
11 a concern and we do not know whether that is  
12 a safety concern or just a concern. Sometimes  
13 it's very difficult to identify what the  
14 purpose of this concern is.

15 One of the issues that I have a  
16 concern with that I think needs to be dealt  
17 with is, when a safety concern or a safety  
18 issue is evaluated by engineering and the  
19 people in the departments that need to do this  
20 type of work, how do we close that issue?

21 We have had cases where we have dealt  
22 with a concern, we've done analysis, we've  
23 done all kinds of engineering tasks that need  
24 to be performed; and it's very hard to  
25 convince or to know that that person that had



1 the concern sees where we're coming from.  
2 It's very difficult.

3 Basically, I think Palo Verde is doing  
4 an excellent job in what we're doing. Thank  
5 you.

6 CHAIRMAN LIEBERMAN: Thank you very  
7 much. Next speaker, Number 2.

8 SPEAKER NUMBER 2: Good evening,  
9 gentlemen. Thank you for the opportunity to  
10 address you. My comments will be short.

11 I have been in the nuclear business  
12 now 35 years and have been in operations,  
13 maintenance and engineering.

14 As I look at the access to the NRC and  
15 the ability to raise concerns over the years,  
16 I personally feel that we've had in place,  
17 continue to have in place, and at each of the  
18 utilities and each of the units that I have  
19 worked with as a consultant or as a direct  
20 employee, that we have always had the ability  
21 to raise concerns.

22 There's a compelling need, it seems,  
23 to provide extensive legislation, rules and  
24 regulations on just about every aspect of our  
25 life. One of the most important things to us



1 as employees in this industry is the safe and  
2 reliable operation of our units.

3 Safety in all of the utilities that I  
4 have ever been associated with has always been  
5 a major corporate goal and we have continued  
6 that. I anticipate that as long as I'm in  
7 the industry, that will continue.

8 At Palo Verde, which I am associated  
9 with, I think those goals from the day that I  
10 arrived some four years ago until the present,  
11 that that's always been a goal. We always  
12 understand those goals and I think all the  
13 employees have had the opportunity to bring  
14 concerns and issues up to their supervisors,  
15 the foremen and management.

16 I can't think of any occasion when  
17 someone has been told, no, your concern is not  
18 a concern of the corporation. Yet it has been  
19 my experience also, with Palo Verde, that  
20 people I have come into contact with have been  
21 very open.

22 I have understood some of the recent  
23 directives and I think they are consistent  
24 with the things I've always felt and believed  
25 in that even people who have been identified



1 as having concerns about safety, that is a  
2 very valid safety question for me and anyone  
3 else and that, in my capacity to address those  
4 issues, I will do my very best. I know my  
5 fellow employees do.

6 Thank you for letting me speak to you.

7 CHAIRMAN LIEBERMAN: Thank you. Next  
8 speaker, Number 3?

9 MR. EVANS: I am Robert Evans, been a  
10 practicing nuclear engineer since 1960. Over  
11 the period of the last 16 years, I have done  
12 a number of consulting positions at APS.

13 Out of that period, roughly 12 years  
14 was essentially full time. In that period, I  
15 have not experienced any reluctance on the  
16 part of APS to deal with a safety-related  
17 issue.

18 I think the crux of the situation lies  
19 in the experience level of the supervisor.  
20 It's very difficult for inexperienced  
21 supervisors to recognize they are being  
22 confronted with a safety concern in the first  
23 place.

24 You may find isolated pockets that  
25 someone deliberately resisted, but I think the

57

1 most common situation you're going to run into  
2 is that the supervisor that was initially  
3 presented with the subject didn't recognize it  
4 as being a safety concern in the first place.

5 Thank you.

6 CHAIRMAN LIEBERMAN: Could I ask, what  
7 did the supervisor think it might be?

8 MR. EVANS: Employees -- like in the  
9 Army, they grouse a lot. Often it's just a  
10 general complaint about the state of life. Or  
11 it can be presented in a fashion that it  
12 doesn't appear to be a safety issue.

13 I don't have a good answer for you on  
14 how to come to grips with that, but that is,  
15 I think, the thing that has troubled me the  
16 most in recent time: How do you get a handle  
17 on that? How do we get into the hands of  
18 relatively inexperienced supervisors enough  
19 knowledge or tools to work with that he can  
20 float to the top a genuine safety concern in  
21 the first place?

22 CHAIRMAN LIEBERMAN: Okay, thank you.

23 MR. GREEVES: Before you go, your  
24 emphasis is on safety concern.

25 Some of the people who raise concerns



1 don't know whether it's a safety issue or not,  
2 they're not technical people. And whether  
3 it's a safety concern or not, what is the view  
4 about -- they have rights, obviously, not to  
5 be intimidated or harassed. They just don't  
6 know whether it's a safety issue or not, they  
7 may think that it is.

8 So what I guess I'm trying to get at  
9 is, do you see any difference between issues  
10 that aren't really safety issues and the  
11 rights of the employees not to have  
12 intimidation, even though they are not  
13 familiar with whether it's a safety issue or  
14 not?

15 SPEAKER NO. 3: No, not at all. Of  
16 course, you probably know a lot better than I  
17 in this, but it would seem to me that the  
18 most common complaint is that my concern was  
19 ignored rather than I was confronted with some  
20 type of retaliation.

21 And the feeling that his concern was  
22 ignored, if you pose the question to the  
23 supervisor, say, well, God, I didn't see this  
24 as a serious safety issue in the first place.

25 Did I answer your question?



1 CHAIRMAN LIEBERMAN: So it's more of a  
2 communication issue, not appreciating an issue  
3 as being raised.

4 MR. EVANS: 3: Yes.

5 CHAIRMAN LIEBERMAN: Or an issue at  
6 all being raised.

7 MR. EVANS: Yes, a communication  
8 issue.

9 CHAIRMAN LIEBERMAN: Thank you.  
10 Number 4?

11 MS. MITCHELL: My name is Linda  
12 Mitchell and for more than 20 years I worked  
13 as an engineer in design and construction and  
14 operations of nuclear power plants.

15 Most recently, I worked at the Palo  
16 Verde Nuclear Generating Station, the largest  
17 nuclear power plant in the United States. I  
18 worked at Palo Verde for eight years. I began  
19 in January of 1985 and I worked until January  
20 of 1993.

21 As a dedicated, conscientious engineer,  
22 I raised safety concerns that were so serious  
23 that the NRC was forced to fine APS more than  
24 \$300,000 in civil penalties.

25 But in the process, I suffered extreme

1 harassment and retaliation from APS, I got  
2 virtually no assistance from the NRC. Between  
3 1985 and 1989, I reported numerous concerns to  
4 the NRC that went unaddressed.

5 After I reported the NRC Region V's  
6 gross inaction to NRC headquarters in  
7 Washington, D.C. in 1989, I was threatened  
8 with criminal prosecution from Region V  
9 officials.

10 In September of 1989, Blaine Ballard,  
11 APS's director of quality assurance, called me  
12 a bitch and demanded that I be fired for  
13 addressing safety concerns to the NRC. But  
14 the NRC failed to investigate this allegation.

15 In 1989 and 1990, the harassment  
16 became worse, the retaliation increased. I  
17 was ordered by my management to destroy a  
18 safety report that I had co-authored which  
19 documented some of my concerns.

20 I sent a copy of the report to the NRC  
21 to investigate; Region V, again, failed to  
22 investigate my concerns of retaliation and  
23 harassment.

24 After many months of this extreme  
25 hostility, I had to be escorted back and forth



1 to work, I had to be escorted into the units,  
2 I was threatened at home, I was threatened on  
3 the job, a co-worker pointed to a burned and  
4 charred dummy and said, "This is what's going  
5 to happen to Linda Mitchell if she doesn't get  
6 her act together."

7 After the NRC didn't take any actions  
8 on my concerns, I took the matters into my own  
9 hands and I filed a Department of Labor case  
10 with a whistle blower complaint.

11 The harassment and retaliation  
12 increased. I received two more downgraded  
13 evaluations, a reprimand -- although the  
14 Department of Labor Wage and Hour ruled in my  
15 favor in two of these cases, the NRC failed to  
16 investigate this unbearable retaliation.

17 In a major breakthrough in July of  
18 1992, a Department of Labor Administrative Law  
19 Judge ruled that APS harassed me because I  
20 raised significant safety violations and found  
21 that the Palo Verde attitude toward addressing  
22 safety concerns was so abysmal that it created  
23 a cancer which, if allowed to grow, could be  
24 catastrophic to the public.

25 In my opinion, that cancer is still



1 growing, because in spite of the APS  
2 management's words that they encourage people  
3 to come forward with their safety concerns,  
4 their actions don't support these empty words.

5 Most people at Palo Verde are still  
6 afraid to bring their safety concerns forward.  
7 Former co-workers have confided to me that  
8 they have no confidence in their management,  
9 nor the NRC. They have watched what happened  
10 to me, they saw others, they saw the newspaper  
11 article that APS paid an \$80,000 civil penalty  
12 in my case and still didn't acknowledge  
13 wrongdoing. They also saw that it took the  
14 NRC three years to bring this enforcement  
15 action.

16 I have a question, Mr. Lieberman.  
17 There's a couple of things I want to have  
18 addressed.

19 I think that there should be whistle  
20 blowers on this panel. You can't understand  
21 what a whistle blower goes through until  
22 you've been a whistle blower. It's just like  
23 you can't understand what a rape victim  
24 experiences until you've been raped.

25 I want to volunteer to be on this



1 panel as a whistle blower and give you the  
2 benefit of what I've been through and what my  
3 family has experienced in having our careers  
4 and our lives so destroyed and disrupted.

5 In conclusion, I just feel totally  
6 devastated that my career was destroyed, the  
7 career that I had loved for many, many years;  
8 and I'm very disappointed that the NRC didn't  
9 take any action.

10 But I was even more disappointed when  
11 a chairman of the NRC, Mr. Kenneth Carr, who  
12 should have been protecting me, left the NRC  
13 and went to work at APS on this board of  
14 directors.

15 What should I have expected? The  
16 harassment, intimidation and retaliation starts  
17 at the NRC residence office and it just goes  
18 up from there. I think this is very sad, I  
19 hope something can be done to change it, I  
20 feel that the legislation is in place to take  
21 care of whistle blowers. It's not been  
22 enforced and it's definitely not been enforced  
23 in a timely manner.

24 I worked in other nuclear power plants  
25 and I raised safety concerns on those plants.

1 I was praised. Those concerns were addressed  
2 and fixed immediately. They considered that  
3 part of my job.

4 At Palo Verde, you raise a problem,  
5 you become a problem. It's totally profit  
6 driven. Nuclear safety is a low priority at  
7 Palo Verde.

8 CHAIRMAN LIEBERMAN: Ms. Mitchell, will  
9 you have any thoughts of how we could change  
10 our process to improve it?

11 MS. MITCHELL: It's got to be speeded  
12 up. I was allowed to sit for a year while  
13 three more downgraded evaluations happened to  
14 me, an oral reprimand, in which I was  
15 threatened with criminal prosecution at that  
16 time, also. It just can't be drug out so  
17 bad.

18 And I realize there's a lot of people  
19 that don't really have the horrible, horrible  
20 experiences that I had; but there are people  
21 that have had some even worse than mine, also.

22 And I think it's time you have someone  
23 on the panel, on the review team, that  
24 actually can separate these dog-and-pony shows  
25 that these utilities put on and these empty



1 words they have from the real thing; because  
2 actions, in my book, always speak louder than  
3 words.

4 CHAIRMAN LIEBERMAN: Thank you very  
5 much. Speaker Number 5?

6 MS. ROBERSON: Mr. Chairman and  
7 members of the panel, ladies and gentlemen, my  
8 name is Kathleer Roberson and I'm an APS  
9 direct employee. I work at Palo Verde Nuclear  
10 Generating Station as a senior engineer in the  
11 Nuclear Regulatory Affairs Department since  
12 1989.

13 For those of you not familiar with  
14 Palo Verde organizations, I provide technical  
15 and administrative expertise to assist PVNGS  
16 management and insuring that the station  
17 activities are performed in accordance with  
18 regulatory requirements and expectations.

19 I also serve as a primary interface  
20 with the regulatory, the NRC, insuring that  
21 the regulator is promptly notified of  
22 significant information. I see, however, that  
23 my major responsibility to minimize regulatory  
24 concerns is by proactively reviewing station  
25 activities, insuring that deficiencies are





1 properly addressed and that actions to prevent  
2 recurrence are effectively coordinated.

3 I thoroughly enjoy the challenges my  
4 job presents. It is of particular interest to  
5 me to present my personal views this evening  
6 to the regulator concerning how well APS is  
7 doing in promoting free and open communication  
8 of safety concerns.

9 Since I am professionally associated  
10 with this topic, I should like to state that  
11 APS is doing a commendable job in promoting  
12 free and open communication of safety  
13 concerns. I brought with me an example, a  
14 copy of a letter I authored to Region V  
15 regional administrator from our executive vice  
16 president dated February 1992.

17 It concerns an NRC office of  
18 investigation Case 91004. Both letters are  
19 public documents. The OI letter from Roy  
20 Zimmerman states:

21 "We are concerned that some employees  
22 may have the impression that they are not to  
23 speak freely and privately to the NRC. We  
24 recommend that you take whatever action is  
25 necessary to correct this impression. Please



1 provide us your intention within 30 days."

2 And the response is this:

3 "Employees at Palo Verde have the  
4 responsibility to report problems or abnormal  
5 conditions that come to their attention to  
6 their supervisor or foreman. Equally, they  
7 have the freedom to bring their concerns to  
8 the NRC without fear of negative repercussion.  
9 These two means of problem identification are  
10 essential aspects of the operation at Palo  
11 Verde.

12 "From initial orientation training to  
13 annual site access retraining, Palo Verde  
14 employees and contractors are apprised of  
15 their responsibility to identify problems to  
16 their supervisors and are reminded of their  
17 freedom to discuss their concerns with the NRC  
18 without fear of retribution, retaliation or  
19 termination."

20 Our standards and expectations,  
21 selected orientation and training material and  
22 past memoranda, which convey this message, are  
23 provided in the attachment. Throughout this  
24 document are multiple letters to the employee  
25 and information on employee concerns programs,



1 articles in their new era, you and your  
2 company handbook, site access training, plenty  
3 of examples of how APS has been proactively  
4 trying to get across about the freedom to  
5 express safety concerns.

6 Also in the back was yet another memo  
7 to all APS employees and contractor personnel,  
8 as well as to managers and supervisors  
9 reinstating that.

10 So here we are again. All of the time  
11 and effort put into this document seems to  
12 have been wasted, not to mention the tax  
13 dollars spent in developing legislation  
14 concerning employee protection, as specifically  
15 addressed in 10CFR50.7.

16 What is it about the Bill of Rights,  
17 the freedom of speech, that whistle blowers  
18 don't understand? Could it be, as the OI  
19 letter noted, we are all here dealing with an  
20 impression that they are not to speak freely  
21 and privately to the NRC.

22 How can the regulator and the employer  
23 deal with impressions and whistle blower  
24 protection activities in the same breath and  
25 do either justice? Are not these very

1 personal choices to feel discriminated against  
2 or to fear retaliation when all the laws,  
3 letters and educational processes indicate  
4 otherwise?

5           Could it be that certain individuals  
6 are making a career out of whistle blowing at  
7 the cost of the taxpayer, the employer and  
8 co-workers? Could it be that we're not  
9 dealing with the voicing of safety concerns  
10 without fear of retaliation, but with the  
11 assurance of personal interests or gain?

12           10CFR50.7(d) states: "An employee's  
13 engagement in protected activities does not  
14 automatically render him or her immune from  
15 discharge or discipline for legitimate reasons  
16 or from adverse action dictated by  
17 nonprohibited considerations."

18           10CFR50 does not define legitimate  
19 reasons. The cost to the employer for whistle  
20 blower protection activities is insurmountable.  
21 The cost to respond to the allegation of  
22 discrimination and to continue to employ an  
23 individual with an incurable impression is  
24 still cheaper than the cost to attempt to  
25 discharge or discipline for legitimate reasons.



1           Pertaining to whistle blower protection  
2 activities, not only is it inevitable that the  
3 employer is going to get his head cut off, but  
4 the regulators expect the employer to foot the  
5 bill for the materials and to build their own  
6 guillotine according to specifications,  
7 probably fining the employer during  
8 construction for violations of building codes.

9           I am certain that safety concerns are  
10 welcome at APS without fear of retaliation. I  
11 know that the concerns are dealt with  
12 expeditiously. I wish that some resolution  
13 for current whistle blower protection  
14 activities and improvements in the regulatory  
15 process would be developed.

16           I know of no stone left unturned in  
17 trying to correct the impression. Has the NRC  
18 considered performing a study of the  
19 psychological profile of the whistle blower?  
20 What about a whistle blower rehabilitation  
21 program to help them deal with the stress of  
22 voicing a safety concern and then getting on  
23 with their lives?

24           What about innocent co-workers, like  
25 myself, who take pride in their work and in



1 their company? I may not have a job because  
2 the defense against whistle blower protection  
3 activities may be too costly for APS to stay  
4 in business.

5 Impressions are not tangible, definable  
6 issues that can be dealt with within the  
7 regulatory process. Since the NRC feels the  
8 necessity to participate in the Department of  
9 Labor issues related to nuclear power whistle  
10 blower protection activities, how about  
11 improving the regulatory process by staffing  
12 psychologists to help whistle blowers put  
13 their lives back together after such a  
14 perceived traumatic experience as expressing a  
15 safety concern without fear of retaliation?

16 The whistle blower with an impression  
17 of retaliation is not getting his or her  
18 addictive emotional expectations met and that's  
19 creating a problem for all of us.

20 Thank you for listening.

21 CHAIRMAN LIEBERMAN: Thank you.  
22 Though, unfortunately, there are cases where  
23 they really have been discriminated against  
24 for raising a safety issue.

25 Next speaker, Number 6?



1 MS. McCAMLESS: My name is Chris  
2 McCamless and I'm here this evening as a  
3 concerned citizen and an ex-employee of Palo  
4 Verde.

5 Before I address the review team, I  
6 would like to take this opportunity to thank  
7 you for the opportunity to speak to you this  
8 evening.

9 My career in the commercial nuclear  
10 industry began in the summer of 1980. My  
11 formal education includes a Bachelor of  
12 Science Degree in nuclear engineering and a  
13 Master's in hazardous materials and waste  
14 management.

15 I was employed by APS and assigned to  
16 Palo Verde from June of 1983 until my  
17 resignation in August of 1992.

18 During my employment with APS, I had  
19 the unfortunate opportunity to experience the  
20 rights of the protected whistle blower. My  
21 nightmare began with the filing of a 2.206  
22 petition, dated May 22, 1990, in which myself  
23 and several members of Palo Verde management  
24 were named. At that time, I held the position  
25 entitled senior licensing engineer.



1 It should be noted that the alleged  
2 improprieties of the APS personnel named in  
3 the 2.206 were found unsubstantiated as  
4 documented in the final director's decision  
5 under 10CFR2.206, dated August 12, 1992.

6 In the process of protecting the  
7 rights of the whistle blower, many  
8 individuals, including myself and APS, became  
9 whistle blower victims, whether a victim of  
10 slander, a victim of countless inquisitions  
11 and depositions, or a victim of helplessness  
12 with hands tied and mouths gagged in fear of  
13 doing or saying anything because it may be  
14 interpreted as retaliation or discrimination.  
15 Companies and employees do not work  
16 efficiently or effectively under this guise.

17 The current laws for employee  
18 protection, or rights of the whistle blower,  
19 contained in Section 210 of the Energy  
20 Reorganization Act prohibits discrimination  
21 against any employee who has taken action to  
22 identify and correct conditions which might be  
23 detrimental to nuclear safety.

24 As such, the law holds the licensee  
25 responsible and accountable for actions toward





1 that employee, whether taken by the licensee's  
2 management or by other licensee employees.

3 All licensee employees have moral and  
4 ethical responsibilities to report serious  
5 concerns which may endanger the public or  
6 other employees. In addition to these  
7 responsibilities, the employee also has the  
8 responsibility to insure that the concern or  
9 allegation is real and can be supported with  
10 appropriate documentation.

11 The same law that holds the licensee  
12 responsible and accountable does not hold the  
13 protected employee responsible or accountable  
14 for their actions.

15 Unfortunately, whistle blowing may  
16 occur for the wrong reasons. The statutory  
17 protection for whistle blowing may be abused  
18 and whistle blowing may occur to protect a  
19 poor performing employee or an employee who  
20 has been relieved of their duties for other  
21 reasons outside actual nuclear safety concerns.

22 Not unlike those individuals that felt  
23 it necessary to provide this protection, I at  
24 one time believed that the high moral and  
25 ethical standards of nuclear professionals

1 would eliminate the potential abuse of this  
2 privilege. I had to learn this wasn't true  
3 the hard way, by personal experience as my  
4 teacher.

5 Some people will do things for their  
6 own personal gain, even if they are wrong.  
7 The current laws not only protect these  
8 wrongdoings, but condone them.

9 The organization subjected to protected  
10 whistle blowing activities becomes unhealthy.  
11 Costly damage control becomes necessary, not  
12 only in monetary terms, but also in terms of  
13 employee morale.

14 Ultimately, you and I, the rate payer,  
15 pay the bill, but I'm not so sure that the  
16 damage to the employees involved is ever  
17 repairable.

18 My own experience left me feeling not  
19 only wronged and guilty before proven  
20 innocent, but stranded. I was subjected to  
21 countless interrogations by APS legal counsel  
22 and by the office of investigation and  
23 inspector general's office investigators to  
24 defend m innocence.

25 As the invest ation progressed,



1 additional allegations of improper behavior  
2 were made. Once again, I was one of the  
3 subjects of these allegations. I remember  
4 wishing for this to all stop so I could go on  
5 with my life and do my job.

6 No matter how hard we try, our work  
7 does go home with us. It impacts every aspect  
8 of our lives. I spent countless nights and  
9 hundreds of hours, of additional hours, away  
10 from my family, as did many others, working on  
11 responses to technical aspects to these  
12 allegations.

13 My life had already been turned  
14 upsidedown and then the additional allegations.  
15 They were nasty and cruel, but even questioned  
16 my own moral and ethical standards.

17 I asked the inspectors if they had any  
18 facts or evidence to support these  
19 allegations. The answer was no, yet that did  
20 not stop them from subjecting me to  
21 questioning or to others.

22 I asked them who was my accuser. I  
23 was not permitted to know. I didn't know when  
24 I signed up to work in the nuclear industry  
25 that I would lose rights granted to me as a



1 citizen in the United States, so what was I to  
2 do? What could APS do for me? Nothing, or  
3 it might have been seen as discrimination,  
4 retribution or retaliation against a whistle  
5 blower.

6 It is not right for the whistle blower  
7 to falsely accuse others, or organizations,  
8 and have the accused and the organization  
9 unable to take any action against that  
10 individual. I was alone, yet among the many  
11 forced to put up and shut up.

12 In August of 1992, I decided not to  
13 put up anymore. I have spent numerous hours  
14 preparing these comments in an attempt to  
15 assimilate over three years worth of silence,  
16 frustration, pain and anger, picking and  
17 choosing my words very carefully, very  
18 cautiously, determined not to be inadequate.

19 These words need to be spoken and my  
20 voice needs to be heard so that other innocent  
21 individuals do not have the experience the  
22 same. Require that these individuals pick  
23 their causes wisely, for they too will be held  
24 responsible and accountable for their actions.  
25 Whistle blower protection, unfortunately, is



1 needed in our society today, but its abuse  
2 should not be tolerated.

3 Thank you.

4 CHAIRMAN LIEBERMAN: I appreciate your  
5 words. Thank you. Speaker Number 7?

6 MS. TARAGINO: My name is Sue  
7 Taragino. I am the strategic management  
8 advisor for Palo Verde. I have worked at APS  
9 for eight years and have been with Palo Verde  
10 for seven.

11 I wish simply to lend my comments to  
12 those that were already made tonight. In my  
13 work, in the nature of my work, I interface  
14 with people all over the company and all over  
15 the state.

16 In all the things I heard about, what  
17 I hear about most are the exceptional people  
18 of APS, the people that make a difference for  
19 our customers, for our communities and for the  
20 public. Those exceptional people are here  
21 tonight or they're out running their plants  
22 and operating the system and they are  
23 represented here tonight.

24 In my dealings and in work that I've  
25 done at APS and Palo Verde, we're working to



1 take all of those exceptional individuals and  
2 form a team to create exceptional results.

3 Now, this meeting, along with the  
4 many, many other forums, training sessions,  
5 all-hands meetings, focus programs, all of the  
6 things going on in the company, give us  
7 opportunities to work together; and yet I  
8 believe that after this forum tonight and the  
9 one tomorrow, there will still be people that  
10 felt they were unable to come forward.

11 So I congratulate the Commission and  
12 our people of APS for taking this opportunity  
13 tonight to give us yet another chance to work  
14 together. I believe, and it's been stated,  
15 that as APS employees we have the  
16 responsibility and the right to bring concerns  
17 of any sort forward. This is another one of  
18 those opportunities. We all have an  
19 opportunity to be a part of our solution.

20 Thank you.

21 CHAIRMAN LIEBERMAN: Thank you.

22 Speaker Number 8?

23 MR. MITCHELL: I'm Allen Mitchell, an  
24 engineer with more than 20 years of nuclear  
25 experience. I'm the husband of Linda

1 Mitchell, a notorious whistle blower at Palo  
2 Verde nuclear plant.

3 I find it unacceptable that the Code  
4 of Federal Regulations does not have a rule to  
5 protect family or friends of a person who  
6 brings up safety concerns to the Nuclear  
7 Regulatory Commission.

8 Even though this rule is not in place  
9 at this time, it is doubtful that the Nuclear  
10 Regulatory Commission would enforce it, because  
11 at present they haven't enforced the rules  
12 that they have existing at this time.

13 In my opinion, I was wrongfully  
14 discharged from the Arizona Corporation  
15 Commission as a result of Arizona Public  
16 Service Company's interference with my  
17 employment in the hopes that I would take my  
18 wife, Linda, who had raised many safety  
19 concerns, and leave the area.

20 It is because of this, I feel it is  
21 open season on whistle blowers' families and  
22 friends and that the NRC does nothing but  
23 stand by and condone those.

24 It is time that this type of  
25 retaliation be stopped and that the NRC take



1 action to protect whistle blowers under  
2 existing laws and enact legislation to protect  
3 family and friends of whistle blowers.

4 Thank you.

5 CHAIRMAN LIEBERMAN: Thank you.

6 Speaker Number 9?

7 MR. WHITNEY: Good evening, my name is  
8 Byron Whitney. I've been with APS for almost  
9 nine years now, the last three being out at  
10 Palo Verde.

11 I joined Palo Verde in 1990, September  
12 of 1990, and hired on there as an  
13 investigator, as a corporate investigator.  
14 From there, my duties turned over to quality  
15 assurance auditor. I would just like to share  
16 with you my views of management and the  
17 communications that I've had conveyed to  
18 myself at that level.

19 As I look around this room, I could  
20 probably point out a dozen to 20 individuals  
21 that have personally said to me at a  
22 management level that if any time there is a  
23 concern, we would expect you as quality  
24 assurance to voice that concern and bring it  
25 to our immediate attention.





1 From there, I can tell you that I've  
2 been involved in at least two situations where  
3 we have been engaged in activities that did  
4 raise an immediate nuclear safety concern. We  
5 stopped work, we called people at 1:00, 2:00  
6 in the morning, talked to them on the  
7 telephone, and resolved the issues at that  
8 time.

9 In addition to that, if the concerns  
10 could not be properly or adequately resolved  
11 to everyone's satisfaction, additional actions,  
12 written documentation, has been documented and  
13 put down and actions do go forward.

14 I have always been encouraged to talk  
15 openly, frankly and to express any concerns at  
16 any time. Never once have I been subject to  
17 any type of discrimination, harassment or  
18 verbal abuse, if that's what you want to call  
19 it, in regard to my concerns with safety.

20 I personally have not raised a nuclear  
21 safety concern myself, but I am aware of other  
22 individuals that have and my feeling is that  
23 they feel, those individuals I have been  
24 involved with, that management has been very  
25 open, very honest in their communications and



has spoken frank to them about that.

I think that it's important to know that, while it's not an everyday activity, management on a regular basis -- my management, anyway -- on a regular basis emphasizes to us the importance to identify safety concerns. It's our job.

For me to go into the department and not -- or out into the plant and overlook safety concerns and to just put on my blinders, then I end up being just as guilty as the whistle blower. So I have a job, it has been communicated to me that it's my job to identify concerns and bring them to management for resolution.

And my point is, that I just want to say that as far as I'm concerned, management has done everything it can that I'm aware of to tell employees that that's their job. And anyone who would fear retribution for doing their job, it just doesn't add up to me.

That's my whole reason for standing up here. I didn't have a written presentation, but I don't understand when people say they fear for their jobs or they fear retribution

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 because I fear more myself the fact that if I  
2 were to go out in the plant and to actually  
3 overlook concerns and not bring them to the  
4 attention, and it is later found that I was  
5 aware of those conditions, I would feel  
6 retribution in that respect, in that I did not  
7 do my job and I didn't bring those concerns to  
8 management.

9 That's all I really have to say and I  
10 appreciate your taking the time to hear me tonight.

11 CHAIRMAN LIEBERMAN: Thank you.

12 Speaker Number 10?

13 MS. THOMAS: Good evening, my name is  
14 Sarah Thomas. I have been employed at Palo  
15 Verde for 12 years. I have nine years of  
16 engineering experience in the pump and valve  
17 program, additionally I have five years of  
18 health physics experience on top of that.

19 I have an Associate of Science Degree  
20 and am now working on a Bachelor's Degree in  
21 human resource management to change positions  
22 within the company.

23 My first concern was raised in 1986 to  
24 a resident inspector at Palm Verde. His name  
25 was Jay Ball. That was the first and last



1 concern to be properly investigated and  
2 resolved by the NRC.

3 The retaliation and harassment by  
4 supervision at co-workers began shortly after  
5 the original concern was identified to APS by  
6 the NRC. The problem was identified through  
7 the APS management chain prior to my going to  
8 the NRC.

9 I was denied promotion, removed from  
10 my position and forced to cross-train in local  
11 and integrated leak rate testing. This change  
12 of assignment not only included working  
13 extended hours in back shift, but also a much  
14 higher exposure to radiation. The work was  
15 very demanding.

16 In October of 1988, I filed a  
17 Section 210 with the Department of Labor;  
18 April of 1989 a federal Judge found in my  
19 favor; September 15th of this year, the  
20 Secretary of Labor finally issued a decision  
21 and also in my favor against APS.

22 Beginning in October of 1988 when I  
23 filed the original complaint with the  
24 Department of Labor, my children were  
25 threatened with their lives and harassed by



1 Palo Verde employees' children at school, our  
2 financial security has been constantly  
3 threatened, my husband lost his job because of  
4 pressure put on his employer, financial  
5 pressure, and our home and autos have been  
6 vandalized too many times to even name.

7 I continued and will continue to raise  
8 safety concerns to the NRC. To date, with the  
9 exception of the first concern, NRC Region V  
10 has failed to properly investigate even one of  
11 any allegations raised by me and other  
12 employees. These concerns range from safety  
13 violations to constant harassment committed by  
14 my employer, APS.

15 Region V's method of investigation is  
16 to turn over the concern to APS, allow them to  
17 reply, accept it as factual, mail the APS  
18 response to the alleger and close the  
19 investigation.

20 Occasionally an investigator will talk  
21 with employees; however, they have a peculiar  
22 knack of only interviewing those employees who  
23 will support the company's stance. They never  
24 interface with the alleger to get to the truth  
25 after they have interviewed APS employees.



1 In the past, some of these  
2 investigations have taken three to four years  
3 to complete. I think this is very untimely  
4 and not in the best interest of the employer,  
5 the employee or the NRC.

6 You were asking the question whether  
7 employees fear raising safety concerns. You  
8 should also ask what happens when concerns are  
9 raised to management and the NRC, what happens  
10 to the employees and what happens to the  
11 concerns, how many of them are ever really  
12 resolved.

13 Not only are the careers of whistle  
14 blowers destroyed by the company, but  
15 additionally, the careers of those individuals  
16 who testify on their behalf and support them.

17 Gary Arant, a degreed nuclear engineer,  
18 was removed from his position as Section 11  
19 engineer after testifying on my behalf. He  
20 has not received a promotion in over six  
21 years, his salary increases have been minimal,  
22 if at all. Mr. Arant bid the senior engineer  
23 position for Section 11 that opened 18 months  
24 ago; he was not even granted an interview. By  
25 the way, he is a certified genius.

1           The company hired an individual from  
2 outside who did not and still does not meet  
3 INC 3.1 qualifications for that position.  
4 Region V refuses to properly investigate this  
5 matter.

6           Recently, APS has made statements that  
7 they are trying to change their culture  
8 regarding those who raise safety concerns.  
9 Mr. DeMichael stated in mandatory meetings  
10 that if we could not resolve concerns through  
11 our chain of command, call him.

12           Last month, via electronic mail, I  
13 addressed a retaliation problem to him. His  
14 reply was that he doesn't get involved in  
15 personnel matters. He referred it to HR, whom  
16 I had already been through the affirmative  
17 action, Beverly Powell. I did not expect  
18 anything more from him. I was surprised that  
19 he replied at all.

20           I raise this instance for two reasons.  
21 Management does not follow through with their  
22 promises; and second, in my opinion,  
23 Mr. DeMichael misrepresented the facts three  
24 days later in a statement to the Arizona  
25 Republic.



1           When we as nuclear power employees are  
2 forced to work with such an organization as  
3 the NRC and the company's CEO does not walk  
4 what he talks, how can you expect us not only  
5 to put our careers on the line for a safe  
6 facility, but our lives and those of our  
7 family and friends as well.

8           Thank you.

9           CHAIRMAN LIEBERMAN: Thank you. Next  
10 speaker is Number 11.

11           MR. NAPIER: Good evening. My name is  
12 Joe Napier and I work in the nuclear  
13 regulatory affairs group. I have worked at  
14 Palo Verde for eight years; and I have  
15 12 years in the commercial nuclear power  
16 field.

17           Two things: First of all, I've been  
18 involved in a number of operability and  
19 reportability issues and, at times they may  
20 have been heated, but I believe at all times  
21 they were ethically and morally decided. This  
22 goes not only in terms of operability, what to  
23 expect in interpretation, but also on shift.  
24 I do not believe there has been any attempt to  
25 cover up safety issues.





1                   Secondly, my concern with the process  
2 that you have for resolving allegations I  
3 think could be improved. Sometimes  
4 allegations are received by the region and  
5 they are sent to a licensee to investigate. I  
6 don't think that is a very good process.

7                   I think if an allegation is made to  
8 the NRC that the anonymity should be protected  
9 and that the region themselves should do the  
10 investigation. If upon finding a violation,  
11 then at that point, obviously, the utility  
12 would have to respond and do an investigation,  
13 whatever.

14                   But I don't believe that is in the  
15 best interest of the whistle blower making an  
16 allegation to the NRC to have that turned  
17 around and investigated then by the licensee.

18                   Thank you.

19                   CHAIRMAN LIEBERMAN: Thank you. Number 12?

20                   MR. RAIL: Good evening. My name is  
21 Peter Rail. I have worked out of Palo Verde  
22 for the last ten years in some various  
23 organizations out of Palo Verde. I currently  
24 work for the employee concerns program, I'm a  
25 quality investigator for employee concerns.



1 I just wanted to bring forth that I  
2 voiced a concern. I had like an  
3 administrative concern with APS and I felt so  
4 strongly about it that I went to employee  
5 concerns to voice my concern.

6 The company investigated my concern,  
7 they found in my favor, and I currently work  
8 as an investigator in employee concerns.

9 I just wanted to tell you that  
10 employee concerns -- the company has set up  
11 employee concerns and we work as hard as we  
12 possibly can to insure a timely disposition to  
13 safety concerns or human resource concerns,  
14 whatever is brought to our program.

15 In the past nine months, APS has  
16 tripled the size of our group employee  
17 concerns. One of the problems we were having  
18 was dealing with certain concerns in what we  
19 felt was a timely issue. Management has  
20 addressed that and tripled the size of our  
21 concerns.

22 Right now we're dealing -- I'm  
23 personally dealing with some nuclear safety  
24 issues and, in order to insure a quick  
25 response back to the concerned individuals,



1 APS has actually not only tripled the size of  
2 our group but they are utilizing manpower from  
3 other groups to assist us so we can get back  
4 to the people in a timely manner.

5 I have personally seen our executive  
6 management deal with safety problems. We've  
7 had employees come to us and have brought  
8 forth safety problems and we have  
9 substantiated those concerns. I have seen  
10 management take very swift and prompt  
11 corrective action to those concerns.

12 Employee concerns when somebody comes  
13 to our group, we always keep in continuous  
14 contact with the employee, we update and  
15 status them on a continuous basis and we  
16 always get back to the employee in writing  
17 with the disposition.

18 I just want to say that I work in the  
19 program and it's fair, it's consistent and  
20 management is behind us 110 percent. Since  
21 I've been in the group, which has only been  
22 since November of 1992, and even the people  
23 who have been in employee concerns for six or  
24 seven years, I have never heard of one act of  
25 retaliation against an employee, not one.

57

1 CHAIRMAN LIEBERMAN: Could I ask a  
2 question?

3 MR. RAIL: Sure.

4 CHAIRMAN LIEBERMAN: Based on your  
5 experience in employee concerns, is there a  
6 need to have employee concern programs? All  
7 licensees don't have them; many do. What are  
8 your views on that?

9 MR. RAIL: I feel it's a good outlet  
10 for Palo Verde in that if an employee, for  
11 whatever reason, he might feel that if he  
12 raises a concern to his management or to his  
13 co-workers that he might want to raise a  
14 concern in confidentiality.

15 Because we have a lot of  
16 employees -- you alluded to it before -- who  
17 have a perception but they're really not sure.  
18 There's a lot of times I've had employees  
19 personally who have felt, not embarrassed, but  
20 they weren't sure and they didn't want to  
21 bring it forth, so they said that's one of the  
22 reasons they came to our program.

23 It's always good to give employees  
24 another outlet and I think the company is  
25 providing three or four different avenues for

1 employees to pursue if they have complaints.

2 MR. GREEVES: How do you maintain that  
3 confidentiality for those employees that want  
4 it?

5 MR. RAIL: When I interview someone  
6 and I talk to them about confidentiality, I  
7 tell them that of course the confidentiality  
8 is within our management group and I tell them  
9 the levels of management that I would like to  
10 raise that concern to; and I always get their  
11 permission to do that before I do.

12 If I tell them I would like to raise  
13 it to a certain level of management and they  
14 say, okay, but I just don't want you to tell  
15 such-and-such, but I have no problems with you  
16 talking to a certain level.

17 CHAIRMAN LIEBERMAN: When you do your  
18 investigations involving an issue where there  
19 may be a limited number of people who may know  
20 about an issue, do you take any special steps  
21 to try to avoid fingerprinting, if you will,  
22 who the allegor might be?

23 MR. RAIL: There's certain times and  
24 there's certain allegations that we get that  
25 we talk to the employee and let them know it

1 would be almost virtually impossible for us to  
2 investigate their concern without mentioning a  
3 name or a specific incident. Usually when you  
4 talk to them, they're aware of that.

5 As far as -- otherwise, we go to  
6 whatever steps we can to insure  
7 confidentiality. Unfortunately, there's  
8 certain times and we always let the employees  
9 know up front that it would be such a  
10 technical area or such a small area that it  
11 would be almost virtually impossible to insure  
12 confidentiality. We always talk about that up  
13 front.

14 CHAIRMAN LIEBERMAN: Thank you very  
15 much. Speaker Number 13? Number 13? Number  
16 14?

17 MR. SALAZAR: I didn't write anything  
18 down, but I've been taking notes pretty good.

19 My name is Mike Salazar. I've worked  
20 out at the plant for 12 years. I was there  
21 two years for Bechtel and came to work for APS  
22 in 1983. I started out there as a maintenance  
23 electrician and have come up through the ranks  
24 of a foreman and supervisor.

25 I am now supervisor of valve services



1 and I also buy electricity from the plant, so  
2 I get around in this business.

3 First let me tell you my perspective  
4 as an employee, because first and foremost I  
5 am an employee of APS that has a  
6 responsibility that if I see something that's  
7 not right, I need to bring it up.

8 As an electrician out in the field for  
9 about four years with APS, I never felt that  
10 there was any pressure against me to repress  
11 any concerns, nor was there any adverse effect  
12 for me bringing concerns up.

13 I've had the opportunity to work in  
14 all three units in a variety of startup and  
15 maintenance positions in the electric shops  
16 and I've got a reputation for being pretty  
17 vocal.

18 Being a maintenance guy, you bring up  
19 safety concerns on a daily basis. Every time  
20 you go out to calibrate something, every time  
21 you go out to work on something, you rebuild  
22 something and you find something that's not  
23 right. There's a concern there that needs to  
24 be rectified.

25 It may be as simple as replacing a



1 part or there may be something that you don't  
2 understand, but it just doesn't look right to  
3 you. Maintenance people do this day in and  
4 day out and I just don't see anything adverse  
5 going on.

6 In fact, quite the opposite.  
7 Maintenance people are challenged to go out  
8 there and find those type of things and make  
9 sure the equipment is reliable. The emphasis  
10 there is on, let's get out there, let's go  
11 through it with a fine tooth comb, let's find  
12 out what's wrong and let's fix it while we  
13 have the piece of equipment out of service so  
14 that it runs reliably.

15 I had a lot of good management people  
16 to learn from and to emulate that. I've tried  
17 to take that into consideration when I became  
18 the supervisor of other people. I talk to my  
19 people and I try to relate to them that same  
20 expectation that I have of myself and that  
21 other people at the plant taught me.

22 I want them to go out and work on  
23 equipment and when we're done with it, there  
24 shouldn't be any problems there. If they see  
25 something that is not right or if something is





1 broken, we need to fix it. It does us no  
2 good to put it off, it does us no good not to  
3 fix it, that's what our job is. We're there.

4 I'm kind of in awe because everybody  
5 that's been up here has been an engineer and  
6 they have a degree in everything; I'm the guy  
7 out in the field that's turning the wrench and  
8 bringing up concerns is just a way of life for  
9 me.

10 I have to deal with them every day and  
11 I have to deal with them correctly and I have  
12 to deal with them so, most importantly, I'm  
13 not afraid of my job. I can go work  
14 somewhere else, I can get a job tomorrow if I  
15 need to, but I have to go home and sleep at  
16 night. And if I didn't do the right thing  
17 and if I didn't have the backing of my  
18 management to encourage me to do the right  
19 thing and to tell me that was their  
20 expectation of me, I couldn't work there and I  
21 couldn't live with myself.

22 Now, I told you I was taking notes and  
23 I've heard some good things on both sides of  
24 the fence; and I've heard some things that  
25 surprised me. People that have brought up



1 concerns not only have a problem with APS,  
2 they seem to have a problem with the NRC, too,  
3 and that was surprising to me.

4 I heard the process takes too long and  
5 that's certainly something we all need to deal  
6 with.

7 I heard that there should be a shared  
8 responsibility between the employer and the  
9 employee to make sure the concerns are valid  
10 and to make sure that they're responded to in  
11 a good manner and that we solve the problem.

12 That's what we're all here for, to  
13 enhance the industry, not find out who was  
14 ruled in favor against. That doesn't do  
15 anybody any good and that doesn't increase the  
16 reliability of our industry, nor does it make  
17 us more cost effective.

18 I've heard that some people misuse the  
19 process and that's probably true. I also  
20 heard you say that some employers try and  
21 suppress the process and that's probably very  
22 true, too.

23 I think the key here is that there's a  
24 lot of people in this room with experience on  
25 both sides of the fence and as a third-party



1 regulator type. And I don't think this  
2 process is going to work as long as all three  
3 of those groups are looking at things from  
4 their own perspective. I think that all three  
5 of those groups need to get together and find  
6 out what needs to be done for the goodness of  
7 the industry.

8 As long as we're wasting time having  
9 meetings like this and finding out what each  
10 other thinks, we're not solving problems and  
11 we're not making the process any better. And  
12 that's my challenge. I think that dovetails  
13 right in with the challenge that Mr. Selen  
14 made. We can either sit here and drive this  
15 industry in the ground or we can get together  
16 and solve our problems and make it more cost  
17 effective.

18 That's all I have to say.

19 CHAIRMAN LIEBERMAN: Thank you very  
20 much. Speaker Number 15?

21 MR. ARDIDO: My name is Nick Ardido.  
22 I'm an INC technician at Unit 1 and I brought  
23 up plenty of safety concerns in the three  
24 years I've been an INC technician there.

25 I just wanted to say that if you have



1 a legitimate safety concern and you bring it  
2 up to the proper channels, the company will  
3 act on it. I've had several concerns now that  
4 were addressed to my satisfaction, so that  
5 part of the process, I think, is working.

6 All the INC technicians in Unit 1 are  
7 pretty vocal. We bring up safety concerns all  
8 the time. I think part of the problem I'm  
9 experiencing right now is with promotions in  
10 the job bids.

11 Right now we have a lot of technicians  
12 in the INC shop who should be promoted to  
13 senior tech who were not being given a good  
14 reason why they weren't. They are certainly  
15 well qualified to be senior INC techs. We  
16 really haven't gotten a resolution to that.

17 The other problem is the bid process.  
18 A lot of the INC techs, I know me personally,  
19 like to bid on other jobs, better jobs, are  
20 certainly well qualified for those jobs and  
21 for some reason we're not getting them. We've  
22 had a lot of guys in the shop for a long  
23 time.

24 So, while we haven't experienced any  
25 overt harassment or nobody has threatened us,

1 taken us aside and talked to us, and I don't  
2 think any of us fear for losing our jobs, it  
3 seems that if you bring up a lot of safety  
4 concerns and you're critical of the  
5 management, you're not going to get a  
6 promotion and you're not going to be able to  
7 bid on a better job. You're just not going  
8 to get it.

9 I think this is the real chilling  
10 effect, as far as the number of people that  
11 have been going to the NRC. One of the  
12 things I heard is people aren't using  
13 established channels to address safety  
14 concerns, they're going right to the NRC.

15 One of the reasons for this could be  
16 that people feel if they're critical of the  
17 management, bring up safety concerns, it's  
18 going to affect their promotion, affect their  
19 career or they're not going to be able to bid  
20 on another job. I think this is the real  
21 chilling effect.

22 I don't have any imperical evidence to  
23 support this, I just have some anecdotal  
24 evidence, but I think this is maybe one of the  
25 areas that should be investigated.



1 One of the things I'd like to see is  
2 if you're eligible for a promotion and you  
3 meet the requirements, you should get it. If  
4 you've been on the job and you're qualified  
5 for that job, you should get it. And if you  
6 don't, you should be given a good reason why.

7 Right now we're not really being given  
8 a good reason why, so we can only speculate.  
9 One of the problems may be that we -- in the  
10 INC department might be that we are extremely  
11 critical of management and we do bring up a  
12 lot of safety concerns.

13 CHAIRMAN LIEBERMAN: Thank you.

14 MR. GRIMES: I have one question.

15 Have you or your co-workers brought  
16 things to management directly or to the  
17 employee concern program?

18 MR. ARDIDO: Pretty much, I'd have to  
19 say, any vehicle we could possibly have, we've  
20 brought up concerns. We've had people go  
21 directly to the NRC with some technical  
22 problems, we've had people go to employee  
23 concerns, we've had some people, for instance,  
24 bid on the job and didn't get it -- they were  
25 obviously well qualified for it -- took they



1 out of equity and we have a whole group of  
2 people in the INC shop right now that are  
3 eligible for senior tech and aren't being  
4 promoted and we don't know why.

5 Basically, they're not really giving us  
6 any hard evidence -- in other words, you have  
7 to do this or you have to do that, it's just  
8 kind of a gray thing where they say, we  
9 haven't made up our mind yet as far as who we  
10 want to promote. That's all we get.

11 So at that point, that could have a  
12 chilling effect. It doesn't have a chilling  
13 effect on us because we still speak up. But  
14 for other people, if this is going on in the  
15 whole company, you could see where people  
16 would go, well, I'll keep my mouth shut or  
17 I'll just bring it up directly to the NRC, try  
18 to remain, you know --

19 But like I said, I don't have any hard  
20 evidence for that, but it might be something  
21 to look into. And that, I think, is probably  
22 more of a chilling effect than the couple  
23 spectacular cases where people are actually  
24 overtly harassed and threatened.

25 I think that might be more of a

1 problem there as far as people bringing up  
2 concerns.

3 CHAIRMAN LIEBERMAN: Thank you.  
4 Speaker Number 16?

5 MR. BELL: My name is Ralph Bell. I'm  
6 a contractor and I work in Unit 3 utilities.  
7 I've been employed out in Palo Verde since  
8 1990.

9 In 1991 I raised a safety concern for  
10 a fire watch. The employee concerns, along  
11 with the NRC, followed through on it and they  
12 came up with a program to verify that all  
13 employees doing the runs did do the runs or  
14 qualified for their -- to solve the problem  
15 that was in the beginning.

16 They didn't receive any harassment from  
17 that. They dealt with some of my effort, my  
18 supervision as far as, you know, I was feeling  
19 maybe they had favoritism because they were  
20 relatives of the supervision, employee concerns  
21 looked into that, also; and I feel very  
22 confident at that time with that.

23 Recently I had other concerns. I  
24 dealt with my maintenance manager because my  
25 supervisor was gone, and my plant manager, and



1 we addressed different concerns regarding  
2 inconsistencies in the doors. And the  
3 security, I guess you'd call specialist, came  
4 over and they're working on building  
5 consistencies through all the units and the  
6 doors.

7 I felt that APS management gave me,  
8 you know, a good benefit on that, listening to  
9 my concerns and gave me a lot of time after  
10 work and during work. I worked the swing  
11 shift so they had to, you know, take off from  
12 their vacation because they had a vacation  
13 plan and actually speed it up.

14 I think that's important, so like me,  
15 as a contract employee, at first might have a  
16 concern and want to voice it and might not  
17 feel like people really want to listen to it,  
18 and when I see that they tell me, okay, I do  
19 want to listen to it, I know they're taking  
20 care of it.

21 I think it's important also when an  
22 employee has a concern that management tries  
23 to figure out what goal that employee wants,  
24 not just the concern, but where they want that  
25 concern to go, what do they want out of that

1 concern. Not just, you know, what is the  
2 concern but what purpose to fix this concern.

3 That way they understand  
4 what -- because an employee really won't know  
5 the technical aspect, but they'll know if this  
6 concern was fixed, then we could meet our  
7 requirements for the NRC over safety concerns.

8 One last -- as far as Unit 3, my  
9 management has even helped out in concerns  
10 that have dealt with my own contract company  
11 as far as harassment or retaliation which  
12 isn't even dealing with a safety-related  
13 issue, but they were there to make sure, you  
14 know, there was no harassment going on. And  
15 they made sure, you know, that something  
16 stopped.

17 So I'd just like to say that's my  
18 experience and I'd like to think that APS  
19 management could, if they have problems in  
20 other areas, that everybody could have that  
21 kind of feeling when they have to raise a  
22 safety concern.

23 CHAIRMAN LIEBERMAN: Thank you very  
24 much. Speaker Number 17?

25 MR. IRWIN: My name is Jeff Irwin.

1 I'm a senior engineer in nuclear regulatory  
2 affairs licensing area. I've been working at  
3 Palo Verde for about three years.

4 I have been in the commercial nuclear  
5 power industry for about 13 years at various  
6 jobs from startup to design to licensing,  
7 where I am now.

8 I guess I'm worried about jobs because  
9 there's getting to be too many good people at  
10 Palo Verde. I've applied to a lot of jobs  
11 and I haven't gotten the advancements; but  
12 somehow, looking back at it, a good person  
13 went into that position.

14 I do raise safety concerns in my  
15 position now, in my other position at Palo  
16 Verde, which was head safety group engineer,  
17 ISE engineer. Then, now, all the time I spent  
18 in Palo Verde, I have no concerns for my  
19 career based on reporting safety issues.

20 In my time at Palo Verde I have not  
21 seen any retaliation in the workplace, either  
22 by company or other employees. I think that  
23 Palo Verde has one of the best, an excellent  
24 environment to raise safety issues or issues  
25 of any kind.



1 I see a general willingness to accept  
2 the responsibility to take an issue and bring  
3 it up to the proper level of management,  
4 whether it's the supervisor, the manager, the  
5 vice president or even to carry it out  
6 internally to the NRC.

7 I see the ability in this process to  
8 ask the hard safety questions. I see issues  
9 being raised up to a point where it's no  
10 longer a safety issue. It's still at issue,  
11 it's put aside in the proper priority and  
12 worked to completion.

13 Thank you for your time.

14 CHAIRMAN LIEBERMAN: Thank you very  
15 much. Speaker Number 18?

16 Why don't we take a break, then, until  
17 7:45 to see if there is anyone else who is  
18 interested in raising questions.

19 Let me remind everybody that we do  
20 have forms on the back table if you feel  
21 uncomfortable raising an issue here, speaking  
22 to us, feel free to send me a note with your  
23 comments, because we do want to hear from as  
24 many people as we can. Thank you.

25 (Whereupon, a short recess was taken.)

CHAIRMAN LIEBERMAN: Two more speakers.

1  
2 For those of you who might have come  
3 after we started, what we're doing this  
4 evening is giving out numbers for people who  
5 desire to speak. We also have comment forms  
6 on the table by the entrance with postage paid  
7 envelopes, so if you want to send us any  
8 comments, you're certainly invited to do so  
9 and we're interested in getting comments on  
10 how to improve the process.

11 I guess we'll pick up now with  
12 Number 18.

13 MR. DUNLOFF: I wasn't here at the  
14 beginning and I'm sure if I know all the  
15 rules.

16 My name is Jerry Dunloff and I work at  
17 Palo Verde. I'd like to relate a story that  
18 happened to me when I talked to the NRC not  
19 too long ago.

20 The event involved a question. I work  
21 in the QA Department and I had a question  
22 about 10CFR on what was reportable. And we  
23 were in discussions with our licensing  
24 department at the time, QA.

25 I figured that the NRC would be the



1 experts of what was the intent of 10CFR  
2 requirements, so with that, I went to the NRC  
3 and said I would like to discuss some  
4 reporting requirements on -- it was ESF  
5 actuations.

6 And I explained to them the  
7 circumstances and what was in the contention  
8 was what designated a manual operation or  
9 manual actuation. We were in argument with  
10 our own departments, but I wanted to hear what  
11 the NRC's interpretation of these words in  
12 10CFR was, so I explained it to our resident.

13 At the time, his supervisor from  
14 region was there. He also attended that  
15 meeting. The problem that made me feel bad  
16 about the whole thing was that I didn't find  
17 out about it until later, but our department,  
18 QA department, myself, the other people,  
19 engineers that were in the room, we got  
20 criticized by the NRC and it was written down  
21 in a report, it wasn't just verbally, it was  
22 written in an inspection report that we were  
23 trying to get the NRC between, to get them to  
24 side with us or this other department.

25 I can tell you what it did for me, it

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

was a real chilling effect. I don't think I would like to go back to the NRC and report a problem to the NRC. I have no problems talking to my supervisor, I have no problems talking to my manager, the director, I'll go to Bill Conway, I have no problem with my chain of command.

But I don't think I'll ever go back to the NRC because of the way they treated me and the way they made me feel. So I'd just like to make that statement.

CHAIRMAN LIEBERMAN: Jerry, do you have any idea when that inspection report was issued?

MR. DUNLOFF: It was about -- probably a year and a half ago.

CHAIRMAN LIEBERMAN: Okay, thank you.

MR. DUNLOFF: I can get the number and all for you, but --

CHAIRMAN LIEBERMAN: If you could, I would appreciate that.

MR. DUNLOFF: Okay.

CHAIRMAN LIEBERMAN: Next speaker is Number 19.

MR. BEST: My name is Mark Best. I

1 work out at Palo Verde. I was hired out  
2 there in March of 1990.

3 When I was hired out there I thought  
4 it was going to be the greatest thing, the  
5 proverbial dream come true. Being in the  
6 nuclear industry's largest facility, I was  
7 working to keep myself, my fellow employees  
8 and the public safe from the harmful effects  
9 of ionizing radiation.

10 This was nothing new. It has  
11 been -- it was just as I had done in my  
12 previous job where I traveled to many other  
13 nuclear facilities inspecting and testing  
14 nuclear air treatment systems to insure  
15 optimum performance and identifying problems  
16 and hazards.

17 Assigned to the HVAC engineering  
18 department, first as a technician, where I  
19 aided in performing in-place filter testing  
20 activities on nuclear air treatment systems  
21 that either clean up the air prior to being  
22 exhausted from the plant's various buildings  
23 or treat the air which is recirculated in the  
24 control rooms and various technical centers so  
25 personnel will remain safe during an





1 emergency.

2           Soon I was promoted to a Level 2  
3 engineer, where I was assigned systems to  
4 manage more or less from a maintenance point  
5 of view. I also retained the duties of  
6 helping to perform the in-place tests on the  
7 nuclear treatment systems aiding a Level 3  
8 engineer.

9           It was not long after that when I  
10 noticed that several systems, one in  
11 particular the technical support center  
12 emergency ventilation, required extensive  
13 rework and modifications.

14           Bringing up concerns to my supervisor  
15 at that time, I received the following answer  
16 of, well, that may be so, but if it's not in  
17 the technical specifications you don't have a  
18 chance of getting it through the PMC.

19           Well, that may be so, but doesn't new  
20 Reg. 696 state that it would be in the  
21 technical specifications? This just seems to  
22 be another one of those many areas regarding  
23 nuclear ventilation where it appears that Palo  
24 Verde is different from other utilities.

25           Another line I heard that kind of



1 struck me when I tried to make improvements to  
2 equipment would be, the owners of this place  
3 would rather spend outrageous O&M dollars than  
4 to sink any more money into this bottomless  
5 pit on modifications.

6 Are these the words from a caring  
7 supervisor or what?

8 Because of the fact that every time I  
9 found a problem or concern and took it to the  
10 supervisor, with no results, I became  
11 distressed and frustrated. It appeared that  
12 if things didn't have a plus and a dollar sign  
13 behind it, if it wasn't on the money-making  
14 end of the plant, it was of no consideration,  
15 especially if it had to do with ventilation.

16 If a modification did get pushed  
17 through, it would be scheduled for five, six,  
18 seven or more years down the line. However, I  
19 would still go on and do what I could to  
20 improve nuclear ventilation and safety. My  
21 only hope was that since management around  
22 here changes quite often, I would soon get  
23 another chance to bend someone else's ear.

24 My frustration continued to grow  
25 because of the attention that nuclear



1 ventilation got. As I found more things wrong  
2 with the control room, technical support  
3 center, emergency operation facility  
4 ventilation and consequently the emergency  
5 plan, I found myself cringing every time there  
6 was a drill or an actual alert, because, as  
7 history has shown, when things went wrong,  
8 like for instance emergency lighting, the  
9 system engineer was hung up to dry.

10 With another change of management  
11 toward the end of 1992, I decided I had had  
12 enough and would take my concerns to the new  
13 manager. I did this during one of his  
14 open-door meetings where an employee could  
15 walk in and talk about anything.

16 I explained to him that I felt these  
17 issues of particularly the TSC ventilation  
18 were valid concerns and if they, the  
19 management, did not think these concerns were  
20 real, I would go to the NRC and ask them.

21 If the NRC told me there was nothing  
22 wrong, I would not question it again.

23 My manager said that I could rest  
24 assured that he would do something about it  
25 and I honestly believed that he did. A few



1 days later we signed a document that stated  
2 the concerns and what actions should be taken.  
3 Mission accomplished; help is on the way.

4 It's still on the way and it will  
5 hopefully soon be here. I can't figure out  
6 how or why it takes so long to get results.  
7 It seems as though when a concern is brought  
8 up, it is absorbed into this massive system  
9 that takes years to see any change. That is,  
10 unless there is a financial benefit to it.  
11 Then and only then is there a task force of  
12 unlimited resources put together and the  
13 problem is resolved in a matter of days or  
14 weeks.

15 Presently, the Palo Verde technical  
16 support center and emergency operation  
17 facilities are constantly running in their  
18 emergency mode as a contingency because of  
19 design problems that hinder their ability to  
20 be turned on. They have been in this  
21 condition for some time, more than two years.

22 As you well know, these are backup  
23 systems. They are meant to be used in a case  
24 of an emergency situation, not as a normal  
25 ventilation system. Frankly, in my opinion,

1 it is at best a disgrace to the nuclear  
2 industry that the largest nuclear facility in  
3 North America has to have these systems  
4 continuously operating for the past two years  
5 until changes are allowed to sift through the  
6 system because of the low priority they carry.

7 I thought that the E-Plan, emergency  
8 plan, was the reason a utility gets an  
9 operating license. Thus, equipment for the  
10 emergency plan should get a fairly high  
11 priority. Ask the E-Plan people how hard it  
12 is to get any maintenance done to the facility  
13 and how long they have to wait.

14 Although the utility has somewhat  
15 neglected some efforts in nuclear ventilation,  
16 they cannot be totally responsible for the  
17 deficiencies. Some responsibilities must rest  
18 with the controller. In this case, it would  
19 be the NRC. The NRC needs to revise  
20 regulatory guides that pertain to nuclear air  
21 cleaning so as to give clear direction on what  
22 path the utility needs to follow.

23 Presently, Regulatory Guide 1.52 Rev. 2  
24 is not only outdated, but it is wrong when  
25 identifying nonconservative testing methods for

1 carbon used in nuclear air treatment systems  
2 that protect personnel.

3 At one time the NRC was asked, when  
4 would a revision to the Reg Guide be  
5 performed? The answer was that it was not a  
6 priority at this time.

7 It appears that the Nuclear Regulatory  
8 Commission and the utilities have placed the  
9 same priority on nuclear ventilation.

10 I have suggested to my supervisor that  
11 the prudent thing to do would be to parallel  
12 the Regulatory Guide 1.52 technical spec  
13 testing with the more conservative testing.  
14 Yes, it will cost us more, but we'll be ahead  
15 of the game when the changes come down from  
16 the NRC.

17 Do you think that these guys want to  
18 hear that I want to spend more money on  
19 something that they don't have to do, even if  
20 it is for conservative and for safety?

21 How can you tell if you're being  
22 discriminated against because of bringing up  
23 safety concerns? After raising a safety  
24 concern and one hears repeatedly from his  
25 supervisor that you're doing excellent work,



1 that you're doing a great job, you're handling  
2 the added responsibilities well, he presumes  
3 that he will get an excellent raise or maybe  
4 even a promotion.

5 When he gets a mediocre raise and see  
6 others promoted in the same department, he  
7 started to wonder if he did not get a better  
8 review because of a concern he brought up or  
9 if he's just not up to that level of  
10 competence. However, he was just told many  
11 times over that he was doing an excellent job.

12 When one is at a lower level and takes  
13 over responsibilities that a former, higher  
14 level engineer had, should he not be promoted  
15 to a Level 3 or higher?

16 When I raised the safety concern of  
17 the technical support center, I was surprised  
18 that co-workers were patting me on the back  
19 saying, "It was about time something was done  
20 about this; it's been like that for years.  
21 I'm glad you brought it up."

22 Why has it been like that for years?  
23 Why were they glad I brought up the safety  
24 concern? Why did they not bring it up when  
25 it was first discovered? Am I naive about



1 something around here? Is APS doing better in  
2 promoting free and open communication of  
3 safety concerns?

4 Yes, there now appears to be a more  
5 open atmosphere at Palo Verde for those who  
6 bring up safety concerns. There has been an  
7 effort in the recent months to make it even  
8 more so.

9 Yes, I have received support from my  
10 co-workers in my attempts to raise these  
11 concerns. And it appears that supervision  
12 supports my effort. However, there is a  
13 hesitation in the back of my mind that in some  
14 way it might be held against me later.

15 Would I bring up another safety  
16 concern? You bet. It's my duty to do so and  
17 sooner or later I would. But the hesitation  
18 will still be there.

19 Thank you.

20 CHAIRMAN LIEBERMAN: Thank you.

21 MR. GRIMES: One clarification.

22 Early in your remarks you mentioned  
23 that your supervisor said it wasn't in the  
24 tech specs so there was no chance of getting  
25 it through. I didn't get --



1                   SPEAKER NO. 19:    The PMC, which is the  
2 plant modification committee that Palo Verde  
3 has.

4                   MR. GRIMES:    Okay, I understand.  
5 Thank you.

6                   CHAIRMAN LIEBERMAN:   Is there anyone  
7 else who desires to speak? We don't have  
8 anyone else who has asked for a number. Or  
9 are any of the previous speakers interested in  
10 talking further?

11                   Maybe we'll take another break for  
12 half an hour. We're going to be here until  
13 9:00 in case anyone shows up later. If anyone  
14 does want to speak, if they change their mind,  
15 if you let me know and we'll get your number  
16 when we resume.

17                   So at the moment, let's take a break  
18 until 8:30.

19                   (Whereupon, a short recess was taken.)

20                   CHAIRMAN LIEBERMAN:   We will resume.  
21 We have another person who would like to speak  
22 now. This will be Speaker Number 20.

23                   MR. BOWER:    Thank you. My name is  
24 Scott Bower. I have been working for APS now  
25 for five months. I came from the Trojan

1 Nuclear Plant, where I spent 13 years in the  
2 licensing department.

3 I'd just like to comment that in the  
4 five months I've been with APS, I have seen a  
5 very open atmosphere with regard to raising  
6 safety concerns.

7 I have personally worked on an  
8 allegation investigation. I have worked on  
9 another investigation with employee concerns.  
10 And I have seen a very strong willingness on  
11 the part of management to deal with the  
12 issues, to get to the bottom of it, to  
13 understand exactly what's going on and I don't  
14 have any concern at all personally with  
15 raising safety concerns to my management.

16 But I'd like to comment a little bit  
17 on the process, I guess, mainly is what I  
18 wanted to make a point on.

19 I understand that part of this process  
20 is to determine if additional legislation or  
21 regulation is needed in this area in order to  
22 insure the rights of individuals are  
23 protected. And I'd like to comment that I  
24 don't think additional regulation is needed.

25 I believe that the Department of Labor



1 has adequate regulatory jurisdiction to take  
2 actions against people who discriminate against  
3 employees. And that is clearly not what is  
4 intended and I don't believe that that's  
5 any -- I have not seen that occur at any case  
6 at APS or in any of my previous employment.

7 But if people are discriminated  
8 against, obviously action needs to be taken  
9 and the Department of Labor has adequate  
10 jurisdiction to do that.

11 I believe the NRC needs to stay  
12 involved on the side of nuclear safety, which  
13 is their primary concern, in determining if  
14 these allegations and issues that are being  
15 raised have any merit from a nuclear safety  
16 standpoint. That's where the NRC should focus  
17 its attention, to judge the technical issues  
18 to determine of the utilities are taking  
19 appropriate action, if the concerns are  
20 legitimate, if they're trying to be suppressed  
21 or whatever, and that the Department has  
22 adequate ability to deal with the issues of  
23 discrimination against employees.

24 That's my comments. Thank you.

25 CHAIRMAN LIEBERMAN: Thank you. As



1 long as we've resumed, is there anyone else  
2 who would like to speak or supplement previous  
3 remarks?

4 MR. GRIMES: I'd like to add one  
5 remark.

6 I'd like to just add one thing here.  
7 As you think about writing this with  
8 additional comments, you might think broader  
9 than just Palo Verde. We're faced with trying  
10 to figure out what the NRC role is, what the  
11 licensee improvements are that are needed.

12 Across the nation there are 52  
13 different utilities, 109 operating plants. If  
14 you could think about, what are the sort of  
15 things if regulations are needed, what  
16 measures are appropriate to improve the  
17 situation. We really are not satisfied with  
18 the current situation.

19 Thanks.

20 CHAIRMAN LIEBERMAN: We'll break now.  
21 (Whereupon, a short recess was taken.)

22 CHAIRMAN LIEBERMAN: I just wanted to  
23 indicate, we still have ten minutes for anyone  
24 who may want to talk now. Again, we still  
25 have forms if you want to take one home and



1 send us comments; that's another way of  
2 communicating with us. We will be here  
3 tomorrow morning, too.

4 It's 9:00. Not hearing any more  
5 interest in speaking, this meeting is  
6 adjourned until tomorrow morning at 9:00 a.m.

7 //

8 (Whereupon, the meeting was adjourned,  
9 to be continued to Wednesday, September 29,  
10 1993, at 9:00 a.m.)

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

AS THE REPORTER, I HEREBY CERTIFY THAT THE ATTACHED  
PROCEEDINGS BEFORE NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF PUBLIC MEETING RE PROTECTING  
ALLEGERS AGAINST RETALIATION

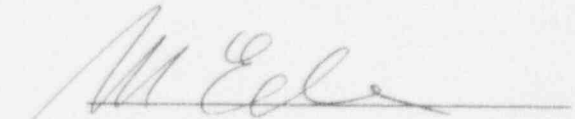
PLACE: PHOENIX, ARIZONA

DATE: SEPTEMBER 28 AND 29, 1993

WERE HELD AS HEREIN APPEARS AND THAT THE STATEMENTS THAT  
APPEAR IN THIS TRANSCRIPT WERE RECORDED ON AUDIO TAPE BY  
ME AND TRANSCRIBED AT MY DIRECTION:

AND THAT THIS TRANSCRIPT IS A TRUE AND ACCURATE RECORD  
OF THE PROCEEDING.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND ON  
THIS 12 th DAY OF OCTOBER 1993.

  
OFFICAL COURT REPORTER

