



AEP:NRC:1184D1

Donald C. Cook Nuclear Plant Units 1 and 2  
Docket Nos. 50-315 and 50-316  
License Nos. DPR-58 and DPR-74  
NOTICE OF DEFERRAL OF PAYMENT OF CIVIL PENALTY

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D. C. 20555

January 12, 1995

Dear Mr. Martin:

This letter is in response to a USNRC letter dated December 16, 1994, with regard to the notice of violation and proposed imposition of civil penalty - \$25,000, and demand for information issued to Indiana Michigan Power Company on August 5, 1993. This was the result of the recommended decision and order from U. S. Department of Labor (DOL) Case No. 92-ERA-37. The case arose from a complaint to DOL that a tool accountability technician was improperly terminated by American Nuclear Resources (ANR), a subcontractor at Donald C. Cook Nuclear Plant, after he requested a report concerning his radiation exposure.

Our reply to the notice of violation and demand for information was provided in an attachment to our letter AEP:NRC:1184D, dated September 1, 1993. A copy of that letter is attached to this letter for convenience.

With regard to the civil penalty, we do not believe that it is appropriate to remit payment until this issue has been fully and ultimately resolved. We have been informed by ANR that they are in the process of appealing the final decision and order issued by the Secretary of Labor on December 1, 1994. Therefore, no payment of the civil penalty will be transmitted at this time.

Sincerely,

A handwritten signature in dark ink, appearing to read 'E. E. Fitzpatrick'.

E. E. Fitzpatrick  
Vice President

eh

JEH

Mr. J. B. Martin

-2-

AEP:NRC:1184D1

Attachment

cc: A. A. Blind  
G. Charnoff  
NFEM Section Chief  
NRC Resident Inspector - Bridgman  
J. R. Padgett  
W. T. Russell, NRC - Washington, D.C.

ATTACHMENT TO AEP:NRC:1184D1

COPY OF AEP:NRC:1184D



AMP:KRC:1184D

Donald C. Cook Nuclear Plant Units 1 and 2  
Docket Nos. 50-315 and 50-316  
License Nos. DPR-58 and DPR-74  
NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
AND DEMAND FOR INFORMATION

U. S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555

Attn: J. B. Martin

September 1, 1993

Dear Mr. Martin:

The purpose of this letter is to respond to your Notice of Violation and Proposed Imposition of Civil Penalty and Demand For Information (U.S. Department of Labor Case No. 92-ERA-37). Attached are our responses along with pertinent exhibits to substantiate the facts set forth therein.

We remain convinced that fear of retaliation or discrimination by anyone who may raise a safety concern, either real or perceived, at Cook Nuclear Plant is not a problem now and has not been a problem in the past.

This letter is submitted pursuant to 10 CFR 50.54(f) and, as such, an oath statement is attached.

Sincerely,

A handwritten signature in cursive script, reading 'E. E. Fitzpatrick'.

E. E. Fitzpatrick  
Vice President

dr

Attachment

cc: A. A. Blind  
G. Charnoff  
T. E. Murley  
NFEM Section Chief  
NRC Resident Inspector  
J. R. Padgett

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S. J. Brewer  
D. H. Malin/K. J. Toth  
W. M. Hodge  
M. L. Horvath - Bridgman  
J. B. Shinnock - w/o attachments  
W. G. Smith, Jr.  
E. A. Wetzel, NRC - Washington, D.C.  
AEF:HRC:1184D  
DC-W-6015.1

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STATE OF OHIO)  
COUNTY OF FRANKLIN)

E. E. Fitzpatrick, being duly sworn, deposes and says that he is the Vice President of licensee Indiana Michigan Power Company, that he has read the foregoing Response to NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY AND DEMAND FOR INFORMATION and knows the contents thereof; and that said contents are true to the best of his knowledge and belief.

E. E. Fitzpatrick

Subscribed and sworn to before me this 20

day of August, 19 93.

Rita D. Hill

NOTARY PUBLIC

RITA D. HILL

NOTARY PUBLIC, STATE OF OHIO

MY COMMISSION EXPIRES 1-22-94

00200940004

ATTACHMENT TO AEP:NRC:1184D

NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
AND DEMAND FOR INFORMATION

RESPONSES

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Statements

From page 3 of the August 5, 1993 USNRC to Indiana Michigan Power Company Notice of Violation and Proposed Imposition of Civil Penalty and Demand for Information -

".....[D]escribing those actions and any additional actions you have taken or plan to take to minimize any potential chilling effect arising from this incident. Included in that written response, you should describe: (1) the steps you have taken to ensure that your employees and site contractors, including but not limited to American Nuclear Resources, and the employees of your contractors, understand their responsibilities with respect to the right of individuals to raise safety concerns without fear of retaliation or discrimination, (2) the actions you have taken to assess the extent to which workers at the D. C. Cook Nuclear plant may fear retribution for raising safety concerns, and (3) the actions you have taken or plan to take to eliminate or minimize any such fears."

General Response

Actions taken to minimize any potential chilling effect arising from this incident include informing employees of the incident, sensitizing them to the requirements of 10 CFR 50.7, and emphasizing existing management policy that encourages reporting of safety concerns.

These actions were accomplished through a series of letters from the Plant Manager. A letter was issued to all site personnel to inform them of the existence of the concern, identify the Department of Labor process as the appropriate process for resolving the concern, emphasize existing management policy, and review the reporting and escalation process. (Exhibit 1) A letter was issued to all plant management personnel to inform them of the concern and to direct them to meet with their employees to specifically ensure that they understand they can raise safety related concerns without fear of reprisals or job related discrimination. (Exhibit 2) A letter was issued to all contractor management to inform them of the existence of the concern and request that they meet with their employees to specifically ensure that they understand that they can raise safety related concerns without fear of reprisals or job related discrimination. (Exhibit 3) In addition to the letters, postings were placed throughout the plant to make this information readily available to all site personnel. (Exhibit 4)

The Special Provisions for Donald C. Cook Nuclear Plant, which are included in all contracts, have been revised to add Section 16.0 which emphasizes the requirements of 10 CFR 50.7, specifically, Employee Protection. (Exhibit 5)

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Statement 1 Response

The policy of American Electric Power Company, Inc., has been and still is to ensure that all personnel engaged in activities affecting safety-related functions of structures, systems, and components in Cook Nuclear Plant, have the right to, and are encouraged to, raise safety concerns without fear of retaliation or discrimination.

The Statement of Policy for the Donald C. Cook Nuclear Plant Quality Assurance Program, which is issued by the Chairman of the Board, President, and Chief Executive Officer of American Electric Power Company, Inc., states that any site personnel engaged in activities affecting safety-related functions who believes the Quality Assurance Program is not being complied with, or that a deficiency in quality exists, should notify his/her supervisor, the American Electric Power Service Corporation Director-Quality Assurance, and/or the Plant Manager. If the notification does not in the employee's opinion receive prompt or appropriate attention, the employee should contact successively higher levels of management. An employee reporting such conditions shall not be discriminated against by companies of the American Electric Power System. Discrimination includes discharge or other actions relative to compensation, terms, conditions, or privileges of employment. (Exhibit 6)

Ample initial and recurring training concerning the processing of safety concerns are/were provided to all personnel. The process of our Quality Assurance Condition Reporting program, which outlines the requirement to escalate known or suspected safety concerns up through management and/or directly to the NRC, is explained on pages 6 and 7 of 8 of GE-C-2005 (Exhibit 7 - General Employee Training Lesson Plans). The NRC Form 3 is also thoroughly reviewed with all trainees as part of the orientation program. Page 11 of 11 of GE-C-5100-HO-1 also explains the workers' rights and responsibilities with regard to the Plant Managers Instruction (PMI) 7030 Condition Report process. (Exhibit 8) Each employee, as part of initial training (and during annual requalification) also receives the radiation protection procedures as outlined in GE-C-1004, 1013 and 1016. (Exhibits 9, 10, and 11) To assure that each employee understands the requirements of the specific PMIs, the employee is required to review the information with his/her supervisor prior to initialing the form signifying receipt and understanding of the training. (Exhibit 12)

In addition, ANR management posted portions of the Michigan Whistleblowers Protection Act to reassure their personnel that their safety concerns would be addressed without discrimination or retaliation. (Exhibit 13)

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Statement 2 Response

Actions taken to assess the extent to which workers at the Donald C. Cook Nuclear Plant may fear retribution for raising safety concerns were based on a review and evaluation of the normal reporting process to determine if a notable change in the normal cyclic and workload reporting had occurred since the event. The review and evaluation were made of the number of condition reports generated before and after the two week employment period (in March, 1992) of the individual addressed in the Notice of Violation. The number of condition reports initiated per month between July, 1991, and April, 1993, were noted. The number of condition reports were listed in three categories: ANR initiated reports, contractor initiated reports, and total reports initiated by all individuals. The number of condition reports generated on a monthly basis for all three categories did not reveal any impact as a result of the cited event. The only noted difference was the expected impact of outage versus non-outage activities. (Exhibit 14)

Statement 3 Response

Ongoing programs that continuously encourage employees and contractors to identify safety concerns and other problems include the following.

As previously indicated, General Employee Training (GET) discusses worker rights and responsibilities, and NRC Form 3. GET requalification training will be emphasizing this area based on recent events.

Annual State of the Plant meetings promote feedback between Plant Manager and personnel, including contractors. The human performance evaluation system (HPES) provides a method for employee and contract personnel to communicate with site management. Indiana Michigan employee exit interviews provide open insights necessary to correct or stabilize any variances which may exist in our management or operations style.

These programs, along with management's commitment to ensure the rights of all site personnel, will eliminate or minimize any fear of retribution for raising safety concerns.

Additional Items

Also from page 3 of the August 5, 1993, USNRC to Indiana Michigan Power Company Notice of Violation and Proposed Imposition of Civil Penalty and Demand for Information:

"...[P]rovide the following information within 30 days of the date of this letter, in writing and under oath or affirmation:

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- (1) a written description of the duties and activities currently performed by the tool accountability supervisor and the site supervisor for American Nuclear Resources; and
- (2) your basis for concluding that the tool accountability supervisor, the contractor's site supervisor, and the managers of American Nuclear Resources fully understand their responsibilities under your NRC license and their obligation to fulfill NRC regulations and license requirements."

#### Item 1 Response

The duties and activities performed by an ANR tool accountability supervisor, a temporary position activated only during open containment, are as follows.

#### "TOOL ACCOUNTABILITY SUPERVISOR

Personnel in this category will have similar responsibilities as a QC Tool Accountant. In addition, will be responsible for supervising a crew of accountants. This individual will be held accountable for the crews' activities, including compliance with plant and company rules and procedures, resolving conflicts and the training of personnel.

EDUCATION AND EXPERIENCE: Must have previous supervisory background. Previous tool accountant background is preferred."

The duties and activities currently performed by the ANR site superintendent are as follows.

#### "SITE SUPERINTENDENT

1. Meet with client supervision to determine what skills are needed to applicably fill an open job requisition.
2. Interview potential candidates for open job requisitions, then determine if the candidate is acceptable for that position.
3. Process in new employees.
4. Discipline and terminate Scope/ANR employees as required. The superintendent has the final decision on the degree of the disciplinary action.
5. Liaison between Scope/ANR employees and client supervisors.

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6. Liaison between Scope/ANR corporate office and client supervisors.
7. Completes or ensures an employee evaluation on each employee is conducted once a year. The superintendent will also review all completed evaluations.
8. Decide when employees merit a pay increase, and fill out applicable paperwork.
9. Work with employees and listen to their problems and concerns, and try to work out conflicts or problems accordingly.
10. Prepare weekly and monthly reports to the client and Scope/ANR Company President.
11. Investigate all charges of harassment and discrimination.
12. Conduct weekly ANR supervisor meetings.
13. Write company memos, procedures, etc., as required.
14. Remain in constant contact with client supervisors to keep updated on employees' performance, problems, etc.
15. Attend various management training workshops and seminars to enhance management skills.
16. Complete Michigan Employment Security Commission (MESC) requests for information reports and wage and severation forms. Also represent Scope/ANR at MESC Hearings.
17. Represents Scope/ANR in various legal proceedings.

The site superintendent is held accountable to the client and Scope/ANR for the employees' actions. This includes but is not limited to safety, work quality, dependability, and procedural compliances."

#### Item 2 Response

The tool accountability supervisor involved is no longer employed by ANR. The tool accountability supervisor resigned from ANR on June 15, 1993, and was employed by Indiana Michigan Power Company at the Donald C. Cook Nuclear Plant on June 16, 1993, in the Computer Security Standards Department as a measuring and test equipment specialist (non supervisory).

The ANR site superintendent remains in the employment of ANR at the Donald C. Cook Nuclear Plant in the same position, site superintendent.

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AEP:NRC:1184D

EXHIBIT 1

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Date May 3, 1993

Subject Problem Reporting by Employees

From A.A. Blind

To All Managers

Title 10 of the Code of Federal Regulations Part 50, Section 50.7 prohibits discrimination by licensees of nuclear power plants against employees (including Contractor employees) for engaging in certain protected activities. Section 50.7 goes on to list activities that are included under this protection, but states that protected activities are not limited to this list.

The purpose of this letter is two fold. First, I want to advise and make you aware of an ongoing administrative proceeding which concerns a potential violation of 10 CFR 50.7 and, secondly, I want to ensure that we, as Plant Management, are continuing to take appropriate actions necessary to promote a positive work environment in which all employees at Cook Nuclear Plant feel comfortable with raising safety related concerns.

As you might know, a Contractor employee has filed an administrative claim with the Department of Labor (DOL) against his employer. The claim alleges that the employee was discriminated against and not recalled for work as a result of engaging in an activity protected under 10 CFR 50.7. A DOL Administrative Law Judge has issued a decision in favor of the employee. The Contractor is presently appealing this decision. Details of this proceeding will not be addressed in this memo because the administrative proceeding has not yet been concluded. However, notwithstanding the ongoing proceeding, we need to take this opportunity to ensure that our employees and contractors understand that they are encouraged to come forward whenever they have a safety related concern.

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Problem Reporting by Employees

May 3, 1993

Page 2

I am directing all managers to meet with their employees and communicate Cook Nuclear Plant's commitment to safety and our adherence to the requirements of 10 CFR 50.7. More specifically you need to ensure that our employees understand that they can raise safety related concerns and/or contact the NRC without fear of reprisals or job related discrimination. I will instruct all site Contractors to take similar actions with respect to their employees who are engaged in activities at Cook Nuclear Plant.

In support of the above activity I will be sending a Plant Manager memo to each employee acknowledging the ongoing DOL proceeding, but emphasizing our commitment to safety and our adherence to the requirements of 10 CFR 50.7. If you have any questions concerning this memo or its directions you are to contact me directly.

*A. Alan Blind*

A.A. Blind

AEP:NRC:1184D

EXHIBIT 3

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Power Company  
Cook Nuclear Plant  
One Cook Place  
Bridgman, MI 49106  
616 465 5901



May 3, 1993

Ms. Lydia Demski  
President  
American Nuclear Resources/Scope Services  
2095 Niles Rd.  
St. Joseph, MI 49085

Dear Sir:

Title 10 of the Code of Federal Regulations Part 50, Section 50.7 prohibits discrimination by licensees of nuclear power plants against employees (including Contractor employees) for engaging in certain protected activities. Section 50.7 goes on to list activities that are included under this protection, but states that protected activities are not limited to this list.

The purpose of this letter is two fold. First, I want to advise and make you aware of an ongoing administrative proceeding which concerns a potential violation of 10 CFR 50.7 and, secondly, I want to ensure that you, as managers of employees working at Cook Nuclear Plant, are continuing to take appropriate actions necessary to promote a positive work environment in which these employees feel comfortable with raising safety related concerns.

As you might know, a Contractor employee has filed an administrative claim with the Department of Labor (DOL) against his employer. The claim alleges that the employee was discriminated against and not recalled for work as a result of engaging in an activity protected under 10 CFR 50.7. A DOL Administrative Law Judge has issued a decision in favor of the employee. The Contractor is presently appealing this decision. Details of this proceeding will not be addressed in this memo because the administrative proceeding has not yet been concluded. However, notwithstanding the ongoing proceeding, you need to take this opportunity to ensure that your employees understand that they are encouraged to come forward whenever they have a safety related concern.

I am requesting all managers of companies that manage employees who work at the Cook Nuclear Plant to meet with their employees and communicate Cook Nuclear Plant's commitment to safety and our adherence to the requirements of 10 CFR 50.7. More specifically you need to ensure that your employees understand that they can raise safety related concerns and/or contact the NRC without fear of reprisals or job related discrimination.

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AEP:NRC:1184D

EXHIBIT 4

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Flash

August 11, 1993

The NRC has proposed a \$25,000 fine for Indiana Michigan Power based on discrimination by a contractor against a former employee of the contractor at the Cook Plant. The person charged that he was discharged in 1992 for raising questions about his radiation exposure and for requesting a copy of his exposure records.

The fine, based on a decision by a United States Department of Labor Administrative Law Judge, does not have to be paid until 30 days after the decision becomes final. It is still being reviewed by the Secretary of Labor.

The individual was being released at the end of a work assignment and was proceeding with his termination whole body count when he became engaged in a heated discussion concerning information being provided him regarding his radiation exposure. Based partially on this behavior, the contractor decided not to recall this person the next time this skill was needed at the Cook Plant. There was no retaliation or discrimination because he questioned his exposure or contacted the NRC.

The Department of Labor Law Judge ruled that this individual's emotional reactions to the perceived delay in receiving information regarding his radiation exposure was understandable and should not have been used in the decision not to rehire, as the right to question and receive information regarding radiation exposure is a protected activity.

Indiana Michigan Power disagrees with this finding. Our policy and procedures remain that we encourage the reporting of potential safety concerns. Everyone is encouraged to report safety concerns to management at any time. If they feel that it is necessary to report it to a government agency, they may do so without fear of retaliation or of placing their job in jeopardy.

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In support of the above activity I will be sending a Plant Manager memo to each employee acknowledging the ongoing DOL proceeding, but emphasizing our commitment to safety and our adherence to the requirements of 10 CFR 50.7. If you have any questions concerning this memo you are to contact me directly.

Respectfully,

*A. A. Blind*

A.A. Blind  
Plant Manager

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NOTE:

This letter was also sent to the following contractors on Donald C. Cook Nuclear Plant site.

Bartlett Nuclear Inc.

Brand Utility Services, Inc.

Clean America

DSI Industries

Holtec International

MQS Inspection, Inc.

Master-Lee Energy Services Corp.

NRT Technical, Inc.

NUS

National Installation Services Company

Nuclear Energy Consultants

PRC Engineering Systems, Inc.

Stanley Smith Security

Wondermakers, Inc.



AEP:NRC:1184D

EXHIBIT 5

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cc: D.S. Spillman  
H.B.W. 11  
11/24/93



Date August 20, 1993

Subject Special Provisions for  
Donald C. Cook Nuclear Plant

From E. E. Fitzpatrick *EEF*

To  
O. I. Aguilar  
P. A. Barrett  
B. H. Bennett  
A. A. Blind  
S. J. Brewer  
J. R. Corbett  
J. A. Howard  
R. F. Kroeger  
L. G. Lewis  
B. A. Renz  
W. G. Smith

The Special Provisions (contractual) for Donald C. Cook Nuclear Plant have been revised. The revised special provisions, dated August 15, 1993, should be included in all nuclear contracts for which the request for proposal is dated August 20, 1993, or after.

Please notify all personnel in your area of responsibility that this document has been revised. Copies may be obtained from the corporate supply room.

rdh

cc: B. R. Signet

16.0 EMPLOYEE PROTECTION (10 CFR 50.7)

16.1 10 CFR 50.7 prohibits discrimination against nuclear power plant employees, including Contractor and subcontractor employees. for engaging in certain protected activities. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are those established in Section 210 of the Energy Reorganization Act as amended. Contractor shall be familiar with the requirements of 10 CFR 50.7 and ensure that its employees understand their rights under this provision. More specifically, Contractor shall ensure that its employees understand that they can raise safety related concerns and/or directly contact the NRC without fear of employer reprisals or job related discrimination.

16.2 Contractor shall notify the Plant Manager, or his designee, if any safety related concerns are reported by or raised by Contractor's employees. Contractor is prohibited from discriminating against any employee, or making any employment related decision, based on an employee raising a safety related concern and/or contacting the NRC.

16.3 Violation of this provision or of 10 CFR 50.7 shall be considered a material breach of contract.

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AEP:NRC:1184D

EXHIBIT 6

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STATEMENT OF POLICY  
FOR THE DONALD C. COOK NUCLEAR PLANT  
QUALITY ASSURANCE PROGRAM

POLICY

American Electric Power Company Inc., recognizes the fundamental importance of controlling the design, modification, and operation of Indiana Michigan Power Company's Donald C. Cook Nuclear Plant (Cook Nuclear Plant) by implementing a planned and documented Quality Assurance Program, including Quality Control, that complies with applicable regulations, codes, and standards.

The Quality Assurance Program has been established to control activities affecting safety-related functions of structures, systems, and components in the Cook Nuclear Plant. The Quality Assurance Program supports the goal of maintaining the safety and reliability of Cook Nuclear Plant at the highest level through a systematic program designed to assure that activities affecting safety-related functions are conducted in compliance with applicable regulations, codes, standards, and established corporate policies and practices.

As Chairman of the Board, President, and Chief Executive Officer of American Electric Power Company, Inc., I maintain the ultimate responsibility for the Quality Assurance Program associated with Cook Nuclear Plant. I have delegated responsibilities for implementation of, and compliance with, the Quality Assurance Program, as outlined in this statement.

IMPLEMENTATION

The AEPSC Director-Quality Assurance, under the direction of the AEPSC Senior Vice President-Nuclear Generation, has been assigned the overall responsibility for specifying the Quality Assurance Program requirements for Cook Nuclear Plant and verifying their implementation. The AEPSC Director-Quality Assurance has authority to stop work on any activity affecting safety-related items that does not meet applicable administrative, technical, and/or regulatory requirements. The AEPSC Director-Quality Assurance does not have the authority to stop unit operations, but shall notify appropriate plant and/or corporate

Statement of Policy for the  
Donald C. Cook Nuclear Plant  
Quality Assurance Program  
Page 2

management of conditions not meeting the aforementioned criteria and recommend that unit operations be terminated.

The AEPSC Senior Vice President-Nuclear Generation, under my direction, has been delegated responsibility for effectively implementing the Quality Assurance Program. All other AEPSC divisions and departments having a supporting role for Cook Nuclear Plant are functionally responsible to the Senior Vice President-Nuclear Generation.

The Cook Nuclear Plant Manager, under the direction of the AEPSC Senior Vice President-Nuclear Generation, is delegated the responsibility for establishing the plant Quality Control Program and implementing the Quality Assurance Program at Cook Nuclear Plant.

The AEPSC Director-Quality Assurance is responsible for providing technical direction to the Plant Manager for matters relating to the Quality Assurance Program at Cook Nuclear Plant. The AEPSC Director-Quality Assurance is also responsible for maintaining a Quality Assurance Section at Cook Nuclear Plant to perform required reviews, audits, and surveillances, and to provide technical liaison services to the Plant Manager.

The implementation of the Quality Assurance Program is described in the AEPSC General Procedures (GPs) and subtier department/division procedures, Plant Manager's Instructions (PMIs), and subtier department head instructions and procedures, which in total document the requirements for implementation of the Program.

Each AEPSC and Cook Nuclear Plant organization involved in activities affecting safety-related functions of structures, systems, and components in Cook Nuclear Plant has the responsibility to implement the applicable policies and requirements of the Quality Assurance Program. This responsibility includes being familiar with, and complying with, the applicable Quality Assurance Program requirements.

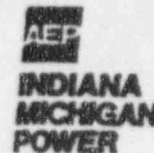
#### COMPLIANCE

The AEPSC Director-Quality Assurance shall monitor compliance with the established Quality Assurance Program. Audit programs shall be established to ensure that AEPSC and Cook Nuclear Plant activities comply with established program requirements, identify deficiencies or noncompliances, and obtain effective and timely corrective actions.

Any employee engaged in activities affecting safety-related functions of structures, systems, and components in Cook Nuclear Plant who believes the Quality Assurance Program is not being complied with, or that a



*Posted on 5-10-93*  
*R. Smith*



Date May 3, 1993  
Subject Problem Reporting by Employees

From A.A. Blind  
To All Site Personnel

Employees of nuclear power plant licensees and employees of contractors of nuclear power plant licensees are protected from discrimination for engaging in activities that are protected by law. Information concerning these activities (NRC Form 3) is posted on the plant official bulletin boards located at the west side of the Security Control Center, at the turbine entrance to the Auxiliary Building, and at the RPAC entrance to the Auxiliary Building. Whenever questions come up concerning alleged discrimination against an employee, whether substantiated or not, there is a concern about whether or not these questions might inhibit other employees from raising safety related concerns.

The purpose of this letter is to inform you that an employee has raised a concern about discrimination for engaging in protected activities. This concern is presently being handled through administrative proceedings in the Department of Labor, which is the appropriate process for addressing and evaluating such concerns. Details of this concern are not included in this letter because the proceeding has not yet been concluded. However, I would like to take this opportunity to emphasize that the existence of this case should not be a concern to any employee who wishes to bring safety related concerns to the attention of management or to the attention of the NRC. It is corporate policy, and therefore a requirement, for all personnel to encourage the reporting of safety related concerns and other problems. At the Cook Nuclear Plant this is done through the PMI-7030 Condition Report process, through direct reporting to

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Problem Reporting by Employees

May 3, 1993

Page 2

management, or to the NRC. Normally, the reporting of safety related concerns or problems should be accomplished through the PMI-7030 Condition Report process. If the concern or problem is not appropriately addressed, then reporting directly to successive levels of management and ultimately directly to the NRC might be appropriate. I would also like to point out that any employee may go directly to management or the NRC at any time.

In summary, I would like to emphasize the importance of continuing our excellent working relationships here at Cook Nuclear Plant, which includes the reporting of safety related concerns and other problems without fear of discrimination.

*A. Alan Blind*

A.A. Blind

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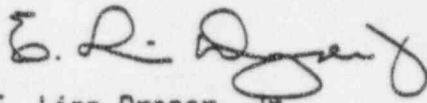
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EXHIBIT 2

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Statement of Policy for the  
Donald C. Cook Nuclear Plant  
Quality Assurance Program  
Page 3

-- deficiency in quality exists, should notify his/her supervisor, the AEPSC Director—Quality Assurance, and/or the Plant Manager. If the notification does not in the employee's opinion receive prompt or appropriate attention, the employee should contact successively higher levels of management. An employee reporting such conditions shall not be discriminated against by companies of the American Electric Power System. Discrimination includes discharge or other actions relative to compensation, terms, conditions, or privileges of employment.



E. Linn Draper, Jr.  
Chairman of the Board, President,  
and Chief Executive Officer  
American Electric Power Company, Inc.

AEF:NRC:1184D

EXHIBIT 7

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AIDS

PRESENTATION

2. You can make the greatest contribution to quality at the Cook Plant by doing the job right the first time.

### III. REPORT POTENTIAL ITEMS OF NONCOMPLIANCE

8.03.A

- A. It's recognized that things break and go wrong.
- B. The Cook Plant has a system for reporting problems, defects, and procedural violations.
- C. It is called a Condition Report.
- D. This system is required by federal regulations.
- E. Specific items that must be reported are:
  1. Listed in the Plant Managers Instruction (PMI) on Condition Reports.
- F. Basically, you should report anything you think may be a problem to your supervisor.
- G. You may need to write a Condition Report.
  1. Your supervisor should help you with this.
  2. Instructions contained in Plant Manager Instruction on Condition Reports, PMI-7030.

8.03.D

- H. If you feel your report is not receiving the proper attention:
  1. First, go to your immediate supervisor.
  2. Then, go through the other higher levels of your management.

12.05.C

3. If you are unable to get problems resolved, then contact the NRC.

- I. NRC Form 3, "Notice to Employees."

1. Informs employees of:
  - a. Their rights.
  - b. The employer's responsibilities.
2. Divides the United States up into NRC regions.
3. Provides addresses and phone numbers for each NRC region.
4. Copies of the NRC Form 3 are posted at:
  - a. Security Control Center.
  - b. South Security Control Center.
  - c. Auxiliary Building Access Control

J. These reports will not jeopardize your job.

K. You can be held criminally liable if you know of a nuclear safety related problem and you do not report it.

#### IV. SUMMARY

SL-Title

A. The Cook Plant has:

1. QA Program to -
  - a. Ensure safe operation of the Plant.

AEP:NRC:1184D

EXHIBIT 8

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## WORKERS RIGHTS AND RESPONSIBILITIES

### 28. How do you go about reporting problems at the plant?

Normally, the reporting of safety related concerns or problems should be accomplished through the PMI-7030 Condition Report process. Ask your supervisor for guidance. If the concern or problem is not appropriately addressed, then reporting directly to successive levels of management and ultimately directly to the NRC might be appropriate.

### 29. Can an employee go directly to management or the NRC with a problem or safety related concern?

Yes, at any time. Please see a Management representative or the NRC resident inspector.

### 30. Can an employee lose his/her job or be discriminated against for reporting problems/safety related concerns directly to the NRC?

No. Employees of nuclear plant licensees and employees of contractors of nuclear power plant licensees are protected from discrimination for engaging in activities that are protected by law, such as reporting problems/concerns. Information concerning these activities is contained in NRC Form 3.

### 31. Where can you find postings of NRC Form 3?

NRC Form 3s are posted in the Security Control Centers, the turbine entrance to the Auxiliary Building and at the RPAC entrance to the Auxiliary Building.

## SELF-CHECKING

### 32. Remember to use the S.T.A.R. method when performing work at the Cook Plant.

- Stop
- Think
- Act
- Review

If you are not familiar with the self-checking process, or have questions regarding how you should be using it to perform your work, ask your supervisor.

AEF:NRC:1184D

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EXHIBIT 9

0 0 1 0 0 0 1 0 0 2 0



TITLE:

Dosimetry

REVISION:

5

AIDS

PRESENTATION

3. Chirper.
4. Low Battery.
5. Audible Alarm also causes digital display to change or blink.
6. Any time you encounter an alarm - contact RP.

#### VIII. DOSE RECORD

(S.G.#7)

- A. You can obtain your dose record from RP - Dosimetry.

#### IX. SUMMARY

- A. Proper care and use of dosimetry is a part of your job as a radiation worker.
- B. Review Objectives
- C. Allow trainees to handle the dosimetry devices to become familiar with them.
- D. Answer Student Questions.

AEP:NRC:1184D

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EXHIBIT 10

0 0 1 0 0 0 1 0 0 2 2

TITLE:

Workers' Rights and Responsibilities

REVISION:

3

AIDS

PRESENTATION

- c. Contact RP prior to starting any work in the restricted area.
- d. Notify RP personnel when changes or potential changes in working conditions occur that were not previously evaluated.
- e. Limit the amount of material that has to be decontaminated or disposed of as radioactive waste by limiting material taken into the restricted area.
- f. Personal tools or equipment shall not be used in restricted areas. Utilize hot tool crib tools and consumable issue items.
- g. Promptly obey "stop work" and evacuate instructions of (RP) personnel.
- h. Do not smoke, eat, drink, chew or apply cosmetics in Restricted Areas.
- i. Do not move or reposition radiological postings.

(SG#3)

- 4. Reporting Problems - Responsibilities of each individual.
  - a. Inform Radiation Protection immediately of any unusual incident in the restricted area including alarms or lights from radiological monitoring equipment.
  - b. If you tear your Anti-Cs, immediately leave the contaminated area and contact RP.
  - c. Report the presence of treated or open wounds to RP personnel prior to entry into a restricted area. Immediately inform RP personnel if a wound occurs while in a restricted area.
  - d. For a known or possible radioactive spill, minimize its spread and notify RP personnel promptly.

AEP:NRC:1184D

EXHIBIT 11

0 0 1 0 0 0 1 0 0 2 4

TITLE:

Internal Exposure Control

REVISION:

4

AIDS

PRESENTATION

SL-AS

- B. Air samples are taken in areas where airborne radioactive material is suspected or where it might occur due to work activities.

1. They are only a sample of the air you have breathed; therefore, they are an estimate of the contaminants you have deposited internally.

SL-WBC

- C. A whole body counter is normally used to check for internal radioactive material.

1. The whole body counter is a very sensitive machine that can detect radioactive material inside the body.
2. It gives an accurate value of radioactivity in your body.
3. Everyone has a small amount of radioactive material inside their body from natural sources in their food (e.g., K-40).
4. WBCs are required initially, periodically, and upon completion of work at Cook. Also, if needed, for evaluation of a suspected uptake of airborne radioactivity above the plant limits.

- D. Normally, we (Cook) don't use other bioassay, but in the event of an accident or large ingestion, urine or feces samples may be obtained.

1. This is an example of how the body works to eliminate the contamination that gets inside.
2. Like the WBC, this is to determine internal exposure.

AEP:NRC:1184D

EXHIBIT 12

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CONTRACTOR COMPANY: ANKTYPE: ☐ Offsite ☒ Support Services ☐ OnsiteWORK INDEPENDENTLY: ☒ Yes ☐ NoSCOPE OF WORK: ☐ Safety Related ☐ Non-Safety Related ☒ BothAPPROXIMATE START DATE: 3/5/92 APPROXIMATE END DATE: \_\_\_\_\_☐ OR, ONGOING WORK (FOR SUPPORT SERVICES ONLY)CONTRACT EMPLOYEE: Gregory A. Langan S.S. NO.: 375-48-0140

TOPIC/PROCEDURE NO.	REV.	TITLE (ABBRV.)	DATE/INITIAL
PMI-2160	<u>5</u>	Control of Chemicals	<u>3/6/92 GAD</u>
PMI-2220	<u>6</u>	System Internal Cleanliness	<u>3/6/92 GAD</u>
PMI-2270	<u>22</u>	Fire Protection	<u>3/6/92 GAD</u>
PMI-4010	<u>9</u>	Plant Operations Policy	<u>3/5/92 GAD</u>
PMI-4080	<u>1</u>	Control of Non-Core Objects in the Spent Fuel Pool and Transfer Canal	<u>3/6/92 GAD</u>
PMI-4100	<u>8</u>	Plant Shutdown Safety and Risk Management	<u>3/6/92 GAD</u>
PMI-5080	<u>5</u>	Administration of Contractors	<u>3/9/92 GAD</u>
PMI-6010	<u>8</u>	Radiation Protection Plan	<u>3/9/92 GAD</u>
PMI-7030	<u>17</u>	Condition Reports	<u>3/9/92 GAD</u>
SASO.007	<u>2</u>	Logging of Tools - Refueling	<u>3/5/92 GAD</u>

Standing on Lines/Pipe Instruction: 3/5/92 GADEmergency Alarms: 3/5/92 GAD

Verification I have received the above specified training:

Signature: Gregory A. Langan Date: 3/9/92  
Trainee SignatureDetermination By: TOOL ACCOUNTABILITY SUPERVISOR SIGNATURE Date: 3/9/92  
Department SupervisorApproved By: SAFETY AND ASSESSMENT SUPERVISOR SIGNATURE Date: 3-9-92  
Department Superintendent

FORWARD TO DEPARTMENT TRAINING REPRESENTATIVE

Page 1 of 2

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TOPIC

DATE/INITIAL

Work hour limitations - policies and department specific practices.

3/4/92 HAD

Plant PA system use and restrictions.

3/5/92 HAD

Parking-lot rules.

3/5/92 HAD

Plant walkthrough for familiarization with Plant layout.

3/4/92 HAD

Cook Plant hearing protection device policy.

3/5/92 HAD

Heat stress program.

3/5/92 HAD

Vital area door alarms.

3/5/92 HAD

Security door alarms.

3/5/92 HAD

Paper recycling program.

3/5/92 HAD

Fitness for duty.

3/5/92 HAD

Safety Manual - ANR.

3/5/92 HAD

TOPIC - PLANT SPECIFIC

Plant Specific Personnel Guideline Reference No. PM-1 -  
Procedure Adherence Policy Statement

3/4/92 HAD

Plant Specific Personnel Guideline Reference No. PM-17 -  
Expectations of Radiation Workers

3/6/92 HAD

Plant Specific Personnel Guideline Reference No. SAF-8 -  
Hazard Communication Program: Right to Know Law

3/5/92 HAD

Proper handling and wearing of security badge.

3/5/92 HAD

Vital area door enclosure requirements.

3/5/92 HAD

TOPIC - DEPARTMENT POLICIES

SASO.007 - Logging of Tools - Refueling

3/4/92 HAD

Safety equipment.

3/4/92 HAD

Housekeeping standards.

3/4/92 HAD

Plant PA system use and restrictions.

3/4/92 HAD

Parking lot rules.

3/5/92 HAD

Department smoking policy.

3/5/92 HAD

# EMPLOYEE ORIENTATION SHEET

EMPLOYEE NAME GREGORY A. SCAGLIAR HIRE DATE 3-5-92

- HAZ 1. DO YOU UNDERSTAND THE RIGHT TO KNOW LAW ? IF NO EXPLAIN FULLY TO EMPLOYEE.
- HAZ 2. SHOW EMPLOYEE LIBRARY AND WHERE TO FIND MSDS SHEETS ....
- HAZ 3. SHOW EMPLOYEE THE EVACUATION ROUTE & EXPLAIN ORANGE CARD READERS.
- HAZ 4. HAVE EMPLOYEE FILL OUT THE PMI SHEET.
- HAZ 5. HAVE EMPLOYEE FILL OUT THE COVER SHEET.
- HAZ 6. REPORT ALL INJURIES PROMPTLY.
- HAZ 7. GIVE JOB DESCRIPTION.
- HAZ 8. HOURS, WAGES, PAYDAY, TIME SHEETS.
- HAZ 9. ATTENDANCE POLICY, CALL OFF, TARDINESS,
- HAZ 10. SMOKING POLICY.
- HAZ 11. SECURITY RULES.
- HAZ 12. PARKING LOT RULES.
- HAZ 13. DRESS CODE.
- HAZ 14. SAFETY WEAR..
- HAZ 15. FITNESS FOR DUTY , RANDOM DRUG & ALCOHOL TESTING.
- HAZ 16. AS A CONTRACTOR WE RECEIVE JOB DIRECTION FROM AN A/R SUPERVISOR WHO IN TURN RECEIVES JOB DIRECTION FROM A I&M SUPERVISOR.

2/0/92 DATE ORIENTATION COMPLETE.

Tool ACCOUNTABILITY SUPERVISOR SIGNATURE TRAINER SIGNATURE

Gregory A. Scagliar EMPLOYEE SIGNATURE

AEP:NRC:1184D

EXHIBIT 13

0 0 1 0 0 0 1 0 0 3 0

*Posted 8-19-93 R. Smith*  
**ATTENTION EMPLOYEES**

The Michigan Whistleblowers' Protection Act (469 P.A. 1980, as amended by 146 P.A. 1982) creates protections and obligations for employees and employers under Michigan law.

**PROTECTIONS:**

- Michigan employers are prohibited from discriminating against an employee because he/she or a person acting on his/her behalf reports or is clearly about to report a violation or suspected violation of federal, state or local law to a public agency.
- Discrimination because of an employee's participation in a public investigation, hearing, inquiry or court action is also prohibited.

**OBLIGATIONS:**

- An employee is not protected from disciplinary action when making a report or allegation which he/she knows to be false.
- The Act does not diminish or impair the rights of individuals or the employer under any collective bargaining agreement, nor to permit disclosures which would diminish or impair the rights of any person to the continued protection of confidentiality of communications where statute or common law provides such protection.
- The Act does not require employers to compensate employees for participation in public investigations, hearings, inquiries or court actions.
- Employees should be aware that Michigan's General Rules of Pleading (Rule 111.6) permit courts to order complainants to pay the reasonable expenses, including reasonable attorney fees, incurred in defending against unreasonable allegations which ought not to have been made.

**ENFORCEMENT:**

- An employee or employer alleging a violation of the Whistleblowers' Protection Act may bring a civil action in circuit court within 90 days of an alleged violation of the Act.

**PENALTIES:**

- Persons found in violation of the Act can be assessed a civil fine up to \$500.00.
- Persons found to have been illegally discriminated against under the Act may be awarded injunctive relief, attorney fees, reinstatement, back compensation and/or actual damages.

**COMPANY POLICY:**

- Company policy prohibits employees or management from engaging in discrimination or retaliation against another employee because of his/her cooperation with public officials involved in the enforcement or adjudication of federal, state or local law. A violation of this policy could result in discipline, up to and including discharge. 0 0 1 0 0 0 1 0 0 3 1

PLEASE REPORT ANY VIOLATIONS OF THIS POLICY TO THE PERSONNEL

AN ACT to provide protection to employees who report a violation or suspected violation of state, local, or federal law; to provide protection to employees who participate in hearings, investigations, legislative inquiries, or court actions; and to prescribe remedies and penalties.

*The People of the State of Michigan enact:*

Sec. 1. As used in this act:

(a) "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied. Employee includes a person employed by the state or a political subdivision of the state except state classified civil service.

(b) "Employer" means a person who has 1 or more employees. Employer includes an agent of an employer and the state or a political subdivision of the state.

(c) "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

(d) "Public body" means all of the following:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.

(ii) An agency, board, commission, council, member, or employee of the legislative branch of state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, a council, school district, special district, or municipal corporation, or a board, department, commission, council, agency, or any member or employee thereof.

(iv) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority, or any member or employee of that body.

(v) A law enforcement agency or any member or employee of a law enforcement agency.

(vi) The judiciary and any member or employee of the judiciary.

Sec. 2. An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, a violation or a suspected violation of a law or regulation or rule promulgated pursuant to law of this state, a political subdivision of this state, or the United States to a public body, unless the employee knows that the report is false, or because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action.

Sec. 3. (1) A person who alleges a violation of this act may bring a civil action for appropriate injunctive relief, or actual damages, or both within 90 days after the occurrence of the alleged violation of this act.

(2) An action commenced pursuant to subsection (1) may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides or the county where the person against whom the civil complaint is filed resides or has his or her principal place of business.

(3) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this act, including reasonable attorney fees.

(4) An employee shall show by clear and convincing evidence that he or she or a person acting on his or her behalf was about to report, verbally or in writing, a violation or a suspected violation of a law of this state, a political subdivision of this state, or the United States to a public body.

Sec. 4. A court, in rendering a judgment in an action brought pursuant to this act, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if the court determines that the award is appropriate.

Sec. 5. (1) A person who violates this act shall be liable for a civil fine of not more than \$500.00.

(2) A civil fine which is ordered pursuant to this act shall be submitted to the state treasurer for deposit in the general fund.

Sec. 6. This act shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement, nor to permit disclosures which would diminish or impair the rights of any person to the continued protection of confidentiality of communications where statute or common law provides such protection.

Sec. 7. This act shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with section 2 of this act.

Sec. 8. An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this act.

Sec. 9. This act shall be known and may be cited as "the Wetlebless Protection Act".

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AEP:NRC:1184D

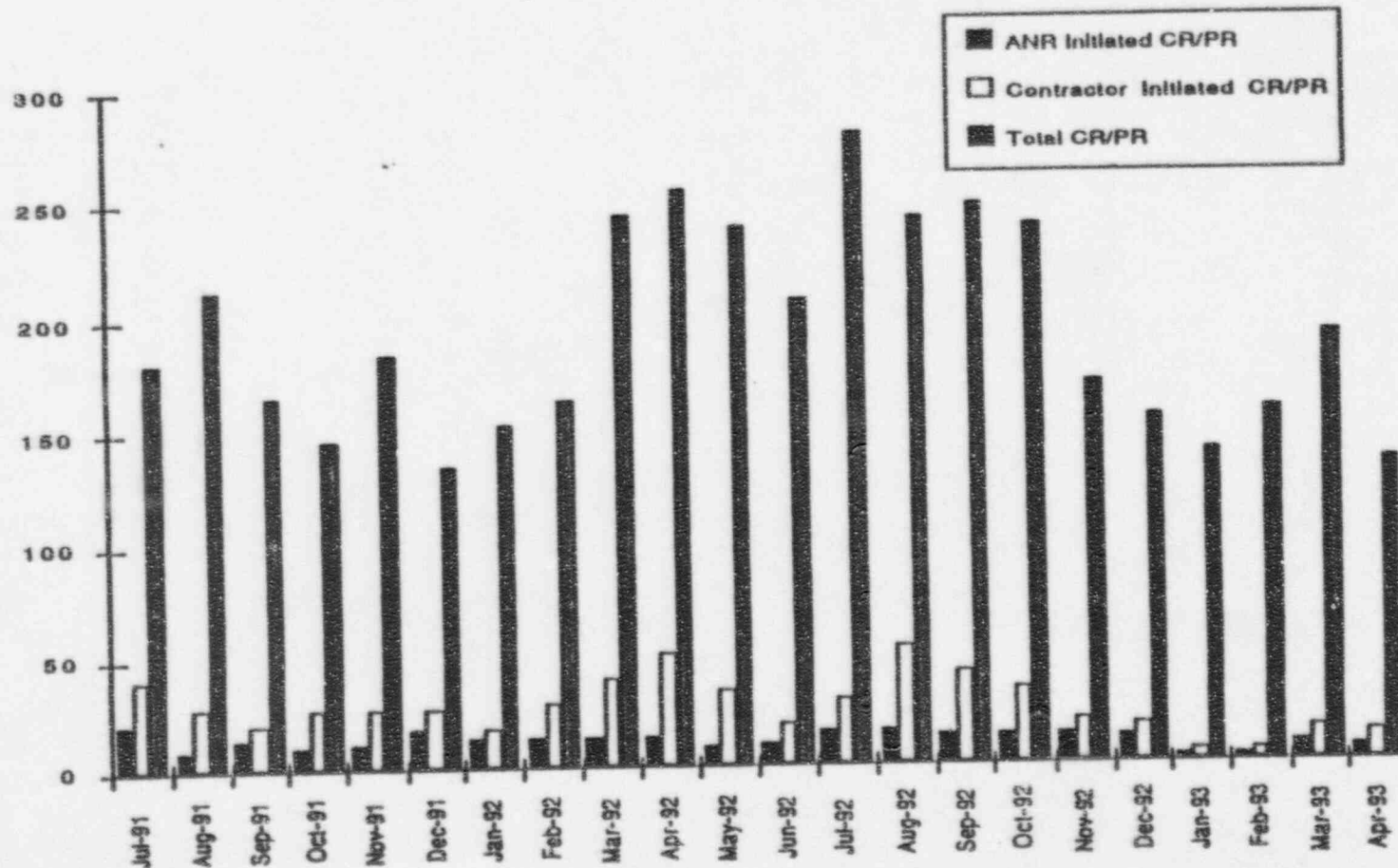
EXHIBIT 14

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# CONDITION & PROBLEM REPORTS INITIATED JUNE 1991 THROUGH MARCH 1993





AKP:NRC:1184D

EXHIBIT 15

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# PERSONNEL TRANSCRIPT

DATE FROM  
RANGE: 01/01/85

PERSONNEL TRANSCRIPT - COURSE  
DEPT: CONTRACTOR SECT:

SSN: 375-48-0140

NAME: SPRAGUE

COURSE TITLE	LP NUMBER	DATE	STATUS
GEN EMPLOYEE RAD PRO	GE-T-1000	02/20/92	COMPLETE
GEN EMP SITE SPEC PRAC FACS	GE-T-2100	02/20/92	COMPLETE
GEN EMPLOYEE RESP. PROT.	GE-T-3000	02/21/92	COMPLETE
GENERAL EMPLOYEE SECURITY	*GE-T-5000	02/19/92	COMPLETE

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COURSE TITLE	LP NUMBER	DATE	STATUS
RADIATION AWARENESS SEMINAR	BO-C-R004	2/12/91	COMPLETE
FITNESS FOR DUTY PROGRAM	GE-C-2010	09/15/89	COMPLETE
GEN EMPLOYEE SITE SPEC	GE-T-2000	02/20/85	COMPLETE
GEN EMPLOYEE SITE SPEC	GE-T-2000	08/23/85	COMPLETE
GEN EMPLOYEE SITE SPEC	GE-T-2000	02/21/86	COMPLETE
GEN EMPLOYEE SITE SPEC	GE-T-2000	02/11/87	COMPLETE
GEN EMPLOYEE SITE SPEC	GE-T-2000	02/24/88	COMPLETE
GEN EMPLOYEE SITE SPEC	GE-T-2000	02/27/89	COMPLETE
GEN EMPLOYEE SITE SPEC	GE-T-2000	08/23/85	COMPLETE
GEN EMP SITE SPEC PRAC FACS	GE-T-2100	02/21/86	COMPLETE
GEN EMP SITE SPEC PRAC FACS	GE-T-2100	02/11/87	COMPLETE
GEN EMP SITE SPEC PRAC FACS	GE-T-2100	02/24/88	COMPLETE
GEN EMP SITE SPEC PRAC FACS	GE-T-2100	02/27/89	COMPLETE
GEN EMPLOYEE RESP PROT	GE-T-3000	02/20/85	COMPLETE
GEN EMPLOYEE INPD CHALLENGE	GE-T-4000	02/27/89	COMPLETE
GENERAL EMPLOYEE SECURITY	GE-T-5000	02/27/89	COMPLETE
GENERAL EMPLOYEE SECURITY	GE-T-5000	02/23/90	COMPLETE
GENERAL EMPLOYEE SECURITY	GE-T-5000	02/21/91	COMPLETE
GENERAL EMPLOYEE SECURITY	GE-T-5000	09/25/91	COMPLETE
GENERAL EMPLOYEE SECURITY	GE-T-5000	09/11/92	COMPLETE

ANR SITE SUPERINTENDENT

AEP:NRC:1184D

EXHIBIT 16

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American Nuclear  
Resources, Inc.

2095 Niles Road  
St. Joseph, MI 49085  
Telephone: (616) 983-4835

**SCOPE**  
SERVICES INC.  
— SERVING THE UTILITY INDUSTRY

2095 Niles Road  
St. Joseph, MI 49085  
Telephone: (616) 983-1554

*Gave to Supervisor for  
info and to post on  
8-11-93  
R. Smith*

August 11, 1993

To: All American Nuclear Resources Supervisors

From: Lydia Demski, President

You will have observed bulletin board postings relative to a proposed \$25,000 fine by NRC against Indiana Michigan Power Company for alleged discrimination by American Nuclear Resources against an employee who questioned safety regulations by D. C. Cook. Discrimination did not take place; American Nuclear Resources does not discriminate against any employee, nor do we seek retaliation or intimidate an employee who raises an issue relative to safety concerns. On the contrary, we have a safety program that encourages questioning safety practices without risk of loss of job, etc.

In this particular incident the person charged that he was discharged in March of 1992 for raising questions about his radiation exposure and for requesting a copy of his exposure records. The fact of the matter is that the employee was laid off and while going through the exiting procedure there was an incident causing delay of the body count, the laid off employee became extremely agitated and demanding, a scene occurred.

It was management's decision not to recall this individual, not because of his raised safety questions, but, because of his poor work performance (documented 03/20/92) on lay off notice.

The fine, based on the decision by a U.S. Dept. of Labor Administration Law Judge, does not have to be paid until 30 days after the decision is final. It is still being reviewed by the Secretary of Labor.

Indiana and Michigan Power disagrees with the current finding that 'American Nuclear Resources discriminated against the employee' as does American Nuclear Resources.

Everyone is and will be continuously encouraged to report any safety concern to management at any time. If our employees wish to report to a government agency rather than management, they may do so without fear of retaliation or of job loss.

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