

Arizona Public Service Company

PALO VERDE NUCLEAR GENERATING STATION
P.O. BOX 52034 • PHOENIX, ARIZONA 85072-2034

212-01009/RJS

June 5, 1992

Mr. John B. Martin
Regional Administrator, Region V
U. S. Nuclear Regulatory Commission
1450 Maria Lane, Suite 210
Walnut Creek, CA 94596-5368

Reference: Letter dated April 22, 1992, from R. P. Zimmerman, Director, Division of Reactor Safety and Projects, NRC, to William F. Conway, Executive Vice President, Nuclear, Arizona Public Service Company

Dear Mr. Martin:

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Docket Nos. STN 50-528/529/530
Reply to Request for Information Regarding Concerns
Received by the NRC
File: 92-056-026, 92-003-350

Attached is Arizona Public Service Company's (APS) response to NRC's April 22, 1992, request for information. In this response, APS is providing background information (Attachment A) and a description of APS' evaluation and resolution (Attachments B, C, and D) of issues raised to the Employee Concerns Program (ECP) by the individual referred to in the above referenced correspondence.

The issues addressed by the ECP encompass the issues contained in the enclosures to NRC's request for information, with three minor exceptions. The three exceptions were discussed with the individual by ECP representatives on December 30, 1991. At that time, the individual indicated these three items had been resolved to his satisfaction by line supervision. The ECP confirmed that line supervision had addressed these items when first made known. Attachment E describes the three exceptions.

Of the twenty-four issues identified by the referenced individual, nineteen could not be substantiated, two were substantiated, and the remaining three were suggestions for improvements. No safety significant issues were identified.

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PDR FOIA
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Reply to Request for Information Regarding Concerns Received by the NRC
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The attachments to this letter describe concerns that were initially provided to the ECP. The ECP assures employees that their concerns will be kept in confidence. Therefore, APS requests that the attachments to this letter be withheld from public disclosure in accordance with 10 CFR 2.790. If you have any questions, please contact T. C. Stewart at (602) 393-6701.

Sincerely,



Ronald J. Stevens, Director
Nuclear Licensing & Compliance

RJS/TCS/rw

Attachments

cc: W. F. Conway
C. M. Trammell
D. H. Coe
Document Control Desk

ATTACHMENT B

ECP File No. 91-087-01

Concern No. 91-090-13

The concerned individual had a concern that he would not be selected for the upcoming outage in Unit 1. His Unit 2 Foreman A, mentioned that he was aware of what he (the concerned individual) was capable of (history of Section 210). The concerned individual stated that a Unit 1 Foreman (specifically identified) was upset because he (the concerned individual) forced the System Engineer to use a grounding strap (the concerned individual got the strap). The concerned individual feels the foreman will have influence in Unit 2 and he will not be used in Unit 1 outage. Shortly after this incident, the concerned individual was told by a Unit 2 I&C Technician, D1 - Atlantic Group that a list of who was selected for the Unit 1 outage was out and the concerned individual was not on it.

The concerned individual stated that he would not be selected for the upcoming outage in Unit 1 because of his participation in the ECP, in that he had disclosed various significant nuclear safety and industrial safety concerns related to the PVNGS Unit 2 Refueling Outage.

The concerned individual provided the following specific issues which he believes prevented him from selection as a contractor I&C Technician for the Unit 1 outage:

1. The Unit 2 I&C Foreman A, mentioned that he was aware of what the concerned individual was capable of.
2. A Unit 1 I&C Foreman (specifically identified) was upset because the concerned individual forced a System Engineer to use a grounding strap. The concerned individual believes this foreman will have influence in the selection, and he will not be used in the Unit 1 outage.
3. Unit 2 I&C Technician D1 - Atlantic Group told the concerned individual that he was not selected to work the Unit 1 outage.
4. Another Unit 2 I&C Technician D2 - Atlantic Group told the concerned individual that his name was not on the APS/PVNGS list of contractor I&C Technicians selected to work the Unit 1 outage.
5. On January 2, 1992, the Site Representative - Atlantic Group told the concerned individual he was not selected to work the Unit 1 outage.

The primary concern as well as each specific issue was evaluated by the ECP and are addressed individually below.

Investigation

Interviews were conducted with the following individuals:

Unit 2 I&C Foreman A
Unit 2 I&C Foreman B
Unit 2 I&C Supervisor

Concern No. 91-090-13 (Continued)

Unit 2 Work Control Manager
Unit 1 I&C Supervisor
Unit 1 I&C Foreman A
Unit 1 I&C Foreman B
Concerned Individual, I&C Technician - Unit 2
Manager, Systems Engineering
Supervisor, Systems Engineering
Unit 3 I&C Foreman (mistakenly identified by the concerned individual)
Atlantic Group Representative A
Atlantic Group Representative B
Atlantic Group Representative C

Procedure 13AC-0PR02 *PVNGS Contract Personnel Request and Exiting Procedure* was reviewed for compliance.

Results

Unit 1 was budgeted for fewer contractor I&C Technician positions than were used for the Unit 2 Refueling outage. Therefore, positions were not available for all of the Unit 2 Technicians.

Unit 1 management requested and received (from the Atlantic Group) resumes of the contractor Unit 2 I&C Technicians. Unit 1 Management spoke with Unit 2 Management about the performance of the contractors utilized during the outage and most, including the concerned individual, were recommended. Based on Unit 1 management's analysis of their in-house technicians' skills and the contractor resumes, they selected individuals who would provide skills or experience to complement their in-house technicians. The concerned individual was not among the contractors selected.

The following addresses the specific issues raised by the concerned individual:

Results, Issue No. 1

Unit 2 I&C Foreman A acknowledges making the statement during a meeting with the concerned individual and Unit 2 I&C Foreman B. However, Unit 2 I&C Foreman A clarified that the statement was taken out of context and that the intent was to assure the individual that he was aware of his abilities and qualifications as an I&C Technician. He further stated that it was his responsibility to know the capabilities of all personnel under his supervision. Further, his intent was to assure the concerned individual that he did not question his capability when requesting technical information.

Concern No. 91-090-13 (Continued)

Unit 2 I&C Foreman B, who also attended the above mentioned meeting, was interviewed and corroborated Unit 2 I&C Foreman A's statement. Unit 2 I&C Foreman B stated that during the meeting, the concerned individual made statements regarding the foremen's abilities to select the right personnel for an assigned task because the foreman did not know the capabilities of the contractor I&C Technicians. At that point, Unit 2 I&C Foreman B stated that Unit 2 I&C Foreman A said, "I know what you are capable of based on the training exams, the completion of job qualification cards, and your being independently qualified."

This investigation indicates that Unit 2 I&C Foreman A's statement, when put in the proper context (foremen's knowledge of capabilities), was not inappropriate.

Results, Issue No. 2

The person identified by the concerned individual as a Unit 1 I&C Foreman is actually a Unit 3 I&C Foreman who had no influence on the selection of contractors for the Unit 1 outage.

Results, Issue Nos. 3, 4 & 5

Unit 2 I&C Technician D1 - Atlantic Group told the concerned individual that he was not selected to work the Unit 1 outage.

Unit 2 I&C Technician D2 - Atlantic Group told the concerned individual that his name was not on the APS/PVNGS list of contractor I&C Technicians selected to work the Unit 1 outage.

On January 2, 1992, Site Representative A - Atlantic Group told the concerned individual he was not selected to work the Unit 1 outage.

Unit 2 I&C Technician D1 and Unit 2 I&C Technician D2 are contract I&C Technicians working for the Atlantic Group, as does the Atlantic Group Site Representative A. None of these people had any influence in deciding who was selected for outage support. Other than receiving resumes from the Atlantic Group's Site Representatives, Unit 1 management did not consult with Atlantic Group Representatives in selecting the I&C contractors.

Conclusion

The primary concern as well as the individual issues were not substantiated.

Responsive Actions

None.

NATIONAL WHISTLEBLOWER CENTER

517 Florida Avenue, NW
Washington, DC 20001-1850
(202) 667-7515 • Fax (202) 462-4145

December 7, 1993

FREEDOM OF INFORMATION
ACT REQUEST

FOIA 93-638
Rec'd 12-13-93

Chief, FOIA/LPDR Branch
Division of Freedom of Information
and Publications Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: FOIA Request

Dear Chief:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq., the National Whistleblower Center ("NWC") hereby requests a copy of any and all records and information pertaining directly or indirectly to the following:

1. The Atlantic Group, Inc. ("TAG").
2. All contracts between TAG and any and all licensees of the U.S. Nuclear Regulatory Commission ("NRC").
3. Any and all licenses issued to TAG by the NRC.
4. Any and all NRC investigative reports that reference TAG.

This request includes but is not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data, notebooks, books, telephone messages, computations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the above-listed categories of information.

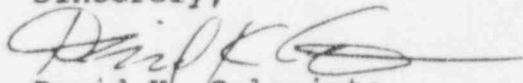
As you are aware, the FOIA requires you to release documents in segregable portions in the event they contain exempt material. For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld.

FOIA Request
December 7, 1993
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We also ask that all fees be waived because the information requested will contribute significantly to the public's understanding of the operations or activities of the government and/or is primarily in the public interest and is not in the commercial interest of the requester. The National Whistleblower Center is a tax-exempt, non-profit organization. The purpose of the NWC is to assist whistleblowers to bring allegations of corporate wrongdoing and/or government corruption to the attention of the public. See, FOIA-91-114. TAG is a contractor in the nuclear industry which is alleged to have harassed and intimidated whistleblowers. Due to an increase in the number of retaliation complaints against TAG the NWC is conducting an investigation of TAG on behalf of whistleblowers. The NWC intends to disseminate to the public the information received from the NRC pursuant to this request.

We look forward to hearing from you within ten (10) working days as the law stipulates.

Sincerely,


David K. Colapinto
for the National
Whistleblower Center

Encl.