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## Fired worker's suit raises questions on nuclear plant's safety

### Exelon plant in Byron accused of dumbing down security training

By Ron Grossman, Tribune reporter

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An otherwise garden-variety workplace dispute has posed a larger question at the Byron nuclear generation station, 80 miles west of Chicago: How adequately are security guards trained and equipped to protect nuclear power plants?

The question is raised by a complaint brought before a federal administrative judge by Matt Simon, a former guard and weapons trainer at Byron who is asking the court to decide between two explanations for why he no longer works at the facility.

Was he an incompetent employee who falsified weapons logs, as claimed by Exelon Corp., which operates Byron? Or was he fired a year ago for trying to alert his superiors to security lapses at the plant, as he asserts?

In what his attorneys characterize as a whistle-blower suit, Simon alleges there was a consistent policy of dumbing down security training and certifying unqualified guards. He says rifles and other equipment failed. He says plant officials filed false security reports with the Nuclear Regulatory Commission and that his firing resulted directly from his speaking out.

"I grew up thinking: 'You don't nark on somebody,' but somebody's got to say something," said Simon, 39, who is seeking monetary compensation and reinstatement.

Exelon, which operates 10 nuclear plants, six of them in Illinois, says it dismissed Simon's allegations after investigating and finding them unfounded.

"All employees are told: 'Raising safety concerns (is) part of your job expectation,'" said Tami Domeyer, a member of the legal team that examined Simon's charges for Exelon. "It was the most thorough investigation I've been involved with."

Two months ago, Simon's lawyers filed a complaint with the U.S. Department of Labor requesting a hearing according to a federal law protecting whistle-blowing employees of nuclear power companies. That sets the stage for a courtroom confrontation between Simon and his former bosses. The Labor Department initially rejected Simon's claim, but he appealed.



The advertisement features the Cadillac logo at the top. Below it, the text "CTS" is prominently displayed, with "SPORT" and "SEDAN" in smaller boxes to its right. A photograph of a silver Cadillac CTS Sport Sedan is shown in the center. To the left of the car, the text "ATTRACTIVE LEASE OFFERS" is written in a stylized font. At the bottom, there are two buttons: "LEARN MORE >" and "LOCATE A DEALER >". The Cadillac logo is also written in a script font at the bottom right.

Simon's attorney, Lynne Bernabei, argues that the issues in the case go beyond her client's grievances to how well the government regulates the plants.

Through a Freedom of Information Act request, the Tribune obtained a copy of the Labor Department's investigative report on Simon's complaint, which said that Exelon found that he had raised "founded and unfounded issues." When asked for details, an Exelon spokesman said the one "founded" issue was that a former security contractor at the plant had not followed up when Simon raised his concerns.

One watchdog group says it hears a familiar ring in Simon's allegations. The Project on Government Oversight, a Washington-based organization that investigates whistle-blower cases, said it has interviewed hundreds of guards at nuclear power plants, many of whom said they weren't adequately trained or equipped.

Simon's complaint "is in keeping with what we've heard," said Ingrid Drake, one of the project's investigators.

Viktorija Mitlyng, a spokeswoman for the NRC, said agency officials couldn't comment on Simon's case, but she said they constantly review their monitoring of security.

A spokesman for the nuclear industry association also rejected any suggestion that the public has been put at risk. "It a ludicrous charge," said Mitchell Singer, an officer of the Nuclear Energy Institute. "If our plants are shut down because of security problems, they don't generate electricity and make money."

The NRC, which evaluates the safety of the nation's 104 nuclear-power reactors on a scale of A to E, currently rates Byron an A. It was rated B in 2008, when Simon says he brought his concerns to management. According to an NRC official, plants rating B or lower "receive increased oversight, which means additional NRC inspections and other measures."

Simon was hired to work at the Byron facility in 2004, when security was provided by a private contractor. Four years later, Exelon took direct control of security and Simon became an employee of the company. He had already been promoted to lieutenant, after six months on the job, he said, and under Exelon he became senior training officer/rangemaster.

In his complaint, he said he was warned about keeping the guards' failure rates low. "Managers' bonuses would be affected," Simon wrote. "Therefore managers had a financial incentive to qualify individuals regardless of safety concerns."

Simon reported one trainee walked into a glass wall and fell down on the rifle range. "Exelon management," Simon wrote, "made veiled threats and said I should qualify" the 72-year-old guard, who had recently had heart surgery.

Unrelated to Simon's complaints, NRC records show at least one other incident from the period he worked there: In 2005, an employee at Byron suffered a gunshot wound walking across the grounds — possibly "a ricochet" from the facility's practice range.

Several months after he raised his concerns, Simon was suspended and subsequently dismissed through a letter explaining he was fired for "numerous instances of not complying with procedures" and "a poor record of work practices." Exelon said Simon "falsified Armory weapons' logs."

Simon denies the charges.

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