

United States
Nuclear Regulatory Commission



Report of Investigation

PEACH BOTTOM ATOMIC POWER STATION:

VIOLATION OF FITNESS-FOR-DUTY PROCEDURES

Out of Scope

Office of Investigations

Reported by OI:RI

05

Title: PEACH BOTTOM ATOMIC POWER STATION:

VIOLATIONS OF FITNESS-FOR-DUTY PROCEDURES

Out of Scope

Out of Scope

OS

Licensee:

Case No.: 1-2006-013

Exelon Nuclear
1848 Lay Road
Delta, PA 17314

Report Date: December 11, 2006

Control Office: OI:RI

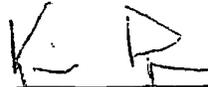
Docket No.: 50-0278

Status: CLOSED

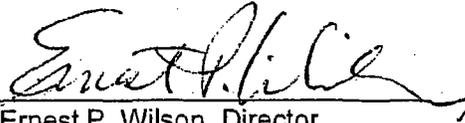
Allegation No.: RI-2005-A-0180

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SYNOPSIS

This investigation was initiated on December 23, 2005, by the Nuclear Regulatory Commission, Office of Investigations, Region I, to determine if Wackenhut security personnel willfully violated fitness for duty procedures and security qualification requirements.

Based on the evidence developed during this investigation, the allegations that Wackenhut security personnel willfully violated fitness for duty procedures and security qualification requirements could not be substantiated.

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LIST OF INTERVIEWEES

Exhibit

(b)(7)c	PBAPS	26
(b)(7)c	PBAPS	7
(b)(7)c	PBAPS	31
(b)(7)c	PBAPS	12
(b)(7)c	PBAPS	30
(b)(7)c	PBAPS	32
(b)(7)c	PBAPS	9
(b)(7)c	PBAPS	14
(b)(7)c	PBAPS	19
(b)(7)c	PBAPS	17
(b)(7)c	PBAPS	11
(b)(7)c	PBAPS	24
(b)(7)c	PBAPS	25
(b)(7)c	PBAPS	2
	PBAPS	8
	PBAPS	15
	r, PBAPS	16
	PBAPS	21
	PBAPS	20
	, PBAPS	18

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(b)(7)c

PBAPS 10
PBAPS 13

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Applicable Regulations

Out of Scope [redacted] OS

10 CFR 50.5: Deliberate misconduct (2005 Edition) (Allegation Nos. 1 [redacted])

10 CFR Part 26.20 (FFD) [redacted] OS

Purpose of Investigation

This investigation was initiated on December 23, 2005, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI), to determine if security personnel at Peach Bottom Atomic Power Station (PBAPS), willfully violated Fitness for Duty Procedures (Exhibit 1). [redacted] OS

Background

The original Allegation Review Board (ARB) on these matters was held on November 21, 2005. The (b)(7)c of a former Wackenhut security guard had complained to the NRC (b)(7)c 7C

(b)(7)c [redacted] The [redacted] also alleged on behalf (b)(7)c [redacted] that guards periodically came to work drunk/under the influence of alcohol and/or drugs and are told to sleep it off in a guard tower. The November 21st ARB determined that additional information was needed directly from (b)(7)c [redacted] and the alleged Fitness-For-Duty (FFD) concern. Subsequently, the Allegations Office was able to talk with (b)(7)c [redacted] who could not articulate a protected activity. However, (b)(7)c [redacted] did provide additional details regarding the FFD issues (b)(7)c [redacted] 7C OS

On December 21, 2005, another ARB was held to discuss the new information gathered by the [redacted] OS

[redacted] Wackenhut "passed" them Also, (b)(7)c [redacted] provided additional detail, including the names of at least two guards that had reported for shift under the influence of alcohol and/or drugs and were told by Wackenhut supervisors to go to a guard tower "to sleep it off." These individuals (b)(7)c [redacted] have since been [redacted] 7C

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terminated after being caught thru random FFD testing.

[Redacted] B7C

[Redacted] B7C

Interview of Allegor (Exhibit 2)

On May 15, 200 [Redacted] B7C was interviewed by OI:RIV in [Redacted] B7C and [Redacted] 7C provided the following information in substance.

[Redacted] B7C explained he worked as a security guard for Wackenhut at PBAPS from [Redacted] (pp. 3-5). [Redacted] 7C

[Redacted]

[Redacted]

In regards to allegations a couple of guards periodically reported for duty under the influence of alcohol, [Redacted] B7C explained it was going on during 2005. 7C

AGENT'S NOTE: [Redacted] B7C initially identified one individual as [Redacted] B7C [Redacted] B7C Subsequent investigation determined it was [Redacted] B7C 7C

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(b)(7)c explained one instance when (b)(7)c was car pooling with one of the individuals [later identified as (b)(7)c] and he (b)(7)c showed up at (b)(7)c house "real drunk at five o'clock" (p. 17). (b)(7)c refused to take (b)(7)c to work and had his (b)(7)c wife take him home. (b)(7)c related there were times when the guards would "hide out in the towers and sleep it off" (p. 20). (b)(7)c explained the two guards got fired for the random fitness for duty drug and alcohol test. (b)(7)c recalled (b)(7)c refused the test resulting in an automatic termination, and (b)(7)c continually refers to him as (b)(7)c blew more than double the legal amount of alcohol, resulting in his termination (pp. 17-25).

TC
TC
TC

AGENT'S NOTE: Subsequent investigation determined (b)(7)c was mistaken in the events resulting in (b)(7)c termination. In fact (b)(7)c was terminated for an off-site arrest and not a random fitness for duty drug and alcohol test.

TC

Allegation No. 1: Violations of Fitness for Duty Procedures

Evidence

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Document Review

During the course of this investigation, OI:RIV reviewed and evaluated documents provided by the licensee. The documents deemed pertinent to this investigation are delineated in this section.

Nuclear Security Shift Turnover, dated July 13, 2006 (Exhibit 3)

This is a copy of the turnover sheet utilized at the time of the shift changes. Personnel are required to read and initial they have read the sheet prior to arming and assuming post. The sheet includes various fitness for duty questions to include questions concerning the use of alcohol within the previous five hours.

SY-AA-102, Revision 9, Page 10 of 31, undated (Exhibit 4)

This is the section of the employee manual that contains the alcohol policy at PBAPS. It specifically states alcohol is prohibited five hours preceding the scheduled work period.

Initial Investigation and Notifications, dated August 3, 2005 (Exhibit 5)

This packet of information contains the internal investigation concerning the confirmed positive alcohol test pertaining to (b)(7)c. It includes a timeline and actions performed by PBAPS.

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PBAPS Nuclear Security Section Record of Supervisor Individual Counseling, dated October 2, 2004 (Exhibit 6)

This is a copy of the written counseling pertaining to (b)(7)c and the incident in which (b)(7)c determined (b)(7)c was intoxicated and refused to take (b)(7)c to work. The absence resulted in this written counseling and subsequent (b)(7)c extension.

Testimony

The following personnel were interviewed regarding their knowledge or involvement in the aforementioned allegations of violations of fitness for duty procedures.

Interview of (b)(7)c (Exhibit 7)

On July 12, 2006 (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance. Also present was Mr. Robert L. KILBRIDE, Vice President and Associate General Counsel, Wackenhut Corporation.

(b)(7)c stated he is an (b)(7)c for Wackenhut and has been employed at PBAPS since (b)(7)c explained he has been in (b)(7)c for approximately (b)(7)c however, he has also been a (b)(7)c if armed (b)(7)c (pp. 5 and 6).

(b)(7)c related that (b)(7)c worked as an armed security guard on his team and was terminated while assigned to his (b)(7)c team. (b)(7)c explained that (b)(7)c reported for duty for a scheduled medical examination and during the examination, the physician's assistant apparently smelled alcohol and a breathalyzer was administered. According to (b)(7)c was subsequently terminated as a result of the breathalyzer. (b)(7)c acknowledged he was unaware of (b)(7)c reporting to work or actually working while he was under the influence of alcohol at any other time (pp. 9 and 10).

Interview of (b)(7)c (Exhibit 8)

On July 12, 2006 (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance.

(b)(7)c stated he has been employed as a (b)(7)c at PBAPS for approximately (b)(7)c pp. 3 and 4).

(b)(7)c explained that (b)(7)c and he used to car pool to PBAPS (b)(7)c related one occasion when he said he believed (b)(7)c was intoxicated when he arrived at his (b)(7)c house. (b)(7)c explained he could not remember the exact date or even if it was in 2004 or 2005, but he remembered they were scheduled to work the night shift and normally left his (b)(7)c house approximately one hour before the 1830 start time. (b)(7)c said when (b)(7)c showed up, there was a strong odor of alcohol and (b)(7)c

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(b)(7)c was stumbling and slurring his speech. (b)(7)c related that he called (b)(7)c and let him know that he would be late and also the circumstances. (b)(7)c made the decision to have his (b)(7)c wife take (b)(7)c home. Upon arrival at work, (b)(7)c said he further discussed the incident with (b)(7)c (pp. 5-8).

(b)(7)c related other instances where he reported to supervision that (b)(7)c smelled of alcohol. (b)(7)c said he remembered telling (b)(7)c but could not remember who else he told. (b)(7)c explained that he spoke to (b)(7)c numerous times and stated his displeasure (pp. 9 and 10).

Interview of (b)(7)c (Exhibit 9)

On July 13, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance. Also present was Mr. Robert L. KILBRIDE, Vice President and Associate General Counsel, Wackenhut Corporation.

(b)(7)c stated he is (b)(7)c and has been employed at PBAPS since (p. 5).

(b)(7)c said he was aware of one instance when an individual reported to work under the influence of alcohol. (b)(7)c explained (b)(7)c was identified when he reported for his annual medical evaluation and the physician's assistant contacted the fitness for duty and had him tested. (b)(7)c believes the event happened in January or February of 2005 (p. 13).

(b)(7)c said he was unaware of any instances when supervisors were informed that PBAPS security personnel were under the influence of alcohol and responded by telling the individuals to sleep it off in the tower. When asked if he had ever personally been notified that an individual was under the influence of alcohol, (b)(7)c responded by saying "not while they were on shift" (p. 14). (b)(7)c said he once received a phone call that (b)(7)c showed up at (b)(7)c house ready to come to work and (b)(7)c contacted him and told him he was not bringing him to work because he was under the influence of alcohol. (b)(7)c believed the incident was in the fall of 2004. (b)(7)c explained once (b)(7)c returned to work, he brought him in to his office, counseled him in writing and suspended him for a violation of the attendance policy. (b)(7)c said the increased oversight of (b)(7)c included a 30, 60, and 90 day evaluation updated every 30 days to ensure (b)(7)c did not have continuing problems with attendance or other issues.

(b)(7)c denied having any knowledge of any PBAPS employees working while under the influence of alcohol (pp. 14-16).

(b)(7)c explained the PBAPS alcohol policy consisted of abstaining from alcohol a minimum of five hours prior to reporting to for shift and the threshold for company intoxication is .04. (b)(7)c related that every individual during shift turnover is asked "Is anyone here under the influence of alcohol or been under the influence of alcohol in the last five hours?" Additionally, security personnel are asked a series of other fitness for duty questions by the equipment issue officer and subject to observation and interaction with supervisors throughout

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the shift. (b)(7)c explained if he was ever informed or believed an individual was under the influence of alcohol, he would contact the fitness for duty supervisor and ensure the individual was tested via urinalysis and Breathalyzer (pp. 16-18).

Interview of (b)(7)c (Exhibit 10)

On July 13, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance. Also present was Mr. Robert L. KILBRIDE, Vice President and Associate General Counsel, Wackenhut Corporation.

(b)(7)c explained that he has worked at PBAPS for approximately (b)(7)c and is a supervisor responsible for overseeing the newly hired security personnel in addition to running (b)(7)c 5 and 6).

(b)(7)c said he was aware of an instance when (b)(7)c refused to bring (b)(7)c to work because he (b)(7)c believed (b)(7)c was drunk. (b)(7)c denied ever being informed (b)(7)c for any other individual was working while under the influence of alcohol.

(b)(7)c explained that if he was informed an individual was under the influence of alcohol prior to arming up, he would keep the individual from arming and would contact his supervisor and refer the individual to the fitness for duty program. (b)(7)c further explained the same process would be administered if the individual was already on shift (pp. 9-12).

Interview of (b)(7)c (Exhibit 11)

On July 13, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance. Also present was Mr. Robert L. KILBRIDE, Vice President and Associate General Counsel, Wackenhut Corporation.

(b)(7)c stated she has been employed at PBAPS for approximately (b)(7)c years and is currently at Out of Scope (pp. 4-6).

(b)(7)c explained when she (b)(7)c she asks a series of questions and if she gets a negative answer, the individual is referred to the SNS for an explanation. (b)(7)c said the questions ensure the individual is physically, mentally, and morally fit, in addition to questions concerning prescription or over the counter drugs or use of alcohol within the last five hours (pp. 6 and 7).

(b)(7)c denied ever observing or witnessing any persons working under the influence of alcohol, nor has she ever been informed anybody was working while under the influence of alcohol (pp. 7-9).

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Interview of (b)(7)c (Exhibit 12)

On July 13, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance. Also present was Mr. Robert L. KILBRIDE, Vice President and Associate General Counsel, Wackenhut Corporation.

(b)(7)c said he is (b)(7)c at PBAPS and has been employed at PBAPS since 1988. (b)(7)c explained (b)(7)c (b)(7)c said he is also responsible for for security personnel at PBAPS (pp. 5 and 6).

(b)(7)c denied ever observing any individuals working while under the influence of alcohol, nor has anybody ever approached him stating another employee was working under the influence of alcohol. (b)(7)c said he did recall speaking with (b)(7)c concerning an instance off site wherein an employee (b)(7)c made the determination another security force member (b)(7)c was intoxicated and refused to bring the individual to work.

(b)(7)c explained there was no true and accurate way to prove it was a fitness for duty other than the report from the security force member who refused to bring him in. (b)(7)c said he requested (b)(7)c provide the information on (b)(7)c attendance. (b)(7)c indicated (b)(7)c attendance reached the threshold for suspension and he was instructed to pursue the written counseling and suspension. DRAGHI also said he received a call from (b)(7)c when another security force member (b)(7)c reported for a scheduled medical examination. During the examination, the physician's assistant apparently detected alcohol on (b)(7)c breath. After testing positive for alcohol, (b)(7)c access to PBAPS was pulled and he was subsequently terminated. (b)(7)c denied being aware of any other instances when (b)(7)c was working under the influence of alcohol, nor having anybody else suggest or mention that (b)(7)c was ever working under the influence of alcohol (pp. 6-9).

(b)(7)c explained the PBAPS alcohol policy states you must abstain from alcohol for a period of five hours prior to coming to work. Fitness for duty questions are presented to all employees at shift turnover by a supervisor prior to being armed. If an individual appears to be under the influence of alcohol, their supervisor is notified and the individual is for cause tested (p. 11).

Interview of (b)(7)c (Exhibit 13)

On July 13, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance. Also present was Mr. Robert L. KILBRIDE, Vice President and Associate General Counsel, Wackenhut Corporation.

(b)(7)c said she is an Out of Scope and has been employed at PBAPS since Out of Scope (p. 5).

(b)(7)c explained she had an incident where a member of her team (b)(7)c was called for a scheduled physical and did not pass the Breathalyzer test during the examination. (b)(7)c

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related she did not play a role in the termination other than provide an account of what happened (pp. 5-7).

Interview of (b)(7)c (Exhibit 14)

On July 13, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance. Also present was Mr. Robert L. KILBRIDE, Vice President and Associate General Counsel, Wackenhut Corporation.

(b)(7)c said she is an (b)(7)c and has been employed at PBAPS for approximately (b)(7)c years (pp. 4 and 5).

(b)(7)c explained personnel are not supposed to consume alcohol within five hours prior to shift. She related shift turnover takes place in a small room. The supervisor of the turnover [normally the SNS] asks all personnel if they are under the influence of drugs, alcohol, or under any stress that would keep them from performing their job. (b)(7)c said if she suspected somebody was under the influence of alcohol, she would report it immediately to supervision for further investigation (pp. 6 and 7).

Interview of (b)(7)c (Exhibit 15) 7C

On August 9, 2006, (b)(7)c was interviewed by OI:RIV in (b)(7)c and (b)(7)c provided the following information in substance.

(b)(7)c related he was employed at PBAPS from (b)(7)c at which time he was released from duty following a fitness for duty issue. (b)(7)c explained it was discovered he had alcohol on his breath at the time of his annual physical. (b)(7)c said he lost his status to be badged, thus, he was terminated by Wackenhut (p. 4). 7C

(b)(7)c described an incident during the winter of 2004-2005. As a result of a snowstorm, several of the guards stayed the night at the Peach Bottom Inn to ensure they could make it back for duty the next morning. (b)(7)c related a group of eight or nine individuals went to a couple of bars and drank. According to (b)(7)c the next morning when they reported for duty, the EIO "was handing out mints with the guns, and commented on the smell of alcohol" (p. 5). (b)(7)c identified the EIO as (b)(7)c (pp. 5 and 6). 7C

(b)(7)c said he was unaware of any other times when PBAPS management had knowledge that he had been drinking prior to reporting for duty. (b)(7)c denied ever being told by PBAPS management to "sleep it off" (p. 6).

(b)(7)c related the annual physical was not scheduled for a particular day and he was on shift and had to be released to undergo the physical. (b)(7)c explained he had underwent the normal shift change as if it was a normal duty day prior to being released to undergo the physical examination and it was during the examination when the medical officer detected the odor of alcohol (p. 7).

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Interview of (b)(7)c (Exhibit 16)

On August 10, 2006 (b)(7)c was interviewed by OI:RIV in (b)(7)c and provided the following information in substance.

(b)(7)c said he has been employed at PBAPS as an (b)(7)c for approximately (b)(7)c p. 5).

(b)(7)c explained he was one of several (b)(7)c that stayed at the Peach Bottom Inn during a snowstorm during the winter of 2004-2005. (b)(7)c said the security guards ate as a group at the restaurant at the hotel. (b)(7)c related he and (b)(7)c [former PBAPS security guard] shared a room and they went back to the room together after dinner. (b)(7)c said he heard rumors that several of the other officers went out drinking (pp. 6 and 7).

(b)(7)c confirmed he did not smell any alcohol, nor did anybody appear to be intoxicated or under the influence at the shift change the next morning. (b)(7)c denied seeing anybody handing out mints or anything to mask the odor of alcohol at PBAPS (pp. 8-11).

Interview of (b)(7)c (Exhibit 17)

On September 20, 2006 (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance.

(b)(7)c related he has been a (b)(7)c at PBAPS for approximately (b)(7)c years (pp. 4 and 5).

(b)(7)c explained he was one of approximately eight (b)(7)c who took advantage of the opportunity to stay at the Peach Bottom Inn during the snowstorm in either 2004 or 2005. (b)(7)c related he shared a room with (b)(7)c said they had dinner and drinks at the Peach Bottom Inn and then a group of them went to the Amber Light Inn for more drinks. (b)(7)c said they stopped drinking and departed the Amber Light Inn at approximately 11:30 p.m. (pp. 6-9).

(b)(7)c explained he and (b)(7)c prove to work together and nothing was said about the odor of alcohol and denied that mints or gum were handed out upon arrival for duty. (b)(7)c said he was unable to remember who the EIO was for the day in question (pp. 10-12).

Interview of (b)(7)c (Exhibit 18)

On September 20, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance.

(b)(7)c related he has been (b)(7)c at PBAPS since (b)(7)c (pp. 4 and 5).

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(b)(7)c explained he was one of the (b)(7)c who stayed at Peach Bottom Inn during the snowstorm rather than drive the approximately 40 miles to his residence. (b)(7)c said he ate in his room, watched television and went to bed. (b)(7)c explained other guys were talking about going to the restaurant/bar to get something to eat, but he did not know if they were also drinking. (b)(7)c related he and (b)(7)c knocked on doors in the morning and made sure guys were up and estimated he arrived at work between 5:15 and 6:00 a.m. (b)(7)c denied hearing anything about the offer of mints to mask the odor of alcohol (pp. 6-10).

Interview of (b)(7)c (Exhibit 19)

On September 20, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance.

(b)(7)c related he is currently an (b)(7)c but has held various positions during his (b)(7)c years at PBAPS (pp. 3-5).

(b)(7)c denied ever providing mints or gum or observing anybody else hand out mints or gum to any members of the guard force to mask the odor of alcohol. (b)(7)c denied ever observing anybody under the influence of alcohol while on duty. (b)(7)c explained as (b)(7)c if he ever observed anybody that appeared to be under the influence of alcohol, he would immediately have the individual disarmed, notify supervision, and detain the individual for questioning (pp. 6 and 7).

Interview of (b)(7)c (Exhibit 20)

On September 20, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance.

(b)(7)c is an Armed Security Officer and has been employed at PBAPS for approximately two years (pp. 4 and 5).

(b)(7)c explained he was still in training and was not present at the Peach Bottom Inn on the question of the snowstorm (pp. 5-7).

Interview of (b)(7)c (Exhibit 21)

On September 20, 2006, (b)(7)c was interviewed by OI:RIV in Delta, Pennsylvania, and provided the following information in substance.

(b)(7)c is an (b)(7)c at PBAPS (p. 4).

(b)(7)c explained he was present at the Peach Bottom Inn on the evening in question and shared a room with (b)(7)c. (b)(7)c related he ate dinner at the Peach Bottom Inn and then returned to his room to have a telephonic conversation with his wife. (b)(7)c said

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Case No. 1-2006-013

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Act, exemptions 1, 7C
12-7C

he and (b)(7)c drove back to work the following morning together. (b)(7)c affirmed he did not see anybody that appeared to be under the influence of alcohol, nor did he observe or hear any discussion concerning the handing out of mints or gum to mask the odor of alcohol (pp. 5-9).

AGENT'S NOTE: The following PBAPS personnel were also interviewed regarding their knowledge of the above incident; however, they were unable to provide any additional investigative value. (b)(7)c

(b)(7)c was terminated from PBAPS for an unrelated arrest prior to this investigation. Numerous searches of databases including (b)(7)e were conducted on (b)(7)c along with coordination with the United States Postal Service. None of the above searches nor subsequent coordination with various law enforcement agencies were able to assist in locating (b)(7)c. Thus (b)(7)c was not interviewed for this investigation. 7C

Agent's Analysis

(b)(7)c alleged Wackenhut supervisors at PBAPS knew security guards were reporting for duty under the influence of alcohol and instructed them to go to a guard tower "to sleep it off."

(b)(7)c confirmed that (b)(7)c and he used to car pool to PBAPS and related one occasion when he said he believed (b)(7)c was intoxicated when he arrived at his house. (b)(7)c said when (b)(7)c showed up, there was a strong odor of alcohol and (b)(7)c was stumbling and slurring his speech. (b)(7)c related that he called (b)(7)c and let him know that he would be late and also the circumstances. (b)(7)c made the decision not to drive (b)(7)c to work and instead decided to have his (b)(7)c take (b)(7)c home. Upon arrival at work (b)(7)c said he further discussed the incident with (b)(7)c. (b)(7)c said he remembered telling (b)(7)c but could not remember who else he told. (b)(7)c confirmed (b)(7)c contacted him (b)(7)c and told him he was not bringing (b)(7)c to work because he was under the influence of alcohol. (b)(7)c explained once (b)(7)c returned to work, he brought him in to his office, counseled him in writing and suspended him for a violation of the attendance policy. (b)(7)c said the increased oversight of (b)(7)c included a 30, 60, and 90 day evaluation updated every 30 days to ensure (b)(7)c did not have continuing problems with attendance or other issues. (b)(7)c denied having any knowledge of any PBAPS employees working while under the influence of alcohol. (b)(7)c denied ever being informed (b)(7)c or any other individual was working while under the influence of alcohol. 7C

(b)(7)c denied ever observing any individuals working while under the influence of alcohol, and also denied that anybody ever approached him stating another employee was working under the influence of alcohol. (b)(7)c said he did recall speaking with (b)(7)c concerning an instance off site wherein an employee (b)(7)c made the determination another security force member (b)(7)c was intoxicated and refused to bring the individual 7C

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(b)(7)c explained there was no true and accurate way to prove it was a fitness for duty issue other than the report from the security force member who refused to bring him in. (b)(7)c said he requested (b)(7)c provide the information on (b)(7)c attendance. (b)(7)c indicated (b)(7)c attendance reached the threshold for suspension and he was instructed to pursue the written counseling and suspension.

(b)(7)c also said he received a call when another security force member (b)(7)c reported for a scheduled medical examination. During the examination, the physician's assistant apparently detected alcohol on (b)(7)c breath. After testing positive for alcohol, (b)(7)c access to PBAPS was pulled and he was subsequently terminated. (b)(7)c denied being aware of any other instances when (b)(7)c was working under the influence of alcohol, nor having anybody else suggest or mention (b)(7)c was ever working under the influence of alcohol.

(b)(7)c described an incident during the winter of 2004-2005, when as a result of a snowstorm, several of the (b)(7)c stayed the night at the Peach Bottom Inn to ensure they could make it back for duty the next morning. (b)(7)c related a group of eight or nine individuals went to a couple of bars and drank. According to (b)(7)c the next morning when they reported for duty, the (b)(7)c was handing out mints with the guns, and commented on the smell of alcohol. (b)(7)c identified the (b)(7)c as (b)(7)c (b)(7)c said he was unaware of any other times when PBAPS management had knowledge he had been drinking prior to reporting for duty. (b)(7)c a fired (b)(7)c as a result of a positive alcohol FFD test, also denied ever being told by PBAPS management to "sleep it off." Since he was fired and had no reason to have allegiance to PBAPS or Wackenhut, OI believes (b)(7)c would have readily provided information about guards being told to "sleep it off" if it actually occurred.

(b)(7)c provided no such testimony.

(b)(7)c denied ever providing mints or gum or observing anybody else hand out mints or gum to any members of the guard force to mask the odor of alcohol. (b)(7)c adamantly denied ever observing anybody under the influence of alcohol while on duty. (b)(7)c explained if he ever observed anybody that appeared to be under the influence of alcohol, he would immediately have the individual disarmed, notify supervision, and detain the individual for questioning. Numerous interviews were conducted of personnel that participated in the shift turnover the following morning with (b)(7)c. All of the personnel denied observing the (b)(7)c or anybody else hand out mints. Further, all personnel, including (b)(7)c denied hearing anybody mention using mints or gum to mask the odor of alcohol.

Analysis of the testimony and review of pertinent documentation resulted in the conclusion that Wackenhut supervisors at PBAPS were unaware that security personnel were allegedly reporting for duty while under the influence of alcohol, and they never instructed any personnel to "sleep it off."

Before this OI investigation ensued (b)(7)c was terminated for an off site arrest. His whereabouts are unknown. (b)(7)c is currently incarcerated for an alcohol related offense unrelated to this investigation.

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Conclusion

Based on the evidence developed during this investigation, the allegations that PBAPS security personnel willfully violated fitness for duty procedures and security qualification requirements could not be substantiated.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated December 23, 2005 (1 page).
2	Transcript of Interview of (b)(7)c dated May 15, 2006 (31 pages). 7
3	Nuclear Security Shift Turnover, dated July 13, 2006 (1 page).
4	SY-AA-102, Revision 9, Page 10 of 31, undated (1 page).
5	Initial Investigation and Notifications, dated August 3, 2005 (10 pages).
6	PBAPS Nuclear Security Section Record of Supervisor Individual Counseling, dated October 2, 2004 (1 page).
7	Transcript of Interview of (b)(7)c dated July 12, 2006 (12 pages).
8	Transcript of Interview of (b)(7)c dated July 12, 2006 (12 pages).
9	Transcript of Interview of (b)(7)c dated July 13, 2006 (21 pages).
10	Transcript of Interview of (b)(7)c dated July 13, 2006 (14 pages).
11	Transcript of Interview of (b)(7)c dated July 13, 2006 (14 pages).
12	Transcript of Interview of (b)(7)c dated July 13, 2006 (19 pages).
13	Transcript of Interview of (b)(7)c dated, July 13, 2006 (13 pages).
14	Transcript of Interview of (b)(7)c dated July 13, 2006 (12 pages).
15	Transcript of Interview of (b)(7)c dated August 9, 2006 (11 pages).
16	Transcript of Interview of (b)(7)c dated August 10, 2006 (12 pages).
17	Transcript of Interview of (b)(7)c dated September 20, 2006 (13 pages).
18	Transcript of Interview of (b)(7)c dated September 20, 2006 (11 pages).
19	Transcript of Interview of (b)(7)c dated September 20, 2006 (9 pages).

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20 Transcript of Interview of (b)(7)c dated September 20, 2006 (8 pages).

21 Transcript of Interview of (b)(7)c dated September 20, 2006 (10 pages).

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24 Transcript of Interview of (b)(7)c dated July 12, 2006 (13 pages). TC

25 Transcript of Interview of (b)(7)c dated July 13, 2006 (15 pages).

26 Transcript of Interview of (b)(7)c dated July 12, 2006 (13 pages).

27 Out of Scope

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30 Transcript of Interview of (b)(7)c dated July 13, 2006 (15 pages).

31 Transcript of Interview of (b)(7)c dated July 13, 2006 (11 pages).

32 Transcript of Interview of (b)(7)c dated July 13, 2006 (12 pages).

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