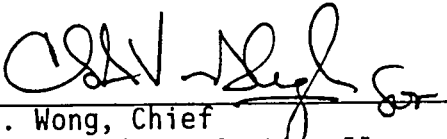


U.S. NUCLEAR REGULATORY COMMISSION

REGION V

Report Nos. 50-206/93-30, 50-361/93-30, 50-362/93-30
Docket Nos. 50-206, 50-361, 50-362
License Nos. DPR-13, NPF-10, NPF-15
Licensee: Southern California Edison Company
Irvine Operations Center
23 Parker Street
Irvine, California 92718
Facility Name: San Onofre Units 1, 2 and 3
Inspection At: San Onofre, San Clemente, California
Inspection Conducted: August 31 through September 24, 1993
Inspectors: F. R. Huey, Enforcement Officer

Approved By:


H. J. Wong, Chief
Reactor Projects Section II

9-28-93
Date Signed

Inspection Summary:

Inspection at San Onofre on August 31 through September 2, 1993; and in-office review of licensee provided materials through September 24, 1993 (Report Nos. 50-206, 361, 362/93-30)

Areas Inspected: A special, unannounced inspection of the circumstances associated with licensee-identified discrimination against a contract maintenance employee.

Safety Issues Management System (SIMS) Items: None

Results, General Conclusions and Specific Findings:

The inspector determined that the licensee apparently violated the discrimination prohibitions of 10 CFR 50.7, "Employee Protection," in that on two occasions, in October 1991 and February 1992, contractor personnel employed at San Onofre Nuclear Generating Station were either denied employment or threatened with adverse job action as a result of their having participated in activities protected by 10 CFR 50.7.

Significant Safety Matters and Summary of Apparent Violations:

The two examples of discrimination against contractor personnel employed at San Onofre are apparent violations of 10 CFR 50.7.

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DETAILS

1. Persons Contacted

Southern California Edison Company

R. Krieger, Vice President and Site Manager
B. Katz, Manager, Nuclear Oversight
W. Frick, Nuclear Safety Concerns Program (NSC) Supervisor
S. Brown, NSC Coordinator
W. Marsh, Manager, Nuclear Regulatory Affairs
*R. Rosenblum, Vice President, Engineering and Technical Services
*G. Gibson, Supervisor, Onsite Nuclear Licensing

*Denotes those participating in exit discussion on September 27, 1993.

The inspector also contacted other licensee employees during the course of the inspection.

2. Review of Discrimination Concerns

a. Background

On August 5, 1992, NRC Region V requested Southern California Edison Company (SCE) to respond to concerns identified by a Bechtel millwright that he had been discriminated against for raising safety concerns while working at San Onofre, and that he was being "blackballed." In particular, the Bechtel millwright claimed that, on February 4, 1992, he had expressed several concerns involving problems with a Unit 3 condensate pump work order (MO 91061928000), and on February 5, 1992, he was threatened with adverse job action by his general foreman because he had raised his concerns with Bechtel management. The specific concerns involved inadequacies in the work order, improperly torqued bolts, and performance of work without proper paperwork.

On September 3, 1992, SCE responded to the NRC request, indicating that:

- (1) SCE was aware of the alleged discrimination as a result of the Bechtel millwright having utilized the licensee's Nuclear Safety Concerns (NSC) program on February 7, 1992.
- (2) SCE had investigated the concern and had concluded that the Bechtel millwright had been threatened with adverse job action by a Bechtel general foreman in violation of SCE policy.
- (3) SCE sent a letter to Bechtel management on March 23, 1992, notifying it of the violation, emphasizing the seriousness of employee discrimination, and requesting prompt Bechtel corrective action. SCE noted that the involved Bechtel general foreman had been counseled about his improper

actions and had been transferred from San Onofre.

- (4) SCE took action with Bechtel to ensure that the Bechtel millwright was not "blackballed," and was eligible for rehire whenever contract millwrights were again required at San Onofre.

On August 11, 1993, the NRC Region V Office of Investigations Field Office completed their review of this discrimination concern and confirmed the SCE conclusion that the Bechtel millwright had not been "blackballed."

b. NRC Review of the Bechtel Millwright NSC File

The NRC inspector reviewed the NSC file associated with the Bechtel millwright's discrimination concern (NSC File 92-002) and identified that:

- (1) Although specifically involved in work on a non safety-related condensate pump at the time the discrimination took place, the Bechtel millwright was engaged in protected activity, as defined by 10 CFR 50.7, in that he raised a safety concern involving a condensate pump which, if true, would have led to improper maintenance on a component whose failure could challenge safety-related systems.
- (2) In response to the safety concern, a Bechtel general foreman threatened adverse job action (i.e. the millwright was told that he would not be rehired for work at San Onofre if he continued to talk to Bechtel management about job problems), in apparent violation of 10 CFR 50.7. Although the Bechtel general foreman appears to have been primarily upset that the millwright had not used the chain of command and had not given his immediate supervision an opportunity to resolve his concern before talking to senior management, his statements were discriminatory and had a chilling effect on the involved employee.
- (3) Prior to this incident, SCE had provided training to the Bechtel general foreman on prohibitions against discrimination. Specifically, he viewed a film by the SCE Chairman discussing the NSC program in January 1986, and he received refresher training in January 1992. However, as evidenced by the discrimination by the Bechtel general foreman, it appears that neither SCE nor Bechtel had adequately trained the foreman to properly recognize the discriminatory nature of his actions. For example, although the Howard Allen safety film viewed by the Bechtel foreman during his initial site training provided a clear message that all employees have a right to bring safety concerns to higher level management without fear of retribution, the film was only viewed once in January 1986. Periodic

refresher training did not reemphasize this message, nor did periodic training provide emphasis on how supervisors should be able to recognize and avoid different forms of discrimination, using case basis examples that directly relate to the supervisor's area of responsibility. Prior to this NRC inspection, SCE had recognized this problem and had initiated actions to retrain all contractor supervisors working at San Onofre, providing them with specific case examples of how supervisors could avoid unintentional discrimination. SCE is also considering revision to contract documents to more clearly define SCE expectations and requirements associated with discrimination.

c. NRC Review of Inter-Con Security Services Employee NSC File

The inspector reviewed the 38 NSC files opened by SCE since January 1991, and noted one additional instance of discrimination against contractor personnel employed at San Onofre (NSC File 91-019). Specifically, on October 21, 1991, an Inter-Con Security Services manager terminated the employment of a contract security employee after he raised concerns about the appropriateness, and the radiological and environmental safety of his post assignment within the Unit 1 containment airlock. The inspector review of this file identified that:

- (1) SCE determined, and NRC agrees, that the contract security employee was involved in protected activity, as defined by 10 CFR 50.7. SCE also determined that the employee was wrongfully terminated by the contractor manager, after he raised a safety concern. In particular, on October 21, 1991, the contract security employee objected to his assignment inside the Unit 1 containment airlock, in support of outage related maintenance activities. He noted that security personnel had not previously been required to remain inside the airlock, and he raised concerns about his radiological and environmental safety during extended periods inside of the airlock. In response to the employee's continuing questioning of the appropriateness of his assignment within the airlock, the Inter-Con manager became upset and fired the employee on the spot. The SCE investigation concluded that the Inter-Con manager appeared to have made no attempt to obtain the assistance of other personnel, such as HP technicians or safety engineers, to answer the employee's concerns. While it appears that the Inter-Con manager, at least in part, had been upset that the employee had begun a habit of being absent from work when he was assigned to an undesirable post, nevertheless, SCE concluded, and NRC agrees, that the manager's actions were discriminatory and had a chilling effect on the involved employee.
- (2) Prior to November 22, 1991, SCE notified Inter-Con of the

violation, emphasizing the seriousness of employee discrimination and requesting prompt corrective action, including reinstatement of the involved contract security employee. The employee was reinstated and the involved Inter-Con manager was counseled about his improper actions.

- (3) SCE did not have specific training records for the Inter-Con manager available during the inspection. However, as noted in paragraph 2.b.(3) above, for the case of the Bechtel foreman, it appears that SCE had not adequately trained the Inter-Con manager to properly recognize the discriminatory nature of his actions. As also discussed in paragraph 2.b.(3), SCE is taking action to correct this deficiency.

d. Inspection Conclusions

The inspector concluded that the two examples of discrimination by contractor supervisors involved an apparent violation of 10 CFR 50.7 (50-361/93-30-01).

3. Exit Discussion

On September 27, 1993, an exit discussion was held with the licensee representatives identified in Paragraph 1. The inspectors summarized the inspection scope and findings as described in the Results section of this report.