

Title: SALEM GENERATING STATION/HOPE CREEK GENERATING STATION:
DISCRIMINATION AGAINST A CONTRACT SECURITY OFFICER FOR PURPORTEDLY
CONTACTING THE NRC

Licensee:

Public Service Electric & Gas Company
P.O. Box 236
Hancocks Bridge, New Jersey 08038

Docket Nos.: 50-272/311/354

Case No.: 1-96-031

Report Date: June 30, 1997

Control Office: OI:RI

Status: CLOSED

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SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI), on September 6, 1996, to determine if a contract Security Officer (SO) employed by The Wackenhut Corporation (TWC) at the Salem Generating Station/Hope Creek Generating Station was discriminated against for raising safety concerns.

Based upon the evidence developed during this investigation, OI concludes that GRIFFITH was discriminated against for her involvement in raising concerns related to the Zone 17 incident.

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LIST OF INTERVIEWEES

EXHIBIT

CAMPBELL, Stephen, The Wackenhut Corp. (TWC), Systems
Operations Supervisor 10

DANGERFIELD, Angelia, TWC, Security Officer (SO)/Union
Representative 6 & 6A

DEARMAN, WAYNE, TWC, Director, Nuclear Services Division 11

GENTRY, Donald, TWC, Investigator 9

GRIFFITH, Marianne, TWC, SO 5 & 5A

LIMROTH, David, Former NRC Inspector 16

MATHEWS, Robert, TWC, former Program Manager at Salem/Hope Creek 21

McDERMOTT, Patrick, TWC, Systems Operations Supervisor 7 & 7A

MOORE, Carolyn, TWC, Field Operations Supervisor 15

PEARSON, Deborah, TWC, Training Qualifications Coordinator 19 & 19A

POCHUSKI, William, former TWC Access Operations Supervisor 4

RIZZO, Anthony, TWC, SO 22

SCHAFFER, Darin, TWC, Central Alarm Station/Secondary Alarm
Station Operator 13

SCHAFFER, Rose, TWC, Administrative Manager 18 & 18A

SEAGRAVES, Wendy, Former TWC Administrative Assistant 17

TETREULT, Paul, TWC, Operations Manager 20

WARNER, Steven D., TWC, Systems Operations Supervisor 8 & 8A

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DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 50.5: Deliberate misconduct (1996 Edition)

10 CFR 50.7: Employee protection (1996 Edition)

Purpose of Investigation

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI), on September 6, 1996 (Exhibit 1), to determine if Marianne GRIFFITH, a contract Security Officer (SO) for The Wackenhut Corporation (TWC), was discriminated against for raising safety concerns. GRIFFITH said that William POCHUSKI, a TWC supervisor, working at the Hope Creek Generating Station (HCGS), Hancocks Bridge, NJ, failed to follow proper security procedures by not completing, in a timely manner, a Zone 17 crawl test. GRIFFITH discussed her concerns about the crawl test during a meeting on August 21, 1996, with TWC officials. The next day GRIFFITH was placed on administrative leave (AL) by Steven WARNER, a TWC supervisor. WARNER allegedly told GRIFFITH that she was being placed on AL (without pay) because she had talked to an NRC representative (Exhibit 2).

Background

TWC is a contract guard force that has numerous contracts to provide security services throughout the nuclear industry. The contract with Public Service Electric & Gas Company (PSEG) is to provide security services at the Salem Generating Station (SGS), Units No. 1 & 2, and the HCGS.

In August 1996, a series of incidents at SGS/HCGS involving TWC SOs were identified. TWC conducted their own investigation, including that of the Zone 17 crane gate crawl test incident, which was identified by GRIFFITH (Exhibit 3, p. 64).

The crawl test incident occurred on June 5, 1996, when a vehicle departed the HCGS Zone 17 crane gate. The crane gate is used by oversized trucks entering and departing the HCGS facility. TWC SOs GRIFFITH and Louis MEDEIRUS were assigned compensatory security at the crane gate; Officer Kenneth STANTON was assigned to conduct a crawl test; and POCHUSKI was assigned to supervise the overall operation (Exhibit 3, pp. 64-68).

A crawl test is required by procedure to ensure that alarms are operational after trucks pass over the bed of stones at the crane gate entrance. The procedure for entering and exiting through the Zone 17 crane gate is contained in Security Procedure 8, Security Post Order 17. Compensatory post orders include a requirement to perform specific testing of the zone after vehicles pass through the gate, including the crawl test, prior to terminating the compensatory measures (Exhibit 3, p. 64).

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After a truck departed on June 5, 1996, POCHUSKI ordered that a crawl test not be done. He would later claim that he had a prior conversation with his supervisor, Stephen CAMPBELL, about the necessity for conducting a crawl test when no tire impressions were noticed. POCHUSKI was operating under the assumption that if trucks enter or depart the crane gate and the trucks do not leave any impression on the stones, then no crawl test was required. According to POCHUSKI, the truck in question did not leave an impression on the stones, therefore, he didn't think it was necessary to do the test. POCHUSKI subsequently dismissed all of the SOs without completing the crawl test. After walking about 100 feet from Zone 17 crane gate, POCHUSKI received radio instructions from a supervisor that the crawl test had to be completed. POCHUSKI returned to the crane gate with the aforementioned SOs and the crawl test was completed (Exhibit 4, p. 3).

GRIFFITH reported this incident through her union (Exhibit 6, pp. 23-27). The union then reported this incident and others to the NRC on June 24, 1996 (Exhibit 2, pp. 3 and 4). After additional incidents involving the TWC security force became known at SGS/HCGS, TWC dispatched 3 TWC investigators to conduct an investigation (Exhibit 3, p. 1). The TWC investigation started on August 19, 1996. On August 21, 1996, GRIFFITH, accompanied by her union representative, Angelia DANGERFIELD, was interviewed by TWC investigators. During her interview with TWC investigators, GRIFFITH related the circumstances surrounding the Zone 17 crawl test incident that happened on June 5, 1996. TWC investigators, at that time, apparently were not aware of the Zone 17 crawl test incident until GRIFFITH related the details during her interview. The next day GRIFFITH was placed on AL by WARNER (Exhibit 5A, pp. 1 and 2).

TWC conducted an investigation of the Zone 17 incident and issued a report (Exhibit 3, pp. 64-103). NRC also conducted inspections (Nos. 50-272/96-14, 50-311/96-14, and 50-354/96-08), which included a review of the Zone 17 incident; NRC cited the incident as an apparent violation (Exhibit 14, pp. 1, 6, and 7).

Coordination with the NRC Staff

During the course of this investigation, a coordinated effort was made with the NRC staff relative to the allegation. GRIFFITH's transcript was made available to the NRC staff, and briefings were provided to Gregory SMITH and Richard KEIMIG of the Division of Reactor Safety, NRC, RI. Discussions were also held with Regional Counsel as the investigation progressed.

Interview of Allegor (Marianne GRIFFITH) (Exhibits 5 & 5A)

GRIFFITH stated that on June 5, 1996, she, along with SO MEDEIRUS and Supervisor POCHUSKI, was assigned security duties at the HCGS Zone 17 crane gate. Also standing by was SO STANTON, who was assigned to conduct the crawl test. Crawl tests are done after a truck departs the HCGS facility at the Zone 17 crane gate. According to GRIFFITH, alarms are tested at the Zone and a crawl test is accomplished to verify that the Zone is still in operational condition. POCHUSKI told her that the crawl test did not have to be done; however, she claims she told POCHUSKI at least 3 or 4 times that the test had

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to be completed. GRIFFITH said she even had written post orders in her possession that stated that the crawl test had to be completed, but POCHUSKI would not permit the crawl test to be accomplished (Exhibit 5, pp. 6-10).

POCHUSKI eventually received a radio message that the crawl test had to be completed, so they both returned to Zone 17. She said that STANTON returned and completed the crawl test. On the way back to Zone 17, POCHUSKI told her that they "never" left the Zone 17 area (Exhibit 5, pp. 12-14, 19, and 22).

GRIFFITH said that she told her union representative about the incident. Shortly thereafter, GRIFFITH submitted a typed statement to her union regarding the incident (Exhibit 5, pp. 23-26 and Exhibit 3, p. 70).

On Wednesday August 21, 1996, she and SO DANGERFIELD attended a meeting with 1 TWC supervisor from corporate licensing, 1 TWC supervisor from corporate headquarters, and 1 TWC investigator. During the meeting, GRIFFITH told the attendees that she personally did not trust TWC managers, and as an example, she related the June 1996 Zone 17 crane gate incident, supra. At the meeting, GRIFFITH explained that the supervisor at the crane gate (POCHUSKI) refused to listen to her, even though she had written post orders supporting her claim that a crawl test had to be completed. According to GRIFFITH, TWC personnel at the meeting became very upset because they apparently were not even aware of the Zone 17 incident (Exhibit 5A, p. 1).

On Thursday morning, August 22, 1996, she and MEDEIRUS were approached by PSEG employee Jim JOHNSON, TWC Supervisor Carolyn MOORE, and a man that she did not know (NFI). They asked questions about the Zone 17 incident and were seeking additional information about it, including which security personnel were involved (Exhibit 5A pp. 1 and 2).

AGENT'S NOTE: MOORE describes this unknown male as an NRC employee (Exhibit 15). Former NRC Inspector David LIMROTH confirmed that he asked questions about the Zone 17 incident in the lobby of the Security building (Exhibit 16).

On the same date, August 22, 1996, GRIFFITH was relieved from her post assignment between 10:00 a.m. and noon. She was instructed to go to the small office in the rear of the "bubble area" in the Security building. WARNER and MOORE were present. GRIFFITH was represented by DANGERFIELD, her union steward. WARNER immediately told her that she was being placed on AL because she spoke to an NRC representative. GRIFFITH recalled this being the only stated reason that WARNER gave her. She believes WARNER's statement was made because she raised the issue about the Zone 17 incident to TWC managers on the previous day (Exhibit 5, pp. 35 and 36; and Exhibit 5A, p. 2).

GRIFFITH never received a copy of a Disciplinary Action Report (DAR). By union rules, DARs are issued to personnel that are suspended and the document lists the reason for the suspension. She never received a DAR for the AL or subsequent suspension (Exhibit 5A, p. 2).

After being sent home on AL, GRIFFITH received a telephone call from Pat McDERMOTT, a TWC supervisor. McDERMOTT told her that her AL was being

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replaced by a 3 day suspension. The stated reason was her failure to report the Zone 17 incident in a timely manner. According to GRIFFITH, McDERMOTT told her that Thursday [August 22] would be the first day of her suspension (Exhibit 5A, p. 2).

GRIFFITH returned to work the following Tuesday and was told by TWC Supervisor CAMPBELL that all disciplinary action had been rescinded. GRIFFITH received her full pay and benefits for the 3 days she was suspended. Several months later, she requested a verification that her DAR had been removed from her file. She was told by Wendy SEAGRAVES, a secretary in the TWC office, that the DAR for her 3 day suspension was purged from her file (Exhibit 5A, p. 2).

GRIFFITH said that Robert MATHEWS, the former TWC program manager at SGS/HCGS, was very difficult to work under. She was well aware that MATHEWS did not like her and even attempted to have her fired. The attempt to fire her was unrelated to the issues that she raised (Exhibit 5A, p. 2).

Allegation: Discrimination Against Wackenhut Security Officer For Involvement In Protected Activity

Evidence

AGENT'S NOTE: TWC officials state that AL is a suspension from work for an indefinite period of time until an incident can be investigated. A suspension from work is for a specific reason and for a specific period of time, usually 3 to 5 days. During the course of the investigation personnel used the terms AL and suspension interchangeably.

Interview of William POCHUSKI (Exhibit 4)

POCHUSKI said that he supervised SOs GRIFFITH, MEDEIRUS, and STANTON at the Zone 17 crane gate when a truck was departing the area. The truck that departed through the crane gate did not leave any impression on the stones, so POCHUSKI dismissed all of the SOs without completing a crawl test. He said that all of the SOs complained that the gate had to be crawl tested, but he was following CAMPBELL's instructions. After the truck departed, he ordered MEDEIRUS to walk up the fence line, while he and GRIFFITH walked the fence line in the opposite direction. After walking about 100 feet he received radio instructions indicating that the crawl test had to be completed. POCHUSKI claims he technically did not leave the area because he could still observe the crane gate from his location. He denied telling GRIFFITH that, just between them, they never left the post (p. 3).

POCHUSKI said the crawl test was eventually completed. POCHUSKI does not believe there was a violation of procedures since the gate was eventually crawl tested. POCHUSKI stated that, at the time of the incident, he did not believe that he was required to conduct the test, and it was not his intention to violate any PSEG procedure or NRC regulation (p. 3).

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Interview of Stephen CAMPBELL (Exhibit 10)

CAMPBELL stated that he has been employed by TWC for approximately 6 years (p. 5). CAMPBELL said that he was aware of the Zone 17 crane gate incident. CAMPBELL denied that he told POCHUSKI that the crawl test did not have to be completed unless there were impressions in the gravel (p. 9).

Interview of Darin SCHAFFER (Exhibit 13)

D. SCHAFFER was the Central Alarm Station/Secondary Alarm Station operator during the incident known as the Zone 17 crawl test. Although he was not directly involved in the incident, he overheard POCHUSKI on the radio system stating that the crawl test did not have to be completed at the crane gate because the truck leaving the facility did not leave a tire impression on the stones. According to D. SCHAFFER, whenever a truck leaves the facility by way of the crane gate, the crane gate area has to be crawl tested, regardless of any tire impression on the stones. He said that when POCHUSKI made this statement, he did not consider it a significant statement because procedures at the HCGS facility change periodically, and he considered this statement just another change. He said that within a few minutes after POCHUSKI's statement, CAMPBELL told POCHUSKI, over the radio system, to return to the crane gate and perform the test. He later observed, on the security monitor, POCHUSKI and other security officers completing the crawl test (p. 1).

Interview of Angelia DANGERFIELD (Exhibits 6 & 6A)

DANGERFIELD is employed by TWC as a SO at the SGS/HCGS. She represented GRIFFITH in the Zone 17 incident as a union official. She said that WARNER suspended GRIFFITH from her job. The stated reason was that GRIFFITH failed to report the possible Zone 17 violation to upper management (Exhibit 6, pp. 9-13). To DANGERFIELD's knowledge, GRIFFITH was suspended because she was involved in the Zone 17 incident and not directly for speaking with the NRC (Exhibit 6, pp. 56 and 57). However, DANGERFIELD opined that GRIFFITH's suspension was, at least in part, a result of GRIFFITH speaking with the NRC. DANGERFIELD added, "I feel that that's one of the reasons why they did do it" (Exhibit 6, p. 13).

In a subsequent OI interview, DANGERFIELD clarified that on Thursday, August 22, 1996, she was relieved from her post assignment to attend a meeting as GRIFFITH's union representative. She can not recall if anyone else was present during the meeting. The meeting lasted less than ten minutes. According to DANGERFIELD, WARNER read from what she thought was the DAR form. WARNER stated, in a monotone voice, that GRIFFITH was being placed on AL because she failed to report the Zone 17 incident in a timely manner. GRIFFITH became very upset during the meeting and began crying. After WARNER's brief comments, she and GRIFFITH turned and started to walk away. She said that GRIFFITH turned to WARNER and said something to the effect, "I don't understand." In response, WARNER said something to the effect, "You shouldn't have said something to the NRC person that they didn't need to know." DANGERFIELD was shocked at what WARNER said. She considered WARNER's comments about the NRC an off the record comment, rather than part of the disciplinary process. DANGERFIELD did not know if WARNER meant his comments.

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or was just making the comment in passing. She described WARNER as a new supervisor who maintained a good reputation with the security force at SGS/HCGS. DANGERFIELD respected WARNER and liked dealing with him (Exhibit 6A, pp. 1 and 2).

DANGERFIELD said that it was common knowledge that TWC management was upset about all the security issues being raised by the SOs, and she believes TWC managers were suspending personnel to keep them quiet (Exhibit 6A, p. 2).

Normally, during a suspension meeting, she would receive a copy of the DAR, but she failed, at that time, to get a copy of the DAR for GRIFFITH from WARNER. Since the meeting, she has asked for a copy of the document on at least two occasions, but to no avail. Providing the DAR to the suspended person and/or union representative is standard operating procedure (Exhibit 6A, p. 2).

On Wednesday, August 21, 1996, the day before GRIFFITH's suspension, she and GRIFFITH attended a 1 hour meeting with TWC supervisors Fred HARPER and Donald GENTRY. Also present was PSEG employee Jeff KEENAN, and a man that DANGERFIELD thought was from the NRC. The purpose of the meeting was to determine the reason for the breakdown in communications between TWC employees and their management. During the meeting, GRIFFITH mentioned the Zone 17 incident. DANGERFIELD indicated that the personnel in the meeting were not aware of the Zone 17 incident. DANGERFIELD believes that WARNER's comments to GRIFFITH about talking to the NRC were a direct result of GRIFFITH mentioning the Zone 17 incident during the meeting with HARPER, GENTRY, PSEG employee KEENAN, and the NRC representative (Exhibit 6A, p. 2).

On Friday, August 23, 1996, DANGERFIELD, SO MEDEIRUS, SO STANTON, and SO RIDGEWAY, were suspended for the Zone 17 incident by McDERMOTT. McDERMOTT did provide DARs for these suspensions. All personnel that were suspended for the Zone 17 incident, including GRIFFITH, were subsequently reinstated and paid for the period of the suspension (Exhibit 6A, p. 2).

Interview of Patrick McDERMOTT (Exhibits 7 and 7A)

McDERMOTT stated that he is employed as a supervisor by TWC. He said that he has suspended many employees, but he does not recall suspending GRIFFITH (Exhibit 7, p. 6). McDERMOTT denied that he told GRIFFITH that she was suspended for talking to the NRC. He said that GRIFFITH is allowed to talk to the NRC (Exhibit 7, pp. 7 and 27).

McDERMOTT was re-interviewed by OI and acknowledged that in August 1996, at the direction of Deborah PEARSON, the acting TWC program manager at SGS/HCGS, he telephoned GRIFFITH at GRIFFITH's residence. He was aware that GRIFFITH had been placed on AL, although, at that time, he did not know the reason for the AL. McDERMOTT said he told GRIFFITH that her AL was being changed to a 3 day suspension, and the reason for the suspension was for withholding information from TWC managers. According to McDERMOTT, GRIFFITH seemed receptive to his telephone call, and she seemed relieved that she was receiving a 3 day suspension instead of being fired. He could not recall

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filing a DAR for suspending GRIFFITH, and thought that WARNER probably filed the DAR since WARNER placed GRIFFITH on AL (Exhibit 7A, p. 1).

During August 1996, he never heard any comments about GRIFFITH being suspended or being placed on AL for speaking to the NRC. He only recently heard the rumor, through some SOs at the site, that GRIFFITH was placed on AL for speaking to the NRC (Exhibit 7A, p. 1).

When suspending security force personnel he only took direction from MATHEWS, or from PEARSON, who replaced MATHEWS as the program manager. He said that he assumed that WARNER also only took direction from MATHEWS or PEARSON when instituting disciplinary action because that type of direction would only come from the program manager (Exhibit 7A, p. 1).

McDERMOTT said that MATHEWS lied all the time to personnel at SGS/HCGS, including the union officials that worked at the site. MATHEWS undercut McDERMOTT's authority by first directing him to suspend a security force member, then, later, reducing the suspension in private discussions with personnel. McDERMOTT considers GRIFFITH and DANGERFIELD to be honest (Exhibit 7A, pp. 1 and 2).

Interview of Steven D. WARNER (Exhibits 8 & 8A)

WARNER has worked for TWC for approximately 4 years as a supervisor (Exhibit 8, p. 5). WARNER indicated that he suspends a number of employees for various infractions. He initially told OI that he can not remember suspending GRIFFITH and that he had nothing to do with the Zone 17 event (p. 9). WARNER initially denied that GRIFFITH was put on AL for speaking with the NRC representative (p. 7). In fact, he indicated that GRIFFITH is allowed to speak with the NRC or anyone else (Exhibit 8, p. 24).

WARNER was re-interviewed by OI and said that he still could not recall suspending or placing GRIFFITH on AL on August 22, 1996, but he did have a vague recollection of the event. He claimed that he was uncertain whether he was inventing this recollection in his mind. WARNER did not make the decision to place GRIFFITH on AL, nor would he have made the decision to suspend GRIFFITH. If he did participate in this action, he claimed that he was just "delivering the message" (Exhibit 8A, p. 1).

After his first OI interview, he went to DANGERFIELD to determine whether he participated in the meeting in which GRIFFITH was placed on AL. DANGERFIELD told him that he was the supervisor that placed GRIFFITH on AL. At the time, he did not consider GRIFFITH's AL a unique event, since he had suspended numerous employees at the direction of MATHEWS. Even after his conversation with DANGERFIELD in December 1996, he still could not recall being at any meeting in which he suspended or placed GRIFFITH on AL (Exhibit 8A, p. 1).

When questioned further by OI, WARNER acknowledged he was at the meeting with DANGERFIELD, MOORE and GRIFFITH, in which GRIFFITH was placed on AL. He has the highest respect for DANGERFIELD's integrity, and conceded that if she said that he was at the meeting, then he was there. In addition, he said that after reflecting on events he can visualize himself being in the back office

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in the bubble area of the Security building with the aforementioned personnel (Exhibit 8A, p. 1).

AGENT'S NOTE: WARNER was aware that OI interviewed GRIFFITH, DANGERFIELD and MOORE on April 1, 1997, 1 day prior to WARNER's second OI interview (Exhibit 8A, p. 1).

In a sworn written statement to OI, WARNER admitted, "... in all likelihood [sic] I did tell M. Griffith she was being put on administrative leave because she had spoken to the NRC" (Exhibit 8A, p. 4). WARNER claimed that, although he likely spoke those words to GRIFFITH, the direction to place GRIFFITH on AL came directly from TWC management personnel, and ultimately from MATHEWS (Exhibit 8A, pp. 1-6).

He said that, when he is assigned to suspend personnel, he normally receives instructions from TWC front office personnel (Paul TETREULT, SEAGRAVES or Rose SCHAFFER) directing him to suspend a person. WARNER does the suspension when he is provided with a reason. Normally, he receives a slip of paper with the reason for the suspension, or he receives verbal instructions, with the reason, from a manager in the TWC front office. Although the instructions may come from other managers, the ultimate decision to suspend a person was made by MATHEWS. In a suspension situation, WARNER would document the reason for the suspension on a DAR. The suspended person, and their union representative, would receive a copy of the DAR when the suspension meeting took place. He normally would verbally advise the person of the reason for the suspension, and that reason would be documented on the DAR (Exhibit 8A, p. 2).

He recalls a brief meeting he had with MOORE last year concerning comments MOORE was making to a person in the lobby area of the Security building at SGS/HCGS. WARNER said that he observed MOORE talking to a man (NFI) that he did not recognize. According to WARNER, MOORE and the man were discussing some computer printouts. WARNER questioned MOORE shortly afterwards to determine the nature of her comments to the man. At this time, he can not recall what MOORE said to him (Exhibit 8A, p. 2).

WARNER considers MATHEWS a poor manager because MATHEWS was very inflexible, and MATHEWS was "anti-people" when managing his staff. As an example, WARNER said that MATHEWS would not allow personnel to leave work early more than twice before issuing a suspension to that person. WARNER commented that those types of policies were not realistic in today's society (Exhibit 8A, p. 2).

As an aside, WARNER said that MATHEWS lied to him several times about employment and sick leave commitments when WARNER transferred in to SGS/HCGS from another TWC facility (Exhibit 8A, p. 3).

Interview of Carolyn MOORE (Exhibit 15)

MOORE recalled the August 22, 1996, meeting with WARNER, DANGERFIELD and GRIFFITH. MOORE said that DANGERFIELD was a union representative for GRIFFITH. MOORE did not know that she was being tasked to attend the meeting until the last moment, when WARNER asked her to step into the office. WARNER

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said to GRIFFITH something to the effect, "You are being suspended-for not reporting the incident [Zone 17], and for withholding the information." She could not specifically recall if WARNER read from a DAR during GRIFFITH's brief suspension meeting. DARs are filed by the suspending supervisor and that document lists the reason for the suspension. WARNER told GRIFFITH the suspension was until further notice.

MOORE said that GRIFFITH had tears in her eyes and kept asking WARNER why she was being suspended. She can not recall if WARNER ever answered GRIFFITH's question. She recalls walking out of the office with GRIFFITH while DANGERFIELD and WARNER held a conversation. MOORE could not recall any mention of the NRC, nor could she recall WARNER stating something to the effect, "for speaking with the NRC." MOORE would not deny that the phrase might have been said by WARNER, but MOORE could not recall WARNER using those words.

MOORE said that personnel were well aware that TWC managers are only delivering the message regarding discipline, and the reason for the discipline would ultimately come from MATHEWS. According to MOORE, the manager suspending an employee would usually have a DAR, with the reason for the suspension documented thereon, and prior to attending the suspension meeting. The DAR would be read to the employee. The employee and union representative would receive a copy of the DAR. MOORE indicated that WARNER probably received a telephone call from the front office requesting that GRIFFITH be suspended. She did not know who ordered that GRIFFITH be suspended. Usually the calls come from R. SCHAFFER or SEAGRAVES in the TWC front office, or the calls come directly from MATHEWS.

Just prior to the meeting in which GRIFFITH was placed on AL, MOORE met momentarily in the lobby of the security building with a PSEG employee who provides computer support, and a person who said he was from the NRC. The NRC employee had a computer printout in his hands, and he was asking GRIFFITH and MEDEIRUS about the procedures at the Zone 17 crane gate. At that time, MOORE learned the Zone 17 crawl test was not done immediately after a truck departed the crane gate, as required by procedure. She recalled that the NRC representative was showing her a computer printout and he was seeking information. As a result of the questions being asked, she then went to GRIFFITH and asked if something had happened at the Zone 17 crane gate. According to MOORE, GRIFFITH related the details of the Zone 17 incident. MOORE then checked the computer system for some additional data and relayed that information to PSEG's Jim JOHNSON, who said that he would give the information to the NRC. She recalled that WARNER briefly questioned her about her contacts with a PSEG employee and the NRC, but she could not recall what she told WARNER.

According to MOORE, MATHEWS did not like employees talking about things at the SGS/HCGS site. MOORE said that MATHEWS strongly encouraged that all decisions go through him first. He created an atmosphere of fear because personnel were being suspended, and in some cases, fired. MOORE said that whenever actions were taken against the SOs, the union usually filed, and won, a grievance on those actions.

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Interview of David LIMROTH (Exhibit 16)

LIMROTH said that he was a former NRC inspector and participated in an inspection at SGS/HCGS during August/September 1996. He said that he recalls seeking information from PSEG employee Barry WEISER about the Zone 17 crane gate incident. He said he does recall asking TWC personnel questions about the Zone 17 incident, and he also recalls that PSEG management personnel were not aware of the incident at that time. He does not recall attending any meetings in which TWC or PSEG personnel were interviewing SOs.

Interview of Wendy SEAGRAVES (Exhibit 17)

SEAGRAVES was aware that GRIFFITH was placed on AL because GRIFFITH failed to advise management of the Zone 17 incident. It was common knowledge within the office that GRIFFITH reported the Zone 17 incident and the NRC became involved in investigating the incident thereafter. SEAGRAVES had discussions with PEARSON and R. SCHAFFER about GRIFFITH opening, ". . . a can of worms." She could not remember calling WARNER and telling WARNER to suspend or place GRIFFITH on AL for speaking with the NRC. She does not believe that WARNER or MATHEWS would make such a comment. She can not recall MATHEWS being involved in the decision to place GRIFFITH on AL.

She was aware that PEARSON shredded the DAR forms by mistake. SEAGRAVES indicated that it was not PEARSON's intention to destroy potential evidence. The shredding was done after PEARSON was told to take all the documents from employee files relating to suspensions. PEARSON decided to shred the documents herself; she was not directed by TWC management to destroy the documents. SEAGRAVES said that MATHEWS created a bad atmosphere within the office. He constantly lied to his employees and lied to the union officials all the time. MATHEWS did not like people "rocking the boat."

Interview of Rose SCHAFFER (Exhibits 18 & 18A)

R. SCHAFFER said that she did not suspend or place GRIFFITH on AL, nor did she direct another supervisor to do so (Exhibit 18, p. 5).

R. SCHAFFER provided documentation which reflects that GRIFFITH worked on Thursday August 22, 1996, from 5:45 a.m. until 12:15 p.m., when GRIFFITH was placed on AL. Documentation also reflects that MATHEWS worked from 7:30 a.m. until 2:30 p.m. on August 22, 1996, when PEARSON assumed his pay rate. According to R. SCHAFFER, MATHEWS was in charge until being relieved of his duties. All direction on personnel matters would have come from MATHEWS. She theorized that MATHEWS probably called WARNER and directed WARNER to place GRIFFITH on AL, or MATHEWS told his secretary, SEAGRAVES, to call WARNER with the same directions. In all likelihood, MATHEWS would have provided a reason for the AL (Exhibit 18A, pp. 1, 3, and 4).

R. SCHAFFER said she, "had to cover my butt," with MATHEWS style of management. She explained that she kept a book on some of MATHEWS activities because MATHEWS could not be trusted to tell the truth. She destroyed the book when MATHEWS was relieved of his duties. R. SCHAFFER was [REDACTED] by

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MATHEWS numerous times, and he made it completely clear that he was the boss (Exhibit 18A, pp. 1 and 2).

She could not recall any conversations with SEAGRAVES or PEARSON regarding GRIFFITH "opening a can of worms," or something to that effect, with regard to the NRC. In August 1996, when GRIFFITH was placed on AL, R. SCHAFFER was not being briefed by any managers relative to the reasons for the suspensions. She said that, to this day, she still does not know why GRIFFITH was suspended or placed on AL (Exhibit 18, p. 2).

Interview of Deborah PEARSON (Exhibits 19 & 19A)

PEARSON indicated that she was not involved in placing GRIFFITH on AL or suspending GRIFFITH (Exhibit 19, pp. 7, 9, 19, 38, and 52). She does not recall directing McDERMOTT, or others, to call GRIFFITH and change her AL to a suspension (Exhibit 19, pp. 48 and 49)

PEARSON provided documentation which reflects that she assumed the position of program manager at SGS/HCGS at approximately 2:30 p.m., on Thursday, August 22, 1996. She thought that DEARMAN, a TWC headquarters supervisor, relieved MATHEWS of his duties at SGS/HCGS in a telephone conference call that she attended. PEARSON was told by OI that GRIFFITH was placed on AL on August 22, 1996, and that GRIFFITH was paid until 12:15 p.m. According to PEARSON, since MATHEWS was still in charge, all direction would have come directly from him until he was relieved of his duties. She theorized that MATHEWS probably called WARNER and directed WARNER to place GRIFFITH on AL. PEARSON said that it is likely, and she is of the belief, that MATHEWS would have provided WARNER with the reason for GRIFFITH's AL (Exhibit 19A, pp. 1 and 3).

PEARSON could not recall any conversations with SEAGRAVES or R. SCHAFFER regarding GRIFFITH "opening a can of worms," or something to that effect. Although PEARSON did hear the expression used in the past in the office, she never heard the expression used when referring to GRIFFITH's AL/suspension. In August 1996, when GRIFFITH was placed on AL, PEARSON claimed that she was not being briefed by the TWC investigators or MATHEWS relative to the reasons for any employee suspension (Exhibit 19A, p. 1).

PEARSON assumed the DAR was completed by McDERMOTT for GRIFFITH. It was DEARMAN that told her that he (DEARMAN) was withdrawing the suspensions because he wanted to "wipe the slate clean." DEARMAN was concerned that the security force did not have confidence in TWC managers. According to PEARSON, DEARMAN wanted to remove any reference to AL or suspensions from the employees files, including GRIFFITH's DAR, if it was completed. It was PEARSON's decision to destroy the documents. In hindsight, she now believes the destruction of the records, including possibly GRIFFITH's DAR, was wrong. She, alone, made the decision to destroy the documents; she was not directed to do so. She never heard any comments that the reason for GRIFFITH's AL or suspension was because GRIFFITH spoke to the NRC (Exhibit 19A, pp. 1 and 2).

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Interview of Paul TETREULT (Exhibit 20)

TETREULT is the TWC Operations Manager at SGS/HCGS, and he is responsible for overseeing the day to day operations (pp. 2 and 3). He was on military leave from the middle of August 1996 until September 1996 and was not involved in GRIFFITH being placed on AL or suspension (p. 9).

His relationship with MATHEWS was "confusing." According to TETREULT, MATHEWS was a fairly decent administrator, but he seemed to have difficulty dealing with people. He said that from talking to other SOs, the perception was that MATHEWS "spoke with forked tongue." TETREULT added that when MATHEWS sat down with the union people, "he was always bending the truth" (p. 8).

Interview of Donald GENTRY (Exhibit 9)

GENTRY has been employed as the manager of nuclear security for TWC since April 1994 (p. 3). He was one of three investigators assigned to investigate TWC incidents at SGS/HCGS facilities (p. 6). He wrote portions of the TWC investigative report (Exhibit 9, pp. 4 and 5; and Exhibit 3). GENTRY said that TWC's standard policy is that personnel involved in incidents are suspended administratively, without pay, pending the outcome of the investigation. GENTRY said if the person is exonerated, the person is reinstated with full pay for the hours that they would have worked during that scheduled period. If the SO is not exonerated, they are terminated (pp. 11 and 12).

GENTRY stated that GRIFFITH was involved in an incident of not properly searching a person entering the SGS/HCGS facility, as well as the Zone 17 crane gate incident. GENTRY believed GRIFFITH was suspended for the incident in which a person entered the facility without being properly searched. GENTRY said that GRIFFITH related the crane gate incident during her initial interview about another matter with TWC investigators. GRIFFITH was not suspended because she raised safety concerns (pp. 18, 19, 22, and 116).

According to GENTRY, personnel that were involved in the incidents were routinely suspended pending the outcome of the investigation. The actual suspension would have been accomplished by MATHEWS, until MATHEWS himself was suspended, then the suspensions thereafter were accomplished by PEARSON (p. 23).

Interview of Wayne DEARMAN (Exhibits 11 & 11A)

DEARMAN stated that he has been employed by TWC for approximately twenty-one years. He has overall responsibility for several nuclear powers plants that TWC has contracts with, including SGS/HCGS (pp. 5 and 6). He said that GRIFFITH, MEDEIRUS, and STANTON were all suspended pending the investigation of the Zone 17 incident. He said that he reversed the suspensions and reinstated GRIFFITH, MEDEIRUS, and STANTON with back pay because, "it was quite obvious that these three people performed their tasks the way they should have" (pp. 13 and 14).

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AGENT'S NOTE: By letter dated April 30, 1997, DEARMAN advised that there is no written TWC policy for placing an employee on AL during an investigation. He indicated that it is standard practice whenever allegations of trustworthiness or wrongdoing occur that the employee be placed on suspension pending investigation. According to DEARMAN, once the investigation is completed or there is no evidence of wrongdoing then the employee is made whole (Exhibit 11A).

Interview of Robert MATHEWS (Exhibit 21)

MATHEWS has been employed by TWC since August 1988. He was the program manager at SGS/HCGS until August 1996 when he was relieved of his duties to become a TWC troubleshooting manager (pp. 5 and 6). He said he was relieved of his duties by KINDILIEN in the early afternoon on Thursday August 22, 1996 (p. 46).

AGENT'S NOTE: Later, after the OI transcribed interview was completed, MATHEWS called OI and, in a voice message, stated he was relieved of his duties in the late morning of August 22, 1996 (Exhibit 21A).

In August 1996, MATHEWS requested that TWC management conduct an investigation at SGS/HCGS to "to shore up some things" (p. 6). He was having problems with personnel complying with procedures and he was having union problems (pp. 7 and 8). Any type of disciplinary action that he took against union personnel resulted in the union grieving the action (pp. 10 and 11).

MATHEWS said it was his decision to suspend personnel or place personnel on AL until an event could be investigated (pp. 17, 18, and 24). He subsequently testified, during the same OI interview, that he was not involved in the actions resulting in personnel being placed on AL (pp. 54 and 55). According to MATHEWS, the decision to place personnel on AL was being made by the TWC team of investigators that he had asked in (p. 55).

Normally, he would be involved in suspending or placing personnel on AL; however, he does not specifically recall being involved in placing GRIFFITH on AL, and he does not know who suspended GRIFFITH (pp. 58, 67, 86, and 91). MATHEWS denied any knowledge that GRIFFITH was put on AL because she spoke to the NRC, or that her doing so, opened a can of worms (p. 189). In particular, he does not recall notifying WARNER that GRIFFITH was to be placed on AL, because she spoke to the NRC or opened a can of worms with the NRC (pp. 58, 59, and 62). MATHEWS said that he was not aware that GRIFFITH was subsequently suspended; he could not provide information concerning who suspended GRIFFITH (p. 91). MATHEWS indicated he was angry and upset that security personnel circumvented the TWC chain of command by reporting issues through their union (pp. 175 and 176).

According to MATHEWS, he maintains a benevolent management style, and he denied that he expressed or implied that he did not like personnel making waves (p. 138).

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DAR Documentation

GRIFFITH's DAR could not be located in either TWC or union files. TWC personnel indicated that the company's copy of the DARs for those involved in the Zone 17 incident were destroyed. With the exception of GRIFFITH's DAR, the other DARs were maintained by union officials and were acquired by OI. "Failure to respond to and report a suspected event in a timely manner as required by procedures," is the listed reason on the DARs for the suspensions of MEDEIRUS, STANTON, DANGERFIELD, and RIDGEWAY, for the June 5, 1996, incident [Zone 17] (Exhibit 12).

Agent's Analysis

GRIFFITH alleged, and DANGERFIELD confirmed, that WARNER told GRIFFITH that she was being placed on AL because she spoke to the NRC. MOORE, the other witness in the room at the time, could not recall any comments relating to the NRC, but could not deny that something along those lines was said. WARNER initially denied, but eventually admitted, that, ". . . in all likelihood [sic] I did tell M. Griffith she was being put on Administrative leave because she had spoken to the NRC."

Union rules dictate that DARs are prepared and issued to those employees that get suspended. The DAR contains the reason for the suspension. GRIFFITH was 1 of 4 SOs who were ultimately suspended for the Zone 17 incident, yet her DAR could not be located by TWC or union officials. The OI investigation could not determine if a DAR was ever created for GRIFFITH's suspension and/or AL.

WARNER claimed that he would have obtained the reason for the AL from personnel in the TWC front office. He claimed that he was directed to place GRIFFITH on AL, but he could not recall who in the TWC front office directed him to place GRIFFITH on AL. According to WARNER, the ultimate decision would have come from MATHEWS. The front office personnel (TETREAULT, SEAGRAVES, PEARSON, and R. SCHAFFER) were all interviewed and denied their involvement in placing GRIFFITH on AL or suspending GRIFFITH. TWC investigators stated that personnel involved in incidents would have been placed on AL pending the completion of the investigation, and that would be accomplished through the program manager.

The investigation points to the program manager as the person most likely to have ordered that GRIFFITH be placed on AL. The program manager when GRIFFITH was suspended was MATHEWS. MATHEWS told OI that he could not recall ordering GRIFFITH to be placed on AL. However, WARNER did not have the authority to place GRIFFITH on AL, or to suspend her, and he testified that he was merely delivering the message. Interviewees corroborated the fact that disciplinary actions originated from MATHEWS, and not from WARNER or other supervisors.

Within hours prior to the meeting in which GRIFFITH was placed on AL by WARNER, MOORE and WARNER had a brief discussion in the lobby area of the Security building. WARNER inquired of MOORE as to the reasons why a PSEG employee and an NRC representative were seeking information from her. MOORE can not recall what she told WARNER of the contact. WARNER subsequently led

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GRIFFITH and DANGERFIELD to believe that GRIFFITH was being placed on AL, at least, in part, for speaking with the NRC.

The investigation also determined that MATHEWS did not have a very good reputation with TWC employees at the SGS/HCGS facility. The majority of the interviewees made unfavorable comments about MATHEWS' management style. Most said that he was authoritarian, did not want problems, and would lie to personnel to accomplish his goals.

MATHEWS, during his OI interview, gave conflicting testimony. When asked when he was relieved of his duties at SGS/HCGS, he said that it was in the afternoon, but later he telephoned OI and said he was relieved in the late morning. However, testimony and TWC records reflect that MATHEWS was relieved of his duties during the afternoon, at approximately 2:30 p.m. Testimony and records reflect that GRIFFITH was placed on AL at or about 12:15 p.m. MATHEWS claimed that if he was at work all discipline flowed from him; he later claimed that TWC investigators were in charge on the day in question [August 22, 1996], and that, they made the decisions regarding discipline. TWC investigators deny MATHEWS' assertion.

Interviewees indicated that MATHEWS made it clear that he was the boss and that all decisions went through him. Even one of his direct subordinates (R. SCHAFFER) kept a book on his activities because, in her words, she had "to cover my butt." In the beginning of the investigation it became obvious there was a split between labor (union) and MATHEWS. Interviewees reported that SOs were often disciplined for relatively minor offenses. Interviewees related that the union filed grievances on almost every personnel action taken by MATHEWS, and usually the union won. MATHEWS' style of management created an atmosphere of mistrust. There was clearly a lack of trust between personnel and management. GRIFFITH did not report the Zone 17 incident through her management chain, because of this lack of trust.

TWC upper management realized, within days of the start of their investigation, that MATHEWS had to be relieved of his duties. KINDILIEN, one of the TWC investigators, said, "... we had a wall between our Program Manager and the people in the field." Testimony, in general, indicates that once MATHEWS was relieved of his duties the work environment began to improve.

Conclusion

Based upon the evidence developed during this investigation, OI concludes that GRIFFITH was discriminated against for her involvement in raising concerns related to the Zone 17 incident.

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SUPPLEMENTAL INFORMATION

Anthony RIZZO, a TWC Security Guard/union president was interviewed by OI during a separate investigation (1-96-024). In his transcribed interview, RIZZO provided information regarding MATHEWS' efforts in one instance to find out what RIZZO was going to speak to the NRC resident inspector about. RIZZO had requested a meeting with the NRC resident inspector, but that meeting had to be rescheduled. According to RIZZO, he had a brief conversation with MATHEWS concerning why he was going to the NRC. RIZZO related that MATHEWS said, "if it's a compliance issue, and we don't know about it, you could be hanging yourself out to dry." RIZZO said that he questioned MATHEWS further about his comment and MATHEWS responded with, "I'll deny [having said] it" (Exhibit 22, pp. 4-6).

WARNER has since resigned his position at SGS/HCGS and returned to his former TWC position at a Department of Energy facility in Las Vegas, NV.

On June 30, 1997, William P. SELLERS, Esq., Senior Trial Attorney, Fraud Section, Criminal Division, U.S. Department of Justice, Washington, D.C., was apprised of the results of the investigation. Mr. SELLERS advised that, in his view, the case lacked prosecutable interest and rendered an oral declination.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated September 6, 1996.
2	NRC Allegation Receipt Reports, dated August 23, 1996, and June 24, 1996.
3	TWC Investigative Report on "Special Security Program Assessment," undated.
4	Interview Report of William POCHUSKI, dated December 31, 1996.
5	Transcript of Marianne GRIFFITH, dated October 4, 1996.
5A	Interview Report of Marianne GRIFFITH, dated April 1, 1997.
6	Transcript of Angelia DANGERFIELD, dated October 18, 1996.
6A	Interview Report of Angelia DANGERFIELD, dated April 1, 1997, with attachments.
7	Transcript of Patrick McDERMOTT, dated January 9, 1997.
7A	Interview Report of Patrick McDERMOTT, dated May 7, 1997.
8	Transcript of Steven D. WARNER, dated December 10, 1996.
8A	Interview Report of Steven D. WARNER, dated April 2, 1997, with Sworn Statement attached.
9	Transcript of Donald GENTRY, dated February 11, 1997.
10	Transcript of Stephen CAMPBELL, dated January 9, 1997.
11	Transcript of Wayne DEARMAN, dated February 5, 1997.
11A	Letter dated April 30, 1997, from Wayne DEARMAN, to OI:RI.
12	Disciplinary Action Reports for Louis MEDEIRUS, Kenneth STANTON, Patricia RIDGEWAY, and Angelia DANGERFIELD, dated August 23, 1996.
13	Interview Report of Darin SCHAFFER, dated January 29, 1997.
14	NRC Inspection Report and Cover Letter, dated September 30, 1996.
15	Interview Report of Carolyn MOORE, dated April 1, 1997.
16	OI Conversation Record with David LIMROTH, dated May 12, 1997.

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- 17 Interview Report of Wendy SEAGRAVES, dated April 16, 1997.
- 18 Transcript of Rose SCHAFFER, dated April 15, 1997.
- 18A Interview Report of Rose SCHAFFER, dated May 7, 1997, with attachment.
- 19 Transcript of Deborah PEARSON, dated April 15, 1997.
- 19A Interview Report of Deborah PEARSON, dated May 8, 1997, with attachment.
- 20 Transcript of Paul TETREULT, dated April 15, 1997.
- 21 Transcript of Robert MATHEWS, dated April 23, 1997.
- 21A OI Conversation Record of Voice Mail from Robert MATHEWS, dated April 24, 1997.
- 22 Excerpts from Transcript of Anthony RIZZO, dated July 24, 1996.

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Title: SALEM GENERATING STATION/HOPE CREEK GENERATING STATION:
FAILURE TO MAKE A 10 CFR 73.71 NOTIFICATION BY THE STATION
SECURITY DEPARTMENT

Licensee:

Public Service Electric & Gas Company
P.O. Box 236
Hancocks Bridge, New Jersey 08038

Docket Nos.: 50-272/311/354

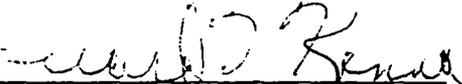
Case No.: 1-96-024

Report Date: July 25, 1997

Control Office: OI:RI

Status: CLOSED

Reported by:


Gerard F. Kenna, Special Agent
Office of Investigations
Field Office, Region I

Reviewed and Approved by:


Barry R. Letts, Director
Office of Investigations
Field Office, Region I

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SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI), on June 28, 1996, to determine if Public Service Electric & Gas (PSEG) personnel and/or The Wackenhut Corporation (TWC) security personnel falsely documented that compensatory measures were in place within the required time, following the crash of the Salem Generating Station (SGS) security computer system on May 25, 1996.

Based on the evidence developed during this investigation, it was concluded that inaccurate information regarding the posting of compensatory measures was recorded in the Safeguards Event Log, and that, at a minimum, the deliberate actions of two TWC personnel caused this documentation inaccuracy.