



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406

JUL 07 1989

RI-89-A-0080
50-423

[REDACTED]

Dear [REDACTED]

This responds to your June 20, 1989 allegation to the NRC Senior Resident Inspector at the Millstone Nuclear Power Station.

As we understand it, your allegation is:

That you were wrongfully terminated from employment as a security guard at Millstone Unit 3 in 1987 because you declined to take additional training about working in areas protected by a carbon dioxide (CO2) system.

That cable vault areas at Millstone 3 present a personal safety hazard because individuals cannot exit those areas in the one-minute warning period provided by the CO2 system.

The NRC has cognizance over actions taken against licensees for discriminatory treatment of employees in certain cases. These include providing the NRC information about possible violations of NRC requirements, asking the NRC to take action against an employer in order to administer or enforce NRC requirements, testifying in an NRC proceeding, and similar activities. In this case, the reason identified for your being terminated was refusal to take CO2 training, with the NRC being notified in 1989 about this 1987 occurrence. Review by our regional Allegation Panel has concluded that these activities fall outside the scope of activities protected under the applicable NRC regulation (10 CFR 50.7, Employee Protection). Therefore, we plan no further action on this matter.

Enclosed is a copy of the Department of Labor (DOL) regulations concerning filing of complaints about discriminatory treatment for bringing matters to the attention of the NRC. The DOL has federal jurisdiction over personal redress for discriminatory personnel practices. Only the DOL can order reinstatement, back pay, or compensatory damages. In such cases, the DOL requires that a complaint be filed within 30 days of occurrence of the alleged discrimination. While the DOL may sometimes address alleged discrimination for engaging in a protected activity if a complaint is filed late, our review indicates that your allegation has been identified to the NRC far after the activity

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JUL 07 1989

occurred and does not address discriminatory treatment for engaging in a protected activity. You may nonetheless submit your complaint to the DOL for their consideration.

The matter of whether individuals can exit certain cable vault areas at Millstone 3 is a valid safety concern. Our follow-up thus far has confirmed that several such areas cannot reasonably be expected to be exited in the 60-second warning period provided by the CO2 system. We also found that routine guard patrols are no longer performed in these areas. Prior to area entry, individuals are required to contact the control room to have the CO2 system locked out, fire watches stationed, and compensatory security measures imposed for entry into these areas. Our review is continuing to assess the adequacy of licensee measures for safely responding to alarms in these areas. Thus far, our review has identified no unacceptable safety conditions. We will inform you of the results of our additional follow-up when that is completed.

We will forward you a copy of our inspection report findings on this matter, when completed. You also may call me or the resident inspector's office to obtain a status update at any time during normal work hours.

Thank you for bringing this matter to our attention. We share your concern about the potential personal hazard of CO2 system activation. If you have additional questions or information to provide us, please contact me or the resident inspector's office.

Sincerely,

Ebe C. McCabe, Jr.
Ebe C. McCabe, Jr., Chief,
Reactor Projects Section 4A
(215) 337-5231

Enclosure: as stated

bcc:
M. Perkins
W. Raymond
R. Keimig
C. Anderson
D. Holody

DATE: 7-6-89

FACSIMILE FROM MILLSTONE RESIDENT OFFICE

MESSAGE TO: EDE McCABE

FROM: BILL RAYMOND

MILLSTONE UNIT _____

NUMBER OF PAGES: 3
(including this form)

Millstone Fax No. (203) 443-5893
Millstone Phone Nos. (203) 447-3179
442-5357

MESSAGE:

I/O

ALLEGATION RECEIPT REPORT

Date/Time Received: 3:15 6/20/89

Allegation No. RI-89-A-0080
(leave blank)

Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

City/State/Zip: [REDACTED]

Confidentiality Requested: Yes

No [REDACTED]

(former) Allegor's Employer: Burns Security

Position/Title: former contractor guard

Facility: MP3

Docket No.: 50-423

(Allegation Summary (brief description of concern(s): Personnel safety issue (hazard) created by CO₂ system in MP3 Switchgear room -> can't get out in time allowed -> no communication; Inadequate information provided by training department about entrance into CO₂ areas; wrongful termination over issue of doing jobs in CO₂ areas.

Number of Concerns: 3

See attached.

Employee Receiving Allegation: WJ Raymond
(first two initials and last name)

Type of Regulated Activity (a) Reactor (d) Safeguards
(b) Vendor (e) Other: _____
(c) Materials (Specify)

Material's License No. (if applicable): _____

Functional Area(s): (a) Operations (e) Emergency Preparedness
(b) Construction (f) Onsite Health and Safety
(c) Safeguards (g) Offsite Health and Safety
(d) Transportation (h) Other: _____

Mr. [REDACTED] contacted the resident office by phone on June 20 stating he had read the recent news report about workers at Millstone being fired for raising safety issues and he wanted to relate his experience. [REDACTED] has not worked at Millstone since 1987 when he was employed as a guard by the licensee's security contractor, Burnes Intl. He felt he was wrongfully terminated in 1987 because of an issue that arose over guard access to plant areas protected by CO2 fire suppression systems.

The licensee activated CO2 protection systems for various plant areas in 1987, including the switchgear room in the lower level of the control building, and in the adjoining cable vault areas. As a security guard, [REDACTED] (and others) had to make routine rounds into the areas to check doors. [REDACTED] stated he had received training by the training Department (I think NU's) about work in the CO2 areas and what to do if alarms sounded warning of imminent CO2 release. Guards were told they could patrol the areas without having the system deactivated so long as they met certain criteria: duties don't involve work in the overhead (i.e. "keep your feet on the floor") and stay times are less than 15 minutes.

Routine patrols were completed under the above guidelines until an inadvertent CO2 actuation occurred in July 1987. The licensee reported this event as LER 87-32 on August 5, 1987. Apparently, as part of the followup actions for the event, the licensee required personnel (including Burns guards) to take additional training about work in CO2 areas. [REDACTED] was terminated for insubordination in a subsequent disagreement with Burns supervision about the need for attendance at the second training class. The directive to attend the training required he attend the class after doing a 12.5 hour shift and would have required longer time on duty that day. [REDACTED] felt he did not need the training since he had just attended the training class in May 1987. The Burns supervisor who suspended him was [REDACTED]. [REDACTED] appeal of the action was not successful. [REDACTED] stated the action was typical of Burns' rigid and inflexible management style.

[REDACTED] had the following specific issues:

- (1) He was wrongfully terminated over the need for training after the CO2 discharge event.
- (2) Information provided by the training department was bad if they told guards that they could work in the area when in fact they should not.

the area in the 1 minute warning provided by the present system design; further, there is no way to communicate to the outside from the area (via phone or 2-way radio) in case there was a discharge.

(4) [redacted] stated that the utility reported that no one was in the area at the time of the CO2 discharge event, when in fact he can document that there were three guards in the area. [redacted] identified one of the guards as [redacted], who still works at Millstone. When questioned, [redacted] stated the guards were not in the immediate room where the CO2 was discharged, but in adjacent areas and still subjected to a hazard from CO2 leakage under doors.

I told [redacted] I would look into the issue of guard access to areas protected by CO2, and that I would get back to him after I completed a walkdown of the area in question. [redacted] stated he did not mind if I inquired from the utility about his discharge to review whatever might be in the files.

The board should note that the above summary of concerns was not so much a clear issue with [redacted] when he called, but were elicited by me in an attempt to focus his concerns. [redacted] clearly feels he was terminated wrongfully, although (as you can tell from my recounting of his experience) I cannot clearly see that as an issue.

Following the telecon, I did a walkdown of the MF3 switchgear rooms and noted there were deeply buried cable vaults that could require up to two minutes to evacuate from in the event of an emergency.

I have not discussed this matter with the licensee, but in a discussion with the duty Shift Supervisor on June 20, I noted that the policy on guard rounds has changed since [redacted] was employed at MF. Guards no longer perform routine patrols in the cable vault areas, but will respond to alarms in these rooms as required even when the CO2 system is operable. Licensee procedures now require workers to contact the control room to have the CO2 locked out (with appropriate fire watch and security compensatory measures established) for any work in the rooms. Further followup is recommended to complete this review of the adequacy of security controls.

On a final note, the inspector did identify that licensee posting of the status of the CO2 system is confusing and can lead a person to believe the CO2 for an area is locked out