

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Reports No. 50-295/88002(DRSS); 50-304/88003(DRSS)

Docket Nos. 50-295; 50-304

Licenses No. DPR-39; DPR-48

Licensee: Commonwealth Edison Company
Post Office Box 767
Chicago, IL 60690

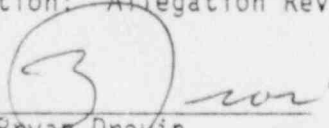
Facility Name: Zion Nuclear Station, Units 1 and 2

Inspection At: Zion Station, Zion, Illinois
and the Region III Office

Inspection Conducted: November 24, 1987 through April 7, 1988

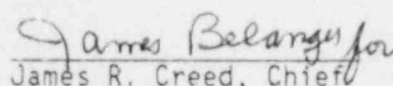
Type of Inspection: Allegation Review

Inspector:


Bryan Drouin
Security Inspector

6/1/88
Date

Approved By:


James R. Creed, Chief
Safeguards Section

6/2/88
Date

Inspection Summary

Inspection on November 24, 1987 through April 7, 1988 (Reports
No. 50-295/88002(DRSS); No. 50-304/88003(DRSS))

Areas Inspected: A review of the allegations received by Region III which include drug use by personnel employed at Zion Station, the administration of the CPP/Pinkerton Fitness for Duty program, the harassment of an individual who came forward with a safety concern and a review of the licensee's investigation into these matters.

Results: We determined that the licensee and CPP/Pinkerton management took appropriate and timely actions on all alleged safety and security concerns.

DETAILS

1. Key Persons Contacted

In addition to key members of the licensee's staff listed below, the inspector interviewed other licensee employees and members of the security organization. The asterisk (*) denotes those who participated in the telephone exit interview conducted on April 7, 1988.

- *T. Rieck, Services Superintendent, Zion
- *R. Smith, Site Security Administrator (SSA), Zion
- G. Gilliland, Zion Site Supervisor, CPP/Pinkerton
- A. Torres, Assistant Site Security Administrator
- *G. Toleski, Nuclear Security Administrator, Commonwealth Edison Company (CECo)
- *F. Woodin, Jr., Industrial Relations Supervisor, Zion
- R. Michaud, Director, Central Nuclear Group, CPP/Pinkerton
- P. Eng, Resident Inspector, NRC Region III

2. Entrance and Exit Interviews (IP 30703)

- a. Mr. R. Smith of the licensee's staff was informed of the purpose of this visit and the functional areas to be examined during the on-site segment of this inspection on March 4, 1988.
- b. The inspector telephonically contacted the licensee representatives denoted in Section 1 at the conclusion of the inspection. No written material pertaining to the inspection was left with the licensee or contractor representatives. A general description of each allegation was provided. Briefly listed below are the findings discussed during the exit interview.

- (1) Licensee action regarding the five allegations was determined to be acceptable (refer to Section 3 of this report for details). The inspector's review indicated that security force performance and plant safety were not degraded by the dissension created by the allegations.

The licensee acknowledged the inspector's comments and agreed with his findings.

- (2) The inspector noted that the licensee's investigation was very thorough and significantly assisted the review of the allegations.
- (3) The licensee did not believe that their investigation contained any safeguards or proprietary information and was suitable for release to the public after the removal of personal privacy information.
- (4) The licensee was informed that the inspector's findings were preliminary and any substantive or significant changes would be brought to their attention.

3. Investigation - Allegation Review

The information below represents a chronological summary of Region III's contact with the alleged, the alleged's stated concerns, actions taken to review the alleged's concerns, the inspector's analysis of the alleged's concerns and the inspector's conclusions.

a. Background: Allegation No. AMS RIII-87-A-0150.

On November 24, 1987, a former security officer at Zion Station contacted Region III NRC telephonically about his November 17, 1987 employment termination at Zion Station. The alleged stated that another Zion security officer had been allowed to resign after a polygraph examination and a urinalysis test indicated she illegally abused a controlled substance. The controlled substance was provided by an individual who was employed at Zion Station. The alleged had been harassed through threats, vandalism and graffiti after reporting alleged drug use against another Zion security officer who was a relative of the Zion contract security force supervisor. The alleged believed his employment was unfairly terminated in connection with the report against the supervisor's relative. Prior to his termination he was offered a position at Dresden Station because of the tension at Zion Station. He believed his work record was excellent. The Region III representative informed the alleged that the Department of Labor (DOL) was the cognizant authority for wrongful employment termination complaints.

On December 9, 1987, Region III received a copy of the alleged's December 7, 1987 letter of complaint to DOL. In the alleged's DOL letter he reiterated his November 24 concerns and provided numerous examples of graffiti and harassment directed against him and another security officer. The letter also implied that CPP/Pinkerton site management participated and/or condoned the harassment. (Note: The terms Pinkerton and CPP/Pinkerton are considered synonymous. References to Pinkerton represent the Pinkerton, Inc. security company before it was acquired by California Plant Protection (CPP)). The allegation was forwarded to Commonwealth Edison Company (CECo) for their action by NRC letter dated December 20, 1988.

The alleged telephonically contacted Region III on January 15, 1988. The alleged was concerned that Zion security force personnel had knowledge of his complaint to the NRC. The alleged denied that he had ever identified anyone as providing a controlled substance to another security officer. The alleged stated that the previously identified individual was only present when the security officer abused a controlled substance. The alleged was informed that DOL provided a copy of the alleged's complaint to CPP/Pinkerton which was routine practice in the investigation of a labor complaint. The alleged indicated he understood the lack of confidentiality surrounding his labor complaint.

A DOL representative notified Region III on January 28, 1988 of their conclusion that the alleged's employment was terminated for violation of a CPP/Pinkerton company policy.

On February 23, 1988, Region III received CECO's investigation report which responded to the NRC concerns identified in the December 28, 1987 letter.

During the period between February 29 and March 11, 1988, Region III reviewed the licensee's investigation and conducted more interviews including on-site inspection effort on March 4, 1988 to clarify remaining issues.

Region III analysis of the large amount of information provided by the alleged resulted in the identification of six specific matters that were of a security or regulatory concern. They are addressed in detail in the following pages.

The following information describes the specific or implied allegations, NRC review to determine the validity and significance of the concerns, and NRC conclusions.

- b. Allegation: The alleged implied that CPP/Pinkerton did not follow their Fitness for Duty (FFD) policy when dealing with security force members who were alleged to have used drugs off-site.

Review: The alleged initiated allegations of security force drug involvement on two occasions, May 8 and 27, 1987. The licensee described the actions taken in response to the allegations in their February 22, 1988 letter. Through interviews and document review a NRC inspector verified the following actions.

- (1) The initial allegations of possible drug use originated from Security Officer A the week of May 3, 1987, when Officer A verbally told the alleged that Security Officer B confided to Officer A about the use of drugs during the week of May 3 or the previous week. On May 8, 1987, the alleged verbally provided this information to Pinkerton offsite management and documented the allegation in a letter on May 13, 1987.

On May 14th, once the off-site Pinkerton Office received the written report of the allegation and verified the alleged's statements by polygraph, Officer B's unescorted access was withdrawn.

CECO security management, both at the corporate level and station level, was notified of the details of the allegation by Pinkerton.

Pinkerton investigated the allegation utilizing the interview and polygraph method. Officer B admitted off-site occasional use of drugs. This was not disclosed through annual or random drug tests administered to Officer B. Officer B resigned on May 14, 1987.

The CPP/Pinkerton Fitness for Duty policy ("Supervisory Implementation Guidelines for Policy on Employee Illicit Drug Use) does not address this type of situation involving an allegation unsubstantiated by physical evidence. CPP/Pinkerton followed procedures for investigating the allegation and took appropriate actions.

- (2) On May 27, 1987, the alleged notified Pinkerton off-site management that Officer A stated two guard force members, Officer C and D, took one "hit of speed" during the weekend of April 23, 1987. This allegation was made about one month after the alleged use. Officer A was offered a polygraph in order to validate the allegation. Officer A successfully passed the examination.

Pinkerton advised CECO security management of the allegation, their proposed plan of action and the basis for their decisions. CECO concurred with Pinkerton's approach. When this investigation was initiated, Officers C and D were suspended from duty. Unescorted access was denied until the investigation was concluded.

The first course of Pinkerton's investigation included interviews and polygraphs of Officers C and D. A second verification interview and polygraph of both individuals was conducted by a different examiner. Both sessions were inconclusive. Officer C was randomly selected for a drug screen on May 9, 1987 - after the alleged use of "speed" on April 23, 1987. The test results were negative.

After discussions with a staff doctor at Zion Clinic, a psychotherapist was selected by Pinkerton to conduct an interview and assessment of Officers C and D regarding alleged substance abuse. The Millon Clinic Multiaxial Inventory was administered to both officers. Based upon results of this inventory and the lack of verifiable physical abuse, the psychotherapist believed that there was no basis for a drug abuse determination and recommended that both officers be reinstated to their positions. A probation period was established, which included random drug screenings. Officers C and D were returned to duty on June 15, 1987.

Conclusion: The information that three officers were involved with offsite drug use was investigated and resolved in accordance with applicable Fitness for Duty procedures. This allegation is unsubstantiated.

- c. Allegation: The identified individual who supplied Officer B with a controlled substance works at Zion Station as a mechanic.

Review: The Zion SSA discussed the incident with the Region III safeguards staff in May 1987. He informed Region III that Officer B had indicated the use of a controlled substance off-site but did not receive the controlled substance from any individual employed at Zion Station, nor was Officer B aware of any employee at Zion Station who used illicit drugs. This information conflicted with the allegation's statements. The NRC requested that the licensee review this matter in our December 23, 1987 letter.

The results of the licensee's investigation into the matter were documented in the February 22, 1988 letter and are described below. The Pinkerton report of the Officer B incident to Commonwealth Edison dated May 19, 1987 stated: "The investigation revealed no additional information that would lead us to believe other members of the Pinkerton security force or Commonwealth Edison Company are involved in this case at this time." However, because the mechanic was associated with Officer B, the Zion Station Industrial Relations Representative, conducted a review of the mechanic's record.

The mechanic had numerous years service at Zion Station and was judged a good employee. There was no recent record of any disciplinary action in his record. He had received one "professional of the quarter" nomination. He also received two special recognitions for job performance. His attendance record and absence of recorded accidents failed to indicate any Fitness for Duty (FFD) concerns.

The substance of the review was discussed during May 1987 with CECO management personnel and no further action was deemed appropriate.

As a result of the December 28, 1987 NRC letter, a meeting was held at Zion Station on January 11, 1988 to address concerns regarding the mechanic. Members of the Zion Station Industrial Relations, Mechanical Maintenance Department, IBEW Local Union No. 1461 and the individual were present. During this meeting, it was agreed that the mechanic would report to CECO corporate medical offices on January 12th for a urinalysis test. This is consistent with the corporate practice for processing allegations of individual drug use. After this meeting on January 11th, unescorted access for the mechanic was suspended.

On the morning of January 12, 1988, a urine specimen was obtained from mechanic. An emit test (qualitative) was conducted. The emit test results of 24 ng/ml THC (positive) were received on January 15, 1988. On January 15, 1988, a second urine specimen was obtained from the mechanic. Toxicology testing was ordered on this specimen. On January 15, 1988, notification was received that a GC/MS test (quantitative) of the first specimen obtained on January 12, 1988 was positive for THC, confirming January 12 emit test results.

On January 18, 1988, the results of the emit test of the second sample were negative. The mechanic was referred to an employee assistance counselor for evaluation on January 18, 1988. On January 18, 1988, the Director of Corporate Security conducted a review of FBI criminal history records for information on mechanic. There were no arrests for drug related charges, nor were there any arrests which would result in denial of unescorted access.

CECo Nuclear Operations Department, taking into account recommendations from Industrial Relations, Medical and Corporate Security determined access authorization should be reinstated, provided the mechanic continued successfully with the employee assistance program (EAP), which included random drug testing. Regular EAP followings continue and periodic work record reviews are conducted.

On May 19, 1988 NRC was informed by the Zion Industrial Relations Supervisor that the quality of the mechanic's work on safety related systems had been reviewed for the period February 1987 to February 1988. Nothing unusual was identified as a result of the review.

NRC review of this matter found licensee actions appropriate, timely and in accordance with the licensee's FFD program.

The allegor retracted the allegation regarding the mechanic supplying a controlled substance to Officer B. On January 15, 1988, the allegor stated that the mechanic was only present when B allegedly used the substance.

Conclusion: The allegation that the mechanic supplied Officer B with a drug in April 1987 is unsubstantiated based upon statements from Officer B and the allegor. The extent of the mechanic's drug involvement since May 1987 if any, cannot be determined. However, the licensee identified a potential problem with substance abuse and they are following their FFD program to resolve the issue.

- d. Allegation: The allegor implied that other security force members were aware of Officers B, C, and D's drug involvement and did not report the involvement thereby condoning the involvement.

Review: The licensee in their February 22, 1988 letter provided background information, actions taken to investigate the issue and their conclusions. The licensee's review of this matter disclosed the following information.

On February 4, 1988, 20 members of the Zion guard force were interviewed. The individuals were selected from all three shifts. Lieutenants, sergeants and security officers participated in the inquiry. All but two of the individuals were on-site at the time of the allegations. The officers were asked if they were aware of Officer B's drug involvement or if they knew of any officer(s) who may have been aware of B's involvement.

None of the personnel interviewed had any knowledge of B's drug involvement. In addition, many of the guards interviewed on February 4th did not believe the allegation against Officers C and D. Also, none of the guards interviewed were aware of drug use by Officers C or D.

Additional interview results relevant to the allegation were obtained on January 27, 1988 during promotion interviews at Zion when candidates were asked if they would report fellow officers for suspected drug involvement. All 13 promotion candidates interviewed stated that Pinkerton employees would report any fellow officer they knew was using drugs, and that they had not observed any drug use or the effect of drugs.

Of the 13 participating in the promotion interviews, three were also interviewed on February 4, 1988. The number of Pinkerton personnel questioned in the inquiry and promotion interviews was 30. Each one of the employees indicated that drug use would not be condoned by management and/or union members, but rather would be reported.

Officers were also asked if the past events at Zion Station surrounding these allegations would discourage them from reporting any suspected drug use by officers. All members interviewed responded they would not be discouraged or reluctant to report suspected drug use by officers or others.

The licensee buttressed their interview findings with relevant data from CPP/Pinkerton's FFD urinalysis testing program. Each month the same percentage of the security force is randomly selected for a drug screen. The total number of drug tests on Pinkerton employees conducted on-site since the beginning of the contract (July 19, 1986) was 223, which included:

Annual Physical Drugs Screens:	92
Pre-employment Physicals:	41
Random Tests:	<u>90</u>

According to off-site Pinkerton management, all Pinkerton Zion site employees have had at least one random drug test. Since the implementation of the drug testing program by Pinkerton at Zion, only two Pinkerton employees have tested positive. One individual was tested on October 8, 1986; the other tested on October 13, 1986. Both individuals were immediately terminated.

The licensee's investigative results which were based on interviews and FFD testing data indicated that the condoning of drug involvement by the security force did not occur.

NRC reviewed the licensee's results and conclusions. They were consistent with information NRC had developed independently during a routine security inspection conducted at Zion Station on November 16-20, 1987. Actions on-site following the May 1987 drug involvement allegations were the major focus of NRC inspection effort. NRC contacted over 50% of the security force in either an interview setting or informal environment where frank discussions could freely take place. The security officers indicated that they were not aware of any individuals at the Zion Site who used illicit drugs on or off-site. They all stated that they would report any actual or suspected drug use or security violation.

Conclusion: Security force condoning drug involvement was unsubstantiated.

- e. Allegation: The alleged was harassed for reporting alleged drug involvement by management and/or management condoned the harassment of the alleged.

Review: In the alleged's November 24, 1987 contact with Region III he alluded that the alleged was harassed because of reporting the alleged drug involvement of an officer who was related to the CPP/Pinkerton Zion Site supervisor. In the alleged's undated complaint to DOL, the alleged presented specific examples of site management participating in the harassment of the alleged and Officer A, such as the wearing of T-shirts with a derogatory logo. The alleged made other assertions which implied management participation but the assertions were based on hearsay and personal beliefs.

These concerns were forwarded to the licensee for their action. The results of their investigation were included in their February 22, 1988 response and are described below.

The licensee determined that Pinkerton off-site and on-site managers did not, at any time, condone harassment or threats directed at the alleged and/or Officer A and took appropriate action to eliminate these activities.

During the Officer B case, the alleged and Officer A's confidentiality of the allegation was compromised on May 11th, when the alleged left his report unattended while being relieved by another guard.

On May 21, 1987, the Zion Site Supervisor met with all on-site Pinkerton management personnel and supervisors to inform them of the status of the Officer B investigation. This meeting was held to quell the rumors surrounding Officer B's resignation. The Supervisors were informed that the alleged was correct to inform management of the Officer B drug allegation and all supervisors were required to report any drug allegations. It was emphasized that Pinkerton would not tolerate harassment of the alleged or any employee who reports drug allegations.

On June 8, 1987, the Site Supervisor and the Operations Manager held meetings with all security personnel. Warnings were given to cease the false accusations, graffiti, alleged harassment and vandalism.

On June 14, 1987, Officer A was transferred from the day shift to midnights at the officer's request. The transfer was effected to relieve tensions between Officer A and other day shift personnel. Although Pinkerton showed no official documentation of harassment against Officer A during this time, the request for shift transfer was granted because of distractions occurring on shift due to the allegations.

On July 2, 1987, some plant workers wore T-shirts with a derogatory logo which related to Officer A's allegations. Officer A complained to Pinkerton's Site Supervisor. In response, on July 2, 1987 the Site Supervisor posted a letter stating that the wearing of such apparel was considered a violation of policy and violators would be subject to disciplinary action. Furthermore, the Site Supervisor informed Pinkerton personnel to discontinue wearing the T-shirts. Subsequently, the practice ceased.

The Pinkerton Site Supervisor attended a party which was held to celebrate the return to work of Officers C and D. Pinkerton off-site management felt this was an error in good judgement on the part of the Site Supervisor. The Site Supervisor was disciplined.

There are no reports to associate any Pinkerton management personnel with harassment activities.

As the complaints, accusations and reports of vandalism were received by on-site Pinkerton management, those that could be documented were investigated and determined to be unfounded. Employees experiencing vandalism and damage to property were referred to local law enforcement agencies (LLEA) since these actions occurred off site. The twelve reports filed by Officer A could not be substantiated. Only one report was filed by the alleged and it was unsubstantiated. Conversely, two guard force members, Officers C and D, claimed the alleged made death threats against them which prompted Pinkerton to have the alleged participate in a psychological evaluation.

Finally, the Pinkerton Site Supervisor contacted both on-site union representatives and off-site union leaders to solicit their assistance and support in re-establishing a better work environment.

The licensee noted that the incidents of harassment, vandalism and rumor ended in November when the alleged's employment was terminated.

The NRC reviewed the licensee's conclusion and the basis for their conclusion. The NRC found that their response was consistent with information that was previously brought to Region III's attention. The SSA furnished the Region III Safeguards Section with monthly updates on the dissension within the security force and licensee and CPP/Pinkerton management efforts to resolve the conflict.

Some supervisory personnel allowed their personal feelings regarding the alleged and Officer A to influence their professional judgement, i.e., the wearing of T-shirts by a lieutenant. There were no indications, however, that management allowed their personal feelings to interfere with their professional dealings with the alleged. Interview results indicated that there was a tendency by management to be more accommodating towards the alleged and Officer A due to a fear that adverse actions, if warranted, could be perceived as harassment of the alleged and Officer A.

The NRC determined that CPP/Pinkerton management did not condone or participate in the harassment of the alleged based on the results of interviews conducted on-site November 16-20, 1987 and March 4, 1988. A review of Zion security incident reports supported the licensee's claims. Furthermore, any substantiated management harassment against the alleged would have resulted in disciplinary action against the responsible individual. This fact was substantiated by the organizational meetings conducted by management in support of the alleged's actions. Policies were implemented such as the addendum to the Employee Illicit Drug Use - Policy Statement which became effective July 2, 1987 which prohibited harassment and related acts from being perpetrated against an alleged.

Conclusion: The allegation that CPP/Pinkerton management condoned the harassment of the alleged was unsubstantiated. Although some supervisory personnel did engage in harassment (wearing T-shirts with a derogatory logo), this was an isolated act which was corrected immediately by management. The NRC determined that management initiated appropriate and reasonable actions to eliminate the harassment and dissension within the security force.

- f. Allegation: The alleged's employment termination was related to reports of alleged drug use within the security organization.

Review: The alleged indicated in his November 24, 1987 contact with Region III that the alleged's employment had been terminated without appropriate justification. The alleged further stated that his employment record was excellent. The alleged stated that the alleged was disciplined unfairly and severely while others who had committed similar offenses had been treated differently.

The licensee reviewed the allegation and their response follows.

The disciplinary action taken against the alleged was consistent with the disciplinary code. The alleged's record showed a previous one day suspension for abuse of a vehicle and a subsequent vehicle accident.

The alleged also had a written warning for failing to properly complete a log entry while serving as a CAS/SAS operator.

Pinkerton's written policy states two suspensions or two written warnings and one suspension within a six month period justify termination.

Finally, the alleged's improper entry to an administratively controlled security area in direct violation of security procedures and after a verbal warning from another security officer, alone was serious enough to cause his termination. The licensee noted that after the last incident occurred, the alleged contacted a security officer at home to discourage the officer from properly reporting the alleged's violation of security procedures.

The licensee also determined that other employees have been treated in the same manner. Records reviews showed that similar violations of off-site and on-site policies have resulted in termination of other Pinkerton employees.

The licensee stated that Pinkerton handled the alleged as they would any other employee. The alleged had been warned repeatedly about his behavior which was recorded in his personnel record. The alleged was counseled on several occasions by on-site and off-site Pinkerton management.

The Department of Labor investigated this matter and in a letter to the alleged dated January 11, 1988 affirmed Pinkerton's decision.

The NRC reviewed the licensee's response and determined that it was consistent with the Region's prior knowledge of the alleged's performance. Prior to arrival on site for the NRC's November 16-20, 1987 inspection, the NRC had been informed of the alleged's suspension for violating a security procedure. The SSA conducted a 30 minute interview with the alleged November 19, 1987 explaining the reason for his employment termination.

During the inspection, the NRC conducted formal and informal interviews with approximately 50% of the assigned personnel and no individual indicated that the alleged had been unfairly disciplined. The officers interviewed during the November 1987 inspection included some of those personnel who had signed a September 3, 1987 document attesting to the alleged's professional competence and trustworthiness.

The inspector also reviewed the security event report concerning the alleged's security violation which occurred on November 12, 1987. The statements indicate that the alleged deliberately violated the procedure after being verbally warned by another security officer. There was also physical contact between the security officer and the alleged. Several of the individuals who witnessed the event and then documented their observations in signed statements had also attested to the alleged's excellent performance in the September 3, 1987 document. There is no reason to doubt the veracity or the objectivity of statements which described the November 12 incident.

Conclusion: The alleged's employment was terminated for violating a company policy in conjunction with his past poor performance, therefore the allegation is unsubstantiated.

- g. Based on Region III's analysis of the alleged's accusations, the NRC identified a need to assess the Zion Station security force's performance to insure that the internal dissension had not degraded their effectiveness.

The NRC requested that the licensee review the impact of internal turmoil on the security force's ability to accomplish their mission. The NRC requested that their assessment address whether security officers would continue to report suspected and actual security and drug violations after the turmoil created by the alleged and Officer A's reports.

The licensee concluded that the results of their investigation confirmed there was no deleterious effect to the security of Zion Station nor was the safety of the plant or the public affected.

The NRC agreed with the licensee's conclusions. Since the NRC was first notified of guard force dissension in June 1987, Region III closely monitored the situation. Region III was concerned that the turmoil would have a detrimental effect on security force performance. The associated distraction could result in problems.

The SSA kept Region III informed and the senior and resident inspectors were also requested to monitor the security force performance for signs of deterioration. Although the dissension continued into November 1987, there were no indications that security force performance was declining.

During the scheduled November 16-20, 1987 security inspection, the inspector focused on security force performance. The inspector interviewed personnel, reviewed records and reports and conducted performance testing of the security equipment. The inspection report indicated the security performance was excellent. The short term effect of the security force tension was increased individual attention to detail because most of the security officers felt that someone was looking over their shoulders. The internal security force dissension had no deleterious impact on the security force performance.