

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Nuclear Management Company, LLC (EA-03-105)
Kewaunee Nuclear Plant
Docket No. 050-00305

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$60,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$60,000 will be issued on or about December 30, 2003 to Nuclear Management Company, LLC, (NMC) as a result of an investigation at Kewaunee Nuclear Plant. The action is based on a Severity Level III violation involving the willful failure of a contractor supervisor to send an employee to for-cause Fitness-for-Duty testing when he was aware of the employee's reputed alcohol problem and detected the possible odor of alcohol on the employee's breath.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$60,000 is considered for a Severity Level III violation. Because this was a willful violation, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy." The NRC recognizes that NMC performed several investigations to resolve the matter. Nevertheless, it was an allegation to the NRC, and not independent action by NMC, that identified the violation. Therefore, credit is not warranted for the *Identification* civil penalty adjustment factor. The NRC determined that credit was warranted for the *Corrective Action* civil penalty adjustment factor. Corrective actions consisted of, but were not limited to: (1) coaching and counseling the contractor supervisor; (2) reminding all employees of the appropriate actions if an employee is suspected of being unfit for duty; (3) modifying FFD procedures; and (4) improving employee FFD training. Therefore, the staff is proposing imposition of a base civil penalty in the amount of \$60,000.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	December 30, 2003
Telephone Notification of Licensee	December 30, 2003

The State of Wisconsin will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: Jennifer Dixon-Herrity, OE, 415-1980; James Luehman, OE, 415-2741

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**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**