

~~SENSITIVE ALLEGATION MATERIAL~~

NEW ALLEGATION: RIII-2004-A-0048

April 30, 2004

MEMORANDUM TO: Pat Loudon, Chief, Reactor Branch 7, DRP

FROM: Jim Heller, OAC, RIII

SUBJECT: **RECEIPT OF NEW ALLEGATION: RIII-2004-A-0048 (Pt. Beach)**

On April 13, 2004, the NRC received a letter from anonymous individual. Your staff has reviewed the letter and established evaluation plan.

I have scheduled an Allegation Review Board(ARB) on Monday, May 10, 2004. Please review the attached information to prepare for the ARB.

cc w/attachments:

ARB Copy

Paul, OI

Hane, OI

Kryk, OI

Ulie, OI

Berson, RC

Pederson, DRS

Loudon, DRP

Kunowski, DRP

RIIIDRS_ADMIN

RIIIDRP_ADMIN

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ALLEGATION ACTION PLAN

AMS NO. RIII-2004-A-0048

Licensee: Point Beach
Docket/License No: 050-00266/301
Assigned Division/Branch: DRS/Plant Support Branch

Allegation Review Board Membership: Chairman -Grant/ Pederson/ Grobe

Paul/ Berson/ Heller/ Lambert/ Clayton Dapas/ Caniano/ Reynolds
Riemer

GENERIC CONCERNS: If Yes Explain: _____

DISCUSSION OF SAFETY SIGNIFICANCE: No immediate threat to public health safety

OI ACCEPTANCE: YES NO (Priority: HIGH NORMAL LOW)

Basis for OI Priority: _____

OI has Accepted Concern(s) No(s). _____ Signature _____

ARB MINUTES PROVIDED TO: Caldwell/Berson/Riemer

ACKNOWLEDGMENT LETTER: PRINT IN FINAL _____ REVISE _____ N/A X

REFERRAL LETTER: A. Licensee YES _____ NO _____
B. State of YES _____ NO _____
C. DOE YES _____ NO _____

date received	April 13, 2004	due date of 1 st ARB	May 13, 2004
due date of ACK Ltr	May 13, 2004	date -90 days old	July 12, 2004
date -120 days old	August 11, 2004	date -150 day old	September 10, 2004
date -180 days old	October 10, 2004	date -365 days old	April 13, 2005
projected date for the 5 yr statue of limitation			April 12, 2009

COMMENTS:

Anonymous

Allegation Review Board Chairman

Date

AMS No. RIII-04-A-0048

Each stated concern or NRC identified issue should be documented on a separate sheet. Each concern must be documented and written with enough detail to allow thorough follow up.

Concern No. 1: An individual is concerned that the licensee's over-emphasis on backlog reduction and arbitrary "Excellence Plan" items significantly reduces the plant staff's ability to identify, evaluate, and resolve issues.

Regulatory Basis: Appendix B of 10 CFR Part 50

I. Action Evaluation: The following method of resolution is recommended (circle):

- A. Send to Licensee Requesting Response in _____ Days. (Describe the general areas we expect the licensee to address.)
- B. Priority RIII Follow up and Closure Memo to OAC
- C. Follow up During Routine Inspection Within _____ Days and Closure Memo to OAC
- D. Refer to OI. Recommended Priority: HIGH NORMAL LOW
Recommended Basis:
- E. Outside NRC's Jurisdiction. Describe Basis Below.
- F. Too General for Follow-up. Describe Basis Below.
- G. Other (specify) -

Responsible for Action - _____

II. Special Considerations/Instructions:

Basis: Without specific examples, a large number of NRC resources would be required to address this concern. The reference to backlog reduction is ambiguous: it could refer to a backlog in the corrective action program, a backlog in corrective or preventive maintenance, or a backlog in modifications, or procedure or calculation revisions.

The licensee's development and implementation of its Excellence Plan, in general, have been discussed with and reviewed by NRC inspectors and managers, particularly as part of the 95003 supplemental inspection and at public meetings. The priorities assigned to the Excellence Plan items have been set by the licensee and the items have been incorporated into the site's corrective action program, which has also been discussed with and reviewed by NRC inspectors and managers. The Excellence Plan and corrective action program have been found by the NRC to be acceptable.

AMS No. RIII-2004-A-0048

Each stated concern or NRC identified issue should be documented on a separate sheet. Each concern must be documented and written with enough detail to allow thorough follow up.

Concern No. 2: An individual is concerned that a widespread "chilling effect" exists at the plant in that, in fear of retaliation: a) workers do not perform thorough evaluations of corrective actions because of a negative perception associated with asking for a due date extension, and b) workers do not admit to or report personal errors. A consequence of this, is that the corrective action program is not being used and, as a result, is not effective.

Regulatory Basis: Appendix B of 10 CFR Part 50 and chilling effect

I. Action Evaluation: The following method of resolution is recommended (circle):

- A. Send to Licensee Requesting Response in _____ Days. (Describe the general areas we expect the licensee to address.)
- B. Priority RIII Follow up and Closure Memo to OAC
- C. Follow up During Routine Inspection Within _____ Days and Closure Memo to OAC
- D. Refer to OI. Recommended Priority: HIGH NORMAL LOW
Recommended Basis:
- E. Outside NRC's Jurisdiction. Describe Basis Below.
- F. **Too General for Follow-up. Describe Basis Below.**
- G. Other (specify) -

Responsible for Action - _____

II. Special Considerations/Instructions:

Basis: Without specific examples, a large number of NRC resources would be required to address this concern. The licensee's corrective action program was reviewed by the NRC during the Inspection Procedure 95003 supplemental inspection. This review included an assessment of the thoroughness of selected evaluations and the willingness of plant staff to identify issues. In general, the corrective action program was found to be adequate. The effectiveness of the corrective action program is also reviewed as part of the resident inspectors' routine inspection efforts.