

Allegation No.: RI-99-A-~~0096~~ 0114  
Site: Salem/Hope Creek  
Panel Date: 10/14/99

Branch Chief (AOC): Meyer  
Acknowledged: Yes  
Confidentiality Granted: No

Issue discussed: 1) Additional information received regarding allegation RI-99-A-0096, specifically that [redacted] was relocated from Artificial Island to the PSEG Training Center in early July, possibly as a result of being picked up for Driving Under the Influence (DUI) in [redacted]. The allegor feels that additional NRC review of this concern is needed.

7C

Alleger contacted prior to referral to licensee (if applicable)? N/A

**ALLEGATION PANEL DECISIONS** (Previous Allegation Panels on issue: Yes)

Attendees: Chair - Crlenjak Branch Chief(AOC) - Meyer SAC - Minnick  
OI Rep. - Monroe, Anderson RI Counsel - Fewell Others - Barkley, D'Antonio, Walker

**DISPOSITION ACTIONS:** (State actions required for closure (including special concurrences), responsible person, ECD and expected closure documentation) NOTE: If filling out electronically, use a larger, bold font to aid individuals in reading this material.

Assign a new allegation # RI-99-A-0114.

- 1) OI to contact the appropriate New Jersey and Delaware law enforcement officials to determine whether they have any record of a recent DUI case against [redacted]. OI to promptly report their findings to DRS (Security) and to Dave Vito to evaluate the need for further action. Include possible phone call to the allegor.

Responsible Person: Letts ECD: 10/22/99  
 Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

- 2) Based on the findings of the OI repanel to decide if we should refer issue to PSEG senior management for their investigation and response. A designated Region I senior manager will be assigned to formally refer the allegation to PSEG senior management after it is prepared for transmittal. If there are clear indications of an unreported DUI, then OI will also initiate a case in this matter.

Responsible Person: Barkley ECD: TBD  
 Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

- 3) Acknowledgement letter (RI-99-A-0114) - describing our additional actions and findings in this matter as a result of the supplemental information provided.

Responsible Person: Vito (Fewell to concur) ECD: 11/4/99  
 Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

Safety Significance Assessment: Given the additional information provided in this matter, this issue is considered significant as it involves a potential willful violation of NRC security regulations by a senior licensee manager.

Priority of OI Investigation: High - Assist to Inspection 1-99-030A

Rationale used to defer OI: \_\_\_\_\_

Information: If potential discrimination or wrongdoing and OI is not opening a case, rationale is: in accordance with the Freedom of Information Act, exemption 7C

Act, exemption 7C  
FOIA- 2004-214 **ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB**

25-12

NOTE: include reasons for any referral to licensee, and identify any potentially generic allegations)

Issue may be referred to the licensee as the senior manager in question is required to report such a DUI arrest to the licensee's security organization. It is the licensee's responsibility to determine whether [redacted] will continue to be granted unescorted access to the Salem/Hope Creek facility. Moreover, as a PSEG employee, [redacted] will ultimately be subject to the disciplinary policies of the licensee as well as any possible enforcement action undertaken by the NRC.

ARB Quick Reference Information:

Issue not to be referred to licensee

*Also, issue had been discussed preliminarily or 10/12/99 (Meyer, Letts, Barkley, M. Anderson, Fewell) I b was more or less concluded at that time that I would open an assist to obtain more info on the matter*

A. Region 1 should refer as many allegations as possible to the licensee for action and response unless any of the following factors apply:

- Information cannot be released in sufficient detail to the licensee without compromising the identity of the alleged or confidential source (unless the alleged has no objection to his or her name being released).
- The licensee could compromise an investigation or inspection because of knowledge gained from the referral.
- The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.
- The basis of the allegation is information received from a Federal agency that does not approve of the information being released in a referral.

Even if the above conditions exist, Region 1 shall refer the substance of the allegation to the licensee regardless of any factor if the allegation raises an overriding safety issue, using the guidance in Management Directive 8.8.

#### Factors to Consider Prior to Referral to a Licensee

In determining whether to refer eligible allegations to a licensee, The Region 1 Allegation Panel shall consider the following:

- Could the release of information bring harm to the alleged or confidential source?
- Has the alleged or confidential source voiced objections to the release of the allegation to the licensee?
- What is the licensee's history of allegations against it and past record in dealing with allegations, including the likelihood that the licensee will effectively investigate, document, and resolve the allegation?
- Has the alleged or confidential source already taken this concern to the licensee with unsatisfactory results? If the answer is "yes," the concern is within NRC's jurisdiction, and the alleged objects to the referral, the concerns should normally not be referred to the licensee.
- Are resources to investigate available within the region?