

7 RIII

From: James Heller
To: James Cameron; Kunowski, Michael; Loudon, Patrick
Date: 6/7/04 2:52PM
Subject: point beach RIII-2004-A-0061 concern 2 - what are we going to due

the 5/14/04 arb tabled concern 2 of RIII - 2004-A-0061 until the other scwe concerns of RIII - 2004-A-0051 and 52 were ARB'd.

Was it your intent to included concern 2 of RIII - 2004-A-0061 with the scwe inspections for the SCWE concerns of RIII - 2004-A-0051 and 52.

jim

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA-2004-0282

BB-5

Mail Envelope Properties (40C4C796.C8C : 2 : 24444)

Subject: point beach RIII-2004-A-0061 concern 2 - what are we going to due
Creation Date: 6/7/04 2:52PM
From: James Heller

Created By: JKH@nrc.gov

| Recipients | Action | Date & Time |
|----------------------|-----------|------------------|
| ch_po.CH_DO | Delivered | 06/07/04 02:52PM |
| JLC (Jamnes Cameron) | Opened | 06/07/04 02:56PM |

| | | |
|-------------------------|-----------|------------------|
| nrc.gov | | |
| ch_po.CH_DO | Delivered | 06/07/04 02:53PM |
| MAK3 (Michael Kunowski) | Opened | 06/08/04 06:57AM |
| PLL (Patrick Louden) | Opened | 06/08/04 06:25AM |

| Post Office | Delivered | Route |
|-------------|------------------|---------|
| ch_po.CH_DO | 06/07/04 02:52PM | |
| ch_po.CH_DO | 06/07/04 02:53PM | nrc.gov |

| Files | Size | Date & Time |
|---------------------|-------|------------------|
| 040061 1st ARB .wpd | 62155 | 05/14/04 03:04PM |
| MESSAGE | 950 | 06/07/04 02:52PM |

Options

| | |
|-----------------------------|----------|
| Auto Delete: | No |
| Expiration Date: | None |
| Notify Recipients: | Yes |
| Priority: | Standard |
| Reply Requested: | No |
| Return Notification: | None |

| | |
|---------------------------|----------|
| Concealed Subject: | No |
| Security: | Standard |

| | |
|-------------------------|--------------------|
| To Be Delivered: | Immediate |
| Status Tracking: | Delivered & Opened |

ALLEGATION ACTION PLAN

AMS NO. RIII-2004-A-0061

Licensee: Point Beach
Docket/License No: 050-00266/301
Assigned Division/Branch: RPB 7

Allegation Review Board Membership:

Reynolds/ Ulie/ Berson/ Heller/ Clayton/ Cameron/ Morris by phone

GENERIC CONCERNS: If Yes Explain: _____

DISCUSSION OF SAFETY SIGNIFICANCE: No immediate threat to public health safety because no example of fatigued related problems have been identified; However the concerns indicate that the problems is ongoing

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/Louden

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

Hold the acknowledgment letter until the arb for concern 2 is conducted

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

| | | | |
|--|--------------------|---------------------------------|------------------|
| date received | May 14, 2004 | due date of 1 st ARB | June 13, 2004 |
| due date of ACK Ltr | June 13, 2004 | date -90 days old | August 12, 2004 |
| date -120 days old | September 11, 2004 | date -150 day old | October 11, 2004 |
| date -180 days old | November 10, 2004 | date -365 days old | May 14, 2005 |
| projected date for the 5 yr statue of limitation | | | May 13, 2009 |

COMMENTS:

The individual (1) did not want his/her name released and (2) does not want the concerned referred to licensee

Allegation Review Board Chairman

Date

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 supervisors and maintenance crews are working beyond the 72 hours allowed and becoming tired enough that they are making mistakes. The individual stated that the supervisors and crews in the mechanical and electrical maintenance department have been charging excessive hours to turnover to avoid the need for a waiver or writing a CAP when the working hour limits was exceeded,

Regulatory Basis: overtime guidelines

- 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 90 Days and Closure Memo to OAC due August 12, 2004**
 - 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.
 - 1. Other (Specify) -

Responsible for Action - RPB 7 Branch

AMS No. RIII-2004-A-0061

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 about being fired for talking to the NRC but came to the NRC because of his/her concern for safe work practices. The CI stated that s/he was afraid to go to management and the ECP coordinator because s/he believed that people who raise concerns are marked for termination. The CI stated that xxxxxxxx was fired because of the hot leg vent incident but xxxxxxxx had previously been marked for dismissal after raising dry cask storage concerns.

Regulatory Basis: Chilled work environment

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.
- 2. Other (Specify) -

Responsible for Action - RPB 7 Branch

II. Special Considerations/Instructions:

Sensitive Allegation Material

From: Brent Clayton
To: JimH; Ken; OAC3
Date: 5/14/04 11:05AM
Subject: Fwd: Point Beach Concern

New allegation sent by Mike Morris.

From: R. Michael Morris
To: Clayton, Brent
Date: 5/14/04 11:03AM
Subject: Point Beach Concern

Attached is the information I received today for a member of the Point Beach staff.

R. Michael Morris

| ALLEGATION RECEIPT FORM | |
|--|----------------------------|
| <i>Please email the following information to OAC3, JKH, and ALK.</i> | |
| Received By: R. Michael Morris | Receipt Date: May 14, 2004 |
| Receipt Method (meeting, phone call, letter) | Meeting |
| FACILITY | |
| Facility Name | Point Beach Nuclear Plant |
| Location | Two Rivers, WI. |
| Docket(s) | 266/301 |
| CONCERN Records of conversations for receipt of allegations should contain the following information as a minimum. Obtain as many concern specifics as possible. | |
| 1. What is the concern? The CI reported that the hours that the supervisors and maintenance crew are working are beyond the 72 hours allowed. The CI indicated that the supervisors and crews in mechanical and electrical maintenance have been charging excessive hours to turnover to avoid having to get a waiver and write a CAP documenting the actual hours worked. The CI is concerned that the workforce is becoming tired enough that they are making mistakes. The CI also stated that s/he came to the NRC only because his concern for safe work practices was greater than his concern about being fired for talking to the NRC. The CI stated that the hours on the supervisor time sheets and the time they arrive and leave through the security gates will not match. The CI was afraid to go to management and the ECP coordinator because s/he believes that people who raise concerns are marked for termination. s/he stated that [redacted] was an example in that he was fired because of the hot leg vent incident but had been marked for raising concerns about the dry storage casts while at Palisades earlier. | |
| 2. When did the concern occur? The abuse of hours has been going on since September 2003. The chilling environment has been going on since November of 2003. | |
| 3. Is this an ongoing concern? This is currently a safety concern because of the continuation of the outage. | |
| 4. Who was involved? | |

7c

Sensitive Allegation Material

The CI stated his concern for the mechanical and electrical maintenance groups, but it is going on throughout the site.

5. Were there any witnesses?

[redacted] have expressed the same concerns to the CI.

6. What is the potential safety impact?

This could be a chilling environment and a safety impact from mistakes by tired workers.

7. Ask the CI what requirement/regulation does the individual believe governs this concern? (If the CI does not have this information, please document this response. If the CI does not provide this information and the individual receiving the allegation can obtain the information within the 3 day deadline for forwarding the information to EICS, the information should be provided by the NRC staff member)

The response to GL 82-12

8. Ask the CI what records should the NRC review?

The CI indicated that the NRC should review the time cards for the crews and the reported time for the supervisors and other exempt personnel against the times people arrived and left the site. Also review the hours charged to turnover.

9. Ask the CI what other individuals could the NRC contact for information?

[redacted] and any of the electrical and mechanical maintenance personnel.

10. How did the individual find out about the concern?

The CI is part of the group.

11. Was the concern brought to management's attention? If so, what actions have been taken; if not, why not?

Yes, there has been no action by management. Reason is unknown.

12. Was a condition report (or other corrective action document) initiated in response to the issue? If so, what was the resolution?

No a CAP has not been written. CI is now afraid that s/he will be marked for termination.

13. Is the individual satisfied with the licensee's response? If not, why?

No, people are making mistakes because they are tired and hours have not been reduced.

14. If the licensee has not responded, does the individual wish to wait on the licensee's response before NRC pursues the issue? If not, why? No, the CI does not believe there will be anymore response from management.

16. What does the individual believe NRC should do in regard to this concern?

Verify the hours worked against the hours reported and evaluate the chilling environment.

ALLEGOR INFORMATION

| | | | |
|---|--------------------------------------|--|--------------------|
| Full Name | xxxxxxxxxx | Employer | xxxxxxxxxxxxxxxxxx |
| Mailing Address (Home) | xxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxx | Occupation | xxxxxxxxxxxxxxxxxx |
| Telephone | xxxxxxxxxxxxxxxxxx | Relationship to facility | xxxxxxxxxxxxxxxxxx |
| Preference for method and time of contact | Call home in the evening | Was the individual advised of limitations on identity protection | Yes |

Referral Explain that if the concerns are referred to the licensee, that the NRC will review and evaluate the thoroughness and adequacy of the licensee's response. If the concerns are an agreement state issue or the jurisdiction of another agency, explain that we will refer the concern to the appropriate agency. If the CI agrees, we will provide the CI's identity for followup by the agreement state or other agency.

Sensitive Allegation Material

| | |
|--|--|
| Does the individual object to referral? YES | Does the individual object to releasing their identity? YES |
| If the issue involves another agency, does the individual object to referral to the agency and release of identity to that agency? NO | Was the individual informed that objecting to referral to another agency might impact review of the concern? YES |
| Discrimination Regulations prohibit NRC licensees (including contractors and subcontractors) from discriminating against individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices made unlawful by statutes, etc.). | |
| 1. Does the concern involve discrimination? If so, was the CI informed that identity will be released during an investigation? NO | 2. Was the individual advised of the DOL process and the 180 day restriction on filing? YES |
| 3. What adverse actions have been taken? When? N/A | |
| 4. Why does the individual believe the actions were taken as a result of engaging in a protected activity? N/A | |
| 5. What does the individual believe was the protected activity? N/A | |
| <p align="center"><u>What safety issues did the individual raise? When? (DOCUMENT ABOVE)</u></p> <p align="center">N/A</p> <p align="center"><u>Did you contact the NRC about these safety issues. Was/Is your management aware that you informed the NRC?</u></p> <p align="center">N/A</p> | |
| <p align="center">Provide the CI with the OAC contact information (names of OACs) and Rlll switchboard number (1-800-522-3025) Explain the allegation process (CI will receive an acknowledgment letter within 30 days and will be advised of NRC's resolution of the issue(s) via letter.)</p> | |