



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

MEMORANDUM TO: Brent Clayton, Enforcement Officer  
FROM: Patrick L. Hiland, Chief, Fuel Cycle Branch, DNMS  
SUBJECT: OI ADMINISTRATIVE CASE CLOSURE - ABB/CE  
(OI CASE NO. 3-2000-033) (AMS NO. RIII-2000-A-0148) (M02-4118)

By memorandum dated March 4, 2002, from Mr. James K. Heller of your staff, the Fuel Cycle Branch (FCB) was requested to review the case file developed by the Region III Office of Investigations (OI). The Office of Investigations has closed the case administratively because the Federal Bureau of Investigation (FBI) has primary jurisdiction and is conducting its own investigation. We were requested to review the OI documents to determine if additional resources should be expended to resolve the concern in the original allegation and to identify any unresolved technical issues or other enforceable matters based on a review of the work that was done by OI.

As noted in Mr. Heller's memorandum, Section IV.F of Management Directive 8.8 states "Items returned without a full investigation by OI may be closed by the staff when the appropriate regional administrator determines that the technical issues involved do not warrant the expenditure of additional agency resources, assuming enforcement is not warranted. These determinations should be documented by a memorandum to the allegation file."

Based on our review of the subject case file, we recommend that the allegation file be closed for the following reasons:

1. The certificatee has ceased operations at the facility. The production lines have been dismantled, and the violation in question could never happen again given the decommissioning status of the facility.
2. The FBI is doing an investigation into the tampering incident, and if the individual who committed the act is identified, the FBI intends to prosecute the case. There is no need for the NRC to also be involved in the enforcement process given that there are no licensed individuals at the facility.
3. The allegation was submitted to the NRC by the licensee. There is no CI involved in the case. Hence, the allegation file can be closed.

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According to M. Buschotz,  
our ACTS was closed  
on 3/15/02.