

SENSITIVE ALLEGATION MATERIAL

**NEW ALLEGATION: RIII-02-A-0042**

March 20, 2002

MEMORANDUM TO: James Creed, Chief, Security Branch, DRS

FROM: A. Kock, RIII - OAC

SUBJECT: RECEIPT OF NEW ALLEGATION: RIII-02-A-0042 (KEWAUNEE)

On March 11, 2002, your staff completed its review of the licensee's response to issues tracked as RIII-2001-A-0176. You identified a new concern regarding the failure to test an individual who self reported that her/his co-workers smelled alcohol on her/him. Your March 11, 2002 memorandum outlined the concern and proposed a follow up action.

I have scheduled an Allegation Review Board (ARB) for March 25, 2002. Please review the attached information to prepare for the ARB.

cc w/attachments:

ARB Copy

OI

RC

DRP Br Chief For Rx Cases

DRS Division Director For Rx Cases-Grobe

JJacobson, DRS

C-9

ALLEGATION ACTION PLAN

AMS NO. RIII-01-A-0042

Licensee: Kewanuee  
Docket/License No: 05000305  
Assigned Division/Branch: Security, DRS

Allegation Review Board Membership: Chairman Grant Pederson/ Grobe

Fahey Paul/ Berson Heller/ Kock Clayton

Dapas/ Caniano/ Reynolds

JCreed  
JJacobson

GENERIC CONCERNS: If Yes Explain: \_\_\_\_\_

DISCUSSION OF SAFETY SIGNIFICANCE: No immediate threat to public health and 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: Dyer/Paul/Creed MAIA 3/22/02

ACKNOWLEDGMENT LETTER: PRINT IN FINAL \_\_\_\_\_ REVISE \_\_\_\_\_ N/A X

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

date received	March 11, 2002	due date of 1 <sup>st</sup> ARB	April 10, 2002
due date of ACK Ltr	April 10, 2002	date -90 days old	June 9, 2002
date -120 days old	July 9, 2002	date -150 day old	August 8, 2002
date -180 days old	September 7, 2002	date -365 days old	March 11, 2003
projected date for the 5 yr statue of limitation			March 10, 2007

COMMENTS:

THIS ALLEGATION IS NRC STAFF IDENTIFIED

[Signature]  
Allegation Review Board Chairman

3/25/02  
Date

(5)

SENSITIVE ALLEGATION MATERIAL

AMS No. RIII-02-A-0042

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 The licensee did not perform a fitness for duty test on an individual who self reported that individuals smelled alcohol on her/him.

Regulatory Basis: 10 CFR 26

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

- XX A. Send to Licensee Requesting Response in 30 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.
- XY G. Other (specify) -

~~The licensee staff indicated in its response to RIII-2001-A-0176 that it was pursuing this issue. Request that the licensee provide the results of its review.~~  
 Responsible for Action - EICS

II. Special Considerations/Instructions:

~~Security review licensee investigator for willfulness.  
 NRCB if wrongdoing is indicated.~~

OI - clarify whether this issue involves the same issue as is being pursued under RIII-2001-A-0176. Transfer issue to RIII-2001-A-0176.

ie. did the individual inform the coworkers involved in RIII-2001-A-0176 that she would take a FFD test and the coworkers took no action (RIII-2001-A-0176) or did the OI report to a FFD coordinator or manager that ~~she~~ individuals smelled alcohol; was not tested, for reasons other than willfulness?  
 OI agreed to pursue this issue in RIII-2001-A-0176.  
 AKOCK