

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

Fahy
 Paul/ Berson Heller/ Kock Clayton

Dapas/ Caniano/ Reynolds

*J*Creed
 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 *MMA 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 st 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 Date *3/25/02*

(5)

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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 reviewed licensee investigator for willfulness.
 NRCB if warranted 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