

November 5, 2002

Concern #5

MEMORANDUM TO: H. Brent Clayton
Enforcement/Investigation Officer

THRU: James R. Creed
Safeguards Program Manager
Division of Reactor Safety

FROM: Terry Madeda
Physical Security Inspector
Division of Reactor Safety

SUBJECT: REVIEW LICENSEE INVESTIGATION REPORT FOR
ALLEGATION NO. RIII-02-A-0114 (KEWAUNEE) (SERIAL #22),
AITS NO. S03-2029

This responds to James Heller's memorandum dated October 21, 2002, which forwarded a copy of the subject referenced above, and requested our review to determine whether the concern(s) was substantiated, identify any unresolved technical issues, determine if there were any violations of NRC requirements identified, and determine if the licensee's response was adequately and independently performed.

Our review focused on Concern No. ¹⁵2, a "chilling effect" issue that results from an FFD concern that is currently under OI investigation.

The licensee's investigation was conducted jointly by the Kewaunee/Point Beach and Duane Arnold employee concern managers. Both individuals are independent of Kewaunee site personnel.

¹⁵
Concern 2:

An individual is concerned that action taken against employees who had raised fitness-for-duty issues created a chilled environment for raising safety-related concerns.

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*Annotations by
RD Alexander 11/26/02*

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Additional Information for Concern ⁵ 2:

The concern pertained to the chain of events associated with craft employees who were accused that they failed to report the smell of alcohol on an individual during the steam generator project. The claim of events included the belief from several craft employees that a supervisor took no action after being told about the FFD problem, that a supervisor lied during a follow-up investigation, and that craft employees who participated in the licensee's investigation were not rehired.

Review:

The investigators interviewed 12 craft employees (pipe fitters, carpenters, and laborers) currently employed by the contractor that was involved in the steam generator replacement project. The interviews were conducted fully recognizing that some of the individuals may not be the same that worked on the generator project. Inspector discussion with the licensee's allegation coordinator on October 24, 2002, determined that the investigation approach was based on the current availability of personnel that were involved in the project and current personnel to determine their reporting attitude at this time. (NOTE: Of the 12 interviewed, 2 worked onsite during the generator replacement project.)

Interview results showed that all indicated they would raise safety-related issues with their supervisor, and that working and communication activities between workers and supervisors were good. One of the interviewees recalled that approximately two years ago a worker raised a concern and a co-worker made a negative comment to the individual for bringing up the issue. The interviewee could not recall any additional information regarding the situation. However, the investigators determined that this event had no impact on the interviewee's willingness to raise safety-related issues.

Conclusion:

The investigators did not substantiate that a chilled environment existed during the generator replacement project or that a chilling environment now exists within the contractor's organization.

Our review of the concern identified no violation of NRC requirements. We also concluded that the licensee's investigation was adequate and was conducted independent from the site organization. No unresolved technical issues were identified. We recommend that the Concern No. ⁵ 2 be closed.