

January 15, 2003

MEMORANDUM TO: H. Brent Clayton
Enforcement/Investigation Officer

FROM: Cynthia D. Pederson, Director
Division of Reactor Safety

SUBJECT: OI INVESTIGATION KEWAUNEE NUCLEAR POWER PLANT:
(OI CASE NO. 3-2002-004) (AMS NO. RIII-2002-A-0114 AND
RIII-2001-A-0176), AITS NO. S03-2104

This responds to James Heller's memorandum to me dated December 18, 2002, which requested that the Security Group review the subject OI Investigation Report to determine appropriate enforcement action and to identify any unresolved technical issues. At our request, R. Alexander extended our completion date for this project to January 20, 2003.

Conclusion:

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigation, Region III, on March 25, 2002, to determine: (1) whether contract welders failed to report fitness-for-duty (FFD) concerns about their foreman; and (2) whether a contract foreman deliberately failed to self-report and submit to FFD testing during a fall outage in 2001. Additionally, on August 5, 2002, OI was requested to determine whether a contractor mechanical and civil welding superintendent deliberately provided false information to a licensee investigator relative to being told about the FFD concern involving the foreman.

Based upon the evidence developed during their investigation, OI did not substantiate concern (1) that identified contract welders had deliberately failed to report a FFD concern. Regarding concern (2), OI did not substantiate that a named foreman had deliberately failed to self-report and submit to FFD testing. Regarding the August 5, 2002, issue, OI substantiated that a named mechanical and civil welding contractor superintendent had deliberately failed to report an FFD concern. They found that the superintendent failed to report that several contractor personnel had smelled an odor of alcohol on a contract foreman, and that the superintendent also deliberately provided false information to OI and licensee investigators about being informed of the FFD concern.

We concur with OI's conclusions. Our review of OI's investigation report identified no new unresolved technical security issues. We will coordinate with the enforcement staff to prepare appropriate enforcement action, which initially could include FFD violations by both the licensee and an individual.

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