

March 25, 2003

MEMORANDUM TO: H. Brent Clayton
Enforcement/Investigator Officer

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

SUBJECT: OI INVESTIGATION KEWAUNEE (POINT BEACH) NUCLEAR
POWER PLANT: (OI CASE NO. 3-2002-020) (AMS NO.
RIII-2002-A-0114), AITS NO S03-2169

James Heller's memorandum to me dated March 13, 2003, requested that the security group review the subject OI report to determine if we agree with its conclusion based on the evidence presented, and to identify any unresolved technical issues or other enforceable matters.

The OI investigation was conducted to determine if a contract employee was discriminated against by the licensee for raising a fitness-for-duty (FFD) concern while employed at the Kewaunee Nuclear Power Plant. The individual alleged that as a result of raising a FFD concern (smell of alcohol on a supervisor) the licensee had denied site access to the individual.

Based on the evidence developed, OI did not substantiate that the contract employee was discriminated against by the licensee for raising a FFD concern. The FFD issue referenced above was identified in both AMS No. 2001-A-0176 and 2002-A-0114, and was investigated in OI Report No 3-2002-004, dated December 5, 2002. Based on the results of OI's investigation of the specific FFD concern, we are considering enforcement action against the licensee and a contractor supervisor.

We agree with OI's conclusion based on the evidence presented in the subject report. In addition, our review did not identify any unresolved or new security related enforcement issues. We recommend that the discrimination concern identified in AMS No. RIII-2002-A-0114 be closed in the Allegation Management System.

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