

SDP/EA REQUEST & STRATEGY FORM

Case Data Disputed: Related Cases: 03-106

SDP/EA No.: 03-105 Number: 1 Docket No.: 05000305

Request Date: 5/15/03 Region: III Case Type: Rx Small Entity: No Yes

Licensee: Nuclear Management Company Facility/City: Kewaunee

License No.: DPR-043 Last Day of Insp.: 3/6/03

Insp. Rpt No.: 3-3003-004 Keywords: 090100 ES: JLD

Facts (EATS): A second line supervisor failed to follow through on reported FFD concerns

Discussion (if required): Deliberate violation of 10 CFR 26.20 for failure to require testing for a reported FFD concern for a foreman

SDP No Yes

Assessment: Green White Yellow Red NOV Yes No

Wrongdoing No Yes

OI Ref. Date: 3/25/2002 OI Rpt. No.: 3-2002-004* below OI Rpt Date: 11/29/02

DOJ Referral? No Yes Ref. Date: 11/21/02 Action Date: 11/21/02 Decline Accept

Additional OI Status: OI Investigating OI needs to be notified O/OE dispute memo needed

Additional coordination needed Awaiting DOJ Needs coordination with DOJ

Escalated Action

Consequence: Actual Potential Reg. Impact Willfulness

Prior Esc. Action? No Yes EA: _____ Date: _____

ID Credit? No Yes TBD SL:

CA Credit? No Yes TBD Supp:

CP? No CP Base Double Base Other: _____

Discretion or Order? No Yes Explain: _____

Future Action

Conference? No Yes Open Closed Additional: _____

Action? No Violation Re-panel PEC Letter Choice Letter Choice Call SL IV NOV Re-caucus

Region Issue Esc. Action Full Package Review by HQ DEDR Review Commission Disagreement NCV

Other Action? _____

Participants: Region C. Pederson, J. Creed, T. Madeda, J. Belanger, T. Vogel, J. Cameron, R. Paul, C. Weil, B. Clayton

OE J. Dixon-Herrity OGC/OI M. Fahey, G. Longo

Program Office M. Livingston, A. Sapountzis, C. Nolan Other

Remarks/Comments/Lessons Learned: OI report found that individual, a general foreman, deliberately failed to take action after two individuals reported the odor of alcohol on a foreman. The call was made based on the two welders report that the incident had happened backed by the statement from three other foreman that the individual had told them after the fact that the welders had come to him. The individual told both the licensee and OI that the incident had never occurred. There is a need with this case to question the existence of a chilled environment as a result of the two welders being laid off for not reporting the FFD concern.

*Note: Second OI report: 03-2002-020, dated 2/28/03. Inspection date based on date of OI report transmittal letter.

Approved, Dir. OE: /RA-JGL/
Date: 05/20/2003

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