

**SDP/EA REQUEST & STRATEGY FORM**

<b>Case Data</b>		Disputed: <input type="checkbox"/>	Related Cases: 03-106
SDP/EA No.: 03-105	Number: 2	Docket No.: 05000305	
Request Date: 10/3/03	Region: III	Case Type: Rx	Small Entity: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Licensee: Nuclear Management Company	Facility / City: Kewaunee		
License No.: DPR-043	Last Day of Insp.: 3/5/03		
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

<b>SDP</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Assessment:	<input type="checkbox"/> [Redacted] <input type="checkbox"/> White <input type="checkbox"/> Yellow <input type="checkbox"/> [Redacted] NOV <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Wrongdoing</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
OI Ref. Date: 3/25/2002	OI Rpt. No.: 3-2002-004 below	OI Rpt Date: 11/29/02		
DOJ Referral?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	Ref. Date: 11/21/02	Action Date: 11/21/02	<input checked="" type="checkbox"/> Decline <input type="checkbox"/> Accept
Additional OI Status	<input type="checkbox"/> OI Investigating	<input type="checkbox"/> OI needs to be notified	<input type="checkbox"/> OI/OE dispute memo needed	<input type="checkbox"/> Needs coordination with DOJ
	<input type="checkbox"/> Additional coordination needed	<input type="checkbox"/> Awaiting DOJ		

<b>Escalated Action</b>		
Consequence: <input type="checkbox"/> Actual <input type="checkbox"/> Potential <input type="checkbox"/> Reg. Impact <input checked="" type="checkbox"/> Willfulness		
Prior Esc. Action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	EA: _____	Date: _____
ID Credit? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> TBD	SL: III
CA Credit? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> TBD	Supp: VII
CP? <input type="checkbox"/> No CP <input checked="" type="checkbox"/> Base <input type="checkbox"/> Double Base <input type="checkbox"/> Other: _____		

<b>Discretion or Order?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Explain: _____
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<b>Future Action</b>	
Conference? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Open <input type="checkbox"/> Closed	Additional: 7/16/2003
Action? <input type="checkbox"/> No Violation <input type="checkbox"/> Re-panel <input type="checkbox"/> PEC Letter <input type="checkbox"/> Choice Letter <input type="checkbox"/> Choice Call <input type="checkbox"/> SL IV NOV <input type="checkbox"/> Re-caucus	<input type="checkbox"/> Region Issue Esc. Action <input checked="" type="checkbox"/> Full Package Review by HQ <input type="checkbox"/> DEDR Review <input type="checkbox"/> Commission <input type="checkbox"/> Disagreement <input type="checkbox"/> NCV
Other Action? _____	

Participants: Region B. Berson, C. Pederson, T. Madeda, B. Clayton  
 OE J. Dixon-Herity, N. Hilton OGC/OI M. Fahey, G. Longo  
 Program Office \_\_\_\_\_ Other \_\_\_\_\_

Remarks/Comments/Lessons Learned: The panel determined that due to the number of disagreements between the individual statements, that a deliberate violation could not be considered. However, there was testimony that two individuals had smelled a tinge of alcohol on the foreman's breath and enough information to determine that the individuals had brought it to their supervisors attention in some manner (if only to bring forward the opinion that the individual had a drinking problem). The two together provided a basis for the supervisor to require a fitness for duty test, but this test was never performed. The supervisor was aware of the requirements, so the failure was considered as careless disregard.

cc: J. Creed, J. Belanger, T. Vogel, J. Cameron, R. Paul, C. Weil, M. Livingston, A. Sapountzis, C. Nolan

Approved, Dir. OE: /RA/ J. Luehman  
 Date: 10/7/03

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