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**ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR**

Allegation No.: RI-2007-A-0040 (Closed 8/24/07)
Site/Facility: Peach Bottom
ARB Date: 09/26/07

Branch Chief (AOC): Krohn
Acknowledged: No
Confidentiality Granted: No

REPANEL - based on allegation (b)(7)c this allegation is being repaneled. 7c

Background

Allegation 2007-A-0040 was received on 3/27/07; referred to the licensee on 4/30/07 (response received on 5/30/07); and closed out on 8/22/07. The Concerned Individual stated that, "I do not want the NRC or it's agents to contact me in any manner." The three concerns referred in 2007-A-0040 were:

1. *It has been asserted that security officers at Peach Bottom are sleeping on duty while in the bullet resistant enclosures (BREs), and in other areas, due to fatigue from working excessive overtime and from not being able to adjust to 12 hour shifts.*
2. *It has been asserted that security officers are fearful of retaliation from Exelon management if they raised safety concerns.*
3. *It has been asserted that Exelon management is aware that the officers are sleeping on duty but is not taking proper actions to address it.*

An Augmented Inspection team (AIT) was chartered on 9/20/07 based on a videotape recently shown to the NRC by two different (b)(7)(c) that showed multiple instances of multiple security officers sleeping in the former power block ready room.

Alleger contacted prior to referral to licensee (if applicable)? N/A

ALLEGATION REVIEW BOARD DECISIONS

Attendees: Chair - Clifford Branch Chief (AOC) - Krohn SAC - Urban, McFadden
OI Rep. - Wilson RI Counsel - Farrar Others - Fuhrmeister, D Roberts

DISPOSITION ACTIONS:

(b)(7)a

E/C5

- 2) Regional Counsel and DRP BC to contact the individual's attorney (since the individual's attorney had requested that all contacts be through his attorney from the discrimination file) stating that the new information has been received and the NRC: 1) is interested in any other information the allegor might wish to provide, and 2) can provide the allegor with the outcome of subsequent NRC investigations, if desired. SAC to contact OE and inform of action prior to the contact.

Provide documentation to SAC for file.

Responsible Person: Farrar/Krohn
Closure Documentation: _____

ECD: 9/27/07
Completed: _____

SAFETY SIGNIFICANCE ASSESSMENT: Unknown pending results of AIT

PRIORITY OF OI INVESTIGATION:

If potential discrimination or wrongdoing and OI is not opening a case, provide rationale here (e.g., no prima facie, lack of specific indication of wrongdoing):

Rationale used to defer OI discrimination case (DOL case in progress):

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION (only applies to wrongdoing matters (including discrimination issues) that are under investigation by OI, DOL, or DOJ):

What is the potential violation and regulatory requirement? _____

When did the potential violation occur? C

(Assign action to determine date, if unknown)

Once date of potential violation is established, SAC will assign AMS action to have another ARB at four (4) years from that date, to discuss enforcement statute of limitations issues.

NOTES: (Include other pertinent comments. Also include considerations related to licensee referral, if appropriate. Identify any potential generic issues)

Distribution: Panel Attendees, Regional Counsel, OI, Responsible Individuals (original to SAC)