

g:\alleg\panel\20020033arb.wpd ALLEGATION REVIEW BOARD DISPOSITION RECORD

Allegation No.: RI-2002-A-0033  
Site/Facility: Hope Creek  
ARB Date: 3/06/2002

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

Issue discussed: Staff suspected wrongdoing issue regarding the submittal of a tainted urine sample by a health physics supervisor during random drug testing.

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

**ALLEGATION REVIEW BOARD DECISIONS**

Attendees: Chair - Crlenjak Branch Chief(AOC) - Meyer SAC - Vito  
OI Rep. - Monroe RI Counsel - Fewell Others - Barkley, Smith, Nick

**DISPOSITION ACTIONS:** (List actions for processing and closure. Note responsible person(s), form of action closure document(s), and estimated completion dates.)

- 1) OI to investigate this apparent willful Fitness for Duty/Part 26 violation by an HP supervisor (1-2002-010)

Responsible Person: Letts  
Closure Documentation: \_\_\_\_\_

ECD: TBD  
Completed: \_\_\_\_\_

- 2) DRP to provide draft of potential violations and provide to SAC and OI.

Responsible Person: Meyer/Barkley  
Closure Documentation: \_\_\_\_\_

ECD: 3/31/2002  
Completed: \_\_\_\_\_

**SAFETY SIGNIFICANCE ASSESSMENT:** The risk significance of this staff suspected wrongdoing is very low as the individual tested negative for drugs, his site access has been suspended and there is no evidence of any significant problems with his work performance (i.e. drug testing was conducted at random versus for cause).

**PRIORITY OF OI INVESTIGATION:** Normal

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):

The case should be given a medium or low priority due to the termination of the individual's employment, his negative test results, his position (a first-level supervisor) and the absence of any issues with his work performance.

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? 10 CFR Part 26, 10 CFR 50.5\_\_\_\_  
When did the potential violation occur? February 2002

ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB

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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: