

g:\alleg\panel\20020137arb6.wpd **ALLEGATION REVIEW BOARD DISPOSITION RECORD**

Allegation No.: RI-2002-A-0137
Site/Facility: Salem
ARB Date: 8/6/2003

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

Issue discussed: Allegor contends that bolting being installed (Hilti bolts) to support a modification in which cable trays are being covered with fire wrap material, will not hold up the cable trays due to added weight of the fire wrap material. Allegor forwarded new information on the technical issues on November 12, 2002

Allegor contends he/she was harassed for raising this concern. Allegor is also concerned that he/she will be suspended by NPS, and that this will negatively affect his ability to get work at other nuclear facilities in the near future. Allegor also indicated that he/she has been put on undesirable jobs since raising his concern.

DOL Area Director Decision and Final Investigative Report dated April 11, 2003, concluded that the allegor did not present clear and convincing evidence that he/she was harassed.

The NRC Office of Investigations completed its review of the allegor's discrimination case (1-2002-042) and could not substantiate that the allegor had been discriminated against for having engaged in protected activities.

Allegor contacted prior to referral to licensee (if applicable)? NA

ALLEGATION REVIEW BOARD DECISIONS

Attendees: Chair - McConnell Branch Chief (AOC) - Meyer SAC - Vito
OI Rep. - Wilson RI Counsel - Farrar Others - Crlenjak

DISPOSITION ACTIONS:

- 1) DRP completed its review of the NRC Office of Investigations report that documented their conclusion on the allegor's discrimination case and did not identify any new technical issues.

Responsible Person: Barber
Closure Documentation: _____

ECD: _____
Completed: 08/04/2003

- 2) Contact DOL to ascertain if appeal has been filed before closing.

Responsible Person: Johnson
Closure Documentation: _____

ECD: 08/06/2003
Completed: _____

- 3) 3 Week OE Memo

Responsible Person: SAC
Closure Documentation: _____

ECD: 8/8/03
Completed: _____

- 4) Closeout letter to allegor and licensee with OI synopsis when 3 week OE memo timeframe expires.

Responsible Person: SAC
Closure Documentation: _____

ECD: 8/29/03
Completed: _____

ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB

1-89

SAFETY SIGNIFICANCE ASSESSMENT: The risk significance of this concern was determined to be low because the installed bolting was evaluated and determined to be acceptable.

PRIORITY OF OI INVESTIGATION: Alleger asserts that some of the reprimands he receive were justified because of a self admitted absentee problem, while the other reprimand are based on an overly critical subjective judgement of his workmanship on the job by his supervisor.

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? _____

(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)