

g:\alleg\panel\20030023arb.wpd ALLEGATION REVIEW BOARD DISPOSITION RECORD

Allegation No.: RI-2003-A-0023  
Site/Facility: Hope Creek  
ARB Date: 2/21/03

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

Issue discussed: Allegor believes that the PSEG FFD program is not properly implemented in that he believes that it is not random in selection of persons for testing. He has been selected 3 times in the last month and he believes that they are using it to single out people.

The allegor believes that he is being harassed and intimidated because of whistle blowing - he previously raised concerns to NRC (Allegation File RI-2002-A-0018) regarding an incident in which a reactor operator (RO) was suspended due to alleged insubordination.

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

**ALLEGATION REVIEW BOARD DECISIONS**

Attendees: Chair - Rogge Branch Chief (AOC) - Barber (actg) SAC - Vito  
OI Rep. - Teator RI Counsel - Fewell Others - Crlenjak, Smith

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

- 1) Contact allegor to ascertain if they object to referral of issue to licensee. Provide documentation of allegor's response to SAC for file.

Responsible Person: SAC  
Closure Documentation: \_\_\_\_\_

ECD: 03/03/03  
Completed: 2/21/03

*per J. McCal  
on 2/16/03*

- 2) Acknowledgment letter

Responsible Person: SAC  
Closure Documentation: \_\_\_\_\_

ECD: 03/07/03  
Completed: \_\_\_\_\_

- 3) Refer technical issue to PSEG. DRP to provide enclosure for referral letter.

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

ECD: 03/19/03  
Completed: \_\_\_\_\_

- 4) Review licensee response.

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

ECD: 04/30/03  
Completed: \_\_\_\_\_

- 5) Perform prima facie review to assess whether OI should investigate assertion of H&I. Provide documentation of review to SAC and OI for file. OI will open investigation if Regional Counsel determines that a prima facie case exists. *(see NOTES section)*

Responsible Person: Fewell  
Closure Documentation: \_\_\_\_\_

ECD: 03/19/03  
Completed: 2/21/03

*1/16/03*

**ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB**

**SAFETY SIGNIFICANCE ASSESSMENT:** The risk significance of this concern appears low since the concern involves additional FFD testing.

**PRIORITY OF OI INVESTIGATION:**

The alleged believes that he is being harassed and intimidated because of whistle blowing - he previously raised concerns to NRC (Allegation File RI-2002-A-0018) regarding an incident in which a reactor operator (RO) was suspended due to alleged insubordination.

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)**

**Regional Counsel has determined that prima facie has not been articulated and hostile work environment does not exist.**

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