

g:\alleg\panel\20020099arb1.wpd **ALLEGATION REVIEW BOARD DISPOSITION RECORD**

Allegation No.: **RI-2002-A-0099**
Site/Facility: Hope Creek
ARB Date: 10/2/2002

Branch Chief (AOC): Barkley (Acting)
Acknowledged: **Yes**
Confidentiality Granted: **No**

Issue discussed: 1) Review of OI transcript of allegor for new technical issues, 2) Decide how the Work Control Module issue should be handled (referral or inspection), and 3) Discussion of whether a protected activity clearly exists.

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

ALLEGATION REVIEW BOARD DECISIONS

Attendees: Chair - Crlenjak Branch Chief (AOC) - Barkley (Acting) SAC - Vito
OI Rep. - Teator RI Counsel - Others - Schoppy (by phone)

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

- 1) **No new technical issues provided in the OI transcript beyond those previously provided.**

Responsible Person: Meyer
Closure Documentation:

ECD:
Completed: 10/2/02

- 2) **Status letter to close tech spec surveillance issue and ask allegor if he has any current concerns about the WCM.**

Responsible Person: SAC
Closure Documentation:

ECD: 10/31/2002
Completed:

- 3) **APM concluded that the allegor's involvement in raising concerns regarding the Work Control Module constituted an NRC protected activity. OI investigation to continue; DRP to provide technical assistance as needed to identify those concerns with the WCM raised by the allegor that constituted an NRC regulated activity.**

Responsible Person: Panel
Closure Documentation:

ECD: TBD
Completed:

SAFETY SIGNIFICANCE ASSESSMENT: The risk significance of these concerns appears medium as the issues raised by the allegor are historic and may or may not involve nuclear (versus industrial) safety issues; however, the allegor has provided a significant amount of information to support that he suffered H&ID for raising concerns to management regarding the WCM.

ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB

433
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PRIORITY OF OI INVESTIGATION: Medium

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): **N/A**

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

N/A - However, DOL rights have lapsed due to the 180 day statute of limitations.

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 50.7 violation against PSEG for subjecting an employee to H&ID in response to raising safety concerns while engaged in the following NRC regulated activity - Equipment tagging of safety-related equipment. The NRC requirements governing tagging are listed in the following regulatory documents:

When did the potential violation occur? 1.5 - 2 years ago

(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.

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