

*J. Rogge*

**From:** Richard Barkley  
**To:** JFR  
**Date:** 7/25/97 12:36pm  
**Subject:** UPDATE ON FITZ ALLEGATION 97-33/126

John,

I received a call today from Charlene Faison, NYPA Licensing Manager, who indicated that during a one-week focus training session for employees and managers, an employee talked privately to Mr. Knubel, NYPA CNO. The employee indicated that he trusted senior management and thought they were sincere in wanting to resolve problems. He then proceeded to tell Mr. Knubel that he has been talking with the NRC since April on a range of concerns and proceeded to provide him information on his concerns, including with correspondence which the NRC mailed him that had allegation file number RI-97-A-0033 on it. Ms. Faison gave me the correct name of the allegor for 97-33/126, although I did not confirm or deny that we had an open case involving this individual.

NYPA wants to investigate his concerns on their own, but does not want to interfere with or overlap on any review the NRC has ongoing in this matter. However, since they said they did not know he was talking to us, they have no idea what we are planning or what review we have conducted in this matter.

I discussed this information with Messrs. Vito and Anderson (OI), both of who do not know of a similar precedent to this allegor action; I have never had a similar allegor action in the more than 400 allegation cases I have dealt with in the past. At this time, I plan to talk with the allegor personally this weekend to learn: 1) what he gave to NYPA, particularly with regard to the ongoing OI case into his alleged H&ID, 2) does he have an objection to us allowing NYPA to do their own investigation into this matter and we suspend our efforts at this time (which would save us considerable effort since Rico Fernandes and I are under a time deadline to finish resolving his 97-33 issues next month and DRS is just getting started on the issues assigned to them in 97-126), 3) does he want to retract, hold-off or progress with his alleged H&ID case with OI, and 4) if he insists that we continue in a parallel review of his technical issues, can he provide some additional specifics on the items assigned to me?

I promised to get back to NYPA with an answer to their question on Monday afternoon - I could not reach the allegor at work today to discuss the matter personally and then, based upon the results of that call, propose an approach to NRC management. I request that we repanel this allegation next Wednesday to formally discuss our approach to this concern in light of the information given me today. Thanks!

I will be at FitzPatrick next week filling in for the residents and, if needed, completing the inspection on the issues in 97-33.

Rich

**CC:** DJV, GKH, DAD1, TWD1, TWP5, JKR1, EMK, MAA, RAF1

*D/20*