

From: Barry Letts 10-1  
To: David Vito  
Date: Tue, Oct 26, 1999 4:51 PM  
Subject: Re: Ad-hoc ARB needed for RI-99-A-0114 (Salem/HC DUI issue)

dave,

i understand what and why you are looking for one piece to end the issue, but just keep in mind that oi won't be closed by next week(ie, issuing a closing memo). guy is also guessing he won't hear back from dave until sometime next week and we have another police recontact to make next week.

barry

>>> David Vito 10/26 3:57 PM >>>

Barry Letts informed me this morning (10/26/99) that the alleged had gotten back to Guy Caputo, in response to several phone calls last week, and informed him that he did not have the documentation related to the alleged DUI citations. The alleged informed Mr. Caputo that he would again attempt to get the information from his source. ==> The 30-day clock for the acknowledgment letter for this allegation is due on 11/3/99. I think we should have an ad-hoc ARB before 11/3/99 to discuss the content of that letter. I would personally prefer that it be an acknowledgment/closeout letter, since I think that it would look very awkward to send a boiler-plate acknowledgment letter by 11/3/99, and then send a closeout letter within the following week or two. In my opinion, regardless of whether the alleged can obtain the purported DUI documentation before 11/3/99, I think we can craft a complete acknowledgment/closeout letter, informing the alleged that we have contacted numerous state and local police and have found no documentation of a DUI charge. If he has provided no additional information as of 11/3/99, we can inform him in the letter that we are closing our file, but that we will review whatever information he may provide in the future. ==> Also, the alleged had previously referred to an old Region III issue (about 10 years old) in which the manager in question allegedly was involved in a drunk and disorderly incident in the control room at Davis Besse. In his conversation with me on 10/4/99, the alleged had stated that he was aware that Region III had reviewed this matter and dismissed it, with an obvious inference that the NRC had not done a good enough job reviewing the matter. I discussed this issue with Ed Baker in a phone call on this morning (10/26/99) because I was concerned with how to respond to this particular issue. Ed stated that he was also vaguely aware of the issue, and suggested that we just tell the alleged that he may contact IG if he feels that Region III did not review this matter appropriately. I thanked Ed for his suggestion and told him that I would probably be using it, since we have little historical background on the issue. ==> Regarding the ad-hoc ARB, the Allegation Office is available anytime this week after noon on Wednesday (10/27/99) to have the ARB. DRP, please let us know what time will be convenient and we'll try to set up the ARB.

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