



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

February 1, 2008

IA-07-039

Mr. Mark Sharp
[NOTE: HOME ADDRESS
DELETED UNDER 10 CFR 2.390(A)]

SUBJECT: RESPONSE TO CONFIRMATORY ORDER IA-07-039

Dear Mr. Sharp:

This letter acknowledges receipt of your three letters to Mr. Elmo E. Collins, Regional Administrator, Region IV as required by the Confirmatory Order (IA-07-039), issued to you on October 19, 2007. The Confirmatory Order was issued after an Alternative Dispute Resolution (ADR) mediation session conducted on August 21, 2007. The ADR mediation was conducted to resolve NRC concerns because you had engaged in deliberate misconduct while performing Part 55 licensed duties.

Condition 1 of the Confirmatory Order restricted you from participating in activities requiring a 10 CFR Part 55 license until Conditions 2 – 4 of Section V of the Confirmatory Order were completed.

Condition 2 of the Confirmatory Order required you to submit a letter articulating why the NRC should have confidence that you can be trusted to engage in activities under NRC jurisdiction in the future with the integrity such activities demand. In response, you submitted the aforementioned letter that articulated your commitment to integrity. In addition, you stated that you had the opportunity to incorporate lessons learned on integrity in recent training you have presented. Your October 22, 2007 letter satisfies Condition 2 of the Confirmatory Order.

Condition 3 of the Confirmatory Order required you to submit an article to the "Communicator" (a publication of the Professional Reactor Operator Society) articulating lessons learned and emphasizing the importance of self-reporting and not covering up errors. In response, you submitted the article "What Was I Thinking?" to the NRC attached to a letter dated December 8, 2007 and to the "Communicator" on December 17, 2007. The article articulated lessons learned and emphasized the importance of self-reporting and not covering up errors, and therefore satisfies Condition 3 of the Confirmatory Order.

Condition 4 of the Confirmatory Order required you to submit an operating experience report to the Institute for Nuclear Power Operations (INPO) regarding your actions, and the lessons learned from that experience. In response, by letter dated December 12, 2007, you submitted a "Human Performance Operating Experience" to the NRC and to INPO on December 17, 2007. The report detailed your actions and a lessons learned from that experience, and therefore satisfies Condition 4 of the Confirmatory Order.

Since you have completed the actions required in Conditions 2 - 4 of the Confirmatory Order, if your employer chooses to apply for a Part 55 license for you, you would no longer be restricted from participating in such activities. You are, however, still obligated to continue to incorporate your lessons learned into other training opportunities in the nuclear industry, as described in Condition 5 of Section V of the Confirmatory Order. Once your actions have been completed to demonstrate compliance with Condition 5, you should notify us so that we may evaluate your compliance with the Confirmatory Order.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX, 76011 and marked "Open by Addressee Only," within 30 days of the date of this letter. If you have any questions, you should contact Michael Vasquez, Senior Enforcement Specialist, at 817-860-8121 or Ms. Karla Fuller, Regional Counsel and team leader of the Allegation Coordination and Enforcement Staff, at 817-860-8271.

A copy of this letter and your responses, if you choose to provide one, with your address removed, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at www.nrc.gov/reading-rm/adams.html. A copy of this letter with your address removed, and your response, if you choose to submit one, will also be placed in the docket file for your license. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at www.nrc.gov/readingrm/foia/privacy-systems.html.

Sincerely,

/RA/

Roy J. Caniano, Director
Division of Reactor Safety

Mr. Mark Sharp

- 3 -

cc:

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