

United States
Nuclear Regulatory Commission



Report of Investigation

CALLAWAY NUCLEAR PLANT:

70
SLEEPING ON DUTY BY A (b)(7)c
(b)(7)c AND POTENTIAL VIOLATIONS
OF STATION PROCEDURES

Office of Investigations

Reported by OI:RIV

C/11

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Title: CALLAWAY NUCLEAR PLANT:

1c
SLEEPING ON DUTY BY A ^{(b)(7)c} [REDACTED] AND
POTENTIAL VIOLATIONS OF STATION PROCEDURES

Licensee:

Case No.: 4-2006-025

Union Electric Company
P.O. Box 620
Fulton, MO 65251

Report Date: January 30, 2007

Control Office: OI:RIV

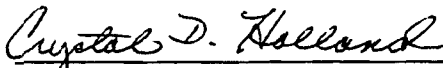
Docket No.: 50-483

Status: CLOSED

Allegation No.: RIV-2006-A-0033

Reported by:

Reviewed and Approved by:



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SYNOPSIS

7c This investigation was initiated on April 26, 2006, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if a ^{(b)(7)c} [redacted] employed by AmerenUE's Callaway Nuclear Plant (Callaway), was willfully inattentive to duty and if Callaway management willfully failed to take appropriate corrective action regarding the alleged inattentiveness.

7c Based on the evidence developed during the investigation, OI:RIV determined the allegation that a ^{(b)(7)c} [redacted] employed by AmerenUE, Callaway, was willfully inattentive to duty and Callaway management willfully failed to take appropriate corrective action regarding the alleged inattentiveness was not substantiated.

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LIST OF INTERVIEWEES

All 7c
↓

	<u>Exhibit</u>
(b)(7)c	
(b)(7)c Callaway	48
(b)(7)c Callaway	40
(b)(7)c Callaway	39
(b)(7)c Callaway	54
(b)(7)c Callaway	45
(b)(7)c Callaway	62
(b)(7)c Callaway	63
(b)(7)c Callaway	43
(b)(7)c Callaway	59
(b)(7)c Callaway	55
(b)(7)c Callaway	58
(b)(7)c Callaway	44
(b)(7)c Callaway	36 & 51
(b)(7)c	
(b)(7)c AmerenUE	64
(b)(7)c Callaway	52
(b)(7)c Callaway	50
(b)(7)c Callaway	38
(b)(7)c Callaway	46

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ALL 7c



(b)(7)c	Callaway	57
(b)(7)c	Callaway	47
(b)(7)c	Callaway	49
(b)(7)c	Callaway	53
(b)(7)c	Callaway	2
(b)(7)c	Callaway	37
(b)(7)c	Callaway	61
(b)(7)c	Callaway	42
(b)(7)c	Callaway	56
(b)(7)c	Callaway	41 & 60

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DETAILS OF INVESTIGATION

Applicable Regulations (2005 Editions)

10 CFR 26 Fitness For Duty Programs (2005 Edition) (Allegation Nos. 1, 2, 6, & 7)

10 CFR 50.5: Deliberate Misconduct (2005 Edition) (Allegation Nos. 1, 2, 6, & 7)

10 CFR 55.53: Condition of Licenses (2005 Edition) (Allegation Nos. 1, 2, & 7)

Purpose of Investigation

This investigation was initiated on April 26, 2006, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if (b)(7)c
7c (b)(7)c employed by AmerenUE's Callaway Nuclear Plant (Callaway), was willfully inattentive to duty and if Callaway management willfully failed to take appropriate corrective action regarding the alleged inattentiveness [Allegation No. RIV-2006-A-0033] (Exhibit 1).

Background

7c On April 13, 2006, Michael S. PECK, Senior Resident Inspector, RIV, NRC, assigned to Callaway, received information from (b)(7)c Callaway, regarding another (b)(7)c sleeping while on shift and management's failure to take action on the violation.

(b)(7)c advised he was approached by (b)(7)c
(b)(7)c Callaway in June 2005 regarding (b)(7)c reported (b)(7)c

7c (b)(7)c Callaway, disclosed members of (b)(7)c reactor unit operator crew reported (b)(7)c was sleeping on watch. According to (b)(7)c the crew members were afraid of getting in trouble if (b)(7)c was caught sleeping.

7c (b)(7)c stated (b)(7)c indicated he intended on speaking with (b)(7)c about the issue and "might" have to remove (b)(7)c from the reactor control room. (b)(7)c added he did not think the issue was serious since the crew members did not raise the issue directly to management.

7c (b)(7)c reported he spoke to (b)(7)c a number of times over the summer of 2005 and believed (b)(7)c sleeping issues had been (b)(7)c. However, prior to an outage at Callaway in September 2005, he spoke with (b)(7)c and was told that a priority was to get (b)(7)c off shift and out of the control room. (b)(7)c revealed (b)(7)c continued to work in the control room throughout the 2005 outage.

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7c (b)(7)c recalled he attended shift turnover regularly throughout the outage with (b)(7)c as his work shift followed (b)(7)c shift. According to (b)(7)c as the (b)(7)c would discuss the off-going shift activities, and then "his head would be down on his chest, his eyes were shut." (b)(7)c related he discussed his concerns about (b)(7)c sleeping during turnover with (b)(7)c and was told, "Oh hell, he does that in the control room, too."

7c (b)(7)c supplied information that in December 2005 (b)(7)c stood watch with (b)(7)c crew and related the crew had developed the attitude that (b)(7)c did not mess with them [crew] and they did not check on what he was doing.

7c (b)(7)c reported he discussed the sleeping issue with (b)(7)c Callaway, on several occasions and they did not do anything about it. (b)(7)c reported his concern to the Employee Concerns Program (ECP) in January 2006, and (b)(7)c was taken off shift on January 31, 2006, after an ECP investigation.

7c (b)(7)c advised that after he reported his concern to the ECP manager, he was subjected to an adverse action. He advised he received a (b)(7)c (b)(7)c

Coordination with NRC Staff

7c On April 26, 2006, a DIV Allegation Review Board (ARB) discussed (b)(7)c allegations and determined (b)(7)c (b)(7)c The ARB requested OI:RIV conduct an investigation into (b)(7)c allegations of (b)(7)c sleeping while on duty and management's failure to correct the issue.

Interview of Allegor (b)(7)c (Exhibit 2)

On May 1, 2006, (b)(7)c was interviewed by OI:RIV in Columbia, Missouri.

7c (b)(7)c

7c According to (b)(7)c during a conversation with (b)(7)c sometime in late June 2005, he was asked several times by (b)(7)c "What have you heard about (b)(7)c sleeping in the control room?" (Exhibit 2, p. 8). (b)(7)c advised he told (b)(7)c he had not heard that (b)(7)c was sleeping in the control room nor made any personal observations of (b)(7)c

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7c in the control room. (b)(7)c further stated to (b)(7)c "I almost never see (b)(7)c . . . Our schedules don't overlap at all . . . I hadn't heard anything from anybody on his crew because I don't work with them" (Exhibit 2, p. 9). (b)(7)c explained that (b)(7)c also said he had been approached by (b)(7)c who reported the (b)(7)c crew were concerned because (b)(7)c was having problems staying awake in the control room. (b)(7)c stated that when he questioned (b)(7)c about removing (b)(7)c from the control room, (b)(7)c replied if the reactor operators were really concerned about (b)(7)c sleeping issues, they would have reported their concerns about (b)(7)c directly to him. (b)(7)c advised (b)(7)c said he was not going to remove (b)(7)c from control room duties but would talk to (b)(7)c about his crew's concerns. (b)(7)c stated, "At that point . . . we ended our conversation" (Exhibit 2, p. 14). (b)(7)c indicated, although the reactor operators on (b)(7)c crew did not want to disclose their identities to (b)(7)c it was common knowledge the (b)(7)c reactor operators assigned to (b)(7)c crew at that time [June 2005] were (b)(7)c

AGENT'S NOTE: (b)(7)c advised (b)(7)c

7c (b)(7)c speculated he was questioned about (b)(7)c alleged sleeping in the control room by (b)(7)c because (b)(7)c believed (b)(7)c had also reported the concern to him. (b)(7)c explained that even though (b)(7)c was a (b)(7)c assigned to his crew in June 2005, (b)(7)c maintained the confidentiality of the (b)(7)c and did not report their concern to him or the other (b)(7)c but reported their concern directly to the (b)(7)c advised (b)(7)c was not considered a supervisor but a (b)(7)c who held a position as a (b)(7)c at Callaway. (b)(7)c related it was not uncommon for a reactor operator to report concerns directly to the (b)(7)c however, because of the union's contract with Callaway (b)(7)c concerns were normally reported to the union steward who in turn forwarded the concerns to management (Exhibit 2, p. 9). (b)(7)c stated, ". . . the union has a relationship with Ameren that goes back a long time. And a long-standing way for them to do business is if you have a concern, you take it to your shop steward; your shop steward deals with management directly" (Exhibit 2, p. 15). However (b)(7)c clarified that in Callaway's employee orientation training, all employees were instructed to report concerns about fitness for duty to their supervisor. (b)(7)c stated he did not recall if instructions for reporting fitness for duty concerns were addressed during the reactor operators' requalification training (Exhibit 2, p. 139).

7c (b)(7)c acknowledged that during his discussions with (b)(7)c about (b)(7)c apparent sleeping on duty, they never provided any details or descriptions of sleeping behavior on the part of (b)(7)c however, they stated the (b)(7)c were watching (b)(7)c in order to prompt him to walk around the plant if he appeared to be getting sleepy (Exhibit 2, p. 42).

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7C (b)(7)c advised that after his discussion with (b)(7)c he approached (b)(7)c in the control room the following week and inquired about the concerns reported by the reactor operators regarding (b)(7)c. (b)(7)c stated (b)(7)c was "surprised" and "kind of shocked" that (b)(7)c had told him (b)(7)c about concerns related to (b)(7)c because he (b)(7)c had reported those concerns in confidence. (b)(7)c advised that during his conversation with (b)(7)c (b)(7)c said the reactor operators were concerned they would be relieved of duty if someone saw (b)(7)c "nodding off" in the control room and requested he (b)(7)c relate their concern to (b)(7)c. (b)(7)c related that specifically, the reactor operators on (b)(7)c crew were concerned that "... the resident inspector is going to walk in and see (b)(7)c sleeping in his office and we're all going to get fired" (Exhibit 2, p. 30). (b)(7)c stated (b)(7)c told him he had not personally witnessed any problems related to (b)(7)c and he (b)(7)c only reported the reactor operators' concern to (b)(7)c (Exhibit 2, p. 19).

7C (b)(7)c recalled that 6 to 7 weeks after his initial conversation with (b)(7)c regarding (b)(7)c alleged sleeping in the control room, he (b)(7)c asked (b)(7)c if he had talked to (b)(7)c. (b)(7)c recalled (b)(7)c responded he had talked with (b)(7)c and that (b)(7)c had been going through a "rough period" but appeared to have "straightened things out" (Exhibit 2, p. 26). (b)(7)c advised (b)(7)c further commented that he had considered relieving (b)(7)c from the control room in May [2005] because of his crew's poor performance during requalifications and because he believed (b)(7)c was a contributing factor to the crew's poor performance. (b)(7)c stated (b)(7)c also told him the instructors for reactor requalifications reported that every time they meet with the crew for a group discussion during requalifications (b)(7)c would sit down and two minutes later, he'd be asleep" (Exhibit 2, p. 27). (b)(7)c stated (b)(7)c and his reactor crew conducted their annual requalification training in May 2005 and failed the first and second annual simulator examinations, but passed on third examination. (b)(7)c stated, "I've never seen that since I've been at Callaway, for an entire crew to fail a second exam" (Exhibit 2, p. 24). (b)(7)c remembered the requalification instructors for (b)(7)c crew in May 2005 were (b)(7)c

(b)(7)c
(b)(7)c

7C (b)(7)c advised that in August 2005, he forwarded an email to (b)(7)c requesting a reassignment of work hours after the refueling outage from the night shift to the day shift. (b)(7)c explained he had been working the night shift for several years and it would be easier on his "home life" to work day shift at this point in time. (b)(7)c stated that when he met with (b)(7)c to discuss his request for reassignment to day shift, (b)(7)c denied his request and told him, "There's just no way I can do that . . . My top priority has to be to get (b)(7)c out of the control room . . . I need everybody that I've got to support the refueling outage. There's just no way I can get him off shift now . . . But as soon as the refueling (sic) over, I'm going to do something about it" (Exhibit 2, pp. 44-46).

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7c (b)(7)c reported that sometime in September 2005 during the refueling outage, he had an occasion to work with one of (b)(7)c crew members by the name of (b)(7)c stated (b)(7)c became agitated when he informed him that he had talked with (b)(7)c and was aware (b)(7)c was having problems staying awake in the control room. (b)(7)c further advised (b)(7)c responded he had watched (b)(7)c in the control room and if it appeared that (b)(7)c was "getting comfortable," he (b)(7)c would tell him to stand up and take a walk around the plant (Exhibit 2, pp. 37-38). (b)(7)c also recalled when he asked (b)(7)c still had problems staying awake in the control room, he (b)(7)c said, "I don't give him a chance to fall asleep" (Exhibit 2, p. 39). (b)(7)c stated he realized that, in general, when individuals were specifically questioned about (b)(7)c sleeping on duty, their response was, "Well, he really wasn't asleep. He was -- inattentive or he was nodding off" (Exhibit 2, p. 39).

7c (b)(7)c advised he was never assigned in the control room at the same time as (b)(7)c however, the first time he personally observed (b)(7)c exhibiting behavior associated with sleeping on duty was sometime late September or early October 2005 during a shift turnover briefing (Exhibit 2, pp. 41, 47-48). (b)(7)c explained that at various times over a 2-month period, he conducted shift turnover briefings when relieving or assuming shift duties from (b)(7)c while working the refueling outage. (b)(7)c indicated the shift turnover briefings were held in a conference room located across the hall from the control room. (b)(7)c stated that on between 5 to 15 occasions, during the shift turnover meetings, after (b)(7)c completed his briefing to the staff, "... within a minute most days ... 30 seconds ... his eyes are shut, his head's down, and he'll pop his head up every once in a while, then his head's back down ... there were times when that went on for 20 or 30 seconds ... a couple of times I thought he was going to fall out of his chair ... I would consider it to be sleeping" (Exhibit 2, pp. 50-53). (b)(7)c speculated (b)(7)c seemed oblivious to the fact he was nodding off during the shift briefings or did not care because he never indicated he was having problems or was tired. (b)(7)c recalled the reactor personnel present during the shift meetings when he (b)(7)c observed (b)(7)c asleep were (b)(7)c

(b)(7)c further advised (b)(7)c also known as (b)(7)c who had worked with (b)(7)c during the summer [2005] and observed him asleep on duty were (b)(7)c

(b)(7)c claimed that during the outage, he very rarely saw (b)(7)c at ... almost nothing ... or (b)(7)c at the outage control center while he (b)(7)c was on duty (Exhibit 2, p. 57).

7c (b)(7)c stated he had a conversation with (b)(7)c Callaway, in August or September 2005 wherein (b)(7)c told him that on one occasion while working with (b)(7)c he saw (b)(7)c ... head was bobbing and his

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7c eyes were getting heavy . . . he looked like he was really struggling . . ." (Exhibit 2, pp. 146-147). (b)(7)c speculated anyone who may have witnessed (b)(7)c asleep on duty would be reluctant to report it or acknowledge they were a witness because everyone was aware that at Pilgrim [Pilgrim Nuclear Power Station] the reactor operators and the supervisor were terminated for a similar issue. (b)(7)c stated, "The guy that slept was fired . . . the reactor operators were fired because they didn't report it . . . I think everybody understands that . . ." (Exhibit 2, pp. 150-151).

7c (b)(7)c related that in September or October 2005, he contacted (b)(7)c Callaway, on several occasions to report his observations of (b)(7)c during the shift turnover briefings; however (b)(7)c responded he had not been contacted by (b)(7)c nor informed about any problems related to (b)(7)c (b)(7)c advised that subsequently (b)(7)c contacted (b)(7)c and asked him (b)(7)c to meet with him (b)(7)c to discuss his concerns about (b)(7)c (b)(7)c stated when he met with (b)(7)c and reported he had observed (b)(7)c asleep during the shift turnover briefings, (b)(7)c responded, "oh, hell . . . He does that in the control room too. I thought you were going to tell me something really bad" (Exhibit 2, p. 61). (b)(7)c further advised he also reported to (b)(7)c that he had obtained "secondhand" information that (b)(7)c was having (b)(7)c the time and was (b)(7)c at Callaway (Exhibit 2, pp. 72-80). (b)(7)c indicated no action was taken by (b)(7)c to address the concerns raised about (b)(7)c conduct in the control room, during requalification training, or at shift turnover briefings.

7c (b)(7)c advised the refueling outage ended in late November or early December 2005, and based on his conversations with (b)(7)c he was aware (b)(7)c had made several inquiries with (b)(7)c regarding (b)(7)c promise to remove (b)(7)c from the control room. According to (b)(7)c when (b)(7)c inquired about (b)(7)c removal from the control room in December 2005, he (b)(7)c was told by (b)(7)c that (b)(7)c had resolved his problems and there was no need to remove him from control room duties (Exhibit 2, pp. 83-84). (b)(7)c advised (b)(7)c mentioned (b)(7)c crew was "a very weird crew" and they have an understanding on shift that they do not bother (b)(7)c and he does not bother them. (b)(7)c stated he had questioned (b)(7)c Callaway, and (b)(7)c about (b)(7)c sleeping on duty, but they responded they had not observed him asleep on duty.

7c (b)(7)c advised that because (b)(7)c had not addressed the concerns about (b)(7)c and allowed (b)(7)c to continue his duties in the control room. he reported his concerns to (b)(7)c ECP at Callaway, on or about January 20, 2006. (b)(7)c pointed out that in January 2006 (b)(7)c had been promoted to an (b)(7)c and (b)(7)c was reassigned to a (b)(7)c as a replacement for (b)(7)c (b)(7)c opined (b)(7)c should have replaced

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7C (b)(7)c as (b)(7)c instead of (b)(7)c explained he decided to refer his concerns to the ECP when he realized (b)(7)c was willing to relocate (b)(7)c to a new position for convenience, even though he was aware of (b)(7)c fitness for duty issues. (b)(7)c recalled that after his meeting with ECP (b)(7)c was subsequently removed from control room duties on or about January 31, 2006. (b)(7)c stated, "... none of this became a big deal until I went to employee concerns. And after that, it was considered ... a personnel issue and nobody really wants to talk about the details" (Exhibit 2, pp. 33-34).

7C (b)(7)c stated that on February 1, 2006, a meeting was held by (b)(7)c (b)(7)c to announce (b)(7)c had been removed from control room watch duties. (b)(7)c recalled that on or about February 6 or 7, 2006, a separate meeting was held to inform the (b)(7)c had been removed from control room watch duties (Exhibit 2, pp. 34 and 127).

7C (b)(7)c advised he had a conversation with (b)(7)c in March 2006 and admitted to (b)(7)c that he had reported his concern about (b)(7)c to the ECP. (b)(7)c related he told (b)(7)c he reported the concerns regarding (b)(7)c to the ECP because he (b)(7)c took no action when the concerns were initially brought to his attention.

7C (b)(7)c stated he did not know the reactor operators and instructors were concerned about (b)(7)c allegedly sleeping during requalifications and in the control room until he was informed by (b)(7)c. During the interview, (b)(7)c provided the names of reactor personnel (b)(7)c who had worked with (b)(7)c and may have witnessed him asleep or inattentive.

(b)(7)c advised that prior to his interview with OI:RIV, he (b)(7)c the reactor operators, and the shift supervisors received letters from Callaway's attorney. (b)(7)c stated the reactor personnel were also contacted by (b)(7)c who actively encouraged them to accept legal representation from the attorney retained by Callaway (Exhibit 2, pp. 156-157).

Allegation No. 1: Conditions of Licenses

Evidence

Document Review

During the course of this investigation, OI:RIV reviewed and evaluated documents obtained from Callaway and/or NRC staff. The documents deemed pertinent to this investigation are represented in this section:

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Callaway Organization Chart - Nuclear Operations, printed June 12, 2006 (Exhibit 3)

This document is an organizational chart for the nuclear operations department and reflects the command structure at Callaway beginning with the position of vice president of nuclear operations to the UROs.

Letter from J. Patrick HICKEY, Attorney for Callaway, Pillsbury, Winthrop, Shaw, Pittman, LLP, to OI:RIV, dated May 10, 2006 (Exhibit 4)

This letter was included with documents marked confidential and provided by HICKEY on behalf of Callaway to OI:RIV. During interviews of Callaway personnel during May 2006, OI:RIV identified and requested the following documents:

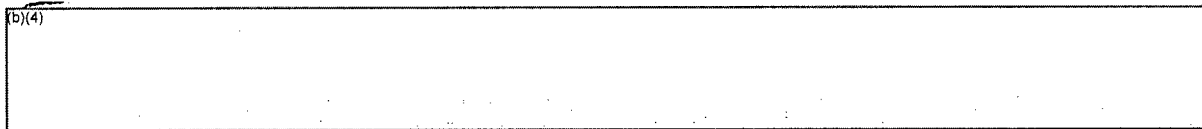
7c
Page 2:



Pages 3-9:

Instructor Cycle Summary Reports for LOCT Cycle 2004 and 2005, undated (Exhibit 5)

The LOCT Instructor Cycle Summary Report is a summary of observations made by the LOCT instructors during classroom and simulator training for the reactor operators.



7c
AGENT'S NOTE: A review of (b)(7)c training history disclosed (b)(7)c completed 32 hours of training during the LOCT Cycle 2005-03, Session 20050352, on May 16, 2006.

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Summary Overview of the Callaway Behavioral Observation Program (BOP), dated June 8, 2006 (Exhibit 6)

70 This document, a summary overview of the Callaway BOP relative to actions taken when a concern is reported, was prepared by (b)(7)c Callaway, at the request of OI:RIV. Further, Callaway Procedure APA-ZZ-00906 was identified as the procedure which provided guidance related to training and responsibilities associated with the BOP.

BOP - Annual Supervisor Reviews, Form CA0029A regarding (b)(7)c various dates (Exhibit 7)

A review of (b)(7)c BOP Annual Supervisor Reviews for the periods July 2004 through June 2006 revealed the following:

70 Pages 1-2: BOP - Annual Supervisor Review, dated July 29, 2004, (b)(7)c
(b)(7)c

Pages 3-4: BOP - Annual Supervisor Review, dated July 11, 2005, (b)(7)c
(b)(7)c

70 Pages 5-6: BOP - Annual Supervisor Review, dated February 14, 2006, (b)(7)c
(b)(7)c

Pages 8-9: BOP - Annual Supervisor Review, dated March 14, 2006, (b)(7)c
(b)(7)c

Pages 10-11: BOP - Annual Supervisor Review, dated May 2, 2006, (b)(7)c
(b)(7)c

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Pages 12-13: BOP - Annual Supervisor Review, dated June 2, 2006, [redacted]

[redacted]

Letter from HICKEY to OI:RIV, dated June 27, 2006 (Exhibit 8)

This letter, with attachments, provided information obtained from Callaway's Reader Transaction History databases regarding [redacted] control room entry and exit times during May and June 2005.

A review of the Reader Transaction Histories for May 2005 disclosed no control room entries or exits for [redacted] due to the fact that [redacted] and his crew were conducting training exercises in the training building during that month (Exhibit 8, p. 3).

7c A review of the Reader Transaction Histories for June 2005 revealed [redacted] worked day and night shift control room duties and, on only one occasion [June 7, 2005], where he was absent from the control room for over 2 hours. On June 7, 2005 [redacted] absence from the control room was due to his participation in a simulator training exercise as an observer as part of his [redacted] duties (Exhibit 8, pp. 3-9).

At OI:RIV request, Callaway located documents which identified any instances of reactor personnel who had been cited for sleeping or inattentiveness on duty. A record was found which stated that in June 1999 an equipment operator was reprimanded because he "appeared to be asleep" in the Equipment Operator's Ready Room (Exhibit 8, p. 11).

Printout: Callaway Control Room Archived Operator Log for May 2005 and June 2005, print date July 5, 2006 (Exhibit 9)

7c A review of the control room archived operator logs for May-June 2005 reflected no listings for [redacted] in the control room in May 2005; however, listings for [redacted] reflected he assumed or provided relief [redacted] duties in the control room on June 3-5; 7-9; 20-22; and 24-27, 2005

Callaway Card Reader Transaction Histories: Control Room, various dates (Exhibit 10)

7c These documents, copies of the Reader Transaction Histories for the control room entry/exit times for [redacted] on June 7, 2005, revealed that [redacted] exited the control room at 8:59:11 p.m. and returned to the control room at 11:55:15 p.m. [absence over 2 hours]. [redacted] absence from the control room was due to his participation in a simulator training exercise.

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Callaway's ECP Investigation and File No. 20060123, provided July 20, 2006 (Exhibit 11)

This file, ECP File No. 20060123, contained the investigative findings of Callaway's investigation into (b)(7)c allegation that (b)(7)c was observed sleeping on duty. Specifically, on the ECP's Employee Concerns Initial Intake Form, dated January 23, 2006 (Exhibit 11, p. 13) (b)(7)c reported, (b)(7)c is having problems with alertness/attentiveness to duty on shift in the control room. The form was also annotated to reflect (b)(7)c had forwarded his concerns about (b)(7)c but did not have any supporting documentation or evidence to provide to the ECP.

A review of the ECP investigation disclosed ECP interviewed reactor personnel (b)(7)c

(b)(7)c about their observations of (b)(7)c in the control room, shift briefings, and training classes. None of the individuals interviewed stated they saw (b)(7)c "asleep," "fall asleep," or "sleep" on duty.

All of the personnel listed above, with the exception of (b)(7)c stated they had observed incidents of inattentiveness pertaining to (b)(7)c as follows (Exhibit 11, pp. 17-18):

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)

A review of ECP's Management Interview Summary of interviews with (b)(7)c

(b)(7)c

(Exhibit 11, pp. 23-24).

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Callaway's 2006 Operations Safety-Conscious Work Environment (SCWE) Survey, undated (Exhibit 12)

7c In general, the SCWE survey revealed that employees at Callaway believed they could raise concerns without fear of reprisals; however, a review of the SCWE Survey Comments section disclosed two SCWE Survey comments which stated Survey Comment No. 3 - Management ignored a concern of a (b)(7)(c) sleeping on duty and Survey Comment No. 70 - Comments were overheard that no action was taken for 6 months regarding a reported inattentive problem for 6 months (Exhibit 12, pp. 7-8).

Callaway Action Request (CAR) No. (b)(7)(c) dated June 13, 2006 (Exhibit 13)

7c This CAR was generated by (b)(7)(c) to track actions items 1) Reaffirm operator responsibilities for maintaining alertness and Fitness-For-Duty responsibilities; 2) Reaffirm Continued Employee Observation Program responsibilities; and 3) Reaffirm SCWE Principles.

Email from (b)(7)(c) to Shift Supervisors Regarding (b)(7)(c) with attachments, dated January 31, 2006 (Exhibit 14)

7c In this email (b)(7)(c) notified the operating and shift supervisors that effective the same date as the email [January 31, 2006] (b)(7)(c) was being reassigned to day staff duties and (b)(7)(c) had assumed (b)(7)(c) duties for (b)(7)(c). Further, attached to this email was a copy of (b)(7)(c) personnel change/promotion to (b)(7)(c) on October 1, 2002 (Exhibit 14, pp. 2-3), and a document which reflected organizational changes within the operations department effective January 27, 2006 (Exhibit 14, p. 5).

Facility Operator's Reports 2004-2006 Regarding (b)(7)(c) various dates (Exhibit 15)

7c This form, the Facility Operator's Report, was completed by the supervisor of a licensed reactor operator and forwarded to the medical reviewing officer prior to an operator's scheduled medical examination.

A review of (b)(7)(c) Facility Operator's Reports, dated January 13, 2004; December 15, 2004; and January 11, 2006, disclosed no behavioral abnormalities and perfect job attendance during those periods.

Ameren Management Performance Appraisals 2004 and 2005 for (b)(7)(c) dated February 8, 2005 and March 1, 2006 (Exhibit 16)

7c A review of (b)(7)(c) Management Performance Appraisal for 2004 disclosed he received an overall rating of (b)(7)(c) and no negative commentary.

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7c A review of (b)(7)c Management Performance Appraisal for 2005 disclosed he received an overall rating of (b)(7)c

(b)(7)c No references to, or commentary, regarding inattentiveness.

Reactor Operator Licenses for Callaway Plant, Unit No. 1, Facility License No. NPF-30 Issued by the NRC, various dates (Exhibit 17)

These documents, letters issued by the NRC, granted licenses to individuals "... to manipulate all controls of the Callaway Plant, Unit No. 1, Facility License No. NPF-30," as listed:

7c (b)(7)c

A review of (b)(7)c license renewal by the NRC showed he was granted a (b)(7)c (b)(7)c effective for 6 years beginning on February 15, 2001.

LOCT Evaluation Summary Reports (b)(7)c dated May 2005 (Exhibit 18)

This documentation reflected job performance evaluations of (b)(7)c crew during simulator training and requalifications, Course T61.08108, Session 2005032, conducted at Callaway during May 2005.

A review of the documentation disclose (b)(7)c attending the training were (b)(7)c During the training course the crew members were evaluated by Team Evaluators (b)(7)c

7c Further review of the Dynamic Simulator Crew Operational Evaluations showed the crew received an unsatisfactory rating for their performance due to a "trip of TDAFP" during the simulator examination conducted on May 5, 2005 (Exhibit 18, p. 28). Subsequently, the crew successfully completed and satisfactorily passed remedial training prior to returning to shift duties.

AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (Exhibit 19)

7c AmerenUE's Training and Student History Report for (b)(7)c reflected training, general employee and license-specific, completed by (b)(7)c beginning in (b)(7)c through the present.

A review of (b)(7)c training history disclosed (b)(7)c completed 32 hours of training during the LOCT Cycle 2005-03, Session 20050352, on May 16, 2006.

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AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (Exhibit 20)

AmerenUE's Training and Student History Report reflected training, general employee and license-specific, completed by (b)(7)c

AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (Exhibit 21)

AmerenUE's Training and Student History Report reflected training, general employee and license-specific, completed by (b)(7)c

AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (Exhibit 22)

AmerenUE's Training and Student History Report reflected training, general employee and license-specific, completed by (b)(7)c

AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (Exhibit 23)

AmerenUE's Training and Student History Report reflected training, general employee and license-specific, completed by (b)(7)c

AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (Exhibit 24)

AmerenUE's Training and Student History Report reflected training, general employee and license-specific, completed by (b)(7)c

AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (Exhibit 25)

AmerenUE's Training and Student History Report reflected training, general employee and license-specific, completed by (b)(7)c

AmerenUE Procedure APA-ZZ-00906, Revision 013, "Behavioral Observation Program," Effective Date October 28, 2004 (Exhibit 26)

This procedure provided "... guidance to assist supervisory personnel in determining appropriate actions to take when faced with a situation where employee reliability is in question" (Exhibit 26, p. 3). In Section 3.8, it instructed "Supervisors and Management Personnel" to "Observe personnel for behavior traits and patterns that may reflect adversely on their trustworthiness or reliability," and in Section 3.9, it instructed "All Personnel" to "Report noticeable behavior changes exhibited by any individual to supervisory or Security personnel for appropriate evaluation and action" (Exhibit 26, p. 6).

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AmerenUE Procedure APA-ZZ-00908, Revision 013, Fitness For Duty Program, Effective Date October 28, 2004 (Exhibit 27)

This procedure established the Callaway's Fitness for Duty Program as required by 10 CFR 26 and stated as follows:

In Section 4.6.1. b., Test for Cause - Observed Behavior, it stated, "Supervisory personnel, Refer to APA-ZZ-00906, Continued Employee Observation Program, and IMPLEMENT the applicable guidance in detecting behavior adverse to the safe operation and security of the Callaway Plant" (Exhibit 27, p. 20).

In Section 4.13.4.b., Reporting Requirements, it stated, "PERFORM notification of any significant Fitness for Duty events: ENSURE notification, at the time of discovery, of any violation of a 10CFR26 program element occurring at Callaway is identified to all licensees where the affected individual has current unescorted access authorization" (Exhibit 27, p. 40).

AmerenUE Procedure ODP-ZZ-00001, Revision 024, Operations Department - Code of Conduct, Effective Date May 6, 2005 (Exhibit 28)

This procedure established the Callaway's Code of Conduct for the Operations Department and stated as follows:

In Section 3.4.3., Shift Supervisor (SS), it stated, "The SS has the authority and responsibility to direct all activities affecting the safe, legal, and efficient operation of the Callaway Plant" (Exhibit 28, p. 7).

Under Section 4.2.2., Operations Personnel Conduct, it stated, "Sleeping is NOT allowed" (Exhibit 28, p. 22).

Under Section 4.2.3., Operations Personnel Conduct, it stated, "All plant related, technical, or administrative business held in the Control Room, must be conducted in a manner that does not compromise the licensed URO attentiveness and professional atmosphere of the Control Room" (Exhibit 28, p. 22).

Under Section 4.3.1.e., Shift Operations - Shift Manning, it stated, "During any absence of the Shift Supervisor from the Control Room while the unit is in Mode . . . an individual with a valid senior operator license shall be designated to assume Control Room command function" (Exhibit 2, p. 24).

Attachment 2 provides examples of disqualifying medical and physical conditions for licensed operators. Included on this list of disqualifying conditions were disturbance of consciousness and psychological or mental conditions that could cause impairment of alertness (Exhibit 28, pp. 42-43).

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AmerenUE Procedure ODP-ZZ-00001, Revision 025, Operations Department - Code of Conduct, Effective Date June 28, 2005 (Exhibit 29)

This revised procedure remains the same for the items referenced in Revision 024 (Exhibit 28).

AmerenUE Procedure ODP-ZZ-00001 - Addendum 02, Revision 001, Briefs (Exhibit 30)

This procedure instructed shift briefs be "... conducted prior to the crew relieving the watch and ... facilitated by the on-coming Shift Supervisor ... All Operations briefs should ..." have "Attendance/attention of everyone involved in the activity" (Exhibit 30, pp. 3 and 5).

AmerenUE Procedure ODP-ZZ-00001 - Addendum 05, Revision 000, Operational Focus/Operating Philosophy (Exhibit 31)

In this procedure, Section 2.2.3.c., Leadership Role in Plant Activities, stated, "Operations personnel are expected to foster a culture in which the plant organization is aligned to common goals and priorities that result in a plant in excellent materiel condition to support safe and reliable operation. The work environment, established by the attitudes and behaviors of personnel, along with the framework of policies and procedures, ensure that nuclear safety is an integral part of every operational decision" (Exhibit 31, p. 9).

AmerenUE Procedure ODP-ZZ-00001, Addendum 07, Revision 000, Error Reduction, Effective Date February 8, 2005 (Exhibit 32)

The purpose of this procedure was to provide guidance and techniques to assist with reducing human error while operating the plant. In Section 2.1.4.b., Peer Checking, it stated, "The Peer Checking process recognizes the human element of component operation; that is, any operator no matter how proficient can make a mistake. Operators must never relax their attentiveness based on confidence in the abilities of their peers" (Exhibit 32, p. 3).

AmerenUE Procedure ODP-ZZ-00001, Addendum 11, Revision 001, Control Room Decorum (Exhibit 33)

In this procedure, Section 2.1.3., Procedure Instructions - Distractions, it stated, "Personnel should not place themselves in a position that would give the appearance of sleeping" (Exhibit 33, p. 3).

AmerenUE Procedure TDP-ZZ-00022, LOCT Program, Revision 019 (Exhibit 34)

This procedure applies to all reactor operators or senior reactor operators who hold an active or inactive reactor operator's license at Callaway.

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In Section 3.5.4., Licensed Operators, it stated, "Licensed Reactor Operators and Senior Reactor Operators are responsible for . . . Informing the Superintendent, Operations and the Senior Training Supervisor, Operations Training of any condition that may affect the performance of license duties" (Exhibit 34, p. 5).

In Section . . . 4.2.4.b.6., Continuing Training Cyclic Evaluations, it stated, "Remove individuals who fail a continuing training cycle evaluation from licensed duties until successfully remediated by a Level Two Remediation" (Exhibit 34, p. 14).

In Section 4.4.4.a.2., Medical Standards, it stated, "If an operator is *temporarily* unable to meet medical standards, administrative classification the operator's license as 'inactive' is an option . . . It is NOT required to notify the NRC nor request a conditional license for the temporary disability provided administrative controls prevent the operator from performing licensed duties or is compensated for or restricted as appropriate during the period of his or her temporary disability" (Exhibit 34, p. 22).

Chart, 2005 On-Shift Crew Schedule, dated May 10, 2006 (Exhibit 35)

7c This chart reflected Callaway's work schedules for operating crews and reactor personnel for the period January 2005 through December 2005. The chart also disclosed that [redacted] was assigned as the [redacted]

Testimony

The following individuals were interviewed by OI:RIV during the investigation of [redacted] [redacted] allegedly sleeping on duty and potential violations of station procedures by Callaway:

Interview of [redacted] (Exhibit 36)

On May 2, 2006 [redacted] was interviewed by OI:RIV at Callaway.

AGENT'S NOTE: [redacted] terminated the interview with OI:RIV on May 2, 2006, after he was contacted by HICKEY while the interview was in progress. As a result, [redacted] cited he was now represented by HICKEY as legal counsel and requested HICKEY's legal representation during the interview. [redacted] interview with OI:RIV was rescheduled to continue on May 10, 2006 (Exhibit 51), with HICKEY in attendance.

Interview of [redacted] (Exhibit 37)

On May 9, 2006 [redacted] was interviewed by OI:RIV at Callaway. Also present during the interview of [redacted] was HICKEY.

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(b)(7)c

(b)(7)c was interviewed about concerns he reported as the (b)(7)c to (b)(7)c on or about June 16, 2005. (b)(7)c advised that sometime in June 2005 he contacted (b)(7)c and reported the (b)(7)c on (b)(7)c were concerned about (b)(7)c problems with alertness in the control room. According to (b)(7)c during a conversation with (b)(7)c in June 2005, he (b)(7)c reported "... that (b)(7)c at that time ... was having trouble staying alert in the control room ... And he expressed the concern ... that ... (b)(7)c was going to get the entire crew in trouble if he were to fall asleep in the control room" (Exhibit 37, p. 10). (b)(7)c stated he was surprised by (b)(7)c concerns about (b)(7)c alertness in the control room and remarked, "... that is the first time I heard about it" (Exhibit 37, p. 11). (b)(7)c commented that about the same time (b)(7)c informed him about (b)(7)c lack of alertness in the control room, he had heard rumors (b)(7)c was (b)(7)c (b)(7)c which he (b)(7)c believed may have contributed to his lack of alertness in the control room.

(b)(7)c reported that on or about June 10, 2005, he and (b)(7)c when (b)(7)c informed him about (b)(7)c problems with alertness in the control room. (b)(7)c advised (b)(7)c was a (b)(7)c (b)(7)c and currently assigned to (b)(7)c (b)(7)c was also aware that (b)(7)c had just completed its annual simulator training and evaluation session [May 2006] and had experienced some problems during the requalifications. (b)(7)c advised that when he asked (b)(7)c about the difficulties (b)(7)c encountered during the simulator training and requalifications, (b)(7)c responded the problems experienced by crew during the training were not attributed to any one individual but were a result of the crew's dynamics during the requalification sessions. (b)(7)c further stated (b)(7)c subsequently told him (b)(7)c was having trouble staying alert in the control room and "... he was worried that ... (b)(7)c ... was going to fall asleep ... and get the crew in trouble, but ... he didn't say that he saw him sleeping" (Exhibit 37, p. 14). (b)(7)c stated (b)(7)c described (b)(7)c as "struggling to stay awake" and "nodding off" while working on the computer in the control room and "... the crew ... would holler at him and get him to get up and move around, go for a walk ... so that he could stay alert" (Exhibit 37, p. 11). (b)(7)c clarified (b)(7)c did not report any problems with (b)(7)c during the requalifications, only problems he observed while on duty in the control room with (b)(7)c

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(b)(7)c explained that as a (b)(7)c part of his duties consisted of corresponding with management, assisting with resolution of concerns raised by reactor operators and managing relations between the employees and managers at Callaway. (b)(7)c stated he (b)(7)c on June 15, 2005, and upon his return to work, he (b)(7)c reported the concerns (b)(7)c raised about (b)(7)c to (b)(7)c (b)(7)c stated, (b)(7)c . . . did not ask me to look into it. He didn't ask me for advice. I took it upon myself to talk to (b)(7)c "about it" (Exhibit 37, p. 21). (b)(7)c recalled that after he reported the concerns about (b)(7)c to (b)(7)c he (b)(7)c responded he would look into the concerns raised about (b)(7)c. (b)(7)c stated that approximately 2 weeks after he reported (b)(7)c concerns about (b)(7)c to (b)(7)c he (b)(7)c was contacted by (b)(7)c who advised he had met with (b)(7)c and his crew [NFI] to discuss their concerns. (b)(7)c further advised (b)(7)c told him he had made a decision to remove (b)(7)c from control room duties after meeting with the crew members; however, there were no replacements available for (b)(7)c position until . . . the beginning of the year . . . January 1st . . ." [2006] (Exhibit 37, p. 25). (b)(7)c in his role as the (b)(7)c subsequently informed (b)(7)c and other crew members (b)(7)c that as a result of the crew's concerns about (b)(7)c had decided to remove (b)(7)c from control room duties.

(b)(7)c recalled that sometime during an outage in December 2005, he was approached by (b)(7)c who attempted to report a concern about "something" he observed in regards to (b)(7)c while working during the outage. (b)(7)c indicated that when he realized (b)(7)c concerns about (b)(7)c were the same concerns that had already been reported, he (b)(7)c interrupted (b)(7)c and informed him the same concerns had been previously reported to (b)(7)c had decided (b)(7)c was ". . . coming off shift at the beginning of the year" (Exhibit 37, p. 47). (b)(7)c advised that after his conversation with (b)(7)c he contacted (b)(7)c and inquired about the status of (b)(7)c reassignment from control room duties. (b)(7)c explained that because (b)(7)c was on vacation and unavailable, he questioned (b)(7)c about the status of (b)(7)c reassignment. (b)(7)c stated he became "upset" when (b)(7)c informed him it was anticipated that (b)(7)c would be removed from control room duties in June 2006 because (b)(7)c had indicated (b)(7)c would be reassigned in January 2006. After (b)(7)c informed him (b)(7)c duties were scheduled to be reassigned in 6 months or by June 2006, (b)(7)c notified his immediate supervisor (b)(7)c.

(b)(7)c advised he was re-contacted by (b)(7)c in mid-January 2006 and told he (b)(7)c had talked with the (b)(7)c and (b)(7)c had not observed any problems with (b)(7)c in the control room as previously reported by (b)(7)c. (b)(7)c stated that during the periods he observed (b)(7)c in the control room, "I did not personally see (b)(7)c having any struggles with staying awake" (Exhibit 37, p. 54). (b)(7)c further stated, ". . . it was the first of the year, I was watching

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(b)(7)c very closely, saw no evidence that he was struggling to stay awake. He looked alert all night" (Exhibit 37, p. 47). (b)(7)c mentioned he did not maintain any notes or memorandums related to his (b)(7)c contacts or conversations with the operations staff regarding (b)(7)c

(b)(7)c advised that after his conversation with (b)(7)c he had no further discussions regarding (b)(7)c until he was contacted by the ECP and interviewed by (b)(7)c

Interview of (b)(7)c (Exhibit 38)

On May 9, 2008 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

7c

(b)(7)c was interviewed about his observations of (b)(7)c during the annual simulator training exercises and requalification sessions conducted in May 2005. (b)(7)c explained that each year, as required under 10 CFR 55, a simulator performance examination was administered to licensed reactor operators. (b)(7)c advised that each year there were five cycles of requalifications and each cycle was approximately 1 week or 32-40 training hours. (b)(7)c indicated that in the training cycles, a crew will train together and the actual training time was divided evenly between simulator exercises and classroom instruction.

Although he was not an evaluator during the annual requalification of (b)(7)c (b)(7)c advised he assisted with the remediation of crew members after the crew failed to requalify to perform licensed duties. (b)(7)c stated, "On May 5th, 2005, the crew was in the simulator. They were found unsatisfactory in the simulator . . . In that particular instance, one of the reactor operators took an inappropriate action, compounded the scenario to the point where it was determined that their performance collectively as a crew was unsatisfactory . . ." and as a result, the entire crew (b)(7)c was ". . . administratively removed from standing watch and placed into a remediation program . . ." (Exhibit 38, p. 11). (b)(7)c identified members of the crew who were present during the requalifications for (b)(7)c

(b)(7)c reported (b)(7)c had been deactivated administratively or removed from licensed activities until the crew successfully completed its remediations, first successful completion on May 10, 2005, and the second successful completion on May 16, 2005. (b)(7)c advised (b)(7)c was reinstated to licensed activities on May 16, 2005.

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[redacted] recalled the crew's initial failure in the simulator scenario was attributed to a specific action by one of the reactor operators [NFI] and was not a result of any actions by the [redacted]. [redacted] stated his training activities consisted of conducting scenarios in the simulator for [redacted] and he saw no evidence of any crew member or [redacted] "not paying attention" (Exhibit 38, p. 30).

When questioned if he had observed any individual inattentive or drowsy or received complaints about an individual inattentive or drowsy during the requalification of [redacted] in May 2005, [redacted] stated, "No one said anything to me . . . No. And I was not aware of anything" (Exhibit 38, p. 32).

Interview of [redacted] (Exhibit 39)

On May 9, 2006, [redacted] was interviewed by OI:RIV at Callaway. Also present during the interview of [redacted] was HICKEY.

[redacted]

[redacted] was interviewed about his observations of [redacted] behavior as a [redacted] while on duty in the control room. [redacted] advised he was assigned to [redacted] as a [redacted] on January 8, 2006, and had only worked with [redacted] or approximately 7 days, three occasions on day shift and four occasions on night shift. [redacted] stated that while he was on duty in the control room, he did not observe any behaviors by [redacted] which would be considered out of the ordinary or associated with inattentiveness, sleepiness, or drowsiness. [redacted] further stated he had heard general rumors last summer that someone [NFI] had difficulty staying awake in the control room but could not recall any specific information about those rumors.

Interview of [redacted] (Exhibit 40)

On May 9, 2006, [redacted] was interviewed by OI:RIV at Callaway. Also present during the interview of [redacted] was HICKEY.

[redacted]

[redacted] was interviewed about his observations of [redacted] behavior as a [redacted] while on duty in the control room. [redacted] advised he was assigned to [redacted]

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(b)(7)c supervision beginning June 2004 until (b)(7)c was relieved from control room duties [January 2006]. Although he could not remember specific time frames, (b)(7)c recalled that sometime during June or July 2005, he began to notice that (b)(7)c was more than occasionally drowsy on shift. When questioned if he had observed (b)(7)c asleep on duty, (b)(7)c stated, "I've never seen the guy asleep. I have seen him drowsy. Told him to go take a walk several times" (Exhibit 40, p. 8). (b)(7)c further stated, "... I've never seen a (b)(7)c nor anyone else, asleep on duty at Callaway Plant" (Exhibit 40, p. 6).

(b)(7)c explained he had conversations with (b)(7)c about his apparent drowsiness but he (b)(7)c did not inquire about the cause of his drowsiness or ask any personal questions about why he was drowsy. (b)(7)c reported that during one of his conversations with (b)(7)c he (b)(7)c mentioned he had been (b)(7)c

(b)(7)c

(b)(7)c indicated all of the crew members were aware (b)(7)c would get drowsy on shift (Exhibit 40, p. 22). (b)(7)c stated he had discussed (b)(7)c drowsiness at work with other crew members, (b)(7)c because they were concerned that if (b)(7)c was drowsy on shift, he might fall asleep. (b)(7)c indicated (b)(7)c drowsiness was never considered a problem; however, he (b)(7)c would have taken action and relieved (b)(7)c if his drowsiness was viewed as a problem. (b)(7)c stated, "I never had a fitness for duty concern ..." regarding (b)(7)c drowsiness because "We all get that way. Sometimes the room gets hot" (Exhibit 40, p. 22). (b)(7)c observed that when (b)(7)c became drowsy "... you'd see his eyes start to get ... cloudy ..." (Exhibit 40, pp. 11-12). (b)(7)c advised when he detected (b)(7)c exhibiting any signs of tiredness or drowsiness, he would encourage him to "take a walk," "stand up," or "get a drink of water" (Exhibit 40, p. 12).

Interview of (b)(7)c (Exhibit 41)

On May 9, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. (b)(7)c advised he was assigned to (b)(7)c under (b)(7)c supervision beginning January 2005 through January 2006. (b)(7)c recalled the first time he observed a (b)(7)c "nodding off" in the control room was

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June 8, 2005. (b)(7)c stated that soon after (b)(7)c had completed its simulator training and remediation in May 2006, he noticed (b)(7)c began "nodding off" in the control room on the night shifts. (b)(7)c described he observed (b)(7)c on one or two occasions sitting at the computer in the control room and, although he could not see (b)(7)c eyes, his (b)(7)c head would drop down and his chin would hit his chest (Exhibit 41, p. 16). (b)(7)c stated, "I would notice (b)(7)c nodding his head. And I would holler at him . . . get his attention. And then he would either get up and walk around or he would seem alert" (Exhibit 41, p. 15). (b)(7)c mentioned (b)(7)c were present in the control room on one occasion when he hollered at (b)(7)c because he was nodding. (b)(7)c explained that on the occasions when he observed (b)(7)c nodding at the computer, he (b)(7)c only saw (b)(7)c head "just nodding" but he did not appear to be asleep or sleeping (Exhibit 41, pp. 20-21). (b)(7)c further stated that during the time when he observed (b)(7)c "nodding" in the control room, he (b)(7)c was not alert but ". . . as soon as I'd holler at him, he would be attentive" (Exhibit 41, p. 21). (b)(7)c clarified he only saw (b)(7)c "nodding" on one or two occasions during a 6-week period while working on night shift with (b)(7)c

(b)(7)c

When questioned if he was aware of any instances of reports or discussions by Callaway personnel about a (b)(7)c sleeping on duty, (b)(7)c stated he was aware of conversations about a (b)(7)c . . . nodding off, but not sleeping" (Exhibit 41, p. 7). (b)(7)c advised he was not aware of any other concerns that were raised or reported regarding a (b)(7)c or anyone else, sleeping on duty.

Interview of (b)(7)c (Exhibit 42)

On May 9, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c advised the first time he was notified that a (b)(7)c allegedly had been inattentive on duty at Callaway was by (b)(7)c during a briefing of the ECP's investigation in January 2006. (b)(7)c clarified that when (b)(7)c initially briefed him about ECP's investigation into the allegation that a (b)(7)c had been inattentive on duty, he (b)(7)c provided the results of the interviews but did not provide him with the

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names of the reactor personnel who were interviewed by ECP. [REDACTED] recalled that based on the interviews of reactor personnel [REDACTED] behaviors on duty caused them to believe he was inattentive. [REDACTED] stated he was never told [REDACTED] had been "sleeping on watch" (Exhibit 42, p. 60). [REDACTED] advised [REDACTED] concluded in the ECP's investigation ". . . that it appears he may have been inattentive on shift. . . ." but did not substantiate that [REDACTED] was inattentive on duty (Exhibit 42, p. 27). [REDACTED] stated [REDACTED] was very emphatic that there was no indication that anyone had seen or heard of [REDACTED] sleeping on duty" (Exhibit 42, p. 9).

[REDACTED] stated the ECP investigation disclosed [REDACTED] alleged inattentiveness on duty had been initially reported to [REDACTED] by the [REDACTED] and [REDACTED] and [REDACTED] failed to thoroughly research the matter or take corrective action. [REDACTED] reported that no signs of inattentiveness or lack of alertness were detected by [REDACTED] for [REDACTED] during their observations of [REDACTED] in the control room (Exhibit 42, p. 25). [REDACTED] further stated [REDACTED] and [REDACTED] should have referred the allegation that [REDACTED] was inattentive on duty to the ECP for investigation. [REDACTED] surmised that [REDACTED] was limited in his ability to investigate [REDACTED] alleged inattentiveness and although [REDACTED] questioned [REDACTED] about his observations of [REDACTED] on shift, he [REDACTED] "didn't dig deep enough" (Exhibit 42, p. 14). [REDACTED] concluded that [REDACTED] investigation of [REDACTED] was "shallow" (Exhibit 42, p. 11).

[REDACTED] further explained that [REDACTED] should have referred the matter to ECP when [REDACTED] brought the matter to his attention because [REDACTED] had requested confidentiality and did not want the other reactor operators interviewed. [REDACTED] stated, "That's part of the culture here, that the reactor operators would talk to their steward, and then have the steward talk to the manager" (Exhibit 42, p. 15). [REDACTED] surmised that although he has an open door policy, employees are reluctant to report concerns directly to management because of "peer pressure" or "mind set" to report concerns through their union steward. [REDACTED] further explained that to compensate for peer pressure not to report concerns directly to management, he [REDACTED] goes into the workplace once a month and makes himself accessible to the employees (Exhibit 42, p. 20).

[REDACTED] advised he subsequently met with [REDACTED] and [REDACTED] on or about February 2, 2006. for a [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (Exhibit 42, pp. 21-22). [REDACTED] stated he told [REDACTED] and [REDACTED] "... I did not want [REDACTED] on shift again" (Exhibit 42, p. 22).

Interview of [REDACTED] (Exhibit 43)

On May 10, 2006, [REDACTED] was interviewed by OI:RIV at Callaway. Also present during the interview of [REDACTED] was HICKEY.

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(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c during the annual simulator training exercises/requalification sessions conducted in May 2005 and (b)(7)c behavior in the control room. (b)(7)c advised he was assigned as the (b)(7)c on (b)(7)c under (b)(7)c supervision May 2004 through September 2005. When asked if he ever saw (b)(7)c "nodding" or drowsy in the control room, (b)(7)c stated (b)(7)c "... looked tired sometimes ... he never nodded off. I never saw him nodding off or anything. I'd walk back there to see ... he was always awake, always working on something" (Exhibit 43, p. 13). (b)(7)c advised his observations of (b)(7)c in the control room were that he was busy and overwhelmed, but he never saw him sleeping or "nodding." (b)(7)c further advised he never saw (b)(7)c "nodding" or sleeping during shift briefings or in the control room.

(b)(7)c was present and participated during the licensing requalifications for (b)(7)c in May 2005. When asked if he ever saw (b)(7)c "nodding" or drowsy during the requalifications or training for (b)(7)c indicated he had observed (b)(7)c "nod off" once or twice during the training sessions but not in the control room. (b)(7)c acknowledged (b)(7)c had failed the initial requalification and were subjected to remedial training before passing the requalification examination. (b)(7)c stated that during the remedial training for (b)(7)c (b)(7)c "... nodded off a few times" during the critique sessions and the crew members would "... wake him up and continue" (Exhibit 43, pp. 23-24). (b)(7)c stated that (b)(7)c "... never actually fell asleep ... he would just look tired and he'd stand up" and continue with the training (Exhibit 43, p. 24). (b)(7)c explained the Crews failure was due to an incorrect response by the crew during a test scenario and was not attributed to any actions by (b)(7)c.

(b)(7)c stated he had not observed any control room staff approach (b)(7)c and ask him to wake up or get up and move around. (b)(7)c advised he was never approached by other reactor operators with questions, comments, or concerns about (b)(7)c behavior in the control room.

Interview of (b)(7)c (Exhibit 44)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

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(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. Although he could not recall specific details, (b)(7)c advised he only heard general rumors among the reactor operators that (b)(7)c had been not attentive at the training center and during the recent "practice evolutions" (Exhibit 44, p. 18). (b)(7)c advised that in 2005 he was assigned to various crews, which included assignments on (b)(7)c crew. (b)(7)c recalled he had worked outages with (b)(7)c on a few occasions during the October and November 2005 time frame but did not observe any behaviors by (b)(7)c that would indicate he was not alert or drowsy on duty.

(b)(7)c stated his observations of (b)(7)c behaviors on shift were consistent with his observations of other reactor personnel on shift. (b)(7)c further advised he usually worked the night shift and had limited contact with (b)(7)c except for the occasional shift turnover briefings. (b)(7)c reported he had not observed anyone that was not fully alert, not paying attention, or "nodding off" during the shift turnover briefings at Callaway. (b)(7)c stated, "Everybody looked like they were paying attention . . . everybody was attentive at the briefing. If they weren't, I surely would've seen it" (Exhibit 44, p. 17).

Interview of (b)(7)c (Exhibit 45)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. Although he was not assigned to (b)(7)c crew, (b)(7)c advised he had observed (b)(7)c on duty in the control room during a refueling outage one occasion during the period September - November 2005. (b)(7)c recalled that on one occasion when he entered the control room, he observed (b)(7)c sitting in a chair in the (b)(7)c office. (b)(7)c stated, "As I walked through the foyer and looked . . . (b)(7)c was staring down and his head was bobbing" (Exhibit 45, p. 11). (b)(7)c further stated, "... I could not see (b)(7)c eyes. I do not know if they were opened or closed . . . I cannot say he was asleep because I did not see his eyes . . . The only thing I saw was (b)(7)c head bobbing and that was it . . . It

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appeared he was inattentive" (Exhibit 45, pp. 13, 15, and 31). (b)(7)c described "inattentive" as "Not paying attention to what's going on in the control room" or not focused (Exhibit 45, p. 15). (b)(7)c remembered that as he entered the control room, he said "hello" to the staff and everyone including (b)(7)c looked up at him and replied "hello."

(b)(7)c

Interview of (b)(7)c (Exhibit 46)

On May 10, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c during the annual simulator training exercises and requalification sessions conducted in May 2005. Although he could not remember specific details, (b)(7)c recalled (b)(7)c crew (b)(7)c initially failed during requalification due to a disconnect in their communications as a team during an examination and not because of inattentiveness on the part of any crew member (Exhibit 46, pp. 21-26). (b)(7)c stated, "... during exam scenarios, in my (b)(7)c never observed any kind of sleepiness ... not paying attention to what the room was doing. That is not an issue during an exam ..." (Exhibit 46, p. 21).

However, (b)(7)c stated that on two occasions he personally observed (b)(7)c being inattentive, nodding, and/or asleep in the classroom located in the training building and verbally counseled him after class about his inattentiveness (Exhibit 46, p. 30). (b)(7)c advised he could not remember the dates when he counseled (b)(7)c about his inattentiveness in the classroom but indicated it was sometime in 2005. (b)(7)c further advised (b)(7)c inattentiveness and/or sleeping in class was discussed among the other instructors in LOCT meetings also known as "end of cycle briefings." (b)(7)c recalled conversations with (b)(7)c [phonetic spelling], and another (b)(7)c [NFI] whereby they indicated they had also observed (b)(7)c nodding or sleeping in class (Exhibit 46, pp. 37-38). (b)(7)c reported that (b)(7)c and (b)(7)c also attended the

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LOCT meetings and were present during the discussions about (b)(7)c sleeping issues during training classes. (b)(7)c stated, "... we told them (b)(7)c has been sleeping" in class and annotated the LOCT report for that cycle [NFI] (Exhibit 46, p. 32).

(b)(7)c recalled he had discussions with other LOCT instructors about (b)(7)c (b)(7)c [NFI] not being alert during training classes located in the training building; however, he was not aware, nor heard any reports, of any (b)(7)c sleeping or "not alert" during the shift briefings and/or in the control room.

Interview of (b)(7)c (Exhibit 47)

On May 10, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c (b)(7)c while on duty in the control room. Although he was not assigned to (b)(7)c crew (b)(7)c advised he worked with (b)(7)c on his crew during the refueling outage for 7 weeks beginning in September 2005. (b)(7)c reported he had not, at any time, observed (b)(7)c drowsy, "nodding off," or asleep during the shift turnover briefings or in the control room at Callaway. (b)(7)c further stated, "I would have to say I've never noticed him asleep at the brief or potentially asleep . . . no, I've never (sic) him sleeping at brief . . . I didn't observe him sleeping or anything like that. But I wasn't watching for it, either" (Exhibit 47, pp. 14-17).

(b)(7)c advised the first time he became aware an allegation that a (b)(7)c may have been inattentive on duty was after (b)(7)c was removed from shift and he heard rumors that he was removed because of inattentiveness (Exhibit 47, p. 17).

Interview of (b)(7)c (Exhibit 48)

On May 10, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

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(b)(7)c

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(b)(7)c was interviewed about his observations of (b)(7)c during the annual simulator training exercises and requalification sessions conducted in May 2005. (b)(7)c acknowledged he was assigned an evaluator for (b)(7)c during its requalifications in May 2005. Although he could not remember specific details, (b)(7)c recalled that (b)(7)c crew (b)(7)c initially failed during requalification as team and that the crew's failure was not attributed to any one individual's performance. (b)(7)c explained, "Generally speaking . . . somebody had a piece of knowledge that they didn't share with the whole team, and it caused the team to go the wrong direction in procedure and they failed" (Exhibit 48, p. 9). (b)(7)c advised he does not recall any discussions related to concerns about alertness issues during the requalifications in May 2005. (b)(7)c stated, ". . . there's no way that a student would even attempt to sleep during an evaluation or doze off . . . I have had students refuse to take exams for a multitude of reasons - family issues, drowsiness, a medication" (Exhibit 48, p. 18).

(b)(7)c recalled that about 6 months ago (b)(7)c approached him and asked his advice regarding what actions he would take if he saw a (b)(7)c "nodding" on duty. (b)(7)c stated, "I told him if my (b)(7)c was nodding off, I would tell him to get up and go for a walk . . . And that was pretty much the end of the discussion" (Exhibit 48, p. 23). (b)(7)c advised that (b)(7)c was a (b)(7)c and also a (b)(7)c. (b)(7)c further advised he was aware that (b)(7)c at that time was (b)(7)c.

(b)(7)c advised that in his position as a (b)(7)c he had discussions with other (b)(7)c related to an individual's [NFI] inattentiveness or "nodding off" during training; however, he (b)(7)c does not recall any discussions related to inattentiveness or "nodding" specifically related to (b)(7)c.

Interview of (b)(7)c (Exhibit 49)

On May 10, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

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(b)(7)c recalled the first time he was notified that he was going to be removed from control room shift duties was late January or early February 2006. (b)(7)c stated he was contacted by (b)(7)c and (b)(7)c (who informed him that because of allegations he (b)(7)c was inattentive on shift, they were required to remove him from shift duties in the control room (Exhibit 49, p. 10). (b)(7)c stated, "I was shocked . . . there wasn't a whole lot I could say at the time, other than . . . I didn't understand where this had come from (Exhibit 49, p. 10). (b)(7)c remembered he asked (b)(7)c and (b)(7)c if someone had accused him of being asleep on shift and (b)(7)c responded "no." (b)(7)c advised that during his meeting with (b)(7)c and (b)(7)c although they used the word "inattentive," he (b)(7)c stated to them, "I have never been asleep on shift" (Exhibit 49, pp. 11-12). (b)(7)c indicated he had previously discussed that he was going to be reassigned to a day shift position in June 2006 and the reassignment was attributed to crew's failure on the initial requalification examination and personality conflicts within the team. (b)(7)c advised his reassignment to day shift duties was scheduled to occur in June 2006 and was not viewed as an adverse action but as a reorganization of (b)(7)c personnel.

When questioned about "inattentiveness" or being "asleep on duty," (b)(7)c stated, ". . . I have never been sleeping on duty . . . I have never been inattentive on duty" (Exhibit 49, p. 18). (b)(7)c recalled only one occasion in the control room where he was approached by a member of his crew (b)(7)c in December 2005 and asked, "Are you feeling okay?" (Exhibit 49, p. 29). (b)(7)c stated, ". . . at that time, I felt very awake and very alert. And so, you know, I wasn't sure . . . why he brought that up . . . And that's the only time I remember that anybody came to me and basically asked me how I was doing or anything that would be even close to checking how I was feeling" in the control room (Exhibit 49, pp. 29-30). (b)(7)c opined that because he often performed work at the computer in the control room or was away from the control room conducting plant tours, someone may have assumed he was asleep or inattentive to his duties. (b)(7)c stated, ". . . I take conscious efforts to make sure that I don't appear tired or drowsy. And certainly I would never be asleep on duty" (Exhibit 49, p. 34). (b)(7)c advised he had not been interviewed or questioned by Callaway personnel regarding the allegation he was inattentive or "asleep" on duty.

(b)(7)c recalled that sometime during September-December 2005, he was notified by (b)(7)c that had been reported he (b)(7)c was observed appearing to be fatigued on shift. (b)(7)c explained that during the October/November/December 2005 time frame, (b)(7)c (b)(7)c he remained focused on his duties while on shift. (b)(7)c stated that in January 2006, he contacted (b)(7)c and told him ". . . (b)(7)c (b)(7)c (Exhibit 49, p. 51).

(b)(7)c

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(b)(7)c

(b)(7)c reported that after his removal from control room duties (b)(7)c
(b)(7)c

(b)(7)c advised he has no recollection of any occasions while attending LOCT training classes; during licensing requalifications; or performing shift duties in the control room where he may have been inattentive, or exhibited inattentive behaviors. (b)(7)c stated, "I was never fatigued on shift . . . I was never having any appearances of being sleepy or being so exhausted that I would fall asleep on shift . . . It's my understanding this (b)(7)c (b)(7)c you would know it if you were fatigued and you were getting tired" (Exhibit 49, p. 64).

(b)(7)c advised that on occasion, he had personally observed other individuals during the LOCT training classes who appeared to be tired but he had never observed anyone that appeared "sleepy" or "asleep" during class.

Interview of (b)(7)c Exhibit 50)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room or during the shift turnover briefings. (b)(7)c stated he was assigned to Crew 2 and the only time he had any interactions with (b)(7)c was during

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the shift turnover briefings. (b)(7)c reported he did not observe any "nodding" or inattentiveness behaviors by (b)(7)c during the shift turnover briefings. (b)(7)c recalled that the first time he became aware (b)(7)c was suspected of inattentiveness on duty was during the refueling outage in October or November 2005 when his supervisor (b)(7)c told him he saw (b)(7)c "... nodding off during a shift turnover ..." briefing (Exhibit 50, pp. 8 and 18).

Re-Interview of (b)(7)c (Exhibit 51)

On May 10, 2006 (b)(7)c was re-interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

AGENT'S NOTE: (b)(7)c terminated the interview with OI:RIV on May 2, 2006 (Exhibit 36), after he was contacted by HICKEY while the interview was in progress and accepted HICKEY's offer for legal representation. As a result, (b)(7)c interview was rescheduled for May 10, 2006, with HICKEY in attendance.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c during the annual simulator training exercises and requalification sessions conducted in May 2005. Although he could not recall specific dates or details, (b)(7)c stated that sometime during 2005 he was asked to provide assistance with the reevaluation of (b)(7)c crew after they had failed their first requalification examination. (b)(7)c stated that in his role as an evaluator, he evaluated the crew's "... performance from compliance with the corporation's goals and objectives to the site's policies, procedures and standards, to the legal requirements of the Tech Specs, the new regs, the codes, the attitude of the crew, the teamwork of the crew, the untangible (sic) aspects of how they make decisions ..." among other criteria (Exhibit 51, p. 13). (b)(7)c advised he did not participate in the remediation of (b)(7)c crew.

When questioned if he had observed any individual inattentive or drowsy or received a report that an individual was inattentive during requalifications, (b)(7)c stated, "No ... I heard no discussion and had no thoughts in that matter that anyone on that crew was not fit for duty or fully engaged in their exercise, evaluation, remediation and reevaluation" (Exhibit 51, pp. 23- 26).

Interview of (b)(7)c (Exhibit 52)

On May 11, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

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(b)(7)c

(b)(7)c was interviewed regarding a concern reported to the ECP on January 23, 2006, by (b)(7)c. Specifically, (b)(7)c investigated a concern reported to the ECP by (b)(7)c which alleged that a (b)(7)c had problems with alertness and attentiveness to duty in the control room. (b)(7)c stated, "I want to clarify. The allegation that was presented to me . . . by (b)(7)c in his terms were related to alertness and attentiveness. Sleeping, an allegation of sleeping was not presented to me" (Exhibit 52, p. 5).

(b)(7)c advised that the final investigative report he published for the ECP represented a summary of his handwritten notes generated during the ECP investigation [ECP Management Interview Summary 20060123]. (b)(7)c indicated the focus of the ECP investigation was specific to "alertness" and "attentiveness" issues (Exhibit 52, p. 9). (b)(7)c recalled that (b)(7)c had reported he heard the term "Sleeping Beauty" used by other personnel when referring to (b)(7)c however, he (b)(7)c did not report he heard that (b)(7)c was "asleep" or "sleeping" on duty. (b)(7)c further advised that the ECP investigation found no evidence of any individual sleeping on duty.

Interview of (b)(7)c (Exhibit 53)

On May 11, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c advised that to the best of his recollection, the first time he was notified that a (b)(7)c allegedly had been inattentive on duty at Callaway was sometime in May or June 2005. (b)(7)c stated that sometime in May or June 2005, a (b)(7)c approached him one morning in the control room and ". . . said another RO had voiced a concern that (b)(7)c appeared drowsy at times" (Exhibit 53, p. 9). (b)(7)c

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(b)(7)c recalled that when he asked (b)(7)c to disclose the name of the (b)(7)c who raised the concern, he (b)(7)c refused because the concerned individual had requested confidentiality. As a result (b)(7)c advised that because (b)(7)c did not provide the name of the concerned individual, he subsequently questioned (b)(7)c about appearing drowsy in the control room. (b)(7)c stated he asked (b)(7)c "Are you, in fact, sleeping in the control room? And he denied being sleepy" (Exhibit 53, p. 11). (b)(7)c further advised that during his discussion with (b)(7)c he (b)(7)c denied he had been distracted or sleepy in the control room (b)(7)c

(b)(7)c

(b)(7)c stated he told (b)(7)c "I need you to come tell me when you can't do your job because you have external forces driving it . . ." and that (b)(7)c replied, "Yes. I will do that" (Exhibit 53, p. 11).

(b)(7)c reported that after his discussions with (b)(7)c he made inquiries with the (b)(7)c and (b)(7)c crew members [NFI] regarding their observations of (b)(7)c on shift whereby they responded they had not observed any indications of inattentiveness by (b)(7)c. (b)(7)c stated that during the summer months, he (b)(7)c "Never heard or saw anything during that time related to alertness" regarding (b)(7)c (Exhibit 53, p. 20). Although he could not recall the dates, (b)(7)c advised he observed the (b)(7)c including (b)(7)c in the control room approximately six times during a 6-week period on various occasions and did not observe any inattentiveness.

(b)(7)c also recalled that (b)(7)c crew had initially failed during the licensing requalifications and were subjected to two remediations before they requalified. (b)(7)c reported he was assigned as the lead evaluator during the crew's requalification sessions and based on his observations of (b)(7)c and the crew members during the requalifications, the crew's initial failure to requalify was not related to any inattentiveness or actions by (b)(7)c. (b)(7)c further stated he did not observe any alertness issues regarding (b)(7)c nor his crew during the requalification sessions.

(b)(7)c advised that in September 2005, he was informed by (b)(7)c that (b)(7)c was "upset" and indicated he (b)(7)c should go talk to (b)(7)c. (b)(7)c stated he subsequently met with (b)(7)c and he (b)(7)c informed him he was "... getting sick and tired of (b)(7)c being drowsy at the shift turnover meeting" (Exhibit 53, p. 26). Because (b)(7)c reported that (b)(7)c appeared to be drowsy in meetings, (b)(7)c told (b)(7)c he would attend the shift turnover meetings for the purpose of observing

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(b)(7)c stated he frequently attended the shift turnover meetings and "... spent a lot of time with (b)(7)c on night shift..." but saw no indications of inattentiveness (Exhibit 53, p. 29). (b)(7)c stated that (b)(7)c did not report (b)(7)c was sleeping in the shift turnover meetings.

(b)(7)c advised he and (b)(7)c subsequently met with the supervisors assigned to (b)(7)c crew and asked about their observations of (b)(7)c in the control room but found no indications that (b)(7)c had been inattentive (Exhibit 53, p. 45). (b)(7)c stated he and (b)(7)c also had personally observed (b)(7)c in the control room and found no evidence to support the claim that he (b)(7)c was inattentive on duty. (b)(7)c further stated, "... what I saw with my own eyes said it wasn't an issue" (Exhibit 53, p. 45). (b)(7)c commented he did not report the concerns raised regarding (b)(7)c to his supervisor (b)(7)c because he (b)(7)c had not observed (b)(7)c exhibiting any inattentiveness behaviors.

(b)(7)c advised that after a concern was filed with the ECP in January 2006 regarding (b)(7)c alleged inattentiveness on duty, he (b)(7)c was removed from shift duties pending the ECP's investigative finding. (b)(7)c

(b)(7)c

(b)(7)c stated that at the time the concern was filed with the ECP (b)(7)c had already reported he had (b)(7)c however, he (b)(7)c had already decided "... to take (b)(7)c off shift, anyway, because of other issues" and reassign (b)(7)c as (b)(7)c for (b)(7)c (Exhibit 53, p. 48). (b)(7)c stated, "If it was as blatant as it was portrayed in the Employee Concerns investigation, why weren't other people coming to us..." to report (b)(7)c inattentiveness (Exhibit 53, p. 36).

(b)(7)c reported there was only one occasion when he observed (b)(7)c actions in a classroom setting that may have been interpreted as inattentiveness. (b)(7)c stated, "The only thing I saw was when we were sitting..." in a classroom during training "... as a large group... and I saw him, you know how your eyes roll in your head occasionally, one time. And I said, (b)(7)c are you okay?' And he said, 'Yeah.' and that was it" (Exhibit 53, p. 17). (b)(7)c stated, "... if I truly felt that (b)(7)c could not do the job, I would've taken the appropriate action" (Exhibit 53, p. 43).

Interview of (b)(7)c (Exhibit 54)

On May 11, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

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(b)(7)c

(b)(7)c conveyed that part of his duties as the (b)(7)c was to conduct observations of operator personnel in the control room. (b)(7)c stated, "Typically, I'll be in the control room by 6:00 a.m. And what I do when I walk in the control room is look around and see what's going on . . . And when I walk through the door . . . the first thing I see is the (b)(7)c office" (Exhibit 54, p. 24). (b)(7)c reported that during his observations of (b)(7)c in the control room, he (b)(7)c did not exhibit any behaviors associated with inattentiveness.

(b)(7)c advised that as the (b)(7)c he routinely meets with the LOCT staff between training cycles for the purpose of obtaining feedback regarding the crew's performance during training. To the best of his recollection, (b)(7)c recalled the first time he was notified that (b)(7)c had been inattentive in the classroom was sometime during the summer of 2005. (b)(7)c stated, "There were comments made in the summertime -- I cannot tell you specifically when, there were comments made to me that (b)(7)c was having some difficulty remaining alert in class. Meaning that maybe, you know, his head would bob or something like that. I was not ever told that (b)(7)c was sleeping in class . . . I believe the most accurate representation would be that he was having trouble staying awake" in class (Exhibit 54, pp. 12-13). When asked if he had ever observed (b)(7)c inattentive, (b)(7)c stated, "I recall . . . in a (b)(7)c that I was conducting that (b)(7)c bobbing (sic) his head for a few seconds . . . A couple of times but not in the control room (Exhibit 54, p. 28).

Although he could not remember the dates (b)(7)c recalled he had discussions in 2005 with the operations training staff, (b)(7)c about (b)(7)c alertness or "head bobbing type things" during training classes (Exhibit 54, pp. 12-15). (b)(7)c stated, "I was never made aware of sleeping. No one ever came to me and said that (b)(7)c was asleep on watch. That did not happen" (Exhibit 54, p. 12). (b)(7)c further stated that end of cycle reports were generated after each training session in 2005, but "Those written reports did not contain any reference to (b)(7)c with respect to alertness or sleeping"; however, he remembered a written comment on one report [NF] which documented (b)(7)c was ". . . attempting to sleep in class" (Exhibit 54, p.15).

(b)(7)c advised that based on his discussions with the training staff, he and (b)(7)c were concerned about (b)(7)c job performance and they decided to evaluate (b)(7)c performance in the control room. As a result, in April 2005 (b)(7)c conducted an observation of (b)(7)c and (b)(7)c interactions on night shift duty in the

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control room (b)(7)c stated that based on his observations of (b)(7)c in the control room during April 2005, he determined "... the leadership they demonstrated on crew that night (b)(7)c (Exhibit 54, p. 16) (b)(7)c advised he discussed the control room performance/evaluation results with (b)(7)c

(b)(7)c recalled that (b)(7)c crew had failed a simulator examination during licensing requalifications in May 2005, but he was not provided any details of the crew's failure because he (b)(7)c was also in training and scheduled to take the same requalification examination. (b)(7)c further stated he was scheduled to begin 2 weeks of vacation leave the same week as the requalifications for (b)(7)c crew and therefore, he (b)(7)c was not on shift for the crew's entire requalification period. (b)(7)c reported that upon his return from vacation, he and (b)(7)c discussed (b)(7)c overall performance, including his (b)(7)c difficulty remaining alert in training class, and it was agreed that (b)(7)c would discuss the performance deficiencies with (b)(7)c. According to (b)(7)c informed (b)(7)c about the concerns raised about (b)(7)c performance issues in the control room and alertness in the classroom (b)(7)c indicated that based on (b)(7)c leadership characteristics," it was decided he would be more effective in a project-based role instead of a leadership role. (b)(7)c explained the decision was made to reassign (b)(7)c to the

(b)(7)c and selected (b)(7)c as (b)(7)c replacement for (b)(7)c (b)(7)c stated, "We recognized that (b)(7)c was having some (b)(7)c and that ... could have an impact on his engagement in work. And we felt like ... given all the circumstances, that it would be best to, at the earliest opportunity ... move him to a position where we could better use his talents ..." (Exhibit 54, p. 41). (b)(7)c emphasized the decision to reassign (b)(7)c was based on his leadership and communication performance, not due to any alertness issues. (b)(7)c explained that although the decision had been made to reassign (b)(7)c no specific dates had been identified for the reassignment because they (b)(7)c were in the process of obtaining approval for the training and reassignment of operator personnel.

(b)(7)c advised that on or about December 20, 2005 (b)(7)c contacted him and reported the (b)(7)c on (b)(7)c crew had expressed concerns about his (b)(7)c alertness in the control room. (b)(7)c indicated he told (b)(7)c he would follow up on the (b)(7)c concerns about (b)(7)c and provide a response to him. (b)(7)c subsequently contacted (b)(7)c (b)(7)c and inquired about (b)(7)c behavior in the control room. (b)(7)c stated, "I asked (b)(7)c if he witnessed any issues with (b)(7)c alertness in the control room, and he told me no, that he did not" (Exhibit 54, p. 37). (b)(7)c recalled that after he spoke with (b)(7)c he met with (b)(7)c on or about January 12, 2006, and told him he had talked with (b)(7)c and he (b)(7)c reported he had not observed any problems, nor had concerns, with (b)(7)c alertness or behavior in the control room. (b)(7)c recalled that one week after his conversation with (b)(7)c in

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January 2006, he (b)(7)c was interviewed by the ECP investigator (b)(7)c regarding a concern raised about (b)(7)c "alertness on shift" and on January 23, 2006 (b)(7)c

(b)(7)c is
(b)(7)c

(b)(7)c stated, "I am aware that there is an . . . allegation that a (b)(7)c was inattentive to duty. I have, since this has unfolded here, been told that the allegation is that the person was sleeping on duty" (Exhibit 54, p. 11) (b)(7)c clarified he never received an allegation that (b)(7)c was sleeping on duty and stated, "If a person was asleep on watch in that control room, they'd be gone right now" (Exhibit 54, p. 54).

Interview of (b)(7)c (Exhibit 55)

On June 12, 2006, (b)(7)c Callaway, was interviewed by OIRIV in Columbia, Missouri.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room or during the shift turnover briefings. (b)(7)c stated, ". . . I've never observed anyone asleep, but I've observed (b)(7)c trying to stay awake . . . I know that occasionally individuals will have trouble staying awake on the night shift . . . I've never really at Callaway Plant ever seen anyone sleeping in their chair or anything like that" (Exhibit 55, pp. 5-6). (b)(7)c recalled he had worked on (b)(7)c as a (b)(7)c

(b)(7)c when (b)(7)c (b)(7)c stated he had observed (b)(7)c and other control room personnel [NFI] on occasion having problems staying awake on duty, but (b)(7)c ". . . didn't seem . . . worse than anyone else . . . in that regard" (Exhibit 55, p. 14). When asked if he had observed any alertness problems related to (b)(7)c (b)(7)c stated, "Nothing -- nothing that stands out" (Exhibit 55, p. 21). (b)(7)c advised he became aware of concerns that (b)(7)c had been inattentive on duty after his (b)(7)c removal from control room duties.

When asked if he had observed any occasions where (b)(7)c was absent from the control room for extended periods of time (b)(7)c stated, "Well, it didn't seem that out of the ordinary at the time. But . . . he'd be away from the control room for . . . quite a bit of time at a stretch . . . it was a longer amount of time than normal" (Exhibit 55, p. 21). (b)(7)c reported that (b)(7)c always notified the control room supervisor when he left the control room (Exhibit 55, p. 23). (b)(7)c stated (b)(7)c would leave the control room for ". . . sometimes . . . just an hour. But . . . there were . . . a few nights where . . ." he was gone

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"... for maybe four or five hours... He'd always tell the CRS where he was when he left. But it's not abnormal (sic) to just say you're going to go walk around" (Exhibit 55, p. 23).
(b)(7)c commented that because of (b)(7)c had ongoing at that time, he (b)(7)c did not know why (b)(7)c left the control room for long periods of time, but he suspected it was for reasons other than inspection of the plant or observation of personnel.

AGENT'S NOTE: A review of the card reader transaction histories for the control room entries/exits for May/June 2005 disclosed no evidence that (b)(7)c was absent from the control room for extended periods of time. According to (b)(7)c he substituted for (b)(7)c as the (b)(7)c during the May/June 2005 time frame. Further, testimony obtained from other control room personnel did not support (b)(7)c claim that (b)(7)c was absent from the control room occasionally for "four to five hours."

(b)(7)c remarked he had heard rumors about (b)(7)c and speculation regarding his absences from the control room, but he (b)(7)c had no firsthand knowledge nor was he a witness to (b)(7)c activities at Callaway.

Interview of (b)(7)c (Exhibit 56)

On June 13, 2006, (b)(7)c Callaway, was interviewed by OI:RIV in Columbia, Missouri.

(b)(7)c

(b)(7)c was interviewed about (b)(7)c observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. (b)(7)c stated that as a (b)(7)c during the period 2001 through August 2005, (b)(7)c did not observe any behaviors by (b)(7)c in the control room that would indicate he was not fully alert or inattentive on duty. (b)(7)c commented (b)(7)c was not aware of any concerns or discussions regarding inattentiveness by a (b)(7)c until (b)(7)c heard rumors that someone had complained to the ECP.

When asked if he had observed any occasions where (b)(7)c was absent from the control room for extended periods of time, (b)(7)c advised (b)(7)c did not personally observe any unusual absences by (b)(7)c. Although (b)(7)c could not remember specific time frames, (b)(7)c recalled (b)(7)c overheard comments by the control room staff [NFI] that (b)(7)c "... was always gone of... he would leave his OS in charge and go use the phone in the conference room..." (Exhibit 56, p. 46). (b)(7)c also recalled one occasion where (b)(7)c

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observed (b)(7)c personal vehicle parked in the same spot in the (b)(7)c parking space when (b)(7)c arrived to work (b)(7)c "owl shift" at 10:30 p.m. one night and that his vehicle was still in the same parking spot when (b)(7)c left earlier that same day in the morning at 7 a.m. (Exhibit 56, pp. 56-62). (b)(7)c stated (b)(7)c found it unusual for (b)(7)c vehicle to be parked at Callaway because "... he didn't come to relieve a crew or anything. That day he should've been gone" since he was not scheduled to work for the next 3-4 days (Exhibit 56, p. 58). (b)(7)c further stated (b)(7)c never saw (b)(7)c on site that day but when (b)(7)c "... came back at 10:30 that night his car should not have been there" (Exhibit 56, p. 59).

Interview of (b)(7)c (Exhibit 57)

On June 14, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c during the annual simulator training exercises/reevaluation sessions conducted in May 2005 and (b)(7)c behavior in the control room. (b)(7)c advised he was assigned as a (b)(7)c during the crews' requalifications session in May 2005. (b)(7)c explained that in May 2005 he had been requested to substitute as a (b)(7)c during the requalification period because the crew's assigned (b)(7)c (b)(7)c [NFI] was unavailable for the requalification session. (b)(7)c recalled that during the requalifications (b)(7)c failed to requalify during the qualification scenarios and, as a result, were subjected to remediation. (b)(7)c stated the crew's failure to requalify was not attributed to any one individual but was a result of mistakes and errors made by the crew as a team during the scenarios. (b)(7)c advised that after the crew passed its requalifications sessions, he returned to his duties as an (b)(7)c and the members of (b)(7)c returned to active shift duties. (b)(7)c stated that during his requalification sessions with (b)(7)c he did not observe any inattentiveness or lack of alertness by (b)(7)c. (b)(7)c further advised that in November 2005 he was reassigned to (b)(7)c as a (b)(7)c. (b)(7)c stated that during the periods he worked with (b)(7)c in the control room, he did not observe any inattentiveness or less than alert behavior by (b)(7)c. (b)(7)c indicated he first became aware of concerns about (b)(7)c behavior in the control room after he (b)(7)c was removed from shift duties after January 2006. Although he could not remember the exact date, (b)(7)c recalled he had been contacted

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telephonically by (b)(7)c and questioned if he (b)(7)c had observed any inattentiveness by (b)(7)c. (b)(7)c stated that when he was questioned by (b)(7)c about (b)(7)c inattentiveness, "... I told him I had not noted any" inattentiveness in regards to (b)(7)c (Exhibit 57, p. 19).

When questioned if he had observed any occasions whereby (b)(7)c was away from the control room for unusually long periods of time (b)(7)c stated, "I did not note any concerns in that area" (Exhibit 57, pp. 19-20). (b)(7)c further recalled that each time (b)(7)c would exit the control room, he (b)(7)c would announce that he was leaving the control room and the control room supervisor would repeat back and acknowledge that (b)(7)c was exiting the control room. (b)(7)c stated, "I do not recall any exceptions to him ... (b)(7)c ... not telling me he was leaving ..." the control room (Exhibit 57, p. 20).

Interview of (b)(7)c (Exhibit 58)

On June 14, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. (b)(7)c advised that during his interactions with the reactor operator staff over the recent years, he had no interactions with (b)(7)c and was not in a position to observe (b)(7)c in the control room or during shift briefings. (b)(7)c recalled he occasionally worked with (b)(7)c during the 1990s when he (b)(7)c held the position of

(b)(7)c stated that sometime in August or September 2005, he was contacted by (b)(7)c who reported "... that he had a concern with (b)(7)c being drowsy at turnover" briefings (Exhibit 58, p. 16). (b)(7)c recalled he told (b)(7)c to report his concerns about (b)(7)c to the (b)(7)c. (b)(7)c indicated that after he advised (b)(7)c to contact (b)(7)c, he (b)(7)c had no further involvement. (b)(7)c stated that after (b)(7)c crew failed recualifications in June 2005, he heard rumors (b)(7)c and ... that was all that seemed to be" and not related to any inattentiveness by (b)(7)c (Exhibit 58, p. 18).

During the interview, (b)(7)c was asked to review two Facility Operator's Reports that he signed on December 15, 2004, and January 11, 2006, related to (b)(7)c. After reviewing (b)(7)c facility operator's reports, (b)(7)c acknowledged his handwriting and signatures were on the reports and stated that he (b)(7)c had checked with (b)(7)c and "There were

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no issues that I knew of at the time . . . things went well in the outage and through Christmas” (Exhibit 58, p. 29).

AGENT'S NOTE: A review of (b)(7)c Facility Operator's Reports signed by (b)(7)c and dated December 15, 2004, and January 11, 2006 (Exhibit 15), disclosed no behavioral abnormalities and perfect job attendance during those periods.

(b)(7)c explained that as part of his duties, as required by the “ANSI standards” and at a designated time during each year, he electronically gathers information from a database on individual licensed reactor operator personnel, completes the facility operator report, and forwards the report to the medical reviewing officer prior to an operator's scheduled medical examination. (b)(7)c stated there was no interaction with the operator personnel prior to completion of the facility operator's report, only a review of the database and “B-File” information. (b)(7)c further advised that the operations department also maintains an informal file on all licensed personnel in “B-Files” which contain unofficial notes or emails regarding the individual. (b)(7)c clarified the “B-Files” were not part of the official personnel files and are maintained by (b)(7)c. (b)(7)c related the “B-File” contents include positive and negative commentary about an individual's performance or actions during the year and any adverse comments would be annotated on the Facility Operator's Report for evaluation by the medical reviewing officer.

(b)(7)c advised that in January 2006, he was reassigned to (b)(7)c as (b)(7)c. (b)(7)c recalled he initially had been informed that he would be assigned to (b)(7)c as the (b)(7)c, however, he was subsequently contacted by (b)(7)c who advised that (b)(7)c had been removed from shift duties for administrative reasons and he (b)(7)c was now reassigned to (b)(7)c. (b)(7)c reported he began work on (b)(7)c as the (b)(7)c on January 31, 2006.

Interview of (b)(7)c (Exhibit 59)

On June 14, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room and during shift turnover briefings. Although he was not assigned to (b)(7)c crew, (b)(7)c stated he had observed (b)(7)c on two occasions during the shift turnover briefings “. . . once in awhile . . . close his eyes, that's all.

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As far as being dead asleep, no. I never witnessed that" (Exhibit 59, pp. 8 and 29). (b)(7)c
further advised he had not observed any inattentiveness or sleeping behavior by (b)(7)c in
the control room (Exhibit 59, p. 18). (b)(7)c stated, "... the first time I heard that ... they
were possibly going to take ... (b)(7)c ... off shift was in January" 2006 (Exhibit 59,
p. 12). (b)(7)c stated he saw (b)(7)c talking to some of the UROs one day, and when he
asked (b)(7)c what they were discussing, he (b)(7)c replied, "... it was about (b)(7)c
being inattentive in the control room" (Exhibit 59, p. 13). (b)(7)c stated that prior to
January 2006, he had no knowledge, nor was aware of any concerns or allegations that
(b)(7)c had been inattentive on duty.

When asked if he had observed any occasions where (b)(7)c was absent from the control
room for extended periods of time, (b)(7)c stated that (b)(7)c "... did leave for meetings
... from time to time ... several hours at a time"; however, he (b)(7)c did not observe any
unusual absences by (b)(7)c (Exhibit 59, p. 30).

Re-interview of (b)(7)c (Exhibit 60)

On June 14, 2006 (b)(7)c was re-interviewed by OI:RIV. Also present at the re-interview of
(b)(7)c was HICKEY.

When questioned if he was aware of any periods of time, in excess of 1 or 2 hours,
where (b)(7)c was absent from the control room, (b)(7)c responded, "I don't recall, no"
(Exhibit 60, p. 4). (b)(7)c further stated he does not recall any occasions where (b)(7)c
was away from the control room for an extended period of time while on shift. (b)(7)c further
advised he does not recall any discussions with crew members about (b)(7)c absences
from the control room.

Interview of (b)(7)c Exhibit 61

On June 15, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the
interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c
(b)(7)c while on duty in the control room. (b)(7)c stated, "To my recollection,
(b)(7)c performed the responsibilities and the actions of (b)(7)c (Exhibit 61,
p. 21). (b)(7)c indicated there were occasions in the early morning hours where he

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observed that (b)(7)c eyes were "bloodshot" and he "... didn't appear to be as quite as bright-eyed as he was at the start of the shift ... But ... it didn't look like he was inattentive" (Exhibit 61, pp. 28-31). (b)(7)c stated, "I never saw (b)(7)c with his eyes closed or nodding" (Exhibit 61, p. 23). (b)(7)c defined inattentiveness as "eyes closed" and/or "nodding"; however, he stated that "drowsy" was not one of the conditions that qualified as inattentiveness. (b)(7)c advised that during June 2005 (b)(7)c received two unsatisfactory ratings during requalifications and passed on their third attempt to requalify. (b)(7)c explained that the Crew's unsatisfactory ratings during their initial requalification sessions in June 2005 were due to an incorrect response during the test scenario by the control room supervisor [NFI] and not attributed to any actions or behaviors by (b)(7)c.

When asked if he had observed any occasions where (b)(7)c was absent from the control room for extended periods of time, (b)(7)c stated, "I can't recall any" (Exhibit 61, p. 39).

(b)(7)c advised he had worked on (b)(7)c and it was not unusual for an individual's focus to decrease later in the early morning hours on shift. (b)(7)c advised that during the periods he (b)(7)c worked in the control room and attended shift turnover briefings and/or training sessions with (b)(7)c he did not observe any behaviors that would suggest that (b)(7)c was inattentive.

Interview of (b)(7)c (Exhibit 62)

On June 15, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about his observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. (b)(7)c advised he was assigned to (b)(7)c as a (b)(7)c sometime in the May/June 2005 time frame. (b)(7)c explained that (b)(7)c was unavailable to work for approximately 4 weeks. (b)(7)c stated that while he was on duty in the control room with (b)(7)c he did not observe any behaviors by (b)(7)c associated with inattentiveness, sleepiness, or drowsiness. (b)(7)c further stated, "I never saw him asleep on shift ... snoring ... relaxed ... head falling down or anything like that" (Exhibit 62, pp. 9-12). (b)(7)c advised that during the period he worked with (b)(7)c as a (b)(7)c he never heard any commentary or rumors that (b)(7)c had been inattentive on duty.

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(b)(7)c recalled only two occasions in the control room whereby he observed (b)(7)c at the computer for an extended period of time with no movement. (b)(7)c stated that on the two occasions he saw (b)(7)c at the computer and apparently had not moved for a period of time; he (b)(7)c spoke to him, just to make sure that he was not drowsy" (Exhibit 62, p. 12) (b)(7)c stated he could not see (b)(7)c face nor his eyes when he was at the computer; however, on the two occasions that he spoke to (b)(7)c he responded immediately and did not exhibit any inattentive behavior.

When asked if he had observed any occasions where (b)(7)c was absent from the control room for long periods of time (b)(7)c stated, "Not really. It's not unusual for the (b)(7)c or (b)(7)c to leave" the control room for several hours (Exhibit 62, p. 21).

(b)(7)c further stated he had heard general rumors last summer that (b)(7)c was experiencing some problems (b)(7)c but those rumors did not include allegations that he was inattentive on duty.

Interview of (b)(7)c (Exhibit 63)

On June 15, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about (b)(7)c observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. (b)(7)c advised (b)(7)c had not worked with (b)(7)c in control room because (b)(7)c was assigned to another crew; however, (b)(7)c had interacted with (b)(7)c on occasions during the shift turnovers and shift turnover meetings. (b)(7)c reported that although (b)(7)c was in a position to observe (b)(7)c during the shift turnover meetings, (b)(7)c never saw any inattentiveness problems with (b)(7)c during the meetings (Exhibit 63, p. 14). (b)(7)c further stated, "... I have never observed him to be inattentive at those meetings" (Exhibit 63, p. 16).

(b)(7)c recalled that sometime in the early fall 2005, (b)(7)c heard rumors (b)(7)c was having (b)(7)c may be affecting his focus at work. (b)(7)c stated, "No one came to me personally . . . Like I said, all I heard is the rumors" (Exhibit 63, p. 18).

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While in the control room (b)(7)c stated (b)(7)c had observed "... No Doz in the drawer. I didn't know who used them. They weren't mine... I have no knowledge of... whose they were" (Exhibit 63, p. 17). (b)(7)c further commented (b)(7)c was not aware of any existing medical conditions regarding (b)(7)c (Exhibit 63, p. 17).

Interview of (b)(7)c (Exhibit 64)

On October 10, 2006 (b)(7)c
(b)(7)c AmerenuE, and (b)(7)c at Callaway, was interviewed by OI:RIV in St. Louis, Missouri. Also present during the interview of (b)(7)c was HICKEY.

(b)(7)c

(b)(7)c was interviewed about (b)(7)c observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. (b)(7)c stated that as a (b)(7)c during the period August 2003 through July 2005, (b)(7)c did not observe any control room staff inattentive or asleep nor hear any discussions among the staff that were related to concerns about a supervisor's inattentiveness in the control room. (b)(7)c further advised (b)(7)c had no knowledge of any control room personnel or supervisors inattentive or asleep on duty during the period (b)(7)c worked at Callaway as clerk.

(b)(7)c acknowledged (b)(7)c had worked with (b)(7)c as a (b)(7)c and had known him both professionally and personally. (b)(7)c stated (b)(7)c does not recall any comments made by (b)(7)c that he was tired or having a problem staying alert in the control room. (b)(7)c does not recall any occasions where (b)(7)c was away from the control room for extended periods of time. (b)(7)c advised that during the period of time (b)(7)c held the position of (b)(7)c at Callaway (b)(7)c did not observe any behavior by (b)(7)c nor any other control room staff member, that would cause (b)(7)c to believe or suspect they were inattentive or asleep on duty.

Agent's Analysis No. 1

This investigation was initiated to determine if a (b)(7)c employed by Callaway, was willfully inattentive to duty. Specifically, the NRC received an allegation that members of a (b)(7)c reported their (b)(7)c allegedly had been asleep or inattentive on duty.

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A review of the AmerenUE Procedures ODP-ZZ-00001, Code of Conduct, stated, "Sleeping is NOT allowed" and that "All plant related, technical, or administrative business held in the Control Room, must be conducted in a manner that does not compromise the licensed URO attentiveness and professional atmosphere of the Control Room" (Exhibit 28, p. 22). In the guidance for control room decorum it stated, "Personnel should not place themselves in a position that would give the appearance of sleeping" (Exhibit 33, p. 3). Further, instructions for the conduct of operations personnel during attendance shift briefings mandated the "Attendance/attention of everyone involved in the . . ." briefings (Exhibit 30, pp. 3 and 5).

A review of the LOCT Evaluation Summary Reports for (b)(7)(c) revealed that during the crew's simulator training and requalifications in May 2005, the crew received an unsatisfactory rating for their performance due to a "trip of TDAFP" during the simulator examination (Exhibit 18). Subsequently, the crew successfully completed and satisfactorily passed remedial training prior to returning to shift duties. Interviews of training and reactor personnel present during the crew's requalification and remedial sessions in May 2005 yielded testimony which confirmed that, in addition to poor crew dynamics, the crew's exam failure was due to an incorrect response during a simulator examination and not attributed to any actions by (b)(7)(c) nor inattentiveness on the part of any crew member.

During interviews of the operating supervisors assigned to the LOCT as (b)(7)(c) (b)(7)(c) testified he observed (b)(7)(c) "nod off" once or twice sometime in 2005 during the training sessions in the classroom but not in the control room (Exhibit 43). (b)(7)(c) testified he personally observed (b)(7)(c) on two occasions in 2005, inattentive, nodding, and/or asleep in the classroom during general training and subsequently counseled (b)(7)(c) about his inattentiveness. (b)(7)(c) further stated (b)(7)(c) and (b)(7)(c) were notified that (b)(7)(c) had been inattentive during the training classes (Exhibit 46).

Testimony obtained from the (b)(7)(c) and (b)(7)(c) that worked on shift with (b)(7)(c) disclosed the following: (b)(7)(c) saw (b)(7)(c) "nodding on one or two occasions during a 6-week period while working on night shift in the control room and reported his concerns to the (b)(7)(c) (Exhibit 41). (b)(7)(c) observed (b)(7)(c) in the control room but saw no evidence of inattentiveness (Exhibit 37). (b)(7)(c) observed (b)(7)(c) on occasions in the early morning hours where he (b)(7)(c) . . . didn't appear to be quite as bright-eyed as he was at the start of the shift . . ." but he never saw (b)(7)(c) inattentive, "nodding," or with his eyes closed (Exhibit 61). (b)(7)(c) observed (b)(7)(c) on two occasions close his eyes during a shift turnover briefing, but he did not observe (b)(7)(c) inattentive at any time nor asleep in the control room (Exhibit 59). (b)(7)(c) entered the control room on one occasion and saw (b)(7)(c) "head bobbing" which made it appear that he was inattentive; however, he (b)(7)(c) recalled that (b)(7)(c) responded when he (b)(7)(c) said "hello" to the staff in the control room (Exhibit 45). (b)(7)(c) observed (b)(7)(c) "drowsy" on shift but did not view (b)(7)(c) drowsiness as a fitness for duty concern because all reactor operators experience drowsiness at some point on duty

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(Exhibit 40) (b)(7)c observed (b)(7)c on two occasions in the control room at the computer for an extended period of time with no movement, but he (b)(7)c did not exhibit any inattentive behavior (Exhibit 62). No one testified they observed (b)(7)c inattentive or asleep on duty in the control room.

In an interview of (b)(7)c he stated he had no recollection of any occasions while attending LOCT training classes, during licensing requalifications, or performing shift duties in the control room where he may have been inattentive or exhibited inattentive behaviors. (b)(7)c recalled that sometime during September-December 2005, he was notified by (b)(7)c it had been reported that he (b)(7)c was observed appearing to be fatigued on shift. (b)(7)c explained that during the October-December 2005 time frame, (b)(7)c

(b)(7)c

he remained focused on his duties while on shift. Further, (b)(7)c advised that on occasion, he had personally observed other individuals [NFI] during the LOCT training classes who appeared to be tired, but he had never observed anyone that appeared "sleepy" or "asleep" during class. (b)(7)c opined that because he often performed work at the computer in the control room or was away from the control room conducting plant tours, someone may have assumed he was asleep or inattentive to his duties. (b)(7)c advised he had not been interviewed or questioned by Callaway personnel regarding the allegation he was inattentive or "asleep" on duty.

An examination of (b)(7)c BOP Annual Supervisor Reviews conducted by (b)(7)c in 2004 and 2005 disclosed (b)(7)c observed no behavioral changes related to (b)(7)c during those periods. However, the BOP Annual Supervisor Review conducted by (b)(7)c in 2006 disclosed (b)(7)c had been removed from shift due to concerns raised about his alertness on duty and the form was annotated with the comment (b)(7)c

(b)(7)c Exhibit 7).

In summary, this investigation concluded (b)(7)c (Exhibit 53) and (b)(7)c (Exhibit 54) followed AmerenUE's procedures and conducted the BOP evaluations of (b)(7)c after they were notified by the (b)(7)c that there were concerns about (b)(7)c potential for inattentiveness on duty. A review of documents and testimony obtained from reactor personnel disclosed no evidence or witnesses to support the allegation (b)(7)c was inattentive or observed asleep on duty; however, testimony was provided which reported (b)(7)c appeared to be inattentive, or in the process of becoming inattentive, on various occasions, in the classroom during training sessions. Testimony provided by (b)(7)c (b)(7)c disclosed that during peer checks of (b)(7)c in the control room, he was responsive and did not exhibit any inattentive behavior. The AmerenUE Procedure ODP-ZZ-00001, Section 2.1.3., instructed that personnel should not give the appearance of sleeping in the control room, but the instruction did not define the characteristics of what was determined to be "appearance of sleeping" (Exhibit 33). Although (b)(7)c was observed by training instructors "nodding" or "asleep" during training classes, there was no violation of the AmerenUE Procedures ODP-ZZ-00001 as this procedure relates to guidance specific to conduct in the control room and shift turnover briefings.

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Conclusions

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Based on the evidence developed during the investigation, OI:RIV determined the allegation that a (b)(7)c employed by AmerenUE, Callaway, was willfully inattentive to duty was not substantiated.

Allegation No. 2: Fitness For Duty Programs, Conditions of Licenses

Evidence

Document Review

During the course of this investigation, OI:RIV reviewed and evaluated documents obtained from Callaway and/or NRC staff. The documents deemed pertinent to this investigation are represented in this section:

BOP - Annual Supervisor Reviews, Form CA0029A regarding (b)(7)c various dates (Exhibit 7)

A review of (b)(7)c BOP Annual Supervisor Reviews for the periods July 2004 through June 2006 revealed that (b)(7)c BOPs were conducted in accordance with the established procedures.

Callaway's ECP Investigation and File No. 20060123 provided July 20, 2006 (Exhibit 11)

This file, ECP File No. 20060123, contained the investigative findings of Callaway's investigation into (b)(7)c allegation that (b)(7)c was observed sleeping on duty. Specifically, on the ECP's Employee Concerns Initial Intake Form, dated January 23, 2006 (Exhibit 11, p. 13) (b)(7)c reported, (b)(7)c having problems with alertness/attentiveness to duty on shift in the control room."

A review of ECP's Management Interview Summary of interviews with (b)(7)c and (b)(7)c disclosed they were aware of potential problems related to (b)(7)c alertness in 2005, but there was no evidence he was "asleep" or "inattentive" in the control room and not fit for duty (Exhibit 11, pp. 23-24).

Callaway's 2006 Operations SCWE Survey, undated (Exhibit 12)

In general, the SCWE survey revealed that employees at Callaway believed they could raise concerns without fear of reprisals; however, a review of the SCWE Survey Comments section disclosed two SCWE Survey comments which stated Survey Comment No. 3 - Management

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ignored a concern of a (b)(7)c sleeping on duty and Survey Comment No. 70 - Comments were overheard that no action was taken for 6 months regarding a reported inattentive problem (Exhibit 12, pp. 7-8).

Email from (b)(7)c Shift Supervisors Regarding (b)(7)c with attachments, dated January 31, 2006 (Exhibit 14)

In this email, (b)(7)c notified the operating and shift supervisors that effective the same date as the email [January 31, 2006], (b)(7)c was been reassigned to day staff duties and (b)(7)c had assumed (b)(7)c (b)(7)c duties for (b)(7)c. Further, attached to this email was a copy of (b)(7)c personnel change/promotion to (b)(7)c on October 1, 2002 (Exhibit 14, pp. 2-3), and a document which reflected organizational changes within the operations department effective January 27, 2006 (Exhibit 14, p. 5).

AmerenUE Procedure APA-ZZ-00906, Revision 013, "Behavioral Observation Program," Effective Date October 28, 2004 (Exhibit 26)

This procedure provided "... guidance to assist supervisory personnel in determining appropriate actions to take when faced with a situation where employee reliability is in question" (Exhibit 26, p. 3).

Testimony

The following individuals were interviewed by OI:RIV during the investigation of failure to take action regarding fitness for duty concerns by Callaway's management and potential violations of station procedures.

Interview of (b)(7)c (Exhibit 37)

On May 9, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c advised that sometime in June 2005 he contacted (b)(7)c and reported the reactor operators on (b)(7)c were concerned about (b)(7)c problems with alertness in the control room. (b)(7)c stated that on June 15, 2005, he (b)(7)c reported the concerns (b)(7)c raised about (b)(7)c to (b)(7)c. (b)(7)c stated that approximately 2 weeks after he reported (b)(7)c concerns about (b)(7)c to (b)(7)c, he (b)(7)c was contacted by (b)(7)c who advised he had met with (b)(7)c and his crew [NFI] to discuss their concerns. (b)(7)c further advised (b)(7)c told him he had made a decision to remove (b)(7)c from control room duties after meeting with the crew members; however, there were no replacements available for (b)(7)c position until "... the beginning of the year ... January 1st ... [2006] (Exhibit 37, p. 25).

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(b)(7)c recalled that sometime during an outage in December 2005, he was approached by (b)(7)c who attempted to report a concern about "something" he observed in regards to (b)(7)c while working during the outage. After (b)(7)c informed him (b)(7)c duties were scheduled to be reassigned in 6 months or by June 2006 (b)(7)c notified his immediate supervisor (b)(7)c (b)(7)c advised he was re-contacted by (b)(7)c in mid-January 2006 and told he (b)(7)c had talked with the control room supervisor on (b)(7)c and (b)(7)c had not observed any problems with (b)(7)c in the control room as previously reported by (b)(7)c

Interview of (b)(7)c (Exhibit 41)

On May 9, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. Although (b)(7)c could not remember the specific time frame or details of their conversation, (b)(7)c

Interview of (b)(7)c (Exhibit 42)

On May 9, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c advised the first time he was notified that a (b)(7)c allegedly had been inattentive on duty at Callaway was by (b)(7)c during a briefing of the ECP's investigation in January 2006. (b)(7)c stated the ECP investigation disclosed (b)(7)c alleged inattentiveness on duty had been initially reported to (b)(7)c by the (b)(7)c and he (b)(7)c and (b)(7)c failed to thoroughly research the matter or take corrective action. (b)(7)c reported that no signs of inattentiveness or lack of alertness were detected by (b)(7)c or (b)(7)c during their observations of (b)(7)c in the control room (Exhibit 42, p. 25). (b)(7)c further stated (b)(7)c and (b)(7)c should have referred the allegation that (b)(7)c was inattentive on duty to the ECP for investigation. (b)(7)c surmised that (b)(7)c was limited in his ability to investigate (b)(7)c alleged inattentiveness and although (b)(7)c questioned (b)(7)c about his observations of (b)(7)c on shift, he (b)(7)c "didn't dig deep enough" (Exhibit 42, p. 14). (b)(7)c concluded (b)(7)c investigation of (b)(7)c was "shallow" (Exhibit 42, p. 11).

(b)(7)c further explained that (b)(7)c should have referred the matter to ECP when (b)(7)c brought the matter to his attention because (b)(7)c had requested confidentiality and did not want the other reactor operators' interviewed. (b)(7)c stated, "That's part of the culture here, that the reactor operators would talk to their steward, and then have the steward talk to the manager" (Exhibit 42, p. 15). (b)(7)c surmised that although

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he has an open door policy, employees are reluctant to report concerns directly to management because of "peer pressure" or "mind set" to report concerns through their union steward.

(b)(7)c further explained that to compensate for peer pressure not to report concerns directly to management, he (b)(7)c goes into the workplace once a month and makes himself accessible to the employees (Exhibit 42, p. 20).

(b)(7)c advised he subsequently met with (b)(7)c and (b)(7)c on or about February 2, 2006, for (b)(7)c

(b)(7)c
(b)(7)c EXHIBIT 42, pp. 21-22).

Interview of (b)(7)c (Exhibit 45)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c stated (b)(7)c

Interview of (b)(7)c (Exhibit 46)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c stated that on two occasions he personally observed (b)(7)c being inattentive, nodding, and/or asleep in the classroom located in the training building and verbally counseled him after class about his inattentiveness (Exhibit 46, p. 30). (b)(7)c advised he could not remember the dates when he counseled (b)(7)c about his inattentiveness in the classroom but indicated it was sometime in 2005. (b)(7)c further advised (b)(7)c inattentiveness and/or sleeping in class was discussed among the other instructors in LOCT meetings, also known as "end of cycle briefings." (b)(7)c reported that (b)(7)c and (b)(7)c also attended the LOCT meetings and were present during the discussions about (b)(7)c sleeping issues during training classes. (b)(7)c stated, "... we told them (b)(7)c has been sleeping" in class and annotated the LOCT report for that cycle [NFI] (Exhibit 46, p. 32).

Interview of (b)(7)c (Exhibit 48)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c recalled that about 6 months ago, (b)(7)c approached him and asked his advice regarding what actions he would take if he saw a (b)(7)c nodding" on duty. (b)(7)c stated, "I told him if

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my (b)(7)c was nodding off, I would tell him to get up and go for a walk . . . And that was pretty much the end of the discussion" (Exhibit 48, p. 23).

Interview of (b)(7)c (Exhibit 49)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c recalled the first time he was notified he was going to be removed from control room shift duties was late January or early February 2006. (b)(7)c stated he was contacted by (b)(7)c and (b)(7)c who informed him that because of allegations that he (b)(7)c was inattentive on shift, they were required to remove him from shift duties in the control room (Exhibit 49, p. 10).

(b)(7)c indicated he had previously discussed he was going to be reassigned to a day shift position in June 2006 and the reassignment was attributed to crew's failure on the initial requalification examination and personality conflicts within the team. (b)(7)c advised his reassignment to day shift duties was scheduled to occur in June 2006 and was not viewed as an adverse action but as a reorganization of (b)(7)c personnel.

(b)(7)c recalled that sometime during September-December 2005, he was notified by (b)(7)c had been reported that he (b)(7)c was observed appearing to be fatigued on shift. (b)(7)c explained that during the October/November/December 2005 time frame (b)(7)c (b)(7)c he remained focused on his duties while on shift. (b)(7)c stated that in January 2006, he contacted (b)(7)c and (b)(7)c (b)(7)c (b)(7)c (Exhibit 49, p. 51).

Interview of (b)(7)c (Exhibit 52)

On May 11, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c was interviewed regarding a concern reported to the ECP on January 23, 2006, by (b)(7)c. Specifically, (b)(7)c investigated a concern reported to the ECP by (b)(7)c which alleged that a (b)(7)c had problems with alertness and attentiveness to duty in the control room.

Interview of (b)(7)c (Exhibit 53)

On May 11, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c advised that to the best of his recollection, the first time he was notified that a (b)(7)c allegedly had been inattentive on duty at Callaway was sometime in May or June 2005. (b)(7)c stated that sometime in May or June

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2005, a (b)(7)c approached him one morning in the control room and "... said another RO had voiced a concern that (b)(7)c appeared drowsy at times" (Exhibit 53, p. 9). (b)(7)c advised he subsequently questioned (b)(7)c about appearing drowsy in the control room. (b)(7)c further advised that during his discussion with (b)(7)c he (b)(7)c denied he had been distracted or sleepy in the control room, but acknowledged there was (b)(7)c (b)(7)c explained that after (b)(7)c described his (b)(7)c (b)(7)c

(b)(7)c reported that after his discussions with (b)(7)c he made inquiries with the (b)(7)c crew members [NFI] regarding their observations (b)(7)c on shift whereby they responded they had not observed any indications of inattentiveness by (b)(7)c stated that during the summer months, he (b)(7)c "Never heard or saw anything during that time related to alertness" regarding (b)(7)c (Exhibit 53, p. 20). Although he could not recall the dates (b)(7)c advised he observed the (b)(7)c including (b)(7)c in the control room approximately six times during a 6-week period on various occasions and did not observe any inattentiveness.

(b)(7)c advised that in September 2005, he was informed by (b)(7)c that (b)(7)c was "upset" and indicated he (b)(7)c should go talk to (b)(7)c stated he subsequently met with (b)(7)c and he (b)(7)c informed him he was "... getting sick and tired of (b)(7)c being drowsy at the shift turnover meeting" (Exhibit 53, p. 26). Because (b)(7)c reported that (b)(7)c appeared to be drowsy in meetings, (b)(7)c told he would attend the shift turnover meetings for the purpose of observing (b)(7)c stated he frequently attended the shift turnover meetings and "... spent a lot of time with (b)(7)c on night shift ..." but saw no indications of inattentiveness (Exhibit 53, pp. 29).

(b)(7)c advised he and (b)(7)c subsequently met with the supervisors assigned to (b)(7)c crew and asked about their observations of (b)(7)c in the control room but found no indications that (b)(7)c had been inattentive (Exhibit 53, p. 45). (b)(7)c stated he and (b)(7)c also had personally observed (b)(7)c in the control room and found no evidence to support the claim that he (b)(7)c was inattentive on duty. (b)(7)c commented he did not report the concerns raised regarding (b)(7)c to his supervisor (b)(7)c because he (b)(7)c had not observed (b)(7)c exhibiting any inattentiveness behaviors.

(b)(7)c advised that after a concern was filed with the ECP in January 2006 regarding (b)(7)c alleged inattentiveness on duty, he (b)(7)c was removed from shift duties pending the ECP's investigative finding. (b)(7)c (b)(7)c stated that at the time

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the concern was filed with the ECP, (b)(7)c had already reported he had resolved (b)(7)c (b)(7)c however, he (b)(7)c had already decided "... to take (b)(7)c off shift, anyway, because of other issues" (Exhibit 53, p. 48). (b)(7)c stated, "If it was as blatant as it was portrayed in the Employee Concerns investigation, why weren't other people coming to us" to report (b)(7)c inattentiveness (Exhibit 53, p. 36). (b)(7)c stated, "... if I truly felt that (b)(7)c could not do the job, I would've taken the appropriate action" (Exhibit 53, p. 43).

Interview of (b)(7)c (Exhibit 54)

On May 11, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c conveyed that part of his duties as the (b)(7)c (b)(7)c was to conduct observations of operator personnel in the control room. (b)(7)c reported that during his observations of (b)(7)c in the control room, he (b)(7)c did not exhibit any behaviors associated with inattentiveness .

To the best of his recollection, (b)(7)c recalled the first time he was notified (b)(7)c had been inattentive in the classroom was sometime during the summer of 2005. (b)(7)c stated, "There were comments made in the summertime - I cannot tell you specifically when, there were comments made to me that (b)(7)c was having some difficulty remaining alert in class" (Exhibit 54, pp. 12-13). When asked if he had ever observed (b)(7)c inattentive, (b)(7)c stated, "I recall ... in a (b)(7)c or (b)(7)c that I was conducting that (b)(7)c bobbing (sic) his head for a few seconds ... A couple of times" but not in the control room (Exhibit 54, p. 28).

Although he could not remember the dates (b)(7)c recalled he had discussions in 2005 with the operations training staff, (b)(7)c about (b)(7)c alertness or "head bobbing type things" during training classes (Exhibit 54, pp. 12-15). (b)(7)c further stated that end of cycle reports were generated after each training session in 2005, but "Those written reports did not contain any reference to (b)(7)c with respect to alertness or sleeping" (Exhibit 54, p. 15).

(b)(7)c advised that based on his discussions with the training staff, he and (b)(7)c were concerned about (b)(7)c job performance and they decided to evaluate (b)(7)c performance in the control room. As a result, in April 2006, (b)(7)c conducted an observation of (b)(7)c and (b)(7)c interactions on night shift duty in the control room. (b)(7)c stated that based on his observations of (b)(7)c (b)(7)c in the control room during April 2006, he determined "... the leadership they demonstrated on crew that night (b)(7)c (Exhibit 54, p. 16). (b)(7)c advised he discussed the control room performance/evaluation results with (b)(7)c

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According to (b)(7)c informed (b)(7)c about the concerns raised about (b)(7)c performance issues in the control room and alertness in the classroom. (b)(7)c indicated that based on (b)(7)c "leadership characteristics," it was decided he would be more effective in a project-based role instead of a leadership role. (b)(7)c explained the decision was made to reassign (b)(7)c to the (b)(7)c and selected (b)(7)c as (b)(7)c replacement for (b)(7)c. (b)(7)c stated, "We recognized that (b)(7)c was having some (b)(7)c and that . . . could have an impact on his engagement in work. And we felt like . . . given all the circumstances, that it would be best to, at the earliest opportunity . . . move him to a position where we could better use his talents . . ." (Exhibit 54, p. 41). (b)(7)c emphasized the decision to reassign (b)(7)c was based on his leadership and communication performance, not due to any alertness issues. (b)(7)c explained that although the decision had been made to reassign (b)(7)c no specific dates had been identified for the reassignment because they (b)(7)c and (b)(7)c were in the process of obtaining approval for the training and reassignment of operator personnel.

(b)(7)c advised that on or about December 20, 2005, (b)(7)c contacted him and reported that the (b)(7)c on (b)(7)c crew had expressed concerns about his alertness in the control room. (b)(7)c subsequently contacted (b)(7)c and inquired about (b)(7)c behavior in the control room. (b)(7)c recalled that after he spoke with (b)(7)c he met with (b)(7)c on or about January 12, 2006, and told him he had talked with (b)(7)c and he (b)(7)c reported he had not observed any problems, nor had concerns, with (b)(7)c alertness or behavior in the control room. (b)(7)c recalled that one week after his conversation with (b)(7)c in January 2006, he (b)(7)c was interviewed by the ECP investigator (b)(7)c regarding a concern raised about (b)(7)c "alertness on shift," and on January 23, 2006, (b)(7)c by (b)(7)c for failure to notify management about concerns related to (b)(7)c and failure to remove him from shift duties.

Interview of (b)(7)c (Exhibit 57)

On June 14, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c further advised that in November 2005, he was reassigned to (b)(7)c as a (b)(7)c (b)(7)c stated that during the periods he worked with (b)(7)c in the control room, he did not observe any inattentiveness or less than alert behavior by (b)(7)c. (b)(7)c indicated he first became aware of concerns about (b)(7)c behavior in the control room after he (b)(7)c was removed from shift duties after January 2006. Although he could not remember the exact date, (b)(7)c recalled he had been contacted telephonically by (b)(7)c and questioned if he (b)(7)c had observed any inattentiveness by (b)(7)c. (b)(7)c stated that when he was questioned by (b)(7)c about (b)(7)c inattentiveness, ". . . I told him I had not noted any" inattentiveness in regards to (b)(7)c. (Exhibit 57, p. 19).

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Interview of (b)(7)c (Exhibit 58)

On June 14, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c stated that sometime in August or September 2005, he was contacted by (b)(7)c who reported "... that he had a concern with (b)(7)c being drowsy at turnover" briefings (Exhibit 58, p. 16). (b)(7)c recalled he told (b)(7)c to report his concerns about (b)(7)c to the (b)(7)c. (b)(7)c indicated that after he advised (b)(7)c to contact (b)(7)c, he (b)(7)c had no further involvement.

Agent's Analysis No. 2

This investigation was initiated to determine if management had potentially violated station procedures by failing to take action regarding a fitness for duty concern and potentially violated station procedures. Specifically, the NRC received an allegation that members of Callaway management failed to take the appropriate action when concerns were reported that a (b)(7)c (b)(7)c was inattentive on duty. It was further alleged Callaway management did not take any action regarding the concerns until they were forced by the ECP.

A review of ECP's Management Interview Summary of interviews with (b)(7)c and (b)(7)c disclosed they were aware of potential problems related to (b)(7)c alertness in 2005, but there was no evidence he was "asleep" or "inattentive" in the control room and not fit for duty (Exhibit 11, pp. 23-24).

During interviews of the operating supervisors assigned to the LOCT as training instructors, (b)(7)c testified that on two occasions in 2005, he personally observed (b)(7)c inattentive, nodding, and/or asleep in the classroom during general training and subsequently counseled (b)(7)c about his inattentiveness. (b)(7)c further stated that (b)(7)c and (b)(7)c were notified that (b)(7)c had been inattentive [asleep] during the training classes (Exhibit 46). In testimony obtained from the UROs and shift supervisors that worked on shift with (b)(7)c, no one testified they observed (b)(7)c inattentive or asleep on duty in the control room.

In (b)(7)c interview, he testified that the first time he was notified that (b)(7)c had been inattentive in the classroom was sometime during the summer of 2005. Although he could not remember the dates, (b)(7)c recalled he had discussions in 2005 with the operations training staff, (b)(7)c about (b)(7)c alertness or "head bobbing type things" during training classes (Exhibit 54, pp. 12-15). (b)(7)c advised that based on his discussions with the training staff, he and (b)(7)c were concerned about (b)(7)c job performance and they decided to evaluate (b)(7)c performance in the control room. As a result, in April 2005, (b)(7)c conducted an observation of (b)(7)c and

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(b)(7)c interactions on night shift duty in the control room.
(b)(7)c stated that based on his observations of (b)(7)c in the control room during April 2005, he determined . . . the leadership they demonstrated on crew that night (b)(7)c (Exhibit 54, p. 16). (b)(7)c advised he discussed the control room performance/evaluation results with (b)(7)c

(b)(7)c (b)(7)c
(b)(7)c According to (b)(7)c was informed about the concerns raised about (b)(7)c performance issues in the control room and alertness in the classroom. (b)(7)c indicated that based on (b)(7)c "leadership characteristics," it was decided he would be more effective in a project-based role instead of a leadership role. (b)(7)c explained the decision was made to reassign (b)(7)c to the (b)(7)c and selected (b)(7)c or (b)(7)c emphasized the decision to reassign (b)(7)c was based on his leadership and communication performance, not due to any alertness issues. (b)(7)c explained that although the decision had been made to reassign (b)(7)c no specific dates had been identified for the reassignment because they (b)(7)c were in the process of obtaining approval for the training and reassignment of operator personnel.

Testimony provided by (b)(7)c identified that the first time he was notified (b)(7)c allegedly had been inattentive on duty at Callaway was sometime in May or June 2005.

(b)(7)c stated that sometime in May or June 2005, a (b)(7)c (b)(7)c approached him one morning in the control room and ". . . said another RO had voiced a concern that (b)(7)c appeared drowsy at times" (Exhibit 53, p. 9). (b)(7)c stated that during the summer months, he (b)(7)c "Never heard or saw anything during that time related to alertness" regarding (b)(7)c Exhibit 53, p. 20). Although he could not recall the dates (b)(7)c advised he observed the (b)(7)c including (b)(7)c in the control room approximately six times during a 6-week period on various occasions and did not observe any inattentiveness. (b)(7)c advised he and (b)(7)c subsequently met with the supervisors assigned to (b)(7)c crew and asked about their observations of (b)(7)c in the control room but found no indications that (b)(7)c had been inattentive (Exhibit 53, p. 45). (b)(7)c advised that after a concern was filed with the ECP in January 2006 regarding (b)(7)c alleged inattentiveness on duty, he (b)(7)c was removed from shift duties pending the ECP's investigative findings. (b)(7)c

(b)(7)c (b)(7)c stated that at the time the concern was filed with the ECP (b)(7)c had already reported (b)(7)c however, he (b)(7)c had already decided ". . . to take (b)(7)c off shift, anyway, because of other issues" (Exhibit 53, p. 48). (b)(7)c stated, ". . . if I truly felt that (b)(7)c could not do the job, I would've taken the appropriate action" (Exhibit 53, p. 43).

A review of the AmerenUE Procedure APA-ZZ-00906, "Behavioral Observation Program," disclosed that this procedure provided ". . . guidance to assist supervisory personnel in

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determining appropriate actions to take when faced with a situation where employee reliability is in question" (Exhibit 26, p. 3). An examination of (b)(7)(c) BOP Annual Supervisor Reviews conducted by (b)(7)(c) in 2004 and 2005 disclosed that (b)(7)(c) observed no behavioral changes related to (b)(7)(c) during those periods. However, the BOP Annual Supervisor Review conducted by (b)(7)(c) in 2006 disclosed that (b)(7)(c) had been removed from shift due to concerns raised about his alertness on duty, and the form was annotated with the comment (b)(7)(c) (Exhibit 7).

In summary, this investigation found that beginning in April 2005 (b)(7)(c) and (b)(7)(c) were aware of (b)(7)(c) alertness and performance issues during training classes and subsequently conducted an observation of (b)(7)(c) and his crew members followed by a (b)(7)(c) conducted by (b)(7)(c). In June 2005 (b)(7)(c) was notified that a (b)(7)(c) reported concerns that (b)(7)(c) on occasion appeared to be "drowsy" in the control room. Based on (b)(7)(c) leadership characteristics, (b)(7)(c) and (b)(7)(c) decided (b)(7)(c) would be more effective in a project-based role instead of a leadership role. The decision was made to reassign (b)(7)(c) to the (b)(7)(c) and (b)(7)(c) selected to replace (b)(7)(c). (b)(7)(c) reassignment was based on his leadership and communication performance, not due to any alertness issues. No specific date was scheduled for the reassignment of (b)(7)(c) because they (b)(7)(c)

(b)(7)(c) had to obtain approval and arrange for the reassignment of operator personnel on shifts. (b)(7)(c) made the decision to remove (b)(7)(c) from control room duties sometime in the April-June 2005 time frame; however, at that time there were no replacements available for (b)(7)(c) position until January 2006. On January 23, 2006, the ECP received a concern that (b)(7)(c) was inattentive on duty and initiated an investigation. A review of documents and testimony obtained during this investigation provided evidence that Callaway management (b)(7)(c) were aware of concerns about (b)(7)(c) behavior and job performance in April 2005 and subsequently decided to reassign him to other duties. Upon receipt of information that (b)(7)(c) allegedly was inattentive to duty (b)(7)(c) and (b)(7)(c) conducted a BOP of (b)(7)(c) at various times and interviewed reactor personnel but found no evidence to substantiate the allegation. Subsequent to the ECP's investigation of (b)(7)(c) the (b)(7)(c) determined that although (b)(7)(c) and (b)(7)(c) took action and responded to the concerns reported in regards to (b)(7)(c) their investigation of (b)(7)(c) was "shallow"; therefore, (b)(7)(c) were (b)(7)(c) (Exhibit 42).

Conclusions

Based on the evidence developed during the investigation, the allegation that Callaway's management violated station procedures by failing to take the appropriate action when concerns were reported that a (b)(7)(c) was inattentive on duty until forced by the ECP was not substantiated.

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Allegation No. 6: Fitness For Duty Programs

Evidence

Document Review

During the course of this investigation, OI:RIV reviewed and evaluated documents obtained from Callaway and/or NRC staff. The documents deemed pertinent to this investigation are represented in this section:

Callaway's ECP Investigation and File No. 20060123, provided July 20, 2006 (Exhibit 11)

This file, ECP File No. 20060123 contained the investigative findings of Callaway's investigation into (b)(7)c allegation that (b)(7)c was observed sleeping on duty. Specifically, on the ECP's Employee Concerns Initial Intake Form, dated January 23, 2006 (Exhibit 11, p. 13) (b)(7)c reported, (b)(7)c is having problems with alertness/attentiveness to duty on shift in the control room." The form was also annotated to reflect (b)(7)c had forwarded his concerns about (b)(7)c and (b)(7)c but did not have any supporting documentation or evidence to provide to the ECP.

A review of the ECP investigation disclosed ECP interviewed reactor personnel (b)(7)c (b)(7)c about their observations of (b)(7)c in the control room, shift briefings, and training classes. None of the individuals interviewed stated they saw (b)(7)c "asleep," "fall asleep," or "sleep" on duty.

A review of ECP's Management Interview Summary of interviews with (b)(7)c and (b)(7)c disclosed they were aware of potential problems related to (b)(7)c alertness in 2005, but there was no evidence he was "asleep" or "inattentive" in the control room and not fit for duty (Exhibit 11, pp. 23-24).

Callaway's 2006 Operations SCWE Survey, undated (Exhibit 12)

In general, the SCWE survey revealed that employees at Callaway believed they could raise concerns without fear of reprisals; however, a review of the SCWE Survey Comments section disclosed two SCWE Survey comments which stated Survey Comment No. 3 - Management ignored a concern of a (b)(7)c sleeping on duty and Survey Comment No. 70 - Comments were overheard that no action was taken for 6 months regarding a reported inattentive problem (Exhibit 12, pp. 7-8).

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AmerenUE Procedure APA-ZZ-00906, Revision 013, "Behavioral Observation Program," Effective Date October 28, 2004 (Exhibit 26)

This procedure provided ". . . guidance to assist supervisory personnel in determining appropriate actions to take when faced with a situation where employee reliability is in question" (Exhibit 26, p. 3). In Section 3.8, it instructed "Supervisors and Management Personnel" to "Observe personnel for behavior traits and patterns that may reflect adversely on their trustworthiness or reliability," and in Section 3.9, it instructed "All Personnel" to "Report noticeable behavior changes exhibited by any individual to supervisory or Security personnel for appropriate evaluation and action" (Exhibit 26, p. 6).

AmerenUE Procedure ODP-ZZ-00001 - Addendum 05, Revision 000, Operational Focus/Operating Philosophy (Exhibit 31)

In this procedure, Section 2.2.3.c., Leadership Role in Plant Activities, stated, "Operations personnel are expected to foster a culture in which the plant organization is aligned to common goals and priorities that result in a plant in excellent materiel condition to support safe and reliable operation. The work environment, established by the attitudes and behaviors of personnel, along with the framework of policies and procedures, ensure that nuclear safety is an integral part of every operational decision" (Exhibit 31, p. 9).

AmerenUE Procedure ODP-ZZ-00001, Addendum 07, Revision 000, Error Reduction, Effective Date February 8, 2005 (Exhibit 32)

The purpose of this procedure was to provide guidance and techniques to assist with reducing human error while operating the plant. In Section 2.1.4.b., Peer Checking, it stated, "The Peer Checking process recognizes the human element of component operation; that is, any operator no matter how proficient can make a mistake. Operators must never relax their attentiveness based on confidence in the abilities of their peers" (Exhibit 32, p. 3).

AmerenUE Procedure TDP-ZZ-00022, LOCT Program, Revision 019 (Exhibit 34)

This procedure applies to all reactor operators or senior reactor operators who hold an active or inactive reactor operator's license at Callaway.

In Section 3.5.4., Licensed Operators, it stated, "Licensed Reactor Operators and Senior Reactor Operators are responsible for . . . Informing the Superintendent, Operations and the Senior Training Supervisor, Operations Training of any condition that may affect the performance of license duties" (Exhibit 34, p. 5).

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Testimony

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The following individuals were interviewed by OI:RIV during the investigation of the licensee's failure to follow Fitness For Duty Program reporting requirements and potential violations of station procedures.

Interview of (b)(7)c (Exhibit 37)

On May 9, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c was interviewed about concerns he reported as the (b)(7)c to (b)(7)c on or about June 16, 2005. (b)(7)c explained that as a (b)(7)c part of his duties consisted of corresponding with management, assisting with resolution of concerns raised by reactor operators, and managing relations between the employees and managers at Callaway. (b)(7)c advised that sometime in June 2005 he contacted (b)(7)c and reported the (b)(7)c on (b)(7)c were concerned about (b)(7)c problems with alertness in the control room. According to (b)(7)c on or about June 10, 2005, (b)(7)c informed him about (b)(7)c problems with alertness in the control room.

(b)(7)c stated that approximately 2 weeks after he reported (b)(7)c concerns about (b)(7)c to (b)(7)c he (b)(7)c was contacted by (b)(7)c who advised he had met with (b)(7)c and his crew [NFI] to discuss their concerns. (b)(7)c further advised (b)(7)c told him he had made a decision to remove (b)(7)c from control room duties after meeting with the crew members; however, there were no replacements available for (b)(7)c position until "... the beginning of the year ... January 1st ...". [2006] (Exhibit 37, p. 25).

(b)(7)c recalled that sometime during an outage in December 2005, he was approached by (b)(7)c who attempted to report a concern about "something" he observed in regards to (b)(7)c while working during the outage.

(b)(7)c advised he was re-contacted by (b)(7)c in mid-January 2006 and told he (b)(7)c had talked with the (b)(7)c and (b)(7)c had not observed any problems with (b)(7)c in the control room as previously reported by (b)(7)c stated that during the periods he observed (b)(7)c in the control room, "I did not personally see (b)(7)c having any struggles with staying awake" (Exhibit 37, p. 54). (b)(7)c further stated, "... it was the first of the year, I was watching (b)(7)c very closely, saw no evidence that he was struggling to stay awake. He looked alert all night" (Exhibit 37, p. 47).

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Interview of (b)(7)c (Exhibit 40)

On May 9, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. Although he could not remember specific time frames, (b)(7)c recalled that sometime during June or July 2005, he began to notice that (b)(7)c was more than occasionally drowsy on shift. When questioned if he had observed (b)(7)c asleep on duty, (b)(7)c stated, "I've never seen the guy asleep. I have seen him drowsy. Told him to go take a walk several times" (Exhibit 40, p. 8).

(b)(7)c explained he had conversations with (b)(7)c about his apparent drowsiness, but he (b)(7)c did not inquire about the cause of his drowsiness or ask any personal questions about why he was drowsy. (b)(7)c reported that during one of his conversations with (b)(7)c, he (b)(7)c mentioned (b)(7)c

(b)(7)c

(b)(7)c indicated all of the crew members were aware (b)(7)c would get drowsy on shift (Exhibit 40, p. 22). (b)(7)c stated he had discussed (b)(7)c drowsiness at work with other crew members, (b)(7)c and (b)(7)c because they were concerned that if (b)(7)c was drowsy on shift, he might fall asleep. (b)(7)c indicated (b)(7)c drowsiness was never considered a problem; however, he (b)(7)c would have taken action and relieved (b)(7)c if his drowsiness was viewed as a problem. (b)(7)c stated, "I never had a fitness for duty concern . . ." regarding (b)(7)c drowsiness (Exhibit 40, p. 22). (b)(7)c advised when he detected (b)(7)c exhibiting any signs of tiredness or drowsiness, he would encourage him to "take a walk," "stand up," or "get a drink of water" (Exhibit 40, p. 12).

Interview of (b)(7)c (Exhibit 41)

On May 9, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c recalled the first time he observed a (b)(7)c "nodding off" in the control room was June 8, 2005. (b)(7)c stated that soon after (b)(7)c had completed its simulator training and remediation in May 2006, he noticed (b)(7)c began "nodding off" in the control room on the night shifts. (b)(7)c described he observed (b)(7)c on one or two occasions sitting at the computer in the control room and, although he could not see (b)(7)c eyes, his (b)(7)c head would drop down and his chin would hit his chest (Exhibit 41, p. 16). (b)(7)c stated, "I would notice (b)(7)c nodding his head. And I would holler at him . . . get his attention. And then he would either get up and walk around or he would seem alert" (Exhibit 41, p. 15). (b)(7)c clarified he only saw (b)(7)c "nodding" on one or two occasions during a 6-week period while working on night shift with (b)(7)c

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(b)(7)c

Interview of (b)(7)c (Exhibit 42)

On May 9, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. In defense of Callaway's practice of allowing reactor personnel to report concerns through the union, (b)(7)c explained that although he has an open door policy, employees are reluctant to report concerns directly to management because of "peer pressure" or "mind set" to report concerns through their union steward. (b)(7)c further explained to compensate for peer pressure not to report concerns directly to management, he (b)(7)c goes into the workplace once a month and makes himself accessible to the employees (Exhibit 42, p. 20).

Interview of (b)(7)c (Exhibit 43)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c advised his observations of (b)(7)c in the control room were that he was busy and overwhelmed, but he never saw him sleeping or "nodding" and he never saw (b)(7)c "nodding" or sleeping during shift briefings. (b)(7)c indicated he had also observed (b)(7)c "nod off" once or twice during the training sessions but not in the control room. (b)(7)c advised he was never approached by other reactor operators with questions, comments, or concerns about (b)(7)c behavior in the control room.

Interview of (b)(7)c (Exhibit 45)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. Although he was not assigned to (b)(7)c crew, (b)(7)c recalled that on one occasion when he entered the control room, he observed (b)(7)c "sitting in a chair . . . and his head was bobbing" (Exhibit 45, p. 11). (b)(7)c further stated, ". . . I could not see (b)(7)c eyes. I do not know if they were opened or closed . . . I cannot say he was asleep because I did not see his eyes . . . The only thing I saw was (b)(7)c head bobbing and that was it . . . It appeared he was inattentive" (Exhibit 45, pp. 13, 15, and 31). (b)(7)c

(b)(7)c

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Interview of (b)(7)c (Exhibit 46)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c stated that on two occasions he personally observed (b)(7)c inattentive, nodding, and/or asleep in the classroom located in the training building and verbally counseled him about his inattentiveness after class (Exhibit 46, p 30). (b)(7)c further advised (b)(7)c inattentiveness and/or sleeping in class was discussed among the other instructors in LOCT meetings, also known as "end of cycle briefings." (b)(7)c reported that (b)(7)c and (b)(7)c also attended the LOCT meetings and were present during the discussions about (b)(7)c sleeping issues during training classes. (b)(7)c stated, "... we told them (b)(7)c has been sleeping" in class and annotated the LOCT report for that cycle [NFI] (Exhibit 46, p. 32). (b)(7)c recalled he had discussions with other LOCT instructors about (b)(7)c [NFI] not being alert during training classes located in the training building.

Interview of (b)(7)c (Exhibit 48)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c recalled that about 6 months ago (b)(7)c approached him and asked his advice regarding what actions he would take if he saw a (b)(7)c "nodding" on duty. (b)(7)c stated, "I told him if my (b)(7)c was nodding off, I would tell him to get up and go for a walk . . . And that was pretty much the end of the discussion" (Exhibit 48, p. 23). (b)(7)c further advised he was aware (b)(7)c at that time was (b)(7)c advised that in his position as a (b)(7)c he had discussions with other (b)(7)c related to an individual's [NFI] inattentiveness or "nodding off" during training; however, he (b)(7)c does not recall any discussions related inattentiveness or "nodding" specifically related to (b)(7)c

Interview of (b)(7)c (Exhibit 53)

On May 11, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c advised that to the best of his recollection, the first time he was notified that a (b)(7)c allegedly had been inattentive on duty at Callaway was sometime in May or June 2005. (b)(7)c stated that sometime in May or June 2005, a (b)(7)c approached him one morning in the control room and "... said another RO had voiced a concern that (b)(7)c appeared drowsy at times" (Exhibit 53, p. 9). (b)(7)c advised that because (b)(7)c did not provide the name of the concerned individual, he subsequently questioned (b)(7)c about appearing drowsy in the control room. (b)(7)c further advised that during his discussion with (b)(7)c he (b)(7)c denied he had been distracted or sleepy in the control room but also (b)(7)c indicated

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(b)(7)c reported that after his discussions with (b)(7)c he made inquiries with the operating supervisors (b)(7)c and (b)(7)c crew members [NFI] regarding their observations of (b)(7)c in shift whereby they responded they had not observed any indications of inattentiveness by (b)(7)c (b)(7)c stated that during the summer months, he (b)(7)c "Never heard or saw anything during that time related to alertness" regarding (b)(7)c Exhibit 53, p. 20). Although he could not recall the dates, (b)(7)c advised he observed the (b)(7)c including (b)(7)c in the control room approximately six times during a 6-week period on various occasions and did not observe any inattentiveness. (b)(7)c further stated he did not observe any alertness issues regarding (b)(7)c or his crew during the requalification sessions.

(b)(7)c advised that in September 2005, he was informed by (b)(7)c that (b)(7)c was "upset" and indicated he (b)(7)c should go talk to (b)(7)c (b)(7)c stated he subsequently met with (b)(7)c and he (b)(7)c informed him that he was "... getting sick and tired of (b)(7)c being drowsy at the shift turnover meeting" (Exhibit 53, p. 26). Because (b)(7)c reported that (b)(7)c appeared to be drowsy in meetings (b)(7)c told (b)(7)c he would attend the shift turnover meetings for the purpose of observing (b)(7)c (b)(7)c stated he frequently attended the shift turnover meetings and "... spent a lot of time with (b)(7)c on night shift ..." but saw no indications of inattentiveness (Exhibit 53, pp. 29) (b)(7)c stated that (b)(7)c did not report (b)(7)c was sleeping in the shift turnover meetings.

(b)(7)c advised he and (b)(7)c subsequently met with the supervisors assigned to (b)(7)c crew and asked about their observations of (b)(7)c in the control room but found no indications that (b)(7)c had been inattentive (Exhibit 53, p. 45). (b)(7)c stated he and (b)(7)c also had personally observed (b)(7)c in the control room and found no evidence to support the claim that he (b)(7)c was inattentive on duty. (b)(7)c commented he did not report the concerns raised regarding (b)(7)c to his supervisor (b)(7)c because he (b)(7)c had not observed (b)(7)c exhibiting any inattentiveness behaviors.

(b)(7)c advised that after a concern was filed with the ECP in January 2006 regarding (b)(7)c alleged inattentiveness on duty, he (b)(7)c was removed from shift duties pending the ECP's investigative finding; (b)(7)c

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(b)(7)c however, he (b)(7)c had already decided "... to take (b)(7)c off shift, anyway, because of other issues" and reassign (b)(7)c as (b)(7)c (Exhibit 53, p. 48). (b)(7)c stated, "If it was as blatant as it was portrayed in the Employee Concerns investigation, why weren't other people coming to us ..." to report (b)(7)c inattentiveness (Exhibit 53, p. 36).

(b)(7)c reported there was only one occasion when he observed (b)(7)c actions in a classroom setting that may have been interpreted as inattentiveness. (b)(7)c stated, "... if I truly felt that (b)(7)c could not do the job, I would've taken the appropriate action" (Exhibit 53, p. 43).

Interview of (b)(7)c (Exhibit 54)

On May 11, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY, (b)(7)c reported that during his observations of (b)(7)c in the control room, he (b)(7)c did not exhibit any behaviors associated with inattentiveness. To the best of his recollection, (b)(7)c recalled the first time he was notified that (b)(7)c had been inattentive in the classroom was sometime during the summer of 2005. (b)(7)c stated, "There were comments made in the summertime - I cannot tell you specifically when, there were comments made to me that (b)(7)c was having some difficulty remaining alert in class. Meaning that maybe, you know, his head would bob or something like that. I was not ever told that (b)(7)c was sleeping in class ... I believe the most accurate representation would be that he was having trouble staying awake" in class (Exhibit 54, pp. 12-13). When asked if he had ever observed (b)(7)c inattentive, (b)(7)c stated, "I recall ... in a (b)(7)c meeting or (b)(7)c meeting that I was conducting that (b)(7)c bobbing (sic) his head for a few seconds ... A couple of times" but not in the control room (Exhibit 54, p. 28).

Although he could not remember the dates, (b)(7)c recalled he had discussions in 2005 with the operations training staff, (b)(7)c about (b)(7)c alertness or "head bobbing type things" during training classes (Exhibit 54, pp. 12-15). (b)(7)c stated, "I was never made aware of sleeping. No one ever came to me and said that (b)(7)c was asleep on watch. That did not happen" (Exhibit 54, p. 12). (b)(7)c further stated that end of cycle reports were generated after each training session in 2005, but "Those written reports did not contain any reference to (b)(7)c with respect to alertness or sleeping"; however, (b)(7)c remembered a written comment on one report [NFI] which documented (b)(7)c was "... attempting to sleep in class" (Exhibit 54, p. 15).

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(b)(7)c advised that based on his discussions with the training staff, he and (b)(7)c were concerned about (b)(7)c job performance and they decided to evaluate (b)(7)c performance in the control room. As a result in April 2005, (b)(7)c conducted an observation of (b)(7)c and (b)(7)c interactions on night shift duty in the control room. (b)(7)c stated that based on his observations of (b)(7)c in the control room during April 2005, he determined "... the leadership they demonstrated on crew that night (b)(7)c (Exhibit 54, p. 16). (b)(7)c advised he discussed the control room performance/evaluation results with (b)(7)c

(b)(7)c (b)(7)c
(b)(7)c

(b)(7)c reported that he and (b)(7)c discussed (b)(7)c overall performance, including his (b)(7)c difficulty remaining alert in training class, and it was agreed that (b)(7)c would discuss the performance deficiencies with (b)(7)c. According to (b)(7)c informed (b)(7)c about the concerns raised about (b)(7)c performance issues in the control room and alertness in the classroom. (b)(7)c indicated that based on (b)(7)c leadership characteristics," it was decided he would be more effective in a project-based role instead of a leadership role. (b)(7)c explained the decision was made to reassign (b)(7)c to the (b)(7)c and selected (b)(7)c as (b)(7)c replacement for (b)(7)c. (b)(7)c emphasized the decision to reassign (b)(7)c was based on his leadership and communication performance, not due to any alertness issues. (b)(7)c explained that although the decision had been made to reassign (b)(7)c no specific dates had been identified for the reassignment because they (b)(7)c were in the process of obtaining approval for the training and reassignment of operator personnel.

(b)(7)c advised that on or about December 20, 2005, (b)(7)c contacted him and reported the (b)(7)c or (b)(7)c crew had expressed concerns about his alertness in the control room. (b)(7)c subsequently contacted (b)(7)c and inquired about (b)(7)c behavior in the control room. (b)(7)c recalled that after he spoke with (b)(7)c he met with (b)(7)c on or about January 12, 2006, and told him he had talked with (b)(7)c and he (b)(7)c reported he had not observed any problems, nor had concerns, with (b)(7)c alertness or behavior in the control room. (b)(7)c recalled that one week after his conversation with (b)(7)c in January 2006, he (b)(7)c was interviewed by the ECP investigator (b)(7)c regarding a concern raised about (b)(7)c "alertness on shift" and on January 23, 2006, (b)(7)c and failure to remove him from shift duties.

(b)(7)c clarified that he never received an allegation that (b)(7)c was sleeping on duty and stated, "If a person was asleep on watch in that control room, they'd be gone right now" (Exhibit 54, p. 54).

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Interview of (b)(7)c (Exhibit 59)

On June 14, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. Although he was not assigned to (b)(7)c, (b)(7)c stated that he had observed (b)(7)c on two occasions during the shift turnover briefings "... once in awhile ... close his eyes, that's all. As far as being dead asleep, no. I never witnessed that" (Exhibit 59, pp. 8 and 29). (b)(7)c further advised that he had not observed any inattentiveness or sleeping behavior by (b)(7)c in the control room (Exhibit 59, p. 18). (b)(7)c stated that prior to January 2006, he had no knowledge, nor was aware of any concerns or allegations that (b)(7)c had been inattentive on duty.

Interview of (b)(7)c (Exhibit 61)

On June 15, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c stated "To my recollection, (b)(7)c performed the responsibilities and the actions of a (b)(7)c" (Exhibit 61, p. 21). (b)(7)c indicated there were occasions in the early morning hours where he observed that (b)(7)c eyes were "bloodshot" and he "... didn't appear to be as quite as bright-eyed as he was at the start of the shift ... But ... it didn't look like he was inattentive" (Exhibit 61, pp. 28-31). (b)(7)c advised that during the periods he (b)(7)c worked in the control room; attended shift turnover briefings and/or training sessions with (b)(7)c, he did not observe any behaviors that would suggest that (b)(7)c was inattentive.

Interview of (b)(7)c (Exhibit 62)

On June 15, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c recalled only two occasions in the control room whereby he observed (b)(7)c at the computer for an extended period of time with no movement. (b)(7)c stated that on the two occasions he saw (b)(7)c at the computer and apparently had not moved for a period of time, he (b)(7)c spoke to him, just to make sure that he was not drowsy" (Exhibit 62, p. 12). (b)(7)c stated he could not see (b)(7)c face nor his eyes when he was at the computer; however, on the two occasions that he spoke to (b)(7)c, he responded immediately and did not exhibit any inattentive behavior.

Interview of (b)(7)c (Exhibit 63)

On June 15, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c was interviewed about (b)(7)c observations of (b)(7)c behavior as a (b)(7)c while on duty in the control room. (b)(7)c advised (b)(7)c had not worked with (b)(7)c in control room because (b)(7)c was assigned to another crew, however, (b)(7)c had interacted with (b)(7)c on occasions during the

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shift turnovers and shift turnover meetings. (b)(7)c reported that although (b)(7)c was in a position to observe (b)(7)c during the shift turnover meetings, (b)(7)c never saw any inattentiveness problems with (b)(7)c during the meetings (Exhibit 63, p. 14). While in the control room (b)(7)c stated that (b)(7)c had observed "... No Doz in the drawer. I didn't know who used them. They weren't mine . . . I have no knowledge of . . . whose they were" (Exhibit 63, p. 17).

Agent's Analysis No. 6

This investigation was initiated to determine if the licensee failed to follow Fitness For Duty Program reporting requirements and potentially violated station procedures. Specifically, the NRC received an allegation that Callaway's reactor operator personnel had observed a (b)(7)c (b)(7)c apparently inattentive on duty and failed to follow the established fitness for duty procedures to resolve the problem.

A review of the AmerenUE Procedure APA-ZZ-00906, "Behavioral Observation Program," established "... guidance to assist supervisory personnel in determining appropriate actions to take when faced with a situation where employee reliability is in question" (Exhibit 26, p. 3). In Section 3.9, the procedure instructed "All Personnel" to "Report noticeable behavior changes exhibited by any individual to supervisory or Security personnel for appropriate evaluation and action" (Exhibit 26, p. 6).

AmerenUE Procedure TDP-ZZ-00022, LOCT Program, which applied to all reactor operators or senior reactor operators who hold an active or inactive reactor operator's license at Callaway, stated in Section 3.5.4., "Licensed Reactor Operators and Senior Reactor Operators are responsible for . . . Informing the Superintendent, Operations and the Senior Training Supervisor, Operations Training of any condition that may affect the performance of license duties" (Exhibit 34, p. 5).

(b)(7)c testified that as a (b)(7)c part of his duties consisted of corresponding with management, assisting with resolution of concerns raised by reactor operators, and managing relations between the employees and managers at Callaway. (b)(7)c advised that sometime in June 2005 he contacted (b)(7)c and reported that the reactor operators on (b)(7)c were concerned about (b)(7)c lack of alertness in the control room (Exhibit 37).

In defense of Callaway's practice of allowing reactor personnel to report concerns through the union, (b)(7)c stated, "That's part of the culture here, that the reactor operators would talk to their steward, and then have the steward talk to the manager." (b)(7)c further explained that although he has an open door policy, employees are reluctant to report concerns directly to management because of "peer pressure" or "mind set" to report concerns through their union steward. (b)(7)c further explained that to compensate for peer pressure not to report

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concerns directly to management, he (b)(7)(c) goes into the workplace once a month and makes himself accessible to the employees (Exhibit 42, p. 20).

In testimony obtained from the (b)(7)(c) (Exhibit 40), (b)(7)(c) (Exhibit 41), (b)(7)(c) (Exhibit 45), and (b)(7)(c) (Exhibit 59), a (b)(7)(c) (Exhibit 62), and an (b)(7)(c) (Exhibit 54)], they recounted various occasions whereby they observed (b)(7)(c) in training, shift briefings, and/or in the control room exhibiting behaviors associated with "nodding," "drowsiness," or "head bobbing," but they did not determine those behaviors to "inattentiveness." (b)(7)(c) testified he had been approached by (b)(7)(c) who asked his advice regarding what actions he should take if he saw a (b)(7)(c) "nodding" on duty. (b)(7)(c) further advised he was aware that (b)(7)(c) at that time was (b)(7)(c) (Exhibit 48). The interviews further disclosed that when reactor operator personnel observed (b)(7)(c) "nodding" or "drowsy," they encouraged him to "take a walk," "stand up," or "get a drink of water." No one testified they observed (b)(7)(c) inattentive or asleep on duty in the control room.

Interviews of (b)(7)(c) (Exhibit 53) and (b)(7)(c) disclosed that when they received information alleging that (b)(7)(c) had been inattentive on duty, they conducted inquiries with (b)(7)(c) and various reactor operator personnel, to include initiation of the BOP process; however, no evidence was found to support claim that (b)(7)(c) was inattentive on duty. In addition, (b)(7)(c) advised that during a discussion with (b)(7)(c) he (b)(7)(c) denied he had been distracted or sleepy in the control room and acknowledged there was an existing (b)(7)(c) reported that after his discussions with (b)(7)(c) he made inquiries with the operating supervisors (b)(7)(c) crew members [NFI] regarding their observations of (b)(7)(c) on shift whereby they responded they had not observed any indications of inattentiveness by (b)(7)(c) stated that during the summer months, he (b)(7)(c) Never heard or saw anything during that time related to alertness" regarding (b)(7)(c) (Exhibit 53, p. 20). Although he could not recall the dates, (b)(7)(c) advised he observed the (b)(7)(c) including (b)(7)(c) in the control room approximately six times during a 6-week period on various occasions and did not observe any inattentiveness (b)(7)(c) further stated he did not observe any alertness issues regarding (b)(7)(c) nor his crew during the requalification sessions.

In summary, this investigation found evidence which established that Callaway's reactor operator personnel had observed a (b)(7)(c) exhibit behaviors during training which would be considered "inattentive" on duty if those behaviors had occurred in the control room. This investigation also determined that although the existing procedures at Callaway specifically state that reactor operator personnel are required to inform the Superintendent, Operations and the Senior Training Supervisor, of any condition that may affect license duties, the (b)(7)(c) who reported their concerns to the union steward followed the established customary practice at Callaway of reporting fitness for duty concerns to

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the union steward who in turn forwards those concerns to Callaway's management [redacted] (b)(7)c
Documentary and testimonial evidence obtained in this investigation showed that Callaway's
managers [redacted] (b)(7)c actions and responses to the allegation that
a [redacted] (b)(7)c was inattentive to duty, were in accordance with the licensee's fitness for duty
procedures.

Conclusions

Based on the evidence developed during the investigation, the allegation that the licensee failed to follow Fitness For Duty Program reporting requirements and potentially violated station procedures was not substantiated.

Allegation No. 7: Conditions of Licenses

Evidence

Document Review

During the course of this investigation, OI:RIV reviewed and evaluated documents obtained from Callaway and/or NRC staff. The documents deemed pertinent to this investigation are represented in this section:

Letter from HICKEY to OI:RIV, dated June 27, 2006 (Exhibit 8)

This letter, with attachments, provided information obtained from Callaway's Reader Transaction History databases regarding [redacted] (b)(7)c control room entry and exit times during May and June 2005.

A review of the Reader Transaction Histories for May 2005 disclosed no control room entries or exits for [redacted] (b)(7)c due to the fact that [redacted] (b)(7)c and his crew were conducting training exercises in the training building during that month (Exhibit 8, p. 3).

A review of the Reader Transaction Histories for June 2005 revealed [redacted] (b)(7)c worked day and night shift control room duties and on only one occasion [June 7, 2005] where he was absent from the control room for over 2 hours. On June 7, 2005 [redacted] (b)(7)c absence from the control room was due to his participation in a simulator training exercise as an observer as part of his [redacted] (b)(7)c duties (Exhibit 8, pp. 3-9).

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Printout: Callaway Control Room Archived Operator Log for May 2005 and June 2005, print date July 5, 2006 (Exhibit 9)

A review of the control room archived operator logs for May-June 2005 reflected no listings for (b)(7)c as (b)(7)c in the control room in May 2005; however, listings for (b)(7)c reflected he assumed or provided (b)(7)c duties in the control room on June 3-5; 7-9; 20-22; and 24-27, 2005.

Callaway Card Reader Transaction Histories: Control Room, various dates (Exhibit 10)

These documents, copies of the Reader Transaction Histories for the control room entry/exit times for (b)(7)c on June 7, 2005, revealed that (b)(7)c exited the control room at 8:59:11 p.m. and returned to the control room at 11:55:15 p.m. [absence over 2 hours]. (b)(7)c absence from the control room was due to his participation in a simulator training exercise.

Callaway's ECP Investigation and File No. 20060123, provided July 20, 2006 (Exhibit 11)

This file, ECP File No. 20060123, contained the investigative findings of Callaway's investigation into (b)(7)c allegation that (b)(7)c was observed sleeping on duty. Specifically, on the ECP's Employee Concerns Initial Intake Form, dated January 23, 2006 (Exhibit 11, p. 13), (b)(7)c reported (b)(7)c is having problems with alertness/attentiveness to duty on shift in the control room."

AmerenUE Procedure ODP-ZZ-00001, Revision 024, Operations Department - Code of Conduct, Effective Date May 6, 2005 (Exhibit 28)

This procedure established the Callaway's Code of Conduct for the Operations Department and stated as follows:

Under Section 4.3.1.e., Shift Operations - Shift Manning, it stated, "During any absence of the Shift Supervisor from the Control Room while the unit is in Mode . . . an individual with a valid senior operator license shall be designated to assume Control Room command function" (Exhibit 2, p. 24).

Testimony

The following individuals were interviewed by OI:RIV during the investigation of a (b)(7)c (b)(7)c allegedly exiting the control room area on more than one occasion for 4-5 hours and failing to designate the command function of the control room during his/her absence.

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Interview of (b)(7)c (Exhibit 49)

On May 10, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c opined that because he was away from the control room conducting plant tours as (b)(7)c someone may have assumed he was inattentive to his duties. (b)(7)c advised he had not been interviewed or questioned by Callaway personnel regarding allegations that he was inattentive on duty.

Interview of (b)(7)c (Exhibit 55)

On June 12, 2006, (b)(7)c was interviewed by OI:RIV in Columbia, Missouri. When asked if he had observed any occasions where (b)(7)c was absent from the control room for extended periods of time (b)(7)c stated, "Well, it didn't seem that out of the ordinary at the time. But . . . he'd be away from the control room for . . . quite a bit of time at a stretch . . . it was a longer amount of time than normal" (Exhibit 55, p. 21). (b)(7)c reported that (b)(7)c always notified the control room supervisor when he left the control room (Exhibit 55, p. 23). (b)(7)c stated (b)(7)c would leave the control room for ". . . sometimes . . . just an hour. But . . . there were . . . a few nights where . . ." he was gone ". . . for maybe four or five hours . . . He'd always tell the CRS where he was when he left. But . . . it's not abnormal (sic) to just say you're going to go walk around" (Exhibit 55, p. 23). (b)(7)c stated he did not know why (b)(7)c left the control room for long periods of time, but he suspected it was for reasons other than inspection of the plant or observation of personnel.

AGENT'S NOTE: A review of the card reader transaction histories for the control room entries/exits for May/June 2005 disclosed no evidence that (b)(7)c was absent from the control room for extended periods of time. According to (b)(7)c he substituted for (b)(7)c as the (b)(7)c during the May/June 2005 time frame. Further, testimony obtained from other control room personnel did not support (b)(7)c claim that (b)(7)c was occasionally absent from the control room for "four to five hours."

(b)(7)c remarked he had heard rumors about (b)(7)c and speculation regarding his absences from the control room, but he (b)(7)c had no firsthand knowledge nor was a witness to (b)(7)c activities at Callaway.

Interview of (b)(7)c (Exhibit 57)

On June 14, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. In response to questions regarding (b)(7)c alleged absences from the control room for unusually long periods of time, (b)(7)c stated, "I did not note any concerns in that area" (Exhibit 57, pp. 19-20). (b)(7)c further recalled that each time (b)(7)c would exit the control room, he (b)(7)c would announce that he was

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leaving the control room and the control supervisor would repeat back and acknowledge that (b)(7)c was exiting the control room. (b)(7)c stated, "I do not recall any exceptions to him . . ." (b)(7)c . . . not telling me he was leaving . . ." the control room (Exhibit 57, p. 20).

Interview of (b)(7)c (Exhibit 59)

On June 14, 2006, (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. When asked if he had observed any occasions where (b)(7)c was absent from the control room for extended periods of time, (b)(7)c stated that . . . did leave for meetings . . . from time to time . . . several hours at a time"; however, he (b)(7)c did not observe any unusual absences by (b)(7)c (Exhibit 59, p. 30).

Re-interview of (b)(7)c (Exhibit 60)

On June 14, 2006, (b)(7)c was re-interviewed by OI:RIV. Also present at the re-interview of (b)(7)c was HICKEY. (b)(7)c stated he does not recall any occasions where (b)(7)c was away from the control room for an extended period time while on shift. (b)(7)c further advised he does not recall any discussions with crew members about (b)(7)c absences from the control room. When questioned if he was aware of any periods of time, in excess of 1 or 2 hours, where (b)(7)c was absent from the control room (b)(7)c responded, "I don't recall, no" (Exhibit 60, p. 4).

Interview of (b)(7)c (Exhibit 61)

On June 15, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. When asked if he had observed any occasions where (b)(7)c was absent from the control room for long periods of time, (b)(7)c stated, "I can't recall any" (Exhibit 61, p. 39).

Interview of (b)(7)c (Exhibit 62)

On June 15, 2006 (b)(7)c was interviewed by OI:RIV at Callaway. Also present during the interview of (b)(7)c was HICKEY. When asked if (b)(7)c was absent from the control room for long periods of time, (b)(7)c stated, "Not really. It's not unusual for the (b)(7)c or (b)(7)c to leave" the control room for several hours (Exhibit 62, p. 21).

Interview of (b)(7)c (Exhibit 64)

On October 10, 2006 (b)(7)c was interviewed by OI:RIV in St. Louis, Missouri. Also present during the interview of (b)(7)c was HICKEY. (b)(7)c did not recall any occasions where (b)(7)c was away from the control room for extended periods of time.

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This investigation was initiated to determine if a (b)(7)c employed by Callaway, was willfully inattentive to duty. Specifically, the NRC received an allegation that a (b)(7)c exited the control room area on more than one occasion for 4-5 hours and failed to designate the command function of the control room during his/her absence. During this investigation, there was no evidence found to support the allegation (b)(7)c was absent from the control room in excess of 4-5 hours and/or failed to designate the command function of the control room when he was absent from the control room.

As a condition of licensed activities, Callaway procedures require that the shift supervisor/manager designate an individual to assume command function of the control room during his/her absence from the control room. Specifically, the AmerenUE Procedures ODP-ZZ-00001, Section 4.3.1.e., Code of Conduct, states, "During any absence of the Shift Supervisor from the Control Room while the unit is in Mode . . . an individual with a valid senior operator license shall be designated to assume Control Room command function" (Exhibit 28, p. 24).

An examination of the card reader transaction histories for the control room entries/exits for May/June 2005 disclosed no evidence that (b)(7)c was absent from the control room for extended periods of time. Further testimony obtained from other control room personnel did not support the allegation that (b)(7)c was occasionally absent from the control room for "four to five hours" nor were specific dates identified regarding (b)(7)c reported absences from the control room (Exhibits 8 and 10). Card reader transaction histories for June 7, 2005, showed that (b)(7)c was absent from the control room in excess of 2 hours; however, (b)(7)c extended absence from the control room on that date was due to his participation in a simulator training exercise.

Regarding (b)(7)c absences from the control room (b)(7)c (Exhibit 55) stated in his interview that he observed (b)(7)c absent from the control room for "four or five hours"; however, reactor personnel (b)(7)c (Exhibit 57), (b)(7)c (Exhibit 57), (b)(7)c (Exhibit 59), (b)(7)c (Exhibit 60), (b)(7)c (Exhibit 62), and (b)(7)c (Exhibit 64) testified they did not recall any occasions where (b)(7)c was absent from the control room in excess of 2 hours. The interviews further disclosed it was not uncommon for (b)(7)c to leave the control room to perform other duties and, on occasions when (b)(7)c was observed exiting the control room, he (b)(7)c consistently designated the command function of the (b)(7)c to the control room supervisor prior to his departure from the control room.

A review of the ECP's report of investigation (Exhibit 11) disclosed no statements or concerns reported by reactor personnel regarding (b)(7)c absences from the control room.

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In an interview of (b)(7)c he opined that because he was away from the control room conducting plant tours as (b)(7)c someone may have assumed he was inattentive to his duties because he was not present in the control room. (b)(7)c advised he had not been interviewed or questioned by Callaway personnel regarding allegations that he was inattentive on duty.

In summary, a review of documents and testimony obtained from reactor personnel disclosed no evidence or witnesses to support the allegation that (b)(7)c was absent from the control room in excess of 4-5 hours and failed to designate the command function of the control room when he was absent from the control room.

Conclusions

Based on the evidence developed during the investigation, the allegation that a (b)(7)c (b)(7)c exited the control room area on more than one occasion for 4-5 hours and failed to designate the command function of the control room during his/her absence was not substantiated.

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SUPPLEMENTAL INFORMATION

As a condition of licensed activities, Callaway procedures instructed all licensed operator personnel to report "any condition" that may affect licensed duties to the superintendent or a supervisor; however, the accepted and customary practice at Callaway allows the reactor personnel to report concerns through the reactor union steward.

Specifically, AmerenUE Procedure TDP-ZZ-00022, which applied to all reactor operators or senior reactor operators who hold an active or inactive reactor operator's license at Callaway, stated in Section 3.5.4., "Licensed Reactor Operators and Senior Reactor Operators are responsible for . . . Informing the Superintendent, Operations and the Senior Training Supervisor, Operations Training of any condition that may affect the performance of license duties" (Exhibit 34, p. 5).

(b)(7)c testified that as a (b)(7)c part of his duties consisted of corresponding with management, assisting with resolution of concerns raised by reactor operators, and managing relations between the employees and managers at Callaway (Exhibit 37).

(b)(7)c testified that as the (b)(7)c the practice of allowing reactor personnel to report concerns through the union was part of the culture at Callaway because employees were reluctant to report concerns directly to management (Exhibit 42, p. 20).

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated April 26, 2006 (2 pages).
2	Transcript of Interview with [REDACTED] dated May 1, 2006 (171 pages).
3	Callaway Organization Chart - Nuclear Operations, printed June 12, 2006 (5 pages).
4	Letter from HICKEY to OI:RIV with attachments, dated May 10, 2006 (9 pages).
5	Instructor Cycle Summary Reports for LOCT Cycle 2004 and 2005, undated (30 pages).
6	Summary Overview of the Callaway BOP, dated June 8, 2006 (1 page).
7	BOP - Annual Supervisor Reviews, Form CA0029A, regarding [REDACTED] various dates (13 pages).
8	Letter from HICKEY to OI:RIV, with attachments, dated June 27, 2006 (11 pages).
9	Printout: Callaway Control Room Archived Operator Log for May 2005 and June 2005, print date July 5, 2006 (104 pages).
10	Callaway Card Reader Transaction Histories: Control Room, various dates (3 pages).
11	Callaway's ECP Investigation and File No 20060123 provided July 20, 2006 (56 pages).
12	Callaway's 2006 Operations SCWE Survey, undated (9 pages).
13	CAR No [REDACTED] dated June 13, 2006 (5 pages).
14	Email from [REDACTED] to Shift Supervisors Regarding [REDACTED] with attachments, dated January 31, 2006 (5 pages).

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- 15 Facility Operator's Reports 2004-2006 Regarding (b)(7)c various dates (3 pages).
 - 16 Ameren Management Performance Appraisals 2004 and 2005 (b)(7)c dated February 8, 2005, and March 1, 2006 (10 pages).
 - 17 Reactor Operator Licenses for Callaway Plant, Unit No. 1, Facility License No. NPF-30, Issued by the NRC, various dates (18 pages).
 - 18 LOCT Evaluation Summary Reports (b)(7)c dated May 2005 (57 pages).
 - 19 AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (48 pages).
 - 20 AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (21 pages).
 - 21 AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (51 pages).
 - 22 AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (37 pages).
 - 23 AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (31 pages).
 - 24 AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (32 pages).
 - 25 AmerenUE Training/Student History Report (b)(7)c printed June 12, 2006 (45 pages).
 - 26 AmerenUE Procedure APA-ZZ-00906, Revision 013, "Behavioral Observation Program," Effective Date October 28, 2004 (30 pages).
 - 27 AmerenUE Procedure APA-ZZ-00908, Revision 013, Fitness For Duty Program, Effective Date October 28, 2004 (63 pages).
 - 28 AmerenUE Procedure ODP-ZZ-00001, Revision 024, Operations Department - Code of Conduct, Effective Date May 6, 2005 (53 pages).
 - 29 AmerenUE Procedure ODP-ZZ-00001, Revision 025, Operations Department - Code of Conduct, Effective Date June 28, 2005 (50 pages).

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- 30 AmerenUE Procedure ODP-ZZ-00001 - Addendum 02, Revision 001, Briefs (9 pages).
 - 31 AmerenUE Procedure ODP-ZZ-00001 - Addendum 05, Revision 000, Operational Focus/Operating Philosophy (12 pages).
 - 32 AmerenUE Procedure ODP-ZZ-00001, Addendum 07, Revision 000, Error Reduction, Effective Date February 8, 2005 (9 pages).
 - 33 AmerenUE Procedure ODP-ZZ-00001, Addendum 11, Revision 001, Control Room Decorum (8 pages).
 - 34 AmerenUE Procedure TDP-ZZ-00022, LOCT Program, Revision 019 (45 pages).
 - 35 Chart, 2005 On-Shift Crew Schedule, dated May 10, 2006 (1 page).
 - 36 Transcript of Interview with (b)(7)c dated May 2, 2006 (7 pages).
 - 37 Transcript of Interview with (b)(7)c dated May 9, 2006 (59 pages).
 - 38 Transcript of Interview with (b)(7)c dated May 9, 2006 (41 pages).
 - 39 Transcript of Interview with (b)(7)c dated May 9, 2006 (11 pages).
 - 40 Transcript of Interview with (b)(7)c dated May 9, 2006 (29 pages).
 - 41 Transcript of Interview with (b)(7)c dated May 9, 2006 (31 pages).
 - 42 Transcript of Interview with (b)(7)c dated May 9, 2006 (38 pages).
 - 43 Transcript of Interview with (b)(7)c dated May 10, 2006 (29 pages).
 - 44 Transcript of Interview with (b)(7)c dated May 10, 2006 (27 pages).
 - 45 Transcript of Interview with (b)(7)c dated May 10, 2006 (33 pages).
 - 46 Transcript of Interview with (b)(7)c dated May 10, 2006 (47 pages).
 - 47 Transcript of Interview with (b)(7)c dated May 10, 2006 (27 pages).
 - 48 Transcript of Interview with (b)(7)c dated May 10, 2006 (27 pages).

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- 49 Transcript of Interview with (b)(7)c dated May 10, 2006 (68 pages).
- 50 Transcript of Interview with (b)(7)c dated May 10, 2006 (20 pages).
- 51 Transcript of Re-Interview with (b)(7)c dated May 10, 2006 (34 pages).
- 52 Transcript of Interview with (b)(7)c dated May 11, 2006 (19 pages).
- 53 Transcript of Interview with (b)(7)c dated May 11, 2006 (53 pages).
- 54 Transcript of Interview with (b)(7)c dated May 11, 2006 (58 pages).
- 55 Transcript of Interview with (b)(7)c dated June 12, 2006 (99 pages).
- 56 Transcript of Interview with (b)(7)c dated June 13, 2006 (88 pages).
- 57 Transcript of Interview with (b)(7)c dated June 14, 2006 (27 pages).
- 58 Transcript of Interview with (b)(7)c dated June 14, 2006 (33 pages).
- 59 Transcript of Interview with (b)(7)c dated June 14, 2006 (32 pages).
- 60 Transcript of Interview with (b)(7)c dated June 14, 2006 (7 pages).
- 61 Transcript of Interview with (b)(7)c dated June 15, 2006 (43 pages).
- 62 Transcript of Interview with (b)(7)c dated June 15, 2006 (25 pages).
- 63 Transcript of Interview with (b)(7)c dated June 15, 2006 (27 pages).
- 64 Transcript of Interview with (b)(7)c dated October 10, 2006 (24 pages).

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