



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

November 23, 2009

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[HOME ADDRESS REMOVED
PER 10 CFR 2.390]

SUBJECT: NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS
REPORT NO. 2-2006-017

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Dear (b)(7)(C)

This refers to the investigation initiated on April 20, 2006, by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI). The purpose of the investigation was to determine whether fitness for duty requirements were willfully violated in connection with a Fitness for Duty incident in March 2006, when you were (b)(7)(C) (NFS). As a result of the investigation, the NRC, by letter dated January 7, 2009, advised you of the identification of two apparent violations of 10 CFR 70.10, and offered you an opportunity to either: 1) respond to the apparent violations in writing; 2) request a Predecisional Enforcement Conference; or 3) request Alternative Dispute Resolution (ADR) in an attempt to resolve the issues. You responded to the apparent violations in a written submittal dated April 3, 2009.

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Based on a review of the investigative report and the information you provided in your written response of April 3, 2009, the NRC has concluded that your actions did not constitute deliberate misconduct. Therefore, individual enforcement action is not warranted.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, and marked "Open by Addressee Only," within 30 days of the date of this letter. You may contact Michael Ernestes of my staff if you have any questions. Mr. Ernestes can be reached at (404) 562-4540.

This letter and your response, if you choose to submit one, will not be made publicly available either electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). However, you should be aware that all final NRC documents, including the final OI investigation report, are official agency records and may be made available to the public under the Freedom of Information Act (FOIA), subject to redaction of certain information in accordance with the FOIA.

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In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Sincerely,

KRA

Kriss M. Kennedy, Director
Division of Reactor Safety

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