

ARB SUMMARY		Responsible Branch	OB	RIV-2006-A-0033
Facility Name	Callaway	ARB Date:	April 25, 2006	
Docket Number	05000483	OI Case No.:		
ARB DECISION				
Purpose of ARB	Initial			
Previous Decisions	N/A			
Today's Decision	<p>Concern 1- OB to inspect.</p> <p>Concern 2- OI to investigate.</p> <p>Concern 3- ACES to Offer Early ADR</p> <p>Concern 4- OB to inspect.</p> <p>Concern 5- OB/RPBB to coordinate and review ECP file regarding Licensee's investigation and OB to inspect.</p>			
Basis for Another ARB	Involve OI if Concern 4 is substantiated.			
REFERRAL				
Refer to:		Criteria Reviewed?		
Referral Rationale				
OI INVESTIGATION				
Priority Rationale	High- Based on level of management involved.			
DOL Deferral Rationale				
ARB PARTICIPANTS (* denotes ARB Chairman Approval)				
JWalker	HFreeman	KFuller	TVegel	GJohnston
DWhite	RKopriva	KClayton	AHowell	RCaniano*

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CONCERNS LIST				RIV-2006-A-0033
Concern (Brief Statement)				Regulatory Requirement
Branch	Action (Inspect, Refer, Investigate, No Action)	Planned Completion	Significance (High, Normal)	OI Priority (H, N, L)
1	Potential example of a failure of the licensee's fitness-for-duty program in that a (b)(7)(C) allegedly was not attentive to his duties for months.			10 CFR 26 10 CFR 55.53
OB	Inspect	TBD	Normal	
2	Licensee management was allegedly aware of the condition and took no action until forced by the Employee Concerns Program.			10 CFR 26 10 CFR 55.53
OI	Investigate	TBD	Normal	High
3	Potential retaliation to (b)(7)(C) for reporting to the Employee Concerns Program that the subject (b)(7)(C) was allegedly not fit-for-duty.			SCWE 10 CFR 50.7
ACES	Offer Early ADR	TBD	Normal	
4	The operations crew in which the alleged inattentive (b)(7)(C) resided and other levels of licensee management may have been covering for the (b)(7)(C) for licensed operator requalification.			10 CFR 55.9 10 CFR 55.25 10 CFR 55.49 10 CFR 55.53
OB	Inspect	TBD	Normal	
5	(NRC Issue) Although the alleged inattentive (b)(7)(C) has been purportedly (b)(7)(C) the licensee has not (b)(7)(C) and the individual may be placed on shift as needed.			10 CFR 55.9 10 CFR 55.25
OB	Inspect	TBD	High	

Revised 5/22/02

Indirect Charges

A10304 Support for Allegations (Reactors)
A10191 Support for Allegations (Materials)

Direct Inspection Activities

AF Allegation Followup
BJ2 Allegation Prep/Doc
AFT Allegation Travel

ALLEGATION RECEIPT FORM

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Received By:	Michael Peck	Receipt Date:	April 13, 2006
Receipt Method (meeting, phone call, letter, etc.)		Letter left under the Resident Inspector's office door	

FACILITY

Facility Name	Callaway Plant
Location	Junction Highway CC and Highway O, Fulton, Missouri
Docket(s)	50-483

CONCERNSummary the of Concerns (be brief)

1. Please see attached letter - Issues related to lack of prompt management attention to complaints of a less fully attentive (b)(7)(C)

Obtain concern specifics. What is the concern, when did it occur, who was involved, etc. If the concern involves discrimination, fill in the last section of the form.

Please see attached letter

What is the potential safety impact? Is this an ongoing concern?

Adversely affected plant operation and safety culture. Is not a ongoing concern. The affected (b)(7)(C) is no longer assigned shift duties

What requiremen/uregulation covers this concern?

10 CFR 50.7, 10 CFR 55

What records should the NRC review?

N/A

What other individuals could the NRC contact for information?

Please see attached letter

How did the individual find out about the concern?

Other operations personnel and direct observation

Was the concern brought to management's attention? If so, what actions have been taken, if not, why not?

Yes - Allegation of retaliation

Why was the concern brought to the NRC's attention?

N/a

ALLEGATION RECEIPT FORM

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ALLEGER INFORMATION

Full Name	(b)(7)(C)	Employer	AmerenUE
Mailing Address (Home)	(b)(7)(C)	Occupation	(b)(7)(C)
Telephone (Daytime) (Home) (Other)	(b)(7)(C)	Relationship to facility	(b)(7)(C)
Preference for method and time of contact	Call or letter at home, works a rotating shift	Was the individual advised of identity protection	Yes (April 26, 2003)
Referral	<p>Explain that if the concerns are referred to the licensee, that alleged's identity will not be revealed and that the NRC will review and evaluate the thoroughness and adequacy of the licensee's response. If the concerns are an agreement state issue or the jurisdiction of another agency, explain that we will refer the concern to the appropriate agency, and if the alleged agrees, we will provide the alleged's identity for followup.</p>		
Does the individual object to the referral?	No -	Does the individual object to releasing their identity?	No - CI has discussed the issue with CWY ECP and station management
<p>Regulations prohibit NRC licensees (including contractors and subcontractors) from discriminating against individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices made unlawful by statutes, etc.).</p>			
Does the concern involve discrimination?	Yes	Was the individual advised of the DOL process?	Yes
<p>What was the protected activity?</p> <p style="text-align: center;">Nuclear plant (b)(7)(C)</p>			
<p>What adverse actions have been taken? When?</p> <p style="text-align: center;">(b)(7)(C)</p>			
<p>Why does the individual believe the actions were taken as a result of engaging in a protected activity?</p> <p style="text-align: center;">Yes - Please see letter</p>			

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