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From: Harry Freeman
To: R4ALLEGE
Date: Tue, May 23, 2006 9:41 AM
Subject: 06033 Phone Record 052206

In response to OI, I contacted the allegor on May 22, 2006, to discuss an additional concern. The allegor stated that an individual who had served as the alleged inattentive (b)(7)(C) (b)(7)(C) was wondering why the NRC was not interviewing him.

(b)(7)(C) because at least he would have known where he was and how he could get a hold of him. (b)(7)(C) (b)(7)(C) Apparently, when this happened, the crew could not get a hold of (b)(7)(C) by any method (phone, pager, gaitronics or radio).

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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	An (b)(7)(C) allegedly was not attentive to his duties for months.			10 CFR 55.53
OI	Investigate	TBD	Normal	High
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 "carrying" 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 (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	
6	Potential example of a failure of the licensee's fitness-for-duty program in that 30-40 individuals had regular contact with the (b)(7)(C) but did not pursue resolution of his lack of attention to his duties.			10 CFR 26
OI	Investigate	TBD	Normal	High

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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)
7	On more than one occasion, an on-shift (b)(7)(C) left the Control Room area for 4-5 hours. Facility procedure (Ops Dept - Code of Conduct) states the (b)(7)(C) normal watchstation shall be the Control Room. The individual licensee (b)(7)(C) is required to follow facility procedures as a condition of his license.			10 CFR 55.53(l)
OI	Investigate	TBD	Normal	Normal
8	On more than one occasion, an on-shift (b)(7)(C) left the Control Room area for 4-5 hours. Facility procedure (Ops Dept - Code of Conduct) requires an individual to be designated to assume the (b)(7)(C) (b)(7)(C) during any absence of the (b)(7)(C). It is not known whether this designation was made.			10 CFR 55.53(l)
OI	Investigate	TBD	Normal	Normal

POTENTIAL NOVs

1. 10 CFR 55.53(l) states, "The licensee shall comply with any other conditions that the Commission may impose to protect health or to minimize danger to life or property." Accordingly, a condition for (b)(7)(C) 10 CFR Part 55 license states, "While performing licensed duties, you shall observe the operating procedures and other conditions specified in the facility license which authorizes operation of the facility..." Facility licensee Procedure ODP-ZZ-00001, Operations Department - Code of Conduct, states, in part, that the (b)(7)(C) normal watch station shall be the Control Room.

Contrary to the above, on and on and on (b)(7)(C) (b)(7)(C) was absent from the Control Room and was not able to be contacted for extended periods of time.

2. 10 CFR 55.53(d) states, "The license is subject to, and the licensee shall observe, all applicable rules, regulations, and orders of the Commission. Accordingly, a condition for (b)(7)(C) 10 CFR Part 55 license states, "While performing licensed duties, you shall observe the operating procedures and other conditions specified in the facility license which authorizes operation of the facility..." Facility licensee Procedure ODP-ZZ-00001, Operations Department - Code of Conduct, and Plant Technical Specifications require that the (b)(7)(C) (b)(7)(C) be transferred to a (b)(7)(C) during his/her absence from the control room.

Contrary to the above, on and on and on (b)(7)(C) (b)(7)(C) did not designate an individual to assume the (b)(7)(C) during his absences from the Control Room.