

ARB SUMMARY		Responsible Branch	OB	RIV-2006-A-0033
Facility Name	Callaway	ARB Date:	May 30, 2006	
Docket Number	05000483	OI Case No.:	N/A	
ARB DECISION				
Purpose of ARB	Review Additional Concerns (7 & 8)			
Previous Decisions	<p>(1) OB/ACES to contact allegor to clarify Concern 4, specifically regarding what is meant by "carrying him" during requalification. If not a regulatory issue, OB to document.</p> <p>(2) Regarding Concern 5, OB to continue review based on OI investigation results.</p> <p>(3) Split Concern 1 into two for the 10 CFR 26 issue and the 10 CFR 55 issue.</p>			
Today's Decision	<p>1. Based upon conversation with allegor, determined that there wasn't a "cover up" as originally implied in concern and that there was no violation of requirements for Concern 4. OB to provide closure basis.</p> <p>2. For Concern 7, request OI investigate with a high priority. OB to review conduct of OPS procedure.</p>			
Basis for Another ARB				
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)				
AVegel*	DDChamberlain	DWhite_	MPShannon	GMVasquez
HAFreeman	KDFuller	WBJones	SRutenkroger	TPGwynn

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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) (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) (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	
6	Potential example of a failure of the licensee's fitness-for-duty program in that 20-30 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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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)
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) during any absence of the (b)(7)(C). It is not known whether this designation was made.	TBD	Normal	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 Control Room command function 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.