

ARB DISPOSITION RECORD		Allegation Number: RIV-2007 -A-0124	
Facility Name: Callaway		Docket Number: 05000483	
Responsible Division: DRS		ARB Date: 10/29/2007	
Received Date 10/25/2007	30 Days	150 Days	180 Days
Purpose of the ARB: Initial			
Basis for Another ARB:			
REFERRAL			
Does Allegor Object to Referral <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
If any of the following factors apply, an allegation shall not be referred to the licensee.			
<input type="checkbox"/> Information cannot be released in sufficient detail to the licensee without compromising the identity of the allegor of confidential source.			
<input type="checkbox"/> The licensee could compromise an investigation or inspection because of knowledge gained from the referral.			
<input type="checkbox"/> The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.			
<input type="checkbox"/> The basis of the allegation is information received from a Federal or State agency that does not approve of the information being released in a referral.			
ARB PARTICIPANTS			
Chairman:			
AVegel	RCaniano	RDeese	CHolland
KFuller	JWalker	HFreeman	AFairbanks
MHaire			

Concern 1	Discipline Wrongdoing	Reactor Department Code Operations
Responsible Branch: OB	OI Case Number: 4-2008-007	
Concern Description: (b)(7)(C) [redacted] lied to the NRC OI investigator during his interview with OI.		
Regulatory Requirement: 10 CFR 50.9		
Safety Significance: Select...		
Basis:		
Check if question is applicable to the concern.		
<input checked="" type="checkbox"/> Is it a declaration, statement, or assertion of impropriety or inadequacy?		
<input checked="" type="checkbox"/> Is the impropriety or inadequacy associated with NRC regulated activities?		
<input checked="" type="checkbox"/> Is the validity of the issue unknown?		
If all of the above statements are checked, the issue is an allegation.		
Action	Assigned Branch	Assigned Date
		Planned Date

C/20

Investigation - High

OI

10/29/2007

Comments:

OI to:

(1) Investigate to verify whether (b)(7)(C) was carded into Control Room during turnover.

(2) Reconsider re-investigation of (b)(7)(C) H&I case.

(3) Interview additional witness to sleeping (b)(7)(C)

(4) Request PA entry log for OB's review. (OB Assist) No updates - OLF

Ex 6

(re investigation under) (4-2006-025)

4-2008-006F

Action	Assigned Branch	Assigned Date	Planned Date
Other (Describe)	OB	10/29/2007	

Comments: OB to document 10/25/07 meeting with concerned individual.

Additional Comments

ALLEGATION RECEIPT FORM

Allegation Number: RIV-2007-A-0124

Received By: Mark Haire	Receipt Date: 10/25/2007
Receipt Method: Meeting	Other Method
FACILITY	
Facility Name: Callaway	
Location: Fulton, MO	
Docket(s): 50-483	
General Discussion: Previous allegor was dissatisfied with NRC's disposition of his allegation (he alleged a (b)(7)(C) had been inattentive/sleeping on watch, and the NRC did not substantiate); he made a FOIA request for the allegation/OI files and believes the (b)(7)(C) lied to the NRC OI investigator in the transcript. Also, he believes there is another person the NRC should interview regarding the inattentive (b)(7)(C) allegation.	

CONCERN 1	
Summary of Concern (be brief) (b)(7)(C) lied to the NRC OI investigator during his interview with OI.	
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. (b)(7)(C) lied to the NRC OI investigator during his interview with OI (as evidenced in the OI Transcript of case 4-2008-025 which the allegor had requested via FOIA) when he indicated that he attended all Control Room shift turnover meetings between 10/20/05 and the end of the RF -December 2005) to monitor the behavior of a (b)(7)(C) who had been reported as regularly inattentive during turnover briefs by the allegor on 10/20/05.	
What is the potential safety impact? Is this an ongoing concern? Licensee Official making false statements to NRC OI investigator calls into question the trustworthiness and reliability of said official.	
What requirement/regulation governs this concern? Thou shalt not tell lies to the NRC (10CFR50.9 and 10CFR50.5) ODP-ZZ-00001 "Operations Department Code of Conduct": - "4.2.2 Sleeping is NOT allowed." - Addendum-11: "2.1.3 Personnel should NOT place themselves in a position that would give the appearance of sleeping."	
What records should the NRC review? Key Card entry records for the Control Room for the period: between 10/20/05 (when (b)(7)(C) reported to (b)(7)(C) that (b)(7)(C) was "sleeping" at every shift turnover even while (b)(7)(C) was still officially the watchstander) and the end of the RF -December 2005; allegor claims (b)(7)(C) NEVER attended ANY briefs (which occurred around 0600 and 1800) during that period, and that the key card entry records will show this.	
What other individuals could the NRC contact for information? (b)(7)(C) was not interviewed by OI originally and is a witness to (b)(7)(C) sleeping on watch.	
Was the concern brought to management's attention? If so, what actions have been taken, if not, why not? No. Allegor already believes he has been the subject of discrimination (already processed as a separate allegation for this allegor) for bringing forth safety concerns and doesn't believe his management chain will take appropriate action.	
Why was the concern brought to the NRC's attention? Because allegor believes that the NRC did not correctly handle his original allegation about (b)(7)(C) being inattentive on watch; that's why he made the FOIA request in the first place. Now, he's concerned that his management has lied to the NRC to cover up their poor handling of the original report in 2005 that (b)(7)(C) was inattentive.	

(b)(7)(E)