



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
612 EAST LAMAR BLVD, SUITE 400  
ARLINGTON, TEXAS 76011-4125

July 2, 2008

(b)(7)(C)

SUBJECT: ALLEGATION NOS. RIV-2006-A-0033 & RIV-2007-A-0124

Dear (b)(7)(C)

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This refers to my November 15, 2007, letter which advised that the NRC had opened Allegation RIV-2007-A-0124 to document your concern that the (b)(7)(C) provided false information to the NRC Office of Investigations (OI). I also advised that a supplemental investigation to OI Report 4-2006-025 (Allegation RIV-2006-A-0033) would be initiated in order to interview an additional witness who allegedly could confirm having observed the (b)(7)(C) (b)(7)(C) sleeping on watch.

The NRC has completed its investigation into whether the (b)(7)(C) had provided false information to the NRC during OI Investigation 4-2006-025. The enclosed "Resolution of Concern" documents your concern and summarizes the NRC resolution. In summary, the NRC was unable to find sufficient evidence to support your assertion. An unsubstantiated finding does not mean that the information that you provided was untrue, it only means that we did not find sufficient information/evidence during our inspection/review to support your statements. You may request a copy of the report under the Freedom of Information Act by requesting OI Report of Investigation 4-2008-007.

We believe that our actions in this matter have been responsive to your concern. We take our safety responsibilities to the public very seriously and will continue to do so within the bounds of our lawful authority. Our supplemental investigation, OI Report 4-2006-025 (Allegation RIV-2006-A-0033), continues. We will provide you the results of our supplemental activities when complete.

Should you have any additional questions regarding our resolution, please call me toll free at 800-952-9677, Extension 245, Monday - Friday between 8:00 a.m. and 4:30 p.m. Central time.

Sincerely,

Harry A. Freeman  
Senior Allegation Coordinator

Enclosure:  
Resolution of Concern

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

C/23

**Concern**

(b)(7)(C) provided false information to the NRC investigator during his interview. Specifically, the (b)(7)(C) indicated that he attended all Control Room shift turnover meetings between October 20, 2005, and the end of the refueling outage in December 2005 to monitor the behavior of a (b)(7)(C) who had been reported as being inattentive. You stated that you were present at those meetings and did not observe the (b)(7)(C) in attendance.

**Resolution**

The report documents interviews and records reviewed by the NRC OI investigator in December, 2007. Interviews with personnel who would have regularly stood watch and attended shift turnover meetings with this particular (b)(7)(C) were inconclusive. Due to the time that has passed, as well as the routine of the shift turnover meetings and large number of people regularly in attendance, no one interviewed could confirm or categorically deny that the (b)(7)(C) was or was not in attendance at any particular shift turnover meeting with the (b)(7)(C) or that he had or had not conducted on-shift observations of the (b)(7)(C).

Review of control room and protected area access logs were also inconclusive. These logs indicated that there were many occasions during the period in question (October through November, 2005) when both individuals would have been present together during the same shift, including during the shift turnover timeframe. Although access records do not show who attended the shift turnover briefing, they do show that the (b)(7)(C) was, on several occasions, present and could have attended the briefings. Also, there were several occasions during these periods when you were not present to observe any potential interactions between these two individuals. In addition, although our understanding of your concern (as stated above) was that the (b)(7)(C) had indicated that he had attended "all Control Room shift turnover meetings between October 20, 2005, and the end of the refuel outage," our review of the original transcript showed that he did not claim to have attended all of those meetings, but only that he had attended "frequently." Further, during the most recent interview, he clarified that he couldn't recollect for certain whether his attendance (specifically to the turnover meetings) was during the outage or before the outage, but that he thought he had done both. This perspective could not be refuted by the interviews and logs.

After conducting interviews and reviewing protected area and control room access logs, OI could not substantiate your claim that the (b)(7)(C) willfully provided inaccurate or incomplete information to the OI investigator during the interview associated with OI Case No. 4-2006-025.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005

February 21, 2008

(b)(7)(C)

SUBJECT: OFFICE OF INVESTIGATIONS (OI) INVESTIGATION INTO WHETHER LICENSEE MANAGEMENT PROVIDED FALSE INFORMATION TO THE NRC (OI 4-2008-007, ALLEGATION RIV-2007-A-0124) AND REOPENING OF INVESTIGATION OF INATTENTIVE (b)(7)(C) (OI 4-2006-025, ALLEGATION RIV-2006-A-0033)

Dear (b)(7)(C)

This letter is in regard to the investigation conducted into your concerns that a (b)(7)(C) (b)(7)(C) had been inattentive for months and that other individuals, including licensee management, had been aware of the situation yet took no actions. Based upon your review of the OI Report of Investigation, you asserted that the (b)(7)(C) lied to the OI investigator during his interview with OI. You also provided the name of an individual who claimed to have witnessed the (b)(7)(C) sleeping while on watch.

The NRC opened a new allegation (RIV-2007-A-0124) and investigation (4-2008-007) to investigate whether there was evidence that the (b)(7)(C) had provided false information to the NRC during the investigation. In addition, OI reopened Investigation 4-2006-025 to interview the named witness. Based upon the testimony of the witness, the NRC determined that there was sufficient evidence to warrant further actions and reopened Allegation RIV-2006-A-0033. When we have completed our review of these issues, we will notify you of our findings, actions, and the final resolution of your concerns.

Should you have any additional questions, or if I can be of further assistance in this matter, please call me at 800-952-9677 extension 245 or on the NRC Safety Hotline at 800-695-7403 Monday - Friday between 8:00 a.m. and 4:30 pm Central time.

Sincerely,

Harry A. Freeman  
Senior Allegation Coordinator

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

(b)(7)(C)

bcc: Allegation Files RIV-2006-A-0033 & RIV-2007-A-0124

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2. Article Number (transfer from service label) 6-A-0033

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HAFreeman				
02/21/2007				

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