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December 8, 2008

OI Report No.: 4-2006-025, issued 12/3/08
Callaway Plant
Allegation No.: RIV-2006-A-0033
Responsible Branch: DRS/OB

A hard copy of the subject OI report is being made and will be distributed separately to regional personnel involved in reviewing this report. The exhibits to the report are available from ACES upon request. The investigation involved supplemental interviews to determine if a (b)(7)(C) had been willfully inattentive to duty (sleeping) and whether other violations of station procedure took place. This investigation was initiated 4/26/2006 and closed as unsubstantiated on 1/30/2007. Subsequently, the allegor identified new information that led the ARB to reopen the case on 11/9/2007 for additional interviews. After completing the additional interviews, the allegation remains NOT SUBSTANTIATED.

OI did **NOT SUBSTANTIATE** that this concern involved wrongdoing. If you disagree with this conclusion or believe that further discussion of this conclusion is warranted, please respond to the sender of this e-mail with a cc to **R4ALLEGATION** within 3 weeks of the date of this e-mail. In addition, as discussed below, **R4ALLEGATION** requires a response regarding any technical concerns associated with this case that are still open, and any planned enforcement action that is related to this case.

To assure that closure letters to the allegor and licensee are accurate and properly coordinated, the **responsible branch** is to provide **R4ALLEGATION** a response that:

- 1) provides information about any planned enforcement action related to this case, including non-escalated action; and
- 2) provides status or closure information for **any other concerns** associated with this case that are still open. Closure information must address each of the specific concerns and provide justification for closure. To the extent that such issues are discussed in the OI report, information from the report may be used in closing the remaining concerns.

Copies of the OI exhibits are available upon request. ACES will not close this allegation with the allegor or the licensee until **R4ALLEGATION** receives a response from the responsible branch chief.

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Distribution of hard copies to:

██████ Jones, Fuller, Haire, C.Maier, R4ALLEGATION
DRS: Caniano/Pruett (one copy), Lantz
DRP: Chamberlain, Vegal, Gaddy

C/04



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

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December 3, 2008

MEMORANDUM TO: Elmo E. Collins, Regional Administrator
Region IV

FROM: (b)(7)(C) Acting Field Office Director (b)(7)(C)
Office of Investigations Field Office, Region IV

SUBJECT: CALLAWAY PLANT: SUPPLEMENTAL INTERVIEWS CONDUCTED
REGARDING SLEEPING ON DUTY BY A (b)(7)(C)
(b)(7)(C) AND POTENTIAL VIOLATIONS OF STATION
PROCEDURES (CASE NO. 4-2006-025/RIV-2006-A-0033)

On (b)(7)(C) Michael S. PECK, Senior Resident Inspector, Region IV (RIV), Nuclear
Regulatory Commission assigned to the Callaway Plant (Callaway), received information from
(b)(7)(C) Callaway, regarding another (b)(7)(C)
(b)(7)(C) sleeping while on shift and management's failure to take action on the violation.

(b)(7)(C) reported that he discussed the sleeping issue with (b)(7)(C)
(b)(7)(C) Callaway, and (b)(7)(C) Callaway,
on several occasions and they failed to take any action. Subsequently, (b)(7)(C) reported his
concern to the Employee Concerns Program (ECP) in (b)(7)(C) and, after an ECP
investigation, (b)(7)(C)

On April 26, 2006, a RIV Allegation Review Board (ARB) discussed (b)(7)(C) allegations
and requested the Office of Investigations (OI), RIV, conduct an investigation into (b)(7)(C)
allegations of (b)(7)(C) sleeping while on duty and management's failure to correct the issue.

Subsequently, OI:RIV initiated an investigation on the same date [April 26, 2006] to determine if
(b)(7)(C) was willfully inattentive to duty and if Callaway management willfully failed to take
appropriate corrective action regarding the alleged inattentiveness [OI Case No. 4-2006-025 /
Allegation No. RIV-2006-A-0033].

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On January 30, 2007, OI's investigation was closed as unsubstantiated with the following conclusions regarding four (4) specific allegations as stated:

Allegation No. 1:

An investigation was initiated to determine if a (b)(7)(C) employed by Callaway, was willfully inattentive to duty. Specifically, the NRC received an allegation that members of a reactor operating crew reported their (b)(7)(C) allegedly had been asleep or inattentive on duty.

The investigation concluded that Callaway management had followed AmerenUE's [Callaway] procedures and conducted the Behavioral Observation Program (BOP) evaluations of (b)(7)(C) after they were notified by the (b)(7)(C) that there were concerns about (b)(7)(C) potential for inattentiveness on duty. A review of documents and testimony obtained from reactor personnel disclosed no evidence or witnesses to support the allegation (b)(7)(C) was inattentive or observed asleep on duty; however, testimony was provided which reported (b)(7)(C) appeared to be inattentive, or in the process of becoming inattentive, on various occasions, in the classroom during training sessions. Testimony provided by control room personnel disclosed that during peer checks of (b)(7)(C) in the control room, he was responsive and did not exhibit any inattentive behavior. The AmerenUE Procedure ODP-ZZ-00001, Section 2.1.3., instructed that personnel should not give the appearance of sleeping in the control room, but the instruction did not define the characteristics of what was determined to be "appearance of sleeping." Although (b)(7)(C) was observed by training instructors "nodding" or "asleep" during training classes, there was no violation of the AmerenUE Procedures ODP-ZZ-00001 as this procedure relates to guidance specific to conduct in the control room and shift turnover briefings.

Based on the evidence developed during the investigation, OI:RIV determined the allegation that a (b)(7)(C) employed by AmerenUE, Callaway, was willfully inattentive to duty was not substantiated.

Allegation No. 2:

An investigation was initiated to determine if management had potentially violated station procedures by failing to take action regarding a fitness for duty concern and potentially violated station procedures. Specifically, the NRC received an allegation that members of Callaway management failed to take the appropriate action when concerns were reported that a (b)(7)(C) was inattentive on duty. It was further alleged Callaway management did not take any action regarding the concerns until they were forced by the ECP.

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The investigation found that beginning in April 2005, (b)(7)(C) were aware of (b)(7)(C) alertness and performance issues during training classes and subsequently conducted an observation of (b)(7)(C) and his crew members followed by (b)(7)(C) In (b)(7)(C) (b)(7)(C) reported concerns that (b)(7)(C) on occasion, appeared to be "drowsy" in the control room. Based on (b)(7)(C)

(b)(7)(C) The decision was made to

(b)(7)(C) not due to

any alertness issues. No specific date was scheduled for the (b)(7)(C)

(b)(7)(C) made the decision to

(b)(7)(C) On (b)(7)(C) the ECP received a

concern that (b)(7)(C) was inattentive on duty and initiated an investigation. A review of documents and testimony obtained during this investigation provided evidence that Callaway management (b)(7)(C) were aware of concerns about (b)(7)(C) behavior and job performance in April 2005 and subsequently decided to (b)(7)(C)

(b)(7)(C) Upon receipt of information that (b)(7)(C) allegedly was inattentive to duty, (b)(7)(C) conducted a BOP of (b)(7)(C) at various times and interviewed reactor personnel, but found no evidence to substantiate the allegation. Subsequent to the ECP's investigation of (b)(7)(C) the (b)(7)(C)

(b)(7)(C)

Based on the evidence developed during the investigation, the allegation that Callaway's management violated station procedures by failing to take the appropriate action when concerns were reported that a (b)(7)(C) was inattentive on duty until forced by the ECP was not substantiated.

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Allegation No. 3:

An investigation was initiated to determine if the licensee failed to follow Fitness For Duty Program reporting requirements and potentially violated station procedures. Specifically, the NRC received an allegation that Callaway's reactor operator personnel had observed a (b)(7)(C) apparently inattentive on duty and failed to follow the established fitness for duty procedures to resolve the problem.

The investigation found evidence which established that Callaway's reactor operator personnel had observed a (b)(7)(C) exhibiting behaviors during training which would be considered "inattentive" on duty if those behaviors had occurred in the control room. The investigation also determined that, although the existing procedures at Callaway specifically stated that reactor operator personnel are required to inform the Superintendent, Operations and the Senior Training Supervisor, of any condition that may affect license duties, the (b)(7)(C) who reported their concerns to the (b)(7)(C) followed the established customary practice at Callaway of reporting fitness for duty concerns to the (b)(7)(C) who in turn forwards those concerns to Callaway's management (b)(7)(C). Documentary and testimonial evidence obtained in this investigation showed that Callaway's (b)(7)(C) actions and responses to the allegation that a (b)(7)(C) was inattentive to duty, were in accordance with the licensee's fitness for duty procedures.

Based on the evidence developed during the investigation, the allegation that the licensee failed to follow Fitness For Duty Program reporting requirements and potentially violated station procedures was not substantiated.

Allegation No. 4:

An investigation was initiated to determine if a (b)(7)(C) employed by Callaway was willfully inattentive to duty. Specifically, the NRC received an allegation that a (b)(7)(C)

(b)(7)(C)

A review of documents and testimony obtained from reactor personnel disclosed no evidence or witnesses to support the allegation that (b)(7)(C)

(b)(7)(C)

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Based on the evidence developed during the investigation, the allegation that a (b)(7)(C) (b)(7)(C) exited the control room area on more than one occasion for 4-5 hours (b)(7)(C)

On November 2, 2007, the ARB reconvened to discuss additional information provided by (b)(7)(C) subsequent to case closure. Specifically, (b)(7)(C) (b)(7)(C) Callaway, as a new witness who could provide testimony that he observed (b)(7)(C) in the control room. (b)(7)(C) provided this information subsequent to the closure of the initial investigation and after he had obtained documents from the NRC's investigation [OI Case No. 4-2006-035] under the Freedom of Information Act.

On November 9, 2007, subsequent to OI's case closure, additional field work was initiated by OI:RIV at the request of the ARB (Enclosure).

On February 4, 2008 (b)(7)(C) was interviewed by OI:RIV in Columbia, Missouri. During (b)(7)(C) interview, he testified that on two occasions during the summer/fall 2005, he witnessed (b)(7)(C) in the control room and on one occasion he observed (b)(7)(C) inattentive in the presence of (b)(7)(C) during a meeting (Exhibit 1). (b)(7)(C) further stated that on both occasions he observed (b)(7)(C) however, on the second occasion, when he attempted to wake (b)(7)(C) with loud noises, (b)(7)(C) was non-responsive. (b)(7)(C) stated that the first time he observed (b)(7)(C) was in the summer of 2005 [NFI]. (b)(7)(C) recalled that (b)(7)(C) made a noise at the window. (b)(7)(C) stated that he observed (b)(7)(C) a second time during the summer of 2005 [NFI] but (b)(7)(C) even though he (b)(7)(C) made noises in the control room. (b)(7)(C) stated that (b)(7)(C) (b)(7)(C) Although he could not remember the date, (b)(7)(C) further reported that sometime during 2005, he attended a maintenance meeting with (b)(7)(C) but left the meeting in frustration because (b)(7)(C) was inattentive to the point of being incoherent and unable to hold a conversation. (b)(7)(C) advised that when he complained to (b)(7)(C) inattentiveness, he (b)(7)(C) told him that he would address the issue with (b)(7)(C) further advised that he never discussed these three "inattentiveness" incidents with (b)(7)(C) personally but he (b)(7)(C) did report the incidents to (b)(7)(C)

On March 14, 2008, a review of card reader transaction history information (entry/exit times) disclosed that (b)(7)(C) were in the control room at the same time on several dates for short periods of times. Individuals who were also present in the control room during the time frames when (b)(7)(C) were in the control room together were identified from the card reader transaction printouts as potential witnesses to (b)(7)(C) alleged inattentiveness (Exhibit 2).

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During July/August 2008, numerous interviews of former and current Callaway personnel were conducted by OI:RIV. As a result, 39 interviews were conducted onsite at Callaway by OI:RIV (reference Exhibits 3 - 41) and 10 screening/telephone contacts were subsequently conducted for individuals who were not available for onsite interview, as follows:

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(b)(7)(C)

NOTE: Due to various reasons, approximately four (4) individuals identified on the card reader transaction histories as potential witnesses were unavailable for interview with OI:RIV.

Subsequently, the individuals who were identified as potential witnesses and who may have been in a position to observe activity in the control room during the summer/fall of 2005 were contacted by OI:RIV; however, no additional testimony was provided to support the allegation that (b)(7)(C) was inattentive on duty. During interviews of (b)(7)(C) (Exhibit 15) and (b)(7)(C) (Exhibit 29), they testified that they do not recall any conversations with (b)(7)(C) regarding (b)(7)(C) or any inattentiveness issues.

The RIV staff requested no further action; therefore, this supplementary investigation for OI Case No. 4-2006-025 is hereby closed as not substantiated.

Enclosure: Exhibits 1 - 41

cc w/enclosure:
C. Carpenter, OE

cc w/o enclosure:
C. Marco, OGC
E. Leeds, NRR (Attn: G. Cwalina, OAD, NRR)

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Enclosure: Exhibits 1 -41

Exhibits

- 1 Transcript of Interview with (b)(7)(C) dated February 4, 2008 (154 pages).
- 2 Notes from Card Reader Transaction Histories Review, various dates (4 pages).
- 3 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (17 pages).
- 4 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (25 pages).
- 5 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (17 pages).
- 6 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (14 pages).
- 7 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (19 pages).
- 8 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (14 pages).
- 9 Transcript of Interview with (b)(7)(C) July 8, 2008 (22 pages).
- 10 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (29 pages).
- 11 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (21 pages).
- 12 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (12 pages).
- 13 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (16 pages).
- 14 Transcript of Interview with (b)(7)(C) dated July 8, 2008 (11 pages).
- 15 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (28 pages).
- 16 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (13 pages).
- 17 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (12 pages).
- 18 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (10 pages).
- 19 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (16 pages).
- 20 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (14 pages).

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- 21 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (13 pages).
- 22 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (15 pages).
- 23 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (17 pages).
- 24 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (14 pages).
- 25 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (29 pages).
- 26 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (16 pages).
- 27 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (16 pages).
- 28 Transcript of Interview with (b)(7)(C) dated July 9, 2008 (19 pages).
- 29 Transcript of Interview with (b)(7)(C) dated July 10, 2008 (30 pages).
- 30 Transcript of Interview with (b)(7)(C) dated July 10, 2008 (19 pages).
- 31 Transcript of Interview with (b)(7)(C) dated July 10, 2008 (17 pages).
- 32 Transcript of Interview with (b)(7)(C) dated July 10, 2008 (18 pages).
- 33 Transcript of Interview with (b)(7)(C) dated July 10, 2008 (19 pages).
- 34 Transcript of Interview with (b)(7)(C) dated July 10, 2008 (18 pages).
- 35 Transcript of Interview with (b)(7)(C) dated July 10, 2008 (18 pages).
- 36 Transcript of Interview with (b)(7)(C) dated July 11, 2008 (16 pages).
- 37 Transcript of Interview with (b)(7)(C) dated July 11, 2008 (16 pages).
- 38 Transcript of Interview with (b)(7)(C) dated July 11, 2008 (16 pages).
- 39 Transcript of Interview with (b)(7)(C) dated July 11, 2008 (18 pages).
- 40 Transcript of Interview with (b)(7)(C) dated July 11, 2008 (12 pages).
- 41 Transcript of Interview with (b)(7)(C) dated August 14, 2008 (20 pages).

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