



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
612 EAST LAMAR BLVD, SUITE 400  
ARLINGTON, TEXAS 76011-4125

March 26, 2009

(b)(7)(C)

SUBJECT: CONCERN YOU RAISED TO THE NUCLEAR REGULATORY COMMISSION  
(NRC) REGARDING CALLAWAY PLANT

RE: ALLEGATION RIV-2006-A-0033

Dear (b)(7)(C)

This is a follow-up to a discussion Bill Jones and I had with you in Columbia, Missouri, on February 18, 2009, associated with the NRC's review of your concern involving an inattentive Callaway Plant (b)(7)(C). To summarize the reviews and investigations that were performed, the NRC received your original concerns in a letter dated April 13, 2006. You subsequently provided the NRC with clarifying information and in December 2006 the NRC provided closure of one of your concerns. In April 2007, the NRC informed you that Allegation RIV-2006-A-0033 was closed and that based on the NRC's inspections and investigations the NRC was not able to substantiate that the (b)(7)(C) was inattentive or that you were discriminated against. In our letter dated April 16, 2007, the NRC provided the bases for the unsubstantiated determinations. These determinations were made based on the NRC's independent inspections and the results of the two investigations performed by the NRC Office of Investigations that are documented as Reports No 4-2006-025 (inattentive (b)(7)(C)) and 4-2006-035 (discrimination).

In October 2007, you met with Mark Haire, Senior Operations Engineer, and me to discuss the NRC's disposition of Allegation RIV-2006-A-0033. During this discussion, you provided the name of an additional individual for the NRC to interview as a witness to the inattentive (b)(7)(C) (b)(7)(C) issue. The NRC re-opened the allegation concern and conducted a supplemental investigation to the investigation documented as Investigation Report Number 4-2006-025. The NRC's Office of Investigations conducted over 60 interviews associated with the (b)(7)(C) inattentiveness issue (including an additional 39 interviews associated with the supplemental investigation) and reviewed associated records. One individual identified that he/she had observed the (b)(7)(C) inattentive. However, numerous individuals who were potential witnesses and may have been in a position to observe activity in the control room during the summer/fall of 2005 were contacted and no additional testimony was provided to support a determination that the (b)(7)(C) was inattentive on duty. The Office of Investigations concluded that the concern that a (b)(7)(C) was willfully inattentive on duty was not substantiated.

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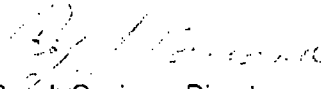
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The NRC staff consulted with our Offices of General Counsel and Enforcement regarding the one individual who had identified that he/she had observed the (b)(7)(C) being inattentive on duty. Based on the preponderance of the evidence developed, the NRC determined that there was not a sufficient basis to proceed with enforcement action against either the company or the individual.

Bill and I appreciated the time you spent in discussing this concern with us, and your perspectives on the investigations and our review of this matter. As the Chief of the Region IV Allegations and Enforcement Branch, Bill has been incorporating the lessons learned from our review of your concerns into our allegations review process and has shared your perspectives with our Office of Investigations. Allegations are an important source of information in support of the NRC's safety mission. We take our safety responsibility to the public seriously and will continue to do so within the bounds of our lawful authority. We believe that our actions in this matter have been responsive and unless the NRC receives additional information that suggests that our conclusions should be altered, we plan no further action on this matter.

Should you have any additional questions regarding our response, please contact Bill Jones at 800-952-9677 extension 182 or you can call Ms. Bernadette Baca, Senior Allegations Coordinator, on the NRC Safety Hotline at 800-695-7403 Monday - Friday between 8 a.m. and 4:30 p.m. central time.

Sincerely,

  
Roy J. Caniano, Director  
Division of Reactor Safety

(b)(7)(C)

bcc w/Statement of Concerns:  
Allegation File

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1.   
 (b)(7)(C)

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 (b)(7)(C)

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(b)(7)(C)

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