

Responsible Branch: OB

Concern 1

OI Action: Investigation High
OI Report: 4-2006-025

An (b)(7)(C) was not attentive to his duties for months.

Action	Branch	Assigned	Planned	Completed
1 Acknowledgement Letter	ACES	4/13/2006	5/13/2006	5/11/2006
2 Initial ARB Meeting Concern 1- OB to inspect. Concern 2- OI to investigate. Concern 3- ACES to Offer Early ADR Concern 4- OB to inspect. Concern 5- OB/ RPBB to coordinate and review ECP file regarding Licensee's investigation and OB to inspect.		4/13/2006	5/13/2006	4/25/2006
3 Inspection OB to inspect Concerns 4, and 5.	OB	4/25/2006		2/26/2007
4 ADR Offered Alleger declined early ADR - didn't think that he could prove his case by mediation.	ACES	5/11/2006	5/25/2006	6/8/2006
5 OI Investigation OI to investigate Concerns 1, 2, 6, and 7. - Not substantiated.	OI	4/25/2006		1/30/2007
6 ARB Meeting Clarify Concerns assigned to OI: OI to investigate Concerns 1 and 2.	ACES			5/15/2006
7 ARB Meeting (1) OB/ACES to contact alleger to clarify Concern 4, specifically regarding what is meant by "carrying him" during requalification. If not a regulatory issue, OB to document. (2) Regarding Concern 5, OB to continue review based on OI investigation results. (3) Split Concern 1 into two for the 10 CFR 26 issue and the 10 CFR 55 issue.	ACES			5/22/2006
8 Phone Call w/Alleger OB/ACES to contact alleger to clarify Concern 4, specifically regarding what is meant by "carrying him" during requalification. If not a regulatory issue, OB to document.	ACES	5/22/2006		5/24/2006
9 Phone Call w/Alleger Phone call w/Alleger to dicuss an additional concern.	ACES			5/22/2006
10 Review Submittal OB to review additional information provided by the alleger.	OB	5/23/2006		5/23/2006

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11 ARB Meeting	ACES	5/23/2006		5/30/2006
1. Based upon conversation with <i>allegor</i> , 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.				
2. For Concern 7, request OI investigate with a high priority. OB to review conduct of OPS procedure.				
12 Status Letter	ACES	5/30/2006		6/6/2006
13 Phone call from <i>Alleger</i>	ACES			6/8/2006
Alleger returned OAC call and advised that he wanted an OI investigation.				
14 Closure Memo Concern 4	OB			10/16/2006
15 Status Letter	ACES			12/8/2006
Provided resolution of Concern 4.				
16 OI Investigation	ACES	6/8/2006		2/5/2007
OI investigate Concern 3.				
17 Awaiting 3 Wk Comments	ACES	2/12/2007	3/5/2007	3/5/2007
18 Closure Letter	ACES	3/5/2007	4/4/2007	4/16/2007
19 Investigation Closure LTR	ACES	4/16/2007		4/25/2007
20 Final QA Review	ACES	4/16/2007		4/26/2007
21 File Closed	ACES			4/26/2007
22 Staff Review	ACES			8/15/2007
DRS/OI/ACES met to discuss UCS' request to discuss allegation. Formulated the following action plan:				
<ol style="list-style-type: none"> 1. Confirm with <i>allegor</i> that he authorizes 2. Confirm with [redacted] that NRC has received his e-mail 3. Discuss FOIA issue with chief of the FOIA 4. Discuss potential FOIA processing deficiency 5. Discuss obligation to discuss with (b)(7)(C) 6. Reconsideration at ARB 				
23 Followup ARB Meeting	ACES	8/15/2007	8/20/2007	8/20/2007
ARB provided with status (see 8/20/07, email from Deputy DDRS to Regional Counsel)				
24 ARB Meeting	ACES			10/24/2007
OI to open case supplemental to 4-2006-025 (from RIV-2006-A-0033, Concern 7)				
DDRS to contact the concerned individual (CI) with regards to the letter received on October 9, 2007, from the CI's attorney. Specifically to ask:				
(1) if the CI's attorney is aware that the CI has contacted NRC and (2) would the CI mind if we contacted the attorney to comply with the attorney's request from the letter received on October 9, 2007.				

(b)(7)(C)

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25	Letter to Allegor	ACES			11/15/2007
26	Other Reopened file for OI to perform supplemental investigation and interview additional witness.	ACES			10/29/2007
27	OI Investigation Based upon new information, OI was requested to reopen OI Investigation and perform supplemental investigation activities.	OI	10/29/2007		12/3/2008
28	Letter to Allegor	ACES	2/20/2008		2/21/2008
29	Review OI Transcript	OB	3/10/2008	3/24/2008	3/18/2008
30	Status Letter	ACES			7/2/2008
31	Awaiting 3 Wk Comments	ACES	12/8/2008	12/29/2008	2/16/2009
32	Closure Memo Re-opened Concern1 for OI investigation based on new information. Need closure for Concern 1.	OB	12/8/2008	12/30/2008	3/2/2009
33	Closure Letter	ACES	3/2/2009	3/12/2009	3/26/2009
34	Investigation Closure LTR	ACES	3/26/2009	4/7/2009	4/7/2009
35	Phone Call w/Allegor	OB			1/14/2009
36	File Closed	ACES			4/7/2009

Concern 2

OI Action: Investigation High
OI Report: 4-2006-025

(b)(7)(C) told licensee management about the problem but management took no action to address the issue until they were forced to by the Employee Concerns Program Investigation.

Action	Branch Assigned	Planned	Completed
1 Closure Memo	ACES		4/26/2007

Concern 3

OI Action: Investigation High
OI Report: 4-2006-035

You were subjected to retaliation for reporting the fitness-for-duty problem to the Employee Concerns Program in that you did (b)(7)(C)

Action	Branch Assigned	Planned	Completed
1 Closure Memo	ACES		4/16/2007

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Concern 4

OI Action: No
OI Report:

The operations crew in which the alleged inattentive (b)(7)(C) resided and other levels of licensee management may have been "carrying" the (b)(7)(C) for licensed operator requalification.

Action	Branch Assigned	Planned	Completed
1 Closure Memo	ACES		12/8/2006

Concern 5

OI Action: No
OI Report:

Based upon your concerns, the NRC inspected an additional concern that although the allegedly inattentive (b)(7)(C) was purportedly (b)(7)(C) the licensee had not (b)(7)(C) and therefore, the individual may be placed on shift as needed.

Action	Branch Assigned	Planned	Completed
1 Closure Memo	ACES		4/16/2007

Concern 6

OI Action: Investigation High
OI Report: 4-2006-025

You believe that there was a failure of the licensee's fitness-for-duty program in that 20 to 30 individuals had regular contact with the (b)(7)(C) but did not pursue resolution of his lack-of-attention to duties.

Action	Branch Assigned	Planned	Completed
1 Closure Memo	ACES		4/16/2007

Concern 7

OI Action: Investigation High
OI Report: 4-2006-025

On more than one occasion, an on-shift (b)(7)(C) left the control room area for 4 to 5 hours. During these absences, the shift crew could not contact the (b)(7)(C) by any communications method. The (b)(7)(C) may not have designated another individual to assume the (b)(7)(C) during these absences.

Action	Branch Assigned	Planned	Completed
1 Closure Memo	ACES		4/16/2007