



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

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 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

Information in this record was deleted in accordance with the Freedom of Information Act. Exemptions X
FOIA/PA 2009-127

Enclosure:
Resolution of Concern

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

49

Concern

The (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.