



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

April 18, 2006

MEMORANDUM TO: Anthony T. Gody, Chief, Operations Branch
 COPY TO: William B. Jones, Chief, Reactor Projects Branch B
 FROM: *Harry* Harry A. Freeman, Senior Allegation Coordinator
 SUBJECT: REVIEW OF ALLEGATION MATERIAL RIV-2006-A-0033

ACES has received the attached material related to an (b)(7)(C) at Callaway. This allegation is scheduled to be discussed at the May 1, 2006, ARB. Please review the material by April 25 for the following:

- Determine what each of the individual's concerns are, whether they are NRC regulated activities or not. Provide a brief statement of the concern. It is not necessary to include all of the background information.
- List each concern on a copy of the file "Allegation Concerns List.wpd" located at r:\#aces\allegations\ROPG 0858 Allegation Related Forms\Allegation Concerns List.wpd
- List possible regulatory requirements (i.e. 10 CFR 26 etc.) that may apply to concern if known.
- Under significance, provide a followup priority (i.e. high - immediate action required, or normal - routine followup).
- Provide a recommendation for disposition (i.e. OI investigation, inspection, referral to licensee, or none). List this under "action."
- List the branch you believe that should be responsible for the action.
- Provide a planned completion date, if known.

An electronic copy of the Concerns List should be sent to R4ALLEGE. This form must be received by 1:00 p.m. on Wednesday for inclusion in the following Monday's ARB. Should you have any questions, please call me. Please document your time as follows:

Indirect Charges

A10304 Support for Allegations (Reactors)
 A10191 Support for Allegations (Materials)

Direct Inspection Activities

AF Allegation Followup
 BJ2 Allegation Prep/Doc
 AFT Allegation Travel

Attachments: As Stated

cc w/attachment: Allegation File

2/3

ALLEGATION RECEIPT FORM

Page 1

Received By: Michael Peck Receipt Date: April 13, 2006

Receipt Method (meeting, phone call, letter, etc.): Letter left under the Resident Inspector's office door

FACILITY

Facility Name: Callaway Plant

Location: Junction Highway CC and Highway O, Fulton, Missouri

Docket(s): 50-483

CONCERN

Summary the of Concerns (be brief)

1. Please see attached letter - Issues related to lack of prompt management attention to complaints of a less fully attentive (b)(7)(C)

Obtain concern specifics. What is the concern, when did it occur, who was involved, etc. If the concern involves discrimination, fill in the last section of the form.

Please see attached letter

What is the potential safety impact? Is this an ongoing concern?

Adversely affected plant operation and safety culture. Is not a ongoing concern. The affected (b)(7)(C) is no longer assigned shift duties

What requirement/regulation governs this concern?

10 CFR 50.7, 10 CFR 55

What records should the NRC review?

N/A

What other individuals could the NRC contact for information?

Please see attached letter

How did the individual find out about the concern?

Other operations personnel and direct observation

Was the concern brought to management's attention? If so, what actions have been taken, if not, why not?

Yes - Allegation of retaliation

Why was the concern brought to the NRC's attention?

N/a

ALLEGATION RECEIPT FORM

Page 2

ALLEGER INFORMATION

Full Name	(b)(7)(C)	Employer	AmerenUE
Mailing Address (Home)	N/A	Occupation	(b)(7)(C)
Telephone (Daytime) (Home) (Other)	N/A	Relationship to facility	(b)(7)(C)
Preference for method and time of contact	N/A	Was the individual advised of identity protection	No
Referral	Explain that if the concerns are referred to the licensee, that allegor's identity will not be revealed and that the NRC will review and evaluate the thoroughness and adequacy of the licensee's response. If the concerns are an agreement state issue or the jurisdiction of another agency, explain that we will refer the concern to the appropriate agency, and if the allegor agrees, we will provide the allegor's identity for followup.		
Does the individual object to the referral?	N/A	Does the individual object to releasing their identity?	N/A
Regulations prohibit NRC licensees (including contractors and subcontractors) from discriminating against individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices made unlawful by statutes, etc.).			
Does the concern involve discrimination?	Yes	Was the individual advised of the DOL process?	No
What was the protected activity?			
Nuclear plant (b)(7)(C)			
What adverse actions have been taken? When?			
(b)(7)(C)			
Why does the individual believe the actions were taken as a result of engaging in a protected activity?			
Yes - Please see letter			

72

Revised 9/3/03

4/13/2006

One day during my Training week, (b)(7)(C) I came over to the Service Building at lunch time to (b)(7)(C) It had not been finished in time for me to sign it before my Training week. (b)(7)(C) saw me on the first floor, asked if I had time to talk to him for a minute or two. I followed him to his office, and he closed the door. He asked me about a couple of minor things, and then asked me what I had heard about (b)(7)(C)

A few weeks earlier, I had heard that (b)(7)(C) was "romantically involved" with a (b)(7)(C) (b)(7)(C) One particular night, a (b)(7)(C) had pointed out to me that when she came in for her night shift, at about 22:45, (b)(7)(C) car was still parked in the (b)(7)(C) parking spot. This was odd, because (b)(7)(C) at about 18:50. This particular clerk pointed out to me that this was nothing unusual, because the (b)(7)(C) mentioned above was working the PM shift in the Service Building, and that (b)(7)(C) was waiting for the (b)(7)(C) to get off work at 23:00. The (b)(7)(C) then asked me how much sleep I thought (b)(7)(C) could possibly get, since he had to back in by 06:00 the next morning for another Control Room shift, and asked what kind of shape I thought he would be in when he came in (b)(7)(C) (I am guessing that (b)(7)(C) probably used to get up around 04:30 for a day shift.) I was told that (b)(7)(C) had been "seeing" the (b)(7)(C) (b)(7)(C) for some time.

When (b)(7)(C) asked me what I knew about (b)(7)(C) this is what I thought he was referring to. I told him what I had heard. This wasn't what he was after. He asked me repeatedly what I knew, or what I had heard and I told him I didn't know anything else. Then he asked me if I had heard anything about (b)(7)(C) having problems staying awake when he was on watch in the Control Room. I told him that I had not, and he didn't seem to believe me. I pointed out to (b)(7)(C) that (b)(7)(C) and I only saw each other a couple of days every six weeks due to our shift rotation. This seemed to make sense to him. Then he told me that the (b)(7)(C) had been to see him. The Reactor Operators on (b)(7)(C) crew had asked (b)(7)(C) to go to talk to (b)(7)(C) because they were concerned that (b)(7)(C) was falling asleep on watch, and they were afraid that they were going to get in trouble for being in the Control Room when he got caught some day. (b)(7)(C) and that is probably why (b)(7)(C) thought I knew something.

I asked (b)(7)(C) what he was going to do about (b)(7)(C) He said he needed to talk to (b)(7)(C) and find out what was going on. He said he "might" have to get him out of the Control Room for a while. I expressed some surprise that he wasn't just taking him off shift until he checked things out. (At that time, we had (b)(7)(C) who were available to step in. (b)(7)(C) and (b)(7)(C) told me he didn't think this was that serious, because in his words, "if this was really serious, these guys would have come and talked to me in person." He also said that he wasn't really sure what was up with the Reactor Operators on that crew. I told (b)(7)(C) that under the contract, these guys had fulfilled their obligation. They had gone to their (b)(7)(C)

(b)(7)(C) and asked him to bring a serious concern to upper management. As far they were concerned, they had done their part, and they were under no obligation to bring their concern to him as individuals. (b)(7)(C) didn't agree with me, and implied that they owed it to him to come and talk to him in person. I reiterated that they didn't need to come to him in person, sending their (b)(7)(C) was the same as them coming to him personally. I guess we agreed to disagree. Our discussion ended. I returned to Training.

When (b)(7)(C) the following week, I asked (b)(7)(C) what was going on. I told him about my conversation with (b)(7)(C) and he seemed a little surprised. He told me that the (b)(7)(C) crew were afraid that the whole crew was going to get fired over (b)(7)(C) that was why they asked (b)(7)(C) to go to (b)(7)(C)

(b)(7)(C)

(b)(7)(C) and (b)(7)(C) and told them that (b)(7)(C) (b)(7)(C) (which was about to start) if there was any way that they could do it. Within a day or two, (b)(7)(C) called me to his office. He asked me if I was having some type of crisis at home, and I told him I was not. Then, he told me that there was just no way for him to get (b)(7)(C) He said his top priority had to be getting (b)(7)(C) (b)(7)(C) I asked him what was up, and he wouldn't talk about it. He just stated again that he had to get (b)(7)(C) (b)(7)(C) I asked if (b)(7)(C) was being removed before the outage, which is what I expected to hear. I was told that we couldn't afford to do that. I was told that we needed everybody in the department for the Refueling Outage. I expressed some surprise at that, because (b)(7)(C) (b)(7)(C) but (b)(7)(C) didn't want to discuss it, and our conversation was over.

During the outage, unfortunately, (b)(7)(C) on a fairly regular basis. I saw him probably four or five times every two weeks (b)(7)(C) usually looked exhausted when I came in (b)(7)(C)

(b)(7)(C)

cover at the turnover meeting. Most days, within a minute of finishing his discussion, (b)(7)(C) would be out of it. His head would be down on his chest, his eyes were shut. Some days he could barely stay in his chair. I discussed this with (b)(7)(C) on a number of occasions. (b)(7)(C) I was of the opinion that the rest of my management (b)(7)(C) knew about the situation, and that they had chosen to do nothing about it. During that time, I rarely saw (b)(7)(C) or (b)(7)(C).

On (b)(7)(C) doing a one day training session that was being conducted during the outage, (b)(7)(C) came in the simulator to watch us finish a scenario. Afterwards, as we left the simulator, (b)(7)(C) said "I talked to (b)(7)(C) and he told me that you and I need to talk." At first I didn't realize that he was referring to (b)(7)(C) but I figured it out. We went down the hall, away from everybody else, and I told him what I was seeing. I told him specifically that every day, when I relieved (b)(7)(C) while (b)(7)(C) was still (b)(7)(C) he was sleeping at the turnover meeting. I also told him that based on how fast he fell asleep at the turnover meetings, it was difficult for me to believe that he could possibly be awake and alert before (b)(7)(C). I told (b)(7)(C) that this was the first time I had actually seen the problem, and that we had to do something about it. I told him that he had to get (b)(7)(C).

I was shocked by (b)(7)(C) reply. He looked me in the eye, and said (b)(7)(C) in my estimation. I had just told him something really bad, and he wasn't at all concerned. He pretty much told me that nothing was going to be done, and our conversation was over. (b)(7)(C) stayed on watch throughout the rest of the outage, and was left on shift after the outage.

Since then, I have reminded (b)(7)(C) of this conversation a couple of times. He has tried to tell me that he evidently didn't think I was serious. He also tells me that he was only kidding when he said what he did, and that I just didn't realize that he was kidding. He told me once that I should have pushed harder on this, but I pushed pretty hard, and I could not have been any more serious. When I am serious, people know it. I have seen (b)(7)(C) kid around before many times. He was not kidding around that day. I am willing to take a lie detector test.

In December, 2005, (b)(7)(C) stoped watch with (b)(7)(C) crew on a night shift. Afterwards, he went to (b)(7)(C) and told him that (b)(7)(C) had promised that he would do something about (b)(7)(C) in December, and it was December, and apparently nothing was being done. (b)(7)(C) told (b)(7)(C) that he thought that (b)(7)(C) problems had been taken care of, and that there was no need to do anything. (b)(7)(C) told (b)(7)(C) that he had just worked with (b)(7)(C) crew, and that he didn't think the problems were taken care of. (b)(7)(C) told (b)(7)(C) he would follow up on his comments.

I talked to (b)(7)(C) after that. He told me that he hadn't seen (b)(7)(C) personally. He said that (b)(7)(C)

that is closest to the door. He said that (b)(7)(C) sat down kind of low behind his computer, and the island, and the concrete wall. From that vantage point (b)(7)(C) can not see what is happening in the Control Room, and (b)(7)(C)

(b)(7)(C)
The only time I have used it was when the other one was broke. (b)(7)(C) said that it was weird, but that the

(b)(7)(C)
In January, 2006, the Operations Department was in the process of rotating people around, and I had heard that (b)(7)(C) would be coming back on shift. I assumed that we were finally taking (b)(7)(C) off shift. Instead it was announced that (b)(7)(C) would be taking (b)(7)(C) place. (b)(7)(C) was staying on shift, and would continue to work in the Control Room.

I had discussed this with (b)(7)(C) on several occasions. (b)(7)(C) had discussed this with (b)(7)(C). I was 100% convinced that (b)(7)(C) and (b)(7)(C) knew what was going on, and that they weren't going to do anything about it. For whatever reason, it finally dawned on me to go to (b)(7)(C). In (b)(7)(C) I went to (b)(7)(C). I told him what I knew and what I thought. On (b)(7)(C) after conducting numerous interviews with members of (b)(7)(C) crew and substantiating what I had told him, (b)(7)(C) went to Operations management. On (b)(7)(C) (b)(7)(C) I am totally convinced that had I not gone to (b)(7)(C)

(b)(7)(C)
I asked (b)(7)(C) after he had done the interviews, if I had a distorted view of what had been going on. I asked him if I was out in left field. His answer was "Lord, no." He told me that when he started talking to the guys on (b)(7)(C) crew and asking them questions, most of them really wanted to talk. It was like they had been waiting for somebody to ask them about it privately, so they could spill their guts. He said they had told him lots of things that I had no way of knowing about.

One of things that bothered me about this from the beginning is that I was not on (b)(7)(C) crew, and I rarely saw him. From what little bit I heard, second hand, and from what I saw during the outage, I was concerned enough about this that it occupied much of my time and thoughts. It affected my home life. There were people that worked with (b)(7)(C) every day, and people that saw him much more often than I did. There were many people in the department that had access to more information than I did, and many who knew that something was going on, and none of them (or few of them, anyway) did anything about it. If this was a problem, as I thought it was, and as (b)(7)(C) thought it was, why was I the only one who seemed worried?

In fairness to (b)(7)(C) he had the same concerns, and he has been investigating this aspect. Why didn't all of the people that knew about this do something about it? I know that he has done a survey, and done some additional interviews. I don't know what (b)(7)(C) has found in this regard.

My management (b)(7)(C) has pretty much conveyed the same message since (b)(7)(C) came to them. The message is "Gosh, if only we had known. If only somebody had come to us and told us what was going on, we could have done something about it." At one point, a few days after (b)(7)(C) I listened to a discussion (b)(7)(C) had with another (b)(7)(C). What I heard was "I just wish that whoever went to Employee Concerns would have come to us instead so that we could have taken care of this." I have discussed this with (b)(7)(C) recently. I told him that I took great exception to that, and told him that I thought he had personally let the department down. He told me that he didn't really mean to convey that message, but still insists he didn't know there was a problem. Again, I will take a lie detector test if necessary, because the picture being painted is just not accurate. I know that (b)(7)(C) (b)(7)(C) knew what was going on back in June, and chose not to do anything for about 6 months. He only acted when he was forced to act. It is very hard for me to believe that (b)(7)(C) didn't know what was going on back in June. I don't think that these guys keep secrets from each other. The (b)(7)(C)

70

(b)(7)(C)

It has been nearly 3 months since I went to (b)(7)(C). The immediate concern of getting (b)(7)(C) out of the Control Room has been addressed. I am betting that you have heard nothing about what Operations Department management knew, and when they knew it. I think that is totally unacceptable.

(b)(7)(C) I will discuss any or all of these items with whoever wants to discuss them.

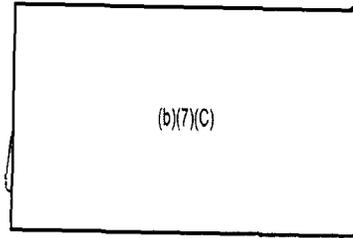
(b)(7)(C)



a subsidiary of Ameren Corporation
PO Box 620
Fulton, MO 65251

To: NRC Resident

From:



(b)(7)(C)