NRC FORM 464 Part I (03-2017)

U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA	RESPONSE NUMBER
2017-0368	1

RESPONSE TYPE ☐ INTERIM ☑ FINAL

REQUESTER:	DATE:
John Greenewald	03/23/2017

DESCRIPTION OF REQUESTED RECORDS:

All documents that have been collected about UFOs that have been collected from 1975 to date.

PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at https://www.nrc.gov/reading-rm/foia/contact-foia.html

- ☐ Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- ☑ Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☐ See Comments.

PART I.A -- FEES

AMOUNT*

*See Comments for details

- ☐ You will be billed by NRC for the amount listed.
- ☐ You will receive a refund for the amount listed.
- ☐ Fees waived.

NO FEES

- ☑ Minimum fee threshold not met.
- ☐ Due to our delayed response, you will not be charged fees.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ We did not locate any agency records responsive to your request. *Note*: Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- ☑ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☐ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- ☑ You may appeal this final determination within 90 calendar days of the date of this response by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at https://ogis.archives.gov/about-ogis/contact-information.htm

PART I.C COMMENTS (Use attached Comments continuation page if required)

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
DN: c=US, o=U.S. Government, ou=U.S. Nuclear Regulatory Commission, ou=NRC-PIV, cn=Stephanie A. Blaney, 0.9.2342.19200300.100.1.1=200001997
Date: 2017.03.23 10:52:56 -04'00'

NRC FORM 464 Part II
(12-2015)

U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA: 2017-0368

DATE:

PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by the statute indicated.
  - ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
  - ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
  - ☐ 41 U.S.C. 4702(b), which prohibits the disclosure of contractor proposals, except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or confidential commercial or financial information that is being withheld for the reason(s) indicated.
  - ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
  - ☐ The information is considered to be another type or confidential business (proprietary) information.
  - ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
  - ☐ Deliberative process privilege.
  - ☐ Attorney work product privilege.
  - ☐ Attorney-client privilege.
- ☐ Exemption 6: The withheld information from a personnel, medical, or similar file, is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☑ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
  - ☐ (A) Disclosure could reasonably be expected to interfere with an open enforcement proceeding.
  - ☑ (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
  - ☐ (D) The information consists of names and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
  - ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
  - ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
  - ☐ Other

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Stephanie Blaney	FOIA Officer	identifying information	☑	☐
			☐	☐
			☐	☐

Appeals must be made in writing within ~~30~~ 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

RIV-2010-A-0101 Cooper

DRS 29 DAYS

Overall Responsible Branch PSB1

Concern 1

OI Action: No
OI Report:

Sometime between 1986 and 1989, an Unidentified Flying Object (UFO) violated the protected area at Cooper Nuclear Station and was not reported to the NRC as required.

Action		Branch	Assigned	Planned	Completed
1	Acknowledgement Letter	ACES	6/13/2010	7/13/2010	7/9/2010
2	Initial ARB Meeting		6/13/2010	7/13/2010	6/29/2010
	ACES to Forward to licensee for their information, no response required				
3	Staff Review	PSB1	6/17/2010	6/24/2010	6/24/2010
	Make branch recommendations for initial ARB.				
4	Summary	ACES	6/17/2010		
	An unidentified flying object violated the protected area at Cooper Nuclear Station sometime between 1986 and 1989, but the event was not reported to the NRC as required				
5	Referral Letter	ACES	6/29/2010	7/6/2010	
	Forward to licensee for their information, no response required				

Branch Evaluation, Plan, & Recommendation

Allegation Number: RIV-2010-A-0101

Facility Name:	Cooper Nuclear Station	Docket/License No:	05000298
Responsible Div:	DRS	ARB Date:	06/29/10
Overall Responsible Branch:	PSB 1	(As assigned by the ARB)	

Received Date	30 Days	70 Days	90 Days	120 Days
6/13/2010	7/13/2010	8/22/2010	9/11/2010	10/11/2010

Purpose of this ARB:	Initial ARB
Basis for a Subsequent ARB:	

Does the Alleger **OBJECT** to the NRC requesting that the licensee formally assess/evaluate the concern(s)?		Yes	X	No		N/A

If any of the following factors apply, this allegation shall not be submitted to the licensee for investigation or review.

	Information cannot be released in sufficient detail to the licensee without compromising the identity of the alleger or confidential source.
	The licensee could compromise an investigation or inspection because of knowledge gained from the discussions.
	The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.
	The basis of the allegation is information received from a Federal or State agency that does not approve of the information being released.
	The licensee's allegation trend, quality of response(s), problem identification and resolution, and/or cycle review results are such that the NRC should independently evaluate the concern(s).
	The NRC evaluation would be more timely and efficient – there is an ongoing or upcoming inspection which could evaluate the concern.
	Significant public/Commission interest warrants independent assessment of concern(s).
	The alleger has taken the concern(s) to the licensee with unsatisfactory results.

ARB PARTICIPANTS

Chairman:	DChamberlain	CHolland	LBerger	JLarsen
	JKowalczik	BHagar	RAzua	JWalker
	MHaire	KFuller		

Chairman Approval:	Dwight D Chamberlain	Date:	6/30/2010

Brief Overall Allegation Summary - if more than 3 Concerns, use keywords, topics, subject, etc.: Provide a summary or selected keywords/topics/subject for the whole allegation's contents below. ***See the BEPR Desktop Guide for assistance.

An Unidentified Flying Object (UFO) hovered over the protected area 21 years ago.

Branch Evaluation, Plan & Recommendation

Allegation Number: RIV-2010-A-0101

Concern: 1.			
		*RX Code or Functional Area:	Security
Responsible Branch:	PSB 1	*Discipline:	Security
*OI Investigation Priority:		OI Case Number:	4-20XX-0XX
*OI Priority Basis:			

Concern: (A concern is one or two sentences.)

Sometime between 1986 and 1989, an Unidentified Flying Object (UFO) violated the protected area at Cooper Nuclear Station and was not reported to the NRC as required.

Concern Background, Supporting Information, & Comments:

The CI described an event that occurred during his employment as a security officer at Cooper Nuclear Station. He was employed there from 1986 through 1989 and did not remember specifically when during that time the event occurred.

While posted at the intake structure one night, he observed an "unidentified flying object" fly down the Missouri River about 150 feet in the air and hover in front of the intake. He observed it for a few moments and then contacted a fellow security officer who also observed it (he could not recall the individual's name exactly but his first name was (b) and his last name was either (b)(7)(C) . After they together observed the UFO, it turned and went back up the river and did not come back that shift. He and the other officer shared their observation with their peers who did not believe them.

The next evening he again was posted at the intake and observed the UFO return again. This time he didn't call anyone until the UFO had traversed into the protected area and hovered above the protected area just north of the Reactor Building. He said it was roughly triangular in shape with a circle of rotating lights on the bottom. He could not hear any propulsion noise from the UFO. He believes that it was roughly 1/3 the size of the Reactor Building. Once the UFO hovered in the protected area, he called the security break room and most of the officers on shift observed the UFO. These individuals included (b)(7)(C) and (b)(7)(C) (both of whom were security officers), all of whom still work at the plant today. After hovering there for a few minutes, the UFO exited the protected are and returned back up the river to the north as it had the previous night. The CI said that he never saw the UFO at the plant again after that evening.

The CI believes that this incident should have been reported as a violation of the protected area space but was not reported.

6/23/10 UPDATE: The SRI at Cooper conducted a search of the corrective action program between 1/1/1986 – 12/31/1989 using the words: "ufo", "flying", "unidentified", "protected area", and "hover". The search yielded no entries associated with this concern.

Regulatory Requirement: (fill in below)

No security violation. Possible reportability issue 10 CFR 73, Appendix G, I.(a)(3)(b).

*Safety Significance:		HIGH		Normal	X	N/A

Basis: Describe the concern's safety significance (current, on going issue; level of individual(s) involved; etc.).

Past event that has no impact of current safety or security of the station.

Check each question as applicable to this concern.

X	Is it a declaration, statement, or assertion of impropriety or inadequacy? Is there a potential deficiency?
X	Is the impropriety or inadequacy associated with NRC regulated activities or policy (e.g. SCWE)?
X	Is the validity of the issue unknown?

If all of the above statements are checked, the issue is an allegation.

***Technical Staff Recommendation(s)**

Date	Recommended Action	Assigned Branch	Planned Date
06/24/10	SRI Interview listed personnel and return results to ARB	PSB1/RPBC	

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

JUL 27 2010

Brian J. O'Grady, Vice President-Nuclear
and Chief Nuclear Officer
Nebraska Public Power – Cooper
Nuclear Station
72676 648A Avenue
Brownville, NE 68321

SUBJECT: REFERRAL INFORMATION

REFERENCE: ALLEGATION RIV-2010-A-0101

Dear. Mr. O'Grady:

The U.S. Nuclear Regulatory Commission recently received information concerning activities at the Cooper Nuclear Station. We are providing this information described in this letter for your evaluation. Specifically, sometime between 1986 and 1989, an Unidentified Flying Object (UFO) violated the protected area at the Cooper Nuclear Station, was allegedly witnessed by security officers, and was not reported to the NRC, as required.

No response to this letter is requested. This letter should be controlled and distribution limited to personnel with a "need to know." Please contact Ms. Bernadette Baca, Senior Allegations Coordinator, Region IV, at (817) 860-8245 with any additional questions you may have concerning this information.

Sincerely,

William B. Jones, Chief
Allegation Coordination and Enforcement

Docket: 50-298
License: DPR-46

bcc w/enclosure
Allegation File

S:\RAS\ACES\ALLEGATIONS\2010 Case Files\RIV-2010-A-0101\10101 FYI Letter.doc

ADAMS	No	☑ SUNSI Review Complete		Reviewer Initials:	
ACES		SAC	C:PSB1	C:ACES	
JKowalczik		BBaca	MPShannon	WBJones	
JK		RAB	MS		
7/13/10		7/15/10	7/16/10	7/29/10	

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

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

July 9, 2010

(b)(7)(C)

SUBJECT: CONCERN YOU RAISED TO THE U.S. NUCLEAR REGULATORY COMMISSION (NRC) REGARDING THE COOPER NUCLEAR STATION

RE: ALLEGATION RIV-2010-A-0101

Dear (b)(7)(C):

This letter refers to your conversation with Nick Taylor, Senior Resident Inspector on June 13, 2010, during which you expressed a concern related to a violation of the protected area by an unidentified object sometime between 1986 and 1989 at the Cooper Nuclear Station.

In your conversation with Mr. Taylor, you indicated that you would not object to the NRC requesting information from the licensee with regard to your concern. In addressing this issue, the NRC will provide the information regarding the craft in the protected area to the licensee for their review and any subsequent actions. Your name and any other identifying information will be excluded from the information that is provided to Copper Nuclear Station. Unless the NRC receives additional information that suggests that our actions should be altered, we plan no further action on this matter.

The enclosure with this letter is a brochure entitled, "Reporting Safety Concerns to the NRC," which contains information that you may find helpful in understanding our process for review of safety concerns. The brochure contains an important discussion of the identity protection provided by the NRC regarding these matters, as well as those circumstances that limit the NRC's ability to protect a concerned individual's identity.

If a request is filed under the Freedom of Information Act related to your areas of concern, the information provided will, to the extent consistent with that act, be purged of names and other potential identifiers. Further, you should be aware you are not considered a confidential source unless confidentiality has been formally granted in writing.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thank you for informing us of your concern. 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.

Should you have any additional questions regarding our response, please contact Mr. Michael Shannon at 800-952-9677, extension 215, or you can call Ms. Bernadette Baca on the NRC Safety Hotline at 800-695-7403 Monday - Friday between 8 a.m. and 4:30 p.m. Central Time.

Sincerely,

Roy Caniano, Division Director
Division of Reactor Safety

Enclosure:
Reporting Safety Concerns to the NRC

bcc Allegation File

S:\RAS\ACES\ALLEGATIONS\2010 Case Files\RIV-2010-A-0101\10101 - Acknowledgement and Closure Letter.doc

ADAMS	No	☑ SUNSI Review Complete		Reviewer Initials: wbj	
ACES		AC:ACES	C:PSB1	C:ACES	D:DRS
JKowalczik		JWalker	MShannon	WJones	RCaniano
JK					
7/ 8 /2010		7/ /2010	7/ 9 /2010	7/ /2010	7/ 9 /2010

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

From: Rollins, Jesse
To: R4ALLEGATION Resource;
Subject: FW: Results of corrective action program search
Date: Wednesday, June 23, 2010 10:30:59 AM

Bernadette/Judith/Lynn,

Please add this to file for 2010-0101. Thanks.

From: Taylor, Nick
Sent: Wednesday, June 23, 2010 4:47 AM
To: Rollins, Jesse
Cc: Baca, Bernadette
Subject: Results of corrective action program search

Jesse,

Sorry I missed your call. We're working weird hours at Cooper right now due to flooding, ongoing event on site.

I did some searching of the records in the corrective action program. I searched for hits between 1/1/1986 and 12/31/1989 for the following words and did not find any hits that sounded remotely close to what you are looking for:
"ufo"
"flying"
"unidentified"
"protected area"
"hover"

If you can think of any other word searches you want me to try, let me know.

One precaution – I'd be careful about concluding that if an event wasn't recorded in CAP that it didn't occur. Corrective action program implementation in the late 1980's was nothing like what it is now. Case in point – only 1020 condition reports were written in the time frame 1/1/1986 – 12/31/1989. By contrast Cooper documents almost 10,000 condition reports per year in the modern day. It's entirely possible that an event could have occurred in the late 1980's and we would find no record of it in CAP.

Hope that helps,

Nick Taylor
Senior Resident Inspector, USNRC

Cooper Nuclear Station
O: (402) 825-3371
F: (402) 825-6941
C: (b)(7)(C)
E: nick.taylor@nrc.gov

From:	Shannon, Michael
To:	R4ALLEGATION Resource; Elkmann, Paul;
cc:	Rollins, Jesse; Larsen, James; Gaddy, Vincent; Taylor, Nick;
Subject:	Cooper Allegation 2010-0101 BEPR.doc
Date:	Thursday, June 24, 2010 5:13:05 AM
Attachments:	2010-0101 BEPR.doc

Bernadette/Judith/Lynn FY files and action

Paul please update our files

Branch Evaluation, Plan, & Recommendation

Allegation Number: RIV-2010-A-0101

Facility Name:	Cooper Nuclear Station	Docket/License No:	05000298
Responsible Div:	DRS	ARB Date:	06/29/10
Overall Responsible Branch:	PSB 1	(As assigned by the ARB)	

Received Date	30 Days	70 Days	90 Days	120 Days
6/13/2010	7/13/2010	8/22/2010	9/11/2010	10/11/2010

Purpose of this ARB:	Initial ARB
Basis for a Subsequent ARB:	

Does the Alleger **OBJECT** to the NRC requesting that the licensee formally assess/evaluate the concern(s)?		Yes	X	No		N/A

If any of the following factors apply, this allegation shall not be submitted to the licensee for investigation or review.

	Information cannot be released in sufficient detail to the licensee without compromising the identity of the alleger or confidential source.
	The licensee could compromise an investigation or inspection because of knowledge gained from the discussions.
	The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.
	The basis of the allegation is information received from a Federal or State agency that does not approve of the information being released.
	The licensee's allegation trend, quality of response(s), problem identification and resolution, and/or cycle review results are such that the NRC should independently evaluate the concern(s).
	The NRC evaluation would be more timely and efficient – there is an ongoing or upcoming inspection which could evaluate the concern.
	Significant public/Commission interest warrants independent assessment of concern(s).
	The alleger has taken the concern(s) to the licensee with unsatisfactory results.

ARB PARTICIPANTS

Chairman:				

Chairman Approval:	Date:

Brief Overall Allegation Summary - if more than 3 Concerns, use keywords, topics, subject, etc.: Provide a summary or selected keywords/topics/subject for the whole allegation's contents below. ***See the BEPR Desktop Guide for assistance.

An Unidentified Flying Object (UFO) hovered over the protected area 21 years ago.

Branch Evaluation, Plan & Recommendation

Allegation Number: RIV-2010-A-0101

Concern: 1.			
		*RX Code or Functional Area:	Security
Responsible Branch:	PSB 1	*Discipline:	Security
*OI Investigation Priority:		OI Case Number:	4-20XX-0XX
*OI Priority Basis:			

Concern: (A concern is one or two sentences.)

Sometime between 1986 and 1989, an Unidentified Flying Object (UFO) violated the protected area at Cooper Nuclear Station and was not reported to the NRC as required.

Concern Background, Supporting Information, & Comments:

The CI described an event that occurred during his employment as a security officer at Cooper Nuclear Station. He was employed there from 1986 through 1989 and did not remember specifically when during that time the event occurred.

While posted at the intake structure one night, he observed an "unidentified flying object" fly down the Missouri River about 150 feet in the air and hover in front of the intake. He observed it for a few moments and then contacted a fellow security officer who also observed it (he could not recall the individual's name exactly but his first name was (b)(and his last name was either (b)(7)(C)). After they together observed the UFO, it turned and went back up the river and did not come back that shift. He and the other officer shared their observation with their peers who did not believe them.

The next evening he again was posted at the intake and observed the UFO return again. This time he didn't call anyone until the UFO had traversed into the protected area and hovered above the protected area just north of the Reactor Building. He said it was roughly triangular in shape with a circle of rotating lights on the bottom. He could not hear any propulsion noise from the UFO. He believes that it was roughly 1/3 the size of the Reactor Building. Once the UFO hovered in the protected area, he called the security break room and most of the officers on shift observed the UFO. These individuals included (b)(7)(C) and (b)(7)(C) (both of whom were security officers), all of whom still work at the plant today. After hovering there for a few minutes, the UFO exited the protected are and returned back up the river to the north as it had the previous night. The CI said that he never saw the UFO at the plant again after that evening.

The CI believes that this incident should have been reported as a violation of the protected area space but was not reported.

6/23/10 UPDATE: The SRI at Cooper conducted a search of the corrective action program between 1/1/1986 – 12/31/1989 using the words: "ufo", "flying", "unidentified", "protected area", and "hover". The search yielded no entries associated with this concern.

Regulatory Requirement: (fill in below)

No security violation. Possible reportability issue 10 CFR 73, Appendix G, I.(a)(3)(b).

*Safety Significance:		HIGH		Normal	X	N/A

Basis: Describe the concern's safety significance (current, on going issue; level of individual(s) involved; etc.).

Past event that has no impact of current safety or security of the station.

Check each question as applicable to this concern.

X	Is it a declaration, statement, or assertion of impropriety or inadequacy? Is there a potential deficiency?
X	Is the impropriety or inadequacy associated with NRC regulated activities or policy (e.g. SCWE)?
X	Is the validity of the issue unknown?

If all of the above statements are checked, the issue is an allegation.

***Technical Staff Recommendation(s)**

Date	Recommended Action	Assigned Branch	Planned Date
06/24/10	SRI Interview listed personnel and return results to ARB	PSB1/RPBC	

Branch Evaluation, Plan & Recommendation

Allegation Number: RIV-2010-A-0101

Concern: 1.

★ **NOTE: Attach Draft NOV, RFI questions/requests, and/or an inspection plan as a separate document.**

★ RFI discussed & determined ACCEPTABLE by the ARB?	YES		No		N/A	

Document the INHIBITING FACTOR(S) in the ARB Decision(s) if not noted on first page. Document any INHIBITING FACTOR(S) that are overruled; provide ARB Justification/Reason why overruled.

ARB Date	ARB Decision(s)	Assigned to	Accepted Planned Date

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

June 17, 2010

MEMORANDUM TO: Michael P. Shannon, Chief, Plant Support Branch 1

FROM: Judith Walker, Allegation Coordinator JW

SUBJECT: NEW ALLEGATION RECEIPT

REFERENCE: ALLEGATION RIV-2010-A-0101

ACES has received the attached material related to Copper Nuclear Station. This allegation is 5 days old as of today. Please review the material within one week June 24, 2010, for the following:

- Review each of the individual's concerns within the receipt form and determine whether they are captured accurately and whether they are NRC regulated activities or not. Provide a brief summary for the overall allegation and a brief statement of each concern for the ARB. It is not necessary to include all of the background information.

- List each concern separately on a copy of the "Branch Evaluation, Plan & Recommendation (BEPR)" file located at R:\#ACES_ALLEGATIONS_ALLEGATION FORMS\BEPR.doc. **Please use the most current form listed in the R:\ drive.**

- List possible regulatory requirements (i.e., 10 CFR 26, etc.) that may apply to each concern, if known. If none, state "none.

- Under safety significance, provide a follow-up priority (i.e., high: immediate action required, or normal: routine follow-up).

- Provide a recommendation for disposition (i.e., OI investigation, inspection, request for information, or none). List this under the Technical Staff Recommendation's "Recommended Action" section. If you are recommending a Request for Information (RFI), please be prepared to discuss the information contained in the ALLEGATION REVIEW BOARD WORKSHEET, "Considering a Request for Information to the Licensee" (R:\#ACES_ALLEGATIONS_ALLEGATION FORMS\ _ARB Worksheet for RFI - eCopy.doc). This is a requirement per the Allegation Guidance Memorandum 2008-001 (Peach Bottom Lessons Learned).

- List the branch you believe that should be responsible for the action. If another branch is recommended for completion of an RFI, contact the responsible branch for development of the RFI and attached worksheet.

- Provide a planned completion date. Coordinate with the other applicable branches for documenting their planned completion date(s).

- Review the BEPR desktop guide at R:\#ACES_ALLEGATIONS_ALLEGATION FORMS_How to Fill out a BEPR.doc for additional guidance in completing the BEPR.

An electronic copy of the BEPR should be sent to R4ALLEGATION_RESOURCE with the allegation number in the SUBJECT line. **This form must be received by 1:00 p.m. on Wednesday for inclusion in the following Tuesday's ARB.**

Should you have any questions, please call me.

Please document your time as follows:

Indirect Charges	Direct Inspection Activities	
A10304 Support for Allegations (Reactors)	AF	Allegation Follow-up
A10191 Support for Allegations (Materials)	BJ2	Allegation Prep/Doc
X02432 Support for Allegations (DOE/Yucca Mnt)	AFT	Allegation Travel

Attachments: As Stated
cc w/attachment: Allegation File

From: Taylor, Nick
To: R4ALLEGATION Resource;
Subject: New allegation
Date: Monday, June 14, 2010 5:39:47 PM
Attachments: Allegation Receipt Form.doc

Here you go. This one should be a wild ride. Please call me at (b)(7)(C) if you need more info.

Nick Taylor

ALLEGATION RECEIPT FORM

Allegation Number: RIV- 2010-A-0101

Facility/Outside Org Name: Cooper Nuclear Station Receipt Date: June 13, 2010

Received By: (b)(7)(C)

CONCERN 1.

Concern: (A concern is one or two sentences.)

An unidentified flying object violated the protected area at Cooper Nuclear Station sometime between 1986 and 1989, but the event was not reported to the NRC as required.

Concern Details and Comments: Background material, supporting information, etc. Narrative concern description. What occurred? When did it occur? Where did it occur (location)? How/why did it occur?

The CI described an event that occurred during his employment as a security officer at Cooper Nuclear Station. He was employed there from 1986 through 1989 and did not remember specifically when during that time the event occurred.

While posted at the intake structure one night, he observed an "unidentified flying object" fly down the Missouri River about 150 feet in the air and hover in front of the intake. He observed it for a few moments and then contacted a fellow security officer who also observed it (he could not recall the individual's name exactly but his first name was (b)(7)(and his last name was either (b)(7)(C) . After they together observed the UFO, it turned and went back up the river and did not come back that shift. He and the other officer shared their observation with their peers who did not believe them.

The next evening he again was posted at the intake and observed the UFO return again. This time he didn't call anyone until the UFO had traversed into the protected area and hovered above the protected area just north of the Reactor Building. He said it was roughly triangular in shape with a circle of rotating lights on the bottom. He could not hear any propulsion noise from the UFO. He believes that it was roughly 1/3 the size of the Reactor Building. Once the UFO hovered in the protected area, he called the security break room and most of the officers on shift observed the UFO. These individuals included (b)(7)(C) and (b)(7)(C) (both of whom were security officers), all of whom still work at the plant today. After hovering there for a few minutes, the UFO exited the protected are and returned back up the river to the north as it had the previous night. The CI said that he never saw the UFO at the plant again after that evening.

The CI believes that this incident should have been reported as a violation of the protected area space but was not reported.

What other individuals (witnesses or other sources) could the NRC contact for information?

(b)(7)(C)

What records, documents, or other evidence should the NRC review?

Corrective action program entries from 1986-1989, security shift logs.

What is the potential safety impact? Is this an ongoing concern? Is it an immediate safety or security concern? If the concern is an immediate and/or ongoing concern, the issue must be called in promptly to your Branch Chief.

This is not an ongoing concern. No potential safety impact.

Was the concern brought to management's attention? Was it entered into the Corrective Actions Program (CAP#)? What actions have been taken? If not, why not?

The concern was brought to the attention of the security (b)(7)(C) . The CI thinks it might have been entered

ALLEGATION RECEIPT FORM

Allegation Number: RIV- 2010-A-0101

Facility/Outside Org Name: Cooper Nuclear Station Receipt Date: June 13, 2010

Received By: (b)(7)(C)

CONCERN 1.

into the corrective action program but isn't sure. The CI did not initiate a condition report.

What requirement/regulation governs this concern?

10 CFR 50.72 or 10 CFR 73

Regulations prohibit NRC licensees, contractors, & subcontractors from discriminating against, harassing or intimidating (H&I) individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices made unlawful by statutes, etc.).

_____ YES _X_ No Does the concern involve discrimination or H&I? If "No," proceed to Contact Info.

_____ YES _____ No Was the individual advised of the DOL process?

What was the protected activity? When did it occur?

Who in management/supervision was aware of the protected activity? When did they become aware? How were they made aware?

What adverse actions have been taken (termination, demotion, not being selected for position)? When did it occur?

What was management's reason for the adverse action?

Why does the individual believe the actions were taken as a result of engaging in a protected activity?

***To add an additional concern, be sure your cursor IS NOT the above table (make sure it is somewhere besides the above Table; i.e. in this sentence), go to INSERT -> FILE in the top menu, and select R:\#ACES_ALLEGATIONS_ALLEGATION FORMS\Additional Receipt Form Add Concern Pg - eCopy.doc. Having your cursor anywhere else will cause the new concern table to be pasted into an undesirable location. DELETE these instructions after insertion.

ALLEGATION RECEIPT FORM

Allegation Number: RIV-2010-A-0101

ALLEGER INFORMATION

Full Name: (b)(7)(C) *NRC or Licensee Identified*

Telephone Office:

Home:

Mobile: (b)(7)(C)

* If marked, no need to fill out rest of Alleger Information

Email Address:

Mailing Address: (b)(7)(C)

Employer: (b)(7)(C) Occupation: (b)(7)(C)

Relationship to Facility: Former security officer

For "Relationship", select: Licensee Employee; Former Licensee Employee; Contractor Employee; Former Contractor Employee; Private Citizen; News Media; Special Interest Group; Other Federal Agency; State Agency; Municipal Government; Fed/State/Local Govt Employee; OI Confidential Source; IG Confidential Source; Other (describe)

CONCERNED INDIVIDUAL CORRESPONDENCE METHOD AND TIME

TIME ← AM or PM Telephone XX Email Postal Service X

Other/Specific Requests/Comments: No specific call back time requested.

LICENSEE INFORMATION REQUEST & INDIVIDUAL IDENTITY PROTECTION

Explain that if the concerns are discussed with or information is requested from the licensee, that alleger's identity will not be revealed. This contact is necessary for the NRC to conduct our independent evaluation for the concerns. If the concerns are an agreement state issue or the jurisdiction of another agency, explain that we will transfer the concern to the appropriate agency, and if the alleger agrees, we will provide the alleger's identity for follow-up.

____ YES __X__ No Does the Alleger **OBJECT** to the NRC requesting that the licensee formally assess/evaluate the concern(s)?

____ YES __X__ No Does the individual **OBJECT** to the release of their identity? Explain that in certain situations (such as discrimination cases), their identity will need to be released in order for the NRC to obtain specific and related information from the licensee.

ALLEGATION SUMMARY

Provide a short summary or keywords/topics/subject (for large number of concerns) for the allegation's contents below. This summary is to provide an overview or quick reference in allegation tracking reports:

An unidentified flying object violated the protected area at Cooper Nuclear Station sometime between 1986 and 1989, but the event was not reported to the NRC as required.

RECEIPT METHOD – HOW RECEIVED

Telephone/Voice Mail ____ Inspection ____ In-Person __X__ Letter ____ Email ____ Fax ____

Licensee Other Method/Comments:

FACILITY

Facility Name: Cooper Nuclear Station Location/Address: Brownville, NE

Docket(s)/License #: 05000298

Additional Contact Information:

OSHA: 1-800-321-OSHA Regional Offices: http://www.osha.gov/html/RAmap.html

DOL Main Call Center Number: 1-866-4-USA-DOL Monday – Friday 8 am to 5 pm (http://www.dol.gov)

Discrimination/Wage – Back Pay Issues: 1-866-487-9243

TTY number for all Department of Labor Questions: 1-877-889-5627

HOO (Immediate Safety Concerns): 1-301-816-5100 *Non-emergency Toll Free Hot Line: 1-800-695-7403

RIV Allegation Hotline: 1-800-952-9677 ext. 245 FAX: 1-817-276-6525 EMAIL:R4Allegation@nrc.gov

*Note: The Hot Line is not recorded during business hours (7 am – 5 pm Eastern). However, during non-business hours the HOO will answer and will be on a recorded line, please mention this fact when providing this number.

Allegation Management System

Welcome, JUDITH WEAVER

ver. 01.01.00

Concern 1 for Allegation RIV-1998-A-0207

Activity: Non-allegation
OI Action: No
Enforcement Action: No
Functional Area: See Description Field
Discipline: Other
Security Category:
Reactor Dept:
Action Contact: ACES
Alleger Notified:
Alleger Informed Lic:

Substantiated: N/A
DOL:
Sect. 211 Violation:
Prima Facie:
Referred:
Response Date:
OI Report Number:
OI Report Date:
EA Case:
Closed Date: 12/29/1998

Description: The individual expressed vague concerns about finding low-level radiation within the last year where his daughter, whom he believes is an alien or alien transplant, passed. In addition, the individual believes that travel speed can be increased using the relativity equation with minor modifications. Finally, the individual has observed UFOs.

Basis for Close: No NRC issues.

Updated By:
Updated Date: 04/07/2011 10:45 AM

Allegation Management System

Welcome, JUDITH WEAVER

ver. 01.01.00

Concern 1 for Allegation RIV-1997-A-0018

Activity: Other
OI Action:
Enforcement Action:
Functional Area: None
Discipline: Other
Security Category:
Reactor Dept:
Action Contact: R. WISE
Alleger Notified:
Alleger Informed Lic:

Substantiated: N/A
DOL:
Sect. 211 Violation:
Prima Facie:
Referred:
Response Date:
OI Report Number:
OI Report Date:
EA Case:
Closed Date: 02/21/1997

Description: A LETTER ALLEGES THAT THE DOD HAS BEEN FLYING NUCLEAR POWERED CRAFTS FROM THE AREA FOR OVER 50 YEARS. THE USAF REFERS TO THE CRAFTS AS UFOS. SEVERAL OF THE TEST CRAFTS HAVE CRASHED, CONTAMINATING SITES IN NEW MEXICO.

Basis for Close:

Updated By:
Updated Date: 04/07/2011 10:45 AM

MATERIALS ALLEGATION SUMMARY SHEET

12-Sep-97

RIV-1997-A-0018 DOD - NEW MEXICO

1 A LETTER ALLEGES THAT THE DOD HAS BEEN FLYING NUCLEAR POWERED CRAFYS FROM THE AREA FOR OVER 50 YEARS. THE USAF REFERS TO THE CRAFTS AS UFOS. SEVERAL OF THE TEST CRAFTS HAVE CRASHED, CONTAMINATING SITES IN NEW MEXICO.

1	2/4/97 DNMS	RECEIVED ALLEGATION THROUGH MAIL
2	2/10/97 ORA	ARB CONVENED. NO FURTHER NRC ACTION REQUIRED. SAC TO SEND ACKNOWLEDGEMENT LETTER TO ALLEGER
3	2/20/97 ORA	ACKNOWLEDGEMENT/CLOSURE LETTER TO ALLEGER
4	2/21/97 ORA	FILE OPENED/CLOSED.
5	9/8/97 ORA	Received letter rqeuesting informtaion on DOE aerial surveys.
6	9/9/97 ORA	Letter sent to alleger informing him again that his concerns are not within NRC jurisdiction and providing a DOE address.

September 9, 1997

(b)(7)(C)

SUBJECT: ALLEGATION NO. **RIV-1997-A-0018**

Dear (b)(7)(C)

This letter refers to your August 31, 1997 letter. In your letter, you requested help in obtaining the results of routine aerial surveys performed by the U.S. Department of Energy (DOE), as described in a May 17, 1992, newspaper article in the Alamogordo Daily News.

My February 20, 1997, letter described those areas that fall within NRC jurisdiction. The information you requested is not within NRC jurisdiction. However, this information may be available from the DOE by filing a Freedom of Information Act (FOIA) request. We have obtained a mailing address for a local DOE office, which is P.O. Box 5400, Albuquerque, New Mexico 87185.

The enclosure to this letter is the NRC brochure, "Reporting Safety Concerns to the NRC." The brochure contains information that you may find helpful in understanding our process for review of safety concerns. The NRC plans no further action on this matter.

Sincerely,

Russell Wise
Senior Allegations Coordinator

Enclosure:
As stated

cc:
Allegation File

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

31aug 97

Russell Wise - N.R.C.

THIS DOCUMENT IDENTIFIES AN ALLEGER

Dear Sir

I Treasure The nice letter of feb. 20, 1997 in regard To my Allegation No. RIV-97-A-0018.

The Air Force & DoD have a steel curtain around anything That relates To what are known as UFO's.

My having lived here forty years helped me penatrate the Holloman curtain — what good it will do me, only Time will Tell.

The purpose of This letter is To ask for your help in obtaining The results of These flights made in May 1992, I'm also interested in any surveys made east of Roswell.

Your help will be appreciated as I don't know who To contact.

(b)(7)(C)

(b)(7)(C)

Foreword

The "Roswell Incident" has assumed a central place in American folklore since the events of the 1940s in a remote area of New Mexico. Because the Air Force was a major player in those events, we have played a key role in executing the General Accounting Office's tasking to uncover all records regarding that incident.

Our objective throughout this inquiry has been simple and consistent: to find all the facts and bring them to light. If documents were classified, declassify them; where they were dispersed, bring them into a single source for public review.

In July 1994, we completed the first step in that effort and later published *The Roswell Report: Fact vs. Fiction in the New Mexico Desert.* This volume represents the necessary follow-on to that first publication and contains additional material and analysis. I think that with this publication we have reached our goal of a complete and open explanation of the events that occurred in the Southwest many years ago.

Beyond that achievement, this inquiry has shed fascinating light into the Air Force of that era and revitalized our appreciation for the dedication and accomplishments of the men and women of that time. As we celebrate the Air Force's 50th Anniversary, it is appropriate to once again reflect on the sacrifices made by so many to make ours the finest air and space force in history.

SHEILA E. WIDNALL
Secretary of the Air Force

The airforce is desperate, trying every & anything To make Roswell go away. The books Sheila refers To are a total of 3" Thick

(b)(7)(C)

Space Port is to be located West of and next to W.S.M.R. Richard hasn't put this in the paper yet.

August 18, 1997

THIS DOCUMENT IDENTIFIES AN ALLEGER

Special to Alamogorodo Daily News
P.O. Box 870
Alamogordo, NM 88311-0870
Attention: Richard ~~Colethrap~~ Coltharp

The Space Port is like everything else in Life, part good – part bad. Interested people would find a trip to the Alamo Public Library worth their time, yes – read the Environmental Impact Statement (EIS) document on the Space Port.

"The vehicles would have the capability to terminate each flight without damage, including the ability to make a fully controlled landing under emergency conditions. No spent stages or other components would be dropped off during normal flight."

Just in case the flight isn't normal the licensee must obtain liability insurance to cover "death, injury, property damage" up to 500 million, U.S. Government property up to 100 million.

"Sonic boom noise would effect down range areas, but it would be very unlikely to cause physical damage or to result in significant public complaints."

"There may a temporary adjustment for some individual animals, and some animals may be driven from particularly noisy areas."

"Nothing" was said about how these Launches would effect WSMR, HAFB or Land and Air Traffic out of Alamogordo. Page 192 will put you at ease, "only an anomalous-abnormal-event could result in injury to people on the ground."

Another interesting book to read is "Wernher Von Braun by Erik Bergaust. It covers his life in Germany and after he came to the U.S.A.

Page 531, you will find that "3,000 tons of propellants in a Saturn V – if we only had the rocket machinery – be replaced by a couple of pounds of nuclear fuel." "Thus, I agree with Clarke that flight between the Earth and the Moon will become an ordinary Commercial operation by the early 2,000's." Copyright for the book was 1976. I have been told by a knowledgeable person that it would be measured in grams now not pounds. The time estimate for Commercial flights is very close, rumors have it that the U.S.A.F. started them long ago and that we have a base on the Moon.

Back to the Space Port EIS, a flight load would be 833 tons of liquid oxygen, 137 tons of liquid hydrogen versus a very small amount of nuclear fuel and some liquid hydrogen or "Something".

Now to my favorite subject, UFO's, flying saucers, they come in many shapes and sizes. Some call it Electro – Gravetic Propulsion or Electro Magnetic Propulsion. Electric power is generated by an on-board nuclear power plant, how they work I confess I don't know, but the many sightings in the Basin, New Mexico and around the world is proof that the Technology works. The U.S.A.F. and maybe the Army and Navy have been flying these "dudes" into space and orbit for many years, if something goes wrong on re-entry, all you have left is a green Meteor and

a memory of the fine crew that sacrificed their lives to try and perfect this Technology, hopefully for the betterment of mankind. At this time it is 100% controlled by the Military.

The Space Port will be built, it will be a dual use facility for Military and Commercial operations. I just doubt that whatever is launched from there will carry about a 1,000 tons or more of propellant.

(b)(7)(C)

ALLEGATION MANAGEMENT SYSTEM

ALLEGATION NUMBER - RIV-97-A-0018 RUN DATE: 02/21/97

DOCKET/FACILITY/UNIT: / DOD - NEW MEXICO /
DOCKET/FACILITY/UNIT: / /
DOCKET/FACILITY/UNIT: / /
DOCKET/FACILITY/UNIT: / /

ACTIVITY TYPES - OTHER
ALLEGED CRASHES OF NUCLEAR POWERED AIRCRAFT

MATERIAL LICENSES -

FUNCTIONAL AREAS - OTHER

ALLEGED CRASHES OF NUCLEAR POWERED AIRCRAFT
DESCRIPTION - LETTER ALLEGES THAT FOR OVER 50 YEARS THE DOD HAS BEEN FLYING NUCLEAR POWERED CRAFTS FROM NEW MEXICO. THE LETTER ALSO ALLEGES THAT THE USAF CALLS THEM UFOS. SEVERAL OF THE
CONCERNS - CRAFTS HAVE CRASHED AND CONTAMINATED PARTS OF NEW MEXICO
2

2/20/97 INITIAL/CLOSURE LETTER TO ALLEGER
SOURCE - PRIVATE CITIZEN CONFIDENT - NO

RECEIVED - 970204 BY - L. HOWELL / RIV

ACTION OFFICE CONTACT - R. WISE

RESPONSIBLE PGM OFFICE - O VIOLATION SECTION 210 ALLEGED - NO

STATUS - CLOSED SCHED COMPLETION - 970331 DATE CLOSED - 970221

ALLEGATION SUBSTANTIATED - NO ALLEGER NOTIFIED - YES

OI ACTION - OI REPORT NUMBER -
REMARKS - 2/4/97 DNMS:NMIB REC'D LETTER
2/10/97 ARB CONVENED - LETTER TO ALLEGER, NO NRC ISSUES
2/20/97 INITIAL/CLOSURE LETTER TO ALLEGER
2/21/97 FILE OPENED/CLOSED

2/10/97 ARB CONVENED - LETTER TO ALLEGER, NO NRC ISSUES
SAC
ACTION: OPEN/CLOSE ALLEGATION FILE
ENTERED SYSTEM - 970221 CLOSED SYSTEM - 970221 RECORD CHANGED - 970221

February 20, 1997

(b)(7)(C)

Dear (b)(7)(C)

Reference: Allegation No. **RIV-97-A-0018**

This is about your January 22, 1997, letter to L. L. Howell, of this office, in which you alleged that the U.S. Department of Defense (DOD) has been flying nuclear powered aircraft for over 50 years in New Mexico, and that some aircraft have crashed with resultant contamination.

The NRC has regulatory responsibility for inspecting safety and compliance issues as they relate to the regulation of the commercial nuclear power industry; training research and test reactors; and the use of by-product radioactive material in medical facilities, academic institutions, gas and oil well operations and radiography operations. The NRC Region IV Allegations Review Board (ARB) discussed your concerns on February 10, 1997. The ARB determined that the issues, as described, did not fall within NRC jurisdiction, and no further NRC action was appropriate. You may want to consider contacting the DOD for assistance.

The U.S. Nuclear Regulatory Commission is responsible for protecting the public in the uses of nuclear facilities and materials. We engage in major efforts to fulfill that responsibility.

Sincerely,

Russell Wise
Senior Allegations Coordinator

cc:
Allegation File

ALLEGATION ASSIGNMENT FORM

Allegation Number: RIV-97-A-0018 **Licensee/Facility:** DEPARTMENT OF DEFENSE

ARB Date: 2/10/97 > 120 days: 6/5/97 > 180 days: 8/4/97

Assigned to: DRP, DRS, DNMS, SAC **Branch:**

Referral to Licensee:_____ **Referral Criteria Reviewed:**_____

OI involvement? **OI Case Number:**
ARB Recommended Priority:_____

Allegation Summary: ***A letter alleges that the DOD has been flying nuclear powered crafts from the area for over 50 years. The USAF refers to the crafts as UFOs. Several of the test crafts have crashed, contaminating sites in New Mexico.***

ARB Instructions: No further action required. SAC to send acknowledgement letter to alleger.

ARB Chairman: C. L. Cain **Date:** 2/11/97

Allegation Resolution Plan **(return to the SAC within 10 days of ARB meeting):**

Submitted by:_____ Date: _____

ARB Attendees: _____, **DRP** _____, **DRS** C. L. Cain, **DNMS**
W. L. Brown, RC X L. Williamson, OI X R. Wise, SAC X
R. Mullikin, AC X G.M. Vasquez, Enforcement Other: J. Dyer, C. Hackney

WCFO Staff: K. E. Perkins____; D. F. Kirsch____; H. J. Wong____;
F. A. Wenslawski__X__

cc: Allegation File, ARB Meeting File, OI

January 22, 1997

Ms Linda Howell
N.R.C.
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

Dear Linda,

I found the article in our local paper most interesting . . . "We were not aware that Holloman is considered part of the N.R.C. jurisdiction".

It may surprise you to learn that DoD has been flying nuclear powered crafts from this area for over 50 years. The Air Force calls them UFO's, many call them flying saucers.

Several of these test crafts crashed, contaminating sites in New Mexico, for further information contact your friends in DOE. They had a contract airplane check these sites about two years ago. The plane flew out of Alamogordo.

Environmental impact statement? DoD doesn't play by the rules and Linda can't make them.

Congress is going to appoint a committee to find out why people don't trust their government, many of the reasons are above top secret.

(b)(7)(C)

Testing Laboratories, Inc.
504 24th
437-0555

NRC fines local firm

By LISA TURNER
Daily News Staff Writer

A local company that tests construction materials was recently fined $2,500 by the Nuclear Regulatory Commission for using gauges containing radioactive material without a proper license.

According to the NRC, the penalty was imposed against Testing Laboratories, Inc. because the company willfully violated NRC rules by using the gauges while working at White Sands Missile Range and Holloman during 1992, 1993 and 1995.

A news release from the NRC states that company president Levi Abeyta admitted at an NRC meeting in November that he knew about the regulations but "elected to do the work at the Air Force bases without notifying the NRC and paying the fees as required."

Abeyta told the *Alamogordo Daily News* this morning the incidents were a culmination of events that occurred during those years.

"We had in previous years acquired the proper license for (the gauges). ... We were not aware that Holloman is considered part of the NRC jurisdiction," he said. The company was involved in only minor work at WSMR during the years in question, he said.

Federal installations fall under the jurisdiction of the NRC. The construction and use of the gauges are regulated because they contain two radioactive isotopes, americium 241 and cesium 137. The substances are by-products of nuclear reactions.

"If used improperly, they can contribute to radiation dosage," said Linda Howell, the Chief of the Nuclear Materials and Inspection and Fuel Cycle — Decontamination Branch for the NRC. But there is no evidence that Testing Laboratories misused the gauges, she said.

The gauges are used to test the density of construction materials like soils.

The NRC has warned that if the company does not comply with regulations, it "could lead to criminal and civil sanctions including banning the company from using instruments containing radioactive materials."

Abeyta said his company is working to get into compliance with the NRC, and is already licensed by the state Environment Department.

"We have complied with all their requests and are in the process of applying to the NRC for a license," he said.

Initial Contact	Initial Letter	Allegation Review Panel Date	ARP Summary Form Returned
2/4/97	2/20/97	2/10/97	—
Inspection Report	Division Memo	OI Report	Update Letter
—	—	—	—
OIG Allegation Number	Related Allegation File		
—	—		
Closure Letter		RIV-97-A-0018	
2/20/97			

CHRONOLOGY

DATE	REMARKS
2/21/97	FILE CLOSED
9/8/97	LETTER REC'D FROM ALLEGER
9/9/97	SENT LETTER TO ALLEGER - NO NRC JURISDICTION

RIV-1998-A-0207

INITIAL CONTACT	INITIAL LETTER	STATUS LETTER	CLOSURE LETTER
12/10/98	12/29/98	—	12/29/98
ALLEGATION REVIEW PANEL DATE	**>120 DAY ARB**	**>180 DAY MEETING W/RA**	**CLOSURE DOCUMENTS**
N/A			
INSPECTION REPORT	**OI REPORT**	**OIG ALLEGATION NUMBER**	**RELATED ALLEGATION FILES**

REFERRAL TO LICENSEE: YES NO N/A

ALLEGER NOTIFIED OR CONCURRED: YES NO N/A

Russ –

Why aren't we Dispositioning these as Allegations?

MATERIALS ALLEGATION SUMMARY SHEET

29-Dec-98

RIV-1998-A-0207 STATE OF CALIFORNIA

1 The individual expressed vague concerns about finding low-level radiation within the last year where his daughter, whom he believes is an alien or alien transplant, passed. In addition, the individual believes that travel speed can be increased using the relativity equation with minor modifications. Finally, the individual has observed UFOs.

Action Completed On 12/29/98 **By:** ACES

Acknowledgement/closure letter to alleger. The letter to include information about the NRC and its regulatory responsibilities.

Action Completed On 12/29/98 **By:** ACES

File closed

(b)(7)(C)

NRC
Region V
1450 Maria Ln.
Walnut Creek, CA 94596

To Whom It May Concern:

I wrote to you before on several occasions about finding low level radiation. Recently (last year?) I wrote you about finding what I thought was low level radiation by where my believed daughter passed by on Mitchell Canyon Rd. and Pine Hollow here in Clayton. I called her (b)(7)(C) and said I believed her an alien (ET) transplant or transplants. I now believe it alien transplants. I checked where she drove on El Camino near here near Yosemite Cir. I found four counts (neg.) reading. Then I moved on to where I see here later by the newer Smoothies & burritos place in Clayton. More regular 4 counts (1, 2, 3, 4). Her real name is (b)(7)(C) Yes the Supermodel. This is not a Halloween joke.

She passed by here I think on the 28th. I was drinking a glass of wine so it wasn't perfectly clear. I didn't check for radiation yet, I believe it was her in that van. I should go check now tonight. I put it by the window now my Monitor 4. Some regularity but no 1,2,3,4 repeating pattern but 1,2 and 1,2,3 regularity. I don't want to alarm parents. A lot of 1,2,3, regularity now. Some more 1,2 repeats. I believe it unusual. We were locked out, A Locksmith got in tonight. We have a sprayed on ceiling (from him and it-- movement?)

Now by my new glasses - from Site For Sore Eyes on Willow Pass in Concord where the real [redacted] works made young by ETS. "There's some very old people around" like my biology teacher said [redacted] We don't know why

theyre still here. Apparently by saying it with his last name he meant ETs travel beyond c. Initials EA- Einstein, Albert last thing real. He's still alive though too and worked in Roswell, NM, giving tours of the ufo crash site!

I thought of how to travel faster that c via the equation I thought up: Light years = magnetic pole reversal x ice age. I thought a polar ship with a tilt pole like the northern lights is the direction of the motion. Next c you could reverse the pole and feel nature you never got that far so you never got that close to c. The Lorentz contraction would be outsmarted. And nature would be fooled at c you never acquired infinite mass and time would not stop. I also thought it might take faster than c at normal speed via photoelectrons to have a nuclear fusion plant.

(b)(7)(C)

(b)(7)(C)

After writing to physicist [redacted] ghost that and my faster than c theory idea I had on my Tees NM Tee and was up in Black Diamond Regional Mines, Pleasanton where Ive seen spheres like I said. Well I see one start to appear and if blinks out (not a flying saucer). I appears again and has the shape of the penal ship in the Outer Limits. The Zanti Misfits. I thought they've got me but since I am the sorcerers apprentice and moved a Lincoln penny without touching it I said "I tyoled it" and pointed at it with that finger and also said "I can get you [redacted]" and it blinked out and I ran home without incident. It's been raining so I better not take an outside reading now.

Very truly yours

(b)(7)(C)

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

December 29, 1998

(b)(7)(C)

SUBJECT: Allegation No. **RIV-98-A-0207**

Dear (b)(7)(C):

This letter is in reference to your October 31, 1998, letter which documented your concern that you identified low level radiation in several locations near Clayton and Concord, California and Yosemite and that you believe the radiation came from alien transplants. Additionally, your letter documented your theory of accelerated travel utilizing a mass magnetic equation based on Einstein's Theory of Relativity.

We have reviewed your letter and determined that the issues, as described, do not appear to be within the jurisdiction of the U.S. Nuclear Regulatory Commission (NRC), and that further action by the NRC is not appropriate.

The NRC's scope of responsibility includes regulations of commercial nuclear power reactors, nonpower research, test and training reactors, fuel cycle facilities, medical, academic and industrial uses of nuclear materials, and the transport, storage, and disposal of nuclear materials and waste.

If you believe that we have erred in our determination, and that your concerns do pertain to one of these activities, please write me at Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

Sincerely,

Russell Wise
Senior Allegations Coordinator

cc:
Allegation File