

From: David Vito *RV*  
To: Richard Barkley  
Date: 10/1/02 11:42AM  
Subject: Re: Call to Allegor for 2002-A-0116 (The Bogus Pee Sample Guy)

Rich,

The question is not whether or not you or Duncan agree with whether anything should be referred to OSHA. The question is whether or not we are required to make a referral to OSHA per NRC Manual Chapter 1007. Historically, we have been very conservative with this stuff, because prior versions of MC 1007, have indicated that OSHA issues should be referred, at least verbally, to OSHA no matter how trivial, vague, or dated they are. However, a more recent version of MC 1007 (2/02 version), at least appears upon first read, to limit referrals to OSHA only to those issues that we may determine to be "significant safety concerns" or issues where "licensees demonstrate a pattern of unresponsiveness to identified concerns." If that is how the NRC is now approaching these types of items then I would agree that no formal call to OSHA would be appropriate. [I would like Duncan's or Bob Bores' feedback on this.] I have made several of these calls (to OSHA) in the past, and I know that OSHA doesn't really give a darn about anything that is non-specific or dated. I tried to get Ed Baker to get a definitive read on this from OSHA, but he left the AAA job before doing anything.

I also note that MC 1007 indicates that in any case, if the licensee is not aware of the issue to our knowledge, we are supposed to inform the licensee about any industrial safety issue that we are made aware of (obviously without referring the source of the information). I don't know how good a job we have done in the past in making the licensee aware of issues that we get. That will be something we have to keep better tabs on. In this instance however, we already know that the licensee is aware of both issues, so we don't have to inform them.

>>> Richard Barkley *RV* 10/01/02 09:53AM >>>

Dave,

I called the allegor back for allegation RI-2002-A-0116 last night to clarify his issue regarding a Superintendent breaking safety rules. (As requested by the APM, I spoke with Duncan White in an effort to turn this concern over to OSHA. However, we both realized that we had too few details to work with and that a formal referral to OSHA would be impractical. Thus I called him to get more details and ask if we could just provide him with the number of the area OSHA office.)

The individual stated that the focus of his concern was the poor safety climate and the unprofessional behavior displayed by the Superintendent. The Superintendent made the poorly thought out comment at a morning meeting after HP provided a reminder that workers should not climb onto pipes off of scaffolding above the 6 foot level since that area was not deconned. The Superintendent provided no specific examples of when such events occur.

Given the focus of the Superintendent's remark (i.e., an off-the-cuff comment regarding the poor (but unauthorized) work safety habits of some individuals), I do not feel that the APM's recommendation to refer this concern to OSHA is appropriate. I am sure that Duncan will agree.

Can we use this memo to document why we are taking an action contrary to the APM decision or do we need to discuss it again for a brief moment at the APM tomorrow?

I also got to speak with the individual at length regarding his other concerns. Clearly, the focus of his concerns was on what he believes to be a deteriorating safety climate/culture at the facility over the last 3 years. Regarding the one concern he provided (Concern #2), he noted that the Maintenance Superintendent lost his temper and acted unprofessionally, but HP's position regarding the delay in the conduct of his work activity prevailed and properly safety/HP practices were, if fact, followed. The

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individual claimed that the Superintendent was not disciplined for his unprofessional behavior. In fact, he was complimented by the outage organization after the outage for his other outage work accomplishments, an action which the rad pro group thought sent a poor message to them.

He also said that one indicator that the work environment is poor is that some senior people in the HP department (those with 20+ years of PSEG service) are leaving the department or the plant.

Overall, I was able to convey the difficulty we have in reviewing/inspecting his concerns due to their nature (i.e., unprofessional behavior, resource constraints and comments of industrial safety), the lack of details provided and the absence of NRC regulatory requirements in the areas he cited. He understood my position, but indicated that he took the opportunity to convey his concerns with the safety climate and culture at PSEG while he was responding to the NOV he received. Overall, he was quite pleasant and reasonable to speak with and apologetic for his "stupid" action.

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CC: Daniel Holody; Duncan White; Glenn Meyer; J. Bradley Fewell; Robert Bores; Sharon Johnson