

**From:** David Vito *CV*  
**To:** James Wiggins  
**Date:** 3/10/04 7:30AM  
**Subject:** Fwd: Re: Allegations regarding Salem / Hope Creek Safety Culture

Since Mr. Lochbaum is working in consort w/Dr. Harvin on this matter, I don't believe that addressing this in a separate file is appropriate. The more files we create, the more complicated it will be. Since I believe we "know" the answer as to whether this is really a 50.9 issue or not (it isn't), I don't believe it should be processed as an allegation. I understand the point Mr. Lochbaum is trying to make, but I believe it is more intended as a vehicle to characterize his skepticism that PSEG will do the right thing vs. just trying to sweep things under the rug and make them go away from a regulatory standpoint, than to get the NRC to issue a 50.9 violation. PSEG's 1/27/04 letter answered what was asked. I personally would have liked them to have been more forthright by characterizing their own impressions of the current situation there, but unfortunately, they chose to say as little as possible. I think Jim is right that Mr. Lochbaum should be responded to in some way, but it could possibly be less formal, i.e., via a phone call from Region I management, or possibly via a side conversation at the 3/18/04 meeting next week.

Regarding ADAMS, since it is a letter commenting on a PSEG public document that was in response to an NRC public document, I see no way it can or should be kept out of ADAMS. If that, by definition, would prompt a written response, then one should be scheduled by way of a Regional Administrator Action Item.

>>> James Wiggins 03/10/04 07:06AM >>>

This needs to go in the allegation file. Also, consider if Lochbaum's 50.9 assertion is something that needs to be handled separate from the main allegation....I would think not, but it would have to be addressed to him in some way.

Get with Karl to determine the ADAMS status of the ltr...Is it a ltr that needs to be put into ADAMS and made publicly available or is it allegation material and off the ADAMS books...

Jim

**CC:** A. Randolph Blough; Daniel Holody; Hubert J. Miller; Karl Farrar

B-102

**From:** Hubert J. Miller *RT*  
**To:** Dave Lochbaum  
**Date:** 3/9/04 6:04PM  
**Subject:** Re: Allegations regarding Salem / Hope Creek Safety Culture

Dave, thanks. I will read and consider this carefully.

Hub Miller

>>> "Dave Lochbaum" <dlochbaum@ucsusa.org> 03/09/04 10:14AM >>>  
Dear Mr. Miller:

Attached is an electronic copy of a letter being mailed to you today. UCS is alleging that PSEG violated 10 CFR 50.9 in its February 27, 2004, response to NRC. We are providing results from the recent Synergy survey - marked "PSEG Confidential" - as evidence of this violation. PSEG mentioned the survey in its response, but failed to discuss the results either qualitatively or quantitatively. 50.9 requires information to be complete and accurate, not just one of the above.

We are also submitting the safety culture survey conducted last year at Davis-Besse. The PSEG results are worse.

This site under this management has a history of promising corrective actions that it cannot or will not meet, thus venturing along a series of plans that do not produce a successful outcome - a "don't loop" if you will. Their reaction to your January 28th letter was predictable - as is their expected inability to follow-up with substantive actions.

We think the NRC should issue an order to PSEG requiring the company to demonstrate tangible improvement in its safety culture, particularly its corrective action program and Employee Concerns Program, within six months. If signs of improvement are not evident in six months, all three reactors should be shut down until progress is made.

If PSEG is sincere - this time - then the six month milestone should be no barrier to them. If PSEG is insincere or PSEG is sincere but incapable, then the six month milestone is a reasonable "probation" period.

The NRC order would have a significant positive impact on the workers at Salem and Hoep Creek. Right now, they are under the gun. The non-union workers have performance clauses - they must satisfy their bosses or lose their careers. Senior management, which gave the workers the broken corrective action process, is currently unaccountable. The NRC's order would give senior management a performance clause, too. It would then be in everyone's interest at PSEG to work together to solve these problems.

Thanks,

**From:** David Vito *RV*  
**To:** Daniel Holody  
**Date:** 3/10/04 7:37AM  
**Subject:** Fwd: Re: Allegations regarding Salem / Hope Creek Safety Culture

My prior e-mail was based on the request in DL's e-mail for the NRC to issue a 50.9. Like Dan, I also haven't had a chance to review the letter itself yet. I will do that this morning.

>>> Daniel Holody 03/10/04 07:14AM >>>

Jim

I read Hub's cy of the letter yesterday but don't have a cy of it yet. I believe that the letter clearly lists 4 issues that are spelled out as allegations, and asks that the allegations remain confidential. When I get a copy of the letter, I will verify and get back to you. Gina has it electronically and I will get from her.

dan

>>> James Wiggins 03/10/04 07:06AM >>>

This needs to go in the allegation file. Also, consider if Lochbaum's 50.9 assertion is something that needs to be handled separate from the main allegation....I would think not, but it would have to be addressed to him in some way.

Get with Karl to determine the ADAMS status of the ltr...Is it a ltr that needs to be put into ADAMS and made publicly available or is it allegation material and off the ADAMS books...

Jim

**From:** A. Randolph Blough *RT*  
**To:** David Vito  
**Date:** 3/10/04 10:13AM  
**Subject:** Fwd: Re: Allegations regarding Salem / Hope Creek Safety Culture

i spoke with dan this am, annd i believe it should be given its own receipt from and ad-hoc'd soon as it own allegation of potential alleg.  
thanks.  
randy

>>> David Vito 03/10/04 07:30AM >>>

Since Mr. Lochbaum is working in consort w/Dr. Harvin on this matter, I don't believe that addressing this in a separate file is appropriate. The more files we create, the more complicated it will be. Since I believe we "know" the answer as to whether this is really a 50.9 issue or not (it isn't), I don't believe it should be processed as an allegation. I understand the point Mr. Lochbaum is trying to make, but I believe it is more intended as a vehicle to characterize his skepticism that PSEG will do the right thing vs. just trying to sweep things under the rug and make them go away from a regulatory standpoint, than to get the NRC to issue a 50.9 violation. PSEG's 1/27/04 letter answered what was asked. I personally would have liked them to have been more forthright by characterizing their own impressions of the current situation there, but unfortunately, they chose to say as little as possible. I think Jim is right that Mr. Lochbaum should be responded to in some way, but it could possibly be less formal, i.e., via a phone call from Region I management, or possibly via a side conversation at the 3/18/04 meeting next week.

Regarding ADAMS, since it is a letter commenting on a PSEG public document that was in response to an NRC public document, I see no way it can or should be kept out of ADAMS. If that, by definition, would prompt a written response, then one should be scheduled by way of a Regional Administrator Action Item.

>>> James Wiggins 03/10/04 07:06AM >>>

This needs to go in the allegation file. Also, consider if Lochbaum's 50.9 assertion is something that needs to be handled separate from the main allegation....I would think not, but it would have to be addressed to him in some way.

Get with Karl to determine the ADAMS status of the ltr...Is it a ltr that needs to be put into ADAMS and made publicly available or is it allegation material and off the ADAMS books...

Jim

**CC:** djh; Gwm