

From: David Vito *dy*
To: SALEMHCSCWE
Date: 4/16/04 1:00PM
Subject: Fwd: Clarification of allegation

Randy, Hub, et. al.,

I will hold on responding to this until you have a chance to read it and weigh in. Perhaps a call to Mr. L. at a higher management level would be a more appropriate response than an e-mail or call from me.

We all know that 180 days is an agency goal, and that there is a much greater possibility that the goal will be exceeded for complex issues such as these. That is the reason why concerns that fall into investigatory space are exempt from the "timeliness" goal requirement.

B-136

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <djv@nrc.gov>
Date: 4/16/04 12:20PM
Subject: Clarification of allegation

Hello David:

Kymn Harvin expressed her concern that OI's Jeff Teator just "started" on the investigation into her allegations of retaliation by PSEG and its officials. During a telephone conversation I had with Mr. Wilson in Region I OI this morning, I confirmed that Mr. Teator recently started on the investigation.

I remind you of your letter dated October 16, 2003, to Kymn (attached). It described the allegations she made to NRC during meetings on September 3 and 4 and in eunsing communications.

The NRC has a stated objective of reaching determinations on allegations within 180 days. Assuming that this clock started as late as 10/16/2003 rather than 09/03/2003, the 180 days ran out on Tuesday, April 13, 2004.

What are we to make of the fact that we hear this matter is of high priority in NRC Region I yet the 180-day objective passes?

Kymn and I have a meeting with Commissioner Merrifield next week and we want to be fair in characterizing the NRC's pace, for lack of a better word, on this matter. Any information you can provide prior to that meeting will be appreciated.

Thanks,

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