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Dr. Kymn Harvin, Ph.D and Safety Concerns at PSEG's Salem and Hope Creek Generating Stations

Staff Presentation by:
Russell Arrighi
Senior Enforcement Specialist
March 28, 2005

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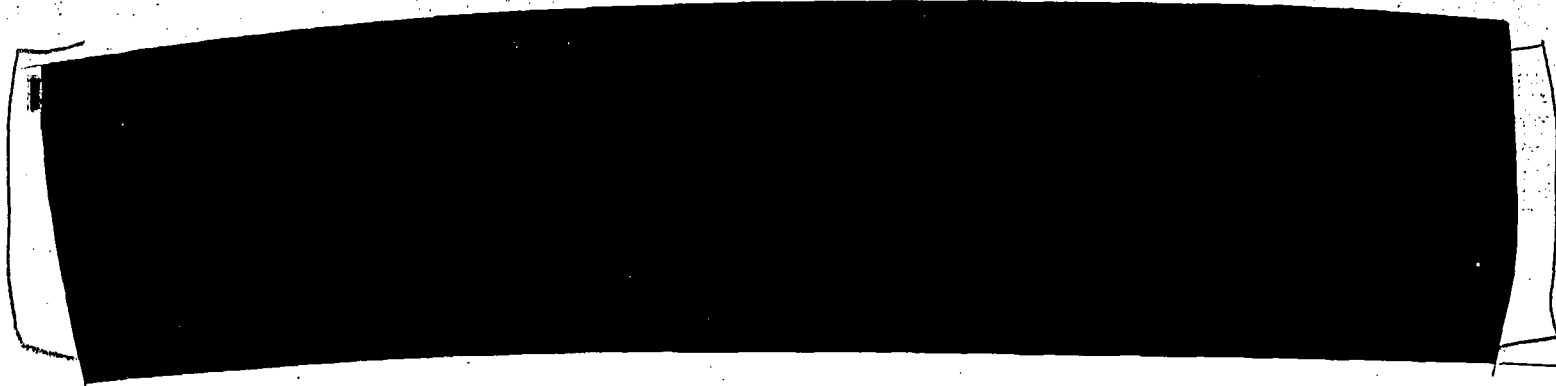
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Kymn Harvin, Ph.D

- Ph.D, Organizational Development and Spirituality,
Union Institute of Cincinnati, 1996
- Work History
 - Pennsylvania State Government
 - AT&T (1980 – 1990)
 - Private Consulting
 - Public Service Enterprise Group (PSEG)
 - PSEG Corporate Offices (1998 – 2001)
 - PSEG Nuclear (January 2002 – March 28, 2003)

Dr. Harvin's Concerns

- Provided several, specific examples that demonstrated problems with the work environment for raising safety issues at Salem and Hope Creek (i.e., SCWE)



- Alleged wrongdoing/discrimination for raising these work environment issues and other safety concerns to the CNO

OI Assist and Investigations

■ 1-2003-051F (OI Assist/SCWE Issues)



- 1-2003-045 (Wrongdoing/Discrimination)
 - Initiated investigation on September 8, 2003
 - Report issued on December 23, 2004

Safety Conscious Work Environment Review

- NRC Supported SCWE Concern
 - Letter to Dr. Harvin dated July 30, 2004
 - Letter to PSEG dated July 30, 2004
 - Mid-Cycle Assessment Letter to PSEG dated August 30, 2004,
 - Substantial cross-cutting issue (SCWE)
 - Increased oversight at the stations
 - Special inspection in June 2005
- Region I continues to monitor PSEG's progress relating to SCWE issues

Alleged Wrongdoing/Discrimination

■ Discrimination concern not substantiated

- ✓ Protected Activity
- ✓ Management Knowledge
- ✓ Adverse Action
- Nexus to Protected Activity (Not found)

Protected Activity and Management Knowledge

- Dr. Harvin engaged a protected activity
 - Raised "safety issues" during a 2001 management meeting
 - March 20, 2003, Dr. Harvin raised nuclear safety concerns with [REDACTED]

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Alleged Wrongdoing/Discrimination

Adverse Actions:

- Notified on February 26, 2003, that the Principle Organization Development Specialist position was eliminated
- Notified on March 24, 2003, that her last day of work was moved up from April 16, 2003, to March 28, 2003

Nexus to Protected Activity - Elimination of Position

- Aware that PSEG corporate was downsizing
- Voluntarily moved from corporate offices to PSEG Nuclear in January 2002 with the understanding that there were no guarantees that her current or new assignment would extend beyond 2002
- Staffing studies completed in 2002 led to downsizing at PSEG Nuclear
- Her position was viewed as “not adding value” to organization (e.g., not effective at achieving site culture improvements)

Nexus to Protected Activity - Change in Separation Date

- Notice given on 2/26/03 that position was eliminated; original separation date was 4/16/03 (consistent with PSEG policy)
- VP of PSEG Human Resources made the decision on 3/18/03 to accelerate her physical separation date
- New physical separation date coincided with departure of CNO on 3/28/03
- Pay and benefits remained unchanged

Conclusion

- The staff did not identify any evidence to indicate that the decision to eliminate the Principle Organization Development Specialist position was for any reason other than legitimate business reasons
- OI did not substantiate the allegation of discrimination

Communications Issues

Public Perception

■ Investigation Timeliness

February 25, 2005, letter from David Lochbaum (UCS) re: timeliness of the NRC staff to reach decision on allegations

■ Other Potential Questions

(e.g., if the SCWE issues Dr. Harvin raised were legitimate, how could the NRC not substantiate her discrimination complaint?)

Public Perception - Investigation Timeliness

- Reasonable amount of time was taken, given the number and complexity of the issues raised
 - Priority given to work environment concerns
 - NRC Staff conducted over 100 interviews (>65 for SCWE concerns and >30 for alleged discrimination case)
 - Resource Issue: Initial OI investigator left the agency eight months into the investigation.

Public Perception - Key Messages

■ Communications Plan prepared

- Dr. Harvin's concerns were taken seriously
- NRC conducted a thorough investigation
 - Dedicated a significant amount of resources
 - Carefully considered all issues she raised
- The unsubstantiated discrimination allegation was based on the evidence obtained from over 30 interviews
- Decision does not change our concerns regarding SCWE at Salem/Hope Creek