

From: Scott Barber *LI*
To: Daniel Holody
Date: 5/26/04 1:31PM
Subject: Fwd: RI-2003-A-0110 Ack. Letter. & Ack. Letter Excerpt re: Initial SCWE Response

information in this record was deleted
in accordance with the Freedom of information
Act, exemptions *b7c*
FOIA- 2005-194

T-169

From: David Vito *DT*
To: Hubert J. Miller
Date: 10/16/03 1:35PM
Subject: RI-2003-A-0110 Ack. Letter. & Ack. Letter Excerpt re: Initial SCWE Response

SENSITIVE ALLEGATION MATERIAL - PLEASE TREAT SENSITIVELY

Hub,

See attached.

Salem/Hope Creek Allegation RI-2003-A-0110 - Acknowledgment Letter Excerpt**Initial Response to Allegor's SCWE Concern and Request for NRC Action (i.e. shutdown):**

We have begun our evaluation of the information you provided with regard to SCWE at Salem and Hope Creek. We are sensitive to your concerns about the continued safe operation of these facilities and have informed responsible Region I personnel about the nature of your concerns.

The NRC has noted inconsistencies in performance at Salem and Hope Creek for some time. As a result, we have provided heightened attention to site activities, including a much higher than normal amount of inspection. In fact, the inspection resources expended at Salem for this year through September have exceeded the resources expended at any of the other 15 operating sites in Region I. We have maintained four full-time resident inspectors, treating the plants as two sites even though PSEG has merged operations for Salem and Hope Creek. Additionally, senior Region I management has made a number of extensive site reviews over the past year involving direct interaction with senior corporate and site management. In our last annual and mid-cycle assessments of overall site performance, we have identified substantive cross-cutting issues in problem identification and resolution at both Salem and Hope Creek. This means that due to weaknesses noted in PSEG's identification and effective resolution of problems, the NRC will focus more closely on these areas.

In your September 30, 2003, letter mailed electronically to the Regional Administrator, Region I, you requested an immediate shutdown of the Salem and Hope Creek facilities. Although we also have concerns about operations at the site, based on our extensive oversight, we have concluded that acceptable safety margins still exist and that a directed shutdown of these facilities at this time is not warranted. This conclusion is based on our inspection of events and day-to-day operations during the last 12 months. We have had a number of inspection findings during this period, but all of these findings, with the exception of a Salem Unit 1 diesel generator failure, were of limited safety significance.

In light of our concerns about inconsistent performance, the regional staff, including the Office of Investigations personnel, are reviewing your concerns as a matter of top priority. You have provided additional insights into the PSEG decision making process for some events and issues at the site, which we will consider in our review of the SCWE issue. We informed you during the interview on September 9, 2003, that, for the most part, our inspectors were aware of the related technical issues and PSEG's response efforts. However, it is our intent to reassess these items in light of the work environment context you have provided to determine if additional technical review is warranted. If additional technical review is performed, we will inform you of the results of that review.

N. Kymn Harvin, Ph. D.

RI-2003-A-0110

ex6
[REDACTED]

Subject: Concerns You Raised to the NRC Regarding Salem/Hope Creek

Dear Dr. Harvin:

7C
This letter refers to your conversations with me on September 3-4, 2003, during which you expressed concerns related to Salem/Hope Creek. You were concerned about the work environment for raising safety concerns, potential discriminatory action against you, and [REDACTED]. After our initial contacts, we interviewed you at the NRC Region I office on September 9, 2003, to obtain additional specific detail from you regarding your concerns. NRC Office of Investigations (OI) personnel participated in that interview. You have had a number of subsequent conversations with me and other members of the NRC staff since that time and have provided the NRC with a significant amount of documentation related to site activities (e.g., transient review (TARP) reports, Nuclear Review Board (NRB) meeting summaries and input documentation) that you believe will provide additional insight into the work environment at Artificial Island. Additionally, you sent a letter (via e-mail) to the NRC Region I Regional Administrator on September 30, 2003, reiterating your overall concern about the work environment at Salem/Hope Creek, and requesting that the NRC consider immediate significant action against PSEG (i.e., plant shutdown). Lastly, you provided additional concerns in e-mail messages to me on October 9 and October 11, 2003.

Enclosure 1 to this letter documents your concerns as we understand them. We have initiated actions to examine your concerns and will inform you of our findings. If we have misunderstood or mischaracterized your concerns as described in Enclosure 1, please contact me so that we can assure that they are adequately addressed prior to the completion of our review.

In evaluating your concern related to the work environment for raising safety concerns at Salem/Hope Creek, and any technical matters related to that concern, the NRC intends to take all reasonable efforts not to disclose your identity to any organization, individual outside the NRC, or the public. However, I would like to point out that NRC licensees can and sometimes do surmise the identity of individuals who provide information to us because of the nature of the information or other factors beyond our control. In such cases, our policy is to neither confirm nor deny any licensee assumption as to the source of the information. Additionally, you should be aware that your identity could be disclosed regarding this matter if the NRC determines that disclosure is necessary to ensure public health and safety, to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust, to support a hearing on an NRC enforcement matter, or if you take actions that clearly indicate that you have no objection to being identified as the source of the concerns (such as providing information to the media).

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

N. K. Harvin, Ph. D. 2

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7C [REDACTED]

Lastly, because you have raised a concern of employment discrimination for raising safety concerns, an evaluation of this matter without identifying you would be extremely difficult. Therefore, your identity will be disclosed as part of the NRC's investigation of your discrimination concern. We understand that, in addition to raising your discrimination concern to the NRC, on September 29, 2003, you filed a civil discrimination suit against PSEG in Morris County (NJ) Superior Court. It is likely that your name and the concerns you raised within your civil suit will become a matter of public record.

During a conversation on September 5, 2003, I informed you of your right to file a discrimination complaint with the U.S. Department of Labor (DOL), since DOL, not the NRC, is the federal agency with the authority to order back pay, reinstatement or compensatory damages in such matters. In order to protect one's right to file a discrimination complaint with DOL, one must file a written complaint with DOL Regional Offices for the Occupational Safety and Health Administration (OSHA) within 180 days of the date of the alleged discriminatory action or the date one receives any notice, in writing or otherwise, of an adverse personnel action, whichever occurred first. A complaint must describe the safety issues raised, the resulting adverse personnel action taken, and the causal relationship between the two. While you informed me that it was your choice to file a civil suit in this matter, as opposed to filing a discrimination complaint with DOL, I am enclosing a copy of Title 29 CFR Part 24, DOL's "Procedures for Handling of Discrimination Complaints Under Federal Employee Protection Statutes" for your information.

If a request is filed under the Freedom of Information Act (FOIA) 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.

Enclosed with this letter is a brochure entitled "Reporting Safety Concerns to the NRC," which provides a description of the NRC process in these matters.

Thank you for notifying us of your concerns. We will advise you when we have completed our review. Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me via the NRC Safety Hotline at 1-800-695-7403.

Sincerely,

David J. Vito
Senior Allegation Coordinator

Enclosure(s): As stated

ENCLOSURE 1

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DESCRIPTION OF CONCERNS

Concern 1:

You indicated that there are significant problems with the Safety Conscious Work Environment (SCWE), i.e., with the willingness of personnel to raise nuclear or radiological safety concerns, at Salem/Hope Creek. You indicated that your position as Manager, Culture Transformation, afforded you access to senior management at PSEG, and you observed that the focus of certain senior level managers was one of production over safety. You indicated that your efforts to raise awareness about work environment concerns to management were ultimately received with negative responses from management, and resulted in the termination of your employment (see Concern 2 below regarding your discrimination concern).

During conversations with members of the NRC staff, including a transcribed interview with you on September 9, 2003, you described circumstances which you feel illustrate a poor safety culture at Salem/Hope Creek and PSEG management's emphasis on production over safety. The following is a summarized listing of the information you provided to illustrate this concern:

a. Summaries of meetings/conversations (some taped) with managers, including comments depicting low opinion of safety culture, and lack of ability to practice or apply safety

- indifferent comments from the [REDACTED] during a January 10, 2003, meeting with you about negative results from a recent safety culture survey....."We used to care, now we don't. That's what people tell us. We say stuff (about safety)....people don't believe it. The survey shows we don't care about safety. If we cared about safety, what would it look like?" 7c

- your March 27, 2003, meeting with the [REDACTED] who expressed concern that "fossil" management [REDACTED] is now in charge and [REDACTED] (with a nuclear background) is now gone. It was noted that in the new reporting chain, the [REDACTED] now reports through [REDACTED] to the [REDACTED] while the [REDACTED] reported directly to [REDACTED] 7c

- your March 19, 2003, conversation with the [REDACTED] You indicated that [REDACTED] stated that the site was...."from a nuclear standpoint, dangerous....We don't come from safety They don't trust any of us....The people who want to be part of the solution get marginalized." [REDACTED] added that this could be grounds for the NRC "taking the keys away" (in reference to actions in response to March 17, 2003, bypass valve problems and reactivity event). 7c

- Shift Manager/Assistant Operations Manager meetings (Jan.-Feb. 2003) - communications/accountability problems - communications gaps between management and workers in the field - management tolerates long-standing equipment issues - mindset that things are OK, without understanding the big picture.

N. K. Harvin, Ph. D. 3

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bcc: Allegation File No. RI-2003-A-0110

DOCUMENT NAME:

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OFFICE	ORA/SAC	DRP/RPB3	OI:RI/FOD	ORA/RC	DRP/DD
NAME	DVito	GMeyer	Wilson/Neff	KFarrar	ARBlough
DATE	10/ /2003	10/ /2003	10/ /2003	10/ /2003	10/ /2003

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- You indicated that discussions with several high level managers during the week of March 17, 2003, indicated that there was considerable pressure from senior management to return Hope Creek to service following its forced outage (problem w/bypass valve closure). While appropriate action was eventually taken in that the plant was shut down to repair the valve, you received feedback from Operations supervision that the excessive discussion of this matter was inappropriate and that it should have been a simple decision to bring the plant down to repair the valve. You indicated that you informed [REDACTED] about these comments during your March 20, 2003, discussion with him, and he dismissed them. 7c

- You indicated that at your March 20, 2003, meeting with [REDACTED] you informed him of [REDACTED] "dangerous" comment. You stated that [REDACTED] responded ... "That's a bunch of bullshit." ...and... "We have operators that don't know shit from Shinola, and they want to hide behind the safety banner because they don't know what they're doing." 7c

- You stated that you were informed during your March 20, 2003, discussion with [REDACTED] that PSEG management lacks "defense-in-depth" thinking, and that decision making and reaction to human performance events are not based on safety. You stated that [REDACTED] also informed you that he was not surprised at the reactions [REDACTED] to Operations Department comments about the March 17, 2003, event at Hope Creek (see item above) 7c



- You indicated that at a Spring 2001 PSEG management meeting, you made a statement that "leadership at this site is a nuclear safety issue" and subsequently received a cold response from managers during and after the meeting.

- You indicated that monthly leadership meetings held by [REDACTED] and also by his predecessor [REDACTED] were dreaded by participants because of the harsh, intimidating environment of the meetings.

- You indicated that the current [REDACTED] informed you that "we focus on appeasing employees' safety concerns vs. resolving them."

- In your letter to the NRC Region I Regional Administrator sent electronically on September 30, 2003, you indicated that on September 29, 2003, [REDACTED] informed you that issues at the site, including nuclear safety, "aren't going to be brought up. The environment is not conducive to bringing issues to the forefront. People who spoke up have been berated too long. We are deteriorating under the surface, just like Davis-Besse. I don't know who is 'watching the store' now. Most of

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those who did are now gone."

- You indicated that on October 8, 2003, you spoke with a former Hope Creek manager (unnamed) who, in observing the number of events that have taken place at Hope Creek in 2003 alone stated..."It's a wonder the NRC is still letting them operate." You indicated that the individual's concern was that the lack of organizational stability (following this recent reorganization) and "known leadership" did not bode well for Hope Creek turning this trend around.

- In a list of PSEG contacts you provided to the NRC, you made note of other comments provided to you by some of the listed individuals regarding safety culture/work environment at Salem/Hope Creek as indicated below:

- a [REDACTED] expressed concerns to you about how the site was being led and a lack of engagement by key leaders, and particularly the Production Maintenance Director
- a [REDACTED] told you he would not go to management because they "make you do what's wrong"
- a [REDACTED] told you that he thought the senior and middle management team was "out to lunch" regarding nuclear safety
- [REDACTED] told you ..."We invest in what keeps us productive, not what keeps us safe." He also indicated to you that he did not trust [REDACTED] and [REDACTED] operational decision-making (nuclear safety wasn't first) but did trust [REDACTED] operational decision-making.
- a [REDACTED] informed you that he "didn't trust leadership. People are lying to my face."

b. Other Comments and Items of Input With Regard to SCWE at Salem/Hope Creek

- your March 25, 2003, letter to [REDACTED] after you were informed that your employment was to be terminated, reiterating your concerns about the work environment at Artificial Island, and describing the retaliatory action against you
- your "fictional article" using NASA shuttle disaster as a parallel - You feel that the work environment at Salem/Hope Creek is similar, i.e. production vs. safety pressure has been so long-standing that it is part of the culture.
- You indicated that the current reorganization/downsizing at Artificial Island is being used as a guise to get rid of individuals who espoused safety (e.g. [REDACTED], [REDACTED]).
- You provided internal PSEG documents, including Nuclear Review Board (NRB) documentation, regarding periodic performance assessments in the plant functional areas, which included discussion of communications problems and other impediments to the safety culture.

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- ECP SCWE survey results (including specific comments received from 4th Quarter 2002/1st Quarter 2003) - negative commentary
- You noted that Salem has had a "revolving door" of Operations managers. You indicate that many of these individuals left because of concerns about the company's approach to safety (e.g. [REDACTED]).
- You do not feel that the Employee Concerns Program (ECP) has had a strong track record, primarily since ECP reported to [REDACTED] and many people were afraid [REDACTED].
- You indicated that you have spoken with all of the Salem Operations crews and were given feedback that management doesn't pay attention to their safety concerns. You noted that after the September 24, 2002, valve manipulation (industrial safety) issue, many individuals said they would not bother reporting issues. You indicated that you asked the NEOs if they were ever asked to do anything that was unsafe, and that all responded affirmatively.
- You noted that a [REDACTED] painted a very negative picture of work environment at Salem/Hope Creek.
- Regarding your efforts to improve the work environment at the facility, you indicated that things improved until 2002, but entered sharp decline after mid-2002, when the site again received an INPO rating in this area (not obvious to INPO that any perceived improvement in work environment was sustainable). You portrayed the work environment as moving from "toxic" when you arrived in 1998, to a "middle stage" in mid-2002, then falling backward. You indicated that after the mid-2002 INPO rating, [REDACTED] lost faith in his management team, and became disenfranchised, distant, invisible. ~~EX-5~~
7c
- You indicated that in Fall 2002, an individual who was observing a Maintenance training class informed you that technicians in the class spoke up about their [REDACTED] insisting that they do "unsafe" things to keep production high and meet schedule. You suggested that the individual discuss the comments with [REDACTED] supervisor, who purportedly did not take the issue seriously. You indicated that some complaints about this matter may have been submitted to ECP.
- Other comments provided to you:
 - safety concerns are given lip-service
 - managers are pressured to defend their safety choices
 - many operators (licensed and non-licensed, primarily Salem) informed you that there is pressure to make non-conservative decisions
 - work place characterized by fear and intimidation
 - management spends a lot of time trying to direct NRC and INPO away from issues
 - a "kiss up, kick down" work environment [REDACTED]
 - "you can build a case around the answer you want." [REDACTED]

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c. Plant Events/Evolutions/Conditions Illustrating the Safety Culture/SCWE Problem

- June 18, 2003, Hope Creek Emergency Diesel Generator (EDG) jacket water leak - the [REDACTED] chose not to follow an instruction from the [REDACTED] not to commence a plant shutdown when nearing the end of a 72 hour technical specification limiting condition for operation (LCO) action statement. You perceived that the [REDACTED] was under pressure from upper management [REDACTED] and [REDACTED] to produce power. (Power was reduced to 40%, contrary to [REDACTED] instruction.) You noted that [REDACTED] has since resigned.

[REDACTED] in the Salem control room (2002), told an [REDACTED] to "N/A" a procedure step to move forward with plant startup - you did not know if PSEG investigated this matter or if a Notification was written to document the occurrence. You indicated that you learned about this in management meetings and noted that it was an example of Operations personnel being pressured to take a non-conservative action. You added that [REDACTED] tried to get [REDACTED] fired because of this incident, but was unsuccessful.

- April 2003 "grassing" event at Salem - management wanted to assign three workers around the clock (to clear grass intrusion). A manager [REDACTED] spoke up, asking if lessons had been learned from previous experience with grass intrusion at the Salem intake. [REDACTED] felt that management was not following protocol from the previous event. [REDACTED] informed you that he felt unheard and afraid to go up the management chain.



- You received information from NEOs indicating excessive use of temporary logs (workarounds) to monitor degraded equipment

- Tritium issue [REDACTED] - "higher than they ought to be"...."a serious issue that had to be handled with kid gloves to keep us out of trouble." You indicated that you did not have a lot of specific detail about this issue, but offered that [REDACTED] could provide additional insight.

- You indicated that since [REDACTED] took over, there was an offgas issue at Hope Creek. You heard that radiation safety concerns were expressed. You indicated that you did not know the details of how this matter was handled, but that concerns were raised to you about the inattention of management to issues raised.

- Hope Creek reactivity management event during bypass valve shutdown. You indicated

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that you were informed by a [REDACTED] that the response to this event was ill-conceived, ill-planned, and that operators didn't feel they had the power to stop the evolution. You stated that [REDACTED] informed you that senior leadership didn't give the right level of support.

- You indicated that in 2001, an engineer [REDACTED] reportedly went to [REDACTED] with safety issues and was treated very harshly, was subsequently demoted, then transferred to the fossil side of PSEG. You did not know the specific issues raised by the engineer.

- You indicated that shortly after you left the site, a Hope Creek employee [REDACTED] was asked by management to modify a Notification about "in-leakage." You did not know any additional detail about this matter, but indicated that [REDACTED] could provide that information.

- You indicated that there is a current issue at Salem 2 involving an Inservice Inspection (ISI) relief request (S2-12-RR-A16) regarding ultrasonic examination of Salem 2 system piping. You have heard that there is concern that PSEG is not being truthful and that some kind of "cover-up" for a bigger problem is happening. You indicated that you would attempt to obtain additional information about this matter.

Partial Response to Concern 1:

We have begun our evaluation of the information you provided with regard to SCWE at Salem and Hope Creek. We are sensitive to your concerns about the continued safe operation of these facilities and have informed responsible Region I personnel about the nature of your concerns.

The NRC has noted inconsistencies in performance at Salem and Hope Creek for some time. As a result, we have provided heightened attention to site activities, including a much higher than normal amount of inspection. In fact, the inspection resources expended at Salem for this year through September have exceeded the resources expended at any of the other 15 operating sites in Region I. We have maintained four full-time resident inspectors, treating the plants as two sites even though PSEG has merged operations for Salem and Hope Creek. Additionally, senior Region I management has made a number of extensive site reviews over the past year involving direct interaction with senior corporate and site management. In our last annual and mid-cycle assessments of overall site performance, we have identified substantive cross-cutting issues in problem identification and resolution at both Salem and Hope Creek. This means that due to weaknesses noted in PSEG's identification and effective resolution of problems, the NRC will focus more closely on these areas.

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day-to-day operations during the last 12 months. We have had a number of inspection findings during this period, but all of these findings, with the exception of a Salem Unit 1 diesel generator failure, were of limited safety significance.

In light of our concerns about inconsistent performance, the regional staff, including the Office of Investigations personnel, are reviewing your concerns as a matter of top priority. You have provided additional insights into the PSEG decision making process for some events and issues at the site, which we will consider in our review of the SCWE issue. We informed you during the interview on September 9, 2003, that, for the most part, our inspectors were aware of the related technical issues and PSEG's response efforts. However, it is our intent to reassess these items in light of the work environment context you have provided to determine if additional technical review is warranted. If additional technical review is performed, we will inform you of the results of that review.

Concern 2:

You stated that your employment was terminated after raising concerns to the [REDACTED] and subsequently to the [REDACTED] via letter dated March 25, 2003, about the work environment for raising safety issues at Artificial Island. A subsequent Artificial Island ECP investigation was conducted, which concluded that you were not discriminated against, but rather that your position was eliminated.

More specifically, you indicated that you were called to a meeting with the [REDACTED] on February 26, 2003, purportedly to discuss "your bonus." However, after discussing your work environment concerns with the [REDACTED] you were informed that your employment was to be terminated. You indicated that you were initially told that you could stay on board until April 16, 2003, but later learned that immediately after speaking with the [REDACTED] on February 26, 2003, he directed that your departure be "accelerated."

You added that after being informed about the termination of your employment on February 26, 2003, you submitted a letter to the [REDACTED] dated March 25, 2003, reiterating your concerns about the work environment at Artificial Island, and describing the retaliatory action against you. You indicated that you were contacted the following day (March 26, 2003) by the [REDACTED] who informed you that the [REDACTED] and the [REDACTED] wanted you "out by Friday" (March 28, 2003). You left the site on March 28, 2003. You feel that this was additional retaliation for writing the letter to the [REDACTED]

Regarding the ECP investigation conclusion that your position was eliminated and that you were not discriminated against, you indicated that after your departure, people were brought in immediately to perform the function you were performing.

Partial Response to Concern 2:

The NRC Office of Investigations (OI) has initiated an investigation to determine whether you were discriminated against by PSEG management for raising concerns about the safety culture/

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work environment at the Salem/Hope Creek facility. We will also be monitoring and assessing any findings rendered by the Morris County Superior Court with regard to your civil suit, as part of our review of your discrimination concern. When we have completed our investigation, we will notify you our findings and final resolution.

Concern 3:

When you initially contacted the NRC, you indicated that PSEG has a tendency to destroy documents that are not in their favor, but you did not provide specifics at that time. During the subsequent interview with you on September 9, 2003, and in information given to the NRC after the interview, you provided additional information with regard to this statement and other items that may involve potential wrongdoing as indicated below:

a.

- 
- b. You indicated that people informed you that a number of their comments which were reflective of the negative work environment at Salem/Hope Creek were eliminated from the final documentation developed by a Winston and Strawn review conducted after you filed discrimination/work environment concerns with ECP in March 2003.
- c. [REDACTED] in the Salem control room (2002), told a [REDACTED] to "N/A" a procedure step to move forward with plant startup - you did not know if PSEG investigated this matter or if a Notification was written to document the occurrence.
- d. June 18, 2003, Hope Creek Emergency Diesel Generator (EDG) jacket water leak - the [REDACTED] chose not to follow an instruction from the [REDACTED] not to commence a plant shutdown when nearing the end of a 72 hour technical specification limiting condition for operation (LCO) action statement. You perceived that the [REDACTED] was under pressure from upper management ([REDACTED] and [REDACTED]) to produce power. (Power was reduced to 40%, contrary to [REDACTED] instruction.)
- e. You indicated that shortly after you left the site, a Hope Creek employee [REDACTED] was asked by management to modify a Notification about "in-leakage." You did not know any additional detail about this matter, but indicated that [REDACTED] could provide that information.
- f. You indicated that there is a current issue at Salem 2 involving an Inservice Inspection (ISI) relief request (S2-12-RR-A16) regarding ultrasonic examination of Salem 2 system

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pipng. You have heard that there is concern that PSEG is not being truthful and that some kind of "cover-up" for a bigger problem is happening. You indicated that you would attempt to obtain additional information about this matter.

Partial Response to Concern 3:

We will be performing preliminary assessments of the circumstances surrounding these incidents to ascertain whether sufficient evidence of potential wrongdoing is presented to warrant the initiation of an investigation by the NRC OI. If such evidence exists, OI will initiate investigation(s) to determine whether a violation of 10 CFR 50.5 (deliberate misconduct) or 10 CFR 50.9 (the provision of false or inaccurate information regarding NRC regulated activities) occurred. If we determine that there is insufficient evidence to warrant initiation of an OI investigation, we will continue to assess these matters within the context of the SCWE concern (Concern 1). In any event, enforcement action will be considered, if necessary.