

From: Andrea Kock ^{OK}
 To: David Vito ^{RV}
 Date: 12/3/04 3:36PM
 Subject: Fwd: Re:UCS ltr - - ucs issues for tomorrow's meeting - - Action requested

Thanks. I did talk to her after the meeting. she didn't bring anything up other than why it is taking so long for us to complete her investigation. I explained that to her. I emphasized that she knows where to find us if she wants to add to what she said last night, and that I hope she feels confident in our ability to address any of those issues. Again, I would have been more than happy to get more, but Scott indicated we've been down the road and I didn't want to reinvent the wheel or open new wounds.

Thanks

-Andrea K.

>>> David Vito ^{RV} 12/03/04 03:26PM >>>

I have told the Projects reps at the meeting to write up what she said so that I can look at it and determine if we have seen it before or not. If I haven't, an allegation file will be opened.

>>> Andrea Kock ^{OK} 12/03/04 02:45PM >>>

Dave: Thanks for following up on this and making sure it goes in the system if need be.

I also wanted to check with you on some things I heard during Dr. Harvin's presentation at the public meeting last night. Some of her statements may be allegations, but I spoke to the PM (Scott Barber) and he indicated that RI had already followed up on the issues and most specifically on the statement about individuals lying to the NRC, so I didn't go any further. also, since you mentioned that the CI recently sent a letter to RI, I assumed that any recent issues were captured in the letter. I wanted to check with you to make sure that we have in fact evaluated the following statements made by Dr. Harvin:

- at least one individual lied during the NRC's "investigation" and due to the presence of the company lawyer during our interviews.- the PM indicated that Dr. Harvin was referring to our review and interviews related to SCWE and that we had previously requested additional information from Dr. Harvin, but were not able to obtain enough information to pursue this
- individuals were recently transferred between units after raising concerns)a third hand complaint of discrimination- if we haven't, we need to explain that we don't pursue third hand complaints and these individuals would need to report such instances directly to the NRC. Since the Ci has been bringing issues to us from those at the site for a long time, I assume we have already had similar discussions with her.

If you could, I would appreciate any information you have on how these were previously addressed. If they haven't been addressed, we need to engage the CI and obtain more information.

Thanks.

-Andrea K.

>>> David Vito ^{RV} 12/02/04 08:29AM >>>

- SENSITIVE ALLEGATION INFORMATION -
 - PROTECT ACCORDINGLY -

Randy,

Handwritten: 11-16

I have gotten input from Dan, Lisa J. and Andrea K., and the consensus is that we should put an item from the letter into AMS with regard to the Notification that purportedly may have been a precursor to the 10/10 event. Dr. K. had mentioned this in considerably less detail previously and we informed her that we were looking at any Notifications that may relate to the event as part of the then ongoing SIT. Since we now have more specific detail about the subject matter of the Notification, and I'm not sure the SIT has looked at it (although I would assume they probably did), I agree that calling this an allegation would appear to be appropriate at this time. If you have other knowledge, i.e. that the SIT had already identified the Notification, reviewed it, and rendered conclusions about it, we could still keep the issue out of the Allegation process on that basis (and make it an RA Action Item to respond). If I don't hear anything contrary from you/DRP by the end of today (12/2), I will draw up an Allegation Receipt Report for this.

&1
>>> A. Randolph Blough 12/01/04 12:58PM >>>

Ltr from UCS asserting that

- 1) our delay in completing investigation has wronged Harvin and chilled others
- 2) PSEG's mgt handling of the outage and R/S plan, in the days immediately after the 10/10 scram, has harmed SCWE seriously.

Ernie - - i will need your advice on how to handle this question tomorrow night

Ray/Gene - - i will need the residents' and SIT's take on the assertion about HC decision-making. we can discuss a bit tomorrow.

We know UCS also sent the ltr to PSEG - - i will get their take on it and find out if anything they are saying tomorrow will help address this.

Dave Vito - - do we need to enter as an allegation or simply a RA action item to respond.

Cyndy - - please initiate an the RA action item, if needed, based on Dave's reply.

thanks.

randy

CC: Lisamarie Jarriel

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <ARB@nrc.gov>
Date: 12/1/04 11:25AM
Subject: Re: your recent letter

Hello Randy:

On Monday morning, we mailed and e-mailed the attached letter to you. In checking just now, the e-mail to you got bounced back. I'd not noticed until your e-mail.

Sorry for the delay getting you this letter,
Dave Lochbaum

>>> "A. Randolph Blough" <ARB@nrc.gov> 12/01/04 10:30AM >>>
Dave, i am hearing you sent me a letter recently but i have not seen anything in the last few days.
Is there a recent letter to me?
randy



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

November 29, 2004

Mr. A. Randolph Blough, Director – Division of Reactor Projects
 United States Nuclear Regulatory Commission Region I
 475 Allendale Road
 King of Prussia, PA 19406-1415

**SUBJECT: SAFETY CULTURE PROBLEMS AT THE SALEM AND HOPE CREEK
 GENERATING STATIONS**

Dear Mr. Blough:

On December 2, 2004, staff of the Nuclear Regulatory Commission (NRC) and representatives of PSEG Nuclear (PSEG) will conduct a public meeting to discuss progress made towards correcting serious safety culture problems at the Salem and Hope Creek nuclear power plants. On one hand, it is encouraging that this meeting will transpire since it amounts to an implicit admission by the NRC and PSEG that the "dark ages" of neglect and oppression existed. On the other hand, it is discouraging that so many unsafe byproducts – "sins of the past" – remain from those days. While the NRC and PSEG have plenty to discuss during this overdue meeting, the Union of Concerned Scientists (UCS) feels there are two important issues to address.

First, the NRC must cease its injustice to workers and former workers at the Salem and Hope Creek nuclear plants who risked much to make safety allegations to the agency. For example, Dr. Kymn Harvin came to the NRC in September 2003 with documented allegations, backed by audio taped conversations with senior PSEG officials. The NRC should be ashamed of its foot dragging in this matter. The NRC's own procedures specify a 180-day timeline for investigating allegations and a 10-month timeline for completing Office of Investigations Inquiries, yet the NRC didn't even come close to meeting either of these timelines in Dr. Harvin's case. It is extremely telling, and quite damning, that the NRC has NEVER, repeat NEVER, missed a timeline for nuclear plant license renewal. Clearly, the agency's priorities are improperly focused away from safety.

The NRC's inability to investigate well documented allegations of retaliation and discrimination in a reasonably timely manner is an unacceptable disservice to Dr. Harvin and others like her. Their lives are thoroughly and irreparably altered and the NRC's glacial pace unnecessarily prolongs their agony. If Dr. Harvin and other PSEG workers had not been brave enough, courageous enough, and concerned enough about employee and public safety to risk much by coming to the NRC, it is likely that conditions at Salem and Hope Creek would be as pitiful today as they were in March 2003 when PSEG terminated Dr. Harvin.

The cliché "*Justice Delayed is Justice Denied*" applies and has the chilling effect of dissuading other workers from contacting the NRC with their own safety concerns. Who can blame them for remaining silent when the NRC denies them the justice they deserve under federal regulations? The NRC must do a much better job of serving this vitally important constituency. If those with first-hand knowledge of safety problems do not come forward, we all face a higher, and totally unnecessary, risk of a nuclear accident. These individuals deserve the NRC's best effort, not the untimely, shoddy treatment they've endured from the NRC thus far.

Washington Office: 1707 H Street NW Suite 600 Washington DC 20006-3919 202-223-6133 FAX: 202-223-6162
 Cambridge Headquarters: Two Brattle Square □ Cambridge MA 02238-9105 □ 617-547-5552 □ FAX: 617-864-9405
 California Office: 2397 Shattuck Avenue Suite 203 □ Berkeley CA 94704-1567 □ 510-843-1872 □ FAX: 510-843-3785

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The second issue affects the NRC and PSEG. It involves the response to the October 10th pipe rupture event at Hope Creek. While the specifics of what happened and why will be the focus of the public meeting tentatively scheduled for December 14th, the safety culture implications of that event are relevant to the subject of the December 2nd meeting.

The Hope Creek reactor shut down on Sunday, October 10th after an 8-inch diameter pipe broke in the turbine building. PSEG had planned to enter a refueling outage on October 29th. PSEG initially attributed the pipe failure to an improperly installed pipe hanger. PSEG managers directed workers to undertake steps to restart Hope Creek as soon as possible so as to consume ten more days of fuel from the reactor core before the refueling outage.

On Saturday, October 16th, PSEG was nearing the end of the repairs to the broken pipe and tentatively planned to restart Hope Creek by Tuesday, October 19th. PSEG senior manager Michael Brothers visited the Hope Creek control room that Saturday. He encountered something close to mutiny. The control room operators and their Operations Department management forcefully conveyed to Mr. Brothers their strong and unified convictions that Hope Creek could not be readied for restart in a few days because the unit would not be safe to operate in its current condition with so many safety systems not functioning properly. Mr. Brothers left the control room following the confrontation and relayed the information to PSEG Nuclear's President A. Christopher Bakken. Within an hour, Mr. Bakken announced that restart plans had been cancelled and Hope Creek would transition directly into its refueling outage.

Exactly one month to the day after PSEG's abandoned restart date for Hope Creek, Mr. Bakken announced that the root cause of the pipe break was not an improperly installed pipe hanger (as originally asserted) but a malfunctioning valve that created excessive stresses in the piping. The malfunctioning valve had been reported weeks before the pipe rupture by a dedicated control room operator but summarily dismissed by PSEG's engineering organization. Consequently, Hope Creek continued to operate in a degraded condition until the pipe wore out and broke.

The safety culture questions raised by PSEG's response to the October 10th event:

1. Is (was) the NRC aware of the courageous stand taken by the Hope Creek operators in the control room on October 16th and its role in PSEG's decision to decide against restart? If not, does NRC have a clear picture of the true safety culture condition at this site?
2. Why was there such a large perception gap between PSEG senior managers and Hope Creek operators that allowed the former to believe restart was feasible and the latter to adamantly oppose it?
3. Why did it take nearly a week and a show down between Hope Creek Operations and PSEG senior managers to narrow the perception gap?
4. Would PSEG have restarted Hope Creek without first identifying the true root cause of the pipe break? If not, what formal administrative process would have prevented restart?
5. Have the Hope Creek operators been publicly praised for their courageous "Safety First" stand and this event used as a learning tool for managers who need senior leadership's encouragement to listen to workers more fully?

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We look forward to the December 2nd meeting and the NRC/PSEG discussion of these important issues.

Sincerely,

A handwritten signature in black ink that reads "David A. Lochbaum". The signature is written in a cursive, flowing style.

David Lochbaum
Nuclear Safety Engineer
Washington Office

Received: from lgate.nrc.gov [148.184.176.31]
by NRRWMS05.NRC.GOV; Wed, 01 Dec 2004 11:24:39 -0500
Received: from mail.ucsusa.org (mail.ucsusa.org [208.50.113.51])
by smtp-gateway SMTP id iB1GLHev025024
for <ARB@nrc.gov>; Wed, 1 Dec 2004 11:21:18 -0500 (EST)
Received: from UCSUSA-MTA by mail.ucsusa.org
with Novell_GroupWise; Wed, 01 Dec 2004 11:23:35 -0500
Message-Id: <s1ada9b7.049@mail.ucsusa.org>
X-Mailer: Novell GroupWise Internet Agent 6.0.3
Date: Wed, 01 Dec 2004 11:23:24 -0500
From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <ARB@nrc.gov>
Subject: Re: your recent letter
Mime-Version: 1.0
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Content-Type: text/plain; charset=US-ASCII
Content-Transfer-Encoding: quoted-printable
Content-Disposition: inline

Hello Randy:

On Monday morning, we mailed and e-mailed the attached letter to you. In checking just now, the e-mail to you got bounced back. I'd not noticed until your e-mail.

Sorry for the delay getting you this letter,
Dave Lochbaum

>>> "A. Randolph Blough" <ARB@nrc.gov> 12/01/04 10:30AM >>>
Dave, i am hearing you sent me a letter recently but i have not seen anything in the last few days.
Is there a recent letter to me?
randy

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