

**From:** Ernest Wilson *EW*  
**To:** Blough, A. Randolph; Ferdas, Marc; Gray, Mel; Holody, Daniel; Imbro, Gene; Malone, George; Orr, Daniel  
**Date:** 1/5/05 10:41AM  
**Subject:** Fwd: Q&A INPUT REQUESTED (NLT COB 12/30/04) RE: HOPE CREEK/PSEG

Randy,

More to #5 - I just got back from use or lose and don't know if this too late but, you could also advise that OI's goal is to close investigations with a Report of Investigation in 10 months or less, in 80% of all cases investigated. Discrimination cases, by their nature, are usually complex (not easy black/white issues) and take time. This case in particular fell outside of the 10 months goal due to the sheer volume of documents that needed to be reviewed and numerous interviews and follow-up interviews that were required to complete a thorough, independent investigation. OI strives to get the answer right and won't sacrifice thoroughness in order only to meet a timeliness goal. That would be unfair to the alleger and the accused. All logical leads are followed to a conclusion based on the evidence developed.

Ernie *EW*  
 >>> Daniel Holody 12/30/04 02:33PM >>>

Randy

As requested, here are some thoughts on Qs 4, 5, & 9

**4. If it's safe, why do you need a CAL? what authority does a CAL carry? Can't PSEG, or eventually exelon, still do whatever they want?**

Section 4.7 of the NRC Enforcement Manual, accessible via the NRC website, notes that CALs are letters issued to licensees to emphasize and confirm agreement to take certain actions in response to specific issues. They are normally issued for emergent situations where the staff believes that it is not necessary or appropriate to develop a legally binding requirement, in light of the agreed upon commitments. Section 4.7.a list types of issues for which CALs may be issued, and include equipment operation and safety verification. In light of the PSEG commitments in this case, including the monitoring of vibration levels for the RR pump, as well as their plans to replace the pump at the next refueling outage, the NRC decided that it was appropriate to confirm those licensee commitments via a CAL in this case.

**5. What is status of OI investigation on Dr H's discrim claim? Isn't it in effect unfair to Dr H and mistreatment of a whistleblower for NRC to take so long in this investigation? (blough)**

The NRC is nearly completion of its review of this matter. Discrimination cases have traditionally been difficult cases to investigate and take time. In this particular case, NRC focus on the SCWE review, which included OI assisting the staff on more than 65 interviews, led to additional delays. This matter is receiving appropriate NRC attention and we hope to reach a final conclusion and decision within the next few months.

**9. why a CAL for this and not for SCWE issues? Is this worse than the SCWE problem, or does this just show that NRC didn't care enough about SCWE to use a CAL? (blough)**

The NRC has made compared the significance of "B" RR pump issue with the significance of the SCWE issue. However, both have received significant NRC attention. While a CAL was not issued for the SCWE case, the NRC did provide increase oversight for the Salem/Hope Creek facilities, in view of the substantive cross-cutting issue in SCWE and a longstanding cross-cutting issue in PI&R. The NRC's Executive Director for Operations approved a deviation from the NRC's Action Matrix on August 23, 2004 [ADAMS Ref. ML042290139]. This deviation authorized the staff to provide a greater level of oversight for

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these stations than would typically be called for by the Regulatory Response Column of the Action Matrix including: (1) conduct of periodic management meetings and site visits; (2) elevation of the level of NRC management involvement in meetings, site visits, and correspondence; (3) establishment of an internal NRC coordination team, involving regional and headquarters experts in reactor oversight, SCWE and related performance attributes, to coordinate NRC review efforts and assist in evaluation of licensee self-assessment efforts; (4) review of PSEG's detailed improvement plans to identify SCWE and related performance attributes for further NRC inspection; and (5) enhancement of existing baseline inspections by adjusting inspection scope, as necessary, to verify the effectiveness of licensee improvement efforts in these areas. The NRC plans to continue with this heightened oversight until PSEG has concluded that substantial, sustainable progress has been made; and the NRC has completed a review, the results of which confirm PSEG's assessment results. Based on the above, a CAL was not deemed warranted for the SCWE issue.

hope this helps - dan

*RT*  
>>> A. Randolph Blough 12/29/04 06:09PM >>>

see attached. you may be the "suggested responder" for some of the expected Q's at the meeting with PSEG next week.

Dan/ernie - - any advice on how to answer items 4, 5 & 9?  
thanks

CC: Cobey, Eugene

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**Creation Date:** 1/5/05 10:41AM  
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