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Allegation No.: RI-2003-A-0018

Site/Facility: Hope Creek

ARB Date: 4/30/04

Branch Chief (AOC): Barber (Actg)

Acknowledged: NA

Confidentiality Granted: NA

Issue discussed: During a December 2002 SSDI, the NRC staff suspected that PSEG managers may have made statements that indicated that certain EDG surveillance testing had been completed, when in fact, it had not been completed in accordance with the Technical Inspection. These statements would have constituted a violation of 10 CFR 50.9 which requires licensees to provide complete and accurate information to the NRC. This is information was material because it was needed by NRC to verify that certain EDG surveillance testing had been completed satisfactorily to prove EDG operability.

Alleger contacted prior to referral to licensee (if applicable)? NA

ALLEGATION REVIEW BOARD DECISIONS

Attendees: Chair - Blough Branch Chief (AOC) - Barber (Actg) SAC - Vito, Harrison
OI Rep. - Wilson RI Counsel - Others - Crlenjak

DISPOSITION ACTIONS: (List actions for processing and closure. Note responsible person(s), form of action closure document(s), and estimated completion dates.)

- 1) DRS to review completed OI case to verify that it addresses the potential SSW case identified during the December 2002 HC SSDI and that no new technical issues were identified.

Responsible Person: DRS
Closure Documentation:

ECD: 04/30/04
Completed:

- 2) 3 Week OE Memo

Responsible Person: SAC
Closure Documentation:

ECD: 05/13/04
Completed:

- 3) If no new technical issues were identified, DRS to coordinate with DRP to draft a closeout for the allegation.

Responsible Person: DRS/PB3
Closure Documentation:

ECD: 06/30/04
Completed:

SAFETY SIGNIFICANCE ASSESSMENT: The risk significance of this concern appears low since the required testing has already been completed.

PRIORITY OF OI INVESTIGATION: Priority to be determined based on the outcome of the SSW discussion.

If potential discrimination or wrongdoing and OI is not opening a case, provide rationale here (e.g., no prima facie, lack of specific indication of wrongdoing):

Rationale used to defer OI discrimination case (DOL case in progress):

ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB

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ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION (only applies to wrongdoing matters (including discrimination issues) that are under investigation by OI, DOL, or DOJ):

What is the potential violation and regulatory requirement? _____

When did the potential violation occur? _____

(Assign action to determine date, if unknown)

Once date of potential violation is established, SAC will assign AMS action to have another ARB at four (4) years from that date, to discuss enforcement statute of limitations issues.

NOTES: (Include other pertinent comments. Also include considerations related to licensee referral, if appropriate. Identify any potential generic issues) _____

Distribution: Panel Attendees, Regional Counsel, OI, Responsible Individuals (original to SAC)