

Allegation No.: RI-2004-A-0029  
Site/Facility: Salem/Hope Creek  
ARB Date: 3/11/04

Branch Chief (AOC): Meyer  
Acknowledged: No  
Confidentiality Granted: No

Issue discussed: March 9, 2004 letter to H. Miller

Alleger contacted prior to referral to licensee (if applicable)? No

**ALLEGATION REVIEW BOARD DECISIONS**

Attendees: Chair - Blough Branch Chief (AOC) - Meyer SAC - Vito  
OI Rep. - Wilson, Neff RI Counsel - \_\_\_\_\_ Others - Holody, J White, Wingfield

**DISPOSITION ACTIONS:**

- 1) Acknowledgment letter which address the following:

regarding the first two issues (50.9), inform the individual that the staff has reviewed the matter and has concluded that 50.9 violations did not occur

the first item is not a 50.9 issue because the NRC letter asked the licensee to provide its plans for review and did not request any assessment results; the licensees failure to provide the Synergy results to the NRC is not a 50.9 issue, but we note that the results are available for NRC review onsite and are being reviewed by the NRC;

the 2<sup>nd</sup> item is not a 50.9 issue because the nature of the changes at the site, as well as the impacts of them, are subjective and open to interpretation and the NRC does not believe that the licensees views represent an inaccurate or incomplete statement - notwithstanding the licensee's interpretation, the NRC will continue to evaluate the environment at the station, not only via our own assessments, but also our reviews of the licensees assessments referenced in its February 27, 2004 letter

regarding the last two issues (environment), the NRC will consider the information that he provided, and indicate that the NRC will continue its ongoing review of the environment, take any additional actions if and as safety dictates, and inform him when complete

Include Farrar, Meyer & Blough on the concurrence list for this letter

Responsible Person: SAC  
Closure Documentation: \_\_\_\_\_

ECD: 4/8/04  
Completed: \_\_\_\_\_

- 2) Continue the current NRC review of the work environment

Responsible Person: \_\_\_\_\_  
Closure Documentation: \_\_\_\_\_

ECD: \_\_\_\_\_  
Completed: \_\_\_\_\_

**ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB**

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- 3) DRP to coordinate with Region III to better understand all of the culture and safety reviews done at Davis Besse to better understand the comparison. (DRP to discuss with the RIII staff, and SAC to ask AAA for her understanding)

Responsible Person: Meyer  
 Closure Documentation: \_\_\_\_\_

ECD: \_\_\_\_\_  
 Completed: \_\_\_\_\_

**SAFETY SIGNIFICANCE ASSESSMENT:**

**PRIORITY OF OI INVESTIGATION:** High Normal Low

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):

**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)