

From: David Vito *RV*
To: Gregory Cwalina; Lisamarie Jarriel
Date: 12/29/03 1:12PM
Subject: Re: Fwd: Salem Safety Culture

- SENSITIVE ALLEGATION INFORMATION -
- PROTECT APPROPRIATELY -

Greg and Lisa,

Attached is our answer to the questions posed to Lisa by DL. However, please be advised that we have not as yet divulged our knowledge of the allegor and her issues to DL. I know that she has spoken with DL on a few occasions, and he has e-mailed me once indicating his knowledge of the issue, and his intentions to monitor our efforts. But since we don't feel she has gone into the status of a "widely known allegor" (as yet), we have not involved DL to date. I know that will make things difficult for you in terms of providing feedback to DL. So, if you have a suggestion, please let me know how you would like to handle. If you believe it's appropriate, I would have no problem calling her up and telling her of DL's interest in our efforts, and asking her if it would be OK to discuss this matter with him.

OK
>>> Lisamarie Jarriel 12/23/03 04:32PM >>>
Gentlemen,

Take a look at the attached email from D. Lochbaum concerning Salem/HC. He asks:

- a) Is the safety culture inquiry being conducted by staff from Region I?
- b) If not, then by whom?
- c) Which NRC inspection procedure is governing the inquiry?

Can you two talk on the 29th and Greg, you call Dave L. for me.

Thanks, Lisa

CC: Daniel Holody; Eileen Neff; Ernest Wilson; Glenn Meyer; Hubert J. Miller; James Wiggins; Leanne Harrison; Scott Barber; Sharon Johnson

R-31

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Act, exemptions 7C
FOIA- 2005-094

A. IS THE SAFETY CULTURE INQUIRY BEING CONDUCTED BY STAFF FROM REGION I?

Region I, as part of its evaluation of the SCWE aspect of this allegation, among other actions, is conducting interviews of a cross section of employees at the station, with primary focus in the Operations area, commensurate with the nature of the alleged's assertions. More than 30 interviews have been done to date, and additional interviews are planned. The purpose of the interviews is to gain perspective on the alleged's assertions while also obtaining views from site staff as to whether they feel free to raise safety concerns, either internally, or to the NRC. OI is assisting the technical staff in this effort but is not conducting an investigation, since there is no SCWE regulation. The interviews are being conducted as part of the SCWE allegation review.

[Note: As surmised by DL, OI is conducting an investigation into the alleged's assertion of discrimination.]

B. IF NOT, THEN BY WHOM?

As noted in the response to Question A, Region I is conducting the SCWE review, with the assistance of OI in performing pertinent interviews.

C. WHICH NRC INSPECTION PROCEDURE IS GOVERNING THE INQUIRY?

When SCWE or chilled work environment allegations are received, the staff initially considers whether the issue can be referred to the licensee for response, consistent with the guidance provided in SECY 98-176 (9/1/98). In this instance, referral to the licensee was initially considered, but given the level of management purported to be involved in creating the alleged safety culture/work environment problem, it was not recommended by the ARB.

Regarding NRC guidance for performing the review, the option ultimately selected by the Commission from SECY 98-176 was that SCWE matters should be reviewed on a "case-by-case basis" through several means, including the assessment of "allegations of chilling effect." The current approach of the Region I review is to perform a focused set of interviews aimed at determining whether the alleged's assertions with regard to safety culture/SCWE at Salem/Hope Creek have validity. Region I will be assessing the results of these focused interviews, along with other pertinent information, to determine whether additional action is needed (for example, (1) a more broad-based special inspection under Inspection Procedure 40001 (Resolution of Employee Concerns)¹, or as part of the baseline Inspection Procedure 71152 (Identification and Resolution of Problems) such as the one conducted in June 2003 by Region IV at South Texas; (2) a management meeting with the licensee such as the one conducted in October 1997 at Zion; (3) a Demand for Information; (4) a Chilling Effect Letter; or (5) an Order to have the licensee conduct a third party SCWE review such as the one that Little Harbor did at Millstone.

¹ Procedure 40500, Effectiveness of Licensee Controls in Identifying, Resolving, and Preventing Problems, is not a procedure identified as being applicable to MC 2515, the Reactor Inspection Program. However, the procedure is referenced in procedure 40001, which is identified as being applicable to MC 2515C (Special and Infrequently Performed Inspections).