

September 22, 2006

Mr. William Levis
Senior Vice President and Chief Nuclear Officer
PSEG Nuclear LLC - N09
P. O. Box 236
Hancocks Bridge, NJ 08038

RI-2005-A-0056

Subject: NRC Office of Investigations Report 1-2005-018

Dear Mr. Levis:

On April 27, 2005, the NRC Region I Field Office, Office of Investigations (OI), initiated an investigation to determine whether PSEG employees deliberately attempted to deceive and mislead an NRC inspector with false, incomplete and/or inaccurate information during an inspection of the Emergency Preparedness (EP) program in April 2005. The OI investigation was completed on January 31, 2006.

While interviewing a Nuclear Assessment (NA) lead auditor during the EP program inspection, an NRC inspector identified a potential violation of NRC requirements in that independent audits of the EP program required by 10 CFR 50.54(t) had not been completed. Following the identification of this issue, the inspector met with the cognizant NA manager and supervisor. They informed the inspector that the required audits had been conducted and provided documentation they thought met the requirement for independent audits of the EP program. However, the inspector determined that the documentation presented did not demonstrate that the requirements had been met and informed the NA manager and supervisor of this determination. Failing to complete the required independent audit was found to have very low safety significance and was dispositioned in the NRC's Integrated Quarterly Inspection Report 05000354/2005003 as a Green Non-Cited Violation for failing to complete the 50.54(t) audit.

Based on written accounts, documentation, and interviews as part of the OI investigation, the NRC determined that there was insufficient evidence to conclude that PSEG personnel intended to mislead or deceive the NRC inspector with false, incomplete or inaccurate information.

Please note that final NRC documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions regarding this letter, please feel free to contact Mr. M. Gray of my staff at (610) 337-5171.

Sincerely,

/RA/

Brian E. Holian, Director
Division of Reactor Projects

Enclosure:
10 CFR 9.23, Requests for Records

Distribution:

C. Carpenter, OE

R. Urban, SAC

D. Screnci, PAO

ADAMS (Docket Nos. 50-272, 50-311, and 50-354)

Region I Docket Room (w/concurrences)

SUNSI Review Complete MXG3 (Reviewer's Initials)

DOCUMENT NAME: E:\Filenet\ML062650387.wpd

After declaring this document "An Official Agency Record" it **will** be released to the Public

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DRP:RPB3		RI:DRS		RI:OI		RI:RC		RI:SAC	
NAME	MGray		RLorson		Wilson		KFarrar		RUrban	
DATE	9/11/06		9/18/06		9/20/06		9/20/06		9/20/06	

OFFICE	DRP:DD	
NAME	BHolian	
DATE	9/22/06	

OFFICIAL RECORD COPY