



**Northeast  
Nuclear Energy**

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The Northeast Utilities System

**February 28, 1997**

Docket Nos. 50-245

50-336

50-423

B16285

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3**  
**Request for Relaxation of Provisions of Order Dated October 24, 1996**

In our letters dated December 23, 1996 and February 4, 1997, Northeast Nuclear Energy Company (NNECO) proposed that the independent, third party function to oversee the implementation of NNECO's comprehensive plan, as required by the NRC's Order dated October 24, 1996, be fulfilled by a team under the direction of Mr. John W. Beck of Little Harbor Consultants, Inc. (LHC). Your letter dated February 14, 1997,<sup>1</sup> noted that two members of the LHC team, Ms. Billie P. Garde and Dr. Paul J. Wood, "have had direct, previous involvement with NNECO." Based on this characterization, your letter states further that these individuals do not meet the following provision of the October 24, 1996 Order:

The third party organization chosen to oversee the conduct of the Licensee's comprehensive plan must be independent of the Licensee, such that none of its members has had direct, previous involvement with activities at the Millstone Station that the organization will be overseeing.

With respect to the previous work activities of Ms. Garde and Dr. Wood, we agree with your assessment of their involvement with NNECO and that therefore they do not meet the provision of the Order stated above.

As discussed in Attachment 1, Ms Garde brings unique and valuable attributes to the Independent Oversight Team for Employee Concerns (IOTEC). We believe her specific combination of whistleblower experience and detailed knowledge of the law in these areas are critical to the success of the IOTEC. Further, we believe her role in

<sup>1</sup> Nuclear Regulatory Commission letter, William D. Travers to Bruce D. Kenyon, dated February 14, 1997.



mentoring the team that developed the comprehensive plan enhances her position on the IOTEC by providing her detailed knowledge of the basis and intent of the plan. Additionally, as discussed in our letter dated February 14, 1996, our discussions with Mr. Beck indicate that appropriate administrative controls will be placed on Ms. Garde's involvement with the IOTEC to assure any actual or potential conflicts are avoided.

As discussed in Attachment 1, Dr Wood's background and acknowledged industry leadership position in safety analysis and related analytical techniques will provide a unique perspective to the IOTEC. His superior problem characterization and analysis capabilities will not only greatly contribute to success in his areas of focus but will positively contribute to the performance and success of the entire IOTEC team.

The Order provides that for good cause the Director of Nuclear Reactor Regulation may relax the Order. In order to allow Ms. Billie P. Garde and Dr. Paul J. Wood to perform as members of the IOTEC, NNECO hereby requests that they be exempted from the provision of the Order stated above.

There are no commitments contained in this letter.

Please contact me if you have any questions regarding this request.

Very truly yours

NORTHEAST NUCLEAR ENERGY COMPANY



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David M. Goebel  
Vice President, Nuclear Oversight

Attachment

cc: See page 3

cc: W. D. Travers, Director, Special Projects Office  
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Attachment 1

Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3

Justification for Request to Relax the Terms of the October 24, 1996 Order

February 1997

**Attachment 1**

**Justification for Request to Relax the Terms of the October 24, 1996 Order**

As stated in the NRC's February 14, 1997 letter, "If NNECO wants to pursue having Dr. Wood or Ms. Garde or any other individual having direct involvement at NNECO, participate as a member of the oversight team, NNECO needs to demonstrate good cause for the NRC to relax the above identified provisions of the Order." The following discussion explains the basis for our request for relaxation of the Order to allow both Ms. Billie P. Garde and Dr. Paul J. Wood to participate as members of the IOTEC.

Ms. Billie P. Garde

We recognize that Ms. Garde's role as an advisor to the team of employees who developed NNECO's Comprehensive Plan does not meet the specific provision of the October 24, 1996 Order. However, we believe her unique qualifications and perspectives, as described below, provide the IOTEC with a crucial understanding of the concerned employee's perspective, and are reason for the NRC to relax the provisions of the Order. NNECO believes that removing Ms. Garde from the IOTEC in order to meet the terms of the Order explicitly, would be detrimental to the intent of the Order.

Ms. Garde has spent the majority of her legal career representing employees in the nuclear and energy industry in connection with retaliation claims. She has experienced, first hand, harassment and intimidation by her employer, including termination from her job for exposing criminal misconduct of her supervisor. She has represented over 500 individual employees in legal proceedings involving various aspects of harassment, intimidation and discrimination. Her activities have put her in positions to evaluate employee concerns programs at approximately 75% of all nuclear power plants with such programs. Since 1988 she has worked on conflict resolution in work environments where cultural breakdowns have occurred. These initiatives have attempted to find alternatives to litigation through mediation, education, and training of managers in recognizing and addressing employee issues, and assisting companies in developing and improving their employee concerns programs.

As part of the 1988 settlement of the intervenor licensing challenge to Comanche Peak, Ms. Garde developed and provided training to all mid-level managers at the Comanche Peak Steam Electric Station. The training consisted of a three hour module which included discussions on the reasons that whistle blowing activities occur in the nuclear industry, how whistle blowers raise concerns and how managers and supervisors should handle an employee concern situation. Ms. Garde provided similar training to mid-level managers at the Pantex DOE facility in Amarillo, Texas and a modified version of the training at Pennsylvania Power & Light, Entergy, and Commonwealth Edison.

Ms. Garde has been involved in the development, critical analysis, and review of employee allegation investigation programs since the development of the first employee concerns programs in the nuclear industry in the early 1980's. At Comanche Peak, Ms. Garde was involved in the review and development of the employee concerns program ultimately adopted in connection



with the licensing approval of the Comanche Peak units. She later served as an alternate member of the Offsite Safety Review Board for Comanche Peak, attending the majority of Committee meetings during her tenure. Ms. Garde was actively involved in the public comment and review process associated with the development and modification of the NRC's allegation management program. She testified before the NRC and Congress on the elements of effective employee concerns programs and participated in the NRC's internal review of its programs for handling discrimination complaints. Recently Ms. Garde was involved in the development of an upgraded employee concerns program for the Pantex DOE facility.

More recently, Ms. Garde was appointed a member of the Hanford Joint Council for Resolving Employee Concerns. The Council was formed by a unique agreement among the Westinghouse Hanford Company, public interest groups, and the involved government agencies. It was formed in response to a cultural survey conducted at the Hanford, Washington facilities that identified the need to create an alternative to litigation as a means to improve workplace attitudes toward employee concerns and to resolve specific cases of retaliation and intimidation. The Council was created to address issues associated with a deteriorating workplace environment, an ineffective employee concerns resolution program, and a high level of mistrust by employees at the Hanford facilities. Although the Council is relatively new, it has been successful in achieving full, fair, and final resolution of issues raised by workers. The Council is viewed as a model for an approach to successful resolution of employee concerns. Ms. Garde's membership on the Council has provided her with valuable insights on alternatives to addressing employee concerns issues that will be of great value in the evaluation of NNECO's efforts to resolve similar workplace issues.

While this is not an exhaustive list of Ms. Garde's prior experience in regards to employee concerns issues, it demonstrates the depth and breadth of her experience. This experience is unique and NNECO has been unable to identify anyone who has similar and comparable credentials in the area of whistle blower activities and employee concerns. We also are not aware of anyone who is recognized and accepted as an employee advocate to the same extent as Ms. Garde.

Ms. Garde's previous involvement at NNECO, as described in earlier correspondence, was as an advisor to the team of employees who developed the NNECO comprehensive plan. In her capacity as an advisor, she did not participate in the actual writing of the plan and did not review the final plan before it was submitted to NNECO management. Administrative controls will be established to prevent any involvement by Ms. Garde in the evaluation of the Comprehensive Plan, which will be one of the first activities to be conducted by the oversight team. The team will judge, if given proper implementation, whether the plan has a high probability of correcting the problems at Millstone. Ms. Garde will not be permitted to participate in any team activities or discussions involving this review or subsequent reviews of the comprehensive plan. Following the initial review of the comprehensive plan by the oversight team, Ms. Garde will be engaged in team activities, including structured interviews with the Millstone workforce, interactions with interested members of the public, and investigation of any allegations of harassment, intimidation or discrimination. In addition, she will be involved in the evaluation of the effectiveness of the implementation activities identified in the comprehensive plan.

One beneficial result of her previous involvement with the employee team, is her understanding of the intent of the various recommendations they made. This gives her an understanding of employee perspectives that are unique to Millstone. Her involvement as a member of the IOTEC will ensure that the interests of employees and whistle blowers are represented on the team. In addition, her reputation and credibility as an employee advocate will facilitate the IOTEC's efforts to interface with interested members of the public.

Dr. Paul J. Wood

With regard to Dr. Wood, in our previous correspondence we characterized his prior work for NNECO as serving in an advisory capacity in connection with the development of the PRA for Millstone Unit 3. The individuals at NU who are familiar with his prior work indicate it consisted of less than 30 days of work over the period of 1983 to 1985. Nevertheless, we concur with the NRC's assessment that this does not meet the specific provision of the October 24, 1996 Order. However, we believe that Dr. Wood's background and acknowledged industry leadership position in safety analysis and related analytical techniques will provide a unique perspective to the IOTEC. His superior problem characterization and analysis capabilities will not only greatly contribute to success in his areas of focus but will positively contribute to the performance and success of the entire IOTEC team.

During twenty years as a management consultant Dr. Wood has made significant contributions to the clarification and resolution of issues affecting the safety and regulatory performance of electric utilities and various other public companies. He is an acknowledged industry leader in the application of qualitative and quantitative risk assessment techniques to the effective management of safety, health and regulatory risks. This leadership has included design and implementation of risk management systems for nuclear power plant operators and for numerous facilities conducting energy and defense-related research, development and production. His efforts have contributed significantly to the current general acceptance by regulatory agencies of risk management as a fundamental tool in effective management of operations.

While NNECO considers Dr. Wood's prior involvement with Millstone is best characterized as consultative and did not directly contribute to a specific work product in use at Millstone, if any issue under evaluation by IOTEC is determined to be related in any way to the Millstone Unit 3 PRA or its development, Dr. Wood will be precluded from involvement. If this were to occur, Dr. J. Caries, who has considerable experience in PRA, will be assigned the responsibility to provide the technical review and assessment of the issue. If necessary, Little Harbor Consultants will supplement the IOTEC team to provide expertise to review specific issues.