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VERBATIM PROCEEDINGS

NUCLEAR REGULATORY COMMISSION

PUBLIC FORUM IN THE MATTER OF NORTHEAST UTILITIES,
MILLSTONE UNITS 1, 2 AND 3

MAY 21, 1997

WATERFORD TOWN HALL
15 ROPE FERRY ROAD
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1 . . . Verbatim Proceedings of the Public
2 Forum of the United States Nuclear Regulatory
3 Commission in the matter of Northeast Utilities,
4 Millstone Units 1, 2 and 3, held May 21, 1997, at 7:00
5 P.M., at the Waterford Town Hall, 15 Rope Ferry Road,
6 Waterford, Connecticut. . .
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9

10 MR. JACQUE DURR: Good evening. I'm
11 Jacques Durr. For those of you who don't know who I am,
12 I'm the Branch Chief of the Millstone project.

13 At tonight's meeting we'll give you a
14 summary of the afternoon meeting with Northeast
15 Utilities. We have brought Mr. Urban, who will give
16 you an overview of the NRC allegation process so you
17 have a better understanding of how that, in fact,
18 works.

19 We'll have an update on the Employees
20 Concerns process, the Independent Corrective Action
21 Verification Program, and then we'll have a question-
22 and-answer session.

23 If, as in the past, you would keep your
24 questions focused on the issue of the presentation

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1 topic at the time, we will save those questions then
2 for an open session at the end and we'll deal with the
3 questions at that time.

4 There's been a request by the staff of
5 the building that we be out of here by no later than
6 11:00. So if we could all try to honor that for them?

7 And with that, I would start off with
8 the overview of the meeting this afternoon. The
9 meeting was opened by Mr. Kenyon, who discussed the
10 background of the Northeast Utilities strategy for
11 recovering the Millstone Units, gave an overview of
12 that. And he gave then reasons why the Unit 3 is
13 currently the lead unit and why the other units were
14 phased more or less sequentially rather than in
15 parallel, because of the management burdens and the
16 unreasonableness of a management project of that size
17 and for the benefit of NU and the NRC.

18 He talked about the decision to slow the
19 effort on Unit 1 to the end of the year and keeping
20 Unit 2 in proximity to Unit 3 through this process. So
21 Unit 2 will be right on the heels of Unit 3.

22 He also discussed the strategy that
23 they're going to use to meet the schedule on Unit 3
24 now, wherein they have taken Jack McElwain, who is the

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1 Recovery Officer for Unit 1, and given him additional
2 duties to oversee the management of the outage process
3 and modifications.

4 Mr. Bowling, Marty Bowling, who is the
5 Unit 2 Recovery Officer, has been given dual functions
6 as the Unit 2 Recovery Officer and to oversee the
7 regulatory process which includes the Independent
8 Corrective Action Verification Program.

9 Mr. Kenyon discussed the need to have at
10 least three entities concur that the unit was ready for
11 the Independent Corrective Action Verification Program,
12 one being the line management for Unit 3, two being Mr.
13 Bowling who is moved into his position as the ICAVP
14 Manager, and then the Nuclear Safety and Oversight
15 group, which is -- used to be called Quality Assurance
16 -- is doing an independent assessment of the process
17 and they will give their concurrence on that. So two
18 of the three have been complete. Line management has
19 decreed that they think it's ready. Mr. Bowling has
20 given his assent. And so now it's up to Nuclear Safety
21 and Oversight. And I believe that decision is
22 imminent. They're in the process of completing their
23 assessments and they will render a decision forthwith,
24 I guess.

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1 Mr. Kenyon noted, as we have, that the
2 other areas that they have, what they call the key
3 performance indicators, which are ratio analyses of the
4 various functions such as closing out corrective or
5 condition reports, the maintenance backlog, those kinds
6 of things that those performance indicators would show
7 today that they're not making very good progress in
8 that area, and he acknowledged that.

9 They would expect, though, that that --
10 those indicators to turn because they've been in the
11 process of discovery in the Independent Corrective
12 Action Verification Program. And those -- they are
13 identifying a lot of new issues in that process which
14 is causing them to go back over things.

15 Based on their statements that they felt
16 that they were imminent in rendering a decision on the
17 ICAVP starting -- and I will use the initialism, if you
18 don't mind -- Mr. Travers requested that Northeast
19 Utilities provide us a letter stating that they were
20 finished, that they had completed the process and that
21 they were ready for the ICAVP, because that will cause
22 the NRC then to make system selections.

23 Mr. Bowling and Mr. McElwain discussed
24 the movement of resources from Units 1 and 2 to Unit 3.

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1 It will impact Unit 2 to the extent that four or five
2 people, including Mr. Bowling, will be focusing on Unit
3 3 and Mr. McElwain will be the only individual from
4 Unit 1 that is being redirected to the Unit 3 process.

5 Then there was a discussion of issues
6 management. And this is essentially Northeast
7 Utilities has shown, put up a slide that -- presented a
8 model of how they were approaching the issues,
9 management of the issues that have been identified in
10 various documents such as the Joint Utilities
11 Management Audit, their own ACR-7007 that triggered a
12 lot of what is going on today. Those various internal
13 assessments, internal and external assessments
14 identified a lot of issues. Management, leadership,
15 the corrective action process, all of those things are
16 going to be captured in this Issues Management process.

17 It essentially outlines where we were,
18 the action plan to rectify those and where will we be,
19 where do they expect to be. A discussion ensued
20 regarding a formal root cause analysis. Because they
21 were presented as common cause factors, the question
22 arose as had they ever performed a formal root cause
23 analysis. And that's to be discussed at a later
24 meeting.

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1 NU provided a set of definitions for NU
2 restart success criteria in areas of ICAVP readiness,
3 physical plant readiness, office key readiness and
4 ready for restart. So they have defined those terms in
5 more detail for clarification.

6 A discussion was embarked on the
7 integrated schedule. They have initially issued a
8 draft -- it's very draft at this point in time --
9 integrated schedule for all three units. Because there
10 are commonalities that bridge across all three units
11 and coupled with the fact that it interfaces with the
12 NRC, Northeast Utilities is trying to put together an
13 integrated schedule.

14 Right now they have three separate
15 schedules for each one of the units and now they're
16 trying to join those together so that any unforeseen
17 contingencies can be dealt with.

18 Mr. Bowling indicated that they would be
19 ready for the ICAVP to start on May 27 for Unit 3 and
20 June 30 for Unit 2. The Unit 3, Wave 2 and 3 systems
21 would be completed by mid-July and they would then be
22 working on the long-term program. And that is how to
23 maintain configuration management.

24 Mr. Mecci, who is the Configuration

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1 Management Program Director for Units 2 and 3, for all
2 the units now, gave an overview of the Configuration
3 Management Program and the Independent Corrective
4 Action Verification Process.

5 Subsequent to that, Mr. White, who is a
6 member of the Nuclear Safety and Oversight group,
7 discussed the independent assessment of the ICAVP and
8 the findings to date. The Unit 3 independent
9 assessment is nearly, but not yet, complete, as I said
10 before. The Unit 2 assessment is ongoing. And Unit 1
11 had what they called a challenge board that went out to
12 look at the initial phases of their process. And
13 apparently that was successful, also.

14 Each Unit Officer then discussed the
15 status of their progress on the NRC Significant Items
16 List, licensee amendment requests -- license amendment
17 requests -- I'm sorry -- and challenges facing the
18 recovery of each one of the units.

19 Mr. Brothers, who is the Unit 3 Recovery
20 Officer, indicated that leadership, Employees Concerns
21 and working off the various functional area processes
22 such as work orders and those kinds of things are the
23 biggest challenge facing him.

24 Mr. Bowling indicated that operator

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1 training and the rack of building closed cooling water
2 system for Unit 2 were the challenges facing them.

3 That's kind of the high points of the
4 meeting today that went from like 1:00 to 3:00 or 1:00
5 to 4:00 today.

6 With that, we had scheduled at the last
7 meeting to have a presentation on the NRC allegation
8 handling process so everybody will have a better
9 understanding of how that process really works.

10 Mr. Rick Urban is with us tonight. He's
11 put together a presentation. And whenever you're ready
12 --

13 MR. RICK URBAN: Good evening. My name
14 is Rick Urban. I'm the Project Engineer for the
15 Millstone sites. And I've been with the project since
16 last July and the majority of that time I've spent
17 working on Millstone allegations.

18 Let me start off with what is an
19 allegation. It's a declaration, statement or assertion
20 of improper or inadequate activity associated with NRC
21 requirements with unknown validity.

22 We get allegations through various
23 sources, employees, contractors, general public, news
24 media, and we also receive these in various methods of

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1 receipt. We can get them by telephone, in person or in
2 writing, and this could be a letter or a newspaper
3 article.

4 There's various ways to report
5 allegations to the NRC. Probably the best way is in
6 person or a phone call to the Resident Inspector.
7 Considering that the allegation probably deals with the
8 site, he's the most knowledgeable person that would be
9 able to respond to your questions.

10 Another method would be a hot line phone
11 call to the Region 1 Senior Allegation Coordinator.
12 That's Mr. Vito. And if you were to call that number
13 during normal business hours, you would reach Mr. Vito
14 or one of his staff. If you call after hours, it
15 automatically rolls over to our Headquarters Operation
16 Duty Officer. And that's a position that's staffed 24
17 hours a day, seven days a week. He would take your
18 concern and then most likely forward it to the region.

19 Another method is to call Region 1. You
20 can speak to any individual back there. You can also
21 call Rockville, the Headquarters Office, speak to
22 anybody there. And then the last method is probably a
23 letter or an E-mail. We've gotten those. Those may be
24 the least desirable since we have to go then on what

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1 information is presented and a lot of times we may have
2 to recontact you to get some more information.

3 Various types of allegations that we
4 get, technical issues that could deal with equipment or
5 procedure problems, wrongdoing issues. These are
6 willful type issues, false statements, falsification of
7 records, harassment, intimidation or discrimination.
8 And if the case involves that, we generally get our
9 Office of Investigations involved.

10 We also get other issues. These are
11 typically outside NRC jurisdiction. And they could be
12 industrial safety issues or off-site EP type issues.

13 When we take your allegation, we
14 generally like to get your name, address and phone
15 number. There's a couple of reasons for that. First
16 of all, we like to keep communications going to let you
17 know where we're at in our process and we also like to
18 let you know what our final resolution is. Also, if we
19 need further information, we do have somebody we can
20 contact and ask you some further questions.

21 We like to know the facility and unit
22 specific and, also, then we would get into your
23 specific concerns. And things we're interested in are
24 date of occurrence, how you became aware of the

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1 concern. Did you see it or did you hear of it by word
2 of mouth? Are there other individuals that could, you
3 know, give us further information or corroborate your
4 allegation? And if you're not comfortable providing us
5 with a name, we might ask that you contact those
6 individuals and see if they would speak to us
7 separately.

8 We're also interested in any relevant
9 records that may be involved, any procedures, et
10 cetera. And have you discussed this issue with your
11 management or the licensee? And, finally, have you
12 referred this concern to the Employee Concerns Program
13 on site?

14 Once we take your allegation, we provide
15 you some information on the phone or in person. We
16 read you the Identity Protection Policy and we ask you
17 if you would have a problem with us referring your
18 concern to the utility. And if it's applicable, we
19 would also give you your DOL rights, Department of
20 Labor. And what that means is you need to file within
21 180 days of the case of the discrimination. And the
22 reason that this is important, there's different
23 aspects between what the NRC does and what the
24 Department of Labor does.

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1 If we were to find in your favor that
2 you were discriminated, we have options of Notice of
3 Violations, CP's or orders, whereas if you're looking
4 for a personal remedy, that would come through the DOL
5 process and that includes settlements or reinstatement
6 or back pay, things of that nature.

7 The allegation process consists of four
8 distinct areas; an Allegation Review Board, an
9 acknowledgement letter, an update letter and a closeout
10 letter.

11 The Allegation Review Board generally
12 meets every 14 days. However, if the concern is of a
13 great importance, we would meet immediately or that
14 day. The board is composed of a group of individuals.
15 The Chairman of the board is usually a Senior Executive
16 service employee and that would typically be Mr.
17 Lanning. He has responsibility for the Millstone
18 project. Also, it would be the Branch Chief's
19 responsibility for the site. That's Mr. Durr. A
20 Project Engineer, usually myself. The Senior
21 Allegation Coordinator from Region 1. That would be
22 Mr. Vito. We would also have an OI representative
23 there and a Branch Chief from our other technical
24 division, that's Division of Reactor Safety. And we

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1 also have our Regional Counsel there.

2 The process consists of everybody
3 reviewing the information prior to the meeting and then
4 we would meet collectively as a group and come up with
5 some referrals or some answers to what we would do with
6 this concern.

7 We would inspect it. That would include
8 the Residents or a member of the Millstone staff such
9 as myself or, if it's a complex or technical issue
10 that's out of our expertise, we would get somebody in
11 our Reactor Safety Group to look at it.

12 We may also refer it to the utility. If
13 we do that, we generally give them 30 to 60 days to
14 reply. And we would review that reply for its
15 adequacy.

16 And lastly, if OI opens an investigation
17 -- and this would be for cases of harassment,
18 intimidation or wrongdoing or discrimination -- that's
19 when they would get involved. Now, keep in mind, if
20 they do get involved, that extends this process
21 considerably. Normally, OI will take anywhere from a
22 year to a year and a half to review one of their cases.

23 Once the panel is done meeting, we will
24 send you an acknowledgement letter. This is a

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1 confirmation of our understanding of your allegation.
2 We again provide the identity protection policy. We
3 give you your DOL rights, if it's applicable, and our
4 planned actions. And we generally like to get these
5 out within 30 days.

6 If your allegation is highly complex or
7 is taking us extended time, we will send you a status
8 letter. We generally do these after a six-month time
9 period has passed.

10 The last part of the process is the
11 closeout letter. That's our final resolution. And
12 that's based on NRC satisfaction that we've handled
13 your concern.

14 Now, it's not unusual for somebody to
15 call or write us back saying, "I don't agree with your
16 answer" or "I have additional information" or "I want
17 to provide more information." And we're happy to take
18 that information and take another look at it.

19 As part of the closeout letter, we'll
20 also attach some supporting documentation. That could
21 be an inspection report or the licensee's response.
22 And our threshold to close out an allegation -- and
23 this is not associated with OI or DOL cases -- is six
24 months.

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1 Now I'd like to provide a few numbers as
2 they relate to Millstone that we've received. In 1995,
3 we received 47 allegations and 12 of those were
4 associated with harassment and intimidation. Last year
5 we received 67 and 27 of those concerned harassment and
6 intimidation. So far this year, which is almost five
7 months, we've gotten 22 and seven of those are
8 associated with harassment and intimidation.

9 Currently, that is of today, we have 45
10 open allegations for Millstone. 36 of these are
11 involved with OI or DOL cases. Since last year,
12 January of '96, we've closed about 80 allegations. And
13 as of the end of April, we have a rolling average --
14 it's a 12-month average of time to close an allegation,
15 non-OI or DOI -- of 177 days, which is just under our
16 goal of 180.

17 In summary, we feel that workers should
18 feel free to raise issues to their employers without
19 retaliation. We encourage you to do that. However, if
20 you don't feel comfortable, we feel that you should
21 bring them to us. We believe that the allegation
22 process is an important part of protecting the public
23 health and safety. And just to let you know that the
24 information I've given tonight, some of it is on Form

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1 3, which is a Notice to Employees which is around the
2 plant, and also in this booklet which is in the back of
3 the room, Reporting Safety Concerns to the NRC.

4 And that concludes my presentation. If
5 there's any questions, I'll try to answer them.

6 MR. DURR: Okay. Thank you very much.
7 Oh. We have -- we have some late bloomers. Yes?

8 MR. PAUL BLANCHE: Just a quick
9 clarification. You stated that you ask permission to
10 turn over the allegation to the licensee. I haven't
11 heard that before. Maybe I missed it. Is that in your
12 inspection manual or 8.8?

13 MR. URBAN: Yes. It's in here and it's
14 also in the inspection manual. And it's also on our
15 receipt form. When somebody is taking an allegation,
16 we use a form and it's right on there you're to ask if
17 the allegor has a problem with referral to the utility.

18 MR. BLANCHE: Which is different from
19 the confidentiality. Correct?

20 MR. URBAN: That's right. That's
21 different.

22 MR. BLANCHE: Okay.

23 MR. DON DELCORE: Are all allegations
24 compiled in the totals that you gave us? In other

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1 words, whether it's -- is there some criteria it has to
2 meet before you -- before it becomes an allegation?

3 MR. URBAN: Generally, if it's a
4 protected activity and it's a statement that -- or, you
5 know, an assertion of impropriety or inadequacies that
6 we don't know the answer to, then it's generally an
7 allegation. And there's not many that don't fall under
8 that category.

9 MR. DURR: Yes. Let me expand on that.
10 Let me expand on that just a little bit. There are --
11 we do receive information, concerns that do not rise to
12 the threshold of allegations. Some of these things are
13 industrial safety, as Rick had pointed out earlier. Or
14 if the NRC determines it doesn't have jurisdiction over
15 that particular area, then it won't turn into an
16 allegation per se.

17 Now, we do receive concerns -- the fact
18 is we received one here just the other day -- that,
19 quote, are not allegations, but we pursue to assure
20 ourselves they're not. I mean we take additional
21 information or we do some cursory inspection to make
22 sure that we really understand the issue. But those
23 don't rise to the level of allegation. And so we keep
24 those in a different file, but we don't call them

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1 allegations nor do we process them as such.

2 MR. DELCORE: All right. Then let me
3 expand my question then. If you have individuals at
4 the Millstone site, of which there's maybe four or
5 5,000 people, and they're coming to you with a concern
6 which you may not raise to the level of an allegation
7 because of whatever criteria you may have, I'm trying
8 to understand how you can evaluate the level of, say,
9 50 or 60 or 40 of these things that come to you as an
10 indication that the system is working at Millstone.

11 In other words, somebody has chosen to
12 come to you versus going to line management, middle-
13 level management or upper-level management of Millstone
14 or the Employee Concerns Program. They're coming to
15 you with that concern. So, to me, that's indicative of
16 a problem.

17 MR. DURR: And I guess I can say with
18 some degree of confidence -- and I'm shooting from the
19 hip here because I don't have the actual numbers at
20 hand. But to my recollection -- and maybe Rick can put
21 some light on it -- we haven't received that many of
22 those things that you're talking about. They're few
23 and far between. It's not the norm. It's the
24 exception that we run into these things that are

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1 nonsequiturs in the allegation process that we don't
2 know what to do with. We don't receive that many that
3 really don't fit the mold.

4 Now, there can be -- anyway, that's what
5 the panel, the NRC, this panel that Rick's talking
6 about -- very few of those things have ever come before
7 the panel, to my knowledge.

8 Have you got --

9 MR. URBAN: That's true.

10 MR. JERRY RIORDAN: Mr. Urban?

11 MR. URBAN: Yes?

12 MR. DURR: Jerry?

13 MR. RIORDAN: Did I get the name right?

14 Urban?

15 MR. URBAN: Mm-hmm.

16 MR. RIORDAN: Okay. Your presentation --

17 MR. DURR: Can you come to the
18 microphone please so everybody can hear you? I don't
19 think everybody can hear you.

20 COURT REPORTER: Just stand --

21 MR. RIORDAN: Could I just talk louder?

22 COURT REPORTER: Stand at --

23 MR. DURR: She needs -- she's
24 transcribing.

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1 MR. RIORDAN: All right. Mr. Urban, in
2 your presentation and in Form 3, my understanding is
3 it's -- well, it's clear to me that the NRC policy on
4 anyone bringing allegations to them, that's pretty much
5 an open-door policy, that there's no caveats or no
6 tests for individuals to bring their allegations to the
7 NRC. Is that true? Is my understanding true?

8 MR. URBAN: That's true.

9 MR. RIORDAN: In this blue book here,
10 the guidelines you have available to us tonight, on
11 Page 4 on the top of that page in the grayed-out
12 section here's a list of bulleted items that are to
13 assist people in reporting the safety concern. And on
14 Page 4, the third bullet from the top and in the fifth
15 bullet, both statements seem to me to be tests, items
16 that I have to pursue first with my supervisor, with my
17 Employee Concerns Program, before I, in fact, send a
18 concern to the NRC. Am I misunderstanding these --

19 MR. URBAN: Yes.

20 MR. RIORDAN: -- bulleted items? And
21 why are they there?

22 MR. URBAN: Well, that's -- that's not
23 the case. I mean if you say, "No, I didn't talk to my
24 management" or "No, I didn't turn it over", that's

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1 fine. It's just a piece of information we're
2 interested in to see whether your management was
3 receptive to it or they weren't. And that's -- you
4 know, that helps us just judge things and whether you
5 turned it to the Employee Concerns Program and how they
6 handled or they didn't handle it. It's just
7 information that's helpful to us.

8 MR. DURR: Yes. Let me -- let me expand
9 on that a little bit. And I have to go back in time.
10 But there was -- this question has arisen before. Some
11 statements were made by NRC officials in the past.
12 It's obvious that if everybody brought everything to
13 the NRC, we couldn't function. We just -- it's an
14 impossibility. And so that's why you'll see that
15 there's a request on our part to query the alleged if
16 it's okay to refer it to the utility because we
17 obviously can't inspect everything, either.

18 You'll find, also, that in harassment
19 and intimidation cases that there are some that the
20 Office of Investigation just does not have the
21 resources or the ability to investigate.

22 So the reality of the situation is a
23 person with a concern should feel free to go to their
24 management and resolve the issue there. And that's the

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1 preferred method. In reality, that is the preferred
2 method.

3 However, if the individual feels
4 uncomfortable with that process or there is a history,
5 such as there is at Millstone, of harassment and
6 intimidation and the individual feels it necessary to
7 come to the NRC, then we encourage you to come to the
8 NRC.

9 But the best way to solve those problems
10 is, one, for the utility -- and in this case Northeast
11 Utilities -- to have a viable corrective action
12 process. Because if you stop and think about it, if
13 Northeast Utilities had a viable corrective action
14 process and an employee brought something to their
15 supervisor in that process and it was resolved at that
16 level, then we wouldn't be in the situation that we're
17 in today because those issues would have been dealt
18 with appropriately and they would have been solved to
19 everybody's satisfaction. Obviously, in the past that
20 was not the case. So Millstone is a separate case
21 here. So we recognize that.

22 But, in general, the employee is
23 encouraged to go to their immediate supervision. But
24 if that's not a viable alternative, then they bring it

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1 to the NRC.

2 MR. RIORDAN: I just want to follow up
3 on one thing you said, Jacque. And that's you said
4 that's the best way to do it. And it really is the
5 ideal way to do it.

6 MR. DURR: Sure.

7 MR. RIORDAN: And Northeast Utilities is
8 far from the ideal.

9 MR. DURR: I don't think anybody
10 disputes that --

11 MR. RIORDAN: Okay.

12 MR. DURR: -- at this point in time.

13 MR. RIORDAN: Okay. Fine. Back to --

14 MR. DURR: That's why we have the order.

15 MR. RIORDAN: All right. Back to
16 responding on these two bulleted items. I don't
17 disagree that these are questions you certainly want to
18 ask of any person who raises an allegation. But
19 they're improperly placed where they are now. They
20 shouldn't be tests before you raise a concern. They
21 should be questions you ask a person after they raise a
22 concern.

23 Because it's always been my experience -
24 - and this goes back to the 1980's -- that my company,

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1 as well as the NRC, clearly indicated to me on several
2 occasions they do not want employees bringing concerns
3 to the NRC. Crystal clear. And the message is still
4 loud and clear today.

5 Recently I have been told and recently I
6 have been -- I've heard stories from fellow employees
7 that there are penalties against Northeast Utilities if
8 they bring concerns to the NRC. And, in fact, I tried
9 to get both my employer, Northeast Utilities, and the
10 NRC to issue clarifying statements and both refused to
11 do that. Maybe you can explain why.

12 MR. DURR: First of all, that
13 information is published and is in the plant. It's
14 posted --

15 MR. RIORDAN: In Form 3.

16 MR. DURR: It is posted in Form 3.

17 MR. RIORDAN: I just pointed out there's
18 a difference between Form 3 and the guidance in your
19 own booklet right here. Form 3 is a different door.

20 MR. DURR: Which --

21 MR. RIORDAN: Form 3 is --

22 MR. DURR: And it's still an open door.

23 MR. RIORDAN: Right.

24 MR. DURR: We haven't told anybody that

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1 they can't bring allegations to the NRC.

2 MR. RIORDAN: But, Jacque, this book
3 here has two tests.

4 MR. DURR: No, it's not a test. Where
5 does it say that it's a test?

6 MR. RIORDAN: Well, it's a test. It
7 asks people, "Have you discussed --

8 MR. DURR: No. It says, "To assist you
9 in reporting a safety concern, the following questions"
10 --

11 MR. RIORDAN: Right. A question is a
12 test.

13 MR. DURR: -- "are those the NRC
14 typically asks." That's what it says. We typically
15 ask these questions. It doesn't say it's a test.

16 MR. RIORDAN: Yes. But it's a question
17 you're --

18 MR. DURR: You could bring an allegation
19 to the NRC and remain anonymous and we'll still process
20 it.

21 MR. RIORDAN: Right. But --

22 MR. DURR: So it's not a test.

23 MR. RIORDAN: Well, it is a test.

24 MR. DURR: Well --

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1 MR. RIORDAN: It's a question --

2 MR. DURR: In your mind --

3 MR. RIORDAN: It's a question --

4 MR. DURR: In your mind it's a question,
5 it's a test.

6 MR. RIORDAN: Well, I --

7 MR. DURR: What I'm trying to tell you
8 is that --

9 MR. RIORDAN: Have you raised an
10 allegation, Jacque? I have.

11 MR. DURR: Have I raised an allegation?

12 MR. RIORDAN: To me, that's a test. You
13 know?

14 MR. DURR: I don't have to raise an
15 allegation.

16 MR. RIORDAN: Well, no, you haven't.

17 MR. DURR: If I've got a problem, I
18 solve the problem.

19 MR. RIORDAN: So you have no experience
20 at all. So you really don't know what you're talking
21 about on that.

22 MR. DURR: I don't think so.

23 MR. RIORDAN: Could you explain why NRC
24 is still unwilling to issue a clarifying statement to

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1 NU employees that there are no negative ramifications
2 with me or any other employee taking a concern to the
3 NRC? I don't understand that. I just simply don't
4 understand that. Now, you have instructions in Form 3.
5 You have instructions in here.

6 MR. DURR: Yes.

7 MR. RIORDAN: But why -- why is there --
8 what's the basis for not issuing a clarifying
9 statement?

10 MR. DURR: And what form do you want
11 this statement to take? I'll make the statement right
12 here and now the clarifying statement that is if an
13 employee feels it necessary to come to the NRC with an
14 allegation, they should bring it to us. Is that
15 clarifying enough?

16 MR. RIORDAN: It's clarifying to the
17 group here tonight. We have over 3,000 employees on-
18 site at Millstone.

19 MR. DURR: And it's posted on Form 3.
20 They know that. Have you queried anybody out there
21 that believes that that's not the case?

22 MR. RIORDAN: Yes, I have.

23 MR. DURR: And?

24 MR. RIORDAN: And I hear otherwise.

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1 MR. DURR: All right. Then we'll look
2 into that.

3 MR. RIORDAN: I already asked you to
4 look into it a month ago.

5 MR. DURR: Asked us to look into what?

6 MR. RIORDAN: Into the situation where
7 employees feel that there's negative consequences
8 should they take their concerns to the NRC.

9 MR. DURR: I think if you look closely
10 right now, there's an order on Northeast Utilities to
11 put a program in place to make sure that they
12 understand what the processes are and that they, in
13 fact, do feel comfortable doing that. So there is an
14 order standing as we speak that Northeast Utilities has
15 to address. I'm not sure how much clearer we can make
16 it to Northeast Utilities and the employees at the
17 plant that that is a problem area and they have that --
18 they have that right to bring things to us.

19 MR. RIORDAN: One last quick question.

20 MR. DURR: Sure.

21 MR. RIORDAN: The NRC is monitoring how
22 many concerns go to the NRC versus NU. And you view
23 that monitoring trend if less concerns come to you and
24 more to NU, that NU is improving. Do you feel that

1 that may be sending a negative message to employees?

2 MR. URBAN: Maybe I can respond to that.
3 As far as I know, we're not monitoring how many
4 concerns go to the utility. All we track is our
5 numbers. Now, I know the utility tries to track what
6 we get. And we will typically tell them, like per
7 month, how many we got in. And what they do with that
8 information, I don't know.

9 MR. PHIL McKEE: But I just might add --
10 and we'll get into it a little bit in our -- in the
11 coverage in the next topical area. I mean there are
12 numbers out there. We're still exploring what kind of
13 data and statistics that we can look at to give us
14 indication measurements. I think several entities are
15 looking at that. We all know and are cautioned numbers
16 by themselves and statistics can be read a lot of
17 different ways and have a lot of different meanings.
18 We're aware that there's numbers like that. We don't
19 have a call one way or the other on that. But those
20 are something that we may be looking at. But it's not
21 decided, you know, what indication that tells us. But
22 that -- those kinds of numbers and statistics will be
23 looked at with a lot of other things.

24 DR. BILL TRAVERS: And really, we don't

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1 even want to send the wrong signal to people. I think
2 you're concern --

3 MR. RIORDAN: It's been sent already,
4 Bill.

5 DR. TRAVERS: What I'm talking about --
6 in the context of what we're doing today to evaluate
7 the status of the Employee Concerns Program, what the
8 Third-Party Oversight Group is going to be doing.
9 They're looking at a number of metrics. We're looking
10 at metrics. And by metrics I mean just performance
11 indicators by which you can make assessments. And NRC
12 has indicated, you know, we expect to make an
13 assessment of the status of the Employee Concerns
14 Program at Millstone before we restart and give any
15 consideration to restart at that plant.

16 So I think you bring up a good issue and
17 that, in my view, is simply this; that you've got to be
18 careful the way you evaluate and assess the status of
19 employee concerns. If we were to say today that this
20 would be a very important measure, the number of
21 allegations that come into NRC versus the ones that
22 come into the utility, that in and of itself could send
23 a signal that may be contrary to our overall goal of
24 putting in the hands of the utility an incentive to

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1 have a strong Employee Concerns Program, one that they
2 can implement, but that still provides in our
3 traditional role a backstop and the backstop is NRC's
4 allegation program that's been explained today.

5 MR. RIORDAN: I pointed out to the NRC a
6 month ago that employees hold a different view about
7 what you just said. And I was told by the Resident
8 Inspector that you, Jacque, declined to issue a
9 statement. And then later on I was told that Wayne
10 Lanning declined. And I personally asked Wayne Lanning
11 in a meeting here a week or so again and he said, as
12 you said tonight, you were going to consider it. It's
13 been a month since I first brought that issue forward.
14 And I thought it would be a simple matter for both my
15 company and the NRC to collaborate on a simple
16 statement and to get this thing cleared up right away
17 because, for me, this has implications that date back
18 over a year and a half ago when I raised a concern on
19 this basic issue with my own Employee Concerns Program
20 and they still haven't acted on it today.

21 So, as of today or as of quite a while
22 ago, I hold the impression that the NRC is working with
23 my company, NU, to steer employees away from the NRC
24 and to the Employee Concerns Program. And I have

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1 enough evidence to convince myself that that, in fact,
2 is what's going on. And you can sit here tonight and
3 say you're going to consider this and you're going to
4 do this. And your presentation of the Allegation
5 Program is a fine presentation, but it doesn't work
6 that way in reality.

7 So I ask you folks tonight, get on the
8 ball and do something about the issue I'm raising here.
9 Issue a clarifying statement tomorrow and make sure
10 employees know that there's no negative consequences
11 should they choose to go to you folks with a concern.
12 And that's all I want to say.

13 MR. DURR: Ms. Luxton? And before we
14 begin, I'll certainly remember not to intimidate you.

15 MS. SUSAN PERRY LUXTON: Good evening.

16 MR. DURR: Good evening.

17 MS. LUXTON: My name is Susan Perry
18 Luxton. I'm from Waterford. I'm from the Citizens
19 Regulatory Commission, which is the citizens group in
20 town here, in southeastern Connecticut actually.

21 Now, I'm very disturbed by the
22 interchange I just witnessed. This morning in our
23 local paper there was an article called "Safety Officer
24 Feels -- Fears Millstone Managers Discourage Workers

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1 From Going To The NRC". Are you aware of that?

2 MR. DURR: Yes.

3 MS. LUXTON: Okay. I want you to take
4 this from the public's perception of picking up the
5 paper and reading this article. And now we hear from
6 the person who the article is about -- he just preceded
7 me at the microphone. Okay? I'm very unhappy with the
8 way you responded to this person's comments. And I'll
9 tell you why.

10 You know that the citizens group was
11 formed, originated because of an employee that felt
12 they couldn't -- he could not come forward two years
13 ago -- Mr. Gladys -- about spent fuel pool issues. So
14 our group was formed and originated because people in
15 our community were not getting their issues resolved by
16 either the NRC or the Millstone station.

17 And now here we are two years later.
18 You've done an order because you realized this had been
19 a problem. Okay? You've asked -- NU sat the other
20 night, Tuesday, and told us again about their Employee
21 Concerns Program and they've got this program ready and
22 it's supposedly doing well and whatever. And then we
23 hear something like this in the paper today. And it's
24 very, very disturbing. And I didn't like your attitude

1 with this man at all.

2 Number one, I am in favor of you issuing
3 the statement that he asked for just now about having a
4 statement to employees so that -- it's like a chilling
5 effect, chilling them from not going to you with
6 concerns. Someone is giving that message at NU.
7 Someone is giving employees the message. He wouldn't
8 be here sitting here saying that if he did not have the
9 evidence. People don't stand up. They don't come up
10 here. They don't -- it takes courage and guts to get
11 up here and say this to you. You have to take this
12 seriously. I don't like the way you sit there. It's
13 like you used to do in the old days when we first sat
14 with you. It's like you're not human.

15 This is very, very serious, what's been
16 brought up tonight. Okay? And I want you to look into
17 it. And I say that you should issue the statement
18 clarifying to workers. That's not too difficult to do.

19 Now, there's another article -- another
20 paragraph in this article this morning that disturbed
21 me. And it was about confidentiality. "NU management
22 is seeing some success. Fewer workers are demanding
23 that their names remain confidential when they come
24 forward for a safety concern, according to company

1 statistics."

2 Well, by now workers recognize that
3 confidentiality is a myth, even with you, because look
4 what happened just a while ago. The referred
5 allegation process last -- a few months ago, I don't
6 know how it happened, but came to the NRC. It was
7 supposed to be confidential. And line management,
8 workers in the plant got the name inadvertently, NU
9 said, of the person who put in the allegation. That's
10 not true?

11 MR. DURR: No.

12 MS. LUXTON: Yes, it's true. I must not
13 be explaining it properly.

14 MR. DURR: Let me --

15 MS. LUXTON: But it's true.

16 MR. DURR: Well, let me -- you know,
17 let's -- let's make sure it's accurate first. It's
18 accurate as the way I understand. Let me tell you what
19 I think I understand.

20 What transpired was an allegation was
21 presented to the NRC. The allegation itself, without
22 the individual's name, no name, were transferred to the
23 utility for resolution because it was a technical
24 problem and the best place to get those resolved is

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1 with the utility and sooner or later the utility has to
2 deal with it.

3 The allegation or the perception was
4 that because the way the allegation was referred, it
5 referred to a corrective action report to which the
6 individual who had made the allegation was a party to.
7 But we never gave anybody's name out. We only -- the
8 only thing we gave was -- for the utility to understand
9 what the problem was that they were supposed to answer,
10 we gave them the corrective action report number.
11 That's all that was given to the utility. So the
12 individual's name was never given to the utility. Now,
13 that's what I know. Okay?

14 So now, then from there on maybe your
15 story holds together. But up to that point, it's
16 inaccurate. Okay?

17 MS. LUXTON: Okay. Maybe the name
18 wasn't specifically given.

19 MR. DURR: That's correct.

20 MS. LUXTON: But somehow, however you
21 did it, the people at NU ascertained where it came
22 from.

23 MR. DURR: Yes, let me -- let me address
24 that. And --

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1 MS. LUXTON: And that's the point.

2 MR. DURR: Well --

3 MS. LUXTON: Confidentiality was broken.
4 You may not have said, "Joe Blow did it."

5 MR. DURR: No.

6 MS. LUXTON: But somehow they figured
7 out who it was.

8 MR. DURR: But we didn't -- we didn't
9 violate the confidentiality aspect of it. We didn't
10 give the individual's name out.

11 But let me -- let me -- let's discuss
12 that aspect, if you will, for a moment. One of the
13 local persons here made an allegation to the Inspector
14 General's Office in the NRC concerning me. Having
15 dealt with that individual, I knew immediately the
16 source of that allegation.

17 The same thing transpires out here. If
18 you make an allegation and you've been intimately
19 involved in it from some point of time, if the NRC
20 lifts the lid and peeks in at it, people are going to
21 connect the dots. I can't -- that's just reality.
22 That's the way the world works. People are smart
23 enough -- you're smart enough to recognize that if your
24 neighbor made an allegation about something to the

1 police that you did in your backyard and the police
2 came to your house, you know right away where that came
3 from. Don't you? There's no way that you can
4 emphatically protect that individual's identity.

5 So the same thing holds true in the
6 allegation process. We, by law, are required to
7 inspect those things. And as soon as we start asking
8 questions about a very, very specific technical issue,
9 the potential exists that somebody's going to connect
10 the dots and say, "Well, gee, Joe Blow was asking about
11 that yesterday. He probably turned the NRC on" or she
12 or whatever the case may be. So you always run that
13 risk. And we tell you that.

14 We tell them up front that that's
15 reality. And in this particular case, what you're
16 alluding to is most likely what happened. They went,
17 "Gee, he just wrote an ACR or something on this. And
18 he must have been the one that turned the NRC on."
19 That's the reality of the situation.

20 MS. LUXTON: Okay. I understand your
21 point. And I don't know enough about that specific
22 situation to refute what you just said. Okay.

23 Let me go on to something else for a
24 moment. Is this the time for me to talk about Little

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1 Harbor and the plan? Is this --

2 MR. McKEE: That will be after I give my
3 presentation.

4 MS. LUXTON: What's your presentation
5 going to be on?

6 MR. McKEE: It's going to -- I'm going
7 to talk about -- I'm going to talk about, one, the
8 meetings that occurred last week and, also, about
9 Little Harbor's oversight plan. And that's when we'll
10 be asking for comments in that area.

11 MS. LUXTON: Okay. Good. All right.
12 Then I'll ask it then.

13 I have one more thing. That's regarding
14 the allegation book that you gave out. Page 4, the
15 gray box, what Mr. Riordan just brought up. I think
16 the word "test" threw you off on Bullet 3 and Bullet 5.
17 Okay? "Have you discussed this with your supervisor,
18 other licensee official? If not, why not? If so, what
19 was the response? If you are not satisfied with the
20 response, explain why."

21 You know, when I first read that, my
22 first thought was this discourages a person from coming
23 to the NRC first. It makes it difficult. It makes it
24 -- why can't you put that after the fact, after they've

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1 come to you and you've talked to them about it? Then
2 you can get the information about why they didn't go to
3 -- if they went to their line supervisor or their ECP
4 or whatever.

5 I think that -- I think he had a good
6 point there. So I -- you don't think so. You
7 disagree.

8 MR. DURR: Well, if you called today, if
9 you called my office with an allegation today, I don't
10 have that book in front of me and I'm more interested
11 in collecting the allegation than I am running through
12 all this laundry list. The first thing I'm going to
13 focus on is your name, if you'll give it to me, and
14 what is your concern. Your name, your address and
15 telephone number so we can get back to you. And what's
16 your concern? If you call me, that's what I'm going to
17 focus on.

18 MS. LUXTON: Okay.

19 MR. DURR: And then I'm going to go,
20 "Oh, gee. I've got these 10,000 things I have to ask."
21 Fact is I have a little card that I carry with me --

22 MS. LUXTON: Okay.

23 MR. DURR: -- in case I have to deal
24 with an allegor. And now there's a whole bunch of

1 things I have to ask him. "Do you mind if we refer
2 this to the utility?" And then if you say, "Yes, I
3 mind", then I would ask you, "Well, why do you mind?"
4 You know? Because we may have to. Even though you
5 object, we may still have to refer it to the utility.

6 So there's a whole laundry list of
7 things that we have to go through by our legal counsel
8 that we have to make sure that you understand, DOL and
9 all these things.

10 So the first thing that I'm sure most
11 anybody here who takes an allegation is your name,
12 address, telephone number and, "Oh, by the way, what is
13 your concern? Let's get down to the real specifics"
14 because I'm always concerned that I may not get to read
15 you all this stuff, but I want the allegation. I want
16 the safety issue first so that I can deal with it. And
17 then even if you're anonymous, I can still deal with
18 it.

19 MS. LUXTON: Okay. Good. Thank you.

20 Now, I want to know what you're going to
21 do in response to his question or -- he asked you -- he
22 told you people at the plant are getting the message
23 from NU, from the company, "Don't go to the NRC because
24 it impairs the ability to restart." You know what I

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1 mean? They're getting the negative message. "If they
2 come to the NRC, they won't let us restart. And we've
3 got an aggressive schedule" and that whole business.

4 Now, what are you going to do about
5 that, what this many just said? I want to know exactly
6 what you're going to do. You can sit there and say to
7 me, "Yes. We'll look into that." But I want to know
8 specifically. Give me -- give me what you're going to
9 do, one, two --

10 DR. TRAVERS: Well --

11 MS. LUXTON: One, two, three.

12 DR. TRAVERS: -- one thing I guess I
13 would encourage anybody who hears of people who are
14 misinformed -- and I don't know what the source is --
15 about our role, we would like to talk to them. Come in
16 and ask us a question. We'd like to encourage people
17 who know of employees who are misperceiving our role in
18 this regard to come to us and let us explain it.

19 MS. LUXTON: Well, okay. Then how are
20 you going to do that then?

21 DR. TRAVERS: But let me finish. We
22 take it very seriously. And I agree with you. We
23 should. In fact, we do. In fact, our requirements
24 include a specific requirement that this kind of

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1 program, including the fact that there is no penalties
2 from NRC, be posted in the plant It's out there. It
3 should not be misperceived.

4 In the case of the utility or licensee
5 organization who sends a contrary message, that's
6 something we would want to know. We have, in the case
7 of Millstone, some experience that suggests we ought to
8 be on the lookout for this kind of a problem. We have
9 a number of means to do that. We have a resident site
10 staff who are alert to questions and problems of this
11 sort. We have a mandated third-party contractor
12 organization who I'm sure will be alert to this kind of
13 problem arising. We're on site every day. We're in
14 the Region. We're in Headquarters.

15 We have our message and our program
16 posted throughout the plant. And we think that that,
17 from the perspective of NRC sending its message, is a
18 sufficient basis for people to understand what we're
19 about and what we won't -- or what we encourage happen
20 and not at the plant. So that's -- that's exactly
21 where we're at today. And we would encourage anybody
22 who has a misperception of that to call us, come into
23 the Resident Office, talk to us and we'll explain it
24 very clearly.

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1 MS. LUXTON: Okay. That was very well
2 said. But how are you going to get that message to the
3 people in the plant? There's 60 people here tonight.
4 I want to know what you're going to do to get that
5 message to them. You said you want to hear that input.
6 You got the input tonight.

7 DR. TRAVERS: Send anyone who --

8 MS. LUXTON: Oh, you're saying for him
9 to send anyone?

10 DR. TRAVERS: We have a program that we
11 advertise in booklets of this sort, in meetings with
12 the licensee, in regulation as a matter of fact, in
13 postings out in the plant. And we think that goes a
14 long way -- and our Allegation Program isn't in place
15 for a long time -- to let workers at nuclear power
16 plants know what our policy is.

17 MS. LUXTON: I would consider this an
18 allegation. Wouldn't you, Dr. Travers?

19 DR. TRAVERS: An allegation?

20 MS. LUXTON: Yes. This is an
21 allegation. I would say what that man just said
22 tonight is an allegation. Wouldn't that be treated as
23 an allegation? Because this has effects on public
24 health and safety if, in fact, this man is correct and

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1 he feels that people in the plant who've come to him
2 and said they feel like they're chilled, that they
3 don't want to go to the NRC because the company is
4 giving them the feeling that by doing that the plant's
5 -- you know, they will be penalized somehow and the
6 plants won't start, that impacts our safety in the
7 public. So wouldn't this be considered an allegation
8 in its own right, what we just heard tonight? Who
9 wants to answer that?

10 MR. DURR: Well, let me -- let me
11 respond to this.

12 MS. LUXTON: Quickly.

13 MR. DURR: Let -- quickly?

14 MS. LUXTON: You know, because I'll go.
15 I mean I don't want to take up a lot of time.

16 MR. DURR: Oh, no, no. But let me --
17 this is the advertisement. This is required to be
18 posted at every --

19 MS. LUXTON: Oh, my God. It's so small
20 you can't even read the type.

21 MR. DURR: Well, not from here you
22 can't. But if you're a little bit closer -- and I have
23 trifocals. So --

24 MS. LUXTON: That's very small print.

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1 MR. DURR: -- I can -- I can read it.
2 But it says, "If you believe that a violation of NRC
3 rules or the terms of the license have occurred or if
4 you have a safety concern, you should report them
5 immediately to your supervisor. You may report
6 violations or safety concerns directly to the NRC.
7 However, the NRC encourages you to raise your concerns
8 with the licensee since it's the licensee who has the
9 primary responsibility for and is most able to ensure
10 safe operation of nuclear facilities" --

11 MS. LUXTON: There, right there. That's

12 --

13 MR. DURR: -- "If you choose to report
14 your concern directly to the NRC, you may report this
15 to an NRC Inspector or call or write to the NRC
16 Regional Office serving your area. If you send your
17 concerns in writing, it will assist the NRC in
18 protecting your identity" and so on and so forth
19 clearly stated at the beginning.

20 So, anyway -- and it gives the NRC hot
21 line and it tells them, "If you want to call us, call
22 us." And it gives you the telephone number and it
23 gives you the address to write or call us.

24 MS. LUXTON: Was that an answer to my

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1 question? Is that an answer to my question, is that an
2 allegation that just happened?

3 MR. DURR: I'm sorry?

4 MS. LUXTON: Is that an answer to my
5 question?

6 MR. DURR: Well, let me -- let me put it
7 this --

8 MS. LUXTON: That didn't answer my
9 question, Mr. Durr.

10 A VOICE: Yes or no?

11 MR. DURR: Well, let me -- well, no.
12 There is --

13 MS. LUXTON: Is that an allegation?

14 MR. DURR: Let me -- let me respond to
15 you, if I might.

16 MS. LUXTON: Sure.

17 MR. DURR: If I hear, which I did, Mr.
18 Riordan's concern and it rose to the threshold of being
19 a concern, an allegation, we would record -- fact is
20 we've done that at these meetings routinely. We've
21 taken that information, but we don't share it with you
22 because that's a private process.

23 MS. LUXTON: Okay.

24 MR. DURR: And so even if I decided it

1 was an allegation, I wouldn't tell you that because it
2 goes into our process and we will run it through and to
3 protect, although he's kind of blown his cover here, to
4 protect his identity. It's a closed process that the
5 public is not privy to. So even if I decided right now
6 yes, that's an allegation and told him to write it up,
7 you would never know that.

8 MS. LUXTON: Okay.

9 MR. DURR: I can't -- I cannot give you
10 that information.

11 MS. LUXTON: All right. I'm just trying
12 to track and make sure that something happens with this
13 kind of information.

14 MR. DURR: So my answer is a non-answer.
15 I'm sorry.

16 MS. LUXTON: I understand your answer,
17 though.

18 MR. DURR: Okay.

19 MS. LUXTON: But you know what my point
20 is? I'm trying to track this to make sure that it
21 doesn't just end up here at the table.

22 MR. DURR: I understand.

23 MR. RIORDAN: Can I make my concern an
24 allegation tonight right now again because I gave it to

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1 the NRC a month ago?

2 MR. DURR: Yes. See us right after the
3 meeting and we'll discuss --

4 MR. RIORDAN: Well, you've got all the
5 details. And I gave them to the Resident Inspector on
6 Unit 1 a month ago.

7 MR. DURR: Okay. But just -- just
8 because you, quote, call it an allegation doesn't mean
9 I will. It means that we'll take it back and put it in
10 the process. And what the process that he just
11 described here decides is what we'll do with it.

12 MR. RIORDAN: Right. Well, that's --

13 MR. DURR: Okay?

14 MR. RIORDAN: That's what I'm asking you
15 to do.

16 MR. DURR: And that's what we'll do.

17 MR. RIORDAN: Thank you.

18 MR. DURR: Mr. Delcore?

19 MR. DELCORE: Don Delcore, Uncasville.
20 I've heard a couple of things here tonight that -- you
21 know, that kind of bother me. One of the things that I
22 want to brush on is that I think as Mr. Urban -- he
23 mentioned that they would have no reason to track the
24 number of employee concerns that Northeast Utilities is

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1 gathering. I would think that that would be pretty
2 important information to you guys based on the number
3 of -- that you're gathering and the number that they're
4 gathering. That might be one of the indicators you
5 might want to look at. So I'm not sure I agree with
6 that --

7 MR. DURR: Well --

8 MR. DELCORE: -- particular comment.

9 MR. DURR: -- can I respond to that?

10 MR. DELCORE: Sure.

11 MR. DURR: What you have to understand
12 is Mr. Urban takes care of the administrative and daily
13 aspects of the process. But the decision on what we're
14 tracking and what we're not tracking rests with Mr.
15 Travers and Mr. McKee and Mr. Lanning. And, yes, we
16 are looking at those things and, yes, we are aware of
17 what's going on there.

18 MR. DELCORE: Okay. It also seems to me
19 that what's happened here tonight in the discussion I
20 just heard with Susan Luxon that you've made a great
21 case for yourselves to simply not turn over issues to
22 Northeast Utilities. That's what I think I've heard
23 here tonight because you've said, first of all, that
24 they can immediately tie it to an alieger.

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1 MR. DURR: They may. Not all cases.
2 But if they're smart enough --

3 MR. DELCORE: They've done --

4 MR. DURR: -- they may be able to do
5 that.

6 MR. DELCORE: They've done a pretty good
7 job over it over the last 10 years, in my opinion at
8 least.

9 Additionally, I think --

10 MR. DURR: Can I respond to that?

11 MR. DELCORE: Yes.

12 MR. DURR: Okay.

13 MR. DELCORE: I thought you did.

14 MR. DURR: No. No, no. My response
15 would be how will we know if the process gets fixed?
16 How will we ever know if the process is fixed the way
17 it's supposed to be, as outlined here, unless we refer
18 things to the utility to see what kind of a job they,
19 in fact, do on them so that we can get a confidence
20 that they are, in fact, now well? So unless we do
21 these kinds of things, we will never know. Will we?
22 So --

23 MR. DELCORE: Jacque, I don't want to be
24 cynical. But I watched you guys turn stuff over for 10

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1 years.

2 MR. DURR: I understand that.

3 MR. DELCORE: And I watched you watch
4 them not fix it --

5 MR. DURR: That's not true.

6 MR. DELCORE: -- and you didn't do a
7 thing.

8 MR. DURR: That's not true.

9 MR. DELCORE: That is true.

10 MR. DURR: And the fact is if you go
11 back and look, we -- up to about two years -- about a
12 year ago, we were referring things to the utility. But
13 we were also sending Inspectors out after the utility
14 responded and doing independent audits of what they
15 told us to verify, in fact, that they did what they
16 said and that it was adequate and complete. And
17 there's inspection reports on the docket. Although
18 they don't say we were looking at allegations, that's
19 exactly what they were there for.

20 MR. DELCORE: But under the --

21 MR. DURR: So you need to be --

22 MR. DELCORE: Under the guise --

23 MR. DURR: And, in fact, if you go back
24 -- if we go back and look at our process, if you look

1 at what the utility has done in the recent past on
2 allegations that's been referred to them, they do a
3 good job. They close them out. They do an adequate
4 job in closing them out.

5 MR. DELCORE: And has closed a few
6 people out at the same time.

7 MR. DURR: Ah. But that's a different
8 issue. So the issue --

9 MR. DELCORE: No. It's the same issue.

10 MR. DURR: No. Because we do not have
11 the resources available to inspect every allegation
12 that this agency gets. We just do not have the --
13 that's the reality of it is there's not enough taxpayer
14 money out there to fund an organization big enough to
15 deal with every allegation the NRC receives. You have
16 to make the utility do what they're supposed to do.
17 The onus is on them. And so it's our job to make them
18 do what they're supposed to do. And that's what we're
19 in the process of doing right now.

20 A VOICE: Here's a good example.

21 MR. DELCORE: All right. Now, going
22 back to that original discussion that you were talking
23 about where she raised an issue and you said that the
24 utility connected the investigation of this issue that

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1 you passed back to them with some other report and
2 that's what tied the individual together. Okay?
3 Through the report.

4 In fact, if you really talk to the
5 individual and you read some more information, you will
6 find that what happened was the Nuclear Regulatory
7 Commission secretly turned the information over to the
8 utility and did not inform the alleged. Now, that's my
9 understanding of the story. And now the alleged is
10 involved but he doesn't know he's been had.

11 MR. DURR: But, again, his name -- the
12 issue was referred -- even if you came to us and said,
13 "I don't want this issue referred to the utility" and
14 we go back to panel and we say, "This is a severe
15 enough issue or it's safety-significant enough or it's
16 technically beyond our capability in the utility", we
17 will refer it to the utility in spite of your
18 objections to that because we need to make those -- be
19 able to make those kinds of decisions. And we have.

20 In this particular case, we referred it
21 back to the utility. But the NRC did not, quote,
22 "secretly" do anything of the sort. It went through
23 panel and we decided that was the best thing for it.
24 And that's what we did with it. We did not turn over

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1 the individual's name to the utility.

2 MR. DELCORE: I didn't say you did.

3 MR. DURR: And --

4 MR. DELCORE: But I did say that you --

5 MR. DURR: Well --

6 MR. DELCORE: -- turned over the
7 allegation to the --

8 MR. DURR: We did, in fact, turn it over
9 to the utility.

10 MR. DELCORE: And he didn't know about
11 it.

12 MR. DURR: And that's true.

13 MR. DELCORE: Then you pretty much
14 nailed him. And we know that he's made a settlement
15 agreement and he's down the road.

16 MR. DURR: Not necessarily --

17 MR. DELCORE: So what I've been sitting
18 here to try to tell you is that when you do that,
19 that's what happens to an individual. So I'm saying
20 you've made a case not to bring the issue to the
21 utility. Go and get an outside consultant and evaluate
22 it. Don't bring it back to the utility. It's the
23 worst thing that you can do. You're asking me for
24 comment about your Allegation Program and I'm telling

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1 you I've been there. I've seen other there. Don't
2 bring the allegation back to the utility. It doesn't
3 work. And it jeopardizes his future and his family's
4 future. It just doesn't work. You can't work that
5 way.

6 Now, I need to get some clarification of
7 numbers. The New London Day published that last year's
8 allegations, I think, were 67. I really don't remember
9 that number. But they also said in the first quarter
10 of 1997 there were 40-some-odd allegations submitted to
11 the NRC from Millstone. Okay?

12 And that would be, first of all, a step
13 increase over 1996 for the first quarter of 1997. And,
14 additionally, I questioned them on it and they told me
15 they got their information from the Public Information
16 Section of the NRC. I imagine Region 1's Public
17 Information.

18 That does not jive with the numbers that
19 Rick Urban gave us, which he said were 22 so far this
20 year, which I assume would include also April. So if
21 you could clarify those numbers, I'd appreciate that.

22 MR. URBAN: The number that Region 1 has
23 received is the number that I stated earlier, which I
24 believe was 22.

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1 MR. DELCORE: Okay.

2 MR. URBAN: Now, I don't know where they
3 got their number from.

4 MR. DELCORE: Okay.

5 MR. URBAN: Now, there may have been
6 some that went to Washington. But I don't think there
7 were that many to make up that difference. So I can't
8 explain that difference.

9 MR. DELCORE: Okay. One -- I think one
10 other aspect that I'd like to discuss and hopefully you
11 can understand maybe where this has some bearing on the
12 allegation process. If you sort of look at the
13 atmosphere -- first of all, I think that Northeast has
14 tried to proclaim that they would like to have an open
15 and a questioning attitude by its employees.

16 But we out here in the public have had
17 an open and questioning attitude towards Northeast
18 Utilities. And unfortunately, the CRC, Susan Perry
19 Luxton and myself have been maligned because we've done
20 that. We've been maligned by Mr. Kenyon. I know I
21 have. I have information from Millstone that says I've
22 been identified at his meetings, as has the CRC and the
23 New London Day, again for all of these questioning
24 things.

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1 I think you're very familiar with the
2 case of Mr. Carnes. I think that you're also familiar
3 with the fact that Mr. Carnes read a letter at an NRC
4 meeting about an individual that wrote and attacked --
5 basically attacked the CRC and this group as, you know,
6 dissenters and detractors and that we really didn't
7 know what we were talking about. And the NRC allowed
8 that -- that discussion to go on. It wasn't on the
9 agenda. But I guess because Carnes was doing it, you
10 guys allowed it to happen. I don't know.

11 But the point I'm trying to make here is
12 that they have -- they have essentially detracted us
13 from raising issues and bringing forth information
14 which we believe is a matter of public record. Almost
15 everything that we have brought here, probably 99.9
16 percent of what we brought before you, short of maybe a
17 few allegations, have essentially been in inspection
18 reports or, for that matter, some public record about
19 the way Northeast Utilities is conducting business.

20 And we're trying as a group and as
21 individuals to keep the public informed of what's going
22 on. But trying to do that, we are essentially being
23 attacked and attempted to be discredited for doing
24 that.

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1 So if you can picture that, imagine how
2 the employees have to feel. Kenyon and Carnes and the
3 rest of those people, they don't have any control over
4 me. They don't have any control over most of the
5 public. But they still feel intimidated to come up
6 here and raise those issues when they're being put
7 before their employees as being detractors and so
8 forth. So imagine the employees feel with regard to
9 coming forward and raising issues. That's a very
10 important aspect of the Employee Concerns Program and
11 the Allegations Program. Very, very, very important
12 because it talks to chilling and intimidation. And it
13 can't happen.

14 And you -- but you guys personally, the
15 oversight group, I haven't seen you come down on NU for
16 any of those aspects that have been identified to you
17 in previous meetings. And you'll agree that I brought
18 them up to you.

19 And somehow you guys have got to take
20 some action and go back at those people and say, "You
21 can't do that. You cannot intimidate the public when
22 they come up and bring stuff up."

23 Kenyon and Carnes should be saying, "We
24 could take a lesson from these guys. We could learn

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1 something here. If we corrected these problems, they
2 wouldn't be in the inspection reports and they wouldn't
3 be able to publicly get up and address it to the rest
4 of the public and let them know what's going on."

5 And you guys have not forced NU to
6 knuckle under on that issue. And you need to do that.
7 That's a very, very, very important issue. And it's a
8 very, very important part of your Allegations Program.
9 And as long as they continue to do that, you're going
10 to continue to have -- keep Urban busy. It might keep
11 him in work.

12 Personally, from my opinion, I don't
13 know why anybody would want to take an allegation to
14 the NRC. I absolutely don't know. Not from my own
15 experience. It doesn't work. And you get attacked
16 down the road. So, enough said.

17 MR. DURR: This gentleman over here?

18 MR. CHRIS MANNER: Good evening. My
19 name is Chris Manner and I am an employee of Northeast
20 Utilities. I am neither a supervisor nor am I a
21 manager. But I believe you need to hear the other side
22 of the story.

23 Mr. Riordan had indicated that he
24 believes that as almost an allegation level that the

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1 company is directing people to come to them rather than
2 going to the NRC with their concerns. He wants a
3 statement issued from both you and the company that no
4 adverse effects will happen to the schedule, the
5 restart schedule, should somebody go to the NRC.

6 I personally, as an employee of the
7 company, do not want to see that. I want the option to
8 be open that if there is a concern and it is a serious
9 concern that the company is not addressing properly,
10 that you retain the option of issuing an NOV or an
11 order. It holds Northeast Utilities' feet to the fire
12 and makes sure that things get taken care of.

13 Of course, in the ideal situation it
14 would be a perfect world if the employee went to their
15 management with their problems. Sometimes that doesn't
16 happen because of personalities. Sometimes it doesn't
17 happen because the management is not taking care of the
18 problem and you need to go directly to the NRC. But in
19 the ideal world, it is best for the employee to go to
20 their management to do that.

21 And the possibility that you will issue
22 an NOV or an order if the company doesn't fix the
23 problem is probably encouraging that type of attitude
24 and action on the part of employees. And I think it's

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1 a good thing because we can fix it and we can fix it
2 right and we fix it right the first time.

3 We have not had that kind of a track
4 record in the past. We are trying to improve upon that
5 and to do it right. And I think we're getting better
6 at it. And it's probably true. If we go to our
7 management and find the problem ourselves and fix it
8 ourselves, if it is indeed a serious violation, the
9 past behavior of the NRC has been such that if the
10 licensee finds it themselves, they're usually a little
11 bit more lenient on the licensee, if a serious problem,
12 with any fines or any actions that are ordered of the
13 licensee.

14 So, accordingly, I -- in recapping, I
15 don't want NU nor the NRC to issue any kind of a
16 statement indicating that there will be no adverse
17 reaction to anyone going to the NRC.

18 And the second thing is I think our
19 Employee Concerns Program is beginning to work. I have
20 confidence in my management. I have a concern. I
21 raise that concern with my management and my management
22 is going to see it up through the chain and get it
23 resolved. Should that not work and should the problem
24 not be resolved to my satisfaction, then I will come to

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1 you with that concern. But until such time that I see
2 that nothing has happened, I'm going to work within the
3 system. And I believe the system can and will work.

4 Thank you.

5 MR. DURR: Thank you.

6 This lady has had her hand up, in the
7 pink.

8 MS. JEAN PEABODY: Peabody from
9 Waterford. And I'm speaking to both --

10 MR. DURR: Are you turned on there?

11 MS. PEABODY: Hmm? Press the button.

12 MR. DURR: There's a button there. Turn
13 the button on.

14 MS. PEABODY: And I'm speaking both --

15 MR. DURR: There. Now you're on.

16 MS. PEABODY: Jean Peabody from
17 Waterbury. And I jotted a few things down the way I
18 feel. And using the word "allegation" over and over
19 and your other jargon sounds like a war between nations
20 instead of management and workers working together for
21 the same cause. And what an unbelievable and
22 horrendous setup must be at our nuclear plants if
23 you're well-meaning and safety-minded employees must go
24 through this program as if they were being unlawful or

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1 dishonest in some way. And this goes on only in the
2 nuclear industry, I believe. There's hundreds and
3 millions -- thousands, rather, on this program. Like
4 you have to defend something. You have to defend the
5 program against your well-minded employees.

6 And I've heard more than one time in
7 some of our meetings that you can't run a nuclear plant
8 safely and make money, too.

9 And, also, lastly, I feel the plants
10 will be allowed to run just as they were before your
11 exposure in '95.

12 Thank you.

13 MR. DURR: Okay. This gentleman over
14 here.

15 A VOICE: This is a contentious evening,
16 as most of them are with the NRC. I think I have an
17 understanding of why. Mr. Kenyon has said that he
18 doesn't want to revisit the past. And I see in you
19 gentlemen the same attitude. You want to start from
20 now. You want to start from now and things are going
21 to be all right.

22 But the people out here in the audience,
23 particularly the employees and the ex-employees,
24 remember the past, as do a lot of us here in the area.

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1 We remember what happened in the past and we think
2 there's a good chance that it can still happen.

3 I notice that you're not -- don't seem
4 to want to listen to the employees. I don't think any
5 of you have been in a situation where you have been
6 afraid to make an allegation. The people that you're
7 hearing from now either made them and got fired or they
8 made them and they're still here. Wouldn't there --
9 isn't it reasonable that those who are not afraid to
10 come forward are speaking for many people who are?

11 I think you ought to be talking more to
12 these people. You ought to be responding to them. For
13 example, to Don Delcore's suggestion that you refer
14 allegations to an outside source. That seems to me to
15 have some positive aspects. It may be impossible, but
16 I think it should be addressed, as I think Mr.
17 Riordan's request should be. I think you should at
18 these things positively. Otherwise, the contention is
19 going to continue, you're not going to have credibility
20 in the community and the thing isn't going to work.

21 That's more of a statement than a
22 question. But if you want to make a remark, go ahead.

23 MR. MCKEE: I think in some of those
24 areas, when I get an opportunity to talk about -- in

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1 the Employee Concerns Program areas, things that are
2 happening, not on addressing the allegations issue but
3 on -- as far as things to measure and to look at a
4 changed environment, I think we'll get into some of
5 those areas, things to fundamentally change what
6 existed and programs that are in place to try to
7 confirm and verify that is, in fact, happening.

8 A VOICE: Well, I think you should
9 remember that we're not going to forget the past
10 whether you and Mr. Kenyon want to or not. We can't.

11 DR. TRAVERS: And I think -- I know we
12 agree with you. In fact, if --

13 A VOICE: Mr. Kenyon doesn't. I'm
14 sorry.

15 DR. TRAVERS: All right. I'll talk for
16 myself.

17 A VOICE: Okay.

18 DR. TRAVERS: If you look at the
19 program, in fact, the mandate NRC has laid on this
20 utility in terms of employee concerns, it's built on
21 the knowledge of the past. It really stems from a
22 thorough understanding from our perspective. It may be
23 limited because we're not employees. We're the
24 regulator and we have a limited perspective on these

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1 matters, but it's extensive.

2 And the program that we have in place,
3 including the required third-party oversight
4 organization review that will be in place for some time
5 -- we don't expect, for example, that these are the
6 kinds of problems that can be turned around today when
7 they've existed for so long.

8 Rather, it's going to take a long-term,
9 a fairly long-term concerted effort by this utility.
10 It's not something we're going to do. We're certainly
11 going to be there to verify what they do and what they
12 don't do. But realistically, everything we put in
13 place with regards to employee concerns is founded on
14 the past that you make reference to. So I agree with
15 you it's quite important.

16 A VOICE: I hope that Little Harbor
17 Consultants will talk to the employees, listen to the
18 employees. And maybe if they present it to you, maybe
19 it be more credibility. I don't know.

20 Thank you.

21 MR. McKEE: I think we might be served
22 to move on to my area, which is related to the same
23 area, and then --

24 MR. JOHN MARKOWICZ: May I just speak

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1 please?

2 MR. McKEE: Okay. We'll have one more
3 and we'll move to my area. And I think any questions,
4 issues you have will apply to the topics that I'm going
5 to talk about also.

6 MR. MARKOWICZ: Thank you. John
7 Markowicz from Waterford. I think you two have
8 basically hit on a solution to what Susan and Jerry
9 brought up earlier. I think they are basically saying
10 that there are systems in place, but because of what
11 has happened, these are unique times and you've in
12 effect established a process to address those unique
13 times.

14 And, therefore, I would suggest that you
15 consider including in the tasking to Little Harbor
16 looking into exactly what Jerry and Susan talked about,
17 a chilling atmosphere where the employees feel they
18 can't bring their concerns to the management and feel
19 they've been discouraged from bringing that to the NRC.
20 And they can ask that question. I think Little Harbor
21 can go and do that and they can report. And if they
22 report back that there is some concerns about going to
23 the NRC, then maybe at that point you might want to
24 consider taking action, not because the third-party

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1 oversight is essentially reporting to you, you may have
2 some action to take also. So I think there's a
3 compromise out there and there's a way everybody can
4 feel action's been taken, in addition to anything
5 Jacque might do or might do based on the allegation
6 statement.

7 MR. McKEE: The one area that I'm going
8 to mention when I get into talking about the oversight
9 plan for Little Harbor is one of the first activities
10 of their four activities is to identify the existing
11 safety culture at Millstone which gets into exactly
12 that issue as a measurement of that culture.

13 MR. MARKOWICZ: Thank you.

14 MR. McKEE: Thank you.

15 We'll allow one more.

16 MR. AL CIZEK: Okay. Thanks. Yes. My
17 name is Al Cizek. I'm from Haddam. And I guess the
18 question I have for Rick Urban is I understand that the
19 majority of the allegations which are received by the
20 NRC are referred back to the utility. Is that correct?
21 In general.

22 MR. URBAN: Well, that depends on what
23 time frame you're speaking of. Since I've been
24 involved with Millstone in July, I could probably say

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1 there was less than five that I personally referred to
2 the utility. Now, before I came to the project, I
3 don't know how many were referred. But I think the
4 referral rate was somewhat higher than that.

5 MR. CIZEK: Okay.

6 MR. URBAN: And as best I know, we
7 haven't referred an issue to the utility probably for
8 five or six months.

9 MR. CIZEK: Okay. As far as referring
10 allegations back to the utility, any utility, I
11 understand that's primarily due to a lack of resources?
12 Like Mr. Durr indicated, you do not have the staff
13 basically to address these?

14 MR. DURR: Well, it goes beyond that.
15 If you stop and look at who is most competent to deal
16 with a condition in the plant, it's the utility. The
17 utility has a vastly larger engineering staff and
18 resources to be able to deal with those kinds of
19 things.

20 So one of the things is to get the
21 allegation to somebody who can deal with it in the
22 appropriate arena. As part of its timeliness, if it's
23 a highly complex technical issue, we have to rely on a
24 limited engineering resource which may take months to

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1 get them out there, which is not consistent with our
2 program to deal with these things as timely as we can.
3 So referring it to the utility has a lot of facets to
4 it beyond just we have limited resources. But that's
5 one of the prime -- that is one of the considerations,
6 yes.

7 MR. CIZEK: Because one could take a
8 view of that that you don't have the capability of
9 providing the oversight which is necessary. I mean
10 would that be inconsistent with what we just talked
11 about?

12 MR. DURR: Yes, I think that would be
13 inconsistent with what we're talking about.

14 MR. CIZEK: If you're relying on the
15 utility to provide their own oversight, then how can
16 you say that you're providing that oversight?

17 MR. DURR: Well, if you look at some
18 very highly -- highly technical issues, very complex
19 which require some kind of special skills, we have
20 those available to us and we can muster them if we need
21 them. So the competency question is not there. It's
22 do you have confidence that the utility will do what's
23 right? I would say that the consensus is that most
24 utilities are capable and competent to do just that.

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1 In this particular case, the only thing
2 -- I think Millstone is capable and competent of
3 dealing with technical issues. However, historically
4 they have abdicated that responsibility. And so that's
5 what makes them questionable now to deal with. It's
6 not that they don't have the technical competence to do
7 it. It's just that they didn't have the internal
8 fortitude to do what was right. So that's where I
9 think the agency is competent. And we have the people
10 if we really need them.

11 DR. TRAVERS: But, in general, too, I
12 mean we've had some -- we've had good success with this
13 program. We turn over technical issues which are
14 largely successfully addressed. And that's our
15 principle goal when something of this sort comes in.
16 If there's a technical issue that really needs address
17 and resolution, turning it back to the utility very
18 often presents the best approach, the most efficient
19 approach for getting it done and getting the safety
20 issue resolved. It just generally works. It hasn't
21 worked all that well at Millstone. This is an
22 outliner. But it generally is an approach that works
23 quite well.

24 MR. CIZEK: Yes. I don't think I want

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1 me it's just not fair to the public unless that from
2 top to bottom is looked at and verified that it's A-1
3 okay. I don't see how you just choosing something
4 at random is going to set anybody's mind at ease like
5 that.

6 And I'm sorry. They may have their
7 financial problems. But much more important is this
8 land and the people that are here. And it's just not
9 enough to -- as far as I'm concerned, with such a
10 deadly possibility, that not every single system should
11 be checked. And I don't see why that wouldn't be a
12 responsibility of either the Regulatory Commission or
13 just a standard before any business goes back on line,
14 that all machinery is working properly, safely,
15 accurately, that everyone's protected. And especially
16 given the way of NU's behavior in the past, how are we
17 possibly going to trust that this is going to work
18 well? Or -- I'm sorry. Even in the case of oversight
19 where many people just don't believe that this is
20 valid. You know?

21 So I'm going to represent the public and
22 I'm voicing my objection to this particular system.

23 Thank you very much.

24 DR. TRAVERS: Thank you.

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1 MR. DELCORE: I've got one question.

2 MR. IMBRO: Sure.

3 MR. DELCORE: I recently looked at a
4 response by Shirley Jackson to an OSTI at Maine Yankee.
5 It had some involvement with an OSTI at Maine Yankee.
6 And the question that the individuals raised was with
7 regard to whether or not Maine Yankee was in
8 substantial compliance with its design basis, its
9 license basis, FSAR or not. And if it wasn't, why
10 weren't the same requirements put on it as placed on
11 Millstone for review and so forth?

12 And the reason I'm even up here talking
13 to you about it is the response from Chairman Jackson
14 was that being in substantial compliance with the FSAR
15 and the license basis and NRC regulations wasn't the
16 real question. What the real question was -- did it
17 post an undue risk to the public health and safety?

18 And it seems to me if you're not in
19 compliance or you're not in substantial compliance --
20 and I understand that you can take any licensee in any
21 plant in the country and at any given time they're
22 going to not be 100 percent in compliance.

23 A VOICE: That's right.

24 MR. DELCORE: I think most people will

1 accept that, that there are going to be some times when
2 you're outside your tech spec or you need to have an
3 amendment or something like that.

4 But for her to come out and respond that
5 substantial compliance is not essentially a requirement
6 and that the only thing that the staff is going to look
7 at is whether it places an undue risk on the public
8 with regards to health and safety really puts into
9 question whether or not this ICAVP and the 350
10 inspection and the OSTI's and all the other things are
11 really going to make any difference, that, in fact, the
12 Commission is going to say, "Start 'em up."

13 MR. IMBRO: Well, I --

14 MR. DELCORE: Well, I mean when I see a
15 letter like that, I can't think of anything else. And
16 I thought I'd get that out here tonight.

17 MR. IMBRO: For me, it's -- I can't
18 comment on what the Chairman say, although it's hard
19 for me to believe that she would say that because --

20 MR. DELCORE: Would you like to read the
21 letter?

22 MR. IMBRO: Yes. Send it to me. But I
23 mean she's been -- all along, one of her really strong
24 points is verbatim compliance with the FSAR. So --

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1 MR. DELCORE: That's what I thought when
2 I saw her August 6 meeting.

3 MR. IMBRO: Yes. I guess I'm surprised
4 to hear you say that.

5 MR. DELCORE: But I read the letter,
6 gents.

7 MR. FROMMER: Can I ask a question?
8 This is a technical question. What's the difference
9 between -

10 MR. IMBRO: You're going to have to --

11 MR. FROMMER: -- Tier 1, Tier 2 and Tier
12 3?

13 MR. DURR: Can you come down front
14 please?

15 MR. FROMMER: Yes. I'd like to ask,
16 what's the difference, the technical difference,
17 between the Tier 1, the Tier 2 and the Tier 3?

18 MR. IMBRO: Okay. Well, they're --
19 first of all, let's say they're pretty vastly
20 different. The Tier 1 is a look at a number of
21 systems, four, five systems. It's a vertical slice
22 look. It's a look at the entire design of that system
23 from top to bottom, all attributes of the system,
24 piping design, electrical design, fluid design, seismic

1 design, environmental qualification, I mean everything,
2 soup to nuts. Okay? Also, not only --

3 MR. FROMMER: Performance.

4 MR. IMBRO: Yes. Right.

5 MR. FROMMER: Performance. Okay.

6 MR. IMBRO: And, also, you know, the
7 fact whether or not interfacing systems that are needed
8 to support that system are going to be there to do
9 their jobs. So that's a very specific look at a number
10 of systems.

11 Tier 2 looks at -- I don't know if
12 you're familiar with the FSAR. In the FSAR --

13 MR. FROMMER: I know -- yes, I know what
14 it is.

15 MR. IMBRO: Chapter 15, if you look some
16 time, you'll find a number of postulated accidents that
17 are analyzed, consequences of the plant. Plants need
18 to be designed to be able to handle these accidents
19 without any undue risk to the public. Okay?

20 As part of the accident mitigation, a
21 number of systems are relied upon for various
22 accidents. So what we asked as Tier 2 was, beyond the
23 five-system look top to bottom, is to look at the
24 critical attributes of the systems that are required to

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1 mitigate those particular accidents.

2 MR. FROMMER: Accidents.

3 MR. IMBRO: Okay. So now it's not a
4 look at the entire system. But if a particular flow is
5 required, for example, an injection flow, to mitigate
6 the consequences of a lost coolant accident, for
7 example, we look at what attributes are necessary to
8 make sure that that flow is there and it's available to
9 mitigate the accident.

10 So you're going to look at a whole host
11 of systems on a specific basis but really just to look
12 at critical characteristics. That's Tier 2.

13 So you've got the five-system look at --
14 five systems at least, top to bottom. Look at all the
15 parameters or all the --

16 MR. FROMMER: Attributes.

17 MR. IMBRO: -- attributes that are
18 required to mitigate the consequences of an accident.
19 That's Tier 3 -- Tier 2.

20 Tier 3 is to look at various ways that
21 the plant could be changed without -- say, without
22 affecting the -- without -- let me go back. Tier 1
23 will look at all hardware changes, okay, from day --
24 from the time the plant was initially put into

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1 operation up to the present and also the initial
2 design.

3 MR. FROMMER: So you're looking at
4 configuration control essentially.

5 MR. IMBRO: Configuration control.

6 Tier 3 would be to look at processes
7 that are required -- that would be in place to -- that
8 could change the plant without possibly incurring a
9 design change. For example, commercial -- well, like-
10 for-like replacement. In other words, they have a
11 particular valve. They can't buy that valve any more
12 and they need to replace it. So they buy someone
13 else's valve. And they evaluate characteristics of
14 that valve and then they would install it into the
15 plant because it's essentially identical to what was
16 there before. So that's one process. Not really a
17 design change. Like-for-like replacement.

18 Drawing changes would be evaluated. All
19 -- there's probably about -- I don't even know -- I'd
20 say about maybe 18 or so processes that the ICAVP will
21 look at, at various ways that design changes could have
22 been made to the plant without a review of engineering.

23 For example, another example would be
24 Master Equipment Parts List, for example. They would -

1 - if they changed -- again, changed out a particular
2 component and changed the Master Equipment Parts List,
3 that could have resulted in a design change that was
4 made to the plant unbeknownst to the people doing it.

5 Changes to maintenance procedures. I
6 mean, for example, if they -- if they were to change,
7 say, a particular lubricant in a valve and maybe they
8 put something in that wasn't qualified for the
9 environment, those kinds of things would be kicked up
10 in Tier 3.

11 So basically, Tier 3 is to look at
12 essentially on hardware changes that could have
13 resulted in changes or putting the plant in non-
14 conformance with its licensing basis.

15 So it's a -- and, again, that's not
16 going to concentrate on the five systems or even the
17 systems required for accident mitigation. That's
18 pretty much across all 88 systems. And so -- by the
19 time we're finished with this review -- that's why Bill
20 said that this is probably the most comprehensive
21 review that NRC has ever done. Because typically we
22 would only look at a couple of systems in a manner
23 similar to Tier 1, the vertical slice review. But now
24 we're going beyond that. We're looking at a number of

1 systems, plus the accident mitigation systems, the
2 critical attributes of those, plus all other changes
3 possibly that could have -- all other plant processes
4 that could have introduced ways that put the plant
5 outside its design basis. So it's kind of looking at
6 this way, this way, you know, top, bottom, side. You
7 know?

8 MR. FROMMER: Yes. I understand what
9 you're doing. But it doesn't seem to me, from what
10 you're saying -- for example, just looking at the four
11 systems out of Tier 1, it doesn't -- and you talked
12 about a high probability of confidence. And I'm --
13 from what I'm hearing, it doesn't sound like it's a
14 high statistical probability of confidence. It's just
15 an intuitive high probability of confidence.

16 MR. IMBRO: That's right.

17 MR. FROMMER: And that doesn't
18 necessarily translate or correlate to a high
19 statistical probability.

20 MR. IMBRO: We never said that the --

21 MR. FROMMER: No. I know. And that's
22 what my concern is. Because this doesn't seem to be --
23 this ICAVP is not statistical-based. And since it's
24 not statistical-based, I do not have a warm, fuzzy

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1 feeling --

2 MR. IMBRO: But I think if you read the
3 Commission paper, we tried to address that. And the
4 reason why we didn't make it statistically based is
5 because you're not dealing with widgets coming off an
6 assembly line. You have different systems of various
7 designs, that do various things, that have altogether
8 different components --

9 MR. FROMMER: I understand. But --

10 MR. IMBRO: It's not -- you know, it's
11 not looking at a bucket of apples and saying, you know,
12 if I pick 59 out of these, I have 95 percent confidence
13 that the rest are okay.

14 MR. FROMMER: No. You know, it's not as
15 simplistic --

16 MR. IMBRO: But people would do that.
17 Okay?

18 MR. FROMMER: It's not as simplistic as
19 that. But it can be done. You have computers and they
20 could model, based on failure rates and known
21 corrective problems, you could fail -- you could
22 determine a legitimate sample size to give you a
23 statistical confidence level.

24 You haven't done that and haven't come

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1 even -- you haven't even approached attempting to do
2 that. And I'm sure the models are out there. In fact,
3 there's plenty of mathematical models out there to do
4 just that.

5 That raises, in my mind, a very, very
6 serious level. Because if you take a look -- let's
7 just take a look at a normal gaussian statistical
8 curve, a simple bell-shape curve. You could, according
9 to what you're saying, you could be at the lower end of
10 that curve and be all right because that's part of the
11 consumer, the producer's risk, and the other systems
12 are no good.

13 MR. IMBRO: Well, I'm -- I guess what
14 I'm suggesting -- I appreciate your comment. But I
15 think what -- I guess what I was suggesting is we
16 looked at that quite thoroughly. We had our
17 statisticians look at it and Office of Research. We
18 pretty much concluded that the statistical approach was
19 not workable. So I ~~mean~~ I understand what you're
20 saying.

21 MR. FROMMER: I think what I'm hearing
22 from you is the statistical approach is going to cost
23 too much money to do --

24 MR. IMBRO: No, not at all.

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1 MR. FROMMER: -- and from an economic
2 standpoint, you don't want to put the money into it.
3 That's more like what I hear.

4 MR. IMBRO: Well, that's your opinion.

5 MR. FROMMER: Well, from what I'm
6 hearing, that's what it seems like. Because it is not
7 cheap to do. It's going to cost money. But it's a
8 more rational basis for decision-making than the
9 approach you're using, from an engineering standpoint.

10 MR. IMBRO: Thank you.

11 MR. DURR: Excuse me. Do we have any
12 more questions? If not, then -- I'm sorry.

13 MR. RIORDAN: Jerry Riordan, Newington.
14 I have a quick comment about Little Harbor. And it's
15 only about a minute. And I'd like to direct it at you,
16 Dr. Travers.

17 I had the opportunity to observe and
18 listen to some of the Little Harbor folks in a couple
19 of public meeting scenarios recently. And I met with
20 one of the Little Harbor people today. And I'd like to
21 tell you that I was favorably impressed and encouraged
22 that Little Harbor is going to do an excellent job.

23 But -- but I've been an employee with
24 Northeast Utilities for 25 years. And I know how

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1 subversive Northeast can be. And I know that there are
2 various people in various groups at NU that are
3 probably chomping at the bit just waiting to get at
4 Little Harbor.

5 So if you sense that something like that
6 is going on or if Little Harbor gives you the faintest
7 cry of help, I expect you to shoot to kill, put an end
8 to any kind of shenanigans from Northeast Utilities.
9 For God knows, we all need -- NRC, NU and the public
10 need to have Little Harbor do that excellent job. And
11 I'm hoping that NRC provides them clear sailing.

12 DR. TRAVERS: Thank you.

13 MR. DURR: I guess we kind of share your
14 sentiments there, Jerry.

15 MR. RIORDAN: Yes.

16 MR. DURR: We agree. If there's the
17 slightest hint of anything going wrong there, the NRC
18 should be all over it.

19 We don't have any more comments. We'll
20 close this meeting. Thank you very much for coming.

21
22 (Whereupon, the meeting was adjourned at
23 10:45 P.M.)
24


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CERTIFICATE

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