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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

+ + + + +

THURSDAY

JULY 1, 2004

+ + + + +

The conference call was held, Herb Berkow,
presiding.

PETITION REVIEW BOARD:

HERBERT N. BERKOW, Chair

DONNA M. SKAY

LEE A. LICATA

PETITIONER:

MARY ELIZABETH LAMPERT, Duxbury, Massachusetts

ENERGY NUCLEAR, PILGRIM POWER STATION:

STEVE BETHAY, Director of Nuclear Safety

and Assessment

BRYAN FORD, Licensing Manager

NRC STAFF PRESENT FROM REGION I:

CLIFF ANDERSON, Projects Branch Chief

DON FLORES

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LOCAL 369, UTILITY WORKERS OF AMERICA:

DAVID LIEB, ESQ., Spiegel & McDiarmid, D.C.

UNION OF CONCERNED SCIENTISTS:

DAVID LOCHBAUM

P R O C E E D I N G S1
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CHAIRMAN BERKOW: Good morning.

PARTICIPANT: Are all the other people known to everyone on the call?

MS. LAMPERT: I'm not sure. This is Mary Elizabeth Lampert from Duxbury, Massachusetts, the petitioner.

MR. LIEB: And David Lieb. I am at the law firm of Spiegel & McDiarmid in Washington, and I represent Local 369, the Utility Workers Union of America.

CHAIRMAN BERKOW: And then we have some people from the plant?

MR. BETHAY: That's correct, yes. Steve Bethay. I am the Director of Nuclear Safety and Assessment, and with me I have Bryan Ford who is our Licensing Manager.

CHAIRMAN BERKOW: And from Region I?

MR. ANDERSON: Cliff Anderson, Projects Branch Chief, and --

MR. FLORES: Don Flores (Inaudible).

CHAIRMAN BERKOW: And the Union of Concerned Scientists?

MR. LOCHBAUM: David Lochbaum.

CHAIRMAN BERKOW: David, you don't have

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1 anyone else with you?

2 MR. LOCHBAUM: Unfortunately, no.

3 CHAIRMAN BERKOW: Ms. Lampert, could you
4 tell us what the roles of Mr. Lieb and Mr. Lochbaum
5 are going to be on today's call?

6 PARTICIPANT: Who is speaking, just so we
7 know?

8 PARTICIPANT: Can you identify yourself?

9 CHAIRMAN BERKOW: Oh, I'm sorry. Yes.
10 Herb Berkow. We'd like to know what the roles are of
11 Mr. Lochbaum and Mr. Lieb are going to be for this
12 telecon.

13 MS. LAMPERT: David Lochbaum is a nuclear
14 engineer, as you know, an analyst with the public
15 interest group, Union of Concerned Scientists. I have
16 asked David to be my, I guess you would call it,
17 expert in this call.

18 I know we all are looking out for public
19 safety, and I'm sure he can contribute from his
20 experience questions and commentary that will
21 enlighten the NRC so that the best decision can be
22 made on my important petition.

23 CHAIRMAN BERKOW: Okay. So this is Herb
24 Berkow again. So you are going to ask Mr. Lochbaum to
25 participate as a speaker.

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1 MS. LAMPERT: Correct.

2 CHAIRMAN BERKOW: Okay.

3 MR. LIEB: And this is David Lieb
4 representing Local 369. We are not representing Ms.
5 Lampert in this. Local 369 represents the majority of
6 the workers at the Pilgrim plant. We are generally
7 supportive of this petition that Ms. Lampert has
8 filed.

9 We strongly believe that the plant cannot
10 be operated within an adequate margin of safety
11 (inaudible) highly experienced workforce and, if there
12 is a strike or other work stoppage, it is our position
13 that the plant should be shut down.

14 CHAIRMAN BERKOW: This is Herb Berkow
15 again. So, Ms. Lampert, now I would assume then that
16 Mr. Lieb is just going to be an observer on this
17 telecon.

18 MS. LAMPERT: That is my understanding, as
19 he just stated.

20 MR. LIEB: If I can just finish, please.

21 CHAIRMAN BERKOW: Go ahead.

22 MR. LIEB: Okay. Now what I was going to
23 say is that Local 369 (inaudible) in a mediated
24 bargaining session on Saturday morning, and I
25 understand those were to continue through Tuesday.

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1 If we are not able to reach an agreement
2 by Tuesday, Local 369 intends to file with NRC and make
3 public a statement of the reasons for the Union's
4 belief that the plant should be shut down in the event
5 of a work stoppage, and we would request that, if and
6 when we file that statement, it will be made a part of
7 the record of the proceeding, and we will indicate
8 that when we file it.

9 PARTICIPANT: Yes, that is -- This is
10 Steve Lewis (Phonetic) speaking. I was going to say
11 that there is a point to which this process is really
12 (inaudible), you know, a very informal process, and we
13 are -- We don't even always have lawyers participating
14 at many of the stages of it.

15 So you know, we are going to try to be
16 very nonlegalistic here.

17 MR. LIEB: Okay. Well, that's fine.

18 PARTICIPANT: In effect, I think that what
19 I'm really trying to say is that, when the union files
20 something with the NRC, it would be to our benefit
21 and, I think, to the union's benefit, to identify
22 specifically what you are asking us to do.

23 We may very well -- The 2.206 that Ms.
24 Lampert has filed is her 2.206. It may well be that
25 you are filing a paper of your own or -- But just make

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1 clear what it is you are filing and what your reasons
2 are.

3 MR. LIEB: Okay.

4 PARTICIPANT: And what the remedy is that
5 you are seeking.

6 MR. LIEB: Okay. I appreciate that, and
7 we will certainly do that, and I promise I will
8 endeavor not to inject any unnecessary legalism into
9 this.

10 PARTICIPANT: Okay. I promise, too.

11 MR. LIEB: My reason for being here is to
12 listen.

13 PARTICIPANT: Okay.

14 CHAIRMAN BERKOW: This is Herb Berkow
15 again. For purposes of the record, the subject of
16 this teleconference is a 2.206 petition submitted by
17 Mary Lampert, petitioner, dated June 12, 2004. The
18 petitioner has requested that the NRC not permit
19 Pilgrim Nuclear Power Station to continue to operate
20 in the event of a strike.

21 The purpose of this teleconference is to
22 allow the petitioner to address the Petition Review
23 Board and is an opportunity to provide additional
24 explanation and support for the requested action. It
25 is also an opportunity for the staff and licensee to

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1 ask any clarifying questions.

2 I want to make it clear that the purpose
3 of this teleconference is not to debate the merits of
4 the petition. Following this phone call, the PRB will
5 meet to determine whether the NRC accepts the petition
6 under the 2.206 process or whether it will be dealt
7 with under another process.

8 The PRB is meeting today that I just
9 referred to will not determine whether or not we agree
10 or disagree with the contents of the petition.

11 This teleconference is being recorded and
12 will be transcribed. So I ask that anybody, including
13 myself, making a statement first state their name
14 clearly. The transcript will become a supplement to
15 the petition and will be made publicly available.

16 We requested that the petitioners keep
17 their remarks to about 30 minutes. Now if the PRB
18 decides that the petition will be considered under
19 2.206, then the NRC will issue an acknowledgment to
20 the petitioner.

21 The usual process that we follow calls for
22 the NRC to issue a directed decision within a
23 reasonable period of time. In this case, the request
24 relates to a specific event, namely a potential strike
25 at the Pilgrim plant.

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1 Should the strike occur before completion
2 of the directed decision, we would have to consider
3 the petitioner's request for immediate action and make
4 a decision as to whether to grant or deny the request
5 for immediate action.

6 Should we decide that the petition does
7 not satisfy the criteria for review under 2.206, the
8 petitioner will still receive a complete written
9 response to the concerns. However, in this case, too,
10 should a strike occur before our response is completed
11 and issued, we would again have to make an immediate
12 decision on the request.

13 Are there any questions on our process?
14 Okay, if not, then, Ms. Lampert and the other people
15 with you, we will turn the call over to you. We are
16 specifically interested in further explanation of two
17 paragraphs in your petition on page 3, specifically
18 stating that some components do not operate as
19 designed and require special training to compensate
20 for mechanical glitches, and some components were
21 identified by the Government Accounting Office as
22 counterfeit and substandard. Union workers were
23 trained to respond to emergencies up to and including
24 area evacuation and terrorism, vulnerability to
25 (inaudible). Implementing procedures vary from site

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1 to site.

2 Then you follow in the next paragraph: I
3 do not believe the plant can be operated safely by
4 replacement workers that have not received site
5 specific training, do not have user experience at the
6 site, do not have a specific history to Pilgrim
7 Nuclear Power Station, and so on.

8 So it is primarily those two paragraphs in
9 your petition that we are asking you to expound on.

10 MS. LAMPERT: Correct. Mary Lampert, the
11 petitioner. I wish to make my statement without
12 interruption, so I don't lose my train of thought or
13 I forget to include an item of importance. It will
14 serve both our interests if I am given that
15 opportunity and courtesy.

16 Due to confidentiality, I cannot provide
17 copies of any communications from work or
18 documentation or identify sources other than workers
19 at the plant.

20 Inspection requirement 92709-02.06 used by
21 the region to help review preparations for a strike
22 states: Determine if licensed personnel who will be
23 performing, are performing licensed activities are
24 qualified and proficient in these activities.

25 This recognizes the importance NRC gives

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1 to human performance in order to decrease risk at
2 nuclear power plants. The petitioner agrees and
3 asserts in the petition that Entergy's plant to
4 substitute workers for those on strike would
5 jeopardize public safety and increase risk.
6 Therefore, I ask enforcement action.

7 First, the importance of human performance
8 to reduce risk: Research commissioned by the NRC
9 demonstrates the importance of human performance.
10 Profiles of human performance contributes
11 contributions to operating events.

12 The NRC saw a need to better understand
13 how human performance influences risk associated with
14 nuclear power plant operations, and NRC Office of
15 Research requested Idaho National Engineering and
16 Environmental Laboratories to identify and
17 characterize the influence of human performance in
18 significant operating events.

19 In that report on Table 1 it shows that
20 operators are most likely to make active errors -- in
21 other words, to make a decision -- that immediately
22 causes problems. Other workers can and do make latent
23 errors, such as writing down the wrong steps in
24 maintenance work orders, so that the problem occurs
25 later when the work is done.

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1 On Table 2 they rank the results of recent
2 plant events by event importance. The right-most
3 column of that table explains how much human error
4 contributed to the event. (Inaudible) of 100 means
5 that the event would not have occurred or would not
6 have been serious, had human error mistakes not
7 happened.

8 All but four out of the 23 reactors
9 sampled ranked 100 in that column, and two of the
10 remaining four had scores of 80. In the summary, the
11 report states that human performance was found to be
12 a major contributor to the risk increases in
13 significant operating events, and all operating events
14 involved multiple human failures.

15 The summary states, "Findings from this
16 work underscore the significant contribution human
17 performance makes to nuclear power plant risk."
18 Pilgrim workers themselves say that human performance
19 would be degraded if substitute workers are used to
20 replace those on strike.

21 Facility designs, layouts and operating
22 procedures vary significantly from plant to plant. In
23 Pilgrim's case, the degree of variation is especially
24 pronounced, because Pilgrim is one of the nation's
25 oldest reactors. It operates under a patchwork

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1 effect.

2 At Pilgrim it is often more difficult to
3 find needed spare parts or to know where parts are
4 needed to maintain or repair equipment. I am told
5 that the special practices developed to deal with such
6 challenges and generally to ensure Pilgrim's
7 (inaudible) and safe operation are part of the
8 institutional knowledge that Pilgrim's workforce
9 brings to the performance of their jobs but may not be
10 written down.

11 We are told by workers that operators must
12 be able to do more than follow written procedures
13 which tend to provide guidance about how to respond to
14 isolated events for one equipment failure at a time.
15 However, as in any complicated system, more than one
16 problem often occurs at one time.

17 Thus, operators must know how to address
18 situations in which multiple events are happening at
19 the same time for which there may be no specific
20 written protocol. In those instances, the importance
21 of having experienced personnel on hand to make an
22 informed judgment cannot be overstated.

23 The current workforce has decades of plant
24 specific experience, but contract replacement staff
25 (inaudible) to run Pilgrim following a work stoppage

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1 will, obviously, will not have the same on the job
2 experience with the plant.

3 The strike contingency plan calls for the
4 replacement of experienced reactor operators with
5 personnel who do not have plant specific experience.
6 Pilgrim's Operations Department has 23 licensed
7 reactor operators who, we understand, are members of
8 Local 369.

9 We are told that these 23 reactor
10 operators are responsible for the day to day operation
11 of the plant's control room. They have an average of
12 9.5 years of experience as Pilgrim reactor operators
13 and a cumulative experience of 219 years as Pilgrim
14 reactor operators.

15 This means that on average those in charge
16 of controlling the plant, including reading gauges,
17 meters, turning switches, turning dials, and pulling
18 the levers in response to those meter and gauge
19 readings, have nine and a half years of performing
20 these task.

21 This experience is essential, because
22 there are thousands of gauges and meters, and many of
23 them are highly sensitive, requiring familiarity and
24 (inaudible) to operate them properly.

25 In the event of a strike or work stoppage,

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1 we understand that Entergy intends to use senior
2 reactor operators from Pilgrim to replace the current
3 contingency of reactor operators. We are told that,
4 applied to Pilgrim, the term "senior reactor operator"
5 is a misnomer, because most of the SROs, senior
6 reactor operators, at Pilgrim have no hands-on
7 experience operating the control board at Pilgrim.

8 The SROs at Pilgrim, unlike their RO
9 counterparts, have no experience turning dials,
10 pulling levers or reading gauges and meters, because
11 as a matter of practice at Pilgrim SROs do not operate
12 control room equipment.

13 Indeed, we understand from workers that
14 the management personnel who will be used by Entergy
15 in the event of a strike, only six have any experience
16 actually touching control room equipment.
17 Specifically, on the management side, we understand
18 from workers that there are only eight Operations
19 Department employees with any licensed operator
20 experience.

21 As licensed operators, those eight
22 personnel have an average of 4.1 years of experience,
23 and cumulative experience of 33 years. Two of the
24 eight management personnel who have experience as
25 licensed operators currently do not have active

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1 operator licenses and, thus, would not be permitted to
2 work as a reactor operator.

3 The qualifications of these SROs, turned
4 into ROs in the event of a strike, may also be
5 suspect. Workers said that Entergy is changing its
6 policy for qualifying a work as an RO in the Pilgrim
7 control room.

8 We understand that normally reactor
9 operators have to be tested on their knowledge of a
10 number of plant systems before they are permitted to
11 work in plant control. However, in order to replace
12 reactor operators in the event of a work stoppage,
13 senior operators are now being asked to self-assess
14 their qualifications to operate the plant.

15 In preparation for the strike, Pilgrim
16 senior operators are apparently being asked to
17 identify any systems about which they think their
18 knowledge may be deficient. If they identify an area,
19 they will be tested on their knowledge of that system,
20 but will not be tested on their knowledge of other
21 systems about which they do not acknowledge a
22 deficiency.

23 Thus, whether these personnel are
24 permitted to take control of Pilgrim will be based
25 substantially, if not entirely, on their own self-

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1 assessment of what they know.

2 The contingency plan will result in
3 replacement workers performing the functions currently
4 performed by experienced personnel. We are told that
5 throughout the plant significant surveillance
6 functions are being performed every day, but is
7 dependent upon the experience of the existing
8 workforce.

9 For example, technicians working in
10 Pilgrim's Instrumentation and Control Department are
11 called upon to test and maintain devices that report
12 information to the ROs in the control room. This is
13 the work of testing systems to ensure that under
14 certain parameters they perform certain automatic
15 functions.

16 The procedures for conducting these tests
17 are highly plant specific. Even among nuclear plants
18 of the same vintage, equipment testing is sequenced by
19 procedure. Failure to follow the procedures correctly
20 may constitute a prohibited action outside the
21 parameters of the plant's operating license.

22 The same concerns arise with respect to
23 employees in Pilgrim's Chemistry Department where,
24 among other things, they are called upon to do
25 (inaudible) testing and other forms of environmental

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1 monitoring. All of these tests must be conducted by
2 fully qualified technicians.

3 Until now, full qualification status for
4 instruments and controls personnel has required at
5 least three to four years of Pilgrim experience.
6 (Inaudible), like most nuclear plants, Pilgrim has a
7 master equipment list. It serves as a database to
8 permit a user to look up a piece of equipment and
9 determine its component parts and relevant maintenance
10 history.

11 We are told that master equipment list is
12 substantial, as there may be anywhere from 300,000 to
13 400,000 component parts in a nuclear plant. This form
14 of configuration control is critical to ensuring that
15 maintenance work is planned and conducted based on the
16 facts on the ground.

17 At Pilgrim, we understand that the master
18 equipment list is incomplete and unreliable, despite
19 years of effort to bring the list up to industry
20 standards either in terms of completeness or accuracy.
21 Unless and until the master equipment list is complete
22 and accurate, maintenance work cannot be properly
23 planned based on the contents of the list.

24 The experienced workforce that deals with
25 the plant and its equipment components on a day to day

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1 basis will be aware that information on the list
2 cannot be relied upon, and will know the actual status
3 of a given plant component because of direct
4 experience with it.

5 Contractors brought in to perform the same
6 functions on an ad hoc basis will not have that
7 experienced based knowledge. Significant problems may
8 arise to the extent that outside contractors or others
9 who have plant specific experience need to perform
10 maintenance tests based on inaccurate configuration
11 information. By analogy, it would be impossible to
12 navigate the plant without an accurate map.

13 Substandard and counterfeit parts were
14 identified in TAO 91-6, October 1990, nuts, bolts,
15 pipefitting, circuit breakers, fuses. It is the
16 petitioner's understanding that all of those
17 substandard and counterfeit parts have not been
18 replaced with standard parts. Therefore,
19 institutional knowledge is required to know what is
20 standard and what isn't standard.

21 Entergy has started strike implementation
22 of its plan, weakening, we understand, emergency
23 plans. We were informed that on June 29, 2004,
24 Entergy started weakening its emergency plan.
25 Although characterized to us as minor, it is still a

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1 weakening.

2 As licensed operators left work June 29th
3 -- I believe the date is correct -- Assistant
4 Operations manager Bryan Tolvin (phonetic) started
5 collecting operator keys. These keys are used by
6 operators to open storage lockers that contain
7 firefighting equipment and gain access to toolboxes to
8 the plant during equipment malfunctions and minor
9 maintenance.

10 If the operators are required to respond,
11 as required in the emergency plan or fire emergency
12 procedure plan and do not have the keys in their
13 pocket, their response time will be reduced and add
14 needless delay, compromising everybody's safety.

15 Workers also stated that the Chemistry
16 Department is attempting to delete required actions of
17 the on-shift chemistry technician from the emergency
18 upgrading procedures, to relieve the Department from
19 27/7 coverage after July 13th.

20 It does not look like safety of the plant
21 and of the public is the major focus anymore, as it
22 should be. Instead, management's primary focus is on
23 how to operate during the strike without qualified
24 staff.

25 The real question is what other early

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1 posturing will Entergy employ, and what effect will it
2 have on the staff? Distractions are a common
3 contributor to human error. Unreasonable and
4 unwarranted action weeks before the expiration date of
5 its labor contract (inaudible) to have generated an
6 error-like situation. Therefore, public safety is
7 compromised even before the fact by a negative and
8 otherwise distracted workforce.

9 As their final directive, we understand,
10 the operators were also told to clean out their
11 lockers, and Mr. Sullivan said your personal items
12 will not be safe after July 13th. And not to be
13 overlooked, the public's personal items, like my
14 house, may not be safe either, which is the point of
15 my petition.

16 A negative environment with workers at
17 Pilgrim that we have now due to the lack of
18 cooperation by Entergy with its workers and focused
19 instead, I believe, on the bottom line, like a bad
20 marriage does disservice to a whole.

21 The focus is distracted from the primary
22 and larger goal of protecting the kids in the interest
23 of the family. In this case the public can see
24 functioning of the reactor.

25 The union workers, apparently, from press

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1 reports, and the security workers are both
2 disgruntled. Something is going wrong with
3 management.

4 On another level, it is important to
5 recognize that Pilgrim has already substantially cut
6 their workforce over the past decade. The workforce
7 is stressed, part of the reason behind the strike, and
8 so it is a bad time to pull in substitutes.

9 In anticipation of and as a result of
10 deregulation, Pilgrim's workforce had been
11 substantially cut, and since Entergy took over, it has
12 declined further. So there is no time for tinkering
13 with new kids on the block.

14 In 1990 the total staff at Pilgrim was
15 939. In 2004 it is either 550 or 580.

16 Site security: The instruction procedure
17 92709-02.07-B, Evaluate the Effectiveness of Site
18 Security, is post-9-11, and this means we are
19 concerned only about the potential of violent workers
20 that are terrorists or a combination of the two.

21 Question, not to be answered right now but
22 at the conclusion: When were the inspection procedure
23 section for the security last revised? Were they
24 revised post-9-11? If so, how were they revised to
25 include terrorists and the potential of compounding

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1 factors of a strike, violent workers, terrorists added
2 altogether?

3 The two-man rule, for example, to
4 safeguard against internal attacks is very important.
5 Are there added measures required by the NRC to
6 require -- not make it an option -- require the two-
7 man rule during a strike?

8 It is my understanding that the union
9 security force and Local 369 workers have been very
10 supportive of one another in the past. So despite the
11 strike, the two-man rule must be followed. During a
12 strike, (inaudible) a lower possibility of misguided
13 supporters attempting to ignore the rule to sort of
14 level the playing field by some act of desperation.

15 Post-9-11 nuclear reactors, we know, are
16 terrorist targets. For example, the 9-11 Commission
17 and its witnesses stated last week that additional
18 air-based terrorist attacks have already been
19 attempted, that more major attacks are likely in the
20 near future, and that nuclear power plants are top
21 targets.

22 Pilgrim is located in America's hometown.
23 As such, it could have symbolic value as a target.
24 Add to that the Democratic National Convention, and it
25 puts the Commonwealth at heightened risk.

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1 One simply cannot assume that a target
2 would be inside Boston city limits. In fact, it is
3 hard to think of a target that has the potential of
4 resulting in more devastation to Boston than a
5 successful attack on Pilgrim.

6 As you are aware, the Sandia National Lab
7 in their consequence analysis of a core melt at
8 Pilgrim stated that the first year peak's (inaudible)
9 radius would be 20 miles, and the first year peak
10 injury radius would be 65 miles. Boston is, I
11 believe, 37 miles.

12 A spent fuel pool disaster would result in
13 far worse consequences due to the huge amount of
14 radioactivity now stored in the dense packed pool.
15 The pools are high up in the reactor, the worst
16 placement outside primary containment, with a thin
17 roof overhead.

18 Inspection procedure 92709-02.08, Verify
19 that Report from Local Agencies is Adequate to Ensure
20 the following list, which is enumerated in the guide:
21 Security personnel and emergency workers in
22 Massachusetts are taxed. There are not enough
23 personnel. There isn't enough money. This was
24 established at formal three-day hearings held at the
25 Statehouse September 2003 called by Senator Mark

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1 Pachico (Phonetic).

2 Already, two scale 3 sources are being
3 concentrated in Boston. Hence, off-site assistance
4 will be less, if needed in the Pilgrim APV (Phonetic)
5 area. The reality and impact of increasing the
6 probability of attack because of attack because
7 terrorists keep track of our vulnerability.

8 For example, Pilgrim is vulnerable from
9 attack in the air. However, current security plans
10 for the convention simply restrict noncommercial
11 aircraft within a 30-mile radius of Boston. Pilgrim
12 is just beyond that 30 miles, and it is summertime.
13 So the traffic to and from secondary airports, like
14 the Vineyard which is five-mile flight from Pilgrim,
15 and Nantucket, is heavy.

16 Pilgrim is also vulnerable to an attack by
17 water, and July is an especially hectic time in these
18 waters where there are many, many pleasure craft
19 outside and around Pilgrim.

20 The Boston Globe ran a story June 30th
21 that, "some 600 personnel, one of the largest U.S.
22 Coast Guard contingents in Boston history, will be
23 deployed in both helicopters and on land to enforce
24 restriction." This means that less surveillance will
25 be here.

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1 Inspection procedure 92709-042-09:
2 Confirm that personnel are sufficient in number and
3 qualifications to implement the site emergency plan.
4 Personnel were not sufficient in number and
5 qualification yesterday. They are not sufficient in
6 number and qualification today. Therefore, it would
7 not be sufficient in number and qualification during
8 a strike, compounded by the fact of increased threat
9 due to the convention.

10 The Project on Government Oversight
11 interviewed security guards at 24 reactors, and only
12 one out of four were confident that their plant could
13 defeat a terrorist attack. The guards' major concerns
14 were that they were undermanned, undertrained,
15 underequipped, underpaid, unsure of how to respond.

16 The guards interviewed were from
17 Wackenhutt (Phonetic), the same security firm used by
18 Pilgrim. The security workers at Pilgrim have
19 publicly stated that they, too, are undermanned,
20 undertrained, underequipped, underpaid.

21 We cannot afford to put additional stress
22 on security at Pilgrim at a time when Entergy's
23 security contractor, Wackenhutt Corporation, is in the
24 spotlight for all its problems at nuclear plants.

25 Last year, Entergy canceled its contract

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1 with Wackenhutt at the Indian Point Nuclear Plant
2 north of New York City. In December 2002 an internal
3 report leaked to the press showed that Wackenhutt cut
4 corners on security at Indian Point.

5 In the last four years Wackenhutt has been
6 involved in four different security incidents at the
7 St. Lucie Nuclear Reactor in Florida where Wackenhutt
8 security guards were found to have taken shortcuts on
9 their controls.

10 Wackenhutt has ignored security concerns
11 raised by guards and illegally punished the guards who
12 raised them, and Wackenhutt was caught cheating on
13 security drills at a nuclear weapons plant in
14 Tennessee.

15 Clearly, the risk is reduced if the
16 reactor is shut down during the strike. Dr. Edward
17 Lyman, a physicist at the Union of Concerned
18 Scientists, when asked what the results would be if
19 the reactor were shut down, stated that the risk of a
20 core meltdown is considerably reduced within hours of
21 the reactor being closed. He reasoned that it is
22 easier to protect and monitor a reactor that is closed
23 because it is less likely the safety systems could be
24 compromised.

25 A core melt can be triggered by cutting

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1 off outside power, destroying core and (inaudible),
2 sabotaging, destroying safety systems, destroying the
3 control room. According to a preliminary analysis by
4 Dr. Lyman of Indian Point, reactor shutdown of 20 days
5 would greatly reduce the radioactive inventory in the
6 core to a half-life decay.

7 Lessons learned can be readily transferred
8 to Pilgrim. The number of fatalities from a core melt
9 and breach of containment could be reduced by 80
10 percent, and the number of long term cancer deaths by
11 50 percent.

12 Last, let's look at need. We recognize
13 that temporarily closing Pilgrim during the strike
14 would not cause the lights to go off. As you know,
15 Massachusetts relies on electricity drawn from the
16 ISO, New England Electric grid, ISO pools generated
17 throughout New England.

18 The Pilgrim nuclear generating station
19 contributes only about two percent to this capacity.
20 Because (inaudible), Massachusetts is not specifically
21 dependent on electricity generated at Pilgrim.
22 Indeed, we tap into power from hundreds of generators
23 throughout the six New England states. After all, we
24 know that when Pilgrim is shut down for refueling or
25 for repairs, the lights stay on.

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1 Based on the facts brought forward, I
2 request the NRC require Pilgrim to cease operations
3 during a strike of its workers, if the strike occurs,
4 and be particularly cognizant of the human performance
5 factors and of security.

6 I would like to invite David Lochbaum to
7 add any other technical matters that I have
8 overlooked.

9 MR. LOCHBAUM: This is David Lochbaum with
10 the Union of Concerned Scientists. I just have a few
11 things to supplement Mary Lampert's remarks, and they
12 are short comments and should stay within the 30-
13 minute window.

14 I looked at inspection procedure 92709
15 that the NRC would use to review the licensee's plans
16 for the upcoming strike. Step 03.04 would have the
17 NRC verify that the staffing -- the planned staffing
18 requirements are adequate.

19 It appears that the NRC basically would
20 verify that the staffing requirements meet the minimum
21 standards established in Tech Specs and other places.
22 I guess it appears as though the NRC's position is
23 that the temporary and/or reassigned workers are as
24 productive, efficient and effective as the workers
25 being replaced, which seems a very tenuous assumption

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1 at best.

2 Since replacement and temporary workers
3 are not likely to be as productive, it looks like the
4 NRC should be verifying that it is not the minimum
5 complement that is being (inaudible). It is enough
6 people there to do the job right, which brings up the
7 second comment.

8 That same procedure Step 03-06 has the NRC
9 verify that plans provide ample time for replacement
10 and temporary workers to become proficient at the
11 functions they will be performing during the period.

12 The current workers demonstrate that
13 proficiency through on-the-job qualification cards and
14 exams on paper and in a simulator. Is it the NRC's
15 position -- or it appears to be the NRC's position
16 that replacement workers can self-declare proficiency,
17 because the procedure doesn't have things like
18 considering the efforts during the strike to be an
19 infrequently performed test revolution, which existing
20 workers, if they are performing such a task, would
21 have to demonstrate proficiency by simulator or other
22 means to assure that they can handle that task. This
23 step doesn't provide that same level of assurance.

24 NRC Inspection Procedure 92711, which
25 would actually be used during the strike itself, has

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1 similar problems in that the -- For example, step
2 03.01 verifies minimum staffing levels, but again it
3 is not the number of workers needed to do the job. It
4 is just simply a head count, which is probably the
5 wrong standard to be applied.

6 The other one is that, in the event of an
7 accident at Pilgrim during the strike, some of the
8 workers covering striking workers' posts have
9 emergency preparedness or emergency response duties
10 that require them to be in a technical support center,
11 the emergency operating facility, the operating
12 support center and other places.

13 The NRC's strike preparedness procedures
14 don't seem to ensure that the staffing in the event of
15 an emergency will be adequate. For example, if the
16 replacement workers last performed training in
17 emergency preparedness drills and exercises with a TSC
18 hat on, yet they will be in the control room or other
19 places during the strike, there seems to be a mix
20 between what they have been trained to do and what
21 functions they may actually be performing if an
22 accident occurs during the strike.

23 The NRC's preparedness procedures or
24 strike preparedness procedures don't seem to ensure
25 that the emergency preparedness role will be

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1 adequately covered, should one occur.

2 Those are the only comments I had. Thank
3 you.

4 CHAIRMAN BERKOW: David? That was the
5 completion of your --

6 MR. LOCHBAUM: Yes. That's all I had.
7 Thank you.

8 CHAIRMAN BERKOW: This is Herb Berkow
9 again. Ms. Lampert, do you have any other statements?

10 MS. LAMPERT: That's all, folks.

11 CHAIRMAN BERKOW: Okay. Just one
12 question. Perhaps I missed it. But you had a
13 statement in -- whether you addressed it or not, you
14 have a statement i your petition saying some
15 components do not operate as designed, and require
16 special training to compensate for mechanical
17 glitches.

18 If you expounded on that and gave it, I
19 missed it.

20 MS. LAMPERT: No. What I had in mind was
21 the example of the condensate pot, the device to
22 measure how much water is over the control mod. For
23 many years, Paul Blanch (Phonetic) from the Millstone
24 discussed how it had to be fixed. As opposed to being
25 fixed, the NRC allowed operators to receive training

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1 on how to read inaccurate dials. That is what I had
2 in mind.

3 MR. LOCHBAUM: This is Dave Lochbaum of
4 the Union of Concerned Scientists. If I could just
5 add to that.

6 Ms. Lampert during her remarks talked
7 about the master equipment list and how that is still
8 a work in progress, and the current workers know how
9 to deal with that work in progress, and the
10 replacement workers might struggle with that same
11 task. So that speaks to the same issue of what is on
12 paper versus what is in the field.

13 CHAIRMAN BERKOW: Okay, thank you. This
14 is Herb Berkow again. Region, do you have any
15 questions?

16 MR. ANDERSON: Nothing from the region.

17 CHAIRMAN BERKOW: Okay. How about the
18 licensee? Does licensee have any questions or issues
19 for clarification?

20 PARTICIPANT: No, we do not. Thank you.

21 CHAIRMAN BERKOW: Okay.

22 PARTICIPANT: I do have one question, and
23 that is -- Ms. Lampert, I understand --

24 MS. LAMPERT: I'm sorry. Would you say
25 who is speaking?

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1 PARTICIPANT: Can we have a copy of that
2 document with the specifics that she has there?

3 MS. LAMPERT: Yes. Who would I e-mail it
4 to? Lee Licata?

5 MR. LICATA: This is Lee Licata. Ms.
6 Lampert, you can e-mail it to me, and I will ensure
7 that it gets distributed to Mr. Cliff Anderson who was
8 asking for it.

9 MS. LAMPERT: I mean, I don't have any
10 objection. Do you, David?

11 PARTICIPANT: Not at all.

12 CHAIRMAN BERKOW: Okay. This is Herb
13 Berkow again. I guess it is our understanding through
14 some of the comments made earlier that the
15 negotiations between the Union and Entergy are
16 continuing at this time.

17 MR. LIEB: This is David Lieb. That is my
18 understanding.

19 MR. BETHAY: This is Steve Bethay. That
20 is correct.

21 CHAIRMAN BERKOW: Thank you. Any other
22 questions? Okay. This is Herb Berkow again. If
23 there are no further questions or --

24 MR. LIEB: This is David Lieb. I do have
25 one small question. Does anyone know how long the

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1 transcription usually takes, and then where the
2 transcript is available?

3 MR. LICATA: This is Lee Licata. The
4 transcription should take approximately seven working
5 days, and then at that point, once I get it, I have an
6 opportunity to review it, make sure that it is
7 accurate, reflects who said what as best as I can
8 tell, and then it gets posted publicly in (inaudible)

9 MR. LIEB: Okay. Thank you.

10 MR. LICATA: You're welcome.

11 CHAIRMAN BERKOW: This is Herb Berkow
12 again. If there are no further comments or questions,
13 then we will end the phone call. We thank you all for
14 participating.

15 MS. LAMPERT: And thank you.

16 (Whereupon, the foregoing matter went off
17 the record.)

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