



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

OCT 11 2007

MEMORANDUM FOR: Allegation File RI-2007-A-0074

FROM: Glenn Dentel, Chief, Reactor Projects Branch 1, DRP 

THRU: Richard J. Urban, Senior Allegation Coordinator 

SUBJECT: Closure of Allegation File Regarding Constellation Facilities
(Ginna, Nine Mile and Calvert Cliffs)

On May 17, 2007, the NRC received an anonymous allegation ('Ginna Founders' Letter) regarding Ginna, Nine Mile and Calvert Cliffs. Enclosure 1 to this memorandum restates the concerns and describes the NRC's review and conclusions regarding each concern.

Based on the anonymous nature of the allegation, no response to an allegor is warranted. This allegation is closed.

Enclosure: As Stated

A/2

Concern 1:

It was asserted that many NRC violations have occurred at Ginna, and the plant is not being operated safely. It was further asserted that some of the violations were willful, and noncompliance with regulations was considered acceptable if it was cheaper than compliance.

Response to Concern 1:

This concern was not appropriate to refer to the licensee due to assertions of willful violations and due to a lack of specific details in the 'Ginna Founders' letter. As a result, an ARB recommended initiation of an OI Assist (1-2007-032F) to gather additional information regarding this concern.

OI conducted 13 interviews that included reactor operators, senior reactor operators, shift managers, and one former operations manager. Based on these interviews, OI did not identify any willful violations nor were there any immediate unsafe plant operations identified. This included OI investigators inquiring into alleged unsafe operations and potential Safety Conscious Work Environment (SCWE) issues. In addition, DRP staff reviewed all transcripts and did not identify any willful violations, unsafe plant operations or substantiation of any associated concerns.

Based on OI interviews with a large number of operations department employees, this concern was not substantiated. However, DRP staff did identify four new concerns (outside the scope of RI-2007-A-0074) based on an OI transcript review and subsequent review of emails provided by an interviewee. These concerns were entered into the Region I allegation process as RI-2007-A-0099.

Concern 2:

It was asserted that there is a chilled environment at Ginna. Management is being trained to use a threatening environment and fear to drive change. Resolution of issues internally have been ineffective. Management responds to allegations by focusing on finding the individual rather than correcting the issue.

Response to Concern 2:

The NRC referred this concern to Constellation for review and resolution. A team consisting of individuals independent of the organization affected by the concern and proficient in the subject area conducted this investigation. A brief summary of the results of the licensee's review and our conclusions with regard to the review are provided below.

The Constellation investigation team assessed this concern by subdividing the concern into four different areas. The investigation team questioned the following four areas to respond to the concern:

- Is there an overall chilled environment at Ginna?
- Is station management being trained to use a threatening environment and fear to drive change?
- Has the resolution of issues internally been ineffective?
- Has management at Ginna responded to allegations by focusing on identifying the allegers rather than correcting the issues?

The Constellation investigation team interviewed 65 Ginna employees, including management, and reviewed documentation that included employee concerns program files from 2005, a Fleet Safety Culture Assessment Plan and Report from January 2006, a Safety Culture Assessment Report from March 2007, SCWE survey results, and other pertinent documentation.

Constellation's investigation team determined that this concern was not substantiated. However, with respect to management using fear to drive change, Constellation's investigation team noted that the word 'fear' appears in Constellation's STAR Fleet Leadership Academy training materials. The investigation team determined that site management was addressing the usage of the word 'fear' associated with leadership training and its potential to lead to the wrong messages being sent during training.

The NRC reviewed Constellation's response and found it to be reasonable with supported conclusions based on the Branch Closure Strategy Guidance as outlined during an ARB panel held on June 18, 2007 (closure strategy contained in allegation file). In addition, the OI Assist questioned interviewees about the SCWE at Ginna. OI found that operators are willing to raise nuclear concerns, but some were worried about retaliation but could not provide any specifics. Based on a review of OI transcripts and OI's Report of Assist, resident input, EGM guidance regarding determination of a chilling effect, and the scope/depth of Constellation's investigation and response, this concern was not substantiated.

Concern 3:

It was asserted that managers do not meet Technical Specification qualification requirements as outlined in ANSI-18.1.

Response to Concern 3:

The NRC referred this concern to Constellation for review and resolution. A team consisting of individuals independent of the organization affected by the concern and proficient in the subject area conducted this investigation. A brief summary of the results of the licensee's review and our conclusions with regard to the review are provided below.

The Constellation investigation team performed a document review and determined that all 16 managers/supervisors (above the first-line supervisor position) met the relevant ANSI standard requirements associated with their current job assignments. Although the investigation team determined that this issue was not substantiated, Constellation's investigation did note that the station had a significant weakness in the area of a regimented process that ensures all managers and supervisors meet training and qualification standards prior to being assigned to the position. Constellation issued a condition report to address the issue.

The NRC reviewed Constellation's response and found it to be reasonable with supported conclusions based on the Branch Closure Strategy Guidance. Based on a review of OI transcripts, resident input, and the scope/depth of Constellation's investigation and response, this concern was not substantiated.

Concern 4:

It was asserted that the plant is no longer being operated safely due to management issues, ineffective change management, and staffing changes.

Response to Concern 4:

The NRC referred this concern to Constellation for review and resolution. A team consisting of individuals independent of the organization affected by the concern and proficient in the subject area conducted this investigation. A brief summary of the results of the licensee's review and our conclusions with regard to the review are provided below.

Constellation's team investigated this issue by means of observations, document reviews, and approximately 48 interviews. The team conducted about 80 hours of observations, which included control room activities, key station and turnover meetings, simulator scenarios, and power block jobs/activities. As part of these observations, each of the five operations shifts were either observed in the control room or simulator. The investigation team did not substantiate this concern and concluded that site change management had neither challenged nor threatened nuclear safety.

The NRC reviewed Constellation's response and found it to be reasonable with supported conclusions based on the Branch Closure Strategy Guidance. Based on a review of OI transcripts, resident input, and the scope/depth of Constellation's investigation and response, this concern was not substantiated.

Concern 5:

It was asserted that this situation is not isolated at Ginna, but also exists at other plants in the Constellation fleet including Calvert Cliffs and Nine Mile Point.

Response to Concern 5:

The NRC referred this concern to Constellation for review and resolution. A team consisting of individuals independent of the organization affected by the concern and proficient in the subject area conducted this investigation. A brief summary of the results of the licensee's review and our conclusions with regard to the review are provided below.

Constellation's investigation strategy pre-determined that any issues substantiated at Ginna would be investigated at the other Constellation licensed nuclear facilities. Since the licensee's investigation did not substantiate any concerns, Constellation did not review these specific concerns at Calvert Cliffs and Nine Mile Point. Therefore, Constellation considered this concern was not substantiated.

Based on a review of OI transcripts and OI's Report of Assist, resident input, EGM guidance regarding determination of a chilling effect, and the scope/depth of Constellation's investigation and response, this concern was not substantiated. In addition, no information was uncovered that would indicate any of the alleged concerns were present at Calvert Cliffs and Nine Mile Point. In addition, Branch 1 has oversight responsibility for all three Constellation plants and is familiar with the day-to-day operations at all three plants.

Concern 6:

It was asserted that individuals were placed into positions and given tasks that could not be completed safely. It was further asserted that individuals are not qualified for the positions.

Response to Concern 6:

The NRC referred this concern to Constellation for review and resolution. A team consisting of individuals independent of the organization affected by the concern and proficient in the subject area conducted this investigation. A brief summary of the results of the licensee's review and our conclusions with regard to the review are provided below.

The Constellation investigation team performed approximately 150 interviews and assessed whether or not job/task assignments had been made that could not be performed safely. The team determined that no interviews revealed evidence that job or task assignments had caused an adverse consequence. The investigation team assessed if individuals were qualified to safely perform tasks, which included review of the operating shifts qualification binders.

Constellation's investigation team did note some interviewees had been assigned new tasks that fell outside their comfort zone, but none believed those tasks were not safely performed. Based on one interviewee expressing this concern of uncomfortableness, an ECP investigation was initiated into the individual's specific matter. Results of that investigation determined all work was performed safely and qualification requirements for the job were met. Based on the above, Constellation determined this concern was not substantiated.

The NRC reviewed Constellation's response and found it to be reasonable with supported conclusions based on the Branch Closure Strategy Guidance. Based on a review of OI transcripts, resident input, and the scope/depth of Constellation's investigation and response, this concern was not substantiated.

Concern 7:

It was asserted that managers and leaders do not have in-depth plant knowledge, and therefore, cannot minimize the impact of an accident, as evidenced by poor performance and leadership by management during emergency drills.

Response to Concern 7:

The NRC referred this concern to Constellation for review and resolution. A team consisting of individuals independent of the organization affected by the concern and proficient in the subject

area conducted this investigation. A brief summary of the results of the licensee's review and our conclusions with regard to the review are provided below.

Constellation's investigation team assessed this issue by performing four evaluation activities:

- Reviewing and analyzing emergency drill performance evaluations;
- Reviewing condition reports and corrective actions associated with emergency preparedness;
- Reviewing Emergency Preparedness-related procedures; and
- Interviewing Ginna managers and staff.

The investigation team concluded that Constellation's emergency response organization has sufficient plant knowledge to accomplish all EP-required tasks. Constellation's review included NRC inspection reports, drill/exercise evaluations, and EP procedures and EP-related condition reports. Based on the above, Constellation determined this concern was not substantiated.

The NRC reviewed Constellation's response and found it to be reasonable with supported conclusions based on the Branch Closure Strategy Guidance. Based on a review of OI transcripts, resident input, and the scope/depth of Constellation's investigation and response, this concern was not substantiated.