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NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition Review Board
RE Pilgrim Nuclear Power Station

Docket Number: (n/a)

Location: (teleconference)

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Edited by Rich Guzman, NRC Petition Manager

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

5 CONFERENCE CALL RE

6 PILGRIM NUCLEAR POWER STATION

7 + + + + +

8 THURSDAY

9 MAY 31, 2012

10 + + + + +

11 The conference call was held, Joseph
12 Gitter, Chairperson of the Petition Review Board,
13 presiding.

14 PETITIONER: MARY LAMPERT, Pilgrim Watch

15 PETITION REVIEW BOARD MEMBERS

16 JOSEPH GIITTER, PRB Chairman

17 RICHARD GUZMAN, PRB Petition Manager

18 MERRILEE BANIC, PRB Coordinator

19 KIMYATA MORGAN BUTLER, Division of Policy and
20 Rulemaking, Generic Communications Branch

21 THOMAS SETZER, Division of Reactor Projects,
22 Region I

23 MICHAEL CLARK, Office of the General Counsel

24 GERALD GULLA, Office of Enforcement (in absentia)

25

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ALSO PRESENT:

JOSEPH LYNCH, Entergy

P R O C E E D I N G S

2:08 p.m.

MR. GUZMAN: Well, I'll go ahead and get started with the welcome and introductions.

I'd like to thank everybody for attending this meeting. My name is Rich Guzman and I am the NRC Plant Project Manager for Pilgrim Nuclear Power Station and we are here today to allow the Petitioner, Mary Lampert, to address the Petition Review Board or PRB regarding the 2.206 Petition dated May 16th, 2012 as supplemented on May 18th, 2012.

I'm the Petition Manager for the Petition.

The PRB Chairman is Joe Giitter.

As part of the PRB's review of this Petition, Mary Lampert has requested this opportunity to address the PRB.

This meeting is scheduled from 2:00 to 3:00 p.m. Eastern Time.

The meeting is being recorded by the NRC Operations Center and will be transcribed by a court reporter. The transcript will become a supplement to the Petition. The transcript will also be made publicly available.

I'd like to open this meeting with introductions. As we go around the room, please be sure

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1 to clearly state your name, your position and the office
2 that you work for within the NRC for the record.

3 I'll go ahead and start off. My name is
4 Rich Guzman again. I am the NRC Plant Project Manager
5 for Pilgrim.

6 Here also at NRC Headquarters.

7 MS. BANIC: Lee Banic, 2.206 Petition
8 Coordinator, NRR.

9 CHAIR GIITTER: Hi. This is Joe Gitter.
10 I'm the PRB Chairman.

11 MR. CLARK: Mike Clark. I'm an attorney
12 with the NRC's Office of the General Counsel.

13 MR. GUZMAN: Okay. And that's all of us
14 here at NRC Headquarters.

15 At this time, are there any NRC participants
16 from the Regional Office on the phone? Tom.

17 MR. SETZER: Yes. Hi. This is Tom
18 Setzer. I'm a Senior Project Engineer for Region I,
19 Division of Reactor Projects.

20 MR. GUZMAN: Okay. And for the Licensee?

21 MR. LYNCH: This is Joe Lynch, Licensing
22 Manager, Entergy Pilgrim.

23 MR. GUZMAN: And, Ms. Lampert, if you could
24 please introduce yourself for the record as well as
25 anyone else in your Petition Group that is participating

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1 on the call.

2 MS. LAMPERT: Yes, this Mary Lampert
3 L-A-M-P-E-R-T, Director of Pilgrim Watch, Petitioner.

4 MR. GUZMAN: Okay. And is there any other
5 members of the public? If there are, they can introduce
6 themselves as well.

7 Okay. I don't believe we have anyone else
8 on the bridge line. Good.

9 Okay. I'd like to emphasize that we each
10 need to speak clearly and loudly to make sure that the
11 court reporter can accurately transcribe this meeting.

12 If you do have something that you would like
13 to say, please first state your name for the record.

14 And for those dialing into the meeting
15 please remember to mute your phone to minimize any
16 background noise or distractions. If you do not have a
17 mute button, this can be done by pressing the key *6. To
18 un-mute, press the *6 keys again. Thanks.

19 And so, at this time, I'd like to turn it
20 over to the PRB Chairman Mr. Joe Giitter.

21 CHAIR GIITTER: Hopefully, you can hear me
22 okay.

23 Good afternoon, everybody and thank you for
24 your participation in this 2.206 Petition phone call.

25 First, I'd like to share some background on

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1 our process. Section 2.206 of 10 CFR describes the
2 petition process, the primary mechanism for the public
3 to request enforcement action by the NRC in a public
4 process. This process permits anyone to petition NRC to
5 take enforcement-type action related to NRC licensees or
6 license activities.

7 Depending on the results of this
8 evaluation, NRC could modify, suspend or revoke an
9 NRC-issued license or take any other appropriate
10 enforcement action to resolve the problem.

11 The NRC staff guidance for a disposition of
12 2.206 Petition Request is in our Management Directive
13 8.11 which you can find on our website in its entirety.

14 The purpose of today's meeting is to give
15 the Petitioner Ms. Lampert an opportunity to provide any
16 additional explanation or support for the Petition
17 before the Petition Review Board's initial consideration
18 and recommendation.

19 This meeting is not a hearing nor is it an
20 opportunity for the Petitioner to request or examine the
21 PRB on the merits or the issues presented in the Petition
22 Request.

23 No decisions regarding the merits of this
24 Petition will be made at this meeting.

25 Following this meeting, the Petition Review

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1 Board will conduct its internal deliberations and the
2 outcome of this internal meeting will be discussed with
3 the Petitioner.

4 The Petition Review Board typically
5 consists of the Chairman which is myself and has a
6 Petition Manager which as Rich indicated -- Rich Guzman
7 indicated is himself and a PRB Coordinator who is Ms.
8 Banic.

9 Other members of the Board are determined
10 by the NRC staff based on the content of the information
11 in the Petition Request.

12 So, at this time, I'm going to introduce the
13 Board. I've kind of done that already.

14 Joe Gitter, I'm the Petition Review Board
15 Chairman. Rich Guzman is Petition Manager and Ms. Banic
16 is the Office's PRB Coordinator.

17 Other members on the PRB include Kimyata
18 Morgan Butler from our Division of Policy Rulemaking,
19 Generic Communications Branch. Tom Setzer who you've
20 heard from for NRC's Region I Division of Reactor
21 Projects.

22 We also obtained advice from our Office of
23 General Counsel and you heard from Mr. Clark. He is
24 representing the Office of General Counsel and we also
25 have specifically a representative from our Office of

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1 Enforcement to discuss enforcement policy and guidance
2 and that's Gerry Gulla who's not physically here right
3 now.

4 As discussed in our process, the NRC staff
5 may ask clarifying questions in order to better
6 understand the Petitioner's presentation and to reach a
7 reasoned decision whether to accept or reject a
8 Petitioner's request for review under the 2.206 process.

9 I'd like to briefly summarize the scope of
10 the petition under consideration and the NRC activities
11 to date.

12 On May 16th of this year, Ms. Lampert
13 submitted to the NRC a Petition under 2.206 regarding the
14 present labor dispute at the Pilgrim Nuclear Power
15 Station between Entergy Nuclear Operations, Inc. and the
16 Utility Workers Union of America Local 369.

17 On May 18th, Ms. Lampert submitted a
18 supplement to her Petition. In her Petition Request,
19 Ms. Lampert identified the following areas of concern.
20 She requested the NRC require Pilgrim to cease operations
21 during contract negotiations due to the threat to public
22 safety caused by the current lockout of its nonessential
23 workers, a likely strike and Entergy's refusal to honor
24 the demands of the Utility Workers Union of America Local
25 369 workers. She requests the NRC to maintain the plant

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1 in shut-down mode if a full-blown strike occurs until the
2 workers' demands are met so the morale is restored.

3 As the basis for her concerns, Ms. Lampert
4 states in part that, number one, the plant cannot be
5 operated safely by replacement workers. Number two,
6 human performance will be degraded if substitute workers
7 are used to replace those on strike. Number three, a
8 negative work environment will exist from a lack of
9 cooperation by Entergy with its' workers. All of which
10 places an unacceptable risk to the public and the
11 environment.

12 So, let me talk about the activities that
13 NRC has taken to date. On May 21st, a Petition Manager
14 contacted you to discuss the 2.206 process and offer you
15 an opportunity to address the PRB by phone or in person.

16 Sorry.

17 MS. LAMPERT: No, I just coughed. We have
18 a wave of pollen throughout the region.

19 CHAIR GIITTER: Oh. Okay. I can relate
20 to that.

21 MS. LAMPERT: Oh, you've never seen
22 anything like this.

23 CHAIR GIITTER: You requested to address
24 the PRB by phone prior to its internal meeting to make
25 the initial recommendation to accept or reject the

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1 petition for review.

2 On May 24th, PRB met internally to discuss
3 the request for immediate action. The PRB denied your
4 request for immediate action on the basis that the
5 Licensee strike contingency plan has been reviewed by our
6 regional staff and was determined -- and we determined
7 that the plan is acceptable for demonstrating the plant
8 will continue to operate safety.

9 You were informed on May 29th of the PRB's
10 decision to deny your request for immediate action.

11 As a reminder for the phone participants --
12 so, I guess that summarizes -- yes, okay. So, in
13 essence, that summarizes the scope of the Petition.

14 Is that correct? Did I miss anything?

15 MS. LAMPERT: No, I believe you covered it.

16 CHAIR GIITTER: Okay. Thank you.

17 MS. LAMPERT: Except going into what the
18 supplements dealt with, but they are there.

19 MR. GUZMAN: Well, you did. He did cover
20 that as part of kind of the three sort of themed parts
21 of the --

22 MS. LAMPERT: So, is this -- it's specific
23 two-man for security?

24 CHAIR GIITTER: I didn't -- yes, I didn't
25 go into the details of that, but we did summarize it.

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1 MS. LAMPERT: Oh, that's fine.

2 CHAIR GIITTER: Okay. So, as a reminder
3 for the phone participants, please identify yourselves
4 if you make any remarks and I know who you are, Ms.
5 Lampert. I am not directing that comment at you. I'm
6 talking about anybody else who didn't identify
7 themselves. Because that will help in the preparation
8 of the meeting transcript.

9 So, Ms. Lampert, I'll turn it over to you
10 and allow you to provide any additional information you
11 believe the PRB should consider as part of this petition.

12 MS. LAMPERT: Yes, I have -- it's going to
13 be fairly short.

14 I talked with Rich. He informed me of the
15 decision that had been made to date. However, I would
16 hope that you would consider -- NRC would consider other
17 appropriate actions and also, in your official written
18 response to this request, that it goes beyond, and I'm
19 not meaning to be insulting, pablum. That we -- Region
20 I decided everything was fine and not a threat to safety,
21 but, in fact, address specifically the questions raised
22 -- issues raised in the petition in a substantive manner
23 and in particular, there would be five areas that I
24 respectfully request be addressed in your written
25 response and also, in doing so, consider the merits

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1 therein for appropriate actions. Whether it go beyond
2 a request to cease operations. If I could be a lessons
3 learned for, you know, requirements or what have you
4 going forward in similar situations.

5 The first deals with the qualifications of
6 Senior Reactor Operators. From talking to union
7 members, our understanding and obviously, it is
8 dependent upon Region I and the NRC permanent staff at
9 Pilgrim to verify that they do not have the hands-on
10 experience operating the control board at Pilgrim.

11 According to our sources, the SROs at
12 Pilgrim unlike the reactor operator counterparts do not
13 have experience turning dials, pulling levers, reading
14 gauges, et cetera, et cetera and we understand that of
15 the management personnel who would be used at Entergy in
16 the event of a strike only six have any experience
17 actually touching control room equipment.

18 If, in fact, after looking into this by NRC
19 staff, they determine it to be accurate, we would like
20 in the written response verification by saying how many
21 of the SROs actually have hands-on experience operating
22 control room equipment and what percent that would be of
23 those who would be taking over those functions.

24 Number two, which is more of less a
25 subcategory of one, we would like a verification of

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1 whether it is correct that the senior operators who would
2 take the place of the reactor operators are, in fact, as
3 we are told, asked to self-assess their qualifications
4 to operate the plant.

5 If that is correct, it does seem to pose a
6 safety issue to us anyway because some people can think
7 they know something, but then when the test comes, in
8 fact, they don't and so, it would seem reasonable that
9 instead of a self-assessment that, in fact, there would
10 be the usual testing to assure that there was the breadth
11 of knowledge that would provide more assurance for
12 safety.

13 And so, we would like a response in the
14 written reply to this Petition to verify whether, in
15 fact, it is correct that senior operators who would be
16 taking the place in the event of a strike or lockout or
17 paid holiday, whatever they call it, will be asked, in
18 fact, to self-assess their qualifications to operate.

19 Number three involves the training of
20 replacement workers. Specific answer we would
21 appreciate in your reply whether, in fact, what we are
22 told that they are not being trained on a simulator or
23 more importantly have on-site training shadowing, if you
24 will, regular employees.

25 So, if, in fact, there is a necessity to use

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1 these workers who have been brought out from Kentucky or
2 Tennessee or I don't know where and are, we are told,
3 spending a lot of time at bars, how much training, in
4 fact, they have had specifically on-site and off-site and
5 that would hopefully have specifics like X number are
6 going to be brought on-site and of those, so many hours
7 of X percent were spent on a simulator and so many hours
8 on-site shadowing workers so they had a feel for the
9 place.

10 And I think this information would be
11 useful. I mean I'm not into shutdowns just for the hell
12 of it. It's really what can be done to assure safety and
13 all of the i's are dotted and t's are crossed.

14 Number four would be a response to the
15 question of whether the two man-rule will be strictly
16 adhered to if replacement workers are called in.

17 And last, number five would concern
18 security issues which I did not bring forward. This is
19 a new piece for your consideration that I just happened
20 to think about. That looking at on-site emergency
21 planning in the event of a security event, I had had the
22 good fortune to be able to take part in panel discussions
23 at the NRC in those deliberations and one of the concerns
24 was the use of workers and whether the operation duties
25 would conflict with the added duties in a security event

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1 and then the question became would there be enough people
2 on-site to respond to both and if yes, fine. If not, then
3 what?

4 And so, in this situation if there were a
5 strike, would there be the sufficient coverage for that
6 aspect and second, if workers are brought on-site in the
7 event of a strike or a lockout, how much consideration
8 and training has there been on that other function if
9 there were a security event when they were brought on?
10 In other words, do they have the familiarity of what the
11 security processes are and locations of things on the
12 plant and what is actually going on? Have they been
13 instructed in the security procedures in the event of a
14 terrorist event or what have you at the site when they're
15 on duty?

16 I think that's an important consideration
17 and frankly, it is one I hadn't thought of until one of
18 my mid-evening waking-up periods and I certainly hadn't
19 thought of it in discussions on security and training
20 issues on emergency planning. So, I'm bringing it
21 forward in the hopes that it would stimulate thinking on
22 your part and I would appreciate, we would appreciate,
23 in your response to the Petition that that be answered.

24 So, believe it or not, I don't see any
25 purpose in summarizing what is already in writing. That

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1 seems to waste all of our time. I just wanted to make
2 the request that I don't see a petition of this sort as
3 either accepted or not accepted. I see it instead as an
4 opportunity to perhaps get a middle ground where
5 appropriate actions, if any points brought forward are
6 deemed by the PRB to have merit, would then be put into
7 place so that we would all be in a better place at the
8 end.

9 Does this make sense to you or do you have
10 any questions? Because frankly, that's all I have to
11 say.

12 CHAIR GIITTER: That was my next question.
13 Does that conclude your remarks, Mr. Lampert?

14 MS. LAMPERT: Yes, I hope that appropriate
15 actions would be taken if the answers to any of those
16 questions or points brought forward are -- you know, that
17 isn't covered and it should be. So, an appropriate
18 action would be taken like hey, guys, get it together on
19 this point.

20 CHAIR GIITTER: Okay. Thank you.

21 MS. LAMPERT: And, number two, I would
22 really appreciate, and we all would, that we don't get
23 the pablum, relax, be happy, everything's fine, response
24 to these petitions, but actually get a substantive answer
25 to questions raised and I brought forward the five that

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1 concerned us.

2 CHAIR GIITTER: Okay. Thank you, Ms.
3 Lampert.

4 At this time, does the staff here at
5 headquarters have any questions for Ms. Lampert?

6 MR. CLARK: I just have one clarifying
7 question. Ms. Lampert, this is Mike Clark. I just
8 wanted to clarify whether all the Petitioners share all
9 five concerns. Are you speaking for all?

10 MS. LAMPERT: Yes, I am. Thank you. And
11 would you like that in writing?

12 MR. CLARK: No. No. This will be
13 transcribed. So --

14 MS. LAMPERT: Oh. Okay. Sure.

15 MR. CLARK: Be enough. Thank you.

16 CHAIR GIITTER: Okay. Any other questions
17 from headquarters?

18 Okay. Does the region have any questions?

19 MR. SETZER: No, Joe, I appreciate the
20 presentation from Ms. Lampert. But, no questions on
21 this end. Thanks.

22 CHAIR GIITTER: Okay. Does the Licensee
23 have any questions?

24 MR. LYNCH: The Licensee has no questions.
25 Thank you.

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1 CHAIR GIITTER: Okay. Do we have any other
2 members of the public on the line?

3 MR. GUZMAN: No.

4 CHAIR GIITTER: Okay. All right. Before
5 I conclude the meeting, well, I guess there's no other
6 members of the public.

7 As stated in the opening, the purpose of
8 this meeting is not to provide an opportunity for the
9 Petitioner or the public to question or examine the PRB
10 regarding the merits of the Petition request.

11 Ms. Lampert, I would like to thank you for
12 taking time to provide the NRC staff with your clarifying
13 information on the Petition you submitted.

14 Before we close, does the court reporter
15 need any additional information for the meeting
16 transcript?

17 COURT REPORTER: I do have one question,
18 but we can handle it off-line.

19 CHAIR GIITTER: Okay. A question for who?

20 COURT REPORTER: For the PRB.

21 CHAIR GIITTER: Okay. With that, this
22 meeting is concluded and we will soon be terminating the
23 phone connection. Leave it open for the court reporter.

24 So, thank you, everybody.

25 MS. LAMPERT: Oh, thank you for the

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1 opportunity and enjoy the rest of the day.

2 CHAIR GIITTER: You, too. Hope the pollen
3 gets better.

4 MS. LAMPERT: Oh, yes, it is out of control.
5 It's usually for about four or five days, but we have
6 woods behind us and the ocean in front. So, we're
7 doomed.

8 CHAIR GIITTER: Okay.

9 MS. LAMPERT: Okay. Bye now.

10 CHAIR GIITTER: Thank you.

11 (Whereupon, at 2:32 p.m., the meeting was
12 adjourned.)

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