

HEARING OF THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS; SUBJECT: NUCLEAR REGULATORY COMMISSION OVERSIGHT: SECURITY OF OUR NATION'S NUCLEAR PLANTS; CHAIRED BY: SENATOR THOMAS R. CARPER (D)

The other thing that made this one particularly disheartening, as Commissioner Jaczko had indicated was there was collusion.

That is something we very seldom find in the level of what we found in that area. So it was difficult, I must say on our behalf on the NRC we were not as rigorous as we should have been.

We were not as rigorous in challenging the utility and their investigation and we were not as rigorous as we should have been on follow-up.

And so we have lessons to learn from that and we will learn from that, but in the initial allegation -- we made a mistake in the initial allegation -- it says specifically, "Do not contact me again."

We should not have honored that, we should have followed up and contacted that individual and that's one of the mistakes that we made and we will follow-up with that in the future, we will --

SEN. CARPER: Why, why, why the -- why was the request not to follow-up with this person? And I'm sure you've asked that question, but what's the answer?

MR. KLEIN: The -- I'm sure the next panel can talk a little bit more in detail, but the individual had been terminated for cause and I think there was some hostile feelings. But he in his initial allegation said specifically, "Do not contact me at all."

It was very clear and we honored that, but we should not have, we should have followed up.

SEN. CARPER: I agree.

Let me -- I have a follow-up to that -- let me just ask my follow-up and then yield back to Senator Voinovich.

At Peach Bottom, the NRC relied almost exclusively on Exelon to address and investigate the allegation.

When evaluating your methods for investigating allegations, what did the NRC conclude in terms of its reliance on licensees to investigate allegations of wrong-doing?

And any of you're welcome to respond to?

MR. JACZKO: Well, at this point we haven't finished answering that question.

Right now, the NRC has a process, but whenever we get an allegation we'll look at several factors to determine who does the primary investigation.

And our general assumption going in is that the standard responses is to send the letter to the licensee asking them to provide information.

We right now have a series of the internal reports from a variety of different groups at the agency, the primary one being a self-assessment from Region 1 that has looked at that particulars.

But I think right now we don't have any firm conclusions about what the right way is to address that.

My personal view is that instead of having an assumption going in that we would refer the allegation, I think the assumption going in should be -- we should ask the question can we get this information with our own inspectional resources, with our own investigators first?

And if that's not possible then we would consider going to the licensee for the information.

So it's certainly something that that was brought to my attention in this incident that is something that we might need to change in our process as we review it.

But those reviews are still on-going and we're really waiting to collect the information from a variety of sources before we complete --

SEN. CARPER: Commissioner Lyons -- (inaudible) -- do you want to add anything to that?

MR. LYONS: I would concur with what Commissioner Jaczko has already said.

I would note that in the past, in general about 60 percent of the allegations we've taken the investigation on.