UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 34

DOMINION NUCLEAR CONNECTICUT, INC. (MILLSTONE POWER STATION) Employer and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 457, AFL-CIO Petitioner	Case No. 34-RC-1944

DECISION AND DIRECTION OF ELECTION

International Brotherhood of Electrical Workers, Local 457, AFL-CIO (herein called Petitioner) filed a petition in this case under Section 9(c) of the National Labor Relations Act, as amended, seeking to represent a unit of production and maintenance employees (herein called the Unit) employed by Dominion Nuclear Connecticut, Inc. (herein called the Employer) at its Millstone Power Station on Rope Ferry Road in Waterford, Connecticut (herein called Millstone).[1] The Employer and the Petitioner have agreed to include in the Unit approximately 426 employees in 20 job classifications,[2] and to exclude from the unit approximately 500 employees in 97 job classifications.[3]

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[1] The petition was filed under Section 9(c) of the National Labor Relations Act, as amended, and a hearing was held before a hearing officer of the National Labor Relations Board. Pursuant to Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record in this proceeding, I find that: the hearing officers' rulings are free from prejudicial error and are affirmed; the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction; the Petitioner claims to represent certain employees of the Employer; and a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

[2] See Appendix A, a list of those employees who are included in the Unit by stipulation of the parties, and those additional employees who I have included in the Unit.

[3] See Appendix B, a list of those employees who are excluded from the Unit by stipulation of the parties, and those additional employees who I have excluded from the Unit.

As a result of the party's agreement noted above, the sole issue in this case is the Employer's contention that the Unit must include an additional 533 individuals in 83 job classifications. This contention is based upon its claim that at nuclear power generating facilities such as Millstone, the high degree of functional integration among those employees who are involved in production and maintenance activities requires their inclusion in one unit. The Petitioner would exclude all of these additional employees from the Unit based primarily upon their lack of any community of interest with Unit employees, or in certain cases because of their status as office clerical employees, professional employees, managerial employees or guards. There is no history of collective bargaining regarding the Unit.

As described in detail below, 150 of the employees in dispute have been included in the Unit,[4] 356 of the employees in dispute have been excluded from the Unit,[5] and 27 of the employees in dispute shall be permitted to vote subject to challenge.[6] Before considering the unit placement of these employees, the following will be provided: (1) background information regarding the overall operation of Millstone; (2) a description of the duties and responsibilities of the bulk of those employees who the parties have agreed to include in the Unit; and (3) the unit placement analysis utilized to determine individual unit placement decisions.

I. BACKGROUND

The Employer, a wholly owned subsidiary of Dominion Resources Services, Inc. (herein called DRS), purchased Millstone from the Northeast Nuclear Energy Company (herein called NU) effective April 1, 2001, and has operated Millstone since that date. The Employer also owns and operates two nuclear power plants in Virginia, each with two reactors.[7]

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[4] See Appendix A.

[5] See Appendix B.

[6] See Appendix C, a list of those employees who I have determined may vote subject to challenge.

[7] The Employer does not own any other power generating facilities in Connecticut, and its two Virginia plants are represented by a separate labor organization. Thus, the parties are in agreement that a unit limited to Millstone is appropriate.

Millstone consists of a single complex composed of three separate nuclear reactors, herein called “Unit One,” “Unit Two” and “Unit Three.” “Unit One” is no longer in operation and is in the process of being decommissioned. “Unit Two” has been on-line since the middle of 1999 and “Unit Three” has been on-line since the middle of 1998. The three reactors are located in a single “protected area”, access to which is strictly limited to badged employees and escorted visitors. Armed security guards are posted at the entrances to the protected area. Most support functions, such as Human Resources and Administration, are located in buildings located outside the protected area.

Primarily responsible for the overall operation of Millstone is Site Vice President James. A. Price. Reporting directly to Price are the following three Directors, each of who is responsible for one of the three Divisions at Millstone that contain employees in dispute: Director of Nuclear Station Operations and Maintenance Charles Schwarz; Director of Nuclear Station Safety & Licensing Denny Hicks; and Director of Nuclear Engineering Steve Scace.

II. THE STIPULATED UNIT INCLUSIONS

A. Production Employees

The parties have agreed to include as production employees approximately 110 Control Operators (CO) and Plant Equipment Operators (PEO), all of whom are “non-exempt” and are located in the Nuclear Operations Department within the Nuclear Station Operations & Maintenance Division. COs and PEOs have overall responsibility for the day-to-day, minute-by-minute operation of Millstone and for reconfiguring plant functions as necessary to support scheduled and “emergent”[8] maintenance work. Their main responsibility is monitoring plant system parameters during normal and emergent operations. They are also the two employee classifications most heavily involved in removing equipment from service for maintenance or testing. “Unit Two” and “Unit Three” each have five “shift crews” dedicated to operating that unit. Each shift crew consists of a Shift Manager, a Unit Supervisor, a Shift Technical Advisor from the Engineering department, a Shift Technician, four COs and six PEOs.

[8] “Emergent” work is defined as work that must be performed within the next seven days.

1. Control Operators

COs control the actual production of the two generating units from a Control Room located in each unit. COs are also heavily involved in maintenance and equipment surveillance functions. From within the Control Room, COs work in teams of two: one monitoring the reactor and the other monitoring the secondary systems, such as the turbine and related support systems. COs are responsible for identifying any component or system failures, and when components or systems are not working as expected, COs work with other Unit employees such as Mechanics, Electricians, I&C Technicians, Planners and Schedulers in developing a solution. As part of Millstone's preventive and corrective maintenance programs, COs tag, shut down, and conduct equipment testing and post-maintenance re-testing. Although COs do not require a college degree; they must possess a strong technical background and be licensed by the Nuclear Regulatory Commission (NRC). Toward this end, the Employer has filled CO positions from other stipulated Unit positions, including PEOs, Electricians, and Planners.

2. Plant Equipment Operators

PEOs perform plant "walk downs"; this requires them to patrol their assigned area in the plant, monitor the operation of the equipment, and report any problems to the COs in the control room. A walk down may also involve reviewing a scheduled maintenance "Work Order" to insure that the procedures supporting it are current and complete. PEOs "tag" equipment as being out-of-service, in order to protect the equipment and to alert maintenance employees as to which equipment may be manipulated. PEOs also work with maintenance employees on the "Finish-It-Now" (FIN) teams, which are assigned to perform high priority repairs. PEOs also perform diagnostic work with maintenance employees, and monitor housekeeping within the protected area to insure that buildings are properly maintained. PEOs do not require a college degree or an NRC license, and they are frequently hired from other stipulated Unit positions such as Electricians, Mechanics, Planners, and Health Physicist Technicians.

B. Maintenance Employees

1. Nuclear Electrician II and III; Instrument Technician II and III; Nuclear Instrument Technician and Nuclear Instrument Technician T1; Nuclear Mechanic II and III

The parties have agreed to include approximately 180 maintenance employees in the following classifications, all of who are "non-exempt" and perform the physical work of maintaining the plant: Nuclear Electricians II and III; Instrument Technicians II and III; Nuclear Instrument Technicians and Nuclear Instrument Technician T1; and Nuclear Mechanics II and III. Instrument Technicians II and III, Nuclear Instrument Technicians and Nuclear Instrument Technician T1 are collectively referred to as "I&C Technicians." All but ten of these maintenance employees are located in the Nuclear Maintenance Department, with the remaining employees located in the Nuclear Site Services Department, both of which are within the Nuclear Station Operations & Maintenance Division.

These employees perform preventive and corrective maintenance tasks throughout Millstone, including inside the Radiological Controlled Areas (RCAs), which are areas that expose employees to potential or actual radiation exposure. The Nuclear Mechanics install, repair, and maintain mechanical components, requiring them to perform plumbing, welding, and HVAC tasks. The Nuclear Electricians install, repair, and maintain electrical components throughout the facility. There is also a specialty group of electricians within the Maintenance department who are responsible for high voltage relays and switchgear breakers. The I&C Technicians install, repair, calibrate, and maintain electronic, pneumatic and hydraulic instrumentation located primarily in the Control Room of each unit. All of these employees (collectively referred to as maintenance employees) receive specialized training to repair, maintain, and install nuclear equipment, and general training in radiation protection. Some also receive training in scaffolding, forklift, and "confined space" operations. None require a college degree.

The Employer has two modes of operation at Millstone: "Online", when the reactors are in use and producing electricity; and "Outage", when the Employer shuts down the reactor for refueling, maintenance, and other major repairs which cannot be

performed while the reactors are operating. A refueling Outage for each reactor lasts about one month and occurs on separate 18-month intervals. As discussed in detail below, there is a group of employees dedicated to the planning of work to be performed during an Outage.

During its 18 months of Online operation, a separate group of employees plan and implement the maintenance and repair work performed during that period.[9] This is accomplished by using a rolling twelve-week maintenance schedule, called "T-12", to identify, schedule and implement all maintenance activities. During the twelve-week cycle, there are numerous interdisciplinary meetings at which the T-12 schedule is routinely adjusted to account for unanticipated delays or other complications. During the week that maintenance is implemented, called the "T-O" week, a T-O work package is prepared. The T-O work package, provided to the mechanics, electricians, and I&C Technicians by their front-line supervisors, directs the employee where, when, and the time allocated to perform the maintenance. The T-O package also directs COs and PEOs when to "tag" the equipment as being out-of-service, and directs non-Unit Engineers when to inspect, evaluate and test the repaired equipment.

2. Health Physics Technicians

The parties have also agreed to include in the Unit approximately 40 Health Physics Technicians (HP Techs), all of who work in the Radiological Protection & Chemistry Department within the Nuclear Station Safety & Licensing Division. Whenever a "Work Order" requires Unit employees, such as PEOs, Mechanics or I&C Technicians, to perform maintenance in a location within the RCA, HP Techs go to that location first and take radiation readings with a Geiger counter and other devices. HP Techs analyze these readings and devise a set of radiation controls, which are placed into a "Radiation Work Permit" (RWP) designed to minimize radiation exposure experienced by employees working in that location. HP Techs are stationed at various entry points to the RCA where they advise those employees entering the RCA about existing radiological levels and coach them in limiting further exposure. HP Techs also monitor radiation levels as the work proceeds. If an employee is exposed to

[9] One or more backup systems are in place for every reactor protection system. This process, referred to as "redundancy," permits for constant on-line maintenance.

unacceptable radiation doses or if the work migrates outside the scope of the RWP, HP Techs have the authority to issue a "stop work order", which must be obeyed by all other employees. HP Techs also calibrate various instruments used to monitor personal radiation levels. This includes the electronic dosimeters, portable devices individually worn by employees in the RCA that monitor their exposure to radiation. HP Techs also work with Stock Handlers, a Unit position discussed below, whenever radioactive material is received in the warehouses and whenever anything for shipment off site has been used in an RCA. HP Techs work a rotating shift schedule designed to provide continuous coverage. HP Techs assigned to "Unit 2" work out of Building 206; HP Techs assigned to "Unit 3" work out of Building 317. HP Techs are "non-exempt" employees and do not require a college degree.

3. Radioactive Material Technicians I and II

The parties have agreed to include in the Unit 11 Radioactive Material Technicians I and II (RadMat Techs), all of who are "non-exempt" 10 of these RadMat Techs work in the Radiological Protection & Chemistry Department and 1 works in the Environmental Services Department, both of which are within the Nuclear Station Safety & Licensing Division. RadMat Techs, along with certain HP Techs, are responsible for decontaminating locations within the RCA, including tanks, sumps, and floors. RadMat Techs also gather, prepare and transport radioactive laundry and waste materials; clean respiratory protection equipment; and perform housekeeping in the RCAs. They receive "confined space" and forklift training along with maintenance employees, and do not require a college degree.

4. Stock Handlers and Lead Stock Handlers

The parties have agreed to include 12 Stock Handlers and two Lead Stock Handlers, all of who work in the Supply Chain Management Department within the Nuclear Station Operations and Maintenance Division. They are "non-exempt" and perform the same duties as each other, except that the Lead Stock Handlers distribute daily schedules to, and act as a lead person for, the Stock Handlers. They work in Building 434, the Main Warehouse, but periodically transport items to, and work from, smaller satellite warehouses located within Millstone. At the Main Warehouse, they receive deliveries that pass through Millstone's security gate; stock shelves; maintain

inventory records; pull items from the shelves; and prepare paperwork. They maintain extensive contact throughout their workday with mechanics, electricians, and I&C Technicians who regularly procure parts, protective gear, and supplies in an over-the-counter format at either the Main or satellite warehouses. They also deliver maintenance parts, equipment and supplies directly to maintenance personnel. There is no college degree requirement for either position.

5. Planners and Senior Planners

The parties have agreed to include Planners and Senior Planners in the Unit, all of who work in either the Nuclear Maintenance, Nuclear Outage & Planning, or Nuclear Site Services Departments within the Nuclear Station Operations and Maintenance Division. Planners and Senior Planners are "non-exempt" who are primarily responsible for charting the maintenance work performed at Millstone. There are two teams of Planners, one of which is involved in planning for Outages and the other for On-line maintenance. In either respect, they develop Work Order packages based upon written requests submitted by various Millstone personnel, including Unit maintenance employees, for routine preventive or corrective maintenance. In order to accurately develop a particular Work Order package, they often obtain information directly from those maintenance employees previously involved in performing the particular maintenance task. They then prepare the Work Order, which identifies the qualifications, resources and safety clearances that are needed to perform a particular maintenance task; contains all necessary drawings, procedures and equipment information; and describes the precise sequence to be followed by maintenance personnel in performing that task. Although most Planners and Senior Planners work from Building 437, an office building, they are more frequently located within the "power block"[10] conducting walk downs alongside Unit maintenance employees, as described above, in order to closely assess the systems and components requiring maintenance and to identify any necessary post-maintenance testing. As noted below, in accomplishing their tasks, Planners and Senor Planners often work with Schedulers,

[10] The "power block" are those areas, including RCAs, within the protected area where electrical generating equipment or components are located and where Unit maintenance employees perform the bulk of their maintenance duties.

Senior Schedulers, and Outage Planners to coordinate the scheduling of a maintenance task, and with Stock Handlers and Lead Stock Handlers to ensure parts and materials availability for scheduled maintenance work. There is no college degree requirement for either position. Rather, they require mechanical and electrical skills and knowledge, and often progress from Unit maintenance positions.

6. Nuclear Chemistry Technicians and Senior Nuclear Chemistry Technicians

The parties have agreed to include in the Unit approximately 27 Nuclear Chemistry Technicians and Senior Nuclear Chemistry Technicians, all of who work in the Radiological Protection & Chemistry Department within the Nuclear Station Safety & Licensing Division. The great majority of these employees work out of laboratories located near the Control Room to "Unit Two" and "Unit Three." They collect, test and analyze fluids in systems within the power block, and calibrate and maintain their testing equipment. Some of the Nuclear Chemistry Technicians and Senior Nuclear Chemistry Technicians restore chemicals into the system while others maintain in-line instruments that monitor chemical levels in the system. As a result of their sampling and testing duties, they are often the first to know that a particular system is not functioning properly. When this happens, they initiate a "trouble report," which identifies the malfunctioning or degrading component or system, explains the problem, and identifies potential solutions. In performing their duties, they operate equipment similar to PEOs, and have considerable work-related contact with HP Techs and Unit maintenance employees, especially when draining and replacing a pump or water-related system. They are "non-exempt" employees who are not required to have a college degree, but they must pass an NRC technician's course.

III. UNIT PLACEMENT ANALYSIS

A. The Employer's Position

As noted above, the Employer would include an additional 528 individuals in 83 job classifications based upon its claim that at nuclear power generating facilities such as Millstone, the high degree of functional integration among those employees who are involved in production and maintenance activities requires their inclusion in one unit. Citing the Board's decision in *PECO Energy Company*, 322 NLRB 1074 (1997), as well

as other cases involving public utilities, the Employer in effect argues that a production and maintenance unit at a nuclear power generating facility requires a "wall-to-wall" unit, i.e., all non-professional employees who are in any manner related to the "production and maintenance" of nuclear energy.

Contrary to the Employer's contention, neither *PECO* nor any other Board decision cited by the Employer supports that proposition. Rather, *PECO* merely affirmed the Board's longstanding rationale that "systemwide" units are optimal in the utility industry, and specifically noted that "the term 'systemwide' does not necessarily mean all employees of the [e]mployer." Id. at 1080. Moreover, once the Board determined the scope of the unit in *PECO*, it applied its traditional community of interest test to determine unit placement issues, with no particular consideration given to the fact that the employees in dispute were involved in the production of nuclear energy. Thus, the Board focused primarily upon the disputed employee's degree of work-related contact with employees who the parties had stipulated to include in the unit; the extent to which the disputed employee performs work which is functionally related or integrated with that of unit employees; the nature of the disputed employee's skills and responsibilities; and the extent of common supervision and terms and conditions of employment. In considering the parties' positions, I have applied the same analysis in reaching the unit placement issues set forth below.

B. Common Factors Affecting Unit Placement

1. "Exempt" vs. "Non-Exempt" Status

As noted above, the Unit sought by the Union is comprised exclusively of "non-exempt" employees under the Fair Labor Standards Act. While all employees are salaried, the Employer distinguishes "exempt" and "non-exempt" employees in the following three ways.

First, non-exempt employees are required to use leave if they miss any time, but exempt employees are not.

Second, non-exempt employees are paid time and one half for overtime, while exempt employees are only paid overtime for certain qualifying events, such as scheduled refueling Outages, and then only upon express approval by Site Vice President Price.

Third, the incentive bonus system is applied differently depending upon the employees' exemption status. All employees are eligible to receive an annual lump sum bonus based upon the Employer's corporate-wide performance at Millstone and its other facilities. The amount of this bonus ranges from $500 to thousands of dollars depending upon an employee's classification in the Employer's three-tiered bonus system. The highest tier is reserved for management; the middle tier is reserved for exempt employees; and the third tier is reserved for non-exempt employees. Thus, the Employer applies a lower percentage to any bonuses it grants non-exempt employees. As a result, non-exempt employees are eligible to receive annual lump-sum bonuses up to 8.5% of their annual earnings whereas exempt employees are eligible to receive annual lump-sum bonuses ranging between 10% and 20% of their annual earnings.

It is well established that the level of earnings and method of payment are traditional factors relevant to community of interest determinations. *Kalamazoo Paper Box Corp.,* 136 NLRB 134 (1962). Accordingly, where appropriate I have relied upon the difference between non-exempt and exempt employees as a factor in determining Unit placement.

2. Dress Code

The Employer's dress code recognizes three categories of employees: "Physical Workers," "Professional and Administrative/Technical Employees," and "Operations Department Personnel." Employees classified as "Professional and Administrative/Technical" are required to wear Business Casual attire, defined as attire suitable "for an office environment" which specifically prohibits jeans. In contrast, "Physical Workers", who are defined as "hands-on employees [who] work directly with machinery, construction, etc.," are explicitly permitted to wear jeans. Employees classified as "Operations Department Personnel" are required to wear a uniform, depending upon their job classification. For example, COs are required to wear white shirts and khaki slacks, while PEOs can wear blue shirts with khaki pants or jeans. The employees sought by the Union consist primarily of "Physical Workers" or "Operations Department Personnel".

It is well established that uniforms and dress codes are a factor in determining unit placement. *Lawson Mardon U.S.A., Inc.*, 332 NLRB No. 122, slip op. at 2

(11/16/00); *Home Depot USA, Inc.*, 331 NLRB 1289, 1291 (2000); *Overnite Transportation Co.*, 325 NLRB 612 (1998). Accordingly, where appropriate I have relied upon the Employer's dress code and the related type of environment within which an employee works as a factor in determining Unit placement.

3. Common Benefits and Policies

The following benefits are available to all Millstone employees: annual bonus, as discussed above; "Spot Awards" for an employee's extraordinary performance; a choice of one of four flexible schedules; tuition assistance program; wellness center; and an employee assistance program. All employees are subject to the same progressive discipline and termination policies. Pursuant to NRC guidelines, all employees are subject to a Fitness for Duty program and are subjected to random drug and alcohol screens. Finally, all employees entering "containment areas" must wear radiation-monitoring devices called dosimeters.

IV. UNIT PLACEMENT OF ADMINISTRATIVE ASSISTANTS

With the exception of the Administrative Assistants, I have decided the unit placement of all disputed employees by the department in which they are located. I have treated the Administrative Assistants differently because, for the most part, their duties and responsibilities are identical regardless of their department.

There are approximately 23 employees in the Administrative Assistant II and Administrative Assistant III job classifications who work in departments located throughout Millstone, both inside and outside the protected area. The Employer would include these employees as plant clericals; the Petitioner would exclude them as office clericals. As discussed in more detail below, I have decided to exclude these employees from the Unit because their duties are more akin to office clerical employees.

The only difference between the Administrative Assistant II and the Administrative Assistant III is that the latter has greater experience and ability, and therefore generally earns greater pay. In all other respects, both classifications report directly to a department manager to whom they provide office clerical support. They are generally located at a desk immediately outside the manager's office or the offices of other department supervisors, and spend the vast majority of their work time at their

desk. The bulk of their duties generally includes the following work for their department manager: word processing, copying, filing, placing and answering telephone calls, retrieving reports and correspondence, maintaining the calendar, and scheduling appointments and travel arrangements. Some, but not all, of these employees also take dictation and minutes of supervisory meetings; process and reconcile department invoices and expense reports; order departmental supplies; track department vacation schedules; track department assignments; transmit department reports to other departments; and act as the departmental timekeeper. They interface primarily with their department manager, other department supervisors and employees, and excluded office clerical employees from other departments, such as when scheduling inter-departmental supervisory meetings.

Certain Administrative Assistants have additional duties. Thus, Administrative Assistant III Ann Chinigo in the Nuclear Site Services Department prepares departmental spreadsheets, maintains a database that tracks training qualifications for all employees, and may notify the involved employee if their qualifications are soon to expire. Administrative Assistant II Lisa Sinopoli in the Customer Service and Document Control Department periodically assists the Emergency Preparedness Department with writing their procedures. Administrative Assistant II Linda Leonard in the Emergency Preparedness Department assists in preparing a publication that is distributed to local communities, and in preparing packages relating to drill rehearsals. Administrative Assistant II Elaine Destefano in the Environmental Services Department manages the department's filing system, records incoming correspondence from various state and federal regulatory agencies, and distributes the correspondence to the proper manager or department. Finally, Administrative Assistant II Margaret Cumberlander in the Process Leadership Team maintains the confidential personnel files for department employees.

Administrative Assistants may perform additional duties during a refueling Outage. Chinigo works approximately one-third of the four week Outage in an RCA performing similar duties as HP Techs. Administrative Assistant II Cecile Bacon from the Radiation Protection department assists Unit employees in the installation and removal of television camera equipment and electronic dosimetry equipment.

The Board will include clerical employees in a production and maintenance unit where they share such a strong community of interest with production and maintenance employees that their exclusion would render the unit inappropriate. *Cooper Hand Tools*, 328 NLRB 145 (1999). Clerical employees whose principal duties relate to general office operations performed in an office environment do not share a sufficient community of interest with employees in a production and maintenance unit to require their inclusion therein. *Mitchellace, Inc.*, 314 NLRB 536-537 (1994).

The record establishes that the Administrative Assistants spend the great majority of their time performing tasks typically carried out by office clerical employees, with very limited contact with Unit employees. With regard to Chinigo and Bacon, the work they perform during Outages every 18 months is too sporadic to warrant their inclusion in the Unit. Accordingly, since it appears that the work-related contact between the Administrative Assistants and Unit employees is limited, and noting that their duties and responsibilities differ substantially from Unit employees, I find that Administrative Assistants II and Administrative Assistants III are office clerical employees and I shall therefore exclude them from the Unit. *Avecor, Inc.*, 309 NLRB 73 (1992).

V. UNIT PLACEMENT OF ALL OTHER EMPLOYEES IN DISPUTE

A. Nuclear Station Operations And Maintenance Division

There are six departments in the Nuclear Station Operations and Maintenance Division. As noted above, the Petitioner seeks to represent certain employees located in the following five departments: Nuclear Operations, Nuclear Maintenance, Nuclear Outage & Planning, Nuclear Site Services, and Supply Chain Management. The Employer seeks to include additional employees from those five departments as well as from the sixth department, Nuclear Training.

1. Nuclear Operations Department

There are four groups within the Nuclear Operations Department under the overall direction of Manager of Nuclear Operations William J. Hoffner. As previously noted, the parties have agreed to include in the Unit approximately 110 COs and PEOs, all of whom work in a Nuclear Operations Group in either “Unit 2” or “Unit 3.” There are no remaining employees in dispute in these two groups. Within the two remaining

groups, Nuclear Operations Work Control and Nuclear Operations Support, the Employer seeks to include 19 additional employees, as discussed below.

a. Nuclear Operations Work Control Group

The Nuclear Operations Work Control group is subdivided into four teams: an Online team and an Outage team for "Unit 2," and an Online team and an Outage team for "Unit 3." Each team is comprised of one Technical Analyst, who is permanently assigned to the team, and several COs and PEOs, who are periodically rotated out of their normal departments into the team for an unspecified period. The team is responsible for operational forced Outage readiness and refueling Outage preparation. The team collects information about repairs and maintenance that need to be performed on either an Online or Outage basis, and provide that information to the Planners in the Outage and Planning Department as part of the T-12 work planning process.

Within this group, the Employer seeks to include six employees in the following two job classifications: Process Assistant IV and Technical Analyst.

i. Process Assistant IV Pat Cassidy

Process Assistant IV Pat Cassidy, a non-exempt employee, assists the four teams in organizing and implementing the T-12 schedule and in developing Outage schedules. She tracks open maintenance items and Work Order progress to ensure that all problems are resolved, so that the final schedule can be implemented at T-O. In this process, Cassidy has daily work-related contact with Planners, Schedulers, and Outage Planners. Based on the fact that her function is integrated into the maintenance process, that she regularly maintains work-related contact with Unit employees, and is non-exempt, I shall include Process Assistant IV Pat Cassidy in the Unit.

ii. Technical Analysts

Each of the five Technical Analysts in dispute works closely with Planners, Schedulers, and PEOs in the development of the T-12 Online maintenance process. For example, Technical Analysts John Rein and Pete Lang verify that the T-12 schedule is accurate, determine work priority, and select from the backlog of work which can most easily fit within the schedule. Technical Analysts Keith Covin and Tom Moriarity also participate in these duties to some extent, but are more often involved in revising and updating the surveillance and testing schedule in order to ensure that all required

testing is conducted at the proper intervals and in compliance with NRC regulations. Technical Analyst Greg Hoxie is responsible for improving plant performance during Outages.

Based on the fact that their work is integrated with the maintenance process, that they have regular work-related contact with Unit employees, and share immediate supervision with COs and PEOs assigned to their department, I shall include in the Unit Technical Analysts John Rein, Pete Lang, Keith Covin, Tom Moriarity, and Greg Hoxie.

b. Nuclear Operations Support Group

The Nuclear Operations Support group provides technical and administrative support to the Nuclear Operations Department. The parties have agreed to include four PEOs from this group in the Unit. The Employer would include an additional 13 employees in the following five job classifications: Engineering Technician; Senior Engineering Technician; Process Assistant III; Process Assistant IV; and Technical Specialist.

i. Engineering Technician and Senior Engineering Technician

The Engineering Technician and the four Senior Engineering Technicians, collectively referred to as the Shift Technicians, are non-exempt employees who perform similar duties. They are each assigned to one of the five operating shift crews discussed above. They work in the immediate vicinity of a Control Room in either "Unit 2" or "Unit 3," and are responsible for ensuring that COs have the correct and most current revision of daily operating and maintenance procedures. In performing this task, they work closely with PEOs, as well as other employees who I have included in the Unit, such as personnel from the Outage and Planning group, discussed below. Shift technicians also perform component and system surveillance and record and trend various equipment parameters. If the equipment is not within normal parameters, Shift Technicians complete a form to that effect and provide the form to supervision for further action. Shift Technicians also track monthly trends regarding the tagging and repairing of instruments in the Control Room. They are also responsible for submitting proposed procedure changes to the Procedure Writers, another position that I have included in the Unit, as discussed below. Shift Technicians also monitor the condition of

the control board within the Control Room and, along with COs, are responsible for initiating replacement of broken or deficient instrumentation.

Based on the fact that their work is integrated with the maintenance process, that they regularly maintain extensive work-related contact with Unit employees, share common supervision and work location with Unit employees, and are non-exempt, I shall include in the Unit the Engineering Technician and the four Senior Engineering Technicians.

ii. Process Assistant III

There are three employees in this position, all of who are non-exempt. Process Assistant III Joan Lafaille works in the immediate vicinity of the "Unit 2" Control Room where she daily files updated procedure changes and distributes such changes to Nuclear Operations Department personnel. She files completed surveillance forms, which have been directly provided to her by PEOs, and is also responsible for ordering supplies for the Control Room.

Process Assistant III Jeff Pepin coordinates the rotating shift crew schedule for COs and PEOs. He tracks their anticipated absences due to vacation, sickness, or training, and ensures shift coverage by alerting Nuclear Operations Department management whenever the potential exists for lack of shift coverage by the requisite number of COs or PEOs. Pepin also maintains training qualification records for COs and PEOs and is responsible for making sure that each individual's training requirements are kept current.

Process Assistant III Sandy Geiger reconciles time records for Nuclear Operations Department personnel, including COs and PEOs; prepares certain forms relating to Nuclear Operations, and transfers these forms to the Employer's Nuclear Records Department; and enters data into the "Label Database", which is used for tracking the labels placed on newly implemented equipment.

Based on the fact that their work is integrated with the production process, that they regularly maintain work-related contact with Unit employees, share immediate supervision with Unit employees, and are non-exempt, I shall include in the Unit Process Assistants III Joan Lafaille, Jeff Pepin, and Sandy Geiger.

iii. Process Assistant IV

There are three employees in this classification located in the Nuclear Operations Support group: Carl Shimkus, Joe O'Connell, and a third position currently vacant but currently being performed by Process Assistant III Pat Cassidy. They are all non-exempt. They provide technical and administrative support to Procedure Writers (a position I have included in the Unit, as discussed below) and Nuclear Operations Department employees, including COs, PEOs, and Planners, by coordinating procedure changes relating to Nuclear Operations; coordinating plant equipment labeling when new plant equipment is installed or system modifications are made; and tracking and processing open Work Orders involving the Nuclear Operations Department.

Based on the fact that their work is integrated with the daily production process, that they regularly maintain work-related contact with Unit employees, share common immediate supervision, and are non-exempt, I shall include in the Unit Process Assistants IV Shimkus and O'Connell.

iv. Technical Specialists

There are two Technical Specialists in dispute, both of whom are exempt. Technical Specialist Dave Reilly tracks and manages all assignments and workflow in the Nuclear Operations Department. He routinely assists COs and PEOs in efficiently and timely completing their assignments. Further, whenever an equipment test conducted by the Nuclear Operations Department results in equipment or systems failure, Reilly conducts a "root cause" investigation and "causal factor review" to determine the cause of such failure. This function may require Reilly to interview COs and PEOs.

Technical Specialist Dave Bronson works with COs and PEOs in developing, testing, and coordinating any changes to software and hardware used by the Nuclear Operations Department in the production and maintenance process.

Although exempt employees, I shall include Technical Specialists Dave Reilly and Dave Bronson in the Unit because they work closely with Unit personnel in furtherance of plant maintenance, and share common supervision with the remaining employees in the Nuclear Operations Support group, all of whom I have included in the Unit, as described above.

2. The Maintenance Department

The Maintenance Department is subdivided into four groups. Three of these groups, denominated as "Plant Reliability" groups, are comprised primarily of Unit employees who perform the bulk of the maintenance tasks at Millstone. The fourth group, Nuclear Engineering Maintenance Business Support, is comprised of engineers and other exempt employees engaged in studies and analysis of how maintenance should be performed.

a. Plant Reliability Group #1

Plant Reliability Group #1 is responsible for the maintenance of major power systems, including reactors, steam generators, charging pumps, turbine and associated systems, HVAC systems, and the water and diesel systems. Within this group, the parties have agreed to include in the Unit a total of 34 Mechanics, 10 I&C Technicians, six Electricians, and six Planners. The Employer would include an additional three employees in the following job classifications: Outage Planner and Process Assistant IV.

i. Outage Planner

Outage Planners Carl Monk and Richard Kennedy are exempt employees who work with the Outage Planners in the Nuclear Outage & Planning Department in coordinating Online and Outage maintenance work that is performed by their group's maintenance employees. They first receive a general maintenance schedule prepared by the Outage Planners in the Nuclear Outage & Planning Department, and then coordinate with the Planners and Maintenance Supervisors within Plant Reliability Group #1 to prepare a more detailed schedule that covers the specific maintenance tasks, the quantity and identity of which maintenance employees will perform those tasks, and the dates those tasks will be performed. They also confirm that scheduled maintenance assignments have been "walked down," and work with Nuclear Operations personnel to ensure that equipment has been properly tagged out and isolated components have been scheduled for maintenance.

Although exempt employees, I shall include Outage Planners Carl Monk and Richard Kennedy in the Unit because their duties are functionally integrated with the maintenance process at Millstone, they have substantial work-related contact with

Planners, a stipulated Unit position, as well as Outage Planners from the Nuclear Outage & Planning Department, who I have also included in the Unit as discussed below.

ii. Process Assistant IV Joanne Orlando

About a week prior to the hearing in this case, the Employer changed the title of Joanne Orlando from Administrative Assistant II to Process Assistant IV. Despite this change in title, it appears that Orlando's duties have remained the same. In this regard, she continues to work in Building 475, referred to generally by the Employer's witnesses as the "Engineering Building"[11] where she reports directly to the group supervisor for whom she performs a variety of office clerical duties typically performed by Administrative Assistant II employees, as described above. Such duties include typing correspondence, maintaining the supervisor's schedule, timekeeping, and monitoring the vacation and training schedules for the group's employees. She also closes out Work Order packages on the computer. She has minimal work-related contact with Unit employees. Accordingly, since it appears that her contact with Unit employees is limited, and that her skills and responsibilities are essentially office clerical in nature, and differ substantially from those of Unit employees, I shall exclude Process Assistant IV Joanne Orlando from the Unit.

b. Plant Reliability Group #2

Plant Reliability Group #2 is responsible for performing maintenance on machinery, valves, and security instruments, and measuring, testing, and calibrating equipment. The FIN team also works within this Group. The parties have agreed to include in the Unit from this group 38 Mechanics, 17 I&C Technicians, four Electricians, six Planners, two Stock Handlers, and two Radiation Material Technicians. The Employer would include an additional seven employees in the following four job classifications: Process Assistant IV; Senior Engineering Technician; Technical Analyst; and Technical Specialist.

[11] All of the Engineering departments, as well as other departments that support the Engineering departments, are located in Building 475, which is a five-story office building.

i. Senior Engineering Technicians

The four Senior Engineering Technicians in this group are non-exempt employees. Gary Castagna and James Tyrol are tool crib attendants in the maintenance shops, the Warehouse, and RCA entry points. They work closely with all Unit maintenance employees and HP Technicians in checking tools in and out of the tool cribs. They spend about 95% of their time alongside Unit employees and, notwithstanding the fact that they are not qualified to operate equipment used to check tools for radioactive contamination, perform similar tool crib duties as Stock Handlers and RadMat Techs.

Senior Engineering Technician Tammy Sullivan assists I&C Technicians by scheduling the re-calibration of approximately 3,000 pressure gauges, meters, torque wrenches and other instruments. Sullivan also has substantial work-related contact with the tool crib attendants described above. Senior Engineering Technician Kathryn Cole coordinates calibration of tools performed by vendors rather than by I&C Technicians.

The duties performed by Senior Engineering Technicians Gary Castagna, James Tyrol, Tammy Sullivan, and Kathyrn Cole are functionally integrated with plant maintenance. They have regular work-related contact with Unit employees, and are non-exempt. Accordingly, I shall include them in the Unit.

ii. Technical Analyst Edward Gilbert

Technical Analyst Edward Gilbert researches and provides information, such as blueprints, that are required by the team of Mechanics responsible for implementing design changes. He spends about 55% of his time in the plant, either providing technical support to this team of mechanics or performing physical work, such as running new wires. Although he is an exempt employee, I find that Gilbert's duties, including the physical performance of some maintenance tasks, are functionally integrated with plant maintenance, and that he has regular work-related contact with Unit employees in furtherance of such maintenance. Accordingly, I shall include him in the Unit.

iii. Technical Specialist Dannie Russell

Technical Specialist Dannie Russell is an exempt employee who works with Procedure Writers in developing rigging procedures to ensure that any rigging erected

by Unit employees complies with OSHA regulations. Whenever Unit employees, such as Mechanics or Electricians, erect rigging within the plant, Russell is usually present to assist them in meeting OSHA's rigging standards. If necessary, Russell is also qualified to perform rigging work. Although he is an exempt employee, I find that Russell's duties are functionally integrated with plant maintenance, and that he has regular work-related contact with Unit employees in furtherance thereof. Accordingly, I shall include him in the Unit.

iv. Process Assistant IV Gwen Horsley

Similar to Process Assistant IV Joanne Orlando, discussed above, the Employer recently changed the title of Gwen Horsley from Administrative Assistant II to Process Assistant IV. Despite this change in title, it appears that Horsley's duties have remained the same. Maintenance Supervisor Dwayne Basler described Horsley as "my secretary" who performs duties comparable to those performed by Orlando, discussed above. Her work-related contact with Unit employees appears to be limited to occasionally answering payroll-related questions and assisting with any timekeeping functions. Accordingly, since it appears that her contact with Unit employees is limited, and that her skills and responsibilities are essentially office clerical in nature, and differ substantially from those of Unit employees, I shall exclude Process Assistant IV Gwen Horsley from the Unit.

c. Plant Reliability Group #3

Plant Reliability Group #3 is responsible for instrumentation maintenance, electrical power distribution in the power block, and relay and protective circuits for the transmission of power to the switchyard. The parties have agreed to include in the Unit from this group 35 I&C Technicians, 21 Electricians, and six Planners. The Employer would include three additional employees in the following two job classifications: Outage Planner and Process Assistant IV.

i. Outage Planners

There are two Outage Planners in this group, David Bazinet and another position which was vacant at the time of the hearing. Both Outage Planners are exempt employees who perform duties for this group that are equivalent to those duties performed by Outage Planners Monk and Kennedy within Plant Reliability Group #1,

discussed above. The lone difference is that the Outage Planners in this group are not involved in Online maintenance scheduling. Rather, they are strictly involved in coordinating maintenance schedules for refueling and forced Outages. Thus, they ensure that there will be available maintenance resources during Outages, that necessary material and supplies are timely received prior to an Outage, and that the maintenance schedule is appropriately coordinated. They are also involved in parts of the T-12 maintenance scheduling process.

Although exempt employees, Outage Planners in this group are functionally integrated with the maintenance process, and have the same work-related contact with Planners and Outage Planners from the Nuclear Outage & Planning Department as Monk and Kennedy, who I have included in the Unit. Accordingly, I shall include in the Unit the Outage Planners in Plant Reliability Group #3.

ii. Process Assistant IV Susan Black

Similar to Process Assistants IV Orlando and Horsley, discussed above, the Employer recently changed the title of Susan Black from Administrative Assistant II to Process Assistant IV. Similar to Orlando and Horsley, it appears that Black's duties have remained the same despite the change in her job classification. In this regard, she reports directly to Supervisor Nuclear Maintenance Robert Bracall, performs the same duties for Bracall as those performed by Orlando and Horsley for their respective supervisors, and has very limited work-related contact with Unit employees. Accordingly, since it appears that her contact with Unit employees is limited, and that her skills and responsibilities are essentially office clerical in nature, and differ substantially from those of Unit employees, I shall exclude Process Assistant IV Susan Black from the Unit.

d. Nuclear Engineering Maintenance Business Support Group

The Nuclear Engineering Maintenance Business Support Group is responsible for developing the key performance indicators and measuring tools to assess the performance of Maintenance Department employees who work in the three Plant Reliability Groups described above. The Petitioner does not seek to represent any employees within this group, which contains three engineers who the parties have agreed to exclude. The Employer would include an additional 10 employees in the

following five job classifications, all of whom work in the Engineering Building: Process Assistant III, Process Assistant IV, Technical Analyst, Technical Specialist, and Administrative Assistant II.[12]

i. Process Assistant III Eileen Annino

Process Assistant III Eileen Annino is a non-exempt employee who performs mostly office clerical duties for the group. In this regard, she spends in excess of 75% of her time in an office setting where she performs timekeeping duties, enters information into a computer regarding maintenance work, and forwards that information and related group records to the Records Department for storage. She also tracks training qualifications for employees within the Maintenance Department. She does not have any regular work-related contacts with Unit employees, spending about 10% of her time in contact with Unit employees when they drop off completed Work Orders to Annino's desk so that she can enter that information into the computer.

Although she is a non-exempt employee, Annino has very limited contacts with Unit employees, performs essentially office clerical duties, and has substantially different skills, responsibilities, and work location than Unit employees. Accordingly, I shall exclude Process Assistant III Eileen Annino from the Unit.

ii. Process Assistant IVs

There are three Process Assistants IV in dispute from this group, all of whom are non-exempt.

Process Assistant IV Jean Draisin updates the Maintenance Department's website on a weekly basis. The website was developed two years ago so that Maintenance Department employees could access certain information of interest about their department, such as the expected duration of certain maintenance tasks, key performance indicators (KPI), and information about maintenance tools. There is nothing in the record to indicate that maintenance employees are required to view this website in order to perform their duties, or the extent to which they voluntarily view the website. Draisin also works with Technical Analyst John Flanagan, discussed below, in

[12] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Helen Cuccaro from the Nuclear Engineering Maintenance Business Support Group.

writing articles for and issuing the weekly Maintenance Department newsletter. Finally, she performs office clerical duties, such as handling correspondence.

Process Assistant IV Shelli Gordy works with Technical Specialist Robert Hoffmann, who I have excluded from the Unit as discussed below, on the Human Performance Review team, which seeks to discover how maintenance employees can improve their work performance. Otherwise, Gordy performs a number of unspecified office clerical and administrative duties.

Process Assistant IV Jean Swan works exclusively on obtaining KPI data from throughout the Maintenance Department and uploading that information onto the Maintenance Department website. She is proficient in Excel word processing.

There is no evidence that either Draisin or Gordy have any work-related contacts with Unit employees. Swan maintains limited contact with Schedulers and Outage Planners in obtaining KPI information from their immediate area. Although they are non-exempt employees, it appears that the contact between these three Process Assistants IV employees and Unit employees is either limited or non-existent; that their skills, responsibilities, and work location differ substantially from those of Unit employees; and that they do not perform duties critical to the daily production or maintenance process. Accordingly, I shall exclude from the Unit Process Assistant IV employees Jean Draisin, Shelli Gordy and Jean Swan.

iii. Technical Analysts

The three Technical Analysts in this group are exempt employees with different duties and responsibilities.

Technical Analyst John Flanagan is responsible for the Maintenance Department's newsletter, which includes articles of interest to department employees. Flanagan also writes "Briefing Sheets," which describe information relating to specific maintenance equipment or practices. There is nothing in the record to show that maintenance department employees are required to read either the newsletter or the Briefing Sheets. To develop ideas for either the newsletter or the Briefing Sheets, Flanagan spends about 5% of his time in the Maintenance Department speaking to Unit employees. Flanagan is also responsible for the content on the Department's website.

Technical Analyst Richard Tomer works in a team with Engineer Karen Carberry, a stipulated non-Unit employee. They jointly perform the quasi-managerial task of investigating on-the-job efforts of certain Unit employees, such as I&C Technicians, to determine what went wrong with a particular maintenance task, and what the employee needs to do to correct the problem. To perform this task, Tomer and Carberry interview the involved employee and make sure that the employee understands what they did incorrectly. The record suggests that Unit employees may be disciplined by their immediate supervisor based upon the results of Tomer's investigation.

Technical Analyst Dennis Williams is in charge of the Maintenance department's procedure reduction effort, which entails assessing the number of procedures the Department uses and identifying ways to reduce volume such as eliminating duplicate and obsolete procedures. He is also in charge of the Department's "leak tracking" program, which tracks leaks in plant systems identified by Nuclear Maintenance and/or Nuclear Operations department personnel.

Based on the foregoing, I find that Flanagan and Tomer lack a sufficient community of interest to require their inclusion in the Unit. More specifically, Flanagan has limited contact with Unit employees, and does not perform a task that is critical to the daily maintenance or production functions at Millstone. Tomer has greater contact with Unit employees but does so from what can be best described as a human resources, operational auditing, or managerial perspective. Moreover, they are exempt employees. Accordingly, I shall exclude from the Unit Technical Analysts John Flanagan and Richard Tomer.

With regard to Williams, while the generic description of his tasks appears to be functionally integrated with plant maintenance, the record does not show with specificity whether Williams' task are administrative in nature, whether he enters the power block to perform any of his functions, or the degree of his work-related contact with Unit employees. Therefore, I shall permit Technical Analyst Dennis Williams from the Nuclear Engineering Maintenance Business Support Group to vote subject to challenge.

iv. Technical Specialists

Similar to those duties performed by Technical Analyst Robert Tomer, described above, Technical Specialists Robert Hoffmann and Jeffrey Coon perform "human

performance" investigations of Unit employees. Hoffmann works with Engineer Karen Carberry and focuses on investigations of larger events, whereas Coon focuses on investigations involving the Outage & Planning Department. Each spends no more than 5% of their time interviewing Unit employees. During Outages, Coon works as an Engineering Duty Manager in which capacity he coordinates all engineering issues that arise during Outages. Both Hoffman and Coon are exempt employees. As in the case of Technical Analyst Richard Tomer who I have excluded from the Unit, I shall exclude from the Unit Technical Specialists Robert Hoffmann and Jeffrey Coon because they are exempt employees and perform duties that are more closely aligned with the interests of management.

3. Nuclear Outage and Planning Department

Proper maintenance planning at Millstone is critical because all maintenance work must be initially evaluated for its potential risk to the reactor core. The Nuclear Outage and Planning Department, subdivided into four Support Teams under the overall supervision of Manager of Nuclear Outage and Planning David Glover, is responsible for planning and scheduling all On-line and Outage maintenance at Millstone. Two of these Support Teams are primarily composed of 10 Planners and 7 Senior Planners, 2 classifications that the parties stipulated to include in the Unit. The Employer would include from these two teams an additional employee, Process Assistant IV Patricia Erb, and an additional 24 employees from the other two Support Teams, an Outage Maintenance team supervised by Thomas Myers, John Olson and Paul Malzahn, and an Online Maintenance team supervised by Kevin Nelson, in the following three job classifications: Outage Planner; Scheduler; and Senior Scheduler.

a. Outage Planners

There are seven Outage Planners in the Outage Maintenance team supervised by Myers, Olson, and Malzahn. These Outage Planners are exempt employees who coordinate the activities of various groups involved in maintenance work performed during Outages. They take Work Orders developed by Unit employees, such as Planners and Senior Planners in Supervisor Stephen Miller's team, and determine how each Work Order will fit into the overall plan for the Outage. In order to determine the amount of personnel resources needed for each Work Order, the extent of the Work

Order, and where each Work Order should be placed on the schedule, Outage Planners work closely with those individuals involved in implementing the planned work, including supervisors and Unit employees from the Nuclear Maintenance and Nuclear Operations Departments.

Although they are exempt employees, the work performed by the Outage Planners in this group is an indispensable and integral part of the maintenance process at Millstone, which requires them to regularly interface with, and rely on work product developed by, Unit employees. Accordingly, I shall include in the Unit the Outage Planners from the Outage Maintenance Team.

The 10 Outage Planners in the Online Outage team supervised by Nelson focus on Online maintenance work, which involves taking one or more pieces of equipment out of service for maintenance purposes while the plant is operational. They adhere to the T-12 maintenance scheduling process, which controls the scheduling of all maintenance at Millstone. In following this process, Outage Planners work closely with Unit employees in deciding how to combine related maintenance work and identify resources and personnel needs for the performance of maintenance tasks. In this regard, Outage Planners constantly revise the T-12 maintenance schedule based on input from Unit employees.

Although they are exempt employees, I find that the Outage Planners in the Online Outage team are an indispensable and integral part of the maintenance process at Millstone, and regularly interface with Unit employees in furtherance of plant maintenance. Accordingly, I shall include in the Unit the 10 Outage Planners in the Online Outage team.

b. Schedulers and Senior Schedulers

Schedulers Michelle Booth and Patrick Kane, and Senior Schedulers Michael Baehr, Mark Latham, Robert Meuselbach, and Barry Odabashian, are exempt employees who work on the Outage Maintenance Team supervised by Myers, Olson and Malzahn. They each work with Outage Planners from within this team, described above, and with a separate team called the “Operations Department Continuum” (ODC) to develop the step-by-step schedule for the next Outage. The ODC consists of four to five PEOs and COs, a Shift Manager, and two Unit Supervisors, who are collectively

assigned to the ODC for a period of between six and nine months in advance of a refueling Outage to work with the Nuclear Outage and Planning Department. In addition to the ODC, Schedulers and Senior Schedulers bring together supervisors and Unit and non-Unit employees from various departments, including Nuclear Maintenance and Nuclear Operations, to attend meetings concerning the maintenance schedule.

Similar to Outage Planners, I find that the Schedulers and Senior Schedulers on the Outage Maintenance Team, while exempt employees, are an indispensable and integral part of the maintenance process, and regularly interface with Unit employees in furtherance of plant maintenance. Therefore, I shall include in the Unit Schedulers Michelle Booth and Patrick Kane, and Senior Schedulers Michael Baehr, Mark Latham, Robert Meuselbach, and Barry Odabashian.

Scheduler Judi Perkins-Arsenault, an exempt employee, is the lone Scheduler on the Online Outage Team. She uses computer programs and works closely with Outage Planners and Unit employees from the Maintenance Department to monitor the status of, and constantly adjust the schedule for, on-line maintenance work. She also issues to all involved departments the "Plan of the Day" (POD), which details all maintenance work to be performed on any given day.

Although she is an exempt employee, in light of her considerable involvement in developing the Online maintenance schedule, and the significant degree of work-related contact she has with Unit employees and Outage Planners, who I have included in the Unit, I shall include Scheduler Judi Perkins-Arsenault in the Unit.

c. Process Assistant IV Patricia Erb

Process Assistant IV Patricia Erb, a non-exempt employee, reports directly to Team Supervisor Miller and works at a desk located immediately outside his office. Erb, who was described by Miller as the "department clerk," performs a number of office clerical functions, such as typing correspondence, filing documents, scheduling the use of conference rooms, maintaining employee time records, preparing reports, and keeping track of vacation and personnel schedules for Miller. She has an insignificant amount of work-related contact with Unit employees, mostly when she obtains required signatures from certain Unit employees on Work Orders. Although she is a non-exempt employee, the office clerical nature of her duties and her limited contact with Unit

employees does not require the inclusion of Process Assistant IV Patricia Erb from the Unit, and I shall therefore exclude her.

4. The Nuclear Site Services Department

The Nuclear Site Services Department has two functions: 1) facilities management, such as snow removal, sewer cleaning, housekeeping, and HVAC functions in non-power block buildings; and 2) implementing significant plant modifications within the power block, such as cutting, coating and reinstalling various pipe pieces during a refueling Outage. With regard to this second function, unlike the Nuclear Maintenance Department, which is responsible for day-to-day maintenance, the Nuclear Site Services Department becomes involved in the above-described maintenance tasks only if the work entails a significant change in plant systems that modify the manner in which the plant is operated.

There are five groups within Nuclear Site Services under the overall direction of Manager of Nuclear Site Services Barbara Wilkens. Within these five groups, each of which has separate immediate supervision, the parties have agreed to include in the Unit 10 Mechanics and between two and four Planners. The Employer would include an additional 17 employees in the following 7 job classifications: Nuclear Facilities Coordinator; Nuclear Specialist; Scheduler; Senior Scheduler; Senior Nuclear Construction Specialist; Supervisor of Labor; Technical Analyst; and Administrative Assistants II and III.[13]

With regard to the 10 Mechanics who the parties have agreed to include in the Unit, an unidentified number perform the physical work on the HVAC and sewer systems at Millstone, while the remaining Mechanics focus on implementing the above-referenced modifications to Millstone's plant systems. Most of these Mechanics initially report to Building 433 each morning, but none of them spend any significant time within that building. Rather, similar to the previously discussed group of mechanics, Mechanics from the Nuclear Site Services department work throughout Millstone, including within the RCA. Similarly, these Mechanics also rely on Work Order packages

[13] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Virginia Goodhind and Administrative Assistant III Ann Chinigo, each of who reports directly to Wilkens.

prepared by Planners, receive maintenance training at regular intervals, routinely interact with Planners, Stock Handlers, and Schedulers, and are non-exempt employees. With regard to Planners in the Nuclear Site Services Department who the parties have agreed to include in the Unit, they are non-exempt and perform the same duties and interact with the same job classifications as the other group of Planners, discussed above.

a. Scheduler and Senior Scheduler

The only difference between the Scheduler and Senior Scheduler, who are exempt employees, is that the latter works on more complex matters. Otherwise, both perform duties similar to those performed by Schedulers in the Nuclear Outage & Planning Department, discussed above. In this regard, Scheduler Carolyn Granato and Senior Scheduler Bill Crandell interface with Unit employees, such as Planners and Mechanics, to identify the work to be performed by the Department's Mechanics, and layout a schedule for that work.

Because the Schedulers in the Nuclear Site Services Department perform functions similar to the Schedulers located in the Nuclear Outage and Planning Department, who I have included in the Unit, maintain a high degree of work-related contact with Unit employees, and are functionally integrated with plant maintenance, I shall include in the Unit Scheduler Carolyn Granato and Senior Scheduler Bill Crandell.

b. Nuclear Facilities Coordinators

Nuclear Facilities Coordinators Anthony Komorowski, Michael Manolakis and Fred Phillips are exempt employees who coordinate the work performed by outside contractors, herein called craft employees. These craft employees maintain certain HVAC, mechanical and electrical systems, and perform relocations and modifications within Millstone, including locations outside the protected area.

Manolakis is responsible for ensuring that the craft employees perform housekeeping, office relocation, and the above-described maintenance tasks within the Training Facility, the Visitor's Center, and the Emergency Operating facility, all of which are located outside the protected area. He also coordinates meeting rooms at these three buildings. Manolakis physically works from the Training Building. There is no evidence that he has any work-related contact with Unit employees.

Komorowski is responsible for coordinating craft employees who perform HVAC maintenance within non-power block buildings, and snow removal within and outside the protected area. Unlike the Unit employees within the Nuclear Site Services Department, Komorowski works in Building 437. There is no evidence that he has any work-related contact with Unit employees.

Phillips coordinates the activities of the janitorial staff, all of who are outside contractors. He is also responsible for coordinating maintenance work performed by craft employees on bathrooms and sewer systems anywhere within Millstone, including buildings located outside the protected area. Similar to Komorowski, Phillips works in Building 437, and there is no evidence that he has any work-related contact with Unit employees.

Based on their lack of work-related contact with Unit employees, their different work location, the nature of their duties, and their exempt status, I shall exclude from the Unit Nuclear Facilities Coordinators Anthony Komorowski, Michael Manolakis and Fred Phillips.

c. Nuclear Specialist Thomas Quattrochi

Nuclear Specialist Thomas Quattrochi is an exempt employee who works in an office setting in Building 447. He is the Department's specialist in the "Six Sigma" program, a newly implemented program at Millstone which seeks to eliminate defects from, and improve efficiencies within, all of Millstone's various departments. Quattrochi is responsible for identifying departmental processes that need improvement and developing a project plan to implement the improvement. For example, Quattrochi's next project will be to reduce the amount of time it takes craft employees to go through the security process and onto the site to begin work– a process that presently takes a week to 10 days, during which time the Employer must pay the craft employees. He periodically travels to DRS' corporate offices to receive additional Six Sigma training. There is no evidence that he has any work-related contact with Unit employees.

Based on his lack of work-related contact with Unit employees, his different work location, the nature of his duties, and his exempt status, I shall exclude Nuclear Specialist Thomas Quattrochi from the Unit.

d. Senior Nuclear Construction Specialists

There are five Senior Nuclear Construction Specialists who perform similar functions in three of the five groups within the Nuclear Site Services Department. In this regard, they are exempt employees, and spend more than 75% of their time in an office environment reviewing design change work packages that describe work to be performed by either departmental Mechanics or, more frequently, by craft employees. They also coordinate all the activities of the craft employees who are hired on a project basis to perform maintenance at Millstone. In performing this latter function, according to their job description, they "provide support to mechanical, electrical or civil supervision" in coordinating the construction activities "between craft personnel and company personnel." In practice, they ensure that craft employees are performing work in accordance with Millstone specifications, and that craft employees and the Employer's employees are not simultaneously scheduled to perform work in the same area.

Since these individuals clearly perform duties, such as design change reviews, which are akin to an engineering function, or other duties, such as craft employee coordination, which are akin to a support function, I find that they do not perform traditional production and maintenance functions. Moreover, they work primarily in an office setting, are exempt employees, and interface far more regularly with engineers, supervisors, and craft employees than with Unit employees. Accordingly, I shall exclude the Senior Nuclear Construction Specialists in the Nuclear Site Services Department from the Unit.

e. Supervisors of Labor

Supervisors of Labor Jim Higdon and Greg Giles are exempt employees who coordinate certain duties performed by craft employees in non-RCA locations, such as housekeeping and office relocations. In performing their duties, Higdon and Giles each spend more than 75% of their time in an office setting. There is no evidence that either has any work-related contact with Unit employees. In light of their duties, their work location, their lack of contact with Unit employees, and their exempt status, I shall exclude from the Unit Supervisors of Labor Jim Higdon and Greg Giles.

f. Technical Analysts

Both Technical Analysts are exempt employees who spend more than 75% of their time in an office setting. Technical Analyst Jackie Williams monitors the performance of the Nuclear Site Services Department to ensure that work is completed within budget. She reviews the accuracy of cost reports submitted by outside contractors to verify that their submitted expenses do not exceed their estimates. There is no evidence that Williams has any work-related contact with Unit employees.

The second Technical Analyst position was vacant at the time of the hearing. It appears that this position, when filled, will be responsible for ensuring that department projects are successfully incorporated into the T-12 maintenance scheduling process.

Based on her lack of work-related contact with Unit employees, her different exempt status, her work location, and the administrative nature of her duties, I find that Technical Analyst Jackie Williams lacks a sufficient community of interest with Unit employees and I shall exclude her from the Unit. With regard to the Technical Analyst position that is currently vacant, it appears that the duties of this position may be functionally integrated with the maintenance process. However, due to the dearth of information in the record regarding the nature of those duties and/or work-related contact with Unit employees, I shall permit the employee who fills that position to vote subject to challenge.

5. Supply Chain Management Department

The Supply Chain Management Department is primarily responsible for purchasing supplies and services, negotiating contracts with vendors, and maintaining inventory levels. There are five groups within the Supply Chain Management Department under the overall direction of Supply Chain Site Manager Bob Andren. Within these five groups, each of which has separate immediate supervision, the parties have agreed to include 12 Stock Handlers and two Lead Stock Handlers. The Employer would include an additional 37 employees in the following 12 job classifications: Associate Materials Specialist; Materials Specialist; Senior Materials Specialist; Materials Verification Specialist; Process Assistant IV; Engineering Technician; Senior Engineering Technician; Sourcing Agents; Senior Sourcing Agents; Supply Chain Specialist; Technical Analyst; and Technical Specialist. The Employer also seeks to

include an additional six employees in the following job classifications who do not work within any of the above-referenced groups, but instead report directly to Andren: Supply Chain Management Coordinator; Supply Chain Management Advisor; Supply Chain Specialist; Technical Analyst; Administrative Assistant II; and Administrative Assistant III.[14]

a. Materials Verification Specialist

These seven employees are part of the Receiving group, which focuses on receiving equipment and materials at Millstone. They work in Building 435 (the main receiving gate). They operate forklifts to unload the equipment and materials, and verify the related paperwork. They unpack boxes, and inspect and test the delivered supplies and equipment to ensure that the goods meet the requested requirements. Upon completing these tasks, they pass the items through a security fence where Stock Handlers receive and warehouse the items, as described above. These employees are non-exempt, and it appears they wear the same work clothes as worn by the Stock Handlers. Further, Stock Handlers are cross-trained to work as a Material Verifications Specialist.

The Union in its post-hearing brief acknowledged that these employees may share similar terms and conditions of employment with Stock Handlers, and therefore took no position with regard to their inclusion or exclusion. Based upon their common working conditions and work related contacts with the Stock Handlers, a position the parties have agreed to include in the Unit, I shall include the Materials Verification Specialists in the Unit.

b. Process Assistant IV Kathy Grimes

Process Assistant IV Kathy Grimes is assigned to the Receiving group and works in Building 435 alongside the above-described Materials Verification Specialists. She prepares and maintains paperwork, such as bills of lading and purchase orders, related to the receipt of materials and inventory. She is a non-exempt employee. Similar to its position on the Materials Verification Specialists, the Union in its post-hearing brief

[14] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Kathy Mathews and Administrative Assistant III Laurie Saitta, each of who reports directly to Andren.

acknowledged that she may sufficiently share terms and conditions of employment with Unit employees to warrant her inclusion in the Unit. Accordingly, based upon her close interchange with Material Verification Specialists, and similar working conditions and contacts with Unit employees, I shall include Process Assistant IV Kathy Grimes in the Unit.

c. Associate Materials Specialists, Materials Specialists, and Senior Materials Specialists

The eight employees in these three job classifications are distributed throughout four of the five groups within the Supply Chain Management Department. The distinction between the three job classifications is one of experience and ability, but otherwise they all perform the same duties regardless of their title or the group to which they are assigned. They are generally responsible for processing materials requisitions, checking a computerized "queue" to determine what items need to be ordered, initiating material requisitions on emergent needs, and performing inventory analysis. All of these employees work in Building 433, and spend up to 65% of their time on the computer performing the above functions. While not entirely clear, it appears that the remainder of their time is spent in the Main Warehouse. The three Associate Materials Specialists employees are non-exempt, but the two Materials Specialists and three Senior Materials Specialists employees are exempt.

The record shows that all eight employees in these three job classifications lack common skills, supervision, and working conditions with Unit employees, and five are exempt employees. However, because the record does not fully reflect the nature or frequency of the functions they perform in the Main Warehouse or the extent of contact with Unit employees while performing such functions, I shall permit the Associate Materials Specialists, Materials Specialists, and Senior Materials Specialists in the Supply Chain Management Department to vote subject to challenge.

d. Technical Specialists

Technical Specialists Brad Dawson and Bob Levasseur are exempt employees who perform similar procurement engineering roles. They are primarily responsible for ensuring that ordered parts and materials are in accordance with Millstone standards

and specifications. They work in an office environment in Building 433 where, inter *alia*, they contact vendors about the technical specifications of parts, and perform special assignments, such as clearing order backlogs. They may also spend a significant portion of their time in the Main Warehouse where they may have some work-related contact with Unit employees, including Materials Verifications Specialists, Stock Handlers, and Planners.

Because the record does not accurately reflect the amount or nature of their work-related contacts with Unit employees, I shall permit Technical Specialists Brad Dawson and Bob Levasseur to vote subject to challenge.

e. Senior Engineering Technicians and Engineering Technician

According to the Employer's witness, the three Senior Engineering Technicians and the Engineering Technician in the Supply Chain Management Department perform duties "similar" to engineering functions by ensuring that ordered parts meet proper design specifications. Toward that end, they perform plant "walk-downs" alongside plant engineers to identify specific parts that need to be replaced, and then retrieve plant drawings and bill of materials to verify the accuracy and design of the ordered parts. They also prepare purchase orders and contracts. All of these employees work in an office environment in Building 433, and there is scant, if any, record evidence to show that these employees have any work-related contact with Unit employees.

Based on a lack of common skills, supervision and work-related contact with Unit employees, and the fact that the work they perform is more akin to engineering duties, a classification specifically excluded by the parties, I shall exclude from the Unit the Senior Engineering Technicians and the Engineering Technician in the Supply Chain Management Department.

f. Senior Sourcing Agents and Sourcing Agents

The three Senior Sourcing Agents and the nine Sourcing Agents are exempt employees who serve as the Employer's buyers at Millstone. They are responsible for developing proposals, reviewing quotations, negotiating contractual agreements with service and equipment vendors, and purchasing materials and parts. Sourcing Agents in the Contract Services and Support Group are responsible for negotiating corporate-

wide service contracts with large vendors, which provide services to the Employer at Millstone and its Virginia-based plants. Sourcing Agents in the Emergent Work Group are responsible for obtaining parts and materials at Millstone on an emergent basis. Sourcing Agents in the Planned Purchasing Group purchase parts and materials required for all "non-emergent" work at Millstone. All Sourcing Agents work in an office environment in Buildings 433 and 441, however some travel up to 25% of their time to meet with vendors and for training at DRS' Virginia headquarters. The Employer prefers a college degree for such positions, along with knowledge of accounting principles, procurement practices, procedures and policies, and computerized procurement systems. There is some sporadic and limited work-related contact between Sourcing Agents and certain Unit positions, principally when they receive material requests from Planners.

Based upon their different supervision, duties, working conditions, and educational backgrounds from Unit employees, and noting their exempt status, I shall exclude the Sourcing Agents and Senior Sourcing Agents from the Unit. See *Joske's Houston*, 233 NLRB 31 (1977); *Challenge-Cook Bros., Inc.*, 129 NLRB 1235 (1961); *Pratt & Whitney*, 327 NLRB 1213 (1999).

g. Supply Chain Management Advisor Hugh Costello, Supply Chain Management Coordinator Ray Dossat, Supply Chain Specialist Bob Kastner and Technical Analyst Charlie Mares

As noted above, these four positions report directly to Andren. At the outset of the hearing and in its post-hearing brief, the Employer argued for the inclusion of these four positions in the Unit. However, the Employer proffered no evidence regarding the duties of these four positions or their potential community of interest with Unit employees. Accordingly, in the absence of any indication that they share any community of interest with Unit employees, I shall exclude them from the Unit.

6. Nuclear Training Department

The Nuclear Training Department, under the overall supervision of Manager of Nuclear Training Michael Wilson, is responsible for initial and continuing training of certain Millstone employees, predominantly Unit employees including COs, PEOs, Unit

maintenance employees, HP Techs, and Nuclear Chemistry Technicians. Manager Wilson reports to Director of Nuclear Training A.H. Friedman who is located DRS' Virginia office. The Department is subdivided into four groups. Two of these groups, each denominated "Operator Training," are dedicated to providing initial and continuous training to candidate and incumbent COs and PEOs on "Unit Two" and "Unit Three" respectively. A third group, "Technical Training," is primarily dedicated to initial and continuous training of electrical, mechanical and I&C employees. The fourth group, "Nuclear Training," provides training to a variety of employees, on topics such as chemistry, health physics, engineering support, plant access, and emergency planning. The Union does not seek to represent any employees in the Nuclear Training Department. The Employer would include 73 employees in the following 12 job classifications: Associate Technical Instructor; Instructor-Technical Training or Nuclear Training; Nuclear Specialist (Accreditation/Self-Assessment); Process Assistant III; Process Assistant IV; Senior Graphics Designer; Senior Instructor (Nuclear Ops); Senior Instructor (Nuclear); Senior Instructor (Program Change Coordinator); Senior Instructor-Technical Training or Nuclear Training; Training Administrator; Administrative Assistant III.[15]

a. Instructors

All Instructors, regardless of their job title or group, are exempt employees who work at the Training Building, located approximately one mile from the protected area. They each have a desk and a personal workstation. They spend up to 50% of their time developing lesson plans in their respective courses, and spend the remainder in classrooms located in the Training Building, teaching and evaluating employees' classroom performance. According to the Employer's various witnesses, in order to be a successful Instructor, one must have the correct technical skill, understand the subject matter thoroughly, and have the "right classroom presence" to effectively deliver training.

All Instructors, but in particular those Instructors in the two Operator Training groups, begin the training process by reviewing prior lesson plans on the relevant

[15] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant III Shari Crowley from the Nuclear Training Department.

subject, and then assessing those changes that have occurred in the operating system or other plant conditions in order to incorporate them into their lesson plans. In performing this latter function, Instructors may go into the protected area to observe various operating systems and to speak with systems engineers, supervisors or Unit employees about such systems. Instructors from the Technical and Nuclear groups spend about 10% of their time within the protected area observing how maintenance employees perform their jobs and monitoring their work progress.

After preparing the lesson plan and delivering classroom training, Instructors prepare and give exams on the subject matter to their students. If an employee fails an exam, either the Instructor or the Instructor's supervisor will bring the matter to the attention of that employee's supervisor, who will decide what action to take based in part on input from the Instructor. The Instructor evaluates reasons for the failure and provides ideas or guidance regarding resolution of the problem.

During non-Outage periods, Instructors (with one exception identified below) do not perform Unit work. During scheduled refueling Outages, many of the Operator Training Instructors oversee or directly supervise Unit employees performing their duties or act as Fire Watches, while some of the Instructors from the Technical and Nuclear groups perform a variety of functions usually performed by Unit employees. Several Instructors were former supervisors or managers at Millstone. Instructors in the four groups can earn up to 25% higher salaries than the Unit employees who work in the corresponding fields. They wear business casual attire.

i. Senior Instructor (Nuclear Ops) and Senior Instructor (Nuclear)

Within the two "Operator Training" groups, there are 21 Senior Instructors (Nuclear Ops) who provide ongoing training necessary to enable licensed operators to remain qualified for their licenses, and 14 Senior Instructor (Nuclear), the more junior of the two classifications, who train new COs and PEOs and provide instruction necessary to obtain licensing. Both use the "Simulator" in the initial and continuing training programs. The Simulator consists of a mock up of the Control Room which is used by COs and PEOs to simulate plant conditions.

A candidate for a PEO position goes through a non-licensed initial training program for six months, during which the candidate learns the basics of a power plant, including initial concepts about how systems such as pumps, valves and heat exchangers work. The initial six-month non-licensed training regimen consists of approximately 75-percent classroom time and 25-percent study time, along with a two-week period during which they work at Millstone getting practical experience. After trainees have become qualified PEOs, they attend continuing training for one week every six weeks. PEOs or other new employees wishing to become COs attend the licensed Operator initial training program, a 15-month course of study that includes greater in-depth fundamentals of the plant, including reactor theory and thermal hydraulics. CO candidates then sit for an NRC exam needed to obtain a Reactor Operator's license. Those who successfully become COs are required to attend ongoing training at the Training Building one out of every six weeks.

Each Instructor in the Operator Training groups is required to spend at least 12 hours per quarter conducting observations within the plant. During these observations, they may or may not have contact with Unit employees. In addition, Instructor M. Siebert is an Operations Manager on loan to the Training Department for an unspecified period who continues his supervisory duties in the Nuclear Operations Department for 60-hours each quarter. Another Instructor, K Higgins, is a PEO who is currently on loan to the Training Department for an unspecified period. While not entirely clear, it appears that Higgins may spend an unspecified amount of time performing PEO functions in the power block.

ii. Associate Technical Instructor, Instructors, and Senior Instructors -Nuclear Training group

Senior Instructor James Bennett and Eric Erickson, and Instructor Paul Prichard, focus primarily on HP training, which includes initial training of HP Tech candidates and continuing training to incumbent HP Techs. The entire initial training program, which is designed for a person with no nuclear background, takes approximately two to three years to complete. However, individuals with previous relevant experience can complete the training in six months to one year. The above instructors do not deliver all the training administered to HP Tech candidates. Rather, after an initial four-month

classroom session, HP Techs who have been trained in how to train others deliver approximately 90-percent of the remaining initial training in the form of on-the-job training. The above instructors also provide 2 to 3 days per quarter of continuing training, consisting primarily of reviewing or refreshing technical knowledge, reviewing operational experiences and learning about procedure changes. During refueling Outages, they perform HP Tech duties.

Senior Instructor Fred Comstock and Instructor Joseph Amarillo both have college degrees and each delivers training to Engineering personnel in the Engineering Building about Millstone procedures used in processing design changes or design modifications.

Senior Instructor Claudia Dean delivers "new employee" training mostly to craft employees and contractors. During scheduled Outages, she works as an Engineering Technician and is involved in the process of moving fuel.

Senior Instructor Ellen MacLean and Instructor John Fuller deliver Emergency Plan training, which is designed to inform most Millstone employees about their roles and responsibilities in the event of an emergency. They work closely with Millstone's Emergency Planning Department and with SERO participants, described in detail below.

Senior Instructor Michael Tortora and Instructor Ruben Fontanez have college degrees and teach chemistry. During the last refueling Outage, Tortora performed Chemistry Technician duties, however, Fontanez did not perform any Unit employee work.

Instructors Russell Ripley and Patricia Heffernan deliver RAD worker training, which is administered to approximately 1,200 of the roughly 1,450 individuals who work at Millstone. In this regard, they develop slides and technical material used in the RAD worker program. They also perform additional duties. For example, Heffernan, a former supervisor, spends about 50% of her time serving as the Department's Corrective Action Coordinator, and about 30% of her time serving as the Department's Procedure Writer, in which capacity she works mostly with other Instructors, but also with unidentified individuals from the Procedures and Operations Department to develop

training procedures. Ripley also maintains and manages the Department's approximately 20 computer-based training programs.

Associate Technical Instructor Linda Heg performs the same teaching functions as Instructor Ripley.

iii. Senior Instructors and Instructors- Technical Training

Senior Instructor John Follett, Jr. and Instructors John Abel and Phillip Andros primarily instruct I&C principles to I&C Technicians, and also teach certain courses attended by Chemists and Chemistry Technicians.

Senior Instructors John Kiss and Vincent Marchitto and Instructors Richard Brodaski and John Laabs provide electrical instruction. The latter two have college degrees.

Senior Instructor Daniel Spencer and Instructors Michael Nylen and Douglas Vanverdeghem specialize in mechanical instruction.

Senior Instructor Steven Delisle has a college degree and is responsible for training supervisors in the maintenance disciplines.

Instructor Paul Lattimore provides safety training and general administrative training, which includes such topics as electrical safety and asbestos. During scheduled Outages, he serves as a night shift supervisor overseeing the crew involved in maintaining the Turbine.

Based on the foregoing, I shall exclude the Instructors from the Unit. See *Texprint, Inc.*, 253 NLRB 1101 (1981); *Automobile Club of Missouri*, 209 NLRB 614 (1974); *Hawthorne School of Aeronautics*, 98 NLRB 1098 (1952); *Western Electric Company, Inc.*, 126 NLRB 1346, 1356 (1960). More particularly, I note that while many Instructors share an area of technical ability with Unit employees, their function is entirely distinct. Their primary responsibility is teaching, and their skills require a classroom presence, a teaching proficiency, and the ability to develop a cogent lesson plan. Although their duties sometimes take them into the protected area during non-Outage and Outage periods, during which they have some limited work-related contact with Unit employees, the overwhelming majority of their work time is spent in a traditional classroom setting located outside the protected area. Moreover, they are exempt employees, and have different immediate supervision, skills, duties, and work

attire from Unit employees. Further, some Instructors provide training to non-Unit employees such as supervisors, engineers, and outside contractors. Accordingly, I shall exclude from the Unit all 60 Instructors located within each of the four groups in the Training Department.

b. Nuclear Specialist (Accreditation/Self-Assessment)

Nuclear Specialist (Accreditation/Self-Assessment) Karina Julius is exempt, has her own office, and is responsible for coordinating and compiling the documentation needed to support the Accreditation Self Evaluation Report (ASER). This report is required by INPO, a trade industry group, to determine whether Millstone's specific training programs meet INPO's requirements for accreditation. Julius is responsible for ensuring that the extensive ASER report is complete, accurate, and properly formatted. In this role, she communicates extensively with Senior Instructors and relies heavily on documents prepared by Nuclear Training Department personnel. In addition to this responsibility, Julius was recently tasked with implementing changes to Millstone's Training Qualification 1 Procedure (TQ 1), which is an administrative procedure that governs the various review and advisory committees that control training content. In this regard, her goal is to realign the current review and advisory committees to follow those utilized at DRS' two Virginia-based nuclear power plants.

Based upon her separate supervision and work location, exempt status, lack of involvement in the daily production and maintenance process, lack of work-related contact with Unit employees, and the nature of her administrative support function, I shall exclude Nuclear Specialist (Accreditation/Self-Assessment) Karina Julius from the Unit.

c. Process Assistants III; Process Assistants IV; and Senior Graphics Designer

Process Assistant IV Kathy Willis and Process Assistant III Patricia Brown are non-exempt employees who work in the Technical Training group. They work in the Training Building where they provide administrative support to the group by ordering supplies, filing records, and managing the transmittal of records that must be sent to Millstone's NDPA Department. They also serve as examination proctors.

Process Assistants III Christine Ammatucci and Brenda Rein are non-exempt employees who work in the Nuclear Training group. They work in the Training Building and are responsible for data entry, including entering training schedules and Instructor's written examinations into the Department's database. According to Manager Jeffrey Taylor, they each work "extensively" with Instructors.

Process Assistants III Linda Peduzzi, J.M. McCray, and P.A. Pahlsson, and Process Assistant IV Heidi Cannon, are non-exempt employees who work in the Training Building and perform similar functions to each other in the Operator Training group. They maintain the procedures used in the classroom and on the simulators and ensure that such procedures are current. They interact with all the Training Department's Instructors and with the trainees. In addition, Cannon enters training data into the Department's database that is used to track trainees' qualifications.

Senior Graphics Designer Diane Smola, who until recently was classified as a Process Assistant IV, is a non-exempt employee who works in the Training Building within the Technical Training group, where she develops graphics for that group's Instructors. During Outages, she works as a Fire Watch.

Although they are non-exempt employees, based upon their separate supervision and work location, the administrative nature of their duties that are unrelated to routine production or maintenance, and their lack of work-related contacts with Unit employees, I shall exclude Process Assistants IV Kathy Willis and Heidi Cannon, Process Assistants III Patricia Brown, Christine Ammatucci, Brenda Rein, Linda Peduzzi, J.M. McCray, and P.A. Pahlsson, and Senior Graphics Designer Diane Smola from the Unit.

d. Senior Instructor (Program Change Coordinator)

Senior Instructor Brad Ruth is an exempt employee who works in the Training Building located beyond the protected area. He is currently serving as the Nuclear Training Department's Program Change Coordinator. His primary responsibility is to coordinate the quarterly self-assessments of both Operator and Technical training. He assesses whether an individual has satisfied training program requirements for an initial license and/or a license upgrade before submitting an application to the NRC. At the end of an initial Licensed Operator Program, he generally meets with peers from the

industry to assess the program's content requirements and to determine whether an individual applicant has met those requirements. He provides a similar function with respect to self-assessments for the Operator Training groups and Millstone's readiness for accreditation. Finally, he monitors the Department's budget to determine how the group is performing against projected expenditures.

Based upon his separate supervision, duties, and work location, his exempt status, and his lack of work-related contact with Unit employees, I shall exclude Senior Instructor Brad Ruth from the Unit.

e. Training Administrator

Training Administrator Joanne Giffin works in the Training Building within the Technical Training group and is responsible for maintaining the training database that tracks training information for the entire Training Department. She works with all Instructors in the Department as well as personnel who need information about upcoming qualification expirations. Although the record does not specify whether she is an exempt or non-exempt employee, I find that she does not share a community of interest with Unit employees since she performs administrative support duties for the Training Department and is not involved in the daily production or maintenance process. Accordingly, I shall exclude Training Administrator Joanne Giffin from the Unit.

C. Nuclear Station Safety And Licensing Division

There are eight departments that report to Director of Nuclear Station Safety & Licensing Denny Hicks. The Petitioner seeks to represent 82 employees located in the Radiological Protection & Chemistry Department and two employees in the Environmental Services Department. The Employer would include an additional 220 individuals located in either the above two departments or in the following six departments: Nuclear Procedures & Document Administration; Licensing; Emergency Preparedness; Information Technology Business Account; Organization Effectiveness; and Nuclear Protection Services.

1. Radiological Protection and Chemistry Department

The Radiological Protection and Chemistry Department is comprised of two groups, Chemistry and Radiological Protection.

a. The Chemistry group

The Chemistry group is responsible for ensuring long-term system component integrity by maintaining control of chemicals used in plant operations, checking for impurities, and monitoring for radioactive effluents and non-radioactive chemical effluents. Chemistry personnel are critical to the maintenance process because they sample and test the chemical environment of reactor and secondary systems to detect the initial subtle signs of material degradation in plant system components. In some cases, if plant chemical levels are either too corrosive or contain too many impurities, the plant must reduce power until the situation is rectified. Within the Chemistry Group, the parties have agreed to include in the Unit nine Senior Nuclear Chemical Technicians, 22 Nuclear Chemical Technicians, and one HP Tech. The Employer would include an additional nine employees in the following four job classifications: Chemist II; Chemist III; Process Assistant IV; and Administrative Assistant II.[16]

i. Chemist II and Chemist III

There are six employees in the Chemist II position and one in the Chemist III position.[17] Chemist IIIs are more senior based solely upon their greater experience. However, the two positions are functionally identical, and they are both exempt. Each of these employees are assigned to a particular system, and are collectively responsible for evaluating chemical data emanating from those systems to determine whether system and component integrity are within normal operating parameters or whether they are degrading. Their work includes collecting and evaluating performance data from the Condensate Polishing Facility (CPF) to determine whether the CPFs regeneration process is performing properly; collecting and evaluating the quality of water sent to the steam generator to prevent steam generator tube failure and a release of radioactive water into the environment; monitoring oxygen levels in secondary systems to detect component degradation and air intrusion; monitoring spent fuel pool radioactive isotopic levels to ensure appropriate spent fuel containment; and evaluating chloride levels in

[16] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Sue Kobyluck from the Chemistry group.

[17] The record only identifies by name four of these six Chemist II employees, and identifies Greg Grimm as the lone Chemist III employee.

the closed cooling water systems to detect saltwater ingress. They routinely spend at least 50% of their time in the plant, and in some cases perform the chemical sampling tasks normally performed by Nuclear Chemical Technicians, a stipulated Unit position.

Although they are exempt employees, the Chemist II and III employees in the Chemistry group perform duties that are functionally integrated with the production and maintenance process at Millstone, and similar to Unit employees, perform a significant portion of their duties related to system maintenance within the plant systems. Based on the foregoing, I shall include the six Chemist II employees and the one Chemist III employee in the Unit.

ii. Process Assistant IV Cecilia Grisafe

Process Assistant IV Cecilia Grisafe is non-exempt, works in an office environment, and performs many of the same office clerical duties performed by Administrative Assistant II Sue Kobyluck, who I have excluded from the Unit. Grisafe also orders supplies, ships group records to the Records Department, and serves as the Human Performance Coordinator for the Chemistry Group.

Because her skills and responsibilities are essentially office clerical in nature, and along with work location differ significantly from the rest of the Unit employees in the Chemistry group, I shall exclude Process Assistant IV Cecilia Grisafe from the Unit.

b. The Radiation Protection & Waste Services Group

The Radiation Protection & Waste Services group (RPWS) is responsible for protecting employees, the environment, and the general public from the harmful effects of radioactive materials. It also implements federal requirements governing the transportation of radioactive material. This group consists of 73 employees divided into seven teams. Of those employees, the parties have agreed to include 40 HP Techs and 10 RadMat Techs,[18] as discussed above. The Employer would include an additional 17 employees in the following 5 job classifications: Coordinator-Health

[18] At the hearing, the Employer took the position that three "Lead" HP Techs and two "Lead" RadMat Techs are statutory supervisors. It appears from its post-hearing brief that the Employer has abandoned this position.

Physics; Health Physicist II; Health Physicist III; Senior Engineering Technician, and Administrative Assistant II.[19]

i. Coordinator-Health Physics (HP)

The RPWS Department has one team whose sole focus is to assess upcoming maintenance work in the RCA, identify potentially high radiation dose activities related to that maintenance, and develop ways to minimize dose levels to "As Low As Reasonably Achievable" (ALARA). The ALARA team consists of four HP Techs and two Coordinators-HP, Phil Calandra and Bob King. When a request to perform work in the RCA comes to the ALARA team, the HP Techs assigned to the team collect historical data on past work involving similar issues. This data is reviewed with Calandra and King, who are responsible for developing recommendations to reduce exposure, such as shielding and special tooling, reducing the number of personnel, or greater work efficiencies that permit work to be completed faster. In this regard, they perform duties functionally similar to the four HP Techs assigned to the ALARA team, except that unlike those HP Techs, King and Calandra focus more on long-range planning. King focuses on Outage planning and Calandra focuses on Online planning, but they both attend T-12 maintenance scheduling meetings. They also track "daily dose goals" and provide reports indicating radiation dose levels received on different jobs. Although both have work-related contact with Unit employees, Calandra in particular has significant and constant work-related contact with COs, PEOs, and Mechanics, especially during "walk downs" with PEOs and sump cleaning and valve repair jobs with Mechanics.

Although they are both exempt employees, I find that Coordinators-HP Phil Calandra and Bob King share immediate supervision with and perform duties similar to other Unit employees, specifically the HP Techs in the ALARA group, and have substantial work-related contact with Unit employees. Accordingly, I shall include Coordinators-HP Phil Calandra and Bob King in the Unit.

[19] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Cecile Bacon from the RPWS.

ii. Senior Engineering Technicians

Anyone working in an RCA must first be issued a Thermal Luminescent Dosimeter (TLD), a small badge used to monitor an individual's radiation exposure. On a quarterly basis, Senior Engineering Technicians Anita Brooks and Jean Carpentier issue new TLDs to all employees who enter an RCA, including Unit employees. They also maintain individual radiation exposure records, which determine whether a worker has been exposed to excessive radiation and, as a result, can no longer work in an RCA in the immediate future. They are non-exempt employees who report to Building 443, known as the "Dosimetry" building, and share the same immediate supervisor as several HP Techs.

Based upon the nature of their duties, which are functionally integrated with plant operations, their considerable work-related contact with Unit employees, their common work location and supervision, and their non-exempt status, I shall include Senior Engineering Technicians Anita Brooks and Jean Carpentier in the Unit.

Senior Engineering Technician Dave Cuccaro primarily collects environmental samples from outside the Millstone property, such as vegetation and goat milk, to ensure that radiation is not escaping. He then submits the samples to an off-site laboratory, which determines whether the samples contain excessive amounts of radiation. He spends the majority of his time away from Millstone, and has no regular work-related contact with Unit employees. During Outages, he performs general support duties, including the removal of wiring and television camera equipment from within "Unit Two".

Because he performs most of his duties outside of Millstone, is not involved in the daily production or maintenance process, and has only sporadic work related contact with Unit employees during the refueling Outages, which occur every 18 months, I shall exclude Senior Engineering Technician Dave Cuccaro from the Unit.

Senior Engineering Technician Bill Robinson primarily performs two functions. First, he works alongside Health Physicist II Jeff Cunningham in the Dosimetry Laboratory processing TLD results. Second, he provides a variety of support functions, such as wiring television cameras used for monitoring purposes or installing computerized radiation dose measurement systems within "Unit Two" and "Unit Three".

Unlike Cuccaro, Robinson performs these latter functions during the two unit's Online phase. While he is a non-exempt employee whose work appears to be functionally integrated with plant operations, the record is unclear regarding his work-related contact with Unit employees. Accordingly, I shall permit Senior Engineering Technician Bill Robinson to vote subject to challenge.

Senior Engineering Technician Darlene Gallant is a former HP Tech who is the Coordinator for the Department's training activities. She uses the automated database to periodically review the training qualifications for HP Techs and other RPWS employees; informs supervisors when those qualifications are set to lapse; and works with the Training Department to schedule training for those employees. She is also a "Certified Instructor" who spends about two weeks annually training HP Techs at the Training Building, located outside the protected area. In the course of performing these latter duties, Gallant is frequently at the Training Building, and has significant interaction with Trainers, a classification that I have excluded from the Unit as described above. She also has limited work-related contact with Unit employees from within RPWS either to inform them of their upcoming training class and when she performs training. During Outages, she performs HP Tech duties.

Based on the above, I find that Gallant is not involved in the daily maintenance and production process, works either in an office setting or from the Training Building located beyond the protected area, and has only sporadic work-related contact with Unit employees, consisting of two weeks per year for training purposes, a month-long period every 18 months during Outages, and infrequent communications regarding training qualifications during non-Outage times. Accordingly, I shall exclude Senior Engineering Technician Darlene Gallant from the Unit.

Senior Engineering Technician Michael Wood is the Department's Corrective Action Coordinator. This requires him to track Department assignments, assess departmental performance, and work with Corrective Action Coordinators from other departments at Millstone. He also assists Senior Engineering Technician Cuccaro in collecting off-site environmental samples. There is no evidence that he has any work-related contact with Unit employees. Based on the foregoing, I shall exclude Senior Engineering Technician Michael Wood from the Unit because he is not involved in the

daily production and maintenance process, he works either in an office setting or from locations beyond the protected area, and he has no work-related contact with Unit employees.

c. Health Physicists II and III[20]

There are six Health Physicist II and two Health Physicist III employees located in RPWS. Each is exempt and works in the Technical Services group, which does not contain any Unit employees. They each perform different functions and work in different locations throughout Millstone, as described below.

i. Health Physicist II Greg Holtz and Bob Leach

Health Physicist II employees Greg Holtz and Bob Leach work in an office setting where they perform administrative duties associated with the shipment of radiation. Holtz spends all of his time preparing paperwork related to the shipment of radiation material, including bills of lading, DOT and burial site forms, and transportation permits. Leach is a computer specialist who is responsible for developing computer software related to radiation shipments. He also helps with licensing issues. Neither Holtz nor Leach has any work-related contact with Unit employees. Accordingly, because they do not share common duties, skills, or immediate supervision with Unit employees, they are exempt employees, and they do not have regular work-related contact with Unit employees, I shall exclude from the Unit Health Physicists II Greg Holtz and Bob Leach.

ii. Health Physicist II Russell Sosin, Jeff Cunningham, Brandon Graber, and Mike Wynn, and Health Physicist III Ira Haas and John Doroski

Health Physicist II Russell Sosin works in Building 443 in his own office. Utilizing a strong computer background, he is responsible for building and monitoring the automated program that tracks personal contamination. He frequently interacts with the Information Technology Department as well as with vendors that provide dosimetry-related equipment and services.

Health Physicist II employees Jeff Cunningham, Brandon Graber, and Mike Wynn all work in either an office or laboratory setting within Building 437, and each performs

[20] In addition to its argument that these employees lack a community of interest with Unit employees, the Petitioner additionally argues that they should be excluded because they are professional employees.

functions related to dosimetry processing. Cunningham runs the dosimetry-processing laboratory and operates all the TLD processing equipment that allows him or any other qualified reader to discern whether exposure limits for workers entering the RCAs are within normal parameters. He does not have any work-related contact with Unit employees. Graber reviews new TLD instrumentation, sets up electronic dosimetry and central monitoring systems, and assists in determining whether inadvertent radioactivity is present in certain areas, such as storm drains and construction debris and rooftops. Wynn graphs changes in radiation dose rates found in the air quality at Millstone. He is also involved in the "confirmatory monitoring" program, which tracks air quality within RCAs. According to their job descriptions, Sosin, Cunningham, Graber and Wynn must perform statistical analyses related to radiological protection data reduction; make recommendations and develop solutions to the Employer's regulatory compliance and ALARA concerns; and must exercise independent judgment and decision-making in performing their tasks. During non-Outage times, Sosin, Graber, and Wynn do not have any regular work-related contact with Unit employees. Graber and Wynn have college degrees.

Health Physicist III employees Ira Haas and John Doroski also work in Building 437 in an office setting. Haas is the Technical Manager for the Dosimetry Laboratory and signs off on any changes to procedures affecting the lab. He recently conducted an industry review to assess how other nuclear plants handle those circumstances when trace amounts of radioactivity are found on employees' personal clothing. Subsequent to that review, he worked with HP Techs and unidentified Senior Engineering Technicians to develop a program aimed at reducing such circumstances. He is also a qualified TLD reader, which allows him to use independent judgment to determine whether a worker has received excessive radiation exposure. Haas is also the Department lead for self-assessments regarding the quality of training for HP Techs. Dorowski works with engineers on improving plant equipment in order to reduce the release of radioactive gases within "Unit Two", and is involved in determining whether inadvertent radioactivity is present in certain materials at Millstone, such as sand, oils, and liquids. According to their respective job descriptions, Haas and Dorowski must provide "independent assessment" regarding Millstone's radiological protection

programs and their effectiveness; must offer related solutions and recommendations for compliance purposes; and must make such decisions independently.

Based on the above, I find that Sosin, Cunningham, Graber, Wynn, Haas and Doroski lack a sufficient community of interest with Unit employees to warrant their inclusion in the Unit. In this regard, I note that they do not share common duties, immediate supervision, or work location with Unit employees, they are exempt employees, and they do not have regular work-related contact with Unit employees. Moreover, Haas' interests are more closely aligned with management than with Unit employees. Accordingly, I shall exclude from the Unit Health Physicist II employees Russell Sosin, Jeff Cunningham, Brandon Graber, and Mike Wynn, and Health Physicist III employees Ira Haas and John Doroski.

2. Nuclear Procedures & Document Administration Department

The Nuclear Procedures & Document Administration department (NPDA) performs two main functions. First, the department is responsible for all administrative and technical procedures used at Millstone. Second, the department ensures that Millstone complies with NRC requirements regarding record retention. The following four groups within NPDA, each with separate immediate supervision and containing employees in dispute, are under the overall direction of Manager of Nuclear Procedures & Document Administration Timothy Reyher: Operations Procedures; Technical Procedures; Records Management; and Customer Service/ Document Control. The Petitioner does not seek to represent any employees from this Department. The Employer would include 49 employees in these 4 groups in the following 8 job classifications: Coordinator Nuclear Procedures; Procedure Writer; Process Assistant III; Process Assistant IV; Records & Information Analyst; Senior Engineering Technician; Technical Analyst; Technical Specialist; and Administrative Assistant II.[21]

[21] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Lisa Sinopoli from the Procedures Department.

a. Operations Procedures Group and Technical Procedures Group

i. Procedure Writer

Approximately 10,000 separate procedures govern all work performed at Millstone, including all operational and maintenance tasks. The NPDA Department includes two groups of Procedure Writers who develop and/or modify operational, technical, and administrative procedures used at Millstone. The Operations Procedures Group has nine Procedure Writers, each of whom is assigned to either "Unit Two" or "Unit Three". The Procedure Writers in this group are responsible for developing or modifying procedures used by Nuclear Operations personnel to operate the reactors, including COs and PEOs. The Technical Procedures group has eight Procedure Writers, each of whom is assigned to a particular department at Millstone. They develop or modify procedures used by their assigned department. This encompasses all technical procedures, such as maintenance, chemistry, and HP procedures, as well as some administrative procedures, described in greater detail below. Most procedures governing high-risk work, including those used by COs, PEOs and all Unit maintenance employees, are "continuous use" procedures, meaning that the user must read one procedure step, perform that step, and refer back to the procedure for the next step. A "general use" procedure also must be in the user's hand at the work location and must be followed step by step, for example when maintaining certain equipment, but the user is not required to reread the procedure between each step. "Informational use" procedures, sometimes called guidelines, are administrative in nature and govern such items as how to use a computer program.

In developing new or modified procedures, all of the Procedure Writers perform in-depth research regarding plant equipment or systems impacted by the procedure. Up to 25% of this research requires them to perform "walk-downs" into any area within the plant, including RCAs, to assess the nature of the task for which a procedure must be written. In order to incorporate user feedback regarding new or modified procedures, the nine Procedure Writers in the Operations Procedure Group work closely with all Nuclear Operations personnel, including COs and PEOs, and the eight Procedure Writers in the Technical Procedure Group work closely with Mechanics, Electricians,

I&C Technicians, HP Technicians, and Chemistry Technicians. For example, in the case of a valve repair, the Procedure Writer and a Mechanic may meet to discuss the need for, and parameters of, a repair plan for that valve.

Upon writing a procedure, the Procedure Writer sets up a meeting of users during which the procedure is reviewed in detail to ensure that it meets technical requirements and that its users understand the procedure's details. Procedure Writers also perform "Validation" walk-downs of the components or systems addressed in the procedure to ensure that the procedure can be accurately used.

All 17 Procedure Writers in these 2 groups are non-exempt employees, and there is no college degree requirement. The most important prerequisite for the position is experience in the relevant discipline so that a Procedure Writer can proficiently explain how the procedure works. In this regard, the Procedure Writers in the Operations Procedure Group each either hold or once held a nuclear operator's license or certification. Procedure Writers in the Technical Procedures Group generally worked in the department for which they are now writing procedures. For example, a former Mechanic currently writes maintenance procedures.

Based on the foregoing, I shall include the Procedure Writers in the Operations Procedures Group and Technical Procedures Group in the Unit because they are an integral part of the production and maintenance process, have substantial work-related contacts with Unit employees, and are non-exempt employees.

ii. Coordinators-Nuclear Procedures

Coordinators-Nuclear Procedures Stephen Bass and Peter Dellarco are exempt employees who perform work similar to the Procedure Writers described above. However, their work is limited to Emergency Operating Procedures (EOP) and Abnormal Operating Procedures (AOP), which are procedures to be followed for unplanned events, such as the rupture of a steam generator tube. To properly research and write such procedures, Bass and Dellarco, both of whom are former COs, have considerable work-related contact with COs and PEOs. Although Bass and Dellarco are exempt employees, their work is functionally integrated with plant maintenance and they have regular work-related contact with Unit employees. Accordingly, I shall include Coordinators-Nuclear Procedures Stephen Bass and Peter Dellarco in the Unit.

iii. Process Assistants III and Process Assistants IV

The Operations Procedures Group has two Process Assistants III, Deborah Carling and Barbara Phillips. The Technical Procedures Group has one Process Assistant III, Maria Maryeski, and one Process Assistant IV, Barbara Oliver. They are all non-exempt and perform similar functions. In this regard, they work closely with Procedure Writers in word processing and properly formatting all newly developed or modified procedures, and in collecting research data necessary to develop those procedures. Carling and Phillips are each trained to write certain aspects of procedures, and while not entirely clear, it appears that they are being groomed to become Procedure Writers. In addition to technical procedures, Oliver also assists in word processing procedures that are administrative in nature, such as those prepared by the Human Resources Department.

Based upon their common immediate supervision and work-related contacts with Procedure Writers, who I have included in the Unit, their non-exempt status, and their functional integration with the procedures development process, I shall include in the Unit Process Assistants III Deborah Carling, Barbara Phillips, and Maria Maryeski, and Process Assistant IV Barbara Oliver.

iv. Technical Analysts and Technical Specialist

Technical Analysts Jean Olsen and Barbara Smith, and Technical Specialist Victor Fetter, are exempt employees who write procedures, but who do not possess the title of Procedure Writer. Olsen writes HP procedures, requiring her to work with Unit employees such as HP Techs and RadMat Techs. Due to the nature of her work, which is similar to that performed by Procedure Writers, and because of her regular work-related contact with Unit employees, I shall include Technical Analyst Jean Olsen in the Unit.

Technical Analyst Barbara Smith and Technical Specialist Victor Fetter perform similar functions, writing procedures for the Administrative Master Manual. However, unlike Technical Analyst Olsen, the record is unclear regarding the degree and nature of their work-related contacts with Unit employees. Accordingly, I shall permit Technical Analyst Barbara Smith and Technical Specialist Victor Fetter to vote subject to challenge.

v. Senior Engineering Technician Donna Swift

Senior Engineering Technician Donna Swift is a non-exempt employee who performs administrative and computer-related tasks for the NPDA Department. She works with personnel from the Information Technology Department, the Control Document Library group, and to some unspecified extent, with Procedure Writers. However, because the record is unclear regarding the degree and nature of her work-related contacts with Procedure Writers, I shall permit Senior Engineering Technician Donna Swift to vote subject to challenge.

b. The Records Management Group and the Customer Service/Document Control Group

The Records Management Group, located in the Engineering Building, maintains all of the various records developed at Millstone by employees, including some required by American Nuclear Systems Information (ANSI) regulations. When the group receives a document, it creates a paper copy, sends the original to be microfilmed, sends a copy to an independent entity (Iron Mountain), and destroys the original but retains the microfilm. If a Millstone employee needs to retrieve a record that has been placed in microfilm form, they go to the Records Management Group, complete a request form specifying the document to be retrieved, and leave that form with an employee who then performs the search and retrieval. Such document searches are typically initiated by Engineering Department personnel.

The Customer Service/Document Control Group is responsible for maintaining on-site libraries that contain, *inter alia*, procedures, quality records, drawings, prints and calculations. This group also includes a copy room and a mailroom. The most frequent users of these libraries are engineers who regularly request assistance in submitting and retrieving prints, engineering drawings and calculations.

i. Process Assistants III; Process Assistants IV; Records & Information Analysts; Technical Specialist - Records Management Group

Within the Records Management group, there are two Process Assistants III, Morris Fraenglass and Sarah Ilson, and three Process Assistants IV, Columbus Hardy, David Tenerowicz and Maria DeConti.

Fraenglass spends half his time shredding original documents once the microfilm has been created, and carrying bags of shredded paper to the proper disposal location. He spends the remainder of his time searching microfilmed documents in order to retrieve a requested record. Ilson spends nearly all her time indexing incoming records into the department database, and then "bins" the records for storage. Hardy and DeConti spend all of their time retrieving requested microfilm records. Tenerowicz receives incoming records, and then first submits those records to be microfilmed, and then sends them to Iron Mountain for storage. Most of their work is with other employees in the Records Management Group.

Records & Information Analysts James Fiebelkorn, Donna Long, and Victoria Tillett are more senior than the above-described Process Assistants in the Records Management Group, but they perform the same document retention tasks in the same location, and have the same limited degree of work-related contacts with Unit employees. However, they perform additional duties based on their greater seniority. In this regard, they maintain the record retention list that sets forth what documents must be retained; develop and maintain procedures related to records retention; and coordinate the process of incoming and outgoing documents.

Technical Specialist James Pierce is an exempt employee who works in the Records Management Group maintaining its computer databases and providing technical computer support. He interacts primarily with personnel from Records Management and the Control Document Library. There is no evidence that he has any work-related contact with Unit employees.

Based on the fact that they perform support functions that are not integral to the daily production and maintenance process at Millstone, that they have different immediate supervision and working conditions from Unit employees, and that they have very limited work-related contacts with Unit employees, I shall exclude Process Assistants III Morris Fraenglass and Sarah Ilson; Process Assistants IV Columbus Hardy, David Tenerowicz and Maria DeConti; Records & Information Analysts James Fiebelkorn, Donna Long, and Victoria Tillett; and Technical Specialist James Pierce from the Unit.

ii. Process Assistants III; Process Assistant IV; Records & Information Analysts - Customer Service/Document Control Group

There are two Process Assistants III and seven Process Assistants IV in the Customer Service/Document Control Group. Each of these employees performs tasks related to the maintenance and retrieval of items from within the libraries. Process Assistant IV Kim Anderson is in charge of the library in Building 511 and also scans newly generated procedures. Process Assistant IV Lee Cutler assists Engineering staff with retrieval of engineering drawings and prints. Process Assistant IV Donna Grott is in charge of the Engineering Control Document Library in the Engineering Building. Process Assistant IV Lisa Korth specializes in machinery that produces engineering drawings and also updates procedure sets stored in other locations throughout the site, including the Emergency Operating Facility (EOF). Process Assistant IV Maura Joyce-Rosa scans documents and procedures into a database and works mostly with Engineering staff and other document control personnel, but occasionally with Procedure Writers. Process Assistant IV Ricky Lundin is responsible for print and drawing control coordination and works primarily with Engineering staff. Process Assistant IV Diane O'Neill assists in indexing incoming calculations and drawings for Engineering personnel, and is also qualified to retrieve drawings and calculations. Process Assistants III Pamela Fuller works in a similar capacity to Process Assistant IV Diane O'Neill, and Process Assistant III Sara Jones works in a similar capacity to Ricky Lundin and has significant interaction with the Engineering staff. Most of the above employees have little, if any, work-related contact with Unit employees. Others, like Korth, have, at most, sporadic work-related contact with Unit employees.

Records & Information Analysts Maureen Becker and James Topalis work in the Customer Service/Document Control Group and interact mostly with vendors and engineering personnel in retrieving and updating vendor-related information and other documents. Neither has any work-related contact with Unit employees.

Based on the their lack of involvement in the daily production and maintenance process, lack of work-related contact with Unit employees, the nature of their librarian duties in an office setting, and separate immediate supervision, I shall exclude from the

Unit Process Assistants IV Kim Anderson, Lee Cutler, Donna Grott, Lisa Korth, Maura Joyce-Rosa, Ricky Lundin, and Diane O'Neill, Process Assistants III Pamela Fuller and Sara Jones; and Records & Information Analysts Maureen Becker and James Topalis.

iii. Process Assistant IV Kathy Lewis

Process Assistant IV Kathy Lewis does not work within any of the four groups described above, but instead reports directly to department Manager Reyher. Her desk is located immediately outside Reyher's office. Lewis is the Corrective Actions Coordinator for the department and provides daily reports to Reyher regarding the number of condition reports involving the Procedures Department. Her interactions are primarily with Reyher and other Corrective Action Coordinators from other departments. Based on the administrative nature of her duties, her lack of involvement in the daily production or maintenance process, and her lack of work-related contacts with Unit employees, I shall exclude Process Assistant IV Kathy Lewis from the Unit.

3. Licensing Department

The Licensing Department is responsible for maintaining the Employer's nuclear operating license, advising Millstone personnel on terms and conditions of the operating license, obtaining NRC approval for any necessary amendments to the license, and all correspondence and interaction with NRC, DEP and other State and local entities. The Petitioner does not seek to represent any employees from this department, and the parties have agreed to exclude 10 engineers and a Financial Analyst. The Employer would include an additional 11 employees in the following 7 job classifications: Consultant-INPO; Engineering Technician; Process Assistant II; Process Assistant III; Senior Engineering Technician; Technical Specialist; and Administrative Assistant II.[22]

a. Consultant-INPO

There are three Consultants-INPO, Robert Hanley, David McDaniel, and David Peiffer, each of whom is exempt and a former supervisor. They participate in a private industry organization, the Institute for Nuclear Power Operators (INPO), headquartered in Atlanta, Georgia. According to Licensing Department Manager David Smith, the three Consultants-INPO work out of INPO's Atlanta office and their role is "to walk into a

[22] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistants II Margaret Heald and Geraldine Fortney from the Unit.

different [nuclear] facility or corporate office and look at various aspects of the plant" in order to "evaluate other facilities…and provide that feedback to the [INPO] team they sit on." They are each "on loan" to the INPO for a two-year period. They are supervised by INPO personnel, do not maintain an office at Millstone, and only visit Millstone every few months to communicate with management about their experience.

Based on their lack of involvement in the daily production and maintenance process at Millstone, their exempt status, and their lack of any work-related contact with Unit employees, I shall exclude Consultants-INPO Robert Hanley, David McDaniel, and David Peiffer from the Unit.

b. Engineering Technician Kim Deveau

Engineering Technician Kim Deveau has two functions: 1) monitoring a database of all of the Operators and their individual licenses, and ensuring that each license is timely renewed; and 2) supporting Millstone's Emergency Plan Procedures by tracking NRC emergency planning findings. With regard to the first of these functions, she completes the NRC renewal application package by obtaining information from COs and receiving related endorsements from the Medical and Training Departments. She spends no more than 15% of her time in the Control Room during which she speaks with Nuclear Operations managers to help her "chase down" COs for their signatures on renewal applications. With regard to her second function, she responds to questions from NRC inspectors during inspections, and forwards all changes to Millstone's Emergency Plan to the NRC and the Procedures Department. She works in the Engineering Building, where she spends at least 70% of her time at her desk performing the above-described duties.

Because her work-related contacts with Unit employees are very limited and her work is unrelated to the daily production or maintenance process at Millstone, and noting that her skills, responsibilities, and duties differ substantially from Unit employees, I shall exclude Engineering Technician Kim Deveau from the Unit.

c. Process Assistant II and Process Assistant III

Process Assistant II Lorrie Arzamarski and Process Assistant III Angela Levesque perform similar duties to each other. According to Manager Smith, Levesque is a "legal assistant' and a "Text Processor" who retypes and revises documents to be

submitted to the NRC so that they meet the NRC's "very strict" document formatting and font rules. She also proofreads outgoing correspondence, and upon request by department personnel including managers, types letters and retrieves documents from the department library. Arzamarski also performs proofreading, filing, errands, correspondence, and copying. Both Arzamarski and Levesque work in an office setting in the Engineering Building, and have no work-related contact with Unit employees.

Because they lack work-related contact with Unit employees, because their duties are unrelated to the daily production or maintenance process and differ substantially from Unit employees, and because their skills, responsibilities, and immediate supervision differ substantially from Unit employees, I shall exclude Process Assistant II Lorrie Arzamarski and Process Assistant III Angela Levesque from the Unit.

d. Senior Engineering Technicians

Senior Engineering Technician Elena Lockett spends about 50% of her time preparing for quarterly Nuclear Safety Advisory Board (NSAB) meetings. The NSAB is composed of former NRC executives, company executives, and technical specialists from the nuclear energy industry. Lockett prepares the meeting agenda, and oversees lunch and dinner catering. She also spends about 45% of her time as the Employer's administrative contact for the nuclear industry's lobbying group, the Nuclear Energy Institute. She works in the Engineering building and rarely interacts with Unit employees.

Senior Engineering Technician William Brown spends about 90% of his time at his desk located in the Engineering Building, serving as the Corrective Action Coordinator for the Licensing Department. He participates in self-assessments for the Department, principally to ensure that licensing changes are properly implemented, and primarily interacts with Corrective Action Coordinators from other departments. During Outages, he takes photographs and works as a reporter for the daily newspaper that the Employer publishes during such Outages. There is no evidence that he has regular work-related contacts with Unit employees.

Because they do not have work-related contact with Unit employees, and because they perform duties unrelated to daily production or maintenance at Millstone, and have skills, responsibilities, immediate supervision, and duties that differ

substantially from Unit employees, I shall exclude Senior Engineering Technicians Elena Lockett and William Brown from the Unit.

e. Technical Specialist

Technical Specialist Paul Russell is an exempt employee who works in the Engineering Building, where he spends between 70% and 90% of his time performing a regulatory compliance function, primarily modifying or interpreting the Employer's operating license. More specifically, Russell responds to inquiries from various Millstone managers, supervisors, and Engineering personnel regarding whether contemplated procedures can be initiated in light of license restrictions. Russell reviews the license, and when necessary, first consults with department supervisors or a Principal Engineer before providing a response. Russell also reviews and assists in implementing changes to the license. For example, if a change in some operating procedure is contemplated, Russell researches whether other nuclear facilities have made similar changes, and seeks input from engineers and supervisors regarding the proposed change. After his research is completed, he prepares a written report to upper management regarding his suggestions about the proposed change. In performing the above tasks, Russell does not have regular work-related contact with Unit employees. Rather, the great majority of his interactions are with engineers, supervisors from various departments, and Licensing Department personnel.

Based on the fact that he does not have regular work-related contact with Unit employees, is not involved in the daily production or maintenance process at Millstone, and has different skills, responsibilities, immediate supervision, and duties, and is an exempt employee, I shall exclude Technical Specialist Paul Russell from the Unit.

4. Emergency Preparedness Department

The Emergency Preparedness Department is responsible for ensuring that Millstone employees, as well as local communities, including hospitals, police and fire departments, are adequately trained and prepared to respond to any emergency situation at Millstone. The Petitioner does not seek to include any employees from this department. The Employer would include 10 employees in the following 3 job

classifications: Senior EP Specialist; Senior Process Improvement Specialist; and Administrative Assistant II. [23]

a. Senior Emergency Preparedness (EP) Specialists

The eight Senior EP Specialists in the Emergency Preparedness Department are exempt employees who work from an office setting in Building 512, located outside the protected area. They each have the same basic job duties. They are responsible for the development and implementation of emergency plans, training individuals on various response teams, and maintaining the emergency response facilities and equipment. They are divided into two operational groups: the "Onsite Group" consisting of Kathleen Burgess, Thomas Dembek, Thomas Gilbert, Thomas Rigney and Mark White, and the "Offsite Group", consisting of Mark Birch, Daniel Casey III and Linda Deluca.

The Onsite Group oversees the Millstone Station Emergency Response Organization (SERO), which consists of a cross-section of about 400 Millstone employees from all disciplines, including some Unit positions. SERO personnel are trained in how to respond in the event of an emergency, particularly the dangers arising from the release of radioactive material. In addition to their general responsibilities, each Senior EP Specialist within the Onsite Group has a specific area of responsibilities.

Kathleen Burgess is primarily responsible for the development and execution of the emergency plan. She interfaces with Procedure Writers whenever there are changes to those plans; with the Engineering and Nuclear Operations Departments regarding their input on planned changes; and with Training Department personnel to initiate new training due to those changes.

Thomas Rigney is the lead "manager" for emergency drills, exercises and training. He is responsible for coordinating and preparing all aspects of the eleven annual emergency drills conducted by the Employer, and the yearly emergency exercise conducted and graded by the NRC. As a result of this function, he interacts

[23] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Linda Leonard from the Emergency Preparedness Department.

with most, if not all, of the 400 SERO participants. He is also involved in the development of various emergency scenarios on which the drills are based.

Thomas Gilbert is responsible for administering the "severe accident management guidelines." He works closely with Burgess on the emergency plans, and works with training personnel so that operators can practice responding to emergencies on a simulator. During the most recent refueling Outage, Gilbert assisted maintenance personnel in some unspecified manner in repairing a turbine.

Thomas Dembek is primarily responsible for the emergency preparedness facilities and equipment. He inspects all equipment and coordinates with individuals assigned to maintain the emergency facilities. It is unclear whether these latter individuals are craft employees or Unit maintenance employees. He also works with engineers responsible for the design or modification of emergency equipment used within the facility.

Mark White is responsible for monitoring the computerized SERO database to ensure that SERO members remain qualified for emergency duties. He also works with the training staff to make sure that SERO members complete their training on a timely basis.

The Offsite Group is responsible for ensuring that the communities within Millstone's 10-mile emergency zone and the "host communities" (communities located beyond the 10-mile zone where inhabitants from the affected communities would relocate to in the event of an emergency) are prepared to respond to any emergency situation threatening public health and safety. They are also work with State and Federal officials regarding other emergency-related measures.

Mark Birch is responsible for overseeing the maintenance of Millstone's 171 sirens located within its 10-mile emergency zone. He coordinates, monitors and inspects the periodic preventive maintenance carried out by outside vendors hired to do the actual work on the sirens. He also coordinates activities with local town emergency preparedness directors.

Daniel Casey is primarily assigned to develop and conduct training for local police and fire departments, ambulance services and hospitals.

Linda Deluca is responsible for public information and outreach to the public within the 10-mile emergency zone. She prepares a publication each year for distribution to all households within the 10-mile zone that contains all necessary information on monitoring emergency broadcasts, evacuation routes and medical information on radiation exposure. She also works with and conducts training for the host communities located beyond the emergency zone, and with State and Federal officials regarding the dissemination of this information. Due to the nature of their duties, Birch, Casey, and Deluca spend a significant portion of their time working at locations other than Millstone. There is no evidence that they have regular work-related contact with Unit employees.

Based on the above, I find that the eight Senior EP Specialists lack a sufficient community of interest with Unit employees to require their inclusion in the Unit. In this regard, I note that their duties do not relate to the daily production or maintenance process, but rather are dedicated to the task of preparing the facility and surrounding communities in the event of an emergency. Moreover, they do not share common immediate supervision or work location with Unit employees, and they are exempt employees. Finally, I note that Birch, Casey, and Deluca have no work-related contact with Unit employees, while Burgess, Dembek, Gilbert, Rigney and White have only sporadic contact with Unit employees which is unrelated to the daily production or maintenance process. Accordingly, I shall exclude from the Unit Senior EP Specialists Mark Birch, Daniel Casey III, Linda Deluca, Kathleen Burgess, Thomas Dembek, Thomas Gilbert, Thomas Rigney and Mark White.

b. Senior Process Improvement Specialist Patrick Jacksin

Senior Process Improvement Specialist Patrick Jacksin is an exempt employee who is “on-loan” for another two years to the Emergency Preparedness Department. Jacksin is part of the “Sigma Six” program that is concerned with process improvement. At the time of the hearing, he was in “black belt” training in Virginia as part of that program. When he returns from training, he will not necessarily be involved in emergency preparedness, but rather he will work directly for EP Manager Paul Blasioli on various projects, including one related to greater utilization of Millstone employees during refueling Outages so that the Employer can reduce the number of craft

employees it hires for the Outage. There is no evidence that he has or will have any work-related contact with Unit employees.

Based upon the fact that his duties are not related to the daily production or maintenance process, that he does not share common immediate supervision or work location with Unit employees, that he is an exempt employee, and that he does not presently, or will prospectively, have work-related contact with Unit employees, I shall exclude Senior Process Improvement Specialist Patrick Jacksin from the Unit.

5. Organization Effectiveness Department

The Organization Effectiveness Department promotes efficiency and improved human performance by administering the following programs at Millstone: Corrective Action; Independent Nuclear Safety Engineering (INSE); and Self-Assessment and Human Performance. During the course of the hearing, the Employer transferred a fourth program, the Process Leadership Team, (PLT) into the Organization Effectiveness Department.

The Petitioner does not seek to represent any employees in this department. The Employer would include 19 employees in the following job classifications: Organizational Development Consultant; Nuclear Specialist; Process Assistant III; Senior Organizational Development Consultant; Technical Analyst; Technical Specialist; and Administrative Assistant II.[24]

a. PLT Team

The PLT Team, under the overall supervision of PLT Project Manager John Festa, is responsible for developing process improvements. The PLT team first fields proposals regarding improvements to plant efficiencies, usually initiated by someone at the Manager or Director level, and then determines whether the proposal is viable and manageable. If so, a Project Team composed of PLT employees and managers from the involved departments perform a "root cause" analysis to research and test alternative processes. If the Project Team develops a recommendation, they hold a meeting with Millstone's three Directors, where the proposal is presented, discussed

[24] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Robin Snyder, who reports directly to Department Manager Steven Heard, and Administrative Assistant II Margaret Cumberlander, who works on the PLT Team.

and either rejected or approved. If approved, upper management, not the PLT members, is responsible for implementing the change.

i. Organizational Development Consultant and Senior Organizational Development Consultants

Organizational Development Consultant Lynette Ehinger-McNiece and Senior Organizational Development Consultants James Eaton, Patrick Jacksin, Roger Monast, and Reginald Peterson (collectively referred to as ODCs) serve as leaders of the Project Teams and facilitate the above-described process relating to contemplated changes in plant processes. In this regard, they work closely with the individual who conceptualized the idea, individuals from the involved departments (usually managers and supervisors, but occasionally rank-and-file employees), and the three Millstone directors who either approve or reject the proposed concept. They work in the Engineering Building, are exempt employees, and must possess either a college degree or 8 to 12 years of relevant experience. Several ODCs formerly worked as supervisors. In addition, ODC Jacksin is presently on loan to the Six Sigma Black Belt program for a two-year period.

Based upon their lack of involvement with the daily production or maintenance process, their lack of common supervision, skills, duties, educational requirements and work-related contacts with Unit employees, and their exempt status, I find that they lack a community of interest with Unit employees. Rather, I find that their interests are more closely aligned with management. Accordingly, I shall exclude from the Unit ODCs Lynette Ehinger-McNiece, James Eaton, Patrick Jacksin, Roger Monast, and Reginald Peterson.[25]

ii. Nuclear Specialist Joseph Fougere

Nuclear Specialist Joseph Fougere is an exempt employee who works in the Engineering Building, and is a former supervisor. He is currently transitioning to the Six Sigma Black Belt program for a two-year period. Although the record does not identify his specific duties within the CPT team, the record suggests that he performs duties

[25] Although not challenged on this basis, I further find that these individuals are professional employees.

similar to ODCs. There is no evidence that Fougere has, or will have, any work-related contact with Unit employees. Accordingly, I shall exclude Nuclear Specialist Joseph Fougere from the Unit for the same reasons that I have excluded the ODCs.[26]

b. The INSE group

The INSE group serves as Millstone's independent safety group and is composed of four engineers and Technical Specialist Robert Enoch, the lone employee in dispute in the INSE group. The group's purpose is to improve the human performance of all Millstone employees.

i. Technical Specialist Robert Enoch

Technical Specialist Robert Enoch and other INSE engineers walk around Millstone and observe work performed by all employees. If Enoch observes an employee improperly or inefficiently performing a function, he will approach the employee and provide "peer coaching," which amounts to informally apprising the employee how to perform the tasks in a more correct or efficient manner. In this manner, Enoch has periodic interchange with Unit employees. However, there is no evidence that Enoch enters the power block or regularly assists Unit employees in performing their tasks. There is also no evidence that employees receive discipline as a result of Enoch's observations. Enoch also provides independent assessments of nuclear safety issues at Millstone and provides his evaluations in a report to management. He is an exempt employee who spends about 70% of his time working in his office located in the Engineering Building preparing these and other reports.

The Petitioner does not contend, nor does the record establish, that Enoch is a statutory supervisor. However, based upon his lack of common immediate supervision and duties with unit employees, his exempt status, and his limited work-related contact with Unit employees, I shall exclude Technical Specialist Robert Enoch from the Unit.

c. Corrective Action Coordinator Group

Under the Corrective Action Program, required by Federal regulations, all Millstone employees are expected to write a Condition Report (CR) whenever they observe any kind of problem Onsite, including such things as a piece of equipment

[26] The record contains no evidence regarding Fougere's professional status. Thus, I make no determination in this regard.

delivered to the site with a nick or other defect, or an employee driving too fast on the road leading to Millstone. All CRs are eventually forwarded to Millstone's Corrective Action Group. In this regard, every department at Millstone sends a representative to a daily Corrective Action Program meeting. Department representatives can be managers, supervisors, or rank-and-file employees. At this meeting, Corrective Action participants review new CRs and discuss which department should be assigned the task of investigating and responding to each CR. After the meeting, Corrective Action Coordinators return to their respective departments with any CRs assigned to their departments and work with other employees within their department to disposition these CRs.

i. Process Assistant III Phyllis Brochu

Process Assistant III Phyllis Brochu works in an office in the Engineering Building where she performs a variety of clerical and administrative duties. She answers the telephone; sends e-mails to employees who have submitted CRs regarding the final disposition of the CR; makes data entries related to ongoing or completed investigations; retrieves CRs from the computer upon management request; and ships records to the NPDA Department's libraries. There is no evidence that she has regular work-related contact with Unit employees, except on those occasions when a CR is authored by a Unit employee, in which case she would answer general questions, and send the final disposition e-mail as described above.

Although she is a non-exempt employee, Brochu does not share any common duties, immediate supervision, or work location with Unit employees, has minimal work-related contact with Unit employees, and performs office clerical duties unrelated to the daily production or maintenance process. Accordingly, I shall exclude Process Assistant III Phyllis Brochu from the Unit.

ii. Technical Analysts

The six Technical Analysts in this group are exempt employees who work in an office setting within the Engineering Building. Generally, they assist in reviewing incoming CRs to assess their significance and priority, and to identify the department that will investigate the CR. Each Technical Analyst performs more specific duties as detailed below.

Technical Analyst Marlena Goldblatt spends about 75% of her time in her cubicle telephonically contacting Corrective Action Coordinators located in every department, mostly to critique the style, content, and completeness of the involved department's investigation report. She also provides feedback on investigation results and can suggest further investigation. She spends about 10% of her time conducting investigations, and interfaces with Unit maintenance personnel in an unspecified manner about once or twice a week.

Technical Analyst Gary Neron spends about 75% of his time in his cubicle contacting, in an unspecified manner, employees who have submitted CRs for any missing information, and inputting CR-related information into the Department's automated database. He spends the remaining time conducting investigations, usually those involving fuel handling events. During this latter process, he "may" enter the power block and have work-related contact with Unit maintenance employees and Procedure Writers.

Technical Analyst Helmut Steinagel spends all his time in his cubicle assigning various codes to CRs in the Department's database. He also tracks those codes to determine any developing trends.

Technical Analyst Alex House, a former CO and Nuclear Operations Manager, has the following two functions. First, he serves as the lead investigator on CRs that could potentially have a significant impact on plant operations. In this manner, he interacts with department managers and the lead department investigator (who could be a manager or supervisor) in order to develop insights into the investigation. He also assists in interviewing relevant rank-and-file employees. Second, he trains a variety of employees, including engineers, PEOs, and unspecified personnel from the Procedures Department, on the correct manner to perform such investigations.

Technical Analyst Gerry Rescek spends 100% of his time in his cubicle researching the Department CR database for trends, and preparing monthly and quarterly reports to management regarding such trends.

Technical Analyst Charles Nelson is the Department's computer specialist, spending about 90% of his time in his cubicle from where he works closely with unidentified personnel from the Information Technology Department regarding the

maintenance and development of all Department software. In this regard, Nelson maintains the automated "Work Observation" program that he developed. This program is designed to track management's field review of Millstone employees' work performance.

Based on the above, I find that the Technical Analysts in the Corrective Action Program Group have a distinct community of interest separate and apart from Unit employees because they do not share common immediate supervision, work location, and duties; they are exempt employees; and they have minimal, if any, work-related contact with Unit employees. Moreover, they perform support functions and are not integrated in the daily production or maintenance process. Therefore, I shall exclude from the Unit Technical Analysts Marlena Goldblatt, Gary Neron, Helmut Steinagel, Alex House, Gerry Rescek, and Charles Nelson.

d. Self-Assessment and Human Performance Program Group – Technical Analysts

The Self-Assessment and Human Performance Program Group is the proactive portion of Millstone's Corrective Action Program. Instead of analyzing an event after the fact, this group continually monitors workplace performance with the aim of helping employees think about how to perform an activity, improve individual and group performance, build upon any successes, and reduce errors. The group is composed of five engineers who the parties have agreed to exclude from the Unit and three Technical Analysts who the Employer would include in the Unit. These Technical Analysts are exempt employees who primarily work in cubicles in the Engineering Building.

Technical Analyst Brad Castiglia is the Self-Assessment Coordinator. He is required to make recommendations to management about areas within Millstone that should be assessed. In performing this function, he relies, in part, on his research detailing those areas that other nuclear power plants have self-assessed. He also coordinates the "Work Observation" program, which as previously noted, involves managers spending time in the field observing work activity, making sure that work expectations are met, and providing coaching feedback to improve that performance. Castiglia's role in this latter function is to assist department managers to schedule

supervisors so they can provide work observation evaluations and feedback, and to submit a report to management detailing the results of those observations. He spends about 90% of his time within the Engineering Building, and the great majority of his work-related interactions are with management.

Technical Analysts Ed Champlin and Tyrone Hughes perform similar functions to each other. They separately train groups of supervisors and Unit and non-Unit rank-and-file employees regarding "peer coaching," the purpose of which is to empower all Millstone employees to give constructive feedback to each other in an effective and efficient manner. Champlin provides classroom training on this topic in the Training Building, whereas Hughes provides one-on-one coaching anywhere within Millstone. Both work closely with Training Department personnel to develop appropriate programs. Champlin also manages and updates the Human Performance Clock, which tracks the number of days between human performance errors. During upcoming Outages, Hughes is scheduled to perform some electrical maintenance duties. This, however, is for the primary purpose of learning more about the electrician's fieldwork. Each spends 50% of their time in the Engineering Building. Champlin spends the remainder of his time at the Enhancement and Training Buildings (both beyond the protected area). The record does not specify where Hughes spends the remainder of his time.

Based on the above, I find that Technical Analysts Brad Castiglia, Ed Champlin and Tyrone Hughes lack a sufficient community of interest with Unit employees because they do not share common immediate supervision, duties, or work location; are exempt employees; and have only sporadic work-related contact with Unit employees. Further they perform functions that are more closely aligned with the interests of management. Accordingly, I shall exclude from the Unit Technical Analysts Brad Castiglia, Ed Champlin and Tyrone Hughes.

6. Nuclear Protection Services Department

The Nuclear Protection Services Department, under the overall direction of Manager of Nuclear Protection Services Jeffrey Campbell, is responsible for fire protection, security, fitness for duty (FFD), and access authorization to Millstone. The Department is subdivided into the following four groups: Nuclear Security Operations; Nuclear Fire Operations; Nuclear Site Safety; and FFD and Access Program. The

Petitioner does not seek to represent any of the employees in this department. The Employer would include 23 employees in the following 9 job classifications: Process Assistant III; Process Assistant IV; Nuclear Fire Brigade Coordinators; Safety Specialist; Security Analyst; Senior Engineering Technician; Senior Safety Specialist; Supervisor of Nuclear Security Operations; and Administrative Assistant II.[27]

a. Safety Specialists and Senior Safety Specialists

Safety Specialists Doug Carling and John Godinez and Senior Safety Specialists James Lubs, Rusty Morgan, and Glenn Cochran are exempt employees who work in the Nuclear Site Safety Group. They perform two functions in administering Millstone's safety program. First, they spend about half of their time conducting field tours within Millstone during which they evaluate ongoing maintenance work to ensure that such work is performed safely and in compliance with OSHA and other safety regulations. Second, they spend the remaining half of their time at their desk documenting corrective actions related to safety. With regard to the first function, they review Work Orders to ascertain safety procedures to be followed on a particular maintenance task, and then conduct a pre-job briefing with Unit maintenance employees during which they explain those safety procedures. They also confirm that Unit maintenance employees are wearing appropriate safety devices or personal protective equipment during each maintenance task; provide advice to Planners regarding the safety equipment required for particular assignments; and tape areas in which a work-related injury has occurred. With regard to the second task, they interpret OSHA regulations, and track, trend and investigate work-related injuries.

Although they are exempt employees, I find that these employees have a critical role in the maintenance process at Millstone, and have regular work-related contact with Unit employees in furtherance of such maintenance activities. Accordingly, I shall include in the Unit Safety Specialists Doug Carling and John Godinez and Senior Safety Specialists James Lubs, Rusty Morgan, and Glenn Cochran.

[27] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Mary Pratt who reports to Manager Campbell in the Nuclear Protection Services Department.

b. Nuclear Fire Brigade Coordinators

The Employer maintains a Fire Brigade to provide fire-fighting protection at Millstone. The Fire Brigade is composed primarily of contractors from Burns International Security, but also includes the eight Nuclear Fire Brigade Coordinators in the Nuclear Fire Operations Group, all of who are State-licensed firefighters and non-exempt employees. In the event of a fire, the Fire brigade must douse the fire within fifteen minutes. If unsuccessful within that time span, local fire companies must be called in for further assistance.

Nuclear Fire Brigade Coordinators Bryan McHugh, Kurt Besier, Patrick Rowe, Ronald Senn, and John Way work within the protected area and lead the firefighting teams composed of contract employees. They are scheduled on a five-week rotating basis consisting of four weeks in the field and one week in training (conducted by the other three Nuclear Fire Brigade Coordinators Atwood, Vara, and Karpinski, as described below). During the four weeks these five employees are in the field, they inspect fire systems throughout the facility. When a fire-related system needs repair, such as a fire alarm, they often assist the Mechanic in performing the work. They also conduct pre-job briefings to Unit maintenance employees regarding “confined space” entry, locations which only have one exit. In this regard, I note that Unit maintenance employees cannot enter a confined space until it has been inspected and certified by the Fire Brigade. To determine whether Unit maintenance personnel need to wear personal breathing devices while working, these Fire Brigade Coordinators periodically inspect the air quality throughout Millstone. In scheduling surveillance of fire equipment, Nuclear Fire Brigade Coordinators Bryan McHugh and Kurt Besier attend the T-12 scheduled maintenance meetings and coordinate such surveillance with Planners, Schedulers, PEOs, and COs.

Based on the above, I find that Nuclear Fire Brigade Coordinators Bryan McHugh, Kurt Besier, Patrick Rowe, Ronald Senn, and John Way are functionally integrated with plant maintenance, are non-exempt, and have regular work-related contact with Unit employees. I note in particular that the primary function of these five individuals is to maintain fire and safety equipment at Millstone. Accordingly, I shall include them in the Unit.

Unlike the above five Nuclear Fire Brigade Coordinators who I have included in the Unit, Nuclear Fire Brigade Coordinators Dennis Atwood, Lou Vara, and Charles Karpinski III spend about 85% of their time in the Fire Simulator Building located beyond the protected area where they provide on-going training to the above five Nuclear Fire Brigade Coordinators and a cross-section of other Millstone employees about various fire training duties, including "roving," "continuous," or "confined space" fire watch. This latter group of employees typically performs these duties during Outages. Atwood, Vara and Karpinski spend the remainder of their time engaged in or overseeing fire brigade drills.

Although they are non-exempt employees, their different job function, principally that of instructor-student, and their different work location coupled with their lack of regular work-related contact with Unit employees does not require their inclusion to the Unit. Accordingly, I shall exclude from the Unit Nuclear Fire Brigade Coordinators Dennis Atwood, Lou Vara, and Charles Karpinski III.

c. Process Assistant III Mary Cabral

Process Assistant III Mary Cabral works in the Nuclear Site Safety Group, which administers the Employer's Work Place Safety Program and compliance with OSHA regulations. Cabral works in the Medical Facility within Building 437. She spends 50% of her time reviewing budgetary issues relating to the Employer's contract medical staff, which requires her to prepare, track, trend, and adjust budgetary items, and reconcile all billing related to the contract medical staff. She spends the remainder of her time providing administrative and clerical support to the medical staff, all of who are also housed in Building 437. In doing so she maintains the most current medical information for COs and PEOs and schedules their annual physicals, which are performed by the contract nursing staff and medical review officer (MRO). She then processes all paperwork and documentation relating to those physicals. She also sends certified results of these physicals to the NRC and the NDPA Department, orders medical supplies, and assists the contract medical staff in administering time records. Her work-related contact with Unit employees is limited to asking Stock Handlers whether certain medical supply orders have arrived, and annually informing COs and PEOs about their

scheduled physical examination. Otherwise, she spends the great majority of her time interacting with the contract medical staff.

Based upon her lack of involvement with the daily production or maintenance process, the fact that her duties are essentially office clerical in nature, and her extremely limited work-related contact with Unit employees, I shall exclude Process Assistant III Mary Cabral from the Unit.

d. Process Assistant III and Process Assistant IV-FFD group

Process Assistants III Molly Ali, Linda Khan, and Cheryl Spada, and Process Assistants IV Cheryl Garrity and Cora-Quinn-Ross, are non-exempt employees who work in the FFD group located beyond the protected area. They are each cross-trained to perform two functions: 1) processing all paperwork needed to obtain access into Millstone; 2) processing employee drug and alcohol fitness for duty tests. With regard to the first of these duties, they provide new employees with forms to complete, and after ensuring that the forms are properly completed, send those forms to an outside investigating agency, which performs follow-up background checks. They also photograph, fingerprint, and register the hand geometry of new employees; physically make new employee badges and issue those badges as well as keys to all new employees; submit new employee's fingerprint cards to the NRC; and coordinate with the Training Department to ensure that new employees receive Plant Access Training. With regard to the fitness for duty test, they schedule all drug and alcohol tests randomly conducted on all Millstone employees; collect urine samples; complete chain of custody forms; and ship urine specimens to an independent off-site laboratory for testing. When results return, they enter that information into a department database. If a result is positive, they arrange an appointment between the employee and the MRO. To determine whether the off-site laboratory is "honest" in its program, they also process "blind samples," which entails submitting to the off-site laboratory urine samples containing concentrations of prohibited substances. They are also trained to conduct Breathalyzer examinations. Finally, they prepare two reports: 1) the "31-day" report, which lists all employees with access to Millstone; and 2) a report to the NRC submitted every six months which describes all fitness for duty test results during that period.

Apart from new employee and periodic random drug testing processes, none of these employees has any regular work-related contact with Unit employees.

Although they are non-exempt employees, the duties performed by these five employees are more akin to those support staff duties performed by human resource personnel and are not related to the daily production or maintenance process. Moreover, I find that they only have incidental work-related contact with Unit employees, and do not share common duties, skills, immediate supervision, or work location with Unit employees. Accordingly, I shall exclude from the Unit Process Assistants III Molly Ali, Linda Khan, and Cheryl Spada, and Process Assistants IV Cheryl Garrity and Cora-Quinn-Ross.

e. Security Analyst Mark Gelinas

Security Analyst Mark Gelinas is an exempt employee who works in an office environment where he reports directly to Manager Campbell. He spends the bulk of his time performing the following tasks: 1) serving as the Department's Corrective Action Coordinator; 2) assisting in the preparation of the Department budget; and 3) ensuring that security procedures at Millstone are maintained. With regard to the first two of these functions, he tracks CRs and attends CR meetings every day. With regard to the third function, he has access to and controls confidential and safeguarded security information, and corresponds with local law enforcement officials regarding security issues. There is no evidence that he has any work-related contact with Unit employees.

Based upon his lack of common duties, immediate supervision, or working conditions with Unit employees, his exempt status, his lack of involvement with the production or maintenance process, and his lack of work-related contact with Unit employees, I shall exclude Security Analyst Mark Gelinas from the Unit.

f. Senior Engineering Technician Kurt Collins

Senior Engineering Technician Kurt Collins is in the Nuclear Fire Operations Group and works at the Fire Simulator Building located beyond the protected area. He is primarily responsible for obtaining and overseeing contract employees who provide preventive maintenance to that building. His duties also include ordering parts, supplies, and firefighting equipment used at that building. He spends about 25% of his time assisting Nuclear Fire Brigade Coordinators Atwood, Vara and Karpinski, who I

have excluded from the Unit as described above, in their fire drill preparations. There is no evidence that he has any work-related contact with Unit employees. Based on the above, I shall exclude Senior Engineering Technician Kurt Collins from the Unit because he does not perform duties that are functionally integrated with plant maintenance, does not share work locations with unit employees, and does not have any work-related contact with Unit employees.

g. Supervisor of Nuclear Security Operations Jimmy Smith

Supervisor of Nuclear Security Operations Jimmy Smith is an exempt employee responsible for the entire security operation at Millstone. Under the predecessor employer, NU, Smith was the supervisor in charge of its security personnel. However, when the Employer purchased Millstone, it opted to hire all of its armed security guards from an outside security contractor, Burns International Security Services. Smith is responsible for supervising the Burns contract and, along with the four Burns security shift supervisors, ensures that all armed contract guards are properly performing their duties. He reviews data sheets compiled by the Burns' supervisors relating to security and staffing issues, and is privy to confidential and safeguarded information relating to security at Millstone. He also attends T-12 meetings and interacts with Planners and PEOs to determine when and where armed security personnel need to be present for particular maintenance tasks, such as a repair to the perimeter fence of the protected area.

Based on the above, I find that Smith's interests are more closely aligned with management in that he is responsible for coordinating contract security personnel. While he maintains some contact with Unit employees, he is exempt and does not share common work location, immediate supervision, duties, or skills with Unit employees. Accordingly, I shall exclude Supervisor of Nuclear Security Operations Jimmy Smith from the Unit.[28]

[28] While not entirely clear, it appears from its post-hearing brief that the Employer may have abandoned its initial position that Smith belongs in the Unit. In this regard, despite a lengthy brief in which the Employer listed all the classifications in dispute within the Nuclear Protection Services department, it failed to cite the "Supervisor Nuclear Security Operations" as one of those positions in dispute. The Employer also failed in its post-hearing brief to identify Jimmy Smith as an individual who should belong in the Unit.

7. Environmental Services Department

The Environmental Services (ES) Department is responsible for ensuring that Millstone does not exceed its State and federal environmental permits or violate any regulatory requirement. To this end, ES personnel monitor Millstone's environmental impact on wildlife, air and water quality in the immediate area. ES also monitors Millstone's hazardous waste remediation program under the Connecticut Property Transfer Act.

With regard to water quality, there are approximately 30 distinct wastewater discharge locations at Millstone. Each location is permitted for a certain volume of discharge with a certain water chemistry profile. The vast majority of permitted discharge is used for cooling the reactors. Over one billion gallons of cooling water is discharged from the plant each day. This water goes through a complex process to remove impurities before ultimately being discharged into the Long Island Sound. With respect to air discharges, ES carefully screens all fuel burning sources at Millstone (primarily generators and compressors) to ensure compliance with federal permits.

ES is subdivided into the following three groups, all of which report to ES Manager Paul Jacobson: Environmental Laboratory, which is responsible for all ecological monitoring Onsite; Environmental Programs, which ensures that all necessary environmental permits are in place and being complied with; and Hazardous Waste Programs, which monitors the collection, storage and shipment of hazardous waste.

Within ES, the parties agreed to include in the Unit a Hazardous Waste Specialist and a RadMat Tech, both of whom work in the Hazardous Waste Programs Group described above. The Employer would include an additional 21 employees in the following 8 job classifications: Biologist II and III; Chemist III; Engineer II; Environmental Consultant; Environmental Specialist III; Technical Analyst; and Administrative Assistant II.[29]

[29] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Elaine Destefano who reports directly to Manager Jacobson.

a. Biologist II and III

Biologists II Gregory Decker and David Dodge, and Biologists III Donald Danila, James Foertch, Donald Landers, Christine Tomichek, Raymond Heller, Douglas Morgan, John Swenarton, Joseph Vozarik, and Edward Roseman, work in the Environmental Laboratory, which is located outside the protected area and close to the Long Island Sound. They are all exempt employees, and have no work-related contact with Unit employees.

In crews of three or four, the Biologists use the Employer's fishing vessels to collect samples of winter flounder, lobsters, plankton, eels and a variety of other wildlife from the nearby Niantic River and the Long Island Sound. Biologists II Decker and Dodge are licensed by the Coast Guard as boat captains and pilot the vessels to their nautical destinations. While on board, the Biologists engage in the full range of physical fishing duties, such as connecting and hauling fishing nets and operating hydraulic fishing controls. Once they reel in the loaded nets, they brand and tag the captured wildlife with liquid nitrogen, measure and count the fish and lobsters, and record this information. Some of the wildlife, such as winter flounder and lobsters, are released back to the sea, whereas other samples containing plankton and smaller wildlife are returned to the Environmental Laboratory where the Biologists evaluate the samples. They record and enter all information relating to their fishing excursions into a database for future evaluation. They also engage in community outreach programs by visiting local schools and explaining the nature of their duties. They spend about 5% of their time coordinating unspecified plant projects. [30]

In addition to these duties, Decker is Millstone's animal control specialist, in which capacity he performs two tasks. First, to eliminate an ongoing problem at Millstone in which seagulls attack employees eating lunch, he is state-licensed to "addle" seagull eggs, a process that entails vigorously shaking a seagull egg until it is internally scrambled so as to deceive the seagull into believing that it need not lay further eggs. Second, as necessary, he captures geese, skunks, and wild cats roaming throughout

[30] The record identifies one project involving Tomichek in which she assisted in the design of a "fishery turn sway" so that fish would not get sucked into Millstone's Turbine

the protected area to prevent these animals from inadvertently entering RCAs and becoming radioactive.

Based on their lack of regular work-related contact with Unit employees, their significantly different duties, skills, work location, and supervision, and their exempt status, I shall exclude from the Unit Biologists II Gregory Decker and David Dodge and Biologists III Donald Danila, James Foertch, Donald Landers, Christine Tomichek, Raymond Heller, Douglas Morgan, John Swenarton, Joseph Vozarik, and Edward Roseman.

b. Chemist III, Engineer II, and Environmental Specialist III

As noted above, the Employer would include in the Unit Chemist III Jean Robertson, Engineer II Kimberly Doroski, and Environmental Specialists III Jeffrey Blonar, Frederick Kral, Steven Horn, John Leavitt and John Watson. These employees all work in the Environmental Programs Group, are exempt employees, work from Building 512 located beyond the protected area, and perform similar functions.

The Environmental Specialists III are generally responsible for monitoring effluents from Millstone to ensure that the Employer is in compliance with its environmental permits and regulatory requirements. Their job description sets forth the following duties and responsibilities:

> Independently develop, implement, coordinate, and oversee complex air/water quality programs and projects relating to company compliance with federal, state, and local environmental regulations. Analyze complex air quality or water quality, meteorological, groundwater, or toxicological data from monitoring sites in the system and provide assessment reports of potential problem areas that have probable impact to the company. Write and edit detailed scientific reports for the company that evaluate long-term results from various system-wide quality programs suitable for submission to regulatory agencies. Coordinate complex environmental permitting activities for company facilities and operations. Provide regulatory and scientific expertise, advice, guidance and interpretation to company personnel to ensure or improve compliance with all air quality, water quality, solid and hazardous waste, and toxic substance regulations at company facilities. Prepare and submit correspondence, reports and testimony to environmental regulatory agencies as needed. Represent company, as required, before regulatory agencies, industry groups and the public on environmental issues. Read,

> analyze, and interpret new and existing regulations. Participate in process of developing new regulations from proposal to promulgation. Develops and conducts environmental compliance training. Inspects and advises on operations, construction, procedures, records and training to ensure compliance with environment requirements prescribed in laws, regulations, and company policies and procedures. Utilizes electronic databases to analyze and monitor company compliance with regulatory requirements.

To accomplish these duties and responsibilities, the Environmental Specialists III: 1) review Work Orders submitted to them by Planners and determine whether the planned maintenance would result in improper discharges to the environment; 2) interpret environmental regulations and provide relevant guidance to their supervisors and other departments; 3) provide around-the-clock on-call coverage to answer questions from anyone at Millstone regarding environmental issues, such as a suspected hazardous discharge or potential environmental infraction; 4) spend up to two weeks annually training Millstone personnel on environmental issues; 5) develop and manage remediation plans, which involves investigation and remediation of all contaminated areas at Millstone; and 6) perform routine inspections of plant systems to ensure that there are no unauthorized discharges of wastes or pollutants. In addition, Blonar, who has a college degree in Biology, serves as the point person for all environmental issues involving "Unit Two." Kral, who holds an unspecified college degree, is the Department's point person for environmental training. Horn, who does not possess a college degree, manages the air quality program at Millstone. Leavitt, who has a college degree in meteorology, takes and analyzes storm water samples; assists the I&C department in ensuring that certain meteorological sensors are performing correctly; and determines when adverse weather may impact scheduled maintenance work. Watson, who has a business degree, prepares monthly environmental reports to State and Federal entities.

Chemist III Robertson, who has a chemistry degree, performs many of the same functions as the Environmental Specialists III. He also oversees Millstone's "oil management spill prevention control and counter measure plan" (SPCC Plan), which insures that controls are in place to prevent an oil spill from reaching the Long Island

Sound, or interacting with other materials that could create environmental problems beyond Millstone. He also administers Millstone's "best management plan" (BMP) for bulk chemical storage.

Engineer II Doroski, who has an Engineering degree, serves as the point person for all environmental issues involving "Unit Three." She also assists Horn in site remediation to determine the extent of oil or metal contamination in Millstone's soil.

In performing their duties, each of these employees comes into some contact with individuals from the Nuclear Operations and Maintenance Departments, but the record does not clearly reflect the degree of such contacts or whether such contacts are with supervisors or Unit employees. They are all exempt employees.

It is well established that professional employee status under Section 2(12) of the Act is determined by the work an employee performs rather than individual qualifications. *Avco Corp./Textron Lycoming Division*, 313 NLRB 1357 (1994), citing *Western Electric Co*., 126 NLRB 1346 (1960). Thus, an employee qualifies as a professional if he performs work of a predominantly intellectual and varied character, involving the consistent exercise of discretion and judgment, and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning. *Id*. The Board examines the educational requirement only to determine whether the work performed by a group of employees satisfies the "knowledge of an advanced type" requirement. In doing so, the Board has consistently found that employees with professional engineering degrees working in specialized fields of engineering qualify as professionals, even where not all such employees possess a degree. *Id*.; See, e.g., *Utah Power and Light Co*., 258 NLRB 1059 (1981); *Union Electric Co*., 217 NLRB 666 (1975); *Ryan Aeronautical Co*., 132 NLRB 1160 (1961); *Westinghouse Electric Corp*., 80 NLRB 591 (1948). Thus, it is not a prerequisite to professional status that an employee satisfy the educational requirement.

Based upon the foregoing, I find that the Chemist III, Engineer II, and Environmental Specialists III are professional employees within the meaning of Section 2(12) of the Act. In reaching this conclusion, I note particularly that these employees perform work of a predominantly intellectual and varied character, involving the

consistent exercise of discretion and judgment, and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning.

Even if they are not professional employees, I would exclude them from the Unit because they are exempt employees with significantly different duties, supervision and work location from Unit employees.

Accordingly, I shall exclude Chemist III Jean Robertson, Engineer II Kimberly Doroski, and Environmental Specialist IIIs Jeffrey Blonar, Frederick Kral, Steven Horn, John Leavitt and John Watson from the Unit.

c. Environmental Consultant

Environmental Consultant Ernesto Lorda is an exempt employee with a Ph.D in Population Dynamics. He works in the Environmental Laboratory, where he serves as the group expert on fishery statistics. According to ES Supervisor Gary Johnson, Lorda performs a statistical analysis to determine "the actual number of fish larva and eggs that have been sucked through the plant…the number of fish larva taken out of the overall population of Long Island Sound…[and the] impact that would have on the fish population of Long Island Sound." To perform this analysis, Lorda reviews spreadsheets and data compilations developed by ES's Biologists based upon their collected samples. The results of Lorda's statistical analysis and projections are ultimately placed into local, State, and DEP libraries as well as the Employer's annual report, and are reviewed by Ph.Ds nationally for impact analysis. He has no work-related contact with Unit employees, interacting mainly with the Biologists.

I find that Environmental Consultant Ernesto Lorda is a professional employee within the meaning of Section 2(12) of the Act. In reaching this conclusion, I note particularly that he performs work of a predominantly intellectual and varied character, involving the consistent exercise of discretion and judgment, and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning.

Even if he is not a professional employee, I would exclude Lorda from the Unit because he is an exempt employee with no work-related contact with Unit employees, and has significantly different duties, supervision, and work location from Unit Employees. Accordingly, I shall exclude Environmental Consultant Ernesto Lorda from the Unit.

d. Technical Analyst

Technical Analyst Patric Anhalt is an exempt employee who has his own office in a building located beyond the protected area. He serves as the Department's Corrective Action Coordinator. He is also responsible for preparing the Department's budget; has authority to spend up to $5,000 to purchase goods for the Department; and interacts with the Employer's Accounts Payable personnel in paying Department invoices and handling other financial issues. He also prints and records all Department assignments, and assists Administrative Assistant II Destefano in some of her office clerical duties, such as shipping documents to the NPDA Department. There is no evidence that he has any work-related contacts with Unit employees.

Based on the above, I shall exclude Technical Analyst Patric Anhalt from the Unit because he is an exempt employee whose interests are more closely aligned with management, does not share common duties, skills, work location, or immediate supervision with Unit employees, does not perform any duties in furtherance of the production and maintenance process, and has no work-related contact with Unit employees.

8. Information Technology (IT) Department

The IT Department, under the overall direction of IT Account Manager Edward Goldberg, is located on the first floor of Building 437 and is responsible for over 2,000 computers at Millstone, including the plant process computers, the computerized security system, the radiation monitor system, all desktop computers, network servers and connectivity to outside sites. Although Millstone can operate without a functioning plant process computer, it cannot operate efficiently because the plant must decrease power production to below 20-percent of maximum when the process computer is down. By using the plant process computers to perform multiple complex calculations, Millstone can generate power at levels approaching the plant's full licensed capacity.

The IT Department is a "matrix organization" with an enterprise-wide function that is run by the Employer's parent, DRS, out of its Innsbruck and Richmond, Virginia offices. Thus, Manager Goldberg reports directly to DRS' Director of IT Business Generation Vincent West, who is based at DRS' corporate headquarters in Virginia. Manager Goldberg is also responsible to Director Hicks at Millstone.

The Petitioner does not seek any employees from this department. The Employer seeks to include 61 employees in 25 job classifications described below.

a. IT Network Systems Specialist III; IT Network Systems Specialist IV; Process Computer Specialist III; Process Computer Specialist IV; IT Voice Communications Analyst I; IT Voice Communications Analyst II

IT Network Systems Specialist III Corwyn Pabian and IT Network Systems Specialists IV Tom Nelson and Chuck Gemmell are non-exempt, wear jeans most of the time, and each works throughout Millstone fixing computer problems. For example, they are dispatched to physically solve computer problems at employee desks whenever "Help Desk" personnel, a group of employees who telephonically assist employees with computer-related problems, are unable to initially fix the problem over the phone. They routinely configure desktops, fix anomalies, perform updates, install fiber optic cable, and install and program routers, hubs and network devices throughout Millstone.

Although some of their duties are associated with other IT employees who I have excluded below, I shall include these employees because they are non-exempt, they are akin to technicians performing hands-on computer repairs, they wear clothes similar to those worn by Unit employees, they do not work in an office setting, and they have regular work-related contacts with Unit employees. Accordingly, I shall include Network Systems Specialist III Corwyn Pabian and Network Systems Specialists IV Tom Nelson and Chuck Gemmell in the Unit.

IT Voice Communications Analyst I Billy Gadbois and IT Voice Communications Analysts II Rich Stofega and Greg Olexy are responsible for maintaining Millstone's entire phone infrastructure, known as the public branch exchange (PBX). They physically repair and install phones and phone lines, including the NRC-required phone

lines and telecommunications infrastructure found in the Control Rooms. They are also the custodians of, and the main contact for anyone at Millstone needing, a phone, pager, hand-held radio, walkie-talkie or cell phone. They spend approximately 95 percent of their time out of their office. They also work closely during an Outage with the Outage and Planning and Nuclear Maintenance Departments, installing telecommunication equipment in RCAs. Gadbois is non-exempt whereas Stofega and Olexy are exempt.

Based upon their performance of physical work related to the maintenance of equipment that is critical to the production and maintenance process at Millstone, and their similar working conditions as Unit employees, I shall include Voice Communications Analyst I Billy Gadbois and Voice Communications Analysts II Rich Stofega and Greg Olexy in the Unit.

Process Computer System Specialists Level 3 Rich Letendre and Frank Moreno, and Process Computer System Specialists Level 4 Paul Sucholet, are non-exempt employees who install and repair computer equipment. They wear jeans most of the time. Although they have only limited contact with Unit employees while performing such tasks as installing fiber optic cable, they perform their work in a manner similar to Unit maintenance employees. In this regard, like Unit maintenance employees, their work is guided by Work Orders when performing work on the main process computers or affiliated systems, and they carry equipment and tools related to the performance of such work.

Based upon their performance of physical work related to the maintenance of process at Millstone, their non-exempt status, and their similar working conditions as Unit employees, I shall include IT Process Computer System Specialists Level 3 Rich Letendre and Frank Moreno and IT Process Computer System Specialist Level 4 Paul Sucholet in the Unit.

b. Administrative Computer Specialist and Process Assistant IV

Administrative Computer Specialist Karen Nichols and Process Assistant IV Elizabeth Cota are non-exempt employees who work in an office setting. They report directly to Manager Goldberg for whom they perform a variety of mostly office clerical duties. According to Manager Goldberg, Nichols is “essentially the department

secretary" who primarily is engaged in: 1) answering Goldberg's phone calls and keeping his schedule; 2) scheduling meeting rooms on behalf of Goldberg and other managers and ordering food for Department events and meetings; 3) answering routine questions for callers to the "Help Desk" and transferring calls on technical questions to "Help Desk" personnel; 4) processing security access forms on behalf of visiting vendors; and 5) facilitating the procurement process relating to all IT hardware, software, or supplies, by routing incoming purchase order forms to supervisors and arranging for the delivery and installation of newly-received IT equipment with the appropriate department. Other than infrequent interactions with Stock Handlers whenever a computer-related item is received at Millstone, she has very limited contact with Unit employees.

Process Assistant IV Elizabeth Cota has three main functions: 1) She serves as the backup to Administrative Computer Specialist Nichols, and thus performs many of the same tasks that Nichols performs; 2) she reconciles department expense reports and enters such reports into the department database; and 3) she works closely with Engineering Department personnel, and occasionally with Maintenance and Outage and Planning Department personnel, in filing and maintaining a configuration of computer-aided design drawings (CAD), which include most engineering drawings, plant designs, system drawings and design criteria. In this regard, she catalogs design changes, produces drawings as requested and properly stores the data in an electronic form.

Based upon their limited work-related contact with Unit employees and their different duties and skills which are akin to office clerical functions, I shall exclude Computer Specialist Karen Nichols and Process Assistant IV Elizabeth Cota from the Unit.

c. <u>All Remaining IT Employees in Dispute</u>

The remaining 50 employees in dispute within the IT Department work in one of the following four groups: Business Systems Group; Process Computer and Simulator Group; Project Management Group; and Telecommunications Group. All of these employees are exempt; work almost exclusively in or from an office setting either within or beyond the protected area; rarely, if ever, enter the power block; wear Business Casual attire only; and hold positions in which the Employer would prefer that they have

a college degree and strong backgrounds in either Business, Computer Engineering, Computer Science, Information Systems, or Mathematics.

i. Exclusions

I shall exclude from the Unit the following 41 employees, all of who, in addition to the factors noted above, provide computer-related support functions that are not integrated with, or critical to, the daily production or maintenance processes, and have either sporadic, infrequent or no work-related contact with Unit employees.[31]

The Business Systems Group includes the following seven employees who I shall exclude from the Unit. Referred to as "BSAs", they serve as liaisons between the IT Department and all other Millstone departments.

BSA Paul Seaton is versed in desktop support. He telephonically instructs all Millstone employees, including work-at-home employees, regarding the proper operation of their personal computer. He also works with Millstone's Directors, Vice-Presidents, and other executives in identifying special, but unspecified, computer-related needs.

BSA Tillett is currently assigned to the Six Sigma program for three years. During this period, she will report to a manager located in DRS' Virginia office and will not perform BSA duties.

BSA Hahn works with DRS' Virginia office developing Millstone's "electronic document management system" (EDMS), a database that keeps track of all procedures; and in establishing computer security and access rules for all new users.

BSA Brooks is involved in the implementation of Millstone's "Lotus Notes" e-mail system, which allows for virtual meetings between individuals at Millstone and either other Millstone individuals, vendors, or individuals at DRS' Virginia facility.

BSA Marrs oversees the database that tracks and trends all CRs generated at Millstone.

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[31] The Employer's reliance on *Peco*, supra at 1087, for the inclusion of these IT employees is inapposite. In contrast to the facts in the instant case, the Board in *Peco* included in the production and maintenance unit an employee who designed and implemented computer software that directly supported plant process and security systems critical to the production and maintenance process, and who shared the *same* wage structure, benefits, and personnel policies and procedures as unit employees.

BSA Schubler is in charge of "Software Quality Control and Assurance" (SQA), which requires him to individually meet with up to 1,500 Millstone employees over an unspecified period of time and duration to review the nature and frequency of their computer usage.

BSA Paul is currently serving as a "lead" for the above BSAs. Other than the fact that she reports directly to a Virginia-based manager, the Employer failed to adduce any evidence regarding her duties or community of interest with Unit employees.

The Process Computer and Simulator Group (herein referred to as IT Process) is responsible for various software programming and other computer support functions on the plant process computers in "Unit 2" and "Unit 3," the security computers, the radiation monitoring system, the simulators and the simulator computers. The nine employees who I shall exclude from this group are Senior Software Systems Engineers Dean Vournazos and Art Wickson; Software Systems Engineering Specialists Shih-Kao Chang, Gary Huang, Ming-Huei Lee; IT Simulator Computer Specialists IV Dave Ritter and Mark Munro;[32] and Systems Analyst Specialists Tim Tallman and Bill Souder. These employees write software for, operate, or provide other computer support to the Simulators and their related computers. They work in the Simulator Building, which is located beyond the protected area. The Simulator Building contains computers, one for each operating unit, which are not used for the generation of electricity at Millstone. Rather, these computers are used for operational training purposes inasmuch as they allow COs and others to practice on a system that is programmed to mimic Millstone's plant process computers and the plant's operational response on each operating unit.

The Project Manager Group (PMG) is composed primarily of Programmers who perform traditional computer programming, system development and maintenance on a "project basis." In this regard, instead of being dedicated to a particular system like the IT Process group, PMG employees handle specific IT projects. I shall exclude the following 13 employees from this group.

[32] Unlike the other employees in this group, IT Simulator Computer Specialists IV Ritter and Munro are non-exempt employees. Notwithstanding that fact, I note that they do not share common duties, skills, immediate supervision, or work location with Unit employees, and there is no evidence that they have work-related contacts with Unit employees.

Senior Programmer Analyst Kirk Miles supports the software applications that run Millstone's Emergency Notification Response System, which notify, record and interpret all SERO actions.

Programmer Analyst Mike Bibisi is Millstone's expert on "raster manipulation" of the CAD system. He primarily assists the six Engineering departments with manipulation of the images stored in the CAD system.

Senior Programmer Analyst Wei-Chu Li is Millstone's "web master." In this regard, he is responsible for all of the content contained on Millstone's internal intranet and external web pages.

Senior Programmer Analyst Sheng-Po Chen provides web-base development support to Senior Programmer Analyst Li.

Programmer Analyst Angelo Van Engelen supports the Lotus Notes and Microsoft Access software applications.

Senior Programmer Analyst Maryann Bourassa primarily does mainframe programming. She is actively involved with the nightly "PASSPORT" database move and batch processing of large databases on the mainframe in Virginia.

Senior Programmer Analyst Ross Johnson is responsible for ensuring that all applications, mostly Windows 95, run properly on desktop computers, and is involved in Millstone's current upgrade process to the Windows 2000 operating system.

Senior Business Systems Analyst Walter Davis supports the HP records system, which tracks and maintains radiation dose records kept in accordance with NRC rules.

Systems Analyst Specialist Diane Auretta is currently involved with a major project to automate all bills of materials Onsite.

Programmer Analysts Joe Lozen and Debra Osso work on unspecified projects.

Senior Programmer Analyst Lisa Lewon performs duties associated with the mainframe programming system based in DRS' Virginia headquarters.

Software Systems Engineering Specialist Tom Reimer spends about 75% of his time writing programs involving the CAD system, which is used primarily by the Engineering departments. He spends the remaining portion of his time working on unspecified projects.

The Telecommunications Group is responsible for all telecommunications, Local Area Network (LAN) and Wide Area Network (WAN) issues at Millstone. I shall exclude the following nine employees from this group who, while physically stationed at Millstone, report directly to a manager located at DRS' Virginia headquarters.

Network Planning Specialist Brice Burtch is responsible for the overall integration of various corporate-wide systems, such as the infrastructure for the corporate-wide e-mail system. He also configures Millstone's software programs, which involves determining how a program will be used and selecting the proper settings from software selected from a manufacturer.

Senior Systems Architects Dan Woods, Randy Brumbaugh, and Jeff Cataudella act as consultants who are responsible for the integrity of various physical portions of Millstone's computer system, including servers, the network, fiber optics, hubs, and routers. Cataudella also assists in integrating infrastructure by tying in various independent systems to each other so they can communicate with one another.

Senior Network Analysts Dave Rowbotham and Mark Rasnick assist Senior Systems Architect Woods in periodically checking the physical components of the WAN system and the health of the network's infrastructure.

Senior Database Analyst Joe Casadonte works independently building, designing, and configuring databases for all departments at Millstone.

Enterprise Administrators Lorraine Waslenchuk and Mary Ryley work closely with Network Planning Specialist Burtch in establishing and maintaining e-mail and server configurations and connections, setting up servers in the data center, establishing access control and security procedures, and linking software applications and servers to desktop computers.

There are two other employees in the Telecommunications group who I shall also exclude from the Unit: LAN Administrator Jim Canfield and Senior LAN Administrator Bill Farrell. They each report to a Millstone-based manager as well as to a Virginia-based manager.

Canfield supports the CAD system, which runs on a Windows NT operating system. He configures and "troubleshoots" the Windows NT operating system and CAD software; provides access, passwords and establishes guidelines for use of the system;

and provides CAD training to unspecified personnel from the Engineering, Maintenance, Operations and Outage and Planning Departments.

Farrell runs the IT Department's "help desk, " which fields calls from Millstone employees regarding their personal or departmental computer problem. Farrell uses his technical expertise to recommend a solution or arranges for the computer to be fixed by the vendor.

ii. IT Employees Who May Vote Subject To Challenge

Although the following nine employees perform duties that appear to be integral to the production and maintenance process, there is insufficient record evidence regarding the nature or degree of their work related contacts with Unit employees. Accordingly, I shall permit them to vote subject to challenge.

BSA Cannella, a former licensed CO, is assigned to support the Nuclear Operations Department. He is currently working with unspecified individuals from Nuclear Operations, Nuclear Maintenance and Engineering departments to develop an IT solution to upgrade the plant tagging process.

Senior Software Systems Engineer Maureen Butler is a programmer in the IT Process Group. She is responsible for overseeing the radiation monitor computer and software quality assurance for the systems in that group, and for the "Unit 1" plant process computer.

Software Systems Engineering Specialists Tom Bowlen, Bill Landon, and Mike Watson, and Senior Software Systems Engineer Leslie Banks, all from the IT Process Group, manage either the "Unit 3" plant process computer, the security computer system, or both.

Senior Software Systems Engineer Lisa Marcaurele and Software Systems Engineering Specialist Jim Themig, both from the IT Process group, support the "Unit 2" plant process computer.

Senior Programmer Analyst Gerald Cox works in PMG and designs software for the "tagging" system used in the maintenance process.

D. Nuclear Engineering Division

There are six departments in the Nuclear Engineering Division that report to Director of Nuclear Engineering Steve Scace. The Petitioner does not seek to

represent any of the approximately 317 employees located within these six departments. The Employer would include 112 employees from the following departments: Nuclear Design Engineering, Nuclear Engineering, Nuclear Fuel Engineering, and Nuclear Site Engineering.[33]

1. Nuclear Design Engineering Department

The Nuclear Design Engineering Department manages the design and implementation of projects at Millstone. There are seven groups within Design Engineering under the overall direction of Manager of Nuclear Design Engineering Clint Gladding. The following six groups contain employees in dispute: Asset Strategy and Administrative Support, Mechanical Projects Team, Electrical I&C Projects Team, Facilities Engineering, Project Management, and License Renewal. Each of these groups has separate immediate supervision. Except for the Facilities Engineering and Project Management groups, each group operates out of the Engineering Building, which also houses senior management, budgeting, financial control, and the communications department. All of the employees in dispute within the Nuclear Design Engineering Department either work in cubicles or private offices.

a. Asset Strategy and Administrative Support Group

This group is primarily responsible for strategic planning and administrative support for the Nuclear Design Engineering Department. Included within this function is the development of a five-year plan with a schedule for implementing improvements at Millstone. This involves using computer programs to conduct cost benefit analyses and a simple economic analysis of projects that are being planned. The group consists of three engineers who the parties have agreed to exclude from the Unit, and eight other employees in the following job classifications: Senior Engineering Technicians; Senior Schedulers; Technical Analysts; and Technical Specialist.

i. Senior Engineering Technicians

Senior Engineering Technician Linda Webster is a non-exempt employee who primarily maintains an intranet web page for the Engineering Department and, during outages, publishes information related to the outage in the departmental newsletter.

[33] As noted above, the Employer has agreed to exclude from the Unit all 205 engineers located within the Engineering Departments.

She has no work-related contacts with Unit employees. Senior Engineering Technician Cynthia Howard is a non-exempt employee who primarily uses computer databases to schedule and track assignments of other Engineering Department employees. Manager Gladding describes these duties as an "administrative support" function. In performing her duties, Howard works primarily with another engineer within this group. There is no evidence that she has any work-related contacts with Unit employees.

Although they are non-exempt employees, their separate supervision and work location, the administrative nature of their duties that are unrelated to routine production or maintenance, and their lack of work-related contacts with Unit employees, warrant the exclusion of Senior Engineering Technicians Webster and Howard from the Unit.

ii. Senior Schedulers

Senior Scheduler Mark Jalbert is an exempt employee who is primarily responsible for tracking the performance of all Engineering departments against their established expectations and goals. He receives monthly reports from the managers of each Engineering department, tabulates the information, and prepares a report under Director Scace's signature, which is submitted to upper management. There is no evidence that Jalbert has any regular work-related contacts with Unit employees.

Senior Scheduler Lisa Picarazzi is an exempt employee who assists department engineers in assessing which corrective maintenance projects at Millstone should be implemented in the long-term. To this end, she assists the engineers in establishing the schedules on long-term projects and reviewing whether the projects are cost efficient. She works primarily with System Engineers and has little, if any, work-related contact with Unit employees.

Based upon their separate supervision and work location, the lack of work-related contact with Unit employees, the nature of their essentially engineering support functions, and their exempt status, I shall exclude Senior Schedulers Mark Jalbert and Lisa Picarazzi from the Unit.

iii. Technical Analysts

Technical Analyst Robert Veklund coordinates Millstone's participation in United Way activities. He is an exempt employee, and there is no evidence that he is involved

in the daily production or maintenance process, or that he has any work-related contact with Unit employees.

Technical Analyst Dirk Eykelhoff's primary responsibility is the Corrective Action program, which involves identifying items or programs within Nuclear Design Engineering that have deficiencies that need to be addressed. In this capacity, Eykelhoff works almost exclusively with department engineers, attends Corrective Action meetings, and provides status reports on corrective action issues to Engineering department managers. He is an exempt employee, and there is no evidence that he is involved in the daily production or maintenance process or that he has any work-related contact with Unit employees.

Technical Analyst Raymond Hurlbut is the Engineering departments' training coordinator. Manager Gladding describes this function as "administrative," involving tracking which engineering personnel need or have received various types of training. For example, when an engineer's qualifications are scheduled to lapse due to insufficient training, Hurlbut notifies the appropriate Engineering manager. Hurlbut also participates in the "human-performance program," a site-wide program at Millstone that is intended to improve the overall performance of all employees. He is an exempt employee, and there is no evidence that he is involved in the daily production or maintenance process or that he has any work-related contact with Unit employees.

Based upon their lack of work-related contacts with Unit employees, their exempt status, and the clearly administrative nature of their duties, I shall exclude Technical Analysts Robert Veklund, Dirk Eykelhoff, and Raymond Hurlbut from the Unit.

iv. Technical Specialist James Pelchot

Technical Specialist James Pelchot is an exempt employee who performs two engineering support functions. First, he interacts with various engineers throughout Millstone in performing "root cause" evaluations, which are detailed investigations from an engineering perspective into problems that arise with various components. Second, he is responsible for the Nuclear Design Engineering Department's "self-assessment" program, which looks to assess the efficiency of department processes. There is no evidence that he is involved in the daily production or maintenance process or that he has any regular work-related contact with Unit employees.

Based upon his lack of work-related contacts with Unit employees, his exempt status, and the administrative nature of his duties, I shall exclude Technical Specialist James Pelchot from the Unit.

b. Mechanical Projects Team and Electrical I&C Projects Team

These two teams perform similar functions. The Mechanical Projects Team performs the design and engineering of mechanical changes to plant design, such as a design change to valves. The Electrical I&C Projects Team performs the same function but only with respect to electrical and I&C projects. The Employer would include 11 employees from these 2 teams in the following job classifications: Designer "A"; Engineering Designer; Senior Designer; Senior Engineer Designer; and Technical Analysts.

i. Senior Designer, Senior Engineer Designer, Engineering Designer, and Designer "A"

These four positions are non-exempt and in the same job classification family. The highest position within this family is Senior Designer, followed in order by Senior Engineer Designer, Engineer Designer, and Designer "A." According to Manager Gladding, all four positions have similar duties and perform "very much the same work." In this regard, the nine employees in these four classifications spend about 80% of their time at their desk performing an engineering support function. Each designer is teamed with an engineer and a Project Manager, and at the behest of either, makes detailed design drawings on projects under consideration. They also communicate with vendors about project materials, and provide input to the engineers on overall design concepts. They occasionally accompany the engineer with whom they are teamed into the plant in order to take field measurements for their layouts. In performing their duties, designers have infrequent contact with Unit employees.

Although they are non-exempt employees, based upon their lack of involvement in the daily production or maintenance process, the nature of their engineering-related duties, and their separate supervision and infrequent work-related contact with Unit employees, I shall exclude from the Unit the Senior Designers, Senior Engineer Designers, Engineer Designers, and Designers "A" on the Mechanical Projects Team and Electrical I&C Projects Team.

ii. Technical Analysts

Technical Analysts Brian Lockett and David Collins are exempt employees who perform the same duties as project engineers within their group. Their job title is different because they lack an engineering degree. Apart from the difference in titles, Lockett and Collins each function as a department engineer by, for example, taking a lead in an engineering project, developing design changes, and shepherding the project through completion. They are each teamed with one of the above-described designers and a Project Manager, and have limited work-related contact with Unit employees.

I shall exclude Technical Analysts Lockett and Collins from the Unit as professional employees, because they perform the same work as project engineers, who the parties have agreed to exclude from the Unit as professional employees. *Western Electric Co*. supra, 126 NLRB at 1349.

c. Facilities Engineering Group

The Facilities Engineering Group is responsible for the design engineering of non-power block items, such as buildings, floor plans, drainage systems, septic systems, roofing, cranes, forklifts, motor pools, and non-nuclear plant electrical supply. This group consists of two engineers who the parties agreed to exclude from the Unit. The Employer would include the six other employees in this group in the following job classifications: Nuclear Facilities Coordinator; Project Leader; Senior Designer; Senior Design Draftsman, and Senior Nuclear Construction Specialist.

i. Nuclear Facilities Coordinator

Nuclear Facilities Coordinator Richmond Kelly is responsible for the motor pool at Millstone, including vehicles, cranes and forklifts. More specifically, he coordinates the use of motor pool items, such as cranes, forklifts and trucks, which are used by craft employees. He has no work-related contact with Unit employees. Accordingly, because he is not involved in the daily production or maintenance process, has separate immediate supervision, and no work-related contact with Unit employees, I shall exclude Nuclear Facilities Coordinator Richmond Kelly from the Unit.

ii. Project Leader

Project Leader Thomas Bransfield has overall responsibility for facilities use at Millstone, including use of, or changes to, office facilities. For example, he is

responsible for overseeing the consolidation of office space and elimination of temporary structures; establishing floor plans for relocated personnel; and keeping track of all costs associated with any relocations. He is an exempt employee, and works almost exclusively with department heads and upper management. There is no evidence that he has any regular work-related contact with Unit employees.

Based upon his lack of involvement in the daily production or maintenance process, separate immediate supervision, lack of work-related contact with Unit employees, and his exempt status, I shall exclude Project Leader Thomas Bransfield from the Unit.

iii. Senior Designer and Senior Design Draftsman

Senior Designer Alfred Rondeau is a non-exempt employee who performs a similar function to the Designers on the Mechanical Projects and the Electrical/I&C Projects teams, discussed above. Rondeau is paired with a civil engineer to develop detailed drawings for projects involving the Facilities Engineering Group. Similarly, Senior Design Draftsman Randall Kronick is a non-exempt employee who performs an engineering support role by providing engineers with whom he is paired detailed computer-aided and manual drawings for projects involving the Facilities Engineering Group. Similar to the other Designers, neither Rondeau nor Kronick has any regular work-related contact with Unit employees.

Although they are non-exempt employees, I shall exclude Senior Designer Alfred Rondeau and Senior Design Draftsman Randall Kronick from the Unit because they are not involved in the daily production or maintenance process, but rather provide administrative support for engineering functions, and have separate immediate supervision and infrequent work-related contact with Unit employees.

iv. Senior Nuclear Construction Specialists

Senior Nuclear Construction Specialists John Mietlicki and James Paris are exempt employees who perform the same duties as each other. They each serve as a first line supervisor over contractors who come to Millstone to perform modifications, upgrades, repairs, or maintenance on floor plans, sewage and electrical systems. Neither has any regular work-related contact with Unit employees. Based upon their separate supervision, lack of work-related contact with Unit employees, and their

exempt status, I shall exclude Senior Nuclear Construction Specialists John Mietlicki and James Paris from the Unit.

d. Project Management Team-Project Leaders

The Project Management Team has four Project Leaders who function as Project Managers for each project conducted by the Technical, Electrical, and I&C teams, described above. As previously noted, these teams also consist of a lead engineer and a designer. Each Project Leader is involved from the initial stages of a project through design, scheduling, implementation, and testing. To this end, they coordinate the project work with first line supervisors from all involved departments. Each Project Leader is an exempt employee who has a private office or shares an office with one or two other non-Unit employees. They have very limited contact with mechanics and no contact with other Unit employees.

Based upon their lack of involvement in the daily production or maintenance process, their separate supervision and different working conditions, their exempt employees, and their limited work-related contact with Unit employees, I shall exclude from the Unit the Project Leaders on the Project Management Team.

e. License Renewal Group

The License Renewal Group, supervised by William Watson, is dedicated to the specific task of obtaining license renewals or extensions for "Unit 2" and "Unit 3". The group consists of four engineers who the parties have agreed to exclude from the Unit. The Employer would include the seven other employees in this group in the following job classifications: Rotational Assignment; Technical Analyst; Technical Specialists; and Administrative Assistant II. [34]

i. Rotational Assignment

Stephen Baker and Larry Olson are both on temporary assignment from the Nuclear Operations Department, where each worked as a statutory supervisor. According to Manager Gladding, their job classification is carried with them from Nuclear Operations and they do not have a different job classification while they are on

[34] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistants II Medora Daly and Edith Baker, both of whom work in the License Renewal Group.

rotational assignment. As members of the License Renewal Group, Baker and Olson support the License Renewal project by utilizing their Nuclear Operations experience.

Based on their supervisory status and the temporary nature of their rotational assignment, I shall exclude Baker and Olson from the Unit.

ii. Technical Analyst Edward Annino

Technical Analyst Edward Annino, an exempt employee, is the assistant administrator for the License Renewal Group. He attends meetings in place of group supervisor Watson, coordinates scheduling of the license renewal project, and performs other administrative duties. There is no evidence that he has any work-related contact with Unit employees. Based upon his lack of involvement in the daily production or maintenance process, the administrative nature of his duties, his separate supervision, lack of work-related contact with Unit employees, and his exempt status, I shall exclude Technical Analyst Edward Annino from the Unit.

iii. Technical Specialists

Technical Specialists Richard Gallagher, Stuart Vickman, and Donald Becker are exempt employees who support the license renewal process through their particular expertise. In this regard, Gallagher supports the project with respect to environmental compliance issues, Vickman with his nuclear operations background, and Becker with respect to aging studies of the plant. There is no evidence that they have any work-related contact with Unit employees. Accordingly, based on their lack of involvement in the daily production or maintenance process, their separate supervision, their lack of regular work-related contact with Unit employees, and their exempt status, I shall exclude Technical Specialists Richard Gallagher, Stuart Vickman, and Donald Becker them from the Unit.

2. Nuclear Engineering Department

The Nuclear Engineering Department accounts for one-third of the Employer's engineering function at Millstone. There are nine groups within the Nuclear Engineering Department under the overall supervision of Manager of Nuclear Engineering Clark Maxson. The following eight groups, each with separate immediate supervision, contain employees in dispute: 1) Configuration Management & Engineering Standards Group, which is responsible for updating the Engineering Department's Design Control Manual,

tracking NRC commitments, and updating the Technical Requirements Manual required by Nuclear Operations to operate Millstone; 2) Database/Document Control Group, which is responsible for updating all Millstone drawings and managing the Bill of Materials (BOM) Database that provides specifications on materials for virtually all components Onsite; 3) Electrical/ I&C System & Standards Group, which provides technical support for electrical engineering issues, such as drawings, calculations, and modifications; 4) In-Service Inspection (ISI) Group, which is responsible for performing "non-destructive examinations" (NDE) of conditions at Millstone, such as testing welds and wall thickness measurements using a liquid penetrant, ultrasonic testing equipment, or radiology; 5) In-Service Testing (IST) Group, which is responsible for conducting periodic tests on certain plant system components to protect against degradation, including stroke time tests and leak tight tests on valves to ensure they are operating properly, and hydrostatic testing on all new vessel installations; 6) Materials Engineering Programs Group, which is responsible for overseeing welding and pipe coatings as well as steam generator inspections, and material failure analysis; 7) Piping & Engineering Mechanical Group, which is responsible for conducting stress, structural, and floor loading analyses; and 8) Technical Programs Group, which is responsible for maintaining and revising the respective Master Manuals that set forth program specifications and requirements on each of a number of Millstone programs such as the Fire Protection Program, the Appendix "R" Program (a federally mandated program that requires a nuclear power plant to develop procedures to safely shut down the plant in the event of a fire), the Environmental Qualification Program, and the Station Black Out Program. All of these groups are located in the Engineering Building.

The parties have agreed to exclude from these eight groups 37 engineers and three NDE Inspectors. The Employer would include 26 employees in the following 10 job classifications: Associate Engineering Technologist; Designer "A"; Designer "C"; Engineering Designer; Process Assistant IV; Senior Design Draftsman; Senior Engineering Technician; Technical Analyst; Technical Specialist; and Administrative Assistants II. [35]

[35] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistants II Margaret Stevenson and Anne Bellone, who report directly to Maxson.

a. Associate Engineering Technologist (AET)

As noted above, the Employer periodically makes new commitments to the NRC, such as informing the NRC that a certain inspection will be performed during a future outage. AET David Austin and engineer David Leon, the latter of whom has been stipulated out of the Unit, jointly enter these commitments into an NRC Commitment Database, and then track those commitments. Austin works in an office environment performing essentially administrative support functions, is an exempt employee, and has little, if any work-related contact with Unit employees. Based on these facts, I shall exclude AET David Austin from the Unit.

AET Martin Warmath is responsible for managing the Technical Requirements Manual, which is used by the Nuclear Operations Department to operate Millstone. Millstone-based engineers periodically implement certain operational changes that must thereafter be incorporated into the Technical Requirements Manual. Although Warmath is responsible for maintaining the database that tracks these changes, he does not suggest or make revisions to the process. According to Manager Maxson, Warmath also "administratively tracks" the process by ensuring that all involved parties, including the engineers and Control Room personnel, have signed off on the changes and have received a final copy of the revised manual. Through this latter function, Warmath has limited work-related contact with COs and PEOs. Warmath is an exempt employee, primarily performs administrative support duties, works predominantly in an office environment, has separate supervision, and interfaces on a more regular basis with non-Unit engineers than with Unit employees. Based on these facts, I shall exclude AET Martin Warmath from the Unit.

b. Designer A; Designer C; Engineer Designer; Senior Design Draftsmen

The seven employees in these four classifications are located in the Database/Document Control Group. The three Senior Design Draftsmen perform the same function of updating drawings related to design modifications at Millstone, either manually or with a CAD machine. These drawings are used daily by COs and PEOs to safely tag and operate equipment. All seven employees routinely interface with COs and PEOs in two ways. First, they go to the Control Room whenever the Control Board

must be physically updated. Second, after modifying the drawings, they regularly deliver the revised drawings to the Control Room and discuss the revisions with Control Room personnel. All seven employees are non-exempt and do not require a college degree.

Based on the fact that their function is integrated into the production process, that they regularly interface with Unit employees, and are non-exempt employees, I shall include Senior Design Draftsman John Daniels, J. Scott Julius, and James Ventura in the Unit.

The difference in the three remaining designer classifications within the Database/Document Control Group reflect only different levels of experience, with the Engineering Designer the most experienced, followed by the Designers A and then the Designer C. The Engineering Designer, Thomas Faraci, performs the same duties as the above-described Senior Design Draftsmen, but on a higher level. Thus, in addition to updating drawings, he performs plant "walk-downs." Such a "walk-down" would be used to develop schemes for routing cables throughout the plant and provide technical advice as to where to support a pipe or locate a pump. Faraci regularly interfaces with the Senior Design Draftsmen discussed above, and works with the same Unit personnel that they do. He is a non-exempt employee and his position does not require a college degree. Based on his regular interchange and similar immediate supervision with the Senior Design Draftsmen, his regular work-related contact with Control Room personnel, the nature of his duties, and his non-exempt status, I shall include Engineering Designer Thomas Faraci in the Unit.

Designers "A" Lotus Schwartz and Diane White, and Designer "C" Steven Lohmann, provide support for the management of the CAD and BOM databases. Whenever a plant component is changed, the BOM must be updated. In this regard, they each work closely with Engineering Designer Faraci and Technical Analysts Breck Kearns and Thomas Soboleski. As described below, I have included the latter two employees in the Unit. In addition, these Designers regularly interface with Planners and Stock Handlers. The Designer "A" and "C" classifications are non-exempt and do not require a college degree. In light of the fact that they work closely, and share common supervision with, other employees who I have included in the Unit (Faraci,

Kearns, and Soboleski) as well as undisputed Unit positions, and noting their non-exempt status, I shall include Designers "A" Lotus Schwartz and Diane White, and Designer "C" Steven Lohmann, in the Unit.

c. Process Assistant IV

Process Assistant IV Dorothy Hoffman is a non-exempt employee who works primarily at her desk in an office environment where she performs a number of administrative duties, such as data entry, filing, and running monthly reports requested by engineers. There is no evidence that she routinely interfaces with any Unit employees. Although a non-exempt employee, Hoffman is essentially an office clerical employee. Accordingly, I shall exclude Process Assistant IV Dorothy Hoffman from the Unit.

d. Senior Engineering Technicians

The two Senior Engineering Technicians work in IST Programs primarily conducting component tests. Eric Bookmiller coordinates the Relief Valve and Snubber[36] Programs, and Warren Bellows coordinates the Safety Related Pump Testing. For their respective areas, each works side-by-side with Unit personnel from the Nuclear Operations and Nuclear Maintenance departments, such as PEOs and mechanics, when certain tests are performed on pumps, valves, and Snubber components. Bookmiller and Bellows record the test results and track that data to ensure that pumps or pipes have not degraded. In the event that the test results indicate that certain pumps must be replaced or that certain Snubbers have degraded, Bookmiller and Bellows generate Work Orders in order to initiate repairs. They also discuss with Planners the frequency for testing certain pumps. Neither Bookmiller nor Bellows has a college degree and both are non-exempt employees.

Based on the fact that they work side-by-side with Unit employees in furtherance of plant maintenance, and are non-exempt employees, I shall include Senior Engineering Technicians Eric Bookmiller and Warren Bellows in the Unit.

e. Technical Analysts

As noted above, Technical Analyst Kearns is an exempt employee who works closely with Engineering Designer Faraci, Designers "A" Schwartz and White, and

[36] A snubber is a piping support specially designed to absorb seismic accelerations.

Designer “C” Lohmann, in updating the BOM database. Similar to these employees, Kearns reports to the same immediate supervisor (Robert Young), maintains frequent contact with Planners and Stock Handlers, and is frequently present in the Main warehouse. Soboleski is an exempt employee who also reports to Young, manages the Cable Raceway Program database which tracks all the cables located throughout Millstone for operation of pumps and valves, and provides technical advice regarding the ability of a cable tray to hold additional cable lines.

Although both Kearns and Soboleski are exempt employees, I shall include them in the Unit because their work on the BOM database and Cable Raceway programs are integral to the performance of the Outage and Planning and Nuclear Maintenance departments, and they share common supervision and work closely with other employees within their group, all of whom I have already included in the Unit.

Technical Analyst Bruce Gillard is an exempt employee who works in the Technical Programs Group. He is responsible for supporting the Environmental Qualification Program on “Unit 3”. This program focuses on “environmentally qualified components,” which are primarily instrumentation. Gillard ensures that Work Orders are generated and scheduled for performing necessary maintenance, and spends half of his time performing plant “walk downs” alongside Nuclear Maintenance and Nuclear Operations personnel inspecting plant components in order to ensure that they meet Millstone’s Environmental Qualification Requirements. During the walk-down, Gillard records the work performed by Unit employees. He does not have a college degree.

Although Gillard is an exempt employee, I shall include him in the Unit because his work is an integral part of the maintenance process and he performs walk-downs alongside Unit employees in furtherance of plant maintenance.

Technical Analyst Rick Zieber is an exempt employee who works in the ISI group. He is the ISI Program Coordinator for all ASME code inspections on “Unit 3”. The ASME Code requires that certain inspections, such as welds, be performed at periodic intervals. Zieber confirms that testing is performed on schedule and he either performs the inspection or the weld testing. Zieber works closely with Planners to make sure that a Work Order is prepared and scheduled for each ISI test, and also frequently

works alongside PEOs and Nuclear Maintenance Department personnel when these inspections are performed. He does not have a college degree.

Although Zieber is an exempt employee, he regularly works in the power block portion alongside Unit employees in furtherance of plant maintenance. Therefore, I shall include Technical Analyst Rick Zieber in the Unit.

Technical Analyst Robert Smith is an exempt employee who works in the IST group. He is the IST Programs Appendix J Coordinator. This program requires the Employer to periodically test leak rates for valves and other components at Millstone. Similar to the other Technical Analysts in the Nuclear Engineering Department, Smith ensures that these leak tests are performed on time and in the proper sequence. In many cases, he works alongside Unit personnel from the Nuclear Operations and Nuclear Maintenance departments when such tests are performed. In addition, Smith tracks leakage rates to ensure that a negative trend does not develop.

Although Smith is an exempt employee, he regularly works within the power block alongside Unit employees in furtherance of plant maintenance. Therefore, I shall include Technical Analyst Robert Smith in the Unit.

f. Technical Specialists

Technical Specialist William Hayes is an exempt employee who works in the Technical Programs Group. He performs the same duties as Technical Analyst Gillard, except that Hayes focuses on “Unit 2” components rather than “Unit 3” components. Inasmuch as I have included Gillard in the Unit, I will similarly include Technical Specialist William Hayes in the Unit based on the same factors discussed above.

Technical Specialists Richard Fuller and Stephen Janes are exempt employee who work in the ISI Programs group. They perform the same duties as Technical Analyst Zieber, except that they focus on inspections within “Unit 2” rather than “Unit 3”. Janes focuses on pipe degradation instead of welding. Inasmuch as I have included Zieber in the Unit, I shall similarly include Technical Specialists Richard Fuller and Stephen Janes based on the same factors discussed above.

Technical Specialist William Weseman, an exempt employee, is a welding specialist who works in the Material Engineering Programs group. Weseman ensures that proper welding procedures are employed. Toward this end, he prepares a

document with proper weld procedures that the Employer's employees or contract welders must follow. Although Weseman may or may not be present when the weld is performed, if present, he has the authority to stop the weld if he has concerns with how it is being performed. In such a scenario, Weseman does not have authority to discipline employees; rather the matter would be independently reviewed by Weseman's supervisor or the contract welder's supervisor, who would jointly resolve any issues raised by Weseman.

Although he is an exempt employee, I shall include Technical Specialist William Weseman in the Unit because he works alongside Unit employees in furtherance of plant maintenance.

Technical Specialist Donald Deane is an exempt employee with an Associates Degree. He works in the Electrical/I&C Systems and Standards Group providing technical guidance to electricians, engineers, and the Senior Design Draftsmen regarding the electrical drawings used at Millstone. For example, when an electrician encounters a problem with isolating a particular load on a breaker panel, Deane will review the electrical drawings and assist the electrician in determining the load configuration. Deane also works with the Senior Design Draftsmen that I have included in the Unit, who are responsible for updating the electrical drawings whenever there is a system change. Although he has an Associate's degree and is an exempt employee, I shall include Technical Specialist Donald Deane in the Unit because he routinely interfaces with Unit employees in furtherance of plant maintenance.

Technical Specialists Michael Cote and Raymond West are exempt employees who work in the Piping and Engineering Mechanical Group. Cote conducts structural evaluations and load bearing analyses. In this regard, HP Techs frequently request Cote's assistance in determining whether they can hang lead shielding on a piping system located within the plant. Upon such a request, Cote conducts a plant walk-down alongside HP Techs to analyze the system's design specifications, to determine whether the shielding would overload the piping structure, and to determine alternative locations for hanging the lead shielding.

Although an exempt employee, I shall include Technical Specialist Michael Cote in the Unit because he regularly interfaces with, and works alongside, Unit employees in furtherance of plant maintenance.

Unlike Cote, there is no evidence that West interfaces with any Unit employees or that he performs any physical tasks connected to the production or maintenance process. Rather, West serves on the ASME Code Committee, which is an industry group external to the Employer's Millstone operations. West uses code changes that are generated by the committee to update programs being conducted at Millstone. When he is not at committee meetings, he spends about 70% of his time at his desk in an office environment, where he primarily interfaces with department engineers.

Based upon his separate work location and administrative duties, his lack of work-related contact with Unit employees, and his exempt status, I shall exclude Technical Specialist West from the Unit.

Technical Specialists Steven Tomichek and Ulrich Witte work in the Configuration Management & Engineering Standards Group. Tomichek is primarily responsible for maintaining the Design Control Manual, which describes the procedures to be used at Millstone for design changes and document modifications. Similar to the work performed by the AETs who I have excluded, Tomichek administratively ensures that Manual revisions have been properly formatted, approved and distributed to the appropriate departments. Tomichek is not responsible for physically placing the revisions in the Manual but only for ensuring that it is carried out. Tomichek also sends forms to the supervisors of any group that may require additional training by department engineers as a result of the revisions. An exempt employee, Tomichek's work is reviewed by an engineer and there is no evidence that he has any work-related contact with Unit employees.

Based upon his separate work location and administrative duties, his lack of work-related contact with Unit employees, and his exempt status, I shall exclude Technical Specialist Steven Tomichek from the Unit.

Witte has been on a rotational assignment to the Training Department for two years, which will last for another six to nine months. There is no evidence that in his present assignment to the Training Department he has any work-related contact with

Unit employees or any involvement in the production or maintenance process. When he returns to the Nuclear Engineering Department, his duties will be limited to administering the NRC Commitment database, a function presently handled by the two AETs and engineer Leon, as discussed above. Inasmuch as his present job assignment is temporary, I shall exclude Technical Specialist Witte for the same reasons that I excluded AETs Austin and Warmath.

3. Nuclear Fuels Engineering Department

The Nuclear Fuels Engineering Department is responsible for ensuring the safety of Millstone's nuclear fuel supply throughout its life cycle. Toward this end, the department is responsible for the purchase of nuclear fuel, the safety analysis and core physics of the next-scheduled refueling process, potential off-site doses associated with postulated accident scenarios, and analysis of Millstone's ability to respond to equipment breakage. There are six groups within this department under the overall direction of Manager of Nuclear Fuels John R. Guerci. The following three groups, which are located in the Engineering Building and are separately supervised, contain employees in dispute: Reactor Engineering; Nuclear Fuel Supply; and Radiological Engineering. The parties have agreed to exclude from the Unit eight engineers in these three groups. The Employer would include an additional eight employees in the following job six classifications: Health Physicist III; Nuclear Fuel Specialist II; Senior Engineering Technician; Technical Analyst; Technical Specialist; and Administrative Assistant II.[37]

a. Health Physicists III

The Health Physicists III are exempt employees who work in the Radiological Engineering Group. That group is generally responsible for ensuring that radiation doses remain below federally mandated limits in the event of an accident at "Unit 2" or "Unit 3". The Health Physicists III ensure that the Employer complies with the "Radiological Environmental Monitoring/Off-site Discharge Control Manual" (RED/ODCM), a site-specific document developed to describe the various

[37] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistant II Dawn Coughlin, who does not work within any of the three groups, but reports directly to Manager Guerci.

administrative controls on effluent pathways from the two active Millstone reactors. Toward this end, the Health Physicists III provide an independent assessment on the Employer's compliance with the radiological protection programs specified in the RED/ODCM; provide a technical evaluation of the Employer's related programs; and offer solutions and recommendations for such compliance. They spend in excess of 75% of their time in an office setting. Although they "may" have contact with Unit employees, such as Chemical Technicians or Radiological Protection personnel, the record does not disclose the frequency or nature of such contacts.

The Employer prefers that employees in this position possess a college degree. Two of these employees, Claude Flory and Leonard Landry, have degrees in Nuclear Engineering. The third, James Wheeler, is non-degreed but formerly worked as a Health Physicist supervisor at Millstone. According to the Employer's witnesses, Wheeler's former supervisory background and experience enable him to function at the same level as his two degreed colleagues. Their salary range extends to $105, 400, more than 25% higher than the top scale for any Unit employee.

I shall exclude Health Physicists III Claude Flory, Leonard Landry, and James Wheeler from the Unit as professional employees, because they perform work of a predominantly intellectual and varied character, involving the consistent exercise of discretion and judgment, and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning.

Even if they are not professional employees, I would exclude them from the Unit based upon their separate supervision and work location, their exempt status, their lack of involvement in the daily production or maintenance process, and their limited contact with, and different educational and salary levels from, Unit employees.

b. Nuclear Fuel Specialists II

Nuclear Fuel Specialist II Kathleen Cook is an exempt employee who works in the Reactor Engineering Group, which is responsible for determining whether the reactors are operating as predicted, and for accounting for all "Special Nuclear Materials". She is primarily responsible for conducting computerized surveillance of the reactor core. In this capacity, she monitors the performance of the two reactors,

records this information into a computer, and then compares that data with analytical models of how the core is intended to perform. She is also responsible for coordinating the movement of incoming nuclear fuel prior to each refueling Outage. In this regard, Cook oversees the process whereby Mechanics use cranes to unload the multiple truckloads of incoming nuclear fuel and the placement of this fuel in a new fuel storage vault. During the unloading process, which lasts between four and five weeks, Cook inspects each fuel assembly cask to ensure that the fuel meets specifications. While this evidence suggests that Cook has meaningful contact with Unit employees, the frequency of such contact is limited to the 18-month refueling cycles, or a total of about 8 to 10 weeks over a two year period. Cook holds two college degrees, including one in Industrial Safety, and spends the majority of her time in the Nuclear Fuel Engineering office located in the Engineering Building.

Based upon her separate supervision, duties, work location, and educational level, her exempt status, and her sporadic work-related contact with Unit employees, shall exclude Nuclear Fuel Specialist II Kathleen Cook from the Unit.

Nuclear Fuel Specialist II Mark Nocera is an exempt employee who works in the Nuclear Fuel Supply Group, which is responsible for ensuring that the fuel supply that the reactors will use for an upcoming fuel cycle is procured and manufactured into the appropriate type of fuel assemblies. Nocera works with fuel vendors and the Employer's engineering staff to ensure that the fuel assemblies meet design specifications and regulatory requirements. He visits vendor locations and provides guidance to them regarding the fabrication of fuel assemblies and other components. He also schedules deliveries, evaluates vendor qualifications, and ensures that all documents related to fuel purchases are timely completed. There is no evidence that he has any work-related contact with Unit employees, except during refueling Outages, when he has some limited contact with COs in the coordination of new fuel movement.

Based upon his separate supervision, duties, work location (including off-site work), and educational level, his exempt status, and his sporadic and limited work-related contact with Unit employees, I shall exclude Nuclear Fuel Specialist II Mark Nocera from the Unit.

c. Senior Engineering Technician Sheila Stark

Senior Engineering Technician Sheila Stark is a non-exempt employee who works in the Reactor Engineering Group. She performs similar duties to, and assists, Nuclear Fuel Specialist II Kathleen Cook in performing surveillance on the reactor core and activities associated with receipt of new fuel deliveries. Although she spends the majority of her time in her department's office environment, she gathers necessary information on a daily basis from the two Control Rooms and the NPDA Department, and performs other unspecified "administrative" duties. During refueling Outages, Stark performs duties similar to Cook and Nocera, described above.

Although she is a non-exempt employee, I shall exclude Senior Engineering Technician Sheila Stark from the Unit based upon her separate supervision, duties, and work location, and her sporadic and limited work-related contact with Unit employees.

d. Technical Analyst Carol Mandingo

Technical Analyst Carol Mandingo is an exempt employee who works in the Nuclear Fuel Supply Group. Mandingo performs the equivalent of a bookkeeping function within the group by ensuring that the documentation accompanying new fuel deliveries meets federal regulatory requirements. She also provides technical support to department engineers regarding the Employer's need to update and modify various procedures related to its "Special Nuclear Materials" program. There is no evidence that she has any work-related contact with Unit employees.

Based upon Mandingo's separate supervision, duties, and work location, her exempt status, and the absence of any work-related contact with Unit employees, I shall exclude Technical Analyst Carol Mandingo from the Unit.

e. Technical Specialist John Gibson

Technical Specialist John Gibson is an exempt employee who recently transferred from the Reactor Engineering Group to the Nuclear Site Engineering Department, but has retained the same duties. Gibson is primarily responsible for assessing the thermal performance of Millstone's various plant components for both operating units. This includes such components as turbines, feed water heater drain systems, condensate systems, the main steam systems, the maintenance separator reheat systems, turbine generators and condensers. Gibson spends the majority of his

time in an office environment where he uses engineering computer models to evaluate these plant components and overall system efficiency. To further evaluate component and system efficiency, he periodically visits the particular components and systems. Based on his analysis, similar to other engineers at Millstone, Gibson determines whether maintenance on any of the above components is warranted, and if so, can directly initiate and recommend such maintenance. While he is in the plant, Gibson "may: interact with COs and PEOs to understand component efficiency; with Mechanics and Electricians to discuss equipment failures or efficiency losses; and with I&C personnel to evaluate issues related to various components.

I am unable to determine from the record evidence whether Gibson has sufficient work-related contacts with Unit employees to warrant his inclusion in the Unit, or whether he is a professional employee that would warrant his exclusion from the Unit. Accordingly, I shall permit Technical Specialist John Gibson to vote subject to challenge.

4. Nuclear Site Engineering Department

The Nuclear Site Engineering Department performs four main functions: 1) systems engineering, which involves the monitoring of systems associated with power generation; 2) overall responsibility for predictive and preventive maintenance at Millstone; 3) supporting the Maintenance Department in correcting component deficiencies; and 4) providing design support to the day-to-day maintenance activities of the "Rapid Response Team". There are ten groups within this department under the overall direction of Manager Nuclear Site Engineering Jeff Langan. The following groups, each with separate supervision, contain employees in dispute: 1) Nuclear Steam Supply System Support (NSSS); 2) Electrical System Engineering Support (ESE); 3) I&C Engineering Support ; 4) Water Systems Team (WST); 5) Auxiliary; 6) Predictive and Preventative Maintenance Programs (PPMP); 7) Component Engineering; 8) Mechanical System Rapid Response (MSRR); and 9) Electrical/I&C Systems Rapid Response (EICSRR). The parties have agreed to exclude the 47 engineers in these 9 groups. The Employer would include 41 employees from these groups in the following 8 job classifications: Designer "A"; Engineering Technician;

Equipment Analysis Coordinator; Senior Engineering Designer; Senior Engineering Technician; Technical Analyst; Technical Specialist; and Administrative Assistant II.[38]

In reaching my unit placement determinations for the Nuclear Site Engineering Department, I note particularly that the PPMP and Component Engineering groups are primarily concerned with component and systems maintenance, whereas the remaining groups in this department are primarily concerned with overall systems performance from an engineering perspective. The PPMP group is generally responsible for program development, implementation, and execution of all predictive and preventative maintenance at Millstone. The Component Engineering group is responsible for specialized maintenance on particular components, such as pumps, motors, breakers, and valves.

a. Engineering Technician and Senior Engineering Technicians

Engineering Technician Michael Day and Senior Engineering Technicians John Crepeau, Ronald Gosse, and Robert Wolinski are non-exempt employees who work in the PPMP group. They each spend about 50% of their time inside the power block where they obtain and analyze vibration data on valves and rotating equipment. They also mount transducers on valves in order to monitor valve flow. In conducting their tests, they are often assisted by Unit employees, such as PEOs and mechanics, who manipulate components in order to facilitate the tests. They also regularly attend T-12 maintenance meetings and perform additional maintenance tests during outages.

Senior Engineering Technician Martin Vezina works in the Component Engineering group and is an expert on pumps and seals. Vezina, who previously spent about 20 years in Millstone's Nuclear Maintenance and Outage and Planning departments, spends about 50% of his time in the power block where he provides support to Unit employees, such as Electricians and Mechanics, on a broad range of pump and seal issues, particularly on the larger, more complex pumps.

Based upon their significant degree of work-related contact with Unit employees, their regular performance of maintenance tasks, and their non-exempt status, I shall

[38] Based upon my decision to exclude all Administrative Assistants from the Unit, I shall exclude Administrative Assistants II Teri Hood and Brendalee Morey, who do not work within these nine groups but report directly to Manager Langan.

include Engineering Technician Michael Day and Senior Engineering Technicians John Crepeau, Ronald Gosse, Robert Wolinski, and Martin Vezina in the Unit.

b. Equipment Analysis Coordinators

Similar to the Engineering Technicians described above, Equipment Analysis Coordinators (EAC) Patrick Finck, Alan Nicotera, and Robert Spiess each work in the PPMP group and spend about 50% of their time in the power block performing tests that monitor the performance of certain components, such as rotating equipment. For example, they take vibration data tests on the turbine to determine whether vibration levels are acceptable. If unacceptable, EACs may add weights to the component in order to eliminate the vibration. EACs also routinely monitor pump vibration to diagnose component degradation. If they notice an irregularity, they notify a systems engineer or a component engineer, who jointly determine whether a system can continue to operate in that condition. Unit employees, such as PEOs and Mechanics, often assist EACs in performing the above tasks. They are exempt employees.

EAC Kevin Cortis is an exempt employee who works in the Component Engineering group, but similar to the above EACs, spends about 50% of his time in the power block performing tests with assistance from Unit employees, such as Mechanics and I&C Technicians. Cortis is his group's specialist on air-operated valves, and sets up diagnostic equipment within the plant to test whether the actuators on plant valves have sufficient thrust or force. If he determines that a valve is working improperly, Cortis generally works alongside a Mechanic or an I&C Technician in order to diagnose, calibrate, and fix the problem.

Although the EACs are exempt employees, their work is functionally integrated with plant maintenance, and they have extensive work-related contact with Unit employees. Accordingly, I shall include Equipment Analysis Coordinators Patrick Finck, Alan Nicotera, Robert Spiess, and Kevin Cortis in the Unit .

c. Senior Engineering Designer Chris Fortune

Senior Engineering Designer Chris Fortune is a non-exempt employee who works in the Component Engineering Group. He spends about 50% of his time in the power block where he routinely monitors the oil reservoir in a number of safety related pumps, and calibrates pump set points. In performing his tasks, Fortune works

extensively with Jose Delacruz, a Technical Specialist in the Component Engineering Group who I have included in the Unit, as discussed below.

Based upon his significant degree of work-related contact with Unit employees, his regular performance of maintenance tasks, and his non-exempt status, I shall include Senior Engineering Designer Chris Fortune in the Unit.

d. Technical Specialists

Technical Specialist Norma Bihl is an exempt employee who works in the PPMP group. She is responsible for the development and administration of the Oil Sampling Program for all pumps and motors. She identifies what components to sample, the frequency of sampling and the manner in which a sample is drawn. Pursuant to procedures developed by Bihl, these samples are usually taken by Unit employees such as Mechanics, Electricians or Engineering Technicians, but can be taken by her. She reviews sample results for abnormalities that may indicate component degradation. However, the record does not reflect the nature or extent of these work-related contacts with Unit employees. Accordingly, I shall permit Technical Specialist Norma Bihl to vote subject to challenge.

Technical Specialists Jose Delacruz, Paul Privizzini, Jr., and Ignacio Scaggs are exempt employees who work in the Component Engineering group. They are each responsible for administering a specific component maintenance program. Delacruz is responsible for certain pumps; Privizzini, Jr. handles generic electrical breaker issues; and Scaggs is responsible for various issues related to motors. Each is involved with evaluating issues related to testing that are raised by Mechanics and Electricians. In the course of their duties, each routinely interfaces with Unit employees. Delacruz is a former Mechanic, Privizzini, Jr. is a former Electrician, and Ignacio Scaggs is a former Electrician and Planner.

Although these Technical Specialists are exempt employees, their work is functionally integrated with plant maintenance, and they have extensive work-related contact with Unit employees. Accordingly, I shall include Technical Specialists Jose Delacruz, Paul Privizzini, Jr., and Ignacio Scaggs in the Unit.

e. Technical Analysts

Technical Analysts Kevin Babcock and Edward Kernozek are exempt employees who work in the PPMP group. They are involved in administering Millstone's preventive maintenance program. Whenever the Nuclear Maintenance Department cannot perform scheduled maintenance on a given component for any reason, they contact Babcock or Kernozek to request deferral of the tasks. Babcock and Kernozek then notify a systems engineer who evaluates whether deferral of the maintenance task will impact the safety and/or continued viability of the component or system. Following this evaluation, Babcock and Kernozek make whatever adjustments are necessary to the preventive maintenance schedule and then track the number of maintenance tasks that are not being performed as originally scheduled. There is no evidence that they have any regular or significant work-related contact with Unit employees.

Based upon their administrative support duties, separate supervision, exempt status, and lack of any work-related contact with Unit employees, I shall exclude Technical Analysts Kevin Babcock and Edward Kernozek from the Unit.

Technical Analyst Donna Guarneri is an exempt employee who works in the MSRR group. She spends all of her time as the Department's Corrective Action Coordinator, performing administrative tasks by entering Corrective Action reports into a database and then delivering the report to the appropriate individual within the department, usually a systems engineer. She also "closes out" completed CRs and submits her final reports to Manager Langan for his review. There is no evidence that she has any work-related contact with Unit employees.

Based upon her administrative support duties, separate supervision, her exempt status, and her lack of work-related contact with Unit employees, I shall exclude Technical Analyst Donna Guarneri from the Unit.

f. Designer "A" Craig Janus

Designer "A" Craig Janus is a non-exempt employee who works in the MSRR group. This group provides engineering support to the T-12 process by responding to all engineering questions related to the Rapid Response Team, and supports small-scale design changes requested by systems engineers to enhance system performance and reliability. Janus works exclusively with systems engineers and certain Technical

Analysts and Technical Specialists in the Nuclear Site Engineering Department who function as systems engineer, and who I have excluded from the Unit as described below. His job is to translate design specifications into working drawings. More specifically, systems engineers periodically perform plant "walk downs" to assess whether to implement small-scale design changes to enhance system performance and reliability. The engineers then lay out in general terms a design that Janus will convert into a detailed engineering drawing, which may thereafter be relied upon either by craft employees or Nuclear Maintenance Department employees. The record does not reflect the nature of his work related contacts with Technical Analysts and Technical Specialists.

Although he is a non-exempt employee, there is no evidence that Janus has any regular or significant work-related contacts with Unit employees, and his duties are essentially an engineering support function. Accordingly, I shall exclude Designer "A" Craig Janus from the Unit.

g. Senior Engineering Designers, Technical Analysts and Technical Specialists

There are a total of 23 employees, 4 Senior Engineering Designers, 9 Technical Analysts and 10 Technical Specialists within the Nuclear Site Engineering Department who perform the same duties and have the same responsibilities as the Department's 47 systems engineers. The parties have agreed to exclude this latter group of employees from the Unit. However, the above employees do not have a "System Engineer" title because they lack a completed engineering degree. As noted above, there are 47 systems engineers within the Nuclear Site Engineering Department who from the Unit. Briefly summarized, systems engineers have overall responsibility for the performance of the systems to which they are assigned. Toward that end, they perform monthly walk-downs of their respective systems and monitor instruments, gather data, and trend that data. Based upon the evaluation of that data, systems engineers may design and implement new schemes and develop related testing to ensure the system's continued reliability.

I shall exclude these employees from the Unit because they perform the same duties as systems engineers, who the parties have agreed to exclude from the Unit.

Western Electric Co. supra, 126 NLRB at 1349. Accordingly, the following employees are excluded from the Unit: Senior Engineering Designers Charles Caron, Ralph Loeser, Jeffrey Yeaton, and Michael Relyea (all in the EICSRR group); Technical Analysts John Cunningham (ESE), Daniel Lowell and Douglas Vining (I&C), Frank Mueller (WST), David Ducat, Bruce McGuiness, Timothy Raetz, and Senter Reinhardt (MSRR), and Jeffery Scheeler (EICSRR); and Technical Specialists John Bemis (NSSS), John DiBartolomeo and Don Asay (I&C), Alan Smith (Auxiliary), William Price and Thomas Quinley (MSRR), Salvatore Caligiuri, Michael Champagne, Louis Chiarizia, and Thomas Fecteau (EICSRR).

Accordingly, based upon the above and the record as a whole, I find that the following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

> All full-time and regular part-time production and maintenance employees employed by the Employer at its Millstone Nuclear Power Station located on Rope Ferry Road in Waterford, Connecticut; but excluding office clerical employees, and guards, professional employees and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted among the employees in the unit found appropriate herein at the time and place set forth in the notices of election to be issued subsequently.

Eligible to vote: those employees in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were in the military services of the United States, ill, on vacation, or temporarily laid off; and employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period, and their replacements.

Ineligible to vote: employees who have quit or been discharged for cause since the designated payroll period; employees engaged in a strike who have been discharged for cause since the strike's commencement and who have not been rehired

or reinstated before the election date: and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.

The eligible employees shall vote whether or not they desire to be represented for collective bargaining purposes by International Brotherhood of Electrical Workers, Local 457, AFL-CIO.

To ensure that all eligible employees have the opportunity to be informed of the issues in the exercise of their statutory rights to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision and Direction of Election, the Employer shall file with the undersigned, an eligibility list containing the *full* names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The undersigned shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional office, 280 Trumbull Street, 280 Trumbull Street, 21st Floor, Hartford, Connecticut 06103, on or before September 18, 2002. No extension of time to file these lists shall be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by September 25, 2002.

Dated at Hartford, Connecticut, this 11th day of September, 2002.

/s/ Peter B. Hoffman

Peter B. Hoffman, Regional Director
National Labor Relations Board
Region 34
Hartford, Connecticut

401-7500, 7550
420-2901, 4601, 5000
440-1760-1580

Attachments

Appendix A

Stipulated Inclusions

Control Operator

Hazardous Waste Specialist

Health Physics Technician

Health Physics Technician I

Instrument Technician II

Instrument Technician III

Lead Stockhandler

Nuclear Chemistry Technician

Nuclear Electrician II

Nuclear Electrician III

Nuclear Instrument Technician

Nuclear Instrument Technician T1

Nuclear Mechanic II

Nuclear Mechanic III

Nuclear Plant Equipment Operator

Planner

Radioactive Material Technician I

Radioactive Material Technician II

Senior Planner

Stockhandler

Additional Inclusions

Process Assistants IV in the Nuclear Operations Department

Technical Analysts in the Nuclear Operations Department

Engineering Technician in the Nuclear Operations Department

Senior Engineering Technicians in the Nuclear Operations Department

Process Assistants III in the Nuclear Operations Department

Technical Specialists in the Nuclear Operations Department

Outage Planners

Senior Engineering Technicians in the Nuclear Maintenance Department

Technical Analyst Edward Gilbert in the Nuclear Maintenance Department

Technical Specialist Dannie Russell in the Nuclear Maintenance Department

Schedulers in the Nuclear Outage & Planning Department

Senior Schedulers in the Nuclear Outage & Planning Department

Scheduler in the Nuclear Site Services Department

Senior Scheduler in the Nuclear Site Services Department

Materials Verification Specialists in the Supply Chain Department

Process Assistant IV in the Supply Chain Department

Chemists II in the Radiological & Chemistry Department

Chemists III in the Radiological & Chemistry Department

Coordinators-HP

Senior Engineering Technicians Anita Brooks and Jean Carpentier in the Radiological & Chemistry Department

Procedure Writers

Coordinators-Nuclear Procedures

Process Assistants III Deborah Carling, Barbara Phillips, and Maria Maryeski in the Nuclear Procedures and Document Administration Department

Process Assistant IV Barbara Oliver in the Nuclear Procedures and Document Administration Department

Technical Analyst Jean Olsen in the Nuclear Procedures and Document Administration Department

Nuclear Fire Brigade Coordinators Bryan McHugh, Kurt Besier, Patrick Rowe, Ronald Senn, and John Way

Safety Specialists

Senior Safety Specialists

Network Systems Specialist III

Network Systems Specialists IV

Voice Communications Analyst I

Voice Communications Analysts II

IT Process Computer System Specialists Level 3

IT Process Computer System Specialist Level 4

Senior Design Draftsman John Daniels, J. Scott Julius, and James Ventura in the Nuclear Engineering Department

Engineering Designer Thomas Faraci in the Nuclear Engineering Department

Designers “A” Lotus Schwartz and Diane White in the Nuclear Engineering Department

Designer “C” Steven Lohmann in the Nuclear Engineering Department

Senior Engineering Technicians Eric Bookmiller and Warren Bellows in the Nuclear Engineering Department

Technical Analyst Breck Kearns, Thomas Soboleski; Bruce Gillard, Rick Zieber, and Robert Smith in the Nuclear Engineering Department

Technical Specialist William Hayes, Richard Fuller, Stephen Janes, William Weseman, Donald Deane, and Michael Cote in the Nuclear Engineering Department

Engineering Technician in the Nuclear Site Services Department

Senior Engineering Technicians in the Nuclear Site Services Department

Equipment Analysis Coordinators (EAC)

Senior Engineering Designer Chris Fortune in the Nuclear Site Services Department

Technical Specialists Jose Delacruz, Paul Privizzini, Jr., and Ignacio Scaggs in the Nuclear Site Services Department

Appendix B

Stipulated Exclusions

Accounting Specialist
Assistant Engineer
Assistant Nuclear Shift Supervisor
Associate Engineer
Auditor
Community Affairs Administrator
Community Affairs Coordinator
Director of Nuclear Engineering
Director of Nuclear Station O&M
Director of Nuclear Station S&L
Director of State and Local Affairs
Employee Communications Specialist
Employee Concerns Representative
Engineer II
Engineer III
Executive Assistant
External Affairs Manager
Financial Analyst
HR Generalist
HR Representative
Interim-E
Lead Business Systems Analyst
Manager Accounting Services
Manager Chemistry
Manager Community Relations
Manager Design Engineering
Manager Document Administration
Manager Emergency Planning
Manager Employee Communications
Manager Employee Concerns
Manager Financial and Business Services
Manager IT Business Account
Manager IT Process
Manager Media Relations
Manager Nuclear Engineering
Manager Nuclear Fuel Engineering
Manager Nuclear Maintenance
Manager Nuclear Operations
Manager Nuclear ORG Effectiveness
Manager Nuclear Outage and Planning
MDE Inspector
Nuclear Maintenance Supervisor
Nuclear Quality Specialist II
Nuclear Quality Specialist III
Principle Engineer
Project Manager
Senior Auditor
Senior Counsel
Senior Employee Concerns Representative
Senior Financial Analyst
Senior HR Generalist
Senior NDE Inspector
Senior Quality Inspector
Shift Manager
Shift Supervisor HP
Site Vice President
Supervisor Corrective Action
Supervisor Decontamination
Supervisor Emergency Preparedness
Supervisor Environmental
Supervisor Exposure Control
Supervisor FFD and Access Programs
Supervisor Field Operations and Maintenance
Supervisor General Services
Supervisor Nuclear Chemistry
Supervisor Nuclear Construction
Supervisor Nuclear Construction Engineering
Supervisor Nuclear Engineering
Supervisor Nuclear Facilities and Support
Supervisor Nuclear Fire Operations
Supervisor Nuclear Fuel Handling
Supervisor Nuclear Maintenance
Supervisor Nuclear Operations Support
Supervisor Nuclear Oversight
Supervisor Nuclear Project Controls
Supervisor Nuclear Shift Operations
Supervisor Nuclear Site Safety
Supervisor Nuclear Station Procedures
Supervisor Nuclear Training

Manager Nuclear Oversight
Manager Nuclear Protection Services
Manager Nuclear Site Services
Manager Nuclear Training
Manager Operations Support
Manager Professional Development
Manager Regulatory Affairs
Manager Supply Chain Services
Manager Technical Training
Supervisor Outages
Supervisor RAD Protection Technical
Supervisor Records Management
Supervisor Regulatory Compliance
Supervisor Security Operations
Supervisor Supply Chain Management
Supervisor Warehouse
Unit Supervisor
VP & Sr. Nuclear Executive Millstone.

Additional Exclusions

Administrative Assistants II

Administrative Assistants III

Process Assistants IV in the Nuclear Maintenance Department

Process Assistant III in the Nuclear Maintenance Department

Technical Analysts John Flanagan and Richard Tomer in the Nuclear Maintenance Department

Technical Specialists Robert Hoffmann and Jeffrey Coon in the Nuclear Maintenance Department

Process Assistant IV Patricia Erb in the Nuclear Outage & Planning Department

Nuclear Facilities Coordinators in the Nuclear Outage & Planning Department

Nuclear Specialist

Senior Nuclear Construction Specialists - Nuclear Site Services Department

Supervisors of Labor in the Nuclear Site Services Department

Technical Analyst Jackie Williams in the Nuclear Site Services Department

Senior Engineering Technicians - Supply Chain Management Department

Engineering Technician - Supply Chain Management Department

Sourcing Agents

Senior Sourcing Agents

Supply Chain Management Advisor

Supply Chain Management Coordinator

Supply Chain Specialist

Technical Analyst in the Supply Chain Management Department

Process Assistant IV in the Radiological & Chemistry Department

Senior Engineering Technicians Dave Cuccaro, Darlene Gallant, and Michael Wood in the Radiological & Chemistry Department

Health Physicists II

Health Physicists III

Process Assistants III Morris Fraenglass, Sarah Ilson, Pamela Fuller and Sara Jones in the Nuclear Procedures & Document Administration Department

Process Assistants IV Columbus Hardy, David Tenerowicz, Maria DeConti, Kim Anderson, Lee Cutler, Donna Grott, Lisa Korth, Maura Joyce-Rosa, Ricky Lundin, Diane O'Neill, and Kathy Lewis in the Nuclear Procedures & Document Administration Department

Records & Information Analysts

Technical Specialist James Pierce in the Nuclear Procedures & Document Administration Department

Consultants-INPO

Engineering Technician in the Licensing Department

Process Assistant II in the Licensing Department

Process Assistant III in the Licensing Department

Senior Engineering Technicians in the Licensing Department

Technical Specialist in the Licensing Department

Senior Emergency Preparedness Specialists

Senior Process Improvement Specialist

Organizational Development Consultants

Senior Organizational Development Consultants

Nuclear Specialist

Technical Specialist in the Organization Effectiveness Department

Process Assistant III in the Organization Effectiveness Department

Technical Analysts in the Organization Effectiveness Department

Process Assistants III in the Nuclear Protection Services Department

Process Assistants IV in the Nuclear Protection Services Department

Nuclear Fire Brigade Coordinators Dennis Atwood, Lou Vara, and Charles Karpinski III

Security Analyst

Senior Engineering Technician Kurt Collins in the Nuclear Protection Services Department

Supervisor of Nuclear Security Operations

Biologists II

Biologists III

Chemist III Jean Robertson in the Environmental Services Department

Engineer II Kimberly Doroski in the Environmental Services Department

Environmental Specialist III

Environmental Consultant

Technical Analyst Patric Anhalt in the Environmental Services Department

Administrative Computer Specialist

Process Assistant IV in the Information Technology Department

Senior Software Systems Engineers Dean Vournazos and Art Wickson

Software Systems Engineering Specialists Shih-Kao Chang, Gary Huang, Ming- Huei Lee, Cha-Hsiang Tan, and Tom Reimer

IT Simulator Computer Specialists IV Level 4

Systems Analyst Specialists

Senior Systems Analyst

Programmer Analyst

Senior Programmer Analysts Wei-Chu Li, Sheng-Po Chen, Maryann Bourassa, Ross Johnson, Debra Osso and Leesa Lewon

Business Systems Analyst Paul Seaton

Lead Business Systems Analysts

Senior Business Systems Analysts

Business Systems Specialists

Network Planning Specialist

Senior Systems Architects

Senior Network Analysts

Senior Database Analyst

Enterprise Administrators

LAN Administrator

Senior LAN Administrator

Senior Engineering Technicians in the Nuclear Design Engineering Department

Senior Schedulers in the Nuclear Design Engineering Department

Technical Analysts in the Nuclear Design Engineering Department

Technical Specialist in the Nuclear Design Engineering Department

Senior Designer in the Nuclear Design Engineering Department

Senior Engineer Designer in the Nuclear Design Engineering Department

Engineering Designer in the Nuclear Design Engineering Department

Designer “A” in the Nuclear Design Engineering Department

Project Leaders

Senior Design Draftsman Randall Kronick in the Nuclear Design Engineering Department

Senior Nuclear Construction Specialists

Rotational Assignment - Stephen Baker and Larry Olson

Associate Engineering Technologists

Process Assistant IV in the Nuclear Design Engineering Department

Technical Specialist Raymond West, Steven Tomichek, and Ulrich Witte in the Nuclear Design Engineering Department

Nuclear Fuel Specialists II

Senior Engineering Technician in the Nuclear Fuels Engineering Department

Technical Analyst in the Nuclear Fuels Engineering Department

Designer “A” Craig Janus in the Nuclear Site Engineering Department

Technical Analysts in the Nuclear Site Engineering Department

Senior Engineering Designers Charles Caron, Ralph Loeser, Jeffrey Yeaton, and Michael Relyea - EICSRR group in the Nuclear Site Engineering Department

Technical Analysts John Cunningham (ESE), Daniel Lowell and Douglas Vining (I&C), Frank Mueller (WST), David Ducat, Bruce McGuiness, Timothy Raetz, and Senter Reinhardt (MSRR), and Jeffery Scheeler (EICSRR) in the Nuclear Site Engineering Department

Technical Specialists John Bemis (NSSS), John DiBartolomeo and Don Asay (I&C), Alan Smith (Auxiliary), William Price and Thomas Quinley (MSRR), Salvatore Caligiuri, Michael Champagne, Louis Chiarizia, and Thomas Fecteau (EICSRR) in the Nuclear Site Engineering Department

Associate Technical Instructor

Instructor-Technical Training or Nuclear Training

Nuclear Specialist (Accreditation/Self-Assessment)

Process Assistants III in the Nuclear Training Department

Process Assistants IV in the Nuclear Training Department

Senior Graphics Designer

Senior Instructor (Nuclear Ops)

Senior Instructor (Nuclear)

Senior Instructor (Program Change Coordinator)

Senior Instructor-Technical Training or Nuclear Training

Training Administrator

Appendix C

Employees who may vote subject to challenge

Technical Analyst Dennis Williams - Nuclear Maintenance Department

Associate Materials Specialists

Materials Specialists

Senior Materials Specialists

Technical Specialists Brad Dawson and Bob Levasseur in the Supply Chain Management Department

Senior Engineering Technician Bill Robinson

Senior Engineering Technician Donna Swift

Technical Analyst Barbara Smith

Technical Specialist Victor Fetter

BSA Cannella in the Information Technology Department

Senior Software Systems Engineer Maureen Butler

Software Systems Engineering Specialists Tom Bowlen, Bill Landon, and Mike Watson

Senior Software Systems Engineer Leslie Banks

Senior Software Systems Engineer Lisa Marcaurele

Software Systems Engineering Specialist Jim Themig

Senior Programmer Analyst Gerald Cox

Technical Specialist John Gibson

Technical Specialist Norma Bihl