

ORIGINAL
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Title: **CONFERENCE CALL ON 2.206**
PETITION ON INDIAN POINT
UNIT 2 NUCLEAR POWER PLANT

Case No.:

Work Order No.: **ASB-300-1197**

LOCATION: **Unknown**

DATE: **Thursday, March 16, 2000**

PAGES: **1 - 16**

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

CONFERENCE CALL ON 2.206 PETITION ON
INDIAN POINT UNIT 2 NUCLEAR POWER PLANT

Thursday, March 16, 2000

The above-entitled matter came on for conference
call, pursuant to notice, at 8:00 a.m.

APPEARANCES:

PETITIONER D.A. LOCHBAUM ET. AL
PETITION MANAGER LEONARD WIENS, DLPM, NRR

ANN RILEY & ASSOCIATES, LTD.
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DFD
pro:
Len
Wiens

P R O C E E D I N G S

[8:00 a.m.]

1

2

3

SPEAKER: This is a petition to [inaudible].

4

Who's on the line now, please?

5

MR. LOCHBAUM: David Lochbaum, the Union of Concerned Scientists, and Jim Riccio of Public Citizen.

7

SPEAKER: Hi, David. How are you doing this morning?

8

9

MR. LOCHBAUM: Pretty good.

10

SPEAKER: Okay.

11

[Inaudible.]

12

13

MS. BLACK: My name is Suzanne Black, and I'm the Deputy Director, Division of Licensing Project Management in NRR, and we're here today to give you an opportunity to explain or provide additional supporting information, if you choose to, to your petition that we received that was dated March 14, I believe.

14

15

16

17

18

SPEAKER: That's correct.

19

20

MS. BLACK: Let me go around the room and introduce who's here.

21

I'm Suzie Black.

22

23

MR. SUBBARATNAM: I am Ram Subbaratnam, again the coordinator for [inaudible] section.

24

25

MR. WIENS: Len Wiens, and I'll be the petition manager for this petition.

1 SPEAKER: [Inaudible] with the Materials Branch.

2 MR. BIRKO: Herb Birko, Project Director in NRR.

3 SPEAKER: [Inaudible] project in NRR.

4 SPEAKER: [Inaudible], Project Director, NRR.

5 MR. GOLDBERG: I'm Jack Goldberg from the Office
6 of General Counsel.

7 MS. BLACK: And I believe we have people from the
8 region on the phone.

9 SPEAKER: Glen Meyer and Bill Rowen. We're branch
10 chiefs in Region I.

11 MR. DORFINE: And Larry Dorfine, Branch Chief in
12 Region I.

13 MS. BLACK: Okay. And is the licensee listening
14 in on the line?

15 MR. ALLEN: Yes. This is Don Allen, Con Edison,
16 Indian Point 2.

17 MS. BLACK: Okay. And Mr. Lochbaum, who do you
18 have on the line?

19 SPEAKER: [Inaudible.]

20 MS. BLACK: Okay.

21 Well, good.

22 I think you've both been involved in these
23 telephone calls before, so --

24 SPEAKER: Before we get started, could I ask one
25 question?

1 MS. BLACK: Sure.

2 SPEAKER: Because this is a meeting or a
3 conference call between NRC headquarters, NRC regional
4 staff, the petitioners, and the licensee --

5 MS. BLACK: Uh-huh.

6 SPEAKER: Is this conforming with the guidance in
7 Management Directive 3.5?

8 MS. BLACK: The 2.206 petition process does not
9 necessarily follow Management Directive 3.5.

10 We attempt to follow 3.5 to the extent that it's
11 feasible, but because of the timeliness considerations in
12 2.206, we specifically stated that we don't need to follow
13 3.5.

14 SPEAKER: I guess I would disagree with that,
15 because 3.5 allows for emerging issues to be handled on an
16 expedited basis, but there's conditions that have to be met
17 in order for that expedited condition or handling to be
18 done.

19 SPEAKER: 3.5 will also provide that it does not
20 supersede other specific processes that govern meetings
21 associated with those other specific processes, and
22 Management Directive 8.11 is another process that describes
23 certain types of meetings that occur, and we will clarify
24 this when we revise Management Directive 8.11.

25 SPEAKER: What timeframe do you have for revising

1 8.11?

2 MS. BLACK: The draft is --

3 SPEAKER: The draft will be due on --

4 MS. BLACK: By the middle of the summer?

5 SPEAKER: Yes.

6 MS. BLACK: June 30th, I believe, is our due date
7 for providing a revision.

8 SPEAKER: [Inaudible.]

9 SPEAKER: For comment.

10 We're going to put that draft revision out in the
11 Federal Register, also.

12 SPEAKER: So, the goal for license renewal
13 application reviews is 24 months, and the goal for
14 Management Directive 8.11 revision is longer than that?

15 Anyway, that was a side issue. Let's get on to
16 the real issue.

17 MS. BLACK: Fine with me.

18 SPEAKER: [Inaudible.]

19 MS. BLACK: Oh -- and if you could each identify
20 yourself when you speak so that the transcript will help us
21 out.

22 I know we've kept forgetting to do that, too, but
23 we'll try to make that happen.

24 SPEAKER: No problem.

25 MS. BLACK: Okay.

1 Which one of you is going to speak?

2 MR. LOCHBAUM: David Lochbaum from the Union of
3 Concerned Scientists.

4 MS. BLACK: Okay.

5 MR. LOCHBAUM: Basically, I think the petition or
6 the requested actions are fairly straightforward. There's
7 only a couple of points we'd like to clarify or add to
8 mature what's in the petition, and also one item we want to
9 stress.

10 The item we want to stress is the unavailability
11 of information through the ADAMS system in the Public
12 Document Room.

13 That's greatly hampering our ability to understand
14 what's going [inaudible] and to -- whether the actions
15 [inaudible] are adequate or not, because the last time I
16 looked, there was absolutely no information in the PDR,
17 including some that I know has been issued but has not yet
18 made its way to the Public Document Room, despite the policy
19 that says you'll get it there within three days of the date
20 of the document.

21 MS. BLACK: Yes, we're aware of that. We've
22 talked to Mr. Cohen, who had the same problems earlier this
23 week, and we're passing that information on to the Office of
24 -- OCIO.

25 MR. LOCHBAUM: Thank you.

1 The items that we'd like to clarify or add is the
2 -- based on the public meeting that was held up in the
3 vicinity of the plant on March 14th, on the evening of the
4 petition, clearly the NRC is not clear in its mind whether
5 there were indications that the tube that failed was
6 actually cracked from the flood or not, or whether there
7 were no indications the last time it was looked at in 1997.

8 MS. BLACK: Could you repeat that? I missed a
9 little bit of that.

10 MR. LOCHBAUM: It wasn't very coherent. I'm sorry
11 about that.

12 MS. BLACK: Yeah, and the other problem is you're
13 a little faint on this end, if you could speak up a little
14 bit.

15 We don't have a phone here that has a volume
16 control on it, or if we do, it's all the way up.

17 MR. LOCHBAUM: This is David Lochbaum.

18 The March 14th public meeting that was held in the
19 vicinity of the plant, Brian Sheron of the NRC staff
20 indicated or stated that the NRC wasn't certain whether
21 there were indications, crack indications for the tube that
22 failed at the last inspection in 1997, or whether that tube
23 was looked at and there were absolutely no indications of
24 cracks.

25 Since we haven't gotten the documentation, we're

1 not able to proceed with what it is or what's not, but it
2 looks like, no matter how that question comes out, there
3 might be an issue involved.

4 If there was crack indications that should have
5 required the tube to be plugged and they weren't plugged,
6 then I question the licensee's decision-making process.

7 If there were no crack indications at all in 1997,
8 then that questions whether the assumption of the duration
9 or interval inspection criteria and stuff like that is not
10 adequate.

11 So, there is a concern there that we have.

12 The second issue we'd like to add or clarify to
13 the information in the petition is, if the requested actions
14 in the petition are not granted and the Indian Point 2 is
15 allowed to restart with its existing steam generators, with
16 roughly 10 percent of the tubes plugged, we have reason to
17 believe that the calculations done for the auxiliary
18 feedwater heat transfer removal, following accidents and
19 transients, improperly account for the -- that amount of
20 tubes that are plugged.

21 We would like to present that information during a
22 public meeting that we asked for and see if the NRC staff
23 agrees or disagrees with that safety issue.

24 Those are the two issues we'd like to add and the
25 one issue we want to stress.

1 Since it seems to be still our turn -- this is
2 David Lochbaum again -- I'd like to return to the issue of
3 Management Directive 8.11 and Management Directive 3.5.

4 If -- when -- I guess when Management Directive
5 8.11 is revised, if it's allowable to completely ignore the
6 guidance in Management Directive 3.5, one thing we would
7 like to see in there is that, if you're going to schedule a
8 meeting with petitioners on the petition, it sure would be
9 nice to talk to the petitioners in advance and make sure
10 that they can -- they're available on the times the petition
11 review board is set up.

12 Only Mr. Riccio and myself were available for this
13 call.

14 Mr. Snowoff and Mr. Marriott, who are also
15 petitioners, had previously-scheduled appointments and were
16 unable to attend the petition review board, and it's just
17 fortune that Mr. Riccio and myself were able to attend this
18 call.

19 MR. GOLDBERG: Well, we have to consider not just
20 this petitioner and not just petitions that are filed by one
21 petitioner as an individual or one organization or several,
22 but we get petitions that are filed by many organizations
23 and many, many individuals, as a practical matter, it's not
24 possible, and time constraints prevent us from trying to
25 coordinate the scheduling of a telephone call with many

1 people, and so, as a general matter, what this process is
2 providing is an opportunity for a representative of the
3 petitioners to make a presentation to the PRB.

4 MR. LOCHBAUM: This is Dave Lochbaum.

5 Who is this that's speaking?

6 MR. GOLDBERG: Jack Goldberg.

7 MR. LOCHBAUM: Thank you.

8 MR. GOLDBERG: And as you know, time is of the
9 essence when we're dealing with requests for action or
10 requests to not allow restart when that restart is in the
11 near future, and so, all those things have to be balanced,
12 and we attempted to that in this case, but we can't
13 necessarily accommodate the schedules of all people who
14 signed petitions or all organizations who are identified as
15 petitioners.

16 MR. LOCHBAUM: Well, this is Dave Lochbaum again.

17 You also get a number of license amendment
18 requests in a year, in fact more than you do 2.206s, and
19 many of those license amendment requests or licensing
20 actions are fairly urgent, and yet, you ^{do} ~~don't~~ go out of your
21 way to coordinate things with the licensee at the licensee's
22 schedule convenience.

23 I just am asking for the same consideration for
24 members of the public.

25 MR. BIRKO: This is Herb Birko.

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1 We had an earlier petition that came in a few
2 weeks ago on Salem, and in that case, none of the principle
3 petitioners were available, and we actually postponed the
4 phone call for about two weeks to accommodate them.

5 That eats into our schedule for getting
6 [inaudible].

7 We're still required to get an acknowledgement
8 letter out and follow the process within the established
9 timeframe.

10 So, in that particular case, since none of them
11 were available, we did accommodate the request, and we held
12 off on holding that meeting for about two weeks.

13 MR. RICCIO: This is Jim Riccio from Public
14 Citizen.

15 Perhaps if you hadn't turned the letter into a
16 2.206 petition, we could have used that time to schedule the
17 meeting on this meeting.

18 I would suggest that NRC figure out whether or not
19 there were tube indications before they allow restart and at
20 least make that information available to the public prior to
21 any decision to allow the plant to restart.

22 MS. BLACK: Jim, this is Suzie Black, and I
23 understand what our review is going to be in headquarters,
24 and we are going to look at that information and hold a
25 public meeting at the site prior to restart on our review of

1 their steam generators.

2 MR. LOCHBAUM: This is Dave Lochbaum again.

3 That's a good thing.

4 Will the information that the NRC obtains and
5 collects during this time be made publicly available before
6 that public meeting?

7 MS. BLACK: I'll look into that issue.

8 I'm not sure, at this time, exactly what kind of
9 submittals the licensee is going to make and what kind of
10 document we're going to use to document our review, but
11 certainly we will attempt to make it available as soon as we
12 can.

13 The licensee is going to give us a report on their
14 -- I think they call it their operational assessment, and I
15 believe that is going to be delivered to the NRC and,
16 therefore, to PDR 10 days prior to any restart meeting or
17 whatever we're going to -- I think we're going to call this
18 the steam generator meeting.

19 MR. LOCHBAUM: Dave Lochbaum again.

20 At the Salem petition review board, there was --
21 the NRC staff stated that NRC inspection report of February
22 28th was in the Public Document Room.

23 MS. BLACK: It wasn't an NRC inspection report.
24 It was a licensee's report of their most recent steam
25 generator inspection.

1 MR. LOCHBAUM: That's correct. I mischaracterized
2 it. You're right.

3 MS. BLACK: Okay.

4 MR. LOCHBAUM: I checked with the Public Document
5 Room yesterday afternoon.

6 It is not in the Public Document Room, or they
7 can't find it, one or the other.

8 In other words, it's not available to the public
9 from the Public Document Room.

10 MS. BLACK: Okay. And that's why we offered to
11 send a copy of it to the petitioner.

12 SPEAKER: And we did.

13 MS. BLACK: And we did? Okay.

14 SPEAKER: That's great, but the point being that
15 your ADAMS system is broken, you're not getting documents
16 that are of public interest.

17 I don't know if they're of high significance or
18 high-interest documents, as the agency is coining them these
19 days, but the point is the ADAMS system isn't working, the
20 document flow to the Public Document Room has been
21 diminished, and basically, it is interfering with the
22 public's opportunity to adequately participate in NRC
23 proceedings.

24 MS. BLACK: What we'll do in this case is, when we
25 receive a copy of this report from Indian Point, we'll make

1 sure that you get a copy of it.

2 SPEAKER: Thank you.

3 SPEAKER: On the Salem report, that was put into
4 ADAMS, now admittedly later than it should been, and it
5 takes three days for it to become public. So, I think, on
6 the 17th, that will be available.

7 MS. BLACK: [Inaudible.]

8 SPEAKER: [Inaudible.]

9 MS. BLACK: Are you talking about the 2/28 --

10 SPEAKER: Salem tube -- or steam generator
11 inspection information.

12 MS. BLACK: Okay.

13 MR. LOCHBAUM: This is Dave Lochbaum.

14 The NRC's guidance on document availability says
15 it will be available in ADAMS three days after the date of
16 the document, three days after --

17 MS. BLACK: It's the date the document's received
18 for external documents.

19 MR. LOCHBAUM: The guidance says three days of the
20 date of the document.

21 MS. BLACK: For internal documents or external?
22 It can't be for external, because sometimes we don't even
23 receive them within three days of the date.

24 MR. LOCHBAUM: That's true. It's three days for
25 internal ones.

1 MS. BLACK: Okay.

2 MR. LOCHBAUM: Sorry.

3 MS. BLACK: Can I ask some questions now about
4 your petition?

5 This is Suzie Black again.

6 MR. LOCHBAUM: This is Dave Lochbaum.

7 Sure.

8 MS. BLACK: Under the first item, I was asked this
9 before.

10 Do you believe that the steam generators must be
11 replaced even if the current steam generators meet all NRC
12 requirements?

13 MR. LOCHBAUM: Based on the information we have --
14 this is Dave Lochbaum.

15 Based on the information we have now, yes, because
16 they met all the requirements in 1997, apparently, and one
17 of the tubes broke and caused an emergency at the plant.

18 MS. BLACK: And the other question I had was on
19 the KI portion of your petition.

20 Were you petitioning that the licensee provide KI
21 or that the communities responsible for emergency planning
22 provide the KI?

23 MR. LOCHBAUM: The request was not that specific.

24 As long as the KI -- this is Dave Lochbaum.

25 As long as the KI is provided, whether it's the

1 licensee, whether it's the communities, whether it's
2 somebody who won the lottery, it doesn't matter to us.

3 MS. BLACK: Okay.

4 Well, I don't think we have any other questions of
5 you at this time.

6 Do you have anything else you want to add?

7 MR. LOCHBAUM: This is Dave Lochbaum.

8 No.

9 MR. RICCIO: Nothing from Jim Riccio.

10 SPEAKER: Thank you.

11 MS. BLACK: Okay.

12 SPEAKER: [Inaudible.] We'll be in touch with you
13 as soon as we've made a decision on this one.

14 SPEAKER: Thank you, sir.

15 MS. BLACK: And we will take into consideration
16 your comments about trying to coordinate better with the
17 petitioners and try to do a better job next time.

18 MR. LOCHBAUM: Thank you.

19 MS. BLACK: Bye.

20 [Break in tape.]

21 SPEAKER: This is the region.

22 So, what's the schedule on the remainder of the
23 morning?

24 [Inaudible conversation.]

25 [Whereupon, the conference call was concluded.]

CERTIFICATE

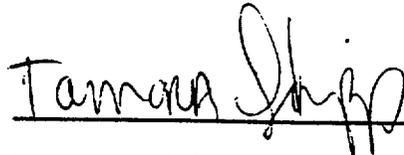
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: CONFERENCE CALL ON
2.206 PETITION ON
INDIAN POINT UNIT 2
NUCLEAR POWER PLANT

Docket Number:

Place of Proceeding: Unknown

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission transcribed by me from recorded tapes provided by the Nuclear Regulatory Commission, and that the transcript is a true and accurate record of the foregoing proceedings to the best of my belief and ability.



Tamara Shipp

Transcriber

Ann Riley & Associates, Ltd.