UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 11, 2000

MEMORANDUM TO: File Center

FROM: George F. Wunder, Project Manager, Section 1
Project Directorate 1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: PETITION UNDER 2.206 - GT20000062 (TAC NO. MA8182)

Attached is the transcript of the petitioner's February 16, 2000, presentation before the petition review board.

Docket No. 50-286

Attachment: As stated

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6 In the Matter of: :

7 TELECONFERENCE ON UCS 2.206 :

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10 U.S. Nuclear Regulatory Commission

11 11557 Rockville Pike

12 Rockville, Maryland

13

14 February, 2000

15

16 The above-entitled matter came on for telephone

17 conference.

18

19 BEFORE:

20 GEORGE WUNDER

21 U.S. Nuclear Regulatory Commission

22

23

24

25



Attachment

1 P R O C E E D I N G S

2 MR. WUNDER: This is George Wunder in Headquarters
3 with a bunch of folks -- Region 1 in King of Prussia is on
4 the line.

5 [Discussion off the record.]

6 MR. WUNDER: Good morning. We have NRC
7 Headquarters and some folks from NRC Region 1, and the
8 Licensee is on the line also, and I guess this is to explain
9 to you, Mr. Lochbaum, this is an opportunity for you to give
10 us any additional detail or basis of substantiation
11 pertaining to your petition that you submitted on Indian
12 Point 2.

13 MR. LOCHBAUM: 3.

14 MR. WUNDER: 3 -- I beg your pardon.

15 MR. LOCHBAUM: 3. I think the letter is pretty
16 self-explanatory. We passed along the Speakeasy -- not
17 Speakeasy, the Speak Out Report that indicated there were
18 problems in the Operational Review Group at Indian Point 3.

19 That group is kind of important in the review of
20 daily or deviation event reports. The NRC's own inspection
21 reports for the last several months have indicated there are
22 problems with corrective actions in the timely
23 identification resolution of DERs.

24 We felt that that evidence suggested that the NRC
25 needed to issue an order to look at the Corrective Action

1 Program and the safety culture at Indian Point 3 so that is
2 basically what we are asking for.
3 MR. WUNDER: Does the Region have any comments on
4 that?
5 MR. CLIFFORD: Dave, this is Jim Clifford.
6 MR. LOCHBAUM: Hello.
7 MR. CLIFFORD: I am acting for Eleanor. I just
8 wanted to brief you on what we know about the event at
9 Indian Point 2, just to give you a heads-up on what we know.
10 There was a steam generator tube rupture last
11 night and it was protected through M16 monitors. The
12 operators manually tripped the plant and are proceeding
13 expeditiously to cooldown at this point. The steam
14 generator was isolated, identified and isolated.
15 There has been monitoring by the licensee around
16 the site and there's been no detectable offsite release.
17 The agency is currently considering what further actions we
18 need to take in response to the event.
19 I just wanted to give you a quick brief on that
20 event.
21 MR. LOCHBAUM: Thank you. Appreciate that.
22 MR. CLIFFORD: -- take up too much into the
23 discussion here.
24 MR. LOCHBAUM: Sure, appreciate that.
25 MR. CLIFFORD: Okay.

1 MR. WUNDER: Does anybody have any further
2 questions or -- Region 1, do you have any questions or need
3 any further clarification?
4 SPEAKER: No, none from here.
5 SPEAKER: David, I asked somebody from the branch
6 that oversees the new NRC inspection or whatever --
7 SPEAKER: Oversight.
8 SPEAKER: -- oversight program, and they're a
9 couple minutes late, but because I wanted to talk or find
10 out do you know, do you know how the new oversight program
11 deals with plants that have Corrective Action Programs that
12 aren't working? Are you aware of -- I am not that familiar
13 with any oversight process and I am not sure how the new
14 oversight process would take that into account.
15 MR. LOCHBAUM: From my understanding of the new
16 process, there's a couple ways.
17 Once a year or at least once a year there is a NRC
18 inspection module that looks specifically at the Corrective
19 Action Process or Program that a licensee has. In addition
20 to that, a percentage of each inspection, all of the
21 inspections that are done is guided or focused on assessing
22 the effectiveness of the Corrective Action Program in that
23 inspection area, whether it is fire protection or whatever.
24 But the problem that we have with both of those
25 processes is that NRC findings are then handled under,

1 currently handled under the significance determination
2 process, which assigns the color to the finding, and that
3 process as currently applied to Corrective Action problems
4 is if you find a complete breakdown in nonsafety related
5 system, it is going to be a green because the nonsafety
6 related system doesn't have any contribution to core damage.
7 The fact that that is a limited sample may suggest
8 that there's problems in the safety-related corrective
9 action processes.
10 SPEAKER: Problems?
11 MR. LOCHBAUM: The way the process is steered up,
12 the NRC inspectors cannot go and look at other areas if it
13 is a green finding, so we are concerned that that won't give
14 the right answer in certain occasions.
15 SPEAKER: Mike Johnson just joined us and I'll
16 paraphrase what David was saying is that because the new
17 inspection oversight process, even though you look at the
18 Corrective Action Program once a year and a percentage of
19 inspections is focused on the Corrective Action Program's
20 effectiveness, any NRC findings get put through the SDP
21 model and even if the Corrective Action Program had a
22 complete breakdown even if was in a non risk-significant
23 system would be green and therefore you wouldn't get this --
24 any reaction from the NRC.
25 But I understood this was a cross-cutting issue

1 when I was involved in it, and so could you make any comment
2 on how that would be handled?
3 I briefly told you over the phone that his, the
4 basis for his petition is the fact that the oversight
5 program relies on a healthy Corrective Action Program and a
6 safety-conscious work environment.
7 You have to move closer to the phone, David.
8 MR. JOHNSON: Hi, David.
9 MR. LOCHBAUM: Hello, Mike.
10 MR. JOHNSON: I think most of this you know, but
11 let me just go through my little spiel and then you tell me
12 if that, if that helps.
13 I mean you're right, individual issues that get
14 found in PI&R inspections or for example things that could
15 have a bearing on safety-conscious work environment,
16 although -- you know, I am going to talk about allegations.
17 Let me just set that aside.
18 MR. LOCHBAUM: Okay.
19 MR. JOHNSON: The things that are a result of PI&R
20 inspections and issues that arise would be left to the SDP
21 and in many instances, you're right, they would be green.
22 Unless you could find an issue that had an impact on the
23 performance of the plant, in plant equipment or some -- the
24 ability of some equipment to perform, it would be a green
25 issue.

1 The way we are now with cross-cutting issues, is
2 you will remember that we said all along that we thought
3 that if a plant is available to operate and does not cross
4 thresholds, that must mean that in fact their problem
5 identification and resolution processes are working pretty
6 well and in fact you know, you will remember from the
7 workshop, there is some disagreement with that approach, and
8 in fact there have been in the NRC some concerns that there
9 could be these underlying things that haven't yet resulted
10 in issues where thresholds would be crossed and so we need
11 to continue to worry about them.
12 In fact, we have an action that says that we are
13 going to put together a working group made up of
14 stakeholders, internal and external stakeholders, to try to
15 continue to work on that issue.
16 But having said that, the new oversight process --
17 I was reading your petition a little bit, and I wanted to
18 just say a couple words. It is not that the new oversight
19 process assumes that [inaudible] the terms of the ability to
20 find and fix problems, because we don't trust them. The
21 fact that we are putting issues in the Corrective Action
22 Program is indicative of the fact that we believe those
23 issues to be of low risk significance, and so to the extent
24 we see issues that are greater than that low or very low
25 risk significance, we really can and would react to them in

1 real time, on a realtime basis, to take some action.
2 The process that we are implementing says if we
3 have -- no. We have provided some relief to the regions to
4 address this concern about whether cross-cutting issues,
5 that even though they are green, you know, sort of the worry
6 that there's something out there lurking that hasn't yet
7 resulted in cross-thresholds because of the importance of
8 problem identification and resolution, and you're right,
9 what we allow the regions to do is to document those in
10 inspection reports.
11 We'll talk about them in the mid-cycle and the
12 end-of-cycle assessment matters, but there isn't a formal
13 action that we take. In other words you don't necessarily
14 do some supplemental inspection just because you have the
15 regions having a concern with respect to the fact that a
16 licensee may have some lower-level issues kicking around in
17 their Corrective Action Program that they haven't fixed,
18 so --
19 MR. LOCHBAUM: I don't disagree with any of that.
20 I mean I understand that clarification, but I also think it
21 is important to point out that Indian Point 3 doesn't have a
22 green finding in any category. They are not part of the
23 pilot program.
24 MR. JOHNSON: I understand.
25 MR. LOCHBAUM: They are not -- they are not in the

1 situation where everything is green and there's some
2 concerns about corrective action. We are not at that point.
3 There are concerns about corrective action. The
4 NRC has no reason to throw them -- or to discount or to set
5 them aside based on all green findings. We are not at that
6 stage.
7 We might be at some point in the future, but we
8 are not there today and we won't be there any time soon so
9 that is why we felt that this petition looking into these
10 two areas was very important, that it be done now, you know?
11 A year from now, when the program is up and
12 running and Indian Point 3 is reporting whatever colors its
13 performance earns, that might cause a situation like this to
14 be handled differently, but today -- at today's time, and
15 with today's information we felt that these actions were the
16 right way to respond to the safety warnings.
17 MR. JOHNSON: Yeah, Dave, and I wasn't really
18 trying to answer the -- I have read the petition --
19 MR. LOCHBAUM: I understand, Mike. I was just
20 trying to --
21 MR. JOHNSON: I wasn't trying to respond to what
22 is appropriate for Indian Point -- Indian Point 3, I guess.
23 MR. LOCHBAUM: I would agree with you that down
24 the road, once things are up and running for all the plants
25 that the corrective action problems might be handled

1 differently depending on what the performance indicators
2 were for the plant.
3 MR. JOHNSON: Right. Now -- now having said that,
4 David, also down the road, if we get evidence or we get a
5 concern, someone raises a concern with respect to safety
6 conscious work environment -- just suppose we got an
7 allegation or a number of allegations that indicated that --
8 MR. LOCHBAUM: That is out for review right now, I
9 understand.
10 MR. JOHNSON: Right. That's right. The
11 allegation, there is an allegation SECY out for public
12 comment. We are going to get input on that. But today --
13 and in the past our view has always been, and I mean I
14 honestly believe that we are going to continue with this
15 approach, if we have reason to worry about whether there is
16 a chilling effect on a licensee, we are going to take action
17 and just like we do in current process and we would do this
18 in the future process also, you know, we issue basically
19 what I think is called a chilling effect letter where we ask
20 the licensee to look into issues, because we are really --
21 the troubling aspect of safety conscious work environment
22 is -- is it really goes to the heart of our concern about
23 the problem identification resolution area that's a cross
24 cutting area.
25 We are much more worried about things, whether the

1 licensee is finding things than we are about whether they
2 are fixing things, if you understand what I mean. I mean
3 once they are in the Corrective Action Program, we can look
4 at them.
5 We can make sure that they are prioritizing them
6 properly and that they get closed out, but it's the things
7 that don't get identified, you know, because they are not
8 looking for them or they are turning them away, those really
9 cause us concern and we are going to continue to pay
10 attention to safety conscious work environment as an
11 important cross cutting issue.
12 So the allegation [inaudible] group example, we'll
13 continue to play an important role in the mid-cycle review
14 and the end-of-cycle review in terms of looking for issues
15 in the safety conscious work environment, and we do believe
16 that we continuing to address those.
17 Again I am speaking generically with respect to
18 the new program and not necessarily specifically with
19 respect to --
20 MR. LOCHBAUM: Sure, I understand. I would agree
21 with that. I don't -- I am not implying that NRC isn't --
22 has been doing differently or will be doing differently in
23 the future, but I think right now at this time and place we
24 felt that there was a gap until the new program comes into
25 place that this petition is seeking to fill.

1 SPEAKER: Well, we'll consider that, and David,
2 one other question I wanted to ask you is are you aware of
3 whether Ms. Green's issues have been brought to the NRC or
4 to any other group other than the employees in the
5 [inaudible] program at Indian Point?
6 MR. LOCHBAUM: I believe they have, that Ms. Green
7 has contacted Region 1. I don't know if that's been by an
8 allegation space or what the vehicle was for that but I do
9 believe she has been in contact with Region 1.
10 SPEAKER: Okay. Well, does anybody else have any
11 other questions?
12 SPEAKER: Does the licensee have any questions?
13 MR. KELLY: No questions. This is John Kelly
14 speaking for the Power Authority. We are obviously aware of
15 this, of this letter, the petition. We do intend to put a
16 letter on the docket in response to that promptly.
17 We believe that there is substantial information
18 available to address the concerns in the letter. Some of it
19 is already docketed, but we feel that it would be
20 appropriate to put things all in one place, so that they can
21 be easily evaluated by those of you who have to look at all
22 of this information.
23 SPEAKER: I guess nobody else has any other
24 comments, so thank you, David, for spending the time to
25 elaborate on your petition and assess the oversight program,

1 and you will be hearing from us shortly.

2 MR. LOCHBAUM: Okay, thank you.

3 SPEAKER: David, do you want to have a copy of

4 this Government transcript mailed to you?

5 MR. LOCHBAUM: No, that's -- that's okay.

6 SPEAKER: Thanks, David.

7 MR. LOCHBAUM: Thanks anyway.

8 MR. KELLY: This is John Kelly. I would

9 appreciate a copy of the transcript, if we can have that.

10 SPEAKER: Okay.

11 SPEAKER: Thank you.

12 SPEAKER: Okay, goodbye.

13 MR. LOCHBAUM: Thank you. Goodbye.

14 [Whereupon, the telephone conference was

15 concluded.]

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CERTIFICATE

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

Name of Proceeding: TELECONFERENCE ON UCS 2.206

Case Number:

Place of Proceeding: Rockville, Maryland

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.

Rose Gershon

Rose Gershon

Transcriber

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