

**OFFICIAL TRANSCRIPT OF PROCEEDINGS
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**Title: 2.206 PUBLIC PETITION
CONFERENCE PROCEEDING**

Work Order No.: NRC-1379

LOCATION: Operations Center

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**ANN RILEY & ASSOCIATES, LTD.
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034**

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

2.206 PUBLIC PETITION CONFERENCE PROCEEDING

Operations Center
Conference Call

Thursday, June 22, 2000

The above-entitled matter came on for meeting via
conference call, pursuant to notice, at 9:00 a.m.

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P R O C E E D I N G S

[9:00 a.m.]

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MS. BLACK: And for the staff and the licensee, it is necessary to ask clarifying questions. Yeah, I guess that is all I need to state at the beginning.

And I would like to have everybody introduce themselves. My name is Suzanne Black, I am the deputy director, Division of Licensing Project Management at NRC, and I am the Petition Review Board chairman.

MR. ^{WIENS}~~WEEKS~~: I am Len ^{WIENS}~~Weeks~~, the petition manager for the Indian Point 2 petition.

MR. SUBBATATNAM: Ram Subbatatnam, the agency coordinator for Indian Point 2 petition.

MR. KANTER: Paul Kanter, DC Branch, NRR.

MR. LOCHBAUM: David Lochbaum, nuclear safety engineer for the Union of Concerned Scientists.

MR. BERKOW: Herman Berkow, project director, NRR.

MR. GOLDBERG: Jack Goldberg from the NRC Office of General Counsel.

MS. BLACK: Mr. Riccio.

MR. RICCIO: Jim Riccio, Public Citizen.

MR. GUNTER: Paul Gunter, Nuclear Information Resource Service.

MR. SMELOFF: Ed Smeloff, Pace Energy Project.

MS. HARRISON: Leanne Harrison, project engineer

1 for Indian Point 2, Region I.

2 MR. POINDEXTER: Tom Poindexter, Winston & Strawn.

3 MR. ALLEN: Bob Allen, ConEdison, Indian Point 2.

4 SPEAKER: ^{Pat Milano} {Inaudible}, reactor projects.

5 MS. BLACK: Okay. I guess that --

6 MS. ^{Gamboroni} MOREKI: In Washington, ^{Marsha Gamboroni} ~~Ann Moreki~~, projects,

7 NRR.

8 MS. BLACK: Okay. So, Jim, are you going to take
9 the lead on this?

10 MR. RICCIO: Well, I think we should discuss a few
11 things right off the bat.

12 MS. BLACK: Okay.

13 MR. RICCIO: Yeah. Obviously, when we filed our
14 amendment to our petition, which I guess is now being turned
15 into a new petition.

16 MS. BLACK: Oh, we haven't made that decision for
17 sure, it just depends on the mechanics of what is the best
18 way to handle it.

19 MR. RICCIO: Okay.

20 MS. BLACK: We are going to reserve that decision
21 for later. It will probably end up being a supplement, I
22 think, if it is accepted.

23 MR. RICCIO: Okay. Well, at that point we didn't
24 realize there was going to be a spate of FEMA letters coming
25 out in the wake of that original FEMA memo. Had we known

1 that, we probably would have addended more information to
2 the petition, including your findings from the AIT and,
3 basically, some of the information that was contained in Mr.
4 Meserve's letter to Congressman Hinchey.

5 MS. BLACK: Do we have the date on that?

6 MR. RICCIO: The date of the Meserve letter is
7 June 13th, 2000.

8 MS. BLACK: Okay. We can addend that if you would
9 like, because we have access to all that information.

10 MR. RICCIO: Okay.

11 MR. SMELOFF: The other document is the September
12 22nd, 1999 emergency preparedness exercise evaluation. This
13 is Ed Smeloff.

14 MS. BLACK: Is that the NRC --

15 MR. SMELOFF: That is the NRC.

16 MS. BLACK: Okay.

17 MR. RICCIO: And, basically, we feel that they are
18 enough deficiencies in these emergency plants that at least
19 the people of upstate New York deserve an opportunity to see
20 that these plans actually work before this plant is
21 restarted.

22 MS. BLACK: Okay.

23 MR. RICCIO: I think between what NRC has
24 identified, and I realize we are still waiting on that --
25 the other emergency exercise report, but, absent that, yeah,

1 we feel that there should be a full blown emergency drill
2 conducted to prove to the people up there that, yeah, that
3 this plant startup will be, you know, that they can actually
4 conduct their emergency plans in conformance with
5 regulations.

6 MS. BLACK: Okay. But that was one question I --
7 that came up here when we read your petition, and there was
8 a difference of opinion of what you were exactly asking for.
9 It said you asked us to, the NRC and FEMA, to reevaluate the
10 adequacy of the emergency planning drill, and that a new,
11 more realistic exercise be conducted. So, that is two
12 additional requests?

13 MR. RICCIO: Right. We didn't realize that you had
14 the June -- when I wrote that I didn't you had the June 1 in
15 the works. I think we should probably review the June 1 --
16 or is it June 1? I am not sure exactly the date. But the
17 June exercise that you haven't released the inspection
18 report for yet.

19 MR. SMELOFF: This is Ed Smeloff. In the letter
20 to Congressman Hinchey, Commissioner Meserve states that
21 there was an augmented inspection team follow-up inspection
22 on emergency preparedness from the 15th to the 26th of May.
23 We would like to see the -- and we think the public deserves
24 to see the results of that AIT follow-up inspection, as well
25 as the results of the exercise, the on-site exercise that

1 was conducted on June 1st.

2 But beyond that, Commissioner Meserve has told
3 Congressman Hinchey that the -- that there are integrated
4 on-site and off-site exercises, emergency response exercises
5 conducted every two years, and that the last exercise was
6 conducted on June 24th, 1998.

7 So two years are very close to passing, so it
8 seems timely, in following what the Commissioner said, that
9 there needs to be an integrated on-site and off-site
10 emergency response exercise prior to restart, and in
11 conformance with your own regulations on these exercises.

12 MS. BLACK: Okay. So, the new, more realistic
13 exercise that you request be done before restart would be an
14 integrated on-site/off-site exercise?

15 MR. RICCIO: Yes, we would also like -- the thing
16 that is also disturbing, and I know this is -- it goes
17 beyond the pale of this one petition, but the memo that Mr.
18 McNutt had written seemed to indicate that the -- giving
19 credit for out of sequence things in the drill would
20 basically, you know, kind of neuter the effect of the drill.
21 We would like to see, you know, that addressed.

22 Maybe that is another part of the realistic drill.
23 You know, basically giving them credit for out of sequence
24 participation in this drill has, you know, as he mentioned,
25 has caused some problems with the emergency plan. We feel

1 that that should be eliminated prior to the, you know, full
2 blown drill that Ed just referenced.

3 MS. BLACK: Okay.

4 MR. SMELOFF: Suzanne, another issue that is
5 identified in Commissioner Meserve's letter is that he notes
6 that the NRC has not yet performed a detailed review of FEMA
7 reports on the capability of the off-site organizations.
8 FEMA issued a report giving their reasonable assurance to
9 the NRC on February 28 of 2000, but the NRC has not yet,
10 according to Commissioner Meserve, has not performed a
11 detailed review. And it seems that before restart, that
12 that needs to be completed.

13 MS. BLACK: Okay. Could you identify yourself?

14 MR. SMELOFF: This is Ed Smeloff again from the
15 Pace Energy Project.

16 MS. BLACK: Okay. Thank you.

17 MR. BRANDENBERG: Let me interject, I was patched
18 in a moment ago, I didn't want to interrupt the train of the
19 discussion. This is Brent Brandenburg from ConEdison.

20 MS. BLACK: Okay. Thank you.

21 MR. LOCHBAUM: This is David Lochbaum. I was
22 wondering if the NRC staff [inaudible] Operational
23 Experience report 10937, emergency response organization
24 [inaudible] during an alert. The INPO report indicated that
25 it took well over two hours for the accountability to be

1 completed on the February event, yet the NRC's AIT states
2 that that was done in one hour and 15 minutes after the
3 alert was declared.

4 We are just wondering, you see the discrepancy,
5 whether the company was providing full and complete
6 information to the NRC staff. It may be covered in the AIT
7 follow-up, we haven't seen that report yet, but looks like
8 the NRC staff wasn't given the full picture.

9 MS. BLACK: And that is on accountability? Suzi
10 Black.

11 MR. LOCHBAUM: That's correct. There was a
12 problem during the February event where it took several
13 attempts to count everybody.

14 MS. BLACK: Right. Right.

15 MR. LOCHBAUM: AIT reported when it was first --
16 the first time it was done without indicating there were
17 many additional accountability reports, it took four times
18 as long. I just wanted to make sure the AIT -- or the NRC
19 staff, whether it is AIT or not, that that issue --

20 MS. BLACK: Okay. Paul, do you know if we have
21 that report?

22 SPEAKER: No, I don't.

23 MR. LOCHBAUM: It is OE-10937, the title is
24 "Emergency Response Organization" [inaudible].

25 MS. BLACK: Okay. Thank you.

1 All right. Does the staff have any additional
2 questions?

3 [No response.]

4 MS. BLACK: Does the licensee need any information
5 to look into these issues?

6 SPEAKER: Let me make one additional point.

7 MS. BLACK: Okay. Sorry.

8 SPEAKER: Because the June exercise was
9 [inaudible], the NRC report is going to be issued recently.
10 One of the things that we thought might be reasonable would
11 be to postpone a decision on this PRD.

12 MS. BLACK: Okay.

13 SPEAKER: Until the PRD was issued. After we
14 review the report, if it addresses all the issues we have
15 raised in the supplement, we would be glad to withdraw it,
16 you know, if they are addressed by the issuance of this
17 report. If not, then maybe we can revamp or revise the
18 supplement to explain what remains on the table and then
19 render a PRD decision. Basically, [inaudible.]

20 MS. BLACK: Okay. That sounds like a very
21 reasonable option. We tried to contact the region to find
22 out the date this report was going to be issued, and we were
23 unsuccessful in the few minutes before the phone call to
24 reach the person who has that information. So, we will
25 definitely consider that. I believe it should be issued

1 within the next week or so because the inspection was done,
2 ended May 26th, I believe, and our goal is to get them out
3 within 30 days. So that should be within a week.

4 MR. SUBBATATNAM: Okay. That leaves [inaudible]
5 till the report is out.

6 MS. BLACK: Yeah, not only after the report is
7 out, they want to look at it.

8 SPEAKER: Get a chance to review it.

9 MS. BLACK: And then we will have another
10 telephone call or meeting like this. Or would you rather do
11 it in writing?

12 SPEAKER: I don't think we have any concerns with
13 it. We don't think there is a need.

14 MS. BLACK: So we will get together after you have
15 reviewed the report and decide what to do at that time.
16 Okay. That sounds like a good plan.

17 MR. RICCIO: Any idea, Suzi, as to when the AIT
18 follow-up is going to be available?

19 MS. BLACK: I can get back to you on that. I
20 don't have that information. Unless -- Leanne, do you have
21 that information?

22 MS. HARRISON: No, I just know, the follow-up,
23 that would be 45 days after the last day of the inspection.

24 SPEAKER: 45 days after May 26th would be the
25 deadline.

1 MS. HARRISON: Right.

2 MS. BLACK: Okay. So that --

3 SPEAKER: [Inaudible.]

4 MS. BLACK: Okay. I'm sorry, I gave the wrong
5 date then. It is not 30 days for that type of report, it is
6 45, correct?

7 MS. HARRISON: Right, for team reports.

8 MS. BLACK: Okay. And I would like to also
9 apologize for the confusion caused by the wrong telephone
10 number that we gave people this morning. I hope that it
11 didn't inconvenience anyone too much.

12 MR. RICCIO: No problem. Just -- I think it just
13 cut down on the number of people calling in, that is all.

14 MS. BLACK: Is there somebody else you expected
15 that we should apologize to?

16 MR. RICCIO: Potentially, Congressman Kelly's
17 office.

18 MS. BLACK: Okay. We will call them and
19 apologize. And we will make sure that they get a copy of
20 the transcript.

21 SPEAKER: When will that be available?

22 MS. BLACK: It takes what, a week or so?

23 MR. SUBBATATNAM: It normally takes about a week's
24 time.

25 MS. BLACK: It takes a week or so to be available,

1 and then we will send it to you. We will put it on the
2 website also at that time.

3 MR. SUBBATATNAM: Yes.

4 SPEAKER: They are also issued as part of the
5 [inaudible].

6 MS. BLACK: Okay. Good. All right. Well, if
7 there is nothing else, this is the end of the meeting and we
8 will get the tape, the transcript out to everyone as soon as
9 we can.

10 MR. LOCHBAUM: Thank you.

11 MS. BLACK: Thank you.

12 MR. RICCIO: Thank you very much.

13 MS. BLACK: Good-bye.

14 [Whereupon, the meeting was 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: 2.206 PUBLIC PETITION
CONFERENCE PROCEEDING

Case Number:

Place of Proceeding: Operations Center

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.



Martha Brazil

Transcriber

Ann Riley & Associates, Ltd.