

November 19, 2002

MEMORANDUM TO: File

FROM: Robert M. Pulsifer, Project Manager, Section 2 */RA/*
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: VERMONT YANKEE 2.206 PETITION FROM MR. RAYMOND SHADIS

Attached is the transcript of a conference call held on Tuesday, October 29, 2002, regarding a Vermont Yankee Nuclear Power Station 2.206 petition dated October 15, 2002, submitted by Mr. Raymond Shadis on behalf of the New England Coalition on Nuclear Pollution.

Docket No. 50-271

Attachment: As stated

cc w/encls: See next page

Vermont Yankee Nuclear Power Station

cc:

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Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 2.206 Petition on Vermont Yankee Nuclear
Power Station

Docket Number: 50-271

Location: Telephone Conference

Date: Tuesday, October 29, 2002

Work Order No.: NRC-633

Pages 1-13

Attachment

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CONFERENCE CALL ON THE 2.206 PETITION ON VERMONT
YANKEE NUCLEAR POWER STATION
OFFICE OF NUCLEAR REACTOR REGULATION
DIVISION OF LICENSING AND PROJECT MANAGEMENT

(NRR/DLPM)

+ + + + +

TUESDAY

OCTOBER 29, 2002

+ + + + +

TELEPHONE CONFERENCE CALL

+ + + + +

The Conference Call on the 2.206 Petition convened,
Robert Pulsifer, Petition Manager, presiding.

PRESENT:

- ROBERT PULSIFER NRR/DLPM/PD1
- HERBERT BERKOW NRR/DLPM/PD-2
- DONNA SKAY NRR/DLPM/PD-I
- STU RICHARDS NRR/DLPM/PD-I
- JIM ANDERSEN NRR/DLPM/PD-I
- CLIFF ANDERSON RGN-I/DPR/PB5

PRESENT (CONT.)

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FRANK ARNER	Region I
DAVID PELTON	Resident's Office
BOB WANCZYK	Vermont Yankee
MIKE BALDUZZI	Vermont Yankee
KEVIN BRONSON	Vermont Yankee
RAY SHADIS	NECNP
DAVID LOCHBAUM	UCS

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

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MR. PULSIFER: Okay. Let's get started.

This is Bob Pulsifer. I'm the Project Manager for Vermont Yankee, acting as the Petition Manager for this petition.

What I'd like to do is to go around the table here, and then go into the various groups to find out who is on the line.

MR. BERKOW: Herb Berkow, NRR.

MS. SKAY: Donna Skay, NRR, 2.206 coordinator.

MR. RICHARDS: Stu Richards, NRR Projects.

MR. ANDERSEN: Jim Andersen, NRR Projects.

MR. PULSIFER: Region I?

MR. ANDERSON: Cliff Anderson, Projects, and Frank Arner, Projects.

MR. PULSIFER: Resident's Office?

MR. PELTON: Yes. David Pelton, Senior Resident Inspector.

MR. PULSIFER: And who do we have from Vermont Yankee?

MR. WANCZYK: We have Bob Wancyzk, Mike Balduzzi, Kevin Bronson.

MR. PULSIFER: Okay. Mr. Shadis, do you have anyone else with you?

MR. SHADIS: No, I don't.

MR. PULSIFER: Okay. And, Mr. Lochbaum?

MR. LOCHBAUM: Just myself.

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1 MR. PULSIFER: Okay. The subject of this
2 teleconference is a 2.206 petition submitted by Mr. Shadis, dated
3 October 15th of this year.

4 MR. SHADIS: That's correct. And that was submitted
5 on behalf of the New England Coalition on Nuclear Pollution.

6 MR. PULSIFER: Right. The request in this petition --
7 there were several requests. Under the provisions of 2.206, you have
8 asked the NRC to undertake enforcement action at VY requiring a
9 complete review of training and qualification of nuclear operations and
10 maintenance personnel.

11 You also asked us to undertake an evaluation of the VY
12 FSAR to determine if the document is accurate and there is sufficient
13 detail.

14 You also other requests -- the NRC undertake an
15 evaluation of the safety implications inherent in relying on economics or
16 synergies, shared personnel, engineering analysis, and so forth. The
17 NRC undertake to determine how much of the pump trip faux pas is
18 attributed to the integration of Entergy into the facility. And you've asked
19 the NRC to publicly review the event notification standards with the
20 licensee to ensure that at least preliminary risk determination can
21 proceed from event notification.

22 I believe those were the requests in your petition?

23 MR. SHADIS: That's correct. And you've divided it
24 correctly, also. The first two requests really fall, in our view, under a
25 2.206 petition. The remaining three requests were included in the

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1 general letter that would contain the petition.

2 Additionally, I understand --

3 MR. PULSIFER: Well, Ray, could you let me --

4 MR. SHADIS: Yes, go right ahead.

5 MR. PULSIFER: -- complete here, before we get into
6 the details?

7 MR. SHADIS: Sure.

8 MR. PULSIFER: As I say, the purpose of this
9 teleconference is to allow you, the petitioner, to address the Petition
10 Review Board. This is an opportunity for you to provide additional
11 explanations or support for this petition.

12 This is also an opportunity for the staff and the licensee
13 to ask any clarifying questions. The purpose of this teleconference is not
14 to debate the merits of the petition at this time.

15 MR. SHADIS: Quite so.

16 MR. PULSIFER: Following the phone call, the Petition
17 Review Board, the PRB, will meet today to determine whether the NRC
18 accepts the petition under this process, or whether it will be dealt under
19 another mechanism. The PRB's meeting today will not determine
20 whether we agree or disagree with the contents of the petition.

21 The teleconference is being transcribed, so it will be --
22 it will help if anyone making a statement first state their name clearly.
23 The transcript will become a supplement to the petition, and will be made
24 publicly available.

25 We have requested that the -- your remarks be limited

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1 to 30 minutes here.

2 If the PRB decides that the petition will be considered
3 under 2.206, then the staff will issue an acknowledgement letter to the
4 petitioner. The Petition Manager will keep the petitioner and licensee
5 periodically informed of the progress of the staff's review.

6 Mr. Shadis, I'm sorry to interrupt you, but you may
7 continue.

8 MR. SHADIS: No, that's fine. I understand that you had
9 to kind of read the rules out here.

10 MR. PULSIFER: Yes.

11 MR. SHADIS: But the -- what I wanted to say was that
12 -- a couple of things. You know, that I've gotten some communications
13 from staff, and one is that the Petition Review Board is not certain that
14 the petition we submitted meets the criteria for a 2.206, and there was
15 particular reference to the request to undertake enforcement action.
16 That there was some confusion there.

17 I would like, at this point, orally -- and I'll do it in writing
18 if you wish -- amend that petition and simply drop the word
19 "enforcement." There are discretionary actions spelled out in the
20 10 CFR 2.206 and 202 that the staff -- that NRC can take. So we can
21 drop that word "enforcement" if that's -- if that's somehow limiting or
22 bothersome.

23 The other thing that I'd like to mention by way of a
24 housekeeping detail is that I was referred to the Management Directive
25 8.11. If -- and I'm not certain why, because this is a -- is a Management

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1 Directive intended for the use of NRC staff. I understand it amplifies
2 somewhat on the regulations, but the citizenry really don't have a
3 handbook, if you will. We go by regulation.

4 My attorneys have suggested to me that if any part of
5 your decision is based on the 8.11, it may be -- it may fall into the
6 category of arbitrary and capricious, because it does not come directly
7 from the regulation. So I just wanted to fly that flag for you, and you
8 may, you know, want to consider that as things progress.

9 MR. PULSIFER: Okay. I guess what we're looking for,
10 Mr. Shadis, if you can give us a little more detail on why you think this fits
11 into the 2.206 process.

12 MR. SHADIS: Well --

13 MR. PULSIFER: Because we will answer your
14 concerns.

15 MR. SHADIS: Certainly. Certainly. The licensee's
16 notification, and then retraction of the notification, we see as evidence
17 that personnel in charge at the plant, supervisory personnel, were not
18 familiar with the actual configuration of the plant. And we view this as a
19 hazard.

20 It's -- you know, it's certainly problematic in terms of the
21 public perception of the safety of these plants, if not the actual safety.
22 And we want to see to it that this question is explored, that it's
23 determined whether or not the staff at Maine Yankee was adequately
24 trained on this particular plant.

25 MR. PULSIFER: Vermont Yankee?

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1 MR. SHADIS: Pardon me?

2 MR. PULSIFER: Vermont Yankee?

3 MR. SHADIS: That's correct.

4 MR. PULSIFER: You said Maine Yankee.

5 MR. SHADIS: Whether or not the personnel at Maine
6 Yankee had at their disposal the documents to determine whether or not
7 these particular protection features were in place.

8 MR. PULSIFER: Again, Ray, you said at Maine Yankee.
9 You meant --

10 MR. SHADIS: I'm sorry. Vermont Yankee. I spend a
11 good portion of my --

12 MR. PULSIFER: I understand.

13 MR. SHADIS: -- my life dealing with Maine Yankee.

14 MR. PULSIFER: Yes. Yes.

15 MR. SHADIS: Yes.

16 MR. PULSIFER: Does the Board have any particular
17 questions it would like to raise?

18 PARTICIPANT: No.

19

20 MR. PULSIFER: How about the licensee? Do you have
21 any questions to help clarify what Mr. Shaddus is looking at here?

22 MR. WANCZYK: This is Bob Wanczyk. No, we don't.

23 MR. PULSIFER: Okay. Thanks, Bob.

24 Region, do you have any questions?

25 PARTICIPANT: No, no questions.

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1 MS. SKAY: Do you want to ask anything?

2 MR. PULSIFER: How about Mr. Lochbaum?

3 MR. LOCHBAUM: This is Dave Lochbaum. No
4 questions.

5 MR. PULSIFER: Okay. Residents?

6 PARTICIPANT: We have nothing to add.

7 MR. PULSIFER: Okay. I believe that's it.

8 MR. SHADIS: Let me make one thing clear, if I may.

9 MR. PULSIFER: Sure. Sure.

10 MR. SHADIS: Let's try to use this time to get ahead of
11 any misconceptions.

12 MR. PULSIFER: Sure.

13 MR. SHADIS: We are not arguing about the safety
14 significance of the retraction or the original notice itself. That is to say,
15 whether or not -- we're not arguing whether or not the plant is safer or
16 less safe or required to have protection components for this particular
17 system.

18 What we -- what our concern is directed to entirely is
19 whether or not the staff, the operating staff, persons in charge,
20 supervisory personnel, at Vermont Yankee should, for the sake of public
21 safety, be familiar with the features of their plant in detail to capture such
22 things as whether or not there are protection features on these systems.

23 MS. SKAY: Okay. You mentioned something in the
24 beginning of the call, Mr. Shaddus, that only the first two requests that
25 Mr. Pulsifer read were submitted under 2.206, and the remaining issues

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1 were just included in the letter for the staff actions. Is that correct?

2 MR. SHADIS: Yes. That's the way that -- that we view
3 the 2.206 is that -- that the 2.206 requires some action on the part of --
4 let me say if the 2.206 were granted, it would require some action on the
5 part of NRC with respect to this particular licensee.

6 The other three questions go -- well, the other -- two of
7 the other three questions go generally to asking NRC to review the
8 safety implications of the kinds of synergies that owners of multiple
9 facilities, especially when they're buying facilities, adding facilities, are
10 looking at, whether or not they can shift personnel from plant to plant to
11 plant and still have them familiar with the peculiarities of each plant.

12 And then, the final request reflects what we see as an
13 insufficient amount of information in these notifications to determine
14 whether or not -- right at the onset, whether or not there are significant
15 safety implications.

16 So, in any case, the second three we view as something
17 that NRC requires a broader look, a broader study, something for NRC
18 to do internally. The first two we view as something that NRC would
19 need to engage in some kind of regulatory action at plant site.

20 MS. SKAY: Okay. Thank you.

21 MR. PULSIFER: Nothing further? Thank you. We'll
22 end the call now. The Petition Review Board will sit down in a closed
23 meeting and have our discussions.

24 MR. SHADIS: Thank you.

25 MR. PULSIFER: I'll keep you and the licensee informed.

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MR. SHADIS: Thank you.

MR. PULSIFER: Thank you very much.

(Whereupon, the proceedings in the foregoing matter
were concluded.)

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