Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Petition Review Board Meeting
RE: Vermont Yankee

Docket Number: 50-271

Location: (telephone meeting)

Date: Wednesday, May ~~12~~ 5, 2004

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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4 OFFICE OF INVESTIGATIONS

5 PETITION REVIEW BOARD MEETING

6 ----------x

7 IN THE MATTER OF: :

8 PETITION REVIEW BOARD MEETING : Docket No. 50-271

9 RE: VERMONT YANKEE :

10 ----------x

11 Telephonic Meeting

12 Wednesday, May ~~12~~ 5, 2004

13 PRESENT (IN ORDER OF IDENTIFICATION)

14 Alan B. Wang, Petition Manager

15 Eric J. Leeds, Petition Review Board Chairman

16 Herbert N. Berkow, NRR

17 Donna Skane, 2.206 Coordinator

18 John F. Stang, Jr., NRR Project Manager

19 Stephen H. Lewis, Office of General Counsel (OGC)

20 Cornelius F. Holden, Jr., NRR

21 Richard B. Ennis, NRR Project Manager

22 for Vermont Yankee

23 Raymond Shadis, representing New England Coalition

24 Arnold Gunderson, consulting expert for NEC

25 Paul Blanch, consulting expert for NEC

1 PRESENT (IN ORDER OF IDENTIFICATION - cont.)

2 Charlene Faison, Entergy, White Plains, New York

3 Rhonda Deplukas, Entergy at Vermont Yankee

4 Rob Williams, Vermont Yankee

5 Jim BeVincentis, Manager of Licensing, Vermont Yankee

6 Peter Alexander, New England Coalition

7 Susan Small, Rutland Herald

8 Laurie P. Butler, Brattleboro Reformer

9 Jeff Scott, freelance TV and press reporter

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

2 (time not provided.)

3 MR. WANG: We'd like to get started. I'm
4 Alan Wang, I'm the Petition Manager. What I'd like to
5 do is I'd just like to have the participants introduce
6 themselves, and then if there's anybody from the
7 public, I'd also like to have them introduce
8 themselves. But, as we noted, the public is allowed
9 to listen but not participate. So we'll go around the
10 table here first.

11 MR. LEEDS: My name's Eric Leeds. I'm the
12 Petition Review Board Chairman.

13 MR. BERKOW: Herb Berkow, NRR.

14 MS. SKANE: Donna Skane, I'm Agency 2.206
15 Coordinator.

16 MR. STANG: John Stang, NRR Project
17 Manager.

18 MR. LEWIS: Stephen Lewis, Office of
19 General Counsel.

20 MR. HOLDEN: Cornelius Holden, NRR.

21 MR. ENNIS: Rick Ennis, NRR Project
22 Manager for Vermont Yankee.

23 MR. WANG: Ray, do you want to introduce
24 who the Petitioners are?

25 MR. SHADIS: Sure. This is Raymond Shadis

1 representing the New England Coalition, and we have
2 with us today our consulting experts, Arnold Gunderson
3 and Paul Blanch.
4 MR. WANG: Is there anybody from the
5 Licensee on this line?
6 MS. FAISON: Yes. This is Charlene Faison
7 from Entergy, White Plains, New York.
8 MR. WANG: Could you speak a little
9 louder, we didn't quite hear you?
10 MS. FAISON: Charlene Faison, Entergy from
11 White Plains, New York.
12 MS. DEPLUKAS: Rhonda Deplukas, Entergy at
13 Vermont Yankee.
14 MR. WILLIAMS: And Rob Williams, Vermont
15 Yankee.
16 MR. DAVIS: Jim BeVincentis, Manager of
17 Licensing from Vermont Yankee.
18 MR. WANG: Do we have anybody from the
19 public?
20 MR. ALEXANDER: Peter Alexander from the
21 New England Coalition.
22 MS. SMALL: This is Susan Small here from
23 the Rutland Herald.
24 MS. BAGWELL: Lauri P. Butler, Reformer.
25 MR. SCOTT: Jeff Scott, freelance TV and

1 press reporter.

2 MR. WANG: Eric Leeds is the PRB Chairman.

3 He's going to read a short statement. When you speak,

4 would you please state your name, so -- we're going to

5 have this transcribed, so we do need to have whoever

6 speaks so we can get the right name.

7 MR. LEEDS: Thank you, Alan. Let me get

8 this started. Again, my name's Eric Leeds. I'm

9 Deputy Director, Division of Licensing Project Manager

10 here at the NRC. I'm also the Petition Review Board

11 Chairman for this petition.

12 The subject of this teleconference is a

13 2206 petition submitted by the New England Coalition,

14 dated April 23, 2004. The Petitioners have requested

15 that the NRC halt all fuel movement at Vermont Yankee

16 until such time as Entergy, the Licensee, has rendered

17 an accurate and NRC-verified account and location

18 disposition and condition of all irradiated fuel,

19 including fuel currently loaded in the reactor core.

20 The purpose of this teleconference is to

21 allow the Petitioners to address the Petition Review

22 Board. This is an opportunity for the Petitioners to

23 provide additional explanations or support for this

24 petition. This is also an opportunity for the staff

25 and Licensee to ask any clarifying questions. The

1 purpose of this teleconference is not to debate the
2 merits of the petition. Let me repeat that so that
3 everyone is clear. The purpose of this teleconference
4 is not to debate the merits of the petition. It's
5 simply to ask any clarifying questions and allow the
6 Petitioner to provide any additional explanations.
7 Also, let me emphasize that unlike other
8 NRC public meetings, members of the public are
9 permitted to listen only. Only the Petitioners, the
10 NRC staff and the Licensee are permitted to
11 participate in the discussion.
12 Following this phone call, the Petition
13 Review Board will meet today to determine whether the
14 NRC accepts the petition under the 2206 process or
15 whether it will be dealt with under another mechanism.
16 The Petition Review Board's meeting today will not
17 determine whether we agree or disagree with the
18 contents of the petition.
19 The teleconference is being transcribed,
20 as Alan stated earlier, so it will help if anyone
21 making a statement first state their name clearly.
22 The transcript will become a supplement to the
23 petition and will be made publicly available. We are
24 requesting that the Petitioners keep their remarks to
25 approximately 30 minutes.

1 If the Petition Review Board decides that
2 the petition will be considered under the 2006
3 process, then the NRC will issue an acknowledgement
4 letter to the Petitioner. The Petition Manager will
5 keep the Petitioners and Licensee periodically
6 informed of the progress of the staff's review.
7 With that, I'm going to turn it over to
8 the Petitioners and allow them some time if they would
9 like to provide any additional explanations or support
10 for the petition.
11 MR. SHADIS: Yes. This is Raymond Shadis
12 speaking. First, I owe NRC an apology. We made what
13 we thought was an off-the-record statement to the
14 press here with respect to how slow the NRC was in
15 responding to our petition, and in fact the petition
16 was submitted on the 23rd and we had a response by the
17 27th.
18 MR. WANG: Ray, do you have noise coming
19 across the line?
20 MR. SHADIS: Does that help?
21 MR. WANG: Or is someone moving?
22 MR. SHADIS: Does that help?
23 MR. WANG: Yes, that's better.
24 MR. SHADIS: Okay. Yes. Let me just
25 start over. We had made a statement regarding -- are

1 we still getting that noise?

2 MR. WANG: Yes. We're still getting noise

3 here.

4 PARTICIPANT: I think people who are not

5 talking need to put their phones mute, and I think

6 that will help some of the disturbance.

7 MR. LEEDS: Why don't we start again, if

8 you would, Mr. Shadis.

9 MR. SHADIS: Thank you. There's a

10 statement of ours that was reported in the Vermont

11 media and I know which we had thought off the record,

12 but even so, it was a misstatement. We had castigated

13 NRC for being slow to respond to this petition, and in

14 fact it was only a matter of four or five days from

15 the time the petition was filed until we heard back

16 from NRC.

17 As you know, we asked for expedited action

18 from NRC with respect to limiting or halting the

19 movement of fuel, and by inference in our petition

20 that meant not restarting, because we also had asked

21 for an inspection of the fuel in the reactor. We have

22 since gotten a call from Region 1 and Region 1 wanted

23 to ascertain if we had specific information to

24 particular fuel assemblies or we had some allegation

25 with respect to particular fuel loaded in the reactor,

1 which we did not.

2 Our concern was that Vermont Yankee had a
3 record of fuel damage that it was apparent that they
4 had lost control of their fuel inventory, and our
5 concern was that they could as well as not be loading
6 damaged fuel. And NRC then determined that that was
7 not adequate to require halting the start-up. So I
8 just wanted to clarify that we understand that portion
9 of NRC's decisionmaking, and we're prepared to now
10 discuss the remainder of our 2206 petition.

11 I would like to reaffirm the request that
12 fuel movement be halted. We understand that fuel
13 movement in terms of off-loading the reactor and
14 reactor reload is completed; however, we would like it
15 understood that the request to halt fuel movement
16 includes now any plans to rearrange, rerack any of the
17 fuel in the spent fuel pool. And if this
18 investigation is not complete before this fuel cycle
19 is over, certainly it would preclude any fuel movement
20 at that time. So, in essence, we want to confirm that
21 we are asking NRC to halt all fuel movement except for
22 that necessary to examine fuel or to look for broken
23 fuel or fuel segments. And I wonder if I'm clear on
24 that or if you have questions on that?

25 MR. LEEDS: That was interesting, your

1 last, "except for that necessary to examine the fuel
2 or to look for the fuel segments."
3 MR. SHADIS: That's correct.
4 MR. LEEDS: All right. That's very
5 helpful. That was one of the questions that we had.
6 If the Licensee is looking, if they need to locate
7 these missing pin segments, they may find it necessary
8 to rearrange fuel in the fuel pool in order to search
9 different portions of the fuel pool. But you find
10 that movement would be acceptable.
11 MR. SHADIS: Yes. And we understand that
12 NRC now has an inspection team onsite. We're
13 presuming that this inventory will be conducted with
14 hands-on NRC oversight.
15 MR. LEEDS: We do have an inspection team
16 onsite, yes, and we are monitoring the Licensee's
17 actions.
18 MR. SHADIS: Okay. One of our
19 stipulations was that the inventory, and here we're
20 talking about a complete, exhaustive inventory, that
21 it be certified by NRC. And I'd like to clarify that,
22 if I may.
23 As interested members of the public, we
24 are not assured by the general run of NRC statements,
25 and, further, if anticipating any further action with

1 respect to this issue, we are, in essence, acting NRC
2 to be itself accountable. I have an issue with
3 respect to how NRC has represented the fuel inventory
4 to date, and if you'll bear with me just a minute.
5 We had an NRC public meeting at Vernon,
6 Vermont on March 31. At that meeting, the issue of
7 the lost fuel pins at Millstone was raised, and the
8 reassurance we got from the NRC at that meeting was
9 that that kind of thing did not exist or would not
10 exist at Vermont Yankee. And I'd like to read to you
11 now our own transcript of a portion of that meeting
12 and response then to whether or not an issue similar
13 to Millstone could exist at Vermont Yankee.
14 We have an NRC representative, and I
15 believe it was Bill Ruland speaking first who says,
16 "Dave Pelton, I know you have looked at the
17 accountability of the spent fuel pool. Would you care
18 to address the question here in Vermont?" And Dave
19 Pelton, as you know, is Senior Resident Inspector. "I
20 will. Accountability, as you mentioned, at Millstone
21 did have an issue with a fuel pin that was lost.
22 There was an intense NRC inspection on that. A lot of
23 early on shipments were made from spent fuel pools,
24 and there is an NRC inspector's report that talks
25 about probable causes on that. Other aspects were

1 related to the NRC did an inspection following that to
2 do a material accountability at all" --
3 MR. WANG: Mr. Shadis?
4 MR. SHADIS: Yes?
5 MR. WANG: I'm sorry to interrupt. We're
6 getting -- someone else is having a conversation on
7 this line, and I really urge the people who are not
8 speaking to please put their phones on mute, because
9 it is interrupting our ability to understand what
10 you're saying.
11 MR. SHADIS: Thank you.
12 MR. WANG: I'm sorry, Mr. Shadis. If
13 you'd continue.
14 MR. SHADIS: The last sentence, "Other
15 aspects were related to," and then a blank. "The NRC
16 did an inspection following that to do a material
17 accountability at all pools across the nation." Mr.
18 Pelton continues, "To address that specific part of
19 your question, if you'll bear with me for a second,
20 myself and the other resident inspector we did a
21 fairly detailed review of the spent fuel pool at
22 Vermont Yankee here where I look at it almost every
23 day anyway, and we looked through historically,
24 through the record from day one since they've put
25 anything into that pit, and we validated that there's

1 a record on all the material they said was in there
2 still is in there, and we challenged them on a number
3 of points to validate some areas that we didn't
4 understand how they followed their process. We
5 challenged them on that, they took some action, and
6 indeed we did validate it."
7 And then with a break Mr. Pelton
8 continues, "We validate that we fully understand all
9 of the inventory and that everything they say in there
10 is right where it belongs."
11 Now, I don't mean to pick on Mr. Pelton at
12 all. Apparently, he made this statement before he had
13 actually completed verifying the pool because it was
14 then in a very short period of time when he did ask
15 for a visual inspection of the container with the two
16 missing fuel segments.
17 My point is --
18 MR. LEEDS: Excuse me, Mr. Shadis. I'm
19 sorry, but we're getting a lot of interference again.
20 Can you hear that?
21 MR. SHADIS: Yes, I can. It sounds like
22 a conversation about some domestic matter.
23 MR. WANG: John, can we be quiet for a
24 second and can you pick up the noise and drop that
25 line?

1 JOHN: There's nobody giving us any static
2 right now. I did hear it, but I couldn't catch who it
3 was.
4 MR. WANG: Okay.
5 MR. LEEDS: Sorry, Mr. Shadis. We'll try
6 to get that cleared up.
7 MR. SHADIS: All right. And I will be
8 glad to provide the Petition Review Board with a copy
9 of this transcript so that you can read what it is
10 that we're saying.
11 But, basically, we have Mr. Pelton's
12 public assurance that the spent fuel pool at Vermont
13 Yankee has been -- there's been stringent oversight
14 and everything has been examined and accounted for.
15 And then within very short order we have these two
16 missing fuel segments. I don't mean to fault him but
17 the statement, if anything, it was premature, it was
18 done before that examination was completed.
19 And this is not what we want from NRC with
20 respect to this petition. We do want a formal, on-
21 the-record, certified accounting of the spent fuel,
22 and I believe that given -- let me just check my notes
23 here -- I believe that given the reporting provisions
24 and the accounting provisions, for example, in 10 CFR
25 70.51 and 70.54, the Licensee is required to do a

1 periodic complete inventory. It has not been done,
2 and we're now asking that our request for an inventory
3 be expanded into a formal order from NRC requiring
4 that the Licensee complete a full inventory with some
5 quality assurance attached to it.
6 MR. LEEDS: All right. Mr. Shadis, can I
7 repeat back what my understanding is of what --
8 MR. SHADIS: Certainly.
9 MR. LEEDS: -- you're asking for so that
10 you can correct me if I don't have it right? This
11 petition, NEC is requesting a formal, on-the-record,
12 certified accounting by the Nuclear Regulatory
13 Commission of the spent fuel inventory at Vermont
14 Yankee.
15 MR. SHADIS: We would anticipate that the
16 Licensee would actually be performing the inventory,
17 but we are asking for NRC's oversight to the extent
18 that NRC is able at the end of this inventory to
19 provide certification that it is complete.
20 MR. LEEDS: Okay. Can you explain or give
21 me any kind of clarification on what you mean by
22 certification? Is this oath and affirmation?
23 MR. SHADIS: Well, oath and affirmation I
24 don't believe is necessary. If NRC will compose a
25 formal letter accepting the Licensee's fulfillment of

1 an order that requires a complete inventory, that
2 would do the trick, I believe.
3 MR. LEEDS: Okay. I understand you asking
4 that the NRC issue a formal order to the Licensee to
5 complete a fuel inventory with appropriate QA review
6 and then following that NRC issue a formal letter to
7 the Licensee accepting the completion of that fuel
8 inventory.
9 MR. SHADIS: That's right. And, you know,
10 fuel inventory, and we want to be clear on our terms
11 here, 10 CFR 70.51 uses the term, "special nuclear
12 material." We presume that that means the spent fuel
13 and other contents of the Licensee's nuclear
14 inventory. So, for example, I guess what we are
15 really asking for here is an inventory of all that is
16 contained in the spent fuel pool.
17 MR. LEEDS: All that is contained in the
18 spent fuel pool?
19 MR. SHADIS: Yes. I don't want to be
20 hemming myself in here, because I guess what we're
21 really interested in here is the special nuclear
22 material wherever it may be within the Plant.
23 MR. LEEDS: Well, yes. Let me ask you to
24 clarify that. I understand that you want to know
25 everything that's contained in the spent fuel pool,

1 which is special nuclear material.

2 MR. SHADIS: Right.

3 MR. LEEDS: Now, you just --

4 MR. SHADIS: I turned that around on you,

5 and I'm sorry for the vacillation.

6 MR. LEEDS: That's all right. Can you

7 clarify exactly -- are we reserving the review to the

8 spent fuel pool, are we looking at perhaps things

9 outside of the spent fuel pool?

10 MR. SHADIS: Well, right now, for example,

11 we don't know the location of the missing fuel

12 segments, and we don't know if they have been broken

13 up, and because the Licensee has, in effect, lost

14 control of their inventory, we don't know where there

15 may be fragments or pellets. And if this includes all

16 areas where this material is handled, be it in the

17 spent fuel pool, in the transfer canal, in the

18 immediate area of the reactor, then certainly our

19 sense is that those areas should be included.

20 MR. LEEDS: Okay. I have one of the staff

21 wants to expound on some clarifying questions.

22 MR. SHADIS: Certainly.

23 MR. BERKOW: This is Herb Berkow. Would

24 you exclude anything in new fuel storage in the

25 reactor core, start-up sources that might be

1 available? In other words, are you interested
2 primarily in spent fuel?
3 MR. SHADIS: I have to answer that yes
4 with the kinds of exclusions that you've put in, new
5 fuel, neutron sources, all the rest of that, presuming
6 that spent nuclear fuel greater than Class C waste,
7 the other kinds of things that you would expect to
8 find in the spent fuel pool, would not have been in
9 those other areas.
10 MR. BERKOW: So it's primarily spent fuel
11 then.
12 MR. SHADIS: That's correct.
13 MR. BERKOW: Okay.
14 MR. LEEDS: This is Eric Leeds again, Mr.
15 Shadis. If you would allow me, I'd like to ask if
16 there's anyone else from the staff that has any
17 clarifying questions for Mr. Shadis?
18 MR. HOWE: I have one.
19 MR. LEEDS: Identify yourself.
20 MR. HOWE: Mr. Shadis, this is Alan Howe.
21 You said something about greater than Class C waste.
22 I'm uncertain as to what you're referring to with
23 regard to that in terms of any inventory.
24 MR. SHADIS: Well, because we don't have
25 an inventory of the pool, it's a little bit difficult

1 for me to say. But what we do know is that -- because
2 we don't have an inventory of the pool, it is
3 difficult for me to say, but if there are portions of
4 the control elements or fuel bundle components or
5 other bits and pieces that have been highly irradiated
6 and have now been characterized as Class C, our
7 presumption is that they are stored in the spent fuel
8 pool along with the fuel.
9 That one of the means of confirming what
10 it is you have stored in the fuel pool is a
11 radiological survey, that it is reasonable that there
12 could be confusion with respect to these materials and
13 the missing materials and that one way of nailing down
14 what you actually have there is to do a complete
15 inventory of all the materials that you have stored in
16 proximity of the spent fuel. So I mentioned Class C
17 because of the presumption that radiation levels might
18 be similar to that of aged fuel. And we may be
19 technically not on real solid ground there, but that's
20 our perception of it.
21 MR. HOWE: Okay. Let me just clarify what
22 I thought I heard. This is Alan Howe again. You're
23 referring to a process for how to identify the result
24 issue which is an understanding of the inventory of
25 spent fuel.

1 MR. SHADIS: Yes, or as it's termed in
2 70.51, special nuclear material.
3 MR. HOWE: Okay.
4 MR. SHADIS: I mean that's NRC's
5 terminology.
6 MR. HOWE: Special nuclear material is a
7 broader class than spent nuclear fuel.
8 MR. SHADIS: I understand.
9 MR. HOWE: That's why we're working hard
10 to try to clarify what the result will be.
11 MR. SHADIS: Well, could you help me,
12 please, understand now, is NRC's review of Vermont
13 Yankee's apparent failure to do a physical inventory
14 of all special nuclear material, is that now limited
15 to review on spent fuel or is NRC now seeking to see
16 if the Licensee was in compliance with 10 CFR 70.51(d)
17 or not? Does that question make any sense to you?
18 MR. LEEDS: This is Eric Leeds again.
19 Yes, I think the question makes sense. I don't know
20 that I can answer that without the region on the line,
21 because they're the ones conducting the special
22 inspection. However, not that your question isn't a
23 good question and isn't warranted, I do want to make
24 sure that we stick with the 2006 petition, make sure
25 that we understand what New England Coalition is

1 asking for so we can proceed.

2 MR. SHADIS: Okay.

3 MR. LEEDS: I don't know the answer, Mr.
4 Shadis. We certainly could get back to you on that
5 question. But getting back to what Alan Howe was
6 asking about, I am a little confused with regard to --
7 you're primarily interested in spent fuel but I also
8 heard you talk about a complete inventory of all
9 materials that are being stored in the spent fuel
10 pool, which would include things like greater than
11 Class C waste --

12 MR. SHADIS: Right.

13 MR. LEEDS: -- and sources that are used
14 at the site and that sort of thing.

15 MR. SHADIS: Right.

16 MR. LEEDS: Is that what is of interest to
17 the New England Coalition?

18 MR. SHADIS: Yes, it is. And part of this
19 is the rationale that was applied at an investigation
20 at Millstone and now seems to be something that's
21 emanating from statements made by the Licensee that
22 there is a possibility that the missing fuel segments
23 may have been shipped. And here we're not talking
24 greater than Class C but here we're talking low level
25 waste shipments, that they may have been packed under

1 water and shipped with low level waste to a low level
2 waste repository. And it is apparent to us that
3 unless you are inventorying all of the materials that
4 you're required to inventory, that kind of confusion,
5 that kind of mistake can happen, and our concern is
6 that, number one, of course, is that it not happen in
7 the future, but also, by way of confirming a full
8 inventory, that all these other materials also be
9 looked at.
10 MR. LEEDS: All right, Mr. Shadis. And my
11 understanding of the New England Coalition's request
12 is a complete inventory of all materials stored in the
13 spent fuel pool, including spent fuel greater than
14 Class C waste and whatever other types of materials
15 the Licensee is currently storing in the spent fuel
16 pool.
17 MR. SHADIS: Right. And I have to tell
18 you that we're coming from two perspectives here. One
19 is our understanding physically of what might or might
20 not be in the spent fuel pool and our sense of common
21 sense about what a full inventory might be. But the
22 other perspective that we're coming at here is the
23 legal requirement for inventory and reporting that the
24 Licensee has. And, certainly, any order that would
25 emanate from NRC with respect to a complete inventory

1 would reference the legal requirements under 70.51 and
2 so on.
3 MR. LEEDS: Understand. You're saying the
4 basis for the NRC's order would be the regulatory
5 requirements in 10 CFR Part 70.
6 MR. SHADIS: That's correct.
7 MR. LEEDS: Okay. Thank you. Any other
8 clarifying questions from the NRC staff? I don't see
9 any. Can I extend to the Licensee are there any
10 clarifying questions you'd like to ask the New England
11 Coalition?
12 MS. FAISON: None at this time.
13 MR. LEEDS: Thank you very much. All
14 right. Mr. Shadis, is there anything else that you'd
15 like to tell us before we -- I know I have a couple of
16 questions that I'd like to ask you, and the staff may
17 have some, but is there any other clarification or
18 explanation that you'd like to share with us?
19 MR. SHADIS: I don't -- well, they're
20 really housekeeping things.
21 MR. LEEDS: That's fine.
22 MR. SHADIS: If we can take care of them
23 now. One is would you like for me to send you a copy
24 of our transcript? I presume that NRC's transcript of
25 that March 31 meeting ought to be prepared anytime

1 soon.

2 MR. LEEDS: Yes. This is Eric Leeds

3 again. Yes. I'm being told by the staff that, yes,

4 we have it, and -- is it publicly available yet, Rick?

5 MR. ENNIS: Not yet. This is Rick Ennis.

6 It's going to be made publicly available as part of

7 the meeting summary which is in concurrence.

8 MR. SHADIS: Okay. That will help. And

9 so I guess you all can refer to that for the statement

10 from Mr. Pelton that I referred to. The other thing

11 is in our preliminary call last week, we asked if

12 there was documentation on the 1979-1980 incident, and

13 Mr. Alan Wang looked for that and was unable to find

14 any publicly available documents on that. But the

15 thing that has our attention is that the morning

16 report, the NRC morning report for April 23 stated

17 that two fuel pins were broken into several pieces,

18 and I know that the folks that write up the morning

19 report aren't -- they're not being held to some kind

20 of standard of testimony or anything in terms of the

21 exact accuracy of their words, but there's no way for

22 us to confirm any of that information or review it.

23 The idea that we are only missing two small segments

24 when the morning report says several pieces and two

25 fuel pins leads us to question where the other

1 portions of those fuel pins are and if their location
2 has been verified. And, certainly, that would be
3 something that we would want to see incorporated in a
4 full inventory.
5 I guess the other part of that is that
6 when an inventory is done, a full inventory is done
7 and certified by NRC, we would hope that it would be
8 made publicly available and not be something like this
9 original report, which we so far haven't been able to
10 get a hold of.
11 In that same vein, we mentioned the fuel
12 damage and here we have a former employee who saw a
13 photo representation of a split open fuel pin at the
14 1992 incident. NRC's told us they're well aware of
15 that 1992 incident, but there, too, we've been unable
16 to obtain the documents, the relevant documents, and
17 we did ask the Petition Review Board if they could
18 help us in that regard and provide those documents.
19 I'd like to reiterate that request for that
20 information.
21 MR. LEEDS: All right, Ms. Shadis. This
22 is Eric Leeds again. Let me repeat back to you what
23 I heard to make sure that I understand.
24 MR. SHADIS: Sure.
25 MR. LEEDS: One of the concerns had to do

1 with the NRC morning report for April 23, the pins
2 were broken into several pieces. I saw in your
3 petition that you're requesting the location of the
4 longer pieces, the remaining.
5 MR. SHADIS: Right.
6 MR. LEEDS: And I saw that in the
7 petition. Verify the location of the remaining
8 lengths, some ten feet of fuel pin or its condition.
9 So you want -- you're asking the Review Board to also
10 look into that and make sure that's part of the
11 inventory.
12 MR. SHADIS: Yes, sir. We wrote that
13 petition before we saw the morning report. So we were
14 essentially speaking about the remainder, presuming
15 that these two unaccounted for fuel fragments came
16 from one pin. But in the morning report we see now
17 that the incident involved two pins, and we see the
18 language that they were broken into several pieces.
19 So, in essence, we're asking for information on the
20 location, verified location and the condition of the
21 remainder of that --
22 MR. LEEDS: Of those two pins.
23 MR. SHADIS: Yes.
24 MR. LEEDS: Okay. Good. Thank you. You
25 also asked to make sure that the report of the NRC's

1 oversight of the Licensee's activities be publicly
2 available and I guess also the NRC certification of
3 the Licensee's inventory also be publicly available;
4 is that correct?
5 MR. SHADIS: Yes. On the first part, if
6 there is any way to do it, it is the Licensee's report
7 to the NRC with respect to the inventory that should
8 be publicly available.
9 MR. LEEDS: The Licensee's report to the
10 NRC.
11 MR. SHADIS: Yes.
12 MR. LEEDS: Okay.
13 MR. SHADIS: As well as the NRC's
14 certification or letter which certifies that NRC is
15 satisfied with the conduct of the inventory.
16 MR. LEEDS: Okay. I think I understand
17 your request.
18 MR. SHADIS: Okay.
19 MR. LEEDS: The Licensee's report as well
20 as the NRC's report. Also you discussed a little bit
21 about a former employee saw that there was a split
22 open fuel pin?
23 MR. SHADIS: Yes.
24 MR. LEEDS: And you were unable to obtain
25 the relevant documents from that.

1 MR. SHADIS: Yes. This is approximately
2 1992.
3 MR. LEEDS: Nineteen ninety-two,
4 understand that. You also reference that in the
5 petition, and you're asking the Petition Review Board
6 if we could help provide those documents.
7 MR. SHADIS: Yes.
8 MR. LEEDS: All right. Okay. And those
9 were -- you called those housekeeping.
10 (Laughter.)
11 MR. SHADIS: Well, it doesn't go to the
12 heart of our concern, but these are part of the -- I
13 presume that you're going to be looking at these
14 documents as part of your petition review, and we're
15 at a extreme disadvantage because we don't have access
16 to them.
17 MR. LEEDS: I understand your request,
18 sir. I have one housekeeping item for you, and then
19 I want to move into whatever questions that we have,
20 the clarifications for the petition that New England
21 Coalition submitted.
22 My housekeeping issue for you has to do
23 with your statements earlier regarding the senior
24 resident's statements at the public meeting and that
25 he may have spoke prematurely.

1 MR. SHADIS: Right.

2 MR. LEEDS: We take any inferences about
3 the staff and potential wrongdoing very seriously.
4 We'll handle it appropriately with regard to the NRC's
5 processes, and so that I want to make sure that you
6 understand that we heard your concern loud and clear
7 and that we will examine your concern. And also I
8 just want to recount for the record that it was
9 because of the senior resident's questioning that the
10 Licensee even identified that these two fuel segments
11 were missing.

12 MR. SHADIS: Yes. And that's why I said
13 that I did not want this to be taken as a negative
14 comment with respect to the inspector. We're fully
15 aware that Mr. Pelton required them to go ahead and
16 visually confirm the contents of that container, and
17 we fully appreciate that. We have to hypothesize here
18 supposing that had never happened. What we had was an
19 assurance from NRC that every aspect of the Licensee's
20 inventory-keeping had been confirmed, and I'm just
21 presuming that Mr. Pelton made that statement but
22 still had things to do on his agenda with respect to
23 confirming the fuel pool content. So in that sense,
24 we're faulting NRC for a comment that would be
25 premature, and had it not gone any further, the public

1 would have gone away with a false assurance.

2 MR. LEEDS: I understand. Thank you, Mr.

3 Shadis. Thank you.

4 Now, questions for you, if you would, sir,

5 I'm looking at Page 2 of your petition, the third full

6 paragraph.

7 MR. SHADIS: Okay.

8 MR. LEEDS: It begins, "Therefore, if and

9 when the Licensee now finds fuel pin segments in some

10 unplanned storage location."

11 MR. SHADIS: Yes.

12 MR. LEEDS: All right. Now, I think we

13 just talked a little bit about this, and I was asking

14 for what your particular concern was. I think that

15 you answered this in our previous discussion, but if

16 you could go into -- if you could just briefly clarify

17 your concern that you have written here in this

18 paragraph.

19 MR. SHADIS: Yes. I'm sorry that it

20 wasn't written in a way that would be real clear.

21 What we're saying is because the missing segments are

22 an indicator that the inventory of these special

23 nuclear materials is not complete, it's not accurate,

24 to fail to do a complete inventory at this point and

25 rely only on a search of the pool for these missing

1 segments could, in our point of view, be misleading.
2 If you find a fuel fragment and it is roughly from
3 that time frame if you scale out the decay and if you
4 determine that this is from the '79-'80 time frame, it
5 still doesn't say that it is what you have been
6 looking for, because you don't have a complete
7 inventory of what's in there. It could just as well
8 come from another segment or a portion of whatever was
9 broken back then.
10 MR. LEEDS: Okay. That was very helpful.
11 Thank you.
12 MR. SHADIS: Okay.
13 MR. LEEDS: That clarified that for me.
14 MR. SHADIS: It was just our way of
15 pushing the idea that --
16 MR. LEEDS: The complete inventory is
17 necessary.
18 MR. SHADIS: Absolutely.
19 MR. LEEDS: Right. Right. Understand.
20 Okay. My last question for you has to do with the --
21 oh, let me see, one, two, three, four, five -- the
22 fifth paragraph down on that same page, there's a
23 statement, "Additionally, NRC tolerance of such poor
24 licensee practices, as exhibited by the loss of the
25 fuel pin segments," can you clarify what you mean by,

1 "NRC tolerance of such poor licensee practices?"

2 MR. SHADIS: Now, that's a good question.

3 That's a good question. It may very well be that

4 these missing fuel segments have been missing for a

5 long time, and where the Licensee is required to do a

6 periodic inventory and reporting of their special

7 nuclear materials inventory, something has failed in

8 that system. I think maybe the word, "tolerances,"

9 was a poor choice, but something in NRC's system or

10 application of their system has allowed this condition

11 to exist, it has allowed the Licensee to go perhaps 20

12 years without doing a visual confirmation of what

13 might be in that open canister. And if that's the

14 standard of oversight, then it does not bode well for

15 other areas where oversight is necessary. Does that

16 make any sense?

17 MR. LEEDS: Yes, it certainly does. I

18 think that was very helpful. Thank you, Mr. Shadis.

19 MR. SHADIS: Okay.

20 MR. LEEDS: Let me at this time open it

21 up. Are there any questions to the New England

22 Coalition regarding their petition from the NRC staff?

23 I see a lot of shaking heads, no. All right. Thank

24 you. Let me open it up to the Licensee then. Does

25 the Licensee have any questions of the New England

1 Coalition with regard specifically to their petition.
2 MS. FAISON: None at this time.
3 MR. LEEDS: Okay. Thank you. Are there
4 any -- Mr. Shadis, are there any other speakers? You
5 introduced Mr. Blanch and Mr. Gunderson. Are there
6 any other speakers for the New England Coalition that
7 you'd like to address the Petition Review Board?
8 MR. SHADIS: Well, Mr. Gunderson, because
9 of a work schedule, had to leave us a little bit
10 earlier on. Mr. Blanch, are you there? Okay. We've
11 lost Mr. Blanch also. So I guess not.
12 MR. LEEDS: I guess not. All right. I
13 think that this concludes the call. Appreciate the
14 time, the clarification, the explanation for the
15 petition. As I said earlier, the Petition Review
16 Board will meet later today. We'll consider this for
17 acceptance into the 2206 petition process, and we will
18 certainly let you know how the Board's review turns
19 out, Mr. Shadis.
20 MR. SHADIS: Thank you. May I make one
21 final point of clarification here?
22 MR. LEEDS: Yes, sir.
23 MR. SHADIS: I referenced 10 CFR 70.51,
24 but, as you all know, there are reporting requirements
25 under Part 61 and there may be under other NRC

1 regulations additional requirements that have to do
2 with inventorying, maintaining control and reporting
3 on the fuel, and I hope that you will, in considering
4 this and a possible order, not narrowly restrict it to
5 the cited regulation.
6 MR. LEEDS: I understand you're asking the
7 NRC to consider your request broadly --
8 MR. SHADIS: Yes.
9 MR. LEEDS: -- not strictly restricted to
10 the two parts of the Part 70 that you had previously
11 referenced.
12 MR. SHADIS: That's correct.
13 MR. LEEDS: Okay.
14 MR. SHADIS: That's correct. I mean 70.54
15 I'm looking at here, 74.13. There is a number of
16 places where this kind of responsibility is cited in
17 regulation.
18 MR. LEEDS: Okay, sir.
19 MR. SHADIS: Yes.
20 MR. LEEDS: Very good. All right. Well,
21 again, I appreciate your time.
22 MR. SHADIS: Thank you. We thoroughly
23 appreciate your time and your accommodation on this.
24 MR. LEEDS: Yes, sir.
25 MR. SHADIS: Yes.

1 MR. LEEDS: Okay. Thank you. I will
2 conclude the call, and you all have a good day.
3 MR. SHADIS: Thank you. Bye now.
4 MR. LEEDS: Thank you. Bye.
5 (Whereupon, the Petition Review Board
6 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: Petition Review Board Meeting
Re: Vermont Yankee

Docket Number: 50-271

Location: telephone meeting

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

Mia Thang

Mia Thang
Official Transcriber
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