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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

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WEDNESDAY, AUGUST 6, 2008

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The conference call was held at 1:00 p.m.,

Mark Maxin, PRB Chairman, presiding.

NRC HEADQUARTERS STAFF:

MARK MAXIN, Acting Deputy Director of Policy  
and Rulemaking, NRR

MATTHEW HOMIACK, NRR

MICHELLE HONCHARIK, PRB Coordinator

JAMES KIM, Petition Manager

MARK KOWAL, NRR

JENNY LONGO, Office of General Counsel

DOUG STARKEY, Office of Enforcement

NRC REGION I:

BARRY NORRIS

PETITIONER:

THOMAS GURDZIEL

LICENSEE ENTERGY:

JIM DEVINCENTIS

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

(1:03 p.m.)

MR. KIM: Good afternoon. I would like to thank everybody for attending this meeting.

My name is James Kim, and I am the Vermont Yankee Project Manager. I am also the Petition Manager for this 2.206 petition, ~~on conservation~~.

The Petition Review Board Chairman is Mark Maxin.

As a part of the Petition Review Board's review of the 2.206 petition, Mr. Thomas Gurdziel has requested this opportunity to address the PRB. This meeting is scheduled to last from 1:00 p.m. until 2:00 p.m.

The meeting is being recorded by the NRC Operations Center and will be transcribed by a Court Reporter. The transcript will become a supplement to the petition that was submitted on July 17, 2008, by Mr. Thomas Gurdziel. The transcript will also be made publicly available.

I would like to open this meeting with introductions. As we go around the room, please be sure to clearly state your name, your position, and the organization within the NRC for the record. I will start off.

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1                   This is James Kim, the Vermont Yankee  
2 Project Manager in the Division of Operating Reactor  
3 Licensing and NRR.

4                   MR. KOWAL: This is Mark Kowal. I'm a  
5 Branch Chief in the Division of Operating Reactor  
6 Licensing in the Office of NRR.

7                   MR. HOMIACK: This is Matthew Homiack,  
8 General Engineer, NRR, Division of License Renewal.

9                   CHAIRMAN MAXIN: I am Mark Maxin, the  
10 Acting Deputy Director of Policy and Rulemaking in  
11 NRR, and currently serving as the PRB Chair.

12                   MS. LONGO: I am Jenny Longo, Senior Staff  
13 Attorney in the Office of General Counsel.

14                   MR. KIM: At this time --

15                   CHAIRMAN MAXIN: I think Michelle is here.

16                   MR. KIM: -- are there any NRC  
17 participants from either headquarters or a regional  
18 office?

19                   MR. STARKEY: Yes. This is Doug Starkey,  
20 Senior Enforcement Specialist, Office of Enforcement.

21                   MS. HONCHARIK: This is Michelle  
22 Honcharik, Senior Project Manager, Division of Policy  
23 and Rulemaking, NRR, and the Petition Coordinator for  
24 the office.

25                   MR. NORRIS: This is Barry Norris from

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1 Region I. I'm the Acting Branch Chief, and I have  
2 responsibility over this area.

3 MR. KIM: Are there any participants from  
4 the licensee?

5 MR. DEVINCENTIS: Yes. This is Jim  
6 Devincentis from the licensing organization at Entergy  
7 Vermont Yankee.

8 MR. KIM: Mr. Gurdziel, could you please  
9 introduce yourself for the record?

10 MR. GURDZIEL: This is Tom Gurdziel,  
11 resident of the Town of Scriba, which has three  
12 operating nuclear powerplants in it.

13 MR. KIM: Thank you. If there are any  
14 other people on the line, could you please introduce  
15 yourselves now?

16 (No response.)

17 I would like to emphasize once again that  
18 we need to speak clearly and loudly to make sure that  
19 the Court Reporter can accurately transcribe this  
20 meeting. If you are going to make any remarks, please  
21 first state your name for the record.

22 At this time, I will turn it over to the  
23 PRB Chairman, Mark Maxin.

24 CHAIRMAN MAXIN: And so for the record, I  
25 am Mark Maxin.

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1 Good afternoon, and welcome to the NRC  
2 meeting regarding the 2.206 petition request that was  
3 submitted by you, Mr. Gurdziel, regarding the Vermont  
4 Yankee Nuclear Powerplant in Vermont.

5 Before we get into the heart of the  
6 discussion, I would like to provide some general  
7 information about the NRC's 2.206 petition process.  
8 First, under Title 10 of the Code of Federal  
9 Regulations, Section 2.206, any person may petition  
10 the NRC to take an enforcement-related action, such as  
11 modifying, suspending, or revoking a license.

12 Further, the NRC staff guidance for the  
13 disposition of 2.206 petition request is in Management  
14 Directive 8.11, which is publicly available for  
15 review. The purpose of today's meeting is to provide  
16 the Petitioner -- in this case, yourself, Mr. Gurdziel  
17 -- an opportunity to comment on the PRB's initial  
18 recommendation and to provide any relevant additional  
19 explanation and support for the petition.

20 This meeting is not a hearing, nor is it  
21 an opportunity to examine the Petition Review Board on  
22 the merits of the issues presented in the petition  
23 request. No decisions regarding the merits of this  
24 petition will be made at this meeting. Following this  
25 meeting, the Petition Review Board will conduct its

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1 internal deliberations to determine if there is a need  
2 to modify its initial recommendation. The outcome of  
3 this internal meeting will be documented in a letter  
4 to the Petitioner.

5 I would like to summarize the scope of the  
6 petition under consideration and the NRC's activities  
7 to date. First, on July 17, 2008, Mr. Thomas  
8 Gurdziel, the Petitioner herein, submitted to the NRC  
9 a petition under 2.206 regarding problems with the  
10 cooling towers at Vermont Yankee.

11 In this petition request, Mr. Gurdziel  
12 requested that the NRC, one, immediately have the  
13 Entergy Vermont Yankee Nuclear Powerplant shut down,  
14 if it turns out that Entergy tradesmen did not install  
15 a third bracket that they were instructed to do either  
16 by a written plan and instructions or by verbal  
17 instructions; two, have FEMA review and accept the  
18 existing Entergy Vermont Yankee emergency siren system  
19 for population density coverage and sound level.

20 On July 20, 2008, Mr. Gurdziel submitted  
21 a supplement requesting to have FEMA review and accept  
22 the emergency siren and public notification devices  
23 for all license extension applicants before the  
24 license is extended by the NRC, and also for those  
25 whose license has already been extended.

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1           Now, allow me to discuss at this point the  
2 NRC activities to date in response to the petition.  
3 On July 24, the NRR Petition Review Board met to  
4 review the petition against the acceptance criteria in  
5 Management Directive 8.11 and discuss the need for any  
6 immediate NRC actions related to the Vermont Yankee  
7 Nuclear Powerplant.

8           Based on the information submitted in the  
9 petition, the PRB made an initial determination not to  
10 accept the petition review under the 2.206 petition  
11 review process, because the petition request did not  
12 set forth facts to constitute a basis for the  
13 requested action. The PRB also decided to deny the  
14 request for an immediate shutdown of Vermont Yankee,  
15 because the petition did not identify a safety hazard.

16           Also, the NRC inspectors that had been  
17 dispatched to the plant did not identify any safety  
18 hazard to justify an immediate shutdown.

19           Now, following the July 24 meeting, the  
20 Acting Petition Manager, John Boska, informed the  
21 Petitioner, Mr. Gurdziel -- yourself, sir -- that the  
22 initial decision of the PRB was to not accept the  
23 request as a 2.206 petition, and made available the  
24 opportunity for the Petitioner to address the PRB.

25           Mr. Gurdziel, at this time, if I did not

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1 capture the essence of your petition and the issues  
2 correctly, could you please clarify that during your  
3 remarks?

4 MR. GURDZIEL: Okay.

5 CHAIRMAN MAXIN: Thank you, sir.

6 Again, the purpose of the meeting today is  
7 to provide the Petitioner with an opportunity to  
8 comment on the PRB's initial recommendation and to  
9 provide additional information and explanation in  
10 support of the petition.

11 The purpose of this meeting is not to  
12 provide the opportunity for the meeting participants  
13 to question or examine the PRB regarding the merits of  
14 the petition request. This meeting is not a hearing;  
15 no decision regarding the merits of the petition will  
16 be made during this meeting. Subsequent to this  
17 meeting the PRB will conduct an internal meeting to  
18 make a final recommendation on whether to accept or  
19 reject the petition for review. The result of that  
20 meeting will be documented in an acknowledgement  
21 letter to the Petitioner.

22 The PRB typically consists of a Chairman,  
23 and it has a Petition Manager, which for a plant-  
24 specific petition is usually the licensing project  
25 manager. Other members of the Board are determined by

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1 the NRC staff based upon the content of the  
2 information in the petition request.

3 At this time, I would like to introduce  
4 the Board, and then turn the meeting over to the  
5 Petitioner. First, I am Mark Maxin, as previously  
6 articulated, Petition Review Board Chairman. James  
7 Kim is the Petition Manager for the petition under the  
8 discussion today. Michelle Honcharik is the office's  
9 2.206 coordinator. In addition, we have Barry Norris  
10 from the NRC's regional office on the Petition Review  
11 Board.

12 We also obtain advice from our General  
13 Counsel, represented by Jenny Longo. And the Office  
14 of Enforcement is represented by Doug Starkey.

15 As described in our process, the NRC staff  
16 may ask clarifying questions in order to better  
17 understand the Petitioner's presentation and to reach  
18 a reasoned decision whether to accept or reject the  
19 Petitioner's request for review under the 2.206  
20 process.

21 I will note that Entergy, the licensee for  
22 the Vermont Yankee Nuclear Powerplant, has also been  
23 invited to this meeting and will be afforded an  
24 opportunity to ask clarifying questions of the  
25 Petitioner. For clarification, the licensee is not --

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1 I repeat, not -- part of the decisionmaking process  
2 for the NRC's review of 2.206 petitions.

3 We invite the licensee so that they are  
4 aware of an ongoing request for action against their  
5 facility and provide an opportunity to ask any  
6 questions so that they may understand the details  
7 pertaining to their facility.

8 Are there any general questions regarding  
9 the 2.206 process, before I turn it over to the  
10 Petitioner?

11 (No response.)

12 There being no such comments, as a  
13 reminder for the phone participants, please identify  
14 yourself if you make any remarks, as this will help us  
15 in the preparation of the meeting transcript that will  
16 be made publicly available.

17 Thank you. And, Mr. Gurdziel, the floor  
18 is all yours.

19 MR. GURDZIEL: Thank you very much.

20 Good afternoon, everyone. Three different  
21 areas. In the first area I have three items, the  
22 second area I have three items, and the third area I  
23 have two items that I would like to bring up today.

24 Area 1, I believe that Entergy Vermont  
25 Yankee management of maintenance is inadequate.

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1 Item 1, they set 68 bundles of spent fuel down on the  
2 refuel floor with a crane that was not maintained  
3 adequately. Item 2, I have seen no public information  
4 at least that crane safety or extent of condition was  
5 done on other site lifting devices after they had the  
6 accident I just mentioned in Item 1. Item 3 in this  
7 category, turbine valve leakage troubleshooting at  
8 power was done in what I consider to be a high  
9 radiation area, and I believe the decision to do that  
10 without shutting down the plant was inappropriate.

11 My next section I will call Entergy  
12 Vermont Yankee problem identification, which I also  
13 feel is inadequate. I have three items here. Item 1,  
14 I believe the troubleshooting was inadequate,  
15 inability to balance the mechanical draft cooling  
16 tower fans, should have been assigned that their  
17 support was not solid. That, you may recall, was the  
18 activity that was being done at the time of the  
19 collapse, the 2007 cooling tower collapse.

20 Item 2 here, apparently Entergy is unable  
21 to find main condenser leaks using helium. They try,  
22 and as far as I could see publicly gave up. Item 3,  
23 I believe I would classify cooling tower maintenance  
24 as inadequate based on the catastrophic 2007 failure.

25 My third section, I call this Entergy

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1 Vermont Yankee problem resolution, which I consider to  
2 be inadequate. There is two items here. The first  
3 one is contactor maintenance. You may have seen this  
4 in the LER here -- I don't know -- almost a year now  
5 I guess. Previous owners of Vermont Yankee probably  
6 had these contactors here in the plant, did  
7 maintenance on them, did not have any problem on them.

8 Vermont Yankee, using the procedure and  
9 the people that they have on hand now, could not  
10 repair the contactor to last more than one day,  
11 actually one use. This tells me one of two things  
12 here.

13 Number one, I believe the skills of the  
14 workers have deteriorated from what it used to be, and  
15 my reference here would be -- I have not -- I do not  
16 have it in front of me, but General Physics  
17 Corporation had written a technical procedure-writing  
18 handbook in which they had identified, as I recall it,  
19 a very important principle -- procedures have to  
20 reflect the skill of the workers.

21 My conclusion here is that the procedures,  
22 which were adequate for earlier workers, from what is  
23 it, 35 years or so now, are no longer adequate because  
24 the level of skill of the workers being used presently  
25 is lower. Additionally, it was my impression that the

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1 reason why the failure occurred originally was the  
2 failure to replace the contactor when it was found to  
3 be in not good shape rather than clean it.

4 As the LER was finally issued 60 or more  
5 days later -- 60 days later I guess -- it said nothing  
6 about the method used. It simply said the procedure  
7 was in need of repair. I am disturbed about the fact  
8 that the solution to a problem simply says they have  
9 to change a procedure, because it doesn't address  
10 problems like the supply of new contactors for that  
11 material, for that item.

12 So, in other words, I can tell people in  
13 a procedure that they should replace the contactor.  
14 But if I don't produce them, they still can't fix it.  
15 And I believe that's the case right here from the LER  
16 that I read. Okay? So I believe the skills of the  
17 workers have deteriorated, and I do not believe  
18 adequate resources are available to the workers at  
19 Vermont Yankee.

20 It might be proper to reference page 44 of  
21 the Independent Safety Report issued at Indian Point,  
22 at Entergy Indian Point plant, where the words "lack  
23 of resources" appear. Let me just read that one  
24 sentence to you. And this is related to a story here  
25 of rather -- they were talking about PMs.

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1           It says -- I'm on the first full paragraph  
2           on page 44.     "Station personnel advised that  
3           preparation for the recently completed Unit 2 outage,  
4           and the lack of resources, impacted the ability to get  
5           PMs done on time." So here I am showing you that not  
6           only do I suspect lack of resources is a problem at  
7           Vermont Yankee, but I am telling you that it has been  
8           identified as a problem at another Entergy plant.

9           The second item here, cooling tower  
10          maintenance is inadequate based on the 2008 repair of  
11          the repair. Now, I don't know what happened, because  
12          I haven't waited 45 more days to hear about that. But  
13          you guys know and people know what happened. And here  
14          is my feeling -- is because of a failure to adhere to  
15          written instructions or verbal instructions, various  
16          pieces were not put in correctly. Then, the plant is  
17          too unsafe to run.

18          So that is my main thought. If they have  
19          not followed written or verbal instructions at that  
20          plant, there is no command control over work at that  
21          plant. If that's the case, I am requesting that you  
22          shut it down right now.

23          Okay. So let me just move on to my  
24          conclusions. My conclusions are -- oh, about six of  
25          them. I think the management of maintenance at

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1 Vermont Yankee is inadequate. I think the problem  
2 identification at Entergy Vermont Yankee is  
3 inadequate. I believe the problem resolution is  
4 inadequate.

5 I believe the skill level of the workers  
6 has deteriorated. I believe the supply of repair  
7 parts may be inadequate. And I also want to just  
8 observe that, as in the case of the contactor repaired  
9 equipment at Entergy Vermont Yankee may last as little  
10 as one day before failing again.

11 So, in conclusion, let me ask: isn't it  
12 time for the NRC to take some significant action?

13 And I thank you for the opportunity to  
14 make those comments. Are there any questions?

15 CHAIRMAN MAXIN: Anybody here from the PRB  
16 have any questions? Any comments from the licensee?

17 MR. DEVINCENTIS: Entergy has no comments.

18 CHAIRMAN MAXIN: Okay. Anything else, Mr.  
19 Gurdziel?

20 MR. GURDZIEL: I have another matter that  
21 I would like a little help on. It is not related to  
22 this 2.206. Do you think you could entertain that  
23 right now?

24 CHAIRMAN MAXIN: Well, we need to find out  
25 what you have in mind, and then we will address -- we

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1 will decide. Thank you. But tell us what you --

2 MR. GURDZIEL: Okay. Recently I was  
3 reading a transcript of a hearing held in Newfane,  
4 Vermont, and it came to my attention on the basis of  
5 reading it that some particularly significant  
6 information was not presented that I think should have  
7 been made available to the Judge.

8 I attempted to contact Entergy to identify  
9 to them what the problem was, because it was actually  
10 advantageous to their argument, I felt. And in a week  
11 of time, I still haven't received a return phone call  
12 back. So rather than worry about them, I have decided  
13 that I want to try another avenue to make this  
14 information available to the Judge's staff, for the  
15 Judge, if that is possible.

16 So I'm asking if you guys -- or, excuse  
17 me, if you people can tell me that no such avenue is  
18 available or if there is one. I would like to present  
19 this information to them, if possible. That's what I  
20 want to do.

21 I think it is useful for the BWR industry  
22 -- it's about steam dryers.

23 MS. LONGO: This is Jenny Longo from the  
24 Office of General Counsel. No one here is a  
25 participant in that proceeding.

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1 MR. GURDZIEL: Yes. But you all have  
2 enough level that you might be able to tell me, is it  
3 possible?

4 MS. LONGO: Let me -- yes, let me finish,  
5 please. It is a licensing proceeding, and the PRB  
6 cannot -- I mean, we are not a party to the  
7 proceeding, and we cannot submit information to this  
8 proceeding. There are various ways -- you know, there  
9 is intervention. I don't -- no one here could comment  
10 on what is in the record. It is not in the record.  
11 I really don't think we can help you.

12 MR. GURDZIEL: Okay. Fine. Any other  
13 questions?

14 CHAIRMAN MAXIN: No, sir, but we  
15 appreciate the time and attention you took to raise  
16 this petition. It is an important process to the NRC  
17 and to the public.

18 As noted earlier, no NRC decisions  
19 regarding the merits of the petition request will be  
20 made during this meeting. Subsequent to this meeting,  
21 the PRB will conduct an internal meeting to make a  
22 final recommendation on whether to accept or reject  
23 the petition for review. The results of that meeting  
24 will be documented in an acknowledgement letter to the  
25 Petitioner, you, Mr. Gurdziel.

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1           At this time, does the staff here at  
2           headquarters have any other questions for the  
3           Petitioner?

4                   (No response.)

5           The answer is no to that. What about in  
6           the region?

7                   MR. NORRIS: Nothing from the region.  
8           Thank you.

9                   CHAIRMAN MAXIN: And, again, any other  
10          questions from the licensee? No?

11                   MR. DEVINCENTIS: No questions.

12                   CHAIRMAN MAXIN: So, Mr. Gurdziel, again,  
13          finally, you have -- I guess you have raised all of  
14          your final comments or questions?

15                   MR. GURDZIEL: I have.

16                   CHAIRMAN MAXIN: So thank you, sir. At  
17          this time, I want to thank you for taking the time to  
18          provide the NRC with this clarifying information on  
19          the petition you have submitted.

20                   With that, I will conclude the meeting,  
21          and we are going to secure the telephone connection.

22                   Thank you. Thank you very much.

23                   (Whereupon, at 1:27 p.m., the proceedings  
24          in the foregoing matter were concluded.)

25

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CERTIFICATE

This is to certify that the attached proceedings  
before the United States Nuclear Regulatory Commission

in the matter of:           Petition Review Board  
  
                                  Vermont Yankee Petition,  
  
                                  Mr. Gurdziel

Name of Proceeding: Petition Teleconfernece

Docket Number:           (n/a)

Location:                   Conference Call

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.



Eric Mollen  
Official Reporter  
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