

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: 10 CFR 2.206 Petition Review Board  
RE Indian Point Nuclear Generating Unit

Docket Number: 50-247, 50-286

Location: (telephone conference)

Date: Tuesday, November 2, 2010

Work Order No.: NRC-540  
Edited by John Boska, NRC Petition Manager

Pages 1-19

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1 UNITED STATES OF AMERICA

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3 NUCLEAR REGULATORY COMMISSION

4 + + + + +

5 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

6 CONFERENCE CALL

7 RE:

8 INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3

9 + + + + +

10 TUESDAY,

11 NOVEMBER 2, 2010

12 + + + + +

13 The teleconference was held at 9:00 a.m.,

14 TED QUAY, Petition Review Board Chair, presiding.

15 PETITIONER: PAUL BLANCH

16 PETITION REVIEW BOARD MEMBERS:

17 TED QUAY, Chair, Deputy Director, Division of Policy  
18 and Rulemaking, NRR

19 JOHN BOSKA, Petition Manager, Division of Operating  
20 Reactor Licensing, NRR

21 TANYA MENSAH, PRB Coordinator, Division of Policy and  
22 Rulemaking, NRR

23 RAO TAMMARA, Office of New Reactors

24 JIM TRAPP, Division of Reactor Safety, Region I

25 BRICE BICKETT, Division of Reactor Projects, Region I

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

(9:01 a.m.)

1  
2  
3 MR. BOSKA: We are ready to get started,  
4 then. I would like to thank everyone for attending  
5 this meeting. My name is John Boska. And I am the  
6 NRC's Petition Manager for this petition.

7 We're here today to allow the petitioner,  
8 Mr. Paul Blanch, to address the Petition Review Board  
9 regarding his 2.206 petition dated October 25th, 2010,  
10 on the gas pipelines at Indian Point Nuclear  
11 Generating Unit numbers 2 and 3, which are located  
12 just north of New York City on the Hudson River and  
13 are operated by Entergy Nuclear Operations,  
14 Incorporated, who may also be referred to as the  
15 licensee or Entergy.

16 I am the Petition Manager for the  
17 petition. The Petition Review Board Chairman is Ted  
18 Quay. As part of the Petition Review Board's review  
19 of this petition, Mr. Blanch requested this  
20 opportunity to address the Petition Review Board. And  
21 we may also refer to the Petition Review Board as the  
22 PRB.

23 This meeting is scheduled to conclude by  
24 10:00 a.m. The meeting is being recorded by the NRC  
25 Operations Center and will be transcribed by a court

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1 reporter. The transcript will become a supplement to  
2 the petition, and the transcript will also be made  
3 publicly available.

4 And is the court reporter on the line?

5 THE REPORTER: Yes, sir. This is the  
6 court reporter. I am on the line.

7 MR. BOSKA: Thank you very much.

8 I would like to open this meeting with  
9 introductions. As we go around the room, please be  
10 sure to clearly state your name, your position, and  
11 the office that you work for within the NRC for the  
12 record.

13 I am John Boska. I am a project manager  
14 in the Office of Nuclear Reactor Regulation, which is  
15 also referred to as NRR.

16 MS. SALGADO: I'm Nancy Salgado. I also  
17 work in the Division of Operating Reactor Licensing.  
18 And I am a Branch Chief for Plant Licensing Branch  
19 1-1.

20 MR. HOTT: Good morning. I'm Chris Hott.  
21 I work in the Office of Enforcement. I'm a senior  
22 enforcement specialist.

23 CHAIRPERSON QUAY: Ted Quay, Deputy  
24 Director, Division of Policy and Rulemaking, NRR.

25 MS. SAFFORD: Carrie Safford in the Office

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1 of General Counsel.

2 MR. BOYLE: Patrick Boyle, project  
3 manager, Office of NRR.

4 MS. MENSAH: Tanya Mensah, NRR, Division  
5 of Policy and Rulemaking.

6 THE REPORTER: This is the court reporter.  
7 Could the last two speakers please repeat their  
8 names?

9 MR. BOYLE: Patrick Boyle, project  
10 manager, NRR.

11 MS. MENSAH: Tanya Mensah, NRR, Division  
12 of Policy and Rulemaking.

13 MR. TAMMARA: Rao Tammara. I'm the  
14 technical reviewer for external hazards in NRO.

15 MR. BOSKA: All right. We have completed  
16 introductions here at NRC headquarters. At this time,  
17 are there any NRC participants from NRC headquarters  
18 calling in on the phone?

19 (No response.)

20 MR. BOSKA: All right. Will the NRC  
21 participants from the Region I office please introduce  
22 themselves?

23 MR. BICKETT: This is Brice Bickett, NRC  
24 Region I, senior project engineer.

25 MR. TRAPP: Jim Trapp, Branch Chief,

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1 Region I.

2 MR. TIFFT: Doug Tifft, state liaison  
3 officer, NRC Region I.

4 MR. CONTE: Richard Conte, Chief,  
5 Engineering Branch Number 1, Division of Reactor  
6 Safety.

7 MR. MCCARVER: Sam McCarver, project  
8 engineer, DRP Branch 1.

9 MR. GRAY: Mel Gray, Branch Chief,  
10 Division of Reactor Projects, Branch 2 in Region 1.

11 MR. BICKETT: That's all from Region I,  
12 John.

13 MR. BOSKA: All right. Thank you.

14 Are there any representatives from Entergy  
15 on the phone?

16 MR. WALPOLE: John, there are. I'm Bob  
17 Walpole. I'm the licensing manager for Entergy at  
18 Indian Point. There are four more of us. Go ahead,  
19 John.

20 MR. CURRY: John Curry, project manager,  
21 Indian Point.

22 MR. ZULLA: Sal Zulla, consultant working  
23 on license renewal.

24 MR. SKONIECZNY: John Skonieczny, senior  
25 engineer, Civil Engineering Department.

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1 MR. DRAKE: Richard Drake, civil  
2 structural supervisor, design engineering.

3 MR. BOSKA: Are there any Entergy folks  
4 that have dialed in also?

5 MR. DACIMO: Yes, Fred Dacimo, Vice  
6 President of Operations, License Renewal.

7 MR. BOSKA: All right.

8 MR. WALPOLE: And I believe that's it for  
9 us.

10 MR. BOSKA: All right. Thank you.

11 Mr. Blanch, would you please introduce  
12 yourself for the record?

13 MR. BLANCH: Yes. My name is Paul Blanch.  
14 I reside in West Hartford, Connecticut. I am an  
15 independent energy consultant speaking solely on  
16 behalf of myself. And I have filed a 2.206 petition  
17 about my concerns about the potential gas line  
18 explosion and its impact on Indian Point units 1, 2,  
19 and 3.

20 And I have been essentially taken --  
21 actually shocked this morning, John, by absolutely new  
22 information that you have sent me this morning related  
23 to my petition.

24 MR. BOSKA: Mr. Blanch, could I interrupt  
25 for one minute?

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1 MR. BLANCH: Yes.

2 MR. BOSKA: I would like to finish the  
3 introductions before we get down to the order of  
4 business. We will let you know when to start your  
5 discussions.

6 MR. BLANCH: Great.

7 MR. BOSKA: All right. Thank you.

8 Are there any other people on the phone,  
9 such as members of the public, who would like to  
10 introduce themselves for the record?

11 MR. LOCHBAUM: Dave Lochbaum, Union of  
12 Concerned Scientists.

13 MR. EDDY: John Boska, this is Paul Eddy  
14 and Alyse Peterson from New York State.

15 MR. BOSKA: Thank you very much.

16 Anybody else?

17 (No response.)

18 MR. BOSKA: All right. I would like to  
19 emphasize that we each need to speak clearly and  
20 loudly to make sure that the court reporter can  
21 accurately transcribe this meeting. If you do have  
22 something that you would like to say, please first  
23 state your name for the record.

24 For those dialing into the meeting, please  
25 remember to mute your phones to minimize any

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1 background noise or distractions. If you do not have  
2 a mute button, this can be done by pressing the keys  
3 \*6. And then to unmute your phone, press the \*6 keys  
4 again.

5 Please do not place this call on hold.  
6 Many phone systems play music when a call is on hold,  
7 which is distracting for the other callers. Thank  
8 you.

9 At this time I will turn it over to our  
10 Petition Review Board Chairman, Ted Quay.

11 CHAIRPERSON QUAY: Good morning. I'm Ted  
12 Quay, the Petition Review Board Chairman. Welcome to  
13 this meeting regarding the 2.206 petition submitted by  
14 Mr. Blanch.

15 I would like to share some background on  
16 our process. Section 2.206 of Title 10 of the Code of  
17 Federal Regulations describes the petition process,  
18 the primary mechanism for the public to request  
19 enforcement action by the NRC in a public process.

20 This process permits anyone to petition  
21 the NRC to take enforcement-type action related to NRC  
22 licensees or licensed activities. Depending on the  
23 results of its evaluation, the NRC could modify,  
24 suspend, or revoke an NRC-issued license or take any  
25 other appropriate enforcement action to resolve a

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1 problem.

2 The NRC staff's guidance for disposition  
3 of 2.206 petition requests is in Management Directive  
4 8.11, which is publicly available.

5 The purpose of today's meeting is to give  
6 the petitioner an opportunity to provide any  
7 additional explanation or support for the petition  
8 before the Petition Review Board makes an initial  
9 recommendation on whether or not to accept this  
10 petition for review.

11 This meeting is not a hearing, nor is it  
12 an opportunity for the petitioner to question or  
13 examine the PRB on the merits or issues presented in  
14 the petition request.

15 No decision regarding the merits of this  
16 petition will be made at this meeting.

17 Following this meeting, the Petition  
18 Review Board will conduct its internal deliberations.

19 The outcome of this internal meeting will be  
20 discussed with the petitioner.

21 The Petition Review Board typically  
22 consists of a Chairman, usually a manager at the  
23 Senior Executive Service level at the NRC. It has a  
24 Petition Manager and a Petition Review Board  
25 Coordinator. Other members of the Board are

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1 determined by the NRC staff based on the content of  
2 the information in the petition request.

3 At this time I would like to introduce the  
4 Board. I am Ted Quay, the Petition Review Board  
5 Chairman. John Boska is the Petition manager for the  
6 petition under discussion today. Tanya Mensah is the  
7 office's Petition Review Board Coordinator.

8 Our technical staff include Rao Tammara  
9 from NRC's Office of New Reactors, Brice Bickett from  
10 NRC's Region I Division of Reactor Projects, Jim Trapp  
11 from NRC's Region I Division of Reactor Safety. We  
12 also have legal advice from Carrie Safford from the  
13 NRC's Office of General Counsel and advice from Chris  
14 Hott from the NRC's office of Enforcement.

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 a  
19 petitioner's requests for review under the 2.206  
20 process.

21 I would like to summarize the scope of the  
22 petition under consideration and the NRC activities to  
23 date. On October 25th, 2010, Mr. Blanch submitted to  
24 the NRC a petition, ML number 103020293, under 10 CFR  
25 2.206 regarding the potential hazard to the Indian

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1 Point Nuclear Generating Units 1 and 2 [sic.] from the  
2 gas pipelines that cross the site.

3 The petitioner requests that the NRC order  
4 the licensee to demonstrate that the licensee has the  
5 capability to protect the public in the event of a  
6 rupture, explosion, or fire on the gas pipelines. The  
7 petitioner also requests that the NRC review all  
8 applicable information, including demanding necessary  
9 information from the licensee, to ensure compliance  
10 with all regulatory requirements.

11 Allow me to discuss the NRC activities to  
12 date. On October 25th, the NRC received this  
13 petition. This petition was assigned to the NRC's  
14 Office of Nuclear Reactor Regulation for evaluation.  
15 On October 26th, the Petition Manager contacted the  
16 petitioner to offer the opportunity to address the  
17 Petition Review Board, to which the petitioner agreed.

18 That led to this teleconference.

19 As a reminder for the phone participants,  
20 please identify yourself if you make any remarks as  
21 this will help in the preparation of the meeting  
22 transcript that will be made publicly available.  
23 Thank you.

24 At this point, Mr. Blanch, I will turn it  
25 over to you to allow you to provide any information

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1 you believe the PRB should consider as part of your  
2 petition. You may now proceed.

3 MR. BLANCH: Thank you, Mr. Quay.

4 My name is Paul Blanch again, reside in  
5 West Hartford, Connecticut, speaking solely on behalf  
6 of myself.

7 I am very concerned about safety as it  
8 applies to the gas lines crossing Indian Point.

9 A few minutes ago, I received a  
10 communication by email from Mr. Boska. And in this  
11 email, my petition has been significantly modified,  
12 supposedly based upon sensitive and security-related  
13 information.

14 All the information that is provided in my  
15 petition is publicly available. Right now it is  
16 publicly available in the public document rooms. And  
17 I have -- at the last minute --- I filed this petition  
18 eight days ago, and a few minutes before our meeting,  
19 I receive a modification to my petition. And I have  
20 not had a chance to digest these modifications,  
21 redactions to my petition, which I consider  
22 inappropriate because it is all public information.

23 And I am formally requesting time to  
24 evaluate the changes the NRC has removed from my  
25 formal petition. I am not sure that all of the

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1 participants in this call have seen the modification  
2 to my petition. And I am formally requesting that we  
3 postpone this meeting until a later date, either later  
4 this week, until I can have a chance to digest the  
5 change to my petition made by the Nuclear Regulatory  
6 Commission just a few minutes before our formal  
7 conversation, which we are participating in right now.

8 As I say, I am not sure that all  
9 participants or all listeners to this meeting are  
10 privy to the modifications that have been made by the  
11 NRC. And I would like to formally request  
12 postponement of this because of the few minutes'  
13 notice I have been given on a modification to my  
14 participation.

15 And I would like to -- I have shared that  
16 with Mr. Lochbaum. And I would like to formally  
17 request his input here on his thoughts on what the NRC  
18 has done to essentially attempt to remove and classify  
19 what is non-sensitive publicly available information  
20 from my petition.

21 Dave, if you would like to say your  
22 thoughts on this?

23 MR. LOCHBAUM: Yes. This is Dave Lochbaum  
24 with the Union of Concerned Scientists.

25 Less than five years ago, the issue of the

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1 information such as the Indian Point individual plant  
2 examination of external events was raised. NBC News  
3 did a story on the fact that that information is  
4 readily available in local public document rooms  
5 across the United States.

6 At that time, the NRC said, "It doesn't  
7 matter. The information is old, obsolete, and cannot  
8 provide useful information to those who may wish us  
9 harm. So, therefore, it is okay that that information  
10 is readily publicly available."

11 Now, when Mr. Blanch cites some of that  
12 readily available information, the NRC flips its story  
13 and, all of a sudden, conjures up this notion that  
14 this information is somehow now relevant to national  
15 security and must be withheld.

16 It would be interesting to know when the  
17 NRC made that determination. Was it in the middle of  
18 the night before so they couldn't notify Mr. Blanch  
19 until 90 minutes before today's call or did the NRC  
20 know about this sometime last week and decided to  
21 sandbag the poor fellow and withhold that information  
22 from him until he had no chance whatsoever to digest  
23 it and act upon it in a meaningful way?

24 It is somewhat shameful on the staff to  
25 pull this kind of antic. And I hope the Inspector

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1 General is listening in this call. If not, they will  
2 be made aware of it immediately after the call because  
3 the Inspector General looked into that information,  
4 was told by the senior manager of the NRC that that  
5 information has no relevance to the national security,  
6 and it's okay that it be out there across the world.

7 In addition, the State of New York  
8 requested that information in 2009 under the Freedom  
9 of Information Act. The NRC provided that response to  
10 the State of New York and made those records publicly  
11 available in 2009.

12 That information is available today. This  
13 morning I checked in the NRC's publicly available  
14 ADAMS. So I don't understand what game the NRC staff  
15 is playing by magically waving the national security  
16 flag and trying to withhold information from Mr.  
17 Blanch's petition.

18 You know, I also notice that, if I got it  
19 correctly, that, as Mr. Quay identified all of the  
20 participants on this call, there is nobody from the  
21 NRC Office of Nuclear Security and Incident Response,  
22 the people who basically make the calls on information  
23 security. So I don't know if you consulted them or  
24 you did it on your own, you came up with this dodge,  
25 but, you know, it's shameful, like I said.

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1 Thank you.

2 CHAIRPERSON QUAY: This is Ted Quay. We  
3 are willing to grant the extension that Mr. Blanch  
4 asked for, but I also want to emphasize that while  
5 information is being redacted out of the petition,  
6 that is the publicly available petition; we will  
7 consider the petition in its entirety because we have  
8 the information. So it in no way impacts our review  
9 of the petition.

10 MR. BLANCH: Well, it seems -- this is  
11 Paul Blanch again. It seems totally inconsistent that  
12 the NRC will gut my petition, redact my position, put  
13 it in the PDR, take out information that is publicly  
14 available in every public document room. And it is  
15 just totally inconsistent. And I consider this -- I  
16 haven't even got a word to describe it, but it is  
17 totally, totally inconsistent.

18 And I would like to coordinate with Mr.  
19 Boska a rescheduling and a postponement of this formal  
20 discussion with the PRB.

21 And I would like to have a transcript of  
22 this particular meeting and everything that everyone  
23 said, including myself and Mr. Lochbaum, in a timely  
24 fashion.

25 CHAIRPERSON QUAY: We certainly will do

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1 that.

2 MR. BLANCH: Thank you.

3 CHAIRPERSON QUAY: Okay. I guess we're  
4 back. I guess we're going to conclude this phone  
5 call. Does anybody else have any comments?

6 (No response.)

7 CHAIRPERSON QUAY: Hearing none, I want to  
8 thank you for the phone call.

9 UNKNOWN: Excuse me, John. There were two  
10 people who signed onto this call after it started.  
11 Could they be identified?

12 MR. BOSKA: This is John Boska from the  
13 NRC. This is a public forum. It's no different than  
14 a public meeting that the NRC holds. We do not force  
15 members of the public to identify themselves.

16 With that, we intend to conclude the phone  
17 call. Are there any final comments?

18 (No response.)

19 MR. BOSKA: All right. We are signing  
20 off, then. Goodbye.

21 (Whereupon, the foregoing matter was  
22 concluded at 9:21 a.m.)

23

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