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RE Vermont Yankee

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE

VERMONT YANKEE

+ + + + +

WEDNESDAY

DECEMBER 8, 2010

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The conference call was held, Theodore Quay, Chairperson of the Petition Review Board, presiding.

PETITIONER: RAYMOND SHADIS

PETITION REVIEW BOARD MEMBERS:

THEODORE QUAY, Deputy Director,

Division of Policy and Rulemaking

JAMES KIM, Petition Manager for 2.206 Petition

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1 NRC HEADQUARTERS STAFF:

2 TANYA MENSAH, Petition Coordinator,
3 Office of Nuclear Materials Safety and
4 Safeguards
5

6 NRC STAFF:

7 STACY ROSENBERG, Branch Chief,
8 Division of Policy and Rulemaking

9 NANCY SALGADO, Branch Chief,
10 Division of Operating Reactor Licensing
11 TOM SETZER, Region I, Division of Reactor
12 Projects

13 DAVID SPINDLER, Senior Resident,
14 Vermont Yankee

15 DOUG TIFFT, Region I, State Liaison Officer

16 JAY WALLACE, Office of Nuclear Reactor
17 Regulations, Piping and Non-Destructive
18 Examination
19
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P R O C E E D I N G S

(10:03 a.m.)

MR. KIM: Good morning. I'd like to thank everybody for sitting at this meeting.

My name is James Kim. And I am the Vermont Yankee Project Manager.

We are here today to allow Petition, Mr. Raymond Shadis, to address the Petition Review Board regarding the 2.206 Petition dated November 17th, 2010.

I am the Petition Manager for the petition. The Petition Review Board Chairman is Ted Quay.

As part of the Petition Review Board's review of this petition, Mr. Raymond Shadis has requested this opportunity to address the Petition Review Board. This meeting is scheduled from 10:00 to 11:00 a.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. The transcript will also be made publicly available.

I'd like to open this meeting with introductions. As we go around the room, please be

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1 sure to clearly state your name, your position, and
2 the office that you work for within the NRC, for the
3 record. I'll start off.

4 This is James Kim. I the Project Manager
5 for the Division of Operating Reactor Licensing in
6 NRR.

7 MS. SALGADO: This is Nancy Salgado. I'm
8 the Branch Chief in the Division of Operating Reactor
9 Licensing.

10 CHAIR QUAY: This is Ted Quay. I'm the
11 Deputy Division Director of the Division of Policy and
12 Rulemaking in NRR. And I'm also the Petition Review
13 Board Chairman.

14 MS. ROSENBERG: I'm Stacy Rosenberg. I'm
15 a Branch Chief in the Division of Policy and
16 Rulemaking.

17 MR. WALLACE: This is Jay Wallace. I'm a
18 metallurgical engineer, NRR, in Piping and NDE Branch.

19 MR. KIM: Okay. At this time, are there
20 any NRC participants from the headquarters on the
21 phone?

22 MS. MENSAH: This is Tanya Mensah. I'm
23 the Petition Coordinator in the Division of Policy and
24 Rulemaking.

25 MR. KIM: Are there any NRC participants

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1 from the regional office on the phone?

2 MR. SETZER: Hello. This is Tom Setzer.
3 I'm a Senior Project Engineer for Division of Reactor
4 Projects, Branch 5.

5 MR. TIFFT: And this is Doug Tifft. I'm
6 the State Liaison Officer for NRC Region I.

7 MR. SPINDLER: I'm David Spindler, Senior
8 Resident, Vermont Yankee.

9 MR. KIM: Okay. Are there any
10 representatives for the licensee on the phone?

11 MR. DeVINCENTIS: Yes, this is Jim
12 DeVincentis, that's D, as in David, E, V as in Victor,
13 I-N-C-E-N-T-I-S. And I'm with the Entergy Nuclear
14 Operations.

15 MR. KIM: Mr. Shadis, would you please
16 introduce yourself for the record?

17 MR. SHADIS: Certainly. My name is
18 Raymond Shadis, S-H-A-D-I-S. And I am with New
19 England Coalition.

20 MR. KIM: Are there any others, such as
21 members of the public on the phone?

22 MS. HOFFMAN: Hi, this is Sarah Hoffman
23 from the Vermont Department of Public Service. I'm
24 just listening in. Thank you.

25 MR. STEWART: And this is Robert Stewart.

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1 I'm President of the New England Coalition.

2 MR. NAWOJ: This is Mike Nawoj. I'm with
3 the New Hampshire Homeland Security and Emergency
4 Management.

5 MR. BLANCH: This is Paul Blanch, energy
6 consultant to New England Coalition.

7 MR. TURNBULL: And this is Clay Turnbull,
8 staff person with New England Coalition.

9 MR. VANAGS: And Uldis Vanags with the
10 Vermont Department of Public Service.

11 MR. KIM: Okay. I think we are done with
12 the introductions.

13 At this time, I'd like to emphasize that
14 we each need to speak clearly and loudly to make sure
15 that the court reporter can accurately transcribe this
16 meeting. If you do have something that you'd like to
17 say, please first state your name for the record.

18 For those listening in on the meeting,
19 please remember to mute your phone to minimize any
20 background noise or distractions. If you do not have
21 a mute button, this can be done by pressing the keys
22 *6. To unmute, press the *6 again.

23 Thank you.

24 At this time, I'll put it over to the PRB
25 Chairman, Ted Quay.

1 CHAIR QUAY: Good morning. Welcome to
2 this meeting regarding the 2.206 Petition submitted by
3 Mr. Shadis. I would like to first share some
4 background on the NRC process. Section 2.206 of Title
5 10 of the Code of Federal Regulations describes the
6 petition process, the primary mechanism for the public
7 to request enforcement action by the NRC in a public
8 process.

9 This process permits anyone to petition
10 the NRC to take enforcement-type action related to
11 licensees or license activities. Depending on the
12 results of its evaluation, NRC could modify, suspend,
13 or revoke an NRC-issued license or take any other
14 appropriate enforcement action to resolve a problem.

15 The NRC staff's guidance for the
16 disposition of 2.206 petition requests is in
17 Management Directive 8.11, which is publicly
18 available.

19 The purpose of today's meeting is to give
20 the Petitioner an opportunity to provide any
21 additional explanation or support for the petition
22 before the Petition Review Board's initial
23 consideration and recommendation.

24 This meeting is not a hearing nor is it an
25 opportunity for the Petitioner to question or examine

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1 the Petition Review Board on the merits or the issues
2 presented in the petition request. No decision
3 regarding the merits of this petition will be made at
4 this meeting.

5 Following this meeting, the Petition
6 Review Board will conduct its internal deliberation.
7 The outcome of this internal meeting will be discussed
8 with the Petitioner.

9 The Petition Review Board typically
10 consists of a Chairman, usually a manager at the
11 senior executive service level at the NRC, and has a
12 Petition Manager and a Petition Review Board
13 Coordinator. Other members of the board are
14 determined by the NRC staff based on the content of
15 the information in the petition request.

16 At this time, I would like to introduce
17 the Petition Review Board. I am Ted Quay, the
18 Petition Review Board Chairman.

19 James Kim is the Petition Manager for the
20 petition under discussion today.

21 Tanya Mensah is the Office's Petition
22 Review Board Coordinator.

23 Other technical staff include Jay Wallace,
24 from the Office of Nuclear Reactor Regulations Piping
25 and Non-Destructive Examination Branch. And we also

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1 have Tom Setzer from Region I's Division of Reactor
2 Projects.

3 As described in our process, the NRC staff
4 may ask clarifying questions in order to better
5 understand the Petitioner's present and to reach a
6 reasoned decision whether to accept or reject the
7 Petitioner's request for review under the 2.206
8 process.

9 I would like to summarize the scope of the
10 petition under consideration and the NRC activities to
11 date. On November 17th, 2010, Mr. Shadis submitted to
12 the NRC a petition under 2.206 regarding the feedwater
13 inspection port leak at Vermont Yankee Nuclear Power
14 Station. In this request, Mr. Shadis identified the
15 following areas of concern.

16 Mr. Shadis requests that the NRC:

17 One, require Entergy Nuclear Vermont
18 Yankee to go through a thorough root cause analysis of
19 Vermont Yankee recent reactor feedwater piping system
20 inspection port leak;

21 Two, require Entergy Nuclear Vermont
22 Yankee to perform a comprehensive, extent of condition
23 review regarding the condition of all feedwater
24 piping.

25 Allow me to discuss the NRC activities to

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1 date. On November 23rd, the Petitioner requested to
2 address the Petition Review Board prior to its initial
3 meeting and requested time to prepare supplemental
4 information for the Board's consideration.

5 As a reminder for the phone participants,
6 please identify yourself if you make any remarks as
7 this will help us in the preparation of meeting
8 transcript that will be publicly available. I did
9 hear some beeps and I wonder if there is anybody that
10 joined us since we had the initial introductions.

11 MR. MULLIGAN: Yes, Mike Mulligan.

12 CHAIR QUAY: Okay. Okay. Hearing no
13 others, Mr. Shadis, at this time I'll turn it over to
14 you to allow you to provide any information you
15 believe the Petition Review Board should consider for
16 this petition. You may go ahead, Mr. Shadis.

17 MR. SHADIS: Thank you.

18 First, I would like to set this petition
19 in context. Apart from the issue raised in the
20 petition, the New England Coalition has tried to
21 follow closely the various events at Vermont Yankee
22 Nuclear Power Station and beginning with the
23 transformer fire in 2004, we were really interested to
24 review the root cause analysis report for that
25 incident.

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1 And just briefly, there was a failure of
2 a bus duct, a conductor from the generator and one of
3 the contributing causes was an increase in air volume
4 through that, a 40 percent increase. And this was due
5 to concern for heat removal, extra heat generated by
6 the extended power uprate.

7 When that root cause analysis report came
8 out, every contributing cause except that one was
9 pointed out by the company. And in terms of
10 validation for that cause, at the Fitzpatrick plant
11 when they went for their extended power uprate, they
12 made note, in particular, of the lessons learned from
13 the Vermont Yankee uprate with respect to that
14 conductor bus. We saw it as a failing of the root
15 cause analysis report to not acknowledge that this was
16 uprate related.

17 And then more recently, we had an instance
18 of leaking pipes carrying condensate from the off-gas
19 system at Vermont Yankee. It resulted in the tritium
20 leaks that got a great deal of public attention.

21 The root causes analysis for that event
22 stopped at saying that -- the chain of events really
23 stopped at saying that water or steam impingement on
24 the piping had eroded the wall of the pipes and so two
25 leaks resulted.

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1 From everything that we can read in the
2 NRC literature and industry literature, this is not a
3 root cause. A root cause is a design defect or a
4 failure of maintenance or a material degradation that
5 is unanticipated. And it didn't go there.

6 The result of stopping the root cause
7 analysis at that point was that there was not a follow
8 up with a thorough extent of condition review. In
9 other words, we don't know where, if indeed that was
10 the cause of the leaks, that condition exists
11 elsewhere in the piping systems, in particular the
12 buried below ground or difficult to access piping
13 systems at Vermont Yankee.

14 This occurrence that we noted in this
15 2.206 petition is, in our view, a continuance of the
16 failure to do a thorough root cause analysis and a
17 thorough extent of condition review.

18 And in this instance where we had a leak
19 at the beginning of 2009 on this system from an
20 inspection port through a defective weld -- apparently
21 defective weld, and then that event was repeated now
22 in the third quarter of 2010, what we see is that any,
23 you know, potential beneficial effect of a good root
24 cause analysis and extent of condition review has been
25 bypassed.

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1 So at this point, we have a difficulty of
2 not being able to access solid information with
3 respect to how Entergy Vermont Yankee has addressed
4 this new problem. So, you know, number one, we are
5 concerned that the root cause analysis and extent of
6 condition review on the first instance of a inspection
7 port leak in 2009 was not properly addressed.

8 The evidence of that is that we had the
9 surprise occurrence of a second leak. It should have
10 been captured. It should have been prevented. And so
11 -- and there's no documentation that an adequate
12 review was done at that time.

13 So at this point, we are operating, again,
14 without access to real information, solid information,
15 but going on press reports. We are relieved and we're
16 quite pleased that NRC Region I did send a team up to
17 look at the situation when the second leak occurred,
18 that it included piping specialists and metallurgists
19 -- a metallurgist as we read by the press. And that
20 is all to the good.

21 However, we have been given no reason to
22 believe that a second root cause analysis or extent of
23 condition review has been performed that will be any
24 better than the first one. This is a safety-related
25 system. The pipe plug itself, looking at drawings of

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1 the first one that failed, doesn't seem to be of any
2 great diameter.

3 But it sits on a nipple with a reducer
4 where it penetrates the feedwater piping. And it
5 appears that the diameter of the entire effected area
6 is something in excess of two inches.

7 Again, in terms of the safety
8 ramifications, should that entire area fail or should
9 it fail and then be the focus of a propagated failure,
10 we are concerned that there may be significant safety
11 implications for those inspection apertures with are
12 located on the reactor side of the feedwater pumps.

13 And we again -- we don't have the
14 information to say what degree of hazard there may be
15 should one of these fail. But I do believe that that
16 kind of determination should be part of the extent of
17 condition review, it should be part of NRC's review.

18 And so at this point, what we are asking
19 is within, we believe, within NRC's prerogative, their
20 discretion to ensure public health and safety at one
21 of their facilities, and therefore reasonable,
22 considering the potential safety implications of
23 having one of these plugs blow out.

24 So I guess that -- I guess that sums it.
25 And I would be very pleased to answer any questions

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1 that NRC staff may have. I appreciate this gathering
2 of staff. The credentials and affiliations are
3 impressive.

4 And completing answering any questions
5 that there might be, I would also ask that Mr. Paul
6 Blanch, who has been consulting with us on this, might
7 also address the Board.

8 CHAIR QUAY: Okay. At this time, does the
9 staff here at headquarters have any questions for Mr.
10 Shadis?

11 MR. WALLACE: This is Jay Wallace. You
12 had asked for an extent of condition review. And that
13 review, as I understand it, was specifically
14 addressing the consequences of failure of a single
15 port. Is that correct?

16 MR. SHADIS: Yes, sir. It should include
17 the consequences of -- potential consequences of
18 failure of any port. And in -- well, it really should
19 include a -- you know we would like to know, we would
20 like to have it made public how many inspection ports
21 there are on this system, where they are located, and
22 what their current condition is with respect to the
23 potential for a leak or failure.

24 CHAIR QUAY: Thank you.

25 Okay. Are there any other questions here

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1 in headquarters?

2 (No response.)

3 CHAIR QUAY: Hearing none, does Region I
4 have any questions?

5 MR. SETZER: No, thank you. Appreciate
6 the presentation. There's no questions at our end.

7 CHAIR QUAY: Okay.

8 MR. BLANCH: Yes, this is Paul Blanch. I
9 have some questions and statements if I may be
10 allowed.

11 CHAIR QUAY: Go ahead, Paul.

12 MR. BLANCH: Yes. Right now I'm looking
13 at Entergy's procedure for root cause analysis. It's
14 Procedure EN-LI-118, Revision 7. And it's 114 pages.
15 And on, I believe it's page 14 or 15, it talks about
16 generic implications of extent of condition and so on
17 and so forth. And I'd like to say this is a 2007
18 document that I happen to have. I'm sure there's
19 later revisions.

20 I think the procedure is very good. And
21 I think that if properly implemented, it would respond
22 to a lot of the concerns that Mr. Shadis has. As I
23 say, this is a very thorough generic Entergy root
24 cause analysis procedure.

25 And I think if followed properly, it would

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1 avoid a 2.206 petition because it really covers
2 everything down to the real root cause. And we have
3 not seen any evidence that this root cause analysis
4 was conducted in complete compliance with this Entergy
5 procedure EN-LI-118, Revision -- whatever the present
6 revision is.

7 And I think that the root cause analysis
8 needs to be thorough and complete and in compliance
9 with Entergy's procedure. I think that Entergy should
10 verify that it was done in accordance with this
11 procedure. And I believe that it's Entergy's
12 responsibility -- or I believe that it is the NRC's
13 responsibility to assure that Entergy has conducted
14 their root cause analysis, including extent of
15 condition, in accordance with what I have, which is a
16 114-page procedure.

17 And if the NRC does not have a copy of
18 this procedure, it's certainly not available within
19 ADAMS, I'd be more than willing to provide the Nuclear
20 Regulatory Commission and any other interested parties
21 a copy of this procedure that I happen to have here.

22 And I think we need total and complete
23 compliance with this root cause analysis procedure.
24 And that the NRC should review whatever was done with
25 respect to this incident in accordance with this

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1 procedure, which includes photographs, analysis, and
2 so on and so forth. And if the NRC doesn't have a
3 copy or if anyone else doesn't have a copy, I would be
4 more than willing to offer up a copy of the root cause
5 analysis procedure, which Entergy supposedly followed
6 in this root cause analysis.

7 CHAIR QUAY: Okay. We have the procedure
8 sitting in front of us. So we don't need --

9 PARTICIPANT: It's 119.

10 CHAIR QUAY: Oh, we've got 119.

11 MR. BLANCH: Well, I'm not sure what the
12 difference between 119 and 118 is. 118 is titled Root
13 Cause Analysis Process. I'm not familiar with 119.
14 Is it possible that the Petitioners could get a copy
15 of 119? Or would we have to file a FOIA request to
16 get a copy of it?

17 CHAIR QUAY: We'll have to get back to you
18 on that. For your information, EN-LI-119 is Entergy's
19 Apparent Cause Evaluation Process.

20 MR. BLANCH: Okay. So it's a different
21 document than the one that I possess.

22 CHAIR QUAY: I believe that to be the
23 case, yes.

24 MR. BLANCH: So I think that -- well,
25 there's a difference between apparent cause and root

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1 cause. And that we now have two documents, 118 and
2 119, that have to be addressed for this particular
3 issue. And I think we need assurance that everything
4 in 118 and 119 has been properly addressed.

5 CHAIR QUAY: Okay.

6 MR. BLANCH: And again, I would like to
7 make a request on behalf of NEC to obtain a copy of
8 the latest procedures, both EN-LI-118 and 119, any
9 other procedures which are applicable to this failure
10 and root cause analysis and extent of condition and
11 apparent analysis. And assurance that the NRC has
12 reviewed whatever has been done in accordance with
13 these procedures.

14 MR. KIM: Yes, this is James Kim. And
15 I'll discuss this with the licensee and we'll try to
16 find a way to provide those documentations.

17 MR. BLANCH: Well, if the NRC has them,
18 then they should be available under FOIA.

19 MR. KIM: That's right.

20 MR. BLANCH: Thank you.

21 CHAIR QUAY: Okay. Before I conclude the
22 meeting, members of the public may provide comments
23 regarding the petition and ask questions about the
24 2.206 petition process. However as stated at the
25 opening, the purpose of this meeting is not to provide

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1 an opportunity for the Petitioner or the public to
2 question or examine the Petition Review Board
3 regarding the merits of the petition request.

4 Are there any members of the public that
5 wish to speak?

6 MR. MULLIGAN: Me please. I have problems
7 with the --

8 COURT REPORTER: Say your name please.

9 MR. MULLIGAN: Oh, sorry, Mike Mulligan.
10 And the LER process, license event reports, the
11 example would be the NRC would make a -- would suffer
12 something at an Entergy plant and Entergy is not
13 required to disclose that in the LER.

14 They basically say -- well, they imply
15 that we discovered it. And there probably is an OIG
16 investigation going on with LERs. So my problem is
17 that LERs, in general -- the industry in the last
18 couple of decades has changed our formats and the
19 people really don't get any detailed information about
20 these nuclear plants. And just wanted to make that
21 comment about LERs.

22 Thank you.

23 CHAIR QUAY: Okay. Is there any other
24 member of the public that wishes to comment?

25 (No response.)

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1 CHAIR QUAY: Okay, hearing none, Mr.
2 Shadis, thank you for taking time to provide the NRC
3 staff with clarifying information on a petition you've
4 submitted.

5 Before we close, does the Court Reporter
6 need any additional information for the meeting
7 transcript?

8 COURT REPORTER: Was there someone named
9 Doug there?

10 MR. TIFFT: Yes, Doug Tifft.

11 COURT REPORTER: That is T-A-T-E-S-T?

12 MR. TIFFT: T-I-F-F-T.

13 COURT REPORTER: Wait. T-I --

14 MR. TIFFT: Tango, Indigo, Foxtrot,
15 Foxtrot, Tango.

16 COURT REPORTER: All right.

17 CHAIR QUAY: Okay.

18 COURT REPORTER: That's all my questions.

19 CHAIR QUAY: That's all your questions?

20 COURT REPORTER: Yes.

21 CHAIR QUAY: Thank you.

22 With that, this meeting is concluded. And
23 I'm terminating the phone connection. Thank you.

24 (Whereupon, the above-entitled
25 teleconference was concluded at 10:36 a.m.)

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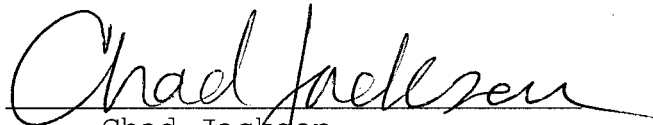
This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission
in the matter of: Vermont Yankee

Name of Proceeding: 10 CFR 2.206 Petition of
Raymond Shadis

Docket Number: (n/a)

Location: Teleconference

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.


Chad Jackson
Official Reporter
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