

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

Title: 10 CFR 2.206 Petition Review Board  
Byron Unit 2

Docket Number: (n/a)

Location: (telephone conference)

Date: Wednesday, January 12, 2011

Work Order No.: NRC-661

Pages 1-16

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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

BYRON UNIT 2

+ + + + +

WEDNESDAY

JANUARY 12, 2011

+ + + + +

The conference call was held, Ted Quay,  
Chairman of the Petition Review Board, presiding.

PETITIONER: BARRY QUIGLEY

PETITION REVIEW BOARD MEMBERS:

TED QUAY, Chairman, NRR/DPR

CHARLES NORTON, Petition Manager, NRR/DORL

STACEY ROSENBERG, On behalf of Tanya Mensah,

2.206 Coordinator

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

2:30 p.m.

MR. NORTON: Is Barry Quigley on line?

MR. QUIGLEY: Yes, I am.

MR. NORTON: Okay. I'd like to thank everybody for attending this meeting.

My name is Chuck Norton and I am a Project Manager in the NRR Division of Operating Reactor Licensing.

We are here today to allow the Petitioner, Barry Quigley, to address the Petition Review Board regarding the 2.206 Petition concerning Byron Unit 2, dated January 2nd of this year.

Mr. Quigley included David Lochbaum on the Petition distribution.

On January 6th of this year Mr. Lochbaum responded to Mr. Quigley's email and included Mr. Bill Borchardt, the EDO, on his email response.

From my discussion with Mr. Quigley on Friday January 7th of this year, the NRC's Petition Review Board will treat Mr. Lochbaum's response as a supplement to the Petition.

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

As part of the Petition Review Board's,

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1 or PRB, review of this Petition, Barry Quigley has  
2 requested this opportunity to address the PRB.

3 This meeting is scheduled from 2:30 to  
4 3:30 Eastern Time. The meeting is being recorded by  
5 the NRC's Operations Center and will be transcribed  
6 by a court reporter. The transcript will become a  
7 supplement to the Petition. This transcript will also  
8 be made publicly available.

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

14 I'll start off. I'm Chuck Norton,  
15 Project Manager NRR in the Division of Operating  
16 Reactor Licensing.

17 CHAIR QUAY: I'm Ted Quay, the Petition  
18 Review Chairman. I work in NRR in the Division of  
19 Policy and Rulemaking.

20 MS. ROSENBERG: I'm Stacey Rosenberg.  
21 I'm a Branch Chief in the Division of Policy and  
22 Rulemaking.

23 MR. FELIU: I'm Luis Feliu, Mechanical  
24 Engineer in NRR, Division of Component Integrity

25 MR. BILLERBECK: I'm John Billerbeck, a

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1 Mechanical Engineer in Division of Component  
2 Integrity, Component Performance and Testing Branch

3 MR. McMURTRAY: I'm Tony McMurtray. I am  
4 the Chief of the Component Performance and Testing  
5 Branch in the Division of Component Integrity in the  
6 Office of Nuclear Reactor Regulation.

7 MR. DiFRANCESCO: I am Nick DiFrancesco,  
8 Project Manager on Braidwood and Byron. Division of  
9 Operating Reactor Licensing.

10 MR. NORTON: We have completed the  
11 introductions at NRC Headquarters. At this time, are  
12 there any NRC participants from Headquarters on the  
13 phone?

14 MS. JAMES: Yes. Lois James. I'm the NRR  
15 Office Allegations Coordinator.

16 MR. NORTON: Are there any NRC  
17 participants from the regional office on the phone?

18 MR. ORTH: Yes, there are. This is Steve  
19 Orth. I'm the Regional Enforcement Officer out here  
20 in NRC Region III.

21 MR. DUNCAN: And my name is Eric Duncan.  
22 I'm the Branch Chief for the Divisional Reactor  
23 Project here in Region III. I have oversight at both  
24 Byron and Braidwood.

25 MR. HILLIARD: And I'm Jim Hilliard. I

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1 am the Region III Allegation Coordinator.

2 MR. BARTLETT: Bruce Bartlett. Inspector  
3 for Byron Station Region III. And John Robbins,  
4 Resident Inspector, Byron Station Region III.

5 MR. NORTON: Are there any Exelon  
6 representatives on the phone?

7 MR. ENRIGHT: Yes. At Byron Station we  
8 have Dan Enright, the Site Vice President, Brad Adams  
9 the Plant Manager, Ben Youman, Site Operations  
10 Director, Elmer Hernandez, the Engineering Director,  
11 Dave Gudger, the Regulatory Assurance Manager, Scot  
12 Greenlee, Corporate Engineering Director, Patrick  
13 Simpson, Corporate Licensing Manager and Darin  
14 Benyak, Corporate Licensing Director.

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

17 MR. QUIGLEY: My name is Barry Quigley,  
18 I'm the Petitioner. I work at the Byron Plant in the  
19 Design Engineering Department.

20 MR. NORTON: Are there any other, such as  
21 members of the public, on the phone.

22 MR. FERRARO: This is Don Ferraro, F-E-R-  
23 R-A-R-O. I'm another Exelon representative calling  
24 from Kennett Square, PA.

25 MR. NORTON: Is there anyone else

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1 attending the meeting on the phone.

2 I'd like to emphasize that we each need  
3 to speak clearly and loudly to make sure that the  
4 court reporter can accurately transcript this  
5 meeting. If you do have something that you would  
6 like to say, please state your name first for the  
7 record.

8 For those dialing into the meeting,  
9 please remember to mute your phones to minimize any  
10 background noise or distractions. If you do not have  
11 a mute button, this can be done by pressing the keys  
12 star 6. To unmute, press the star 6 keys again.  
13 Thank you.

14 AT this time I'll turn the meeting over  
15 to the Petition Review Chairman, Ted Quay.

16 CHAIR QUAY: Good afternoon. I am Ted  
17 Quay.

18 Welcome to this meeting regarding the  
19 2.206 Petition submitted by Mr. Quigley.

20 I'd like to first share some background  
21 on our process. Section 2.206 of Title 10 of the  
22 Code of Federal Regulations describes the petition  
23 process, the primary mechanism for the public to  
24 request enforcement action by the NRC in a public  
25 process. This process permits anyone to petition the

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1 NRC to take enforcement-type action related to NRC  
2 licensees or licensed activities.

3 Depending on the results of this  
4 evaluation, NRC could modify, suspend or revoke an  
5 NRC issued license or take any other appropriate  
6 enforcement action to resolve a problem.

7 The NRC staff guidance for the  
8 disposition of 2.206 Petition requests is in  
9 Management Directive 8.11, which is publicly  
10 available.

11 The purpose of today's meeting is to give  
12 the Petitioner an opportunity to provide any  
13 additional explanation or support for the Petition  
14 before the Petition Review Board's initial  
15 consideration and recommendation.

16 This meeting is not a hearing, nor is it  
17 an opportunity for the Petitioner to question or  
18 examine the Petition Review Board on the merits or  
19 the issues presented in the Petition request. No  
20 decision regarding the merits of this Petition will  
21 be made at this meeting.

22 Following this meeting, the Petition  
23 Review Board will conduct its internal deliberations.  
24 The outcome of this internal meeting will be  
25 discussed with the Petitioner.

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1           The Petition Review Board typically  
2 consists of a Chairman, usually a manager at the  
3 Senior Executive Service level at the NRC. It has a  
4 Petition Manager and a Petition Review Board  
5 Coordinator. Other members of the Board are  
6 determined by the NRC staff based on the content of  
7 the information in the Petition request.

8           At this time I would like to introduce  
9 the Board. I am Ted Quay, the Petition Review Board  
10 Chairman.

11           Chuck Norton is the Petition Manager for  
12 the Petition under discussion today.

13           Tanya Mensah is the NRC's Office of  
14 Petition Review Board Coordinator. Due to her  
15 absence today, we have Stacey Rosenberg, her Branch  
16 Chief filling in.

17           Our technical staff includes:

18           John Billerbeck from the Division of  
19 Component Integrity, Component Performance and  
20 Testing Branch.

21           Luis Feliu from the Division of Component  
22 Integrity, Component Performance and Testing Branch.

23           As described in our process, the NRC may  
24 ask clarifying questions in order to better  
25 understand the Petitioner's presentation and to reach

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1 a reasoned decision whether to accept or reject the  
2 Petitioner's request for a review under the 2.206  
3 process.

4 I would like to summarize the scope of  
5 the Petition under consideration and the NRC  
6 activities today.

7 On January 2, 2011, as supplemented by  
8 David Lochbaum on January 6, 2011, Mr. Quigley  
9 submitted to the NRC a Petition under 2.206 regarding  
10 untimely Corrective Action and failure to follow  
11 procedures at Exelon's Nuclear Byron Unit 2. In this  
12 Petition request, Mr. Quigley identified the  
13 following areas of concern:

14 (1) Seat leakage past the Unit 2  
15 pressurizer safety valve, and the number on that  
16 valve is 2RY8010A, establishes conditions that could  
17 delay the time before the safety valve would be  
18 effective in reducing reactor coolant system  
19 pressure;

20 (2) Leaking steam could cause internal  
21 temperature changes and result in valve lift  
22 pressures outside the allowable band;

23 (3) The possible presence of two-phase  
24 leakage may alter the valve lift pressure since the  
25 flow characteristics in the huddling chamber would

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1 not be as designed;

2 (4) The continuous operation of the  
3 pressurizer backup heaters on Unit 2 increases the  
4 pressurizer vapor space hydrogen concentration. The  
5 presence of increased noncondensable gases reduces  
6 heat transfer and could be preventing reformation of  
7 the loop seal;

8 (5) There's an unwritten management  
9 expectation that issue reports will not be written  
10 until written assurances can be provided to  
11 Operations that the components are operable such that  
12 new issues have not been entered into the Corrective  
13 Action process;

14 (6) The informal Exelon Differing  
15 Professional Opinion Program lacks the necessity  
16 necessary horsepower to shutdown a 1200 megawatt  
17 electric unit;

18 (7) A constantly alarming tail pipe  
19 temperature alarm could mask safety valve degradation  
20 and delude the operators into thinking an open safety  
21 valve is closed following actuation with a failure to  
22 reclose, as happened at TMI;

23 (8) As of January 2, 2011, the  
24 operability section of Issue Report IR-1144179 has  
25 not been completed contrary to the 24 hour procedural

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1 requirement.

2 Mr. Quigley requests that the NRC issue  
3 the appropriate level of violation for failure to  
4 comply with 10 CFR Appendix B Criterion XVI as it  
5 applies to pressurizer safety valve 2RY8010A leakage,  
6 issue the appropriate level of violation for failure  
7 to document operability for Issue Report 1144179. As  
8 the basis for this request Mr. Quigley stated that  
9 high temperatures downstream of the Byron Unit 2  
10 pressurizer safety valve 2RY8010A were noted in June  
11 of 2010. High tail pipe temperature alarm occurred  
12 and cleared over the summer, but the tail piece high  
13 temperature alarm has been in solid without clearing  
14 since late October.

15 On October 24, 2010 Mr. Quigley wrote  
16 Issue Report 113085 titled "Concerns with 2RY8010A  
17 Operability". Mr. Quigley performed the operability  
18 evaluation for the valve on October 29, 2010 and  
19 selected November 29, 2010 as the Corrective Action  
20 date, and provided reasons for selecting that date.  
21 The Corrective Action date was subsequently changed  
22 to February 7, 2011 without Mr. Quigley's input.

23 On November 23, 2010 Mr. Quigley wrote  
24 Issue Report 1144179 to disagree with 2RY8010A OP  
25 evaluation CA extension. In this Issue Report, Mr.

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1 Quigley stated that he would withdraw his signature  
2 from the original operability evaluation effective  
3 midnight on November 29, 2010. Contrary to a  
4 procedural requirement to perform an operability  
5 evaluation within 24 hours on January 2, 2011 when  
6 this Petition was filed Issue Report 1144179 had not  
7 been reviewed for operability.

8 On January 6, 2011, Mr. Quigley requested  
9 the opportunity to address the Petition Review Board  
10 prior to its initial meeting. The purpose of today's  
11 meeting is to provide an opportunity for Mr. Quigley  
12 to discuss his Petition before the Petition Review  
13 Board.

14 As a reminder for the phone participants,  
15 please identify yourself if you make any remarks as  
16 this will help in the preparation of the meeting  
17 transcript that will be made publicly available.  
18 Thank you.

19 And at this time, I'd like to turn it  
20 over to you, Mr. Quigley.

21 MR. QUIGLEY: Thank you.

22 This is Barry Quigley.

23 One point in your summary you made  
24 mention about the informal DPO not having the  
25 horsepower. I have no issue with the DPO. That was

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1 provided as additional information, and it was not  
2 intended to be part of the Petition.

3 CHAIR QUAY: Okay. Thank you.

4 MR. QUIGLEY: Okay. You summarized it  
5 very well. The pressurizer safety valve has been  
6 leaking over the summer. I was concerned with it  
7 over the summer. I spent some amount of my own time  
8 looking into it, trending the ~~date~~ [data], talking to  
9 the other engineers about it. And then my concern  
10 started to grow, and I tried to find out when the  
11 safety valve would be replaced. And I was not able  
12 to get a clear answer of when the valve would be  
13 replaced.

14 I started doing quite a bit more research  
15 and, which led to my writing on October 24th last  
16 year of the IR-1130085. Prior to that, I fulfilled  
17 the unwritten management expectation when I wrote the  
18 IR, and provided what I thought would be reasonable  
19 arguments for operability. However, those took me  
20 about two weeks to develop before I wrote the Issue  
21 Report.

22 I asked that the IR led to a formal  
23 operability evaluation, which I anticipated would  
24 come to me, and this would allow me to have input  
25 into the replacing date that I couldn't get any

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1 information about.

2 I selected the date of November 29th for  
3 the reasons outlined in the Petition, and I would  
4 like to point out that that rationale is based on an  
5 NRC RIS for operability.

6 I selected a due date of 11/29, as I  
7 said. When I attempted to process the operability  
8 evaluation with that date I met with resistance on  
9 the part of management. It was all very  
10 professional, but it was resistance, nonetheless. I  
11 eventually stated that as the OP valve preparer, I  
12 would not sign the operability evaluation with a due  
13 date past November 29th. The date was agreed to, and  
14 I signed the operability evaluation.

15 Our process requires that this be a  
16 Corrective Action in our CAP process. I was mistaken  
17 in my belief in how a Corrective Action due date  
18 could be changed, and it turns out that it doesn't  
19 take a whole lot to change a Corrective Action due  
20 date. And then when I found out that the date had  
21 been changed to early February, I wrote the second  
22 Issue Report.

23 Well, that is my additional clarifying  
24 information. And if anybody has any questions, I'd  
25 be happy to respond.

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1 CHAIR QUAY: Thank you, Mr. Quigley.

2 At this time does the staff here at  
3 Headquarters have any questions for Mr. Quigley?  
4 Seeing none, does any NRC member on the phone, do NRC  
5 staff and Headquarters? Lois, do you have any  
6 questions?

7 MS. JAMES: No, I don't. Thank you.

8 CHAIR QUAY: Okay. Does the Region III  
9 staff have any questions?

10 MR. ORTH: No, we don't. Thank you.

11 CHAIR QUAY: Okay. Before I conclude  
12 this meeting, members of the public may provide  
13 comments regarding the Petition and ask questions  
14 about the 2.206 process. However, as stated at the  
15 opening, the purpose of this meeting is not to  
16 provide an opportunity for the Petitioner or the  
17 public to question or examine the Petition Review  
18 Board regarding the merits of the Petition request.

19 At this time, I didn't hear anybody else  
20 join the call, but I will ask one more time if there  
21 are any members of the public on.

22 Okay. Mr. Quigley, thank you for taking  
23 the time to provide the NRC staff with clarifying  
24 information on the Petition you've submitted.

25 Before we close, does the court reporter

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1 need any additional information for the meeting  
2 transcript?

3 CHAIR QUAY: Okay. One little  
4 administration thing for everybody on the phone call.  
5 Mr. Carlson, who is a Branch Chief in Reactor  
6 Projects joined us. Okay.

7 Does Exelon have any questions for the  
8 Petitioner?

9 MR. ENRIGHT: No, we do not.

10 CHAIR QUAY: Okay. Thank you.

11 And with that, I'm going to conclude the  
12 meeting. And thank you for all involved.

13 (Whereupon, at 2:59 p.m. the Petition  
14 Review Board Conference Call was adjourned.)  
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