

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: Thursday, March 3, 2011

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Pages 1-29

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1 UNITED STATES OF AMERICA

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3 NUCLEAR REGULATORY COMMISSION

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5 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

6 CONFERENCE CALL RE:

7 INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3

8 + + + + +

9 THURSDAY,

10 MARCH 3, 2011

11 + + + + +

12 The above-entitled teleconference was
13 held at 9:00 a.m., TED QUAY, Petition Review Board
14 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
22 and Rulemaking, NRR

23 RAO TAMMARA, Office of New Reactors

24 BRICE BICKETT, Division of Reactor Projects, Region

25 I

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

9:03 a.m.

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

My name is John Boska, I'm the NRC's Petition Manager for this petition.

We're here today to allow the Petitioner, Mr. Paul Blanch, to address the Petition Review Board, which we may also refer to as PRB, regarding his 2.206 petition on the gas pipeline at Indian Point Nuclear Generating Unit Numbers 2 and 3.

The Indian Point reactors are located just north of New York City on the Hudson River and are operated by Entergy Nuclear Operations, Incorporated, who may also be referred to as the licensee or Entergy.

I am the Petition Manager for the petition.

The Petition Review Board Chairman is Ted Quay.

This meeting is scheduled to conclude by 10:00 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

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1 the petition, and the transcript will also be made
2 publicly available.

3 I'd like to open this meeting with
4 introductions. As we go around the room, please
5 clearly state your name, your position and the office
6 that you work for within the NRC for the record.

7 I'm John Boska. I'm a Project Manager in
8 the Office of Nuclear Reactor Regulation which is also
9 referred to as NRR.

10 MS. SALGADO: This is Nancy Salgado. I'm a
11 Branch Chief in the Division of Operating Reactor
12 Licensing, NRR.

13 MS. LEE: I'm Erika Lee, Administrative
14 Assistant in NRR Division of Operating Reactor
15 Licensing.

16 MS. SEXTON: Kimberly Sexton, Office of
17 the General Counsel.

18 MR. GULLA: Gerry Gulla, Office of
19 Enforcement.

20 MS. SCHNETZLER: Bonnie Schnetzler, Office
21 of Nuclear Security and Incident Response, Division of
22 Security Policy. I'm the Team Leader.

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

25 MS. MENSAH: Tanya Mensah. I'm the 2.206

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1 Coordinator, Division of Policy and Rulemaking.

2 MR. TAMMARA: Rao Tammara Technical
3 Reviewer for Siting and Accidents Branch in NRO.

4 MR. BOSKA: All right. We've completed
5 introductions in this room. At this time are there
6 any other NRC participants from NRC Headquarters on
7 the phone?

8 Hearing none, are there any NRC
9 participants from the Regional Office on the phone?

10 MR. BICKETT: Yes. This is Brice Bickett,
11 NRC Region 1. I'm a Senior Project Engineer.

12 MR. BOSKA: All right. Are there any
13 representatives for the licensee on the phone?

14 MR. PRUSSMAN: Stephen Prussman. I'm from
15 Indian Point.

16 MR. BOSKA: All right. Mr. Blanch, would
17 you please introduce yourself for the record.

18 MR. BLANCH: Yes. My name is Paul Blanch.
19 I reside in West Hartford, Connecticut. I'm the
20 Petitioner. I filed this petition on behalf of myself
21 and only myself.

22 MR. BOSKA: Thank you.

23 Are there any others, such as members of
24 the public on the phone?

25 MR. BLANCH: I don't think that's a fair

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1 question. They are not required to identify
2 themselves.

3 This is Paul Blanch making that statement.

4 MR. BOSKA: All right. Yes, it's optional
5 if they wish to identify themselves or not, so --

6 MR. BLANCH: You didn't make that clear.

7 MR. BOSKA: All right. Sorry. We will
8 continue on.

9 I'd like to emphasize that we each need to
10 speak clearly and loudly to make sure that the court
11 reporter can accurately transcribe this meeting.

12 If you do have something that you would
13 like to say, please first state your name for the
14 record.

15 For those dialing into the meeting, please
16 remember to mute your phones to minimize any
17 background noise or distractions. If you do not have
18 a mute button, this can be done by pressing the keys
19 star-six. And to unmute your phone, just press the
20 star-six keys again.

21 Please do not place this call on hold
22 since many phone systems play music when a call is on
23 hold, which is distracting for the other callers.

24 Thank you.

25 At this time I'll turn it over to the

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1 Petition Review Board Chairman, Ted Quay.

2 CHAIRMAN QUAY: Good morning. I'm Ted
3 Quay, the Petition Review Board Chairman.

4 Welcome to this meeting regarding the
5 2.206 petition submitted by Mr. Blanch.

6 The PRB has made an initial recommendation
7 that your petition met the criteria for rejection
8 because the issues raised have already been the
9 subject of NRC review for which a resolution has been
10 achieved for Indian Point 2 and Indian Point 3.
11 Specifically the NRC has previously evaluated the gas
12 pipelines at Indian Point and concluded the pipelines
13 do not endanger the safe or secure operation of the
14 facility.

15 The purpose of today's meeting is to give
16 the Petitioner an opportunity to provide any
17 additional explanation or support for the petition
18 before the Petition Review Board makes a final
19 recommendation on whether or not to accept this
20 petition for review.

21 This meeting is not a hearing, nor is it
22 an opportunity for the petitioner to question or
23 examine the Petition Review Board on the merits or the
24 issues presented in the petition request.

25 No decision regarding the merits of this

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1 petition will be made at this meeting. Following this
2 meeting the Petition Review Board will conduct its
3 internal deliberations. The Petitioner will be
4 informed of the outcome of the internal meeting.

5 The Board members remain the same as
6 stated in the previous call.

7 We also have legal advice from Kimberly
8 Sexton of NRC's Office of the General Counsel, and
9 advise from Gerald Gulla from the NRC's Office of
10 Enforcement.

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

17 I'd like to summarize the scope of the
18 petition under consideration and the NRC activities to
19 date.

20 On October 25, 2010, Mr. Blanch submitted
21 to the NRC a petition, ML #103020293, under 10 CFR
22 2.206 regarding the potential hazards to the Indian
23 Point Nuclear Generating Unit Number 2 and 3 from the
24 gas pipelines that cross the site.

25 The Petitioner requests that the NRC order

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1 the license to demonstrate that the licensee has the
2 capability to protect the public in the event of a
3 rupture, explosion or fire on the gas pipelines. The
4 Petitioner also requests that the NRC review all
5 available information, including demanding necessary
6 information from the licensee, to ensure compliance
7 with all regulatory requirements.

8 Allow me to discuss the NRC activities to
9 date. On October 25, 2010, the NRC received this
10 petition. This petition was assigned to the NRC's
11 Office of Nuclear Reactor Regulation for evaluation.

12 On November 2, 2010, the Petition Review
13 Board held a call with the Petitioner.

14 On November 5, 2010, the Petitioner
15 submitted a supplement to his petition.

16 On November 9, 2010, the Petition Review
17 Board held a second call with the Petitioner.

18 On February 18, 2011 the Petitioner was
19 informed of the PRB's initial recommendation to reject
20 the petition. The Petitioner requested this
21 opportunity to communicate with the Petition Review
22 Board.

23 As a reminder for the phone participants,
24 please identify yourself if you make any remarks as
25 this will help in the preparation of the meeting

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1 transcript that'll be made publicly available.

2 Thank you. At this point, Mr. Blanch, I'm
3 going to turn it over to you.

4 MR. BLANCH: Thank you, Ted.

5 It is my understanding, although it is not
6 mentioned in the regulations or within Management
7 Directive 8.11, that the NRC will not respond to any
8 of my questions, be they technical, procedural. Is
9 that an accurate statement?

10 CHAIRMAN QUAY: Yes, it is. But if we can
11 answer something very quickly, we may choose to do so.

12 MR. BLANCH: Okay. Is this meeting being
13 transcribed, and will I have a copy of the transcript
14 in a timely fashion?

15 CHAIRMAN QUAY: They are always
16 transcribed. And, yes, you will get a copy of it.

17 MR. BLANCH: Okay. The first objection I
18 have is timeliness. I believe that the timeliness of
19 a response to a petition is normally 35 days. It's
20 been well over 120 days. Two, you're adding formal or
21 written response to my petition. I would like an
22 explanation as to why that occurs?

23 Secondly, I would like to know in writing
24 or reference to your regulation, or an internal
25 procedure, as to why the NRC refuses to conduct a

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1 dialogue on technical issues for clarification and
2 potential protection to the general public. And I
3 will be asking some of those questions and you can
4 refuse to answer, that is your choice. If you refuse
5 to answer, and if you decide after my asking the
6 questions, to still reject my 2.206 petition, I would
7 like and request that you respond to my questions if
8 and when you reject the petition.

9 I have information, maybe even more
10 information than the Petition Review Board may have.
11 And in your statement, John, you stated -- let me see
12 if I can find the actual words here. Where basically
13 the NRC said they have not identified any violation of
14 any NRC requirements.

15 There's a huge difference between making a
16 statement "we have not identified anything" and a
17 statement along the lines "we have reviewed the
18 applicable regulations and the current licensing basis
19 and found no issues warranting further action by the
20 NRC."

21 I would like to see a statement by the NRC
22 stating that they have reviewed the regulations that
23 are applicable to Indian Point's Units 2 and 3 and
24 found no violations of regulations. I don't want a
25 statement that says "we haven't looked and we haven't

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1 seen any violations."

2 Specifically, you can say yes or no to the
3 following questions, it's your choice.

4 Has all the statements with respect to the
5 gas line, the SER, FSAR, UFSAR been reviewed per 50.9
6 on completeness and accuracy of information? You can
7 answer a yes or no, or no answer, Ted or John, if you
8 want to respond to that.

9 MR. BOSKA: This is John Boska.

10 And Mr. Blanch is referring to an NRC
11 regulation which says that the licensee shall submit
12 information which is complete and accurate. And there
13 is one area that we reviewed which was associated with
14 their license renewal submittal where there was not
15 completeness in the license renewal submittal in the
16 areas of describing the pipeline. And we brought this
17 to the attention of the licensee, and the licensee
18 corrected this on the docket.

19 Our judgment was that it did not rise to
20 the level where we needed to pursue a violation or a
21 fine, but that has been corrected on the docket. That
22 was the only instance that we found that was not
23 directly in accordance with 10 CFR 50.9.

24 MR. BLANCH: Yes, I'm well aware of that,
25 being involved in all sides of that particular thing.

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1 I was aware of that beforehand. So can you state
2 that you have reviewed all information supplied by the
3 licensee to the NRC related to the gas lines and all
4 information is complete and accurate? Are you making
5 that an affirmative statement then?

6 MR. BOSKA: Well, that's a very broad
7 statement. I would prefer to say I have reviewed the
8 references that you supplied in your petition, and
9 that I found no violations of 10 CFR 50.9 in those
10 references.

11 MR. BLANCH: Okay. Some time, I'm not
12 exactly sure when it occurred, but the gas lines had
13 automatic shutoff valves. And at some time, according
14 to NRC documentation or ADAMS documents, those check
15 valves or automatic shutoff valves were removed. When
16 was that done, and was that done, and were the
17 requirements of 10 CFR 50.59 committed and completed
18 when that change was made?

19 MR. BOSKA: This is John Boska.

20 The automatic shutting feature was
21 removed. The valves were not removed. There are
22 still shutoff valves, but they're controlled from the
23 gas company's control center rather than happening
24 automatically now.

25 The license updated the UFSAR in 2009, and

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1 the NRC considers that a sufficient update to provide
2 us with that information. So, we do consider that the
3 licensee is in accordance with the regulations on
4 this.

5 MR. BLANCH: That didn't answer my
6 question. First of all, in the FSAR I didn't see a
7 discussion of the automatic feature of the valves
8 being removed, is number one. That is a safety
9 feature, a safety feature that affects core damage
10 frequency, or could. And my reading of 50.59 is that
11 an evaluation, a documented evaluation would be
12 required to be conducted for that type of change that
13 affects the safety of the public. Was that done?

14 MR. BOSKA: Mr. Blanch, there is a
15 reference in the UFSAR which references an analysis of
16 the pipeline. And in that analysis there is
17 sufficient information for the NRC to conclude that
18 the regulation has been met.

19 MR. BLANCH: Does that include a 50.59
20 evaluation?

21 MR. BOSKA: The analysis itself does not
22 include a 50.59 evaluation. But the NRC is satisfied
23 that the regulation has been met.

24 MR. BLANCH: Even though the regulation
25 hasn't been met for doing a 50.59 evaluation? When--

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1 MR. BOSKA: I did not say that, Mr.
2 Blanch.

3 MR. BLANCH: Okay. When was this
4 automatic feature removed?

5 MR. BOSKA: Mr. Blanch, I do not know the
6 exact year, but it's immaterial because the --

7 MR. BLANCH: No, it's not immaterial
8 because the SER of 1973 was based upon, I believe, the
9 fact that there was an automatic feature for
10 terminating those valves. So it is material. It's
11 material for me, it's material to the public health
12 and safety.

13 MR. BOSKA: Mr. Blanch, the Final Safety
14 Analysis Report is updated periodically and can
15 supersede any old information. That old information
16 has been superseded by the updated FSAR.

17 MR. BLANCH: However, the plant is never
18 inspected to the requirements of the FSAR. And it is
19 periodically inspected to the requirements of the SER.
20 And unless the SER has been supplemented, the
21 inspectors have no idea what the requirements are.

22 MR. BOSKA: Mr. Blanch, we do not agree
23 with that statement. The inspectors read the UFSAR
24 before their inspections; they're familiar with the
25 requirements of the UFSAR.

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1 MR. BLANCH: Well, they might be familiar
2 with the requirements, but they are not allowed to
3 cite violations for noncompliance with statements in
4 the FSAR.

5 MR. BOSKA: However, if they notice such a
6 requirement, they can cite the licensee for having the
7 UFSAR not reflect the plant condition.

8 MR. BLANCH: They're discouraged from
9 doing so.

10 I have knowledge of the October 2008
11 analysis and that the ability, this is assuming a San
12 Bruno fire or the recent fires in Pennsylvania,
13 Oklahoma, Texas, wherever you want to, that the
14 capability for either the onsite or offsite fire
15 fighting capability to deal with such a fire is
16 nonexistent. Has the NRC satisfied itself that should
17 there be an explosion that causes release of all the
18 potential energy in the gas lines, and that's a two-
19 way flow, that they can extinguish the fire prior to
20 any significant increase in the probability of core
21 melt?

22 MR. BOSKA: Mr. Blanch, it is the NRC's
23 understanding that the San Bruno pipeline fire was
24 fought by the local fire department and they were
25 successful in bringing it under control. We view

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1 that--

2 MR. BLANCH: After the gas was terminated
3 for -- it was well over an hour.

4 MR. BOSKA: We agree that it is necessary
5 for the pipeline company to isolate the gas flow, and
6 the pipeline company is prepared to do that. And it
7 is also our understanding, although we haven't
8 inspected this and we have no requirement to inspect
9 this, that the local fire departments are capable of
10 fighting this type of fire.

11 MR. BLANCH: Prior to the gas being
12 terminated?

13 MR. BOSKA: I'm sure that they will arrive
14 on site. But it's also probably true that they can't
15 actually put out the flames until the gas is
16 terminated.

17 MR. BLANCH: Sure, and the media will show
18 up at the same time, and they can't do it either.

19 And so the fire will persist until the gas
20 is terminated, both sides, which is typically greater
21 than one hour. And we don't know what happens to
22 communication at the time of the fire explosion, if
23 there is any communication. We don't know what
24 happens to power supplies, telephone lines; whatever
25 else is an established means of communication.

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1 MR. BOSKA: Well, the NRC does not support
2 the one hour time frame. But, you know we agree there
3 can be local effects from such a large fire.

4 MR. BLANCH: Can you expound on you don't
5 agree with the one hour time frame that was just your
6 statement?

7 MR. BOSKA: There are mechanisms in place
8 for the gas company to detect abnormal conditions on
9 the pipeline and to take corrective actions.

10 MR. BLANCH: Well, we know from experience
11 and it doesn't matter where it is, be it San Bruno, be
12 it -- I forget where it was in Pennsylvania. There
13 was one in Philadelphia a month ago, one somewhere
14 else in Pennsylvania and Oklahoma. And I have never
15 seen a case where the fire or the gas is terminated
16 and the fire extinguished shorter than one hour. You
17 can go on the web and take a look at that. Take a
18 look at the San Bruno information.

19 MR. BOSKA: The NRC has reviewed the
20 situation, and even for a fire lasting one hour we are
21 convinced there will be no impact on the safe and
22 secure operation of the facility, the safe shutdown
23 operation. It may not continue at full power
24 operation, but the safe shutdown operation will not be
25 impacted.

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1 MR. BLANCH: So you just said one hour, or
2 at least one hour. How long did the NRC assume that
3 the fire would persist?

4 MR. BOSKA: Mr. Blanch, we're not prepared
5 to answer that directly, but it was on the time frame
6 of several hours.

7 MR. BLANCH: Okay. So you told me that
8 there was no 50.59 review conducted on the removal of
9 the --

10 MR. BOSKA: Mr. Blanch, I did not tell you
11 that.

12 MR. BLANCH: Well, I'll ask you that: Was
13 a 50.59 review conducted?

14 MR. BOSKA: I do not know the direct
15 answer to that question. But I do know that the
16 superseding documents currently in the UFSAR meet the
17 current regulations.

18 MR. BLANCH: You reference the 1993 Safety
19 Evaluation Report. Is that still complete and
20 accurate, which is part of the current licensing
21 basis?

22 MR. BOSKA: Mr. Blanch, I'm not familiar
23 with what you're referring to in 1993.

24 MR. BLANCH: You referenced it. The
25 Safety Evaluation Report of 1993 you referenced in one

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1 of the letters.

2 MR. BOSKA: Mr. Blanch, perhaps you're
3 referring to a 1973 document.

4 MR. BLANCH: Yes, I am. I'm sorry. Did I
5 say '93?

6 MR. BOSKA: Yes, you did.

7 MR. BLANCH: Oh, I'm sorry. My error.

8 Let me restate the question. Is the NRC
9 prepared to state that the 1973 Safety Evaluation
10 Report that is part of the current licensing basis is
11 complete and accurate?

12 MR. BOSKA: Mr. Blanch, the 1973 document
13 is part of the historical record of the plant, but it
14 has been superseded by newer documents.

15 MR. BLANCH: No. If you read the
16 regulations it defines -- somewhere it defines current
17 licensing basis, I think you'll find it in 10 CFR 54,
18 and any safety evaluation commitments, orders, are
19 part of the current licensing basis. So therefore, my
20 review or my understanding of the definition of a
21 current licensing basis includes any Safety Evaluation
22 Reports unless they've been supplemented. And I
23 haven't seen a concise statement that supplements the
24 1973 Safety Evaluation Report.

25 MR. BOSKA: Mr. Blanch, I don't believe

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1 you're correctly describing the NRC regulations in
2 this area. The 1973 Safety Evaluation Report was the
3 initial safety evaluation for the operation of this
4 plant. If that were to continue in force forever, the
5 licensee would never be able to make changes to the
6 plant facility. Obviously, the licensees are
7 permitted to make changes to the plant facility --

8 MR. BLANCH: Under 50.59.

9 MR. BOSKA: That is correct. And if they
10 follow that process, then changes are permitted. And
11 there have been changes since 1973.

12 MR. BLANCH: So you're saying these
13 changes are have been done in accordance with the
14 regulations?

15 MR. BOSKA: Mr. Blanch, we do not go and
16 inspect directly that process. However, we
17 periodically do inspect the licensee's process for
18 making changes using 50.59 and we have identified no
19 discrepancies in that area.

20 The 2.206 petition process is not a
21 process where the Petition Review Board goes out and
22 starts inspecting large areas of the licensee's
23 documentation. The 2.206 process is designed for you,
24 the Petitioner, to tell us which regulations the
25 licensee is in violation of, and then we will explore

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1 that.

2 MR. BLANCH: Okay. I believe the licensee
3 is in violation of 10 CFR 50.59 for not conducting an
4 evaluation to remove the automatic feature of the
5 valves associated with the gas line. If you'd like me
6 to document that, to be more specific, I can easily do
7 that.

8 MR. BOSKA: We understand your statement.
9 But in response, I will say that the licensee has
10 updated the UFSAR --

11 MR. BLANCH: I didn't ask that question.
12 I'm asking about the regulation of 50.59.

13 MR. BOSKA: Mr. Blanch, the process is for
14 you to tell us that there is definitely a violation of
15 a regulation. You can't just ask us to go inspect
16 more and more areas of the plant. That's not the --

17 MR. BLANCH: Okay. So if I write a
18 letter, supplement my 2.206 again and say I believe
19 there's a violation of 50.59 and in that the licensee
20 failed to conduct the proper evaluation on the removal
21 of an automatic feature to protect the plant, and
22 therefore is in violation of 50.59, I'm allowed to do
23 that?

24 MR. BOSKA: But, Mr. Blanch, we have
25 already reviewed the historical information and we

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1 have stated to you that considering the current UFSAR
2 the licensee is in conformance with the regulations.

3 MR. BLANCH: But you didn't specifically
4 tell me that they are in accordance -- that everything
5 was done in accordance with the regulations,
6 specifically 5.9 and 50.59.

7 MR. BOSKA: But, Mr. Blanch, you're still
8 telling us that you suspect a problem and you want us
9 to go and inspect broad areas of the licensee's
10 operation.

11 MR. BLANCH: No, I'm being very specific
12 now.

13 MR. BOSKA: We have our own inspection
14 process. We follow our current inspection process.

15 MR. BLANCH: Inspection process is not
16 regulation.

17 MR. BOSKA: We understand that, but you
18 have not supplied us any direct evidence of a
19 violation of regulations.

20 MR. BLANCH: I don't have to supply
21 evidence of a violation. All I have to do is contend
22 that there is a violation. And I am presently
23 contending that a proper evaluation in accordance with
24 the requirements of 50.59 was not conducted for the
25 removal of the automatic feature of the gas valves.

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1 Now, I will put that in writing if you want me to.

2 MR. BOSKA: Mr. Blanch, you don't have to
3 put it in writing. This transcript is an official
4 record.

5 MR. BLANCH: Okay. Then consider that as
6 a very specific, not an allegation, because this is
7 2.206 process, but a very specific shortcoming in
8 compliance with the regulation. And I stated it, and
9 I believe I stated it twice.

10 MR. BOSKA: Mr. Blanch, would you hold the
11 line for a moment? We're going to go on mute for a
12 short discussion?

13 (Whereupon, at 9:34 a.m. until 9:36 a.m,
14 for an off the record discussion.)

15 MR. BOSKA: Mr. Blanch, this is John
16 Boska.

17 MR. BLANCH: Yes.

18 MR. BOSKA: We have concluded that the
19 plant is currently in accordance with the regulations
20 and that the 2.206 process is not designed to go back
21 and inspect historical records. Therefore, we feel
22 that we should end this line of discussion and move
23 forward.

24 MR. BLANCH: Well, I'm contending that the
25 licensee violated the regulation and I am in strong

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1 disagreement with you.

2 CHAIRMAN QUAY: All right. We have that,
3 Mr. Blanch. Is there any other additional information
4 you'd like to provide us?

5 MR. BLANCH: No, I think that's it for
6 right now. But I am very dissatisfied with the length
7 of time it took to respond.

8 CHAIRMAN QUAY: We have that.

9 MR. BLANCH: And I will write you a quick
10 note, and it's in the transcript. It is official that
11 I'm alleging -- not alleging. I'm stating that I
12 believe the licensee is not in compliance with the
13 regulations, particularly 50.59 in that it did not
14 conduct a proper evaluation when the automatic
15 features of the gas line termination were removed and
16 it changes the analysis. So, that is what I am
17 contending.

18 CHAIRMAN QUAY: Okay. Do you have any
19 other information that would be pertinent to this
20 discussion?

21 MR. BLANCH: The fact that other plants,
22 other facilities not necessary power facilities, but
23 other facilities that have either gas lines or other
24 external events that could impact the operation of the
25 facility discussed under 10 CFR 100.10 or 11 have been

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1 subjected to a more complete evaluation of the
2 dangers. For instance, Fort St. Vrain and an
3 enrichment facility in New Mexico. Indian Point is
4 totally inconsistent with the analysis that was
5 conducted under Part 100. So that's what I have for
6 now.

7 And I am not pleased with the timeliness.

8 I think the basis for rejection that, you know the
9 2.206 says it can demand enforcement action, it refers
10 to another regulation under Part 2, or any other
11 action. And I think it is the NRC's responsibility to
12 make a demand for information from the licensee,
13 Entergy, to demonstrate that they have done a proper
14 analysis as I requested in my original petition, and
15 that analysis, -- if the NRC doesn't look, they're not
16 going to find any violations. But they should demand
17 the information from the licensee to show that they
18 have provided an analysis under 50.59 that shows that
19 there is no significant safety hazard and that the NRC
20 agrees with that.

21 If you don't look, you're not going to
22 find anything. And that's the feeling I have about
23 this whole draft response to this 2.206; "we have not
24 found any violation of regulations."

25 A sleeping policeman along the highway

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1 could say the same thing: "I didn't see anyone
2 speeding along, but I didn't look." And I'm not
3 pleased at all.

4 MR. BOSKA: Mr. Blanch, we understand your
5 point.

6 This is John Boska.

7 I would like to say a few words about
8 timeliness. The record in this situation on the gas
9 pipelines goes back 42 years to 1968. And the
10 Petition Review Board asked that the record be
11 reviewed and discussed with them, and therefore this
12 added more to the length of time than the average
13 2.206 petition takes. And I know it's somewhat of an
14 excuse, but it's associated with workload and things
15 like that. So, that's all I wanted to say in that
16 area.

17 MR. BLANCH: Okay.

18 MS. MENSAH: And this is Tanya Mensah.
19 I'm the 2.206 Coordinator.

20 I just want to elaborate on what John was
21 saying in that we do have circumstances where we do
22 have to go beyond our typical 30 to 35 day review
23 period to provide the final recommendation to the
24 Petitioner. In those cases we request approval from
25 our EDO to extend. And it's my understanding that the

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1 Petition Manager always communicates that basic fact
2 to the Petitioner to say we're going to need
3 additional time.

4 So, I just wanted to confirm with you,
5 were you not informed that there would be additional
6 time needed?

7 MR. BLANCH: I was informed there was
8 going to be additional time needed.

9 MS. MENSAH: Okay. I just wanted to
10 clarify that.

11 MR. BLANCH: Correct.

12 MS. MENSAH: And also, you raised another
13 process question at the beginning about, -- I think
14 you said the NRC refuses to conduct a dialogue. The
15 Management Directive does allow that the PRBs may have
16 dialogue with the Petitioners. They would call them
17 Technical Review Meetings. But those are generally at
18 the request of the PRB. So if the PRB reviews your
19 information and they feel they need additional
20 dialogue with your clarification, we can request a
21 call with the Petitioner as well.

22 So, I just wanted to elaborate on that,
23 because that is in the Management Directive.

24 MR. BLANCH: That's not what I call a
25 dialogue. If the NRC decides they have questions,

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1 they can call a Petitioner and ask questions. But
2 it's a one-way street. It's not like other licensing
3 action where the NRC and the licensee have an open
4 dialogue on issues, such as license renewal and buried
5 pipes with Indian Point. We've recently seen meetings
6 and letters as a result of dialogue both ways,
7 everyone asking questions about buried pipes and
8 cables on Indian Point. That's a public document that
9 was transmitted.

10 So, it seems as though the public can only
11 ask questions, not get any firm answers, but yet
12 licensees and the NRC can have an open dialogue that
13 goes both ways. So, I'm not pleased about that.

14 And in conclusion, I'm going to the
15 Regulatory Information Conference next week. If
16 anybody wants to stop and say hi, I'll be around.

17 CHAIRMAN QUAY: Okay.

18 MR. BLANCH: Okay. Thanks very much,
19 ladies and gentlemen.

20 CHAIRMAN QUAY: At this time does anyone
21 here in Headquarters have any questions for Mr.
22 Blanch?

23 Mr. Blanch, are you still on? I guess
24 not.

25 With that, we're going to terminate the

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1 phone call. Thank you.

2 (Whereupon, at 9:45 a.m. the Conference
3 Call was adjourned.)
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