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 RE Union of Concerned Scientists

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and 3. 50-247 and 50-286

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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

UNION OF CONCERNED SCIENTIST'S PETITION

DATED JUNE 30, 2016

+ + + + +

THURSDAY

JULY 28, 2016

+ + + + +

The conference call was held, Eric Benner, Chairperson of the Petition Review Board, presiding.

PETITIONER: DAVID LOCHBAUM

PETITION REVIEW BOARD MEMBERS

ERIC BENNER, Deputy Director, Division of
Operating Reactor Licensing, Office of
Nuclear Reactor Regulation

DOUGLAS PICKETT, Petition Manager for 2.206
petition

RUSS ARRIGHI, Senior Enforcement Specialist,

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Office of Enforcement

CHRISTOPHER HAIR, Attorney, Office of General
Counsel

ALLEN HISER, Senior Technical Advisor,
Division of License Renewal

JACK MCHALE, Branch Chief, Division of
Engineering

NRC HEADQUARTERS STAFF

GANESH CHERUVENKI, Mechanical Engineer,
Vessels and Internal Integrity Branch

NIKLAS FLOYD, Acting Senior Project Engineer,
Division of Reactor Projects, Region 1

MICHAEL MODES, Senior Reactor Inspector,
Engineering Branch, Region 1

GARRETT NEWMAN, Resident Inspector, Indian
Point

SERITA SANDERS, Petition Coordinator,
Office of Nuclear Reactor Regulation

DIANE SCRENCI, Sr. Public Affairs Officer,
Office of Public Affairs, Region 1

NEIL SHEEHAN, Public Affairs Officer, Office
of Public Affairs, Region 1

TRAVIS TATE, Branch Chief, Division of
Operating Reactor Licensing

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P R O C E E D I N G S

1:33 p.m.

1
2
3 MR. PICKETT: Good afternoon. I would like
4 to thank everybody for attending this meeting. My
5 name is Doug Pickett, and I am an Indian Point Project
6 Manager for the NRC's Office of Nuclear Reactor
7 Regulation.

8 We are here today to allow the
9 Petitioner, Mr. David Lochbaum of the Union of
10 Concerned Scientists, to address the Petition Review
11 Board, also referred to as PRB, regarding their
12 petition submitted on June 30th, 2016.

13 I am the Project Manager for this
14 petition and the PRB Chairman is Mr. Eric Benner. As
15 part of the PRB's review of this petition, the Union
16 of Concerned Scientists requested this opportunity to
17 address the PRB.

18 This meeting is scheduled from 1:30 to
19 approximately 3:00 Eastern Time. The meeting is being
20 recorded by the NRC Operations Center and will be
21 transcribed by a court reporter. The transcript will
22 be treated as a supplement to the petition and will
23 be made publicly available.

24 I'd like to open this meeting with

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1 introductions. As we go around the room please be
2 sure to clearly state your name, your position, and
3 the office that you work for within the NRC. I'll
4 start off with myself, Douglas Pickett. As previously
5 stated, I am serving as the Petition Manager.

6 MS. SANDERS: Hi, I'm Serita Sanders. I am
7 the backup for Ms. Banic as the Petition Coordinator
8 in the Office of NRR.

9 MR. BENNER: Eric Benner. As Doug said,
10 I'm the PRB Chair, and I'm a Deputy Director in the
11 Division of Operating Reactor Licensing in the Office
12 of NRR.

13 MR. HISER: I'm Allen Hiser, Senior-Level
14 Advisor in the Division of License Renewal, and I'm
15 a member of the PRB.

16 MR. CHERUVENKI: Ganesh Cheruvenki,
17 Materials Engineer, Vessels and Integrity Branch,
18 NRR.

19 MR. McHALE: I'm Jack McHale. I'm a Branch
20 Chief in NRR, Division of Engineering, and I'm a PRB
21 member.

22 MR. TATE: I'm Travis Tate. I'm a Branch
23 Chief in the Division of Operator Reactor Licensing
24 in NRR.

25 MR. HAIR: Hi, this is Chris Hair. I'm an

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1 attorney with the Office of the General Counsel.

2 MR. PICKETT: We've completed
3 introductions at NRC Headquarters in this room. At
4 this time, are there any NRC participants elsewhere
5 on the phone?

6 MR. MODES: Michael Modes, Senior Reactor
7 Inspector, Region I.

8 MR. PICKETT: That was Michael Modes, and
9 I think Russ?

10 MR. ARRIGHI: Yes, Russ Arrighi, Senior
11 Enforcement Specialist, Office of Enforcement. I'm a
12 PRB member.

13 MR. PICKETT: Are there any
14 representatives for the licensee on the phone?

15 MR. WALPOLE: Yes, Doug. It's Bob Walpole
16 and Dave Mannai, both from Entergy.

17 MR. PICKETT: Okay. Would the
18 representatives of the Union of Concerned Scientists
19 please introduce yourselves along with anyone else
20 assisting you for the record.

21 MR. LOCHBAUM: David Lochbaum, Director of
22 the Nuclear Safety Project from Union of Concerned
23 Scientists, and it's just me.

24 MR. PICKETT: All right. It is not
25 required for members of the public to introduce

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1 themselves for this call; however, if there are any
2 members of the public on the phone that wish to do so
3 at this time, please state your name for the record.
4 Hearing nothing, is there anyone else on the phone
5 that we missed?

6 MS. SCRENCI: Doug, it's Diane Screnci in
7 Region I, Public Affairs.

8 MR. PICKETT: Okay.

9 MR. NEWMAN: Garrett Newman, Resident
10 Inspector.

11 MR. PICKETT: So we have the Resident
12 Inspector here?

13 MR. NEWMAN: Correct.

14 MR. PICKETT: Who was it?

15 MR. NEWMAN: Garrett Newman.

16 MR. PICKETT: Okay. Garrett Newman,
17 Resident Inspector, Office of -- somebody else spoke
18 at the same time?

19 MR. SHEEHAN: Neil Sheehan, Region I,
20 Public Affairs.

21 MR. PICKETT: Okay. Is there anybody else
22 on the phone with us?

23 MR. FLOYD: Lastly, this is Niklas Floyd,
24 Acting Senior Project Engineer, Division of Reactor
25 Projects, Region I.

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1 MR. PICKETT: Okay. I'd like to emphasize
2 that we each need to speak clearly and loudly to make
3 sure that the court reporter can accurately
4 transcribe this meeting. If you do have something
5 that you would like to say, please state your name
6 first. For those dialing into the meeting, please
7 remember to mute your phones to minimize any
8 background noise or distractions. If you do not have
9 a mute button, this can be done by pressing *6 key;
10 to unmute press *6 key again.

11 At this time, I'll turn it over to the
12 PRB Chairman, Eric Benner.

13 MR. BENNER: Thank you, Doug, and thank
14 you, Dave for scheduling this with us.

15 So good afternoon, welcome to the meeting
16 regarding the petition submitted by the Union of
17 Concerned Scientists. I'd like to first share some
18 background information on our process.

19 Section 2.206 of Title 10 of the Code of
20 Federal Regulations describes the petition process,
21 the primary mechanism for the public to request
22 enforcement action by the NRC in a public process.
23 This process permits anyone to petition the NRC to
24 take enforcement-type action related to NRC licensees
25 or licensed activities.

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1 Depending on the results of this
2 evaluation the NRC could modify, suspend, or revoke
3 an NRC-issued license, or take any other appropriate
4 enforcement action to resolve a problem. The NRC
5 Staff Guidance for the disposition of 2.206 petition
6 requests is in Management Directive 8.11 which is
7 publicly available.

8 The purpose of today's meeting is to
9 provide the Petitioner an opportunity to provide any
10 additional explanation or support for the petition
11 before the PRB's initial consideration and
12 recommendation. The meeting is not a hearing, nor is
13 it an opportunity for the Petitioner to question or
14 examine the PRB on the merits or issues presented in
15 the petition request. No decisions regarding the
16 merits of this petition will be made at this meeting.
17 And following this meeting, the PRB will conduct its
18 internal deliberations. The outcome of this internal
19 meeting will be discussed with the Petitioner,
20 though.

21 The PRB typically consists of a Chairman,
22 usually a Manager at the Senior Executive Service
23 Level at the NRC, which I do fulfill that; a
24 Petitioner Manager, who is Doug Pickett, and a PRB
25 Coordinator, normally Lee Banic but for today it's

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1 Serita Sanders. We are not -- a number of members of
2 the Board here are basically based on their technical
3 and regulatory expertise to help, you know, derive an
4 effective evaluation of the petition.

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

11 I'd like to summarize the scope of the
12 petition as we understand it under consideration and
13 the NRC activities to date. On June 30th, 2016,
14 sighting discovery of an unexpected degradation of
15 the baffle-former bolts at the Indian Point Nuclear
16 Generating Station Unit 2, the Union of Concerned
17 Scientists submitted a petition pursuant to 10 CFR
18 2.206 requesting the following enforcement actions.
19 One, NRC should issue an order requiring the Indian
20 Point licensee to inspect the baffle bolts and to
21 install the downflow to upflow modifications on Unit
22 2 during its refueling outage.

23 Two, NRC should issue a demand for
24 information requiring the Indian Point licensee to
25 submit an operability determination to the Agency

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1 regarding continued operation of Unit 3 until its
2 baffle bolts can be inspected per the Materials
3 Reliability Project, 227A.

4 And lastly, three, NRC issue a demand for
5 information requiring the Indian Point licensee to
6 submit an evaluation of the performance goal and
7 operating experience of the Metal Impact Monitoring
8 System detecting and responding to indications of
9 loose parts such as broken baffle bolts within the
10 reactor coolant system.

11 On July 7, 2016, the NRC Staff contacted
12 the Petitioner by email to offer him the opportunity
13 to make a presentation before the PRB, and the
14 Petitioner was also reminded that the 2.206 process
15 is a public process. On July 12th the Petitioner and
16 the NRC Staff reached agreement to schedule the PRB
17 presentation for today.

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

23 At this point, I'll turn it over to Mr.
24 Lochbaum of UCS to provide any information he
25 believes the PRB should consider as part of this

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1 petition.

2 MR. LOCHBAUM: Thank you. This is Dave
3 Lochbaum with the Union of Concerned Scientists.
4 Thank you, Doug and Eric for that tee up, for setting
5 it up.

6 As indicated, the reason UCS requested
7 this opportunity to present to the PRB was to
8 basically highlight or summarize the request made in
9 our petition, and also to answer any clarifying
10 questions the PRB members or Staff may have for us.

11 With that, I'd like to start by pointing
12 out that by letter dated May 18th, 2016, which is in
13 ADAMS under ML16144A789, EPRI submitted to the NRC
14 summaries of the reactor vessel internals inspections
15 conducted at nine reactors during 2014 and 2015 under
16 MRP-227-A, the same procedure that identified the
17 degraded baffle bolts at Indian Point Unit 2. These
18 reactors had operated for 26.1 to 35.5 effective full
19 power years at the time these inspections were
20 conducted, with most having more operating time than
21 Indian Point Unit 2 did at the time of its discovery.

22 According to Table 4-2 in another EPRI
23 report, MRP-191 dated November 2006, which is in
24 ADAMS under ML12335A503, five of these reactors, or
25 five of these inspections were at reactors having the

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1 downflow configuration that Entergy identified as
2 contributing to the degradation at Indian Point Unit
3 2.

4 All things being equal then it would be,
5 therefore, expected that these reactors would have
6 more extensive baffle bolt degradation than was
7 experienced at Indian Point Unit 2, but that was from
8 the case and things are far from being equal. Only
9 one of the 864 bolts examined at Palisades had
10 indications. Only one of the 864 baffle-former bolts
11 examined at Oconee Unit 3 had an indication. Only 40
12 of 688 baffle-former bolts examined at Prairie Island
13 Unit 1 had indications. Only 15 of the 727 baffle
14 bolts examined at Point Beach Unit 2 had indications.
15 None of the 305 baffle bolts examined at Turkey Point
16 Unit 3 had indications. There were more degraded
17 baffle bolts identified at Indian Point Unit 2 than
18 at these five as old or older reactors combined. For
19 reasons not yet identified and confirmed, the baffle
20 bolts at Indian Point Unit 2 experienced more
21 degradation than the bolts at reactors with more
22 operating time.

23 Because of this unexplained
24 vulnerability, UCS requested in our petition that the
25 NRC order Entergy to take two corrective actions the

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1 company committed to take in its licensee event
2 report dated May 31st, 2016, which is in ADAMS under
3 ML 16159A219; namely, to reinspect the bolts and to
4 install the downflow to upflow conversion during the
5 next Unit 2 refueling outage. We explained in our
6 petition why commitments alone aren't sufficient.

7 Between now and the next scheduled Unit
8 2 refueling outage, Indian Point Unit 3 is scheduled
9 to have its next refueling outage. Entergy separately
10 has committed to volumetrically inspecting the baffle
11 bolts on Unit 3 for the first time during that outage.

12 Consider for a moment the possible
13 outcomes from the Unit 3 bolt inspections. Few
14 indications of degradation could be found comparable
15 to the results from inspections at other reactors
16 during 2014 and 2015. That outcome would make Indian
17 Point Unit 2 an even more unexplainable outlier.

18 Alternatively, the Unit 3 bolt
19 inspections could reveal degradation approaching or
20 even surpassing that found on Unit 2. That outcome
21 would not help answer the question of why degradation
22 is so extensive on Unit 2, but it would reinforce the
23 need for the baffle bolts on Unit 2 to be reinspected
24 at the next convenient opportunity.

25 Our petition did not request that the NRC

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1 issue an order compelling Entergy to conduct the
2 inspections of the baffle bolts on Unit 3 during the
3 refueling outage planned during 2017. Our request in
4 the petition to back commitments for the bolt issues
5 on Unit 2 with an order seems contradictory to our
6 request not seeking an order to back a commitment for
7 bolt issues on Unit 3, but that's only because it is
8 contradictory. Let me attempt to explain this
9 contradiction.

10 Our petition requested that the NRC issue
11 a Demand for Information requiring Entergy to conduct
12 an operability determination for Unit 3 continuing to
13 safely operate until the bolt inspections are
14 performed. We also requested that Entergy make its
15 operability determination publicly available by
16 placing it on the docket.

17 From our perspective, this operability
18 determination would answer the timing of the initial
19 inspection question. It is highly likely that an
20 operability determination would rely in part on time
21 until the bolt inspections are performed. In other
22 words, the operability determination would very
23 likely articulate reasons why it's acceptable to
24 safely operate Unit 3 until some future refueling
25 outage when the inspections of baffle bolts will be

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1 performed. Such an operability determination would
2 establish boundaries and conditions for continued
3 safe reactor operation like an order would do.

4 The UCS feels the operability
5 determination to be the more appropriate vehicle in
6 the case of Unit 3, much more applicable or
7 appropriate than an order.

8 There is ample evidence indicating that
9 the baffle bolts are needed to affirm the
10 degradation; thus, Entergy's plan to reinspect the
11 bolts and implement the downflow to upflow conversion
12 during the next refueling outage on Unit 2 is sound,
13 so sound safety-wise that backing up that great
14 intention with a regulatory requirement is most
15 prudent. But there is enough evidence indicating that
16 the baffle bolts on Unit 3 are also degraded. Maybe
17 they are as degraded as the bolts on Unit 2, or maybe
18 they have little to no degradation like the bolts
19 inspected at several other reactors in 2014 and 2015.

20 Absent more compelling evidence, UCS does
21 not feel that requesting that the NRC issue an order
22 for baffle bolt inspections on Unit 3 or for letting
23 Entergy implement the downflow to upflow conversion
24 during its next refueling outage was justified.

25 UCS does feel that Entergy should be

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1 required to assemble and evaluate the scant evidence
2 that is available, and justify operating Unit 3 until
3 some future date when the bolt inspections are
4 performed.

5 Operability determinations for
6 situations like this one are standard industry
7 practice and are entirely consistent with the NRC's
8 longstanding expectations. Thus, in operability
9 determinations, the tried and true way to handle
10 situations like on Unit 3 at the moment.

11 Our third and final request in the
12 petition was for the NRC to issue a Demand for
13 Information to Entergy regarding the performance of
14 the Metal Impact Monitoring System at Indian Point.
15 There is no evidence publicly available indicating or
16 even suggesting that this system detected the loose
17 parts from the degraded and broken bolts on Unit 2.
18 That's the sole purpose of this system and yet it
19 seems to have utterly failed to perform this role.

20 This system, if it functions as intended,
21 could form part of the safety net for continued safe
22 operation of Unit 2 until someone figures out why its
23 bolts are so prone to degradation, and for the
24 continued safe operation of Unit 3 until someone
25 figures out whether its bolts are Unit 2-like, or

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1 more like bolts elsewhere in the industry. But this
2 safety system seems to be nothing but a hunk of junk
3 occupying space without any redeeming value
4 whatsoever. Consequently, UCS feels that Entergy
5 should evaluate this system that's described in the
6 FSAR to determine whether it should play or can play
7 a useful role in proactively detecting baffle bolt
8 degradation.

9 Thank you for your consideration of our
10 issues, and I'll be glad to answer any questions from
11 the NRC Staff.

12 MR. BENNER: Okay, thank you, Dave.

13 I'm going to offer the opportunity for
14 the Staff here at Headquarters to ask any questions
15 of the Petitioner. I have some questions, but I'll
16 hold mine until everyone else speaks. So I'll start
17 here with the Staff in the room; do any of the Staff
18 in the room have questions for Dave?

19 MR. HISER: This is Allen Hiser of License
20 Renewal. Page 5 of your petition cites the Unit 3
21 UFSAR description of the loose parts monitoring. Is
22 that -- are similar provisions in the Unit 2 FSAR?
23 It's curious to me that you're citing Unit 3 but yet
24 you're concern was with the function of Unit 2.

25 MR. LOCHBAUM: This is Dave Lochbaum. For

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1 the past decade, the NRC has been blanket withholding
2 FSAR updates, and only recently restarted putting
3 UFSAR updates in the public domain, so it's been very
4 challenging for the public to obtain access to FSAR
5 information. I assume that similar to Unit 2, but the
6 limited access that the NRC has afforded the public
7 to these documents makes me uncertain. So I chose the
8 documents I could find, and those that the NRC chose
9 to make available.

10 MR. HISER: Thank you.

11 MR. McHALE: This is Jack McHale from the
12 Division of Engineering. Just have a minor question;
13 on the petition on the top of page 4 it makes a
14 reference to Manual Chapter 0305 which is the
15 Operating Reactor Assessment Program. Is that a -- I
16 know there's an earlier reference to 0326 for
17 Operability. Does the 0305 come into play here, or is
18 that just a typo?

19 MR. LOCHBAUM: That's a typo; my mistake.
20 Yes, it went back to the middle -- the previous page
21 where I cited some criteria, and I just noticed it on
22 the next page.

23 MR. McHALE: Okay, so we're still talking
24 about the same areas. Okay, thank you.

25 MR. LOCHBAUM: That was the intention, but

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1 it was mistake to get the number wrong.

2 MR. BENNER: Questions for Dave? Okay, it
3 seems we have no other questions in the room, so are
4 there any other questions from the Headquarters folks
5 on the phone? Hearing none, I'll turn it over to -
6 - are there any questions from our Regional
7 participants? Does the licensee have any questions or
8 comments?

9 MR. WALPOLE: This is Bob Walpole; no
10 comments, no questions.

11 MR. BENNER: Okay. Thank you, Bob.

12 So, Dave, my -- this is Eric Benner
13 again. Mine are less questions that just sort of
14 confirm kind of where -- our understanding of your
15 request. So for your -- so your request regarding the
16 order for Unit 2, is it safe to conclude that you
17 essentially find the Corrective Actions that have
18 been proposed by the licensee to appear to be
19 sufficient. What you're looking for is a stronger
20 regulatory footprint by the NRC to insure those
21 corrective actions actually get implemented.

22 MR. LOCHBAUM: That is correct. This is
23 Dave Lochbaum. That is correct. As we espoused in the
24 petition, we're a little concerned that that's -- the
25 current MRP 227-A guidance would allow that to be

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1 deferred for up to 10 years.

2 MR. BENNER: Okay.

3 MR. LOCHBAUM: We think, as I said, the
4 corrective actions that Entergy provided a good ---

5 MR. BENNER: Okay. And then regarding your
6 request for the Demand for Information on Unit 3,
7 your logic there is, you know, in the absence of some
8 sort of publicly available information on the
9 applicability of this degradation mechanism to Unit
10 3, you don't feel you have enough information to
11 warrant, you know, proposing to the NRC anything that
12 would fall within the 2.206 process like, you know,
13 ordering inspections or ordering some other activity.

14 MR. LOCHBAUM: That's correct. We think
15 the operability determination when it can be done
16 would answer those kind of questions and would show
17 why waiting until the next refueling outage is a good
18 thing.

19 MR. BENNER: Okay.

20 MR. LOCHBAUM: What we've heard today is
21 that the reason Unit 3 is okay is because it doesn't
22 have as much operating time as Unit 2 did and,
23 therefore, it's less -- is likely to have experienced
24 less bolt degradation. That's why the information I
25 provided earlier in this call with even older

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1 reactors with more operating time having less bolt
2 degradation seems to suggest that operating time is
3 not the primary factor in determining extended bolt
4 degradation. Where the operability determination once
5 performed would more fully address issues like that
6 and explain why Unit 2 is different.

7 MR. BENNER: But for me these two parts to
8 this, because typically we would -- the NRC would
9 look at operability determinations and the inspection
10 realm and, you know, as you well know, you know, the
11 inspection report when issued, you know, may not have
12 a sufficient level of detail that would allow you to
13 feel you could, you know, render judgments over the
14 underlying technical issues. So part of the issue
15 here is you're looking for a level of, you know,
16 public availability of this information.

17 MR. LOCHBAUM: That's a good point. It is
18 that second aspect, because this issue has attracted
19 so much attention, making an operability
20 determination is atypical but it seems appropriate
21 given the environment or the context that it's in.

22 MR. BENNER: Okay. Those were the only two
23 clarifications I had, so with that, before I conclude
24 the meeting, no members of the public identified
25 themselves, but members of the public may provide

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1 comments regarding the petition and ask questions
2 about the 2.206 petition process. However, as stated
3 in the opening, the purpose of this meeting is not to
4 provide an opportunity for the Petitioner and the
5 public to question or examine the PRB regarding the
6 merits of the petition request, so you certainly can
7 provide any comments, as desired.

8 Hearing none, I'd like to thank Mr.
9 Lochbaum for taking the time to provide the NRC Staff
10 with clarifying information on the petition you
11 submitted. And before we close does the court
12 reporter need any additional information for the
13 meeting transcript?

14 COURT REPORTER: Hi, this is the court
15 reporter. If I could get the representatives of the
16 licensee to please state their names for me, that
17 would be great.

18 MR. WALPOLE: Sure, I'll speak. My name is
19 Bob Walpole, W-A-L-P-O-L-E, and I'm the Regulatory
20 Assurance Manager for Entergy. And the other person
21 that was listening in on the call, his name is David
22 Mannai, M-A-N-N-A-I, and he also -- he's a Senior
23 Manager of Regulatory Assurance for Entergy.

24 COURT REPORTER: Okay. Thank you very
25 much.

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1 MR. BENNER: And with that this meeting is
2 concluded, and we'll be terminating the phone
3 connection. Thank you very much, all.

4 MR. LOCHBAUM: Thank you.

5 (Whereupon, the proceedings went off the
6 record at 1:59 p.m.)

7

8

NEAL R. GROSS

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