

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING

ON NIAGARA MOHAWK POWER CORPORATION, NINE MILE POINT UNIT 1

+ + + + +

MONDAY

JANUARY 6, 1997

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ROCKVILLE, MARYLAND

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The meeting was held at the Nuclear Regulatory Commission, One White Flint North, Room 1-F7/9, 11555 Rockville Pike, at 2:00 p.m., Jim Lieberman, Director, Office of Enforcement, presiding.

PRESENT:

JIM LIEBERMAN

MARK SATORIUS

JOHN A. ZWOLINSKI

S. SINGH BAJWA

DARL HOOD

DANIEL J. HOLODY

DENNIS ALLISON

TIM MARTIN

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G PDR

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NIAGARA MOHAWK POWER CORPORATION:

RALPH SYLVIA

CARL TERRY

MARTIN MCCORMICK, JR.

DENISE WOLNIAK

GARY WILSON

MARK WETTERHAHN

NICK REYNOLDS

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P R O C E E D I N G S

2:04 p.m.

MR. LIEBERMAN: Good afternoon. I'm Jim Lieberman, the Director of NRC Office of Enforcement. This meeting today is between the NRC and Niagara Mohawk. It's being held at the request of Niagara Mohawk made by Nick Reynolds, Niagara Mohawk's counsel to discuss enforcement action EA 96-079, issued to Niagara Mohawk for violations associated with Nine Mile Point.

This action was issued on December 3, 1996 and it involved two violations subject to civil penalties and two nonescalated violations not subject to civil penalties.

This meeting is being transcribed in accordance with Agency policy since it involves an enforcement action that has been issued.

It is my understanding today that the meeting is to discuss violation 2B which is now considered for escalated enforcement action. This violation concerns reporting the exceedence of the design basis of the pressure and relief panels.

We have granted an extension of time until January 24, 1997 for Niagara Mohawk's formal response to the December escalated enforcement action so that this meeting could be held.

Before beginning with the meeting, let's go

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1 around the table and introduce ourselves for the record.

2 Mark?

3 MR. SATORIUS: Mark Satorius. I'm Deputy
4 Director of the Office of Enforcement.

5 MR. ZWOLINSKI: I'm John Zwolinski. I'm Deputy
6 Director for the Division of Reactor Projects, Region 1 and
7 2.

8 MR. BAJWA: I'm Singh Bajwa. I'm the Acting
9 Project Director for AD 1-1.

10 MR. HOOD: I'm Darl Hood. I'm the Project
11 Manager for Nine Mile Point.

12 MR. ALLISON: I'm Dennis Allison. I'm one of the
13 co-authors of the draft at Headquarters here.

14 MR. HOLODY: Dan Holody, Enforcement, Region 1.

15 MR. WILSON: I'm Gary Wilson, Attorney for
16 Niagara Mohawk.

17 MR. WETTERHAHN: Mark Wetterhahn, counsel to
18 Niagara Mohawk.

19 MS. WOLNIAK: Denise Wolniak, Niagara Mohawk.

20 MR. TERRY: I'm Carl, Niagara Mohawk, Vice
21 President, Nuclear Safety, Assessment Support.

22 MR. SYLVIA: I'm Ralph Sylvia, I'm the Chief
23 Nuclear Officer, Niagara Mohawk.

24 MR. McCORMICK: I'm Marty McCormick, I'm Vice
25 President of Engineering, Niagara Mohawk.

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1 MR. REYNOLDS: Nick Reynolds, counsel of Niagara
2 Mohawk.

3 MR. MARTIN: Tim Martin, I'm the Director of the
4 Division of Reactor Corporate Management.

5 MR. SATORIUS: At this point, Ralph, you've asked
6 for this meeting. Why don't you go ahead and give us your
7 views on what you want to discuss.

8 MR. SYLVIA: Okay, first of all, I may thank you
9 for taking your time and bringing your folks to meet with us.

10 As you stated, we're not here to talk about the
11 two violations associated with the civil penalty. You
12 proposed a civil penalty. We responded. You considered our
13 response and you told us that you still felt like we should
14 be fined \$50,000 for failure to properly identify and take
15 comprehensive appropriate action. We agree with that and we
16 will use those lessons learned to incorporate into our
17 programs and improve our performance in this regard.

18 Nor are we here to discuss one of the other Level
19 4 violations, one regarding corrective action report on human
20 performance.

21 We're really here to discuss the Level 4
22 violation on reporting, in the report. And the reason we
23 want to discuss this with you is because of the implications
24 that it has on our reporting for the future.

25 We think if we interpret what you're telling us

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1 to report in the future, that you'll be flooded with our
2 reports at the Red Alert reporting for one out would become
3 routine rather than reporting significant issues that really
4 represent some degraded condition at the plant. We feel that
5 this would be a distraction in the control room. It would be
6 a burden on the shift supervisor running a plant and it would
7 probably have overall negative impact on safety.

8 We don't feel this way because we don't like
9 reporting. We tell our people if there's any question
10 whatsoever, to send in a report and we can always reject it.
11 We think we're pretty conservative in our philosophy
12 regarding reporting. But the guidance we give our people for
13 implementing this philosophy is based on the regulatory
14 requirements and the guidance that you've issued regarding
15 those regulatory reporting requirements and this issue
16 actually goes to what is the design basis. We think it's 80
17 pounds and you think it's 45. So we really have a
18 misunderstanding about your position or we're a little
19 confused actually. And what we'd like to do is to walk you
20 through our thought process why we think it's 45, how we
21 think that thought process relates to the example you're
22 using in the NUREG 1022 and as we go through it, we'd like
23 for you to give us your thinking, tell us what your thought
24 process is for disagreeing with that and maybe we can reach
25 an understanding about future reporting requirements before

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1 we leave. That's what we'd like to do.

2 MR. LIEBERMAN: I'm not sure if we're going to
3 achieve a final NRC position, but we can certainly discuss
4 where we're coming from.

5 MR. SYLVIA: Okay. Carl Terry will make this
6 presentation on our thought process, but as we go through, we
7 want this to be a conversation type of thing, not us doing
8 all the talking, because we really need to understand the
9 issue.

10 MR. LIEBERMAN: Okay.

11 MR. TERRY: Before I get into the specifics on
12 the blowout panel, one of the things that we think is still
13 within -- and this all part of coming to an understanding of
14 what you're trying to tell us, but an important premise that
15 I'm going to have here and I want to get it up front is that
16 the guidance in NUREG 1022 still is appropriate guidance to
17 use in making determinations for reportability including the
18 design basis.

19 Is there fundamental message that you're trying
20 to send us as part of -- that's really kind of an opening
21 question and if there is something in there, then maybe we'll
22 want to talk about that a little bit.

23 MR. LIEBERMAN: Dennis, do you want to speak to
24 this.

25 MR. ALLISON: This is Dennis Allison. I don't

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1 see any change of intent coming up in the final version of
2 NUREG 1022. It hasn't yet been reviewed by other offices
3 like NRR and Enforcement. I've drafted this and I'm going to
4 redraft it again before they get a chance to comment on it,
5 but my intent is to embellish a little bit more and add more
6 examples.

7 I think the judgment, you'll still have to make.
8 There's like a single fire extinguisher or something. That's
9 one end of the spectrum. You can go up higher from there.

10 I think you'll still have to make that judgment
11 as to whether you consider it outside the design basis or
12 not. So that's where I see it headed.

13 MR. TERRY: Okay, good. Then really it was more
14 than fundamental than that as far as what's on the table
15 today you're really not kind of telling us NUREG 1022 is off
16 the table, I guess is kind of where I'm coming from.

17 We read that in there. We're going to promise
18 everything we say against the NUREG 1022 guidance, so I want
19 to make sure that we've got the right benchmark for doing
20 this. I think that is and I just want to kind of confirm
21 that.

22 I understand it's still a revision, but it is the
23 latest information that's out.

24 MR. LIEBERMAN: We don't intend a new
25 interpretation by this action. I think the issue really

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1 turns on what's the design basis and what does the FSAR say
2 and we see it one way. I'm looking forward to hear what
3 you're going to say why we should be wrong.

4 MR. TERRY: Very good. That's what we thought,
5 but if that were the case we'd have to talk about that first.

6 MR. LIEBERMAN: So I'll get into our kind of
7 rationale in just a minute, but and I really we expect that
8 most people here are generally familiar with the issues and
9 I'm not going to go back through that, but really just an
10 overview of the condition that existed back in 1993.

11 First off, before even getting into that just
12 talking about the blow panel panels themselves. They are
13 actually -- they actually perform two functions. One is to
14 be part of the reactor building site, in other words, their
15 part and turbine building, the part of the enclosure for
16 that.

17 MR. SATORIUS: Keeps the rain and snow out.

18 MR. TERRY: Keeps the rain out. They're designed
19 not to blow out in a high wind and things of that nature and
20 those things are described in the FSAR.

21 Also, they're part of in the reactor case, the
22 reactor building, they are there to perform the secondary
23 containment function for reactor building exfiltration to
24 control -- have a control release in the event of an
25 accident.

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1 And that really is their design, the design
2 function from a safety standpoint is in the case of a reactor
3 building panels and in particular, from a design basis
4 standpoint.

5 They also -- and also described in the FSAR is a
6 function of pressure relief in the event of a line break or
7 some other event, but really presumed to be a line break
8 inside the turbine building or reactor building that
9 pressurized the buildings. And there the function is
10 described as providing a relief to the pressure in the
11 building such that we maintain the design capability of the
12 building and avoid pressures in excess of 80 psf which is the
13 design basis for the citing itself and the overall
14 superstructure.

15 So that's where it is. Now the number that is in
16 the FSAR also, for that particular function is approximately
17 45 psf. So to kind of lay that out, just to put together a
18 kind of short summary of what we, where we were back in 1993
19 and again, as I indicated at that time frame, we had
20 approximately 40 psf is the described value for what we call
21 blow out functions. They're also referred to as relief
22 panels. But that is described and that's what we would
23 consider to be an operational nominal value as described,
24 again for that one function.

25 The building design capability, the way it's

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1 stated in the FSAR is actually that the building siting can
2 withstand an excess of 80 psf, but that's really the minimum
3 design capability as described in the --

4 MR. SATORIUS: And that 80 pounds is listed in
5 the design basis portion of the FSAR? Is that right?

6 MR. TERRY: It's under a section called "Design
7 Basis", right.

8 MR. SATORIUS: What section is the 45 under?

9 MR. TERRY: They're both in a section that's
10 labeled design basis.

11 MR. SATORIUS: Okay.

12 MR. SYLVIA: It's referenced as a relief
13 function.

14 MR. TERRY: Under the same paragraph, the same
15 two paragraphs, but they're under -- they're both under that
16 section.

17 Also, we know that the building failure itself,
18 one of the things in discussing the response to the violation
19 as referred to as the point of failure in the building and
20 the response. In fact, it's not the point of failure. the
21 building failure is a number greater than 80 psf.

22 Now subsequently, we've actually calculated that
23 number because there were some operabilities questions that
24 came up later on because we, in fact, as I think we now have
25 a condition where it was even greater than 80, so we had to

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1 do an operability determination and run some calculations
2 which ranged from 129 through --

3 MR. SYLVIA: That's when we reported it because
4 we believed 80 was the basis and that's how the issue, how
5 you became aware of the issue, is what we reported, 80 was
6 our interpretation.

7 MR. TERRY: So at any rate, this is a number
8 described in the FSAR and this is the structural design
9 capability as described in the structure.

10 We had a condition in 1993 where we had in the
11 turbine building a number of 53 and in the reactor building
12 a number of 60 psf. That was calculated once we determined
13 that the installation was different than the construction
14 drawings. We ran a calculation and determined that, in fact,
15 as it turned out, and as you know that calculation happened
16 to have been erroneous, but at the time the information
17 available for the evaluation of reportability and operability
18 of a melt had a number of 53 to 60 psf which was a calculated
19 blowout function. That's when they would blow out as far as
20 the pressure was concerned.

21 Now at that time we did an operability
22 determination and also assess reportability. And what we
23 had, what we looked at, was whether or not the function of
24 the panels would work, the function being to protect the
25 superstructure of the building and that is described in the

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1 FSAR that you want to maintain the turbine of the
2 superstructure.

3 So we ran an calculated analysis. In fact, in
4 that operability we see the curve would show you that we
5 expect the pressure to rise somewhat about these numbers in
6 the original assumption. When you have it, you kind of have
7 a spike and that it comes down as relief panels go. So it's
8 not instantaneous. It stops off at 45 and goes down.

9 The key thing really is that it is still low
10 enough to assure that the pressure would remain below 80 psf
11 and the function would be maintained.

12 Now what we did when we looked at that is we did
13 focus on whether or not that design function was maintained.
14 We think that's consistent with the guidance applied in NUREG
15 1020 and in fact, that's applied in the definition of a
16 design basis in 50.2 that talks there about the fact that you
17 may have specific values that are stated, but what you really
18 need to look at are what are the specific values to insure
19 the functional capability.

20 In this case, the functional capability must be
21 such that it stays below the design allowable for the
22 building which is a minimum capability, not a failure point
23 as was indicated.

24 Now we think that this is exactly analogous to a
25 condition where you're looking at say a piping system. This

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1 is a short sketch, and I'll kind of take you through that,
2 how we are looking at this. This really gets down to the
3 heart of what we based our operability, excuse me,
4 reportability evaluation at that time and it is the way we
5 would do it today, so that's why it's very important to get
6 a clear understanding of what it is that you may be trying to
7 tell us.

8 When we look at the blowout panel number where we
9 had a situation where it was at 45 psf, which is analogous to
10 something that might be described on a piping system, let's
11 say. We have piping system stresses within the piping system
12 with all hangers intact. Now what we found is that there was
13 a deficiency on the blowout panel against its construction
14 drawings. It was not installed as it was supposed to be.

15 So we went ahead and did a calculation to
16 determine what does that mean in terms of the capability of
17 that component to perform its function, its function being to
18 perfect the building. We calculated it at 53 and 60 psf and
19 we also did determine whether that would be sufficient to
20 state the number in terms of the pressure inside the
21 building.

22 We think that's analogous to a condition where
23 you go out in the field and you find a pipe support that
24 might be missing or broken. You would look at that pipe
25 support, obviously, here as well as here. You write a

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1 deficiency report, either an operability determination, but
2 in terms of reporting, you would take a look at well, what
3 are the consequences of that pipe support being missing on
4 the stresses in the pipe or on other supports?

5 And our guidance is and we think this is
6 consistent with 1022 would be if you look at the stress
7 remains below your code allowables, that it would not be
8 reportable. On the other hand, if you had a condition that
9 would allow the building to go in excess of 80 psf, or a
10 condition where the piping system exceeded its code
11 allowable, it would then be clear to us that it's reportable.

12 So that's why we say once we got above this point
13 as Ralph indicated earlier, we found a mistake in that
14 calculation back in 1995. Determined that, in fact, the
15 pressure, blowout pressure would be greater than 90 or 80,
16 eventually around 90 psf, in addition to fixing the panels
17 immediately, we happened to have been shut down. We didn't
18 do a shut down because of that. We happened to be down, but
19 we did fix it before.

20 We also determined that there was a issue about
21 that, and we do agree today there's no question that
22 condition is reportable. It's just like here.

23 What we're struggling with and kind of what's
24 done is done on the violation itself. We've been through
25 that. We've modified it and we've taken the bolts out.

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1 We're in a different situation today than we were in '93
2 anyway. It comes in a manner as kind of historical, but
3 we're still doing it this way. If we found that we had
4 sufficient margin below the design capability for the
5 allowable, we would say it does not affect the function
6 the component and consequently it would not be reportable and
7 that's really where our struggle is because we think --if we
8 take another interpretation what we wind up with is any time
9 you have a number that is let's say less conservative than a
10 number in your FSAR or even a description in your FSAR, it
11 doesn't just stop at numbers. There's something described in
12 there that's different and somehow a little less
13 conservative, that would automatically be reportable. That's
14 where Ralph is coming from in terms of we think that would be
15 an excessive number of reports. It would be a burden on us,
16 a burden on you and it would dilute, we think, the intent
17 behind 50.72, .73 and everything else.

18 That's why we're here and that's what we need to
19 understand.

20 MR. SYLVIA: We believe the industry is reporting
21 this way too, just conversations with them and talking with
22 folks.

23 We believe this is consistent.

24 MR. LIEBERMAN: What does 10.22 actually say?
25 It says a single pipe support missing, all the pipe support

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1 missing?

2 MR. TERRY: It uses an example of a missing pipe
3 support as I recall. Its' an example. It doesn't just say
4 it can only be one. But it says you've got a pipe support
5 that's missing or broken and do the analysis. This is the
6 important determination.

7 Now what happens to the piping system as a result
8 of that, again, similar to this. In this case, the panel
9 performs a function. And it's the component, just like the
10 pipe support that keeps the piping in place, the panel keeps
11 the building from becoming overpressurized.

12 MR. SATORIUS: The only difference being that the
13 panel has a quantitative number associated with it. In this
14 case, it's 45 pounds. Typically, pipe support is listed,
15 every pipe support is listed on the FSAR --

16 MR. TERRY: You should read the FSAR, the insert.

17 MR. SATORIUS: This is --

18 MR. TERRY: Okay, but there are other numbers in
19 there, so again my concern is how to give guidance to people
20 on how to do an evaluation. I'm not here to debate per se
21 whether this is right or wrong. It's more important to me to
22 figure out what is the right guidance and right now, we do
23 evaluation, we do find conditions where you could have a pipe
24 support that's a little off in terms of its placement. We
25 analyze it. We make this determination and that is thee way

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1 we do it. Either one just happens to have less detail, but
2 it's really -- again, it's the principle of how to apply it.
3 It kind of doesn't matter whether it happens to be described
4 10 times or one time or whatever. We just think we're
5 applying the direction, the guidance correctly and that's
6 where we're struggling.

7 We think we're doing it right.

8 MR. MARTIN: Carl, let me ask you a question. I
9 assume that your numbers that you're reporting up there are
10 static pressure numbers, not dynamic pressure numbers?

11 MR. TERRY: Correct.

12 MR. MARTIN: For instance, even though the
13 blowout panel was designed to relieve the 45 pound static,
14 even that would not prevent the actual peak pressure from
15 being higher than 45 in a steam blowout. Did you take that
16 into account in determining that the 80 was -- I mean, I
17 don't know where the 45 came from. If the 45 came from an
18 analysis that says I've got to have it starting to open this
19 point to make sure that it doesn't exceed 80 in reality.

20 MR. TERRY: Where I think the 45 actually came
21 from and this is looking at some other words in the FSAR is
22 actually where that comes from is you need at least that much
23 strength to keep it from blowing on into burden of 125 mile
24 an hour wind. So again, you have to remember this panel has
25 two functions, so it isn't the best thing in the world for it

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1 to fall out and in fact, on any design basis of that you want
2 it to stay in there.

3 This event happens to be, for Unit 1, happens to
4 be outside of our design basis. This is a nonevent as far as
5 the design basis, but nevertheless, it is a design --

6 MR. MARTIN: Let me take my argument a step
7 further. I mean if you're asking a shift supervisor to know
8 what is the point between 45 and 80 where the design basis of
9 the building is not met, how in the hell is he going to do
10 that?

11 MR. TERRY: He doesn't do that. He comes to
12 engineering and what we do -- that's what I said -- we deal
13 with operability, which is something we're obligated to do
14 right at that time, right at that time and we looked at it.
15 In fact, if you were to read our operability -- I don't have
16 it with me, but it in fact showed that they would expect the
17 pressure to go above 60. It doesn't -- it starts to relieve
18 at 60. It goes up to some number and then comes back down.
19 So that's FS-wide, so what you have to look at is whether --
20 if that peak pressure were to exceed this number, then yes,
21 then clearly you wouldn't be performing the protection
22 function of the panel.

23 Again, that's the key word, I think, starting
24 right with 50.2. When you look at the design basis, I think
25 you have to look at the function that it's starting to form,

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1 not just -- and if you look at numbers, you look at them in
2 the sense of what are they doing from an overall design. In
3 this case, what's important is keep it below 80. Keep it
4 below 80 because that's the minimum. That's not the failure
5 number. That's your design value. So it's analogous to
6 keeping the piping pressures below a point where you've
7 exceeded a co-allowable or perhaps in the case of lead piping
8 the pressure design of the piping.

9 MR. MARTIN: Doesn't the FSAR say that
10 vulnerability of structure failure would occur at a general
11 pressure in excess of 80?

12 MR. TERRY: In excess of 80.

13 MR. MARTIN: So at 81, you expect --

14 MR. TERRY: No, no, no, no. That's not when we
15 would expect it -- that would be done in a calculation.

16 MR. MARTIN: It says "would occur at".

17 MR. TERRY: In excess of 80. 80 is the design.
18 80 is the design number, the minimum design capability of the
19 -- like I said, in fact, we didn't run this analysis until
20 later. I'll grant that. But back when we looked at that
21 about six months ago, the fact is that number was at least
22 129, 129 in the turbine building.

23 MR. LIEBERMAN: But the reviewer is reviewing
24 this FSAR. We're basically saying there's really no margin
25 at 80.

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1 MR. TERRY: I wouldn't agree with that. The
2 people reviewing -- knew that was an engineering number, that
3 that was a minimum capability number, not a failure number.
4 No sir. That's a design value, not a failure -- it would be
5 just like reading a piping table and seeing la pressure.

6 MR. LIEBERMAN: You're well above the design rate
7 due to required design?

8 MR. TERRY: I'm sure of it.

9 MR. LIEBERMAN: Or any design --

10 MR. TERRY: It really is the only way you can
11 read that.

12 MR. HOOD: Did you have any other failure at that
13 time other than 80?

14 MR. TERRY: That's what I said -- you're right,
15 all we know is the excess. That's why we're not talking
16 about --

17 MR. SYLVIA: So we have to worry about staying
18 below 80. Once we went above 80 we had to calculate that.

19 MR. TERRY: And once we went above 80 we reported
20 it. We have conditions where we exceed allowable, let's say
21 we exceed let's say a pressure capability. I think then you
22 get into yes, it's reportable, but then for operability.

23 MR. SYLVIA: Then you need to calculate that
24 number.

25 MR. ALLISON: I'd like to follow up on that first

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1 for just a little bit.

2 One is that the draft of NUREG 1022 you have, we
3 didn't make a big deal out of the 1390 definition. The NUREG
4 1390 it says that the design basis, describing the difference
5 between the engineering, the design and there are various
6 bases that are related to design inspections, calls the
7 design basis the thing that the reviewer relied upon.

8 Now that's a little vague, but if you look at
9 this page of the FSAR, it's hard to see what else the
10 reviewer relied upon under the simple statement of a minimum
11 design capability of 80 and less than 40.

12 MR. TERRY: Well, I think first of all it's
13 impossible not to report it. If they were relying upon it,
14 I would have expected that they would have insisted upon that
15 being a lot more defined than just approximately 45 psf.
16 That's my opinion. I mean it's difficult. I mean was it 30
17 years ago when this plant went through the design? But I
18 guess I'm familiar with numbers that you rely upon and you
19 don't just state them as approximate numbers. You really
20 don't.

21 It's hard to speculate what people think about it
22 and I understand your logic.

23 MR. HOOD: Let's say you're looking at some facet
24 of the model that we use, some particular parameter and you
25 know that there's certain uncertainty in that parameter. You

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1 as a reviewer are trying to judge whether or not that
2 particular variation is significant. You see yourself with
3 a design that's going to relieve at 45. It's in the design
4 basis for that. I mean you know the building is good for at
5 least 80. So you're judging the significance of the
6 variation around that parameter for that model based on that
7 margin.

8 MR. TERRY: I guess first off, I think it would
9 be a fundamental mistake to say that well, okay, if it's in
10 the design basis then the number is holier than other
11 numbers. That I think is wrong. I think there are numbers
12 that aren't explicitly stated as design basis numbers that
13 are far more important than this.

14 Second, in this case, you're not even dealing
15 with a design basis accident. This is beyond the design
16 basis event and a feature, it's really a feature that it's
17 describing.

18 MR. HOOD: We're looking at the FSAR in the
19 section that's talking about the structure and it's talking
20 about --

21 MR. TERRY: Right.

22 MR. HOOD: And we're looking at the design basis
23 section and you see there under pressure relief, you see a
24 description that says it's relieved at 45 so you don't go
25 over 80.

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1 MR. TERRY: Right, and so I guess one of the
2 things we would need to know, Darl, is okay, if this came out
3 at 46, would that be reportable using this guidance?

4 MR. SYLVIA: The way I would look at it and
5 trying to answer the question you're raising is I would look
6 at the relief aspect of the design basis as a functional
7 requirement to protect that design that I want a review on,
8 rather than 45 pounds being the assigned value.

9 I think you've got to look at what the words say
10 in the FSAR. Even though it is on the design basis section,
11 it's describing a relief function for protecting the design
12 basis which is --

13 MR. LIEBERMAN: So what you're basically saying
14 approximately weight 5 pounds was chosen for controlling the
15 parameters as a reference bounds for design, that the 45
16 controls the 8.

17 MR. TERRY: No.

18 MR. LIEBERMAN: Gives you protection that you
19 won't see --

20 MR. TERRY: No. We're saying --

21 MR. SYLVIA: It's a description. It is a
22 description and actually we have a reason to believe that
23 that's what the -- if the 3/16th inch bolts were in there
24 using the calculation methodology, you do get a number pretty
25 close to 45 psf. I really think they were just describing

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1 the way the panels that were in there were designed. I don't
2 think -- I really think that that's how the number got there
3 is the panels themselves, when they did a calculation would
4 blow out at approximately 45.

5 MR. LIEBERMAN: What was the purpose of the
6 blowout function of the panel?

7 MR. TERRY: To protect the superstructure.

8 MR. SYLVIA: And it says that in the design
9 basis.

10 MR. LIEBERMAN: And we would argue that you have
11 a specific value for controlling that parameter, the 80, in
12 your design.

13 MR. TERRY: Okay, then what we will need to
14 understand -- I think we understand what you're trying to
15 tell us, so how is that then -- we also had situations where
16 there are numbers here as well.

17 MR. SATORIUS: In the design bases section of the
18 FSAR.

19 MR. TERRY: The whole thing is design basis from
20 everything I know.

21 You don't write them in that same format today.

22 MR. SATORIUS: We have what we have.

23 MR. TERRY: I understand, but are you saying --
24 I guess first off, find what you're trying to tell us is that
25 that is in the design basis section, gives it more

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1 significance than other numbers in other sections of the
2 FSAR? Is that part of what you're trying to tell us?

3 That's my question. Because we're trying to
4 figure out how to give people guidance. Is that what we
5 should tell people is this is okay except if you're in an
6 explicit section that says design basis and the number is the
7 number and you all have to stick with it. Is that what
8 you're trying to tell us? That's what I'm trying to
9 understand.

10 MR. SATORIUS: I guess my own view would be if
11 your design basis section of the FSAR and let's look at your
12 example, it said that for this specific high energy line, 17
13 pipe restraints or pipe supports are required and you go out
14 in the field and you find less than 17, I guess my position
15 is that you've discovered a condition that is outside of the
16 design basis. It will be reportable.

17 MR. SYLVIA: Simply because it's written in the
18 format --

19 MR. SATORIUS: Because you have a quantitative
20 number associated with how many is acceptable and you find
21 less than the quantitative number that lists what is
22 acceptable .

23 MR. TERRY: I don't see that as consistent with
24 1022. If that's the case, I agree that's what you did here,
25 my opinion, you said it's one less or it's different,

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1 therefore it's reportable, whereas I think 1022 says if it's
2 different, if you go out there and you're missing a support
3 --

4 MR. SYLVIA: What value would that have to have
5 safe operation plant using this interpretation if it's in the
6 design basis, it's more sacred. But we could do that.

7 MR. TERRY: That's a way of doing it, but it
8 doesn't seem logical.

9 MR. HOOD: Are in the operations space or are we
10 in the reportability space?

11 MR. SYLVIA: We don't want to circumvent the
12 rules. We want to interpret it in a way that's meaningful
13 and with the overall safe operation in mind.

14 MR. TERRY: Excess reporting, we think is an
15 important issue. You really shouldn't be doing -- we've got
16 no problem with having some conservatism in our reporting and
17 overreporting versus underreporting. That's -- we're
18 certainly not here today -- it's really this guidance and how
19 to apply it. We just see these things as lining up.

20 MR. ALLISON: I've got a number of other
21 questions. I'm thinking about what the final version should
22 say.

23 The first one -- well, I'm not going to get into
24 that. What would you think about guidance that has several
25 kickouts, that says it's reportable. You're trying to make

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1 the importance judgment right here, the one that I mentioned
2 earlier. What would you think if there were several things?
3 If it's a violation of one of the NRC's principal rules, like
4 GDCs or the fire protection rule or the ATWS rule, that would
5 be reported?

6 MR. TERRY: Regulations, I think, are pretty
7 straightforward for us. We don't have --

8 MR. ALLISON: And you follow Rule 1390 if the
9 reviewer had to rely upon or that gets into guess work.

10 MR. TERRY: A little bit of gray there, yeah.

11 MR. ALLISON: That's their standard you apply
12 with the idea that if you make that conclusion it's
13 reportable under this criteria and similar to this, a litany
14 of things which includes this kind of logic. And -- but you
15 know this particular event, in that thing that I envisioned
16 would probably kick out as what the reviewer relied on at
17 least in view of the staff and it would probably kick out in
18 two or three different ways.

19 MR. TERRY: I don't know. I guess to me what the
20 reviewer relied upon is awfully, awfully gray.

21 If you have like an SER or something where they
22 got into the description, I think that might be something
23 more -- but the fact that there was a number that was in
24 there, I'm really struggling with because I've got to tell
25 you this section might seem like it's a standout and fold or

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1 something like that, but the fact that it says design basis,
2 I don't think should make it carry any extra weight than --
3 no less, no more. You've got to read it for what it is.

4 I think in terms of the guidance, what I like
5 about the 1022 guidance, the way I see it, is I think it's
6 consistent with the 50.2 definition which talks about the
7 functional capability and the numbers are really ranges and
8 parameters for control over the function. I think that's
9 what design basis is all about.

10 MR. HOOD: It was not design basis in my view, it
11 doesn't belong in that section. I think otherwise, you
12 mislead the reviewer and what guidance you give to the
13 reviewer, if you can't go to the FSAR in that section and
14 pull out your design basis or you have to go to that
15 particular section and make judgments as to whether or not
16 the values are in there are design basis or not. I can tell
17 you that. That's not what is done today. If it's there,
18 its' taken as a design basis.

19 MR. SYLVIA: It has to describe a function to
20 attribute it to the design basis.

21 It's describing a function, that is protecting
22 the design of --

23 MR. TERRY: I think --

24 MR. SYLVIA: It says "approximately".

25 MR. SATORIUS: It says to prevent the failure of

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1 the superstructure.

2 MR. TERRY: And we agree with that.

3 MR. LIEBERMAN: It's protecting the design.
4 Right, it's for controlling -- I read it as you -- the way
5 it's worded here is that number which is used to control the
6 design, to protect the design.

7 MR. SYLVIA: It's the approximate --

8 MR. TERRY: No, it isn't the control number.
9 See, that's the key --

10 MR. HOLODY: Is protecting the agent --

11 MR. TERRY: The control number is sufficiently
12 for over 80. Really, that's what you have to control. This
13 isn't an approximate number.

14 MR. HOOD: Are you talking about the design of
15 the superstructure? When you look at just the subtitle of
16 this section it says "pressure relief design." When I look
17 at that, what's pressure relief? Pressure relief are these
18 bolts which you're going to share or fail some way to relieve
19 pressure. What's that designed at? According to what you've
20 stated here, that's designed for 45, so your pressure relief
21 system I read the design of that to be 45.

22 MR. TERRY: First off, we agreed that that was
23 the way it was supposed to have been designed. That's not a
24 debate. We're not here to debate that that's not a design
25 number. It is a design number. It's like lots of design

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1 numbers though and that's what you've got to appreciate is we
2 then determine that, in fact, that wasn't installed the way
3 it was supposed to have been installed. So now we've got a
4 new number. And that goes down to reportability and
5 reportability is not a matter of taking a number and just
6 saying well the number is different and it's less
7 conservative, therefore it's reportable. Otherwise you
8 wouldn't need NUREG 1022 or any of this stuff.

9 MR. LIEBERMAN: The design which is described in
10 the design basis is such --

11 MR. TERRY: It was too, the feature was met. The
12 design feature and the function of the feature was met.

13 MR. SYLVIA: Relative to your point --

14 MR. HOOD: The question is, is that reportable?
15 And the rules say yes.

16 MR. SYLVIA: Let's go back to what we are
17 concerned about and why we are here. We're here to give --
18 so that we can give guidance to our people on the report. We
19 used NUREG 1022, okay. Now, would it make sense and are you
20 telling us or are you suggesting, I guess at this point in
21 time that we use 1022 unless something is written somewhere
22 in this outline of an old FSAR that says if it's in a design
23 base you don't use that any more. It becomes a sacred
24 number. Is that what we should tell our people for the
25 guidance so that we don't have this concern with

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1 reportability being detrimental? Is that what we want to do?

2 MR. LIEBERMAN: The specifics of an FSAR governs
3 over the generality of a NUREG guide.

4 MR. TERRY: The specific design -- see, the thing
5 is --

6 MR. SYLVIA: It's interpretation of the FSAR.

7 MR. TERRY: There's all kinds of specific things.

8 MR. LIEBERMAN: In that section which is --

9 MR. SYLVIA: If it's going to be called design
10 bases, every number in there is a design number, even if it's
11 approximate.

12 MR. ALLISON: I don't think we're trying to make
13 conclusions here. If I read 50.2, every number that's in
14 here of any significance is a design basis number and I don't
15 think we want to say that every number that's written
16 everywhere.

17 MR. SYLVIA: I agree with you, but in order to
18 get to where we -- what we're concerned about, I wanted to
19 raise this issue to see if it made sense, to take that
20 approach.

21 I don't think it does. But we need to know what
22 to do. We've got inconsistencies and confusion between what
23 you're telling us about this thing and 1023 and the guidance
24 that we currently use. But that's the whole reason for
25 asking for the meeting.

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1 MR. TERRY: If that's the distinction you're
2 trying to make, there really isn't a response, but we can --

3 MR. ALLISON: There is a rule that says it's the
4 FSAR update rule or statement of considerations for it, that
5 says the design basis is contained in the FSAR. And I don't
6 think it necessarily says the converse that everything in the
7 FSAR is the design basis. I don't remember the words
8 exactly, but would that be better guidance if the final
9 version said that?

10 MR. TERRY: I don't know. I think we're trying
11 to figure out what was the right thing to do in the current
12 version and then maybe look at the final version.

13 What we're really trying to figure out is the
14 right thing to telling people tomorrow and that's really what
15 we're trying to figure out and --

16 MR. SYLVIA: I think that may help in terms of
17 future clarification. I don't know, but that's really where
18 we're struggling. We read it and I still don't see where we
19 went astray from a logic standpoint, but 1022 doesn't say if
20 it's in the design basis section then you can't mess with it
21 at all. There's nothing in 1022 about that.

22 MR. MARTIN: Carl, remember 1022 is not the
23 regulation. The regulation talks about --

24 MR. TERRY: It does --

25 MR. MARTIN: The regulation also defines design

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1 basis regardless of what 1022 says. 1022 fixes an example to
2 use, something that is usually not articulated in sufficient
3 detail until you get the design basis is usually in the
4 piping system code. This is a case where for whatever reason
5 there's a great deal more specificity and if you read the
6 second part of the definition design basis, one that is
7 joined by the word A-N-D and A-N-D doesn't mean the second
8 part is any less important than the first and the second part
9 talks about controlling parameters used for reference
10 purposes to assure the design is met.

11 MR. TERRY: Right.

12 MR. MARTIN: That's right, but when you evaluate
13 that, it all centers on because the opening thing on 50.2 is
14 the design bases means that information identifies a specific
15 functions to be performed by a structured system of a --

16 MR. TERRY: And --

17 MR. MARTIN: And a specific value or ranges of
18 values chosen for the controlling parameters as reference
19 bounds for design.

20 MR. TERRY: Right.

21 MR. MARTIN: Now for whatever reason you chose 45
22 approximately as a reference design for the blowout feature
23 --

24 MR. TERRY: Well, again, Tim, that's where we're
25 struggling. You say that, but again it's like every other

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1 number in a side. Every other number was chosen and the
2 original intent was that that's the way the plant would be
3 built. The stresses would be at that level. Every number in
4 there is that way. It wasn't just pulled out of the air. It
5 was put in there based upon an analysis, but it also
6 describes what it's going to do and that's why I think --

7 MR. MARTIN: Usually there's a different part of
8 the FSAR that describes the general operation of the system
9 and how it works. Here, you're under a section which is
10 specifically titled "relief function," and specifically calls
11 out this is a design number.

12 MR. TERRY: Again, I think we can certainly
13 consider that, that helps in terms of limiting it, although
14 I still would have to tell you I don't see those values as
15 having any greater or less significance without further
16 evaluation of any other number in the FSAR.

17 MR. MARTIN: Niagara Mohawk can come back in and
18 say hey, we want to change our design to make the relief
19 feature at 65, you've probably got a good argument for us
20 because the feature, the building capacity or its ability to
21 stay together is probably still maintained. It might be very
22 easy for the staff to grant an amendment to change that
23 design value, but it doesn't mean, it looks to me like that
24 you guys have to specify what the design is here.

25 MR. SYLVIA: I'm confused about what you just

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1 said then too because if we have to come in with a license
2 amendment, we couldn't do it on a 50.59 process and any
3 response here for the 50.59 process was appropriate, but we
4 didn't do it in a timely manner. So there's inconsistency
5 between what you're saying now, I think --

6 MR. MARTIN: I don't know how you can change 45
7 to 65 with just a 50.59 process, I personally don't.

8 MR. SYLVIA: That's not your position that you
9 might personally want, but -- I don't know. That's
10 inconsistent with what you're saying but I think it's very
11 closely related. Those two things are very closely related
12 and we both agree with that. The reportability goes with the
13 ability to use 50.59, I think.

14 MR. TERRY: Not 1 for 1.

15 MR. SYLVIA: No, not 1 for 1, but it's very
16 difficult to interpret the reportability of the requirement
17 based on the 45 and then allow 50.59 process to work. I think
18 it's okay.

19 MR. MARTIN: Then the question becomes did you
20 reduce margin and if you reduce margin, you're outside of
21 50.59 space.

22 MR. SYLVIA: We had this discussion at the
23 enforcement conference. We're back to that. If you get in
24 -- if you require or stick with the 50.59 thing which I think
25 is proper, but you're stuck with the reporting thing which is

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1 totally confusing.

2 I think -- we talked about it back then as these
3 two issues being pretty broad issues and I think they are.
4 I think if you didn't allow us to move up from 45 to 53 and
5 went over to the 50.59 process and that compounds this thing
6 that we're concerned about as far as reportability, I think
7 that's a tremendous change to industry. I think we'd all be
8 impacted. I think we should go with the reporting and
9 licensing amendment. I don't know what would happen. But
10 we've got to work the issue.

11 MR. LIEBERMAN: Another issue is what is the
12 system that is the design basis for?

13 MR. SYLVIA: The system is ability.

14 MR. LIEBERMAN: Or is the system the pressure
15 relief system?

16 MR. SYLVIA: The system is ability.

17 MR. TERRY: Clearly, this is the design basis of
18 it --

19 MR. SYLVIA: This is like a relief found on a
20 piece of pipe. I think that's a pretty clear analogy. You
21 wouldn't look at the relief valve --

22 MR. TERRY: You're really getting into a
23 subcomponent in the relief panel as a design basis, moving as
24 a design basis.

25 MR. BAJWA: Excuse me, do you have any procedure,

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1 any process that would require any action to be taken by
2 operators or any other person when the pressure goes above
3 45?

4 MR. TERRY: This -- if this happens, there's no
5 operator action. You don't have time. This is like an
6 explosion.

7 MR. BAJWA: Is this a design basis accident?

8 MR. TERRY: Again, it's not a design basis
9 accident, but that would be the assumption if we had a -- the
10 only way to get there is to have guillotine line break or
11 something analogous to that of a main steam line, say, a
12 turbine broken. It occurs instantaneous.

13 MR. BAJWA: So you have nothing --

14 MR. TERRY: There's no operator actions. Shut
15 off -- I mean steam shutoff happens, but that takes seconds.

16 MR. SYLVIA: These are not related.

17 MR. ALLISON: If you look at the piping system,
18 aren't the safety factors considerably higher for relief
19 valves using say about 10 percent of the design, but analyzes
20 specifically like a CPA --

21 MR. SYLVIA: Between failure and allowable?

22 MR. ALLISON: Right, the failure is --

23 MR. TERRY: I would agree, if you had a relief
24 valve you would actually set it -- right, you'd set it at
25 this, but the tolerance is 10 percent, so you could go like

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1 10 percent above the design value, I think is more --

2 MR. ALLISON: So that's where you set the relief
3 valve, but the breaking value in the pipe is factor 53 or
4 something like that.

5 MR. SYLVIA: Way above the safety --

6 MR. ALLISON: More than a factor of 2 that we've
7 got here.

8 MR. TERRY: Right, that's true. Again, we're
9 just trying to understand the logic path and that's just --
10 earlier, we felt that drawing up the piping analogy out of
11 hand -- that's kind of where we're coming from. We agree
12 it's not piping although it is pressure retaining or
13 preserving the integrity kind of a thing.

14 MR. SYLVIA: The logic is it moves you closer to
15 the design.

16 MR. ALLISON: Yeah.

17 MR. TERRY: This isn't to figure out what to do
18 on the blowout panel really. It really isn't. It's where
19 are we going astray in terms of defining the NUREG 1022.

20 MR. ZWOLINSKI: There is some degree of apples
21 and oranges. Blowout panel is fundamentally tied to one
22 system and the building, whereas your hangers when you fail
23 one of many hangers, your challenge to that piping system is
24 far less than the challenge over with the blowout panel.

25 MR. SYLVIA: That's a detailed design, but from

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1 a logic point of view, I don't think it makes any difference
2 whether it's one panel or 10.

3 MR. TERRY: Right.

4 MR. SYLVIA: That's a feature of design which
5 makes the system different, but the blowout feature could
6 have had 10 panels instead of one and from a logic point of
7 view and how to apply 10.22 I believe we would think about it
8 the same way. Now if there's something wrong with that,
9 there's something unique about this design we're discussing
10 now that makes it -- put it in a bucket all to itself, with
11 no logic to it and you tell us that. If we keep on like
12 we're doing --f

13 MR. SATORIUS: I'd like to explore just one more
14 thing. One of your arguments and certainly I hear what
15 you're saying is that this is going to reduce some of the
16 distractions of the control board. If I were a shift
17 supervisor, and I was confronted with a very crisp, clear
18 number that I know as 45, for example, and all of a sudden
19 engineering calls me up and says I've got the blowout panels
20 and we're going to go 53 and I check the FSAR real quick and
21 I see a crisp number there and I have a crisp number from
22 Wayne's department, I'd say there's a lot less stress there.
23 It's very clear what I need to do. I don't need to wring my
24 hands or gnash my teeth and say is this enough or is this not
25 enough? It's very easy.

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1 MR. SYLVIA: Having been a senior reactor
2 operator, what does this 45 panel thing do?

3 MR. SATORIUS: It's a relief function. It's in
4 the design basis.

5 I'm not sure I agree with that argument.

6 MR. SYLVIA: I think, I don't know, this --
7 because it's in the design section shouldn't, I don't think
8 should dictate how we'll apply 1022 for this situation.

9 MR. HOOD: Any reason why?

10 MR. SYLVIA: Why we did it at 69? I don't have
11 any idea.

12 MR. TERRY: We really don't know why.

13 MR. SYLVIA: If we wrote it today and used the
14 format of today --

15 MR. LIEBERMAN: I think so far has been very
16 helpful to describe the issue clearly and I think we clearly
17 appreciate the issue you've raised and where you're coming
18 from. Do you have anything more that you wanted to say?

19 MR. SYLVIA: I agree with you. I think we have
20 a clear understanding of each other now.

21 MR. LIEBERMAN: We brought people here from the
22 various offices and we'll take back this information. Since
23 we've had a public meeting here, we'll provide you with a
24 response. At this moment being a Level 4 violation, the
25 violation essentially stands. What we will -- we will review

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1 this transcript and speak to the various people within staff
2 and provide you a response for the record as to whether we
3 are still of the same view or we have a different view and
4 withdraw the violation and we need to work closely with AEOD
5 to make sure if we need to give better guidance out, we'll
6 give better guidance out.

7 MR. SYLVIA: Okay, very good. I agree with the
8 assessment of where we are.

9 What I'm hoping for is you decide that you
10 shouldn't retract the violation. Some reasoning that makes
11 this unique relative to how to interpret the data that is out
12 there for reporting so that we can give guidance to our
13 people.

14 MR. LIEBERMAN: I think that the issue is what
15 guidance should you be giving your people. I think that's
16 fair.

17 MR. MARTIN: Yes.

18 MR. TERRY: Jim, just one other thing for
19 consideration. I think we had a pre-discussion on this. The
20 other part of this issue to consider when we look at design
21 basis, we're looking at it in the context of design basis of
22 the plant, so it's not a component level that we think you're
23 really required to look at, but really in terms of functional
24 capability and what design basis of the plant overall, so if
25 you also consider that as part of your deliberation.

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1 MR. WETTERHAHN: Jim, one thing while we're still
2 on the record, as I understand it we will then respond to the
3 Level 3 violation by January 24.

4 MR. LIEBERMAN: We're really not weighing, we're
5 not seeking any more response to the Level 4. The only issue
6 is the -- whether you're going to pay the penalty, ask for a
7 hearing on the escalated portion.

8 MR. SYLVIA: So back for what Mark is saying, you
9 would give us some feedback and then we would know how to
10 respond from this meeting to Level 4. Is that right.

11 MR. LIEBERMAN: No, we're not asking you to
12 provide any further response on a Level 4. Am I right on
13 that? We have to -- is the corrective action still open?

14 MR. TERRY: We disagree with the violation,
15 that's where we are.

16 MR. LIEBERMAN: So you need to know if there's
17 any corrective action?

18 MR. TERRY: No, because we didn't think we did
19 anything wrong.

20 MR. LIEBERMAN: We will provide you a response
21 and so that you don't have to respond to the Level 4 until
22 you have our response.

23 MR. SYLVIA: Thank you And thank you very much.

24 MR. REYNOLDS: We wouldn't object to receiving
25 something from the company to further elucidate this.

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1 MR. LIEBERMAN: No, if you want to provide
2 additional information, I think this is very clear.

3 MR. ZWOLINSKI: The utility may want to take the
4 transcript and enhance it or make their argument slightly
5 different or whatever.

6 MR. LIEBERMAN: The transcript is what the
7 transcript is.

8 MR. SYLVIA: As you desire. If you're going to
9 do that, let us know so that with the timing we have an idea
10 of how we should be working.

11 MR. HOLODY: There's a response due on the 24th
12 to the remainder of the package.

13 MR. WETTERHAHN: Yeah.

14 MR. HOLODY: I don't think there's a question of
15 a response of the remainder violations by January 24th.

16 MR. WETTERHAHN: Is your expectation that there
17 will be some reference to this in that response to the
18 report?

19 MR. LIEBERMAN: I don't see a need to do that by
20 this meeting we'll get you a response in due course. It
21 probably won't be before January 24th.

22 MR. SYLVIA: I think the main thing is we need a
23 little feedback before we respond to No. 4.

24 MR. LIEBERMAN: Okay, with that, I guess the
25 meeting is closed.

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(Whereupon, at 3:10 p.m., the meeting was concluded.)

C E R T I F I C A T E

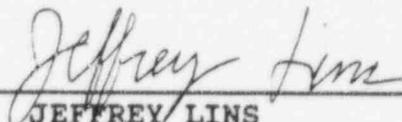
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: PUBLIC MEETING
ON NIAGRA MOHAWK POWER CORPORATION,
NINE MILE POINT UNIT 1

Docket Number: N/A

Place of Proceeding: ROCKVILLE, MD

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.



JEFFREY LINS
Official Reporter
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