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Nuclear Plant Safety

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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CONFERENCE CALL ON THE 2.206 PETITION ON NUCLEAR

PLANT SAFETY

OFFICE OF NUCLEAR REACTOR REGULATION

DIVISION OF LICENSING AND PROJECT MANAGEMENT

(NRR/DPLM)

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THURSDAY,

MAY 9, 2002

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TELEPHONE CONFERENCE CALL

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The Conference Call on the 2.206 Petition
on Nuclear Plant Safety convened at 2:30 p.m.

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

(2:30 p.m.)

MS. SKAY: Okay. I believe we've got everybody on the phone. I'm Donna Skay, 2.206 Petition Manager for NRC.

We'll also go around the room here. There are several people in the room; we'll introduce ourselves. First of all, I would like to introduce Bill Macon. He'll be the Petition Manager for this 2.206 petition.

MR. MARSH: And I'm Tad Marsh. I'm the PRB Chairman.

MR. BERKOW: Herb Berkow, PRB member.

MR. LONG: I'm Steve Long, risk analyst, sitting in.

MR. LODGE: Couldn't hear that. Could you please speak up?

MR. LONG: I'm Steve Long. I'm a risk analyst in NRR, and I'm sitting in. I'm not a member of the Board.

MR. MARSH: Okay.

MR. SUBBARATNUM: Ram Subbaratnum, NRR.

MS. LEE: Andrea Lee, NRR staff.

MR. HISER: Alan Hiser, NRR staff.

MR. NIEH: Ho Nieh, EDO staff.

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1 MR. BLOOM: Steve Bloom, coordinator for
2 the Davis-Besse issue.

3 MR. GOLDBERG: Jack Goldberg, Office of
4 General Counsel.

5 MR. BAJWA: Singh Bajwa, Project Director,
6 NRR.

7 MR. KUNTZ: Rob Kuntz, NRR.

8 MR. MARSH: Great.

9 MR. NAKOSKI: John Nakoski, NRR.

10 MR. GUNTER: Paul Gunter, Nuclear
11 Information and Resource Service.

12 MR. MARSH: Okay. Why don't we have the
13 folks on the phone reintroduce themselves, too,
14 please.

15 MR. LODGE: I'm Terry Lodge from the
16 Toledo Coalition for Safe Energy, one of the
17 Petitioners.

18 MS. PATRONIK-HOLDER: Christine Patronik-
19 Holder, Safe Energy Communication Council, Petitioner.

20 MS. HIRT: Alice Hirt, Don't Waste
21 Michigan. I'm a Petitioner.

22 MR. EDGAR: George Edgar, Morgan Lewis,
23 representing FirstEnergy.

24 MR. LESSyE: Roy Lessy, Akin Gump, also on
25 behalf of FirstEnergy.

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1 MR. MARSH: Okay. Jack, you're on there?
2 Jack Grobe?

3 MR. BERKOW: He was.

4 MR. MARSH: Is Jack Grobe from Region III
5 at the Davis-Besse site there. Is he on the line?

6 MR. GROBE: Can you hear me?

7 MR. MARSH: Now we can hear you. Can you
8 hear us okay?

9 MR. GROBE: Yes, very good. Thank you.

10 MR. MARSH: Okay. Great. Let's go ahead
11 and get started.

12 Good afternoon. As I say, my name is Tad
13 Marsh. I'm the PRB Chairman. And the subject of this
14 teleconference is a 2.206 petition that was submitted
15 by David Lochbaum on behalf of several organizations
16 dated April 24, 2002.

17 The Petitioners have requested that the
18 NRC issue an Order to the licensee for the Davis-Besse
19 nuclear power plant requiring a Verification by an
20 Independent Party for issues related to the reactor
21 vessel head corrosion.

22 The purpose of this teleconference is to
23 allow the Petitioners to address the Petition Review
24 Board. This is an opportunity for the Petitioners to
25 provide additional explanations or to support their

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1 petitions. This is also an opportunity for the staff
2 and for the licensee to ask any clarifying questions.

3 The purpose of the teleconference is not
4 to debate the merits of the petition or to make any
5 decisions. It is merely to gain information.

6 Following this call, the Petition Review
7 Board will meet today to determine whether the NRC
8 accepts the petition under the 2.206 process, or
9 whether it will be dealt with under another mechanism.
10 The PRB's meeting today will not determine whether we
11 agree or disagree with the contents of the petition.

12 The conference is being transcribed, so it
13 will be -- it will help when making a statement to
14 first state your name clearly.

15 Did anybody come on the line?

16 MR. KEEGAN: Yes. Michael Keegan,
17 Coalition for a Nuclear Free Great Lakes.

18 MR. MARSH: Okay. Thanks for joining us.
19 Just briefly, we have folks here in the office in
20 headquarters and on the telephone representing the
21 Petitioners and also the licensee.

22 My name is Tad Marsh, and I'm the Petition
23 Review Board Chairman.

24 The purpose of today's call, briefly, is
25 to gain information regarding the petition and to ask

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1 any questions which the staff or the licensee may need
2 in helping us decide whether to proceed with the 2.206
3 process.

4 We have requested that the Petitioners
5 keep their remarks to a total of about 30 minutes. If
6 the PRB decides that the petition will be considered
7 under the 2.206 process, then the NRC will issue an
8 acknowledgment letter to the Petitioners.

9 The Petition Manager will keep the
10 Petitioners and the licensee periodically informed of
11 the progress in the staff's review.

12 Paul Gunter is here on the part of the
13 Petitioners, in addition to the phone callers.

14 Paul, would you like to -- how would you
15 like to proceed? Do you want to go first, or would
16 you like the parties on the phone to go first?

17 MR. GUNTER: Terry Lodge is our point of
18 contact for the initial --

19 MR. MARSH: Okay.

20 MR. GUNTER: -- presentation here. So --

21 MR. MARSH: Okay. Great. Thank you.

22 Terry, would you proceed, please?

23 MR. LODGE: Yes, thank you. I'm going to
24 presume a fair degree of information on the part of
25 the panel. I'm going to presume that you've read the

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1 petition and are at least, to some extent, aware of
2 the ongoing Commission involvement in working with and
3 meeting with both the public as well as the utility
4 and its consultants.

5 As you know, or can tell from the face of
6 the Petition, the gist of what the dozen or so
7 interveners are seeking is an independent panel which
8 can -- which will undertake an independent review of
9 various safety and safety-related systems above and
10 beyond the containment shell problem itself.

11 Dave Lochbaum was the principal author of
12 the Petition. As he notes in considerable detail, the
13 volume of borated water that was flashed to steam,
14 even conservatively during the period of about -- it's
15 from May '99 through February of 2002 -- probably was
16 at least 260,000 gallons of water that was flashed off
17 to steam which -- a large proportion of which became
18 boric acid dust and settled on and in and around the
19 various components housed within the containment
20 structure.

21 As we all collectively, I'm sure, can
22 agree, the ventilation system within the containment
23 structure ensured pretty wide disbursement of that
24 material throughout the building, which is pretty
25 large.

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1 That problem can create a number of
2 difficulties, particularly corrosion-related
3 difficulties, and I'm not a corrosion engineer or an
4 engineer, in fact, but can certainly create a lot of
5 havoc with electrical components of which there are
6 probably thousands, if not millions, located in --
7 within the containment building.

8 We are requesting an independent outside
9 review panel for a number of reasons. There is a very
10 clear growing and disturbing history of non-response
11 and inactivity by FirstEnergy and its predecessors
12 dating back to at least 1987 when the first of a
13 number of generic warnings, reminders, and messages
14 were transmitted from the Nuclear Regulatory
15 Commission to the utility regarding the problems with
16 borated water.

17 And in 1987, in fact, there was an
18 incident at Turkey Point where there was about a 500-
19 pound deposit of boric acid crystal on top of the
20 reactor there, on top of the reactor vessel.

21 In any event, there is a disturbing
22 history, as I say, on the utility side of this. But
23 more than that, a number of us have been to the April
24 public meeting that was convened by the NRC and have
25 been tracking this either as participants or public

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1 followers of public hearings that the NRC has
2 convened.

3 It appears that even though the NRC was
4 indeed sending out plant-specific or generic notices,
5 there was no regulatory follow-up and oversight, at
6 least of any magnitude, and certainly none of it has
7 made its way into the press reports that I have seen
8 regarding what the NRC did to ensure that the utility
9 company was acting on any of the information it was
10 receiving about the CRDM nozzles, about leakage, about
11 boric acid.

12 So Lochbaum, in drafting this Petition, he
13 also contacted a number of people who are independent
14 experts that we believe fairly would be recognized as
15 such within the nuclear power industry, and certainly
16 by FirstEnergy and the NRC.

17 We believe that a panel such as this can
18 essentially verify a number of things that are bullet-
19 pointed in the Petition regarding the problems with
20 accumulation, the problems with utility responses to
21 NRC communications, the problems with safety equipment
22 and safety-related equipment, etcetera.

23 We are aware that there is a Manual 0350
24 Panel within the NRC that is I guess in the process of
25 being assembled, and we are generally I understand --

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1 and I think a lot of the other public petitioners
2 understand what the thrust of that body would be, and
3 the results that would be expected.

4 But that appears to be more of a direct
5 hands-on sort of high visibility regulatory step as
6 opposed to what we believe is more of a problem
7 identification approach.

8 As Mr. Lochbaum pointed out in the
9 petition originally, at Millstone an independent VIP
10 such as we are asking be set up was established, and
11 it was established at a point in time when there was
12 still concern about root cause identification, which
13 we believe still appears to be a problem, or at least
14 a series of unanswered questions with Davis-Besse.

15 And also, one of the reasons for the
16 establishment of the VIP at Millstone was because of
17 the NRC's own acknowledgment that its role in
18 regulatory oversight was not particularly sufficient
19 in the period of several years leading up to the
20 problems at Millstone.

21 For those reasons, we believe that there
22 needs to be considerably more explanation to the
23 public, conduct of a public process around identifying
24 the root causes, and dealing with the root causes.

25 Also, we believe that what is happening at

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1 Davis-Besse, which I understand at least may be
2 completely without any other similar type of problems
3 in a reactor a quarter-century old, it appears that
4 this is happening at this -- to this degree at least
5 only at Davis-Besse. But we believe that this is a
6 sign of aging, one that was not anticipated when the
7 evaluation of the safety components within the reactor
8 dome was performed back in the construction stages.

9 We don't believe that boric acid exposure
10 for prolonged periods of time was one of the concerns
11 that the containment building components was subjected
12 to by way of engineering analysis. And we believe
13 that it's going to be very necessary for that process
14 to happen now as a result.

15 I think that's about all I have at this
16 point. I think the other Petitioners and I would be
17 happy to take any questions you have.

18 MR. GUNTER: Can I add something?

19 MR. MARSH: Sure, Paul. Yes.

20 MR. GUNTER: This is Paul Gunter, Nuclear
21 Information Resource Service. I would -- I concur
22 with Terry's overall presentation. I would only add
23 that because FirstEnergy intends to leave -- at least
24 in its current plan to leave the pressure vessel head
25 in service repaired, it underscores our concern for

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1 the need for an independent verification, particularly
2 the root cause.

3 I've had the opportunity to attend ACRS
4 meetings on this issue, the AIT, and the most recent
5 briefing with staff and FirstEnergy on their root
6 cause. And what I have gleaned from it only
7 substantiates the need for this VIP, particularly
8 because it would seem apparent -- it seems apparent to
9 me that there is -- that there are some issues left
10 out.

11 One particular issue that I think that
12 would be of great import would be to have an
13 independent look at the potential for undercutting by
14 corrosion that has not been fully bounded by
15 FirstEnergy's presentation and root cause. We would
16 be most interested in having the confidence from -- by
17 independent verification that FirstEnergy has actually
18 found the problem, particularly because they intend
19 the leave the vessel head in service.

20 I think the NRC gleans the additional
21 benefit of having more people, qualified people,
22 looking at this issue by providing someone outside --
23 you know, a group of people outside of the NRC and
24 FirstEnergy to basically look at this as a bounding
25 issue.

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1 MR. MARSH: Thank you, Paul.

2 MR. KEEGAN: Michael Keegan with the
3 Coalition for a Nuclear Free Great Leaks. This is a
4 beyond maximum credible scenario, and I'm particularly
5 disturbed on the credibility of the Nuclear Regulatory
6 Commission going back to 1988 when Davis-Besse had
7 said that they had put some measures in place to look
8 for the potential on the reactor head.

9 And I don't know if the NRC signed off on
10 it or not, but they didn't -- they didn't investigate
11 it. And now we're here -- here we are, you know, 14
12 years later, and now you come up with a 0350 process
13 that basically says, "Trust us. We're going to follow
14 this special process now."

15 There is a tremendous credibility gap
16 here, and I do not have confidence in the NRC to
17 conduct a credible investigation. And I won't be
18 satisfied until there is a VIP.

19 MR. MARSH: Okay, sir. Thank you.

20 Any other comments from folks on this?
21 Anyone else? Any questions of Paul or of Mr. Lodge?

22 Okay. We thank you very much for your
23 comments. They've all been transcribed. They will
24 all be looked at carefully to make sure that we
25 consider them in our thoughts and in our

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1 deliberations.

2 Again, the purpose of today's call and
3 discussions with you is not to make any decisions at
4 this point. We want to gain as much clarification as
5 we can for the concerns that are behind the petition
6 itself.

7 So with that, unless there is any more
8 discussions or dialogue, I'm going to close the
9 meeting, and thank you all very much for
10 participating.

11 Thank you.

12 (Whereupon, several parties exited the
13 conference call.)

14 MR. GUNTER: I guess the meeting is over?

15 MR. MARSH: Yes. Did you want to add
16 something?

17 MR. GUNTER: I just wanted --

18 MR. MARSH: Can we --

19 MR. GUNTER: I would like to add -- I
20 think it's important, if I could comment on the
21 record. I don't mean to put you on the spot.

22 MR. MARSH: Are we still being recorded?

23 MR. BERKOW: No.

24 MR. MARSH: Are we still being recorded?

25 Paul, I'm sorry. We've lost the connection. The

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1 other parties wouldn't be able to hear either.

2 MR. BAJWA: If you want to --

3 MR. MARSH: Sure. Sure.

4 MR. GUNTER: If I could --

5 MR. MARSH: Okay.

6 MR. GUNTER: The issue is, you know, if
7 Davis-Besse were to decide to change out the vessel
8 head, would that affect our petition? Or the need for
9 a Verification by an Independent Party?

10 And, clearly, I think that all of the
11 Petitioners would agree that it wouldn't necessarily,
12 although we certainly would gain more confidence from
13 this reactor moving forward with the -- with a head
14 change-out.

15 But the question that we have is clearly:
16 how did all that -- I mean, first of all, how much
17 boric acid is in containment? Because I don't think
18 that that has really been nailed down.

19 MR. MARSH: Right.

20 MR. GUNTER: And how did that dusting
21 affect additional system structure and components?
22 And I don't think that that has been answered yet.
23 And I don't -- I'm, frankly, not confident in a
24 walkdown that would be conducted by FirstEnergy,
25 because I think they've lost credibility.

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1 And it's up to the NRC as well to restore
2 its credibility in this process, and you have the
3 challenge and the opportunity of all these
4 environmental groups to provide the door for that
5 credibility to be restored.

6 So I think you have a very important
7 decision to make here --

8 MR. MARSH: Right.

9 MR. GUNTER: -- and an opportunity. It's
10 a good Petition, and there -- I'm sure you will
11 recognize all, if not the majority, of the independent
12 reviewers that we have put forward as candidates. And
13 these are people that do have the confidence of the
14 public community because they've been recognized in
15 prior works.

16 So thank you.

17 MR. MARSH: Thank you, Paul. Appreciate
18 that.

19 Could you transcribe that or make --
20 summarize that?

21 MR. MACON: I'll summarize, paraphrase,
22 the comments about the reactor head change-out and
23 whether that would change the Petitioners' concern
24 about the root causes leading up to the reactor head
25 corrosion.

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1 MR. GUNTER: And beyond -- other system
2 structures and components in particular.

3 MR. MACON: And the boric acid dusting and
4 how that affects components in containment.

5 MR. GUNTER: And an opportunity to regain
6 credibility.

7 MR. MACON: And an opportunity to regain
8 credibility.

9 MR. MARSH: Okay. What I'd like us to do
10 -- would you mind relaying what you relayed to us to
11 the Petitioners?

12 MR. MACON: I will.

13 MR. MARSH: Just so they know that we had
14 this conversation kind of off the record. We'll do
15 the same thing to the attorneys and also to our
16 Regional representatives, so they know that this took
17 place kind of offline and --

18 MR. GUNTER: I apologize for --

19 MR. GROBE: Tad, I'm still here. I heard
20 what Paul had to say.

21 MR. MARSH: Okay. Thank you. Great.

22 Okay. Paul, thank you very much.
23 Appreciate your comments.

24 (Whereupon, the proceedings in the
25 foregoing matter went off the record.)

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