

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Office on Nuclear Regulatory Regulation
Division of Licensing and Project Management
2.206 Petition on Nuclear Plant Safety

Docket Number: (Generic/All Reactors)

Location: (Telephone Conference)

Date: Tuesday, March 26, 2002

Work Order No.: NRC-315

Pages 1-16

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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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TUESDAY

MARCH 26, 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 10:00 a.m., Dave
Jaffe, Petition Manager, presiding.

PRESENT:

- DAVE JAFFE NRR/DPLM
- TAD MARCH NRR/DPLM
- HERBERT BERKOW NRR/DPLM
- RAM SUBBARATNAM NRR/DPLM
- DONNA SKAY NRR/DPLM
- BILL BECKNER NRR/RORD
- PAT MILANO NRR/DPLM

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1 PRESENT: (CONT.)

2 JOHN HANNON NRR/SPLB/DSSA

3 GLEN TRACY NRR/IRSB

4 STU RICHARDS NRR/DPLM/PDIV

5 DONNIE HARRISON NRR/DSSA/SPSB

6 BOB PAULA NRR/DSSA/SPSB

7 DAVID LOCHBAUM UCS

8 STEVE FLOYD NEI

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

10:00 a.m.

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3 MR. JAFFE: Good morning, this is Dave
4 Jaffe, Petition Manager. Is everybody else up on the
5 call?

6 Mr. Lochbaum?

7 MR. LOCHBAUM: Yes, I'm here.

8 MR. JAFFE: Do you have the co-petitioners
9 with you?

10 MR. LOCHBAUM: Not with me. I gave the
11 number out, so they may be calling in independently.

12 MR. JAFFE: Okay, fine. As I mentioned,
13 my name is Dave Jaffe. I'm Petition Manager for the
14 2.206 Petition that was submitted on March 11th, as
15 amended. We've provided an opportunity now for the
16 Petitioners to address the PRB before the PRB meets.

17 Why don't we introduce ourselves here in
18 this room. This is Dave Jaffe.

19 MR. MARSH: Ted Marsh.

20 MS. SKAY: Donna Skay.

21 MR. PAULA: Bob Paula.

22 MR. HARRISON: Donnie Harrison.

23 MR. RICHARDS: Stu Richards, NRR Projects.

24 MR. TRACY: Glen Tracy.

25 MR. HANNON: John Hannon.

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MR. BECKNER: Bill Beckner.

MR. MILANO: Pat Milano.

MR. BERKOW: Herb Berkow.

MR. SUBBARATNAM: Ram Subbaratnam.

MR. JAFFE: Before everyone else introduces themselves, this is a recorded line and what we'll be doing is transcribing the conversations that we hold here this morning and they will be part of the record. So why don't we have everyone else introduce themselves.

Mr. Lockbaum?

MR. LOCHBAUM: David Lochbaum with the Union of Concerned Scientists.

MR. PETRANGELO: Tony Petrangelo and Steve Floyd from NEI.

MR. SUBBARATNAM: Is there anyone else on the line besides these two people, please?

MR. JAFFE: Doesn't sound like there is. One administrative matter. Because this is being transcribed, before an individual speaks, would they please identify themselves so that we can have a proper transcript.

I'm going to turn this over to the PRB Chairman, Ted Marsh.

MR. MARSH: Good morning, everybody.

1 Thanks, Dave, and I guess restating what Dave has
2 said, the purpose of the call is to allow the
3 Petitioners to clarify and to explain to the PRB
4 anything they choose to regarding their petition and
5 the purpose is also for us to ask questions about the
6 petition.

7 The point of which is not to discuss the
8 merits themselves, but just to ensure that we
9 understand what is intended by the petition.

10 NRR has the lead for this petition and as
11 Dave has said, he's the lead manager for it. Our
12 process, I want to go over this just for a second. It
13 is a mechanism by which regulations for members of the
14 public can be challenged and we can understand any
15 specific portion associated with enforcement actions.
16 We have a Management Directive 8.11 in which we're
17 going to be following. The purpose of the call today
18 is as we've discussed, allow you to address the Board
19 themselves.

20 Following the phone call we're going to be
21 meeting independently. We're going to be deciding
22 whether we will accept the petition in the 2206 and
23 we'll be writing you of that decision. As Dave said,
24 the call is going to be transcribed and that
25 transcription will become part of the petition record.

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1 We've allowed an hour for the call and
2 we're going to request that you have comments for
3 about 30 minutes. Dave, is that acceptable? And that
4 will allow another 30 minutes for questions and
5 answers as we go forward.

6 You can expect, if it's accepted as a
7 2.206 petition you can expect routine status reports
8 in roughly on a monthly basis and those should be
9 available on our home page.

10 So with that, any other comments? I'm
11 going to invite you to begin the presentation, Dave?

12 MR. LOCHBAUM: This is David Lochbaum with
13 the Union of Concerned Scientists speaking on behalf
14 of the Petitioners.

15 The petition, as David said earlier, the
16 petition was originally submitted on March 11th
17 There's been two amendments to add 16 organizations
18 and 1 elected official to the petition, the latest
19 version of which is dated March 22nd.

20 The petition had two measures or two
21 requested actions. The first measure was aimed at or
22 focused at minimizing the threat to reactor safety by
23 sabotage or terrorist activities by limiting the
24 amount of time that the emergency diesel generators
25 could be out of service when the reactor was

1 operating.

2 As the petition itself kind of provides
3 the basis for that. I just wanted to highlight some
4 of the things that were the root of the basis. The
5 NRC issued a report last year on the effectiveness of
6 the station blackout rule which talked about a reduced
7 reliability of the emergency diesel generators could
8 negate all the safety benefits gained when the station
9 blackout rule was imposed.

10 That report specifically talked about
11 emergency diesel generator maintenance out of service
12 time, MOOS, which is directly related to the LCO
13 period that allows that maintenance to be done in.

14 Many plant owners have sought and obtained
15 extensions up to 14 days for the LCO period from the
16 original 72 hour period which affords much more
17 opportunity for entering into the or having the long
18 maintenance out of service times.

19 If a diesel generator is out of service
20 for maintenance and terrorists are able to knock down
21 the transmission lines to a plant which they can do
22 without gaining access to the inside of the security
23 perimeter, there's a likelihood or greater likelihood
24 of entering into a station blackout condition which
25 was the subject of the report and the station blackout

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1 rule.

2 According to Governor Tom Ridge, the
3 Director of Homeland Security, in that color coded
4 system they have now, America is facing a heightened
5 security threat from terrorism at the moment and it's
6 not real clear when in the future that's going to be
7 changed in the positive direction.

8 We therefore think it's -- with the
9 measures the NRC took last month to increase security
10 levels at the power plants, those are somewhat offset
11 if those guards are protecting broken diesel
12 generators. So the best -- we can't have a secure
13 plant on the outside that's unsafe on the inside. So
14 the measure, the first measure that we're seeking
15 would attempt to restore some balance there by
16 ensuring that the guards are protecting the plant
17 safety systems that will work if called upon.

18 Another indication that this measure is
19 prudent was some of the precautions taken for the Y2K
20 transition when plant owners tried to minimize the
21 likelihood that the diesel generators would be out of
22 service during the roll over period. If it was
23 prudent then, then it's equally prudent now.

24 The second measure or the second requested
25 action was focused on minimizing the threat to fuel

1 stored in the spent fuel pools by limiting the time to
 2 boil the spent fuel pool water. Attachment 1 to NRC
 3 information notice 2000-13 is a report written by NRC
 4 staffers in Region 4 talking about refueling risk. On
 5 page 4 of their report, they discuss the importance of
 6 time to boil when assessing the risk of midloop
 7 operations at pressurized water reactors. Page 6 of
 8 the report pointed out that the risk significance of
 9 several actual events at the plants in Region 4 were
 10 mitigated because the decay heat levels at the time
 11 had dissipated considerably. If by limiting the time
 12 to boil spent fuel pools would have the same risk
 13 reduction benefits and that's the basis for our
 14 request.

15 Also of concern that probabilistic risk
 16 assessments are generally done at full power operation
 17 state and would not necessarily cover or would not
 18 apply to refueling when the time to boil spent fuel
 19 pools is at its minimum, therefore the delta CDF
 20 numbers are frequently used in Reg. Guide 1.174 really
 21 cannot apply since that risk is not quantified.
 22 System models haven't been developed, whereas limiting
 23 the time to boil would provide from a qualitative
 24 standpoint a safety margin.

25 Lastly, in terms of what we want to

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1 highlight this morning, we would prefer not to see the
2 issues in our petition dismissed using mathematical
3 mumbo jumbo that's called probabilistic risk
4 assessment. We request that if the NRC is going to
5 use such number crunching that they use it to the same
6 extent and the same vein as was done prior to issuing
7 the orders dated February 25th to the owners of all
8 operating nuclear power plants. We think it would be
9 unfair for the NRC to use smoke and mirrors on our
10 petition when it didn't resort to such for the
11 February 25th orders. So we definitely don't want to
12 see PERA (Phonetic) used in a different vein than it
13 was used prior to the February 25th orders that went
14 out.

15 That summarizes the remarks I wanted to
16 make. I'll be glad to answer any questions.

17 MR. JAFFE: Okay, Bob, Tony or Mr. Floyd,
18 do you have any comments or questions you'd like to
19 add?

20 UNIDENTIFIED SPEAKER: Just one comment,
21 whether the Petitioner took into account the safety
22 significance of doing diesel maintenance on line
23 versus during an outage?

24 MR. LOCHBAUM: This is Dave Lochbaum. I
25 guess I don't recall the section of Management

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1 Directive 8.11 where we take questions from anybody
2 other than staff.

3 MR. JAFFE: You're right, David. If
4 there's a clarification that could be provided that's
5 fine, but the Management Directive doesn't discuss
6 that type of interaction. So you don't have to
7 respond to that.

8 MR. LOCHBAUM: Then I'll simply make the
9 comment then that the reason that the 14-day LPOs were
10 approved to a large extent was because it was safer to
11 do diesel maintenance on line than during an outage.
12 You don't need any mathematical or quantitative
13 analysis even to prove that. There are many
14 steam-driven sources that can be used for cooling the
15 reactor when the maintenance is done on-line where
16 those sources would not be available during an outage.
17 And that's very simple to understand and demonstrate,
18 so based on that, we would recommend dismissing the
19 first element of the petition.

20 MR. JAFFE: Okay, David, I'm just looking
21 at Management Directive 8.11 on page 9. It does allow
22 for the licensee or the industry group to ask
23 clarifying questions of the Petitioner, so he's within
24 process to request any information from you if he so
25 chooses, you can answer or not.

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1 MR. LOCHBAUM: I did, in fact, consider
2 that, in looking at the station blackout report that
3 was prepared by the NRC staff last year, it looked
4 like the point was raised by NEI was more than
5 addressed and refuted by the information that's in
6 that NRC report issued by Research last year with the
7 discussion of how out of service time, increasing the
8 maintenance out of service time has a corresponding
9 negative safety offset or basically increases the
10 risk. It seemed to address the point that was raised
11 by NEI and it was considered when we developed the
12 petition, to answer the question more directly.

13 MR. BECKNER: Bill Beckner. Can you
14 clarify the report that you're referencing? Is that
15 in your petition somewhere?

16 MR. LOCHBAUM: Yes, I was just looking for
17 the --

18 MR. BECKNER: You're not talking about the
19 information of 2013?

20 MR. LOCHBAUM: This is Dave Lochbaum.
21 It's the report 2E reference footnote and among other
22 places, it's footnote 8. It's a report written by
23 William S. Rawley of the Office of Nuclear Regulatory
24 Research. Final Report, Regulatory Effectiveness of
25 the Station Blackout Rule, Adams Session No.

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1 ML003741781.

2 MR. BECKNER: Okay, thank you. We got
3 that.

4 MR. MARSH: Any other questions here of
5 the staff to make sure we understand the petition,
6 what's being asked?

7 I think after the TRB meets, we'll get
8 back with Petitioner and let them know what we decided
9 and then follow up in a letter.

10 After we're through meeting, Dave Jaffe,
11 who is the project manager for this petition will get
12 back with you. And we'll write a letter to that
13 effect too.

14 MR. TRACY: Glen Tracy. Dave, you've
15 indicated a couple of times about the meeting we're
16 going to have with you for public stakeholders that
17 you want to discuss this matter. I just wanted to
18 clarify my expectations, my understanding and your
19 expectations during that public meeting compared to
20 the formal process. Can you just help me out a little
21 bit and tell me what you plan or intend or want to do
22 there?

23 MR. LOCHBAUM: This is Dave Lochbaum
24 again. I guess at that meeting our expectation at
25 that meeting is to convey our concern of the unsecured

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1 area and just make sure that the NRC staff understands
2 our concerns. This petition -- our intention is to
3 mention this petition, but not in any way other than
4 in a passing way as things we think would enhance
5 security at nuclear power plants.

6 MR. TRACY: So that meeting is about the
7 petition, per se. It's peripheral. That's what we
8 wanted to get clarified.

9 MR. LOCHBAUM: Our purpose for that
10 meeting was not to go in and justify this petition or
11 anything like that.

12 MR. TRACY: Thanks, Dave, I needed to get
13 that understanding. Thank you.

14 MR. LOCHBAUM: Sure.

15 MS. SKAY: I just have one question
16 regarding the letter of the claim? This is Donna
17 Skay. I don't think we've seen that yet. Was that
18 e-mailed in or did you send that via regular mail?

19 MR. LOCHBAUM: This is Dave Lochbaum. I
20 e-mailed a copy to Dave Jaffe and mailed a signed,
21 original copy to Dr. Travers.

22 MR. JAFFE: This is Dave Jaffe. Mr.
23 Lochbaum, I did, in fact, receive that. I didn't
24 recognize that as an amendment per se, but we can
25 accept it as such.

1 I assume all it did was add one
2 representative from New York? That was the only
3 effect of that?

4 MR. LOCHBAUM: This is Dave Lochbaum.
5 That's the only thing that March 22nd amendment did.
6 Because of that, there was some minor reformatting of
7 page changes, but the text is the same. I just had to
8 make the diagram a little bit smaller, so it set right
9 on the pages.

10 MR. JAFFE: Did you mail that also?

11 MR. LOCHBAUM: Yes. It was mailed, a hard
12 copy was mailed out that day to Dr. Travers.

13 MR. JAFFE: Thank you very much, Mr.
14 Lochbaum, we accept that as amendment 2. So the
15 petition then is dated March 11th. The first
16 amendment is dated March 21st and the second amendment
17 is dated March 22nd. Is that correct?

18 MR. LOCHBAUM: That's correct.

19 MR. JAFFE: Thank you very much.

20 MR. MARSH: Just another quickie, this is
21 Tad Marsh. You e-mailed Dave Jaffe on the 25th and
22 you had some comments for the PRB for the three
23 meetings. You had three items. I think you pretty
24 much said that, you read that into the record, if you
25 will, already. So with your okay, we'll treat this

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1 information as it comes out in the transcript, rather
2 than turning this e-mail into some record as well.

3 MR. LOCHBAUM: This is Dave Lochbaum.
4 That's fair because basically I just read from it. I
5 just wanted to provide that. Sometimes it's easier to
6 see something in writing than to hear it on the phone.

7 MR. MARSH: You bet, got it.

8 MR. JAFFE: Okay, any other questions for
9 David? Thank you very much.

10 MR. LOCHBAUM: Thank you.

11 MR. JAFFE: Thank you very much. Take
12 care.

13 (Whereupon, at 10:20 a.m., the conference
14 call was concluded.)

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CERTIFICATE

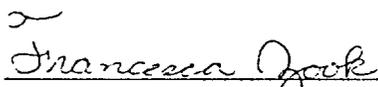
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Name of Proceeding: 2.206 Petition on Nuclear
Plant Safety

Docket Number: (Generic/All Reactors)

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