

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 2.206 Petition Review Board Meeting

Docket Number: (not applicable)

Location: Rockville, Maryland

Date: Thursday, July 28, 2005

Work Order No.: NRC-554

Pages 1-46

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

PETITION REVIEW BOARD MEETING

+ + + + +

One White Flint North
11555 Rockville Pike
Rockville, MD 20852

+ + + + +

Thursday, July 28, 2005

2:00 P.M.

Recorded Telephonically

This transcript was produced from audio tapes
provided by the Nuclear Regulatory Commission.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

2 PARTICIPANT: Hello.

3 MS. O'BRIEN: Hello?

4 MR. GUNTER: Hi. This is Paul.

5 MS. O'BRIEN: Hi. This is Pamela.

6 MR. HOFFMAN: This is Russell.

7 MS. O'BRIEN: Hi, Russell.

8 MR. GUNTER: Hi, Russell.

9 MR. HOFFMAN: Hi.

10 PARTICIPANT: (Inaudible.) two things
11 where we need some additional information,
12 particularly on the (Inaudible.) so that we can check
13 them out.

14 PARTICIPANT: Hello. Is there anyone else
15 on this line?

16 MS. O'BRIEN: Yes. Pamela.

17 DREW: Hello, Pamela. How are you today?

18 MS. O'BRIEN: Managing. How are you, Drew
19 (Phonetic.)?

20 DREW: Oh, not too bad. We're gathered to
21 have this petition (Inaudible.) based on the 2.206
22 application.

23 MS. O'BRIEN: Do you think that you could
24 talk up a little bit more?

25 MR. GUNTER: There's also other people on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the line, too. Paul Gunter (Phonetic.), Nuclear
2 Information and Resource Service.

3 DREW: Okay. We would like for you to
4 introduce yourselves in a moment. Is everybody on the
5 line?

6 PARTICIPANT: I believe so.

7 PARTICIPANT: Ms. O'Brien, everybody you
8 are anticipating to be on the line, are they on or are
9 they --

10 MS. O'BRIEN: I'm not sure who exactly is
11 on the line.

12 PARTICIPANT: Okay. Why --

13 MS. O'BRIEN: So it would be helpful for
14 me if everybody did say who was on the line.

15 PARTICIPANT: Okay. Introduce themselves.
16 Okay.

17 PARTICIPANT: All right. Pamela, why
18 don't you have Mr. Gunter introduce himself and then
19 the other parties that you have, if you could
20 introduce them?

21 MR. GUNTER: Okay. Paul Gunter, Nuclear
22 Information and Resource Service.

23 PARTICIPANT: Mary Carr, (Inaudible.)
24 Energy.

25 MR. HOFFMAN: Russell Hoffman (Phonetic.),

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 concerned citizen, Carlsbad, California.

2 PARTICIPANT: And I think that's it,
3 correct?

4 MS. O'BRIEN: Well, there should be one
5 other person. And they obviously haven't called in
6 yet. So they may just be running late.

7 PARTICIPANT: All right. Well, we'll deal
8 with that when they get in. (Inaudible.) the petition
9 manager at the NRC in the Division of Licensing
10 Project Management (Inaudible.) around the room here
11 where the Petition Review Board is meeting with you
12 right now and introduce ourselves. Sir?

13 MR. BARTLETT: My name is Matt Bartlett.

14 MS. O'BRIEN: I'm sorry. I really can't
15 hear very well on this. I know there are others on
16 the line. That might have something to do with it.
17 Can you turn up your end a bit so we can all hear you
18 a bit better?

19 MR. BARTLETT: Hello. This is Matthew
20 Bartlett.

21 MS. O'BRIEN: Okay. That's better.

22 MR. LeMASTER: Michael LeMaster.

23 MS. WILLIAMS: Donna Williams.

24 PARTICIPANT: Michael (Inaudible.).

25 MR. SMITH: Tyson Smith.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BERKOW: Herb Berkow. And I'm
2 the Petition Review Board Chairman.

3 MS. O'BRIEN: Okay, Mr. Berkow.

4 CHAIRMAN BERKOW: All right. Okay.

5 MS. O'BRIEN: Could you identify what
6 positions you all have for me, please?

7 CHAIRMAN BERKOW: Yes. Why don't we do
8 that again? We'll start again and indicate what the
9 positions are.

10 MR. BARTLETT: My name is Matt Bartlett.
11 And I am in the Fuel Cycle (Inaudible.) Branch.

12 MR. LeMASTER: I'm Mike LeMaster. I'm the
13 project manager, Nuclear Fuel Services.

14 MS. WILLIAMS: This is Donna Williams.
15 I'm the NRC's 2.206 petition coordinator.

16 PARTICIPANT: Michael (Inaudible.). I'm
17 in charge of the FIDUCA enforcement (Inaudible.)

18 MR. SMITH: Tyson Smith, the Commission's
19 Office of General Counsel.

20 CHAIRMAN BERKOW: And I'm Herb Berkow.
21 I'm with the Office of Nuclear Reactor Regulation.
22 And I'm the Petition Review Board Chairman.

23 MS. O'BRIEN: Thank you very much. I had
24 been told that David Girreau, the section chief, was
25 also going to be on the line.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BERKOW: He is not here yet. I
2 don't recall us having that discussion.

3 MS. O'BRIEN: Maybe I assumed it because
4 I spoke to him the last time I spoke to you.

5 CHAIRMAN BERKOW: Okay. Well, if he shows
6 up, we will let everybody know.

7 MS. O'BRIEN: Okay.

8 CHAIRMAN BERKOW: Okay. The subject of
9 this teleconference is a 2.206 petition submitted by
10 Ms. Pamela Blockey-O'Brien (Phonetic.) dated June
11 22nd, 2005. Ms. O'Brien has requested that the NRC
12 take enforcement action against boiling water reactors
13 with Mark 1 containments; pressurized water reactors
14 with ice condenser containments; special circumstance
15 reactors, as identified; nuclear fuel services
16 facility; and the Paducah (Phonetic.) gases diffusion
17 plant.

18 Mr. Terrell (Phonetic.) just joined us.

19 Petitioners request that the NRC shut down
20 and revoke the licenses of the specified facilities,
21 clean up the surrounding areas, remove spent fuel from
22 the sites, and compensate workers.

23 The NRC staff has performed a preliminary
24 review of the petition and determined that we need
25 additional information in order to make a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 determination to whether this petition meets the
2 criteria to review it under 10 CFR 2.206. In
3 particular, 2.206 requires that the petitioner provide
4 an adequate basis to taking the requested actions.

5 The staff will only review a petition
6 under the 2.206 process if the issues involved were
7 not previously reviewed and resolved by the NRC.
8 During our review of the petition, we identified
9 several issues and statements from which we need the
10 source of the information in order to determine if the
11 NRC was aware of and resolved the issue.

12 Ms. O'Brien, the petition manager has
13 provided you with a list of these specific issues.
14 The purpose of this teleconference is to allow you to
15 address the Petition Review Board and provide the
16 requested additional explanations in support of your
17 petition. This is also an opportunity for the staff
18 to ask any clarifying questions.

19 The purpose of this teleconference is not
20 to debate the merits of the petition. Our goal is to
21 complete the meeting in approximately 45 minutes.

22 Following this phone call, the Petition
23 Review Board will meet to determine whether the NRC
24 accepts the petition under the 2.206 process or
25 whether it will be dealt with under another mechanism.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 This PRB meeting today will not determine
2 whether we agree or disagree with the contents of the
3 petition, only whether it meets the criteria to be
4 accepted under this process.

5 The teleconference is being transcribed.
6 So I would ask anyone making a statement to first
7 state their name clearly. The transcript will become
8 supplemental to the petition and will be made publicly
9 available.

10 If the PRB decides that the petition will
11 be considered under 2.206, then the NRC will issue an
12 acknowledgement letter to the petitioner. Petition
13 manager will keep the petition and periodically inform
14 of the progress of the staff's review.

15 Are there any questions on the process or
16 on the conduct of this meeting?

17 MS. O'BRIEN: I have no questions. Maybe
18 some of the other people have a question.

19 CHAIRMAN BERKOW: This is Herb Berkow.
20 Are you going to be the only spokesperson, Ms.
21 O'Brien, or do you intend to have any of the others
22 speak?

23 MS. O'BRIEN: Well, when I have finished
24 answering the questions that the NRC had put to me, if
25 they wish to say something, I obviously would like

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 them to be able to say something.

2 CHAIRMAN BERKOW: Okay. We went through
3 the list of questions. And we made some minor
4 modifications to the version that Drew had sent you
5 earlier, but I believe he informed you of them.

6 MS. O'BRIEN: Yes, he did.

7 CHAIRMAN BERKOW: Okay. In general, you
8 know, we are aware of the (Inaudible.) with almost
9 everything in your petition. There are a few areas,
10 though, where we need some more definition as to what
11 the source was so that we can check it out ourselves.
12 In some cases, it was not clear.

13 In general, did you have sources of
14 information in your petition that were other than the
15 docketed information in the NRC Public Document Room?

16 MS. O'BRIEN: Yes. Your question to me
17 that was mailed to me was a list of 24 questions. And
18 I intended to --

19 CHAIRMAN BERKOW: Okay.

20 MS. O'BRIEN: -- go through all of them.

21 CHAIRMAN BERKOW: Okay. Some of them I
22 guess are sources of information other than NRC
23 docketed information?

24 MS. O'BRIEN: Yes.

25 CHAIRMAN BERKOW: Is there anything in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 your petition that you believe the NRC is not
2 presently aware of?

3 MS. O'BRIEN: Well (Inaudible.) generally
4 specified source of information for the petition but
5 do not include the NRC docket. That was question
6 number one.

7 CHAIRMAN BERKOW: Right.

8 MS. O'BRIEN: Okay.

9 CHAIRMAN BERKOW: But we will be specific
10 on that. I guess you --

11 MS. O'BRIEN: That's what I'm being. I
12 want to get going on it because it will take me -- I
13 practiced last night on that section alone.

14 CHAIRMAN BERKOW: Oh, okay.

15 MS. O'BRIEN: And that takes me
16 approximately 25 minutes to read question one.

17 CHAIRMAN BERKOW: Let me ask you one more
18 general question first. Do you have any specific
19 knowledge of any nuclear power plant licensees that
20 are violating regulations or technical specifications?

21 MS. O'BRIEN: Something was brought to my
22 attention late last night about that from the --

23 CHAIRMAN BERKOW: (Inaudible.)

24 MS. O'BRIEN: Hold on. Let me get to it.
25 It would seem that the state health department in

1 Vermont found that their monitoring of Vermont Yankee
2 was different (Inaudible.) Entergy's. Entergy had
3 said that they monitor in the plant and say what
4 defense lines should be based on that. This is sort
5 of a short form of it.

6 The Brattleboro Reformer of March the 16th
7 had an article it seems that was read to me last night
8 and is on its way to me entitled "Vermont Yankee and
9 State Disagree on Littles," going into how the
10 officials have not been truthful but there were
11 elevated radiation levels at the fence. They were
12 higher than when compared with data collected by
13 Entergy because the state is measuring them and that
14 even though the NRC has 25 millirem a year at the
15 fence line, those at Entergy had agreed would not
16 exceed 25 millirem in testimony before Vermont's
17 public service board.

18 Entergy had agreed to stay within the
19 state's limits in front of that board. You can get
20 the articles easily I'm sure, in any case. So
21 obviously they weren't, and there's more to that. So
22 that would be a thing I know.

23 Let me see. Let me back up here. I know
24 anecdotal information, but it is not stuff. You know,
25 it's what people tell you about. But it is not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 something that I can put a document in front of you
2 and say, "This," "This," "This," and "This." And I
3 prefer to stick to the documents.

4 CHAIRMAN BERKOW: Okay. Thank you. Okay.
5 Now let's go --

6 MS. O'BRIEN: Okay. Can I go back to
7 answering my list?

8 CHAIRMAN BERKOW: Yes. The first one is
9 on page 4 of your petition with regard to the Oyster
10 Creek containment spray-type clamp that rotated out of
11 position. This is in the middle of the page on page
12 4.

13 MS. O'BRIEN: But I'm not there. I
14 haven't answered one yet, "Would you generally specify
15 sources of information for the petition that do not
16 include the NRC docket?"

17 CHAIRMAN BERKOW: I think that is a
18 general question, but we will cover that under the
19 specifics.

20 MS. O'BRIEN: Well, this is. I am just
21 going to read you the specifics.

22 CHAIRMAN BERKOW: Okay. Go ahead.

23 MS. O'BRIEN: Okay. "A) final
24 environmental impact statement for the production of
25 tritium in a commercial lightwater reactor, Department

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of Energy, March 1999, volume I. B) National
2 Institute of Occupational Safety and Health Pocket
3 Guide to Hazardous Chemicals. C) Handbook of
4 Dangerous Materials, Irving Sachs Reinhold,
5 Publisher."

6 CHAIRMAN BERKOW: Excuse me, Ms. O'Brien.
7 We would prefer if you give us the specific reference
8 to each of the items as we get to them so that I can
9 tie the reference to your statement.

10 MS. O'BRIEN: Well, some of the --

11 CHAIRMAN BERKOW: It was just a general
12 question. We have about 16 or 17 specific citations
13 that I would like to get the reference from you. So
14 if you could --

15 MS. O'BRIEN: Well, for example, I
16 understand where you're coming from. For example,
17 when I say, "The final environmental impact statement
18 for the production of tritium in a commercial
19 lightwater reactor, Department of Energy, March 1999,"
20 --

21 CHAIRMAN BERKOW: That's something --

22 MS. O'BRIEN: -- that ultimately ties in
23 with an item further up. If you'd just let me go
24 through with this, the various things, chemicals and
25 so on and so forth, that show the extent of reading

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that one has to do to have a grasp of what we're
2 talking about?

3 And then some of them relate to your exact
4 questions. I've got them written out separately, the
5 answers separately, exactly what, which, how, when,
6 and where. In other words, I go back to them. And I
7 go line by line.

8 But first I would like to go through this
9 list, which relates. Some of them you will find will
10 relate to them. Others are different references. I
11 can say that.

12 So when I say, for example, the -- some of
13 the (Inaudible.) profiles on various chemicals, which
14 is D, the various chemicals are used in the cleaning
15 out the crowding nuclear reactors and so forth. So
16 they will pop in some of those.

17 "E) Toxicological profiles for uranium,
18 plutonium, lead, and mercury by the Agency for Toxic
19 Substances and Disease Registry, even though those are
20 sorely lacking in many areas, they relate to the
21 health problems related to uranium, plutonium, lead,
22 and mercury.

23 "F) The sunshine problem." This is a
24 major article in Harper's magazine, some of it with
25 declassified information. It is referred to in my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 petition about, you know, the fact that the strontium
2 90 builds up in people. And we found it out years
3 ago. And it's the same strontium 90 that comes from
4 a nuclear plant as is in the (Inaudible.).

5 "G) Medical." These are things that are all:
6 referenced in my petition. "G) Medical management of
7 radiological casualties by the Military Medical
8 Operations Office on Forces Radiobiology Research
9 Institute, Bethesda, Maryland, December 1999,"
10 cross-conversations I had with Lieutenant Colonel
11 Palmer. This is very -- that's a bad document. God
12 help us all if something happens.

13 "H) World Work Institute 1987 stated the
14 world report also includes information about the
15 effect of Chernobyl which are applicable if there is
16 an accident anywhere. The Global Ecology Handbook,"
17 this also has sections on radiation. "The Letter of
18 Life (Inaudible.)." Now I'm at K.

19 "There is more of a top secret story
20 behind the Star Wars deception by William Gould. L)
21 Environmental impact on the construction and operation
22 of a mixed oxide fuel fabrication facility at the
23 Savannah River nuclear site." Well, of course, they
24 always say the "Savannah River site" because, all of
25 a sudden, they dropped the word "nuclear."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BERKOW: Excuse me, Ms. O'Brien.
2 I'm sorry to interrupt you, but this is not useful to
3 us. I don't need a recitation of -- I need to be able
4 to tie them to statements that you made in your --

5 MS. O'BRIEN: I know. I'm trying to get
6 to that --

7 CHAIRMAN BERKOW: (Inaudible.)

8 MS. O'BRIEN: (Inaudible.) going because
9 obviously the mixed oxide fuel document ties in, then,
10 with what (Inaudible.) wishes to do.

11 CHAIRMAN BERKOW: Well, tell me which one
12 it ties into. Let's go through these questions. This
13 is why we structured it this way.

14 MS. O'BRIEN: I know. I'm trying to
15 answer one.

16 CHAIRMAN BERKOW: Let's forget about one.
17 I'm sorry we asked you one. Let's --

18 MS. O'BRIEN: Well, I'm not sorry. I put
19 in --

20 CHAIRMAN BERKOW: The answer to one is
21 yes. That's all. It says, "Do you generally."
22 That's why I said, "Do not include." I didn't ask you
23 what they are, just "Yes" or "No." And you already
24 answered yes. (Inaudible.)

25 MS. O'BRIEN: Okay. Well, let me say for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the record that under my yes, I go through the
2 alphabet twice.

3 CHAIRMAN BERKOW: But only (Inaudible.)
4 specified to you in the letter. I don't need anything
5 else. Why do you -- is your list in a form that you
6 could mail to us?

7 MS. O'BRIEN: No. I've written it out for
8 myself here. It took me the last few nights to write
9 it down so that I would have it for you all,
10 everything from (Inaudible.) and Insular Affairs, U.S.
11 House of Representatives, Washington, D.C., November
12 1st, 1982, Subcommittee on Oversight and
13 Investigations, the calculation of reactor actually
14 consequences by --

15 CHAIRMAN BERKOW: Okay. (Inaudible.)

16 MS. O'BRIEN: -- U.S. nuclear power
17 plants.

18 CHAIRMAN BERKOW: Let's cover what we need
19 to cover. This is for the benefit of the Petition
20 Review Board. So we need the information that we
21 need. Okay? I don't want you to spend all of your
22 time, and then we'll run out of time.

23 If you don't mind, can we turn to page 4,
24 please, of the petition?

25 MS. O'BRIEN: Well, I just would like in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that case the record to state --

2 CHAIRMAN BERKOW: Okay.

3 MS. O'BRIEN: -- that what I wish to raise
4 as some of the additional bases but --

5 CHAIRMAN BERKOW: Fine, but --

6 MS. O'BRIEN: -- I was not allowed to
7 raise those bases in addition.

8 CHAIRMAN BERKOW: You will. But if we
9 could cover the items first that we mailed to you and
10 then --

11 MS. O'BRIEN: And then we will get back
12 partly?

13 CHAIRMAN BERKOW: Pardon?

14 MS. O'BRIEN: And then we will get back
15 partly to my list. Okay.

16 CHAIRMAN BERKOW: Yes.

17 MS. O'BRIEN: Oyster Creek. You want page
18 4.

19 CHAIRMAN BERKOW: Page 4.

20 PARTICIPANT: In regards to --

21 MS. O'BRIEN: The question NRC asked me
22 was the question 4. It was question 3 "Refer to page
23 4 of the position."

24 PARTICIPANT: Yes.

25 MS. O'BRIEN: You asked a question with

1 regard to the containment spray pipe clamp that
2 rotated out of position. That was on Oyster Creek.

3 PARTICIPANT: That's correct.

4 MS. O'BRIEN: Page 4, Oyster Creek,
5 Nuclear Regulatory Commission inspection report,
6 05000219/2001-003. We talked about, by the way, that
7 inspection report included a bunch of other so-called
8 non-cited violations.

9 CHAIRMAN BERKOW: Could you repeat that
10 citation a little more slowly, please, so we can copy
11 it down? The inspection --

12 MS. O'BRIEN: I thought it was being
13 transcribed.

14 CHAIRMAN BERKOW: Well, that's correct.
15 That's a good point. Thank you. Okay. Thank you.

16 MS. O'BRIEN: Because I'm trying to get
17 through this so I can get back to my original --

18 CHAIRMAN BERKOW: You're absolutely right.
19 Okay. The next one --

20 MS. O'BRIEN: Okay. The next one --

21 CHAIRMAN BERKOW: Page 8.

22 MS. O'BRIEN: -- was question 4, "Refer to
23 page 8 with regard to the tritium contaminated
24 reported 7-25-03."

25 CHAIRMAN BERKOW: Right.

1 MS. O'BRIEN: PNO-1-03-024, title
2 "Elevated Levels of Tritium in Groundwater," also
3 (Inaudible.) for July 28, 2003, Salem off-site
4 notification to state and local agencies regarding the
5 tritium spill.

6 The next item, number 5, "Refer to page
7 10." You wanted to know about the tritium release
8 site, the 9.61 curies of tritium released in one
9 month. That came from a document of the State of New
10 Jersey.

11 There are extreme problems with health
12 effects due to tritium, which I wish to go into. This
13 is part of my answer to number one if I get there.

14 Six --

15 CHAIRMAN BERKOW: Wait a minute. Can you
16 give us the citation, the reference for that one?

17 MS. O'BRIEN: I just said. It's a State
18 of New Jersey monthly report for September 2004.

19 CHAIRMAN BERKOW: Okay.

20 MS. O'BRIEN: Six, "Refer to page 12."
21 You said, "Please outline, as best you can, your
22 source of information on the inoperable standby gas
23 treatments system," LER 2004-005-00, title "Standby
24 gas treatment system inoperable due to pneumatic
25 accumulated leakage rate." That goes into how they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 were (Inaudible.) all over the place and so on and so
2 on, they didn't know what they were doing, as usual.

3 CHAIRMAN BERKOW: Can we step back for a
4 moment on the (Inaudible.) any particular department
5 in the State of New Jersey that issued that request
6 and would be able to get it?

7 PARTICIPANT: Department of Environmental
8 Protection.

9 MS. O'BRIEN: The State of New Jersey does
10 a report each month. This was September 2004 through
11 September 30th.

12 CHAIRMAN BERKOW: (Inaudible.)

13 MS. O'BRIEN: I'm looking at it right now.
14 It's in front of me.

15 CHAIRMAN BERKOW: Just the State of New
16 Jersey? There's no department or division?

17 MS. O'BRIEN: Department of Environmental
18 Protection, Division of Environmental Safety and
19 Health, --

20 CHAIRMAN BERKOW: Thank you.

21 MS. O'BRIEN: -- Radiation Protection and
22 Release Prevention Element Monthly Report.

23 CHAIRMAN BERKOW: Okay. That's what we
24 need. Thank you.

25 MS. O'BRIEN: You asked me 7, "Refer to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 page 12," next item down the page. "The source of
2 information on the welders' outfits inside Quad Cities
3 unit 2."

4 One of the sources for that, it was
5 basically one of those things that was common
6 knowledge. Everybody would joke about it across the
7 country.

8 But also Daniel Ford, the former head,
9 executive director of the Union of Concerned
10 Scientists, he had that in detail in his book. So you
11 can read the book and read all about the welders'
12 outfit in there.

13 CHAIRMAN BERKOW: What's the title of that
14 book?

15 MS. O'BRIEN: It's in the petition, my
16 reference to his book a couple of times, "Meltdown:
17 The Secret Papers of the Atomic Energy Commission."

18 CHAIRMAN BERKOW: Oh, yes.

19 MS. O'BRIEN: Yeah. It's a very famous
20 book. It took him ten years to write because he had
21 to get all the FOIAs from the NRC and the AEC and make
22 sure that he had everything correct.

23 Eight, you say, "Refer to page 16," again
24 more details on the Monticello fallout as best you
25 can. The fact of the matter is this. First of all,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Monticello had had that inoperable containment since,
2 you know, hell froze over. And it got treated, I
3 believe, only as an uncited violation.

4 In any event, the fact is it's in a day
5 area. The type of -- it's a boiling water reactor.
6 The fallout coming from those reactors, you get the
7 cow milk pathway uptake. The fallout from that plant
8 will be affecting the daily products and everything
9 else in that area, which is, of course, measured. And
10 that's all there is to it. That is undisputed.

11 So I'm concerned about the Monticello
12 fallout of this sort of a plant that has been
13 operating in that area for an extremely long time.
14 It's not the specific thing. You all know they spew
15 out a very large, much higher amount of tritium from
16 boiling water reactors.

17 Nine, "refer to" -- this is my experience
18 basically. Nine, "18." Same request on the burning
19 of cooling towers. You said Monticello. We corrected
20 that. It's Browns Ferry. They were -- which was
21 PNO-11-86-34, May 12th, 1986, title "Cooling Tower
22 Destroyed by Fire." And then PNO-1196-039, Browns
23 Ferry cooling tower fire May 23rd, 1996.

24 So they seem to have hit the -- they seem
25 to have a fire of the cooling towers, you know. They

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 can go on the money sorted every ten years. I mean,
2 who knows if the cooling tower (Inaudible.).

3 Ten, "plant hatch inspection." You wanted
4 to know the same request on hatch. You wanted to know
5 where they -- how they raised the personnel
6 contamination reporting threshold.

7 CHAIRMAN BERKOW: Excuse me. This is Herb
8 Berkow again. Are you referring -- you say PNO. What
9 does PNO stand for?

10 MS. O'BRIEN: Oh, my gosh.

11 PARTICIPANT: Preliminary notice of
12 occurrence of events.

13 CHAIRMAN BERKOW: Oh. We call that a PN.
14 Okay.

15 MS. O'BRIEN: PNO.

16 CHAIRMAN BERKOW: PNO. Okay. Okay.

17 MS. O'BRIEN: Yeah.

18 CHAIRMAN BERKOW: Thank you.

19 MS. O'BRIEN: Quite. Okay. Plant hatch.
20 You asked the same request on Hatch, raising personnel
21 contamination reporting threshold. Where does that
22 come report? Inspection report 50-321/96-06 and
23 50-366/96-06 and notice of violation.

24 I have in brackets to myself. I think the
25 whole inspection report -- it was a fairly short one.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I think it was only 57 pages. So you don't have too
2 much to read.

3 Eleven, you asked me, "Refer to page 19."
4 The same request on plant hatches, nonconforming
5 Haltech (Phonetic.) casks. Now, the NRC has already
6 got vast documentation on my arguments about these
7 nonconforming Haltech casks and the conference call
8 even that I had with NRC about the nonconforming
9 Haltech casks. And when they flipped the Haltech
10 casks at plant hatch, that they had major problems and
11 they couldn't detach the lids properly. And they had
12 a lot of problems.

13 Now, during the conference call about
14 plant hatch and the nonconforming Haltech casks, we
15 had a major argument. And in the end, the NRC did say
16 they agreed with me. They did not do a reinspection
17 of these wells because there was a problem with the
18 wells. They only looked at the records instead.

19 In that conference call, I repeatedly
20 asked NRC to reinspect the wells to take the stuff out
21 of the dam coughs and reinspect them. Where are they
22 going to (Inaudible.) with DOE about the problems of
23 these casks that were meant to go to Yucca Mountain?

24 Now, Sharome (Phonetic.), after Sharome --
25 he has argued this. I told NRC. He also told the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 NRC's Office of Inspector General that the licenses
2 should be pulled on those casks as they were unsafe.

3 And the thing is NRC refused to commit to
4 reinspecting the actual wells. That's part of it.
5 There was a nonconforming (Inaudible.) cask
6 (Inaudible.). So, you know, you could take a look at
7 that.

8 Also in the report I just cited you about
9 the State of New Jersey when they mentioned that their
10 Bureau of Nuclear Engineering wasn't allowed in to see
11 part of the inspection of the Haltech facility. Some
12 of the NRC was allowed in, but they weren't. And they
13 wanted to have their engineers check this out.

14 Everybody is very worried about this
15 situation. There's a lot more about it, but Mr.
16 Sharome (Phonetic.) stands by his feeling that --
17 these were not feelings, knowledge that they couldn't
18 be used.

19 Okay. Twelve, "Refer to page 19." Do you
20 want the same request on Brunswick (Inaudible.) about
21 the 66 percent of the juvenile fish in history.
22 Reference, Public Citizens' petition to Federal Trade
23 Commission to declare Nuclear Energy Institute
24 advertisements false and misleading, page 13, from
25 decision of EPA Regional Administrator, region IV, in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the matter of Carolina Power and Light Company,
2 Brunswick Steam Electric Plants, Units 1 and 2, 1977,
3 as quoted in Pace University Center for Environmental
4 Studies, "Environmental Costs of Electricity," 1991.

5 Thirteen. Now, you see if you would have
6 let me read the stuff to begin with because now I have
7 to go back -- 13, your question was you wanted
8 information on (Break in tape.) regarding the tritium
9 producing vulnerable (Inaudible.) as DOE likes to call
10 them. That is in the final environmental impact
11 statement for the production of tritium in a
12 commercial light water reactor, Department of Energy,
13 March 1999, volume I.

14 It also obviously refers to Warkspar
15 (Phonetic.) because Warkspar became the first choice
16 with Sequoyah to be the backup for all of this.

17 Fourteen. You said, "Refer to page 23."
18 You wanted the same request on Warkspar about
19 insufficient decommissioning funds. The insufficient
20 decommissioning funds, there was a December 1st, 2003
21 news release from Congressman Markey's efforts on the
22 GAO report, GAO report showing 42 nuclear plants lack
23 sufficient funds to clean up after shutting down.

24 And the NRC was ineffective in monitoring
25 decommissioning funds. The worst offender is Exxon

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and then the TVA. Also, of course (Inaudible.)
2 without the funds but a part of my petition, actually,
3 are Quad Cities (Inaudible.) Monticello, Grand Gulf,
4 Salem, and Point. Brunswick Beach, Bottom Key,
5 Catawba, and Limerick.

6 Fifteen. You said, "Refer to page 27."
7 You had the same request on minimum flow isolation
8 valves at Grand Gulf being inoperable. Fifteen. That
9 was LER 2004-002-00, minimum flow valves misaligned.
10 By the way, it took them two months to report it.
11 Then LER 2004-001-00. That also took two months, too,
12 for them to report. So these things happened two
13 months earlier than they actually reported it.

14 Sixteen. You wanted to know about Grand
15 Gulf's decommissioning funds. That was part of the
16 General Accounting Office and Congressman Markey's
17 documents. They didn't have sufficient funds.

18 Seventeen. You wanted the same request
19 you wanted regarding Calvert Cliffs intake structure
20 and spent fuel pool problems and containment problems.
21 These are -- this is the only thing I'm embarrassed
22 about because I spent the last week trying to find my
23 document. There is a possibility I accidentally threw
24 it out. We will have to see the other documents I
25 have to understand it. I'm going to have to get that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 again.

2 However, what it was, it was part of some
3 of the -- all of the documents related to the licensed
4 renewal on the whole section on the containment. I
5 basically took it word for word from what was wrong.
6 And I'm sure that the NRC can -- you know, can find it
7 if they go down and read the docket. Anyway, I'll
8 keep looking because it was very, very serious. And
9 it's more or less exactly as stated, you know, as I
10 stated it. So it's, you know, off the docket.

11 Eighteen, "Refer to page 33" for the same
12 request regarding Turkey Point spent fuel pool,
13 research relating to pump maintenance spills, PNO
14 11-18-50, August 16, 1988, 3,100 gallons of water from
15 the spent fuel bit, PNO 11-88-050A, August 17th, 1988,
16 same title plus the word "Update," September 27, 1988,
17 notice of violation and NRC inspection report
18 50-251/88-25, inspection conducted August 16-25, 1988,
19 reason: Special inspection in areas of root cause
20 determination under radiological aspects of the
21 radioactivity spill of August 15 to 18.

22 The questions -- you have questions 19,
23 21, 22, and 23 -- refer to San Onofre. You wanted the
24 steam generator II building problems. You wanted the
25 maintenance problems or the safety injection tank, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 high-pressure safety injection pump (Inaudible.) all
2 that stuff and then the fuel-handling areas and
3 equipment problems and on the circuit breaker fire.
4 I refer to LER 2004-001, April 29th, 2004, LER
5 2001-001 60-day report, April 2, 2001, February 6,
6 2001, memo regarding special inspection team to be
7 sent to San Onofre, March 13, 2001 integrated
8 inspection report 50-361/01-02, 50-362/01-02, PNO
9 IV-01-004, February 6, 2001, circuit breaker failure
10 and fire, April 20th, 2001, San Onofre, NRC special
11 team inspection report, 50-362/01-05, January 8th,
12 2002, NRC information notice 2002-01, (Inaudible.)
13 quad switchgear failures and consequent loss of
14 off-site power.

15 Your question 20 was "Do you have specific
16 knowledge of unauthorized discharge of any pollutants
17 from nuclear power plants or fuel facilities?" which
18 is, of course, a loaded question because I'm not
19 standing at the fence.

20 As I said, it's only what I have is
21 anecdotal other than what I told you about. I mean,
22 you know, a lot of people come up to you and they
23 mention what they have seen or what has happened and
24 so on. But try and get them to talk to the NRC. They
25 don't want to.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 You ask, 24, with regard to pages 48 to
2 55, "Have you gotten any information from other
3 sources than NRC docketed information?" This would I
4 presume refer to the fuel cycle facilities, nuclear
5 fuel services, and Paducah. Some of them, not just,
6 of course, various newspaper articles and people just
7 (Inaudible.) sources.

8 First of all, EPA's toxic release
9 inventory, from an article that's long overdue by
10 Michael Flynn in the July-August 2001 Bulletin of the
11 Atomic Scientists, then an article in the same issue
12 that cites the Bulletin of the Atomic Scientists,
13 showing the sites covered by the Entergy Employees'
14 Occupational Illness Compensation Act of 2000,
15 published by the Department of Energy.

16 And, of course, Irwin, Tennessee, the NSF
17 site, is listed as a W. R. Grace. Irwin, Tennessee is
18 on the list as, of course, the Paducah and Portsmouth
19 sites. There's also an article in the same issue by
20 R. S. M. Mackagone (Phonetic.) called "The Burden of
21 Proof."

22 Then we have a CDC document, at the top of
23 which it says "For Administrative Use: Limited
24 Distribution, Not for Publication" (Inaudible.)
25 community with a nuclear facility, Unicorn (Phonetic.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 County, Tennessee, August 28th, 1979.

2 Then, of course, there is the major
3 article, "Nuclear Plant Links Waste: Raises Fears on
4 (Inaudible.)," Joseph Albright, April 30th, 1978.
5 Because of his report, which was excellent -- and he
6 (Inaudible.) tested, probably not for the DOE
7 facility, that's when they brought in the CDC.

8 Let's see. There was the various
9 newspaper articles, of course, about the Project
10 Sapphire and you know how they brought all the uranium
11 from Kazakhstan and pretended just to have it at Oak
12 Ridge from Maxey Flats. Then they were hauling it
13 over to (Inaudible.).

14 I have information from the State of
15 Tennessee. Obviously I mention it's from the State of
16 Tennessee in my petition. The analysis was done by
17 Dr. Jay Gould (Inaudible.) of the Radiation Health
18 Project who used to be on, I think it was, CPA Science
19 Advisory Council years ago or panel.

20 He is a statistician, of course. So there
21 was a great deal about these NFS, for example, in the
22 New York Times index for 1979 and, in fact, on file in
23 1979 from the stations with people both in Kentucky
24 and in Tennessee, some of which were, may still be, --
25 I don't know -- officials, state officials, local

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 officials, regular people and concerning this site
2 also, "Bird Migration Maps and Eastern Birds" by Roger
3 Petersen (Phonetic.) as well as an Endangered Species
4 Act. There's a major series on the Endangered Species
5 Act, which -- well, you can just read it yourself.

6 Wait a minute. I'll try to find it now
7 since we've kind of -- of course, I'm trying to go
8 back through all of my questions, all my things that
9 I wanted to say that you have to re-refer to on this.

10 Wait a minute. Oh, yeah. Okay. Wait a
11 second. Also, the ADFDR, which, as I say, is sorely
12 lacking, it's an EPA Superfund site (Inaudible.)
13 assessment. You know, the ADFDR, 18 toxic substances
14 in the registry, they got brought in to do
15 assessments. And they have told me themselves they
16 don't have enough qualified people in the area of
17 radiation.

18 But they do them anyway. And then they
19 turn around and say, "Oh, well, you know, it's not
20 much of a problem because we don't have enough
21 information about all the toxics concerned," that sort
22 of thing.

23 However, it's an extremely interesting
24 document, especially the comments made by the state
25 agencies, in fact, who are pretty P.O.'ed. The whole

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 place is, as you know, I'm sure, as is NMSS and EPA
2 Superfund site.

3 And there was, of course, that spectacular
4 aerial view as well of -- I'm trying to find
5 (Inaudible.) now this is taking longer because you
6 won't let me go through it. Oh, yes. The Endangered
7 Species Act, "Dead or Alive," listed over 600
8 endangered species, National Geographic March 1995.

9 That will also apply, of course, to
10 anything under the Turkey Point site because half of
11 everything going through there is also endangered.

12 Let me see here. Oh, yes. Overflights.
13 Overflights measuring radiation of nuclear fuel
14 services for overflights. And also it is a National
15 Geographic July 2002, nuclear waste article which had
16 a spectacular photograph of Paducah from the air and
17 part of TMI from the air with a pretty ridiculous
18 caption next to it.

19 So the article, by the way, mentions Mr.
20 Delagati (Phonetic.) talking about the (Inaudible.)
21 someone else shrugging about an issue concerning cask
22 safety. It's like "We don't know." So you might want
23 to get that.

24 The photographs show -- the photograph,
25 it's a double spread. And it shows the appalling

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 condition of the thousands and thousands and thousands
2 of uranium (Inaudible.) fluoride casks just sitting
3 out there. You know, basically your prime areas
4 target is what they all are. This is the problem.
5 You know, this is a terrible, terrible situation.

6 There's probably some other stuff in here.
7 Let's see.

8 CHAIRMAN BERKOW: Ms. O'Brien, I think we
9 have enough. We can chase these down. That was the
10 end of our questions. Let me ask the staff here if
11 they have any.

12 MS. O'BRIEN: Well, I would like to go
13 back to finish answering one.

14 CHAIRMAN BERKOW: Yes. First let me ask
15 if the staff has any questions.

16 MS. O'BRIEN: Okay. And, by the way, also
17 we had discussed that I had a couple of other things
18 I wanted to add under Oyster Creek and Saint Lucie.

19 PARTICIPANT: Ms. O'Brien, this is Mike
20 (Inaudible.), project manager for the Paducah.

21 MS. O'BRIEN: Yes.

22 PARTICIPANT: (Inaudible.) On page 58 of
23 your petition --

24 MS. O'BRIEN: Okay. Hang on. I can't
25 hear you very well. On page what? Hang on. On page

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 what?

2 PARTICIPANT: Fifty-eight.

3 MS. O'BRIEN: Yes.

4 PARTICIPANT: Halfway down the page --

5 MS. O'BRIEN: Yes.

6 PARTICIPANT: -- the sentence begins,
7 "Struder (Phonetic.): There is a reason to believe."

8 MS. O'BRIEN: Yes. There could be a heavy
9 build-up of materials. And a 70-foot and 200-foot --

10 PARTICIPANT: Can you please give me the
11 citation for your information, please?

12 MS. O'BRIEN: There is not a citation for
13 that.

14 PARTICIPANT: Thank you. That's okay.

15 MS. O'BRIEN: It is because it is known
16 that you get a build-up in stacks and in the duct
17 (Inaudible.) the reference at, for instance, fuel
18 services and the incinerator and the fire.

19 Paducah has had so many problems over the
20 decades. You know, I mean, some of this is also from
21 my memory bank and life experience in working on these
22 issues for decades. So there is reason to believe.
23 You know, I believe that there could be a very bad
24 problem there.

25 PARTICIPANT: Okay. Okay. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. O'BRIEN: Anything else?

2 CHAIRMAN BERKOW: (Inaudible.) Ms.
3 O'Brien, it's 12 minutes to 3:00. You can have until
4 3:00 o'clock to tell us anything else you would like
5 to tell us.

6 MS. O'BRIEN: I'll toss in I wanted to
7 raise that in Oyster Creek, there were very high doses
8 (Inaudible.) the public. They use old references.
9 And there are two NRC meetings September 30th, 2004.
10 This is in the off-site dose calculation, manual
11 deleted requirements, shipping containers, typing and
12 identifying the solidifying agent in the annual
13 radioactive effluent release report. Why would they
14 do that? I mean, this is -- they use references from
15 74 to 77, 76, 64.

16 You know, this is -- I had wanted to raise
17 Grand Gulf wanted to extend its limiting condition of
18 operations longer than 72 hours concerning the
19 emergency diesel generators. If one is out for more
20 than that, it must shut down. It should be decreased
21 that amount, not increased.

22 I wanted to add to the RS condenser base
23 the sump-clogging issues. This has also been raised
24 by Dr. Edward Lyman of the Nuclear Control Institute.

25 Browns Ferry 3 also had (Inaudible.) at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the same time. And concerning San Lucie, when
2 Hurricane Jeanne occurred, they had a (Inaudible.)
3 loop, loss of off-site power as a result of two
4 independent electrical forces. This was a result of
5 the wind-driven sorts by contamination and the
6 westward high wall of the hurricane. And the one
7 intake cooling water pump failed, the load onto the
8 emergency diesel generator. And obviously
9 (Inaudible.) hurricane, this is going to repeat itself
10 often.

11 The plant itself reported that the entire
12 situation quite significantly impacted the safety,
13 that they couldn't do their job because of it. They
14 have also been allowed to change technical specs when
15 storing spent fuel past pit area.

16 And this is the hurricane zone. They have
17 major erosion at the discharge canals. They have got
18 (Inaudible.) to control equipment with problems.

19 Most troubling was that the inspectors
20 found out also that the general material and physical
21 conditions for both unit 1 and 2 intake cooling water
22 systems had deteriorated. And even after -- you know,
23 after repairs are made on various systems, special
24 protective coatings are meant to be applied to -- you
25 know, painted to prevent corrosion.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Saint Lucie had 500 coating deficiencies.
2 I mean, this is ridiculous, not only that. They left
3 the reactor building (Inaudible.) field doors were
4 open at the 72-foot elevation. And they had been open
5 for years. Hey, my brother, you know, do whatever
6 they want, it seems.

7 How many more minutes am I given?

8 CHAIRMAN BERKOW: It's practically nine
9 minutes. At 3:00 o'clock, we'll have to terminate the
10 call.

11 MS. O'BRIEN: Okay. I'll take this one
12 thing out of here, "Tsunamis, Manglers, and the Market
13 Economy" by Devinda Sharmore (Phonetic.) in Synthesis,
14 Spring 2005, for the simple reason I have other issues
15 on the manglers but locate Turkey Point manglers from
16 the swamp is really absolutely outrageous.

17 I suggest also that where I'm concerned
18 about the constant build-up of additional nuclear fuel
19 at these sites is that Brookhaven National Labs did a
20 study called a safety and regulatory assessment or
21 generic boiling water reactor, PWR (Inaudible.)
22 nuclear plants in August 1997. And some of it is just
23 appalling, but, I mean, consider the source.

24 But the statement, one of the statements
25 in it says flat out, "But the spent fuel -- because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there is nowhere to put it, they don't know what to do
2 with it, nobody knows what to do with it," they said,
3 "the spent fuel is expected to remain on site at all
4 these facilities for an indefinite period of time."
5 So we're looking at an indefinite period of time
6 forever and forever and forever.

7 And as the DOE pointed out about spent
8 fuel in general and its four-volume DOE Yucca Mountain
9 documents for a geologic repository for the disposal
10 of spent fuel and the high-level waste, which includes
11 the science and engineering report, it's 1999, the
12 environmental impact statement, which, by the way,
13 arrives in a box eight inches high.

14 If you read that, you will see everybody
15 is concerned that it's going to melt down on site.
16 It's going to melt down. This is a serious issue.

17 In any event, I would like the record to
18 state that I did not have the time to go through all
19 of the additional things and tie them in with the
20 answers to the questions that I was asked. I wanted
21 to add extra stuff. So I do want the record to show
22 that.

23 And I want to give the last few minutes to
24 anybody else listening.

25 MR. HOFFMAN: This is Russell Hoffman in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 California

2 And I'd like to point out that these are
3 all emergency situations, certainly for the most part.
4 If the problems at San Onofre had been solved, say,
5 three or four years ago, we would not have the problem
6 of dry casks there at all.

7 If the tsunami wall had been properly
8 built, we wouldn't have had to work, which would be
9 about 300 feet high and then 500 miles long. We
10 wouldn't have to worry about the tsunami that struck
11 Indonesia and so forth in 2004. We wouldn't have to
12 worry about a similar thing here.

13 So she's laid a lot of information. You
14 came back with 20 questions, seemingly randomly picked
15 out of the thousands and thousands of facts that she's
16 presented you. And she's answered all of those
17 questions.

18 So we would like to see some actions on
19 these actionable items, like shutting San Onofre down
20 and shutting the rest of the plants down and so forth.
21 More talk is all fine, but how long is this process
22 going to be stretched out? Because at the detail of
23 minutia that she has asked for so far, it is going to
24 take about 1,000 years to solve these issues.

25 MR. GUNTER: This is Paul Gunter with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Nuclear Information and Resource Service.

2 I would only add that what -- Pamela's
3 petition and her presentation before you today
4 underscores a much broader public concern over the
5 lack of a willingness on the part of the NRC to
6 enforce its own licensing agreements with nuclear
7 power stations around the country and that this
8 Petition Review Board has an opportunity to take
9 enforcement action

10 And we appeal to this board to make such
11 actions public and to demonstrate that this agency can
12 recognize emergencies and take appropriate enforcement
13 action.

14 MS. O'BRIEN: Does Mary wish to say
15 anything?

16 PARTICIPANT: I have no comments at this
17 time.

18 MS. O'BRIEN: Okay. Did the NRC want to
19 say anything?

20 CHAIRMAN BERKOW: Yes. This is Herb
21 Berkow. Ms. O'Brien, if you had additional things you
22 wanted to tell us, additional statements that you
23 didn't have for, you're welcome --

24 MS. O'BRIEN: I wanted to put it on the
25 record.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BERKOW: -- to send them in to
2 us.

3 MS. O'BRIEN: I had wanted to put it on
4 the record.

5 CHAIRMAN BERKOW: And we will consider
6 them. Pardon?

7 MS. O'BRIEN: I had wanted to put them on
8 the record.

9 CHAIRMAN BERKOW: It will be on the
10 record. Anything that you send to us will become a
11 supplement to your petition.

12 MS. O'BRIEN: And that will be added to
13 this conference call recorded information in this
14 (Inaudible.) report.

15 CHAIRMAN BERKOW: It won't be recorded as
16 part of the conference call. It will be considered a
17 written supplement to your petition.

18 PARTICIPANT: (Inaudible.)

19 MS. O'BRIEN: Pardon?

20 PARTICIPANT: Nothing.

21 MS. O'BRIEN: Well, you --

22 CHAIRMAN BERKOW: I'm offering you -- you
23 said you don't have enough time. You have additional
24 things you wanted to tell us.

25 MS. O'BRIEN: Yes, because I wanted to --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BERKOW: You wanted to --

2 MS. O'BRIEN: I wanted to raise why these
3 things are important, like the new information that we
4 have on tritium's effects on human health and
5 especially as it affects women and children and their
6 reproductive cycle. This has also been raised in the
7 new Via 7. It was raised in Mission (Inaudible.)
8 document, you know, the environmental, SECY
9 environmental health and budgetary strategic effects
10 of DOE's decision to produce tritium.

11 These are very serious effects. There are
12 hundreds and hundreds of documents that are in
13 existence about the effects of wildlife to people.
14 And they are seemingly just never read or they're
15 ignored.

16 CHAIRMAN BERKOW: Ms. O'Brien, this is
17 Herb Berkow.

18 I am not suggesting you maybe go out and
19 do additional research, but if you have things that
20 you have prepared and wanted to discuss with us on
21 this phone call and you did not have enough time, that
22 is what I am offering you an opportunity to send to
23 us.

24 MS. O'BRIEN: Well, you know, I will
25 rewrite that again. I will rewrite out my questions,

1 as I said. I had -- in response to your question one,
2 I actually had gone through the alphabet twice in
3 backup documents as they related to the entire
4 petition.

5 CHAIRMAN BERKOW: But we only had specific
6 questions. We did not need references for the entire
7 petition. We know where those things are.

8 The questions we asked you were citations
9 that we did not have readily available to us. We know
10 what those are.

11 MS. O'BRIEN: Okay. Well, what I don't
12 want to happen, Mr. Berkow, I do not want to happen --
13 yes. You know, I'll provide this list. I will
14 provide it. I will provide it.

15 CHAIRMAN BERKOW: Okay.

16 MS. O'BRIEN: But what I wanted you to
17 know is I do not want this to be looked at -- we
18 looked at that, and I think they -- well, we looked at
19 that, and I think no. These things should not be
20 happening.

21 And this really is an emergency situation,
22 especially the spent fuel pool situations. You know,
23 this is very serious. And I don't want it to be
24 shoved under the rug as navigation or as this or that
25 or the other.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 All of these discharges were made up to
2 enable the plants to operate. That is historical
3 fact. They weren't meant to be in the future.
4 Petrolenes and the hydrozenes and so on going out to
5 clean out the crud build-up is highly toxic. That has
6 a synergistic effect with the radioactive
7 contaminants.

8 The exemptions suddenly given over the
9 years, they were never in the original designs, in the
10 original documents. We want them to create
11 exemptions. So I think it's time that you have to
12 step in the breach here.

13 CHAIRMAN BERKOW: Okay. Did anyone on the
14 staff have any additional questions?

15 (No response.)

16 CHAIRMAN BERKOW: No? If not, okay.
17 Thank you very much for participating in the phone
18 call.

19 MS. O'BRIEN: Okay. Thank you.

20 CHAIRMAN BERKOW: Bye now.

21 MS. O'BRIEN: Bye bye.

22 (Whereupon, the foregoing matter was
23 adjourned.)

24

25

CERTIFICATE

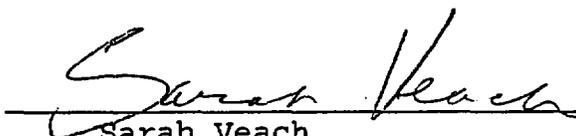
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: 2.206 Petition Review Board

Docket Number: (Not applicable)

Location: Rockville, Maryland

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 as recorded on tape(s) provided by the NRC.


Sarah Veach
Official Transcriber
Neal R. Gross & Co., Inc.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701