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Title: 10 CFR 2.206 Petition RE Vermont Yankee

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Pages 1-15

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

10:00 a.m.

1
2
3 MR. KIM: Good morning. I'd like to thank
4 everybody for attending this meeting. My name is
5 James Kim and I am the Vermont Yankee Project Manager.

6 We are here today to allow the Petitioner,
7 Mr. Thomas Saporito, to address the Petition Review
8 Board, regarding 2.206 petition dated January 14,
9 2011.

10 I'm the Petition Manager for the petition.
11 The Petition Review Board chairman is Ted Quay.

12 As part of the Petition Review Board,
13 review of this petition, Mr. Saporito has requested
14 this opportunity to address the Petition Review Board.

15 The meeting is scheduled from 10 to 11
16 a.m. The meeting is being recorded by the NRC
17 Operations Center and will be transcribed by a court
18 reporter. The transcript will become a supplement to
19 the petition. The transcript will also be made
20 publicly available.

21 I'd like to open this meeting with
22 introductions. As we go around the room, please be
23 sure to clearly state your name, your position, and
24 the office that you work for within the NRC.

25 For the record, I'll start off. This is

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1 James Kim. I'm a Project Manager for the Division of
2 Operator Reactor Licensing in NRR.

3 MR. RAZZAQUE: This is Muhammad Razzaque,
4 I work in the Reactor Systems Branch of NRR.

5 MS. LENNING: Ekaterina Lenning. I work
6 at NRR as DCR.

7 MR. QUAY: This is Ted Quay. I'm the
8 Deputy Director in the Division of Policy and
9 Rulemaking, NRR, and I'm the Petition Review Board
10 chairman.

11 MS. MENSAH: Tanya Mensah, NRR.

12 MR. ROSENBERG: Stacey Rosenberg, Branch
13 Chief in the Division of Policy and Rulemaking, NRR.

14 MR. KIM: At this time, are there any NRC
15 participants from headquarters on the phone?

16 (No response.)

17 What about the region?

18 MR. JACKSON: This is Don Jackson, Branch
19 Chief, Division of Reactor Projects, Region I.

20 MR. KIM: Are there any representatives
21 for the licensee on the phone?

22 MR. COUTURE: Yes, this is Phil Couture
23 with Vermont Yankee.

24 MR. KIM: Mr. Saporito, will you please
25 introduce yourself for the record?

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1 MR. SAPORITO: Yes, my name is Thomas
2 Saporito. I'm a citizen of the United States and
3 resident of the great State of Florida. I'm the
4 Petitioner in this proceeding.

5 MR. KIM: Thank you. Are there any other
6 associated members of the public on the phone?

7 (No response.)

8 Hearing none, I'd like to emphasize that
9 we each need to speak clearly and loudly to make sure
10 that the court reporter can accurately transcribe this
11 meeting. If you have something you'd like to say
12 please first state your name for the record. For
13 those who are dialing into the meeting, please
14 remember to mute your phones to minimize any
15 background noise or distractions. If you do not a
16 mute button this can be done by pressing the keys *6.
17 To unmute press the *6 keys again. Thank you.

18 At this time, I'll turn it over to the PRB
19 Chairman, Ted Quay.

20 MR. QUAY: Good morning. Welcome to this
21 meeting regarding the 2.206 petition submitted by Mr.
22 Saporito.

23 I would like to first share some
24 background on our process. Section 2.206 of Title X
25 of the Code of Federal Regulations described as a

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1 petition process, the primary mechanism for The
2 primary mechanism for the public to request
3 enforcement action by the NRC in a public process.
4 This process permits anyone to petition the NRC to
5 take enforcement-type action related to NRC licensees
6 or licensed activities.

7 Depending on the results of its
8 evaluation, NRC could modify, suspend, or revoke an
9 NRC issued license or take any other appropriate
10 enforcement action to resolve a problem. The NRC
11 staff's guidance for the disposition of 2.206 petition
12 request is in Management Directive 8.11 which is
13 publicly available.

14 The purpose of today's meeting is to give
15 the Petitioner, Mr. Saporito, an opportunity to
16 provide any additional explanation or support for the
17 petition before the Petition Review Board's final
18 consideration and recommendation. This meeting is not
19 a hearing, nor is it an opportunity for the Petitioner
20 to question or examine the Petition Review Board on
21 the merits or issues presented in the petition
22 request.

23 No decisions regarding the merits of this
24 petition will be made at this meeting. Following this
25 meeting, the Petition Review Board will conduct its

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1 internal deliberations. The outcome of this internal
2 meeting will be discussed with the Petitioner.

3 The Petition Review Board typically
4 consists of a Chairman, usually a manager at the
5 Senior Executive Service level at the NRC and has a
6 Petition Manager and a Petition Review Board
7 Coordinator. Other members of the Board are
8 determined by the NRC staff, based on the content of
9 the information in the petition request.

10 At this time I would like to introduce the
11 Board. I am Ted Quay, the Petition Review Board
12 Chairman. James Kim is the Petition Manager for the
13 petition under discussion today. Kate Lenning is the
14 NRC Office PRB Coordinator. Our technical staff
15 includes Muhammad Razzaque from the Office of Nuclear
16 Reactor Regulations Reactor Systems Branch and Don
17 Jackson from NRC Region I, Division of Reactor
18 Projects.

19 As described in our process, the NRC may
20 ask clarifying questions in order to better understand
21 the Petitioner's presentation and to reach a reasoned
22 decision whether to accept or reject the Petitioner's
23 request for review under the 2.206 process.

24 I would like to summarize the scope of the
25 petition under consideration and the NRC activities to

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1 date. On January 14, 2011, Mr. Saporito submitted to
2 the NRC a petition under 2.206 concerning the safe
3 operation of Vermont Yankee Nuclear Power Station.

4 In his petition request, Mr. Saporito
5 requested that the NRC issue a confirmatory order
6 requiring the licensee to immediately bring the
7 reactor in question to a cold shutdown mode of
8 operation; issue a civil penalty against the licensee;
9 remove the licensee's employees responsible for this
10 matter from NRC licensed activities for a period of no
11 less than five years; perform an immediate NRC
12 investigation and inspection of the Vermont Yankee
13 Nuclear Facility to ensure that all nuclear safety-
14 related systems are properly operational in accordance
15 with the licensee's technical specifications and the
16 NRC license.

17 Allow me to discuss the NRC activities to
18 date. On January 19th, you requested to address the
19 Petition Review Board to provide supplemental
20 information for the Board's consideration prior to the
21 PRB's internal meeting to make an initial
22 recommendation.

23 The PRB met on January 24, 2011 and
24 determined your request for immediate action of
25 bringing the Vermont Yankee to a cold shutdown mode of

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1 operation because the PRB did not identify any
2 immediate public health and safety concerns that would
3 warrant an immediate shutdown. On January 24th you
4 were informed of the PRB's decision on the immediate
5 action.

6 On January 26th, you asked the PRB, via
7 teleconference, -- I'm sorry, you addressed the PRB
8 via teleconference and provided additional information
9 in support of your petition.

10 The PRB met on February 2, 2011 to discuss
11 your petition and make an initial recommendation to
12 accept your petition because it met the review
13 criteria. On January 8th, you informed the PRB's
14 initial recommendation to accept your petition and you
15 requested another opportunity to address the PRB to
16 provide any comments to the PRB's initial
17 recommendation and additional information in support
18 of your petition.

19 As a reminder for the phone participants,
20 please identify yourself if you make any remarks as
21 this will help in the preparation of the meeting
22 transcript that will be made publicly available.
23 Thank you. And at this point, Mr. Saporito, I'll turn
24 it over to you.

25 MR. SAPORITO: Okay, thank you, and good

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1 morning. I appreciate this opportunity to address the
2 NRC Petition Review Board concerning this most serious
3 matter related to public health and safety.

4 As the NRC is most certainly aware, the
5 Vermont Yankee Nuclear Power Plant, which is a
6 licensee of the NRC, and has a dubious record of
7 numerous failures over the course of its license which
8 is due to expire in the very near future, Vermont
9 Yankee Nuclear Power Plant initially obtained an NRC
10 license approximately 40 years ago. And because the
11 plant is near the end of that licensing period, in my
12 view, the nuclear reactor should be shut down on that
13 basis alone. The initial safety analysis in review
14 which was performed by the licensee and subsequently
15 adopted and accepted by the NRC was based on a life
16 expectancy of that reactor for a 40-year license.
17 That life span is now coming to a conclusion and based
18 on that safety analysis, the entire plant should be
19 shut down.

20 A reasonably-minded person would
21 understand that based on that safety analysis and the
22 license expectancy of 40 years, the nuclear reactor
23 operates all the support equipment in the nuclear
24 support system has deteriorated over that same 40-year
25 period of time. And the NRC's safety margin which

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1 were accepted as proposed by the licensee at the time
2 that the NRC issued the operating license for that
3 reactor are now questionable at best due to the age of
4 that plant.

5 Previously, the Chairman has outlined the
6 parameters of the petition and I'm not going to repeat
7 those. However, I have to stress that the initial
8 determination by the NRC not to dispatch an inspection
9 team to the plant as requested in the petition is very
10 discerning to me because the NRC based its initial
11 decision not to immediately shut the nuclear reactor
12 down without the benefit of any Agency inspection at
13 the time. And they based their decision apparently on
14 the response from the licensee as the condition of the
15 plant.

16 But the licensee's responses have very
17 little credibility because the licensee has been found
18 to have provided false testimony under oath to one or
19 more government agencies related to the operation of
20 the nuclear reactor at Vermont Yankee site.

21 Moreover, the licensee, over the very
22 short period of time encompassing the revelations of
23 the leaking radioactive tritium at the facility
24 apparently is not fully cognizant of the entire layout
25 and structure and equipment installation at the

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1 facility at Vermont Yankee Nuclear Power System and
2 was not cognizant of all the underground piping
3 related to the systems which are inter-weaved with the
4 nuclear safety systems of the plant.

5 Given these facts, I again implore the NRC
6 to send an augmented NRC inspection team to the
7 facility to do a thorough review of all nuclear
8 safety-related systems and a review of the management
9 team in place at that plant to ascertain whether the
10 licensee has the wherewithal to continue operations
11 consistent with NRC regulations under 10 CRF Part 50.
12 I suggest that the licensee does not.

13 The recent incident which is the subject
14 of this petition involving the failure of the licensee
15 to timely report an incident at the facility which is
16 reportable under NRC regulations within specific time
17 frames addressed therein, represents a shot across the
18 bow for the entire nuclear industry, a significant
19 warning, signaling the potential for a nuclear
20 accident.

21 The NRC is the government agency
22 responsible to protect public health and safety and to
23 protect the overall environment with respect to
24 operations of the Vermont Yankee Nuclear Power Plant,
25 specifically, the nuclear reactor. As such, the NRC

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1 is wholly accountable for any release of nuclear
2 reactive particulates coming from that plant, stemming
3 from that nuclear reactor, as a result, the Agency's
4 failure to take the actions requested in this
5 petition.

6 The licensee has failed to demonstrate
7 over the course of its license, the ability to
8 properly operate and manage the nuclear facility, the
9 Vermont Yankee Nuclear Power Plant. And this is
10 evidenced in numerous NRC-related inspection
11 activities at the facility, the collapse of cooling
12 towers, tritium release, the failure to timely report
13 events and incidents as required under NRC
14 regulations.

15 Recently, high-level management has been
16 removed from the facility, related to the false
17 testimony that was given under oath concerning the
18 Vermont Yankee Nuclear Power Plant.

19 Taken as a whole, the licensee cannot
20 provide reasonable assurance to the NRC that they
21 will comply with NRC regulations and requirements as
22 they are required to do under the license which they
23 hold under 10 CFR Part 50.

24 For these reasons, I again urge the NRC to
25 issue a confirmatory order to cause the immediate

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1 shutdown of Vermont Yankee Nuclear Reactor until such
2 time the NRC can send an augmented inspection team to
3 properly evaluate the entirety of that facility
4 including all the operations, the events, and
5 management's reactions and failure to report that
6 event and to issue a civil penalty against the
7 licensee for violating NRC requirements as previously
8 discussed concerning the timely report of the event in
9 question that's encompassed in this petition and the
10 cause and removal of the licensee's employees
11 responsible for this incident as capture in this
12 petition.

13 These are reasonable requests which will
14 protect the public health and safety as this nuclear
15 reactor and its supporting nuclear reactor systems
16 continue to deteriorate not only from neglect from the
17 licensee, but because they are at the very end of
18 their life expectancy as captured in the initial Final
19 Safety Analysis Report within the licensee's license
20 that was issued by the Agency.

21 And that's all I have to say. I'm
22 available to answer any questions the NRC or the
23 public or media which may be participating at this
24 conference call may have. Thank you.

25 MR. QUAY: Okay, thank you. At this time

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1 does the staff here at headquarters have any questions
2 for Mr. Saporito?

3 (No response.)

4 MR. QUAY: Okay, seeing none, what about
5 the region?

6 MR. JACKSON: No, we have none.

7 MR. QUAY: Are there any questions from
8 the licensee?

9 MR. COUTURE: No questions or comments.

10 MR. QUAY: Okay. Okay, before I conclude
11 this meeting, members of the public may provide
12 comments regarding the petition and ask questions
13 about the 2.206 petition process. However, as stated
14 at the opening, the purpose of this meeting is not to
15 provide an opportunity for the Petitioner or the
16 public to question or examine the Petition Review
17 Board regarding the merits of the petition request.

18 I did hear one beep -- did any member of
19 the public join the phone call?

20 (No response.)

21 Okay, hearing none, Mr. Saporito, thank
22 you for taking time to provide the NRC staff with
23 clarifying information on the petition you submitted.

24 Before we close, does the court reporter
25 need any additional information for the meeting

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1 transcript?

2 COURT REPORTER: This is the court
3 reporter. The only question I have is could the
4 person from the licensee spell his last name.

5 MR. COUTURE: Yes, it's C-O-U-T-U-R-E.

6 COURT REPORTER: And is your first name
7 Phil or Bill?

8 MR. COUTURE: Phil, with a P.

9 COURT REPORTER: Bill?

10 MR. COUTURE: Phil. P-H-I-L.

11 COURT REPORTER: Thank you. Those are all
12 the questions I have.

13 MR. QUAY: Okay, thank you. With that,
14 the meeting is concluded and we will be terminating
15 the phone connection.

16 (Whereupon, at 10:19 a.m., the Petition
17 Review Board meeting was concluded.)

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CERTIFICATE

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

Name of Proceeding: 10 CFR 2.206 Petition of:

Thomas Saporito

Docket Number: 50-271

Location: (teleconference)

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,
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